



December 21, 2015

**TO:** LOCSO Board of Directors  
**FROM:** Ann Kudart, Administrative/Accounting Assistant III  
**SUBJECT:** **Agenda Item 6B – 1/7/2016 Board Meeting**  
Approve Meeting Minutes of December 3, 2015 and  
December 10, 2015

**President**  
R. Michael Wright

**Vice President**  
Marshall E. Ochylski

**Directors**  
Charles L. Cesena  
Jon-Erik G. Storm  
Louis G. Tornatzky

**General Manager**  
Kathy A. Kivley

**District Accountant**  
Michael L. Doyel

**Fire Chief**  
Robert Lewin

**Battalion Chief**  
Phill Veneris

**DESCRIPTION**

Attached are minutes from the December 3, 2015 and the December 10, 2015 Board of Directors meetings.

**STAFF RECOMMENDATION**

Staff recommends that the Board approve the attached minutes.

This item will be approved along with the Consent Calendar unless it is pulled by a Director for separate consideration. If so, Staff recommends that the Board adopt the following motion:

***Motion: I move that the Board approve the minutes of the Board of Directors December 3, 2015 and December 10, 2015.***

Attachments

**Mailing Address:**  
P.O. Box 6064  
Los Osos, CA 93412

**Offices:**  
2122 9<sup>th</sup> Street, Suite 102  
Los Osos, CA 93402

**Phone:** 805/528-9370  
**FAX:** 805/528-9377

[www.losososcsd.org](http://www.losososcsd.org)

**Los Osos Community Services District  
Board of Directors  
DRAFT Minutes of the Regular Meeting of December 3, 2015**

AGENDA ITEM	DISCUSSION OR ACTION
<p><b>1. CALL TO ORDER/FLAG SALUTE/ROLL CALL</b></p>	<p>President Wright called the meeting to order at 6:05 p.m. and led the flag salute.</p> <p><u>Roll Call:</u>            Chuck Cesena, Director – Present            Jon-Eric Storm, Director – Present            Lou Tornatzky, Director – Present            Marshall Ochylski, Vice President – Present            Mike Wright, President – Present</p> <p>The following Staff were present:            Kathy Kivley, General Manager            Michael Seitz, District Legal Counsel            Ann Kudart, Administrative/Accounting Assistant III</p>
<p><b>2. ANNOUNCEMENT OF CLOSED SESSION ITEMS, PUBLIC COMMENT ON CLOSED SESSION ITEMS, AND CONVENING OF CLOSED SESSION</b></p>	<p>District Legal Counsel Seitz announced that the Board would convene to Closed Session for the following:</p> <p>A. <u>EXISTING LITIGATION (Government Code, §54956.9(d) (1))</u>            Conference with Legal Counsel Regarding Existing Litigation (Formally Initiated):            - <i>In re Los Osos Community Services District (ND-06-10548)</i> United States Bankruptcy Court, Central District of California, Northern Division</p> <p>B. <u>PERSONNEL MATTERS (Government Code §54957)</u>            - Public Employee Performance Evaluation – District Manager</p>
<p><b>3. PUBLIC COMMENT</b></p> <p><b>4. ADJOURN TO CLOSED SESSION</b></p>	<p>Public Comment – Linde Owen, Peggy Pavek, Julie Tacker, Lynette Tornatzky and Sandra Hedges spoke.</p> <p>The Board adjourned to Closed Session at 6:15 p.m.</p>
<p><b>5. RECONVENE TO OPEN SESSION</b></p>	<p>The Board reconvened to Open Session at 7:30 p.m. and President Wright led the flag salute.</p> <p><u>Roll Call:</u>            Chuck Cesena, Director – Present            Jon-Eric Storm, Director – Present            Lou Tornatzky, Director – Present            Marshall Ochylski, Vice President – Present            Mike Wright, President – Present</p> <p>The following Staff were present:            Mike Seitz, District Legal Counsel            Phill Veneris, Battalion Chief            Margaret Falkner, Utility Compliance Technician            Ann Kudart, Administrative/Accounting Assistant III</p>
<p><b>7. PRESENTATIONS</b></p> <p><b>A. Recognizing Battalion Chief Phillip Veneris for His Service with the California Department of Forestry and Fire Protection (CAL FIRE) and the LOSCD</b></p>	<p>President Wright moved the Agenda Item 7 to be heard at this time.</p> <p>Vice President Ochylski recognized the Chief's family and presented Mrs. Veneris with a bouquet of flowers thanking her for her family's support.</p> <p>The Board then recognized Battalion Chief Veneris on his more than 30 years of outstanding service with CAL FIRE with 11 years as Battalion Chief of Station 15-South Bay with each Director reading a portion of Resolution 2015-30.</p> <p>Public Comment: Al Barrow, Sandra Hedges, Julie Tacker, Richard Margetson, Jerri Walsh, Vita Miller shared their thoughts and experiences with the Chief as a positive role model for the firefighting community.</p> <p>The Board expressed their thanks to Chief Veneris for his conscientious dedication of service to the community of Los Osos, San Luis Obispo County and the State of California.</p>

AGENDA ITEM	DISCUSSION
<p><b>7. PRESENTATIONS</b>  <b>A. Recognizing Battalion Chief Phillip Veneris for His Service with the California Department of Forestry and Fire Protection (CAL FIRE) and the LOCSD</b>                      (continued)</p>	<p>A motion was made by Vice President Ochylski that the Board adopt Resolution 2015-30 recognizing Battalion Chief Veneris for his service. The motion was seconded by Director Cesena and carried with the following vote:</p> <p><b>Ayes:</b> Directors Ochylski, Cesena, Storm, Tornatzky, Wright  <b>Nays:</b> None  <b>Abstain:</b> None  <b>Absent:</b> None</p> <p>Battalion Chief Veneris expressed his thanks to his family, the Board, staff, public, and all the firefighters, both former and present, for their support in assisting him in making the system work and giving the best protection to the community.</p> <p>At this point in the meeting President Wright called for a 10 minute break.</p>
<p><b>9. ADMINISTRATIVE AND COMMITTEE REPORTS</b>  <b>A. CAL FIRE Report</b></p>	<p>The meeting recommenced and President Wright moved Item 9A to be heard at this time.</p> <p>Battalion Chief Veneris briefly spoke on fire safety during the holiday season. He reported on the emergency activities, administrative issues, special programs and projects, and fire prevention during the month of October 2015 as submitted in the agenda packet.</p> <p>CAL FIRE Chief Lewin introduced Tom McEwen as the new Station 15-South Bay Battalion Chief.</p> <p>Chief McEwen stated it was an honor and he looked forward to serving the community of Los Osos.</p>
<p><b>6. REPORT OUT OF CLOSED SESSION</b></p>	<p>Legal Counsel Seitz reported that in regards to Item 2B the Board heard a report and discussed but took no reportable action.</p>
<p><b>8. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA</b></p>	<p>Al Barrow commented on the recent shootings and appreciated the new chief's background in law enforcement and wished everyone Happy Holidays.</p> <p>Julie Tacker commented on General Manager Kivley's absence from the meeting and supported continuing the numerous agenda items.</p> <p>Richard Margetson commented on the December 12<sup>th</sup> 10<sup>th</sup> Annual Needs and Wishes Holiday Fundraiser for the homeless.</p> <p>Teresa Sawyer commended on the needs of low income assistance with the sewer hookups.</p> <p>Sandra Hedges commented on local Salvation Army donations.</p>
<p><b>10. PUBLIC COMMENT FOR ADMINISTRATIVE AND COMMITTEE REPORTS AND THE CONSENT CALENDAR</b></p>	<p>A motion was made by Vice President Ochylski that the Board continue the Administrative and Committee Reports except 9A and General Actions Items except 12A and 12J. The motion was seconded by Director Cesena and carried with the following vote:</p> <p><b>Public Comment:</b> Julie Tacker and Richard Margetson spoke.</p> <p><b>Ayes:</b> Directors Ochylski, Storm, Cesena, Tornatzky, Wright  <b>Nays:</b> None  <b>Abstain:</b> None  <b>Absent:</b> None</p> <p><b>Public Comment:</b> Julie Tacker, Al Barrow, and Vita Miller speak.</p>
<p><b>11. CONSENT AGENDA</b>  <b>A. Receive Administrative and Committee Reports</b>  <b>B. Approve Meeting Minutes of November 5, 2015</b>  <b>C. Receive Warrant Register for November 2015</b>  <b>D. Receive Statement of Revenue and Expenditure for September 2015 and October 2015</b></p>	<p>A motion was made by Vice President Ochylski to receive and file Administrative Report 9A and to approve the items on the Consent Calendar. The motion was seconded by Director Storm and carried with the following vote:</p> <p><b>Ayes:</b> Directors Ochylski, Storm, Cesena, Tornatzky, Wright  <b>Nays:</b> None  <b>Abstain:</b> None  <b>Absent:</b> None</p>

AGENDA ITEM	DISCUSSION
<p><b>11. CONSENT AGENDA (continued)</b>  <b>E. Receive 2015 LOCSD Advisory Committee Meetings Adopted Minutes</b>  <b>F. Authorize Notice of Completion for Bayridge Estates Phase 1 Sewer Maintenance Improvement Project</b>  <b>G. Authorize Notice of Completion for Station 15 Solar Project</b>  <b>H. Approve 2016 Board of Directors Meeting Schedule</b></p>	
<p><b>12. GENERAL ACTION ITEMS</b>  <b>A. October 2015 Seawater Intrusion Monitoring Report</b></p>	<p>District Engineering Miller summarized the findings of the draft semi-annual Seawater Intrusion Monitoring report from Cleath Harris. He reminded the public that there are a network of lower aquifer monitoring wells that are monitored twice a year to determine the extent and status of seawater intrusion. He reported that seawater intrusion is continuing but at a slightly slower rate; that a number of wells had decreased chloride levels however the Palisades well had an increase; that there was a slight increase in water levels in the wells; and that the reduction in pumping and conservation measures that have been put in place may have resulted in the slight decreased rate of the seawater intrusion but that additional monitoring events will be needed before long term trends can be confirmed.</p> <p>Public Comment – Al Barrow, Keith Wimer, Richard Margetson, Julie Tacker, Vita Miller, Lynette Tornatzky and Sandra Hedges spoke.</p>
<p><b>12J Appoint a District Member and an Alternate Member to the Basin Management Committee</b></p>	<p>Vice President Ochylski gave a brief summary on the formation of the Basin Management Committee and the staff report as submitted with the agenda packet.</p> <p>Public Comment – Al Barrow, Richard Margetson, Julie Tacker, Linde Owen, Keith Wimer, Vita Miller, and Lynette Tornatzky</p> <p><b>A motion was made by President Wright that the Board appoint Vice President Ochylski to serve as the Primary Member on the Basin Management Committee and Director Cesena to serve as the Alternate to the Basin Management Committee. The motion was seconded by Director Storm and carried with the following vote:</b></p> <p><b>Ayes: Directors Wright, Storm, Tornatzky, Ochylski</b>  <b>Nays: Cesena</b>  <b>Abstain: None</b>  <b>Absent: None</b></p>
<p><b>13. DISCUSSION OF PULLED CONSENT ITEMS</b></p>	<p>None.</p>
<p><b>14. FUTURE AGENDA ITEMS</b></p>	<p>None.</p>
<p><b>15. CLOSING BOARD COMMENTS</b></p>	<p>Director Cesena reminded the public of the December 12<sup>th</sup> Annual Needs and Wishes Holiday Fundraiser for the homeless.</p> <p>Director Storm, who grew up in San Bernardino county, commented on the shootings and the need to appropriately fund our emergency responders.</p> <p>Vice President Ochylski announced the Los Osos/Baywood Park Christmas Parade on December 12<sup>th</sup> and the Morro Bay Lighted Boat Parade on December 5<sup>th</sup>.</p> <p>President Wright welcomed Battalion Chief McEwen to Los Osos and wished everyone Happy Holidays.</p>
<p><b>15. CLOSING BOARD COMMENTS</b></p>	<p>The meeting adjourned at 9:56 p.m.</p>

**Los Osos Community Services District  
Board of Directors  
DRAFT Minutes of the Special Closed Session Meeting of December 10, 2015**

AGENDA ITEM	DISCUSSION OR ACTION
<p><b>1. CALL TO ORDER/FLAG SALUTE/ROLL CALL</b></p>	<p>President Wright called the meeting to order at 5:00 p.m. and led the flag salute.</p> <p><u>Roll Call:</u>            Chuck Cesena, Director – Present            Jon-Eric Storm, Director – Present            Lou Tornatzky, Director – Present            Marshall Ochylski, Vice President – Present            Mike Wright, President – Present</p> <p>The following Staff were present:            Margaret Falkner, Temporary General Manager            Michael Seitz, District Legal Counsel</p>
<p><b>2. ANNOUNCEMENT OF CLOSED SESSION ITEMS, PUBLIC COMMENT ON CLOSED SESSION ITEMS, AND CONVENING OF CLOSED SESSION</b></p> <p><b>3. PUBLIC COMMENT</b></p> <p><b>4. ADJOURN TO CLOSED SESSION</b></p>	<p>District Legal Counsel Seitz announced that the Board would convene to Closed Session for the following:</p> <p><b>A. ANTICIPATED LITIGATION (Government Code, §54956.9(b))</b>            Conference with Legal Counsel Regarding Anticipated Litigation (1 case)</p> <p>Public Comment – Peggy Pavek, Al Barrow, Linde Owen, Jeff Edwards, Julie Tacker, Richard Margetson, and Lynette Tornatzky spoke.</p> <p>The Board adjourned to Closed Session at 5:17 p.m.</p>
<p><b>5. RECEIVE REPORT OUT OF CLOSED SESSION</b></p>	<p>The Board reconvened at 5:50 p.m. and Legal Counsel Seitz reported that the Board unanimously approved a conditional confidential settlement with Kathy Kivley.</p>
<p><b>6. ADJOURNMENT</b></p>	<p>The meeting adjourned at 5:51 p.m.</p>