

Tom Fayram, President
Brad Ross, Vice-President
Julie Kennedy, Director
Lisa Palmer, Director
Greg Parks, Director



LOS OLIVOS COMMUNITY SERVICES DISTRICT

Posted: 2-9-2023

REGULAR MEETING

February 15, 2023, 6PM

St Mark's in the Valley Episcopal Church, Stacy Hall

2901 Nojoqui Ave, Los Olivos CA 93441

Please observe decorum and instructions from the President

This meeting will be held both in-person and electronically via Zoom meetings. In-person the meeting will be held at the following location:
St Mark's in the Valley Episcopal Church, Stacy Hall - 2901 Nojoqui Ave, Los Olivos CA 93441

The public will also be able to hear and participate electronically by using the following links:

On Zoom:

<https://us06web.zoom.us/j/82515801920?pwd=VHFQd1VDZUVucFZXZEVEEdVhzVjhhOT09>

By Phone:

Meeting ID: 825 1580 1920 Passcode: 378600

One tap mobile +16694449171,,82515801920#,,,,*378600# US

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MEETING AGENDA

1. CALL TO ORDER

President Fayram calls the meeting to order at 6:02 PM.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

President Fayram requests a roll call be taken.

PRESENT: President Fayram, Vice President Ross, Director Kennedy, Director Parks, Director Palmer

ABSENT: None

4. PUBLIC COMMENTS

Members of the public may address the Committee on any items of interest within the subject matter and jurisdiction of the Committee but not on the agenda today (Gov. Code - 54954.3). The public may also request future agenda topics at this time. Speakers are limited to 3 minutes. Due to the requirements of the Ralph M. Brown Act, the District cannot take action today on any matter not on the agenda, but a matter raised during Public Comments can be referred to District staff for discussion and possible action at a future meeting.

President Fayram opens the floor to public comment.

Sam Marmorstein and Paul Rohrer speak.

5. ADMINISTRATIVE AGENDA

All matters listed hereunder constitute a consent agenda and will be acted upon by a single vote of the Board. Matters listed on the Administrative Agenda will be read only on the request of a member of the Board, in which event the matter may be removed from the Administrative Agenda and considered as a separate item.

A. APPROVAL OF MEETING MINUTES

Los Olivos Community Services District, P.O. Box 345, Los Olivos, CA 93441, (805) 500-4098

losolivoscscsd@gmail.com, www.losolivoscscsd.com

Regular Meeting Minutes of January 11, 2023.

Special Meeting Minutes of January 11, 2023.

B. APPROVAL PAYMENT OF INVOICES RECEIVED BY FEBRUARY 2, 2023.

The invoices below have been reviewed by the Finance Committee and are recommended for approval.

No.	Invoice Date	Invoice #	Provider	Amount
1.	1/2/2023	1071	ConfluenceES – Effluent Study	\$ 9,871.20
2.	9/13/2022	00876.001-18	GSI – Groundwater Monitoring Well (Aug)	\$ 510.00
3.	11/7/2022	00876.001-20	GSI – Groundwater Monitoring Well (Oct)	\$ 3,265.00
4.	1/12/2023	00876.001-22	GSI – Groundwater Monitoring Well (Dec)	\$ 1,931.25
5.	9/13/2022	00876.003-3	GSI – Effluent Study (Aug)	\$ 4,103.75
6.	11/7/2022	00876.003-5	GSI – Effluent Study (Oct)	\$ 1,918.75
7.	12/20/2022	73138	Aleshire & Wynder – Legal Services (y/e 2022)	\$ 3,628.48
8.	2/2/2023	73437	Aleshire & Wynder – Legal Services (Jan 2023)	\$ 2,464.00
9.	1/31/2023	20231	Savage – General Manager services	\$ 6,029.27

Motion to approve item 5, Administrative Agenda.

Motion By: Director Palmer, Second: Director Kennedy

Ayes: Director Palmer, Director Kennedy, Director Parks, Vice President Ross, President Fayram

Nays: None

Abstain: None

6. GROUNDWATER MONITORING WELL INSTALLATION AND TESTING REPORT – GSI WATER SOLUTIONS, INC.

The Board will receive and file a Technical Memorandum (TM) from its consultant, GSI Water Solutions, Inc.. The TM provides details related to the drilling, installation, and initial testing for the first two groundwater monitoring wells constructed as part of the new shallow groundwater monitoring network.

Mr. Tim Thompson, GSI Water Solutions, Inc. provides an overview of the installation and testing report.

Under discussion, Vice President Ross asks about water quality differences between the two wells. Mr. Thompson responds that he would not have been surprised to see similar results, but was also not completely surprised by the differing test results. VP Ross asks about impact recent rains would have on the results. Mr. Thompson responds that there could be some dilution of nitrates and that a regular monitoring plan including quarterly testing should be considered. He adds that the district should consider additional wells, including wells to the North of the District, across Hwy 154. Director Palmer comments that she believes quarterly testing, with financial support from the RWQCB and/or County makes a lot of sense; commenting that this is true water quality information and data, something that has been needed for some time. Director Kennedy echoes Director Palmer's comments. She asks about what is involved in determining the causes of the higher nitrate levels at MW-2. Mr. Thompson responds that a prioritization of future wells and monitoring plan would be one step towards better understanding what is going on in the shallow aquifer. President Fayram notes that GM Savage has had conversations with the RWQCB about the availability of potential funding to install additional wells and placement of new wells. Director Parks notes that the regulating agencies have a direct interest in us continuing to monitor and expand our monitoring. He continues that while monitoring will tell us what is happening, it won't fix any problems and that we should be careful to not lose focus, reminding everyone that the regulating agencies still want to see a solution – independent of what the wells tell us.

President Fayram opens the floor to public comment.

Paul Rohrer speaks.

The Board discusses plans for additional testing, additional wells, and the need for funding. President Fayram notes that without additional funding, the District cannot facilitate the drilling of additional wells.

VP Ross notes that as the initial tests were done in November, quarterly testing would be due now – three months after the initial samples were taken. At VP Ross' request, GM Savage agrees to pull together a Technical Committee to both discuss the potential funding for additional wells and testing, and locations for additional wells. General discussion ensues about who should be part of determining locations, GM Savage notes to the Board that the RWQCB has stated an interest in being part of the discussion.

7. TECHNICAL OPINION ON COLLECTION, TREATMENT, AND DISPOSAL OPTIONS – REGEN

The Board will receive and file a Technical Memorandum (TM) and presentation from its consultant, REGEN. The TM outlines the consultant’s opinions related to the collection, treatment, and disposal of wastewater in the LOCSO.

GM Savage requests that item 7 be pulled from the agenda.

8. USE OF TELECONFERENCING AND VIDEOCONFERENCING DURING BOARD OF DIRECTORS MEETINGS

The Board will consider the on-going use of teleconferencing and videoconferencing during meetings of the Board of Directors. In addition to general consideration of these technologies, the Board will specifically consider adoption/possible action on the attached proposed policy related to the implementation of Assembly Bill (“AB”) 2449, signed into law on September 13, 2022. AB 2449 amends Government Code section 54953 to provide authority and specific requirements for public agencies to allow individual board members to appear at meetings remotely.

Background: Prior to the COVID-19 pandemic, the Ralph M. Brown Act placed strict requirements for the legislative bodies of local agencies to meet by teleconference. Among other restrictions, all teleconference locations had to be identified in the notice and agenda of the meeting, and each teleconference location had to be accessible to the public. In addition, at least a quorum of the legislative body had to be present within the boundaries of the local agency. In March of 2020, the Governor of California issued an executive order temporarily waiving some of these restrictions and the State Legislature followed up the Governor’s executive order with AB 361, which provided a statutory exception, authorizing local agencies to use teleconferencing without complying with all of the Brown Act’s restrictions in specified circumstances related to public health and safety emergencies. AB 2449 does not extend AB 361, which still sunsets on January 1, 2024, (though if Governor Newsom rescinds the State of Emergency related to COVID-19, AB 361 will no longer be available). Instead, the bill implements another temporary exception authorizing agencies to meet by teleconference without strict compliance with the traditional notice and physical access requirements, but with more restrictions than what was permissible under SB 361.

Counsel Trindle introduces the item and provides an overview of the details of the proposed policy.

Under discussion, President Fayram asks about applicability of the policy to non-Board members. He comments on our District’s ability to effectively provide remote participation for the public. Counsel Trindle responds that only the largest jurisdictions are required to provide remote public participation. Counsel adds that if the Board chose, it could shift to a “broadcast only” of the meetings, using technologies such as a local access channel. He adds that using other mechanisms such as sending a letter or email can provide the public a mechanism to comment on items. Counsel provides additional commentary about remote participation by Directors. As an example, he notes that the Board would have to address a technology failure should it affect whether or not the meeting continues to have a quorum. Counsel Trindle goes on to comment about what steps the Board would need to consider should a technology failure affect the ability of the public to provide comment. He concludes with a statement that there is no hard requirement to provide any sort of remote participation for members of the public; just that if you do, you must take certain steps to ensure that you are supporting First Amendment rights of the public. Director Palmer asks whether the item before the Board is only intended to address the proposed policy related to Director participation via teleconference. Counsel Trindle responds that both public participation and the policy are agenda items. VP Ross asks if there is a down-side to the Board adopting the policy. Counsel Trindle responds that it does lock Directors into two methods of attendance. Director Kennedy comments that for transparency and involvement of the public, continued use of technologies such as Zoom where the public can provide remote commentary is helpful. Director Parks adds that he thinks being as transparent as possible is important. Director Palmer comments that she believes continued use of existing approaches is important at this stage of property owner engagement.

President Fayram opens the floor to public comment.

Meighan Diethofer speaks.

Motion to approve policy as contained in the packet.

Motion by: Vice President Ross, Second: Director Kennedy

Under discussion, President Fayram notes that he likely will not be voting in favor of the item as he believes the Brown Act suffices. Director Parks asks additional questions regarding how the proposed policy affects public participation. Counsel Trindle clarifies that the policy only affects how Directors participate via

teleconferencing/videoconferencing.

Ayes: Director Palmer, Director Kennedy, Director Parks, Vice President Ross

Nays: President Fayram

Abstain: None

9. SUBCOMMITTEE APPOINTMENTS

President Fayram will consider subcommittee appointments. Existing standing committees include the Finance Committee; existing ad-hoc committees include the Technical Committee and the Project Management Committee; a new Grants / Financing Committee will also be considered and discussed.

President Fayram asks for clarification about the process to be used for appointing committee members. Counsel Trindle responds that it would be appropriate to garner input from all Directors before making appointments and that a vote on any standing committee appointments would be appropriate. Following discussion and requests for interest in various committees, President Fayram seeks a motion regarding the Finance Committee – a standing committee.

Motion to nominate Directors Palmer and Kennedy to the Finance Committee.

Motion By: Vice President Ross, Second: Director Parks

Ayes: Director Palmer, Director Kennedy, Director Parks, Vice President Ross, President Fayram

Nays: None

Abstain: None

Following additional discussion regarding interest and commentary about inclusion of all Directors, President Fayram makes the following appointments to ad-hoc committees:

Technical Committee – President Fayram, Vice President Ross

Grants / Financing Committee – Director Parks, Director Kennedy

Project Management Committee – Director Palmer, Vice President Ross

President Fayram opens the floor to public comment.

No requests to comment are received.

10. REPORTS

A. SUBCOMMITTEE REPORTS

GM Savage notes that, at the request of Director Kennedy, future agenda will separate Subcommittee Reports from the General Manager's comments. The intent is that Directors participating on committees will provide an overview of activities, with support from GM Savage; as opposed to GM Savage providing the overview. As this is a new approach, GM Savage provides a brief overview of activities since the last Regular meeting.

GM Savage reports that the Project Management Committee did not meet and that the Technical Committee met on a few occasions with a sole focus on guiding the Technical Memorandum (TM) from REGEN. He adds that the Technical Committee took care not to influence the recommendations being provided by REGEN. Instead, it mostly commented on the types of content to be included in the TM, such as an executive summary, pros/cons supporting recommendations, and so on.

B. GENERAL MANAGER AND DISTRICT ENGINEER COMMENTS

The GM and DE will give reports on any meetings that they attended on behalf of the District, report on various District-related activities and/or provide status on projects. The GM may also review Budget Reports. For the month of February 2023, the General Manager's comments will include an overview of the District workshop held on January 24, 2023.

See packet for more details.

GM Savage provides an overview of the documents included in the meeting packet. He notes that he met with the RWQCB to discuss use of advanced on-site systems and groundwater monitoring wells. He adds that Director Kennedy and he participated in a conversation with State of California representatives regarding potential grant funding. He adds that he attended the most recent meeting of the Eastern Management Area (EMA) meeting of the Santa Barbara County Groundwater Sustainability Agency (GSA). He also met with General Manager Paeter Garcia from the Santa Ynez Water River Conservation District – ID1. He further adds he met with Santa Ynez Water River Conservation District General Manager Kevin Walsh and Groundwater Program Manager Bill Buelow. As part of his commentary he reminds everyone that while these agencies have

similar names, they are in fact two unrelated, distinct entities. GM Savage adds that he also met with County EHS to discuss the status of existing grants. He notes that the existing grant expired at the end of 2022 and that it cannot be extended; adding that he did discuss additional and future opportunities for the District regarding unused funds. GM Savage concludes with a note that the District is scheduled to present at the April 6, 2023 meeting of LAFCO. This meeting is expected to include a request for extension of District operations. He adds that a memorandum requesting the extension will be on the March 15, 2023 Regular meeting agenda for review and discussion by the Board of Directors.

At the prodding of President Fayram, requirements for Directors to turn in their Statement of Economic Interest, also known as the Form 700, are discussed by the Board and GM Savage. Counsel Trindle outlines potential penalties for failure to turn in a Form 700 and reminds Directors that he is not their individual Counsel and therefore cannot provide recommendations on what should or should not be included on their Statements of Economic Interest. GM Savage requests that Directors provide the District with a copy of their Form 700 after it has been filed.

11. COMMENTS

The Directors will provide comments and report on activities related to District business. Comments are informational only, no action will be taken, and public comment not received.

A. DIRECTORS COMMENTS

Directors will give reports on any meetings that they attended on behalf of the Board and/or choose to comment on various District-related activities.

All Directors report on the positive input they have received from community members regarding the January workshop. VP Ross – asks a question about how many parcel owners were at the workshop. GM Savage responds that he can tell how many people filled out unique property addresses on submitted questionnaires. President Fayram notes that he would like to see a “future agenda items” added to the Director Comments section of the agenda. GM Savage agrees to work with him to ensure the agenda accomplishes what he intends. Director Palmer notes that she thinks that a special meeting may be appropriate to discuss the REGEN™, depending on when the memorandum is received and reviewed by the Technical Committee.

12. ADJOURNMENT

Motion to adjourn at 7:35 PM.

Motion By: Director Palmer, Second: Director Kennedy

Ayes: Director Palmer, Director Palmer, Director Parks, Vice President Ross, President Fayram

Nays: None

Abstain: None

Respectfully submitted:



Guy W. Savage
General Manager – Los Olivos Community Services District

Approved:



Tom Fayram,
President