

Pursuant to Government Code Section 54953(e), members of the Board of Directors and staff will participate in this meeting via a teleconference. Members of the public can submit written comments to the Board Secretary at boardcomment@cambriacsd.org.



CAMBRIA COMMUNITY SERVICES DISTRICT

Thursday, September 8, 2022 - 1:00 PM

AGENDA

REGULAR MEETING OF THE CAMBRIA COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85344986572?pwd=SWpDTnd0K25YNUFVdENsRjdVVm12UT09>

Passcode: 743886

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US: +1 669 444 9171 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 386 347 5053
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Webinar ID: 853 4498 6572

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1. OPENING

- A. Call to Order
- B. Pledge of Allegiance
- C. Establishment of Quorum
- D. President's Report
- E. Agenda Review: Additions/Deletions

2. BOARD MEMBER COMMUNICATIONS

Any Board Member may make an announcement, report briefly on his or her activities, or ask a question for clarification.

3. COMMISSION REPORT

- A. PROS Chairman's Report

4. PUBLIC COMMENT

Members of the public may now address the Board on any item of interest within the jurisdiction of the Board but not on its agenda today. Future agenda items can be suggested at this time. In compliance with the Brown Act, the Board cannot discuss or act on items not on the agenda. Each speaker has up to three minutes.

5. REGULAR BUSINESS

- A.** Discussion and Consideration of Introduction of Ordinance 01-2022 Adding Chapter 7.17 to the Cambria Community Services District Municipal Code Regarding Dogs on the Fiscalini Ranch Preserve
- B.** Consideration of Approval of Memorandum of Understanding with the Cambria Historical Society Regarding Intent to Purchase Property (2284 Center Street) and Direction to Staff Regarding Commencing Procedures to Comply with the Surplus Lands Act

6. BOARD MEMBER, COMMITTEE AND LIAISON REPORTS

- A.** Finance Committee's Report
- B.** Policy Committee's Report
- C.** Resources and Infrastructure Committee's Report
- D.** Other Liaison Reports and Ad Hoc Committee Reports

7. FUTURE AGENDA ITEM(S)

This is an opportunity to request a formal agenda report be prepared and the item placed on a future agenda. No formal action can be taken except to direct the General Manager to place a matter of business on a future agenda by majority vote

8. ADJOURN

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **5.A.**

FROM: John F. Weigold, IV, General Manager
 Carlos Mendoza, Facilities & Resources Manager
 Timothy Carmel, District Counsel

Meeting Date: September 8, 2022	Subject: Discussion and Consideration of Introduction of Ordinance 01-2022 Adding Chapter 7.17 to the Cambria Community Services District Municipal Code Regarding Dogs on the Fiscalini Ranch Preserve
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RECOMMENDATIONS:

It is recommended that the Board of Directors discuss and consider, introduce by title only and waive further reading, Ordinance 01-2022 adding Chapter 7.17 to the Cambria Community Services District Municipal Code to create a leash requirement for dogs at the Fiscalini Ranch Preserve.

FISCAL IMPACT:

There is no fiscal impact as a result of this item.

DISCUSSION:

There has been an ongoing problem with dogs not being leashed on the Fiscalini Ranch Preserve. The San Luis Obispo County Code provides as follows regarding its Leash Law:

San Luis Obispo County Dog Ordinance 9.08.020 - Leash law.

(a)It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him to be on any public street, alley, lane, park or place of whatever nature open to and used by the public in the unincorporated area of the county unless such dog is securely leashed and the leash is held continuously in the hand of a responsible person capable of controlling such dog, or unless the dog is securely confined in a vehicle, **or unless the dog is at "heel" beside a person and obedient to that person's command.** (emphasis added)

The provision that creates an exception for dogs at “heel” has been problematic and there have been numerous incidents at the Ranch as a result of unleashed dogs. The Friends of Fiscalini Ranch Preserve’s Board of Directors has requested that a rule be adopted to require that dogs be leashed.

In addition, Chapter 3, Section A1, Allowable Uses, of the Public Access and Resources Management Plan for the Fiscalini Ranch Preserve (the “Ranch Management Plan”) provides that, “Dogs must be under the control of their owner on all parts of the Ranch. The Ranch Manager has the authority to require leashes on any trail for safety purposes.” Also, Chapter 8, Section F.2., User Conflicts, of the Ranch Management Plan provides that:

...many potential conflicts arise from off-leash dogs: dogs may chase wildlife (which is in conflict with the resource protection objectives of the Plan), dogs may chase cattle (which can be dangerous to hikers), dogs may frighten or attack other people, and finally, dogs may attack other dogs (on a leash) beyond the control of their owners. In order to meet the safety objectives of this Plan, the Ranch Manager may restrict dogs to leashes or prohibit dogs on any or all of the Ranch trails.

The District operates park and recreation facilities, including the Fiscalini Ranch Preserve, in accordance with the authority in Government Code Section 61100(e). Government Code section 61060(b) gives the District the authority, "To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100)."

In order to make such a dogs on leash rule effective and enforceable, District Counsel has advised that it should be adopted by ordinance and made a part of the CCSD's Municipal Code, under the foregoing statutory authority. Accordingly, the attached Ordinance has been prepared for consideration by the Board of Directors. It will add a new Chapter 7.16 to the Code that will required dogs be leashed while on the Fiscalini Ranch, with the exception of the dog park. It also makes violations infractions pursuant to the penalty provisions in the Code. Provisions have also been included to provide for signage of the leash requirements, as well as advising that any person violating this requirement will be subject to citation/and or ejection.

Attachment: Ordinance No. 01-2022

ORDINANCE NO. 01-2022

CAMBRIA COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS

DATED: _____, 2022

AN ORDINANCE ADDING CHAPTER 7.16 TO THE
CAMBRIA COMMUNITY SERVICES DISTRICT MUNICIPAL CODE
REGARDING DOGS ON THE FISCALINI RANCH PRESERVE

WHEREAS, the Cambria Community Services District operates park and recreation facilities, including the Fiscalini Ranch Preserve, in accordance with the authority in Government Code Section 61100(e); and

WHEREAS, Government Code section 61060(b) provides the District with the authority “To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100).”; and

WHEREAS, Chapter 3, Section A1, Allowable Uses, of the Public Access and Resources Management Plan for the Fiscalini Ranch Preserve (the “Ranch Management Plan”) provides that, “Dogs must be under the control of their owner on all parts of the Ranch. The Ranch Manager has the authority to require leashes on any trail for safety purposes.”; and

WHEREAS, Chapter 8, Section F.2., User Conflicts, of the Ranch Management Plan provides that, “many potential conflicts arise from off-leash dogs: dogs may chase wildlife (which is in conflict with the resource protection objectives of the Plan), dogs may chase cattle (which can be dangerous to hikers), dogs may frighten or attack other people, and finally, dogs may attack other dogs (on a leash) beyond the control of their owners. In order to meet the safety objectives of this Plan, the Ranch Manager may restrict dogs to leashes or prohibit dogs on any or all of the Ranch trails.”; and

WHEREAS, the Ranch Manager has determined that for safety purposes, dogs shall be required to be on leashes at all times while on the Fiscalini Ranch Preserve, and in order to provide an enforceable mechanism for this regulation, the Board of Directors has determined that the District’s Municipal Code should be amended to codify that requirement.

The Board of Directors of the Cambria Community Services District Ordains as follows:

Section 1. Chapter 7.16 is hereby added to Title 7 of the Cambria Community Services District Municipal Code to read as follows:

Chapter 7.16 – Dogs on Fiscalini Ranch Preserve

7.16.010 – Leashes Required.

A. Except at the Cambria Dog Park, located on Rodeo Grounds Road, no person shall allow a dog to run at large on the Fiscalini Ranch Preserve. All domestic dogs in the Fiscalini Ranch Preserve shall be restrained at all times on leashes not to exceed six feet in length and be under adequate control in accordance with the requirements of this section.

B. The Cambria Community Services District shall post signs at the Fiscalini Ranch Preserve regarding the requirement that dogs be on a leash at all times and that any person failing to do so will be subject to citation/and or ejection under this ordinance. It is unlawful to damage, deface, destroy or alter any such sign posted at the Fiscalini Ranch Preserve.

7.16.020 - Violations.

A. Employees of the District, and any member of a duly constituted law enforcement agency of San Luis Obispo County or the State of California, shall have the authority to eject from the Fiscalini Ranch Preserve any person acting in violation of this Ordinance.

B. Any violation of this Ordinance is designated to be an infraction, in accordance with the provision of section 1.12.010 of this Code and as provided in Government Code Section 61064(b).

Section 2. A summary of this Ordinance shall be published in a newspaper published and circulated in the District at least five (5) days prior to the Board of Directors meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Board Secretary. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those Board members voting for and against the Ordinance shall be published again, and the Board Secretary shall post a certified copy of the full text of such adopted Ordinance.

Section 3. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

Section 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

The foregoing Ordinance was adopted at a regular meeting of the Board of Directors of the Cambria Community Services District held on the ____ day of September, 2022.

AYES:

NAYS:

ABSENT:

Donn Howell
President, Board of Directors

APPROVED AS TO FORM:

Leah Reedall
Board Secretary

Timothy J. Carmel
District Counsel

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **5.B.**FROM: John F. Weigold, IV, General Manager
Timothy Carmel, District Counsel

Meeting Date: September 8, 2022	Subject: Consideration of Approval of Memorandum of Understanding with the Cambria Historical Society Regarding Intent to Purchase Property (2284 Center Street) and Direction to Staff Regarding Commencing Procedures to Comply with the Surplus Lands Act
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RECOMMENDATIONS:

It is recommended that the Board of Directors consider approval of a Memorandum of Understanding with the Cambria Historical Society regarding its intent to purchase the 2284 Center Street Park ("Property") and direct to staff to commence procedures to comply with the Surplus Lands Act.

FISCAL IMPACT:

The Cambria Historical Society ("Historical Society") has previously offered to purchase the Property for \$5,000. Once the required procedures under the Surplus Lands Act (Government Code Section 54220 et seq., "the "Act") have been completed, the District can conduct negotiations with the Historical Society related to the purchase of the Property.

DISCUSSION:

The Historical Society has requested that the District consider selling them the Property located at 2284 Center Street, also known as the Center Street Pocket Park, in order to facilitate the continued development of the Cambria Historical District along Center Street, as originally conceived in the 1994 PROS Commission Study. Should the Historical Society purchase the Property, their plan is to move the Cambria Jail to that location to be an extension of the Museum. The Pocket Park is near the original location of the Jail.

The Act governs the disposal of surplus property by public agencies in California, including special districts. Under the Act, surplus land is land owned by the District for which the Board of Directors takes formal action in a regular public meeting declaring the land is surplus and not necessary for the District's use.

A Memorandum of Understanding Regarding Intent to Purchase Property has been drafted, which provides a framework for the purchase of the Property. It includes an acknowledgment by the Historical Society that any sale of the Property is subject to the condition precedent of the District's compliance with the Act. As explained below, it also references that it is anticipated that the Board of Directors will make necessary findings and declare that the Property is exempt surplus land pursuant to the Act and also that the Property is not necessary for the District's use.

After doing so, the District will also be required to send its determination to the California Department of Housing and Development (“HCD”) and provide Notices of Availability to certain park or recreation entities for open-space purpose, as well as submit the proposed disposal of the Property to the San Luis Obispo County Department of Planning and Building for General Plan conformity review.

After complying with the procedures in the Act, the Historical Society and the District will be able to enter into negotiations for the purchase of the Property. As noted under the Fiscal Impact section above, the Historical Society has previously offered to purchase the Property for \$5000. The Memorandum of Understanding also includes a provision pursuant to which the Board of Directors makes a finding that, because the District’s powers include the provision of park and recreation services to the community, and the Historical Society’s purchase of the Property will provide a unique passive recreational facility for the citizens of Cambria, that it would constitute a public purpose by furthering the development of the Cambria Historical District along Center Street, as originally conceived in the 1994 Study by the District’s PROS Commission.

As noted, the Act governs the disposal of surplus property by the District. Under the Act, surplus land is land owned by the District for which the Board of Directors takes formal action in a regular public meeting declaring the land is surplus and not necessary for the District’s use. The land must be declared either exempt surplus land or non-exempt surplus land. The Act has created a system whereby surplus public property is to be made available for affordable housing, however, there is a very narrow list of exceptions. In this regard, Government Code Section 54221 and the definition of “exempt surplus land” includes the following:

(f) (1) Except as provided in paragraph (2), “exempt surplus land” means any of the following: ...

...(G) Surplus land that is subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site. An existing nonresidential land use designation on the surplus land is not a legal restriction that would make housing prohibited for purposes of this subparagraph. Nothing in this article limits a local jurisdiction’s authority or discretion to approve land use, zoning, or entitlement decisions in connection with the surplus land.

Based on this potential exemption, at the District’s request, the San Luis Obispo County Planning and Building Department analyzed the development constraints on the Property in relation to the feasibility of housing on the parcel. In a letter to the District, the County concluded that housing could not feasibly be developed on the subject parcel. The County’s letter was also submitted to HCD, and at HCD’s request, District Counsel then participated in a conference call with five staff members from HCD after which they indicated that they wanted to research the exemption issue further. Subsequently HCD staff has advised that after adopting a resolution declaring the parcel exempt surplus land pursuant to the applicable exemption in Government Code Section 54221(f)(1), the District will still be required to send a notice of availability to certain park or recreation entities and the State Resources Agencies identified in Government Code Section 54222(b) for open-space purposes.

It is recommended that the Board approve the Memorandum of Understanding with the Historical Society and direct staff to commence procedures to comply with the Act.

Attachment: Memorandum of Understanding Regarding Intent to Purchase Property (Center Street Pocket Park)

**MEMORANDUM OF UNDERSTANDING REGARDING
INTENT TO PURCHASE PROPERTY
(CENTER STREET POCKET PARK)**

This Memorandum of Understanding is entered into by and between the Cambria Community Services District (“District”), and the Cambria Historical Society (“Historical Society”), and is effective as of _____, 2022. The District and the Historical Society (collectively, the “Parties”) agree as follows:

RECITALS:

WHEREAS, the Cambria Community Services District is the owner in fee simple of that certain real property located at 2284 Center Street (APN: 013-264-021), also known as the Center Street Pocket Park (the “Property”), as legally described in Exhibit “A,” attached hereto and incorporated herein by reference; and

WHEREAS, under the Surplus Property Land Act, Government Code Sections 54220-54233 (“Act”), surplus land is land owned in fee simple by the District for which the Board of Directors takes formal action in a regular public meeting declaring the land is surplus and not necessary for the District's use. The land must be declared either exempt surplus land or non-exempt surplus land; and

WHEREAS, the Historical Society is a public benefit, nonprofit corporation whose mission is to: promote an appreciation for the colorful history of Cambria and the surrounding area among residents and visitors; preserve, interpret and exhibit historic information and artifacts; and provide a welcoming center-of-town historic venue for community use; and

WHEREAS, the Board of Directors of the Historical Society has previously voted in favor of seeking to purchase the Property and offered to purchase it from the District for \$5,000 Park for the purpose of relocating the historic Cambria Jail to the Property and for use by the Historical Society as an extension of the Cambria Historical Museum and Cambria Historical District along Center Street, as originally conceived in the 1994 Study by the District’s Park, Recreation and Open Space (PROS) Commission; and

WHEREAS, The District and the Historical Society desire to enter into this non-binding Memorandum of Understanding regarding the obligation of the District to comply with the Act as it relates to any sale of the Property as a condition precedent to such sale, and the interest of the Historical Society in purchasing the Property.

NOW THEREFORE, the Parties agree as follows:

1. **COMPLIANCE WITH STATUTORY REQUIREMENTS.** The Historical Society acknowledges that any sale of the Property is subject to the condition precedent of the District’s compliance with the Surplus Property Land Act. It is anticipated that the Board of Directors will make necessary findings and declare that the Property is exempt surplus land pursuant to the Act and also that the Property is not necessary for the District’s use.

Thereafter, the District will need to send its determination to the California Department of Housing and Community Development and provide Notices of Availability, to certain park or recreation entities and the State Resources Agencies that are identified in Government Code Section 54222(b) for open-space purpose, as well as submit the proposed disposal of the Property to the San Luis Obispo County Department of Planning and Building for General Plan conformity review, in accordance with Government Code Section 65402(c).

2. PUBLIC PURPOSE. The District powers include the provision of park and recreation services to the community and the Board of Directors finds and determines that the Historical Society's offer to purchase the Property will provide a unique facility for the citizens of Cambria and would constitute a public purpose that will serve the community within the powers and authority of the District, by furthering the development of the Cambria Historical District along Center Street, as originally conceived in the 1994 Study by the District's Park, Recreation and Open Space (PROS) Commission.

3. COMMENCEMENT OF NEGOTIATION. Upon the District's notification to the Historical Society that it has completed all actions necessary to comply with the Act, Historical Society and District shall enter into negotiations to sell the Property to the Historical Society.

4. AMENDMENT. This MOU may be modified, amended, changed, added to or subtracted from by the mutual consent of the Parties hereto if such amendment or change is in written form and executed by the Historical Society and by the District.

5. ENTIRE MOU. This MOU supersedes any and all other agreements, either oral or in writing, between and of the Parties herein with respect to the subject matter hereof and contains all the agreements between the parties with respect to such matter. Each party acknowledges that no representations, inducements, promises or agreements, oral or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement or promise not contained in this MOU shall be valid or binding.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed the day and year first above written.

[Signatures on following page.]

CAMBRIA COMMUNITY SERVICES DISTRICT

CAMBRIA HISTORICAL SOCIETY

By: _____
Donn Howell
President, Board of Directors

By: _____

Its: _____

Date: _____

Date: _____

ATTEST:

Leah Reedall, Board Secretary

APPROVED AS TO FORM:

Timothy J. Carmel, District Counsel

EXHIBIT A
LEGAL DESCRIPTION

Real property in the City of Cambria (unincorporated), County of San Luis Obispo, State of California, described as follows:

THAT REAL PROPERTY IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, BEING ALL THAT PORTION OF BRIDGE STREET, IN THE CITY OF CAMBRIA, BOUNDED ON THE NORTH BY A LINE DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 16 IN BLOCK A OF THE TOWN OF CAMBRIA, AS SAID LOT IS SHOWN ON MAP FILED IN BOOK 7, PAGE 23 OF RECORD OF SURVEYS, AS FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTH LINE OF THE ALLEY IN BLOCK A WITH THE WEST LINE OF BRIDGE STREET; THENCE, RUNNING ALONG THE EASTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 16 ACROSS BRIDGE STREET, NORTH 70° 32' EAST, 57.94 FEET TO A POINT ON THE EAST LINE OF BRIDGE STREET; THENCE SOUTH 15° 05' 30" EAST, 150.15 FEET ALONG THE SAID EAST LINE OF BRIDGE STREET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE OF SAID BRIDGE STREET AND RUNNING SOUTH 70° 32' WEST, 57.94 FEET TO A POINT ON THE WEST LINE OF BRIDGE STREET, AND BOUNDED ON THE SOUTH BY THE NORTHEASTERLY EXTENSION OF THE SOUTHERLY LINE OF THE PROPERTY DESCRIBED IN DEED TO F. W. WARREN, ET US., DATED FEBRUARY 1, 1961, AND RECORDED JUNE 5, 1961, IN BOOK 1126, PAGE 512 OF OFFICIAL RECORDS OF SAID COUNTY; ABOVE DESCRIBED PROPERTY BEING IN A DEED TO CAMBRIA COUNTY WATER DISTRICT, DATED JANUARY 3, 1963, AND RECORDED JUNE 3, 1963 IN BOOK 1971, PAGE 159 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

APN: 013-264-021