



CAMBRIA COMMUNITY SERVICES DISTRICT

Thursday, September 12, 2019 - 2:00 PM

1000 Main Street Cambria, CA 93428

AGENDA

Copies of the staff reports or other documentation relating to each item of business referred to on the agenda are on file in the Office of the District Clerk, available for public inspection during District business hours. The agenda and agenda packets are also available on the CCSD website at www.cambriacsd.org. The District Office hours are Monday - Thursday, and every other Friday from 9:00 a.m. through 4:00 p.m. Please call 805-927-6223 if you need any assistance. If requested, the agenda and supporting documents shall be made available in alternative formats to persons with a disability. The District Clerk will answer any questions regarding the agenda.

1. OPENING

- A. Call to Order
- B. Pledge of Allegiance
- C. Establishment of Quorum
- D. Report from Closed Session
- E. Agenda Review: Additions/Deletions

2. ACKNOWLEDGEMENTS AND PRESENTATIONS (Estimated Time: 5 Minutes per item)

3. PUBLIC COMMENT (Estimated time: 30 minutes. At President's discretion additional comments may be heard at the end of meeting.)

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. 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. Speaker slips (available at the entry) should be submitted to the District Clerk.

4. REGULAR BUSINESS (Estimated time: 15 Minutes per item)

- A. DISCUSSION AND CONSIDERATION OF APPROVAL OF REAL PROPERTY TRANSFER AGREEMENT WITH THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY FOR THE TRANSFER OF THREE LOTS (APN 023-202-019) AND ADOPTION OF RESOLUTION 34-2019 AUTHORIZING ACCEPTANCE OF SAME
- B. DISCUSSION AND CONSIDERATION OF DENIAL (REFERENCE RESOLUTION 33-2019) OR EXTENSION OF INTENT TO SERVE LETTER FOR BORIS PILCH, LLC

- C. DISCUSSION AND CONSIDERATION TO FILL VACANT SEAT ON THE POLICY COMMITTEE
- D. DISCUSSION AND REVIEW OF STATUS OF VAN GORDON CREEK PROPERTY (APN: 013-051-034) AND OPTIONS RELATED TO SAME
- E. DISCUSSION AND CONSIDERATION REGARDING 2020 WATER SHUT OFF NOTICE REQUIREMENTS
- F. DISCUSSION AND CONSIDERATION TO APPOINT AN AD HOC COMMITTEE TO EVALUTE THE AFFORDABLE HOUSING APPLICATIONS FOR ALLOCATION
- G. DISCUSSION AND CONSIDERATION REGARDING THE USE OF ELECTRONIC DEVICES DURING BOARD MEETINGS

5. FUTURE AGENDA ITEM(S) (Estimated time: 15 Minutes)

Requests from Board members to receive feedback, direct staff to prepare information, and/or request a formal agenda report be prepared and the item placed on a future agenda. No formal action can be taken except to direct staff to place a matter of business on a future agenda by majority vote.

6. ADJOURN TO CLOSED SESSION (Estimated time 60 Minutes)

- A. Public Comment
- B. CONFERENCE WITH LABOR NEGOTIATOR Pursuant to Government Code Section 54957.6 Agency Designated Representatives: General Manager, John F. Weigold, IV and Monique Madrid; Employee Group: International Association of Fire Fighters (IAFF)
- C. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6 Agency Designated Representatives: General Manager, John F. Weigold, IV and Monique Madrid; Employee Organization: Services Employee International Union
- D. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6 Agency Designated Representatives: General Manager, John F. Weigold, IV and Monique Madrid; Unrepresented group, Management and Confidential Exempt Employees

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.A.**

FROM: John Weigold, IV, General Manager

Meeting Date: September 12, 2019 Subject: DISCUSSION AND CONSIDERATION OF APPROVAL OF REAL PROPERTY TRANSFER AGREEMENT WITH THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY FOR THE TRANSFER OF THREE LOTS (APN 023-202-019) AND ADOPTION OF RESOLUTION 34-2019 AUTHORIZING ACCEPTANCE OF SAME

RECOMMENDATIONS:

Staff recommends that the Board of Directors discuss and consider approving a Real Property Transfer Agreement (“Agreement”) with the Land Conservancy of San Luis Obispo County (LCSLO) for the transfer of three lots (APN 023-202-019), subject to District Counsel’s approval, and adoption of Resolution 34-2019 authorizing acceptance of the lots.

FISCAL IMPACT:

There will be ongoing maintenance costs associated with accepting the lots.

DISCUSSION:

In June 2017, the Board of Directors entered into a Memorandum of Understanding (“MOU”) with LCSLO for the Transfer Development Credits Lot Retirement Program (“TDC Program”). Under the MOU, LCSLO will acquire parcels by donation or purchase from landowners and immediately transfer the parcels to CCSD. CCSD then encumbers the parcels with a conservation easement in favor of LCSLO, effectively retiring all development rights on the property. LCSLO has identified a landowner that wishes to donate eligible lots to LCSLO and will provide the Agreement to facilitate the transfer, which is subject to District Counsel’s approval. The Agreement will transfer the lots from LCSLO to the CCSD and memorialize the process described above.

The North Coast Area Plan (NCAP) contains provisions relating to LCSLO’s promotion of the TDC Program, as well as implementation of the CCSD’s Buildout Reduction Program (BRP) through the acquisition of vacant lots and retirement of development rights. The TDC Program voluntarily retires lots within designated sensitive resource areas of Monterey Pine Forest Habitat by recording a conservation easement or other document on the property. The building potential of the retired lot is then transferred to a buildable lot outside of the CCSD’s service area to allow for development of dwellings with a larger square footage than would otherwise be allowed by planning area standards. LCSLO manages the program, coordinating land purchases or donations with lot owners and turning the land over to the CCSD for long term management.

The TDC Program was established in the late 1980s as a way to address concerns over the development of antiquated and substandard lots in Cambria. Several thousand parcels created in the 1920s and 1930s are located on densely forested and steeply sloped lands. Rapid

development threatened the rare Monterey Pine Forest and presented erosion and sedimentation concerns, as well as further straining the area's already limited water supply.

The lots are located on Ramsey Road as shown on the attached assessor's map. LCSLO indicates these lots have a high ecological value and are worth retiring through the TDC Program. Staff inspected the lots and did not find any hazards or cause for concern. There will be ongoing maintenance costs, including annual weed abatement that will be paid out of the General Fund. This transaction will also help implement the BRP.

Attachments: Resolution 34-2019
 Assessor's Parcel Map

RESOLUTION NO. 34-2019
September 12, 2019

A RESOLUTION OF THE BOARD OF DIRECTORS OF
CAMBRIA COMMUNITY SERVICES DISTRICT
AUTHORIZING THE GENERAL MANAGER TO ACCEPT BY
GRANT DEED THREE (3) LOTS (APN: 023-202-019) HELD BY
THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY AND
TO EXECUTE RELATED DOCUMENTS

WHEREAS, the Cambria Community Services District, is a special services district organized and existing pursuant to California law; and

WHEREAS, the Cambria Community Services District has a need to reduce the District's water demand; and

WHEREAS, the town of Cambria is characterized by its rare Monterey Pine forest; and

WHEREAS, the Land Conservancy of San Luis Obispo County, a non-profit organization, has been active in retiring vacant lots in Cambria for over thirty years, and is thereby simultaneously both reducing the District's demand for water and protecting the Monterey Pine forest; and

WHEREAS, one of the long-term goals of the Land Conservancy of San Luis Obispo County's lot purchase program in Cambria is for those lots to ultimately go into public ownership; and

WHEREAS, once the lots have been transferred into public ownership, they will be protected by a Conservation Easement in favor of the Land Conservancy of San Luis Obispo County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cambria Community Services District as follows:

1. The General Manager is authorized and directed to accept the real property set forth in Exhibit A, attached hereto and incorporated herein by this reference.
2. The General Manager and his or her designee are hereby authorized to execute any document necessary, including a Conservation Easement, and to take any other reasonably necessary action to consummate the transaction contemplated herein.

[Remainder of page left intentionally blank.]

The foregoing Resolution was adopted at a Regular Meeting of the Board of Directors of the Cambria Community Services District held on September 12, 2019.

PASSED AND ADOPTED THIS 12th DAY OF September, 2019.

David Pierson
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

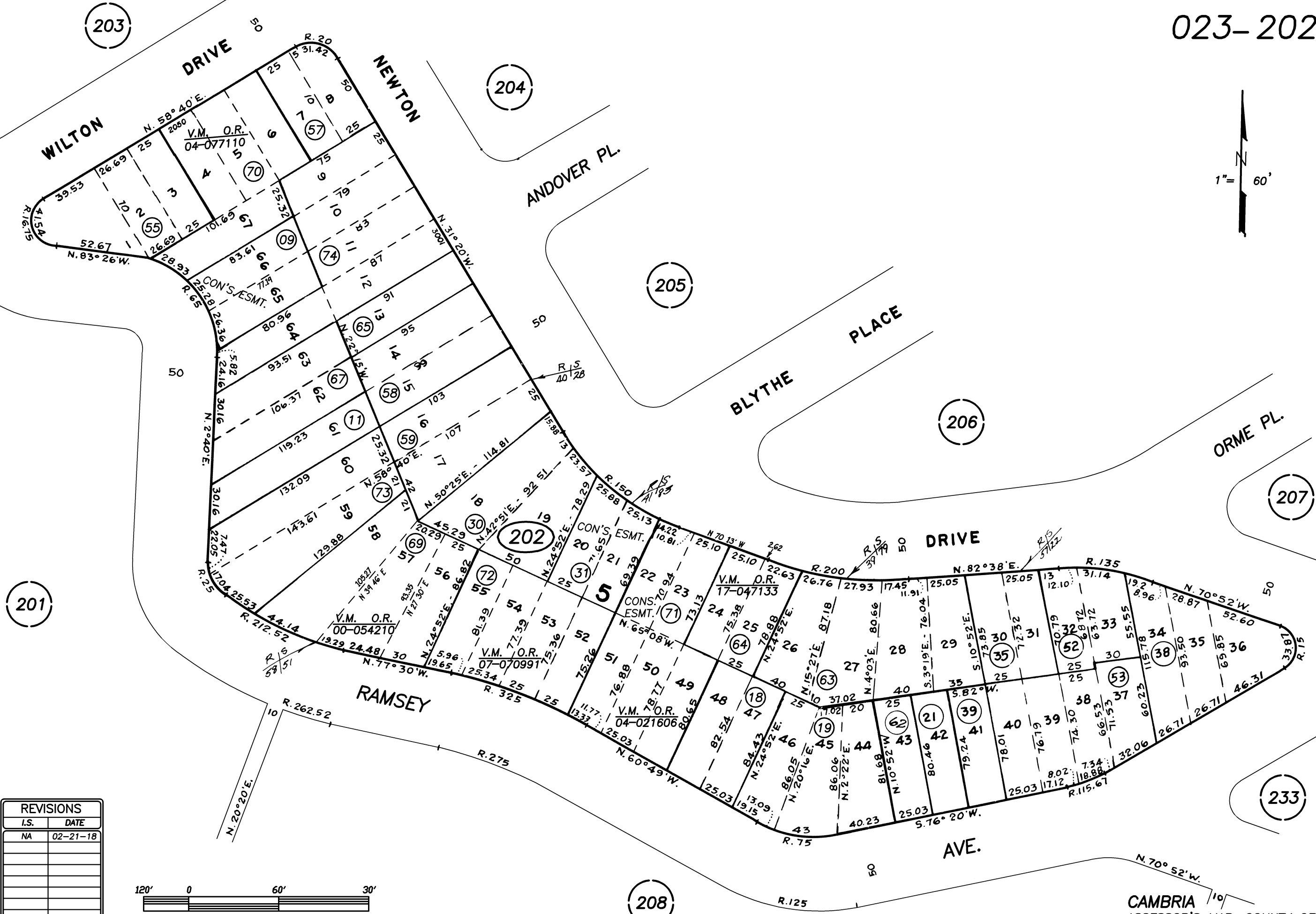
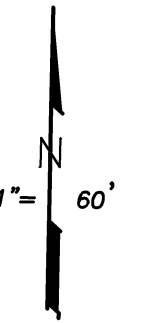
Monique Madrid
District Clerk

Timothy J. Carmel
District Counsel

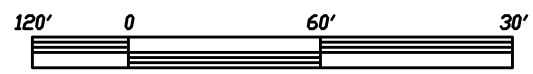
EXHIBIT A
LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, KNOWN AS A VACANT LOT IN CAMBRIA, THE LEGAL DESCRIPTION OF WHICH IS SET FORTH BELOW.

PARCEL ONE: CAMBRIA PINES MANOR NO. 1, LOTS 44, 45, AND 46, BLOCK 5



REVISIONS	
I.S.	DATE
NA	02-21-18



SW 02-07-00 THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY.

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.B.**FROM: John F. Weigold, IV, General Manager
Timothy Carmel, District Counsel

Meeting Date: September 12, 2019 Subject: DISCUSSION AND CONSIDERATION
OF DENIAL (REFERENCE
RESOLUTION 33-2019) OR
EXTENSION OF INTENT TO SERVE
LETTER FOR BORIS PILCH, LLC

RECOMMENDATIONS:

Staff recommends that the Board of Directors discuss and consider denying or extending the Intent to Serve ("ITS") Letter for Boris Pilch, LLC for 12 multifamily residential EDUs on APNs 024-191-013, 024-191-062 and 024-191-063.

FISCAL IMPACT:

Time extensions for ITS letters are subject to payment of fees in accordance with the CCSD's Approved Fee Schedule; Boris Pilch, LLC submitted the \$200 extension fee with the application. Should the project proceed to the point of connection, payment of capacity fees in effect at that time will be required. A previous owner of the property, San Luis Trust Bank, paid \$51,700 for in-lieu retrofits, which may be subject to refund if the District is unable to serve the Applicant (reference CCSD Municipal Code Section 8.04.080(E)((1)), or could be applied to future requirements for the same parcel (reference CCSD Municipal Code Section 8.04.080(F)).

DISCUSSION:

At the August 15, 2019 regular meeting, the Board of Directors considered an item relating to extending the ITS Letter for Boris Pilch, LLC for 12 multifamily residential EDUs on APNs 024-191-013, 024-191-062 and 024-191-063 (the "Property"). A majority of the Board was inclined to deny the extension, and a 30-day extension was granted so that a resolution could be drafted with appropriate findings to support such an action. Accordingly, this item is being presented to the Board so that it can continue its discussion regarding the ITS Letter.

As discussed below, the ITS Letter at issue has a very long and complicated history that has included litigation against the District, as well as settlement agreements with prior owners. As was noted in the August 15, 2019 staff report, the current owner, Boris Pilch, LLC, is proposing the Cambria Bungalows project, which consists of 12 multifamily residential EDUs. The applicant is currently actively pursuing an application for the project with the County, which has been assigned permit number DRC2019-00009. An application for allocation from the CCSD's Affordable Housing Program (AHP) for 12 moderate income units with an identical site plan has been submitted concurrently. The applicant had previously expressed an interest in continuing to pursue the project under the AHP and until such time as the AHP application has been considered by the Board, they would like to maintain the existing ITS Letter.

Attached is a letter dated September 3, 2019 from John Belsher, an attorney representing the property owner, in which he indicates that his client “has determined to pursue an all-affordable project on this property, which will meet the affordability requirements of the District’s new ordinance, as well as County and Coastal Commission regulations.” Based upon this, Mr. Belsher is requesting that the District “defer action on the current Intent to Serve letter, placing it on “hold” for a period of 18 months. This will allow time to pursue an all-affordable project without losing the ability to continue with the market rate project should the all-affordable project prove infeasible.”

Given the diligent efforts being made by the applicant, staff believes there is a basis for granting an additional extension for the Intent to Serve Letter. The extension would allow sufficient time for the Board to review and take action on the applicant’s concurrent petition for allocations from the AHP.

In the event that the Board decides to deny the extension, Resolution 33-2019 is attached for Board consideration. As discussed at length in the Resolution, the Property has a very long history and the predecessors of the current owner have received numerous time extensions to pursue development proposals over the years. This history goes back to sometime prior to 1998, when J.E. Lindsey proposed a multiple-unit residential development. Following litigation relating to the proposed project, a settlement agreement was entered into pursuant to which the CCSD issued an ITS Letter for 18 units which was to be valid for 18 months. Thereafter, on May 24, 2007, the Board approved an extension of the ITS Letter. Lindsey was advised that if substantial progress had not been made on the development project, the ITS Letter would be revoked. The complicated history of the property includes additional proceedings by the Board to revoke the ITS Letter, the property owner’s lender, San Luis Trust Bank (the “Bank”) seeking to foreclose on the property, and the property owner filing for bankruptcy and seeking further extensions of the ITS Letter.

The Bank eventually foreclosed and became the owner of the Property. On November 17, 2008, the Board of Directors approved another settlement agreement whereby the District agreed to extend the ITS Letter for a period of five (5) years, providing that the Bank would use reasonable diligence in processing the project and that in the absence of such a showing, the District could revoke the ITS Letter. Obviously, the Property was not developed during that five-year period and ownership subsequently passed to a new owner, Higuera Commons, LLC. On May 22, 2014 Higuera Commons, LLC received an additional extension of the ITS Letter. Boris Pilch, LLC then acquired the Property and has sought additional extensions while the application with the County is processed.

The Resolution sets forth the history of the Property and the prior owners, and the various settlement agreements and time extensions that have previously been granted. It bases the denial of the request to further extend the ITS Letter on the significant amount of time since the issuance of the original ITS Letter, the failed commitments of prior owners to pursue development, and the continued limitations on the CCSD’s ability to serve the Property.

Attachments: Resolution 33-2019
September 3, 2019 Letter from John Belsher

RESOLUTION 33-2019
September 12, 2019

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT
DENYING AN EXTENSION OF AN INTENT TO SERVE
LETTER FOR BORIS PILCH, LLC

WHEREAS, in its July 7, 2019 Application for Extension, Boris Pilch, LLC (the "Applicant") has requested the extension of the Intent to Serve Letter for its proposed 12 unit project "...because of timing constraints of the project redesign, affordable housing feasibility studies and processing with the County"; and

WHEREAS, as discussed in the Appellate Court opinion *J.E. Lindsey, Inc. v Cambria Community Services District* (2d Civil No. B242676) (the "Lindsey Opinion"), the property on which the project is proposed to be constructed (APNs 024-191-013, 024-191-062 and 024-191-063, on Arliss Drive, Londonderry Drive and Green Street) (the "Property") has a long history, and has received numerous time extensions to pursue development proposals over the years by various owners of the Property; and

WHEREAS, this extensive history goes back to before 1998, when a prior owner initiated a proposed multiple-unit residential development. As a result of litigation relating to the proposed project, a settlement agreement was entered into pursuant to which the CCSD issued an Intent to Serve Letter for 18 units which was to be valid for 18 months; and

WHEREAS, on May 24, 2007, the CCSD Board of Directors approved an extension of the Intent to Serve Letter, and in May 2008, the then-Property owner was advised that if substantial progress had not been made on the development project, the Intent to Serve Letter would be revoked. Thereafter, there were proceedings by the Board of Directors to revoke the Intent to Serve Letter; however, the Property owner's lender, San Luis Trust Bank (the "Bank") sought to foreclose on the Property, and the Property owner filed for bankruptcy and also sought further extensions of the Intent to Serve Letter; and

WHEREAS, as explained by the Court in the Lindsey Opinion, later in 2008 the foreclosure was complete and the Bank became the owner of the Property. On November 17, 2008, the CCSD Board of Directors approved another settlement agreement whereby the District agreed to "extend for all Bank owned real property the intent to serve entitlements for a period of five (5) years... to be used solely for the development of a multi-family residential project... [and] that the Bank would use reasonable diligence in processing the project and that in the absence of such a showing the District could revoke the intent to serve letter."; and

WHEREAS, the Property was not developed during that time period and ownership passed to a new owner, Higuera Commons, LLC, whose agent indicated in correspondence to the District that "The previous owner/developer of the property proceeded to acquire the necessary extensions, through the CCSD while developing their plans." Higuera Commons, LLC sought and received an extension of the Intent to

Serve Letter from the CCSD Board of Directors on May 22, 2014 until 6 months after the Stage 3 Water Shortage Emergency was lifted; and

WHEREAS, based upon the Board's actions relating to the lifting of the Stage 3 Water Shortage Emergency and CCSD staff's application of the Board's action, Applicant was notified that the Intent to Serve Letter was valid until February 20, 2019. An additional six-month extension was granted until August 20, 2019. Consistent with the provisions of CCSD Municipal Code Section 8.04.080(E)(3), the extensions stated that as far as additional extensions, "The CCSD Board has full discretion to approve or disapprove the requested extension..."

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cambria Community Services District as follows:

1. The facts set forth in the recitals above are true and correct and are hereby incorporated into the Board of Director's findings and determinations.
2. As reflected in the foregoing recitals, Applicant, as well as the prior owners of the Property have had many opportunities and an extended period time to pursue development proposals for the Property. They have repeatedly sought and obtained additional time, either through settlement agreements or extensions of the Intent to Serve Letter. Since they have failed in their repeated efforts, given the significant amount of time since the issuance of the original Intent to Serve Letter, the failed commitments of prior owners to pursue development (including, but not limited to, the admonitions to the original property owner that if substantial progress had not been made on the development project, the Intent to Serve Letter would be revoked, as well as the provisions of the settlement agreement with the Bank regarding needing to use reasonable diligence in processing a project) and the continued limitations on the CCSD's ability to serve the Property, the request for yet another extension of the Intent to Serve Letter is hereby denied.
3. This Resolution shall take effect upon adoption

Resolution 33-2019 was adopted at a Regular Meeting of the Cambria Community Services District on September 12, 2019.

David Pierson
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

Monique Madrid, District Clerk

Timothy Carmel, District Counsel



John W. Belsher, Esq.
486 Marsh Street, Suite C
San Luis Obispo, CA 93401
john@belsherlaw.com • www.belsherlaw.com
805-316-0508

September 3, 2019

John Wiegold, General Manager
David Pierson, Board President
Cambria Community Services District
PO Box 65
Cambria, Calif 93428

via Email

Re: Arliss Green APN 024-191-062 and 063 (Pilch)

Dear John and Dave;

The owner of the reference property has submitted and processed an application for 12 units of market-rate housing with the County of San Luis Obispo, pursuant to an Intent to Serve letter extended to August 20, 2019, by the action of the Board on March 7, 2019. At its last meeting, we are informed that the Board deliberated the possible extension of this letter of intent. This was based in part on the potential for inclusion of affordable units.

The owner has determined to pursue an all-affordable project on this property, which will meet the affordability requirements of the District's new ordinance, as well as County and Coastal Commission regulations. A formal request for an intent to serve letter will be requested of the District by reference to its affordable housing intent to serve set aside.

Based on this decision, it is requested the District defer action on the current Intent to Serve letter, placing it on "hold" for a period of 18 months. This will allow time to pursue an all-affordable project without losing the ability to continue with the market rate project should the all-affordable project prove infeasible.

Please confirm this action is acceptable and approved.

Your patience and cooperation are appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "John W. Belsher, Esq.", with a long horizontal flourish extending to the right.

John W. Belsher, Esq

cc: Tim Carmel
All CCSD board members
Monique Madrid
Mel McColloch

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.C.**

FROM: Monique Madrid, Administrative Department Manager
Haley Dodson, Deputy District Clerk

Meeting Date: September 12, 2019 Subject: DISCUSSION AND CONSIDERATION
TO FILL VACANT SEAT ON THE
POLICY COMMITTEE

RECOMMENDATIONS:

Staff recommends that the Board discuss and consider how to fill the vacant seat on the Policy Committee resulting from the resignation of Mike Lyons, whether by appointing a replacement from the previously submitted applications or providing direction to staff to begin a new application process.

FISCAL IMPACT:

There is no fiscal impact identified with this item.

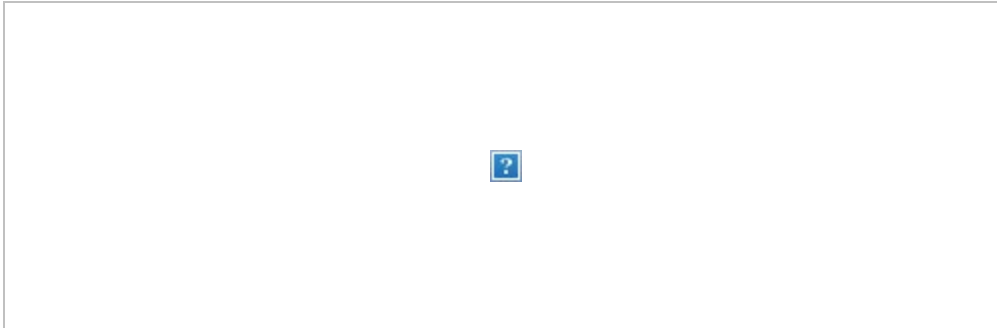
DISCUSSION:

On August 14, 2019, the District Clerk and Policy Committee received an email from Mike Lyons announcing his resignation effective immediately. The District has three previously submitted applications on file (Jim Bahringer, Leslie Richards and Claudia Worthen), which are attached. Staff recommends that the Board consider how it would like to fill the vacancy and either select one of the previous applicants to serve on the Policy Committee or provide direction to staff to begin a new application process.

Attachments: M. Lyons' Resignation Email
J. Bahringer's Application
L. Richards' Application
C. Worthen's Application

From: [Monique Madrid](#)
To: [John F. Weigold IV](#)
Cc: [David Pierson](#); [Tim Carmel](#); [Lane Harkins](#); [Haley Dodson](#)
Subject: FW: Policy Committee
Date: Wednesday, August 14, 2019 8:33:48 AM
Attachments: [image001.png](#)

Good Morning All,
Please see the email below. Mike Lyons has just resigned from the Policy Committee.
It looks as though we have another vacancy.
Monique



From: Michael Lyons [REDACTED]
Sent: Wednesday, August 14, 2019 5:10 AM
To: Gordon Heinrichs [REDACTED]
Cc: John Nixon [REDACTED]; John Rohrbaugh [REDACTED]; Ted Key [REDACTED]; Monique Madrid <mmadrid@cambriacsd.org>
Subject: Policy Committee

Hello fellow committee members,

Effective immediately, I am resigning from the Policy Committee.

I have enjoyed working with all of you on this interesting subject and wish you well.

Best regards,
Mike Lyons



COMMITTEE MEMBER APPLICATION

For more information, please visit: www.cambriacsd.org

Return the completed application to:
Cambria Community Services District
Attention: Deputy District Clerk
P.O. Box 65
1316 Tamsen Street, Suite 201
Cambria, CA 93428

The Political Reform Act (Government Code Section 82000, etc. Seq.) requires most state and local government officials and employees to publicly disclose their personal assets and income. Individuals must also disqualify themselves from participating in decisions, which may affect their personal financial interests. Finance, Policy and Resources & Infrastructure Standing Committees are required by law to file a Statement of Economic Interest form.

STANDING COMMITTEE (Please include which committee you're applying for): Policy Committee

NAME: Bahringer James P
Last First MI

Home Address: [Redacted] Cambria CA 93428
Street City Zip

Home Phone: [Redacted] Cell Phone: [Redacted]

E-mail address: [Redacted]

I have been a registered voter at the address listed above since: 1999
Year

If less than 6 months, place and date of last voter registration: _____
Address Date

Are you a registered voter in Cambria? yes no

Enter qualifications and interest in the position below.

Post Director CCSD

If additional space is needed, please use the reverse side of the application.

Signature: [Signature] Date: 01/14/19



COMMITTEE MEMBER APPLICATION

For more information, please visit: www.cambriacsd.org

Return the completed application to:
Cambria Community Services District

Attention: Deputy District Clerk
P.O. Box 65

1316 Tamsen Street, Suite 201
Cambria, CA 93428

The Political Reform Act (Government Code Section 82000, etc. Seq.) requires most state and local government officials and employees to publicly disclose their personal assets and income. Individuals must also disqualify themselves from participating in decisions, which may affect their personal financial interests. Finance, Policy and Resources & Infrastructure Standing Committees are required by law to file a Statement of Economic Interest form.

STANDING COMMITTEE (Please include which committee you're applying for): Policy Standing Committee

NAME: Richards Leslie M.

Home Address: [Redacted] Cambria
Last First MI
Street City Zip

Home Phone: [Redacted] Cell Phone: [Redacted]

E-mail address: [Redacted]

I have been a registered voter at the address listed above since: 1998 #2
Year

If less than 6 months, place and date of last voter registration: _____
Address Date

Are you a registered voter in Cambria? yes no

Enter qualifications and interest in the position below.

Have been a local activist; w/ a legal background,
involved in all operations of the District since
2000. Have worked on municipal Code, operational
manuals; Brief analysis for legal actions; EIR
prep and litigation, specifically. Have some expertise
to offer for the District and am excited at this "new"

If additional space is needed, please use the reverse side of the application.

Signature: [Handwritten Signature] Date: 1/16/19

opportunity so
voluntarily my time
in a vital & productive
manner!



MAR 23 2019

POLICY COMMITTEE MEMBER APPLICATION

Deadline: Friday, March 29, 2019

For more information, please visit: www.cambriacsd.org

Return the completed application to:

Cambria Community Services District

Attention: Deputy District Clerk

P.O. Box 65

1316 Tamsen Street, Suite 201

Cambria, CA 93428

The Political Reform Act (Government Code Section 82000, etc. Seq.) requires most state and local government officials and employees to publicly disclose their personal assets and income. Individuals must also disqualify themselves from participating in decisions, which may affect their personal financial interests. Finance, Policy and Resources & Infrastructure Standing Committees are required by law to file a Statement of Economic Interest form.

NAME: Worthen Claudia Harmon

Last

First

MI

Home Address: [Redacted] Cambria, CA 93428

Street

City

Zip

Home Phone: [Redacted] Cell Phone: _____

E-mail address: [Redacted]

I have been a registered voter at the address listed above since: 1988
Year

If less than 6 months, place and date of last voter registration: _____
Address Date

Are you a registered voter in Cambria? yes () no

Enter qualifications and interest in the position below.

Bachelors degree, Fine Arts from UCI, LEED AP ID+C, Aging in Place Certified, Certified Interior Designer.

Three time former chair of the North Coast Advisory Council, business owner in Cambria 30+ years, Cuesta College instructor 15 years.

President of Beautify Cambria Association, former Rotarian, former board member on Cambria Chamber of Commerce, current and former member of several committees.

Member of the NCAC Land Use Committee

If additional space is needed, please use the reverse side of the application.

Signature: [Handwritten Signature]

Date: March 22, 2019

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors AGENDA NO. **4.D.**

FROM: John Weigold, General Manager
 Monique Madrid, Administrative Services Officer
 Jim Green, Water and SWF Systems Supervisor

Meeting Date: September 12, 2019 Subject: DISCUSSION AND REVIEW OF STATUS OF VAN GORDON CREEK PROPERTY (APN: 013-051-024) AND OPTIONS RELATED TO SAME

RECOMMENDATIONS:

Staff recommends the Board of Directors review the status of the Van Gordon Creek Property and discuss the various options presented.

FISCAL IMPACT:

The fiscal impacts are not yet known. A determination of the impacts may be assessed following any direction provided to staff.

DISCUSSION:

The Van Gordon Creek house is a 3-bedroom, 2-bathroom, approximately 1600 square feet, two story structure on a large CCSD-owned parcel. There is a separate room upstairs with a separate entrance. There is also an outbuilding and a storage building on the property. The house was beginning to be an attraction to some homeless individuals; however, State Park Rangers have assisted in keeping the homeless from camping out there.

CCSD staff has begun the process to improve the security of the property and discourage unwanted occupants. This includes weed abatement of the area around the house, boarding up the doors and windows and installing a temporary fence.

The Board asked staff to provide options for this property. Staff met and created a list of options for the Board's consideration, which include:

1. No action: Clean-up and secure the property to avoid damage to the property (in progress). No significant costs other than materials, as most work will be completed by staff.
2. Renovate: In 2013, a contractor assessed the property and provided an estimate to remodel the property making it suitable for occupancy. The cost at that time was estimated to be \$131,434.00. The house requires demolition down to the studs, but mechanical systems and the kitchen are largely intact with limited work required.
 - a. Potential uses include; housing for on-call operators; housing for staff (with a modest rent to attract talent); housing to create revenue for the CCSD; homeless shelter/housing.
3. Demolition: In 2017, the Phillips house was demolished on the Fiscalini Ranch at a cost of \$16,000. No estimate for the Van Gordon property has been obtained at this time, therefore the cost is for comparison only.
 - a. The Fire Department could use the house prior to demolition for training purposes.

4. Sale: Sell or transfer property to the State Park organization (adjacent to property). No discussions have taken place to determine interest from the State.

Of note: there are two water meters on this property. The Board could consider selling one or both of the water meters.

- a. One water meter could be sold and funds could be used to pay for the renovation of the property.
- b. Both water meters could be sold and the funds could be used for a project as determined by the Board and the General Manager.

Staff recommends the Board review the options provided and give direction to the General Manager.

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO **4.E.**FROM: Monique Madrid, Administrative Services Officer/District Clerk
Timothy Carmel, District Counsel

Meeting Date: September 12, 2019 Subject: DISCUSSION AND CONSIDERATION
REGARDING 2020 WATER SHUT OFF
NOTICE REQUIREMENTS

RECOMMENDATIONS:

Staff recommends that the Board of Directors review and discuss the details of the upcoming legal changes required in order to comply with the Water Shutoff Protection Act-Senate Bill (SB) 998. Staff also requests the Board of Directors provide staff with direction to prepare a policy as described in the summary below to comply with SB 998.

FISCAL IMPACT:

The fiscal impact will largely be staff time associated with enforcing compliance with the new regulations. There may be some impact due to bad debt resulting from water accounts which remain connected, and subsequently abandoned unpaid during the period in which the legal process is occurring.

DISCUSSION:

Compliance with the Water Shutoff Protection Act-Senate Bill (SB) 998 is required by April 1, 2020.

A summary of the provisions of SB 998 is set forth below.

1. **Definitions:** The bill applies to an "urban and community water system," which means a public water system that supplies water to more than 200 service connections and to an "urban water supplier," which is a public water system that supplies water to more than 3,000 service connections.

2. **Application; Languages of Notices; Reporting:**

A. The new law applies only to residential water service for non-payment, and does not apply to service terminations due to other unpermitted actions of a customer.

B. All written notices required under the law must be provided in English, the languages listed in Civil Code Section 1632 (Spanish, Chinese, Korean, Vietnamese and Tagalog) and any other language spoken by 10% or more of the customers in the water system's service area.

C. An urban and community water system must report annually on its website and to the State Water Resources Control Board the number of service discontinuations for inability to pay. The State Water Resources Control Board must post that information on its website.

3. **Compliance Dates**: The new law distinguishes between water suppliers regulated by the Public Utilities Commission (PUC) and non-PUC entities with respect to when compliance with its requirements starts.

A. Urban water suppliers and PUC-regulated entities must comply with SB 998 on and after February 1, 2020.

B. Urban and community water systems not regulated by the PUC must comply with SB 998 on and after April 1, 2020.

4. **Service Discontinuation Policy**: SB 998 requires every urban water supplier to have a written policy on discontinuation of residential water service for non-payment. That policy must be available on the water supplier's website or be provided to customers on request if there is no website. The policy must include the following components:

A. A plan for deferred or reduced payments.

B. Alternative payment schedules.

C. Formal mechanism for a customer to contest or appeal a bill.

D. Telephone number for a customer to discuss options to avoid discontinuation of service due to non-payment.

5. **Discontinuation Process**:

A. **60 Day Waiting Period** - an urban water supplier must wait for a residential account to be delinquent for at least 60 days before service can be discontinued.

B. **7 Business Day Notice Before Discontinuation** - an urban water supplier must contact, by telephone or in writing, the customer named on the account at least seven (7) business days before discontinuing service.

1. If notice is given by telephone, the system must: (a) offer to provide the customer the system's written policy on discontinuation of water service; and (b) offer to discuss options to avoid discontinuing water service, including alternative payment schedules, deferred payments, minimum payments, amortization and bill review and appeal.

2. If notice is given in writing, the notice must be mailed to the customer at the residence's address, but if the customer's address is not the address of the property to which the service is provided, the notice must **also** be sent to the address of the property served, addressed to "Occupant." The notice must include the following:

- a. Customer's name and address;
- b. Amount of delinquency;
- c. Date by which payment or arrangement for payment is required to avoid discontinuation of service;
- d. Description of the process to apply for an extension of time to pay the amount owing;
- e. Description of the procedure to petition for review and appeal of the bill in giving rise to the delinquency; and
- f. Description of the procedure by which the customer can request a deferred, amortized, reduced or alternative payment schedule.

C. Unable to Contact - if the water purveyor is not able to contact the customer by telephone or by written notice (e.g., a mailed notice is returned as undeliverable), the purveyor must make a good faith effort to visit the residence and leave, or make other arrangements to place in a conspicuous location, a notice of imminent discontinuation for non-payment, and a copy of the water purveyor's discontinuation policy.

D. Appeal - if the customer appeals its water bill to the purveyor or to any other administrative or legal body, the purveyor cannot discontinue service while the appeal is pending.

E. Conditions Prohibiting Discontinuation - an urban water supplier cannot discontinue residential water service if **all** of the following conditions are met:

1. Health Conditions - the customer or tenant of the customer submits certification of a primary care provider that discontinuation of water service would (i) be life threatening, or (ii) pose a serious threat to the health and safety of a resident.

2. Financial Inability - the customer demonstrates he or she is financially unable to pay for water service within the water purveyor's normal billing cycle. The customer is deemed "financially unable to pay" if any member of the customer's household is: (i) a current recipient of the following benefits: CalWORKS, CalFresh, general assistance, Medi-Cal, SSI/State Supplementary Payment Program or California Special Supplemental Nutrition Program for Women, Infants and Children; or (ii) the customer declares the household's annual income is less than 200% of the federal poverty level.

3. Alternative Payment Arrangements - the customer is willing to enter into an amortization agreement, alternative payment schedule or a plan for deferred or reduced payment, consistent with the water system's policy.

F. Payment Options –

1. Payment Arrangement Options - if all of the conditions under Section E are met, the purveyor must offer the customer one of the following alternative payment arrangements: (i) amortization of the unpaid balance; (ii) participation in an alternative payment

schedule; (iii) partial or full reduction of the unpaid balance, without additional charges to other ratepayers; or (iv) temporary deferral of payment.

2. Purveyor Chooses - the purveyor chooses which of the alternative payment arrangements is to be used and sets the parameters of that option; provided that ordinarily the option should result in full payment within 12 months, although the purveyor may allow a longer repayment period to avoid undue hardship to the customer.

3. Failure to Abide - the purveyor may discontinue service no sooner than 5 business days after the system posts a final notice of intent to discontinue service in a prominent place at the customer's property if either of the following has occurred: (i) the customer fails to comply with the agreed upon payment arrangement for 60 days or more; or (ii) while undertaking an agreed upon payment arrangement, the customer does not pay his or her current service charges for 60 days or more.

G. Restoration of Service - if the purveyor discontinues service for non-payment, it must provide the customer with information on how to restore service.

6. Landlord-Tenant Procedures:

A. Application - the required procedures apply to individually metered residential service to detached single-family dwellings, multi-unit residential structures and mobilehome parks where the property owner or manager is the customer of record.

B. Required Notice

1. At least 10 days (7 days if the property is a detached single-family dwelling) prior to the possible termination of water service, the urban water supplier must make every good faith effort to inform the occupants by written notice that the water service will be terminated.

2. The written notice must also inform the tenants that they have the right to become customers to whom the service will be billed (see Item C, below), without having to pay any of the delinquent amounts.

C. Tenants Becoming Customers

1. The purveyor is not required to make service available to the tenants/occupants unless each tenant/ occupant agrees to the terms and conditions for service and meets the system's requirements and rules.

2. However, if (a) one or more of the tenants/occupants assumes responsibility for subsequent charges to the account to the system's satisfaction, or (b) there is a physical means to selectively terminate service to those tenants/occupants who have not met the system's requirements, then the system may make service available only to those tenants/occupants who have met the requirements.

3. If prior service for a particular length of time is a condition to establish credit with the system, then residence and proof of prompt payment of rent for that length of time, to the system's satisfaction, is a satisfactory equivalent.

4. If a tenant becomes a customer of the water system and the tenant's rent payments include charges for residential water service where those charges are not separately stated, the tenant may deduct from future rent payments all reasonable charges paid to the water system during the prior payment period.

7. **Enforcement**: SB 998 has two express methods for enforcement:

A. State Water Resources Control Board- the State Water Board is given the same power to enforce SB 998 as it has for other provisions in the California Safe Drinking Water Act. Thus, the State Water Board may issue a citation that can include penalties of up to \$1,000 per day, may issue a compliance order and may recover its enforcement and any litigation costs.

B. California Attorney General - in addition to the State Water Board taking action, the California Attorney General, at the request of the State Board or on the Attorney General's own motion, may file a civil lawsuit to seek a temporary or permanent injunction to restrain any acts or practices that are unlawful under SB 998.

The District already has some policies, and practices currently in place which are similar to the requirements in SB 998. Therefore, staff recommends preparation of a policy that will comply with all of the requirements of SB 998 to be brought back to the Board for review toward the end of the 2019 calendar year.

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.F.**

FROM: Monique Madrid, Administrative Services Officer/District Clerk

Meeting Date: September 12, 2019 Subject: DISCUSSION AND CONSIDERATION
 TO APPOINT AN AD HOC
 COMMITTEE TO EVALUATE THE
 AFFORDABLE HOUSING
 APPLICATIONS FOR ALLOCATION

RECOMMENDATIONS:

Staff recommends the Board President solicit interest from Directors to serve on an ad hoc committee to evaluate the Affordable Housing applications for allocation. Staff further recommends that the President nominate two Directors and seek full Board approval of the recommended appointments.

FISCAL IMPACT:

The fiscal impact will be minimal and may include some staff time. Current policy allows each board member a \$100 per meeting allowance, up to a maximum allowance of 6 meetings per month.

DISCUSSION:

During the August 8 regular board meeting, direction was given to staff to bring this item back when the full board would be present for the discussion and consideration of this item. Therefore, this item has been brought back to the board for their consideration on August, 15.

The Board President has asked that the Board consider appointing an ad hoc committee to evaluate the Affordable Housing applications for allocation with staff, followed by a recommendation to the full Board to approve the selected applications. The suggested ad hoc committee's tasks would be as follows:

1. Evaluate and provide a recommendation of the Affordable Housing Applications for allocation.
2. Create a process to prioritize Affordable Housing allocation recommendation/approval and provide to the full board for adoption.

Staff recommends the Board create an ad hoc committee, provide the members with direction for the tasks outlined above and ask them to provide a recommendation to the full Board.

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.G.**FROM: John F. Weigold, IV, General Manager
Timothy Carmel, District Counsel

Meeting Date: September 12, 2019 Subject: DISCUSSION AND CONSIDERATION
REGARDING THE USE OF
ELECTRONIC DEVICES DURING
BOARD MEETINGS

RECOMMENDATIONS:

Staff recommends that the Board discuss and consider the use of electronic devices during Board meetings.

FISCAL IMPACT:

There is no fiscal impact associated with the Board potentially adopting a policy related to the use of electronic devices during Board meetings.

DISCUSSION:

The Board of Directors has previously discussed adopting a policy related to the use of electronic devices by Board members during meetings. This staff report is to provide background information to the Board in order to help facilitate their discussion and consideration of this issue.

It is not uncommon for cities and other local agencies to have policies regarding texting and use of electronic communications by members of their legislative bodies during meetings. For example, the cities of Huntington Beach, Anaheim, Escondido, San Jose, Milpitas, Palm Desert, Palm Springs, Moreno Valley and Stockton all have policies banning, limiting or discouraging using cell phones and tablets during meetings. The following is an excerpt from a policy in the City of Arroyo Grande that was adopted in 2010:

...City Council Members shall not use electronic devices or Electronic Communications at any time during a meeting of the City Council at which he or she is in attendance to access the internet or to receive or send emails, text messages or other communications

Arroyo Grande's policy also includes the following exception:

The limitations on use of electronic devices and Electronic Communications during meetings contained herein shall not apply to the receipt of telephone calls or text messages from family members in the event of an urgent family matter. A Council Member wishing to respond to such a message during a meeting shall do so during a recess or shall excuse him or herself from the meeting to place the return call or text in a manner that does not disrupt the meeting.

As far as legal issues, it should be noted that the Brown Act does not specifically prohibit text messaging or similar communications during meetings and there is no definitive case law on the subject. However, using electronic devices during meetings has the potential to create an appearance that officials are either not paying attention or are engaged in communications to which the public is not privy to about an item on the agenda. Otherwise, there are two primary legal issues related to use of electronic devices during meetings. First, the Brown Act does prohibit communication that is used to develop a collective concurrence. Thus, text messages or e-mails among members during meetings on a matter within the Board's purview create the risk of a collective concurrence and Brown Act violation. Second, although the CCSD does not generally have many hearings that fall into the category of "adjudicatory proceedings," occasional "quasi-judicial" hearings can come up in the context of matters such as personnel related appeals or appeals of staff determinations. In those instances, communications through electronic devices during the meeting can be particularly problematic because of the potential to communicate and receive evidence that other members or parties to the proceeding do not see, which could raise due process concerns.

There are two options available to the Board if it wants to adopt a policy related to the use of electronic devices at Board meetings. It can either completely ban the use of electronic devices during meetings, or the policy can have more flexible language and provide that electronic communications during meetings should be "avoided."

The cities of Anaheim, El Cajon, Huntington Beach, Petaluma, Stockton, and Roseville all have outright bans on the use of all electronic communication during meetings in one form or another, but they also typically include limited exceptions for family emergencies such as the one in the City of Arroyo Grande.

There are a few variations worth noting. The City of Palm Desert's ban reads as follows:

Use of Electronic Communications Devices to Send and Receive E-Mail and Text Messages by City Officials Participating in Public Meetings. A city official participating in a public meeting shall not use an electronic communications device to communicate with another city official participating in the same public meeting, or any other person with respect to matters that are the subject of the public meeting. While not strictly prohibited, use of an electronic communications device by a city official while participating in a public meeting to communicate with persons other than another city official participating in the same public meeting on matters that are not the subject of the public meeting is highly discouraged, except in emergency situations. Therefore, while participating in a public meeting, a city official may: (a) send or receive e-mail and text messages to and from family members or family caregivers where absolutely necessary for the care of that family member, in the reasonable discretion of the city official; and (b) send or receive e-mail and text messages that must be sent or received to address urgent business matters of the city official, that do not involve city business, in the reasonable discretion of the city official.

The City of Novato's prohibition provides that:

During City Council meetings noticed and open to the public, the intent is that any electronic devices will be used to access the Council paperless agenda materials and other relevant information necessary for informed decision-making at the meeting. Examples of these uses are:

- Accessing City email account to review messages sent by staff in response to Council agenda item questions
- Visiting other local agencies' websites to view upcoming meeting agendas and materials
- Searching online maps, such as Google Maps, to view locations that are the subject of a Council action
- Accessing minutes of past meetings

Pursuant to the Ralph M. Brown Act, a Councilmember shall not, during a City Council meeting, use electronic devices, directly or through intermediaries, to communicate secretly with one another.

One city that does have more flexible language is the City of Mountain View, whose policy reads as follows:

E-Communications During City Council Meetings —Receiving communications concerning any matter before the Council, during City Council meetings —either by text, e -mail or through social media forums — should be avoided.

In addition, reading, forwarding or responding to e- communications during City Council meetings may result in the perception that Councilmembers are distracted or dividing their attention between a multitude of matters. Councilmembers should strive to give their full attention to the proceedings before them at Council meetings to ensure sound decision - making.

...The foregoing limitation shall not apply to communications of a personal nature during City Council meetings. A Councilmember wishing to respond to such a communication during a meeting shall do so during a recess or shall excuse himself or herself from the meeting in a manner that does not disrupt the meeting.

A report on the issue from the State of Washington included one policy that had the following language that discouraged use of electronic communications during meetings, but that is short of an outright ban:

Councilmembers shall avoid accessing any electronic message during Council meetings. Accessing such communication could be construed as receiving public comment without the benefit of having the citizen in person to address their

concerns. Likewise, Councilmembers shall avoid browsing the Internet on non-City business during Council meetings in order that Council's full attention can be given to the topic at hand." (The Spokane Valley Governance Manual)

It is recommended that the Board consider this matter and provide direction regarding establishing a policy. If the Board decides it would like to adopt a policy, it could be done by minute action or through an amendment to the Board of Directors Bylaws.