



CAYUCOS SANITARY DISTRICT

200 Ash Avenue
PO Box 333
Cayucos, CA 93430-0333
805-995-3290

AGENDA ITEM: 3.A.1

DATE: April 21, 2022

ACTION: Approved

GOVERNING BOARD

R. B. Enns, President
D. Chivens, Vice-President
S. Lyon, Director
H. Miller, Director
R. Frank, Director

BOARD OF DIRECTORS REGULAR MEETING MINUTES THURSDAY, MARCH 17, 2022 AT 5:00 P.M. 200 ASH AVENUE, CAYUCOS, CA 93430

1. ESTABLISH QUORUM AND CALL TO ORDER

President Enns called the meeting to order at 5:00 p.m.

Board members present via GoToMeeting: President Robert Enns, Vice-President Dan Chivens, Director Robert Frank, and Director Shirley Lyon

Staff present via GoToMeeting: District Manager Rick Koon and Administrative Services Manager Amy Lessi

Guests present via GoToMeeting: Daniel Phillips of National Demographics Corporation (NDC)

2. PUBLIC COMMENT

President Enns opened the meeting to Public Comment.

Hearing no comment, President Enns closed Public Comment.

3. CONSENT CALENDAR: Recommended to Approve

A. Regular Meeting Minutes

1. Approval of minutes for the February 17, 2022 Board of Directors Regular Meeting
2. Approval of minutes for the March 2, 2022 Finance Committee Meeting

B. Financial Reports: February 2022

1. Check Register – Mechanics Bank (General Checking Account)
 - a. Check Register – Wells Fargo (CIP/CSWP Checking Account)
 - b. Check Register – Wells Fargo (CSWP Construction Account)
2. Cash, Savings, and Investment Report
3. Budget vs. Actual Status Report FY **2021-2022**
4. Capital Improvement Projects Report

President Enns opened the meeting to Public Comment.

Hearing no comment, President Enns closed Public Comment.

MOTION: 1st by Frank, to approve items on the consent calendar as prepared. Motion was seconded by Lyon.

ROLLCALL VOTE: Frank-yes, Lyon-yes, Chivens-yes, Enns-yes

VOTE 4-0 Motion passed

4. STAFF COMMUNICATIONS AND INFORMATION ITEMS: No Action Required

A. District Manager's Report: February 2022

B. New Will-Serves:

None

Extended Will-Serves:

- 34 11th St. / Borek / 064-221-013 / SFR Addition

Finald Will-Serves:

- 19 Fresno Ave. / Van Dam / 064-046-044 / SFR New

- 34 11th St. / Borek / 064-221-013 / SFR Addition
- Continue-to-Serves (No Will-Serve Required):**
- 2612 Studio Dr. / Hillman / 064-253-006 / SFR Remodel
- Grants of License:**
None

Manager Koon gave a summary of the previous month's activities.

President Enns opened the meeting to Public Comment.

Hearing no comment, President Enns closed Public Comment.

Director Miller joined the meeting at 5:07p.m.

Items 4.A – B were received and accepted.

5. PUBLIC HEARING #4: PRESENTATION FROM DANIEL PHILLIPS OF NATIONAL DEMOGRAPHICS CORPORATION REGARDING FINALIZING DISTRICT-BASED ELECTIONS DISTRICT MAPS

Daniel Phillips of NDC delivered his final PowerPoint presentation, highlighting the differences between the two primary maps under the Board's consideration.

President Enns asked for an explanation as to why the unassigned area on the proposed maps that is outlined in black, east of Park Ave. is not included in any of the voting districts. Manager Koon pointed out that although this area was annexed into the District, there is no sewer available to those properties due to geological issues. President Enns next wondered how the County Elections Office will know the specifics of who should be voting in the next election, considering some residents outside of the District's boundaries are included in these maps, and vice versa. Daniel Phillips responded that providing detailed voter information to the County Elections Office is his responsibility.

President Enns opened the meeting to Public Comment.

John Curti requested clarification on the unassigned area east of Park Ave. and expressed his preference for Proposal "C."

Admin. Services Manager Amy Lessi relayed John Paul Drayer's comment on his behalf: Cayucos Elementary approved the Green District Map.

Hearing no further comment, President Enns closed Public Comment.

Director Lyon expressed concern that the general population of Cayucos does not seem to be aware that this transition is taking place, and wondered if it is fair to proceed without more awareness. Director Miller pointed out that the District has adhered to all legal requirements as they relate to noticing and informing the public of this transition. Daniel Phillips added that any delay at this point would compromise the implementation of the process. Manager Koon reminded the Board of fast-approaching hard deadlines with the County.

Items 5 was received; no action required.

6. DISCUSSION AND CONSIDERATION OF ADOPTION OF RESOLUTION 2022-05 ESTABLISHING BY-DISTRICT ELECTIONS FOR FIVE MEMBERS OF THE BOARD OF DIRECTORS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING THE ORDER OF ELECTION FOR EACH DISTRICT

Director Miller thanked Daniel Phillips for his work in creating Proposal "C" for the District, but expressed preference for Proposal "A" as its divisions allow for more of her neighbors to be included in her voting district. Director Frank agreed with Director Miller and expressed a preference for Proposal "A." Vice President Chivens stated he did not have a strong preference and was fine with Proposal "A." Director Lyon stated that her preference would be to receive an exemption from this process, and that she has no preference on any particular proposal. President Enns reasoned that the 4.7% population deviation of Proposal "A" would be the most fair to the voters.

President Enns opened the meeting to Public Comment.

John Curti offered his opinion that the Board shouldn't be concerned with the apparent lack of community awareness of this transition as all legal requirements were adhered to, and added that the School District approved their map with only a quorum. He went on to state that Proposal "A" vs. Proposal "C" doesn't make much difference to him; the most important thing to him would be to keep the current Board intact so that they may continue to represent and serve Cayucos.

Hearing no further comment, President Enns closed Public Comment.

MOTION: 1st by Miller, to adopt NDC Proposal "A" and Resolution 2022-05 establishing By-District Elections for five members of the Board of Directors, defining district boundaries, and scheduling the order of election for each district. Motion was seconded by Frank.

ROLLCALL VOTE: Miller-yes, Frank-yes, Lyon-yes, Chivens-yes, Enns-yes

VOTE 5-0 Motion passed

7. PUBLIC HEARING TO RECEIVE CONNECTION FEE STUDY AND CONSIDER PUBLIC INPUT ON INCREASING THE CONNECTION FEE AND THE INSPECTION FEE

Manager Koon presented WSC's Connection Fee Study to the Board. Vice President Chivens asked at what point in the Will-Serve process the Connection & Inspection (C&I) Fees are due. Manager Koon responded that there is no hard deadline, but the District won't final a project until the required fees have been paid. Director Miller requested clarification on how the C&I Fees relate to the new ADU laws, and Manager Koon referenced a memo received from the District's legal counsel regarding said topic.

President Enns opened the meeting to Public Comment.

John Curti requested clarification on the memo from legal counsel regarding "proportionate billing" of C&I Fees.

Hearing no further comment, President Enns closed Public Comment.

Manager Koon clarified proportionate billing of C&I Fees and how it relates to the new ADU laws.

MOTION: 1st by Miller, to set April 21, 2022 as the date for a public hearing in accordance with Government Code Section 66016 to consider adoption of a Resolution to establish the new Connection Fee of \$16,100 per EDU and Inspection Fee of \$250 per inspection. Motion was seconded by Chivens.

ROLLCALL VOTE: Miller-yes, Chivens-yes, Frank-yes, Lyon-yes, Enns-yes

VOTE 5-0 Motion passed

8. DISCUSSION AND CONSIDERATION TO AUTHORIZE THE DISTRICT MANAGER TO SIGN A LETTER OF DESIGNATION AUTHORIZING THE IWMA TO HANDLE CERTAIN SB 1383 DUTIES FOR THE CAYUCOS SANITARY DISTRICT

Manager Koon explained the necessity for the Letter of Designation to the Board. Director Lyon wondered if the usage of garbage disposals contradicts SB 1383. Manager Koon and President Enns agreed that best practice would be to reduce or eliminate reliance on garbage disposals.

President Enns opened the meeting to Public Comment.

John Curti asked if there will be fines for non-compliance with SB 1383 and/or an increase in waste collection fees.

Hearing no further comment, President Enns closed Public Comment.

Manager Koon responded that there will be a significant increase in fees. Fines have yet to be established, but are referenced in the Second Amendment to the Franchise Agreement. Furthermore, CalRecycle has the authority to audit local jurisdictions to ensure compliance.

MOTION: 1st by Frank, to authorize the District Manager to sign a Letter of Designation authorizing the IWMA to handle certain SB 1383 duties for the Cayucos Sanitary District. Motion was seconded by Lyon.

ROLLCALL VOTE: Frank-yes, Lyon-yes, Miller-yes, Chivens-yes, Enns-yes

VOTE 5-0 Motion passed

9. DISCUSSION AND CONSIDERATION TO APPROVE THE SECOND AMENDMENT TO THE FRANCHISE AGREEMENT WITH MISSION COUNTRY DISPOSAL

Manager Koon and President Enns asked the Board for any input or suggested revisions they may have had for the Second Amendment to the Franchise Agreement. Director Frank asked for clarification on a few topics that stood out to him.

President Enns opened the meeting to Public Comment.
Hearing no comment, President Enns closed Public Comment.

MOTION: 1st by Frank, to approve the Second Amendment to the Franchise Agreement with Mission Country Disposal. Motion was seconded by Miller.

ROLLCALL VOTE: Frank-yes, Miller-yes, Lyon-yes, Chivens-yes, Enns-yes

VOTE 5-0 Motion passed

10. DISCUSSION AND CONSIDERATION TO ADOPT RESOLUTION 2022-06 TO AUTHORIZE REMOTE TELECONFERENCING MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e) (AB 361)

Manager Koon reminded the Board that they are required to adopt this Resolution if they wish to continue with remote meetings during the COVID-19 pandemic.

President Enns opened the meeting to Public Comment.

John Curti requested confirmation that this Resolution must be adopted every 30 days, and President Enns confirmed.

Hearing no further comment, President Enns closed Public Comment.

MOTION: 1st by Frank, to adopt Resolution 2022-06 to authorize remote teleconferencing meetings in accordance with Government Code Section 54953(e) (AB 361). Motion was seconded by Lyon.

ROLLCALL VOTE: Frank-yes, Lyon-yes, Miller-yes, Chivens-yes, Enns-yes

VOTE 5-0 Motion passed

11. DISCUSSION AND CONSIDERATION TO APPROVE RECOMMENDATIONS FROM THE FINANCE COMMITTEE

Director Miller thanked the Finance Committee for their work in creating the four recommendations listed on the Staff Report for this item. In relation to recommended item #3, Manager Koon clarified that the Cetera Money Market Account can be used to pay down the Western Alliance Series B Loan as money becomes available.

President Enns opened the meeting to Public Comment.
Hearing no comment, President Enns closed Public Comment.

MOTION: 1st by Miller, to approve recommendations from the Finance Committee, with the District's Manager clarification on recommended item #3, contingent upon final approval by Legal Counsel and the District Manager . Motion was seconded by Lyon.

ROLLCALL VOTE: Miller-yes, Lyon-yes, Frank-yes, Chivens-yes, Enns-yes

VOTE 5-0 Motion passed

12. DISCUSSION AND CONSIDERATION TO APPROVE CHANGE ORDER #02 TO SOUZA CONSTRUCTION IN THE AMOUNT OF \$829,604.11 FOR PHASE 2 OF THE TORO CREEK BRIDGE REPLACEMENT PROJECT

Manager Koon presented the Change Order to the Board, explaining that it is at no added cost to the District. He clarified the CalTrans reimbursement process per Vice President Chivens' request.

President Enns opened the meeting to Public Comment.

Hearing no comment, President Enns closed Public Comment.

MOTION: 1st by Frank, to approve Change Order #02 to Souza Construction in the amount of \$829,604.11 for Phase 2 of the Toro Creek Bridge Replacement Project. Motion was seconded by Chivens.

ROLLCALL VOTE: Frank-yes, Chivens-yes, Lyon-yes, Miller-yes, Enns-yes

VOTE 5-0 Motion passed

13. BOARD MEMBER COMMENTS

None.

14. FUTURE SCHEDULED MEETINGS

- April 21, 2022 – Regular Board Meeting
- May 19, 2022 – Regular Board Meeting
- June 23, 2022 – Regular Board Meeting

15. ADJOURNMENT

The meeting adjourned at 6:36 p.m.

Minutes Respectfully Submitted By:

X Amy Lessi

Amy Lessi
Administrative Services Manager