



Notice of Regular Meeting
Oceano Community Services District - Board of Directors Agenda
WEDNESDAY, July 11, 2018 – 5:30 P.M.
Oceano Community Services District Board Room
1655 Front Street, Oceano, CA

All items on the agenda including information items, may be deliberated. Any member of the public with an interest in one of these items should review the background material and request information on the possible action that could be taken.

All persons desiring to speak during any Public Comment period are asked to fill out a "Board Appearance Form" to submit to the General Manager prior to the start of the meeting. Each individual speaker is limited to a presentation time of THREE (3) minutes per item. Persons wishing to speak on more than one item shall limit his/her remarks to a total of SIX (6) minutes. This time may be allocated between items in one-minute increments up to three minutes. Time limits may not be yielded to or shared with other speakers.

1. CALL TO ORDER:
2. ROLL CALL:
3. FLAG SALUTE:
4. AGENDA REVIEW:
5. CLOSED SESSION: **No Items**

6. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA: **(NOT BEGINNING BEFORE 6:00 PM)**

This public comment period provides an opportunity for members of the public to address the Board on matters of interest within the jurisdiction of the District that are not listed on the agenda. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.

7. SPECIAL PRESENTATIONS & REPORTS:

A. STAFF REPORTS:

- i. Operations - Field Supervisor Tony Marraccino
- ii. FCFA Operations - Chief Steve Lieberman
- iii. OCSD General Manager – Paavo Ogren
- iv. Sheriff's South Station - Commander Stuart MacDonald

B. BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:

- i. Director Angello
- ii. Director - Vacancy
- iii. President White
- iv. Vice President Austin
- v. Director Coalwell

C. PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:

This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #7 – Special Presentations and Reports. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.

This agenda was prepared and posted pursuant to Government Code Section 54954.2. Agenda is posted at the Oceano Community Services District, 1655 Front Street, Oceano, CA. Agenda and reports can be accessed and downloaded from the Oceano Community Services District website at www.oceanocsd.org

ASSISTANCE FOR THE DISABLED If you are disabled in any way and need accommodation to participate in the Board meeting, please call the Clerk of the Board at (805) 481-6730 for assistance at least three (3) working days prior to the meeting so necessary arrangements can be made.

ASISTENCIA A DISCAPACITADO Si usted está incapacitado de ninguna manera y necesita alojamiento para participar en la reunión de la Junta, por favor llame a la Secretaría de la Junta al (805) 481-6730 para recibir asistencia por lo menos tres (3) días antes de la reunión para que los arreglos necesarios puedan ser hechos.

8. CONSENT AGENDA ITEMS:

Public comment Members of the public wishing to speak on consent agenda items may do so when recognized by the Presiding Officer. To facilitate public comment we request persons wishing to speak to fill out a speak request form and give it to the General Manager. Public comment is limited to three (3) minutes.

- A. Review and Approval of Minutes for the Regular Meeting on June 27, 2018
- B. Review and Approval of Cash Disbursements

9. BUSINESS ITEMS:

Public comment Members of the public wishing to speak on public hearing items may do so when recognized by the Presiding Officer. To facilitate public comment we request persons wishing to speak to fill out a speak request form and give it to the General Manager. Public comment is limited to three (3) minutes.

- A. Consideration of whether to fill the vacancy on the Board of Directors by appointment until the person elected in the November 2018 election to fill the vacancy has been qualified.
- B. Review and discussion of the Board of Director's 2018 Committee Assignments with modifications as deemed appropriate.
- C. Updates on work efforts including the Utility Yard Upgrade Feasibility Study; the Water Resource Reliability Plan (WRRP); the Local Hazard Mitigation Plan (LHMP); Utility Relocations associated with County projects and County Revitalization efforts; other District efforts and related public outreach, with Board direction as deemed appropriate

10. HEARING ITEMS:

- A. Consideration of a recommendation to approve a resolution to collect delinquent accounts on 2018-19 property tax bills

11. RECEIVED WRITTEN COMMUNICATIONS:

12. LATE RECEIVED WRITTEN COMMUNICATIONS:

13. FUTURE AGENDA ITEMS: District Policies Continued; update, Roles and Responsibilities with Related Agencies; Construction Documents, Five Cities Fire Authority 5, District Rules and Regulations, Seabreeze Mobile Home Park Continued, The Place Art Gallery

14. FUTURE HEARING ITEMS:

15. ADJOURNMENT:



Oceano Community Services District

Summary Minutes

Regular Meeting Wednesday, June 27, 2018 – 5:30 P.M.

Oceano Community Services District Board Room

1655 Front Street, Oceano, CA

1. **CALL TO ORDER:** at 5:30 p.m. by President White
2. **FLAG SALUTE:** led by President White
3. **ROLL CALL:** All Board members present. Also present, General Manager Paavo Ogren, District Legal Counsel Jeff Minnery, Business and Accounting Manager Carey Casciola.
4. **AGENDA REVIEW:** Agenda approved as presented.
5. **CLOSED SESSION:** was entered at approximately 5:35pm. Open session was resumed at approximate 6:00pm
No public comment
 - A. **Pursuant to Government Code §54957.6:** Conference with Labor Negotiators. Agency designated representative: General Manager Paavo Ogren, Legal Counsel Jeff Minnery, Director Coalwell, and President White; Employee Organizations: a) Service Employees International Union 620 b) Unrepresented Management Positions
No reportable action
6. **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (NOT BEGINNING BEFORE 6:00 PM):**
Public comment was received by Cynthia Replogle, Darcy Badali, and Danna.
7. **SPECIAL PRESENTATIONS & REPORTS:**
 - a. **STAFF REPORTS:**
 - i. Operations - Field Supervisor Tony Marraccino – Field Supervisor Marraccino reported on 32 USA's, 6 after hour call outs, CWIQ sewer reporting class, and tank class training.
 - ii. FCFA - Chief Steve Lieberman – None
 - iii. OCSD General Manager – General Manager Ogren reported on audit, and dispatch item.
 - iv. Sheriff's South Station – Commander Stuart McDonald – None
 - b. **BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:**
 - i. Director Angello – None
 - ii. Director Brunet – None
 - iii. President White – reported on FCFA
 - iv. Vice President Austin – reported on SSLOCSD
 - v. Director Coalwell – attended meeting with SEIU Local 620
 - c. **PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:**
No public comment.

8 CONSENT AGENDA:	ACTION:
<ul style="list-style-type: none"> a. Review and Approval of Minutes for the Regular Meeting on May 23, 2018 b. Review and Approval of Minutes for the Special Meeting on May 30, 2018 c. Review and Approval of Cash Disbursements d. Receive and file the June 30, 2017 Audited Financial Statements and Independent Auditors Report prepared by Moss, Levy and Hartzheim, LLP e. Approve the termination of the agreement with the City of Grover Beach to provide fire, rescue and emergency medical aid dispatch services and waive the 90-day contractual obligation 	<p>After an opportunity for public comment and brief Board discussion, staff recommendations were approved with the modification to Item 8C of adding a check to SLO County Public Works in the amount of \$ 156,027.77 to increase the total disbursements to \$ 862,927.21 with a motion from Vice President Austin, a second by Director Brunet and a 5-0 vote.</p> <p>No public comment.</p>
9 A BUSINESS ITEM:	ACTION:
<p>Consideration of a recommendation to receive and file a report on charges and delinquencies and to set a public hearing for July 11, 2018 to authorize collection on 2018-19 property tax bills</p>	<p>After an opportunity for public comment and brief Board discussion, staff recommendations were approved with a motion from Director Brunet, a second by Vice President Austin and a 5-0 vote.</p> <p>No public comment.</p>
9 B BUSINESS ITEM:	ACTION:
<p>Approval of a Resolution Consolidating the District's Biennial Election with the November 6, 2018 Consolidated General Election and the attached Notice to County Elections Official on the Elective Offices to be Filled, Map of District Boundaries, and Payment of Candidate Statement of Qualifications</p>	<p>After an opportunity for public comment and brief Board discussion, a motion was made to adopt resolution with modification to reflect Director Brunets resignation with a motion from Director Coalwell, a second by President White and a 5-0 roll call vote. A second motion was made for General Manager Ogren to file notice with County as modified to reflect Director Brunets resignation with a motion from President White, a second by Director Brunet and a 5-0 roll call vote.</p> <p>Public comment was received by Cynthia Replogle.</p>
9 C BUSINESS ITEM:	ACTION:
<p>Review of Fiscal Year 2017-18 Budget Status as of June 30, 2018 with the final budget adjustments, and encumbrances for previously approved contracts</p>	<p>After an opportunity for public comment and brief Board discussion, staff recommendations were approved with a motion from Director Coalwell, a second by Vice President Austin and a 5-0 roll call vote.</p> <p>No public comment.</p>
10 A HEARING ITEM:	ACTION:
<p>Public hearing to consider adopting a resolution to place a measure on the ballot for the November 6, 2018 consolidated general election for voters within District boundaries to decide whether to approve a special tax for fire and emergency services pursuant to California Constitution Article XIII(A)</p>	<p>After an opportunity for public comment and brief Board discussion, no action taken.</p> <p>Public comment was received by Cynthia Replogle, and Shirle Gibson.</p>

Board recessed from 7:40 - 7:50 p.m.

10 B HEARING ITEM:	ACTION:
Consideration of recommendations to adopt resolutions approving the Fiscal Year 2018-19 Preliminary Budget and the Fiscal Year 2018-19 Appropriation Limitation and to set August 22, 2018 as the date of the public hearing to consider the adoption of the 2018-19 Final Budget	After an opportunity for public comment and brief Board discussion, staff recommendations were approved with a motion from Director Brunet, a second by Director Angello and a 5-0 roll call vote. No public comment.

- 11. **RECEIVED WRITTEN COMMUNICATIONS:** None
- 12. **LATE RECEIVED WRITTEN COMMUNICATIONS:** Cal Fire / County Fire invitation to participate in strategic plan, Notice of Form 470 filing deadline.
- 13. **FUTURE AGENDA ITEMS:** District Policies Continued; update, Roles and Responsibilities with Related Agencies; Construction Documents, Five Cities Fire Authority 5, District Rules and Regulations, Seabreeze Mobile Home Park Continued, The Place Art Gallery
- 14. **FUTURE HEARING ITEMS:** None
- 15. **ADJOURNMENT:** at approximately 8:23 pm



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: July 11, 2018

To: Board of Directors

From: Carey Casciola, Business and Accounting Manager

Subject: Agenda Item #8(B): Recommendation to Approve Cash Disbursements

Recommendation

It is recommended that your Board approve the attached cash disbursements.

Discussion

The following is a summary of the attached cash disbursements:

Description	Check Sequence	Amounts
	57059 - 57085	
Disbursements Requiring Board Approval prior to Payment:		
Regular Payable Register – paid 07/11/2018	57070 - 57085	\$264,257.78
Subtotal:		\$264,257.78
Reoccurring Payments for Board Review (authorized by Resolution 2016-07):		
Payroll Disbursements – 6/23/2018	N/A	\$27,647.44
Reoccurring Utility Disbursements – paid 06/27/2018	57059 - 57062	\$2,000.41
Reoccurring Health/Benefits – paid 06/27/2018	57063 - 57066	\$6,047.36
Subtotal:		\$35,695.21
Grand Total:		\$299,952.99

Other Agency Involvement: n/a

Other Financial Considerations: Amounts are within the authorized Fund level budgets.

Results

The Board’s review of cash disbursements is an integral component of the District’s system of internal controls and promotes a well governed community.

COMPANY: 99 - POOLED CASH FUND
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING
 TYPE: All
 STATUS: All
 FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999
 CLEAR DATE: 0/00/0000 THRU 99/99/9999
 STATEMENT: 0/00/0000 THRU 99/99/9999
 VOIDED DATE: 0/00/0000 THRU 99/99/9999
 AMOUNT: 0.00 THRU 999,999,999.99
 CHECK NUMBER: 057070 THRU 057085

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:								
1-1001-000	7/06/2018	CHECK	057070	R&R ROLL-OFF LLC	380.08CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057071	PETTY CASH	5.31CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057072	CORIX WATER PRODUCTS (US) INC.	29.36CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057073	ARAMARK	151.24CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057074	CENTRAL COAST TECHNOLOGY CONSU	976.06CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057075	COALWELL, JAMES	150.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057076	GSI WATER SOLUTIONS, INC.	759.12CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057077	BURKE AND PACE OF ARROYO GRAND	9.76CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057078	J.B. DEWAR, INC.	367.35CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057079	FIVE CITIES FIRE AUTHORITY	246,840.50CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057080	MIER BROS.	193.95CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057081	MINER'S ACE HARDWARE, INC.	309.15CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057082	SLO CO DEPT OF PUBLIC WORKS	142.95CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057083	SLO CO AUDITOR-CONTROLLER	12,789.68CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057084	CARQUEST AUTO PARTS	185.87CR	OUTSTND	A	0/00/0000
1-1001-000	7/06/2018	CHECK	057085	UNITED RENTALS (NORTH AMERICA)	967.40CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	264,257.78CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		

Payroll Summary Report
Board of Directors - Agenda Date July 11, 2018

	(*)	
	6/9/2018	6/23/2018
<u>Gross Wages</u>		
Regular	\$23,079.78	\$23,028.35
Overtime Wages	\$1,696.91	\$1,182.33
Stand By	\$700.00	\$700.00
	<u>\$25,476.69</u>	<u>\$24,910.68</u>
<u>Disbursements</u>		
Net Wages	\$19,836.45	\$20,068.25
State and Federal Agencies	\$4,612.63	\$3,783.19
CalPERS - Normal	\$3,856.07	\$3,796.00
Total Disbursements processed with Payroll	<u>\$28,305.15</u>	<u>\$27,647.44</u>
Health & Other (Disbursed with reoccurring bills)	\$3,562.40	\$3,553.40
	<u>\$31,867.55</u>	<u>\$31,200.84</u>

(*) Previously reported in prior Board Meeting packet - provided for comparison.

COMPANY: 99 - POOLED CASH FUND
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING
 TYPE: All
 STATUS: All
 FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999
 CLEAR DATE: 0/00/0000 THRU 99/99/9999
 STATEMENT: 0/00/0000 THRU 99/99/9999
 VOIDED DATE: 0/00/0000 THRU 99/99/9999
 AMOUNT: 0.00 THRU 999,999,999.99
 CHECK NUMBER: 057059 THRU 057062

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:								
1-1001-000	6/27/2018	CHECK	057059	HIRIARTE'S INDOOR CLEANING SER	825.00CR	OUTSTND	A	0/00/0000
1-1001-000	6/27/2018	CHECK	057060	RABOBANK EQUIPMENT LEASE	755.60CR	OUTSTND	A	0/00/0000
1-1001-000	6/27/2018	CHECK	057061	DE LAGE LANDEN FINANCIAL SERVI	150.15CR	OUTSTND	A	0/00/0000
1-1001-000	6/27/2018	CHECK	057062	COASTAL COPY, INC.	269.66CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	2,000.41CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	2,000.41CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		

COMPANY: 99 - POOLED CASH FUND
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING
 TYPE: All
 STATUS: All
 FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999
 CLEAR DATE: 0/00/0000 THRU 99/99/9999
 STATEMENT: 0/00/0000 THRU 99/99/9999
 VOIDED DATE: 0/00/0000 THRU 99/99/9999
 AMOUNT: 0.00 THRU 999,999,999.99
 CHECK NUMBER: 057063 THRU 057066

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:								
1-1001-000	6/27/2018	CHECK	057063	BLUE SHIELD OF CALIFORNIA	4,736.32CR	OUTSTND	A	0/00/0000
1-1001-000	6/27/2018	CHECK	057064	THE LINCOLN NATIONAL LIFE INSU	1,058.88CR	OUTSTND	A	0/00/0000
1-1001-000	6/27/2018	CHECK	057065	VSP VISION	105.80CR	OUTSTND	A	0/00/0000
1-1001-000	6/27/2018	CHECK	057066	SEIU LOCAL 620	146.36CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	6,047.36CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	6,047.36CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: July 11, 2018

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item #9(A):** Consideration of whether to fill the vacancy on the Board of Directors by appointment until the person elected in the November 2018 election to fill the vacancy has been qualified.

Recommendation

It is recommended that your Board consider whether you will fill the vacancy on the Board of Directors by appointment until the person elected in the November 2018 election to fill the vacancy has been qualified.

Discussion

Attached are provisions of the California Government Code relating to vacancies on the Board of Directors for a Community Services District, which refers to Government Code Section 1780 for determining how the vacancy may be filled. Director Brunet's recent resignation was greater than 130 days prior to the next general election in November 2018. As a result, staff has been advised by both legal counsel and the office of the County Clerk that your Board may fill the vacancy for an interim period, but not for the remainder of Mr. Brunet's term.

Consistent with your Board action on June 27, 2018, the November ballot will include the vacancy and the person elected, once qualified, will fill the remainder of Mr. Brunet's term (two years). The Board's option to fill the vacancy for the interim period requires that "the district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment." The posting requirement will allow your Board to make the interim appointment at your August 8, 2018 regular meeting, or sooner if your Board chooses to hold a special meeting. Normally, persons elected are sworn in at the first regular meeting in December. As a result, if your Board chooses to appoint a Board member, the period of the appointment would be approximately four (4) months.



Oceano Community Services District

Board of Directors Meeting

Other Agency Involvement

The County Clerk's office conducts the elections.

Financial Considerations

n/a

Results

Consideration of appointing an interim director is optional.

Attachments:

- Government Code excerpts relating to Community Services Districts.
- Government Code excerpts relating to elections, including Government Code Section 1780.


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:



[Up^](#) [Add To My Favorites](#)

GOVERNMENT CODE - GOV

TITLE 6. DISTRICTS [58000 - 62262] (Title 6 added by Stats. 1951, Ch. 331.)

DIVISION 3. COMMUNITY SERVICES DISTRICTS [61000 - 61250] (Division 3 repealed and added by Stats. 2005, Ch. 249, Sec. 3.)

PART 2. INTERNAL ORGANIZATION [61020 - 61070] (Part 2 repealed and added by Stats. 2005, Ch. 249, Sec. 3.)

CHAPTER 3. Board of Directors [61040 - 61048] (Chapter 3 repealed and added by Stats. 2005, Ch. 249, Sec. 3.)

61040. (a) Except as provided in Section 61040.1, a legislative body of five members known as the board of directors shall govern each district. The board of directors shall establish policies for the operation of the district. The board of directors shall provide for the implementation of those policies which is the responsibility of the district's general manager.

(b) No person shall be a candidate for the board of directors unless he or she is a voter of the district or the proposed district. No person shall be a candidate for the board of directors that is elected by divisions or from divisions unless he or she is a voter of that division or proposed division.

(c) All members of the board of directors shall exercise their independent judgment on behalf of the interests of the entire district, including the residents, property owners, and the public as a whole in furthering the purposes and intent of this division. Where the members of the board of directors have been elected by divisions or from divisions, they shall represent the interests of the entire district and not solely the interests of the residents and property owners in their divisions.

(d) Service on a municipal advisory council established pursuant to Section 31010 or service on an area planning commission established pursuant to Section 65101 shall not be considered an incompatible office with service as a member of a board of directors.

(e) A member of the board of directors shall not be the general manager, the district treasurer, or any other compensated employee of the district, except for volunteer firefighters as provided by Section 53227.

(f) This section shall be repealed on January 1, 2035.

(Amended by Stats. 2014, Ch. 505, Sec. 1. (AB 2455) Effective January 1, 2015. Repealed as of January 1, 2035, by its own provisions. See later operative version added by Sec. 2 of Stats. 2014, Ch. 505.)

61040. (a) A legislative body of five members known as the board of directors shall govern each district. The board of directors shall establish policies for the operation of the district. The board of directors shall provide for the implementation of those policies which is the responsibility of the district's general manager.

(b) No person shall be a candidate for the board of directors unless he or she is a voter of the district or the proposed district. No person shall be a candidate for the board of directors that is elected by divisions or from divisions unless he or she is a voter of that division or proposed division.

(c) All members of the board of directors shall exercise their independent judgment on behalf of the interests of the entire district, including the residents, property owners, and the public as a whole in furthering the purposes and intent of this division. Where the members of the board of directors have been elected by divisions or from divisions, they shall represent the interests of the entire district and not solely the interests of the residents and property owners in their divisions.

(d) Service on a municipal advisory council established pursuant to Section 31010 or service on an area planning commission established pursuant to Section 65101 shall not be considered an incompatible office with service as a member of a board of directors.

(e) A member of the board of directors shall not be the general manager, the district treasurer, or any other compensated employee of the district, except for volunteer firefighters as provided by Section 53227.

(f) This section shall become operative on January 1, 2035.

(Repealed (in Sec. 1) and added by Stats. 2014, Ch. 505, Sec. 2. (AB 2455) Effective January 1, 2015. Section operative January 1, 2035, by its own provisions.)

61040.1. (a) The board of directors of the Santa Rita Hills Community Services District may consist of three members.

(b) (1) Prior to reducing the board of directors to three members pursuant to subdivision (a), the board of directors, after receiving a petition signed by a majority of voters requesting a reduction in the number of board members, shall adopt, by a recorded majority vote of the entire board of directors, a resolution proposing to reduce the number of directors to three members.

(2) The district shall hold a public hearing regarding the proposal to reduce the number of directors.

(3) Notice of the public hearing shall be given by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks, pursuant to Section 6063, and by United States first-class mail to each landowner voter in the district, postage prepaid, and notice shall be deemed given when deposited in the mail. The envelope or cover of the mailing shall include the name of the local agency and the return address of the sender and the mailed notice shall be in at least 10-point type.

(4) The public hearing shall be held at least 45 days after mailing the notice pursuant to paragraph (3).

(5) At the hearing the board shall receive and consider any written or oral comments regarding the proposed reduction in the number of directors. After receiving and considering the comments, the board, by a recorded majority vote of the entire board of directors shall do one of the following:

(A) Disapprove the proposal.

(B) Adopt a resolution that orders the reduction in the number of members of the board to three members.

(c) A reduction in the number of directors pursuant to this section shall not affect the term of office of any director. A director currently holding office as of the effective date of the reduction in the number of members of the board of directors shall continue to be the director until the office becomes vacant by means of term expiration or otherwise.

(d) This section shall be repealed on January 1, 2035.

(Added by Stats. 2014, Ch. 505, Sec. 3. (AB 2455) Effective January 1, 2015. Repealed as of January 1, 2035, by its own provisions.)

61040.2. (a) If the number of members of the board of directors of the Santa Rita Hills Community Services district is reduced pursuant to Section 61040.1, the board may increase the board to five members.

(b) (1) Prior to increasing the board of directors to five members pursuant to Section 61040.1, the board of directors shall adopt, by a recorded majority vote of the entire board of directors, a resolution proposing to increase the number of directors to five members.

(2) The district shall hold a public hearing regarding the proposal to increase the number of directors.

(3) Notice of the public hearing shall be given by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks, pursuant to Section 6063, and by United States first-class mail to each landowner voter in the district, postage prepaid, and notice shall be deemed given when deposited in the mail. The envelope or cover of the mailing shall include the name of the local agency and the return address of the sender and the mailed notice shall be in at least 10-point type.

(4) The public hearing shall be held at least 45 days after mailing the notice pursuant to paragraph (3).

(5) At the hearing the board shall receive and consider any written or oral comments regarding the proposed increase in the number of directors. After receiving and considering the comments, the board, by a recorded majority vote of the entire board of directors shall do one of the following:

(A) Disapprove the proposal.

(B) Adopt a resolution that orders the increase in the number of members of the board to five members.

(c) If the board adopts a resolution to increase the number of directors pursuant to this section, it shall not subsequently reduce the number of directors pursuant to Section 61040.1.

(d) This section shall be repealed on January 1, 2025.

(Added by Stats. 2014, Ch. 505, Sec. 4. (AB 2455) Effective January 1, 2015. Repealed as of January 1, 2025, by its own provisions.)

61042. (a) The term of office of each member of a board of directors is four years or until his or her successor qualifies and takes office. Directors shall take office at noon on the first Friday in December following their election.

(b) For districts formed before January 1, 2006, where the members of the board of directors are not serving staggered terms, at the first meeting after January 1, 2006, the members shall classify themselves by lot into two classes. One class shall have three members and the other class shall have two members. For the class that has three members, the terms of the offices that begin after the next general district election shall be four years. For the class that has two members, the initial terms of the offices that begin after the next general district election shall be two years. Thereafter, the terms of all members shall be four years.

(c) Any vacancy in the office of a member elected to a board of directors shall be filled pursuant to Section 1780.

(Added by Stats. 2005, Ch. 249, Sec. 3. Effective January 1, 2006.)

61043. (a) Within 45 days after the effective date of the formation of a district, the board of directors shall meet and elect its officers. Thereafter, within 45 days after each general district or unopposed election, the board of directors shall meet and elect the officers of the board of directors. A board of directors may elect the officers of the board of directors annually.

(b) The officers of a board of directors are a president and a vice president. The president shall preside over meetings of the board of directors and the vice president shall serve in the president's absence or inability to serve.

(c) A board of directors may create additional offices and elect members to those offices, provided that no member of a board of directors shall hold more than one office.

(Added by Stats. 2005, Ch. 249, Sec. 3. Effective January 1, 2006.)

61044. A board of directors shall hold a regular meeting at least once every three months. Meetings of the board of directors are subject to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

(Added by Stats. 2005, Ch. 249, Sec. 3. Effective January 1, 2006.)

61045. (a) A majority of the total membership of the board of directors shall constitute a quorum for the transaction of business.

(b) The board of directors shall act only by ordinance, resolution, or motion.

(c) Except as otherwise specifically provided by law, a majority vote of the total membership of the board of directors is required for the board of directors to take action.

(d) The minutes of the board of directors shall record the aye and no votes taken by the members of the board of directors for the passage of all ordinances, resolutions, or motions.

(e) The board of directors shall keep a record of all its actions, including financial transactions.

(f) The board of directors shall adopt rules or bylaws for its proceedings.

(g) The board of directors shall adopt policies for the operation of the district, including, but not limited to, administrative policies, fiscal policies, personnel policies, and the purchasing policies required by this division.

(Added by Stats. 2005, Ch. 249, Sec. 3. Effective January 1, 2006.)

61046. (a) Ordinances may be passed by the voters by initiative pursuant to Article 1 (commencing with Section 9300) of Chapter 4 of Division 9 of the Elections Code.

(b) Legislative acts may be disapproved by the voters by referendum pursuant to Article 2 (commencing with Section 9340) of Chapter 4 of Division 9 of the Elections Code.

(c) Members of the board of directors may be recalled by the voters pursuant to Chapter 1 (commencing with Section 11000) of Division 11 of the Elections Code.

(Added by Stats. 2005, Ch. 249, Sec. 3. Effective January 1, 2006.)

61047. (a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for each day of service. A member of the board of directors shall not receive compensation for more than six days of service in a month.

(b) The board of directors, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation that may be received by members of the board of directors.

(c) The board of directors may provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental expenses incurred while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

(d) A member of the board of directors may waive any or all of the payments permitted by this section.

(e) For the purposes of this section, a "day of service" means any of the following:

(1) A meeting conducted pursuant to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

(2) Representation of the district at a public event, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public event.

(3) Representation of the district at a public meeting or a public hearing conducted by another public agency, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public meeting or public hearing.

(4) Representation of the district at a meeting of a public benefit nonprofit corporation on whose board the district has membership, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the corporation's meeting.

(5) Participation in a training program on a topic that is directly related to the district, provided that the board of directors has previously approved the member's participation at a board of directors' meeting, and that the member delivers a written report to the board of directors regarding the member's participation at the next board of directors' meeting following the training program.

(Added by Stats. 2005, Ch. 249, Sec. 3. Effective January 1, 2006.)

61048. A board of directors may appoint one or more advisory committees to advise the board of directors about the district's finances, policies, programs, or operations.

(Added by Stats. 2005, Ch. 249, Sec. 3. Effective January 1, 2006.)


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code:

 Section:



[Up^](#) [Add To My Favorites](#)

GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914] (Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599] (Division 4 enacted by Stats. 1943, Ch. 134.)

CHAPTER 4. Resignations and Vacancies [1750 - 1782] (Chapter 4 enacted by Stats. 1943, Ch. 134.)

ARTICLE 2. Vacancies [1770 - 1782] (Article 2 added by Stats. 1943, Ch. 134.)

1770. An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent.
- (b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.
- (c) (1) His or her resignation, except as provided in paragraph (2).
- (2) In the case of the office of city council member, upon the delivery of a letter of resignation by the resigning council member to the city clerk. The letter of resignation may specify a date on which the resignation will become effective.
- (d) His or her removal from office.
- (e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.
- (f) His or her absence from the state without the permission required by law beyond the period allowed by law.
- (g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.
- (h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.
- (i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.
- (j) The decision of a competent tribunal declaring void his or her election or appointment.
- (k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.
- (l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.
- (m) (1) The incumbent is listed in the Excluded Parties List System and all of the following subparagraphs apply:
 - (A) The office is one that the incumbent holds ex officio, by virtue of holding another office, or as an appointee.
 - (B) The appointed or ex officio office is on the governing board of a local agency that is, or may reasonably be expected to be, a participant or principal in a covered transaction, pursuant to federal law.
 - (C) A federal agency head or designee has not granted the incumbent an exception, in writing, permitting the incumbent to participate in a particular covered transaction in which the local agency is, or may reasonably be expected to be, a participant or principal.
- (2) For purposes of this subdivision, the following terms have the following meanings:

(A) "Excluded Parties List System" means the list maintained and disseminated by the federal General Services Administration containing names of, and other information about, persons who are debarred, suspended, disqualified, or otherwise excluded from participating in a covered transaction, pursuant to federal law.

(B) "Local agency" includes, but is not limited to, a county, whether general law or chartered, city, whether general law or chartered, city and county, school district, municipal corporation, district, political subdivision, or any board, commission, or agency of one of these entities.

(C) "Federal law" includes, but is not limited to, federal regulations adopted pursuant to Section 2455 of Public Law 103-355 (108 Stat. 3327), Executive Order No. 11738, Executive Order No. 12549, and Executive Order No. 12689.

(3) This subdivision shall not apply to an elective office.

(Amended by Stats. 2014, Ch. 725, Sec. 1. (AB 1795) Effective January 1, 2015.)

1770.1. The disqualification from holding office upon conviction, as provided in Section 1021, or the forfeiture of office upon conviction, as provided in subdivision (h) of Section 1770 and Section 3000, is neither stayed by the initiation of an appeal from the conviction, nor set aside by the successful prosecuting of an appeal from the conviction by the person suffering the conviction.

(Added by Stats. 1988, Ch. 283, Sec. 2.)

1770.2. Upon the entry of a plea of guilty, the entry of a plea of nolo contendere, or the rendering of a verdict of a guilty either by a jury or by the court sitting without a jury of a public offense, the conviction of which would invoke the provisions of Section 1021, subdivision (h) of Section 1770, or Section 3000, the person found guilty shall not assume the office for which the person is otherwise qualified or shall be suspended immediately from the office the person then holds. During the time of inability to assume an office or of suspension from office, the person shall not be entitled to receive the emoluments of the office, including, but not limited to, the exercise of the powers of the office, the rights to be seated in the office, and the compensation, including benefits, prescribed for the office.

In the event the trial court sets aside or otherwise nullifies the plea or verdict before the trial court judgment is entered, the inability to assume office or the suspension from holding office shall be lifted, and the person suspended from office shall be restored to office with its emoluments, including those that would have otherwise accrued during the suspension, excluding, however, interest on any monetary payment.

(Added by Stats. 1988, Ch. 283, Sec. 3.)

1771. (a) When an officer is removed, declared insane, or convicted of a felony or offense involving a violation of his or her official duty, or when his or her election or appointment is declared void, the body or person before whom the proceedings are had shall give notice thereof to the officer or body empowered to fill the vacancy.

(b) When an office becomes vacant pursuant to subdivision (m) of Section 1770, the local agency on which the vacancy occurs shall give notice of that vacancy to the officer or body authorized to fill the vacancy.

(Amended by Stats. 2011, Ch. 543, Sec. 3. (AB 309) Effective January 1, 2012.)

1772. When any office becomes vacant and no mode is provided by law for filling the vacancy, the Governor shall fill the vacancy by granting a commission, to expire at the end of the next session of the Legislature or at the next election by the people.

(Enacted by Stats. 1943, Ch. 134.)

1773. When a vacancy occurs in the office of Representative to Congress, or in either house of the Legislature, the Governor shall within 14 calendar days after the occurrence of the vacancy issue a writ of election to fill the vacancy; provided, that when such vacancy occurs in a congressional office after the close of the nomination period in the final year of the term of office, a special election may be held, at the Governor's discretion; and provided, further, that when a vacancy occurs in a legislative office after the close of the nomination period in the final year of the term of office, no special election shall be held.

The Governor shall issue the election proclamation under his hand and the Great Seal of the state, and transmit copies to the board of supervisors of the counties in which the election is to be held.

(Amended by Stats. 1976, Ch. 1155.)

1773.5. In addition to any other applicable provision of law, a vacancy occurs in the office of Representative in Congress in the event of his or her disappearance, as defined in subdivision (c) of Section 10731 of the Elections Code.

(Added by Stats. 2002, Ch. 658, Sec. 5. Effective January 1, 2003.)

1774. (a) When an office, the appointment to which is vested in the Governor and Senate, either becomes vacant or the term of the incumbent thereof expires, the Governor may appoint a person to the office or reappoint the incumbent after the expiration of the term. Until Senate confirmation of the person appointed or reappointed, that person serves at the pleasure of the Governor. If the term of office of an incumbent subject to this section expires, the Governor shall have 60 days after the expiration date to reappoint the incumbent. If the incumbent is not reappointed within the 60-day period, the office shall be deemed to be vacant as of the first day following the end of the 60-day period.

(b) With respect to the appointment or reappointment by the Governor of a person to an office subject to confirmation by the Senate, the Governor shall submit the name of the person appointed, or the name of the incumbent reappointed, and the effective date of the appointment or reappointment to the Senate or, if the Senate is in recess or has adjourned, to the Secretary of the Senate, within 60 days after the person first began performing the duties of the office, or, as to the reappointment of an incumbent, within 90 days after the expiration date of the term. If the Governor does not provide the required notification within 60 days after the person first began performing the duties of the office, or, as to the reappointment of an incumbent to an office after the expiration date of the term, within 90 days after the expiration of the term, the office shall be deemed to be vacant as of the first day immediately following the end of the applicable period.

(c) If the Senate either refuses to confirm, or fails to confirm within 365 days after the day the person first began performing the duties of the office, or, with respect to an incumbent whose appointment to that office previously had been confirmed by the Senate and who is reappointed to that office, within 365 days after the expiration date of the term, the following shall apply:

(1) If the Senate refuses to confirm, the person may continue to serve in that office until 60 days have elapsed since the refusal to confirm or until 365 days have elapsed since the person first began performing the duties of the office, whichever occurs first, or with respect to an incumbent whose appointment to that office previously had been confirmed by the Senate and who is reappointed to that office, until 60 days have elapsed since refusal or until 365 days after the expiration date of the prior term, and the office for which the appointment was made shall be deemed to be vacant as of the first day immediately following the end of the applicable period.

(2) If the Senate fails to confirm within the applicable 365-day period, the person may not continue to serve in that office, and the office for which the appointment was made shall be deemed to be vacant as of the first day immediately following the end of the 365-day period.

(Amended by Stats. 1982, Ch. 801, Sec. 1.)

1774.1. Notwithstanding any other provision of law, whenever the appointment by the Governor of a person to a public office is subject to confirmation by the Senate, and the Senate confirms the appointment within the applicable period described in Section 1774, and the term of office is at the pleasure of the Governor, such confirmation shall be deemed the last act necessary for appointment and the Governor shall not be required to issue another commission to complete the act of appointment.

(Added by Stats. 1978, Ch. 195.)

1774.2. (a) For any person whose term of office expires prior to Senate confirmation and who is reappointed to that office, the time served prior to, as well as subsequent to, the expiration date of the prior term shall be counted for purposes of Section 1774.

(b) For any person who resigns an office prior to Senate confirmation and who is reappointed to that office at any time within 365 days of the resignation, the time served prior to, as well as subsequent to, the resignation shall be counted for purposes of Section 1774.

(c) The subsequent appointment of a person to an office 365 days or more after the date the person last served in that office shall be considered a new appointment, and not a reappointment, for purposes of Section 1774.

(Added by Stats. 1982, Ch. 801, Sec. 2.)

1774.3. With respect to any body or entity having more than one member, including, but not limited to, a board, commission, or committee, "office" includes every position on the body or entity, regardless of qualifications, expiration date of the term, or duties and responsibilities of the position.

(Added by Stats. 1982, Ch. 801, Sec. 3.)

1774.5. Notwithstanding any other provisions of law, no person holding an office which is deemed to be vacant pursuant to Section 1774 may, after the time the office has been deemed to be vacant pursuant to those provisions, continue to discharge the duties of the office, and no warrant shall be drawn by the Controller for the payment of

any salary or expenses of that person attributable to the discharge of the duties of the office after that time. In addition, the Governor shall not reappoint the person to the same office for a period of 365 days after the time the office has been deemed to be vacant.

(Amended by Stats. 1982, Ch. 801, Sec. 4.)

1774.7. (a) Sections 1774, 1774.2, 1774.3, and 1774.5 shall apply to any person appointed, or reappointed, prior to, or on or after, January 1, 1981, except as follows:

(1) With respect to any person appointed prior to January 1, 1981, the 365-day period specified in Section 1774 shall not commence to run until January 1, 1981.

(2) With respect to the term of office of an incumbent which expires during the period from the first Monday after January 1 of the year a newly elected Governor takes office for the first time, until January 31 of that year, inclusive, the 60-day period specified in subdivision (a) of Section 1774 and the 90-day period specified in subdivision (b) of Section 1774 shall not commence to run until February 1 of that year.

(b) It is the intent of the Legislature that Sections 1774, 1774.2, 1774.3, and 1774.5 shall prevail over any contrary special or general provision of this code, any other code, or any uncodified statute of this state. These sections shall be construed as superseded by another statute only if that statute specifically provides that these sections shall not apply and expressly refers to the numbers of the sections superseded.

(Amended by Stats. 1986, Ch. 477, Sec. 1.)

1775. Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

After a vacancy has occurred in an office specified in this section and prior to the time such vacancy is filled as provided in this section, the chief deputy to the above constitutional officers shall discharge the duties of the office.

(Amended by Stats. 1977, Ch. 96.)

1776. Except as otherwise provided in the Constitution, when a person is appointed by the Governor, or by the Governor by and with the advice and consent of the Senate, either to fill a vacancy in any office or to fill an office when the appointment is not made until after the expiration of the preceding term, the appointee holds office only for the balance of the unexpired term as provided by the law creating the office.

(Enacted by Stats. 1943, Ch. 134.)

1777. After filing his official oath and bond, any person elected or appointed to fill a vacancy possesses all the rights and powers and is subject to all the liabilities, duties, and obligations of the officer whose vacancy he fills.

(Enacted by Stats. 1943, Ch. 134.)

1778. A vacancy in any appointive office on the governing board of a special district shall be filled by appointment by the board of supervisors of the county in which the larger portion of the district is located unless, by the terms of the act under which the district is formed, another method of appointment is expressly provided.

(Amended by Stats. 1974, Ch. 1271.)

1779. A vacancy on any appointed governing board of a special district shall be filled by the appointing authority within 90 days immediately subsequent to its occurrence. If no action is taken for a period of 90 days immediately subsequent to a vacancy on such a board, the board of supervisors of the county in which the larger portion of the district is located shall have authority to fill the vacancy by appointment.

(Amended by Stats. 1973, Ch. 934.)

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).

(d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

(Amended by Stats. 2007, Ch. 343, Sec. 4. Effective January 1, 2008.)

1781. The provisions of Section 1780 shall not apply to a school district, a district organized pursuant to Division 6 (commencing with Section 11501) of the Public Utilities Code, or a district subject to the provisions of Chapter 5 (commencing with Section 22825) of Part 5 of Division 11 of the Water Code.

(Added by Stats. 1975, Ch. 1059.)

1782. Notwithstanding any other provision of the law, whenever a vacancy occurs on a state board or commission, or a seat on a board or commission is abolished by statute, the board or commission shall notify the appropriate appointing authority of this occurrence and the appropriate appointing authority shall notify the person occupying the vacated or abolished seat that the person may no longer serve on the board or commission. Except as provided in Section 1774, the person occupying the vacated or abolished seat on the board or commission shall continue to serve until notified by the appropriate appointing authority.

(Added by Stats. 1981, Ch. 438, Sec. 1.)



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: July 11, 2018

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item # 9(B) – Review and discussion of the Board of Director's 2018 Committee Assignments with modifications as deemed appropriate.**

Recommendation

It is recommended that your Board review and discuss the 2018 Committee Assignments and modify as you deem appropriate.

Discussion

The attached roster was previously approved by your Board. Director Brunet recently resigned and reconsideration of committee assignments as a result of his vacancy is appropriate at this time.

Other Agency Involvement

District Board appointments are made to the Board of Directors of the Five Cities Fire Authority and the South San Luis Obispo County Sanitation District. The District also has representation on several committees for the County of San Luis Obispo.

Other Financial Considerations

n/a

Results

The appointment of Board Members to represent the District on boards and committees of other agencies helps to ensure inter-agency coordination and promotes a well governed community.

Attachment: 2018 Committee Assignments

2018 COMMITTEE & SUBJECT MATTER ASSIGNMENTS

COMMITTEE ASSIGNMENTS TO OTHER AGENCY BOARDS AND COMMITTEES				Subject Matter Assignments / Expertise
SSLOCSD	Austin	White	1 st & 3 rd Wed/6:00/Jan.-June OCSD/July-Dec. Arroyo Grande City Council Chamber 215 E. Branch Arroyo Grande, CA 93420	Reclaimed Water
Five Cities Fire Authority	White	Coalwell	3 rd Fri./2:00/Grover Beach City Council Chamber 154 S. 8th St. Grover Beach, CA 93433	Emergency Services
Water Resource Advisory Comm. (WRAC)	Coalwell	Brunet	1 st Wed/1:30/SLO County Library Room 995 Palm St. San Luis Obispo, CA 93401	Regional Water Programs
Regional Water Mgt. Group (RWMG – IRWMP)	Brunet	Coalwell	9:00/SLO County Library Room 995 Palm St. San Luis Obispo, CA 93401	Regional Water Programs
Zone 3 (Lopez Water)	Brunet	Coalwell	3 rd Thurs Odd/6:30/Varies	Water Supply Contracts
State Water	Coalwell	Brunet	Varies	Water Supply Contracts
Oceano Advisory	White	n/a	4 th Mon/4:00/OCSD	County Land Use
RFP Ad Hoc Committee	Angello	Brunet	Approve 5/10/2017	
LIAISON AND SUBJECT MATTER ASSIGNMENTS				
Supervisor Liaison	Austin	Varies		
Airport Land Use	Angello	3 rd Wed /1:30/County Government Center Board of Supervisors Chamber 1055 Monterey St Room D170 San Luis Obispo, CA 93401		
CA (Local) Special District's Association	White	Varies (Usually Noon Fri) every other month		
Zone 1/1A	White	3 rd Tues Odd/3:00/Sheriff South Patrol Station 1681 Front St. (Highway 1) Oceano, CA 93445		
LAFCO	White	3 rd Thur/9:00/ County Government Center Board of Supervisors Chamber 1055 Monterey St San Luis Obispo, CA 93401		
RWQCB	Angello	Odd Months/Varies		
NCMA	Brunet	Subject Matter Assignment		
RGSP (Regional Groundwater Sustainability Project)	Coalwell	Subject Matter Assignment; Meetings with other agencies varies		
SLOCOG Sedimentation	White	Varies		
Budgets, Fees and Customer Rates and Charges	Angello	Subject Matter Assignment		
Real Property Lease and Franchises	Angello	Subject Matter Assignment		
Capital Improvement Program	Angello	Subject Matter Assignment		
Rules, Regulations, Policies and Procedures, including SEIU MOU	Coalwell	Subject Matter Assignment		
District Plans and Projects	Brunet & Angello	Subject Matter Assignment		



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: July 11, 2018

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item #9(C):** Updates on work efforts including the Utility Yard Upgrade Feasibility Study; the Water Resource Reliability Plan (WRRP); the Local Hazard Mitigation Plan (LHMP); Utility Relocations associated with County projects and County Revitalization efforts; other District efforts and related public outreach, with Board direction as deemed appropriate.

Recommendation

It is recommended that your Board consider work effort updates by staff and provide direction that you deem appropriate.

Discussion

Work effort summaries are provided on the following items:

- ✓ Utility Yard Upgrade Feasibility Study
- ✓ Water Resource Reliability Plan (WRRP)
- ✓ Local Hazard Mitigation Plan (LHMP)
- ✓ Utility Relocations associated with County projects
- ✓ County Revitalization efforts
- ✓ Other efforts (including the generator) and related public outreach

Utility Yard Upgrade Feasibility Study

Attached are illustrations and a conceptual cost estimate to upgrade the utility yard located on 19th Street north of Wilmar Avenue. The attached conceptual project budget is slightly under \$3 million, with the following break-down of estimated costs:

Buildings (\$1,037,000) and Equipment/Furnishings (\$33,000)	\$ 1,070,000	
Site Improvements: On-site (\$399,025) plus Off-site (\$793,180)	1,192,205	
Fees	244,300	
Contingencies and District Administration	257,334	
Market Escalation to mid-point construction	\$ 144,898	\$ 2,908,737



Based on the estimated project costs, the ability to fund the project will be dependent on low interest loan and grant programs that may be available from the State Water Board or the United States Department of Agriculture (USDA). The next step in considering the project would be to include it in loan/grant applications, which would provide the basis for determining district costs and ratepayer impacts. The loan/grant applications will primarily be based on the District's deferred infrastructure, which is currently being evaluated in the WRRP. Other considerations and related efforts include the following:

- Alternative projects to develop utility crew offices include:
 - Repurposing the old fire station.
 - Constructing a field crew office between the old fire station and the Sheriff substation.
- Other options may exist for the old fire station including art/recreation uses.
- Request of property owner adjacent to the 19th street yard.
 - Next step to address the request is to obtain a reimbursement agreement and to develop an easement agreement with the property owner, including but not limited to the following:
 - Surveyor's description of easement
 - Value of easement
 - Review of County requirements
 - Preservation of District rights
 - Property owner off-site improvements

Water Resource Reliability Plan (WRRP)

The WRRP is funded through grants of \$198,397, plus optional design services of \$177,750 for total costs of \$376,147. The three components include:

- ✓ Leak Detection and Management Plan, including an update of critical deferred water infrastructure and cost estimates.
- ✓ Low Impact Design Plan (LID), including recommendations to County Public Works to update their 2004 Drainage Plan.
- ✓ Recycled Water Injection Well Study.

The engineering on the leak detection and management plan is ongoing although somewhat delayed due to the Lagoon waterline emergency project.



The LID efforts have progressed significantly, including the following:

- Stormwater directional flow assessment is complete.
- Relationship of stormwater flows to flood prone areas (esp. Highway One) is complete.
- Identification of primary stormwater catchment/opportunity areas is complete and includes the following:
 - Warner Street from 13th Street to 17th Street
 - 17th Street from Paso Robles Street to Beach Street
 - 19th Street from Paso Robles Street to Beach Street
 - Beach Street from 21st Street to 24th Street
 - Oceano Elementary School (playfield subsurface storage for irrigation reuse)
- Development of draft design concepts have been reviewed by staff with site visits to the opportunity areas. Handouts will be provided at the meeting.
- Other related efforts include Highway One Revitalization efforts and the Highway One Drainage improvements. Landscaping maintenance would be needed for both the Highway One Revitalization efforts and the LID efforts.

The status of the recycled water injection study is ongoing. Well log information from the County has been authorized (well log information in California is confidential). The three primary areas being evaluated included the existing water yard, the intersection of Halcyon and Highway One, and Halcyon.

Local Hazard Mitigation Plan (LHMP)

The development of the LHMP has been initiated by Category Five Consultants including a stakeholder's kick-off meeting. The LHMP will also be important for community outreach on overall community hazards and emergency response efforts and addressing future fire and emergency response options for the District. Related efforts include upcoming negotiations for Five Cities Fire Authority and the County Fire/Cal Fire Strategic Plan efforts.

Utility Relocations associated with County projects

The County's Airpark Drive Bridge replacement project is under construction.

- The new wastewater manhole on Airpark Drive has been installed.
- A Sewer System Overflow (SSO) resulted from contractor activities with District staff responding and following SSO requirements. Regulatory agencies are involved.



The County's Highway One Drainage Project is now anticipated to be bid by the County this fall with construction in 2019. A revised reimbursements agreement between the District and County will be on your Board agenda of July 25, 2018.

County Revitalization efforts

The County efforts for Highway One improvements and the realignment of existing intersections have been primarily reviewed by the Oceano Advisory Council. Continuing these efforts aligns with your Board's recent comment letter to State Parks on their Notice of Preparation of an Environmental Impact Report and your Board's request for an economic analysis. Additionally, staff has been attending meetings with the County Planning Department and the Oceano Beach Community Association, who are interested in activities to promote economic and community development. Topics relating to the District include the following:

- Landscape maintenance of public improvements.
- Union Pacific Railroad offer of dedication on west side of Highway One.
- Overall economic development, including the community's status of an Economic Opportunity Zone under IRS tax regulations and the County's potential development of a community plan similar to ongoing work for Avila Beach.

Emergency Generator

The emergency generator is progressing to final permitting and will be on an upcoming Board agenda.

Public Outreach

District staff is coordinating with the County's Energy Group (a unit of the Planning Department) and Habitat for Humanity on a multi-disciplinary community event in August. Goals include the following:

- To provide outreach on multiple community efforts.
- To have an "overview session" at the Community Center and "topic-specific" sessions at Oceano Elementary in multiple classrooms.
- To cover, at a minimum, the following:
 - The District's LHMP and WRRP.
 - The County's Energy program.
 - The work programs of Habitat for Humanity.



Other topics to be considered:

- Efforts of local Non-Governmental Organizations (NGO's)
- County Planning efforts.
- County Public Works efforts.
- PG&E Community Partnership Opportunity (energy management tools).

Other Agency Involvement

As an unincorporated area, numerous agencies are involved in public improvements and services including the County of San Luis Obispo, Caltrans, the Five Cities Fire Authority, the South San Luis Obispo County Sanitation District, and others.

Financial Considerations

No financial recommendations are included in this agenda item.

Results

Considering and discussing the status update on various District efforts promotes a well informed and well governed community.

Attachments:

- Utility Yard conceptual illustrations and budget.



Imagery ©2018 Google, Map data ©2018 Google 100 ft

OCEANO COMMUNITY SERVICE DISTRICT

PROJECT DESCRIPTION

FEASIBILITY STUDY FOR UPGRADES TO EXISTING WATER FACILITY ON 19TH STREET IN OCEANO, CA. PROJECT OBJECTIVES INCLUDE THE FOLLOWING:

- REPLACEMENT OFFICE SPACE
- REPLACEMENT SHOP/STORAGE BUILDING
- PARKING AREA EXPANSION AND RECONFIGURATION
- COVERED PARKING FOR LARGE EQUIPMENT
- IMPROVED "CURB APPEAL" FOR THE FACILITY
- PROVISIONS FOR VEHICLE ACCESS FROM 19TH STREET TO ADJACENT RESIDENTIAL PROPERTY

PROPOSED BUILDING IMPROVEMENTS INCLUDE SINGLE STORY BUILDING WITH MASONRY WALLS FOR DURABILITY AND SIMPLE SHED ROOF STRUCTURE WITH PREFINISHED METAL ROOF PANELS.

PROPOSED SITE IMPROVEMENTS INCLUDE NEW VISITOR PARKING AREA WITH PEDESTRIAN CONNECTION TO OFFICE ENTRY, LANDSCAPE AREAS AT STREET FRONT, NEW PAVING FOR VEHICLE CIRCULATION AREAS, AND PERIMETER SECURITY FENCING WITH SECURE VEHICLE ACCESS GATES.

COUNTY WILL REQUIRE OFF-SITE IMPROVEMENTS AND DUE TO UNUSUAL PROPERTY CONFIGURATION, THOSE WILL NEED TO EXTEND TO WILMAR AVENUE FOR CURB, GUTTER, SIDEWALK, AND UNDERGROUNDING OF EXISTING OVERHEAD POWER LINES.

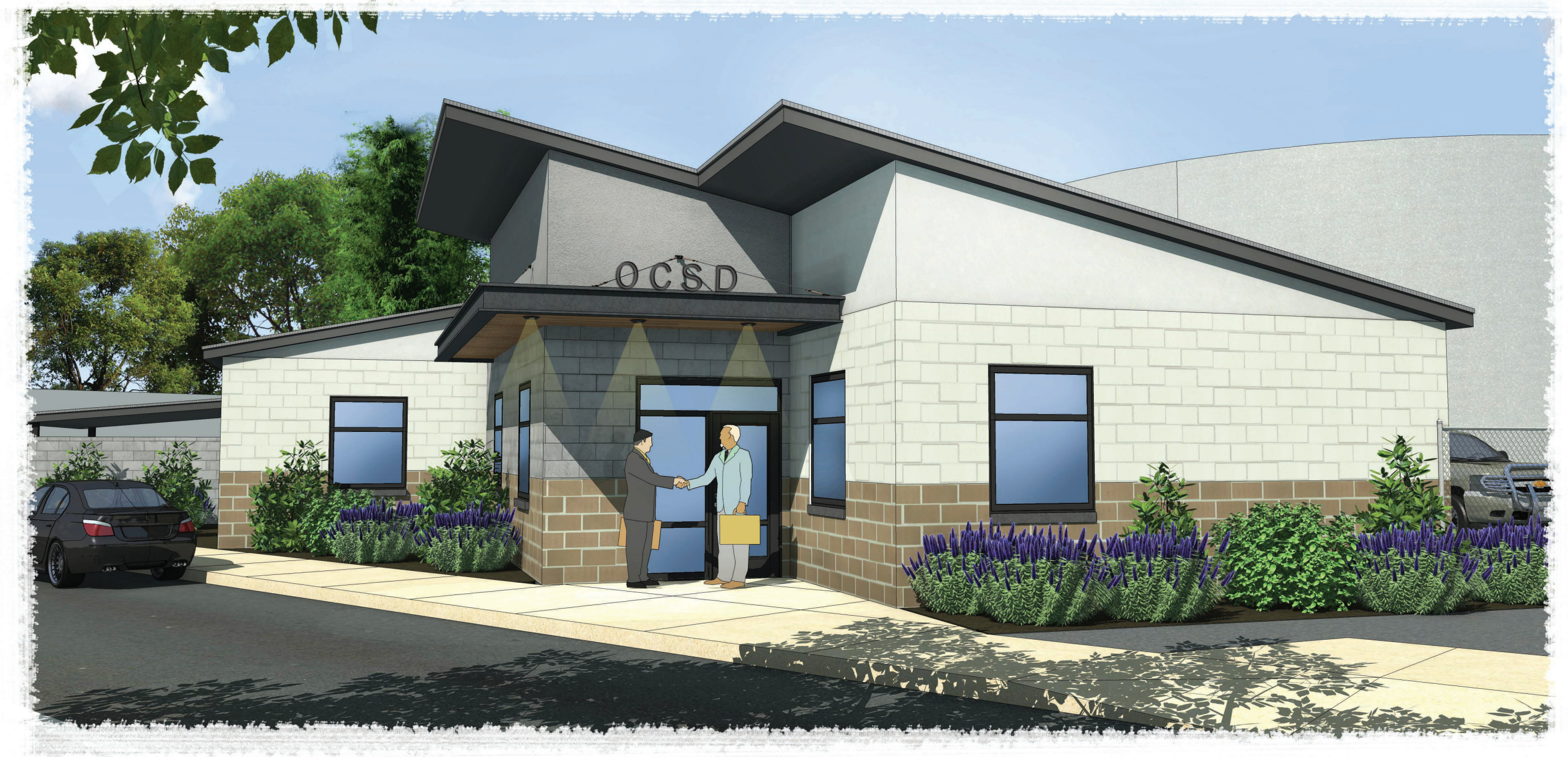
THE PROJECT WILL BE REQUIRED TO DEMONSTRATE COMPLIANCE WITH THE COUNTY'S STORM DRAINAGE DESIGN STANDARDS AS WELL AS MEETING THE POST CONSTRUCTION REQUIREMENTS MANDATED BY THE STATE.

THE COUNTY REQUIRES PROJECTS THAT ARE (LESS THAN 640 ACRES) TO BE DESIGNED FOR THE 50-YEAR STORM EVENT WITHIN THE ENTIRE WATERSHED IN ITS FULLY DEVELOPED CONDITION AND RELEASING THE FLOW EQUIVALENT TO THE RUNOFF FROM A 2-YEAR STORM WITH THE PROJECT SITE IN ITS PREDEVELOPED CONDITION.

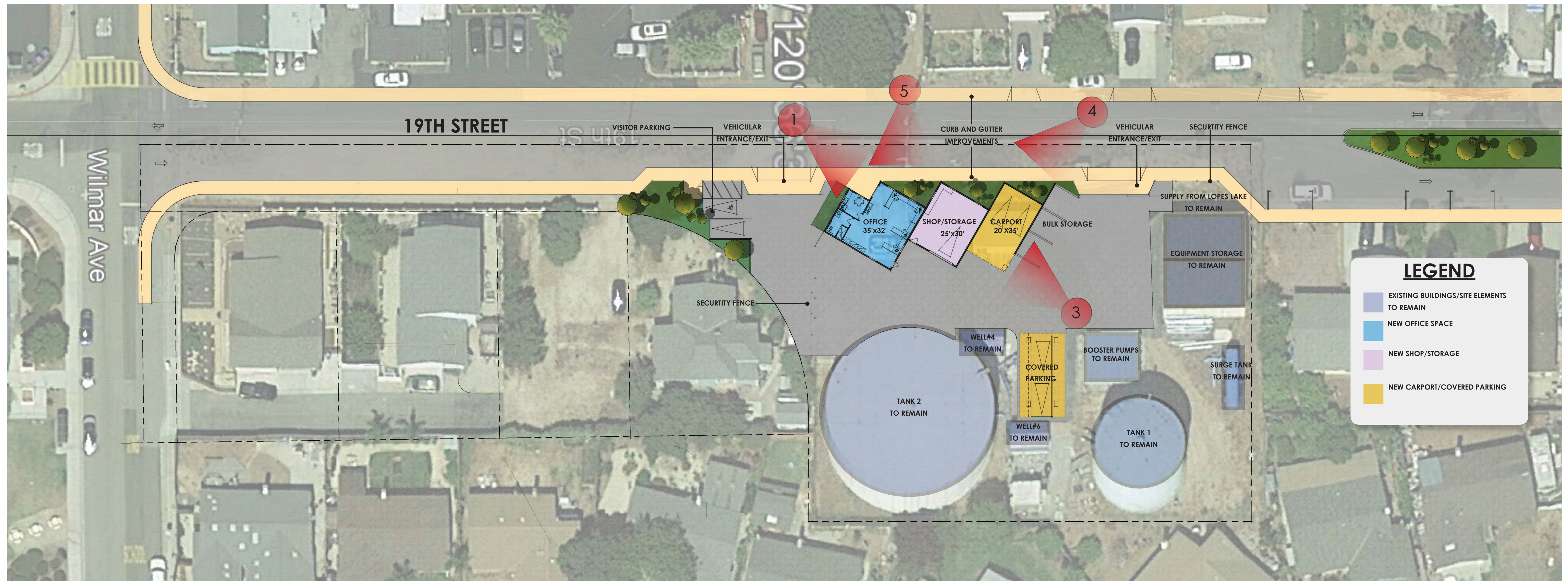
THE STATE'S POST CONSTRUCTION REQUIREMENTS ARE BROKEN INTO (4) PERFORMANCE CRITERIA SECTIONS

- 1) SITE DESIGN – INCORPORATE AN APPROVED LOW IMPACT DEVELOPMENT MEASURE IN THE SITE
 - A. IF PROJECT YIELDS BETWEEN 2,500 AND 4,999 SF OF NET IMPERVIOUS AREA
- 2) WATER QUALITY TREATMENT – TREAT/RETAIN THE 85TH PERCENTILE STORM EVENT
 - A. IF PROJECT YIELDS BETWEEN 14,999 AND 5,000 SF OF NET IMPERVIOUS AREA
- 3) RUNOFF RETENTION – TREAT/RETAIN THE 95TH PERCENTILE STORM EVENT
 - A. IF PROJECT YIELDS BETWEEN 22,499 AND 15,000 SF OF NET IMPERVIOUS AREA
- 4) PEAK MANAGEMENT – DETAIN UP TO THE 10-YEAR STORM EVENT.
 - A. IF PROJECT YIELDS ANYTHING OVER 22,500 SF OF NET IMPERVIOUS AREA

BASED ON THE PRELIMINARY SITE PLAN, THIS PROJECT WILL BE CREATING MORE THAN 22,500 SF OF IMPERVIOUS SURFACE. THEREFORE THIS PROJECT WILL NEED TO MEET ALL 4 PERFORMANCE CRITERIA SECTIONS AS WELL AS THE COUNTY'S STORM DRAINAGE DESIGN REQUIREMENTS.



1 MAIN ENTRANCE PERSPECTIVE VIEW (19TH STREET)



2 SCHEMATIC SITE PLAN
1" = 20'-0" (24 x 36 SHEET)



3 BACK OF BUILDING PERSPECTIVE



4 19TH STREET PERSPECTIVE (OPPOSITE CORNER TO MAIN ENTRANCE)



5 FRONT PERSPECTIVE (ACROSS 19TH STREET)

OCEANO CSD WATER UTILITIES • PERSPECTIVE VIEWS



OCSD Water Facility

5/17/2018

Conceptual Project Budget

<i>Type A: New Construction - office</i>	QUANT	UNIT	BASE COST	TOTAL	SOURCE
office area and restroom	1,120	SF			
		SF			
Type A Total Area:	1,120		\$600	\$672,000	

<i>Type B: New Construction - shop space</i>	QUANT	UNIT	BASE COST	TOTAL	SOURCE
open shop space	750	SF			
		SF			
Type B Total Area:	750		\$300	\$225,000	

<i>Type C; New Construction - vehicle storage</i>	QUANT	UNIT	BASE COST	TOTAL	SOURCE
covered carport	700	SF			
		SF			
Type C Total Area:	700		\$200	\$140,000	

Building Square Footage Total: 2,570 \$1,037,000

Building cost per square foot (average) \$404

B. Equipment and Furnishings

	QUANT	UNIT	COST	TOTAL	SOURCE
office furnishings	1	LS	\$20,000	\$20,000	budget
shop storage shelving	1	LS	\$10,000	\$10,000	Budget
FF&E Design Contingency (10% of budget)	10%	%	\$30,000	\$3,000	%
Equipment and Furnishings Subtotal:				\$33,000	

C. On-Site Improvements

	QUANT	UNIT	COST	TOTAL	SOURCE
Demolition and Grading	1	LS	\$160,750	\$160,750	engineers estimate
Site Paving - Parking Area - sealcoat	5,000	SF	\$25	\$125,000	site plan
Site Paving - Pedestrian walkways	600	SF	\$20	\$12,000	site plan
Landscape and Irrigation	1	LS	\$30,000	\$30,000	engineers estimate
Security fencing & vehicle gates	1	LS	\$25,000	\$25,000	budget
Site lighting	1	LS	\$10,000	\$10,000	budget
On-Site Design Contingency (10% of budget)	10%	%	\$362,750	\$36,275	budget
On-Site Improvements Subtotal:				\$399,025	

D. Off-Site Improvements

	QUANT	UNIT	COST	TOTAL	SOURCE
Street Frontage Improvements	1	LS	\$348,125	\$348,125	engineers estimate
Water lines	1	LS	\$221,500	\$221,500	engineers estimate
Sewer Lines	1	LS	\$5,500	\$5,500	engineers estimate
Dry Utilities	1	LS	\$190,500	\$190,500	engineers estimate

OCSD Water Facility

5/17/2018

Conceptual Project Budget

Erosion Control	1	LS	\$25,050	\$25,050	engineers estimate
Off-Site Contingency (10% of budget)	10%	%	\$25,050	\$2,505	%
Off-site Improvements Subtotal:				\$793,180	

E. Fees

	QUANT	UNIT	COST	TOTAL	SOURCE
Arch/Engineering - building improvements	1	LS	\$120,000	\$120,000	budget
Arch/Engineering - on and off site improvement	1	LS	\$80,000	\$80,000	budget
LEED™ Design, Certification	0	LS		\$0	
LEED™ Commissioning	0	LS		\$0	
Comissioning Agent	0	LS		\$0	
Utility Hook-up Fees	0	LS		\$0	
Impact Fees:					
Storm Draing Dev. Fee	1.0	Acre	\$0	\$0	
Sewer Dev. Fee / Water Dev. Fee	1	LS	\$0	\$0	
Traffic Impact Fee	2,570	SF	\$0	\$0	
Public Facility Impact Fee	2,570	SF	\$0	\$0	
Geotechnical Investigation	1	LS	\$8,000	\$8,000	budget
Survey	1	LS	\$5,000	\$5,000	budget
Materials Testing and Special Inspection	1	Is	\$20,000	\$20,000	budget
Fee Contingency (10%)	10%	%	\$113,000	\$11,300	%
Fees Subtotal:				\$244,300	

F. Owner Systems, Administration and Contingency

	QUANT	UNIT	COST	TOTAL	SOURCE
Building Dept.-Permit Fees	1	LS	\$5,000	\$5,000	
School Impact Fees-(Commercial)	2,570	sf	\$0.50	\$1,285	
Traffic Report	0	LS		\$0	Not Anticipated
Moving Costs	0	LS		\$0	
Communications					
Phone System	1	LS	\$10,000	\$10,000	
Data Systems	1	LS	\$10,000	\$10,000	
Security System/ Cameras	1	LS	\$5,000	\$5,000	
Owner System Contingency (10% of budget)	10%	%	\$31,285	\$3,129	
Construction Contingency (10% of A, C, D)	10%	%	\$2,229,205	\$222,921	%
Owner Systems, Administration and Contingency Subtotal:				\$257,334	

Contract Division Totals:

A. Building:	\$1,037,000
B. Equipment and Furnishings	\$33,000
C. On-Site Improvements	\$399,025
D. Off-site Improvements	\$793,180
E. Fees	\$244,300
F. Owner Systems, Administration and Contingency	\$257,334
Contract Division Subtotal:	
	\$2,763,839
G. Market Escalation (6.5% per year) for 12 mo. to mid-point of Construction	\$144,898
Conceptual Project Budget:	
	\$2,908,737



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: July 11, 2018

To: Board of Directors

From: Celia Ruiz, Account Administrator III

Via: Carey Casciola, Business and Accounting Manager

Subject: Agenda Item #10A; Consideration of a recommendation to approve a resolution to collect delinquent accounts on 2018-19 property tax bills.

Recommendation

It is recommended that your Board approve the attached Resolution to collect delinquent accounts on 2018-19 property tax bills.

Discussion

By approving the staff recommendations, the District will follow the 2018/19 tax roll timeline provided by the County Auditor. This is the seventh year the District will participate in placing delinquent accounts and other charges on property tax bills. Each year a number of ratepayers fail to pay for the services the District provides. State law enables the District to collect delinquent charges on property tax bills. Along with the attached report on delinquent charges, staff has attached the 2018/19 tax roll timeline and a sample of the letter we sent to ratepayers.

Notices of the public hearing were published in the Tribune on June 27, 2018 and July 5, 2018. Property owners were also noticed that the last date to pay was June 27, 2018. Any payments made on or before June 27 will be deleted from the list prior to submitting to the County Auditor.

Other Agency Involvement

County of San Luis Obispo Auditor/Controller's Office will be collecting the delinquent bills with property taxes. South County Sanitary, Inc provided a list of customers who failed to pay garbage bills and the District collects on South County Sanitary, Inc's behalf.

Other Financial Considerations

The County also adds its charge for collection to the property tax bill. As a result, the District is not charged County costs.



Results

Coordination with the County on delinquent accounts is cost effective and promotes well governed communities.

Attachments:

- Resolution
- List of delinquent bills
- Tax roll 2018-19 tax roll timeline

OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2018-____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OCEANO COMMUNITY SERVICES DISTRICT DIRECTING STAFF TO PLACE A LIEN ON PROPERTIES PURSUANT TO GOVERNMENT CODE 61110 ET SEQ.

WHEREAS, Government Code section 61115 provides the Board of Directors may recover any charges and penalties for services and facilities that the District provides by recording in the office of the County Recorder a report of the charges and penalties due, and the name and last known address of the person liable for those charges and penalties; and that from the time of recordation of the report, the amount of the charges and penalties constitutes a lien against all real property of the delinquent property owner in the county; and

WHEREAS, the Oceano Community Services District (“District”) has determined that it is appropriate to collect the charges, delinquencies, and any related penalties for the affected properties on the tax roll in the same manner as property taxes in accordance with California Government Code Section 61115(b); and

WHEREAS, the General Manager of the District has prepared and filed a written report (“Report”) with the Board of Directors of the District that describes these certain parcels of real property subject to the charges, delinquencies, and any related penalties to be imposed thereon; and

WHEREAS, the General Manager of the District has (1) caused notice of the filing of the Report proposing to have such charges, delinquencies, and any related penalties to be collected on the tax roll in the same manner as property taxes; and (2) caused notice of the time and date of hearing to consider such Report by (a) mailing notice to each affected property owner and (b) publishing notice in a newspaper of general circulation, all in accordance with California Government Code Section 61115(b); and

WHEREAS, at the time stated in the notice, the Board of Directors conducted the public hearing and considered all objections and protests to the Report and revised the charges, delinquencies, and any related penalties deemed appropriate by the Board of Directors following the hearing; and

WHEREAS, the District has determined to adopt the Report, as revised or unrevised, and collect the charges, delinquencies, and any related penalties on the tax roll, which charges, delinquencies, and any related penalties shall constitute a lien against the parcel or parcels of land described in the Report in accordance with California Government Code Sections 61115 *et seq.*

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE OCEANO COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

1. The District Board of Directors finds and determines that the charges, delinquencies, and any related penalties shall be imposed on and shall constitute a lien against each parcel or parcels of land as set forth and described in the Report.
2. The General Manager is authorized to modify the Report to reflect any payments received after the date of the public hearing and prior to filing this Resolution and Report pursuant to Section 3 below.
3. On or before August 15, 2018, the General Manager shall file the Report with the auditor of San Luis Obispo County who shall enter the amount of the charges, delinquencies, and any related penalties against each of the affected parcels of real property as they appear on the current assessment roll. The County Tax Collector shall include the amount of the charges on the tax bills for each affect parcel of real property and collected the charges in the same manner as property taxes pursuant to Government Code 61115(b).

Upon the motion of _____, seconded by _____
and upon the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing Resolution is hereby passed and adopted this ___ day of _____, 2018.

Karen White, President

ATTEST:

**REPORT ON CHARGES AND DELINQUENCES - GARBAGE
TAX ROLL 2018/2019**

CUSTOMER	ADDRESS	APN	AMOUNT DUE
BOGDAN, WILLIAM	1539 FOUNTAIN AVE	61046045	+561.90
NUNEZ, SEBASTIAN	1920 CIENAGA ST	62115002	+238.50
JOHNSON, ALLAN	1720 THE PIKE	62013014	+238.52
UC, JAVIER	2279 BEACH ST	62096026	+202.64
UBIAS, JORGE & CAROLINA	1600 22ND ST	62066006	+200.56

2018/19 TAX ROLL PROCEDURES

06/05/18	PREPARE and MAIL LETTERS
06/06/18	MAIL NOTICE OF PUBLIC HEARING TO PROPERTY OWNERS & PROVIDE TO TRIBUNE WITH DIRECTION FOR PUBLICATION ON 6/27 AND 7/5
06/20/18	COMPLETE DRAFT AGENDA MATERIAL FOR 6/27 REGULAR MEETING
06/22/18	COMPLETE FINAL AGENDA MATERIAL FOR 6/27 REGULAR MEETING
06/27/18	FILE REPORT OF CHARGES AND DELINQUENCIES TO BE COLLECTED ON TAX ROLL PURSUANT TO GOV'T CODE SECTION 61115(b)
06/27/18	FIRST NEWSPAPER NOTICE FOR PUBLIC HEARING ON 7/11 REGULAR MEETING PER GOVERNMENT CODE SECTION 61115(b) AND 6066
07/03/18	COMPLETE DRAFT AGENDA MATERIAL FOR 7/11 REGULAR MEETING
07/05/18	SECOND NEWSPAPER NOTICE FOR PUBLIC HEARING ON 7/11 REGULAR MEETING PER GOVERNMENT CODE SECTION 61115(b) AND 6066
07/06/18	COMPLETE FINAL AGENDA MATERIAL FOR 7/11 REGULAR MEETING (RESOLUTION)
07/11/18	BOARD OF DIRECTORS MEETING: NOTICE OF PUBLIC HEARING
07/13/18	PAYMENT DUE
07/17/18	RESOLUTION CONFIRMING THE CHARGES AGAINST PROPERTY OWNERS WITH REPORT AND SUBMIT TO COUNTY AUDITOR
08/03/18	FINAL FUND PROOF SUBMISSION TO SLO COUNTY FOR ROLL YEAR 2018/19: WATER/SEWER, AND TRASH
08/15/18	FINAL DEADLINE FOR ALL DIRECT CHARGE FUNDS TO BE SIGNED APPROVED AND RETURNED TO THE AUDITOR-CONTROLLER'S OFFICE