



Oceano Community Services District

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

(805) 481-6730

FAX (805) 481-6836

AGENDA BOARD OF DIRECTORS MEETING

1655 Front Street
6:30 P.M.

April 9, 2008

Oceano
Wednesday

BOARD MEMBERS

Jim Hill, President
Bill Bookout, Vice President
Pamela Dean, Director

Barbara J. Mann, Director
Vern Dahl, Director

SECRETARY TO THE BOARD

Patrick J. O'Reilly, General Manager

DEPUTY SECRETARY TO THE BOARD

Gina A. Davis, Administrative Assistant

FIRE CHIEF

Chief Hubert

UTILITY OPERATIONS SUPERVISOR

Philip T. Davis

ALL ITEMS APPEARING ON THE AGENDA ARE SUBJECT TO BOARD ACTION

1. Roll Call
2. Flag Salute
3. Public Comment *
Any member of the public may address the Board on any item of interest within the jurisdiction of the Board. The Board will listen to all communications; however, in compliance with the Brown Act, the Board cannot act on items not on the agenda.
4. Board Member Items/Discussion *
5. Review and Approval of Minutes
 - a. March 26, 2008
6. Fire Items
 - a. Weed Abatement Program
Consider recommendation of General Manager to approve Weed Abatement Program for the current Fire Season.
 - b. Fireworks Program
Consider recommendation of General Manager to approve the Fireworks Program for 2008.
 - c. Fire Oversight Committee
Appoint Board representative and alternate to the Fire Oversight Committee (OCSD/Arroyo Grande/Grover Beach)

RULES FOR PRESENTING TESTIMONY

All persons who wish to present testimony to the Board of Directors in a public hearing must observe the following rules:

1. When beginning to speak, first identify yourself and place of residence. This is required for the public record. Board of Directors' meetings are tape recorded.
2. All remarks must be addressed to the Chair. Conversation or debate between the speaker at the podium and a member of the audience is not permitted.
3. Please keep your remarks as brief as possible. Focus your testimony on the most important facts you wish to be considered. Avoid duplicating testimony provided by others.
4. It is important that all participants conduct themselves with courtesy, dignity and respect.
5. Whenever possible, written testimony should be presented as well as oral. Written testimony can be submitted in advance of the actual hearing date.



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7. Utility Items

a. Cleaning and Inspection of District Sewer and Water Lines

Continual Disclosure of the Emergency declared by the Board of Directors
Concerning the Cleaning and Inspection of the District Sewer and Water Mains.

8. Administrative Items

a. Rules of Order

Consider recommendation of Director Bookout to amend the District Rules of Order.

b. District Legal Counsel Retainer Agreement Renewal and Codification of District Ordinances and Resolutions

Consider General Manager's recommendation to renew agreement with District Legal Counsel and to contract with District Legal Counsel to codify existing ordinances and resolutions.

c. Drainage and Flood Control Issues in Oceano

Consider General Manager's recommendation to approve resolution supporting the advocacy of Vern Dahl to coordinate and develop a mutually agreeable implementation strategy for mitigation of Oceano drainage and flood control problems with the San Luis Obispo County Flood Control and Water Conservation District, Cal Trans, Union Pacific Railroad, private property owners and other cooperative agencies.

d. General Manager Performance Evaluation

Consider Form to be used by the Board of Directors to evaluate the performance of the General Manager.

9 Reports of District Representatives *

This item gives the President and Board Members the opportunity to present reports to other members regarding committees, commissions, boards, or special projects on which they may be participating.

a. **PRESIDENT JIM HILL**

- (1) Fire Committee 04 01 2008
- (2) SSLOCSD 04 02 2008
- (3) Other

b. **VICE PRESIDENT BILL BOOKOUT**

- (1) Other

c. **DIRECTOR VERN DAHL**

- (1) Other

d. **DIRECTOR PAMELA DEAN**
(1) Other

e. **DIRECTOR BARBARA MANN**
(1) Fire Committee 04 01 2008
(2) Other

10. General Manager Items/Discussion*
a. Other

11. Board Member Discussion*

12. Consideration of Warrants

13. Public Comment *

14. Written Communications
(Correspondence for the Board Received After Preparation of this Agenda is
Presented by the General Manager)

Adjournment

* Oral Presentation/Discussion

ALL ITEMS APPEARING ON THE AGENDA ARE SUBJECT TO BOARD ACTION

Consistent with the American with Disabilities Act and California Government Code §54954.2 requests for disability related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires the modification or accommodation in order to participate at the referenced public meeting by contacting the District General Manager or Administrative Assistant at 805-481-6730.

**P.O. Box 599/Oceano, CA 93475
1655 Front Street/Oceano, CA 93445
(805) 481-6730 / FAX (805) 481-6836
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**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

March 26, 2008

OCEANO

The meeting was called to order by President Hill at 6:30 P.M.

1. Roll Call

Present: President Hill, Vice President Bookout, Director Dahl, Director Mann, Director Dean

Absent: None

Staff Present: Patrick O'Reilly, Secretary to the Board/ General Manager, Philip T. Davis, Utility Operations Supervisor Craig Angello, Fire Captain, Alex Simas, District Legal Counsel, Ryan Fothergill, District Legal Counsel

Staff Absent: Gina A. Davis, Deputy Secretary to the Board/ Administrative Assistant,

2. Flag Salute

Fire Captain Angello led the flag salute.

3. Public Comment

None

4. Board Member Items/Discussion

None

5. Review and Approval of Minutes

a. March 12, 2008

On motion by Director Mann, and second by Director Dahl, the Minutes of March 12th were approved by unanimous voice vote.

6. Fire Items

a. Fire Captain Promotion

President Hill presented a Fire Captain badge to Craig Angello recognizing his promotion to Fire Captain. Craig's wife Tamara pinned the badge on.

7. Utility Items

a. Cleaning and Inspection of District Sewer and Water Lines

Doug Groshart, Wallace Group, presented a status of the repairs to sewers caused by the 2003 earthquake.

Staff presented the staff report and recommended that the Board continue the declaration of the emergency.

Thereafter, after a request for public comment, (none being given), upon motion by Director Dean, second by Vice President Bookout, and on the following roll call vote, to wit:

AYES: Director Dean, Vice President Bookout, Director Mann, Director Dahl, President Hill

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

March 26, 2008

OCEANO

NOES: None

ABSENT: None

The Board approved the continuance of the declaration of emergency.

c. Dean/Jenkins Claim

Director Dean recused herself and moved from the dais into the audience. District Counsel Simas presented the claim for consideration by the Board. The claim is that the District removed a water meter from their property at 1935 Wilmar Avenue without authorization and that they should be reimbursed the \$9,680.66 paid in connection fees to replace the water meter that was removed. District staff recommended that the claim be denied.

There was discussion among the Board members.

During Public Comment, Ms. Dean presented arguments supporting her position. There was no other public comment.

President Hill announced a recess at 7:15 to allow staff to produce certain documentation being discussed by Ms. Dean.
President Hill reconvened the meeting at 7:27.

Staff announced that OCSD Ordinance 2006-1, which had previously been provided to the Board, was the document being referenced by Ms. Dean.

Upon motion by Director Mann, second by Director Dahl, and on the following roll call vote, to wit:

**AYES: Director Mann, Director Dahl, Vice President Bookout,
 President Hill**

NOES: None

ABSENT: None (Director Dean recused)

The Board rejected the claim by Ms. Dean and Mr. Jenkins.

7b. Dean Claim

Director Dean had already recused herself and was in the audience. District Counsel Simas presented a claim from Pamela Dean, 1939 Wilmar Street, stipulating that she should have been allowed to pay connection fees earlier than District practice allows. District Counsel Simas presented documentation that the requested action would result in a refund of approximately \$9,934 and recommended that the request be denied.

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

March 26, 2008

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There was general discussion among Board members. During Public Comment, Ms. Dean presented arguments supporting her position. There was no other public comment.

Upon motion by President Hill, second by Director Mann, and on the following roll call vote, to wit:

AYES: President Hill, Director Mann

NOES: Vice President Bookout, Director Dahl

ABSENT: None (Director Dean recused)

The motion to reject the claim failed.

There was additional discussion among Board members.

Upon motion by Director Dahl, second by Vice President Bookout, and on the following roll call vote, to wit:

AYES: Director Dahl, Vice President Bookout

NOES: President Hill, Director Mann

ABSENT: None (Director Dean recused)

The motion to direct staff to work with claimant to find a compromise solution failed.

President Hill announced a recess at 8:18.

President Hill reconvened the meeting at 8:25.

Director Dean resumed her position on the Board.

- d. Amendment to Agreement with SLO County for Community Development Block Grant Funds for Repair and Replacement of Damaged Sewers.
GM O'Reilly presented the staff report recommending approval of an amendment to the original contract adopted February 15, 2007.

Thereafter, after a request for public comment, (none being given), upon motion by Director Dahl, second by Director Mann, and on the following roll call vote, to wit:

AYES: Director Dahl, Director Mann, Director Dean, Vice President Bookout, President Hill

NOES: None

ABSENT: None

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

March 26, 2008

OCEANO

THE BOARD APPROVED AMENDMENT NO. 1 TO "AGREEMENT BETWEEN THE COUNTY OF SAN LUIS OBISPO AND THE OCEANO COMMUNITY SERVICES DISTRICT FOR REPAIR AND REPLACEMENT OF DAMAGED SEWERS IN OCEANO USING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS".

8. Administrative Items

b. Fire Captain Promotion

President Hill introduced this item saying that it was included on the agenda at his request to ensure employees were not being paid less after being promoted.

GM O'Reilly announced that he had negotiated a salary of \$21.07 per hour with Fire Captain Angello. Fire Captain Angello stated that he agreed with the proposed salary.

Thereafter, after a request for public comment, (none being given), upon motion by President Hill, second by Vice President Bookout, and on the following roll call vote, to wit:

AYES: President Hill, Vice President Bookout, Director Mann, Director Dahl, Director Dean,

NOES: None

ABSENT: None

THE BOARD CONCURRED WITH THE PAY ASSIGNMENT OF \$21.07 WHICH IS CONSISTENT WITH EXISTING PERSONNEL POLICIES AND THE APPROVED PLAN OF PAYMENT AND COMPENSATION.

a. Employment Relations Consortium

GM O'Reilly presented staff report recommending the District join the Central Coast Human Relations Consortium sponsored by the Liebert Cassidy Whitmore Law Firm at a cost of \$800 for the remainder of the fiscal year.

Thereafter, after a request for public comment, (none being given), upon motion by Director Dean, second by Vice President Bookout, and on the following roll call vote, to wit:

AYES: Director Dean, Vice President Bookout, Director Dahl, President Hill

NOES: Director Mann

ABSENT: None

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

March 26, 2008

OCEANO

THE BOARD AUTHORIZED THE GENERAL MANAGER TO APPLY FOR DISTRICT MEMBERSHIP IN THE CENTRAL COAST CONSORTIUM OF LIEBERT CASSIDY AND WHITMORE.

c. District Legal Counsel Retainer Agreement Renewal and Codification of District Ordinances and Resolutions

Vice President Bookout recused himself and left the room.

GM O'Reilly presented the staff report recommending that a new contract be negotiated with District Legal Counsel including the codification of District ordinances and resolutions.

Thereafter, after a request for public comment, (none being given), upon motion by Director Mann, second by Director Dahl, and on the following roll call vote, to wit:

AYES: Director Mann, Director Dahl, Director Dean, President Hill

NOES: None

ABSENT: None (Vice President Bookout recused)

THE BOARD DIRECTED THE GENERAL MANAGER TO PRESENT A FORMAL CONTRACT WITH DISTRICT LEGAL COUNSEL FOR CONSIDERATION AT THE NEXT REGULAR MEETING OF THE BOARD OF DIRECTORS.

Vice President Bookout returned to the dais.

d. General Manager Performance Evaluation

GM O'Reilly read the body of the staff report indicating that President Hill had suggested the development of a form to be used to evaluate the performance of the General Manager. There was general discussion among the Board.

Director Mann moved that a special meeting be held next Thursday to review the form for evaluating the General Manager. Second by President Hill. Director Mann withdrew her motion with the concurrence of President Hill.

Director Mann requested that a review of the form for evaluation the General Manager be included on the agenda for the next regular meeting of the Board of Directors. GM O'Reilly stated that the item would be included on the next agenda.

Thereafter, after a request for public comment, (none being given), upon motion by Director Dahl, second by Vice President Bookout, and on the following roll call vote, to wit:

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

March 26, 2008

OCEANO

AYES: Director Dahl, Vice President Bookout, Director Mann, Director Dean, President Hill

NOES: None

ABSENT: None

THE BOARD DISMISSED THIS ITEM AND CONFIRMED THAT IT WOULD NOT BE BROUGHT BACK BEFORE THE BOARD EXCEPT IN ACCORDANCE WITH PARAGRAPH 10A OF THE GENERAL MANAGER'S CONTRACT WITH THE DISTRICT.

9. Reports of District Representatives

a. President Hill

President Hill made reports for the District Fire Committee meeting of 3/18/2008, the SSLOCSD meeting of 3/19/2008 and the District Personnel Committee meeting of 3/19/2008.

b. Director Dahl

Director Dahl made reports about the OAC meetings of 3/17/2008 and 3/24/2008 and the Zones 1/1A meetings of 3/17/2008 and 3/18/2008. The ALUC meeting of 3/19/2008 was cancelled.

c. Director Dean

Director Dean said that items from the Personnel Committee meeting of 3/19/2008 had already been discussed this evening and made a report on the Zone 3 meeting of 3/20/2008.

President Hill opened the floor to Public Comment. There was none.

10. General Manager Items/ Discussion

GM O'Reilly reported that the Templeton CSD had arranged for required Ethics training to be conducted on April 16, 2008 and that Directors should contact him if they want to attend so he can RSVP.

GM O'Reilly reported that Spring Clean Up Week will be from April 21 through April 25.

11. Board Member Items/ Discussion

Director Mann said she would like to attend the Ethics training being conducted in Avila. She also requested that the check register being distributed for review be printed in larger font. She also requested GM O'Reilly to provide status of the interviews he had concerning contracting out our payroll function. GM O'Reilly responded that he had interviewed two local firms and found that the cost to contract out the payroll function was approximately \$100 per payroll.

13. Consideration of Warrants

Director Bookout recused himself and left the room.

**OCEANO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

WEDNESDAY

March 26, 2008

OCEANO

Thereafter, after a request for public comment, (none being given), upon motion by Director Mann, second by Director Dahl, the Board approved the warrant for Kirk & Simas by unanimous voice vote (4 to 1 with 1 recused).

Director Bookout returned to the dais.

Thereafter, after a request for public comment, (none being given), upon motion by Director Dahl, second by Director Mann, the Board approved the remaining warrants by unanimous voice vote.

President Hill declared a five minute break at 9:35 PM.

President Hill called the meeting back to order at 9:44 PM.

12. Executive Session

a. A closed session pursuant to Government Code Section 54957(b)(1) to consider a complaint regarding a public employee.

No action was taken in this closed session – the item was continued to the next regularly scheduled meeting of the Board of Directors on April 9, 2007. During closed session, the Directors agreed to extend the time of this meeting past 10 pm.

14. Public Comment

None

15. Written Communication

None

The meeting was adjourned by President Hill at 10:01 pm.

Patrick O'Reilly, Secretary to the Board



Oceano Community Services District

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April 9, 2008

TO: Board of Directors, OCSD

FROM: Patrick J. O'Reilly, General Manager *PJO*

SUBJECT: **2008 FIRE HAZARD REDUCTION PROGRAM**

The Oceano Community Services District is empowered to provide fire protection services as detailed in California State Government Code Section 61623.5 and California State Health and Safety Code Section 14880; and the Fire Department of the Oceano Community Services District has determined that the uncontrolled growth of weeds within the District represents a fire hazard. The best method of addressing this safety issue is to send a notice, as prescribed by Health and Safety Code Section 14892, to each property owner within the District. As an alternative to posting lots, District staff will mail notices as prescribed in Health and Safety Code Section 14896. After a successful experience with this notification method over the past few years, it is recommended that the program again be implemented for the 2008 Fire Hazard Reduction Program.

Property owners will have until June 11, 2008, to clear their properties. After such time the District would employ a contract provider to clear the lots which have not been abated.

The attached resolution declares weeds growing upon on the properties within the District and incorporated herein by reference as a public nuisance which may be in need of abatement for weed infestation.

THE RECOMMENDED ACTION BEFORE YOUR BOARD is to:

- (1) **Approve the Hazard Reduction Calendar;** and,
- (2) **By Board discussion, public comment, motion, second, and roll call vote, adopt OCSD Resolution 2008-06, A Resolution Declaring Weeds on Certain Properties to be a Public Nuisance;** and,
- (3) **Schedule a Public Hearing for Protests on June 11, 2008, at 6:30 pm in the OCSD Board Room;** and,
- (4) **Direct staff to commence with the mailing of notices.**

Agenda Item 04 09 2008 6.a.

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-06**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OCEANO COMMUNITY
SERVICES DISTRICT DECLARING WEEDS ON CERTAIN PROPERTIES TO BE A PUBLIC
NUISANCE**

WHEREAS, Oceano Community Services District is empowered to provide fire protection services as detailed in California State Government Code Section 61623.5 and California State Health and Safety Code Section 14880; and,

WHEREAS, the Fire Department of the Oceano Community Services District has determined that the uncontrolled growth of weeds within the District represents a fire hazard; and,

WHEREAS, the Board of Directors for the Oceano Community Services District has found the weeds on these properties to be a seasonal recurring nuisance under the California State Health and Safety Code, Section 14900.5.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors for the Oceano Community Services District, San Luis Obispo County, California, as follows:

1. The weeds growing upon the properties within the District and incorporated herein by reference are declared to be a seasonal and recurring nuisance.
2. The General Manager and/or the Fire Department of the Oceano Community Services District are hereby designed as the person(s) to give notice and to destroy said weeds.

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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby passed and adopted this 9th day of April, 2008.

ATTEST:

JIM HILL, PRESIDENT

PATRICK J. O'REILLY
BOARD SECRETARY

2008 FIRE HAZARD REDUCTION SCHEDULE

- March 27 Call County and request CD (Format) and labels to be mailed. Update information and order postcards.
- April 9 Present to Board the 2008 Fire Hazard Reduction Calendar and Resolution "Declaring Weeds on Certain Properties to be Seasonal and Recurring Public Nuisance". Upon adoption of Calendar, set June 11th as date for Public Hearing.
- April 10 To TIMES PRESS RECORDER: Legal Notice advising residents of the Public Hearing on June 11th AND mail copy of Calendar to South County Sanitary Service. (Garbage Company to coordinate their delinquent notices and Public Hearing with OCSD schedule.)
- April 10 To TIMES PRESS RECORDER: Legal Notice requesting bid proposals for Fire Hazard Reduction (bids due by May 15th at 2:00 pm) AND Public Service Announcement apprising public of upcoming Fire Hazard Reduction program, including information regarding 4" maximum height of weeds through October 1st. Order postcards and print labels.
- April 10 OCSD staff to mail notices to every property owner.
- May 2 Prepare and submit maps and directive to District Personnel to begin preparation of list of properties in need of Fire Hazard Reduction.
- May 15 ** Open bids, at 2:00 pm, received for Fire Hazard Reduction services. Prepare summary for presentation at May 21st Board Meeting.
- May 21 Award bid to contractor at Board Meeting.
- Jun 2-5 District Staff to prepare final lot list for Fire Hazard Reduction by contractor.
- June 11 Public Hearing for Protests Against Fire Hazard Reduction Notices.
- June 12 Fire Hazard Reduction may commence. District Personnel will take before and after photos of each lot.
- June 13 Deadline for District personnel to submit listing of all questionable/marginal lots for re-evaluation and final reduction decision.
- June 20 Deadline for completion of all Fire Hazard Reduction.

2008 FIRE HAZARD REDUCTION SCHEDULE

June 23	Contractor to turn in summary of total hours for weed eater and/or tractor, hauling charges, etc, in final form. Payment to contractor will be made after all lots have been reviewed and accepted by Fire Department.
June 25	Reinspection date. District Personnel to survey all lots for possible Round Two reduction.
June 27	Staff to compute and mail out hand billings.
July 9	Public Hearing.
July 14	Final postmark date for receipt of hand-billed reduction charges.
July 16*	Deadline for submission special assessment listing and authorizing resolution to County Auditor's office for collection of Fire Hazard Reduction charges on the tax roll.
July 18	Submit list of APNs to District Office to prepare Round Two reduction.
August 25*	Deadline for submission of final special assessment listing and proof to County Auditor's office for collection of Fire Hazard Reduction charges on the tax roll.
November 1	END of FIRE SEASON.

* County deadline dates may change since formal notice has not been received.



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April 9, 2008

TO: Board of Directors, OCSD

FROM: Patrick O'Reilly, General Manager *PO*

SUBJECT: 2008 FIREWORKS PROGRAM PERMITTING PROCESS AND FEES

1. The Board of Directors established their authority, through the adoption of Ordinance 1991-02, to regulate the fees and conditions for the granting of permits for the sale of safe and sane fireworks within the boundaries of the District. Thereafter, through the adoption of Resolution 1997-12, the Board of Directors limited the number of applicants to enhance the profit potential of each organization and therefore increase the return to the Community. Five organizations were recognized as authorized to submit application to the District to sell safe and sane fireworks; to wit: Oceano Depot Association, Oceano/Five Cities Elks No. 2504, Squad 745 (CHP), Five Cities Aerie No. 4153 F.O.E., and the South County Boys and Girls Club. During the 1999 Fireworks Program, the South County Boys and Girls Club opted not to participate, and the OCSD Board of Directors elected not to set into motion the defined procedure to replace the Boys and Girls Club with another participant. During the 2001 Fireworks Program, the Depot Association opted not to participate and the Oceano Firefighters' Association was authorized in lieu of the Depot Association to submit an application to sell safe and sane fireworks. The Firefighters' Association was granted continuing application authority by Resolution 2001-6.

2. During the 2003 Fireworks Program only three organizations opted to participate: Squad 745 (CHP), Five Cities Aerie No. 4153 F.O.E. and the Oceano Volunteer Firefighters. The Board of Directors authorized an advertisement to solicit interest from other organizations; no other organization came forward to express an interest in selling Safe and Sane Fireworks in Oceano. During 2004, two new organizations, the Eagles Ladies Auxiliary; and the Food Bank Coalition of SLO County, were approved to sell Safe and Sane Fireworks in Oceano. During the 2005 Fireworks Program the Food Bank Coalition of SLO County opted not to continue their participation and was replaced by the Church of God Prophecy.

3. It has been past practice to limit the number of participants to between four and six. During the 2007 Fireworks Program, the following five organizations were authorized to participate: Squad 745 (CHP); Five Cities Area No 4153 F.O.E.; the Oceano Firefighters' Association; Eagles Ladies Auxiliary; and the Church of God Prophecy. For the 2008 Program, other local organizations, including the Kiwanis Club and a local youth athletic organization, have requested to participate. It has also been past practice to encourage participants to utilize some of the proceeds from the sale of fireworks to benefit the Oceano community. Staff recommends that organizations wishing to participate provide a statement concerning how their proceeds will be used to

benefit the Oceano community so the Board can decide which organizations should receive priority when authorizing permits.

4. In prior years, the Board of Directors elected to charge each participant a \$385 fee.

THE RECOMMENDED ACTION BEFORE YOUR BOARD is to: by Board discussion, public comment, motion, second, and voice vote, direct staff to provide an application form to any organization indicating their interest in participating in the safe and sane fireworks for 2008, with a return date no later than April 30, 2008.

FURTHER, by Board discussion, public comment, motion, second, and voice vote: direct staff to include on the application a statement that priority consideration will be given to those organizations that provide the most support to the Oceano community and provide a space on the application for each organization to stipulate how they will support the community.

FURTHER, by Board discussion, public comment, motion, second, and voice vote: establish the administration/processing fee at \$400 payable at such time as the application is filed with the District.



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April 9, 2008

TO: Board of Directors, OCSD

FROM: Patrick J. O'Reilly, General Manager *PJO*

SUBJECT: FIRE OVERSIGHT COMMITTEE

1. The Joint Fire Services agreement has been approved by all three participating agencies; the District, the City of Arroyo Grande and the City of Grover Beach. That agreement provides for a Fire Oversight Committee which meets bi-monthly to monitor the agreement. The agreement provides that each of the agencies shall have a representative on the Fire Oversight Committee.

The President of the Board makes committee assignments.

THE RECOMMENDED ACTION BEFORE YOUR BOARD is to: by Board discussion, public comment, motion, second, and roll call vote, approve the assignment of a primary and alternate member to the Fire Oversight Committee proposed by President Hill.

Agenda Item 04 09 2008 6.c.



Oceano Community Services District

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

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April 9, 2008

TO: Board of Directors, OCSD

FROM: Patrick J. O'Reilly, General Manager *PJO*

SUBJECT: CLEANING AND INSPECTION OF DISTRICT SEWER AND WATER LINES

1. Public Contracts Code Section 22050(c)(1) requires that if the governing body orders any action after the emergency has been declared, the governing body shall review the emergency action at its next regularly-scheduled meeting and at every regularly-scheduled meeting thereafter until the action is terminated, to determine, by four-fifths vote, that there is need to continue the action.

THE RECOMMENDED ACTION BEFORE YOUR BOARD is to: by Board discussion, public comment, motion, second, and roll call vote, determine, by four-fifths vote, that there is a need to continue the action.

Agenda Item 04 09 2008 7.a.



Oceano Community Services District

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April 9, 2008

TO: Board of Directors, OCSD

FROM: Patrick J. O'Reilly, General Manager *PJO*

SUBJECT: RULES OF ORDER

1. Director Bookout recommends that a change to the District Rules of Order be considered. The recommended change includes modifications to Paragraph 1.4 and the addition of a Paragraph 1.5.
2. The modification to Paragraph 1.4 would revise the process for selecting the Board President and Vice President. The existing procedure is for the President and Vice President to be determined by seniority and the last time the position was held. The recommended modification would determine the President and Vice President by majority vote of the Board.
3. The recommended Paragraph 1.5 would allow the Board to select a new President or Vice President at any time by majority vote of the Board.
4. Copies of the existing Paragraph 1.4 and the recommended changes are attached to this staff report.

THE RECOMMENDED ACTION BEFORE YOUR BOARD is to: by Board discussion, public comment, motion, second, and roll call vote, approve or disapprove the changes to Paragraphs 1.4 and 1.5 to the District Rules of Order.

Agenda Item 04 09 2008 8.A.

PARAGRAPH 1- OF OCSD RULES OF ORDER
ADOPTED MARCH 12, 2008

1.4 The President and Vice President of the Board shall be determined annually at the last regular meeting of each calendar year as follows.

(a) The determination and seating of the President and Vice President shall be the first order of business after the call to order, roll call, flag salute, and if appropriate, certification of election and seating of new board members.

(b) The President shall be the most senior Board member who has not previously served as the Board's President. If two Board members have not previously served as Board President and are of equal Board service tenure, then the President shall be determined between them by drawing lots. If all Board members have previously served as Board President, then the Board member who has had the longest period since his or her last service as Board President shall serve.

(c) After the President is determined, the Vice President shall be the Board member determined in the same manner as the President, without regard to the President.

(d) Nothing herein shall prohibit a Board member from declining to serve as a Board officer, in which case, the determination of the officer in question shall be made without regard to the declining person.

(e) The officers so determined take possession of their offices, and their terms commence immediately.

(f) Committee, interagency, and other third party body appointments shall be made, by the new President, during the first meeting in January, subject to approval of the Board.

(1) No committee shall include in its membership more than two (2) Board members.

(2) The President shall be appointed as an alternate member to all standing committees. The Vice President shall be appointed as an alternate for those meetings where the President serves as a regular member or where the President is unable, due to scheduling or other conflicts, to attend a committee meeting as an alternate.

(3) The General Manager, or his/her designee, shall be an ex-officio member of all committees.

2. MEETINGS.

2.1 Regular meetings of the Board shall commence at 6:30 p.m. and adjourn by 10:00 p.m. on the second and fourth Wednesday of each calendar month in the Board room at

PROPOSED CHANGES TO PARAGRAPH 1.4 OF THE DISTRICT RULES OF ORDER AND ADDITION OF PARAGRAPH 1.5

1.4 The President and Vice President of the Board shall be elected annually at the last regular meeting of each calendar year as follows.

(a) The determination and seating of the President and Vice President shall be the first order of business after the call to order, roll call, flag salute, and if appropriate, certification of election and seating of new board members.

(b) The call for nominations for President shall be opened by the President and nominations shall be received by voice. No nomination needs to be seconded.

(c) Nominations shall be closed upon an approved motion.

(d) An absent candidate may not be nominated and elected unless such candidate has submitted in writing his/her desire to serve.

(e) Nothing herein shall prohibit a Board member from declining to serve as a Board officer, in which case, the determination of the officer in question shall be made without regard to the declining person.

(f) The elected President takes possession of his/her office immediately and his/her term commences immediately.

(g) After the President is determined, the Vice President shall be determined in the same manner as the President. The elected Vice President takes possession of his/her office immediately and his/her terms commences immediately.

(h) Committee, interagency, and other third party body appointments shall be made by the new President during the first meeting in January, subject to approval of the Board.

(1) No committee shall include in its membership more than two (2) Board members.

(2) The President shall be appointed as an alternate member to all standing committees. The Vice President shall be appointed as an alternate for those meetings where the President serves as a regular member or where the President is unable, due to scheduling or other conflicts, to attend a committee meeting as an alternate.

(3) The General Manager, or his/her designee, shall be an ex-officio member of all committees.

PROPOSED CHANGES TO PARAGRAPH 1.4 OF THE DISTRICT RULES OF ORDER AND ADDITION OF PARAGRAPH 1.5

1.5 Any member of the Board may request that an agenda item be included on a regular or special meeting for the Board to consider whether the President or Vice President shall be removed and an election be conducted to select a new President or Vice President.

(1) Upon motion and second, the President or Vice President shall be removed from office as such and an election will be held to select a new President or Vice President if a majority of the Board votes affirmatively.

(2) The call for nominations for President and/or Vice President shall be opened by the then acting President and nominations shall be received by voice. No nomination needs to be seconded.

(3) Nominations shall be closed upon an approved motion.

(4) An absent candidate may not be nominated and elected unless such candidate has submitted in writing his/her desire to serve.

(5) Nothing herein shall prohibit a Board member from declining to serve as a Board officer, in which case, the determination of the officer in question shall be made without regard to the declining person.

(6) The elected President or Vice President takes possession of his/her office immediately and his/her term commences immediately.

(7) Committee, interagency, and other third party body appointments shall be made by the new President during the first meeting after his/her election, subject to approval of the Board.



Oceano Community Services District

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

(805) 481-6730

FAX (805) 481-6836

April 9, 2008

TO: Board of Directors, OCSD

FROM: Patrick J. O'Reilly, General Manager *PJO*

SUBJECT: DISTRICT LEGAL COUNSEL RETAINER AGREEMENT RENEWAL AND CODIFICATION OF DISTRICT ORDINANCES AND RESOLUTIONS

1. As discussed at previous Board meetings, the District was unsuccessful in getting any qualified firm to bid on our Request for Proposals to codify our District ordinances and resolutions without an ongoing commitment to use the bidding firm to maintain those records. The only bid received was for more than \$7,000 with a requirement to pay for annual updates to the code. Several weeks ago, the General Manager asked Counselor Simas if his firm could do the codification process since it is largely a legal review of our documentation. Counselor Simas agreed that his firm could perform this function for the District using "banked hours" available instead of charging additional legal fees. His firm could begin work on this project in June 2008. However, Counselor Simas indicated that, with the approaching new fiscal year, it will be three years since his contract has been reviewed and a concurrent review of the existing retainer agreement is appropriate.

2. The existing Retainer Agreement for Legal Services was adopted in July 2005. It sets a fee of \$3,500 per month for the first 20 hours (effectively \$175 per hour) with additional hours charged at \$200 per hour. It also provides the opportunity to bank unused hours for up to two years. The rate is a "blended rate" meaning that it applies regardless who in the firm actually does the work. At that time, the partner rate was \$290 per hour, associate rates were \$175 per hour and law clerks and paralegals were at approximately \$125 per hour. During the duration of this agreement, the District has built up a bank credit of approximately 50 hours. For the first time, some of these banked hours will begin to expire in April 2008.

3. At the present time, Kirk & Simas bills private clients \$305 per hour for Counselor Simas' services, \$200 per hour for most associate hours and \$135 per hour for most law clerks and paralegals. Counselor Simas has proposed a new "Agreement for Contract CSD Attorney Services" which is attached. The proposed agreement increases the monthly rate to \$4,000 while leaving the base blended hourly commitment to 20 hours per month (effectively \$200 per hour) with excess hours at \$225 per hour. The proposed agreement includes keeping a two year maximum on banked hours but deferring expiration on any currently banked hours until the end of September so that the codification project can proceed and likely use up many of the banked hours.

Agenda Item 4 09 2008 8.b.

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4. Although not included in the proposed agreement, Counselor Simas has indicated that his associate, Ryan Fothergill, will increasingly provide the legal services required by the District.

THE RECOMMENDED ACTION BEFORE YOUR BOARD IS TO: by Board discussion, public comment, motion, second and roll call vote, approve the Agreement for Contract CSD Attorney Services with Kirk & Simas.

Agenda Item 4 09 2008 8.b.

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AGREEMENT FOR CONTRACT CSD ATTORNEY SERVICES

THIS AGREEMENT FOR CONTRACT CSD ATTORNEY SERVICES (the "Agreement") is made and entered into as of April 9, 2008, by and between the OCEANO COMMUNITY SERVICES DISTRICT, a special district organized under California law (the "District") and KIRK & SIMAS, a professional law corporation (the "Firm") with reference to the following facts:

- A. The District, through its duly elected officials, has determined that it is in the District's best interests to retain, on a contract basis, CSD attorney services (the "Legal Services") to advise the District on certain legal matters as specified herein.
- B. The Firm is a law firm duly organized under California law, registered to practice law through its constituent principal shareholders and associates, and capable of providing the Legal Services the District requires.
- C. The District and the Firm are the same parties as those named in that certain Agreement for Contract CSD Attorney Services dated July 11, 2001 as amended by a certain Amendment #1 thereto dated as of July 1, 2002 and as amended and superseded by another certain Agreement for Contract CSD Attorney Services dated as of July 1, 2005 (the "Prior Agreements").
- D. The parties wish to enter into this Agreement for such Legal Services to supercede and replace the Prior Agreements, all on the terms and conditions specified herein.

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein, the parties hereto agree as follows:

1. **TRUTH OF RECITALS.** All of the matters specified in Recitals A. through D. above are true and correct as of this Agreement's date.
2. **ENGAGEMENT OF COUNSEL.** The District hereby engages the Firm as an independent contractor to provide Legal Services to the District as specified herein, and the Firm hereby accepts such engagement.
3. **DESIGNATION OF RESPONSIBLE ATTORNEY.** In connection with this Agreement, the District hereby appoints Alexander F. Simas ("Simas") as the attorney primarily responsible to fulfill the Firm's obligations hereunder. The parties acknowledge that from time to time, the firm may designate additional member attorneys, law clerks, paralegals, legal assistants,

secretaries or special outside counsel to discharge the Firm's duties under this Agreement. In particular, the District acknowledges that Firm associate Ryan W Fothergill will actively participate in providing services to the District under Simas' direction and supervision.

4. **TERM OF AGREEMENT.** The term of this Agreement shall be for a period commencing July 1, 2008 and ending June 30, 2009. It thereafter shall renew automatically for successive periods of twelve (12) months each, subject to:

- a. Such annual adjustments in compensation as the parties may from time to time agree pursuant to the District's budgeting process;
- b. The termination rights granted pursuant to Section 10 hereof;
- c. Such other modifications to which the parties may from time to time agree in writing.

Until July 1, 2008, the Prior Agreements shall remain in full force and effect, subject only to the provisions of Section 7.c. of this Agreement modifying the "Current Bank" arrangements.

5. **SCOPE OF WORK.** The Firm shall provide the District with its general legal services, including but not limited to:

- a. Attendance at regular District meetings (second and fourth Wednesdays of each month) and at such special meetings as may reasonably be required.
- b. Reviewing, drafting and advising the District and its staff with regard to legislation, resolutions, contracts, litigation and other matters of a legal nature.
- c. "On call" availability for legal questions of the District's Board of Directors and responsible management level staff.

The parties expressly agree that the Firm's responsibilities:

- d. Include completing codification of the District's ordinances during calendar year 2008.
- e. Do not include any bond or other securities work; or any other services for which the Firm does not have the necessary expertise and for which similar districts would ordinarily retain special counsel.

Nothing herein shall be deemed to constitute a representation or warranty regarding any particular outcome on any particular matter of District business.

6. **EMPLOYMENT OF ASSISTANTS.** The Firm, at its own expense, shall employ such assistants as it deems necessary to perform the services required of it under this Agreement. The District shall not control, direct or supervise the Firm's assistants or employees in performing those services. Nothing herein shall be deemed to create an employer - employee relationship

between the District and any of the Firm's employees or subcontractors.

7. **COMPENSATION.** The Firm shall be paid for its services rendered pursuant to this Agreement as follows:

a. Four Thousand Hundred Dollars (\$4,000) per month as a retainer (20 hours at \$200 per hour).

b. Two Hundred Twenty Five Dollars (\$225) per hour for any Legal Services rendered in excess of twenty (20) hours in one calendar month on all District files including litigation work.

c. In months in which the District utilizes less than twenty (20) hours, the unused hours shall be accrued and applied against later months in which the District utilizes more than twenty (20) hours so as to avoid payment at the higher rate pursuant to Section 7.b. above. Hours accrued but not used within twenty-four (24) months of accrual shall be lost and no longer subject to use by the District at a later time. In connection therewith, the parties acknowledge that as of February 29, 2008 there are approximately fifty (50) accrued and unused hours under the Prior Agreement (the "Current Bank Hours"), and that under the Prior Agreements, some of the Current Bank Hours are scheduled to expire during April 2008. The parties agree that the first expiration date for any Current Bank Hours is extended to October 1, 2008.

8. **REIMBURSABLE EXPENSES.** In addition to the foregoing fees for services, the District shall advance to or reimburse the Firm for any litigation costs, filing fees, postage, photocopies, long distance phone charges, overnight courier charges, facsimile charges or the like incurred by the Firm on behalf of the District.

9. **BILLINGS.** Fees and costs incurred during the term of this Agreement shall be billed in arrears on or about the last day of each month and shall be payable within fifteen (15) days thereafter.

Billings shall identify the services performed, the date of the services, the person performing the services, the number of hours worked, the aggregate cost of the services allocated to the retainer and/or extra hours, and all reimbursable cost items.

10. **TERMINATION.** The District may terminate this Agreement at any time and without penalty and without cause upon not less than thirty (30) days written notice delivered in person or by first class mail to the Firm. In order to avoid any proration of fees for partial months, such notice shall provide for termination on the last day of the first month ending at least thirty (30) days after the notice date.

The District may terminate this Agreement for cause at any time upon written notice to the Firm, subject only to payment for fees and costs incurred to date.

The Firm may terminate this Agreement upon not less than ninety (90) days written notice delivered in person or by first class mail to the District. In order to avoid any proration of fees for partial months, such notice shall provide for termination as of the last day of the first month

ending at least ninety (90) days after the date of the notice.

11. **ASSIGNMENT.** Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Firm without the District's prior written consent.

12. **WORKER'S COMPENSATION.** The Firm shall provide worker's compensation insurance for its employees and agents to indemnify the District against any loss or liability arising out of work related injuries for its employees.

13. **PROFESSIONAL LIABILITY INSURANCE.** The Firm shall maintain a comprehensive policy of professional liability insurance in the minimum amount of Five Hundred Thousand Dollars (\$500,000) per claim / One Million Five Hundred Thousand (\$1,500,000) aggregate, to cover any professional errors or omissions committed by the Firm's employees and agents during the performance of any duties under this Agreement.

14. **DOCUMENT RETENTION POLICY:** Because of the volume of work the Firm performs, the Firm cannot retain all documents in its files forever. As a result the Firm has developed a document retention policy. In general, the Firm retains originals or copies of all documents for a minimum of five years after the date on which the particular engagement involved ends.

15. **NOTICE.** Any and all notices or other communications required or permitted by this Agreement or by law to be delivered to, served on, or given to any party to this Agreement by any other party to this Agreement shall be in writing and shall be deemed properly delivered, served, or given when personally delivered to the party to whom it is directed, or in lieu of such personal service, when deposited in the United States mail, first class, postage pre-paid, addressed to:

IF TO THE DISTRICT: OCEANO COMMUNITY SERVICES DISTRICT
P.O. Box 599
Oceano, CA 93475-0599

Att: General Manager

IF TO KIRK & SIMAS: Alexander F. Simas
KIRK & SIMAS
2550 Professional Parkway
Santa Maria, CA 93455

Any party to this Agreement may change his address for the purposes of this Section by giving written notice of such change in accordance herewith.

16. **MODIFICATION.** This Agreement may be amended or modified only by an instrument in writing, stating the amendment or modification, executed by the parties hereto and attached to the end of this instrument.

17. **GOVERNING LAW/VENUE.** This Agreement shall be governed by and construed in

accordance with the laws of the State of California. In the event that it is necessary to institute any action to enforce any right granted herein or to redress any alleged breach hereof, then the exclusive venue for such action shall reside with the Superior Court of the State of California in and for the County of San Luis Obispo located in the City of San Luis Obispo, California. Prior to instituting any such action, the parties agree to actively participate in an attempt to mediate any dispute through the services of a regionally or nationally recognized mediation service to be agreed upon by the parties.

18. HEIRS AND SUCCESSORS. This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

19. SEVERABILITY. Should any portion of this Agreement be held unenforceable or inoperative for any reason, such shall not affect any other portion of this Agreement, but the remainder shall be as effective as though such ineffective portion had not been contained herein.

20. ATTORNEY'S FEES. In the event that it is necessary for either party to this Agreement to institute an action to enforce any right granted hereunder or to redress the breach of any provision of this Agreement, then the prevailing party in such action, in addition to any other award made by the Court, shall be entitled to his reasonable attorney's fees and costs incurred in prosecuting such action and the enforcement of any judgment entered in such action, all in an amount to be determined by the Court. Any judgment entered in such action shall include a specific provision authorizing the recovery of attorney's fees and costs incurred in enforcing such judgment.

IN WITNESS WHEREOF the parties have executed this instrument at Oceano, California as of the date and year above first written.

**OCEANO COMMUNITY
SERVICES DISTRICT
a special district**

**KIRK & SIMAS
a professional law corporation**

By: _____
James Hill
President, Board of Directors

By: _____
Alexander F. Simas

ATTEST:

Patrick J. O' Reilly
General Manager



Oceano Community Services District

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

(805) 481-6730

FAX (805) 481-6836

April 9, 2008

TO: Board of Directors, OCSD

FROM: Patrick J. O'Reilly, General Manager *PJO*

SUBJECT: DRAINAGE AND FLOOD CONTROL ISSUES IN OCEANO

1. Drainage and Flood Control issues in the Oceano community have been persistent problems. Mitigation of flooding is not a power held by the Oceano Community Services District Board of Directors. However, Directors can be effective in supporting community efforts to resolve flooding issues. Director Dahl has agreed to be a proponent for the individuals in the Oceano Community for obtaining assistance from various public agencies, including the County of San Luis Obispo, in resolving the flooding problems affecting our community.

THE RECOMMENDED ACTION BEFORE YOUR BOARD IS TO: by Board discussion, public comment, motion, second and roll call vote, approve RESOLUTION 2008-07 SUPPORTING EFFORTS OF INDIVIDUAL MEMBERS OF THE OCEANO COMMUNITY TO RESOLVE FLOODING CONDITIONS IN THE OCEANO COMMUNITY.

Agenda Item 4 09 2008 8.c.

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-07
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OCEANO COMMUNITY
SERVICES DISTRICT SUPPORTING EFFORTS OF INDIVIDUAL MEMBERS OF THE
OCEANO COMMUNITY REGARDING ADVOCACY FOR DRAINAGE AND FLOOD
CONTROL PROGRAMS**

WHEREAS, the Board of Directors of the Oceano Community Services District is aware of flooding conditions in the Oceano Community; and

WHEREAS, the Oceano Community Services District considers flooding to be a problem in Oceano that needs to be addressed; and

WHEREAS, much of the flooding in Oceano occurs in the low income areas of Oceano and in the high traffic areas of Oceano; and

WHEREAS, a large amount of the water flooding in Oceano and draining through Oceano does not originate in Oceano; and

WHEREAS, the Oceano Community Services District desires to support local efforts to resolve the flooding conditions affecting the Oceano Community; and

WHEREAS, the San Luis Obispo County Flood Control and Water Conservation District has a responsibility and regional role in the County in matters of Drainage and Flood Control; and

WHEREAS, the San Luis Obispo County Flood Control and Water Conservation District uses its general funding to identify water related issues, to determine solutions for these issues and to help local areas implement recommended solutions; and

WHEREAS, in response to unusually heavy rainfall during March 2001 the San Luis Obispo County Flood Control and Water Conservation District fully funded and completed the Oceano Drainage and Flood Control Study in February 2004; and

WHEREAS, the Oceano Drainage and Flood Control Study concluded that the recommended solution to Oceano's drainage and flood control problems was the construction of a comprehensive storm drainage system; and

WHEREAS, the Oceano Drainage and Flood Control Study estimated the cost to implement the recommended drainage and flood control projects was \$11,980,000; and

WHEREAS, with a drainage study complete, now is a prime time to search for possible funding; and

WHEREAS, the Flood Zone 1 and 1A is currently working on a solution for the Arroyo Grande Creek making now a prime time to work on drainage issues in Oceano since the Arroyo Grande Creek is the recipient of Oceano flood and drainage water; and

WHEREAS the San Luis Obispo County Flood Control and Water Conservation District Board of Supervisors established a policy in 1968 (Resolution 68-223) regarding

the apportionment of local costs of planning, design, construction, operation and maintenance of drainage and flood control facilities; and

WHEREAS , Resolution 68-223 states that local costs of drainage projects should be spread within the area of benefit in accordance with the benefits received, insofar as possible; and

WHEREAS, solutions to mitigating and resolving the Oceano Community's drainage and flooding problems include the cooperation and assistance of the San Luis Obispo County Flood Control and Water Conservation District, Cal Trans, Union Pacific Railroad, other local, State and Federal agencies, and private property owners; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Oceano Community Services District that:

1. The OCSD Board of Directors does hereby request the County of San Luis Obispo to take a proactive role working with individuals, private enterprises, and public agencies to develop a mutually agreeable implementation strategy for the mitigating of drainage and flood control problems in the Oceano community; and
2. The OCSD Board of Directors does hereby request the County of San Luis Obispo to take a proactive role in searching for assistance, funding, and grants for the mitigation of drainage and flood control problems in the Oceano community.
3. The OCSD Board of Directors does hereby recognize Vern Dahl as a resident of the Oceano Community who is well known in the community, who understands the flooding and drainage issues affecting the Oceano Community, who is motivated to resolve flooding issues in the community, and who can enlist the assistance of other members of the community to work towards resolving flooding issues affecting the community.
2. The OCSD Board of Directors supports the advocacy of Vern Dahl to coordinate and develop a mutually agreeable implementation strategy for mitigation of Oceano drainage and flood control problems with the San Luis Obispo County Flood Control and Water Conservation District, Cal Trans, Union Pacific Railroad, private property owners and other cooperative agencies

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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted this _____ day of _____, 2008.

ATTEST:

Jim Hill, President

Patrick J. O'Reilly, Secretary



Oceano Community Services District

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

(805) 481-6730

FAX (805) 481-6836

April 9, 2008

TO: Board of Directors, OCSD

FROM: Patrick J. O'Reilly, General Manager *PJO*

SUBJECT: GENERAL MANAGER PERFORMANCE EVALUATION

1. At the meeting of the Board of Directors on March 26, 2008, Director Mann requested that an agenda item be included for the meeting of the Board of Directors on April 9, 2008 that would allow the Directors to discuss evaluation forms that might be used to evaluate the General Manager.

THE RECOMMENDED ACTION BEFORE YOUR BOARD is to: by Board discussion and public comment, develop a consensus on a form, criteria and process to be used to evaluate the performance of the General Manager.

Agenda Item 04 09 2008 8.d.

WARRANT SUMMARY

13,945.34	REGULAR WARRANTS THRU 04/02/08 EX 0848 2007/08
<u>20,863.60</u>	REGULAR PAYROLL THRU 03/29/08 PR 0401A 2007/08
34,808.94	
220.00	CHECK # 046185 VOID
<u>220.00</u>	CHECK # 046203 ADD
1,600.00	PREPAID CHECKS THRU 04/04/08 #046218 THRU #046222
<u><u>36,408.94</u></u>	TOTAL WARRANTS SUBMITTED FOR APPROVAL
	04/09/08

AGENDA ITEM 04/09/08 12

4/02/08 OCEANO COMMUNITY SERVICES DISTRICT RUN: 4/04/08 PAGE 1
0848 REGISTER OF DEMANDS 9:21:25 APWR02-U1

PAYEE	DETAIL OF DEMANDS	VEND.NO.	INV.NO.	ACCOUNT	DEPT NAME	CHECK NO.	CHECK AMOUNT	JOB/PROJECT	KEY #
030108	8054816730		304831293001	01-4100-111	ADMINISTRA		431.15		10
030108	8054736915		181734628001	01-4200-111	FIRE		40.48		20
030108	8054810085		181734629001	02-4400-111	WATER		38.65		30
030108	8054892124		181734627001	02-4400-111	WATER		87.32		40
030108	8054817760		181734630001	03-4500-111	SEWER		38.65		50
AT&T		00250				046184	636.25		
CFSTS CERT-RODLIN			870516	01-4200-285	FIRE		110.00		60
CFSTS CERT-ANGELLO			870516	01-4200-285	FIRE		110.00		70
ALLIANCE READY MIX, INC		01000				046185	220.00		
04/08 VISION			102818800001	01-2166-004	PAYROLL		132.36		80
AMERITAS LIFE INSURANCE		01484				046186	132.36		
7/1/07-12/31/07			0850545	02-4400-220	WATER		2,276.73		470
CA DEPT OF HEALTH SERVICES		06349				046187	2,276.73		
03/10-04/10/08 EMPLEE			E9930363	01-2166-005	PAYROLL		72.50		280
COLONIAL LIFE AND ACCIDENT		08351				046188	72.50		
03/17 FUEL 30015			961121	02-4400-172	WATER		92.13		90
03/17 FUEL 30016			961121	02-4400-172	WATER		119.25		100
03/17 FUEL 30017			961121	03-4500-172	SEWER		200.81		110
J.B. DEWAR, INC.		11150				046189	412.19		
03/08 JANITORIAL SVC			33929	01-4100-173	ADMINISTRA		221.56		120
EXECUTIVE JANITORIAL		12975				046190	221.56		
04/4-4/6/08 WATHEN			I-300	01-4200-285	FIRE		34.00		480
GROVER BEACH, CITY OF		15245				046191	34.00		
R&M NETWORK			2096	01-4100-170	ADMINISTRA		20.00		130
R&M NETWORK			2105	01-4100-170	ADMINISTRA		925.00		140
R&M NETWORK			2113	01-4100-170	ADMINISTRA		200.00		150
R&M NETWORK			2113	01-4200-170	FIRE		250.00		160
A.C.E., INC. 3424		17200				046192	1,395.00		
R&M DISTRICT YARD			139361	02-4400-175	WATER		66.75		440
MIER BROS.		21020				046193	66.75		
06/10/08-06/09/09 PROBE 001			I032616240	02-4400-170	WATER		209.64		450

4/02/08 OCEANO COMMUNITY SERVICES DISTRICT RUN: 4/04/08 PAGE 2
0848 REGISTER OF DEMANDS 9:21:25 APWR02-U1

PAYEE	DETAIL OF DEMANDS VEND.NO.	INV.NO.	ACCOUNT	DEPT NAME	CHECK NO.	CHECK AMOUNT	JOB/PROJECT	KEY #
06/10/08-06/09/09 PROBE 002	I032616240		02-4400-170	WATER		209.64		460
NORTHROP GRUMMAN - CIS	23360				046194	419.28		
3/20 ST LIGHTS		6158009002	01-4195-295	LIGHTING D		552.43		290
3/20 ST LIGHTS		6158009004	01-4195-295	LIGHTING D		479.01		300
3/20 ST LIGHTS		6158009008	01-4195-295	LIGHTING D		229.00		310
3/20 ST LIGHTS		6158009014	01-4195-295	LIGHTING D		702.41		320
3/20 ST LIGHTS		6158009016	01-4195-295	LIGHTING D		8.25		330
3/20 ST LIGHTS		6158009022	01-4195-295	LIGHTING D		80.43		340
3/20 ST LIGHTS		6158009026	01-4195-295	LIGHTING D		333.31		350
3/20 ST LIGHTS		6158009028	01-4195-295	LIGHTING D		87.84		360
3/20 ST LIGHTS		6158009748	01-4195-295	LIGHTING D		83.75		370
3/20 1655 FRONT		6158009015	01-4100-290	ADMINISTRA		535.06		380
3/20 1685 FRONT		6158009020	02-4400-290	WATER		800.61		390
3/20 LIFT STAT		6158009030	03-4500-290	SEWER		44.18		400
3/20 1687 FRONT		6158009401	01-4200-290	FIRE		56.57		410
3/20 MODULAR		6158009846	01-4200-290	FIRE		47.36		420
3/20 1935 WILMAR		6158009939	02-4400-290	WATER		616.59		430
PACIFIC GAS & ELECTRIC	24453				046195	4,656.80		
OFF/COMP		032008	01-4100-200	ADMINISTRA		60.80		170
FIA CARD SERVICES	25796				046196	60.80		
OFF SUPP: BAL DUE		032008	01-4200-200	FIRE		87.64		180
FIA CARD SERVICES	25797				046197	87.64		
OPER SUPP		032008	03-4500-163	SEWER		30.40		190
FIA CARD SERVICES	25798				046198	30.40		
03/08 DENTAL PREM		P42890-1	01-2166-002	PAYROLL		951.24		200
03/08 LIFE INS		P42890-1	01-2166-003	PAYROLL		190.24		210
PRINCIPAL MUTUAL LIFE INS CO	26100				046199	1,141.48		
03/14 1655 FRONT		14371606006	01-4100-290	ADMINISTRA		61.93		220
03/14 1689 FRONT		15211606007	01-4200-290	FIRE		55.08		230
03/13 1935 WILMAR		01761523008	02-4400-290	WATER		331.03		240
THE GAS COMPANY	31878				046200	448.04		
CODE UPDATES		815240517	01-4100-235	ADMINISTRA		692.92		250
CODE UPDATES		815240517	01-4100-235	ADMINISTRA		570.64		260
WEST PAYMENT CENTER	35739				046201	1,263.56		
EMP RELATIONS POLICY		0308	01-4100-220	ADMINISTRA		370.00		270

4/02/08 OCEANO COMMUNITY SERVICES DISTRICT
0848 REGISTER OF DEMANDS

RUN: 4/04/08
9:21:25

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APWR02-U1

PAYEE	DETAIL OF DEMANDS VEND.NO.	INV.NO.	ACCOUNT	DEPT NAME	CHECK NO.	CHECK AMOUNT	JOB/PROJECT
KATEN, JAMES	91215				046202	370.00	

KEY #

CHECKS WRITTEN	13,945.34
* PREPAID ITEMS	.00 *
TOTAL DEMANDS PAID	13,945.34

04/02/08

CHECK REGISTER--\$ AMT SORT

PAGE 1

PAYEE	VEND.NO.	CHECK DATE	CHECK #	CHECK AMT	PREPAID
PACIFIC GAS & ELECTRIC	24453	40208	46195	4656.80	0
CA DEPT OF HEALTH SERVICES	6349	40208	46187	2276.73	0
A.C.E., INC. 3424	17200	40208	46192	1395.00	0
WEST PAYMENT CENTER	35739	40208	46201	1263.56	0
PRINCIPAL MUTUAL LIFE INS CO	26100	40208	46199	1141.48	0
AT&T	250	40208	46184	636.25	0
THE GAS COMPANY	31878	40208	46200	448.04	0
NORTHROP GRUMMAN - CIS	23360	40208	46194	419.28	0
J.E. DEWAR, INC.	11150	40208	46189	412.19	0
KATEN, JAMES	91215	40208	46202	370.00	0
EXECUTIVE JANITORIAL	12975	40208	46190	221.56	0
ALLIANCE READY MIX, INC	1000	40208	46185	220.00	0
AMERITAS LIFE INSURANCE	1484	40208	46186	132.36	0
FIA CARD SERVICES	25797	40208	46197	87.64	0
COLONIAL LIFE AND ACCIDENT	8351	40208	46188	72.50	0
MIER BROS.	21020	40208	46193	66.75	0
FIA CARD SERVICES	25796	40208	46196	60.80	0
GROVER BEACH, CITY OF	15245	40208	46191	34.00	0
FIA CARD SERVICES	25798	40208	46198	30.40	0
				13945.34 *	

19 RECORDS PROCESSED

YREPALD

DIRECTOR'S MEETINGS

VERN DAHL	2 REG. BOARD MTGS 3/12 & 3/26	@ 100.00 ea.= 200.00
	2 ZONE 1-1A	3/17/08 & 3/18/08 @ 50.00 ea.= 100.00
	2 OAC	3/17/08 & 3/24/08 @ 50.00 ea.= 100.00
		\$ 400.00

BILL BOOKOUT	2 REG. BOARD MTGS 3/12& 3/26	@ 100.00 ea.= 200.00
		\$ 200.00

PAMELA DEAN	2 REG. BOARD MTGS 3/12& 3/26	@ 100.00 ea.= 200.00
	2 PERSONNEL MTGS	@ 50.00 ea.= 100.00
	1 ZONE 3 MTG	@ 50.00 ea.= 50.00
		\$ 350.00

JIM HILL	2 REG. BOARD MTGS 3/12& 3/26	@ 100.00 ea.=200.00
	2 FIRE MTGS	@ 50.00 ea.=100.00
	1 PERSONNEL	@ 50.00 ea.= 50.00
		\$ 350.00

BARBARA MANN	2 REG. BOARD MTGS 3/12& 3/26	@ 100.00ea.= 200.00
	2 FIRE MTGS	@ 50.00ea.= 100.00
		\$ 300.00

TOTAL BOARD CHECKS \$ 1600.00
04/04/08