



Notice of Regular Meeting

Oceano Community Services District - Board of Directors Agenda

WEDNESDAY, October 09, 2019 – 6:00 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:

- A. **PUBLIC EMPLOYMENT.** Pursuant to Government Code Section 54957(b)(1): Title: General Manager
- B. **Pursuant to Government Code 54956.9(a):** Conference with legal counsel regarding Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.,
- C. **Pursuant to Government Code 54956.9(d)(4):** Conference with legal counsel to determine whether to initiate litigation. Number of cases: 1.

6. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

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. ADOPTION OF A RESOLUTION PROCLAIMING OCTOBER 6-12, 2019 AS FIRE PREVENTION WEEK

B. STAFF REPORTS:

- i. Operations – Utility System Manager Tony Marraccino
- ii. FCFA Operations - Chief Steve Lieberman
- iii. OCSD General Manager – Paavo Ogren
- iv. Sheriff's South Station - Commander Michael Manuele

C. BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:

- i. Director Villa
- ii. Director Gibson
- iii. Vice President White
- iv. President Austin
- v. Director Repogle

D. 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.

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 Cash Disbursements
- B. Review and Approval of Minutes for September 25, 2019 Special Meeting
- C. Review and Approval of Minutes for September 25, 2019 Regular Meeting

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. Appointment of Will Clemens as General Manager / Discuss and determine compensation and fringe benefits / Approve Employment Contract.
- B. Introduction of draft resolutions for placing a measure on the ballot for the March 3, 2020 consolidated election for voters within District boundaries to decide whether to approve an ordinance establishing a special tax for emergency medical and fire protection services pursuant to California Constitution Article XIII(C), and to set a public hearing for October 23, 2019 to consider adopting a final resolution.

10. HEARING ITEMS:

11. RECEIVED WRITTEN COMMUNICATIONS: Correspondence from County on Fire Services

12. LATE RECEIVED WRITTEN COMMUNICATIONS:

13. FUTURE AGENDA ITEMS: District Polices, Roles and Responsibilities with Related Agencies, Norswing/ Pershing Bid Award, Five Cities Fire Authority, District Rules and Regulations, Cienaga Seabreeze Park, Inc. Continued, Deferred Infrastructure Program, Lopez Water Contract Amendments, Central Coast Blue, Wastewater CIP, The Place, EIR State Parks PWP, LID Presentation, Old Firehouse Art

14. FUTURE HEARING ITEMS:

15. ADJOURNMENT:

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.

_____ day _____, 20__

RESOLUTION NO. 2019-___

RESOLUTION PROCLAIMING OCTOBER 6-12, 2019 AS FIRE PREVENTION WEEK

The following Resolution is hereby offered and read:

WHEREAS, the Oceano Community Services District is committed to ensuring the safety and security of all those living in and visiting Oceano; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed 2,630 people in the United States in 2017, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 357,000 home fires; and

WHEREAS, the majority of US fire deaths (4 out of 5) occur at home each year; and

WHEREAS, the fire death rate per 1000 home fires reported to US fire departments was 4 percent higher in 2017 than in 1980; and

WHEREAS, when the smoke alarm sounds Oceano's residents may have less than two minutes to escape to safety; and

WHEREAS, Oceano's residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Oceano's residents should make a home escape plan, drawing a map of each level of the home, showing all doors and windows; and

WHEREAS, Oceano's residents should practice the home fire escape plan with everyone in the household, including visitors; and

WHEREAS, Oceano's residents should practice the home fire escape drill at least twice a year, during the day and at night; and

WHEREAS, Oceano's residents should teach children to escape on their own in case adults can't help them; and

WHEREAS, Oceano's residents should make sure everyone in the home knows how to call 9-1-1 or the local emergency number from a cell phone or a neighbor's phone; and

WHEREAS, Oceano's residents should practice using different ways out; and

WHEREAS, Oceano’s residents in a real emergency should get low and go under the smoke to get out quickly; and

WHEREAS, Oceano’s residents should get out and stay out, never going back inside the home for people, pets, or things; and

WHEREAS, Oceano’s residents are responsive to public education measures and are able to take action to increase their safety from fire, especially in their homes; and

WHEREAS, the 2019 Fire Prevention Week™ theme, “Not Every Hero Wears a Cape. Plan and Practice Your Escape!™” effectively serves to remind us that we need to take personal steps to increase our safety from fire.

NOW, THEREFORE, BE IT PROCLAIMED by the Board of Directors of the Oceano Community Services District that October 6–12, 2019 is Fire Prevention Week throughout the community, and urges all the people of Oceano to be aware of their surroundings, look for available ways out of buildings and structures in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and to support the many public safety activities and efforts of the Five Cities Fire Authority during Fire Prevention Week 2019.

PASSED, APPROVED, and ADOPTED by the Board of Directors of the Oceano Community Services District, State of California, this ___ day of _____, 2019, by the following vote:

AYES:

ABSTAIN:

NOES:

ABSENT:

President of the Board of Directors

ATTEST:

Board Secretary of the Oceano Community Services District

APPROVED AS TO FORM:

District Counsel



Oceano Community Services District

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

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

Date: October 9, 2019

To: Board of Directors

From: Carey Casciola, Business and Accounting Manager

Subject: **Agenda Item #8A: 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 |
|--|----------------|--------------|
| | 57996 - 58017 | |
| Disbursements Requiring Board Approval prior to Payment: | | |
| Regular Payable Register - paid 10/09/2019 | 58002 - 58017 | \$ 25,073.09 |
| | | |
| | Subtotal: | \$ 25,073.09 |
| Reoccurring Payments for Board Review (authorized by Resolution 2018-11): | | |
| | | |
| Payroll Disbursements - PPE 09/28/2019 | N/A | \$ 31,503.66 |
| Reoccurring Utility Disbursements - paid 09/25/2019 | 57996 - 57999 | \$ 2,117.14 |
| Reoccurring Health Disbursements - paid 09/25/2019 | 58000 - 58001 | \$ 8,353.48 |
| | | |
| | Subtotal: | \$ 41,974.28 |
| | Grand Total: | \$ 67,047.37 |

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: 058002 THRU 058017

| ACCOUNT | --DATE-- | --TYPE-- | NUMBER | -----DESCRIPTION----- | ----AMOUNT--- | STATUS | FOLIO | CLEAR DATE |
|-----------------------------|------------|----------|--------|--------------------------------|---------------|-------------|-------|------------|
| CHECK: | | | | | | | | |
| 1-1001-000 | 10/03/2019 | CHECK | 058002 | PETTY CASH | 152.50CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058003 | WHITE, KAREN M. | 200.00CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058004 | CRWA | 275.00CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058005 | DIVERSIFIED PROJECT SERVICES I | 1,680.00CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058006 | ARAMARK | 188.96CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058007 | R & T EMBROIDERY, INC. | 72.11CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058008 | REPLOGLE, CYNTHIA | 300.00CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058009 | GODBE CORPORATION dba GODBE RE | 14,750.00CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058010 | BRENT SARKISON DBA CALTECH COM | 268.77CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058011 | MICHAEL MCGUIRE DBA WEST COAST | 775.00CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058012 | CITY OF ARROYO GRANDE | 4,453.34CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058013 | CLINICAL LAB OF SAN BERNARDINO | 1,000.00CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058014 | J.B. DEWAR, INC. | 367.78CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058015 | MINER'S ACE HARDWARE, INC. | 17.72CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058016 | QUILL CORPORATION | 161.91CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 10/03/2019 | CHECK | 058017 | PRO-TECH LANDSCAPE MANAGEMENT, | 410.00CR | OUTSTND | A | 0/00/0000 |
| TOTALS FOR ACCOUNT 1-1001-0 | | | | CHECK | TOTAL: | 25,073.09CR | | |
| | | | | 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: 058002 THRU 058017

ACCOUNT --DATE-- --TYPE-- NUMBER -----DESCRIPTION----- ----AMOUNT--- STATUS FOLIO CLEAR DATE

| | | | |
|-----------------------------|----------------|--------|-------------|
| TOTALS FOR POOLED CASH FUND | CHECK | TOTAL: | 25,073.09CR |
| | 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 October 9, 2019

| | (*) | |
|---|---------------------------|---------------------------|
| <u>Gross Wages</u> | 9/14/2019 | 9/28/2019 |
| Regular | \$25,472.63 | \$26,842.22 |
| Overtime Wages | \$697.18 | \$375.96 |
| Stand By | \$400.00 | \$600.00 |
| | <u>\$26,569.81</u> | <u>\$27,818.18</u> |
| Cell Phone Allowance | <u>\$0.00</u> | <u>\$75.00</u> |
| Total Wages | <u><u>\$26,569.81</u></u> | <u><u>\$27,893.18</u></u> |
| <u>Disbursements</u> | | |
| Net Wages | \$19,432.69 | \$20,331.23 |
| State and Federal Agencies | \$4,794.15 | \$5,941.69 |
| CalPERS - Normal | \$4,868.48 | \$5,083.15 |
| SEIU - Union Fees | \$147.59 | \$147.59 |
| Total Disbursements processed with Payroll | <u>\$29,242.91</u> | <u>\$31,503.66</u> |
| Health (Disbursed with reoccurring bills) | \$5,548.34 | \$4,964.24 |
| Total District Payroll Related Costs | <u><u>\$34,791.25</u></u> | <u><u>\$36,467.90</u></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: 057996 THRU 057999

| ACCOUNT | --DATE-- | --TYPE-- | NUMBER | -----DESCRIPTION----- | ----AMOUNT--- | STATUS | FOLIO | CLEAR DATE |
|-----------------------------|-----------|----------|--------|--------------------------------|---------------|------------|-------|------------|
| CHECK: | | | | | | | | |
| 1-1001-000 | 9/25/2019 | CHECK | 057996 | HIRIARTE'S INDOOR CLEANING SER | 825.00CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 9/25/2019 | CHECK | 057997 | RABOBANK EQUIPMENT LEASE | 755.60CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 9/25/2019 | CHECK | 057998 | DE LAGE LANDEN FINANCIAL SERVI | 150.15CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 9/25/2019 | CHECK | 057999 | COASTAL COPY, INC. | 386.39CR | OUTSTND | A | 0/00/0000 |
| TOTALS FOR ACCOUNT 1-1001-0 | | | | CHECK | TOTAL: | 2,117.14CR | | |
| | | | | 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: | 2,117.14CR | | |
| | | | | 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: 058000 THRU 058001

| ACCOUNT | --DATE-- | --TYPE-- | NUMBER | -----DESCRIPTION----- | ----AMOUNT--- | STATUS | FOLIO | CLEAR DATE |
|-----------------------------|-----------|----------|--------|--------------------------------|---------------|------------|-------|------------|
| CHECK: | | | | | | | | |
| 1-1001-000 | 9/25/2019 | CHECK | 058000 | BLUE SHIELD OF CALIFORNIA | 7,096.24CR | OUTSTND | A | 0/00/0000 |
| 1-1001-000 | 9/25/2019 | CHECK | 058001 | PRINCIPAL LIFE INSURANCE COMPA | 1,257.24CR | OUTSTND | A | 0/00/0000 |
| TOTALS FOR ACCOUNT 1-1001-0 | | | | CHECK | TOTAL: | 8,353.48CR | | |
| | | | | 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: | 8,353.48CR | | |
| | | | | 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

Summary Minutes

Special Meeting Wednesday, September 25, 2019 – 11:00 A.M.

Oceano Community Services District Board Room

1655 Front Street, Oceano, CA

1. **CALL TO ORDER:** at 11:03 a.m. by President Austin
2. **ROLL CALL:** Board members present: President Austin, Vice President White, Director Gibson, Director Villa, and Director Replogle. Also present, General Manager Paavo Ogren, Legal Counsel Jeff Minnery, Business and Accounting Manager Carey Casciola.
3. **FLAG SALUTE:** led by President Austin
4. **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:**
Closed session was entered at approximately 11:05am. Open session was resumed at approximate 3:00pm
No public comment.
5. **CLOSED SESSION:**
 - A. **PUBLIC EMPLOYMENT.** Pursuant to Government Code Section 54957(b)(1): Title: General Manager
No reportable action
6. **ADJOURNMENT:** at approximately 3:00pm



Oceano Community Services District

Summary Minutes

Regular Meeting Wednesday, September 25, 2019 – 6:00 P.M.

Oceano Community Services District Board Room

1655 Front Street, Oceano, CA

1. **CALL TO ORDER:** at 6:00 p.m. by President Austin
2. **FLAG SALUTE:** led by President Austin
3. **ROLL CALL:** Board members present: President Austin, Vice President White, Director Villa, and Director Replogle. Also present, General Manager Paavo Ogren, Legal Counsel Jeff Minnery, Business and Accounting Manager Carey Casciola and Board Secretary Celia Ruiz. Board member absent Director Gibson.
4. **AGENDA REVIEW:** Agenda approved as presented with moving closed session to the end of the meeting.
5. **CLOSED SESSION:** Closed Session was moved to end of meeting. Closed session was entered at approximately 6:42pm. Open session was resumed at approximate 7:15pm
No public comment
 - a. **PUBLIC EMPLOYMENT.** Pursuant to Government Code Section 54957(b)(1): Title: General Manager
No reportable action
6. **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (NOT BEGINNING BEFORE 6:00 PM):**
Public comment was received by Darcey and Mette Maya.
7. **SPECIAL PRESENTATIONS & REPORTS:**
 - b. **STAFF REPORTS:**
 - i. Operations - Field Supervisor Tony Marraccino –reported on 10 USA's, 8 work orders, 7 customer service calls, 0 after hour call outs, weekly rounds, daily rounds, sewer jetting, upgrade meter on Wilmar to a 1", meter reads, re-reads highs and lows, FOG Program, meter change outs, Lopez currently at 54.6%.
 - ii. FCFA - Chief Steve Lieberman – None
 - iii. OCSD General Manager – Paavo Ogren – reported on Old Fire Station update, State Water Contractors meeting update, CUCCAC meeting update, and permits for Norswing project have been received.
 - iv. Sheriff's South Station - Commander Michael Manuele – None
 - c. **BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:**
 - i. Director Villa – None
 - ii. Director Gibson – Absent
 - iii. Vice President White – reported on FCFA
 - iv. President Austin – None
 - v. Director Replogle – Zone IIA and OAC meeting was cancelled
 - c. **PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:**
No public comment.

| 8 CONSENT AGENDA: | ACTION: |
|--|---|
| a. Review and Approval of Minutes for August 28, 2019 and September 11, 2019 b. Review and Approval of Cash Disbursements | After an opportunity for public comment and Board discussion, staff recommendations were approved with a motion from Vice President White, and a second from Director Villa and a 4-0 roll call vote with one absent. No public comment. |

Director Gibson arrived at 6:36pm

| 9A BUSINESS ITEM: | ACTION: |
|--|---|
| Consideration of recommendations for the emergency generator project to approve a purchase order with MarWal Construction, Inc. to provide inspection services required pursuant to the California State Essential Services Act in the amount of \$27,000 and direct the Board President to execute; and to approve a budget adjustment increasing the project budget \$32,500 with adjustments to District reserves | After an opportunity for public comment and Board discussion, staff recommendations were approved with a motion from Director Villa, and a second from Vice President White and a 5-0 roll call vote. No public comment. |

| 9B BUSINESS ITEM: | ACTION: |
|--|--|
| Update on emergency actions approved on July 10, 2019 authorizing the General Manager to procure the necessary equipment, services and supplies needed to resume groundwater pumping and by a 4/5ths vote, determine that there is a need to continue with emergency actions | After an opportunity for public comment and Board discussion, staff recommendations were approved with a motion from Vice President White, and a second from Director Replogle and a 5-0 roll call vote. No public comment. |

10. **HEARING ITEMS:** None

11. **RECEIVED WRITTEN COMMUNICATIONS:** None

12. **LATE RECEIVED WRITTEN COMMUNICATIONS:** None

13. **FUTURE AGENDA ITEMS:** District Polices, Roles and Responsibilities with Related Agencies, Norswing/ Pershing Bid Award, Five Cities Fire Authority, District Rules and Regulations, Cienaga Seabreeze Park, Inc. Continued, Deferred Infrastructure Program, Lopez Water Contract Amendments, Central Coast Blue, Wastewater CIP, The Place, EIR State Parks PWP, LID Presentation, Old Firehouse Art

14. **FUTURE HEARING ITEMS:** None

15. **ADJOURNMENT:** at approximately 7:15 pm



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475
(805) 481-6730 FAX (805) 481-6836

TO: Board of Directors
FROM: Jeff Minnery, District Legal Counsel
DATE: October 9, 2019
SUBJECT: Item #9A: Appointment of Will Clemens as General Manager / Discuss and determine compensation and fringe benefits / Approve Employment Contract

BACKGROUND

Earlier in 2019, your current General Manager, Paavo Ogren, announced his retirement with a targeted end-of-employment date of December 21, 2019. In response, the District began an active recruitment effort in mid-2019 and received approximately eighteen applications for the position. Of these potential candidates, the District Board of Directors interviewed the top three most qualified applicants and determined that the most qualified candidate for the position is Will Clemens. Mr. Clemens is currently the Central Services Director at the County of San Luis Obispo ("County"). Attached to this staff report is a copy of Mr. Clemens' cover letter and resume.

DISCUSSION

Mr. Clemens graduated from Cal Poly San Luis Obispo in 1989 with B.S. degree in Business/ Finance. Since graduation, Mr. Clemens has enjoyed a long and successful career at the County. From 1999 to 2016, Mr. Clemens served as Public Works Department Administrator. Among other accomplishments in this position, Mr. Clemens served as Special Districts Administrator for the County Board governed Special Districts (including the Flood Control District which serves the Oceano Community Services District), he served as the Finance Manager for County Public Works overseeing the preparation, monitoring, and reporting of a budget exceeding \$100 million, he managed all Proposition 218 rate increases, he negotiated, managed, and administered six separate water supply contracts, and he coordinated project financing through bond sales, grants, loans, and other funding sources. Mr. Clemens has extensive experience with issues relating to the Lopez and State Water systems that serve the community of Oceano.

From 2016 to the present, Mr. Clemens has served as Central Services Director for the County. In this position, Mr. Clemens has oversight of twenty-nine full-time employees providing fleet, purchasing, central mail, and real property services to the County with an annual operating budget of \$11.2 million. He oversees a Fleet Services Division with over 1,000 vehicles and equipment, and he acts as the Purchasing Agent for the County. In 2017, Mr. Clemens revised County contracting for services policies resulting in over \$600 thousand in annual staff time savings countywide.

Throughout his career, Mr. Clemens has demonstrated his ability to successfully develop and institute solutions for operational and capital-based initiatives. He has experience managing all aspects of projects including scope assessment, planning, scheduling, and budgeting, which are issues of paramount importance to the District's long-term capital improvement projects.

The proposed start date for Mr. Clemens is December 3, 2019. This will allow for an approximate three-week transitional period wherein Mr. Ogren will remain employed and be able to assist in an orderly transition to Mr. Clemens. During this period, Mr. Ogren will no longer be “acting” General Manager but will assume a support position to Mr. Clemens. Accordingly, there will be no confusion as to the fact that Mr. Clemens is the General Manager as of December 3, 2019.

The proposed compensation for Mr. Clemens is \$170,000, with cost-of-living adjustments to match that of District represented employees. The proposed contract anticipates an open-ended term with the termination of any severance package at the end of his fourth year of service to the District. Accordingly, the District will have the ability to terminate Mr. Clemens’ employment *without cause* after the fourth term with no obligation to pay severance. The proposed employment agreement is substantially similar to the one executed with the former General Manager, with the primary differences being salary, the term, and revision to severance.

FISCAL IMPACTS

Mr. Clemens’ compensation will provide cost savings of approximately \$35,000 per year.

RECOMMENDATION

That your Board:

- (1) Approve the appointment of Will Clemens as District General Manager.
- (2) Discuss and determine compensation and fringe benefits for Mr. Clemens.
- (3) Approve the attached employment agreement with Mr. Clemens.

ATTACHMENTS

- A. Mr. Clemens’ Cover Letter and Resume
- B. Proposed Employment Agreement with Will Clemens

WILL | CLEMENS

P.O. Box 12114 | San Luis Obispo | California | 93406 | C: 805-235-6417 | wclemens@email.com

August 21, 2019

Oceano Community Services District
Attn: Carey Casciola
1655 Front Street
Oceano, CA 93445

Re: General Manager Opportunity with Oceano Community Services District

Dear Ms. Casciola:

I am submitting this correspondence and attached résumé to express my sincere interest in the General Manager opportunity with the Oceano Community Services District. Currently, as Central Services Director for the County of San Luis Obispo (SLO), I act as Purchasing Agent for the County with annual spend of approximately \$200 Million. In addition, I oversee the County's fleet of over 1,000 vehicles and equipment as well as the Real Property portfolio of 460 properties and 70 leases. Our department also provides central mail processing and delivery for the County. I am uniquely qualified with 16 years of experience with the County Public Works Department in all areas of operation, including water, wastewater, solid waste, fire, the SLO County Flood Control and Water Conservation District and Zone 3 in particular. I am eager to demonstrate that I am an experienced, insightful, and collaborative candidate who will bring tremendous value and expertise to this position.

A handful of my career highlights include:

- Over 28 years of professional experience with 20 years spent in County of SLO executive management responsible for leadership, strategy, management, and execution of diverse services.
- Experienced in negotiation, development, management, and amendment of complex water supply contracts including four surface water reservoirs, one water recycling facility, and the State Water Project involving both the County and the SLO County Flood Control and Water Conservation District.
- Special Districts Administrator for the County of San Luis Obispo.
- Leading the Purchasing Division to achieve accreditation by the Institute for Public Procurement (NIGP) and annual *Achievement of Excellence in Procurement* award from the National Procurement Institute (NPI).
- Leading the multifaceted process that resulted in SLO County Public Works Department earning accreditation by the American Public Works Association (APWA), a significant achievement received by only four counties in California and only 100 agencies in North America at the time.
- Leading the Fleet Division to achieve APWA accreditation and *100 Best Fleets in the Americas*.
- Re-appointed by State Controller Betty Yee to serve as Commissioner and current Chair of the California Uniform Construction Cost Accounting Commission which oversees the alternative construction contract bidding procedures in the California Public Contract Code.
- Skilled with public works project financing, financial projections, Prop 218 issues, and project management.
- Articulate public speaker effective at communicating key concepts to internal and external stakeholders.
- President of the SLO County Pension Trust Board of Trustees which oversees \$1.3 Billion in Trust Assets.
- CSAC Credentialed California County Senior Executive.

At this juncture in my career, I am seeking a professional challenge that will allow me to utilize my knowledge, diversified experience, and diligent work ethic to benefit an outstanding organization. Through progressively responsible career history encompassing public sector procurement, budgeting, committee work, financial administration, and department leadership for the County of San Luis Obispo, I have developed and fine-tuned a broad-based skill set that will enable me to exceed your expectations in this challenging role. Thank you in advance for your time and consideration.

Respectfully,

Will Clemens

Will Clemens

WILL | CLEMENS

P.O. Box 12114 | San Luis Obispo | California | 93406 | C: 805-235-6417 | wclemons@email.com

CANDIDATE PROFILE

A dynamic leader with a demonstrated ability to achieve business initiatives through comprehensive evaluation of variable factors, strategic planning, and implementation of effective solutions through continuous process improvement. A perceptive and communicative administrator proficient at personnel development and management oversight.

QUALIFICATION HIGHLIGHTS

Strategy: A knowledgeable, forward-thinking leader experienced at planning and developing operational and financial plans and strategies to optimize outcomes and minimize risk while pursuing continual process improvement.

Project Planning and Execution: Track record of success developing and instituting solutions for operational and capital-based initiatives. Highly proficient at managing all aspects of projects including scope assessment, planning, scheduling, and budgeting.

Presentation Skills: A confident public speaker and technically proficient individual with extensive experience delivering multimedia presentations, demonstrations, seminars, and trainings internally and externally. Handle sensitive matters with tact, poise, and diplomacy.

RECENT PROFESSIONAL EXPERIENCE

County of San Luis Obispo – San Luis Obispo, CA

Central Services Director (2016 to Present)

- Oversee 29 FTE department providing fleet, purchasing, real property, and central mail services with annual operating budget of \$11.2 million.
- Act as Purchasing Agent for the County with annual spend of \$200 million.
- Achieved accreditation and OA4 award from NIGP for Procurement.
- Received the NPI Achievement of Excellence in Procurement award annually since 2015.
- Revised county contracting for services policies resulting in over \$600 thousand in annual staff time savings countywide.
- Oversee Fleet Services Division with over 1,000 vehicles and equipment.
- Lead Fleet Division to achieve accreditation from the American Public Works Association (APWA).

- Fleet Division is consistently ranked in 100 Best Fleets in the Americas.
- Oversee Real Property Division with portfolio of 460 properties and 70 leases.
- Sit on the County Information Technology Executive Steering Committee.
- Sit on the County Capital Improvement Executive Steering Committee.

Public Works Department Administrator (1999 to 2016)

- Serve as Special Districts Administrator for County Board governed Special Districts.
- Serve as the Finance Manager for County of SLO Public Works and SLO County Flood Control and Water Conservation District with supervision of 16 employees.
- Oversee the preparation, monitoring, and reporting of an annual Operations & Maintenance budget exceeding \$100 million and five-year capital budget exceeding \$500 million.
- Negotiate, manage, and administer six separate water supply contracts with the Department of Water Resources, Department of the Army, Nacimiento Commission, Whale Rock Commission, Monterey County Water Resources Agency, and Flood Control Zone 3 Advisory Committee, and associated agencies including Oceano CSD.
- Worked with State Assemblyman Achadjian’s office on special legislation to approve a low-income user fee offset program for the Los Osos water recycling project.
- Worked with State Water Board staff on policies to implement 30-year financing for State Revolving Fund loans.
- Manage all Proposition 218 rate increase processes.
- Maintain accountability for all financial reporting for the department and special districts.
- Prepare and present financial data to management, Board of Supervisors, and the public.
- Coordinate project financing through bond sales, grants, loans, and other funding sources.
- Led implementation of SAP ERP system for Public Works.
- Led the process that resulted in the department earning prestigious APWA accreditation. The County was the 96th agency and only 4th California County to achieve this accreditation at the time.
- Appointed by the Board of Supervisors to the Oversight Committees for the dissolved Redevelopment Agencies of the Cities of Atascadero and Arroyo Grande.

ADDITIONAL CAREER HISTORY

Cost Analyst, Watchtower Bible and Tract Society – New York, NY

Revenue Accountant, Chevron USA Incorporated – Concord, CA

EDUCATION

B.S., Business/Finance 1989, California Polytechnic State University, San Luis Obispo, CA

COMMISSION & BOARD EXPERIENCE

President, San Luis Obispo County Pension Trust Board (2013 to Present)

Provide policy direction and oversight on the investment of \$1.3 billion in Trust assets. Elected and re-elected to this Board by the members of the Trust.

Chairperson, CA Uniform Construction Cost Accounting Commission (2013 to Present)

Appointed to this Commission by California State Controller John Chiang and re-appointed by California State Controller Betty Yee to represent Counties.

PROFESSIONAL AFFILIATIONS

County General Services Association

American Public Works Association

County Engineers Association of California

CSAC Credentialed California County Senior Executive

**OCEANO COMMUNITY SERVICES DISTRICT
GENERAL MANAGER
EMPLOYMENT CONTRACT**

This Oceano Community Services District General Manager Employment Contract is effective December 3, 2019.

Attachments:

Exhibit A - General Manager Job Description

THIS CONTRACT ("Contract" or "Agreement") is made and entered into by and between the Oceano Community Services District (herein referred to as "District"), and Will Clemens (herein referred to as "General Manager", "Employee", or "Will Clemens"), with reference to the following recitals:

RECITALS

A. District is a Community Services District organized and operating pursuant to 61000 et seq., of the California Government Code;

B. District desires to enter into an employment relationship with Will Clemens as General Manager of the District;

C. Will Clemens desires to enter into an employment relationship as General Manager of the District;

D. It is the purpose of this Contract to define the employment relationship of Will Clemens and the District during the terms of this Contract. All references to General Manager in this Contract refer to Will Clemens.

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

SECTION 1 - EMPLOYMENT OF GENERAL MANAGER

District hereby agrees to employ Will Clemens as the District's General Manager and Secretary to the Board of Directors (collectively "General Manager").

SECTION 2 - DUTIES

A. General Manager shall devote such time, interest, and effort to the performance of his duties as may be reasonably necessary to fulfill the duties described in Exhibit A. Without limiting the generality of the foregoing, General Manager

understands that the management of the District is essentially a full-time job, and may at times require more, less, or other hours than from 8:00 a.m. to 5:00 p.m. Monday through Friday. The General Manager understands and agrees that he must be available at any time to perform the duties necessary to manage the District.

B. The duties of the General Manager are generally described in Exhibit A, attached hereto and incorporated herein by this reference, and Government Code Section 61051 which provides as follows:

The General Manager shall be responsible for all of the following:

1. The implementation of the policies established by the Board of Directors for the operation of the District.
2. The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors.
3. The supervision of the District's facilities and services.
4. The supervision of the District's finances.
5. Provide professional level administrative, procedural, programmatic and/or budgetary and related analysis and support for the Board of Directors.
6. Preparation of the District budget; make standard projections for payroll and other costs; research capital improvement and equipment costs; input draft and final budget information and produce final budget documents.
7. Additional duties as assigned by the Board that are reasonably related to the business of the District.
8. Other responsibilities and duties as identified in Exhibit A.

C. The General Manager shall also act as the Secretary to the Board of Directors and shall be responsible for:

1. Maintaining accurate records of the proceedings of the Board of Directors.
2. Maintaining a book of District Ordinances or Codes with his attestation.

3. Maintaining District records including original Ordinances, Resolutions, and Contracts and attesting to originals and true and correct copies of the same.

4. Administering Oaths or Affirmations and certifying affidavits and depositions pertaining to District affairs and business which may be used in any court or proceeding in the State.

D. Will Clemens agrees to perform the functions and duties specified in Subsections A, B, and C, (above), the duties as identified in Exhibit A, and to perform other legally permissible and proper duties and functions as the District's Board of Directors shall from time to time assign without additional compensation.

E. Both parties acknowledge that specific duties of the General Manager may vary from time to time.

SECTION 3 - OUTSIDE PROFESSIONAL ACTIVITIES

It is expressly understood that General Manager may, from time to time, undertake outside professional activities for compensation, provided such activities do not interfere with General Manager's normal duties and are not performed for any existing vendors or contractors of District. Under no circumstances shall such outside activities create or appear to create a conflict of interest with the duties of General Manager and/or the interests of District.

SECTION 4 - TERM

A. This Contract shall take effect on December 3, 2019 ("Effective Date") and shall remain in effect unless and until terminated as provided herein.

B. It is expressly understood that Employee, in his capacity as District General Manager, is an at-will employee serving at the pleasure of the Board, subject to termination at any time, with or without cause, and with no right to any hearing, including any so-called Skelly hearing.

C. Nothing in this Contract shall prevent, limit, or otherwise interfere with the right of the Employee or the District to voluntarily terminate this Contract.

SECTION 5 - SALARY

A. District agrees to pay General Manager for his services rendered pursuant to this Agreement as follows:

1. An annual salary of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00) payable in equal installments at the same time as other employees of District are paid. The annual salary shall be subject to normal withholdings with respect to amounts paid.

B. The District shall provide Cost of Living increases on the anniversary of the Effective Date of this Agreement (the "Anniversary Date") at a rate consistent with that provided to District represented employees. District will consider additional adjustments in compensation based upon performance.

C. District agrees to prepare a written summary of each performance evaluation of Employee, and to include the same in his personnel file within two (2) weeks following conclusion of the review and evaluation process and shall schedule at least one (1) closed personnel session with Employee to deliver and discuss the performance evaluation.

SECTION 6 - BENEFITS

A. District agrees to enroll General Manager in the California Public Employees Retirement System (CalPERS) and to pay Employee's contribution to the Public Employees Retirement System.

B. General Manager will receive sick leave, holiday, vacation, and administrative leave, leave without pay, and bereavement leave benefits in the same manner as is accorded to all of District's other employees, with the modifications set forth below.

C. General Manager shall accrue and have credited to his personal account, vacation time of twenty (20) working days (four weeks) per annum. Unused vacation benefits cannot be carried forward from one year to the next. The District will buy back unpaid vacation and administrative leave at 100% on the Anniversary Date. Holidays that occur during General Manager's vacation will not be counted as a vacation day.

D. General Manager shall accrue sick leave at the rate of one (1) day per month. If General Manager leaves the District in good standing, he shall have the option of converting his accrued sick leave hours into retirement credit with the California Public Employees Retirement System (CalPERS), not to exceed twelve days (96 hours) total, unless prohibited by CalPERS rules and regulations.

E. General Manager is entitled to a total of five (5) days of administrative leave per year in addition to earned vacation time. These administrative leave days may be taken at the General Manager's discretion. Administrative leave cannot be carried forward from year to year.

F. General Manager is entitled to inclusion in, and contribution from District to, District's available group health insurance plan in the same manner as is accorded to District's other employees. If the cost of this available group health insurance has an increase or reduction, this amount of additional compensation will be adjusted to reflect the new cost.

G. There shall be deducted from the payments of salary and other compensation paid to General Manager all sums required for state and federal income and all other employment taxes now applicable or that may be enacted and become applicable to the compensation paid and benefits supplied to General Manager.

SECTION 7 - PROFESSIONAL DEVELOPMENT

A. As part of its normal budget process, and reserving the right to establish appropriate priorities and funding amounts, the District may budget funds for certain items, activities, and materials deemed necessary and desirable for the General Manager's continued professional development, participation, growth, and advancement.

Those items, activities, and materials may include:

1. Professional dues and subscriptions necessary for full participation in appropriate and relevant associations and organizations, subject to District Board of Director approval;
2. Travel and subsistence expenses for professional meetings and similar functions (e.g., short courses, conferences, seminars) to foster professional development;
3. Other items, activities, and materials, as shall be agreed upon from time to time between General Manager and District Board of Directors.

B. Expenditures for items in Subsection A (above) shall be deemed pre-approved, if the expenditures are within the District's budgeted amounts for the appropriate category. All other expenditures shall be pre-approved by District Board of Directors. General Manager shall keep District informed on at least a monthly basis, as part of the General Manager's Report (on the Board of Directors meeting agenda) of all expenditures incurred in connection with professional development and a summary of educational conferences and seminars attended during the previous 30 days. All books, subscriptions, and other items obtained pursuant to Subsection A above shall be in the name of the District and at all times shall remain the exclusive property of the District.

C. General Manager shall receive prior Board of Director approval for:

1. Travel and subsistence expenses to courses, conferences, and seminars conducted outside the State of California; and
2. Air travel.

SECTION 8 - CELL PHONE REIMBURSEMENT

General Manager shall be reimbursed monthly at the rate of \$75.00 per month for maintaining a working cell phone, provided that said cell phone provides "24-7" District employee and Board member access to the General Manager. The Board may increase this rate as it may deem necessary by amendment to this Agreement.

SECTION 9 – AUTOMOBILE / TRAVEL EXPENSES

General Manager's duties require that he have at all times during his employment with the District the use of a personal automobile. For travel within the course and scope of employment outside San Luis Obispo County, District agrees to pay mileage reimbursement at the then current IRS rate for personal automobile travel. The Board may increase the monthly personal automobile reimbursement as it may deem necessary by amendment to this Agreement. For other forms of transportation (i.e. – rental cars, trains, etc.), the District will reimburse the General Manager for all reasonable transportation related expenses.

SECTION 10 - PERFORMANCE REVIEW

A. The General Manager shall receive an annual performance review no later than the Anniversary Date for each year of the Term. The Board President shall provide General Manager with a summary written statement of the Board's findings and provide General Manager with an adequate opportunity to discuss his evaluation with the Board.

B. The Board and General Manager shall annually define such goals and performance objectives which they determine necessary for the District's proper operation, and in the attainment of the Board's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing.

C. The Board of Directors reserves the right, in its discretion, to review General Manager's performance at any time.

SECTION 11 - TERMINATION AND SEVERANCE PAY

A. General Manager understands and expressly agrees that he has no constitutionally protected property right or interest in his employment as General Manager. The District and General Manager acknowledge and understand that the dates specified herein are used as dates for which the obligations, duties, and compensation contained herein shall govern the employment relationship, and is not meant to guarantee term certain employment. As such, the parties expressly agree that General Manager is an "at-will" employee and nothing in this Agreement shall prevent, limit or otherwise interfere with the District's right to terminate General Manager's employment at any time, subject only to the provisions of this Section 11, including subsections. Termination shall require a majority vote of the then existing Board. Likewise, nothing in this Agreement shall prevent, limit, or otherwise interfere with General Manager's right to resign at any time subject only to the provisions of this Section 11.

B. The General Manager shall serve at the will and pleasure of the District Board of Directors, and may be terminated with or without cause.

C. In the event the General Manager is terminated without cause by the District Board of Directors prior to the fourth (4th) Anniversary Date from the Effective Date of this Contract, and during such time he is willing and able to perform the General Manager's duties under this Contract, then in that event the District Board of Directors agrees to pay the General Manager a lump sum cash payment ("Severance Pay") equal to six (6) months base salary then in effect. If the General Manager is terminated without cause after the fourth (4th) Anniversary Date from the Effective Date of this Contract, then no Severance Pay shall be paid by the District.

D. In the event General Manager is terminated for cause, the General Manager shall be entitled only to salary earned, but not paid, as of the date of termination and payment for any accrued vacation, but not sick leave, plus benefits that are lawfully required to be continued. General Manager shall not be entitled to any other compensation, including, without limitation, any severance compensation. For purpose of this Contract, "cause" shall include any of the following during the course of employment with the District:

1. Any material breach by the General Manager of any term or provision of this Contract. A material breach of the Contract shall also include:
 - a. General Manager's failure to perform his duties in a professional and responsible manner consistent with generally accepted standards of the profession;
 - b. General Manager's misfeasance;
 - c. General Manager's malfeasance;

- d. Conduct unbecoming the position of District General Manager;
 - e. Failure to perform or habitually neglecting the duties which he/she is required to perform under this Contract.
2. Insobriety while representing the District;
 3. Conviction of a misdemeanor involving moral turpitude;
 4. Conviction of a felony;
 5. Engaging in illegal business practices in connection with the District's business;
 6. Misappropriation of the District's assets;
 7. Excessive unexcused absences of the General Manager from his/her employment during usual working hours.

E. In the event General Manager voluntarily resigns his position with District, General Manager shall give District sixty (60) calendar days' written notice in advance, unless the parties otherwise agree in writing. In the event General Manager voluntarily resigns his position with District, the General Manager shall be entitled only to all salary earned, but not paid as of the date of resignation, and payment for any accrued vacation.

SECTION 12 - AUTOMOBILE INSURANCE ON PERSONAL VEHICLES USED FOR DISTRICT BUSINESS

A. General Manager shall procure and maintain motor vehicle liability insurance coverage, on an "occurrence basis," with companies authorized to do business in the State of California, with coverage of no less than five hundred thousand dollars (\$500,000) per accident for personal vehicles used for District business.

B. The automobile insurance policy shall be endorsed to include the District, its officers, directors, employees and agents as Additional Insureds.

C. Prior to commencing work under this Contract, General Manager shall provide District with a Certificate of Insurance evidencing compliance with the foregoing requirements, accompanied by copies of the required endorsements. Certificates of Insurance shall specify that the insurer shall give District thirty (30) days' advance written notice by the insurer prior to cancellation of the policy except ten (10) days for non-payment of premium.

D. The automobile insurance coverage required hereunder shall be kept in full force and effect for the term of this Contract. Certificates of Insurance evidencing renewal of the required coverage shall be provided within ten (10) days of the expiration of any policy at any time during the period such policy is required to be maintained by General Manager hereunder. Any failure to comply with this requirement shall constitute a material breach of this Contract.

SECTION 13 - OTHER CONDITIONS OF EMPLOYMENT

A. The Board may set other terms and conditions of employment from time to time, relating to performance of General Manager, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Contract, or any Federal, State or local law.

B. Business Expenses - District shall reimburse General Manager for such reasonable and appropriate District-related business and/or travel expenses as are submitted and processed in compliance with the District's policies.

SECTION 14 - NOTICES

Notices pursuant to this Contract shall be in writing given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- A. President, Board of Directors
Oceano Community Services District
P.O. Box 599
Oceano, CA 93475

- B. Will Clemens
1655 Front Street
Oceano, CA 93445

Alternatively, notices required pursuant to this Contract may be personally served in the same manner as is applicable to civil judicial process. Notice shall be deemed given as of the date of personal service or as of the third day following the date of deposit of such written notice in the course of transmission in the United States Postal Service, with postage fully prepaid.

SECTION 15 -INDEMNIFICATION

A. In accordance with and to the extent provided by California's Tort Claims Act (Government Code Section 825 et seq. and Government Code Sections 995-996.5, the District shall defend and indemnify the General Manager against any and for all

losses sustained by the General Manager in direct consequences of the discharge of the General Manager's duties on the District's behalf for the period of the General Manager's employment.

B. Nothing in this Contract shall expand the District's defense and indemnification obligations beyond those provided in the Government Code Tort Claims Act (Government Code Section 825, et seq.) and Government Code Sections 995-996.5.

SECTION 16 - GENERAL PROVISIONS

A. General Manager shall comply with all local and state requirements regarding conflicts of interest and shall avoid personal involvement in situations that are inconsistent or incompatible with a position of General Manager or give rise to an appearance of impropriety.

B. This Agreement supersedes any and all other agreements, whether oral or in writing, between the parties with respect to General Manager's employment with the District and contains all of the promises, covenants, and conditions between the parties with respect to such employment in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, oral or otherwise, have been made by any party or anyone acting on behalf of any parties which are not embodied herein and that no other agreements, statements, or promises not contained in this Agreement shall be valid or binding.

C. This Agreement may be amended or modified only by an instrument in writing, stating the amendment or modification, executed by the parties hereto, approved by the District's Board of Directors, and attached to the end of this Agreement.

D. If any term, covenant, condition or provision of this Contract is held by a court of competent jurisdiction to be invalid, void or unenforceable for any reason, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

E. This Contract shall be governed by the laws of the State of California. The parties agree that in the event any legal action is taken to enforce/interpret any provisions of this Contract, said action shall be filed in the court of proper jurisdiction within the County of San Luis Obispo.

F. The parties acknowledge that they understand the significance and consequences of this Contract. The parties also acknowledge that they have been given full opportunity to review and negotiate this Contract and execute it only after full reflection and analysis, and that they have had an opportunity to review this document and its application and meaning with their respective attorneys and advisors. This Contract shall not be interpreted against the party who prepared the initial draft,

because all parties participated in the drafting of this Contract by having ample opportunity to review and submit suggested changes or corrections for incorporation into the final version of this Contract.

G. This Contract shall be binding upon and shall inure to the benefit of the prospective heirs, executors, administrators, successors and assigns of the parties, provided however that the General Manager may not assign obligations hereunder, except as specified herein.

H. General Manager shall not assign this Contract in whole or in part.

I. If it is necessary to 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 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.

J. The above Recitals are true and correct and incorporated herein by reference.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the below identified dates.

GENERAL MANAGER

DISTRICT

Will Clemens

Linda Austin, President

DATE: _____

DATE: _____

Approved as to form:

Jeffrey A. Minnery
District Legal Counsel

EXHIBIT A

GENERAL MANAGER

1. DEFINITION

The General Manager, under policy direction of the Board of Directors, plans, organizes, coordinates and supervises all District functions and activities related to the production and distribution of potable water and the collection and disposal of wastewater and other functions of the District; provides policy guidance and program evaluation to staff and elected officials; encourages and facilitates improvement in the provision of services to customers by District staff; fosters cooperative working relationships with intergovernmental and regulatory agencies, various public and private organizations and District staff; acts as Secretary to the Board of Directors; performs related work as assigned. This position has management status, and is Fair Labor Standards Act (FLSA) exempt.

2. CLASSIFICATION CHARACTERISTICS

The employee in this classification is the Chief Administrative Officer of the District, serves at the pleasure of and is accountable to the Board of Directors for all staff, functions and activities within policy guidance and applicable state and federal laws and regulations.

3. EXAMPLES OF DUTIES (Illustrative Only)

- A. Plans, organizes, coordinates and administers, either directly or through subordinate supervisors, the work of the District in accordance with the adopted goals and objectives of the Board of Directors and applicable laws and regulations.
- B. Directs and coordinates the development and implementation of goals, objectives, policies, procedures and programs for the District; administrative policies, procedures and work standards to assure that goals and objectives are met and that programs provide mandated services in an effective and efficient manner.
- C. Prepares and administers the annual budget and quarterly budget reviews for the District; reviews all District expenditures; provides financial management for the District.
- D. Acts as Secretary for the Board of Directors; advises the Board on issues and programs; prepares and recommends long-range plans for District

funding and service provisions and directs the development of specific proposals for action regarding current and future District needs.

- E. Assures that appropriate notice of Board meetings is posted and that other legal notification requirements are met, pursuant to the Brown Act and all applicable laws.
- F. Represents the Board and the District in contacts with governmental, administrative, and regulatory agencies, community groups and various businesses, professional and legislative organizations and District customers; acts as a District liaison with the media.
- G. Directs and reviews special studies; provides for contract services as required and administers various service, construction and equipment contracts; coordinates the review and approval of development plans and specifications with the District's engineer(s) and/or operator(s) for conformance with District standards on behalf of the District.
- H. Provides for the recruitment, selection, and retention of District staff; administers discipline as required; provides guidance and direction to staff regarding policies, procedures, and State and Federal law.
- I. Prepares a variety of timely correspondence, policies, procedures, reports, minutes and other written materials, including staff reports, in accordance with the Brown Act and applicable deadlines.
- J. Maintains and directs the maintenance of working and official District files.
- K. Assures that the Board is kept informed of District program and financial status and of legal, social and economic issues affecting District activities.
- L. In concert with the District Counsel, monitors changes in the law and operational process changes that may affect District operations; implements operational and procedural modification as required.
- M. Other duties as required.

4. EMPLOYMENT STANDARDS

Knowledge of:

- A. Administrative and leadership principles and practices, including goal setting, program development, implementation and evaluation, the management of employees and team building experience.

- B. Principles, practices and procedures of public administration in a special district setting.
- C. Functions, authority, responsibilities and limitations of an elected Board of Directors.
- D. Principles and practices of potable water production, treatment and distribution.
- E. Applicable legal guidelines and standards effecting District operations, confidentiality and transparency to the public.
- F. Techniques for dealing with a variety of individuals from various socioeconomic, ethnic and cultural backgrounds, in person and over the telephone, occasionally when relations may be confrontational or strained.
- G. Spanish language is desirable.
- H. Knowledge of Public Information Officer duties and social media outlets.

Skill in:

- A. Planning, organizing, administering, coordinating, reviewing and evaluating a variety of District programs and activities.
- B. Working cooperatively with and accomplishing implementation of the policies of an elected Board of Directors.
- C. Developing and implementing goals, objectives, policies, procedures, work standards and internal controls.
- D. Developing and administering an annual budget, and quarterly budget reviews.
- E. Cooperating and coordinating with external auditors in preparing and complying with annual audit requirements.
- F. Interpreting, applying and explaining, in coordination with District legal counsel, complex laws, codes and regulations.
- G. Preparing clear and concise reports, correspondence and other written materials, including timely staff reports for the Board meetings.
- H. Reviewing, understanding and explaining, in coordination with the District's engineer(s) and/or operator(s) infrastructure reports, plans, specifications and engineering documents.

- I. Using initiative and independent judgment within general policy guidelines.
- J. Making public presentations and conducting public hearings.
- K. Using tact, discretion and prudence in dealing with those contacted in the course of the work.

Physical Characteristics:

Job may require limited physical exertion, including bending, stooping\ lifting up to 50 pounds, and walking up to two miles. Reasonable accommodation will be made for any applicant as necessary.

Working Conditions:

- A. Attend meetings outside of normal working hours.
- B. Liaison with other Special Districts, County Government, and Municipal Authorities.

Licensing and Certification:

- A. Must possess a valid California Class C driver's license and have a satisfactory driving record.
- B. Must be bondable by District's fidelity bond insurer.

Education and Experience:

Equivalent to graduation from a four-year college or university with a bachelor's degree or higher in business administration, public administration, or a related field and five (5) years' experience in an increasingly responsible public agency management position, preferably a Special District. Familiarity with water and/or wastewater processes is desirable.

EXAMPLES OF DUTIES

- A. Conduct administrative, operational, budgetary, accounting or other informational and research projects related to the functions and activities of the District.
- B. Analyze alternatives and makes recommendations regarding such matters as budget development, administrative policies, staffing, facilities, productivity, customer service process, information systems hardware and software and procedure development and implementation.
- C. Write, prepare and coordinate agenda items for the Board of Directors and its committees; assure that all supporting documentation is included with such items; follow-up on governing or policy body actions as required.
- D. Provide staff support to the Board of Directors.
- E. Attend to a variety of office administrative details, such as making travel arrangements, coordinating materials and supply orders, preparing agreements, arranging for equipment purchase and maintenance and serving on various task forces and committees.
- F. Prepare information for periodic funding agency or related audits; maintain funding agency records and prepare reports as required.
- G. Provide contract service oversight and support; coordinate purchasing activities; review requests for payment, assure that work was performed and/or materials delivered and process invoices.
- H. Confer with and represent the District in meetings with representatives of governmental, community, business, professional and public agencies and the public; may attend Board meetings and make presentations.
- I. Compile figures for the preparation of the District budget; make standard projections for payroll and other costs; research capital improvement and equipment costs; input draft and final budget information and produce final budget documents.
- J. Coordinate a variety of departmental personnel activities; process personnel and payroll forms; assure that forms and requests are in conformance with rules and regulations.
- K. Maintain accurate records and files related to areas of assignment.
- L. Prepare a variety of technical, statistical and narrative reports, letters, memos and other written materials.
- M. May plan, assign, direct, review and evaluate the work of technical or office support staff on a project or day-to-day basis.
- N. Use standard office equipment, including a computer, in the course of the work; may drive a motor vehicle to attend meetings and visit work sites.
- O. Prepare and maintain control of the general ledger and all related financial information.
- P. Process District payroll and retirement program and all related quarterly and annual reports as required.

- Q. Maintain investment records for the District; assure that adequate funds are available to meet daily cash operating requirements.

Knowledge of:

- A. District functions and activities.
- B. Computer applications related to the work.
- C. Principles and practices of general and fund accounting.
- D. Principles and practices of auditing financial documents and records.
- E. Basic principles and practices of budget development and administration.
- F. Business arithmetic.
- G. Standard office practices and procedures, including filing and the operation of standard office equipment.
- H. Record keeping principles and practices.
- I. Correct business English, including spelling, grammar and punctuation.
- J. Techniques for dealing with the public, in person and over the telephone.
- K. Applicable laws, codes and regulations.
- L. Basic principles and practices of public administration.
- M. Basic data sampling and statistical analysis techniques.
- N. Basic budgetary and accounting practices and terminology.
- O. Basic supervisory principles and practice.



Oceano Community Services District

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

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

Date: October 9, 2019

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: Agenda Item #9(B): Introduction of draft resolutions for placing a measure on the ballot for the March 3, 2020 consolidated election for voters within District boundaries to decide whether to approve an ordinance establishing a special tax for emergency medical and fire protection services pursuant to California Constitution Article XIII(C), and to set a public hearing for October 23, 2019 to consider adopting a final resolution.

Recommendation

It is recommended that your Board:

1. Consider the draft resolutions which reflect alternative approaches to a special tax for emergency medical and fire protection services and provide direction to staff on which alternative the Board deems appropriate for final consideration.
2. Set October 23, 2019 as the date for a public hearing to adopt a resolution to place a measure on the ballot for the March 3, 2020 consolidated 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).

Discussion

California Constitution Article XIII(A) provides voters within the District boundaries to approve a special tax to increase funding for emergency medical and fire protection services. The District's current services are provided by the Five Cities Fire Authority under the terms of a joint powers of authority agreement (JPA) with the cities of Arroyo Grande and Grover Beach originally adopted in 2010 and recently amended on June 12, 2019.

The need for voters in Oceano to consider approving a special tax, commonly referred to as a parcel tax, is based on reasons identified in the FCFA Five-Year Strategic Plan, which was adopted in September 2017. Staff has previously presented estimates of budget deficits that will be incurred under the strategic plan. Exhibit "A" reflects current estimates, which is the basis for the proposed amount of the special tax. Exhibit "B" provides a summary of the Board agenda items considered since adoption of the Strategic Plan. Exhibit "C" is a list of questions that the Board previously reviewed. Answers are currently being developed in coordination with the Board ad-hoc committee and will be included in the agenda item for the public hearing on October 23, 2019.



Oceano Community Services District

Board of Directors Meeting

The attached resolution provides the necessary language for a ballot measure. The attached ordinances provide options on how the tax would be established. The options are:

- 1) Establish a special tax on all parcels in Oceano equally (a "flat tax"), or
- 2) Establish a special tax based on "land-use."

The "flat tax" was recently voted on and approved by Templeton voters. The land-use based tax has been approved by Los Osos voters. In both cases, the amount of the tax for a single family home is proposed to be the same at \$15 per month, or \$180 per year. The taxes would be collected on property tax bills. Under the land-use approach, the amount that multi-family properties would pay would be higher and undeveloped properties would be lower. Total taxes in the first year (2020/21) under the flat tax is estimated at \$422,100, and under the land-use tax is estimated at \$461,000; both would increase 2% per year thereafter.

The tax would remain in effect until repealed by voters. Your Board has discretion modifying the amount of the tax in both alternatives up to your final action at the public hearing on October 23rd. Your Board cannot change the amount of the proposed tax after the public hearing. If approved by voters, the maximum tax will be established and your Board's only discretion is to reduce the tax - the Board cannot increase the tax approved by voters. Both options require a 2/3rds voter approval.

Other Agency Involvement

The District is involved with several agencies regarding the future of emergency medical and fire services for the community including the County of San Luis Obispo, the Five Cities Fire Authority, the Cities of Arroyo Grande and Grover Beach. Future efforts may also include discussions with CalFire and the City of Pismo Beach.

Results

Consideration of the need for, and timing of, a special tax election for fire and emergency services promotes a well governed community.

Attachments:

- A. OCSD Special Tax Needs Analysis
- B. Chronology
- C. Frequently Asked Questions
- Resolutions & Ordinances to consider placing a tax measure on the March 3, 2020 ballot.

| OCSD - SPECIAL TAX NEEDS ANALYSIS | | | | | |
|---|--------------------------|--|--------------------|--------------------|--------------------|
| 10/09/2019 | | | | | |
| | | FCFA - Five Year Strategic Plan Budget | | | |
| | | 2019-20 | 2020-21 | 2021-22 | 2022-23 |
| FCFA Expenditures Budget | | \$5,855,468 | \$6,102,277 | \$6,540,282 | \$6,753,637 |
| Less: | Cost Recovery Fees | (\$121,250) | (\$25,300) | (\$25,600) | (\$25,900) |
| Less: | HazMat | (\$12,000) | (\$12,000) | (\$12,000) | (\$12,000) |
| Less: | Eng 2 Debt Service | (\$34,830) | (\$34,830) | (\$34,830) | (\$34,830) |
| FCFA Budget | | \$5,687,388 | \$6,030,147 | \$6,467,852 | \$6,680,907 |
| Arroyo Grande | Allocated Costs | \$2,559,697 | \$2,615,981 | \$2,805,865 | \$2,898,292 |
| | Direct Costs | \$5,000 | \$5,000 | \$5,000 | \$5,000 |
| | Total Costs | \$2,564,697 | \$2,620,981 | \$2,810,865 | \$2,903,292 |
| | Funding % | 45.0% | 43.4% | 43.4% | 43.4% |
| | Cost per Capita | \$143.49 | \$146.64 | \$157.29 | \$162.47 |
| | Increase over prior year | 1.4% | 2.2% | 7.3% | 3.3% |
| Grover Beach | Allocated Costs | \$1,976,099 | \$2,020,377 | \$2,167,028 | \$2,238,412 |
| | Direct Costs | \$26,943 | \$26,943 | \$26,943 | \$26,943 |
| | Total Costs | \$2,003,042 | \$2,047,320 | \$2,193,971 | \$2,265,355 |
| | Funding % | 34.7% | 33.5% | 33.5% | 33.5% |
| | Cost per Capita | \$146.19 | \$149.47 | \$160.32 | \$165.60 |
| | Increase over prior year | 9.9% | 2.2% | 7.3% | 3.3% |
| Oceano | Allocated Costs | \$1,151,592 | \$1,393,788 | \$1,494,958 | \$1,544,203 |
| | Direct Costs | \$14,887 | \$14,887 | \$14,887 | \$14,887 |
| | Total Costs | \$1,166,479 | \$1,408,675 | \$1,509,845 | \$1,559,090 |
| | Funding % | 20.2% | 23.1% | 23.1% | 23.1% |
| | Cost per Capita | \$143.95 | \$174.22 | \$186.87 | \$193.03 |
| | Increase over prior year | 16.6% | 21.0% | 7.3% | 3.3% |
| Totals | | \$5,687,388 | \$6,030,147 | \$6,467,852 | \$6,680,907 |
| Cost per Capita | | \$149.43 | \$158.44 | \$169.94 | \$175.54 |
| | | - | 0.20 | 0.22 | 0.22 |
| Arroyo Grande | Population Estimate | 17,839 | 17,336 | 17,336 | 17,336 |
| | Population % | 45.3% | 44.6% | 44.6% | 44.6% |
| | Call # | 1,845 | 1,845 | 1,845 | 1,845 |
| | Call % | 52.2% | 52.2% | 52.2% | 52.2% |
| | Station Shift Staffing % | 37.5% | 33.3% | 33.3% | 33.3% |
| | Funding Formula % | 45.0% | 43.4% | 43.4% | 43.4% |
| Grover Beach | Population Estimate | 13,517 | 13,517 | 13,517 | 13,517 |
| | Population % | 34.3% | 34.8% | 34.8% | 34.8% |
| | Call # | 1,145 | 1,145 | 1,145 | 1,145 |
| | Call % | 32.4% | 32.4% | 32.4% | 32.4% |
| | Station Shift Staffing % | 37.5% | 33.3% | 33.3% | 33.3% |
| | Funding Formula % | 34.7% | 33.5% | 33.5% | 33.5% |
| Oceano | Population Estimate | 8,000 | 8,000 | 8,000 | 8,000 |
| | Population % | 20.3% | 20.6% | 20.6% | 20.6% |
| | Call # | 545 | 545 | 545 | 545 |
| | Call % | 15.4% | 15.4% | 15.4% | 15.4% |
| | Station Shift Staffing % | 25.0% | 33.3% | 33.3% | 33.3% |
| | Funding Formula % | 20.2% | 23.1% | 23.1% | 23.1% |
| Funding Constraint Analysis | | | | | |
| | | 2019-20 | 2020-21 | 2021-22 | 2022-23 |
| | | | | 2.0% | 2.0% |
| "Flat Tax" Estimate | | | \$422,100 | \$430,542 | \$439,153 |
| Net Property Taxes (Less Lighting Fund) | | \$999,014 | \$1,028,984 | \$1,059,854 | \$1,091,650 |
| Total Property Taxes for Fire Fund | | \$999,014 | \$1,451,084 | \$1,490,396 | \$1,530,802 |
| FCFA 5 year Strategic Budget Costs | | \$1,166,479 | \$1,408,675 | \$1,509,845 | \$1,559,090 |
| | | (\$167,465) | \$42,409 | (\$19,449) | (\$28,287) |



Oceano Community Services District

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

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

CHRONOLOGY

The following table identifies the dates and agenda items that your Board has considered since the FCFA Board adopted the Strategic Plan. The table will be updated as additional District meetings occur to provide a chronology for public information.

| | |
|--|---|
| September 22, 2017 – Five Cities Fire Authority | Five Cities Fire Authority Adopts the Five-Year Strategic Plan |
| November 18, 2017 – Five Cities Fire Authority | Five Cities Fire Authority Direction on phased transition of Reserve Firefighters to full time employees. |
| | |
| December 6, 2017 | Discussion of the Five Cities Fire Authority Five-Year Strategic Plan and the November 17, 2017 agenda item on the Reserve Firefighter Program with Board direction as deemed appropriate. |
| January 10, 2018 | Consideration of a report entitled “A Twenty Eighteen (2018) Outlook on the Fire Cities Fire Authority” and a recommendation to create an ad-hoc committee for inter-agency collaboration and related efforts. |
| February 13, 2018 | Discussion of Five Cities Fire Authority including recent meetings with representatives of other agencies, upcoming Authority meetings, and Board direction as deemed appropriate. (No staff report) |
| March 28, 2018 | Review, discuss and provide direction as deemed appropriate by your Board regarding the agenda item considered by the Five Cities Fire Authority at their meeting on March 16, 2018 proposing two preliminary budgets to develop the FY 2018-19 Budget. |



Oceano Community Services District

Board of Directors Meeting

| | |
|---------------------------|--|
| <p>April 25, 2018</p> | <p>Consideration of a Recommendation to approve a resolution Directing Approval of the Five Cities Fire Authority Budget for Fiscal year 2018/19, and discussion of related issues.</p> |
| <p>May 23, 2018</p> | <p>Consideration of a Recommendation to Approve a Memorandum of Agreement Amending the Five Cities Fire Authority Joint Powers of Authority Agreement with the Cities of Arroyo Grande and Grover Beach.</p> |
| <p>June 27, 2018</p> | <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>September 26, 2018</p> | <p>Update on the Five Cities Fire Authority Joint Powers of Authority Agreement and the County/Cal Fire Strategic Plan efforts and provide Board Direction as Deemed Appropriate.</p> |
| <p>March 27, 2019</p> | <p>Status update on amending the Five Cities Fire Authority Joint Powers Agreement and Board direction as deemed appropriate</p> |
| <p>April 10, 2019</p> | <p>Discussion on timeline for amending the Five Cities Fire Authority Joint Powers Agreement and steps associated with calling for a special tax election in March 2020 with direction to staff as deemed appropriate.</p> |
| <p>April 24, 2019</p> | <ul style="list-style-type: none"> • Presentation by LAFCO on requirements if the District pursued divestiture of fire and emergency services and review of County Agenda Item #35 (April 23, 2019) regarding fire services for unincorporated communities with Board direction as deemed appropriate • Presentation by District legal counsel on activities associated with ballot items. |



Oceano Community Services District

Board of Directors Meeting

| | |
|------------------|--|
| May 8, 2019 | Discussion of Proposition 218 parcel tax and assessment options for fire and emergency services including those previously approved for Los Osos, Cayucos and Cambria with Board direction as deemed appropriate. |
| May 22, 2019 | Discussion of the May 17, 2019 Review of the Five Cities Fire Authority Strategic Plan by the Five Cities Fire Authority with Board direction as deemed appropriate. |
| June 12, 2019 | Consideration of a Recommendation to Approve the Second Amendment to Five Cities Fire Authority (FCFA) Joint Exercise of Powers Agreement, including funding of \$1,062,383 for the 2019/20 FCFA budget, a revised funding formula for future years, a requirement for Oceano to hold a special tax ballot measure in March 2020, and a "Wind-Down" period terminating Oceano's participation in FCFA on June 30, 2021 in the event that the ballot measure does not pass. |
| July 10, 2019 | Review of the Special Districts Fire Protection Study for County of San Luis Obispo dated November 2018 and discussion of other community options for fire and emergency services, and direction to staff as deemed appropriate. |
| July 24, 2019 | Review of a draft comparison of fire departments in San Luis Obispo County unincorporated communities operated under the jurisdiction of independent special districts, discuss community options for fire and emergency medical services, and provide direction to staff as deemed appropriate. |
| August 14, 2019 | Review of a draft "frequently asked questions" relating to a special tax for fire and emergency medical services with Board direction as deemed appropriate. |
| October 9, 2019 | Introduction of draft resolutions for placing a measure on the ballot for the March 3, 2020 consolidated election for voters within District boundaries to decide whether to approve an ordinance establishing a special tax for emergency medical and fire protection services pursuant to California Constitution Article XIII(A), and to set a public hearing for October 23, 2019 to consider adopting a final resolution. |
| October 23, 2019 | Public hearing to adopt a resolution to place a measure on the ballot for the March 3, 2020 consolidated 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). |

History and Background Questions

What is the history of Oceano Fire and Emergency services?

Why did OCSD join FCFA?

How much has Oceano already invested in Fire and Emergency services?

Why is a special tax being proposed for Oceano?

Why aren't Arroyo Grande and Grover Beach proposing special taxes too?

How does the community maintain local control?

Service Level and Emergency Response Questions

What are the state mandates that FCFA needs to fund in Strategic Plan?

Why is the FCFA Strategic Plan transitioning from reserve firefighters to full time professional fire fighters / emergency medical response?

How many emergency medical calls does FCFA respond to versus fire related emergency calls?

Does FCFA respond to emergencies outside the boundaries of the three communities?

Will the special tax fund emergency response to the beach?

Does FCFA respond to emergencies outside the County?

How is Cal Fire staff assigned to substations?

What is the response time for Cal Fire vs FCFA?

Financial Questions

What would it cost for the District to relocate administrative staff if Cal Fire needed the fire station?

Will the federal government reimburse any FCFA costs for mutual aid?

What if the County gave OCSD sales tax?

What if the Fire Department charged for permit fees/ inspection fees?

Are there other ways for the community to get a tax on the ballot?

How will passage or failure of the special tax effect the cost fire insurance or homeowners' policies?

What are the Options for Oceano?

What are the other options?

Will the District pursue “divestiture” of Fire and Emergency services if the parcel tax does not pass?

Why doesn’t OCSD directly contract with Cal Fire?

What Issues Exist if OCSD “divests” from Fire and Emergency Medical Services?

What does “divest” mean?

What’s the difference between divestiture versus dissolution?

What is the process for divestiture and when would it happen?

What are the costs to divest?

Must the County provide services if the District divests?

If the District divests does the County get everything? i.e. Personnel and Property taxes?

How much property taxes will be transferred to the County if the District divests and the County agrees to take over Fire and Emergency services?

What District assets would be transferred to the County? Would the firetrucks stay in Oceano?

Would the District still own the Sheriff Station?

What if the ballot measure in 2020 fails and the County agrees to take of Fire and Emergency medical services, but the community rejects the divestiture?

If one day the District wants to reinstate the power, how much does that cost?

What is the County Saying about Fire and Emergency Services for Oceano?

What will the County say before the election?

When should we start talking to the County?

Can the County increase property taxes if they take over the service?

What are the unintended consequences and reduction of service if the County takes over service?

| |
|------------------------|
| Other Questions |
|------------------------|

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| Will Templeton become a full-time fire department if the special tax passes? |
|--|

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|------------------------------|
| Is Templeton doing a survey? |
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| What other unincorporated communities in the county have approved special taxes? |
|--|

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| Additional Questions from 8/14/2019 Board Meeting |
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|--|
| Why doesn't Oceano get more ambulances and paramedics? |
|--|

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|---|
| Will FCFA respond to the Oceano Dunes or beach? |
|---|

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|---------------------------------------|
| Is CAL FIRE a County or State agency? |
|---------------------------------------|

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|---------------------------------------|
| How many stations does CAL FIRE have? |
|---------------------------------------|

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|-------------------------------|
| What is the "Strategic Plan"? |
|-------------------------------|

RESOLUTION NO. 2019-_____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE OCEANO COMMUNITY SERVICES DISTRICT CALLING AN ELECTION FOR SUBMISSION TO THE VOTERS OF A PROPOSED ORDINANCE FOR LEVY OF A SPECIAL TAX ON REAL PROPERTY LOCATED WITHIN THE DISTRICT TO FUND LOCAL EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES AND REQUESTING CONSOLIDATION OF SAID ELECTION WITH THE MARCH 3, 2020 PRESIDENTIAL PRIMARY ELECTION

The following Resolution is hereby offered and read:

WHEREAS, the Oceano Community Services District (“OCSD”) is a member agency in the Five Cities Fire Authority (“FCFA”) along with the City of Grover Beach and the City of Arroyo Grande. The FCFA has identified the need for additional full-time emergency responders to ensure adequate local emergency medical and fire protection services for the member communities. This is due, in part, to the continued decline of the existing reserve program and increasing costs; and

WHEREAS, numerous studies have concluded that emergency response personnel staffing levels directly affect the level of community emergency medical and fire protection services and that additional full-time emergency responders are necessary to provide for the overall safety of the community; and

WHEREAS, on June 27, 2018, the OCSD Board considered a report entitled “2018 Fire Service Analysis for the Oceano Community Services District” which included eight options that were evaluated for future emergency medical and fire protection services within Oceano. The report recommended that the most viable and cost-efficient choice for the community of Oceano was to continue to provide emergency medical and fire protection services through the Five Cities Fire Authority with funding supplemented by a special tax ballot measure; and

WHEREAS, on July 1, 2019, the OCSD Board approved an amendment to the Five Cities Fire Authority Joint Powers Agreement (“JPA”) in order to 1) fund certain priorities identified in the FCFA Strategic Plan; 2) make changes to the funding formula and funding contributions by member agencies to reflect current staffing levels; and 3) commit OCSD to the undertaking of a special tax ballot measure; and

WHEREAS, in order to provide the best emergency medical and fire protection services to Oceano, to have a fire department staffed and prepared to provide emergency medical and fire protection services 24-hours a day, 7-days a week, and to accomplish both victim rescue and property conservation, additional funding must be sought; and

WHEREAS, the Board of Directors desires to place a ballot measure before the voters at the March 3, 2020 election for approval of a proposed Ordinance to levy a special tax on real property within the District to provide 24-hours a day, 7-days a week local emergency medical services and fire protection within the OCSD and to assist with the attraction and retention of qualified professional medical responders and firefighters in Oceano; and

WHEREAS, according to the amendment to the JPA, if the proposed Ordinance fails to pass and Oceano is unable to fund its share of the funding formula of the FCFA JPA, Oceano will automatically and without further action cease to be a member of the Five Cities Fire Authority on June 30, 2021; and

WHEREAS, in its consideration of adoption of this Resolution, the Board of Directors has indicated that if funding through a special tax is not approved, the Board would consider seeking approval from the Local Agency Formation Commission to divest its active authority to provide emergency medical services and fire protection and instead request those services be provided by San Luis Obispo County under its contract with Cal Fire; and

WHEREAS, pursuant to the provisions of Government Code section 61121(a) and Government Code section 50075 et seq., the Board is authorized to levy a special tax, subject to the approval of the voters; and

WHEREAS, in accordance with the requirements of Government Code section 50077, on October 23, 2019, the Board of Directors conducted a noticed public hearing on the issue of whether to place such a measure on the ballot. The notice included the date, time and place of the public hearing, a general explanation of the matter to be considered, and a statement of where additional information could be obtained; and

WHEREAS, the Board of Directors desires to have the County of San Luis Obispo render certain services in connection with the March 3, 2020 election; and

WHEREAS, pursuant to Elections Code sections 10555 and 10400 et seq. said election may be consolidated with any other election, pursuant to the procedures set forth in the Elections Code.

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

1. The Board of Directors hereby finds and determines that the foregoing recitals are true and correct.
2. The Board of Directors hereby calls an election to be held on March 3, 2020, on the question of adopting a special tax to fund emergency medical and fire protection services.
3. It is hereby requested that the Board of Supervisors of San Luis Obispo County consolidate the election of the OCSD to be held on March 3, 2020, with any other San Luis Obispo County General Election held on the same date. This request is made pursuant to Elections Code sections 10555 and 10400, et seq. The Board of Directors agrees to reimburse the County of San Luis Obispo in full for services performed relating to this election, upon presentation of an invoice.

The purpose of the election shall be for the voters in the District to vote on the following question:

| | | |
|--|------------|--|
| OCEANO COMMUNITY SERVICES DISTRICT LOCAL EMERGENCY MEDICAL SERVICES/FIRE PROTECTION RESPONSE MEASURE: | YES | |
| To maintain rapid response times for 911 medical emergency and fire protection services, to provide 24-hours per day, 7-days a week staffed medical emergency and fire vehicles,, shall Oceano Community Services District Ordinance No. 2019-1 levying an annual special tax of \$180.00 per parcel, providing \$422,000 a year, subject to annual maximum increases capped at 2%, until repealed by voters, and requiring independent citizen oversight and annual reports, be adopted? | NO | |

4. In accordance with Elections Code section 13119, the Ballot shall contain the following Fiscal Impact Statement:

FISCAL IMPACT STATEMENT FOR A SPECIAL TAX FOR THE PURPOSE OF FUNDING EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES TO BE IMPOSED ON ALL PARCELS OF REAL PROPERTY IN THE OCEANO COMMUNITY SERVICES DISTRICT EACH FISCAL YEAR [Elections Code section 13119]

Rate of tax to be levied: \$180.00 per parcel located in the Oceano Community Services District. The special tax is subject to an annual maximum increase in an amount not to exceed two percent (2%) per year.

Amount of money to be raised annually: \$422,000.00 (estimated).

Duration of the tax: The authorization to levy the tax pursuant to this Ordinance shall continue until repealed by the voters.

The tax information estimates in this statement reflect the District's current determination of the number of taxable parcels, which is based on certain assumptions. The actual amount of money raised in each year the tax is levied may vary due to factors including, but not limited to, variations in the number of taxable parcels within the District and inflation.

5. The Board of Directors hereby approves the proposed Ordinance to be submitted to the voters, which shall be included in its entirety with the ballot measure, in the form attached to this Resolution as Exhibit A and incorporated herein by this reference. The proposed measure is a special tax as defined in Article XIIC of the California Constitution and shall not take effect unless and until approved by a vote of at least a two-thirds (2/3) majority of the voters voting on the question in the election.

6. The District Clerk is hereby directed to file a certified copy of this Resolution with the San Luis Obispo County Board of Supervisors.

PASSED, APPROVED, and ADOPTED by the Board of Directors of the Oceano Community Services District, State of California, this ____ day of _____, 2019, by the following vote:

AYES:

ABSTAIN:

NOES:

ABSENT:

President of the Board of Directors

ATTEST:

Board Secretary of the Oceano Community Services District

APPROVED AS TO FORM:

District Counsel

ORDINANCE NO. _____

**OCEANO COMMUNITY SERVICES DISTRICT
AN ORDINANCE FOR LEVY OF A SPECIAL TAX ON REAL PROPERTY
LOCATED WITHIN THE DISTRICT TO FUND LOCAL EMERGENCY MEDICAL
AND FIRE PROTECTION SERVICES**

WHEREAS, the Oceano Community Services District (“OCSD”) is a member agency in the Five Cities Fire Authority (“FCFA”) along with the City of Grover Beach and the City of Arroyo Grande. The FCFA has identified the need for additional full-time emergency responders to ensure adequate local emergency medical and fire protection services for the member communities. This is due, in part, to the continued decline of the existing reserve program and increasing costs; and

WHEREAS, numerous studies have concluded that emergency response personnel staffing levels directly affect the level of community emergency medical and fire protection services and that additional full-time emergency responders are necessary to provide for the overall safety of the community; and

WHEREAS, on June 27, 2018, the OCSD Board considered a report entitled “2018 Fire Service Analysis for the Oceano Community Services District” which included eight options that were evaluated for future emergency medical and fire protection services within Oceano. The report recommended that the most viable and cost-efficient choice for the community of Oceano was to continue to provide emergency medical and fire protection services through the Five Cities Fire Authority with funding supplemented by a special tax ballot measure; and

WHEREAS, on July 1, 2019, the OCSD Board approved an amendment to the Five Cities Fire Authority Joint Powers Agreement (“JPA”) in order to 1) fund certain priorities identified in the FCFA Strategic Plan; 2) make changes to the funding formula and funding contributions by the member agencies to reflect current staffing levels; and 3) commit OCSD to the undertaking of a special tax ballot measure; and

WHEREAS, according to said amendment to the JPA, if the proposed Ordinance fails to pass and Oceano is unable to fund its share of the funding formula of the FCFA JPA, Oceano will automatically and without further action cease to be a member of the Five Cities Fire Authority on June 30, 2021; and

WHEREAS, in order to provide the best emergency medical and fire protection services to Oceano, to have a fire department staffed and prepared to provide emergency medical and fire protection services 24-hours a day, 7-days a week, and to accomplish both victim rescue and property conservation, additional funding must be sought. Therefore, the Board of Directors has placed a ballot measure before the voters at the March 3, 2020 election for approval of this Ordinance to levy a special tax on real property within the District to fund emergency medical and fire protection services.

NOW, THEREFORE, THE PEOPLE OF THE OCEANO COMMUNITY SERVICES DISTRICT DO ORDAIN as follows:

Section 1. Authority.

This Ordinance is adopted pursuant to Article XIII A, Section 4, Article XIII B, Section 4, and Article XIII C, Section 2 of the California Constitution; Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code; Article 3.7 (commencing with Section 53720) of Chapter 4 of Division 2 of Title 5 of the Government Code; Government Code Section 53978; and Government Code Section 61121(a).

Section 2. Fiscal Impact Statement [Elections Code Section 13119].

Rate of tax to be levied: \$180.00 per parcel located in the Oceano Community Services District. The special tax is subject to an annual maximum increases in an amount not to exceed two percent (2%) per year.

Amount of money to be raised annually: \$422,000.00 (estimated).

Duration of the tax: The authorization to levy the tax pursuant to this Ordinance shall continue until repealed by the voters.

The tax information estimates in this statement reflect the District's current determination of the number of taxable parcels, which is based on certain assumptions. The actual amount of money raised in each year the tax is levied may vary due to factors including, but not limited to, variations in the number of taxable parcels within the District and inflation.

Section 3. Tax Imposed and Purpose of Tax.

A special tax for the purpose of funding emergency medical and fire protection services shall be imposed on all parcels of real property in the Oceano Community Services District for each fiscal year, commencing with fiscal year 2020-2021. The maximum amount of the special tax for fiscal year 2020-2021 shall be \$180.00 per parcel.

Beginning with fiscal year 2021-2022 and for each fiscal year thereafter, the maximum amount the special tax shall increase is two percent (2.00%).

The records of the San Luis Obispo Assessor as of March 1st of each year shall be used to identify each parcel for the calculation of the special tax applicable to that parcel in the following fiscal year. For the purposes of this Ordinance, the term "parcel" shall mean a parcel of real property having a separate assessor's parcel number as shown on the last equalized assessment roll of San Luis Obispo County.

Section 4. Exemptions.

A. To the extent required by California and Federal law, the following parcels shall be exempt from the tax imposed by this Ordinance:

1. Parcels owned by Federal or State governmental agencies;
2. Parcels owned by local governmental agencies; and
3. Parcels exempt from taxation by the District pursuant to the laws or constitutions of the United States and/or the State of California.

B. Any person or entity claiming an exemption from the tax imposed by this Ordinance shall file a verified statement of exemption on a form prescribed by the Oceano Community Services District General Manager prior to June 30th of the first fiscal year for which the exemption is sought.

Section 5. Ballot Question.

Pursuant to the California Elections Code, the abbreviated statement of the proposition, as it appears on the ballot is as follows:

OCEANO COMMUNITY SERVICES DISTRICT LOCAL EMERGENCY MEDICAL SERVICES/FIRE PROTECTION RESPONSE MEASURE:

To maintain rapid response times for 911 medical emergency and fire protection services, to provide 24-hours per day, 7-days a week staffed medical emergency and fire vehicles,, shall Oceano Community Services District Ordinance No. 2019-1 levying an annual special tax of \$180.00 per parcel, providing \$422,000 a year, subject to annual maximum increases capped at 2%, until repealed by voters, and requiring independent citizen oversight and annual reports, be adopted?

YES

NO

Section 6. Use of Tax Proceeds.

The proceeds of the special tax shall be deposited in a special account, created and maintained by the District and will be used solely for the purpose of providing 24-hours a day, 7-days a week staffed emergency medical and fire protection services within the District and for the costs of administering the special tax, including, but not limited to the costs of collection. Proceeds of this special tax will not be used for any other purpose and will not be used to offset other District obligations.

(a) For purposes of this Ordinance, "emergency medical and fire protection services" include, but are not limited to, fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and

property that are critical to the public peace, health, and safety of the District's residents and members of the public.

(b) For the purposes of this Ordinance, the District's costs of "providing 24-hours a day, 7 days a week staffed emergency medical and fire protection services" include, but are not limited to, the following: the salaries, benefits, training, and all other personnel related costs; the costs of acquiring or leasing, operating, and maintaining equipment and apparatus used for fire emergency services; the costs of operating, maintaining, repairing, renovating, and equipping fire facilities.

Section 7. Method of Collection.

The special tax imposed by this ballot measure is due from each owner of record of a parcel within the District as reflected upon the rolls of the County Assessor at the same time the ad valorem tax is due and is to be collected in the same manner. The San Luis Obispo County Tax Collector shall collect the tax and any penalty or interest due hereunder; provided however, that the District Board of Directors may authorize other appropriate methods of collection of the special tax by appropriate resolution(s). The special tax shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency, as provided for ad valorem taxes.

Section 8. Accountability Measures.

- A. Account. Upon the levy and collection of the tax authorized by this Ordinance, an account shall be created into which the proceeds of the tax will be deposited. The proceeds of the tax authorized by this Ordinance shall be applied only to the specific purposes identified in this Ordinance.
- B. Annual Report. An annual report that complies with the requirements of Government Code section 50075.3 shall be filed with the District Board of Directors no later than January 1st of each fiscal year in which the tax is levied.

Section 9. Citizen Oversight Committee.

The Board of Directors shall establish a Citizen Oversight Committee (the "Committee"). The Committee shall review and evaluate annual expenditures made by the District from the proceeds of the special tax ("special tax proceeds"). The Committee may receive and review copies of the Report prepared pursuant to Section 8 of this Ordinance, and may inspect all facilities and contracts entered into for which special tax proceeds have been or will be expended. The Committee shall consist of a minimum of three (3) members appointed by the District Board of Directors. To be a qualified candidate for the Committee, a person must be at least 18 years of age and reside within the District's geographic boundaries. The Committee may not include any employee or officer of the District, or any vendor, contractor, or consultant of the District.

Section 10. Severability.

If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The People of the Oceano Community Services District hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unlawful.

Section 11. Recitals.

That the recitals set forth hereinabove are true, correct, and valid.

Section 12. Effective Date.

This Ordinance shall not become effective unless approved at the March 3, 2020 election by a two-thirds (2/3) majority of the voting registered voters within the District. This Ordinance shall become effective ten (10) days after the vote is certified by San Luis Obispo County.

PASSED AND ADOPTED by the People of the Oceano Community Services District at an election held on March 3, 2020.

RESOLUTION NO. 2019-_____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE OCEANO COMMUNITY SERVICES DISTRICT CALLING AN ELECTION FOR SUBMISSION TO THE VOTERS OF A PROPOSED ORDINANCE FOR LEVY OF A SPECIAL TAX ON REAL PROPERTY LOCATED WITHIN THE DISTRICT TO FUND LOCAL EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES AND REQUESTING CONSOLIDATION OF SAID ELECTION WITH THE MARCH 3, 2020 PRESIDENTIAL PRIMARY ELECTION

The following Resolution is hereby offered and read:

WHEREAS, the Oceano Community Services District (“OCSD”) is a member agency in the Five Cities Fire Authority (“FCFA”) along with the City of Grover Beach and the City of Arroyo Grande. The FCFA has identified the need for additional full-time emergency responders to ensure adequate local emergency medical and fire protection services for the member communities. This is due, in part, to the continued decline of the existing reserve program and increasing costs; and

WHEREAS, numerous studies have concluded that emergency response personnel staffing levels directly affect the level of community emergency medical and fire protection services and that additional full-time emergency responders are necessary to provide for the overall safety of the community; and

WHEREAS, on June 27, 2018, the OCSD Board considered a report entitled “2018 Fire Service Analysis for the Oceano Community Services District” which included eight options that were evaluated for future emergency medical and fire protection services within Oceano. The report recommended that the most viable and cost-efficient choice for the community of Oceano was to continue to provide emergency medical and fire protection services through the Five Cities Fire Authority with funding supplemented by a special tax ballot measure; and

WHEREAS, on July 1, 2019, the OCSD Board approved an amendment to the Five Cities Fire Authority Joint Powers Agreement (“JPA”) in order to 1) fund certain priorities identified in the FCFA Strategic Plan; 2) make changes to the funding formula and funding contributions by member agencies to reflect current staffing levels; and 3) commit OCSD to the undertaking of a special tax ballot measure; and

WHEREAS, in order to provide the best emergency medical and fire protection services to Oceano, to have a fire department staffed and prepared to provide emergency medical and fire protection services 24-hours a day, 7-days a week, and to accomplish both victim rescue and property conservation, additional funding must be sought; and

WHEREAS, the Board of Directors desires to place a ballot measure before the voters at the March 3, 2020 election for approval of a proposed ordinance to levy a special tax on real property within the District to provide 24-hours a day, 7-days a week local emergency medical and fire protection services within the OCSD and to assist with the attraction and retention of qualified professional medical responders and firefighters in Oceano; and

WHEREAS, according to the amendment to the JPA, if the proposed Ordinance fails to pass and Oceano is unable to fund its share of the funding formula of the FCFA JPA, Oceano will automatically and without further action cease to be a member of the Five Cities Fire Authority on June 30, 2021; and

WHEREAS, in its consideration of adoption of this Resolution, the Board of Directors has indicated that if funding through a special tax is not approved, the Board would consider seeking approval from the Local Agency Formation Commission to divest its active authority to provide emergency medical services and fire protection and instead request those services be provided by San Luis Obispo County under its contract with Cal Fire; and

WHEREAS, pursuant to the provisions of Government Code section 53978 and Government Code section 50075 et seq., the Board is authorized to levy a special tax, subject to the approval of the voters; and

WHEREAS, in accordance with the requirements of Government Code section 50077, on October 23, 2019, the Board of Directors conducted a noticed public hearing on the issue of whether to place such a measure on the ballot. The notice included the date, time and place of the public hearing, a general explanation of the matter to be considered, and a statement of where additional information could be obtained; and

WHEREAS, the Board of Directors desires to have the County of San Luis Obispo render certain services in connection with the March 3, 2020 election; and

WHEREAS, pursuant to Elections Code sections 10555 and 10400 et seq. said election may be consolidated with any other election, pursuant to the procedures set forth in the Elections Code.

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

1. The Board of Directors hereby finds and determines that the foregoing recitals are true and correct.
2. The Board of Directors hereby calls an election to be held on March 3, 2020, on the question of adopting a special tax to fund emergency medical and fire protection services.
3. It is hereby requested that the Board of Supervisors of San Luis Obispo County consolidate the election of the OCSD to be held on March 3, 2020, with any other San Luis Obispo County General Election held on the same date. This request is made pursuant to Elections Code sections 10555 and 10400, et seq. The Board of Directors agrees to reimburse the County of San Luis Obispo in full for services performed relating to this election, upon presentation of an invoice.

The purpose of the election shall be for the voters in the District to vote on the following question:

| | | |
|---|------------|--|
| OCEANO COMMUNITY SERVICES DISTRICT LOCAL EMERGENCY MEDICAL SERVICES/FIRE PROTECTION RESPONSE MEASURE: | YES | |
| To maintain rapid response times for 911 medical emergency and fire protection services, to provide 24-hours per day, 7-days a week staffed medical emergency and fire vehicles, , shall Oceano Community Services District Ordinance No. 2019-1 levying an annual special tax of \$36.00 per Benefit Unit, providing \$461,000 a year , subject to annual maximum increases capped at 2%, until repealed by voters, and requiring independent citizen oversight and annual reports, be adopted? | NO | |

4. In accordance with Elections Code section 13119, the Ballot shall contain the following Fiscal Impact Statement:

FISCAL IMPACT STATEMENT FOR A SPECIAL TAX FOR THE PURPOSE OF FUNDING EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES TO BE IMPOSED ON ALL PARCELS OF REAL PROPERTY IN THE OCEANO COMMUNITY SERVICES DISTRICT EACH FISCAL YEAR [Elections Code section 13119]

Rate of tax to be levied: \$36.00 per Benefit Unit on each parcel of real property located in the Oceano Community Services District. The special tax is subject to an annual maximum increase in an amount not to exceed two percent (2%) per year.

Amount of money to be raised annually: \$461,000.00 (estimated).

Duration of the tax: The authorization to levy the tax pursuant to this Ordinance shall continue until repealed by the voters.

The tax information estimates in this statement reflect the District's current determination of the number of taxable parcels, which is based on certain assumptions. The actual amount of money raised in each year the tax is levied may vary due to factors including, but not limited to, variations in the number of taxable parcels within the District and inflation.

5. The Board of Directors hereby approves the proposed Ordinance to be submitted to the voters, which shall be included in its entirety with the ballot measure, in the form attached to this Resolution as Exhibit A and incorporated herein by this reference. The proposed measure is a special tax as defined in Article XIIC of the California Constitution and shall not take effect unless and until approved by a vote of at least a two-thirds (2/3) majority of the voters voting on the question in the election.
6. The District Clerk is hereby directed to file a certified copy of this Resolution with the San Luis Obispo County Board of Supervisors.

PASSED, APPROVED, and ADOPTED by the Board of Directors of the Oceano Community Services District, State of California, this ____ day of _____, 2019, by the following vote:

AYES:

ABSTAIN:

NOES:

ABSENT:

President of the Board of Directors

ATTEST:

Board Secretary of the Oceano Community Services District

APPROVED AS TO FORM:

District Counsel

ORDINANCE NO. _____

**OCEANO COMMUNITY SERVICES DISTRICT
AN ORDINANCE FOR LEVY OF A SPECIAL TAX ON REAL PROPERTY
LOCATED WITHIN THE DISTRICT TO FUND LOCAL EMERGENCY MEDICAL
AND FIRE PROTECTION SERVICES**

WHEREAS, the Oceano Community Services District (“OCSD”) is a member agency in the Five Cities Fire Authority (“FCFA”) along with the City of Grover Beach and the City of Arroyo Grande. The FCFA has identified the need for additional full-time emergency responders to ensure adequate local emergency medical and fire protection for the member communities. This is due, in part, to the continued decline of the existing reserve program and increasing costs; and

WHEREAS, numerous studies have concluded that emergency response personnel staffing levels directly affect the level of community emergency medical and fire protection services and that additional full-time emergency responders are necessary to provide for the overall safety of the community; and

WHEREAS, on June 27, 2018, the OCSD Board considered a report entitled “2018 Fire Service Analysis for the Oceano Community Services District” which included eight options that were evaluated for future emergency medical and fire protection services within Oceano. The report recommended that the most viable and cost-efficient choice for the community of Oceano was to continue to provide emergency medical and fire protection services through the Five Cities Fire Authority with funding supplemented by a special tax ballot measure; and

WHEREAS, on July 1, 2019, the OCSD Board approved an amendment to the Five Cities Fire Authority Joint Powers Agreement (“JPA”) in order to 1) fund certain priorities identified in the FCFA Strategic Plan; 2) make changes to the funding formula and funding contributions by the member agencies to reflect current staffing levels; and 3) commit OCSD to the undertaking of a special tax ballot measure; and

WHEREAS, according to said amendment to the JPA, if the proposed Ordinance fails to pass and Oceano is unable to fund its share of the funding formula of the FCFA JPA, Oceano will automatically and without further action cease to be a member of the Five Cities Fire Authority on June 30, 2021; and

WHEREAS, in order to provide the best emergency medical and fire protection services to Oceano, to have a fire department staffed and prepared to provide emergency medical and fire protection services 24-hours a day, 7-days a week and to accomplish both victim rescue and property conservation, additional funding must be sought. Therefore, the Board of Directors has placed a ballot measure before the voters at the March 3, 2020 election for approval of this Ordinance to levy a special tax on real property within the District to fund emergency medical and fire protection services.

NOW, THEREFORE, THE PEOPLE OF THE OCEANO COMMUNITY SERVICES DISTRICT DO ORDAIN as follows:

Section 1. Authority.

This Ordinance is adopted pursuant to Article XIII A, Section 4, Article XIII B, Section 4, and Article XIII C, Section 2 of the California Constitution; Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code; Article 3.7 (commencing with Section 53720) of Chapter 4 of Division 2 of Title 5 of the Government Code; Government Code Section 53978; and Government Code Section 61121(a).

Section 2. Fiscal Impact Statement [Elections Code Section 13119].

Rate of tax to be levied: \$36.00 per Benefit Unit on each parcel of real property located in the Oceano Community Services District. The special tax is subject to an annual maximum increases in an amount not to exceed two percent (2%) per year.

Amount of money to be raised annually: \$461,000.00 (estimated).

Duration of the tax: The authorization to levy the tax pursuant to this Ordinance shall continue until repealed by the voters.

The tax information estimates in this statement reflect the District's current determination of the number of taxable parcels, which is based on certain assumptions. The actual amount of money raised in each year the tax is levied may vary due to factors including, but not limited to, variations in the number of taxable parcels within the District and inflation.

Section 3. Tax Imposed and Purpose of Tax.

A special tax for the purpose of funding emergency medical and fire protection services shall be imposed on all parcels of real property in the Oceano Community Services District for each fiscal year, commencing with fiscal year 2020-2021.

The maximum amount of the special tax for fiscal year 2020-2021 shall be \$36.00 per Benefit Unit on each parcel of real property within the District. A chart identifying the number of Benefit Units associated with each particular land use/property classification is attached as Exhibit "A."

Beginning with fiscal year 2021-2022 and for each fiscal year thereafter, the maximum amount the special tax shall increase is two percent (2.00%).

The records of the San Luis Obispo Assessor as of March 1st of each year shall be used to identify each parcel for the calculation of the special tax applicable to that parcel in the following fiscal year. For the purposes of this Ordinance, the term "parcel" shall mean a parcel of real property having a separate assessor's parcel number as shown on the last equalized assessment roll of San Luis Obispo County.

Section 4. Exemptions.

A. To the extent required by California and Federal law, the following parcels shall be exempt from the tax imposed by this Ordinance:

1. Parcels owned by Federal or State governmental agencies;
2. Parcels owned by local governmental agencies; and

3. Parcels exempt from taxation by the District pursuant to the laws or constitutions of the United States and/or the State of California.

B. Any person or entity claiming an exemption from the tax imposed by this Ordinance shall file a verified statement of exemption on a form prescribed by the Oceano Community Services District General Manager prior to June 30th of the first fiscal year for which the exemption is sought.

Section 5. Ballot Question.

Pursuant to the California Elections Code, the abbreviated statement of the proposition, as it appears on the ballot is as follows:

To maintain rapid response times for 911 medical emergency and fire protection services, to provide 24-hours per day, 7-days a week staffed medical emergency and fire vehicles, shall Oceano Community Services District Ordinance No. 2019-1 levying an annual special tax of \$36.00 per Benefit Unit, providing \$461,000 a year, subject to annual maximum increases capped at 2%, until repealed by voters, and requiring independent citizen oversight and annual reports, be adopted?

YES

NO

Section 6. Use of Tax Proceeds.

The proceeds of the special tax shall be deposited in a special account, created and maintained by the District and will be used solely for the purpose of providing 24-hours a day, 7-days a week staffed emergency medical and fire protection services within the District and for the costs of administering the special tax, including, but not limited to the costs of collection. Proceeds of this special tax will not be used for any other purpose and will not be used to offset other District obligations.

(a) For purposes of this Ordinance, "emergency medical and fire protection services" include, but are not limited to, fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property that are critical to the public peace, health, and safety of the District's residents and members of the public.

(b) For the purposes of this Ordinance, the District's costs of "providing 24-hours a day, 7 days a week staffed emergency medical and fire protection services" include, but are not limited to, the following: the salaries, benefits, training, and all other personnel related costs; the costs of acquiring or leasing, operating, and maintaining equipment and apparatus used for fire emergency services; the costs of operating, maintaining, repairing, renovating, and equipping fire facilities.

Section 7. Method of Collection.

The special tax imposed by this ballot measure is due from each owner of record of a parcel within the District as reflected upon the rolls of the County Assessor at the same time the ad valorem tax is due and is to be collected in the same manner. The San Luis Obispo County Tax Collector shall collect the tax and any penalty or interest due hereunder; provided however, that the District Board of Directors may authorize other appropriate methods of collection of the special tax by appropriate resolution(s). The special tax shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency, as provided for ad valorem taxes.

Section 8. Accountability Measures.

- A. Account. Upon the levy and collection of the tax authorized by this Ordinance, an account shall be created into which the proceeds of the tax will be deposited. The proceeds of the tax authorized by this Ordinance shall be applied only to the specific purposes identified in this Ordinance.
- B. Annual Report. An annual report that complies with the requirements of Government Code section 50075.3 shall be filed with the District Board of Directors no later than January 1st of each fiscal year in which the tax is levied.

Section 9. Citizen Oversight Committee.

The Board of Directors shall establish a Citizen Oversight Committee (the "Committee"). The Committee shall review and evaluate annual expenditures made by the District from the proceeds of the special tax ("special tax proceeds"). The Committee may receive and review copies of the Report prepared pursuant to Section 8 of this Ordinance, and may inspect all facilities and contracts entered into for which special tax proceeds have been or will be expended. The Committee shall consist of a minimum of three (3) members appointed by the District Board of Directors. To be a qualified candidate for the Committee, a person must be at least 18 years of age and reside within the District's geographic boundaries. The Committee may not include any employee or officer of the District, or any vendor, contractor, or consultant of the District.

Section 10. Severability.

If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The People of the Oceano Community Services District hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unlawful.

Section 11. Recitals.

That the recitals set forth hereinabove are true, correct, and valid.

Section 12. Effective Date.

This Ordinance shall not become effective unless approved at the March 3, 2020 election by a two-thirds (2/3) majority of the voting registered voters within the District. This Ordinance shall become effective ten (10) days after the vote is certified by San Luis Obispo County.

PASSED AND ADOPTED by the People of the Oceano Community Services District at an election held on March 3, 2020.

OCEANO CSD - SCHEDULE OF BENEFITS

| Property Classification/Land Use | Number of Benefit Units Per Parcel |
|--|------------------------------------|
| Residential/Single Family Dwelling | 5 Units Per Dwelling Unit |
| Residential/Secondary Dwelling on Parcel | 4 Units Per Dwelling Unit |
| Commercial/Industrial with Residential | 1 unit plus 5 per Dwelling Unit |
| Residential Care Facility | 5 Units plus 1/Patient Room |
| Condominium | 4 Units Per Dwelling Unit |
| Duplex/Triplex/Fourplex | 4 Units Per Dwelling Unit |
| Apartment | 3 Units Per Dwelling Unit |
| Mobile Home | 3 Units Per Dwelling Unit |
| Commercial/Manufacturing/Storage | 1 Unit Per 300 S.F. or Less |
| Schools and Churches | 1 Unit Per 300 S.F. or Less |
| Preschools/Daycares | 1 Unit Per 300 S.F. or Less |
| Unimproved/Agriculture Property 1 Acre or Less | 1 Unit Per Acre or Less |
| Unimproved/Agriculture Property Over 1 Acre | 1 Unit/Acre Maximum of 5 |
| Barns/Shops/Warehouse Over 300 Square Feet | 2 Units Per Building |
| Motel/Hotel/Bed and Breakfast | 3 Units Per Rental Room |
| Laundry, Laundromats | 10 units each |
| Recreational Facilities | 1 Unit Per Acre/Maximum of 5 |
| All Vacant | 1 Unit each |
| Beauty Parlors | 4 units each |
| Automotive Garages | 6 units each |
| Auto Sales & Service | 6 units each |
| Property for Vehicle Storage | 2 Units Per Acre or Less |
| Restaurants | 10 units each |
| Delicatessens | 6 units each |
| Transit Container Storage | 1 Unit Per Container |
| Bar/Cocktail Lounge | 10 units each |
| Retail Stores | 4 units each |
| Grocery/Minimart | 10 units each |
| Office | 4 Units each |
| Public Utility | 4 units each |



COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

Debbie Arnold *Chairperson, District Five Supervisor*

John Peschong *District One Supervisor*

Bruce Gibson *District Two Supervisor*

Adam Hill *Vice-Chairperson, District Three Supervisor*

Lynn Compton *District Four Supervisor*

September 5, 2019

Linda Austin, President
Oceano Community Services District
1655 Front Street, P.O. Box 599
Oceano, CA 93475

Dear President Austin:

On behalf of the Board of Supervisors, I am responding to the Oceano Community Services District's letter regarding a request for consultation on developing a plan for services for an organizational change for fire service. As your letter states, on May 7, 2019, the Board of Supervisors received an update from the Ad Hoc Fire Committee evaluating service by special districts and considered and approved the approach to the development of any "plan for services."

The Ad Hoc Fire Committee met with the Administrative Office to review the district's letter and formulate a response. As outlined in the May 7 report, if a special district decides it is unable to continue providing fire service to its community, it can apply for an organizational change to transfer that responsibility to a "successor agency." While the County has no legal obligation to take over fire service, the Board has indicated that the protection of public safety is its highest priority and thus would engage discussions on this matter. If the successor agency is determined to be the County, any plan for services would have the County determine the appropriate level of service, considering all available resources and financing options, in consultation with the affected community and County Fire.

The intent of the approach outlined in the May 7 report was for the County to consult with the special district after the Board of Directors of the special district agree that relinquishing fire protection is in the best interest of the special district and it is determined that the County would become the "successor agency." It would be premature for the County to provide a response to the questions outlined as the Oceano Community Services District has yet to make a determination on divestiture and begin the San Luis Obispo Local Agency Formation Commission (LAFCO) process.

County of San Luis Obispo Government Center

The County encourages the Oceano Community Services District to continue its efforts towards a special tax in the March 2020 election. As previously discussed at a meeting with the Ad Hoc Committee and County Administrative Officer, the County's stance is that the community within a district needs to make the decision regarding the level of service and special tax warranted as was recently seen with the Templeton Community Services District.

For any questions, please contact our County Administrator Wade Horton (whorton@co.slo.ca.us).

Sincerely,



DEBBIE ARNOLD

Chair, Board of Supervisors

CC: Board of Supervisors
Wade Horton, County Administrative Officer
Chief Jalbert, San Luis Obispo County Fire
David Church, San Luis Obispo LAFCO



Oceano Community Services District

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

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

August 26, 2019

Debbie Arnold, Chairperson
San Luis Obispo County Board of Supervisors
County of San Luis Obispo
San Luis Obispo, Ca 93408

Subject: May 7, 2019 Agenda Item #32; Request for Initial Consultation
County Policy on Developing a Plan for Services for an Organizational Change for Medical Emergency
and Fire Response Service

Chairperson Arnold,

On May 7, 2019 the County Board of Supervisors received an update on your study of special districts that provide medical emergency and fire response services. At that meeting, your Board also considered and adopted certain policies. Based on those policies, the Oceano Community Services District (OCSD) is interested in initiating consultation with the County on a "Plan for Services" that OCSD could include in an application to the Local Agency Formation Commission (LAFCo) to divest medical emergency and fire response services if necessary.

It is our understanding that the adjacent slide included in the May 7th presentation depicts the adopted policies regarding a Plan for Services. If our understanding is incorrect, please let us know. We appreciate that the County is willing to develop a Plan for Services in consultation with the affected community.

At this time, you may be aware that OCSD will need voters to approve a special tax in the March 2020 election for the community to continue as a member of the Five Cities Fire Authority. Until the outcome of that special tax vote is known, uncertainty exists regarding how OCSD might provide medical emergency and fire response services in the future.

2. Clarify the response to a special district's request for an organizational change for fire service

Recommended Next Step: Clarify approach

- "Plan for Services" developed in consultation with the affected community and County Fire
- County to determine the appropriate level of service
- County to consider all available resources and financing options



COUNTY OF SAN LUIS OBISPO

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Oceano Community Services District

Board of Directors Meeting

OCSD is currently evaluating the amount of the special tax needed to adequately fund future membership in FCFA. Our 2019 Board meetings have included multiple agenda items on numerous points and issues including options if the March 2020 special tax vote does not pass. We are preparing public information on these issues. Addressing the new County policy is important so that voters have the best information possible when they decide how to vote.

The OCSD Board has directed me to request clarification on the County's intent behind your policy that states that the "County will consider all available resources and financing options." We recognize that property taxes currently allocated to OCSD for medical emergency and fire services will need to be reallocated to the County as a condition for the County's willingness to provide services to Oceano in the future. In addition to a property tax transfer, we would like clarification on what else the County will intend to require from OCSD under your adopted policy.

More specifically, we are requesting clarification on the following questions if the March 2020 special tax does not pass and the OCSD pursues divestiture of medical emergency and fire response services through the San Luis Obispo County Local Agency Formation Commission.

1. Will the County expect OCSD to transfer ownership of the Oceano Fire Station?
2. Will the County expect OCSD to transfer ownership of the Sheriff Substation in Oceano?
3. Will the County expect OCSD to transfer any other real property?
4. Will the County expect OCSD to transfer its solid waste franchise authority?

The Oceano Community Services District appreciates the recent study commissioned by the County on special districts that provide medical emergency and fire response services. We look forward to your reply to this inquiry. Questions and initial coordination should be directed to our General Manager, Paavo Ogren, at 805-481-6730.

Sincerely,

A handwritten signature in blue ink that reads "Linda M. Austin".

Linda Austin, President
Oceano Community Services District