

**SQUIRE CANYON COMMUNITY SERVICES DISTRICT**

1 Squire Road, San Luis Obispo, California 93401

(805) 835-3163

[www.squirecanyonsd.com](http://www.squirecanyonsd.com)

**AGENDA FOR SPECIAL BOARD OF DIRECTORS MEETING**

**Tuesday, October 5, 2021, 7:30 PM**

Avila Beach Community Services District Office, 100 San Luis Street, Avila Beach, California

**PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER N-29-20, MEMBERS OF THE BOARD OF DIRECTORS, STAFF AND PUBLIC MAY PARTICIPATE IN THIS MEETING VIA TELECONFERENCE AND/OR ELECTRONICALLY.**

**ZOOM MEETING: <https://us02web.zoom.us/j/8347246822>**

**Meeting ID: 834 724 6822      Password: No Password Required**

**BY PHONE: 1-408-638-0968 Meeting ID # 834 724 6822**

**1. CALL TO ORDER:**

**2. ROLL CALL:**

| <b>Board Members</b>        | <b>Staff</b>                   |
|-----------------------------|--------------------------------|
| Steve Fiant, President      | Brad Hagemann, GM              |
| Elizabeth Cziraki, Director | Jeff Minnery, District Counsel |
| Keith Falerios, Director    |                                |
| Fernando Campos, Director   |                                |
| Zach Scott, Director        |                                |

**3. ANNOUNCEMENT OF CLOSED SESSION ITEM**

**A. Public Comment on closed session item**

**B. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE §54956.9(b):**

Anticipated litigation - 1 case: Discussion of Nielsen issues. Consult with counsel

**C. Return to open session and announcement regarding action taken if any.**

**4. PUBLIC COMMENT:**

Any member of the public may address the Board relating to any matter within the Board of Director's jurisdiction, provided that the matter is NOT on the Board's Agenda. Presentations are limited to three (3) minutes or otherwise at the discretion of the Board President. Please note that pursuant to the Brown Act, the Board of Directors can only take action on those items specifically listed on the Agenda.

**5. CONSENT ITEMS:**

These items are approved with one motion. Directors may briefly discuss any item, or may pull any item, which is then added to the business agenda.

- A. Approval of Minutes for June 15, 2021 Special Meeting
- B. Review and Approval of Warrant Register
- C. Financial Report

**6. MANAGER'S REPORT:** Oral Report

**7. BUSINESS ITEMS:**

**A. Resolution No. 2021 -02 Authorizing Remote Teleconferencing Meetings:** The Board will consider adoption of a Resolution authorizing remote teleconference meetings. **Possible Board Action.**

**B. Road Repair and Maintenance:** Status Report on Repair and Maintenance Projects and Board Consideration of New Projects. **Possible board action.**

**8. DIRECTOR/MANAGER COMMENTS:** This is the time for introduction of any items that the Directors may wish to consider for the next meeting or to ask questions of staff.

**9. ADJOURNMENT**

The next regular meeting will be held on Tuesday, January 4, 2022, at 7:30 pm at the Avila Beach Community Services District Office, 100 San Luis Street, Avila Beach, California.

**Squire Canyon Community Services District**  
**Board of Directors**  
**1 Squire Canyon**  
**San Luis Obispo, CA 93401**  
**(805) 835-3163**  
[www.squirecanyoncsd.com](http://www.squirecanyoncsd.com)

**June 15, 2021 Special Meeting Minutes**

**Please Note:** The Board meets quarterly. It is the policy of the District to post draft minutes to our web site prior to the next Board Meeting to provide information regarding issues and decisions made. **\*\*If you would like to have your copy of the agenda sent electronically (via email), please contact the District General Manager, Brad Hagemann at [hagemann.associates@gmail.com](mailto:hagemann.associates@gmail.com) and request to be added to the electronic distribution list.**

These Minutes are in draft form and subject to Board approval at their next meeting.

**1. Call to Order:** President Fiant called the meeting to order at 7:10 PM.

**2. Roll Call: Board Members present:** President Fiant, Director Falerios, Director Campos, Director Scott and Director Cziraki.

**Board members absent:** None

**Staff present:** Brad Hagemann, General Manager

**3. Public Comments:** No Public comments.

**4. Consent Items:**

- A. Approval of Minutes for the April 6, 2021 Regular Board meeting
- B. Review and Approval of Warrant Register
- C. Financial Report

After some Board discussion and an opportunity for public comment, President Fiant moved to approve the consent agenda, Director Falerios seconded and motion carried unanimously 5-0.

**5. Manager's Report:** GM Hagemann provided a brief oral report.

**6. Business Items:**

**A. Resolution No. 2021-01:** Adopting fiscal year 2021/2022 assessment rates and authorizing the special assessment for road maintenance and improvements within the District. After discussion and an opportunity for public comment, Director Fiant made a motion to adopt Resolution No. 2021-01, the motion was seconded by Director Falerios and the motion passed 5-0.

**B. Fiscal Year 2021/2022 Budget:** Consider adoption of the FY 2021/22 District. After discussion and an opportunity for public comment, Director Fiant made a motion to adopt Resolution No. 2021-01, the motion was seconded by Director Falerios and the motion passed 5-0.

**C. Discuss and Consider Updates to District Purchasing Policy:** The Board took no action on this item.

**D. Road Repair and Maintenance:** The Board discussed a potential project to pave a portion of Indian Knob Road below the Mattson property, but took no action. The Board approved the purchase/installation of a new "fish eye" mirror to help with site distance around a tight corner. No other action was taken.

**7. Director Comments:** Oral reports

**Adjourn**

There being no further business, the meeting was adjourned at 9:15 PM. The next regular meeting of the Squire Canyon Community Services District is scheduled for Tuesday October 5, 2021, at 7:30 PM.

APPROVED AS TO FORM:

\_\_\_\_\_  
Steve Fiant  
President, Board of Directors  
Squire Canyon Community Services District

Respectfully submitted,

\_\_\_\_\_  
Brad Hagemann  
General Manager/Secretary

**Squire Canyon Community Services District**  
**Warrant Register-Checking**  
June 16 through October 5, 2021

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| <u>Date</u>                          | <u>Num</u> | <u>Name</u>              | <u>Memo</u>            | <u>Credit</u>                 |
|--------------------------------------|------------|--------------------------|------------------------|-------------------------------|
| <b>1000 · Cash Summary</b>           |            |                          |                        |                               |
| <b>1004 · Checking-Heritage Oaks</b> |            |                          |                        |                               |
| 10/05/2021                           | 862        | LAFCO                    | LAFCO 2016-17          | 90.30                         |
| 10/05/2021                           | 863        | Hagemann and Associat... | General Mgr July, A... | 1,000.00                      |
| Total 1004 · Checking-Heritage Oaks  |            |                          |                        | <u>1,090.30</u>               |
| Total 1000 · Cash Summary            |            |                          |                        | <u>1,090.30</u>               |
| <b>TOTAL</b>                         |            |                          |                        | <b><u><u>1,090.30</u></u></b> |

Squire Canyon Community Services District  
**Balance Sheet**  
As of October 5, 2021

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|                                       | <u>Oct 5, 21</u> |
|---------------------------------------|------------------|
| <b>ASSETS</b>                         |                  |
| Current Assets                        |                  |
| Checking/Savings                      |                  |
| 1000 · Cash Summary                   |                  |
| 1004 · Checking-Heritage Oaks         | 657.05           |
| 1005 · Savings-Heritage Oaks          | 47,043.98        |
|                                       | <hr/>            |
| Total 1000 · Cash Summary             | 47,701.03        |
|                                       | <hr/>            |
| Total Checking/Savings                | 47,701.03        |
|                                       | <hr/>            |
| Total Current Assets                  | 47,701.03        |
|                                       | <hr/>            |
| <b>TOTAL ASSETS</b>                   | <b>47,701.03</b> |
|                                       | <hr/> <hr/>      |
| <b>LIABILITIES &amp; EQUITY</b>       |                  |
| Equity                                |                  |
| 3000 · Opening Balance Equity         | 38,686.94        |
| 3200 · Retained Earnings              | 9,649.28         |
| Net Income                            | -635.19          |
|                                       | <hr/>            |
| Total Equity                          | 47,701.03        |
|                                       | <hr/>            |
| <b>TOTAL LIABILITIES &amp; EQUITY</b> | <b>47,701.03</b> |
|                                       | <hr/> <hr/>      |

**Squire Canyon Community Services District**  
**Balance Sheet by Class**  
 As of October 5, 2021

|                                       | 1-ZONE 1, INDIAN KNOB | 2-ZONE 2, SQUIRE CANYON | 3-ZONE 3, ADMINISTRATIVE | Unclassified  | TOTAL            |
|---------------------------------------|-----------------------|-------------------------|--------------------------|---------------|------------------|
| <b>ASSETS</b>                         |                       |                         |                          |               |                  |
| Current Assets                        |                       |                         |                          |               |                  |
| Checking/Savings                      |                       |                         |                          |               |                  |
| 1000 - Cash Summary                   | 9,667.00              | -3,853.59               | -5,910.33                | 753.97        | 657.05           |
| 1004 - Checking-Heritage Oaks         | 14,691.37             | 39,234.05               | -6,881.44                | 0.00          | 47,043.98        |
| 1005 - Savings-Heritage Oaks          |                       |                         |                          |               |                  |
| Total 1000 - Cash Summary             | 24,358.37             | 35,380.46               | -12,791.77               | 753.97        | 47,701.03        |
| Total Checking/Savings                | 24,358.37             | 35,380.46               | -12,791.77               | 753.97        | 47,701.03        |
| Total Current Assets                  | 24,358.37             | 35,380.46               | -12,791.77               | 753.97        | 47,701.03        |
| <b>TOTAL ASSETS</b>                   | <b>24,358.37</b>      | <b>35,380.46</b>        | <b>-12,791.77</b>        | <b>753.97</b> | <b>47,701.03</b> |
| <b>LIABILITIES &amp; EQUITY</b>       |                       |                         |                          |               |                  |
| Equity                                |                       |                         |                          |               |                  |
| 3000 - Opening Balance Equity         | 13,582.35             | 14,714.19               | 10,390.40                | 0.00          | 38,686.94        |
| 3200 - Retained Earnings              | 20,648.13             | 33,953.52               | -45,706.34               | 0.00          | 8,895.31         |
| Net Income                            | 167.21                | 180.76                  | -983.16                  | 0.00          | -635.19          |
| Total Equity                          | 34,397.69             | 48,848.47               | -36,299.10               | 0.00          | 46,947.06        |
| <b>TOTAL LIABILITIES &amp; EQUITY</b> | <b>34,397.69</b>      | <b>48,848.47</b>        | <b>-36,299.10</b>        | <b>0.00</b>   | <b>46,947.06</b> |
| <b>UNBALANCED CLASSES</b>             | -10,039.32            | -13,468.01              | 23,507.33                | 753.97        | -753.97          |

11:21 AM  
09/30/21  
Accrual Basis

**Squire Canyon Community Services District**  
**Profit & Loss**  
June 16 through October 5, 2021

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|   | <u>Jun 16 - Oct 5, 21</u> |
|---|---------------------------|
| <b>Ordinary Income/Expense</b>              |                           |
| <b>Income</b>                               |                           |
| 4000 · Income Summary                       |                           |
| 4001 · Assessments Collected                | 451.91                    |
| 4005 · Interest Income                      | 5.38                      |
|   | <hr/>                     |
| <b>Total 4000 · Income Summary</b>          | <b>457.29</b>             |
| <b>Total Income</b>                         | <b>457.29</b>             |
| <b>Expense</b>                              |                           |
| 5000 · Administrative Overhead              |                           |
| 5010 · LAFCO Dues                           | 90.30                     |
| 5030 · Professional Fees                    |                           |
| 5030.04 · Management                        | 1,000.00                  |
|   | <hr/>                     |
| <b>Total 5030 · Professional Fees</b>       | <b>1,000.00</b>           |
| <b>Total 5000 · Administrative Overhead</b> | <b>1,090.30</b>           |
| <b>Total Expense</b>                        | <b>1,090.30</b>           |
| <b>Net Ordinary Income</b>                  | <b>-633.01</b>            |
| <b>Net Income</b>                           | <b>-633.01</b>            |



**Squire Canyon Community Services District**  
**Income & Expenditures**

June 16 through October 5, 2021

|                                      | 1-ZONE 1, INDIAN KNOB | 2-ZONE 2, SQUIRE CANYON | 3-ZONE 3, ADMINISTRATIVE | TOTAL    |
|--------------------------------------|-----------------------|-------------------------|--------------------------|----------|
| Ordinary Income/Expense              |                       |                         |                          |          |
| Income                               |                       |                         |                          |          |
| 4000 · Income Summary                | 167.21                | 180.76                  | 103.94                   | 451.91   |
| 4001 · Assessments Collected         | 0.00                  | 0.00                    | 5.38                     | 5.38     |
| 4005 · Interest Income               |                       |                         |                          |          |
| Total 4000 · Income Summary          | 167.21                | 180.76                  | 109.32                   | 457.29   |
| Total Income                         | 167.21                | 180.76                  | 109.32                   | 457.29   |
| Expense                              |                       |                         |                          |          |
| 5000 · Administrative Overhead       | 0.00                  | 0.00                    | 90.30                    | 90.30    |
| 5010 · LAFCO Dues                    |                       |                         |                          |          |
| 5030 · Professional Fees             | 0.00                  | 0.00                    | 1,000.00                 | 1,000.00 |
| 5030.04 · Management                 |                       |                         |                          |          |
| Total 5030 · Professional Fees       | 0.00                  | 0.00                    | 1,000.00                 | 1,000.00 |
| Total 5000 · Administrative Overhead | 0.00                  | 0.00                    | 1,090.30                 | 1,090.30 |
| Total Expense                        | 0.00                  | 0.00                    | 1,090.30                 | 1,090.30 |
| Net Ordinary Income                  | 167.21                | 180.76                  | -980.98                  | -633.01  |
| Net Income                           | 167.21                | 180.76                  | -980.98                  | -633.01  |

**Date:** October 5, 2021  
**To:** Board of Directors  
**From:** Jeff Minnery, District Legal Counsel  
**Subject:** **Agenda Item # 7A: Consider Adopting a Resolution Authorizing Remote Teleconference Meetings and Provide Staff Direction as Needed**

### **Recommendation**

It is recommended that your Board:

1. Adopt a Resolution Authorizing Remote Teleconference Meetings.
2. Discuss and provide direction to staff as needed.

### **Discussion**

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That proclamation remains in effect. As a result of the state of emergency, the Governor issued executive orders that waived the normally strict provisions of the Brown Act relating to holding and participating in meetings via teleconferencing. Executive Order N-29-20 allowed bodies subject to the Brown Act to meet without a physical meeting location, so long as various requirements were met, including providing the public the opportunity to observe and participate in the meeting telephonically or electronically. Executive Order No. N-08-21 extended the suspension of the Brown Act's normal teleconferencing rules through September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow legislative bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation. If the Board of Directors desires to continue to meet remotely via teleconference after September 30, 2021, the Board is required to adopt a resolution making the requisite findings under AB 361. AB 361 allows a board, commission or committee subject to the Brown Act, called "legislative bodies" under the Brown Act, to meet via teleconference without following the normal Brown Act teleconference rules if any of the following circumstances exist:

- A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. (Gov. Code, §54953(e)(1) [AB 361, p. 9].)

If a meeting is held via teleconference under these provisions, the meeting body must provide public access to the meeting and opportunity for the public to address the members of the legislative body as required by AB 361.

AB 361 also requires periodic review of the determination to continue to meet via teleconference. If the state of emergency remains active, then no later than 30 days after meeting via teleconference for the first time pursuant to AB 361, the body must make a subsequent finding that the body "has reconsidered the circumstances of the state of emergency" and determined that in-person meetings continue to pose a risk to public health. Accordingly, staff anticipates returning to this Board with subsequent resolutions so long as the state of emergency persists.

#### **Attachments**

- Resolution

**RESOLUTION NO. 2021-02**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SQUIRE CANYON  
COMMUNITY SERVICES DISTRICT PROCLAIMING A LOCAL EMERGENCY,  
RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY  
GOVERNOR NEWSOM'S ORDER DATED MARCH 4, 2020, AND AUTHORIZING  
REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF  
THE SQUIRE CANYON COMMUNITY SERVICES DISTRICT FOR THE PERIOD OF  
OCTOBER 5, 2021 TO NOVEMBER 4, 2021, PURSUANT TO BROWN ACT  
PROVISIONS**

**Recitals**

WHEREAS, the Squire Canyon Community Services District ("District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings the District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, the State of Emergency declared by Governor Newsom on March 4, 2020, due to COVID-19, and the Proclamation of Local Emergency declared by the County of San Luis Obispo on March 13, 2020; and

WHEREAS, on September 1, 2021, the San Luis Obispo County Health Officer issued Order Number 6, requiring face coverings in all public indoor settings attributable to the rise in SARS-CoV-2 Delta Variant; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency exists and ratify the proclamation of state of emergency by the Governor of the State of California and the San Luis Obispo County Health Officer's Order Number 6; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of the District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Board of Directors will ensure that the public has access to meetings and the opportunity to participate in meetings in the interest of transparency and as required by the Government Code and AB 361.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the Squire Canyon Community Services District, as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.
3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
4. Remote Teleconference Meetings. The General Manager and Staff of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
5. Effective Date of Resolution. This Resolution shall take effect on October 5, 2021, and shall be effective until the earlier of (i) November 4, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the

legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

ADOPTED by the Board of Directors of the Squire Canyon Community Services District on October 5, 2021, by the following roll call votes:

AYES:

NOES:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
President, Board of Directors of the  
Squire Canyon Community Services District

**ATTEST:**

\_\_\_\_\_  
Board Secretary of the  
Squire Canyon Community Services District

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeffrey A. Minnery, District Counsel