



Knightsen CSD <knightsencsd@gmail.com>

Re: Public Records Request

1 message

Knightsen CSD <knightsencsd@gmail.com>
To: Lori Abreu <loriabreu10@gmail.com>

Wed, Sep 14, 2022 at 11:31 PM

Ms. Abreu,
Please see the attached letter in response to your requests.

Trish Bello-Kunkel, Chairperson
Knightsen Town Community Services District (KTCSO)

On Fri, Sep 9, 2022 at 11:40 PM Knightsen CSD <knightsencsd@gmail.com> wrote:

Ms. Abreu:

We are in receipt of your emails on 9/6, 9/8 and again today, 9/9. We are well aware of the timeline for responding to public records act requests and we will respond accordingly.

Trish Bello-Kunkel, Chairperson
Knightsen Town Community Services District (KTCSO)

On Fri, Sep 9, 2022 at 4:48 PM Lori Abreu <loriabreu10@gmail.com> wrote:

Sept 6, 2022 I sent an email requesting some documentation to enable community members to review. As you know, a request for public records are on a timeline so I wanted to make sure you received the request as I never received any acknowledgement.

1. According to my records and the posted calendar, 5 KTCSO meetings have been cancelled in 2022 as of September 2022. What is the procedure and why have so many meetings been cancelled, causing lack of information available to the public. Cancelling more meetings then actually being held, what is the requirement for meetings per the Brown Act?

2. In reviewing the budget, I noticed a \$29,000 consulting fee, triple of most years previously. Please email a copy of the billing sheets and outline of services rendered and documentation for the \$29,000 consulting and \$8,000 in legal services.

Thank you



Lori Abreu
Delta Ranches and Homes
Broker 01336343
925-216-6317 Cell
www.DeltaRanches.com

 **Letter to Lori Abreu_20220914.pdf**
255K

6K

Board of Directors
Trish Bello-Kunkel, Chairperson
Gilbert Somerhalder, Vice Chairperson
Linda Matteri, Treasurer
Curt Caldwell, Director
Angie de Fremery, Director

**Knightsen Town Community Services District
P.O. Box 763
Knightsen, CA 94548**



Sent via e-mail to:
Lori Abreu
loriabreu10@gmail.com

September 14, 2022

Dear Ms. Abreu:

On behalf of the Knightsen Town Community Services District (KTCSO), I am responding to your e-mails to KTCSO dated, September 6, 2022, September 8, 2022, and September 9, 2022.

In your 9/6 email you state, "Can you please send me a calendar of the meetings KTCSO that have actually taken place and not canceled?" In response, the agendas and meeting minutes for KTCSO meetings dating back to 2016, can be found on the District's website, <https://knightsentowncsd.specialdistrict.org>. Please access the website to identify which meetings have been held and which meetings have been cancelled.

In your 9/8 email you state, "When I was on KTCSO we rarely canceled our scheduled meetings. As (of) the 9th month of 2022, I show 5 meetings have been canceled. KTCSO, are the canceled meetings due to your boards unavailability? 2022 more have been canceled then actually held." For the record:

- Since January 2022, KTCSO has met six times and we anticipate the Board will meet again in October. The number of meetings held exceeds the number of meetings cancelled.
- Regarding your statement that when you were on KTCSO that meetings were rarely cancelled, we note that during the same timeframe in 2018 when you were on the Board, KTCSO cancelled four out of eight meetings.

- Regarding your question whether cancelled meetings were due to board unavailability, when the Board chose not to meet, the cancellations were due to the Board determining it was unnecessary to meet on those occasions.

In your 9/6 email you state, "It seems the Brown Act would require meetings to take place, why is it they seem to be canceled frequently?"

- For the record, the Ralph M. Brown Act ("Brown Act") does not prohibit the cancellation of meetings. It is not uncommon for public agency board of directors to cancel meetings. Boards of supervisors, city councils, special district boards and even municipal advisory councils (such as KTAC) cancel meetings. It is not a violation of the law to cancel meetings.

In your 9/6 email you state, "In reviewing the budget, I noticed a \$29,000 consulting fee, triple of most years previously when there were projects." In your 9/8 email you state the \$29,000 is, "3 times higher then previously spent by boards."

- The \$29,000 was budgeted for a consulting agreement with SCI Consulting Group.
- Regarding your statements that this is triple of when there were "projects" and is "3 times higher then previously spent by boards," we note the following. In 2017, a prior board of directors entered into an agreement with Environmental Science Associates (ESA) to spend \$49,700. Ultimately, the District paid ESA \$51,420.65. \$29,000 is less than \$51,420.65, not three times more.

We believe it is noteworthy to point out that the prior KTCSD board paid ESA \$46,965.65 before leaving office in December 2018. Their last payment to ESA was made on 12/5/18, the same day the prior Treasurer resigned from office. The prior board of directors paid ESA \$46,965.65 despite the fact they had not received the draft Storm Water Resources Plan (SWRP) which at that time was one and a half years overdue.

When current KTCSD Board members assumed office in January 2019, following the first and only contested KTCSD election in 2018, our first priority was to have ESA finish the LONG OVERDUE draft SWRP. We finally received the draft SWRP on July 4, 2019. The current Board of Directors exercised due diligence to ensure ESA followed through with their contractual obligations and exercised prudence to not make final payment to ESA until after they had submitted their work product and fulfilled that contractual obligation.

You asked for, "a copy of the billing sheets and outline of services rendered and documentation." Enclosed along with this email is a bill for \$19,020 that KTCSD received from SCI. This is the only bill we have received from SCI to date.

In your 9/9 email you add a request for information about the \$8,000 the District budgeted for legal services in Fiscal Year 2022/2023. Understand that as a budgeted amount, this is an estimate of what we expect the District may expend for legal services in Fiscal Year 2022/2023. Enclosed are bills we have received thus far for legal services payable in Fiscal Year 2022/2023: 1) An invoice for \$752 payable to Jarvis Fay LLP; and, 2) An invoice for \$2,546 payable to Jarvis Fay LLP.

Lastly, we would like to provide you with some additional information about the Brown Act. The Brown Act was adopted to ensure that public board meetings are open and transparent. The

current members of the KTCSD Board of Directors have endeavored to ensure that the District is extremely open and transparent to the citizens of Knightsen. If you look at our website, you will see that there is an abundance of information. If you look at the agendas and minutes of our meetings you will see that we strive to ensure that everyone, even people like yourself who choose not to attend our meetings, can see extensive detail about the Board's deliberations, community member input and the decision-making process that takes place at KTCSD meetings.

To further inform yourself about the Brown Act, there is an abundance of information about the Brown Act on the Internet. For example, the State Attorney General's Office has a document entitled, "The Brown Act: Open Meetings for Local Legislative Bodies," which can be found at: <https://oag.ca.gov/system/files/media/the-brown-act.pdf>.

As noted previously, cancelling a meeting is not a Brown Act violation. But we would like to share with you information about a past situation that could have been a Brown Act violation to help you better understand what is, and what is not, a Brown Act violation.

Public agency boards of directors are required to post agendas prior to their meetings. In accordance with the Brown Act, ordinarily agendas must be posted at least 72 hours prior to regular meetings. Agendas are posted so that members of the public are aware of the issues the board will discuss/take action on. That way members of the public can decide for themselves whether they should attend the meeting or not.

On May 4, 2017, while you were a member of the KTCSD Board of Directors, a meeting was held. The agenda and meeting minutes for this meeting can be found on the KTCSD website. According to the agenda, under item no. 9, "ACTION/DISCUSSION, New Business," there were TWO items:

- A. *Abigail Fateman Habitat Conservatory*
- B. *Review new seal design for KTCSD*

However, the minutes for that meeting reflect that THREE items were discussed/acted on, the two items noted above, PLUS the following:

- C. *Set new tax rate for 2017/2018 Fiscal Year,*
 - 1. *Current rate \$50/parcel for developed, \$25/parcel for undeveloped.*
 - 2. *High rate \$267.52/parcel for developed, \$133.76/parcel for undeveloped.*
 - 3. *Proposed \$200/parcel for developed, \$133.76/parcel for undeveloped.*
 - 4. *Ohmstede will create resolution to be posted for approval at next meeting.*

*M/Simas
S/Ohmstede*

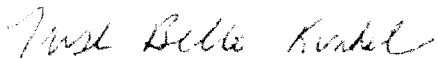
*Board of Directors Approved all of the above Action Items. VOTE; Ayes:
Simas, Williams, and Chairman Ohmstede; Nays: Carone and Abreu;
Abstained: None; Absent: None.*

It appears that a third item was ADDED and acted on by the Board of Directors. **Discussing and acting on an item that is not on the agenda, particularly a very important item such as a tax increase, violates the Brown Act** because the public needs to be informed, in advance, that such an item will be discussed.

To the best of our knowledge, no one actually filed a claim alleging a Brown Act violation in this case, probably because no one became aware of the alleged violation within the legal timeframe for filing such a claim. Nevertheless, we believe this is a prime example of what a very serious Brown Act violation could look like.

Again, we share it with you to better inform you about what is, and what is not, a Brown Act violation.

Sincerely,



Trish Bello-Kunkel
Chairperson, Knightsen Town Community Services District

Enclosures:

- A) Billing from SCI
- B) Billing from Jarvis Fay LLP

SCI Consulting Group

4745 Mangles Blvd.
Fairfield, CA 94534

(707) 430-4300

Invoice

DATE	INVOICE #
8/14/2022	SBS10341

BILL TO

Knightsen Town Community Sys Dist
PO Box 763
Knightsen, CA 94548

PROJECT

Funding Implementation

PO #

DESCRIPTION	AMOUNT
Task 1: Feasibility Analysis & Planning	7,680.00
Task 2: Ballot Measure Services	11,340.00
Total	\$19,020.00

JARVIS FAY LLP

1070 AVENUE OF THE STARS, SUITE 1100
COSTA MESA, CALIFORNIA 92626
TEL: 949.440.1000 FAX: 949.440.1001

Date: June 30, 2022
Invoice No: 16737
Payment Due: Aug. 14, 2022

Trish Bello-Kunkel
Chairperson
Knightsen Town CSD
P.O. Box 763
Knightsen CA 94548

Matter: For legal services rendered regarding Parcel Tax.

For legal services rendered June 1, 2022 through June 30, 2022. A separate, detailed billing statement that conveys attorney-client privileged information is also enclosed. We recommend that this cover sheet be separated and filed independently from the confidential information in the detailed billing statement.

TOTAL FEES	\$ 752.00
TOTAL EXPENSES	\$ 0.00
TOTAL BALANCE DUE	\$ 752.00

JARVIS FAY LLP

ATTORNEYS AT LAW
LOCAL GOVERNMENT LAW

Date: July 31, 2022
Invoice No.: 16837
Payment Due: Sept 14, 2022

Trish Bello-Kunkel
Chairperson
Knightsen Town CSD
P.O. Box 763
Knightsen CA 94548

Matter: For legal services rendered regarding Parcel Tax.

For legal services rendered July 1, 2022 through July 31, 2022. A separate, detailed billing statement that conveys attorney-client privileged information is also enclosed. We recommend that this cover sheet be separated and filed independently from the confidential information in the detailed billing statement.

TOTAL FEES	\$ 2,546.00
TOTAL EXPENSES	\$ 0.00
TOTAL BALANCE DUE	\$ 2,546.00

lOK



Knightsen CSD <knightsencsd@gmail.com>

KTCSD Brown Act

1 message

Lori Abreu <loriabreu10@gmail.com>

Thu, Sep 8, 2022 at 7:02 AM

To: Knightsen CSD <knightsencsd@gmail.com>, Alicia Nuchols <Alicia.Nuchols@bos.cccounty.us>

Alicia,

Can you assist me in answering a question. When I was on KTCSD we rarely canceled our scheduled meetings. As the 9th month of 2022, I show 5 meetings have been canceled.

KTCSD, are the canceled meetings due to your boards unavailability? 2022 more have been canceled then actually held. Also, per my previous email, I've requested accounting and documentation of the \$29,000 that has been spent in consulting fees, 3 times higher then previously spent by boards.



Knightsen CSD <knightsenscd@gmail.com>

KTCSD Measures H and R

1 message

Lori Abreu <loriabreu10@gmail.com>
To: Knightsen CSD <knightsenscd@gmail.com>

Tue, Sep 6, 2022 at 5:57 PM

Can you please send me a calendar of the meetings KTCSD that have actually taken place and not canceled? It seems the Brown Act would require meetings to take place, why is it they seem to be canceled frequently?

In reviewing the budget, I noticed a \$29,000 consulting fee, triple of most years previously when there were projects. Please email me a copy of the billing sheets and outline of services rendered and documentation.



Lori Abreu
Delta Ranches and Homes
Broker 01336343
925-216-6317 Cell
www.DeltaRanches.com