

November 12, 2024

San Luis Obispo County Integrated Waste Management Authority
870 Osos Street
San Luis Obispo, CA 93401

RE: November 13, 2024 Agenda

Dear Board of Directors,

Please find comments below as they relate to items 9 and 16 on the November 13, 2024 agenda. I encourage your board to pull item 9 from consent, discuss as a separate matter and bring back a Budget Adjustment Request (BAR) that includes the total cost of the property (i.e. building, improvements, permits, prevailing wage contract bids, etc.) and a timeline for completion.

Item 9. Resolution 2024-11-01, Budget Adjustment Request – Capital Outlay

First of all, it appears your Board violated the Brown Act, § 54957.1. Report at conclusion of closed session, at its September 11, 2024 meeting when it “authorized the purchase”.

CLOSED SESSION
The Board will recess into closed session pursuant to the Ralph M. Brown Act on the following items:

11. Conference with Real Property Negotiators
Pursuant to Government Code section 54956.8: Conference with Real Property Negotiators
Regarding: APN 002-292-029, 555 Chorro Street, San Luis Obispo, CA 93401. Agency
Representative: Peter Cron, Executive Director.

Time Out: 2:32 PM

Readjourn to Open Session and Closed Session Report

Time In: 2:48 PM

Legal Counsel reported: *Board of Directors unanimously voted to authorize the purchase of the property located at 555 Chorro Street, Unit D, subject to the terms and conditions in the Purchase Agreement, as amended, and to authorize the President to perform any further acts and to execute and deliver any documents which may be reasonably necessary to effectuate this approval.*

The minutes (to be approved as part of this agenda) and video recording reflect no reported price or terms of the purchase agreement for the real property at 555 Chorro, Unit D was made before the public.

Per §54957.1. Report at conclusion of closed session

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as specified below:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

According to public records, the escrow for the property closed on October 9, 2024. The Board not only didn't report out any price or terms of the purchase agreement, you did not bring back the agreement, or "substance of the agreement," for final action in public. I need not remind you, you work for the public, it is public money your Executive Director is now asking for a Budget Adjustment for.

Please consider this a Public Records Request for the Purchase Agreement, as amended, any documents which were necessary to effectuate this approval and any communications/writings related to negotiations for the purchase (including a recent appraisal). It is curious, as most escrows are 30-plus days, how is it this escrow closed only 28 days after your board took action in the September 11th closed session. Had staff already opened escrow on September 9, 2024 or earlier?

Additionally, and specifically to the item before you, the Budget Adjustment Request (BAR) should have come to the board prior to any purchase. Furthermore, the BAR is dated, coincidentally October 9, 2024 (the same day escrow closed), this November 13th after-the-fact approval is not how government does its business. Why was the October 9, 2024 IWMA Board meeting cancelled, this matter could have been taken more timely if the board had held its October meeting.

To the \$900,000 budget adjustment. This is the price of the property only, and does not include any improvements necessary to occupy the property. New paint, flooring, any plumbing or electrical upgrades, moving of walls, making the facility ADA complaint, associated City permitting and the cost of prevailing wage construction, will significantly add to the capital cost of the property. The staff report fails to speak to the cost of the needed improvements. Staff prepared the BAR (Attachment A) over a month ago, when it was unclear how much more money will be needed to improve the circa 1981 building. Depending on the amount of improvements needed, the BAR may need to be much higher or a subsequent BAR will be needed in the near term because we are not even at the mid-year of this fiscal year.

In researching your meeting minutes, I see no discussion relative to the necessary improvements to the building, the scope of work, or any cost estimate to make the building available to the public.

Lastly, item 16. Public Employee Performance Evaluation - Executive Director Pursuant to Government Code § 54957(b)(1) -- Title: Executive Director.

From the Desk of Julie Tacker

As your Board goes into closed session for the performance review, I urge you take the comments above under consideration relative to the mishandling of the purchase of 555 Chorro Unit D. Your Board must recognize the Executive Director's work on this significant matter has been mishandled.

Please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Julie Tacker".

Julie Tacker
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