



Minutes of the Regular Board of Directors Meeting

Thursday November 12, 2020 at 3:00 P.M.

These are the minutes of the regular meeting of the Governing Board of the Summerland Sanitary District. The Governing Board of the Summerland Sanitary District held a regular meeting outdoors at the district premises located at 2435 Wallace Ave, Summerland, California with social distancing protocols. The meeting was conducted in accordance with the Governor's Executive Order No. N-29-20. To minimize the potential spread of the Covid-19 virus, the District did not permit public access to the meeting location. The public was able to listen to the meeting telephonically by calling +1 669 900 6833 (San Jose) Meeting Code ID: 983 226 8568 or through the internet at <https://us02web.zoom.us/j/9832268568>.

The agenda notice for this meeting, including instructions for the public to provide comments and/or participate in the electronic meeting, was posted at the district's website, bulletin board and at the post office at least 72-hours in advance of the meeting.

PRESIDENT D. NOVIS CALLED THE REGULAR BOARD MEETING TO ORDER AT 3:01 P.M.

I. ROLL CALL

DIRECTORS PRESENT

JOLENE COLOMY
DAVID NOVIS
JOHN FRANKLIN
MARTIN TUCKER
JAMES WITMER

ABSENT

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STAFF PRESENT

NOE AGUILAR VEGA Treatment Plant Operations Supervisor
MARJON SOUZA District Administrative Manager
ANTHONY TREMBLEY District Legal Counsel

Via Zoom Video Conference:

GREG PATTERSON Musick Peeler and Garrett LLP
CHERYL ORR Musick Peeler and Garrett LLP

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE AGENDA

President D. Novis asked if there were any modifications and/or changes to the agenda. Hearing none, the agenda was approved as submitted.

IV. PUBLIC COMMENT [NON-AGENDA ITEMS]

None

V. APPROVAL OF THE MINUTES FOR THE REGULAR BOARD MEETING OCTOBER 8, 2020 AND THE SPECIAL BOARD MEETING OCTOBER 23, 2020 [Action-item]

A motion was made by Director J. Colomy to approve the minutes of the Regular Board meeting of October 8, 2020 and the Special Board meeting of October 23, 2020.

The motion was seconded by Director J. Franklin. The motion was carried by the following roll call vote:

AYES:	5	J. Colomy, J. Franklin, D. Novis, J. Witmer, M. Tucker
NOES:	0	None
ABSENT:	0	None
ABSTAIN:	0	None

VI. APPROVAL OF THE MONTHLY EXPENSES FOR OCTOBER 2020, INCLUDING PAYROLL AND PETTY CASH [Action-item]

District Management answered and clarified questions the Board had about pay out of bills. A motion was made by Director J. Franklin to approve the monthly expenses, including payroll and petty cash totaling \$83,202 for Fund 5215 and \$20,536 for fund 5216. The motion was seconded by Director J. Witmer. The motion was carried by the following roll call vote:

AYES	: 5	J. Colomy, J. Franklin, D. Novis, M. Tucker, J. Witmer
NOES	: 0	None
ABSENT	: 0	None
ABSTAIN	: 0	None

VII. COMMITTEE REPORTS

A. Finance Committee Report

The Finance Committee did not meet.

B. Administration, Operations & Personnel (AOP) Committee Report

The AOP-Committee did not meet.

VIII. OLD BUSINESS [Action Item]

A. **Dedication Agreement for Sewer Facilities—Summerland Sanitary District**

The Board of the Summerland Sanitary District received a copy of the Dedication Agreement for Sewer Facilities to be made between Estrellas Land Holding, LLC and the Summerland Sanitary District and was requested to approve and execute the agreement, if terms and conditions are acceptable as presented.

A motion was made by Director J. Colomy to approve the Dedication Agreement for Sewer Facilities as presented. The motion was seconded by Director J. Witmer. The motion was carried by the following roll call vote:

AYES	: 5	J. Colomy, J. Franklin, D. Novis, M. Tucker, J. Witmer
NOES	: 0	None
ABSENT	: 0	None
ABSTAIN	: 0	None

B. CEQA Notice of Exemption for Sewer Facilities Improvements for Single-Family Residence 2560 Whitney Avenue, Summerland/Tie-into to District Sewer Facilities.

The Board was requested to approve the Notice of Exemption as presented.

A motion was made by Director J. Franklin to approve the Notice of Exemption as presented. The motion was seconded by Director J. Witmer. The motion was carried by the following roll call vote:

AYES	: 5	J. Colomy, J. Franklin, D. Novis, M. Tucker, J. Witmer
NOES	: 0	None
ABSENT	: 0	None
ABSTAIN	: 0	None

C. District Database Software: Caselle Hosted Software & Services Proposal

The Board received a handout from the District Administrative Manager showing the expected benefits and uses of the software for the District and received a proposal of Caselle Hosted Software & Services for consideration. Agreed was that an update of the customer database, with the options of linking the database to the GIS system, inspection results and other property information was desired, but that other options could be explored to find a cost-effective solution. The board will be updated next board meeting.

D. Resolution No. 2020-10: A Resolution of the Board of Directors of Summerland Sanitary District in the Matter of the Adoption of a Conflict of Interest Code Repealing Resolution No. 2020-03

The Board of Directors was requested to adopt Resolution No. 2020-10 Conflict of Interest Code. The Board was provided with a strikethrough version, as well as the proposed adopted version.

A motion was made by Director J. Colomy to adopt Resolution 2020-10. The motion was seconded by Director J. Witmer. The motion was carried by the following roll call vote:

AYES	: 5	J. Colomy, J. Franklin, D. Novis, M. Tucker, J. Witmer
NOES	: 0	None
ABSENT	: 0	None
ABSTAIN	: 0	None

X. FINANCIAL STATUS REPORT OCTOBER 2020

The Board received a Financial Status and Cash Balances Reports for Funds 5215, 5216 & 5217 and staff provided explanation where requested. The Board accepted the report as presented.

XI. TREATMENT PLANT OPERATIONS SUPERVISOR REPORT

Treatment Plant Operations Supervisor N. Aguilar Vega provided a written report and in addition to the report he informed the board that the blower #2 problem was resolved and for the repair of blower # 1 a quote has been requested.

Steve Simpson an engineer from Marine Project Management came to visit the District. A hydraulic study must be done, before discussing the option of slip lining the Outfall. A quote for the hydraulic study will be presented at the next board meeting.

The District is preparing the Company Truck for disposal/bid. This will be presented at the next board meeting.

XII. DISTRICT ADMINISTRATIVE MANAGER REPORT

District Administrative Manager M. Souza provided a written report answered questions the board had regarding the report.

XIII. BOARD COMMUNICATIONS

A. Board communications: The Board President D. Novis announced formation of an Ad-hoc Rate Study Committee and appointed J. Colomy and J. Franklin as members.

B. Items for future Board meetings: None

C. Next Board meeting date:

Regular Board Meeting December 10, 2020 at 3:00 p.m.

Special Board Meeting December 17, 2020 at 12:00 p.m.

IX. CLOSED SESSION ITEM

Conference with Legal Counsel- Existing Litigation (Subdivision (d) of Section §54956.9)

Title of Case: Santa Barbara Superior Court Case Number: 18CV01923/Court of Appeal Case No. B298730. Lucinda Malott Successor Trustee versus Summerland Sanitary District

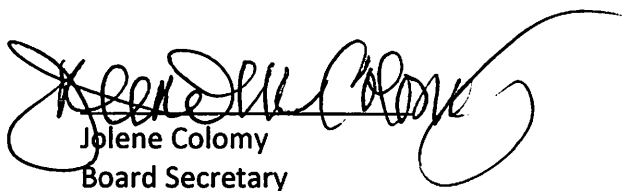
Board President, D. Novis, announced that the Board entered into a closed session with legal counsel, district staff, Mr. Patterson and Ms. Orr at 3:47 p.m.

President D. Novis announced that the Board reconvened into open session at 4:51 p.m. Legal Counsel Mr. T. Trembley announced at that time that the following action was taken by Board of Directors: The Board of Directors authorized legal counsel, on a 5-0 vote, to file a Petition for Review with the California Supreme Court.

XIV. ADJOURNMENT

A motion was made by Director J. Colomy to adjourn the Regular meeting at 4:52 p.m. The motion was seconded by Director J. Witmer and passed with five ayes.

Respectfully submitted:


Jolene Colomy
Board Secretary

Date: December 10, 2020

Minutes prepared by M. Souza