



Minutes of the Regular Board of Directors Meeting

Thursday May 13, 2021 at 3:00 P.M.

These are the minutes of the regular board meeting of the Governing Board of the Summerland Sanitary District. The Governing Board of the Summerland Sanitary District held a regular meeting at 2521 Banner Avenue, 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. CALL TO ORDER/ROLL CALL

DIRECTORS PRESENT	JOLENE COLOMY DAVID NOVIS JOHN FRANKLIN JAMES WITMER MARTIN TUCKER
-------------------	--

ABSENT -

ALSO PRESENT	NOE AGUILAR VEGA Operations Manager MARJON SOUZA District Administrative Manager GREGORY PATTERSON District Legal Counsel (via Zoom)
--------------	--

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]

No public comments were submitted, and no public was present via telephone, or Zoom at this time.

V. APPROVAL OF THE MINUTES FOR THE REGULAR BOARD MEETING OF APRIL 8, 2021 [Action-item]

A motion was made by Director J. Colomy to approve the minutes of the Regular Board Meeting of April 8, 2021. The motion was seconded by Director J. Franklin. The motion was carried by the following roll call vote:

Summerland Sanitary District
Minutes Regular Board Meeting 05/13/2021

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 APRIL 2021, 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 M. Tucker to approve the monthly expenses, including payroll and petty cash totaling \$80,337 for Fund 5215 and \$1,538 for Fund 5217. The motion was seconded by Director J. Colomy and 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

VII. COMMITTEE REPORTS

A. Finance Committee Report

The Finance Committee did not meet.

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

The AOP-Committee did not meet.

VIII. CLOSED SESSION

Conference with Legal Counsel- Existing Litigation (Subdivision (d)(1) 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 in a closed session with district staff at 3:13 p.m. to discuss closed session item: *Conference with Legal Counsel- Existing Litigation (Subdivision (d)(1) of Section §54956.9)*

President D. Novis announced that the Board adjourned the closed session at 3:30 p.m. due to absence of legal counsel and reported that no action was taken.

IX. OLD BUSINESS [Action Item]

A. **Email from Property Owner Ms. F. Vos, 2424 Whitney Avenue, dated April 1, 2021 regarding installation of wye and lateral replacement with request for payment plan**

Property Owner Ms. Francis Vos, 2424 Whitney Avenue, was requested by the District to install a wye and to clear the root intrusion that obstructed the District's main sewer line, resulting in a replacement of the property sewer lateral. Ms. Vos previously requested the Board of Directors to consider financial assistance or use of a payment plan and to waive fees.

The Board reviewed the administrative report, which was included in the board meeting packet. In the report was explained that Ms. Vos no longer needed a payment plan. Ms. Vos still requested the Board to waive the administrative fees.

Director J. Franklin made a motion to decline waiving the fees and to have staff draft a letter to Ms. Vos on behalf of the Board. The letter should explain that waiving the administration fees will set an unwanted precedent. The motion was seconded by J. Colomy and was carried by the following roll call:

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

CLOSED SESSION

At this time President Novis announced that the board reconvened into closed session for the second time at 3:40 p.m. with legal counsel and staff to discuss closed session item:
Conference with Legal Counsel- Existing Litigation (Subdivision (d)(1) of Section §54956.9)

President D. Novis announced that the Board reconvened into open session at 4:10 p.m. and reported that no action was taken.

X. NEW BUSINESS [Action-Items]

A. Dedication of Sewers

The Board reviewed and considered acceptance of sanitary sewers and appurtenant structures in accordance with the Dedication Agreement of Sewer Facilities between Summerland Sanitary District and Estrellas Land Holding, LLC, dated November 20, 2020.

A motion was made by Director M. Tucker to accept the dedication of sewers and to sign the "Acceptance of Dedication". The motion was seconded by Director J. Franklin and was carried by the following roll call:

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

The Acceptance of Dedication was signed and sealed.

B. Casmalia Disposal Site. Extension of Tolling Agreement Summerland Sanitary District

The Board of Summerland Sanitary District received a letter from Morgan Lewis, LLP dated April 21, 2021 with an extension of the Tolling Agreement. The Board was requested to execute the twelfth amendment to the Tolling Agreement.

A motion was made by Director J. Franklin to approve execution of the twelfth amendment to the Casmalia Tolling Agreement. The motion was seconded by J. Colomy and was carried by the following roll call:

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

The Twelfth Amendment to the Casmalia Tolling Agreement was signed by President D. Novis.

C. Letter of Engagement for Audit Services Financial Statements FY2020/21 Bartlett, Pringle & Wolf, LLP

The Board of the Summerland Sanitary District received a letter of engagement from Bartlett Pringle & Wolf, LLP for audit services FY2020/21 with a total cost not to exceed \$15,000. The Board was requested to approve the letter of engagement and to authorize the District Administrative Manager to sign the letter.

A motion was made by Director J. Colomy to approve the letter of engagement as presented and to authorize the District Administrative Manager to sign the letter of engagement. The motion was seconded by Director J. Franklin. The motion was carried by the following roll call:

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

D. Budget Review & Resolution No. 2021-02 Adopting of Operations Budget Fund 5215, Capital Facilities Budget Fund 5216 and Capital Replacement and Repair Budget Fund 5217 for FY2021/22

The Board received a Proposed FY2021/22 Annual Budget. The proposed budget was reviewed by the Finance Committee on May 5, 2021. The Board of Directors was asked to consider approving the proposed budget FY2021-22 by adopting Resolution 2021-02.

The Finance Committee discussed the calculation of the COLA and gave recommendation to approve 2.2% COLA adjustment. The Board discussed that the estimated budget for legal expenses is unknown until May 17th. Therefore, the item will be moved to the regular board meeting of next month.

A motion was made by Director J. Franklin to table the item to the Regular Board meeting of next month. The motion was seconded by Director J. Witmer and was carried by the following roll call:

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

X. FINANCIAL STATUS REPORT APRIL 2021

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. OPERATIONS MANAGER REPORT

Operations Manager N. Aguilar Vega provided a written report and answered questions the board had regarding the report. Mr. Aguilar Vega also informed the Board of the installation

Summerland Sanitary District
Minutes Regular Board Meeting 05/13/2021

of a liquid level transducer at Lift Station III due to system failure. The same system will be installed at Lift Station II, which will replace the bubbler system before it fails and to prevent a possible sewer overflow.

XII. DISTRICT ADMINISTRATIVE MANAGER REPORT

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

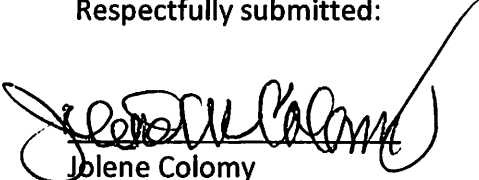
XIII. BOARD COMMUNICATIONS

- A. Board communications; none.
- B. Items for future Board meetings:
Proposed FY Budget 2021-22
- C. Next Board meeting date:
Regular Board Meeting Wednesday June 9, 2021 at 3:00 p.m.

XIV. ADJOURNMENT

A motion was made by Director J. Colomy to adjourn the Regular Board meeting at 4:30 p.m. The motion was seconded by Director J. Witmer and was carried by five ayes.

Respectfully submitted:


Jolene Colomy
Board Secretary

Date: June 9, 2021

Minutes prepared by M. Souza