



Minutes of the Special Board of Directors Meeting

Thursday September 16, 2021, at 8:00 a.m.

These are the minutes of the special board meeting of the Governing Board of the Summerland Sanitary District. The Governing Board of the Summerland Sanitary District held a special meeting at 2435 Wallace Ave, Summerland.

Public was able to listen to the meeting telephonically by calling +1 669 900 6833 (San Jose) 983 226 8568 or through the internet at <https://us02web.zoom.us/j/9832268568>. Public was also permitted at the meeting utilizing social distancing protocols.

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 24-hours in advance of the meeting.

PRESIDENT D. NOVIS CALLED THE REGULAR BOARD MEETING TO ORDER AT 8:00 a.m.

I. ROLL CALL

DIRECTORS PRESENT

JOLENE COLOMY
DAVID NOVIS
JOHN FRANKLIN
MARTIN TUCKER
JAMES WITMER

ABSENT

-

ALSO PRESENT

NOE AGUILAR VEGA Operations Manager
MARJON SOUZA District Administrative Manager
JANET MCGINNIS Law Office of Janet K. McGinnis

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

No public comments were submitted, and no public was present via telephone, Zoom or at the meeting location.

V. ITEMS TO BE DISCUSSED [Non-Action Item]

A. Description: General Counsel Recruitment Candidate Interview

The Board conducted an informal interview and discussed the received proposal with Janet K. McGinnis of the Law Office of Janet K. McGinnis.

President D. Novis introduced Ms. Janet McGinnis to the Board and welcomed Ms. McGinnis. Ms. McGinnis gave background information regarding her work at the City of Santa Barbara as the city's trial attorney. Ms. McGinnis worked for Montecito Sanitary District as their general counsel and litigator for nine years. Ms. McGinnis gave examples of cases she litigated, settled, and her work as general legal counsel.

Ms. McGinnis answered questions from the Board had about her work experience and her view of Proposition 218.

VI. CLOSED SESSION

A. Public Employment

Government Code section 54957(b)(1).

Title: General Counsel

Board President, D. Novis, announced that the Board entered in a closed session with staff at 8:35 a.m. to discuss closed session item: Public Employment. Government Code section 54957(b)(1). Title: General Counsel

President D. Novis announced that the Board reconvened in open session at 8:45 a.m. and reported that following action was taken during closed session: the Board appointed Janet K. McGinnis as the District's Legal Counsel. The motion was made by Director J. Franklin. 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, M. Tucker, J. Witmer
NOES:	0	None
ABSENT:	0	None
ABSTAIN:	0	None

B. Conference with Legal Counsel – Existing Litigation

Government Code section 54956.9(d)(1)

Title of Case: Lucinda Malott, etc. v. Summerland Sanitary District

Santa Barbara Superior Court Case Number 18CV01923/Court of Appeal Case Number B298730.

Board President, D. Novis, announced that the Board entered in a closed session with legal counsel and staff at 8:46 a.m. to discuss closed session item:

Conference with Legal Counsel Existing Litigation Government Code section 54956.9(d)(1)

Title of Case: *Lucinda Malott, etc. v. Summerland Sanitary District.*

Santa Barbara Superior Court Case Number 18CV01923/Court of Appeal Case Number B298730.

Summerland Sanitary District
Minutes Special Board Meeting 09/16/2021

President D. Novis announced that the Board reconvened in open session at 9:25 a.m. and reported that following action was taken during closed session. The Board's General Counsel Ms. Janet K. McGinnis will substitute for the District's current Litigation Counsel, Mr. Gregory Patterson and his firm.

The Board President D. Novis asked for a motion to authorize the Board President to sign the "Substitution of Counsel Form" and to approve compensation of the newly appointed counsel per the proposed rates in the September 9, 2021, proposal. A motion was made by Director J. Colomy to approve that President D. Novis signs the "Substitution of Counsel Form" and to approve the newly appointed counsel per proposed rates in the September 9th proposal. The motion was seconded by Director J. Witmer and 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

VI. ADJOURNMENT

A motion was made by Director M. Tucker to adjourn the Special Board meeting at 9:27 a.m. The motion was seconded by Director J. Witmer and passed with five ayes. Respectfully submitted:


Jolene Colomy
Board Secretary

Date: October 14, 2021

Minutes prepared by M. Souza