



Minutes of the Regular Board of Directors Meeting

Thursday October 14, 2021, at 3:00 p.m.

These are the minutes of the regular meeting of the Governing Board of the Summerland Sanitary District held at 2435 Wallace Avenue, Summerland, California.

The public was able to listen to the meeting telephonically by calling +1 669 900 6833 (San Jose), code 983 226 8568 or through the internet at <https://us02web.zoom.us/j/9832268568>. The public was also allowed to attend the meeting with 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 on the district's website and bulletin board and at the United States Post Office at least 72-hours in advance of the meeting.

PRESIDENT D. NOVIS CALLED THE REGULAR BOARD MEETING TO ORDER AT 3:02 p.m.

I. CALL TO ORDER/ROLL CALL

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

ALSO PRESENT	NOE AGUILAR VEGA	Operations Manager
	MARJON SOUZA	District Administrative Manager
	JANET MCGINNIS	District Legal Counsel

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE AGENDA

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

IV. PUBLIC COMMENT [NON-AGENDA ITEMS]

No public comments were submitted and no member of the public was present via telephone or Zoom.

V. APPROVAL OF THE MINUTES FOR THE REGULAR BOARD MEETING OF SEPTEMBER 9, 2021, AND THE SPECIAL BOARD MEETING OF SEPTEMBER 16, 2021 [Action Item]

A motion made by Director M. Tucker to approve the minutes of the Regular Board Meeting of September 9, 2021 (with a correction of an immaterial grammar error) and the Special Board Meeting of September 16, 2021, was seconded by Director J. Franklin, 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. APPROVAL OF THE MONTHLY EXPENSES FOR SEPTEMBER 2021, INCLUDING PAYROLL AND PETTY CASH [Action Item]

District Management answered the Board's questions and clarified information about pay out of bills. A motion made by Director J. Colomy to approve the monthly expenses, including payroll and petty cash totaling \$89,456 for Fund 5215 and \$1,225 for Fund 5216, was seconded by Director J. Franklin, 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

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.

C. Ad hoc /Rate Study Committee

The Committee met with staff and the Rate Study Consultant, Mr. Greg Clumpner, who joined via Zoom, on September 23, 2021, at 10:00 a.m..

Director J. Colomy reported that the meeting was an opportunity to set the stage and to establish some ground rules. NBS's Rate Study Proposal recommended including the actual water usage in the rate analysis and this component would be analyzed per user classification and calculated with water data from Montecito Water District, if the water district will provide it. Mr. Clumpner suggested another approach: charging a flat sewer charge rate, plus a percentage based on actual water usage, which extra charge would be calculated per parcel each year and would fluctuate, based on actual water use. Director J. Colomy expressed the Committee's interest in seeing how such an approach would work and discussion turned to how usage levels differ because usage reflects watering of yards that vary in size; whether a home is a second home; and the number of residents. Usage monitoring may be viewed as policing each home.

Director J. Colomy said that the Committee was concerned that calculation of a fixed rate with a small component representing water usage would be a burden on District staff and increase the overall cost of administration. The Committee will need to see what NBS proposes. President D. Novis observed that the rate study and staff discussed if an announcement should be made via a newsletter, but this is premature; the Committee agreed. The Committee agreed to propose new rates for adoption after January 1, 2022.

VIII. CLOSED SESSION

Conference with Legal Counsel – Existing Litigation: Gov. Code, § 54956.9(d)(1)
Santa Barbara Superior Court Case Number: 18CV01923/Court of Appeal Case No. B298730.
Lucinda Malott, etc. vs. Summerland Sanitary District

At 3:19 p.m., Board President Novis announced the commencement of the closed session.

At 4:01 p.m., Board President Novis reported the following action taken:

After discussion, the Board agreed on the propriety of Resolution 2021-07 to Authorize Certain Agents to Verify District Responses on Behalf of the District.

Director M. Tucker’s motion to adopt Resolution 2021-07 was seconded by Director J. Witmer and passed with 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 – AUGUST 2021

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

XI. OPERATIONS MANAGER REPORT

Operations Manager N. Aguilar Vega provided a written report and answered Board questions.

Mr. Aguilar Vega advised the Board that:

- Two weeks ago, Operations Manager N. Aguilar Vega was called out for a blower failure. Blower #2 had a fuse that was blown out. The Electrical Technician, Mr. Perez, came out and helped to resolve the problem. Blower #3 was put in service, but the check valve was stuck in blower #2 which made the Blower #3 non-operational. Mr. N. Aguilar Vega called Blair from Cushman Contracting as back up in the event that the blower #2 check valve would not close, Cushman would temporarily isolate blower #2. The electrical Technician succeeded in getting the check valve to close. Blower #3 with the stuck valve in the blower #2 was unable to operate correctly, since there was no isolation valve installed on this blower #2. This isolation valve should have been installed when the unit were bought and installed. Mr. N. Aguilar Vega had Cushman Contracting install an isolation valve at blower #2 last week and said that he explained and showed the project to President Novis during the agenda setting meeting.

- Outfall Project Management Proposals. Mr. Aguilar Vega had meetings with the engineering firm Longitude 123, who advised after several meetings that they would be better suited to do the engineering of the outfall. Mr. Aguilar Vega is researching and contacting other engineering firms to receive Outfall Project Management Proposals.

XII. DISTRICT ADMINISTRATIVE MANAGER REPORT

District Administrative Manager M. Souza provided a written report and answered Board questions.

Ms. M. Souza reported that she spent considerable time last month to prepare information for the rate study. She had to finish adding the water usage information provided by Montecito Water District (MWD) to the District's parcel information. This database needed to be updated with the prior year's water usage and earlier MWD water usage information was either incomplete, inaccurate, or district parcels were not included; when eventually provided, the flow water usage database was updated and completed.

For current and proposed new user classifications, the District will analyze each parcel in its customer database to determine what is located at a property, *e.g.*, if it is an apartment, what are the sizes and number of apartments? This information is needed to assess sewer fees correctly. Often, visual inspections are needed. When there are questions, the property owners are contacted, and staff performs a property inspection. As a result of the auditing, so far two property owners have submitted a request for a refund of fees charged for a mischaracterized parcel.

Ms. Souza also discussed that Ordinance 18 gives the General Manager authorization to refund two additional years of overpaid fees whereas the District no longer has a General Manager. She requested that the language in Ordinance 18 to be changed from General Manager to District Management; the Board agreed with this.

Ms. Souza will bring any refund requests to the Board during the next regular board meeting. Legal counsel asked if Ms. Souza is getting property information through the County of Santa Barbara and the assessor's office. Ms. Souza explained that she had, but often only square footage size information of buildings is available and that some parcels have illegal residential units which are charged with a sewer service fee according to the district's authority. For such illegal units, no documentation is available at the County of Santa Barbara.

XIII. BOARD COMMUNICATIONS

A. Board communications:

- President D. Novis said that he, M. Souza, N. Aguilar and girlfriend, and anyone else from the Board who wishes, are attending the Santa Barbara District Association-local chapter dinner meeting on October 18th. During this meeting the President's Award will be presented to Mr. N. Aguilar Vega.
- The Board members discussed the date for the upcoming safety award lunch (with staff) and settled on Thursday November 18 at 12:00 p.m. at the Nugget.
- President D. Novis thanked Legal Counsel J. McGinnis for her excellent legal services received during the last couple of weeks.

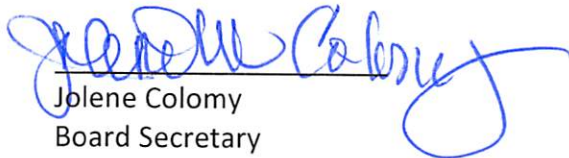
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- President D. Novis noticed an advertisement that Goleta Sanitary District was expanding their District and requested Operations Manager N. Aguilar Vega to find out more information about this.
- B. Items for future Board meetings: None discussed.
- C. The next Regular Board meeting date is Wednesday, November 10, 2021, at 3:00 p.m. due to Veterans Day falling on November 11, 2021.

XIV. ADJOURNMENT

A motion made by Director J. Witmer to adjourn the Regular Board meeting at 4:20 p.m. was seconded by Director J. Franklin and carried by five ayes.

Respectfully submitted:



Jolene Colomy
Board Secretary

Date: November 10, 2021

Minutes prepared by M. Souza