



Minutes of the Regular Board of Directors Meeting

Wednesday November 10, 2021, at 3:00 p.m.

These are the minutes of the regular meeting of the Governing Board of the Summerland Sanitary District held the District's Office 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 3:06 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]

Three members of the public joined the meeting via Zoom, no public comments were given during the meeting, or submitted.

V. APPROVAL OF THE MINUTES FOR THE REGULAR BOARD MEETING OF OCTOBER 14, 2021

[Action Item]

A motion was made by Director M. Tucker to approve the minutes of the Regular Board Meeting of October 14, 2021. The motion 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 OCTOBER 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 was made by Director J. Franklin to approve the monthly expenses, including payroll and petty cash totaling \$83,900 for Fund 5215. 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

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 on November 8, 2021, at 11:00 a.m. Mr. Greg Clumpner (Rate Study Consultant) joined by phone briefly. Director J. Colomy reported that the Committee reviewed the previously discussed methodologies of rate calculations. Mr. Greg Clumpner provided the committee with a memo in which the three methodologies were explained:

1. Continue Using Current Fixed Charges: no reflection of water consumption as a proxy for effluent generation. This methodology has been used by the District in previous rate studies.

2. Updated Fixed Charges Consumption: data from Montecito Water District would be used to allocate costs to each customer class (residential and commercial, etc.). This methodology has been proposed by NBS in the rate study proposal. This proposal and methodology was approved by the Board.

3. Update Sewer Rates with a Volumetric Rate: In addition to the fixed charge, there would be a volumetric charge that would vary by customer based on their average winter consumption (for residential) and annual consumption for commercial customers. This third methodology was proposed by Mr. Clumpner as a possible alternative to the second methodology. The Rate Study Committee discussed the third methodology again with the conclusion that this would be very labor intensive and administrative burdensome. Large amounts of water, especially in a Single-Family Dwellings, is used to water gardens. Calculation the water usage for BOD determination would be difficult. The Committee recommended to the Board to keep the previously accepted rate methodology in which data from Montecito Water District would be used to allocate costs to each customer class (residential and commercial, etc.) and to not change the proposed methodology as communicated in the NBS Rate Study proposal. The Director J. Franklin handed out Ordinance No. 19 and informed the Board that the Committee reviewed this Ordinance with the previous four Ordinances that are still partially active. The Committee is advising the

Board to combine the five Ordinances into one Ordinance. This Ordinance would be adopted during the Notice of Hearing for setting the new rates. Staff was directed to work with Legal Counsel on preparations to accomplish this.

The timetable was also reviewed and reflected adoption of the new proposed rates after January 1, 2022.

VIII. CLOSED SESSION

A. Conference with Legal Counsel – Existing Litigation – Government Code, § 54956.9(d)(1) *Lucinda Malott, etc. versus Summerland Sanitary District*, Santa Barbara Superior Court No. 18CV01923

B. Conference with Legal Counsel – Anticipated Litigation – Government Code, § 54956.9(d)(2) One matter: Claim of Catherine Conant – Government Code, § 54956.9(e)(2)(3)

At 3:35 p.m., Board President D. Novis announced the commencement of the closed session item A.

At 4:25 p.m., Board President D. Novis reported the following action taken: Legal Counsel has been authorized to negotiate with Ms. Mallot and to respond to a pending settlement offer.

At 4:29 p.m., Board President D. Novis announced the commencement of the closed session item B.

At 4:42 p.m., Board President D. Novis reported that no action was taken.

IX. NEW BUSINESS ITEMS [Action-items]

A. **[Proposed] Resolution No. 2021-08: Resolution of the Governing Board of Directors of the Summerland Sanitary District Declaring an Emergency Requiring Replacement of Treatment Plant's Blowers Numbered 1 and 2, Authorizing Remedial Work to be Performed Without Competitive Bidding, Declaring the Project to be Exempt from the Requirements of the California Environmental Quality Act, and Making Necessary Findings Therefor.**

The Board reviewed and considered adopting proposed Resolution 2021-08.

President Novis informed the Board that he spoke to Operations Manager N. Aguilar Vega during the agenda meeting discussing the price for replacement for one blower and directed him to request an additional quote for the purchase and installation of a 2nd blower with discount. Mr. Aguilar Vega was able to receive a substantial discount of about 50% for the 2nd blower as communicated in the staff report. The Board discussed the possibility of replacing all three blowers, since they are all the same age, and the discount was substantial.

Director M. Tucker's motion to adopt Resolution 2021-08 was seconded by Director J. Witmer. The Board held a discussion to include a quote for the third blower replacement. Director J. Franklin moved to adopt Resolution 2021-08 with the following amendment: To authorize Operations Manager N. Aguilar Vega to request a quote for the replacement,

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purchase and installation of the third blower. If this quote contains a substantial discount, then the Board authorizes Mr. Aguilar Vega to include the replacement of the third blower in the emergency work. The motion was seconded by Director Colomy 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

B. Request for refund of Sewer Service Fee Overcharges from Property Owners 125 Colby Street and 2298 Whitney Avenue.

The Board reviewed the refund email requests received from the property owners of 125 Colby Street and 2298 Whitney Avenue and considered refunds based on the District's Refund Policy under section 3.7 of Ordinance 18.

Director J. Colomy made a motion to approve the refunds based on the District's Refund Policy

\$2,472.69 to Ms. Bogaerts of 125 Colby Street and refund \$16,418.62 to Ms. Conant of 2298 Whitney Avenue. The refunds are based on the provided calculations (attachment C and D). The motion was seconded by Director M. Tucker 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

C. CSDA Bylaw Vote

The Board of Directors are regular voting members of CSDA and have been requested to review the changes that are made to the CSDA Bylaws. The Board was requested to vote "yes" or "no" to the new proposed bylaws.

Director J. Franklin's motion to vote yes on the proposed bylaws as presented by CSDA was seconded by Director M. Tucker 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 – OCTOBER 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: In response to a question of President D. Novis he spoke to Goleta Sanitary District and was informed that the District moved from a "At-Large" elections to "District-Based" elections in response to a CVRA settlement.
- Last week an internal inspection of the Outfall pipeline took place. The Outfall pipe is 800 feet long and the inspection video camera could not pass the 92 feet mark due to blockage in the pipe. The pipe showed major internal corrosion (heavy corrosion and buildup). The crew was not able to inspect the 700 additional feet. Operations Manager N. Aguilar Vega showed the video that was taken of the inspection with the hired specialized camera that showed the alarming condition of the pipeline at 92ft. The effluent water is still able to flow through the pipe, but there is a very serious case of corrosion and action needs to be taken as soon as possible. N. Aguilar contacted MPM and was advised that it might be still possible to slip line. The outfall pipeline needs to be cleaned and then tested to see if slip lining is still possible. After discussion the Board decided that a special board meeting will be held next week to receive a presentation from Steve Simpson from MPM to inform the board of the process. The cleaning can be done through regular maintenance work. Legal Counsel asked if there is enough time to go out for bidding and get an RFP for the slip lining process. Noe Aguilar Vega said that this would take a lot of time and could uphold the project, a break in the pipeline was repaired earlier this year. He said that in his opinion the repair of pipe replacement should be treated as an emergency. A tentative date of Wednesday November 17th was agreed on for a special board meeting. Mr. Aguilar Vega will inform the board with an affirmative date and time as soon as possible.

XII. DISTRICT ADMINISTRATIVE MANAGER REPORT

District Administrative Manager M. Souza provided a written report and answered Board questions. Ms. M. Souza reported that she and Operations Manager Mr. N. Aguilar Vega were invited to listen in on the staff meeting of the regional collaboration project "Maximizing Montecito Water Reuse". Staff from MWD, CVWED and CSD an Carollo Engineering brainstormed on objectives and feasibilities. Staff attended this meeting on November 1, 2021, through Zoom.

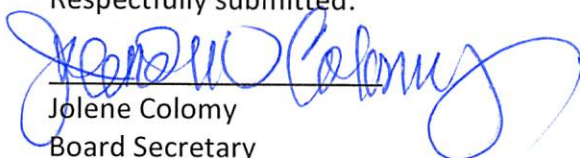
XIII. BOARD COMMUNICATIONS

- A. Board communications:
- B. Items for future Board meetings: None discussed.
- C. The next Regular Board meeting date is December 9, 2021, at 3:00 p.m.

XIV. ADJOURNMENT

A motion made by Director J. Witmer to adjourn the Regular Board meeting at 5:30 p.m. was seconded by Director J. Franklin and carried by five ayes.

Respectfully submitted:



Jolene Colomy
Board Secretary

Date: December 9, 2021

Minutes prepared by M. Souza