



Minutes of the Regular Board of Directors Meeting

Thursday December 9, 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 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 3:00 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 (3:45 p.m.)
TRACEY SOLOMON Bartlett Pringle Wolf, LLP (3:20 p.m.)

II. PLEDGE OF ALLEGIANCE

III. ORGANIZATIONAL MEETING

Director D. Novis requested Director J. Franklin to proceed with the organizational meeting .
Director J. Franklin announced the following: "Pursuant to law, this is the time and place for the meeting to organize the members as a Governing Board."

Election of a Board President

Nominee: David Novis
Motion to Approve: Jolene Colomy
Seconded By: Jim Witmer

The newly elected President D. Novis presided from this point

Appointment of the Following Officers and Committees

Vice-President

Appointee(s): Jolene Colomy
Motion to Approve: David Novis
Seconded By: John Franklin

Secretary

Appointee(s): Jim Witmer
Motion to Approve: David Novis
Seconded By: Jolene Colomy

Secretary Pro Term

Appointee(s): Martin Tucker
Motion to Approve: David Novis
Seconded By: Jim Witmer

Finance Committee

Appointee(s): Jolene Colomy and John Franklin
Motion to Approve: David Novis
Seconded By: Jim Witmer

Administration & Operations & Personnel Committee

Appointee(s): Martin Tucker and Jim Witmer
Motion to Approve: David Novis
Seconded By: Jolene Colomy

The above listed motions and seconds were 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

Other Organizational Decisions to be made by the Board

Designate the dates, time and place for holding regular meetings, pursuant to the requirements of Government Code section 54954(a) and Health and Safety Code section 6488.

Dates: Every second Thursday of the month
Time: 3:00 p.m. for Regular and Special Board Meetings
5:00 p.m. for Public Hearings
Place: The District's office at 2435 Wallace Ave. Summerland CA

President D. Novis announced

"The organizational procedures are complete. The Statement of Facts shall be filed with the Secretary of State and the Santa Barbara County Clerk, pursuant to Government Code section 53051(a) and (b). "The Board will now proceed with the regular meeting for District business as set forth in the agenda."

IV. APPROVAL OF THE AGENDA

President D. Novis asked if there were any modifications and/or changes. Closed Session item will be discussed after New Business items due to late arrival of Legal Counsel. Hearing no objections, the agenda was approved as submitted.

V. PUBLIC COMMENT [NON-AGENDA ITEMS]

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

VI. APPROVAL OF THE MINUTES FOR THE REGULAR BOARD MEETING OF NOVEMBER 10, 2021 AND THE SPECIAL BOARD MEETINGS OF NOVEMBER 17, 2021 AND NOVEMBER 23, 2021 [Action Item]

Director J. Witmer requested to list Eduardo Nava as present at the November 17, 2021 special board meeting.

A motion was made by Director M. Tucker to approve the minutes of the Regular Board Meeting of November 10, 2021 and the Special Board Meetings of November 17, 2021 (with minor correction) and November 23, 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

VII. APPROVAL OF THE MONTHLY EXPENSES FOR NOVEMBER 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. Colomy to approve the monthly expenses, including payroll and petty cash totaling \$82,000 for Fund 5215, \$6,140 for Fund 5216 and \$6,682 for Fund 5217. 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

VIII. 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 Ad Hoc Committee did not meet. Director J. Franklin did do some research regarding the residential classification groups of surrounding sanitary districts which he will discuss during the next committee meeting. President D. Novis said that he was concerned about the upcoming cost of living increase which will need to be reflected in the rate study. Director J. Colomy said that she will bring this up with the rate study consultant during the next committee meeting. President D. Novis said that his other concern is that it seems that the rate committee is creating many multiple residential user classifications. Director J. Franklin said that having diverse user classification does not automatically mean that there will be a change in sewer user fee allocations. The user classifications and analysis will be discussed during the next committee meeting. The proposed user classifications will be listed as an agenda item for the next regular

board meeting. The timetable will also be discussed during the next regular board meeting.

VIII. NEW BUSINESS ITEMS [Action-items]

A. **Emergency Repair Report for the Replacement of Treatment Plant’s Blowers as Authorized by Resolution 2021-08** [Action Item]

The Board reviewed the submitted staff report and the December 9, 2021 agreement with the proposal for the replacement of the Treatment Plant Blowers. The Board was requested to approve the proposal and to give Operations Manager N. Aguilar Vega signature authorization to sign the contract.

The Board discussed the proposal and decided that the discount that was provided for the installation and purchase of the third blower was less than the discount that was given for the second blower. Director J. Franklin suggested to only approve the proposal if same discount was applied.

A motion was made by Director J. Franklin to approve giving signature authorization to the Operations Manager N. Aguilar Vega to sign the contract and to approve the previous proposal of the purchase and installation of two blowers, or three blowers at a cost no more than \$165,000. The motion was seconded by Director J. 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. **Emergency Repair Report for the Maintenance on the District’s Outfall Pipeline as Authorized by Resolution No. 2021-09** [Non-Action Item]

The Board reviewed the submitted staff report. Operation Manager N. Aguilar Vega said that the emergency still exists as described in Resolution No. 2021-09. MPM is working on phase one; planning and regulatory work. MPM will schedule a kick-off meeting with staff in the upcoming weeks. The Danny C. Vessel is available January 15th; the maintenance work is expected to start at that time. President D. Novis said that he will reach out to Hillary Hauser of Heal the Ocean and Salud Carbajal for the Outfall Pipeline Slip lining grant exploration.

C. **Repair of section of Main Sewer Line as Authorized by Resolution No. 2021-10** [Action Item]

The Board reviewed the report of completion as submitted by staff of the emergency repair as authorized by Resolution 2021-10 on November 23, 2021.

Operations Manager N. Aguilar Vega said that Tierra finished the repair on Thursday December 9, 2021 and staff inspected, tested and videoed the completed work. Tierra has done a great job.

A motion was made by Director J. Colomy to declare that the emergency as existed in Resolution No. 2021-10 is terminated. The motion was seconded by Director J. Franklin 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

D. LAFCO: Call for Nominations for and Notice of Election for LAFCO Regular Special District Member; Election Date is January 24, 2022 [Action Item]

The Board received a call for nominations and a notice of elections of a special district member to serve as the special regular member on LAFCO. None of the Directors expressed interest to be nominated at this time.

E. Financial Statements FY2020-21 and Management Report June 30, 2021 [Action Item]

The Board received a presentation of the Annual Financial Report and Management Report FY 2020-21 presented by Tracey Solomon, CPA of Bartlett, Pringle & Wolf, LLP. The Board was requested to accept the Financial Statements as presented.

Ms. T. Solomon went over the submitted letter with the Board of Directors regarding significant matters and reported that none were found. Thereafter the Financial Statements were discussed and explained. The District's net cash position increased slightly at FY 2020-21 year-end with \$89, 000.

A motion was made by Director J. Franklin to accept the financial statements as presented. The motion was seconded by Director D. Novis 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

IX. 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*

At 4:30 p.m., Board President D. Novis announced the commencement of the closed session item A.

At 5:10 p.m., Board President D. Novis reported the following action taken:

Legal Counsel has been authorized to further negotiate with Ms. Mallot regarding the pending settlement offer.

X. FINANCIAL STATUS REPORT – NOVEMBER 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.

IX. OPERATIONS MANAGER REPORT

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

XI. DISTRICT ADMINISTRATIVE MANAGER REPORT

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

XII. BOARD COMMUNICATIONS

A. Board communications:

President D. Novis would like staff to start working on a newsletter to be published in January 2022. Staff and district awards, capital projects and rate study should be included.

B. Items for future Board meetings: Rate Study: User Classifications and timeline.

C. The next Regular Board Meeting date is January 13, 2022, at 3:00 p.m.

XIII. ADJOURNMENT

A motion was made by Director J. Witmer to adjourn the Regular Board meeting at 5:15 p.m. and was seconded by Director J. Franklin and carried by five ayes.

Respectfully submitted:

Jim Witmer
Board Secretary

Date: January 13, 2022

Minutes prepared by M. Souza