

Regular Board of Directors Meeting

Thursday, August 8, 2024, at 3:00 p.m. 2435 Wallace Avenue, Summerland CA 93067

NOTES

This meeting will be held at the District's office at 2435 Wallace Avenue in Summerland. The public may listen to the meeting telephonically by calling +1 669 900 6833 (San Jose) Meeting Code ID: 983 226 8568, Passcode 123 or through the internet at

 $\frac{https://us02web.zoom.us/j/9832268568?pwd=nlt8jNgA5DOkwx950nKL4h0nmahQbj.1\&omn=85964199693.}{9693}.$

The public may also attend the meeting in person. Should you wish to participate by offering comments on either non-agenda or agenda-related items, please follow the instructions set forth in Item IV of the agenda.

Materials related to an item on this agenda, which are part of the agenda packet, are available for public inspection on the District's website at www.summerlandsd.org, or during normal business hours (8:00 a.m. - 4:00 p.m. weekdays) in the District's office.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (805) 969-4344. Notification 24 hours prior to the meeting will help the Clerk make reasonable arrangements to ensure accessibility to this meeting.

CALL TO ORDER/ROLL CALL

II. PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA [Action Item]

The Board President will ask the Board, public, and staff if there are any additions or modifications to the Agenda.

II. PUBLIC COMMENT [Non-Agenda Items]

The public may address the Governing Board on items of interest to the public that are not already on the agenda and are within the subject matter jurisdiction of the Board. The three-minute time limit is pursuant to District regulation.

III. APPROVAL OF THE MINUTES FOR THE REGULAR BOARD MEETING OF JULY 11, 2024 [Action Item]

IV. APPROVAL OF THE MONTHLY EXPENDITURES FOR JULY 2024, INCLUDING PAYROLL AND PETTY CASH [Action Item]

V. COMMITTEE REPORTS

- A. Finance Committee Report
- B. Administrative, Operations & Personnel Committee Report
- C. Ad-Hoc Strategic Committee Report

SUMMERLAND SANITARY DISTICT Regular Board of Directors Meeting AGENDA

VI. BUSINESS ITEMS

A. Request for Proposals for Rate Study. [Action Item]

<u>Description:</u> The Board requested the Administrative Manager to prepare a Request for Proposal (RFP) to be sent to rate study consultant firms. This RFP will be reviewed by the Board of Directors.

Staff Recommendation: To approve the RFP.

B. Retention Agreement for Representation of Colantuono, Highsmith & Whatley, PC to Provide Legal Services for Rate Making Issues. [Action Item]

<u>Description:</u> The Board of Directors will consider approving the retention agreement for legal services for rate-making issues.

Staff Recommendation: Staff recommends approving the retention agreement.

VII. FINANCIAL STATUS REPORT JULY 2024 [Action Item]

The Board will receive Financial Status and Cash Balance Reports for Funds 5215, 5216, and 5217 and may ask staff for explanations. The Board will be asked to accept the reports as presented.

VIII. OPERATIONS MANAGER REPORT

The Operations Manager will provide a written report on operations, facility, collection system maintenance, and regulatory affairs and will provide explanations as requested.

IX. ADMINISTRATIVE MANAGER REPORT

The Administrative Manager will provide a written report on the District's administrative and financial affairs and will provide explanations as requested.

X. BOARD COMMUNICATIONS

- A. Board Communications
- B. Items for future Board meetings
- C. Next Board meeting date

XI. ADJOURNMENT



Minutes of the Regular Board of Directors Meeting

Tuesday, July 11, 2024, at 3:00 p.m.

These are the minutes of the Summerland Sanitary District Governing Board meeting 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) Meeting Code ID: 983 226 8568 Passcode 123 or through the internet at https://us02web.zoom.us/j/9832268568?pwd=nlt8jNgA5D0kwx950nKL4h0nmahQbj.1&omn=8596419 9693.

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 Post Office at least 72 hours in advance of the meeting.

PRESIDENT J. WITMER CALLED THE REGULAR BOARD MEETING TO ORDER AT 3:00 P.M.

CALL TO ORDER/ROLL CALL

DIRECTORS PRESENT JOHN FRANKLIN

GARY ROBINSON MARTIN TUCKER JAMES WITMER

ABSENT

JOLENE COLOMY

OTHERS PRESENT

DAVID LEWIS

Operations Manager

MARJON (MAR) SOUZA

Administrative Manager

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE AGENDA

President J. Witmer asked if there were any other modifications and/or changes. Hearing no objections, the agenda was approved.

IV. PUBLIC COMMENT [Non-Agenda Items]

No public comments were submitted in advance. No members of the public were present in person or via Zoom videoconference.

V. <u>APPROVAL OF THE MINUTES FOR THE REGULAR BOARD MEETING OF JUNE 13, 2024</u> [Action Item]

Director J. Franklin made a motion to approve the regular board meeting minutes of June 13, 2024. The motion was seconded by Director G. Robinson and was carried by the following roll call vote:

AYES:

4

J. Franklin, G. Robinson, M. Tucker, J. Witmer

NOES:

0

ABSENT:

1 J. Colomy

None

ABSTAIN:

0 None

VI. APPROVAL OF THE MONTHLY EXPENSES FOR JUNE 2024, INCLUDING PAYROLL AND PETTY CASH [Action Item]

District Management answered the Board's questions and clarified information about the payout of bills. Director G. Robinson made a motion to approve the monthly expenses, including payroll and petty cash totaling \$84,450 for Operations Fund 5215 and \$4,693 for Capital Expenditures and Emergency Fund 5217. The motion was seconded by Director J. Franklin, and was carried by the following roll call vote:

AYES: 4 J. Franklin, G. Robinson, M. Tucker, J. Witmer

NOES: 0 None ABSENT: 1 J. Colomy ABSTAIN: 0 None

VII. COMMITTEE REPORTS

A. Finance Committee Report Did not meet.

- B. Administration, Operations & Personnel (AOP) Committee Did not meet.
- C. Ad-Hoc Strategic Committee Did not meet.

VIII. NEW BUSINESS ITEMS

A. Sewer Service Charges Rate Study. [Action Item]

The Board requested the District Administrative Manager to prepare a proposed timeline for the rate study to be conducted during the FY2024-25. This timetable was reviewed. The Board requested the preparation of a Request for Proposal (RFP) to be sent to identified rate study consultant firms. This RFP will be reviewed at the next board meeting. The retention agreement provided by Mr. Colantuono, Esq. for rate-making issues under Proposition 218 and related laws, was requested to be added to next month's agenda for consideration and board approval.

B. Resolution 2024-05, Resolution of the Board of Summerland Sanitary District Ordering the Filing with the County Auditor of a Report of Sewer Service Charges for the Fiscal Year 2024-25 to be Placed on and Collected by Means of the County Tax Roll [Action Item]

The procedural text for the Notice of Hearing was read aloud. Board President J. Witmer requested the Clerk for a roll call: Director J. Franklin, Director G. Robinson, Director J. Witmer, and Director M. Tucker were present; Director J. Colomy was absent. The Clerk announced that a two-thirds quorum was present as required to adopt Resolution 2024-05. The Notice of Hearing Announcement and Proof of Publication were received by the Board Secretary Pro-Tem M. Tucker. Board President J. Witmer asked if anyone present had any objections or protests to the report. There was none and the Clerk announced that no protests to the sewer service charges report were received.

President J. Witmer said, "There being no majority protests, the hearing is now declared closed and a resolution ordering the filing of the report with the Auditor is ordered".

Director G. Robinson made a motion to adopt Resolution No. 2024-05. Resolution of the Board of Summerland Sanitary District Ordering the Filing with the County Auditor of a

Summerland Sanitary District Minutes Regular Board Meeting 7/11/2024

Report of Sewer Service Charges for the Fiscal Year 2024-25 to be Placed on and Collected by Means of the County Tax Roll. The motion was seconded by Director J. Franklin and was carried by the following roll call vote:

AYES: 4 J. Franklin, G. Robinson, M. Tucker, J. Witmer

NOES: 0 None
ABSENT: 1 J. Colomy
ABSTAIN: 0 None

Resolution No. 2024-05 was signed and sealed.

X. FINANCIAL STATUS REPORT – JUNE 2024 [Action Item]

The Board received Financial Status and Cash balance reports for Funds 5215, 5216, and 5217, and staff provided explanations as requested.

Director J. Franklin made a motion to accept the financial status report as presented. The motion was seconded by Director M. Tucker and was carried by the following roll call vote:

AYES: 4 J. Franklin, G. Robinson, M. Tucker, J. Witmer

NOES: 0 None ABSENT: 4 J. Colomy ABSTAIN: 0 None

XI. OPERATIONS MANAGER REPORT

Operations Manager D. Lewis provided a written and oral report and answered Board questions. In addition to the report, Operations Manager Mr. Lewis said that he registered for the annual CASA conference in Monterey from July 31st through August 2nd.

Director J. Franklin requested a board report as soon as there is further news about rehabilitation possibilities for the ocean outfall.

XII. ADMINISTRATIVE MANAGER REPORT

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

IX. BOARD COMMUNICATIONS

- A. Board Communications: None
- B. Items for future Board meetings: Draft of Request for Proposal for Rate Study

Retention Agreement M. Colantuono Esq. for Legal

Services for Rate Making Issues

C. Next regular board meeting: Thursday, August 8, 2024

X. <u>ADJOURNMENT</u>

President J. Witmer adjourned the meeting at 3:59 p.m.

Respectfully submitted:

Date: August 8, 2024

Martin Tucker

Secretary, Pro Tem Minutes prepared by M. Souza

Selection Criteria: Fund = 5215, 5216, 5217

Layout Options: Summarized By = Fund; Page Break At = Fund; Columns = Vendor

Fund 5215 -- SummerInd San Dist Running Exp

Document	Post On	Dept	LIAcct	Description	Amount	Vendor	Vendor Name	
CLM - 0792456	7/2/2024		6600	Medical Benefits July 2024	5,997.70	002073	SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY	
CLM - 0792458	7/2/2024		6900	Workers'Comp Program Inv. FY24-25	17,888.07	002073	SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY	
CLM - 0792459	7/2/2024		7090	Property Liability Program Inv. FY24-25	64,977.58	002073	SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY	
JE - 0268211	7/2/2024		6475	HRA Administrative Fee - JUN 2024	13.50			
CLM - 0792653	7/3/2024		7516	Dig alert ticket cost June 2024	18.75	828128	UNDERGROUND SERVICE A	ERT
CLM - 0793014	7/5/2024		7121	850 Gallons of Sodium Hypochlorite	3,427.89	214614	UNIVAR SOLUTIONS USA INC	
CLM - 0793325	7/9/2024		7110	Comp. J. Witmer Agenda Setting Meeting 7-2-2024	175.00	091927	JAMES WITMER	
CLM - 0793327	7/9/2024		7510	Call Center Service 7-1-2024 to 7-31-2024	45.65	106048	CENTRAL COMMUNICATION	3
CLM - 0793333	7/9/2024		7053	Phone Wireless June 2024	164.20	297454	VERIZON WIRELESS	
CLM - 0793334	7/9/2024		7764	Trash Service June 2024	362.61	509950	MARBORG INDUSTRIES	
CLM - 0793337	7/9/2024		7763	Water June 2024	143.00	556712	MONTECITO WATER DISTRIC	CT
CLM - 0793342	7/9/2024		7363	Gaskit, Gaskit Sealer, WD-40, JB Weld June 2024	64.32	178358	COAST AUTO PARTS	
CLM - 0793345	7/9/2024		7460	Eng. and Plan Check for Force Main 201 Olive St.	2,172.00	175918	MKN & ASSOCIATES INC	
CLM - 0793472	7/9/2024		7363	Aerzen Blower PM Parts	361.13	531754	AERZEN USA CORP	_
CLM - 0793609	7/10/2024		7070	Household Supplies June 2024	169.04	790180	Summerland Sanitary District	Ī
CLM - 0793609	7/10/2024		7362	Soil Ripper/Tiller Tool & Garden Weasel Claw Tool	114.74	790180	Summerland Sanitary District	Credit
CLM - 0793609	7/10/2024		7363	Set of Tires (2) and Install. Jetter Trailer	270.09	790180	Summerland Sanitary District	Card
CLM - 0793609	7/10/2024		7450	Postage	4.13	790180	Summerland Sanitary District	Exp.
CLM - 0793609	7/10/2024		7454	Monthly Subscriptions Zoom Offfice 365 Cloud St.	26.23	790180	Summerland Sanitary District	
CLM - 0793609	7/10/2024		7460	CWEA Exam Fee Collection System Maint. I D.L.	192.00	790180	Summerland Sanitary District]
CLM - 0793766	7/11/2024		7121	520 Gallons of Sodium Bisulfite	2,452.23	214614	UNIVAR SOLUTIONS USA INC	
JE - 0269363	7/15/2024		6400	Retirement Contr. Employer & EE Payroll 07-15-2024	6,036.84			
JE - 0269363	7/15/2024		6475	Healthcare Contr. 401(h) Retirees 07-15-2024	300.19			
CLM - 0794257	7/16/2024		7404	FGL Lab testing 5/13/2024 to 6/19/2024	2,200.00	270150	FGL ENVIRONMENTAL INC	
CLM - 0794276	7/16/2024		6100	Regular Salaries July 1-15, 2024	17,297.39	790178	Summerland Sanitary District	
CLM - 0794276	7/16/2024		6270	Standby July 1-15, 2024	916.68	790178	Summerland Sanitary District	
CLM - 0794276	7/16/2024		6500	Medicare and Fica July 1-15, 2024	1,479.90	790178	Summerland Sanitary District	
CLM - 0794276	7/16/2024		6600	Healthcare Contr. D.L. July 1-15, 2024	300.00	790178	Summerland Sanitary District	
CLM - 0794294	7/16/2024		7110	Comp. Regular Board Meeting 7-11-2024	175.00	091927	JAMES WITMER	





Expenditure Transactions (Real-Time)

Selection Criteria: Fund = 5215, 5216, 5217

Layout Options: Summarized By = Fund; Page Break At = Fund; Columns = Vendor

Fund 5215 -- SummerInd San Dist Running Exp

Document	Post On	Dept	LIAcct	Description	Amount	Vendor	Vendor Name
CLM - 0794297	7/16/2024		7110	Comp. Regular Board Meeting 7-11-2024	175.00	167410	GARY W ROBINSON
CLM - 0794300	7/16/2024		7110	Comp. Regular Board Meeting 7-11-2024	175.00	765907	John Franklin
CLM - 0794302	7/16/2024		7110	Comp. Regular Board Meeting 7-11-2024	175.00	009758	MARTIN TUCKER
CLM - 0794434	7/17/2024		7460	Electr. Tech Effluent Meter Calibrations. 7-2-2024	1,030.35	226497	ELECTRICAL INSTRUMENTATION SERVICES
CLM - 0794950	7/23/2024		7362	Cam-Loc and plumbing fittings for sump pump.	49.40	328964	GRAINGER INC
CLM - 0794954	7/23/2024		7053	Monthly Charge LS Alarm Phones 7-13 to 8-12-2024	265.29	075391	FRONTIER
CLM - 0794956	7/23/2024		7324	Accounting Invoice #1	738.50	067460	BARTLETT PRINGLE & WOLF
CLM - 0794962	7/23/2024		7761	Electric Bill 6-1 to 7-1-2024	5,760.11	767200	SOUTHERN CALIFORNIA EDISON
CLM - 0794951	7/30/2024		7053	Monthly Plant/Office Phone 7-13 to 8-12-2024	264.24	075391	FRONTIER
CLM - 0795774	7/30/2024		6600	Medical Benefits August 2024	5,997.70	002073	SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
CLM - 0795871	7/31/2024		6100	Regular Salaries July 1-15, 2024	19,365.71	790178	Summerland Sanitary District
CLM - 0795871	7/31/2024		6270	Standby July 1-15, 2024	997.33	790178	Summerland Sanitary District
CLM - 0795871	7/31/2024		6300	Medicare and Fica July 1-15, 2024	651.60	790178	Summerland Sanitary District
CLM - 0795871	7/31/2024		6500	Medicare and Fica July 1-15, 2024	1,697.99	790178	Summerland Sanitary District
CLM - 0795871	7/31/2024		6600	Healthcare Contr. D.L. July 16-31, 2024	300.00	790178	Summerland Sanitary District
				Total SummerInd San Dist Running Exp	165,389.08		

Expenditure Transactions (Real-Time)

Selection Criteria: Fund = 5215, 5216, 5217

Layout Options: Summarized By = Fund; Page Break At = Fund; Columns = Vendor

Fund 5217 -- SummerInd San Dist-Capital Rep

Document	Post On	Dept	LIAcct	Description	Amount	Vendor	Vendor Name
CLM - 0794949	7/23/2024		8300	Hydrojetter Overhaul and Service.	6,776.21	027043	ALL AMERICAN SEWER TOOLS HARBEN CALIFORNIA
				Total SummerInd San Dist-Capital Rep	6,776.21		

TI A.



Request for Proposal for Sewer Rate Study for the Summerland Sanitary District

Issued: Thursday, August 8, 2024

Proposals Due: Friday, September 6, 2024, 2:00 PM

INTRODUCTION

The Summerland Sanitary District (SSD) is seeking proposals from qualified consultants to conduct a cost-of-service rate study (Study) for its Wastewater Treatment and Collections Operations with a five-year financial plan with proposed rate adjustments necessary to cover the cost of operating, maintaining, and upgrading its wastewater utility.

The objectives of the Study are to assess existing user rates, develop fair and equitable rates that are based on cost-of-service analysis, implement multiple user classification rates for residential properties, and ensure there are sufficient revenues to meet SSD's operation and maintenance (O&M) and capital needs.

SSD strives to strike a balance between rate sensitivity and capital improvement needs. The Study shall propose needed revenue adjustments to fully fund planned capital projects for the next five years, maintain wastewater operations, and recommend appropriate reserve levels to respond to emergency needs.

Previous Rate Studies:

A 2017 cost-of-service rate study supported the February 2018 adopted rate increase, effective July 1, 2018. Since then, SSD has conducted two studies, one during the fiscal year 2021/22 and one during the fiscal year 2022/23. It adopted neither study.

I. PROJECT DESCRIPTION

The purpose of the Study is to analyze, assess, and recommend District revenue requirements to best address the annual operations and maintenance needs and long-term capital improvement plan for the collection system and wastewater treatment plant. These revenue requirements will allow SSD to accomplish its core mission of protecting the public's health and safety while preserving the natural environment through the cost-effective collection, treatment, and disposal of wastewater.

The major Study objectives are to:

- 1. Evaluate the current user classifications and rate structure.
- Recommend rate structure revisions reflecting the Board's commitment to enacting various user classification rates for residential properties, which are consistent with industry methodologies, best management practices, and legal requirements, including Propositions 218 and 26.
- 3. Develop a sewer cost-of-service and rate model for a five-year period (Fiscal Years 2025-26 through 2030-31) for ongoing operations and planned capital improvements;
- 4. Allow SSD to absorb higher wastewater treatment costs while maintaining its debt service coverage and required cash levels.
- 5. Recommend appropriate reserve levels for operational and capital needs based on industry and financial standards.

II. SERVICES TO BE PROVIDED BY CONSULTANT

The services to be provided by the Consultant shall include::

1. Project Management

a. Prepare budgets for each task and milestone for the Study.

2. Rate Study

- a. Provide a comparison of current wastewater system costs (operational, capital improvement, and debt) against appropriate benchmarks.
- b. Recommend a rate structure consistent with industry standards, best management practices, and all applicable laws based on the following:
 - i. Current and future cost of providing services in accordance with established and anticipated standards and regulations.
 - ii. Multiple user classification rates for residential properties.
 - iii. Projected community growth and impacts from emerging land development laws (accessory dwelling units, SB9/SB10) on the capacity of existing facilities and cost of service.
 - iv. Age and condition of the wastewater collection and treatment system.
 - v. Long-term Capital Replacement Projects.
 - vi. Funding requirements for long-term liabilities and debt obligations.
 - vii. A methodology for annual inflationary adjustments.
 - viii. Cash flow and working capital.
 - ix. Projected revenues, operating expenditures, and other funding source requirements in the context of SSD's historical trends.
- c. Provide a comparison of sewer service charges with surrounding public wastewater agencies.

3. Final Report

- a. Prepare a draft and final report (digital format) to include the following:
 - i. Overview of SSD's purpose, mission, and goals.
 - ii. Service area description, including current customer base.
 - iii. Description of Proposition 218 Requirements.
 - iv. Proposed rate design methodology with the cost of service analysis.
 - v. Data and calculations to support conclusions regarding the key rate elements.
 - vi. Data and assumptions about future growth, inflation, and interest rates.
 - vii. Brief description of capital improvement priorities, expenditures, and anticipated funding sources;
 - viii. Revenue, expense, and reserve projections over the 5-year timeframe;
 - ix. Rate comparison of existing revenues to meet required needs and discussion of any recommended rate increases necessary to fund future needs of the District.
 - x. Final conclusions.

4. Public Meetings

Consultant should include an allowance for consultant to attend at least three Rate
 Study Committee meetings, one regular Board meeting, one town hall meeting, and one
 Notice of Hearing meeting.

III. PROJECT SCHEDULE

SSD plans to adopt the 5-year financial plan and implement any necessary rate adjustments for the 2025-26 Fiscal Year. It therefore will need to begin the rate-setting process no later than April 1, 2025. To meet this deadline, these major milestones need to be met:

- 1. Award of contract on September 6, 2024;
- 2. Participate in Rate Study committee meeting(s);
- 3. Present Draft Rate Study to the Rate Study Committee in November 2024;
- 4. Presentation to the Board of Directors in December 2024;
- 5. Participate in a town hall meeting in February 2025;
- 6. Participate in the development and mailing of Proposition 218 Notice in March 2025; and
- 7. Participate in a hearing to adopt the new rates for Fiscal Year 2025-26 by May 8, 2025.

IV. RESPONSES

Responses to this RFP must be received no later than 2:00 p.m. on Tuesday, September 6, 2024. The response shall include, at a minimum, the information discussed herein; incomplete or unclear information may be grounds for rejection.

The response shall be organized as follows:

1. Cover Letter

The Proposal shall be submitted with a cover letter addressed to:

Summerland Sanitary District Board of Directors P.O. Box 417 Summerland, CA 93067

Experience and Qualifications

- a. Provide a brief history of the firm.
- b. Describe the consultant team, classifications, and qualifications of key personnel, including engineer certification information from the state of California. List at least three prior assignments within the last five years that best illustrate the personnel's relevant qualifications for this assignment. Identify the projects the key personnel have handled together. The performed services should be similar to those outlined in this solicitation. Please include the following information for each project:
 - i. Name of client.
 - ii. Location (city and state).
 - iii. Name and a brief description of the project.
 - iv. Duration of assignment.
- c. Provide three client references, including at least two for whom services were rendered during the past two years, preferably for services similar to those outlined in this solicitation; include contact information for each reference.
- d. Provide a list of all proposed sub-consultants to complete these services.

2. Project Understanding

Provide a statement demonstrating yours understanding of the project and proposed approach to the project scope of work, detailing the tasks and subtasks. Proposals shall identify specific milestones and deliverables for each task. If you should propose to revise this RFP's scope of services, specify your proposed revisions.

3. Schedule

The proposal must include a detailed schedule estimating the timeframes to complete the proposed scope of services, including time for review of deliverables by District staff and highlighting any tasks that may delay the final project deliverables.

4. Labor Rates and Fee Schedule

Provide a table showing the estimated staff hours for all consultants assigned per task, based on the Consultant's understanding of the project's scope of work.

A Fee Proposal and standard labor rate schedule shall be submitted in a separate PDF. The fee shall be based on the Proposer's employee rate schedule with a "not to exceed amount", including the estimated costs for mileage, reimbursable, and reproduction costs. Fee proposals will be opened after the proposals are ranked using the selection criteria. This fee information will be used as a basis for negotiation with the successful Consultant.

5. Contract Requirements

The consultant must comply with applicable local, state, and federal laws, including prevailing wage rates and their payment under section 1775 of the California Labor Code.

V. RESERVATION OF RIGHTS

- 1. The Summerland Sanitary District reserves the right to:
 - a. reject any and all responses received;
 - b. issue a subsequent RFP;
 - c. cancel the entire RFP;
 - d. remedy technical errors in the RFP process;
 - e. negotiate with any, all, or none of the respondents to the RFP;
 - f. waive informalities and irregularities;
 - g. request additional information or clarification
 - h. deem all responses the property of SSD.
- 2. SSD will not reimburse consultants or sub-consultants for any costs incurred in any presentations or in preparing and submitting their respective responses.
- 3. SSD reserves the right, in its sole discretion, to terminate negotiations at any time with any or all consultants.
- 4. This RFP does not commit SSD to enter into a contract and does not create any obligation for SSDt to pay any costs incurred in the preparation and submission of responses or in anticipation of a contract.
- 5. Failure to respond to the requirements outlined in this RFP shall result in the proposer's disqualification for being non-responsive to the RFP.

II B.

COLANTUONO HIGHSMITH WHATLEY, PC

MICHAEL G. COLANTUONO | 530-432-7359 | MCOLANTUONO@CHWLAW.US

Our File No. 10000.0191

August 8, 2024

VIA ELECTRONIC MAIL ONLY

Marjon Souza, Administrative Manager Summerland Sanitary District P.O. Box 417 Summerland, CA 93067-0417 msouza@summerlandsd.org

Re: Representation of Summerland Sanitary District re Rate-Making Issues

Dear Mar,

As you asked, I write to propose the terms under which we agree to represent Summerland Sanitary District ("District" or "you") regarding sewer service ratemaking issues under Proposition 218 and related law. This will be our sole project for you; if we can assist you on other matters, please let me know. Colantuono, Highsmith & Whatley, PC and all of its professionals are very pleased to have the opportunity to represent you in this matter.

This letter sets forth the basis upon which our firm will provide legal services to you and bill you for services and costs. The firm maintains a conflict of interest index which lists all clients of our firm and matters in which we represent them. We will not represent any party with an interest that may be adverse to an indexed person without first determining if a professional conflict of interest would arise. We propose to index the following with respect to this matter:

Client-Affiliated Parties:

Summerland Sanitary District

Adverse Parties:

Lucinda Malott Radis Family Trust Joe Amendariz Santa Barbara County Taxpayers Association

Please let me know if any of these names are incorrect or if there are other parties with an interest in this matter that we should list such as, for example, any other known potential challengers to the District's rates. Unless we hear from you to the contrary, we will assume the above listing is accurate and complete.

We have reviewed our files and our conflicts index and have no other client relationships which would interfere with our ability to represent you in this matter except as follows. As we have discussed, our firm serves as General Counsel to the Montecito Sanitary District and provides special counsel services to the City of Carpinteria and the Montecito Water District. The District previously considered a change of organization to merge with the Montecito or Carpinteria Sanitary Districts but we understand those proposals are not currently active. We cannot assist you on that subject and you agree that we can continue to represent Montecito Sanitary District as general counsel on this subject and others even if adversely to the District. We see no need for client consents to represent you because our other local government clients have no interest in the ratemaking tasks we are to assist the District with and, to our knowledge, there is no active adversity between the District and our other, current clients.

As you may know, the written consent of each client is required whenever a law firm represents clients with potentially or actually adverse interests, even in unrelated matters. California Rule of Professional Conduct 1.7 provides, in relevant part:

- (a) A lawyer shall not, without the informed written consent* from each client and compliance with paragraph (d), represent a client if the representation is directly adverse to another client in the same or a separate matter.
- (d) Representation is permitted under this rule only if the lawyer complies with paragraphs (a), (b), and (c), and:
- (1) the lawyer reasonably believes* that the lawyer will be able to provide competent and diligent representation to each affected client;

- (2) the representation is not prohibited by law; and
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.

(Terms followed by asterisks are defined elsewhere in the Rules.)

We believe we can effectively represent the District and the Goleta Sanitary District as the District's ratemaking and the potential reorganization are distinct and involve different governing law. We are aware of no law that would prohibit our representing the two Districts simultaneously in these matters and we are not assisting either client with respect to a claim against the other. Should a formal claim against one client or the other become necessary, it might require us to end our representation of your District and your District agrees that we may do so to preserve our relationship with the Montecito Sanitary District. We will, of course, protect each client's confidences. We make no mention of our other public agency clients here because those client have no interest in the District's rates and we are unaware of any legal adversity between the District and any of those clients. If there is such adversity, please let me know so we can consider this matter further.

Whether to grant this consent is a business judgment for the District and it may wish to seek advice regarding it from counsel independent of our firm.

The pros that we see of granting this consent are that the two Districts will have access to our services. It maintains our ability to assist the District on ratemaking matters for which it has retained us and in other matters in which the Montecito Sanitary District has no interest and vice versa. Each agency will have done a courtesy to the other. The cons we perceive include the potential that we will be viewed as having divided loyalties and that the District will need separate counsel if a reorganization affecting it and the Montecito Sanitary District is proposed and might need new ratemaking counsel if litigation ensues between the two Districts.

By signing below, the District confirms it has carefully considered the advantages and disadvantages of providing the consent we seek and agrees that we may represent it while also representing the Montecito Sanitary District.

As we have discussed, the nature of the matter makes it impossible for us to precisely estimate the fees you may incur. You will receive monthly statements informing you of the fees and costs incurred during the prior month. We will, of course, do our best to represent you efficiently and without undue expense.

Please make payments payable to Colantuono, Highsmith & Whatley, PC directly to our Grass Valley office at:

Colantuono, Highsmith & Whatley, PC 420 Sierra College Drive, Suite 140 Grass Valley, CA 95945-5091

Our federal employer identification number is 75-3031545.

I will have primary responsibility for your representation, and the firm will use other attorneys and legal assistants in the best exercise of our professional judgment. If you have questions, concerns or criticisms at any time, please contact me at once. Naturally, we expect you to keep us reasonably informed of all significant developments regarding this representation.

We review all statements before they are issued to ensure the amount charged is appropriate. The statement for fees is simply the product of the hours worked multiplied by the hourly rates for the attorneys and legal assistants who did the work.

Our hourly rates are based upon the experience, reputation and ability of the lawyer or legal assistant performing the services, and for 2024 range between \$255 and \$605 per hour for attorneys' time, and between \$155 and \$200 for the time of paralegals and legal assistants. As a courtesy to you, however, we agree to cap our rates at \$405 per hour for advisory services and at \$435 per hour for any litigation services that might be required. Our rate structure in general and the rates of particular lawyers may be increased from time to time, and are usually adjusted as of the beginning of each calendar year. However, we will not lift the hourly rate caps noted here with first discussing with the District our need to do so.

It may be necessary to bill you for items such as, but not limited to, authorized travel, long distance telephone calls, filing fees, photocopying, computerized legal research outside the scope of our Westlaw contract and the like. These items are

separately itemized on our statement as "disbursements." These amounts will be billed in addition to our fees.

We will send you monthly statements, and expect payment within 15 days of the billing date. If payment is not received within 30 days of the billing date, we reserve the right to charge interest on the unpaid balance at the rate of 1% per month and to terminate our representation.

We rarely have disputes with clients over our fees. Nevertheless, you should be aware that you are entitled to require that any fee dispute be resolved by binding arbitration pursuant to the arbitration rules for legal fee disputes of the County Bar Association in any county in which we maintain an office. We agree that all disputes between us regarding the services rendered or fees charged not resolved via County Bar fee arbitration will be submitted to binding arbitration in Bakersfield to be conducted by ADR Services, Inc. in accordance with its commercial arbitration rules. YOU SHOULD REVIEW THIS PARAGRAPH CAREFULLY AND, IF YOU WISH, SEEK INDEPENDENT LEGAL COUNSEL REGARDING IT, AS YOU AND WE ARE AGREEING TO FOREGO SIGNIFICANT RIGHTS IN THE EVENT OF A DISPUTE BETWEEN US, INCLUDING THE RIGHT TO A JURY TRIAL.

On occasion, we may receive small sums of money belonging to you, such as a credit for an overpayment by a vendor, a refund from a court, or the like. The California State Bar requires us to alert you to sums we receive on your behalf within 14 days of receipt and to forward those funds to you within 45 days of receipt unless we have your direction otherwise. Processing payments for small amounts may be burdensome to your accounting staff and to ours. Therefore, by signing this letter agreement for legal services, you agree that, should we receive any amount to your credit of \$500 or less and we do not have other instructions from you with respect to that money, we may place these funds in our client trust account and apply them to future invoices to you for our services. You can alter this agreement at any time as to some or all funds we hold by letting us know, in writing, how we should handle your money. We will inform you of our receipt of funds promptly upon each receipt and will remind you of your right to alter these standing instructions as to any payment.

You have the right to terminate our representation at any time. We have the same right, subject to an obligation to give you reasonable notice to arrange alternative representation. In either circumstance, you agree to secure new counsel to represent you

as quickly as possible and to cooperate fully in the substitution of the new counsel as counsel of record in any litigation in which we may subsequently agree to represent the District. Notwithstanding the termination of our representation, you will remain obligated to pay to us all fees and costs incurred previously.

You agree that we may, in our discretion, maintain all or part of your client file in electronic format. The firm may store part or all of your documents using secure cloud storage services. If so, the firm will apply all reasonable methods to maintain the confidentiality of your files, just as it does for your non-digital information. Your data will be password protected and encrypted using currently available technology. Clients requiring information from their files may obtain that information only by written request to us.

You should know that we may use artificial intelligence tools in our representation of the Summerland Sanitary District. If we do so, we will ensure that your confidential information is maintained in confidence and that any writing or analysis produced by generative artificial intelligence is edited or confirmed by an attorney before use. If you have any questions or concerns about our use of artificial intelligence tools, please let us know.

You also agree that following termination of our attorney-client relationship, we will not be required to maintain your client file for more than two years. If you ask us to deliver your file to you, you agree that delivery of an electronic version, together with any materials that cannot be saved electronically, satisfies our obligation to release all your client papers and property to you. Two years after termination of our relationship, and after reasonable notice, you agree that we will be free to destroy your client file, including all electronic records. We may also discharge our obligation to maintain your file before two years expire by mailing a copy to you at your address last known to us. You agree that "reasonable notice" means our mailing a notice of our intent to destroy your client file to you at that address.

I apologize for the formality of this letter, but we are required by California law to provide this information to you in writing. We are also required to inform you that we currently maintain professional liability insurance coverage.

Please review the foregoing and, if it meets with your approval, execute it and return it to me. If you have any questions, please feel free to call me at the direct-dial number above. Thank you for the opportunity to represent you!

Very truly yours,

Michael G. Colantuono

MGC:mgc

On behalf of the Summerland Sanitary District, I agree to retain Colantuono, Highsmith & Whatley, PC to provide legal services as set forth above and consent to its simultaneous representation of the District and the Goleta Sanitary District as described above.

		Date:	, 2024
	Signature		
Ву:	a 2001		
TC: 41			
Title:			

Financial Status (Real-Time)

Selection Criteria: Fund = 5215,5216, 5217

Layout Options: Summarized By = Fund, LineItemAccount; Page Break At = Fund

Fund 5215 -- SummerInd San Dist Running Exp

Line Item Account	6/30/2025 Fiscal Year Adjusted Budget	7/31/2024 Year-To-Date Actual	6/30/2025 Fiscal Year Variance	6/30/2025 Fiscal Year Pct of Budget
Revenues				
Taxes				
3010 Property Tax-Current Secured	350,012.00	-799.65	-350,811.65	-0.23 %
3011 Property Tax-Unitary	4,299.00	0.03	-4,298.97	0.00 %
3015 PT PY Corr/Escapes Secured	0.00	503.69	503.69	9
3020 Property Tax-Current Unsecd	12,950.00	7.45	-12,942.55	0.06 %
3023 PT PY Corr/Escapes Unsecured	0.00	15.35	15.35	
3040 Property Tax-Prior Secured	0.00	10.14	10.14	
3050 Property Tax-Prior Unsecured	0.00	15.82	15.82	122
3054 Supplemental Pty Tax-Current	4,275.00	773.66	-3,501.34	18.10 %
3056 Supplemental Pty Tax-Prior	0.00	2.86	2.86	s . 1
Taxes	371,536.00	529.35	-371,006.65	0.14 %
Fines, Forfeitures, and Penalties				
3057 PT-506 Int, 480 CIOS/CIC Pen	0.00	2.39	2.39	
Fines, Forfeitures, and Penalties	0.00	2.39	2.39	·
Use of Money and Property				
3380 Interest Income	11,000.00	0.00	-11,000.00	0.00 %
Use of Money and Property	11,000.00	0.00	-11,000.00	0.00 %
Intergovernmental Revenue-State				
4220 Homeowners Property Tax Relief	1,181.00	0.00	-1,181.00	0.00 %
Intergovernmental Revenue-State	1,181.00	0.00	-1,181.00	0.00 %
Charges for Services				
5091 Planning & Engnrg-Plan Ck Fes	2,100.00	0.00	-2,100.00	0.00 %
5430 Sanitation Services	1,067,017.00	-12.50	-1,067,029.50	0.00 %
5433 - Inspection Fees	2,500.00	0.00	-2,500.00	0.00 %
5746 Administrative Revenue	3,700.00	0.00	-3,700.00	0.00 %

Financial Status (Real-Time)

Selection Criteria: Fund = 5215,5216, 5217

Layout Options: Summarized By = Fund, LineItemAccount; Page Break At = Fund

Fund 5215 -- SummerInd San Dist Running Exp

Line Item Account	6/30/2025 7/31/: Fiscal Year Year-T m Account Adjusted Budget Act		6/30/2025 Fiscal Year Variance	6/30/2025 Fiscal Year Pct of Budget
Charges for Services	1,075,317.00	-12.50	-1,075,329.50	0.00 %
Revenues	1,459,034.00	519.24	-1,458,514.76	0.04 %
Expenditures				
Salaries and Employee Benefits				
6100 Regular Salaries	451,481.00	36,663.10	414,817.90	8.12 %
6270 Stand-by Pay	22,000.00	1,914.01	20,085.99	8.70 %
6300 Overtime	7,500.00	651.60	6,848.40	8.69 %
6400 Retirement Contribution	129,301.00	6,036.84	123,264.16	4.67 %
6475 Retiree Medical OPEB	9,000.00	313.69	8,686.31	3.49 %
6500 FICA Contribution	36,285.00	3,177.89	33,107.11	8.76 %
6600 Health Insurance Contrib	79,157.00	12,595.40	66,561.60	15.91 %
6900 Workers Compensation	17,101.00	17,888.07	-787.07	104.60 %
Salaries and Employee Benefits	751,825.00	79,240.60	672,584.40	10.54 %
Services and Supplies				
7030 Clothing and Personal	3,860.00	0.00	3,860.00	0.00 %
7053 Telephone Service Local	10,271.00	693.73	9,577.27	6.75 %
7070 Household Supplies	1,300.00	169.04	1,130.96	13.00 %
7090 Insurance	67,000.00	64,977.58	2,022.42	96.98 %
7110 Directors Fees	22,050.00	875.00	21,175.00	3.97 %
7121 Operating Supplies	43,626.00	5,880.12	37,745.88	13.48 %
7324 Audit and Accounting Fees	29,000.00	738.50	28,261.50	2.55 %
7362 Building Maintenance	10,500.00	164.14	10,335.86	1.56 %
7363 Equipment Maintenance	16,375.00	695.54	15,679.46	4.25 %
7404 Public Health Lab Serv	27,425.00	2,200.00	25,225.00	8.02 %
7430 Memberships	8,660.00	0.00	8,660.00	0.00 %
7450 Office Expense	3,300.00	4.13	3,295.87	0.13 %
7454 Books & Subscriptions	460.00	26.23	433.77	5.70 %

Selection Criteria: Fund = 5215,5216, 5217

Layout Options: Summarized By = Fund, LineItemAccount; Page Break At = Fund

Fund 5215 -- SummerInd San Dist Running Exp

Line Item Account	6/30/2025 Fiscal Year Adjusted Budget	7/31/2024 Year-To-Date Actual	6/30/2025 Fiscal Year Variance	6/30/2025 Fiscal Year Pct of Budget
7459 – IT Professional Services	4,000.00	0.00	4,000.00	0.00 %
7460 Professional & Special Service	59,572.00	3,394.35	56,177.65	5.70 %
7508 Legal Fees	35,000.00	0.00	35,000.00	0.00 %
7510 Contractual Services	9,825.00	45.65	9,779.35	0.46 %
7516 Permitting Services	12,403.00	18.75	12,384.25	0.15 %
7530 Publications & Legal Notices	600.00	0.00	600.00	0.00 %
7546 Administrative Expense	3,200.00	0.00	3,200.00	0.00 %
7630 Small Tools & Instruments	500.00	0.00	500.00	0.00 %
7653 Training Fees & Supplies	4,850.00	0.00	4,850.00	0.00 %
7671 Special Projects	7,220.00	0.00	7,220.00	0.00 %
7730 Transportation and Travel	750.00	0.00	750.00	0.00 %
7731 Gasoline-Oil-Fuel	3,500.00	0.00	3,500.00	0.00 %
7761 Electricity	68,440.00	5,760.11	62,679.89	8.42 %
7763 Water	2,720.00	143.00	2,577.00	5.26 %
7764 Refuse	4,525.00	362.61	4,162.39	8.01 %
Services and Supplies	460,932.00	86,148.48	374,783.52	18.69 %
Expenditures	1,212,757.00	165,389.08	1,047,367.92	13.64 %
SummerInd San Dist Running Exp	246,277.00	-164,869.84	-411,146.84	-66.94 %

Revenues minus Expenditures Actual 7/31

Last Updated: 8/5/2024 8:30 AM

Difference between budget and Actual 7/31

As of: 7/31/2024 (8% Elapsed) Accounting Period: OPEN

Selection Criteria: Fund = 5215,5216, 5217

Layout Options: Summarized By = Fund, LineItemAccount; Page Break At = Fund

Fund 5216 -- Summerland San Cap Facilities

Line Item Account	6/30/2025 Fiscal Year Adjusted Budget	7/31/2024 Year-To-Date Actual	6/30/2025 Fiscal Year Variance	6/30/2025 Fiscal Year Pct of Budget
Revenues				
Use of Money and Property				
3380 Interest Income	4,000.00	0.00	-4,000.00	0.00 %
Use of Money and Property	4,000.00	0.00	-4,000.00	0.00 %
Charges for Services				
5432 Connection Fees	12,385.00	0.00	-12,385.00	0.00 %
Charges for Services	12,385.00	0.00	-12,385.00	0.00 %
Revenues	16,385.00	0.00	-16,385.00	0.00 %
Summerland San Cap Facilities	16,385.00	0.00	-16,385.00	0.00 %

Financial Status (Real-Time)

Selection Criteria: Fund = 5215,5216, 5217

Layout Options: Summarized By = Fund, LineItemAccount; Page Break At = Fund

Fund 5217 -- SummerInd San Dist-Capital Rep

Line Item Account	6/30/2025 Fiscal Year Adjusted Budget	7/31/2024 Year-To-Date Actual	6/30/2025 Fiscal Year Variance	6/30/2025 Fiscal Year Pct of Budget
Revenues				
Use of Money and Property				
3380 Interest Income	25,000.00	0.00	-25,000.00	0.00 %
Use of Money and Property	25,000.00	0.00	-25,000.00	0.00 %
Revenues	25,000.00	0.00	-25,000.00	0.00 %
Expenditures				
Services and Supplies				
7671 Special Projects	58,915.00	0.00	58,915.00	0.00 %
Services and Supplies	58,915.00	0.00	58,915.00	0.00 %
Capital Assets				
8200 Structures&Struct Improvements	15,000.00	0.00	15,000.00	0.00 %
8300 Equipment	20,000.00	6,776.21	13,223.79	33.88 %
8400 Infrastructure	45,000.00	0.00	45,000.00	0.00 %
Capital Assets	80,000.00	6,776.21	73,223.79	8.47 %
Expenditures	138,915.00	6,776.21	132,138.79	4.88 %
SummerInd San Dist-Capital Rep	-113,915.00	-6,776.21	107,138.79	5.95 %
Net Financial Impact	148,747.00	-171,646.05	-320,393.05	-115.39 %
	Rev minus Exp.	Actual 7/31	Difference bet	tween Budget and Actual 7/31



SUMMERLAND SANITARY DISTRICT

Regular Board of Directors Meeting August 8, 2024 Operations Manager Report

OPERATIONS AND FACILITY MAINTENANCE:

- Staff completed weekly ground maintenance and landscape work including mowing, weed whacking, blowing, edging, and raking.
- Beltpress was operated on 7/16 and 7/25/2024.
- A technician from Arzan was on site 7/18, investigating an oil leak on blower #2. He will be returning to make repairs. Oil leak repairs will be covered by the manufacturer's warranty.
- 7/18/2024 I had a phone conference with Scott Nordholm from Subsea Global Solutions.
 He is preparing a scope of work and rough order of magnitude pricing for the cleaning and relining of the district's ocean outfall.
- Met with the instrumentation control technician, he is finalizing a scope of work and a cost estimate for programing the blow VFD into SCADA.
- Staff has been removing and replacing the boards around the eaves of the blower building due to termite and dry rot damage.
- On 7/27/2024 The District's Lead Collections/Operator II (Ed Nava) injured himself while off duty. His recovery is expected to be four weeks or perhaps longer. To cover for this period of staffing shortage a retired Operator I (Alfonso Aguilar) has been rehired on a part time temporary basis and scheduling changes have been made.

COLLECTION SYSTEM / LIFT STATIONS:

- Staff made periodic rounds of the collection system to check for any problems, primarily checking the hot spot manholes to ensure proper flow.
- Each of the three lift stations were checked and test ran daily.
- Each of the restaurant grease traps were inspected.
- The Hydro-jetter trailer was taken in for an engine service and major pump overhaul.

REGULATORY COMPLIANCE:

- Daily meter readings and sample collection being performed by staff for regulatory compliance and process control.
- The Monthly Discharge Monitoring Report for June was submitted in CWIQS on 7/28/2024. The "No Spill Report" for June was submitted as well.
- The annual plant effluent and ocean receiving water sample collection was completed the week of 7/14/2024. The laboratory analysis reports have been received.
- I will be attending the CASA Annual Conference in Monterey CA. 7/31 through 8/2/2024.

SUMMERLAND SANITARY DISTRICT
Regular Board of Directors Meeting August 8, 2024 **Operations Manager Report**



SUMMERLAND SANITARY DISTRICT

Regular Board of Directors Meeting August 8, 2024 District Administrative Manager Report

Monthly administrative and financial items completed outside the regular scope of work:

- Reviewed the District's adopted Conflict of Interest Code with the checklist received from the Clerk of the Board of Supervisors. No amendment is needed at this time.
- Submitted the Sewer Service Charges FY2024-25 with all the required paperwork to

 to the Auditor's Office at the County of Santa Barbara. The charges and paperwork
 were reviewed and accepted.
- Completed the annual payroll reconciliation report for the Worker's Compensation Insurance.
- Set up a Zoom meeting with Jayson Braude, Esq. from Rojas Public Affairs for August 20, 2024. Mr. Braude was introduced to me by John Weigold from MSD. I explained the situation of the District and possible upcoming projects that will need funding. Mr. Braude is eager to assist us in finding possible funding opportunities from elected officials in Sacramento.
- I applied and received a scholarship to attend the CSDA annual conference in Indian Wells September 10 and 11. Many regulatory topics will be discussed and it will provide good network opportunities.
- Prepared the Request for Proposal for Rate Study. The proposal was reviewed by Legal Counsel Ms. J. McGinnis.
- Completed a SBCERS Audit FY2024-25 request.

Scheduled Days Off:

August 12-14, 2024