



OJAI VALLEY SANITARY DISTRICT

A Public Agency

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MINUTES OF REGULAR MEETING OF BOARD OF DIRECTORS OJAI VALLEY SANITARY DISTRICT

The Regular Meeting of the Ojai Valley Sanitary District Board of Directors was held at the District Office, 1072 Tico Road on February 25, 2008. The meeting was called to order by Chairman Stone at 7:02 p.m., and roll call taken as follows:

DIRECTORS PRESENT: Russ Baggerly
Randy Burg
John R. Curtis
William E. Lotts
Peter M. Kaiser
Stan Greene
William M. Stone

DIRECTORS ABSENT: None

STAFF PRESENT: John K. Correa, General Manager
Brenda Krout, Clerk of the Board
Ronald E. Sheets, Operations Superintendent

OTHERS PRESENT: Mark Zirbel, District Legal Counsel

3. **Pledge of Allegiance**

Chairman Stone led the pledge of allegiance.

4. **Additions or amendments to the Agenda**

None

5. **Public Concerns** (items not on the agenda - three minute limit). This is an opportunity for members of the public to speak on items not on the agenda.
(The Ojai Valley Sanitary District Board of Directors encourages all interested parties to speak on any issue on this agenda in which they have an interest, or on any matter subject to the District's jurisdiction. It is the desire of the Board that its business be conducted in an orderly and efficient manner. All speakers are requested to fill out a Speaker's Card and submit it to the Clerk of the Board before the item is taken up for consideration. All speakers are requested to present their information to the Board as concisely as possible with a three (3) minute time limit. Allowing an individual to speak more than three minutes is at the discretion of the Chairman of the Board. Speakers are encouraged to refrain from restating previous testimony. No response will be given or action taken unless an emergency exists. Items requiring action will be referred to staff or placed on a subsequent agenda.)

None

6. **Board Concerns** (Items not on the agenda - three-minute limit)

None

CHAIRMAN STONE ANNOUNCED THAT ITEM NO. 8 WAS BEING REMOVED FROM THE CONSENT ITEMS AND WOULD BE ADDRESSED IMMEDIATELY FOLLOWING THE CONSENT ITEMS.

CONSENT ITEMS: - All consent items are considered in a single motion and voted on without discussion. Any item removed from the consent list at the request of a Board member or the public will be considered immediately following approval of the remaining consent items.

ACTION

Upon motion of Director Lotts, seconded by Director Curtis and passed by unanimous roll call vote Item Nos. 7 & 9 on the consent calendar were approved as submitted.

7. **Approval of Minutes** - Regular Meeting January 28, 2008 and Special Meeting February 4, 2008 (a tape recording of each meeting is retained at the District Office for a minimum of 4 years)
8. **McLaren – Annexation (OVSD – 2008-01) – Resolution No. 2008-02 – REMOVED FROM CONSENT ITEMS**
- a. Find the McLaren Annexation (OVSD 2008-01) to be Categorically Exempt in accordance with CEQA Section 15319 (a);
 - b. Direct Staff to file a Notice of Exemption in accordance with CEQA Section 15062; and
 - c. Adopt Resolution No.2008-02 initiating proceedings for the McLaren Annexation (OVSD 2008-01);

9. **Approval of Checks**

Approve the checks and warrants for payment as submitted.

ACTION ITEMS:

8. **McLaren – Annexation (OVSD – 2008-01) – Resolution No. 2008-02**

A revised Resolution No. 2008-02 initiating this annexation was distributed. Mr. Correa explained that new wording was added to the revised resolution in an effort to better document the CEQA findings regarding this project.

Mr. Zirbel stated that the goal to changing the wording is to include more information in the resolution on the CEQA action providing an improved documentation trail. Mr. Zirbel explained the CEQA procedure in connection with LAFCO's actions, noting that LAFCO also does a CEQA determination on proposed annexations.

ACTION

Upon motion of Director Baggerly, seconded by Director Greene and passed by unanimous roll call vote the McLaren Annexation (OVSD 2008-01) was found to be Categorically Exempt in accordance with CEQA Section 15319 (a); Staff was directed to file a Notice of Exemption in accordance with CEQA Section 15062; and the revised Resolution No.2008-02 initiating proceedings for the McLaren Annexation (OVSD 2008-01) was adopted.

10. **Tico Road Building Maintenance – Painting - Carpet & Window Coverings Replacement – Budget Adjustment No. 2008-17**

Maintenance of the Tico Road buildings was discussed including replacement of carpet and window coverings.

At 7:31 p.m. Chairman Stone recessed the meeting to give the Directors an opportunity to walk through the building to evaluate the condition of the carpet and window coverings.

Chairman Stone reconvened the meeting at 7:35 p.m.

ACTION

Upon motion of Director Lotts, seconded by Director Baggerly and passed by a majority 6 to 1 roll call vote, with Director Kaiser voting nay, DeMoor's Painting Inc. proposal to paint the interior of the administration building and the exterior wood trim & fascia boards of the administration and crew buildings for an amount not to exceed \$9,451.00 was accepted; and Chisum's Floor Covering's proposal to replace the window coverings and carpet in the administration building for an amount not to exceed \$7,622 was accepted; and Budget Adjustment No. 2008-17 transferring \$9,451 from the Building Replacement Reserve and \$7,622 from the General Fund account into the Major Expenditures-Office account to cover the cost of these improvements was adopted.

The Board requested staff put up signs on the outside of the doors encouraging people to clean their feet prior to entering the building and to install heavy duty mats at each door to help reduce the amount of dirt tracked in onto the carpet. Staff was also requested to investigate the use of wear guards under each desk.

11. **Root Control – Contract No. 2008-01 – Duke’s Sales & Service, Inc.**

A contract to continue the District’s root control efforts was discussed. Director Baggerly expressed his concern about the potential toxicity of the chemical used in this process. Mr. Sheets shared the information on the chemical showing it to be safe when used in the manner proposed in the contract.

ACTION

Upon motion of Director Curtis, seconded by Director Lotts and passed by unanimous roll call vote Chairman Stone was authorized to sign Contract No. 2008-01 Agreement For Root Control Services Between Ojai Valley Sanitary and Duke’s Root Control, Inc., in the amount not to exceed \$20,799.

Prior to the vote on the proceeding motion the following discussion occurred.

Pat Baggerly, representing the Environmental Coalition, asked for the name of the chemical used in the root control.

Mr. Sheets responded stating that the chemical is diquat dibromide. Mr. Sheets circulated a copy of the Material Safety Data Sheet (MSDS) for the root control product.

Members of the Board questioned if the treatment plant is able to remove the product from the waste stream adequately to ensure the safety of the fish in the Ventura River.

Mr. Sheets explained that the treatment plant’s process would be able to remove the product in the waste stream so it would not be detrimental to the fish in the river.

Pat Baggerly questioned if the application of this product could be postponed to be applied at a time when the fish aren’t migrating in the river.

Mr. Sheets explained that waiting would cause the District to lose re-application guarantees which carry over from the prior contracts with this company which could result in increasing the District’s cost by approximately \$20,000. Mr. Sheets’ also emphasized that the treatment plant’s processes remove the product from the waste stream to a level not harmful to fish.

The vote on the proceeding motion was taken at this point awarding Contract No. 2008-01 to Duke’s Sales & Service, Inc.

It was requested that staff consider the fish migration factors prior to any future contract for root control. Mr. Sheets was also requested to conduct sampling of the plant’s effluent during the period when the root control is being applied.

12. **Mid-Year Financial Reports**

The status of the budget at mid-point in the fiscal year was reviewed. Staff presented proposed adjustments to the fiscal year budget based on projections for operational expenses for the remainder of the current fiscal year.

ACTION

Upon motion of Director Curtis, seconded by Director Kaiser and passed by unanimous roll call vote proposed adjustments to Fiscal Year 2007/2008 Budget was reviewed and Budget Adjustment No. 2008-18 was adopted.

13. **Strategic Plan 2008**

The presented Strategic Plan 2008 was reviewed. The Board discussed minor verbiage changes and noted various typing errors.

ACTION

Upon motion of Director Kaiser, seconded by Director Curtis and duly passed the Strategic Plan was approved with the minor verbiage changes and typing corrections and staff was directed to continue implementing the Plan.

14. **Purchase of Manhole and Pipeline Inspection Tool – QuickView Camera**

The purchase of a QuickView camera to be used for manhole and pipeline inspection was discussed.

ACTION

Upon motion of Director Kaiser, seconded by Director Curtis and passed by unanimous roll call vote staff was authorized to purchase the QuickView Professional 24 Package Inspection System as quoted for \$17,160 including tax and shipping, from Advanced Infrastructure Technologies; and Budget Adjustment No. 2008-19 transferring \$17,160 from the Future Purchases Reserve in the Major Expenditures-Collection System account to fund the purchase of the QuickView Professional 24 Package Inspection System was adopted.

15. **Fiscal Year 2008-2009 Budget Preparation Schedule**

The proposed schedule for the preparation, review and adoption of the budget for fiscal year 2008-09 was reviewed and discussed.

ACTION

Upon motion of Director Curtis, seconded by Director Burg and duly passed the budget schedule was adopted as presented and Monday May 5th was selected as the date for a Special Meeting to conduct a budget study session and Wednesday May 7th was set for a Special Meeting to be held for the adoption of the Final Budget; and staff was directed to cancel the regularly scheduled Board Meeting in May that falls on a District observed holiday, Memorial Day May 26, 2008; and a Special Meeting was set to be held on Tuesday May 27, 2008 to conduct regular District business for the month of May.

16. **SDS Financing Program – Consider Future of Program**

The future of the current SDS Financing Program was reviewed. The financial risk to the District in continuing this program was discussed. It was agreed that this program exposes the District to unnecessary financial risk. Mr. Correa reported that staff continues to work on the Community Facilities District (CFD) approach as a replacement for this program.

Mr. Sheets stated that it is his opinion that the proposed CFD program will work for large groups of properties seeking conversion from septic to sewer but it doesn't provide an affordable alternative for individual properties.

Proposed motion

Director Curtis made a motion, seconded by Mr. Greene to place a moratorium on this program until a replacement program is in place.

Mr. Zirbel explained a potential alternative way to continue the current program but lessen the risk to the District. This alternative would be a modified version of the current program which would require the property owner to provide the District with a current title report and would require any superior liens on the property to subordinate to the District's lien.

Amended Motion

Director Greene requested the proposed motion be amended to add that emergency cases requesting the use of the current SDS Program can be brought to the Board for consideration case by case. Director Curtis agreed with this amendment.

Pat Baggerly, Environmental Coalition, expressed her agreement with Mr. Sheets' statement that the CFD program doesn't provide an affordable alternative for small projects. Ms. Baggerly requested the Board postpone a vote for a moratorium on the current program until the new program is established.

Mrs. Krout clarified the amended motion as follows:

A moratorium for new participants will be placed on the current SDS Financing Program with the stipulation that emergency situations requesting the use of the Program can be brought to the Board on a case by case basis. Director Curtis, the maker of the motion and Director Greene, the second on the motion, agreed with the clarification.

FAILED MOTION

The proceeding motion failed with a roll call vote of 3 to 4, with Directors Kaiser, Baggerly, Burg and Stone voting nay.

ACTION

Upon motion of Director Baggerly, seconded by Director Kaiser and passed by a majority 5 to 2 roll call vote, with Directors Curtis and Lotts voting nay, a moratorium was placed on the current SDS Financing Program and District Legal Counsel was directed to formalize his idea for a modified SDS Financing Program that provides improved protection for the District's funds, and bring the modified program back to the Board for consideration.

Chairman Stone announced that in consideration of a member of the public waiting to address the Board, Item No. 22a would be addressed next.

22. **Discussion** (items not on the agenda - three-minute limit)

- a. Public - (Public is requested to present completed speaker's card to Clerk of the Board)

Bob Daddi, local State Farm agent and Ojai resident, addressed the Board asking them to take an action to catch more of the illegal connections to the sewer system. Mr. Daddi stated that in the process of conducting his local insurance business he sees illegally constructed living quarters throughout the Ojai Valley on a frequent basis. Mr. Daddi emphasized that this illegal discharge to the sewer system is making his rates go up and he feels public agencies, including the District, the City of Ojai and the County of Ventura, should come up with enforcement actions to address this issue.

Mr. Daddi thanked the Board for their attention. Chairman Stone thanked Mr. Daddi for his comments. Mr. Daddi left the meeting at this time.

INFORMATION ITEMS – FOR RECEIPT & FILE

17. **Monthly Investment Report**

Received and filed.

18. **Staff Reports - Operations, Administration and Management of the District**

Received and filed.

19. **Committee Reports**

Received and filed.

20. **Oral Reports On Meetings, Seminars, or Conferences Attended**

Chairman Stone reported on a meeting he and Mr. Correa recently attended at the City of Camarillo. The meeting was with Senator Barbara Boxer's aid and the topic was the importance of biosolid programs. Mr. Correa will be following up on the discussions at this meeting with a letter to Senator Boxer's office.

21. **Items of Interest/Correspondence/Articles**

Received and filed.

22. **Discussion** (items not on the agenda - three-minute limit)

- a. Public - (Public is requested to present completed speaker's card to Clerk of the Board)

Addressed earlier on agenda.

- b. Board Members

Director Greene stated it is his opinion that the Board should discuss the issue brought up by Mr. Daddi.

- c. General Manager

None

23. **Adjournment**

Chairman Stone adjourned the meeting at 9:57 p.m.

William E. Lotts, Secretary

APPROVED:

William M. Stone, Chairman