



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 January 26, 2009. The meeting was called to order by Chairman Kaiser at 7:00 p.m. and roll call taken as follows:

DIRECTORS PRESENT: Russ Baggerly
Peter M. Kaiser
John R. (Randy) Burg
John R. (Jack) Curtis
William E. Lotts
George Galgas
Stan Greene (arrived at 7:09 p.m.)

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

4. **Pledge of Allegiance**

Chairman Kaiser led the pledge of allegiance.

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

None

6. **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

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 Curtis, seconded by Director Baggerly and passed by unanimous roll call vote Item Nos. 7 & 8 on the consent calendar were approved as submitted.

7. **Approval of Minutes** - Special Meeting December 22, 2008 and Special Meeting January 13, 2009. (a tape recording of each meeting is retained at the District Office for a minimum of 4 years)

8. **Approval of Checks**

Approve the checks and warrants for payment as submitted.

CHAIRMAN KAISER ANNOUNCED A CHANGE IN THE ORDER OF THE AGENDA ITEMS; INFORMATION ITEM NOS. 17 & 18 WILL BE ADDRESSED PRIOR TO ITEM NO. 9

17. **Monthly Investment Report**

Received and filed.

18. **Quarterly Investment Report**

Howard Smith, Morgan Stanley, was in attendance to discuss the quarterly investment report. Mr. Smith reviewed the report discussing the condition of today's investment market and the anticipated future trends. Mr. Smith responded to questions from the Board.

Director Greene arrived at this point in the meeting, 7:09 p.m.

The Board thanked Mr. Smith for his report. Mr. Smith left the meeting at this time.

ACTION ITEMS:

9. **Treatment Plant Buildings – Bird Repellant System**

Mr. Correa reported on the results of staff's research of alternative solutions to the swallow nesting problem at the Treatment Plant, as directed at the December 22, 2008 meeting. Mr. Correa explained that staff found that vendors of the sonic sound device advise that netting be used in conjunction with the sound because the sound device loses its effectiveness once the swallows become accustomed to the sound. Also in response to the Board's desire to provide alternate nesting opportunities for the swallows, Mr. Correa stated staff will allow the swallows to nest on the old operations building at the plant.

Director Galgas expressed his preference to using netting only instead of the other suggested alternative.

ACTION

Upon motion of Director Greene, seconded by Director Lotts and passed by a majority 6 to 1 roll call vote, with Director Galgas voting nay, the General Manager was authorized to sign the agreement with Antimite Pest and Termite Control to install 338 feet of Bird-B-Gone to the Operations and Maintenance buildings at the Treatment Plant for a cost not to exceed \$6,900, and Budget Adjustment No. 2009-21 transferring \$6,900 for the Building Reserve into the Building/Grounds Maintenance-Treatment Plant account was adopted.

10. **Replacement of Treatment Plant Security Swing Gate Operators**

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by a majority 6 to 1 roll call voting, with Director Kaiser voting nay, the General Manager was authorized to sign the proposal from Perimeter Security Systems to replace the Treatment Plant Swing Gate Operators at a cost not to exceed \$7,884.00, including tax & installation; and Budget Adjustment No. 2009-23 transferring \$7,884.00 from Treatment Plant Replacement Reserve into Equipment Maintenance – Treatment Plant account 5040.07 was adopted.

11. **Community Facilities District Development**

In response to the Board's direction at their December 22, 2008 meeting, Mr. Correa reported on how foreclosures would work on a property that had funded their connection to the sewer system with a Community Facilities District (CFD). Mr. Correa explaining that the District would have the right to carry out a foreclosure separate from the County of Ventura Tax Collector's foreclosure action; however, Mr. Correa noted that staff does recommend letting the County handle foreclosures along with their regular property tax foreclosure process which also includes the special assessment the District places on the property tax for the annual sewer service charges.

Director Baggerly stated he did not agree with using the Mello-Roos CFDs as a replacement for the existing SDS Program, noting funds from a CFD cannot be spent for work on private property such as abandoning a septic system and installing the private lateral. Director Baggerly expressed his support of continuing to use the existing SDS Program and funding the program with the funds the District receives from the 1 percent property tax.

Director Greene expressed his opinion that the existing SDS Program is risky for the District since the loan is a private loan to the individual versus a lien on the property.

Director Galgas voiced his objection to the District being a lending agency.

MOTION

Director Greene made a motion, seconded by Director Curtis to authorize the Chairman to sign Contract No. 2009-04, Agreement For Consulting Services for Development of a Community Facilities District Between Ojai Valley Sanitary District and Mark E. Mandell d/b/a Mandell Municipal Counseling; and to adopt Budget Adjustment 2009-20 transferring funds from the SDS Reserve into the Other Professional Services – Office to cover the cost of Contract No. 2009-04.

Prior to a vote on the motion the following discussion and public comment occurred.

Pat Baggerly, Environmental Coalition, addressed the Board reviewing the history, to date, of the District's efforts to develop a CFD program. Ms. Baggerly read a letter from herself, as representative of the Environmental Coalition, requesting the District stop spending money on development of a CFD program which she feels will only help large groups of properties, not individual or small groups of properties. Ms. Baggerly presented a hardcopy of the letter to the Chairman.

Mr. Sheets stated he is not in favor of a CFD Program being the only program the District offers; it was Mr. Sheets' opinion that the existing SDS Program should be used for small projects, like one or two properties.

AMENDED MOTION

Director Greene amended his prior motion to state the cost of Contract 2009-04 as \$18,000; Director Curtis, as the second of the original motion, agreed to this amendment.

ACTION

The amended motion as presented by Director Greene, seconded by Director Curtis authorizing the Chairman to sign Contract No. 2009-04, Agreement For Consulting Services for Development of a Community Facilities District Between Ojai Valley Sanitary District and Mark E. Mandell d/b/a Mandell Municipal Counseling, in an amount not to exceed \$18,000, and adopting Budget Adjustment 2009-20 transferring \$18,000 from the SDS Reserve into the Other Professional Services-Office to cover the cost of Contract No. 2009-04 was passed by a majority 4 to 3 roll call vote, with Directors Lotts, Galgas and Baggerly voting nay.

12. **Annual Investment Policy – Resolution No. 2009-01**

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote Resolution No. 2009-01, Resolution of the Board of Directors of the Ojai Valley Sanitary District Stating the Investment Policy For District Funds was adopted and staff was directed to continue working with Morgan Stanley to provide investment management services for the District.

13. **Change of Signature Authorizations – Ojai Community Bank**

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote Resolution No. 2009-02, Resolution For Local Agency Deposits, to update the list of authorized signatures on the District's savings account at the Ojai Community Bank was adopted.

14. **Strategic Plan – 2009**

The Strategic Plan-2009 was reviewed. Director Baggerly suggested a modification to the wording in Section 7.1, Reclaimed Water, to better reflect the Board's intent to protect the environment.

ACTION

Upon motion of Director Baggerly, seconded by Director Galgas and passed by a majority 6 to 1 roll call vote, with Director Curtis voting nay, Director Baggerly's suggested modification to the wording in Section 7.1 of the Strategic Plan-2009 was approved. The new wording is as follows: 7.1 Reclaimed Water – Review existing reclaimed water policies related to effluent and the protection of the environment.

ACTION

Upon motion of Director Greene, seconded by Director Burg and duly passed the Strategic Plan-2009 was approved as modified by the previous motion and staff was directed to continue implementing the Plan.

15. **Appointment of Board Committees & Representatives**

In accordance with the Bylaws adopted by the Board, August 28, 2006, the election of officers of the Board for the ensuing calendar year took place at the December 22, 2008 meeting. The officer's of the Board for calendar year 2009 are as follows:

Peter M. Kaiser	Chairman
Stan Greene	Vice-Chairman
John R. (Randy) Burg	Secretary
John R. (Jack) Curtis	Assistant Secretary

Article XI of the Bylaws establishes the parameters for Board Committees; the Chairperson of the Board appoints Directors to serve on 4 of the 5 standing committees.

Chairman Kaiser announced his appointments of individual Directors to serve on the Board's established Committees and as the Board's representative to boards, committees and agencies outside the District for calendar year 2009.

STANDING COMMITTEES

ORDINANCE/PUBLIC RELATIONS/ NEWSLETTER	JACK CURTIS PETE KASIER GEORGE GALGAS
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PERSONNEL	RANDY BURG BILL LOTT GEORGE GALGAS
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FINANCE	STAN GREENE JACK CURTIS PETE KAISER
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EXECUTIVE	BOARD CHAIRMAN	PETER M. KAISER
	BOARD VICE CHAIRMAN	STAN GREENE
	BOARD SECRETARY	JOHN R. (RANDY) BURG

CEQA Review Committee	RUSS BAGGERLY STAN GREENE BILL LOTT
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OTHER COMMITTEES

BOARD REPRESENTATIVES

VENTURA COUNTY SPECIAL DISTRICTS ASSOCIATION	BILL LOTT Alternate JACK CURTIS
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CSRMA BOARD REP.	RUSS BAGGERLY
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Alternate JACK CURTIS

LAFCO ADVISORY	BILL LOTTS
	Alternate RANDY BURG

AD HOC COMMITTEES

HABITAT CONSERVATION PLAN	RUSS BAGGERLY
	Alternate JACK CURTIS
	RONALD E. SHEETS
	JOHN K. CORREA

SDS FINANCING PROGRAM	RUSS BAGGERLY
	GEORGE GALGAS
	STAN GREENE

PRIVATE LATERAL INSPECTION PROGRAM	RANDY BURG
	JACK CURTIS
	GEORGE GALGAS

REAL PROPERTY	RANDY BURG
	JACK CURTIS
	PETE KAISER

INFORMATION ITEMS – FOR RECEIPT & FILE

16. **Monthly Financial Reports**

Received and filed.

17. **Monthly Investment Report**

Addressed earlier in agenda.

18. **Quarterly Investment Report**

Addressed earlier in agenda.

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

Addressed earlier in agenda.

20. **Committee Reports**

None

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

The Directors (Curtis, Greene, Baggerly, & Lotts) that attended the recent California Association of Sanitation Agencies (CASA) conference reported on the topics covered during the conference. The status of the State and National economy was widely discussed including a proposed Federal economic stimulus package for “shovel ready” infrastructure projects. Land issues discussed included nutrient levels and traces of

pharmaceuticals showing up in groundwater across the country. A representative from LAIF spoke at the conference assuring agencies that have funds deposited in LAIF that LAIF is separate from the State of California so the State cannot access these funds. CASA's efforts to get State legislation requiring an inspection program for private sewer laterals was discussed. This program would probably be directed toward requiring inspection of the private lateral at the point of sale. All agreed that it was a very informative conference.

The Directors also reported on their attendance at CSRMA's training held the day before the CASA conference began. The CSRMA training topic was risk control and its importance to individual agencies and to the insurance risk pool in general.

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

Received and filed.

23. **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)

None

- b. Board Members

Director Burg requested a meeting be scheduled for the Private Lateral Inspection Ad Hoc Committee.

- c. General Manager

None

24. **Adjournment**

Chairman Kaiser adjourned the meeting at 10:16 p.m.

John R. (Randy) Burg, Secretary

APPROVED:

Peter M. Kaiser, Chairman

