



## 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 27, 2006. The meeting was called to order by Chairman Curtis at 7:05 p.m., and roll call taken as follows:

**DIRECTORS PRESENT:** William E. Lotts  
Russ Baggerly  
William M. Stone  
John R. Curtis  
Peter M. Kaiser  
Stan Greene (arrived at 7:10 p.m.)

**DIRECTORS ABSENT:** Randy Burg

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

**OTHERS PRESENT:** Mark A. Zirbel, District Legal Counsel

3. **Pledge of Allegiance**

Chairman Curtis 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

**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 Baggerly and passed by unanimous roll call vote Item Nos. 7-10 (Director Stone abstain from voting on approval of the minutes for the January 23, 2006 meeting due to his absence from that meeting) on the consent calendar was approved as submitted.

7. **Approval of Minutes** - Regular Meeting January 23, 2006 and Special Meeting January 11, 2006 (a tape recording of each meeting is retained at the District Office for a minimum of 4 years)
8. **Eubanks Annexation (OVSD 2006-01) Resolution No. 2006-02**
- a. Find the Eubanks Annexation (OVSD 2006-01) to be Categorically Exempt in accordance with CEQA Section 15319 (a) & (b);
  - b. Direct Staff to file a Notice of Exemption in accordance with CEQA Section 15062; and
  - c. Adopt Resolution No.2006-02 initiating proceedings for the Eubanks Annexation (OVSD 2006-01).

9. **Mainline Extension Acceptance & Reimbursement Agreement No. 2006-02 – Montessori School of Ojai Property – Baldwin Road**

- a. Approve and accept the Sewer Improvements constructed by Montessori School of Ojai to serve APN 032-0-010-030, valued at \$100,227.50, into the Ojai Valley Sanitary District's sewer system for maintenance & operation; and
- b. Approve Reimbursement Agreement No. 2006-02 with Montessori School of Ojai for the sewer improvements constructed by the School to serve their property on Baldwin Road, Ojai.

10. **Approval of Checks and Warrants**

Approve the checks and warrants for payment as submitted.

**ACTION ITEM:**

11. **Contract No. OVSD 2006-03 – Agreement For Wastewater Collection And Treatment Services – Bryant Circle Sewer Extension**

Mr. Correa explained that this mainline extension project will serve 8 commercial lots on Bryant Circle being formed through the approval of a Tract Map by the City of Ojai. The project is within the City of Ojai and the District boundaries so annexation is not required. The City is the lead agency on the CEQA documentation for the project and they determined that a Mitigated Negative Declaration was appropriate. The District's CEQA Review Committee reviewed this project at their February 21, 2006 meeting; the Committee's review was informational only, no determination on the District's part is required.

Director Greene arrived at this point in the meeting.

Mr. Correa reported that the Developer has paid all required fees and signed the construction contract; the only issue outstanding is the contract required Letter of Credit from the Developer to guarantee the completion of the construction of the mainline. Mr. Correa noted that the Developer was suppose to deliver a Letter of Credit prior to the meeting but did not. The Developer has promised to deliver the Letter of Credit within the next couple of days.

**ACTION**

Upon motion of Director Kaiser, seconded by Director Stone and duly passed, pending the Developer's delivery of an acceptable Letter of Credit, the Chairman was authorized to sign Contract No. 2006-03, Agreement for Wastewater Collection And Treatment Services Construction of Sewerage Facilities, with Bryant Circle LLC (Developer); and the easement, as outlined in the Easement Deed from Bryant Circle LLC, executed by Edwin Frank Moore, Manager Member Bryant Circle LLC, across a parcel of property identified as assessor's parcel number 024-0-012-205 was accepted.

12. **Contract No. 2006-02 – Wastewater Treatment Plant Capital Improvement Plan**

The need for a Capital Improvement Plan (CIP) for the Treatment Plant was discussed. Mr. Correa pointed out that in order to fully implement the District's investment policy such a CIP is needed. Mr. Correa reported that Malcom Pirnee Inc. is highly respected for their work with these types of plans for other public agencies. The proposal from Red Oak Consulting, division of Malcom Pirnee Inc., to develop a CIP for the plant was reviewed.

**ACTION**

Upon motion of Director Kaiser, seconded by Director Baggerly and passed by unanimous roll call vote the Chairman was authorized to sign Contract No. 2006-02, Agreement For Consulting Services For Development of a Capital Improvement Plan For the Wastewater Treatment Plant Between Ojai Valley Sanitary District and Red Oak Consulting, for a fixed fee of \$36,900 including all labor, travel and related expenses for project staff; and Budget Adjustment No. 2006-16 transferring \$36,900 from the Treatment Plant Replacement Reserve into account number 1-5-03-5620, Management/Engineering & Technical Services – Administration was adopted.

13. **Contract No. 2006-04 – Amendment No. 1 To Contract No. 2005-02 - Inspection Services Winery Siphon Project – True Environmental**

The need to amend the contract with True Environmental for inspection services on the Winery Siphon Project was discussed.

**ACTION**

Upon motion of Director Baggerly, seconded by Director Kaiser and passed by unanimous roll call vote the Chairman was authorized to sign Contract No. 2006-04, Amendment No. 1 to Contract No. 2005-12, Agreement For Inspection Services Between Ojai Valley Sanitary District and True Environmental Services; and Budget Adjustment No. 2006-17 transferring funds from the Collection System Replacement Reserve into the Major Expenditures-C/S account to cover the cost of the contract amendment was adopted.

14. **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 Kaiser, seconded by Director Greene and passed by unanimous roll call vote the proposed adjustments to Fiscal Year 2005/2006 Budget were reviewed and Budget Adjustment No. 2006-18 was adopted.

15. **Fiscal Year 2006-2007 Budget Preparation Schedule**

Staff explained that recently District Legal Counsel has advised that the adoption of a District Rate Ordinance which increases rates should comply with the requirements of Proposition 218. Consequently, the Budget Preparation Schedule proposed for Fiscal Year 2006/2007 is modified to allow time to adhere to these requirements.

Mr. Zirbel briefly explained his view on the requirements of Proposition 218 as related to the District's procedure. Mr. Zirbel reported that it is the collective opinion of the CASA Attorney's Committee that the courts are leaning towards the position that special district's user fees are subject to Proposition 218 requirements.

**ACTION**

Upon motion of Director Baggerly, seconded by Director Lotts and duly passed the budget schedule was adopted as presented and a Special Meeting to conduct a budget study session and adoption of the Final Budget for Fiscal Year 2006-2007 was set for May 8, 2006.

It was agreed that Mr. Zirbel will present a detailed review of the requirements of Proposition 218 at a future meeting.

**INFORMATION ITEMS – FOR RECEIPT & FILE**

16. **Progress Report on Winery Siphon Project**

A verbal report on the progress on the Winery Siphon Project was given by Mr. Sheets and Mr. Correa.

17. **Annual Connection Charge Reserve Report**

Received and filed.

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

Received and filed.

19. **Committee Reports**

Received and filed.

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

Received and filed.

21. **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)

Ryan Wood, representative of Teen Challenge, addressed the Board questioning when the annexation of the Teen Challenge property in the Ventura Avenue area would be considered by the Board.

Mr. Correa responded to Mr. Wood stating the initiation of the annexation will be on the Board's March 27, 2006 agenda.

Mr. Wood thanked the Board and left the meeting at this time.

- b. Board Members

Chairman Curtis mentioned establishing a schedule of rotation of Directors to serve on the Board's various Committees. Chairman Curtis noted that a rotation schedule would ensure that each Director would have the opportunity to serve on all Committees at some point during their service on the Board.

Chairman Curtis also suggested considering a similar rotation schedule for Board Officers. Chairman Curtis stated he would like the Executive Board to meet and reviewed the validity of developing such rotation schedules. It was the general consensus of the Board that investigating rotation schedules is a good idea.

- c. General Manager

None

22. **Adjournment**

Chairman Curtis adjourned the meeting at 8:30 p.m.

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Stan Greene, Vice-Chairman

**APPROVED:**

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John R. Curtis, Chairman