



OJAI VALLEY SANITARY DISTRICT

A Public Agency

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

The Special Meeting of the Ojai Valley Sanitary District Board of Directors was held at the District Office, 1072 Tico Road on June 30, 2008. The meeting was called to order by Chairman Stone at 7:01 p.m. roll call taken as follows:

DIRECTORS PRESENT: William E. Lotts
William M. Stone
J.R. (Jack) Curtis
Russ Baggerly
Randy Burg
Peter M. Kaiser
Stan Greene (arrived at 7:40)

DIRECTORS ABSENT: None

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

OTHERS PRESENT: Mark A. Zirbel, District Legal Counsel

3. **Pledge of Allegiance**

Chairman Stone led the pledge of allegiance.

4. **Additions or amendments to the Agenda (Special Meeting None Permitted)**

Special Meeting no additions or amendments are permitted.

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

Mrs. Krout introduced Art McCloud the new Joint-Use Safety Officer the District is sharing with Carpinteria, Montecito, Summerland and Goleta West Sanitary Districts. Mr. McCloud has been on the job for about a month and is in the process of evaluating each agency's current safety policies, training and practices. Mr. McCloud briefly discussed his background in Safety Compliance and Training.

The Board thanked Mr. McCloud for coming to meet them; Mr. McCloud left the meeting at this time.

PUBLIC HEARINGS:

7. **Ojai Valley Sanitary District Proposed Ordinance No. OVSD-56 Amendment to Ordinance No. OVSD-55 Service Charge Rules and Regulations**

Chairman Stone asked Mrs. Krout to conduct the second reading, by title only, of Ordinance No. OVSD-56, Amendment to Ordinance No. OVSD-55 Service Charge Rules and Regulations. Mrs. Krout conducted the second reading.

Chairman Stone opened the public hearing for proposed Ordinance No. OVSD-56, at 7:05 p.m., written report from staff was received. Mrs. Krout, Clerk of the Board, confirmed that no written communications had been received from the public. There were no public comments received.

Chairman Stone declared the public hearing closed at 7:06 p.m.

ACTION

Upon motion of Director Baggerly, seconded by Director Lotts and passed by unanimous roll call vote Ordinance No.-56 was adopted to be effective July 8, 2008.

8. **Ojai Valley Sanitary District Proposed Ordinance No. OVSD-57 Adopting Fees, Rates and Charges For Sewerage and Related Services**

Chairman Stone asked Mrs. Krout to conduct the second reading, by title only, of Ordinance No. OVSD-57, Adopting Fees, Rates, and Charges for Sewerage and Related Services. Mrs. Krout conducted the second reading.

Chairman Stone opened the public hearing for proposed Ordinance No. OVSD-57, at 7:11 p.m.

Mrs. Krout, Clerk of the Board, confirmed that no written communications had been received from the public.

Chairman Stone asked for public comment.

Pat Baggerly, 119 S. Poli Street Meiners Oaks addressed the Board expressing her objection to the Board increasing the rates based on the anticipation that the State will be taking away the District's revenue received from the 1 percent property tax. Ms. Baggerly stated she did not think it was right to raise rates based on something that might happen. Ms. Baggerly suggested the Board not proceed with the adoption of the new rates, postponing the adoption of a new rate Ordinance until more is known about the State's budget plans.

Chairman Stone declared the public hearing closed at 7:11 p.m.

The Board discussed the proposed rate ordinance. Director Kaiser asked what will happen if the Board proceeds with the rate increase and the State ends up not taking the District's 1 percent property tax revenue. Mr. Correa explained that following the close of each fiscal year, usually in the following September or October, a budget reconciliation is presented to the Board. This reconciliation identifies extra revenue received in the prior fiscal year, and then it is up to the Board to determine how this excess revenue will be used. The unanticipated funds from the 1 percent property would show as excess revenue.

Director Baggerly asked Mr. Zirbel, District Legal Counsel, if the District would be required to issue a 218 notice if the Board decides to reduce the rates in a few months if it is determined that the State is not going to take the property tax revenue. Mr. Zirbel stated he thought a 218 letter would be necessary for any change to the rates.

Director Baggerly suggested that if sometime in the future it is known for sure that the State will not be taking the property tax revenue away from the District, then an adjustment to the District's budget and rates could be proposed.

ACTION

Upon motion of Director Lotts, seconded by Director Curtis and passed by unanimous roll call vote Ordinance No. OVSD-57, Adopting Fees, Rates, and Charges for Sewerage and Related Services, was adopted; with new rates effective July 8, 2008.

9. **Sewer Service Charges For Collection on Tax Rolls for Fiscal Year 2008/09 – Hearing**

Upon motion of Director Burg, seconded by Director Curtis and duly passed Exhibit A, the report listing parcels with the final amounts to be collected for Fiscal Year (FY) 2008-2009 for reentry on the general tax roll for collection in FY 2008-2009 was adopted.

Chairman Stone announced that a public hearing would be held for the new properties being added to the tax roll for the first time, Exhibit B.

Chairman Stone opened the public hearing at 7:26 p.m., written report from staff was received. Mrs. Krout, Clerk of the Board, confirmed that no written communications had been received from the public.

Chairman Stone asked for public comment.

Lynn McLaren addressed the Board explaining that she is new to the District and didn't understand the letter she received about a charge being placed on her tax roll. Ms. Krout explained to Ms. McLaren that the charge is the monthly sewer service charge for her property which recently started receiving service from the District.

Chairman Stone declared the public hearing closed at 7:28 p.m.

ACTION

Upon motion of Director Curtis, seconded by Director Lotts and duly passed Exhibit B, the report listing parcels with the final amounts to be collected by FY 2008-2009 for initial entry on the general tax roll for collection in FY 2008-2009 was adopted; the Clerk of the Board was directed to file an attested copy of the adopted reports with the Ventura County Auditor-Controller with a statement endorsed over her signature that the reports have been adopted by your Board; and staff was directed to coordinate collection of sewer service charges on the general tax roll of Ventura County with the County Auditor-Controller, Assessor, and Tax Collector.

10. **District Financing Costs and Charges For Collection on Tax Rolls For Fiscal Year 2008/09**

ACTION

Upon motion of Director Baggerly, seconded by Director Lotts and duly passed Exhibit A, the report listing parcels with the final amounts to be collected for Fiscal Year (FY) 2008-2009 for reentry on the general tax roll for collection in FY 2008-2009 was adopted.

Chairman Stone announced that a public hearing would be held for the new properties being added to the tax roll for the first time, Exhibit B.

Chairman Stone opened the public hearing at 7:30 p.m., written report from staff was received. Mrs. Krout, Clerk of the Board, confirmed that no written communications had been received from the public. There were no public comments received.

Chairman Stone declared the public hearing closed at 7:31 p.m.

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and duly passed Exhibit B, the report listing parcels with the debt installment payment amounts to be collected for Fiscal Year (FY) 2008-2009 for initial entry on the general tax roll for collection in FY 2008-2009 was adopted; the Clerk of the Board was directed to file an attested copy of the adopted report with the Ventura County Auditor-Controller with a statement endorsed over her signature that the reports have been adopted by your Board; and staff was directed to coordinate collection of the debt installment payments on the general tax roll of Ventura County with the County Auditor-Controller, Assessor, and Tax Collector.

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 Baggerly, seconded by Director Lotts and passed by unanimous roll call vote Item Nos. 11-12 on the consent calendar were approved as submitted.

11. **Approval of Minutes** - Regular Meeting May 27, 2008 (a tape recording of each meeting is retained at the District Office for a minimum of 4 years)

12. **Approval of Checks**

Approve the checks for payment as submitted.

ACTION ITEMS:

13. **Contract No. 2008-03 – Larry Walker And Associates – Development of Ventura River Nutrient TMDL – Budget Adjustment No. 2008-21**

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote Chairman Stone was authorized to sign Contract No. 2008-03, Agreement For Assistance in Developing the Ventura River Watershed Algae TMDL between Ojai Valley Sanitary District and Larry Walker Associates, in an amount not to exceed \$126,500; and Budget Adjustment No. 2008-21, authorizing the transfer of \$126,500 from the Treatment Plant Upgrade Reserve into the Management/Engineering & Technical Services account (No. 5620.03) to fund this contract, was adopted.

14. **Resolution No. 2008-14 – Adoption of Sewage Spill/Backup Response & Claims Policy**

The proposed Sewage Spill/Backup Response & Claims Policy was reviewed. Director Baggerly noted a mistake in proposed Resolution No. 2008-14, California Sanitation Risk Management Association was incorrectly referenced as California Risk Management Association.

ACTION

Director Baggerly make a motion to adopt Resolution No. 2008-14, Resolution for the Adoption of the Ojai Valley Sanitary District Sewage Spill/Backup Response & Claims Policy, with the noted correction, Director Kaiser seconded the motion agreeing with the correction; the motion passed by unanimous roll call vote, with the policy to be effective immediately.

15. **Technological Equipment Replacement and Update Purchases – Budget Adjustment No. 2008-23**

ACTION

Upon motion of Director Baggerly, seconded by Director Kaiser and passed by unanimous roll call vote Budget Adjustment No. 2008-23 transferring \$25,808.37 out of the Equipment Replacement Reserve to fund the purchase of the replacement and updates items listed and transferring \$4,800 from the general fund to cover the purchase of the new items listed was adopted.

16. **Rejection of Barbara Haggerty Claim**

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote Ms. Haggerty's claim was rejected in its entirety and the General Manager was directed to send Ms. Haggerty a written notification that the District has rejected her claim to satisfy the requirements of Government Code §913.

INFORMATION ITEMS

17. **Monthly Investment Report**

Received and filed.

18. **Monthly Financial Reports**

Received and filed.

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

Received and filed.

Director Greene arrived at this point in the meeting, 7:40 p.m.

20. **Committee Reports**

Received and filed.

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

None.

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)

Jeff Ketelsen 700 W. Villanova Road, addressed the Board asking about the chemicals that were used by the contractor hired by the District to perform root control applications in some of the collection lines. Mr. Ketelsen explained that he is concerned about the amount of chemical residual that reaches the Ventura River. Mr. Ketelsen asked if testing of the river water was conducted. Mr. Correa told Mr. Ketelsen that there were tests per-

formed and explained that staff did not have the results immediately available to share with him. Mr. Correa suggested Mr. Ketelsen contact Mr. Sheets during regular business hours to review the test results. Mr. Ketelsen also expressed his concerns about the affects of the chemicals the County of Ventura is using in the Ventura River to attack the Arundo growth. Mr. Ketelsen also voiced his opposition to the increase in District rates. Director Greene explained that all of the District's operational costs are going up and the Board is trying to keep rates as low as possible.

b. Board Members

Director Burg inquired if staff had any more communication with Mr. Hartmann or Mr. Baskin. Mr. Correa explained that staff will be appearing in Small Claims Court next week regarding the Baskin matter.

Director Curtis questioned how the OES/FEMA Grants for the Ojai Truck Sewer Relocation and the Oak View Trunk Bank Protection was progressing. Mr. Correa reported that requests for both projects are moving along.

c. General Manager

Mr. Sheets updated the Board on the new tentative NPDES Permit scheduled to be considered for adoption by the Regional Water Quality Control Board on July 10, 2008.

24. **Adjournment**

Chairman Stone adjourned the meeting at 8:17 p.m.

William E. Lotts, Secretary

APPROVED:

William M. Stone, Chairman