



OJAI VALLEY SANITARY DISTRICT

A Public Agency

1072 Tico Road, Ojai, California 93023

(805) 646-5548 • FAX (805) 640-0842

www.ojaisan.org

NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that the Ojai Valley Sanitary District Board of Directors will hold a special meeting at **6:00 p.m. on Monday May 9, 2011** at the District Office located at 1072 Tico Road, Ojai, California.

If you require special accommodations for attendance at or participation in this meeting, please notify our office 24 hours in advance at (805) 646-5549. (Govt. Code Section 54954.1 and 54954.2(a)).

The Ojai Valley Sanitary District Board of Directors encourages all interested parties to speak on any issue or subject 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.

PUBLIC INPUT:

All comments from the public are to be addressed to the Board of Directors, not to District Staff, Consultants or District Legal Counsel.

Items Not On The Agenda:

All speakers are requested to fill out a **Speaker Card (Green)** and submit it to the Clerk of the Board. All speakers are requested to present their information to the Board as concisely as possible with a three (3) minute time limit. This time limit may be modified by the Board Chairperson if necessary. If a member of the **public does not wish to speak** but wishes the Board to have benefit of their position on an issue, **they can present a Comment Card (Peach)** which will be acknowledged by the Chairperson. No response will be given or action taken unless an emergency exists as defined in subdivision (b) of the Government Code 54954.2. Items requiring action will be referred to staff or placed on a subsequent agenda.

Items On The Agenda:

All speakers are requested to fill out a **Speaker's Card (Green)** 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 Chairperson of the Board. Speakers are encouraged to refrain from restating previous testimony. If a member of the **public does not wish to speak** but wishes the Board to have benefit of their position on an issue, they can present a **Comment Card (Peach)** which will be acknowledged by the Chairperson.

AGENDA

The agenda is posted at the District Office no later than 24 hours preceding this Board meeting, and contains all items on which Board action will be allowed pursuant to Government Code Section 54956. Action will be taken on unanticipated items only when an emergency (as defined in Section 54956.5) exists or as otherwise allowed under Section 54954.2(b). All Board meetings are tape recorded in their entirety (excluding authorized closed sessions).

The business to be transacted is as follows:

SPECIAL MEETING - AGENDA

May 9, 2011

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1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Additions or amendments to the Agenda (Special Meeting None 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.

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

ACTION ITEM:

7. **Final Budget Fiscal Year 2011-12 – Adoption**
 - a. Adopt the Final Budget for Fiscal Year 2010-2011 as presented; and
 - b. Authorize staff to implement the decisions embodied in the Adopted Budget for Fiscal Year 2010/11.
8. **Proposed Ordinance No. OVSD-66 Amending Chapter 10 of The Ojai Valley Sanitary District Code of Regulations Governing Unpermitted Connections**
 - a. Consider amending Chapter 10 of the Ojai Valley Sanitary District Code of Regulations Governing Unpermitted Connections as established by Ordinance No. OVSD-66;
 - b. Conduct the first reading, by title only, of Ordinance No. OVSD-66; and
 - c. Direct staff to place Ordinance No. OVSD-66 on the May 23, 2011 agenda for the second reading, public hearing, and adoption.
9. **Resolution No. 2011-09 – Adopting The 2010 Multi-Jurisdictional Hazard Mitigation Plan For Ventura County**
 - a. Adopt the 2010 Multi-Jurisdictional Hazard Mitigation Plan for Ventura County, California;
 - b. Adopt Resolution No.2011-09 Approving the Multi-Jurisdictional Hazard Mitigation Plan for Ventura County, California; and
 - c. Direct Staff to file the Resolution with The County Sheriff's Office of emergency Services.

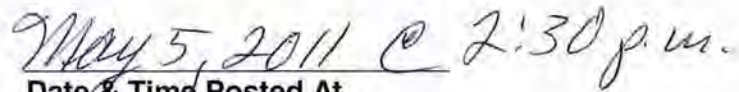
INFORMATION ITEMS

10. **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)
 - b. Board Members
 - c. General Manager
9. **Adjournment**

A staff report providing more detailed information is available for most agenda items, and may be reviewed in the District office during regular business hours (Monday through Friday from 8 a.m. to 5 p.m.). Copies of individual reports may be requested from the Clerk of the Board (646-5548).

ATTEST TO POSTING:


Brenda Krout – Clerk of The Board


**Date & Time Posted At
District Office**



OJAI VALLEY SANITARY DISTRICT

A Public Agency

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May 4, 2011

Board of Directors
Ojai Valley Sanitary District
Ojai, CA 93023

FINAL BUDGET FISCAL YEAR 2011-12 – ADOPTION

We have prepared the Final Budget in compliance with the Board of Director's direction from the May 2, 2001 Special Meeting which was to reduce the Operating expenses by 5.5% and fully fund the reserve funds. The Final Budget document is included on a separate disk for your reference.

The reduction has been accomplished by reducing the Cost of Living Adjustment for employees from 3.2% to 2%, eliminating ½ the overtime hours in the Collection System and Treatment Plant and reducing estimated equipment repairs and replacement.

Overall we have reduced the Operations Budget by more than the Board's direction of 5.5%; we have achieved 6%.

The Budget included income from transfers from the Equipment Reserve so when we cut out items to be replaced we did not take those funds from the Reserve. This appears as a reduction in income.

The amount needed to fully fund the Replacement Reserve Funds was \$230,440, all funds in excess of that (\$28,299) we deposited into the Treatment Plant Replacement Reserve in an attempt to do all we can to replenish that fund.

The Final Budget was developed (as was the Preliminary Budget) with no increase to the service rate.

Staff recommends the Board approve the Final Budget and implement the decisions embodied in this Budget.

Also attached, as requested by Director O'Brien, is a projection for service rates and budgets for the next 5 years.

If you have any questions about the budget prior to the Board Meeting please call me at 646-5548.

RECOMMENDATION:

It is recommended the Board:

- a. Adopt the Final Budget for Fiscal Year 2010-2011 as presented; and
- b. Authorize staff to implement the decisions embodied in the Adopted Budget for Fiscal Year 2010/11.


John K. Correa
General Manager

Enc. Final Budget Fiscal Year 2011-2012

Fiscal Year	2010-11	2011-12	2012-13	2013-14	2014-15
income	\$7,918,869.00	\$8,333,152.00	\$8,583,461.65	\$8,841,287.53	\$9,106,849.28
rates	\$50.24	\$50.24	\$51.72	\$53.28	\$54.88
		0.00%	2.95%	3.00%	3.00%
expenses	\$8,520,190.00	\$8,333,152.00	\$8,583,146.56	\$8,840,640.96	\$9,105,860.19
C&RS Reserves Contrib	(\$601,321.00)	\$0.00	\$315.09	\$646.57	\$989.09
C&RS Reserve balance	\$1,161,447.00	\$1,161,447.00	\$1,161,762.09	\$1,162,408.67	\$1,163,397.76
TP repayment		\$500,000.00	\$500,000.00	\$500,000.00	\$500,000.00
TP Reserve Contrib	\$480,052.00	\$867,552.00	\$893,578.56	\$920,385.92	\$947,997.49
TP Reserve Balance	\$8,910,667.00	\$1,864,520.00	\$3,113,193.21	\$4,385,769.98	\$5,682,996.29
needed TP Reserve balance		\$9,236,160.34	\$9,984,833.55	\$10,757,410.32	\$11,554,636.63
2003 payment		\$434,393.76	\$435,118.76	\$440,218.76	\$434,343.76
2007 payment		\$437,836.00	\$437,836.00	\$437,836.00	\$437,836.00
Total debt payment	\$2,237,802.00	\$872,229.76	\$872,954.76	\$878,054.76	\$872,179.76
debt as % of expenses	26.26%	10.47%	10.17%	9.93%	9.58%



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May 5, 2011

Board of Directors
Ojai Valley Sanitary District
Ojai, CA 93023

PROPOSED ORDINANCE NO. OVSD-66 AMENDING CHAPTER 10 OF THE OJAI VALLEY SANITARY DISTRICT CODE OF REGULATIONS GOVERNING UNPERMITTED CONNECTIONS

The Illegal Connection Committee, at their April 15, 2011 meeting, directed District staff and counsel to draft, for committee consideration, the following amendments to Chapter 10 of the District's Code governing unpermitted connections to the District's facilities:

- Amend District Code Chapter 10, Section 1002 to provide parcel owner subject to fees and charges related to unpermitted connections with additional payment options;
- Amend District Code Chapter 10, Section 1009 of the Code so that the District may, in accordance with Health and Safety Code Section 5474, (1) provide for the payment of any Connection Fees and Capacity Charges in installments, (2) provide for the rate of interest on such installments, and (3) provide that the amount of the fees or charges and the interest thereon shall constitute a lien against the Parcel to which the District's facilities are connected.
- Amend District Code Chapter 10, Section 1012 so that the phased implementation of the District's policies and procedures governing unpermitted connections reflect the payment options imposed by the proposed amendments to Chapter 10, Section 1002 listed above.

At their May 2, 2011 meeting, the Illegal Connection Committee reviewed drafts of the proposed amendments listed above and approved inclusion of those proposed amendments in Ordinance No. OVSD-66 for consideration by the Board.

The Committee also requested that, without further review by the Committee, District staff and counsel draft and include in proposed Ordinance No. OVSD-66 the following additional amendments to Chapter 10:

- Amend District Code Section 1006 to clarify the procedures governing the determination by the District to issue a notice of violation for an unpermitted connection.
- Amend District Code Section 1014 to establish those provisions that the District is required to include in any "Agreement to Cease an Unpermitted Connection."
- Amend District Code Section 1015 to provide that, where the District inadvertently fails to bill an Owner for sewer services rendered to a permitted Single Dwelling Unit, that owner shall not be required to pay any past, unpaid annual sewer service charges, but shall be required to pay, at the time and in the manner lawfully prescribed by the District, sewer service charges for the current fiscal year as well as all future annual sewer service charges.

In accordance with the Committee's direction, District staff has drafted amendments to Chapter 10, Sections 1006, 1014, and 1015 and included those amendments in proposed Ordinance No. OVSD-66. As mentioned, the Committee approved the drafting and consideration of these additional amendments directly by the Board without prior Committee review.

Although the amendments to Sections 1006, 1014 and 1015 reflect the substantive recommendations made by the Committee, the Board should be advised that the proposed amendment to Chapter 10, Section 1014 does not include a mandate that any "Agreement to Cease an Unpermitted Connection" must include a provision requiring the parcel owner to pay the District up to three (3) years' unpaid annual service charges.

A provision requiring the parcel owner to pay the District up to three (3) years' unpaid annual service charges was originally conceived as an optional provision that may be included in an "Agreement to Cease an Unpermitted Connection." If mandated, that requirement conflicts with Subsection 1014.3.4 as well as the proposed payment options set forth in Section 1002. For this reason, and in order to simplify and promote the administrative application of Section 1014, District staff and counsel recommend that the Board consider the proposed amendment to Section 1014 as drafted. In evaluating Section 1014, as amended, the Board may also consider the fact that Subsection 1014.3.7 confers upon the District broad authority, on a case-by-case basis, to require that an "Agreement to Cease an Unpermitted Connection" contain provisions not mandated by Section 1014.

There is several hearing, notice, and publication procedures related to adoption of this ordinance. Government Code 6066 requires the notice of the public hearing, together with a general explanation of the ordinance, be published in a newspaper of general circulation in the District. After the public hearing, and presuming the ordinance is adopted in its present form, the ordinance must then be published or posted and can take effect upon expiration of the week of publication or posting. The ordinance, if passed in present form following public hearing recommended for May 23, 2011, may take effect June 1, 2011.

RECOMMENDATION

It is recommended the Board:

- a. Consider amending Chapter 10 of the Ojai Valley Sanitary District Code of Regulations Governing Unpermitted Connections as established by Ordinance No. OVSD-66;
- b. Conduct the first reading, by title only, of Ordinance No. OVSD-66; and
- c. Direct staff to place Ordinance No. OVSD-66 on the May 23, 2011 agenda for the second reading, public hearing, and adoption.



Brenda Krout,
Administrative Officer

APPROVED FOR MAY 9, 2011 AGENDA:



JOHN K. CORREA, GENERAL MANAGER

OJAI VALLEY SANITARY DISTRICT

ORDINANCE NO. OVSD-66

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
OJAI VALLEY SANITARY DISTRICT
AMENDING CHAPTER 10 OF THE OJAI VALLEY SANITARY DISTRICT CODE OF
REGULATIONS GOVERNING UNPERMITTED CONNECTIONS**

RECITALS

WHEREAS, the Ojai Valley Sanitary District ("District") is authorized by the Sanitary District Act of 1923 (Health & Safety Code §6400 et seq.) to provide public services and facilities related to the acquisition, construction, replacement, maintenance and operation of sewer collection, treatment works and sanitary disposal systems ("Services and Facilities") within the District's service area; and

WHEREAS, the District provides Services and Facilities to residential, commercial and institutional customers within the District's service area; and

WHEREAS, the District is empowered to prescribe, revise and collect fees, rates and charges related to said services and facilities, pursuant to Health and Safety Code §6520.2, §6520.5, §5471, and §5474; and

WHEREAS, in accordance with the Ojai Valley Sanitary District Code of Regulations ("Code") Section 1000 et seq., the District has established policies and procedures regarding unpermitted connections of single dwelling units to the District's facilities; and

WHEREAS, the District desires to amend Section 1002 of the Code, which sets forth fees and charges imposed on parcel owners with unpermitted connections, so as to provide those parcel owners with additional payment options; and

WHEREAS, the District desires to amend Section 1006 of the Code in order to clarify the procedures governing the determination by the District to issue a notice of violation for an unpermitted connections; and

WHEREAS, the District desires to amend Section 1009 of the Code, which sets forth those provisions governing collection of fees and charges for unpermitted connections on the tax roll, to provide that, in accordance with Health and Safety Code Section 5474 et seq., the District may (1) provide for the payment of any Connection Fees and Capacity Charges in installments, (2) provide for the rate of interest on such installments, and (3) provide that the amount of the fees or charges and the interest thereon shall constitute a lien against the Parcel to which the District's facilities are connected; and

WHEREAS, the District desires to amend Section 1012 of the Code, which sets forth provisions governing the District's phased implementation of those Code provisions governing unpermitted connections, so that those provisions reflect the payment options imposed by Section 1002 as amended by this Ordinance; and

WHEREAS, the District desires to amend Section 1014 of the Code, which authorizes the District to enter into an "Agreement to Cease and Unpermitted Connection" with a parcel owner determined to be responsible for an unpermitted connection, to specify those provisions which the District is required to include in that Agreement: and

WHEREAS, the District desires to amend Section 1015 of the Code to provide that, where the District has inadvertently failed to bill a parcel owner for sewer service charges to a permitted single dwelling unit, that owner shall not be required to pay any past, unpaid annual sewer service charges, but shall be required to pay, at the time and in the manner lawfully prescribed by the District, sewer service charges for the current fiscal year as well as all future annual sewer service charges; and

WHEREAS, the District finds that the purpose of this Ordinance is to amend policies and procedures set forth in Chapter 10 of the District's Code governing fees and charges that may be imposed on parcel owners with unpermitted connections and, therefore, the adoption of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15273(a); and

WHEREAS, the District finds that all amendments to the Code established by this Ordinance have been approved by the District's Board of Directors at a noticed public meeting, in accordance with applicable provisions of law.

NOW, THEREFORE, the Board of Directors of the Ojai Valley Sanitary District does ordain as follows:

1. In order to provide parcel owners subject to fees and charges related to unpermitted connections with additional payment options, Section 1002 of the Ojai Valley Sanitary District Code of Regulations is hereby amended to read as set forth in Exhibit "A" of this Ordinance, attached hereto and incorporated herein by this reference.
2. In order to clarify the procedures governing the determination by the District to issue a notice of violation for an unpermitted connection, Section 1006 of the Code is hereby amended to read as set forth in Exhibit "B" of this Ordinance, attached hereto and incorporated herein by this reference.
3. In accordance with Health and Safety Code Section 5474, and in order to (1) provide for the payment of any Connection Fees and Capacity Charges in installments, (2) provide for the rate of interest on such installments, and (3) provide that the amount of the fees or charges and the interest thereon shall constitute a lien against the parcel to which the District's facilities are connected, Section 1009 of the Ojai Valley Sanitary District Code of Regulations is hereby amended by the addition of Subsection 1009.4, as set forth in Exhibit "C" of this Ordinance, attached hereto and incorporated herein by this reference.

4. In order that the phased implementation of the District's policies and procedures governing unpermitted connections reflect the payment options imposed by Section 1002 of this Ordinance, Section 1012 of the of the Ojai Valley Sanitary District Code of Regulations is hereby amended to read as set forth in Exhibit "D" of this Ordinance, attached hereto and incorporated herein by this reference.
5. In order to establish those provisions that the District is required to include in any "Agreement to Cease an Unpermitted Connection," Section 1014 of the Code is hereby amended to read as set forth in Exhibit "E" of this Ordinance, attached hereto and incorporated herein by this reference.
6. In order to provide that, where the District has inadvertently failed to bill a parcel owner for sewer service charges to a permitted single dwelling unit, that owner shall not be required to pay any past, unpaid annual sewer service charges, but shall be required to pay, at the time and in the manner lawfully prescribed by the District, sewer service charges for the current fiscal year as well as all future annual sewer service charges, Section 1015 of the Code is hereby amended to read as set forth in Exhibit "F" of this Ordinance, attached hereto and incorporated herein by this reference; and
7. Upon publication and notice as required by Health and Safety Code Sections 6491.3 and 6490, this Ordinance shall become effective on June 1, 2011.

PASSED, APPROVED AND ADOPTED by the Governing Board of the Ojai Valley Sanitary District on this _____ day of _____, 2011, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Russ Baggerly - Chairman
Board of Directors

William C. Murphy - Secretary
Board of Directors

Exhibit A

SECTION 1002. Fees and Charges for Unpermitted Connections

Within forty-five (45) days of being served with a "Notice of Violation" for an Unpermitted Connection, a Parcel Owner shall, in writing, elect either of the Payment Options set forth below.

Any documentation required by a Payment Option must be provided to the District by the Parcel Owner within the forty-five day period.

If a Parcel Owner fails to elect a Payment Option within forty-five days of receiving a "Notice of Violation" for an Unpermitted Connection, the Parcel Owner shall be deemed to have elected Payment Option One, and will be charged accordingly.

1002.1 Payment Option One

Under Payment Option One, the Parcel Owner shall pay the total of the fees and charges set forth below. The Parcel Owner shall pay a ten percent (10%) basic penalty plus accrued interest on all amounts due for Connection Fees, Capacity Charges and Sewer Service Charges. Interest charges shall be based upon the average interest rate earned by District funds invested in the Ventura County Investment Pool during the applicable time period.

1002.1.1 The Connection Fees and Capacity Charges in effect on the date the District served the Owner with a "Notice of Violation" for the Unpermitted Connection; and

1002.1.2 Past, unpaid sewer service charges, not to exceed a total of three (3) years, backcharged from the date the District served the Owner with a "Notice of Violation" for the Unpermitted Connection. The number of years to be backcharged shall be the **lesser** of the following:

1002.1.2.1 Three years; or

1002.1.2.2 The number of years from the date the Parcel Owner became Record Owner of the Parcel to the date the Parcel Owner was served with a "Notice of Violation"; or

1002.1.2.3 Provided the Unpermitted Connection was constructed by the current Parcel Owner, the number of years from the date the Unpermitted Connection was constructed to the date the Parcel Owner was served with a "Notice of Violation." The date of construction must be established by the Parcel Owner based upon documentation from the District or another public agency establishing said construction date; and

1002.1.3 All fees and charges required by this Code and other applicable rules and regulations for authorization and permitting of connections to the District's Sewer System; and

1002.1.4 Costs incurred by the District to correct a violation of this Code and other applicable rules and regulations, as specified in Section 1003.

1002.2 Payment Option Two

Under Payment Option Two, the Parcel Owner shall pay the total of the fees and charges set forth below. The Parcel Owner shall pay a ten percent (10%) basic penalty plus accrued interest on all amounts due for Connection Fees, Capacity Charges and Sewer Service Charges. Interest charges shall be based upon the average interest rate earned by District funds invested in the Ventura County Investment Pool during the applicable time period.

1002.2.1 Connection Fees and Capacity Charges in effect on the earliest of the following dates:

1002.2.1.1 The date the Parcel Owner became Record Owner of the subject Parcel; or

1002.2.1.2 Provided the Unpermitted Connection was constructed by the current Parcel Owner, the date the Unpermitted Connection was constructed. The date of construction must be established by the Parcel Owner based upon documentation from the District or another public agency establishing said construction date; and

1002.2.2 All past, unpaid annual Sewer Service Charges from the date established under 1002.2.1; and

1002.2.3 All fees and charges required by this Code and other applicable rules and regulations for authorization and permitting connections to the District's Sewer System; and

1002.2.4 Costs incurred by the District to correct a violation of this Code and other applicable rules and regulations, as specified in Section 1003

Exhibit B

SECTION 1006. Notice of Violation

Following an inspection conducted pursuant to Section 1004 or Section 1005 of this Chapter, the District's authorized inspector shall file with the District Clerk a written inspection report setting forth his/her findings. If, based on a review of those written findings, the General Manager or his/her authorized designee determines that an Unpermitted Connection exists for which the Parcel Owner is responsible, the District shall either enter into an "Agreement to Cease the Unpermitted Connection" with the owner pursuant to Section 1014 of this Chapter **or**, by certified mail or personal service, serve upon the Owner a "Notice of Violation." The notice of Violation shall:

1006.1 State the nature of the violation;

1006.2 State the grounds for the violation;

1006.3 Provide contact information by which the Owner may contact the District regarding the "Notice of Violation," including the name, telephone number and mailing address of the General Manager;

1006.4 State the total amount that the Owner must pay the District to correct the violation, and provide a "Schedule of Fees, Charges, Penalties and Costs Related to Unpermitted Connection" detailing those same fees, charges, penalties and costs;

1006.5 Advise that correction of the violation requires the Owner to pay the District the specified fees, charges, penalties and costs related to the Unpermitted Connection within sixty (60) days from the date the Owner was served with the Notice of Violation;

1006.6 Advise that the Owner has a right to a hearing and appeal on the matter and describe the process by which the Owner may request a hearing and appeal;

1006.7 Advise that, if the Owner does not pay the amount specified in the "Notice of Violation" within sixty (60) days from the date of service, then that amount shall be considered delinquent and unpaid charges subject to collection as part of the annual taxes next levied on the subject property, and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing the annual taxes;

1006.8 Advise that, in the event the Owner seeks a hearing and/or appeal on the matter resulting in a final determination in favor of the District, the Owner must pay the District the amount specified in that final determination within sixty (60) days of receiving notice of the determination. If the Owner does not pay the amount specified in the District's final determination within sixty (60) days of receiving notice of the determination, then that amount shall be considered delinquent and unpaid charges subject to collection as part of the annual taxes next levied on the subject property, and

shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing the annual taxes; and,

1006.9 Advise that, in lieu of paying the District the amount specified in the Notice of Violation, the Owner may enter into an "Agreement to Cease an Unpermitted Connection" pursuant to Section 1014.

Exhibit C

1009.4 Notwithstanding any other provision of this Code, and as an alternative to, and not in limitation of, any other lawful collection procedures, the District may, in accordance with Health and Safety Code Section 5474 et seq., as that Section may be amended or superseded, (1) provide for the payment of any Connection Fees and Capacity Charges required by this Chapter in installments, (2) provide for the rate of interest on such installments, and (3) provide that the amount of the fees or charges and the interest thereon shall constitute a lien against the Parcel to which the District's facilities are connected.

Exhibit D

SECTION 1012. Phased Implementation Program

From July 1, 2010 through June 30, 2011, the District will provide the following relief to Parcel Owners subject to the provisions of this Chapter.

1012.1 For those Parcel Owners electing Repayment Option One, as set forth Subsection 1002.1, the District will waive all past, unpaid annual sewer service charges, penalties and interest, plus all District costs to correct the Unpermitted Connection;

1012.2 For those Parcel Owners electing Payment Option Two, as set forth Subsection 1002.2, the District will waive the three earliest years of past, unpaid annual sewer service charges plus related penalties and interest, plus all District costs to correct the Unpermitted Connection.;

1012.3 Application of the waivers set forth in Subsections 1012.1 and 1012.2 to a Parcel Owner are contingent on the District's determination that the following requirements have been satisfied:

1012.3.1 The Unpermitted Connection was in existence prior to the effective date of this Ordinance;

1012.3.2 Prior to or on June 30, 2011, the responsible Parcel Owner voluntarily reported the Unpermitted Connection, in writing, to the District;

1012.3.3 The Parcel Owner (1) pays all amounts due by August 1, 2011 or (2) by August 1, 2011, enters into arrangement, acceptable to the District, providing that all amounts due will be paid by a specified date.

1012.3.4 The subject Single Dwelling Unit complies with all applicable District requirements for connection to the District's sewer system.

Exhibit E

SECTION 1014. Agreements to Cease an Unpermitted Connection

1014.1 Notwithstanding any other provision set forth in this Chapter, where the District determines that an Owner is responsible for an Unpermitted Connection, the District and the Owner may enter into an "Agreement to Cease an Unpermitted Connection."

1014.2 An "Agreement to Cease an Unpermitted Connection" may provide that, in lieu of paying the District applicable fees, charges, penalties and costs related to correcting an Unpermitted Connection, the Owner shall, at the Owner's sole expense, modify or alter the offending structure so that the structure no longer meets the District's definition of a Single Dwelling Unit, thereby eliminating the structure's Unpermitted Connection.

1014.3 The District shall determine, in its sole discretion, whether to enter into an "Agreement to Cease an Unpermitted Connection" with a particular Owner and the terms and conditions of that agreement. The factors that the District may consider in making those determinations will vary on a case-by-case basis. The District's decision whether or not to enter into an "Agreement to Cease an Unpermitted Connection" shall be final.

An "Agreement to Cease an Unpermitted Connection" shall contain the following provisions:

1014.3.1 A provision requiring the Owner to modify or alter the offending structure, at the Owner's sole expense, so that the structure's connection to the District's sewer system no longer satisfies the District's definition of an Unpermitted Connection, as that term is defined in Chapter 1 of this Code;

1014.3.2 A provision requiring that a "Memorandum of Agreement to Cease an Unpermitted Connection" be recorded in the Official Records of the County of Ventura, California for the purpose of imparting notice to the world that an "Agreement to Cease and Unpermitted Connection" has been entered into by and between the District and the Owner; and

1014.3.3 A provision requiring the Owner to notify the District prior to transferring any interest in the subject parcel to a third party, including, but not limited to, a fee title or leasehold interest; and

1014.3.4 A provision requiring that all applicable fees, charges, penalties and costs shall become immediately due and payable to the District should the District confirm that the Owner has re-established an Unpermitted Connection;

1014.3.5 A provision requiring the Owner to pay all expenses, damages, losses and costs, including, but not limited to, reasonable attorney's fees, incurred by the District in enforcing the terms of the "Agreement to Cease an Unpermitted Connection;"

1014.3.6 A provision requiring the Owner to pay the District all District costs to correct the Unpermitted Connection as defined in Section 1003; and,

1014.3.7 Any other provision that may be required by the District.

Exhibit F

SECTION 1015. Collection of Unpaid Annual Sewer Service Charges Due to the District's Inadvertent Failure to Bill an Owner for Sewer Service Provided to a Permitted Single Dwelling Unit.

Where the District inadvertently fails to bill an Owner for sewer services rendered to a permitted Single Dwelling Unit, that owner shall not be required to pay any past, unpaid annual sewer service charges, but shall be required to pay, at the time and in the manner lawfully prescribed by the District, sewer service charges for the current fiscal year as well as all future annual sewer service charges.



OJAI VALLEY SANITARY DISTRICT

A Public Agency

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May 4, 2011

Board of Directors
Ojai Valley Sanitary District
Ojai, CA 93023

RESOLUTION NO. 2011-09 – ADOPTING THE 2010 MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR VENTURA COUNTY

In June 2005 you adopted the 2005 Multi-Jurisdictional Hazard Mitigation Plan prepared by Ventura County. A new or updated Plan is to be prepared every five years.

Last year, Ventura County completed the 2010 Plan and adopted it on December 14, 2010. FEMA approved the Plan in a letter dated February 17, 2011.

The purpose of the HMP is to comply with the Disaster Mitigation Act of 2000. Adoption of the Plan will allow the District to receive FEMA grants for Hazard Mitigation, including grants for pre-disaster hazard mitigation. We currently have a grant pending to relocate a portion of the Ojai Trunk Sewer upstream from Encino Drive and the State EMA has required that we furnish them with a new resolution showing that we have adopted the 2010 HMP.

The entire Multi-Jurisdictional Plan is included on a separate Disk for your reference.

RECOMMENDATION

It is recommended the Board:

- a. Adopt the 2010 Multi-Jurisdictional Hazard Mitigation Plan for Ventura County, California;
- b. Adopt Resolution No.2011-09 Approving the Multi-Jurisdictional Hazard Mitigation Plan for Ventura County, California; and
- c. Direct Staff to file the Resolution with The County Sheriff's Office of emergency Services.

John K. Correa
General Manager

Enc.

OJAI VALLEY SANITARY DISTRICT

RESOLUTION NO. 2011-09

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE OJAI VALLEY SANITARY DISTRICT
APPROVING THE DISASTER MITIGATION ACT 2000 (DMA)
MULTI-JURISDICTIONAL HAZARD MITIGATION
PLAN FOR VENTURA COUNTY, CALIFORNIA**

WHEREAS, the Local Hazard Mitigation Planning Group has drafted a Multi-Jurisdictional Hazard Mitigation Plan to advance better mitigation planning and projects within the County; and

WHEREAS, each city, local agency, special district member as and the public as listed in the plan has contributed to this planning approach under the direction of the Federal Disaster Mitigation Act of 2000; and

WHEREAS, the Ojai Valley Sanitary District Board of Directors has read and agrees to abide by the Disaster Mitigation Act 2000 guidance and grant guidelines and this plan represents the compliance with same;

NOW, THEREFORE, BE IT RESOLVED that the plan entitled "The Multi-Jurisdictional Hazard Mitigation Plan for Ventura County, California" is formally adopted as a regional plan and a guidebook to a more disaster resistant community.

PASSED AN ADOPTED this _____^{9th} day of May, 2011 upon the following vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

Russ Baggerly, Chairman

CERTIFICATION:

I, William C. Murphy, Secretary of the Board of Directors of the Ojai Valley Sanitary District, do certify that the above is a true and accurate copy of Resolution No. 2011-09, adopted by the Board of Directors on May 9, 2011.

William C. Murphy, Secretary



FEMA

February 17, 2011

Laura Hernandez
Assistant Director
Office of Emergency Services
800 S. Victoria Avenue
Ventura, CA 93009

Dear Ms. Hernandez:

We have completed our final review of the *Ventura County Hazard Mitigation Plan*, officially adopted by Ventura County, CA on December 14, 2010 and found the plan to be in conformance with Title 44 Code of Federal Regulations (CFR) Part 201.6 *Local Mitigation Plans*. A list of the status of participating jurisdictions is enclosed with this letter.

Ventura County and the other participating jurisdictions can be commended for their creation of a concise and consolidated Multi-Jurisdictional plan with an exemplary example of an innovative evaluation process. Additionally the plan has a strong capability assessment that identifies the technical, financial, and regulatory resources available to each jurisdiction, and excellent integration of other planning mechanisms. This plan provides a clear direction for long term planning to reduce the impacts of future disasters.

The approval of this plan ensures Ventura County continued eligibility for project grants under FEMA's hazard mitigation assistance programs, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, Flood Mitigation Assistance and Severe Repetitive Loss grant programs. All requests for funding, however, will be evaluated individually according to the specific eligibility, and other requirements of the particular program under which applications are submitted. Approved mitigation plans are eligible for points under the National Flood Insurance Program's Community Rating System (CRS). Additional information regarding the CRS can be found at www.fema.gov/business/nfip/crs.shtm or through your local floodplain manager.

FEMA's approval of the *Ventura County Hazard Mitigation Plan* is for a period of five years, effective starting the date of this letter. Prior to February 17, 2016 Ventura County and all participating jurisdictions are required to review and revise the plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit it for approval in order to continue to be eligible for mitigation project grant funding. The enclosed crosswalk provides additional recommendations to incorporate into the plan during the plan maintenance process.

If you have any questions regarding the planning or review processes, please contact Juliette Hayes, Community Planner at (510) 627-7211, or by email at juliette.hayes@dhs.gov.

Sincerely,

A handwritten signature in black ink that reads "Sally Ziolkowski".

Sally Ziolkowski, Director
Mitigation Division

Enclosures

cc: Ken Worman, California Emergency Management Agency, Mitigation Planning



VENTURA COUNTY SHERIFF'S DEPARTMENT

- **BOB BROOKS**
Sheriff
- **MARK BALL**
Undersheriff

800 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2380

December 14, 2010

Ventura County Board of Supervisors
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

Subject: Request the Board Approve and Adopt the 2010 Hazard Mitigation Plan for Ventura County, California

Recommendations:

It is recommended that your Board:

1. Approve the Hazard Mitigation Plan for Ventura County, California.
2. Adopt the attached Resolution approving the Hazard Mitigation Plan for Ventura County, California.

Fiscal Impact/Mandates:

Mandatory: Yes

This plan is a prerequisite for receiving certain forms of disaster assistance and necessary for compliance with Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) (Public Law 106-390), Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and the Interim Final Rule which establishes the minimum hazard mitigation planning requirements for states, tribes, and local entities.

Source of Funding: California Office of Homeland Security as provided by:
1) The Homeland Security Appropriations Act of 2007;
2) Public Law 207-56, the USA Patriot Act of 2001;
3) Public Law 107-296, the Homeland Security Act of 2002

Current Fiscal Year Budget Projections:

Current FY 2010-11 Budget Projection for Sheriff's Police Services—Org. 4000				
	Adopted Budget	Adjusted Budget¹	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$136,089,178	\$141,567,942	\$141,567,942	\$ 0
Revenue	\$ 74,476,418	\$ 77,940,528	\$ 77,940,528	\$ 0
Net Cost	\$ 61,612,760	\$ 63,627,414	\$ 63,627,414	\$ 0

¹ November 17, 2010

Discussion:

Ventura County is highly vulnerable to disasters. In the past fifteen years, Ventura County has received seven Presidential disaster declarations for earthquakes, floods, landslides, and wildfires. These hazards have resulted in damage to public and private facilities, and have cost local government, businesses, and taxpayers millions of dollars. The risks posed by these hazards increases as the county's population continues to grow.

In 2005, your Board adopted the first Hazard Mitigation Plan (HMP), which focused on threats posed by earthquakes, floods, geologic hazards and wildfires. This plan must be updated every five years. On December 15, 2009, your Board authorized the Ventura County Sheriff's Office of Emergency Services to accept a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant in the amount of \$100,000 to update the 2005 HMP. The update to the 2005 HMP included the study of additional hazards and participation of jurisdictions that did not participate in the 2005 HMP.

The County of Ventura, along with 40 other communities and special districts within the Ventura County Operational Area, has participated in the preparation of the 2010 Hazard Mitigation Plan. This mitigation plan will serve to enhance public awareness and understanding, provide a decision tool for management, strengthen local policies for hazard mitigation capabilities, provide inter-jurisdictional coordination of mitigation-related programming, and achieve regulatory compliance. This plan has been updated to meet the Department of Homeland Security's Federal Emergency Management Agency (FEMA) requirements of the Disaster Mitigation Act (DMA) of 2000 (Public Law 106-390)

and the Interim Final Rule, which establishes the minimum hazard mitigation planning requirements for states, tribes, and local entities. The plan meets the requirements of Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 and Section 322 of the DMA 2000, which requires that such a plan be prepared as a pre-requisite for receiving certain forms of disaster assistance, and must be updated every three years.

This mitigation plan is consistent with the State of California Hazard Mitigation Plan and will be reviewed and revised regularly as outlined in the document to ensure that it remains relevant and effective.

The Ventura County Emergency Planning Council gives its full support to this mitigation plan. As such, this letter and attached resolution promulgates the Hazard Mitigation Plan for Ventura County, California.

This mitigation plan is also a FEMA requirement for participating in the Community Rating System (CRS). FEMA's contractor (Insurance Services Office) has received a copy of the plan and will be reviewing it over the next three months to determine the number of CRS credit points that can be awarded.

The Offices of the Chief Executive and the Auditor-Controller, County Counsel, and staff from the Watershed Protection Agency have reviewed this letter.

If you have questions, or need additional information regarding this item, please contact Acting Chief Deputy Keith Parks at 494-8261.



BOB BROOKS
Sheriff

Attachments: Exhibit 1 – Resolution
 Exhibit 2 – Hazard Mitigation Plan



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