



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 July 28, 2008. The meeting was called to order by Chairman Stone at 7:01 p.m., and roll call taken as follows:

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

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)

Director Baggerly expressed his interest in staff researching the cost of, and possible savings from, converting to a paperless agenda for the Directors by providing Directors with laptop computers to receive and view all agenda information.

Director Kaiser asked about the status of the State's proposed borrowing of local governments' tax revenue for the State's budget. Mr. Correa reported that no updates have been received.

Director Greene confirmed that the District's fiscal year 2008-09 budget took a conservative position on the possibility of the State borrowing the District's property tax revenue, by budgeted 70 percent less property tax revenue than originally anticipated. Director Greene asked how it will affect the District if the State borrows 100 percent of this revenue. Mr. Correa explained that there are funds in the Rate Stabilization Reserve that could be used to offset the unanticipated revenue loss.

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 Lotts and passed by unanimous roll call vote Item Nos. 7 - 8 on the consent calendar were approved as submitted.

7. **Approval of Minutes** - Regular Meeting June 30, 2008 and Special Meeting July 14, 2008 (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 for payment as submitted.

ACTION ITEMS:

9. **Board Room Sound System Evaluation**

Mr. Correa reviewed the audio problems occurring with the current PA system in the Board Room and explained staff's research into solving these problems.

Mr. Correa explained that after consulting with several companies to find the appropriate solutions to the PA system problems, County staff recommended James A. Dipippo. Mr. Dipippo provided the PA system in all the County Court Rooms and understands the needs of a public agency. Mr. Correa announced that Mr. Dipippo was in the audience to answer any questions the Board might have.

Mr. Dipippo responded to various questions from the Board.

Director Lotts stated that he favored upgrading the audio and amplifier as addressed in Mr. Dipippo's proposals but was not in favor of the video upgrade portion.

Director Burg expressed his opinion that the proposals being presented were the 'Cadillac' version and felt that more reasonable proposals should have been obtained.

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by a majority 4 to 3 roll call vote, with Directors Kaiser, Lotts and Burg voting nay, James A. Dipippo's Video Projection System and Audio Package w/Switched Mic Bases proposals to replace the audio/video equipment in the Board Room, for a cost not to exceed \$25,000 was accepted; and Budget Adjustment No. 2009-01 authorizing the transfer of funds from the Equipment Replacement Reserve to the Major Expenditures-Office account (5950.13) in the amount of \$25,000 to cover the cost of these improvements was adopted.

10. **Contract Nos. 2008-05, 2008-06 & 2008-07 – Pretreatment Program Assistance, Application of Protective Coatings; and Manhole Rehabilitation Services - Ventura Regional Sanitation District**

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote the Chairman was authorized to sign the following contracts between Ojai Valley Sanitary District and Ventura Regional Sanitation District:

- Contract No. 2008-05, Agreement For Industrial Waste Program Services, in a not to exceed amount of \$3,650.
- Contract No. 2008-06, Agreement For Wastewater Treatment Plant Protective Coatings Services, in a not to exceed amount of \$10,108.
- Contract No. 2008-07, Agreement For Manhole Rehabilitation Services, in a not to exceed amount of \$30,421.50.

11. **Habitat Conservation Plan (HCP) – Supplemental Funds**

Mr. Correa explained the need for supplemental funds to complete the Habitat Conservation Plan (HCP).

Director Kaiser expressed his concern that the HCP will actually be completed within the Consultants' current estimate of 6 to 8 months, in light of the fact that the development process has taken several years to get to this point. Director Kaiser requested staff report the status of the HCP at the conclusion of the 6 to 8 month estimated timeframe.

The Board discussed the various aspects of the District's involvement in the development of the HCP. Several Directors expressed concern about the length of time this process has been taking and the amount of funds the District has committed to this process.

Director Greene questioned if Directors Baggerly and Kaiser, who serve on both this Board and the Casitas Municipal Water District (CMWD) Board, could possibly have a conflict of interest voting on this issue based on the fact that CMWD is the lead agency in the HCP project and the one requesting additional funds for this project.

Mr. Correa explained that CMWD, acting as the lead agency in the HCP development, is the agency directly contracted with the consultants working on this project and then there is another agreement between all of the participating agencies (including OVSD and CMWD) to share the cost of the consultants.

Mr. Zirbel stated that it is his opinion that in this particular proposed action the 'shared Directors' do not have a conflict of interest; the proposed action is just a matter of the agencies joining together in a regional approach to complete the work that has been funded by a number of agencies.

Mr. Zirbel also expressed his opinion that this proposed action does not create an incompatibility of office for the 'shared Directors'. In this particular case the Directors serving on both the OVSD and CMWD Board of Directors does not seem to create an adverse position resulting in an incompatibility of office.

ACTION

Upon motion of Director Baggerly, seconded by Director Greene and passed by unanimous roll call vote the supplemental funding in the amount of \$5,420 for the District's continuing financial participation in the Habitat Conservation Plan was authorized; and Budget Adjustment No. 2009-02 transferring \$5,420 from the General Fund into the Major Expenditures-Office account (5950.13) to provide funds for the HCP work was adopted.

12. **Replacement of Hydrodegitter – Treatment Plant**

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote the purchase of a Wemco Hydrodegitter from Flo-systems Co. for \$52,864 including tax and shipping, was authorized; and Budget Adjustment No. 2009-03, transferring \$52,864 from Treatment Plant Replacement Reserve into Major Expenditures – Treatment Plant account (5950.17) to cover the cost of this purchase was adopted.

13. **Resolution No. 2008-15 – Nomination For Alternate Member – LAFCO Independent Special District Member**

The timeframe for the nomination process was discussed.

MOTION

Director Baggerly made a motion to nominate Jim Barrett from Meiners Oaks County Water District.

Director Curtis suggested this item be postponed to the August 25, 2008 meeting to give Directors adequate time to check with potential nominees' to see if they are interested in being nominated.

WITHDRAWN MOTION

Director Baggerly agreed with Director Curtis' suggestion. Director Baggerly withdrew his motion.

ACTION

Upon motion of Director Greene, seconded by Director Kaiser and duly passed selection of a nominee for the Independent Special District Alternate Member of LAFCO was postponed to the August 25, 2008 meeting.

14. **Ventura Council of Governments (VCOG) Participation**

Adding the Ventura Council of Governments (VCOG) to the listing of Organizations for which Board Representatives are compensated was discussed.

ACTION

Upon motion of Director Kaiser, seconded by Director Greene and duly passed staff was directed to present to the Board a revision of Ordinance No. 53, Setting Board Member Compensation, adding the Ventura Council of Governments (VCOG) to the listing of Organizations for which Board Representatives are compensated.

15. **Contribution to WERF Nitrogen Emissions Study**

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote a \$1,000 contribution to WERF for the Nitrogen Emissions Study was authorized.

CHAIRMAN STONE ANNOUNCED THAT AGENDA ITEM NOS. 17 – 25 WOULD BE ADDRESSED PRIOR TO ITEM NO. 16, CLOSED SESSION

17. **Employee Handbook**

The correction/changes in response to Directors' review at the May 27, 2008 meeting were reviewed.

The final version of the Employee Handbook was received and filed.

18. **Monthly Financial Reports**

Received and filed.

19. **Monthly Investment Report**

Received and filed.

20. **Quarterly Investment Report**

Received and filed.

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

Received and filed.

22. **Committee Reports**

None

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

None

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

Received and filed.

25. **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 Lotts inquired about the status of the algae study. Mr. Correa explained that District consultants (URS & Larry Walker) continue to gather information for this study and this data will be used in the TMDL study that eventually will be conducted by either the EPA or the Regional Water Quality Control Board (RWQCB).

It was noted that the new NPDES Permit for the District's treatment plant was issued by the RWQCB earlier in July. The permitting process and the contents of the new Permit were discussed.

- c. General Manager

Mr. Correa reported that Mr. Bonsall, owner of several parcels of land adjacent to the treatment, has indicated he is getting ready to sell his property. The access road from Ventura Avenue to the Treatment crosses Mr. Bonsall's property. In the process of getting his property ready to be sold, Mr. Bonsall discovered that the District does not have an access easement for this road.

Mr. Correa noted that in the future if there are additional requirements placed on the District that necessitate more improvements to the treatment plant, the District might need more property to be able to make these improvements. Mr. Correa explained that he is in the process of establishing the market value of Mr. Bonsall's property, and will be bringing this information to the Board. The Board expressed their support of Mr. Correa's actions.

CHAIRMAN STONE AJOURNED THE MEETING TO A RECESS AT 9:10 P.M.

CHAIRMAN STONE RECONVENED THE MEETING AT 9:19 P.M.

BACK TO ITEM NO. 16

16. **Closed Session: Public Employee Performance Evaluation Government Code §54957**

Title: General Manager annual evaluation.

Chairman Stone announced that the Board would be holding a closed session pursuant to Government Code §54957, Public Employee Performance Evaluation, Title: General Manager – annual evaluation.

Chairman Stone convened the Board to closed session at 9:20 p.m. Mr. Sheets, Mrs. Krout, and District Legal Counsel left the meeting.

Chairman Stone reconvened the meeting to opening session at 10:03 p.m. announcing that no action was taken during the closed session.

INFORMATION ITEMS – FOR RECEIPT & FILE

17. **Employee Handbook**
Addressed earlier in agenda.
18. **Monthly Financial Reports**
Addressed earlier in agenda.
19. **Monthly Investment Report**
Addressed earlier in agenda.
20. **Quarterly Investment Report**
Addressed earlier in agenda.
21. **Staff Reports - Operations, Administration and Management of the District**
Addressed earlier in agenda.
22. **Committee Reports**
Addressed earlier in agenda.
23. **Oral Reports On Meetings, Seminars, or Conferences Attended**
Addressed earlier in agenda.
24. **Items of Interest/Correspondence/Articles**
Addressed earlier in agenda.
25. **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 in agenda.

- b. Board Members
Addressed earlier in agenda.
- c. General Manager
Addressed earlier in agenda.

26. **Adjournment**

Chairman Stone adjourned the meeting at 10:04 p.m.

William E. Lotts, Secretary

APPROVED:

William M. Stone, Chairman