



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 27, 2009. The meeting was called to order by Chairman Kaiser at 7:00 p.m. and roll call taken as follows:

- DIRECTORS PRESENT:** Peter M. Kaiser
John R. (Randy) Burg
John R. (Jack) Curtis
William E. Lotts
Russ Baggerly
George Galgas
Stan Greene
- 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 Kaiser 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.

Buz Bonsall, Rancho Canada Larga, addressed the Board stating that he was unable to attend the July 6, 2009 meeting of the Board's Real Property Ad Hoc Committee which has been researching the possibility of the District purchasing some of his property adjacent to the District's Treatment Plant. Mr. Bonsall announced that he wanted to make himself available to answer any questions the Committee or the Board might have regarding his property.

There were no questions for Mr. Bonsall. Director Burg, Chairman of the Real Property Ad Hoc Committee, thanked Mr. Bonsall for coming; Mr. Bonsall left the meeting.

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

None

PUBLIC HEARINGS:

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 Galgas and passed by unanimous roll call vote Item Nos. 7, 8 & 9 on the consent calendar were approved as submitted.

7. **Approval of Minutes** - Regular Meeting June 22, 2009. (a recording of each meeting is retained at the District Office for a minimum of 4 years)

8. **Ojai Valley Sanitary District Financing Corporation – Setting of Regular Annual Meeting**

Set August 3, 2009 at approximately 7:00 p.m. as the time and date for the 2009 annual meeting of the Ojai Valley Sanitary District Financing Corporation.

9. **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. 21, 22 & 19 (in that order) WILL BE ADDRESSED PRIOR TO ACTION ITEM NO. 10

21. **Monthly Investment Report**

Received and filed.

22. **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.

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

19. **Algae TMDL Update**

Diana Engle of Larry Walker & Associates addressed the Board reviewing the draft 'Source Assessment Report: Nitrogen and Phosphorus in the Ventura River Watershed' she completed under contract with the District.

Ms. Engle distributed a summary explaining her general approach to the source assessment. Ms. Engle reviewed and discussed this summary responding to various questions from the Board.

Chairman Kaiser announced that public comment on this item would be taken at this point in the discussion.

Pat Baggerly, Environmental Coalition, addressed the Board questioning why the report did not have a correct count of the number of horses in the Ojai Valley, stating it was her understanding that this was the goal of the study. Ms. Baggerly suggested calling the local stables as a way to identify the correct number to include in the report.

Camille Sears, 502 W. Lomita Ave, addressed the Board stating she is a long time resident of the Ojai Valley, has degrees in atmospheric science, is a practicing meteorologist, a member of the Ventura County Irrigated Lands Group, and a local farmer. Ms. Sears stated that it was her opinion that an accurate head count of horses should be attainable. Ms. Sears expressed her opinion that two-thirds of horses' production of nitrogen is from urine and the figures cited in the report are only based on manure. Ms. Sears expressed her support of the District stressing to the Regional Water Quality Control Board (RWQCB) that horses are nitrogen contributors.

Philip Sherman, Ventura River Coalition & City of Ojai Green Coalition, addressed the Board stating that he has been asked by the Coalitions to develop a plan to get the equine waste out of the ground water; stating he has applied for a grant to study converting equine waste to bio-energy. Mr. Sherman explained that his proposed study

would identify the number of horses in the area and would be aimed at getting the farmers to cooperate in cleaning up the waste.

The Board discussed finalizing the report prepared by Ms. Engle so it can be forwarded on to the RWQCB. It was agreed that some revisions regarding the references to horses and septic systems was needed prior to going to the RWQCB.

The Board directed Mr. Correa, Mr. Zirbel and Ms. Engle to work together to revise the report to have more emphasizes on the contributions from equine waste and septic systems. This revised report will be brought back to the Board for review at their Special Meeting scheduled for Monday August 3, 2009. Following the Board's review, the report will be forwarded to the RWQCB.

Ms. Engle left at this point in the meeting.

ACTION ITEMS:

CHAIRMAN KAISER ANNOUNCED THAT ACTION ITEM NO. 11 WOULD BE ADDRESSED PRIOR TO ITEM NO. 10

11. OVSD Ordinance Revisions – Contract No. 2009-15 – Management Partners, Inc.

A contract with Management Partners, Inc. to assist with the revision of the District's Ordinances was presented. Andy Belknap, Management Partners, Inc. Regional Vice President was present to answer questions.

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote the Chairman was authorized to sign Contract No. 2009-15, Agreement For Consulting Services Between OVSD and Management Partners, Inc. in an amount not to exceed \$70,000.

Mr. Belknap left at this point in the meeting.

BACK TO ITEM NO. 10

10. Vallerio Road Sewer Main Repair – Collection System Capital Improvement Project – Budget Adjustment No. 2009-38

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote Budget Adjustment No. 2009-38 transferring \$41,165 from the Collection System Replacement Reserve into the Major Expenditures-Office to cover the cost of the Vallerio Road Sewer Main Repair was adopted.

11. OVSD Ordinance Revisions – Contract No. 2009-15 – Management Partners, Inc.

Addressed earlier on agenda.

12. **Purchase of OCE Plot Wave 300 – Budget Adjustment No. 2010-01**

ACTION

Upon motion of Director Lotts, seconded by Director Curtis and passed by a majority 6 to 1 roll call vote, with Director Burg voting nay, the General Manager was authorized to purchase the Oce Plot Wave 300 as quoted for \$15,145, plus tax, for a total of \$16,395; and Budget Adjustment No. 2010-01, transferring \$16,395 from the Equipment Replacement Reserve into Major Expenditures–Office account to cover the cost of the flow meters was adopted.

13. **Manhole Replacement Frames & Covers – Budget Adjustment No. 2010-02**

ACTION

Upon motion of Director Lotts, seconded by Director Baggerly and passed by a majority 6 to 1 roll call vote, with Director Burg voting nay, the purchase of 50 manhole frames and covers from Neenah Foundry Company for a cost not to exceed \$18,132 including tax and freight was authorized; and Budget Adjustment No. 2010-02 authorizing the transferring of funds from the Collection System Replacement Reserve to the Capital Expenditure/Line Maintenance accounts to provide funding for this contract was adopted.

14. **Employee Benefit – Section 125 Flexible Spending Account Limit Increase**

ACTION

Upon motion of Director Lotts, seconded by Director Baggerly and duly passed the annual contribution limit per employee in the voluntary Flexible Spending Account plan was increased to \$3,500 effective January 1, 2010.

15. **Human Resources Policy – Resolution No. 2008-12**

ACTION

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote Resolution No. 2009-11, Resolution for the Adoption of the Ojai Valley Sanitary District Human Resources Policy was adopted, effective immediately; and the General Manager was directed to implement this Policy and to update the Employee Handbook to reflect the addition of the Vacation Buy-Back provision.

16. **Sanitary Sewer Management Plan (SSMP)**

ACTION

Upon motion of Director Baggerly, seconded by Director Burg and duly passed the presented Sanitary Sewer Management Plan was approved and staff was directed to provide periodic updates on the Sanitary Sewer Management Plan.

17. **Real Property Ad Hoc Committee – Contract No. 2009-16**

A proposed contract between the District and Hawks and Associates to investigate regulatory and flooding issues for the Bonsall properties adjacent to the treatment plant was reviewed.

Pat Baggerly, Environmental Coalition, addressed the Board stating that it was her understanding that the Real Property Committee directed the General Manager to contact the City of Ventura about the District purchasing the property they are currently leasing from the City prior to investigating the cost of providing flood protection to the Bonsall properties in the area. Ms. Baggerly emphasized the District's obligation to comply with CEQA requirements regarding proposed land acquisition. Ms. Baggerly also recapped statements Director Curtis made at the Real Property Committee meeting about the Bonsall property being completely washed out in the 1969 flood and re-established with fill material.

The Board discussed tabling the consideration of the contract with Hawks until some concerns about the details in the scope of work are resolved.

ACTION

Upon motion of Director Greene, seconded by Director Burg and duly passed with a majority 6 to 1, with Director Curtis voting nay, consideration of Contract No. 2009-16 between the District and Hawks and Associates was tabled until the scope of work is modified to more clearly address the types of cost research to be completed and for the engineer assigned to be the project manager to be identified in the contract.

The need to identify the scope of the Real Property Ad Hoc Committee's tasks was discussed. It was agreed that a Board Workshop will be held to determine the appropriate scope of this Committee's tasks. Staff will coordinate the date and time for this workshop.

CHAIRMAN KAISER ANNOUNCED THAT AGENDA ITEM NOS. 19 – 27 WOULD BE ADDRESSED PRIOR TO ITEM NO. 18, CLOSED SESSION

INFORMATION ITEMS – FOR RECEIPT & FILE

19. **Algae TMDL Update**

Addressed earlier in agenda.

20. **Monthly Financial Reports**

Received and filed.

21. **Monthly Investment Report**

Addressed earlier in agenda.

22. **Quarterly Investment Report**

Addressed earlier in agenda.

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

Received and filed.

24. **Committee Reports**

Received and filed.

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

None

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

Received and filed.

Mr. Sheets showed the Board a plaque presented to the Treatment Plant by Southern California Edison to recognize staff's efforts working with Edison on energy saving measures. Mr. Sheets announced that an energy audit is scheduled to be conducted at the Treatment Plant in the near future.

27. **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

None

- c. General Manager

None

CHAIRMAN KAISER AJOURNED THE MEETING TO A RECESS AT 10:35 P.M.

CHAIRMAN KAISER RECONVENED THE MEETING AT 10:39 P.M.

BACK TO ITEM NO. 18

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

Title: General Manager annual evaluation.

Chairman Kaiser 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 Kaiser convened the Board to closed session at 10:40 p.m. Mr. Sheets, Mrs. Krout, and District Legal Counsel left the meeting.

Chairman Kaiser reconvened the meeting to opening session at 10:45 p.m. announcing that no action was taken during the closed session.

28. **Adjournment**

Chairman Kaiser adjourned the meeting at 10:45 p.m.

John R. (Randy) Burg, Secretary

APPROVED:

Peter M. Kaiser, Chairman