



## 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 September 29, 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

**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)

Director Burg presented a note from Dan Musick, principal of Nordhoff High School, thanking the District for its recent donation to the school of retired computer equipment.

**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 Greene 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 August 25, 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.

**CHAIRMAN STONE ANNOUNCED A CHANGE IN THE ORDER OF THE AGENDA ITEMS; INFORMATION ITEM NO. 20 WILL BE ADDRESSED PRIOR TO THE ACTION ITEMS**

20. **Update on Finance Issues**

Howard Smith, Morgan Stanley, was in attendance to discuss the recent developments in the investment market and the economy. Mr. Smith assured the Board that the District's invested funds managed by Morgan Stanley have not been adversely affected by these recent events. Mr. Smith explained that the types of investments allowed by the District's investment policy are very safe and low risk.

Mr. Smith assured the Board that Morgan Stanley as a company was secure and strong and not at risk of being bought out. Mr. Smith responded to questions from the Board.

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

**ACTION ITEMS:**

9. **Ventura Avenue Sewer System Improvements – Final Negative Declaration**

Mr. Correa explained that it was brought to staff's attention that the public comment period on the District's intent to adopt a Negative Declaration (ND) for this project lasted 19 days instead of the required 20 days. Consequently, staff recommended, and District Legal Counsel concurred, that action on this item be postponed to a subsequent meeting allowing time for the Notice of Intent to be re-posted opening the public comment period for a new 20 day period.

Director Baggerly voiced his concern that the cost of the project should be presented to the Board at the same time as the CEQA document is presented. Mr. Correa explained that the design work will not have progressed far enough to provide a comprehensive cost estimate for the entire project; estimates of some phases would be possible.

Director Baggerly also voiced his concern that the full project is not described in the ND. Mr. Correa agreed to work with the consultant to make the project description more precise.

Mr. Zirbel, District Legal Counsel, explained that the CEQA term 'project' is not equal to the 'project' eventually covered by a construction contract. Mr. Zirbel continued by explaining that in the CEQA document the project the District approves might not be fully designed, so the District needs to be sure that the project that eventually gets built is the same project as the one in the adopted CEQA document.

Making various changes to the ND prior to re-posting was discussed. Director Baggerly emphasized the importance of considering the 'reasonableness' of recent comments received on the ND expressing concerns about the possible need for a Phase 2 archeological study of the project area.

Pat Tumamait addressed the Board introducing himself as a local resident and Chumash monitor for the area. Mr. Tumamait express his surprise that he was not personally notified of this proposed project noting that he has been in the monitoring business in this area for 18 years. Mr. Tumamait voiced his objection to this project being declared ND, stating it is his opinion that there is a potential for human remains to be found in the project area. Mr. Tumamait pleaded with the Board to reconsider the project more responsibly, considering a Phase 2 archeological study of the undisturbed areas and a recovery operation when digging up the previously disturbed areas; noting it is his opinion that there could possibly be human remains in the fill material used in the previously disturbed areas.

Matt Ingamelis, Padre Associates, Inc., explained that a Phase 2 archeological study of this area was performed in 1989; the report from this study shows the sensitive area to be on the opposite side of Ventura Avenue from where the project is planned.

Pat Baggerly addressed the Board introducing herself as a representative of the Environmental Coalition for the Ojai Valley. Ms. Baggerly referenced her letter to the Board dated September 29, 2008 which addressed the District's failure to notice the ND for the full 20 days and the need for the ND to be sent to the State Clearing House. Ms. Baggerly noted that her letter requested the Board re-notice the project for the required 20 days. Ms. Baggerly also referenced a recent letter sent to staff from John Foster regarding archaeological concerns in the project area.

Ms. Baggerly expressed her agreement with Mr. Tumamait that a Phase 2 archaeological study should be performed on the portion of the project site that is felt to be sensitive to Native American artifacts.

### **ACTION**

Upon motion of Director Greene, seconded by Director Kaiser and passed by unanimous roll call vote action on this CEQA documents will be postponed to the Board's next meeting.

10. **Resolution No. 2008-16 – Election For Alternate Member – LAFCO Independent Special District Member**

The candidates running for election for the Independent Special District Alternate member of LAFCO were reviewed.

**MOTION**

Director Curtis made a motion, seconded by Director Kaiser to select Gail Pringle, Calleguas Municipal Water District, as the candidate to cast the District's vote for; this motion failed by at 5 to 2 roll call vote, with Directors Greene, Lotts, Baggerly, Burg and Stone voting nay.

**MOTION**

Director Baggerly made a motion, seconded by Director Greene to select Keith Turner, Ventura Port District, as the candidate to cast the District's vote for; this motion failed by at 4 to 3 roll call vote, with Directors Lotts, Kaiser, Curtis and Stone voting nay.

**MOTION**

Director Lotts made a motion, seconded by Director Greene to select James Meredith, Rancho Simi Recreation and Park District, as the candidate to cast the District's vote for; this motion failed by a 4 to 3 roll call vote, with Directors Curtis, Kaiser, Baggerly and Burg voting nay.

**ACTION**

Upon motion of Director Kaiser, seconded by Director Curtis and passed by a majority 6 to 1 roll call vote, with Director Stone voting nay, Gail Pringle, Calleguas Municipal Water District, was selected as the candidate to cast the District's vote for the Independent Special District Alternate member of LAFCO; and the Chairman was authorized to sign the official ballot casing the District's vote for Gail Pringle; and Resolution No. 2008-16, A Resolution Casting A Vote For Alternate Commissioner Of The Ventura Local Agency Formation Commission was adopted; and staff was directed to submit the executed ballot and adopted Resolution to Ventura LAFCO prior to the deadline of October 27, 2008.

11. **Proposed Ordinance No. OVSD-58 Replacement of Ordinance No. OVSD-53 Setting Board Member Compensation**

The Public Relations/Newsletter/Ordinance Committee's recommended change to Ordinance No. OVSD-53 was discussed. The Committee members explained that they supported amending the Ordinance to include the Regional Water Quality Control Board (RWQCB) to the list of 'Standing Day of Service Request' but did not support adding the Ventura Council of Governments (VOG), noting it was felt that the RWQCB had a direct relationship to the District's activities but VOG did not.

**ACTION**

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote it was agreed that the list of Organizations authorized as a 'Standing Day of Service Request' as established by Ordinance No. OVSD-53 should be revised to include the RWQCB.

Mrs. Krout, Clerk of the Board, conducted the first reading, by title only, of proposed Ordinance No. OVSD-58.

**ACTION**

Upon motion of Director Curtis, seconded by Director Kaiser and duly passed staff was directed to place Ordinance No. OVSD-58 on the October 28, 2008 agenda for the second reading, public hearing, and adoption.

12. **Computer Equipment Replacements**

**ACTION**

Upon motion of Director Baggerly, seconded by Director Kaiser and passed by unanimous roll call vote the purchase of the two Laptops, SQL server, and 9 workstations as identified was approved; and Budget Adjustment No. 2009-07 transferring \$55,529 out of the Equipment Replacement Reserve to fund the purchase of the identified replacement equipment was adopted.

It was announced that the Finance Committee is working on developing a District Purchasing Policy. Director Burg suggested the Committee also include a policy for disposing of equipment.

13. **Incomplete Contracts & Purchases From FY 2007/08 Budget – Budget Adjustment No. 2009-08**

**ACTION**

Upon motion of Director Kaiser, seconded by Director Curtis and passed by unanimous roll call vote Budget Adjustment No. 2009-08 continuing outstanding expenditures from the prior fiscal year into the Fiscal Year 2008/2009 Budget in the amount of \$475,597 was adopted.

14. **Manhole Replacement Frames & Covers – Budget Adjustment No. 2009-09**

Staff distributed a revised recommended action correcting the purchase amount for 50 manhole frames and covers to \$19,653.

**ACTION**

Upon motion of Director Baggerly, seconded by Director Curtis and passed by unanimous roll call vote the purchase of 50 manhole frames and covers from Neenah Foundry Company for a cost not exceed of \$19,653 including tax and freight was authorized; and Budget Adjustment No. 2009-09 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.

15. **Vehicle Replacement – Budget Adjustment No. 2009-10**

**ACTION**

Upon motion of Director Baggerly, seconded by Director Greene and passed by unanimous roll call vote staff was authorized to purchase a 2009 Ford F-250 Supercab from Downtown Ford of Sacramento for a total price of \$26,937.18; and staff was authorized to purchase and have installed in the F-250 truck the identified accessories for a price of \$4,100; and Budget Adjustment No. 2009-10 transferring \$31,038 out of the Equipment Replacement Reserve account to provide funding for this purchase was adopted.

16. **Purchase of 3T Prowler Easement Machine**

Mr. Correa explained that the Easement Machine proposed for purchase was recently rented by the Collection System crew to perform a live demonstration of its effectiveness for District operations. Mr. Correa played a video showing the crew using the machine.

**ACTION**

Upon motion of Director Lotts, seconded by Director Kaiser and passed by unanimous roll call vote staff was authorized to purchase the 3T Prowler Easement Machine and Trailer for \$33,393 including tax and shipping, from 3T Equipment Company Inc.; and Budget Adjustment No. 2009-11 transferring \$33,393 from the Future Purchases Reserve into the Major Expenditures-Collection System account to fund this purchase was adopted.

17. **Purchasing Land Near The Wastewater Treatment Plant**

Mr. Correa explained that several properties to the north of the treatment plant owned by Buzz Bonsall, are currently for sale. The Board discussed the District's potential future use of this property and expressed their concerns about the properties' zoning, flooding and other potential environmentally sensitive issues.

**ACTION**

Upon motion of Director Curtis, seconded by Director Kaiser and duly passed staff was directed to complete further investigation of all three of the available properties to answer the questions raised and bring this information back to the Board.

18. **Ordinance and Policy Updates**

The need for the District's foundational Ordinances (Ordinance Nos. 1 & 2) to be thoroughly reviewed for necessary updates and revisions was discussed. The need to develop a formal Capitalization & Depreciation Policy and a Purchasing Policy was also discussed.

**MOTION**

Director Kaiser made a motion, seconded by Director Greene to direct staff to work with the Ordinance Committee to update and revise Ordinance Nos. 1 & 2; and to direct staff to work with the Finance Committee to develop Capitalization & Depreciation Policies and a Purchasing Policy; and direct staff to bring the completed documents back to the Board for approval.

The need for these new policies and ordinance revisions was reviewed. It was suggested that it would be appropriate to add the development of an Asset Retirement Policy to the Finance Committee's task.

**AMENDED MOTION**

Director Kaiser amended his motion to include tasking the Finance Committee with the development of an Asset Retirement Policy; Director Greene agreed with this amendment. The amended motion was duly passed with a voice vote.

19. **Re-Schedule October 2008 Board Meeting**

**ACTION**

Upon motion of Director Baggerly, seconded by Director Kaiser and duly passed the regular Board of Directors meeting scheduled for October 27, 2008 was cancelled; and a Special Meeting was scheduled for Tuesday October 28, 2008 at 7:00 p.m. to address regular District business for the month of October.

**INFORMATION ITEMS**

20. **Update on Finance Issues**

Addressed earlier on the agenda.

21. **Monthly Investment Report**

Received and filed.

22. **Monthly Financial Reports**

Received and filed.

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**

Director Stone reported on the recent AWA Meeting he attended in Simi Valley; noting that Northern California water issues was among the topics discussed.

Director Baggerly reported the California Association of Joint Powers Authorities conference he recently attended in South Lake Tahoe; the importance of proper ergonomics in the workplace was one of the topics emphasized at this conference.

Director Curtis reported on the California Special Districts Association's Annual Conference he recently attended in Irvine. The topics covered at this conference included sessions on methods to effectively evaluate a general manager and the Fats, Oil & Grease (FOG) programs affecting agencies across the state.

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

Received and filed.

Director Greene pointed out an error on page 6 of the minutes of the August 25, 2008 approved earlier on this agenda; the California Special Districts Association was incorrectly referenced on this page, it should be the California Association of Sanitation Agencies. The Clerk of the Board will correct this error prior to the final filing of the minutes.

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)

Pat Baggerly addressed the Board stating that the Lake Casitas Land Management Plan is currently open for public comment. Ms. Baggerly expressed her opinion that the District should review this Plan to see if there are issues in the Plan that the District should comment on.

Ms. Baggerly submitted the original of the September 29, 2008 letter from the Environmental Coalition she referenced earlier in the agenda.

b. Board Members

None.

c. General Manager

None

28. **Adjournment**

Chairman Stone adjourned the meeting at 10:09 p.m.

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William E. Lotts, Secretary

**APPROVED:**

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William M. Stone, Chairman