

**CARPINTERIA SANITARY DISTRICT
IN THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

MINUTES

These are the **minutes** of the **regular** meeting of the Governing Board of the Carpinteria Sanitary District in the City of Carpinteria, County of Santa Barbara, and State of California.

The Governing Board of the Carpinteria Sanitary District held a regular meeting on **March 16, 2010**, at 5:30 p.m. at its District administrative office located at 5300 Sixth Street, Carpinteria, California.

Directors Present: Michael Damron– President
Lin Graf – President Pro-Tem - **Absent**
Jeff Moorhouse – Secretary
Pat Horwitz – Secretary Pro-Tem
Doug Treloar – Treasurer

Staff Present: Craig Murray – General Manager
Judy Kirkman – Board Secretary
Hamid Hosseini – Finance Director - **Absent**

Legal Counsel
Present: Bill Hair

President Damron called the meeting to order and led the Board, staff and Legal Counsel in the Pledge of Allegiance.

President noted for the record that Director Graf was absent from the meeting. President Damron also noted Legal Counsel Tony Trembley was absent and Legal Counsel Bill Hair from Nordman, Cormany, Hair & Compton LLP was present and welcomed.

Board Approval of Agenda - President Damron asked if there were any modifications and/or changes to the agenda. Hearing none, President Damron said the Agenda was approved as submitted.

Approval of Minutes of the Meeting of February 16, 2010 – Director Treloar made a motion that the minutes of the February 16, 2010 Board Meeting be approved as submitted; Director Horwitz seconded the motion, and the motion was approved by a 4-0 vote.

Public Forum – None

General Manager's Status Report – General Manager reported on the following:
SAMA Meeting Report – The March meeting of the Sanitation Agency Managers' Association was held on March 10th at the Goleta Sanitary District. Various topics were discussed including recent changes at the Regional Water Quality Control Board. A lot of the meeting was centered on a recent announcement in a change of procedures by the Santa Barbara County Roads Permits Division, the branch of the County that allows the District the

privilege of working in their roads. General Manager said they proposed some changes to how and when they apply permits that would affect agencies that maintain sewer systems. They first talked about a proposal that would charge the District \$95.00 every time District crews opened a manhole. General Manager said they had gone further to suggest that agencies would need to get a long-form permit every time they operate in a significant street that has major traffic or signalized intersections. General Manager said that permit would take several weeks to obtain and would cost about \$600.00. General Manager said it wasn't a done deal, and the County had committed to having another meeting. It is unclear if this is a revenue-generating effort or if the County has had problems with other utilities. General Manager said it was something staff would stay involved in and report back to the Board.

Director Treloar said there was an item on tonight's agenda dealing with an easement in Carpinteria Avenue. Director Treloar said in reading that easement the District has the right to go in to build, repair and maintain. Director Treloar asked if the District had those same easements on all existing roads, and if so, wouldn't the District be grandfathered in. General Manager said the easements are not the same. In a public right of way the District has utilities and rights to have them there, but not necessarily the same rights as granted through a formal easement on private property. General Manager said when the District needs to excavate facilities to repair or replace a damaged pipe the District is required to obtain an encroachment permit from the City Public Works Department. The District has a blanket permit, so if we're doing a minor lateral repair, that process is streamlined. But for the Bluff's Sewer Project, for example, we have to get a permit and there will be conditions to perform that excavation, even in a public road. Legal Counsel said there was no easement in a public street. Your right is granted by the Health and Safety Code, similar to a private utilities franchise. General Manager said fortunately for the District the majority of our work is in the City, and the District does not have to deal with the same issues; **SCADA Project Update** – General Manager said the District is making headway on the SCADA Project. Staff met with Nader of AIA last week and he is now running 24-hour stability testing of the new server with all the software loaded to make sure the system is stable. The target for project completion is late May; **SCAP Monthly Report** – A copy of the March *SCAP Monthly Report* was included in the agenda for the Board. General Manager said the District was a member of the Southern California Alliance of Publicly Owned Treatment Works (SCAP), and he thought it might be beneficial to include the report periodically. General Manager said the District benefits from the technical staff of the larger agencies that are SCAP members; **Operations Update** – Things are running fine at the Treatment Plant. We did experience a power surge on March 4th that interrupted operations at the treatment plant. It happened around 3:30 p.m. and shut off some equipment. There were some major impacts at Pump Station No. 1, including damage to one of the new submersible pumps. SCE was contacted and is investigating the incident. Director Treloar asked if it affected our plant only or were other users in Carpinteria affected. General Manager said it was a local grid problem, and was unaware of other users that were affected. The pump was removed and taken to ITT /flight to be repaired at their facility in Los Angeles. Staff is following up to make sure liability for the event goes to the proper agency. General Manager said there were also some power outages on March 6th associated with major wind events. The Treatment Plant air conditioning unit serving the laboratory failed, and work has been completed to replace the HVAC unit through a local contractor. General Manager said the local contractor helped the District get favorable pricing on a replacement unit from the manufacturer. General Manager said the unit that was replaced was past its warranty, but had not given the service anticipated. Director Treloar asked if that was due to being in a damp location. General Manager said he thought so, and the new unit had a more robust coating of the interior components. Director Horwitz asked the age of the unit that failed. General Manager said it was probably seven or eight years old. General Manager said the rebuilt plant water pump

was put online and started up by the pump vendor and was working well. The Collection System is operating well with no problems to report. General Manager said staff responded to a couple of private lateral issues. One was a response to an issue at a restaurant on Linden Avenue. They did not have an overflow, but there was a lateral backup. Lance Lawhon, the District's Engineering Technician followed up on the facility's grease management practices. General Manager said they were doing a good job, and it was not determined why there was accumulation in their lateral downstream. Staff will continue to work with them. Director Treloar asked if all restaurants in town had grease traps. General Manager said generally they do, but there are certain establishments that do not require one based on the nature of their operations. There was an overflow at a Linden Avenue grocery store that same week. General Manager said District staff were called out because of an overflow into the parking lot from the cleanout downstream from their grease interceptor. The business had already called a plumbing contractor and was taking care of the blockage, but staff did respond and cleaned up some of the wastewater from the spill. They are now assessing why that spill did occur. General Manager said Lance was doing a good job following up on issues such as this to make sure everything is handled. General Manager said there was a "Halo" in the *Coastal View* last week acknowledging good customer service. Some modifications were completed in the District's Collection System office. A GIS workstation is now in place to provide Collections staff full access to GIS mapping. A WinCan software license and reporting module was also loaded to provide a location for review of CCTV video and reports.

Resolution No. R-229 Accepting a Grant of Easement from the City of Carpinteria (APN 001-180-162) - General Manager said this was an easement associated with the Bluffs Sewer Relocation Project involving installation of a new 10-inch diameter gravity sewer pipeline. General Manager said the proposed alignment veers off the paved area to the north of Carpinteria Avenue and crosses two parcels. The one on the western side is owned by CalTrans where the District is working on an encroachment permit. On the east side the parcel, known as the "Farmer" parcel, is owned by the City of Carpinteria. The District is proposing veering off one corner of that parcel and boring underneath the Bailard Avenue section into the CalTrans section and then coming back into the road. The District has negotiated with the City of Carpinteria to obtain a sewer easement. General Manager said the easement and agreement documents were developed in coordination with the City Attorney, the District's General Counsel, the City Manager and himself. General Manager said the City had a value assessment done on that piece of property and placed a value of easement of \$3,475.66, and that had become the cost for the District to acquire this easement.

Director Treloar said he thought this was the parcel that was declared as "wetlands." General Manager said yes that was the parcel, but the entire parcel was not covered by "wetlands" and that our pipeline will respect the 100-foot setback requirement.

General Manager said the City Council considered and approved this Grant of Easement and Agreement Thereon at their meeting on March 8, 2010. General Manager said what was before the Board was a resolution to approve the Grant of Sewer Easement and Agreement Thereon, accept the easement from the City, authorize the General Manager to execute the Certificate of Acceptance and record the easement.

Director Horwitz asked for an update on the grant funding for the Bluffs Relocation Project. General Manager said the grant funding was back in place and the State was approving invoices and issuing checks. Director Horwitz said one of the conditions of the City in the permit was that if work was done during the summer season and residents were displaced, the District would make advance, adequate accommodations. General Manager said the conditions of the permit were a separate topic of discussion, but with respect to the permit conditions, there would only be potential noise impacts to one home.

Director Treloar said under the Grantee's obligations, 3.2 says if the District finds something that the City did not tell us about, they'll pay us for working around it, and 3.3 says we indemnify and hold them harmless for anything. Legal Counsel, Bill Hair said 3.2 was a separate provision and 3.3 is a general indemnification, and one does not invalidate the other.

Director Treloar said on page 31, in condition #3 it said the District would not be adding any services, but the new line would go in front of Tee Time. Director Treloar said Tee Time is not currently connected to the District's sewer system and asked if the District would allow Tee Time to remain on their holding tank. Legal Counsel said he was assuming this was a negative declaration and the District would not be adding any new development that would add to the service. Director Moorhouse said Tee Time could connect now if they wanted to on the other side. Director Horwitz said when this was brought up at the hearing, the City's answer was that they consider new services outside the General Plan, and our sewer line is not causing any new development.

Director Treloar made a motion that the Board adopts Resolution No. R-229 as presented; Director Moorhouse seconded the motion, and the motion was approved by the following 4-0 roll call vote: Director Horwitz voted aye, Director Moorhouse voted aye, Director Treloar voted aye, and President Damron voted aye.

Proposition 84 Regional IRWMP Process

Updated MOU for Participation and Funding – General Manager said this item was for a Memorandum of Understanding (MOU) to participate in the State-wide Proposition 84 Process and Revise the Area-wide Integrated Regional Water Management Plan in Santa Barbara County. General Manager said this MOU updated the MOU first entered into in 2006 for the purpose of preparing the IRWMP and for subsequent grant application efforts. General Manager said the District has participated in the Prop 50 IRWMP process and was successful as a region getting a \$25M grant, which the District expects to receive up to \$1.25M for the Bluffs Sewer Relocation Project. General Manager said Prop. 84 was the second round for funding by the voters. General Manager said in March of last year the Board approved the District's participation and the MOU. General Manager said there had been a few changes in how the group moves forward with development of applications for planning grants, applications for implementation grants, and updating the IRWMP document, and that was the basis for the updated MOU.

General Manager said the County Water Agency is still intending to pay 50% of the total overall cost of this program, with the remainder 50% of the costs shared by those cooperating partners interested in participating in the process.

General Manager said a copy of the draft MOU was attached to the Staff Report, and a letter from the Water Agency manager was circulated that was received today describing some of the changes in this MOU, compared to the March 2009 MOU. Language was included to allow for participation of non-governmental organizations or environmental organizations that would be contributing in-kind support to assist the process. Language was cleaned up about how the votes happen and who gets to vote on certain things and the governance of the agency. One other change states that the Prop. 84 cooperating members' meetings are not Brown Act meetings. General Manager said all meetings had been conducted in the past as Brown Act meetings, and it presented some difficulty when people tried to call in and were coming from all parts of the County. Director Horwitz asked if that meant the meetings would not be noticed. Legal Counsel said that's what it would mean, not noticing the meetings and not having an agenda. Legal Counsel said it was something he would want to take a look at. Legal Counsel said the Brown Act was very specific and said that if you have a non-profit organization that has certain members of public agencies that contribute monies to that organization, it is subject to the Brown Act. General Manager said

this MOU was based on prior MOUs and the product of 27 lawyers looking at it from every agency. General Manager said the Board might consider approving the MOU with a conditional approval. Legal Counsel said that was what he recommended.

General Manager said on page 66 there was a projected breakdown of some of the costs for the District's participation over the next year of the program. The City of Carpinteria, the Carpinteria Valley Water District and the District would collectively pay a certain amount. The District's anticipated first year contribution would be \$1,945. General Manager said he supported the District's participation in the process, and it was the mechanism to continue to pursue future grant funding from the state. General Manager said it was staff's recommendation that the Board continue participation in the regional IRWMP program and contribute funds and resources on a pro-rata basis in pursuits of Proposition 84 grant funding opportunities.

Director Treloar made a motion that the Board approve the continuing Memorandum of Understanding (MOU) to Participate in the State-wide Proposition 84 Process and Revise the Area-wide Integrated Regional Water Management Plan in Santa Barbara County and authorize payment to the County Water Agency for the District's contribution to the planning effort subject to clarification of the comment regarding not having to meet the Brown Act requirements; Director Moorhouse seconded the motion, and the motion was approved by a 4-0 vote.

South Coast Beach Communities Septic to Sewer Project Status Update – General Manager said progress was being made on the South Coast Beach Communities Septic to Sewer Project. General Manager said the permit process was underway. The Carpinteria City Council approved the Coastal Development Permit and Conditional Use Permit for the project on February 8th. General Manager said the District needed to get land use permits from Ventura County, Santa Barbara County and Carpinteria. General Manager said staff met with representatives from the Ventura County Watershed Protection District regarding the project and Ventura County Planning staff are now preparing a staff report and resolution for consideration by their Planning Commission. General Manager said two separate land use permits were required from the Santa Barbara County Planning and Development Department – one for Rincon Point and one for the Sandyland Cove/Sand Point Road portion. General Manager said the District had paid for them to review the applications, and they came back with a comprehensive letter of incompleteness for both applications, requesting a great deal of information, original archaeological reports, biological reports and had detailed comments on the plans that were submitted with the application. General Manager said the Planning Commission's responsibility was primarily to confirm consistency with approved land use policies. After reconsidering the incomplete determinations, the County ultimately did not modify its requirements. The District and Penfield & Smith are working to address the P&D requirements and resubmit the permit application packages. General Manager said he did call the County Supervisors office and let them know there were concerns, so this may go back through the County Supervisors office to inquire why this level of scrutiny was being required when the other entities moved ahead with permit and accepted a half-million dollar Environmental Impact Report and a 40-page mitigation monitoring plan as being enough to address the potential impacts of the project. General Manager said as the Planning and Development Department spends time reviewing our information, they were billing us at \$183.00 per hour.

General Manager said on the CalTrans Encroachment Permit, the District met with CalTrans in November regarding the encroachment permit application the District would be submitting. When staff met with them discussion was held regarding the other pipeline alignments from Rincon to Carpinteria and how there was no other safe alignment. At the meeting representatives from CalTrans District 5 said they understood and supported it, but

said it would have to go to Sacramento. General Manager said on March 2, 2010 the District received a letter from Caltrans District 5 office denying the District's encroachment permit application "without prejudice" because the proposal did not meet Caltrans policy. General Manager said the project team was currently working on strategies to deal with ways to get a reversal of that decision.

General Manager said an encroachment permit application was submitted to Union Pacific Railroad for the proposed overhead crossing of the railway corridor where the force main from Rincon Point would be attached to the Caltrans bridge. No determination from Union Pacific has been received to date.

Penfield & Smith is working on applications for septic tank abandonment permits that will be required from Santa Barbara County Environmental Health and Ventura County Environmental Health.

General Manager said based on feedback from the California Department of Fish & Game, the project is not expected to require formal permitting, and because of this we probably will not have permit requirements from the US Army Corps of Engineers.

Penfield & Smith is working on utility easements for individual properties, easements for common area parcels from homeowners associations, an easement from the Land Trust for Santa Barbara County (Sandyland Cove) and an easement from the City of Carpinteria for the Carpinteria Salt Marsh Park parcel.

General Manager said the final design is advancing. West Coast Engineering has completed a technical peer review of the on-site design for individual parcels. The District is continuing to outreach to property owners in the Rincon Point Community about potential relocation of the pump station.

Archaeological investigation is moving forward in Rincon Point. The Habitat Restoration Plan was completed by Rincon Consultants who are also preparing an arborist report and performing wet season depression mapping at this time.

With assistance from Penfield & Smith, the District prepared a comprehensive first invoice that was submitted to the State with the required Prop 84 Grant Progress Report. This detailed package was submitted to the State, triggering a requirement to invoice and report to the State Water Resources Control Board on a quarterly basis.

LAFCO Special District Representative Selection – General Manager said there was a meeting of the Independent Special District Selection Committee on Monday, February 22nd in Buellton for the purpose of electing a Special District Representative to fill a vacancy on Santa Barbara LAFCO. General Manager said there was a quorum of agencies represented with 22 voting members. There were seven candidates for the vacancy, including Director Moorhouse. Director Moorhouse was elected to serve as a regular member of Santa Barbara LAFCO through March 2014.

Finance Committee – Director Treloar said the Finance Committee had met yesterday morning and went over the monthly budget, revenue report and a Septic to Sewer Project funds report.

Personnel Committee – did not meet. Director Moorhouse said this was the time of the year that the Board evaluated the General Manager, and he passed out evaluation forms for Board Members to complete and return. Director Moorhouse asked General Manager to submit a list of his accomplishments during the past year, as he has done in the past, to assist them in the process.

Public Relations Committee – did not meet.

Board General Items

CASA Legislative Committee Report – Director Moorhouse said he was not available to participate in a CASA conference call, but said the big issues coming up dealt with recapturing water. Director Moorhouse mentioned a news article in the *Daily Sound* from Heal the Ocean about recycling wastewater. Director Moorhouse said it was a good article praising sanitary districts and saying they were there to help sanitary districts get funding for this project.

President Damron said he had just spent a few days in Washington, D.C. on behalf of the District at a CASA Conference. President Damron said there were a lot of speakers for two days from the EPA and different groups talking about renewable resources, climate change and safe disposal of pharmaceuticals. President Damron said since Carpinteria had recently implemented disposal of pharmaceuticals at City Hall through the Sheriff's Department, they were able to give some input into the discussion. Another subject conference speakers talked about was chemical security. They wanted to make sure that Homeland Security wasn't the one overseeing districts, such as our agency, as far as sabotage. President Damron said it was interesting to hear discussions from other agencies across the state. President Damron said on the last day of the conference, when they were supposed to go visit their legislators, it was a very disheartening day because it made him realize how little influence we have in Washington, and they did not actually get to meet with any legislators. President Damron said he felt if we had an issue to talk to our Congressional representative about, it would be easier to wait until she is in Santa Barbara and make an appointment to see her locally.

Future Agenda Items

Adjournment. There being no further items to discuss, President Damron adjourned the meeting at 6:32 p.m.

Michael Damron
President

Pat Horwitz
Secretary Pro-Tem

Lin Graf - **Absent**
President Pro-Tem

Doug Treloar
Treasurer

Jeff Moorhouse
Secretary