

**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 **May 15, 2007**, at 5:30 p.m. at its District administrative office located at 5300 Sixth Street, Carpinteria, California.

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

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

Legal Counsel
Present: Anthony H. Trembley

Public Present: None

President Moorhouse called the meeting to order and asked Director Horwitz to lead the Pledge of Allegiance; Director Horwitz then did so.

President Moorhouse noted for the record that Director Graf was returning from Sacramento today where he had attended the CSDA Special Districts Legislative Days and would not be able to attend the Board meeting.

President Moorhouse asked if there were any modifications and/or changes to the agenda. President Moorhouse removed the Closed Session item from the agenda, due to the absence of Director Graf. The agenda stood as modified.

Public Forum. None

Resolution No. R-194 Resolution of the Board of Directors of Carpinteria Sanitary District Setting the Date for a Hearing and Giving Notice Thereof of Election to Collect Sewer Service Charges on the County Tax Roll for the Fiscal Year 2007/2008. General Manager said Resolution R-194 sets the hearing date of June 5, 2007 for consideration of placing sewer charges on the 2007/2008 tax roll and authorizing notice thereof. General Manager said the Board must conduct a hearing and approve placement of

the charges on the tax roll annually. The hearing must be noticed and published per State Code. This notice, once authorized by the Board, will be published in the Coastal View on May 24th and May 31st. The hearing will be conducted at the Board meeting on June 5, 2007. General Manager said it was staff's recommendation that the Board adopt Resolution R-194.

Director Damron made the motion that the Board adopt Resolution R-194 setting the location, time, and date of the hearing and authorizing publication and notice per State law; Director Treloar seconded the motion, and the motion was approved by the following roll call vote: Director Treloar voted aye, Director Damron voted aye, Director Horwitz voted aye, and President Moorhouse voted aye. The motion passed by a 4-0 vote.

Cash Contract No. 344 – Rauch Communications Consultants LLC

Public Outreach Program – Newsletter Development and Distribution. President Moorhouse said Director Graf and he had met with the PR Committee and went over this outreach program and decided to bring it to the full Board for approval. General Manager said in the Public Relations committee various forms of outreach were discussed. General Manager said for the last couple of years the focus had been on the District's website and other avenues for outreach. General Manager said the last series of newsletters were developed and mailed in 2004, and since that time there were other major projects ongoing and upcoming to inform the public.

General Manager said different approaches were discussed in the PR committee. Martin Rauch of Rauch Consultants came in and met with the PR committee and gave some advice and took some input from the committee. General Manager said Mr. Rauch came back with a proposal with a recommendation for three newsletters per year. General Manager said the PR committee met again and decided two newsletters per year was a good number and that was communicated back to Martin Rauch, who came back with a proposal to provide consulting and professional services to prepare two newsletters at a cost of \$8,500 to \$9,500 per newsletter. General Manager said it included all the upfront preparation, design, production, mailing and postage. General Manager said certain tasks represented "one-time" costs, and work was proposed to be completed on a time and material reimbursement basis with a not to exceed maximum amount of \$18,750. General Manager said some of the up-front costs could be paid in FY 2006/2007. The remaining would be budgeted in FY 2007/08. General Manager said staff recommended that the Board approve and execute Cash Contract No. 344 with Rauch Communication Consultants, LLC for public outreach services on a time and material basis with a not to exceed contract amount of \$18,750.

President Moorhouse said one of the things discussed in the PR committee was that enough time had passed since the last community newsletter and we wanted to let the community know some of the things that we had done in the last three years that the District said they were going to do when rates were raised in 2004. President Moorhouse said there might also be an opportunity to inform the public regarding some legislation that is in the works that would have an impact on future rates. President Moorhouse said that Rauch knows sanitary districts and the language used to help the public understand what the District is doing.

Director Treloar said he was concerned with the costs. Director Treloar said Rauch had developed newsletters for the District in the past and now there were additional costs to research, develop and design. Director Treloar said the last newsletter was a good one because it kept the public informed regarding the need to increase rates. Director Treloar said he felt the one prior could have been done a lot cheaper. Director Treloar said he would

like to see the District get another bid from a local person to compare. General Manager said he thought the numbers sounded high, but looking back to 2004 approximately \$24,000 was spent for three newsletters.

Director Damron said that if there is information the public needs to know regarding future rates, it's better to get that news out early. Director Damron said when the last newsletter was sent out, presentations were also made verbally by Board members getting the word out as well in conjunction with the newsletter, and that seemed to work well.

President Moorhouse said the PR committee was concerned with the costs in the first proposal submitted by Rauch, and that proposal was sent back to trim down from three newsletters to two. Director Damron said that the District had not done a newsletter in three years, and these costs were for a one-year commitment. General Manager said that the consultant's message was that the District would benefit with some level of continuity.

Director Horwitz asked if Rauch would write the text and not the staff. President Moorhouse said the District would have editorial rights. Director Horwitz said the rates were high, but we were contracting with someone who knows the wastewater business, whereas if the District goes out to a local designer, printer and writer, you may end up with some quality, but you may not have the writing ability with the background and experience.

Director Treloar said he did not have enough information to vote in favor of the contract.

Director Damron said in 2004, the issue was the need for a rate increase. Director Damron asked what the issues were or theme for the proposed newsletter. General Manager said he believed outreach was important and was behind the idea of sending out a newsletter. General Manager said one of the key issues he wanted to talk about in the first newsletter was the Collection System Rehabilitation Project. General Manager said it would give the public insight and advance notification when they saw the District's trucks and employees working on the project, they would know what was going on. General Manager said the PR committee talked about an update on the Septic to Sewer project, and some legislative issues. General Manager said the PR committee also talked about featuring some staff.

Director Treloar asked if Rauch had examples of newsletters he'd done for other agencies. General Manager said he had been accumulating examples over the last couple of years.

Director Horwitz said the District would be looking at a rate increase in the future, so perhaps a newsletter could segue to this issue.

Director Damron asked about the timeline for the first issue. General Manager said perhaps during the summer, July, to coincide with the Collection System Rehab project.

Director Treloar said he thought some of the figures were inflated.

Director Horwitz asked if the mailing list was still available from mailing the last newsletter. General Manager said three years later the mailing list would probably be obsolete. Director Damron said the mailing list was not what was driving the cost up; it was the expertise of the consultant. President Moorhouse said there were material costs in the proposal, and it didn't matter who did the job, the cost of postage and mailing were significant. President Moorhouse said the committee tried to work to get the costs down.

Director Treloar again said he was not opposed to a newsletter or to Rauch, but would like to see comparable bids from local firms. Director Damron said it was hard to get comparables, when you would have to see a finished product to compare. Director Damron said the District knows what Rauch's product looks like, but others would be conceptual. Director Damron said he would support this because the Board appointed this committee to review public outreach proposals, and he would support the recommendation of the committee.

Director Horwitz made a motion that the Board approve Cash Contract No. 344 with Rauch Communication Consultants, LLC for public outreach services on a time and material basis with a not to exceed amount of \$18,750; Director Damron seconded the motion, and the motion passed by a 3-1 vote. Director Treloar voted nay.

Multi-Agency Agreement for Cooperative Use of a Safety and Training Officer.

General Manager said this was an item that over the past decade, the regulatory framework related to occupational safety had become increasingly complex. General Manager said the number of regulations that the District had to deal with as a public agency or as a company operating in California was very significant. General Manager said the District in the past had tried to utilize consultants to prepare documents – e.g. injury and illness prevention programs, bloodborne pathogen programs, lockout-tagout programs, etc., - with limited success. Consultants might come up with a boiler plate program or come out and do a half-day training, but there was no follow up or buy in from the supervisors or management, and the manuals end up on the shelf. At one time the District had a safety officer and they were paid a stipend to manage the OSHA compliance and the safety requirements. This approach was also not entirely effective. Several employees have been assigned tasks related to safety compliance. General Manager said he wrote a Bloodborne Pathogen plan that was reviewed and approved by CSRMA. General Manager said he conducted the Bloodborne Pathogens training for all employees, but had not followed up to make sure employees were following all the regulations on a daily basis to be compliant. General Manager said it took a lot of his time and it was challenging to comply with the safety requirements. General Manager said the implications and penalties for noncompliance were significant also.

General Manager said he learned about the multi-agency concept from the General Manager from the Central Marin Sanitation Agency at a CASA conference in January, who explained the process they had used since 1993. Five agencies have entered into a cooperative agreement and jointly hired a Safety Officer full time. That Safety Officer prepares all the required plans and programs and provides the bulk of the training for the five agencies. One of the real benefits is that this person manages the compliance for each individual employee for all five agencies. They have a database and they track to make sure everyone is getting all the training they need and certifications are up to date. That person is in charge of all the compliance for all five agencies.

General Manager said the model used in Marin County was sent to him. This model was discussed with some local agencies through SAMA meetings and other contacts. Five local agencies – Carpinteria Sanitary District, Goleta West Sanitary District, Montecito Sanitary District, Summerland Sanitary District and Ojai Valley Sanitary District – have tentatively agreed to pursue a similar model to that in place in Marin County. An agreement was drafted outlining the requirements for cost sharing, utilization, administration and other issues related to employment of a joint Safety Officer. General Management said the agreement had been reviewed by District counsel and by attorneys representing the other member agencies.

General Manager said it is currently proposed that the Carpinteria Sanitary District would be the host agency and the direct employer of the Safety and Training Officer. Conceptually, the idea was presented to the Personnel Committee. There are some advantages in having the person at this agency. The District would receive an administrative fee to cover incidental costs associated with employment.

General Manager said the preliminary program cost model had been developed for FY 2007/2008. General Manager said it was staff's recommendation that the Board review the proposed multi-agency agreement for the cooperative use of a Safety and Training Officer and authorize the General Manager to enter into the agreement on the District's behalf.

President Moorhouse asked if there was an analysis made of employee turnover in the five agencies to see how that would affect the cost of the program. General Manager said an analysis of turnover was not done, but if one agency was dominating the use of the Safety Officer's time, the Managers' group would deal with those issues. President Moorhouse asked if an agency hired subcontractors, was the Safety Officer responsible for overseeing all the subcontractors hired by the other agencies. Legal Counsel said any supervision of a subcontractor who was working for a contractor at one of the other agencies, that contractor was responsible for that subcontractor. That contractor is legally responsible by virtue of a legal contract with one of the other agencies. There are liability and indemnity protections built into that contractual relationship. Legal Counsel said in the agreement presented to the Board it says that Carpinteria Sanitary District is not responsible for work that is undertaken in another district. Legal Counsel said there was not a liability issue if there was supervision by the Safety Officer.

General Manager said this Safety Officer might review a set of plans for the Ojai Valley Sanitary District to make sure contract documents have compliance safety standards met.

Legal Counsel said under 5.1 it read "It is the intent of the Parties to this Agreement that each Party shall bear the legal responsibility for any liability arising from the work performed by the Officer for that Party, and each Party shall defend and hold each of the other Parties harmless with regard to any liability arising from such work." Legal Counsel said under 5.2 it said that "No Party to this Agreement, nor any officer, director, agency, or employees responsible for any damage or liability incurred by reason of anything done or omitted to be done by the Officer for a particular Party to this Agreement", and it goes on to say the services provided shall hold harmless the other Parties.

Director Damron said over the course of time this District had been lucky that a bigger issue hadn't come up. Director Damron said this gives the agencies a fulltime professional. The Personnel Committee thought this would be a good solution to a problem where for years the District has been naming an employee a Safety Officer.

Director Horwitz asked if the District would be protected if there was a Workers Compensation claim and it created an increase in our annual premium rate for future years. Legal Counsel said the District was protected on direct costs, but that could be argued should there be an increase that the costs should be apportioned between the five agencies. Legal Counsel said that was consistent with the intent of the agreement because the agreement says any liability arising from the employment of the Officer by the host agency shall be apportioned by the parties in this agreement in a pro-rated fashion. Legal Counsel said it was the intent of the language in section 5.4 of the agreement, but if the Board needed to have that spelled out the General Manager could talk to the other agencies to make sure that was their intent and perhaps get something in writing.

Director Treloar said the Safety Officer was a professional in safety regulations, but they were not necessarily professional in wastewater. Director Treloar said he would rather the District hired a consulting company to get the same effect and the District would not have the liability. Director Treloar said his concern in section 3.6 is that if one of the agencies wanted to drop out, they could drop out and the remaining parties would have to pay for all costs, adjusted to reflect a lesser number of parties. Once the program is in place and all the manuals have been written, what would stop one of the agencies from dropping out and we would still be responsible for that employee. Director Treloar said he was not in favor of this agreement. Director Treloar said he would rather see the five agencies pool together to hire some company to have someone do the same thing. General Manager said all five agencies have tried the consultant approach and no one has been satisfied. General Manager said he would not have brought this forward if he didn't think it would be beneficial to the District.

General Manager said if someone like Ojai Sanitary dropped out, the remaining four agencies would need to look to see if they could continue or abandon the process. General Manager said because there was a pre-funding requirement, it would give each agency six months at a minimum to make a decision.

Legal Counsel said in section 3.6 if one of the parties terminated their participation, the party had to pick up their share of the Total Costs incurred prior to the effective date of its termination, and consistent with Section 6.0., which required a January 1 notice of that year. Legal Counsel said the District was covered for six months.

Director Damron made a motion that the Board authorize the General Manager to enter into the proposed multi-agency agreement for the cooperative use of a Safety and Training Officer; Director Horwitz seconded the motion and the motion passed by a 3-1 vote. Director Treloar voted nay.

Agreement for Construct of a Sewer Main Extension

3315 Padaro Lane (APN 005-400-033). General Manager said this was an Agreement for construction of a Sewer Main Extension related to a private development at 3315 Padaro Lane. General Manager said the property was currently served by a septic tank and the owner is requesting that the District provide public sewer service. General Manger said the property was annexed into the District on February 5, 2001. General Manager said the current owner was in the permitting stage for planned improvements on their parcel, and sewer availability was a condition of their development permit from the County of Santa Barbara. General Manager said an extension of the existing main was necessary to provide service to the subject parcel. General Manager said to avoid potential delays associated with participation in the South Coast Beach Communities Septic to Sewer Project, the property owners intend to construct approximately 200 linear feet of 8-inch diameter gravity sewer and one terminal manhole within the Padaro Lane right of way. General Manager said the agreement ensures that the sewer extension will be complete by March 31, 2008 to avoid any conflict with planned extension further to the west. General Manger said the agreement was reviewed by Legal Counsel and it was staff's recommendation that the Board review and approve the Agreement for Construction of a Sewer Main Extension between the District and David Ludwig and Rebecca Kapustay for sewer system improvements proposed to serve the private development at 3315 Padaro Lane.

Director Treloar said he was opposed to this extension. Director Treloar said he did not want to see the District disrupt Padaro Lane for three months this year and then six months next year. Director Treloar asked if the owners were under some kind of time restraint. General Manager said the County was withholding their permit processing for development of their property until such time that the District gives them a can and will serve letter. General Manager said he was not willing to give the property owners the letter in the absence of an agreement assuring completion of the extension by a set date.

Director Treloar said the District was being pressured to act on something by the County when the District knows that to do this it would benefit one party, but disrupt many more parties.

President Moorhouse asked if the surrounding property owners had been notified that these property owners had made the request. General Manager said they should know there is a development proposal.

General Manager said these property owners had already been annexed into the District, and the property owners were paying fees.

Director Damron made a motion that the Board approve the Agreement for Construction of a Sewer Main Extension between the District and David Ludwig and Rebecca

Kapustay for sewer system improvements proposed to serve the private development at 3315 Padaro Lane; Director Horwitz seconded the motion.

President Moorhouse said when this type of agreement is on the Board agenda, he would like to see the owners attend the meeting to make the request, so when there are questions the owners would be there to answer.

President Moorhouse called for the vote. The motion was approved by a 3-1 vote. Director Treloar voted nay.

Agreement for Construction and Dedication of a Sewer Main

Extension at 1497 Linden Avenue – Mission Terrace Estates. General Manager said this was an Agreement for Construction and Dedication of Wastewater Conveyance Facilities including a new publicly owner lift station associated with a proposed residential subdivision at 1497 Linden Avenue (Mission Terrace Estates). Developers have subdivided the parcel into a proposed twenty-seven (27) unit single family development. The City of Carpinteria has approved the project and is in the process of issuing a building permit for the Developers. General Manager said the agreement sets forth the requirements for Developers to construct and dedicate to the District the necessary sewer infrastructure by establishing permitting and surety obligations, easement requirements, construction standards and procedures for project implementation. General Manager said the agreement had been reviewed by District counsel and it was staff's recommendation that the Board review and approve the Agreement for Construction and Dedication of Wastewater Conveyance Facilities between the District and the Developers for sewer system improvements proposed to serve the residential subdivision at 1497 Linden Avenue, known as Mission Terrace Estates.

Director Treloar made a motion that the Board approve the Agreement for Construction and Dedication of Wastewater Conveyance Facilities between the District and the Developers for sewer system improvements proposed to serve the residential subdivision at 1497 Linden Avenue; Director Damron seconded the motion. Director Treloar said his concern was that the background information said there was one dwelling on the property, but there were two dwellings on the property – one had been removed. Director Treloar asked about removal of the existing septic systems on the property. General Manager said that came under the supervision of the Environmental Health Department, but thought it had been done already. General Manager said staff would follow up and check that it had been done according to their requirements.

President Moorhouse called for the vote and the motion passed by a 4-0 vote.

President Moorhouse noted for the record that Director Damron left the meeting for another commitment at 6:54 pm.

General Manager's Status Report: The General Manager reported the following:
SAMA Meeting Report – The SAMA meeting was held in Lompoc on May 9th. Discussion centered on APCD requirements related to diesel particulate emissions and the status of online SSO reporting which went into effect on May 7th; **Integrated Regional Water Management Plan Update** – District staff participated in a planning meeting of the cooperating partners on May 3rd at which time protocols for project prioritization were established. A short list of projects was created to submit to the State for consideration of grant funds. Staff attended a meeting yesterday in Santa Barbara and made a presentation on the District's behalf for competitive review of the District's project. The next step will be a secret balloting and votes should be in by Friday; **Collection System Rehabilitation Project Update** – District has received an encroachment permit back from the City of Carpinteria and staff is working on permits from CalTrans and the County. A project

planning meeting, which may be a pre-construction meeting is scheduled for next week with the contractor and construction inspector. Staff will be talking with the contractor about adding some additional pipeline segments into our contract for rehabilitation based on the bid price received; **Operations Update** – The treatment plant is running fine and in full compliance with our NPDES Permit. The collection system is operating fine with no SSOs to report. The planning and permitting is ongoing to relocate a manhole near Chaney Avenue in a flood control easement. At some point in the past a drainage channel was built over the top of the manhole. When water fills up in the channel it would cover the manhole and staff would not be able to access the manhole. Director Horwitz asked whose responsibility it would be to move the storm drains. Legal Counsel said there was a concept in the law regarding prior rights. Legal Counsel said staff needs to find out if our line was there first. General Manager said it was there first. Legal Counsel said he would need to look into this further, but it looked as it might not be the District's cost obligation. The Board agreed with the General Manager that the work needed to be done, and to go ahead and do the work but work with the City to see if they will reimburse the District for any of the work. General Manager said he would have a conversation with Dale Lipp from the City. Paul Sweningson successfully passed his Grade 1 Operator exam given by the SWRCB Office of Operator Certification. Administration Building renovation project is basically complete, with a few follow-up items. The building will need to be tented for termite extermination during the FY 2007/08. Director Treloar said the building was looking very good. Director Horwitz asked other Board members if they would like to send a letter of congratulations to Paul Sweningson. President Moorhouse said the Board would like to send a letter to Paul, and he would sign it on behalf of the Board.

Board Committee Reports

Finance Committee. Did not meet.

Personnel Committee. Did not meet.

Public Relations Committee. Director Moorhouse said the PR Committee did meet and had discussed the public outreach item that was on tonight's agenda.

Board General Items: President Moorhouse passed out a report from the CASA Conference he attended May 2-May 5, 2007 and reported it was a good conference. President Moorhouse said the CSRMA training on the first day provided a lot of good information that made him aware of some legislation in the near future that would have an impact on the way all agencies conduct business. President Moorhouse said he talked with the President of CASA and was asked if he'd like to serve on the State Legislative Committee when a vacancy came up. President Moorhouse said he thought it would be good for a small district to have representation on the committee. Legal Counsel said it was a worthwhile committee, and it could be brought back to the Board as an agenda item.

Future Agenda Items:

Appointment of President Moorhouse to the CASA State Legislative Committee

Adjournment. There being no further items to discuss, President Moorhouse adjourned the meeting at 7:16 p.m.

Michael Damron
Secretary

Patricia Horwitz
Treasurer

Douglas Treloar
Secretary Pro-Tem

Lin Graf
President Pro-Tem

Jeff Moorhouse
President