

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 **September 5, 2006**, 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
 Michael Damron – Secretary
 Doug Treloar – Secretary Pro-Tem - **Absent**
 Patricia Horwitz – Treasurer

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

Legal Counsel
Present: Anthony H. Trembley

Public Present: None

President Moorhouse called the meeting to order at 5:30 p.m. and then asked Director Horwitz to lead the pledge of allegiance. Director Horwitz then did so.

President Moorhouse noted for the record that Director Treloar was on vacation and absent from the meeting.

President Moorhouse asked if there were any modifications and/or changes to the agenda. Hearing none, the agenda stood as submitted.

Minutes of the August 15, 2006 Board Meeting. Director Horwitz made a motion that the August 15, 2006 minutes be approved as submitted; the motion was seconded by Director Damron and passed by a 4-0 vote.

Public Forum. None

Resolution R-184 – Setting Appropriations Limit for FY 2006/07. Finance Director, Hamid Hosseini, presented this item to the Board. Finance Director said Section 7910 of the Government Code required Special Districts to adopt a resolution each year establishing their appropriations limit for the following fiscal year. Finance Director said the appropriations limit represented the maximum amount that a governmental agency could collect from property tax revenue. This process was established in 1979/80 when Proposition 13 passed. Finance Director said, based on the appropriation limit, the District is allowed to collect approximately \$2.6 million in property tax revenue for next fiscal year and that the District's projected property tax revenue was below \$400,000 – well below the limit. Resolution R-184 sets the limit for FY 2006/07. Staff's recommendation was that the Board adopt Resolution No. R-184 setting the appropriation limit for FY 2006/07.

General Manager said each year a resolution would be brought to the Board with a new appropriations limit to adopt.

Director Horwitz made a motion that the Board adopt Resolution No. R-184; the motion was seconded by Director Damron. The Board adopted the resolution by the following 4-0 roll call vote: Director Graf voted aye, President Moorhouse voted aye, Director Horwitz voted aye, and Director Damron voted aye.

Contract Award – Cash Contract No. 332 Solids Handling Building Replacement Project.

General Manager said the Board previously approved emergency demolition of the pre-existing Solids Handling Building due to severe corrosion of structural members. General Manager said the replacement design was completed by Carollo Engineers. General Manager said the design would support future enclosure of the building and anticipated loads and that it contained corrosion prevention measures. General Manager said Carollo estimated construction cost at \$125,000. General Manager said the project was publicly bid, and bids opened on August 24, 2006. Only one bid was received for the Solids Handling Building Project by Spiess Construction Company of Santa Maria, California. General Manager said their lump-sum bid was \$145,750. Staff reviewed the bid and found the submittal to be complete - Spiess provided the required bid security. Staff verified their Class A General Engineering license through the state licensing board. General Manager said Spiess was working on a number of projects in the area, including a project for the City of Santa Barbara at the El Estero Wastewater Treatment Plant. General Manager said he checked with the resident engineer on that project and the engineer said Spiess was a very responsive contractor. General Manager said he also checked with an engineer from the Las Virgenes Municipal Water District, where Spiess had done some work in the past year, and Las Virgenes gave a positive review of Spiess. General Manager said the bid package was widely circulated, and four general contractors attended the mandatory pre-bid meeting. General Manager said the District received one bid on the project, but he thought it represented the market conditions for this type of work. General Manager said he thought rebidding the project would not result in lower project implementation costs or a better contractor. General Manager said on that basis staff was recommending that the Board approve the issuance of a Notice of Award for the Solids Handling Building Replacement Project to Spiess Construction Company, Inc. of Santa Maria. General Manager said the Notice of Award would go to Spiess after Board approval, and then it would come back to the Board for award of contract.

General Manager further noted that \$155,000 remained in the overall budget for this project, and believes that the project can be accomplished within budget constraints.

Director Damron made a motion that the Board approve issuance of a Notice of Award to Spiess Construction Company, based on their bid of \$145,750; Director Horwitz seconded the motion, and the motion was approved by a 4-0 vote.

Second Amendment to Agreement for Reimbursement of Defense Costs, Hold Harmless, and Indemnity with Heal the Ocean re: South Coast Beach Communities Septic to Sewer Project. General Manager said the District entered into an agreement in August 2004 for Reimbursement of Defense Costs, Hold Harmless, and Indemnity with Heal the Ocean associated with the South Coast Beach Communities Septic to Sewer Project. General Manager said the agreement set up provisions under which Heal the Ocean would pay up to \$100,000 of legal defense costs, if after the District had certified an EIR for that project legal action was filed. General Manager said Heal the Ocean had funded defense of three different lawsuits that were filed related to the FEIR. General Manager said Heal the Ocean complied with all the terms of the agreement and maintained the minimum funding level set forth in that agreement. General Manager said the first amendment to the agreement was entered into with Heal the Ocean to increase the defense funds from \$100,000 to \$150,000. General Manager said at that time, Heal the Ocean had also agreed to pay for preparation of a supplemental Environmental Impact Report, and Heal the Ocean committed \$48,000, which was spelled out in the first amendment. Padre and Associates prepared the Supplemental EIR, and at the District's next Board Meeting on September 19, 2006, an item will be brought to the Board to consider certification of the Final SEIR.

General Manager said based on the volume of comments received on the Draft SEIR, the preparation costs by Padre were projected to exceed the original \$48,000 budget by approximately \$7,100. Heal the Ocean agreed to pay for the extra work necessary to finalize the FSEIR. General Manager said the Second Amendment to the Agreement for Reimbursement of Defense Costs, Hold Harmless, and Indemnity between the District and Heal the Ocean increases the commitment for Technical Study Funds from \$48,000 to \$55,125.

General Manager said the Agreement had been executed by Heal the Ocean and their counsel. The Agreement was drafted and reviewed by District's counsel, and staff's recommendation is that the Board approve the Second Amendment to the Agreement as presented.

Director Graft made a motion that the Board approve the Second Amendment to the Agreement for Reimbursement of Defense Costs, Hold Harmless, and Indemnity with Heal the Ocean dated September 5, 2006 and authorized the Board President to execute the Agreement on behalf of the District; the motion was seconded by Director Horwitz and approved by a 4-0 vote.

Director Graf asked if there were more comments than those heard by the Board. General Manager said the District received written comments, and the FEIR that will be distributed shortly, contained all the comments received in writing and orally, and the responses to those comments from the EIR consultant.

Termination of US EPA Findings of Violation and Order for Compliance. General Manager said this was a "good news" informational item to share with the Board. General Manager said in

September 2002 the EPA issued the District a Finding of Violation and Order for Compliance which directed the District to take remedial measures to reduce the number of sanitary sewer overflows within the District's collection system. General Manager said the order stemmed from a compliance evaluation in June 2002 performed by the EPA and their consultant which documented a series of sewage spills that occurred during El Nino storm events in 1998. General Manager said at the time the order was issued in 2002, the District had made substantial improvements to pump stations and had embarked on a comprehensive program to assess the condition of the entire wastewater collection system and evaluate the capacity. General Manager said the District now had a major renovation project underway. General Manager said the number of sewer overflows had been reduced significantly from 1998. General Manager said the District had gone the last year without any overflows. General Manager said that in the District's annual report that was required from EPA, the District requested that the EPA consider terminating the order. General Manager included a letter in the Staff Report from Alexis Strauss of EPA Region IX notifying the District that the order had been terminated and documenting full compliance with the District's obligations under the order.

General Manager said the Public Relations Committee had talked about informing the community through a Press Release that would be submitted to the local media.

Director Horwitz asked if this information would be included in the FSEIR, since the issue of these violations was brought up in the original EIR. Legal Counsel said this information would be submitted into the record for the FEIR and considered at the next Board meeting. Legal Counsel said his recommendation would be to include this in the Staff Report on the September 19 Board agenda.

CSDA Board of Directors Election 2006. President Moorhouse said this was a Board issue. CSDA Board Director terms are for three years, and currently one seat is open in region five. President Moorhouse said the Board should have reviewed the five candidates, and should be ready to vote for one to fill the open seat in region five. President Moorhouse called for comments from the Board. Director Horwitz said she did not have a problem with the incumbent, and sometimes it's good to keep a Director for two terms for consistency. Director Damron said he would support Jack Curtis, the incumbent. President Moorhouse asked General Manager if he knew any of the candidates, and why there were four candidates opposing the incumbent. General Manager said it was a big district, and he knew Jack Curtis and Tony Fox and both of those candidates would be capable of filling the seat.

Director Damron made a motion that the Board nominate Jack Curtis to serve a three-year term on the CSDA Board of Directors; Director Horwitz seconded the motion, and the motion was approved by a 4-0 vote.

General Manager's Status Report. General Manager reported on the following: **Influent Pump Replacement/Primary Clarifier Rehabilitation Project** – This project is winding down. All three influent pumps are in and functioning. The pump manufacturer was here to start up and administer their factory test to make sure everything was installed properly and running per specifications. Taft Electric still has some electrical work to do; **Employee Recognition** – The Carpinteria Summerland Fire Protection District, last week, honored Lou Becker and Mark Bennett at a recognition luncheon. An article was featured in the Coastal View with pictures of Lou and Mark. Mark and Lou coordinated some fire department training at the plant, and they were recognized for their community contributions; **CASA Biosolids Update** – This report was presented to the Board. General Manager

said the District was a member of CASA and wanted the Board to know that CASA had joined in as a plaintiff in a lawsuit challenging Kern County recently passing an ordinance prohibiting the importation and land application of biosolids; **NPDES Permit Violation** – General Manager said the District would have to report a violation of its NPDES discharge permit. In the first half of August the District experienced an upset condition in the District's secondary treatment unit process. It is a biological process. General Manager said the cause of the upset was attributed to a series of factors that included the primary clarifier being out of service during construction, foaming in the tanks due to nocardia, and abnormally hot weather. As a result, the District had one suspended solids concentration reported at 82 mg/L. General Manager said the District's daily maximum effluent limitation was 90 mg/L, so this was not violated, but it did cause a violation in the 7-day average and 30-day average for suspended solids. We had notified the Regional Board prior to taking the primary clarifier offline. The Regional Board knew that the District was doing this work in the treatment plant. District staff believes this represents an upset condition that the District could not have avoided, and will not be considered 30 consecutive days of violation, but rather one non-serious violation. The problem is now fully under control and the plant is operating in full compliance. **South Coast Beach Communities Septic to Sewer Project** – An aspect of this project will come to the Board on September 19. General Manager said he made a presentation to the Sandyland Cove Homeowners' Association, and the group was interested in the project and getting it done as soon as possible; **AB133** – This assembly bill was signed by the Governor and has to do with grease traps and disposal of brown grease waste that's pumped from restaurants. This has been a problem area where licensed haulers pump out material from grease pumps and go to the nearest manhole and empty all the grease back in. It happens because there are not a great number of places to dispose of the grease. This law provides some penalties for contractors that are caught in this process; **Operations Update** – WWTP and Collection System operations are running fine with no spills during this reporting period. The Lift stations are operating fine. Duke's Root Control completed application of chemical root control and follow-up monitoring had been scheduled. A kick-off meeting was held with the engineering firm for Lift Station No. 4 evaluation.

Board Committee Reports

Finance Committee. Committee Chair Horwitz said the Finance Committee met and everything was in order. Director Horwitz said the Finance Committee would not be meeting during the month of September.

Personnel Committee. Committee Chair Graf said the Personnel Committee met and there was nothing to report.

Public Relations Committee. Committee Chair Graf reported the PR Committee met and a press release was put together by the General Manager about the release of the compliance order and the District's website was discussed.

Board General Items

Future Agenda Items: None.

Adjournment. There being no further items to discuss, President Moorhouse adjourned the meeting at 6:06 p.m.

Michael Damron
Secretary

Lin Graf
President Pro-Tem

Patricia Horwitz
Treasurer

Jeff Moorhouse
President

Douglas Treloar
Secretary Pro-Tem