

**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 **December 4, 2007**, at 4:00 p.m. at its District administrative office located at 5300 Sixth Street, Carpinteria, California.

Directors Present: Jeff Moorhouse – President – Left Meeting at 6:10 p.m.
Lin Graf – President Pro-Tem – Arrived at 4:10 p.m.
Michael Damron – Secretary
Doug Treloar – Secretary Pro-Tem
Patricia Horwitz – Treasurer

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

Legal Counsel
Present: Anthony H. Trembley

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

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

CLOSED SESSION: President Moorhouse asked District Counsel to lead the Board into Closed Session. District Counsel said the record should reflect under item #I that the Board was adjourning into closed session under Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation per Government Code Section 54956.9(b) – One Case [Assessment District 2007-01 Formation Proceedings]. District Counsel stated that the Board was going into closed session at 4:08 p.m.

President Moorhouse reported the Board came out of Closed Session at 5:23 p.m. and there was no action taken. President Moorhouse noted that Director Graf joined the closed session in progress at 4:10 p.m.

The Board took a short break and reconvened the regular session at 5:30 p.m.

Approval of Minutes of October 16, 2007 and November 6, 2007. President Moorhouse said there were some public speaker slips submitted to comment on the Minutes. The first speaker was Jaleh White. Ms. White said she had noticed several times that the minutes do not quite reflect what was said at the meeting. Ms. White said when you look at

both sets of minutes; both sets reflect October 16, 2007 at the bottom on the page. Ms. White said several times she personally wrote her comments because of her English and she read them. Ms. White said she mentioned her concerns regarding the legal fees and the assessment formation and the way it seems the money you assess people would come to Heal the Ocean and Heal the Ocean would give it to homeowners -- in particular some directors of Heal the Ocean who live in the area. Ms. White said that was very concerning to her. Ms. White said the last time she asked if the homeowners were paying the District's legal fees for the first lawsuit, which was in 2000 when the District did not perform an EIR. Ms. White said if that was the case, and homeowners were paying for the lawsuit, where is it in the Engineering Report. Ms. White said this never made it into the minutes, so she was mentioning it again.

Giti White said she had the same general comments regarding systematic omissions from the minutes. Ms. White said she had mentioned similar concerns regarding reimbursement of Heal the Ocean through the assessment that would make it into the hands of private area homeowners who will be reimbursed by Heal the Ocean and directors of Heal the Ocean. Ms. White said she expressed her concerns regarding the entanglement issues related to by private individuals being reimbursed by the communities in question. These comments have not made it in the minutes, despite being mentioned August 7th, October 16th and November 6th. Ms. White stated that if the Board wished that these assertions had not been made, you didn't have to take the money from Heal the Ocean -- you can alter the assessment to exclude these items, but it is not appropriate to omit these statements from the records. Ms. White said she was concerned that the November 6th minutes indicated that she referred to the meeting following the vote on October 16th, the Friday meeting, as an informal meeting. Ms. White said she indicated it was a Friday meeting, without using the word informal.

Legal Counsel at this time made the following comments for the record. *The minutes are the sole province of the District. It is the responsibility of the District to prepare and to approve the minutes. The District has complete discretion as to how the minutes are reflected. If there is someone from the public that has a problem with how the minutes are reflected, they are free to provide comments to the District, as Ms. White was doing this evening. It appears to me, as you can see, that the minutes are quite detailed, so I have difficulty believing the allegation that there is some systematic omissions from the minutes. The Board has two choices: to go ahead and approve or you can ask staff to recheck the tape and bring back to you for consideration and approval of the minutes at a later date if you wish. The point is that you are in charge of this process.*

General Manager said Judy Kirkman was not at the meeting tonight and she's the one that prepares the minutes, listening to the tapes of each meeting, but the minutes are not transcribed. General Manger said the minutes are not exactly what everyone said. General Manager said Judy tries to do the very best job to reflect the intent and entirety of the discussion.

Legal Counsel said the District is not required to produce minutes in a verbatim transcript. The District can make these minutes as long or as short as it wishes.

President Moorhouse said the public can submit their comments in writing, and their exact wording would be included as part of the record.

Director Horwitz made a motion to defer consideration of approval of the minutes for October 16, 2007 and November 6, 2007; Director Treloar seconded the motion, and the motion was approved by a 5-0 vote.

Public Forum. John Stephenson said he had hoped the item regarding annexation was on tonight's agenda, but did not see it. Mr. Stephenson said he was told at the first meeting that you would consider the objections to the comments later. Mr. Stephenson said

he was objecting to the assessment, not to any minutia or vote process, per Prop. 218. Mr. Stephenson said in reading the minutes and talking with others he got the impression that some Board members consider the objections to the assessment a "done" deal. Mr. Stephenson asked when the Board considered and made a determination in a public forum that this was so regarding the objections. Mr. Stephenson said he encouraged the Board to do so.

Report on LAFCO Protest Hearing for South Coast Annexation to the Carpinteria

Sanitary District: General Manager said he was unable to attend the meeting personally, but Legal Counsel did attend. Legal Counsel reported the following: *The Protest Hearing by LAFCO was held yesterday. The bottom line is no action was taken by LAFCO – Mr. Braitman opened the hearing just after 10:00 in the morning. He indicated that he had received some protests and he had not opened them yet. Mr. Braitman said he would provide the protests to the County Elections Divisions and the Assessors Offices for both Santa Barbara and Ventura counties to ascertain whether those protests were valid. There were a number of comments and concerns that were raised by individuals that were at the hearing, including some of the individuals that are in attendance this evening. Mr. Braitman, near the end of the hearing, asked if there was anything that anyone could tell him at the hearing that would invalidate yesterday's hearing. There was no response to that. Mr. Braitman went on to indicate that the protest hearing results would be tabulated and stated in a future LAFCO hearing. We don't know what the timeline on that will be. Mr. Braitman did indicate that he was working with a 30-day period in which to seek to have these protests reviewed, and there were a substantial number of questions raised by the public with respect to the backlog that allegedly currently exists in Santa Barbara County relative to voter registration. Mr. Braitman indicated that he had received the impression, based on his discussions with Santa Barbara County Elections, that they would concentrate on this, give it priority and review the protests in that light. He also indicated that he was going to write a memorandum to County Elections which would state that. He said if County Elections needs more time, they were going to let him know, and that he would give them 30 days if necessary. The hearing was adjourned at about 10:25 a.m. That doesn't go into all the comments that were raised in yesterday's hearing, but that gives the Board the bottom line as to the comments made by Mr. Braitman.*

President Moorhouse asked if anyone from the public would like to make any comments regarding this item. Sandra Carradine said she visited Ventura County Elections office and was informed that a voter's registration is considered valid the date that is on the application form. Ms. Carradine said she wanted to go on record, based on this information, to say she was a family of three voter registrations, all in order per her own investigation.

Giti White said the discussion that she recalled addressed the noticing of the protest hearing of December 3rd rather than the validity of the protest hearing of December 3rd.

Cash Contract No. 347 – Tierra Contracting Corporation

Chaney Avenue Manhole Construction - General Manager said reported to the Board previously in discussions of the Collection System Rehab project that is ongoing that the District has a manhole in an easement area off Chaney Avenue. General Manager said it happened to be in the bottom of a drainage culvert. General Manager passed around some pictures that were taken during the work performed by Insituform. General Manager said it came up during the bidding phase of that project that there were some conflicts with existing storm drains, so staff took a look at relocation of that manhole that is in the culvert, which was a bid item in the project, and took it out so it was not included in Insituform's contract. General Manager said since then we have done some design and investigation into utilities and have gotten approvals and permits from the Flood Control and City of Carpinteria. General Manager said it was now the District's intent to build a new manhole adjacent to the

one in the channel and abandon the one in the bottom of the channel. General Manager said staff solicited bids for the entirety of that work from three separate construction contractors. General Manager said the lowest price quotation was from Tierra Construction. General Manger said before the Board tonight was a cash contract for Tierra Construction for \$42,800 to complete work of building a new manhole on Chaney Avenue. General Manager said this amount was acceptable, based on the estimates in the original construction costs. General Manager said the contract had been reviewed by District's Legal Counsel and it was staff's recommendation that the Board approve Cash Contract #347 with Tierra Contracting for the Chaney Avenue Manhole Construction project with a contract amount of \$42,800.

Director Treloar made a motion that the Board approve Cash Contract #347 with Tierra Contracting for the Chaney Avenue Manhole Construction project with a contract amount of \$42,800; Director Damron seconded the motion. Director Treloar asked about abandoning the existing manhole. General Manager said part of this contract included that. Director Treloar asked if Tierra had allowed extra time in their timeline due to rain. General Manager said extra time was included in the contract, and Tierra thought they would complete the job before the contracted February date of completion. President Moorhouse called for a vote and motion was approved by a 5-0 vote.

Cash Contract No. 348 – Cushman Contracting Corporation

Digester Blower Energy Efficiency Project – General Manager said he brought the Board up to speed on this project at the last Board Meeting. General Manager said it was a project, sponsored in part by Southern California Edison as an energy efficiency project. General Manager said when the project is completed the District should get about \$34,000 for doing this project. General Manager said the District entered into a contract with a design engineer who was being paid directly by SC Edison. General Manager said this contract with Cushman was for the physical installation of the blower and all the associated work. General Manager said Cushman had done many projects for the District and has been involved in this project from the inception, consulting with BacGen. General Manager said the District partnered with Cushman, and it made sense from his perspective and the perspectives of BacGen and SCE to leverage that continuity and their familiarity with the project and contract directly with Cushman on a time and materials basis to do the installation of the blower. General Manager said the project was authorized in this fiscal year's Capital Improvement Project program budget. General Manager said the purpose of this project was to realize significant energy savings by having this type of blower for the digester. General Manager said Cushman gave the District a construction-cost estimate not to exceed \$108,000, but he felt this was a conservative estimate.

General Manager said Cash Contract No. 348 had some language that talked about the direct procurement with this contractor to maintain the continuity and it was staff's recommendation that the Board approve Cash Contract No. 348 with Cushman Contracting Corporation for the Digester Blower Energy Efficiency Project with a not to exceed contract amount of \$108,000.

Director Damron made a motion that the Board approve Cash Contract No. 348 with Cushman Contracting Corporation for the Digester Blower Energy Efficiency Project with a not to exceed contract amount of \$108,000; Director Graf seconded the motion. Director Treloar asked what the total overall cost of the project was. General Manager said with the rebate and the cost to purchase the equipment and the cost to pay the contractor and other associated costs, the District would probably come in under the budget for the project. President Moorhouse called for a vote and the motion passed by a 5-0 vote.

Regional Water Quality Control Board Resolution of Appreciation – General Manager said this was an Informational Item Only and he wanted to bring to the Board's

attention that this Friday, at their regular Board Meeting, the Central Coast Regional Water Control was going to consider a resolution of agreement for the South Coast Beach Communities Septic to Sewer Project proponents. General Manager said he attached a copy of the resolution. General Manager said he thought the meeting started at 8:30 a.m., and if any of the Board Members were interest in attending this meeting on Friday to call him and he would give them specific details. Director Treloar asked where the meeting would be held. General Manager said the meeting would be held in San Luis Obispo, and he was planning on attending.

Amendment to Cash Contract No. 343 – MNS Engineers, Inc. – General Manager said MNS Engineers had provided onsite construction inspection and observation services for the District for the Collection System Rehab Project. General Manager said they had done a commendable job, covering crazy hours, working at night and starting early. General Manager said there had been a good inspector on this project. General Manager said the Board approved extra work for Insituform, the construction contractor, and that extended the number of days beyond what was anticipated for MNS' contract by 2-3 weeks. General Manager said this amendment to Cash Contract No. 343 in the amount of \$17,000 changes the contract price from \$61,000 to \$78,000.

Director Treloar made a motion that the Board approve the amendment to Cash Contract #343 with MNS Engineers increasing the contract price to \$78,000; Director Damron seconded the motion. Director Treloar said this item was discussed at the Finance Committee meeting. President Moorhouse called for a vote and the motion was approved by a 5-0 vote.

President Moorhouse had a prior commitment, and left the meeting at 6:10 p.m. President Pro-Tem Graf continued as the acting President and asked the General Manager to report on the next item.

General Manager's Status Report: IRWMP Update – The deadline was extended from January 15 to the end of January to submit the Step 2 Application for the IRWMP planning grant. General Manager said one of the things he wanted to bring to the Board's attention was that the consultants came back to the group and said they thought the City of Santa Barbara's lower Mission Creek project that originally did not make the cut for inclusion in the grant application, should be included. The consultants thought the entire application would benefit from inclusion of the City's project because it had environmental benefits, it was innovative, and it was a flood control and environmental project combined. General Manager said the City had changed the project and were now requesting \$1M instead of \$5M. COME, Cachuma Operations Maintenance Board, has reduced their project request by \$800,000. The City of Santa Maria reduced their request by \$200,000. General Manager said to accommodate the request everyone would reduce their project by 2% to allow this project to be included in the application. The consultants are working with the City of Santa Barbara. General Manager said some entities felt they needed to get their Board's concurrence through a Board action. General Manager said he did not present it that way to our Board because it was a small amount that would probably be made up in design savings. Director Graf asked if the project fell outside the Transient Occupancy Tax the City was collecting to deal with the creek. General Manager said he did not know how the City was funding the Mission Creek improvements, and this was a small part of the restoration of Mission Creek and the flood control improvements that go from Stearns Wharf all the way through the City. General Manager said this was a matching grant, so the City of Santa Barbara would need to come up with their part; **Collection System Rehabilitation Project** – Phase 1 Updates – There was a meeting last week with Insituform's Project

Manager to discuss outstanding work items and submittals to begin progress on a punchlist for project closeout; **District Holiday Party** – Judy asked me to remind everyone about the annual holiday dinner on December 12th at the FisHouse in Santa Barbara; **Development Impact Fee Update** – Hamid has been working to finalize updates to the District’s development impact fee structure and schedule. Drafts will be presented first to the Finance Committee and later to the Board for approval; **Operations Update** – WWTP is operating in full compliance with the effluent limits in our NPDES Permit. The Collection system is operating fine. Wetwell cleanings at Lift Stations 5 and 6 were completed. Other wetwell cleaning activities are scheduled for this week. Installation of new VFDs for pumps at the treatment facility have been completed. Contractor ProUsys worked in closed coordination with District staff to complete these improvements. Future retrofits are to be completed in house.

Board Committee Reports

Finance Committee – Committee Chair, Director Horwitz, reported the Finance Committee had met on November 20th and went over the monthly budget report. Director Horwitz said there were some items over budget that would come back to the Board to approve in the midyear adjustment. Director Horwitz said the Committee also looked at the Investment Report, and she passed out a copy to the Board.

Personnel Committee – did not meet. General Manager said he would like to schedule a meeting in January.

Public Relations Committee – did not meet.

Board General Items

Future Agenda Items – Director Treloar said in reviewing the October 16 minutes, Pat Reeves from Penfield & Smith talked about Rincon and said if the State Park and County Park join the District, the District would need to have an ordinance for them to pay their fair share, and asked if this should be an agenda item. General Manager said this had been discussed and was in the works. Director Graf asked about the Board Workshop that had been discussed at a previous Board Meeting. General Manager said it would probably be scheduled in the spring. General Manager reminded the Board that the next Board Meeting would be the Board’s reorganizational meeting.

Adjournment. There being no further items to discuss, Director Graf adjourned the meeting at 6:22 p.m.

Michael Damron
Secretary

Lin Graf
President Pro-Tem

Patricia Horwitz
Treasurer

Jeff Moorhouse
President

Douglas Treloar
Secretary Pro-Tem