



Montecito Sanitary District

1042 Monte Cristo Lane *A Public Service Agency*
Santa Barbara, CA 93108

Phone: (805) 969-4200
www.montsan.org

BOARD PACKET

For the Board Meeting of

Thursday, August 11, 2022

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AGENDA

For the Regular Meeting of the Board on:

August 11, 2022

The regular meeting of the Governing Board will begin at **2:00 p.m. on August 11, 2022** in the District's Board Room at 1042 Monte Cristo Lane.

The public may attend the meeting in person or participate remotely via Zoom using the following virtual meeting details:

By visiting: <https://us02web.zoom.us/j/89962037096>

Or by calling: 1-669-900-6833

Meeting ID: 899 6203 7096

1. CALL TO ORDER

President Dorinne Lee Johnson statement regarding meeting decorum. When the MSD Board is in session, all Board members must preserve order, decency, and decorum at all times and be respectful while others are speaking.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT

Public comment is **limited to 3 minutes** and is at the discretion of the Board President. For further instructions, see please see [Instructions for Public Comment](#) on the District's website.

3. COMMITTEE REPORTS

It is recommended that the Board receive and file a report provided by the following committee(s):

- i) Administration & Operations Committee (Eversoll & Hogan) related to their Meeting of Tuesday August 9, 2022.

4. APPROVAL OF MINUTES

It is recommended that the Board consider approving the minutes from Board Meetings held on July 14, 2022, July 19, 2022 and July 28, 2022.

5. OLD BUSINESS

A. RESOLUTION 2022-954 REMOTE MEETINGS ADOPTION

It is recommended that the Board consider:

- i) Adopting Resolution 2022-954 in accordance with California Assembly Bill 361 enabling the District to continue to hold remote public meetings.

B. ORDINANCE NO. 19 – COLLECTION OF FEES AND PROPORTIONATE SHARES OF SEWER MAIN EXTENSION COSTS ON COUNTY TAX ROLL

Per the Board’s request, it is recommended that the Board consider:

- i) Discussing the implementation of Ordinance No. 19; and
- ii) Taking such additional, related action that may be desirable.

C. BOARD POLICIES AND PROCEDURES

Per the Board’s request, it is recommended that the Board consider:

- i) Discussing the District’s Board Policies and Procedures (Adopted December 9, 2021); and
- ii) Taking such additional, related action that may be desirable.

6. NEW BUSINESS

A. ORDINANCE NO. 17 – DIRECTOR COMPENSATION

Per the Board’s request, it is recommended that the Board consider:

- i) Discussing the Board Member compensation as outlined in Ordinance No. 17 (adopted March 11, 2021); and
- ii) Taking such additional, related action that may be desirable.

B. PUBLIC OUTREACH

It is recommended that the Board consider:

- i) Discussing the status on hiring a public outreach firm to meet the District’s needs; and
- ii) Taking such additional, related action that may be desirable.

7. ITEMS FOR FUTURE AGENDAS

The next Board meeting will be a special scheduled board meeting on August 23, 2022 at 2:00 pm.

8. ADJOURNMENT

The Montecito Sanitary District has resumed in-person meetings in accordance with the Brown Act. In accordance with the State of Emergency declaration issued on March 4, 2020 by the Governor of the State of California in response to COVID-19 and Government Code 54953(e), the District also provides alternative methods of remote participation which permit members of the public to observe and address public meetings remotely via telephone or Zoom. These methods of participation can be accessed through the internet link provided at the top of this agenda.

This agenda was posted on the District website, and at the Montecito Sanitary District Bulletin Board in accordance with the requirements of the Brown Act. Attested by:



Stephen Williams
District Administrator/Clerk of the Board

ADA – The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's programs, services or activities because of any disability. If you need special assistance to participate in this meeting, please contact the District Office at 969-4200. Notification at least twenty-four (24) hours prior to the meeting will enable the District to make appropriate arrangements.



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MINUTES

For the Regular Meeting of the Board on:

July 14, 2022

1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 2:03 pm on Thursday July 14, 2022.

ATTENDANCE

Board Members Present:

Vice President Woody Barrett, Treasurer Don Eversoll, Director Hogan, Director Newquist, and President Dorinne Lee Johnson

Board Members Absent:

None

Also Present and Participating:

Brad Rahrer, P.E. MSD General Manager
Stephen Williams, MSD District Administrator
Ricardo Larroude, MSD Operations Manager
Bryce Swetek, MSD Engineering Manager
Marco Felix, MSD Treatment Superintendent/Chief Plant Operator
Linda Rosso, Member of the Public
Bob Hazard, Member of the Public
Isabella Lefkowitz, Member of the Public

2. PUBLIC COMMENT

One member of the public addressed the board:

- Member of the public Linda Rosso passed out presentation materials based on what was discussed at a prior Board Meeting.

3. APPROVAL OF MINUTES

ON MOTION by Director Newquist, Second by Director Eversoll, the Board voted to approve the minutes for the Board meetings of June 9, 2022, June 16, 2022 and June 23, 2022.

AYES:	Directors Barrett, Eversoll, Hogan, Newquist, and Johnson
NAYS:	None
ABSTAIN:	None
ABSENT:	None

4. COMMITTEE REPORTS

It is recommended that the Board receive and file a report provided by the following committee(s):

- i) Director Barrett gave a summary of the Joint Strategic Planning Committee (Johnson & Barrett) with the Montecito Water District related to their Meeting of Thursday June 30, 2022.

5. OLD BUSINESS

A. ANNUAL SEWER SERVICE CHARGE HEARING TO COLLECT SEWER SERVICE CHARGES ON THE COUNTY TAX ROLL - RESOLUTION 2022-950

ON MOTION by Director Newquist, Second by Director Eversoll, the Board voted to adopt Resolution 2022-950 ordering the filing with the County Auditor of a report of Sewer Service Charges for Fiscal Year 2022-23 to be placed on and collected by means of the County Tax Roll.

AYES: Directors Barrett, Eversoll, Hogan, Newquist, and Johnson
NAYS: None
ABSTAIN: None
ABSENT: None

B. HIGHWAY 192 MANHOLE ADJUSTMENT

ON MOTION by Director Newquist, Second by Director Eversoll, the Board voted to accept the Highway 192 Manhole Adjustment Project as complete and approving the issuance of a Notice of Completion for a total project cost of \$191,331.68.

AYES: Directors Barrett, Eversoll, Hogan, Newquist, and Johnson
NAYS: None
ABSTAIN: None
ABSENT: None

C. ROUNDABOUTS SEWER RELOCATION PROJECT

ON MOTION by Director Eversoll, Second by Director Barrett, the Board voted to award a contract with Tierra Contracting in their low bid amount of \$368,400 for construction of relocations of District assets associated with the roundabouts at the intersections of North Jameson Lane at Olive Mill and San Ysidro and to authorize the General Manager to execute the contract and approve expenditures of up to \$36,840 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

AYES: Directors Barrett, Eversoll, Hogan, Newquist, and Johnson
NAYS: None
ABSTAIN: None
ABSENT: None

ON MOTION by Director Eversoll, Second by Director Newquist, the Board voted to authorize the General Manager to execute a Task Order with Filippin Engineering under an existing On-Call Contract (2020-008-OC), in the amount of \$34,720 for construction inspection services or Phase1, and to authorize the General Manager to approve expenditures of up to \$3,472 (10%) for extra professional services that may result from necessary changes in the scope of work.

AYES: Directors Barrett, Eversoll, Hogan, Newquist, and Johnson
NAYS: None
ABSTAIN: None
ABSENT: None

6. NEW BUSINESS

A. ENHANCED RECYCLED WATER FEASIBILITY STUDY

ON MOTION by Director Eversoll, Second by Director Barrett, the Board voted to authorize the General Manager to approve expenditures up to \$12,346 for extra services encountered during the project.

AYES: Directors Barrett, Eversoll, Hogan, Newquist, and Johnson
NAYS: None
ABSTAIN: None
ABSENT: None

B. PUBLIC OUTREACH

The Board and the General Manager discussed what Public Outreach needs the District has and how they would like to see those needs addressed. No actions taken and item will be taken up at a future date.

7. ITEMS FOR THE NEXT AGENDA

The next Board meeting will be a special board meeting on July 19, 2022 at 2:00 pm; to discuss the following items (but not limited to):

- Director Barret requested a discussion on grants, public outreach, list of capital improvement projects, a discussion on liability insurance
- Director Newquist requested a discussion on delivery of agendas and the District's current purchasing policies and procedures

8. ADJOURNMENT

The meeting adjourned at 4:08 p.m. ON MOTION by Director Eversoll, seconded by Director Newquist.

These minutes were presented for approval at the General Board Meeting on August 11, 2022.

Dorinne Lee Johnson, President

Minutes taken and prepared by:

Stephen Williams
District Administrator/Clerk of the Board



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MINUTES

For the Special Meeting of the Board on:

July 19, 2022

1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 2:04 pm on Thursday, July 19, 2022.

ATTENDANCE

Board Members Present:

Vice President Woody Barrett, Treasurer Don Eversoll, Director Hogan and President Dorinne Lee Johnson

Board Members Absent:

Director Newquist

Also Present and Participating:

Brad Rahrer, P.E. MSD General Manager
Stephen Williams, MSD District Administrator
Che Johnson, Liebert Cassidy Whitmore

2. PUBLIC COMMENT

No members of the public were present.

3. OLD BUSINESS

A. RESOLUTION 2022-952 REMOTE MEETINGS ADOPTION

ON MOTION by Director Barrett, Second by Director Eversoll, the Board voted to adopt Resolution 2022-952 continuing remote meetings.

AYES: Directors Barrett, Eversoll, Hogan and Johnson

NAYS: None

ABSTAIN: None

ABSENT: Director Newquist

4. NEW BUSINESS

A. RESOLUTION 2022-953 EMPLOYEE-EMPLOYER RELATIONS

The Board received a presentation on the employee-employer relations and ordinance and discussed the contents of the resolution. Service Employees International Union (SEIU) Local 620 requested adjustments to the resolution. The final draft of the resolution for adoption will be agendized for a future meeting.

5. CLOSED SESSION

A. LABOR NEGOTIATIONS (GOVERNMENT CODE § 54957.6)

The Board entered closed session at 2:31 p.m. and returned at 4:30 p.m. No reportable action taken.

6. ITEMS FOR THE NEXT AGENDA

No items were discussed for future agendas.

7. ADJOURNMENT

The meeting adjourned at 4:36 p.m. ON MOTION by Director Eversoll, seconded by Director Hogan 4:36 p.m.

These minutes were presented for approval at the General Board Meeting on August 11, 2022.

Dorinne Lee Johnson, President

Minutes taken and prepared by:

Stephen Williams
District Administrator/Clerk of the Board



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MINUTES

For the Regular Meeting of the Board on:

1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 2:03 pm on Thursday July 14, 2022.

ATTENDANCE

Board Members Present:

Vice President Woody Barrett, Treasurer Don Eversoll, Director Hogan, Director Newquist, and President Dorinne Lee Johnson

Board Members Absent:

None

Also Present and Participating:

Brad Rahrer, P.E. MSD General Manager
Stephen Williams, MSD District Administrator
Carole Rollins, MSD Laboratory Manager
Bryce Swetek, MSD Engineering Manager
Marco Felix, MSD Treatment Superintendent/Chief Plant Operator
Guest, Member of the Public

2. PUBLIC COMMENT

No members of the public addressed the Board.

3. APPROVAL OF PAYABLES

ON MOTION by Director Newquist, Second by Director Barrett, the Board voted to approve the District payables for checks dated June 1 through June 30, 2022.

Accounts Payable	\$ 243,471.67
Capital Improvement Projects	\$ 394,836.96
Payroll	\$ 242,172.40
TOTAL	\$ 880,481.03

AYES: Directors Barrett, Hogan, Newquist, and Johnson
 NAYS: None
 ABSTAIN: None
 ABSENT: Director Eversoll

4. COMMITTEE REPORTS

It is recommended that the Board receive and file a report provided by the following committee(s):

- i) Director Barrett gave a summary of the Joint Strategic Planning Committee (Johnson & Barrett) with the Montecito Water District related to their Meeting of Thursday June 30, 2022.

NOTE: Director Eversoll arrived at 2:29 p.m.

5. OLD BUSINESS

A. RECYCLED WATER PILOT PLANT

The Board received a presentation from the General Manager and Carollo Engineers on the progress with the recycled water pilot plant operation.

ON MOTION by Director Barrett, Second by Director Hogan, the Board directed staff to request reimbursement from the Montecito Water District for 50% of the operating costs of the pilot plant facility.

AYES: Directors Barrett, Eversoll, Hogan, Newquist, and Johnson
NAYS: None
ABSTAIN: None
ABSENT: None

6. NEW BUSINESS

A. CONFLICT OF INTEREST CODE – RESOLUTION 2022-948

ON MOTION by Director Newquist, Second by Director Eversoll, the Board voted to adopt Resolution 2022-948 – Conflict of Interest Code.

AYES: Directors Barrett, Eversoll, Hogan, Newquist, and Johnson
NAYS: None
ABSTAIN: None
ABSENT: None

B. PURCHASING POLICIES AND PROCEDURES

The Board discussed the need to revisit the Purchasing Policies and Procedures and Director Johnson recommended the use of an Ad Hoc committee to perform a review.

ON MOTION by Director Newquist and Director Eversoll the Board voted to create an Ad Hoc committee that would meet twice to review the District’s Purchasing Policies and Procedures manual and make recommendations to the Board at its August 25th Regular Board Meeting.

AYES: Directors Barrett, Eversoll, Hogan, Newquist, and Johnson
NAYS: None
ABSTAIN: None
ABSENT: None

C. BOARD POLICIES AND PROCEDURES

The Board discussed the need to revisit the Board Policies and Procedures. After discussion it was decided to table any review, and subsequent updates, until the next calendar year as this would allow the opportunity for any new Board Members to provide their input.

7. DISTRICT OPERATIONS AND MAINTENANCE

A. INFORMATION ITEMS

General Manager Brad Rahrer P.E. provided informational, nonactionable updates regarding matters before the District.

B. AGREEMENTS TO BE SIGNED

None.

C. OPERATIONS AND MAINTENANCE REPORTS – JUNE 2022

The operational data was presented for the month of June. Director Barrett requested a visual graph plotting the effluent flow average data for the previous 12 months be included in future Operations and Maintenance Reports.

8. ITEMS FOR THE NEXT AGENDA

The next Board meeting will be a special board meeting on August 11, 2022 at 2:00 pm; to discuss the following items (but not limited to):

- Director Barret requested a presentation from Legal Counsel on the responsibilities of the Board, General Manager, and Staff.

9. ADJOURNMENT

The meeting adjourned at 4:44 pm. ON MOTION by Director Newquist, Seconded by Director Barrett.

These minutes were presented for approval at the Board Meeting on August 11, 2022.

Dorinne Lee Johnson, President

Minutes taken and prepared by:

Stephen Williams
District Administrator/Clerk of the Board

RESOLUTION NO. 2022-954

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT FOR THE PERIOD OF 30 DAYS PURSUANT TO THE BROWN ACT PROVISIONS.

WHEREAS, the Montecito Sanitary District (“District”) is a sanitary district duly organized and existing pursuant to the Sanitary District Act of 1923 codified in Health & Safety Code section 6400 et seq.; and

WHEREAS, the District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s governing body are open and public, as required by the Ralph M. Brown Act, codified in California Government Code section 54950 et seq. (“Brown Act”), so that any member of the public may attend, participate, and watch the District’s governing body conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted Resolution No. 2021-935, on September 30, 2021, finding that the requisite conditions exist for the Board of Directors of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District’s jurisdiction, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the jurisdiction of the District, specifically, a State of Emergency remains active as proclaimed by Governor Gavin Newsom’s Proclamation of a State of Emergency dated March 4, 2020; and

WHEREAS, State and Local Officials have imposed and recommended social distancing measures and allowing legislative bodies to meet via teleconferencing to avoid risks to the health and safety of members of the public who would like to participate in meetings of the legislative bodies; and

WHEREAS, the Board of Directors does hereby find that Governor Gavin Newsom's Proclamation of State of Emergency and Social Distancing Orders and other conditions causing imminent risk to attendees has caused, and will continue to cause, conditions of peril to the safety of persons within the jurisdiction of the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and ratify the proclamation of state of emergency by the Governor of the State of California and ratify State and Local orders for social distancing; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the District's governing body shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District shall continue to provide notice as otherwise required by the Brown Act of all public meetings.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the jurisdiction of the District and proclaims that a local emergency persists throughout the jurisdiction of the District and allowing remote access and participation in the District's board meetings will reduce health and safety risks to attendees.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The General Manager or designee and the Board of Directors of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) July 23, 2022, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of the Montecito Sanitary District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Montecito Sanitary District this 11th day of August 2022, by the following vote:

AYES: Barrett, Eversoll, Hogan, Newquist and Johnson
NAYS:
ABSENT:
ABSTAIN:

(SEAL)



ATTEST:

Board President
Dorinne Lee Johnson

Board Secretary
Dana Newquist

ORDINANCE NO. 19

**AN ORDINANCE OF THE GOVERNING BOARD
OF THE MONTECITO SANITARY DISTRICT
ELECTING TO HAVE CONNECTION FEES AND INSPECTION FEES
AND PROPORTIONATE SHARE OF SEWER MAIN EXTENSION COSTS
COLLECTED ON THE COUNTY TAX ROLL**

WHEREAS, Section 6520.5 of the Health and Safety Code authorizes the Montecito Sanitary District (“District”) to prescribe, revise and collect fees, tolls, rates, rental or other charges for services and facilities furnished by the District in connection with the District’s sanitation or sewerage systems; and

WHEREAS, Section 5474 of the Health and Safety Code provides that the District may, by ordinance approved by two-thirds (2/3) vote of its Governing Board (“Board”), fix fees or charges for the privilege of connecting to District sanitation or sewerage facilities and improvements constructed by the District pursuant to Section 5463 and 5464 of the Health and Safety Code, and to fix the time or times at which the fees or charges shall become due, to provide for the payment of the fees or charges prior to connection or in installments over a period of not to exceed thirty (30) years, to provide the rate of interest, not to exceed twelve percent (12%) per annum, to be charged on the unpaid balance of the fees or charges, and to provide that the amount of the fees or charges and the interest thereon shall constitute a lien against the respective lots or parcels of land to which the facilities are connected at the time and in the manner specified in Sections 5473.5 and 5473.8 of the Health and Safety Code; and

WHEREAS, Section 5473 of the Health and Safety Code provides that the District may, by ordinance approved by two-thirds (2/3) vote of its Board, elect to have such charges collected on the tax roll of the County of Santa Barbara in the same manner, by the same persons and at the same time as together with and not separately from, the District’s general taxes; and

WHEREAS, the Board has determined that more property owners within the District may choose to participate in sewer main extension projects if such owners are allowed to re-pay their proportionate share of construction costs and/or septic-to-sewer conversion fees over time, to be collected on the tax roll of the County of Santa Barbara in the same manner as the District’s general taxes.

NOW THEREFORE, BE IT ORDAINED THAT:

1. The District may, at its discretion, allow an owner of property within the District to elect to have such owner’s (a) proportionate share of the costs associated with the construction of a District sewer main extension project to serve such owner’s property, and/or (b) connection fees for a septic-to-sewer conversion as listed in the District’s then-current Establishing Fee Schedule Resolution for residential sewer connections (including inspection fees), to be collected on the tax roll of the County of Santa Barbara in the same manner, by the same persons, and at the same time as, together with and not separately from, the District’s general taxes, payable in thirty (30) equal annual installments with interest thereon at the rate set forth in Section 2 below, which amounts shall constitute a lien against the subject property at the time and in the manner specified in Sections 5473.5 and 5473.8 of the Health & Safety Code.

2. Interest on any amounts charged to a property owner pursuant to Section 1 above shall be calculated annually by applying an annual average of the prior four quarters of interest received on

District funds held within the County Treasury to the remaining balance for each equal annual installment, which rate shall not in any event exceed twelve percent (12%) per annum or the maximum amount then permitted by law.

3. In the event a property owner elects to have the fees, charges and interest set forth in Sections 1 and 2 above collected on the tax roll of the County of Santa Barbara and constitute a lien on the owner’s property, the District shall comply with the requirements set forth in Sections 5473 through 5747.10, as applicable.

4. Any lien established pursuant to this Ordinance must be paid in full when the subject property is sold, conveyed, assigned or otherwise transferred to any party other than the owner of record at the time the lien was established.

5. Anything herein to the contrary notwithstanding, any remaining balance due on amounts charged to a property owner pursuant to Sections 1 and 2 above may be paid in full in cash at any time, at the option of the property owner.

6. The procedures established by this Ordinance shall continue in effect until this Ordinance is revoked.

7. Immediately following adoption, the Clerk shall cause this Ordinance to be published one time in a newspaper of general circulation within the District.

PASSED AND ADOPTED by the Governing Board of Montecito Sanitary District on this 23rd day of September, 2021, to become effective upon expiration of the week of publication, by the following vote:

AYES: Director Barrett, Eversoll, Fuller, and Newquist
NAYS: None
ABSTAIN: None
ABSENT: Director Johnson

(Seal)

ATTEST:

DocuSigned by:
Dorinne Lee Johnson
A62221092E504A7...
Dorinne Lee Johnson
President of the Governing Board of the
MONTECITO SANITARY DISTRICT

DocuSigned by:
Dana Newquist
FF99A9D2BB6448C...
Dana Newquist
Secretary of the Governing Board of the
MONTECITO SANITARY DISTRICT



**BOARD OF DIRECTORS
POLICY AND PROCEDURES MANUAL**
Adopted December 9, 2021

District's Mission Statement

A community service commitment to protect public health and safety and to preserve the natural environment through the collection, treatment and disposal of wastewater in the most cost-effective way possible.

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1. Role of the Board of Directors

1. The District's policies, mission, goals, and programs are established by a majority of the Board of Directors at public meetings.
2. All District powers are exercised by its Board of Directors. (Health & Safety Code, § 6481.)
3. The Board will not direct management as to how to implement policy, but it shall hold management responsible if the policies of the District are not implemented.
4. The Board appoints the General Manager of the District, defines the General Manager's responsibilities, and delegates Board authority and power to the General Manager to carry out the responsibilities.
5. The General Manager is responsible for all of the following:
 - a. The implementation of the policies established by the Board for District operation.
 - b. The appointment, supervision, discipline, and dismissal of District employees, consistent with the employee relations system established by the Board.
 - c. The supervision of District facilities and services.
 - d. The supervision of District finances.
 - e. The development of the District's annual budget to support its mission and meet all regulatory requirements.
 - f. Coordinate with the President of the Board to agendize meetings.
6. The General Manager shall recommend in public meetings of the Board the programs to implement District policy.
7. On or before July 1st of each year the Board adopts the District's annual budget.
8. The Board approves the District's organizational structure and employment positions.
9. The Board appoints the District's legal counsel and financial auditor annually.
10. The Board approves the Accounts Payable register as an agenda item at regular Board meetings.
11. The Board approves all contracts and individual purchases in accordance with the District's purchasing policies and procedures..
12. Directors shall uphold the constitutions of the United States and the state of California. Directors shall comply with applicable laws regulating their conduct, including state laws concerning conflicts of interest, financial disclosure, open meetings, and confidential information.

2. Board Election/Appointment

The District shall have a board of five Directors each of whom whether elected or appointed, shall reside within the boundaries of the Montecito Sanitary District and be a registered voter within those boundaries. (Health & Safety Code, § 6464)

The term of office of each Director other than Directors appointed to fill an unexpired term shall be four years. (Elections Code, § 10507)

Directors elected to office take office at noon on the first Friday in December following the General District Election. Before taking office, each Director shall take and subscribe the official oath and file it with the Clerk of the Board. (Elections Code, § 10554)

New Directors will file an Assuming Office Form 700 within thirty days of taking office.

An office of a director shall be deemed to have become vacant when one or more events specified in [sections 1770, et. seq. of the Government Code](#) have occurred. All vacancies occurring shall be filled pursuant to [section 1780 of the Government Code](#).

A Director leaving office will file a Leaving Office Form 700 within thirty days of vacating office.

3. Board Organization

The Board of Directors shall hold an annual organizational meeting at a regular meeting in December to establish or confirm Board officers by an election from existing Board members.

Board officers are the President, Vice President, Treasurer, and Secretary.

Officers assume their duties immediately upon Board confirmation and serve during the next calendar year.

Additionally, the General Manager and District Legal Counsel shall be affirmed at the annual organizational meeting.

At the organizational meeting the Board will appoint members to the Standing Committees.

Standing and Ad Hoc Committees

- a) Standing committees shall only be dissolved by majority vote of the Board.
- b) The duties of an ad hoc committee shall be determined at the time of appointment and the committee shall be considered dissolved when its final report has been made.
- c) If the Board President or the Board has created a standing committee the members of such committee shall be appointed for the year no later than the Board's regular meeting in January.
- d) Minutes shall be required for meetings of standing committees, and such meetings shall be conducted in accordance with the Ralph M. Brown Act. (Government Code, § 54952)

- e) Minutes shall not be required to be prepared for ad hoc committee meetings. Ad hoc committees are not considered legislative bodies for purposes of the Ralph M. Brown Act. (Government Code, § 54952)
- f) All actions of committees are subject to approval by the Board of Directors.

District Representation in Organizations

- a) The Board reviews annually all District memberships and representations.
- b) Appointments to serve as a District representative or member on a non-District board, commission, or organization shall be made by the President, subject to confirmation by the full Board.
- c) Unless otherwise required by law or contract, the term of any external position shall be one year. There is no limit to the number of terms or consecutive terms.
- d) Additional policies related to representation in external organizations are stated in the "Board Memberships" section of this manual.

4. Board Memberships

Appropriate Memberships

To take advantage of in-service training opportunities, the District may belong to industry related associations. Directors who are appointed District representatives may attend meetings of national, state, and local associations, which are directly related to the District's purpose and operation. Decisions to continue, discontinue, or add new memberships shall occur through the annual budget process.

Appointment of Representative

The President shall appoint Directors as a representative and alternate, as appropriate, to serve as District contacts among stakeholder groups, associations, and other organizations at the Board's discretion. All representatives and alternates shall report to the Board in a timely manner on their activities. Directors may be allowed certain expenses for travel and membership as a representative or alternate. Reimbursable expenses shall be determined and approved at a regular Board meeting before expenses are incurred.

Representation Limitation

When expressing an opinion about any aspect of District business, each Director Representative should clearly state that he or she is expressing a personal opinion that is not a Board position, unless the representative has been directed by the Board to express an official District policy or position or decision, which has been approved by the Board.

5. Board Meetings

Under the Ralph M. Brown Act (Government Code sections 54950, et seq.) all meetings of the Board must be open to the public, publicized and noticed properly, conducted according to agenda and meeting procedures, and be documented; however, exceptional meetings may be noticed and conducted as closed sessions, which are not open to the public.

A majority of the Board shall not discuss or reach consensus on any matter under the jurisdiction of the District other than during a meeting of the Board.

Meeting Structure

Board meetings are conducted in accordance with Roberts Rules of Order and Rosenberg's Rules of Order.

Regular Meetings

The schedule for Board meetings will be determined at the annual organizational meeting, typically held in December.

The Clerk of the Board will prepare an agenda for each regular meeting after consulting with the General Manager and/or Board President. The agenda has a brief description of each agenda item. District staff will provide the Board packet to all Directors one week in advance of each regular meeting upon receiving a finalized agenda.

Only items that are stated on an agenda may be discussed in the meeting. The agenda is posted at least seventy-two hours before the regular meeting.

The Board, by majority vote or as otherwise provided by law, may modify the agenda before the first matter is considered. To the extent time permits, all matters on the agenda shall be considered and this is done in the order of the agenda's noticed or modified sequence.

No action may be taken on any matter that is not noticed on the posted agenda, with very limited exceptions. Agenda items that are not considered or completed at a meeting for lack of time may become an agenda item in a subsequent meeting.

A regular meeting agenda may include a closed session; *see* section on **Closed Sessions**.

Special Meetings

A special meeting of the Board may be called as needed by the Board President or by a majority of the Board.

The Clerk of the Board will prepare the agenda for the special meeting, which contains a brief description of each agenda item, after consulting with the General Manager and/or Board President. This agenda is posted at least twenty-four hours before the special meeting. Only business identified in the agenda shall be considered or discussed at a special meeting.

A special meeting agenda may include a closed session; The Board may meet in closed session during a special meeting; *see* section on **Closed Sessions**.

Emergency Meetings

Sometimes an emergency requires prompt action. An emergency meeting may occur without complying with special meeting posting and notice requirements.

An "emergency" includes any of these situations:

- a) A work stoppage or other activity severely threatens or impairs public health, safety, or both, as determined by a majority of the Board.
- b) A crippling disaster severely impairs or threatens public health, safety, or both, as determined by a majority of the Board.

The Board shall not meet in closed session during any emergency meeting. All special meeting requirements apply to emergency meetings except the twenty-four hour notice requirement.

Use of Legal Counsel

All questions concerning District business shall be funneled through the General Manager or Board President only.

Closed Sessions

In specific instances, Board business may be conducted in closed sessions, which are not open to the public. The exceptional circumstances allowing for a closed session are specified in the Ralph M. Brown Act. Generally, these are circumstances concerning claims, litigation, potential litigation, labor negotiations, real estate negotiations, and personnel.

The particular exception allowing for the closed session must be specified in the agenda. No other matter may be discussed in the closed session. Although not always required, District Legal Counsel usually attends all closed sessions.

The District's right and need to conduct some of its business confidentially and to have legal confidences are not subject to "waiver" by any Director. The District is entitled to protect its privileged official information. Evidence Code, § 1040. No Director may be asked about what happened in a closed session and no Director is allowed to disclose what was discussed or occurred in a closed session. *Kleitman v. Superior Court (Wesley)* (1999) 74 Cal.App.4th 324.

Quorum Required

No Director may take any action or make any representation that results in 1) budgeting or expending District funds, 2) establishing any procedure or policy, or 3) taking any action on behalf of the Board. All of such action requires a quorum of the Board to be present in a public meeting and Board agreement during a noticed and properly conducted meeting.

Action may be taken only by a majority vote of the Board. Three Directors constitute a quorum. A quorum is required to conduct business and to take action. When there is only a quorum to take action, all votes must be unanimous.

A Director who abstains from voting will be identified in the minutes as "Abstaining." If there is an abstention when only a quorum is present, the Board cannot take action. For the same reason, if there are two abstentions when all five Directors are present and action requires a two-thirds vote, no action may be taken.

6. Board Compensation

Board/Committee Meetings

Effective May 10, 2021, Directors are paid \$220.00 for each day's attendance at a regular or special meeting of the Board or a standing or ad hoc committee. (MSD Ordinance No. 17). Compensation for regularly scheduled meetings will be reviewed at the annual organizational meeting.

Conference/Seminar

A Director authorized and requested by the Board to attend a conference or seminar shall be compensated \$137.50 per day for each day of attendance, and no travel day will be compensated. (MSD Ordinance No. 14).

Other Authorized Meetings

A Director authorized and requested by the Board to serve as an officer or liaison to affiliated agencies as an official District representative shall be compensated \$137.50 per day for each day of attendance. (MSD Ordinance No. 14).

Prior authorization must be received from the Board in a public meeting in order to receive per diem compensation and expense reimbursement. An authorized representative Director shall provide a brief report of the meeting at the next regular Board meeting.

Compensation for meetings and services is limited to six days in any calendar month. (MSD Ordinance No. 14).

Daily compensation shall be for one meeting at the highest applicable compensation rate regardless how many meetings were attended that day.

District policy stated in Ordinance No. 14 is pursuant to section 53232.1 (b) of the Government Code: "A local agency may pay compensation for attendance at occurrences (other than meetings) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment."

7. Board Travel

The Board has decided that it is in the District's best interests if its Directors participate, from time to time, in conferences, seminars, and meetings related to the governance of public agencies, especially agencies responsible for wastewater collection, treatment, and disposal. The Board has adopted the following policies for Director participation; additionally, Directors are required to comply with ethical, disclosure, and conflict of interest laws and standards.

Vendor/Consultant Benefits

The Board discourages the acceptance of gifts, gratuities, trips, and similar incentives and benefits from vendors and or consultants.

Registration

Registration fees for conferences, seminars, workshops, and meetings will be paid directly and in advance by the District. Extra registration or other fees for spouses or guests will not be paid by the District.

Transportation

An authorized Director should try to arrange for the District to be billed in advance for public transportation. The use of a private vehicle will be compensated at the mileage rate allowed by the Internal Revenue Service. Under no circumstance will the reimbursement for transportation expense exceed the lowest cost for round trip airfare from Santa Barbara to the meeting site. Special travel requirements, such as rental car, taxi, or shuttle service, will be reimbursed from receipts and records provided by the Director. Travel costs for spouses or guests will not be paid by the District.

Lodging

If overnight stay is required, the authorized Director should arrange for the District to be billed in advance for lodging expenses. If prior arrangements are not possible, the Director may pay for lodging costs and reimbursement will be made from receipts and records. The District reimburses only the expense of normal lodging at a single occupancy rate, plus tax. It does not reimburse extra services or entertainment.

Meals

Directors will be compensated for meals, including non-alcoholic beverages, taxes, and gratuities purchased at their expense, unless these are provided by the conference or seminar, not to exceed the per diem rates periodically established and published by the County of Santa Barbara. The cost of meals offered as part of the conference format shall be fully reimbursed, unless the cost of such meals is covered in the conference registration fee.

8. Conflict of Interest

Statement of Economic Interests

Directors shall file statements of economic interest (Form 700) as required by the Fair Political Practices Commission; *see* 2 California Code of Regulations, section 18730. If newly appointed or elected, a Director must file an Assuming Office Statement within thirty days of assuming office. Annual statements for all Directors, covering the prior calendar year must be filed by April 1st. A Director must file a Leaving Office Statement within thirty days of leaving office.

State Regulations

All provisions of 2 California Code of Regulations, section 18730 and any amendments thereto are incorporated by reference.

Compliance Requirements

Directors shall comply with all provisions of the District's conflict of interest code, which the Board reviews every two years and files with the County of Santa Barbara.

Abstaining from Voting

When a disqualifying and disclosed financial conflict of interest exists, a Director shall abstain from participating in Board decision-making.

When a Director's actual or potential disqualifying financial conflict of interest should arise in the course of Board business, a Director shall disclose the conflict and should expect to abstain from discussion and voting on the related matter. When a Director should become aware of a potential or actual financial conflict of interest arising from an item being considered for an agenda or that has been noticed on a Board meeting agenda, the Director shall immediately inform the General Manager to allow determination whether it is a disqualifying conflict of interest.

A Director shall not attempt to influence how other Directors vote when a Director has a disqualifying financial conflict of interest.

When a Director has a disqualifying financial conflict of interest, immediately before the agenda item is discussed the Director shall disclose on the record and with sufficient specificity the actual or potential disqualifying financial conflict of interest, except a residence address.

Generally, if a matter is not on the consent agenda, a Director shall leave the Board table during deliberation of or action on the agenda item for which the Director has a disqualifying conflict, but the Director may remain in the hearing room and address the Board on the matter solely as a member of the public. (Government Code sections 87100, 87101, 87103, 87105, 87200; FPCC regulations 18700 - 18707).

Incompatible Offices

A Director shall not hold incompatible public offices. A Director may not hold any other public office with any duty that might require action contradictory to or inconsistent with his or her duties as a District Director. At all times, a Director's sole loyalty should be to the District. Each Director shall become informed of and adhere to the requirements of section 1099 of the Government Code.

9. Board Training

Ethics Training

Every two years, each District Director is required to receive at least two hours of required ethics training pursuant to Government Code §532.35. Each new Director must complete this ethics training within one year of taking the oath of office and every two years thereafter.

Sexual Harassment Training

Every two years, each Director is required to receive two hours of sexual harassment training pursuant to Government Code §12950.1. Each new Director shall receive this sexual harassment training within six months of taking office and every two years thereafter.

The District shall provide the Directors with information and education opportunities to satisfy the required board training. Directors may be allowed actual and necessary travel, meals, and lodging to attend trainings as approved by the Board.

Upon completion of required training, Directors shall file documentation to prove they have received required training to the Clerk of the Board.

10. Revision Log

The Board Policies and Procedures Manual should be reviewed annually by the Board of Directors. This review shall focus on evaluating the effectiveness of the Manual, and ensure that there are no conflicts between the manual and any actions taken by the Board in the previous year. Any time substantial changes are made to the Board Policies and Procedures, the General Manager will present the changes to District staff.

The table below provides a revision log for recent versions of Board Policies and Procedure manuals:

Revision Date	Document Name	Editors
June 2021	Board of Directors Policy and Procedure Manual 2021	Ad hoc Committee (Directors Johnson and Newquist)
November 2021	Board of Directors Policy and Procedure Manual 2021	Ad hoc Committee (Directors Johnson and Newquist)

ORDINANCE NO. 17

**ORDINANCE OF THE GOVERNING BOARD OF
THE MONTECITO SANITARY DISTRICT ESTABLISHING
COMPENSATION OF DIRECTORS AND
REPEALING ORDINANCE NO. 15**

WHEREAS, Health and Safety Code section 6489 authorizes the Board of Directors to adopt an ordinance pursuant to Water Code sections 20200 et seq. in order to compensate each director above the amount established in Section 6489; and

WHEREAS, on June 13, 2019, Ordinance No. 15 established the compensation to be paid to directors; and

WHEREAS, Ordinance No. 15 authorized the Board to adopt an ordinance to increase compensation in an amount not to exceed five percent of current compensation for each calendar year after the operative date of the last adjustment; and

WHEREAS, director compensation has not increased since the adoption of Ordinance No. 15; and

WHEREAS, the duties and responsibilities of the Board, thus of each director, require and will continue to require substantial and increased time to be expended by each director in order to carry out District business; and

WHEREAS, the Board has elected to fix the compensation of directors pursuant to Water Code sections 20200 et seq.; and

WHEREAS, notice of a public hearing as a part of the Board's regular meeting held on March 11, 2021, was published pursuant to Government Code section 6066 and Water Code section 20203; and

WHEREAS, proof of publication of said notice on February 25, and March 04, 2021, in the *Santa Barbara News-Press* has been filed with the records of the regular meeting of March 11, 2021; and

WHEREAS, the public hearing on the adoption of this ordinance was held on March 11, 2021, as required by Water Code section 20203.

NOW, THEREFORE, BE IT ORDAINED that:

1. Pursuant to section 20201 of the Water Code the standard and maximum compensation of each director of the Board shall be \$220.00 per day for each day of attendance at a regular or special meeting of the Board or a meeting of a standing or ad hoc committee of the Board.

2. A director authorized and requested by the Board to attend a conference, seminar, or meeting that is not specified in sections 1 and 3 shall be compensated \$137.50 per day for each day of attendance at such conference, seminar, or meeting and no travel day will be compensated. No more than eight meeting days per calendar year may be compensated under this section.

3. A director authorized and requested by the Board to serve as an officer or as a liaison to affiliated agencies as an official District representative shall be compensated \$137.50 per day for each

day of attendance at such meeting.

4. The compensation fixed by this ordinance for meetings and services described in sections 1, 2, and 3 herein shall be not be paid for more than a total of six days in any calendar month.

5. Henceforth, the amount of director compensation may be increased upon adoption of an ordinance in an amount not to exceed five percent of the then current compensation for each calendar year after the operative date of the last adjustment under Water Code section 20202.

6. This ordinance repeals prior action providing for compensation as of its effective date, including Ordinance No. 15.

7. Immediately following adoption, the Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the District.

8. If any section of this ordinance is held to be invalid or unconstitutional, the remaining sections shall remain valid. The Board hereby declares that it would have adopted this ordinance regardless that particular sections may be declared invalid or unconstitutional.

PASSED AND ADOPTED by the Governing Board of Montecito Sanitary District on this 11th day of March, 2021, to become effective sixty days thereafter by the following vote:

AYES: Director Barrett, Eversoll, Fuller, and Newquist

NAYS:

ABSTAIN:

ABSENT: Director Johnson

Dorinne Lee Johnson
President of the Governing Board of the
MONTECITO SANITARY DISTRICT

(Seal)



ATTEST:

Dana Newquist
Secretary of the Governing Board of the
MONTECITO SANITARY DISTRICT