

**MINUTES OF THE REGULAR MEETING
of the
BOARD OF DIRECTORS
of the
MONTECITO SANITARY DISTRICT**

March 14, 2019

1. CALL TO ORDER

The Governing Board of the Montecito Sanitary District convened a regular meeting at 1:15 p.m. on March 14, 2019 at 1042 Monte Cristo Lane, Montecito, California.

ATTENDANCE

Present: Directors Tom Bollay, Woody Barrett, Jeff Kerns, Dana Newquist, and Thomas Kern

Absent: None

Also Present: Diane M. Gabriel, MSD General Manager/District Engineer
Toni M. McDonald, MSD District Administrator
Carrie Poytress, MSD Engineering Manager
Alex Alonzo, MSD Operations Manager
Janet McGinnis, MSD Legal Counsel
Brian Cearnal, Cearnal Collective
Jeff Hornbuckle, Cearnal Collective
Hillary Hauser, Heal the Ocean
Nick Turner, Montecito Water District
Floyd Wicks, Montecito Water District
Ken Coates, Montecito Water District
Don Eversoll, Resident
Bob Hazard, *Montecito Journal*

2. APPROVAL OF MINUTES OF THE LAST MEETING

The minutes of the February 28, 2019 meeting were included in the agenda packet. Director Barrett noted the minutes did not reflect his request for future agenda items to include a discussion of the formation of a Strategic Planning Committee. On MOTION by Director Kerns and second by Director Newquist, the Board approved unanimously the minutes of February 28, 2019 as amended to include Mr. Barrett's request.

3. APPROVAL OF PAYABLES

On MOTION by Director Newquist and second by Director Kern, the Board approved unanimously these payroll and accounts payable expenses from March 2, 2019 through March 14, 2019:

Accounts Payable Expenses	\$ 72,324.01
Payroll and Related Expenses	<u>92,696.86</u>
Total Expenses	\$ 165,020.87

4. **PUBLIC COMMENT**

None

5. **OLD BUSINESS**

Introductory Comments by Legal Counsel

District Counsel McGinnis submitted for the record a copy of an email dated March 12, 2019 from Bob Hazard of the *Montecito Journal* that had been sent to the entire boards of both Montecito Sanitary District (MSD) and Montecito Water District (MWD) along with some staff of both districts. The email communication specifically concerned agenda items 5A, 6A, and 6B. It was necessary to disclose this communication to avoid a claim that action on any of these items should be voided, because of Brown Act violations. Ms. McGinnis directed staff to distribute a copy of this email to the Board and the public in attendance.

Ms. McGinnis reminded the Board that the Brown Act prohibits a quorum of directors meeting and communicating outside of noticed meetings, and that a third party may facilitate the commission of violations. Mass and serial communications with a quorum of directors may occur only through on-the-record discussions and submissions in noticed meetings. She cautioned the directors to revisit their recent training about how to avoid written and oral daisy chain and serial communications and about the consequences of Brown Act and ethics violations for directors and the District.

A. **Montecito Water Reuse**

General Manager Gabriel advised that the Joint Committee of the MSD Administration & Operations Committee and the MWD Strategic Planning Committee has decided to schedule its regular meeting for the first Tuesday of each month. The Joint Committee's next meeting is April 2, 2019 from 10:00 a.m. to Noon.

Engineering Manager Poytress announced she will attend the California Water Reuse Conference in Garden Grove on March 17- 19th.

6. **NEW BUSINESS**

A. **Proposed Essential Services Building Presentation – Cearnal Collective**

Architect Brian Cearnal presented an historical account of the District's site and the District's 2004 Master Plan. He provided information about the proposed essential services building, estimated construction cost, and the current schedule for completion of the proposed project. Mr. Cearnal also reported that the footprint of the proposed 5,085 square foot building would not impact any future upgrade or replacement of the existing treatment facility, because land has been designated for the current operations while any replacement facility is built. The District has reserved an additional 36,000 square feet for a recycled facility on the campus. A similar presentation had been given by Mr. Cearnal at a public meeting of the Montecito Association Land Use Committee and the Montecito Association Board. Feedback received at those meetings was all positive.

Following his presentation Mr. Cearnal answered Board questions regarding the benefits of the new building. He described the careful attention of District staff and the Cearnal team to ensure the project stayed within the initial budget, how they have designed this building for sustainability, and how the design provides better public access, adaptable space, increased security, exterior circulation for ventilation and natural light, and the ability to use the facility for community events. The new building's benefits include its location outside the debris flow evacuation area. Mr. Cearnal noted that the existing offices and board room were built prior to current American Disabilities Act (ADA) requirements, and are not compliant. If the proposed building is not completed, the cost to retrofit the existing structures to current standards would be expensive, and putting money into the existing structures would not be prudent or efficient as the existing space is limited.

Mr. Floyd Wicks of Montecito Water District asked if the District had strategically looked at diverting Montecito wastewater to the City of Santa Barbara treatment facility, as he has been told by Joshua Haggmark that the City has excess capacity. Director Barrett mentioned the arrangement between Goleta West (collection system only) Sanitary District and Goleta Sanitary District wherein all of Goleta West Sanitary influent is sent to Goleta Sanitary District for treatment.

The Board thanked Mr. Cearnal and his team for the presentation.

ACTION: None

B. Proposed Essential Services Building Construction – Authorization to Advertise for Bids

Following discussion on the public bidding process, on MOTION by Director Newquist and second by Director Kerns, the Board approved directing staff to advertise for bids the construction of the proposed Essential Services Building project with the following vote:

Ayes: Directors Newquist, Kern, Bollay, Kerns
Nays: Director Barrett
Abstain: None

ACTION: Staff

C. Administration & Operations (A&O) Committee Meeting – Report

The A&O Committee reported on its meeting of March 11th and distributed minutes.

Directors Bollay, Kerns, and Barrett reported on their tours of the Goleta Sanitary District after the “Board Member Best Practices” training on March 7th.

Director Bollay also reported the A&O Committee had reviewed the Goleta Sanitary District/Goleta Water District Agreement for Reclaimed Water. He thinks that it may serve as a good starting point for discussion of the roles and responsibilities of the two districts in the recycled water project. Mr. Ken Coates, a MWD director, stated that MSD should not focus solely on the Goleta model, but look at other models that may work, such as the Santa

Paula/PERC model. Director Bollay suggested that all successful partnership models should be considered.

Director Bollay introduced for discussion the possibility of MSD offering to pay for the ocean outfall study proposed by the MWD, as any outfall study will be specific to the MSD infrastructure and NPDES permit. The Board agreed to have the A&O Committee discuss this possibility with MWD at a joint committee meeting.

Director Bollay reported that the proposed Essential Services Building is the last outstanding item of the District's 2004 Master Plan, and the Board will soon begin to consider the direction and scope of a new master/strategic plan.

ACTION: A & O Committee, Staff

D. Policies and Procedures Manual of the Board of Directors

District Administrator McDonald reported the draft of the Policies and Procedures Manual of the Board of Directors that was included in the board packet was incomplete and missing pages. Ms. McDonald then distributed a complete draft of the manual for the Board to review at a future meeting.

The Board agreed to review the draft and send any comments/revisions to the District Administrator for a summary of discussion points to be distributed to the Board at the time this item appears on a future agenda for consideration and possible adoption. The Board also requested a copy of the 2016 Board manual be distributed for comparative purposes.

Director Bollay discussed the possibility of having a Board working session to produce the new master/strategic plan for the District. This working session would allow full Board participation. The Board agreed to put this working session on a future agenda.

ACTION: Board, Staff

E. Miramar Acquisition Co., LLC – Grant of Easement for Sanitary Sewer Facilities – Certificate of Acceptance

General Manager Gabriel reported the Miramar Acquisition Co., LLC is granting to the District an easement for the Miramar Lift Station. In order for the easement to be recorded by the Santa Barbara County Recorder's Office, a Certificate of Acceptance must be signed by the Secretary of the Board. District Administrator McDonald read the Certificate of Acceptance to the Board.

On MOTION by Director Kerns and second by Director Kern, the Board approved unanimously to authorize Secretary Barrett to sign on behalf of the District the Certificate of Acceptance to be notarized and recorded with the easement.

ACTION: Secretary, Staff

F. Information Items

- Santa Barbara Chapter California Special Districts Association (SBCCSDA) March 25th Annual Awards meeting – District Administrator Toni McDonald – Professional Staff Person of the Year
- Santa Barbara Chapter California Special District Association (CSDA) “Board Member Best Practices” training on March 7th was attended by Directors Kern, Bollay, Kerns and Barrett, along with the District’s legal counsel, General Manager, and District Administrator.
- CSDA Special District Leadership Academy – San Diego April 7th-10th – no director will be able to attend
- American Society of Civil Engineers (ASCE) Project of the Year – Miramar Lift Station and Force Main – Engineering Manager Poytress presented the award to the Board

G. Agreements Signed

None

7. ITEMS FOR FUTURE AGENDAS

The following items were requested to appear on a future Board agenda:

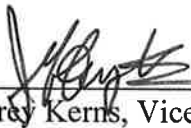
- Board Strategic Planning Work Session
- Review and adoption of a Policies and Procedures Manual of the Board of Directors, including the possible formation of a new Strategic Planning Committee
- Beginning Board meetings with the Pledge of Allegiance
- Review and discussion of Hillary Hauser’s public comment at the February 28, 2019 Board meeting

8. ADJOURNMENT

There being no other business, on MOTION to adjourn by Director Kern and second by Director Kerns, the MOTION passed unanimously without abstention and the meeting adjourned at 4:45 p.m.



Thomas Bollay, President



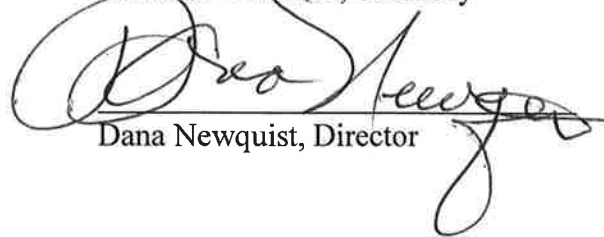
Jeffrey Kerns, Vice President



Thomas Kern, Treasurer



Ellwood T. Barrett, Secretary



Dana Newquist, Director

