



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108

A Public Service Agency

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

AGENDA

For the Regular Meeting of the Board on:

January 14, 2021

The regular meeting of the Governing Board will begin at 1:30 p.m. on January 14, 2021.

Due to COVID-19 Pandemic, the meeting will be held via Zoom per the [Virtual Meeting Protocols](#).

The public may attend and comment by calling 1-669-900-6833 Meeting ID **880 4484 0081**

Or by visiting: <https://us02web.zoom.us/j/88044840081>

1. CALL TO ORDER/ROLL CALL

President Dorinne Lee Johnson, Vice President Woody Barrett, Secretary Dana Newquist, Treasurer Don Eversoll, Director Gary Fuller.

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. CONSENT CALENDAR

All items under the Consent Calendar are considered by the Board of Directors to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the Board of Directors for separate consideration.

A. APPROVAL OF MINUTES

It is recommended that the Board consider approving the minutes from December 10, 2020 regular meeting.

B. APPROVAL OF PAYABLES

It is recommended that the Board consider approving the payables list for expenses incurred by the District between December 6, 2020 and January 8, 2021.

4. OLD BUSINESS

None.

5. NEW BUSINESS

A. Policies and Procedures Manual

It is recommended that the Board consider:

- i) Discussing the District's Policies and Procedures Manual; and
- ii) Taking such additional, related, action that may be desirable.

B. Proposals for new District General Legal Counsel

It is recommended that the Board consider:

- i) Reviewing proposals received by the Personnel Committee (President Johnson and Director Fuller) for General Counsel;

ii) Taking such additional, related, action that may be desirable.

C. Recruitment of new District General Manager

It is recommended that the Board consider:

- i) Reviewing proposals reviewed by the Personnel Committee (President Johnson and Director Fuller) for executive recruitment firms; and
- ii) Taking such additional, related, action that may be desirable.

D. Romero Canyon Road Sewer Main Extension

It is recommended that the Board consider:

- i) Rejecting all bids for the sewer main extension project; and
- ii) Taking such additional, related, action that may be desirable.

E. Montecito Water District's Appeal to the Montecito Planning Commission related to the Montecito Sanitary District's Coastal Development Plan

It is recommended that the Board consider:

- i) Discussing the Montecito Water District's appeal and letter to the Montecito Planning Commission of its October 2020 decision on the Montecito Sanitary District's Coastal Development Plan; and
- ii) Discussing the Essential Services Building; and
- iii) Taking such additional, related, action that may be desirable.

F. COVID-19 Emergency Declaration of March 19, 2020

It is recommended that the Board consider:

- i) Examining the District's COVID-19 Emergency Declaration of March 19, 2020;
- ii) Discussing the emergency funding authorization rules currently in effect; and
- iii) Taking such additional, related, action that may be desirable.

G. Informational Meeting with LAFCO

It is recommended that the Board consider:

- i) Discussing the informational meeting with LAFCO; and
- ii) Taking such additional, related, action that may be desirable.

6. DISTRICT OPERATIONS AND MAINTENANCE

A. Information Items

The Interim General Manager will provide informational, nonactionable, updates regarding pending matters before the District.

B. Agreements to be Signed

None

C. Operation and Maintenance Reports

Review the Operations and Maintenance reports included in the agenda packet.

7. ITEMS FOR THE NEXT AGENDA

8. ADJOURNMENT

MONTECITO SANITARY DISTRICT

M I N U T E S

of the Board Meeting December 10, 2020

1. CALL TO ORDER/ROLL CALL

The Governing Board of the Montecito Sanitary District convened a regular meeting at 1:15 p.m. on December 10, 2020 using Zoom teleconferencing in accordance with State of California Executive Order No. N-29-20 issued on March 17, 2020.

ATTENDANCE

Board Members Present:

Directors Dana Newquist, Ellwood T. Barrett II, Gary Fuller, Dorinne Lee Johnson, and Director Donald Eversoll

Board Members Absent:

None

Also Present and Participating:

Jon Turner, MSD Interim General Manager
Carrie Poytress, MSD Engineering Manager
Alex Alonzo, MSD Operations Manager
Elizabeth (Betsy) A. Byrne, MSD District Administrator
Karl H. Berger, MSD General Counsel
Ken, Ratepayer
Keith Berry, member of the public
Bob Hazard
Tom Bollay – outgoing Director
Jeff Kerns – outgoing Director
Staff Member
Montecito Resident
Adam Kanold
Hulda Brown
Resident
Donna S

2. PUBLIC COMMENT

Member of the Public, Bob Hazard, addressed the board to congratulate newly elected directors. Stated that supervisor Greg Hart contacted him and would like a meeting with 2 directors of Sanitary board and 2 directors of MWD Board and 1 representative from Summerland Sanitary and if the districts agree, Carpinteria water board, and Carpinteria Sanitary Board. Discussion would include: there are 5 sanitary plants within 15 miles on the coast. Goleta 2, Montecito 1, Summerland 1, Carpinteria 1. There are areas of cooperation and coordination & consolidation; problems and issues to address from a regional perspective. How could the County fast-track operational changes that the Board may elect to make such as a merger. Would invite Das Williams. City faces a problem with their sanitary system; relocation required. Concerned with capacity and pipeline.

3. (CEREMONIAL) SWEARING IN OF NEW DIRECTORS; BOARD REORGANIZATION.

Directors Elected to the office of Director for the Montecito Sanitary District in the Presidential General Election in Santa Barbara County on the 3rd day of November 2020 were sworn into office and affirmed their Oath of Office as administered by the County Clerk Recorder Assessor.

Comments from outgoing directors:

Outgoing Board President Tom Bollay offered his “Congratulations” to newly elected Directors; stated that is important to focus first on the duty to the District first, and to the Coast second. “Good Luck, and carry on”.

Outgoing Director Jeff Kerns said “thank you for the opportunity; I am grateful for the education and time I spent on the board. I relearned concepts, and the commonalities of all organizations: Capital and people. Everyone always had a smile. Gained an appreciation for special districts. I learned how important the depreciation schedules are. Mostly, I appreciate and thank you for the opportunity.

Director Barrett called for the election of the Board President. Director Johnson was nominated by Director Newquist. On MOTION by Director Woody Barrett and second by Director Don Eversoll, the Board Elected unanimously without abstention Director Johnson as President.

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

Director Barrett was nominated as Vice President. On MOTION by Director Newquist and second by Director Eversoll, the Board elected unanimously without abstention Director Barrett as Vice President.

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

Director Newquist was nominated as Secretary. On MOTION by Director Barrett and second by Director Johnson, the Board elected unanimously without abstention Director Newquist as Secretary.

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

Director Eversoll was nominated as Treasurer. On MOTION by Director Johnson and second by Director Newquist, the Board elected unanimously without abstention Director Eversoll as Treasurer.

AYES: Directors Barrett, Fuller, Johnson, Newquist, and Eversoll.

NAYS: None
ABSTAIN: None
ABSENT: None

On MOTION by Director Barrett and second by Director Eversoll, the Board voted to form a new Strategic Planning committee to focus on recycled water and long term planning.

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

President Johnson made the following appointments:

- Finance Committee: Directors Don Eversoll and Director Gary Fuller
- Administrative & Operations (A&O) Committee: Directors Don Eversoll and Ellwood Barrett
- Personnel Committee: Directors Dorinne Johnson and Gary Fuller
- Public Information Committee: Directors Dana Newquist and Dorinne Johnson
- Strategic Planning Committee: Directors Dorinne Johnson and Ellwood Barrett

4. CONSENT CALENDAR

On MOTION by Director Newquist and second by Director Eversoll, the Board moved to approve the consent calendar with removal of the payables for separate discussion; Board approved with a roll call vote the following items:

- A. Approved the Minutes of the November 12, 2020 Board Meeting;
- B. Waived a second reading of Ordinance 16 and approved to adopt such Ordinance.
- C. Adopting Resolution No. 2020-931 acknowledging and establishing District Land Inventory as required by CA Government Code Section 50569.
- D. Approved and Directed Interim General Manager Jon Turner to sign the agreement Attorney General's Office (on behalf of the Governor's Office of Emergency Services) on the subrogation and assignment of claims arising out of Thomas fire etc.

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

5. APPROVAL OF PAYABLES

On MOTION by Director Barrett and second by Director Eversoll, the Board approved these payroll and accounts payable expenses from November 7, 2020 and December 5, 2020.

Accounts Payable Expenses	\$210,051.57
Capital Improvement Projects	\$23,909.46
Payroll and Related Expenses	\$187,082.68
Total Expenses	\$421,043.71

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

6. OLD BUSINESS

None

7. NEW BUSINESS

A. Annual Organizational Decisions

On MOTION by Director Barrett, and second by Director Newquist, the Board approved unanimously without abstention the appointment of Jon Turner as Interim General Manager.

On MOTION by Director Newquist and second by Director Johnson, the Board voted to invite Requests for Proposals for new General Counsel and to maintain Karl Berger of Hensley Law Group as General Legal Counsel until such time the Board has attained a replacement local firm for General Legal Counsel.

On MOTION by Director Eversoll and second by Director Barrett, the Board approved unanimously without abstention the appointment of Melissa Fassett as Legal Counsel for Personnel matters.

The Board approved unanimously without abstention that the Regular Meetings of the Governing Board of the Montecito Sanitary District will be the second Thursday of each month, beginning at 1:30 p.m.

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

The Board agreed to hold a closed session special meeting on Thursday January 7th at 1:30pm.

The organization procedures being complete: An updated Statement of Facts shall be filed with the Secretary of State and the Santa Barbara County Clerk. The Board will now continue with the regular meeting as set forth in today's agenda.

ACTION: Staff

Public Comment: Bob Hazard addressed the board and offered to meet via zoom with Dorinne Johnson and Gary Fuller to discuss Birnamwood golf club trying to get cheaper water. General Counsel Berger noted that so long as a committee meeting is not being held, two board members may have a discussion; if discussion is part of a committee meeting, posting requirements are necessary.

B. Resolution No. 2020-930 Approving District Holidays for 2021

On MOTION by Director Eversoll and second by Director Newquist, the Board voted to adopt Resolution 2020-930.

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

C. Recruitment of a new District General Manager

The Personnel Committee will meet to review the proposals by the two recruiting firms, and may potentially seek a third and fourth proposal and will bring a proposal to the Board at a future meeting.

8. DISTRICT OPERATIONS AND MAINTENANCE

A. Information Items

The Interim General Manager Jon Turner, P.E. updated the Board as to informational, nonactionable, items regarding pending matters before the District.

B. Agreements to be Signed

None

C. Operation and Maintenance Reports

The Board reviewed the information in the Board packet.

9. ITEMS FOR THE NEXT AGENDA

The next regular Board meeting is set for January 14th, 2021.

The Board agreed to hold a closed session special meeting on Thursday January 7th at 1:30pm.

The Board discussed items for the next agenda and agreed to include the following items:

- Examine the District's COVID-19 Emergency Declaration of March 19, 2020
- Discuss taking the Essential Services Building off the table
- Discuss the emergency funding authorization rules currently in effect
- Discuss Montecito Water District's Appeal to the Montecito Planning Commission on their decision of Montecito Sanitary District's Coastal Development Plan
- Discuss the District's policies and procedures manual
- Director Barrett Directed staff to find out if the Montecito Sanitary District has made a request to LAFCO to incorporate the Santa Barbara Cemetery into the District.
- President Johnson suggested that Directors contact the Director on their respective committee teams

- Director Barrett Directed staff to comply with the 24-hour noticing requirements for the January 7th, 2021 closed session special meeting.

10. ADJOURNMENT

The Meeting adjourned at 4:21 p.m.

Dorinne Lee Johnson, President

Ellwood T. Barrett II, Vice President

Dana Newquist, Secretary

Donald M. Eversoll, Treasurer

Gary Fuller, Director

BOARD LIST OF PAYABLES

<u>CHECK DATE</u>	<u>SUMMARY & TYPE</u>	<u>BATCH TOTAL</u>
12/11/20	ACCOUNTS PAYABLE	24,871.33
12/18/20	ACCOUNTS PAYABLE	37,839.37
12/30/20	ACCOUNTS PAYABLE	42,512.41
	Subtotal	105,223.11
12/11/20	CAPITAL IMPROVEMENT PROJECTS	13,275.00
12/18/20	CAPITAL IMPROVEMENT PROJECTS	14,454.66
12/30/20	CAPITAL IMPROVEMENT PROJECTS	188,401.51
	Subtotal	216,131.17
12/17/20	PAYROLL	75,041.62
12/31/20	PAYROLL	82,529.52
	Subtotal	157,571.14
	TOTAL	<u>478,925.42</u>

Approved for Payment:

Date: January 14, 2021

Amount: \$ 478,925.42

_____, General Manager

_____, Treasurer

_____, Director

Check History Report
Sorted By Check Number
Activity From: 12/11/2020 to 12/11/2020
MONTECITO SANITARY DISTRICT (MSD)

Check Number	Check Date	Name	Check Amount	Description
026137	12/11/2020	AUTOZONE, INC	132.99	Vehicle Maintenance Parts
026138	12/11/2020	BEDROCK BUILDING SUPPLIES, INC	305.70	Supplies to Repair Manhole
026139	12/11/2020	BIG GREEN CLEANING COMPANY	1,596.00	Janitorial Services-November
026140	12/11/2020	COMPUVISION COMMUNICATIONS	350.00	IT Services-November
026141	12/11/2020	CORT	44.00	Deed Report-November
026142	12/11/2020	CULLIGAN OF VENTURA COUNTY	97.41	Bottled Water-November
026143	12/11/2020	ENGEL & GRAY, INC	3,968.36	Biosolids Hauling-November
026144	12/11/2020	FASTENAL COMPANY	419.90	Disposable Masks-COVID
026145	12/11/2020	FISHER SCIENTIFIC	296.67	Lab Testing Supplies
026146	12/11/2020	FRONTIER	64.84	Phone Service for Lift Station 5-December
026147	12/11/2020	GRAINGER	762.54	Battery Packs for Radios, Plant Maintenance Materials
026148	12/11/2020	HARRINGTON INDUSTRIAL PLASTICS	229.81	Restock PVC Piping/Parts
026149	12/11/2020	MARBORG INDUSTRIES	1,062.92	Dumpster Roll and Return
026150	12/11/2020	MCMASTER-CARR SUPPLY COMPANY	54.98	Collections Tools
026151	12/11/2020	MONTECITO WATER DISTRICT	668.39	Water Service-November
026152	12/11/2020	PURETEC INDUSTRIAL WATER	53.44	Water Softener Sodium Tank Exchange-Lab
026153	12/11/2020	S B HOME IMPROVEMENT CENTER	73.69	Property Maintenance Supplies
026154	12/11/2020	SOUTHERN CALIFORNIA EDISON CO	11,092.97	Electric Service-November
026155	12/11/2020	STAPLES BUSINESS CREDIT	2,282.91	Replacement Printers-Operations, Collections, Lab/Office S
026156	12/11/2020	UNIVAR SOLUTIONS	1,313.81	Plant Chemicals
Bank B Total:			<u>24,871.33</u>	
Report Total:			<u><u>24,871.33</u></u>	

CIP Check History Report
Sorted By Check Number
Activity From: 12/11/2020 to 12/11/2020
MONTECITO SANITARY DISTRICT (MSD)

Check Number	Check Date	Name	Check Amount	Description
001262	12/11/2020	TIERRA CONTRACTING INC	13,275.00	CIP No. 9-Riven Rock Sewer Main Construction
Bank G Total:			<u>13,275.00</u>	
Report Total:			<u><u>13,275.00</u></u>	

CIP Check History Report
Sorted By Check Number
Activity From: 12/18/2020 to 12/18/2020
MONTECITO SANITARY DISTRICT (MSD)

Check Number	Check Date	Check Name	Check Amount	Description
026157	12/18/2020	AT&T MOBILITY	63.50	Wireless Service for Lift Station 4-December
026158	12/18/2020	CINTAS CORPORATION #684	980.16	Uniform/Towels/Floor Mats-Cleaning/Rental-November
026159	12/18/2020	CINTAS	135.41	Replenish First Aid Supplies
026160	12/18/2020	COMPUVISION COMMUNICATIONS	2,100.00	Semi Annual Spam/Cloud Backup/Managed Services-Jan
026161	12/18/2020	COX BUSINESS	99.93	Internet Services Upgrade Partial December Payment
026162	12/18/2020	DIGITAL DEPLOYMENT DBA STREAMLINE	310.00	Website Hosting-December
026163	12/18/2020	FISHER SCIENTIFIC	118.12	Lab Testing Supplies
026164	12/18/2020	FRONTIER	185.89	Phone Service for Lift Stations 1, 2, 4-December
026165	12/18/2020	JUAN O'S MOBILE REPAIR	5,320.00	Rebuild Turbo on Vac-Con
026166	12/18/2020	KAMAN INDUSTRIAL TECHNOLOGIES	880.71	Bypass Pump Hoses for Treatment Plant
026167	12/18/2020	MARBORG INDUSTRIES	983.07	Refuse Disposal/Recycling, Restroom/Sink Station Rental
026168	12/18/2020	MCMASTER-CARR SUPPLY COMPANY	163.36	Vehicle Maintenance Supplies
026169	12/18/2020	NSI LAB SOLUTIONS	82.00	Lab Testing Supplies
026170	12/18/2020	OILFIELD ENVIRONMENTAL & COMPLIANCE	305.00	Outside Lab Analyses-December
026171	12/18/2020	OLIVE MILL TRUST	1,894.00	Deposit Refund-1126 Hill Road
026172	12/18/2020	PAYCHEX OF NEW YORK, LLC	600.00	Paychecks Flex Setup Fee
026173	12/18/2020	PHOENIX CIVIL ENGINEERING	14,291.25	Interim General Manager Services-October
026174	12/18/2020	SAFETY-KLEEN SYSTEMS, INC	212.20	Hazardous Waste Disposal
026175	12/18/2020	SANSUM CLINIC	442.50	Pre-Employment Physical-Villafana
026176	12/18/2020	SMARDAN-HATCHER COMPANY	690.89	Replace Water Heater in Lab
026177	12/18/2020	SOCAL GAS	260.99	Gas Service-November
026178	12/18/2020	PATRICK (or) ERIN SPENCE	2,000.00	Lateral Replacement Rebate-122 Olive Mill Lane
026179	12/18/2020	WYATT (or) RENEE SULLIVAN	2,585.00	Deposit Refund-157 Loureyro Street
026180	12/18/2020	UNIVAR SOLUTIONS	3,135.39	Plant Chemicals
			<u>37,839.37</u>	
			<u>37,839.37</u>	

Check History Report
Sorted By Check Number
Activity From: 12/18/2020 to 12/18/2020
MONTECITO SANITARY DISTRICT (MSD)

Check Number	Check Date	Name	Check Amount	Description
001263	12/18/2020	AQSEPTENCE GROUP, INC	14,454.66	CIP No. 1-Drum Assembly and Drive Sprocket
Bank G Total:			<u>14,454.66</u>	
Report Total:			<u><u>14,454.66</u></u>	

Check History Report
Sorted By Check Number
Activity From: 12/30/2020 to 12/30/2020
MONTECITO SANITARY DISTRICT (MSD)

Check Number	Check Date	Name	Check Amount	Description
026181	12/30/2020	299 SHEFFIELD DRIVE, LLC	2,300.00	Deposit Refund-299 Sheffield Drive
026182	12/30/2020	ACWA/JPIA	11,566.52	Health/Dental/Life Insurance Premium-January
026183	12/30/2020	AT&T MOBILITY	23.24	Office Data Port-December
026184	12/30/2020	CED ROYAL INDUSTRIAL SOLUTIONS	374.49	Plant Chemicals
026185	12/30/2020	COMPUVISION COMMUNICATIONS	1,295.81	Datto Cloud Backup/Netaalert Managed Services/IT Services
026186	12/30/2020	CROMER MATERIAL HANDLING	725.36	Forklift Lease Payment-December
026187	12/30/2020	FISHER SCIENTIFIC	347.92	Lab Testing Supplies
026188	12/30/2020	GRAINGER	264.15	Plant Maintenance Materials
026189	12/30/2020	KAMAN INDUSTRIAL TECHNOLOGIES	460.65	Plant Maintenance Materials
026190	12/30/2020	ALBERT (or) LUCY KOHANSAMAD	1,150.00	Deposit Refund-903 Park Lane
026191	12/30/2020	MARBORG INDUSTRIES	195.00	Restroom Trailer Delivery
026192	12/30/2020	MCCORMIX CORP	532.38	Vehicle Fuel 12/1-12/15/20
026193	12/30/2020	OILFIELD ENVIRONMENTAL & COMPLIANCE	1,250.00	Outside Lab Analyses-December
026194	12/30/2020	NOEE ORTIZ	91.00	Certification Reimbursement
026195	12/30/2020	RINGCENTRAL, INC.	96.88	New Phone System
026196	12/30/2020	S B COUNTY - PUBLIC WORKS	95.00	Annual Road Permit for Sewer Mainline Cleaning
026197	12/30/2020	SEWER EQUIPMENT COMPANY	1,428.33	Small Jetter, Vac-Con Equipment
026198	12/30/2020	STANDARD INSURANCE COMPANY	1,472.17	Short/Long Term Disability Insurance Premium-January
026199	12/30/2020	STAPLES BUSINESS CREDIT	1,696.26	HP Ink Cartridges, Office Supplies
026200	12/30/2020	TAFT ELECTRIC COMPANY	10,007.62	On-Call Electrical/Instrumentation Services-Sept/Oct/Nov
026201	12/30/2020	UNION BANK	1,023.56	December Credit Card Payment-Alonzo
026202	12/30/2020	UNION BANK	337.44	December Credit CardPayment-Larroude
026203	12/30/2020	UNIVAR SOLUTIONS	5,778.63	Plant Chemicals
Bank B Total:			<u>42,512.41</u>	
Report Total:			<u><u>42,512.41</u></u>	

CIP Check History Report
Sorted By Check Number
Activity From: 12/30/2020 to 12/30/2020
MONTECITO SANITARY DISTRICT (MSD)

Check Number	Check Date	Name	Check Amount	Description
001264	12/30/2020	HAMNER JEWELL ASSOCIATES	930.00	CIP No. 9-Property Appraisal Services-Ashley Road
001265	12/30/2020	ROBOTIC SEWER SOLUTIONS, INC	3,250.00	CIP No. 3-Sewer Main Repair
001266	12/30/2020	S B COUNTY - PUBLIC WORKS	296.00	CIP No. 9-Road Permit-Riven Rock Sewer Extension
001267	12/30/2020	TAFT ELECTRIC COMPANY	11,251.10	CIP No. 11-Install Conduits,Wiring,Motor Control and Pump Motor, chemical feed pump, high level float-Recycled Water
001268	12/30/2020	TIERRA CONTRACTING INC	172,674.41	CIP No. 9-Riven Rock Sewer Main Construction
Bank G Total:			<u>188,401.51</u>	
Report Total:			<u><u>188,401.51</u></u>	

MANAGER'S REPORT

For the Board Meeting of

January 14, 2021

3. CONSENT CALENDAR

4. OLD BUSINESS

5. NEW BUSINESS

A. Policies and Procedures Manual

At the November Board meeting, the Board requested to review the Policies and Procedures Manual. A copy of that document is included as **EXHIBIT A**.

B. Proposals for new District General Legal Counsel

Board will hear a report from the Personnel Committee regarding the proposals received from potential new General Counsel.

C. Recruitment of new District General Manager

Board will hear a report from the Personnel Committee regarding the proposals received on a General Manager Recruitment.

D. Romero Canyon Road Sewer Main Extension

On October 29, 2020 the District received the following bids for the Romero Canyon Road Sewer Main Extension project:

Tierra Contracting	\$287,100.00
Blois Construction	\$490,358.00
Grbcon, Inc.	\$675,493.00

Staff has determined that the low bid from Tierra Contracting is the lowest responsive bid from a responsible bidder.

The project includes the construction of 496 linear feet of 8-inch diameter PVC sewer main pipe to serve a total of 11 properties on Romero Canyon Road. This is the second extension up Romero Canyon Road and will serve 633 Romero Canyon Road to 657 Romero Canyon Road. Staff has received 1 signed agreement to participate financially in the project, 5 deferral letters, and no responses from the remaining 5 properties.

The properties along the west side of Romero Canyon Road are very small properties (less than 10,000 square foot parcels) that cannot meet the current septic system requirements and have had septic system failures. Also, it is the goal of the District is to construct sewer main extensions to serve the areas within the District boundary that are currently utilizing septic systems. However, with only 1 property paying their proportionate share of the sewer main extension construction and inspection costs, the District would pay for the remaining portions until additional properties need to connect to the sewer in the future.

Staff recommends the Board reject all bids due to the lack of property owner participation.

E. Montecito Water District’s Appeal to the Montecito Planning Commission related to the Montecito Sanitary District’s Coastal Development Plan

The Montecito Water District appealed the decision of the Montecito Planning Commission regarding the Montecito Sanitary District’s Coastal Development Permit. A response letter was provided to the County of Santa Barbara Planning Director regarding the appeal. That response is provided as **EXHIBIT B**.

The Essential Services Building development and design effort was included in past Board actions. It has been reviewed by the Montecito Board of Architectural Review as well as approved by the Montecito Planning Commission last year. A site plan and street view elevation are included in **EXHIBIT C**.

F. COVID-19 Emergency Declaration of March 19, 2020

On March 12, 2020 the Board discussed and approved the MSD Pandemic Preparedness and Administrative Emergency Declaration. General Manager Gabriel issued the COVID-19 Emergency Declaration on March 19, 2020. On April 9, 2020 the Board further discussed the Declaration which is included as **EXHIBIT D**.

G. Informational Meeting with LAFCO

On January 6, 2021 there was a meeting between Directors of the Montecito Sanitary District, LAFCO, and Montecito Water District representatives regarding consolidation of the Montecito Sanitary District and the Montecito Water District.

6. DISTRICT OPERATIONS AND MAINTENANCE

A. Information Items

The Interim General Manager will provide informational, nonactionable, updates regarding pending matters before the District.

Recycled Water Pilot Expenditures The total spent to date on the recycled water pilot project is \$154,444.63 which includes the purchase of the ultrafiltration skid, reverse osmosis skid, interconnection piping, pumps, storage tank, bag filter, magnetic flow meter, chemicals, IDE commissioning and training on the system, electrical breakers, electrical connections, electrical meter, and laboratory testing of water samples.

Fiscal Year 2020-21	\$ 15,144.66
Fiscal Year 2019-20	\$ 84,342.98
Fiscal Year 2018-19	\$ 54,956.99
	<u>\$ 154,444.63</u>

Staffing Updates: New Treatment Plant Operator III, Robert Keen, started with Montecito Sanitary District on January 5, 2021.

B. Agreements to be Signed

None

C. Operations and Maintenance Reports

From 11/30/20 to 01/03/21

WWT PLANT STATISTICS FOR DURATION: 35 DAYS

Flows	19.574 mgd	0.559 mgd avg
Hypochlorite used	4,947 Gal	141 gpd, avg
Bisulfite used	1,397 Gal	40 gpd, avg.
Rainfall	2 inches	

SLUDGE DISPOSAL - LOAD AND DISPOSAL BY ENGEL & GRAY

<u>Load Date</u>	<u>Total Haul in pounds</u>	<u>Total haul in Tons</u>
12/07/2020	37,840	18.92
12/21/2020	37,900	18.95
12/28/2020	41,360	20.68
<u>Totals for December:</u>	<u>117,100 lbs.</u>	<u>58.55 Tons</u>

PLANT OPERATIONS

- No violation of the NPDES permit during this reporting period.
- No Operations after-hours call-outs this reporting period.

COLLECTIONS

- Linear Feet Cleaned: 22,479 ft., 4.25 Miles
- Linear Feet Re-Cleaned: 6,134 ft., 1.16 Miles
- Linear Feet Inspected: 9,917 ft., 1.87 Miles
- No Collections afterhours call outs for this reporting period.

LABORATORY

- Collected 204 samples
- Ran 305 tests plus 85 duplicate tests for NPDES permit compliance and process control
- Performed 52 calibrations on laboratory equipment and 602 quality control checks



2019

**Policies, Procedures, and Practices Manual
of the Governing Board of Directors**

Adopted May 9, 2019

Revised July 25, 2019

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Governing Board of Directors Policies and Procedures

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Duties of the Board and Directors

SECTION-1

PURPOSE: This policy establishes the responsibilities, duties and limitations of the Board and individual Directors.

SECTION-1-1 Policy Role. The primary responsibility of the Board shall be the formulation and evaluation of policy. Routine operation of the District shall be delegated to the General Manager and to other members of the District staff, as appropriate. The Board and individual Directors shall have no authority over day-to-day operations of the District.

SECTION-1-2 Limits on Commitments. Individual Directors or a group of Directors representing less than a quorum of the Board shall not imply or express any commitment of the Board or the District.

SECTION-1-3 Obtaining Information. When seeking information and clarification, Directors shall contact the General Manager. The General Manager shall refer any requests to District Counsel, as the General Manager deems appropriate. A Director seeking information shall adhere closely to all requirements of the Public Records Act (Government Code §6250, et seq.) and the Ralph M. Brown Act (Government Code §5490, et seq.).

SECTION-1-4 Personal Conduct. Directors shall conduct themselves with dignity, shall treat other Directors and District Staff with courtesy, shall respect the rights of other Directors to give opinions, shall listen attentively and respond appropriately in a professional manner, give first priority to the needs and best interests of the District, and emphasize the positive. Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole. Once the Board of Directors takes action, Directors should commit to supporting the collective Board action and not to creating barriers to the implementation of said action. Every decision or policy established by the Board of Directors should uphold and support the District's mission. Directors should use the District Master Plan as a general basis and focus when developing and considering future policy. When a Director believes he/she may have a conflict of interest, the Director may consult District counsel or the Fair Political Practices Commission website regarding how to make a determination of the conflict's existence.

SECTION-1-5 Focus on Issues. Directors shall focus on issues and not personalities, respect differing points of view, disagree without being disagreeable, and once the Board has acted, each Director shall support the action of the Board.

SECTION-1-6 Complaints. The needs of the District's constituents should be the priority of the Board of Directors. Directors shall refer customer complaints directly to the General Manager, report public health and safety concerns immediately to the General Manager, and seek clarification and information from the General Manager on such issues as policy, personnel, legal action, land acquisition and development, finances, rates and charges, and other matters related to the operation of the District.

SECTION-1-7 Interactions with District Personnel. If approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager.

SECTION-1-8 Meeting Attendance. Members of the Board of Directors are expected to attend all regular and special meetings of the Board unless there is good cause for absence. If attendance falls below 80% the Board may consider asking for the Director's resignation.

SECTION-1-9 Use of Official Position. No Director shall use his/her official position or the District's facilities for his/her private gain, or for the benefit of any individual, if the benefit would not be available to any other member of the public in the same or similar circumstance. No Director shall represent any private person, group or interest before the District Board of Directors except in matters of purely civil or public concern. Directors shall avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office. No Director shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

Conflict of Interest

SECTION-2

PURPOSE: This policy establishes the rules for disclosure of financial interest and sets forth provisions to avoid conflict of interest.

SECTION-2-1 Statements. Directors shall file statements of economic interest (Form 700) as required by the Fair Political Practices Commission's regulation, Title 2, California Code of Regulations §18730.

SECTION-2-2 State Regulations. The terms of Title 2, California Code of Regulations §18730 and any amendments to it adopted by the Fair Political Practices Commission are hereby incorporated by reference.

SECTION-2-3 Compliance Requirements. Directors shall comply with all requirements of the District's Conflict of Interest Code and the Political Reform Act (Government Code §81000, et seq.).

SECTION-2-4 Recusal. When a Director believes a conflict of interest exists as defined by the Fair Political Practices Commission and Assembly Bill 1234, they shall recuse themselves and leave the Board Room for any such agenda item.

Director Compensation

SECTION-3

PURPOSE: This policy establishes compensation for Directors to attend meetings. In adopting this policy, it is the intent of the Board to fulfill the requirements of Government Code Section- 53232.1 (b).*

SECTION-3-1 Limit on Meetings. Directors of Montecito Sanitary District shall be compensated for each day's attendance at meetings of the Board or a Committee of the Board. A Director attending a Committee meeting as an observer shall not be compensated. To qualify for daily compensation for meetings of other organizations related to District business, Board approval is required. Board authorized conference and seminar attendance will be compensated. Compensation is limited to a maximum of six meetings per month and a maximum of eight conference/seminar days in a calendar year. Compensation shall be at a maximum of one meeting per day. District Directors requesting attendance at meetings, including meetings of organizations related to District business, training, conference and/or seminars, shall submit their request to the entire Board at least five business days prior to a regularly scheduled monthly Board meeting.

SECTION-3-2 Compensation Rate. Directors shall be compensated for meeting attendance pursuant to District Ordinance 14, as it may be amended.

SECTION-3-3 Reimbursement for Expenses. Per Board approval January 11, 2016, Directors shall be compensated for all reasonable and legitimate expenses incurred in attending meetings on behalf of the District that have been authorized by the Board, not to exceed the per diem rates periodically established and published by the County of Santa Barbara. Expense reports shall be submitted within 30 days of attendance at the meeting. Any disputes shall be settled by majority vote of the Board.

SECTION-3-4 Prevailing District Mileage Rate. Reimbursement for travel by private car shall be at the prevailing IRS mileage rate.

* California Government Code Section- 53232.1 (b) provides "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."

Board Meetings

SECTION-4

PURPOSE: This policy sets forth the rules for the conduct of Board meetings.

SECTION-4-1 Meeting Noticing. All meetings of the Board of Directors shall be noticed pursuant to the Ralph M. Brown Act (California Government Code §54950, et seq.).

SECTION-4-2 Regular Meetings. District Board meetings are held the second and last Thursday of each month at 1:15 PM at 1042 Monte Cristo Lane. Meetings are open to the Public.

SECTION-4-3 Emergency Meeting. In the case of an emergency situation requiring prompt action due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement for a special meeting. "Emergency situation" means any of the following:

- (a) An activity that severely impairs public health, safety, or both.
- (b) Crippling disaster that severely impairs public health, safety, or both.

The Board shall not meet in closed session during an emergency meeting. All special meeting requirements are applicable to emergency meetings except the 24-hour notice requirement.

The minutes of emergency meetings, a list of persons the District notified or attempted to notify, a copy of the roll call vote, and any actions shall be posted for a minimum of 10 days as soon after the meeting as possible.

SECTION-4-4 Closed Sessions. Closed sessions of the Board of Directors shall be held only in cases where the business of the Board of Directors meets the criteria set forth in the Ralph M. Brown Act (California Government Code §54950, et seq.). Customary closed session matters include litigation or potential litigation, labor negotiations, real estate negotiations, or matters relating to the employment status of public employees. No business other than that announced on the public agenda may be discussed in the closed session.

SECTION-4-5 Public Comment. The Board shall take public comment at regular meetings of the Board on matters that are not on the agenda, but the Board shall not discuss or take action on such matters at that meeting except in the following circumstances:

- 1) An emergency situation is declared.
- 2) A need to take immediate action on a matter that arises after the agenda is posted.

The Clerk of the Board shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate. There is a three-minute time limit on public comment, subject to reasonable modification by the Board Chairperson.

SECTION-4-6 Rules of Order. Board meetings shall be conducted by the Board President in a manner consistent following rules of order as set at the Board’s discretion and the Ralph M. Brown Act (California Government Code §54950, et seq.).

SECTION-4-7 Agenda. Board meetings shall begin at the time stated on the agenda and shall be guided by the agenda. The President may, with the consent of the Board, change the order of the agenda.

SECTION-4-8 Quorum Required. Individual Directors or a group of Directors representing less than a quorum of the Board shall not take any action or make any representation that results in 1) budgeting or expending of District funds, 2) establishing of any procedures or making policy, or 3) taking of any action on behalf of the Board.

SECTION-4-9 Majority Vote. Action may only be taken by a majority vote of the Board. Three (3) Directors constitute a quorum required to conduct business. When only a quorum is present, to take action, all votes must be unanimous.

SECTION-4-10 Abstaining from Voting. Directors should not abstain from the Board’s decision-making responsibilities. A Director abstaining from a vote will be so noted in the minutes as “Abstain”. An abstention when only a quorum is present prevents the Board from taking action.

SECTION-4-11 Rules for Speakers. The public shall be allowed to address the Board regarding agenda items and any other matter within the jurisdiction of the District. The Board President shall determine the appropriate place or places in the agenda for such public comment and shall have the authority to set equal time limits on speakers.

SECTION-4-12 Maintaining Order. No person shall be allowed to disrupt the meeting. The Board President shall have the authority to bar disruptive persons from giving public comments or to order their removal from the Board Room. Any necessary and reasonable actions may be taken by the President to maintain order and allow the meeting to continue.

SECTION-4-13 Preparation. Directors shall thoroughly prepare themselves to discuss agenda items.

SECTION-4-14 Action Items. Board actions shall include, but are not limited to, adoption or rejection of regulations or policies, resolutions, ordinances, contracts, or any proposal that commits District funds greater than \$10,000.

SECTION-4-15 Open-Meeting Law. Under provisions of California’s Ralph M. Brown Act (California Government Code §54950, et seq.) open-meeting law, all meetings of the Board are open to the public except for closed sessions. A majority of the board shall not discuss nor reach consensus on any matter under the jurisdiction of the District except at a legal meeting of the Board. The Board fully supports the letter and spirit of the open-meeting law and the public’s right to view the public’s business in open session.

SECTION-4-16 Teleconferenced Meetings. The Ralph M. Brown Act permits the District Board of Directors to conduct teleconferenced meetings, subject to certain limitations and open meeting requirements (California Government Code §54953 as amended.) The District may utilize

teleconferencing in connection with any Board or Committee meeting authorized by law. Teleconferencing from outside the District boundaries will not establish a quorum.

Teleconferencing is not preferred. However, on a case by case basis the Board will consider allowing a Director to participate in a future Board meeting by teleconference call. Requests to the Board shall be made during a scheduled Board meeting when discussing future Board Agenda items. Any teleconferenced meeting shall comply with all applicable requirements of the Ralph M. Brown Act.

SECTION-4-17 Recording Vote. Except where action is by unanimous vote of all members present and voting, the ayes and nays shall be taken and recorded on all actions.

Election and Duties of Officers

SECTION-5

PURPOSE: This policy establishes the rules for election of Board officers and sets forth the duties of the officers.

SECTION-5-1 Annual Organizational Meeting. The Board shall hold an annual organizational meeting at a regular meeting by January each year during which the officers of the Board shall be established or reconfirmed. Officers assume their duties immediately upon Board confirmation. At this meeting the Board shall elect officers of the Board including Board President, Vice-President, Treasurer and Secretary, and affirm District legal counsel.

SECTION-5-2 Office of President. The President shall serve as chairperson at all Board meetings and shall have the same rights as the other Directors in voting; introducing motions, resolutions and ordinances; and participating in discussions.

SECTION-5-3 Chairperson. The President of the Board shall serve as Chairperson for meetings of the Board. In the absence of the President, the Vice President shall serve as chairperson. If both the President and Vice President are absent, the chairperson shall be the Treasurer. The Treasurer shall also serve as Board president until the President or Vice President is available to serve.

SECTION-5-4 Executing Documents. Unless otherwise required, the President shall execute District documents on behalf of the Board.

SECTION-5-5 Assuring Integrity. As presiding officer at Board meetings, the President shall assure the integrity of the Board process, including the effectiveness of meetings and the Board's adherence to Board policy. The President shall recognize speakers and makers of motions, call for public participation, rule on the passage or failure of motions, ensure that all Directors have an equal opportunity to speak during discussions, appoint standing and ad hoc committee members and chairpersons, and may, along with the General Manager, set the time and place for special meetings and emergency meetings.

Appointment in Event of Board Vacancy

SECTION-6

PURPOSE: This policy determines when a Board vacancy occurs and sets forth procedures to fill the vacancy.

SECTION-6-1 How a Vacancy Occurs. A vacancy on the Board exists when a Director resigns, is impeached or recalled, dies or, without excuse, fails to discharge the duties of office for three consecutive months without specific action of the Board to extend.

SECTION-6-2 Applications. After a vacancy exists, the Board shall request applications from the public and announce a schedule for the application period and a date when applicants will be interviewed by the Board in open public session. All applicants must be registered to vote within District boundaries to be eligible.

SECTION-6-3 Resumes. Applicants shall prepare a resume and submit it to the Clerk of the Board within the specified application period.

SECTION-6-4 Majority Vote. The appointment to fill the vacancy shall be by majority vote.

SECTION-6-5 Election. If the vacancy is not filled by appointment, the Board shall call an election within 60 days of the vacancy in concurrence with the County Registrar of Voters.

SECTION-6-6 Board of Supervisors. If the Board fails to fill the vacancy by appointment and fails to call an election within 60 days of the vacancy occurring, the District shall turn the matter over to the Santa Barbara County Board of Supervisors for a decision on an appointment or the calling of an election to fill the vacancy.

Agenda of Board Meetings

SECTION-7

PURPOSE: This policy establishes the procedures to prepare Board agendas.

SECTION-7-1 Preparation of Agenda. The General Manager, in consultation with the Board President, shall prepare the agenda for all regular, adjourned, special and emergency meetings of the Board in accordance with the Ralph M. Brown Act (California Government Code §54950, et seq.). Any Director may request that an item be considered for the agenda of a subsequent regular board meeting during discussion of future agenda items in a regular board meeting.

SECTION-7-2 Form and Order. The agenda form and order shall be at the discretion of the General Manager. The General Manager consults with the Board President and with legal counsel prior to issuing the agenda.

SECTION-7-3 Attachments. All agenda reports that have attachments — with the exception of the payment list — shall be included in the Board packet when delivered. If an attachment is not included in the Board packet, the item shall be provided to the Board at the Board meeting and shall be made available to the public as required by law.

SECTION-7-4 Matters Not on the Agenda. Only matters on an agenda may be discussed and acted upon by the Board, except as a special circumstance may allow under the Ralph M. Brown Act (California Government Code §54950, et seq.).

SECTION-7-5 Special Circumstances. Only matters listed on the agenda may be discussed and acted upon by the Board, except in accordance with applicable law.

SECTION-7-6 Public Review of Agendas. Agendas for all Board and Committee meetings shall be noticed pursuant to the Ralph M. Brown Act (California Government Code §54950, et seq.) and shall be posted on the District's website.

Minutes of Board Meetings

SECTION-8

PURPOSE: This policy establishes the rules for preparation of minutes, what items may be included and procedures to approve or amend the minutes.

SECTION-8-1 Preparation of Minutes. With the assistance of the General Manager, the District Administrator/Clerk to the Board of Directors shall provide “action” written minutes of all meetings of the Board from meeting notes and the meeting audiotape, if needed. The audiotape will be kept until the Board by motion has approved the minutes. The written minutes shall be considered the formal minutes of the District and the audiotape record shall thereafter be promptly erased.

SECTION-8-2 Contents. The written minutes shall contain all agenda items, all actions taken by the Board and identify all reports considered, the names of who voted, each aye, nay, absent, and abstention with names of members of the public who spoke, and any recommendations from staff, legal counsel, or consultants. The written minutes shall not include anything discussed in a closed session but shall include any report out from a closed session.

SECTION-8-3 Required Details. The written minutes shall also include date, time, place, and type of meeting; roll call; notation of late-arriving or early-departing Directors and any absences when votes are taken; notices of special meetings; and time of adjournment. A record of those present and serving the District as contractors and consultants will also be recorded.

SECTION-8-4 Approval Procedure. The Board shall consider written minutes for approval in a timely manner. Approval will be by motion. A majority vote of the Board is required to approve any corrections. If corrections are approved by a majority of the Board, the written minutes as corrected will then be approved by motion.

Board Committees

SECTION-9

PURPOSE: This policy establishes rules for standing and ad hoc committees

SECTION-9-1 Appointment of Committees. The Board President shall establish and/or confirm the members of the standing committees for the ensuing year no later than the Board's regular meeting in January, as he/she deems necessary with the concurrence of a majority of the Board. Additionally, he/she shall appoint with the concurrence of a majority of the Board, ad hoc committees as needed at any time throughout the year.

SECTION-9-1-1 Specific Purpose. Standing and ad hoc committees are created for specific purposes. Standing committees duties are outlined in SECTION-9-4. The duties of ad hoc committees shall be determined at the time of formation along with an associated timeline for the committee. For ad hoc committees, the committee will be deemed dissolved after its final report is made to the Board.

SECTION-9-1-2 Appointment of Chairperson. The Board President shall designate the committee chairperson, who shall determine, in consultation with the General Manager, the date, time, and place of each committee meeting. The chairperson shall make periodic reports to the Board on the committee's progress.

SECTION-9-1-3 Scope of Responsibility. The committee shall gather information, explore alternatives, examine implications, and offer recommendations to the full Board. The committee may meet with staff and/or District consultants, but shall not interfere with their duties as determined by the Board.

SECTION-9-1-4 Limits on Authority. The committee shall not speak or act on behalf of the Board, shall not conflict with authority delegated to staff by the Board, and shall not attempt to exercise authority over staff.

SECTION-9-3 The following shall be standing committees of the Board:

SECTION-9-3-1 Administration & Operations (A&O) Committee;

SECTION-9-3-2 Finance Committee;

SECTION-9-3-3 Personnel Committee; and,

SECTION-9-3-4 Public Information Committee.

SECTION-9-4 Duties of the Standing Committees. Upon direction of the Board, standing committees meet* and review District functions, activities, and/or operations pertaining to their respective areas of concern as set for the Committees as below.

SECTION-9-4-1 The Administration & Operations (A&O) Committee shall be concerned with the District's mission, vision, and strategic direction, including the development and implementation of the District's master/strategic plan. The Committee also oversees the administration and operations of the District.

SECTION-9-4-2 The Finance Committee shall be concerned with the financial management of the District, including oversight of District investments, borrowing of funds, rate setting, and the preparation of the annual Operations and Maintenance (O&M) and Capital Improvement Project budgets.

SECTION-9-4-3 The Personnel Committee shall be concerned with establishing and administering employment and compensation policies and programs.

SECTION-9-4-4 The Public Information Committee shall be concerned with assuring that information regarding the affairs of the District is adequately and appropriately communicated to its constituents and the public at large.

* All meetings of standing committees shall conform to the open meeting laws that pertain to meetings of the Board of Directors.

Authority over Personnel

SECTION-10

PURPOSE: This policy delegates to the General Manager authority over personnel matters and authority to administer the District.

SECTION-10-1 Administration. The Board delegates to the General Manager the authority to administer the District with exclusive management and control of the operations and works of the District, and to provide day-to-day leadership of the District. The General Manager also has general charge, responsibility, and control over all property of the District.

SECTION-10-2 Personnel Matters. The Board delegates to the General Manager authority over personnel matters involving District staff, including hiring, evaluating, disciplining, and discharging employees.

SECTION-10-3 Non-Interference. Individual Directors shall not interfere with the General Manager in District personnel matters.

SECTION-10-4 Discipline. The General Manager may suspend, demote, reduce in pay, or discharge any regular employee, and will inform the Board after taking such actions as soon as practical.

SECTION-10-5 Employee Evaluations. Individual employee performance evaluations are privileged and confidential.

SECTION-10-6 Other Duties. The General Manager shall have authority to carry out other duties specified in the District's official job description for the position.

Director Interaction with Staff

SECTION-11

PURPOSE: This policy establishes procedures for Director communication with the General Manager and District Staff.

SECTION-11-1 Communication Path. The general path of communication shall be Board to General Manager then General Manager to staff. The General Manager may authorize the direct communication from a Director to a staff member for particular issues.

SECTION-11-2 Non-Interference with Staff. Individual Directors shall not interfere with or direct District staff. All requests for information such as reports, studies, or projects that may result in an increased work load to staff must be at the direction of the Board by a majority vote.

Director Training/ Conferences/ Seminars/ Travel

SECTION-12

PURPOSE: This policy establishes the general rules for attendance at training, conferences, seminars and other travel. Directors will limit expenses being borne by the District to be within the allowed limits.

SECTION-12-1 Attendance at Conferences/ Seminars/ Trainings. Directors are encouraged to attend educational training, conferences and seminars, and serve as representatives of the District at professional meetings that clearly benefit the District and are directly related to the District. Since trips and travel expenses for training, conferences and seminars are being paid for with public funds, it shall be the responsibility of the official to make every effort to attend the entire conference and/or as many sessions as possible to attain maximum benefit. Absent unusual circumstances, prior Board authorization must be received in order to receive financial reimbursement. The District will pay expenses in accordance with the approved usual and reasonable travel related reimbursement schedule found in District policy. For multi-day conferences, compensation shall be at a maximum of one meeting per day with no more than eight meeting days per calendar year under this Section-. Further specificity is set forth in District Ordinance No. 14.

SECTION-12-2 Usual and Reasonable Costs (Cost Control). The District will pay all usual and reasonable costs associated with authorized attendance at approved training, conferences, seminars, and other travel, including, but not limited to, registration, lodging, personal automobile mileage, meals, ground transportation and travel. A meal expense will not be allowed when the meal is provided as part of the registration cost of the attended function. Meal expenses will be reimbursed in an amount not to exceed the per diem rates established and published by the County of Santa Barbara. Directors must submit their Expense Report form within 30 days of the expense being incurred, accompanied by receipts documenting each expense.

SECTION-12-3 Report to Board. Any and all Directors who attend a conference/seminar/etc. for which the District has expended funds shall briefly report orally or in writing at the next District Board regular meeting. If multiple officials attended, a joint report may be made.

Electronic Communication to and from the Board

SECTION-13

PURPOSE: This policy establishes the proper procedures for communication with Directors.

SECTION-13-1 Primary Communication. Routine communication between the District administration and Directors shall be by e-mail or other agreed and effective means. At all times, all communications by and between Directors and the District administration and among Directors are subject to limitations imposed by Ralph M. Brown Act (California Government Code §54950, et seq.) and the Public Records Act (Government Code §6250, et seq.). Directors should refrain from using any communication method that may result in a violation of the Ralph M. Brown Act (California Government Code §54950, et seq.), such as a serial meeting.

Memberships

SECTION-14

PURPOSE: This policy sets forth the rules for membership in associations and establishes who may represent the District.

SECTION-14-1 Appropriate Memberships. To take advantage of in-service training opportunities, the District may hold membership in Industry related associations. Directors and staff may attend meetings of local, state, and national associations directly related to the purposes and operations of the District. Decisions to continue, discontinue or add new memberships shall occur through the annual budget process.

Legal Counsel

SECTION-15

PURPOSE: This policy establishes the process to select and hire a Legal Counsel for the District, and sets forth the duties of the Legal Counsel.

SECTION-15-1 Method. The Board appoints the District Legal Counsel annually at its Organization meeting.

SECTION-15-2 Adviser. The Legal Counsel shall advise the Board and General Manager concerning their respective legal responsibilities for full compliance with all laws pertaining to the governing, administering, and operating of the District. The Legal Counsel shall review and comment on all District matters that come before the Board or other District matters as requested by the General Manager

SECTION-15-3 Duties. Specific duties of the Legal Counsel shall include, but not be limited to, preparing and reviewing contracts, leases, deeds, agreements, and other legal documents; monitoring District compliance with law and legislative changed of concern to the District; handling legal aspects of land and right-of-way actions; performing other tasks as requested by the Board or General Manager.

SECTION-15-4 Attendance. The Legal Counsel shall attend all meetings as requested by the General Manager or Board.

SECTION-15-5 Relationship to General Manager. The Legal Counsel shall advise the General Manager on appropriate legal matters and shall perform other duties as requested by the General Manager.

General Manager Performance Evaluation

SECTION-16

Purpose: This policy establishes the methodology and schedule for evaluating the performance of the General Manager.

SECTION-16-1 The General Manager of the District is retained and serves at the will of the Board of Directors and has general authority over personnel matters and authority to administer the District. The Board of Directors shall review the performance of the General Manager after the initial six months of service after appointment and then annually thereafter, using a process that is outlined in the MSD Personnel Committee Handbook.

Ethics Training

SECTION-17

Purpose: This policy sets forth Directors' ethics training requirements.

SECTION-17-1 Definition. Ethics training shall include the requirements of applicable state and District law and policies that impose prohibitions or limitations on Directors in matters of:

- Personal financial gain, including bribery and conflicts of interest
- The prerequisites of office, including gift and travel restrictions
- The use of public funds and resources for private personal or political purposes
- Gifts of public funds
- Mass mailings
- Acceptance of free or discounted transportation

Said training shall include training in government transparency requirements, including financial interest disclosure requirements and open government, and laws ensuring fair processes, including common law bias, due process, the incompatible offices doctrine, competitive bidding requirements for public contacts, and disqualification from participation in decisions affecting a Director's family member

SECTION-17-2 Requirements. Pursuant to Government Code §532.35, Directors shall receive at least two hours of required ethics training every two years and within one year of taking the oath of office.

Sexual Harassment Training

SECTION-18

Purpose: This policy sets forth the District's Sexual Harassment Training requirements

SECTION-18-2 Prohibited Acts. Acts of sexual harassment by anyone affiliated with the District, including Directors, are strictly prohibited and are subject to sanctions and disciplinary measures. These acts include, but are not limited to the following:

SECTION-18-2-1 Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.

SECTION-18-2-2 Verbal abuse and action that is sexual harassment, including but not limited to, commentary on a person's body, placing in a work place or conveying sexually suggestive objects or pictures that may embarrass or offend any person, sexually degrading words to describe any person, and propositions of a sexual or intimate nature.

SECTION-18-3 Requirements. Every two years, the District shall provide each Director two hours of sexual harassment training pursuant to Government Code §12950.1. Each new Director shall receive this training within six months of taking office and every two years thereafter.

COUNTY OF SANTA BARBARA APPEAL TO THE:

[X] BOARD OF SUPERVISORS

[] PLANNING COMMISSION: [] COUNTY [] MONTECITO

RE: Project Title Montecito Sanitary District Site Improvements Development Plan

Case No. 20DVP-00000-00003 & 20CDP-00000-00039

Date of Action October 21, 2020

I hereby appeal the [] approval [X] approval w/conditions [] denial of the:

[] Board of Architectural Review – Which Board? _____

[] Coastal Development Permit decision

[] Land Use Permit decision

[X] Planning Commission decision – Which Commission? Montecito Planning Commission

[] Planning & Development Director decision

[] Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

[] Applicant

[X] Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

Montecito Water District fulfills the definition of an “aggrieved party” pursuant to Santa Barbara County Code, Chapter 35.490.020(A) because it appeared at the October 21, 2020 public hearing on the matter subject to this appeal, and informed the Montecito Planning Commission of the nature of its concerns.

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See Attachment 'A'

Specific conditions imposed which I wish to appeal are (if applicable):

- a. N/A

- b.

- c.

- d.

Please include any other information you feel is relevant to this application.


CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Print name and sign – Firm Date

Print name and sign – Preparer of this form Date

 Nick Turner, General Manager, Montecito Water District 10/29/20

Print name and sign – Applicant Date

Print name and sign – Agent Date

Print name and sign – Landowner Date

G:\GROUP\IP&D\Digital Library\Applications & Forms\Planning Applications and Forms\AppealSubReqAPP.doc

Attachment A
to the Appeal to the Board of Supervisors
submitted by Montecito Water District
Dated October 29, 2020

Project Title: Montecito Sanitary District Site Improvements Development Plan

Case No. 20DVP-00000-00003 & 20CDP-00000-00039

A. Reason of Grounds for Appeal

The Montecito Planning Commission's ("MPC") action of October 21, 2020 is inconsistent with provisions of the County Water District Law which gives Montecito Water District broad power over water within its jurisdiction, including authority to: (1) do any act necessary to furnish sufficient water in the district for any present or future beneficial use [Water Code §31020]; (2) operate water works necessary to convey, supply, store or make use of water for any purpose [Water Code §31022]; and (3) establish rules and regulations for the sale, distribution and use of water [Water Code §31024]. MPC approval of the requested MSD project, without appropriate and necessary input from MWD, does not take into account Montecito Water District's authority under the Water Code regarding the development of facilities related to recycled water in its jurisdiction.

The MPC's action of October 21, 2020 also demonstrates an **abuse of discretion** because the **action is not supported by the evidence**. The MPC application demonstrates a lack of analysis and information concerning the proposed recycled water project approved as part of the referenced action, any future expansion of the recycled water project, and compliance with probable future regulations requiring a reduction in ocean discharge and an increase in wastewater recycling. Approval of a project which includes a recycled water component without adequate information about facility requirements needed to serve the community, will have significant consequences for water resource management. Failure to consider expansion of the recycled water facility is also inconsistent with the Santa Barbara County Montecito Land Use & Development Code Section 35.430.010(B) because it fails to take in to account necessary future development.

B. Supplemental Information in Support of Appeal

Montecito Sanitary District's ("MSD") application, as submitted and approved by the MPC, is incomplete and does not thoroughly consider all aspects of the application, specifically the recycled water treatment component. Only limited information concerning the recycled water treatment component is currently available and this information is not grounded in sound long term planning.

The project applicant, MSD has not evaluated, and therefore lacks needed information on, the makeup of a full-scale recycled water project, including the required footprint(s) of such a project. Proceeding with any development at the project site, including the (1) Phase 1 Recycled Water Treatment Facility, (2) Essential Services Building, and (3) solar panel infrastructure in the absence of proper long-term planning will serve to preclude and/or hinder future development, including any expansion of the proposed recycled water treatment facility. Adequate consideration must be given to long term plans for the site to safeguard the community's ability and priority to make long term use of this essential resource to lessen the impact of future drought conditions and to achieve compliance with probable future regulations requiring a reduction in ocean discharge and an increase in wastewater recycling.

MWD's request for a continuance concerning the MPC determination of the MSD project is thoroughly detailed in the public comment letter dated October 16, 2020 submitted to the MPC, as well as the presentation given by MWD's General Manager at the MPC's October 21, 2020 hearing. The October 16, 2020 letter and presentation are attached as **Exhibit A and B**.

MWD also expressed similar concerns to the Montecito Board of Architectural Review ("MBAR") at its meeting of July 23, 2020. Information regarding the Phase 1 recycled water treatment component and its future expansion, specifically an analysis, engineered drawings and/or architectural renderings were not submitted to, nor considered by, the MBAR. The proposed recycled water treatment component of MSD's proposed project has not been adequately evaluated by MBAR and therefore its potential impact on the surrounding community has not been considered. Attached as **Exhibit C** is MWD's public comment letter dated July 22, 2020 submitted to the MBAR and made part of the record for its July 23, 2020 meeting.

MWD's request for a continuance concerning the MPC determination of the MSD project is to ensure that the recycled water projects proceed in a methodical and thorough manner to ensure that recycled water is appropriately and successfully implemented for the community. This commitment to provision of recycled water is clearly demonstrated in MWD's record:

- The MWD's 2015 Urban Water Management Plan directs MWD on a path of water security, and incorporates recycled water in its future plans for securing rainfall independent water supplies.
- In 2018, MWD completed a Recycled Water Feasibility Study, which ultimately recommended a partnership with MSD for the irrigation of local commercial landscapes.
- The MWD adopted Resolution 2187 in mid-2019 supporting MSD's recycled water pilot project which analyzed new treatment technologies.
- The MWD completed a Groundwater Augmentation Feasibility Study in 2019 to evaluate the viability of storing recycled water in the groundwater basin, which concluded the fragmented geology in the basin is not conducive to groundwater injection.
- MWD adopted Resolution 2189 (attached as **Exhibit D**) in late 2019 refining its vision for recycled water for Montecito.
- Most recently, in July 2020, MWD, in collaboration with MSD began the preparation of Preliminary Design Report and 30% design ("Preliminary Design") for a recycled water project. This Preliminary Design is the missing information that should be considered by the County of Santa Barbara before approval of the MSD project subject to this appeal is granted.

The MSD application also does not consider pending regulatory requirements that will require a reduction in ocean discharge and an increase in wastewater recycling. See the attached letter prepared by the Central Coast Regional Water Quality Control Board dated January 28, 2020 (attached as Exhibit E).

Based on the foregoing, the MPC's approval of the MSD project is inconsistent with the Water Code, is not supported by the evidence presented for consideration, and represents error and/or abuse of discretion. MWD respectfully requests the County of Santa Barbara Board of Supervisors reconsider the MPC's approval of this project and reverse the MPC's actions on this matter. The information needed to fully evaluate MSD's application, i.e. Preliminary Design for the recycled water treatment component, will be available in as soon as 6 to 8 months. It is not essential that the County of Santa Barbara provide approval of this project at this time. A requested continuance will not impact water supply management nor prevent regulatory compliance.



October 15, 2020

Mr. David Villalobos
Board Assistant Supervisor
Montecito Planning Commission
County of Santa Barbara, Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

**RE: 20DVP-00000-00003
20CDP-00000-00039
MONTECITO SANITARY DISTRICT
SITE IMPROVEMENTS DEVELOPMENT PLAN**

Board of Directors

Floyd Wicks
President

Tobe Plough
Vice President

Ken Coates
Director

Cori Hayman
Director

Brian Goebel
Director

**General Manager
and Board Secretary**
Nick Turner

Dear Mr. Villalobos,

This letter provides comments by Montecito Water District (MWD) concerning the Montecito Sanitary District’s (MSD) Coastal Development Plan (CDP) scheduled to be reviewed by the Montecito Planning Commission (MPC) on Wednesday, October 21, 2020. The MPC’s review pertains to various capital improvements to be made at the MSD wastewater treatment facility located at 1042 Monte Cristo Lane, one of which includes “Phase 1” of a Recycled Water Treatment Facility. **MWD recommends the MPC defer action on MSD’s CDP until a Preliminary Design Report and 30% design for a Recycled Water Treatment Facility is complete, as described below.**

The MPC and the community can be assured that MWD has been, and continues to be, fully supportive of implementing meaningful wastewater reuse as expediently as possible for the Montecito and Summerland communities. County Water District Law [Water Code §§30000 – 33901], gives MWD broad power over water within its jurisdiction, including authority to: (1) do any act necessary to furnish sufficient water in the district for any present or future beneficial use [Water Code §31020]; (2) operate water works necessary to convey, supply, store or make use of water for any purpose [Water Code §31022]; and (3) establish rules and regulations for the sale, distribution and use of water [Water Code §31024], all of which includes recycled water. MWD intends to fully exercise its authority provided under the law.

MWD Resolution 2189 (attached), adopted on November 19, 2019, refines its vision of recycled water for the community. This resolution specifically

583 San Ysidro Road
Santa Barbara, CA
93108-2124

Ph 805.969.2271
Fax 805.969.7261

info@montecitowater.com
www.montecitowater.com

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saves 7,000 gallons of water.

recognizes that recycled water will likely be phased and that **near-term projects must consider future phases in our design and infrastructure planning.** Review of MSD's CDP is premature for the following reasons:

- (1) **No approved design for any Recycled Water Treatment Facility has been completed.** MWD and MSD have been collaborating for more than a year, yet have not reached agreement on facility requirements for Phase 1 or any subsequent phases of a Recycled Water Treatment Facility. Essential design criteria that have not been defined include: a) overall size of the footprint needed for a facility; b) location of various components of the recycled water treatment facility; and c) size and location of accessory structures such as large storage tanks. The "Phase 1" project outlined in MSD's CDP has not been designed, and requirements for Phase 1 are dependent upon the design and planning of future phases of the facility, which have not been prepared to date.
- (2) **Preliminary Design Report & 30% Design will be available in 6 to 8 months.** At their August 4, 2020 Joint Committee meeting, MWD and MSD agreed to partner in the preparation of a Preliminary Design Report (PDR) and 30% design for the project. The PDR will be prepared for the full-scale recycled water project as recommended in MWD's *2018 Recycled Water Facilities Plan* (Large NPR project), followed by development of 30% design of a Phase 1 project. Generally, the PDR and 30% design will further develop the conceptual design and confirm assumptions provided in the *2018 Recycled Water Facilities Plan*. Specifically, the PDR and 30% design will: (1) provide a more thorough understanding of the near-term and long-term project requirements, including more detail for consideration by the MPC as to the land area required for the full scale project; (2) define the appropriate approach to project phasing that considers essential factors such as construction, operations, customer demands and economic factors; and (3) establish a more refined estimate of projected near and long-term project costs such that a Phase 1 project capable of supplying recycled water sufficient to meet the needs of the Santa Barbara Cemetery (at a minimum) can be implemented initially, with subsequent phasing to achieve the larger project being pursued in the future.
- (3) **Adequate analysis and design of all planned developments on the property is necessary to properly consider and review MSD's CDP.** Sufficient information for the MPC to review the project is not yet available. The PDR and 30% design will provide vital information that the MPC should review before conveying final approval of the CDP. Most importantly, the PDR will help ensure that an adequate footprint can be preserved so that near-term projects such as those included in MSD's CDP do not preclude the implementation of future projects that factor into the comprehensive long-term plans for meeting the water supply needs of the community.
- (4) **Future expansion of the proposed Phase 1 Recycled Water Treatment Facility has not been addressed.** MSD's CDP does not consider future expansion of the recycled water treatment facility and accessory structures beyond what may be needed to serve the Santa Barbara Cemetery. Future expansion is projected in MWD's *2018 Recycled Water Facilities Plan* and involves treating much greater volumes of water and farther-

reaching deliveries. Construction of the capital improvements outlined in MSD's current CDP may preclude future developments on the property such as an expansion of the Recycled Water Treatment Facility if careful consideration is not given to long-term plans for the site. Compliance with future regulatory requirements, such as the possible requirement to reduce ocean discharge, may also be jeopardized if site planning is not done in a thorough and synchronous manner.

It is noteworthy that Senate Bill 332 was introduced by Senator Hertzberg in the 2019-2020 Regular Session of the California Legislature. The proposed bill stated, ***"This bill would declare, except in compliance with the bill's provisions, that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water."*** While the bill did not pass during the 2020 Session, it clearly sets forth the intent of legislators as related to the re-use of this valuable resource, for the community's benefit. Further, recent correspondence from the Central Coast Regional Water Quality Control Board received by MSD dated January 28, 2020 documents the State Water Board's Recycled Water Policy objectives of increased and improved water recycling, including the anticipated requirement for all ocean dischargers to recycle 100% of their treated wastewater.

MWD looks forward to continued collaboration with MSD on delivering an appropriate recycled water project to the community. A Preliminary Design Report (PDR) and 30% design of the Recycled Water Treatment Facility, consistent with the level of effort put forth for other components of MSD's CDP, is underway and when complete (in approximately 6 to 8 months) will provide the analysis needed for proper consideration of permitting and regulatory approvals. This information is essential to ensuring recycled water is appropriately implemented for the community. MWD intends to work diligently with MSD to accelerate the timely completion of this work.

Please contact me at fwicks@montecitowater.com and Nick Turner, the MWD General Manager at 805-969-2271 or nturner@montecitowater.com with any questions.

Sincerely,



Floyd Wicks, Board President
Montecito Water District

CC: Donna Senauer, Chair, Montecito Planning Commission
Nick Turner, General Manager, Montecito Water District
Tom Bollay, Board President, Montecito Sanitary District
Jeff Kerns, Director, Montecito Sanitary District
Dana Newquist, Director, Montecito Sanitary District
Woody Barrett, Director, Montecito Sanitary District
Thomas Kern, Director, Montecito Sanitary District
Jon Turner, Interim General Manager, Montecito Sanitary District



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108

A Public Service Agency

PHONE: (805) 969-4200
FAX: (805) 969-9049

November 13, 2020

Lisa Plowman
Director of Planning and Development
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101-2058

Subject: Response to MWD Appeal Letter to MPC

Dear Ms. Plowman:

This letter reacts to the document filed by the Montecito Water District (“MWD”) on or about October 29, 2020 (the “MWD Letter”). The MWD Letter purports to appeal the Montecito Planning Commission’s (“MPC”) decision on October 21, 2020 to grant a Coastal Development Permit (“CDP”) to the Montecito Sanitary District (“MSD”). At the outset, MSD reincorporates observations listed in its October 16, 2020 letter sent to MPC (enclosed) regarding MWD’s complaints. Simply put, MWD’s assertions have nothing to do with the Santa Barbara County Code or Santa Barbara Coastal Zoning Ordinance (collectively, “SBCC”); the MWD Letter does not constitute an appeal under SBCC Section 35-182. Accordingly, MSD urges you to reject the MWD Letter pursuant to SBCC Section 35-182.2(D)(3).

MWD representatives made their arguments in writing and person during the MPC public hearing on October 21, 2020. There is nothing new asserted in the MWD Letter. Then, as now, MWD’s position is not relevant to MSD’s CDP. They are only legal arguments regarding MWD’s statutory authority for treating and delivering water within its jurisdictional boundaries. MSD is not interested in engaging in legal debates about what legal authority each special district has regarding potable water, recycled water, or wastewater; MSD’s need for a CDP is stated in the October 16th letter.

MSD urges you to reject the MWD Letter pursuant to SBCC Section 35-182.2(D). In short, the MWD Letter completely fails to explain how MPC’s decision “is inconsistent with the provisions and purposes of the Coastal Land Use Plan, this Article [i.e., the Coastal Zoning Ordinance], or other applicable law....” (see SBCC Section 35-182.2(C)).

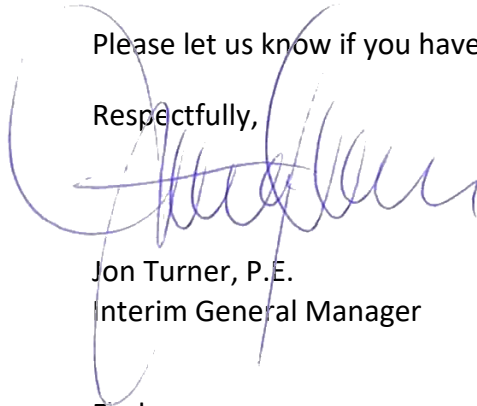
The MWD Letter only argues that the MPC’s decision was inconsistent with the “County Water District Law” (which is undefined) and did not “take into account [MWD’s] authority under the Water Code regarding the development of facilities related to recycled water in its jurisdiction.” These complaints are unrelated to the purpose of a CDP (see SBCC section 35-169.1) or the findings required to issue a CDP (see SBCC section 35-169.5). MSD’s CDP governs only MSD owned property and facilities. If the MSD Board of Directors authorize construction of any new

facilities, they would (if ever built) be located on MSD property and would be constructed in accordance with applicable law.

While MSD certainly values its partnership with MWD to develop long-term plans governing the future of recycled water within the Districts' respective jurisdictions, the CDP has nothing to do with that discussion. It is simply a land use permit that must be issued by the County of Santa Barbara for *any potential* development within the Coastal Zone. MWD's suggestion that it must be consulted by the County or MSD regarding facilities constructed, owned, and placed on MSD real property is mistaken. More importantly, however, it does not meet the requirements of the SBCC for an appeal.

Please let us know if you have any questions.

Respectfully,



Jon Turner, P.E.
Interim General Manager

Enclosure

Cc: Thomas Bollay, Board President; Karl H. Berger, General Counsel (w/encl.)



Montecito Sanitary District

1042 Monte Cristo Lane
Santa Barbara, CA 93108

A Public Service Agency

Phone: (805) 969-4200

www.montsan.org

October 16, 2020

Mr. David Villalobos
Board Assistant Supervisor
Montecito Planning Commission
County of Santa Barbara
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Subject: 20DVP-00000-00003 and 20CDP-00000-00039 Montecito Sanitary District Development Plan

Dear Mr. Villalobos,

This letter is in response to the letter written by Mr. Floyd Wicks of Montecito Water District ("MWD") dated October 15, 2020. It is unclear whether Mr. Wicks wrote this at the direction of the MWD Board of Directors or simply as President of the Board. Regardless, it is important that the record be clear regarding the Montecito Sanitary District's ("MSD") Coastal Development Plan ("CDP") application.

Mr. Wicks's letter focuses on two aspects of MSD's application: a new Essential Services Building and a recycled water treatment system. From MSD's perspective, these are two minor aspects of the CDP application. MSD mainly seeks to obtain a CDP for existing (but unpermitted) maintenance and laboratory buildings and to verify long-term permission for four temporary staff support trailers that were allowed under emergency powers to respond to the ongoing COVID-19 Pandemic.

MWD and MSD are in ongoing discussions regarding the two minor items identified by Mr. Wicks. The legal arguments made in his letter, frankly, have no bearing on the question before the Montecito Planning Commission or on whether a CDP should be approved. Issuing a CDP does not mandate construction of the two minor items identified by Mr. Wicks; whether or not they are ever constructed is entirely up to the MSD Board of Directors. A CDP simply means that the County approves the structures. Most importantly, however, a CDP will allow MSD to continue utilizing its existing and vital infrastructure to fulfill its only purpose: treating wastewater to standards required by California law.

Regrettably, the County strongly advised MSD to combine various projects into one CDP application. This created the unintended consequence of exasperating a difference in political viewpoints and injecting that conflict into a land use planning process mandated by the California Coastal Act. Nothing in MSD's CDP application is intended to short-circuit its discussions with the MWD; MSD has every intention of continuing its good-faith negotiations with MWD regarding the future of recycled water and other important matters.

MSD looks forward to moving forward with the public hearing on October 21st and securing the Montecito Planning Commission's approval for its CDP.

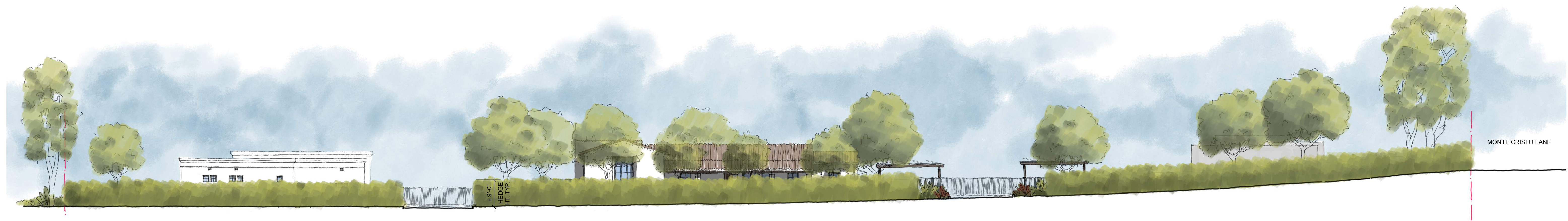
Please let us know if you have any questions.

Respectfully,


Jon Turnek, P.E.
Interim General Manager



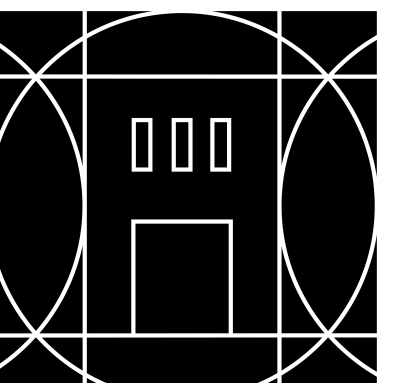
1 CHANNEL DRIVE ELEVATION
SCALE: 1/16" = 1'-0"



2 CHANNEL DRIVE ELEVATION W/ HEDGE ROW
SCALE: 1/16" = 1'-0"



3 VIEW LOOKING SOUTH ALONG CHANNEL DRIVE
SCALE: ACTUAL SIZE



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MONTECITO SANITARY DISTRICT
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SANTA BARBARA, CA

JOB NUMBER: 17003

CONTENTS:
ELEV/PERSPECTIVE SK's

DRAWN BY: JH

CHECKED BY:

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SUBMITTALS

DATE	TYPE
7/24/18	SD
8/24/18	25% DD
10/15/18	50% DD
11/12/18	80% CD
12/8/18	PLAN CHECK
2/1/19	PLN CHK RESUB
7/2/20	MBAR

ISSUE DATE: 7/2/20

REVISIONS

NO.	DATE	TYPE
2	4/18/19	ADDENDUM 2

A-100.3

SHEET OF

EXHIBIT D



MONTECITO SANITARY DISTRICT

DECLARATION OF EMERGENCY

The General Manager finds:

That emergency conditions endangering the health, safety and welfare of Montecito residents and Montecito Sanitary District staff have arisen within the Montecito Sanitary District, as a result the Coronavirus 2019 (COVID19) pandemic.

These conditions of extreme emergency warrant and necessitate the proclamation of the existence of a local emergency.

Accordingly, a local emergency is proclaimed to exist within the Montecito Sanitary District. The General Manager is authorized to take all steps necessary including, without limitation, awarding contracts in accordance with PCC section 22050. The General Manager is further authorized to issue purchase orders in response to this emergency in excess of \$10,000, to be ratified by the Board at a following Board meeting.


Diane M. Gabriel, General Manager

3/19/2020 7:00 p.m.
Date/Time