

MONTECITO SANITARY DISTRICT

A G E N D A for Board Meeting December 10, 2020

The regular meeting of the Governing Board will begin at 1:15 p.m. on December 10, 2020.

Pursuant to State of California Executive Order No. N-29-20 issued on March 17, 2020, and the State of California and Santa Barbara County's shelter in place orders, the Montecito Sanitary District Board Meeting will be held remotely via Zoom Meetings.

The Meeting will be conducted in accordance with the Virtual Meeting Protocols adopted by the Board of Directors on April 9, 2020. These can be viewed and downloaded here:

<https://www.montsan.org/virtual-public-meetings>. The public may attend and make a public comment by visiting:

<https://us02web.zoom.us/j/88563331302>

You may also call in at 1-669-900-6833 Meeting ID **885 6333 1302**

If you have difficulty connecting to the virtual meeting, please call 1-805-969-4200 for technical assistance once the meeting has begun.

If you need special assistance to participate in this meeting, because of any disability, please contact the District at 1-805-969-4200. Notification at least twenty-four hours before the meeting will allow the District to make appropriate arrangements for you; thank you.

Materials related to an item on this Agenda, which are part of the agenda packet, are available for public inspection on the District website www.montsan.org

1. CALL TO ORDER/ROLL CALL

2. PUBLIC COMMENT

Persons may, in addition to any other matter within the Board of Director's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered. Anyone wishing to address the Board of Directors must comply with the Virtual Meeting Protocols; will be recognized by the President; and must state their name for the record. If you wish to address the Board of Directors on an Agenda Item, you may do so as that particular item is announced. You will be given a reasonable amount of time to address the Board of Directors.

While all comments are welcome, the Brown Act does not allow the Board to take action on any item not on the agenda. The Board may briefly respond to comments after Public Comment is closed.

In accordance with Executive Order No. N-29-20 and the Virtual Meeting Protocols, remote public participation is allowed in the following ways:

Participants are encouraged to join the meeting 30 minutes before the start of the meeting.

Public comment will be accepted via email during the meeting, before the close of public comment, and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling **1-669-900-6833** and enter Zoom Meeting ID: **885 6333 1302** then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter “*9” then the Clerk to the Board will be notified and you will be in the rotation to make a public comment.

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

It is recommended that the Board consider:

- i) Swearing in newly elected Directors (this is a ceremonial event; the new Directors took office December 4, 2020);
- ii) Receiving comments from outgoing Directors;
- iii) Selecting a new President and Vice-President; and
- iv) Taking such additional, related, action that may be desirable.

4. 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 November 12, 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 November 7, 2020 and December 5, 2020.

C. SECOND READING OF ORDINANCE NO. 16

It is recommended that the Board consider:

- i) Waiving second reading and adopting Ordinance No. 16 adopting bidding and contracting requirements for public works contracts in the Montecito Sanitary District; and
- ii) Taking such additional, related, action that may be desirable.

D. RESOLUTION NO. 2020-931 EXCESS LAND INVENTORY

It is recommended that the Board consider:

- i) Adopting the annual resolution concerning District Land Inventory as required by California Government Code Section 50569; and
- ii) Taking such additional, related, action that may be desirable.

E. AGREEMENT WITH CALIFORNIA ATTORNEY GENERAL'S OFFICE ON THE SUBROGATION AND ASSIGNMENT OF CLAIMS ARISING OUT OF THOMAS FIRE ETC.

It is recommended that the Board consider:

- i) Approving and directing Interim General Manager Jon Turner to sign the agreement with the Attorney General's Office (on behalf of the Governor's Office of Emergency Services); and
- ii) Taking such additional, related, action that may be desirable.

5. OLD BUSINESS

None.

6. NEW BUSINESS

A. Annual Organizational Decisions

It is recommended that the Board consider:

- i) Appointing officers, General Manager, Counsel, and standing committees; and
- ii) Setting meeting days, time, and place; and
- iii) Taking such additional, related, action that may be desirable.

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

It is recommended that the Board consider:

- i) Adopting the annual resolution regarding observed holidays for the 2021 calendar year; and
- 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 brought by Interim GM for executive recruitment firms, and accepting one of the proposals; and
- ii) Directing staff and Interim General Manager to engage the approved recruitment firm to begin the process; and
- iii) Taking such additional, related, action that may be desirable.

7. 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

Agenda
December 10, 2020

C. Operation and Maintenance Reports

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

8. ITEMS FOR THE NEXT AGENDA

9. ADJOURNMENT

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

November 12, 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 November 12, 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 Tom Bollay, Thomas Kern, Jeff Kerns, and Dana Newquist

Board Members Absent:

Ellwood T. Barrett II

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
Tracey Solomon, Bartlett, Pringle & Wolf LLP
Dorinne L. Johnson, Resident and Director Elect
Donald Eversoll, Ratepayer
Ken, Ratepayer
Keith Berry, member of the public
Montecito Resident
Resident

2. PUBLIC COMMENT

No members of the public addressed the Board.

3. APPROVAL OF MINUTES

On MOTION by Director Kerns, and second by Director Newquist, the Board approved of the minutes of the October 8th Board meeting, the Committee meetings from October 12th Personnel Committee, and November 5th Finance Committee.

AYES: Directors Kerns, Kern, Newquist, and Bollay
NAYS: None
ABSTAIN: None
ABSENT: Director Barrett

4. APPROVAL OF PAYABLES

On MOTION by Director Newquist and second by Director Kern, the Board approved with a roll call vote these payroll and accounts payable expenses from October 3, 2020 and November 6, 2020.

Accounts Payable Expenses	\$ 136,189.16
Payroll and Related Expenses	\$ 192,133.23
Total Expenses	\$328,322.39

AYES: Directors Kerns, Kern, Newquist, and Bollay
NAYS: None
ABSTAIN: None
ABSENT: Director Barrett

5. OLD BUSINESS

None

6. NEW BUSINESS

A. Financial Audit Report – Fiscal Year 2019-2020

The Board accepted as received and filed the Fiscal Year 2019-20 Financial Reports as presented by Tracey Solomon of Bartlett, Pringle, & Wolf LLP.

B. Purchasing Policy Revisions

On MOTION by Director Newquist and second by Director Kern, the Board voted to adopt Resolution 2020-928, Resolution 2020-929, and introduce Ordinance No. 16. Second reading and adoption of Ordinance No. 16 is scheduled for the Board’s next regular meeting in December;

AYES: Directors Kerns, Kern, Newquist, and Bollay
NAYS: None
ABSTAIN: None
ABSENT: Director Barrett

C. Public Works Bidding and Contracting

Proposed Resolution and ordinance approved with Agenda item 6.B “Purchasing Policy Revisions.”

D. Romero Canyon Road Sewer Main Extension- Status Report

Staff updated the Board of Directors on current project status.

E. Electrical Rehabilitation Design Services repairing electrical equipment at the MSD treatment plant

On MOTION by Director Newquist and second by Director Kerns, the Board voted to authorize the Interim General Manager to execute a professional services agreement, in a form approved by the General Counsel, with John Maloney, PE dba JMPE Electrical Engineering in the amount of \$12,800; including authorizing an extra services allowance for \$1,300;

AYES: Directors Kerns, Kern, Newquist, and Bollay
NAYS: None
ABSTAIN: None
ABSENT: Director Barrett

F. Existing Administration and Operations Building Improvements

On MOTION by Director Kerns and second by Director Bollay, the Board voted to authorize the Interim General Manager to execute a professional services agreement for industrial hygiene investigation services, in a form approved by the General Counsel, with Citadel EHS in the amount of \$13,000; including authorizing an extra services allowance for \$1,300;

AYES: Directors Kerns, Kern, Newquist, and Bollay
NAYS: None
ABSTAIN: None
ABSENT: Director Barrett

G. Information Items

The Interim General Manager Jon Turner, P.E. updated the Board as to current projects and operations of District.

H. Agreements to be Signed

None

7. OPERATIONS AND MAINTENANCE

The Board reviewed the information in the Board packet.

8. ITEMS FOR THE NEXT AGENDA

President Bollay cancelled standing board meeting of November 26th as it falls on the Thanksgiving Holiday. The next Board meeting is set for December 10th, 2020 where the existing Directors will open the meeting and confirm results of the recent election of three new Directors for the Governing Board of Montecito Sanitary District.

9. ADJOURNMENT

The Meeting adjourned at 2:55 p.m.

Thomas Bollay, President

Jeffrey Kerns, Vice President

Ellwood T. Barrett II, Secretary

Thomas Kern, Treasurer

Dana Newquist, Director

**MONTECITO SANITARY DISTRICT
BOARD LIST OF PAYABLES**

<u>CHECKS DATED</u>	<u>SUMMARY & TYPE</u>	<u>BATCH TOTALS</u>
11/20/20	ACCOUNTS PAYABLE	117,529.89
12/04/20	ACCOUNTS PAYABLE	91,041.51
11/16/20	ONLINE BILL PAYMENT-FRONTIER	<u>1,480.17</u>
	Subtotal	210,051.57
11/20/20	CAPITAL IMPROVEMENT PROJECTS	10,026.00
12/04/20	CAPITAL IMPROVEMENT PROJECTS	<u>13,883.46</u>
	Subtotal	23,909.46
11/19/20	PAYROLL	79,350.53
12/03/20	PAYROLL	<u>107,732.15</u>
	Subtotal	187,082.68
	TOTAL	<u>\$ 421,043.71</u>

Approved for Payment:

Date: December 10, 2020 Amount: \$421,043.71

_____, General Manager

_____, Director

_____, Director

Montecito Sanitary District

MANAGER'S REPORT

for
Board Meeting

December 10, 2020

AGENDA ITEM 4. CONSENT CALENDAR

C. SECOND READING OF ORDINANCE NO. 16

Attached for information as **Exhibit A**

D. Resolution NO. 2020-931 Excess Land Inventory

Attached for information as **Exhibit B**

E. Agreement with California Attorney General's Office on the Subrogation and Assignment of Claims arising out of Thomas Fire etc.

Attached for information as **Exhibit C** is an agreement with the Governor's Office of Emergency Services ("OES"). Once fully executed, the agreement transfers the District's rights and obligations regarding any claims for recovering costs associated with the 2017 Thomas Fire and subsequent mudflows to the OES. The District received approximately \$1.5 Million in emergency funds from the federal and state governments for responding to these emergencies. Legally, the District has the obligation to try recovering those amounts from the parties responsible. The Attorney General's office contacted the District asking for this assignment. It appears the AG is intending to recover costs from Southern California Edison. This agreement does not cost the District anything and absolves the District from its legal obligations to try recovering costs by itself.

AGENDA ITEM 5. OLD BUSINESS

None

AGENDA ITEM 6. NEW BUSINESS

A. Annual Organizational Decisions

The Board will discuss and vote to appoint officers, standing committee members, and key personnel (i.e. General Manager and Legal Counsel), and to designate the day, time and place of regular 2021 Board meetings. Exhibit A (enclosed) specifies these decisions, and listed below are current officers, committee members, key personnel, and meeting days, time, and place.

Current Officers

President:	Vacant
Vice President:	Vacant
Secretary:	Woody Barrett
Treasurer:	Vacant

Director: Dana Newquist

Current Committees

Finance: Barrett and Vacant
Personnel: Vacant and Vacant
Administration & Operations: Vacant and Vacant
Public Information: Newquist and Vacant

Key Personnel

Current General Manager: (Interim) Jon Turner of Phoenix Civil Engineering
Current Legal Counsel: General Counsel, Karl H. Berger of Hensley Law Group
Personnel Counsel, Melissa Fassett of Price Postel & Parma

Current Board Meeting Schedule and Location

Second and last* Thursday of every month at 1:15pm,

*Located at 1042 Monte Cristo Lane, Santa Barbara, CA 93108

***currently due to COVID-19 Pandemic:** The Montecito Sanitary District Board Meeting have been held only once monthly and remotely via Zoom Meetings conducted in accordance with the Virtual Meeting Protocols adopted on April 9, 2020 which can be found on our website.

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

The Board will consider adopting the proposed annual resolution enclosed as **Exhibit D**.

C. Recruitment of new District General Manager

On October 8, 2020 at the regular meeting of the Governing Board of Directors, the Board directed Interim General Manager Jon Turner to bring forth to the new Board on December 10th, proposals from Professional Staff Recruiters to seek candidates for a General Manager of Montecito Sanitary District. Proposals were acquired from two firms: 1. Alliance Resource Consulting LLC, and 2. Bob Murray & Associates.

Summary:

- Alliance RC
 - Methodology & Approach:
 - Strategy Development
 - Active Recruitment
 - Candidate Evaluation
 - Progress Report Meeting
 - Preliminary Interviews
 - Client Interviews & Interview Books
 - Special Assistance
 - Expected Timeline: twelve weeks from strategy development to offer and negotiation.
 - Cost: \$33,500
- Bob Murray & Assoc:

- Recruitment Process:
 - Develop the Candidate Profile
 - Design/distribute brochure and advertisements
 - Recruit candidates
 - Conduct preliminary interviews
 - Search public records
 - Make recommendations
 - Facilitate final interviews
 - Conduct background and reference checks
 - Assist in negotiations
- Expected Timeline: Sixteen weeks from candidate profile to negotiations and appointment
- Cost: \$24,200

AGENDA ITEM 7. DISTRICT OPERATIONS AND MAINTENANCE

A. Information Items

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

Staffing Updates: Marco Felix promoted to Chief Treatment Plant Operator. New WWTP OIT started on November 20th, Miguel Villafana. Interviews for WWTP Operator Grade II took place Wednesday December 9, 2020.

Meet the team PowerPoint presentation. **Exhibit E.**

Ongoing Projects:

NPDES Report: Staff is preparing the 2020 annual summary report and will submit it to the California Regional Water Quality Control Board by January 30, 2021. The District is still operating under the 2012 NPDES permit. On February 7, 2018 the District received a letter from the Central Coast RWQCB (RWQCB) notifying the District that the Water Board had administratively extended the expiration date of the District's NPDES permit until such time as the permit is reissued. The letter also informed us that the District's application for renewal was deemed complete on June 9, 2017. Additionally, the District received correspondence from the RWQCB dated January 28, 2020 and May 22, 2020 informing us that a draft of the reissued NPDES permit would likely be issued in the spring of 2021 due to a back log in RWQCB workload.

Existing Trailer Rentals: We are currently renting a 3-stall combination trailer with toilets and showers from T&D Rentals for \$4,500 per month. With improvements made to shower facilities within the maintenance building, we will replace the combination trailer with a toilets-only trailer. T&D Rentals gave a quote for 3-toilet only trailer for \$3,900 monthly and Marborg gave us a quote for \$2,100 per month; The District will replace the existing trailer with the cheaper offer from Marborg which is also a local company.

Existing Building Investigation: A contract has been prepared for the certified access specialist assessment, but the consultant has not signed it yet. The contract amount is for less than \$1,000. A contract for an industrial hygienist consulting firm to investigate the existing building (Administration, Board room and Operations area) for lead based paint, asbestos, mold, etc.

Electrical Rehabilitation Project: John Maloney, the electrical design engineer for the project, described three options for the electrical rehabilitation and is working on the cost estimate for each option. Once staff receives those cost estimates with the supporting documentation then an A&O Committee meeting will be scheduled to discuss the options and potential costs.

Coastal Development Plan: Montecito Water District submitted a letter to the County purporting to appeal the Montecito Planning Commission's approval of the CDP. Interim General Manager Turner prepared a response letter and submitted it to the County (attached). The District is standing by to hear from the County whether the matter will be considered an appeal under the Santa Barbara County Code and, if so, forwarded to the Board of Supervisors for consideration. See **Exhibits F and G.s**

Updated Standard Agreements:

Staff worked with the General Counsel to update standard agreements for consultants (Professional Service Agreements), On-Call consulting agreements, as well as purchase order form language additions, etc. These modifications make it easier to obtain the needed services from consulting firms as well as maintenance companies.

Additionally, we established a Deferred Fee Agreement to meet the needs of an Installment Connection Fee program as described on our website.

Communication Enhancements:

Added Ordinances to our website, Recycled Water RFP also now on website.

We adopted no-contact electronic COVID-19 symptoms check compliance screening questionnaires for both Staff and deliveries.

Adopted Google voice for increased customer service during COVID. Implemented Microsoft Teams for instant messaging and enhanced internal communication between staff at a very low cost of \$20 per month. Increased our internet speed with Cox cable while cutting monthly billing costs by \$67 per month.

Within the coming month, the District is set to adopt an entirely new VOIP phone system with RingCentral, 6-year leader in Unified Communications Services worldwide per Gartner's Magic Quadrant; in doing so will lower our monthly phone bill by approximately \$60+ per month and adding enhanced internal staff communication features, as well as a dedicated emergency line for public to contact staff 24-7 in the event of spills or overflows.

Also within the coming month, staff is scheduled to adopt electronic timecards including scheduling, time-off requests, and electronic approval. This will save staff time at every level of the organization, reduce paper and carbon footprint, institute no-contact approval process and streamlining the entire timekeeping process and integrating seamlessly with Paychex payroll processing.

B. Agreements to be Signed

None

C. Operations and maintenance reports

TREATMENT PLANT

<u>Treatment Data</u>	<u>Current Year 11/02/2020 to 11/29/2020</u>	<u>Prior Year 11/04/19 – 12/01/19</u>
Average daily flow	0.570 MGD	0.568 MGD
Average hypochlorite	149 GPD	139 GPD
Average bisulfite	76.4 GPD	88 GPD
Average effluent SS	6.6 mg/L	4.8 mg/L
Average effluent CBOD ₅	3.00 mg/L	2.9 mg/L
Median coliform	2.2 MPN / 100 mL	<1.8 MPN / 100 mL

Rainfall = 0.08 inches

Sludge Disposal = Engel & Gray Total 110,480 lbs., 55,240 Tons.

Load on: 11/03/2020 Lbs. Hauled 30,780 Tons: 15.4

Load on: 11/10/2020 Lbs. Hauled 40,320 Tons: 20.2

Load on: 11/19/2020 Lbs. Hauled 39,380 Tons: 19.7

- No violation of the NPDES permit during this reporting period
- The belt press was operated for 17 hours during this reporting period.

In addition to completing all daily treatment plant operational tasks and preventative maintenance duties, Operations staff and others performed the following work:

- No plant alarm call-out during this period.
- 11/02/20- Daniel trained Marco with EPA, Cal-recycle, NPDES and APCD reporting.
- 11/06/20- RO Pressure vessel ruptured at end cap.
- 11/11/20- Marco trained Luis on Belt Press operation and polymer handling.
- 11/11/20- Meeting with Sven from TAFT regarding Plant Electrical Upgrade options.
- 11/13/20- Operations crew cleaned Aeration Basin diffusers and trained new staff with proper cleaning procedures
- 11/16/20- JR Environmental Services repaired effluent composite sampler.
- 11/18/20- Operations crew performed a 2 day routine maintenance on UF.

- 11/20/20- Daniel Jacquez last day.
- 11/20/20- New OIT Miguel Villafana first day.
- 11/24/20- Chlorine / Bisulfite analyzer training on most common problems and solutions.

Completed Preventative Maintenance duties:

- Rotated plant equipment
- Cleaned plant water wye screens every M/W/F
- Changed influent flow through channel grinders and remove grit from influent channel
- Collected plant equipment meter readings
- Cleaned secondary clarifier weirs and side walls
- Operated and exercised various valves throughout the treatment plant
- Performed treatment plant housekeeping

Completed Activated Sludge duties:

- Hosed clarifier weirs and skimmed grease in chlorine contact chambers twice each day
- Scrubbed effluent channel, hosed DAFT weirs and catwalk, and cleaned lower slip tubes
- Collected samples for Lab and set-up composite samplers
- Hose Rotary Drum Screen daily and dump screening M/W F.
- Skimmed grease and floatables in back channel and clarifiers

Completed Operator duties:

- Calibrated chlorine analyzers
- Collected Dissolved Oxygen levels in the Aeration Basins, Digesters, and Effluent channel
- Collected clarifier sludge depths
- Scoured Return Activated Sludge (RAS) sumps on Mon/Wed/Fri
- Cleaned chemical analyzer screens and probes
- Collected irrigation water meter readings
- Cleaned fixed DO probes once a week.
- Performed Treatment Plant system checks (SCADA, Mission Box, Mini Trends, Aeration Blowers, Influent Pump Station, Back-up generator, Chemical analyzers, Clarifiers and Contact Chamber motors and equipment, RAS/WAS pump station, Chemical feeders, Digester Blowers, DAFT, Polymer feed equipment, Ultra Filtration and Reverse Osmosis)
- Performed all required data collection and record keeping
- Maintained chemical levels for all analyzers
- Performed Pressure Decay Test on UF

TESTING LABORATORY

During this 28 day period the Laboratory Manager and Operators assigned to the Laboratory performed the following activities:

- Collected 175 samples
- Ran 261 tests plus 72 duplicate tests for NPDES permit compliance and process control
- Performed 38 calibrations on laboratory equipment and 543 quality control checks
- Made 3 liters of coliform media

- Sent 3 samples to our contract lab for NPDES-required monthly testing (Oil & Grease, Ammonia and Total Organic Carbon)
- On November 5th, sent 3 samples to our contract lab for Oil & Grease testing from the Recycled Pilot Project for process control in addition to conductivity and turbidity testing 3 times per week on-site. November 5th was the last day of data collection before recycled system was shut down for repairs.

During this reporting period Operations staff performed the following additional Laboratory activities:

- 2 Activated Sludge samples were analyzed for percent moisture.
- Prepared 6 gallons of reagents for chlorine analyzer
- Michael continued training on quality control activities and media-making.

Other laboratory-related activities:

- Samples were collected and sent to our contract lab on November 5th as part of a year-long study to determine the prevalence of a class of contaminants called per- and polyfluoroalkyl substances (PFAS). Plant influent, final effluent, biosolids and recycled brine (when available) samples will continue to be collected quarterly through the 3rd quarter of 2021. All public wastewater treatment agencies in California are involved in this information-gathering study.
- The annual inspection and of the marine effluent outfall occurred on Tuesday, November 24th by divers from Aquatic Bioassay Consultants Laboratories (ABC Labs). They will submit a report of their assessment, including a video, to the District by mid-January.
- Carole purchased a new Hach turbidimeter for required and process control testing of samples for turbidity in the laboratory. This turbidimeter replaces a unit that was purchased in 2014 and began showing signs of failure after routine calibrations.

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COLLECTION SYSTEM MAINTENANCE

Collection staff continued to work on the preventive maintenance plan for 2020 (see the enclosed reports.)

During the reporting period, Collection staff also:

- Inspected 46 Manholes
- Marked locations of existing District facilities for Underground Service Alert requests
- Performed routine inspection and maintenance of District vehicles
- Performed routine inspection and maintenance at all five Collection System Lift Stations
- 11/2/20 Collection staff after hours call out for pump fail alarm at Eucalyptus lift station.
- 11/4/20 Collection staff attended CSRMA Verbal Judo webinar.
- 11/5/20 Robotic Solutions installed emergency spot repair patch on sewer mainline L207-5.
- 11/9/20 Clearwater Engineering performed emergency sewer mainline repair on L121-2 damaged by underground boring contractor.

- 11/16/20 JR Environmental calibrated sewer force main flow meters at district lift stations.
- 11/17/20 Collection staff after hours call out for power fail alarm at Channel lift station.
- 11/18/20 Collection staff replaced manhole frame and cover on manhole 163-2E. Cottage Lane.
- 11/19/20 Collection staff performed emergency lift station by-pass at Posilipo lift station for force main repair.
- 11/19/20 James C. Cushman Engineering performed emergency repair on Posilipo lift station force main.

Maintenance staff continued to work on the preventive maintenance plan for 2020.

During the reporting period, Maintenance staff also:

- 11/3/20 Maintenance staff performed temporary repair on Rotary drum screen
- 11/4/20 Maintenance staff attended CSRMA Verbal Judo webinar.
- 11/5/20 through 11/6/20 Maintenance staff performed preventative maintenance on Aeration Basin blowers.
- 11/11/20 through 11/13/20 Maintenance staff performed preventative maintenance on Belt Press.
- 11/17/20 Maintenance staff installed new wear shoes and performed preventative maintenance on Clarifier #1.
- 11/19/20 through 11/20/20 Maintenance staff performed preventative maintenance on DAFT sludge pumps.

TRAINING / OTHER ACTIVITIES

- Staff Completed the following trainings in Target Solutions for the month of November:
 - CSRMA Tailgate Training – Personal Protective Equipment
 - CSRMA Housekeeping
 - CSRMA (CalOSHA) – Sewer Overflow and Backup Response
- November 20th thru December 4th – New Hire Miguel Villafana completed 26 required training sessions for new MSD Treatment staff

Collection System Cleaning and TV-ing History

			Length of	Length of	Length of	C - CLEAR L - LIGHT M - MEDIUM H - HEAVY	R - ROOTS G - GREASE D - DEBRI		Clear : No observable grease, roots or debris Light : .5 gallons of roots/ debris, small chunks of grease Medium : .5-1.5 gallons of roots/ debris, moderate chunks grease Heavy : 1.5 or more gallons of roots, debris or grease
Linear Feet Cleaned & Inspected		Esmt	Cleaning	TV-ing	Re-cleans				
November 2, 2020 through November 29, 2020			341,399	50,985	85,030				
Date	Location	(X)	Cleaning (Linear Feet)	TV-ing (Linear Feet)	Re-cleans (Linear Feet)	Condition Findings		X	Notes
11/2/2020	Lift Station Maintenance / USA								
11/3/2020	Bonnymede Drive	X	135			C		1	Clear
11/3/2020	Bonnymede Drive	X	228			C		1	Clear
11/3/2020	Bonnymede Drive	X	104			C		1	Clear
11/3/2020	Sea Meadow Place		101			C		1	Clear
11/3/2020	Sea Meadow Place	X	88			C		1	Clear
11/3/2020	Sea Meadow Place	X	320			C		1	Clear
11/3/2020	Bonnymede Drive	X	242			C		1	Clear
11/3/2020	Bonnymede Drive		96			C		1	Clear
11/3/2020	Bonnymede Drive		73			C		1	Clear
11/3/2020	Bonnymede Drive		126			C		1	Clear
11/3/2020	Bonnymede Drive		74			C		1	Clear
11/3/2020	Bonnymede Drive		148			C		1	Clear
11/3/2020	Bonnymede Drive	X	246			C		1	Clear
11/3/2020	Bonnymede Drive		84			C		1	Clear
11/3/2020	Bonnymede Drive		137			C		1	Clear
11/3/2020	Bonnymede Drive		125			C		1	Clear
11/3/2020	Bonnymede Drive		217			C		1	Clear
11/3/2020	Bonnymede Drive		109			C		1	Clear
11/3/2020	Bonnymede Drive	X	84			C		1	Clear
11/3/2020	Bonnymede Drive		79			C		1	Clear
11/3/2020	Bonnymede Drive		90			C		1	Clear
11/3/2020	Vicenti Place		171			C		1	Clear
11/3/2020	Vicenti Place	X	17			C		1	Clear
11/3/2020	Chelham Way				200	L	R	1	Light Roots
11/3/2020	Chelham Way				140	L	R	1	Light Roots
11/3/2020	Mountain Drive				239	L	R	1	Light Roots
11/3/2020	Mountain Drive				170	L	R	1	Light Roots
11/3/2020	Mountain Drive				63	L	R	1	Light Roots
11/3/2020	Mountain Drive				131	L	R	1	Light Roots
11/3/2020	Cold Springs Road	X			145	L	R	1	Light Roots
11/3/2020	Cowles Road				167	M	R	2	Medium Roots
11/4/2020	Bonnymede Drive		289			L	D	1	Light Debris
11/4/2020	Bonnymede Drive		130			L	D	1	Light Debris
11/4/2020	Via Del Mar	X	219			C		1	Clear
11/4/2020	Via Del Mar	X	60			L	R	1	Light Roots
11/4/2020	Via Del Mar	X	66			L	R	1	Light Roots
11/4/2020	Via Del Mar		151			L	R	1	Light Roots
11/4/2020	Bonnymede Drive		208			C		1	Clear
11/4/2020	Bonnymede Drive		243			L	D	1	Light Debris
11/4/2020	Bonnymede Drive		156			C		1	Clear
11/4/2020	Bonnymede Drive		87			C		1	Clear
11/4/2020	Sycamore Canyon Road				261	L	D	1	Light Debris
11/4/2020	Sycamore Canyon Road				261	L	D	1	Light Debris
11/4/2020	Channel Drive			0	360	L	R	1	Light Roots
11/4/2020	Hill Road				324	L	R	1	Light Roots
11/4/2020	Hill Road				257	L	D	1	Light Debris
11/4/2020	Channel Drive				167	L	D	1	Light Debris
11/4/2020	Channel Drive				334	L	D	1	Light Debris
11/4/2020	Channel Drive				227	L	D	1	Light Debris
11/4/2020	Channel Drive				330	L	D	1	Light Debris
11/4/2020	Channel Drive				30	C		1	Clear
11/5/2020	Bonnymede Drive		50			L	R	1	Light Roots
11/5/2020	Via Del Mar		50			L	R	1	Light Roots
11/5/2020	Via Del Mar		112			L	D	1	Light Debris
11/5/2020	Barker Pass Road	X			250	C		1	Clear
11/5/2020	La Paz Road	X			84	L	R	1	Light Roots
11/5/2020	La Paz Road	X			120	L	R	1	Light Roots
11/5/2020	La Paz Road	X			64	L	R	1	Light Roots

Collection System Cleaning and TV-ing History

Date	Location	(X)	Cleaning (Linear Feet)	TV-ing (Linear Feet)	Re-cleans (Linear Feet)	Condition Findings		X	Notes
11/5/2020	Sycamore Canyon Road	X			269	L	R	1	Light Roots
11/5/2020	Sycamore Canyon Road				100	L	R	1	Light Roots
11/5/2020	Dulzura Drive				314	L	R	1	Light Roots
11/5/2020	Sycamore Canyon Road				189	M	R	2	Medium Roots
11/5/2020	Sycamore Canyon Road				112	L	R	1	Light Roots
11/5/2020	Glenview Road				124	C		1	Clear
11/5/2020	Glenview Road				378	L	R	1	Light Roots
11/5/2020	Glenview Road				165	H	R	2	Heavy Roots
11/5/2020	Hot Springs Road				173	L	R	1	Light Roots
11/5/2020	Mesa Road				266	C		1	Clear
11/5/2020	Hill Road				335	L	R	1	Light Roots
11/5/2020	High Road	X			197	L	R	1	Light Roots
11/5/2020	Virginia Road				212	L	R	1	Light Roots
11/5/2020	Hosmer Lane	X			87	L	R	1	Light Roots
11/5/2020	Isabella Lane	X			150	L	R	1	Light Roots
11/6/2020	Lift Stations / USA / Vehicle Maintenance								
11/7/2020	Weekend								
11/8/2020	Weekend								
11/9/2020	Lift Station Maintenance / USA								
11/9/2020	Butterfly Lane				74	L	D	1	Light Debris
11/9/2020	Butterfly Lane				176	L	D	1	Light Debris
11/9/2020	Butterfly Lane				186	L	R	1	Light Roots
11/9/2020	Butterfly Lane				81	L	R	1	Light Roots
11/9/2020	Hermosillo Drive	X			67	L	R	1	Light Roots
11/9/2020	Hermosillo Drive	X			136	L	R	1	Light Roots
11/9/2020	Hermosillo Drive	X			136	L	R	1	Light Roots
11/9/2020	Butterfly Lane	X			206	L	R	1	Light Roots
11/9/2020	Butterfly Lane				333	L	R	1	Light Roots
11/9/2020	Coast Village Road				278	C		1	Clear
11/9/2020	Coast Village Road				279	C		1	Clear
11/9/2020	Channel Drive				167	L	D	1	Light Debris
11/9/2020	San Ysidro Lane				223	L	D	1	Light Debris
11/9/2020	San Ysidro Lane				252	L	D	1	Light Debris
11/9/2020	San Ysidro Road				207	C		1	Clear
11/9/2020	Las Tunas Road	X			203	C		1	Clear
11/10/2020	Coast Village Road			111					Medium offset at joint
11/10/2020	Coast Village Road			315					Fine Roots at joints
11/10/2020	Cowles Road			167					Medium Roots at joint, Fracture at joint
11/11/2020	Oriole Road				95	L	R	1	Light Roots
11/11/2020	Oriole Road				134	L	R	1	Light Roots
11/11/2020	Oriole Road				146	L	R	1	Light Roots
11/11/2020	Channel Drive	X			314	L	R	1	Light Roots
11/11/2020	Hill Road	X			203	L	R	1	Light Roots
11/11/2020	Las Tunas Road	X			266	C		1	Clear
11/11/2020	San Ysidro Lane				128	C		1	Clear
11/11/2020	San Leandro Lane				251	L	R	1	Light Roots
11/11/2020	Ennisbrook Drive	X			233	L	D	1	Light Debris
11/11/2020	Ennisbrook Drive	X			253	L	D	1	Light Debris
11/11/2020	San Leandro Lane				316	L	R	1	Light Roots
11/12/2020	Smartcover Maintenance / USA								
11/13/2020	Lift Stations / USA / Vehicle Maintenance								
11/14/2020	Weekend								
11/15/2020	Weekend								
11/16/2020	Lift Station Maintenance / USA								
11/16/2020	Coast Village Road				315	C		1	Clear
11/16/2020	East Valley Road				280	L	D	1	Light Debris
11/16/2020	San Ysidro Road				261	L	D	1	Light Debris
11/16/2020	Lift Station Maintenance								
11/17/2020	Hodges Lane		131			L	D	1	Light Debris
11/17/2020	Hodges Lane		97			L	D	1	Light Debris
11/17/2020	Hodges Lane		77			L	D	1	Light Debris
11/17/2020	Hodges Lane	X	131			L	D	1	Light Debris
11/17/2020	12.10.2020 Hodges Lane	X	109			L	D	1	Light Debris

Collection System Cleaning and TV-ing History

Date	Location	(X)	Cleaning (Linear Feet)	TV-ing (Linear Feet)	Re-cleans (Linear Feet)	Condition Findings		X	Notes
11/17/2020	Hodges Lane	X	117			L	D	1	Light Debris
11/17/2020	Hodges Lane	X	176			L	D	1	Light Debris
11/17/2020	Channel Drive	X	54			L	D	1	Light Debris
11/17/2020	Channel Drive		45			L	D	1	Light Debris
11/17/2020	Via Del Mar		57			L	D	1	Light Debris
11/17/2020	Via Del Mar		196			L	D	1	Light Debris
11/17/2020	Bonnymede Drive		287			L	D	1	Light Debris
11/17/2020	Bonnymede Drive		192			L	D	1	Light Debris
11/17/2020	Via Del Mar		208			C		1	Clear
11/17/2020	Via Del Mar		96			L	D	1	Light Debris
11/17/2020	Via Del Mar		57			L	D	1	Light Debris
11/18/2020	Manhole Repair / Lift Station Maintenance								
11/19/2020	Lift Station Maintenance / USA								
11/20/2020	Lift Stations / USA / Vehicle Maintenance								
11/21/2020	Weekend								
11/22/2020	Weekend								
11/23/2020	Lift Station Maintenance / USA								
11/23/2020	Alston Road				171	L	R	1	Light Roots
11/23/2020	Alston Road				166	L	R	1	Light Roots
11/23/2020	Alston Road				129	L	R	1	Light Roots
11/23/2020	Middle Road	X			198	C		1	Clear
11/23/2020	Middle Road	X			199	C		1	Clear
11/23/2020	Hot Springs Road				210	L	R	1	Light Roots
11/23/2020	Dinsmore Lane	X			222	M	R	2	Medium Roots
11/23/2020	Dinsmore Lane	X			256	M	R	2	Medium Roots
11/23/2020	Birnam Woods Drive				321	C		1	Clear
11/24/2020	S. Jameson Lane		230			C		1	Clear
11/24/2020	Danielson Road		188			C		1	Clear
11/24/2020	Danielson Road		96			C		1	Clear
11/24/2020	Danielson Road		118			C		1	Clear
11/24/2020	Danielson Road	X	112			C		1	Clear
11/24/2020	S Jameson Lane / 101	X	193			L	D	1	Light Debris
11/24/2020	Creekside Road	X	285			C		1	Clear
11/24/2020	Creekside Road	X	91			L	D	1	Light Debris
11/24/2020	Creekside Road	X	254			L	D	1	Light Debris
11/24/2020	Creekside Road	X	70			L	D	1	Light Debris
11/24/2020	Creekside Road	X	151			L	D	1	Light Debris
11/24/2020	Creekside Road	X	191			L	D	1	Light Debris
11/24/2020	Creekside Road	X	177			L	D	1	Light Debris
11/24/2020	Creekside Road	X	141			L	D	1	Light Debris
11/24/2020	Creekside Road		102			C		1	Clear
11/24/2020	Creekside Road		281			C		1	Clear
11/24/2020	Creekside Road		170			C		1	Clear
11/24/2020	Creekside Road		359			C		1	Clear
11/24/2020	Creekside Road		363			C		1	Clear
11/24/2020	Creekside Road		153			C		1	Clear
11/24/2020	Creekside Road		269			C		1	Clear
11/24/2020	Oak Tree Place		220			C		1	Clear
11/24/2020	S Jameson Lane		399			C		1	Clear
11/24/2020	East Valley Road				139	L	R	1	Light Roots
11/24/2020	East Valley Road				135	L	R	1	Light Roots
11/25/2020	Hodges Lane		10			C		1	Clear
11/25/2020	Hodges Lane		218			L	R	1	Light Roots
11/25/2020	Periwinkle Lane		208			C		1	Clear
11/25/2020	Periwinkle Lane		21			C		1	Clear
11/25/2020	Periwinkle Lane		55			L	R	1	Light Roots
11/25/2020	Periwinkle Lane		258			C		1	Clear
11/25/2020	Randall Road		375			L	R	1	Light Roots
11/25/2020	Glenview Road				158	L	R	1	Light Roots
11/25/2020	Hot Springs Road	X			198	L	R	1	Light Roots
11/25/2020	Pimiento Lane				192	L	R	1	Light Roots
11/25/2020	School House Road				301	L	R	1	Light Roots
11/25/2020	12.10.2020 School House Road	X			114	L	R	1	Light Roots

Collection System Cleaning and TV-ing History

Date	Location	(X)	Cleaning (Linear Feet)	TV-ing (Linear Feet)	Re-cleans (Linear Feet)	Condition Findings		X	Notes
11/25/2020	School House Road	X			208	L	R	1	Light Roots
11/25/2020	San Ysidro Road	X			245	L	R	1	Light Roots
11/25/2020	San Ysidro Road	X			221	L	R	1	Light Roots
11/25/2020	School House Road				238	L	R	1	Light Roots
11/25/2020	East Valley Road	X			268	M	R	2	Medium Roots
11/25/2020	East Valley Road	X			104	M	R	2	Medium Roots
11/26/2020	Holiday								
11/27/2020	Lift Stations / USA / Vehicle Maintenance								
11/28/2020	Weekend								
11/29/2020	Weekend								
Current period 11/2/20-11/29/20 Linear Feet			12702	593	17,988				
Prior periods Linear Feet			341399	50,985	85,030				
YTD Total Linear Feet			354,101	51,578	103,018				
YTD Total Miles			67.1	9.8	19.5				

ORDINANCE NO. 16**AN ORDINANCE ADOPTING BIDDING AND CONTRACTING REQUIREMENTS FOR PUBLIC WORKS CONTRACTS IN THE MONTECITO SANITARY DISTRICT.**

The Board of Directors of the Montecito Sanitary District (the “District”) does ordain as follows:

SECTION 1: The Board of Directors finds and determines as follows:

- A. By Resolution No. 2020-929 adopted November 12, 2020, the District opted to become subject to the Uniform Public Construction Cost Accounting Act (Public Contract Code §§ 22000, *et seq.*; the “Act”);
- B. The Clerk of the Board will notify the California State Controller regarding the District’s adoption of Resolution No. 2020-929; and
- C. In order to take advantage of the informal bidding procedures set forth in the Act, Public Contract Code (“PCC”) § 22034 requires that the District adopt an ordinance establishing bidding procedures for public projects.

SECTION 2: New bidding and contracting requirements are adopted for public works projects as follows:

PUBLIC WORKS CONTRACTS

PW010:	Purpose.
PW020:	Applicability.
PW030:	Definitions.
PW040:	Soliciting Bids and Awarding Contracts.
PW050:	Qualified Contractors.
PW060:	Notice Inviting Bids.
PW070:	Bid Security.
PW080:	Bid Opening.
PW090:	Award.
PW100:	Bonds and Insurance.

PW01 Purpose.

These regulations are adopted pursuant to Public Contract Code § 22034, and any succeeding or related statutes, for the purpose of implementing the informal bid procedures set forth in the Uniform Public Construction Cost Accounting Act (Public Contract Code §§ 22000, *et seq.*).

PW02 Applicability.

These regulations may be used for public projects with a value equal to or less than the amounts set forth in Public Contract Code § 22032, and will be increased automatically as authorized in any successor statute or regulation, or, when applicable, as established pursuant to Public Contract Code § 22020.

PW03 Definitions.

Unless the contrary is stated or clearly appears from the context, the definitions in Public Contract Code § 22002 and set forth below will govern the construction of the words and phrases used in this ordinance:

“General Manager” means the General Manager or designee.

PW04 Soliciting Bids and Awarding Contracts.

The General Manager may solicit bids, award contracts up to \$60,000, and execute contracts for public projects without approval from the Board of Directors. Contracts for public projects costing more than \$60,000 and up to \$200,000 may be subject to informal bidding procedures and must be awarded by the Board of Directors. Contracts for public projects costing over \$200,000 require formal bidding procedures in accordance with the Public Contract Code and must be awarded by the Board of Directors.

PW05 Qualified Contractors.

The District will maintain a list of qualified contractors, identified according to categories of work. Any licensed contractor requesting to have its name placed on this list must be included. The list may be periodically revised to remove inactive names. A name may be deemed inactive if:

- A. Letters addressed to the contractor at its last known address are returned without a forwarding address;
- B. The contractor does not obtain plans for, or bid on, a public project for two years;
- C. The contractor’s license is revoked or suspended by the California State Licensing Board;
- D. The contractor removes its name; or
- E. For other good cause as determined by the General Manager.

Montecito Sanitary District
Ordinance No. 16
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Before removing a qualified contractor from the District's bid list, the General Manager must make a good faith attempt to notify the contractor regarding the removal.

PW06 Notice Inviting Bids.

- A. The notice inviting bids must describe the project in general terms, indicate how to obtain more detailed information regarding the project, and state the time and place for submitting bids.
- B. Unless the product or service is proprietary, not less than 10 calendar days before the date set for opening bids, the General Manager must notify contractors using one or both of the following methods:
 - 1. Mail notices to each contractor on the list for the category of work to be performed;
 - 2. Mail notices to each of the construction trade journals specified in Public Contract Code § 22036.

PW07 Bid Security.

- A. Bid Security is required for all bids on public projects when the public works director estimates that the price will exceed \$60,000. Bid security may be a bond issued by a licensed and duly qualified corporate surety, or the equivalent in cash, money order, cashier's check, certified check, unconditional letter of credit, or other form approved by the General Counsel. Nothing in this section prevents the District from requiring bid security on public projects less than \$60,000 when the General Manager believes such security is needed to protect the District's interests.
- B. Bid security must equal at least 10% of the bid amount.
- C. If the notice inviting bids requires a bid security, noncompliance or defective, inadequate, or incomplete security will render the bid nonresponsive.
- D. Bid security will be forfeited or paid to the District should the bidder fail to execute a contract within the time specified in the notice inviting bids.

PW08 Bid Opening.

The Clerk of the Board, or designee, will publicly open all bids in the presence of one or more witnesses at the time and place specified in the invitation for bids. Late, misplaced, or unsealed bids cannot be considered. If no bids are received, the District may proceed as set forth in Public Contract Code § 22038.

PW09 Award.

- A. The contract may be awarded to the lowest responsible bidder if the General Manager or Board of Directors considers the bid to be reasonable, sufficient funds are appropriated for the public project, and the bid is within the limits specified by Public Contract Code § 22032 or, if applicable, Public Contract Code § 22020.
- B. Should all qualified bids exceed the limits in Public Contract Code § 22032, the Board of Directors may, by adopting a resolution upon four-fifths vote, award the contract, provided the award is expressly authorized by Public Contract Code § 22034(d).
- C. Nothing in this section restricts the District from taking any action set forth in Public Contract Code § 22038.

PW10 Bonds and Insurance.

Contractors awarded a contract under this chapter are required to provide sureties and insurance in forms approved by the General Counsel and conforming with the contract documents.”

SECTION 3: This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Ordinance does not constitute a “project” that requires environmental review (*see* specifically 14 CCR § 15378(b)(2, 5)).

SECTION 4: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 5: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the Board of Directors’ intent that the provisions of this

**Montecito Sanitary District
Ordinance No. 16
Page 5 of 5**

Ordinance be interpreted or implemented by the District and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the Board of Directors intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 7: The Clerk of the Board, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the Montecito Sanitary District's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 8: This Ordinance will take effect on the 30th day following its final passage and adoption.

ORDINANCE NO. 16 HAD ITS FIRST READING ON NOVEMBER 12, 2020, ITS SECOND READING ON _____, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT AT ITS REGULAR MEETING OF _____.

_____, Board President

ATTEST:

Elizabeth Byrne, Clerk of the Board

APPROVED AS TO FORM:

Karl H. Berger, General Counsel

RESOLUTION NO. 2020-931

**RESOLUTION OF THE GOVERNING BOARD OF
THE MONTECITO SANITARY DISTRICT
CONCERNING DISTRICT LANDS INVENTORY**

The Board of Directors for the Montecito Sanitary District resolves as follows:

SECTION 1: As directed by section 50569 of the California Government Code the District has inventoried all lands, including air rights, owned or controlled by the District in order to determine whether any of this land, including air rights, exceeds the District's foreseeable needs.

SECTION 2:

1. The Governing Board of this District finds and determines that no land, including air rights, owned or controlled by this District exceeds its foreseeable needs; and
2. A copy of this Resolution shall be made available upon request and without charge to any citizen, limited dividend corporation, housing corporation, or nonprofit corporation.

SECTION 3: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 5: *Recordation.* The Secretary of the Board will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of the District; and will make a minute of the passage and adoption thereof in the record of proceedings of the Board of Directors, in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED by the Board of Directors of the Montecito Sanitary District on the 10th day of December 2020.

AYES:

NAYS:

ABSENT:

(SEAL)

President of the Governing Board
of the Montecito Sanitary District

ATTEST:

Clerk to the Board of the
Montecito Sanitary District

AGREEMENT ON THE SUBROGATION AND ASSIGNMENT OF CLAIMS ARISING OUT
OF THE THOMAS FIRE AND SANTA BARBARA MUDFLOWS

This Subrogation and Assignment of Claims (“Agreement”) is entered into by and among the following parties:

- i. Montecito Sanitary District (“Assignor”); and
- ii. The California Attorney General’s Office (on behalf of the Governor’s Office of Emergency Services; “Assignee”).

WHEREAS, after the December 2017 Thomas Fire and the January 2018 mudflows in Santa Barbara County (collectively, the “Events”), Assignee made significant expenditures to numerous public entities to assist with public health and safety efforts and other public works to address the various damage suffered from the Events;

WHEREAS, these expenditures including, without limitation, funds originally distributed by the Federal Emergency Management Agency (“FEMA”), covered a number of different categories of costs, including repairs to public infrastructure and buildings, debris and ash removal, search and rescue efforts, and/or evacuation and shelter operations, among others;

WHEREAS, Assignor received funds from Assignee and used those funds to take necessary actions to safeguard public health and remedy harms arising from the Events; and

WHEREAS, pursuant to federal and state regulations, parties that receive emergency funds from FEMA, due to the negligence of a third party, are obligated to take “all reasonable steps to recover all costs attributable to the negligence of the third party” (44 C.F.R. § 204.62(c); *see also* 19 Cal. Code Reg. § 2910). FEMA would then be entitled to reimbursement of any costs recovered from the culpable third party (44 C.F.R. § 204.62(a), (c)). Accordingly, in exchange for the funds Assignor received from Assignee, it was obligated to pursue “reasonable efforts” to recover those costs from the responsible party whose negligence contributed to the Events;

NOW, THEREFORE, in consideration of the premises and mutual covenants and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignee and Assignor (individually a “Party” and jointly the “Parties”) agree as follows:

1. Assignor assigns and transfers to Assignee any and all claims, demands, and causes of action of whatever kind and nature that Assignor has or may later have, under any legal or equitable theory of recovery, relating to harms Assignor suffered as a result of the Events, and for which Assignor received funds from Assignee (“Assigned Claims”). By virtue of Assignee’s payments for damage and loss of Assignor arising from the Events, the Assignee subrogates to Assignor’s rights on the Assigned Claims.

2. Assignee will assume any and all responsibility Assignor has under state and federal law to pursue reimbursement from any third party for expenditures by Assignee or FEMA that were made to address effects caused by the Events.
3. Assignee further agrees to indemnify and defend Assignor against any allegation that it did not adequately pursue reimbursement of any expenditures it received to address the effects of the Events from FEMA or any other federal agency.
4. Assignee has no obligation to pursue from any potentially responsible third party any expenditure made directly by Assignor as a result of the Events.
5. This Agreement is effective upon execution by the Parties and may be signed in counterparts.
6. This Agreement contains the entire Agreement between the Parties, and no statement, promise, or inducement made by any Party to this Agreement that is not set forth in this Agreement is valid or binding, nor may it be used in construing the terms of this Agreement as set forth herein.
7. This Agreement in all respects shall be interpreted, enforced, and governed by and under the laws of California. The terms of this agreement may be specifically enforceable by the Parties.
8. The undersigned representative of each of the Parties certifies that he or she is fully authorized to enter into the terms and conditions of this agreement and to legally bind such Party to all terms and conditions of this document. This agreement is binding upon the Parties.

SIGNATURES

The Assignee consents to the terms and conditions of this Agreement by its duly authorized representative on this ____ day of _____, 2020.

By: _____

Assignor consents to the terms and conditions of this Agreement by its duly authorized representative on this ____ day of _____, 2020.

By: _____
Jonathon Turner, Interim General Manager

APPROVED AS TO FORM:

Karl H. Berger, General Counsel

RESOLUTION NO. 2020-930**RESOLUTION OF THE GOVERNING BOARD OF
THE MONTECITO SANITARY DISTRICT
DECLARING 2021 HOLIDAYS**

The Board of Directors for the Montecito Sanitary District resolves as follows:

SECTION 1: The following dates are declared to be 2021 holidays for the Montecito Sanitary District. Accordingly, the administrative offices will be closed on these dates:

- (1) January 1st -- New Year's Day
- (2) Third Monday in January – Martin Luther King Jr. Day
- (3) Third Monday in February -- Presidents' Day
- (4) Last Monday in May -- Memorial Day
- (5) July 4th -- Independence Day
- (6) First Monday in September -- Labor Day
- (7) Fourth Thursday in November -- Thanksgiving Day
- (8) Fourth Friday in November -- Day after Thanksgiving Day
- (9) December 25th -- Christmas Day

SECTION 2: If a holiday falls on a Sunday, the Monday following is the observed holiday and the District office is closed on that Monday.

SECTION 3: If a holiday falls on a Saturday, the preceding Friday is the observed holiday and the District office is closed on that Friday.

SECTION 4: If any regular meeting of the Governing Board falls on a holiday, said regular meeting will be held on the next business day.

SECTION 5: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 7: *Recordation.* The Secretary of the Board will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of the District; and will make a minute of the passage and adoption thereof in the record of proceedings of the Board of Directors, in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED by the Board of Directors of the Montecito Sanitary District on the 10th day of December 2020.

AYES:

NAYS:

ABSENT:

(SEAL)

President of the Governing Board
of the Montecito Sanitary District

ATTEST:

Secretary to the Board of the
Montecito Sanitary District

COUNTY OF SANTA BARBARA APPEAL TO THE:

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 approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

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

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

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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

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The District uses recycled paper.
Each ton of recycled paper
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)).

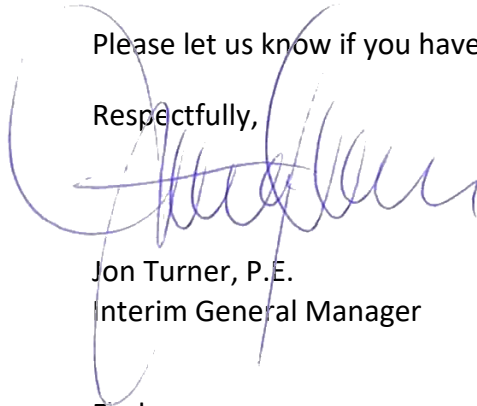
The MWD Letter only argues that the MPC’s decision was inconsistent with the “County Water District Law” (which is undefined) and did not “take into account [MWD’s] authority under the Water Code regarding the development of facilities related to recycled water in its jurisdiction.” These complaints 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

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Santa Barbara, CA 93108

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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