

**MINUTES**  
REGULAR MEETING OF THE GOVERNING BOARD  
GOLETA SANITARY DISTRICT  
A PUBLIC AGENCY  
DISTRICT OFFICE CONFERENCE ROOM  
ONE WILLIAM MOFFETT PLACE  
GOLETA, CALIFORNIA 93117

April 20, 2009

- BOARD MEMBERS PRESENT:** John R. Fox, John S. Carter, Steven T. Majoewsky,  
George W. Emerson, Jerry D. Smith
- BOARD MEMBERS ABSENT:** None
- STAFF MEMBERS PRESENT:** Kamil Azoury, General Manager, Jeff Salt, Operations  
Manager, Kathy Johnson, Office Manager; Richard  
Battles, Legal Counsel from Howell Moore & Gough LLP
- PUBLIC PRESENT:** Bert Bertrando of Goleta Water District, Larry Meyer of  
Goleta West Sanitary District
- CALL TO ORDER:** President Fox called the meeting to order at 7:30 p.m.
- APPROVAL OF MINUTES:** Director Carter made a motion, seconded by Director  
Majoewsky to approve the minutes of the Regular Board  
meeting of 04/06/09.  
  
(09/04/677)  
  
AYES: Fox, Carter, Majoewsky, Emerson, Smith  
NOES: None  
ABSENT: None
- POSTING OF AGENDA:** The agenda notice for this meeting was posted 72 hours  
in advance at the Goleta Sanitary District and at the  
Goleta branch of the Santa Barbara County Library.
- PUBLIC COMMENTS:** None

**BUSINESS:**

1. CONSIDERATION AND ACTION FOR PUBLISHING AND MAILING PUBLIC NOTICE IN COMPLIANCE WITH PROPOSITION 218 FOR THE INCREASE IN THE DISTRICT'S SEWER SERVICE CHARGES FOR FISCAL YEAR 2009-2010  
Mr. Azoury advised the Board that at the last meeting the Board took no action on this item and recommended that the wording be revised on the 218 Notice and brought back for consideration by the Board for approval at the next scheduled Board meeting. Mr. Azoury advised the Board that the 218 Notice has been revised. The Board discussed the fact that Proposition 218 requires the District to mail all its property owners advising of proposed changes in its sewer service charges and specifying a public hearing at which the Board would receive public input relative to such changes. After further discussion of the

proposed \$3.00 increase to the monthly charge per single family dwelling, Director Carter made a motion, seconded by Director Smith to direct District staff to mail the public notice in compliance with Proposition 218 for the increase in the District's sewer service charges for Fiscal Year 2009-2010.

(09/04/678)

AYES: Fox, Carter, Majoewsky, Emerson, Smith

NOES: None

ABSENT: None

2. ADOPTION OF RESOLUTION NO. 09-483 APPROVING IDENTITY THEFT PREVENTION PROGRAM

Mr. Azoury advised the Board that this item was brought to the Board's attention by Mr. Battles at the October 6, 2008 Board meeting and at that time it had not yet been determined whether the District was considered a "creditor" under the rules and guidelines of the FTC and therefore mandated to adopt an Identity Theft Prevention Program. Mr. Battles advised the Board that recent updates to the Fair and Accurate Credit Transactions Act of 2003 mandate that U.S. financial institutions and creditors implement an Identity Theft Prevention Program to detect, prevent, and mitigate identity theft for covered accounts. The final Identity Theft "Red Flags" rules and guidelines went into effect on January 1, 2008 and the mandatory compliance date of November 1, 2008 was extended to May 1, 2009. Mr. Battles advised the Board that after further review it appears that the District may be considered a "creditor" under the Rules and explained how the regulations applied to the District. He recommended that the District adopt an Identity Theft Prevention Program by the May 1, 2009 deadline. After further discussion Director Majoewsky made a motion, seconded by Director Emerson to approve Resolution No. 09-483 adopting the proposed Identity Theft Prevention Program.

(09/04/679)

AYES: Fox, Carter, Majoewsky, Emerson, Smith

NOES: None

ABSENT: None

3. CONSIDERATION OF APPROVAL OF MOU TO PARTICIPATE IN STATE-WIDE PROPOSITION 84 PROCESS

Mr. Azoury advised the Board that participation in the state-wide Proposition 84 process is similar to the District's participation in Proposition 50 through which the District received a grant of \$1.5 million for the Fairview Sewer Relocation Project. He explained that prior to the distribution of Prop 84 grant funding available through the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act, all project proponents must approve the MOU for the administration of the grant, that only one entity enter into a contract with the State for the funds granted to Santa Barbara County, and that the Santa Barbara County Water Agency has agreed to be the administrator. Mr. Azoury advised the Board that the MOU specifies that each project proponent will pay for its share of all of the costs of paying for project management, administration and the preparation of a Regional Acceptance Process (RAP) report. The District's share for year one is \$5,282. Mr. Battles

pointed out changes he would like to be made to the MOU similar to those revisions made to the Prop 50 MOU. After further discussion Director Smith made a motion, seconded by Director Carter to approve the MOU to participate in the state-wide Proposition 84 process and to direct staff to make changes to the MOU where it was appropriate but would not change the Board's action (non-substantive).

(09/04/680)

AYES: Fox, Carter, Majoewsky, Emerson, Smith

NOES: None

ABSENT: None

4. CLOSED SESSION PURSUANT TO SECTION 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION: GENERAL MANAGER

The Board entered into a closed session at 10:15 p.m. and conducted the General Manager's employment evaluation. The Board came out of closed session at 11:20. In open session, Director Emerson made a motion, seconded by Director Majoewsky to grant the General Manager a 5% increase in compensation, and a contribution of an additional \$200 per month to the General Manager's 457 deferred compensation plan, to be effective retroactively to February 1, 2009.

(09/04/681)

AYES: Fox, Carter, Majoewsky, Emerson, Smith

NOES: None

ABSENT: None

5. GENERAL MANAGER'S REPORT

Messrs. Azoury and Salt reviewed the General Manager's Report. Mr. Azoury showed the Board the plaque that would be installed in the Board room in honor of Director Trantow. Mr. Azoury advised the Board that Mrs. Trantow would be invited to the next Board meeting at which time the plaque would be installed and the Board room would be dedicated to Director Trantow.

6. LEGAL COUNSEL'S REPORT

Mr. Battles commented on a lawsuit filed by the Gaviota Coast Conservancy and Surfrider Foundation that resulted in an April 14, 2009 decision invalidating a 2008 action by the Local Agency Formation Commission (LAFCO) annexing Gaviota Coast parcels into the Goleta Water District (GWD). He also advised the Board of a Los Angeles Times article regarding Brown Act violations and that LA prosecutors, responding to complaints from the public, have sent more than 50 letters warning government officials that they acted illegally. Mr. Battles cited violations such as shutting off of a critic's microphone during a meeting and the polling of council members about an issue so that they would not have to formally meet on it.

7. COMMITTEE/DIRECTOR'S REPORTS AND APPROVAL/RATIFICATION OF DIRECTORS' ACTIVITIES

Director Emerson advised the Board of the CSDA Legislative Committee meeting he attended. He also advised the Board of the May 19, 2009 statewide special election and the

Propositions of special interest to the District that will be up for public vote.

Director Carter advised the Board of the Government Relations committee meeting he attended regarding the City of Goleta detachment of GWSD.

8. PRESIDENT'S REPORT

President Fox advised the Board of the CSDA roundtable meeting he attended in Sacramento.

9. CORRESPONDENCE

The Board reviewed correspondence to and from the District in the agenda and made a part hereof as Exhibit "A".

10. CLAIMS

Director Majoewsky made a motion, seconded by Director Carter to approve the claims as follows:

Depreciation Replacement Reserve Fund #4655	8,492.75
Plant Facilities Upgrade Fund #4670	16,585.00
Capital Reserve Fund #4650	1,441.00
Running Expense Fund #4640	227,837.66

(09/04/682)

AYES: Fox, Carter, Majoewsky, Emerson, Smith

NOES: None

ABSENT: None

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:25 p.m.

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John R. Fox  
Governing Board President

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Kamil S. Azoury  
Governing Board Secretary

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John S. Carter

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Steven T. Majoewsky

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George W. Emerson

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Jerry D. Smith