

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

September 8, 2009

BOARD MEMBERS PRESENT: John R. Fox, John S. Carter, Steven T. Majoewsky,
George W. Emerson

BOARD MEMBERS ABSENT: Jerry D. Smith

STAFF MEMBERS PRESENT: Kamil Azoury, General Manager, Jeff Salt, Operations
Manager, Kathy Johnson, Office Manager, Kathleen
Werner, Technical Services Director, Richard Battles,
Legal Counsel from Howell Moore & Gough LLP

OTHERS PRESENT: Larry Meyer of Goleta West Sanitary District and Randy
Westhaus of Tetra Tech.

CALL TO ORDER: President Fox called the meeting to order at 7:33 p.m.

APPROVAL OF MINUTES: Director Carter made a motion, seconded by Director
Majoewsky to approve the minutes of the Regular Board
meeting of 08/17/09.

(09/09/693)

AYES: Fox, Carter, Majoewsky, Emerson

NOES: None

ABSENT: Smith

POSTING OF AGENDA: The agenda notice for this meeting was posted 24 hours
in advance at the Goleta Sanitary District and at the
Goleta branch of the Santa Barbara County Library.

PUBLIC COMMENTS: None

BUSINESS:

Mr. Azoury recommended that the Board add an item to the agenda because it had just
come to the District's attention that a response to the City of Goleta regarding the

detachment of territory from the Goleta West Sanitary District was required by the end of the month thus necessitating an Ad Hoc Committee meeting. He further advised the Board that since there is only one more Governing Board meeting before the end of the month there would not be enough time for the Ad Hoc Committee to present their findings to the Governing Board in due time. After further discussion, Director Carter made a motion, seconded by Director Emerson, to add the item to the agenda as item number 3 on the basis that there is a need to take immediate action and that the need for action came to the District's attention subsequent to the agenda being posted for this meeting.

(09/09/694)

AYES: Fox, Carter, Majoewsky, Emerson
NOES: None
ABSENT: Smith

Director Emerson recommended that the Board add an item to the agenda because it had just come to his attention that CSDA was requesting that the District send a letter immediately to Senator Tony Strickland opposing Senate Bill 88. After further discussion, Director Emerson made a motion, seconded by Director Carter, to add the item to the agenda as item number 4 on the basis that there is a need to take immediate action and that the need for action came to the District's attention subsequent to the agenda being posted for this meeting.

(09/09/695)

AYES: Fox, Carter, Majoewsky, Emerson
NOES: None
ABSENT: Smith

1. CONSIDERATION AND ADOPTION RESOLUTION NO. 09-488 ADOPTING MITIGATED NEGATIVE DECLARATION AND APPROVING WASTEWATER TREATMENT PLANT UPGRADE PROJECT

Mr. Azoury summarized the environmental review process that has been completed to date to meet the requirements of CEQA for the wastewater treatment plant upgrading project. All Governing Board members were given copies of the mitigated negative declaration (MND) document for review and comment. Randy Westhaus of Tetra Tech, the District's environmental consultant, described the final changes that were incorporated into the final MND in response to comments received on the draft document during the public comment period. Director Majoewsky made a motion, seconded by Director Carter to adopt Resolution 09-488 to adopt the final MND, approve the wastewater treatment plant project, set forth certain findings and authorize the preparation and filing of the Notice of Determination.

(09/09/696)

AYES: Fox, Carter, Majoewsky, Emerson
NOES: None
ABSENT: Smith

2. CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICE WITH HDR ENGINEERING, INC. TO REVISE SCOPE OF SERVICES, INCREASE FEES FOR PROFESSIONAL SERVICES AND REVISE FINAL DESIGN COMPLETION DATE AND CONSIDERATION OF HDR ENGINEERING SERVICES PROPOSAL DATED AUGUST 28, 2009 FOR PLANT-WIDE ELECTRICAL MODIFICATIONS

Mr. Azoury advised the Governing Board of the reasons behind HDR's request for additional funds for work already completed and additional work to be done on the wastewater treatment plant upgrading project. After further discussion, Director Majoewsky made a motion, seconded by Director Carter to approve payment of \$143,800 to HDR Engineering for additional work related to the design of the wastewater treatment plant project.

(09/09/697)

AYES: Fox, Carter, Majoewsky, Emerson
NOES: None
ABSENT: Smith

Director Majoewsky made a motion, seconded by Director Carter to approve payment of \$113,700 to HDR Engineering for additional electrical design work.

(09/09/698)

AYES: Fox, Carter, Majoewsky, Emerson
NOES: None
ABSENT: Smith

3. CONSIDERATION OF APPOINTING AN AD HOC COMMITTEE TO DISCUSS THE CITY OF GOLETA DETACHMENT OF TERRITORY FROM GOLETA WEST SANITARY DISTRICT

Mr. Azoury advised the Board that Dan Singer, City Manager at the City of Goleta, informed him that the City of Goleta will need to submit additional information to the application for detachment of territory from Goleta West Sanitary District filed with LAFCO several months ago. In order for the City to review options available for providing operations and maintenance of the wastewater collection facilities of the detached territories, certain information needs to be submitted by Goleta Sanitary District. Mr. Singer advised Mr. Azoury that the response from the District is needed by the end of the month. Mr. Azoury advised the Board that an Ad Hoc Committee should be formed to discuss and review the District's response to the City of Goleta and bring back a recommendation to the Governing

Board at the next meeting. After further discussion Director Carter made a motion, seconded by Director Emerson to appoint an Ad Hoc Committee comprised of Director Majoewsky and Director Emerson.

(09/09/699)

AYES: Fox, Carter, Majoewsky, Emerson
NOES: None
ABSENT: Smith

4. CONSIDERATION OF SENDING A LETTER TO SENATOR TONY STRICKLAND
OPPOSING SENATE BILL 88

Director Emerson advised the Board that CSDA is urging special districts to call or write their legislators and tell them to vote "no" on SB 88. He advised the Board that this bill would devastate districts during a year when districts are struggling with lower property tax revenues because of the weak economy and because the state suspended Prop 1A. Director Emerson further explained that SB 88 would require any municipality, including special districts, who are seeking bankruptcy protection to first gain the approval of a state commission, the California Debt and Investment Advisory Commission (CDIAC). CSDA takes the position that this bill would change the municipal bankruptcy process, now an impartial, fair process, into a purely political decision with the power to reject or approve with specific conditions if a local municipality can file for bankruptcy. After further discussion Director Emerson made a motion, seconded by Director Carter to approve the District sending a letter opposing Senate Bill 88 to Senator Tony Strickland signed by the General Manager.

(09/09/700)

AYES: Fox, Carter, Majoewsky, Emerson
NOES: None
ABSENT: Smith

5. GENERAL MANAGER'S REPORT

Messrs. Azoury and Salt reviewed the General Manager's Report. Mr. Azoury advised the Board that the District is issuing new ID cards to include the Board members. Their photos will be taken at the Special Board meeting scheduled for 12:00 p.m. on September 18, 2009.

6. LEGAL COUNSEL'S REPORT

Mr. Battles advised the Board of a Proposition 218 case whereby a property owner brought a lawsuit against Brooktrails Township Community Services District's Board of Directors asserting that the District was not in compliance with Proposition 218. The court concluded that contrary to the property owner's contention that the District's minimum base rates on parcels with inactive connections amounts to an assessment, the service is

immediately available and the charge for the service is a fee and not an assessment and ruled in favor of the District.

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

Director Carter advised the Board of the Engineering Committee meeting he attended. He thanked District staff for attending the United Way Fun in the Sun at Ellwood School and commended them for their outstanding community service. Director Majoewsky advised the Board of the Engineering Committee meeting he attended.

8. PRESIDENT'S REPORT

President Fox advised the Board of the information tables that will be provided at the CSDA 40th Annual Conference in Indian Wells scheduled for September 21-24, 2009. Local chapters are invited to submit materials in order to be represented at the forum. Mr. Azoury and President Fox discussed the policy adopted by LAFCO regarding extending urban services to agricultural parcels.

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

Depreciation Replacement Reserve Fund #4655	599,717.53
Plant Facilities Upgrade Fund #4670	242,716.70
Running Expense Fund #4640	237,237.47

(09/09/701)

AYES: Fox, Majoewsky, Emerson, Carter

NOES: None

ABSENT: Smith

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:30 p.m.

John R. Fox
Governing Board President

Kamil S. Azoury
Governing Board Secretary

John S. Carter

Steven T. Majoewsky

George W. Emerson

Jerry D. Smith