

# **BOARD PACKET**

For the Special Board Meeting of

**Thursday, December 16, 2021**

1. AGENDA.....	<a href="http://www.montsan.org/2021-12-16-board-of-directors-meeting">www.montsan.org/2021-12-16-board-of-directors-meeting</a>
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**RESOLUTION NO. 2021-941**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM DATED MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT FOR THE PERIOD OF 30 DAYS PURSUANT TO THE BROWN ACT PROVISIONS.**

WHEREAS, the Montecito Sanitary District (“District”) is a sanitary district duly organized and existing pursuant to the Sanitary District Act of 1923 codified in Health & Safety Code section 6400 et seq.; and

WHEREAS, the District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s governing body are open and public, as required by the Ralph M. Brown Act, codified in California Government Code section 54950 et seq. (“Brown Act”), so that any member of the public may attend, participate, and watch the District’s governing body conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted Resolution No. 2021-935, on September 30, 2021, finding that the requisite conditions exist for the Board of Directors of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District’s jurisdiction, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the jurisdiction of the District, specifically, a State of Emergency remains active as proclaimed by Governor Gavin Newsom’s Proclamation of a State of Emergency dated March 4, 2020; and

WHEREAS, State and Local Officials have imposed and recommended social distancing measures and allowing legislative bodies to meet via teleconferencing to avoid risks to the health and safety of members of the public who would like to participate in meetings of the legislative bodies; and

WHEREAS, the Board of Directors does hereby find that Governor Gavin Newsom's Proclamation of State of Emergency and Social Distancing Orders and other conditions causing imminent risk to attendees has caused, and will continue to cause, conditions of peril to the safety of persons within the jurisdiction of the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California and re-ratify State and Local orders for social distancing; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the District's governing body shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District shall continue to provide notice as otherwise required by the Brown Act of all public meetings.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the jurisdiction of the District and proclaims that a local emergency persists throughout the jurisdiction of the District and allowing remote access and participation in the District's board meetings will reduce health and safety risks to attendees.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The General Manager or designee and the Board of Directors of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 18, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of the Montecito Sanitary District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Montecito Sanitary District this 16th day of December, 2021, by the following vote:

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

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Board President  
Dorinne Lee Johnson

ATTEST:

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Board Secretary  
Dana Newquist

(SEAL)



# Board Organization 2021 & 2022

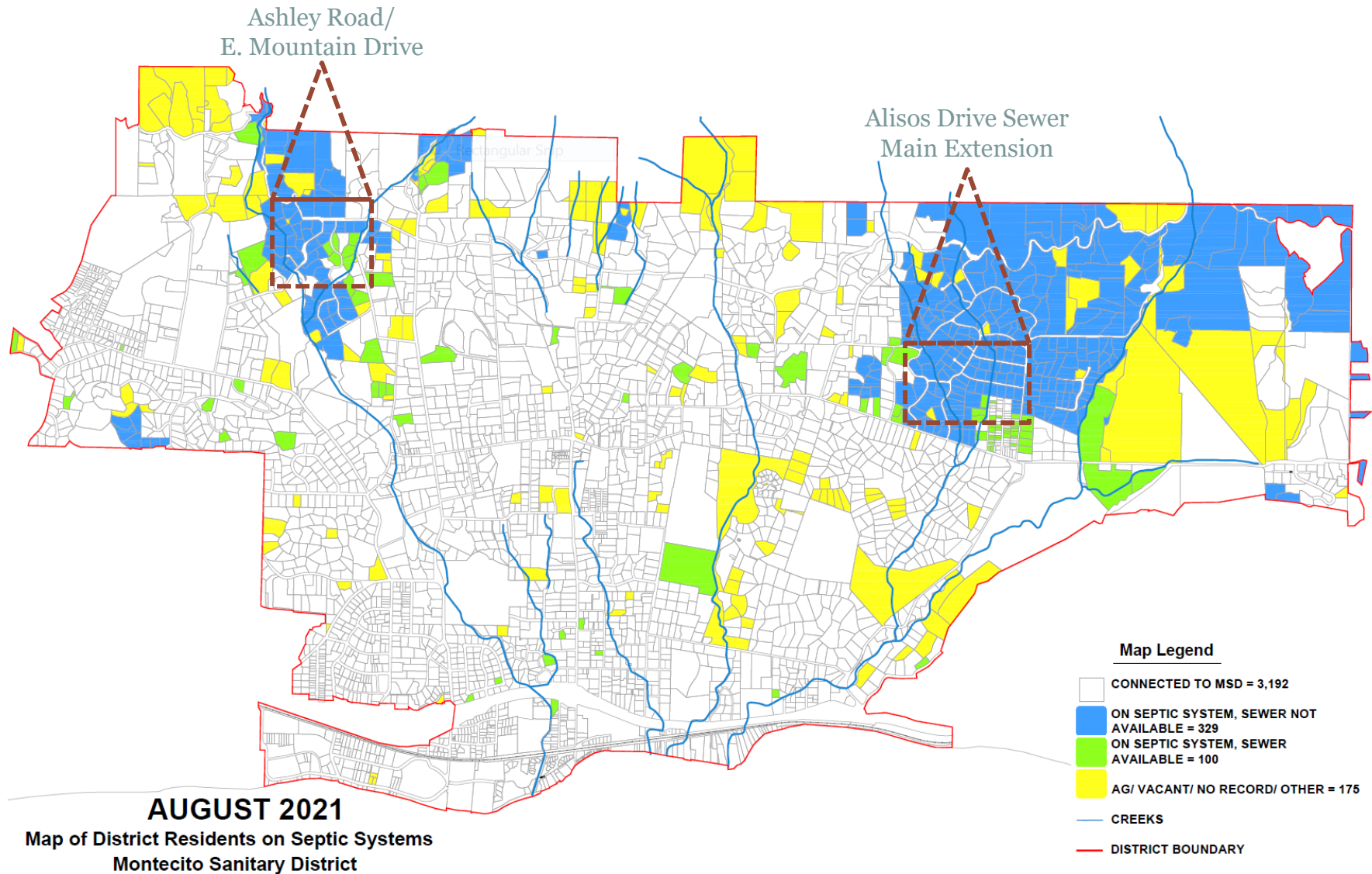
<u>Officer:</u>	<u>2021 Members:</u>	<u>2022 Members</u>
<b>President / Chair</b>	Director Dorinne Lee Johnson	
<b>Vice President</b>	Director Woody Barrett	
<b>Secretary</b>	Director Dana Newquist	
<b>Treasurer</b>	Director Donald Eversoll	
<b>Director</b>	Director Gary Fuller	

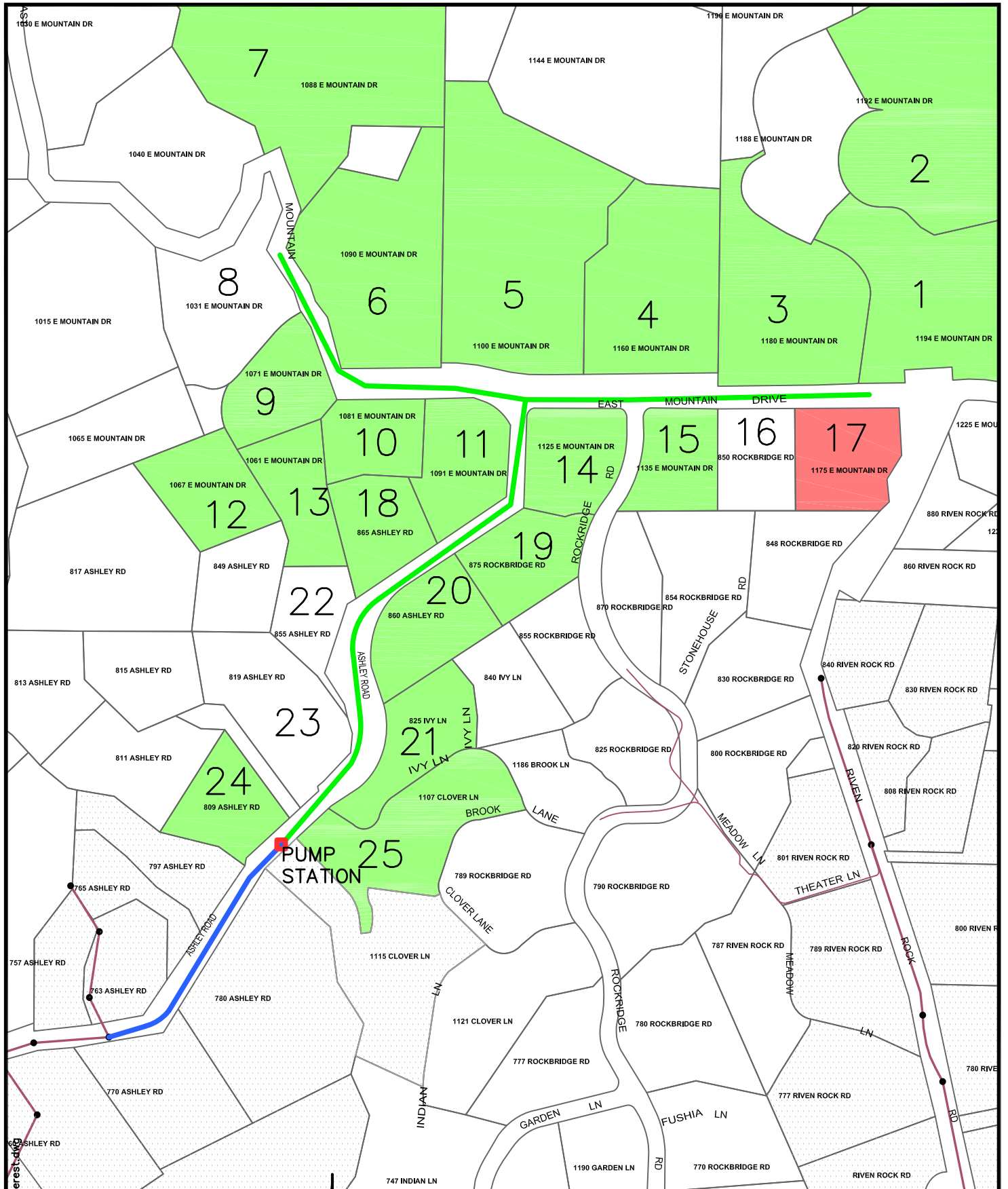
<u>Committee:</u>	<u>2021 Members:</u>	<u>2022 Members</u>
<b>Finance</b>	Directors Eversoll and Johnson	
<b>Administration &amp; Operations</b>	Directors Eversoll and Newquist	
<b>Personnel</b>	Directors Barrett and Fuller	
<b>Public Information</b>	Directors Newquist and Johnson	
<b>Strategic Planning Committee</b>	Directors Barrett and Johnson	

<u>Appointment:</u>	<u>2021 Appointment</u>	<u>2022 Appointment</u>
<b>General Manager</b>	Bradley J. Rahrer, P.E.	
<b>General Counsel</b>	Mark Manion, Price Postel, & Parma	
<b>HR Counsel</b>	Melissa Fassett, Price Postel, & Parma	
<b>Financial Statement Auditors</b>	Tracey Solomon, Bartlett Pringle & Wolff	

Board Meetings are held the second and fourth Thursday of each month at 2:00 pm pacific time remotely via Zoom teleconferencing due to COVID-19.

# Proposed Sewer Main Extensions

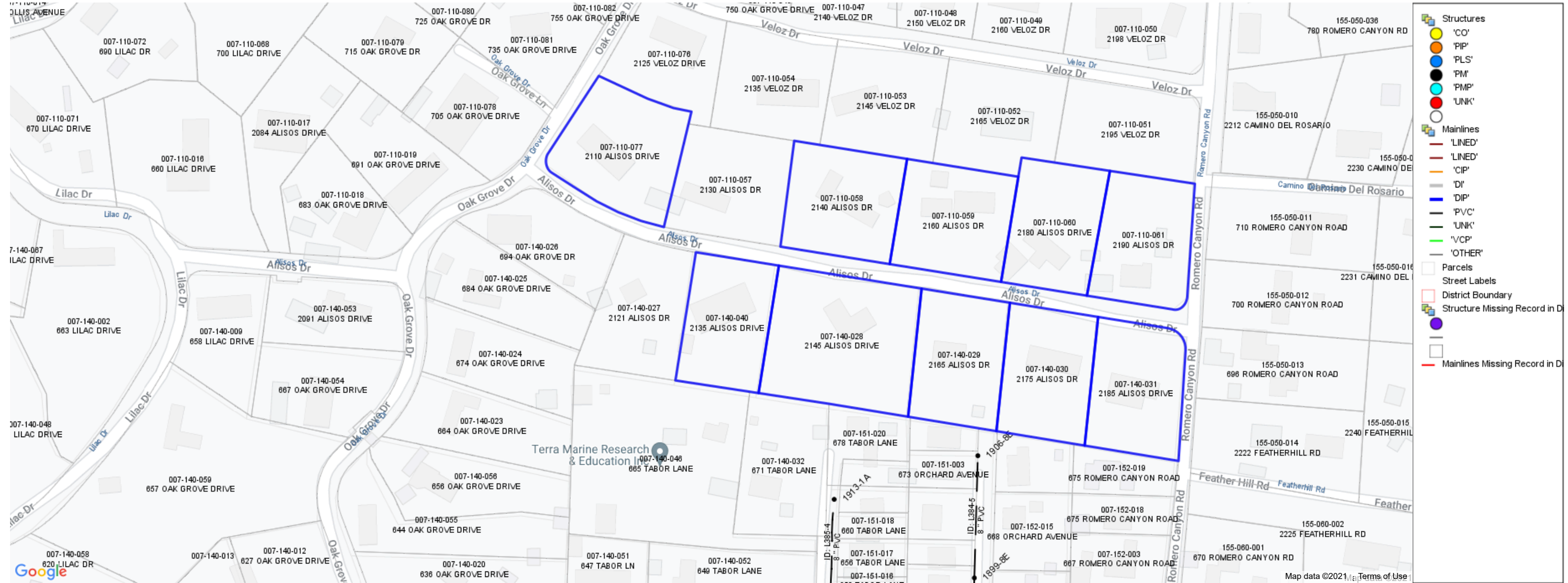




- LEGEND**
- INTERESTED
  - NOT INTERESTED
  - SERVED/AVAILABLE

**INTEREST**  
**EAST MOUNTAIN DRIVE**  
**SEPTIC TO SEWER**  
 MONTECITO SANITARY DISTRICT

# Alisos Drive Sewer Main Extension



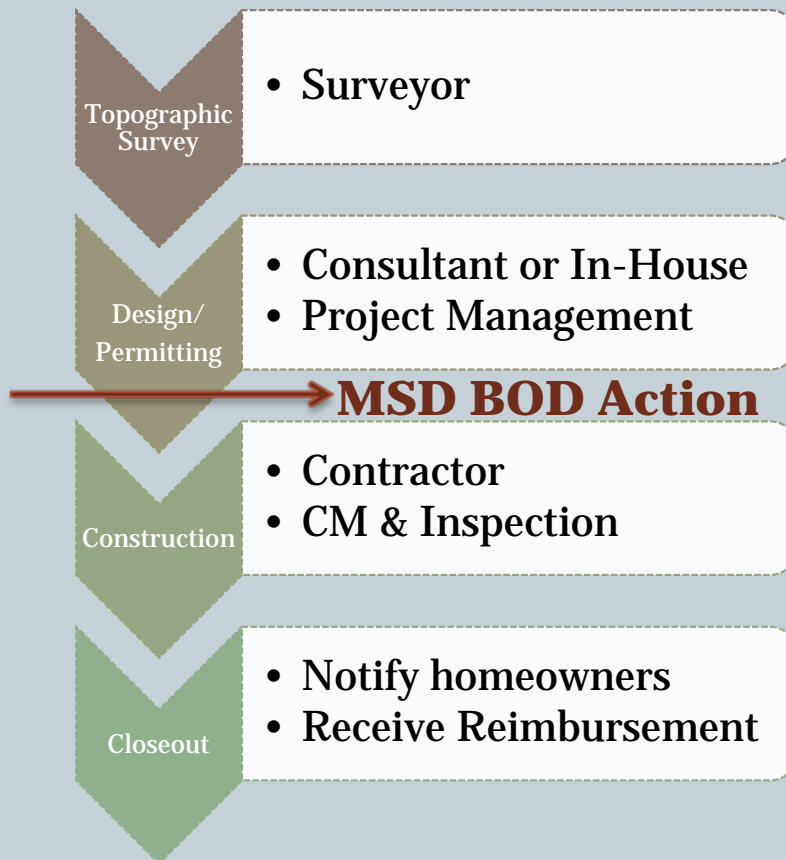
Montecito Sanitary District  
DistrictWide GIS by GDMS

Map data ©2021, Terms of Use 1

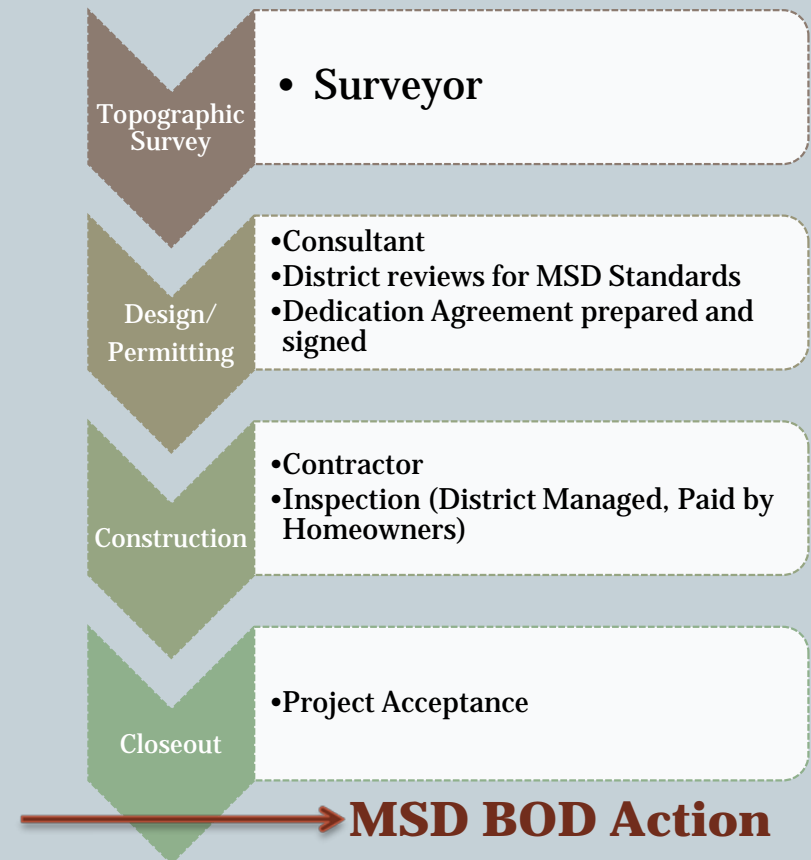


# Septic to Sewer Conversion Process

## MSD Sewer Main Extension Program



## Homeowner Coordinated Sewer Main Extension



## RESOLUTION NO. 2021-942

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTECITO SANITARY DISTRICT ADOPTING RULES AND REGULATIONS FOR THE PURCHASING OF SUPPLIES AND EQUIPMENT, SPECIAL SERVICES AND CONTRACTORS FOR PUBLIC IMPROVEMENT PROJECTS

PURSUANT to the provisions of California Government Code sections 54201 *et seq.* and California Public Contract Code sections 20800 *et seq.*, the following shall constitute the Rules and Regulations of the Montecito Sanitary District (“District”) governing the policies and procedures for purchasing of supplies and equipment, special services and contractors for public improvement projects by the District.

1. As used in these Rules and Regulations, the following definitions shall apply:
  - A. “Supplies and equipment” means equipment, materials, goods, parts, miscellaneous commodities and other supplies which are not included as part of a contract for a public improvement project or for special services.
  - B. “Public improvement projects” shall have the same definition as “district projects” set forth in California Public Contract Code section 20801.
  - C. “Special services” means those services provided to the District by independent consultants including, without limitation, engineers, architects, certified public accountants, environmental consultants, land use planners, attorneys and other similar services which are incidental to the operation of the District.
2. Every purchase of supplies and equipment, special services and contractors for public improvement projects by the District shall be made pursuant to these Rules and Regulations.
3. Except as provided in these Rules and Regulations, no supplies and equipment, special services or contractors for public improvement projects may be contracted without the approval of the Board of Directors of the District.
4. All supplies and equipment, special services and public improvement projects included in the District’s final budget are considered approved by the Board of Directors, and the General Manager or designee (“General Manager”) is authorized to contract for such expenditures as provided in these Rules and Regulations.
5. The following contracts may be awarded by the District without the necessity of calling for bids:
  - A. Supplies and equipment in an amount up to \$15,000.
  - B. Contractors for public improvement projects in an amount up to \$15,000.

C. Special services in an amount up to \$15,000.

6. Supplies and Equipment. Whenever the expenditure required for the purchase of supplies and equipment exceeds \$15,000, the District shall procure bids for the purchase of supplies and equipment by any one of the following methods:

(A) By publication of a notice inviting bids at least once in a newspaper of general circulation in the Montecito area. Such notice shall state the time and place for the opening of bids and shall state the specifications for the supplies and equipment to be purchased. Said publication must be made at least ten (10) days prior to the time set for the opening of bids.

(i) In addition to publication, the General Manager may notify prospective bidders by letter or telephone that bids are being called for.

(ii) At the time and place fixed for the opening of bids, the bids shall be publicly opened and read, the bids tabulated, and the contract presented to the District Board for consideration at the next scheduled meeting.

(B) In lieu of publication, the General Manager may submit specifications to at least three prospective bidders and request that bids be submitted at a fixed time and place. The General Manager shall open the bids at the time and place set for the same and present them to the District Board for consideration at the next scheduled meeting.

(C) The General Manager may purchase supplies and equipment in connection with any official state, federal or county bid.

(D) Notwithstanding anything to the contrary in this section, the Board of Directors reserves the right to reject any and all bids and authorize the General Manager to purchase necessary supplies and equipment on the open market.

(E) If, in the judgment of the General Manager, supplies and equipment are needed in order to make emergency repairs, construction or maintenance, which emergency will not allow the normal procedure for purchase to be followed, the General Manager may purchase all necessary supplies and equipment on the open market without complying with the competitive bidding requirements specified herein. The General Manager shall make a complete report of the circumstances constituting the emergency to the Board of Directors at its next regularly scheduled meeting following the purchase of said supplies and equipment.

(F) All supplies and equipment purchased in excess of \$7,500 shall be pursuant to a contract approved by the Board of Directors.

7. Public Improvement Projects. Whenever the expenditure required for the purchase of contractors for public improvement projects exceeds \$15,000, such purchases shall be awarded

to the lowest responsible bidder in accordance with the competitive bid procedures set out in Public Contract Code sections 20803 through 20806. All contractors for public improvement projects purchased in excess of \$10,000 shall be pursuant to a contract approved by the Board of Directors.

8. Special Services. Whenever the expenditure required for the purchase of special services exceeds \$15,000, the District may, in its discretion, direct the purchase of such special services pursuant to the issuance of a request for proposals or qualifications. All special services purchased in excess of \$10,000 shall be pursuant to a contract approved by the Board of Directors.

9. This Resolution No. 2021-942 repeals and supersedes Montecito Sanitary District Resolution No. 2020-931 dated April 8, 2021, and becomes effective immediately.

PASSED AND ADOPTED this 16th day of December 2021, by the following vote:

AYES:

NOES:

ABSENT:

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Dorinne Lee Johnson, President

ATTEST:

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Dana Newquist, Secretary