



## OJAI VALLEY SANITARY DISTRICT

A Public Agency

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### **MINUTES OF SPECIAL MEETING OF EXECUTIVE COMMITTEE**

The Executive Committee held a special meeting at the District Office at 1072 Tico Road on January 12, 2018, beginning at 9:30 a.m.

**COMMITTEE MEMBERS PRESENT:** William M. Stone  
Peter M. Kaiser  
Russ Baggerly, Chairman

**STAFF PRESENT:** Jeff Palmer, General Manager  
Brenda Krout, Administrative Officer

**OTHERS PRESENT:** Robert N. Kwong, District Legal Counsel

1. **Public Comment - (Items not on the agenda - 3 minute limit)**

Ojai City Council Member William Weirick addressed the Committee announcing that the City Council has appointed him to be the liaison between the District and the City. Mr. Weirick introduced James Vega, City of Ojai's Assistant Manager, who was also in attendance.

### **FOR DISCUSSION & RECOMMENDATION**

2. **Review of District Bylaws**

Mr. Palmer reported that the District's Bylaws were last reviewed by the Board in 2014, explaining that several items, topics or issues have arisen over the past few years that may make it appropriate for revisions to be proposed and discussed at this time. Mr. Palmer reviewed the issues which included Act in the Public Interest, Conduct of Directors, Respect for Process, Conflict of Interest, Advocacy and Required Attendance at Meetings.

The Committee discussed these topics. Mr. Kwong, District Legal Counsel, noted that the legality of how some of these issues can or can't be addressed need to be investigated prior to proposing revisions. Mr. Kwong stated that the current Bylaws are fairly good but do need to be tightened up with some added language in a few places referencing State law.

Director Baggerly questioned if the Bylaws should include a statement about deferring to Robert's Rules of Order in any situation not addressed in the Bylaws. Director Baggerly also announced a list of areas in the Bylaws he feels need to be addressed; i.e. motions requiring roll call based on changes in the Brown Act, reference to a 2 year budget, add language acknowledging the annual Ojai Valley Sanitary District Financing Corporation's annual meeting, add language about emergency declarations, add an ethics statement about impartiality and no biases, add language prohibiting Directors from wasting staff time on an issue after the Board has made a decision about the issue, etc.

Director Kaiser stated he felt the section in the Bylaws addressing Closed Sessions of the Board should be expanded to acknowledge the need for confidentiality.

Mr. Weirick shared the City's experience with enforcing a standard of attendance at meetings, stating the City failed to follow the State law on this issue; Mr. Weirick urged the District to follow State law on this issue.

The Committee directed staff and legal counsel to work on developing a draft of revisions to address the issues discussed, including options of alternative language for some issues, and bring this draft back to the Committee for review.

### **FOR DISCUSSION & REVIEW**

#### **3. Review Potential De-Annexation of the City of Ojai From District Boundaries**

Director Stone expressed his opinion that the District as a whole is one agency under the same rules and if the City of Ojai wants different rules they may want to operate their own wastewater system.

Mr. Palmer and Mr. Kwong stated that de-annexation is allowed for in State law and is possible; emphasizing that it is a process that would require several areas of study; i.e. CEQA, technical issues, etc.

Mr. Palmer explained that from a practical standpoint it is not uncommon for an agency, or city, to own and operate their wastewater collection system discharging into a regional treatment plant. There are well established agreements and procedures widely used to facilitate such an arrangement. Mr. Palmer explained that from a technical point this transition would not be difficult; the City of Ojai connects into the District's main trunk lines at four locations, meters could be installed at each of these locations to measure the wastewater flow from the City into the District's system. Mr. Palmer noted that it comes down to a local control question; i.e. do the citizens of the City want to have more local control over their wastewater system by placing the operations under the City Council's control or is it better to have everyone in the Valley under one standard and policy; this is also a policy question.

Mr. Palmer presented what he described as a simplistic overview of the relationship between the City and the District stating that the County of Ventura's building department informs anyone that applies for a building permit within the District's boundaries that they need to talk to the District about sewer service; the City of Ojai's building



department does not do this. Mr. Palmer reported that there are many instances where District rate payers within the City of Ojai have come into his office with issues about the City telling them something in direct conflict with the District's policies.

Director Kaiser asked to hear from the two City of Ojai representatives in the audience asking them if the City wants to run their own wastewater system. Mr. Weirick responded that he cannot speak for the full Council but he will be reporting to the Council about the issues raised at this meeting and then the Council can decide if they want to place this topic on the agenda of a future meeting. Mr. Vega stated that this would be a decision for the Council, noting that the Council has not asked for this topic to be brought before them for consideration.

The Committee asked Mr. Kwong how such differences of opinion between two public agencies are most commonly handled. Mr. Kwong explained that typically situations like this are handled at the manager level.

The City of Ojai representatives suggested a meeting between a representative of the City Council, a representative of the District's Board and the City and the District's managers to discuss the issues that are the topic of disagreement.

Director Baggerly expressed his opinion that pursuing a de-annexation would be bad public policy stating he does not feel the District should take this any further.

Director Kaiser made a motion, seconded by Director Stone for the Committee to have one more meeting where staff and legal counsel can present the options and the pitfalls of moving forward with the de-annexation. This motion was passed by a majority 2 to 1 vote, with Director Baggerly voting nay.

4. **Discussion**

a. Audience

None

b. Committee Members

None

c. General Manager

Mr. Palmer announced that District Collection System Operator III, Noah Sharp, was just named Collection System Operator of the Year for the Tri-Counties Section of California Water Environment Association (CWEA); this is quite an honor.

The Executive Committee Meeting adjourned at 10:22 a.m.

Minutes submitted by Brenda Krout, Clerk of the Board.