



**SANTA YNEZ COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS' REGULAR MEETING
Minutes of December 15, 2021**

NOTE: This meeting was held via teleconference, pursuant to AB 361

1. CALL TO ORDER-5:30 PM OPEN SESSION

President Jones called the meeting to order at 5:30 pm.

2. ROLL CALL:

Secretary Berry called the roll. Directors Present: D'Ambra, Beard, Redfern, Jones and Van Pelt via zoom at 5:31 p.m. Staff Present: General Manager Jose Acosta, Secretary/Treasurer Wendy Berry

3. PLEDGE OF ALLEGIANCE

4. DIRECTORS COMMENTS:

Director Redfern asked about the District doing vehicle repairs at the dealership because of the cost.

5. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

A resident voiced her concern about the General Manager leaving

6. REPORTS:

A. Manager Report – An employee gave notice, his last day will be December 1. Staff has advertised and conducted four interviews. Staff will make an offer and the new hire will start in January. The Operations Supervisor is on medical leave. Horizon Capacity fees are finalized and have two applications for sewer. I have been gathering information for negotiations.

B. Legal Counsel: No report

C. Secretary/Treasurer Report – None.

D. Committee Report - None

7. CONSENT ITEMS:

- A. Approval of Regular Meeting Minutes of November 17, 2021.
- B. Approval of Special Meeting Minutes of December 8, 2021
- C. Treasurer's Report:
- D. Approval of Disbursements from November 16, 2021 through December 10, 2021

Director Beard motioned to approve the consent agenda with the change to include held the meetings by teleconference AB 361, Director Redfern seconded and the motion passed by a roll call vote.

AYES: Redfern, Jones, D'Ambra, Beard, Van Pelt

8. ACTION ITEMS:

A. PUBLIC HEARING: Public hearing on new capacity fees for the Highway 246 undercrossing and Horizon Drive sewer line extension and amending existing capacity fees. The public hearing was opened at 5:51 p.m. and closed at 5:52 p.m. with no comments or objections.

(1) **Consideration and Adoption of Resolution 21-15:** Resolution of the Board of Directors of the Santa Ynez Community Services District setting forth findings, approving preliminary environmental review form, and authorizing filing notice of exemption relating to adoption of capacity fee ordinance.

In March of 2016, the District awarded a contract to Ayala Boring, Inc. for the construction of an extension to the District's wastewater collection system consisting of a 10" sewer line installed under Highway 246 to make sewer service available to certain parcels of property located within the western portions of the District's territory. The project was completed on June 6, 2016 at a total cost of \$135,996. The District engineer has determined that there are 208 parcels that will benefit from the undercrossing if they are connected to the District's sewer system in the future.

The Horizon Drive Project was finalized on November 17th. Staff has gathered all the costs and Tuckfield and Associates has determined what the capacity fees will be and those fees will be presented to the Board.

Tuckfield & Associates prepared a report dated June 18, 2021 to update the District's current capacity fees to account for recent additions and proposed capital improvements to the District's sewer system. In August 2021, the Board adopted the capacity fees with Ordinance O-21-03 with an effective date of May 1, 2022. However, Assembly Bill 3182 amended how capacity fees are applied to ADU's so the newly adopted capacity fees needed to be amended. Ordinance O-21-04, will revise the existing capacity fee, approve new capacity fees for Highway 246 Undercrossing and Horizon Drive Projects and amend the sewer service code.

The District's Environmental Committee has conducted a preliminary review of the Ordinance and has concluded that the adoption thereof is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273 of Title 14 of the California Code of Regulations. Said conclusion is set forth in the Preliminary Environmental Review form prepared by the Environmental Committee, a copy of which has been presented to and reviewed by the Board of Directors. The Committee determined the proposed ordinance is exempt under CEQA.

Director Beard motioned to approve the consent agenda as presented, Director D'Ambra seconded and the motion passed by a roll call vote.

AYES: Redfern, Jones, D'Ambra, Beard, Van Pelt

(2) Consideration and Adoption of Ordinance No. O-21-04: Ordinance of the Board of Directors of the Santa Ynez Community Services District increasing capacity fees.

At the August 18, 2021, regular board meeting, the Board approved Ordinance O-21-03 approving the increase in capacity fees. The State has changed the requirements for Additional Dwelling Units (ADU's), Ordinance O-21-04 will be amended to reflect those changes.

To make sewer available to certain parcels within the western portions of the district's territory, the District constructed the Highway 246 Undercrossing in 2016. Once the Highway 246 undercrossing was completed the District was able to move forward with the Horizon Drive project. This undercrossing will allow for 208 parcels to connect to the district sewer system in the future; thus the cost of the project must be divided amongst all benefited parcels. The Horizon Drive Project was completed October 22, 2021 and approved by the Board at the November 17, 2021.

At the December 8, 2021, special meeting the Board accepted the final cost study prepared by Tuckfield and Associates. A public hearing will be held tonight regarding the new capacity fees, allowing for any comments or concerns to be presented.

The District desires to (i) clarify certain provisions that apply to the Basic Capacity Fees, and (ii) address the amendments to Government Code Section 65852.2 that were made by Assembly Bill 3182 as they apply to the ADU Capacity Fees, as more particularly set forth on Exhibit "A-1" attached hereto.

The District has identified 208 parcels that may connect to and benefit from the Highway 246 Undercrossing in the future. Those parcels are located within the area identified on the map and are listed on the table attached hereto as Exhibit "A-2". To equitably allocate the cost of the Highway 246 Undercrossing among those parcels, the District has determined that each such parcel should pay a special capacity fee in the amount of \$654 ($\$135,996/208 = \654) (the "Highway 246 Capacity Fee").

The cost of the Horizon Extension was \$1,332,254.00. The District has identified twenty-three parcels that may connect to and benefit from the Horizon Extension in the future. Those parcels are located within the area identified on the map and on the table attached to the Ordinance as Exhibit "A-3". To equitably allocate the cost of the Horizon Extension among those parcels, the District has determined that each such parcel should pay a special capacity fee in the amount of \$57,924.00 ($\$1,332,254.00/23 = \$57,924.00$) (the "Horizon Capacity Fee"). The total fees paid by Horizon Drive Residents includes district capacity fees, annexation fees, and the Highway 246 undercrossing fees, with the total, if paid in cash, to \$67,195. The total costs could inflate, if the customer decides to enter into an installment payment plan with the district or elects to not connect before April 30, 2022.

Director Van Pelt motioned to approve the consent agenda as presented, Director D'Ambra seconded and the motion passed by a roll call vote.

AYES: Redfern, Jones, D'Ambra, Beard, Van Pelt

B. Installment payment agreement for 141-350-003: Approve Installment Payment Plan Agreement for 3063 Horizon Drive.

Staff and the property owner reviewed the steps of the installment payment plan process and determined which costs the property owner would like to include in the installment payment plan. The total cost is \$68,199.76 and \$5096.14 will be placed on the property tax bill annually.

Director Beard motioned to approve the installment payment agreement for 3063 Horizon Drive, Director D'Ambra seconded and the motion passed by a roll call vote.

AYES: Redfern, Jones, D'Ambra, Beard, Van Pelt

C. Installment payment agreement for 141-350-016: Approve Installment Payment Plan Agreement for 3066 Horizon Drive

Staff and the property owner reviewed the steps of the installment payment plan process and determined which costs the property owner would like to include in the installment payment plan. The total cost is \$66,204.98 and \$4,947.08 will be placed on the property tax bill annually.

Director Beard motioned to approve the installment payment plan for 3066 Horizon Drive, Director Redfern seconded and the motion passed by a roll call vote.

AYES: Redfern, Jones, D'Ambra, Beard, Van Pelt

D. Election of Board President and Vice President and appointment of committee members for 2022:

The Board must nominate and select a Board President, Vice President and Board members to the standing committees of the SYCSD, on an annual basis. The policy for nominating a Board President and Vice President is referenced in the SYCSD Amended and Restated Board Policy Manual.

Section 8, Board Meetings of the current policy manual states the following, regarding nomination of Board President and Vice President:

The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting, the Board will elect a President and Vice President from among its members to serve during the coming calendar year. At this meeting, the Board will also appoint members to the Standing Committees.

The Board President will then complete the process for nominations and election for Board Vice President. The Board will then proceed to nominate and elect Board members to the Standing Committees, for the 2022 calendar year.

Director Jones made a motion to postpone the appointment of the Board President and Vice-President and committee members to the January 2022 regular meeting for further discussion, Director Van Pelt seconded and the motion failed to pass by the following roll call vote:

AYES: Jones, Van Pelt NOES: D'Ambra, Redfern, Beard

The nominations was passed to the General Manager. Director D'Ambra motioned to nominate Director Beard as President, the motioned failed due to no second. The floor was opened for another nomination. Director Redfern motioned to nominate Director Jones as president, Director Jones seconded the motion. Director Beard was not aware he could second the motion for himself. One way to solve this issue is if Director Redfern and Jones who made the second motion would allow the first motion to move forward and it was not allowed. Director Van Pelt made a motion to table the second motion of Director Jones for President and to move the election of Board President, Vice-President and committee members to the January meeting, Director Redfern seconded and the motion passed by a roll call vote:

AYES: Beard, Van Pelt, Jones Redfern NOES: D'Ambra

The Board of Directors is taking a five-minute break to reconnect the audio.

E. Request By Housing Authority of County of Santa Barbara (HASBARCO) to reduce capacity fees paid for the new construction of Harry's House.

Harry's House will be the new senior living facility at the Golden Inn. It will be a two story 48,555 square foot building to accommodate residents 55 years and older with deluxe studios and regular studios, hair salon, manager's resident and offices. All units will include efficiency kitchens however there will be a commercial kitchen with a dining room for residents and guests.

Staff calculated the capacity fees from the final plans provided by Santa Barbara County Housing Authority and the District's current capacity fee schedule.

HASBARCO requested to be on the agenda for discussion of the sewer capacity fees to appeal some of the fees. The District has complied all fees in accordance with the capacity fee schedule adopted by Ordinance O-16-04 and approved by the Board. The areas of concern are the efficiency kitchens, office suites, and hair salon. Director Redfern motioned to direct staff to reach out to Clayton Tuckfield & Associates once Mr. Johns provides the information to discuss the ERU demand and capacity fee schedule and the billing for Tuckfield & Associates' time will be paid by Harry's House, seconded by Director Beard and the motion passed by a roll call vote:

AYES: Beard, Jones, D'Ambra, Redfern, Van Pelt

F. Consideration and Adoption of Resolution No. 21-14, Authorizing Remote Teleconference Meetings of the District's Legislative Bodies Pursuant to Government Code Section 54953(e).

If the Board adopts Resolution 21-14, attending meetings by teleconference under AB 361 and Government Code 54953(e) will continue and expire on January 14, 2022 unless, on or before that date and every thirty (30) days thereafter, the Board adopts a subsequent resolution setting forth the findings required by Government Code section 54953(e)(3) to extend the timeframe that the district may continue conducting its public meetings via teleconference in compliance with government Code Section 54953(b)(3). Director Beard motioned to adopt Resolution 21-14, Director D'Ambra seconded and the motion passed by a roll call vote:

AYES: Beard, Jones, D'Ambra, Van Pelt

G. Call for nominations for one LAFCO Regular Special District Member and Notice of Election. There is one LAFCO Board member seat available and if any Board Member is interested, then the Board would need to nominate a that board member to run. No Board Members are interested.

9. INFORMATIONAL ITEMS:

Treasurer Report – Submittal and review quarterly cash position pursuant to Government Code §61053 for quarter ending 09-30-21. The District earned \$1,358.65 in interest for the quarter. The Five Star Money Market paid .315% and LAIF paid .34%. The District total bank balance is \$4,907,024.22.

10. LABOR NEGOTIATIONS:

A. Closed session:

- 1) Public comments on closed session agenda items. **No public was in attendance**
- 2) Closed session conference with labor negotiators pursuant to Government Code Section 54957.6 **The Board entered into closed session at 7:41 p.m.**

Agency designated representatives: Nate Kowalski, Legal Counsel, Director Redfern, Director Jones

Employee organization: Teamsters Local 986

- 3) Closed session pursuant to Government Code Section 54957(b)(1)

Public Employee Performance Evaluation

Title: General Manager

- 4) Closed session pursuant to Government Code Section 54957(b)(1)

Public Employment

Title: General Manager

- 5) Open session report on closed session agenda items

B. Open Session:

- 1) Discussion and action regarding recruitment of new General Manager

Open session report on closed session agenda item: **The Board came out of closed session at 9:04 p.m. with no reportable action.**

The Board determined there was a need to take immediate action in regard to the General Manager's compensation and the need came to attention after the agenda was posted. Director Beard motioned to add an agenda item of discussion and action regarding

general manager compensation, Director Redfern seconded and the motion passed by a roll call vote:

AYES: Beard, Jones, Redfern, D'Ambra, Van Pelt

2) Discussion and action regarding General Manager Compensation

The Board believes an equitable increase in compensation due to possible employment at another agency is needed. Director D'Ambra motioned to increase the general manager compensation to \$145,000.00 per year, Director Redfern seconded and the motion passed by a roll call vote:

AYES: Beard, Jones, Redfern, D'Ambra, Van Pelt

11. ADJOURNMENT. Director Beard motioned to adjourn the meeting at 9:25 p.m., Director D'Ambra seconded, and the motion passed by a roll call vote:

AYES: Jones, D'Ambra, Redfern, Beard Absent: Van Pelt

The next regular Board of Director's meeting is scheduled for Wednesday, January 19, 2022.

APPROVED:

Karen Jones, President Board of Directors

ATTEST:

Wendy Berry, Secretary Board of Directors

