



**SANTA YNEZ COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS' REGULAR MEETING
Minutes of January 19, 2022**

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: Beard, Redfern, Jones, Van Pelt Absent: D'Ambra Staff Present: Rick Battles, Legal Counsel, Secretary/Treasurer Wendy Berry

3. PLEDGE OF ALLEGIANCE

4. CLOSED SESSION: LABOR AND EMPLOYMENT:

The Board entered closed session at 5:38 p.m. The Board reported out of closed session at 6:44 p.m.

b. Closed session conference with labor negotiators pursuant to Government Code.

c. Closed session pursuant to Government Code Section 54957
Public employment
Title: Interim General Manager

d. Open session report on closed session agenda items

b. The labor negotiators were given direction by the Board.

c. The Board voted unanimously to hire Mike LeBrun as the Interim General Manager subject to a background check and drug testing.

e. Approval of Compensation, Benefits, and Employment Agreement for Interim General Manager.

Director Redfern motioned to approve the compensation of the Interim General Manager of \$125.00 per hour with a estimated 20 hours a week and reimbursement of commuting mileage at the current IRS mileage rate of .585 cents per mile with no other benefits, Director Beard seconded and the motion passed by a roll call vote:

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

5. DIRECTORS COMMENTS: No comments

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

A resident voiced her concern about the having closed session at the front of the meeting especially when Horizon Drive was on the agenda.

7. REPORTS:

A. Manager Report – Mike LeBrun said thank you for the opportunity, I look forward to working with the District.

B. Legal Counsel: December 20, California Supreme Court ruled in order to challenge an assessment at a 218 hearing, person raising the challenge doesn't have to protest before going to court. PRA for County of El Dorado, the County had to comply with the PRA and show 42,580 emails and correspondence.

C. Secretary/Treasurer Report – Prior to the closed session, you met our newest employee and the Monday January 24 is the SBCSDA Chapter meeting at the Santa Maria Airport.

D. Committee Report - AD Hoc for GM Recruitment and Negotiations have continued to meet, Finance Committee reviewed options for benefit package and staff needs the dates.

8. CONSENT ITEMS:

A. Approval of Regular Meeting Minutes of December 15, 2021.

B. Approval of Special Meeting Minutes of December 21, 2021

C. Approval of Special Meeting Minutes of December 30, 2021

A. Treasurer's Report:

1. Approval of Disbursements from December 11, 2021 through January 14, 2022

Director Beard motioned to approve the consent agenda as presented, Director Van Pelt seconded and the motion passed by a roll call vote:

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

9. ACTION ITEMS:

A. Consideration and action regarding Horizon Drive Sewer Line Repairs. Mrs. Ivy is the spokesperson for Horizon Drive residents and she has received numerous complaints about the amount repair and timing of the repairs.

The District awarded the Horizon Drive mainline extension to SCI in the amount of \$998,315.00. The District finance the project through Municipal Finance Corporation. The total project cost was \$1,332,254.00. The project was completed and accepted by the Board of Directors at the November 17, 2021.

With the significant amount rain we had in December, the line on Mrs. Larson's property became the channel way for all the runoff water. Geo Solutions tested the compacted soil and received results of 90-95%. Staff assessed the damaged, required SCI to video the line to
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ensure it was intact. The warranty period is for one year from the completion. Marilyn Larson and Don Hart will not give permission for SCI to access their property to fix the settling. The District did purchase easements for the sewer line on both Hart's and Larson's property that allow for ingress and egress.

Don Hart has three issues are: 1) The manhole adjacent to his carport was higher than what he would like because when he backs his trailer up, he rolls over the manhole and it rocks his truck and he doesn't like it, 2) The gravel is too thick on the driveway between the entrance off Hwy 246 and his gate. It is loose and causes stability issues when he is driving his Harley motorcycle 3) In heavy rain, there is ponding at the entrance of his driveway.

SCI is willing to fix the settling but is looking to the District for direction on how to proceed with accessing the properties for the repair.

The Board directed staff to assess the situation, reach out to the Hart's, Mrs. Larson and SCI and work out the best way to fix the settlement in the trench on Larson's property.

B. Election of Board President and Vice President and appointment of committee members for 2022: The Board will elect a President and Vice-President and appoint two members to the Finance/Budget, Personnel and Wastewater Committee.

Based on discussions between District staff, District legal counsel, and the Board President, the procedure set forth below is recommended for the election of the Board President and Vice President and the appointment of standing committee members. Before proceeding, the Board should take formal action (motion, second, roll call vote) to approve this procedure, or such other procedure as a majority of the Board determines.

The procedure to use for election of the Board President and Vice-President will be for the Board Secretary to call for nominations, each nominated person may discuss their vision for the District, the Board Secretary polls each Board Member as to their vote and tallies the vote, the nominee receiving the most votes is elected, in the event of a tie, the Board Secretary again polls each Board member to determine if their vote will change and votes are tallied again. The same procedure is followed for the Vice President.

The Board will then proceed to nominate and elect Board members to the Board Standing Committees, for the 2022 calendar year.

Director Van Pelt motioned to approve the procedure above for selecting the President and Vice President, Director Beard seconded and the motion passed by a roll call vote:

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

Director Redfern nominated Director Jones for President with no other nominations the nomination passed by a 4-0 vote. Director Beard nominated himself for Vice President and the nomination passed by a 4-0 vote. Director Beard nominated himself and Director D'Ambra to stay on the Finance/Budget and the nomination passed by 4-0 vote. Director Van Pelt nominated himself on the Personnel Committee and Director Beard nominated Director Jones and the nomination passed by a 4-0 vote. Director Beard and Director Redfern nominated themselves to stay on the Wastewater Committee and the nomination passed by a 4-0 vote.

C. Discussion and Action regarding Street Lighting Services for Santa Ynez Chumash Museum & Cultural Center.

Community Services Districts have streetlight power by Government Code 61110 which states "Acquire, construct, improve, maintain, and operate street lighting and landscaping on public property, public right-of-way, and public easements".

Under SYCSD Resolution 73-2, the District agreed to assume from the Santa Ynez Lighting District (SYLD) the street lighting functions within a certain area of the boundaries of the SYCSD.

LAFCO Resolution 85-697 states that the SYCSD shall be designated as the successor to the Santa Ynez Lighting District (SYLD) for purposes of succeeding to all of the rights, duties, obligations, of the extinguished SYLD and all SYLD funds, including future property taxes shall be transferred to the SYCSD. Pursuant to Resolution 85-697, the District acquired and assumed responsibility for seven street lights within the District. The District assumed responsibility for one additional streetlight in 1990 and for two more streetlights in 2005. Resolution 90-01 defines the procedure for acquiring additional street lights within the District's boundaries.

On December 6, 2021, staff received an email from Will Robertson, the SB County Transportation Supervisor, asking who would coordinate with PGE to transfer the Chumash Cultural Center streetlights to the District because we have street light powers. Staff informed the County that the Board needs to approve acquiring the streetlights, and funding for those streetlights needs to be determined. In 2019, the County of Santa Barbara had meetings regarding the installation of streetlights with Summit Project Management, who is the project manager for the Cultural Center. The District was never notified or invited to those meetings.

The Board of Directors directed staff to inform the Chumash and the County of Santa Barbara for the Board of Directors to discuss the District taking over the Chumash Street lights, an application needs to be submitted to the District by following the procedures in Resolution 90-01.

D. Consideration and Adoption of Resolution No. 22-01, Authorizing Remote Teleconference Meetings of the District's Legislative Bodies Pursuant to Government Code Section 54953(e).

The State of California has passed Assembly Bill 361, this bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency.

AB 361 would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.

Since March of 2020 the Board of Directors has conducted its Board meetings under the provisions of Government Code 54953(e), allowing the meetings to be conducted remotely via teleconferencing without compliance with the requirements of Government Code section 54953(b)(3). The ability to conduct the meetings remotely via teleconference is due to the state of emergency declared by the Governor of California pursuant to Government Code section 8625, due to the pandemic of the Corona virus.

AB 361 requires the district to acknowledge a state of emergency, declared by the Governor of California exists and that state or local officials have imposed or recommended measures to promote social distancing. The state of emergency declared by Governor Newsom remains in effect along with the attached document titled "Health Officials AB 361 Social Distance Recommendation", issued on September 28, 2021, by the Santa Barbara County Health Department.

The Board originally adopted Resolution 21-12 finding that the requisite conditions existed for the Board of Directors and other legislative bodies of the district to conduct remote teleconference meetings without compliance with Government Code 54953 (b) (3).

If the Board adopts Resolution 22-04, attending meetings by teleconference under AB 361 and Government Code 54953(e) will continue and expire on March 18, 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 22-01, Director Redfern seconded and the motion passed by a roll call vote:

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

10. INFORMATIONAL ITEMS:

None

11. ADJOURNMENT: The next regular Board of Directors meeting is scheduled for Wednesday, February 16, 2022.

Director Beard motioned to adjourn the meeting at 8:34 p.m., Director Van Pelt seconded and the motion passed by a roll call vote:

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

The next regular Board of Director's meeting is scheduled for Wednesday, February 16, 2022.

APPROVED:



David Beard, Vice President Board of Directors

ATTEST:



Wendy Berry, Secretary Board of Directors