

VENTURA REGIONAL SANITATION DISTRICT
Minutes of the Regular Meeting of May 6, 2021
1001 Partridge Drive, Ventura, California

IN ACCORDANCE WITH THE CALIFORNIA GOVERNOR'S EXECUTIVE ORDERS DECLARING A STATE OF EMERGENCY AND THE COUNTY OF VENTURA HEALTH OFFICER'S LOCAL HEALTH EMERGENCY DECLARATION AS A RESULT OF THE THREAT OF THE COVID-19 VIRUS, THIS VRSD BOARD OF DIRECTORS MEETING WAS HELD VIA VIDEO CONFERENCE.

Chairperson Friedman called the meeting to order at 8:31 a.m.

1. Roll Call: The Clerk of the Board called the roll. The following Board Members were present:

James Acosta, Special Districts
Mark Austin, City of Fillmore
Jenny Crosswhite, City of Santa Paula
Jim Friedman, City of San Buenaventura
Laura Hernandez, City of Port Hueneme
Ed Jones, City of Thousand Oaks
Kevin Kildee, City of Camarillo
Bert Perello, City of Oxnard
William Weirick, City of Ojai

Staff Present: Chris Theisen, General Manager; Robert Kwong, Legal Counsel; Tina Rivera, Director of Finance; Richard Jones, Interim Director of Operations; Melissa Macias, Human Resources Manager; Michael Castro, Interim Operations Manager; Sandy Warren, Management Analyst; Senior Accountant Regina Williams, and Juliet Rodriguez, Clerk of the Board.

2. Pledge of Allegiance: The Pledge was led by Director Hernandez.
3. Agenda Review:

No changes.

Chair Friedman requested that Personnel & Finance Committee Reports be heard before Agenda Items Nos. 6, 7, and 9. Director Weirick requested that Agenda Item No. 9 be heard after the Closed Session Agenda Item No. 18.

It was moved by Director Kildee, seconded by Director Weirick, to approve the Agenda as corrected. ROLL CALL VOTE: Motion carried 9-0 (FOR: Acosta, Austin, Crosswhite, Friedman, Hernandez, Jones, Kildee, Perello, and Weirick).

4. Public Comment:

None.

CONSENT AGENDA (Item 5 only) Matters listed under Consent Agenda are considered to be routine, non-controversial, and are normally approved by one motion without discussion. If discussion is requested by a member of the Board on any Consent Agenda item, or if a member of the public wishes to comment on an item, that item may be removed from the Consent Agenda for separate action.

5. Approval of Minutes: April 1, 2021 Regular Meeting, April 15, 2021 Special Meeting

It was moved by Director Kildee, seconded by Director Weirick, to approve the Consent Agenda as presented. Motion carried 9-0 (FOR: Acosta, Austin, Crosswhite, Friedman, Hernandez Jones, Kildee, Perello, and Weirick). Director Austin abstained from the Special Meeting Minutes of April 1, 2021. Director Perello voted NO on the Special Meeting Minutes of April 15, 2021.

REGULAR AGENDA (Items 6 through 8)

6. Report on Proposed Increases to the Landfill Fees for Direct Haul Loads and Transfer Loads in Contracts with Athens Services and E.J. Harrison and Sons, Inc./Gold Coast Recycling Center and Transfer Station, Inc.

Director Jim Acosta, Personnel and Finance Committee Chair, reported on the Committee's meeting of May 4, 2021 and stated the Committee unanimously recommended that the Board approve staff's recommendation to receive and file the proposed increases to the Landfill fees for direct haul loads and transfer loads in contracts with Athens Services and E.J. Harrison and Sons, Inc./Gold Coast Recycling Center and Transfer Station, Inc.

Chris Theisen, General Manager, gave the staff report.

It was moved by Director Kildee, seconded by Vice Chair Hernandez, to receive and file staff's report. ROLL CALL VOTE: Motion carried 9-0 (FOR: Acosta, Austin, Crosswhite, Friedman, Hernandez, Jones, Kildee, Perello, and Weirick).

7. VRSD Ordinance No. VRSD-116 – Fees and Charges for the Toland Road Landfill

Director Jim Acosta, Personnel and Finance Committee Chair, reported on the Committee's meeting of May 4, 2021 and stated the Committee unanimously recommended that the Board approve staff's recommendation.

Tina Rivera, Director of Finance, gave the report.

Chair Friedman opened public comment period and none was requested by any of the members of the public present.

It was moved by Director Acosta, seconded by Director Weirick, to A) Conduct the first reading, by title only, of proposed Ordinance No. VRSD-116 Prescribing Fees and Charges for the Toland Road Landfill; and B) Schedule and hold a public hearing for the Board of Directors' May 20, 2021, Regular Meeting on proposed Ordinance No. VRSD-116; Conduct the second reading, by title only, of Ordinance No. VRSD-116 at that meeting; and Approve and Adopt Ordinance No. VRSD-116. ROLL CALL VOTE: Motion carried 9-0 (FOR: Acosta, Austin, Crosswhite, Friedman, Hernandez, Jones, Kildee, Perello, and Weirick).

Clerk Juliet Rodriguez gave the first reading:

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE VENTURA REGIONAL SANITATION DISTRICT PRESCRIBING FEES AND CHARGES FOR THE TOLAND ROAD LANDFILL

8. Malibu Bay Club Onsite Wastewater Treatment System Sewer Service Charges for Collection on County of Ventura Property Tax Rolls for Fiscal Year 2021-22

Tina Rivera, Director of Finance, gave the staff presentation.

Chair Friedman opened public comment period and none was requested by any of the members of the public present.

It was moved by Director Kildee, seconded by Director Jones, to A) Accept the VRSD report listing parcels at the Malibu Bay Club to be placed on the County tax rolls for collection of related sewer service charges in FY 2021-22; B) Set 8:30 a.m. on June 3, 2021, via Zoom, as the time and means for a public hearing to be held on the VRSD report listing parcels at the Malibu Bay Club to be placed on the County property tax rolls for collection of related sewer service charges in FY 2021-22; C) Approve and Adopt Resolution 21-04 to have Malibu Bay Club onsite wastewater treatment system sewer service charges for FY 2019-20 collected on the County of Ventura tax rolls following the June 3, 2021 hearing; and D) Direct VRSD staff to publish the notice of the June 3, 2021 hearing in accordance with Government Code section 6066. ROLL CALL VOTE: Motion carried 9-0 (FOR: Acosta, Austin, Crosswhite, Friedman, Hernandez, Jones, Kildee, Perello, and Weirick).

9. Proposed Revision of District 2.1.05 Reserve Level Policy *This Item was heard following Closed Session Agenda Item No. 18*

Director Jim Acosta, Personnel and Finance Committee Chair, reported on the Committee's meeting of April 6, 2021 and stated the Committee unanimously recommended that the Board approve staff's recommendation.

Tina Rivera, Director of Finance, gave the staff presentation.

It was moved by Director Kildee, seconded by Director Acosta, to approve the Proposed Revision of District 2.1.05 Reserve Level Policy. ROLL CALL VOTE: Motion Carried 7-0 (FOR: Acosta, Crosswhite, Friedman, Jones, Kildee, Perello, and Weirick).

INFORMATION ITEMS (Items 10 through 13)

10. Revenue and Expense Report: March 2021
11. Disbursement Report: March 2021
12. Investment Report: March 2021
13. Future Meetings, Seminars and Conferences
 - ♦ May 6, 2021, 8:30 a.m. – Regular Board Meeting
 - ♦ May 20, 2021, 8:30 a.m. – Regular Board Meeting
 - ♦ June 1, 2021, 8:30 a.m. – Personnel & Finance Committee Meeting
 - ♦ June 3, 2021, 8:30 a.m. – Regular Board Meeting
 - ♦ June 17, 2021, 8:30 a.m. – Regular Board Meeting

It was moved by Director Acosta, seconded by Director Kildee, to receive and file all Information Items. ROLL CALL VOTE: Motion carried 9-0 (FOR: Acosta, Austin, Crosswhite, Friedman, Hernandez, Jones, Kildee, Perello, and Weirick).

ORAL REPORTS (Items 14 through 17)

14. Regulatory Compliance Report
None.
15. Committee Reports
 - ♦ Personnel & Finance Committee Reports: Meetings of April 6, 2021, and May 4, 2021
16. Board Member Comments and Future Agenda Items

Director Weirick inquired if the parity policy would be heard at an upcoming Personnel & Finance Committee. Personnel & Finance Committee Chair Acosta stated that this item would be covered in a future meeting.

Director Kildee would like to see public agencies better work together in negotiations.

17. General Manager Comments

None.

It was moved by Director Weirick, seconded by Director Acosta, to receive and file all Oral Reports. ROLL CALL VOTE: Motion carried 9-0 (FOR: Acosta, Austin, Crosswhite, Friedman, Hernandez, Jones, Kildee, Perello, and Weirick).

CLOSED SESSION (Item 18 only)

At 9:13 a.m., Legal Counsel announced that the Board would be convening to a Closed Session in a separate Zoom meeting.

Paul Early, City of Oxnard Assistant City Attorney, provided public comment to the Board on the City of Oxnard's assumptions on any anticipated litigation.

Legal Counsel further stated that it is the intention of the Ventura Regional Sanitation District Board of Directors to meet in closed session to consider the following items:

18. **CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)-(d)(4). Two cases.

The Board recessed at 9:25 a.m. to attend Closed Session. Director Perello requested confirmation on whether he may attend the Closed Session. Chair Friedman and Legal Counsel Kwong affirmed that Director Perello may not attend this Closed Session.

OPEN SESSION

At 10:28 a.m., Legal Counsel reported that the Closed Session ended at 10:23 a.m. and there was no action taken by the Board during Closed Session Agenda Item No. 18 and therefore nothing to report out of that Closed Session.

The Clerk of the Board was asked by Chairperson Friedman to take the roll. The following Board Members were present:

James Acosta, Special Districts
Mark Austin, City of Fillmore
Jenny Crosswhite, City of Santa Paula
Jim Friedman, City of San Buenaventura
Laura Hernandez, City of Port Hueneme
Ed Jones, City of Thousand Oaks
Kevin Kildee, City of Camarillo
Bert Perello, City of Oxnard
William Weirick, City of Ojai

Agenda Item No. 9 was previously heard following the Roll Call as approved in Agenda Review.

ADJOURNMENT: With no further business, Chairperson Friedman adjourned at 10:37 a.m. to the Special Meeting on May 6, 2021, immediately following. via video conference.

Prepared by:

Approved:

Juliet Rodriguez
Clerk of the Board

Jim Friedman, Chairperson
Ventura Regional Sanitation District