

First District – Salud Carbajal
Second District – Janet Wolf, Chair
Third District – Doreen Farr
Fourth District – Joni Gray, Vice Chair
Fifth District – Joseph Centeno
Michael F. Brown, Chief Administrative Officer
Mike Allen, Clerk of the Board of Supervisors

Subject: Challenge/Objection to agenda #A-14, File #10-00210

A challenge is hereby lodged and an objection is hereby made, to each member of the Board of Supervisors (BOS), and collectively, to the BOS, thereto agenda #A-14, File #10-00210 as scheduled on the County of Santa Barbara, BOS, open session schedule for March 2, 2010 in Santa Barbara.

This challenge and objection is made on the following grounds:

1. There was no public notice or offering of the referenced agreement in a manner that could have been considered by other parties so that they may have offered a competitive bid or negotiation for the same.
2. As and while the Challenger/Objector (C/O) had been discussing effluent disposal options with LCSD for approximately one year prior, no mention was made of the impending contract. A bid and or offer from C/O would have created a lower cost alternative to the LCSD.
3. C/O has extensive experience in effluent services and is more qualified to do so than the current tenant.
4. The proposed new agreement materially and affectively changes the rental agreement to a service agreement as, in part, zero rent is to be paid.
5. LCSD is obligated to the public and its users to seek out, identify and procure the most effective and financially prudent means of operation for its facility. With this new contract LCSD will bypass that requirement.

Summary

The LCSD has a fiduciary public obligation to operate all aspects of its facility in the most efficient and constructive manner. This includes bottom line affecting operations and the methods to achieve them. In the summary text as presented by public works there is recognition of the separateness of land leasing and services for effluent disposal. Staff recommends its new combination for the purpose of saving money, whereas in effect, it is just losing less money. While the current tenant has leased the property for grazing purposes only, since the inception of the cattle pasture effluent

disposal operation, the tenant has never been involved in the operation of effluent disposal, and therewith, never responsible for the many and special mandated requirements involved. The C/O has vast (30 years) experience in effluent disposal and is professionally and expertly qualified to provide the service. C/O's proposal would save the LCSD over \$90,000 per year in cash savings as compared to the amount of the current proposal. C/O would also offer the LCSD a 5 year deferred payment arrangement which would affectively reduce the annual operating costs to the LCSD to zero as to compared to the current proposal.

Conclusion/Request

C/O respectfully requests that the BOS continue this matter for 60 – 90 days to allow for the analysis and consideration of C/O's proposal.

Attendance by C/O

As C/O is currently being prepped for surgery, he will not be able to attend the BOS Meeting on March 2, 2010. Please notify the C/O of any particular ruling at C/O's email address: cwpm@earthlink.com.

Respectfully submitted by the Emilio Sutti Living Trust dated August 1991, Edward Sutti
Successor Trustee.