

Special Meeting of the  
**BOARD OF TRUSTEES**  
**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO. 1**  
will be held at 3:00 P.M., Tuesday, March 26, 2019  
at 1070 Faraday Street, Santa Ynez, CA 93460 - Conference Room

- I. CALL TO ORDER AND ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE AGENDA**
- IV. PUBLIC COMMENT** - Any member of the public may address the Board relating to any non-agenda matter within the District's jurisdiction. The total time for all public participation shall not exceed fifteen (15) minutes and the time allotted for each individual shall not exceed three (3) minutes. The District is not responsible for the content or accuracy of statements made by members of the public. No Action will be taken by the Board on any public comment item.
- V. REPORT, DISCUSSION AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**
  - 1. STEVE'S BACKFLOW TESTING & REPAIR**
- VI. MANAGER'S REPORT - STATUS, DISCUSSION AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECT:**
  - A. DISTRICT ADMINISTRATION**
    - 1. 2018 Separation Agreement Between the Cachuma Operations and Maintenance Board and SYRWD, ID No.1
      - a) *Resolution No. 785 A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No. 1 Creating a New and Separate Separation Agreement Account at Rabobank and Authorizing Signatures for the Account*
- VII. ADJOURNMENT**

---

This Agenda was posted at 3622 Sagunto Street, Santa Ynez, California and notice was delivered in accordance with Government Code Section 54954. This Agenda contains a brief general description of each item to be considered. The Board reserves the right to change the order in which items are heard. Copies of the staff reports or other written documentation relating to each item of business on the Agenda are on file with the District and available for public inspection during normal business hours. A person who has a question concerning any of the agenda items may call the District's General Manager at (805) 688-6015. Written materials relating to an item on this Agenda that are distributed to the Board of Trustees within 72 hours (for Regular meetings) or 24 hours (for Special meetings) before it is to consider the item at its regularly or special scheduled meeting(s) will be made available for public inspection at 3622 Sagunto Street, during normal business hours. Such written materials will also be made available on the District's website, subject to staff's ability to post the documents before the regularly scheduled meeting. If you challenge any of the Board's decisions related to the agenda items above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence to the Board prior to the public hearing. In compliance with the Americans with Disabilities Act, if you need special assistance to review agenda materials or participate in this meeting, please contact the District Secretary at (805) 688-6015. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.



**To:** Board of Trustees

**From:** Paeter Garcia, Legal Affairs and Policy Manager 

**Date:** March 26, 2019

**Subject:** Steve's Backflow Testing & Repair – Reconsideration of June 20, 2017 Decision

**Agenda Item:** V

---

Staff Report

Summary and Background:

On June 20, 2017, during a regular meeting of the Santa Ynez River Water Conservation District, Improvement District No.1 ("District"), the Board of Trustees issued a decision to remove Steve's Backflow & Testing from the District's Approved List of Companies/Individuals Providing Backflow Prevention Assembly Testing and provided a six-month review period commencing from the date of the Board's action to consider Mr. Steve Harper's reinstatement to the list, if he so desired. At the time of the Board's decision on June 20, 2017, Mr. Harper stated: "Don't waste your time I am not going to come back, I don't need to." (See Attachment 1.)

The initial decision to remove Mr. Harper from the District's List of Approved Backflow Testers was issued by the District's General Manager on April 5, 2017. The decision was based in part on an incident reported by the District's Operations Foreman and Maintenance Foreman that Mr. Harper had attempted to manipulate a portion of the District's water system facilities in connection with certain backflow preventer work that Mr. Harper was performing for a District customer. (See Attachment 2.) The District's April 5, 2017 removal letter to Mr. Harper referred to Article 1, Section 107 of the District's Rules and Regulations, which states in part: "No one, except an employee or representative of the Board shall at any time or in any manner: (1) operate the angle meter stop, corporation stop at the water main, water main or facility valves, meter gage valves or ball valves (other than the Customer valve), of the District's system; or (2) interfere with meters, service connections, water, water mains, fire hydrants, street or facility valves, or any other facility, building, or infrastructure associated with or as part of the water system." (See Attachment 3.) Notably, prior to the incident giving rise to the District's April 5, 2017 removal letter, the District had received various complaints in previous years regarding Mr. Harper, all of which were known to the District's General Manager. (See Attachment 4.)

Mr. Harper disagreed with the District's April 5, 2017 removal letter and requested to have the matter considered by the Board of Trustees. On May 16, 2017 Mr. Harper submitted a letter and related information to the District for the Board to consider. (Attachment 5.) As noted above, on June 20, 2017 the Board considered the matter and determined to uphold the decision to remove Mr. Harper from the District's List of Approved Backflow Testers, and provided a six-month review period to consider Mr. Harper's reinstatement to the list, if he so desired. During that meeting, Mr. Harper stated: "Don't waste your time I am not going to come back, I don't need to." (Attachment 1.) Mr. Harper has never requested to be reinstated to the District's List of Approved Backflow Testers, and in December 2017 he requested to be removed from the City of Solvang's list of approved backflow testers. (See Attachment 6.)

In relation to being removed from the District's List of Approved Backflow Testers, Mr. Harper submitted several California Public Records Act requests to the District. On March 13, 2018, Mr. Harper through legal counsel submitted a Government Tort Claim for Money Damages against the District, wherein Mr. Harper sought to recover at least \$130,055 from the District. Mr. Harper claimed his damages accrued from the time he was removed from the District's List of Approved Backflow Testers until the time of his March 2018 tort claim and that his damages were ongoing. In April 2018, the District denied Mr. Harper's tort claim. (Attachment 7.)

Following the District's denial of his tort claim, Mr. Harper filed a Small Claims action against the District in Santa Barbara County Superior Court, wherein Mr. Harper sought to recover \$10,000 from the District. On December 20, 2018, the Small Claims Court ruled against Mr. Harper's damages claim. The Court found that the District is immune from the payment of damages under the Government Tort Claims Act for the case brought against the District by Mr. Harper. The Court also found that the District's decision to remove Mr. Harper from the List of Approved Backflow Testers may have been affected by a mistake of fact, where the Court determined that Mr. Harper did not exercise the District's main valve in the street, but that he did attempt to exercise the post indicator valve based on his stated belief that it was permissible to do so. The Court thus ordered the District to reconsider its June 20, 2017 decision based on a factual assumption that the post indicator valve is the only water system device that Mr. Harper attempted to exercise. (Attachment 8.) If the District takes no action by April 1, 2019, Mr. Harper is automatically restored to the list.

Recommendation:

Staff recommends the Board of Trustees reconsider its June 20, 2017 decision to remove Mr. Harper from the District's List of Approved Backflow Testers with an opportunity for him to be reinstated to the List after six months from the June 2017 Board meeting. The Board's reconsideration of this matter must be based on the factual assumption that on March 15, 2017, the post indicator valve is the only water system device that Mr. Harper attempted to exercise. At the same time, the Board must be aware of the fact that post indicator valves, regardless of what color they are painted, are District-owned devices/facilities that are part of the District's water system and that post indicator valves are not private or customer property. Therefore, post indicator valves are only to be exercised by District personnel or authorized representatives. (See Attachments 2 and 3.)

Attachments: 1-8

# **ATTACHMENT 1**

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
IMPROVEMENT DISTRICT NO. 1  
JUNE 20, 2017 MINUTES

A Regular Meeting of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No. 1, was held at 3:00 p.m. on **Tuesday, June 20, 2017** in the **Conference Room** at 1070 Faraday Street, Santa Ynez.

Trustees Present:	Kevin Walsh Brad Joos	Harlan Burchardi	Jeff Clay
Trustees Absent:	Mike Burchardi		
Others Present:	Chris Dahlstrom Karen King Bob Hyland Steve Harper	Gary Kvistad Eric Tambini Fred Kovol Nancy Emerson	Mary Martone Jose Acosta Sandi Miller

**I. CALL TO ORDER AND ROLL CALL:**

President Walsh called the meeting to order at 3:05 pm., he stated this was a Regular Meeting of the Board of Trustees. Ms. Martone reported four members of the Board were present and Trustee Mike Burchardi was absent.

**II. PLEDGE OF ALLEGIANCE:**

President Walsh led the Pledge of Allegiance.

**III. REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE AGENDA:**

Ms. Martone presented the affidavit of posting of the agenda, along with a true copy of the agenda for this meeting. She reported that the agenda was posted in accordance with the California Government Code commencing at Section 54950 and also pursuant to Resolution No. 340 of the District. The affidavit is filed as evidence of the posting of the agenda items contained therein.

**IV. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF MAY 16, 2017:**

The Minutes of the May 16, 2017 Meeting were presented for consideration. President Walsh asked if there were any changes or additions to the Regular Minutes of May 16, 2017. There were no corrections requested.

It was **MOVED** by Trustee H. Burchardi, seconded by Trustee Joos and carried by a unanimous 4-0-0 voice vote, with Trustee M. Burchardi absent, to approve the May 16, 2017 Regular Meeting Minutes as presented.

**V. ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA:**

There were no additions or corrections.

**VI. PUBLIC COMMENT:**

Ms. Sandi Miller provided handout materials and comments to the Board. Mr. Fred Kovol provided comments to the Board.

**VII. CONSENT AGENDA:**

The Consent Agenda report was provided in the Board Packet.

Trustee H. Burchardi **MOVED** to approve the Consent Agenda as presented, the motion was seconded by Trustee Clay and carried by a unanimous 4-0-0 voice vote, with Trustee M. Burchardi absent.

VIII. MANAGER'S REPORT - STATUS, DISCUSSION AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:

A. DISTRICT ADMINISTRATION:

1. Financial Report on Administrative Matters  
Presentation of Monthly Financial Statements – Revenues and Expenses  
The Board was provided the Statement of Revenues and Expenses for the month of May in the handout materials.

Mr. Dahlstrom reviewed the Statement of Revenues and Expenses for the month of May. He reported the revenues exceeded the expenses by \$271,271.17 for the month of May and the year-to-date net income is \$1,566,323.06.

Mr. Dahlstrom reminded the Board that June 30<sup>th</sup> is the close of the 2016-17 fiscal year and Ms. Martone will begin preparing for the annual audit. He stated Bartlett, Pringle & Wolf will be conducting the annual audit and will be at the District office in late August to begin the field work.

2. Steve's Backflow – Request to Address Board regarding the April 5<sup>th</sup> District Letter Removing Vendor from Approved List of Backflow Device Testers  
The Board packet included a June 13, 2017 Staff Report, May 22, 2017 letter from the District to Mr. S. Harper regarding Tort Claims, May 23, 2017 letter from the District to Mr. S. Harper regarding Public Records Act request, May 16, 2017 Public Records Act Request Form, District Incident Report, two photos and a May 16, 2017 Letter with attachments submitted by Mr. Steve Harper at the May 16, 2017 Board meeting.

Mr. Dahlstrom reported this item was requested by Mr. Steve Harper of Steve's Backflow Testing. He stated the Board received handout materials at the May 16, 2017 Board Meeting from Mr. Steve Harper and additional information (which included a claim for compensation and a public records act request) in the June 20, 2017 Board Packet. Mr. Dahlstrom explained that Mr. Harper was provided a District letter dated May 22, 2017 which addressed the Tort Claim instruction and forms. He reported that the District letter included a due date for submittal of the Tort Claim Form and supporting materials by June 7, 2017 in order for Management to process and provide an agenda item to report and recommend actions to the Board at this June 20, 2017 meeting. Mr. Dahlstrom stated as of this date, the District had not received any further information from Mr. Harper and explained that with the absence of the Tort Claim submittal and an item on the agenda, the only matter the Board can discuss at this time is the District's discretion to add or remove any individual or business from any vendor list, or decision to conduct business with any vendor or not do business with a vendor for any reason including in the best interest of the District.

Mr. Dahlstrom briefly explained the Incident Report in the packet prepared by the District Operations Foreman, Maintenance Foreman and the Water Resources Manager that contained details of the series of events and explained the determination to remove Mr. Harper from the District's approved list of Backflow Testers. Mr. Dahlstrom reported Mr. Bob Hyland, Maintenance Foreman, Mr. Jose Acosta, Operations Foreman, and Mr. Eric Tambini, Water Resources Manager were present to answer any questions from the Board. Mr. Dahlstrom reported the Board has the option to discuss the General Manager's action to remove a vendor from the Approved List of Backflow Device Testers.

President Walsh invited Mr. Steve Harper to address the Board. Mr. Harper stated that his letter was pretty self-explanatory and additional comments included that he did not tamper with any District facilities, he has a one year time period for the ability to make a financial claim with the District, and District policy on color codes for valves.

The Board was provided time to ask questions and provide comment. The Board discussed the post indicator valves, the Backflow Prevention Policy; District's Approved Backflow Prevention Testers List, State Certification requirements, and the District Rules and Regulations relating to Backflow Prevention Devices. Mr. Bob Hyland, Maintenance Foreman, and Mr. Jose Acosta, Operations Foreman provided comments related to the Incident Report supporting the District's position.

Mr. Kvistad, District Legal Counsel, explained the General Manager made a decision to remove Mr. Harper from the Approved Backflow Testers List based on the Incident Report and the Board has the authority to retain or overturn the General Manager's action. The Board provided comments and asked questions of Staff and Mr. Harper. Consensus of the Board was to uphold the General Manager's decision to remove Steve's Backflow Testing from the District's List of Approved Backflow Prevention Assembly Testers. Mr. Dahlstrom reiterated the District's List of Approved Backflow Testers is provided to District customers; listed on the District website and that the Office staff does not provide any recommendations to customers. The list is reviewed and updated as necessary.

President Walsh then provided Mr. Harper time for closing comments on the subject. Mr. Harper thanked the Board for the time to speak, reiterated to the Board he stands by his letter and the events that transpired, discussed his experience, and commented on the District's legal advice and Management of the District.

It was **MOVED** by Trustee Clay, seconded by Trustee Burchardi to uphold the General Manager's decision to remove Steve's Backflow Testing from the District's Approved Vendor List.

President Walsh provided Mr. Harper additional time to make a comment on the Board's motion. Mr. Harper reiterated to the Board to re-read his May 16, 2016 Letter discussing the General Manager's April 5<sup>th</sup>, 2017 Letter; and stated "...the District will be paying for damages until I get back on the list" and "I don't give a damn if I work for this water Company."

The Board discussed the timing of the removal which was indicated in the letter as April 5, 2017. The General Manager recommended an amendment to the motion for a 6-month review period to consider and allow for Mr. Harper's reinstatement on the list.

Mr. Harper interrupted to say "Don't waste your time I am not going to come back, I don't need to."

Based on this discussion, Trustee Clay amended his motion, to uphold the General Manager's decision to remove Steve's Backflow Testing from the District's Approved Vendor List and provide a six-month review period commencing from the date of this action to consider Mr. Harper's reinstatement to the list; the motion was seconded by Trustee Burchardi and carried by a 3-1-0 vote, with Trustee Joos voting no and Trustee M. Burchardi absent.

Mr. Harper left the meeting at 4:14 p.m.

## **ATTACHMENT 2**





April 5, 2017

Steve Harper  
1930 Old San Marcos  
Santa Ynez, CA 93460

**TRUSTEES:**

DIVISION 1  
LOS OLIVOS  
Harlan J. Burchardi

DIVISION 2  
SOLVANG  
Jeff Clay

DIVISION 3  
SOLVANG  
Kevin Walsh

DIVISION 4  
SANTA YNEZ  
Michael Burchardi

TRUSTEE-AT-LARGE  
Brad Joos

GENERAL MANAGER  
Chris Dahlstrom

BROWNSTEIN HYATT  
FARBER SCHRECK, LLP  
General Counsel

**RE: TAMPERING WITH DISTRICT FACILITIES – Grand Avenue, Los Olivos**

Dear Mr. Harper:

On Wednesday, March 15, 2017, you contacted the District office and spoke with administrative staff regarding a District service valve on Grand Avenue in Los Olivos after you attempted unsuccessfully to operate that service line valve. During that same late afternoon call, you then requested to have one of the District's operation personnel be sent to the location to coordinate with a construction crew that you arranged to work on the private water system backflow prevention device for the next morning and occurring with less than one day's notice.

It was subsequently confirmed by the District that you operated the District's public water system valve which is a violation of State law as you are not an employee of the District possessing a State of California Distribution II certification which is also a violation of District policy as unauthorized personal tampering with District facilities. As a tester of backflow prevention devices within our District for many years and on District authority, you are well aware that you are not, for any reason, allowed to access or operate District equipment or its infrastructure. This obviously includes valves on or appurtenances to District water mains and service connections.

Furthermore, because the District's staff has a priority responsibility to operate and maintain the public water system for production and distribution of water supply to its customer's health and safety, they are not at the beck-and-call of contractors and vendors doing private work. It is your schedule that must be arranged to accommodate the availability of the District staff in the operation of the water system in order to assist the contractors or vendors performance of work on private system and testing of backflow prevention devices.

Based on the above circumstances and in particular operating a District facility, this letter provides notification that you have violated Article I, Section 107 of the District's Rules and Regulations, which states that no individual other than an employee or representative of the District is permitted to operate or interfere with the operation of the District's water service equipment at any time. This policy is in place to ensure the integrity and safe operation of the distribution system that provides water to all of our

customers. While tampering with any District property is a serious violation and reportable to the County of Santa Barbara Sheriff's Department, the District will not be filing a complaint to the local authority.

However, your action in this situation, as a contractor to District customers, is inexcusable. As a result, you are hereby removed from the District's List of Approved Backflow Prevention Assembly Testers, effective immediately.

Sincerely,



Chris Dahlstrom  
General Manager

cc: Eric Tambini, Water Resources Manager

## INCIDENT REPORT

To: File  
From: Jose Acosta, Operations Foreman  
Robert Hyland, Maintenance Foreman

**SUBJECT: Review of March 15, 2017 Incident – Steve Harper’s Backflow Testing**

On March 15, 2017, at approximately 1400 I (Jose Acosta) was given a work order to shutoff water serving a backflow device at the Grand Hotel located in Los Olivos. I was given a work order that was generated in the billing system to shut-off the water service to the backflow device being repaired. The work order stated that the plumber was unable to turn off the customer valve and requested that District staff isolate the backflow for repairs. Confirming the work order verbally with Jill Petersen, Administrative Assistant in the District office, she stated that Mr. Harper informed her that he could only get a ¼ turn on the valve he was attempting to close.

Robert Hyland, Maintenance Foreman, and I arrived at the backflow device on the West side of Grand Ave. I contacted Mr. Harper via telephone, explaining there was a vehicle parked on the District valve that needed to be shut-off to isolate this device. Mr. Harper stated that I was at the wrong device. He explained that the device needing repair was on the East side of Grand Ave. He stated that there were cones placed in front of the device and one small cone was located on the valve that he could not operate. As Robert and I approached the valve we realized that the designated valve with the small cone on it was a District isolation valve (See Exhibit #1) which is connected to the District's mainline. I immediately phoned Mr. Harper and explained to him that the valve he was trying to operate was a District valve and he should not be touching nor manipulating this valve under any circumstance. Mr. Harper said he understood and apologized and stated that he would not operate the valve again.

Robert and I did have to exercise the District valve to get it to operate. There is no customer valve available to isolate this device as depicted in Exhibits #1 and #2. I explained to Mr. Harper, District staff exercised the District valve and we would be back out at 0900 the following morning to shutoff the device.

I returned to the District office and relayed the conversation I had with Mr. Harper to Jill Petersen and informed her that there was no customer valve to isolate the backflow device and the valve needing to be isolated was a District valve. I also informed her that I told Mr. Harper District staff would return at 0900 the following morning to isolate the backflow device.

On the morning of March 16<sup>th</sup>, Mr. Harper came to the District office and spoke with Robert, stating he would not be performing the work that date after all. He also stated, it costs him time and money when he has to wait for the District to shut off the valve for backflow repairs.

Signed:

  
\_\_\_\_\_  
Jose Acosta, Operations Foreman


  
\_\_\_\_\_  
Robert Hyland, Maintenance Foreman

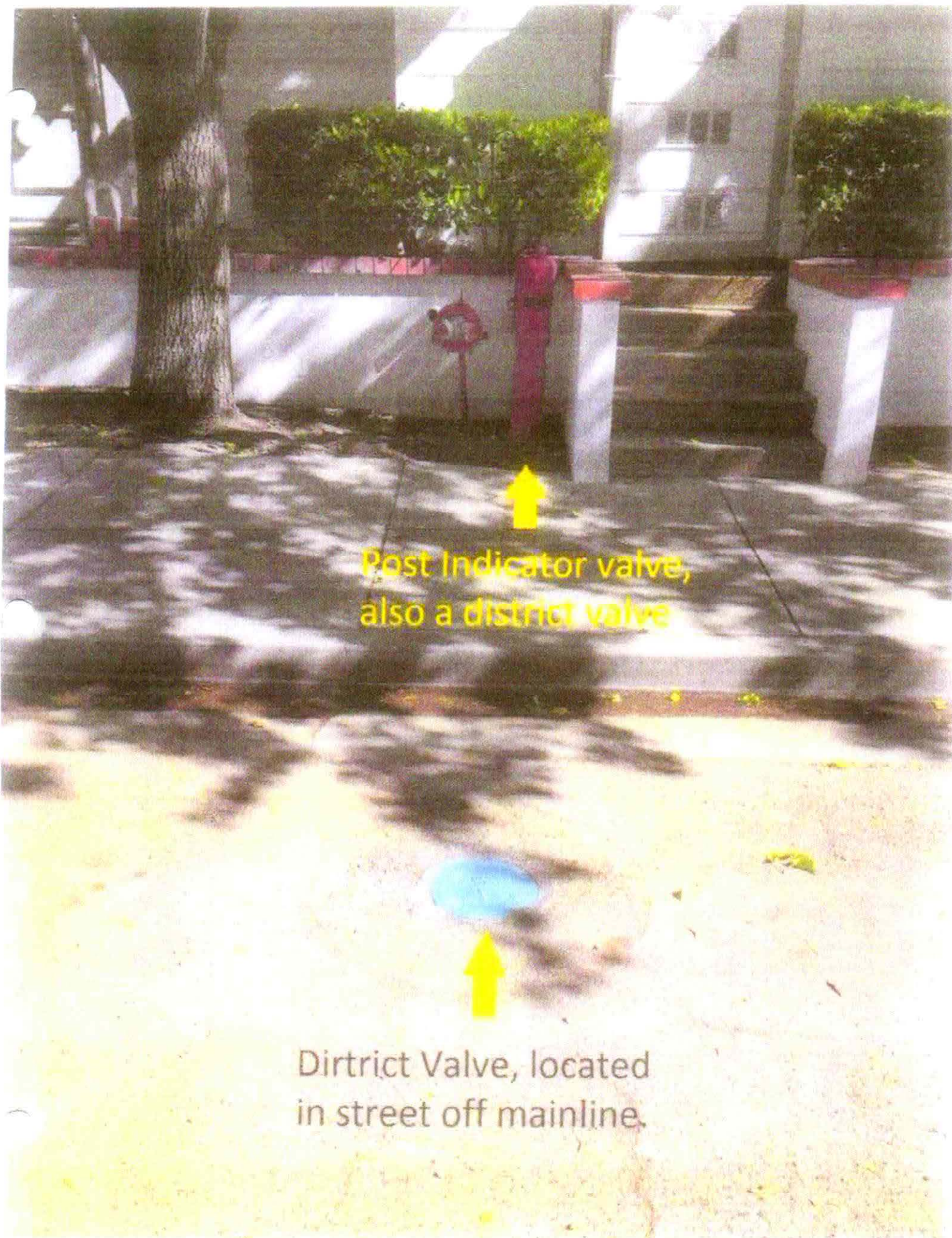
May 9, 2017

From: Eric Tambini, Water Resources Manager

A call came in from Steve Harper shortly after he received the May 5, 2017, "Tampering" letter from the District. He asked for Chris, who was not available, so the call came to me. He called to say that the valve he was accused of turning was not a District valve but a customer valve located between the District valve and the backflow preventer. He said there was a car parked on the District's valve when he needed to do the work so it was inaccessible. He said that his contact with the Grand Hotel is Ed Kadlubek who could corroborate his story. At the end of the call I asked him what he wanted me to do. He said he wanted me to relay the conversation to Chris. I reiterated to him that he wanted me to tell Chris that the valve he tried to turn was not a District valve. He confirmed that was what he wanted.

Signed:

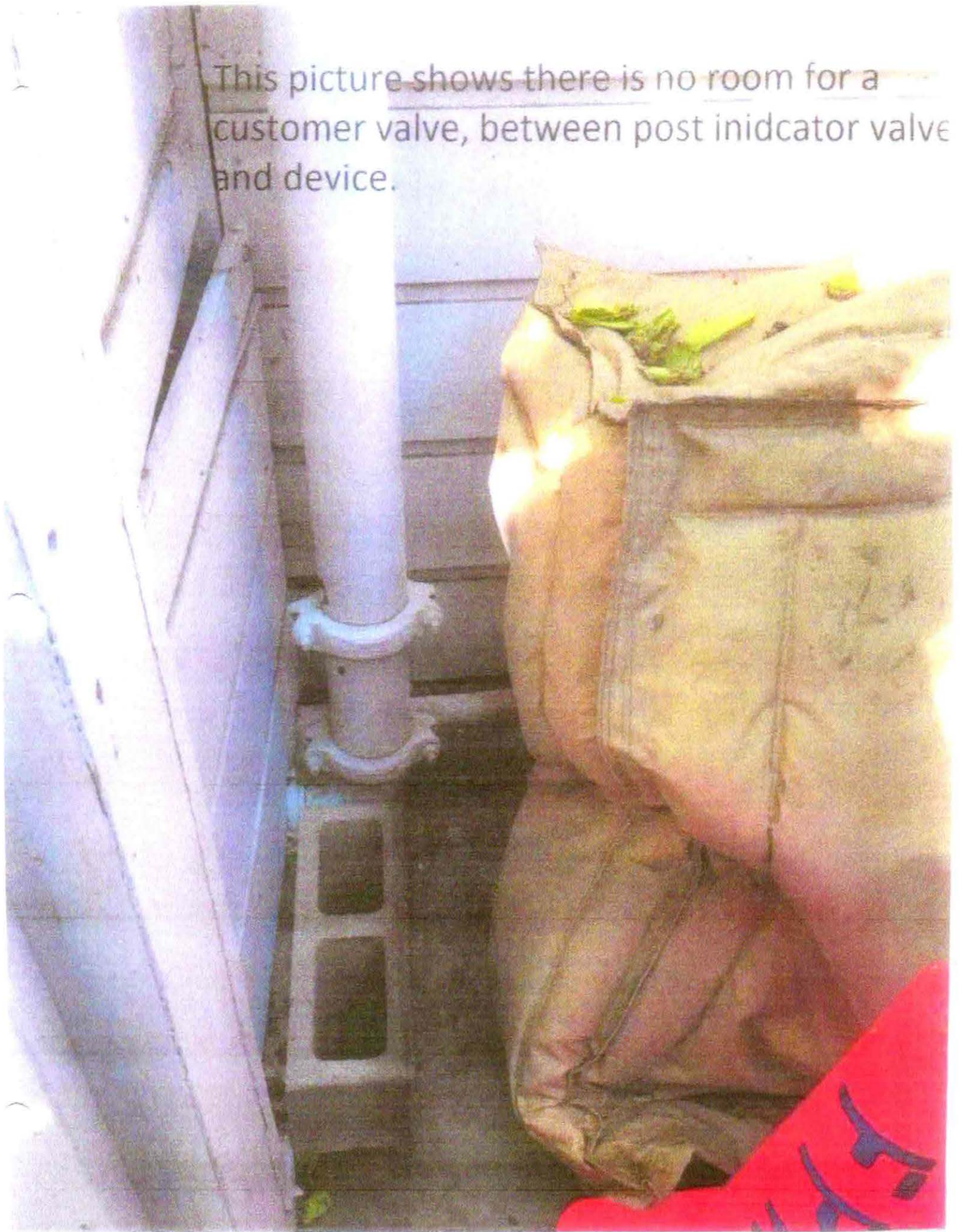
  
\_\_\_\_\_  
Eric Tambini, Water Resources Manager



Post Indicator valve,  
also a district valve

District Valve, located  
in street off mainline.

This picture shows there is no room for a customer valve, between post indicator valve and device.



# **ATTACHMENT 3**

**RULES AND REGULATIONS**  
**FOR WATER SERVICE**  
**FOR THE**  
**SANTA YNEZ RIVER WATER CONSERVATION**  
**DISTRICT, IMPROVEMENT DISTRICT NO. 1**



Board Adopted: March 20, 2018



**RULES AND REGULATIONS FOR WATER SERVICE  
FOR THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,  
IMPROVEMENT DISTRICT NO. 1**

**Article 1 - GENERAL PROVISIONS**

101. Short Title: These Rules and Regulations shall be known and may be cited as the Santa Ynez River Water Conservation District, Improvement District No. 1 Water Rules and Regulations.
102. Words and Phrases: For the purpose of this resolution, all words used in the present tense shall include the future; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number.
103. Separability: If any section, sub-section, sentence, clause or phrase of these Rules and Regulations is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of these Rules and Regulations.
104. Amendments: These Rules and Regulations may be amended, added to or revoked in whole or in part at any meeting, regular or special of the Board of Trustees, by a two-thirds (2/3) vote of the Trustees present; provided that written notice of any proposed amendment, addition or revocation shall first delivered via US Postal Service, hand delivered, or E-Mailed to each Trustee at least (20) days prior to any such meeting.
105. Water System: The District will provide for a system, plan, works and any undertaking used for and useful in obtaining, conserving, producing, treating and distributing water for public and private uses, including all parts of said system infrastructure, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises and other water supply, storage, treatment, and distribution facilities and equipment.
106. Pressure Conditions: All applicants for service connections or water service shall be required to accept such conditions for pressure as are provided by the distribution system at the location of the proposed service connection, and to hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.
107. Tampering with District Property: No one, except an employee or representative of the Board shall at any time or in any manner: 1) operate the angle meter stop, corporation stop at the water main, water main or facility valves meter gate valves or ball valves (other than the Customer valve), of the District's system; or, 2) interfere with meters, service connections, water, water mains, fire hydrants, street or facility valves, or any other facility, building, or infrastructure associated with or as part of water system; 3) encroach on any District property, easement, or right-of-way where water system facilities or infrastructure is located.

108. Penalty for Violation: For the failure of the Customer to comply with all or any part of these Rules and Regulations, and any ordinance, resolution, or order fixing rates and charges of this District, a penalty for which has not hereafter been specifically fixed, the Customer's service shall be suspended and the water shall not be supplied to such Customer until the Customer shall have complied with the rules or regulations, rates or charges which the Customer has violated, or in the event that the Customer cannot comply with such rule or regulation, until the Customer shall have satisfied the District that in the future the Customer will comply with all the Rules and Regulations established by ordinance of the District and with all rates and charges of this District. In addition thereto, the Customer shall pay the District the sum of seventy-five dollars (\$75.00) for the re-establishment, reactivation, or restoration of such suspended water service.
109. Ruling Final: All rulings of the Board shall be final. All rulings of the General Manager shall be final unless appealed to the Board within five (5) days. When appealed, the Board's ruling shall be final.
110. Civil Remedies and Penalties.
- A. Civil Penalties. Any person, whether acting as principal, agent, employee, or otherwise, who willfully violates the provisions of these Rules and Regulations shall be liable for a civil penalty not to exceed Five Hundred Dollars (\$500) for each day such violation continues to exist.
  - B. Costs and Damages. Any person, whether acting as a principal, agent, employee, or otherwise, violating any provision of these Rules and Regulations shall be liable to the District for the costs incurred and the damages suffered by the District as a direct and proximate result of such violations.
  - C. Procedure. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the violator, whether corporate or individual, and any corrective action taken by the violator. *(Effective October 15, 1998 by Ordinance 98-1 adopted September 15, 1998)*
111. Criminal Actions and Penalties. Any person, firm, or corporation, whether as a principal, agent, employee, or otherwise, violating any provision of these Rules and Regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by (1) a fine not exceeding One Hundred Dollars (\$100) for the first violation, (2) a fine not exceeding Five Hundred Dollars (\$500) for a second or subsequent violation of the same provision within a twenty four month period. Each and every day during any portion of which any violation of these Rules and Regulations is committed, continued or permitted by such person, firm, or corporation shall be deemed a separate and distinct offense. *(Effective October 15, 1998 by Ordinance 98-1, adopted September 15, 1998)*

# **ATTACHMENT 4**

Santa Ynez River  
Water Conservation District  
P.O.Box 157  
Santa Ynez CA 93460

19 August 2007

To Whom It May Concern:

On July 16<sup>th</sup> I authorized Steve Harper dba Steve's Backflow Testing to test our backflow device as annually required by the water district & state. This was the fourth time Steve has tested our device since it was installed. He reported back to me that the device failed and would need a rebuild with new gaskets due to debris in the valve. I asked him not to do anything until after the first of the month – meaning August because his quote seemed expensive to me - \$190.00. I discussed this with him at the time; I felt he shouldn't charge for a retest if he is doing a rebuild - it should be part of the service since I had paid for the test originally (\$60.00).

Shortly after that conversation, I needed to arrange for a backflow test for my employers who are also served by SYRWCD. Their list of approved testers did not include Steve Harper so I selected another individual. He tested a 3" backflow valve for \$35.00 in a matter of minutes, wrote a receipt documenting the results and took care of submitting the paperwork to the district.

In the interim I became concerned that the district would not accept Steve's test on my property and called the district to inquire. A few days later I received a call from Steve saying he understood I had called the water district offices about him. He informed me that he had repaired the device and left a card in the doorjamb to that effect some days earlier. (Had I received the phone message he allegedly left, I would have cancelled the repair for I had checked with several other testers and found his charges extremely high). I asked him for the damaged parts that were replaced and an invoice describing the nature of the repairs – neither has been forthcoming although the paperwork was turned in.

The following day I initiated a call to the district to inquire how my conversation with the district was reported to him. I was assured that it is not district policy to release this type of information and that perhaps Mr. Harper manipulated the conversation with me to gain it. I think this is entirely plausible; I intuitively felt that there must be some issue or complaint that resulted in Steve being removed from the approved list.

Now my concerns are: Did he really test the device? Did it really need repair; he could have noted the new water meter & vault and cited that as causing the debris, etc. I realize I should have done the due diligence *before* calling Steve – I am responsible, but I cannot recommend his business practices as being very ethical.

I know the district is not responsible for the decision of the homeowner, but I do believe you aspire to have **ethical standards maintained** in the people you refer and perhaps this incident is worth noting.

Cordially,

L. Bittner  
1230 Quail Ridge Rd.  
Solvang CA 93463



RECEIVED AUG 21 2007

Sydney  
Letter to the Board



1825 Alamo Pintado  
Solvang, Ca 93463

Phone: 805-688-6323  
Fax: 805-693-0094  
Email: syvpc@syv.com

## Santa Ynez Valley Presbyterian Church

July 9, 2007

General Manager  
Santa Ynez River Water  
Conservation District, I.D. #1  
P.O. Box 157  
Santa Ynez, CA 93460-0157

To Whom It May Concern:

As discussed with Dehlia on July 9, 2007, I am providing documentation of a situation which has developed regarding testing of three backflow devices on the church property. I also offer the qualifier that other than my discussions with Mike Guynn over the years, I have no prior working knowledge of the equipment involved in these transactions.

For more than the past five years and until last year we have contacted Mike Guynn regarding our three annual Notices to Test Backflow Prevention Assemblies on the church property. Since Mike was unavailable to test this year, he suggested Phil Wilson as an alternate. Phil was also unavailable, but Phil suggested Steve Harper could do the work.

I contacted Steve. He came out the same afternoon but I did not talk with him regarding the test until after it was already complete. Steve informed me the same afternoon that the 2" device had passed, but the 6" fire service device as well as the 3/4" bypass had both failed. He said the failed devices needed to be replaced. He estimated that the cost to replace these devices would be about \$5900 and that he would have a more firm estimate in the following few days. He also advised me that the existing equipment and plumbing which were manufactured primarily by Febco, were inferior to Wilkins products which were the products of choice for him. Interestingly, the ensuing proposal for \$6300 appears to be for Febco equipment rather than Wilkins. No suggestion was made by him regarding repair of the existing equipment. The proposal included dismantling of and reinstallation of an alarm system which apparently does not exist in the system. I told him at that time, that for an amount that large it would be standard procedure for the church to receive several bids.

I contacted several trusted sources in the area asking their recommendations. While I was pursuing those leads, Mr. Harper called back to make certain that I understood that if I did receive other bids, we should make certain that the bids received represented similar equipment. I also mentioned that in light of the fact that there was a due date hanging over our heads, I would be contacting the Water Conservation District to advise them that we were indeed working on this. He suggested that the best approach would be to not

contact the Water District and just wait until the District approached the church with a second notice.

It was at that point that I found an internet source which listed approved devices in no order of preference. To shed some additional light on the Febco/Wilkins issue, I contacted Dehlia at SYRWCD to see if a specific backflow device was recommended by the district. She referred me to the list of acceptable devices. When Dehlia learned that we were looking at a now estimated cost of \$6300 for Mr. Harper to replace this equipment, she also suggested that other bids might be appropriate. She gave me the name of Gary McDermott whom she said was a certified tester as well as a plumber. She also provided other names for consideration.

I contacted Gary. We agreed that in order to decide on a course of action he would need to take a look at the equipment. On inspection, Gary immediately suggested that equipment such as this could be repaired without replacing it entirely. Since there are two backflow devices in the 6" equipment he tested them one at a time to see where the problem was that resulted in a no-pass situation by Mr. Harper. He invited me to watch the testing process. I could see that each of the devices tested out between 1.7 and 1.8 pounds – as I understand it, well above the minimum threshold set at 1.0 for passing. This was very unexpected and disturbing to both Mr. McDermott and myself since Mr. Harper had failed the 6" device. Gary then tested the bypass. It failed. He tried to repair the device, but was unable to bring it up to 1.0. We agreed that he would replace the device sometime during this week. He expects the replacement cost to be between \$100 and \$200. I expect to have to pay for Mr. McDermott's testing services as well as the labor to replace the device. I did not advise Gary of the identity of the tester (Mr. Harper) and I did not give details of the cost involved but I did inform Gary that the first bid involved complete replacement. Gary stated that there was no question that the 6" device should have passed. I offer this documentation to be used as you see fit. If you need additional details, or if I can help in any way, please feel free to contact me at the church (688-6323).

I would also like to commend Dehlia for the professional way in which she handled this situation as well as the exemplary way in which she represented your office. She was very helpful to us in light of the large cost. She exhibited a concern and compassion for us as a consumer and customer and yet she carried out her responsibilities fairly, yet with a charming friendly attitude. She is a credit to your office. We very much appreciate the assistance she provided us.

Respectfully,



Doug Bube, Finance Manager,  
SYV Presbyterian Church  
1825 Alamo Pintado Road  
Solvang, CA 93463

Steve Harper  
1430 OLD SAN ANTONIO RD  
SANTA YNEZ CA 93466

TO Dear STEVE DATE 1-31-06

YOU WERE WRONG TO GO  
AHEAD WITH REBUILDING THE  
1/2" (NOT 2") BACKFLOW DEVICE AT  
1750 BASELINE AVE. S<sup>1750</sup> WITHOUT  
MEETING WITH THE LOCAL  
WATER DISTRICT AS PLANNED  
BEING PRESENT. YOU WERE ALSO  
WRONG TO JUST LEAVE ME A

RETURN TO **SIGNED** Message without

getting my ok. I WOULD  
NOT HAVE GIVEN THE OK  
WITHOUT THE WATER CO PRESURE  
I PAID THE \$6000 FEE YOU  
CHARGED THIS YEAR. I AM NOT  
OBLIGED TO PAY THE HIGH  
FEE FOR REBUILDING THE DEVICE

Sincerely PATRICIA B. SPANGLER

DATE TO **SIGNED** TRINITY WATER DISTRICT

REDIFORM® 4S 465 SEND PARTS 1 AND 3 WITH CARBONS INTACT. PART 3 WILL BE RETURNED WITH REPLY. J 1 2006

POLY PAK (50 SETS) 4P465 RECEIVED





Mrs. James Sprowls  
2750 Baseline Ave.  
Santa Ynez, CA 93460

SANTA YNEZ WATER

ATT: ERIC TAMBINI  
CHUCK DALSTRAM

RECEIVED JAN 8 1998

From Delia Ramirez  
January 23, 2006

I received a phone call from Mrs. Sprowls with the following to say:

- Steve Harper was out to test backflow prevention device and stated that there was dirt in her lines and that it was the District's negligence
- Steve Harper flushed Mrs. Sprowls line
- Steve was at Mrs. Sprowls during this call I spoke with him and he said he would be flushing her line again, I told him in the future if he runs into a situation like this he needs to call the District immediately so that we can send a field crew out to investigate the problem to see if it is the District's responsibility. Steve stated that he was only alerting us to document the account because this is what happened last year when he tested her device not to say it was the District's responsibility. He said he did not tell Mrs. Sprowls this was the District's responsibility. He then said that he would re-flush the line on Monday, January 16, 2006, I told him we would like to meet him out there to inspect the line
- Friday, Jan. 13, 2006 Steve called at 11:57am to inform us that he was testing the line at 1:30pm this afternoon rather than Monday. I told him that this was last minute notice, he said we were not needed to come out anyway since he had cleared the line last time he flushed.
- Mrs. Sprowls came in to the office to pay her bill she asked if someone had went out to meet with Steve, I told her no. That Steve had changed the date unexpectedly and had told me that it was not our negligence. Mrs. Sprowls said that, that was not what Steve had told her.

From Gail Jennings  
Mrs. Sprowls 688-6853  
Phone Call for the 3<sup>rd</sup> time

Re: Steve Harper noted he charged \$200.00 to repair due to dirty water

- When asked to let the Water District observe he was too busy to wait for us, yet he called and said we did not need to come out.
- Customer refuses to pay Steve as if it was dirty water it was Water District's problem
- She feels if Steve is going to operate this way he should not be on our list of approved backflow prevention testers. She thought he was a smooth talker

25-2695-0

meter 2552427

TEST AND MAINTENANCE REPORT - BACKFLOW PREVENTION ASSEMBLY

Febco 8254A RD 1 1/2"

Please Correct or Complete the Information Below:

(Serial # to be completed each test) AD41143

Location: At meter on baseline

Patricia Sprowls  
2750 Baseline  
Santa Ynez 93460

Date Mailed:

Remit to:

SANTA YNEZ RIVER WATER  
CONSERVATION DISTRICT  
IMPROVEMENT DISTRICT No.1  
P.O. BOX 157  
SANTA YNEZ, CA 93460

Completed test form due in our office by:

	Reduced Pressure Principle Assembly			Pressure Vacuum Breaker	
	Double Check Valve Assembly		Diff. Pres. Relief Valve Differential ( 2 PSID Min)	Air inlet	Check Valve
	Check Valve # 1	Check Valve #2			
Initial Test	Held at <u>7.4</u> PSID Leaked <input type="checkbox"/>	Held at _____ PSID Closed Tight <input checked="" type="checkbox"/> Leaked <input type="checkbox"/>	Opened at <u>2.8</u> PSID Did not Open <input type="checkbox"/>	Opened at _____ PSID Did not Open <input type="checkbox"/>	Held at _____ PSID Leaked <input type="checkbox"/>
Repairs and Materials Used	Cleaned <input type="checkbox"/> Replaced: Disc <input type="checkbox"/> Spring <input type="checkbox"/> Diaphragm <input type="checkbox"/> Guide <input type="checkbox"/> Pin. Ret. <input type="checkbox"/> Hinge Pin <input type="checkbox"/> Seat <input type="checkbox"/> Other <input type="checkbox"/> Shut-off Valve <input type="checkbox"/>	Cleaned <input type="checkbox"/> Replaced: Disc <input type="checkbox"/> Spring <input type="checkbox"/> Diaphragm <input type="checkbox"/> Guide <input type="checkbox"/> Pin. Ret. <input type="checkbox"/> Hinge Pin <input type="checkbox"/> Seat <input type="checkbox"/> Other <input type="checkbox"/> Shut-off Valve <input type="checkbox"/>	Cleaned <input type="checkbox"/> Replaced: Disc Upper <input type="checkbox"/> Lower <input type="checkbox"/> Spring <input type="checkbox"/> Diaphragm <input type="checkbox"/> Large Upper <input type="checkbox"/> Lower <input type="checkbox"/> Small <input type="checkbox"/> Seat Upper <input type="checkbox"/> Lower <input type="checkbox"/> Spacer <input type="checkbox"/>	Cleaned <input type="checkbox"/> Replaced: Disc <input type="checkbox"/>	Cleaned <input type="checkbox"/> Replaced: Disc <input type="checkbox"/> Spring <input type="checkbox"/> Diaphragm <input type="checkbox"/> Float <input type="checkbox"/> Seat <input type="checkbox"/> Other <input type="checkbox"/> Shut-off Valve <input type="checkbox"/>
Test After Repair	_____ PSID	_____ PSID Closed Tight <input type="checkbox"/>	Opened at _____ PSID	Opened at _____ PSID	Held at _____ PSID

COMMENTS:

New installation

OK 2-27-01 Jim

<b>NEW DEVICE</b>			
Date <u>2/20/01</u>	Certified Tester No. <u>296</u>	Passed <input checked="" type="checkbox"/>	Failed <input type="checkbox"/>
Tested by (Signature) <u>[Signature]</u>		Print Name <u>TODD HODGINS</u>	
<b>INITIAL TEST</b>			
Date _____	Certified Tester No. _____	Passed <input type="checkbox"/>	Failed <input type="checkbox"/>
Tested by (Signature) _____		Print Name _____	
<b>REPAIR/REPLACE/FINAL TEST (Please circle action performed)</b>			
Date _____	Certified Tester No. _____	Passed <input type="checkbox"/>	Failed <input type="checkbox"/>
Repaired by (Signature) _____		Print Name _____	

Acknowledged \_\_\_\_\_ Owner/Occupant

# **ATTACHMENT 5**

Steve Harper  
Steve's Backflow Testing & Repair  
1930 Old San Marcos Road  
Santa Ynez, CA 93460

May 16, 2017

Santa Ynez River Water District  
3622 Sagunto Street  
Santa Ynez, CA 93460

Subject: Alleged Tampering with District Facilities-Grand Avenue, Los Olivos

This letter is to advise you of the facts and background, relating to the alleged tampering with District facilities, that refute the accusations cited in the SYRWD letter dated April 5, 2017, RE: Tampering with District Facilities-Grand Avenue, Los Olivos.

For over 27 years I have tested, serviced and installed Backflow Devices from Carpinteria to Paso Robles as Steve's Backflow Testing & Repair. I've worked with 17 different Water Purveyors with no problems with them or them with me. I had a Water Management Service Company that provided service to the following:

Oak Trail Estate Mutual Water Company  
Meadow Lark Mutual Water Company  
Rancho Ynecita Mutual Water Company

At the time I was certified as a Water Treatment and Distribution Operator.

I am fully aware of District policy regarding the District's public water system and have always complied with the District's Rules and Regulations.

The incident in question relates to the replacement of a Backflow Device for the Wine Country Inn, 2860 Grand Avenue, Los Olivos. I did a similar installation for the Wine Country Inn at 2861 Grand Avenue two years ago with no problem.

The installation was scheduled for March 16, 2017 and involved arranging for a backhoe and operator and shipment of the replacement Backflow Device from Santa Maria. To be sure the water supply to the existing Backflow Device could be turned off I went to the site on the 15<sup>th</sup> to exercise the owner's fire valve.

On the morning of March 15, I asked the Wine Country Inn personnel to unlock their Post Indicator Valve (PIV), see encl 1. This valve is painted red denoting it is privately owned. This color coding designation is confirmed by statements made in enclosure 2.

I brought my own valve key wrench to exercise the PI Valve since I felt the fire valve wrench was inadequate and being made of cast iron subject to failure under high stress. Unfortunately my valve key is for a 2" nut and the PI Valve has a 1 ¼" nut. Using a crescent wrench with cheater bar (an extension arm to the tool), I was not able to exercise

S.Y.R.W.C.D.ID. #1

MAY 16 2017

the PI Valve. Because of this unforeseen problem and having scheduled the Backflow Device replacement for the next day, I immediately called the District office hoping a District operator could come that day and exercise the District's public water system valve. I also requested that they call me to confirm successful exercising of the valve. I then left the job site.

At no time did I attempt to operate the District's valve. In fact the Grand Avenue District valve was unreachable. A BMW sedan was parked directly above the District's main water line valve. Therefore, it should be obvious to anyone that since a District operator was requested and the District's valve was physically inaccessible, the claim that I operated the District's public water system valve makes no sense and is false and without merit.

The sequence of events described above are supported and corroborated by Wine Country Inn letter, dated April 17, 2017 see encl. 3. As stated in their letter, they arranged to have the BMW moved.

I returned to the job site at around 1pm to take some measurements. The BMW was gone but a van belonging to a contractor remodeling the Wine Country Inn restaurant was parked in its place. The contractor was asked to move the van and then I went home satisfied the area was clear for District personnel to check the District's valve. I subsequently received a call in early afternoon (3-3:30pm) indicating the District's valve was successfully exercised.

As it turned out, due to other problems that developed, it was necessary to reschedule the removal of the defective device and installation of a new Backflow Device to March 23, 2017. On the morning of the following day, March 16, I went to the District office to request that a District operator come out on March 23 to turn off the District service valve on Grand Avenue. In the process of making my request one of the operators stated, "You know you're not to touch the District's Main Line Valve". I responded, "I know that". I can only surmise that either the District operator is unaware that the Wine Country Inn PI Valve, painted red, is not part of the District's public water system or that he mistakenly thought I tried to exercise the District's valve. It would appear that this was the source of the misinformation alluded to in the District's letter which states in part "It was subsequently confirmed by the District that you operated the District's public water system valve....". Whatever the reason, an injustice has been perpetrated on me and I've suffered personally and monetarily.

On March 23 I observed the District operator attempt to turn off the District's water system valve. The District operator, Gary was having trouble closing the valve. It required two men and cheater bars to shut the valve. It is requested that the District provide me with a description, start to finish of what was observed and experienced by the District operator(s) in exercising the valve. This raises the question; did the District operator experience a similar problem on March 15? It is therefore request that I be provided a description of the March 15 exercising of the District's valve by Jose, the

S.Y.R.W.C.D.ID. #1

MAY 16 2017

RECEIVED

District operator. The descriptions should include observations such as degree of difficulty, need for cheater bars, number of personnel needed, etc.

The difficulty I observed during the District operator's attempt to close the valve leads me to ask, are the District valves inspected periodically? If District water system valves require periodic inspection, when was the last time this particular District valve was exercised? Also, since the District letter was so emphatic regarding integrity and safe operation of the public water distribution system, has the District ever issued warnings as reminders to Testers and Contractors to not access or operate District equipment or its infrastructure? If not it would seem prudent to periodically send out such safety warnings.

The unilateral action taken by the SYRWD to remove me from the List of Approved Backflow Prevention Assembly Testers without allowing me to defend against the unsupported accusation denied me a basic right to respond. A simple phone call from the District would have resolved the matter immediately. Instead the District overreacted and is punishing me on unfounded information. This is not the first time I have been falsely accused and penalized without the opportunity to defend myself. In 2007 I was taken off the Tester's List for one month by a one sided action by the District.

Depriving me of my livelihood without a fair hearing is unreasonable and unethical. Regular customers are questioning my authority to test their Backflow Devices. Loss of work resulting from this action as well as loss of customer confidence once reinstated will have a serious negative long term effect on my income. Removing me from the District's List of approved Testers has already impacted a current contract I have with a customer to replace and test a Backflow Device. I had replaced the Device but am now prevented from testing it after my name was removed from the Testers List. The result is a loss of income as well as the customer having to find another Backflow tester quickly or be penalized. I hope that we can reach an amicable agreement regarding my compensation for lost income as a result of this injustice.

Based on the above, I request immediate reinstatement to the District's List of Approved Backflow Prevention Assembly Testers.

Sincerely,



3 encl.

S.Y.R.W.C.D.ID. #1

MAY 16 2017

RECEIVED



**Subject:** RE: Post-Indicator Valve  
**From:** Fidler, Glenn (Glenn.Fidler@sbcfire.com)  
**To:** stevesbackflowtesting@yahoo.com;  
**Date:** Friday, April 21, 2017 1:25 PM

Hello Mr. Harper,

I will try to summarize my comments regarding our meeting onsite of the Wine Country Inn on April 19, 2017.

I witnessed a post indicator valve (PIV) that was painted red onsite of the property prior to the double check assembly. The reason appliances are painted red is to show they are privately owned. This valve was installed to be able to completely isolate the OS&Y valves for a complete removal and replacement without the necessity to operate the municipal street valve. Otherwise there would be no reason to install two valves in such close proximity of each other for the same purpose.

I did see that this valve was in between the street valve and the double check assembly but with it being painted red I would assume, as a public official, the Wine Country Inn would be the owner of this valve and responsible for the maintenance of this valve.

I would like to clarify that I am not discussing the street valve owned and maintained by the water purveyor. The street valve shall only be operated by authorized staff of the water company and the fire department in emergency operations only.

I would like clarification of the PIV as to ownership. If determined this is a water company appliance it shall be painted yellow to indicate proper ownership.

The operation of the PIV, as it was painted red, should have been within your ability due to the circumstance related to a complete removal and replacement of the two OS&Y valves including the double check assembly.

I hope this clarifies any confusion to the operation of an appliance painted red on private property.

S.Y.R.W.C.D.ID. #1

MAY 16 2017

RECEIVED

Encl. 2

In the Interest of Life and Fire Safety.

Glenn Fidler, Captain

Planning and Engineering Supervisor

Santa Barbara County Fire Department

4410 Cathedral Oaks Road

Santa Barbara, CA 93110

805-681-5500 H.Q.

805-681-5528 Office

805-681-5523 Dept. Asst.

[Glenn.Fidler@sbcfire.com](mailto:Glenn.Fidler@sbcfire.com)

[www.sbcfire.com](http://www.sbcfire.com)

**From:** Steve Harper [mailto:stevesbackflowtesting@yahoo.com]

**Sent:** Thursday, April 20, 2017 12:15 PM

**To:** Fidler, Glenn

**Subject:** Post Indicator Valve

As a result of our conversation on April 19 at the Wine Country Inn I would appreciate your comments regarding the Post Indicator Valve at the Wine Country Inn.

Your input in this matter would be most helpful.

Thank you,

Steve

S.Y.R.W.C.D.ID. #1

MAY 16 2017

RECEIVED

  
Fess Parker  
WINE COUNTRY INN  
LOS OLIVOS, CA

April 17, 2017

To whom it may concern;

In February of this year, the Fess Parker Wine Country Inn in Los Olivos contracted with Steve's Backflow Testing and Repair to remove a defective existing backflow device and replace it with a new one. Steve Harper is very familiar with the property as he has been servicing and testing the Inn's six backflow devices for several years.

It has come to my attention that there needs to be some clarification regarding issues relating to the March installation of the backflow device mentioned above.

This particular device is located adjacent to the main building facing Hollister Avenue. As part of the initial installation process, we removed the lock on our fire valve as Steve needed to determine how operational the valve was; and whether further work was required to insure its proper opening and closing.

Another issue surfaced when it was noticed that a BMW sedan was being parked on Hollister Avenue directly in front of the backflow device and directly above the Water District's main water line access on the street. The vehicle needed to be moved in order to afford access to the back-hoe that would be removing the old backflow device, and putting the new device in place. We determined that the vehicle belonged to a resident on Grand Avenue, and after contacting the owner, the vehicle was moved to a different location.

To further insure unobstructed access for Steve and his crew to the site area, and Water District access to the main water line, we instructed our maintenance personnel to block the street parking space with safety cones on the days before the scheduled installation dates.

Please contact me should any additional information be needed.

Sincerely,



Edward Kadlubek  
Controller / Fespar Enterprises LLC  
805-688-9868  
ed@fessparker.com

LVX™

*Professors*  
HOTEL & RESORTS

S.Y.R.W.C.D.ID. #1

MAY 16 2017

Encl 1 #3

RECEIVED

# **ATTACHMENT 6**

## Paeter Garcia

---

**From:** Chris Dahlstrom  
**Sent:** Thursday, November 29, 2018 10:15 AM  
**To:** Mary Martone; Paeter Garcia  
**Subject:** FW: Solvang approved backflow testers  
**Attachments:** Solvang Approved Backflow Testers.pdf

**Importance:** High

FYI

*Chris Dahlstrom*  
General Manager  
Santa Ynez River Water Conservation District, ID No. 1  
PO Box 157  
Santa Ynez, CA 93460  
805.688.6015  
[cdahlstrom@syrwd.org](mailto:cdahlstrom@syrwd.org)

**From:** Matt van der Linden [<mailto:mattv@cityofsolvang.com>]  
**Sent:** Thursday, November 29, 2018 10:13 AM  
**To:** Chris Dahlstrom  
**Cc:** Kristin Rubin  
**Subject:** Solvang approved backflow testers  
**Importance:** High

Hi Chris. See attached current list of approved backflow testers in Solvang. Steve's Backflow was removed from our list in December 2017 at the request of Steve Harper (not for cause). Hope this helps.

Thanks,

*Matt van der Linden*, PE  
Public Works Director/City Engineer  
City of Solvang  
411 Second Street  
Solvang, CA 93463  
(805) 688-5575

APPROVED COMPANIES/INDIVIDUALS PROVIDING BACKFLOW PREVENTION ASSEMBLY TESTING



	Shane Atkin	(tester #13626)	Exp. 10/30/19	P.O. Box 2426 , Lompoc, CA	93438	805-733-4544
	James Mainhardt	(tester #10706)	Exp. 12/31/20	314 Calor Drive, Buellton, CA	93427	805-705-8964
	Dave Mexico	(tester #06640)	Exp. 02/29/20	449 Bluebird Glen, Buellton, CA	93427	805-896-3723
	John Hodgins	(tester #P10000073)	Exp 08/30/19	PO Box 745, Santa Ynez, CA	93460	805-688-5513
Griffin Plumbing	Jeremy Griffin	(tester 05-00465)	Exp. 12/05/21	PO Box 2537, Orcutt CA 93457	93457	805-934-1949
Jacks' Plumbing	Christopher Leedom	(tester #05-01382)	Exp. 07/22/19	2011 Preisker Ln., STE A, Santa Maria, CA	93460	805-925-0199
Jerry's Plumbing & Heating	John Cockrum	(tester #10448)	Exp. 10/31/19	PO Box 736, Solvang, CA	93454	805-688-6973
Mid-Coast Fire Protection Inc	Vincent Carattini	(tester #13948)	Exp. 07/31/20	84 industrial Way Unit D, Buellton CA	93427	805-693-9900
Ron's Plumbing, Heating & AC	Eric A. Hancock	(tester #05-00847)	Exp. 08/31/19	P.O. Box 572, Solvang, CA	93436	805-736-6586
Zierman Plumbing Inc	Richard Zierman	tester #05-00681)	Exp. 08/04/20	2341 Meredith Lane, Santa Maria, CA	93455	805-928-2511
Mid-Coast Fire Protection Inc	Gary Haeuser	(tester #15255)	Exp 08/31/20	84 Industrial Way Unit D, Buellton CA	93427	805-693-9900
Mr. Backflow	Matt Graef	(tester 05-00768)	Exp. 12/22/21	PO Box 8106, Santa Maria CA	93456	805-588-0785
Petersen Backflow Services	Tom Petersen	(tester 13528)	Exp. 07/31/19	2200 Hill Haven, Solvang CA	93463	805-698-0072
Aquatrex	Mark DuBose	(tester 36-880825)	Exp. 05/31/19	218 S. O Street, Lompoc, CA	93436	805-294-0657
Jerry's Plumbing & Heating	Derrick J Santiago	(tester 16295)	Exp. 10/31/19	PO Box 736, Solvang, CA	93454	805-688-6973
Bazzell Backflow Service	David Bazzell	(tester 16697)	Exp. 08/31/20	P.O. Box 1536 Solvang, CA	93463	805-637-0175
Coast Plumbing Solutions	Jose Mejia	tester #16265	Exp 09/30/19	1674 Oak Street, Solvang CA	93463	805-691-9905

# **ATTACHMENT 7**

April 24, 2018

Gary M. Kvistad  
Attorney at Law  
805.882.1414 tel  
805.965.4333 fax  
GKvistad@bhfs.com

**VIA U.S. MAIL AND E-MAIL**

Thomas Thornton  
Hollister & Brace  
P.O. Box 630  
Santa Barbara, CA 93102

**NOTICE OF REJECTION OF CLAIM**

RE: Rejection of Stephen L. Harper's, dba Steve's Backflow Testing and Repair Service, Tort Claim for Money or Damages

Dear Mr. Thornton:

The Santa Ynez River Water Conservation District, Improvement District No. 1 ("District"), received Stephen L. Harper's, dba Steve's Backflow Testing and Repair Service ("Harper"), Tort Claim for Money or Damages on March 13, 2018 ("Claim"), which you submitted on his behalf. The Board of Trustees for the District ("Board") considered the Claim at its regular Board meeting on April 17, 2018<sup>1</sup>. The Board took action to reject the Claim in accordance with Government Code section 912.6 for the reasons discussed below.

The Claim alleges that the inclusion of false statements in the Incident Report presented to the Board amounted to "wrongful conduct" by District staff, which had the effect of damaging Harper's business reputation. The Claim alleges that the District is liable under three torts: (1) intentional interference with economic relations; (2) negligent interference with economic relations; and, (3) libel. For the reasons discussed below, the District did not commit any of the torts alleged.

1. Intentional Interference with Economic Relations. Intentional interference with economic relations requires the plaintiff to prove: 1) a prospective or existing business relationship; 2) a "probability of future economic benefit" from the business relationship; 3) injurious interference; 4) wrongful conduct, separate from the interference itself, that falls outside the boundaries of fair competition; and, 5) intent to interfere with another's prospective business advantage. Harper failed to show any specific prospective or existing business relationship that was harmed by his removal from the List. Nor did he show a probability of future economic benefit from any such relationship. Instead, Harper submitted only general information of income for his business as a whole, which is not limited to the testing of backflow prevention devices or to customers within the District's service area. Nor does such general information show any nexus or likelihood of Harper being selected from the List by any prospective customers within the District. Further, there was no evidence in the Claim that the District committed wrongful conduct or intended to interfere with Harper's business relationship.

---

<sup>1</sup> Neither Harper nor any representative from your firm were present at the meeting so the Board considered the Claim based on the information submitted.

1020 State Street  
Santa Barbara, CA 93101-2711  
main 805.963.7000



2. Negligent Interference with Economic Relations. Negligent interference with economic relations requires the plaintiff to prove: 1) a prospective or existing business relationship; 2) a duty of care owed to the plaintiff (established by a special relationship between plaintiff and defendant); 3) wrongful interference; and, 4) that the defendant proximately caused plaintiff's injury and damage by interfering with the relationship, causing a business loss. Harper failed to show any specific prospective or existing business relationship that was harmed by his removal from the list. Instead, he submitted only general evidence of income for his business as a whole, which is not limited to the testing of backflow prevention devices or to customers within the District's service area. For this same reason, Harper failed to establish the fourth element of this tort, proximate cause. Next, the requisite duty of care is lacking. Nor does the Claim establish the third element of this tort, "wrongful interference."

3. Libel. Libel requires a showing of: 1) a written publication, 2) a false statement of fact of or concerning the plaintiff, 3) that the plaintiff was exposed to hatred, contempt, ridicule, disgrace, or injury in his occupation, and, 4) the absence of absolute privilege. Harper failed to establish several key elements of the tort of libel. First, Harper has not and cannot establish falsity. The evidence on record establishes that the District owned the PIV in question and that Harper attempted to access and manipulate that valve without prior express approval from the District. Second, Harper has made no substantive showing that he was exposed to hatred, contempt, ridicule, disgrace, or injury in his occupation. Moreover, the existence of an absolute privilege is fatal to Harper's libel claim, as the District is protected by official duty privilege.

The District also has several affirmative defenses to the Claim. Government Code section 820.2 states that "[e]xcept as otherwise provided by statute," a public employee is not liable for an injury resulting from an act or omission that was "the result of the exercise of the discretion vested in him, whether or not such discretion be abused." Harper failed to exhaust administrative remedies by not applying for reinstatement<sup>2</sup> before challenging an administrative decision. Harper also failed to mitigate damages. Where Harper sought to improperly control the exercise of the District's discretion and compel the exercise of discretion in a particular matter, the District may assert its right to exercise discretion as a defense. Last, the alleged damages are speculative.

The following statutory notice is provided in accordance Government Code section 913:

**Notice is hereby given that the claim which you presented to the Santa Ynez River Water Conservation District, Improvement District No.1, ("District") on March 13, 2018 was rejected by the Board of Trustees of the District in its entirety on April 17, 2018. (Government Code Section 913)**

**WARNING:**

**Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. (Government Code Section 945.6)**

---

<sup>2</sup> The Board of Trustees' June 20, 2017 decision to remove Harper from the List expressly provided Harper with the opportunity to reinstate his status as an approved tester in six months. Harper never availed himself of this opportunity.

**You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately. (Government Code Section 913)**

If you have any questions regarding this Notice of Rejection of Claim, the action taken by the Board or otherwise, please do not hesitate to contact us.

Sincerely,



Gary M. Kvistad

cc: Chris Dahlstrom, General Manager  
Paeter Garcia, Legal Affairs and Policy Manager

16763296

# **ATTACHMENT 8**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

DEC 20 2018

Darrel E. Parker, Executive Officer

BY *D. Castelli*  
D. Castelli, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
IN AND FOR THE COUNTY OF SANTA BARBARA  
COOK DIVISION

STEPHEN L. HARPER,

Plaintiff,

vs.

SANTA YNEZ RIVER WATER  
CONSERVATION DISTRICT,

Defendant.

) Case No.: 18CV04084

)  
) RULING AFTER SMALL CLAIMS  
) HEARING AND ORDER

The court finds as to the monetary portion of the case that the Santa Ynez River Water Conservation District is immune from the payment of damages pursuant to Government Code § 818.4, which applies where a loss is occasioned by the suspension or revocation of an approval the entity is authorized to give.

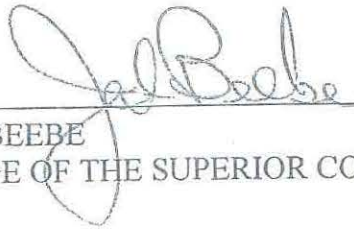
As to the equitable portion of the case, the court finds that the decision to remove plaintiff Stephen Harper from the list of approved backflow prevention device installers was potentially affected by a mistake of fact. Mr. Harper, the court has found, did not exercise the

REC'D W.C.D. ID 2  
JAN 03 2019  
RECEIVED

1 blue valve at the street and suspicions to the contrary are unfounded. He did attempt to exercise  
2 a red-painted valve under the apparently reasonable belief that it was permissible to do so. The  
3 decision as to what action to take on these facts is properly that of the District's Board and not  
4 the court. The court, however, does order that the Board reconsider its decision. If no action is  
5 taken by April 1, 2019, to do so and the District takes no appeal from this decision, Mr. Harper  
6 shall be restored to the list.

7 IT IS SO ORDERED.

8  
9 DATED: 12/20/2018

10   
11 \_\_\_\_\_  
12 JED BEEBE  
13 JUDGE OF THE SUPERIOR COURT  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RESOLUTION NO. 785

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1  
CREATING A NEW AND SEPARATE SEPARATION AGREEMENT ACCOUNT AT RABOBANK  
AND APPROVING SIGNATORIES TO THE ACCOUNT

WHEREAS, the Santa Ynez River Water Conservation District, Improvement District No.1 ("District"), in order to effectuate the District's, withdraw and separation from the Cachuma Operation and Maintenance Board ("COMB"), and to memorialize other agreements with COMB, entered the "Cachuma Operation and Maintenance Board Joint Powers Authority Separation Agreement" dated August 28, 2018 (the "Separation Agreement"); and

WHEREAS, the Separation Agreement sets forth various respective rights and obligations of the District and COMB, and various related procedures, including but not limited to rights, obligations, and procedures regarding certain payments to be made by the District to COMB pursuant to the Separation Agreement; and

WHEREAS, among other procedures, the Separation Agreement provides a process for the District to dispute payment amounts contained in itemized invoices received from COMB and to pay such disputed amounts, if any, into a separate account mutually identified and agreed to by the parties, wherein such disputed amounts are to remain in said separate account until such dispute is resolved and the parties agree to release amounts from the separate account according to the resolution of such dispute; and

WHEREAS, the District has for many years maintained and currently maintains a General Operating Account at Rabobank for payment of all warrants, bills, and claims presented to and authorized by the District; and

WHEREAS, the District wishes to open a new and separate bank account at Rabobank to enable the above-described process in the Separation Agreement on an as needed basis.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, as follows:

1. The District's Administrative Manager/Secretary to the Board of Trustees is authorized to open a new and separate bank deposit/checking account at Rabobank for purposes of the Separation Agreement;
2. The following District Officials are authorized to be signatories on said account: Trustee Harlan Burchardi; Trustee Jeff Clay; Trustee Brad Joos; Chris Dahlstrom, General Manager/Treasurer; and Mary Martone, Administrative Manager/Secretary to the Board of Trustees.

WE, THE UNDERSIGNED, being duly qualified and acting President and Secretary respectively, of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, do hereby certify that the above and foregoing Resolution was adopted and passed by the Board of Trustees at a Special meeting held on the 26<sup>th</sup> day of March 2019, by the following roll call vote:

AYES, in favor thereof, Trustees:

NOES, Trustees:

ABSENT, Trustees:

ATTEST:

---

Mary Martone, Secretary to the Board