

Minutes of the Casitas Municipal Water District
Board of Directors Regular Meeting Held
March 23, 2005

A regular meeting of the Board of Directors was held March 23, 2005 at Casitas' Office, Oak View, California. Directors Hicks, Kaiser, Bennett, Baggerly and Word were present. Also present were General Manager, John Johnson; Rebekah Vieira, Clerk of the Board; and Attorney, Rob Sawyer. There were three staff members and no members of the public in attendance. President Hicks led the group in the flag salute.

1. Public comments.
None

2. Board of Director comments.

Director Baggerly asked Mr. Johnson if he had any idea of how much water was lost to the district this water year due to the Robles Fish Passage Facility and it's release of water for the steelhead trout. Mr. Johnson responded that he had talked to Steve about the need to make that calculation but he is not sure if that calculation has been made yet. Director Baggerly then said that he is aware that traditionally water agencies use averages for water calculation and if we spill this year will the amount of water spilled to the Ventura River be averaged into the amount of water previously calculated as being lost which caused a decrease to the safe yield to Lake Casitas. President Hicks added that spill wouldn't change safe yield would it? The City loses the first water over the dam. That is the way that the agreement is written. Mr. Johnson replied that spill will not change the safe yield.

Director Baggerly asked why wasn't the water released downstream in the initial operating criteria ever challenged by this district. The initial operating criteria, trial operating criteria, did you ever consider it to be a taking? Mr. Johnson replied that first of all that was in 1959 so I was not here then. My understanding of the original water rights included in the 1959 criteria in them so it was a part of the development of the water rights in the first place so we did not have water rights before that and they were integrated into the water rights that we were ultimately given. Mr. Merckling said that he was under the impression that the water release requirements initially were part of the City of Ventura requirements. Mr. Johnson added that the idea of the 1959 release requirements was that the district was attempting to come up with an agreeable methodology with the City of Ventura so that we would not violate their rights. That trial operating criteria was put together, shared with the City of Ventura. I am not sure of what the discussions were but those trial operating criteria went into our water rights that basically said that if we did this we would try to determine if that affected theirs. Later on in about the mid 1980's the City of Ventura and this district has a long discussion about water rights and if we were affecting their water rights. We hired Don Keenland to evaluate that as a conjunctive use discussion but it turned to if we were affecting their rights by our diversion which was the whole idea of the trial operating criteria. Director Baggerly said that would be in the conjunctive use EIR back then for the City.

Mr. Johnson said that the methodology for the development of the latest safe yield originally came out of Don Keenland's study.

Director Baggerly then commented that now that the diversion canal is closed to further diversion this year, the District needs to inspect the canal for panels that have become dislodged or moved or lifted. These panels may need to be repaired to insure against a catastrophic breach out there. Mr. Johnson answered that we have already inspected the canal. We have budgeted for the replacement of ten panels.

Director Baggerly then said that the ground is really wet and if we are going to do something about rodents now is the perfect time. Mr. Johnson replied that there are a lot of issues about dealing with rodent control with gas. One is on the face of the dam and I have been provided information today and there is real concern if there are holes to find when they are under rocks. You would have to move almost all the rocks on the dam. It appears we do have a problem there. Reclamation has always been very concerned about rodent holes on the dam. The issue gets down to how you deal with them effectively. If you preclude the use of the anticoagulants then you almost have to send someone on the dam to find the holes. The trouble with the dam now is that it is even steeper than it was before. We injured someone severely on the dam in the past just trying to get rid of the weeds. I have real concerns about putting someone on that steep dam as far as safety goes. We have always tried to engender a safety first issue here at Casitas in order not to hurt our employees because they are so important to us. This is kind of one of those things that is bumping up against that policy of being safe and putting someone on a very steep dam that we have already has one injury on. We have now started to use helicopters to spray the dam and hiring people from the outside to do it. The concern is how much effort it will take using just the fumigation.

Director Baggerly requested that all available job openings be posted for all the existing employees so that they could apply for these jobs should they desire to do so. He then commented that rattlesnakes have been spotted around the dam area. Recreation staff should be made aware that snakes may be out early, or may be confused by weather patterns. Appropriate educational information should be made available to campers and visitors at the recreation area. He added that there was an article in the paper regarding the gate for the restaurant and the request that it should stay open. President Hicks replied that we need to look at that. Lastly, Director Baggerly stated that he has asked the General Manager for specific information regarding the reinstatement of lifetime healthcare retirement benefits to qualified retired board members and he wanted to know when the information would be forth coming. Mr. Johnson replied that as he mentioned in his e-mail responding to you he remembered when it occurred and he thought it was the last time we adopted the Personnel Ordinance. I have asked Rebekah to get the minutes of that meeting and that actual agenda item to provide to you. He added that he couldn't come up with it before the meeting.

Director Kaiser asked about the panels along the diversion canal and that ten panels have been budgeted for. Is this an amount each year or are those identified as being problem panels. Mr. Johnson replied that they are problem panels. Director Kaiser

said that being the case, have we sought any FEMA assistance? Mr. Johnson said no. Director Kaiser responded that we should include it. Mr. Johnson said o.k. Director Kaiser said he was at the Kids Fishing Derby this Saturday and Director Baggerly was also there with his wife and I was there with my wife and kids. Director Kaiser commended Brian, Suzi, the rangers that were involved, and the volunteers that made the whole thing happen. It was well planned, put together and having a canopy to protect the participants from the intermittent rain showers was good. Having the different agencies there both non profits and the dept of fish and game was good. It was a fantastic event. I saw smiles and a lot of ketchup and mustard and hot dogs in the mouths of the kids. Brian Roney said we are estimating about 700 attendees. President Hicks said that is terrific. Director Kaiser said there were some last minute pleas to the Department of Fish and Game to bring fish in. Suzi was able to convince the local Department of Fish and Game to make that happen. It was an excellent event and he personally congratulated the staff. Director Baggerly said we should do more of the events.

President Hicks asked if we had any word from FEMA. Mr. Johnson responded that Steve has met with FEMA and they were getting together and talking about the projects. They were going to try to get out some of the money on things that were already fixed pretty quickly but the other project they were still talking about.

President Hicks asked if NOAA had been in the river to see if there were any fish. We have had the second biggest rainfall and they are not out there looking for fish. Why don't we send a letter to McInnis and ask him to come and see. There is more water then we will ever have and now is the time when they are supposed to come up the river and the fact that they are not out there looking boggles my mind. Director Kaiser asked if it would be appropriate to copy US Fish & Wildlife. Director Hicks said absolutely. We need to send a registered letter. We have some people out there and have there been any sightings? Mr. Johnson replied that we have had people out there looking and there have been no sightings. President Hicks continued I think NOAA pushing this and requiring us to build a nine million fish ladder and there are not out there looking. I can't believe it. Director Baggerly asked if you know they are not. President Hicks said our people tell us that they are not out there. Maybe they are. Director Baggerly said he knows people that have been out. President Hicks added that if this is a big deal and we have more water than we will ever have you would think they would be down there monitoring it. Director Baggerly said he did not know that they had not been out there.

Director Kaiser commented that John is checking into an e-mail from Mr. Fuller that each board member received about the billing issue regarding his water service. On the bulletin board up there I noticed the flyer saying our billing has changed to serve you better. That did not happen for this gentleman. President Hicks asked if John had seen the e-mail. Mr. Johnson said he has not seen it. He has talked to Pete about it. Director Baggerly said he had forwarded it to you. Director Kaiser went on to discuss the second page of the e-mail that is of concern. There was some type of issue related to how this person was treated during his discussion on the phone with the billing department and more specifically the billing manager. This needs to be checked into and should be referred to the appropriate committee for either resolution or further action. Director

Hicks said he has been around enough to know that there are two sides to every story but on the other hand this sound very bad on the surface and for one of our people to be discourteous to a customer is not something that we want. He asked John to look into it and get back as soon as possible to the appropriate committee.

Director Baggerly said he had an e-mail from Frank Bennett of OBGMA and I am the districts representative to the agency. Southern California Water Company is will to donate their San Antonio Well #E2 as a monitoring well. Can I give some direction from the board about this issue? Director Kaiser asked if it was appropriate for the Water Resources Committee to look at this. Director Word asked if it is a functioning well. Director Baggerly said he is not sure. They did drill a new one close to it. Director Word asked why they would abandon a functioning well. Director Word added that it is not being offered to us. Director Bennett said it is an OBGMA decision. President Hicks said we can't help you on that. Director Baggerly said I just need some direction. Mr. Johnson said it is not on the agenda and if you are asking for direction that would need to be on the agenda. Director Kaiser said that it could be deferred to Water Resources. Rob Sawyer said that Director Baggerly is this agencies designated representative on that board. Who actually does the monitoring for the GMA? Director Baggerly said there is a consultant. Rob said that it can be an asset in terms of mapping out if the idea is that they drilled one nearby this is not useful as a pumping well and if they had to shut it down it might be useful to the GMA as a static monitoring well it might be a real asset. You could drop a measuring device in a monitoring well you don't pump it. You move a portable pump to it. If the engineer who is doing the monitoring for GMA thinks it is a good thing then either with the authority as a representative Director Baggerly should let his opinion be known to the GMA. Rob said it is up to the engineers to say if it is a useful tool. President Hicks said Russ is our representative and I trust his judgment on that.

3. Consent Agenda. APPROVED
 - a. Minutes of regular meeting held March 9, 2005.

The Clerk of the Board reported an addition on page fifteen of the minutes clarifying Director Kaiser's comments. He added in the words that we have experienced the perfect storm related to all these costs converging related to the fish ladder, the state property tax, increased health benefit costs and the current disaster costs.

On the motion of Director Bennett, seconded by Director Kaiser and passed the consent agenda was approved.

4. Bills. APPROVED

President Hicks asked about a temporary disability claim. Rebekah Vieira responded that there was an active workers compensation claim and there were temporary disability payment under Workers Compensation. President Hicks asked if we made that payment because we are self insured. Mr. Johnson replied that we make all the payments. President Hicks asked if he was back at work. Rebekah replied yes.

Director Hicks then asked about the three refunds on trailers and are three people taking their trailers out of there? Brian Roney replied that we have been asking for information as to why they are pulling them out but people don't like to say why they are leaving. President Hicks said that three seems like a lot in one month and he thought maybe we had a problem out there.

Director Baggerly recognized the change in administration putting in the voided checks.

On the motion of Director Hicks, seconded by Director Kaiser and passed, the bills were approved.

5. Committee/Manager Report(s). APPROVED FOR FILING
 - a. Water Resources Committee Report
 - b. Water Conservation/PR/Legislative

Mr. Johnson reported that at the Water Resources we talked about Senior Canyon billing ratios and we talked about sending them a letter to revise that ratio. It appears to be way out of date. We will send them a nice letter asking them for information.

On the motion of Director Bennett, seconded by Director Baggerly and passed the committee reports were approved for filing.

6. Resolution approving contract with John Baker for the organizational study
ADOPTED

Director Baggerly moved to approve the contract with some corrections that he handed to the board. He said that he did talk to Mr. Baker and he does not have a problem with the changes and they are minor. Director Word asked why are you talking to Mr. Baker. Director Baggerly said because he has a phone. I want to make sure it does not bother him. President Hicks asked what kind of changes are we talking about. Director Baggerly said I believe that this is the type of study should be between the Board of Directors and the consultant and so I just changed the word General Manager to Board of Directors/Personnel Committee. President Hicks asked if he thought the General Manager should be involved in the study. Director Baggerly said no I don't. I think that the consultant should report directly to the Board of Directors. President Hicks said there may be some items where the General Manager may have the answers to that he will need. I don't see how he can eliminate the General Manager from the study. Director Baggerly added that task 4.2 draft report would be reviewed with District which would be the General Manager and staff for factual accuracy. They would have input but I want to make it absolutely clear that this is the Board's study of organization and management for the district. Director Word asked if that should come directly from the Board rather than you going directly to the contractor? Director Baggerly said I don't see why. Director Word said I do. Director Baggerly said the issue was one that I have a lot of concern about and I don't see why I shouldn't have talked to him. President Hicks said I don't

think that there is a problem talking to the consultant but making a change in something that has already been proposed is presumptuous. Director Baggerly said it is for the Board's benefit. Director Word asked on the item between 4.2 and 5.1 we do need to have this brought back to the Personnel Committee before it comes back to the Board for the draft review. Between 4.2 and task 5.1 presentation to the board of directors meeting there is one step in there where it should go to the Personnel Committee prior. Director Kaiser asked what would be the reasoning behind that. If this is something where the board is having certain oversight in why would it need to go to the Personnel Committee? Director Word said that between the factual accuracy and before the final draft to the board it should go to the Personnel Committee. The Personnel Committee suggested that it be done and is trying to organize it. Just like the audit report goes to Finance Committee and the report comes to the board. President Hicks said he has a problem limiting the General Manager. I don't see how you can do a review without having the General Manager involved. Director Baggerly said he will be involved. President Hicks asked what the point is in scratching out the General Manager. Director Baggerly said we want the consultant to report to us. We don't want it to go through the filter of upper management. President Hicks said he agrees with that but I don't see how the General Manager can not be involved in the study itself. Things will come up which only John can answer. Director Baggerly said it is not the direction to eliminate the General Manager from participating in the study. It is to make it clear to the public that the Board is to get the draft and not staff so that it doesn't go through that filter of staff. President Hicks said I agree with that it should come to the Board, we requested it. Director Bennett said it should come to the Personnel Committee first. The General Manager will be there and the Personnel Committee but at least it is done through the committee. It is a board filter. Is there a particular area in comparing the two? Director Kaiser said the change is the written in portion.

A motion to adopt the resolution was presented by Director Baggerly, seconded by Director Kaiser and adopted by the following roll call vote:

AYES:	Directors:	Hicks, Kaiser, Bennett, Baggerly and Word
NOES:	Directors:	None
ABSENT:	Directors:	None

Resolution is numbered 05-30

7. Resolution approving title change and salary adjustment for Ron Yost.
ADOPTED

Mr. Johnson said that the item is straightforward. We are trying to create a fourth level in Utility Worker titles. Ron has been doing an excellent job for us and we would recommend it.

Director Word commented that this one and the following one we need to authorize the position, changing the position, create the position and then we move someone into it or approve them going into it. When we write these with the individual's

name it looks like we are writing it for that specific individual and when that person leaves that position still is going to be there. Director Kaiser said it is an excellent point and it should be identified as the classification or assignment of the position. President Hicks said this is something Mr. Baker may get into. Director Word said the position is needed and we need to recognize him going into it. In the future we need to think about doing that for the position first and then we move someone into it. Unless our intent is that the position will go away when that person leaves. Director Kaiser said I think the only exception would be if there is someone performing meritoriously. Director Word said then we give a merit increase. Yes we have the need for this job, we have someone well qualified to do it. Director Kaiser said and someone who is performing well.

A motion to adopt the resolution was presented by Director Kaiser, seconded by Director Baggerly and adopted by the following roll call vote:

AYES:	Directors:	Hicks, Kaiser, Bennett, Baggerly and Word
NOES:	Directors:	None
ABSENT:	Directors:	None

Resolution is numbered 05-31

8. Resolution approving a classification assessment and adjustment in pay grade for Dorothy Fortner.

ADOPTED

Mr. Johnson reported that this is an existing position to another existing job title. Administrative Assistant is already in existence. The pay scales would change from 39 to 42. 39 is about \$42,000, 42 is about \$57,000. This would recognize new responsibilities and additional certifications.

A motion to adopt the resolution was presented by Director Baggerly, seconded by Director Bennett and adopted by the following roll call vote:

AYES:	Directors:	Hicks, Kaiser, Bennett, Baggerly and Word
NOES:	Directors:	None
ABSENT:	Directors:	None

Resolution is numbered 05-32

9. Information items:

Level of lake –03/15/05 - -564.42 feet above mean sea level (2.58 feet below spill elevation); present storage is 247,011 acre feet (6,989 acre feet below full capacity of 254,000 acre feet, 120,011 acre feet above half capacity, or 97.25% of full capacity.

- a. County of Ventura Investment Report for February.

- b. Letter from Rodney McInnis regarding the Robles Diversion Fish Passage Facility.
- c. News Articles of Interest
- d. Investment Report of March 18, 2005.

Rob Sawyer asked a question regarding Mr. McInnis letter and we have to be very careful with the writings. This is a positive response in light of those cautions that agencies use. President Hicks said he liked the letter. Rob reported that Staff worked hard to get them enough information.

10. Closed Session (Govt. Code Sec. 054957.6)

- a. Conference with Labor Negotiators:
District Designated Negotiators: John Johnson, Rebekah Vieira
Employee Organizations: SEIU, Recreation Unit, General Unit, Supervisory Unit.
- b. Conference with Legal Counsel—Anticipated Litigation:
Significant exposure to litigation – facts and circumstances that might result in litigation against the agency, but which the agency believes are not yet known to a potential plaintiff or plaintiffs. Govt. Code Section 54956.9(b)(3)(A)
- c. Conference with Real Property Negotiators (Section 54956.8):
District Designated Negotiators: John Johnson, James Word, Chuck Bennett
Property: Appropriative water rights, including future appropriative water rights, to the waters of Matilija Creek, and associated appurtenances including Matilija Conduit.
Negotiating Parties: Ventura County Watershed Protection District, County of Ventura, and California State Water Resources Control Board
Under Negotiation: Price, identification and nature of consideration other than cash, and terms of payment.
- d. Initiation of litigation pursuant to subdivision (c) of Section 54956.9: two cases.

President Hicks adjourned the meeting 3:35 p.m. A closed session was not held.

Secretary