

Minutes of the Casitas Municipal Water District
Board of Directors Regular Meeting Held
September 14, 2005

A regular meeting of the Board of Directors was held September 14, 2005 at Casitas' Office, Oak View, California. Directors Hicks, Kaiser, Bennett and Baggerly were present. Director Word was absent. Also present were John Johnson, General Manager, Rebekah Vieira, Clerk of the Board; and Attorney, Rob Sawyer. There were two staff members and five members of the public in attendance. Director Hicks led the group in the flag salute.

1. Public comments.

Bill Buzin, 21 W. Oakview Avenue addressed the board regarding his 5.14 acres next to the district office. Mr. Buzin said he never knew this meeting exists and no one tells him anything. He added that he gets educated the hard way. President Hicks asked him where his mailing address was. Mr. Buzin replied 21 W. Oakview Avenue and I didn't know this meeting was here. I could have resolved a lot of problems and eliminated thousands of gallons of precious oil that OPEC is trying to control. You know that OPEC oil is backing up terrorism boys. You know that don't you. I am doing some extensive work. I don't want big massive polluting homosapiens to occupy the five acres next door. People want to get the property and put in a six or eight inch water pipe and I don't care for that. We have lots of malls and Vons and Gelson's and all that down below. All I want is a place where I can enjoy myself over here. Maybe a small bed and breakfast. I want to have a showroom of gardens of the world. Gardens need water unfortunately although there are some plants that absorb the moisture out of the air and can grow that way. I was majoring in horticulture and a lot of different aspects of botany. I will have limited amount of activity on my five acres. Mostly it will be in plants and a place to enjoy. Not to make max dollars. President Hicks asked how long he had the property. Mr. Buzin replied about a year to two years. President Hicks asked what it is zoned for. Mr. Buzin said commercial, there is a road behind and one in front. President Hicks asked him what he is asking for. Mr. Buzin said aren't you the water board? Director Bennett asked if he had been to the front counter and spoken with Andy. Mr. Buzin replied he has talked with Andy for a long time. Andy knows my attitude of what I want. Other people want to buy the property and put an eight inch water pipe. There is a 39 inch pipe underneath owned by the federal government. Do you know that? Mr. Johnson replied we know that. Director Kaiser added that we are trying to understand what your issue is. Mr. Buzin replied that I want to develop a pleasant place to come here. Gardens of the world, some waterfalls, rivulets, ponds, koi fish. I don't want any massive commercialism. That I don't want. I want enough water. Of course I could bring in my own water or dig a deep well I guess but I want to do it the easy way. I know it is kind of a dangerous place over here. I don't know if you know that a couple of people got killed on the curve up here. There is a raceway going up and down highway 33 and I am well aware of it. I spoke with Caltrans and talked about transportation and I have talked with a lot of people for a long time. I don't need the money for big massive development. All I want is a little piece over there, have a person 24 hours guarding the

place, hire some security because people are coming in and dumping. People don't care if they dump or not because of the shortage of police. I should have written a long, complete story of problems. President Hicks thanked Bill for his comments and he would have the general manager talk with Andy and see what your situation involves and bring it back to the board so that we understand it even better. You are giving us an overview of what you want to do. You will want to go to the water resources committee first. Mr. Johnson gave Mr. Buzin his card and suggested that Mr. Buzin call and come by to go over the issues.

Tom Adler commented that he was not sure if he was on the agenda today or not. Rebekah Vieira said you are on the Water Resources Committee Meeting on Monday. Mr. Adler said he has accomplished everything on the checklist. Mr. Johnson said if you have accomplished everything on the checklist Andy should be able to take care of you. Mr. Adler said the letter that I got was dated August 5th and I was traveling for the first two weeks and I only had two weeks to perform. I spoke with Andy, Bob and Rebekah. I rushed everything. I have now performed everything for not only the first 30 but for the first 60 days. Mr. Johnson said if you have completed everything go see Andy, if you have finished everything you can move on. Mr. Adler continued so the extension, the letter that I wrote requesting the extension isn't an issue. Mr. Johnson said it is an issue but if you complete the process before the extension is done then it is an administrative issue. Mr. Adler thanked the board.

2. Board of Director comments.
 - a. Report from Fish Passage Forum Meeting

President Hicks commented on the area behind the water park and it looks the worst he has ever seen it. There is an old trailer out there that is worse than anything we had in the trailer lot. Who does it belong to? Brian Roney said it belongs to a church who had rented the area and they haven't picked it up yet. We gave them a time period and if they don't pick it up we will have it removed. President Hicks said he wants it moved. Director Kaiser asked how much time they were given. Brian Roney said they sent a letter and gave them thirty days. Director Kaiser thought that was excessive considering the situation.

President Hicks said that Director Baggerly gave a good report on the Fish Passage Forum and asked how often they meet. Director Baggerly said quarterly. Director Baggerly said it doesn't say who was appointed. President Hicks said you are appointed. Director Bennett said Director Word can be the alternate.

3. Consent Agenda. Approved
 - a. Approval of attendance at a seminar on Health Savings Accounts being held in Santa Barbara on November 10, 2005 at a cost of \$329.00 for the Assistant to the General Manager.
 - b. Approval of Purchase Order #06556 to FGL Environmental in the amount of \$10,594.00 for compliance sampling.

- c. Approval of attendance at the State Controller's Workshop being held September 15th in Los Angeles for the Accounting Manager.
- d. Approval of attendance at the Special District and Local Government Institute on Finance for the Accounting Manager being held October 6-7 in Palm Springs at a cost of \$550.00.
- e. Approval of leak relief for Hardy Moll in the amount of \$242.11.
- f. Approval of leak relief for Shemaine Hillery in the amount of \$245.91.
- g. Declaring items as surplus equipment and authorization to dispose of if it is not sold.
- h. Approval of attendance at the Understanding & Managing Sales & Use Tax seminar being held in Ventura on October 24th at a cost of \$195.00.
- i. Resolution authorizing Denise Collin and John Johnson to deposit or withdraw funds from the County of Ventura Pooled Money Investment Account Fund 5190.
- j. Resolution authorizing Denise Collin and John Johnson to deposit or withdraw funds from the Local Agency Investment Fund Pooled Money Investment Account Account:90-56-004.
- k. Approval of purchase order to Landmark Grading & Paving for asphalt patch at various locations throughout the district at a cost of \$15,070.00.
- l. Approval of a nine month extension for Blake Wilson's project located at 155 El Roblar, Meiners Oaks. No further extensions will be permitted.
- m. Approval of an ad hoc committee to work with the OBGMA on the San Antonio Spreading Grounds Project and authorize board attendance as a paid meeting.
- n. Approval of a change order on the Weir Project in the amount of \$2,100.00 to install cables at 12" deep instead of 6" deep in the rock weir.
- o. Recommend approval of the Aquatic Pesticide Application Plan for Copper Sulfate.
- p. Approval of the Ventura County Regional Water Management Group request for supplemental funds in the amount of \$800.00.
- q. Resolution authorizing the General Manager or his designee to sign documents related to the Underground Storage Tank Cleanup Fund.
- r. Authorize the General Manager to sign grant agreement with the Pacific States Marine Fisheries Commission to raise the elevation of the timber Debris Fence.
- s. Resolution approving of membership in CAPIO for the Conservation and Public Affairs Manager and attendance at the conference.
- t. Approval of the legislative proposal to require Department of Parks and Recreation and Boating and Water Ways to use their money for Boating Projects.
- u. Resolution approving membership in the Fish Passage Forum and authorization for the Board to attend as paid meetings.
- v. Resolution authorizing execution of an agreement between Casitas Municipal Water District and Ernst and Young for Audit Services for the State Water Project.

- w. Approval of John Johnson for the ACWA Insurance and Personnel Committee and Susan McMahon for the Clean Water Subcommittee.
- x. Approval of the draft incidental take report and authorization to submit to Reclamation, NOAA Fisheries, and Department of Fish and Game.
- y. Resolution Adopting a Memorandum of Understanding with Castaic Lake Water Agency, Casitas MWD, The City of San Buenaventura and United Water Conservation District for use of flexible storage account for Castaic Lake.
- z. Support of Mr. Acosta for the CSDA Board of Directors.
- aa. Approval of a vote for Don Hauser, Calleguas Municipal Water District for ACWA Region 8.
- bb. Recommend approval of renewal contract with Hazelrigg Risk Management Services for a minimum of \$3,000 per year for fiscal years 2005 – 2008.
- cc. Confirm General Manager’s approval of payment for CSAC Excess Insurance Authority billing for Workers Compensation Excess insurance in the amount of \$36,743.
- dd. Authorize General Manager to pay bill to Driver Alliant Insurance Services for Liability Coverage at a cost of \$51,322.11.
- ee. Un-approve Purchase Order #06467 to Fini Enterprises in the amount of \$13,000 for the annual purchase of Ferric as no money has been spent.
- ff. Approval of purchase order #06582 to General Chemical Performance in the amount of \$13,000 for the annual purchase of Ferric Sulfate.

Director Baggerly stated that we need to appoint some people to the OBGMA under item m on the San Antonio Spreading Grounds project. Director Bennett said they had this at a sub committee meeting and the reality is the Ojai Basin Groundwater Management Agency has things coming up and because they are under Casitas as far as our responsibility for long term drought. They are talking about new debris basins and new ways of collecting water. We felt in the sub committee that it would be very important to be involved in that. It is in Director Baggerly’s and my district and I would ask that we be assigned to that ad hoc committee. Director Baggerly added that the second most important project on the prop 50 Ventura County Integrated Management planning program is this OBGMA San Antonio spreading grounds project. One of the primary issues has a budget of 37,000 a year and there is no way they will be able to find the matching funds for the grant should it come to pass. The jurisdictions are trying to find ways to come up with in kind donations for matching grants, the city will be and Southern California water and we ought to be involved in that as well. President Hicks asked where the spreading grounds are. Director Baggerly said on Jim Coultas’ property. President Hicks said you are both appointed.

On the motion of Director Bennett, seconded by Director Kaiser and passed the Consent Agenda was approved with the following roll call vote:

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

ABSENT: Directors: Word

Resolutions are numbered 05-56, 05-57, 05-58, 05-59, 05-60, 05-61 and 05-62

4. Bills. Approved

Director Kaiser asked about #19163 for porta potty rental for the wine festival and asked if we pay for it. Brian Roney said we pay for it because in the contract we are required to provide them and the ones that we have need repairs.

Director Bennett asked about the Internal Revenue corrected returns. It is a small amount of money but I was curious as to what that is about #19203 is where it starts. Mr. Johnson said there were some small corrections that needed to be made. Director Bennett asked what the returns were. Mr. Johnson said income tax returns. We subtract income tax from the payroll check of the employee and we transfer that on to the Federal government.

Director Kaiser asked how the district is made whole in the situation of the rental for the porta potty. Mr. Johnson said we collect a few and we run the parking. I think we had a report to you a couple of months ago and we had made quite a bit of money over it. Basically what is involved in it is you get an income and then a small expense because we hired out the chemical toilets for this event. They run a nice event. They don't want to see our old chemical toilets. He continued that we make quite a profit on the event.

Director Baggerly commented on a consent item for \$36,733 has already been paid. Mr. Johnson said we ran out of time to get that approved by the board and I figured that we should do it.

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

5. Committee/Manager Report(s). Approved for Filing
- a. Report on specific issues
 - b. ACWA Insurance and Personnel Committee meeting
 - c. Recreation Committee Minutes of July 29, 2005.
 - d. Recreation Committee Minutes of August 18, 2005.
 - e. Executive Committee Minutes of August 26, 2005.
 - f. Water Resources Committee Minutes of August 25, 2005.
 - g. Finance Committee Minutes of August 17, 2005.
 - h. Report on Survey Results
 - i. Conservation/Public Information Report

Mr. Johnson reported that on the insurance and personnel committee it looks like the Blue Cross is going up 2.54 % and California Care is going up over 11%. Also on the

Recreation committee of 7/29 it appears in there that one of my comments seems to say that water skiing is ok at the lake. I recall that is not ok and your board voted against it. You might want to take a look at Executive committee of 8/26 for the Neumann item. We talked to Mr. Neumann on how to resolve the issued he has brought before us. President Hicks asked how we ended up on it. Are we going out to the property to look at it? Mr. Johnson said we can go out there and take a look. I'm not sure you will see much unless you climb around a lot. I got poison oak or ivy when I went out there. What we suggested to Mr. Neumann that we would do one of two things. We would either participate in a rock fence to slow the rock down as they came but not on our property but on his. The other option is to give hem the whole property and we would take back an easement for our water lines. President Hicks said he hasn't gotten back to us yet. Mr. Johnson said no. President Hicks explained that we have a piece of property that we inherited when we took over a small mutual. Apparently when the big rains came some of the loose rocks above where there is an Edison pole have come dislodged and come towards their residence. He wants to make sure the boulders do not come down and hurt someone. It is hard to visualize. We saw a flat aerial map. Director Kaiser there was also an issue with Southern California Edison and a potential for the pole to slide down and pull others down. President Hicks told John that he should write a letter to Mr. Neumann.

Mr. Johnson continued that you might want to look at water resources item number four. We have talked to you about reclamations desire to use one of the old houses on the watershed. We have a big twelve inch pipeline where we have an automatic flushing device where we flush out a lot of water. We sold the service and we don't provide service to the house. They had the wrong house name for it. The issue is that we have a big long line to a house that reclamation wants to keep they were trying to give it to the Forrest service to police the area. We have a big long line that we dump a lot of water out of to keep it live. You get into the situation where you might want to give them the service but you have this line that looses a lot of water for you and it would seem that you would not want to keep that in service. You can't give them water if you keep that in service.

Director Bennett said the promise to the public was that we were going to clear the watershed and not have any houses and I don't think we should change. I listened to Bob McKinney years ago and he said we need to not transfer private ownership to another agency and that should continue to be the boards stand on that one issue. Wasting water for one resident to get minor usage does not make sense. President Hicks asked why that one was not knocked down. Mr. Johnson said years ago reclamation had us knock them down and we got them down quickly. They decided that they wanted to do that and they did it more slowly and somewhere they decided they wanted to keep this one. They were talking about the Selby property and I think it was torn down years and years ago. I think what they are talking about is the Webster property. What happened is that they moved the person out because the 25 year lease went away. We took the service out and sold it to someone else. They moved the Forest service in to provide police protection in the area. Since then, the forest service has asked for service there and we indicated to them that they need to come and tell us what their issues are and they have

never gotten back to us. Director Baggerly echoed what Director Bennett said. It is clear in my mind that this board and the public were adamant about that property remaining without anything in it. It was to go back to nature. President Hicks said if I were the Webster heirs I would be upset. I don't think this board can support that. I don't think you kick the public out of their house and then a government agency takes over their house. Director Kaiser also echoed the comments of the other directors. If we were to allow this to happen what is the attraction for others. Mr. Johnson said he would take care of it.

Director Bennett commented about being prepared for when it rains. There was a payment for repair of the canal. I want to ask a question of the general manager and we are prepared when the rains come. Overall, how are we doing? Mr. Johnson said he had a question form another director wanting an update on Robles so I will give it at the same time. On Robles we are just about done with the interim project except for the re-veg part of it. President Hicks explained for the public that Robles is the diversion dam on the Ventura River and we divert water out of the Ventura River. Mr. Johnson continued that the interim weir project is to allow the fish to move up under the present conditions so that we comply with the biological opinion. The fish guidance device we had a problem with that where it got bent and fell out. We have a proposal to stiffen them. You may have voted on it in the consent agenda. The canal walls, panels that were to be replaced are all done. The brushes we still have some work to do on it. Staff will be working on them and the drive system next week. They will be doing some more testing. We need to still order some spare parts to make sure that we have the parts so that if something burns out we can install a new part. All of the clean out and the mud and debris from the last storm has all been cleaned out and taken care of. The ladder has been cleaned up too. A small extension of the trash wall will be completed. We have a grant to pay for that. We have a little bit of an issue with the vaki. It only allows fish to go through it at 35 cfs or above. We have problems with algae with it. We thought we would leave it in for another year to document those problems a little bit better. We probably need to talk with the feds about that. We are having problems with the basin clean out that is on your agenda today. We have been delayed for getting permits for that. The permit has been into their office since March and we are still waiting. We have got one of the screens on the attraction flow pipeline that is still a little damaged. The weld broke and we can't get into until the waters go down enough and I don't think it will go down enough this year to do it. The overshot gate still has a leak. The contractor has indicated that they have the seal material and will reinstall it within thirty days. We are on top of the fish ladder issues. There are still some more things to be done as far as ensuring that all of the controls work again. We will be doing that in the next month or so. Part of the storm damage projects we have completed a number of those projects already. We need to do a few more. The clean out of the forebay of Robles is one of those projects that if we don't get the permits we can't do it and if we don't do it we might lose the FEMA money.

Director Bennett asked will we be prepared. Mr. Johnson said we have talked to you on an ongoing way of how to deal with it. We are on top of those things and trying to push them ahead. We need approvals from other people. Director Baggerly asked if

demand water for its customers in drought without drying up the lake. The idea was that we didn't want to create a situation where we are out of water. Second we wanted to meet all water quality requirements. Third we wanted to meet those goals; we wanted to have adequate funding. During droughts you can get a lot build but you need money in the bank to do it. The board wanted to spread the costs of services as fairly as they could. We have a model to do that. They wanted to maintain the quality of life that the customer needs. They wanted to provide leadership to manage supplies, demands and joint use of facilities and finally they wanted to meet these goals in an environmentally and economic manner.

Trying to apply those to a number of unwritten goals I have provided you maybe thirty unwritten goals we have talked about. The top five is that Recreation funds itself, the employees are hired on key competencies, we have a balanced budget and we use computers as much as we can and the facilities we have need to look good and work well. That costs a lot of money but if we don't do it we are like toast.

Other kinds of issues that are demanding attention is the fisheries management plan that we need to put more time in on. The John Baker management study which is a topic at the next board meeting, capital improvements that you saw during the budget process and your five year adaptive management review on the fish passage.

There are a couple of ways of solving all of these things. One is to pay as you go. You have enough in water rates to pay all your bills that year and you basically don't spend more than you make. Another is to finance the capital. You borrow money to get the projects built earlier. One of the things that your board has recognized in the past is that as you extend the projects over the years they get more expensive. Some of those projects don't work expect over years. For example, some of the filtration filter projects you can't do at once because you can't take them all out of service at once. There are some other financing mechanisms. One is a partial chare. There is a methodology where you could adopt a partial charge. Unfortunately that closes in on a vote of the people. There is a lot of criteria for financing plans but the types of criteria that I have looked at on what you choose is what it is going to cost your customers, the time it will take to get going. The idea is to get money quickly to get the projects done quickly to save ourselves money. It might take years to get a vote going. The vote of the people is an issue. There are a number of ongoing issues and ideas that people have suggested to you that cost money. You need to have the opportunity to talk about each of those and how you want to operate.

Our capital costs have been separated out in our five year program. We have identified \$32 million dollars of capital costs. These are things that we should do in that time frame but don't have the money to do. Replacement capital we have identified \$7.5 million in replacement. You are funding that by your depreciation charge that is already in the rates. It is the big figure you have to deal with.

Decisions the board needs to talk about at the planning meeting is which items do you want to do and include in the plan. We need to sit down and decide. If you don't put

them in the plan then they aren't going to be there. Setting a planning date is the best way to go. The board may want to talk about what criteria they will use to decide or talk about it and then we need direction to implement that plan after the planning day.

President Hicks said it makes it tough to go that far out in our capital plans when we don't know what the biological opinion will do to our future water supplies. That is the wildcard. If they change that opinion to where we have to release more water we will have difficulty. Mr. Johnson said there is risk in moving ahead without that. There was another idea that was brought up with staff and some of the staff feel that we should look five to ten years ahead and decide about some things that we might want to consider doing. We talked about if we would have that for this meeting. The feeling was they couldn't put that together for another six months. The longer that you delay in setting down and deciding the longer it is before we can get anything going. Both of those issue present problems for making a decision at this time.

Director Kaiser asked what type of staff analysis the board can expect to be provided so that the board can review that analysis. It would be nice to have priorities of staff and management of the \$32 million so that we have an idea as to what direction as a board we need to take. We need to have more information frankly, from my perspective.

Director Bennett said the biological opinion won't be for five years. Mr. Johnson explained that the biological opinion is in force. We are operating in the interim rules, as close to the rules as we can. What we did just in July is we sent them questions that your board had. We sent them the questions and they said they agreed with us and then we finally knew we weren't in that period. An earlier letter had said that we were. Director Bennett said the only way we can function is the way we have functioned. Comply with everything, do what they are asking. We are supposedly going to end up at a certain place. We can't worry about that, we have to move ahead. I agree with Director Kaiser that we need to have staff and manager report much like the budget report. You had staff review and cut and trim and we might work the same kind of process to make suggestions as to their suggestions, your suggestions and then the board can make their suggestions.

President Hicks asked where the bulk of the \$32 million dollars is. We need to have that broken out so we know what it is. Mr. Johnson said it wasn't in this presentation but we did provide you a report that broke out each of those items individually. One of the things that Director Word would say if he were here is that he looked at the list in detail and he thinks that some of those items appear to do the same thing. They are options rather than a summation. If we can get an understanding of where the board wants to go with this we can make this decision.

Director Baggerly added that we need more from staff as to initial priority for those expenditures. I didn't see a really comprehensive list of financial funding mechanisms. I didn't see certificates of participation listed and there may be other things we could use to finance some of these projects. Mr. Johnson said we talked to you in general that your financing options are to pay as you go, do some kind of financing. There are a lot of options in the financing arena. There are folks offering millions of

dollars, all you have to do is pay the interest. If you decided to go to the financing option that we could find the best available based on what you want to do. I think that the issue of the methodology of which one you pick is really one that you do at the time when you try to figure out which is the best. We really need to get the more basic ones. Which ones of these items do you want to include in our plans. Give them what they are likely to cost. Director Baggerly replied that he thinks there will come a time when the need to spread the cost out over the entire district is going to have to come along sooner or later. Your direct customers may not be able to continue to take the hit. There just aren't that many of them.

Director Kaiser said it would be helpful to work with staff to have a priorities matrix worked up to show what the issue is, the justification, why that priority is the way it is established. I think it is something that the board will need to see in order to provide some kind of policy direction to them.

President Hicks asked if the \$32 million included additional water supply. Mr. Johnson replied yes. The issue of additional water supply here is the agencies in the district that allow the growth have only allowed a very small amount. You don't have a lot going on. The historical records indicate that we are growing at less than one percent per year. Our data indicates that we are short not a lot of water and even with the new services that you have allowed or might allow it is still not a lot. It is in your ability to do thing in the district. When they talked about conservation that might be the thing along with dealing with particular customer who seems to be using way more then their share could solve it all for you. I don't think you need a \$100 million dollar project to solve it and I don't think the community would accept that unless you showed them that need. That is kind of the balancing of the public relations program. You need to show why you need it. Director Baggerly said we need to find 500 acre feet. Mr. Johnson continued that those are things we are looking at in the Urban Water Management Plan. That plan is coming to your board pretty soon now. It is going to the next Water Resources meeting. It is almost finished in draft form. The committee has looked at that and you have those kinds of things before you. Those are not the big costly things. The things that are costly are to protect the folks on the beach from loss of water supply. Those are where most of the costs come from.

President Hicks asked if we should set a date for the meeting. Mr., Johnson said I think you should because I think we can put some priorities of those things together for you. If you do it in a month and a half we could put some priorities together for you. Director Baggerly asked about the board getting together with staff for the beginning of budget meetings in October. It might be worthwhile for the staff and the board to discuss these kinds of things together or will staff feel intimidated because the board is there. Mr. Johnson said we have had this discussion and there is a mixed bag of issues. On one hand by doing that everybody hears what is being said so there is clearer communication. There is good information that is passed along so you hear it not only the actual issues that they are trying to deal with and how they are trying to solve them but on the other hand that takes a lot of time. The priorities are not put together by that time. You will have a number of people drop out of the discussion because it takes so long to get to

them. Some other issues will kind of deflect it. We talked about if you wanted to come to the October 5th planning meeting those were the issues involved so any planning meeting you will have the same kind of issues. It takes a long time to work it thorough staff. I'm not sure that is a good use of your time. Director Baggerly said we need to know what the staff priorities are. Director Bennett said the staff needs to do their process. If we get closer to where they are getting to and we are getting to a conclusion and then have that meeting and I think Baker mentioned that in his plan. There could be better communication between staff and Board. Mr. Johnson said we will talk about the Baker communication next time.

President Hicks said lets pick the first Saturday in November tentatively for this planning meeting at the Pierpont from 9:00 – 12:00. Director Baggerly said we should make it all day. Mr. Johnson said he thinks that after a certain amount of time at this other issues start coming out that don't have anything to do with it and you have to keep it to a smaller time frame rather than allow it to go for hours. If we need another day we can schedule one. President Hicks said lets tentatively do the first Saturday in November. Director Baggerly asked for a copy of the PowerPoint presentation. President Hicks added that it would be good to have the breakdown of the 32 million dollars. Mr. Johnson said it is in one of the reports in your agenda packet.

8. Approval of the draft monitoring plan and authorization to submit to reclamation, NOAA fisheries and department of fish and game and authorization to staff to implement plan. APPROVED

Mr. Johnson reported that the monitoring plan requires under the biological opinion for the fish passage has been submitted once to NOAA, Fish and Game and Reclamation. They passed it back to us and asked for more detail. This is likely to cost us some money. This is not a no cost monitoring plan. The goal of the plan is to make sure the fish can pass under all conditions both up and down the ladder. It requires a yearly report. That yearly report is a costly report to put together. We will be passing that report through you. That report is supposed to be done by September 1 but because we are in the interim we have a bit more time. As far as operations go there are a number of things they want us to do. One they want us to make sure the fish do not get caught on the screen test the vaki river watcher to be sure that it does produce pictures and identifies fish going up and down; they want us to trap fish below the ladder to make sure that the ladder is not harming them as they go through it. We have some requirements to determine if the sandbar is open. We need to do some upstream migratory evaluations and that is determining if there are any barriers other than our facility along the river and how much water it takes to get through them. Some information on the attraction flows that we have had for fish. They are all summarized on page five. Page 296 of your agenda shows this.

Director Baggerly said some you are not going to have to go every year and try to search for barriers are you? Mr. Johnson replied yes, almost every year. Director Baggerly asked why, how does it change? Mr. Johnson said it changes because when you have a significant flow in the river it moves the river all around and takes different

paths and can cause some barriers to disappear and others to occur. You have to get an idea of what the barriers are like. President Hicks asked who is doing all this work. Mr. Johnson replied that the original draft came from Entrix and since then our own staff has looked at it, made changes and recommendations and Entrix looked at what we changes and made some additional recommendations and we have put it all into one plan so that we have everything ready to go. Director Baggerly added that if you are talking about the river changing shape and somebody decides that in fact it is an impediment to the fish passing what do we do about it? We don't have control of it. Mr. Johnson said I think where that is going is that you need a certain amount of water to pass fish over an impediment. The question is if you are releasing enough water to pass fish. That is where that five year review ties in. Director Baggerly said it is different every year. Mr. Johnson said it depend on the flow of the river. If it is a small rainfall year it will not change but if it is a big year like this last time it changes all around and you have to redo it. Director Baggerly said if they are asking for impediments to fish passage I would give them what is in the habitat conservation plan and say thank you very much. I don't see how we can be asked to or how we have any authority. Mr. Johnson said that each one of these items is talked about in your biological opinion. You have to satisfy your biological opinion because you have the incidental take permit. The incidental take permit protects your board and your staff when they are operating within that incidental take permit. If you don't do the monitoring that they asked you to do then the question is if you still have that and what could happen to your board and staff and there are civil and criminal penalties. We need to move this on. If you want us to eliminate something we need to do so. We need to move this on and know what we are monitoring to do the job that is expected of us in that biological opinion. I am looking for a motion offering for us to move this on to them and implement it if it is acceptable.

On the motion of Director Bennett, seconded by Director Baggerly and passed the above recommendation was approved.

9. Recommend Approval of a request to Congressman Gallegly's office to assist the District with its application for 404 Permit for Restoration of the Robles Fish Passage Forebay. APPROVED

Mr. Johnson reported that we can't clean out the forebay because we don't have all of the permits. We have two permits but it takes three permits. We have the streambed alteration permit, we have the ok from National Marine Fisheries service but we are missing the 404 permit from the Corp. We need to move the Corp along. We have talked to them about it and said that you have had this since March. We tried not to be bad guys in this but if we don't get on this soon and the rain starts falling then the other permits will prevent us from moving ahead and then we don't get it done.

On the motion of Director Baggerly, seconded by Director Kaiser and passed the above recommendation was approved.

10. Recommend approval of requests for two separate fundraisers for the victims of two vehicle crashes to utilize Lake Casitas Recreation Area and waive the rental fee for the event area and the waive the vehicle entrance fee for participants.

RECOMMENDED ACTION: Motion approving recommendation

Mr. Johnson reported that we have been approached by a few folks who have sought to do fundraisers at the park to help some folks who have been very badly hurt. The concern always is if it is a gift of public funds and if a whole bunch more people come in and ask you to do the same things. If you are waiving fees, those fees go to support the recreation area. We have been trying to run the recreation area at break even. It would appear to me that as long as you provided only in these kinds of cases where you have a paraplegic and there is advertising included in it and the person coming in are requesting that ability they provide their own toilets, clean up security and insurance. And that they do it at a time when it is not in our heaviest part of the year then I think you could do it on the idea that you are allowing them to do it on the basis of advertising to the district so it is not a gift of public funds and it also benefits the community that we are in. President Hicks said he thinks it is a good thing. I would support this. It is the right thing to do and one of the guys injured works at the snack shop. I don't think we will get criticized for doing it. Director Kaiser agreed. It is a very unfortunate situation that has occurred. I think in these types of times and events that happen that the board can make a policy decision and have the discretionary ability.

On the motion of Director Kaiser, seconded by Director Kaiser and passed the above recommendation was approved.

11. Information items:

Level of lake -09/6/05 - -561.18 feet above mean sea level (5.82 feet below spill elevation); present storage is 238,280 acre feet (15,720 acre feet below full capacity of 254,000 acre feet, 111,280 acre feet above half capacity, or 93.8% full capacity).

- a. Letter from Audra Strickland to Governor Schwarzenegger regarding a letter she wrote to the State Water Resources Control Board regarding Casitas state water license.
- b. Recreation Area Monthly Report for July.
- c. Investment Report of September 7, 2005, 2005.

Director Bennett commented that Recreation was up and had a great month.

12. Closed Session

- a. Conference with Legal Council- 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. Government Code Section 54956.9(b)(3)(A).

- Agency Claimed against: Casitas Municipal Water District
- b. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9 Name of Case: Casitas Municipal Water District vs. United States.
 - 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. LIABILITY CLAIMS (Section 54956.95 (d))
Claimant: Josette Begg
Agency claimed against: Casitas Municipal Water District

President Hicks adjourned the meeting to closed session at 4:12 p.m. according to government code 54956.8 and 54956.9. The meeting returned to open session at 4:31 pm with the board having taken action in adopting a motion to approve settlement item 12 (d). The meeting was adjourned at 4:31 pm.

Secretary