

Minutes of the Casitas Municipal Water District
Board of Directors Regular Meeting Held
December 28, 2005

A regular meeting of the Board of Directors was held December 28, 2005 at Casitas' Office, Oak View, California. Directors Hicks, Kaiser, Baggerly and Word were present. Director Bennett was absent. Also present were John Johnson, General Manager, Rebekah Vieira, Clerk of the Board; and Attorney, Tareq Hishmeh. There was one staff member and four members of the public in attendance. Director Hicks led the group in the flag salute.

1. Public comments.
None

2. Board of Director comments.

Director Baggerly commented that the takings claim is \$134,000 over budget. Mr. Johnson explained that in the previous year we had budgeted about \$200,000 but only spent \$10,000 and this could be discussed further in closed session.

Director Word mentioned the needed Ethics training session and Mr. Johnson mentioned that he was attending one in Goleta.

Director Word also mentioned that we need to see what support should be for the water bond initiative. Mr. Johnson explained that this is on a committee agenda.

3. Consent Agenda.

ADOPTED

- a. Minutes of regular meeting held December 14 2005.
- b. Approval of a letter to State Water Contractors regarding funding of FERC costs by placing it on the variable water rate.
- c. Resolution authorizing staff to renew memberships to various associations.
- d. Resolution approving membership in California Special District Association for 2006 in the amount of \$2,774.00.
- e. Resolution approving membership in American Water Works Association for 2006 in the amount of \$288.00.
- f. Resolution approving membership in Association of California Water Agencies for 2006 in the amount of \$9,680.00.
- g. Recommend approval of a letter rejecting four recent claims regarding La Conchita.
- h. Resolution changing authorization for investment of Casitas monies in United States government treasury bills.
- i. Recommend approval of a Purchase Order to Aqua Video Engineering in the amount of \$33,250 for inspection and cleaning of 14 steel reservoirs.

Director Kaiser asked for further discussion on item h. Mr. Johnson explained that we invest in t bills and the board passed a resolution in October and the wording was limiting to 25% of the total investments. This was too limiting so this resolution removes that limit and refers to the investment policy. Mr. Johnson also explained that we are staying in short term investment to balance cash flow.

The consent agenda was offered by Director Word, seconded by Director Kaiser and approved with the following roll call vote:

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

Resolutions are numbered 05-85, 05-86, 05-87, 05-88 and 05-89.

4. Bills. APPROVED

There was a question regarding #20130 for replenishing bins at the recreation area. It was explained that this was to replenish road base that is kept in bins at the maintenance yard. Check #16816 was also questioned and it was explained that there was a credit and perhaps we overpaid and we got a credit. The question on #20013 was if it was a total compromise and release. Mr. Johnson explained that there were three checks written on this issue and there is a release.

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

5. Committee/Manager Report(s). APPROVED

- a. Report on specific issues
- b. Recreation Committee Minutes
- c. Personnel Committee Minutes
- d. Water Resources Committee Minutes
- e. Finance Committee Minutes
- f. Memo regarding the Status of Robles Fish Passage
- g. Conservation, PR, Legislative update.
- h. Executive Committee Minutes

It was reported that that E&M is seeing more evidence of pests and damage to equipment following the discontinuation of the anticoagulants. Director Word asked about the redistricting plan and Mr. Johnson explained that it is being discussed in committee and will then be shared with the full board and specifically with those board members that it may affect.

6. Lake Casitas Improvement Foundation Meeting.
a. Appointment of Directors

- b. Approving and signing the tax returns for the 501c3 Corporation.
- c. Approval of paying the invoice for the tax preparation in the amount of \$500.
- d. Approving the policy on conflict of interest.

Mr. Johnson explained that this item could be delayed at Mrs. Weinberger is not able to be in attendance. President Hicks thought that some action needed to be taken on the taxes and asked if this could be done with just the members of the Board. Mr. Johnson reminded the board that all it takes is a quorum of your board to take action. President Hicks recessed the CMWD meeting and opened the Lake Casitas Improvement Foundation meeting at 3:15 p.m. to handle items b and c. President Hicks appointed the current board members as directors of the foundation.

On the motion of Director Kaiser, seconded by Director Baggerly and passed the approval of the taxes and payment of the tax preparation invoice was approved.

President Hicks closed the Lake Casitas Improvement Foundation meeting at 3:20 p.m. and reconvened the Casitas Municipal Water District meeting.

- 7. Recommend approval of solving the water supply problem with conservation allowing for releasing of additional water. Tabled

Mr. Johnson explained that the amount of water allocations that had previously been approved had been used up. He presented a plan to implement conservation programs to save additional water in the future and implementing an over allocation charge. The Water Resources Committee talked about starting with implementing BMP to residential services to save 18 acre feet, implementing the SWEAP program for agriculture to save 156 Acre feed and implementing an over allocation charge. This charge would be \$1.50 per unit over 34 acre feet. If these are implemented there could be a release of 25 acre feet of water to the priority list customers and continue with 10 every other month. The goal is to balance supply and demand. There was further discussion on the sweap program and additional sources of water. President Hicks tabled the item for further discussion at the Board Planning Day.

- 8. Recommend approving the timing and agenda for the Board Planning Day to be held January 14, 2006. APPROVED

With the addition of Pat's project, release additional water supply and effective communication, on the motion of Director Kaiser, seconded by Director Baggerly and passed the Agenda was approved.

- 9. Recommend rescinding the Rules of Conduct of October 26, 2005. APPROVED

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

10. Resolution setting Rules of Conduct revised for AB 1234 and excluding union employees. ADOPTED

Mr. Johnson explained that this revised Rules of Conduct excluded all union members. Mr. Johnson advised the board to look closely at the reimbursement and compensation area. AB1234 changes which meetings can be paid for and they have to be brown act meetings or meetings approved by the board. Also directors need to report back to the board on meetings they have attended. Regarding travel, Director Kaiser asked about the list of high cost cities and mentioned that there are other high cost cities that are not on the list. Mr. Johnson explained that this was the list the City of Ventura had and we used it as a model and it is not all inclusive.

The resolution was offered by Director Word, seconded by Director Baggerly and passed with the following role call vote.

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

Resolution is numbered 05-90

11. Recommend rescinding the Personnel Ordinance of October 26, 2005. APPROVED

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

12. Discussion regarding cabin structures for Lake Casitas Recreation Area. TABLED

Brent Doan explained that been to El Capitan and reviewed what they have as it is similar to what Norm wants to put in. The cabins would be on wheels with their tongues attached. El Capitan is sold out at \$350 per night and has no cooking facilities except a microwave. They have bedroom, bathroom and showers. A benefit of Norm's cabins is that they would have an enclosed screen porch. Norm showed some pictures of a cabin and the sites. When asked how many cabins Norm responded two to four. Norm added that an additional benefit is they will be skirted and the cabins can be used year round and it will generate business over slow months. The cabins will have a loft for kids, a full kitchen and can sleep six to ten people. Norm also explained that the larger trailers get the most action as people are willing to pay for the high end. His best trailer sells for \$175 per night. He would charge \$250 per night for a cabin.

Pat Baggerly, representing the environmental coalition of Ventura County addressed the board. She had called the bureau that morning and had a copy of an e-mail from Robert May of the Bureau of Reclamation sent to Brian Roney at 10:38 this

morning regarding campground refurbishment and movable cabin structures. This e-mail advised to cease and desist in the planning, improvement, refurbishment, installation of any movable structures, and construction of all projects that would need to be reviewed and approved by Reclamation, and that must conform to, the RMP/EIS once it is completed. Pat further explained that the board was told that they were not going to be that big. 11x45 is a large building.

Norm explained that the cabin size without the porch is only 3 feet longer than the longest trailer and they are movable. They put trailers in those sites now. He added that regarding the environment the people that use those sites now do not take care of them. We will take care of the site. He did not see an environmental impact as there is no change and it is not a permanent structure.

Mr. Johnson suggested that the whole purpose of this discussion is to see the issues before you vote on it. There are new issues and we need to look into it. Perhaps there was some misunderstanding in the written word and we need to try to get clarification. Director Baggerly added that he thought they were to be small cabins. President Hicks said people do not rent small cabins. Norm added that at El Capitan they had smaller tent structures which they have upgraded to the larger size because that is what people want. His three tent trailers are the last to be rented.

Mr. Johnson said he would have to look at the letter more closely. President Hicks tabled the item

13. Recommend approval of the payment of the Carl Nienaber claim in the amount of \$10,882.08. APPROVED

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

14. Information items:

Level of lake -12/21/2005 - -558.27 feet above mean sea level (8.73 feet below spill elevation); present storage is 230,762 acre feet (23,238 acre feet below full capacity of 254,000 acre feet, 103,762 acre feet above half capacity, or 90.85% full capacity).

- a. Park Service Officer Responses from 07/01/04 – 06/30/05.
- b. Letters in support of the disc golf course at Lake Casitas.
- c. Letter from Maryellen Parker regarding the annual Lake Casitas Passes.
- d. Investment Report of December 21, 2005.

15. Closed Session

- a. Conference with Legal Counsel -- Existing Litigation (Subdivision (a) of Section 54956.9, Government Code). Name of Case: Casitas Municipal Water District v. United States.
- b. Conference with Legal Counsel -- Existing Litigation (Subdivision (a) of Section 54956.9, Government Code). Name of Case: Matter pending before California State Water Resources Control Board, Casitas Municipal Water District and CalTrout.
- c. 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
- d. Public Employee Performance Evaluation
Title: Accounting Technician
Pursuant to Government Code 54957
- e. Conference with Real Property Negotiators (Section 54956.8):
District Designated Negotiators: John Johnson, James Word, Russ Baggerly
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.

President Hicks adjourned the meeting to closed session at 4:30 PM regarding government code 54956.9 and 54956.8. President Hicks returned the meeting to open session at 4:55 announcing that no action had been taken and immediately adjourned the meeting.

Secretary