

Minutes of the Casitas Municipal Water District
Board of Directors Regular Meeting Held
April 26, 2006

A regular meeting of the Board of Directors was held April 26, 2006 at Casitas' Office, Oak View, California. Directors Kaiser, Word and Hicks were present. Directors Bennett and Baggerly were absent. Also present were John Johnson, General Manager, Rebekah Vieira, Clerk of the Board; and Attorney, Rob Sawyer. There were no staff members and two members of the public in attendance. Director Kaiser led the group in the flag salute.

1. Public comments.

Cathy McNease, 1385 S. Loma Drive spoke regarding a service at 1351 S. Loma. Ms. McNease stated she was speaking to the Board as the acting chair of the Loma Drive Action Committee. Ms. McNease presented a letter to the Board of Directors outlining seven questions for the board and management to consider.

Mr. Johnson stated that the letter asks a number of questions and some things are not clear but it appears to be a building code issue. The water service to the property was pre-existing and once there is water service we have an ongoing obligation. Director Kaiser stated that since this is an item not on the agenda no action can be taken at this meeting.

2. Board of Director comments.

Director Hicks commented about the potholes in Campground F and that the road is so bad you almost can not drive up it. We need to get them filled in. Director Word also noted the potholes in the driveway by the dump station need to be addressed. Director Word also mentioned the legislative alert on SB 1317. President Kaiser said he toured the Recreation Area last Friday and was impressed with how quickly the area was brought back to cleanliness following the busy holiday weekend.

3. Consent Agenda.

APPROVED

- a. Minutes of regular meeting held April 12, 2006.
- b. Recommend approval of leak relief to Jackie Springer.
- c. Recommend approval of purchase order #07016 to Systems Measurement Services in the amount of \$11,579.78 for the discharge valves for Rincon Pump Plant.
- d. Recommend approval of attendance at the OSHA Compliance Seminar being held in Ventura.
- e. Recommend approval of support for AB 2951 and 1425.
- f. Resolution authorizing approval of the Rules of Conduct.
- g. Recommend approval of a letter to LAFCO agreeing with the existing sphere of influence.
- h. Resolution authorizing membership in Water Fitness Association in the amount of \$97.

Item h was pulled from the consent agenda as the resolution required a four fifths vote.

The consent agenda minus item h was offered by Director Word, seconded by Director Word and approved by the following role call vote:

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

Resolution is numbered 06-13.

4. Bills. APPROVED

Director Kaiser asked about #20989 to the State of California. Mr. Johnson thought this was for State income tax but will look into it. Director Kaiser asked about #21050 for printing. Mr. Johnson explained that this is for the 30 minute pass book and perhaps for some other printing as well.

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

5. Committee/Manager Report(s). APPROVED FOR FILING

- a. Report on specific issues
- b. Water Resources Minutes
- c. Executive Committee Minutes
- d. Host Program Report
- e. Part Time Program Report
- f. Report on Fish Screens

Mr. Johnson focused attention on the report from the Fisheries Biologist on the fish passage screens, the Host program and Part time employee study. Mr. Johnson explained that a Part Time employee can only work 1500 hours per year at an average cost of \$12.58 per hour while the average cost for a full time employee with benefits is \$53.38 and because of time off we only have 1,590 working hours. Three individuals have suggested adding Full Time employees to the district. There is a request for a Water Adventure Coordinator, a Lab Assistant and District Maintenance.

On the fish screens there are recommendations to change the brushes to a stiffer brush and enlarge the holes on the baffles. Director Kaiser questioned the regulation on fishing in the Ventura River. This will be discussed in committee.

On the motion of Director Word, seconded by Director Hicks and passed the reports were approved for filing.

6. Resolution requesting the County Elections Office to Change the Boundaries of the Divisions of Directors for Casitas Municipal Water District.

TABLED

This item also required a four fifths vote and so was tabled to the next meeting.

7. Discussion regarding the San Antonio Creek Watershed Study.

Mr. Johnson reported that Golden State Water Company is offering to pay 50%, they are suggesting that Casitas and the Watershed Protection District both contribute 25% for a study on the San Antonio Creek Watershed. Mr. Johnson's concerns were that there are no assurances that this would be a reduction to our demands, there is a question if the project is a sound idea and concerns regarding Casitas budget and a possible rate increase to balance the budget. Director Word asked how they got to 25%. Mr. Johnson replied that Golden State will put up 50%. The city of Ojai and AG are not willing to participate. The study is for a grant request.

Russ McGlothlin, attorney with Hatch & Parent spoke on behalf of Golden State Water Company and explained the need for the study to be completed to determine if the San Antonio Creek spreading grounds could be augmented and used. The need for the study is to determine how much water is in San Antonio Creek, how much could we expect to augment the supply. The study needs to happen in four weeks. It is part of the Ventura County Integrated Regional Water Management Plan and they are one of 16 groups seeking Prop 50 funding. Golden State Water is requesting that Casitas pay ¼ of this.

Director Word commented that we are not users of the Aquifer and shouldn't the other 60% of the users participate in the study as we are not a direct user and are being asked to share ¼ in the project. Why doesn't Golden State spend the \$25,000 to get the study to answer if it is a feasible project for a million dollar grant.

Director Hicks said he is not inclined to approve the fee. President Kaiser said that staff needs direction. There is a lack of support from Casitas. Director Word said he was only supportive of an alternative, not this project. President Kaiser added that he is sympathetic to your client's predicament but Casitas can not support this.

8. Discussion on Retirement Health Care for Directors.

The Attorney General declined to provide an opinion based on our request. District council might be able to get an informal, verbal opinion or we can ask the state legislature to make the request. President Kaiser added that in an attempt to resolve the issue lets go the unofficial rout and get the legislator to inquire. Rob Sawyer replied that if we go to the legislator and it gets pipelined in and the Attorney General says we don't believe the district acted improperly the public still might come in. If we have the Attorney General say we can't pay we may have retired directors file suit. Rob sees it as a black and white issue. The district does not have the final answer. The only final answer is through the court system and that is not what the district wants. Director Hicks said it is hard to comment but that it is not worth risking a lawsuit to decline the coverage. President Kaiser said in the future this could be discussed in closed session under Personnel and perhaps the Personnel Committee can re-evaluate it. Director Word

added that he thinks we should get an informal opinion. Director Hicks added that was fine with him.

9. Information items:

Level of lake —4/19/2006 - -565.58 feet above mean sea level 1.42 feet below spill elevation); present storage is 250,226 acre feet (3,774 acre feet below full capacity of 254,000 acre feet, 123,226 acre feet above half capacity, or 98.51% full capacity.

- a. Letter sent to Bureau of Reclamation regarding Fire Protection for CRW #65.
- b. Letter from National Marine Fisheries Service regarding Casitas request for assistance on the brush system.
- c. Requests of Neil Cole for assistance with the Fish Screens.
- d. News Articles of Interest
- e. Investment Report of April 18, 2006.

10. Closed Session

- a. Conference with Real Property Negotiators (Section 54956.8):
District Designated Negotiators: John Johnson, James Word, Russ Baggerly
Property: Appropriate water rights, including future appropriate 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.
- b. 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
- c. Threat to Public Services or Facilities. Government Code Section 54957.
Consultation with Agency Counsel Robert M. Sawyer and General Manager John Johnson.

SPECIAL MEETING to be held at the same time and place as the regular meeting

11. 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.

President Kaiser adjourned the meeting to closed session at 4:25 PM regarding government code 54956.9. President Kaiser returned the meeting to open session at 4:30 PM announcing that no action had been taken in closed session and immediately adjourned the meeting.

Secretary

If you require special accommodations for attendance at or participation in this meeting, please notify our office 24 hours in advance at (805) 649-2251, ext. 113. (Govt. Code Section 54954.1 and 54954.2(a)).