

Minutes of the Casitas Municipal Water District  
Board of Directors Meeting Held  
October 25, 2006

A meeting of the Board of Directors was held October 25, 2006 at Casitas' Office, Oak View, California. Directors Kaiser, Bennett, Baggerly Word and Hicks were present. Also present were John Johnson, General Manager, Rebekah Vieira, Clerk of the Board; and Attorney, Rob Sawyer. There were two staff members and two members of the public in attendance. Director Kaiser led the group in the flag salute.

1. Public comments.

Marion Lapin spoke regarding an appeal to a denial for Leak Relief. Ms. Lapin reported that the reason the bill was so high was because of a leak in the pool. They have since replaced the pool in the summer. It was determined that the issue would be heard at the next Water Resources committee meeting.

2. Board of Director comments.

Director Hicks commented on the issue of incorrect absentee ballots being sent to Director Bennett.

3. Consent Agenda.

APPROVED

- a. Minutes of meeting held October 11, 2006.
- b. Resolution awarding the contract for Phase I of the project consisting of slurry/crack seal, repair asphalt and striping of the roads and parking areas at the District Office to Nye & Nelson in the amount of \$46,235.
- c. Recommend approval of purchase orders totaling for Capital Work Order #780694 Replacement of Radio Modem System:
  - i. Purchase Order #7362 to Electronic Systems Technology in the amount of \$106,974.72 for the removal of the old system and installation of new Esteem radio system.
  - ii. Purchase Order #7364 to Glen Martin Engineering in the amount of \$18,525.13 for the purchase of telescoping towers.
  - iii. Purchase Order #7365 to Wenzlau Engineering in the amount of \$1,858.64 for the purchase of a telescoping antenna.
- d. Recommend approval of purchase order #07375 to pacific Corrugated Pipe Co. in the amount of \$3,645 for repair to a drain.
- e. Resolution approving the cancellation of agreement with First data Merchant Services and execution of a new agreement with Transcom Payment Services for credit card management services at Lake Casitas Recreation Area.
- f. Recommend approval of the damage claim of Martha Aragon in the amount of \$106.07 and the completion of a release.

RECOMMENDED ACTION: Adopt Consent Agenda items.

Mr. Johnson reported that the bid for the parking lot is over budget by \$6000. The corrugated pipe repair is not budgeted.

The consent agenda was offered by Director Word, Seconded by Director Bennett and passed by the following roll call vote:

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

Resolutions are numbered 06-45 & 06-46.

4. Bills. APPROVED

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

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

- a. Report on specific issues.
- b. Recreation Committee Minutes
- c. Finance Committee Minutes
- d. Personnel Committee Minutes

Mr. Johnson reminded the Board to be mindful of the Brown Act. The board can only converse with itself at a committee or board meeting. If anything is passed on and goes to more than two of you, you have a Brown Act issue. We are not supposed to be communicating back and forth to the whole board except at the board meeting and committee meetings. In addition if an e-mail is sent to all Board members and a member wants to reply via e-mail they should not select reply to all and should only reply to sender. Mr. Johnson also reported that there was an OSHA inspection at treatment plant yesterday. Director Hicks reported that he took Pat Weinberger to lunch today and once last month discussing the possible donation of million dollars.

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

6. Recommend attendance at the Ojai Valley Wide Meeting and selection of a member of the Board to participate. APPROVED

Director Bennett suggested that he would be interested in attending as Director Baggerly will already be attending for another entity.

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

7. Recommend approval of a list of Operations and Maintenance projects to be submitted to Reclamation for approval. APPROVED

Brian Roney reported that the purpose of this item is to follow up with the Bureau on some comments and a tour we had with them on their last visit.

Director Baggerly commented that he had a problem with the waterslides as it would become a permanent amusement park ride subject to CalOSHA requirements and local permitting authority. He added that it is something that should be taken into consideration seriously. He wondered if there is something else to attract teens. Mr. Roney replied that this has been addressed with State of California. They came out two years ago when theme park industry got going. They said if you have any slide with water pumped to the slide you already qualify as an amusement park. When we mentioned we were on federal property they thought they had no jurisdiction. The tallest slide is 20 feet. Mr. Roney was asked to provide pictures so the board could visualize any changes.

Director Baggerly then added that we should outline our position. The position is we believe we have an existing contract from 1956 that included recreation. We have the right to conduct recreational activities. Our repayment contract reflects the visiting public and based on that the only time need written approval from the bureau if substantial change to public works.

Mr. Johnson added we have some concerns here to think about. The district has been prevented from doing any improvements in recreation based on the cease and desist letter. We have tried to cooperate with reclamation seeking approval for everything and getting little approval. This letter is moving along the same lines as the approval process given direction to staff. Your direction has not been to state that the board feels the contract already exists. We need to work with reclamation. Your board does not want to charge our water customers for our recreational costs. In order to achieve this you have to continue to improve the area. Over last 20 years we gain more money from improving the facilities. There are concerns about water slides. If you don't provide better looking facilities people will move away and go to other places. We want our customers to be safe in our facilities. We need to follow through on safety concerns. There was further discussion regarding the Water Park, safety and the bike trails.

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

8. Discussion regarding proposed fee increases for the Lake Casitas Recreation Area and setting a public hearing. APPROVED

Brian Roney addressed the board and explained that once a year we come before the board regarding fee surveys and recommendation for fee increases to stay within market prices and deal with cost increases. There are nine fees, six are increases and three are new programs; shade structure rental, Jr. Lifeguard and exercise.

Director Hicks commended that the committee decided not to raise the basic tent camping fee. Brian reported he left it in there as a reference. Director Hicks continued that he is a little concerned about raising the rates. We are not trying to make a profit.

Most people are family people. Going from \$10 – \$12 dollars at the Water Park is considerable. Is it necessary? Brian replied that we have not raised that price in three years and we have added some features now. That facility is generating a profit and it is subsidizing other operations in the park. We would like a surplus to reduce the dependency on the district for capital project funding and not be subsidized by the water rate customers.

Director Baggerly asked for comparative prices to Ventura? Brian replied that is difficult as the City of Ventura does not have an annual pass, the daily fee is \$3.00 but they are a subsidized operation.

There was further discussion regarding the frequent visitor decals and the complaints regarding additional purchases for additional vehicles and Brian explained that the value is below market.

President Kaiser thought that we should be marketing for off season use of the facilities and enticing families by having an off season rate. Brian said he would bring that back to the recreation committee.

On the motion of Director Word to accept the proposed fee structure with the exception of the basic campsite, holding it at the present rate and scheduling a public hearing on November 22, 2006, seconded by Director Bennett and passed.

9. Recommend approval of a report on the commercial filming at the Lake and associated items including authorization of a letter to be sent to Reclamation.

APPROVED

Brian Roney presented the report on the Toyota commercial filming that took place two months ago. First is a report that was requested by Michael Jackson from the BOR. Mr. Jackson was provided some information and it sounded as if we went against their direction. We did receive approval from someone on his staff, Mr. Jack Collins indicated that they don't approve filming but did approve dirt moving project associated with the filming. We feel we did get approval to go ahead with dirt moving project. If it requires CEQA it would come to the board. For this commercial we closed coyote ramp for four days and Santa Ana was open the entire time. We look for minimal inconvenience for customers. We are looking for direction and approval to send report to Mr. Michael Jackson. Discussion continued regarding filming permits, level of insurance required and potential for bonding. It was recommended that the letter be sent certified return receipt.

10. Recommend approval of a letter in response to an article in the Ojai Valley News.

APPROVED

Mr. Johnson reported that there was an editorial in the Ojai Valley News called Case Dismissed. We developed a response to that and there has been some discussion regarding if a response should be sent.

There was discussion regarding the letter with Director Baggerly cautioning the board that there are things in the response that may set us up for criticism. The letter uses incorrect facts. The 3,200 acre feet lost per year is not a real number. Steve's study is inconclusive except for the need to remedy the fish screen plugging and he recommended not sending the letter.

On the motion of Director Word, seconded by Director Bennett and passed the letter was approved to be sent after Marzulla & Marzulla reviewed it and the facts were reviewed. It was also suggested to add a comment that the case was not dismissed and the biggest part of it is still pending. Director Baggerly abstained from the vote.

11. Information items:

Level of lake –10/16/2006 - -561.10 feet above mean sea level 5.90 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 93.81% full capacity.

- a. Fisheries Report
- b. Recreation Report
- c. Water Quality Report
- d. Ventura County Regional Energy Alliance October 19, 2006 Meeting Information.
- e. LAFCO 2006 Special District Alternate Member Election Results.
- f. Letter from County of Ventura Elections Division to Bill Hicks informing him that he is hereby considered elected to the Casitas Municipal Water District, Division #1.
- g. Letter from NMFS regarding the draft post construction performance Evaluation Program.
- h. Report from Fish Passage Forum meeting
- i. News Articles of interest.
- j. Investment Report of October 18, 2006.

Director Bennett commented that he was pleased to see the fisheries report on a regular basis.

12. Closed Session

- a. Conference with Legal Council- Anticipated Litigation:  
Decision whether to initiate litigation. One Case  
Government Code Section 54956.9(c).  
Agency Claimed against: Casitas Municipal Water District
- b. Conference with Real Property Negotiators (Section 54956.8):  
District Designated Negotiators: John Johnson, James Word, Bill Hicks  
Property: Rights to operate Lake Casitas Recreation Area under Federal Water Project Recreation Act.  
Negotiating Parties: Bureau of Reclamation  
Under Negotiation: Lease, price, identification and nature of consideration, and terms of payment

- c. 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 4:47 p.m. per government code 54956.9 Casitas vs. United States. At 5:16 p.m. President Kaiser took the meeting from closed session back to open session and reported that the General Manager is authorized to work with other outside agencies for support of the district's position on the claim regarding government code 54956.9 and then immediately adjourned the meeting.

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Secretary