

Minutes of the Casitas Municipal Water District
Board of Directors Meeting Held
March 28, 2007

A meeting of the Board of Directors was held March 28, 2007 at Casitas' Office, Oak View, California. Directors Baggerly, Hicks, Handley and Kaiser were present. Director Word was absent. Also present were Steve Wickstrum, Interim General Manager, Rebekah Vieira, Clerk of the Board; and Attorney, Rob Sawyer. There were one staff members and two members of the public in attendance. Director Baggerly led the group in the flag salute.

1. Public comments.

None

2. Board of Director comments.

President Baggerly commented on the threat of the Quaaqa and Zebra mussels to the lake habitat and water delivery systems. He suggested a comprehensive plan be developed on how to deal with boats that have recently been launched in infected waters. He suggested that Ron develop letters to the Governor, Department of Fish & Game, the Fish & Game Commission and Department of Boating and Waterways to develop monitoring system for tracking boats that were launched in infected waters.

3. Consent Agenda

APPROVED

- a. Minutes of March 14, 2007 meeting.
- b. Recommend approval of purchase orders to Bullet Guard in the amount of \$54,833 to install bullet resistant security enclosure and windows in the front of the District office.
- c. Recommend approval of appointing Ron Yost as the Interim Casitas Damtender.
- d. Recommend modification of the Distribution Technician/Treatment Plant Operator position to a Distribution Technician position.
- e. Recommend approval of a letter to Governor Schwarzenegger regarding the California Welcome Center and the request that display space be provided at a reduced or no cost basis for the public sector.
- f. Recommend authorization for the removal of the existing chain link fence on the south side of the district office by Izak Kharrazi the owner of the property at 1025 Ventura Ave. and allow him to install a new fence on the property line.
- g. Recommend rescinding Purchase Order #7568 to CR's Gate Service in the amount of \$5357.14 for the installation of a traffic control gate at Recreation as the vendor decided not to do the work.
- h. Recommend approval of a purchase order to Superior Gate Systems in the amount of \$4,200 for the installation of a traffic control gate at Recreation.

On the motion of Director Handley, seconded by Director Hicks and passed, the consent agenda was approved with Director Kaiser abstaining from approving item a as he was absent for that meeting.

4. Bills APPROVED

Director Hicks questioned #23522 to CA Rasmussen \$25,000 and asked if that is the total release. Mr. Wickstrum stated yes, we are done.

Director Handley questioned #23545 to Marzulla & Marzulla and that it says Reclamation and NOAA Fisheries on the bill list. Mr. Wickstrum explained that Reclamation is part of the takings claim and this is from part of the original billing. Director Handley asked what the charges covered. Rob Sawyer explained that the bill can be reviewed in closed session as it is privileged communication of work product.

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

5. Committee/Manager Reports APPROVED FOR FILING
a. Recreation Committee Minutes
b. Executive Committee Minutes
c. Water Resources Committee Minutes
d. Personnel Committee Minutes

Director Hicks asked about the tour boat at the Lake and Mr. Wickstrum explained that it looks favorable that the Recreation Committee will be approached with an agreement.

President Baggerly commented on the Recreation Committee minutes and the closing of the coves with booms and enforcement of the spawning period. The committee requested that staff move ahead with that. He added that we need to protect the bass spawning season. Some fishermen are jigging off the spawning nests and that activity has the possibility of damaging our fisheries resource for bass. He asked for some sort of policy for the activities of the lake to prohibit jigging during the spawning season and wanted to make sure the numbers of tournaments are approved by the Department of Fish & Game. President Baggerly then suggested that the minutes of the Recreation Committee should reflect that there would be a report back to the committee after Memorial Day regarding the proposal of moving small groups to other areas. Director Hicks agreed that jigging should not be allowed during nesting time.

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

6. Appeal of Ed Colby regarding his backflow device and his request that he not be required to move the backflow device to the meter. Denied

Mr. Wickstrum reported that Mr. Colby attended our Water Resources meeting. The backflow device was in place prior to his ownership and is away from the water meter. Mr. Merckling has now heard that Mr. Colby will move the device but requesting having until June to move the device. Mr. Wickstrum continued by saying as a normal course we do allow time to make a good faith effort and it is appropriate to deny the appeal and provide time to move the device

On the motion of Director Kaiser, seconded by Director Handley and passed the request was denied.

7. Recommend approval of the request from Tri County Fish Team for funding for 2007-2008 in the amount of \$3,750. APPROVED

President Baggerly brought this issue before the board and explained that the grant funding for the Tri County Fish Team ended March 15th. They have not finished their work for prioritization for fish passage projects. Within the MOU for development of the Tri County Fish Team there is the possibility of a one time funding mechanism of \$15,000 per county to aid TCFT. There are four signatories in Ventura County so our cost would be \$3,750. The money is not needed until the next fiscal year and can go into next year's budget and be sent July 2nd. This is a one time request, a small amount of money, and they will be seeking other grant opportunities.

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

8. Recommend approval of future funding for a proportional share of the maintenance costs for the San Antonio Spreading Grounds project. APPROVED

President Baggerly reported that this project was the most favored project in the 12 projects approved by State Water Resource Control Board for prop 50 funding. This project is supposed to receive \$1.35 million dollars. It was the one that the state water agencies said they liked the best. This is a project that was brought forward by OBGMA and picked up by Golden State and by water resources department. OBGMA has problems funding itself. They have a solicitation to get legislation before the assembly to raise pumping fees. That legislation has not happened yet. Funding from this agency is iffy. Ojai water conservation district has the possibility of using legislation to use assessments to do projects. But that is iffy with prop 218 and the like. The problem is that the full \$25 million for the suite of projects could be in jeopardy if all 12 are not funded. This one is probably the darling of the whole thing. If this fails all the projects fail. The project does not have to be built until 2010. First year funding is paid for by grant in 2011. There was an assessment at \$90,000 and another at \$30,000 for operations and maintenance. He asked the Board of Casitas to commit to a funding opportunity a few years down the road. It would be no more than \$20,000 a year and it would be a proportional amount. Golden State has agreed to pay for 40% of operations and maintenance.

Russ McGlothlin of Hatch & Parent, representing Golden State Water Company addressed the Board. This project came out as the best way to ensure that we optimize the local water resources. We hired a hydrologist to look at how much water was coming down and how much go through to maintain minimum riparian habitat and how much could be diverted and percolated into the ground. Looking at rough estimate of 500 – 600 acre feet of recharge. Benefits of Casitas are similar to Sr. Canyon. Water tables maintained higher in a year, produce more groundwater and purchase less water from Casitas. This has both direct benefits to producers and indirect benefits to the entire Casitas community in terms of water supply reliability. O & M costs are a real sticking issue. Capital expenditures still to be made. CEQA, fish study and permitting. Your agency took care of fish study. County will take CEQA and do that and Golden State will take over permitting elements. Golden State has agreed to pay 40%, we take 40% of the water. The County recognizes they may have to do some and if we can get legislation it may come from OBGMA. We ask you to agree to fund part of this, a fair part and negotiate on your behalf to reach that.

Mr. Wickstrum added there are a lot of questions in being involved in an agency going through budgets and do the right thing for our own systems. Initially we talked about \$30,000 per year. He questioned the true estimate of this project. It appears to be overvalued. This is a question that will have to be resolved over time. Do we allocate \$30,000 and put it on our rate payers for something that may be a fraction of that. President Baggerly responded I am not asking for a dollar amount per se but I am asking that this district realize this is a project that does fit our policy to help other agencies stay within their water budget and stay solvent to escape the need for state water. I am looking for support for a proportional amount to be determined for the maintenance for this project. Director Kaiser asked what the advantage for Casitas to get involved is. Mr. Wickstrum explained that we try to have people use groundwater basin with Casitas supply in a wise way and optimize resources. Much like we are doing with Sr. Canyon.

On the motion of Director Handley to support future funding for a reasonable proportional amount of the funding for the San Antonio Spreading Grounds maintenance, seconded by Director Kaiser and passed, the above recommendation was approved.

9. Recommend approval of a proposal from CPS Executive Search for the recruitment of an Engineer in the amount of \$16,500 plus reimbursable expenses from \$6,500 - \$8,500.

TABLED

Mr. Wickstrum reported that in the last fiscal year we had this position in the budget to recruit. I have gone through gyrations for this position looking at money for capital projects versus engineers. I'm not sure that we should pay \$25,000 to look for an individual. The position was pulled off last August after we had two qualified applicants walk in. We would like to recruit for this ourselves and if we are not successful then we could go this route. Right now we are doing well on capital projects. Director Kaiser added he supports staff trying to recruit on their own. Mr. Wickstrum continued that there is no time over the next few months to interview, hire and train. It is difficult at this point but we would be in better shape to work on this after the completion of the GM

recruitment. Director Kaiser suggested we table this. President Baggerly agreed to table the item.

10. Information items:

Level of lake –3/232007 - -557.90 feet above mean sea level 9.10 feet below spill elevation); present storage is 229,992 acre feet (24,008 acre feet below full capacity of 254,000 acre feet, 102,992 acre feet above half capacity, or 90.55% full capacity.

- a. Letter from Rodney McInnis of National Marine Fisheries Service regarding operations and maintenance of the Robles Diversion and Fish Passage Facility.
- b. Letter from the City of Ventura regarding their annual water use certification.
- c. Recreation Area Report for February.
- d. News Articles of Interest
- e. Investment Report

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.
- b. Conference with Legal Counsel - Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (one potential case).
- c. Conference with Real Property Negotiators (Section 54956.8):
District Designated Negotiators: Steve Wickstrum, Rebekah Vieira, Pete Kaiser, 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
- d. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9 Government Code. Name of Case: Aaron Stittler vs. Casitas Municipal Water District, Case number: CIV246325.

President Baggerly convened to closed session regarding items a, c and d, Government code 54956.9 and 54956.8 at 5:26 p.m. President Baggerly reconvened the meeting to open session at 6:32 p.m. stating no action was taken. The meeting was immediately adjourned.