

Minutes of the Casitas Municipal Water District
Board of Directors Meeting Held
January 24, 2007

A meeting of the Board of Directors was held January 24, 2007 at Casitas' Office, Oak View, California. Directors Baggerly, Word, Hicks, Handley and Kaiser were present. Also present were John Johnson, General Manager, Rebekah Vieira, Clerk of the Board; and Attorney, Rob Sawyer. There were three staff members and four members of the public in attendance. Director Baggerly led the group in the flag salute.

1. Public comments.

None

2. Board of Director comments.

Director Handley informed the board that he had received a call from constituent requesting information on the electric boat that Botanic Gardens had used and wanted to know if another group would be able to operate the boat. Mr. Johnson explained that our concessionaire is trying to work out an agreement to set something up.

Director Kaiser reported that he attended the quarterly meeting of the Ventura County Regional energy Alliance and information from that meeting is on the desk for the board members. Director Kaiser was nominated by Supervisor Kathy Long to be the chair of the alliance this year. Director Kaiser asked that our staff work directly with the VCREA to develop an employee workplace action plan. Energy consumption for pumping is a significant cost item on our budget. He strongly encouraged the board to provide direction to staff to work actively with VCREA. This will be discussed at the Finance Committee as a direct policy issue.

3. Consent Agenda

ADOPTED

- a. Minutes of January 10 and 12, 2007 and December 13, 2006 meetings.
- b. Resolution providing Frequent Visitor Cards to Employees, Retired Employees, Directors and Retired Directors and any surviving spouses.
- c. Recommend approval of the conversion of the mechanic position to a distribution operator, treatment plant operator training position.

A revised resolution for the frequent visitor cards was provided on the table. The changes included changing the terminology from retired director to former directors. The card is not transferable to a spouse that comes after the employment at the district.

There were questions on item c regarding the conversion of the position. The position was the mechanic position which is being transferred into the Pipeline/TP Operator position. The position will be in the pipeline first and then after some time transfer into the treatment plant.

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

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

Resolution is numbered 07-06.

4. Bills APPROVED

Director Hicks asked about #23092 to Pearlman Borska & Wax. Me. Johnson explained that this is for the attorney representing us on the Workers Compensation case. Director Hicks then asked about #23106 to Ventura Orthopedic Sports. Mr. Johnson explained this is another workers compensation payment for a previous employee.

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

5. Committee Reports APPROVED FOR FILING

- a. Specific Issues
- b. Recreation Committee Minutes of January 3, 2007.
- c. Recreation Committee Minutes of January 11, 2007.
- d. Finance Committee Minutes of January 5, 2007.
- e. Fisheries Update

Director Hicks asked how are they coming at getting the trees out? Brian Roney replied that they are 50% through. The ones at the front are gone. Staff and US Forest service took care of it.

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

6. Continued from the 1/10/07 Board Meeting: Discussion of the issue of the house built over the 39 inch water main at 95 Larimer in Oak View.

Lindsey Nelson, representing Mr. Cornejo thanked the board for continuing the meeting. He explained that John has explained the circumstances and he would probably make the same recommendation. You don't own the pipeline; you are the caretakers of it. Mr. Cornejo acquired this property through the neighbor, Mr. Robles. No brokers were involved. Mr. Cornejo does not speak English. He bought the property and did receive a title report. He did not realize the significance of the easements. He paid less than \$185,000 for the property and proceeded to build his dream house. He got green lights from the County of Ventura building, safety and planning, Ojai Valley Sanitary, they all said build it. Your department charged \$3,200 for a water meter. There were soils tests done and they augured three holes and missed your pipe. Mr. Nelson explained that with an easement this large he does not see why the entire lot was purchased as it is unbuildable. It is a 25 foot easement on a 50 foot lot. I am amazed to think that the

acquisition of the right of way did not result in this lot being acquired. There is no room to build. The easement is clear. You must protect that. The house is 95% built. We received a stop order 8 months ago. Mr. Nelson proposed that Mr. and Mrs. Cornejo only be allowed to live at the property, knowing that the property can never be sold. A waiver would have to be drafted. Mr. Cornejo would be faced with the possibility he may not have a house. There would be a waiver for self, guests, invitees; they would waive all rights, damage, injury, death etc. Mr. Cornejo has to assume some of the responsibility for this. At no point did he have a professional assistant. He was his own contractor with help of sons who speak English. Mr. Nelson suggested some type of red flag warning on a parcel such as this to prevent this in the future. The lot is unbuildable and he should not have got a permit on that. Mr. Cornejo invested \$480,000; he has debt on another property. Mr. Nelson requested that if this is referred to the Bureau that he be provided with a contact person to deal with. In closing Mr. Nelson congratulated John on his retirement and stated that he had done a fine job.

Director Hicks stated that personally he could support something where Mr. and Mrs. Cornejo could live there as long as he signs away all rights. He would not be able to sell the house. Mr. Nelson stated that if Mr. Cornejo knowingly assumes the risk and signs the waiver, the bureau would have to be involved. He could not sell the house that there would be a recording against it that the house can not be sold. Another option is to move the house but he would have to have a lot to move it to.

President Baggerly spoke to Mr. Cornejo in Spanish. Mr. Cornejo's son stated that he will explain everything to his father. President Baggerly asked since we are the caretaker and not the landowner would we have any authority to sign a waiver? Rob answered no. The easement is part of the core project works. We have a responsibility to protect them. Rob had spoken with Michael Jackson and representative of the solicitor general's office they did not believe that Casitas had authority to do anything such as a waiver or modification. They are holding all the cards. If proposal came up that met with districts approval they would be bound to agree to it. Request is that it be screened and sent on to them for a decision. An easement does not prohibit occupation on the surface only those that interfere. Board could request certain ways of handling it. Concept of broad release and recorded covenant might satisfy the Bureau with assurances that occupation would not unduly interfere with the Engineering department. In talking with Mr. Wickstrum there are a lot of other angles for getting into that pipe in an emergency. Eventually for replacement you would have to take down the house. The District could live with hold harmless and waiver provided district might have to get equipment in quickly. Issue of what this board wants to pass back to the bureau recommendations with understanding they may ignore us.

It was suggested that a decision on this should be deferred until the board could see waiver language from Mr. Nelson. It was suggested that perhaps Mr. Nelson could bring the language back to the Next Board meeting on February 14, 2007. Director Word asked if the district is willing to pay Rob for extra legal fees. Director Kaiser replied as it would pertain to the protection of the district, yes. President Baggerly said it will be brought back to the February 14th meeting.

7. Presentation by Bob Daddi regarding trees, accidents and recommended preventative actions.

Director Kaiser informed the board that he asked Bob to come before the board to discuss trees and recommended preventative actions. He is a well known expert in the valley. Bob Daddi presented some photos of damaged trees. The recent wind event ripped the tops off the Eucalyptus trees and now the top structures are now like wishbones hanging in the lower limbs of the same trees. Following a wind event we have those things coming down with injuries. Failures in trees are causing car damage and property damage. He did not suggest removal of all trees but said you should look at canopies and see what you can do to thin them at the top. He added that we are getting more litigation action. Now we are getting demands back regarding inspections after wind event. He urged the District to look at the trees that are at the north end of the lake to the left of the ramp where you have foot traffic. That is a great concern. Director Hicks asked if there is greater liability of breaking branches or small root ball. Bob replied that the branches breaking off are the greatest concern. If there is a legal action the questions will be did you inspect it, did an arborist look at it. Director Word thought we had an arborist to do this. Brian Roney explained that he is scheduled to come out in three weeks.

8. Recommend approval of Purchase Order #07499 to Staben Equipment Co in the amount of \$14,344.69 for the purchase of a Kubota Turf Mower. This item is over budget.

APPROVED

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

9. Discussion and approval of a Master EIR for the RMP.

TABLED

Mr. Johnson reported that CEQA will be required for the RMP. Reclamation will do some CEQA but it is unknown if it will be adequate for your purposes. It has to be project specific. We can proceed in serial fashion or to do in parallel. We received a proposal on CEQA for RMP which was \$54,000 or \$83,400 for EIR. They would do the master EIR for another \$20,000. We have not had discussion with Federal agency yet. The question is do you want to move with the master EIR to get the projects done or put it off until the RMP is done. Director Word asked if this would be part of our discussion tomorrow. We should we wait to hear what the Bureau has to say. The item was tabled to the next meeting.

10. Information items:

Level of lake -1/18/2007 - -558.54 feet above mean sea level 8.46 feet below spill elevation); present storage is 231,534 acre feet (22,466 acre feet below full capacity of 254,000 acre feet, 104,534 acre feet above half capacity, or 91.15% full capacity.

- a. Memo regarding a field visit with CalTrans regarding Ojai Valley Main relocation to bridge at San Antonio Creek.
- b. Letter from SEIU regarding reorganization of SEIU locals.
- c. News Articles of Interest
- d. Investment Report

President Baggerly convened the meeting to closed session at 5: 37 p.m. regarding both a and b of the closed session items pursuant to government Code 54956.9.

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 (Government Code 54956.9) disclosure of possible case where the name would jeopardize existing settlement negotiations. 1 case.

President Baggerly reconvened the meeting to open session at 6:17 p.m. and immediately adjourned the meeting stating that no action had been taken in closed session.

Secretary