

Minutes of the Casitas Municipal Water District
Board Meeting Held
February 9, 2011

A meeting of the Board of Directors was held February 9, 2011 at Casitas' Office, Oak View, California. Directors Kaiser, Word, Baggerly, and Bergen were present. Director Hicks was absent. Also present were Steve Wickstrum, General Manager, Rebekah Vieira, Clerk of the Board, and Attorney, John Mathews. There was one staff member and three members of the public in attendance. President Kaiser led the group in the flag salute.

1. Public comments.

Suza Francina, residing at 1006 Padre in Ojai spoke to the Board regarding the Recreation Fence. Ms. Francina stated I am a founding member of the Ojai Wildlife League, former Mayor of Ojai, and a health and environmental writer. I have concerns for the new fence. Construction of new fence began the day after the Ojai Wildlife League and other members of the public spoke. The fence has been up for two months. We would like to know how many of you have walked the fence line and looked at the places where the open existing fence was left and if you think of the ten openings do you think deer can cross. Has any board member or hosts seen if deer can access the lake. I have walked the fence a few times. I have heard you have installed cameras to view wildlife. I have had conversations with the Bureau of Reclamation. They think you have left legitimate access points. The public wants assurance this is true. The openings are limited as maybe an animal can get through and they were not ever designed for openings for animals but they are difficult for a boat to access. I went through every opening. Most of these openings are uphill or they have drops. It is clear we feel misled, maybe that was not your intention. Our concern is animals can not use the access points. I have heard comments from the public. I go to the lake frequently and have not seen a deer, fox or coyote. I just see birds. A former board member wrote I fully agree with the article on the Casitas prison fence. Is this the proper way for Casitas to manage these lands? The metal barrier is a waste of public funds. Our concerns are for when the drop in water comes. I have seen big herds of deer. What happens when water dries up. Will they go into town? The public would like assurance on what is going on with the fence. You tried making it brown but it still looks like a prison fence. If the Berlin wall can come down so can this. I would like a response to my questions. President Kaiser stated there is no response at this time.

Shalom Joshua asked that if you have plans to modify the fence and make it animal friendly it would make things easier and I would appreciate hearing from you if those plans are imminent. If there are no such plans then I would like to go back to the last time I spoke at this board in November and at that time we had a number of questions about the pending fence. Your board recommended that some of our questions about a biologist on the fence, your recommendation was that one our more of us access the file that exists here and the answers to questions are in the file. I came here and tried to get access to the file. I was

unable to. Mr. Wickstrum and Ms. Vieira were not here. Ms. Vieira called me that evening and we arranged for the file to be made available. It took a month before I saw the file. In mid December I saw the file. Ms Vieira was there with me. I explained appreciating seeing the file but there seemed to be some things missing from it. That is my concern to this day. I am unable to understand how this project got off the ground. I didn't see the beginning documents or discussions. What was in the file consisted of comments and contracts once the project was underway. Something I was strongly convinced existed before. To this day I have not seen any such documents. I seem to be having more difficulty in getting cooperation. I can't get copies of the flagged papers that were in the file. Ms. Vieira sent me an e-mail Jan. 12th asking if still interested in the copies. I responded to her stating of course. I still do not have the copies. She asked do you want me to mail them. I have not received them. It is wrong that a citizen with a concern about a community issue has to fight upstream to get the minimum that is a public agency. I have not run into this before. I would like your help in seeing the entire file and not have to go through this. I have copies of communications and need to know if you want to see those copies.

Director Baggerly responded we will discuss the file and the access you request and see that it gets done. President Kaiser asked if there was a specific request that was asked for. Mr. Joshua explained he wanted to see the entire file. Ms. Vieira stated she would be happy to forward the copies again. President Kaiser asked Mr. Joshua to state his address for the record. Mr. Joshua stated his address is 1205 N. Signal Street in Ojai.

Director Baggerly explained the file is what it is. The work starts with a design and initial study checklist. You may be thinking there is something in the file but that does not presuppose that it is in there.

Mr. Joshua explained I don't know your policy on documents that go in a file. In my experience looking at files there is an evolution of information. What I was aware of was of documents that were not in there. When the eight members of the Ojai Wildlife league spoke to the Board, those minutes were not in there. Director Baggerly explained that the minutes are in the agenda packets and can be accessed on the web site. Mr. Joshua responded that there was a copy of minutes from May but the November minutes were not there. President Kaiser added they are available on our website.

Director Baggerly suggested a brief description of how projects get started may be in order. The project gets started because of a need. They do the design work and bring it to the board and then the board approves or denies the project.

Ms. Francina stated I will e-mail you my questions and ask for a response. President Kaiser encouraged her to share any photos or study she is doing with staff.

2. General Manager comments.

Mr. Wickstrum reported that he and Director Baggerly attended the Matilija Dam Study Group meeting and they are discussing the BRDA site again. There was a discussion of notching the dam in the way they have done in Northern California and it was comforting to hear from the Representative from the State Water Quality Control Board that they fear those sediments have unusual nutrients and the flow would likely kick up algae events in the Ventura River. There is another meeting on February 24th and then one more meeting after that. This group was promised that there would only be four meetings held. Another reality is that now is not the time to get appropriations for this project.

Mr. Wickstrum then explained that he would be meeting with Sr. Canyon Mutual Water Company as they are looking at a merger scenario again. Director Word asked if Mr. Wickstrum could clarify if we have leaking lines up there. Mr. Wickstrum explained that staff checked and there were two backflows that were identified as potentially leaking. Both property owners have been contacted.

Mr. Wickstrum then informed the Board that the Bureau of Reclamation would be meeting with us next Wednesday.

3. Board of Director comments.

President Kaiser mentioned viewing the refurbishment of the Oak View tank and encouraged others to see it. Staff is doing a fantastic job up there.

4. Consent Agenda APPROVED

- a. Minutes of the January 26, 2010 Board Meeting.
- b. Recommend approval of a purchase order to USA Bluebook in the amount of \$22,125.48 for the purchase of ten GLI Accu 4 turbidimeters.

On the motion of Director Word, seconded by Director Baggerly and passed, the Consent Agenda was approved.

5. Bills APPROVED

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

6. Committee/Manager Reports APPROVED FOR FILING

- a. Executive Committee Minutes

On the motion of Director Word, seconded by Director Baggerly and passed, the Committee/Manager Reports were approved for filing.

7. Resolution approving the Notice of Completion for the Rincon 2(m) Pipeline Replacement Project and adopting the Notice of Exemption.
ADOPTED

Director Baggerly explained that the original meaning of the statute that was passed to allow for this exemption was for oil pipelines. It was gutted in the legislature and all new language was put in. I fundamentally disagree with the statutory exemption. It somehow got expanded to any pipeline and I don't agree with that. I have a problem with the exemption and will probably vote against it on principle.

Mr. Wickstrum explained that this came from the engineers we hired to do the job. Mr. Mathews added this exemption is used all the time by water and sewer companies.

The resolution was offered by Director Word, seconded by Director Bergen and adopted by the following roll call vote:

AYES:	Directors:	Bergen, Word, Kaiser
NOES:	Directors:	Baggerly
ABSENT:	Directors:	Hicks

Resolution is numbered 11-05.

8. Recommend reconsideration of auditing services and contracting with Charles Z. Fedak & Co. for fiscal years 2011 through 2015.
APPROVED

Director Word explained that he was a proponent of switching auditors and thinks that is a good practice. Our experience with our current auditor was all right but they were not as forthcoming as our previous auditor. Our previous auditor has maintained their helpfulness and contact with the district. They have continued to provide us with information to save us money and other things. Even though the bids from Charles Z. Fedak are slightly higher maybe we are getting what we are paying for. Fedak asked more searching questions than our recent auditor and I would recommend we switch auditors.

Director Bergen agreed adding that according to Denise, Fedak would call with changes in legislation and rules and the other auditor did not do that. That is a valuable service. Director Bergen agreed with the premise of switching auditors from time to time.

Director Baggerly explained that he has no problem with the contractor but has a problem with the five year period. Director Word explained it is a five year offer but it is renewed every year. Mr. Wickstrum added that it comes to the board every year.

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

9. Information Items:

RECEIVED AND FILED

- a. Monthly Cost Analysis for operation of Robles, fisheries and fish passage.
- b. News Articles
- c. Investment Report

Director Bergen mentioned that it appears the fisheries costs have increased over time. Mr. Wickstrum explained that in 2003-2004 we only had one full time and one part time employee and we did not have the fish ladder in place. Now we are doing a lot more monitoring and the department is comprised of Scott Lewis, our Fisheries Biologist, Mike Gibson our local fish biologist and two seasonal part time fish techs who assist with field work. Director Word added that probably will not change or go down in the future. That is the cost of operating and managing the fisheries which does not include the fisheries plan at the lake. Director Bergen questioned the use of an out of town employee. Mr. Wickstrum explained that was the arrangement at the time of hiring. President Kaiser added he was the most qualified individual available at that time.

On the motion of Director Word, seconded by Director Baggerly and passed, the information items were received and filed.

President Kaiser moved the meeting to closed session at 3:46 p.m.

10. Closed session

Conference with Legal Counsel -- Existing Litigation (Subdivision (a) of Section 54956.9, Government Code). Name of Case: Klein v. Casitas Municipal Water District.

President Kaiser reconvened the regular session at 3:52 p.m. stating the board received an update on the case and no action was taken.

11. Adjournment

President Kaiser adjourned the meeting at 3:52 p.m.

Secretary