

Minutes of the Casitas Municipal Water District  
Board Meeting Held  
August 10, 2011

A meeting of the Board of Directors was held August 10, 2011 at Casitas' Office, Oak View, California. Directors Kaiser, Word, Hicks, and Bergen were present. Director Baggerly was absent. Also present were Neil Cole, Principal Civil Engineer, Rebekah Vieira, Clerk of the Board, and Attorney, John Mathews. There were two staff members and four members of the public in attendance. President Kaiser led the group in the flag salute.

1. Public comments.

Sholom Joshua of Ojai and a member of the Ojai Wildlife League addressed the board regarding the fence on the north side of Lake Casitas. He read two quotations, one from Gandhi stating "the greatness of a nation and its moral progress can be judged by how the animals are treated." The other quote was from Martin Luther King. He continued that while not as many people know about the fence it is becoming more known and is well known to me. I have made numerous trips to that fence to try to find a way that this would work for the wildlife in their efforts to get to the lake to drink. That is why I am here. I feel compelled to make an effort on behalf of the animals to have the minimum made available to them and that is their access to the lake, especially this time of year. This is not just my concern but also the concern from others. I don't see how a deer can get in that fence. I ask you to remedy this, do what is right for the animals and have it the way it used to be. You may know we have had several communications with the Bureau about the fence. With each response, the points we wanted addressed have not been addressed. Our most recent letter was published last week in the Ojai Valley News.

Suza Francina of Ojai and Ojai Wildlife League expressed support for the comments made by the previous speaker. I have two requests. The new fence has been up for about nine months. It is time to assess the impact of the fence. I keep hoping I am wrong. We walked the fence on one of the hottest days of the year and can not see how deer get through the gulley. I do not know what the cameras show. Put this on the agenda and provide a full staff report and you could respond and do some kind of outreach or even walk the fence with us. Please give us a report of your findings to date. We are still not in the hottest part of the summer. They are still able to get water from the river. It is time for a review. My second request is the concern about rodent poisoning and I would like a staff report of how Casitas handles rodent control and the use of rodent poisoning if any.

2. General Manager comments.

Mr. Cole reported the landscape seminar is fully reserved with 15 additional people on the waiting list for the next seminar. We opened the bids for Senior Canyon and the bids are considerably over budget. We are looking at the bid results and talking with the county to review our options.

3. Board of Director comments.

President Kaiser reported that he spent five days at the Recreation area this last week. What I saw about the deer herd is it is very nourished and grazing on that north slope. I watched for several days. I didn't see any signs of distress in the 100 plus degrees. If you have any photos please present them to staff.

President Kaiser then mentioned an unfortunate incident involving an employee who was bit by a dog at the recreation area. It was an unfortunate event and staff will be completing their investigation. We need to look at how we are going to adjust so staff can prepare themselves. The executive committee will review this.

President Kaiser then discussed his attendance at the final arguments in DC. Some of the main points are: The steelhead are not listed under California law. The water right is a property right and it is a permanent taking. The B.O. was premature in design and implementation. There was discussion on annual actual vs. average water loss. Harming fish does not arise to a public trust issues. The Judge commented that he couldn't understand how you can be so cavalier about someone else's rights. The Judge also said the Feds can't speak for the state. He questioned if the Feds are doing more than what is being done by the state. Public trust must take into consideration all the issues not just the fish. The U.S. said any taking is not necessarily compensable and added that historic diversion was causing harm to the fish. The Judge also stated there is no precedence to guide in this case and that's why it is so difficult.

Director Word informed the board that he has been approached by the Ventura Chamber asking for water representation on their board. Either Bill or I could join their board and with this board's indulgence one of us will agree to do that. Director Hicks stated he is already on the legislative issues committee. Director Word agreed to be the representative.

President Kaiser discussed the lawsuit the City of Ventura has filed on United Water and there was a request for Mr. Merckling to provide a report to the board.

4. Consent Agenda

ADOPTED

- a. Minutes of the July 27, 2011 Board Meeting.

On the motion of Director Word, seconded by Director Hicks and passed, the Consent Agenda was adopted.

5. Bills

APPROVED

There was one question regarding the payment to Stratecon. Mr. Cole informed the board that this is for Dr. Rod Smith who testified for the case.

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

6. Committee/Manager Reports APPROVED FOR FILING
- a. Recreation Committee Minutes
  - b. Executive Committee Minutes

Director Word asked if we had an update on the showers. Park Services Manager Carol Belser reported that the incident involved a sequence of miscommunication which has been rectified. The person who e-mailed the board is receiving a response. The restroom had been vandalized. We take this very serious and it reflects on all of us. We were able to identify what when wrong and have taken steps to improve the situation.

President Kaiser then mentioned the dog incident. Ms. Belser informed the board that the dog was not accounted for as the customer entered the front gate. President Kaiser added this board takes our staff safety seriously and the Executive Committee will review everything that happens as it relates to our policies. A full, factual report should be made to the board.

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

7. Resolution awarding a purchase order to John S. Major in the amount of \$14,100 and authorization of expenditures of up to \$16,000 for repairs to the De La Garrigue Bridge. ADOPTED

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

AYES:	Directors:	Bergen, Hicks, Word, Kaiser
NOES:	Directors:	None
ABSENT:	Directors:	Baggerly

Resolution is numbered 11-17.

8. Consideration of attendance at the California Special District Association Annual Conference being held October 10 – 13 in Monterey.

On the motion of Director Hicks, seconded by Director Bergen and passed, attendance at the conference was approved if there is any interest.

9. Recommend approval of letters to Assembly Members Das Williams and Jeff Gorell regarding opposition to Senate Bill 931(Vargas). APPROVED

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

10. Information Items:

- a. Monthly Cost Analysis for operation of Robles, fisheries and fish passage.
- b. Summary of Living Wise and Water Wise education program results.
- c. News Articles.
- d. Investment Report

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

President Kaiser moved the meeting to closed session at 3:38 p.m.

11. Closed Session

- a. (Govt. Code Sec. 54957.6)  
Conference with Labor Negotiators:  
Agency Designated Representatives: Rebekah Vieira, Draza Mrvichin  
Employee Organization: Supervisory & Professional, General Unit and Recreation Unit.

President Kaiser moved the meeting back into open session at 4:36 and Mr. Mathews reported that the board met with negotiators and received a status update on negotiations. No action was taken.

12. Adjournment

President Kaiser adjourned the meeting at 4:37 p.m.

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Secretary