

Minutes of the Casitas Municipal Water District
Board Meeting Held
December 8, 2021

A meeting of the Board of Directors was held December 8, 2021. The meeting was held via teleconference.

CS1. - CALL TO ORDER CLOSED SESSION - 4:00 P.M.

President Brennan called the meeting to order at 4:00 p.m.

CS2. ROLL CALL

Directors Bergen, Kaiser, Cole, Hajas and Brennan are present. Also present are GM Flood, AGM Dyer, EA Vieira, and Counsel Mathews.

CS3. PUBLIC COMMENTS - on Closed Session items only.

Bill Weirick reported to the Board that the City of Ojai has been diligently trying to hold direct discussions with the City of Ventura. A preliminary meeting was held but the City of Ventura has decided to pull out of any further discussions with the City of Ojai. The City of Ojai will continue to stand ready if the City of Ventura chooses to change their mind. Mr. Weirick also reported that I have been involved in my fair share of complicated negotiations over the years and one of the things most important is to stipulate the facts. I am struck by watching several Ventura water commission meetings and they continue to state commitments that were never made by this board. No one corrects them that they have a misunderstanding. That does not help the negotiating environment. There continues to be discussions in the water commission on the adjudication and the intertie agreement.

President Brennan moved the meeting to closed session at 4:05 p.m. adding that we will reconvene at approximately 5:00 p.m. but the closed session may run a bit long tonight.

CS4. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(a) Santa Barbara Channelkeeper v. State Water Resources Control Board, City of San Buenaventura, et al.; and City of San Buenaventura v Duncan Abbott, et al., Cross Complaint; Superior Court of the State of California, County of Los Angeles, Case No. 19STCP01176.

Conference with Real Property Negotiators pursuant to California Government Code Section 54956.8 for APN 022-0-140-64 and APN 022-0-140-68, Willem and Bethalyn Jonker. District Negotiator: General Manager, Mike Flood.

1. CALL TO ORDER - Regular Session at 5:00

President Brennan called the regular session to order at 5:04

2. ROLL CALL

Directors Bergen, Kaiser, Cole, Hajas and Brennan are present. Also present are GM Flood, AGM Dyer, EA Vieira, and Counsel Mathews.

3. CLOSED SESSION REPORT

Mr. Mathews reported the board met on the two items. On the first item there was a general status update. On the second item action was taken with a five to nothing vote which authorized Mr. Flood and staff to enter into an agreement with property owners January 1 – March 2023 for the sum of \$50,000 with an option of month to month after that. The agreement is subject to general counsel review.

4. AGENDA CONFIRMATION

Mr. Flood reported that item 7 d will be pulled and brought back in January

5. PUBLIC COMMENTS - Presentation on District related items that are not on the agenda
- three minute limit.

William C. Levinson informed the board that in 2018 he notified Mike Flood of a drainage line out of the easement on my private property 5510 Casitas Pass Road and requested he provide a permanent drainage fix and no longer allow him to have the illegal trespassing on my property. This has caused a lot of erosion and there is a monthly daily weekly event every time it rains or Casitas flushes all the runoff water goes into this out of the easement on my private property. I have requested this a hundred times and have contacted the Board of Directors. He added that Brian Brennan is a conflict of interest, he was the executive aid for Matt LeVere and he derailed me. Asked him directly for a drainage fix and asked Mary. He requested the board to supply the fix in the easement and abandon illegal draining on my property. Denying my property damage claim is bad faith and I will take care of that on my own.

President Brennan informed Mr. Levinson that he was getting into discussion on an item that is on the agenda and he can speak to that when that item is heard. Mr. Levinson replied that Rebekah Vieira has my statement and has confirmed she will add it to the record. As long as she adds to the record I will get on with the rest of my day.

6. CONSENT AGENDA

- 6.a. Accounts Payable Report.
Accounts Payable Report.pdf
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- 6.b. Minutes of the November 24 Board Meeting.
11 24 2021 Mnotes.pdf
- 6.c. Resolution proclaiming a local emergency persists, re-ratifying the proclamation of a State of Emergency by Executive Order, and re-authorizing remote teleconference meetings of the legislative bodies of Casitas Municipal Water District for the period December 10, 2021 to January 9, 2022 pursuant to Brown Act provisions.
Resolution Subsequent AB 361.pdf
- 6.d. Resolution Approving Memberships for 2022.
Membership Resolution.pdf

The Consent Agenda was offered by Director Kaiser, seconded by Director Cole and adopted by the following roll call vote:

AYES:	Directors:	Bergen, Kaiser, Cole, Hajas, Brennan
NOES:	Directors:	None
ABSENT:	Directors:	None

7. ACTION ITEMS

- 7.a. Discussion and possible action on the Letter of Intent from the Tulare Irrigation District regarding the transfer of Casitas MWD's State Water Project Table A supplies.
Board Memo on TID LOI 120821.pdf
Tulare Letter of Intent_TID 12-3-21 ATT1.pdf

On the motion of Director Bergen, seconded by Director Cole, the above recommendation was approved by the following roll call vote:

AYES:	Directors:	Bergen, Kaiser, Cole, Hajas, Brennan
NOES:	Directors:	None
ABSENT:	Directors:	None

- 7.b. Review and approval of the Casitas MWD Fiscal Year 2020-2021 Annual Comprehensive Financial Report.
Casitas Gov Ltr Concl 20-21 Draft #1.pdf
Casitas MWD 20-21 FS Draft #4.pdf

Kassie from CLA presentation on the audit.

On the motion of Director Cole, seconded by Director Kaiser, the audit was approved by the following roll call vote:

AYES:	Directors:	Bergen, Kaiser, Cole, Hajas, Brennan
NOES:	Directors:	None

ABSENT: Directors: None

- 7.c. Recommendation to schedule a Special Meeting on December 15, 2021 at 5:00 p.m. and cancel the regularly scheduled Board Meeting of December 22, 2021.

Director Cole and Director Hajas were supportive of keeping the meeting at 5:00 p.m. and this was approved by consensus.

- 7.d. Schedule a public hearing on the programmatic permit at the Casitas MWD Robles Diversion facility for January 12, 2022.
Robles_RM_Program_BoardMemo_12.02.2021
(1).pdf ATT1_Project Description_ June 2021 with
appendices.pdf

This item was pulled from the agenda and will be brought back perhaps in January.

- 7.e. Declare two decommissioned ammonia tanks at the Marion Walker Treatment Plant surplus and direct staff to place them in an online auction.

Board Memo on Surplus Ammonia Tanks - 120821.pdf

On the motion of Director Kaiser, seconded by Director Bergen, the above recommendation was approved by the following roll call vote:

AYES: Directors: Bergen, Kaiser, Cole, Hajas, Brennan
NOES: Directors: None
ABSENT: Directors: None

- 7.f. Resolution approving of the annexation of 1000 Burnham Road (APN 032-0-202-075) into the Ventura River Water District.
Board Memo VRWD Annexation Request
120821.pdf VRWD Annexation Request Letter
ATT1.pdf

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

AYES: Directors: Bergen, Kaiser, Cole, Hajas, Brennan
NOES: Directors: None
ABSENT: Directors: None

- 7.g. Appointment of an Ad-Hoc Imported Water Supply Projects Committee.

On the motion of Director Bergen, seconded by Director Hajas, Directors Cole and Kaiser are appointed to the Ad Hoc Committee by the following roll call vote:

AYES: Directors: Bergen, Kaiser, Cole, Hajas, Brennan
NOES: Directors: None

ABSENT: Directors: None

- 7.h. Authorize Task Order to Rincon Consultants to support EDA ARPA Tourism Grant for LCRA.
EDA ARPA.pdf

On the motion of Director Kaiser, seconded by Director Bergen the above recommendation was approved by the following roll call vote:

AYES: Directors: Bergen, Kaiser, Cole, Hajas, Brennan
NOES: Directors: None
ABSENT: Directors: None

Following the vote Pat Baggerly requested that in the future notice of the project that it is mentioned that it is a sewer project and wanted growth inducement to be included.

- 7.i. Determine bids for pipeline construction will only be accepted from the list of pre-qualified contractors for 2022 and the contractors who provided labor and equipment schedules may perform emergency pipeline repairs using their 2022 rate schedule.
Contractor Pre-Qual Board Memo 2021208 (1).pdf

On the motion of Director Cole, seconded by Director Kaiser, the above recommendation was approved by the following roll call vote:

AYES: Directors: Bergen, Kaiser, Cole, Hajas, Brennan
NOES: Directors: None
ABSENT: Directors: None

- 7.j. Denial of a claim at 5510 Casitas Pass Road, Ventura Ca.
Board Memo regarding denial of a claim at 5510 Casitas Pass Rd.
120821.pdf Claim.pdf
Claim Photos.pdf

Clerk of the Board Vieira read the following statement into the record:

I am William Levinson and am requesting my claim not be rejected on December 8, 2021 for this is bad faith by the general manager Michael Flood and has caused me loss and to be homeless due to severe property damage. I have requested Mr. Heerings report of my property damage claim and Mike Flood has not supplied me with the report and a permanent drainage fix within the easement at the tank site located within my property at 5510 Casitas Pass Road, Ventura, CA 93001.

On the motion of Director Bergen to deny the claim, seconded by Director Cole, and approved by the following roll call vote, the claim is denied:

AYES: Directors: Bergen, Kaiser, Cole, Hajas, Brennan
NOES: Directors: None

ABSENT: Directors: None

President Brennan then moved the meeting to the LCIF meeting.

8. LAKE CASITAS IMPROVEMENT FOUNDATION ANNUAL MEETING

8.a. Call to Order

The Lake Casitas Improvement Foundation Annual Meeting was called to order at 5:55 p.m. with the five members of the Casitas board present. There was discussion regarding a recruitment effort to be discussed by the Recreation Committee for the two community members.

8.b. Public Comments

None

8.c. Review and Approve Treasurers Report.
LCIF Treasurer's Report 06-30-2021 (1).pdf

The treasurer's report was approved on the motion of Director Bergen, seconded by Director Kaiser and approved by the following roll call vote:

AYES:	Directors:	Bergen, Kaiser, Cole, Hajas, Brennan
NOES:	Directors:	None
ABSENT:	Directors:	None

8.d. Adjourn Lake Casitas Improvement Foundation Meeting.

President Brennan adjourned the LCIF Annual Meeting at 5:59 p.m. and reconvened the Casitas Board Meeting.

9. INFORMATION ITEMS

9.a. State Water Project Intertie Report.
SWP Intertie Project Cost 11-30-21.pdf

9.b. CFD 2013 Report.
Casitas MWD CFD No. 2013-1 (Ojai) SB 165 Report (2021) v2.pdf

9.c. Adjudication Charges Report.
Adjudication Charges YTD 11.30.21.pdf

9.d. Financial Statement Summary for September.
Financial Statements 09-30-2021 Summary Updated.pdf

9.e. Non-budgeted Items Log.
Non-Budgeted Items Log.pdf

- 9.f. Investment Report.
Investment Report 11.30.2021.pdf

The information items were received and filed.

10. GENERAL MANAGER COMMENTS

Mr. Flood reported that our rate consultant is almost done with cost of service model. We will go over it in the coming weeks and expect to come to the board with a workshop on this to get the boards input. We may get four inches or more of rain over the next week.

11. BOARD OF DIRECTOR REPORTS ON MEETINGS ATTENDED

President Brennan and Director Hajas met with two council members and staff of city of Ventura. It was an informational meeting and answered some questions on the interties and the hiring of our consultant. Staff agreed to put together a framework of the time line on the items discussed and come back to the board in the future.

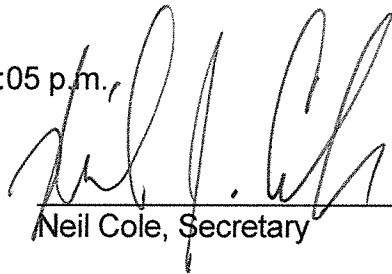
12. BOARD OF DIRECTOR COMMENTS PER GOVERNMENT CODE SECTION 54954.2(a).

Director Hajas reported the OBGMA's public hearing tomorrow at 2:00 on the GSP.

Director Kaiser added the UVGSA have a meeting on their plan at 12:30 tomorrow afternoon.

13. ADJOURNMENT

President Brennan adjourned the meeting at 6:05 p.m.



Neil Cole, Secretary