

Minutes of the Casitas Municipal Water District
Board Meeting Held
February 23, 2022

A meeting of the Board of Directors was held February 23, 2022. The meeting was held via teleconference.

1. CALL TO ORDER

President Brennan called the meeting to order at 5:00 p.m.

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. AGENDA CONFIRMATION

No changes

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

None

5. CONSENT AGENDA

5.a. Accounts Payable Report.
Accounts Payable Report.pdf

5.b. Minutes of the February 9, 2022 Board Meeting.
2 09 2022 Min.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

6. ACTION ITEMS

6.a. Requests for Water Allocation, APN 037-0-01-465 and APN 068-0-010-015.

President Brennan recused himself from the discussion on item 6.a as it could be appealed to the County of Ventura Board of Supervisors for which he works. Mr. Mathews stated

that Chair Brennan advised me that he would recuse himself and I agree with that. He will disconnect from this item and will not rejoin until that has been considered by the Board. President Brennan left the meeting at 5:04 p.m.

1. Consider the request from 11480 Sulphur Mountain Road, LLC, for an allocation of 4.26 acre-feet per year (AFY) for APN 037-0-01-465.

This is a request for new allocation and the amount needs board consideration before providing a conditional water availability letter.

Engineering Manager Aranda explained that requests for new service come thru Engineering. We review them and as they go thru planning process one of the first things on their checklist is a letter from Casitas stating we are the water purveyor and if allocation is available and the customer pays fees and completes paperwork then we will provide them service. This allocation is something beyond what we normally do per the Rates and Regulations for one property owner. GM Flood added we could wait until there is zoning clearance.

The board discussed having prior land use approval before consideration on this item.

The project owner provided some details on the proposed project which would be 23 room wellness camp and explained that the requested allocation is a formula based on the county requirements and fire protection.

Public comments were received by:

Trevor Quirk stated he is vehemently opposed to this project and explained there is a petition circulating that has a 1,000 signatures on it. This is inconsistent to what the Ojai neighborhood council wants. They have voiced their opposition and sent to county. Homeowners are also opposed to this project.

Bill Miley, in Ojai since 1968 asked that the Board deny the request because it clashes with the Ventura County Ojai Valley Area Plan, because of the current stage 3 water allocation by your board, because of the probably stage 4 adoption this fall or winter, because it is not a best uses of limited water resources for current valley residents, because of a multiyear drought as severe as those found in the last 600 years, because of the global climate warming pattern and evidence and it needs as environment impact report.

EA Vieira read into the record the following comments:

Email from Wendy Franklin – If it is indeed true that a developer is requesting a million gallons of water per year for a planned development of “guest cabins” on Sulphur Mountain Road, I would like to express my opposition to the granting of that request. The capacity of Lake Casitas continues to drop alarmingly, it has been many, many years since we have had sufficient rain to replenish it. This would be a slap in the face to those of us struggling to conserve water. At some point, we must stop listening just because money talks!

Email from Emmanuelle Pytka – I am a resident of upper Ojai directly concerned with this project that will basically happen in my backyard if approved. Along with the rest of us in upper Ojai, we all choose to live here for the same reason... in search of some last frontier open spaces

and wildlife and this is just what we found here. It seems many developers are trying very hard to financially benefit and have zero concern for either the environmental impact or wrecking the dreams of many neighbors and that is very tragic in both cases. There are little over 7K inhabitants in Ojai and we will reach 2K signatures (and going) against the project by the end of the day and this petition has only been up for a couple of days... people are working on hopefully mentioning something in the local paper and magazine to raise the population's awareness. We, the dreamers Ojaians, implore you to join us in taking a stance in protecting our open spaces, wildlife and nature connected lifestyles. Do not contribute to turning Ojai into Beverly Hills please. On another note, your 3 million gallons tank is on my land and this entity needs an easement from me in order to link his property to your water and that will never happen. In great hope and trust of your consideration to protect Ojai and its people, I thank you in advance for your wisdom.

Trevor Quirk added he has been sitting in depositions for a water adjudication lawsuit and trial starts March 16th. The timing will poor gas on a flaming fire. If the board allows someone to use or be allocated a million gallons per year it is inconsistent and timing is bad.

The Board provided to direction to staff to bring it back when zoning clearance has been provided.

2. Consider the request from Dennis Zermeno for an allocation of 2.25 AFY for APN 068-0-010-015.
Board Memo_11480 Sulphur Mtn 20220223.pdf

This is a request to move from a temporary meter which has been in place for many years from to regular service. The city of Ventura is fine with us to continue to provide water for dust control purposes.

Burt Handy stated Ventura has a recycled water program to be used for dust control. Director Cole responded that the City does not have any pipelines close

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

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

6.b. Authorize the General Manager to sign Change Order No. 1 for Santa Ana Boulevard Bridge Pipeline Relocation, Specification No. 20-434, to Toro Enterprises Inc., in an amount not to exceed \$124,546.00.
Santa Bridge_BM_0223_2022_COR.pdf

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

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

- 6.c. Authorize the General Manager to issue a Task Order for professional engineering design services to Kennedy/Jenks Consultants (KJ) for Heidelberg Pump Station Site Retaining Wall in an amount not to exceed \$70,954.
220223 - Board Memo for Heidelberg Pump Station Retaining Wal .pdf

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

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

- 6.d. Approve an amendment to the West Ojai Rotary Wine Festival Event agreement changing the date of the 2022 event from June 12, 2022 to June 18, 2022.
Board Memo - Rotary Wine Festival Amendment
022322.pdf Wine Festival Amendment #2 022322.pdf

On the motion of Director Kaiser, 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

- 6.e. Adopt the resolution setting a public hearing regarding the adoption of an ordinance authorizing an increase in Board of Director's compensation.
Memo-Board Compensation.pdf
RESO board comp publ
hearing.pdf

The board discussed some modifying the resolution to remove the first whereas and modify language so that the meeting will be held via teleconference and may also be in person.

The resolution with suggested changes was offered by Director Bergen, seconded by Director Kaiser and adopted by the following roll call vote:

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

Resolution is numbered 2022-06

7. DISCUSSION ITEMS/PRESENTATIONS

- 7.a. Update on Casitas MWD State Water Project Table A Water Supply transfer opportunities.

GM Flood provided an update on State Water Project Table A Water Supply transfer opportunities informing the Board that Tulare Irrigation District released Casitas from their letter of intent and a letter of intent from United Water Conservation District was received on Monday. Other entities have provided verbal interest. Options will be brought back to the Board on March 9th.

8. INFORMATION ITEMS

8.a. Recreation Committee Minutes
Rec Minutes 020822.pdf

8.b. Hydrology Report.
Hydrology January 2022.pdf

The information items were received.

9. GENERAL MANAGER COMMENTS

GM Flood provided an update on Covid informing the board that the County is going with the state's recommendation on masking. Casitas staff are doing more, requiring masks and distancing inside. In looking forward to being back in the board room, if we go back in we require masks unless there is a change to state requirement. We want to avoid policing vaccination status. We are working on an issue with compatibility with Zoom and the Granicus system. A new AV consultant come in today and believes they can make it compatible. We are trying to work that out. The resolution passed earlier in the month covers remote meetings until the next board meeting. We will put that on the agenda for Board discussion.

We expect to bring draft redistricting maps to the board on March 23rd with a deadline to file at the county by April 15th. We may need to hold a special meeting.

On the Santa Barbara Interties property acquisition, no one wants the pump station on their property so we may be bringing back something for the board to act on a condemnation.

Mr. Flood informed the board that he would be out on Monday and Tuesday.

10. BOARD OF DIRECTOR REPORTS ON MEETINGS ATTENDED

President Brennan attended the Ventura Water Commission.

Director Hajas reported on a visit looking at United Water Conservation District diversion facilities that they have not been able to operate because of lack of rain and they don't know if it will work.

Director Kaiser attended the UVRGA and because of a lack of consensus on providing comments on the OBGMA GSP that item did not go forward and will return on the next meeting, March 10th for further discussion.

Director Bergen also attended the UVRGA mtg.

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

Director Kaiser asked if there is language in our agreement to not ship water off property. GM Flood replied that the agreement states they will follow our Rates and Regulations. Kelley and staff are working diligently on revisions to the Rates and Regs.

Director Cole suggested we look at the Capital Facilities Fee and Mr. Flood explained that we have been researching that and Rebekah found how it was initially put together and we are evaluating that now.

President Brennan moved the meeting to closed session at 6:05 p.m.

12. CLOSED SESSION

12.a. 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.

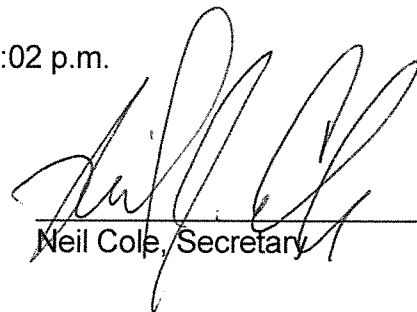
12.b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Government Code §54956.9(b)
Number of potential cases: 1

12.c. Public Employee Performance Evaluation (Government Code 54957)
Title: General Manager.

President Brennan moved the meeting back to open session at 7:02 p.m. with Mr. Mathews stating the board met in closed session with general and special counsel and no formal action was taken.

13. ADJOURNMENT

President Brennan adjourned the meeting at 7:02 p.m.



Neil Cole, Secretary