

Minutes of the Casitas Municipal Water District
Board Meeting Held
January 11, 2023

1. CALL TO ORDER

President Brennan called the meeting to order at 5:02 p.m.

2. ROLL CALL

Directors Bergen, Kaiser, and Hajas are present. President Brennan is joining the meeting remotely. Director Cole is absent at the beginning of the meeting. Also present are GM Flood, AGM Dyer, EA Vieira and Counsel McNulty.

3. PLEDGE OF ALLEGIANCE

Director Hajas led the pledge of allegiance.

4. AGENDA CONFIRMATION

Gm Flood requested that the Board add an emergency item to declare an emergency which is an important step to get FEMA funding. Mr. McNulty added that the board will need to make a finding that there is a need for immediate action and that the need came to the attention of the board after the agenda was posted.

On the motion of Director Kaiser, seconded by Director Bergen the board found there was a need for immediate action that came to the attention of the board after the posting of the agenda. This was approved by the following roll call vote:

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

Director Cole arrives at 5:06 p.m.

The resolution proclaiming an emergency 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 2023-02

GM Flood then explained that items 7d and e will be tabled to another agenda after additional research.

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

None

6. CONSENT AGENDA

- 6.a. Accounts Payable Report.
Accounts Payable Report.pdf
- 6.b. Minutes of the December 14, 2022 Board Meeting.
12 14 2022 Min.pdf
- 6.c. Resolution re-authorizing remote teleconference meetings for the legislative bodies of Casitas MWD for the period of January 11, 2023 to February 10, 2023.
Resolution Subsequent AB 361.pdf

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

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

Resolution is numbered 2023-01

7. ACTION ITEMS

- 7.a. Discussion and possible action on Casitas MWD Board of Directors Bylaws.
Board Memo CMWD Bylaws Discussion 011123.pdf

The board discussed the process laid out in the bylaws and had questions regarding requirements on the election and possible rotation. Additional information will be provided at the next meeting.

- 7.b. Board Elections
- President
- Vice President
- Rotation of other officers.

This was tabled to the next meeting.

- 7.c. Appointment of District Committees
- Finance Committee
- Recreation Committee
- Conservation Penalty Appeals Panel

This was tabled to the next meeting.

- 7.d. Deny request of Robert Feiss for refund of Casitas MWD 2013-1 property assessments for APN # 019-0-070-200 (910 El Toro Road, Ojai).
Board Memo on Dr. Feiss CFD 2013-1 Refund Request 011123.pdf
Email Request from Dr. Feiss Special Tax CMWD CFD 2013-1 Reimbursement for Overpayment ATT1 011123.pdf
CFD No. 2013-1 Taussig Response Letter to Feiss APN 019-0-070-200 ATT2 011123.pdf

This item was removed from the agenda for additional research.

- 7.e. Approval of Casitas MWD Board of Directors Policy regarding refund of Casitas MWD Community Facilities District 2013-1 Assessment Funds.
CFD 2013-1 Refund Policy Draft 011123.pdf

This item was removed from the agenda for additional research.

- 7.f. Approval of a request of 10.07 Acre-Foot Stage 1 water allocation for Assessor's Parcel Number (APN) 023-0-172-065, 318 Bryant Street, Ojai.
Board Memo _APN 023-0-172-065 Bryant St 011123.pdf
Draft Site Plan_318 Bryant St ATT1 011123.pdf

The board discussed the request and received comments from Barbara Marci-Ortiz, attorney for the project.

On the motion of Director Cole considering all other conditions are met, seconded by Director Bergen the above request was approved by the following roll call vote:

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

- 7.g. Approve increasing the Fiscal Year 2023 allocation limit for new development from 10 Acre-Feet to 20 Acre-Feet.
Board Memo FY 2023 New Allocation Increase 011123.pdf

The board discussed increasing the allocation limit for the remainder of the fiscal year and received comments from a member of the public regarding how much water is provided to Ventura and other districts and expressing concern regarding missed opportunities to fill the lake with diversions.

On the motion of Director Cole to allow staff to issue 18 acre-feet for the remainder of the fiscal year, seconded by Director Bergen, and approved by the following roll call vote:

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

ABSENT: Directors: None

- 7.h. Approve list of pre-qualified pipeline contractors.
Contractor Pre-Qual Board Memo_20230111.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.i. Approve list of pre-qualified trenchless pipeline contractors.
Trenchless Contractor Pre-Qual Board Memo_20230111.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, Brennan
NOES: Directors: Cole, Hajas
ABSENT: Directors: None

8. INFORMATION ITEMS

- 8.a. Hydrology Reports for October and November 2022.
Hydrology October 2022.pdf
Hydrology November 2022.pdf
- 8.b. Memo from Casitas MWD District Counsel regarding revisions to the State of California Open Public Meeting Laws.
Memo 2023 Brown Act.pdf
- 8.c. State Water Project Intertie Report.
SWP Intertie Project Cost 12-31-22.pdf
- 8.d. Adjudication Charges Report.
Adjudication Charges YTD 12.31.22.pdf
- 8.e. Consumption Report for November 2022.
Consumption 2022-2023.pdf
- 8.f. CFD 2013-1 Report.
CFD 2013-1 Project Cost 12-31-2022.pdf
- 8.g. Investment Report.
Investment Report 12.31.22.pdf

Information items were received.

9. GENERAL MANAGER COMMENTS

GM Flood provided a presentation on the storm damage adding that we are fortunate to have a drone and drone pilot. Six customers are out of service as a result of a break on the Matilija Conduit. Lake Casitas is at 94,000 AF and rising, up from 70,000 AF in the fall.

10. BOARD OF DIRECTOR REPORTS ON MEETINGS ATTENDED

Director Kaiser attended the AWA meeting.

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

Vice President Hajas commented that there have been a lot of inquiries at to what is going on at Robles. Having the bubbler out of service did not help. It is difficult to explain how Robles operates. Perhaps we could put together some means of communication to help people understand like a YouTube video. Director Bergen added that many people do not understand the power of water and the power when it is carrying car sized boulders and trees. It is a force of nature.

Vice President Hajas moved the meeting to closed session at 6:10 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.

Vice President Hajas moved the meeting back to open session at 6:45 p.m. with Mr. McNulty stating the board met in closed session regarding the existing litigation and no action was taken.

13. ADJOURNMENT

Vice President Hajas adjourned the meeting at 6:45 p.m.


Secretary