

Minutes of the Casitas Municipal Water District
Board Meeting Held
July 22, 2015

A meeting of the Board of Directors was held July 22, 2015 at the District office in Oak View, California. The meeting was called to order at 3:00 p.m. Directors Bergen, Kaiser, Baggerly, Word and Hicks were present. Also present were Steve Wickstrum, General Manager, Rebekah Vieira, Clerk of the Board, and Attorney, John Mathews. There were five staff members and nine members of the public in attendance. President Bergen led the group in the flag salute.

1. Public Comments (items not on the agenda – three minute limit).

Randy Mitchell addressed the board regarding his daughter being assaulted by a district employee while working as a lifeguard. He expressed concern that the general manager did not act in a responsive manner by having the park manager get involved. Mr. Mitchell mentioned an accusation that was brought against him as a result of the reporting of this incident. Mr. Mitchell explained that his daughter is missing out on six weeks of pay that she was counting on and that the adult employee should have been removed from the work site. He felt this showed a lack of concern for his daughter's safety. He suggested that the board should not injure his daughter further by withholding compensation that is owed to her.

2. General Manager comments.

Mr. Wickstrum reported that the lake will receive a treatment on Thursday for algae control. He informed the board of a meeting with Senator Feinstein's representative regarding the drought and also discussions on infrastructure funding and Matilija Dam.

3. Board of Director comments.

Director Word mentioned the young woman on the Casitas Rowing team who had received a full ride scholarship for rowing. The Gillettes should be congratulated for their program and it is good to see someone benefitting so greatly from the program.

Director Baggerly asked if others would be attending the August 13th quagga workshop and to let the clerk know so it can be noticed in the event that there may be a quorum in attendance. Directors Baggerly and Word expressed interest in attending.

4. Board of Director Verbal Reports on Meetings Attended.

Director Hicks mentioned his attendance at the water issues meeting on Tuesday. Santa Paula has 1.5 million acre feet in their aquifer. There was discussion on the Selleck issue in Thousand Oaks and they were not ready for the media storm but it has all been settled.

President Bergen mentioned her attendance at the GSA meeting which will be discussed later in the meeting.

5. Consent Agenda ADOPTED

a. Minutes of June 24, 2015 Meeting.

On the motion of Director Baggerly, seconded by Director Kaiser, the Consent Agenda was adopted by the following roll call vote:

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

6. Bills APPROVED

Director Hicks questioned the refund to Rincon Island Limited. Ms. Collin explained that they had a meter that was not registering correctly, they were overcharged and we had to refund them.

On the motion of Director Hicks, seconded by Director Kaiser, the bills were approved by the following roll call vote:

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

7. Review of the staff report on the Pump Plant Noise Remediation.

Neil Cole provided a brief staff report, stating that over two years ago, at the request of neighbors, staff looked to find ways to reduce noise to meet the noise levels from the county general plan standards. To date, motor girdles have been installed; there is a sound panel cover on upper Ojai pump plant, Advanced Engineering Acoustics has conducted sound tests and the neighbors had their own consultant, Meridian who has done their own sound test. Those reports are part of your agenda package. There is a typo in the Advanced Engineering report. For information on June 12, 2015, in the third paragraph it should be noted as 11:13 a.m., not p.m. Dr. Hale reported that we are under the county's standards at the nearest residence.

Director Baggerly suggested that the county numbers are a planning limit and questioned if they could be relied upon as a noise limit.

Chris Hanson, with Meridian discussed their study and a quick audio clip of the sound was played. He agreed that the noise has been reduced but suggested that tonal sound of a higher frequency is still of concern and subjective annoyance.

Lou Preiczner who lives next to the plant expressed appreciation for the efforts but explained that the annoying, high pitch noise is still there.

Orpheo McCord handed out copies of correspondence regarding the noise issue. He also thanked the board for their efforts but expressed that progress to remedy the situation has moved slow and unfortunately a high pitch sound still remains. He suggested that Acoustiblok should have been used and suggested that perhaps the fifty year old pumps are having maintenance issues. He asked that a remedy be found once and for all as the frequencies cause stress and anxiety.

Director Baggerly was compelled to defend constituents and added that the County of Ventura noise policies in the general plan are used for new development. The policies and programs are the only thing that has authority. Policy is what they use for new discretionary development. Use 2.16.24 leq for day, evening and night noise generation but this is for noise generators that are proposed to be located to noise sensitive use. Both of these uses are already in existence. County policies are arbitrary in this instance. He suggested that 2.16.211 is the one we could look at and incorporate noise control measures standard for indoor and outdoor noise. He added that if noise level is over 60 it is a violation of the policy and needs to be fixed.

President Bergen added that it is clear the high frequency noise is annoying but we are limited in what we can do to fix the problem. A sound wall won't work, enclosing the pumps in a house installing air conditioning and may be just as annoying. We have to operate the facility. What can we do in addition? We have spent a lot of time and money on this. What can we do about it that does not cause another problem or cost so much money it is not fair to the rest of the district. She added it may not be fixable.

Mr. Wickstrum suggested that Acoustiblok be contacted and bring it back for consideration. Director Word and President Bergen expressed that they would want assurances that it would work on the higher frequency before expending additional funds.

8. Resolution fixing a tax rate for Fiscal Year 2015-2016 and authorizing the President of the Board to execute a certificate requesting the Ventura County Board of Supervisors to levy such a tax. ADOPTED

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

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

Resolution is numbered 15-29

9. Recommend approval of a purchase order in the amount of \$5,000.00 to Incode for modification for additional consumption history to be provided for customer access on the internet. APPROVED

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

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

10. Recommend approval of a payment to CalPERS in the amount of \$161,892.00 for unfunded Accrued Liability per GASB 68. APPROVED

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

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

11. Recommend approval of a purchase order in the amount of \$6,375.00 for the purchase of five jet toilets. APPROVED

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

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

12. Resolution adopting the conservation surcharge. ADOPTED

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

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

Resolution is numbered 15-30

13. Groundwater Sustainability Agency

- a. Recommend approval of a Waiver of Conflict of Interest for Representation related to the GSA Formation. APPROVED

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

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

b. Discussion on Groundwater Sustainability Agency formation progress.

The Board discussed the formation progress for the GSA. At the last GSA meeting there was discussion on voting options and the possibility of including Ag and Mutuals into the GSA. Russ McGlothlin provided a model JPA that might work as a framework. This will be a lengthy process.

14. Discussion regarding scheduling a date for a Board Workshop on the Rate Study.

The board discussed holding a workshop on the rate study on Wednesday, August 19th at 3:00 p.m.

15. Information Items:

- a. Finance Committee Minutes.
- b. Water Consumption Report.
- c. CFD No. 2013-1 (Ojai) Monthly Cost Analysis.
- d. Investment Report.

On the motion of Director Kaiser, seconded by Director Hicks, the information items were approved by the following roll call vote:

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

President Bergen moved the meeting to closed session at 4:35 p.m. with Mr. Mathews announcing the four closed session items.

16. Closed Session


- a. Conference with Legal Counsel -- Existing Litigation (Subdivision (a) of Section 54956.9, Government Code). Name of Case: Golden State Water Company v. Casitas Municipal Water District. Case Number: 56-2013-00433986-CU-WM-VTA.
- b. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9, Government Code). Name of Case: Santa Barbara Channelkeeper v. State Water Resources Control Board, et al. Case Number: CPF-14-513875. Cross Complaint filed by City of San Buenaventura v. Casitas Municipal Water District, et al.
- c. Conference with Legal Counsel -- Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9, Government Code. (number of potential cases: one)
- d. Public Employee Performance Evaluation (Govt. Code Sec. 54957)
Title: General Manager

President Bergen moved the meeting back into open session at 6:13 p.m. with Mr. Mathews reporting that the Board on a 4-1 vote authorized general counsel to initiate litigation. There were no other matters to report.

17. Discussion and possible recommendation for approval of modification to the General Manager's compensation. Tabled

18. Adjournment

President Bergen adjourned the meeting at 6:15 p.m.


Russ Baggerly, Secretary