

Minutes of the Casitas Municipal Water District
Board Meeting Held
August 26, 2015

A meeting of the Board of Directors was held August 26, 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 nine staff members and 24 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).

Gary Girod spoke regarding a rate hike and commented on the entrance monument at the lake that two of you rejected adding that it isn't working any better than the old one. There is no contingency fund for emergencies. The lake is the only water we have in this valley other than wells. You need to look at spending our money appropriately and having a contingency fund to take care of emergency needs. President Bergen commented that we do have emergency reserves. Mr. Girod continued that you borrowed funds from rate payers to build the waterpark. How much is owed to rate payers for the waterpark. If you charge rate payers you need to monitor the money and not overspend.

Bob Daddi representing Ojai Flow stated we were notified by Golden State Water Company that we didn't qualify as an urban water system. We protested the \$65,000 for a study 4.5 years ago, we were charged and paid and they are doing another study. They informed Ojai that they did not have the 36% rate reduction and did not have 25% reduction. We qualify for none of those. We would hope to dispatch these people at all haste. There have been five different court proceedings. I hope soon we could put a focus on that and move them out. It is simple to do; we know what the numbers are. I hope we act soon or pull money before there is a rebound with a higher bond price. Thank you again for your performance and getting this thing done and whatever we can do, contact us.

2. General Manager comments.

Mr. Wickstrum reported we have received over 100 water quality complaints regarding the taste and odor and iron manganese. The hypolimnetic system is partially in service and we hope to have it fully operational by the end of the week. We are hopeful for a quick fix but it may take some time to improve. He then mentioned that LA Olympic committee is back in gear since Boston has declined. LA is once again in the hunt for representation in the international bid for the Summer Olympics.

3. Board of Director comments.

Director Hicks requested a moment of silence in honor of Jim Coultas who served this board for 16 years. We will adjourn the meeting in his memory.

Director Word reported that he had a whole house water filtration system installed and the taste and odor went away. He also removed the water softener as it used too much water.

Director Kaiser suggested that the Finance committee review loans to the recreation area and that it is time we get some feedback from staff on how the \$2 million is going to be paid back. Time to look at it seriously and report on long term plans to take care of those outstanding loans.

Mr. Mathews reported on the hearing on the Channel Keeper case and the judge sustained the motion to strike the cross complaint against Casitas.

4. Board of Director Verbal Reports on Meetings Attended.

Director Hicks reported on attending the Ventura Chamber meeting and the discussion of the building of 49 homes on hillside behind Ventura. These would be high end homes.

Director Baggerly mentioned the article on Ventura being one of the most desirable places to live and the next day LA Times article on Ventura Fault and tsunami risks. There may be some competition between LA and Ventura County.

Mr. Word mentioned attending the Quagga Mussel workshop. It was frustrating to say the least to determine who is in charge of the issue and the problem. Every suggestion made as a remedy would require CEQA/NEPA and is too difficult. There seemed to be resignation that they have given up on eradication and try to contain them. None of the government agencies seem to be that concerned. Director Baggerly mentioned he also attended that workshop and the later workshop. Most of information we have heard and we know already. Jennifer LeBay Biologist for Department of Fish & Wildlife spoke and we learned there is no requirement for public review of control and monitoring programs required by all reservoirs that do not have quagga mussels now or the ones that do have quagga mussels. United is going over their final draft before it goes to the board and then it will be on to the Department of Fish & Wildlife. If DFW approves the plan they are immune from civil and criminal liability for anything. United is forced to release water downstream. They are in between a rock and hard place. The electrical turbines have not worked in seven or eight years. They can't let go of the Ferc permit because a third party could take over operation of the lake. I got a new perspective. Set up monitoring programs with the help of the Nature Conservancy. Piru Mutual Water Company at lower Piru creek has not been infected yet. The Nature Conservancy provides monitoring sites almost to the estuary. If there is a lot of rain this year, it will fill quickly and lots of quagga mussels will go into the Santa Clara watershed.

5. Consent Agenda

ADOPTED

- a. Minutes of July 22, 2015 Meeting.
- b. Minutes of August 12, 2015 Meeting.
- c. Recommendation to determine Unit #86 as surplus.

President Bergen suggested modifying item 13 b to state representatives from Ag and environmental community. Director Kaiser stated he would abstain from approval of the August 12th minutes as he was not in attendance.

The consent agenda was offered by Director Word, seconded by Director Hicks and passed 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 payments to Corvel. Mr. Wickstrum explained they are for workers compensation claims review. Director Hicks then questioned the charges for oil changes. Mr. Wickstrum stated he has had discussion with staff to pursue a different avenue.

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

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

7. Resolution awarding a contract to Milner-Villa Consulting in the amount of \$32,900 to prepare and deliver the 2015 Urban Water Management Plan
ADOPTED

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

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

Resolution is numbered 15-31

8. Resolution opposing legislation of a Public Goods Charge on Water.
ADOPTED

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

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

Resolution is numbered 15-32

9. Recommend approval of a purchase order contract to BC Rincon, Inc. in the not to exceed amount of \$25,000 to pave a portion of the Upper Ojai 3(M) Road. APPROVED

On the motion of Director Kaiser, 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 purchase order contract to Clark Engineering Construction in the not to exceed amount of \$65,000 to repair the bonnet of Intake Gate #8. 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 contract to California Centrifugal Pump in the amount of \$25,522 to perform pump maintenance and add one pump stage to Pump #4 of the Ventura Avenue No. 1 Pump Plant. APPROVED

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

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

12. Recommend approval of a purchase order contract to Demaria Electrical Motor Services in the amount of \$12,347 to recondition the motor of Pump #4 of the Ventura Avenue No. 1 Pump Plant. APPROVED

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

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

13. Review and determination of Park Services Officer Status.

a. Presentation by Park Services Manager

Park Services Manager Carol Belser informed the board that the discussion today is to review two options to ensure the Park Services Officer have the authority to enforce our own Casitas ordinance. One option is to reaffirm they have limited peace officer status. Are they peace officers while on duty or are they civilians. This does not mean an automatic ability to carry a weapon. You don't have to be a peace officer to carry a weapon. This is not about handguns. This is about the legal authority our staff has to enforce our own ordinance.

Director Kaiser asked about the limited peace officer status, what is the limited function? Ms. Belser stated it is limited to while they are on duty. She added that Captain Dave Kenney and Dr. Ron Martinelli are in the audience and available to assist with questions. Ms. Belser continued that we need the limited peace officer status in order to have the authority for ordinance enforcement of the rules and regulations for the recreation area, Ordinance 14-01. For background, the penal code gives rangers the ability to act as peace officers. In 1994, the General Manager at the time and the board adopted some strategies to shift from protection and enforcement, to customer service and marketing. Local and federal law enforcement would handle the enforcement issues of Lake Casitas. In 2003, the Ranger job title changed to Park Services Officer and the requirement for PC 832 was changed from mandatory to desirable. In 2006 the Park Incident Reduction Citation program was implemented by the board. In order to issue citations, they have to be able to detain to issue a citation for something such as swimming in lake.

We want to have sufficient training, tools and resources for our staff. There is conflict in what we ask them to do and their legal authority to do so. We hired Dr. Martinelli for guidance. Dr. Martinelli identified issues and suggested the Park Services Officers be limited peace officers, you reinstate the penal code back into the ordinance which gives qualified immunity to staff to be protected from civil lawsuits and protects the district. The other option is you tell staff they are civilians and they observe and report to the Sheriff. The Sheriff cannot enforce our local ordinance unless it is part of their ordinance. We have quagga mussel issues, dogs off leash, body contact, riding on the bow of a boat, youth without a life jacket and staff would be asked to write a citation on a misdemeanor but have no authority to do so.

The penal code grants authority for government employees as Park Rangers. Suggest bringing it back in the ordinance and then they can enforce our ordinance or determine that the staff is civilians and they observe and report. No private law enforcement agency can enforce our ordinance, Dial Security and Draganchuck cannot enforce our ordinance, they are not peace officers. The recommendation is to reinstate the penal code, empower the staff as limited peace officers providing qualified immunity for staff and the district and set us up for appropriate training.

Director Word asked if there is a need to make a change in order to provide the necessary training. Ms. Belser stated three employees are currently enrolled in PC 832 classes.

Director Hicks commented that John Johnson took the weapons away from Rangers when he came here and the board agreed with that. None of our rangers have been shot or attacked. Why this all of a sudden? Ms. Belser responded that this is not about guns or weapons. This is about the legal authority to enforce our ordinance. When staff question a customer or is enforcing our ordinance that is called a detainment. You have to be a peace officer to detain. We have told staff to do something they do not have legal authority to do.

Dr. Martinelli explained the need to clarify the scope and authority with the Park Services Officers. Everything they have done, detentions, arrests while working in scope and authority, rules and regulations and job description are valid. The disconnect is the historic lack of direction and clarification that they are in fact limited peace officers, not 24/7 police officers who are never off duty. Limited means while engaged on duty during their shift they have full peace officer authority. The discussion is not about weaponry. The recommendation there is in fact a written clarification on legal scope and authority. What you want them to do. In the job description and ordinance you have directed them to do certain things. Enforce ordinance 14-01, enforce boating regulations, no dui's, drugs alcohol related issues, respond to medical emergency, domestic violence. People that come to recreate, vast majority are nice but others bring their baggage with them. PSO's are the first respondents. They get there first. This can get into 4th and 14th amendment issues, of reasonable suspicion, use of force. Working in scope and authority, provides them with qualified immunity. If officers are working in scope and authority and a reasonable manner, people can try to sue but it would be dismissed. Establish that these officers are in fact limited peace officers. Make officers more safe and allow them to stop, detain, search if needed, arrest or use force in defense of themselves. If you don't do that you have a civilian employee who is not allowed to do the majority of those things. Response time for sheriff varies and you have a recreational venue with population that exceeds Ojai's population. Those are the only options you have.

Director Kaiser asked if Dr. Martinelli looked at policies of other water agencies. Dr. Martinelli replied yes, and Harbor Patrol and other cities and park & recreation districts. Director Kaiser stated he did his own review of water districts in the area and Lake Castaic contracts to LA Sheriff. They are first responders for first aid. They don't put themselves into situations, they contact LASO, who has a substation at the lake. Cachuma does not and calls Santa Barbara Sherrifs Office. And it is the same at Lake Lopez. Piru has no sworn officers. Looking at this, are they less than sufficient in what they are doing? Look at all the possibilities for the rate payers and protecting ourselves.

Dr. Martinelli responded he is familiar with Lake Cachuma assessment and tranining. They decided to be limited peace officers and then there was the political thing regarding additional benefits. Now they were removed from limited peace officer status. They have no proper system to communicate with sheriff. Visitors now have to wait for first responders and they contact sheriff and they come out. It is a risk management matrix and how to respond to that if there is a danger to people and litigations. Lake Piru contacted our firm with possibility of doing an assessment, and to provide consultation and training and litigation

protection. Professionally trained officers provide a higher level of protection to staff and to the visitors.

Director Baggerly questioned the requirements for training and the rigorous background check for sworn officers. Dr. Martinelli stated they are already sworn officers. Director Baggerly added they would not have the training to be a sworn officer. What is the training and background checks for these employees. Dr. Martinelli responded as a post academy director, they go through a selection process of a normal police officer, then initial training PC 40 hours of training. A provider would come in and produce additional training. You would set up codified police practices – what you want them to do and match training with responsibilities, scope and authority and issues of assignment. We did this for the City of Santa Maria Parks & Recreation. It is similar to what police officers and deputy sheriffs do. Train to a higher standard of post training. They would have low frequency but high risk. Make sure skill sets are at a higher level. He added that the training instills in them some good common sense and discretionary decision making and knowledge of the laws.

Director Baggerly asked if the change in policy the board did in 2006 with the requirements for citations was that defining moment for problems they are faced with moving into things they shouldn't do. Dr. Martinelli stated legally speaking there are three different types of contacts. The consensual encounter is to ask someone to please get out of the lake. The minute you give an order or command, the individual no longer believes they are free to go about their business, that is a detention and you have to be a police officer. You have to have minimal suspicion and to arrest under probable cause. Civilians can do a civilian arrest or call sheriff. With all types of things going on how often do you want sheriff to come out for things that a limited peace officer can do?

Director Word questioned if our PSO's are officers how is there action different? Will they arrest someone? Dr. Martinelli stated it might be warranted. Officers look at things in terms of risk and liability. Director Word stated if a PSO tells someone it is against regulation to swim in the lake and asked them to get out and the person says no and does not get out now the PSO can call the sheriff. If they are a limited peace officer what can they do? Dr. Martinelli says it depends on the circumstance. Director Word added we want them to call the sheriff. Dr. Martinelli questioned if the Sheriff department will send someone. They have a priority of service to respond to Lake Casitas and how long will it take, it will be low priority. Director Word added we have tried to avoid our PSOs having a physical confrontation. Dr. Martinelli replied you created the situation and tasked officers to do these certain things but have not trained them to do these things. Have officers doing things in Ordinance 14-01 and they are hanging out here. The assessment showed you have to manage the risk better than you have. You need to make a final decision on scope and authority. Are they peace officers or not. Then, you would make changes in the ordinance and job descriptions, provide training and discuss your philosophy as to what you want these people to do and how to do it. Include having a serious sit down talk with the Sheriff.

Director Hicks commented that we have been getting along for 22 years. Dr. Martinelli questioned if you have done a ride along with an officer. You are board member and are not aware of things that have happened to any officers? Director Hicks responded I have talked to them. Dr. Martinelli added I am not here to be contentious, I am here to inform. The first day I came here and did a staff assessment, I went out on land patrol and met with officers and did a boat patrol and photographed the area. Officers are telling me they are concerned about their safety. They feel unsafe with what they are doing, they are not trained, equipped or entrusted. The manager is doing what she can but there is a disconnect. They don't feel safe.

President Bergen questioned the Sheriff in that she is hearing that you don't have the ability to enforce some of our ordinances here. Captain Kenney added civil citations don't go before a court. We don't get involved in civil assessments. Swimming in the lake we could use penal code. Clayton at United has the exact same situation. We get in situations of civil versus criminal issue. For your ordinances most of them don't mirror penal code. If visitors are intoxicated then you're stuck with them.

Director Kaiser questioned how the Sheriff's department provides police services in the county, with different city ordinances. How do you enforce those ordinances. Captain Kenney said the Chief goes through the ordinances with the city attorney. If they fail to appear in court they are misdemeanor status. Director Kaiser asked in your opinion, and I talked to Gary Pentis, over time is something the deputies avail themselves to. You have different types of contracts for cities to contract with you for assigned deputies and situations where there is an overtime contract. Are you able to supply the staffing for those contracts?

Director Kaiser questioned Dr. Martinelli regarding classification on limited peace officers and new positions would have the fitness and rigorous medical and psych review. Dr. Martinelli stated it first depends on the scope and authority that you create, are they armed or not, assess the tasks and based on that you can expand the selection process or narrow the process. You can go with national recognized police practices or do what California does or other similar agencies. Not every department uses psych backgrounds. Personality traits, criminal history etc., medical is standard. Make sure they are physically fit for duty. More you put on an officer with what you want them to do and the more you entrust them, the more expanded you want the background to be. If they do less, it is not as expansive. They should be mentally and physically fit for duty.

Director Hicks questioned how much more will this cost for pensions. Dr. Martinelli stated that is not what I was tasked with. There are many variables but information is available with other professionals dealing with municipalities, City of Santa Maria and what it has cost them to do it.

Director Kaiser then stated a copy of the report was emailed to the undersheriff and Deputy District Attorney Michael Schwartz. I am curious as to why it was emailed to them. Dr. Martinelli stated I gave report to the General Manager, Carol Belser and John Mathews. Director Kaiser said no one gave you

permission or authority to do so. Dr. Martinelli stated I don't remember anything about the Sheriff's department getting the report.

Mr. Wickstrum stated that penal code 830 provides that peace officer functions shall not affect status for purpose of retirement. The Santa Maria officers do not have any different retirement than anyone else in Santa Maria. Director Baggerly asked if they are unionized. Dr. Martinelli stated they do not have a union.

Public Comments:

Gary Girod stated officers have to be careful and dial 911 if it is confrontational. So many times in a domestic dispute they attack the officer. Back off, provide training for first aid and CPR and public relations and don't mess with this peace officer stuff, you will get them in trouble. I hate to see you explain to spouse why they got in trouble or got hurt.

John Higgins, the new Harbor Master at Ventura Harbor and Scott Miller the recently retired Harbor Master both spoke on this issue. The Harbor Patrol has been acting as limited peace officers for a number of years. The focus is on safety for employees and the public. Dr. Martinelli is offering training to prevent that x factor that comes in when someone is untrained. As limited peace officers we have the lowest retirement that is out there. Our salary is on par with yours. We are unarmed. We observe and report per our policy. We found we were unable to manage our harbor as we would like to. We are a special district for the community and this is a management tool in order for people to recreate in the harbor. Limited peace officers worked under an observe and report policy. We do manage the harbor. This limited peace officer status allows us to manage the harbor. When doing our own enforcement, writing citations or managing harbor with best interest of public in mind. Our ordinance is so low, people don't have to pay fines anymore. There may be a civil assessment on court record, but no warrants are issued. More people are aware of that. It is a hazard to put untrained people in positions where they react instinctively. It could be at the demise of yourself. There are other agencies that contract. We contracted with City of Ventura Police Office and had a storefront officer. It is very expensive and the costs continued to rise. The police officers primary duties were to the City of Ventura entirely. If there was a call for service that was a higher priority we paid him to go do his job somewhere else in the city. We did not get the value and cancelled the contract. We hired more people and do not have guns. We are now able to manage the harbor better. Director Kaiser asked if the contract with Ventura was an FTE or overtime based. It was an FTE, someone was in the harbor 40 hours per week but if there was a call for service they would leave the harbor.

Director Baggerly asked if the Port Authority developed a code of conduct for the limited peace officers. Scott Miller, retired Harbor Master stated their policies and procedures provided for limited peace officer status to enforce our ordinances and boating law, for everything else we observe and report. If there is a stolen vehicle we contact the police department. Training helped us know our parameters. Director Baggerly asked if the Port Authority adopted policy to

make that happen. Mr. Miller stated yes, it was written into the ordinance that they are limited peace officers with authority to make arrests. The board designed the scope. If it is too broad it can be amended if it is working to far in grey area. We established the procedures.

Randy Mitchell raised concerns regarding officers complying with this ordinance citing an incident of abuse and intimidation while an employee was enforcing the rules of the waterpark. An abusive person should immediately be evicted from Casitas Water Adventure when the PSO in question refused to follow these rules. Intimidation of a lifeguard or other employee should be unlawful.

A Ventura County Sheriffs officer commented that the nature of law enforcement is public trust and that all employees have background screening including a personal history statement, psych testing and polygraph. They are not above the law and not exempt from following rules. Any person considered for officer status goes through a rigorous process before they are qualified to be elevated to the status of peace officer.

Omar Castro, City of Ventura Water Utility Manager mentioned Homeland Security and terrorism. The City of Ventura takes water from Lake Casitas and people are affected by the water at Lake Casitas. We do extensive training to identify more critical facilities. Look at the map and Lake Casitas and think about what protection do we have and what do we receive from the Sheriff. Is there training involved now to protect the waterway or a tabletop for the dam. Ms. Belser stated lake personnel work with county fire and sheriff they do operations at the lake, rescue, fire operations and swift water. Omar suggested that prevention is the first step. We have had extensive training on our end. Mr. Wickstrum added to request Casitas sit in on a table top.

Dr. Martinelli stated I have been doing this for 36 years and worked with over 300 agencies. I have trained a lot of agencies just like this one. We have never had one agency or officer get sued for anything they were trained to do by this firm. We beat it into their heads. We are serious on training policy review, our general counsel does nothing but police practice litigation. You are creating a professional group of people, PSO's that respond and provide community service and safety to the civilian population. It is not very expensive and is above the state standards. You want officers to be safe. Providing them with limited peace officer status is not an authority to run helter skelter. They will be trained to do the job in a more professional manner.

Betty Pitman mentioned walking at Golden Gate park at 1:00 a.m. in 1949. In 1955 they put mounted police officers with guns and now you can't go into the park at all at night. I don't think it is a deterrent. A show of force aggravates people. When you let motorcycle gangs in the park that is where the trouble is. If you make them park cycles outside of the park you would have a better chance of cutting down on disturbance. Try that before you put guns in the park. There are children in there.

b. Board Discussion and Direction

President Bergen said she wanted to make it clear that no one is talking about weapons. We are hearing that what happens, training, scope of work, and cost depends on the definition of what we tell our people to do. We need to define that. It was helpful to hear from Harbor Patrol. Things that are criminal or a violent nature should go to the Sheriff Department and that may be the way to go. Have to define the details before we know what we are doing.

Director Hicks commented that until I know what it will cost I can't make an affirmative report.

Director Kaiser presented a list of several motions to discuss with the board.

1. Direct the General Manager to immediately contract with appropriate VCSO executive for Deputies at the Lake for this Labor Day weekend.
2. Direct the General Manager, with Special Counsel to independently initiate a comprehensive, objective study regarding risks, benefits, prospective liabilities and any and all financial costs to the District. This study shall be inclusive but not limited to various options and alternatives related to law enforcement activities at the LCRA (such as Sheriff substation, MOU with Sheriff Dept. etc). This report shall also include any consideration of LCRA position classification, recruitment of positions, applicable standards and associated risks, benefits, prospective liabilities and financial costs. The Board will be directly apprized at all stages of development by the General Manager, Special Counsel, and/or qualified consultant.
3. Direct the General Manager, with special Counsel, to immediately review the functional duties of PSOs and prepare appropriate clearly understood policies procedures, directions and recommend training related to currently approved job functions of the PSOs. This report shall be presented to the Board for review within 30 days.
4. Explore and report back on restricted public use of alcohol as a central factor of concern at the LCRA.

Park Services Officer Taylor responded that we already have arrangements for assistance. We pay the overtime rate for available deputies and it is at the pleasure of the county. Generally there will be one deputy and they work with the rangers. They are not solo. The rangers work with the deputies. Director Kaiser asked if that is a verbal agreement? PSO Taylor responded it is verbal through Captain Kenney's staff. Director Kaiser requested that it be written. PSO Taylor stated she and the Park Services Manager can work with Captain Kenney. Captain Kenney stated we can work on something in writing; there is no need to have the first motion.

Director Word added on the initiation of a risk study we should know the risks at this point. Also as part of that would be a need for current job descriptions for the PSO and training they have received and the training program we have or don't have. That gets into part of your motion 3 but it is all part of the same thing. We need to see what the current job description is and how it is applied and what training they have. When they need back up or extra support and tie that to when we have the majority of the problems. Mr.

Wickstrum added you have to start with the realization that right now, read Ordinance 14-01. There is a carry over for many years. It lays out a lot of things that the board has set. That is what you have asked and empowered PSOs to enforce, protect, right now. Job descriptions discuss the protection of the lake. Part of what is recommended is to go through and balance our ordinance and lay those boundaries out. The change is to add in limited peace officer. We have a framework of what has been asked for decades for our personnel to do at the lake. Director Word asked what training is provided. Just changing title is premature unless the training has occurred first. President Bergen added just stating limited peace officer is not enough. The Ventura Harbor presentation was effective. For me to be comfortable to say limited peace officer, I want to have a definition of scope and cost, not change the process. We need to have those details. Having Sheriff on site does not work but we can put that in writing and explain to the public, we are not having weapons and will have training and define the scope before we make that determination. Not willing to say limited peace officer until everything is in writing. We may have some people who won't pass the background etc., we need to have it detailed.

Director Baggerly added it is not clear yet, this is directed to sworn peace officers. What we have in front of us is the need to change our ordinance first and I see this as a risk assessment and deference of risk to the district and to the PSO's. They are operating under or outside the law and we can't allow them to do that. We have to figure out a way to make this legal. Qualified immunity is important, and something we need to have.

A motion on item # 2 was offered by Director Kaiser and seconded by Director Hicks.

PSO Taylor explained that from our opinion the officers have received the training and have the status we are asking to clarify for staff because of the disconnect from what the board believes is happening and what we are doing. Director Baggerly stated we have not given you that limited peace officer status. PSO Taylor said it has not been revoked by the board.

Dr. Martinelli explained that in the first few pages of the report it discusses how I took a look at what you provided officers. The job description, ordinance, water code. You have done some things historically over the years but you have not changed any of your language. You took firearms away but didn't change the language. We have to be on the same sheet of music, these people are limited peace officers. Director Baggerly asked what is the problem. Dr. Martinelli stated the problem is it has been vague and ambiguous as to what they are. Director Baggerly suggested putting limited peace officer in the ordinance and we are done. Dr. Martinelli added that would clear a lot up for these officers. The next thing is to look at policies and protocols and have those reconciled with job descriptions. Scope is described by ordinance and codes. The suggestion is that the Board, General Manager, Park Services Manager, hr and general counsel get together and reassess policies and procedures. Today is on authority and clarification. Once we are past that there is work to be done on scope. Once scope is done then you reconcile policies and procedures so everything is in sync. We know what to do and how to best go about it. We have

codified policy practices standards and training and national case laws. People such as myself or you can go to an academy to provide that level of training. Director Baggerly stated he would like the ordinances and policies and procedures to come back at some time.

Director Kaiser added the motion and second of Director Hicks still stands on my suggested motion #2. The roll call vote was as follows:

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

The motion was not approved.

Director Baggerly suggested changing Ordinance 14-01 to add in the words Park Services Officer are limited peace officers and bring back a resolution or guidelines for authority we give the PSO's at the park. Director Hicks asked if pensions and retirements going to stay the same. PSO Faddis responded that retirement is a negotiated benefit. This shall not affect that for purposes of retirement. It is in the penal code, section 830. Director Kaiser suggested there are other issues and liabilities in the future and costs and he is not willing to make that decision. Director Baggerly suggested adding in fiscal analysis can be brought back at the same time.

President Bergen suggested a motion to say they have limited peace officer status conditional on getting all the information we need including financial. Director Kaiser stated I can't go with that either. It is a back door approach and I need more analysis. We have a responsibility to the public before we go down this road. If we get information to make an informed decision, but I am not willing to make that status. Director Word asked what Director Kaiser meant by special counsel. Director Kaiser replied that this area needs special review. Director Baggerly suggested taking out the sentence that the study shall be inclusive. Director Kaiser added we need a comprehensive study on costs. President Bergen added we heard the information on what Ventura Harbor had done. It might not be a difficult thing to do. Mr. Wickstrum stated we went through a comprehensive study on what is at hand today. It is not about weapons. It is if you have PSOs as civilians or as limited peace officers. You want to see the financial impacts of additional training.

Mr. Mathews added that with what he read in the report and what I have heard today, there is a disconnect between what we have asked them to do and the tools we have given them. It is news to me that they already are limited peace officers. The issue is, if they are in fact limited peace officers. You want them to do the things in the ordinance. You can give them a new list of what they can and can't do. The concern is in the interim while we are doing this. There has been public discussion on liability and I think in fairness to employees that in the interim they should not enforce that ordinance with anything that they don't think they have to do right now. Director Baggerly added if they are limited peace officers why they don't have qualified immunity. Director Hicks added I have never heard that they are. Director Baggerly stated they are by default.

President Bergan stated in order to protect our people if we clarify that they are limited peace officers right now will that give them immunity while we define what is going on? Mr. Mathews stated it would provide them with limited immunity. Your other policy decision would be to go back to observe and report situation. It is not fair to the board, public and employees to say you are it and then two weeks later say you are not. Make a decision. At some point in time say they are or not. If they are bring Ordinance 14-01 into compliance. Define more what want to do and those things have to be on observe and report. Director Baggerly said we can't do that today; we would have to amend the ordinance.

Mr. Miller explained that it is easy to figure out limited status. Do they have PC 832? If they have, they are qualified to be limited peace officers. If they have it they meet the minimum qualifications to limited peace officers. If not, they are not qualified. Ordinance can be infractions. You are in a dilemma on a holiday weekend and it is undefined if PSOs can do their job. The public can come and swim and you rely on the police department to ask them to leave the lake is the default. Limited police officer is at your discretion and you give discretion to GM with authority to enforce any or all laws. He could restrict what they do. You can in fact determine they are limited peace officers and that it is the duty of the GM to prescribe how to enforce rules while you do the comprehensive review to allow you to manage your lake in the interim. You can rescind the powers later. From what I have heard this allows you to manage the lake. You will allow them to manage your lake during this interim until results of comprehensive review.

PSO Taylor added that all current officers with the exception of two new PSOs are 832 certified with some having attended the six month academy. We are seeking ongoing training and qualify for the status.

Gary Girod added he is retired from fire department and training is the key and reinforcement training is the key. If they start to be too assertive they will get in trouble. If they get in confrontation back off and wait for black and white with weapon. Sheriff gets 30 weeks of training. Bring up training standard, give a title but don't let it get too assertive for things they should not do. Director Baggerly agreed.

Director Hicks suggested that this item be tabled. Director Baggerly said we have to do something. Can you keep doing what you have been doing and hang in there. PSO Taylor stated that is not working and that is why we are here. PSO Faddis mentioned a memo and that we can't continue to do what we are doing. PSO Taylor stated that with 26 weeks of training, academy attendance and 26 years of experience we are qualified to give opinion. I don't believe I have limitations, I believe the people governing the district don't understand what we are doing. We believe we are limited police officers already. It is a simple fix. Ask the General Manager for clarification. We are asking that this memo be signed by the General Manager. Mr. Wickstrum explained that he was given a memo by staff that Ms. Belser had signed stating that they have peace officer status. I made the statement that until this board acts, I am not signing. If you don't want to do anything they will be working as citizens. Director Baggerly stated he didn't want to lose sight of the liabilities with Director Kaiser stating that is all the more reason for it to be reviewed by special counsel. Mr. Wickstrum

stated all it takes is one. We have had situations that staff has taken care of. You have heard many reports. Staff takes care of them appropriately with VCSO and others.

President Bergen added we want more information on what this means and financial information. We are reacting to the liability issue. I move that we clarify limited peace officer status; we already have the training for the interim, and come back with the ordinance, financial stuff etc. Director Baggerly suggested giving direction to Steve to sign the memo. Director Kaiser added we don't have it for review nor has the public seen it. Director Baggerly suggested as the General Manager he has the authority to do so. Director Kaiser added if he has direction from this board.

President Bergen moved that we clarify the limited peace officer status and the immunity that it brings and come back with additional information that we need. She clarified that this is not permanently granting limited peace officer status but that it provides the immunity that is needed. We need to make sure we cover our people and us in terms of liabilities. This motion was seconded by Director Baggerly and passed by the following roll call vote:

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

14. Verbal report on the Ojai Valley 4(M) Pump Plant Noise Abatement.

Mr. Wickstrum reported that we are waiting for a proposal from Accoustiblok. We installed the mutes about 12 – 18 inches from the bottom; noise may be coming out of the bottom of the mute.

15. Information Items: APPROVED
- a. Finance Committee Minutes.
 - b. Personnel Committee Minutes.
 - c. Investment Report.

On the motion of Director Word, seconded by Director Kaiser and passed, 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 5:35 p.m. with Mr. Mathews stating the four items to be covered.

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: Native Electrical Construction, Inc. v. Casitas Municipal Water District. Case Number: 56-2014-00457255-CU-BC-VTA.
- 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 with Mr. Mathews stating the board, by a 5-0 vote, authorized the chair to sign a settlement agreement in the amount of \$60,000 with NEC subject to review of language by Legal Counsel. There we no other actions to report.

17. Adjournment

President Bergen adjourned the meeting in memory of Jim Coultas at 6:47 p.m.



Russ Baggerly, Secretary