

Minutes of the Casitas Municipal Water District
Board Meeting Held
March 28, 2012

A meeting of the Board of Directors was held March 28, 2012 at Casitas' Office, Oak View, California. Directors Baggerly, Word, Hicks, Bergen and Kaiser were present. Also present were Steve Wickstrum, General Manager, Rebekah Vieira, Clerk of the Board, and Attorney, John Mathews. There were three staff members and one member of the public in attendance. President Baggerly led the group in the flag salute.

1. Public Comments

None

2. General Manager comments.

Mr. Wickstrum expressed his appreciation for the time the board spent on Friday to view the Rincon 2(M) main project. It is a project that has been long awaited. The update at this point is they have reamed the hole in its entirety and plan to pull pipe through on Friday. The interconnection is scheduled for April 11th.

Directors Baggerly and Hicks were at Kids Fishing Day. It was well received and many thanks to the staff and volunteers. It was an enjoyable experience. There were good articles in Ojai Valley News and the Star. Staff worked hard to put it together and the volunteer groups had it well organized. President Baggerly added it is worth a photographic essay on the web site.

3. Board of Director comments.

Director Kaiser offered appreciation for the coordination of the visit to the pipeline. It was nice to see things in and out of the area including how a deer can make it between strands of barbed wire that were only about 14 inches apart.

Director Word reported that the City of Ventura gave a report at the Ventura Chamber meetings. They have approved a 50 plus unit on Ventura Avenue and a Residence Inn at Seward and Harbor. Both of these are in district boundaries. The board then briefly discussed the film that was shown by the City of Ventura.

4. Consent Agenda

ADOPTED

- a. Minutes of the March 14, 2012 Board Meeting.
- b. Recommend approval of a Temporary Water Service for 30 months to Granite Construction Company for major road construction project on State Highway 101 near La Conchita.

- c. Resolution designating specific staff for the purposes of communication and to sign contract amendments for the grant from the Department of Boating and Waterways for the three floating restrooms at Lake Casitas Recreation Area.
- d. Recommend appointing the Accounting Manager as the District's representative on the Redevelopment Agency Oversight Board.

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

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

Resolution is numbered 12-12.

5. Bills APPROVED

Director Bergen questioned #11336 for overtime meals and asked how many employees were involved. Mr. Wickstrum explained this was during a shutdown that extended into the night and covers about six individuals.

On the motion of Director Word, seconded by Director Bergen and passed, the bills were approved.

6. Committee/Manager Reports APPROVED FOR FILING

- a. Finance Committee Minutes
- b. Water Resources Committee Minutes

On the motion of Director Word, seconded by Director Hicks and passed, the Committee/Manager Reports were approved for filing.

7. Discussion and possible resolution authorizing a side letter agreement to recently adopted MOU's with SEIU represented employees regarding Article 16, paragraph B of the article entitled Holidays. ADOPTED

Ms. Vieira explained that the side letter agreement was drafted and reviewed by General Counsel, Labor Counsel, General Manager, SEIU and the bargaining team members. Some of the suggested language is used in the Government Code and by other agencies in the area.

Director Kaiser passed out his suggested language changes to the resolution and agreement. Since there are no minutes or written testimony provided to this board, as far as I can tell everyone negotiated in good faith. I understand this request is not the universal feeling among employees. It does not take away from the fact that there is no intention to mislead. My suggestion on the MOU is to strike language to be specific to avoid additional misunderstandings and to be concise as to what the holidays actually are.

Director Word asked how many holidays are given now. Director Hicks answered 11.

Director Bergen stated she was negative about doing this but on thinking about it there is ambiguity in the language and to avoid creating bad feelings with employees I am open to this now. If this new language is in here I guess the question is are we in a situation where if the president declared a special holiday we could not grant it? President Baggerly added the language in the MOU says you will recognize it only to the end of that contract. Mr. Wickstrum added the language proposed by Director Kaiser does not give discretion. President Baggerly added the new language (as originally presented in the Board Packet) gives the discretion to the Board.

Director Word added we surveyed everything we can to be fair in what we are doing. We looked at holidays and everyone was in agreement. Now somewhere in the middle we open it up. I'm not really happy. Because it says you grant every holiday, why are they just asking for one more. When you come around to negotiation the next time you are coming from the basis of 12 holidays.

Director Kaiser added I am still not convinced as to why that underlined section has to be in there. What is the overwhelming reason? President Baggerly explained it changes the context of the sentence in the current MOU. You have the discretion. It makes it clear the board has the discretion on holidays. Director Kaiser asked why not have the definite numbers of holidays. Director Bergen explained one of the reasons as to why it came up there are times where there is a holiday declared that isn't a normal one such as a national tragedy or observance. If there is no language, you can't grant it because you have no discretion to grant it. That is why that is in here. Director Hicks asked why did this happen when we had a high price negotiator working with us. It goes back to 11 holidays after the term of the agreement.

Mr. Mathews added I agree with you regarding the resolution. Put a period after Oct 26 2011. This is the governing document. The Union is saying we like Cesar Chavez Day recognized for this time frame. The points made are good and the loud and clear message should the board adopt this resolution is all things are on the table for the next negotiation. Regarding taking the language out in the side letter agreement I don't have strong feelings about that. It would not change where you are at. The Government code language is not mandatory but the language is in there. It is fair to put that language in there.

Director Word added the only way I could support this is by changing the last sentence whereby the adoption of this side letter does not establish Cesar Chavez Day or more than 11 holidays.

The board decided to leave the last sentence alone and asked for a comma to be placed after Christmas day.

Danny Carrillo, SEIU Local 721 explained the language giving you authority is in the County of Ventura contract amongst others. The Final Authority comes to you now. This is a change and we are o.k. with that. Director Word's concern making sure there are eleven days in there I suggest leaving out in case there is a special day. Everything is at zero when we open negotiations. We understand that. We are very fine with and appreciative of this language and what you have before you.

Ms. Vieira reviewed the recommended changes which were to put a period after October 26, 2011 and eliminate the rest of the sentence. Put a comma after President's Day and after Christmas Day and take off the capital A on the word and.

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

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

Resolution is numbered 12-13.

8. Resolution awarding a Twenty Five Year Concession Agreement to Lake Casitas Marina, Inc. Gary Wolfe, President to provide Marina Concession Services. ADOPTED

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

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

Resolution is numbered 12-14.

9. Recommend Acceptance of the Proposal and Entering into an Agreement with AE Group Mechanical Engineers in an amount not to exceed \$59,500 to prepare plans and specifications to replace the Heating, Ventilation and Air Conditioning and lighting systems in the Casitas Municipal District office building. APPROVED

On the motion of Director Word, seconded by Director Hicks and passed the above recommendation was approved.

10. Information Items:

- a. Recreation Area report for February, 2012.
- b. Legislative Update.

- c. California Water Law & Policy Conference April 19 – 20 in San Francisco.
- d. Investment Report.

President Baggerly called for a two minute break at 4:13 p.m. At 4:16 p.m. President Baggerly moved the meeting to closed session with Mr. Mathews stating that on the second item Public Employee Performance Evaluation of the General Manager, pursuant to Government Code the board will reconvene in public session to make a report and will also meet in open session to discuss any recommendation or actions on the General Manager's compensation.

11. Closed Session

- a. (Govt. Code Sec. 54956.9 (c))
Conference with Legal Counsel – Anticipated Litigation (One case).

Mr. Mathews reported that the board discussed the anticipated litigation and gave instruction to staff to follow up and come back to the board on April 11th with their findings.

- b. Public Employee Performance Evaluation (Govt. Code Sec. 54957)
Title: General Manager

President Baggerly moved the meeting back into open session at 5:45 p.m. stating the General Manager's evaluation was discussed.

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

The Board of Directors discussed various proposals for an adjustment to the General Manager's salary. Director Word made the motion to provide the General Manager a 2% salary increase, seconded by Director Bergen. Director Hicks suggested a higher adjustment. Roll Call: Director Kaiser – Yes, Director Bergen – yes, Director Hicks – No, Director Word – yes, Director Baggerly – yes.

13. Adjournment

President Baggerly adjourned the meeting at 5:48 p.m.

Bill Hicks, Secretary