

CASITAS MUNICIPAL WATER DISTRICT  
EXECUTIVE COMMITTEE

Kaiser/Baggerly  
**May 14, 2019 - 10:00 A.M.**  
District Office  
1055 Ventura Ave.  
Oak View, CA 93022

1. Roll Call
2. Public Comments
3. Board Comments
4. General Manager Comments
5. Consideration of Clean Power Alliance (CPA) and Southern California Edison (SCE) Options for Fiscal Year 2020.
6. Review and discussion of Casitas MWD General Manager Contract.
7. Review and discussion of Casitas MWD Draft Bylaws.
8. Board Priority List Update.
9. Correspondence from Mauricio Guardado of United Water Conservation District regarding opposition to California Senate Bill 1 (SB1 – California Environmental, Public Health, and Worker’s Defense Act of 2019).
10. Legislative Update (Information Only): ACWA Coalition Letter Opposing AB 217 and Water Tax Language in Budget Trailer Bill.

Right to be heard: Members of the public have a right to address the Board directly on any item of interest to the public which is within the subject matter jurisdiction of the Board. The request to be heard should be made immediately before the Board's consideration of the item. No action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of ¶54954.2 of the Government Code. If you require special accommodations for attendance at or participation in this meeting, please notify our office in advance (805) 649-2251 ext. 113. (Govt. Code Section 65954.1 and 54954.2(a)). Please be advised that members of the Board of Directors of Casitas who are not members of this standing committee may attend the committee meeting referred to above only in the capacity of observers, and may not otherwise take part in the meeting. (Govt. Code Sections 54952.2(c)(6))

# MEMORANDUM

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TO: Executive Committee

From: Michael L. Flood, General Manager

RE: **Consideration of Clean Power Alliance (CPA) and Southern California Edison (SCE) Options for FY 2020**

Date: May 9, 2019

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## RECOMMENDATION:

The Executive Committee recommend the Board of Directors direct staff to conduct further research with both CPA and SCE and bring back to the Executive Committee and subsequently the Board in November 2019.

## BACKGROUND:

California state legislation (AB-117) was passed in 2002 which authorized community choice aggregation. Community choice aggregation (CCA), also known as municipal aggregation, is a program that allows local government to procure power on behalf of their residents, businesses, and municipal accounts from an alternative supplier while still receiving transmission and distribution service from their existing utility provider.

The Clean Power Alliance (CPA) of Southern California is a community choice aggregate established in 2017 to provide cost competitive renewable electricity to communities in Ventura and Los Angeles counties.

Starting May 1, 2019 the district will now have a choice on selecting who their service account energy provider is; either SCE or CPA. Over the past few months CMWD staff investigated the integration of CPA in order to understand both the financial and operational implications to the district, which has included background research along with seminar presentations by both SCE and CPA.

The district currently has seventy two active SCE service accounts; a significant portion of the district's operating budget is allocated towards funding these accounts. Staff has requested a custom rate analysis from the District's Southern California Edison representative which is expected to be available in the next few months. This rate analysis is expected to include pricing from an upcoming SCE program commonly known as Critical Peak Pricing or CPP.

CPP is expected to take advantage of an abundance of solar power available to SCE during the summer peak periods which would allow CWMD to shift pumping activities into those periods at a cost savings to the District over current rates.

On April 30, 2019, CMWD Staff took two actions in regard to this issue:

1. Nineteen (19) electrical service accounts were opted-out of the CPA program and placed back with SCE. These accounts represent approximately \$1.6M of the CMWD budget.
2. Fifty-three (53) electrical service accounts were placed with CPA's Clean Power program and is expected to be equivalent to the default SCE rate. These accounts represent approximately \$200,000.00 of the CMWD budget.

Accounts that are currently listed with SCE must remain so for a period of one year (April 30, 2020).

Accounts that are currently listed with CPA can be moved to other programs within CPA's rate structure or opted-out to SCE within the next sixty (60) days.

#### DISCUSSION:

Given that rate information from SCE is incomplete at this time, staff recommends that the electrical service accounts remain as currently configured and that staff bring back further information in the future.

Staff expects that further recommendations can be brought back to the Executive Committee and then the Board of Directors in November of this year (2019) in preparation for the FY 2021 budget.

**RESOLUTION NO.**

**CASITAS MUNICIPAL WATER DISTRICT**

**RESOLUTION FOR THE ADOPTION OF THE  
CASITAS MUNICIPAL WATER DISTRICT  
BYLAWS**

**BE IT RESOLVED** that the Casitas Municipal Water District Board of Directors does hereby approve and adopt the attached Bylaws, to become effective immediately. These Bylaws supersede all previously adopted Bylaws.

**PASSED AN ADOPTED** this \_\_\_\_\_ day of May, 2019, upon the following vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Peter Kaiser – Board President

**CERTIFICATION:**

I, Brian Brennan, Secretary of the Board of Directors of the Casitas Municipal Water District, do certify that the above is a true and accurate copy of Resolution No. \_\_\_\_\_, adopted by the Board of Directors on \_\_\_\_\_.

\_\_\_\_\_  
Brian Brennan – Secretary

# CASITAS MUNICIPAL WATER DISTRICT

## BYLAWS

(May , 2019)

DRAFT

**Casitas Municipal Water District**

*[insert map and of District showing overall jurisdiction/ service area and Board district boundaries]*

DRAFT

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# BYLAWS

## CASITAS MUNICIPAL WATER DISTRICT

### ARTICLE I                      NAME

The name of this organization is the CASITAS MUNICIPAL WATER DISTRICT (“District”). The District was formed in 1952 under Municipal Water District Law of 1911 (California Water Code §71010 et seq.). The original name for the District was the Ventura River Municipal Water District ~~and it~~which was changed to its current name in 1971.

### ARTICLE II                      PURPOSE

The District is an independent special district established in accordance with and having the authority and powers defined in the State of California’s Water Code Section 71010 et seq. ~~The purpose of the District is to~~may acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the District, its inhabitants, or the owners of rights to waters in the District. (Water Code §71610(a); see also Ventura River, California Reclamation Project Act (Pub.L. No. 70-423 (March 1, 1956), 70 Stat. 32)) The District may also undertake water conservation programs to reduce water use, sell water under its control to cities, other public corporations and agencies, sell surplus water, and set rates for water sales. (Water Code §§ 71610.5, 71611, 71612, 71614 and 71616, respectively.) ~~And in accordance with federal law, the District is authorized and directed to provide public outdoor recreation opportunities in Lake Casitas and the surrounding environment.~~

### ARTICLE III                      MISSION AND OBJECTIVES

~~The ongoing mission of the Casitas Municipal Water District is to provide its service area with safe and reliable locally and regionally developed water and recreational opportunities in an environmentally and economically responsible manner. The mission of the District is to serve the people of the District by effectively managing, controlling and delivering water for beneficial uses in order to protect and preserve human health and the environment in a competent and cost-effective manner in full compliance with applicable federal, state and local laws and regulations.~~

### ARTICLE IV                      TERRITORY

A map of the District and its boundaries is shown inside the front cover of this document.

## **ARTICLE V**

## **PLACE OF BUSINESS**

The District's administrative office is located at 1055 Ventura Avenue, Oak View, California 93022.

## **ARTICLE VI**

## **GOVERNING BOARD**

The Board of Directors is the governing and decision-making body of the District, and exercises all District powers. (Water Code §§ 71270 and 71300) The Board receives its power from the California Constitution and State laws passed by the legislature, including the District's principal act, the Municipal Water District Act of 1911, Water Code §71010 et seq. State law takes precedence if a conflict occurs between State law these bylaws or any action by the Board.

### **Section 1. Powers**

The powers of the District are set forth in Water Code §71300 et seq., and as they may be amended by the State Legislature from time to time.

### **Section 2. Ethics Guidelines**

#### **2.1 Act in the Public Interest**

Directors must recognize that stewardship of the public interest must be their primary concern. Directors will work for the common good of the people of the District and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Board.

#### **2.2 Comply with the Law**

Directors shall comply with all applicable federal, state and local laws and regulations in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; California Political Reform Act of 1974 (Gov. Code §§87100-87500) and corresponding Fair Political Practices Commission regulations (title 2 Calif. Code of Regs., §18701 et seq.); laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, Brown Act Open Meetings Law (Gov. Code §54950 et seq.), and Public Records Act (Gov. Code §6250 et seq.).

#### **2.3 Conduct of Directors**

The professional and personal conduct of Directors must be above reproach and avoid even the appearance of impropriety. Directors shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Directors, the staff or public.

**A. Duty of Care**

A Board director must pay attention to organization matters and participate fully in board review and decision-making. He or she must exercise the care that an ordinarily prudent person would exercise in a like position and under similar circumstances.

**B. Duty of Loyalty**

A Board director must put the needs of the organization ahead of any personal interest when making decisions affecting the organization and may not use information obtained as a director for personal gain. A director must always maintain confidentiality regarding the agency's operations.

**C. Duty of Obedience**

A Board director must be faithful to the organization's mission and may not act in a manner that is inconsistent with this mission. This requirement is based on the public trust afforded to governmental entities, and the assumption that the agency will manage constituent funds in fulfillment of the agency's statutory purpose.

**D. Fiduciary Duty**

A Board director has a fiduciary (i.e., one who must exercise a high standard of care in managing another's money or property (Black's Law Dictionary, 10th ed., p. 743)) duty to the organization and is responsible for assuring the agency's fiscal health.

**2.4 Respect for Process**

Directors shall perform their duties in accordance with the processes and rules of order established in these Bylaws.

**2.5 Conduct at Public Meetings**

Directors shall be prepared to attend and participate at Board meetings and Board committee meetings; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

**2.6 Decisions Based on Merit**

Directors shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

## **2.7 Communication**

Directors shall publicly share substantive information that is relevant to a matter under consideration by the Board, which they may have received, *ex parte*, from sources outside of the public decision-making or public hearing process.

## **2.8 Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, Directors shall not use their official positions to influence government decisions in which they have a material financial interest.

In accordance with governing law, Directors shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist pursuant to Federal and State laws.

## **2.9 Gifts and Favors**

Directors shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

## **2.10 Confidential Information**

Directors shall respect the confidentiality of information concerning the property, personnel or affairs of the District. Directors shall not disclose confidential information unless required to fulfill their fiduciary duty nor shall disclose confidential information to advance their personal, financial or other private interest.

## **2.11 Representation of Private Interests**

In keeping with their role as stewards of the public interest, Directors shall not appear on behalf of the private interests of third parties before the Board.

## **2.12 Advocacy**

Directors shall represent the official policies of the District to the best of their ability when designated as representatives or delegates for this purpose. When presenting their individual opinions and positions, Directors shall explicitly state they do not represent

the District or the District Board, nor will they allow the inference that they do.

**2.13 Policy Role of Directors**

Directors have as their primary role -- policy setting and policy review. Directors shall not interfere with the administrative functions of the District or the professional duties of District staff; nor shall they impair the ability of staff to implement Board policy decisions.

**2.14 Positive Workplace Environment**

Directors shall support the maintenance of a positive and constructive workplace environment for District employees and for citizens and businesses dealing with the District. ~~District Directors~~ shall recognize their special role in dealings with District employees and ~~in no way create the perception~~ shall not provide direct or indirect ~~of inappropriate~~ direction to staff that is inappropriate.

**2.15 Rules of Conduct, Board Resolution No. 06-13**

By this reference, the Directors incorporate those provisions in the Rules of Conduct (Board Resolution No. 06-13, 04/26/2006) which may be amended from time to time into Bylaws Article VI, Section 2. In the event of any conflict between the Rules of Conduct and the Bylaws, the governing applicable laws of the State of California shall be determinative.

**Section 3. Number of Directors**

Pursuant to Section 71250 of the Water Code, the number of members of the board of directors is five (5), each representing one of five districts within the District.

**Section 4. Director Divisions**

The Casitas Municipal Water District is governed by an elected five-member Board of Directors and each of the District's five directors represent a division or district within the District boundaries. The boundaries of these five divisions were established based on evenly distributing the population of the District. The divisions are broadly described as follows:

- Division No. 1                    *[insert general description of division]*
- Division No. 2                    “ “
- Division No. 3                    “ “
- Division No. 4                    “ “

Division No. 5 “ “

See also the District map above.

## **Section 5. Selection of the Board**

### **5.1 Election**

Board member elections are held in November of even numbered years. Board members serve four year terms that are staggered so that every two years elections are held for either Divisions 2, 3, and 5 or Divisions 1 and 4. Each Board member must be a resident of the division that he or she represents. The detail of each division boundary for each Board Member can be accessed through the map links that are posted on ~~this the District~~ website (<https://www.casitaswater.org>). Additional information for candidates interested in serving on the Casitas Board of Directors is available on the County of Ventura Elections Website. (<https://recorder.countyofventura.org/elections/>) Each member of the Board is elected, in a general election, in their designated division within the District, pursuant to Elections Code Section 10500 et seq. *with the exception of the situation set forth in Section 5.5 below.*

### **5.2 Election Year**

Elections are held in even-numbered years in November and are consolidated with the County of Ventura's general election; the new terms, following election, begin as determined and provided for in Section 10554 of the Elections Code.

Election in three divisions within the District are held in one even-numbered year, and the other 4 divisions are held in the following even-numbered year, *which shall be evenly divisible by ~~four~~two*. The divisions are grouped as follows:

|          |                  |
|----------|------------------|
| Group 1: | Divisions 2, 4   |
| Group 2: | Divisions 1,3, 5 |

### **5.3 Residence Requirements**

Each member of the Board is required to maintain their primary personal residence within the division from which they are elected in order to retain their eligibility to represent that division. (Water Code §71250)

### **5.4 Term of Office**

The term of office of each member of the board is four years. (Water Code §71252) A member's term can be terminated by his/her resignation from office, or termination of residence within the District.

## 5.5 Vacancies

Vacancies on the District Board of Directors shall be filled for the unexpired term pursuant to **the terms and conditions of** Government Code Section 1780 et seq. by a qualified person who shall be a resident of, and otherwise qualified to be a director from, the division in which the vacancy occurred.

## Section 6. Board Compensation

### 6.1 Compensation

Directors shall receive compensation (i.e., per diem) in an amount not to exceed ~~one hundred dollars (\$100) per day a total of ten (10) days in any calendar month.~~ Specific terms and conditions for Director compensation are set forth in Section 12 of the Rules of Conduct (Board Resolution No. 06-13, 04/26/2006) which may be amended from time to time. ~~for each day's attendance at meetings of the Board or for each day's service rendered as a director by request of the Board. (Water Code §71255)~~

### 6.2 Payment

Payment for Board and Committee attendance or other District related travel by a Director shall be governed by Section 12 of the Rules of Conduct (Board Resolution No. 06-13, 04/26/2006) which may be amended from time to time ~~meeting fees, or day of service, shall be made upon a "Board Meeting Fee Claim" form signed by the Director and submitted to the General Manager or his/her designee.~~

~~Payment for reimbursable mileage and other eligible expenses shall be made upon an "Expense Statement" form signed by the Director and submitted to the District Clerk of the Board.~~

~~[please confirm or correct]~~

## ARTICLE VII

## OFFICERS OF THE BOARD

### Section 1. Titles and Functions

The officers of the Board of Directors shall consist of the following:

#### 1.1 President

The President shall preside at all meetings of the Board of Directors, have general supervision of the affairs of the Board of Directors, represent the Board of Directors in any actions taken by the Board, establish, in consultation with the District General Manager, the Board meeting agenda, and perform such duties as the Bylaws may prescribe. (Water Code §71360)

## 1.2 Vice President

The ~~Secretary-Vice President~~ shall assist the President in performance of his/her duties and act in his/her stead when required.

## 1.23 Secretary

The Secretary shall countersign with the President, on all contracts, deeds, warrants, releases, receipts, and documents, except as the Board may, by resolution, authorize the District General Manager or other District employees specified by the Board to sign such documents. ~~The Secretary shall assist the President in performance of his/her duties and act in his/her stead when required.~~

## 1.34 ~~Treasurer Assistant Secretary~~

~~\_\_\_\_\_The Treasurer Assistant Secretary shall draw checks assist the Secretary in or warrants to pay demands when such demands have been audited and approved in a manner prescribed by the Board. (Water Code §71361)the performance of his/her duties and act in his/her stead when required.~~

## Section 2. Terms of Board Officers

### 2.1 Length of Term

The terms of all officers shall be from the date of their election (historically this election has been held at one of the December Board Meetings), for the following approximately 12 month period when elections are held again. Any member can be reelected to continue in the same office.

### 2.2 Vacancies & Other Contingencies

If the President fails to complete his/her term ~~or for whatever reason is incapable of completing his/her term~~, the ~~Secretary-Vice President~~ shall act in his/her stead and a new ~~Secretary-Vice President~~ shall be elected for the remainder of the term.

If the Secretary fails to complete his/her term ~~or for whatever reason is incapable of completing his/her term~~, the ~~Treasurer Assistant Secretary~~ shall act in his/her stead and a new ~~Treasurer Assistant Secretary~~ shall be elected for the remainder of the term.

~~If the Treasurer fails to complete his/her term, the Board of Directors will elect a Board member to serve out the remainder of the unexpired term.~~



### **Section 3. ~~Election Board Officer Appointment Process~~**

~~Appointment of Board offices shall take place as the last item of business at the regular meeting of the Board of Directors in December of each year. Officers shall be appointed in the following order based upon seniority as determined by the number of total years serving on the Board of Directors – President, Vice President, Secretary and Assistant Secretary. The Clerk of the Board shall conduct the election process so all current Board officers may participate fully in the nomination and election process.~~

#### **~~3.1 Nominations~~**

~~Nominations for each office will be open to all members of the Board. Nominations will be made by members of the Board, and taken at the Board meeting at which the election of officers will occur. No member shall be nominated without his or her consent to serve if elected. A member may be nominated for more than one office, but may not serve simultaneously in more than one office. More than one member may be nominated simultaneously for the same office.~~

#### **~~3.2 Election Process~~**

~~The election of officers shall take place as the last item of business at the regular meeting of the Board of Directors in December of each year. Officers shall be elected in the following order:~~

~~President  
Secretary  
Treasurer~~

#### **~~3.3 Method of Election~~**

~~There shall be one vote per slate of candidates for each office. The candidate (or nominee) who gains the majority of votes from the board members present shall win that office. Votes may not be cast in absentia. In elections with multiple nominees, where no one receives a majority, a run-off vote shall take place between the two top vote receivers. In non-majority situations where there are not two top vote receivers (e.g. 2-1-1), a second vote shall be taken. If the second vote results in a non-majority situation a coin toss shall be used to select the second top vote receiver. In the case of a tie, a run-off vote shall take place among all candidates who receive an equal number of votes. Any other vote result which does not result in a majority shall require another vote.~~

~~Written ballots will be used when more than one candidate is nominated for an office. The written ballots will consist of the name of the board member voting and the candidate they are voting for. There will be one ballot per board member per vote for each office. The written ballots will be completed privately by each board member, and then individually read by the clerk of the board, disclosing the name of each board member and his/her vote, when tallying the vote for each office.~~

~~No abstentions are allowed in these Board Officer elections.~~

### ~~3.4 Impasse~~

~~If a run-off vote is required, per Section 3.3 above, and the run-off vote also results in a tie, a second run-off vote will be conducted. If the second run-off vote results in a tie, an impasse will be declared, and the run-off vote will be decided by the toss of a coin.~~

### ~~3.5 Assumption of duties~~

~~Officers shall assume the duties of their offices immediately following completion of the election process for all offices.~~

## **ARTICLE VIII      MEETINGS OF THE BOARD OF DIRECTORS**

### **Section 1.      Time and Place**

The time and place of the regular meetings of the Board shall be set by Board resolution. All meetings shall be conducted in compliance with the Brown Act Open Meetings Law (Gov. Code Section 54950 et seq.). Board meetings are held on the second and fourth Wednesdays of each month at 3:00 p.m. in the Board Room of the Casitas main office, located at 1055 North Ventura Avenue, Oak View, California. Occasionally, regular Board meeting dates are changed to accommodate other commitments and Special Meetings may be called from time to time to facilitate the business of the District.

### **Section 2.      Board Meeting Agenda**

2.1 The Clerk of the Board is responsible for posting a copy of each Board meeting agenda at the District Administration Office, on the outside posting board, for regular meetings at least 72 hours prior to the meeting time as required by Section 54954.2 of the California Government Code, and for other meetings as required by the Brown Act.

2.2 The Clerk of the Board shall comply with all applicable Brown Act requirements for preparing and posting the Board Meeting Agenda. Gov. Code Sections 54954, 54954.2, and 54954.5.

2.3 The Clerk of the Board shall timely mail or email a copy of each Board meeting agenda to those people, agencies, organizations, etc. who have requested to be placed on the current recipient list for such notices, and the local news media.

2.34 The General Manager shall prepare or direct the preparation of a written staff report or Board letter/memorandum on all agenda items that will explain the agenda item, indicate the fiscal impact, if any, of the

agenda item, and clearly indicate a recommended action to be taken by the Board.

2.45 The Board President may change the sequence of items on the Board agenda.

2.56 In accordance with Government Code §54954.2(a)(3), any Board Member may request an item be placed on a future Board Meeting agenda for discussion or action. The Board President, in cooperation with the District General Manager, shall determine when and how such a request for an item to be placed on a Board Meeting agenda will be ~~con-~~  
~~sidered accomplished~~. Emergency items can only be added pursuant to the provisions set forth in Government Code §54954.2.

### **Section 3. Quorum**

A majority of the current Board membership shall constitute a quorum. A majority of the Board members voting shall be required to approve, disapprove or otherwise act on any proposal, except matters requiring action by a specific number or percentage of the full Board as required by statute. A tie vote shall constitute a denial.

## **ARTICLE IX RECORD OF PROCEEDINGS**

### **Section 1. Recordings**

All Board of Directors' meetings shall be either audio or video recorded and these records shall be retained for a period of four years ~~and then~~  
~~destroyed~~.

### **Section 2. Written Minutes of Board meetings**

The Clerk of the Board shall prepare for approval by the Board of Directors action minutes recording all resolutions, ordinances, actions, and determinations of the Board. Minutes shall contain mainly a record of what was done at the meeting, not what was said by the Board members, staff or public. Robert's Rules of Order (11<sup>th</sup> Ed.), §48.

### **Section 3. Official Signatures**

All papers involving official acts of the Board shall be signed in accordance with appropriate legislation relating to such acts. In the absence of specific regulations, the signature of the President or Secretary attested by the Clerk of the Board shall be deemed sufficient.

## ARTICLE X RULES OF ORDER

### Section 1. Order of Business -- Board Meetings

The Board President, or acting President, may make changes in the order of the agenda unless a two-thirds vote of the members in attendance defeats the decision of the Chairperson. The preferred order of business shall **generally** be as follows:

- (1) Call to order
- (2) Roll Call
- (3) Pledge of Allegiance
- (4) Agenda Review
- (5) Public Comment
- (6) Consent Agenda
- (7) Regular Agenda
- (8) Public **H**earings
- (9) Board Member Comments
- (10) Closed Sessions
- (11) Adjournment

### Section 2. Rules of Order For Board and Board Committee Meetings

2.1 To the fullest extent practicable, the Board of Directors shall follow the latest edition of *Robert's Rules of Order Newly Revised* in the conduct of all Board and Board Committee business. If a conflict should arise between these Bylaws and *Robert's Rules of Order Newly Revised*, the latter shall take precedence over the former.

2.2 To obtain the floor, a Director, staff member or public attendee must be directly recognized by the Chairperson.

2.3 The Director making a motion shall clearly state the action or actions desired.

2.4 A motion may be amended, prior to the vote, if the first & second on that motion agree to the amendment.

2.5 A Motion to Reconsider Made at the Same Meeting. A Board member who voted with the prevailing side on a question previously considered by the Board, may, prior to the adjournment of the meeting where such question was considered, move that the Board reconsider the vote on that question. Any member may second the motion to reconsider. If a majority of the Board votes in favor of the motion to reconsider, the question will be reheard before the Board. A motion to reconsider made at the same meeting has precedence over every main motion, and may be taken up at any time during the meeting if there is no other motion on the floor. Upon adoption, a motion for reconsideration cancels the previous vote on the question as though the previous vote had never taken place.

2.6 A Motion to Reconsider Made at a Subsequent Meeting. If, after the adjournment of a meeting where a question was previously considered,

a Board member who voted with the prevailing side on that question requests reconsideration of the question, a motion for reconsideration will be placed on the agenda of the Board's next scheduled meeting. At that next scheduled meeting, any member may second the motion to reconsider. If a majority of the Board votes in favor of the motion to reconsider, the question will be reheard before the Board. Upon adoption, a motion for reconsideration cancels the previous vote on the question as though the previous vote had never taken place.

2.7 Agenda items which shall require a roll call vote are:

- a) Contracts or any action involving the expenditure of over \$15,000 of District funds;
- b) **Board** Resolutions;
- c) Quasi-legislative matters; and
- d) Quasi-adjudicatory matters.

2.8 All other Board votes on other Board Meeting Agenda items may be conducted by voice vote, (i.e., signifying affirmative or negative). The Clerk of the Board shall publicly report any action taken in the minutes and the vote or abstention on that action of each member present.

### **Section 3. Public Hearings**

Public Hearings will be conducted as follows:

1. Open public hearing
2. Receive staff report and recommendations
3. Report of written communications by Clerk of the Board
4. Public comment
5. Close public hearing
6. Discussion by Board of Directors

Further input by the public after the close of the public hearing shall be at the discretion of the Board President.

### **Section 4. Closed Sessions**

Closed sessions of the District Board shall comply with all applicable provisions for closed sessions in Section 54950, et seq. of the California Government Code.

### **Section 5. Additions to the Agenda**

Items may be added to the Board agenda at the beginning of a regular meeting only when the item to be added meets the requirements in Government Code Section 54954.2, subdivision (b).

### **Section 6. Board Agenda Formation**

6.1 Formation, review and finalization of the Board Agenda for each regular or special Board meeting shall be the joint responsibility of the Board President, General Manager, Clerk of the Board and Legal Counsel.

6.2 Each Board member, subject to the provisions in this section and Government Code §54954.2, may ask that a matter be placed on a future Board meeting agenda so long as that matter is within the jurisdiction of the District.

6.3 When a Board member requests that a certain matter be placed on a future Board meeting agenda in accordance with subsection 6.2 above, its actual placement on a future Board meeting agenda shall depend upon several factors including, but not limited to: existing Board priorities, agenda items already in progress for placement on the Board meeting agenda, work load of affected District staff responsible for preparing a Board letter or memorandum on the subject as determined by the General Manager, and District Board consensus to place the matter on a future agenda.

#### **Section 7. Adjournment**

The Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, pursuant to Government Code Section 54955.

#### **Section 8. Temporary ~~Chairperson~~Board President**

In the absence of the ~~Chairperson~~President and the Vice ~~President - Chairperson~~ 15 minutes after the noticed time of any meeting of the Board, the Clerk of the board shall convene the meeting and the Board shall elect a temporary ~~Chairperson~~President to conduct such meeting. Upon arrival of the ~~Chairperson~~President or Vice ~~President - Chairperson~~, the higher ranking regular officer shall become the presiding officer and conduct such meeting.

### **ARTICLE XI                      BOARD COMMITTEES**

#### **Section 1. Board Committee Formation and Authority**

Annually, following the election of Board officers, the Board will renew the Standing Committees deemed appropriate for the Board's needs. ~~Board Standing Committee assignments will be made on a seniority basis with the Director with the most total years served on the Board selecting his/her Committee assignment first and then proceeding to the next Director until such time as each Committee is filled. The President of the Board of Directors shall appoint from within the Board's membership, with the advice of the Board, Directors to serve on each of the standing committees, and any additional temporary ad hoc committees as he/she deems appropriate.~~ All Board Committee actions are advisory and non-binding on the District unless otherwise provided for.

**Section 2. Standing Board Committees**

2.1 Board Standing Committees for the District are as follows:

- Water Resources
- Personnel
- Finance
- Recreation
- Executive

2.2 Members of the Executive Committee are the President and ~~Secretary~~-Vice President of the Board of Directors. Board Committees shall consist of no more than 2 Board members. At the first meeting of each standing committee, the committee will select one member to act as Committee Chairperson.

2.3 Standing Committees will meet per the following schedule, specific dates and times will be determined prior to meeting:

- Finance:
- Personnel:
- Recreation:
- Water Resources:
- Executive:

**Section 3. Representation on Other Boards, Committees and Agencies**

The Board President shall appoint individual Directors to serve as the Board's representative to boards, committees and agencies outside the District. The Board President may appoint himself/herself to serve in any of these positions.

**Section 4. Brown Act Compliance**

All Board Committee meetings are open to the public and shall comply with the Brown Act Open Meetings Law (Gov. Code §54950 et seq.).

**ARTICLE XII ADMINISTRATION OF DISTRICT BUSINESS**

**Section 1. General Manager**

The Board of Directors shall appoint a General Manager to implement the policies and programs approved by the Board of Directors. The General Manager so selected shall meet such minimum qualifications as are established by the Board of Directors. The General Manager shall be an "at will" employee and shall serve at the pleasure of the Board.

**Section 2. Legal Counsel**

The Board of Directors shall retain legal counsel to ensure all business of the District is conducted and all District Board actions taken conform to all applicable federal, state and local laws and regulations.

**Section 3. Independent Auditor**

Pursuant to Government Code Section 26909, the Board shall obtain the services of an independent certified public accountant to annually audit the financial books and records of the District. Such auditor shall annually present a written report of the District's financial position to the Board of Directors along with a management letter containing any observations or comments deemed pertinent.

**Section 4. Conflict of Interest Code**

All Board Members and covered employees are subject to the District's conflict of interest code and shall file periodic statements as required by the Political Reform Act of 1974 (Gov. Code §81000 et seq.) and Fair Political Practices Commission regulations (2 Calif. Code of Regs., §18000 et seq.).

**Section 5. Fiscal Matters**

Consistent with the provisions of applicable laws of the State of California, and the operational needs of the District, the General Manager shall be authorized and responsible for the fiscal concerns of the District as follows:

5.1 Fiscal Year begins July 1<sup>st</sup> and ends June 30<sup>th</sup>.

5.2 Budget

Prepare, for adoption by the Board of Directors prior to July 1 of each year, a budget showing anticipated revenues and expenses for personnel, services, supplies, equipment and related expenses to perform the purposes and goals of the District. The Board-approved annual fiscal year budget shall authorize the General Manager and his/her staff to collect and expend funds for purposes identified in the adopted budget, as it may be amended by the Board of Directors from time to time. The General Manager shall control expenditures to be within the specific categories and purposes in the adopted or amended budget and within the available funds on hand and revenues received.

5.3 Finance Management

As authorized in the District Board, the General Manager will direct the collection and disbursement of all monies into and out of the District treasury. The General Manager is authorized to make investments and open and close bank accounts as necessary to



conduct the business of the District and in accordance with the District Board's current Investment Policy.

#### 5.4 Purchasing Authority

The General Manager has the authority to procure labor, supplies, services and equipment as necessary in accordance with policies established by the Board of Directors.

#### 5.5 Annual Audits

The General Manager shall, every five (5) years, periodically arranging for proposals from a group of independent auditors from which the Board of Directors shall select the firm to conduct the annual audit of the District's financial records.

The General Manager shall arrange for entrance and exit interviews with the independent auditor as directed by the Board.

The General Manager is responsible for annually submitting financial reports to the State Controller's office (State Controller's Report) in accordance with Government Code §53891.

The independent auditor is to be instructed to supply the Board of Directors with all correspondence, related to the audit, simultaneously submitting copies of such correspondence to the General Manager and Staff.

#### 5.6 Statement of Investment Policy

The General Manager is responsible to present to the Board, for review and approval, an annual Statement of Investment Policy in accordance with Government Code §53646.

#### 5.7 Reimbursement Disclosure

The General Manager is responsible for a report being published, at least annually, to disclose any reimbursement paid by the District of at least one hundred dollars (\$100) for each individual charge for services or product received, in accordance with Government Code §53065.5.

#### 5.8 Ordinance Prescribing A System of Business Administration

By this reference, Directors hereby incorporate the terms and conditions of District Ordinance #12-01, An Ordinance Prescribing A System of Business Administration (09/26/2012), and as may be amended from time to time, which governs accounting, auditing and disbursement of monies by the District.

**ARTICLE XIII**

**ADOPTION AND AMENDMENT OF BYLAWS**

These bylaws are adopted by resolution and become effective on ~~April~~ ~~—~~ ~~May~~, 2019. Proposed amendments shall be presented in writing at a regular meeting of the Board of directors and may be adopted at the next regular meeting, provided at least 14 days have elapsed since the first meeting. Amendments shall be approved by resolution of the Board. Changes to the District’s boundary map due to annexations or detachments, and changes to the sections of laws referenced, and any changes to these bylaws by reason of a change in the District’s principal act or other State law affecting the District, shall be automatically incorporated as part of this document without the need for specific amendment following such changes.

DRAFT

## 2019 Board Priorities List

### Category: Board Policy

|   |  | Complete? | Status/Disposition                          | Result                                      |
|---|--|-----------|---|---|
| 1 | Equine prohibitions in the LCRA (check to see if there is a current policy/ordinance). (5) (Completion: 90 Days)   | Yes       | Presented to Executive Committee            | Ordinance Already Exists                    |
| 2 | Review of allocation penalty policy. (Completion: 60 Days) (5)   | Yes       | Adopted by the Board on April 24, 2019      | First Meeting on June 19, 2019              |
| 3 | Review need for a Mission Statement and the ability to use this as a filter to discuss what goals can be accomplished (revenues, budgets, environmental issues, recreation elements, etc.) (Completion: 90 Days - Executive Committee) (5) | Yes       | Adopted by the Board on May 4, 2019         | Board adopted and distributed to CMWD Staff |
| 4 | Water rate analysis. (Update in 9 months) (4)  | No        | Starts October 2019                         |   |
| 5 | Strategic plan for recreation area. (Completion: 9 Months - Recreation Committee) (5)  | No        | GM Cut from Budget                          | Review Mid-Year                             |
| 6 | Committee presentations to the Board. (Ongoing) (5)  | Yes       | Complete                                    | Ongoing                                     |
| 7 | Gauge investment in policies/cost-benefit analysis. (Ongoing) (5)  | No        | Further Discussion with Executive Committee |   |

### Category: Admin

|   |  | Complete? | Status/Disposition   | Result    |
|---|--|-----------|--|-----------|
| 1 | Committee packets to Board members 48 hours prior. (To Executive Committee - Ongoing)  | Yes       |  | Ongoing   |
| 2 | Draft Board agendas to legal counsel prior to publishing. (To Attorney by Thursday - Ongoing)  | Yes       |  | Ongoing   |
| 3 | OBGMA link on website for OBGMA groundwater information  |           | Deleted  |           |
| 4 | Gauging organizational capacity/bandwidth./Filing of open positions./Staffing plan(s)/ Understanding the adjustments necessary to cope with recent organizational changes. (Review/completion in 120 days) (5) | No        | Position Adjustments & Additional Positions going through approval process. HR Manager offer sent May 2019. Assistant GM Applications being collected. |           |
| 5 | Funding process and contracts. (Simplification of terminology). Contract = services, Purchase orders = materials (5) (90 days)   | No        | Staff needs to review and bring recommendation   |           |
| 6 | GANTT chart for process for projects, timelines, etc. (open purchase orders and contracts with monthly update) (Management Produce - 90 Days).   | No        | Project Tracker in place. Staff needs to discuss in May 2019   |           |
| 7 | Update of policy and procedures manual (including Board policy) and communication of results. (Completion: 12 months)  | No        | Bylaws being drafted by District Counsel. Working through Executive Committee.   |           |
| 8 | Staff recommendations with staff presentations on Board items. (Ongoing)   | Yes       |  | As needed |
| 9 | Have departments present at Board meetings and provide updates to efforts. (Ongoing)   | Yes       |  | As needed |

### Category: Water Security Items

|    |  | Complete? | Status/Disposition  | Result   |
|----|--|-----------|---|--|
| 1  | Focus on local water resources for water security projects. (5)  | No        | Review of Teague Watershed wells complete (project on hold). Matilija Deep Wells project under review which is expected to be complete in July 2019. Ojai Well Field rehabilitation project underway, expected to be complete in 2021 which includes drilling a replacement well. Ojai Well Desalter on hold pending results of Ojai Well Field rehabilitation project. |  |
| 2  | Legal and professional review of SWP interconnect EIR from the Water Resources Committee Recommendations. (5)  | Yes       | EIR review period complete. Kennedy Jenks reviewing and will respond to comments.   | Possible adoption of the EIR by the City of Ventura late in 2019 |
| 3  | New legal foundation able to receive private funds for water security projects. (1)  | No        | To Executive Committee in June 2019   |  |
| 4  | Provide policy for avoiding Stage 5 restrictions./ Detailed emergency plan for when Lake Casitas reaches minimum pool including skeleton of plan./ Plan for what happens if water security projects do not work out that can be communicated to the public. (4)        | No        | Public Relations department to include this in development of a communications plan.  |  |
| 5  | Complete Comprehensive Water Resources Plan./ Need timeline for CWRP. (November 2019?)/ Economic concept review of costs of water security projects and gauge public support for those costs. (5)  | No        | Stantec engaged to complete the CMWD Comprehensive Water Resources Plan. Expected to be complete in November/December 2019  |  |
| 6  | Board review of Kear recommendations from 2016./ Publish summary from 2016 study and how priorities were reached (review full presentation)./ Review 2016 plan for costing information plan./ Public communication about 2016 study and messaging connected to it. (5) | No        | Public Relations department to include this in development of a communications plan.  |  |
| 7  | Gauge need for an election for water security projects. / Review issues related to bonds and District revenues./Water rate analysis. (4)   | No        | District has engaged True North to develop a poll to test public opinion on a possible bond measure. Expected to occur in July 2019.  |  |
| 8  | Calleguas to Casitas pipeline project RFP (crosstown pipeline) (5).  | No        | Currently under review by CMWD Staff along with item #9. Expected to be complete by July 2019   |  |
| 9  | Planning for costs of Phase 1 SWP interconnect pipeline \$42M project (4).   | No        | Currently under development by CMWD staff along with item #8. Expected to be complete by July 2019  |  |
| 10 | Obtain legal representation for adjudication (5)   | Yes       | Rutan & Tucker engaged by the District  | Ongoing  |
| 11 | Peer review for Verbo/HoBo projects (5).   | No        | Technical Advisory Committee engaged. Review expected to be complete in July 2019   |  |
| 12 | Complete conjunctive use policy with OBGMA (4).  | No        | OBGMA working on draft agreement  |  |
| 13 | Biological Opinion review and critical drought protection measures. (5).   | Yes       | Critical Drought Protection Measures approved by all entities in March 2019   | To be administered as appropriate.                               |



Michael Flood <mflood@casitaswater.com>

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## I Need Your Help

2 messages

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**Mauricio Guardado** <mauriciog@unitedwater.org>

Wed, May 1, 2019 at 2:27 PM

Good afternoon,

California has a long history of establishing the highest standards of environmental stewardship, compliance and enforcement. In SB1, President pro tempore Atkins provides a compelling case to protect California's Air, Navigable Water, Drinking Water and Workers -- public priorities that, in concept, we all strongly support. But upon closer inspection, SB1's overly broad, duplicative language creates unintended adverse consequences for all of our agencies as well as the residents of Ventura County. That's why I am asking for your help.

Two of the most concerning statues of SB1 -- SB1 appears to mandate the use of an outdated biological assessment that relied heavily on anecdotal testimony that was the only available data at the time. UWCD's new Habitat Conservation Plan (HCP), for example, which is based on current science and current best practices, would be prohibited. SB1 does not employ a workable regulatory platform and it acts to confuse the current regulatory framework. By establishing a new private right of action, it is sure to spawn additional, significant costly litigation that would divert public funds from worthy pursuits like the implementation of UWCD's HCP.

It's been my experience that mitigation measures implemented through regulatory agencies often include a water component that negatively impact yields for beneficial users (our customers). One of the only tools we have is the use of best available science to navigate through rigorous processes to prove against regulators extreme parameters. This bill would undercut the one thing we have left to hold these agencies and environmental advocates accountable. United Water Conservation District has already urged the California Senate Judicial Committee to accept the attached amendments to this legislation, which address the significant issues outlined above.

Now I'd like to ask you to contact your local elected officials and urge them to oppose SB1 in its current form. Just click on any or all of the following to voice your opposition to SB1:  
[California Assembly Member Monique Limon](#), [California Assembly Member Jacqui](#)

Irwin, California State Senator Hannah Beth Jackson, California State Senator Henry Stern.

Your time, consideration and support are greatly appreciated.

Mauricio E. Guardado, Jr.

General Manager



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 **2019-04-16 Attachment SB-1 (2019) - 2nd Revision.pdf**  
156K

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**Michael Flood** <[mflood@casitaswater.com](mailto:mflood@casitaswater.com)>  
To: Bryan Sandoval <[bsandoval@casitaswater.com](mailto:bsandoval@casitaswater.com)>

Tue, May 7, 2019 at 1:55 PM

FYI - For Executive Committee

[Quoted text hidden]

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Michael Flood  
General Manager  
Casitas Municipal Water District  
1055 Ventura Avenue  
Oak View, Ca. 93022  
Work: (805) 649-2251 Ext. 111  
Cell: (805) 746-2851



May 6, 2019

Senator Hannah-Beth Jackson  
State Capitol, Room 2032  
Sacramento, CA 95814

Re: AB 217 (E. Garcia): Safe Drinking Water Funding/Water Tax

Dear Senator Jackson,

As an ACWA Member, we have diligently reviewed the proposed Water Tax Language in the Budget Trailer Bill and AB 217 (E. Garcia). We understand and agree on the importance of safe drinking water for disadvantaged communities. While well-intended, Casitas Municipal Water District does not support the Budget Trailer Bill and AB 217 for the following reasons.

The proposed funding mechanism would be a water tax. This proposed water tax on public water system is regressive, and that cost would need to be passed to our customers which won't exempt low income. This would be counter intuitive to the idea of keeping safe drinking water both attainable and affordable.

AB 217 would set the precedent for a state-wide water tax. There are other state agencies and other entities with documented interest using a water tax as a funding mechanism, further exacerbating the issues of making safe drinking water affordable.

AB 217 would include funding for capital cost when there are existing federal and state funding sources for capital costs.

For the aforementioned reasons Casitas Municipal Water District urge your "No" vote on the Budget Trailer Bill and AB 217 unless the bill is amended to delete the proposed water tax. We would urge you to support the Safe Drinking Water Trust in SB 669 (Caballero). The SB 669 (Caballero) proposed plan to use the 2019-20 budget surplus is a more appropriate funding approach, that does not increase the cost of water. For that Casitas Municipal Water District supports SB 669 (Caballero).

Michael Flood,

General Manager

Casitas Municipal Water District



May 6, 2019

Assemblymember Monique Limon  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0037

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Michael Flood,  


General Manager  
Casitas Municipal Water District