

Minutes of the Casitas Municipal Water District  
Board Meeting Held  
August 24, 2016

A meeting of the Board of Directors was held August 24, 2016 at the Casitas Municipal Water District located at 1055 Ventura Ave. in Oak View, California. The meeting was called to order at 3:00 p.m. Directors Kaiser, Baggerly, Word, Hicks and Bergen were present. Also present were Steve Wickstrum, General Manager, Rebekah Vieira, Clerk of the Board, and Attorney, John Mathews. There were five staff members and ten members of the public in attendance. President Kaiser led the group in the flag salute.

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

Angelo Spadiro spoke regarding a chart in the Urban Water Management Plan of 2016 showing lake storage dropping 25,000 acre feet a year since 2011 and we are only in a stage 3 condition and suggested that the board has the authority to declare stage 5 now to show that we have a serious problem with water. This would provide an increased extension of time and decrease the slope of loss. If we continue to wait our margin of time left gets smaller. He asked the board to consider going to stage 5 right away.

William Weirick spoke about the summit on the 22<sup>nd</sup> and offered the city as a partner for livestreaming on cable access and archiving and suggested the meeting be held at the Boyd center.

Renee Roth with the Green Coalition discussed efforts of the Save Our Ojai Water campaign. They are working to develop standard landscaping guidelines and looking for methods to have this endeavor paid for. \$10,000 for each watershed was suggested and Ms. Roth asked that the board consider information that would be coming in the future.

2. General Manager comments.

None

3. Board of Director comments.

Director Baggerly reported that he was at the City Council meeting last night where they were discussing water and what the city can do. A lot of interested people made comments. He suggested that the city take an active role in the Ventura County General Plan update.

4. Board of Director Verbal Reports on Meetings Attended.

None

5. Consent Agenda

ADOPTED

a. Minutes of the August 10, 2016 Board Meeting.

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

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

6. Review of District Accounts Payable Report for the Period of 8/10/16 – 8/17/16. APPROVED

On the motion of Director Hicks, seconded by Director Baggerly, the Accounts Payable Report was approved by the following roll call vote:

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

7. Consider the appeal of Mr. Michael Termond for the \$1,000 fine imposed for water theft and damage to district facility.

Fine reduced to \$500

Mr. Wickstrum informed the board that staff were involved with the discovery of water waste and determined there was theft from a sample point onto a property. Staff also had contact with Mr. Termond and discussions regarding the use of that water which is unmetered and was used for private use and in our view a water theft that is going on. Water was running off the property into the street. We applied a waste of water and water taken out of the system in an unauthorized fashion. Our Rates and Regulations provide several options to deal with this. It is difficult to determine how long this was going on and how much water was used. The Rates and Regulations allow for us to recoup either the damages incurred or \$1,000. A notice of violation invoice in the amount of \$1,000 was issued and Mr. Termond requested an appeal to you regarding this activity.

Mr. Termond addressed the board and stated that he has learned a lot and has been a Casitas customer for many years, the last three years living in Rancho Matilija. He stated that they were longtime residents of Oak View before that and paid their bills on time and had no issues with Casitas for 30 years. He stated they are wrongfully accused of modifying the Casitas pipe with the intent to steal water. He explained that they have one of the oldest homes in area and there is an unmarked water faucet which we now understand is a Casitas facility. There is nothing that says CMWD on it and no one in my family has touched it or used it. Pictures when we purchased the property show this was unhinged when we purchased property. It is in plain view. The Casitas representative came out to review our landscape. Police said the hookup was old and rusty. The sample points were not used in a long time or it would have been noticed. Mr. Termond requested this be dismissed. He added it is factual that the landscaper did hook up and wasted the water. Mr. Termond denied actively stealing water stating he

did not ask the landscaper to use this water source. We are very sorry this occurred and my wife is embarrassed by this. He explained that he is on the board of Rancho Matilija and is trying to address active water conservation. In the last three years we are down almost 50% and are actively trying to conserve. We are not trying to circumvent by stealing water. He requested the fine be reduced or removed and felt the pipe should have been marked.

Director Bergen added that from the pictures staff took it looks as if it was saturated and looked like the water was on for a long time.

Mr. Termondt stated the gardener hooked the hose up to the sample station. It was at the corner, we were not aware this was going on. We are not trying to steal water. The gardener should be let go for being a bad gardener. I'm not saying this didn't happen but it has never happened before. Director Hick said I can't see you stealing water if you can afford to live in Rancho Matilija. Mr. Termondt added he tried to find information on line about Casitas sample points and was unsuccessful. Director Baggerly asked if we have records showing the use of the sample station. Mr. Wickstrum said he could check into that.

Director Hicks asked what is the relative water use compared to the neighbors. Mr. Wickstrum explained that he did not get into the analysis of the water use but that this is what was going on at the time the discovery was made. There was a hose attached to our sample station out by the street. It had been plumbed to where you could attach a hose to it. Director Bergen added it is clearly not a regular hose bib.

President Kaiser asked if he has sprinklers and hose bibs in his yard. Mr. Termondt answered that is correct. President Kaiser asked if there is a hose bib in that area. Mr. Termondt answered there is a hose bib at the rose garden.

Director Word asked how long have you had this gardener. Mr. Termondt stated he came with the house in 2013. He added that his wife is an active member of Saint Thomas and we are not water thieves and we did not modify anything. My wife is concerned this will affect our name.

Director Word added that obviously someone felt they could get water from a great distance. Maybe you need to take this up with your gardener. Mr. Termondt stated we have.

Director Baggerly asked about the damage to the sample station. Mr. Wickstrum stated it cost less than \$200 to remedy the sample station.

Director Word moved that the invoice be reduced to \$500. This was seconded by Director Bergen and approved by the following roll call vote:

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

8. Presentation of the Joint Exercise of Powers Agreement creating the Upper Ventura River Groundwater Agency, Final Draft.

Mr. Wickstrum informed the board that this is the result of a lot of work and time and effort with Casitas, Meiners Oaks, Ventura River Water, Ventura Water, the County of Ventura with assistance from the Collaborative Center out of Sacramento and attorneys. There is no action required today; this will come back to the board for approval and appointing of a Casitas representative on the GSA Board.

9. Recommend approval of the position of Park Ranger/Park Services Officer Division Manager. Referred back to Personnel Committee

Park Services Manager Carol Belser explained that this is part of the evolution in getting Park Rangers at the recreation area and fulfilling a need of having some expertise in law enforcement. This individual is helping with policies which are in with Steve for review. It will help with getting the Park Ranger team hired and trained and will work with PSO's to assimilate them into the division. This will look at changes that have occurred and help move the program forward.

Director Baggerly stated he has issues with this item. In the background on board letter, second paragraph, the sentence reads the position is at will under a yearly contract. You can't be at will if you have a contract. It is not an appropriate approach to this issue. You hired him as a consultant to help the PSO's move to Rangers. I don't think hiring the person that should be training them as Park Rangers and getting them ready for the training would be appropriate for having supervision. Have him remain as a consultant and do his best. I can't agree with this. Director Hicks asked why this didn't come to recreation committee. Mr. Wickstrum stated it went to personnel. Director Hicks stated I can't support it either.

President Kaiser also spoke about having a contract versus being at will and suggested a limited term position. He added that he has no problems with supervisory authority and the person also being the training officer. He suggested that this be cleaned up and brought back. Director Hicks suggested hiring him as a consultant as we don't need another employee. Mr. Belser explained that this is within the existing budget. Director Word added that as a consultant he does not have the authority to supervise. President Kaiser added it is not uncommon to be a trainer and a supervisor.

Director Word asked if the intent is to have this person to be supervising and on an on-call basis 24/7. Ms. Belser answered yes. There is a need to have someone available and this would meet that need. She added that she is looking for someone to lead, train and oversee the new staff as they come on board and to help assimilate the current PSO's depending on their professional goals into the department. President Kaiser asked if this improved the efficiency and

effectiveness of the workforce. Ms. Belser explained that we are working through the process to hire FT Park Rangers. She explained that the current person is not a consultant; he is a part-time employee, paid by the hour.

Director Bergen added you are trying to move him from part time to full time. Mr. Wickstrum added this new position is created as a management training officer. We would hire as a full time position and move forward with the objectives we are trying to accomplish. President Kaiser added that we do need some expertise during this delicate transition and this is helpful in that regard.

Danny Carrillo, Interim Regional Director of SEIU Local 721 spoke and stated that the board brought up a lot of questions I had as I was confused in the staff report that was presented. He suggested there be research on the VCERA retirement program as to limitations on hours with CalPERS. Mr. Carrillo added that this individual was brought in as a part time consultant and maybe that is the best way to go, to keep as a consultant. As a consultant, we don't appreciate or like consultants to have hiring/firing or ability or to do a performance evaluation but they might have input but not be the primary authority. Is there a job description developed with the scope of duties. If you bring the individual in as a supervisor we represent supervisors. There are a lot of questions. We don't want to see part time workers doing full time work. Current PSO's have the ability to apply for a Park Ranger position and I hope those that don't want to will still have a job here and duties they can perform. As a consultant, you don't have to provide benefits. How much is this position earning and how much will the budget allow him to be paid? Mr. Carrillo suggested that this be tabled and get questions answered before moving forward.

President Kaiser added that the idea of having this position makes sense to me. Someone with 35 years of experience to help us transition through this to limited peace officer status makes sense in a lot of ways. From personal knowledge the retirement is separate from PERS. There are a lot of questions posed that need to be cleared up. Let staff go through the comments and bring back to the board for consideration.

Director Hicks added we don't need an Assistant Recreation Manager or Assistant Park Manager.

Director Word suggested that this needs more flushing out and requested that this come back to the Personnel Committee.

Director Baggerly added there is a misperception here with the board members. Was this person was hired as a part time employee or as a consultant. Mr. Wickstrum responded he was hired as a part time employee. President Kaiser directed it back to the Personnel Committee.

10. Recommend approval of a purchase order to Water Resources Engineering Associates in the not to exceed amount of \$25,000 to provide Engineering Services for a water security project analysis.

APPROVED

Mr. Wickstrum explained that there have been discussions with WREA to prepare a water security analysis and go through a list of projects asking the question of how do we bring more water into this area, addressing the topic of state water and provide more information to this board to try to develop more water supplies as Lake Casitas may continue to diminish. They are looking to have this put this together by Oct. 7<sup>th</sup>.

Bruce Kuebler requested that the board go forward with this proposal and specify the interconnection with the State Water Project be specified as one of the five key projects. Second, he added it is important to be in discussions with the City of Ventura and ensure that there is the appropriate capacity and find out the costs for this. Some think the state connection may be a good alternative without knowing the cost.

William Weirick mentioned discussions on pipe size with Susan Mulligan. He suggested that the results be presented in a public hearing as it is important for the public.

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

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

11. Recommend authorizing the General Manager to expend up to \$20,000 for 3M Pump Plant Road Work. APPROVED

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

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

12. Review of the draft Resale Memorandum of Understanding for water Allocation Assignment and Integrated Management of Local Water Supplies. Approved in Principle

Mr. Wickstrum informed the board that efforts are underway to get together and speak with one voice regarding water conservation issues and lay out a common understanding. Mr. Wickstrum is hopeful that the other general managers can approve this MOU and then we can move forward to assign an allocation of water and put it in the books. We have many agencies that need to work together to get the reductions in demand and provide enough water for public health and safety.

President Kaiser added that it is important for the public to be aware that we are serious about this.

On the motion of Director Baggerly, seconded by Director Word, the draft Memorandum of Understanding was approved in principle by the following roll call vote:

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

13. Recommend the Board consider the invitation to inspect the State Water project. APPROVED

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

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

14. Information Items:

- a. Finance Committee Minutes
- b. Personnel Committee Minutes
- c. Notice of Availability of the Draft Environmental Impact Report for the Water Supply Contract Extension Project.
- d. Investment Report.

The information items were offered by Director Word, seconded by Director Bergen and approved by the following roll call vote:

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

President Kaiser called for a recess at 4:37 p.m. prior to moving the meeting into closed session.

President Kaiser moved the meeting to closed session at 4:44 p.m.

15. Closed Session

- a. (Govt. Code Sec. 54957.6)  
Conference with Labor Negotiators:  
Agency Designated Representatives: Rebekah Vieira, Draza Mrvichin  
Employee Organization: Supervisory & Professional, General Unit and Recreation Unit.

President Kaiser moved the meeting back into open session at 5:42 p.m. with Mr. Mathews stating the Board had discussion with labor negotiators and there was no reportable action taken.

16. Adjournment

President Kaiser adjourned the meeting at 5:43 p.m.

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James W. Word, Secretary