

Regular Meeting
July 18th, 2017
6:00 p.m.

Meiners Oaks Water District
202 West El Roblar Drive
Ojai, CA 93023-2211
Phone 646-2114

MINUTES

The meeting was called to order at 6:00 p.m.

1. Roll Call

The meeting was called to order by the Board President James Kentosh at 6:00 pm at the District Office.

Present were: Board President James Kentosh, Board Directors Larry Harrold, Diana Engle, and Mike Etchart. Staff Present: General Manager Mike Hollebrands and Board Secretary Stacey Gilbert. Attorney Lindsay Nielson was also present.

Absent was: Board Vice-President Mike Krumpschmidt,

2. Approval of the minutes

Approval of the June 20th, 2017 Regular Meeting minutes:

Mr. Harrold made the motion to approve the June 20th, 2017 Regular Meeting minutes. Mr. Etchart seconded the motion.

Harrold/Etchart
4 Ayes
M/S/C

3. Public Comments

Elizabeth Anne Von Gunten was present

4. General Manager's Report

- Production of Wells – Wells are still running efficiently
- Eagle Aerial – Fly over took place Wednesday June 28th, 2017. We have received one invoice so far for the initial fly over
- Public Records request – We received a public records request from Susan Moll after the agendas went out. We are still gathering information at this time

5. Board Committee Reports

- No committees met this month

6. Old Business

- Salaries and Benefits – Will be discussed in section 9c
- State Water – Mr. Kentosh summarized the agreement that CMWD and Ventura City have drafted
- Lead and Copper sampling – most all came back non-detect. Mr. Hollebrands feels those that came back with minimal detection is because of in home copper piping
- MOU with Casitas – Mr. Hollebrands has no new news to give.

7. Board of Directors Reports

- Ms. Engle had nothing to report
- Mr. Harrold
- Mr. Etchart asked if Casitas had started drilling. Mr. Hollebrands said no they have not
- Mr. Kentosh informed the Board that he will be meeting with Ron Merkling on Thursday to go over his slide about our allocation process we intend to implement. He also informed the Board that he will be stepping down from his position on the AWA Board and asked Ms. Engle if she would be interested in being recommended for the spot.

8. Financial Matters

Approval of Payroll and Payables from February 16th, 2017 to March 15th, 2017 in the amount of:

Payables -	\$ 73,558.58
Payroll -	\$ 24,107.09
Total -	\$ 97,665.67

Mr. Harrold made the motion to pay the monthly expenses. Mr. Etchart seconded the motion.

Discussion: Mr. Kentosh asked about the \$3000.00 payment to Benner and Carpenter. Mr. Hollebrands informed it was for the service replacement that crosses the highway from Deer Lodge.

Harrold/Etchart
4 Ayes
M/S/C

9. Board Discussion and/or Action

- a) Approval of Resolution 20170718: Approval of the budget for fiscal year 2017-2018 – Mr. Etchart made the motion to approve Resolution

20170718 to approve the Budget for fiscal year 2017-2018. Ms. Engle seconded the motion. There was no discussion. The motion went to a Roll Call vote: Kentosh – Aye, Etchart – Aye, Harrold – Aye, Engle – Aye. Resolution 20170718 passes unanimously

- b) Ms. Moll at 2800 Maricopa Hwy would like discuss a Settlement Agreement – See attached letter titled; “Susan Moll’s Response to District’s letter dated June 22, 2017” Letter dated 7/18/2018 followed by some discussion.
- c) Discussion of Job Classification, Salary Ranges COLA, and short term adjustments – After much discussion by the Board, it was decided the G.M. would write new job classification and descriptions for the Board to approve.
- d) Well 4 Rehabilitation – Well Jetting to be performed in place of Sonar Jetting due to the condition of the well casing. \$14,853 increase for repairs – Total cost to date for well 4 repair = \$65,418.74 – Mr. Hollebrands supplied some pictures to show the condition of Well 4 and gave an update to its progress.
- e) Cyber security for office computers Cost for anti-virus, off-site back up and external hard drive for the server – Cost for these services is \$506.36
- f) Discussion of asphalt paving for the warehouse area – Mr. Hollebrands discussed the paving of the flat upper portion of the tank farm in order for the trash truck to get up there eliminating a problem with our neighbor and give the truck an area to maneuver without getting stuck and tearing up the graded area during the rainy season. After much discussion it was determined to get a couple more quotes for this.

At this time the Board of Directors went into Closed Session at 7:50 pm

10. Closed Session: The Board of Directors may go into closed session to discuss personnel matters or litigation, pursuant to the attorney/client privilege, as authorized by Government Code Section 54657 & 54956.8, 54956.9a)

- The Board went into closed session under the Real Property Negotiations Exception and Pending litigation; Lawyer-client privilege Government Code sections (§54956.8), (§54956.9 (b)(3)(c) and (§54957.7) to discussion options regarding easements and property lines on parcels 010-0-102-290 and 010-0-102-090

Closed session ended at 8:49 pm

11. Meeting Adjournment

There being no further business to conduct at this time, Board President James Kentosh adjourned the meeting at 8:50 PM.

President

Secretary

Susan Moll's Response to District's Letter dated June 22, 2017

I, Susan Moll, have been asked to respond to the District's letter, drafted by Lindsay Nielson, dated June 22, 2017. I am providing a written response to District's board members as well as reading it aloud at tonight's board meeting. I ask that this response be reported in the District's meeting minutes.

It is Meiners Oaks Water District's (MOWD) duty and responsibility to work towards the best interest of its constituents, not the best interest of the few I stand before. Transparency is important in the pursuit of this goal. The District's constituents have a right to know that MOWD is working within the same sets of governing laws that they abide by. The District's constituents have a right to know that MOWD abides by the same building codes and permitting process' that they abide by. The District's constituents must be assured, that at a minimum, same safety regulations that are required by other business' and residences' that MOWD serves are being followed.

It is my belief that MOWD and Special Districts should be held to an even higher standard since so many people depend on them for their most basic need, WATER. I believe MOWD has created a substandard operational environment and may be creating a liability for it's constituents.

The above being said, I would like to respond to the letter, drafted by Lindsay Nielson, dated June 22nd 2017 as follows:

✱ I do not believe MOWD owns any portion of my road. MOWD should be required to provide me with an ALTA survey, showing all boundary lines of its property, all roads plotted, all above and below ground easements plotted, structures plotted, and appurtenant structures plotted, since it is a stated fact that MOWD's current fencing is encroaching on both of MOWD's neighbors, Steve Barnard to the North /East and Susan Moll to the South/West. MOWD's fencing is blocking Susan Moll's access to hundreds of feet of her property as well as her fire hydrant.

✱ I did not remove a "supposed flowage berm". I removed a speed bump that was illegally installed on my property by MOWD. MOWD also paved the road without the previous absentee owner's consent. It is my opinion the speed bump installation was intended to

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encourage me ("a Buyer at the time") to use a smaller more dangerous road to the home on my property.

Benner and Carpenter MOWD's engineer states in writing "supposed flowage berm" is a speed bump and being the water district's engineer they would know the difference.

- 2) On the date of said referenced work MOWD tried to stop my workman from repairing my road. I simply stood my ground and stood up for my rights, three of MOWD's employees got out of three different trucks and started taking inappropriate pictures of me standing in between them and my workman. Who is harassing who? I am a single female standing up for her rights, and being constantly confronted and bullied on my property is not right.
- 3) MOWD has asked me for a lot line adjustment, which raises the question as to what has changed that would require a lot line adjustment? A lot line adjustment that has not been necessary for the past 68 years. The only recent changes pertinent to the existing lot lines are alterations MOWD has made to the entrance to its property including, but not limited to, clearing brush, widening driveway, grading, altering the drainage, installing fencing (including the addition of a new locked gate and security apparatus) lighting and running power to the new installations among others. Were this work to have been done within the bounds of MOWD's own property, in compliance with local codes, legally permitted, and clearly defined by boundaries in a recorded Alta Survey, there would be no need for a lot line adjustment.
- 4) By leaving the gate in its current location the District is blocking access to my property and my fire hydrant, creating a liability for both the district and me, and the district will not be abiding by their Grant Deed. MOWD is to erect the gate at the beginning of their 2.105 acres of the land granted to them.
- 5) On the contrary, it would be safer to have said fence at the top of MOWD's property, were it is flat. That was the original intention of the Grant Deed, for safety reasons, as well as not blocking my property and any shared drainage areas.
- 6) The District has put their trash bin on the district's property making this a non-issue.
- 7) The Property Owner of 2800 Maricopa will be constructing, on her property, at her sole cost and expense, an entry gate from Maricopa Highway, appropriate for the Ojai area plan and 10-acre open space plan. The Owner will provide all of the electricity needed for the operation of the gate and lights. An electrical permit has already been pulled by the Property Owner and the Property Owner believes the District's attempt to control the operation of said gate is a way to gain more control over Owner's road and property. The Property Owner of 2800 Maricopa will never block any access to the road or to

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MOWD's property. This is the Owner's primary residence, and business, and being a single woman safety is a great concern, in addition to aesthetics. A new gate is simply for all parties to feel safe.

- 8) The fire hydrant is on Owner of 2800 Maricopa's property which the District has an easement over. The fire hydrant does not block District's easement or use of property. The fire hydrant was required when owner's home was built and will be required if Owner chooses to build any other structures on the property. I have documents that show said fire hydrant was installed by Charles Thompson, the previous owner. The lack of immediate access by the District is creating a dangerous situation with fire season approaching. The District has another fire hydrant on their property. The District does not need two fire hydrants. My property located at 2800 Maricopa Highway is required to have a fire hydrant and currently has immediate access to none.

In closing, I have submitted a written request to extend the July 13th response date set forth in Lindsay Nielson's Letter dated June 22, 2017, and have not received written confirmation of my extension request, instead I was forwarded the following email from Lindsay Nielson to my former counsel.

From: NielsonLaw@aol.com [mailto:NielsonLaw@aol.com]
Sent: Wednesday, July 05, 2017 8:39 AM
To: Joe Strohman
Subject: Re: Moll: MOWD

Thanks, Joe, for the heads up. It has appeared to me and my board that she seems to be cruising for a bruising rather than to try to resolve these issues. But, that makes a horse race I guess. Sorry to lose you as an advisory, I could have learned from your extensive knowledge and skill as an advocate. Oh well....

Lindsay

Furthermore, I am in the process of hiring new counsel, and nothing in this letter is intended to be contractual in nature. Neither party shall be bound by any terms or conditions of this letter, unless a separate legally binding written "Settlement Agreement" and any other appropriate documentation have been reviewed and approved by my ^{future} legal counsel, and are notarized, signed and delivered by both parties.

Susan Moll

