

**MINUTES**

**The meeting was called to order at 6:00 pm.**

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**1. Call to Order**

The meeting was called to order by the Board President, Mike Etchart, at 6:03 pm via teleconference.

**Present:** Board President, Mike Etchart, Board Directors, James Kentosh, Mike Krumpschmidt, Larry Harrold, and Diana Engle. Staff Present: General Manager, Mike Hollebrands, Board Secretary, Summer Ward and Attorneys, Lindsay Nielson, Stuart Nielson, Jeanne Zolezzi, and Greg Jones (closed session only).

**Absent:** None.

**2. Approval of the Minutes**

**Approval of July 21, 2020, Regular Meeting minutes:**

Director Kentosh requested a revision to the minute's section regarding the Executive Committee update, clarification that employee surveys will not be released outside of the Executive Committee, Ms. Ward, to make the approved edit.

Director Engle made the motion to approve July 21, 2020, Regular Meeting minutes, with requested revisions. Director Kentosh seconded the motion.

No public comments.

Engle/Harrold

**Roll Call Vote:**

Etchart – Y      Engle – Y      Harrold – Y      Kentosh – Y      Krumpschmidt – Y

All Ayes

M/S/C

**Approval of August 18, 2020, Regular Meeting minutes:**

Director Engle noted that the minutes reflect two items "9" listed, Ms. Ward, to make approved edit.

Director Engle made the motion to approve August 18, 2020, Regular Meeting minutes, with requested revisions. Director Kentosh seconded the motion.

No public comments.

Engle/Harrold

**Roll Call Vote:**

Etchart – Y      Engle – Y      Harrold – Y      Kentosh – Y      Krumpschmidt – Y  
All Ayes  
M/S/C

**Approval of August 21, 2020, Special Meeting minutes:**

Director Engle made the motion to approve August 21, 2020, Special Meeting minutes. Director Kentosh seconded the motion.

No public comments.

Engle/Harrold

**Roll Call Vote:**

Etchart – Y      Engle – Y      Harrold – Y      Kentosh – Y      Krumpschmidt – Y  
All Ayes  
M/S/C

**3. Public Comments**

Ms. Von Gunten was present and apologized for recent absence due to conflicting meetings..

**\*\* The Board went into closed session at 6:12 pm \*\***

**\*\* J. Zolezzi joined the meeting at 6:35 pm\*\***

**\*\* G. Jones joined the meeting at 7:23 pm\*\***

**4. Closed Session: The Board of Directors held a closed session to discuss litigation, pursuant to the attorney/client privilege, as authorized by Government Code Sections § 54957 & 54956.8, 54956.9, and 54957.**

- State Case: SBCK vs. SWRCB, San Francisco Superior Court, Case # CPF-14-513875
- Meiners Oaks Water District vs Moll, Ostling and Ojai Vista Farms 56-2018-00515474-CU-OR-VTA/
- Personnel Matters: GM & Board Secretary Reviews (54797(b)(4)) – Directors only

**\*\* J. Zolezzi left the meeting at 7:33 pm\*\***

**\*\* Ms. Ward left the meeting due to a family emergency at 7:40 pm\*\***

**\*\* G. Jones left the meeting at 7:45 pm\*\***

**\*\* The Board adjourned closed session at 8:40 pm. \*\***

Attorney Nielson stated that in closed session, the Board discussed current ongoing litigation and received updates related to the Channelkeeper and Moll lawsuits; the Board also discussed personnel matters. No decisions were made during this closed session.

## **5. Financial Matters**

**Approval of Payroll and Payables from August 16 to September 15, 2020, in the amount of:**

Payables -	\$ 59,417.77
Payroll -	<u>\$ 41,636.06</u>
Total -	\$ 101,053.83

Director Kentosh asked if the Speiss expense of \$13,000 was the total. Did we come in under budget? Mr. Hollebrands replied he would discuss in more detail under agenda item 6(b).

Director Engle made the motion to approve the Payroll and Payables from August 16 to September 15, 2020. Director Harrold seconded the motion.

No Public Comment

Engle/Harrold

**Roll Call Vote:**

Etchart – Y      Engle – Y      Harrold – Y      Kentosh – Y      Krumpschmidt – Y

All Ayes

M/S/C

## **6. Board Discussion/Actions**

**a) Review and approval of the Professional Services Agreement – Legal Services with Stuart Nielson, for a probationary 6-month period**

The Board was impressed with the well-written agreement.

Director Engle made the motion to approve the Professional Services Agreement – Legal Services with Stuart Nielson for a probationary 6-month period. Director Kentosh seconded the motion.

No Public Comment

Engle/Kentosh

**Roll Call Vote:**

Etchart – Y      Engle – Y      Harrold – Y      Kentosh – Y      Krumpschmidt – Y

All Ayes

M/S/C

**b) Discussion of Meiners Rd. Tank options**

Mr. Hollebrands stated in a follow-up to Director Kentosh's question in the previous agenda item: Speiss's total for now. After staff rinsed the tank out with a regular hose, the provided photos show how the tank bottom bolts washed away, leaving multiple holes and leaks. The tank had to be immediately removed from service. This was the weekend of the record-breaking heat over 118° F.

The quoted removal, earthwork, and replacement is \$280,000. The GM stated he was upset that repairs had just been made to the tank in futility. The G.M. designed a bypass system that allowed those customers generally on the hydropneumatic system to be restored to that same system without health or fire protection risk. He and the other two field operators installed a "high-line" to re-establish water pressure for those customers up Meiners Rd. The high-line is a 4" line off the fill valve. Fire protection stands equal to what it was before the bypass, as the tank only performed as a buffer.

Mr. Hollebrands stated that a permanent high-line could be installed for 1/16<sup>th</sup> the cost of replacing the tank while maintaining service pressure and fire protection.

The Board requested clarification on the status of the land where the tank currently sits. Mr. Hollebrands explained the District has an exclusive easement on Customer Brakebill's property. Director Etchart asked what the cost of removing the tank would cost. Mr. Hollebrands stated that Speiss quoted \$20,000 to remove the existing tank; however, using the recycling vendor, the recycled materials could partially offset the expense.

Directors Kentosh and Krumpschmidt have requested a site visit to the newly installed high-line with the GM.

Public Comments:

Ms. Von Gunten requested photos of the high-line to share with the public.

She also asked if removing the tank would impact the easement. Mr.

Hollebrands replied that the District maintains other equipment on the site and does not intend to give up the exclusive easement.

**c) Discussion of and approval for Resolution 09152020: Conflict of Interest Code**

Director Kentosh introduced the resolution as he helped Ms. Ward in preparing the document. Director Engle requested clarification from counsel if a separate motion is needed to rescind the old resolution before adopting the new resolution. Counsel and the Board agreed that Resolution 09152020 item 4 provides for achieving this with one motion and vote.

Director Kentosh made the motion to approve Resolution 09152020: Conflict of Interest Code. Director Engle seconded the motion.

No Public Comment

Kentosh/Engle

**Roll Call Vote:**

Etchart – Y Engle – Y Harrold – Y Kentosh – Y Krumpschmidt – Y

All Ayes

M/S/C

**d) Discussion of UVRGA-MOWD Administrative Support Agreement**

Director Engle explained that the MOWD has an agreement with the UVRGA that allowed Summer to work for the GSA and afforded the GSA some benefits. Summer had provided notice to Bryan and her that she can no longer continue to do work for the GSA. As a testimate to the quality of work Summer has done for the GSA, Bryan recommends that MOWD not terminate the agreement, provides the opportunity that if Summer is able and wants to return to doing work for the GSA, it would be in place. The GSA is requesting that MOWD allow it to continue using its mailing address.

The Board agreed with keeping the Administrative Support Agreement in place, understanding that any staff time would be charged to the GSA, and supports continuing to serve as the GSA mailing address.

Director Engle directed the GM to send an email to the GSA stating the Board's decision as a signer of the original agreement.

Public Comments:

Ms. Von Gunten stated she is agreeable.

**7. General Manager's Report** – Tabled

**8. Board Secretary Report**- Tabled

**9. Board Committee Reports**

- UVRGA: Director Engle provided clarification to recent publications and discussions. The UVRGA is proceeding with the Public Records Request Act lawsuit against Casitas. This is for the pumping data for the development of the groundwater model. The reason the original lawsuit was rescinded was due to Brown Act requirements, to ensure the proper process and documentation was followed.
- Allocation Program: Director Engle stated that she handed over the allocations to Director Kentosh and Ms. Ward on 7/31/2020. Director Kentosh added that Ms. Ward is currently working with our IT vendor Mitec, to update the allocation lookup on our website and the feasibility of individualized letters to each customer. Mr. Hollebrands added that Ms. Ward is also working with the billing system vendor to make those modifications.
- Staff Procedures: Director Krumpschmidt provided an update that there was a delay on the side of the Mediation Center in contacting staff. Mr. Hollebrands stated that the Rep contacted him on 9/14, and due to his impending vacation,

the initial calls will be scheduled following his return on 9/28/2020. Directors Kentosh and Krumpschmdit agreed to set a Committee meeting after the mediation process is underway.

### **10. Old Business**

- Nitrate Removal Grant: Director Kentosh stated that the 1<sup>st</sup> quarterly report is due October 10; not much has been done yet but will get to the Resource Conservation District on schedule.

### **11. Director Announcements/Reports**

Etchart: The heat hit 121.7 F. Growing up in Ojai, has never seen heat like that!

Engle: She asked the GM how he feels the odds were are of getting by without Casitas? Mr. Hollebrands replied that September is always stressful as the water levels drop. He is hopeful the weather will begin to cool, and usage will decrease. Current conditions will be monitored closely.

Harrold: No report.

Kentosh: Running for Ojai Valley Sanitary District Board Director may have seen the Ojai Valley News notice.

Krumpschmidt: No report.

### **12. Meeting Adjournment**

Lindsay Nielson thanked the Board and Staff for the past 12 years. He admires how devoted each member is to the District and wished everyone well.

There being no further business to conduct at this time, Board President Mike Etchart adjourned the meeting at 9:29 pm.

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**Board Secretary**

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**Board President**