

Regular Meeting
February 15, 2022
6:00 pm

Meiners Oaks Water District
202 W. El Roblar Drive
Ojai, CA 93023-2211

Minutes

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

1. Call to Order

The meeting was called to order by the Board President, Mike Etchart, at 6:00 pm via teleconference.

2. Roll Call

Present: Board President, Mike Etchart (present 6:00-6:55 pm), Board Directors: James Kentosh, Diana Engle, Christian Oakland, and Loni Anderson. Staff Present: General Manager, Justin Martinez, and Board Secretary, Summer Ward. Attorney Present: Stuart Nielson, and Greg Jones (Items 1 – 5 only).

Absent: None.

3. Approval of the Minutes

Approval of January 18, 2022, Regular Meeting Minutes

Director Engle made the motion to approve the January 18, 2022, Regular Meeting minutes. Director Anderson seconded the motion.

No public comment.

Engle/Anderson

Roll Call Vote:

Etchart - Y Engle- Y Kentosh - Y Oakland – Y Anderson - Y

All Ayes– M/S/C

4. Public Comments

- Ms. Moll provided a statement regarding the lawsuit and her desire to settle the case. She asked if the full board was aware of the offer to settle. Ms. Moll stated that T. Quirk has offered to mediate this settlement for as little as \$5,000. Attorney S. Nielson clarified that this is not a forum for the board to have any settlement discussions. The latest communications have been shared with the board, there is material information missing from your latest settlement offer, the survey. The District shares your intent and desire to settle. There has been a settlement offer pending for months and this is the first meaningful response. We've attempted to engage in mediation for several months, T. Quirk is not the person to conduct

mediation for the case, if you think he would be effective to represent your interests you are free to engage him as your counsel.

- Ms. Sallen stated she is the agent representing the buyer of Ms. Moll's property. The survey was completed and is taking a lot of time, as the surveyor was on vacation. The buyers want to come to an agreement, they made some markups to the settlement agreement and sent those to Ms. Moll and Greg Jones. She added that we are all working for the same goal to resolve this as quickly as possible through the settlement agreement.
- Leslie spoke on behalf of Ms. Moll, she wanted to make sure all board members were aware of this and T. Quirk's offer to settle this for such an inexpensive cost to the community, and to try to resolve this peacefully and kindly. Director Etchart affirmed that they are all aware.

****The Board went into closed session at 6:14 pm****

5. **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.**

- Meiners Oaks Water District v. Moll, Ostling and Ojai Vista Farms 56-2018-00515474-CU-OR-VTA/
- State case: SBCK vs. SWRCB, San Francisco Supreme Court, Case# CPF-14-513875

**** G. Jones left at 7:00 pm ****

****The Board adjourned closed session at 7:08 pm****

Attorney S. Nielson stated that the Board discussed pending litigation in closed session, and no actions were taken.

6. **Financial Matters**

Approval of Payroll and Payables from January 16, 2022 to February 15, 2022, in the amount of:

Payables:	\$150,036.99
Payroll:	<u>\$ 40,608.38</u>
Total:	\$190,645.37

Director Engle made the motion to the Payroll and Payables from January 16, 2022 to February 15, 2022. Director Kentosh seconded the motion.

No public comment.

Engle/Kentosh

Roll Call Vote:

Etchart - Y Engle- Y Kentosh - Y Oakland – Y Anderson - Y

All Ayes– M/S/C

7. Board Discussion/Actions

a. Approve Resolution 20220215: AB 361 – Brown Act: Remote Meetings During a State of Emergency, subsequent to Resolution 20220118. (Ward)

Director Etchart presented Resolution 20220215: AB 361 - Brown Act: Remote Meetings During a State of Emergency, subsequent to Resolution 20220118. This resolution must be renewed every 30 days to cover committee and next regular board meetings.

Director Engle made the motion to approve Resolution 20220215: AB 361 - Brown Act: Remote Meetings During a State of Emergency. Director Anderson seconded the motion.

No Public Comment.

Engle/Anderson

Roll Call Vote:

Etchart - Absent Engle- Y Kentosh - Y Oakland – Y Anderson - Y

All Ayes– M/S/C

b. Discuss and provide direction on development of policy for New Meters & Expansion of Services, moratorium on new meters. (Kentosh)

Director Kentosh provided a brief history of the District’s moratorium on new meters. The New Meters & Expansion of Services Committee met to continue work on the draft policy, and are requesting direction on the existing moratorium for new meters. Director Kentosh recommended repealing the moratorium and revise the draft policy to reflect procedures for issuing new meters. Director Engle agreed with the broad strokes of the Committee’s recommendations, but that it will come down to the details of the policy. The District has a duty to its existing customers, as it relates to water allocations. Director Engle requested staff provide: (1) Map of parcels without an existing meter; (2) SB 9 clarification from County of Ventura; (3) Casitas allocation MOU reflecting customers’ purchased allocations. Directors Oakland and Anderson concur with Director Engle. Directors Kentosh and Anderson will work on the draft policy revisions.

No Public Comment.

No Motion.

c. Discuss Interim Will Serve Request Procedures and approval of pending Will Serve request for 142 S. Poli. (Engle/Kentosh)

Director Engle presented the Interim Will Serve Request Procedures, in the absence of a New Meters & Expansion of Service policy. This interim procedure allows the District to process incoming requests. Director Engle, Mr. Martinez and Ms. Ward have been working to organize and standardize the Will Serve Request process. The flowchart presented is a tool for illustrating each step and the requirements of each step. The application form has been revised after a few applicant's feedback. It was recommended that the flowchart and application form be made available on the District website.

Ms. Wilson, of 142 S. Poli, stated that the flowchart is helpful and requested consideration of extending the one-year expiration of the Will Serve letter, due supply shortages and worker delays. Director Engle agreed that it would be reasonable to include an exemption for a project delay, that was significant.

Director Engle presented the Will Serve Request Review for 142 S. Poli, as an example of a request that used the application form and workflow. The Will Serve request was granted, with modification to the third bullet under recommendations. Mr. Martinez will be e-mailing Ms. Wilson the approved Will Serve letter.

Director Kentosh made the motion to approve the Will Serve Letter Request for 142 S. Poli. Director Oakland seconded the motion.

Public Comment: Ms. Wilson requested clarification on how the variable allocation is used to support the ADU. Director Engle responded by explaining the Screening Step 2 calculations.

Kentosh/Oakland

Roll Call Vote:

Etchart - Y Engle- Y Kentosh - Y Oakland – Y Anderson - Y

All Ayes– M/S/C

d. Discuss long range planning for District projects and goals. (Kentosh/Engle/Martinez)

Mr. Martinez stated that he had a productive conversation with Director Engle regarding long-term projects for increasing the District's water supply. Additionally, with potential grant funding available, the District will need to establish goals and priorities. Director Engle added that the pros and cons of each project should be weighed, for water supply alternatives, as some grants require "shovel-ready" plans for funding. The District needs to develop a capital improvement plan, to support the Prop 218 rates. Mr. Martinez

requested that the Board President consider forming an ad-hoc special committee for long-range project planning.

Director Etchart stated that he supports the concept of a special committee to prioritize the projects, requests this item be addressed at the next regular board meeting.

No Public Comment.

No Motion.

e. Receive update and discuss proposed schedule for new rates and fees. (Kentosh/Martinez)

Director Kentosh reported that the Budget/Rate Committee met and discussed big picture items and potential new rate structure. The rates were last updated in 2018 and were initially delayed pending the new allocation program and billing system updates, then COVID-19. The District has some big projects coming up in the next few years, and the Prop 218 process requires a 45 day comment period before approval. Director Kentosh recommends aiming for a July 1, 2022 approval date, to align with the fiscal year budget. This will allow ample time for input and adjustments. Mr. Martinez included some recommended changes to the District fees, to cover the cost of some of the administrative and field work that historically was not associated with a fee, for example Fire Flow Assessments and Will Serve Letter Requests. Director Engle recommended that the rates reflect the 5-year budget projections, capital projects. Director Oakland added that the rates need to be calculated to pay for infrastructure and projects to keep water flowing and water conservation. Attorney S. Nielson will research and report back on the details related to the drought surcharge and Prop 218.

No Public Comment.

No Motion.

f. Discuss and select the engineering firm for design of the replacement treatment plant, or provide direction to staff. (Kentosh/Martinez)

Mr. Martinez presented the two engineering firms' proposals for taking the replacement treatment plant design from 35% to 100%. He noted that there is a \$100,000 difference between the two proposals, citing that WREA has an extensive list of exclusions which would likely close the gap closer to the MKN proposal amount. Additionally, MKN is all-inclusive and WREA has the majority of the work contracted out. Director Kentosh and Mr. Martinez recommend approving the MKN Associates proposal for 100% design plans for the replacement treatment plant.

The Board was in agreement and directed Mr. Martinez and Director Kentosh to negotiate a contract with MKN, and requested that he attempt to reduce the cost if feasible. The negotiated contract would then be brought to the Board for final approval.

No Public Comments.

No Motion.

8. **General Manager's Report**

Mr. Martinez reported that the Casitas Lake level has dropped to 35%. The District has grant applications in process. Mr. Martinez promoted Mr. Maxwell from Field Operator II to Field Supervisor, has done a great job in the field. The new pipe rack has been installed in the warehouse, continuing to organize inventory. The Operators have restarted the annual valve exercising program. Mr. Martinez reported that the water table has dropped about 4 feet, but appears to have leveled out for now.

No Public Comment.

9. **Board Secretary's Report**

Ms. Ward presented the monthly Board Secretary report highlighted that the SWRCB Water Arrearage Payment Program application was approved, funding up to \$15,000 for arrearages accrued between March 2020 – June 2021. Form 700 Conflict of Interest notices have been emailed out by the County of Ventura and are due before April 1. Reminder that bi-annual Ethics & Harassment trainings are due, email notifications from Target Solutions have been sent to those needing to complete trainings. Public Records Requests received and processed include the VC Reporter for information related to attorney contract and billing for Hathaway, Perrett, Webster, Powers et al, any letters of interest for the Cozy Dell property, all documents and communications regarding the old pump house on Maricopa Hwy, clarification of all current and historical wells. During the month of January there were a total of 110 service orders, of which 85 were related to meter re-checks due to abnormally low consumption.

Director Engle requested clarification on the timeliness of the meter re-checks. Ms. Ward explained that meters are read between the 19-21 of each month, as the reads are completed, the abnormal reports are processed and individual service orders are created to verify the meter read prior to billing.

No Public Comment.

10. **Board Committee Reports**

- Executive Committee: No update.
- UVRGA: Director Engle reported that the State Water Board has started conducting workshops for public members on its hydrogeologic groundwater/surface water flow model, released in December 2021. The State Board model captures the whole watershed, versus the UVRGA model which is specific to our basin. The State Board is hosting an Overview Workshop at the end of February, it will be recorded and available on the State Board website. There will also be workshops for those who do groundwater modeling to learn how to use the State Board model. Director Engle reported that the GSA reached a decision regarding the new rate model, whereby, Municipalities water

use will be based on a 3-year pumping average versus the 5-year average previously used; private pumpers are now metered and will be billed based on actual use every six months. The GSA is preparing its first annual audit, on the heels of submitting the GSP.

- Allocation Committee: The Committee met and already discussed.
- Budget/Rate Committee: The Committee met and already discussed.
- Emergency Management Committee: No update.
- Staff Procedures Committee: No update.
- New Meters & Expansion of Services Committee: The Committee met and already discussed.
- Grants: Director Anderson reported that a call is scheduled with the EPA for possible grant funding, will report back. The Watershed Council met and discussed projects and grants, there is another meeting scheduled for early April. Director Engle added that it would be beneficial for Director Anderson to touch base with Lynn Rodriguez at the Council regarding Prop 1 funding. Additionally, Director Engle will send the Grant Committee a PowerPoint presentation slide that listed various grant opportunities.

11. **Old Business**

- State Water: No update.
- Matilija Dam Removal Update: No update.
- Nitrate Removal: Director Kentosh reported that he will be sending out an update. Mr. Martinez stated that based on the feasibility study the best option is blending, which will cost around \$500,000, with a design plan costing around \$60,000.
- Meiners Road Pressure Zones: Tabled.

12. **Director Announcements/Reports**

- Director Engle: No report.
- Director Oakland: No report.
- Director Kentosh: No report.
- Director Anderson: No report.
- Director Etchart: No report.

13. **Meeting Adjournment**

There being no further business to conduct at this time, Board President Mike Etchart adjourned the meeting at 8:45 pm.

Board Secretary

Board President