

## MINUTES

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

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### 1. Roll Call

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

Present were: Board President Mike Etchart, Board Directors Jim Kentosh, Mike Krumpschmidt, Diana Engle and Larry Harrold. Staff Present: General Manager Mike Hollebrands and Board Secretary Summer Ward. Attorney Lindsay Nielson was also present.

Absent: None.

### 2. Approval of the minutes

Approval of the January 16, 2018, Regular Meeting minutes:

Mr. Krumpschmidt made the motion to approve the January 16, 2018, Regular Meeting minutes with a strikeout correction on page 3 last sentence of paragraph 3, minor revision to last sentence of paragraph 4 and page 6 Board President motion correction from Kentosh to Krumpschmidt. Mr. Harrold seconded the motion.

Krumpschmidt/Harrold  
All Ayes  
M/S/C

Approval of the January 24, 2018, Special Meeting minutes:

Mr. Harrold made the motion to approve the January 24, 2018, Special Meeting minutes. Mr. Krumpschmidt seconded the motion.

Public Comment:

Ms. Moll – As a courtesy she should have been notified of a special meeting that was about her property.

Morgan – Are all the meetings recorded? Mr. Hollebrands stated yes, except for closed sessions. The recording for the January 24, 2018 meeting did not record because he has technical difficulties. Morgan stated it is a point of trust and verify and how are they to hold the board accountable if the meeting is not recorded. Mr. Hollebrands replied that if there is no recording

then it falls to the approved minutes in the books. Mr. Krumpschmidt added that during his 7 years on this board this is the first time a recording failed and that this is by no means routine. Morgan asked for clarification regarding whom was acting Secretary for the Special Meeting; asked if it was a conflict of interest for Mr. Hollebrands to fill as secretary. The board replied with clarification that Mr. Hollebrands and Summer are both employees of MOWD and it is not a conflict of interest. Morgan expressed this to be a learning process and appreciated the responses.

Harrold/Krumpschmidt  
All Ayes  
M/S/C

### **3. Public Comments**

Mr. Etchart reviewed the public comment process, including statement of the speaker's name, address and to speak from the lecturn. Mr. Nielson further advised the board that they can ask for the speakers name and residency, however, it is up to the presenter to provide that information.

Ms. Von Gunten – Present. Ms. Von Gunten discussed the frequent issue brought up under the Brown Act as being serial meetings. She is concerned about the “hub” structure whereby one board member contacts another board member and then another outside of a noticed public meeting, referencing the recruitment of the new chair and vice chair. Ms. Von Gunten expressed frustration with perceived Brown Act violations and feels the only way to get recompense at this point is to take it to the constituents.

Morgan – Stated that he is unsure why the board's legal counsel is advising them to ask for his name, it is illegal to ask for his name. His question to the board was “how does one get onto the agenda?” Mr. Etchart answered that it is at the Board's discretion which items appear on the agenda. Morgan asked what criteria are used, of which Mr. Etchart replied that it depends on the other agenda items and the time allotment. Morgan stated that he and Ms. Moll both requested to Mr. Hollebrands that they be put on the agenda and Summer was present and took notes. Morgan asked of the board what better he could do to get on the agenda. Mr. Etchart responded that if it is providing new information on a topic previously discussed or a new topic, it was the impression that they wanted to discuss fencing which had been previously covered. Morgan requested that Summer clarify the topics he asked to be on the agenda. Summer stated that Ms. Moll had requested the fencing topic and Morgan had requested discussion of the drought surcharge. Morgan was looking forward to discussing it but will hold off until next time.

Ms. Moll – She feels as if the board is annoyed by her asking these questions. Ms. Moll stated that this is the 5<sup>th</sup> time she has requested that her letter be included in the agenda. She stated that for 7 years Elizabeth Von Gunten has provided her statement and not once has her comment been put into your

meetings. The public not only has a right to hear what you want to put in there but also criticism.

#### **4. General Manager's Report**

- **System Status – The District has made great strides forward today with recovery efforts. The scata, radio control panels, backboards, antennas, etc...in place and for the first time since the fire we have full communications with all the district's facilities. Checks are still being submitted to SDRMA for that claim, expect to cap out at \$100,000 relatively soon.**
- **Update of Eagle Ariel Spreadsheet and Next Steps – The office staff have been working tirelessly for several weeks now, we have just 300 addresses yet to confirm with the billing system, out of 1442 parcels. Some parcels will require physically checking for a meter number or determination if it is not served by MOWD. This is the first step verifying the parcel and service addresses, check for duplications; and then filter out by account class for the new allocation process. Then all of that information will be put into the Tyler program, so that by customer we can see of all the parcel data. After verification the allocation formulas will be applied to determine the new allocation amount for each parcel and build each calculation within the Tyler program. Mr. Hollebrands clarified that the data is backed up on the server and two hard drives. Mr. Etchart asked where other water districts are in this process, Mr. Hollebrands reviewed discussions he has with Ventura River, and they are not fully involved with the Eagle Ariel data yet.**
- **River conditions/well levels and 3.74" of rain – The river is running from stem to stern and we only got 3.74" of rain. Typically that much rain only runs to the 150 bridge and then it's gone the next day. The initial storm system washed the silt and ash down into the river creating an impermeable barrier; we are not getting any saturation. Well levels continue to drop, causing us to purchase water sooner rather than later. We only had no recharge in our wells from the recent storms. Ms. Engle added that this is not unusual for post-fire run-off; the concern is that it is the river channel that is being affected. Further discussion evolved regarding the Matilija Dam removal and the mitigation efforts that are being prepared prior to releasing the water down the river channel. Mr. Hollebrands and Jordan Kear plan to address this topic with the GSA. Ms. Engle recommended that the board use this real time natural experiment data as a reference in a one-page document to support our position of concern regarding the impact on our aquafer with the release of sediment. The Board requested that this topic be added to the March agenda old business to discuss progress.**

#### **Public Comment:**

**Ms. Foley – She asked why they want to remove the dam, is it helping to replenish our aquafer. Ms. Engle responded briefly to describe how water flows through the lake and flows over into the river, it is currently**

inconsequential to our replenishment, and however, if that wedge of sediment was to wash down it would be detrimental to our recharge. The dam is currently not hurting or helping us.

**Ms. Moll –** What is the best way to have a holding pond or reservoir that wouldn't have so much silt. Ms. Engle stated that it is a complicated subject and will avail herself outside the meeting to discuss further. There was discussion of dredging the silt from behind the dam; all reservoirs have silt build up and it was only discussed because of the plan to remove the dam.

**Morgan –** Would any Meiners Oaks money be involved in the project? Mr. Etchart explained that it is outside of our district and we would not be funding any part of the project. Morgan referenced a comment that he heard from Mr. Krumpschmidt regarding that 2 or 3 of them would call each other and see what they can get moving, which is a Brown Act violation. Mr. Krumpschmidt apologized for misspeaking, he clarified along with Mr. Kentosh that he meant that he would meet with Mr. Engle and Mr. Hollebrands in a sub-committee to discuss the dam removal, not intended as an informal phone call.

#### **5. Board Committee Reports**

None.

#### **6. Old Business**

- Financial: CA Special District Training Expense – Tabled to March 2018

Ms. Engle requested that previous agendas be reviewed for any missing “old business” items that may have dropped off the Regular Board Agenda.

#### **7. Board of Directors' Reports**

**Mr. Kentosh –** As the end of March is nearing we should know if we are going to have a dry year, he recommends that the Drought Committee put together a one-pager explaining where we are with regards to the drought for our customers. A draft letter will be brought to the next board meeting for approval before sending to the customers. Mr. Kentosh recommended that the district compile a list of email addresses that wish to receive the meeting agendas. The board requested a new MOWD email be created and create the mailing list for future meeting agendas.

**Mr. Krumpschmidt –** Concerns regarding access to the new email server, requesting assistance with setup and assure it is working properly. All future correspondence including agendas will be sent to the @meinersoakswater.com email addresses. Mr. Hollebrands will assist Mr. Krumpschmidt linking with Mitec.

Mr. Harrold – Thanked Mr. Kentosh for his great work he did in the position of Board President.

Ms. Engle – Requested that the agenda be revised to reflect “Board of Directors’ Reports/Comments.” Additional request to have district use her @meinersoakswater.com address immediately. Also, would like to have speakers stand one at a time at the lectern and have their timed comment. She would like to see us follow the decorum and not slide back to open comments.

Mr. Etchart – Request that the @meinersoakswater.com email address that is created for the agenda distribution that the email is printed on the posted meeting notices.

**Public Comments:**

Ms. Engle requested clarification from Mr. Nielson if the board is required to have public comments after every agenda item. Mr. Nielson clarified that only after action items should we open it for public comments.

Morgan - Statement regarding the importance of having a public vs private email address so that there is no judgement call and it is clear what is available to the public.

Ms. Moll – Statement that as a common courtesy if someone is specifically mentioned in a meeting, to let them know in advance of the meeting so that they are aware and could be present if a decision is made.

**8. Financial Matters**

- Approval of Payroll and Payables from January 16<sup>th</sup> to February 15<sup>th</sup>, 2018 in the amount of:

Payables -	\$75,835.33
Payroll -	\$35,807.99
Total -	\$111,643.32

Ms. Engle - question on “appropriations for contingencies” what is included in that total? Mr. Hollebrands clarified that it is the total from repairs to Well #4 and Thomas Fire to date.

Mr. Harrold – Explanation of Bob’s Fence amount of \$8530, it should have been a larger amount. Mr. Hollebrands explained that it was a contracted amount that was completed in portions.

**Public Comments:**

Ms. Moll- Report of Income question regarding MWAC charges and Water Sales, what is the difference? Mr. Hollebrands clarified that the Monthly Water Availability Charge is a fixed charge and the Water Sales varies and is a moving target throughout the year. The appropriated amount is \$760,000,

a projected number that is not based on usage. This is a monthly charge to all customers, having the connection and water service available. Mr. Krumpschmidt shared that it is similar to the having emergency responders on standby, they are paid for being available as is having the ability to turn the tap and have water.

Ms. Von Gunten – She requested the cost to the district for holding the January 24, 2018 Special Meeting and the justification for that additional expenditure be provided.

Mr. Kentosh made the motion to approve the Payroll and Payables from January 16<sup>th</sup> to February 15<sup>th</sup>, 2018. Ms. Engle seconded the motion.

Kentosh/Engle  
All Ayes  
M/S/C

**9. Board Discussion/Actions (public comments after each item)**

**A. Professional Services Proposal Kear Groundwater \$10,740.00**

Mr. Krumpschmidt after reading through the proposal is appropriate for this important project and that this amount is very reasonable. Ms. Engle is requesting assurance that we will receive a final report from Jordan at the end of the project.

**Public Comments:**

Morgan – Does the district have any obligation to take bids? Mr. Hollebrands recalls CA law for special districts that if the project amount total is less than \$25,000 than obtaining 3 or more bids is not required. Mr. Nielson will research and help clarify the laws pertaining to the bidding and contracting requirements of the special district. Additionally, if a contract is broken into installments, it is the total amount of the contract.

Mr. Kentosh made the motion to authorize the General Manager to approve the Professional Services Proposal Kear Groundwater for the amount of \$10,740.00. Mr. Engle seconded the motion.

Kentosh/Engle  
All Ayes  
M/S/C

**B. Allocation and Rate Program Draft February 20, 2018**

Mr. Kentosh provided a draft of the MOWD Allocation and Rate Program in the meeting packet and presented a PowerPoint summary of the program, outlining how the allocations were calculated and how they would be adjusted with each drought stage as well as some of the

proposed new allocation methods. The board expressed concerns regarding some of the Casitas allocations at each stage. The Drought Committee will be meeting to address the administrative process and public meetings will be held to inform the customers.

**Public Comment:**

**Ms. Von Gunten –** It behooves us as a community with Casitas to formally address the City of Ventura, as we are all dipping out of the same bucket. They have the marine layer to buffer and lots of green grass and water running off driveways.

**Ms. Foley –** Noticed on the Casitas meeting agenda discussions about state water and would like to know if our district is entitled to any state water. Mr. Hollebrands replied that we are not entitled to any state water but we are putting pressure on the powers that be that do have entitlement to state water. It is a difficult process but we are doing what we can do at this time.

**Morgan –** The vast majority of the customers are residential and very few agriculture customers, cutting 40% off of the few and allowing a slight increase in allocation for the majority will not help our water table. Additionally asked what justifies the price increases for over allocation usage. What is the price justification for the drought surcharge is it based on an expense? Mr. Kentosh explained that the prices are still being worked on and there will be justification provided. Morgan asked if the price per unit would be increased also and how that would be justified while remaining revenue neutral. Mr. Kentosh replied that any increases would be justified and yes any revenue would be rolled back into the business to remain revenue neutral.

**C. Approval of MOU non-binding Agreement between CMWS, VRSW, MOWD, City of Ojai, County of Ventura, OBGMA and UVRGSA.**

This MOU represents all of the agencies that would either benefit or participate in gaining access to state water. City of Ventura has its own entitlement to state water. This type of MOU would be beneficial for grant applications.

**Public Comment:**

**Ms. Foley –** She noticed while driving up Highway 33 near Pine Mountain a sign “Upper Valley Water Shed”, never noticed it before and was wondering how it came about being up there so high. Board unaware of sign or its origin, it is outside our district.

**Mr. Harrold** made the motion to approve the MOU non-binding Agreement between CMWS, VRSW, MOWD, City of Ojai, County of Ventura, OBGMA and UVRGSA. Mr. Kentosh seconded the motion.

**Harrold/Kentosh**

**All Ayes**

**M/S/C**

**D. OVLC Letter of Interest for District's 50 acres**

**Mr. Hollebrands stated that the OVLC approached him regarding the 50 acres across from the MOWD treatment plant. OVLC submitted a letter of interest for the property and would like to know the board's interest in selling the property at fair market value. Mr. Nielson clarified as a public agency that the property would have to be advertised and open bids; MOWD has the option to define conditions of sale and reservation of water rights. OVLC will obtain an appraisal of the land if the Board expresses an interest in putting the land for sale. Mr. Krumpschmidt would like to study the land for a potential drill site, prior to sale of the land. Mr. Hollebrands to communicate back to OVLC that the Board is interested, however, there are conditions for land use, reservation of water rights, easement and would be subject to open bidding process.**

**Public Comment:**

**Ms. Foley – How would having them do the appraisal work with open bidding? Mr. Hollebrands responded that the OVLC would own that appraisal and other bidders would likely want their own appraisal. Is the 55 acres one or more parcels? Mr. Nielson replied that the OVLC is only referencing one parcel in the letter.**

**Ms. Moll - Looking at a title report for parcel (ending in 230), schedule A list of insured Conrad T. and MOWD appears on schedule B. Mr. Etchart replied that MOWD has a title report showing MOWD as the land owner. Will it be listed on the MLS? Mr. Nielson replied that it will not be through a broker, it will be published in the Ojai Valley News. Ms. Moll expressed concern that this will become a private sale of the land, of which Mr. Nielson responded that they are following the law.**

**E. Adoption of Meiners Oaks Water District email policy**

**The purpose of the policy is that all business email communications will be in a single system for total transparency, based on the City of San Jose case.**

**Public Comments:**

**Morgan – Do you have a private server? Mr. Hollebrands responded that it is an email server hosted off-site.**

**Mr. Krumpschmidt made the motion to approve the adoption of the Meiners Oaks Water District email policy. Ms. Kentosh seconded the motion.**



Krumpschmidt/Kentosh  
All Ayes  
M/S/C

**F. Report by Richard Hajas discussing a possible solution to water supply reliability**

Mr. Hollebrands summarized the report as a collective approach of creating reliability in the valley through access to state water. There was lengthy board discussion regarding potential actions to be taken, in order to advance progress with gaining access to the state water. The Board discussions results in action items including Mr. Kentosh request to meet with Steve Wickstrum as a retired water engineer and not as MOWD Board; convene a State Water sub-committee comprised of Mr. Kentosh and Mr. Krumpschmidt to draft white paper with strategic plan to present to other districts; Mr. Hollebrands to find out decision point from engineering of Ventura pipeline for a cutoff date; invite Richard Hajas' group to present at future board meeting. Ms. Engle expressed strong desire to pursue all options for swift action.

**Public Comment:**

Ms. Von Gunten – Russ is our Casitas elected Board Official for our district, step one should start with addressing our needs to him. The Board agreed that is a good recommendation.

**10. Closed Session:** The Board of Directors will hold a closed session to discuss personnel matters or litigation, pursuant to the attorney/client privilege, as authorized by Government Code Sections 54957 & 54956.8, 54956.9 and 54957.

- No closed session items.

**11. Meeting Adjournment**

There being no further business to conduct at this time, Board President Mike Etchart adjourned the meeting at 10:21 PM.

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President

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Secretary