

Regular Meeting
August 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 6:01 pm via teleconference.

2. Roll Call

Present: Board President, Mike Etchart, Board Directors: James Kentosh, Christian Oakland, Loni Anderson, and Christy Cooper. Staff Present: General Manager, Justin Martinez, and Board Secretary, Summer Ward. Attorneys Present: Stuart Nielson.

Absent: None

3. Approval of the Minutes

Approval of 30, 2022, Special Meeting Prop 218 Public Hearing and July 19, 2022, Regular Board Meeting minutes.

Director Anderson made the motion to approve the June 30, 2022, Special meeting and July 19, 2022, Regular meeting minutes, with two revisions. Director Kentosh seconded the motion.

Director Anderson requested revisions to her statements in sections 7j and 7k. Director Cooper made a clarifying statement to a reference made in section 7j, that she has the utmost respect for all that has been done in relation to the drought and management of new meters and expansion of services. Ms. Ward will make the requested revisions to the July 19, 2022 minutes.

No public comment.

Anderson/Cooper

Roll Call Vote:

Etchart - Y Kentosh - Y Oakland – Y Anderson – Y Cooper - Y

(5) Ayes- M/S/C

4. Public Comments

- (10) members of the public present, no comments at this time.

****The Board went into closed session at 6:10 pm****

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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.
- State case: SBCK vs. SWRCB, San Francisco Supreme Court, Case# CPF-14-513875
 - Special District RMA v. SCE, SDRMA#7238 Meiners Oaks WD 12/06/2017-Thomas Fire

****The Board adjourned closed session at 6:29 pm****

Attorney S. Nielson stated that the Board discussed pending litigation in a closed session, and no action was taken.

6. **Financial Matters**

Approval of Payroll and Payables from July 16, 2022 to August 15, 2022, in the amount of:

Payables:	\$112,437.07
Payroll:	<u>\$ 40,725.24</u>
Total:	\$153,162.31

Director Anderson made the motion to the Payroll and Payables from July 16, 2022, to August 15, 2022. Director Kentosh seconded the motion.

No public comment.

Anderson/Kentosh

Roll Call Vote:

Etchart - Y Kentosh - Y Oakland – Y Anderson – Y Cooper- Y

(5) Ayes – M/S/C

7. **Board Discussion/Actions**

a. Approve Resolution 20220815: AB 361 – Brown Act: Remote Meetings During a State of Emergency, subsequent to Resolution 202200719. (Ward)

Ms. Ward presented Resolution 20220815: AB 361 - Brown Act: Remote Meetings During a State of Emergency, subsequent to Resolution 20220719. This resolution must be renewed every 30 days to cover the Committee and next regular board meetings.

Director Cooper made the motion to approve Resolution 20220815: AB 361 - Brown Act: Remote Meetings During a State of Emergency. Director Oakland seconded the motion.

No Public Comment.

Cooper/Oakland

Roll Call Vote:

Etchart – Y Kentosh – Y Oakland – Y Anderson – Y Cooper – Y

(5) Ayes – M/S/C

b. Approve Financial Audit FY 2020-2021, with Resolution 20220815-1: Financial Audit FY 2020-2021. (C.Fanning/Martinez/Ward)

Director Etchart introduced Cindy Fanning, CPA to present the final Financial Audit for FY 2020-2021. Ms. Fanning stated that included in the report are the financial statements and management letters, which were reviewed at the June regular meeting. There were no significant changes; additionally, there were no new accounting practices or disclosures, with fewer adjustments from prior years. Director Cooper requested clarification on the Capital versus items in the Appropriations for Contingencies. Ms. Fanning responded that it goes back to budgeting. Director Kentosh requested a statement of whether it was a clean audit. Ms. Fanning stated that the audit found no deficiencies and, per accounting terminology, is unqualified. The Board has created an Audit Ad Hoc Committee to address the policies that are needed to address some of the recurring recommendations. Ms. Fanning stated that she would be sending the required communication of the final audit to staff, and the new engagement letter for FY 2021-2022 is forthcoming.

Director Cooper made the motion to approve Resolution 20220815-1: Financial Audit FY 2020-2021. Director Kentosh seconded the motion.

No public comment.

Cooper/Kentosh

Roll Call Vote:

Etchart - Y Kentosh - Y Oakland – Y Anderson – Y Cooper- Y

(5) Ayes – M/S/C

c. Approve a 4% Cost of Living Adjustment (COLA) for staff, retroactive to July 1, 2022. (Etchart/Martinez)

Mr. Martinez presented the request for a 4% Cost of Living Adjustment for staff, based on the Los Angeles/Riverside index for July 2022 of 7.7%. The budgeted salaries for FY 2022-2023 are \$600,00, which includes base salaries, standby, and overtime pay. Payroll taxes and retirement are on separate budget line items, \$55,000 and \$75,000, respectively. Historically, retirement contributions and payroll taxes have been between 7-9% of salaries. The FY 22-23 salaries, payroll taxes, and retirement contribution line items have adequate funds to support a 4% staff cost of living increase without budget amendments. Mr. Martinez requested a 4% COLA for all staff retroactive to July 1,

2022. Director Etchart stated that this will help address the increased cost of living and help us retain our staff.

Director Anderson made the motion to approve a 4% Cost of Living Adjustment for staff, retroactive to July 1, 2022. Director Cooper seconded the motion.

No Public Comment.

Anderson/Cooper

Roll Call Vote:

Etchart - Y Kentosh - Y Oakland – Y Anderson – Y Cooper- Y

(5) Ayes – M/S/C

d. Approve Kennedy Communications, Inc. consulting agreement to perform a grant-funded income survey for disadvantaged community designation. (Anderson/Martinez)

Director Anderson thanked the great public attendance at this meeting. She introduced the consulting agreement, a third party vendor to conduct a grant-funded confidential income survey for Disadvantaged Community designation. Director Anderson shared why this designation is so important to Meiners Oaks. As a small district this could help expand funding and grants for infrastructure.

Director Anderson made the motion to approve the Kennedy Communications, Inc. consulting agreement. Director Oakland seconded the motion.

No Public Comment.

Anderson/Oakland

Roll Call Vote:

Etchart – Y Kentosh – Y Oakland – Y Anderson – Y Cooper – Y

(5) Ayes – M/S/C

e. Approve California Surveying Drafting Supply Rental Quote of \$5,502 for GIS equipment (Trimble r12i). (Martinez)

Mr. Martinez reviewed that the Board approved the Ziptility GIS contract at the July regular meeting. He and the field operators met with the CA Surveying representative to review different types of equipment. Mr. Martinez stated that the District did not budget for purchasing the equipment; however, to rent for 30-60 days, is more economical and would allow staff to get all of the initial data points of the District’s assets loaded into the Ziptility software.

Director Kentosh made the motion to approve the California Surveying Drafting Supply rental for \$5,502. Director Anderson seconded the motion.

No Public Comments.

Kentosh/Anderson

Roll Call Vote:

Etchart – Y Kentosh – Y Oakland – Y Anderson – Y Cooper – Y

(5) Ayes – M/S/C

f. Approve draft “New Meters & Expansion of Services” policy and review (4) Allocation Waiver requests. (Kentosh/Anderson/Martinez)

Director Kentosh provided a brief history of the District’s approach towards the issuance of new meters and expansion of services, as well as the work that has occurred. The Committee is not ready to adopt the policy, and is pending legal review. Director Kentosh acknowledged the good public attendance tonight and welcomed comments that can be included in the final document. He continued that prior to 2013 the District had not taken 100% of its water supply from Casitas, then the wells went dry. The District is reliant on Casitas annually, during the hot months. In 2018 an MOU between Casitas and MOWD was signed, requiring the District to align with Casitas’ Water Efficiency & Allocation Program (WEAP). The challenge is balancing the ongoing water shortage with the housing crisis.

Public Comments:

- G. Malloy: It is helpful to understand the existing policy regarding new and expanded services, will this policy replace it fully? Is MOWD the responsible party or is it Casitas? If so, why model after Casitas? There is confusion about the 35% threshold versus drought stage; I recommend moving it up to Stage 2. She expressed an interest in learning more, and reiterated we should look at the threshold being at 40-50% lake level.
- N. Weissman: Met Justin during a dust control situation with their driveway. There is a huge space for education in the community; this is the only water supply. Director Etchart asked for clarification on how the District could get more information out to customers. Examples given included block events, door-to-door, flyers, and mailers. (Public members messaged contact information to Ms. Ward to assist with spaces for outreach/education events). Director Anderson added that the District is on track to receive grant funding through the Land Resiliency Partnership for water use education.
- J. Day: Requested information on the water table status. Mr. Martinez replied that ours dropped 5-10 ft in the past month, Casitas’ wells dropped 20 ft. Mr. Martinez added that the MOWD wells have run around the clock for the past 14 days straight trying to keep up with demand.

- C. Childs: Stated that her husband always goes to the office to pay the bill and loves interacting with the staff. The main concern living in Ojai is the water supply; she loves the idea of educating the community about waterwise and is grateful for this forum and wants to learn more.
- Chris: We are onboard and worry about water every day.

Committee reviewed 4 of the outstanding allocation waiver requests; the remaining will be reviewed at the next meeting. It is the committee’s recommendation that the waivers are not granted at this time.

No Motion.

g. Approve Will-Serve letter request for 910 Fairview. (Kentosh/Martinez)

Director Kentosh reviewed the request, stating that the according to the allocation data, there is adequate allocation to support the new dwelling, with some left for outside irrigation. Further, the existing allocation supports the ADU or lot split, whichever the property owner chooses. Director Kentosh recommends a 60/40 split of the total variable allocation. Mr. Martinez added that this request is unique in that it has an adequate allocation to support the lot split; however, it would require a new meter for the new lot. Director Kentosh added that this would need to be addressed in the New Meters & Expansion of Services Policy.

Director Kentosh made the motion to approve the Will-Serve letter request for 910 Fairview. Director Anderson seconded the motion.

Public Comments:

Ms. Reed thanked the Board for being open to listening and reiterated that they are following the SB9 for the legal lot split and not requesting any additional water allocation.

Kentosh/Anderson

Roll Call Vote:

Etchart – Y Kentosh – Y Oakland – Y Anderson – Y Cooper – Y

(5) Ayes – M/S/C

h. Approve revised Will-Serve letter request for 260 E. El Roblar. (Martinez)

Mr. Martinez shared that the District met with Edwin Tekmar regarding his original request for 21 new homes at 260 E. El Roblar. The discussion resulted in an understanding that the existing allocation could support up to 4 dwellings as a model of building green homes. The water usage data for the 4 homes over time could then be used to discuss possible re-distribution of the allocation, and depending on the drought status and lake level, the additional allocation could be evaluated. The Board discussed the revised request, including possible policy inclusions for green homes and

determined that no decision would be made until a written revision of the Will-Serve request is received. Attorney Nielsen agreed that the board discussion should be shared with the development team and their attorney.

No Public Comments

No Motion.

i. Review and approve “Use of District Vehicles” policy. (Martinez) - Tabled

8. General Manager's Report

Mr. Martinez reported that the Casitas Lake level has dropped to 32%. Stage 4 drought conditions go into effect when the lake is below 30%. The south Casitas connection was turned on July 18, there is a good chance the District will be 100% on Casitas by the middle of August. Well production is dropping due to low water levels. The District is continuing to work on grant funding for a well location feasibility study, Land Resiliency Partnership projects, Advanced Metering Infrastructure, projected grant award end of August. The replacement treatment plant 100% design is underway, being conducted by MKN Associates. Unscheduled work included a sheared hydrant (hit and run on S. La Luna) and a service line leak. Scheduled work included annual valve exercising.

No Public Comment.

9. Board Secretary's Report

Ms. Ward presented the monthly Board Secretary report highlighting that MOWD completed its annual CA Environmental Reporting and onsite survey on August 1; new water rates will be reflected on the August 31 bill statements; annual Agriculture and Commercial allocations will be “reset” to the full annual allocations following the July 31 bill cycle, any annual over-allocations will be billed out on the August 31 bill statements. One conservation penalty was issued for outside irrigation mid-day and running out into the street and parking lot. The General Election is November 8, 2022, the candidate nomination period ran from July 18 – Aug 12, candidates that filed include: M. Etchart, J.Kentosh, C. Cooper, J. Pangea and H. Pasquarella.

No Public Comment.

10. Board Committee Reports

- Executive & Personnel Committee: No report.
- UVRGA: Director Kentosh noted it is unclear the City will continue with its request to join, as Mr. Wyrick is not re-running for election.
- Budget/Rate Committee: No report.
- Emergency Management Committee: No report.
- Allocations, New Meters & Expansion of Services Committee: Discussed item 7 (f-h).
- Grants: The Committee has been working on the Small Communities Grant submissions for blending and storage tank replacement, holding off on valve

replacements. A Technical Assistance request was submitted to CalRural Association for future assistance with grants and technical/engineering assistance.

11. **Old Business**

- State Water: No update.
- Matilija Dam Removal Update: No update.

12. **Director Announcements/Reports**

- Director Kentosh: No report.
- Director Oakland: No report.
- Director Anderson: VRWC meetings are so interesting, hard to get information and no minutes are provided but they have some good information on their website.
- Director Cooper: No report.
- Director Etchart: Ran into Bert Rapp (VRWD) at the County and mentioned they would like to have a joint meeting with MOWD and Casitas.

13. **Meeting Adjournment**

There being no further business to conduct at this time, Board President Mike Etchart adjourned the meeting at 9:22 pm.

Board Secretary

Board President