

Regular Meeting
October 18, 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 6:03 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 September 20, 2022, Regular Board Meeting minutes.

Director Cooper made the motion to approve the September 20, 2022, Regular meeting minutes. 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

4. Public Comments

- None

****The Board went into closed session at 6:05 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.

- State case: SBCK vs. SWRCB, San Francisco Supreme Court, Case# CPF-14-513875

****The Board adjourned closed session at 6:16 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 September 16, 2022, to October 15, 2022, in the amount of:

Payables: \$126,617.83

Payroll: \$ 47,140.33

Total: \$173,758.16

Director Kentosh made the motion to the Payroll and Payables from September 16, 2022, to October 15, 2022. Director Oakland seconded the motion.

No public comment.

Kentosh/Oakland

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 20221018: AB 361 – Brown Act: Remote Meetings During a State of Emergency, subsequent to Resolution 202200920. (Ward)

Director Etchart presented Resolution 20221018: AB 361 - Brown Act: Remote Meetings During a State of Emergency, subsequent to Resolution 20220920. This resolution must be renewed every 30 days to cover the Committee and the next regular board meetings.

Director Oakland made the motion to approve Resolution 20221018: AB 361 - Brown Act: Remote Meetings During a State of Emergency. Director Kentosh seconded the motion.

No Public Comment.

Oakland/Kentosh

Roll Call Vote:

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

(5) Ayes – M/S/C

b. Discuss CA Assembly Bill 2449 Brown Act. (Ward)

Ms. Ward provided an overview of the newly signed California Assembly Bill 2449 regarding the Brown Act, effective January 1, 2023. AB 2449 makes several changes to the Brown Act regarding remote participation in public meetings. In addition, Ms. Ward reviewed that the District is currently following AB 361, which remains in effect until January 2024; the main difference is that AB 361 requires a declared state of emergency.

AB 2449 requires that a quorum of the legislative body participates in person from a physical location open to the public. Legislative members may participate remotely in two scenarios: *Just Cause* or *Emergency Circumstances*. Among other requirements, AB 2449 states that a member cannot remotely attend more than 3 consecutive meetings or 20% of the agency's meetings in a calendar year.

No Public Comment.

No Motion.

c. Customer request for drought surcharge relief of \$3,185.00 due to leak. (Martinez)

Mr. Martinez presented a customer request for relief of their \$3,185 drought surcharge, a total of 661 units. The customer states they were out of town when a leak occurred on one of the orchard water lines. Mr. Martinez reported that after an initial review of the account, it was noted that the Board had previously waived an \$824 drought surcharge for the customer in August 2019 for a leak and had waived a late penalty in June 2022 for \$120.00. The customer has paid the remainder of the bill balance (\$2,685.57).

Director Kentosh recommended that the Committee perform an account allocation and consumption analysis. Mr. Martinez and Ms. Ward will contact the customer and set up a meeting for a review of the account details.

Public Comment:

Maria Delgado (customer): Mrs. Delgado stated that they were out of town when the leak appeared

No Motion.

d. Approve Will-Serve Letter requests for (1) 256 N. Alvarado; (2) 329 Carrizo; (3) 565 Pala. (Kentosh/Martinez)

The Committee reviewed each Will-Serve Letter request, and all are recommended for approval.

256 N. Alvarado: the proposed project consists of converting an existing garage to a 585 sqft ADU. The Committee determined that a pre-existing ADU was not factored into the original fixed allocation for the parcel and should be adjusted accordingly. The parcel has an adequate allocation to support the additional ADU based on the adjusted allocation. The new allocation would be a fixed of 288 HCF/yr and a 12 HCF/yr variable.

Mr. Martinez informed the Board that he is working with the County to streamline a process for permitted dwelling verifications.

Director Kentosh made the motion to approve the allocation adjustment and issuance of the Will-Serve letter for the proposed project. Director Oakland seconded the motion.

No Public Comment.

Kentosh/Oakland

Roll Call Vote:

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

(4) Ayes

(1) No

M/S/C

329 Carrizo: the proposed project consists of converting a 12'x20' (240 sqft) detached single-car garage to a studio ADU, with no change to the footprint or roofline. The ADU will have a kitchenette and a full bath. The current allocation supports the addition of the new ADU. The new allocation would be a fixed of 204 HCF/yr and a variable of 27 HCF/yr.

Director Anderson made the motion to approve the allocation adjustment and issuance of the Will-Serve letter for the proposed project. Director Oakland seconded the motion.

No Public Comment.

Anderson/Oakland

Roll Call Vote:

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

(4) Ayes

(1) No

M/S/C

565 Pala: the proposed project consists of new construction for a covered patio, pool cabana, and pool equipment room with a bathroom. The Committee recommends allocating a Tiny Home fixed of 5 HCF/mo, as there isn't an enclosed living space. The current allocation supports the addition of this proposed pool cabana with an outdoor

kitchen and a bathroom. The new allocation would be a fixed 180 HCF/yr and a 333 HCF/yr variable.

No Public Comment.

Anderson/Oakland

Roll Call Vote:

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

(5) Ayes - M/S/C

e. Discussion of how the drought should affect District policies and new connections. (Kentosh)

Director Kentosh referenced the good discussion held at the previous board meeting regarding the New Meters & Expansion of Services draft policy. He described two scenarios, enough allocation and not enough allocation, relating to purchasing additional Casitas allocations. Director Kentosh noted that the Committee had added a further limit to the conditions under which a Casitas allocation. The Committee had previously presented a restriction at 35% lake level. Director Oakland expressed two issues with the draft policy; (1) MOWD's ability to provide water to its customers, our wells have gone dry every year since 2013 and need to prevent over-allocating water; and (2) Lake level, 35% appears as us saying we are out of the drought and have water. Director Anderson recommended adding that if MOWD is on its own wells for 12 consecutive months, then we evaluate allocation requests. Director Cooper replied that this might not be a drought but a changed weather pattern and a long-term issue, and she is not sure that the lake will ever get above 50%; we need to be more resilient before adding more services. Director Etchart noted that there might be a time when the lake couldn't supply us with water, but we may be able to pump still; agreed that the 35% is too low and 50% lake level makes more sense.

The Board agreed that the threshold for new and expansion of services should be MOWD on own wells for 24 consecutive months, and the Casitas lake level is at or above 50% storage capacity. Director Kentosh will make the draft policy revisions.

No Public Comment.

No Motion.

f. Discussion and approval of a collaboration with other local agencies on potential drought response measures. (Kentosh/Martinez)

Director Kentosh referenced an Ojai Valley News article regarding Casitas' ban on decorative lawns. Director Kentosh recommends the Board reach out to other agencies to develop a collaborative approach to drought issues, including transitions to and announcement of drought stages. Further, Director Kentosh explained that without

substantial rain this winter, the Ojai Valley will enter a dangerous new phase of drought. For the first time ever, Casitas MWD will declare a Stage 4, once Lake Casitas falls below 30% of storage capacity. Customers, including MOWD, must reduce their water usage by 40% below pre-drought usage. By early April, the Districts will know how much rain has fallen and would be a good time to implement any further drought restrictions, such as a ban on some lawns.

Mr. Martinez stated that he has reached out to Mike Flood (Casitas MWD) and Bert Rapp (VRWD), and both agree with collaborating. Casitas requested this begin in January 2023 to discuss the drought stages and potential restrictions. Mr. Martinez noted that he aims to begin those discussions before January.

The Board agreed that this was the right direction and that the various water districts should collaborate and communicate as one voice.

No Public Comments

No Motion.

8. General Manager's Report

Mr. Martinez reported that the Casitas Lake level has dropped to 30.5%. The District went 100% on Casitas water on September 2; all MOWD wells are offline. The District is waiting on the official award of the grant funding for Automated Metering Infrastructure, Land Resiliency, and a well-location feasibility study. MKN Associates is approximately 50% complete with the replacement treatment plant 100% design. The Income Survey for DAC status should be starting soon; initial mailers have been sent out. Unscheduled work this past month included a water main break on N. Rice at Fairview. Other work completed includes the 2015 Dodge truck repairs; GIS mapping pending data transfer to the Ziptility GIS map; MKN Zone 2 peer review meeting was held, and the 50% Treatment Plan design plans have been submitted and are under review.

No Public Comment.

9. Board Secretary's Report

Ms. Ward presented the monthly Board Secretary report highlighting that a third customer qualified for the Low Income Household Water Assistance Program with a payment of \$259. A public records request was received for the definitions of fixed and variable allocations. The UVRGA Well Registration packets are in process. Casitas MWD's data request for well data has been provided. The FY 21-22 Financial Audit is in progress. Ms. Ward noted that on the billing table, the increased water rates and penalties are shown in the September data line, total billing of \$211,050.86, with \$28,070.00 in drought surcharges. November 8, 2022, election information is posted on the District website.

No Public Comment.

10. **Board Committee Reports**

- Executive & Personnel Committee: No report.
- UVRGA: Director Etchart stated the GSA met last week, and there is no update.
- Budget/Rate Committee: No report.
- Emergency Management Committee: No report.
- Allocations, New Meters & Expansion of Services Committee: Discussed under item 7(d).
- Grants: Director Cooper reviewed the Department of Water Resources Intended Use Program, DAC vs. not DAC, as well as a new Urban Community Drought Relief Program. Director Cooper asked if anyone knew if Casitas was applying for the grant.

11. **Old Business**

- State Water: No update.
- Matilija Dam Removal Update: Director Anderson reviewed the information provided at the Ventura River Watershed Council's presentation on October 6, 2022, link provided on today's meeting agenda.

12. **Director Announcements/Reports**

- Director Kentosh: No report.
- Director Oakland: No report.
- Director Anderson: No report.
- Director Cooper: 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 8:25 pm.

Board Secretary

Board President