

CALLEGUAS MUNICIPAL WATER DISTRICT
BOARD OF DIRECTORS MEETING
June 3, 2020

MINUTES

The meeting of the Board of Directors of Calleguas Municipal Water District was held telephonically and via videoconference in accordance with Executive Orders N-25-20, N-29-20, and N-33-20 of the State of California on June 3, 2020.

The meeting was called to order by Thomas L. Slosson, President of the Board, at 5:00 p.m.

A. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Directors Present Via Teleconference or Videoconference: Thomas L. Slosson, President
Andres Santamaria, Vice President
Scott Quady, Treasurer
Steve Blois, Director
Andy Waters, Secretary

Staff Present at District Headquarters and Participating Via Videoconference: Anthony Goff, General Manager
Dan Smith, Manager of Administrative Services
Rob Peters, Manager of Operations and Maintenance
Dan Drugan, Manager of Resources

Staff Present Via Videoconference: Henry Graumlich, Associate General Manager
Kristine McCaffrey, Manager of Engineering
Kara Wade, Clerk of the Board

Legal Counsel Present Via Teleconference: Robert Cohen, Cohen & Burge, LLP, District Counsel

B. MINUTES

On a motion by Director Waters, seconded by Director Blois, the Board of Directors voted 5-0 to approve the May 20, 2020 and May 27, 2020 minutes.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson

NOES: None

C. WRITTEN COMMUNICATION

1. Letter from Congresswoman Brownley regarding Relief Assistance for State and Local Governments

The Manager of Resources said that Calleguas received a response letter from Congresswoman Brownley acknowledging the District's request for consideration of special districts in a future COVID-19 relief bill. Congresswoman Brownley affirmed her position that the next COVID-19 relief package should contain funding support for local government agencies.

2. Coalition Letter Supporting Proposed Cap and Trade Expenditure Plan as Funding Mechanism for the Safe and Affordable Drinking Water Fund

The Manager of Resources said that Calleguas joined Metropolitan Water District of Southern California (Metropolitan) and other agencies on a coalition letter expressing support for the Governor's Cap and Trade Expenditure Plan as outlined in the May revised budget. As proposed, proceeds from the Cap and Trade program's auction sales would support the newly formed Safe and Affordable Drinking Water Fund. The purpose of the coalition letter is to reiterate support for this funding mechanism as opposed to other potential alternatives, such as a drinking water tax.

3. Letter requesting Inclusion of Special Districts in Future Economic Relief Determinations

The Manager of Resources said that the District submitted a letter to state Senate and Assembly leadership requesting the inclusion of special districts in future economic relief determinations. As upcoming relief funding may be designated specifically for local governments, there remains the possibility that special districts may be excluded.

D. ORAL COMMUNICATION

None

E. GENERAL MANAGER

1. May 2020 Monthly Status Report

The Board asked questions, which the General Manager and department managers answered. No action was taken.

F. ADMINISTRATIVE SERVICES

1. April 2020 Financial Statements

The Manager of Administrative Services presented the report. No action was taken.

2. First Quarter 2020 Capital Project Report

The Manager of Administrative Services presented the report. No action was taken.

3. Discussion regarding approval by the Board, acting as Fiscal Agent for the TMDL stakeholders, for contract services by Larry Walker Associates (corrected) to implement the Calleguas Creek Watershed TMDLs in an amount not to exceed \$1,675,000

The Manager of Administrative Services said that the Board acts as Fiscal Agent to secure contract services for the stakeholders implementing total maximum daily loads (TMDLs) on the watershed. As Fiscal Agent, Calleguas collects funding for TMDL contract services from the parties and administers the contracts on their behalf. All TMDL funds are accounted for separately from the District's general and construction funds.

The purpose of this requested action is for the Board, acting as Fiscal Agent, to approve the agreement for Larry Walker Associates (corrected) to implement the Calleguas Creek Watershed TMDLs for the TMDL stakeholders. All funds necessary to pay for these services will be collected from the parties before payments are made.

On a motion by Director Waters, seconded by Director Santamaria, the Board of Directors voted 5-0 to act as TMDL Fiscal Agent and approve the contract services.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson

NOES: None

4. Discussion regarding approval by the Board, acting as Fiscal Agent for the TMDL stakeholders, for contract services by the California Conservation Corps to collect trash from the Revolon Slough and Beardsley Wash in an amount not to exceed \$77,040

The Manager of Administrative Services said that the Board acts as Fiscal Agent to secure contract services for the stakeholders implementing TMDLs on the watershed. As Fiscal Agent, Calleguas collects funding for TMDL contract services from the parties and administers the contracts on their behalf. All TMDL funds are accounted for separately from the District's general and construction funds.

The purpose of this requested action is for the Board, acting as Fiscal Agent, to approve the agreement for the California Conservation Corps to collect trash from the Revolon Slough and Beardsley Wash for the TMDL stakeholders. All funds necessary to pay for these services will be collected from the parties before payments are made.

On a motion by Director Quady, seconded by Director Blois, the Board of Directors voted 5-0 to act as TMDL Fiscal Agent and approve the contract services.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson
NOES: None

- 5. Discussion regarding approval by the Board, acting as Fiscal Agent for the TMDL stakeholders, for contract services by the Ventura Land Trust provide monitoring, reporting and educational outreach services for the Revolon Slough and Beardsley Wash trash TMDL in an amount not to exceed \$45,720**

The Manager of Administrative Services said that the Board acts as Fiscal Agent to secure contract services for the stakeholders implementing TMDLs on the watershed. As Fiscal Agent, Calleguas collects funding for TMDL contract services from the parties and administers the contracts on their behalf. All TMDL funds are accounted for separately from the District's general and construction funds.

The purpose of this requested action is for the Board, acting as Fiscal Agent, to approve the agreement for the Ventura Land Trust to provide monitoring, reporting and educational outreach services for the Revolon Slough and Beardsley Wash trash TMDL. The responsible parties have requested this work pursuant to their implementation of the trash TMDL. All funds necessary to pay for these services will be collected from the parties before payments are made.

On a motion by Director Waters, seconded by Director Blois, the Board of Directors voted 5-0 to act as TMDL Fiscal Agent and approve the contract services.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson
NOES: None

- 6. Discussion regarding approval by the Board, acting as Fiscal Agent for the TMDL stakeholders, for contract services by the Ventura County Watershed Protection District to assist the TMDL stakeholders with the management of the TMDL program in an amount not to exceed \$51,840**

The Manager of Administrative Services said that the Board acts as Fiscal Agent to secure contract services for the stakeholders implementing TMDLs on the watershed. As Fiscal Agent, Calleguas collects funding for TMDL contract services from the parties and administers the contracts on their behalf. All TMDL funds are accounted for separately from the District's general and construction funds.

The purpose of this requested action is for the Board, acting as Fiscal Agent, to approve the agreement for the Ventura County Watershed Protection District to assist the TMDL stakeholders with the management of the TMDL program. The TMDL stakeholders have requested this work pursuant to their implementation of the TMDL program. All funds necessary to pay for these services will be collected from the parties before payments are made.

On a motion by Director Blois, seconded by Director Waters, the Board of Directors voted 5-0 to act as TMDL Fiscal Agent and approve the contract services.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson

NOES: None

G. OPERATIONS AND MAINTENANCE

None

H. RESOURCES AND PUBLIC AFFAIRS

None

I. ENGINEERING AND CONSTRUCTION

- 1. Discussion regarding approval of a capital project budget allocation in the amount of \$644,000 for the North Pleasant Valley Desalter Salinity Management Pipeline Discharge Station (Project No. 574)**

The Manager of Engineering said that the City of Camarillo and Calleguas entered into an agreement on April 18, 2018 to construct a discharge station to enable Camarillo's North Pleasant Valley Groundwater Desalter to discharge brine to the Salinity Management Pipeline (SMP). Since that time, design has been completed and additional budget allocation is needed to move forward with construction.

In accordance with the agreement, Camarillo has submitted deposits to cover design and construction costs. Upon completion of construction, Calleguas will compile all costs associated with the design and construction. If the costs exceed the sum of the deposits, Camarillo will pay Calleguas the difference. Any remaining monies from the deposits will be refunded to Camarillo.

On a motion by Director Santamaria, seconded by Director Blois, the Board of Directors voted 5-0 to approve the budget allocation.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson

NOES: None

- 2. Discussion regarding Easement Deed for North Pleasant Valley Desalter Salinity Management Pipeline Discharge Station, Project No. 574 (City of Camarillo), located northwest of the intersection of Las Posas Road and Somis Road**

The Manager of Engineering said that the City of Camarillo has granted Calleguas the necessary right-of-way for construction of the North Pleasant Valley Desalter SMP Discharge Station. The discharge station will be constructed within a permanent

easement on City property at the site of Camarillo's desalter and in farmland adjacent to the desalter property and Somis Road. The Easement Deed includes a temporary construction easement to facilitate construction. Per the agreement to construct the discharge station, the City has granted the easements at no cost to the District.

On a motion by Director Santamaria, seconded by Director Quady, the Board of Directors voted 5-0 to authorize the President of the Board and the General Manager to sign the certificate of acceptance for the Easement Deed for Parcel CMWD 4027.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson

NOES: None

3. Discussion regarding Assignment of Easement for North Pleasant Valley Desalter Salinity Management Pipeline Discharge Station, Project No. 574 (City of Camarillo), located northwest of the intersection of Las Posas Road and Somis Road

The Manager of Engineering said that, as mentioned above, the City of Camarillo has granted Calleguas the necessary right-of-way for construction of the North Pleasant Valley Desalter SMP Discharge Station at no cost to Calleguas. In addition to granting permanent and temporary construction easements on City property, Camarillo has granted an Assignment of Easement to Calleguas for the construction of the discharge pipeline within farmland adjacent to the desalter property and Somis Road. The Assignment of Easement includes a temporary construction easement to facilitate construction. The Assignment was reviewed by Right-of-Way Legal Counsel.

On a motion by Director Blois, seconded by Director Waters, the Board of Directors voted 5-0 to authorize the President of the Board and the General Manager to sign the certificate of acceptance for the Assignment of Easement for Parcel CMWD 4028.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson

NOES: None

4. Discussion regarding Resolution No. 1992, authorization and call for bids for North Pleasant Valley Desalter Salinity Management Pipeline Discharge Station (Project No. 574), located northwest of the intersection of Las Posas Road and Somis Road in Camarillo

A RESOLUTION OF THE BOARD OF DIRECTORS OF CALLEGUAS
MUNICIPAL WATER DISTRICT
APPROVING THE PLANS AND SPECIFICATIONS
AND CALLING FOR BIDS FOR NORTH PLEASANT VALLEY DESALTER SALINITY
MANAGEMENT PIPELINE DISCHARGE STATION

The Manager of Engineering said that, as discussed above, the City of Camarillo and the District entered into an agreement to construct a discharge station to enable Camarillo's North Pleasant Valley Groundwater Desalter to discharge brine to the SMP. The design of the discharge station has been completed and Camarillo has deposited the necessary funds to proceed with construction. Additionally, Camarillo has granted the necessary right-of-way to the District.

The engineer's estimate for this project is \$290,000. Staff has had the opportunity to review the plans and specifications and recommends that the Board approve the requested action.

On a motion by Director Blois, seconded by Director Quady, the Board of Directors voted 5-0 to adopt Resolution No. 1992. Resolution No. 1992 is attached and made part of these minutes.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson
NOES: None

5. Discussion regarding Real Property Acquisition Agreement for Permanent and Temporary Construction Easements on APN 520-0-360-025

The Manager of Engineering said that, in order to complete the construction of the Oxnard-Santa Rosa Feeder, Las Posas Feeder, and Miscellaneous Valve Improvements (Project No. 442), permanent and temporary construction easements are needed near Pressure Regulating Station 6A (near the intersection of Santa Rosa and Blanchard Roads in the Santa Rosa Valley). The District and its right-of-way agent attempted to work with the underlying property owner, Delta JC, LLC, in good faith to negotiate financial compensation for the required easements, but ultimately these negotiations failed and the Board adopted a Resolution of Necessity to initiate an eminent domain lawsuit on December 11, 2019.

A hearing in the eminent domain case had been scheduled when the courts suspended most operations due to COVID-19 on March 19, 2020. When the courts ultimately resume operations, it is anticipated that they will be severely backlogged and it is unknown when the District would be able to obtain possession of the easement through this process. If the easements were to be obtained by eminent domain, they could not be obtained in time to bid the project this summer allowing shutdown work to proceed this winter. It is likely they could not be obtained until 2021 at the earliest.

However, negotiations between Delta JC, LLC's attorney and the District's Right-of-Way Legal Counsel have continued and a Real Property Acquisition Agreement has been developed. Key provisions of the agreement are as follows:

- Delta, JC, LLC will execute an Easement Agreement granting Calleguas the necessary easement rights.

- Once the signed Easement Agreement is received, Calleguas will accept the Easement Agreement and issue a check to Delta, JC, LLC in the amount of \$7,000 for the Permanent and Temporary Construction Easements. (The original offer was \$2,906.)
- Once Delta, JC, LLC deposits the check, Calleguas will record the Easement Agreement and dismiss the eminent domain lawsuit with prejudice.

The agreement was drafted by Todd Amspoker of Price Postel & Parma.

Because it is considered a settlement agreement, in accordance with Ordinance No. 18, An Ordinance of Calleguas Municipal Water District Covering the Authority of Officers to Execute Contracts and Instruments, it must be signed by the President and Secretary of the Board.

On a motion by Director Blois, seconded by Director Quady, the Board of Directors voted 5-0 to authorize the President and Secretary to execute the agreement on behalf of the District.

AYES: Directors Blois, Waters, Quady, Santamaria, Slosson

NOES: None

J. WATER POLICY AND STRATEGY

None

K. DISTRICT COUNSEL

District Counsel said that, on June 12, 2020, there will be a telephonic court conference on the Las Posas Litigation.

L. BOARD OF DIRECTORS

1. Oral report on meetings attended by Board members

Board members provided oral reports on meetings attended at the expense of the District, pursuant to Government Code Section 53232.3(d). All expenses would be filed at the end of the month, accompanied by receipts.

2. Discussion regarding upcoming meetings to be attended by Board members

The Board discussed meetings they planned to attend. Under the Executive Orders N-25-20, N-29-20, and N-33-20 issued by the Governor of the State of California in response to COVID-19, all meetings will be attended and conducted via teleconference or videoconference.

3. Metropolitan update

Director Blois provided an update on Metropolitan Board committee meetings. He noted that the work on developing Metropolitan's Integrated Water Resources Plan is linked to many policies and financial issues affecting the District and Metropolitan as a whole. He noted a greater opportunity in the current scenario planning approach for Board members to explore policy questions. The extension of the schedule to complete the plan will facilitate that discussion.

N. OTHER BUSINESS

None

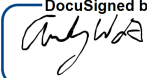
O. FUTURE AGENDA ITEMS

None

P. ADJOURNMENT

Director Slosson declared the meeting adjourned at 5:55 p.m.

Respectfully submitted,

DocuSigned by:

79B2FF359BCD4EF...

Andy Waters, Board Secretary