

**MINUTES OF A REGULAR MEETING
of the
CACHUMA OPERATION & MAINTENANCE BOARD**

held at
3301 Laurel Canyon Road, Santa Barbara, CA
Monday, February 25, 2013

1. Call to Order, Roll Call

The meeting was called to order at 2:03 p.m. by President Lauren Hanson who chaired the meeting. Those in attendance were:

Directors present:

Lauren Hanson	Goleta Water District
Alonzo Orozco	Carpinteria Valley Water District
Doug Morgan	Montecito Water District
Dennis Beebe	SYR Water Conservation District, ID No. 1
Dale Francisco	City of Santa Barbara

Others present:

Janet Gingras	Tony Trembley
Charles Hamilton	Tim Robinson
Nick Zaninovich	David Baum
Douglas DeFlicht	Ruth Snodgrass
Chris Dahlstrom	Sonia Fernandez
Phil Walker	Rebecca Bjork

2. Public Comment

Phil Walker made comments on NOAA's drought prediction, sedimentation at Lake Cachuma, and the Tecolote Tunnel inspection.

3. Consent Agenda

- a. **Minutes:**
January 28, 2013 Regular Board Meeting
- b. **Investment Funds**
Financial Report
Investment Report
- c. **Payment of Claims**

Director Francisco moved to approve the consent agenda, seconded by Director Morgan, passed 7/0/0. The Board requested that the year-to-date vendor expense report be included in the board packet quarterly.

4. Board Acceptance of the Modified Upper Reach Reliability Project: Authorization of Filing the Notice of Completion and Partial Release of Retention Funds

Janet Gingras reported that the Contractor has completed the Modified Upper Reach Reliability Project. Included in the board packet for Board approval were the Notice of Acceptance, Notice of Completion and a Letter Agreement pertaining to early release of partial retention funds to Blois Construction, Inc.

Director Morgan was concerned that all subcontractors have been paid and that the easements for the project have been completed, staff was directed to check on those two requests.

Director Morgan moved to approve the Notice of Acceptance; authorize filing the Notice of Completion; approve execution of a Letter Agreement with Blois Construction, Inc.; and staff would check on all easements and payments to subcontractors, seconded by Director Francisco, passed 6/0/1, Director Beebe abstained.

5. Consider Approval of California Department of Fish and Wildlife Letter Regarding Sharing Data

Tim Robinson reported that the California Department of Fish and Wildlife (CDFW) had recently made changes to the letter and it is not ready for Board approval at this time. COMB's legal counsel will confer with CDFW's legal counsel and finalize the letter. The letter would come back to the Board for approval at the March meeting.

6. Consider Budget Adjustment for Design Work on Quiota Creek Fish Passage Projects

Tim Robinson reported that a design modification is needed for the Quiota Creek Crossing 1 project in order to save two large oak trees. The estimated additional funds would be \$6000. This revision was not anticipated in the approved FY2013 budget.

Quiota Creek Crossing 0 Project is required to be at 65% design level for grant applications that are due in March. These design efforts have been estimated to be \$24,000. This design effort was not included in the FY2013 budget.

Staff recommended moving sufficient money for the two projects from Account #6201 (BO/FMP Implementation and Technical Support) to Account #6303 (Habitat Enhancements, Quiota Creek Fish Passage Design Support). This was discussed at the Fisheries Board Committee meeting and the Committee agreed with this transfer of funds.

Director Beebe moved to approve a budget adjustment to transfer \$30,000 from Account #6201 to Account #6303 to provide for the design needs of the Quiota Creek Crossing 1 and 0 projects, seconded by Director Francisco, passed 7/0/0.

7. Appointment of Representative to Cachuma Project Trust Fund and Renewal Fund Committee and the Betterment Fund Discussion

Janet Gingras reported that in the past, the COMB General Manager has been appointed to serve as the Member Units representative to the Warren Act Trust Fund/Cachuma Project Renewal Fund Committees. The position is vacant and it is now necessary for the Board to appoint a new representative to fill that position.

Director Beebe requested that the Board consider the committee appointments separately. One committee is the Warren Act Trust Fund, comprised of one representative each from the Santa Barbara County Water Agency and COMB. The other is the Cachuma Project Renewal Fund which is comprised of one representative from the County Water Agency and one from the Cachuma Member Units.

Director Beebe moved to appoint the Interim General Manager Janet Gingras to be the representative on the Warren Act Trust Fund committee, seconded by Director Morgan, passed 7/0/0.

It was unclear how the Renewal Fund representatives should be appointed, after discussion a motion was made. Director Francisco moved to appoint Interim General Manager Janet Gingras as interim representative of the Renewal Fund committee, seconded by Director Orozco, passed 6/1/0, Director Beebe voted no.

Legal Counsel and staff will review all documents regarding the Trust Fund/Renewal Fund/Betterment Fund and report to the Board at the March meeting.

8. CalPERS Actuarial Information

Janet Gingras highlighted the information included in the board packet. At the January Board meeting the Board inquired about Note No. 10 of the FY 2011-12 Audit and Financial Statements. The inquiry was based on the display of the Actuarial Value of Assets funded ratio included in the Note and why the ratio seemed to be high given the fact that CalPERS recent history of investment returns has not been as favorable as previous historical returns. The auditors showed the Actuarial Value of Assets ratio not the Market Value of Assets ratio in the Notes to the Financial Statements, this information was taken directly from the CalPERS Annual Valuation Report for COMB.

9. Reports from Board Committees

a. Fisheries Committee Meeting, February 19, 2013

Director Beebe reported on the February 19, 2013 meeting, the agenda was included in the board packet.

b. Ad Hoc Oak Tree Committee, February 5, 2013 Site Visit

Director Morgan reported on the site visit at Lake Cachuma oak tree planting areas with arborist Ken Knight and Tim Robinson. They walked the planting areas and observed various sizes and conditions of the planted trees.

c. Ad Hoc Transition/General Manager Recruitment Committee

President Hanson reported that the Ad Hoc Transition/General Manager Recruitment Committee had not met during the past month. After the applications have been reviewed the Committee will report at the March meeting.

10. Interim General Manager Report

The Interim General Manager report from Janet Gingras was included in the board packet.

11. Progress Report on Cachuma Lake Oak Tree Program

Tim Robinson highlighted the report that was included in the board packet.

12. Engineering/Operations Division Reports

David Baum highlighted the monthly reports that were included in the board packet.

13. Fisheries Division Report

Tim Robinson highlighted the monthly report on the fisheries activities; the report was included in the board packet.

14. Monthly Cachuma Project Reports

a. Cachuma Water Reports

The monthly water reports were included in the board packet. Director Morgan requested Cachuma Reservoir level predictions to be included in future monthly board reports.

b. Cachuma Reservoir Current Conditions

The Lake Cachuma Daily Operations report through February 20, 2013 was included in the board packet.

c. Lake Cachuma Quagga Survey

The County's summary of Aquatic Invasive Species Inspection Program for January 2013 was included in the board packet.

15. Directors' Requests for Agenda Items for Next Meeting

There were no requests for agenda items for the next meeting.

16. [Closed Session]:

**a. Public Employee Appointment/Employment
[Government Code Section 54957]**

Title: General Manager

b. Conference with Legal Counsel – Anticipated Litigation

Significant Exposure to Litigation (Government Code 54956.9): One Case

Counsel Tony Trembley announced that the Board would convene into closed session regarding Item #16.a. and 16.b. Item 16.b. is regarding the termination of former General Manager Bruce Mowry.

The Board went into closed session at 3:45 p.m.

**17. Reconvene into Open Session [Government Code Section 54957.7]
Disclosure of actions taken in closed session, as applicable
[Government Code Section 54957.1]**

The Board reconvened into open session at 4:25 p.m. The following is a report of action taken in closed session in accordance with Government Code Section 54957.1.

There was no action to report concerning Item 16.a.

“Concerning Item 16.b., on a vote of 7-0-0, the Governing Board approved a settlement agreement with former General Manager Bruce Mowry. As soon as the settlement becomes final, and upon inquiry by any person, COMB shall disclose the fact of final approval and identify the substance of the agreement.”

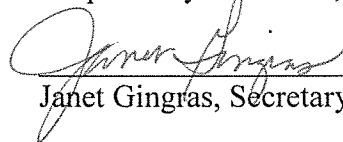
18. Meeting Schedule

The next regular Board meeting will be held March 25, 2013 at 2:00 P.M. The Agendas and Board Packets are available on the COMB website, www.cachuma-board.org

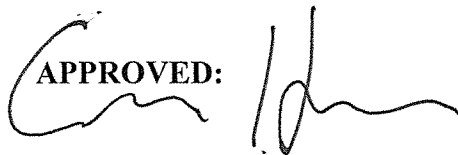
19. COMB Adjournment

There being no further business, the meeting was adjourned at 4:26 p.m.

Respectfully submitted,



Janet Gingras, Secretary of the Board

APPROVED: 

Lauren Hanson, President of the Board