

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

Held at the
Cachuma Operation & Maintenance Board Office
3301 Laurel Canyon Road, Santa Barbara, CA
Monday, December 19, 2011

1. Call to Order, Roll Call

The meeting was called to order at 2:00 p.m. by President Lauren Hanson who chaired the meeting. Those in attendance were:

Directors present:

Lauren Hanson	Goleta Water District
Bob Lieberknecht	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:

Bruce Mowry	Tony Trembley
John McInnes	Charles Hamilton
Tom Mosby	Ruth Snodgrass
Chris Dahlstrom	Kate Rees
Sonia Fernandez	Phil Walker
Harlan Burchardi	Janet Gingras
Adelle Capponi	Karl Meier
Jim Blois	Cathy Taylor

2. Public Comment

Phil Walker made comments on the winter weather, a 1989 study to expand Lake Cachuma, construct a new Intake Tower and the BAER report after the Zaca fire.

3. Consent Agenda

- a. **Minutes:**
November 21, 2011 Regular Board Meeting
- b. **Investment Funds**
Financial Report
Investment Report
- c. **Payment of Claims**

Director Francisco moved to approve the Consent Agenda as presented, seconded by Director Morgan passed 7/0/0.

4. Modified SCC Upper Reach Reliability Project Construction Contract Award

Bruce Mowry reported that COMB received two bids for the construction of the Project. Staff performed an analysis of the bids and elected to remove several line items from the bid resulting in a reduction of the contract by \$541, 830.00. Staff is recommending the construction contract be awarded to Blois Construction, Inc.

Jim Blois and Phil Walker made comments on this item.

Director Francisco moved to award the construction contract as defined in the project "Modified Upper Reach Reliability Project dated October 2011" Contract Documents to the lowest responsive bidder Blois Construction, Inc. for the amount of \$3,948,997.00; and authorize COMB General Manager to sign and execute the contract documents inclusive of Addendums No. 1 thru No. 3 and after submittal of all required documents from the bidder, seconded by Director Lieberknecht.

The motion was passed by a roll call vote:

Ayes: Francisco, Hanson, Lieberknecht, Morgan

Nays: None

Abstain: Beebe

Absent: None

5. Change in Job Description for COMB's Engineer

Bruce Mowry reported that in an effort to find a replacement for COMB's Engineer, it was discovered that the current salary range is sub par within industry standards and will not attract and retain a qualified Professional Engineer candidate. Mr. Mowry feels that the Engineers job description should include management of the operations field crew and increase the salary range to become commensurate with the responsibilities and duties of the new position. The General Manager is requesting that the Board consider a revised job description, provided and commensurate salary range for the Engineer/Operations Manager position.

The Board Administration Committee had reviewed this request and recommended that this be brought before the Board for consideration.

Director Francisco moved to approve the revised job description and salary range maximum of \$120,000 for the Engineer/Operations Manager position, seconded by Director Lieberknecht.

The motion was passed by a roll call vote:

Ayes: Beebe, Francisco, Hanson, Lieberknecht, Morgan

Nays: None

Abstain: None

Absent: None

6. Joint Defense and Cooperation Agreement – Update and Possible Approval

Item #6 was considered after Item #12.

7. Report From General Counsel

- a. Fisheries Implementation Agreement**
Tony Trembley, General Counsel reported no change in the status of the Agreement from last month.
 - b. Quiota Creek MOU's with County of Santa Barbara**
Mr. Trembley also reported no change in the status of the MOU's with the County since last month. He reported sending the MOU for Crossing #6 to ID #1 on November 8 and he has not received a response to date.
- 8. Report From Board Committees**
 - a. Board Administration Committee Meeting, December 9, 2011**
President Hanson reported on the Administration Committee held on December 9, 2011. They had discussed the recruitment of an Engineer and reviewed the COMB FY 2010-2011 Audit.
- 9. Operations Division Activities**
 - a. Operations Report**
The Operations Report for December 2011 was included in the board packet.
- 10. Fisheries Division Activities**
 - a. Lower Santa Ynez River Fisheries Report**
The November 2011 Fisheries report was included in the board packet
- 11. Reports From the Manager**
 - a. Cachuma Reservoir Current Conditions**
The daily operations report for Lake Cachuma through December 13, 2011 was included in the board packet.
 - b. Lake Cachuma Quagga Survey**
The Cachuma Lake Quagga Survey for November 2011 was included in the board packet.
 - c. Verbal - California Conservation Corp**
Bruce Mowry reported that he has been in contact with the California Conservation Corp regarding their assistance in vegetation management.
 - d. Verbal - Report on San Luis Obispo County's action on Quagga Mussels**
Bruce Mowry reported that the County of Santa Barbara is also considering action on Quagga Mussel prevention measures.
 - e. Mid Pacific Region Water Users Conference, January 25-27, 2012**
Included in the board packet was information for the 2012 Mid Pacific Region water Users Conference in Reno, Nevada, January 25-27, 2012.
 - f. Verbal - Work Plan for COMB**
Bruce Mowry reported that staff is developing an outline for the work plan and will continue to develop a plan for COMB.
 - g. 2012 Board Meeting Schedule**

The Board meeting schedule for 2012 was included in the board packet.

- 12. [Closed Session]: Conference with Legal Counsel-Anticipated Litigation**
- a. Initiation of Litigation Pursuant to Government Code Section 54956.9 (c). Two Cases**
 - b. Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b). Two Cases**
 - c. Threat to Public Services or Facilities. [Government Code Section 54957(a)] Consultation with: Agency Counsel, Security Operations Manager**

Tony Trembley, General Counsel announced that the Board would adjourn into closed session for the following items: Item 12.a., Initiation of Litigation pursuant to Government Code Section 54956.9 (c), two cases: Item #12.b., Significant Exposure to Litigation pursuant to Government Code Section 54956.9 (b), two cases: (1) AECOM Task Order 37 Modified SCC Upper Reach Reliability Project and (2) Liability Claim of Melinda Fournier and Zach Fournier (claim available for public inspection under Government Code Section 54957.5): Item #12. c. Threat to Public Services or Facilities, Government Code Section 54957(a).

The Board went into closed session at 3:40 p.m. and came out of closed session at 5:25 p.m.

General Counsel Tony Trembley reported pursuant to Government Code Section 54957.1 on Board action concerning two closed session items: (1) For one case under Item #12. a. of the agenda—On a vote of 6/0/1, Director Beebe abstaining, the Governing Board approved a settlement agreement with AECOM USA Inc. settling a dispute between COMB and AECOM concerning Task Order 37 for AECOM’s engineering design and bid phase services of the South Coast Conduit Modified Upper Reach Reliability Project. The agreement among other things provides that COMB shall pay AECOM the sum of \$65,000 and AECOM shall deliver to COMB the computer aided design and drafting documents created by AECOM for the South Coast Conduit Mission Creek Crossing Project: (2) One case under Item #12.b. of the agenda—On a vote of 6/0/1, Director Beebe abstaining, the Governing Board rejected the claim of Melinda and Zach Fournier and instructed General Counsel to provide notice to claimants pursuant to law.

6. Joint Defense and Cooperation Agreement – Update and Possible Approval

Tony Trembley reported that the attorneys had come to an agreement on the language for the JDCA during a conference call last Friday, December 16. However, after further review of the Agreement, Mr. Trembley felt that COMB needed additional clarification on COMB’s current fisheries data collection and assessment activities and inserted the following language as the last sentence of paragraph 5:
“Notwithstanding anything herein to the contrary, the Parties agree that the fisheries

data collection and assessment activities which are currently being undertaken by COMB staff and consultants in support of compliance with the existing September 2000 Cachuma Project BiOp and the existing October 2000 Lower Santa Ynez River Fish Management Plan are not within the scope of this Agreement and are not confidential". The [Version .2] was distributed at the Board meeting. The Board agreed that COMB needed additional clarification and felt that the attorneys for the parties should take another look at the Agreement with Mr. Trembley's added sentence.

Director Beebe moved approval of the JDCA Version .2 presented at the Board meeting, pending agreement of the final language of the last sentence in paragraph 5 by the four attorneys for the parties, and to authorize the Board President to sign the JDCA upon final agreement, seconded by Director Morgan, passed 7/0/0.

13. Report From the Auditor For Fiscal Year 2010-2011

The Financial Statements for the fiscal year ended June 30, 2011 and the Independent Auditor's Report were prepared by Bartlett Pringle & Wolf, LLP and were included in the board packet. Dana McGrew and Nina Pisani summarized the FY 2010-11 audit for the Board. The auditors did not identify any management concerns or reportable conditions in conducting the audit and issued a clean opinion.

The Auditors met with the Finance Committee and staff on December 9, 2011 to review the audit in detail.

Director Morgan moved to accept the Financial Statements for Fiscal Year 2010-2011 and the Independent Auditor's Report, seconded by Director Francisco, and passed 7/0/0.

14. Directors' Request for Agenda Items for Next Meeting

There were no requests for the Agenda for the next meeting.

15. Meeting Schedule


- The next regular Board meeting will be held January 23, 2012 at 2:00 P.M.
- The Agendas and Board Packets are available on the COMB website, www.cachuma-board.org

16. COMB Adjournment

There being no further business, the meeting was adjourned at 6:14 p.m.

Respectfully submitted,


Bruce Mowry, Secretary of the Board

APPROVED: 

Lauren Hanson, President of the Board