

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CARPINTERIA VALLEY WATER DISTRICT**

May 19, 2010

President Lemere called the regular meeting of the Board of Directors of Carpinteria Valley Water District to order in the District Board Room at 4:00 p.m. Wednesday, May 19, 2010, and led the Board and others present in the Pledge of Allegiance.

Directors Present: Lemere, Lieberknecht, Van Wingerden, Drain, Roberts

Directors Absent: None

Others Present: Charles Hamilton

Rob McDonald

Norma Rosales

Katherine Stone

Bob Braitman

Vera Bensen

Dave Moore

David Gardner

Giti White

Dave Morris

Susan Allen

Shirley Johnson

Beth Schmohr

Donn Schmohr

Lisa Rivas

Lea Boyd

Dick Weinberg

Arturo Tello

Lynn Rose Ransom

Carl Stucky

Michael Sheehy

Miguel Checa

Tom Mosby

Andrea Culinane (arrived at 5:00 pm)

Mark Manion (arrived at 5:00 pm)

Gary Gallup (arrived at 5:30 pm)

MINUTES

Following discussion, Director Van Wingerden moved and Director Drain seconded the motion to approve the minutes of the May 12, 2010 Board meeting. The motion carried by a 5-0 vote.

PUBLIC FORUM

David Morris addressed the Board about the Casmalia toxic waste dump and its contamination of groundwater, and also about its representation by the legal firm of Price Postel and Parma.

**ACWA/JPIA SPRING
CONFERENCE**

Director Lieberknecht gave a verbal report about the ACWA/JPIA Spring Conference he attended in Monterey from May 3 - May 7, 2010.

**RATE & BUDGET
COMMITTEE
MEETING**

Director Drain gave a brief report about the Rate & Budget Committee meeting held on May 6, 2010. General Manager Hamilton noted that some of the items discussed by the Committee appear on today's Board meeting agenda as New Business items.

**PROPOSED
PAREDON PROJECT
AND POSSIBLE
RISKS TO
CARPINTERIA
GROUNDWATER
BASIN, INCLUDING
THE POSSIBLE USE
OF HYDRAULIC
FRACTURING BY
VENOCO**

General Manager Hamilton introduced Donn Schmohr of Venoco who presented a PowerPoint presentation about well drilling and hydraulic fracturing. He was followed by Miguel Checa whose comments were highlighted with a slide about Environmental Sustainability Science and included reservations about the use of hydraulic fracturing. Giti White expressed concerns about possible groundwater impacts of the Paredon Project and questioned the correctness of comments set forth in a letter to the District dated August 27, 2009 from hydrologist Dave Gardner. Carl Stucky raised concerns about the possible affects of the Paredon Project on groundwater and private wells used by growers in a portion of the eastern end of the District possibly subject to the influence of seawater intrusion. Susan Allen raised questions about the Gardner letter, its consideration of permitted Venoco leases and the depth of the Carpinteria Groundwater Basin.

Following concerns voiced by Directors Drain and Roberts, and discussion by the Directors, President Lemere directed Mr. Hamilton to prepare a scope of work to develop a response to questions and concerns raised by members of the community.

**TIME AND
MATERIAL WORK
ORDERS FOR A NOT
TO EXCEED
AMOUNT OF \$60,000
FOR RANCHO
MONTE ALEGRE**

Following a brief introduction by Mr. Hamilton, and discussion, Director Drain moved and Director Roberts seconded the motion to authorize the General Manager to spend up to \$60,000 through time and materials work orders enabling Whitaker Contractors Inc. to complete mainly road restoration work in anticipation of major Phase 5 water and related construction activities on Rancho Monte Alegre (RMA), funded completely by the owners of RMA.

**EDGEWOOD
REORGANIZATION
AND
ENFORCEABILITY
OF LAFCO
CONDITIONS OF
APPROVAL**

Following an introduction by Mr. Hamilton, Executive Director of the Local Agency Formation Commission (LAFCO) Bob Braitman made a detailed presentation focused on the enforceability of LAFCO actions. Director Lieberknecht expressed the concern and questioned whether the newly annexed customers could then later decide to de-annex from the Carpinteria Valley Water District (CVWD) and seek a return to Montecito Water District if CVWD water rates went up. Discussion followed and Mr. Braitman responded that de-annexation would have to be approved by the LAFCO Directors, not himself. He noted further that the main reason for their action would be to enable the Edgewood customers to be served by a District with a water rate structure that accommodates agriculture and includes an agricultural /irrigation water rate, not offered by Montecito Water District. Their action would not be based on a comparison of actual water rates. Following discussion, Director Drain moved and Director Van Wingerden seconded the motion to authorize the General Manager to proceed with the work necessary to address a petition regarding the Edgewood Reorganization for future Board action. The motion carried by a 5 – 0 vote.

**COMB LATERAL
METER FAILURE,
DISTRICT OPTIONS
AND STATUS**

Mr. Hamilton reported that this matter was not yet ready for Board consideration at this time, and President Lemere directed that the item be re-scheduled for consideration at a future Board meeting.

**CITY OF
CARPINTERIA
WATER RATES**

Mr. Hamilton reported that he is preparing a letter to the City Manager of Carpinteria about the City water rates reverting back to the Public Authority water rate. Counsel Manion noted that this was necessitated by the recordation of the District's new Easement for the El Carro Well on April 23, 2010. Following this item President Lemere declared a 5 minute recess at 5:53 p.m.

**CLOSED SESSION:
PURSUANT TO
GOVERNMENT
CODE SECTION
54956.9 (a) EXISTING
LITIGATION**

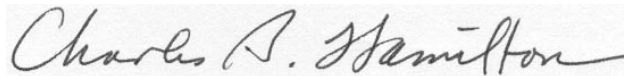
President Lemere convened the Board in closed session at 5:59 p.m. pursuant to Government Code Section 54956.9 (a), existing litigation, Carpinteria Valley Water District et al vs. Penfield & Smith Engineers et al; Santa Barbara Superior Court Case Number 1303752. President Lemere reconvened the Board in open session at 6:58 p.m. and reported that the Board had given direction to District counsel.

NEXT MEETING

The next scheduled Board meeting will be a regular Board meeting held on May 26, 2010, at 5:30 p.m. in the Carpinteria City Hall Council Chamber, 5775 Carpinteria Avenue.

ADJOURNMENT

President Lemere declared the meeting adjourned at 6:59 p.m.



Charles B. Hamilton, General Manager/Secretary