

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

January 25, 2012

President Van Wingerden called the regular meeting of the Board of Directors of the Carpinteria Valley Water District to order at 5:36 p.m., Wednesday, January 26, 2012, and led the Board and others present in the Pledge of Allegiance. President Van Wingerden announced that because the official Board Agenda was posted showing the location of this meeting to be in Carpinteria Valley Water District's Board Room, it would not be held at Carpinteria City Hall as previously planned and anticipated.

Directors Present: Brown, Lieberknecht, Orozco, Roberts, Van Wingerden

Directors Absent: None

Others Present: Charles Hamilton
Roger Myers
Katherine Stone
Vern Williams
Ric Craig
Stewart Welch
Chris Gabriel
Jeff Brough
Bill Brennan
Michael Lunsford
Brian Trautwein
David Morris
Sonia Fernandez
Robert McDonald
Alex Keuper
Cathy Adams

**PHASE 4A ROAD AND
INFRASTRUCTURE
PROJECT CASH
MANAGEMENT
AGREEMENT WITH
RANCHO GARRISON**

After an announcement by President Van Wingerden of a change in the order of Agenda items deemed necessary to address those items concerning Rancho Monte Alegre which require District Engineer McDonald's input before he would need to leave on urgent business, General Manager Hamilton summarized the need for the proposed Cash Management Agreement with Rancho Garrison to be approved prior to the wiring of \$1.5 million into a District controlled account, a necessary prerequisite to the Board's possible award of contract relative to water and related infrastructure on Rancho Monte Alegre to follow on the agenda. Following discussion, and a suggestion from Director Roberts that the Agreement be amended to include the phrase "not unreasonably withheld" relative to Owner's approval of use of funds, and further that approval of use of funds not be required of the District if said approval was not forthcoming from Owner within ten days of the approval request by the District, Director Roberts moved and Director Lieberknecht seconded the motion to authorize the Board President to execute the Cash Management Agreement with Rancho Garrison for purposes of control and disbursement of deposited funds received from Rancho Garrison for the CVWD RMA Phase 4A Road

and Infrastructure Project in substantial form as presented but amended to reflect Director Roberts' suggested changes, subject to final review and approval by the General Manager and District Counsel. The motion carried by a 5-0 vote.

**AWARD OF CONTRACT
TO BAKERSFIELD
WELL & PUMP CO. FOR
PUMP AND MOTOR
FOR EL CARRO WELL**

Following a brief presentation by District Engineer McDonald, and discussion, Director Lieberknecht moved and Director Roberts seconded the motion to award contract to Bakersfield Well & Pump Co. for installation of a pump and motor for the El Carro Well for an amount not to exceed \$78,715. The motion carried unanimously.

**CVWD RMA PHASE 4A
AWARD OF CONTRACT
TO C.A. RASMUSSEN**

District Engineer McDonald introduced this item and explained his reasons for determining that the lowest responsible bidder was C.A. Rasmussen Inc., and not Brough Construction whose total bid was about \$60,000 less than the bid from Rasmussen. Following discussion, Jeff Brough of Brough Construction addressed the Board and distributed copies of some confidential materials for the Board to review. He disagreed with District Engineer McDonald's assessment that his company had not successfully demonstrated that it has adequate depth of experience for the degree of difficulty and time frame of the Phase 4A Project as bid. Director Roberts questioned the basis of Mr. McDonald's determination, and expressed his misgivings about it. Vern Williams of Flowers & Associates spoke in favor of the determination made by District Engineer McDonald. Director Roberts made a motion to award the contract for a not to exceed \$1.3 million to Brough Construction and Director Lieberknecht seconded the motion. The motion failed by a 2-3 vote, with Directors Lieberknecht and Roberts voting yes and Directors Brown, Orozco and Van Wingerden voting no. Director Orozco then moved and Director Brown seconded the motion to award the contract to C.A. Rasmussen, for a not to exceed \$1.3 million. The motion carried by a 4-1 vote with Director Roberts voting no.

**AWARD OF CONTRACT
FOR CONSTRUCTION
MANAGEMENT
SERVICES TO
PENFIELD AND SMITH**

District Engineer McDonald introduced this item, recommending award of contract for construction management services for the CVWD RMA Phase 4A Road and Infrastructure Project, for an amount not to exceed \$87,080, explaining that the District has been using Penfield & Smith for construction management services on Rancho Monte Alegre for several years. Director Roberts queried if this was not the firm that the District not long ago sued along with another company relative to poor design and workmanship for the Ortega Reservoir Cover Project. Mr. McDonald responded that it is the same firm but a different group within the company performing the work. Director Lieberknecht made a motion to award the contract to Penfield & Smith and Director Orozco seconded the motion. The motion carried by a 3-2 vote, with Directors Orozco, Lieberknecht and Van Wingerden voting yes, and Directors Brown and Roberts voting no.

**PRESENTATION BY
BILL BRENNAN,
EXECUTIVE
DIRECTOR, CENTRAL
COAST WATER
AUTHORITY**

Bill Brennan, Executive Director of the Central Coast Water Authority (CCWA) addressed the Board and provided a brief PowerPoint presentation about the proposed Delta Habitat Conservation and Conveyance Program (DHCCP) Supplemental Funding Agreement. Following discussion about District costs to participate, the significance of the vote that Director Van Wingerden would be making the following day at the CCWA Board meeting in Buellton, the merits of participation in the DHCCP process, and prospects of a major conveyance facility in the Delta coming to fruition, no action was taken.

PUBLIC FORUM

Michael Lunsford, representing the Gaviota Conservancy, addressed the Board in opposition to a transfer of the District's State Water allotment to Coastal Management Resources (CMR), as did Brian Trautwein of the Environmental Defense Center (EDC), who also stated that the EDC submitted a letter to the District in response to a CEQA negative declaration published by the District in 2009 regarding the contemplated transfer.

**MINUTES OF JANUARY
11, 2012 BOARD
MEETING**

Following discussion, Director Roberts moved and Director Orozco seconded the motion to approve the minutes of the January 11, 2012 Board meeting with the following changes made to the minutes, as follows:

correction to show that the motion to approve the Minutes of the December 21, 2011 Board meeting was seconded by *Director Roberts* and not Director Brown;

insertion of the word "to" in front of "the "Public Generally" exception provided in the law" in the section entitled "Findings of Fair Political Practices Commission;"

replacement of the remainder of the sentence beginning with "Director Roberts suggested that" with "*Director Roberts suggested that the District should consider joining with other local government agencies to develop a consistent or uniform video archive of local public meetings,*" in the section entitled "Video Posting and Archiving of Board Meetings and Other Board Records;" and

a few other minor typographical errors as noted by Board Secretary Hamilton.

The motion carried unanimously by a 5-0 vote.

MONTHLY BILLS

Following a brief review by General Manager Hamilton, Director Lieberknecht moved and Director Roberts seconded the motion to approve the monthly bills from 12/16/11 to 01/18/12. The motion carried by a 5-0 vote.

**GENERAL MANAGER
REPORTS**

Following a comment by General Manager Hamilton about the importance of O&M Manager Omar Castro's completion of courses necessary for the District to qualify for Federal Emergency Management Agency (FEMA) reimbursement of District funds spent in a major emergency such as a large earthquake, Director Orozco moved Director Roberts seconded the motion to accept the General Manager reports. The motion carried by a 5-0 vote.

**ATTENDANCE AT
WATER EDUCATION
FOUNDATION EVENT
AT UC DAVIS,
FEBRUARY 23-24, 2012**

Following discussion, a motion was made by Director Lieberknecht and seconded by Director Roberts approving Director Orozco's attendance at the Water Education Foundation's "Water 101 Basics and Beyond course at UC Davis, February 23-24, 2012. The motion carried unanimously.

**POSSIBLE REGULAR
BOARD MEETINGS
BEFORE FEBRUARY 22,
2012**

Following discussion, President Van Wingerden announced that the next Board meeting would be held on February 8, 2012 in major part to carry forward items not covered on the agenda for this meeting, but also to allow for a possible closed session related to labor negotiations.

**AGENDA ITEMS FOR
FEBRUARY 8, 2012
BOARD MEETING**

Director Brown requested that the matter of televised Board meetings be placed on the next Board meeting agenda.

ADJOURNMENT

President Van Wingerden adjourned the Board meeting at 7:32 p.m.


Charles B. Hamilton, General Manager/Secretary