



PAJARO VALLEY WATER MANAGEMENT AGENCY

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Board of Directors Meeting
City Council Chambers

August 27, 2008, 7:00 p.m.
250 Main Street, Watsonville, CA

BUSINESS MEETING MINUTES

- 1. Call to Order, Roll Call of the PVWMA Directors, and Pledge of Allegiance:** The Regular Board Meeting of Pajaro Valley Water Management Agency was called to order in the City Council Chambers, 250 Main Street, Watsonville, CA, at 7:05p.m. by Chair Dobler.

Board Members Present: Osmer Eiskamp, Kegebein, Imazio, Koenig

Board Members Absent: Cervantes, Dobler

Staff Members Present: Mary Bannister, Technical Division Manager (TDM)
Veronica Barboza, Administrative Analyst (AA)

Others Present: Anthony Condotti, Counsel

- 2. Pledge of Allegiance**
- 3. Oral Communications:** None
- 4. Director Comments:** Director Kegebein inquired about the August 20, 2008 letter from Director Eiskamp requesting staff to prepare copies of documents requested for his deposition.
- 5. Counsel Report:** Counsel reported that he attended the August 25, 2008 case conference management and stated that a trial date was set forth for January 9, 2009
- 6. Interim General Manager Report:** IGM reported that water delivery was pumping at 1200a/f in the coastal area. She also reported that the Water Quality and Project Operations Meetings have been very productive and are educating the RWF user's handbook for the customers.
- 7. Report of Chair on Ad Hoc Funding Committee:** Do reported that the Ad Hoc Funding Committee will be meeting next week and report at the next Board Meeting.
- 8. Discussion and/or Action Items**
 - A. Review and Approve Augmentation Charge Refund Claim Form:** IGM reported that pursuant to the stipulated settlement and Ordinance 2008-01 a claim form must be made available to those seeking refunds. There is currently a claim form available on the Agency's website page and in the office for those who do not wish to wait for the detailed claim form the Agency will be sending out soon based on payment data entered from checks received and reconciled to account data. Counsel stated that in October 2007, the Board of Directors repealed Ordinances 2003-01 and 2004-02. Ordinance 2002-02 is still in effect.

Public Comments:

Harold Griffith: Inquired on why the claim form reference Ordinance 2002-02. He recommended striking it out from the claim form.

Nick Buliach: Inquired on how the City of Watsonville will refund their customers.

Bob Gyer, City of Watsonville: Bob responded to Mr. Buliach, stating that the City of Watsonville will be applying credits to all of their customers with active accounts.

After discussion, the following action was taken:

◆ Motion by Director Kegebein to approve Augmentation Charge Claim Form rev#3, removing language referencing Ordinance 2002-02 and line items requesting Social Security or Tax ID numbers, as presented. Motion carried by the following roll call vote:

AYES: Osmer, Eiskamp, Kegebein, Imazio, Koenig
NOES: None
ABSENT: Cervantes, Dobler
ABSTAIN: None

After further discussion, the following action was taken:

◆ Motion by Director Eiskamp to approve Augmentation Charge Claim Form rev#3, as amended. Motion carried by the following roll call vote:

AYES: Osmer, Eiskamp, Kegebein, Imazio, Koenig
NOES: None
ABSENT: Cervantes, Dobler
ABSTAIN: None

- B. Consider Recommendation for Sunset Provision on \$80 Augmentation Charge: IGM reported that at August 13, 2008 Board Meeting, the Board considered repealing the existing \$80 Augmentation Charge. After consideration of the staff recommendation and significant public input, the Board approved maintain the existing \$80 Augmentation Charge per acre foot. Additionally, the Board directed staff to :
1. Evaluate the approach for maintaining the augmentation charge without a community consensus or vote process;
 2. Approve a sunset provision and conditions for the \$80 augmentation charge; and
 3. Approve the Ad Hoc Funding Committee timeline and milestones

Director Osmer then opened public comments:

Harold Griffith: Stated that he does not support a Prop 218 Majority Protest. He recommended a 2/3 vote.

Mark Del Piero: Inquired, if the intent of the Majority Protest is for all PVMWA users or just for coastal users. He further stated that it is clear people getting water out of pipe are receiving a service. None of their customers receive water from the Agency's Project (Coastal Distribution System or Recycled Water Facility); he also stated that the state law prohibits anybody from drinking "sewage water".

Bob Gyer, City of Watsonville: Responded to Mark Del Piero's comments regarding customers using "sewage water". He clarified the comment to the public and stated that the correct term for treated water is "reclaimed water" and appropriately asked Mr. Del Piero to please clarify his comments and not confuse the public.

Close Public Comments.

After discussion, the following action was taken:

◆ Motion by Director Koenig to direct staff to recommend a sunset provision date at the next Board Meeting. Motion carried by the following roll call vote:

AYES: Osmer, Eiskamp, Kegebein, Imazio, Koenig
NOES: None
ABSENT: Cervantes, Dobler
ABSTAIN: None

After discussion, the following action was taken:

◆ Motion by Director Eiskamp to eliminate consideration of Majority Protest for replacement of Augmentation Charge. Motion carried by the following roll call vote:

AYES: Osmer, Eiskamp, Kegebein, Imazio, Koenig
NOES: None
ABSENT: Cervantes, Dobler
ABSTAIN: None

9. Written Communication/Correspondence: None

10. Future Meetings and Agenda Items

- A. Water Quality and Project Operations Committee – August 27, 2008, 2:00 pm – 4:00 pm, Waste Water Treatment Facility
- B. Administrative/Finance Committee – September 2, 2008, 4:00 pm, PVWMA Conference Room
- C. Board Meeting – September 3, 2008, 7:00 pm, “Old” City of Watsonville Council Chambers
 (The Board agreed to reschedule this meeting for September 17, 2008)

11. Closed Session-

A. Conference with Legal Counsel- Pending Litigation

Pursuant to Government Code Section 54956.9(a)

Name of Case: Pajaro Sunny Mesa CSD v PVWMA-CSCS Case No. CV 159506


B. Conference with Legal Counsel: Liability Claims

Claimants: Mendoza Berry Farms

Claim Against: PVWMA

The closed session commenced at 9:20 p.m. with Directors Osmer, Eiskamp, Kegebein, Imazio and Koenig. Interim General Manager Bannister and General Counsel Condotti were also present. As to Item B, by motion (Koenig, 5-0) the Board approved the liability claim of Mendoza Berry Farms in the amount of \$20,109.02. The claim relates to crop losses caused by the Coastal Distribution System construction project. The Board then considered Item A. During consideration of Item A, Director Eiskamp excused himself from the discussion and left the chambers at approximately 9:45 p.m. The meeting adjourned at approximately 10:00 p.m. No action was reported.

12. Adjourned at : 10:00 pm


 Veronica Barboza, Secretary

10.15.08
 Date Approved