



## **PAJARO VALLEY WATER MANAGEMENT AGENCY**

36 BRENNAN STREET • WATSONVILLE, CA 95076

TEL: (831) 722-9292 • FAX: (831) 722-3139

email: [info@pvwma.dst.ca.us](mailto:info@pvwma.dst.ca.us) • <http://www.pvwma.dst.ca.us>

**Board of Directors Meeting  
January 19, 2011, 7:00 pm**

**City Council Chambers  
275 Main Street, 4<sup>th</sup> Floor  
Watsonville, CA**

### **BOARD MEETING MINUTES**

1. **Call to Order**
2. **Oath of office was administered by Clerk of the Board to newly-elected director: David Cavanaugh, County of Santa Cruz**
3. **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, 275 Main Street, 4<sup>th</sup> Floor, Watsonville, CA, at 7:05 p.m. by Chair Imazio.  
  
Board Members Present: Imazio, Cavanaugh, Eiskamp, Osmer, Lynn  
  
Board Members Absent: Dobler, Vasquez  
  
Staff Members Present: Mary Bannister, General Manager (GM)  
Mark Harvey, Administrative Services Manager (ASM)  
Others Present: Anthony Condotti, Agency Counsel
4. **Pledge of Allegiance**
5. **Election of Board Officers:** GM stated that the Board must annually elect new Board of Director Officers by the first Board meeting of the year. After discussion the following action was taken:

◆ Motion by Director Cavanaugh to elect Director Imazio as Chair. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Eiskamp, Osmer, Lynn  
**NOES:** None  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** None

◆ Motion by Director Eiskamp to elect Director Cavanaugh as Vice Chair. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Eiskamp, Osmer, Lynn  
**NOES:** None  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** None

◆ Motion by Director Eiskamp to elect Director Dobler as Treasurer. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Eiskamp, Osmer, Lynn  
**NOES:** None

**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** None

6. **Oral Communications:** Warren Koenig suggested to the Board that the Agency needs to update the Agency Act with Counsel’s purposed changes.
7. **Director Comments:** Director Cavanaugh stated that Warren had brought up a valid point; need to put together a committee, suggested possibly at next meeting. Director Eiskamp suggested to having a workshop meeting instead of forming a committee. Director Osmer stated that the Agency first needs to look for a sponsor.
8. **Counsel Report:** Counsel reported on the pending litigation. He stated that judgment has been entered in Superior Court in the Eiskamp matter.
9. **General Manager Report:**
10. **Consent Agenda**
  - A. Approve January 19, 2011 Minutes
  - B. Approve Financial Report for November 2010
  - C. Approve Disbursement Ledger for November 2010
  - D. Approve Financial Report for December 2010
  - E. Approve Disbursement Ledger for December 2010
  - F. Accept 2009 Annual Report

◆ Motion by Director Osmer to approve the Consent Agenda from items 10A-E as presented. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Eiskamp, Osmer, Lynn  
**NOES:** None  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** None

Director Osmer requested that item 10F under Consent Agenda be considered as a separate item. Director Osmer expressed his concerns, stating that the 2010 Annual Report should be out and available for public.

◆ Motion by Director Osmer to approve 2009 Annual Report as presented. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Eiskamp, Osmer, Lynn  
**NOES:** None  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** None

**11. Discussion and/or Action Items**

- A. Establish Board Committees and Committee meeting dates for 2011: GM stated that the Board reviews committees, their functions and makes changes as deemed appropriate, and establishes membership and meeting schedules for 2011. She noted that the chair for each committee is typically elected at the committee level at its first regularly scheduled meeting. After discussion, the Board agreed to the following composition and meeting times for each listed committee:

**Administration/Finance (Admin) Committee**

Members: Dennis Osmer (Chair), Mike Dobler, Rosemarie Imazio

Schedule: Monthly

Date and time: 2<sup>nd</sup> Tuesday at 4:00 pm

Location: PVWMA Conference Room

**Water Quality and Project Operations Committee**

Members: 2 Board Members: Rosemarie Imazio and Michael Dobler; 4-10 Grower Members

Schedule: Monthly

Date and Time: Varies- typically monthly with quarterly Owner/Grower and Irrigator meetings

Location: PVWMA Conference Room

**Technical Advisory Committee (TAC)**

Members: Neighboring water agencies, regulatory groups, local and state government representatives, academia, technical representatives for interested stakeholders, and interested members of the public

Schedule: Quarterly- dates vary

Day and time: Friday, at 9:30 am

Location: Agricultural Extension Auditorium

Director Eiskamp suggested that Director Lynn replace Dobler. Director Osmer stated that he was “stepping out” from the Administrative/Finance Committee and suggested that Director Vasquez take his place. After discussion, the following action was taken:

◆ Motion by Director Cavanaugh to approve the above 2011 Board committee composition with Directors Eiskamp and Osmer’ suggestions. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Eiskamp, Osmer, Lynn

**NOES:** None

**ABSENT:** Dobler, Vasquez

**ABSTAIN:** None

- B. Appoint Board Representatives to Other Organizations for 2011: GM reviewed the current designated representatives to other organizations, and stated that these appointments should either be continued or changed.

Santa Cruz County Zone 7 Flood Control – Dennis Osmer

Pajaro River Watershed Flood Prevention Authority – Dennis Osmer

Joint Powers Insurance Authority – Warren Koenig

Santa Cruz County Farm Bureau – Mark Cervantes

Monterey County Farm Bureau - David Kegebein

Action Pajaro Valley – David Kegebein

The following changes were made:

**Joint Powers Insurance Authority- Dwight Lynn**

**Monterey County Farm Bureau- Salvador Vasquez**

**Santa Cruz County Farm Bureau- David Cavanaugh**

**Santa Cruz County Zone 7 Flood Control- Dennis Osmer**

**The Pajaro River Watershed Flood Prevention Authority- Dropped**

After board discussion, the following action was taken:

◆ Motion by Director Eiskamp to appoint Board Representatives to other organizations for 2011 as changed. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Eiskamp, Osmer, Lynn  
**NOES:** None  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** None

- C. Consider extension of contract with Gutierrez Consultants for Grant Administration through December 2011: GM reported that in December 2008, the Agency executed an agreement with Gutierrez Consultants for continued services associated with the administration of the Proposition 50 Integrated Regional Water Management Implementation Grant. The contract term was from January 1, 2009 through June 30, 2010 for a fee not to exceed \$193,936. She stated that due to a Department of Water Resources (DWR) freeze on grant funds, the grant administration activities were significantly reduced and the associated expenditures were significantly reduced. The Agency approved a no cost extension in June 2010. The extension was effective through December 2010 and the terms of the contract and scope of services remained the same as detailed in the 2009 agreement. GM stated that as of December 31, 2010 approximately, \$115,000 remains in the approved budget for continuing grant reporting work. She stated that staff recommended that the Board approve a no cost contract extension for Gutierrez Consultants.

Public Comments: Joe Pendry stated that he disagrees with the contract as he feels it is an outrageous expense to the Agency.

After Board discussion, the following action was taken:

◆ Motion by Director Osmer to approve contract with Gutierrez Consultants as presented. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Osmer, Lynn  
**NOES:** Eiskamp  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** None

- D. Select candidate for LAFCO Special District Alternate: GM reported that Special Districts in Santa Cruz County elect two Commissioners and one Alternate to represent them on Santa Cruz County LAFCO. There are five (5) candidates for the Alternate positions:

- Edward Banks Pajaro Valley Fire Protection District(**Correction: Pajaro Valley Cemetery District**)
- Eric Hammer Boulder Creek Recreation and Park District
- Joe Miller Scotts Valley Water District
- Art Smith Scotts Valley Fire Protection District
- Bob Stokes Pajaro Valley Fire Protection District

After discussion, the following action was taken:

◆ Motion by Director Osmer to direct Chair to select candidate to the best of her judgment. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Eiskamp, Osmer, Lynn  
**NOES:** None  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** None

E. Consider approval of four recommended applicants to the Ad Hoc Basin Management Plan

Committee: Director Cavanaugh provided a verbal report of the committee meeting that was held on January 13, 2011, stating that Vicki Morris of Aromas Water District had submitted an application while the GM was out of the office and that inadvertently was not included in the Ad Hoc BMP Committee Packet. GM called the office and application was found and was immediately taken over to the meeting. Director Eiskamp suggested that the board needs to come up with a “non-political” committee. Director Cavanaugh stated that Vicki Morris was advised to apply for all eligible categories which include Rural Residential, At Large, and Mutual Water Agency. However, the BMP Committee agreed that it was most appropriate to categorize her application within the Mutual Water Agency category. He stated that each of the applicants was given an opportunity to present their application, qualifications, and interest in serving on the committee. Following the presentations, the appointed BMP Committee members were asked to make their selection in each category (by secret ballot), the ballots were counted and the following selections were made:

1. Rural Residential - Thomas Karn
2. Environmental - Bob Culbertson
3. At Large - Ron Duncan
4. Mutual Water Agency - Vicki Morris

Director Cavanaugh stated that the BMP Committee is asked that the Board consider the recommendation and approve the BMP Committee membership. At that time Director Osmer suggested appointing two members from the appointment category:

1. Soquel Creek Water District - Ron Duncan
2. Aromas Water District- Vicki Morris

And accept Rural Residential and Environmental membership and further accept:

1. At Large – Amy Newell
2. Mutual Water Agency- Skip Fehr

Public Comments:

Margie Kay stated that she felt that Vicki Morris does not represent Mutual well owners. She recommended that the board appoint Skip Fehr to represent Mutual Water Agency.

Joe Pendry agreed with Margie Kay.

Director Cavanaugh recommended appointing Skip Fehr as Mutual Water Agency and having Director Vasquez replace Director Osmer in the committee. After discussion, the following

◆ Motion by Director Osmer to appoint two more members: Ron Duncan, Soquel Creek Water District and Vicki Morris, Aromas Water District. And accept Rural Residential and Environmental membership and further accept for Amy Newell as At Large, Skip Fehr as Mutual Water Agency and further that we invite those that were not appointed to attend the meetings and thank them for their application. Motion failed by the following roll call vote:

**AYES:** Imazio, Osmer, Lynn  
**NOES:** Cavanaugh  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** Eiskamp

◆ Motion by Director Cavanaugh to reconsider the above motion made by Director Osmer.  
 Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Osmer, Lynn  
**NOES:** None  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** Eiskamp

◆ Director Osmer restated his prior motion to appoint two more members: Ron Duncan, Soquel Creek Water District and Vicki Morris, Aromas Water District. And accept Rural Residential and Environmental membership and further accept for Amy Newell as At Large, Skip Fehr as Mutual Water Agency and further that we invite those that were not appointed to attend the meetings and thank them for their application. Motion carried by the following roll call vote:

**AYES:** Imazio, Cavanaugh, Osmer, Lynn  
**NOES:** None  
**ABSENT:** Dobler, Vasquez  
**ABSTAIN:** Eiskamp

**12. Written Communication/Correspondences:** The December 2010 Chron were included in the board packet

**13. Reports/Information Presentations**

- A. Board Committee Reports: Director Cavanaugh had previously reported on the Ad Hoc BMP meeting under item 11E.
- B. Staff Reports
  - 1. Facility Operations Report: GM reported that there was a discrepancy in the SCADA reports and has since been fixed.

**14. Future Meetings and Agenda Items**

- A. Administrative/Finance Committee – February 8, 2011, 4:00 pm, PVWMA Conference Room **(The meeting was moved to February 9, 2011 at 1:00 pm)**
- B. Ad Hoc Basin Management Plan (AHBMP) Advisory Committee- February 10, 2011, 2:00 pm, Water Resources Center, 500 Clearwater Lane, Watsonville, CA 95076
- C. Board Meeting – February 16, 2011, 7:00 pm, City Council Chambers, 275 Main St, 4<sup>th</sup> Floor
- D. Owner/Growers Meeting- Coastal Distribution System Delivered Water Users- February 24, 2011, 10:00 am-12:00 pm, UC Cooperative Extension, 1432 Freedom Blvd, Watsonville, CA 95076

GM mentioned that there is a Water Quality Project & Operations Committee Meeting also on February 9, 2011 at 3:00 pm in the PVWMA Conference Room as well as proposing to move the March 16<sup>th</sup> Board Meeting to March 23<sup>rd</sup>. Board agreed by consensus.

**15. Closed Session – (Per Counsel, this item was pulled.)**

- A. Conference with Legal Counsel: Existing Litigation  
(Pursuant to Cal. Govt. Code §54956.9)  
Name of case: *John G. Eiskamp v. PVWMA* – SCSC Case No. CISCV168446
- B. Conference with Legal Counsel: Existing Litigation  
(Pursuant to Cal. Govt. Code §54956.9)  
Name of case: *Harold Griffith v. PVWMA* – SCSC Case No. CISCV168936
- C. Conference with Legal Counsel: Existing Litigation  
(Pursuant to Cal. Govt. Code §54956.9)  
Name of case: *Joseph Pendry et.al. v. PVWMA* – SCSC Case No. CISCV169080

**16. Adjourned at: 9:07pm**

Veronica Barboza  
Veronica Barboza, Secretary

March 23, 2011  
Date Approved