



PAJARO VALLEY WATER MANAGEMENT AGENCY

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Board of Directors Meeting

May 18, 2011, 7:00 pm

City Council Chambers

**275 Main Street, 4th Floor
Watsonville, CA**

BOARD MEETING MINUTES

1. Call to Order

2. **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, 4th Floor, Watsonville, CA, at 7:17 p.m. by Chair Imazio.

Board Members Present: Imazio, Cavanaugh, Eiskamp, Osmer, Lynn

Board Members Absent: Vasquez

Staff Members Present: Mary Bannister, General Manager (GM)
Mark Harvey, Administrative Services Manager (ASM)
Others Present: Anthony Condotti (Agency Counsel)

3. Pledge of Allegiance

4. Oral Communications: None

5. Director Comments: None

6. **Counsel Report:** Counsel stated that he would update the Board on the pending litigation in closed session

7. **General Manager Report:** GM distributed an article on "Groundwater Management Fee or Pump Tax?" She also reported that she and Director Osmer attended the ACWA Spring Conference in Sacramento and met with staff from Assemblymen Alejo & Monning's office. Lastly, she mentioned that staff has mailed out well surveys for rural residential customers.

8. Consent Agenda

- A. Approve April 20, 2011 Minutes
- B. Approve Financial Report for April 2011
- C. Approve Disbursement Ledger for April 2011

Action: Director Osmer moved approval of Item 8- Consent Agenda; seconded by Director Cavanaugh and unanimously approved by voice vote.

9. Public Hearing

- A. Receive Comments on Preliminary Budget for FY 2011-2012: GM stated that the Board accepted the preliminary budget for FY 2011-2012 on April 22, 2011. Notices of availability were posted and published as required by the Agency Act and that the Board would conduct a public hearing on May 18th for consideration of the final budget for FY 2011-2012. She stated that, adoption of the final budget is required by the end of this fiscal year, June 30, 2010. Director Imazio then

opened the Public Hearing at 7:24 pm. There were no public comments. Director Imazio closed the Public Hearing at 7:25 pm.

The Board approved by consensus to bring the final budget back for approval.

10. Discussion and/or action items

A. Consider filling Board Vacancy by Appointment or Election: Counsel reported that Director Dobler submitted his resignation from the Board of Directors, effective May 11, 2011. He stated that the Agency Act and California Government Code Section 1770, et seq., define the legal requirements for filling this vacancy. He said the Board has several options:

- The remaining board members may fill the vacancy by appointment. The Board has 60 days (until July 11, 2011), within which to exercise this option.
- The remaining board members may fill the vacancy by calling for an election to fill the vacancy. The Board likewise has until July 11, 2011 within which to exercise this option. In order to qualify for the November 2011 ballot, however the board will need to act by July 1, 2011.
- If within 60 days the vacancy is not filled either by appointment or calling for an election, then the Santa Cruz County Board of Supervisors will have up to 90 days from the effective date of the vacancy within which to either fill the vacancy by appointment or call for an election.

Counsel stated that if the Board chooses to fill the vacancy by appointment, normal procedures are: 1) Post notice of the vacancy in three or more visible places within the Agency's boundaries at least 15 days before the appointment is made. 2) Make the appointment in open session at a Regular or Special Board Meeting. 3) Administer the oath of office to the newly appointed director. 4) Notify the Santa Cruz County elections officials of the appointment within 15 days. After discussion the following action was taken:

Action: Director Osmer moved to fill in the vacancy by appointment and direct staff to advertise, seconded by Director Cavanaugh. The Board unanimously approved by voice vote.

B. Receive Ad Hoc Basin Management Plan Committee update and consider BMP Timeline: GM reported that its meeting of April 19, 2011, the Ad Hoc BMP Committee adopted Goals and Objectives, reviewed a draft BMP timeline and discussed the consultant Request for Proposal (RFP) process. It was recommended at that meeting, that the BMP timeline be presented to the Board for consideration and comment. Director Eiskamp expressed his concerns, stating that the purpose for the creation of the Ad Hoc BMP Committee was to get community input. He stated that it appears that the committee is going to manage the consultant selection and presume that the consultant will be paid by Agency funds; he said that the committee groups are not even members of the board or employees of the Agency and this is the fiduciary responsibility of the board.

Public Comments: Dave Kegebein stated that he opposes to Director Eiskamp's comment. He felt that the 20 members committee is working very hard to try to get a job done and to reach a goal for the BMP.

Action: Director Osmer moved to accept the draft BMP Timeline, seconded by Director Cavanaugh. No action was taken

Director Eiskamp requested a roll call on this item.

◆ Motion by Director Osmer to accept the draft BMP Timeline as presented. Motion failed by the following roll call vote:

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

ABSENT: Vasquez
ABSTAIN: None

Director Osmer suggested that the BMP Committee be dissolved, as there is no support from the committee or the process.

Action: Director Osmer moved to dissolve the Ad Hoc BMP Committee, seconded by Director Eiskamp. No action was taken. Director Eiskamp then withdrew his second motion.

◆ Motion by Director Osmer to accept the draft BMP Timeline as presented. Motion carried by the following roll call vote:

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

- C. Receive update on Harkins Slough Maintenance Strategy and Schedule: GM stated that at the previous Board Meeting of April 21, 2011, staff reported concerns regarding sedimentation around the pumps and invasive weed problems impacting the operation of the Harkins Slough Project. The Agency's Water Rights permit allows diversion of up to 2,000 acre feet per year of Harkins and Watsonville Slough Water to our recharge basin during the period from November 1 to May 31 of each year. She stated that the maintenance of the sloughs by Santa Cruz County has been suspended as a result, sedimentation and vegetation have in-filled the sloughs to the point that seaward flows are impeded and the pumps at the pump station are no longer able to effectively move water. This is damaging to the Harkins Slough Project and affects the circulation and flow in the slough system. GM stated that Environmental Science Associates (ESA) has been retained to do the initial evaluation of work necessary to permit the needed work near the Harkins Slough pump station. Director Osmer suggested keeping careful track of expenses incurred on this issue.

11. Written Communication/Correspondences: April 2011 Chron were included in the board packet

12. Reports/Information Presentations

- A. Project Operations Report- **(These reports were postponed until next meeting)**
1. Winter diversions
 2. Project deliveries
- B. Board Committee Reports
1. Administrative Finance- GM reported on the Admin/Finance meeting.
 2. Ad Hoc BMP Committee- Director Cavanaugh reported on the BMP meeting.
 3. Ad Hoc Agency Act Committee- GM reported on the committee meeting.
 4. Water Quality & Project Operations Committee- GM reported on the meeting.

13. Future Meetings and Agenda Items

- A. Ad Hoc Agency Act Committee- April 26, 2011, 10:00 am, PVWMA Conference Room
- B. Water Quality and Projects Operations Committee- May 4, 2011, 3:00 pm, PVWMA Conference Room
- C. Ad Hoc Basin Management Plan (AHBMP) Committee- May 5, 2011, 2:00 pm, UC Cooperative Extension, 1432 Freedom Blvd, Watsonville, CA
- D. Ad Hoc Basin Management Plan (AHBMP) Committee Projects Field Trip- May 6, 2011, 12:00 pm-3:00 pm, PVWMA Conference Room

- E. Administrative/Finance Committee – May 10, 2011, 12:30 pm, PVWMA Conference Room
- F. Association of California Water Agencies (ACWA) Annual Meeting, May 10-13, Sacramento Convention Center
- G. Agency Act Committee Update Informational Meeting- May 18, 2011, 5:00 pm-6:30 pm, City Council Chambers, 275 Main St, 4th Floor
- H. Board Meeting – May 18, 2011, 7:00 pm, City Council Chambers, 275 Main St, 4th Floor

13. Future Agenda Items: None

14. Adjourned at: 8:41 pm

Veronica Santana, Secretary

Date Approved