

Board of Directors  
Lynn E. Maulhardt, President  
Bruce E. Dandy, Vice President  
Robert Eranio, Secretary/Treasurer  
Sheldon G. Berger  
Edwin T. McFadden III  
Michael W. Mobley  
Daniel C. Naumann



Legal Counsel  
Anthony H. Trembley

General Manager  
E. Michael Solomon

**UNITED WATER CONSERVATION DISTRICT**  
“Conserving Water since 1927”

**MINUTES**  
**SPECIAL BOARD MEETING**

**Wednesday, August 5, 2015, 8:00 A.M.**  
**Board Room, UWCD G.I. “Irv” Wilde Headquarters**  
**106 North 8<sup>th</sup> Street, Santa Paula, California**

**Directors Present:**

Lynn Maulhardt, President, Division 4  
Bruce Dandy, Vice President, Division 5 (via teleconference)  
Robert Eranio, Secretary/Treasurer, Division 3  
Sheldon G. Berger, Division 7  
Edwin T. McFadden, Division 1  
Michael W. Mobley, Division 2  
Daniel C. Naumann, Division 6

**Staff Present:**

E. Michael Solomon, General Manager  
Anthony H. Trembley, Legal Counsel  
Ken Breitag, Executive Coordinator, Clerk of the Board  
Mike Ellis, Operations & Maintenance Manager  
Tony Emmert, Deputy General Manager  
Craig Morgan, Senior Engineer  
Tony Morgan, Deputy General Manager/Groundwater Resources Manager  
Tina Rivera, Chief Financial Officer

**Visitors Present:**

None

**FIRST OPEN SESSION**

**Public Comments**

President called the meeting to order and asked for public comment. No public comments were offered.

Mr. Trembley announced that, as detailed in the meeting agenda, in Executive Session the Board would discuss items 1. A.-D. and 2. A.-B. He noted that with respect to item 2. A. the matter to be discussed would be the District’s FY 2015-16 Groundwater Extraction Charges and adoption thereof.

**Minutes  
Special Board Meeting  
August 5, 2015**

**CLOSED SESSION**

**1. Conference with Legal Counsel – Existing Litigation**

Pursuant to Government Code §54956.9 (d)(1)

- A. City of San Buenaventura v. United Water Conservation District, et al, Santa Barbara County Superior Court Case No. VENCI00401714
- B. City of San Buenaventura v. United Water Conservation District, et al, Santa Barbara Superior Court Case No. 1414739 (consolidated for purposes of trial with case in subsection A.)

Note: 1.1 A and B consolidated in the California Supreme Court, 2nd Civil No. S226036, Review granted on June 24, 2015 of published decision of Division Six, Second District of the Court of Appeal of the State of California, 2d Civil No. B251810.

- C. City of San Buenaventura v. United Water Conservation District, et al, Santa Barbara County Superior Court Case No. 1467531
- D. United Water Conservation District v. California Watercress, Inc., et al, Ventura County Superior Court Case No. 56-2014-00459466-CU-BC-VTA

**2. Conference with Legal Counsel – Anticipated Litigation**

- A. Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): one case
- B. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): two cases

**SECOND OPEN SESSION**

**1. Oral Report Regarding Executive (Closed) Session**

President Maulhardt called the second open session to order at 9:24 a.m. In accordance with Government Code Section 54957.1(a)(2), Mr. Trembley noted that under closed session item 2.B. the Board of Directors, on a 7-0 vote, authorized District legal counsel to file two actions. The actions, the defendants and other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the District's ability to effectuate service of process on one or more unserved parties, or that doing so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

**Minutes  
Special Board Meeting  
August 5, 2015**

**2. District Legal Counsel—Modification (Increase) to Legal Services Rate  
Motion**

Mr. Trembley explained that the District, as a public agency, is currently charged two different legal services rates by Musick Peeler & Garrett: \$230 per hour for general counsel work and \$275 per hour for litigation. He asked that these rates be increased to \$250 per hour for general counsel and \$290 per hour for litigation, and he asked that the District authorize a third rate of \$350 per hour for special real estate counsel to handle three pending District issues. Motion to approve new legal services rates, effective August 5, 2015, as outlined by District Legal Counsel, Director Berger; Second, Director Naumann. Roll call vote: 7 ayes (Berger, Dandy, Eranio, Maulhardt, McFadden, Mobley, Naumann); 0 absent; 0 nays. Motion approved unanimously.

**3. District Legal Counsel—Modification (Increase) to Legal Services Rate  
Motion**

Motion to approve the purchase of a District vehicle for the use of the General Manager in an amount not to exceed \$50,000, Director Berger; Second, Director Naumann. Roll call vote: 7 ayes (Berger, Dandy, Eranio, Maulhardt, McFadden, Mobley, Naumann); 0 absent; 0 nays. Motion approved unanimously.

**4. Adjournment 9:30 A.M.**

The Board adjourned to the **Regular Board Meeting on Wednesday, September 9, 2015** or call of the President.

ATTEST:   
Secretary/Treasurer

I certify that the above are a true and correct copy of the minutes of the Special Board of Directors meeting of August 5, 2015.

ATTEST:   
Kenneth A. Breitag, Clerk of the Board