

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

General Manager
Mauricio E. Guardado, Jr.

Legal Counsel
David D. Boyer



UNITED WATER CONSERVATION DISTRICT
“Conserving Water since 1927”

MINUTES REVISED
SPECIAL BOARD MEETING
Thursday, August 30, 2018, 9:00 A.M.
Courtyard by Marriott
600 E Esplanade Drive, Oxnard, CA 93036

*This is a special meeting of the Board of Directors called in accordance with Government Code 54956.
Other than the listed agenda items, no other business will be considered by the Board of Directors.*

DIRECTORS PRESENT:

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

STAFF PRESENT:

Mauricio E. Guardado, Jr., General Manager
David D. Boyer, Legal Counsel
Anthony Emmert, Assistant General Manager
Tina Rivera, Chief Financial Officer
Mike Ellis, Chief Operations Officer
Brian Collins, Operations and Maintenance Manager
Christy Ramirez, Executive Coordinator
Katherine Ayres, Associate Ecologist
Dan Detmer, Senior Hydrogeologist
Evan Lashly, Assistant Ecologist
Murray McEachron, Senior Hydrologist
Craig Morgan, Senior Engineer
Linda Purpus, Senior Environmental Scientist
Kris Sofley, Executive Assistant/Clerk of the Board

PUBLIC PRESENT:

Nate Kowalski, AALRR
Jennifer Tribo, Ventura Water

OPEN SESSION 9:01a.m.

President Eranio called the meeting to order and asked Director Berget to lead the group in the Pledge of Allegiance

1.1 Pledge of Allegiance

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1.2 Public Comments

President Eranio asked if there were any public comments. None were offered.

1.3 Approval of Agenda

Motion

Motion to approve the agenda, Director Naumann; Second, Director Mobley. Voice vote: seven ayes (Berger, Dandy, Maulhardt, McFadden, Mobley, Naumann, Eranio); none opposed. Motion carries unanimously.

President Eranio read from a script, saying “We’re going to hear from staff on the motion items 1.4 through 1.8 today, after which time the Board will adjourn to Executive (Closed) Session. The Board will reconvene in a Second Open Session after that time, providing District’s legal counsel with the opportunity to report on any Board actions resulting from that Executive Session.” With that, President Eranio invited Katherine Ayers, the District’s Associate Ecologist, to the podium to address the Board.

1.4 Resolution 2018-10 Approving and Adopting Final Administrative Draft of Multiple Species Habitat Conservation Plan (MSHCP) and Authorizing General Manager to Submit MSHCP to Regulatory Agencies and Proceed with Follow-up Actions.

Motion

Ms. Ayers addressed the Board, stating that she would present some basics of the District’s Habitat Conservation Plan (HCP) and would try to answer any questions from the Board before its consideration of approving and adopting Resolution 2018-10 and identifying the next steps in submitting the HCP.

Ms. Ayers provided a slide presentation that addressed the regulatory background and components of an HCP, displayed a geographic map detailing the area covered in the HCP and also the District’s activities relating to the development of the HCP. She also addressed species included in the HCP, both listed on the Endangered Species list currently and those that may be listed in the future. She then addressed the goals of the HCP, cost estimates and instream flow commitments with the help and participation of Senior Engineer Craig Morgan, who addressed the fish passage redesign and costs, and Senior Hydrologist Murray McEachron, who addressed instream flow commitments.

During the presentation, the Board asked many questions regarding the draft HCP, fish passage design and operation, and the District’s water rights.

Mr. Morgan stated that the redesign of the fish passage was based on an existing vertical slot design currently in use at Robles Diversion at Lake Casitas. He then went through a detailed explanation of how the vertical slot fish passage would operate at the Freeman Diversion.

The District’s Assistant General Manager Anthony Emmert added that the District was seeking a 50 year permit and that the vertical slot fish passage was very reliable and the most “tried and true” approach.

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Mr. Emmert added that, assuming the Board approves the Resolution, staff expects to submit the administrative draft of the HCP by next Friday, September 7. He said that National Marine Fisheries Services (NMFS) had already agreed to a first review meeting on October 15 at its Long Beach office and also agreed that its management staff would participate in the review process and were asked by District staff to set aside staff time, especially for staff who are familiar with the HCP review process. Mr. Emmert also informed the Board that the District had retained David Ziffen, vice president of ICF, who is the most experienced individual with regard to HCPs and that he would be present at the District's review meetings with NMFS.

Ms. Ayres added that she thought NMFS was very motivated and had reached out to the District to propose the October meeting.

Mr. McEachron then addressed the Board, detailing the instream flows and diversions that would be capable with the vertical slot fish passage. Mr. McEachron, Mr. Morgan and Ms. Ayres also discussed mitigation, monitoring, cost estimates and possible funding.

Director Maulhardt addressed staff stating that he was very pleased with the work that staff has done. He said staff accepted the Board's challenge and arriving at this point required staff to contend with some fairly major hurdles. He offered his compliments to staff and made a motion for the Board to approve and adopt Resolution 2018-10, approving Final Administrative Draft of the Multiple Species Habitat Conservation Plan (MSHCP); and authorizing General Manager to submit MSHCP to the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and to proceed with initiation of the environmental review process; and, upon issuance of Incidental Take Permits (ITPs) from USFWS and NMFS, Execute an Implementing Agreement (IA). Motion Seconded by Director Naumann. Roll call vote: seven ayes (Berger, Dandy, Maulhardt, McFadden, Mobley, Naumann, Eranio); none opposed. Motion passes unanimously 7/0.

Mr. Emmert addressed the Board explaining that items 1.5 and 1.6 were in support of staff's efforts to assemble the final MSHCP package and get it shipped off as well as provide support through the review process. He added that item 1.6 was a relatively modest contract with ICF, one of the most experienced HCP practitioners, with the goal to have both consultants immediately available for the first meeting with NMFS.

1.5 Multiple Species Habitat Conservation Plan (MSHCP) Development Amendment to Agreement with Rincon Consultants Inc. in the amount of \$54,200.

Motion

Motion to authorize the General Manager to execute an Amendment to the Agreement with Rincon Consultants, Inc. (Rincon), in the amount of \$54,200, to support finalizing and printing the final administrative draft of the District's Multiple Species Habitat Conservation Plan (MSHCP) and associated documents for the submission package and to provide support

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for coordination and meetings with the agencies and response to comments on the final administrative draft, Director Naumann; Second, Director Mobley. Roll call vote: seven ayes (Berger, Dandy, Maulhardt, McFadden, Mobley, Naumann, Eranio); none opposed. Motion passes unanimously 7/0.

1.6 Multiple Species Habitat Conservation Plan (MSHCP) Strategy and Support – Professional Services Agreement with ICF Jones & Stokes in the amount of \$29,500

Motion to authorize the General Manager to execute a professional services agreement with ICF Jones & Stokes, Inc. in the amount of \$29,500 to assist the District with permitting strategy under Section 10 of the Endangered Species Act, specifically with regard to the Multiple Species Habitat Conservation Plan for the Freeman Diversion Project, Director Dandy; Second, Director McFadden. Roll call vote: seven ayes (Berger, Dandy, Maulhardt, McFadden, Mobley, Naumann, Eranio); none opposed. Motion passes unanimously 7/0.

**1.7 General Manager's Update on District Activities and Operations
Information Item**

Mr. Guardado stated that he had no updates for the Board at this time.

1.8 Future Agenda Items

None were offered at this time.

President Eranio asked District's Counsel to announce the matters to be discussed in Executive Session as noted in today's Special Board meeting agenda as items 2.1 through 2.3, which was attached to the Special Board meeting agenda and posted in accordance with Government Code 54954.2

Mr. Boyer stated that the Board would address items 2.1, Conference with Legal Counsel – Anticipated Litigation pursuant to paragraphs (d)(2) and (e)(1) of Government Code Section 54956.9, one case; item 2.2 Conference with Legal Counsel – Anticipated Litigation pursuant to paragraph (d)(4) of Government Code Section 54956.9, one case; and item 2.3 Public Employment Discipline/Dismissal/Release in accordance with Government Code §54956.95.

President Eranio asked if there were any questions or comments from anyone present regarding the matters to be discussed in Executive Session. None were offered.

2. EXECUTIVE (CLOSED) SESSION 10:30a.m

President Eranio then adjourned the special meeting of the Board to Executive (Closed) session at 10:30a.m., stating that the Board would reconvene into open session at approximately 11:30am immediately following the conclusion of Executive Session, to make any necessary disclosure of any action taken during Executive Session pursuant to Government Code 54957.1 and 54957.7

3. SECOND OPEN SESSION

President Eranio called the Second Open Session of the Special Board Meeting to order at 12:40p.m. He asked, in accordance with Government Code Section 54957.1(a), legal counsel to provide an oral report on Executive (Closed) session activities.

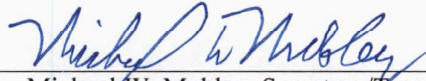
**3.1 Oral Report Regarding Executive (Closed) Session
Information Item**

District Legal Counsel David D. Boyer reported that there were no actionable items to report from Executive Session

President Eranio adjourned the Special Board meeting at 12:45p.m. to the next UWCD Regular Board Meeting on Wednesday, September 12, 2018 at the District's Santa Paula headquarters.

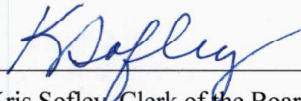
I certify that the above is a true and correct copy of the minutes of the Board of Directors Special Board meeting of August 30, 2018.

ATTEST:



Michael W. Mobley, Secretary/Treasurer

ATTEST:



Kris Sofley, Clerk of the Board