

UPPER VENTURA RIVER GROUNDWATER AGENCY

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Upper Ventura River Groundwater Agency (“Agency”) Board of Directors (“Board”) will hold its regular **Board Meeting** at **1 P.M. on Thursday, May 11, 2017** at **Ojai Valley Land Conservancy, 370 Baldwin Road, Ojai, California, 93023.**

UPPER VENTURA RIVER GROUNDWATER AGENCY BOARD OF DIRECTORS
AGENDA

Thursday, May 11, 2017

- 1. CALL TO ORDER AND ROLL CALL.**
- 2. PLEDGE OF ALLEGIANCE.**
- 3. DIRECTOR ANNOUNCEMENTS**
- 4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

The Board will receive public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Agency. The Board will not enter into a detailed discussion or take any action on any items presented during public comments. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. The presiding Chair shall limit public comments to three minutes.

5. CONSENT ITEMS

- a. Approve Minutes from April 13, 2017 regular meeting**

6. ACTION ITEMS

- a. GSP Development Process and Stakeholder Engagement**

The Board shall receive a report from legal counsel regarding legal considerations when developing the Groundwater Sustainability Plan and shall discuss different approaches and timelines.

- b. GSA Financial Authority under SGMA**

The Board shall receive a report from legal counsel discussing different funding options under SGMA after the GSA is formed.

- c. Review of Proposed Budget for Fiscal Year 2017/18**

The Board shall review the proposed budget for July 1, 2017 – June 30, 2018 developed by the ad hoc annual budget committee.

d. Letter Proposal to the Bureau of Reclamation for a Basin Study for the Ventura River

Ventura Water staff will summarize their Letter Proposal to the Bureau of Reclamation for a Basin Study for the Ventura River Watershed and review changes made to the letter of support after the April Board meeting. The Board will decide whether to send the support letter, send a modified letter, or send no letter to the Bureau of Reclamation.

e. Request for Proposals for Routine Legal Services and Establishment of Ad Hoc Legal Services Committee

The Board shall review and approve an RFP for routine legal services to be sent to legal firms in Ventura and Santa Barbara counties. The Board shall consider establishing an ad hoc committee to interview and recommend firms to serve as general legal counsel to the UVRGA.

f. Summer 2017 Meeting Schedule

The Board shall discuss the summer meeting schedule and decide on a location for meetings until the Casitas Boardroom construction is completed. The Board may consider canceling meetings in July and/or August.

7. COMMITTEE REPORTS

a. Report from Ad Hoc Committee to Draft Bylaws

b. Report from Ad Hoc Committee to Draft Conflict of Interest Code

c. Report from Ad Hoc Committee to Interface with California Water Action Plan Representatives

8. EXECUTIVE DIRECTOR'S REPORT

a. Status of Notification to DWR of Board's Election to be the GSA for the Upper Ventura River Groundwater Basin.

9. ADJOURNMENT

**UPPER VENTURA RIVER GROUNDWATER AGENCY
MINUTES OF REGULAR MEETING April 13, 2017**

Directors present were: Joe McDermott, Bruce Kuebler, Mary Bergen, Larry Rose, Mike Krumpschmidt, and Emily Ayala. Alternate Directors present were: Glenn Shephard for Jeff Pratt. Also present was: Attorney Jena Acos.

1) CALL TO ORDER- Chairperson Bruce Kuebler called the meeting to order at 1:10 P.M.

2) PLEDGE OF ALLEGIANCE – Led by Bruce Kuebler.

3) DIRECTOR ANNOUNCEMENTS –

Joe McDermott announced that Shana Epstein has left the City of Ventura for a new position in Beverly Hills. According to the the City of Ventura's Resolution Joe McDermott who is now the acting General Manager will become the Director representing the City of Ventura and Susan Rungren, will be the alternate Director for the City.

Alternate Director Shephard announced that the Fillmore/Piru Groundwater Basin JPA is going to board of supervisors on April 18, 2017. The Mound Groundwater Basin JPA is still under development while members discuss the language for environmental stakeholder language.

Director Ayala announced that Jerry Conrow, OBGMA President and representative for Ojai Water Conservation District, is moving away from Ojai, so there will be changes made to the OBGMA Board in the near future.

Director Bergen announced that the Casitas Municipal Water District Board voted to approve the settlement agreement with Golden State at yesterday's Board meeting. The target closing date for purchase of the water system is June 15.

Director Kuebler announced that State Water Resources Control Board (SWRCB) has selected Daniel B. Stephens & Associates and Geosyntec as the contractors for the instream flow study and is currently negotiating the contracts. Director Kuebler suggested that the Board might consider hiring Jordan Kear to represent UVRGA on the TAC that SWRCB is forming for the instream flow study. Director Kuebler has updated his groundwater study he completed last year and he is planning to give a presentation to the Ventura River Watershed Council at the May 4, 2017 meeting. Jena Acos recommended that the study be posted to the UVRGA website.

4) PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA – No public comments were received.

5) CONSENT ITEMS

a) Approve Minutes from March 9, 2017 regular meeting

Director Krumpschmidt moved to approve the minutes from the regular meeting. Seconded by Director Ayala. Chair Kuebler called a voice vote. All ayes. None opposed.

b) Approve Minutes from March 9, 2017 special meeting

Director Bergen moved to approve the minutes from the special meeting. Seconded by Alternate Director Shephard. Chair Kuebler called a voice vote. All ayes. None opposed.

6) a. Receive Update on Appointment of Treasurer/Auditor.

Jena Acos summarized the staff report and asked Alternate Director Shephard to update the Board on the ability of the County to serve as Treasurer/Auditor. Alternate Director Shephard stated that the County Treasurer and Auditor have the capacity and capability to serve as the treasurer/auditor for the Agency and the fee would be \$100/hr to perform all requested services. Under the government code, if the County provides the treasurer, then the County must also provide the auditor. The Directors discussed that other Agency staff could be hired to perform daily bookkeeping and office

management tasks, and the County Treasurer could just review the records as required in order to reduce costs.

Director Bergen moved to appoint the County treasurer and auditor as the treasurer and auditor for the Agency. Seconded by Director McDermott.

Ayes: Bruce Kuebler, Mary Bergen, Glenn Shephard, Mike Krumpschmidt, Joe McDermott, Larry Rose, Emily Ayala. Nos: none, Abstentions: none.

6) b. Adoption of Annual Budget for Fiscal Year 2017

Jena Acos summarized the staff report and asked Director Bergen, ad hoc committee chair, to review the proposed budget that was provided in the agenda packet. The budget includes the installation of data loggers on 6 wells to collect data on groundwater levels following the above average rainfall received this winter. Director Kuebler will provide additional information under item 9f.

The floor was opened for public comments:

Bert Rapp, Ventura River Water District, asked Director Shephard to clarify that the proposed wells were long term monitoring wells.

Director Shephard confirmed that this effort would simply get more fidelity from existing wells.

Director Shephard moved to approve the Fiscal Year 2017 budget. Seconded by Director Krumpschmidt.

Ayes: Bruce Kuebler, Mary Bergen, Glenn Shephard, Mike Krumpschmidt, Joe McDermott, Larry Rose, Emily Ayala. Nos: none, Abstentions: none.

6) c. Review of Proposed Budget for Fiscal Year 2018 and Creation of an Ad Hoc Annual Budget Committee to Develop the Budget for Fiscal Year 2018

Jena Acos summarized the staff report regarding the creation of the an Ad Hoc Annual Budget Committee to Develop the Budget for Fiscal Year 2018.

No public comments.

Director Shephard moved that the Annual Budget Committee be established and composed of Mary Bergen (chair), Bert Rapp, and Mike Hollebrands in order to develop the annual budget for fiscal year 2018. The Annual Budget Committee will be dissolved once the annual budget is approved by the Board of Directors on or before July 1, 2017. Seconded by Director Ayala.

Ayes: Bruce Kuebler, Mary Bergen, Glenn Shephard, Mike Krumpschmidt, Joe McDermott, Larry Rose, Emily Ayala. Nos: none, Abstentions: none.

Jena Acos continued to summarize the staff report and asked Director Bergen, ad hoc committee chair, to review the draft Fiscal Year 2018 budget that was provided in the agenda packet. The proposed budget assumes sharing office space and administrative staff costs with OBGMA. The final budget will depend on when staff is hired and when the Agency occupies the office space. Legal services are currently the highest expense, the Agency could consider contracting out general legal services separately than the contract with Brownstein in order to cut costs.

No public comments

Director Krumpschmidt asked the directors about the timeline for transitioning from member contributions to other revenue.

Director Bergen responded that there are still a lot of steps to take and data to gather before a revenue source can be established. The budget committee can try to put together a timeline, but it could be at least 6 months to a year.

Director Krumpschmidt added that he isn't just talking about pumping fees, and the Agency should consider a funding model for the Agency.

Jena Acos added that an agenda item could be added to the next meeting to discuss different funding options after the GSA is formed and discussion how extraction fees can be used by the Agency.

Director Kuebler stated that he was concerned about the high legal fees and would support obtaining legal services from another firm or provided by the City or County.

The budget committee will draft an RFP for legal service and bring it back for Board review at a future meeting.

6) d. Letter Proposal to the Bureau of Reclamation for a Basin Study for the Ventura River

Jena Acos summarized the staff report, then asked Director McDermott to provide additional information and answer director questions. Director McDermott added that the Study will encompass the entire Ventura River Watershed and that the SWRCB has agreed to be a partner. If funded, the Study will commence in late summer/early fall and last 3 years. The City of Ventura feels that a Bureau of Reclamation Basin Study will complement the SWRCB's planned instream flow study and ensure that there is a comprehensive study of climate change impacts of supply and demand in the watershed. Director McDermott added that a Bureau of Reclamation funded study could lead to additional grant opportunities in the future.

Director Krumpschmidt asked how much of the Study would focus on the Ventura River.

Director McDermott responded that Ventura River will be central to the Study.

The floor was opened for public comments:

Bert Rapp, Ventura River Water District, the only product in the scope of work appears to be the percentage increase in evaporation and evapotranspiration due to increased temperature and the State already has these numbers. He does not see value in the Study.

Director McDermott clarified that there are no out of pocket costs for the Agency. The City feels that the Bureau will provide a more comprehensive evaluation of climate change that the SWRCB can fund.

Return to Board discussion:

Director Bergen stated that the real value is to get agencies to put down climate change impacts in writing. This could be advantageous for the Agency because it is a difficult thing to quantify.

Director Ayala added that having a study to respond to public questions on climate change would be helpful. She sees the biggest factor related to climate change in the watershed could be the impacts of increased fires. She did not see this mentioned in the Study Plan.

Director McDermott noted that the Bureau of Reclamation will look at range of climate change scenarios

Director Krumpschmidt agreed with Director Ayala that analysis of climate change could put the Agency in a better position to answer questions about the groundwater basin conditions in the future.

Director Shephard state he was concerned that timeline may not line up with development of the GSP.

Director Kuebler stated that he has serious concerns about the Study after reading the Study Plan. He feels like it is a duplication of efforts. He does not feel like the Agency can support the Study, but not be involved or impacted by the Study. He does not see the need for an outside agency to get involved in the Basin. He is concerned that it will decrease the flexibility of the Agency to create its own GSP.

Director McDermott stated that he is hesitant to move forward if one member agency is strongly opposed, but he is still concerned about the ability of the instream flow study to fully evaluate the impacts of climate change.

Director Bergen asked if the Bureau of Reclamation Study would look at management actions. If the Study just consolidates data and information, runs models, and develops a document that evaluates supply and demand, then it would be a valuable study. However, she would be concerned about a Study that recommended certain management actions.

Director Rose expressed a concern that the Bureau of Reclamation Study could be interrupted by the current administration.

Director Kuebler added that he read that the California Water Commission is expected to provide guidance on climate change for inclusion in the GSPs.

Director Krumpschmidt stated that he understands Director Kuebler's concerns, but that he feels the Study could be a positive thing for the Agency if it is done properly and could make the GSP stronger as long as the Study is not directive.

Director Kuebler stated that at the last meeting members of the public expressed concern about bringing a Federal agency into the basin and urged caution. He wondered why it seemed that other directors had changed their minds and thought it was a good idea now.

Director Bergen responded that she thought the difference was that the Study would be watershed wide, so their involvement in the Upper Ventura River groundwater basin would be limited. She thinks that the Study could provide some good background information to the Agency, but it will still conduct its own studies specific to the groundwater basin that it will retain control over. She thinks that more information, more modeling, and stronger science will help the Agency create a strong GSP.

Director Rose asked Director Bergen if Casitas, as a managing partner of a Bureau of Reclamation Project, has dictums handed down regularly from the Bureau of Reclamation.

Director Bergen responded that although there is a management plan with the Bureau of Reclamation, but the driving factor for diversions is the NMFS Biological Opinion.

Director Shephard feels that the Agency may want to develop a GSP prior to 2022 and that an ongoing Basin Study may hamper its development or implementation.

Jena Acos stated that there are pros and cons to Study. There is a financial advantage in that the Study can provide analysis that the Agency may otherwise have to fund. There is a concern with Study coming out after GSP is submitted to DWR. Timing is very important. She is not sure how much control over the project the City or the Agency would have and she is concerned that the Scope of Work mentions developing and evaluating management actions. If there are other metrics/thresholds developed by other agencies, then the UVRGSA would have to address these with DWR.

Director Kuebler noted that the vote would have to be unanimous in order for the letter of support to be sent.

Jena Acos added that if the vote is not unanimous, then the item will be continued to next meeting for a second reading where it would pass with a simple majority.

Director Kuebler stated that in that instance he would ask the Ventura Water District Board to oppose the Basin Study at its next meeting.

Director Rose moved to send the letter of support to the Bureau of Reclamation. Seconded by Director Shephard.

Ayes: Mary Bergen, Mike Krumpschmidt, Joe McDermott, Larry Rose. Nos: Bruce Kuebler, Glenn Shephard. Abstentions: Emily Ayala.

6) e. Draft Job Description for Executive Director.

Jena Acos summarized the staff report. Director McDermott clarified that Jennifer Tribo can continue to perform administrative tasks for the Agency at the current level of effort, but is not available to perform management related tasks at an increased level of effort.

Public Comment:

Bert Rapp, Ventura River Water District, added that Cece VanDerMeer has an assistant that bills \$15 per hour.

Director Ayala asked the committee to clarify that \$40,400 is the cost of Ms. VanDerMeer and her assistant.

Chair Kuebler stated that he likes the option 3 approach. Chair could be responsible for supervising staff. Likes the idea of a person like John Mundy or Bryan Bondy as an Executive Director.

Directors discussed terminology and what Ms. VanDerMeer's title would be if she were hired by the Agency and what the breakdown in responsibilities should be in order to reduce costs.

Jena Acos added that other agencies found that executive director should be the contact person as well as the administrative person in order to avoid confusion and duplication of efforts. Someone like Brian Bondy could be the key consultant with an open contract to answer technical questions.

Director McDermott suggested editing the job description language under minimum qualifications to read "Completion of an AA degree in Accounting or 5 years of accounting and/or managerial experience."

Director Ayala moved to approve the job description as amended. Seconded by Director Shephard.

Ayes: Bruce Kuebler, Mary Bergen, Glenn Shephard, Mike Krumpschmidt, Joe McDermott, Larry Rose, Emily Ayala. Nos: none, Abstentions: none.

Board directed the budget committee to meet with Ms. VanDerMeer and draft an agreement. It is expected that the new executive director will start on July 1, 2017.

6) f. Preliminary Discussion re Development of Groundwater Sustainability Plan

Chair Kuebler reviewed the wells within the Basin with longterm records where he is proposing that the Agency should install data loggers to gather data on groundwater levels. Most wells were read bi-monthly until 2010. Now they are only read quarterly. Current conditions are similar to 2011, the Basin is basically full. Pumping is 30% less than 2011, so data and analysis may show interesting results.

Chair Kuebler believes the UVRGA should start writing the GSP right away. Lorraine Walter is available as a rate of \$60/hr. She wrote the Ventura River Watershed Plan, is intimately familiar with the Basin. Chair Kuebler suggested that the Agency work with Lorraine to develop contract and vote on it at the next meeting.

Jena Acos suggested that the Agency should wait until it is a recognized GSA before starting work on the GSP.

She can develop a timeline for GSP development for discussion at the next meeting, the Agency then can move forward with conversations with Ms. Walter.

Director Bergen suggested that the Agency could hire Ms. Walter as consultant to conduct pre GSP development tasks. She could use the GSP checklist developed by Brownstein to conduct a gap analysis of the elements the Agency is missing to develop a GSP.

7) COMMITTEE REPORTS

a) Report from Ad Hoc Committee to Draft Bylaws

Larry Rose provided an update. He stated that many of the local GSA's do not have bylaws. OBGMA and Fox Canyon use language from their enabling legislation. He is using an example that Ms. Acos forwarded him for reference. He expects to have a draft for committee review later this month.

b) Report from Ad Hoc Committee to Draft Conflict of Interest Code

Director McDermott has taken over as chair following Director Epstein's resignation. The committee is close to having a draft to share with the Board.

c) Report from Ad Hoc Committee to Interface with California Water Action Plan Representatives

Chair Kuebler provided an update on the committee's conference call with SWRCB on March 14, 2017. Committee members believe it was a good conversation. Both parties recognize there are separate processes with mutual stakeholders. The committee will continue to meet with SWRCB quarterly.

8) EXECUTIVE DIRECTOR'S REPORT –

a. Meeting Schedule Pending Becoming the GSA and Casitas Boardroom Construction Impact to Future Meeting Schedule.

Director Rose offered the Ojai Valley Land Conservancy room for future meetings. Director McDermott added that the City of Ventura Community Meeting Room is also available. Chair Kuebler added that the May meeting should be at the Ojai Valley Land Conservancy, but the July or August meeting could be in Ventura. Several Directors may be gone in July. Discussion of the summer meeting schedule will be added to the May Board meeting agenda.

b. Status of Notification to DWR of Board's Election to be the GSA for the Upper Ventura River Groundwater Basin.

Jena Acos stated that she submitted notice to DWR with supporting documents on April 6, 2017. However, there are overlapping boundaries between OBGMA and the UVRGSA. OBGMA used statutory boundary to establish GSA boundary, but the basin boundary has since been modified. OBGMA agreed that GSA boundary should be changed to the modified Basin boundary. Files have been amended, but changes have not been posted to the website yet.

9) ADJOURNMENT – The meeting was adjourned at 4:05 pm.

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 6(a)

DATE: May 11, 2017
TO: Board of Directors
FROM: Jena Acos, Legal Counsel
SUBJECT: GSP Development Process and Stakeholder Engagement

SUMMARY

The Sustainable Groundwater Management Act (“SGMA”) requires a Groundwater Sustainability Agency (“GSA”) to comply with certain noticing procedures prior to beginning to develop a Groundwater Sustainability Plan (“GSP”), including filing a notice with the Department of Water Resources (“DWR”). In addition to procedural requirements, SGMA also supports broad stakeholder engagement throughout the GSP development process.

RECOMMENDED ACTION

Receive and discuss staff update on the GSP development process and stakeholder engagement and provide direction to staff.

BACKGROUND

Within 30 days of its decision to initiate development of a GSP, a GSA is required submit a notice of its intent to DWR. (Wat. Code § 10727.8(a); 23 CCR 353.6(a).) The notice is required to include general information about the GSA’s process for developing a GSP, including the manner in which interested parties may contact the GSA and participate in the development and implementation of the GSP. (23 CCR 353.6(a).) In addition to submitting the notice to DWR, the GSA is required to send this notice to the legislative body of any city and/or county located within the geographic area to be covered by the GSP. (Wat. Code § 10727.8(a).)

SGMA also requires a GSA to “encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the [GSP].” (Wat. Code § 10727.8(a).) One approach to satisfying this requirement, sanctioned by SGMA, is to create a GSP Development Advisory Committee. The Upper Ventura River Groundwater Agency’s (“Agency”) joint powers authority agreement (“JPA Agreement”) also authorizes the Agency’s board of directors (“Board”) to form advisory committees.

We have attached a draft outline for development of the GSP. As noted, we recommend that each phase of the GSP development process include stakeholder discussion and negotiation to ensure consensus among stakeholders concerning the actions taken. The outline sets forth the various elements of the GSP development process in chronological form. In the interest of fostering consensus among stakeholders and among Board

members, it will generally be appropriate to obtain consensus and determination on the earlier elements before proceeding to the later elements.

FISCAL SUMMARY

There is no fiscal impact associated with this agenda item.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___

J. McDermott___ L. Rose___ E. Ayala___

GSP DEVELOPMENT PROCESS/CHRONOLOGICAL OUTLINE

A. Initial Process

1. Establish initial administrative information/agency information
2. Submit plan initiation notice to DWR;
3. Develop description of plan area;
4. Develop notice, communication, and stakeholder input/participation protocol
5. Determine and implement funding approach for plan development

B. Information Gathering and Technical Assessment

1. Develop a data management system
2. Assess historical and projected future groundwater conditions and undesirable results
 - a. Develop hydrographs showing historical high and low water levels and gradients between principal aquifers
 - b. Develop groundwater elevation maps for spring and fall
 - c. Evaluate historical trends in basin storage
 - d. Develop graphs showing change in storage
 - e. Identify groundwater quality on maps and cross sections
 - f. Identify water quality issues that affect beneficial uses and assess water quality trends
 - g. Identify sources of recharge and potential future changes in recharge (e.g., reduced return flows/climate change)
 - h. Correlate water level data and local pumping data
 - i. Develop a water budget, quantify overdraft, and estimate sustainable yield
 - j. Identify areas of significant subsidence and quantify and map historical subsidence and current subsidence rates
 - k. Identify interconnected surface water and groundwater
 - l. Identify undesirable results and the cause of groundwater conditions that lead to undesirable results
3. Hydrogeologic Model
 - a. Develop hydrogeologic conceptual model
 - b. Agree on appropriate computer model program
 - c. Obtain/estimate representative aquifer properties
 - d. Calculate flux based on observed gradients
 - e. Calculate inter-basin flows
 - f. Run model, simulate effects of different recharge components and other model input parameters (sensitivity analysis), and distribute report of modeling

C. Plan Preparation and Submission

1. Develop sustainability goals, sustainability indicators, water level targets and other minimum thresholds, measurable objectives, and milestones
2. Develop monitoring protocols and networks
3. Assess options/feasibility for management areas
4. Develop projects and management actions, together with measurable objectives to be achieved through the management actions
5. Develop water allocation system

6. Estimate plan implementation budget and develop funding approach
7. Identify uncertainties and develop adaptive management protocols
8. Prepare final plan
9. Submit plan to DWR

Stakeholder discussion and negotiation will be required during each phase of the GSP development process to ensure consensus among stakeholders concerning the action taken on each phase/component of GSP development. Likewise, outreach and agreement with other GSAs developing GSPs in neighboring and hydrologically-connected subbasins will be advisable to ensure that GSPs do not adversely affect the ability of adjacent basins to achieve sustainable management.

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 6(b)

DATE: May 11, 2017
TO: Board of Directors
FROM: Jena Acos, Legal Counsel
SUBJECT: GSA Financial Authority under SGMA

SUMMARY

At its last meeting, the Upper Ventura River Groundwater Agency (“Agency”) Board of Directors (“Board”) requested an update from staff and legal counsel concerning the financial authorities granted to a Groundwater Sustainability Agency (“GSA”) under the Sustainable Groundwater Management Act (“SGMA”) for financing the development and implementation of a Groundwater Sustainability Plan (“GSP”). This staff report provides that summary and staff and counsel will be available to further discuss with the Board.

There is no fiscal impact associated with this agenda item.

RECOMMENDED ACTION

Receive and discuss staff update on the financial authority granted to GSAs under SGMA and provide instruction to staff.

BACKGROUND

Under SGMA, a GSA is authorized to impose fees to help finance development and implementation of a GSP. The specific requirements for adoption and use of the fees differ depending on whether or not a GSP has been adopted.

Fee Authority Prior to GSP Adoption

SGMA allows a GSA to impose fees, including permit fees and fees on groundwater extraction “or other regulated activity,” to fund the costs of a basin’s groundwater sustainability program. (Wat. Code § 10730(a).) Fees may also be assessed to fund the preparation, adoption, or amendment of a Plan, and may also be used to fund investigations, inspection, enforcement, and program administration. (Wat. Code § 10730(a).)

Notwithstanding the above, a GSA is not authorized to impose fees on de minimis extractors unless the GSA has regulated that user under SGMA (i.e., pursuant to the regulatory authority set forth in Chapter 5). (Wat. Code § 1070(a).) A de minimis extractor is defined as a “person who extracts, for domestic purposes, two acre-feet or less per year.” (Wat. Code § 10721(e).) SGMA does not, however, restrict a GSA’s authority to regulate and impose fees on pumpers who extract two acre-feet or less for non-domestic use.

In order to impose fees prior to GSP adoption, the GSA must hold a public meeting, at which interested parties must be able to give oral or written presentations. (Wat. Code § 10730(b)(1).) The GSA must provide notice of the time and place of the meeting pursuant to the requirements of Government Code section 6066. (Wat. Code § 10730(b)(2); see also Gov. Code § 6066 (requiring publication of notice once a week for two successive weeks).) The GSA must also post the notice on its website and mail the notice to all interested parties requesting notice by mail. (Wat. Code § 10730(b)(2).) At least 20 days prior to the meeting, the GSA must make available to the public all data upon which the proposed fee is based. (Wat. Code § 10730(b)(3).) Any action by the GSA to impose or increase fees must be done by ordinance or resolution. (Wat. Code § 10730(c).)

As an alternative method of collecting fees, a GSA may adopt a resolution requesting collection of fees in the same manner as municipal ad valorem taxes. (Wat. Code § 10730(d)(1).) A resolution adopted pursuant to this method must be furnished to the county auditor-controller and board of supervisors by August 1 of each year. (Wat. Code § 10730(d)(2).) The resolution must include a list of assessor parcel numbers and the amount to be collected for each parcel. (Wat. Code § 10730(d)(2).)

Although SGMA does not specifically state that Proposition 218 applies to a fee developed and imposed pre-GSP adoption, a cautious approach would assume that it does apply.

Fee Authority *Post* GSP Adoption

After adoption of a GSP, SGMA authorizes a GSA to impose fees on the extraction of groundwater from the basin to fund the costs of groundwater management, including groundwater replenishment; the acquisition of real property, facilities, or services; the supply and distribution of water; the administration and maintenance of a prudent reserve; and other necessary activities. (Wat. Code § 10730.2(a).) Such fees may include fixed fees or fees charged on a volumetric basis, including fees based on quantity of groundwater produced, the year in which the production of groundwater commenced, or impacts to the basin. (Wat. Code § 10730.2(d).)

A GSA is required to approve fees adopted pursuant to the authority set forth in Wat. Code § 10730.2(a) (i.e., post GSP-adoption fees) in accordance with Proposition 218. (Wat. Code § 10730.2(c).) Two California District Courts recently published conflicting decisions regarding whether groundwater extraction and replenishment fees are “property-related” fees subject to the requirements of Article XIII D of the California Constitution. (Compare *Great Oaks Water Co. v. Santa Clara Valley Water Dist.*, No. HO35260, 2015 WL 1403340 (Ca. Ct. App. Mar. 26, 2015) (opining that the Santa Clara Valley Water District’s groundwater extraction fee is a property-related fee under Art. XIII D imposed for water service and thus exempt from voter ratification) with *City of San Buenaventura v. United Water Conservation Dist.*, 2d. Civil No. B251810, 2015 WL 1212205 (Cal. Ct. App. March 17, 2015) (reasoning that United Water Conservation District’s pumping charges were regulatory in nature and thus were not property-related fees).) Although the California Supreme Court is expected to hear arguments in *City of San Buenaventura v. United Water Conservation District* later this summer, for the time

being, the issue is undecided and it is prudent to assume that groundwater extraction fees are property-related and thus must comply with Proposition 218.

FISCAL SUMMARY

There is no fiscal impact associated with this agenda item.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___

J. McDermott___ L. Rose___ E. Ayala___

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 6(c)

DATE: May 11, 2017
TO: Board of Directors
FROM: Ad Hoc Annual Budget Committee (Mary Bergen (chair), Mike Hollebrands, Bert Rapp)
SUBJECT: Review of Proposed Budget for Fiscal Year 2017/18

SUMMARY

The primary tasks envisioned for the 2017/18 fiscal year are: establishment of an office, review and consideration of different funding options (including potential implementation of an extraction fee), initial work on the Groundwater Sustainability Plan (“GSP”) and preparation for the first annual report.

RECOMMENDED ACTION

The Ad Hoc Annual Budget Committee recommends that the Board of Directors (“Board”) review and comment on the draft Fiscal Year (FY) 2017/18 budget.

BACKGROUND

Office space and staffing

The draft budget currently includes costs for office space and staffing based upon sharing with the Ojai Basin Groundwater Management Agency (“OBGMA”). The Board is currently exploring this option along with others. Therefore these line items should be considered place holders until the Board decides how to proceed. On Thursday March 30th the OBGMA Board voted unanimously in favor of sharing office space and staff with the Upper Ventura River Groundwater Agency (“Agency”). The Ad Hoc Budget Committee is meeting with Cece VanDerMeer to interview her for the position of Executive Director and Office Administrator and discuss the attributes of an office sharing agreement with OBGMA.

Provision of Legal Services

The draft budget has been modified assuming the routine legal services cost will be about \$20,000. A separate line item for Special Legal Services is included for \$25,000, if needed.

Meters

Funding for meters has been removed from line 23 because meters, if installed, would not likely occur until next fiscal year.

Review and Study of Potential Funding Options

A large task for next year is to review and consider different potential funding options to help the Agency finance development of its GSP. One potential option is to develop and implement an extraction fee. The budget committee recommends that the Board establish

an Ad Hoc committee to review different funding options and help plan and implement those options the Board ultimately approves.

Preparing for the Annual Report and Groundwater Sustainability Plan

The draft 2017/18 budget includes line item 16 for professional services of hydrogeologists, engineers, etc. It is expected that during the coming year the Board will initiate work to organize the Annual Report on the Basin and begin preparation of a GSP.

FISCAL IMPACT

The draft FY 2017/18 shows total expenses by June 30th 2018 of \$221,400 or a commitment of about \$45,000 per member agency. If other funding options are implemented during this timeframe, member agency commitments will be reduced accordingly.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen ___ J. Pratt___ M. Krumpschmidt___ J.McDermott___
L. Rose___ E. Ayala ___

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 6(d)

DATE: May 11, 2017
TO: Board of Directors
FROM: Jennifer Tribo, Interim Executive Director
SUBJECT: Letter Proposal to the Bureau of Reclamation for a Basin Study for the Ventura River.

SUMMARY

The Bureau of Reclamation (“Reclamation”) is seeking non-federal partners to participate in the development of new basin studies. The City of Ventura’s water department (“Ventura Water”) responded with a letter of interest in January proposing a basin study for the Ventura River to complement the California State Water Resources Control Board’s (“State Water Board”) instream flow study. Reclamation informed Ventura Water in March that the Ventura River was selected to proceed to Step 2 of the evaluation process. Ventura Water staff worked with Reclamation and State Water Board staff to develop a study proposal for consideration by a Reclamation-wide application review committee. Ventura Water submitted its proposal to Reclamation on April 19, 2017 which included letters of support from the City of Ventura, the State Water Board, and the Ventura River Watershed Council.

The Board failed to pass this item at the April 13, 2017 Board meeting due to a lack of consensus. Following the meeting, Chair Kuebler (who with Director Shephard objected to sending the letter) suggested the alternative of not sending a letter. He later talked with Director Krumpschmidt and drafted a neutral letter (attached) for Board consideration. Although the due date for proposals has passed, Reclamation has indicated that it will still consider additional letters.

RECOMMENDED ACTION

The Board may take one of the following three actions:

1. Approve a support letter.
2. Approve a neutral letter.
3. Approve not sending a letter.

BACKGROUND

In December 2016, Reclamation sought letters of interest from eligible non-federal entities interested in participating in a new basin study. Ventura Water responded with a letter of interest proposing a basin study for the Ventura River to complement the State Water Board’s instream flow study currently underway.

On March 8, 2017, Reclamation informed Ventura Water that the Ventura River was selected to proceed to Step 2 of the evaluation process. Ventura Water staff worked with Reclamation and State Water Board staff to develop a study proposal for consideration by

a Reclamation-wide application review committee. Proposals were due April 19, 2017 and included letters of support from project partners and stakeholders.

Through basin studies, Reclamation works with state and local partners to conduct comprehensive water supply and demand studies of river basins. Basin studies are conducted over a three year period and include four main elements:

1. Projections of water supply and demand, including the risks of climate change.
2. Analysis of how existing water and power infrastructure will perform in response to changing water realities.
3. Development of adaptation and mitigation strategies to improve operations and infrastructure to supply adequate water in the future.
4. Trade-off analysis of the strategies identified and findings.

Entities must contribute at least half of the total cost as cash or in-kind services. This is not a financial assistance program and Reclamation's share of the study costs will only be used to support the work done by Reclamation or its contractors. If the Ventura River study proposal is selected for funding, then Ventura Water staff will work with Reclamation staff and other stakeholders to develop the Plan of Study for the project and execute Memorandums of Agreement between the study partners. At this time, the study partners are identified as Ventura Water, Reclamation, and the State Water Board. If the Ventura River study is funded, then other partners can be identified at that time.

The study proposal will describe the nexus between the State Water Board's instream flow study for the Ventura River Watershed and a Basin Study for the Ventura River. The Agency may choose to utilize these studies as background to develop the Groundwater Sustainability Plan ("GSP") if doing so fits the Agency's schedule for preparing the GSP. The bulk of the non-federal match for the Basin Study will be the \$700,000 that the State Water Board has allocated towards the development of hydrologic models for the Ventura River Watershed. Reclamation will then spend up to \$700,000 developing and modeling climate change scenarios and mitigation strategies for the Ventura River.

There are several elements that are common to the GSP and the Basin Study. In some instances, the GSP element may inform the Basin Study and vice versa. Study partners and stakeholders will coordinate throughout the process to develop both plans efficiently and effectively. The climate change modeling provided by Reclamation could inform the Agency's projected water budget as would climate change guidance that will be provided by DWR in Fall, 2017. As a stakeholder in the process, the Agency will also have the opportunity to provide input on the management actions and mitigation strategies that could be implemented to ensure sustainable water supplies in the Upper Ventura River Groundwater Basin and Ventura River Watershed as a whole. While many of the modeling details will be developed during the next phase of the Study, the attached draft work plan provided by Reclamation provides an overview of the Basin Study process.

There was considerable discussion on this item at the April 13, 2017 Board meeting and the final Board vote was four (4) in favor, two (2) opposed, and one (1) abstain. Following the meeting, Chair Kuebler (who objected to sending a support letter) proposed not sending a letter. He did so because, under the Agency's consensus process,

the person objecting to consensus has a responsibility to propose an alternative. He had discussions with Director Krumpschmidt and Diane Engle (a Director with Meiners Oaks Water District) and drafted a netural letter (attached) for Board consideration. The Ventura River Water District discussed this item at its April 19, 2017 Board meeting, and voted to send the attached letter to Reclamation in opposition of a Basin Study for the Ventura River Watershed. Additional information on the State's development of climate change guidance is attached in the form of correspondence between Chair Kuebler and Steven Springhorn, Department of Water Resources.

Since the Board did not reach consensus on this item at its April 13, 2017 meeting, it will be considered for a second time. After discussion, either of the three actions could be taken by a simple majority vote.

Ventura Water submitted its proposal to Reclamation on April 19, 2017 which included letters of support from the City of Ventura, the State Water Board, and the Ventura River Watershed Council. Although the due date for proposals has passed, Reclamation has indicated that it will still consider letters. Congresswoman Brownley submitted a letter of support directly to Reclamation on April 28, 2017.

FISCAL SUMMARY

There is no fiscal impact associated with this agenda item.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ J. McDermott___

L. Rose___ E. Ayala___



May 11, 2017

Mr. Pablo Arroyave, Acting Regional Director
U.S. Dept of the Interior, Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

Re: Support for Ventura River Basin Study

Dear Director Arroyave:

The Upper Ventura River Groundwater Agency (“UVRGA”) is pleased to support the Bureau of Reclamation’s (USBR) development of a Basin Study for the Ventura River. The Basin Study will complement the ongoing efforts in the Ventura River watershed including the Instream Flow Study being conducted by the California State Water Resources Control Board and the Groundwater Sustainability Plan that will be developed by the UVRGA by 2022.

The Basin Study will assist the Ventura River watershed stakeholders in collaborating with the USBR to analyze the potential impacts of climate change to water supplies and demands; identify a broad spectrum of adaptation strategies; identify funding opportunities for future projects; and facilitate communication and collaboration between partner agencies and USBR.

The UVRGA was formed on December 6, 2017 through a Joint Exercise of Powers Agreement (“Agreement”) among the Casitas Municipal Water District, the City of San Buenaventura, the County of Ventura, the Meiners Oaks Water District, and the Ventura River Water District. The Sustainable Groundwater Management Act requires establishment of a groundwater sustainability agency (“GSA”) by June 30, 2017, and adoption of a groundwater sustainability plan (“GSP”) by January 31, 2022 for groundwater basins designated by the California Department of Water Resources (“DWR”) as medium- and high-priority that are not subject to critical conditions of overdraft. The Upper Ventura River Basin is designated as a medium-priority sub-basin. The UVRGA has submitted its intent to serve as the GSA for the Upper Ventura River Basin to DWR.

A Basin Study for the Ventura River will benefit the users of the Upper Ventura River groundwater basin. The Members of the Upper Ventura River Groundwater Agency look forward to working with the USBR, the California State Water Resources Control Board and other watershed stakeholders to ensure the reliability of future water supplies in the Ventura River watershed.

Sincerely,

Bruce Kuebler, Board Chair
Upper Ventura River Groundwater Agency



May 11, 2017

Mr. Pablo Arroyave, Acting Regional Director
U.S. Dept of the Interior, Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

Re: Support for Ventura River Basin Study

Dear Director Arroyave:

The Upper Ventura River Groundwater Agency (UVRGA) has been asked by Ventura Water, one of our members, to comment on the proposed Basin Study. We are not of one mind on this potential study, as described by Ventura in their April 19 submittal. We recognize there could be some benefits from parts of the study and we would consider any such information just as we would information from any other source that would help us prepare our GSP. There could also be some downsides.

The UVRGA was formed on December 6, 2017 through a Joint Exercise of Powers Agreement (“Agreement”) among the Casitas Municipal Water District, the City of San Buenaventura, the County of Ventura, the Meiners Oaks Water District, and the Ventura River Water District. The Sustainable Groundwater Management Act requires establishment of a groundwater sustainability agency (“GSA”) by June 30, 2017, and adoption of a groundwater sustainability plan (“GSP”) by January 31, 2022 for groundwater basins designated by the California Department of Water Resources (“DWR”) as medium- and high-priority that are not subject to critical conditions of overdraft. The Upper Ventura River Basin is designated as a medium-priority sub-basin. The UVRGA has submitted its intent to serve as the GSA for the Upper Ventura River Basin to DWR.

If the study is approved, we would request that a technical advisory group be setup and that our agency have a technical representative of our choosing on that group. We would also probably setup an ad hoc committee of our Board to meet periodically with your personnel to maintain communication on issues which would make our separate processes most effective. We have a similar ad hoc committee for the State Water Resources Control Board’s Instream Flow Study.

Sincerely,

Bruce Kuebler, Board Chair
Upper Ventura River Groundwater Agency

April 25, 2017

Mr. Pablo Arroyave, Acting Regional Director
U.S. Department of the Interior, Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

Re: Opposition to Ventura River Basin Study

Dear Mr. Arroyave:

The Board of Directors of the Ventura River Water District, a member of the Upper Ventura River Groundwater Agency, voted on April 19 to oppose to the proposed Basin Study for the Ventura River. There are two primary reasons: little significant new information is likely to be developed; and confusion is likely to result among the public and stakeholders over what would be a third simultaneous study of water resources during the next three years.

First, there is already substantial information about the watershed and comprehensive planning to ensure adequate water supplies and environmental protection. A strong foundation is the Ventura River Watershed Management Plan, completed in 2015. Building on that are the Urban Water Management Plans of the City of San Buenaventura and Casitas Municipal Water District (CMWD). Those are a long-term planning tool that provides water purveyors their customers a broad perspective on water supply issues over a 20-year period and are required by the State to be updated regularly. Interests of Meiners Oaks and Ventura River Water Districts are included within CMWD's Plan because CMWD is backup supply for those Districts during drought when the groundwater supply can't meet demands. The City issues an annual Comprehensive Water Resources Report to address near term demand and supply conditions.

Resources to meet future urban and environmental needs are well known: water reclamation; direct potable reuse; an interconnection with regional pipeline system to access the State Water Project or other supplies that could be wheeled through those facilities; water conservation; rain water capture; gray water use; and landscape modifications. CMWD and the City have aggressive and effective water conservation and education programs in partnership with local organizations, such as the Ojai Valley Green Coalition.

We Serve



Water

**VENTURA
RIVER
WATER DISTRICT**

409 Old Baldwin Road
Ojai, CA 93023
Phone (805)646-3403
Fax (805) 646-3860

www.VenturaRiverWD.com

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ATTORNEY

Lindsay Nielson, ESQ

Climate change is emphasized in the proposed Basin Study. The California Department of Water Resources (DWR) is currently developing the approach and detailed guidance on how Groundwater Sustainability Agencies (GSA) should incorporate climate change into their Groundwater Sustainability Plans (GSPs). This will provide consistency statewide and the information is expected to be available in the Fall 2017 timeframe. Climate change will also be addressed by the consultant developing the surface water groundwater interaction model for the State Water Resources Control Board's (SWRCB) Instream Flow Study for the Ventura River. It is one of four model scenarios required by SWRCB study. UVRGA will consider those in preparing the GSP and the model will be available to UVRGA for use in developing its own management plans.

Section C3 of the proposal discusses the need for Federal involvement and states, "There is currently no other local, state, or federal agency which has the capability to develop strategies and actions which respond to projected imbalances between both groundwater and surface water supplies and demands throughout the entire watershed." CMWD's service area covers practically the entire watershed, except for the national forest, and meets the needs, directly or indirectly, of nearly all water users. It has the responsibility and capability of taking the necessary and appropriate actions to continue that function. It will begin supplying water to the City of Ojai on June 15, 2017 and is represented on both the UVRGA and Ojai Basin Groundwater Management Agency. The other two groundwater basins in the watershed and CMWD's service area are low priority for GSPs because of their low importance to water supply. Preparation of GSPs for those small basins, if ever, is unlikely to have significant effects on water supply issues in the watershed.

Second, there are already two simultaneous processes at work on the Ventura River. The Upper Ventura River Groundwater Agency (UVRGA) will become the GSA on July 20, 2017 and must prepare a GSP for the basin by 2022, although UVRGA could choose to prepare the GSP sooner. The basin must be sustainability manage by 2042 with a planning horizon of 50 years. Key issues are surface water groundwater interaction and instream beneficial uses. Extensive stakeholder involvement is a major element of the GSP. Groundwater basin modelling and climate change assessments are other important elements.

At the same time, the SWRCB has a separate study, being conducted under the California Water Action Plan, to develop an instream flow standard to protect anadromous fish in the Ventura River. This process also has stakeholder involvement, will include modelling and climate change assessments, and is expected to be completed in the 2019-2020 timeframe.

If the proposed Basin Study goes ahead, it would be the third simultaneous process addressing essentially the same issues and processes: stakeholder involvement; modelling of surface groundwater interactions, water supply sustainability; environmental protection; and climate change. This could easily cause confusion among the public and stakeholders about how their input will be used, who the decision makers are, and how those processes are coordinated.

Further, the Basin Study could create an expectation that the GSP shouldn't be started or completed until the Basin Study is done, thereby interfering with the discretion of UVRGA acting under the State's Sustainable Groundwater Management Act, which emphasizes local control.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Kuebler". The signature is fluid and cursive, written over a white background.

Bruce Kuebler, President
Board of Directors
Ventura River Water District

Cc: Joe McDermott, Acting General Manager, Ventura Water
Jennifer Tribo, Acting Executive Director, UVRGA

From: [pbkuebler](#)
To: [Tribo, Jennifer](#)
Subject: UVRGA BuRec study and Climate change guidance for GSP
Date: Saturday, April 22, 2017 3:16:09 PM

Hi Jenny, Please include Steven Springhorn's reply to me on climate change guidance in your discussion of the BuRec study for next month's UVRGA agenda item. Also, please include a description of the intended use of the BuRec study results, e.g., guidance to Ventura's director for actions the UVRGA Board may take, a reference document (like the Ventura River Watershed Management Plan) that would be available to any agency finding it beneficial, to assist the Water Board in their instream flow process, as ideas for consideration by the UVRGA Board in developing the GSP, etc. If BuRec approves the study, when would that decision be made? It has implications to our budget for 2017-18 because it could affect the timing of our GSP development.

As the person preventing consensus at our last meeting, it is my responsibility to come up with an alternative I can live with. My alternative is for UVRGA Board to not comment on the proposed study.

Thanks, Bruce

Begin forwarded message:

From: "Springhorn, Steven@DWR" <Steven.Springhorn@water.ca.gov>
Subject: RE: Climate change guidance for GSP
Date: April 21, 2017 at 2:54:04 PM PDT
To: pbkuebler <pbkuebler@sbcglobal.net>

Hi Bruce,

Thanks for the email. We are currently developing the approach and detailed guidance on how GSAs should incorporate climate change into their GSPs. We anticipate having this information available for GSAs in the Fall 2017 timeframe. In the meantime, the datasets and scenarios we plan to use are similar to what is used for the Water Storage Investment Program (WSIP). Please see the links below for more information on currently available WSIP climate change data.

Water Storage Investment Program Climate Change Approach - There are two main components to the WSIP Climate Change approach

1. Technical Reference Document: The climate change approach is described in Section 2.12 of the following report.

<https://cwc.ca.gov/Documents/2017/WSIP/TechnicalReference.pdf> .

2. Climate Change Data: There are several climate change datasets available under the section "Climate Change and Sea Level Rise Data and Model Products" on the following website. <https://cwc.ca.gov/Pages/ApplicationResources.aspx>

If you have additional questions or need more information please feel free to

contact me.

Have a good weekend.

Thanks,
Steven

Steven Springhorn, PG
Senior Engineering Geologist
Sustainable Groundwater Management Section
California Department of Water Resources
(916) 651-9273
steven.springhorn@water.ca.gov

-----Original Message-----

From: pbkuebler [mailto:pbkuebler@sbcglobal.net]

Sent: Wednesday, April 19, 2017 8:05 PM

To: Springhorn, Steven@DWR <Steven.Springhorn@water.ca.gov>

Subject: Climate change guidance for GSP

Hi Steven, What guidance on how to evaluate climate change is available now or will be from DWR or California Water Commission? I checked BMPs and found the following on p. 37 of the BMP for Water Budgets: “the Department will provide GSAs with a climate change guidance document to qualify data sources and identify acceptable methods for analyzing future climate change conditions for GSP Development.” When will that happen and is there any best available science or best available information now that would provide for consistent GSP analysis? I am chair of the Upper Ventura River Groundwater Agency. Thanks,
Bruce Kuebler

JULIA BROWNLEY
26TH DISTRICT, CALIFORNIA
MEMBER OF CONGRESS
<http://juliabrownley.house.gov>



WASHINGTON, DC OFFICE:
1019 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: 202-225-5811
FAX: 202-225-1100

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Congress of the United States
House of Representatives
Washington, DC 20515-0526

OXNARD, CA OFFICE:
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OXNARD, CA 93036
PHONE: 805-379-1779
FAX: 805-379-1799

April 28, 2017

Mr. David Murillo
Acting Commissioner
U.S. Bureau of Reclamation
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20460

Dear Acting Commissioner Murillo:

I write in support of the U.S. Bureau of Reclamation (USBR)'s Basin Study Program, and specifically a proposed study to be conducted by the City of Ventura. I understand that USBR has worked with the City of Ventura to advance projects to deliver sustainable water supply to the region and mitigate the challenges presented from drought conditions. I note that much of California has witnessed the end of extreme drought conditions this winter. However, drought conditions persist in Ventura County and in the region.

As part of the City's priority to ensure a safe and reliable water supply program and mitigate drought impacts, it is seeking to complement its activities to protect the Ventura Watershed that are part of the Groundwater Sustainability Plan. It is my understanding that this activity is in coordination with the State Water Control Board. I strongly encourage USBR to leverage this effort through its Basin Study Program authority.

The City, working with Ventura River stakeholders, intends to analyze the impacts to the basin from changes in precipitation patterns, demands for water, and potential opportunities to address such changes in an efficient and collaborative manner. It is my further understanding that this study will deliver enhanced communication among the many stakeholders and promote sustainable programs and agreements between USBR and the local community.

The proposed study will deliver meaningful efforts to protect the basin and deliver safe and reliable water supplies. For these reasons, I urge you to give full and fair consideration to partnering with the City of Ventura to advance our shared goal of sustainable water supply, consistent with all relevant rules and regulations. Thank you for your consideration.

Sincerely,

JULIA BROWNLEY
Member of Congress

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 6(e)

DATE: May 11, 2017
TO: Board of Directors
FROM: Ad Hoc Annual Budget Committee (Mary Bergen (chair), Mike Hollebrands, Bert Rapp)
SUBJECT: Request for Proposals for Routine Legal Services and Establishment of Ad Hoc Legal Services Committee

SUMMARY

Attached is a draft Request for Proposals (“RFP”) for routine legal services for the Upper Ventura River Groundwater Agency (“Agency”). After approval by the Agency’s Board of Directors (“Board”) the RFP will be sent to legal firms in the County of Ventura and Santa Barbara and advertised on the Agency’s website.

RECOMMENDED ACTION

1. Review and approve the draft RFP for distribution.
2. Establish a Legal Services Ad Hoc Committee to short list, interview and recommend Legal Counsel to serve the Agency.

BACKGROUND

See the attached RFP.

FISCAL IMPACT

There is no anticipated cost to the Agency related to sending out the RFP for legal services.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen ___ J. Pratt___ M. Krumpschmidt___ J.McDermott___
L. Rose___ E. Ayala ___



**UPPER VENTURA RIVER GROUNDWATER AGENCY
REQUEST FOR PROPOSALS
FOR
LEGAL SERVICES FOR ROUTINE AGENCY FUNCTIONS**

BACKGROUND

The Upper Ventura River Groundwater Agency ("Agency") is expected to become the Groundwater Sustainability Agency ("GSA") over the Upper Ventura River Groundwater Basin on July 20, 2017. The Agency was formed as a Joint Exercise of Powers Authority by the Member Agencies. The Agency's Board of Directors ("Board") is made up of five Member Agencies: County of Ventura, City of Ventura, Casitas Municipal Water District, Ventura River Water District, Meiners Oaks Water District, and two representatives for agricultural and environmental interests for a total of seven Directors. The Board meets on the second Thursday of the month at 1:00 P.M. It is anticipated that beginning in September 2017, the Board will meet at the Casitas Municipal Water District office in Oak View.

The Agency expects to have a permanent part time Executive Director, permanent part time Office Assistant and outside consultants periodically implementing projects.

The Agency website is: <http://www.uvrgroundwater.org>

GENERAL DESCRIPTION

The Board is soliciting a Request for Proposal ("RFP") for legal services to support the routine operations of the Agency. Routine operations would include preparing for and attending Board meetings, personnel matters, reviewing and drafting contracts, assessing liabilities, etc. Specialty legal services for such issues as water rights, litigation, or detailed compliance with the Sustainable Groundwater Management Act of 2014 may be provided by separate legal counsel as needed.

SCOPE OF WORK

Meetings: The Board anticipates meeting about 6 to 9 times per year at 1:00 P.M. for 2 to 3 hours. There may be more frequent meetings during the first years of operation. Special meetings and evening meetings may be held periodically to address certain issues. It is expected that Legal Counsel will prepare for and attend all public meetings.

Meeting preparation: Agenda packets and staff reports will be prepared by the Executive Director, Member Agency staff and ad-hoc committees. Legal Counsel will review the draft Agenda's and relevant staff reports for compliance with the Brown Act and review the Agenda Packet after it is published in preparation for the meeting. Supplemental input from Legal Counsel may be required if requested by the Board Chair.

Legal Expertise:

It is anticipated that the Agency will need legal guidance for typical public agency operations including but not limited to: the Joint Exercise of Powers Act of 2000, the Brown Act, Assessment Districts, rate setting with Propositions 218 & 26, Public Employment Law, Public Contract Code, Government Code and the Water Code.

Proposal Requirements:

The Proposal shall include:

1. A statement of qualifications for the staff proposed to serve as Legal Counsel.
2. A current reference list of five persons with names and phone numbers.
3. A fixed cost per meeting for the scope of work described above.
4. An hourly cost for supplemental work.
5. A mileage rate, if charged.
6. Any supplemental costs that will be charged.

Completed Cost Proposals must be received by the Agency by 4 p.m. on June 12, 2017 to be considered. Submittals should be delivered by mail or e-mail to:

Jennifer Tribo, UVRGA Interim Executive Director
P.O. Box 99
Ventura, CA 93002

or

jtribo@venturawater.net

Interviews will be held in late June or early July with appointment anticipated July 13, 2017.

Agency Contact Information

Upper Ventura River Groundwater Agency

Phone: (805) 652-4563

Jennifer Tribo, Interim Executive Director

jtribo@venturawater.net

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 6(f)

DATE: May 11, 2017
TO: Board of Directors
FROM: Jennifer Tribo, Interim Executive Director
SUBJECT: Summer 2017 Meeting Schedule

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Board of Directors meet at least quarterly. (JPA Agreement, § 8.2.). The Board previously decided to hold monthly meetings on the second Thursday of the month at the Casitas Municipal Water District Board Room with a special meeting at the City of Ventura at least once per year. Due to Director availability in July and August, the construction in the Casitas boardroom, and the GSA schedule, the Board may consider canceling one or more meetings in the summer and/or holding a meeting at the City of Ventura.

There is no fiscal impact associated with the meeting location, but there may be a cost savings associated with cancelling a monthly meeting.

RECOMMENDED ACTION

1. Determine if meetings in July or August should be cancelled.
2. Determine if the August or September meeting should be held at the City of Ventura.

BACKGROUND

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Board of Directors meet at least quarterly. (JPA Agreement, § 8.2.). At its February 1, 2017 meeting, the Board of Directors decided to hold monthly meetings on the second Thursday of the month at the Casitas Municipal Water District boardroom with a special meeting at the City of Ventura at least once per year.

Due to recent construction at the Casitas Municipal Water District, the boardroom is temporarily unavailable for meetings of the Upper Ventura River Groundwater Agency. Construction is anticipated to last until August/September. The April 13, 2017 Board meeting was held at the Ojai Valley Land Conservancy and Director Rose has indicated that the room is available for the next several months. There is also a meeting room available at the City of Ventura on the second Thursday of the month.

Several Directors have indicated that they are not available for meeting in July and/or August. Additionally, the Agency will not officially become the GSA until July 20, 2017 and will meet its quarterly meeting requirement even if it cancels both the July and August meetings. Cancelling a Board meeting when there is no essential business to consider can help the Agency keep administrative costs low.

FISCAL SUMMARY

There is no fiscal impact associated with the meeting location, but there may be a cost savings associated with cancelling a monthly meeting.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler____ M. Bergen____ J. Pratt____ M. Krumpschmidt____ J.
McDermott____ E. Ayala____ L.Rose____

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 7

DATE: May 11, 2017
TO: Board of Directors
FROM: Jennifer Tribo, Interim Executive Director
SUBJECT: Committee Reports

a. Report from Ad Hoc Committee to Draft Bylaws

The Bylaws Committee will update the Board of Directors on their progress at the meeting.

b. Report from Ad Hoc Committee to Draft Conflict of Interest Code

The Conflict of Interest Committee will update the Board of Directors on their progress at the meeting.

c. Report from Ad Hoc Committee to Interface with California Water Action Plan Representatives

The Ad Hoc Committee to Interface with California Water Action Plan Representatives will update the Board of Directors on any relevant activities since the April 13, 2017 Board meeting.

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 8

DATE: May 11, 2017
TO: Board of Directors
FROM: Jennifer Tribo, Interim Executive Director
SUBJECT: Executive Director's Report

a. Status of Notification to DWR of Board's Election to be the GSA for the Upper Ventura River Groundwater Basin.

Upper Ventura River Groundwater Agency's notice to be the GSA for the Upper Ventura River Groundwater Basin was posted to the DWR website on April 21, 2017. The Agency will become the GSA for the Basin on July 20, 2017.