

## **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 a Regular Board Meeting at 1 P.M. on Thursday, November 9, 2017 at the Ojai Valley Land Conservancy, 370 Baldwin Road, Ojai, California 93023.

### **UPPER VENTURA RIVER GROUNDWATER AGENCY BOARD OF DIRECTORS AGENDA**

**Thursday, November 9, 2017**

#### **1. MEETING CALL TO ORDER AND ROLL CALL**

#### **2. PLEDGE OF ALLEGIANCE**

#### **3. PUBLIC COMMENT FOR 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 September 14, 2017
- b. Approve Minutes from October 12, 2017

#### **6. ACTION ITEMS**

##### **a. Conflict of Interest Code.**

The Board will consider approval of Resolution 2017-5 the Conflict of Interest Code.

#### **7. COMMITTEE REPORTS**

- a. Bylaws Ad Hoc Committee
- b. Stakeholder Engagement Ad Hoc Committee
- c. Funding Options and Budget Review Ad Hoc Committee

#### **8. EXECUTIVE DIRECTOR'S REPORT**

- a. Status of establishing a bank account
- b. Expenses for October 2017
- c. Status of General Liability Insurance

- e. Director's Email set up
- d. Other

**9. DIRECTOR ANNOUNCEMENTS**

**10. ADJOURNMENT**

## UPPER VENTURA RIVER GROUNDWATER AGENCY

### Item No 6(a)

**DATE:** November 9, 2017  
**TO:** Board of Directors  
**FROM:** Dylan Johnson, on behalf of Brownstein Hyatt Farber Schreck, LLP, General Counsel  
**SUBJECT:** Conflict of Interest Code

#### **SUMMARY**

The Joint Exercise of Powers Agreement (“JPA Agreement”) and State law requires that the Agency adopt a local conflict of interest code.

#### **RECOMMENDED ACTION**

Adopt Resolution 2017-05, Conflict of Interest Code, attached hereto and submit the code to the County of Ventura for review.

#### **BACKGROUND**

Section 8.5 of the JPA Agreement requires that the Board adopt a local conflict of interest code pursuant to the provisions of the Political Reform Act of 1974 (Government Code sections 81000, et seq.).

The Ad Hoc Conflict of Interest Committee drafted a conflict of interest code that was presented to the Board and adopted on June 8, 2017. The code was then submitted to the County of Ventura as the code reviewing body designated under State law. The County directed that certain revisions be made and sent the code back to the Agency for reconsideration. Agency legal counsel reviewed the recommended changes and found them to be in accordance with provisions of applicable State laws and regulations. Legal counsel has made revisions to the Conflict of Interest Code to comply with changes directed by the County.

Resolution 2017-05, adopting the revised Conflict of Interest Code, is attached as Attachment 1 to this staff report. For the Board’s information, a redline showing the revisions made to the Conflict of Interest Code is attached as Attachment 2.

#### **FISCAL SUMMARY**

There is no fiscal impact associated with this action.

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

B. Kuebler \_\_\_\_ M. Bergen \_\_\_\_ J. Pratt \_\_\_\_ D. Engle \_\_\_\_ K. Brown \_\_\_\_

L. Rose \_\_\_\_ E. Ayala \_\_\_\_

## BOARD OF DIRECTORS

## UPPER VENTURA RIVER GROUNDWATER AGENCY

**RESOLUTION NO. 2017-05**

**A RESOLUTION OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY  
(AGENCY) ADOPTING A CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act, Government Code §81000 *et seq.* requires every state and local government agency to adopt and promulgate a Conflict of Interest Code pursuant to Government Code §87300; and,

**WHEREAS**, the Fair Political Practices Commission (“FPPC”) has adopted a regulation which contains terms of a standard model Conflict of Interest Code (2 California Code of Regulations §18730), which is attached hereto as Attachment A, and will be amended to conform to amendments in the Political Reform Act after public notice and hearing conducted by the FPPC; and,

**WHEREAS**, the standard model Conflict of Interest Code will help ensure compliance by the Agency with the Political Reform Act; and,

**WHEREAS**, on June 8, 2017, the Agency Board of Directors adopted a Conflict of Interest Code by Resolution 2017-03 and subsequently submitted it for review to the County of Ventura, which is the code reviewing body designated by law; and,

**WHEREAS**, the County reviewed the Conflict of Interest Code and directed the Agency to make certain revisions; and,

**WHEREAS**, the Agency has made revisions in compliance with the County's direction and the revised Conflict of Interest Code is attached to this Resolution.

**NOW, THEREFORE**, the Board of Directors of the Upper Ventura River Groundwater Agency does hereby resolve, find, determine and order as follows:

Section 1: This Resolution supersedes Resolution 2017-03, which shall have no further force and effect.

Section 2: The terms of the standard model Conflict of Interest Code adopted pursuant to 2 California Code of Regulations §18730, a copy of which is attached hereto as Attachment A, and any amendments to it duly adopted by the FPPC is hereby adopted and incorporated by reference as the Conflict of Interest Code for the Agency. This standard model Conflict of Interest Code and Attachments B, C, and D to this Resolution, in which members and employees are designated and disclosure categories are set forth and explained, shall constitute the Conflict of Interest Code of the Agency.

Section 3: Employees designated in Attachment D hereto shall file statements of economic interests (Form 700) with the Agency Secretary pursuant to this Resolution. Members of the Board of Directors, Alternate Directors, the Executive Director, and the Treasurer of the Agency shall file a Form 700 statement pursuant to State law (Government Code § 87200 *et seq.*) with the Agency Secretary who shall forward a copy of the statement to the Clerk of the Board for the County of Ventura. The Upper Ventura River Groundwater Agency Secretary shall be responsible for the retention of a copy of all statements of economic interests and make them available for public inspection and reproduction (Government Code § 81008).

Section 4: The Agency shall certify as to the adoption of this Resolution and cause the filing of said Conflict of Interest Code in the manner prescribed by law.

PASSED, APPROVED, AND ADOPTED this 9th day of November, 2017.

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### Bruce Kuebler, Board Chair

**ATTEST:**

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Cece Vandermeer  
Executive Director

APPROVED AS TO FORM

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Upper Ventura River Groundwater Agency  
General Counsel

**ATTACHMENT 1**

**BOARD OF DIRECTORS**  
**UPPER VENTURA RIVER GROUNDWATER AGENCY**  
**RESOLUTION NO. 2017-05**

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(AGENCY) ADOPTING A CONFLICT OF INTEREST CODE**

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**WHEREAS**, the Fair Political Practices Commission (“FPPC”) has adopted a regulation which contains terms of a standard model Conflict of Interest Code (2 California Code of Regulations §18730), which is attached hereto as Attachment A, and will be amended to conform to amendments in the Political Reform Act after public notice and hearing conducted by the FPPC; and,

**WHEREAS**, the standard model Conflict of Interest Code will help ensure compliance by the Agency with the Political Reform Act; and,

**WHEREAS**, on June 8, 2017, the Agency Board of Directors adopted a Conflict of Interest Code by Resolution 2017-03 and subsequently submitted it for review to the County of Ventura, which is the code reviewing body designated by law; and,

**WHEREAS**, the County reviewed the Conflict of Interest Code and directed the Agency to make certain revisions; and,

**WHEREAS**, the Agency has made revisions in compliance with the County's direction and the revised Conflict of Interest Code is attached to this Resolution.

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Section 1: This Resolution supersedes Resolution 2017-03, which shall have no further force and effect.

Section 2: The terms of the standard model Conflict of Interest Code adopted pursuant to 2 California Code of Regulations §18730, a copy of which is attached hereto as Attachment A, and any amendments to it duly adopted by the FPPC is hereby adopted and incorporated by reference as the Conflict of Interest Code for the Agency. This standard model Conflict of Interest Code and Attachments B, C, and D to this Resolution, in which members and employees are designated and disclosure categories are set forth and explained, shall constitute the Conflict of Interest Code of the Agency.

Section 3: Employees designated in Attachment D hereto shall file statements of economic interests (Form 700) with the Agency Secretary pursuant to this Resolution. Members of the Board of Directors, Alternate Directors, the Executive Director, and the Treasurer of the Agency shall file a Form 700 statement pursuant to State law (Government Code § 87200 *et seq.*) with the Agency Secretary who shall forward a copy of the statement to the Clerk of the Board for the County of Ventura. The Upper Ventura River Groundwater Agency Secretary shall be responsible for the retention of a copy of all statements of economic interests and make them available for public inspection and reproduction (Government Code § 81008).

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PASSED, APPROVED, AND ADOPTED this 9th day of November, 2017.

Bruce Kuebler, Board Chair

**ATTEST:**

Cece Vandermeer  
Executive Director

**APPROVED AS TO FORM**

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**Upper Ventura River Groundwater Agency  
General Counsel**

## ATTACHMENT A

### **CONFLICT OF INTEREST CODE UPPER VENTURA RIVER GROUNDWATER AGENCY**

#### **TITLE 2. ADMINISTRATION DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION CHAPTER 7. CONFLICTS OF INTEREST**

#### **ARTICLE 2. DISCLOSURE**

2 CCR §18730

##### **§18730. Provisions of Conflict of Interest Codes**

- (a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Attachments referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section §87300 or the amendment of a conflict of interest code within the meaning of Government Code Section §87307 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections §81000, *et seq.* The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section §87100, and to other state or local laws pertaining to conflicts of interest.
- (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

###### **(1) Section 1. Definitions.**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. of Regs. Sections §18110, *et seq.*), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

###### **(2) Section 2. Designated Employees.**

The persons holding positions listed in Attachment D are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

###### **(3) Section 3. Disclosure Categories.**

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section §87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections §87200, *et seq.*

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code section §87200; and
- (C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Attachment C specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Attachment D. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- (C) Annual Statements. All designated employees shall file statements no later than April 1.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

- (E) Reports for military service as defined in the Service member's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

- (A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

- (1) File a written resignation with the appointing power; and
- (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure.

When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal during Reporting Period.

In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section §89501 shall apply to the prohibitions in this section.

This Section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section §89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$290.

(A) No member of a state board or commission, and no designated employee of the state or local government agency, shall accept gifts with a total value of more than \$290 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code Section §89503 shall apply to the prohibitions in this Section.

(8.2) Section 8.2. Loans to Public Officials.

- (A) No elected officer of a state or local government agency shall, from this date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member or consultant of the state or local government agency in which the elected officer holds office over which the elected officer's agency has direction and control.
- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (E) This section shall not apply to the following:
  - 1. Loans made to the campaign committee of an elected officer or candidate for elective office.
  - 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed two hundred fifty dollars (\$250) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of \$100 or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars \$250 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$290 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any:

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections §81000-§91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section §87100 or §87450 has occurred may be set aside as void

pursuant to Government Code Section §91003. A violation of this Code may result in discipline under the Authority's Personnel Rules. Such discipline may include discharge.

## **ENDNOTES**

<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section §81004.

<sup>2</sup> See Government Code Section §81010 and 2 Cal. Code of Regs. Section §18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Government Code Section §83112. Reference: Sections §87103(e), §87300-§87302, §89501, §89502 and §89503, Government Code.

## **HISTORY**

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).

8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of History 24 (Register 2003, No. 12).
26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*,

3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).
31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).
32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).
33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).
34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

This database is current through 3/10/17 Register 2017, No. 10

2 CCR § 18730, 2 CA ADC § 18730

## **ATTACHMENT B**

### **CONSULTANTS**

Commission Regulation §18700 defines “consultant” as an individual who, pursuant to a contract with a state or local government agency:

(A) Makes a governmental decision whether to:

- (i) Approve a rate, rule, or regulation;
- (ii) Adopt or enforce a law;
- (iii) Issue, deny, suspend, or revoke any permit license, application, certificate, approval, order, or similar authorization or entitlement;
- (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
- (v) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
- (vi) Grant agency approval to a plan, design, report, study, or similar item;
- (vii) Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the Agency’s Conflict of Interest Code.

#### **Consultant\***

Consultant shall be included in the list of designated employees and shall disclose pursuant to the broadcast disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. Such written determination shall include a description of the consultant’s duties and, based upon the description, a statement of the extent of disclosure requirements. The Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**ATTACHMENT C**  
**DISCLOSURE CATEGORIES**

**GENERAL PROVISIONS**

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated. Disclosure categories pertain to investments, real property, business positions and sources of income, including loans, gifts and travel payments from sources located in or doing business within the jurisdiction of the Upper Ventura River Groundwater Agency (“Agency”).

**DISCLOSURE CATEGORIES**

**Category 1:**

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the Agency as well as investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that provide real estate services (e.g. consulting, appraisal, development, construction) of the type used by the Agency.

**Category 2:**

Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the Agency. Sources may include, but are not limited to, engineering and environmental consulting firms, water and soil testing companies, products and services contractors, mechanical vendors, farmers, and their agents.

**Category 3:**

Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources of the type related to maintenance, or planning and engineering projects. Sources may include, but are not limited to, engineering and environmental consulting firms, water and soil testing companies, products and services contractors, mechanical vendors, farmers, and their agents.

**Category 4:**

Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that filed a claim, or have a claim pending, against the Agency during the previous two years.

**ATTACHMENT D**  
**DESIGNATED EMPLOYEES**

<b>POSITIONS TITLES</b>	<b>DISCLOSURE CATEGORY</b>
General Counsel	<b>1-4</b>
Assistant General Counsel	<b>1-4</b>
Assistant Executive Director	<b>1-4</b>
Assistant Secretary	<b>1-4</b>
Consultants that will make or participate in making governmental decisions on behalf of the Agency	<b>1-4*</b>

\*Disclosure Categories 1-4 shall generally apply; however, the Executive Director, after consultation with the Agency General Counsel, shall designate the disclosure category for each consultant subject to this Code. See Attachment B for the consultant definition.

**ATTACHMENT 2**



1           Section 23: Employees designated in Attachment D hereto shall file statements of  
2 economic interests (Form 700) with the Agency Secretary pursuant to this Resolution. The  
3 Chair, Vice Chair, Members of the Board of Directors, Alternate Directors, the Executive  
4 Director, Agency General Counsel, and the Treasurer of the Agency shall file a Form 700  
5 statement pursuant to State law (Government Code § 87200 *et seq.*) with the Agency Secretary  
6 who shall forward a copy of the statement to the FPPC, Clerk of the Board for the County of  
7 Ventura. The Upper Ventura River Groundwater Agency Secretary shall be responsible for the  
8 retention of a copy of all statements of economic interests and make them available for public  
9 inspection and reproduction (Government Code § 81008).

10           Section 24: The Agency shall certify as to the adoption of this Resolution and cause the  
11 filing of said Conflict of Interest Code in the manner prescribed by law.

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13           PASSED, APPROVED, AND ADOPTED this 8<sup>th</sup> 9<sup>th</sup> day of June November, 2017.

14           Bruce Kuebler, Board Chair

15           ATTEST:

16           Jennifer Tribe  
17           Interim Cece Vandermeer  
18           Executive Director

19           APPROVED AS TO FORM

20           Upper Ventura River Groundwater Agency  
21           General Counsel

## **ATTACHMENT C** **DISCLOSURE CATEGORIES**

### **GENERAL PROVISIONS**

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated. Disclosure categories pertain to investments, real property, business positions and sources of income, including loans, gifts and travel payments from sources located in or doing business within the jurisdiction of the Upper Ventura River Groundwater Agency ("Agency").

### **DISCLOSURE CATEGORIES**

#### **Category 1:**

A designated employee in this category must report all interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the Agency as well as investments, and business positions, sources of income, and gifts from any source in, or doing business in, the jurisdiction of the Agency, and all other interests, which are subject to the regulation or supervision of entities, and income, including receipt of loans, gifts, and travel payments, from sources, that provide real estate services (e.g. consulting, appraisal, development, construction) of the type used by the Agency.

#### **Category 2:**

A designated employee in this category must report all interests in real property located within the Agency. Investments, and business positions in business entities, and income, including receipt of loans, gifts, loans, and travel payments, from sources in, or doing business within the Agency which:

1. Engages in the appraisal, acquisition, disposal, development of real property, or rehabilitation or construction of improvements on real property including architects, contractors, and subcontractors.
2. Provides, that provide, services, supplies, materials, machinery, or equipment of anythe type utilized by the Agency to which the employee is assigned.
3. Are of the type which is subject to the regulation or supervision of the Agency. Sources may include, but are not limited to, engineering and environmental consulting firms, water and soil testing companies, products and services contractors, mechanical vendors, farmers, and their agents.

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#### **Category 3:**

A designated employee in this category must report all interests in real property located within the Agency. Investments, and business positions in business entities, and income, including receipt of loans, gifts, loans, and travel payments, from sources in, or doing business within the Agency which:

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1. Provide services, supplies, materials, machinery or equipment of any type utilized by designated filers in the Agency.
  2. Are of the type which is subject related to the regulation or supervision of the Agency maintenance, or planning and engineering projects. Sources may include, but are not limited to, engineering and environmental consulting firms, water and soil testing companies, products and services contractors, mechanical vendors, farmers, and their agents.

#### **Category 4:**

A designated employee in this category must report all interests in real property located within the Agency. Investments, and business positions in business entities, and income, and including receipt of loans, gifts, and travel payments, from sources in, that filed a claim, or doing business within have a claim pending, against the Agency during the Agency, and all other interests which are subject to the regulation or supervision of the Agency previous two years.

**ATTACHMENT D**  
**DESIGNATED EMPLOYEES**

POSITIONS TITLES	DISCLOSURE CATEGORY
General Counsel	<u>1-4</u>
Assistant General Counsel	<u>1-4</u>
Assistant Executive Director	<u>1-4</u>
Assistant Secretary	<u>1-4</u>
Consultants that will make or participate in making governmental decisions on behalf of the Agency	<u>1-4*</u>

\*Disclosure Category Categories 1-4 shall generally apply; however, the Executive Director, after consultation with the Agency General Counsel, shall designate the disclosure category for each consultant subject to this Code. If a consultant is performing duties the same as an "employee" the consultant will be assigned the same reporting category. See Attachment B for the consultant definition.

**UPPER VENTURA RIVER GROUNDWATER AGENCY**

**Item No. 8**

**DATE:** November 9, 2017  
**TO:** Board of Directors  
**FROM:** Cece Vandermeer, Executive Director  
**SUBJECT:** Executive Director's Report

- a. Report on Status of establishing a bank account**
- b. Report on Expenses for October 2017**
- c. Report on Status of General Liability Insurance**
- d. Report on Status of Director's Email set up**
- e. Other**

**Brown & Brown Insurance**

License # 0D04053

P.O. Box 61010 - Accounting Dept.  
Santa Barbara, CA 93160-1010  
Phone: (805) 965-0071  
Fax: (805) 965-5482  
E-mail: accounting@bbsbins.com

Amount Paid	
<b>INVOICE #70831R</b>	
Account Number <b>UPPEVEN-01</b>	Invoice Date <b>11/6/2017</b>

Upper Ventura River Groundwater Agency  
Cece Van Der Meer  
P.O. Box 1779  
Ojai, CA 93024

Remit To:

**Brown & Brown Insurance**  
License # 0D04053  
P.O. Box 61010 - Accounting Dept.  
Santa Barbara, CA 93160-1010

Invoice #: 70831R

Date Paid:

Check #:

Amount Paid:

Commercial Package Policy Company: American Alternative Insurance Corporation	Policy #: MARKETING Producer: House Account	Effective: 10/31/2017 to 10/31/2018
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Item #	Trans	Eff Date	Due Date	Description	Amount
1187692	NEWB	10/31/2017	11/6/2017	General Liability & Public Official Mgmt Liability (D&O)	\$3,110.00

Due and payable on invoice date or effective date. Thank you!

Total Invoice Balance: **\$3,110.00**

## ASSIDUOUS ATTENTION TO DETAIL

"At Brown & Brown, we know that lasting success does not come about merely as the result of fortuitous coincidence. It happens through the focused, hard work of our people."

BROWN & BROWN  
THE POWER OF WE



### An Insurance Proposal Prepared For Upper Ventura River Groundwater Agency

### General Liability/Public Official Management Liability

**Presented By:**  
Yvonne Jones

**Brown and Brown Insurance Services of California, Inc.**

**License #0D04053**

**November 6, 2017**



### Thank you

Thank you for inviting us to develop and present a Risk Solution Program to you. We welcome the opportunity to become involved with your company. We have worked to identify your needs and concerns, and to develop a program for your insurance. Brown & Brown, Inc. is the seventh largest independent agency organization nationally. The company provides a variety of insurance products and services to corporate, institutional, professional and individual clients. Headquartered in Daytona Beach and Tampa, Florida, Brown & Brown is publicly traded on the New York Stock Exchange (BRO) and has been included in the Forbes' list of the "200 Best Small Companies, in America." The company handles clients' premiums in excess of \$10 Billion annually and has approximately 6,500 employees.

While size is not the sole criteria for choosing an insurance agent, it does enable us to offer our clients clout in the marketplace and unmatched service capability.

Please feel free to visit our website at [www.bbinsurance.com](http://www.bbinsurance.com).

*This brief description of insurance coverage is being provided as an accommodation only and is not intended to cover or describe all policy terms. For more complete information on the scope and limits of coverage please refer to the policy document.*

### Account Service Team

No matter how comprehensive or price competitive your insurance program is, it is still people who must service it to insure that coverage will respond when needed.

**Yvonne Jones  
Account Manager**

Phone: (805) 690-2631  
Email: [yjones@bbofcal.com](mailto:yjones@bbofcal.com)

**Toll Free Number: (800) 350-6328  
General Phone Number: (805) 965-0071  
Fax Number: (805) 690-3200  
[www.bbinsurance.com](http://www.bbinsurance.com)**

Feel free to contact anyone on this list if you have questions or concerns regarding your insurance policy.

### Claims Reporting Guidelines

Make Brown & Brown, Inc. aware of any and all incidents *immediately* after they occur, whether it be an auto accident, a theft, slip & fall, even a minor incident that appears will have no future activity. Do not wait for a police report.

Gather as much concrete information as possible. For example, police reports, company incident reports, conversation logs, medicals and pictures – anything that may assist in the handling of your claim. Send this information either by mail, e-mail or fax to:

**Brown & Brown Insurance Services of CA, Inc.**

1 S. Los Carneros  
Goleta, CA 93117  
Phone: (805) 965-0071  
Phone: 1 (800) 350-6328

**Please be advised for a claim emergency after 5pm, Holidays, or over the weekend you should contact your insurance carrier direct. The phone number for your carrier should be listed on your policy. If you have any questions or incur any problems, please call our office and we will be glad to assist in any way we can.**

### Minimum and Deposit Premium, Earned Premium Definitions

#### Minimum and Deposit

This is the amount of premium due at inception. Although the policy is subject to adjustment based on the rate per exposure unit, under no circumstances will the annual premium be less than the minimum premium. Therefore, the policy may generate an additional premium on audit, but not a return.

If such a policy is cancelled mid-term, the earned premium is the GREATER of the annual minimum times the short rate or pro-rata factor, or the actual earned as determined by audit, subject to a short rate penalty if applicable.

#### Minimum Earned Premium

A minimum earned premium endorsement can be attached to either a flat charge policy or an adjustable policy. In either case, this amount is the LEAST that will be retained by the insurance company once the policy goes into effect. The amount retained would be the GREATER of the annual earned premium whether calculated on a pro-rate or short rate basis, or the minimum earned premium.

#### Flat Cancellations

Surplus lines insurance companies normally do not allow flat cancellations. Once the policy is in effect, some premium will be earned.

**IMPORTANT NOTICE  
DISCLAIMER**

**Disclaimer:** This proposal presented is based upon the exposures to loss made known to the agency. Any changes in these exposures (i.e. new operations, new products, additional state of hire, etc.) need to be promptly reported to our agency in order that proper coverage(s) may be put in place.

The proposal contains only a general description of the coverage(s) and does not constitute a policy / contract. This brief description of insurance coverage is being provided as an accommodation only and is not intended to cover or describe all policy terms. For more complete information on the scope and limits or coverage, please refer to the policy document.

The proposal includes, but is not limited to, the terms, exclusions and conditions listed. For complete policy information, including exclusions, limitations and conditions, refer to the policy document.

**Higher Limits may be available upon request**

Policy Type	Carrier	Rating	Admitted/Non-Admitted
General Liability	American Alternative	A+ XV	Admitted
Public Official Management Liability			

*Please read your policy for specific details.*

*The information obtained from A.M. Best's Rating is not in any way a warranty or guaranty by Brown & Brown, Inc. of the financial stability of the insurer and this information is current only as of the date of publication.*

**A.M. Best Rating of Proposed Carriers****General Rating:**

These rating classifications reflect BEST's opinion of the relative position of each company in comparison with others, based upon averages within the Property-Casualty insurance industry. They are reflective of overall company services and standing within the industry.

A++, A+	Superior	B++	Very Good	C++, C+	Fair
A, A-	Excellent	B, B-	Good	C, C-	Marginal

**Financial Size Category:**

The financial Size Category is an indication of the size of an Insurer and is based on reported Policyholders' surplus plus conditional or Technical Reserve Funds, such as mandatory securities valuation reserve, other investment and operating contingency funds and/or miscellaneous voluntary reserves in liabilities.

Financial Size Category (in Thousands)		
Class I	Up to	\$1,000
Class II	\$1,000	to \$2,000
Class III	\$2,000	to \$5,000
Class IV	\$5,000	to \$10,000
Class V	\$10,000	to \$25,000
Class VI	\$25,000	to \$50,000
Class VII	\$50,000	to \$100,000
Class VIII	\$100,000	to \$250,000
Class IX	\$250,000	to \$500,000
Class X	\$500,000	to \$750,000
Class XI	\$750,000	to \$1,000,000
Class XII	\$1,000,000	to \$1,250,000
Class XIII	\$1,250,000	to \$1,500,000
Class XIV	\$1,500,000	to \$1,750,000
Class XV	\$1,750,000	to \$2,000,000

This information has been provided to you so that consideration is given to the financial condition of our proposed carriers. The financial information disclosed is the most recent available to Brown & Brown Insurance Services of CA, Inc. Brown & Brown does not guarantee financial condition of the insurers listed above.

### Important Information

**Compensation:** In addition to the commissions or fees received by us for assistance with the placement, servicing, claims handling, or renewal of your insurance coverage, other parties, such as excess and surplus lines brokers, wholesale brokers, reinsurance intermediaries, underwriting managers and similar parties, some of which may be owned in whole or in part by Brown & Brown, Inc., may also receive compensation for their role in providing insurance products or services to you pursuant to their separate contracts with insurance or reinsurance carriers. That compensation is derived from your premium payments. Additionally, it is possible that we, or our corporate parents or affiliates, may receive contingent payments or allowances from insurers based on factors which are not client-specific, such as the performance and/or size of an overall book of business produced with an insurer. We generally do not know if such a contingent payment will be made by a particular insurer, or the amount of any such contingent payments, until the underwriting year is closed. That compensation is partially derived from your premium dollars, after being combined (or "pooled") with the premium dollars of other insureds that have purchased similar types of coverage. We may also receive invitations to programs sponsored and paid for by insurance carriers to inform brokers regarding their products and services, including possible participation in company-sponsored events such as trips, seminars, and advisory council meetings, based upon the total volume of business placed with the carrier you select. We may, on occasion, receive loans or credit from insurance companies. Additionally, in the ordinary course of our business, we may receive and retain interest on premiums you pay from the date we receive them until the date the premiums are remitted to the insurance company or intermediary. In the event that we assist with placement and other details of arranging for the financing of your insurance premium, we may also receive a fee from the premium finance company.

**Questions and Information Requests:** Should you have any questions, or require additional information, please contact this office at 1-800-350-6328 or, if you prefer, submit your question or request online at [www.bbsbins.com](http://www.bbsbins.com)

This proposal contains only a general description of the coverage(s) and does not constitute a policy/ contract. For complete policy information, including exclusions, limitations, and conditions, refer to the policy document. This proposal is based upon the exposures to loss made known to the Agency. Any changes in these exposures (i.e., new operations, new products, additional states of hire, etc.) need to be promptly reported to us in order that proper coverage(s) may be put into place.

**Wholesale Broker/Managing General Agent:**

Glatfelters

This intermediary is not owned in whole or part by Brown & Brown, Inc., the parent company of Brown & Brown Insurance Services of California, Inc. Brown & Brown entities operate independently and are not required to utilize other companies owned by Brown & Brown, Inc., but routinely do so. In addition to providing access to the insurance company, the Wholesale Insurance Broker/Managing General Agent may provide additional services including, but not limited to: underwriting, loss control, risk placement, coverage review, claims coordination with insurance company; and policy issuance. Compensation paid for those services may be up to 15% of the premium you pay for coverage, and any compensation paid for those services is derived from your premium payment. The Fee, if any, for the Wholesale Insurance Broker's/Managing General Agent's services above is \$0.

## Brown & Brown Insurance Services of California

Brown & Brown Insurance Services of California is happy to offer all clients a full suite of service not only for your business but also for your personal insurance needs. Brown & Brown Insurance provides protection in the following areas:

**Yes**

### ***Employee Benefits***

Medical, dental, vision, life and disability for your employees

**No**

**Yes**

### ***Personal***

Homeowners, auto, collectibles and more

**No**

**Yes**

### ***Contingency Planning***

Life/Disability/Long Term Care

**No**

**Yes**

### ***Business Perpetuation***

**No**

November 6, 2017

American Alternative Insurance Corporation  
c/o Glatfelter Public Practice  
10100 Trinity Parkway, Suite 110  
P.O. Box 7277  
Stockton, CA 95267

RE: Insured: Upper Ventura River Groundwater Agency  
General Liability/Public Officials Management Liability  
No Loss Letter

To Whom It May Concern:

Please note that there have been "No Known Losses" and we wish to have coverage per the quoted General Liability and Public Officials Management Liability quote.

Sincerely,

---

Signature/Title

---

Date:



**AN INSURANCE PROPOSAL  
PREPARED FOR:**

UPPER VENTURA RIVER GROUNDWATER AGENCY

**EFFECTIVE DATE:** 12/1/2017

**PRESENTED BY:** BROWN & BROWN INSURANCE SERVICES OF CALIFORNIA INC  
P.O. BOX 61010  
SANTA BARBARA, CA 93160

**DATE:** November 03, 2017

**MAILING ADDRESS:** Glatfelter Public Practice  
P.O. Box 2726  
York, PA 17405

**TELEPHONE:** (888) 477-3007

**FACSIMILE:** (888) 477-7005

**ADMINISTERED BY:** Glatfelter Underwriting Services, Inc.  
a/k/a Glatfelter Insurance Services in CA, MN, NV, TN and UT  
and Glatfelter Brokerage Services in NY

This proposal is valid until the proposed effective date.

## UPPER VENTURA RIVER GROUNDWATER AGENCY

**Glatfelter Public Practice (GPP)**, a division of Glatfelter Insurance Group, is the nation's premier public entity program manager for the following classes: educational institutions, municipalities and water/sewer entities. GPP also writes private/charter schools and independent school bus contractors. We are recognized as the industry leader in our target markets. Glatfelter Public Practice's mission statement is simple: we strive to provide our customers with innovative and stable products, prompt and considerate claims handling, attentive and personal service, pricing equity, and carrier security. Our commitment to customer service is evidenced by our high retention ratio and portfolio growth. Glatfelter Public Practice's services include program underwriting, policy administration, product and program management, loss control, claims administration, licensing, compliance, and actuarial services. We distribute our products through a national network of independent brokers and believe our partnership is responsible for the distinct competitive advantage we enjoy in our target market.

Glatfelter Public Practice offers a broad portfolio of coverages including:

- Property (including Equipment Breakdown)
- Inland Marine
- Crime
- General Liability
- Law Enforcement Activity Liability
- Public Officials & Management Liability (including Employment Practices Liability)
- Educators Legal Liability (including Employment Practices Liability)
- Cyber Liability & Privacy Crisis Management Expense
- Auto
- Excess Liability

Please contact your insurance representative if you are interested in modifying your proposal to include one or more of these available coverages.

Agency License OB17046

**Glatfelter Insurance Group** is one of the top 25 privately owned insurance brokers in the U.S., providing property, casualty, life, accident and health insurance products and financial services to individuals, businesses and organizations. Glatfelter Insurance Group manages specialty programs which include:

- VFIS  
*fire departments, not-for-profit ambulance, rescue squads and 911 centers*
- Glatfelter Healthcare Practice  
*senior living, hospice and home healthcare agencies*
- Glatfelter Public Practice  
*educational institutions, municipalities, independent school bus contractors, water/sewer entities*
- Glatfelter Religious Practice  
*churches, synagogues, mosques and other religious institutions*
- Car Wash Insurance  
*serviced by The Insurancenter*

Our unique culture, operating structure, and strong market relationships enable us to offer an impressive portfolio of value added products and services designed to help our clients manage risk. With more than 500 associates and six satellite offices, Glatfelter Insurance Group serves the insurance and risk management needs of over 25,000 clients throughout the United States and Canada.

## YOUR INSURANCE PROPOSAL

This proposal is prepared from information supplied to Glatfelter Public Practice on the application submitted by your insurance representative.

The lines of business shown in this proposal are offered as a complete portfolio. Purchase of individual lines of business requires underwriting approval. This proposal may or may not contain all terms requested on the application. Proposed coverages are provided by the Glatfelter Public Practice insurance policy forms and are subject to the terms, exclusions, conditions and limitations of those policy forms. Actual policies should be reviewed for specific details. Your insurance representative can provide specimen policies upon request.

Your exposure to loss changes over time. Keep your insurance representative informed of any changes, so your coverage can be updated. We strongly recommend frequent reviews of your operations and Glatfelter Public Practice coverage with your insurance representative.

The proposed Property and Casualty coverage is underwritten by American Alternative Insurance Corporation (A.M. Best #11574). American Alternative Insurance Corporation is rated A+ (Superior) in Financial Size Category XV by A.M. Best Company. Glatfelter Insurance Group's successful partnership with this carrier exceeds 20 years.

## GENERAL LIABILITY

This coverage contains the following three sections:

- **Coverage A. Bodily Injury and Property Damage Liability** protects you when claims are made against you because of injury to others or damage to their property, unless caused by an auto.
- **Coverage B. Personal and Advertising Injury Liability** protects you when claims are made against you because of injury to others arising from offenses such as slander or violation of a person's privacy.
- **Coverage C. Medical Expense** pays medical expenses requested by you in writing for bodily injury caused by an accident on your premises or because of your operation. These expenses are payable even if the injury occurred through no fault of your own.

<u>Coverages</u>	<u>Limit</u>
Each Occurrence:	\$1,000,000
Damage to Premises Rented to You:	\$1,000,000
Medical Expense:	\$10,000
Personal and Advertising Injury:	\$1,000,000
General Aggregate:	\$3,000,000
Products - Completed Operations Aggregate:	\$3,000,000
Deductible:	\$0

## GENERAL LIABILITY

### Coverage Highlights

The following apply unless noted otherwise in this proposal:

- |   |   |
|---|---|
| <b>Defense Costs</b>  | <ul style="list-style-type: none"><li>• Payable in addition to the Limits of Insurance.</li></ul>   |
| <b>Bodily Injury</b>  | <ul style="list-style-type: none"><li>• Bodily Injury includes mental anguish and mental injury, shock, fright or death resulting from bodily injury, sickness or disease.</li></ul>  |
| <b>Contractual Liability</b>  | <ul style="list-style-type: none"><li>• Covers you for the liability you agreed to assume of another party, either orally or in writing, but not for the sole negligence of the other party.</li><li>• The claim must be otherwise covered (not excluded).</li></ul>  |
| <b>Damage to Property of Persons Receiving Services</b>                         | <ul style="list-style-type: none"><li>• Covers you for liability for a personal property loss suffered by a member of the public receiving services from you, provided the loss is caused by theft, physical damage or disappearance.</li><li>• Subject to a \$100 deductible each occurrence.</li><li>• Coverage is limited to firefighting, emergency medical services or rescue squad units.</li></ul>                   |
| <b>"Good Samaritan" Liability</b>   | <ul style="list-style-type: none"><li>• Covers volunteer members and employees for liability arising from actions on their own to render services at the scene of an emergency requiring immediate action.</li><li>• Applies to professional health care or any other services.</li><li>• To qualify as a "Good Samaritan", the individual must act independently of your organization or any other organization.</li></ul> |
| <b>Damage to Premises Rented to You (including Fire Damage Legal Liability)</b> | <ul style="list-style-type: none"><li>• Covers you for liability for damages, due to "property damage" caused by "specified perils", to any one premises while rented to you or temporarily occupied by you with permission of the owner.</li></ul>   |

## UPPER VENTURA RIVER GROUNDWATER AGENCY

<b>Unmanned Aircraft (Drones)</b>	<ul style="list-style-type: none"><li>• Covers you for unmanned aircraft owned, operated, rented or loaned to you.</li><li>• Unmanned aircraft means an aircraft weighing 15 pounds or less that is not designed, manufactured or modified after manufacture to be controlled directly by a person from within or on the aircraft.</li><li>• Unmanned aircraft includes equipment used with the unmanned aircraft, provided such equipment is attached to or essential for its operation.</li></ul>
<b>Pollution Liability</b>	<ul style="list-style-type: none"><li>• Covers you for bodily injury or property damage arising out of a pollution incident resulting from any of the following:<ul style="list-style-type: none"><li>◦ heat, smoke or fumes from a hostile fire</li><li>◦ escape of fuels or lubricants from mobile equipment</li><li>◦ escape or back-up of sewage or wastewater if property damage occurs away from land you own or lease</li><li>◦ storage and/or application of pesticides or herbicides</li><li>◦ potable water which you supply to others</li><li>◦ chemicals you use in your water or wastewater treatment</li><li>◦ chemicals you use or store in your classrooms and laboratories</li><li>◦ chemicals you apply, use or store for your ownership, maintenance or operation of swimming pools</li><li>◦ application, use or storage of road salt or similar substances designed and used for snow and ice removal from road and similar surfaces</li><li>◦ natural gas or propane gas used in your treatment process</li></ul></li></ul>
	<p><i>All pollution incidents must be accidental, unintended and stopped as soon as possible.</i></p>
<b>Watercraft Liability</b>	<ul style="list-style-type: none"><li>• Covers you for bodily injury or property damage arising from your use of the following:<ul style="list-style-type: none"><li>◦ non-owned boats (unless carrying persons or property for a charge)</li><li>◦ owned boats that are not powered by motors</li><li>◦ owned boats that are powered by motors of not more than 100 horsepower, and jet skis and wave runners regardless of horsepower</li></ul></li></ul>
<b>Failure to Supply Water</b>	<ul style="list-style-type: none"><li>• Coverage is included for failure to supply water and is not subject to the ISO sudden and accidental restriction.</li></ul>
<b>Public Use of Property</b>	<ul style="list-style-type: none"><li>• No coverage is provided for claims arising out of the principles of eminent domain, including condemnation, adverse possession, and dedication by adverse use, or inverse condemnation.</li></ul>

## PUBLIC OFFICIALS AND MANAGEMENT LIABILITY

This coverage contains the following two sections:

- **Coverage A. Liability for Monetary Damages** protects you when claims are made against you for monetary damages arising out of a wrongful act, employment practices offense or employee benefits administration offense resulting from your operations. Coverage does not apply to bodily injury, property damage or personal and advertising injury, except when resulting from a covered employment practices offense.
- **Coverage B. Defense Expense for Injunctive or Declaratory Relief** reimburses reasonable defense expenses you incur to defend an injunctive or declaratory relief action arising out of a wrongful act, employment practices offense or employee benefit administration offense resulting from your operations.

**Policy Type:** Occurrence

<u>Coverages</u>	<u>Limit</u>
Coverage A: <i>Coverage A includes Employee Benefits Liability</i>	\$1,000,000
Coverage B:	\$5,000
Aggregate Limit:	\$3,000,000
Coverage A Deductible:	\$0

## PUBLIC OFFICIALS AND MANAGEMENT LIABILITY

### Coverage Highlights

The following apply unless noted otherwise in this proposal:

- |                                    |  |
|------------------------------------|--|
| <b>Defense Expense</b>             | <ul style="list-style-type: none"><li>• The cost to defend you against covered claims is the responsibility of the company and will not erode your liability limits.</li></ul>   |
| <b>Wrongful Acts</b>               | <ul style="list-style-type: none"><li>• Coverage applies to any actual or alleged error, act, omission, neglect, misfeasance, nonfeasance, or breach of duty, including violation of any civil rights law, that results unexpectedly and unintentionally to others.</li></ul>  |
| <b>Employment Practices</b>        | <ul style="list-style-type: none"><li>• Coverage applies to an actual or alleged improper employment related practice, policy, act or omission involving an actual, prospective, or former employee or volunteer worker.</li><li>• Includes violations of civil rights, wrongful termination, failure to hire and harassment, including sexual harassment. Harassment toward or from a third-party involving an employee or volunteer is included.</li></ul> |
| <b>Employee Benefits Liability</b> | <ul style="list-style-type: none"><li>• Coverage applies to acts, errors or omissions in counseling, interpreting, handling records, or effecting enrollments in your employee benefit plans.</li></ul>  |
| <b>Public Use of Property</b>      | <ul style="list-style-type: none"><li>• No coverage is provided for claims arising out of the principles of eminent domain, including condemnation, adverse possession, dedication by adverse use, or inverse condemnation.</li></ul>  |

## UPPER VENTURA RIVER GROUNDWATER AGENCY

**PREMIUM SUMMARY**

<u>Coverage</u>	<u>Premium</u>
Property	Not Requested
Inland Marine	Not Requested
Crime	Not Requested
General Liability	\$1,225
Law Enforcement Activity Liability	Not Requested
Public Officials and Management Liability	\$1,885
Educators Legal Liability	Not Requested
Cyber Liability and Privacy Crisis Management Expense	Not Requested
Auto	Not Requested
Excess Liability	Not Requested
<b>Total Annual Premium</b> <small>(excludes state-imposed taxes, surcharges and fees)</small>	<b>\$3,110</b>

## UPPER VENTURA RIVER GROUNDWATER AGENCY

## **GLATFELTER PUBLIC PRACTICE ORDER FORM**

**UPPER VENTURA RIVER GROUNDWATER AGENCY  
(C74259)**

Coverage	Effective/ Expiration Dates	Accept Initial to accept coverage	Decline Initial to decline coverage	Premium Quoted
Property	_____	_____	_____	\$ _____
Inland Marine	_____	_____	_____	\$ _____
Crime	_____	_____	_____	\$ _____
General Liability	_____	_____	_____	\$ _____
Law Enforcement Activity Liability	_____	_____	_____	GL includes Law Enf Liab premium, if quoted
Public Officials and Management Liability	_____	_____	_____	\$ _____
Educators Legal Liability	_____	_____	_____	\$ _____
Auto	_____	_____	_____	\$ _____
Excess Liability	_____	_____	_____	\$ _____
Total	_____	_____	_____	\$ _____

**Payment Plans**  **Installment Option** (  
no installment fee)  **Semi-Annual (\$2,500 account minimum)**  
 **Quarterly (\$3,500 account minimum)**  
 **Ten Pay (\$10,000 account minimum and 25% down payment)**

**Signature of Insurance Representative**

Date

**Agency Name/Address**

### **Producer/Service Rep**

Before you return this form, you must:

1. Provide the INSURED'S Federal ID#: \_\_\_\_\_
  2. Identify all Mortgagees, Loss Payees and Additional Insureds/lessors (provide addresses).
  3. Complete Uninsured Motorist's Selection/Rejection form, if required.

1.  $\boxed{1} \boxed{2} \boxed{3} \boxed{4} \boxed{5}$   $\pm \frac{3}{4}, \frac{1}{2}, \frac{1}{3}, \frac{1}{4}, \frac{1}{5}$   $\pm \frac{1}{10}, \pm \frac{1}{20}, \pm \frac{1}{30}, \pm \frac{1}{40}, \pm \frac{1}{50}$   $\pm \frac{1}{60}, \pm \frac{1}{70}, \pm \frac{1}{80}, \pm \frac{1}{90}, \pm \frac{1}{100}$   $\pm \frac{1}{110}, \pm \frac{1}{120}, \pm \frac{1}{130}, \pm \frac{1}{140}, \pm \frac{1}{150}, \pm \frac{1}{160}, \pm \frac{1}{170}, \pm \frac{1}{180}, \pm \frac{1}{190}, \pm \frac{1}{200}$   $\pm \frac{1}{210}, \pm \frac{1}{220}, \pm \frac{1}{230}, \pm \frac{1}{240}, \pm \frac{1}{250}, \pm \frac{1}{260}, \pm \frac{1}{270}, \pm \frac{1}{280}, \pm \frac{1}{290}, \pm \frac{1}{300}, \pm \frac{1}{310}, \pm \frac{1}{320}, \pm \frac{1}{330}, \pm \frac{1}{340}, \pm \frac{1}{350}, \pm \frac{1}{360}, \pm \frac{1}{370}, \pm \frac{1}{380}, \pm \frac{1}{390}, \pm \frac{1}{400}$

$\Rightarrow \pm \geq \geq^a \leq^a \neq \odot \pm^a \neq$

**UPPER VENTURA RIVER GROUNDWATER AGENCY  
MINUTES OF REGULAR MEETING OCTOBER 12, 2017**

Directors present were: Bruce Kuebler, Mary Bergen, Larry Rose, Emily Ayala, Diana Engle, Kevin Brown and Glenn Shephard. Also present were: Executive Director Cece Vandermeer and Attorney Dylan Johnson. Public present were; Bryan Bondy, Jennifer Tribi, Jim Kentosh, Jordan Kear, Joe McDermott and Bert Rapp.

- 1) CALL TO ORDER-** Chairperson Bruce Kuebler called the meeting to order at 1:00 P.M.
- 2) PLEDGE OF ALLEGIANCE –** Led by Bruce Kuebler.
- 3) OATH OF OFFICE -** Vandermeer administered the Oath of Office to Diana Engle and Kevin Brown.
- 4) PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA –** No public comments were received.

**5) CONSENT ITEMS**

**a. Approve Minutes from September 14, 2017 regular meeting**

Vandermeer stated that the September 14, 2017 meeting minutes were not available and that they would be on the November 9, 2017 agenda for review.

**6) a. Election of Board Secretary**

Chair Kuebler summarized the staff report.  
No public comments

Board Discussion: Director Krumpschmidt was elected Secretary at the Agency's first meeting in January 2017. Meiners Oaks Water District appointed Diana Engle at its September meeting to replace Director Krumpschmidt. Chair Kuebler conducted an election for Secretary nominating Director Engle.

Director Bergen moved to elect Diana Engle as Board Secretary. Seconded by Director Shepard.

Ayes: Bruce Kuebler, Mary Bergen, Glenn Shephard, Diane Engle, Kevin Brown, Larry Rose and Emily Ayala.

**6) b. DWR Proposal Solicitation Package Grant Application for GSP**

Chair Kuebler summarized the staff report.  
No Public Comment.

Board Discussion:

Chair Kuebler stated that approval of Resolution 2017-4; A Resolution of the Upper Ventura River Groundwater Agency (Agency) Authorizing Application to the California Department of Water Resources (DWR) Sustainable Groundwater Planning Grant Program, will enable the Agency to apply for the Proposition 1 Grant. Chair Kuebler suggested that the board authorize him to request Lorraine Walters to upload the grant application to DWR's Grant web site in preparation for Board approval of application. Joe McDermott, City of Ventura requested to have the City attorney review the document. Bryan Bondy suggested reviewing and evaluating detailed scope and budget adjustments. Chair Kuebler suggested that the Directors and staff need to keep track of time spent on Grant issues and to come up with a time keeping system.

Attorney Johnson recommended a motion to move to Board approval on the Grant application with the recommended changes after further review, the Grant application would be submitted.

Chair

Director Rose moved to accept Attorney Johnson's recommended motion. Brown Seconded.

Ayes: Bruce Kuebler, Mary Bergen, Glenn Shephard, Diane Engle, Kevin Brown, Larry Rose and Emily Ayala.

**6) c. Amend Contract with Lorraine Walter**

Chair Kuebler summarized the staff report.

No public comment.

Board Discussion:

Chair Kuebler recommended amending Lorraine Walter's contract to reflect an increase of \$1,800 to enable her to finalize the grant application and to enter it on the DWR web site so DWR can notify us of any deficiencies before the application is finalized. Lorraine Walter's contract has a remaining 20 hours which may not be sufficient to complete the Grant application. Approval of amending the contract increase by \$1,800 for 30 more hours.

Director Rose moved to approve amending Lorraine Walters contract by \$1,800. Brown seconded.

Ayes: Bruce Kuebler, Mary Bergen, Glenn Shephard, Diane Engle, Kevin Brown, Larry Rose and Emily Ayala.

**6) d. Proposal for study to measure wet reach river flow and to collect data on movement of river's wet/dry interface near San Antonio Creek confluence**

Chair Kuebler summarized the staff report.

No public comment.

Board Discussion:

The Board discussed considering Chair Kuebler to request Jordan Kear to measure wet reach river flow and, either by Kear Groundwater or in cooperation with Santa Barbara Channelkeeper, to collect data on movement in Ventura River's wet/dry interface near San Antonio Creek confluence from September thru November 2017 and from mid to late Spring thru October 2017, and possibly extended to 2019. Approval of the study would increase consultants budget overage by \$4,000. Chair Kuebler directed Kear to provide a proposal at the November 9, 2017 meeting.

**6) e. Appointment of Executive Director as Treasurer**

Chair Kuebler summarized the staff report.

No Public comment.

Board Discussion:

At the September 14, 2017 meeting the Board expressed its preference to move ahead with the option of appointing a UVRGA employee as Treasurer. Chair Kuebler stated that Vandermeer has in effect been performing this function for the OBGMA. Attorney Johnson suggested appointing Vandermeer as Treasurer and Auditor for the UVRGA dependent on verify bonding coverage.

Director Shephard moved to appoint Vandermeer as Treasurer and Auditor dependent on verifying bonding coverage. Seconded by Director Engle

Ayes: Bruce Kuebler, Mary Bergen, Glenn Shephard, Diane Engle, Kevin Brown, Larry Rose and Emily Ayala.

**6) f. Consideration of Notice to Prepare a GSP**  
Chair Kuebler summarized the staff report.

Board Discussion:

Chair Kuebler stated that the UVRGA prior to the development of a GSP is make available to the public and the department a written statement describing the manner in which interested parties may participate in the development and implementation of the GSP. Chair Kuebler recommend using comments from the October 12, 2017 stakeholder outreach meeting to develop the written statement which could be presented for Board approval at the November 9, 2017 meeting.

**7) COMMITTEE REPORTS**

**a) Report from Ad Hoc Committee to Draft Bylaws**

Director Rose provided an update. The committee is currently reviewing a draft. Following legal review, it will be brought to the Board for consideration.

**b) Report from Ad Hoc Stakeholder Engagement Committee**

Director Ayala announced that there will be a Stakeholder Forum at the Oak View Community Center on October 12 at 6pm.

**c) Report from Funding Options and Budget Review Ad Hoc Committee**

None

**8) EXECUTIVE DIRECTOR'S REPORT**

**a) Report on the status of establishing a bank account**

Vandermeer stated that Wells Fargo Bank has provided her with an Authorization Certificate that needs to be signed by the signatures on the bank account, which will be Chair Kuebler, Directors; Engle and Bergen and staff Vandermeer. After the signed Authorization Certificate is received by Wells Fargo a Commercial Account Signature Card will be sent.

**b) Report on Expenses for August and September**

Vandermeer provided Cost Report through September 2017.

**c) Other**

Vandermeer stated that the Agency computer has been delivered and is waiting for software to be installed.

Vandermeer announced that the next meeting will be held on November 9, 2017 at 1pm at the Ojai Valley Land Conservancy.

**ADJOURNMENT** – The meeting was adjourned at 3:40 pm.

**UPPER VENTURA RIVER GROUNDWATER AGENCY  
MINUTES OF REGULAR MEETING SEPTEMBER 14, 2017**

Directors present were: Joe McDermott, Bruce Kuebler, Mary Bergen, Larry Rose, Emily Ayala and Glenn Shephard, Alternate Directors present were: Mike Hollebrands for Mike Krumpschmidt. Also present were: Interim Director Jennifer Trib, Executive Director Cece Vandermeer and Attorney Dylan Johnson. Public present were; Bryan Bondy, Diana Engle, Kevin Delano, Lindsay Griffin and Bert Rapp.

**1) CALL TO ORDER-** Chairperson Bruce Kuebler called the meeting to order at 1:05 P.M.

**2) PLEDGE OF ALLEGIANCE –** Led by Bruce Kuebler.

**3) DIRECTOR ANNOUNCEMENTS –**

Director McDermott announced that the City of Ventura has hired Kevin Brown to replace Shana Epstein and he will be replacing Director McDermott as the Director and Director McDermott will be the alternate.

Chair Kuebler announced that the stakeholder outreach meeting will be held at the Oak View Committee Center on October 12, 2017 and discussion of the grant application should be discussed at the meeting

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

**5) CONSENT ITEMS**

a. **Approve Minutes from August 24, 2017 regular meeting**

Director Bergen moved to approve the minutes. Seconded by Director McDermott. Chair Kuebler called a voice vote. All ayes. None opposed.

6) a. **Budget Amendment for Legal Services for FY 2017**

Jennifer Trib summarized the staff report.

No public comments

Board Discussion:

Director Bergen moved to authorize the payment of \$7,368.11 to Brownstein Hyatt Farber Schreck and apply it to the FY2018 Budget. Seconded by Director Shepard.

Ayes: Bruce Kuebler, Mary Bergen, Mike Hollebrands, Joe McDermott, Larry Rose, Emily Ayala and Glenn Shephard.

6) b. **Long-term Contract with Kear Groundwater**

Jennifer Trib summarized the staff report.

No Public Comment.

Board Discussion:

Chair Kuebler stated that it would be advantageous for the Agency to have available the services of Kear Groundwater during development of the GSP by having a Long-term Contract. Jordan Kear is uniquely qualified because of his extensive knowledge of, and work in, the Basin and watershed and it would be also helpful in working on the Grant Application. Director Bergen stated that a budget item would be needed for the Contract. Director Ayala stated that she was in agreement with the Long-term Contract if projects over \$5,000 were approved by two directors before proceeding with a project.

Director Bergen moved to authorize the Chair to sign the attached Long-term contract with Kear Groundwater. Seconded by Director Ayala with the agreement that any projects over \$5,000 were approved by two directors.

Ayes: Bruce Kuebler, Mary Bergen, Mike Hollebrands, Joe McDermott, Larry Rose, Emily Ayala and Glenn Shephard.

**6) c. Treasurer/Auditor Agreement with the County of Ventura**

Jennifer Tribo summarized the staff report.

No public comment.

Board Discussion:

Chair Kuebler stated that he and Director Shephard along with Cece Vandermeer met with the Auditor-Controller's Office at the County of Ventura to discuss if the County of Ventura would serve as the treasurer and auditor for the Agency. Chair Kuebler requested Attorney Johnson to research the possibility of having Vandermeer serve as the Treasurer. Attorney Johnson stated that he would research Government Codes; 6505, 6505.5 and 6505.6 and report back at the October 12, 2017 meeting. The Board declined to take action on this item.

**6) d. Member Agency Contributions**

Jennifer Tribo summarized the staff report.

No public comment.

Board Discussion:

The Board discussed considering requesting each Member Agency contribute a minimum of \$25,000 within 45 days of establishing a Treasurer

Director Shephard moved to invoice each Member Agency to contribute \$25,000 within 45 days of establishing a treasurer. Seconded by McDermott.

Ayes: Bruce Kuebler, Mary Bergen, Mike Hollebrands, Joe McDermott, Larry Rose, Emily Ayala and Glenn Shephard.

**6) e. Groundwater Sustainability Plan ("GSP") Workshop**

Jennifer Tribo summarized the staff report.

No Public comment.

Board Discussion:

Chair Kuebler stated that the DWR will have personnel in the Glendale office to assist in grant preparation and it would not be necessary to attend the GSP workshop on September 20, 2017.

**6) f. Grant Proposal for Upper Ventura River Basin Groundwater Sustainability Agency**

Jennifer Tribo summarized the staff report.

Board Discussion:

Chair Kuebler stated that the DWR has released the Final Proposal Solicitation Package (PSP) on September 8, 2017. Chair Kuebler discussed the process of cost sharing regarding the Grant. The Board discussed the update on the grant proposal package and discussed Resolution No. 2017-4; A Resolution of the Upper Ventura River Groundwater Agency (Agency) Authorizing Application to the

California Department of Water Resources (DWR) Sustainable Groundwater Planning Grant Program.

Chair Kuebler requested Jordan Kear to provide the cost to purchase a Data Logger.

**Public Comments:**

Kevin Delano with the State Water Board discussed the coordination between the State Water Board and UVRGA on surface water and groundwater modeling and the GSP development.

Bryan Bondy, Consultant, made suggestions on the requirements that the DWR is looking for in the Grant Application. Bryan Bondy added that it is important to sort out details before the grant application is submitted to DWR.

Chair Kuebler moved to authorize Resolution No. 2017-4; A Resolution of the Upper Ventura River Groundwater Agency (Agency) Authorizing Application to the California Department of Water Resources (DWR) Sustainable Groundwater Planning Grant Program. Seconded by Director Ayala.

Ayes: Bruce Kuebler, Mary Bergen, Mike Hollebrands, Joe McDermott, Larry Rose, Emily Ayala and Glenn Shephard.

**7) COMMITTEE REPORTS**

**a) Report from Ad Hoc Committee to Draft Bylaws**

Director Rose provided an update. The committee is currently reviewing a draft. Following legal review, it will be brought to the Board for consideration.

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

Chair Kuebler indicated that the Committee has not had any other communications with the State Water Resources Board.

**c) Report from Ad Hoc Stakeholder Engagement Committee**

Director Ayala announced that there will be a Stakeholder Forum at the Oak View Community Center on October 12 at 6pm.

**d) Report from Funding Options and Budget Review Ad Hoc Committee**

Director Bergen stated that the Ad Hoc Committee would like to have a budget report on the agenda.

**8) EXECUTIVE DIRECTOR'S REPORT –**

Jennifer Tribo that the next meeting will be held on October 12, 2017 the location had not yet been determined and that she would notify the Board where the next meeting will be located.

**ADJOURNMENT** – The meeting was adjourned at 3:00 pm.