

**UPPER VENTURA RIVER GROUNDWATER AGENCY
MINUTES OF REGULAR MEETING OCTOBER 10, 2019**

The Board meeting was held at the Casitas Municipal Water District meeting room at 1055 Ventura Avenue, Oak View, CA, 93022. Directors present were: Bruce Kuebler, Emily Ayala, Diana Engle, Larry Rose, Susan Rungren and Angelo Spandrio. Director Glenn Shephard was absent. Also present were: Executive Director and GSP Project Manager Bryan Bondy, Agency Administrator Summer Ward and Attorney Mack Carlson. The following members of the public were present: Bert Rapp (Alternate Director) and Jennifer Tribo.

- 1) **CALL TO ORDER AND ROLL CALL** – Chairperson Diana Engle called the meeting order at 1:03 P.M.
- 2) **PLEDGE OF ALLEGIANCE** – Led by Chairperson Diana Engle.
- 3) **PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA** - None
- 4) **APPROVAL OF AGENDA** – No changes were proposed.
- 5) **REGULATORY FEE PROTEST HEARING**
 - a. **Ernest and Caroline Ford’s Protest of Estimated July – December 2019 Groundwater Extraction Volume Associated with APN 010-0-050-010**

Executive Director Bondy introduced the Ford’s Protest Hearing and provided background information.

Attorney Carlson reviewed procedural requirements involving the protest hearing and requested that the Directors report an ex parte communications with the Ford’s outside of this hearing and related to this topic:

Director Spandrio – None

Director Rungren – None

Director Rose – None

Director Ayala Reported that the Ford’s are her neighbors and that she spoke with Ernest Ford last week and he stated he was unsure if he would be able to attend the hearing.

Director Kuebler – Reported that he engaged in discussions with the Ford’s during the fee estimation process.

Director Engle – None

Director Kuebler explained that the initial 90 acre-feet per year (AFY) estimate was for 66 acres, he was unaware of the Ford’s March letter, in which the Ford’s estimate only 60 acres and calculated the volume to be 75 AFY, not 90 AFY. Director Kuebler stated the requested adjustment to 75 AFY is appropriate. He also noted that the Ford’s are planning to rehab their well and add a meter.

Opened Hearing: 1:10 pm.

No Public Comments

Closed Hearing: 1:11pm.

Director Spandrio made the motion to approve extraction volume adjustment for APN 010-0-050-010 to 75 AFY; provide written notification from staff to the Ford's concerning the adjustment and refund for overpayment of July – December 2019 fees; and, reduce the total extraction volume estimate and fee revenue assumptions as part of the next budget update. Director Kuebler seconded the motion.

Ayes: Bruce Kuebler, Emily Ayala, Diana Engle, Larry Rose, Susan Rungren and Angelo Spandrio.

Noes: None.

Absent: Glenn Shephard.

6) CONSENT CALENDAR

- a. Approve Minutes from July 11, 2019**
- b. Approve Financial Report for July 2019**
- c. Approve Financial Report for August 2019**
- d. Approve Financial Report for September 2019**

Director Kuebler requested that the July minutes be amended to state under item 8c to reflect the point that it is will be necessary for Directors to engage with the public as part of Stakeholder Engagement Plan implementation.

Director Ayala noted grammatical errors requiring correction.

Director Kuebler made the motion to approve the Consent items a-d, including recommended revisions to the July 11, 2019 minutes. Director Engle seconded the motion.

No public comments.

Ayes: Bruce Kuebler, Emily Ayala, Diana Engle, Larry Rose, Susan Rungren and Angelo Spandrio.

Noes: None.

Absent: Glenn Shephard.

7) DIRECTOR ANNOUNCEMENTS

- a. **Directors may provide oral reports on items not appearing on the agenda.**
- b. **Directors shall report time spent on cost-share eligible activities for the 2017 Proposition 1 Sustainable Groundwater Management Planning (SGWP) Grant.**

Director Spandrio: No announcements and no time to report.

Director Rungren: The City's State Water Project Interconnection EIR is set for the City Council October 14. No time to report.

Director Rose: No announcements. 3.0 hours for Grant Task 10.

Director Engle: Attended the Ventura River Watershed meeting. The Watershed Committee has a new moderator and Clean Water Act Watersmart grants were discussed. No time to report.

Director Ayala: Ojai Library is hosting an informative event Saturday at 1 pm, about reintroducing beavers into the region. Citrus returns are the lowest since 1980 due to poor market conditions. Some local agricultural land has been put up for sale and there are concerns about agricultural pumpers' ability to pay groundwater extraction fees. No time to report.

Director Kuebler: Same as Director Engle.

Director Shepard: Absent.

8) EXECUTIVE DIRECTOR'S REPORT

The Executive Director provided the following updates:

- Executive Director Bondy stated that although Ms. Ward was able to address the initial email system issues temporarily, the system has been continued to be unreliable. He explained that the current email system is a free add-on to the domain and comes with no technical support. The staff has researched available options. Staff recommends moving the Director and Staff uvrgroundwater.org email accounts to Microsoft Exchange accounts supported by Mitec, a local IT service used by MOWD. This would also occur for any directors who desire to use an Agency email address. Attorney Carlson stated that personal accounts could potentially be subpoenaed as a result of litigation or a public records request; further, the best practice is to use an independent email account. Executive Director Bondy and Attorney Carlson paused to review the Agency bylaws and determined that all Directors and staff are required to use an agency email account. Staff will, therefore, pursue necessary Microsoft Exchange email accounts, at the cost of \$16.99/month/account.
- Executive Director Bondy stated that the first grant invoice and progress report was submitted in early August. The initial invoice covers the timeframe from the beginning of eligibility through June 30, 2019. Invoicing and reporting will be quarterly going forward. DWR approval has been delayed because the DWR grant manager was temporarily reassigned to other duties within DWR for the month of September.

Comments are expected by the end of October and payment approximately 3-months later. Director Kuebler requested a copy of the initial submission.

- Executive Director Bondy provided a handout, SWRCB Model Data and Information Request Letter, and Table, dated July 16, 2019 (see attachment). He explained that he has been working with Kevin Delano, State Water Resources Control Board (SWRCB) to obtain data compiled for the flow study. The SWRCB has provided Categories A & B for setting up the maps and development of the conceptual model. A GSP kick-off meeting was held with Intera and Kear Groundwater was held on October 3, 2019. Task assignments and general approaches were discussed. Executive Director Bondy will prepare the work orders for the first tasks for Board review and approval.
- Executive Director Bondy stated that the monthly calls with the SWRCB and the Department of Fish and Wildlife have not been held recently due to no updates from either party.
- Executive Director Bondy reported that Well Access Agreements for five of the six wells being monitoring by the Agency have been executed. The initial agreements had expired and the new agreements were revised so they will continue indefinitely until one party chooses to end the agreement. Director Kuebler has made multiple attempts to contact the landowner for the Casitas Mobile Home Park; he will continue to make contact with the Property Manager. Executive Director Bondy will check records for the land owner's contact information.

9) ADMINISTRATIVE ITEMS

a. **Approval of Waiver of Late Fees and Penalties Relating to Groundwater Extraction Regulatory Fee**

Prior to discussion of this item, Director Kuebler and Alternate Director Rapp recused themselves and exited the meeting room.

Executive Bondy presented the staff's request to approve a one-time waiver of Late Fees and Penalties relating to the Regulatory Fee for the July – December 2019 period, which would provide a grace period of 30 days from the date of a forthcoming statement to the late payers. He stated that the Board could establish a different grace period, but recommended against extending beyond December 31, 2019, to prevent overlap with the next invoices. At the time the staff report was prepared, the Treasurer had reported that one Member Agency and two private pumpers had outstanding balances. The Member Agency payment was recently received.

No Public Comment.

Director Ayala stated that she has been in communication with one of the private pumpers and that a payment is being processed; she also stated that Director Kuebler had been in contact with the other pumper. Additionally, the private pumper has requested that future invoices be emailed, rather than mailed. She stated that private pumpers should not be charged late penalties or interest on the first invoice.

Director Rungren stated support for staff recommendations.

Director Spandrio made the motion to approve the recommended action to waive Late Fees and Penalties relating to the Regulatory Fee for the July – December 2019 billing period for 30 days. Director Rose seconded the motion.

Ayes: Emily Ayala, Diana Engle, Larry Rose, Susan Rungren, and Angelo Spandrio.

Noes: None.

Recused: Bruce Kuebler.

Absent: Glenn Shephard.

b. Fiscal Year 2018/2019 Budget

Executive Director Bondy reported that the Ad Hoc Budget Committee reviewed the profit and loss (P&L) statement through June 30, 2019. The fiscal year budget report shows \$76,000 under budget, approximately \$30,000 is deferred work and the remaining \$45,000 is real savings.

Executive Director Bondy stated that he plans to work with the Treasurer to reorganize the Quickbooks classifications to provide improved reporting and tracking by Grant Task., For example, professional fees appear under multiple budget items which creates confusion and complicated expense tracking. Mound Basin GSA's books will serve as a template.

Executive Director Bondy reported the following budget exceedances and recommended adjustments to eliminate the exceedances: Personnel budget is over by \$260.22 and Planning Activities exceeded by \$15,132.

No Public Comments.

Director Spandrio made the motion to approve moving the following budget amounts from 58010 (Legal Fees):\$260.22 to 50001 (Personnel Expense) and \$15,000 to 61700 (Organization Activities). Director Rungren seconded the motion.

Ayes: Bruce Kuebler, Emily Ayala, Diana Engle, Larry Rose, Susan Rungren and Angelo Spandrio.

Noes: None.

Absent: Glenn Shephard.

c. Financial Auditor Selection and Contract Approval

Executive Director Bondy stated that staff issued an RFP for the next three annual audits to seven firms and two responses were received. The two firms presented for consideration are Bartlett, Pringle & Wolf, LLP and Vasquez & Company, LLP. Executive Director Bondy reminded the Board that Bartlett, Pringle & Wolf performed

the UVRGA's initial audit and had a great experience, of note was the outstanding customer service. Both firms provided similar pricing for the next three audits \$30,000 vs \$30,909, respectively. Staff requested authorization to enter into contact with the auditing firm Bartlett, Pringle & Wolf, LLP, based on pricing and past experience with this firm.

Public Comment:

Alternate Director Rapp stated that VRWD has used the Bartlett, Pringle & Wolf firm and has been very happy with their good quality work.

Director Kuebler made the motion to approve the selection of Bartlett, Pringle & Wolf, LLP and authorize the Executive Director to contract with the firm to perform the next three Financial Audits in the amount of \$30,000.00. Director Ayala seconded the motion.

Director Kuebler noted that the salary schedule may change over the next three years. Director Spandrio requested clarification on the listed item "single audit related reports" on "Attachment A." Executive Director Bondy stated that this item is not applicable to UVRGA, it would only apply if the UVRGA was a Federal Grant recipient. Director Engle added that she likes that the firm is local.

Ayes: Bruce Kuebler, Emily Ayala, Diana Engle, Larry Rose, Susan Rungren and Angelo Spandrio.

Noes: None.

Absent: Glenn Shephard.

d. Jurisdictional Overlap between SGMA, Ventura River Flow Study, and the Ventura River Watershed Adjudication and Agency Options for Participation in or Influencing the Adjudication

Attorney Carlson provided a legal perspective concerning the overlap between SGMA, the Ventura River Flow Study and the Ventura River Watershed Adjudication and the Agency's options for participating in or influencing the adjudication. In terms of the adjudication, three options were discussed with the Board. The first option is to intervene and participate in the litigation; this is the most active role but will require the most time and resources. The second option is to amicus briefs with the court regarding the aspects of litigation that could impact the Agency's SGMA compliance. Thirdly, the UVRGA can adopt the GSP, then, if sued, could be a party to the adjudication. He noted that the flow study, adjudication, and GSP development processes will forward on separate tracks, until the time when they intersect.

Attorney Carlson emphasized that the adjudication and/or flow study are not substitutes for SGMA compliance and that the GSP is due before the adjudication and flow enhancement outcomes will be determined. He noted that, if the UVRGA was to fail to develop and implement as SGMA-compliant GSP, the State would place the basin in probationary status and implement an interim plan until the GSA remedies the deficiencies, which would be costly and inefficient. Attorney Carlson stated that the

UVRGA will find itself at the intersection of the three processes and will be uniquely situated to provide a forum for developing and implementing solutions that address all three processes.

Public Comment:

Alternate Director Rapp referenced the July 11th Board meeting comments and recommended not doing any model work for the GSP.

Director Rungren made the motion to receive and file the staff report. Director Rose seconded the motion.

Director Spandrio stated that he feels the interim settlement between ChannelKeeper and City of Ventura was moved forward based on the scientific data that was provided. The UVRGA should be involved in the adjudication and keep our data input; possibly through the SWRCB.

Director Kuebler commented on the mediation process of 164 days and asked how we engage in that process. Attorney Carlson replied that the UVRGA would need to become a part of the adjudication to participate in mediation. Otherwise, the Agency will have to wait for information to be released.

Director Engle stated that it is clear that other parties are agreeing on studies in the mediation process and that each Member Agency can work with their respective counsel to make sure information is shared.

Director Ayala stated that it would be premature to participate in the adjudication and recommended keeping this as an ongoing discussion topic. She recommended revisiting this topic 3-4 times per year.

Director Rungren agreed that receiving updates 3 times per year is reasonable.

Director Kuebler provided a separate handout on which he outlined his personal thoughts on "GSP Procedural Issues" related to litigation and SWRCB instream flow studies and stated that he hopes to keep costs down by minimizing overlap in activities (see attachment to minutes).

Ayes: Bruce Kuebler, Emily Ayala, Diana Engle, Larry Rose, Susan Rungren and Angelo Spandrio.

Noes: None.

Absent: Glenn Shephard.

10) GSP GRANT ELIGIBLE ITEMS

a. Stakeholder Engagement Plan Annual Review and Update (Grant Category (c): Task 10: Stakeholder Outreach and Engagement)

Director Rose reported that the Ad Hoc Stakeholder Engagement Committee performed the annual review and update of the Stakeholder Engagement Plan. Director Rose stated there were no substantive changes. Director Rose noted that the plan update was not included in the Agenda packet. Executive Director Bondy stated that the updated plan was not received from the committee.

No Public Comments.

Director Kuebler asked for clarification on how the City of Ojai will be kept up to date, per the plan. Executive Director Bondy replied that the Committee will need to present the recommended implementation actions for Board consideration and/or approval.

The Board requested the Stakeholder Engagement Plan Implementation discussion be added to the November Regular Board agenda.

Director Rose made the motion continue the Stakeholder Engagement Plan Annual Review and Update and add discussion of Plan Implementation. Director Kuebler seconded the motion.

Ayes: Bruce Kuebler, Emily Ayala, Diana Engle, Larry Rose, Susan Rungren and Angelo Spandrio.

Noes: None.

Absent: Glenn Shephard.

b. Data Gap Tasks Update (Grant Category (b))

Executive Director Bondy referred the Directors to the summary table in the staff report.

Grant Task 1 (Groundwater Level Monitoring): Data Gap 4 (Northern Boundary) will be addressed using data collected by MOWD from its Well No. 2. This will save money by not installing an Agency data logger in this area. Data Gap 3 (Southern Boundary) will be addressed by installing Agency data loggers in two monitoring wells owned by the City of Ventura at Foster Park (1 at entrance and 1 at the north end of the park). Data Gap 2 (San Antonio Creek Confluence) will require a new monitor to be installed as part of another grant task. Data Gap 1 (Bedrock) sits below the alluvial channel and is very complex with different rock formations. Establishing monitoring locations in bedrock will be deferred, pending further evaluation as part of GSP development. Groundwater level and surface water monitoring reports will be presented in early 2020. Reporting will be completed on a water year schedule moving forward.

Task 2 (Project Monitoring Plan) is on hold pending access to drill the wells in Task 6.

Task 3 (Surface Water – Groundwater Interface Monitoring): Weekly visual observations of the river are ongoing. A technical memorandum is due in January.

Task 4 (Groundwater Extraction Estimates): A memo summarizing the Ad Hoc Funding Committee's findings was not required before the first grant invoice, This memorandum will need to be finalized memo and submitted to DWR.

Task 5 (Water Year Hydrologic Data Analysis): This task is budgeted for FY 19/20. A proposal has been requested from Kear Groundwater.

Task 6 (Subsurface Inflow Data): Work is pending access from OVLC for monitoring well drilling. Access is delayed due to property transfer and mitigation certification by the State.

Task 7 (Surface Water Flow Data): monitoring is ongoing A monitoring report is due in January.

Task 8 (Natural Habitat Evapotranspiration Analysis): The work is budgeted for 19/20 and 20/21. A proposal has been requested from Kear Groundwater.

Executive Director Bondy noted that current work orders cover groundwater monitoring through May 2020, surface water-groundwater interface monitoring through September 2019, and surface water flow measurements through December 2019. Executive Director Bondy stated that monitoring should continue as it is vital to GSP development and implementation. He has a proposal from Kear Groundwater for continued monitoring.

No Public Comments

Director Rungren made the motion to receive the staff report. Director Ayala seconded the motion.

Ayes: Bruce Kuebler, Emily Ayala, Diana Engle, Larry Rose, Susan Rungren and Angelo Spandrio.

Noes: None.

Absent: Glenn Shephard.

11) COMMITTEE REPORTS

None.

12) ADJOURNMENT – The meeting was adjourned at 3:39 pm. The next scheduled Board meeting is November 14, 2019, at 1 pm at the **Public Works Yard Assembly Room, 336 Sanjon Road, Ventura, CA 93001.**

Action: _____

Motion: _____ Second: _____

B.Kuebler___ D.Engle___ A.Spandrio___ S.Rungren___ G.Shephard___ E.Ayala___ L.Rose___