

UPPER VENTURA RIVER GROUNDWATER AGENCY

NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that the Upper Ventura River Groundwater Agency (“Agency”) Board of Directors (“Board”) will hold a **Special Board Meeting at 1 P.M. on Friday, January 24, 2020 at the Ventura River Water District Meeting Room, 409 Old Baldwin Road, Ojai, CA 93023.**

UPPER VENTURA RIVER GROUNDWATER AGENCY BOARD OF DIRECTORS
SPECIAL MEETING AGENDA

January 24, 2020

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. In accordance with Government Code § 54954.3(b)(1), public comment will be limited to three (3) minutes per speaker per issue.

4. APPROVAL OF AGENDA

5. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments.

- a. Approve Minutes from December 12, 2019**
- b. Approve Financial Report for December 2019**
- c. Fiscal Year 2019/2020 1st Quarter Budget Report**

6. 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.**

7. EXECUTIVE DIRECTOR’S REPORT

CLOSED SESSION

It is the intention of the Board of Directors to meet in Closed Session to consider the following items:

8. CLOSED SESSION ITEMS

- a. Public Employee Discipline/Dismissal/Release**
Government Code section 54957

REGULAR AGENDA

9. ADMINISTRATIVE ITEMS

- a. Agency Treasurer and Bookkeeping Services**
The Board will consider authorizing the Executive Director to execute a contract with a Carrie Troup, CPA, appointing Ms. Troup as Agency Treasurer, setting the Treasurer's bond amount, and directing the Treasurer to post a bond in the amount determined by the Board.

- b. Legal Services Request for Proposals and Selection Process**
The Board will consider establishing a process for selecting new legal counsel, including issuance of a request for proposals.

10. GSP GRANT ELIGIBLE ITEMS

None.

11. COMMITTEE REPORTS

- a. Ad Hoc Stakeholder Engagement Committee**
The committee will provide an update on Stakeholder Engagement Plan implementation activities since the last Board meeting and receive feedback from the Board.

12. ADJOURNMENT

The next scheduled Board meeting is February 13, 2020.

**DRAFT UPPER VENTURA RIVER GROUNDWATER AGENCY
MINUTES OF REGULAR MEETING DECEMBER 12, 2019**

The Board meeting was held at the Ventura River Water District Conference Room, 409 Old Baldwin Road, Ojai, CA 93023. Directors present were: Bruce Kuebler, Emily Ayala, Diana Engle, Larry Rose, Susan Rungren (arrived 1:10 pm), Glenn Shephard and Angelo Spandrio. Also present were: Executive Director and GSP Project Manager Bryan Bondy (arrived 1:10 pm) and Agency Administrator Summer Ward. The following members of the public were present: Bert Rapp (Alternate Director), John Mundy, and Ben Pitterle.

- 1) **CALL TO ORDER AND ROLL CALL** – Chairperson Diana Engle called the meeting order at 1:05 P.M.
- 2) **PLEDGE OF ALLEGIANCE** – Led by Chairperson Diana Engle.
- 3) **PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**
No Public Comments
- 4) **APPROVAL OF AGENDA** – No changes were proposed.
- 5) **CONSENT CALENDAR**
 - a. **Approve Minutes from November 14, 2019**
 - b. **Approve Financial Report for November 2019**

Director Kuebler noted recommended revisions to the minutes, including item 3 remove public comment; Item 6b change 65% to 67%; Item 9a, motion should reflect approval of updates and implementation.

Director Engle noted grammatical errors, recommended corrections provided to Ms. Ward.

Director Spandrio made the motion to approve the Consent Calendar, including recommended revisions to the November 14, 2019 minutes. Director Rose seconded the motion.

No public comments.

The Board requested to receive the draft minutes prior to issuance of the next Board meeting agenda packet for review.

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

Noes: None.

- 6) **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 Kuebler: Attended a Ventura River Watershed Council (VRWC), Ojai Basin Groundwater Management Agency meeting and two California Groundwater Resource Association events, a modeling webinar and dinner presentation by a DWR attorney. He also reported that the City of Ojai has indicated that the GSA can keep the City informed of SGMA issues via letters to the City Manager. Time: 30 minutes – Category D, Task 11 for plan updates.

Director Ayala: No announcements and no time to report.

Director Shepard: Cuyama GSA adopted their GSP and Fox Canyon is planning to adopt their GSPs tomorrow. No time to report.

Director Rungren: The City will be sending notices to all pumpers concerning public meetings to be held related to the adjudication. Dates and locations are published on the City's website. No time to report.

Director Rose: A meeting of the environmental representatives from the Ventura County GSAs was held, but Director Rose was unable to attend. Time: 1.5 hrs – Category B, Task 4, for the extraction memo.

Director Spandrio: No announcements and no time to report.

Director Engle: Attended same GRAC events as Director Kuebler. and the VRWC meeting. Director Engle shared the UVRGA GSP timeline with at the VRWC meeting. Time: 30 minutes – Kear Work Order Review.

7) EXECUTIVE DIRECTOR'S REPORT

The Executive Director provided the following updates: Executive Director Bondy reminded Directors to use their @uvrgroundwater.org email addresses, if anyone has any technical issues please contact Ms. Ward.

Executive Director Bondy requested that any Agency correspondence received by Directors be forwarded to him for review. Recently two letters were received by a director from the City of Ventura's attorneys and forwarded directly to Ms. Ward with instructions for posting information that had not yet been reviewed by the Executive Director or counsel. The letters have been forwarded to counsel for review.

Executive Director Bondy reported that the Agency is actively talking to CPA firms for Treasurer and Bookkeeping support.

Chairperson Engle requested an update on the grant deliverable related to the extraction fee. Executive Director Bondy stated that he reviewed the Ad Hoc Committee's draft report. Director Rose stated that the committee is working on addressing the comments.

8) ADMINISTRATIVE ITEMS

a. Regular Board Meeting Schedule for 2020

Executive Director Bondy reviewed the staff report with the Board.

Chairperson Engle requested consideration of an evening meeting, in lieu of a mid-day for those that work full-time. There was not Board consensus on the request.

No Public Comment.

Director Spandrio made the motion to approve the second Thursday of the month, 1:00 P.M. as the Regular Board Meeting Schedule for 2020. Director Kuebler seconded the motion.

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

Noes: None.

b. Approve Executive Director Travel Expenses for Meeting with DWR and SWRCB

Executive Director Bondy reviewed the staff report and recommendation with the Board. Director Ayala recommended sharing information with OBGMA to reduce costs for both agencies. Executive Director Bondy said he would be happy to share information with OBGMA.

No Public Comments.

Director Rose made the motion to approve the staff recommendation. Director Ayala seconded the motion.

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

Noes: None.

c. Amendment No. 1 to Kear Groundwater Work Order No. 6 for Additional Field Monitoring Services to Facilitate Analysis of Evapotranspiration and Basin Inflow

Executive Director Bondy reviewed the staff report and recommendation with the Board. Director Kuebler asked for clarification on the increased frequency from 3 hours to 3 minutes, thought it was currently at 90 minutes. Executive Director Bondy stated that all monitoring devices will be changed to 3 minute intervals, regardless of current frequency. Director Kuebler asked when the data cut off will occur for the GSP. Executive Director Bondy replied that it will depend on completion of each section of the GSP.

Director Ayala stated that it will be important to coordinate between agencies with Kear Groundwater when water is being released from Matilija Dam, as it will affect the data.

Director Shephard stated that a bridge will be constructed at the Camino Cielo crossing prior to the Matilija Dam removal.

Chairperson Engle requested clarification on the data transmittal memo due December 31, 2021. Executive Director Bondy clarified that the work order amendment language is in red, which clarified the issue.

Public Comment:

Mr. Ben Pitterle of Santa Barbara Channelkeeper stated that he supports the collection of data and the relationship between evapotranspiration and the water budget, however, recommended carefully considering how much time is invested in analyzing evapotranspiration in the watershed.

Alternate Director Rapp is looking forward to analysis of the data.

Director Rose made the motion to approve the staff recommendation. Director Shephard seconded the motion.

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

Noes: None.

9) GSP GRANT ELIGIBLE ITEMS (2 PM)

a. Kear Groundwater Work Order No. 7 for the Development of GSP Section 2.2.1. (Hydrogeologic Conceptual Model), Stakeholder Workshop, and Support for GSP Section 2.2.2. (Current and Historical Groundwater Conditions) and Quantitative Analysis Approach for the GSP – (Grant Category (d): Task 11: GSP Development and Preparation)

Executive Director Bondy reviewed the staff report and recommendation with the Board. Chairperson Engle noted that the “General Nature of Services” section of Kear Groundwater Work Order No. 7 is the same as Work Order No. 6 Amendment No. 1. Executive Director Bondy will correct the language before executing the work order.

No Public Comments.

Director Rungren made the motion to approve both staff recommendations Director Kuebler seconded the motion.

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

Noes: None.

10) COMMITTEE REPORTS

The Stakeholder Engagement Committee did not have a report to present, however, discussion was held regarding recommended content for a Winter newsletter update. Director Ayala to draft a general update to include an overview of where the Agency is at along the GSP timeline and data needs of the agency (to be drafted by Executive Director

Bondy). The draft newsletter will be sent to the Committee and Executive Director for publishing.

11) ADJOURNMENT – The meeting was adjourned at 2:19 pm. The next Regular Board is scheduled for January 9, 2020.

Action: _____

Motion: _____ Second: _____

B.Kuebler____ D.Engle____ A.Spandrio____ S.Rungren____ G.Shephard____ E.Ayala____ L.Rose____

DRAFT

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No.

DATE: January 9, 2020
TO: Board of Directors
FROM: Karen Palm, Bookkeeper-Treasurer
SUBJECT: Approve Financial Report for December 2019

November UVRGA Balance: \$ 238,849.24

December 2019 Activity:

Revenues:

DWR	Grant Invoice No. 1 payment	\$ 91,596.39
OBGMA	Purchase of UVRGA computer	\$ 378.97

Checks Pending Signature:

2081	Bondy Groundwater	December services	\$ 11,537.71
2082	Brownstein Hyatt	November & December services	\$ 4,072.62
2083	Kear Groundwater	October & November services	\$ 8,177.62
2084	Mitec	Annual e-mail hosting services	\$ 2,446.56
2085	Karen Palm	December services	\$ 2,285.14

Total Expenditures Paid & To Be Paid - January \$ 28,519.65

December UVRGA Ending Balance: \$ 302,304.95

Action: _____

Motion: _____ Second: _____

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

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 5(c)

DATE: January 9, 2020

TO: Board of Directors

FROM: Agency Staff

SUBJECT: Fiscal Year 2019/2020 1st Quarter Budget Report

SUMMARY

The 1st quarter budget report for the current fiscal year is attached.

The Agency’s books have been reorganized since budget adoption and the last budget report. Grant-eligible expenses are no longer tracked via accounts. Rather, grant eligible expenses are logged in the appropriate professional services account and tracked by expense classification. This structure allows roll-up of professional services expenses, which was not possible under the prior account structure.

Executive Director and other professional services expenses are under budget because GSP development activities were limited during first quarter. Legal expenses are under budget as a result of successful implementation of cost control measures discussed during the March 2019 Board meeting.

RECOMMENDED ACTIONS

Receive and file the 1st quarter budget report.

BACKGROUND

The Fiscal Year 2019/2020 budget was adopted on June 13, 2019.

FISCAL SUMMARY

Please see summary.

ATTACHEMENTS

- A. 1st Quarter Profit and Loss, Budget vs. Actual Report

Action: _____

Motion: _____ Second: _____

B. Kuebler ___ D. Engle ___ A. Spandrio ___ S. Rungren ___ G. Shephard ___ E. Ayala ___ L. Rose ___

Upper Ventura River Groundwater Agency
FY 20 Budget v Actual Q1
July through September 2019

	Total ADMIN				Total GRANT				TOTAL			
	Jul - Sep 19	Budget	\$ Over Budget	% of Budget	Jul - Sep 19	Budget	\$ Over Budget	% of Budget	Jul - Sep 19	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense												
Income												
41000 · Grant Income												
41100 · DWR GSP Grant Income	0.00	31,250.06	-31,250.06	0.0%	0.00	0.00	0.00	0.0%	0.00	31,250.06	-31,250.06	0.0%
Total 41000 · Grant Income	0.00	31,250.06	-31,250.06	0.0%	0.00	0.00	0.00	0.0%	0.00	31,250.06	-31,250.06	0.0%
42000 · Share of Cost Reimb	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%
43000 · Groundwater Extraction Fee	169,636.65	84,823.37	84,813.28	199.99%	0.00	0.00	0.00	0.0%	169,636.65	84,823.37	84,813.28	199.99%
Total Income	169,636.65	116,073.43	53,563.22	146.15%	0.00	0.00	0.00	0.0%	169,636.65	116,073.43	53,563.22	146.15%
Expense												
50001 · Personnel Expenses												
50100 · Salaries Expense	10,326.00	8,971.20	1,354.80	115.1%	0.00	0.00	0.00	0.0%	10,326.00	8,971.20	1,354.80	115.1%
50200 · Payroll Taxes	524.41	675.21	-150.80	77.67%	0.00	0.00	0.00	0.0%	524.41	675.21	-150.80	77.67%
50400 · Worker's Comp Insurance	1,045.00	1,287.47	-242.47	81.17%	0.00	0.00	0.00	0.0%	1,045.00	1,287.47	-242.47	81.17%
50001 · Personnel Expenses - Other	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%
Total 50001 · Personnel Expenses	11,895.41	10,933.88	961.53	108.79%	0.00	0.00	0.00	0.0%	11,895.41	10,933.88	961.53	108.79%
55000 · Administrative Exp												
55005 · Rent Expense	200.00	150.00	50.00	133.33%	0.00	0.00	0.00	0.0%	200.00	150.00	50.00	133.33%
55010 · Telephone Expense	0.00	257.53	-257.53	0.0%	0.00	0.00	0.00	0.0%	0.00	257.53	-257.53	0.0%
55011 · Computer Maintenance	179.88	423.75	-243.87	42.45%	0.00	0.00	0.00	0.0%	179.88	423.75	-243.87	42.45%
55015 · Postage & Shipping	0.00	77.25	-77.25	0.0%	0.00	0.00	0.00	0.0%	0.00	77.25	-77.25	0.0%
55020 · Office Supplies	127.25	154.50	-27.25	82.36%	0.00	0.00	0.00	0.0%	127.25	154.50	-27.25	82.36%
55025 · Minor Equipment	1,396.19	625.03	771.16	223.38%	0.00	0.00	0.00	0.0%	1,396.19	625.03	771.16	223.38%
55035 · Advertising and Promotion	741.20	0.00	741.20	100.0%	0.00	0.00	0.00	0.0%	741.20	0.00	741.20	100.0%
55055 · Insurance Expense-SDRMA	3,620.67	450.31	3,170.36	804.04%	0.00	0.00	0.00	0.0%	3,620.67	450.31	3,170.36	804.04%
55060 · Memberships-CSDA	0.00	415.26	-415.26	0.0%	0.00	0.00	0.00	0.0%	0.00	415.26	-415.26	0.0%
Total 55000 · Administrative Exp	6,265.19	2,553.63	3,711.56	245.34%	0.00	0.00	0.00	0.0%	6,265.19	2,553.63	3,711.56	245.34%
58000 · Professional Fees												
58005 · Executive Director /GSP Manager	9,213.69	13,205.06	-3,991.37	69.77%	9,237.50	13,591.58	-4,354.08	67.97%	18,451.19	26,796.64	-8,345.45	68.86%
58010 · Legal Fees	6,128.45	18,720.00	-12,591.55	32.74%	0.00	250.03	-250.03	0.0%	6,128.45	18,970.03	-12,841.58	32.31%
58015 · Website	0.00	257.53	-257.53	0.0%	0.00	0.00	0.00	0.0%	0.00	257.53	-257.53	0.0%
58020 · Accounting	0.00	2,575.03	-2,575.03	0.0%	0.00	0.00	0.00	0.0%	0.00	2,575.03	-2,575.03	0.0%
58025 · SWRCB Flow Study Participation	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%
58050 · Other Professional Services	0.00	1,875.00	-1,875.00	0.0%	7,360.00	58,625.24	-51,265.24	12.55%	7,360.00	60,500.24	-53,140.24	12.17%
Total 58000 · Professional Fees	15,342.14	36,632.62	-21,290.48	41.88%	16,597.50	72,466.85	-55,869.35	22.9%	31,939.64	109,099.47	-77,159.83	29.28%
Total Expense	33,502.74	50,120.13	-16,617.39	66.85%	16,597.50	72,466.85	-55,869.35	22.9%	50,100.24	122,586.98	-72,486.74	40.87%
Net Ordinary Income	136,133.91	65,953.30	70,180.61	206.41%	-16,597.50	-72,466.85	55,869.35	22.9%	119,536.41	-6,513.55	126,049.96	-1,835.2%
Other Income/Expense												
Net Other Income	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%	0.00	0.00	0.00	0.0%
Net Income	136,133.91	65,953.30	70,180.61	206.41%	-16,597.50	-72,466.85	55,869.35	22.9%	119,536.41	-6,513.55	126,049.96	-1,835.2%

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 9(a)

DATE: January 9, 2020

TO: Board of Directors

FROM: Executive Director

SUBJECT: Agency Treasurer and Bookkeeping Services

SUMMARY

The Executive Director recommends hiring a Certified Public Accountant (CPA) firm to replace the current Bookkeeper/Treasurer. A CPA firm is recommended instead of a non-certified bookkeeper in order to provide more efficient handling of financial tasks, reduce the amount Executive Director time spend reviewing financial matters, and provide financial reporting capabilities currently lacking. The latter item is important for ensuring compliance with the Proposition 1 Sustainable Groundwater Management Grant audit requirements.

The Executive Director has inquired with a number of accounting firms. Although numerous firms were interested, not all employed a CPA. The search was narrowed down to two firms. Jacobs & Jacobs Accountancy Corporation, located in Ojai, and Carrie Troup, CPA, located in Santa Maria.

The Executive Director interviewed representatives of Jacobs & Jacobs in person. Jacobs & Jacobs was prepared to submit a proposal, but later declined in early January after unanticipated staffing changes occurred.

The Executive Director phone interviewed Ms. Troup multiple times and checked her key reference. Ms. Troup has direct experience serving as Treasurer of the San Antonio Basin Groundwater Sustainability Agency (SABGSA) and other public agencies. Additionally, Ms. Troup was recommended by SABGSA's Executive Director. Ms. Troup and the Executive Director have discussed measures to address the distance between UVRGA and Santa Maria.

RECOMMENDED ACTIONS

1. Authorize the Executive Director to execute a contract with the Carrie Troup, CPA, subject to negotiation of agreement terms to the satisfaction of the Agency Counsel and Executive Director;
2. Appoint the Carrie Troup, CPA as Treasurer;
3. Set a bond amount for the Treasurer pursuant to Government Code section 6505.1; and
4. Direct the Treasurer to post a bond in the amount determined by the Board.

BACKGROUND

The Treasurer bond was last by the Board at \$5,000.

FISCAL SUMMARY

The approved Fiscal Year 19/20 budget includes \$43,736 for administrative and financial services, which equates to approximately \$3,645 per month. Costs to date for administrative and financial services have averaged approximately \$3,830 per month (\$1,430 and \$2,400 per month for administrative and financial services, respectively). This cost analysis does not include costs for Executive Director oversight of the bookkeeper, which will likely be significantly reduced going forward if a CPA is hired to replace the bookkeeper.

It is anticipated that transitioning to a CPA will result in one-time costs and the current fiscal year budget may be exceeded by an estimated 10-20%. However, over the long-run, it is anticipated that the Agency will break even or reduce its costs because the CPA will be considerably more efficient, all ancillary activities will be transitioned to the Agency Administrator, and workers compensation insurance coverage will no longer be needed. Additionally, it is anticipated that the Executive Director will spend less time reviewing financial matters and coordinating with the Treasurer than in the past.

ATTACHEMENTS

- A. Carrie Troup, CPA proposal

Action: _____

Motion: _____ Second: _____

B. Kuebler ___ D. Engle ___ A. Spandrio ___ S. Rungren ___ G. Shephard ___ E. Ayala ___ L. Rose ___

Carrie Troup, C.P.A.

(805) 937- 0511

1005 S Broadway Santa Maria, CA 93454

December 26, 2019

Upper Ventura River Groundwater Agency
Attention: Bryan Bondy, Executive Director
202 W. El Roblar Dr.
Ojai, CA 93023

Dear Board of Directors,

Thank you for the opportunity to submit this proposal to handle the finances and serve as Treasurer of the Upper Ventura River Groundwater Agency.

I am eager to offer the following professional accounting services to the Agency:

- Monthly accounts payable, cut checks, and mailing checks to vendors
- Monthly financial / budget reporting for Board review and approval
- Monthly bank reconciliation
- Semi-annual invoicing of groundwater extraction fees
- Deposit of semi-annual fee payments and quarterly grant payments
- Annual budget preparation / support
- Coordinate with auditors for annual audit
- Respond to inquiries from Executive Director or Board Members as needed
- Board Meeting attendance for annual budget/audit reports

My billable rate for the professional accounting services is \$175/hour.

I estimate that the average cost would range from \$2,500 to \$3,000 per month depending upon the number of transactions and on additional special projects/analysis requested.

I offer a hands-on approach to my engagements with an open line of communication. I am dedicated to superior service and have the ability to address the needs of my clients in a personal and timely manner. I understand the unique issues facing small public agencies.

My firm exceeds the continuing professional education requirements for California Certified Public Accountants. I am experienced in working with public agencies. I work effectively with boards in a committee setting and provide appropriate expert guidance.

Attached is a list of my references including contact phone numbers. I hope that you contact my references as I feel they are a testament to the quality product and level of service I deliver.

Sincerely,



Carrie Troup, C.P.A.
(805) 937-0511 Office
(805) 478-6057 Cell
(805) 754-2874 Fax
carrie@troupcpa.com

Carrie Troup, C.P.A.

(805) 937- 0511

1005 S Broadway Santa Maria, CA 93454

References:

- San Antonio Basin Groundwater Sustainability Agency
Los Alamos, CA
Anna Olsen, Executive Director
(805) 868-4013
- Goleta Cemetery District
Goleta, California
Rick Bower, District Manager
(805) 967-3608
- Mosquito & Vector Management District of Santa Barbara County
Summerland, CA
Brian Cabrera, District Manager
(805) 969-5050
- Cachuma Resource Conservation District
Santa Maria, CA
Anna Olsen, Executive Director
(805) 928-3560
- South San Luis Obispo County Sanitation District
Oceano, CA
Amy Simpson, Office Manager
(805) 481-6903
- Los Alamos Cemetery District
Los Alamos, CA
Charlie Gonzales, Director
(805) 598-7314
- Oak Hill Cemetery District
Solvang, CA
Charlie Herrera, Manager
(805) 688-4035
- Santa Maria Valley Water Conservation District
Santa Maria, CA
Thomas Gibbons, Director
(805) 343-1757

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 9(b)

DATE: January 9, 2020

TO: Board of Directors

FROM: Executive Director

SUBJECT: Legal Services Request for Proposals and Selection Process

SUMMARY

Agency Counsel recently informed the Executive Director that they will need to step aside as counsel to the Agency because they represent a litigant in the Ventura River water rights litigation. Agency Counsel made it clear to the Agency when hired that this time may come. Agency Counsel does not see a circumstance where it would be appropriate to appear in the same litigation setting on behalf of two clients with potentially differing perspectives. Even if the Agency does not become party to the litigation, the subject of how SGMA might eventually be coordinated with the litigation will be a common and repeating question, which Agency Counsel will not be in a position to advise on. Agency Counsel is encouraging the Agency to secure new counsel in early 2020 and will assist by providing a list of potential firms that may be willing and able to provide the required services.

The Executive Director prepared the attached draft request for proposals (RFP) for legal services for Board consideration. Although, the RFP does not lock the Board into a particular selection process, the Board may choose to establish a process for selecting legal counsel at this time (e.g. establishing an Ad Hoc Committee, scheduling a special Board meeting to review proposals, or requesting staff review of proposals and a recommendation). Alternatively, the Board may decide how to proceed after receiving proposals at its next regular Board meeting.

RECOMMENDED ACTIONS

1. Discuss and consider establishing a process for selecting legal counsel and
2. Review the attached request for proposals and approve for release, with or without modification.

BACKGROUND

None.

FISCAL SUMMARY

None.

ATTACHEMENTS

A. Draft Legal Services Request for Proposals

Action: _____

Motion: _____ Second: _____

B. Kuebler ___ D. Engle ___ A. Spandrio ___ S. Rungren ___ G. Shephard ___ E. Ayala ___ L. Rose ___

DRAFT UPPER VENTURA RIVER GROUNDWATER AGENCY

REQUEST FOR PROPOSALS FOR

GROUNDWATER SUSTAINABILITY AGENCY LEGAL SERVICES

INTRODUCTION

The Upper Ventura River Groundwater Agency (Agency) is seeking proposals and statements of qualification submittals from attorneys or firms with experience representing public agencies to provide General and Special Counsel legal services to the Agency.

General Counsel needs are focused on Sustainable Groundwater Management Act and general public agency governance, public meetings and public records issues, water rights, intergovernmental agreements with other groundwater sustainability agencies or public agencies, revenue options, and public contracting issues. Special Counsel services will include advising and potentially representing the Agency in the Santa Barbara Channelkeeper v. SWRCB, et al comprehensive groundwater adjudication, Case No. 19STCP01176.

The selected firm(s) or attorney(s) will serve at the pleasure of the Board of Directors of the Agency. If the Agency decides to award a contract for legal services as a result of this RFP, it will enter into a contract establishing the terms and compensation for the subject services. All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by the Agency. Individual firms and multiple-firm teams are welcomed to submit.

BACKGROUND INFORMATION

On September 14, 2014, Governor Brown signed into law three bills collectively referred to as the Sustainable Groundwater Management Act (SGMA). SGMA requires the formation of groundwater sustainability agencies (GSAs) in state-designated medium and high priority basins. The Agency is comprised of one medium priority basin (Upper Ventura River Basin, DWR Basin ID No. 4-003.01). As authorized by SGMA, the GSA-eligible entities – the City of Ventura, the County of Ventura, Casitas Municipal Water District, Meiners Oaks Water District, and Ventura River Water District, have formed a Joint Powers Authority with the intent to work together with local stakeholders to implement the requirements of SGMA.

The Agency was formed for the purpose of developing, adopting, and implementing a Groundwater Sustainability Plan for the Upper Ventura Basin in order to comply with SGMA's requirements and achieve the sustainability goals outlined in SGMA.

The Agency intends to coordinate its activities to involve the public and local stakeholder through outreach and engagement in developing and implementing the GSP.

SCHEDULE

To the extent achievable, the following schedule shall govern the RFP. The Agency reserves the right to modify the dates below.

- Availability of the Request for Proposals and Qualifications: January 10, 2020
- Deadline for Submission of Interpretation and/or Questions: January 24, 2020

Questions should be submitted to Bryan Bondy, Executive Director at bbondy@uvrgroundwater.org

- Closing Date for the receipt of the Request for Proposals and Qualifications: January 31, 2020 by 5:00pm.

QUALIFICATIONS

1. Firm or individual attorney must have at least 10 years of public law experience representing public agencies, special districts, municipal governments, or joint powers authorities in California.
2. All attorneys performing services must be admitted to practice in the State of California and be members in good standing with the State Bar of California.
3. The attorney with primary responsibility for the services provided to the Agency (“Lead Counsel”), must have at least ten (10) years of experience providing general counsel legal services for local public agencies, special districts, or municipalities.
4. Demonstrated legal expertise in the following practice areas as they relate to public agencies, special districts, municipal governments, and joint powers authorities in California:
 - a. General Counsel - Laws and regulations that pertain to the governance of public entities including, but not limited to, California joint powers authorities, special districts, water districts, irrigation districts and municipalities. The relevant laws and regulations include, but are not limited to, the Ralph M. Brown Act; Public Records Act; Political Reform Act; conflicts of interest laws; general public entity and municipal law; the California Government Code and California Water Code; public agency bylaws and policies; public contracting and procurement processes and operating procedures; and rules of order relative to the conduct of joint powers authorities, special districts, water districts, irrigation districts and municipalities.

The types of services may include some or all of the following:

- Review, draft, and negotiate contracts.

- Advise on Agency legal matters
 - Advise on labor and employment matters
 - Review personnel, fiscal, and other policies
 - Maintain Agency bylaws
 - Attend Agency Board of Director meetings and other meeting as directed by the Board of Directors
 - Advise on government grant and contract issues
 - Advise on responses to subpoenas, court orders, and requests for information from third parties
 - Defend lawsuits, administrative claims, or other legal claims
 - Conduct litigation as necessary
 - Other legal services as deemed necessary by the
 - Agency Sustainable Groundwater Management Act.
 - Public financing and revenue mechanisms, including experience with Propositions 26 and 218. Environmental law, including: California Environmental Quality Act (CEQA); National Environmental Policy Act (NEPA); California and federal Endangered Species Acts; federal Clean Water Act and the California Porter-Cologne Water Quality Act.
 - Governance of public agencies, special districts, municipalities, and joint powers authorities, including amendments and bylaws, and experience interfacing with counsel for joint powers member agencies.
 - Other relevant areas pertaining to special district and public entity law.
- b. Special Counsel – In addition to the General Counsel expertise, it is desirable for the selected law firm (or teaming partner) to have expertise, including, but not necessarily limited to:
- Groundwater and surface water rights adjudication.
 - State Water Resources Control Board regulatory and water rights matters.
 - Public Trust Doctrine.
 - Endangered Species Act.

5. Lead Counsel shall attend Agency Board meetings as requested, and the attorney must be accessible to provide legal assistance to the Agency on an urgent basis, from time to time.
6. It is permissible for a firm to submit their proposal and qualifications based on the strength of their public agency/general counsel experience, and to team with other law firms to provide the Special Counsel expertise. In this scenario, however, it is expected that the Lead Counsel will have a working knowledge of SGMA and that the qualifications of the firm proposed to provide Special Counsel expertise be a part of the submittal package.

SUBMISSION REQUIREMENTS

Submission Materials and any questions should be sent to Bryan Bondy, Executive Director at bbondy@uvrgroundwater.org.

- **Cover letter** (no longer than 2 pages) - The cover letter should convey a clear understanding of the requirements and objectives, and why the Respondent is uniquely qualified to be awarded a contract.
- **Respondent's Qualifications** - Summary of overall qualifications and experience of the Respondent. It is expected that the firm(s) will describe its organization, size, structure, areas of practice, and office locations.
- **Proposed Respondent Team** - The Proposal shall identify the Lead Counsel who will be primarily responsible for providing legal services to the Agency, and other attorneys and staff to be assigned to the Agency's legal matters. Please include the qualifications, training, and certifications of Lead Counsel, and all other attorneys and staff who will perform the services outlined herein. Particular emphasis should be placed on those attorneys likely to be assigned to the representation.
- **Fee Schedule** - This section should identify the billing rates for listed personnel, as well as other costs or expenses that would be charged in conjunction with the work. The Offeror is free to propose alternative billing structures (e.g., monthly flat fee for attending Agency Board of Director meetings and advising on routine matters that do not require extensive research or other legal work) for consideration by the Agency. The Agency reserves the right to negotiate with the Offeror on the billing structure.
- **Conflicts** - This section should identify whether Respondent anticipates it would need to obtain conflict waivers from any existing clients and how Respondent anticipates addressing any potential conflicts with respect to any Member or Stakeholder entity and/or between GSAs.
- **References** - The names, addresses, and telephone numbers of three (3) public agency clients who have contracted with the Respondent for services similar to those described in this RFP within the last five years.

SUBMITTALS

The Proposal should be e-mailed to Bryan Bondy, Executive Director at bbondy@uvrgroundwater.org.

EVALUATION CRITERIA

The Agency Board of Directors and select staff will review the proposals and make recommendations for final approval. The Agency Board of Directors may request an interview meeting and/or responses to written questions with some qualified Offerors prior to final selection. The proposals will be reviewed with the following general criteria:

- Level of experience and competence of the individual proposed as Lead Counsel with respect to the key areas of service identified in the Qualifications.
- Level of experience and competence of the individual/firm proposed as Special Counsel for each of the major issue categories. What is the working relationship between the Lead Counsel's firm and Special Counsel's firm if they are different?
- Proposed approach to the scope of work.
- Offerors experience with similar clients and legal matters.
- Reference recommendations.
- Potential conflict of interest issues with Offeror's other clients.
- Comprehensive rates.
- Interviews/responses to written questions (if conducted)