

**UPPER VENTURA RIVER GROUNDWATER AGENCY  
MINUTES OF REGULAR MEETING SEPTEMBER 10, 2020**

The Board meeting was held via teleconference, in accordance with California Executive Order N-25-20. Directors present were: Bruce Kuebler, Diana Engle, Larry Rose, Emily Ayala, Susan Rungren, Angelo Spandrio. Directors absent: Glenn Shephard. Also present: Executive Director Bryan Bondy and Agency Counsel Keith Lemieux.

DIAL-IN: 1-669-900-6833    ACCESS CODE: 468390

<https://zoom.us/j/91520434975?pwd=THMvV2x3MIFYdjBVUUNEVUN2SDN1UT09>

**1) CALL TO ORDER**

Chair Engle called the meeting to order at 1:02 pm.

**2) ROLL CALL**

Executive Director Bondy called the roll.

Directors present: Bruce Kuebler, Diana Engle, Larry Rose, Emily Ayala, Susan Rungren, Angelo Spandrio.

Directors absent: Glenn Shephard.

**3) APPROVAL OF AGENDA**

Chair Engle asked if any changes are proposed. No changes were requested.

Director Rungren motioned to approve the agenda. Director Ayala seconded the motion.

Roll Call Vote: B. Kuebler – Y    L. Rose – Y    E. Ayala – Y  
                                  S. Rungren – Y    D. Engle – Y    A. Spandrio – Y

Absent: G. Shephard

Noes: None.

**4) PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

Chair Engle called for public comments in items not appearing on the agenda. None were offered.

Chair Engle called for public comments on the closed session items. None were offered.

Chair Engle adjourned the open session and asked the Directors to log into the closed session meeting.

## 5) CLOSED SESSION ITEMS

The Board met in closed session to discuss the following items:

- a. Conference with Legal Counsel – Pending Litigation  
Government Code § 54956.9, subdivision (a), (c) and (d)(1):  
*Upper Ventura River Groundwater Agency v. Casitas Municipal Water District*  
(VCSC Case No. 56-2020-00544348-CU-WM-VTA)
- b. Conference with Legal Counsel – Anticipated Litigation  
Consideration of initiation of litigation pursuant to Paragraph (4) of Subdivision (d)  
of Government Code § 54956.9: One case.

## SECOND OPEN SESSION

### 6) ROLL CALL

Executive Director Bondy called the roll.

Directors present: Bruce Kuebler, Diana Engle, Larry Rose, Emily Ayala, Susan Rungren, Angelo Spandrio.

Directors absent: Glenn Shephard.

### 7) ORAL REPORT REGARDING CLOSED SESSION

Agency Counsel Lemieux reported that the Board met in closed session to discuss the two items listed on the agenda. Director Spandrio did not participate in the closed session at the request of counsel to avoid conflict of interest. Director Shephard was also absent from the closed session.

Agency Counsel explained that, after discussion with Counsel, the Board decided to vote on the closed session matters in open session to provide transparency.

Conference with Legal Counsel – Pending Litigation: Upper Ventura River Groundwater Agency v. Casitas Municipal Water District:

Agency Counsel recommended directing Agency Counsel to dismiss this matter without prejudice.

Director Kuebler moved the recommended action. Seconded by Director Rose.

Roll Call Vote: B. Kuebler – Y   L. Rose – Y   E. Ayala – Y  
                  S. Rungren – Y   D. Engle – Y

Absent: G. Shephard

Noes: None.

Director Spandrio did not participate.

Conference with Legal Counsel – Anticipated Litigation Consideration of initiation of litigation pursuant to Paragraph (4) of Subdivision (d) of Government Code § 54956.9: One case.

Agency Counsel recommended directing Agency counsel to file a new action against Casitas Municipal Water District to enforce the Public Records Act.

Director Kuebler moved the recommended action. Seconded by Director Rose.

Roll Call Vote: B. Kuebler – Y L. Rose – Y E. Ayala – Y  
S. Rungren – Y D. Engle – Y

Absent: G. Shephard

Noes: None.

Director Spandrio did not participate.

As these actions were undertaken to cure an alleged Brown Act violation claimed in a letter by Casitas Municipal Water District dated Sept 1, 2020, the board further directed District Counsel to send notice of this cure action to Casitas Pursuant Govt 54960.1.

Counsel also mentioned that Board direction was given during closed session to publish information in the local newspaper concerning the litigation.

## 8) CONSENT CALENDAR

- a. **Approve Minutes from August 13, 2020 Regular Board Meeting**
- b. **Approve Financial Report for August 2020**
- c. **Approve Revised Fiscal Audit Agreement with Ventura River Water District**

Chair Engle asked if any Directors would like to pull any consent items for discussion.

Executive Director Bondy stated that the financial report had been revised to correct a \$0.03 error. He displayed the revised report on the web meeting screen. He said that the revised report would also be attached to the meeting minutes.

Director Rungren motioned to approve the consent calendar. Director Rose seconded the motion.

Roll Call Vote: B. Kuebler – Y L. Rose – Y E. Ayala – Y  
S. Rungren – Y D. Engle – Y A. Spandrio – Y

Absent: G. Shephard

Noes: None.

**9) DIRECTORS ANNOUNCEMENTS**

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

Director Kuebler: No report and no time.

Director Spandrio: No report and no time.

Director Rungren: No report and no time.

Director Ayala: Spent 1 hour on stakeholder outreach.

Director Rose: No report and no time.

Director Engle: No report and no time.

Chair Engle said Item 11a should be handled before Item 10 because Agency Counsel needs to logoff at 2pm. No objections.

**10) EXECUTIVE DIRECTOR'S REPORT**

Note: Item 10 was heard after Items 11a and b.

Executive Director Bondy reviewed the written staff report with the Board and provided the additional oral updates discussed below.

Regarding past due extraction fees, Executive Director Bondy asked if Director Keubler could follow-up with one of the entities as they are now past due on two invoices. Director Kuebler did not recall speaking with the entity. Executive Director Bondy said he would follow-up with Director Kuebler after the meeting.

Regarding groundwater and surface water monitoring, Executive Director Bondy asked if the Board had any concerns about the proposed changes outlined in the staff report. No concerns were expressed.

Regarding the SGMA Watershed Coordinator Grant, Executive Director Bondy explained that Fillmore-Piru GSA voted against supporting the grant application by the Resource Conservation District. He explained that the Board would need to decide on supporting the grant at its next meeting, but that he did not believe there would be unanimous support. He does not want to spend any further time and budget on this matter if there is not going to be support, but did not want to leave it off the next agenda if there are directors who would like to vote on it. He asked if Chair Engle had anything to add. Chair Engle supported Executive Director Engle's recommendation. Directors Keubler and Rungren supported the recommendation.

Regarding the Wildlife Conservation Board Grant, Executive Director Bondy explained that the application deadline was postponed to October 1 due to the wildfires. He stated that he met with Ojai Valley Land Conservancy staff in the field early in the day to look at

monitoring well sites. Director Rungren asked about the scope of the grant application. Executive Director Bondy explained that it includes the feasibility study, monitoring well and stream gauges, and baseline monitoring components discussed with the Board. Director Rungren asked if the Board will approve the grant. Executive Director Bondy stated that the application will be submitted before the next Board meeting, but that the Board would need to approve a grant agreement if awarded. Changes to the scope could be requested prior to entering into a grant agreement, if necessary, in light of the GSP or water rights litigation.

Chair Engle thanked the Executive Director for preparing the comment letter on the State Water Resources Control Board's draft Data Report.

Chair Engle asked if there were any public comments. No were offered.

Recommended Action:

Receive an update from the Executive Director concerning miscellaneous matters and Agency correspondence. Provide feedback to staff.

No motion.

## **11) ADMINISTRATIVE ITEMS**

### **a. Approve Addendum No. 1 to Attorney Retainer Agreement**

Executive Director Bondy explained the Agency Administrator will no longer be assisting the Agency because she no longer has time due to her kids distance learning at home as a result of COVID-19. He explained that Agency Counsel's firm is willing to provide administrative support at a rate of \$75/hour, which is a very competitive rate for administrative services when provided by a professional firm. He explained that the addendum to the retainer agreement sets forth the scope of administrative services and the proposed hourly rate. He explained that this is an interim solution for administrative services, but could be longer term. He noted that the hourly rate is higher than budgeted and an amendment to the adopted fiscal year budget may be required at a later date.

Director Kuebler thanked Executive Director Bondy for finding a solution quickly and thanked Agency Counsel for the willingness to provide administrative support.

Chair Engle noted that website updates is not listed in the scope and asked if the person could do that work. Executive Director Bondy explained that website updates can be assigned if the person has that skill.

Chair Engle asked if there were any public comments. No were offered.

Recommended Action: Approve Addendum No. 1 to the retainer agreement with Agency Counsel.

Director Rose motioned to approve the recommended action. Director Ayala seconded the motion.

Roll Call Vote: B. Kuebler – Y L. Rose – Y E. Ayala – Y  
S. Rungren – Y D. Engle – Y

Absent: G. Shephard

Noes: None.

Chair Engle suggested handling Item 11b next because it is related. No objections.

**b. Approve Resolution 2020-2 to Change Agency Principal Address**

Executive Director Bondy stated that the purpose of the resolution is to change the Agency's address to that of Agency Counsel so the administrative support person can handle the Agency's mail.

Agency Counsel noted that the law firm is moving next month, so the address listed in the resolution should be updated.

Director Ayala expressed concerns about using the law firm's mailing address in Westlake Village and expressed a preference for having a local mailing address, such as a P.O. Box.

Executive Director Bondy wondered if Ventura River Water District could receive the mail. He added that the simplest approach would be to keep the Meiners Oaks Water District mailing address if they are willing to receive mail for the Agency.

Chair Engle volunteered to inquire with Meiners Oaks Water District about continued mail service.

No public comments.

Recommended Action:

Adopt draft Resolution 2020-2 to change the Agency's principal address.

No motion.

**12) GSP ITEMS**

**a. Groundwater Sustainability Plan Update (Grant Category (d); Task 11: GSP Development and Preparation)**

Executive Director Bondy reviewed the written staff report with the Board and provided additional details concerning his presentation during the disadvantaged community involvement (DACI) webinar event for Casitas Springs.

Chair Engle asked if there were any public comments. No were offered.

Recommended Action:

Receive an update from the Executive Director concerning groundwater sustainability plan development and consider providing feedback.

No motion.

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

Director Rose explained that the Stakeholder Engagement Plan should be updated to reflect remote meetings due to COVID-19. He added that the contact information for the Agency Administrator needs to be changed.

Chair Engle asked if there were any public comments. No were offered.

Recommended Action:

Approve amendments to the Stakeholder Engagement Plan recommended by the Ad Hoc Stakeholder Engagement Committee.

Director Keubler motioned to approve changes described by Director Rose. Director Rose seconded the motion.

Roll Call Vote: B. Kuebler – Y L. Rose – Y E. Ayala – Y  
S. Rungren – Y D. Engle – Y

Absent: G. Shephard

Noes: None.

13) **ADJOURNMENT** – The meeting was adjourned at 3:28 pm.

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

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

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

**ATTACHMENT TO THE SEPTEMBER 10, 2020 MINTUES - REVISED STAFF REPORT  
FOR ITEM 5B DISPLAYED DURING THE BOARD MEETING**

**UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 5(b)**

**DATE:** September 3, 2020  
**TO:** Board of Directors  
**FROM:** Carrie Troup C.P.A., Treasurer  
**SUBJECT:** Approve Financial Report for August 2020

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**July 2020 UVRGA Balance** \$ 147,467.07

**August 2020 Activity:**  
**Revenues:**

Groundwater Extraction Fees- August \$ 39,001.34

**July Expenditures Paid:**

**Checks Pending Signature:**

2133	Bondy Groundwater Consulting, Inc.	August services	\$ 17,598.75
2134	Intera Incorporated	August services	\$ 16,359.00
2135	Carrie Troup, C.P.A.	August services	<u>\$ 1,443.75</u>

Total Expenditures Paid & To Be Paid - August \$ 35,401.50

**August 2020 UVRGA Ending Balance:** \$ **151,066.91**

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

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

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

The financial report omits substantially all disclosures required by accounting principles generally accepted in the United States of America; no assurance is provided on them.