

**UPPER VENTURA RIVER GROUNDWATER AGENCY
MINUTES OF REGULAR MEETING NOVEMBER 12, 2020**

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

**ON-LINE OR TELECONFERENCE:
DIAL-IN (US TOLL FREE) 1-669-900-6833
JOIN BY COMPUTER, TABLET OR SMARTPHONE:
<https://zoom.us/j/95543293635?pwd=NHdiQnI4NTVHVk1Pc2k1cnduU3M2QT09>
Meeting ID: 955 4329 3635 Passcode: 584326
New to Zoom, go to: <https://support.zoom.us/hc/en-us/articles/206175806>**

1) CALL TO ORDER

Chair Engle called the meeting to order at 1:03 p.m.

2) ROLL CALL

Executive Director Bondy called the roll.

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

Directors absent: None.

Note: Director Rose experienced technical difficulties and temporarily dropped off the web meeting following roll call. Director Rose reconnected during Item 7.

3) APPROVAL OF AGENDA

Chair Engle asked if there are any proposed changes. None changes were proposed.

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

Roll Call Vote: B. Kuebler – Y E. Ayala – Y D. Engle - Y
 S. Rungren – Y G. Shephard – Y A. Spandrio – Y

Absent: L. Rose

4) PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

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

5) CONSENT CALENDAR

- a. **Approve Minutes from October 8, 2020 Regular Board Meeting**
- b. **Approve Financial Report for October 2020**
- c. **Receive and File Fiscal Year 2020/2021 1st Quarter Budget Report**

Director Shepherd motioned to approve the consent calendar. Director Kuebler seconded the motion.

Roll Call Vote: B. Kuebler – Y E. Ayala – Y D. Engle - Y
 S. Rungren – Y G. Shephard – Y A. Spandrio – Y

Absent: L. Rose

6) DIRECTORS ANNOUNCEMENTS

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

Director Kuebler: No report and time: one hour for 10/28/2020 Ad Hoc Funding Committee meeting.

Director Spandrio: No report and no time.

Director Rungren: No report and no time.

Director Ayala: Congratulated Diane Engle for being reelected. Time: 1 ½ hours for meeting with Bryan Bondy regarding mapping groundwater use (Ad Hoc Funding Committee meeting) and for stakeholder outreach.

Director Shephard: No report and no time.

Director Engle: No report and no time.

Director Rose: No report. Time: one hour for Ad Hoc Funding Committee meeting (reported upon return to meeting during Item 7.)

7) EXECUTIVE DIRECTOR'S REPORT

Executive Director Bondy reviewed the written staff report with the Board.

No public comments.

Director Kuebler asked about development of model scenarios by the State Water Resources Control Board (SWRCB). Executive Director Bondy explained that SWRCB will be reaching out to stakeholders for input on the model scenarios some time in 2021.

No motion.

8) ADMINISTRATIVE ITEMS

a. Adjudication Coordination Update

Executive Director Bondy reviewed the written staff report, which summarizes recent adjudication coordination activities by the Executive Director and Agency Counsel and associated costs.

Agency Counsel Lemieux added to Executive Director Bondy's summary. He stated that a preliminary meeting was requested by the City of Ventura regarding the Physical Solution. UVRGA staff and counsel were invited to listen in to the web meetings to receive more background information which was provided in conjunction with the meet and confer process. Five informational web meetings were attended, which provided background that helped inform the recommended physical solution comments ultimately submitted by the Agency. He stated that, at this point, there is nothing further and they are in a "wait and see" mode.

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

Director Spandrio thanked Executive Director Bondy for the report and explained that his primary concern was execution of the confidentiality agreements by the Executive Director Bondy and Agency Counsel. He stated that he felt that Board approval should have been sought first.

Director Angelo wanted to know why the board approval was not requested. Executive Director Bondy explained he believed the confidentiality agreement did not obligate the agency directly based on how it was worded. He added that the confidentiality was specific to the information presented by the expert consultants during the web meetings. He stated that he believes it is a gray area in the joint powers agreement and bylaws and the timing of events was such that it necessitated use of his judgment. He added that the City of Ventura representative had informed the Board on its intent to share information with UVRGA staff and Counsel in August and this was part of that process.

Agency Counsel Lemieux stated that he believed that staff and counsel were instructed by the Board to receive information regarding the Physical Solution. They did not offer anything beyond the comments by the Board regarding the Physical Solution. He said they will handle things differently going forward. Should they get comments back, they will bring to the Board for direction.

Director Spandrio noted that the meet and confer period ended October 30 but has apparently been extended. Executive Director Bondy and Agency Counsel stated that they have not been notified of an extension. Director Spandrio stated the he would like to have the Board review and approve any future confidentiality agreements, if any are required for further coordination with the litigation process.

Chair Engle expressed concerns about staff and counsel being privy to information and negotiations not open to the public. Executive Director Bondy stated that the web meetings

were limited to presentations of background information to explain the physical solution approach and that no negotiations occurred.

Chair Engle asked the Directors for feedback on the situation. The consensus of the Board was to review confidentiality agreements with the Board in the future.

Executive Director Bondy requested clarification from the Board regarding potential future adjudication coordination aside from the confidentiality issue. Chair Engle expressed concerns about future communications by staff and/or counsel without prior Board authorization, but wanted to hear from the other Directors. Directors Kuebler, Rose, Shephard, Ayala, and Rungren expressed supported for staff and counsel coordinating with the adjudication effort and trust they will bring issues that require Board input or approval to the Board.

Public Comments: Burt Handy agrees that everyone should know what is going on and open to everyone.

No motion.

b. Rincon Consultants Work Order No. 3 for Camino Cielo Stream Flow Gauge Installation and 2021 Stream Flow Monitoring

Executive Director Bondy reviewed the scope and costs for proposed Rincon Work Order No. 3 for Camino Cielo stream flow gauge installation and 2021 stream flow monitoring.

Director Ayala noted the increased silt content in the river associated with the Matilija Dam draining event. She asked if silt would impact the equipment. Executive Director Bondy said the he did not think so because the equipment has screens to protect the pressure sensor.

Director Kuebler asked if the data will be used in the groundwater sustainability plan (GSP). Executive Director Bondy stated that the data would probably not be available for the GSP and that the purpose of the proposed monitoring is to begin collecting data to improve the modeling for the first GSP update in 2027.

Director Kuebler asked about the difference between the due dates in work order versus the consultant proposal. Executive Director Bondy explained that he want to give the consultant more time to complete the data report than they gave themselves.

Public Comments: Burt Handy asked about surface water inflows to the Ojai Basin. Executive Director Bondy explained that the Ojai Basin is not part of the Upper Ventura River Basin.

Recommended Actions:

1. Authorize the Executive Director to execute Rincon Consultants Work Order No. 3 for an amount not to exceed \$18,050 for stilling well installation and 2021 stream flow monitoring at the Camino Cielo Ventura River crossing.

2. Approve up to \$1,800 for potential unanticipated costs, to be authorized at the discretion of the Executive Director.

Director Kuebler motioned to approve the recommended actions. Director Rose seconded the motion.

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

Absent: None.

9) GSP ITEMS

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

Executive Director Bondy reviewed the staff report with the Board concerning Groundwater Sustainability Plan (GSP) development status and provided the additional updates discussed below.

Executive Director Bondy explained that he met with the Ad Hoc Funding Committee to help estimate agriculture pumping in basin for the model 2005 – 2019 model calibration period. He felt the meeting was very productive and he thanked the committee for their help. He feels they have a good path going forward.

Director Kuebler commented on the GSP development schedule (Attachment A of the staff report). He wants to make sure that the Agency avoids a perception that the Board is not transparent on the sustainable management criteria (SMC). Executive Director Bondy stated that the SMC will be the subject multiple public meetings and noted that the SMC discussion was already started during the September Board meeting.

Director Engle asked if there were any public comments. None were offered.

No motion.

10) COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

Director Rose stated there was nothing to report.

11) FUTURE AGENDA ITEMS

No future items were offered by the Directors.

12) ADJOURNMENT – The meeting was adjourned at 2:12 pm.

Action: _____

Motion: _____ Second: _____

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