

**UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES  
OF REGULAR MEETING SEPTEMBER 9, 2021**

The Board meeting was held via teleconference, in accordance with California Executive Order N-25-20. Directors present were Bruce Kuebler, Larry Rose, Susan Rungren, Emily Ayala, Pete Kaiser, Glenn Shephard, and Diana Engle. Also, present: Executive Director Bryan Bondy, Agency Counsel Keith Lemieux, and Administrative Assistant Maureen Tucker. Identified public members present: Burt Handy, Jenny Tribo, Mary Bergen (alternate director) and Kelly Dyer.

**1) CALL TO ORDER**

Chair Engle called the meeting to order at 1:01 p.m.

**2) PLEDGE OF ALLEGIANCE**

Executive Director Bryan Bondy led the Pledge of Allegiance.

**3) ROLL CALL**

Executive Director Bondy called roll.

Directors Present: Bruce Kuebler, Larry Rose, Susan Rungren, Pete Kaiser, Glenn Shephard, Diana Engle, and Emily Ayala

Directors Absent: none

**4) APPROVAL OF AGENDA**

Chair Engle asked for any proposed changes to the agenda. Chair Engle suggested moving Item No. 9a after Item No. 11.

Director Shephard moved agenda approval with the requested change by Chair Engle.  
Director Rose seconded the motion.

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

Directors Absent: none

**5) PUBLIC COMMENTS ON ITEMS NOT APPEAR ON THE AGENDA**

Chair Engle called for public comments on items not appearing on the agenda. No public comments were offered.

**6) CONSENT CALENDAR**

- a. Approve Minutes from August 12, 2021 Regular Board Meeting
- b. Approve Financial Report for August 2021

Director Kaiser moved approval of the consent calendar items. Director Shephard seconded the motion.

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

Directors Absent: none

**7) DIRECTORS ANNOUNCEMENTS**

- a. Directors may provide oral report on items note 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 time. No report.

Director Rungren:            No time. No report.

Director Rose:                No time. No report.

Director Shephard:            No time. No report.

Director Kaiser:              No time. No report.

Director Ayala:                No time. No report

Director Engle:                No time. Reported that she will be presenting the algae study results to the Regional Water Quality Control Board.

**8) EXECUTIVE DIRECTOR’S REPORT**

Executive Director Bondy reviewed the written staff report concerning updates on non-GSP Agency matters since the last Board meeting.

No questions from the Board

No public comment.

## **9) ADMINISTRATIVE ITEMS**

### **a. Agency Funding Discussion (Discussion moved to after No. 11)**

Executive Director Bondy stated that the staff report includes several references as attachments that the Board may find useful for the funding discussion:

- Q&A sheet based on the August 12 discussions (Attachment A).
- Adopted Long Range Budget (Attachment B)
- Draft GSP Section 7 (Attachment C)
- Agency Counsel's funding options memo (Attachment D)

Chair Engle suggested going through the Q&A sheet first and then discussion. No objections from the other directors.

Director Ayala asked if UVRGA can charge de minimis users a well head fee or some sort of fee?

Agency Counsel explained that there are potential options, but his experience in other basins is that doing so is not practical because the implementation costs exceed the revenue generated.

Director Kaiser suggested a nominal fee for monitoring the status of de minimis users to make sure they stay de minimis. He asked if that is a concern.

Executive Director Bondy explained that it is probably not a big concern. Director Rose concurred.

Director Rose said one year is not enough time to fund the exorbitant reserve.

Executive Director Bondy clarified that the reserve funding would take place over two years, not one.

The Board discussed a nominal fixed cost for all well users for a stable revenue stream.

Executive Director Bondy was asked to explain the reserves. He explained that reserves are needed for two reasons. One reason is to address unanticipated costs. The second is to help address cash flow issues. Cash flow issues are anticipated because UVRGA only invoices twice per year. He said a line of credit deal could address the cash flow issues but would not address unanticipated expenditures.

The Board discussed the pros and cons of reserves and loans.

Director Kaiser asked how the Agency would obtain a loan. Executive Director said the easiest option is an agreement with one of the member agencies.

Director Kuebler asked about the difference between the adopted budget and the monthly finance report. Executive Director Bondy explained that the adopted budget was based on year-end projections, which are different than the year end actuals.

Agency Counsel confirmed that a portion of the fee can be fixed. He added that Proposition 218 says the fee cannot exceed cost of service proportionally to the service received. A volumetric approach is most often used to meet this requirement.

Director Engle suggested a split approach with a portion of the fee being set for reoccurring costs. She wants a perception of fairness for all well users. Managing the basin benefits domestic wells, need to keep that in mind.

Director Kaiser wants to pursue fairness for all well users.

Susan Rungren suggested having the City of Ventura and perhaps the water districts pay their fees up front at the beginning of each year to help minimize cash flow issues. The City supports using a 5-year average for the City and Districts. Private pumpers could be based on meters each year.

Chair Engle asked for a reminder about the basis for the pumping amount in the approved budget. Executive Director Bondy explained that it was a compromise by the Board between the 2017 estimated pumping values and the pumping projections included in the GSP.

The Board continued discussion about fixed versus variable fees. It was noted that UVRGA is too small to absorb big swings in revenue.

Executive Director Bondy offered that the key to revenue stabilization lies with the City of Ventura and the two retail water districts because they pump a most of the groundwater and are, therefore, the primary source of the potential revenue variability. Any approach that addresses the City of Ventura and the two retail water districts will probably be good enough. Other pumpers could be variable if those three provide stabilize revenue. He suggested that the City of Ventura and the retail water districts meet to discuss.

Chair Engle summarized the key issues from the discussion:

1. Do de minimis users have skin in game? Perhaps a well head fee, which could also apply to others.
2. How to manage variability in pumping (revenue certainty)
3. Cash flow management alternatives.
4. Extraction only vs extraction and well head fee?
5. Agricultural users have said they would like to be metered, will the Agency require a specific kind of meter and what does the reporting look like?

The City of Ventura and retail water districts will meet to discuss and report back to the Board.

Public Comments:

Mary Bergen said volatility in pumping amounts is the primary problem.

## **10) GSP ITEMS**

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

Executive Director Bondy reviewed the written staff report and attachments with the Board. The draft GSP is out for public comment. Executive Director Bondy summarized recent outreach activities. He issued a special newsletter about the draft GSP comment period and was interviewed by the Ojai Valley News for an article that ran on August 26. The draft GSP was presented at the workshop hosted by the Ventura River Watershed Council.

Director Kuebler expressed concerns about the changes that will be made to the degraded water quality sustainable management criteria outside of the 60-day comment period. Executive Director Bondy said there is no requirement for a 60-day comment period on draft GSP. He offered to highlight the proposed changes on the Agency website with a link to the staff report that details the proposed changes. The Board agreed with the recommendation.

Director Ayala asked if any GSP comments have been received. Executive Director Bondy said no comments have been received.

Director Kaiser asked if the lack of feedback is typical. Executive Director Bondy said that it is typical for comments to be received near the end of the comment period.

Director Engle mentioned that she only saw two agricultural users in attendance at the GSP workshop. She expressed concerns at participation and potential miscommunications. She would like to have the support of the agricultural community on the GSP.

Director Ayala explained that there was a misinterpretation from a water lawyer about the 2-acre foot per year concern. She indicated that there are numerous lawyers stirring

things up in the region. She said she would reach out the agricultural pumpers a few days before the September 23<sup>rd</sup> workshop.

Executive Director Bondy said he would be happy to meet with any pumpers who have questions or concerns.

No public comments.

## **11) COMMITTEE REPORTS**

### **a. Ad Hoc Stakeholder Engagement Committee**

Director Rose said there is nothing to report.

No public comments.

## **12) FUTURE AGENDA ITEMS**

Executive Director Bondy said that he reserved a room at the Oak View Community Center now that California Executive Order N-25-20 is expiring.

Agency Counsel reported that Assembly Bill 361 was passed by the legislature today. AB 361 will allow for continued use of remote meetings. He briefly summarized the provisions of AB 361. A resolution of the board would be needed to continue meeting remotely, if desired.

The Board briefly discussed the information and requested an item on the next agenda concerning this matter.

## **13) ADJOURNMENT**

Chair Engle adjourned the meeting at 2:56 p.m.

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

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

B.Kuebler\_\_ D.Engle\_\_ P.Kaiser\_\_ S. Rungren\_\_ G.Shephard\_\_ E.Ayala\_\_ L.Rose\_\_