

## **UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING FEBRUARY 10, 2022**

The Regular Board meeting was held via teleconference, in accordance with Upper Ventura River Groundwater Agency Board Resolution No. 2021-05. Directors present were Vivon Crawford, Bruce Kuebler, 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: Jennifer Tribo, Mary Bergen, William Weirick, Kelly Dyer, Michael Flood, and Bert Rapp.

### **1) CALL TO ORDER**

Chair Engle called the meeting to order at 1:02 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, Susan Rungren, Pete Kaiser, Glenn Shephard, Diana Engle, and Emily Ayala.

Directors Absent: Vivon Crawford (arrived during Item No. 5).

### **4) APPROVAL OF AGENDA AND RENEWAL OF RESOLUTION NO. 2021-05**

Chair Engle asked for any proposed changes to the agenda. Director Kaiser moved agenda approval and renewal of Resolution 2021-05. Director Rungren seconded the motion.

Roll Call Vote:            B. Kuebler – Y     D. Engle – Y   G. Shephard – Y

S. Rungren – Y   P. Kaiser – Y   E. Ayala – Y

Director Absent: Crawford

Director Crawford arrived after the vote.

### **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 January 13, 2022, Regular Board Meeting
- b. Approve Financial Report for January 2022
- c. Approve Fiscal Year 2020/2021 Fiscal Audit Report

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

Roll Call Vote:            B. Kuebler – Y    D. Engle – Y   G. Shephard – Y  
   S. Rungren – Y   P. Kaiser – Y   E. Ayala – Y   V.Crawford - Y

**7) DIRECTORS ANNOUNCEMENTS**

- a. Directors may provide oral report on items note appearing on the agenda.

Director Crawford:        Director Crawford met with Director Ayala to learn about UVRGA.

Director Kuebler:        No report.

Director Rungren:        No report.

Director Shephard:        No report.

Director Kaiser:        No report.

Director Ayala:        No report.

Director Engle:        No report.

**8) EXECUTIVE DIRECTOR’S REPORT**

Executive Director Bondy reviewed the written staff report concerning Agency matters since the last Board meeting.

Chair Engle asked whether Intera Inc. should attend the SWRCB webinar. Executive Director Bondy suggested it is not necessary because the webinar will be recorded.

Director Ayala congratulated Executive Director Bondy for getting the GSP completed and submitted.

Public comments: none.

**9) ADMINISTRATIVE ITEMS**

**a. Ad Hoc Stakeholder Engagement Committee**

Executive Director Bondy provided an overview of the item.

The Board discussed whether the committee should be reinstated. Varying opinions were offered. After discussion Chair Engle moved to reinstate the Ad Hoc Stakeholder Engagement Committee consisting of Directors Kuebler, Ayala, and Crawford for a term ending on 1/31/2023 with no changes in the committee duties. Director Rungren seconded the motion.

Public comments: none.

Roll Call Vote:            B. Kuebler – Y    D. Engle – Y    G. Shephard – Y

                                 S. Rungren – Y    P. Kaiser – Y    E. Ayala – Y    V.Crawford - Y

**b. Agency E-Mail Policy**

Executive Director Bondy explained that Resolution 2022-03 would modify Article 10 of the Agency Bylaws to make use of the Agency email optional for Member Directors. This would align the Bylaws with actual practices and allow the Agency to delete unused e-mail accounts.

Chair Engle asked a few clarifying questions.

Director Kuebler moved adoption of Resolution 2022-03. Director Ayala seconded the motion.

Public comment: none

Executive Director Bondy requested that the Member Directors let him know whether they intend to use an Agency email account or not.

Roll Call Vote:            B. Kuebler – Y    D. Engle – Y    G. Shephard – Y

                                 S. Rungren – Y    P. Kaiser – Y    E. Ayala – Y    V.Crawford - Y

### **c. Ojai Basin Groundwater Sustainability Plan Comments**

Executive Director Bondy stated that Director Kuebler requested that this item be placed on the agenda. He asked Director Kuebler to provide the background.

Director Kuebler stated he believes there are three issues with the Ojai Basin GSP (OBGSP) that UVRGA should comment to DWR on: (1) incomplete analysis of effects on UVRGA's ability to sustainably manage the Upper Ventura River Basin (UVRB); (2) procedural issues related to his comments not being addressed; and (3) data issues related to discrepancies between San Antonio Creek inflows and outflows. Director Kuebler read a prepared statement that is attached to these minutes.

Chair Engle thanked Director Kuebler for attending the OBGMA meetings. She asked for Director comments.

Director Kaiser expressed concerns about a comment letter to DWR creating conflict with OBGMA and said UVRGA should be working with OBGMA instead. He also expressed concerns about costs and the adjudication.

Chair Engel expressed an interest in getting the Executive Director's opinion about whether the OBGSA addresses the GSP regulations before deciding whether and how to communicate any findings.

Director Shephard asked whether UVRGA had an opportunity to comment on the GSP before it was adopted. Executive Director Bondy said that the Board directed him to review and comment on the GSP at the OBGMA GSP public hearing, but he was unable to complete that task because the National Marine Fisheries Service comments on the UVRGA GSP were received and took priority.

Public comments:

Bill Weirick introduced himself as a member of the Ojai City Council and OBGMA Board of Directors. He expressed concerns about Director Kuebler's comments being conclusion driven, rather than evidence driven. He agreed with Chair Engle's recommendation for the Executive Director to get familiar with the OBGSP and vice versa.

Burt Rapp said that UVRGA has completed the required streamflow depletion analysis and OBGMA has not. He said it is important because the GSAs are supposed to work together.

Mike Flood said that this is starting to look like the adjudication and statements are being made in fact when they are not. He expressed concerns about the State Water Resources Control Board model. It is important to have a good relationship with OBGMA.

Mary Bergen said she has followed both GSPs and she does not believe that OBGSA concluded no impacts exist, rather it says OBGMA needs more data and analysis.

After further Board discussion, Director Engle moved to direct the Executive Director to review the OBGSP to determine whether it includes required elements under the Sustainable Groundwater Management Act for depletions of interconnected surface water and assessment of effects of the GSP on sustainable management of the Upper Ventura River Basin and report findings to the Board of Directors. Seconded by Director Kuebler

Roll Call Vote:            B. Kuebler – Y     D. Engle – Y   G. Shephard – Y  
   S. Rungren – Y   P. Kaiser – N   V. Crawford – Y

Abstained: E. Ayala (She stated that she is an OBGMA alternate director).

The motion failed on first reading per the Agency Bylaws and will be scheduled for a second reading at the next regular Board meeting.

**d. Sustainable Groundwater Management Implementation Grant Program Update**

Executive Director Bondy summarized the upcoming Sustainable Groundwater Management Implementation Grant program. He said that Board could consider adding optional actions to the GSP that could be included in the grant application. The additional optional actions would be added to the GSP by identifying them in the upcoming annual report. He said OVLC and VRIF may have projects that may help achieve the sustainability goal. He suggested including additional monitoring wells in anticipation of DWR comments on the GSP.

The Board discussed potential projects and additional monitoring wells.

Chair Engle moved to direct the Executive Director to start planning for a grant application and to include optional monitoring wells in the annual report. Seconded by Director Kaiser.

After discussion, Chair Engle withdrew her motion.

Chair Engle moved to direct the Executive Director to add optional monitoring wells to the GSP via the annual report. Seconded by Director Kaiser.

Public comments: none.

Roll Call Vote:            B. Kuebler – Y     D. Engle – Y   G. Shephard – Y  
   S. Rungren – Y   P. Kaiser – Y   E. Ayala – Y   V.Crawford - Y

Chair Engle adjourned the meeting for a brief break at 2:37 p.m.

Chair Engle called the meeting back to order at 2:45 p.m.

**e. Agency Funding Discussion**

Executive Director Bondy reviewed information requested by the Board during its most recent meeting. He reviewed the rate models presented in Attachment B to the staff report.

Director Ayala asked if the Board needs to ask private pumpers what their average pumping per year is? Executive Director Bondy said no because the extraction fee for private well owners will be calculated using their actual extractions.

Chair Engle asked why extraction fees rates for the fixed average scenarios are not a perfect “stair step.” Executive Director Bondy said it is because the revenue requirements are not the same each year.

Director Kuebler complemented Executive Director Bondy on the rate model graphs. He suggested the Agency use a 3-year fixed average.

Director Rungren said a 3-year average is the most accurate for the City’s operations and fixed is best for budgeting.

Agency Counsel briefly reviewed the fee process and said he believes that Prop 218 may apply.

Chair Engle moved to direct staff to develop Prop 218 documents based on 3-year fixed average extractions for Member Agencies, private pumpers to be charged based on meters retroactively on a semi-annually basis, and with extraction fees providing the sole source of revenue.

Director Kuebler seconded the motion.

No further discussion.

Public comments: none.

Roll Call Vote:            B. Kuebler – Y     D. Engle – Y   G. Shephard – Y

                                 S. Rungren – Y   P. Kaiser – Y   E. Ayala – Y   V.Crawford - Y

## **10) GSP IMPLEMENTATION ITEMS**

### **a. Rincon Consultants, Inc. Work Order Nos. 5-7 for GSP Implementation Tasks**

Executive Director reviewed three proposed work orders for Rincon Consultants to perform water year 21/22 and 22/23 field monitoring and reporting, develop work plans for aquatic GDE monitoring for the Confluence and Foster Park Aquatic GDE areas, and planning and permitting support for one new stream gage and three monitoring wells pursuant to GSP Chapter 5.

Board comments:

Chair Engle said she would like one month to review the work plans.

Public comments: none.

Chair Engle moved approval of Rincon Work Orders Nos. 5-7 with one month to review the work plan deliverables included in Work Order No. 6. Director Kaiser seconded the motion.

Roll Call Vote:            B. Kuebler – Y     D. Engle – Y   G. Shephard – Y

                                 S. Rungren – Y   P. Kaiser – Y   E. Ayala – Y   V.Crawford - Y

## **11) COMMITTEE REPORTS**

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

No report.

## **12) FUTURE AGENDA ITEMS**

1. Second reading of Item No. 9c
2. Annual report for approval.

Executive Director Bondy said a special meeting may be needed for the annual report on the 4<sup>th</sup> Thursday in March.

## **13) ADJOURNMENT**

The meeting was adjourned at 3:29 p.m.

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

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

B.Kuebler\_\_ D.Engle\_ P.Kaiser\_\_ S.Rungren\_\_ G.Shephard\_\_ E.Ayala\_\_ V.Crawford\_\_