

UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING APRIL 14, 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, Pete Kaiser, Glenn Shephard, Emily Ayala, Jim Kentosh (alternate director). Also present: Executive Director Bryan Bondy, Agency Counsel Keith Lemieux, and Administrative Assistant Maureen Tucker. Identified public members present: Jennifer Tribo, Mary Bergen (UVRGA alternate director), William Weirick, Michael Flood, Burt Handy, Trey Driscoll, Kelly Dyer, Laura Ward, Burt Rapp, Emily McCord, Matthew Summers, John Mundy, and Kiernan Brtalik.

1) CALL TO ORDER

Vice Chair Kuebler called the meeting to order at 1:03 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, Vivon Crawford, Emily Ayala, and Jim Kentosh (alternate director)

Directors Absent: none

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

Vice Chair Kuebler asked for any proposed changes to the agenda.

Director Shephard said he needs to leave the meeting at 2:30 p.m.

Director Shephard moved agenda approval and renewal of Resolution 2021-05. Director Ayala seconded the motion.

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

Directors Absent: None

5) PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Vice Chair Kuebler asked for public comments on items not appearing on the agenda. None were offered.

6) CONSENT CALENDAR

- a. Approve Minutes from March 10, 2022, Regular Board Meeting
- b. Approve Minutes from March 24, 2022, Special Board Meeting
- c. Approve Financial Report for March 2022
- d. Receive and File 3rd Quarter Budget Report

Vice Chair Kuebler asked if there needs to be discussion of any of the consent calendar items.

Director Kaiser moved to approve the consent calendar items. Director Shephard seconded the motion.

Roll Call Vote: B. Kuebler – Y J. Kentosh - Y G. Shephard – Y E.Ayala - Y

 S. Rungren – Y P. Kaiser – Y V.Crawford – Y

Directors Absent: None

7) DIRECTORS ANNOUNCEMENTS

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

Director Crawford: No report.

Director Kuebler: No report.

Director Rungren: Director Rungren announced that she will be retiring at the end of May. The City of Ventura will identify its new UVRGA director before the June meeting.

Director Shephard: No report.

Director Kaiser: No report.

Director Ayala: No report.

Director Kentosh: No report.

8) EXECUTIVE DIRECTOR'S REPORT

Executive Director Bondy reported on Agency matters since the last Board meeting and reviewed correspondence for a Public Records Act request from Ojai Valley News, correspondence with Ojai Valley Land Conservancy (OVLC) regarding GSP comments, and a letter sent to the State Water Resources Control Board concerning model documentation report comments.

Director Ayala asked questions about the well monitoring on Burnham Road. Executive Director Bryan Bondy said that staff has been in communication with the owner and is evaluating options.

Director Crawford explained why OVLC did not comment on the draft GSP and will be commenting to the Department of Water Resources. Director Crawford hopes she can improve outreach to environmental stakeholders now that she is a stakeholder director on the UVRGA Board. Vice Chair Kuebler expressed disappointment with OVLC and said he hopes communication will improve.

Public comments: none.

9) ADMINISTRATIVE ITEMS

a. Resolution 2022-04 Honoring Diana Engle

Executive Director Bryan Bondy reviewed the draft resolution and summarized the contributions to the Agency by former Director Diana Engle.

Board comments:

Vice Chair Kuebler stated Diana gave her heart and soul on this GSP process.

Director Rungren stated Diana was a great leader with lots of knowledge and appreciated her time and effort.

Director Shephard agreed with Vice Chair Kuebler and Director Rungren. She was technically very well versed. She led the Board through the GSP development.

Director Ayala will miss Diana's thoroughness, thoughtfulness, and scientific mind.

Director Kentosh states she was an amazing Director and will be a big loss for the Meiners Oaks Water District Board.

Director Kaiser said Director Engle did a fantastic job on the Board.

Director Kaiser moved to approve Resolution 2022-04 honoring Diana Engle. Seconded by Director Rungren.

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

Directors Absent: None

b. Groundwater Extraction Fee, Well Registration, Metering, and Reporting Requirements

Executive Director Bondy gave the Board an update concerning the process for implementing the fiscal year 2022-2023 groundwater extraction fees and developing well registration, metering, and reporting requirements.

Executive Director Bondy explained that fee adoption is a two-step process. The annual budget would be adopted in May and then the fees would be based on the budget and adopted in June following a public hearing. He said there are some outstanding issues that staff and counsel need the Board's feedback on.

1. Member Agency invoicing. Staff proposes to bill the Member Agencies up front at the beginning of the fiscal year to address cash flow issues. No objections were voiced.
2. Private well invoicing. Executive Director Bondy said the Board needs to figure out how to transition in to metering by July 1, 2022. It is unreasonable to adopt a fee in June, and then ask everyone to be compliant with the forthcoming metering requirements by July 1st. Staff proposes to make the 2022/2023 be a transitional year, unless the well owner already has a meter installed and can meet the forthcoming metering requirements.

Director Ayala asked if the public hearing would be online or in person. She would like to reach out to the pumpers. Executive Director Bondy said it is up to the Board.

Public Comments:

Burt Handy noted a typo on page 2 of the staff report.

Regarding well registration, metering, and reporting requirements, Executive Director Bondy explained that staff proposes that UVRGA adopt an ordinance based on the Fox Canyon Groundwater Management Agency (FCGMA) rules. He said the meeting packet

includes an FCGMA ordinance and resolution that addresses the requirements and the staff report requested that the Directors review and identify any concerns.

Director Ayala proposed giving the private pumpers a one-year grace period for meter calibration and accept “uncalibrated” meter readings during that period for fee calculations. After some discussion, the Board agreed on the waiver period and that private pumper fees during fiscal year 2022/2023 would be based on meter readings regardless of calibration status, subject to a reasonableness check by the Executive Director. If a private pumper does not have a meter, the fee would be based on the 2017 extraction estimate.

Director Ayala asked about the notification requirement for meter maintenance. Executive Director Bondy clarified that it is only for planned maintenance. Director Kentosh said he is somewhat concerned about the notification requirement for planned maintenance.

Director Ayala asked about reporting – snail mail vs e-mail? Executive Director Bondy suggested accepting both, but he hopes that everyone can use e-mail. He added that it may be possible to set something up on the website, budget permitting.

Vice Chair Kuebler wants to make sure that it is clear the de minimis wells are exempted.

Director Shephard said he thinks the approach presented by staff is good and recommends combining the FCGMA ordinance and resolution into a single document.

Executive Director Bondy explained the proposed extraction reporting and fee invoicing schedule. The proposal is to require quarterly reporting of extractions, but to only bill twice a year. Quarterly reporting is necessary because SGMA reporting requirements are on a water year basis, but the Agency’s fiscal year is not.

Public Comments:

No additional public comments were offered.

Executive Director Bondy said he will work with Agency Counsel to put together a draft ordinance for the May 2022 Board meeting.

c. City of Ojai Request to Join Upper Ventura River Groundwater Agency Joint Powers Agreement.

Executive Director Bondy said that Staff and Agency Counsel reviewed the request and determined that the City of Ojai is eligible to become a member of the Agency. Executive Director Bondy reviewed a map showing the location of the City's boundary and sphere of influence relative the UVRGA boundary. Executive Director Bondy explained the joint powers agreement requirements for adding a member, including unanimous approval by the member agency boards and terms and conditions to be developed by the UVRGA Board. Executive Director Bondy said that the joint powers agreement does not require terms and conditions and does not provide any guidance. He said that the Board could consider terms and conditions related to financial assistance. He also suggested that the Board consider potential issues related to having an even number of directors on the Board and that the Board could discuss voting privileges. Executive Director Bondy suggested that the Board receive a presentation from Matthew Summers, City Attorney for the City of Ojai.

Mr. Summers presented a slide show a copy of which is attached to these minutes (Attachment A). Bill Weirick said the Ojai City Council has been moving in a direction of more collaboration on water issues since UVRGA was formed.

Vice Chair Kuebler called for Board member comments and questions.

Director Kaiser said the presentation was well done and believes UVRGA should collaborate with the City of Ojai. He views this request from a collaborative outreach perspective and thinks there are many beneficial aspects, including financial.

Director Kaiser asked Executive Director Bondy what the estimated costs would be for the City of Ojai to join. Executive Director Bondy it would be a relatively minor expense

Director Kaiser asked Executive Director Bondy how much each member agency pays. Executive Director Bondy did not know off the top of his head, but researched during the discussion and posted the following in the Zoom chat window:

- Casitas MWD: ~\$15K/yr
- City of Ventura: ~\$188K/yr
- Meiners Oaks Water District: ~\$43K/yr
- Ventura River Water District: ~\$68K/yr
- County of Ventura does not pay because it does not extract groundwater.

Director Kaiser asked Executive Director Bondy what the beneficial aspect would be of the City of Ojai joining the Agency. Executive Director Bondy said staff does not have an opinion on political matters.

Director Shephard said he supports the request, and an even number of board members does not concern him. He departed the meeting at 2:25pm.

Director Kentosh said he supports the request but wonders about conflict of interest related to the City's participation in the Ojai Basin Groundwater Management Agency (OBGMA). Executive Director Bondy noted that Casitas MWD is already a member of both agencies, and he is not sure it is a conflict. Agency Counsel and Matthew Summers both agreed there is no conflict of interest; they are not incompatible offices.

Director Kaiser asked why the member agency boards must approve adding a member versus their UVRGA appointees. Agency Counsel explained that the joint powers agreement is a contract and can only be amended by the contracting parties, which are the member agencies.

Director Kaiser asked who would draft the amendments? Agency counsel proposed having Matthey Summers prepare a draft for him and an ad hoc Board committee to review.

Vice Chair Kuebler said he has not seen this matter before the Ojai City Council. He said that Ventura River Water District's position is that the Ojai City Council should vote on the request before moving forward. He would like more information on the City's interests, why it wants to join, and proposed compensation.

Matthew Summers stated that the Ojai City Council voted on this matter in closed session in March 2022 and they need the terms and conditions before an open session vote will take place. He added that the adjudication case is stayed pending mediation until September. Some solutions proposed would rely on the groundwater sustainability agencies. The City of Ojai wants to join UVRGA to promote successful mediation, which is why the subject of joining UVRGA was discussed in closed session.

Director Kentosh said the City needs to sort out the terms and conditions to join and has not heard anything offered up to them yet. He shares Vice Chair Kuebler's concern regarding closed session vs. open session. He would like to consider a limitation on the City of Ojai's voting on matters that have conflict between OBGMA and UVRGA. He departed the meeting at 2:35pm.

Director Kaiser suggested having the attorneys work on the amendments.

Vice Chair Kuebler said the Board needs to develop terms and conditions.

Director Kaiser said he thinks it is wise to have the City of Ojai join.

Director Rungren suggested an ad hoc committee to develop draft terms and conditions.

Director Ayala thanked Bill Weirick for his involvement in water issues over the years and getting the City of Ojai more engaged. She would like to hear from the rest of the Ojai City Counsel in open session. She does not have an issue with the City of Ojai becoming a member and thinks it would help bring OBGMA and UVRGA together.

Director Crawford likes the idea of having representation from more entities and would like to add the Chumash to the UVRGA Board.

Vice Chair Kuebler called for public comments from non-City of Ojai attendees. No comments were offered.

After further discussion, the Board agreed to form an ad hoc committee consisting of Directors Kaiser and Rungren to develop draft terms and conditions. Vice President Kuebler suggested including Director Kentosh if he is interested. Director Kaiser will chair the ad hoc committee.

Director Kaiser moved formation of an Ad Hoc Committee consisting of Director Kaiser and Rungren, and possibly Director Kentosh, to discuss the terms and conditions of the City of Ojai joining UVRGA and for Agency Counsel Lemieux and City Attorney Summers to discuss joint powers agreement amendments. Director Rungren seconded the motion.

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

Director Absent: Kentosh and Shephard

10) GSP IMPLEMENTATION ITEMS

a. Executive Director Review of Ojai Basin Groundwater Sustainability Plan

The Executive Director explained the scope of his Ojai Basin Groundwater Sustainability Plan (GSP) review that was requested by the Board. The scope was limited to assessing whether the GSP includes required elements under the Sustainable Groundwater Management Act for depletion of interconnected surface water and assessment of effects of the GSP on sustainable management of the Upper Ventura River Basin. He said that the detailed review findings are included in the staff report if there are any questions. He summarized the findings by saying he feels the GSP probably has some elements that do currently not meet the regulations, but OBGMA recognizes that they need to collect more data and the GSP will be updated. He said this is a path that many GSAs are on, and he is not particularly concerned about it. He said the proposed actions to address data gaps are vague and suggested that OBGSA provide more information.

Director Ayala thanked Executive Director Bondy for his review and said she is uncomfortable with sending a letter to DWR. She would rather send a letter to OBGMA. She would like to see the two agencies to work together.

Director Kaiser echoes Director Ayala and wants to see the two agencies working together.

Director Rungren agreed with the other director’s comments.

Vice Chair Kuebler said he is comfortable with receiving the report and moving on.

Vice Chair Kuebler called for public comments.

John Mundy, OBGMA Executive Director, thanked Executive Director Bondy for his summary and then read prepared comments, which are attached to these minutes (Attachment B).

Director Kaiser moved to receive and file the report and include the John Mundy’s comments in the meeting minutes. Seconded by Director Rungren.

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

Director Absent: Kentosh and Shephard.

11) COMMITTEE REPORTS
a. Ad Hoc Stakeholder Engagement Committee

Director Ayala said there is no committee report. She plans to work with the Executive Director on outreach to the private pumpers regarding metering.

12) FUTURE AGENDA ITEMS

No items were requested.

13) ADJOURNMENT

Next meeting May 12, 2022 at 1:00 p.m. The meeting was adjourned at 3:16 p.m.

Action: _____

Motion: _____

B. Kuebler_ M. Etchart_ P. Kaiser_ S. Rungren_ G. Shephard_ V. Crawford_ E. Ayala_