

UPPER VENTURA RIVER GROUNDWATER AGENCY

NOTICE OF REGULAR MEETING

NOTICE IS HEREBY GIVEN that the Upper Ventura River Groundwater Agency (“Agency”) Board of Directors (“Board”) will hold a **Regular Board Meeting at 1:00 P.M. on Thursday, July 14, 2022 via**

ON-LINE OR TELECONFERENCE:

DIAL-IN: 1-669-900-6833

Find your local number: Find your local number: <https://us06web.zoom.us/j/86869266562>

JOIN BY COMPUTER, TABLET OR SMARTPHONE:

<https://us06web.zoom.us/j/86869266562?pwd=T21JcHVMZDQydGR3TVZycHVGbVZZZz09>

Meeting ID: 868 6926 6562

Passcode: 887385

Per Resolution No. 2021-05 by the Board of Directors of the Upper Ventura River Groundwater Agency, the Board is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the Board. A physical location accessible for the public to participate in the teleconference is not required.

**UPPER VENTURA RIVER GROUNDWATER AGENCY BOARD OF DIRECTORS
REGULAR MEETING AGENDA**

July 14, 2022

1. MEETING CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA & RENEWAL OF RESOLUTION NO. 2021-05

Pursuant to AB 361, the Board may continue to meet via teleconference, provided it make the findings in section 3 of Resolution No. 2021-05.

5. PUBLIC COMMENT FOR ITEMS NOT APPEARING ON THE AGENDA

The Board will receive public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Agency. The Board will not enter into a detailed discussion or take any action on any items presented during public comments. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. In accordance with Government Code § 54954.3(b)(1), public comment will be limited to three (3) minutes per speaker.

6. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments.

- a. Approve Minutes from June 9, 2022 Regular Board Meeting**
- b. Approve Financial Report for June 2022**
- c. Approve Aleshire & Wynder Legal Services Rate Increase**

7. DIRECTOR ANNOUNCEMENTS

Directors may provide oral reports on items not appearing on the agenda.

8. EXECUTIVE DIRECTOR'S REPORT

The Board will receive an update from the Executive Director concerning Agency matters and correspondence. The Board may provide feedback to staff.

9. ADMINISTRATIVE ITEMS

a. Agency Officer Appointments

The Board will appoint officers for the period July 1, 2022 through June 30, 2023.

b. Authorized Check Signers



The Board will consider adopting Resolution 2022-06 to update the list of authorized check signers.

c. Ventura River Water District Request for Technical Assistance

The Board will review Ventura River Water District's request for technical support and provide direction to staff.

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

The Board will receive a report from the ad hoc committee and may provide direction to the ad hoc committee and/or staff.

10. GSP IMPLEMENTATION ITEMS

a. PUBLIC HEARING

Proposed Groundwater Well Registration, Metering, and Extraction Reporting Ordinance

The Board will open a PUBLIC HEARING to discuss the proposed Groundwater Well Registration, Metering, and Extraction Reporting Ordinance posted on the Agency's website.

The Board welcomes public comment and testimony regarding the proposed ordinance.

After receiving public comment and testimony, the Board will close the PUBLIC HEARING and will consider adopting the ordinance.

11. COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

The committee will provide an update on Stakeholder Engagement Plan implementation activities since the last Board meeting and receive feedback from the Board.

12. FUTURE AGENDA ITEMS

This is an opportunity for the Directors to request items for future agendas.

13. ADJOURNMENT

The next Regular Board meeting is scheduled for August 11, 2022 at 1 P.M.

UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING JUNE 9, 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 Bruce Kuebler, Jenny Tribo, Mary Bergen, Emily Ayala, Mike Etchart (replaced by Jim Kentosh during the meeting), Arne Anselm, Also, present: Executive Director Bryan Bondy, Agency Counsel Keith Lemieux, and Administrative Assistant Maureen Tucker. Identified public members present: Mike Flood, Jim Kentosh, and Burt Handy.

Official Oath of Office was given to: Mary Bergen, Arne Anselm, Jim Kentosh, Jenny Tribo, and Mike Etchart before the meeting.

1) CALL TO ORDER

Vice Chair Kuebler called the meeting to order at 1:06 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, Jenny Tribo, Mary Bergen Emily Ayala, Arne Anselm, and Mike Etchart (replaced by Jim Kentosh during the meeting).

Directors Absent: Vivon Crawford

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

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

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

Roll Call Vote: B. Kuebler – Y M.Etchart - Y E.Ayala - Y

J. Tribo – Y A.Anselm Y M.Bergen - Y

Director Absent: Vivon Crawford

5) PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Vice Chair Kuebler asked for public comments on items not appearing on the agenda.

No comments were offered.

6) CONSENT CALENDAR

- a. Approve Minutes from May 12, 2022, Regular Board Meeting
- b. Approve Financial Report for May 2022

Director Etchart moved approval of the consent calendar items. Director Bergen seconded the motion.

Roll Call Vote: B. Kuebler – Y M.Etchart - Y E.Ayala - Y

J. Tribo – Y A.Anselm - A M.Bergen – Y

Director Absent: Vivon Crawford

7) DIRECTORS ANNOUNCEMENTS

- a. Directors may provide oral report on items not appearing on the agenda.

Director Kuebler: No report.

Director Tribo: Jenny Tribo said she is the new representative for City of Ventura and Betsy Cooper is the alternate.

Director Anselm: Arne Anselm said he is the new Director for Ventura County and Kim Loeb is the alternate.

Director Bergen: No report.

Director Ayala: No report.

Director Etchart: No report.

8) EXECUTIVE DIRECTOR'S REPORT

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

Board comments: none

Public comments: none.

9) ADMINISTRATIVE ITEMS

a. City of Ojai Request to Join Upper Ventura River Groundwater Agency Joint Power Agreement

Director Bergen provided a brief update on behalf of Pete Kaiser. The draft joint powers agreement amendments prepared by the City of Ojai were provided to Agency Counsel Lemieux yesterday for his review. Director Kaiser plans to setup an ad hoc committee meeting to discuss.

Agency Counsel Lemieux stated that he received the draft amendments, and they appear to be consistent with the Board meeting discussions and appear to be ready to distribute to the ad hoc committee for discussion.

Vice Chair Kuebler asked if the City drafted terms and conditions. Agency Counsel Lemieux replied no and said the ad hoc committee will be recommending terms and conditions for Board consideration.

Public Comments: None

b. PUBLIC HEARING

Resolution 2022-05: A Resolution of the Board of Directors of Upper Ventura River Groundwater Agency Determining and Establishing Groundwater Extraction Fees Against All Persons Operating Groundwater Extraction Facilities within the Upper Ventura River Valley Basin for Fiscal Year 2022/2023 (July 1, 2022 – June 20, 2023).

Jim Kentosh replaced Mike Etchart as the Meiners Oaks Water District director during the item.

Executive Director Bondy provided a brief overview of draft Resolution 2022-05 and reminded the Board that the extraction fee is based on the adopted budget. Executive Director Bondy said the budget was updated and finalized based on Board direction provided during its June meeting to include the updated Ventura River Water District extraction number and to increase the inflation factor from 3% to 5%. The updates resulted in a fiscal year 2022/2023 extraction fee of \$148 per acre-foot.

Vice Chair Kuebler opened the public hearing at 1:23 p.m.

Public Comments: None.

Item 6(a)

Executive Director Bondy confirmed with Meiners Oaks Water District staff that no written testimony has been received at the Agency's official office location for either public hearing on today's agenda.

Director Ayala said she reached out to several private pumpers. The feedback is that the rates is too high. One private pumper thinks meter calibration should be every 5 years to be consistent with State of California requirements for surface water measurements.

Vice Chair Kuebler asked whether the May 27 Ojai Valley news publication date should be deleted from the resolution because they published the wrong notice. Agency Counsel Lemieux agreed with the deletion and explained that the noticing requirements were met by virtue of the two publications in the Ventura County Star.

Vice Chair Kuebler called for public comments again. Hearing none, he declared the public hearing closed at 1:27 p.m.

Director Mary Bergen moved adoption of Resolution 2022-05: A Resolution of the Board of Directors of Upper Ventura River Groundwater Agency Determining and Establishing Groundwater Extraction Fees Against All Persons Operating Groundwater Extraction Facilities within the Upper Ventura River Valley Basin for Fiscal Year 2022/2023 with the deletion of the text concerning the May 27 Ojai Valley News publication. Director Arne Anslem seconded the motion.

Roll Call Vote: B. Kuebler – Y J. Kentosh- Y E.Ayala - Y
 J. Tribo – Y A.Anselm - Y M.Bergen – Y

Director Absent: Vivon Crawford

10) GSP IMPLEMENTATION ITEMS **a. PUBLIC HEARING**

Proposed Groundwater Well Registration, Metering, and Extraction Reporting Ordinance

Vice-Chair Kuebler opened the public hearing at 1:31 p.m. and asked for comments on the proposed ordinance.

Public Comments:

Burt Handy suggested that an on-line reporting system be developed.

Hearing no other comments, Vice-Chair Kuebler closed the public hearing at 1:32 p.m.

Item 6(a)

Vice-Chair Kuebler asked about the rationale for 3-year vs 5-year calibration frequency. Executive Director Bondy said the 3-year frequency is what the Fox Canyon Groundwater Management Agency has been using for several decades.

The Board discuss meter calibration frequency.

Public Comments:

Mike Flood said calibration frequency can depend on the type of meter. Magnetic meters do not require frequent calibration.

Burt Handy suggested that calibration frequency could be based pumping volume. Three years for high volume and five years for low volume.

Executive Director Bondy said the Board could consider different frequencies for different volumes. Agency Counsel Lemieux said he is fine with that approach.

Executive Director Bondy looked up the 2017 estimated extraction data. He reported the values and noted that all private pumpers were less than 100 acre-feet per year.

The Board continued its discussion of meter calibration frequency.

Agency Counsel Lemieux advised that the Board it would need to approve a change during this meeting to avoid two more readings of the ordinance.

Director Ayala moved reading of the Ordinance of the Upper Ventura River Groundwater Agency Establishing Well Registration, Metering, and Reporting Requirements in title only and modification of the ordinance to require meter calibration every five years for wells that pump less than 100 acre-feet per year. Director Kentosh seconded the Motion.

Roll Call Vote: B. Kuebler – Y J. Kentosh - Y E.Ayala - Y
 J. Tribo – Y A.Anselm - Y M.Bergen – Y

Director Absent: Vivon Crawford

Director Anselm moved scheduling of a second public hearing for the Ordinance during the July 14, 2022 regular Board meeting. Seconded by Director Bergen.

Roll Call Vote: B. Kuebler – Y J. Kentosh - Y E.Ayala - Y
 J. Tribo – Y A.Anselm - Y M.Bergen – Y

Director Absent: Vivon Crawford

11) COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

Director Ayala reported that no meeting occurred and nothing to report.

12) FUTURE AGENDA ITEMS

None.

13) ADJOURNMENT

Next meeting July 14, 2022 at 1:00 p.m.

The meeting was adjourned at 1:53 p.m.

Action: _____

Motion: _____

B.Kuebler_ M. Etchart___P. Kaiser __J.Tribo __ A.Anslem __ E.Ayala__ V. Craford__

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 6(b)

DATE: July 8, 2022
TO: Board of Directors
FROM: Carrie Troup C.P.A., Treasurer
SUBJECT: Approve Financial Report for June 2022

May 2022 UVRGA Balance \$ 158,163.56

June 2022 Activity:

Revenues/ Credits:

CA Department of Water Resources \$ 18,981.00

Checks Pending Signature:

2312 INTERA Incorporated	June Services	\$ 1,062.50
2313 Carrie Troup, C.P.A.	June Services	\$ 975.97
2314 SDRMA	PY 22/23	\$ 3,568.69
2315 Ojai Valley News	Advertising	\$ 210.00
2316 Bondy Groundwater Consulting, Inc.	June Services	\$ 5,700.17
Total Expenditures Paid & To Be Paid		<hr/> \$ 11,517.33

June 2022 UVRGA Ending Balance: \$ 165,627.23

Action: _____

Motion: _____ Second: _____

B. Kuebler___ A. Anselm___ M. Etchart___ P. Kaiser___ J. Tribo___ V. Crawford___ 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.

Item 6(b), Page 1 of 1

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 6(c)

DATE: July 14, 2022

TO: Board of Directors

FROM: Executive Director

SUBJECT: Approve Aleshire & Wynder Legal Services Rate Increase

SUMMARY

Please see Attachment A for Aleshire & Wynder's proposed rate increase for fiscal year 2022/2023 services. The proposed rate increase is consistent with Aleshire & Wynder's contract with the Agency.

RECOMMENDED ACTIONS

Approve the rate increase proposed by Aleshire & Wynder

BACKGROUND

Aleshire & Wynder's contract was approved by the Board on March 24, 2022.

FISCAL SUMMARY

The adopted fiscal year 2022/2023 budget assumed a 5% increase in costs.

ATTACHMENTS

A. Letter from Aleshire & Wynder

Action: _____

Motion: _____

B. Kuebler_ M. Etchart_ P. Kaiser_ J. Tribo_ A. Anselm_ V. Crawford_ E. Ayala_



**ALESHIRE &
WYNDER** LLP
ATTORNEYS AT LAW

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Westlake Village, CA 91361
P (805)495-4770
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June 27, 2022

VIA E-MAIL

bbondy@uvrgroundwater.org

Bryan Bondy, Executive Director
Upper Ventura River GA
202 W. El Roblar Dr.
Ojai, CA 93023

Re: **Legal Fees 2022-2023**

Dear Mr. Bondy:

Aleshire & Wynder is proud of our association with Upper Ventura River Groundwater Agency. We are grateful for the opportunity to provide legal services to the Agency.

Our Agreement with the Agency allows our rates to be adjusted annually at the start of the Agency fiscal year. Rates and amounts shall be increased based on the change in the CPI-U in the most recent month, which is May 2022. The amounts will be rounded up to the nearest dollar for the next twelve (12) month period. Such adjustment shall not be lower than zero percent (0%) and no more than five percent (5%). The 2022-2023 fiscal year rate will be increased by five percent (5%). Adjustments will be as follows:

	5%
<u>Transactional Services</u>	
Blended (Partners & Associates)	\$214.00
Document Clerk	\$80.00
<u>Transactional Services After 25 Hours</u>	
Partners /Of Counsel	\$268.00
Associates	\$236.00
Paralegal/Law Clerk	\$107.00

Under the Agreement these rates will be adjusted effective July 1, 2022.

Bryan Bondy
June 27, 2022
Page 2

We again wish to express our gratitude for the opportunity to provide work to the Agency.
Please let us know if you have any questions.

Very truly yours,

ALESHIRE & WYNDER, LLP



Keith Lemieux

KL:AAO

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 9(a)

DATE: July 14, 2022

TO: Board of Directors

FROM: Executive Director

SUBJECT: Agency Officer Appointments

SUMMARY

In accordance with the Agency Bylaws, officer elections are required at the beginning of each fiscal year. Only Member Directors are eligible for appointment.

The current officers are:

- Chair: Vacant
- Vice Chair: Bruce Kuebler
- Secretary: Pete Kaiser

RECOMMENDED ACTIONS

Appoint a chair, vice chair, and secretary for the period July 1, 2022 through June 30, 2023.

BACKGROUND

Pursuant to Joint Exercise of Powers Agreement (JPA) Article 7, officers of the Agency shall be selected from the Member Directors and shall be elected by, and serve at the pleasure of the Board of Directors. Pursuant to Agency Bylaws Section 4.2, Board Officers shall be elected at the first meeting at the start of the fiscal year.

FISCAL SUMMARY

None.

Action: _____

Motion: _____

B. Kuebler_ M. Etchart_ P. Kaiser_ J. Tribo_ A. Anselm_ V. Crawford_ E. Ayala_

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 9(b)

DATE: July 14, 2022

TO: Board of Directors

FROM: Executive Director

SUBJECT: Authorized Check Signers

SUMMARY

Due to the recent changes in the Ventura County, City of Ventura, and Meiners Oaks Water District's appointments to the UVRGA Board, it is necessary to update the authorized check signers on the Agency's Bank of the Sierra (BOS) account. BOS requires a resolution to delete and add check signers to the account. Adopting Draft Resolution 2022-06 would provide the required documentation.

RECOMMENDED ACTION

Adopt draft Resolutions 2022-06

BACKGROUND

On July 8, 2021, the Board approved Resolution 2021-03 updating Article 7.2 of the Agency Bylaws concerning invoice review procedures and check signing authority.

FISCAL SUMMARY

Not Applicable

ATTACHMENTS

A. Draft Resolution 2022-6

Action: _____

Motion: _____

B. Kuebler_ M. Etchart_ P. Kaiser_ J. Tribo_ A. Anselm_ V. Crawford_ E. Ayala_



BOARD OF DIRECTORS

UPPER VENTURA RIVER GROUNDWATER AGENCY

RESOLUTION NO. 2022-06

**A RESOLUTION OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY
TO DESIGNATE CHECK SIGNING AUTHORITY**

WHEREAS, Article 7.2 of the Upper Ventura River Groundwater Agency's ("Agency") Bylaws authorizes any two Member Directors to approve warrants and sign checks on behalf of the Agency;

WHEREAS, The Agency holds Bank of The Sierra Account No. 3701611998;

WHEREAS, Member Agency City of San Buenaventura appointed Jennifer Tribo to replace Susan Rungren on the Agency Board of Directors, effective June 8, 2022; and

WHEREAS, Member Agency County of Ventura appointed Arne Anselm to replace Glenn Shephard on the Agency Board of Directors, effective June 1, 2022; and

WHEREAS, Member Agency Meiners Oaks Water District appointed Mike Etchart to replace Diana Engle on the Agency Board of Directors, effective April 19, 2022; and

WHEREAS, the Board clarified that the following individuals holding the following positions are authorized to sign checks on behalf of the Agency, consistent with the Agency Bylaws:

- Member Director, Arne Anselm
- Member Director, Mike Etchart
- Member Director, Pete Kaiser
- Member Director, Bruce Kuebler
- Member Director, Jennifer Tribo

NOW, THEREFORE, the Board does hereby resolve, find, determine and order as follows:

1. Glenn Shephard and Susan Rungren are not authorized to sign checks on behalf of the Agency, effective June 1, 2022 and June 8, 2022, respectively.
2. Arne Anselm, Michael Etchart, Pete Kaiser, Bruce Kuebler, and Jennifer Tribo, in their roles as Member Directors are authorized to sign checks on behalf of Agency consistent with the Agency Bylaws.

PASSED, APPROVED AND ADOPTED this 14th day of July 2022.

[Signature page follows]

DRAFT

_____, Board Chair

ATTEST:

Bryan Bondy
Executive Director

APPROVED AS TO FORM:

for:

Keith Lemieux, General Counsel
Upper Ventura River Groundwater Agency

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 9(c)

DATE: July 14, 2022

TO: Board of Directors

FROM: Executive Director

SUBJECT: Ventura River Water District Request for Technical Assistance

SUMMARY

The attached request for technical assistance was received from Ventura River Water District (VRWD) on July 1, 2022. In summary, VRWD is requesting model analysis of the relationship between the groundwater flow rate near Highway 150 and groundwater levels in VRWD Well No. 2.

Agency staff believes that it may be possible to answer VRWD's question using model output already generated during GSP development. The estimated cost to respond to this inquiry is \$5,000, which includes time for review of an agreement between VRWD and UVRGA by Agency Counsel, time for Intera, Inc. to extract relevant model output, and time for the Executive Director to coordinate the work and review the model data. The estimated cost assumes VRWD will take the lead on developing an agreement and no new model simulations will be necessary.

RECOMMENDED ACTION

Review Ventura River Water District's request for technical assistance and provide direction to staff.

BACKGROUND

Not Applicable.

FISCAL SUMMARY

There would be no impact to UVRGA's budget if all costs are reimbursed by VRWD.

ATTACHMENTS

- A. Letter from B. Rapp, VRWD, to B. Bondy, UVRGA, dated July 1, 2022.

Action: _____

Motion: _____

B. Kuebler_ M. Etchart_ P. Kaiser_ J. Tribo_ A. Anselm_ V. Crawford_ E. Ayala_

July 1, 2022



**VENTURA
RIVER**
WATER DISTRICT

409 Old Baldwin Road

Ojai, CA 93023

Phone (805)646-3403

www.VenturaRiverWD.com

DIRECTORS

President:

Peggy Wiles

Vice President:

Nathan Rosser

Treasurer:

Ed Lee

Directors:

Bruce Kuebler

Jack Curtis

GENERAL MANAGER

Bert Rapp, P.E.

Bert@VenturaRiverWD.com

OFFICE MANAGER

Emily Arnbrister

Emily@VenturaRiverWD.com

FIELD SUPERVISOR

Mark Albertsen

Mark@VenturaRiverWD.com

ATTORNEY

Lindsay Nielson, ESQ

NielsonLaw@aol.com

Bryan Bondy, Executive Director
Upper Ventura River Groundwater Agency

BBondy@UVRGAGroundwater.org

Subject: Analysis of Well #6 Pumping Timing

Dear Bryon:

The Ventura River Water District would like the assistance of the UVRGA in estimating when we should operate our Well #6. The District anticipates that we would need to reimburse the UVRGA for such a technical analysis.

Background:

The District owns Well #6 in the easterly corner of the Upper Ventura River Groundwater Basin. Our intended purpose of Well #6 is to provide supplemental water during significant drought years. We believe the capacity of the easterly portion of the basin is limited and that the water in this portion of the basin has little to no effect on the flows in the Ventura River. Because we believe the capacity of this section of the basin is limited, we plan to only begin pumping Well #6 when our wells closest to the river can no longer meet water demands. At that point we must start utilizing Casitas water and would like to minimize our impact on the remaining water in Lake Casitas by pumping Well #6.

Analysis:

We are hoping that UVRGA would be able to use the Surface/Groundwater Interaction model to estimate for us when, during an extended drought, the underflow from north of the Hwy 150 bridge likely no longer flowing downstream. The key parameter for us would be the corresponding ground water elevation in our Well #2 (04N/23W-16C07).

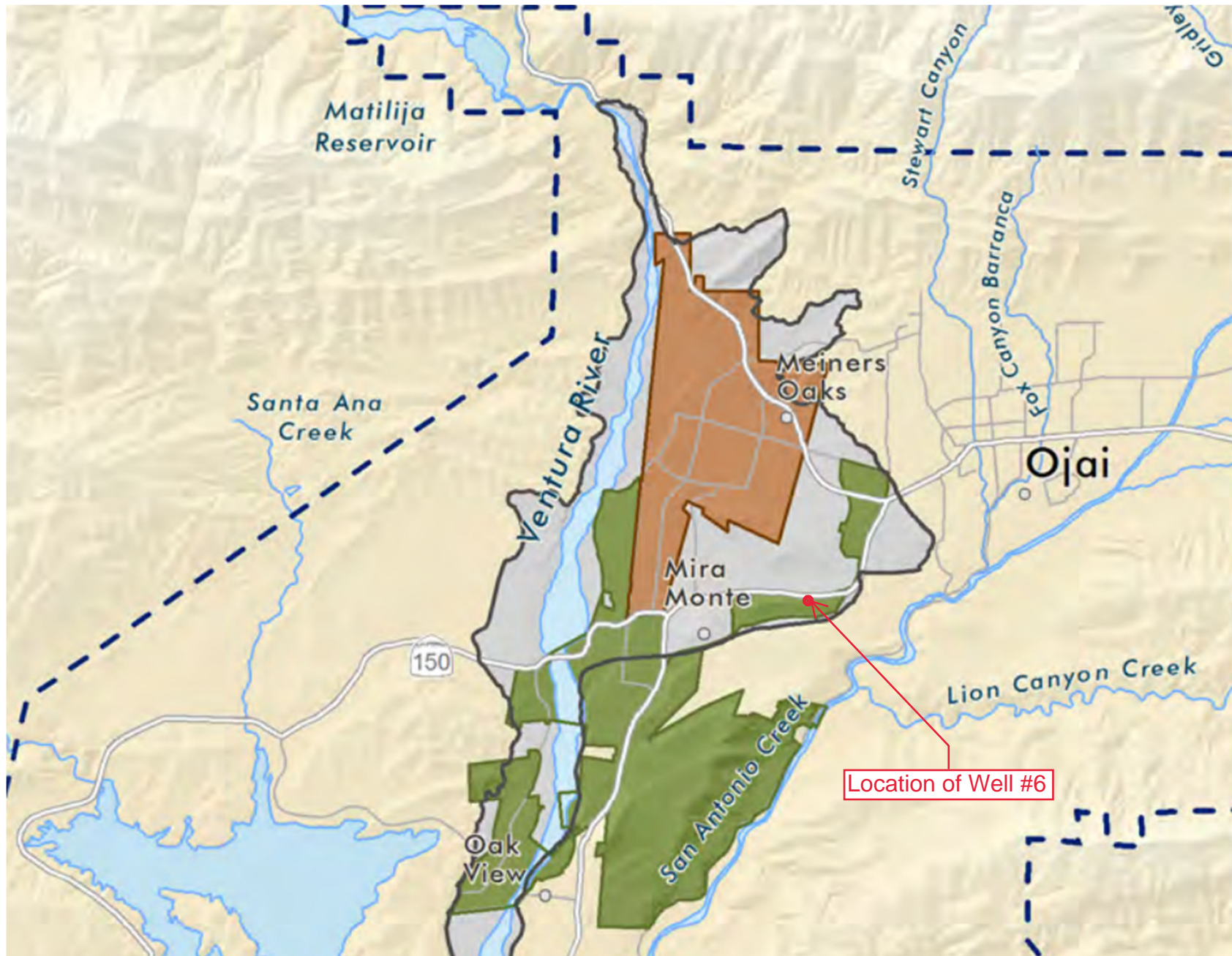
Is this something we can work on with UVRGA? Do you have some suggestions on how best to analyze this issue?

Once the Scope of Work is prepared and cost determined, we can deposit the monies with the UVRGA for the analysis.

Very Truly Yours

VENTURA RIVER WATER DISTRICT

Bert J. Rapp, P.E., General Manager



WELL #6 LOCATION MAP

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 9(d)

DATE: July 14, 2022

TO: Board of Directors

FROM: Executive Director

SUBJECT: City of Ojai Request to Join Upper Ventura River Groundwater Agency Joint Powers Agreement

SUMMARY

During its April 14 meeting, the Board created an ad hoc committee to develop draft terms and conditions for the addition of the City of Ojai to UVRGA. The purpose of this item is to receive a report from the ad hoc committee and consider providing direction to the ad hoc committee and/or staff.

RECOMMENDED ACTIONS

Receive a report from the ad hoc committee and consider providing direction to the ad hoc committee and/or staff.

BACKGROUND

Relevant reference materials:

Joint Exercise of Powers Agreement:

https://uvrgroundwater.org/wp-content/uploads/2018/07/UVRB_JPA_signed.pdf

Agency Bylaws:

<https://uvrgroundwater.org/wp-content/uploads/2018/07/UVRGA-Bylaws.pdf>

FISCAL SUMMARY

Not applicable

ATTACHMENTS

None.

Action: _____

Motion: _____

B. Kuebler_ M. Etchart_ P. Kaiser_ J. Tribo_ A. Anselm_ V. Crawford_ E. Ayala_

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 10(a)

DATE: July 14, 2022

TO: Board of Directors

FROM: Executive Director

SUBJECT: Proposed Groundwater Well Registration, Metering, and Extraction Reporting Ordinance

SUMMARY

Pursuant to Board direction provided during prior Board meetings, a draft Groundwater Well Registration, Metering, and Extraction Reporting Ordinance has been prepared for consideration (Attachment A). As discussed during prior meetings, the draft ordinance is based on the Fox Canyon Groundwater Management Agency's rules concerning groundwater extraction well registration, metering, and extraction reporting and has been customized to address UVRGA's circumstances and to address Board feedback. The attached version of the ordinance incorporates modifications made by the Board following the June 9 public hearing concerning the required frequency of meter calibration verification.

The Executive Director worked with Director Ayala to draft an outreach letter that was mailed to each private pumpers known to UVRGA that would be subject to the metering requirements (Attachment B). Outreach emails were also sent to the interested parties list (Attachment C). Public comments concerning the ordinance were received during the June 9 public hearing. Other than follow-up emails from Mr. Handy concerning his June 9 public hearing comments and a few questions from one well owner, no comments have been received.

The purpose of this item is to conduct a second public hearing and reading of the ordinance and consider its adoption.

UVRGA, as the lead agency under the California Environmental Quality Act ("CEQA"), in consultation with the Agency's Legal Counsel, determined that the charges adopted by resolution are exempt from further CEQA review pursuant to CEQA Guidelines, sections 15307 and 15308 which exempt actions taken for the protection of natural resources and the environment.

RECOMMENDED ACTIONS

1. Conduct a public hearing to discuss the proposed Groundwater Well Registration, Metering, and Extraction Reporting Ordinance posted on the Agency's website.
2. Conduct a second reading in title only of the ordinance
3. Adopt the ordinance.

BACKGROUND

Please see summary.

FISCAL SUMMARY

The Agency budget includes funding to implement the proposed Ordinance.

ATTACHMENTS

- A. Draft Well Registration, Metering, and Extraction Reporting Ordinance
- B. Outreach Letter
- C. Outreach Emails

Action: _____

Motion: _____

B. Kuebler_ M. Etchart_ P. Kaiser_ J. Tribo_ A. Anselm_ V. Crawford_ E. Ayala_

ORDINANCE NO. _____

**ORDINANCE OF THE UPPER VENTURA RIVER GROUNDWATER
AGENCY ESTABLISHING WELL REGISTRATION, METERING, AND
REPORTING REQUIREMENTS**

BE IT ORDAINED by the Board of Directors of the Upper Ventura River Groundwater Agency as follows:

WHEREAS, the Upper Ventura River Groundwater Agency ("Agency") was formed for the express purpose of cooperatively carrying out the requirements of the Sustainable Groundwater Management Act ("SGMA"), including, but not limited to, the funding, development, adoption and implementation of a Groundwater Sustainability Plan ("GSP") that achieves groundwater sustainability in the Upper Ventura River Groundwater Basin.

WHEREAS, the Agency is the exclusive Groundwater Sustainability Agency for the Upper Ventura River Groundwater Basin (Department of Water Resources (DWR) Basin 4-3.01).

WHEREAS, the Agency adopted the Groundwater Sustainability Plan for the Upper Ventura River Groundwater Basin on January 6, 2022.

WHEREAS, a fundamental component of the Groundwater Sustainability Plan for the Upper Ventura River Groundwater Basin is the accurate measurement, reporting and monitoring of groundwater extractions and, with the exception of certain extraction facilities, SGMA provides the Agency with the express power to require the metering of all extraction facilities in the Basin.

WHEREAS, the Agency, as the lead agency under the California Environmental Quality Act ("CEQA"), in consultation with the Agency's Legal Counsel, determined that the charges adopted by resolution are exempt from further CEQA review pursuant to CEQA Guidelines, sections 15307 and 15308 which exempt actions taken for the protection of natural resources and the environment.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Directors of the Upper Ventura River Groundwater Sustainability Agency that an Ordinance establishing well registration, metering, and reporting requirements should be established pursuant to Water Code Section 10730 as follows:

CHAPTER 1.0
Definitions

As used in this Ordinance, the following terms shall have the meanings stated below:

- 1.1. **“Agency”** means the Upper Ventura River Groundwater Agency.
- 1.2. **“Agency Boundary”** shall be the Upper Ventura River Valley Groundwater Basin (Department of Water Resources (DWR) Basin 4-3.01) as may be modified in accordance with Water Code Section 10722.2.
- 1.3. **“Agricultural Extraction Facility”** means a facility from which the groundwater produced is used on lands in the production of plant crops or livestock for market, and uses incidental thereto.
- 1.4. **“Annual”** means the water year October 1 through September 30.
- 1.5. **“Aquifer”** means a geologic formation or structure that yields water in sufficient quantities to supply pumping wells or springs. A confined aquifer is an aquifer with an overlying less permeable or impermeable layer.
- 1.6. **“Board”** means the Board of Directors of the Upper Ventura River Groundwater Agency.
- 1.7. **“County”** means the County of Ventura.
- 1.8. **“Due Date”** means, unless otherwise specifically provided, within 45 days of the date of the Agency’s mailing the Quarterly Extraction Statement, the recipient (Well Operator and/or Well Owner) is to return (have postmarked) the completed forms along with any required payment of extraction charges, and surcharges.
- 1.9. **“Executive Director”** means the individual appointed by the Board to administer Agency functions, or his/her designee.
- 1.10. **“Exempt Wells”** means all wells operated by *de minimis extractors* as defined in Water Code Section 10721(e) and those operators granted an exemption by the Board.
- 1.11. **“Extraction”** means the act of obtaining groundwater by pumping or other controlled means.
- 1.12. **“Extraction Facility”** means any device or method (e.g. water well) for extraction of groundwater within a groundwater basin or aquifer.

- 1.13. **“Flowmeter”** means a manufactured instrument for accurately measuring and recording the flow of water in a pipeline.
- 1.14. **“Groundwater”** means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water.
- 1.15. **“Groundwater Extraction Fee”** shall mean fees adopted by the Board of the Agency pursuant to the Sustainable Groundwater Management Act.
- 1.16. **“Inactive Well”** An inactive well is a well that conforms to the County Water Well Ordinance requirements for an active well, but is being held in an idle status in case of future need. Idle status means the well is pumped no more than 8 hours during any 12- month period. Inactive wells are not required to have a flowmeter. Pumping to maintain status as an active well under the County Water Well Ordinance shall not exceed 8 hours in a 12 month period, shall be for beneficial use, and shall be estimated and reported to the Agency. Prior to removing a well from idle status, the operator shall install a flowmeter in accordance with the requirements in Chapter 3 of the Ordinance.
- 1.17. **“Municipal and Industrial (M & I) Provider”** means person who provides water for domestic, industrial, commercial, or fire protection purposes within the Agency Boundary.
- 1.18. **“Municipal and Industrial (M & I) Operator”** An owner or operator that supplied groundwater for M & I use during the historical allocation period and did not supply a significant amount of agricultural irrigation during the historical period.”
- 1.19. **“Municipal and Industrial (M & I) User”** means a person or other entity that used or uses water for any purpose other than agricultural irrigation.
- 1.20. **“Municipal and Industrial (M & I) Use”** means any use other than agricultural irrigation.
- 1.21. **“Non-Operating Flowmeter”** – A non-operating flowmeter includes a flowmeter that is out of calibration by plus or minus 5%, and/or a flowmeter that has not been calibrated within the flowmeter calibration schedule adopted by the Board.
- 1.22. **“Operator”** means a person who operates a groundwater extraction facility. In the event the Agency is unable to determine who operates a particular extraction facility, then “operator” shall mean the person to whom the extraction facility is assessed by the County Assessor, or, if not separately assessed, the person who owns the land upon which the extraction facility is located.

- 1.23. **“Ordinance”** means the present Ordinance, the Well Registration, Metering, and Reporting Ordinance, as adopted by the Upper Ventura River Groundwater Agency.
- 1.24. **“Owner”** means a person who owns a groundwater extraction facility. Ownership shall be determined by reference to whom the extraction facility is assessed by the County Assessor, or if not separately assessed, the person who owns the land upon which the extraction facility is located.
- 1.25. **“Person”** includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any federal agency.
- 1.26. **“Resolution”** means a formal statement of a decision adopted by the Board.
- 1.27. **“Section”** as used in this Ordinance, is a numbered paragraph of a chapter.
- 1.28. **“Quarterly Groundwater Extraction Statement”** is a form filed by each operator containing the information required by Section 2.2 and 2.3.1 and shall cover the periods from January 1 to March 31, April 1 to June 30, July 1 to September 30, and from October 1 to December 31 annually.
- 1.29. **“Shall”** as used in this Ordinance, is an imperative requirement.
- 1.30. **“Well Flushing”** means the act of temporarily discharging extracted groundwater through a connection located upstream of the water distribution system at the beginning of an extraction cycle. Well flushing is typically performed until the quality of the extracted water is suitable for beneficial use and/or will not damage the distribution system. In some cases, the flushing flows may be discharged upstream of the distribution system, including the flowmeter. Flushing flows discharged upstream of the flowmeter shall be estimated and reported to the Agency in accordance with the requirements accordance with the requirements in Chapter 2 of this Ordinance.
- 1.31. **“Well Rehabilitation”** means the act of restoring a well to its most efficient condition by various treatments, development, or reconstruction methods. In most cases, groundwater extracted during well rehabilitation is not discharged through the extraction facility piping and, consequently, is not flow metered. In these cases, the volume of water extracted shall be estimated and reported to the Agency in accordance with the requirements accordance in Chapter 2 of this Ordinance.

CHAPTER 2.0
Registration of Wells and Levying of Charges

2.1. Registration of Wells

2.1.1. Agency Water Well Permit Requirement (No-Fee Permit) – All new extraction facilities constructed within the Agency Boundary shall obtain a no-fee permit from the Agency prior to the issuance of a well permit by the County.

2.1.2. Registration Requirement – All groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency within 30 days of the completion of drilling activities or within 30 days after notice is given to the owner of such facility. No extraction facility may be operated or otherwise utilized so as to extract groundwater within the Agency Boundary unless that facility is registered with the Agency, flow metered and permitted, if required, and all extractions reported to the Agency as required. The owner of an extraction facility shall register his extraction facility and provide in full, the information required to complete the form provided by the Agency that includes the following:

2.1.2.1. Name, address, telephone number, and e-mail address of the owner(s) of the land upon which the extraction facility is located

2.1.2.2. Name, address, telephone number, and e-mail address of the well operator(s), if different than owner(s).

2.1.2.3. A description of the equipment associated with the extraction facility.

2.1.2.4. Location, parcel number and state well number of the water extraction facility.

2.1.2.5. Digital photographs showing (1) the well and discharge piping with meter location visible, (2) flowmeter face with all totalizer digits and flowmeter units visible and legible; and (3) flow meter serial number. The digital photographs shall be date stamped and the file name shall include the state well number and meter serial number. The digital photographs shall be submitted to the Agency via e-mail or by other electronic method approved by the Executive Director.

2.2. Change in Owner or Operator - The name of the owner of each extraction facility, the parcel number on which the well is located along with the names of all operators for each extraction facility shall be reported to the Agency within 30

days upon any change of ownership or operators, together with such other information required by the Executive Director.

- 2.3. Reporting Extractions** - All extractions shall be reported to the Agency. All extractions shall be flowmetered in accordance with the requirements and methods for flowmetering extractions as specified by Chapter 3. In cases where flowmetering is not required, the volume of water extracted shall be estimated and reported to the Agency. The Agency shall send a “Quarterly Groundwater Extraction Statement” (QGES) form to each well operator in January, April, July, and October each year. Each operator shall return the completed QGES form on or before the due date for all wells they operate. QGES forms are due forty-five (45) days after being sent by the Agency. The QGES shall contain the following information:

- 2.3.1. The information required under Section 2.1.2.1 through 2.1.2.5, above.
- 2.3.2. The method of measuring or computing groundwater extractions.
- 2.3.3. Total extractions from each extraction facility in acre-feet for the preceding period.
- 2.3.4. A digital photograph of each flowmeter associated with each well listed on the QGES shall be submitted with the QGES. Each digital photograph shall be date stamped and shall show the entire meter face with all totalizer digits and flowmeter units visible and legible. The digital photograph file name shall include the state well number and meter serial number. The digital photograph(s) shall be submitted to the Agency via e-mail or by other electronic method approved by the Executive Director.

CHAPTER 3.0

Installation and Use of Flowmeters for Groundwater Extraction Facilities

3.1. Installation and Use of Flowmeters

- 3.1.1. Installation Requirement – Prior to extracting groundwater, the operator shall install a flowmeter. With the exception of connections used for well flushing and extraction facilities used by multiple operators, flowmeters shall be installed upstream of all connections to the main discharge line. Flowmetering is not required during well flushing and well rehabilitation; however, the volume of water extracted shall be estimated and reported to the Agency. Flowmeters are not required on Inactive Wells and Exempt Wells as defined in this Ordinance. Well operators are required to install flowmeters on wells and provide proof of calibration within a range of plus or minus 5% by June 30, 2023. Proof of calibration shall be less than three years old for extraction facilities extracting 100 or more

acre-feet per year and less than five years old for extraction facilities extracting less than 100 acre-feet per year.

- 3.1.2. **Flowmeter Failure and Back-up Measurement Requirements** - Flowmeters occasionally fail, losing periods of record before the disabled or inaccurate meter is either replaced or repaired. When a flowmeter fails, the operator shall repair or replace the flowmeter within the timeframe specified in this Ordinance. Flowmeter failures and associated repairs or replacements shall be reported to the Agency together with any other information required by the Executive Director on or before the due date of the next Quarterly Groundwater Extraction Statement. Well operators shall be prepared to provide another acceptable method of computing extractions during these periods of flowmeter failure to avoid the loss of record on wells that require flowmetering under this Ordinance.
- 3.1.3. **Back-up Methods** - It is the operator's responsibility to maintain the flowmeter. Any allowable or acceptable backup measurement methods may be changed as technology improves or changes.
- 3.1.4. **Flowmeter Readings** - Functional flowmeters shall be read and the readings reported semi-annually on the extraction statements required under Section 2.3 above.
- 3.1.5. **Inspection of Flowmeters** - The Agency may inspect flowmeter installations for compliance with this Ordinance at any reasonable time.
- 3.2. **Flowmeter Testing and Calibration** - All flowmeters shall be tested for accuracy at a frequency interval determined by the Board to meet specific measurement standards. Calibration methods and procedures approved by the Board as detailed in this Ordinance. Initial proof of calibration shall be provided prior to prior to June 30, 2023.
- 3.3. **Altering Flowmeters** - Any person who alters, removes, resets, adjusts, manipulates, obstructs, or in any manner interferes or tampers with any flowmeter affixed to any groundwater extraction facility required by this Ordinance, resulting in said flowmeter to improperly or inaccurately measure and record groundwater extractions, is guilty of an intentional violation of this Ordinance and will be subject to any and all penalties as described in Chapter 7.
- 3.4. **Costs of Testing and Calibration** - All costs incurred with flowmeter testing or calibration shall be the personal obligation of the well owner. Non-compliance with any provision of the flowmeter calibration requirements will subject the owner to financial penalties and/or liens as described below or in Chapter 7 of this Ordinance.

- 3.5.** Upon violation of any flowmeter provision, the Agency may, as allowed by law, petition the Superior Court of the County for a temporary restraining order or preliminary or permanent injunction prohibiting the well owner from operating the facility, or for such other relief as may be appropriate.

CHAPTER 4

Flowmeter Testing and Calibration Requirements

4.1 General Procedures

- 4.1.1. All groundwater extraction flowmeters shall be tested for accuracy within a range of plus or minus 5% as follows:
- Groundwater Extraction Facilities Extracting 100 or More Acre-Feet Per Year: No less than once every three years.
 - Groundwater Extraction Facilities Extracting Less Than 100 Acre-Feet Per Year: No less than once every five years.
- 4.1.2. Written certification of water meter accuracy by a qualified flowmeter testing company or person approved pursuant to section 4.7 shall be submitted within 30-days following any accuracy test or
- 4.1.3. If there is an indication that a flowmeter has been tampered with, the operator shall promptly report this to the Agency and the meter shall be retested and proof of flowmeter accuracy submitted to the Agency within 30 days of the discovery of the tampered meter.
- 4.1.4. If a flowmeter on an active well has been removed or destroyed for any reason by any person, whether by the operator, owner, or another person or entity - including, but not limited to, replacement, upgrade, or theft - the operator must notify the Agency of this event within 14 days. In such event, the removed or destroyed flowmeter must be replaced within 30 days, and the new flowmeter tested and proof of flowmeter accuracy submitted to the Agency within 30 days after replacement.
- 4.1.5. The Agency Executive Director, or designee, may, on a showing of good cause, grant additional time to comply with these provisions.

4.2 Approved Methods of Testing and Testing Requirements

- 4.2.1. Method(s) of accuracy testing and calibration shall be determined by the Agency Executive Director, or designee, and may be changed at any time to accommodate technological improvements or better methods.

- 4.2.2. Some flowmeter tests may require a pipe tap or access fitting on either the upstream or downstream side of the well flowmeter, or both. If such portals are not available, the well operator or owner shall provide them at his or her own expense.
- 4.2.3. In cases where more than one flowmeter is utilized to measure groundwater extractions, every flowmeter in that well and/or plumbing configuration must be tested and calibrated to required tolerances during the same visit.

4.3 Testing Option Via Southern California Edison (SCE)

- 4.3.1. If the well pump motor is tested for electrical demand efficiency by Southern California Edison (SCE), a copy of the SCE Efficiency Report may be submitted to the Agency in lieu of the required flowmeter calibration report; however, an adequate comparison of the SCE-determined flow measurement against the customer's existing well flowmeter must be provided within the submitted report.
- 4.3.2. If the SCE test results indicate that the flowmeter exceeds the plus or minus 5% accuracy range, the flowmeter must be repaired or replaced and retested per section "4.1.1" above at the owner's expense.
- 4.3.3 **Special Note:** Failure to obtain passing test results within the Agency-specified time frame due to SCE's workload or backlog schedule is not justification for a time extension request. However, if a letter from SCE confirming a scheduled test date after the Agency specified time frame is submitted to the Agency prior to the required testing timeframe, the Agency Executive Director, or designee, may authorize a test date time extension.

4.4 New Flowmeter Installations

- 4.4.1. When any operator or owner installs a new water flowmeter, including a replacement water flowmeter, on the discharge piping of a well, proof of flowmeter accuracy shall be submitted to the Agency within 30 days of the installation date. In addition, digital photographs shall be submitted showing (1) the well and discharge piping with meter location visible, (2) flowmeter face with all totalizer digits and flowmeter units visible and legible; and (3) flow meter serial number. The digital photographs shall be date stamped and the file name shall include the state well number and meter serial number. The digital photographs shall be submitted to the Agency via e-mail or by other electronic method approved by the Executive Director.

4.5 Required Documentation to Certify Calibration Accuracy Standards

- 4.5.1. Documentation to indicate that existing flowmeters meet accuracy or calibration standards (without flowmeter replacement, repair, or refurbishment) shall be provided to the Agency by submitting a copy of the successful test/calibration results that are provided to the flowmeter owner/operator by either an agency-approved flowmeter tester or SCE, as noted in Section 4.3, above.
- 4.5.2. Documentation that indicates a flowmeter is new and/or has been repaired/refurbished to meet accuracy or calibration standards will be acceptable to the Agency provided the flowmeter was installed per the flowmeter manufacturer's specifications. Acceptable proof shall include name of meter manufacturer; meter serial and model numbers; unit of measure and unit multiplier for the meter; serial number, and that installation meets the manufacturer's specifications; an invoice and/or work order indicating that the flowmeter was installed or repaired/refurbished on a certain date.
- 4.5.3. If the new or refurbished flowmeter was not installed per the flowmeter manufacturer's specifications, the well owner or operator shall obtain a flowmeter test for accuracy, and if necessary, re-calibrate the new or refurbished flowmeter to reflect actual in-place conditions. The passing test results shall be submitted to the Agency within 30 days of new or refurbished flowmeter installation.
- 4.5.4. Required documentation to certify calibration accuracy standards shall include digital photographs showing (1) the well and discharge piping with meter location visible, (2) flowmeter face with all totalizer digits and flowmeter units visible and legible; and (3) flow meter serial number. The digital photographs shall be date stamped and the file name shall include the state well number and meter serial number. The digital photographs shall be submitted to the Agency via e-mail or by other electronic method approved by the Executive Director.

4.6. Flowmeter Maintenance Between Required Calibration Testing Intervals

- 4.6.1. Written notification shall be provided to the Agency at least two (2) weeks prior to any planned maintenance requiring removal and reinstallation of the flowmeter.
- 4.6.2. If the maintenance does alter the piping diameters or configuration, the flowmeter shall be retested, and if necessary, recalibrated, as per any and all applicable Ordinance requirements.

- 4.7. Approved Flowmeter Testers** - Approved testers are those approved by the Fox Canyon Groundwater Management Agency, as designated at their website: <https://fcgma.org/public-documents/forms>, and as amended from time to time.
- 4.8. Meter Repair or Replacement** - Broken or inaccurate flowmeters must be promptly reported to the Agency and repaired or replaced within 30 days of failure, or from the date when non-accurate readings are first noted. Special circumstances may be afforded additional leeway or time to comply with provisions at the discretion of the Executive Director. Proof of flowmeter accuracy of the repaired or replacement meter along with supporting documentation shall be submitted to the Agency within 30 days of the installation date.
- 4.9 Backup Measurement Methods-** When necessary, temporary in-place flowmeters shall be installed to provide back-up water flow measurement. The use of temporary flowmeters shall not exceed 60 days.
- 4.10 Inspection of Flowmetering Equipment** - Agency staff or their designated agents may, at their discretion, inspect flowmetering equipment installations for compliance with this Ordinance at any reasonable time. A minimum of 24-hours notice will be provided to the well owner or operator prior to any well visit or inspection.
- 4.11 Non-Compliance with Flowmeter Calibration Requirements**
- 4.11.1. Pursuant to the statutory authority granted by this Ordinance and state law, a Notice of Violation shall be sent to any operator and/or owner who fails to provide the Agency with proof of accurate flowmeter calibration within specified timeframes. Also, any flowmeter for which the required proof of accuracy is not submitted within specified timeframes shall be deemed a non-operating flowmeter for purposes of Section 3.5 of this Ordinance. In addition, any operator and/or owner who fails to provide the Agency with proof of accurate flowmeter calibration within:
- a) 120 days after a Notice of Violation is sent shall be liable to the Agency for a civil penalty in the amount of \$1,100.00;
 - b) 150 days after the Notice of Violation is sent shall be liable to the Agency for an additional civil penalty in the amount of \$600.00, for a total penalty of \$1,700.00;
 - c) 210 days after the Notice of Violation is sent shall be liable to the Agency for an additional civil penalty in the amount of \$600.00, for a total penalty of \$2,300.00.

- 4.12.2. Non-compliance at the end of 210 days shall subject the owner to enforcement action and additional fines, penalties, fees or liens as authorized by this Ordinance or state law.

CHAPTER 5.0

Appeals

- 5.1. Any person aggrieved by a decision or determination made by the Executive Director may appeal to the Board within forty-five (45) calendar days thereof by filing with the Executive Director a written request that the Board review the decision of the Executive Director. The Board shall equitably act on the appeal within 120 days after all relevant information has been provided by the appellant.

CHAPTER 6.0

Severability

- 6.1. If any section, part, clause or phrase in this Ordinance is for any reason held invalid or unconstitutional, the remaining portion of this Ordinance shall not be affected but shall remain in full force and effect.

CHAPTER 7.0

Penalties

- 7.1. Any operator or other person who violates the provisions of this Ordinance is subject to the criminal and civil sanctions set forth in state law and this Ordinances.
- 7.2. Any person who intentionally violates any provision of this Ordinance shall be guilty of an infraction and may be required to pay a fine to the Agency in an amount not to exceed five hundred dollars (\$500).
- 7.3. Any person who negligently or intentionally violates any provision of this Ordinance may also be liable civilly to the Agency for a sum not to exceed one thousand dollars (\$1,000) per day for each day of such violation, in addition to any other penalties that may be prescribed by law.
- 7.4. Upon the failure of any person to comply with any provision of this Ordinance , the Agency may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those, which may be provided elsewhere in this Ordinance or otherwise allowed by law. The Agency may petition the Superior Court of the County to recover any sums due the Agency.
- 7.5. Civil penalties for specified violations of this Ordinance shall be established

Item 10(a), Attachment A

by Resolution which may provide discretion for the Executive Director to adjust and/or waive the civil penalty.

This Ordinance and amendments hereof shall become effective on the thirty-first day after adoption.

ADOPTED this ____ day of _____, 2022.

_____, Board Chair
Upper Ventura River
Groundwater Agency

ATTEST:

Bryan Bondy
Executive Director

ATTEST:

Upper Ventura River Groundwater Agency
General Counsel



202 W. El Roblar Dr.
Ojai, CA 93023
(805) 640-1247
<https://uvrgroundwater.org/>

May 23, 2022

[NAME]

[ADDRESS 1]

[ADDRESS 2]

RE: Proposed Well Registration, Metering and Extraction Reporting Ordinance and Proposed Groundwater Extraction Fees for Fiscal Year 2022/2023

Dear [MAIL MERGE RECIPIENT],

The purpose of this letter is to inform you about two significant matters that the Upper Ventura River Groundwater Agency (UVRGA) Board of Directors will be deliberating following public hearings to be held during its upcoming regular meetings on June 9, 2022 at 1pm.

Proposed Well Registration, Metering and Extraction Reporting Ordinance

As you may know, the current groundwater extraction fee methodology relies on estimates of pumping to determine your total fee amount. UVRGA has received input from stakeholders stating a desire to be charged based on actual groundwater use, not estimates. The UVRGA Board has considered that input and agrees. The UVRGA Board has determined that actual groundwater use should be determined using flowmeters and has developed a proposed ordinance to set forth appropriate well registration, metering, and extraction reporting requirements. The draft ordinance can be viewed at <https://uvrgroundwater.org/> (link under the "Latest News" banner). To reduce ordinance development costs, the draft ordinance is based on the Fox Canyon Groundwater Management Agency rules. The draft ordinance includes requirements for registering your well with UVRGA, requirements for the installation and periodic calibration of a flowmeter on your well discharge line, and requirements for reporting extractions to UVRGA on a quarterly basis.

The proposed ordinance includes the following primary requirements:

1. Fill out a form provided by UVRGA to register your well(s).
2. Install a flowmeter on your well(s) by June 30, 2023.
3. Provide proof of flowmeter calibration that is less than 3 years old by June 30, 2023 (Note: UVRGA will provide a list of approved calibration vendors)
4. Take and submit a digital photograph of your flowmeter totalizer March 31, June 30, September 30, and December 31 of each year.
5. Complete Quarterly Groundwater Extraction Statements provided by UVRGA and submit together with the totalizer photos to UVRGA each quarter. (Note: quarterly reporting of groundwater extractions is necessary to accomplish both water year¹ extraction reporting

¹ October 1 – September 30

to the State and to assess semi-annual groundwater extractions fees. which will be billed semi-annually for the January-June and July-December periods.

Please note: UVRGA will not be responsible for submitting your annual reporting statements to the State Water Resources Control Board (SWRCB), individual landowners will continue to be responsible for annual extraction reporting to SWRCB.

The UVRGA Board will conduct a public hearing and first reading of the proposed ordinance on June 9, 2022 and will schedule a second public hearing prior to adopting the ordinance. If you have comments on the draft ordinance, it would be best to provide those comments before or during the first public hearing (June 9, 2022). Your input and feedback is welcomed.

Proposed Groundwater Extraction Fees for Fiscal Year 2022/2023

The second subject matter is groundwater extraction fees. Since 2019, you have been assessed up to \$79.16 per acre foot of your estimated groundwater extractions to fund the costs of the State-mandated sustainable groundwater management program for the Upper Ventura River Valley Basin (Basin). The fees you have paid supplemented the \$630,061 of grant proceeds UVRGA received to fund the development of the required groundwater sustainability plan (GSP) for the Basin. Now that the GSP has been completed, UVRGA is turning its attention to plan implementation.

The UVRGA Board has reviewed the current groundwater extraction fee methodology and determined that it is no longer adequate to support the Agency. First, the current groundwater extraction fee is based on old estimates of pumping and certain private well owners have indicated a desire be charged based on actual groundwater use, not estimates. The UVRGA Board has also determined that the fee rate itself is insufficient to fund the necessary Agency functions. This is due to several factors. First, actual pumping by the public agencies has decreased significantly relative to the estimated pumping used in the current fee. This means the fee on a dollar per acre-foot basis must be increased to generate the same amount of revenue. In addition, GSP implementation costs are projected to be greater than GSP development costs. Lastly, inflation has risen significantly (the UVRGA Board now assumes 5% per year instead of the previous 3% assumption). The combination of these factors has resulted in a proposed extraction fee of \$148 per acre foot for fiscal year 2022/2023 (July 1, 2022 through June 30, 2023). The proposed extraction fee is based on UVRGA's adopted fiscal year 2022/2023 budget, which can be viewed at <https://uvrgroundwater.org/wp-content/uploads/2022/05/UVRGA-FY-23-Budget-and-Multi-Year-Projection-Adopted-5-12-22.pdf>. It is anticipated that the groundwater extraction fee will be re-evaluated and adjusted each year going forward.

Please note that UVRGA intends to apply for a GSP Implementation Grant later this year to fund a significant portion of the Agency's costs over the next several years. If awarded, the grant would reduce the groundwater extraction fee for several years beginning as early as next fiscal year (2023/2024). We also hope for wetter conditions that would allow for more groundwater extractions, driving down the groundwater extraction fee rate on a per acre-foot basis. The UVRGA Board understands that the proposed extraction fee is a significant financial burden for your organization and does not take the decision to implement the fee lightly. However, UVRGA has must comply with the State-mandate to sustainably manage the groundwater basin. Please know

Item 10(a), Attachment B

that UVRGA is working hard to keep its costs down and operates as efficiently as possible every single day.

The UVRGA Board will consider adopting the proposed groundwater extraction fee following a public hearing on June 9, 2022 at 1pm. The public hearing notice is attached for your reference.

Special Notice to Private Well Owners: Please note that if you desire to be charged based on metered groundwater use during Fiscal Year 2022/2023, you must install a meter (if one is not present already) and take a digital photograph of the flowmeter register as of June 30, 2022 (see draft Ordinance Section 2.3.4 for photo requirements). If you do not already have a flowmeter installed or and cannot install one by June 30, 2022, UVRGA will charge you based on the estimated extractions utilized in the current groundwater extraction fee. The next opportunity for switching to metered extractions would be the semiannual period January 1, 2023 – June 30, 2023, in which case you would need to photograph and record your totalizer reading as of December 31, 2022. Note: proof of meter calibration is not required to be charged based on meter readings during fiscal year 2022/2023.

Meeting Information

The Board will hold public hearings on the above-described matters during its next Regular Board Meeting:

- Date / Time: June 9, 2022, 1 p.m.
- Location: This meeting will be held on-line via Zoom:
 - Call-In Number: 1-669-900-6833
 - Meeting ID: 873 7963 5311
 - Passcode: 939446
 - Zoom Link:
<https://us06web.zoom.us/j/87379635311?pwd=ais3RDJwSjRPKzRqT2l3WXBNS1AyUT09>

Please visit <https://uvrgroundwater.org/> for the latest updates concerning the Board meeting and public hearings.

Closing

UVRGA looks forward to receiving your input on these important issues. Please feel free to contact me with any questions.

Sincerely,

Bryan Bondy, PG, CHG
Executive Director

Attachments: Groundwater Extraction Fee Public Notice

Bryan Bondy

From: Bryan Bondy
Sent: Thursday, May 26, 2022 2:13 PM
To: Bryan Bondy
Subject: RE: UVRGA - Well Registration, Metering, and Reporting Ordinance and Groundwater Extraction Fees for July 2022 - June 2023
Attachments: UVRGA Public Notice FY 22-23 GW Extraction Fees.pdf

Dear UVRGA Interested Parties

The purpose of this e-mail is to inform you about two significant matters that the Upper Ventura River Groundwater Agency (UVRGA) Board of Directors will be deliberating following public hearings to be held during its upcoming regular meeting on June 9, 2022 at 1pm.

Proposed Well Registration, Metering and Extraction Reporting Ordinance

As you may know, the current groundwater extraction fee methodology relies on estimates of pumping to determine your total fee amount. UVRGA has received input from stakeholders stating a desire to be charged based on actual groundwater use, not estimates. The UVRGA Board has considered that input and agrees. The UVRGA Board has determined that actual groundwater use should be determined using flowmeters and has developed a proposed ordinance to set forth appropriate well registration, metering, and extraction reporting requirements. The draft ordinance can be viewed at <https://uvrgroundwater.org/wp-content/uploads/2022/05/UVRGA-Ordinance-Establishing-Well-Registration-Metering-and-Reporting-Requirements-clean-version-5.23.22.pdf>. To reduce ordinance development costs, the draft ordinance is based on the Fox Canyon Groundwater Management Agency rules. The draft ordinance includes requirements for registering your well with UVRGA, requirements for the installation and periodic calibration of a flowmeter on your well discharge line, and requirements for reporting extractions to UVRGA on a quarterly basis.

The proposed ordinance includes the following primary requirements:

1. Fill out a form provided by UVRGA to register your well(s) and submit with digital photos of your well.
2. Install a flowmeter on your well(s) by June 30, 2023 and provide digital photo documentation.
3. Provide proof of flowmeter calibration that is less than 3 years old by June 30, 2023 (Note: UVRGA will provide a list of approved calibration vendors)
4. Take and submit a digital photograph of your flowmeter totalizer March 31, June 30, September 30, and December 31 of each year.
5. Complete Quarterly Groundwater Extraction Statements provided by UVRGA and submit together with the totalizer photos to UVRGA each quarter. (Note: quarterly reporting of groundwater extractions is necessary to accomplish both water year extraction reporting to the State and to assess semi-annual groundwater extractions fees. which will be billed semi-annually for the January-June and July-December periods.

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Please note: UVRGA will not be responsible for submitting your annual reporting statements to the State Water Resources Control Board (SWRCB), individual landowners will continue to be responsible for annual extraction reporting to SWRCB.

The UVRGA Board will conduct a public hearing and first reading of the proposed ordinance on June 9, 2022 and will schedule a second public hearing prior to adopting the ordinance. If you have comments on the draft ordinance, it would be best to provide those comments before or during the first public hearing (June 9, 2022). Your input and feedback is welcomed.

Proposed Groundwater Extraction Fees for Fiscal Year 2022/2023

The second subject matter is groundwater extraction fees. Since 2019, you have been assessed up to \$79.16 per acre foot of your estimated groundwater extractions to fund the costs of the State-mandated sustainable groundwater management program for the Upper Ventura River Valley Basin (Basin). The fees you have paid supplemented the \$630,061 of grant proceeds UVRGA received to fund the development of the required groundwater sustainability plan (GSP) for the Basin. Now that the GSP has been completed, UVRGA is turning its attention to plan implementation.

The UVRGA Board has reviewed the current groundwater extraction fee methodology and determined that it is no longer adequate to support the Agency. First, the current groundwater extraction fee is based on old estimates of pumping and certain private well owners have indicated a desire be charged based on actual groundwater use, not estimates. The UVRGA Board has also determined that the fee rate itself is insufficient to fund the necessary Agency functions. This is due to several factors. First, actual pumping by the public agencies has decreased significantly relative to the estimated pumping used in the current fee. This means the fee on a dollar per acre-foot basis must be increased to generate the same amount of revenue. In addition, GSP implementation costs are projected to be greater than GSP development costs. Lastly, inflation has risen significantly (the UVRGA Board now assumes 5% per year instead of the previous 3% assumption). The combination of these factors has resulted in a proposed extraction fee of \$148 per acre foot for fiscal year 2022/2023 (July 1, 2022 through June 30, 2023). The proposed extraction fee is based on UVRGA's adopted fiscal year 2022/2023 budget, which can be viewed at <https://uvrgroundwater.org/wp-content/uploads/2022/05/UVRGA-FY-23-Budget-and-Multi-Year-Projection-Adopted-5-12-22.pdf>. It is anticipated that the groundwater extraction fee will be re-evaluated and adjusted each year going forward.

Please note that UVRGA intends to apply for a GSP Implementation Grant later this year to fund a significant portion of the Agency's costs over the next several years. If awarded, the grant would reduce the groundwater extraction fee for several years beginning as early as next fiscal year (2023/2024). We also hope for wetter conditions that would allow for more groundwater extractions, driving down the groundwater extraction fee rate on a per acre-foot basis. The UVRGA Board understands that the proposed extraction fee is a significant financial burden for your organization and does not take the decision to implement the fee lightly. However, UVRGA has must comply with the State-mandate to sustainably manage the groundwater basin. Please know that UVRGA is working hard to keep its costs down and operates as efficiently as possible every single day.

The UVRGA Board will consider adopting the proposed groundwater extraction fee following a public hearing on June 9, 2022 at 1pm. The public hearing notice is attached for your reference.

Special Notice to Private Well Owners: Please note that if you desire to be charged based on metered groundwater use during Fiscal Year 2022/2023, you must install a meter (if one is not present already) and take a digital photograph of the flowmeter register as of June 30, 2022 (see draft Ordinance Section 2.3.4 for photo requirements). If you do not already have a flowmeter installed or and cannot install one by June 30, 2022, UVRGA will charge you based on the estimated extractions utilized in the current groundwater extraction fee. The next opportunity for switching to metered extractions would be the

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semiannual period January 1, 2023 – June 30, 2023, in which case you would need to photograph and record your totalizer reading as of December 31, 2022. Note: proof of meter calibration is not required to be charged based on meter readings during fiscal year 2022/2023.

Meeting Information

The Board will hold public hearings on the above-described matters during its next Regular Board Meeting:

- Date / Time: June 9, 2022, 1 p.m.
- Location: This meeting will be held on-line via Zoom:
 - Call-In Number: 1-669-900-6833
 - Meeting ID: 873 7963 5311
 - Passcode: 939446
 - Zoom Link: <https://us06web.zoom.us/j/87379635311?pwd=ais3RDJwSjRPKzRqT2l3WXBNS1AyUT09>

Please visit <https://uvrgroundwater.org/> for the latest updates concerning the Board meeting and public hearings.

Closing

UVRGA looks forward to receiving your input on these important issues. Please feel free to contact me with any questions.

Best Regards,

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Bryan Bondy, PG, CHG
Executive Director
UVRGA
805-212-0484

Bryan Bondy

From: Bryan Bondy
Sent: Friday, June 24, 2022 2:41 PM
To: Bryan Bondy
Subject: RE: UVRGA Well Owner Reminder - Procedures for Transitioning from Estimated Extractions to Metered Extractions for Billing Purposes

Dear UVRGA Interested Parties,

My apologies for multiple emails. I have one additional important reminder for well owners:

The UVRGA Board adopted new groundwater extraction fees during its June 9, 2022 meeting. The new fees become effective July 1 for fiscal year 2022/2023. You should have received a letter dated May 23 describing procedures for transitioning from estimated extractions to metered extractions for billing purposes. **I also provided this same information in my May 26 interested parties email. I am reprinting the information here again as a reminder of how to transition from estimated extractions to metered extractions for billing purposes. If you desire to be charged based on metered groundwater use during Fiscal Year 2022/2023, you must install a flowmeter (if one is not present already) and take a digital photograph of the flowmeter register as of June 30, 2022 (see draft Ordinance Section 2.3.4 for photo requirements). If you do not already have a flowmeter installed or and cannot install one by June 30, 2022, UVRGA will charge you based on the estimated extractions utilized in the current groundwater extraction fee. The next opportunity for switching to metered extractions would be the semiannual period January 1, 2023 – June 30, 2023, in which case you would need to photograph and record your totalizer reading as of December 31, 2022. Note: proof of meter calibration is not required to be charged based on meter readings during fiscal year 2022/2023.**

Please let me know if you have any questions.

Best Regards,

Bryan

From: Bryan Bondy <bbondy@uvrgroundwater.org>
Sent: Friday, June 24, 2022 11:26 AM
To: Bryan Bondy <bbondy@uvrgroundwater.org>
Subject: RE: UVRGA Important Update and Reminder

Dear UVRGA Interested Parties,

The purpose of this e-mail is to let you know that comments received on the aquatic GDE monitoring plans have been posted to the UVRGA website (<https://uvrgroundwater.org/sgma-overview/>) and to remind you that the UVRGA Board of Directors will be considering adoption of the proposed Well Registration, Metering and Extraction Reporting Ordinance following a public hearing to be held during its upcoming regular meeting on July 14, 2022 at

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1pm. Please see below for more information about the ordinance. Please visit <https://uvrgroundwater.org/public-meetings/> for the latest information about the upcoming meeting.

Proposed Well Registration, Metering and Extraction Reporting Ordinance

As you may know, the current groundwater extraction fee methodology relies on estimates of pumping to determine your total fee amount. UVRGA has received input from stakeholders stating a desire to be charged based on actual groundwater use, not estimates. The UVRGA Board has considered that input and agrees. The UVRGA Board has determined that actual groundwater use should be determined using flowmeters and has developed a proposed ordinance to set forth appropriate well registration, metering, and extraction reporting requirements. The draft ordinance can be viewed at <https://uvrgroundwater.org/wp-content/uploads/2022/05/UVRGA-Ordinance-Establishing-Well-Registration-Metering-and-Reporting-Requirements-clean-version-5.23.22.pdf>. To reduce ordinance development costs, the draft ordinance is based on the Fox Canyon Groundwater Management Agency rules. The draft ordinance includes requirements for registering your well with UVRGA, requirements for the installation and periodic calibration of a flowmeter on your well discharge line, and requirements for reporting extractions to UVRGA on a quarterly basis.

The proposed ordinance includes the following primary requirements:

1. Fill out a form provided by UVRGA to register your well(s) and submit with digital photos of your well.
2. Install a flowmeter on your well(s) by June 30, 2023 and provide digital photo documentation.
3. Provide proof of flowmeter calibration that is less than 3 years old by June 30, 2023 (Note: UVRGA will provide a list of approved calibration vendors)
4. Take and submit a digital photograph of your flowmeter totalizer March 31, June 30, September 30, and December 31 of each year.
5. Complete Quarterly Groundwater Extraction Statements provided by UVRGA and submit together with the totalizer photos to UVRGA each quarter. (Note: quarterly reporting of groundwater extractions is necessary to accomplish both water year extraction reporting to the State and to assess semi-annual groundwater extractions fees. which will be billed semi-annually for the January-June and July-December periods.

Please note: UVRGA will not be responsible for submitting your annual reporting statements to the State Water Resources Control Board (SWRCB), individual landowners will continue to be responsible for annual extraction reporting to SWRCB.

The UVRGA Board conducted a public hearing and first reading of the proposed ordinance on June 9, 2022 and will hold a second public hearing prior to adopting the ordinance on July 14, 2022. If you have comments on the draft ordinance, it would be best to provide those comments before July 14, 2022. Comments may be emailed to bbondy@uvrgroundwater.org or mailed/dropped off at Meiners Oaks Water District (202 W El Roblar Dr, Ojai, CA 93023). Your input and feedback is welcomed.

Please feel free to contact me with any questions.

Best Regards,

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Bryan Bondy, PG, CHG
Executive Director
UVRGA
805-212-0484