

UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING AUGUST 11, 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, Emily Ayala, Mike Etchart, Arne Anselm, and Vivon Crawford. Director Pete Kaiser and his alternate Mary Bergen were not present. Also, present: Executive Director Bryan Bondy, Agency Counsel Keith Lemieux, and Administrative Assistant Maureen Tucker. Identified public members present: Mike Flood, Kelly Dyer, Burt Handy, Jim Kentosh, and Kiernan Brtalik.

1) CALL TO ORDER

Chair Etchart called the meeting to order at 1:00 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, Emily Ayala, Arne Anselm, Mike Etchart, and Vivon Crawford

Directors Absent: Director Kaiser

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

Chair Etchart asked for any proposed changes to the agenda.

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

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

J. Tribo – Y A.Anselm Y

Director Absent: Director Kaiser

5) PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

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

No comments were offered.

6) CONSENT CALENDAR

- a. Approve Minutes from July 14, 2022 Regular Board Meeting
- b. Approve Financial Report for July 2022
- c. Fiscal Year 2021/2022 Year-End Budget Report

Director Kubler moved approval of the consent calendar items. Director Anselm requested that the July 14, 2022 minutes be amended to state that he abstained for Item 6b. Director Kuebler amended the motion that effect.

Director Anselm seconded the motion.

No further Board discussion.

No public comments.

Roll Call Vote: B. Kuebler – Y M.Etchart - Y E.Ayala – Y V.Crawford - Y
 J. Tribo – Y A.Anselm - Y

Directors Absent: Director Kaiser

7) DIRECTORS ANNOUNCEMENTS

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

Director Kuebler: No report.

Director Tribo: No report.

Director Anselm: No report.

Director Bergen: No report.

Director Ayala: No report.

Director Etchart: No report.

Director Crawford: Director Crawford said she had a discussion with Director Kuebler about Ojai Valley Land Conservancy’s (OVLC’s) Aquatic GDE Monitoring Workplan comments. She said she feels that she understands the intent of the Sustainable Groundwater Management Act (SGMA) but maybe there is more to know. She clarified that she does not believe that SGMA was created to focus on benefitting fish. She suggested

that the Board might consider discussing the SGMA’s intent at a future meeting and lay out a path forward. Chair Etchart asked if this could be put on a future agenda. Executive Director Bondy said he would need more specifics as to the content of the requested item, but that the discussion for Item No. 10(a) may illuminate the issues. Agency Counsel Lemieux said this should be discussed under Item No 12 – Future Agenda Items.

8) EXECUTIVE DIRECTOR’S REPORT

Executive Director Bondy reported on Agency matters since the last Board meeting.

Board comments: none

Public comments: none

9) ADMINISTRATIVE ITEMS

a. Conflict of Interest Code Biennial Review and Update.

Executive Director Bondy explained that the Agency is required to review its Conflict of Interest Code biennially. The review was performed by Agency Counsel and the code has been updated to reflect new statutes and the current list of designated positions. The Board briefly discussed Resolution 2022-07, a resolution to adopt the updated code.

Director Anselm moved adoption of Resolution 2022-07.

Director Ayala seconded the motion.

No further Board discussion.

No public comments.

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

J. Tribo – Y A.Anselm - Y

Directors Absent: Director Kaiser

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

Jim Kentosh, member of the Ad Hoc Committee briefed the Board. The Ad Hoc Committee last met on June 30. He explained that he had prepared draft terms and conditions but was later asked by the Meiners Oaks Water District (MOWD) Board to take a step back and first obtain clarification from the City of Ojai about its intentions and why they want to join. Director Tribo said Director Kaiser is working on scheduling the next Ad Hoc Committee and is inviting the City of Ojai to answer the MOWD questions.

Director Kuebler reported Bill Weirick said that the City of Ojai had discussed this matter during an open session, but he could not find it in their meeting minutes. Director Kuebler has followed up with Bill Weirick but has not received a response yet.

10) GSP IMPLEMENTATION ITEMS

a. Aquatic Groundwater Dependent Ecosystem (GDE) Monitoring Workplans.

Executive Director Bondy welcomed Kiernan Brtalik of Rincon Consultants, Inc. (Rincon) and said he is available to answer any technical questions about the workplans. Executive Director Bondy then summarized the purpose of each workplan and described the review process, including a 30-day concurrent public and Board-member comment period, which ended on June 17, 2022. He said comments were received from Alternate Director Bergen, Director Kuebler, the City of Ventura, OVLC, California Department of Fish and Wildlife (CDFW) and National Marine Fisheries Services (NMFS). Executive Director Bondy and Rincon worked on the comment responses and Rincon prepared final draft workplans to address the comments. Executive Director Bondy said that a significant number of the comments were about the GSPs, not the workplans. He said the “GSP” comments suggests to him that there is still a sizable difference of opinion about how GDEs were screened in the GSP and the SMCs for depletion of interconnected surface water included in the GSP. He said additional outreach and discussion with the environmental stakeholders is probably warranted to clarify. Executive Director Bondy said he would be happy to answer any questions about the comment responses or final draft workplans.

Chair Etchart asked if any Directors had questions.

Director Crawford asked for explanation of the response to OVLC Comment No. 3, why the response referred to NMFS and CDFW comment responses instead of being written out, and why the OVLC comments were not treated as comments from her as a UVRGA Director.

Executive Director Bondy explained that the comments were received on OVLC letterhead and were signed by her boss and her. He interpreted that to mean the comments were being offered by OVLC as an organization as opposed to Director Crawford acting in her capacity as a UVRGA director.

Executive Director Bondy said the reason the comment response refers to NMFS and CDFW comment responses is because the issues were already addressed in the NMFS and CDFW comment responses. He added that the OVLC letter basically endorsed the NMFS and CDFW comment letters, so the approach taken was to address the NMFS and CDFW comments first, then OVLC comments. After addressing the NMFS and CDFW comments, Rincon and he felt that OVLC Comment No. 3 had already been addressed in the other comment responses.

Executive Director Bondy addressed the first point in OVLC Comment No. 3, which is why the State and Federal agencies' comments on SMCs were not considered and to use the three-year monitoring period to evaluate if more appropriate SMC are warranted. Executive Director Bondy explained that the SGMA requirement is avoid undesirable results, which the UVRGA Board determined to be steelhead mortality or significant stress that could lead to mortality for the depletions of interconnected surface water sustainability indicator. He said that the resource agency flow suggestions are for supporting steelhead recovery or enhancing streamflow, which is a different purpose or goal than avoiding undesirable results under SGMA. He added that the GSP does not interfere with efforts by those agencies to achieve their goals and the GSP provides an important protection during times when conditions are most difficult for steelhead. Regarding the three-year period to evaluate appropriateness of the SCM, Executive Director Bondy said that is one of the purposes stated in the work plan and added that SGMA requires that GSAs evaluate their SCM every five years.

Director Crawford said the comment was also about protocols.

Executive Director Bondy then addressed the second point in OVLC Comment No. 3, which is a comment about the monitoring protocols proposed in the workplans being limited and that the protocols should be expanded to include additional protocols used by the resource agencies. The second point also recommends using data developed by the resource agencies. Executive Director Bondy explained that the workplans are focused on collecting only the data necessary to evaluate the effectiveness of the SMC for the Foster Park area and to determine if SMC are needed in the Confluence area. He said Rincon did review the resource agencies protocols and only included those items needed to achieve UVRGA's narrower study goals.

Director Crawford said there is a lot of data that CDFW can share. Executive Director Bondy said he supports data sharing and avoiding redundant data collection, but he had a

difficult time getting wet-dry mapping data from CDFW, with the process taking approximately six months. Director Crawford said CDFW staff routinely collaborate with OVLC, and she can facilitate.

Director Crawford expressed her significant displeasure about statements Director Kuebler made to her during a recent public event. She felt Director Kuebler said that she does not understand the intent of SGMA and that he said she thinks SGMA is for fish. She felt that Director Kuebler's statements are not true and were uncalled for. She asked if other Directors feel that she does not understand the intent of SGMA and whether maybe some training is needed.

Director Kuebler apologized for upsetting Director Crawford and said that was not his intent, but that he felt it was appropriate to raise the issues.

Director Crawford disagreed and reiterated that she felt talked down to and insulted.

Executive Director Bondy apologized if the handling of OVLC comments as not being from her as a Director and referring to other comment responses in some way contributed to her feelings. He said that was in no way connected to Director Kuebler's statements. Director Crawford appreciated that clarification.

Agency Counsel assured the Board that counsel and staff take every question and comment very seriously and try hard to provide a meaningful response without duplicating information and efforts.

The Board had a lengthy discussion on Board Member communications and Board training.

Agency Counsel said that Board Members can contact him at any time to discuss any legal questions.

Direction Ayala stated she has been with the Board for a while and feels the GDE issue is very confusing, and she understands why there are a so many comments and questions.

Director Crawford reiterated her offer to help with data sharing.

Chair Etchart asked if there was any further discussion on the workplans and, if not, a motion would be in order.

Hearing no further questions, Director Kuebler moved approval of the comment responses and final draft workplans. The motion was seconded by Director Anselm.

No further Board discussion.

No public comments.

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

J. Tribo – Y A.Anselm - Y

Directors Absent: Director Kaiser

b. Professional Services Contract for GSP Implementation Grant Application.

Executive Director Bryan Bondy explained that UVRGA will be eligible to apply for a grant for a GSP implementation during the upcoming SGMA Implementation Round 2 Grant solicitation in October 2022. He recommended getting an early start and explained the unique qualifications of Kennedy/Jenks Consultants.

Directors Comments:

Director Ayala thanked Executive Director Bryan Bondy for working on this grant.

Director Etchart stated how important it is to pursue grants. The applications are a heavy lift, and the price seems reasonable.

Director Crawford asked if Foster Park monitoring will be included in the grant. Executive Director Bondy said yes.

Director Crawford asked if the Board would approve the grant application. Executive Director Bondy said yes.

Director Anselm said Kennedy/Jenks would have been the best choice if a request for qualifications process had been used.

Public Comments: None.

Motion by Director Ayala to approve the Master Service Agreement and Work Order for Kennedy/Jenks Consultants for grant application services for an amount not to exceed \$17,745 and an additional \$2,255 contingency at the Executive Director's discretion. Seconded by Director Crawford.

Roll Call Vote: B. Kuebler – Y M.Etchart - Y E.Ayala – Y V.Crawford - Y
J. Tribo – Y A.Anselm - Y

Directors Absent: Director Kaiser

11) COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

Director Ayala said there is no report.

Executive Director Bondy requested that Director Ayala reach out to the private well owners to let them know the well registration form will be released after the new ordinance becomes effective. He is targeting late August or early September.

12) FUTURE AGENDA ITEMS

Director Crawford asked if an item is needed to discuss the intent of SGMA and an item to educate directors about their roles and how to communicate with each other.

Director Etchart said board member training would be helpful to him.

Agency Counsel Lemieux offered to conduct a training session for new board members and others who want a refresher on public agency protocols and legal requirements of elected and appointed public officials.

Executive Director Bondy suggested doing one or more sessions to present a summary of the GSP because more than half of the directors were not on the Board during most or all of the GSP development process. The summary would also benefit the public.

Director Etchart said he will work with Executive Director Bondy on scheduling these items.

13) ADJOURNMENT

Next scheduled meeting is September 8, 2022 at 1:00 p.m.

The meeting was adjourned at 2:18 p.m.

Action: _____

Motion: _____

B.Kuebler_ M.Etchart_ J.Tribo _ A.Anslem _ E.Ayala_ V.Crawford_ P.Kaiser_