

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 12:30 P.M. on Thursday, January 12, 2023 via**

ON-LINE OR TELECONFERENCE:

DIAL-IN: 1-669-900-6833

Find your local number: Find your local number: <https://us06web.zoom.us/j/87594639838?pwd=dHUzTllLU0VJclUxUklQY2lrbXlRZz09>

JOIN BY COMPUTER, TABLET OR SMARTPHONE:

<https://us06web.zoom.us/j/87594639838?pwd=dHUzTllLU0VJclUxUklQY2lrbXlRZz09>

Meeting ID: 875 9463 9838

Passcode: 589775

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

January 12, 2023

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 November 10, 2022 Regular Board Meeting**
- b. Approve Financial Report for November 2022**
- c. Approve Financial Report for December 2022**
- d. Approve Fiscal Audit Agreement with Ventura River Water District**
- e. Approve Letter of Support for Ventura River Water District Grant Application**
- f. Approve Letter of Support for Ojai Valley Land Conservancy Land Acquisition Funding**

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. Reappoint Agricultural Stakeholder Director**
The Member Directors will consider reappointing Emily Ayala for the Agricultural Stakeholder Director two-year term beginning February 1, 2023.
- b. Reappoint Environmental Stakeholder Director**
The Member Directors will consider reappointing Vivon Crawford for the Environmental Stakeholder Director two-year term beginning February 1, 2023.
- c. Conflict of Interest Code Amendment**
The Board will consider adopting Resolution 2023-01 to update the conflict of interest code.

10. GSP IMPLEMENTATION ITEMS

- a. Well Registration Update**
The Executive Director will provide an update on well registration progress. The Board may provide feedback or direction to staff.

b. PUBLIC HEARING

Proposed Amendment to Groundwater Well Registration, Metering, and Extraction Reporting Ordinance (Ordinance No. 2)

The Board will open a PUBLIC HEARING to discuss the proposed amendment to the 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 conduct a first reading in title only of the ordinance and set a date for a public hearing to consider adoption of the ordinance.

c. GSP Summary Presentation - Part 2 of 2

The Executive Director will provide a summary of the GSP for the Board of Directors and public. This is the second of two presentations that will summarize the GSP.

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 February 9, 2023 at 12:30 P.M.

UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING NOVEMBER 10, 2022

The Regular Board meeting was held via teleconference, in accordance with Upper Ventura River Groundwater Agency Board Resolution No. 2021-05. Directors present were Mike Etchart, Bruce Kuebler, Emily Ayala, Arne Anselm, Mary Bergen, and Vivon Crawford. The City of Ventura director and alternate were absent. Staff present: Executive Director Bryan Bondy, Agency Counsel Keith Lemieux, and Administrative Assistant Maureen Tucker. Identified public members present: Mike Flood and Meredith Clement.

1) CALL TO ORDER

Chair Etchart called the meeting to order at 1:03 p.m.

2) PLEDGE OF ALLEGIANCE

Executive Director Bondy led the Pledge of Allegiance.

3) ROLL CALL

Executive Director Bondy called the roll.

Directors Present: Bruce Kuebler, Emily Ayala, Arne Anselm, Mary Bergen, Mike Etchart, Vivon Crawford.

Directors Absent: Jenny Tribo.

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

Chair Etchart asked for any proposed agenda changes.

Director Anselm moved agenda approval and the renewal of Resolution 2021-05.

Director Ayala seconded the motion.

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

 A. Anselm - Y M. Bergen – Y V. Crawford - Y

Director Absent: J. Tribo

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 October 13, 2022 Regular Board Meeting
- b. Approve Financial Report for October 2022
- c. Fiscal Year 2022/2023 First Quarter Financial Report

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

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

 A. Anselm - Y M. Bergen – Y V. Crawford - Y

Directors Absent: J. Tribo

7) DIRECTORS ANNOUNCEMENTS

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

Director Kuebler: No report.

Director Ayala: No report. She expressed her gratitude for the recent rain.

Director Crawford: No report.

Director Kaiser: No report.

Director Anselm No report

Director Etchart No report.

Absent: Jenny Tribo

8) EXECUTIVE DIRECTOR'S REPORT

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

Public comments: none

9) ADMINISTRATIVE ITEMS

a. Regular Board Meeting Schedule and Venue for 2023

Executive Director Bondy explained that the Governor plans to end the COVID-19 state of emergency on February 28, 2023. This will necessitate meeting in person beginning in March 2023. He reported that Casitas Municipal Water District can accommodate UVRGA board meetings on the first Thursday of each month. Ventura River Water District can accommodate UVRGA board meetings on the second Thursday of each month.

Chair Etchart said he will be teaching on Tuesdays and Thursdays at 3 p.m. until June and is hoping the Board could consider avoiding those days of the week.

Director Kuebler said he prefers keeping the meetings on Thursday and proposed to move up the meeting time to 12:30 p.m.

Director Anslem said he is fine with any Thursday but would like to keep the meetings under two hours.

Director Ayala said she is fine with starting the meetings at 12:30 p.m.

Director Crawford said she is fine with the proposal.

Director Kuebler moved scheduling the 2023 regular Board meetings on the second Thursday of each month, starting at 12:30 p.m., and to utilize Ventura River Water District facilities for in-person meetings. Seconded by Director Anslem.

Director Bergen said she does not know if a 12:30 p.m. start time will work for Director Kaiser.

Public Comments: none

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

 A. Anselm - Y M. Bergen – Y V. Crawford - Y

Directors Absent: J. Tribo

10) GSP IMPLEMENTATION ITEMS

a. Sustainable Groundwater Management Round 2 Implementation Grant Application

Executive Director Bondy summarized the \$3.1 million Sustainable Groundwater Management Round 2 Implementation grant application. He said the grant application includes most of the non-administrative activities UVRGA is planning to do through early 2026 plus the feasibility study to address indirect depletion of interconnected surface water. He noted that the monitoring wells and feasibility study were included in the grant application even though these elements would need to be completed sooner than stated in the groundwater sustainability plan. This was done to maximize the funding potential. He introduced Meredith Clement from Kennedy/Jenks and said she is available to answer any questions about the application materials.

Director Bergen said the application was well put together.

Director Anslem thanked staff and Kennedy/Jenks for the effort and noted that this ground round is going to be very competitive.

Director Ayala thanked staff and Kennedy/Jenks for their hard work and asked why existing wells cannot be used for monitoring.

Executive Director Bondy said that existing water wells can be used in cases where there is a well available in a data gap area, but, from a fiscal perspective, it is better to assume a dedicated monitoring will be needed because UVRGA cannot ask for more money after the grant application is submitted. However, he prefers dedicated monitoring wells because access to water wells can be revoked by the owner at any time, which has already happened twice to UVRGA.

Director Anslem moved approval of Resolution 2022-08 authorizing a Sustainable Groundwater Management Round 2 Implementation Grant Application. Seconded by Director Crawford.

No public comments.

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

 A. Anslem - Y M. Bergen – Y V. Crawford - Y

Directors Absent: J. Tribo

Director Etchart asked about the available grant funds. Executive Director Bondy stated it is very competitive. There is approximately \$200M for grant awards. The minimum grant award is \$1M and the maximum \$20M, with approximately 120 eligible basins statewide.

b. Stakeholder Engagement Plan Annual Review and Update

Executive Director Bondy explained that the Stakeholder Engagement Committee reviewed the Stakeholder Engagement Plan and has prepared the proposed updates included in the meeting packet. Most of the changes are to reflect the fact that UVRGA has moved from developing a groundwater sustainability plan (GSP) to implementing one.

Director Ayala said the Chumash people did not engage during GSP development and that the committee recommends sending an outreach letter.

After brief discussion, it was decided that Executive Director Bondy would prepare and send the outreach letter.

Director Kuebler said the “to do” language in section 4.9 needs to be removed before finalizing plan.

Director Kuebler moved approval of the updated Stakeholder Engagement Plan with removal of the “to do” language under section 4.9. Seconded by Director Crawford.

No public comments.

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

 A. Anselm - Y M. Bergen – Y V. Crawford - Y

Directors Absent: Jenny Tribo

c. GSP Summary Presentation – Part 2 of 2

Chair Etchart requested the Board defer this presentation until next month’s meeting. No directors objected.

11) COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

Director Ayala stated that the Ad Hoc Stakeholder Engagement Committee worked on the engagement plan and did not have any communication outside of that.

No public comments.

12) FUTURE AGENDA ITEMS

No items were requested by any directors.

No public comments.

13) ADJOURNMENT

The next Regular Board meeting is scheduled for December 8, 2022 at 1:00 p.m.

The meeting was adjourned at 1:37 p.m.

Action: _____

Motion: _____

B.Kuebler_ A.Anslem__ E.Ayala__ V.Crawford__ M.Bergen__ M.Etchart__ J. Tribo__

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

DATE: December 9, 2022
TO: Board of Directors
FROM: Carrie Troup C.P.A., Treasurer
SUBJECT: Approve Financial Report for November 2022

October 2022 UVRGA Balance \$ 564,750.81

November 2022 Activity:

Expenditures Paid:

Debit Go Daddy \$ 199.99

Checks Pending Signature:

2359 Rincon Consultants, Inc.	Nov Services	\$ 5,001.88
2360 Kennedy Jenks	Inv 159115	\$ 13,336.25
2361 Bondy Groundwater Consulting, Inc.	Nov Services	\$ 5,036.25
2362 Carrie Troup, CPA	Nov Services	\$ 1,377.71
2363 Aleshire & Wynder, LLP	Services through Nov. 17	\$ 465.00
2364 Rincon Consultants, Inc.	Nov Services	\$ 9,023.63
2365 Rincon Consultants, Inc.	Nov Services	\$ 10,742.63
Total Expenditures Paid & To Be Paid		\$ 45,183.34

November 2022 UVRGA Ending Balance: \$ 519,567.47

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: January 9, 2023
TO: Board of Directors
FROM: Carrie Troup C.P.A., Treasurer
SUBJECT: Approve Financial Report for December 2022

November 2022 UVRGA Balance \$ 519,567.47

December 2022 Activity:

Expenditures Paid:

Checks Pending Signature:

2366 Kennedy Jenks	Services through Nov 25	\$	5,377.50
2367 Bondy Groundwater Consulting, Inc.	Dec Services	\$	8,220.75
2368 Carrie Troup, CPA	Dec Services	\$	1,326.77
2369 Mitec Solutions	Annual Services	\$	1,631.04
2370 Aleshire & Wynder, LLP	Dec Services	\$	1,776.20
2371 Rincon Consultants, Inc.	Dec Services	\$	7,707.50
2372 Void			
2373 Rincon Consultants, Inc.	Dec Services	\$	3,378.75
2374 Rincon Consultants, Inc.	Dec Services	\$	3,638.75

Total Expenditures Paid & To Be Paid \$ 33,057.26

December 2022 UVRGA Ending Balance: \$ **486,510.21**

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(c), Page 1 of 1

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

DATE: January 12, 2023

TO: Board of Directors

FROM: Staff

SUBJECT: Fiscal Audit Agreement with Ventura River Water District

SUMMARY

Ventura River Water District (VRWD) has served as the audit contracting agency for UVRGA since 2020, but the agreement has expired. VRWD staff have agreed to continue serving as the audit contracting agency. A new agreement is proposed for five years (covering fiscal years ending June 30, 2022, 2023, 2024, 2025 and 2026) and is attached for approval (Attachment A). Except for the term, the new agreement is identical to the prior agreement. The agreement was approved by the Ventura River Water District Board of Directors on December 21, 2022.

RECOMMENDED ACTIONS

Authorize the Executive Director to execute the fiscal audit agreement.

BACKGROUND

Government Code § 6505.5 requires the auditor of one of the members or a county in which one of the members is located to be designated as auditor of the Joint Powers Agreement (JPA) agency when a certified public accountant has been designated as treasurer of the JPA agency. On January 24, 2020, the Board of Directors appointed Carrie Troup, CPA as Agency Treasurer, triggering the requirement to contract through a member agency for audits.

FISCAL SUMMARY

None.

ATTACHEMENTS

A. Proposed Fiscal Audit Agreement

Action: _____

Motion: _____

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

**FISCAL AUDIT SERVICES AGREEMENT BY AND BETWEEN UPPER
VENTURA RIVER GROUNDWATER AGENCY AND VENTURA RIVER
WATER DISTRICT**

This Fiscal Audit Services Agreement ("Agreement") is made and entered into this 21st day of December, 2022 ("Effective Date"), by and between Upper Ventura River Groundwater Agency ("UVRGA") and Ventura River Water District (VRWD). UVRGA and VRWD are sometimes individually referred to herein as "Party" and collectively as "Parties."

1. RECITALS.

- A. Whereas, pursuant to the Joint Exercise of Powers Act of 2000, UVRGA was created by and among Casitas Municipal Water District, City of San Buenaventura, County of Ventura, Meiners Oaks Water District, and VRWD, for the purpose of establishing a groundwater sustainability agency for the Upper Ventura River Groundwater Basin; and,
- B. Whereas, VRWD is a county waterworks district formed under Division 12 of the California Water Code and supplies potable water to Casitas Springs, Live Oak Acres, Los Encinos, Oak View and Mira Monte areas of the Ojai Valley and a portion of the City of Ojai; and,
- C. Whereas, VRWD is a Member of the Joint Exercise of Powers Agreement ("JPA") for UVRGA; and,
- D. Whereas, Government Code § 6505.5 requires the auditor of one of the contracting parties or of a county in which one of the contracting parties is located to be designated as auditor of the JPA agency when a certified public accountant has been designated as treasurer of the JPA agency; and,
- E. Whereas UVRGA designated Carrie Troup, a Certified Public Accountant, as its Treasurer via minute order on January 24, 2020; and,
- F. Whereas UVRGA now desires to designate VRWD to contract with an auditor to perform audit services for the fiscal years ending June 30, 2022, 2023, 2024, 2025 and 2026.

NOW THEREFORE, for valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

2. TERMS.

2.1 Incorporation of Recitals. The Recitals are hereby incorporated and made a part of the Agreement as if set forth herein.

2.2 Responsibilities of VRWD. VRWD shall perform an audit of UVRGA's financial statements and complete the State Controller's Report for the fiscal years ending

June 30, 2022, 2023, 2024, 2025 and 2026. (July 1 through June 30) within the applicable statutorily required timeframes (“Audit Services”). The Audit Services shall be performed by a qualified auditor of VRWD’s choice, except that VRWD must obtain UVRGA’s approval of estimated fees prior to VRWD’s initiation of the Audit Services.

2.3 Responsibilities of UVRGA. UVRGA is responsible for the accuracy of its reports shall make a good faith effort to comply with all reasonable requests made by VRWD and auditor necessary for timely completion of the Audit Services. The audit services agreement that VRWD will enter into to conduct the audit of UVRGA will refer to “you” with regard to providing documents, letters from attorneys, completing reports etc. Such references to “you” in the audit services agreement shall apply to UVRGA when applicable. UVRGA shall accept the completed audit and submit to the appropriate agencies, as required by law.

2.4 Reimbursement. UVRGA shall reimburse VRWD for all reasonable costs for the performance of its obligations under this Agreement, including auditor fees and VRWD staff labor to contract for and manage the audit. VRWD shall invoice UVRGA on a schedule of its choosing. UVRGA shall pay invoices within forty-five (45) days of the date of the invoice. A late charge at the rate of one and one-half percent (1½%) per month, or the highest rate allowed by applicable law, whichever is lowest, will be added to all amounts outstanding after said forty-five (45) days.

2.5 General Provisions.

2.5.1 Term. The term of this Agreement shall be from December 21, 2022 to June 30, 2027 (“Term”). No later than one (1) month prior to the expiration of this Agreement, the Parties may, by mutual, written consent, extend the term of this Agreement.

2.5.2 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

UVRGA: Upper Ventura River Groundwater
202 W. El Roblar Dr.
Ojai, CA 93023
ATTN: Executive Director
Email: BBondy@UVRGroundwater.org

VRWD: Ventura River Water District
409 Old Baldwin Road
Ojai, CA 93023
ATTN: General Manager
Email: Bert@VenturaRiverWD.com

Such notice shall be deemed made when personally delivered or, if mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

2.5.3 Indemnification. To the fullest extent permitted by law, each Party shall indemnify, defend and hold the other party, its directors, officials, officers, employees, volunteers and agents harmless from any and all third party claims, demands, liens, liability, losses, lawsuits and costs, including reasonable attorneys' fees and costs, including expert witness costs, property damage and any other damages of any sort whatsoever (collectively, "Claims") that may in any way arise from or in connection with the performance of its obligations under this agreement. The indemnifying party shall not be liable for any special, incidental or consequential damages related to Claims, such as loss of use, loss of profits or revenue, or other similar claims whether based in contract or tort, including negligence or strict liability. This indemnity shall not apply to any claims brought by a Party for default of this Agreement, or for claims brought by a Party or any third party where the underlying injury or damages is finally determined by a court of competent jurisdiction to arise solely from the gross negligence or willful misconduct of the indemnified party. This Section shall survive the expiration or termination of this Agreement.

2.5.4. Right of Termination. UVRGA or VRWD may terminate this Agreement on 30 days' written notice, with or without cause. In the event of termination of this Agreement, all documents prepared by VRWD in its performance of this Agreement shall be delivered to UVRGA within ten (10) days of the delivery of the termination notice to VRWD. Any use of uncompleted documents without specific written authorization from VWRD shall be at UVRGA's sole risk and without liability or legal expense to VWRD.

2.5.5 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements.

2.5.6 Governing Law and Venue. This Agreement shall be governed by the laws of the State of California. Venue shall be in Ventura County.

2.5.7 Time of Essence. Time is of the essence for each and every provision of this Agreement.

2.5.8 Assignment or Transfer. Neither Party shall assign, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the other Party. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

2.5.9 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to UVRGA and VRWD include all respective elected and appointed officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

2.5.10 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

2.5.11 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

2.5.12 No Third-Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

2.5.13 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

2.5.14 Attorneys' Fees. If either Party commences an action against the other Party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorneys' fees and all other costs of such action.

2.5.15 Authority to Enter Agreement. Each Party has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

2.5.16 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

Item 6(d), Attachment A

UVRGA Audit Services Agreement

Page 5 of 5

IN WITNESS THEREOF, the Parties have executed this Agreement by their duly authorized representatives as of the date first shown on first page.

**"UVRGA":
UPPER VENTURA RIVER
GROUNDWATER AGENCY**

**"VRWD":
VENTURA RIVER WATER DISTRICT**

By: _____ By: _____
~~Bryan Bondy, Executive Director~~ Michel Etchart, Chair Peggy Wiles,
President

ATTEST:

By: _____ By: _____
~~Bryan Bondy, Executive Director~~ UVRGA Clerk of the Board
Bert J. Rapp, Secretary

APPROVED AS TO FORM:

By: _____ By: _____
~~Steven O'Neill~~ Kieth Lemieux, Agency Counsel Lindsay Nielsen,
Agency Counsel

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

DATE: January 12, 2023

TO: Board of Directors

FROM: Staff

SUBJECT: Approve Letter of Support for Ventura River Water District Grant Application

SUMMARY

Ventura River Water District (VRWD) is requesting a letter of support from UVRGA for a 2022 Urban Community Drought Relief Grant Program application to implement water conservation activities that will reduce water demand and pumping.

The grant includes:

- a. Upgrade customer water meters to AMI for leak alerts and water usage data.
- b. Sod replacement with water conserving landscaping and rainwater capture.
- c. Booster pump for Casitas Springs to restore fire flows diminished by dropping Lake Casitas levels.
- d. Water tank installation projects, Parker and Baldwin.

Information concerning grant program and the grant budget, scope, and schedule were not provided. The Board may query VRWD representatives during the Board meeting on these subjects, if desired.

VRWD provided text for the support letter (Attachment A).

RECOMMENDED ACTIONS

Authorize the Executive Director to execute grant application letter of support.

BACKGROUND

None.

FISCAL SUMMARY

None.

ATTACHEMENTS

A. Draft Letter of Support

Action: _____

Motion: _____

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



202 W. El Roblar Dr.
Ojai, CA 93023
(805) 646-2114
<https://uvrgroundwater.org/>

January 12, 2023

California Department of Water Resources

RE: California Natural Resources Agency Drought Relief Grant Program

To Whom It May Concern,

The Upper Ventura River Groundwater Agency (UVRGA) supports the Ventura River Water District's application for a 2022 Urban Community Drought Relief Grant Program grant because it will help to address water supply and environmental issues within UVRGA's boundaries.

UVRGA is the groundwater management agency over the Upper Ventura River Groundwater Basin within the Ventura River watershed. A population of approximately 55,000 people depend directly or indirectly on the water resources of the basin. A challenge for the UVRGA is determining and potentially mitigating the impact of groundwater use on groundwater dependent ecosystems. UVRGA supports improvements by users of water from the basin that reduce their demands which in turn will reduce potential impacts on groundwater dependent ecosystems.

The grant's inclusion of \$1,000,000 for smart meters and water conserving landscaping will further UVRGA's efforts to promote water conservation working collaboratively with its member agencies, like Ventura River Water District (VRWD). Smart meters are an essential tool for residents to monitor water use and stay within their water budgets as the drought continues, which may require even greater cutbacks in the near future.

Sincerely,

Bryan Bondy, PG, CHG
Executive Director

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

DATE: January 12, 2023

TO: Board of Directors

FROM: Staff

SUBJECT: Approve Letter of Support for Ojai Valley Land Conservancy Land Acquisition Funding

SUMMARY

Ojai Valley Land Conservancy (OVLC) is requesting UVRGA issue the attached letter of support for a funding request to the State Coastal Conservancy to acquire 22 acres of land in the Confluence Aquatic Habitat Area groundwater dependent ecosystem that is identified in UVRGA's GSP. The land acquisition will expand OVLC's Steelhead Preserve to over 87 acres.

Information concerning cost and schedule were not provided. The Board may query OVLC representatives during the Board meeting on these subjects, if desired.

OVLC provided text for the support letter, which was reviewed and edited slightly by the Executive Director. (Attachment A).

RECOMMENDED ACTIONS

Authorize the Executive Director to execute the letter of support.

BACKGROUND

None.

FISCAL SUMMARY

None.

ATTACHEMENTS

A. Draft Letter of Support

Action: _____

Motion: _____

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



202 W. El Roblar Dr.
Ojai, CA 93023
(805) 646-2114
<https://uvrgroundwater.org/>

January 12, 2023

Executive Officer Amy Hutzel
State Coastal Conservancy
1515 Clay Street, 10th Floor
Oakland, CA 94612

RE: Letter of Support for Ojai Valley Land Conservancy Steelhead Preserve Expansion

Dear Executive Officer Hutzel,

On behalf of the Upper Ventura River Groundwater Agency (UVRGA), I urge your support for the Ojai Valley Land Conservancy's (OVLC) funding proposal to acquire 22 acres of land directly adjacent to the Ventura River Steelhead Preserve. With this acquisition, OVLC will expand the existing Steelhead Preserve to over 87 acres of contiguous open space along the Ventura River in the Confluence Aquatic Habitat Area groundwater dependent ecosystem (GDE) that is identified in UVRGA's Groundwater Sustainability Plan (GSP).

The Ventura River watershed has a diverse geography that supports a variety of natural habitats and preserving this land has numerous benefits for the Ojai Valley community, environment, and this Agency. The existing Steelhead Preserve is located within the Confluence GDE and currently used as an access route for GDE monitoring. The acquisition parcel is directly adjacent to the Confluence GDE. The acquisition and preservation of this land by OVLC will protect against development and any other potential uses that may increase water demand, impact hydrology and/or affect water quality of the GDE, potentially impairing UVRGA's ability to meet its GSP sustainability goal.

We understand that the parcel is also listed as a high priority in California Department of Fish and Wildlife's Ventura River Watershed Conceptual Area Protection Plan (CAPP) and forms the southern edge of the Oak View Critical Wildlife Protection Area (CWPA), as designated by Ventura County. The area provides critical habitat for numerous wildlife species, such as the federally-endangered Southern steelhead trout, well as potential habitat for other federally-endangered species including the Southwestern Willow flycatcher, California red-legged frog, and Least Bell's Vireo.

As an established and accredited land trust, OVLC has owned and managed 2,400 acres of open space in the Ojai Valley for decades, gaining widespread support in the community for its record of achievement in land conservation. UVRGA strongly urges the State Coastal Conservancy to fund the acquisition of this parcel for the preservation of open space and conservation of important habitat.

Sincerely,

Bryan Bondy, PG, CHG
Executive Director

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 8

DATE: January 12, 2023

TO: Board of Directors

FROM: Executive Director

SUBJECT: Executive Director's Report

SUMMARY

The following are updates on Agency matters since the last Board meeting:

1. Administrative: No report.
2. Financial:
 - a. Groundwater Extraction Fees: No update. All accounts are current. The next invoices for private well owners will be sent in January 2023 for the July 1 – December 31, 2022 semi-annual period. The next invoice for the member agency well owners will be sent in August 2023 for the period July 1, 2023 – June 30, 2024.
 - b. GSP Development Grant: The grant completion report and retention release request were submitted to DWR on January 25, 2022. A retention payment in the amount of \$63,006.06 is expected following approval.
3. Legal: No report.
4. GSP Implementation:
 - a. GSP Implementation Grant: The SGMA Implementation Round 2 Grant was submitted.
 - b. Well Registration: The Executive Director assisted well owners with completing their well registration forms. Please see Item No. 10(a) for more information.
 - c. Monitoring Networks:
 - i. Groundwater Level Monitoring: Rincon Consultants, Inc. completed the semi-annual groundwater level data downloads. The groundwater level data were processed and the water year 2022 groundwater level data deliverable memorandum was completed and posted on the UVRGA website at https://uvrgroundwater.org/wp-content/uploads/2022/12/2021-2022-Annual-Memorandum_Final.pdf

- ii. Surface Water Flow Monitoring: Rincon Consultants, Inc. staff began preparing to activate the Camino Cielo gage for spring baseflow recession monitoring.
 - iii. Visual Surface Water Monitoring: Rincon Consultants, Inc. continued the monthly monitoring activities. The water year 2022 visual stream monitoring data deliverable was completed and posted on the UVRGA website at https://uvrgroundwater.org/wp-content/uploads/2022/12/Visual_Stream_Monitoring_WY_2022_CL_com_piled.pdf
 - iv. Riparian Groundwater Dependent Ecosystem (GDE) Monitoring: The water year 2022 riparian GDE monitoring memorandum was completed and posted on the UVRGA website at https://uvrgroundwater.org/wp-content/uploads/2022/12/GDE_Monitoring_WY_2022.pdf
 - v. Aquatic GDE Monitoring: Rincon Consultants, Inc. performed initial habitat mapping, obtained drone imagery, and performed site visits to assess monitoring equipment deployment locations.
- d. Annual Report: The Executive Director finished requesting data from agencies for the annual report. All data necessary to complete the annual report has been received and work on the report has begun.

5. SWRCB / CDFW Instream Flow Enhancement Coordination: The Executive Director responded to a SWRCB data request with assistance from Intera, Inc.

6. Miscellaneous: N/A

RECOMMENDED ACTIONS

Receive an update from the Executive Director concerning Agency matters and correspondence.
Provide feedback to staff.

BACKGROUND

Not applicable

FISCAL SUMMARY

Not applicable

ATTACHMENTS

Action: _____

Motion: _____

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

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

DATE: January 12, 2023

TO: Member Directors

FROM: Executive Director

SUBJECT: Reappoint Agricultural Stakeholder Director

SUMMARY

The Member Directors will consider reappointing Emily Ayala for the Agricultural Stakeholder Director two-year term beginning February 1, 2023 or call for nominations from the Farm Bureau of Ventura County.

RECOMMENDED ACTIONS

Reappoint Emily Ayala for the Agricultural Stakeholder Director two-year term beginning February 1, 2023 or call for nominations from the Farm Bureau of Ventura County.

BACKGROUND

Pursuant to Joint Exercise of Powers Agreement (JPA) Section 6.5, Emily Ayala may be reappointed as the Agricultural Stakeholder Director by an affirmative vote of all Member Directors. If the Member Directors do not reappoint Emily Ayala, Member Directors shall select the Agricultural Stakeholder Director from a list of three qualified nominees submitted by the Farm Bureau of Ventura County (JPA Section 6.3.6(a)) at a future regular meeting.

FISCAL SUMMARY

None.

Action: _____

Motion: _____ Second: _____

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

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

DATE: January 12, 2023

TO: Member Directors

FROM: Executive Director

SUBJECT: Reappoint Environmental Stakeholder Director

SUMMARY

The Member Directors will consider reappointing Vivon Crawford for the Environmental Stakeholder Director two-year term beginning February 1, 2023 or call for nominations from environmental nonprofit, 501(c)(3) organizations.

RECOMMENDED ACTIONS

Reappoint Vivon Crawford for the Environmental Stakeholder Director two-year term beginning February 1, 2023 or call for nominations from environmental nonprofit, 501(c)(3) organizations.

BACKGROUND

Pursuant to Joint Exercise of Powers Agreement (JPA) Section 6.5, Vivon Crawford may be reappointed as the Environmental Stakeholder Director by an affirmative vote of all Member Directors. If the Member Directors do not reappoint Vivon Crawford, Member Directors shall select the Environmental Stakeholder Director from qualified nominees submitted by environmental nonprofit, 501(c)(3) organizations (JPA Section 6.3.6(b)) at a future regular meeting.

FISCAL SUMMARY

None.

Action: _____

Motion: _____ Second: _____

M. Etchart____ B. Kuebler____ P. Kaiser____ A. Anselm____ J. Tribo____

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

DATE: January 12, 2023

TO: Board of Directors

FROM: Executive Director

SUBJECT: Conflict of Interest Code Amendment

SUMMARY

Based on recent conversations with the Ventura County Board of Supervisors Clerk of the Board's Office, it is recommended that the Agency's Conflict of Interest Code be amended to remove the Secretary position, as it creates a redundant filing for the director who is appointed to that office. It was also recommended that the disclosure categories be changed from 1 through 4 to just 1 because 1 is the broadest disclosure category and encompasses everything in categories 2-4. Proposed Resolution 2023-01 would make the recommended changes.

RECOMMENDED ACTIONS

Adopt Resolution 2023-01 to update the Agency's conflict of interest code.

BACKGROUND

The amended conflict of interest code will be filed with the Ventura County Board of Supervisors Clerk of the Board's Office.

FISCAL SUMMARY

Not applicable

ATTACHMENTS

- A. Conflict of Interest Code Redline Edits (affected page only)
- B. Draft Resolution 2023-01

Action: _____

Motion: _____

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

ATTACHMENT D**DESIGNATED POSITIONS**

# of POSITIONS	POSITION TITLE	DISCLOSURE CATEGORIES (From Exhibit C)	FILING OFFICER (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])
7	Directors	1-41	COB
7	Alternate Directors	1-41	COB
1	General Counsel	1-41	COB
1	Assistant General Counsel	1-41	COB
1	GSP Plan Manager	1-41	COB
1	Executive Director	1-41	COB
1	Secretary	1-4	COB
1	Treasurer	1-41	COB
Variable	Consultants that will make or participate in making governmental decisions on behalf of the Agency	1-41	COB

BOARD OF DIRECTORS

UPPER VENTURA RIVER GROUNDWATER AGENCY

RESOLUTION NO. 2023-01

**A RESOLUTION OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY
(AGENCY) ADOPTING A CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code §81000 et seq. requires every state and local government agency to adopt and promulgate a Conflict of Interest Code pursuant to Government Code §87300; and,

WHEREAS, the Fair Political Practices Commission ("FPPC") has adopted a regulation which contains terms of a standard model Conflict of Interest Code (2 California Code of Regulations § 18730), which is attached hereto as Attachment A, and will be amended to conform to amendments in the Political Reform Act after public notice and hearing conducted by the FPPC; and,

WHEREAS, the standard model Conflict of Interest Code will help ensure compliance by the Agency with the Political Reform Act; and,

WHEREAS, on August 11, 2022, the Agency Board of Directors adopted the previous version of the Conflict of Interest Code by Resolution 2022-07.

WHEREAS, the Agency has subsequently removed the secretary position as it is redundant to the director position, and reclassified all disclosure categories from 1-4 to 1, and the revised Conflict of Interest Code is attached to this Resolution.

NOW, THEREFORE, the Board of Directors of the Upper Ventura River Groundwater Agency does hereby resolve, find, determine and order as follows:

Section 1: This Resolution supersedes Resolution 2022-07, which shall have no further force and effect.

Section 2: The terms of the standard model Conflict of Interest Code adopted pursuant to 2 California Code of Regulations §18730, a copy of which is attached hereto as Attachment A, and any amendments to it duly adopted by the FPPC is hereby adopted and incorporated by reference as the Conflict of Interest Code for the Agency. This standard model Conflict of Interest Code and Attachments B, C, and D to this Resolution, in which members and employees are designated and disclosure categories are set forth and explained, shall constitute the Conflict of Interest Code of the Agency.

Section 3: Employees and Agency Officers designated in Attachment D hereto shall file statements of economic interests (Form 700) with the Clerk of the Board for the County of Ventura. The Upper Ventura River Groundwater Agency Secretary shall be responsible for the

retention of a copy of all statements of economic interests and make them available for public inspection and reproduction (Government Code § 81008).

Section 4: The Agency shall certify as to the adoption of this Resolution and cause the filing of said Conflict of Interest Code in the manner prescribed by law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____. 2023

Michel Etchart, Board Chair

ATTEST:

Bryan Bondy
Executive Director

APPROVED AS TO FORM:

Keith Lemieux, Upper Ventura River
Groundwater Agency General Counsel

ATTACHMENT A

**CONFLICT OF INTEREST CODE
UPPER VENTURA RIVER GROUNDWATER AGENCY**

TITLE 2. ADMINISTRATION
DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION
CHAPTER 7. CONFLICTS OF INTEREST.

ARTICLE 2. DISCLOSURE

2 CCR § 18730

§ 18730. Provisions of Conflict of Interest Codes.

- (a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.
- (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

- (1) Section 1. Definitions.

- The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

- (2) Section 2. Designated Employees.

- The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate

in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and
- (C) The filing officer is the same for both agencies.

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.

(5) Section 5. Statements of Economic Interests: Time of Filing.

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
 - (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
 - (C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.
 - (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.
- (5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

- (A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
 - (1) File a written resignation with the appointing power; and

- (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure.

When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period.

In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.
- (B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- (C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.
- (D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$520 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.
- (B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- (C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

- (A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.
- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (E) This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.
 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
 4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

- (A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
- (B) This section shall not apply to the following types of loans:
1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business

considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

- (C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally

required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

ENDNOTES

1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

2 See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4 Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5 A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.

2. Editorial correction (Register 80, No. 29).

3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).

4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).

5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).

6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).

7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).

8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).

10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).
31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).
32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).
33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing and printing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).
34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(8.1)(A) filed 12-23-2020; operative 1-1-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).

This database is current through 6/24/22 Register 2022, No. 25

2 CCR § 18730, 2 CA ADC § 18730

ATTACHMENT B

CONSULTANTS

Commission Regulation§ 18700 defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
 - (i) Approve a rate, rule, or regulation;
 - (ii) Adopt or enforce a law;
 - (iii) Issue, deny, suspend, or revoke any permit license, application, certificate, approval, order, or similar authorization or entitlement;
 - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - (v) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 - (vi) Grant agency approval to a plan, design, report, study, or similar item;
 - (vii) Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the Agency's Conflict of Interest Code.

Consultant*

Consultant shall be included in the list of designated employees and shall disclose pursuant to the broadcast disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. Such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

ATTACHMENT C

DISCLOSURE CATEGORIES

GENERAL PROVISIONS

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated. Disclosure categories pertain to investments, real property, business positions and sources of income, including loans, gifts and travel payments from sources located in or doing business within the jurisdiction of the Upper Ventura River Groundwater Agency ("Agency").

The terms italicized below have specific meaning under the Political Reform Act. In addition, the financial interests of a spouse, domestic partner and dependent children of the public official holding the designated position may require reporting. Consult the instructions and reference pamphlet of the Form 700 for explanation.

Category 1 – BROADEST DISCLOSURE

[SEE FORM 700 SCHEDULES A-1, A-2, B, C, D and E]

- (1) All sources of *income, gifts, loans and travel payments*;
- (2) All *interests in real property*; and
- (3) All *investments and business positions in business entities*.

Category 2 – REAL PROPERTY

[SEE FORM 700 SCHEDULE B]

All interests in real property, including interests in real property held by business entities and trusts in which the public official holds a business position or has an investment or other financial interest.

Category 3 – LAND DEVELOPMENT, CONSTRUCTION AND TRANSACTION

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which engage in land development, construction, or real property acquisition or sale.

Category 4 – PROCUREMENT

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which provide services, supplies, materials, machinery or equipment which the designated position procures or assists in procuring on behalf of their agency or department.

Category 5 – REGULATION AND PERMITTING

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which are subject to the regulatory, permitting or licensing authority of, or have an application or license pending before, the designated position's agency or department.

Category 6 – FUNDING

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which receive grants or other funding from or through the designated position's agency or department.

ATTACHMENT D**DESIGNATED POSITIONS**

# of POSITIONS	POSITION TITLE	DISCLOSURE CATEGORIES (From Exhibit C)	FILING OFFICER (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])
7	Directors	1	COB
7	Alternate Directors	1	COB
1	General Counsel	1	COB
1	Assistant General Counsel	1	COB
1	GSP Plan Manager	1	COB
1	Executive Director	1	COB
1	Treasurer	1	COB
Variable	Consultants that will make or participate in making governmental decisions on behalf of the Agency	1	COB

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

DATE: January 12, 2023

TO: Board of Directors

FROM: Executive Director

SUBJECT: Well Registration Update

SUMMARY

The purpose of this item is to update the Board on well registration progress.

On September 16, 2022, letters were mailed to the owners of all parcels on which County of Ventura records indicate a potentially active well is present (i.e., any well with a County-noted status other than “destroyed”). The letters explained the new ordinance, including the well registration requirements, and provided instructions for registering wells and providing flowmeter documentation. A total of 116 letters were mailed addressing 188 potentially active wells identified in County records.

The registration status is summarized as follows:

- Registration Not Required: 46 wells
- Registered: 48 wells
- Unregistered: 94 wells

Attachment A provides a detailed breakdown of the registration status as of January 6, 2023. Proposed next actions are noted in red italic font in the comment column.

FISCAL SUMMARY

Not applicable.

RECOMMENDED ACTIONS

Receive an update on the well registration progress. The Board may provide feedback or direction to staff.

BACKGROUND

The Groundwater Well Registration, Metering, and Extraction Reporting Ordinance was adopted on July 14, 2022 and became effective August 14, 2022.

ATTACHMENTS

A. Well Registration Status Table

Action: _____

Motion: _____

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

Attachment A Well Registration Status

Status	Count	Comment
Registration Not Required		
<ul style="list-style-type: none"> Confirmed abandoned or inactive based on conversation with landowner and/or information provided by landowner 	41	
<ul style="list-style-type: none"> Dedicated monitoring well 	4	
<ul style="list-style-type: none"> Well is actually a surface water diversion 	1	
Subtotal Registration Not Required	46	
Registered		
<ul style="list-style-type: none"> Registration form received – no issues 	47	
<ul style="list-style-type: none"> Registration form received - follow-up required 	1	Pending response from owner. <i>Follow-up via email or phone. Send letter if follow-up not received by 2/28/23</i>
Subtotal Registered	48	
Not Registered		
<ul style="list-style-type: none"> Listed as active on County records 	53	13 agricultural, 40 domestic. Includes four wells for which the letter recipient is no longer the landowner. <i>Follow-up letter is pending receipt of updated mailing addresses from assessor.</i>
<ul style="list-style-type: none"> Suspected abandoned or inactive based on County records or information previously compiled by Larry Rose 	25	<i>No further action proposed.</i>
<ul style="list-style-type: none"> Received contact from landowner, but registration form not yet received 	7	Includes one entity that has a known active well and has paid UVRGA fees in past. <i>Follow-up via email or phone. Send 2nd request letter if registration not received by 2/28/23</i>
<ul style="list-style-type: none"> Three entities with known active wells that have paid UVRGA fees in the past 	6	Second request letters sent 12/19/22. <i>Send 3rd request letter by certified mail if registration not received by 2/28/23.</i>
<ul style="list-style-type: none"> Entity known to UVRGA, but not a fee payer 	2	Second request letters sent 12/19/22. <i>Send 3rd request letter by certified mail if registration not received by 2/28/23.</i>
<ul style="list-style-type: none"> Landowner owner reports well is active, but is owned by an easement holder 	1	Registration letter sent to easement holder on 12/19/22. <i>Send 2nd request letter if registration not received by 1/31/23.</i>
Subtotal Not Registered	94	
Total	188	

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

DATE: January 12, 2023

TO: Board of Directors

FROM: Executive Director and Legal Counsel

SUBJECT: Proposed Amendment to Groundwater Well Registration, Metering, and Extraction Reporting Ordinance (Ordinance No. 2)

SUMMARY

A Groundwater Well Registration, Metering, and Extraction Reporting Ordinance was adopted on July 14, 2022 (Ordinance No. 1). The ordinance is based on the Fox Canyon Groundwater Management Agency's rules concerning groundwater extraction well registration, metering, and extraction reporting and was customized to address UVRGA's circumstances and to address Board and stakeholder feedback.

On March 28, 2022, Governor Newsom signed Executive Order N-7-22 (EO), directing cities and counties to implement new water conservation measures. The EO includes a new local well permitting regulation that expands the role of GSA's. Under the EO, counties, cities, or other public agencies must obtain written approval from the GSA before approving a permit for a groundwater well or alteration of an existing well in a basin subject to SGMA and classified as medium- or high- priority. Domestic and small wells are excluded from the order. The GSA must determine that the proposed well would not be inconsistent with any GSP adopted by the GSA and would not decrease the likelihood of achieving a sustainability goal for the basin. It is anticipated that the EO provisions will be made permanent through legislation.

The provisions of Ordinance No. 1 requiring that all new water 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 are now redundant to the new local well permitting requirements imposed by the EO. Accordingly, we recommend that the no-fee permit requirement be amended to a notice requirement to reduce the Agency's potential litigation risk.

The purpose of this item is to conduct a public hearing and reading of the ordinance amendment 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 first reading in title only of the ordinance and set a date for a public hearing to consider adoption of the ordinance.

BACKGROUND

Please see summary.

FISCAL SUMMARY

The Agency budget includes funding to implement the proposed Ordinance.

ATTACHMENTS

- A. Draft Amended Well Registration, Metering, and Extraction Reporting Ordinance

Action: _____

Motion: _____

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

ORDINANCE NO. 2

AN ORDINANCE OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY AMENDING ORDINANCE NO. 1 (WELL REGISTRATION, METERING, AND REPORTING REQUIREMENTS), SECTION 2.1.1, AS IT RELATES TO NEW WELL REGISTRATIONS

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 (GSA) 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, adopted Ordinance No. 1 concerning Well Registration, Metering, and Reporting Requirements ("the Ordinance") on July 14, 2022.

WHEREAS, on March 28, 2022, Governor Newsom signed Executive Order N-7-22 (EO), directing cities and counties to implement new water conservation measures. The EO includes a new local well permitting regulation that expands the role of GSA's. Under the EO, counties, cities, or other public agencies must obtain written approval from the GSA before approving a permit for a groundwater well or alteration of an existing well in a basin subject to SGMA and classified as medium- or high- priority. Domestic and small wells are excluded from the order. The GSA must determine that the proposed well would not be inconsistent with any GSP adopted by the GSA and would not decrease the likelihood of achieving a sustainability goal for the basin.

WHEREAS, the provisions of the Ordinance requiring that all new water 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 are now redundant to the new local well permitting requirements imposed by the EO.

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 the Ordinance establishing well registration, metering, and reporting requirements established pursuant to Water Code Section 10730 shall be amended as it relates to new water extraction facilities as follows:

1. Repealed and Replaced.

Chapter 2, Registration of Wells and Levying of Charges, Ordinance No.1 is repealed and replaced to read as follows:

CHAPTER 2.0

Registration of Wells and Levying of Charges

2.1. Registration of Wells

2.1.1. Agency Water Well Notice Requirement – All applicants seeking County permit approval for any new extraction facilities constructed within the Agency Boundary shall deliver a copy of any applicable permit application to the Agency prior to the issuance of a well permit by the County. The applicant shall be required to provide supplemental information to the Executive Director that is reasonably necessary for compliance with Executive Order N-7-22.

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.

ADOPTED this ____ day of _____, 2023.

Board Chair
Upper Ventura River
Groundwater Agency

ATTEST:

Bryan Bondy
Executive Director

ATTEST:

Upper Ventura River Groundwater Agency
General Counsel

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.~~

Agency Water Well Notice Requirement – All applicants seeking County permit approval for any new extraction facilities constructed within the Agency Boundary shall deliver a copy of any applicable permit application to the Agency prior to the issuance of a well permit by the County. The applicant shall be required to provide supplemental information to the Executive Director that is reasonably necessary for compliance with Executive Order N-7-22.

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.

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

DATE: January 12, 2023

TO: Board of Directors

FROM: Executive Director

SUBJECT: GSP Summary Presentation – Part 2 of 2

SUMMARY

For the benefit of the newer UVRGA Directors and the public, the Executive Director will provide a summary of the UVRGA Groundwater Sustainability Plan (GSP). The first of two presentations was provided during the October 13, 2022 Board meeting and focused on the overall structure of the GSP and the Basin Setting section. The second presentation was scheduled for the November 10, 2022 Board meeting, but was postponed. The second presentation will focus on the sustainable management criteria (SMC) and projects and management actions included in the GSP.

FISCAL SUMMARY

Not applicable.

RECOMMENDED ACTIONS

Receive a presentation by the Executive Director summarizing the GSP.

BACKGROUND

The Board of Directors adopted the GSP on January 6, 2022.

ATTACHMENTS

None