

UPPER VENTURA RIVER GROUNDWATER AGENCY

MINUTES OF REGULAR MEETING JUNE 8, 2023

1. CALL TO ORDER:

A regular meeting of the Board of Directors of Upper Ventura River Groundwater Agency was held in the offices of the Ventura River Water District, 409 Old Baldwin Road, Ojai, CA 93023 on Thursday, June 8, 2023. Chair Etchart called the meeting to order at 12:46 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Etchart led the Pledge of Allegiance.

3. ROLL CALL

Directors Present:

Mike Etchart, Chair
Bruce Kuebler, Vice Chair
Arne Anselm, Director
Mary Bergen, Alternate Director
Vivon Crawford, Director
Emily Ayala, Director
Betsy Cooper, Alternate Director

Staff Present:

Bryan Bondy, Executive Director
Keith Lemieux, District Counsel
Maureen Tucker Administrative Assistant

Identified Members of the Public:

In person: Alma Quezada (Alternate Director), Jim Kentosh (Alternate Director), and Dave Cohen

Online: Michael Flood (Casitas MWD), Kelly Dyer (Casitas MWD), and Burt Handy

4. APPROVAL OF THE AGENDA

Chair Etchart asked for any proposed changes to the agenda. No changes were requested.

Director Anselm moved agenda approval. Director Ayala seconded the motion.

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

Directors Absent: None

5. PUBLIC COMMENTS FOR ITEMS NOT APPEARING ON THE AGENDA

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

No comments were provided.

6. CONSENT CALENDAR

- a) Approve Minutes of the May 11, 2023 Regular Board Meeting
- b) Approve Financial Report for May 2023
- c) Agency Counsel Retainer Agreement Amendment

Chair Etchart asked if any Directors wanted to pull any items off the consent calendar for discussion. No requests were made.

Executive Director Bondy said the May 11, 2023 minutes were inadvertently dated May 11, 2022.

Director Ayala moved to approve the consent items with the corrected date in the minutes. Director Bergen seconded the motion.

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

Directors Absent: None

7. DIRECTOR ANNOUNCEMENTS

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

Director Anselm: No report.
Director Ayala: No report.
Director Bergen: No report.
Director Crawford: No report.
Director Etchart: No report.
Director Kuebler: Reported that he researched investment options at the Bank of Sierra:
1. Certificate of deposit rate is 4.5% if more than \$100,000, 12-month term;
2. Local Agency Investment Fund is 2.9%; and
3. County investment pool is less.
Executive Director Bondy suggested Director Kuebler obtain the resolution language that the bank will require.
Director Cooper: No report.

8. EXECUTIVE DIRECTOR'S REPORT

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

Director's Comments:

Director Ayala asked when the Camino Cielo stream gauge will be activated. Executive Director said the gauge will be activated as soon as flow declines enough to allow for safe entry into the river channel.

No public comments.

9. ADMINISTRATIVE ITEMS

a. PUBLIC HEARING

Resolution 2023-02: A Resolution of the Board of Directors of Upper Ventura River Groundwater Agency Determining and Establishing Groundwater Extraction Fees Against All Persons Operating Groundwater Extraction Facilities Within the Upper Ventura River Valley Basin for Fiscal Year 2023/2024 (July 1, 2023-June 30, 2024)

Chair Etchart opened the Public hearing at 12:58 p.m.

Chair Etchart asked for public comments. No comments on the resolution were made.

Chair Etchart closed the Public hearing at 1:00 p.m.

Executive Director Bondy explained two differences between Resolution 2023-02 and last year's fee resolution. First, language was added to exempt well owners from fees if they extract less than two acre-feet per year of groundwater, regardless of well type. This is recommended because the cost to invoice and process payments can be more than the revenue collected. Second, language was added to facilitate the transition from estimated to metered extractions for private well owners.

Director Cooper asked how the Agency will determine if the wells exceed two acre-feet per year? Executive Director Bondy said he is relying on the information provided in the registration form. The Agency can follow up to reconfirm periodically, if desired.

Director Bergen asked if the wells not subject to a fee must be metered.

Executive Director Bondy said that he is proposing changes to the ordinance to exempt all wells extracting less than two acre-feet per year from the metering requirements.

Director Ayala described the process that she worked on with Executive Director Bondy to identify wells and determine potential extractions. Executive Director Bondy provided additional details concerning that effort and said they concluded that there isn't much potential for the small wells to pump a lot of water.

Director Anslem asked if the extraction fee is for one year. Executive Director Bondy said yes.

Director Ayala said she is always hoping for lower fees and hopes the Agency can get a grant.

Alternate Director Quezada asked if the Member Agency pumping will always be based on the three-year average? Executive Director Bondy said that is the current Board policy, but the Board could change it.

Director Kuebler moved adoption of Resolution 2023-02: A Resolution of the Board of Directors of Upper Ventura River Groundwater Agency Determining and Establishing Groundwater Extraction Fees Against All Persons Operating Groundwater Extraction Facilities Within the Upper Ventura River Valley Basin for Fiscal Year 2023/2024 (July 1, 2023-June 30, 2024). Director Bergen seconded the motion.

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

Directors Absent: None

b. Agency Investment Policy

Agency Counsel Lemieux briefed the board on Resolution 2023-03 establishing an Agency Investment Policy. The policy included in the resolution is a standard investment policy used by other agencies that he works for. He recommends the Board adopt an investment policy before investing.

Director Bergen said Casitas has a similar policy.

Director Kuebler said he has a problem with the Treasurer being designated. He wants the Executive Director to be designated instead. Executive Director Bondy said he would like the Treasurer to be involved because she is a CPA and has experience with investing the monies of several other small public agencies. He added that the Treasurer reviewed this policy and said it has standard language that she is familiar with.

Director Kuebler expressed concerns about the complexity and length of the investment policy and said that he had hoped for something simpler. He also expressed concerns about the Treasurer making investments.

The Executive Director referred the Board to page two of the policy, which explains that the role of the Treasurer is to make recommendations to the Board and that the Board would approve a recommendation and appoint a Board member to make the investments. This is because the bank signers only include Board members.

Director Cooper asked how the Board member who would make the investment would be designated. Agency counsel responded that the Board would need to act on that at a future meeting.

The board discussed the language on page 2 and reached a consensus on minor edits for clarity.

Director Kuebler said the Agency only has semi-annual financial reports, but the policy calls for quarterly financial reporting. Executive Director Bondy said that the staff prepares quarterly financial reports.

No public comments.

Director Ayala moved adoption of Resolution 2023-03 with recommended amendments with the following revised text on page 2 of Attachment A: "Delegation of Authority: The following positions

are delegated the power to invest the funds of the Agency: Any Member Director with Agency Board Approval. This designation may change with the annual affirmation of this policy. The delegate is required to adhere to the requirements set forth in the investment policy.” Director Cooper seconded the motion.

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

Directors Absent: None

10. GSP IMPLEMENTATION ITEMS

a. Well Registration Update

Executive Director Bondy provided an update on the status of well registrations. Sixty-three wells have been registered, seventy-four wells have been determined to not require registration, and fifty-four wells remain are unregistered. Executive Director Bondy believes the Agency may have outdated contact information for many of the fifty-four unregistered wells. He requested updated contact information from the assessor’s office in December 2022 and is still waiting, despite numerous follow-up attempts.

No public comments.

b. PUBLIC HEARING

Proposed Amendment to Groundwater Well Registration, Metering, and Extraction Reporting Ordinance (Ordinance No. 3)

Executive Director Bondy explained that the purpose of Ordinance No. 3 is to exempt non-domestic wells that extract less than 2-acre feet per year from the flow metering requirements in Ordinance No. 1. Several non-domestic wells that extract less than 2-acre feet per year were identified during the well registration process. The requirement to install flow meters on these small wells creates an undue burden on the well owner.

Chair Etchart opened the Public hearing at 1:23 p.m.

Chair Etchart asked for public comments. No comments were provided.

Chair Etchart closed the Public hearing at 1:24 p.m.

Director Anselm moved to conduct a first reading of Ordinance No. 3 in title only and schedule a public hearing to consider adoption of the ordinance at the next Regular Board meeting (July 13, 2023). Director Kuebler seconded the motion.

Agency Counsel read the ordinance in title only: “Ordinance No. 3. An Ordinance of the Board of Directors of Upper Ventura Groundwater Agency Amending Ordinance No. 1 Exempting Small Non-Domestic Wells From Flowmeter Requirements.”

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

Directors Absent: None

c. Rincon Consultants, Inc. Work Order No. 10 for LIDAR Topographic Survey of Post-Flood Ventura River Channels.

Executive Director Bondy explained the need to perform a topographic survey to provide updated river channel morphology due to the changes caused by the winter flooding. The data will be used to support groundwater dependent ecosystem monitoring and update the Agency's numerical flow model. He mentioned that he requested, and Rincon agreed, to waive markup on the subcontractor services, which saves the Agency \$2,000.

Public Comments:

Alternate Director Kentosh asked if water flowing in the river will impact the survey. Executive Director Bondy said he will double-check before the work is performed.

Director Ayala asked whether this type of survey will be needed every year, which would be expensive. Executive Director Bondy said he anticipated they would need to do it whenever there are major changes to the channels. He added that they will learn how sensitive the numerical model is to channel changes, which will help inform the frequency of the surveys. Direct Ayala says she hopes they learn a lot from this.

Director Bergen said that our basin is not a static environment with the floods and fires.

Director Kuebler moved approval of Rincon Consultants, Inc. Work Order No. 10 for LIDAR Topographic Survey of Post-Flood Ventura River Channels in an amount not to exceed \$22,350 and \$2,650 contingency to be authorized at the discretion of the Executive Director (\$25,000 total authorization). Director Anselm seconded the motion.

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

Directors Absent: None

d. Intera Work Order No. 7 for Numerical Model Update.

Executive Director Bondy explained the need to update the numerical flow model with updated river channel morphology. The work needs to be completed so that the model is available to complete the next annual report due in April 2023. He added that, after publishing the Board meeting packet, he was able to negotiate a lower price for the work order. The new price is total authorization would be \$56,100, with \$51,000 not-to-exceed, and \$5,100 contingency.

Director Ayala says she hopes that we can learn how often the Agency will have to do this, as it is expensive.

Director Anslem moved approval of Intera Work Order No. 7 for Numerical Model Update in an amount not to exceed \$51,000 and \$5,100 contingency to be authorized at the discretion of the Executive Director (\$56,100 total authorization). Director Ayala seconded the motion.

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

Directors Absent: None

11. COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

Director Ayala said the Ad Hoc Stakeholder Engagement Committee did not meet.

12. FUTURE AGENDA ITEMS

1. Groundwater levels
2. Proposed investments and authorize a Board Member to make investment(s).
3. Ordinance No. 3 second reading

No public comments.

13. ADJOURNMENT:

The meeting was adjourned at 1:40 p.m.

The next Regular Board meeting is scheduled for July 13, 2023 at 12:30 p.m.

Action: _____

Motion: _____

B. Kuebler _ A. Anslem _ V. Crawford _ M. Bergen _ B. Cooper _ M. Etchart _ E. Ayala