

UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING JULY 13, 2023

A. 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, July 13, 2023. Chair Etchart called the meeting to order at 12:34 p.m.

B. PLEDGE OF ALLEGIANCE

Bryan Bondy led the Pledge of Allegiance.

C. ROLL CALL

Directors Present:

Mike Etchart, Chair
Alma Quezada, Alternate Director (replaced by Bruce Kuebler at 12:45 p.m.)
Mary Bergen, Alternate Director
Vivon Crawford, Director
Betsy Cooper, Alternate Director
Bruce Kuebler, Vice Chair (arrived at 12:45 p.m.)
Arne Anselm, Director (arrived at 12:59 p.m.)

Director Absent: Emily Ayala

Staff Present:

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

Identified Members of the Public:

In person: Jim Kentosh (Alternate Director)

Online: Michael Flood (Casitas MWD), Kelly Dyer (Casitas MWD), Burt Handy, Kevin DeLano (SWRCB), Kiernan Brtalik (Rincon), and Justin Martinez (MOWD)

D. APPROVAL OF THE AGENDA

Chair Etchart asked for any proposed changes to the agenda.

Director Quezada moved agenda approval. Director Bergen seconded the motion.

Roll Call Vote: A. Quezada – Y V. Crawford – Y M. Bergen – Y
M. Etchart – Y B. Cooper - Y

Directors Absent: E. Ayala and A. Anselm

E. 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.

1. CLOSED SESSION AGENDA

The Board adjourned to closed session at 12:38 p.m. to discuss anticipated litigation pursuant to Government Code Section 54956.9(b). The Board returned to open session at 12:54 p.m. Agency Counsel Lemieux reported that the Board met in closed session to discuss anticipated litigation and no reportable action took place.

REGULAR SESSION AGENDA

1. CONSENT CALENDAR

- a) Approve Minutes from June 8, 2023 Regular Board Meeting
- b) Approve Financial Report for June 2023

Chair Etchart asked if any Directors wanted to discuss any of the consent calendar items. No requests were made.

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

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

Directors Absent: E. Ayala and A. Anselm

2. DIRECTOR ANNOUNCEMENTS

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

Director Anselm: No report.
Director Bergen: No report.
Director Crawford: Reported that OVLC performed a prescribed burn at the Steelhead Preserve to target star thistle. OVLC has engaged consultants to evaluate how OVLC can help more with water issues.
Director Etchart: No report.
Director Kuebler: Reported he will be attending the Mark Capelli talk about steelhead.
Director Cooper: No report.

3. EXECUTIVE DIRECTOR'S REPORT

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

Director Kuebler requested an update on the Ventura River modeling and flow objective.

No public comments.

4. ADMINISTRATIVE ITEMS

a. Agency Officer Appointment

In accordance with the Agency Bylaws, the Board is required to appoint Officers at the beginning of each fiscal year. Only Member Directors are eligible for appointment.

Chair Etchart stated that he will be resigning from the Board due to a scheduling conflict.

Director Bergen stated that Pete Kaiser is willing to serve as Chair. Director Bergen nominated Peter Kaiser for Chair. Director Kuebler seconded the motion.

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

Director Absent: E. Ayala

Director Kuebler stated is willing to continue serving as Vice-Chair.

Director Bergen nominated Bruce Kuebler for Vice-Chair. Director Anselm seconded the motion.

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

Director Absent: E. Ayala

Director Anselm asked about the Secretary's duties. Executive Director Bondy described the duties. Director Anselm volunteered to be Secretary.

Director Kuebler nominated Arne Anselm for Secretary. Director Cooper seconded the motion.

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

Director Absent: E. Ayala

5. GSP IMPLEMENTATION ITEMS

a. Well Registration and Flowmeter Compliance Update

Executive Director Bondy provided an update on the status of well registrations and compliance with flowmeter requirements. Executive Director Bondy reviewed Attachment A to the staff report which provides a detailed breakdown of the registration status as of June 2, 2023.

Director Cooper asked for clarification about the relationship between the numbers in Tables 1 and 2. Executive Director Bondy said Table 2 only includes the subset of wells from Table 1 that are required to have a flow meter.

No public comments.

b. Groundwater Levels Update

Executive Director Bondy provided an update on groundwater level data.

Executive Director Bondy responded to an inquiry from Director Kuebler about the monitoring well located near Santa Ana Blvd.

Director Anslem asked for clarification about Executive Director Bondy's comment that Well VRWD No. 5 is not connected to the main aquifer in the basin. Executive Director Bondy explained that the Department of Water Resources established the basin boundary based on the age of geologic formations without regard to whether they function as an aquifer. The geologic formation at VRWD Well No. 5 meets that DWR age criteria as older alluvium; however, the formation not very permeable and does not respond to river levels like the younger alluvium.

Public Comments:

Burt Handy asked whether the southerly wells respond to Coyote Creek. Executive Director Bondy said those wells respond principally to the Ventura River and that there is not much flow in Coyote Creek due to the Casitas Dam.

c. PUBLIC HEARING

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

Chair Etchart opened the public hearing at 1:30 p.m.

Agency Counsel Lemieux explained the formal requirements of a public hearing.

Executive Director Bondy briefed the Board on the history of this Ordinance.

Director Kuebler moved to approve Ordinance No. 3, Proposed Amendment to Groundwater Well Registration, Metering, and Extraction Reporting Ordinance. Director Anslem seconded the motion.

Director Crawford inquired about the nature of the non-domestic wells that would be exempted. Executive Director Bondy stated that the wells in question are used for minor amounts of irrigation. He said there are approximately four wells that fall into this category.

Director Kuebler inquired about “charges” in the staff report. Executive Director Bondy stated there was a typo in the staff report. There are no fees associated with this item.

Hearing no requests for public comment, Chair Etchart closed the public hearing at 1:39 p.m.

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

Director Absent : E. Ayala

d. Rincon Consultants, Inc. Master Services Agreement Amendment No. 1.

Executive Director Bondy explained that the Master Services Agreement (MSA) between UVRGA and Rincon Consultants, does not have a mechanism for labor rate increases. The proposed solution is to (1) amend the MSA to include updated rates and allow for reasonable annual rate increases and (2) amend all existing work orders so they refer to the MSA rates. The second step is the subject of the next agenda item that would modify Work Order Nos. 8 through 10 to point to the MSA for rates. The proposed rate sheet would replace the rate sheet in Exhibit B of the MSA, effective July 1, 2023. It would increase 3 ½% per year through 2026.

Director Bergen moved to approve Rincon Consultants, Inc. Master Services Agreement Amendment No. 1 and Rincon Consultants, Inc. Work Order Nos. 8 through 10 Amendments. Director Kuebler seconded the motion.

Public Comments:

Burt Handy inquired about the percentage increase after 2026. Executive Director Bondy stated that will be negotiated at that time.

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

Director Absent: E. Ayala

e. Rincon Consultants, Inc. Work Order Nos. 8 through 10 Amendments

Item 5e was addressed and approved jointly with item 5d above.

f. Rincon Consultants, Inc. Work Order No. 7 Amendment

Executive Director Bondy explained there are two proposed amendments to Work Order No. 7. Much of the work contemplated under Work Order 7 was deferred. It is proposed that the work order be extended from September 30, 2023 to September 30, 2025. It is also proposed that the budget for Work Order No. 7 be increased from \$15,050 not-to-exceed, plus \$1,500 contingency (\$16,500 total authorization) to \$20,525 not-to-exceed plus \$2,475 contingency (\$23,000 total authorization) to redo work affected by flooding and address rate increases since the work order was originally issued.

Director Kuebler moved to authorize the Executive Director to execute the amendment to Rincon Consultants, Inc. Work Order No. 7 Amendment. Director Anselm seconded the motion.

No public comments.

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

Directors Absent: E. Ayala

g. Rincon Consultants, Inc. Work Order No. 11 for As-Needed Services

Executive Director Bondy explained that Rincon previously provided as-needed services for GSP development under former Work Order No. 1. A new work order for as-needed services is requested to address small tasks that arise during GSP implementation. The proposed term is from July 1, 2023 to January 31, 2027.

Director Cooper asked if this is already in the budget. Executive Director Bondy stated yes.

Director Cooper moved to authorize the Executive Director to issue Work Order No. 11 to Rincon Consultants, Inc. for As-Needed Services in an amount not to exceed \$50,000. Director Crawford seconded the motion.

Director Kuebler inquired about the Executive Director’s spending authority. Executive Director Bondy said the Board has not specified a specific spending authority. Executive Director Bondy said the purpose of the work order is to give the Executive Director the ability to authorize small tasks as needs arise. This approach prevents delays and reduces administrative costs. He added that any large tasks would require a proposal and work order approved by the Board.

No public comments.

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

Director Absent: E. Ayala

h. Rincon Consultants, Inc. Work Order No. 12 for Water Year 2023/2024 and 2024/2025 Groundwater Level, Streamflow, and Riparian GDE Monitoring Services

Executive Director Bondy explained Rincon Consultants, Inc. Work Order No. 12 is for water year 2023/2024 and 2024/2025 groundwater level, streamflow, and riparian GDE monitoring services. This is a continuation of the services Rincon is providing under Work Order No. 5 through the end of the current water year.

Director Cooper asked why the completion date is December 31, 2025. Executive Director Bondy said time is needed after the end of the water year to process and transmit data to UVRGA.

Director Cooper moved to authorize the Executive Director to issue Work Order No. 12 to Rincon Consultants, Inc. in an amount not to exceed \$114,725, plus contingency in the amount of \$29,000 for Water Year 2023/2024 and 2024/2025 Groundwater Level, Streamflow, and Riparian GDE Monitoring Services. Director Crawford seconded the motion.

No public comments.

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

Directors Absent: E. Ayala

6. COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

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

Director Kuebler inquired if they should just drop the Ad Hoc Stakeholder Engagement Committee.

Director Bergen asked if it is time for a public workshop. Executive Director Bondy suggested doing a public workshop once there is more data and some conclusions to present concerning the groundwater dependent ecosystems.

Director Kuebler will talk to Director Ayala about setting up an ad hoc committee meeting.

7. FUTURE AGENDA ITEMS

- Discussion of Board meeting time.
- Executive Director Bondy will talk to Kevin DeLano, State Water Resources Control Board, about an update on the Ventura River modeling and flow objective.

8. ADJOURNMENT:

The next Regular Board meeting is scheduled for August 10, 2023 at 12:30 p.m.

The meeting was adjourned at 1:57 p.m.

Action: _____

Motion: _____

P. Kaiser _ B. Kuebler_ A. Anslem _ E. Ayala_ V. Crawford_ J. Tribo _ J. Kentosh_