

**UPPER VENTURA RIVER GROUNDWATER AGENCY
MINUTES OF REGULAR MEETING OCTOBER 12, 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, October 12, 2023. Chair Kaiser called the meeting to order at 1:07 p.m.

B. PLEDGE OF ALLEGIANCE

Chair Kaiser led the Pledge of Allegiance.

C. ROLL CALL

Directors Present:

Pete Kaiser, Chair
Bruce Kuebler, Vice Chair
James Kentosh, Director
Vivon Crawford, Director
Jenny Tribo, Director
Emily Ayala, Director

Director Absent: Arne Anselm

Staff Present:

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

Identified Members of the Public:

In Person: Alma Quezada (Alternate Director) and Kelly Dyer (Casitas MWD)

Online: Burt Handy, Mary Bergen (Alternate Director), Gina Dorrington (Alternate Director), Michael Flood (Casitas MWD)

D. APPROVAL OF THE AGENDA

Chair Kaiser asked for any proposed changes to the agenda.

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

Roll Call Vote: E. Ayala - Y J. Kentosh – Y B. Kuebler – Y
 J. Tribo – Y V. Crawford – Y P. Kaiser – Y

Executive Director Bondy returned to the room.

2. DIRECTOR ANNOUNCEMENTS

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

Director Ayala: Director Crawford said she is getting married next week.
Director Crawford: No report.
Director Kaiser: No report.
Director Kentosh: No report.
Director Kuebler: No report.
Director Tribo: No report.

Kelly Dyer stated that Casitas Municipal Water District will be hosting public tours on the last Saturday in October and First Saturday in November.

Alma Quezada said the watershed walk will take place this Saturday at 9:00 a.m.

3. EXECUTIVE DIRECTOR'S REPORT

Executive Director Bondy reported on Agency matters since the last Board meeting, including groundwater extraction fees, GSP implementation, Small GSA Coalition efforts to lobby for small GSA funding.

Director Kuebler asked if DWR was involved in the Small GSA Coalition discussions. Executive Director Bondy DWR is sympathetic and supportive of the Small GSA Coalitions efforts but said that any funding should not come out of DWR's budget.

Director Ayala asked if any fish have been seen? Executive Director Bondy said they have not observed any steelhead or lamprey. Kelly Dyer stated that Casitas MWD staff have not seen any either.

No public comments.

4. AGENCY COUNSEL'S REPORT

Agency Counsel Lemieux briefed the Board on the confidentiality of closed sessions.

Agency Counsel Lemieux also informed the Board that AB 779 was signed by the Governor this week and will go into effect January 1, 2024.

AB 779 changes the adjudication process by requiring the Court to consider "the water use of and accessibility of water for small farmers and disadvantaged communities." The new law also allows any party to the adjudication to refer a proposed judgment to the State Water Resources Control Board to evaluate consistency with the basin's GSP.

Director Kuebler asked what the definition of small farmer is. Agency counsel replied that small farmers are defined as between \$10,000 and \$400,000 of annual income.

Director Kaiser asked about primacy over court decision. Agency counsel stated the courts do not want to interfere with GSP implementation.

Director Crawford asked if there are two basins and two GSPs, related to adjudication, how is it managed? Agency Counsel stated the basins are managed differently.

5. ADMINISTRATIVE ITEMS

a. Financial Reserve Investment

Director Kuebler gave an update concerning his research on the Agency's reserve investments. He researched local banks and briefed the Board on the following:

Chase:	Local branch does not issue CDs
Bank of America:	CD – 7 month 5%; 13 months 5%
Great Western:	CD - 5 months 5%; 7 months 5%; 13 months 5:15%

Director Kuebler said he is stepping down from handling the financial investments for the Agency. He wants to turn the financial reserve investment over to Carrie Troup, the Agency's Treasurer.

Executive Director Bondy asked Director Kuebler if he would still be willing to make the Agency's bank deposits to Bank of Sierra. Director said yes to bank deposits, but not to CDs.

The Board discussed the investment options. Director Kaiser said they have a fiduciary duty to manage the money and it would be best to make sure the money is insured. Agency Counsel stated that the investment policy that the Board approved requires FDIC insurance for CDs up to \$250,000 per deposit.

Executive Director Bondy was asked if he had any thoughts. Executive Director Bondy said his only concern is that staff and counsel time working on investments is continuing to eat into the forthcoming investment returns.

The Board discussed the amounts to investment and terms.

Public Comments: Mike Flood explained that the public agency funds receive FDIC insurance on the first \$250,000 and amounts more than the FDIC insurance are collateralized by the bank. He referred to Government Code Section 53661 which covers public agency funds.

Director Kuebler requested the Board clarify the procedure to include the treasurer to handle the financial investment.

Executive Director Bondy stated that he has not talked to Carrie Troup about handling the investments yet.

Director Kuebler stated that Pacific Western Bank takes two weeks to approve any investments. There is no time delay with Bank of America.

Director Ayala moved to open accounts at Bank of America and Pacific Western Bank and invest up to \$250,000 into a tiered certificates of deposits 7/13 months or 6/12 months at the current interest rate, if each CD is FDIC insured. Director Tribo seconded the motion.

No further public comments.

Roll Call Vote: E. Ayala - Y J. Kentosh – Y B. Kuebler – Y
 J. Tribo – Y V. Crawford – Y P. Kaiser – Y

Director Absent: Arne Anselm

b. Agency Bylaws Amendment for Investment Account

Executive Director Bondy briefed the Board on Resolution 2023-05, to make a minor modification to the Agency’s Bylaw Section 7.4 to allow for the opening of investment accounts.

Director Tribo moved adoption of Resolution 2023-05 to modify the Agency’s Bylaws. Seconded by Director Ayala.

No public comments.

Roll Call Vote: E. Ayala - Y J. Kentosh – Y B. Kuebler – Y
 J. Tribo – Y V. Crawford – Y P. Kaiser – Y

Director Absent: Arne Anselm

c. Investment Account Authorization

Executive Director Bondy briefed the Board on Resolution 2023-06, to authorize the opening of an investment account. The Board discussed the proposed Resolution. The Board discussed that some banking institutions require their own Resolution. Other institutions will accept a Resolution from the Board or meeting minutes. Agency Counsel confirmed that a single Resolution can address multiple banking institutions.

The Board discussed changes to Resolution 20023-06:

1. Replace “Vice Chair” with “Agency”
2. Insert type of investment: CD.
3. Insert financial institutions: Bank of America and Great Western Bank.
4. Insert amount: up to \$250,000 per financial institution.

Director Kuebler stated that the Agency signed a contract with Bank of Sierra that they would not have any more than \$800,000 in their account. If they do, it will violate their contract. If any deposits would put them over the \$800,000 prior to investing in the CDs, Director Kuebler will hold those deposits until the money is invested into CDs.

Director Ayala moved approval of Resolution 2023-06, as amended. Seconded by Director Kuebler.

7. COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

No report.

8. FUTURE AGENDA ITEMS

Director Ayala wants to calendar the aquatic GDE field trip before the rainy season. Executive Director Bondy will try to schedule the field trip in November or December.

Director Crawford offered the OVLC Steelhead Preserve as a potential meeting location.

9. CLOSED SESSION

Public Comment on Closed Session: None.

The Board adjourned to closed session at 2:37 p.m.

The Board returned to open session at 2:55 p.m.

Agency Counsel Keith Lemieux reported that the Board met in closed session to receive a report on existing litigation.

Agency Counsel to make a report on the closed session at the next Board meeting on November 9, 2023.

10. ADJOURNMENT:

The next Regular Board meeting is scheduled for November 9, 2023 at 1:00 p.m.

The meeting was adjourned at 2:56 p.m.

Action: _____

Motion: _____

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