

# UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING JANUARY 11, 2024

## 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, January 11, 2024. Chair Kaiser called the meeting to order at 1:02 p.m.

## B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## C. ROLL CALL

Directors Present:

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

Director Absent: Arnie Anselm

Staff Present:

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

Identified Members of the Public:

In person: Kelly Dyer and Alma Quezada

Online: Burt Handy, Hope Sexton, Mary Bergen, Kevin DeLano, and Kiernan Brtalik

## D. APPROVAL OF THE AGENDA

Chair Kaiser asked for any proposed changes to the agenda. None were requested.

## E. PUBLIC COMMENTS FOR ITEMS NOT APPEARING ON THE AGENDA

Chair Kaiser asked for public comments on items not appearing on the agenda. No comments were offered.

## **REGULAR SESSION AGENDA**

### **1. CONSENT CALENDAR**

- a) Approve Minutes from November 9, 2023 Regular Board Meeting
- b) Approve Minutes from November 30, 2023 Special Board Meeting
- c) Approve Financial Report for November 2023
- d) Approve Financial Report for December 2023
- e) Rincon Consultants, Inc. Work Order Nos. 8 and 9 Amendments

Chair Kaiser asked if any Director wanted to pull any items off the consent calendar.

Public Comments: None

Director Kuebler moved approval of the consent items. Director Tribo seconded the motion.

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

Director Absent: A. Anselm

### **2. DIRECTOR ANNOUNCEMENTS**

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

Director Ayala: No report.

Director Sedgwick: No report.

Director Kuebler: No report.

Director Kentosh: No report.

Director Kaiser: Said the flu season is upon us and wants legal counsel's guidance for moving to on-line meetings. Counsel advised that UVRGA cannot meet on-line unless an emergency is declared. Director Kaiser mentioned a presentation regarding El Nino will be made at an upcoming AWA meeting.

Director Tribo: Reported that the City of Ventura's ocean outfall is under construction.

Director Absent: A. Anselm

### **3. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Bondy reminded the Directors that Form 700 filings are due by April 2<sup>nd</sup>. He then reviewed the staff report concerning on Agency matters since the last regular Board meeting, including status of groundwater extraction fee billings and receivables, fiscal audit, reserves investment, and outreach and coordination related to the Aquatic GDE field trip, Matilija Dam Ecosystem Restoration Project, and Small GSA Coalition.

Executive Director Bondy also reported on monitoring wells recently added to UVRGA's groundwater level monitoring program. Access agreements were executed with Ojai Valley Land

Conservancy to monitor two wells located at their Steelhead Preserve property. An access agreement was also executed to monitoring a well located on a private ranch located north of the Ventura River confluence with San Antonio Creek. This well will require a wellhead modification before monitoring can be initiated. Lastly, he reported that wellhead modifications were completed on State Well No. 04N23W20A01, and the well will be outfitted with a transducer soon.

The Executive Director summarized a comment letter that he sent concerning the Matilija Dam Ecosystem Restoration Project supplemental environmental impact report scoping.

The Executive Director reported that the Small GSA Coalition met with senior level DWR Representatives in an on-line meeting on January 4, 2024 to brainstorm ideas to increase funding opportunities for small GSA.

No public comments.

#### **4. AGENCY COUNSEL'S REPORT**

Agency Counsel Lemieux provided an update on AB 779 and reviewed his letter to the Board regarding his firm's engagement with the City of Ojai. A partner in the firm will be working as special counsel for the City of Ojai on a housing project. Agency Counsel does not believe there is any conflict at all, but an ethical screening was performed out of an abundance of caution.

Director Kaiser asked about an email he received regarding a PFAS class action lawsuit. Agency counsel explained it is a nationwide class action lawsuit that does not apply to Agency counsel .

#### **5. ADMINISTRATIVE ITEMS**

##### **a. Agency Investment Authorization**

Executive Director Bondy explained that the Board previously adopted Resolution Nos. 2023-06, -08, and -09 authorizing the investment of \$500,000 of excess Agency funds in certificates of deposits at two banks with the understanding that the annual percentage rate earned would be 4% to 5%. However, the Agency's Treasurer reported that the banks are now only offering a fraction of a percent to public agencies. As a result, the Executive Director and Treasurer are recommending investing in either the Local Agency Investment Fund (LAIF) or the Ventura County Treasury Investment Pool. Executive Director Bondy reviewed the two funds and answered questions from the directors.

Director Tribo asked how frequently the interest rates are updated. Executive Director Bondy said LAIF is updated quarterly and the County pool is updated monthly.

Director Kentosh asked if the County is allowed to go bankrupt or if it can dip into the investments for emergencies. Executive Director Bondy referred to the County investment policy.

Director Kaiser said the State's rating is not as high as the County's fund. The Executive Director clarified that the State fund is not rated.

Director Kuebler said he prefers the County. Director Ayala said both funds seem similar.

Executive Director Bondy said he feels more comfortable with the County because UVRGA can meet with them locally in person to address any issues.

Director Kuebler moved adoption of Resolution No. 2024-01 authorizing investments of Agency funds in the Ventura County Treasury Investment Fund and to direct the Agency Treasurer to invest up to \$500,000 in the fund. Seconded by Director Ayala.

Public Comments: None

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

Director Absent: A. Anselm

**b. Repeal Resolution Nos. 2023-06, -08 and -09.**

Executive Director Bondy explained that, because certificate of deposits are no longer being pursued, the associated Board resolutions are no longer needed. The Board discussed adopting Resolution No. 2024-02, a Resolution repealing Agency Resolution Nos. 2023-06, -08 and -09.

Executive Director Bondy asked Agency Counsel whether the Secretary can attest even though he is absent. Agency Counsel stated that the Secretary can still attest.

Public Comments: None

Director Kuebler moved approval of Resolution No. 2024-02 to repeal Resolutions 2023-06, 2023-08, 2023-09. Seconded by Director Ayala.

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

Director Absent: A. Anselm

**6. GSP IMPLEMENTATION ITEMS**

**a. Well Registration and Flowmeter Compliance Update**

Executive Director Bondy provided an update on the status of well registrations and flowmeter compliance.

Director Kuebler asked about DWR requirements for well registration. Executive Director Bondy said there is no requirement for GSAs to register wells.

No public comments.

**b. Water Year 2022/2023 Monitoring Data Presentation**

Executive Director Bondy and Kiernan Brtalik of Rincon Consultants provided a presentation concerning the data collected under the groundwater level, streamflow, and groundwater dependent ecosystems monitoring programs during water year 2022/2023.

There was discussion about whether UVRGA should track changes in vegetation species within the riparian GDEs, specifically to track increases in giant reed. Executive Director Bondy said he would reach out to Ojai Valley Land Conservancy and Ventura Watershed Protection District to discuss whether there is an opportunity to collaborate on this.

Public Comments: None

**7. COMMITTEE REPORTS**

**a. Ad Hoc Stakeholder Engagement Committee**

Director Ayala said there is no report.

**8. FUTURE AGENDA ITEMS**

None

**9. CLOSED SESSION**

The Board adjourned into closed session at 3:01 p.m.

The Board returned to open session at 3:16 p.m.

Agency Counsel Lemieux reported on existing litigation: *Santa Barbara Channelkeeper v. City of San Buenaventura*. No reportable action took place.

**10. ADJOURNMENT**

The meeting was adjourned at 3:18 p.m.

Action: \_\_\_\_\_

Motion: \_\_\_\_\_

E. Ayala \_\_ P. Kaiser \_ J. Kentosh\_ B. Kuebler\_ J. Tribo\_\_ V. Sedgwick \_\_