

# UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING JUNE 13, 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, June 13, 2024. Chair Kaiser called the meeting to order at 1:00 p.m.

## B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## C. ROLL CALL

Directors Present:

Arne Anselm, Director  
Emily Ayala, Director  
Pete Kaiser, Chair  
Jim Kentosh, Director  
Bruce Kuebler, Vice Chair  
Gina Dorrington, Alternate Director

Directors Absent: Vivon Sedgwick, Jenny Tribo

Staff Present:

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

Identified Members of the Public:

In Person: Kelley Dyer

Online: Mike Flood, Mary Bergen, and Burt Handy

## D. APPROVAL OF THE AGENDA

Chair Kaiser asked for any proposed changes to the agenda. Executive Director Bondy suggested moving Item No. 6(a) to after the first closed session agenda item.

After clarifying with Agency Counsel that the two closed session agenda items could be addressed separately, Chair Kaiser asked if there were any objections to moving Item No. 6(a) to after the first closed session item. No objections were made.

## **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 May 9, 2024 Regular Board Meeting
- b) Approve Financial Report for May 2024

Chair Kaiser asked if any Director wanted to pull any items off the consent calendar for discussion. No requests were made. Director Anselm moved approval of all consent calendar items. Seconded by Director Kuebler.

Roll Call Vote:        E. Ayala - Y   A. Anselm   – Y   P. Kaiser – Y   Kentosh – Y  
                              B. Kuebler – Y   G. Dorrington - Y

Directors Absent: Vivon Sedgwick, Jenny Tribo

### **2. DIRECTOR ANNOUNCEMENTS**

Chair Kaiser called for Director announcements. No announcements were made.

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

Executive Director Bondy reviewed the written staff report concerning Agency matters since the last Board meeting. He mentioned that a transfer from the investment account to checking will be needed to cover expenses for June and July. He said that the Treasurer recommends \$100,000. Two of seven groundwater extraction fee invoices totaling \$3,444 are past due as of May 12, 2024. Regarding groundwater sustainability plan (GSP) implementation, he said the meeting with Department of Water Resources (DWR) staff concerning DWR’s recommended corrective actions for the GSP went well. The water year 2022/2023 annual report was approved by DWR. He provided status updates on the various monitoring programs. He reported that work on the numerical model to address channel modifications caused by the January 2023 flooding event is nearly complete. This work has identified model calibration issues that will require further evaluation. A report will be given at the next meeting along with a scope of work to address the findings.

Directors Kuebler and Kentosh asked questions about the model calibration issues. Executive Director Bondy briefly summarized the preliminary findings.

Chair Kaiser asked when Ventura River Water District will be taking over Casitas Mutual Water Company. Director Kuebler said he does not know. A benefit assessment district will need to be established first.

No public comments.

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

Agency Counsel Keith Lemieux said he has nothing to report outside of closed session.

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

##### **a. PUBLIC HEARING**

**Resolution 2024-04: 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 2024/2025 (July 1, 2024 – June 30, 2025).**

Executive Director Bondy briefed the Board on Resolution 2024-04, confirmed that the required notification procedures have been followed, and reported that no public comments were received prior to the meeting.

Chair Kaiser opened a public hearing at 1:16 p.m.

Public Comments: None

Chair Kaiser declared the public hearing closed at 1:18 p.m.

Director Kuebler moved adoption of Resolution 2024-04: 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 2024/2025 (July 1, 2024 – June 30, 2025). Seconded by Director Anselm.

Roll Call Vote: E. Ayala - Y A. Anselm – Y P. Kaiser – Y Kentosh – Y

B. Kuebler – Y G. Dorrington - Y

Directors Absent: Vivon Sedgwick, Jenny Tribo

#### **6. GSP IMPLEMENTATION ITEMS**

##### **b. Aquatic Groundwater Dependent Ecosystem (GDE) Monitoring Workplan**

Executive Director Bondy summarized proposed amendments to the Aquatic GDE Monitoring Workplans. The focus of the aquatic GDE monitoring programs is to collect data during periods of low surface water flow when the effects of depletions caused by groundwater extraction could potentially cause undesirable results. Surface water flows have been high during the first two years of aquatic GDE monitoring. The proposed amendments would limit monitoring activities during higher flows due to safety concerns and because the data are not particularly useful for achieving the GSP Sustainability Goal. The proposed amendments clarify when and under what conditions the monitoring elements included in the workplans will be implemented. Amending the workplans may result in a reduction in aquatic GED monitoring costs.

Director Anselm commented that he appreciates the safety focus and trusts the consultant to determine what conditions are safe. Executive Director Bondy said this is part of their health and safety plan.

Director Ayala asked for clarification on the flow criterion that triggers monitoring. Executive Director Bondy explained that it is the sum of the minimum threshold and measurable objective included in the GSP.

Director Kuebler moved approval of the amendments to the Aquatic GDE Monitoring Workplans for the Confluence Aquatic Habitat Area and the Foster Park Aquatic Habitat Area. Seconded by Director Ayala.

No public comments.

Roll Call Vote: E. Ayala - Y A. Anselm – Y P. Kaiser – Y Kentosh – Y  
B. Kuebler – Y G. Dorrington - Y

Directors Absent: Vivon Sedgwick, Jenny Tribo

## **7. COMMITTEE REPORTS**

### **a. Ad Hoc Stakeholder Engagement Committee**

Director Ayala said there was no Ad Hoc meeting and nothing to report.

The Board adjourned to closed session.

## **9. CLOSED SESSION AGENDA**

Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to §54956.9(b): One case.

The Board adjourned into closed session at 1:27 p.m.

The Board returned to open session at 1:37 p.m.

Agency Counsel Lemieux reported on anticipated litigation. No reportable action took place.

## **6. GSP IMPLEMENTATION ITEMS**

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

Executive Director Bondy provided an update on the status of well registration and flowmeter compliance. Thirteen wells remain unregistered. Two of these wells were determined to be located on land that has recently changed ownership. Executive Director Bondy is working with the new owner to get the wells registered. One well that was registered in May will be subject to the UVRGA flowmeter and extraction reporting requirements. Executive Director Bondy will be working with that well owner to achieve compliance. Executive Director Bondy reminded the Board that they instituted a daily civil penalty for non-registration. Penalties began accruing for some on May 1 and others on June 1 at a rate of \$10 per day.

Executive Director Bondy said that he has delivery confirmation of registration request letters for all thirteen unregistered wells, either by certified mail or Fed-Ex. He added that he has had telephone or email correspondence with most of the unregistered well owners. He asked for Board direction concerning whether to modify the penalty accrual rate.

The Board consensus was to stay the course at \$10/day.

No public comments.

**8. FUTURE AGENDA ITEMS**

None.

**9. CLOSED SESSION AGENDA**

Conference with Legal Counsel – Existing Litigation (§ 54956.9): Name of Case: Santa Barbara Channelkeeper v. City of San Buenaventura

The Board adjourned into closed session at 1:41 p.m.

The Board returned to open session at 2:15 p.m.

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

**REGULAR SESSION AGENDA**

**10. ADJOURNMENT**

The meeting was adjourned at 2:15 p.m.

The next Regular Board meeting is scheduled for July 11, 2024 @ 1:00 p.m.

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

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

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