

# UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING OCTOBER 10, 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 San Buenaventura Public Works, 336 Sanjon, Ventura, CA on Thursday, October 10, 2024. Chair Kaiser called the meeting to order at 1:03 p.m.

## B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## C. ROLL CALL

Directors Present:

Pete Kaiser, Chair  
Bruce Kuebler, Vice Chair  
Arne Anselm, Secretary  
Sarah Mulder, Alternate Director  
Emily Ayala, Director  
Vivon Sedgwick, Director  
Jim Kentosh, Director

Staff Present:

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

Members of the Public: Kelley Dyer and Burt Handy

## D. APPROVAL OF THE AGENDA

Chair Kaiser asked for any proposed changes to the agenda. No changes were requested. Chair Kaiser called for a voice vote to approve the agenda, which received seven ayes.

## 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.

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## REGULAR SESSION AGENDA

### 1. CONSENT CALENDAR

- a) Approve Minutes from July 11, 2024 Regular Board Meeting
- b) Approve Financial Report for July 2024
- c) Approve Financial Report for August 2024
- d) Approve Financial Report for September 2024
- e) Approve Fiscal Year 2023-2024 4<sup>th</sup> Quarter Investment Report
- f) Approve Fiscal Year 2024-2025 First Quarter Budget Report
- g) Approve Aleshire & Wynder Rate Increase Per Existing Contract
- h) Approve Bondy Groundwater Consulting Rate Increase Per Existing Contract

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

Public Comments: None

Roll Call Vote:        A. Anselm    – Y        P. Kaiser – Y        J. Kentosh – Y  
                              B. Kuebler – Y        S. Mulder - Y        E. Ayala – Y        V. Sedgwick - Y

Directors Absent: None

### 2. DIRECTOR ANNOUNCEMENTS

Chair Kaiser called for Director announcements.

Director Anselm:	No report
Director Kentosh:	No report
Director Kuebler:	No report
Director Mulder:	No report
Director Ayala:	Said she needs to leave by 3 p.m.
Director Sedgwick:	Provided an update on Arundo removal efforts.
Director Kaiser:	Explained that it was previously agreed that the Board endeavor to meet in Ventura at least once per year and requested that everyone be mindful of relevant OSHA protocols during flu and COVID season.

Directors Absent: none.

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### 3. EXECUTIVE DIRECTOR'S REPORT

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

Executive Director Bondy said that private well extraction fees for the January 1 – June 30, 2024 semiannual period were mailed out on September 9, 2024. All invoices for prior semiannual periods have been paid.

Executive Director Bondy noted that the fiscal year 2023/2024 audit is underway. The auditors provided a letter confirming conformity with Gov't Code §12410.6 pursuant to Chair Kaiser's request.

Executive Director Bondy noted that \$250,000 was transferred from checking to the investment account in late August. The first quarterly report covering the period of April through June 2024 (Fiscal year 2023/2024 4<sup>th</sup> quarter) is included in a separate agenda item.

Executive Director Bondy summarized the status of UVRGA's groundwater level monitoring program. Two groundwater monitoring wells located along the Live Oak Acres levee were added to the monitoring network. Executive Director Bondy is continuing to work with the City of Ventura to identify a well to address groundwater level monitoring Data Gap Area "A." The addition of the idle Casitas Mutual Water Company (CMWC) well to the groundwater level monitoring network is pending action by CMWC. Regarding Well No. 04N23W32C03S, Executive Director Bondy reminded the Board that UVRGA paid to install a sounding tube in this well to facilitate groundwater level monitoring. The pump column was also replaced at that time. In September, the property owner notified UVRGA that the well pump stopped working. The pump was pulled, and it was determined that the pump column separated at a joint. Significant thread damage was evident, possibly due to improper installation. The pump and sounding tubes were reinstalled. Executive Director Bondy is waiting to see if it is covered under warranty. The pump column may also need to be replaced later as it showed signs of corrosion.

Executive Director Bondy reported on the status of surface water flow monitoring. UVRGA's monitoring efforts are ongoing. Continuous flow of the Ventura River across the Basin ceased in early September. The DWR Santa Ana Blvd gauge has not been operational since January 2023 when flooding moved the active channel to the opposite side of the riverbed. Executive Director Bondy is working with DWR to relocate the gauge to Camino Cielo.

Executive Director Bondy reported on the status of groundwater dependent ecosystem monitoring. Aerial drone imagery of the riparian GDE areas was collected in August and the data was processed. Field vegetation mapping was conducted in late August and processed in September. Aquatic GDE monitoring activities included continuous water quality monitoring, drone photography and processing in August, and snorkel and habitat surveys in August. No evidence of steelhead, lamprey, or other sensitive species observed. Executive Director Bondy said that Rincon Consultant's Inc. intends to skip the remaining habitat and snorkel survey for the current water year because flows remain elevated.

Executive Director Bondy provided an update on the numerical model. Intera, Inc. Work Order No. 10 was executed, and work has progressed. The Executive Director and Intera, Inc. met online with Ventura County Watershed Protection District (VCWPD) and United States Geological Survey (USGS) staff to discuss stream gauge data accuracy. A methodology for estimating stream flow

error was developed based on these conversations and literature view, which is presented in Item No 6(d). Streamflow errors have been estimated and a recommendation for model sensitivity analysis and calibration was developed, which is presented in Item No 6(d).

Executive Director Bondy briefed the Board on the August 1 and October 3, 2024 Ventura River Watershed Council meetings. Updates were provided by the Farm Bureau concerning the Ag Order and Ojai Valley Land Conservancy concerning Arundo removal. The Resource Conservation District received a grant from DWR to complete a Watershed Resiliency Pilot Project (VRWRP). The (VRWRP) will be implemented over the next two years and will result in a Watershed Resilience Plan, which can be thought of as an update to the existing watershed management plan with additional emphasis on climate change adaptation measures and integration of Sustainable Groundwater Management Act (SGMA) requirements and the groundwater sustainability plans (GSPs) in the watershed. RCD has solicited proposals for a consultant to help prepare the VRWRP. Rincon Consultants, Inc. is pursuing a contract with RCD for the development of VRWRP. The Executive Director has expressed concerns about conflict-of-interest and is continuing to discuss with Rincon Consultants, Inc. Executive Director Bondy explained that the VCWRP planning process will rely on the existing VRWC process for outreach and decision making. Given the express intent to integrate SGMA and GSPs into the VRWRP, he intends to seek UVRGA membership on the VRWC leadership committee. The membership fee is anticipated to be similar to OBGMA's fee of \$1,400/year.

Directors Sedgwick, Kuebler, and Kentosh expressed support for joining the VRWC leadership committee.

Chair Kaiser expressed concerns about duplication of effort and wants to know more about the membership fees.

Director Ayala wants to know who is on the committee and how much they pay.

Executive Director Bondy will obtain more information and bring this matter back before the Board at a future meeting.

Executive Director Bondy said the Small GSA Coalition met in August and will be holding a strategic planning session in November.

Executive Director Bondy briefed the Board about a change in staff at the State Water Resources Control Board (SWRCB) and reported that they do not intend to provide a presentation or workshop on their model (Director Sedgwick had inquired about this during a prior Board meeting).

Executive Director Bondy reported that the Governor's Executive Order N-3-24 repealed the requirement contained in prior E.O.'s that certain findings be made by UVRGA prior to the issuance of well permits by the County of Ventura. The County of Ventura will resume issuing permits without consulting UVRGA.

No public comments.

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#### **4. AGENCY COUNSEL’S REPORT**

Agency Counsel Keith Lemieux reported on three State bills: AB 460, AB 1827 and SB 1156. He briefly described each bill.

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

##### **a. Agency Bylaws Amendment Concerning Election of Officers**

Chair Kaiser summarized Resolution 2024-05, a resolution modifying the Agency Bylaws Section 4.2 concerning the timing of officer election and asked if there are any questions or need for discussion.

Director Kuebler moved adoption of Resolution 2024-25. Seconded by Director Ayala.

No public comments.

Roll Call Vote:	A. Anselm – Y	P. Kaiser – Y	J. Kentosh – Y		
	B. Kuebler – Y	S. Mulder - Y	E. Ayala – Y	V. Sedgwick – Y	

Directors Absent: None

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

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

Executive Director Bondy updated the Board on the status of well registration and flowmeter compliance. Six wells were registered since the last Board meeting. Seven wells remain unregistered. He explained that the Board voted in July to increase the civil penalty accrual rate in September by an undetermined amount but has not met since. He recommended that the Board revisit that issue. He also explained that he intends to send another certified letter to the unregistered well owners and he plans to physically post notices on properties for which the owner has not made contact.

Director Ayala said small pumpers have paid for several years. The noncompliant well owners need to pay for the time UVRGA has spent pursuing compliance. She also asked why UVRGA requirements are not disclosed during property sales. Agency Counsel Lemieux said that responsibility lies with the seller.

Chair Kaiser asked if anyone looked at the properties to see if they are vacant. Executive Director Bondy said he has reviewed Google Earth, and the properties appear to be occupied.

Chair Kaiser asked if UVRGA can piggyback on the assessor’s roll. Agency Counsel Lemieux explained that the assessor cannot compel someone to register their well and that penalties cannot be charged via a property tax bill because of due process requirements.

Directors Kuebler and Ayala expressed support for raising the civil penalty accrual rate for wells that remain unregistered and pursuing enforcement of the accrued civil penalties for owners that registered their wells late.

Director Kaiser asked how much time the Executive Director has spent on this matter. Executive Director Bondy said he is not sure but estimates 2-4 hours per unregistered well over the last year since ramping up the compliance efforts.

After Board discussion, Director Kuebler moved to direct the Executive Director to pursue collection of accrued civil penalties from the owners of recently registered well nos. 1, 3, 5, and 8 listed in Table 3 of the staff report. Director Anselm suggested amending the motion to include any late registrations that occur between now and the next Board meeting. Director Kuebler accepted the proposed amendment. The motion was seconded by Director Ayala.

Public Comments: Burt Handy suggested the Executive Director talk to Ojai Basin Groundwater Management Agency (OBGMA). Executive Director Bondy said that he has already talked to the OBGMA General Manager.

Roll Call Vote:       A. Anselm – Y       P. Kaiser – Y       J. Kentosh – Y  
                          B. Kuebler – Y       S. Mulder - Y       E. Ayala – Y       V. Sedgwick - Y

Directors Absent: None

Executive Director Bondy said a resolution is required to assess the civil penalties. He will work with Agency Counsel on a proposed resolution for Board consideration at its next meeting.

After further Board discussion, Director Kentosh moved to increase the civil penalty accrual rate from \$10/day to \$20/day, effective November 1, 2024. Director Ayala seconded the motion.

No public comments.

Roll Call Vote:       A. Anselm – Y       P. Kaiser – Y       J. Kentosh – Y  
                          B. Kuebler – Y       S. Mulder - Y       E. Ayala – Y       V. Sedgwick - Y

Directors Absent: None

**b. Amendment No. 1 to 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 briefed the Board on proposed Amendment No. 1 to Rincon Consultants, Inc. Work Order No. 12 for Water Year 2023/2024 and 2024/2025 Groundwater Level, Streamflow, and Riparian GDE Monitoring Services to facilitate the replacement of six aging groundwater level transducers and survey sixteen monitoring wells.

Motion by Director Ayala to authorize the Executive Director to execute Amendment No. 1 to Rincon Consultants, Inc. Work Order No. 12 thereby increasing the budget by \$24,487 and contingency by \$2,450 for the replacement of six aging groundwater level transducers and surveying of sixteen monitoring wells. Seconded by Director Kuebler.

No public comments.

Roll Call Vote:      A. Anselm – Y      P. Kaiser – Y      J. Kentosh – Y  
                                 B. Kuebler – Y      S. Mulder - Y      E. Ayala – Y      V. Sedgwick - Y

Directors Absent: None

**c. Intera, Inc. Work Order No. 11 for Annual Report Preparation.**

Executive Director Bondy presented proposed Intera, Inc. Work Order No. 11 to prepare the annual report required pursuant to SGMA for water year 2023/2024. He explained that Task No. 1 of Intera’s proposal for model update will not be included because the model will be undergoing recalibration.

Motion by Director Sedgwick to authorize the Executive Director to issue Work Order No. 11 to Intera, Inc. for annual report preparation for an amount not to exceed \$30,900 and \$3,100 contingency to be authorized at the discretion of the Executive Director (\$34,000 total authorization). Seconded by Director Kentosh.

No public comments.

Roll Call Vote:      A. Anselm – Y      P. Kaiser – Y      J. Kentosh – Y  
                                 B. Kuebler – Y      S. Mulder - Y      E. Ayala – Y      V. Sedgwick - Y

Directors Absent: None

**d. Intera, Inc. Work Order No. 12 for Numerical Model Sensitivity Analysis and Calibration Updates.**

Executive Director Bondy summarized efforts to estimate streamflow data error and walked the Board through the different approaches for Ventura County gauges and the USGS gauge, which are presented in detail in the staff report attachments.

Director Kaiser asked about low flow measurement accuracy. Executive Director Bondy explained that there is considerable error in very low flow measurements on a percentage basis, but it is not very evident on the plots because a large percentage of a small number remains a small number.

Executive Director Bondy explained that Task Nos. 4 through 6 of Work Order No. 10 were not completed because it was determined that it would be more efficient and cost-effective to combine these tasks with model calibration work. This approach will allow for the streamflow error to be accounted for in the analysis. Thus, it is proposed that Task Nos. 4 through 6 of Work Order No. 10 be combined with model calibration in a new work order (Work Order No. 12).

Executive Director Bondy explained the sources of funding for proposed Intera, Inc. Work Order No. 12, consisting of \$53,378 from current year funds and \$76,191 from the operating reserve.

Director Ayala said she appreciates the table showing the funding breakdown.

Director Kuebler said modeling is very important and supports using the best available data.

Motion by Director Kentosh to authorize the Executive Director to issue Work Order No. 12 to Intera, Inc. to perform a sensitivity analysis and update the model calibration issues based on findings from Work Order No. 10 in an amount not to exceed \$117,790 and \$11,779 contingency to be authorized at the discretion of the Executive Director (\$129,569 total authorization). Seconded by Director Anselm.

No public comments.

Roll Call Vote:	A. Anselm – Y	P. Kaiser – Y	J. Kentosh – Y	
	B. Kuebler – Y	S. Mulder - Y	E. Ayala – Y	V. Sedgwick - Y

Directors Absent: None

**e. PUBLIC HEARING**

**Proposed Amendments to Groundwater Well Registration, Metering, and Extraction Reporting Ordinance (Ordinance No. 4).**

Executive Director Bondy summarized that he has been tracking non-compliance with UVRGA's groundwater well registration, metering and extraction reporting ordinance and has been conferring with Agency Counsel concerning next steps for enforcement. After reviewing the enforcement issues and the current ordinance, Agency Counsel recommended modifying the ordinance to clarify the penalty and enforcement provisions. Other proposed changes include (1) updating language to reflect the cancellation of the Governor's Executive Order requiring GSA findings prior to well permit issuance and (2) updating the groundwater extraction reporting provisions to simplify quarterly reporting of groundwater extractions.

Chair Kaiser opened the public hearing at 3:03 p.m.

No public comments.

Chair Kaiser closed the public hearing at 3:06 p.m.

After a brief discussion, Director Kentosh moved to conduct a first reading in title only of the ordinance and schedule a public hearing for the next regular Board meeting to consider adoption of the ordinance. Seconded by Director Kuebler.

Roll Call Vote:	A. Anselm – Y	P. Kaiser – Y	J. Kentosh – Y	
	B. Kuebler – Y	S. Mulder - Y	E. Ayala – Y	V. Sedgwick - Y

Directors Absent: None



**7. FUTURE AGENDA ITEMS**

None

Directors Ayala and Sedgwick departed the meeting.

**CLOSED SESSION AGENDA**

Chair Kaiser adjourned to closed session at 3:17 p.m.

Conference with Legal Counsel regarding existing litigation (§54956.9; *Santa Barbara Channel Keepers v. City of San Buenaventura.*)

Closed session closed at 4:13 p.m.

Agency Counsel Lemieux reported on the Closed Session stating there was no reportable action.

**REGULAR SESSION AGENDA**

**8. ADJOURNMENT**

The meeting was adjourned at 4:13 p.m.

The next Regular Board meeting is scheduled for November 14, 2024 at 1:00 p.m. Location TBD.

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

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

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