

**BOARD OF DIRECTORS**

**UPPER VENTURA RIVER GROUNDWATER AGENCY**

**RESOLUTION NO. 2024-06**

**A RESOLUTION OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY  
SETTING PENALTIES FOR LATE WELL REGISTRATIONS**

**WHEREAS**, on July 14, 2022, the Board of Directors (“Board”) of the Upper Ventura River Groundwater Agency (“Agency”) adopted Ordinance No. 1 establishing well registration, metering, and reporting requirements.

**WHEREAS**, under Chapter 2.0 of Ordinance No. 1, all groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency within 30 days of the completion of drilling activities or within 30 days after notice is given to the owner of such facility.

**WHEREAS**, under Section 7.3 of Chapter 7.0 of Ordinance No. 1, “[a]ny person who negligently or intentionally violates any provision of this Ordinance may also be liable civilly to the Agency for a sum not to exceed one thousand dollars (\$1,000) per day for each day of such violation, in addition to any other penalties that may be prescribed by law.”

**WHEREAS**, under Section 7.5 of Chapter 7.0 of Ordinance No. 1, “[c]ivil penalties for specified violations of this Ordinance shall be established by Resolution ...”

**WHEREAS**, On September 16, 2022, 116 letters (for 188 potentially active wells) were mailed to the owners of all parcels on which County of Ventura records indicating a potentially active well is present (i.e., any well with a County-noted status other than “destroyed”), explaining the well registration requirements, and provided instructions for registering wells and providing flowmeter documentation.

**WHEREAS**, the Agency sent follow-up letters to owners of unregistered wells dated September 25, 2023, February 13, 2024, April 1, 2024, May 1, 2024, July 15, 2024, and October 14, 2024 or followed-up via telephone, e-mail, or text if the owner had made contact with the Agency.

**WHEREAS**, at its March 2024 meeting, the Board directed staff to notify noncompliant well owners that the Agency would begin accruing civil penalties at a rate of \$10 per day.

**WHEREAS**, during its July 11, 2024 meeting, the Board indicated that it would increase the civil penalty accrual rate for unregistered wells effective September 1, 2024.

**WHEREAS**, during its July 11, 2024 meeting, the Board provided direction to the Executive Director to send follow-up letters to the unregistered well owners via regular mail and by certified mail and/or Fed-Ex.

**WHEREAS**, pursuant to the Board’s direction at the July 11, 2024 meeting, the Executive Director sent follow-up letters via regular mail and by certified mail and/or Fed-Ex,

which indicated the Board's intention to increase the daily penalty accrual rate effective September 1, 2024.

**WHEREAS**, the Executive Director also called, emailed, or texted, as appropriate, the unregistered well owners in cases where telephone or email contact information was available.

**WHEREAS**, pursuant to Section 7.5 of Chapter 7.0 of Ordinance No. 1, the Board desires to adopt a resolution to establish daily penalties at \$10 per day for four late well registrations, as set forth below:

A. Staff Report Well Number 1:

Thomas G. Adams, 235 N. La Luna Avenue, Ojai, CA 93023  
State Well Number 04N23W03M01S  
Penalty Start Date: May 1, 2024  
Well Registration Date: July 22, 2024 (83 days late)  
Penalty: \$830.00

B. Staff Well Number 3:

Merikallio Pekka K. Trust (c/o Jeff Harris), P.O. Box 1562, Ojai, CA 93023  
State Well Number 04N23W03P01S  
Penalty Start Date: May 1, 2024  
Well Registration Date: September 18, 2024 (141 days late)  
Penalty: \$1,410.00

C. Staff Well Number 4:

Stephen K. McElroy, 12930 Blue Heron Cr., Ojai, CA 93023  
State Well Number 04N23W08J01S  
Penalty Start Date: May 1, 2024  
Well Registration Date: November 1, 2024 (184 days late)  
Penalty: \$1,840.00

D. Staff Well Number 5:

Thomas D. Carver and Cynthia L. Carver, 1153 S. Tico Rd., Ojai, CA 93023  
State Well Number 04N23W16A04S  
Penalty Start Date: May 1, 2024  
Well Registration Date: July 19, 2024 (80 days late)  
Penalty: \$800.00


E. Staff Well Number 8:

Scott Williams and Rebecca Williams, 1250 Meyer Road, Ojai, CA 93023  
State Well Number 04N23W04H01S  
Penalty Start Date: June 1, 2024  
Well Registration Date: July 22, 2024 (52 days late)  
Penalty: \$520.00

**NOW, THEREFORE,** the Board does hereby resolve, find, and establish as follows:

1. Pursuant to Section 7.5 of Chapter 7.0 of Ordinance No. 1, the Board hereby establishes the above-referenced the civil penalties for the failure to timely register the applicable wells as required by Ordinance No. 1.
2. Any appeal by a well owner affected by this Resolution shall be made within forty-five (45) calendar days of the date that notice of this Resolution is sent by Certified Mail to the last known address of the well owner by filing with the Executive Director a written request that the Board review the findings made in the recitals of this Resolution that formed the basis of the civil penalties. The Board shall hold a hearing on the appeal within 120 days after all relevant information has been provided by the appellant to the satisfaction of the Executive Director.
3. The Executive Director and/or his designee shall provide notice of this Resolution, including the right to appeal the civil penalties established in this Resolution, by Certified Mail to the last known address of the affected well owner.
4. After the conclusion of any appeal of the civil penalties established by this Resolution, the Executive Director and/or his designee is hereby authorized to take any measures allowed by law to collect the civil penalties.


PASSED, APPROVED, AND ADOPTED this \_\_\_\_ day of November, 2024.

  
~~Pete Kaiser, Board Chair~~  
Bruce Kuebler, Vice Chair

ATTEST:

  
Arne Anselm, Board Secretary

APPROVED AS TO FORM:

  
Keith Lemieux, General Counsel  
Upper Ventura River Groundwater Agency