

UPPER VENTURA RIVER GROUNDWATER AGENCY

NOTICE OF MEETING*

NOTICE IS HEREBY GIVEN that the Upper Ventura River Groundwater Agency (“Agency”) Board of Directors (“Board”) will hold its second regular **Board Meeting** at **3:00 P.M.** on **Wednesday, February 1, 2017** at **Ojai City Council Chambers, Ojai City Hall, 401 South Ventura Street, Ojai, CA.**

UPPER VENTURA RIVER GROUNDWATER AGENCY BOARD OF DIRECTORS
AGENDA

Wednesday, February 1, 2017

The director appointed by the Casitas Municipal Water District shall chair the meeting temporarily until a Chair is chosen pursuant to Item 4e.

- 1. CALL TO ORDER.**
- 2. PLEDGE OF ALLEGIANCE.**
- 3. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

The Board will receive public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Agency. The Board will not enter into a detailed discussion or take any action on any items presented during public comments. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. The presiding Chair shall limit public comments to three minutes.

4. ACTION ITEMS

a. Review and Approve Minutes from January 5, 2017 meeting

The Board shall review and approve the meeting minutes from January 5, 2017.

b. Determine Member Director Terms

The Board shall determine which three Member Directors shall serve an initial term of three years.

c. Appoint Environmental Stakeholder Director

The Board shall receive a recommendation from the review committee, review the list of nominees submitted by environmental nonprofit, 501(c)(3) organizations and appoint the Environmental Stakeholder Director.

d. Appoint Agricultural Stakeholder Director

The Board shall receive a recommendation from the review committee, review the list of nominees submitted by the Farm Bureau of Ventura County and appoint the Agricultural Stakeholder Director.

** In compliance with the Americans with Disabilities Act, all possible accommodations will be made for individuals so they may attend and participate in meetings.*

e. Appointment of Officers

The Board shall appoint the following officers: Chair, Vice-Chair, and Secretary.

f. Discussion re Options for Appointing Treasurer and Auditor

The Board shall discuss the options for appointing a Treasurer and Auditor.

g. Adoption of Meeting Location and Regular Meeting Schedule

The Board shall review the options for a permanent meeting location and select a location. The Board shall also adopt a meeting schedule for the remainder of calendar year 2017.

h. Public Hearing to Serve as Groundwater Sustainability Agency (“GSA”)

The Board shall authorize a public hearing to be held at the March 1, 2017 meeting regarding the Upper Ventura River Groundwater Agency’s proposal to serve as the GSA for the Upper Ventura River Basin. The Board shall designate posting sites for the hearing that meet the requirements of Government Code section 6066.

i. Authorize Contract with Brownstein Hyatt Farber Schreck (Brownstein) for Legal Services

In order to continue receiving legal services from Brownstein, the Agency must enter into a legal services agreement with Brownstein.

j. Adoption of Interim Budget

The Board shall adopt an interim budget to cover the Upper Ventura River Groundwater Agency’s operational costs until the final budget is adopted by May 5, 2017.

k. Creation of Committees to Develop Annual Budget, Bylaws, and Conflict of Interest Code.

The Board shall create three separate committees to develop the annual budget, bylaws, and conflict of interest code according to the schedule identified in the JPA creating the Upper Ventura River Groundwater Agency.

l. Thank You Letters to the Center for Collaborative Policy and the California Department of Water Resources

The Board shall authorize staff to draft and send thank you letters on behalf of the Upper Ventura River Groundwater Agency to the Center for Collaborative Policy and the Department of Water Resources for facilitation services provided during the formation the URVGA.

m. Preparation of Comments on Ojai Basin Groundwater Management Agency’s (“OBGMA”) Alternative Submittal under Sustainable Groundwater Management Act (“SGMA”).

The Board shall discuss submitting comments on behalf of the Upper Ventura River Groundwater Agency to the California Department of Water Resources

regarding OBGMA's Alternative submittal. Comments are due by February 26, 2017.

5. DIRECTOR ANNOUNCEMENTS.

6. ADJOURNMENT

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(a)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Review and Approve Minutes from January 5, 2017 Meeting

SUMMARY

The first meeting of the Upper Ventura River Groundwater Agency was held on January 5, 2017 at the Casitas Municipal Water District.

There is no fiscal impact associated with the review and approval of the minutes from the January 5, 2017 meeting.

RECOMMENDED ACTION

Approve the meeting minutes.

BACKGROUND

The minutes are attached for review and approval.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

**UPPER VENTURA RIVER GROUNDWATER AGENCY
MINUTES OF REGULAR MEETING JANUARY 5, 2017**

Directors present were: Jeff Pratt, Mike Krumpschmidt, Shana Epstein, Bruce Kuebler and Mary Bergen. Also present was: Attorney Jena Acos.

1. **CALL TO ORDER-** Chairperson Mary Bergen called the meeting to order at 12:05 P.M.
2. **PLEDGE OF ALLEGIANCE** – Led by Mary Bergen.
3. **ACKNOWLEDGMENT AND INTRODUCTION OF DIRECTORS** –Directors introduced themselves, their alternates, and the agencies they represent. Jena Acos also introduced herself and her legal firm.
4. **PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA** –
Lynn Rodriguez, Manager of the Ventura County Watershed Coalition congratulated the Board on formation and indicated the Watershed Council and Ventura River Watershed Coalition are available to help with public outreach.

Randy Haney, Ojai City Council, recommended following: meetings be held in the evening to better accommodate the public, when the Board adopts guidelines they should follow them, the Board should encourage strong public involvement and that minutes should be taken and available for public review within 72 hours of a meeting.

Ellen Scalars, Senior Canyon Mutual Water Company, commented that there are many water agencies in the valley and asked where they get their funding and where will the new Agency get its funding. Mary Bergen replied that current funding is equal contributions from each agency and Bruce Kuebler added that, once formed, it is anticipated that the Groundwater Sustainability Agency may consider adopting a pump fee on wells within the basin. Ellen also asked if all the wells have been identified and said that many do not have meters. Mary Bergen indicated this issue would be addressed in the future.

Leon Webster, Chair of the Oak Grove School Board, indicated that the school has wells and believes storm water capture should be a priority for the Agency. Mary Bergen replied that storm water will be addressed in the future groundwater management plan.

Kevin Delano, State Water Resources Control Board (SWRCB), said the SWRCB desires to have coordination with the Agency, is spending \$750,000 on a surface water groundwater interaction model for the watershed. Kevin indicated that the California Department of Fish and Wildlife will be setting an instream flow requirement for migratory flows and oversummering pools for steelhead. Then the SWRCB will consider this need along with other beneficial uses and consider what regulatory actions may be necessary to meet the water needs of the river.

Bill Weirick, Mayor ProTem City of Ojai, indicated he is pleased that there will be Groundwater Sustainability Plan and urged that it be prepared soon. Expressed concern that there are 23 water agencies in the Ojai Valley. Bruce Kuebler indicated the preparation of the Groundwater Sustainability Plan should take into account the completion of the flow studies being conducted by the State which may take 4 or 5 years.

Deborah Pendrey, Ojai Valley Green Coalition, offered congratulations on forming the Agency and offered that the Coalition could assist by being a tool for public outreach for the new Agency.

Mary Bergen indicated that the public could stay connected through the Agency's website: www.UVRGroundwater.org Shana Epstein indicated the past presentations from the formation of the agency are available on the website.

- 5. a. Review of Nomination of Environmental Stakeholder Director** – Jena Acos summarized the staff report. Mary Bergen requested comments from the audience. Mary Bergen commented that she felt it was a good idea to have a special committee to interview and make recommendations and made the following recommendations for guidelines:
- I. Consider the nominee's relationship to the groundwater basin
 - II. How they will communicate with other environmental organizations during their service on the Board
 - III. Their available time to commit to the Board
 - IV. Possible conflicts of interest

Mary Bergen moved to nominate Bruce Kuebler and Shana Epstein to serve on a committee to review the environmental stakeholder nominees and conduct interviews within two weeks and recommend a nominee for the environmental stakeholder director seat at the subsequent Board meeting. Seconded by Jeff Pratt.

Ayes: Bruce Kuebler, Mary Bergen, Jeff Pratt, Mike Krumpschmidt, Shana Epstein. Nos: none, Abstentions: none.

- 5. b. Review nomination of Agricultural Stakeholder Director** - Jena Acos summarized the staff report. Mary Bergen requested comments from the audience. Larry Rose commented that Mr. Jurgen Gramckow owns easements on the Ojai Valley Land Conservancy property in the river and may be a good candidate. Bill Weirick asked how it was determined to limit the stakeholder seats to Environmental and Agricultural and not have a representative for urban users. Mary Bergen responded that one objective was to maintain balanced representation on the Board without making the Board unwieldy. Bruce Kuebler commented that it was a high priority to try to match representation to the payment of potential pump fees and have additional participation through advisory committees.
- Shana Epstein commented that the participating agencies were defined by the legislation, all qualified agencies were invited to participate and the City of Ojai elected to not sit on the Board. Larry Yee asked how a conflict of interest will be determined. Jena Acos indicated the Board will be preparing a conflict of interest code in the coming months. Bruce Kuebler noted that Jurgen Gramckow has water rights in the basin, is president of a mutual water company and should be interviewed. Jena Acos indicated that the nominees needed to meet one of the three requirements and that the interviewing committee should report back with their opinions regarding a nominee satisfying the qualifications.

Mike Krumpschmidt moved to nominate Bruce Kuebler and Shana Epstein to serve on a committee to review the agricultural stakeholder nominees and conduct interviews within two weeks and recommend a nominee for the agricultural stakeholder director seat at the subsequent Board meeting. Seconded by Jeff Pratt.

Ayes: Bruce Kuebler, Mary Bergen, Jeff Pratt, Mike Krumpschmidt, Shana Epstein. Nos: none, Abstentions: none.

5. c. Adoption of Future Meeting Schedule – Jena Acos summarized the staff report indicated the Board must meet at least quarterly but will need monthly meetings initially. Shana Epstein moved to stop discussion on this item and return to it after discussing item 5d. Seconded by Mary Bergen.

5. d. Establishment of Principal Office - Jena Acos summarized the staff report. Mary Bergen requested comments from the audience. Bill Weirick emphasized the value of having video of the meetings available on line and that the City of Ojai may be able to help with the video equipment. Bruce Kuebler indicated that the Ventura River Water District Office may remain as the “Business Office.” Shana Epstein indicated the City can make its Council Chambers available and they have audio and video capabilities. Jeff Pratt offered the same capabilities at the County Government Center. Mike Krumpschmidt indicated that there is a new meeting room at the Ojai Library. Kevin Delano said he would appreciate having a webcast of the meeting. Mary Bergen said she would prefer meeting in the Ojai Council Chambers. Bruce Kuebler indicated that he would follow up with the City of Ojai about using the Council Chambers. Jena Acos stated that the selected meeting location will be shown on the next agenda when published. Shana Epstein indicated that holding the meeting in Ojai is not convenient for the 113,000 residents in Ventura who rely upon the Upper Ventura River Basin.

Jeff Pratt moved that the Principal office be the Ventura River Water District office and that the permanent meeting location be decided at a later meeting. Seconded by Shana Epstein.

Ayes: Bruce Kuebler, Mary Bergen, Jeff Pratt, Mike Krumpschmidt, Shana Epstein. Nos: none, Abstentions: none.

5. c. Adoption of Future Meeting Schedule – Jena Acos summarized the staff report again. Mary Bergen requested comments from the audience. After some discussion among the Directors regarding which days of the week were best for the Board members and acknowledgment that the time of the day cannot be set until the venue is selected, consensus was reached that the first Wednesday of the month appears to work best.

Bruce Kuebler moved that the meetings occur on the first Wednesday of the month at 3:00 pm at a location to be determined. Seconded by Mary Bergen.

Ayes: Bruce Kuebler, Mary Bergen, Jeff Pratt, Mike Krumpschmidt, Shana Epstein. Nos: none, Abstentions: none.

5. e. Appointment of Interim Executive Officer - Jena Acos summarized the staff report and noted that the effective date of the JPA was on December 12, 2016 not December 6th as indicated in the staff report. Mary Bergen requested comments from the audience. Shana Epstein offered that the City of Ventura could provide clerical and legal assistance and that Jennifer Tribo could serve as the interim Executive Director.

Mary Bergen moved that Jennifer Tribo be designated as the interim executive director. Seconded by Jeff Pratt.

Ayes: Bruce Kuebler, Mary Bergen, Jeff Pratt, Mike Krumpschmidt, Shana Epstein. Nos: none, Abstentions: none.

- 5. f. Review of Financial Status and Interim Budget -** Jena Acos and Bert Rapp summarized the staff report and indicated the budget needs to be adopted by May 5, 2017. Bert Rapp reported on the costs to date expended by the Formation Committee. Bert Rapp indicated that there are no designated monies in the Formation Committee budget that are intended to roll forward into the new Agency but will be needed for closing out the final obligations of the Formation Committee. Mary Bergen requested comments from the audience. Jeff Pratt recommended that a subcommittee be formed to prepare the budget and that each agency obligate \$10,000 to start with. Diana Engle asked how the cost for the Groundwater Sustainability Plan would be allocated. Mary Bergen responded that that would be determined in the future. Randy Haney pointed out that the GSA Board consists of 4 water districts, 1 environmental representative, 1 well operator and 1 public agency (the County of Ventura), but no urban representative.

Mary Bergen moved to request that each director request that their agency make a contribution of \$10,000 to fund interim operating costs. Seconded by Jeff Pratt.

Ayes: Bruce Kuebler, Mary Bergen, Jeff Pratt, Mike Krumpschmidt, Shana Epstein. Nos: none, Abstentions: none.

Bruce Kuebler asked what the procedure was for getting items on the agenda. Jena Acos said her preference would be that items be requested during the public meetings. Jeff Pratt indicated that normally a Director would ask the Chairperson or the Executive officer to put an item on a future agenda. Bruce Kuebler then requested that an item be placed on the next agenda to provide comments on the OBGMA's Alternative Demonstration.

- 6. ADJOURNMENT** – The meeting was adjourned at 1:55 pm.

Attested:

Mary Bergen, Chairperson

Bruce Kuebler, Director

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(b)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Determine Member Director Terms

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) provides that Member Directors and Alternate Directors shall serve terms of two (2) years. For the purposes of establishing staggered terms, however, three (3) of the Member Directors and their respective Alternate Directors shall serve an initial term of three (3) years.

There is no fiscal impact associated with the determination of Member Director terms.

RECOMMENDED ACTION

Determine which member Directors shall serve an initial term of three (3) years.

BACKGROUND

Section 6.5 of the JPA Agreement states that “Directors and Alternate Directors shall serve terms of two (2) years, provided that for the purpose of establishing staggered terms among the Directors and Alternate Directors, three (3) of the Member Directors and their respective Alternative Directors serve an initial term of three (3) years.” The Member Directors and Alternative Directors that will serve an initial term of three (3) years shall be determined by resolution of the Board of Directors.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(c)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Appoint Environmental Stakeholder Director

SUMMARY

Article 6 of the Joint Exercise of Powers Agreement (“JPA Agreement”) provides that one Director on the Board of Directors shall be representative of environmental stakeholders and interests (“Environmental Stakeholder Director”) within the Upper Ventura River Groundwater Basin (“Basin”). This Environmental Stakeholder Director shall meet certain qualifications specified in the JPA Agreement and shall be appointed by a vote of all Member Directors. The Board of Directors received three nominations for the Environmental Stakeholder Director Seat. The nominees were interviewed by a committee comprised of Member Directors Shana Epstein and Bruce Kuebler. The committee recommends Larry Rose be selected as the Environmental Stakeholder Director.

There is no fiscal impact associated with the review of nominations for an Environmental Stakeholder Director.

RECOMMENDED ACTION

Review the nominees submitted by environmental nonprofit, 501(c)(3) organizations, review the recommendation of the interview committee, and appoint the Environmental Stakeholder Director to the Board.

BACKGROUND

Section 6.1 of the JPA Agreement provides that the Upper Ventura River Groundwater Agency (“Agency”) shall be governed by a Board of Directors composed of seven Directors, one of which shall be representative of environmental stakeholders and interests within the Basin.

Section 6.1.2(b) of the JPA Agreement requires the Environmental Stakeholder Director to “be an active member of a nonprofit, 501(c)(3) organization which, at the sole discretion of the Member Directors, meets the following requirements: (i) is currently active within Ventura County; (ii) has an adopted budget; and (iii) has a mission that advances, or is furthered by, groundwater sustainability.”

The JPA Agreement further provides that the “Member Directors shall select the Environmental Stakeholder Director from qualified nominees submitted by nonprofit, 501(c)(3) organizations meeting the criteria specified in Section 6.1.2(b).” (JPA Agreement, § 6.3.6(b).)

This past November, staff of various Member agencies distributed notices and advertised the opening for an Environmental Stakeholder Director. The Board of Directors received nominations for the following three individuals.

Nominee: Candice Meneghin
Position: Southern California Conservation Manager
Nominating Agency: California trout

Nominee: Ben Pitterle
Position: Watershed and Marine Program Director
Nominating Agency: Santa Barbara Channelkeeper

Nominee: Larry Rose
Position: Board Member
Nominating Agency: Ojai Valley Land Conservancy

At its first meeting, the Board of Directors formed a committee to review and interview the nominees and recommend one nominee for appoint as the Environmental Stakeholder Director at the next meeting. Shana Epstein and Bruce Kuebler volunteered to be on the committee.

Shana Epstein and Bruce Kuebler interviewed the above three candidates for the Environmental Stakeholder Director position between January 10 and 17. Each candidate was asked to give an opening statement and an opportunity to ask questions at the end. The same questions (see attachment) were asked of all candidates with follow-up questions for clarification or expansion of the answer. Interviews lasted between 30 and 45 minutes. Each committee member made notes during the interviews.

All candidates have also been asked to attend our February 1 meeting to give other Member Directors an opportunity to ask questions as they discuss the committee’s recommendation.

The committee’s recommendation for Environmental Director is Larry Rose. In addition to having extensive knowledge of the region’s natural resources, Mr. Rose was born and raised in the Ojai Valley. Mr. Rose would represent a broad range of environmental interests and knows that the role of a Director is as a team member working to advance the Agency’s purpose.

The other candidates also have experiences and abilities that could help develop and implement a groundwater sustainability plan and we encourage them to participate, such as through an advisory committee, with stakeholder outreach, and by continuing to attend Board meetings.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd. _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

Upper Ventura River Groundwater Agency
Environmental Stakeholder Interview Questions

Interviewers: Shana Epstein and Brue Keubler

What do you think are to two most important aspects of being a Board member?

Our decision making process is consensus, which requires a person objecting to a proposal to come up with alternatives. What are your views about this approach?

Why would you be a good Board member?

How would you communicate with your stakeholder group?

Member directors have alternates but stakeholder directors do not. What other commitments do you have that might prevent you from attending all the Board meetings?

Would you be interested in, and able to participate in, extra Board activities, such as an ad hoc committee or work with an advisory committee?

What is your relationship to the Basin?

Do you see any potential any conflicts of interests?

How would you rate your credibility at a representative of your Stakeholder Group?

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(d)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Appoint Agricultural Stakeholder Director

SUMMARY

Article 6 of the Joint Exercise of Powers Agreement (“JPA Agreement”) provides that one Director on the Board of Directors shall be representative of agricultural stakeholders and interests (“Agricultural Stakeholder Director”) within the Upper Ventura River Groundwater Basin (“Basin”). This Agricultural Stakeholder Director shall meet certain qualifications specified in the JPA Agreement and shall be appointed by a vote of all Member Directors. The Board of Directors received four nominations for the Agricultural Stakeholder Director Seat. The nominees were interviewed by a committee comprised of Member Directors Shana Epstein and Bruce Kuebler. The committee recommends that Emily Ayala be selected as the Agricultural Stakeholder Director.

There is no fiscal impact associated with the appointment of an Agricultural Stakeholder Director.

RECOMMENDED ACTION

Review the nominees submitted by the Farm Bureau of Ventura County (“Farm Bureau”), review the recommendation of the interview committee, and appoint the Agricultural Stakeholder Director to the Board.

BACKGROUND

Section 6.1 of the JPA Agreement provides that the Upper Ventura River Groundwater Agency (“Agency”) shall be governed by a Board of Directors composed of seven Directors, one of which shall be representative of agricultural stakeholders and interests within the Basin.

Section 6.1.2(a) of the JPA Agreement requires the Agricultural Stakeholder Director to “meet one or more of the following three criteria, determined at the sole discretion of the Member Directors: (i) own and operate an agricultural business with its principal operations on land overlying the Basin; (ii) own or lease property overlying the Basin and extract groundwater from the Basin for the irrigation of at least two (2) acres of crops in commercial operation; or (iii) be a representative of an agricultural organization currently active within the Members’ service area boundaries.”

The JPA Agreement further provides that the “Member Directors shall select the Agricultural Stakeholder Director from a list of three (3) qualified nominees submitted by the [Farm Bureau].” (JPA Agreement, § 6.3.6(a).)

The Farm Bureau nominated the following four individuals.

Nominee: Emily Thacher Ayala

Qualifications: Owner of ranch overlying the Basin and manager of Ojai Pixie Growers Association

Nominee: Carly Ford

Qualifications: Owner of ranch overlying the Basin.

Nominee: Brian Haase

Qualifications: Owner of ranch overlying the Basin.

Nominee: Jurgen Gramckow

Qualifications: Member of COLAB's Board of Directors and manager of a mutual water agency that serves agricultural lands in the Basin.

At its first meeting, the Board of Directors formed a committee to review and interview the nominees and recommend one nominee for appoint as the Agricultural Stakeholder Director at the next meeting. Shana Epstein and Bruce Kuebler volunteered to be on the committee.

Shana Epstein and Bruce Kuebler interviewed three candidates for the Agricultural Stakeholder Director position between January 10 and 17 (Carly Ford requested to be withdrawn from consideration). Each candidate was asked to give an opening statement and an opportunity to ask questions at the end. The same questions (see attachment) were asked of all candidates with follow-up questions for clarification or expansion of the answer. Interviews lasted between 30 and 45 minutes. Each committee member made notes during the interviews.

All candidates have also been asked to attend our February 1 meeting to give other Member Directors an opportunity to ask questions as they discuss the committee's recommendation.

The committee's recommendation for Agricultural Stakeholder Director is Emily Ayala. Ms. Ayala's business is growing tangerines in the Ojai Basin. She was born and raised in the Ojai Valley, is known and respected by other growers, has extensive knowledge of the area, and understands the role of an Agricultural Stakeholder Director. She did acknowledge that she may have some difficulty attending Board meetings during tangerine harvest season in the springtime.

The other candidates also have experiences and abilities that could help develop and implement a groundwater sustainability plan and we encourage them to participate, such as through an advisory committee, with stakeholder outreach, and by continuing to attend Board meetings.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

**Upper Ventura River Groundwater Agency
Agricultural Stakeholder Interview Questions**
Interviewers: Shana Epstein and Brue Keubler

What do you think are to two most important aspects of being a Board member?

Our decision making process is consensus, which requires a person objecting to a proposal to come up with alternatives. What are your views about this approach?

Why would you be a good Board member?

How would you communicate with your stakeholder group?

Member directors have alternates but stakeholder directors do not. What other commitments do you have that might prevent you from attending all the Board meetings?

Would you be interested in, and able to participate in, extra Board activities, such as an ad hoc committee or work with an advisory committee?

What is your relationship to the Basin?

Do you see any potential any conflicts of interests?

How would you rate your credibility at a representative of your Stakeholder Group?

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(e)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Appointment of Officers

SUMMARY

Article 7 of the Joint Exercise of Powers Agreement (“JPA Agreement”) states that the officers of the Agency shall be a chair, vice chair, and secretary selected from among the Member Directors.

There is no fiscal impact associated with this agenda item.

RECOMMENDED ACTION

Elect chair, vice chair, and secretary from the Member Directors.

BACKGROUND

Section 7.1 of JPA Agreement requires the Officers of the Agency to be a chair, vice chair, and secretary selected from the Member Directors. The vice chair, or in the vice chair’s absence, the secretary, shall exercise all powers of the chair in the chair’s absence or inability to act.

Section 7.2 of JPA Agreement provides that officers shall be elected by, and serve at the pleasure of, the Board of Directors, in accordance with the Bylaws, which will be drafted and adopted over the next few months.

FISCAL SUMMARY

There is no fiscal impact associated with this agenda item.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler____ M. Bergen____ J. Pratt____ M. Krumpschmidt____ S. Epstein____

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(f)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Discussion re Options for Appointing Treasurer and Auditor

SUMMARY

Article 7 of the Joint Exercise of Powers Agreement (“JPA Agreement”) requires the Agency to appoint a treasurer and auditor consistent with the requirements in the Government Code.

Depending upon the option selected, there may be a fiscal impact associated with this agenda item.

RECOMMENDED ACTION

Review options for appointing a treasurer and auditor set forth below and provide direction to staff to bring back as an action item at the following meeting.

BACKGROUND

Section 13.3 of the JPA Agreement provides that the treasurer and auditor shall be appointed and/or retained in the manner, and shall perform such duties and responsibilities, specified in sections 6505, 6505.5 and 6505.6 of the Act. The treasurer shall be bonded in accordance with the provisions of Government Code section 6505.1, if applicable.

Options for Appointment of Treasurer:

The Government Code allows the following options for appointment of a treasurer for the Agency:

1. Appoint the treasurer of one of the member agencies;
2. Appoint the treasurer for Ventura County;
3. Contract with a certified public accountant; or
4. Appoint an officer or employee of the Agency.

Options for Appointment of Auditor

The officer performing the functions of the Agency's auditor shall be from the same public agency as the officer appointed as the Agency's treasurer, unless a certified public accountant has been designated as the Agency's treasurer. In this case, the auditor of one of the member agencies or the auditor for Ventura County shall be designated as the Agency's auditor. Alternatively, the Agency may appoint one of its own officers or employees as the auditor for the Agency.¹ Under this scenario, the same officer may (but is not required to) be appointed to the role of both treasurer and auditor for the Agency.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

¹ In the event the Agency designates one of its own officers or employees to fill the functions of treasurer or auditor, or both, pursuant to this section, such officer or employee shall cause an independent audit to be made by a certified public accountant, or public accountant, in compliance with Section 6505.

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(g)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Adoption of Meeting Location and Regular Meeting Schedule

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Board of Directors meet at least quarterly. (JPA Agreement, § 8.2.). Therefore, the Board of Directors should consider the Director’s schedules and adopt a regular meeting schedule and meeting location. At the last meeting, the Board of Directors identified four potential meeting locations to be investigated for suitability and availability.

Depending on the location selected, there may be a fiscal impact associated with this item.

RECOMMENDED ACTION

- 1) Select a location for regular Board meetings from the following options. Additional information on the availability and suitability of each location is attached.
 - a) Ojai City Council Chambers
 - b) City of Ventura City Council Chambers
 - c) Casitas Municipal Water District Boardroom
 - d) Ventura County Government Center Board of Supervisors Hearing Room
- 2) Adopt a regular meeting schedule for the Board of Directors based on the availability of the Board and the selected meeting location.

BACKGROUND

The JPA Agreement requires that the Board of Directors meet at least quarterly. (JPA Agreement, § 8.2.) Therefore, the Board of Directors should select a meeting location and schedule regular meetings. At the first Board of Director’s meeting, the first Wednesday of the month at 3:00 pm was selected as the preferred date and time for regular meetings. Based on the availability of the newly appointed Stakeholder Directors, however, this may change.

Public comments provided at the first meeting requested that the meeting location be available in the evenings, contain audio equipment, and have recording or broadcasting capabilities. Four potential meeting locations were proposed to be investigated for suitability and availability. Additional information on the availability and suitability of each location is attached.

	Prospective Meeting Locations			
	City of Ventura Council Chambers	CMWD Board Room	City of Ojai Council Chambers	The County Board of Supervisors*
Availability: Location available 1 st Wednesday of the month? Other availability:	Not in the afternoon, only in the morning. Thursdays (1 st , 2 nd , 4 th)	Yes	Yes No	
Audio/Video Equipment: Audio and/or video recording capability? Live streaming capability?	Yes Yes	No No	Yes No	
Clerk/Note Taker: Clerk or staff available for meeting minutes?	No, JPA would need to provide	No	No	
Accessibility: Is facility available to public?	Yes	Yes, but with limited parking	Yes	
Fees: Are there fees? Are there fee waivers?	\$75/hour Yes (must confirm)	No n/a	No	
Other:	To video tape/livestream the room must be available and reserved 1 hour before your meeting to allow for equipment to be tested/setup. This hour would need to be added to your reservation and if the fee is not waived, the JPA would need to incur as part of the rental.	Open building that is difficult to limit public access to office areas, particularly after 4:30 PM	Audio and video recordings can be saved to Google drive and uploaded to the UVRGSA website or YouTube.	

*Information on suitability and availability of this location was not available in time for publication of the agenda. Information pertaining to this location will be discussed at the meeting.

FISCAL SUMMARY

Depending on the location selected, there may be a fiscal impact associated with this item.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler ___ M. Bergen ___ J. Pratt ___ M. Krumpschmidt ___ S. Epstein ___

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(h)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Public Hearing to Serve as Groundwater Sustainability Agency (“GSA”)

SUMMARY

In order to comply with the Sustainable Groundwater Management Act (“SGMA”), the Upper Ventura River Groundwater Agency (“Agency”) must form a GSA by June 30, 2017. The process to form a GSA includes special noticing, holding a public hearing, adopting a resolution, filing a Notice of Intent to be a GSA with the Department of Water Resources, and holding a 90-day comment period.

Depending on the posting sites selected, there may be a fiscal impact associated with this item.

RECOMMENDED ACTION

Authorize a public hearing to be held during the next Board Meeting to consider the Agency’s proposal to serve as the GSA for the Upper Ventura River Basin.

BACKGROUND

In order to comply with SGMA, the Agency must form a GSA by June 30, 2017. In order to form a GSA, the Water Code requires that the Agency hold a public hearing in Ventura County after publication of notice pursuant to Section 6066 of the Government Code.

Government Code §6066 requires that publication of notice be once a week for two successive weeks. The Agency will also post the notice on its website.

After the required notice period, the Agency will hold a public hearing in Ventura County to receive public comment on the Agency’s election to become the GSA for the Upper Ventura River Basin.

FISCAL SUMMARY

Depending on the posting sites selected, there may be a fiscal impact associated with this item.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(i)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Authorize Contract with Brownstein Hyatt Farber Schreck (Brownstein) for Legal Services

SUMMARY

In order to continue receiving legal services from Brownstein, the Agency must enter into a legal services agreement with Brownstein.

RECOMMENDED ACTION

Authorize the Executive Director to enter into a legal services agreement with Brownstein for legal representation of the Agency.

BACKGROUND

Brownstein provided legal services for the formation of the Upper Ventura River Groundwater Agency (Agency) through a contract with the Ventura River Water District. The scope of work and budget in this contract does not include serving the Agency after the execution of the JPA and creation of the Agency. In order to continue receiving legal services from Brownstein, the Agency must enter into a separate legal services agreement.

Brownstein has prepared the attached scope of work and budget, which anticipates an estimated monthly cost of \$6,000.00 for representation of the Agency.

FISCAL SUMMARY

The monthly fiscal impact on the Agency to enter into a legal services agreement with Brownstein is estimated to be \$6,000.00.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

January 26, 2017

Russell M. McGlothlin
Attorney at Law
805.882.1418 tel
805.965.4333 fax
RMcglathlin@bhfs.com

Board of Directors
Upper Ventura River Groundwater Agency
409 Old Baldwin Rd.
Ojai, CA 93023

RE: Proposed Scope of Work and Budget for Routine Legal Services to the Upper Ventura River
Groundwater Agency

Dear Board of Directors,

Brownstein Hyatt Farber Schreck, LLP ("Brownstein") appreciates the opportunity to have assisted in the formation of the Upper Ventura River Groundwater Agency ("Agency"). We propose the following future scope of work and budget to provide routine legal services to the Agency.

For this work, we anticipate that our billings will average approximately \$6,000 per month. This estimate includes reviewing agendas and staff reports, attending Board meetings, and answering routine legal questions and correspondence. Litigation and other matters that require extensive legal research or negotiation with third parties are outside the scope of this budget and would cause us to exceed our monthly estimate. We cannot reasonably predict what those matters may be or estimate associated legal costs at this time. Should such a matter arise, we will do our best to estimate a scope of work and budget to address the specific matter.

Again, we have enjoyed the opportunity to assist in the formation of the Agency and the professional relationships that we have established in the process. We would, of course, be delighted to provide legal services to the Agency. Please contact me with any questions or instructions.

Sincerely,



Russell M. McGlothlin

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1020 State Street
Santa Barbara, CA 93101-2711
main 805.963.7000

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(j)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Adoption of Interim Budget

SUMMARY

The Board should review the current financial status and adopt an interim budget of \$50,000.

The fiscal impact is \$10,000 for each Member Agency.

RECOMMENDED ACTION

Approve the interim budget.

BACKGROUND

The Board discussed the financial status and interim budget of the Agency at its meeting on January 5, 2017. Section 14.2 of the JPA sets forth the following three options for funding the Agency’s expenses and ongoing operations:

1. Voluntary contributions from Members;
2. Assessment of Member contributions; and
3. Imposing fees on groundwater users pursuant to the Sustainable Groundwater Management Act (“SGMA”)

Based on these options, the Board proposed that each Member Agency seek authorization from its governing board to contribute \$10,000 towards the Agency’s ongoing operational costs until the Annual Budget is approved no later than May 5, 2017.

FISCAL SUMMARY

The fiscal impact for each Member Agency between now and when the Annual Budget is adopted is \$10,000.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(k)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Creation of Committees to Develop Annual Budget, Bylaws, and Conflict of Interest Code

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Agency adopt Bylaws, an annual budget, and a local conflict of interest code pursuant to the schedule and provisions described below. The JPA Agreement also allows for the appointment of committees to assist in carrying out the purposes and objectives of the Agency.

There is no fiscal impact associated with the creation of committees to develop the Agency’s annual budget, bylaws, and conflict of interest code.

RECOMMENDED ACTION

Authorize the creation of the following three committees and determine who will serve on each.

1. Annual Budget Committee
2. Bylaws Committee
3. Conflict of Interest Code Committee

BACKGROUND

Section 14.1 of the JPA Agreement requires the Board of Directors to adopt a budget for the Agency for the ensuing fiscal year within one hundred and twenty (120) days after the first meeting, which is May 5, 2017.

Section 8.5 of the JPA Agreement requires the Board of Directors to adopt a local conflict of interest code pursuant to the provisions of the Political Reform Act of 1974 (Government Code sections 81000, et seq.) within six (6) months following the appointment of both Stakeholder Directors, which is August 1, 2017.

Article 11 of the of the JPA Agreement requires the Board of Directors to be draft, approve, and amend Bylaws of the Agency to govern the day-to-day operations of the Agency on or before the first anniversary of the Board’s first meeting, which is January 5, 2018.

Article 12 of the of the JPA Agreement provides that the Board of Directors may from time to time appoint one or more advisory committees or establish standing or ad hoc committees to assist in carrying out the purposes and objectives of the Agency. The Board shall determine the purpose and need for such committees and the necessary

qualifications for individuals appointed to them. Each committee shall include a Director as the chair thereof. Other members of each committee may be composed of those individuals approved by the Board of Directors for participation on the committee. However, no committee or participant on such committee shall have any authority to act on behalf of the Agency.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(I)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Thank You Letters to the Center for Collaborative Policy and the California Department of Water Resources

SUMMARY

The Member Directors would like to acknowledge the funding provided by the Department of Water Resources (“DWR”) and the services provided by the Center for Collaborative Policy (“CCP”) to facilitate development of a Joint Exercise of Powers Agreement (“JPA Agreement”) establishing the Upper Ventura River Groundwater Agency (“Agency”).

There is no fiscal impact associated with this agenda item.

RECOMMENDED ACTION

Authorize staff to prepare and send letters on behalf of the Agency.

BACKGROUND

In August 2015, the GSA Formation Committee (Ventura River Water District, Meiners Oaks Water District, City of Ventura (“Ventura Water”), Casitas Municipal Water District, and the County of Ventura) received funding through DWR’s Facilitation Support Service Program to assist with stakeholder outreach, strategic planning, and governance assessment.

Facilitation services were provided by CCP. The facilitator interviewed stakeholders and helped the committee develop a work plan for creation of the Agency. The CCP provided leadership and organization that kept the effort on track and on time.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

UPPER VENTURA RIVER GROUNDWATER AGENCY

Item No. 4(m)

DATE: February 1, 2017
TO: Board of Directors
SUBJECT: Preparation of Comments on Ojai Basin Groundwater Management Agency's ("OBGMA") Alternative Submittal under Sustainable Groundwater Management Act ("SGMA")

SUMMARY

SGMA established a process for local agencies to develop an alternative groundwater sustainability plan ("Alternative") in lieu of a Groundwater Sustainability Plan ("GSP") (Water Code §10733.6) for evaluation by the Department of Water Resources ("DWR"). OBGMA submitted an Analysis of Basin Conditions as an Alternative on December 27, 2016. DWR is accepting public comments on OBGMA's submittal until February 26, 2017.

There is no fiscal impact associated with the preparation of comments on the submission of comments on OBGMA's Alternative.

RECOMMENDED ACTION

Draft comments on behalf of the Agency requesting DWR to condition approval of OBGMA's Alternative upon (1) an update of the Ojai Groundwater Basin Management Plan addressing steelhead habitat in San Antonio Creek between Ojai Basin's outlet and the Ventura River confluence within 180 days, and (2) entering into a coordination agreement with the Agency regarding steelhead habitat issues in the Ventura River.

BACKGROUND

SGMA established a process for local agencies to develop an Alternative in lieu of a GSP (Water Code §10733.6) for evaluation by DWR. Alternatives must be consistent with one of the following (Water Code §10733.6(b)):

1. A plan developed pursuant to Part 2.75 (commencing with Section 10750) or other law authorizing groundwater management.
2. Management pursuant to an adjudication action.
3. An analysis of basin conditions that demonstrates that the basin has operated within its sustainable yield over a period of at least 10 years ("Analysis of Basin Conditions").

OBGMA submitted an Analysis of Basin Conditions as an Alternative in lieu of a GSP on December 27, 2016. The Alternative concludes, "[t]here is no evidence to suggest that current groundwater extraction levels are causing significant or unreasonable adverse impacts on instream beneficial uses."

DWR is accepting public comments on OBGMA's submittal until February 26, 2017. An agency submitting an alternative demonstration has 180 days to correct any deficiencies identified by DWR.

Director Bruce Kuebler, Ventura River Water District has prepared the attached summary of concerns and potential comments on OBGMA's Alternative for the Board's consideration in drafting comments.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

B. Kuebler___ M. Bergen___ J. Pratt___ M. Krumpschmidt___ S. Epstein___

PROPOSED UVRGA COMMENTS TO DWR
ON
OBGMA ALTERNATIVE DEMONSTRATION

ISSUE

Steelhead habitat in San Antonio Creek

SITUATION

OBGMA's Alternative concludes, "[t]here is no evidence to suggest that current groundwater extraction levels are causing significant or unreasonable adverse impacts on instream beneficial uses." The Alternative was submitted to DWR for approval with a 60-day comment period ending February 26, 2017.

UVRGA CONCERN

The GSP must address steelhead habitat in the Ventura River, including downstream of San Antonio Creek. San Antonio Creek contributes to that habitat. If DWR approves the Alternative as is, the Agency could have sole responsibility for Ventura River steelhead habitat.

RECOMMENDED COMMENT

Request DWR to condition approval of the Alternative upon (1) an update of the Ojai Groundwater Basin Management Plan addressing steelhead habitat in San Antonio Creek between Ojai Basin's outlet and the Ventura River confluence within 180 days and (2) entering into a coordination agreement with the Agency regarding steelhead habitat issues in the Ventura River.

BACKGROUND

Alternative

- This is not a 'plan' but a statement of existing conditions.
- It contains no goals, policies, or management actions.
- It contains a brief analysis of San Antonio Creek steelhead habitat using, as a proxy for instream beneficial uses, presence/absence of four life stages of steelhead in three reaches of the Creek covering 2008 to 2016.
- The on-line (DWR website) functionally equivalency analysis portion of the Alternative states an environmental baseline has been established for each sustainability indicator but the Alternative contains no such information.
- It should be functionally equivalent to a GSP, which must contain minimum thresholds, measurable objectives, and management actions, among many other requirements.
- Inter-basin coordination agreements are required to prevent one Basin's plan from interfering with a hydrologically connected basin's achievement of sustainability.
- An agency submitting an Alternative has 180 days to correct any deficiencies identified by DWR.

Ojai Groundwater Basin Management Plan

- Latest version is 2007.
- Contains no mention of instream beneficial uses, i.e., steelhead habitat, in San Antonio Creek, neither inside nor outside the Basin.
- Goal is to protect water supply for users inside the Basin.
- Does not contain target levels for any of the parameters being monitored.
- Reports to DWR on the Plan are required annually.
 - Only two (2010 [filed Feb. 2011] and combined 2011/12 [filed March, 2014]) are available on the OBGMA website.
 - Neither of those reports mention instream beneficial uses or steelhead habitat.

Steelhead Habitat

The Ventura River Watershed Management Plan states, “San Antonio Creek offers the most important spawning and rearing habitat in the watershed now accessible to steelhead. The creek generally flows for longer periods of time than other accessible streams, contains a significant amount of gravel needed for spawning, and steelhead are known to grow faster in the San Antonio Creek than elsewhere in the watershed.” (Goals, Objectives, and Findings, Section 2.1.2.4, Healthy Ecosystems, p. 68)

San Antonio Creek is supplied in part by outflow from the Ojai Groundwater Basin. An important steelhead habitat in the Ventura River is over-summering pools between San Antonio Creek confluence and Foster Park. Data and information are insufficient to determine what effect, if any, operations in the Ojai Basin are having on steelhead habitat in San Antonio Creek outside the Basin.

An instream flow requirement for the Ventura River is being studied by the State Water Resources Control Board under authority of the California Water Action Plan. This involves a habitat study by the Department of Fish and Wildlife and surface-groundwater computer model of the watershed’s four groundwater basins. The extent to which this activity will apply to OBGMA’s management of the Ojai Basin is uncertain.

Litigation

There is active litigation to protect the Ventura River’s over-summering pools. Parties currently are Santa Barbara Channelkeeper, City of San Buenaventura, and State Water Resources Control Board.