



Board of Directors  
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Sheldon G. Berger, Secretary/Treasurer  
Mohammed A. Hasan  
Lynn E. Maulhardt  
Edwin T. McFadden III  
Daniel C. Naumann

General Manager  
Mauricio E. Guardado, Jr.

Legal Counsel  
David D. Boyer

**AGENDA**  
**REGULAR BOARD MEETING**  
**Wednesday, October 13, 2021, 12:00 P.M.**  
**Board Room, UWCD Headquarters**  
**1701 N. Lombard Street, Oxnard CA 93030**

Meeting attendees should be aware that the meetings of the Board are, as required by law, open to the public and the District has very limited powers to regulate who attends Board meetings. Therefore, attendees must exercise their own judgement with respect to protecting themselves from exposure to COVID-19, as the District cannot ensure that all attendees at public meetings will be free from COVID-19.

**BOARD MATTERS**

*Normally, Action (Motion) Items will be considered and acted upon separately; Consent Items will be considered and acted upon collectively, although a Consent Item may be considered and acted upon separately; and Information Items will be considered separately without action.  
The Board of Directors in its discretion may change the order of agenda items.*

**1. FIRST OPEN SESSION 12:00 P.M.**

Items to be discussed in Executive (Closed) Session will be announced.

**1.1 Public Comments  
Information Item**

Members of the public may address the Board on any matter on the Closed Session agenda or on any non-agenda item within the jurisdiction of the Board. All comments are subject to a five-minute time limit.

**1.2 EXECUTIVE (CLOSED) SESSION 12:05 P.M.**

The Board will discuss matters outlined in the attached Executive (Closed) Session Agenda (Exhibit A).

**2. SECOND OPEN SESSION AND CALL TO ORDER 2:00 P.M.**

**2.1 Pledge of Allegiance**

**2.2 Public Comment  
Information Item**

Members of the public may address the Board on any item on the Consent Calendar or on any non-agenda item within the jurisdiction of the Board. No action will be taken by the Board on any non-agenda item. All comments are subject to a five-minute time limit.

**2.3 Approval of Agenda  
Motion**

- 2.4 Oral Report Regarding Executive (Closed) Session  
Information Item**  
Presented by District Legal Counsel David D. Boyer.
      - 2.5 Board Members' Activities Report  
Information Item**  
The Board will receive and file information regarding meeting participation provided by each of the Board Members through Monthly Activities (aka per diem) Reports.
      - 2.6 General Manager's Report  
Information Item**  
The General Manager will present information on his activities of possible interest to the Board and that may have consequence to the District.
- 3. CONSENT CALENDAR: All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)**

  - A. Approval of Minutes  
Motion**  
Approval of the Minutes for the Regular Board Meeting of September 8, 2021.
  - B. Groundwater Basin Status Reports  
Information Item**  
Receive and file Monthly Hydrologic Conditions Report for the District.
  - C. Monthly Investment Report  
Information Item**  
Receive and file report on the District's investments and the availability or restriction of these funds. All investments are in compliance with the District's investment policy, which is reviewed and approved annually by the Board.
  - D. Fiscal Year 2020-21 Year End Financial Reports (July 1, 2020 – June 30, 2021)  
Information Item**  
The Board will review and accept the FY 2020-21 financial reports, Capital Improvement Projects status, and the Investment Benchmark report.

#### 4. MOTION ITEMS (By Department)

##### Administrative Services Department – Anthony Emmert and Josh Perez

#### 4.1 PUBLIC HEARING Combined Public Hearing regarding Proposed Orders to Cease Extraction of Groundwater at Well No. 04N19W25J06S (Water Code § 75637, subd. (b))

Water Code section 75500 *et seq.* authorizes the District to levy groundwater extraction charges upon well operators within the District's jurisdictional boundaries. An owner/operator is required to provide the District with a semi-annual (each an "Installment") groundwater production statement on or before January 31st and on or before July 31<sup>st</sup> of each year. (Wat. Code § 75611.) The groundwater production statements must include the total production in acre-feet of water for the preceding six-month period, a general description or number locating each well, and the method or basis of the computation of such water production. (*Ibid.*) The groundwater production statements are also signed under penalty of perjury.

If an owner/operator fails to file a groundwater production statement with the District for an Installment, the Water Code authorizes the District to charge interest at a rate of 1% each month on the delinquent amount of the groundwater charge and a one-time penalty of 10% of the amount found by the District to be due. (Wat. Code §§ 75615, 75616.)

Pursuant to Water Code section 75637, subdivision (b), the Board may conduct a public hearing regarding a proposed order to cease extraction of groundwater from a groundwater well until all delinquent fees and charges are paid. In order to conduct such public hearing, the District must provide notice to the operator of the well not less than 15 days in advance of the public hearing.

During this combined public hearing, the Board will allow and accept public comments on the outstanding delinquencies relating to Well No. 04N19W25J06S ("Well J06S"). The Board will first consider delinquencies from the 2nd Installment of 2015 through the 1st Installment of 2019, which the District has calculated that the owner/operator is delinquent in the amount of \$120,523.38, plus interest at the rate of 1% each month. The Board will then consider the delinquencies from the 2nd Installment of 2019 through the 1st Installment of 2021, which the District has calculated that the owner/operator is delinquent in the amount of \$87,465.02, plus interest at the rate of 1% each month. Currently, the District has calculated that the total delinquencies for Well J06S are \$207,988.40, plus interest at the rate of 1% each month.

Public comment will be accepted at this time.

No Board decisions will be made until the close of today's public hearing.

**Resolution No. 2021-20 A Resolution of the Board of Directors of United Water Conservation District Ordering the Operator(s) of Well No. 04N19W25J06S to Cease Extraction of Groundwater per Water Code Section 75637, Subdivision (b).**

**Motion**

Following the Public Hearing, the Board will consider approving Resolution No. 2021-20, which authorizes the Board to issue orders to the well operators of well No. 04N19W25J06S to cease extraction of groundwater per Water Code section 75637, subdivision (b). Such orders are authorized by the foregoing statute due to the delinquencies of the operators in the payment of groundwater charges, which the District levies per Water Code section 75500 *et seq.*

**4.2 Amendment of 2019 Period 2, 2020 Period 1 and 2020 Period 2 Estimated Groundwater Production Statements (three statements total) for Fukutomi Farms dba El Rio Berry Farms (Fukutomi)**

**Motion**

The Board will consider allowing Fukutomi Farms dba El Rio Berry Farms (Fukutomi) to amend its estimated 2019 Period 2, 2020 Period 1 and 2020 Period 2 estimated groundwater production statements (three statements total).

**4.3 Resolution 2021-19 Finding that the Governor of California issued a Proclamation of a State of Emergency on March 4, 2020 relating to the COVID-19 virus and local officials continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus and Authorizing remote teleconference meetings of the legislative bodies of United Water Conservation District for the period of October 13, 2021 through November 12, 2021, pursuant to Brown Act provisions**

**Motion**

The Board will consider adopting Resolution 2021-19, finding that the requisite conditions exist for remote teleconference meetings of the District's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

**Engineering Department – Dr. Maryam Bral**

**4.4 Authorize Contract with GEI to Develop the 60 percent Design Phase of the Santa Felicia Dam Outlet Works Improvement Project**

**Motion**

The Board will consider authorizing the General Manager to execute a Professional Services Agreement with GEI Consultants, Inc. (GEI) in the amount of \$1,715,706.00 for development of the 60 percent design of the Santa Felicia Dam (SFD) Outlet Works Improvement Project.

**4.5 Authorize Contract with GEI Consultants to Develop the 30 percent Design Phase of the Santa Felicia Dam Spillway Improvement Project**

**Motion**

The Board will consider authorizing the General Manager to execute a Professional Consulting Services Agreement with GEI Consultants, Inc. (GEI) in the amount of \$579,948.00 for development of the 30 percent design of the SFD Spillway Improvement Project.

**Environmental Services Department – Linda Purpus**

**4.6 Resolution 2021-18 Adopting the California Environmental Quality Act Initial Study-Mitigated Negative Declaration and approving Phase One of the Freeman Diversion Sediment Management Project and its Implementation**

**Motion**

The Board will consider approving Resolution 2021-18, a adopting the California Environmental Quality Act (CEQA) Initial Study-Mitigated Negative Declaration (IS-MND) for Phase One of the Freeman Diversion Sediment Management Project, approving Phase One of the Project, authorizing its implementation by the General Manager; and directing the Environmental Services Manager to file a Notice of Determination (NOD) in accordance with CEQA for the Phase One of the Freeman Diversion Sediment Management Project.

**Park and Recreation Department – Clayton Strahan**

**4.7 Approval of New Lake Piru Recreation Area Logo**

**Motion**

The Board will consider approving a new logo for the Lake Piru Recreation Area which will be used in all branding for the lake.

## **5. PRESENTATIONS AND MONTHLY STAFF REPORTS (By Department)**

### **Administrative Services Department – Anthony Emmert and Josh Perez**

#### **5.1 Monthly Administrative Services Department Report – Anthony Emmert Information Item**

Staff report and presentation on the monthly activities of the Administration Department including but not limited to issues associated with budget development, financial performance versus budget plan, financial accounting requirements and procedures, potential debt issuance and related financial services, status of District investments and reserves, updates on its capital improvement programs, human resources and safety, District property and facilities maintenance and administration, District records and reports, groundwater extraction statements administration, risk management and District liability insurance matters, management of District contracts, policy development, governance procedures, and supporting activities of Board and staff.

### **Engineering Department – Dr. Maryam Bral**

#### **5.2 Monthly Engineering Department Report Information Item**

Staff report and presentation on the various monthly activities of the Engineering Department, including but not limited to water resources, planning efforts and department programs impacting the District, such as project design and construction; dam safety; FERC license compliance; Freeman Diversion; recycled water; pipeline operations and various engineering analysis.

### **Environmental Services Department – Linda Purpus**

#### **5.3 Monthly Environmental Services Department Report Information Item**

Staff report and presentation on the various monthly activities of the Environmental Services Department, including but not limited to environmental and regulatory issues of note to the District, water releases, operations of the fish ladder at the Freeman Diversion, various monitoring efforts, study plans and issues associated with the Endangered Species Act, including the Section 10 MSHCP process, future fish passage requirements, compliance with the District's FERC license/Biological Opinion, the Santa Felicia Dam, studies and operations in and near Piru Creek, and any interactions with Rancho Temescal and Rancho Camulos.

**Operations and Maintenance Department – Brian Collins**

**5.4 Monthly Operation and Maintenance Department Report  
Information Item**

Summary report on monthly activities of the Operations and Maintenance Department, including but not limited to the District's facilities (Santa Felicia Dam and hydroplant; the Piru Groundwater Recharge facility; the Freeman Diversion; the Saticoy and El Rio Groundwater Recharge facilities; the Pleasant Valley and Pumping Trough Pipeline systems; and the Oxnard Hueneme Pipeline system), encompassing operating plans, the quantity and quality of water diverted and delivered, fish ladder operations, major maintenance problems and repairs, status of Operations and Maintenance projects and safety and training issues.

**Park and Recreation Department – Clayton Strahan**

**5.5 Monthly Park and Recreation Department Report  
Information Item**

Summary report on monthly activities of the Park and Recreation Department, including but not limited to the Lake Piru Recreation Area, encompassing camping and boating policies at the lake; operations and activities; financing and status of facility improvement projects; maintenance activities; security issues; and emergency response activities.

**Water Resources Department – Dan Detmer**

**5.6 Monthly Water Resources Department Report  
Information Item**

Summary report on the monthly activities of the Water Resources Department including but not limited to updates to the Ventura Regional Groundwater Flow Model; brackish water treatment feasibility study; upper Santa Clara River Chloride TMDL; hydrologic and well conditions statewide and locally; available Forebay storage; Ventura County well ordinance update; Fox Canyon GMA issues; City of Oxnard's recycled water program; potential water supply and recycled water projects, including use of United's terminal reservoirs; and various user groups (including but not limited to Oxnard Plain and Pumping Trough Pipeline groups).

**5.7 Update on Groundwater Sustainability Agencies (GSAs) and Sustainable Groundwater Management Act (SGMA)  
Information Item**

Summary report on the monthly activities of the three local Groundwater Sustainability Agencies (Mound Basin GSA, Fillmore and Piru Basins GSA, and the Fox Canyon Groundwater Management Agency), for which the District serves as a member director, and the Santa Paula basin (adjudicated) Technical Advisory Committee (including formation of groundwater sustainability agencies in the

District's basins, stakeholder and basin user groups, joint powers or governance agreements, development of water markets, and potential basin boundary changes). Staff may also report on state-wide issues related to the implementation of the Sustainable Groundwater Management Act of 2014.

**6. BOARD OF DIRECTORS READING FILE**

**7. FUTURE AGENDA ITEMS**

**8. ADJOURNMENT**

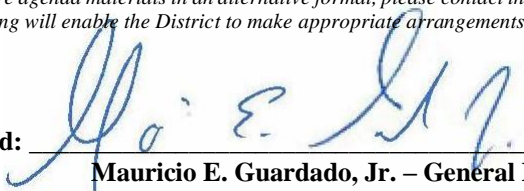
The Board will adjourn to the **Regular Board Meeting scheduled for Wednesday, November 10, 2021** or call of the President.

*All testimony given before the Board of Directors is recorded.*

*Materials, which are non-exempt public records and are provided to the Board of Directors to be used in consideration of the above agenda items, including any documents provided subsequent to the publishing of this agenda, are available for inspection at the District's offices at 1701 N. Lombard Street, Suite 200, Oxnard CA 93030 during normal business hours.*

*The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda materials in an alternative format, please contact the District Office at (805) 525-4431. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.*

Approved: \_\_\_\_\_



**Mauricio E. Guardado, Jr. – General Manager**

**Posted: (date) October 8, 2021**

**(time) 10:30a.m.**

**(attest) Kris Sofley**

**At: United Water Conservation District Headquarters, 1701 N. Lombard Street, Oxnard CA 93030**

**Posted: (date) October 8, 2021**

**(time) 10:45a.m.**

**(attest) Kris Sofley**

**At: [www.unitedwater.org](http://www.unitedwater.org)**



**EXHIBIT A**  
**EXECUTIVE (CLOSED) SESSION AGENDA**

**1. LITIGATION**

**1.1 Conference with Legal Counsel-Anticipated Litigation**

Pursuant to Government Code Section 54956.9(d)(2), two (2) case.

**1.2 Conference with Legal Counsel – Existing Litigation**

Pursuant to Government Code Section 54956.9 (d)(1)

A. City of San Buenaventura v. United Water Conservation District, et al,  
Santa Barbara County Superior Court Case No. VENCI00401714

B. City of San Buenaventura v. United Water Conservation District, et al,  
Santa Barbara Superior Court Case No. 1414739 (consolidated for  
purposes of trial with case in subsection A.)

Note: 1.2 A and B consolidated in the California Supreme Court, 2<sup>nd</sup> Civil No. S226036, Review granted on June 24, 2015 of published decision of Division Six, Second District of the Court of Appeal of the State of California, 2d Civil No. B251810.

C. City of San Buenaventura v. United Water Conservation District, et al,  
Santa Barbara County Superior Court Case No. 1467531

D. Wishtoyo Foundation, et al v. United Water Conservation District, U.S.  
District Court for the Central District of California, Case No.2:16-cv-  
03869 GHK (PLAx)

E. Josey Hollis Dorsey, a minor, through his guardian ad litem Ryan Dorsey;  
and The Estate of Naya Rivera, through its personal representative, Justin  
Stiegemeyer, v. County of Ventura, a California public entity; United Water  
Conservation District, a California public entity; and Parks and Recreation  
Management, d/b/a Parks Management Company, a California corporation;  
and Does 1-20, inclusive, Superior Court of the State of California for the  
County of Ventura Case No. 56-2020-00547077-CU-PO-VTA

F. OPV Coalition v Fox Canyon Groundwater Management Agency, Superior  
Court of the State of California, County of Ventura, Case No (none listed)  
Complaint for Comprehensive Groundwater Adjudication of the Oxnard  
Groundwater Subbasin (No. 4-004.02) and Pleasant Valley Subbasin (No.  
4-006) Pursuant to Sections 830, *Et Seq.* of the Code of Civil Procedure;  
Declaratory Relief; Quiet Title; and Petition for Writs of Mandate.