



Board of Directors
Michael W. Mobley, President
Bruce E. Dandy, Vice President
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

MINUTES
REGULAR BOARD MEETING
Wednesday, October 13, 2021, 12:00 P.M.

DIRECTORS PARTICIPATING

President Michael W. Mobley
Vice President Bruce E. Dandy
Secretary/Treasurer Sheldon G. Berger
Director Mohammed A. Hasan
Director Lynn. E. Maulhardt
Director Edwin T. McFadden III
Director Daniel C. Naumann

STAFF PARTICIPATING

Mauricio E. Guardado, Jr., general manager
David D. Boyer, legal counsel
Dr. Maryam Bral, chief engineer
Anthony Emmert, assistant general manager
John Carman, operations and maintenance program supervisor
Brian Collins, chief operations officer
Dan Detmer, water resources manager
Michel Kadah, engineer
Kathleen Kuepper, hydrogeologist
Evan Lashly, environmental scientist
Tessa Lenz, associate environmental scientist
Melissa Marovitz, field technician
Murray McEachron, principal hydrologist
Randall McInvale, environmental scientist - regulatory affairs
Craig Morgan, engineering manager
Josh Perez, human resource manager
Zachary Plummer, IT administrator
Linda Purpus, environmental services manager
Robert Richardson, senior engineer
Daryl Smith, controller
Kris Sofley, executive assistant/clerk of the board
Clayton Strahan, chief park ranger
Dr. Jason Sun, senior hydrogeologist/modeler

PUBLIC PARTICIPANTS

James Allen, attorney for Sun Cress Distribution
Suparna Jain, AALRR
Abraham Maldonado, City of Oxnard Public Works
Catherine King, Sun Cress Distribution

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

President Mobley called the meeting to order at 12:01p.m.

1.1 Public Comments

Information Item

President Mobley asked if there were any comments from the public. None were offered.

President Mobley asked Legal Counsel to outline the Board's discussion for the Executive (Closed) Session. Mr. David Boyer, District's legal counsel, stated that the Board would be discussing two cases of anticipated litigation pursuant to Government Code Section 54956.9(d)(2); and five cases of existing litigation including three cases with the City of San Buenaventura; one with the Wishtoyo Foundation, one regarding Josey Hollis Dorsey and the estate of Naya Rivera, and one case regarding the OPV Coalition versus Fox Canyon GMA pursuant to Government Code Section 54956.9(d)(1).

President Mobley asked if there were any comments or questions. None were offered. He adjourned the meeting to Executive Session at 12:05p.m., reminding everyone that the Board would return to Open Session at 2.p.m.

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

2. SECOND OPEN SESSION AND CALL TO ORDER 2:08 P.M.

President Mobley called the Second Open Session of the meeting to order at 2:08p.m.

2.1 Pledge of Allegiance

President Mobley led everyone in the Pledge of Allegiance.

2.2 Public Comment

Information Item

President Mobley asked if there were any comments from the public. None were offered.

2.3 Approval of Agenda

Motion

President Mobley asked if there were any changes to the agenda. General Manager Mauricio Guardado replied that the agenda was unchanged. President Mobley asked for a motion.

Motion to approve the agenda, Director McFadden; second, Director Hasan . Roll call vote: seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion carries unanimously 7/0.

**2.4 Oral Report Regarding Executive (Closed) Session
Information Item**

President Mobley asked District Legal Counsel to report out of Executive (Closed) Session.

Mr. Boyer reported that the Board voted unanimously to approve a common interest agreement with Pleasant Valley County Water District regarding the OPV coalition's pursuit of adjudication against Fox Canyon GMA and that the agreement is a public document that is available through the District's office. He added that the Board took no further action in Executive (Closed) Session that is reportable under the Brown Act.

**2.5 Board Communication
Information Item**

President Mobley asked if there were any questions or comments regarding the Board members' activities reports for September 2021. None were offered.

**2.6 General Manager's Report
Information Item**

Mr. Mauricio Guardado stated that he had the distinct pleasure of introducing two new staff members to the Board today, introducing Environmental Scientist Hanna Garcia Wickstrum and Field Technician Melissa Marovitz.

Mr. Guardado also advised the Board of the District's collaborations with Ventura County Coalition of Labor, Agriculture and Business' (VC CoLAB) Louise Lampara, who spearheaded a multi-association letter of support for the District's efforts regarding the CalTrout petition to the California Fish and Wildlife Commission to add steelhead trout to the California Endangered Species Act list. Ms. Lampara delivered a letter signed by VC CoLAB, the Ventura County Agriculture Association, the Farm Bureau of Ventura County, the Cattlemen's Association of Ventura County and the California Women for Agriculture Ventura County, in what she called an "agriculture royal flush."

Mr. Guardado also reminded the Board of tomorrow's Water Sustainability Summit II, stating that the response to this year's event was very strong both in online and in-person registrations and many of the District's project partners and neighboring agencies were taking part in the event.

- 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
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.

Motion to approve the items on the Consent Calendar, Director Maulhardt; Second, Director Naumann. Roll call vote: seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion carries unanimously 7/0.

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))

Board President Mobley opened the combined public hearings to cease extraction of groundwater at Well No. 04N19W25J06S (“Well J06S”) per Water Code section 75637, subdivision (b).

District staff Assistant General Manager Anthony Emmert and Controller Daryl Smith reported that, based on previous groundwater production statements, Alfred C. Beserra, California Watercress, Inc. and Sun Cress Distributors, Inc., collectively, the “Beserra Parties,” are the operators of Well J06S. Staff also presented information to the Board regarding delinquent groundwater extraction charges from 2015 (the 2nd installment) to 2019 (the 1st installment), including that since the second half of 2015, the Beserra Parties have failed to either file all required groundwater production statements or submitted inaccurate groundwater production statements and only made partial payments to the District.

On January 29, 2020, the District commenced a civil action against the Beserra Parties to collect delinquent groundwater extraction charges, including interest and penalties, for the amounts due to the District from the second half of 2015 through the first half of 2019 (i.e., 2nd Installment of 2015 through the 1st Installment of 2019). For this period, the Beserra Parties are delinquent for groundwater production charges and penalties in the amount of \$120,523.38, plus interest at the rate of 1% each month.

Since commencement of the civil action, the Beserra Parties have continued to be delinquent for payment of its groundwater extraction charges. For the second half of 2019 through the first half of 2021 (i.e., the 2nd Installment of 2019 through the 1st Installment of 2021), the Beserra Parties are delinquent for groundwater production charges and penalties in the amount of \$87,465.02, plus interest at the rate of 1% each month.

District staff notified the Beserra Parties of the combined public hearings via certified mail and also provided notice of the combined public hearings to James Allen of Allen Law Corp. (“Mr. Allen”), counsel for the Beserra Parties. In addition to the certified mailing, the District, through its legal counsel, provided notice of the combined public hearings to the Beserra Parties and Mr. Allen via overnight mail on September 27, 2021.

President Mobley asked if there were any public comments regarding the Beserra Parties’ delinquent groundwater extraction charges from 2019 (2nd installment) to 2021 (1st installment).

Mr. James Allen, an attorney representing the Beserra Parties, stated that the Sun Cress Distribution is a family farms on some 40 acres in the Piru area which grows watercress. He said that he was proposed a repayment scheduled without interest fees for the delinquent amount and that his clients will pay current extraction fees as they come due, but he was unable to negotiate this arrangement. He also said that the groundwater extractions are measured by kilowatt hours used to pump which is not efficient and that the flow meters account for half of the water use that the District is claiming. He asked the Board to consider a twofold proposal – review the actual flow from pump to get an accurate count of water extractions, arrange for a repayment schedule of \$2,000 per month and allow his client to continue pumping, and that his client will pay now for future pumping. Mr. Allen said this was a move to protect the small farmers of Ventura County.

President Mobley asked the Board if they had any questions or comments for Mr. Allen. None were offered. President Mobley asked if there were any other public comments.

Catherine King of Sun Cress Distribution introduced herself to the Board. She stated that the business was formerly owned by her father, Mr. Beserra and the property was sold to her and her sister, who continue to operate the business. She told the Board that the business had been in her family for five generations and that

she was negligent for not being on top of this, but that she and her sister also work in the field, as farm laborers, and have always paid their debts. She asked the Board to review a payment option, perhaps approve a weekly or monthly payment schedule, without cutting off the water, as she has recently converted to drip irrigation. She said she also rents portions of the property to nurseries and that renting the portions of the property will help her pay down the debt, otherwise she will have to close the business and let go of employees.

President Mobley asked the Board if they had any questions or comments. None were offered. President Mobley asked if there were any other public comments. None were offered.

President Mobley then closed the combined public hearings.

Resolution No. 2021-20, a Resolution of the Board of Directors of United Water Conservatin District Ordering the Operator(s) of Well No. 04N19W25J06S to Cease Extraction of Groundwater per Water Code § 75637, subd. (b)

Motion

President Mobley asked the Board if they had a motion on Resolution No. 2021-20.

Motion to approve Resolution No. 2021-20, a Resolution of the Board of Directors of United Water Conservatin District Ordering the Operator(s) of Well No. 04N19W25J06S to Cease Extraction of Groundwater per Water Code § 75637, subd. (b), Director Berger; Second, Director Dandy. Roll call vote: seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion carries unanimously 7/0.

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

District Controller Mr. Smith addressed the Board on this motion, stating that in July 2019, Fukutomi took over the operations of this well and since December 2020 was not filing groundwater production statements with the District. Staff has prepared estimated extraction fees based on previous production for the three missing statements. During this time, Fukutomi was attempting to contact the previous well operator to get copies of the Wildeye Software it was using to prepare its groundwater extraction reports. Fukutomi disputes the estimated charges prepared by the District and worked with staff to revise the amount past due. The amended statements represent a reduction of \$14,000 based on the evidence Fukutomi presented.

Director Dandy stated that the Finance Committee reviewed the documentation and recommends approving the amended estimated groundwater production statements for the three statement periods.

Motion to approve the 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), Director Dandy; Second, Director McFadden. Roll call vote: : seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion carries unanimously 7/0.

4.3 Resolution 2021-19 Finding that the Governor of California issued a Proclamation of a State 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 provision.

Motion

AALRR Associate Counsel Suparna Jain addressed the Board and explained the purpose of Resolution 2021-19, in response to AB 361 legislation, recognizing the Governor and County's public health officer's finding of an ongoing public health emergency that provides the Board with the authority to hold remote teleconference meetings for the next 30 days without having to post agendas at or provide public access to the various remote teleconference locations utilized by the Board. She explained that the Board does not have to adopt the findings, and would simply revert to the earlier Brown Act requirements for teleconference participation of Board members (posting an agenda and providing public access and participation from the remote location; and ensuring a quorum of the Board physically meets in person at the meeting location). She also stated that a similar recurring Resolution, verifying the continuing public health emergency, will need to be adopted by the Board every 30 days through the Consent Calendar.

Director Maulhardt said that this resolution would be from October 13 to November 12, and that the November Board packet would have a similar resolution on the Consent Calendar agenda and that as long as the Board renews this every 30 days, this is the new protocol in compliance with AB 361, which is in effect until January 31, 2024. Ms. Jain replied that Director Maulhardt was correct.

Motion to approve Resolution 2021-19 Finding that the Governor of California issued a Proclamation of a State 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 provision, Director Maulhardt; Second, Director Hasan. Roll call

vote: seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion carries unanimously 7/0.

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

Dr. Bral addressed the Board and presented slides (see attached) to explain the scope of work for the 60 percent design phase of the Santa Felicia Dam Outlet Works Improvement project, which would meet the new seismic code and mitigate sediment and that the contract amount was included in the current budget.

Director Maulhardt said this motion was discussed at the Engineering and Operations Committee meeting and the committee agreed to recommend authorization of the General Manager to execute the contract with GEI in the amount of \$1,715,706.

President Mobley asked if there were any questions or comments. None were offered.

Motion to authorize the general manager to execute a contract with GEI to develop the 60 percent design phase of the Santa Felicia Dam Outlet Works Improvement project, Director Maulhardt; Second, Director Naumann. Roll call vote: : seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion carries unanimously 7/0.

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

Motion

Dr. Bral addressed the Board and presented slides (see attached) to explain that working in parallel on the components of the Santa Felicia Dam Improvement project, the Spillway design was delayed due to significant permit fees to the Division of Safety of Dams. She also reported that the Board of Consultants gave the District a thumbs up on this portion of the project and the cost of the contract is included in the current budget.

Director Berger reported that the Finance and Audit Committee had reviewed the motion and agreed to recommend authorizing the General Manager to execute the contract with GEI for the 30 percent design phase of the Santa Felicia Dam Spillway Improvement project in the amount of \$579,948.

Dr. Bral showed the Board a slide featuring the timeline for the project and mentioned that in addition to the estimated NEPA document permitting process, that FERC and NEPA processes may get extended and she just wanted the Board to be aware of that possibility.

Motion to authorize the General Manager to execute a contract with GEI Consultants to develop the 30 percent design phase of the Santa Felicia Dam Spillway Improvement project in the amount of \$579,948, Director Maulhardt; Second, Director McFadden. Roll call vote: : seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion carries unanimously 7/0.

Environmental Services Department – Linda Purpus

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

Motion

Environmental Services Manager Linda Purpus addressed the Board regarding Resolution 2021-18 and introduced Environmental Scientist Evan Lashly to present slides (see attached) regarding the sediment management project at the District's Freeman Diversion. Mr. Lashly stated that the Board had been briefed on this project previously and continued the presentation of the various phases of the Freeman Diversion sediment management project. He also reminded the Board that Resolution 2021-18 covered only Phase 1 of the project and that the mitigation process represented in Phase 2 of the project would be brought to the Board at a later date. He added that CEQA findings are less than significant or have no impact within the mitigation area.

President Mobley asked if there were any questions or comments from the Board. Director Hasan asked about the slide mentioning tribal considerations. Mr. Lashly stated that it was referencing analysis and that the project has little or no impact on tribal cultural resources.

Motion to approve Resolution 2021-18 adopting the California Environmental Quality Act (CEQA) initial study and mitigated negative declaration and approving phase one of the Freeman Diversion Sediment Management project and authorizing its implementation by the General Manager and directing Environmental Services Manage to file a Notice of Determination (NOD) in accordance with CEQA for the Phase One of the Freeman Diversion Sediment Manager Project, Director Hasan; Second Director McFadden. Roll call vote: : seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion carries unanimously 7/0.

Park and Recreation Department – Clayton Strahan

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

Chief Ranger Strahan addressed the Board regarding the new Lake Piru Recreation Area logo design. Due to technical difficulties, the presentation accompanying this motion was unable to be viewed, so staff directed the Board to the Board packet of materials which included the four designs to be considered. Chief Strahan commented that staff was recommending design number 1 and apologized for this motion not being taken to the Recreation Committee prior to today's Board meeting.

Motion to approve the new Lake Piru Recreation Area logo design number 1, Director McFadden; Second, Director Dandy. Roll call vote: : seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion carries unanimously 7/0.

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**

Controller Daryl Smith reported on and provide a presentation (see attached slide presentation) to the Board regarding Financial activities for the month of September. Mr. Smith went through a number of financial figures and added that the final CAFR report was expected by December 8.

Human Resources Manager Josh Perez presented the Administration Department activities for the month of September, stating that it was a busy time of year in both Administration and Human Resources, adding that interviews for part time accounting help were being held tomorrow.

President Mobley asked if there were any questions or comments. None were offered.

Engineering Department – Dr. Maryam Bral

**5.2 Monthly Engineering Department Report
Information Item**

Chief Engineer Dr. Maryam Bral reported on the recent Board of Consultants meeting here at the District and provide a presentation (see attached presentations) to the Board regarding the Santa Felicia Dam Improvement projects, various water resources, planning efforts and department programs affecting the District. There was a discussion of the costs of the Santa Felicia Dam and Freeman Diversion

project costs and the General Manager said that the details of the projects and costs would be discussed in detail at the Water Sustainability Summit and that the District didn't want to burden rate payers so it was exploring all federal and state funding opportunities, much like was done with the Iron and Manganese Treatment project.

Chief Operations Officer Brian Collins then presented an update to the Board regarding the fish passage modeling efforts with both the Bureau of Reclamation and the University of Iowa.

President Mobley asked if there were any additional questions or comments. None were offered.

Environmental Services Department – Linda Purpus

5.3 Monthly Environmental Services Department Report Information Item

Environmental Services Manager Linda Purpus and Environmental Scientist - Regulatory Affairs Randall McInvale reported on and provide a presentation to the Board (see attached slide presentation) regarding environmental and regulatory issues of note to the District.

Chief Park Ranger Clayton Strahan also updated the Board on a community clean-up two-day program for the Santa Clara River watershed organized by Lake Piru Recreation Area staff in partnership with Ventura Sierra Club (see attached presentation).

Operations and Maintenance Department – Brian Collins

5.4 Monthly Operation and Maintenance Department Report Information Item

The Board received and filed a summary report on monthly operations and maintenance of District facilities.

Park and Recreation Department – Clayton Strahan

5.5 Monthly Park and Recreation Department Report Information Item

The Board received and filed a summary report on operations and items of note relative to the Lake Piru Recreation Area.

Water Resources Department – Maryam Bral

5.6 Monthly Water Resources Department Report

Information Item

The Board received and filed a summary report on monthly Water Resources Department activities.

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

Information Item

The Board received and filed a summary report on the monthly activities of the three local Groundwater Sustainability Agencies and Santa Paula basin (adjudicated) Technical Advisory Committee.

6. BOARD OF DIRECTORS READING FILE

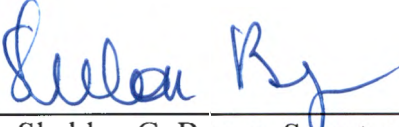
7. FUTURE AGENDA ITEMS

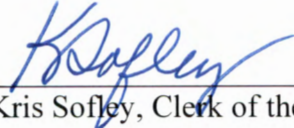
President Mobley asked if there were any recommendations for future agenda items. None were offered. The General Manager stated that he had just received an update from legal counsel that Judge Carter had granted UWCD's motion to modify the physical modeling schedule, extending the deadline to complete physical modeling and reports to October 2022.

10. ADJOURNMENT 4:22p.m.

President Mobley adjourned the meeting at 4:22p.m. to the **Regular Board Meeting scheduled for Wednesday, November 10, 2021** or call of the President.

I certify that the above is a true and correct copy of the minutes of the UWCD Board of Directors meeting of October 13, 2021.

ATTEST: 
Sheldon G. Berger, Secretary/Treasurer

ATTEST: 
Kris Sofley, Clerk of the Board