



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

General Manager  
Mauricio E. Guardado, Jr.

Legal Counsel  
David D. Boyer

**MINUTES**  
**REGULAR BOARD MEETING**  
**Wednesday, March 9, 2022, 12:00 P.M.**  
**Board Room, UWCD Headquarters**  
**1701 N. Lombard Street, Oxnard CA 93030**

**DIRECTORS IN ATTENDANCE**

Bruce E. Dandy, president  
Sheldon G. Berger, vice president  
Lynn E. Maulhardt, secretary/treasurer  
Mohammed A. Hasan, director  
Edwin T. McFadden III, director  
Michael W. Mobley, director  
Daniel C. Naumann, director (arrived at 2:15p.m. – Second Open Session)

**STAFF IN ATTENDANCE**

Mauricio E. Guardado, Jr., general manager  
David D. Boyer, legal counsel  
Dr. Maryam Bral, chief engineer  
John Carman, operations and maintenance program supervisor  
Brian Collins, chief operations officer  
Dan Detmer, water resources manager  
Anthony Emmert, assistant general manager  
Robyn Gorecki, environmental services field technician  
Dr. Zachary Hanson, hydrogeologist  
Chris Hendricks, senior water treatment operator  
Josh Perez, chief human resources officer  
Tessa Lenz, associate environmental scientist  
Randall McInvale, environmental scientist regulatory affairs  
Craig Morgan, engineering manager  
Zachary Plummer, IT administrator  
Linda Purpus, environmental services manager  
Taylor Sabia, reservation coordinator  
Daryl Smith, controller  
Kris Sofley, executive assistant/clerk of the board  
Clayton Strahan, chief park ranger  
Brian Zahn, chief financial officer

**PUBLIC IN ATTENDANCE**

Sam Collie, OPV Coalition  
Suparna Jain, AALRR

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

President Dandy called the meeting to order at 12 noon.

**1.1 Public Comments**  
**Information Item**

President Dandy asked if there were any questions or public comments for the Board. None were offered.

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

President Dandy asked District Legal Counsel to address the issues that would be discussed by the Board in Executive (Closed) Session.

Mr. Boyer stated that the Board would be discussing two anticipated litigation cases and five existing litigation cases, including City of Ventura's Prop 26 case, the Wishtoyo Foundation case, the Dorsey case, the OPV Coalition case and the Suncrest case.

At 12:03p.m., President Dandy adjourned the Board meeting into Executive (Closed) session.

**2. SECOND OPEN SESSION AND CALL TO ORDER 1:38 P.M.**

President Dandy called the Second Open Session to order at 1:38p.m. and asked Director McFadden to lead everyone in reciting the Pledge of Allegiance.

**2.1 Pledge of Allegiance**  
Led by Director McFadden

**2.2 Public Comment**  
**Information Item**

President Dandy asked if any members of the public would like to provide a comment to the Board Members. None were offered.

**2.3 Approval of Agenda**  
**Motion**

President Dandy asked GM Mauricio Guardado if there were any changes to the agenda. Mr. Guardado replied that there were no changes to the agenda. With that, President Dandy asked for a motion.

Motion to approve the agenda, Director Hasan; Second, Director Mobley. Voice vote: six ayes (Berger, Hasan, Maulhardt, McFadden, Mobley, Dandy); none opposed; one absent (Naumann). Motion carries unanimously 6/0/1.

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

President Dandy asked Mr. Boyer to report the Board's action in Executive Session. Mr. Boyer stated that the Board took no action in Executive Session that is reportable under the Brown Act.

**2.5 Board Members' Activities Report**

**Information Item**

President Dandy asked if the Board members had any comments or questions regarding the Board Members' Monthly Activities (aka per diem) Reports. None were offered.

**2.6 General Manager's Report**

**Information Item**

Mr. Guardado reported on a couple of housekeeping items, stating that since a number of Committee meetings had not been held earlier in March, the corresponding departments would not have any presentations for the Board, but that department heads and staff were available to answer any questions the Board may have. He also noted that in the Directors' blue folders, there was a questionnaire from the California Special Districts Association (CSDA). He asked the Directors to complete the questionnaire and return them to the clerk of the board, who would compile and submit the responses to the CSDA. Then Mr. Guardado introduced two new staff members to the Board: Taylor Sabia, the new reservations coordinator at Lake Piru Recreation Area, and Robyn Gorecki, the newest member of the Environmental Services team. The Board welcomed the new staffers to the United team.

**2.7 Update on Brown Act Compliance**

**Information Item**

Assistant General Counsel Suparna Jain of AALRR provide a presentation to the Board (see attached slides) regarding updates to the Brown Act, including emergency teleconference rules and use of social media as well as protocols and procedures for Executive (Closed) session and how those changes impact Board members. Board members asked some questions for clarification, which Mr. Jain answered.

**2.8 Resolution 2022-11 Approving UWCD Board Policy Amendments**

**Motion**

Mr. Boyer explained the minor changes and a new passage added to the UWCD Board Policies clarifying the confidential nature of discussions held in Executive (Closed) sessions. The Board members asked questions for clarification, which Mr. Boyer answered.

Motion to adopt Resolution 2022-11, approving amendments to existing UWCD Board policies, including: Board authorities (Section 2 – Executive (Closed) Session page 6), Committees (Section 3 – Standing Committee pages 6 and 7 regarding schedule change), and the District's Board of Directors Conflict of Interest, which has been updated to reflect changes in titles and the addition of new positions to the District's personnel and a few minor typographical errors in the District's Board of Directors Policies and Procedures document have been corrected, Director Berger; Second, Director McFadden. Roll call vote: six ayes (Berger, Hasan, Maulhardt, McFadden, Mobley, Dandy); none opposed; one absent (Naumann). Motion carries unanimously 6/0/1.

**2.9     Resolution 2022-12, Supporting the Nomination of Scott H. Quady of Calleguas Municipal Water District to the California Water Insurance Fund Board, an ACWA JPIA Captive Insurance Company**

**Motion**

President Dandy reported that Calleguas Municipal Water District was seeking supporting nominations of its Board member Scott Quady for a seat on the California Water Insurance Fund Board, an ACWA JPIA Captive Insurance Company and asked the UWCD Board for its support.

Motion to adopt Resolution No. 2022-12, supporting the nomination of Scott H. Quady of Calleguas Municipal Water District to the California Water Insurance Fund Board, an ACWA JPIA Captive Insurance Company, Director Maulhardt; Second, Director Hasan. Roll call vote: six ayes (Berger, Hasan, Maulhardt, McFadden, Mobley, Dandy); none opposed; one absent (Naumann). Motion carries unanimously 6/0/1.

**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 February 9, 2022 and the Special Board Meeting of February 28, 2022.

**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. **Resolution 2022-08 Subsequent 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 March 9 through April 8, 2022, pursuant to Brown Act provisions**

**Motion**

The Board will consider adopting Resolution 2022-08 continuing subsequent findings 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).

Motion to approve the Consent Calendar, Director Mobley; Second, Director McFadden. Roll call vote: six ayes (Berger, Hasan, Maulhardt, McFadden, Mobley, Dandy); none opposed; one absent (Naumann). Motion carries unanimously.

**4. PRESENTATIONS AND MONTHLY STAFF REPORTS (By Department)**

**Operations and Maintenance Department – Brian Collins**

**4.1 Monthly Operation and Maintenance Department Report**

**Information Item**

The Board received a summary report on monthly activities of the Operations and Maintenance Department. President Dandy asked if there were any questions or comments for Chief Operations Officer Brian Collins. None were offered.

**Park and Recreation Department – Clayton Strahan**

**4.2 Monthly Park and Recreation Department Report**

**Information Item**

The Board received a summary report on monthly activities of the Park and Recreation Department. President Dandy asked if there were any questions or comments for Chief Ranger Clayton Strahan. None were offered.

**Water Resources Department – Dan Detmer**

**4.3 Monthly Water Resources Department Report**

**Information Item**

The Board received a summary report on the monthly activities of the Water Resources Department. Water Resources Manager Dan Detmer introduced Senior Hydrogeologist John Lindquist to share a presentation that he gave to the Fox Canyon GMA (see attached slides). President Dandy asked if there were any questions or comments.

Director Maulhardt commented that there have been many significant changes with new technologies and capabilities, and with each new change the margin of error decreases.

Board members then discussed various aspects of the District's groundwater modeling and the impact that has on monitoring wells and other data.

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

**Information Item**

The Board received a 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). President Dandy asked if there were any questions or comments for Water Resources Manager Dan Detmer. None were offered.

**Administrative Services Department – Josh Perez and Brian Zahn**

**4.5 Monthly Administrative Services Department Report**

**Information Item**

The Board received a summary report on the monthly activities of the Administrative Services Department. President Dandy asked if there were any questions or comments for Chief Financial Officer Brian Zahn or Chief Human Resources Officer Josh Perez. None were offered.

**Engineering Department – Dr. Maryam Bral**

**4.6 Monthly Engineering Department Report**

**Information Item**

The Board received a summary report on the monthly activities of the Engineering Department. President Dandy asked if there were any questions or comments for Chief Engineer Dr. Maryam Bral and then asked Dr. Bral about the Spillway at Santa Felicia Dam. She explained and told him of her conversations with FERC and the Division of Safety of Dams. He asked if there were any other comments or questions. None were offered.

**Environmental Services Department – Linda Purpus**

**4.7 Monthly Environmental Services Department Report**

**Information Item**

The Board received a summary report on the monthly activities of the Environmental Services Department. President Dandy asked if there were any questions or comments for Environmental Services Manager Linda Purpus. None were offered.

**5. MOTION ITEMS (By Department)**

**Administrative Services Department – Anthony Emmert, Josh Perez, Brian Zahn**

**5.1 Proposed Ordinance No. 26 - Consideration to Increase the Compensation of the Board of Directors**

**Motion**

Assistant General Manager Anthony Emmert introduced Ordinance No. 26 and reminded the Board of the public hearing that was held during the February 9, 2022 Board of Directors meeting. Mr. Emmert said there had been no public comments at the public hearing, so the hearing was closed and the motion to adopt the Ordinance, approving an increase in the Board of Director's per diem from \$237 to \$248 per day, was agendized for this meeting today. He added that if the Board adopts Ordinance 26, it will go into effect in 60 days (May 11, 2022).

Motion to approve Ordinance No. 26, Director Naumann; Second, Director Berger. Roll call vote: seven ayes (Berger, Hasan, Maulhardt, McFadden, Mobley, Naumann, Dandy); none opposed. Motion carries unanimously 7/0.

**5.2 PUBLIC HEARING Resolution 2022-10 A Resolution of the Board of Directors of United Water Conservation District Initiating the Realignment of Directors' Division Boundaries to More Equitably Distribute Population among the Divisions in Accordance with the 2020 Census**

**Motion**

President Dandy opened a Public Hearing regarding the proposed realignment of Directors' Division Boundaries to more equitably distribute population among the Divisions in accordance with the 2020 Census.

Mr. Detmer presented the process for proposing division boundary modifications based on total population from the new 2020 census data (see slides attached). Considerations when modifying the division boundaries include voter precinct boundaries, socio-economic demographics of the community, city boundaries, groundwater basins and Groundwater Sustainability Agency boundaries, diversity of land use, natural features like rivers and mountains and the growth potential of the various areas. He reported that the average population per division is around 57,000 people or 14.3% of the District's total population. Some of the Divisions, such as Division 4 in Oxnard, are built out and have little opportunity for growth, others like Division 1 in Fillmore and Piru, are areas that still have room for development, and are a little under the population number, but over the next 10 years, will likely see more growth.

President Dandy asked if there were any questions or comments for Mr. Detmer. None were offered. President Dandy then asked if there were any public comments. None were offered. President Dandy closed the public hearing portion of the motion item and asked the Board members if they had any questions or comment. None were offered.

Motion to adopt Resolution 2022-10 initiating the process of proposing new division boundaries within the District to establish a more equitable population balance, Director Naumann; Second, Director Maulhardt. Roll call vote: seven ayes (Berger, Hasan, Maulhardt, McFadden, Mobley, Naumann, Dandy); none opposed. Motion carries unanimously 7/0.

**5.3 Request from Marz Farms Inc. to Waive Penalty Charges for Late Receipt of Groundwater Statements**

**Motion**

Mr. Zahn presented the motion to the Board for its consideration. Director Maulhardt stated that the Finance Committee had reviewed the motion and it appeared to be an administrative error with mailings and since Marz Farms had no history of being delinquent on its payment of groundwater statements to the District, the Committee was recommending the full Board waive the penalty charges.

Motion to authorize District staff to waive the penalties imposed on Marz Farms Inc. for the 2021 period one groundwater production statements, Director Maulhardt; Second, Director Berger. Roll call vote: seven ayes (Berger, Hasan, Maulhardt, McFadden, Mobley, Naumann, Dandy); none opposed. Motion carries unanimously 7/0.

**6. BOARD OF DIRECTORS READING FILE**

**7. FUTURE AGENDA ITEMS**

President Dandy asked if the Board members had any suggestions for future agenda items. Director Berger said he wanted to remind everyone that the General Manager would be presenting at the AWA WaterWise Breakfast meeting on March 17. He added that the meeting was a hybrid in person, here at the District's Boardroom, and online and that breakfast burritos would be served to in-person participants. He then thanked Mr. Guardado and District staff for hosting the meeting at UWCD. Director Naumann added that the event was generating great attendance because of the importance of the topic and that many of the ag growers and pumpers were promoting attending the event, too.

Director Maulhardt commented that the process for meetings has become more relevant and functional and is working well due to increases in the quality of Committee meetings. Staff is providing detailed information at the Committee meetings and is taking direction from the committee members and making changes prior to the Board meeting and that all these changes are streamlining the Board meetings. It added that behind the scenes, it has been a give and take with Board and rotating Committee meetings, and that he is pleased with all the departments and staff efforts in bringing these changes to fruition.

**8. ADJOURNMENT**

President Dandy adjourned the meeting at 2:52pm to the **Regular Board Meeting scheduled for Wednesday, April 13, 2022** 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 March 9, 2022.

ATTEST:   
Lynn E. Maulhardt, Board Secretary

  
ATTEST: \_\_\_\_\_  
Kris Sofley, clerk of the Board



Board of Directors  
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General Manager  
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Legal Counsel  
David D. Boyer

## ATTENDANCE LIST

**MEETING DATE:** Wednesday, March 9, 2022 12noon

**MEETING:** UWCD Board of Directors Meeting

The signing or registering of your name on this sign-up form is not required but is voluntary. All persons may attend the meetings of the Board of Directors of United Water Conservation District without signing or registering their names on this form.

Name (Please Print)

Representing

Suparna Jain  
Sam Collie

At United / AAHR  
OPV Coalition



# Brown Act Updates & Compliance

March 9, 2022

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PRESENTED BY:

Suparna Jain, Assistant General Counsel to UWCD

Cerritos • Fresno • Irvine • Marin • Pasadena • Pleasanton • Riverside • Sacramento • San Diego



# Agenda

- Brown Act Updates (AB 361 & AB 992)
- Closed Session Confidentiality - Board Policy Amendment



# Emergency Teleconferencing (AB 361)

- Provides for alternative teleconferencing procedures when:
- Governor has proclaimed a State of Emergency, **and**
- Either:
  - *State or local officials have imposed or recommended social distancing measures; or*
  - *The local agency's governing board finds that physical attendance at meetings would present imminent threats to health and safety of attendees.*

Standard Brown Act Teleconferencing Requirements	AB 361 Brown Act Teleconferencing Requirements (if implemented)
<ul style="list-style-type: none"> <li>• Agendas must be posted at each teleconference location, identify each teleconference location, and each location must be accessible to the public.</li> <li>• Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.</li> </ul>	<ul style="list-style-type: none"> <li>• Agendas not required to be posted at all teleconference locations.</li> <li>• Meetings must still be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.</li> </ul>
<ul style="list-style-type: none"> <li>• Agendas must be posted at each teleconference location, identify each teleconference location, and each location must be accessible to the public.</li> </ul>	<ul style="list-style-type: none"> <li>• Agendas are not required to identify each teleconference location in the meeting notice/agenda.</li> <li>• Local agencies are not required to make each teleconference location accessible to the public.</li> </ul>
<ul style="list-style-type: none"> <li>• During the teleconference, at least a quorum of the members of the legislative body must participate from locations within the jurisdiction of the local agency.</li> </ul>	<ul style="list-style-type: none"> <li>• No requirement to have a quorum of members of the legislative body participate from within the territorial bounds of the local agency's jurisdiction.</li> </ul>
<ul style="list-style-type: none"> <li>• The agenda must provide an opportunity for members of the public to address the legislative body directly from each teleconference location.</li> </ul>	<ul style="list-style-type: none"> <li>• In each instance in which notice of the time of the teleconferenced meeting is given or the agenda is posted, shall give notice as to the means by which the public may access the meeting and offer <u>live</u> comment, either by telephone or videoconference.</li> <li>• Allow members of the public to access the meeting and agenda, and provide an opportunity for members of the public to address the legislative body directly.</li> <li>• Pause any meetings in the event of a disruption to the broadcast, no action can be taken during such time.</li> <li>• Allow comment through either the end of a timed public comment period (if provided for on the agenda) or a reasonable amount of time per agenda item.</li> </ul>

## Social Media Use (AB 992)

- Under AB 992 - Board members may communicate via social media:
  - *To answer questions,*
  - *Provide information to the public, or*
  - *Solicit information from the public regarding a matter within the subject matter jurisdiction of the Board.*

## Social Media Use (AB 992)

- Board members may not use social media to “discuss among themselves” official business.

*“A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is **made, posted, or shared** by any other member of the legislative body.”*

- “Discuss among themselves” means communications made posted, or shared on social media, including comments or digital icons that express reactions, aka “emojis” to communications made by other board members.

**THRESHOLD CHANGE:** This is to any other Board member.

# Confidentiality of Closed Session Information

- Government Code § 54963 prohibits board members from disclosing confidential information that has been acquired by being present in closed session to a person not entitled to receive it, unless the board authorizes disclosure.
- Confidential information is defined as a ***communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session***. Closed session topics include personnel performance, discipline or dismissal; real property negotiations; labor negotiations; and existing, pending, or anticipated litigation.

# Confidentiality of Closed Session Information

- A leak of confidential closed session information is considered a breach of legal and ethical responsibilities in that the disclosure of the information undermines the position of the public agency. Unless a legislative body has collectively authorized the disclosure of confidential information, it is strictly prohibited.

# Confidentiality of Closed Session Information

Continued...

- Penalties assigned for violation of the statutory prohibition against such disclosure include, but not be limited to, the following:
  - **Court injunction to prevent the disclosure of confidential information, a violation of which would be punishable by contempt of court.** (Government Code § 54963(c)(1); California Code of Civil Procedure §§ 1209(a)(5) and 1218 (The disobedience of a lawful judgment or order of a court constitutes a contempt punishable by a fine of up to \$1,000, imprisonment not exceeding five days, or both.));
  - **Referral of a member of a legislative body who has willfully disclosed confidential information to the Grand Jury.** (Government Code § 54963(c)(3); Government Code § 3060; *People v. Tice*, 146 Cal.App.2d 750 (1956); *Steiner v. Superior Court*, 50 Cal.App.4th 1771 (1996)).

## **Item 5.2**

# **Realignment of Director Division Boundaries**

**Presented by Dan Detmer, Water Resources Manager**

**Board of Directors Meeting**

**March 9, 2022**



## BASIC CRITERIA FOR DIVISION BOUNDARIES

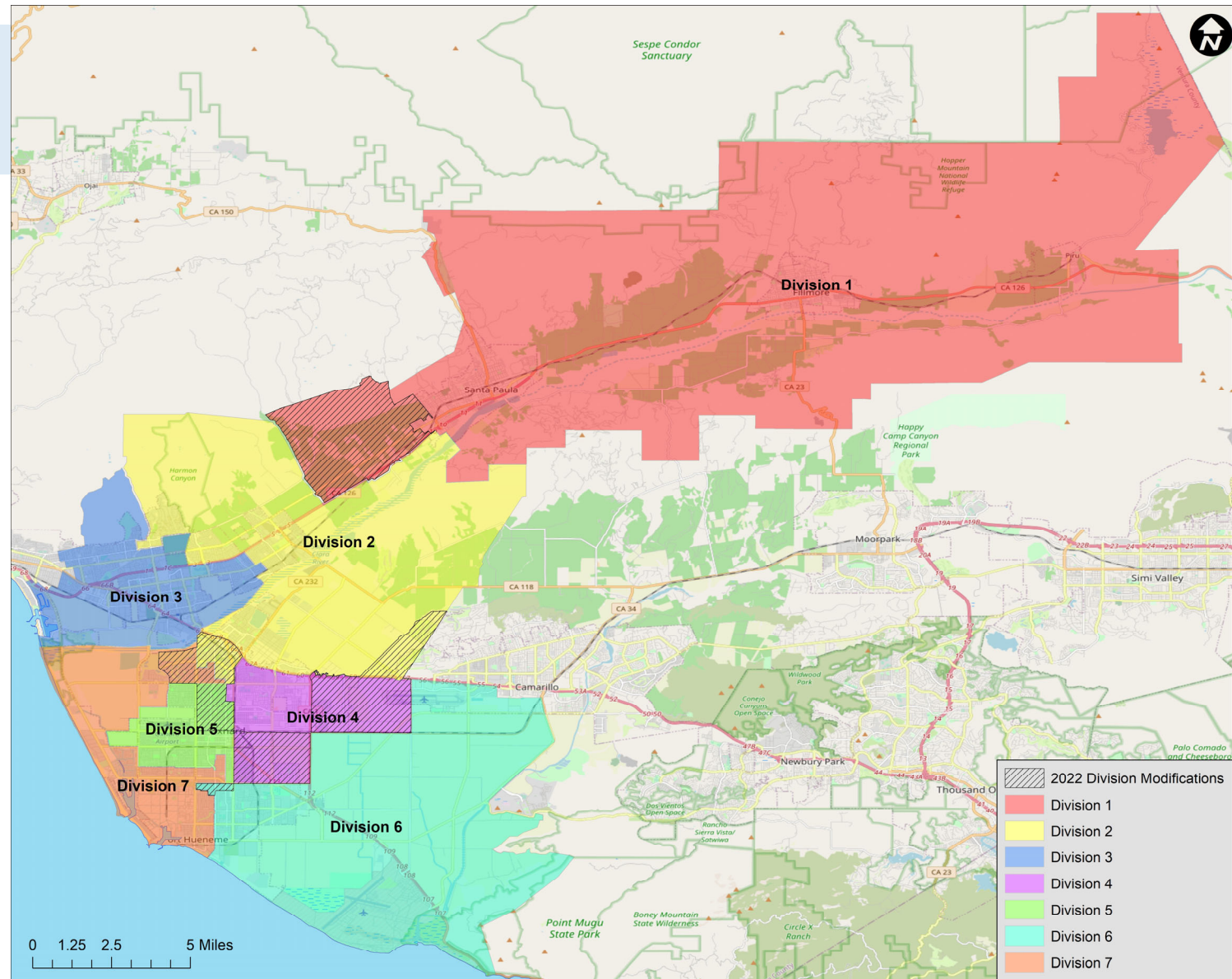
- Director Divisions are balanced by population (not land area or number of registered voters)
- Divisions boundaries are reviewed when new population data becomes available (2020 census data was recently published)
- Division boundaries must align with Ventura County voter precincts

## **ADDITIONAL CONSIDERATIONS FOR DIVISION BOUNDARIES**

- City boundaries
- Groundwater basin boundaries and GSAs
- Align boundaries with major roadways and natural features
- Maintain a diversity land uses and socio-economic values within each division
- Consider the urban growth potential within each division

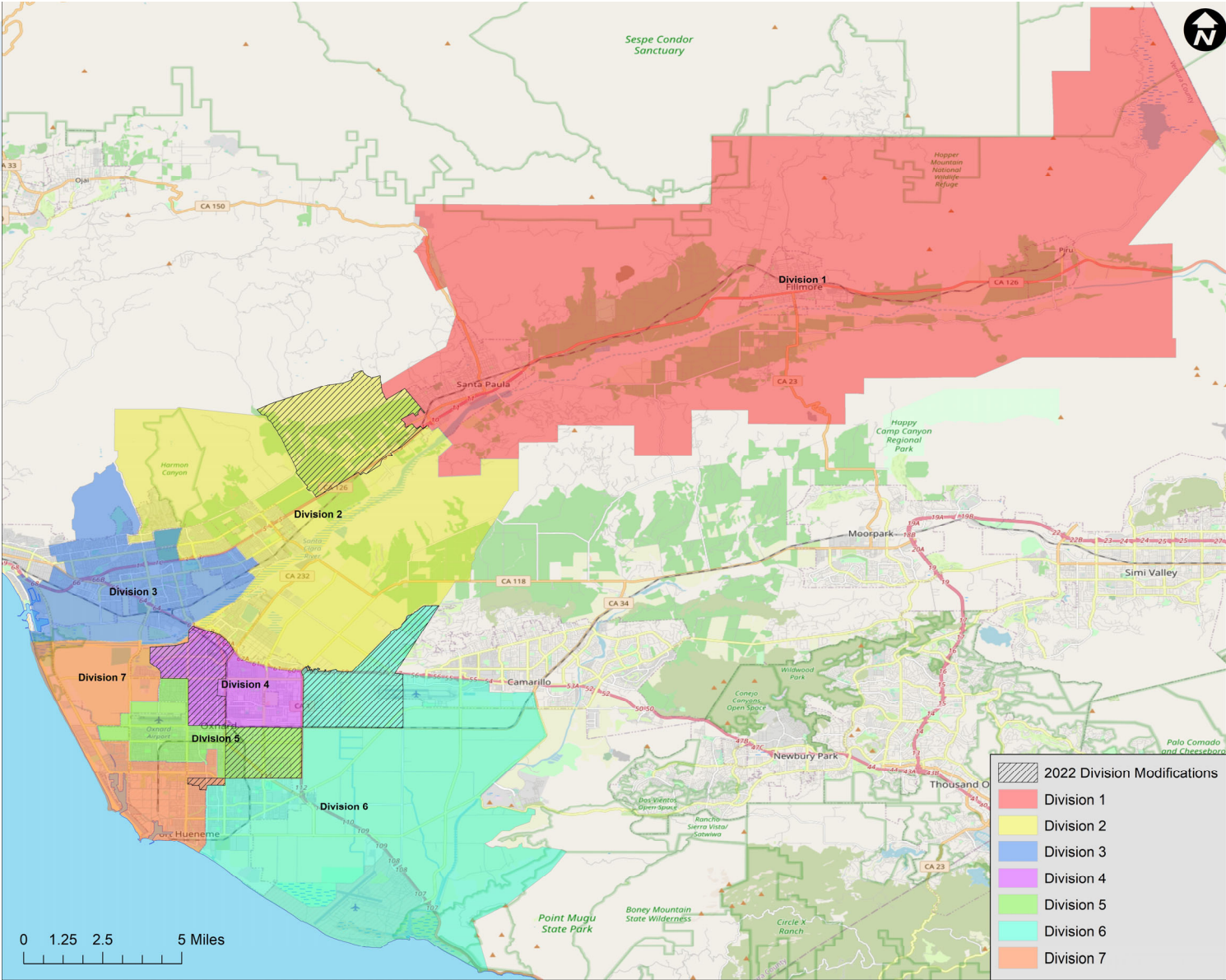
## Current Divisions

Hatched pattern shows areas of change



# Proposed Divisions

Hatched pattern shows areas of change





## PROPOSED POPULATION BALANCE, ALLOWING FOR VARIABLE GROWTH

2022 Proposed Director Division Population Totals			
Division	2020 Population	% of Total Population	
1	52,779	13.2%	
2	55,997	14.0%	
3	57,372	14.4%	
4	65,146	16.3%	
5	53,837	13.5%	
6	59,823	15.0%	
7	54,114	13.6%	
Total:	399,068	100.00%	

Division 6 has highest population, but least opportunity for growth

2020 population was 334,000

2010 population was 367,000

Current population ~400,000

Average pop. is 57,000 per Div.

Average percent (100/7) is 14.3%

