



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

General Manager
Mauricio E. Guardado, Jr.

Legal Counsel
David D. Boyer

AGENDA
SPECIAL UWCD BOARD MEETING

Thursday, June 30, 2022, 1:00 P.M.
United Water Conservation District Headquarters
1701 N. Lombard Street, Oxnard CA 93030

BOARD MATTERS

*This is a special meeting of the Board of Directors called in accordance with Government Code 54956. Other than the listed agenda items, no other business will be considered by the Board of Directors.
The Board of Directors in its discretion may change the order of agenda items.*

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

1.A Pledge of Allegiance

1.B Public Comment

Information Item

As this is a Special Board Meeting, members of the public may address the Board on any item on the agenda. All comments are subject to a three-minute time limit.

1.C Resolution 2022-29 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 June 30, 2022 through July 13, 2022, pursuant to Brown Act provisions

Motion

The Board will consider adopting Resolution 2022-29 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).

1.D Revision of UWCD Standing Committee Assignments

Motion

The Board President will revise the designated 2022 Standing Committee assignments for the remainder of calendar year.

2. EXECUTIVE (CLOSED) SESSION 1:15 P.M.

2.1 Conference with Legal Counsel-Anticipated Litigation

Pursuant to Government Code Section 54956.9(d)(2), three (3) cases.

2.2 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. 19CV06168, pending before the Court of Appeal of the State of California, Second Appellate District, Division 6, Court of Appeal No. B312471.
- B 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).
- C OPV Coalition v Fox Canyon Groundwater Management Agency, Superior Court of the State of California, County of Ventura, Case No. 56-2021-00555357-CU-PT-VTA; 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.
- D UWCD v United States, U.S. Court of Federal Claims, Case No. 22-542L; Complaint for Just Compensation under the 5th Amendment

3. SECOND OPEN SESSION AND CALL TO ORDER 3:45 P.M.

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

Presented by District Legal Counsel David D. Boyer.

AJOURMENT

The Board will adjourn to the **Regular Board Meeting scheduled for Wednesday, July 13, 2022** or call of the President.

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) June 23, 2022

(time) 12:20p.m.

(attest) *Kris Sofley*

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

Posted: (date) June 23, 2022

(time) 12:10p.m.

(attest) *Kris Sofley*

At: www.unitedwater.org



Staff Report

To: UWCD Board of Directors

Through: Mauricio E. Guardado, Jr., General Manager

From: Kris Sofley, Clerk of the Board

Date: June 20, 2022 (June 30, 2022 meeting)

Agenda Item: 1.C **Resolution 2022-29** 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 June 30, 2022 through July 13, 2022, pursuant to Brown Act provisions
Motion

Staff Recommendation:

The Board will consider adopting Resolution 2022-29 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).

Background:

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders (N-25-20, N-29-20, N-35-20) collectively modified certain requirements created by the Ralph M. Brown Act ("the Brown Act"), the state's local agency public meetings law.

On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021. After that date, local agencies are required to observe all the usual Brown Act requirements status quo ante (as they existed prior to the issuance of the orders). Local agencies must once again ensure that the public is provided with access to a physical location from which they may observe a public meeting and offer public comment. Local agencies must also resume publication of the location of teleconferencing board members, post meeting notices and agendas in those locations, and make those locations available to the public in order to observe a meeting and provide public comment.

1.C Resolution 2022-29 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 June 30, 2022 through July 13, 2022, pursuant to Brown Act provisions Motion

On September 16, the Governor signed AB 361 into law, effective immediately, which extends the flexibilities provided in the Governor’s prior executive order to local and state bodies to hold public meetings remotely beyond the executive order’s September 30, 2021 expiration date.

On September 20, the Governor signed an executive order (N-15-21) waiving the application of AB 361 until October 1, 2021, when the provisions of prior Executive Orders that established certain requirements for public agencies to meet remotely during the COVID-19 emergency will expire. The September 20 order makes clear that, until September 30, local agencies may conduct open and public remote meetings relying on the authority provided under prior Executive Orders (rather than AB 361). The revised Order also explicitly permits a local agency to meet pursuant to the procedures provided in AB 361 before October 1, so long as the meeting is conducted in accordance with the requirements of AB 361.

All local agencies are being asked to be aware that they may not conduct remote teleconference meetings pursuant to the authority in the Governor’s prior Executive Orders beyond September 30; after that date, all meetings subject to the Brown Act must comply with standard teleconference requirements (as they existed “pre-pandemic”) OR must comply with the newly enacted provisions of AB 361. The adoption of this Resolution provide the District with compliance as it relates to the newly enacted provisions of AB 361.

Fiscal Impact:

There is no fiscal impact related to the approval of this Resolution.

Attachment: Resolution 2022-29

RESOLUTION 2022-29

A RESOLUTION OF THE BOARD OF DIRECTORS OF UNITED WATER CONSERVATION DISTRICT REAFFIRMING THAT THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR OF CALIFORNIA ISSUED ON MARCH 4, 2020 RELATING TO THE COVID-19 VIRUS REMAINS IN EFFECT AND LOCAL OFFICIALS CONTINUE TO RECOMMEND SOCIAL DISTANCING MEASURES TO MITIGATE THE SPREAD OF THE COVID-19 VIRUS AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF UNITED WATER CONSERVATION DISTRICT FOR THE PERIOD OF JUNE 30 THROUGH JULY 13 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, United Water Conservation District (“District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §54950 *et seq.*) (“Brown Act”), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 2022-21 on June 8, 2022, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists, and the Board of Directors has done so; and

WHEREAS, the State of Emergency proclaimed by the Governor of California on March 4, 2020, due to the outbreak and spread of the COVID-19 virus remains in effect and active in order to be able to prepare, respond, and implement measures to mitigate the spread of the COVID-19 virus; and

WHEREAS, local officials within the County of Ventura continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus; and

WHEREAS, as a consequence of the proclaimed state of emergency pursuant to the COVID-19 virus which continues to remain in effect, and local officials continuing to recommend social distancing measures to mitigate the spread of the COVID-19 virus, the Board of Directors does hereby find that the legislative bodies of the District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of

section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the meetings of the District’s legislative bodies continue to be open to the public, in accordance with the law.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Reaffirmation of Governor’s Proclamation of a State of Emergency. The Board hereby finds that the Governor of the State of California’s Proclamation of State of Emergency pursuant to the COVID-19 virus, effective as of its issuance date of March 4, 2020, continues to remain in effect.

Section 3. Reaffirmation of Local Officials Recommendation of Social Distancing Measures. The Board hereby finds that local officials within the County of Ventura continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus.

Section 4. Remote Teleconference Meetings. The General Manager of the District and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) July 13, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of United Water Conservation District, this 30th day of June, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Bruce E. Dandy, Board President

ATTEST: _____
Lynn E. Maulhardt, Board Secretary/Treasurer



Staff Report

To: UWCD Board of Directors

Through: Mauricio E. Guardado, Jr., General Manager

From: Kris Sofley, Clerk of the Board

Date: June 20, 2022 (June 30, 2022 meeting)

Agenda Item: 1.D Revisions to UWCD Standing Committee Assignments
Motion

Staff Recommendation:

The Board President will revise the designated 2022 Standing Committee assignments for the remainder of calendar year.

Attachment A – UWCD 2022 Revised Standing Committee Assignments



2022 REVISED ROSTER OF COMMITTEES

Revised June 30, 2022

STANDING COMMITTEES

EXECUTIVE COMMITTEE: [GM] Overall responsibility for Governance Issues and HR/Personnel policies

President: Bruce E. Dandy

Vice President: Sheldon G. Berger

Sec./Treasurer: Lynn E. Maulhardt

Meets as appropriate

ENGINEERING & OPERATIONS COMMITTEE:

[AGM, Chief Engineer, Operations & Maintenance Manager] Projects, Operations, Permits, Planning, Equipment, Dam Safety, Facilities

Chair: 1 Lynn E. Maulhardt

2 Gordon Kimball

3 Daniel C. Naumann

Meets 1st Thursday of the Month

FINANCE & AUDIT COMMITTEE: [AGM, CFO]

Budgets, Rates, Audit, Appropriations, and Grant Administration; HR/ Risk Management and IT

Chair: 1 Lynn E. Maulhardt

2 Sheldon G. Berger

3 Mohammed A. Hasan

Meets 9 days before the Regular Monthly Board Meeting

RECREATION COMMITTEE [Chief Park Ranger]

Lake Piru Recreation Area, Park Ranger Staff, Concessionaire

Chair: 1. Sheldon G. Berger

2. Mohammed A. Hasan

3. Michael W. Mobley

Meets 1st Wednesday of the Month

WATER RESOURCES COMMITTEE: [Chief

Engineer] Groundwater, Surface Water, Water Quality and Modeling, Overdraft, Seawater Intrusion, Replenishment, FCGMA, GSAs

Chair: 1 Daniel C. Naumann

2 Gordon Kimball

3 Lynn E. Maulhardt

Meets 1st Tuesday of the Month

UWCD REPRESENTATIVES

ACWA JPIA BOARD OF DIRECTORS

Bruce E. Dandy

Alternate: Mauricio E. Guardado Jr

COALITION OF LABOR, AGRICULTURE AND BUSINESS OF VENTURA COUNTY (CoLAB)

Mauricio E. Guardado, Jr.

Anthony Emmert

Dan Detmer

FILLMORE AND PIRU BASINS GSA

Gordon Kimball

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

Lynn E. Maulhardt

Alternate: Bruce E. Dandy

MOUND BASIN GSA

Michael W. Mobley

Alternate: Mohammed A. Hasan

OXNARD CHAMBER WATER COMMITTEE

Bruce E. Dandy

Alternate: Daniel C. Naumann

VENTURA COUNTY AWA BOARD OF DIRECTORS

Sheldon G. Berger

Alternate: Daniel C. Naumann

VENTURA COUNTY AWA WATER ISSUES COMMITTEE

Mohammed A. Hasan

Alternate: Bruce E. Dandy

VENTURA COUNTY SPECIAL DISTRICTS ASSOCIATION

Bruce E. Dandy

Alternate: Daniel C. Naumann

VENTURA WATER COMMISSION

Michael W. Mobley

Alternate: Mohammed A. Hasan