



Board of Directors
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Mohammed A. Hasan
Catherine P. Keeling
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General Manager
Mauricio Guardado

Legal Counsel
David D. Boyer

AGENDA REGULAR BOARD MEETING

Wednesday, December 13, 2023, 12:00 p.m.
Board Room, UWCD Headquarters
1701 N. Lombard Street, Oxnard CA 93030

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.

ROLL CALL

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 1:00 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)

3.1 Approval of Minutes

Motion

Approval of the Minutes for the Regular Board Meeting of November 8, 2023 and the Special Board Meeting of November 21, 2023.

3.2 Groundwater Basin Status Reports

Information Item

Receive and file Monthly Hydrologic Conditions Report for the District.

3.3 Monthly Investment Reports for month ending October 31, 2023

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.

3.4 Fiscal Year-end 2022-2023 Financial Reports (July 1, 2022 – June 30, 2023)

Information Item

Receive and review the Fiscal Year-end (FYE) 2022-23 Financial Reports for the period of July 1, 2022, through June 30, 2023.

4. PRESENTATIONS AND MONTHLY STAFF REPORTS (By Department)

Operations and Maintenance Department – Clayton Strahan

4.1 Monthly Operation and Maintenance Department Report Information Item

Summary report and presentation 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

4.2 Monthly Park and Recreation Department Report Information Item

Summary report and presentation 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 – John Lindquist

4.3 Monthly Water Resources Department Report and Update on Activities of Local Groundwater Sustainability Agencies (GSAs) Information Item

Summary report and presentations on the monthly activities of the Water Resources Department including but not limited to updates to the District's Groundwater Flow Model; reservoir releases; importation of State Water Project (SWP) water; optimization of diversion and recharge operations; hydrologic and well conditions; available Forebay storage; support of design of the Extraction Barrier and Brackish (EBB) Water Treatment Project; other potential water supply and sustainability water projects; outreach and educational activities; and various user groups (including but not limited to Oxnard Plain and Pumping Trough Pipeline groups) including 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).

Administrative Services Department – Brian Zahn and Josh Perez

4.4 Monthly Administrative Services Department Report – Josh Perez and Brian Zahn

Information Item

Summary report and presentation on the monthly activities of the Administrative Services 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

4.5 Monthly Engineering Department Report

Information Item

Summary report and presentation on the 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 – Marissa Caringella

4.6 Monthly Environmental Services Department Report

Information Item

Summary report and presentation on the 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.

5. MOTION ITEMS

Administrative Services Department – Anthony Emmert and Brian Zahn

5.1 Resolution 2023-16 Requests the United Water Conservation District Board of Directors to Approve the Proposed Changes to the Financial Policies

Motion

Adopt Resolution 2023-16 approving the following proposed changes to the financial policies listed below as set forth in the attached redlines:

- Budget Amendment Policy
- Budget Submittal Policy
- Expense And Compensable Activity Policy –Board Members and District Executive
- Expense Policy – Staff
- Accounts Receivable and Write-Off Policy
- Engineering Projects Administration Policy
- Procurement Policy

Administrative Services Department – Anthony Emmert

5.2 Waive Fees Associated with the November 2023 Operation of the Saticoy Wellfield During Recent Pause in Surface Water Deliveries

Motion

Approve to waive fees to Pumping Trough Pipeline Customers and Pleasant Valley County Water District associated with the recent operation of the Saticoy Wellfield during the pause in surface water deliveries.

Administrative Services Department – Brian Zahn

5.3 Approval to Use Funds from the Replacement, Capital Improvement and Environmental Projects Reserve Account to Fund the Repair and Replacement of Damaged and Lost Equipment Related to the January 9, 2023, Storm Event

Motion

Approve to waive fees to Pumping Trough Pipeline Customers and Pleasant Valley County Water District associated with the recent operation of the Saticoy Wellfield during the pause in surface water deliveries. Approve to use funds from the Replacement, Capital Improvement and Environmental Projects reserve account to fund the repair and replacement of damaged and lost instream and bankside monitoring equipment related to the Santa Felicia Fish Passage Pre-Implementation Studies. These expenses are reimbursable under FEMA and will be returned to the reserve account once reimbursed by FEMA.

Administrative Services Department – Tracy Oehler

5.4 Request Board Approval to Increase the Hourly Rate from \$425 per hour to \$475 per hour for District’s Special Counsel

Motion

Approve an hourly rate increase from \$425 per hour to \$475 per hour for District’s Special Counsel Mark Palin and Brian Wheeler, only, effective December 14, 2023.

Administrative Services Department – Brian Zahn

5.5 Approval to Amendment of 2021-2 to 2022-2 Groundwater Production Statements for Well# 02N22W16K01S – Saticoy Lemon Association #1

Motion

Approve the request from Saticoy Lemon Association #1 to adjust their 2021-2 to 2022-2 production statements and refund for their overpayment (\$5,270.25). The request is for Well# 02N22W16K01S.

Park and Recreation Department – Clayton Strahan and Brian Zahn

5.6 District Vehicle Procurement

Motion

Approve procurement of a new vehicle to be used by Chief Operations Officer and authorize the General Manager to execute a purchase order in the amount of up to \$60,000 for this vehicle and its supporting equipment pursuant to the district’s procurement policy.

Park and Recreation Department – Clayton Strahan, Maryam Bral, and Brian Zahn

5.7 Authorize the General Manager to Execute a Contract with Bellingham Marine Industries, Inc. for the Lake Piru Recreation Area Marina Replacement Project

Motion

Approve the General Manager the authority to execute an agreement with Bellingham Marine Industries, Inc. (BMI). The supplemental appropriation from the Replacement, Capital Improvement and Environmental Projects reserve account in the amount of \$1,196,119, would be used to fund the contract, once the District is reimbursed from FEMA and CalOES, the funds will then be returned to the reserve account.

Engineering Department – Maryam Bral

- 5.8 Approve Contract Amendment to the Professional Consulting Services Agreement with GEI Consultants, Inc. for the Development of the Final Design Phase of the Santa Felicia Dam Outlet Works Improvement Project (CIP 8002), Approval of a Supplemental Appropriation to Cover Fees Associated with the Amendment, and Approval to Fund the Supplemental Appropriation Using the EPA WIFIA Loan**

Motion

Authorize the General Manager to execute an amendment to the professional consulting services agreement with GEI Consultants, Inc. (GEI) in the amount of \$1,158,211.00 (including 4.73% of total fee allocated to optional tasks and 17.3% contingency) to continue the development of the final design phase of the Santa Felicia Dam Outlet Works Improvement Project (Project), approval of a supplemental appropriation and approval of fund transfer using the EPA Water Infrastructure Finance Innovation Act (WIFIA) low-interest loan to support the supplemental appropriation.

Engineering Department – Craig Morgan

- 5.9 Approve Resolution No. 2023-17 Determining the Three Barrel Culvert Replacement Project is Exempt from the Provisions of the California Environmental Quality Act and Approve the Project**

Motion

Approve Resolution No. 2023-17 determining that the Three Barrel Culvert Replacement Project (Project) is exempt from the provisions of the California Environmental Quality Act (“CEQA”) and approving the Project, and direct staff to file the Notice of Exemption in accordance with CEQA.

Engineering Department – Craig Morgan

- 5.10 Approve Resolution No. 2023-18 Determining the Inverted Siphon Replacement Project is Exempt from the Provisions of the California Environmental Quality Act and Approve the Project**

Motion

Approve Resolution No. 2023-18, determining that the Inverted Siphon Replacement Project (“Project”) is exempt from the provisions of the California Environmental Quality Act (“CEQA”) and approving the Project, and directing staff to file the Notice of Exemption in accordance with CEQA.

Engineering Department – Craig Morgan

- 5.11 Approve Contract with HDR Engineers, Inc. to Develop the Final Design of the Freeman Conveyance System Upgrade – Freeman to Ferro Recharge Basin (CIP 8018)**

Motion

Authorize the General Manager to execute an agreement with HDR Engineers, Inc. (HDR) in the not to exceed amount of \$350,000.00 to develop the final design of the Freeman Conveyance System Upgrade – Freeman to Ferro Recharge Basin (Project).

Environmental Services Department – Evan Lashly

- 5.12 Approve the Pre-implementation Studies in Support of Federal Energy Regulatory Commission Fish Passage Assessment – Amendment to Professional Consulting Services Agreement with Cramer Fish Sciences - \$196,054**

Motion

Authorize the General Manager to execute an amendment to the professional consulting services (PCS) agreement with Cramer Fish Sciences in the amount of \$196,054 to complete the field study activities outlined in the "Santa Felicia Dam Fish Passage Program Pre-Implementation Study Plan".

6. BOARD OF DIRECTORS READING FILE

7. FUTURE AGENDA ITEMS

8. ADJOURNMENT

The Board will adjourn to the **Regular Board Meeting scheduled for Wednesday, January 10, 2024** 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: December 7, 2023

3:00 p.m.

(attest) Tracy Oehler

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

Posted: December 7, 2023

3:00 p.m.

(attest) Tracy Oehler

At: 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) cases.

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. 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. United Water Conservation District v United States, U.S. Court of Federal Claims, Case No. 22-542L; Complaint for Just Compensation under the 5th Amendment.
- E. United Water Conservation District v. California Fish and Game Commission, Los Angeles County Superior Court Case No. 2STCP02661; Petition for Writ of Mandate (CESA).
- F. State of California-Department of Transportation v. United Water Conservation District and Southern California Edison, Superior Court of the State of California, County of Ventura, Case No. 56-2023-00575593-CU-EI-VTA; Complaint in Eminent Domain (parcels 81216-1 and 81216-2).