

**VENTURA RIVER WATER DISTRICT  
MINUTES OF REGULAR MEETING NOVEMBER 9, 2016**

Directors present were: E. Lee, B. Kuebler, M. Hanson, J. Curtis, and P. Wiles. Also present were: Attorney Lindsay Nielson, General Manager/Board Secretary B. Rapp and Office Manager A. Bakken.

**1. CALL MEETING TO ORDER-** President Ed Lee called the meeting to order at 3:00 P.M.

**2. PLEDGE OF ALLEGIANCE –** E. Lee

**3. CONSENT AGENDA:**

- A. MINUTES OCTOBER 12, 2016
- B. FINANCIAL EXPENDITURES FOR OCTOBER 2016
- C. FINANCIAL REPORTS FOR AUGUST & SEPTEMBER 2016

B. Kuebler noted that the date in the October 12, 2016 minutes for the de minimus pumpers was September 26<sup>th</sup> not June 14<sup>th</sup>. J. Curtis moved approval of the Consent Agenda with the noted revision, seconded by P. Wiles and carried 5-0.

**4. PUBLIC COMMENT –** None.

**5. APPROVAL OF JOINT POWERS AGREEMENT FOR THE GROUNDWATER SUSTAINABILITY AGENCY -** B. Rapp gave summary of Joint Powers Agreement (JPA) draft which all agencies agreed to vote on except the County of Ventura. Board members received JPA draft, red line draft, including revisions to the conflict of interest. B. Rapp discussed three recommended actions: authorize the Board President and District Legal Counsel to sign the JPA for the Upper Ventura River Groundwater Agency, appoint a Director to serve, and appoint the General Manager to serve as alternate on the Upper Ventura River Groundwater Agency. B. Kuebler explained changes made on red line version of JPA. Section 6.1.2 (a) and (b) eliminated disqualifying condition of an Agricultural or Environmental member being disqualified for having ongoing litigation with a GSA member or agency. This was replaced with section 6.7 regarding conflicts of interest. Section 15.4 and .5 regarding liability insurance was added. B. Kuebler discussed that other agencies are approving the JPA draft at their respective board meetings coming up through the month of November. J. Curtis inquired about interest of County of Ventura and if they plan to back out if they are unhappy with language in JPA. B. Kuebler recommended discussing issues with Steve Bennett and mentioned the legal fees which have been accumulating as multiple drafts and revisions of the agreement have been made. J. Curtis was hesitant to approve a draft that may be revised in the near future. He expressed the importance of a clear document that could be easily understood. B. Kuebler explained that a body of notes is kept by a facilitator for future reference and J. Curtis discussed the importance of that paper trail and reasoning. E. Lee talked about B. Kuebler's hard work on the formation of the committee and said it made sense for B. Kuebler to be director with B. Rapp as alternate. B. Kuebler moved to approve Resolution 305, seconded J. Curtis, approved 5-0. B. Kuebler moved to approve Resolution 306, seconded M. Hanson, approved 5-0.

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
VENTURA RIVER WATER DISTRICT**

**RESOLUTION NO. 2016 – 305**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE VENTURA RIVER WATER DISTRICT AUTHORIZING AND DIRECTING THE EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT CREATING THE UPPER VENTURA RIVER GROUNDWATER AGENCY**

**WHEREAS**, the California Legislature has adopted, and the Governor has signed into law, the Sustainable Groundwater Management Act of 2014 ("SGMA"), which authorizes local agencies to manage groundwater in a sustainable fashion; and

**WHEREAS**, in order to exercise the authority granted in SGMA, a local agency or combination of local agencies must elect to become a groundwater sustainability agency ("GSA"); and

**WHEREAS**, the Casitas Municipal Water District, the City of San Buenaventura, the County of Ventura, the Meiners Oaks Water District, and the Ventura River Water District ("Member Agencies") are all local agencies, as SGMA defines that term; and

**WHEREAS**, the Member Agencies each exercise jurisdiction upon lands overlying the Upper Ventura River Basin (designated basin number 4-3.01 in the California Department of Water Resources' CASGEM groundwater basin system) ("Basin") and are all committed to the sustainable management of the Basin's groundwater resources; and

**WHEREAS**, the Member Agencies have determined that the sustainable management of the Basin pursuant to SGMA may best be achieved through the cooperation of the Member Agencies operating through a joint powers authority; and

**WHEREAS**, the Ventura River Water District is a County Water District duly organized and validly existing under the Constitution and laws of the State of California; and

**WHEREAS**, the Ventura River Water District, upon authorization of the Board of Directors, may, pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code ("JPA Act"), enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them or conferred to them by the JPA Act; and

**WHEREAS**, all of the Member Agencies are public agencies as defined in the JPA Act; and

**WHEREAS**, the Member Agencies intend to enter into a joint exercise of powers agreement pursuant to the JPA Act ("JPA Agreement") pursuant to which the Upper Ventura River Groundwater Agency ("UVR Groundwater Agency") will be created to, among other things, take all actions deemed necessary by the UVR Groundwater Agency to ensure sustainable management of the Basin as required by SGMA; and

**WHEREAS**, under California law and the JPA Agreement, the UVR Groundwater Agency will be a public entity separate and apart from the parties to the JPA Agreement and the debts, liabilities, and obligations of the UVR Groundwater Agency will not be the debts, liabilities, or obligations of the Ventura River Water District or of the other Member Agencies, or of any representatives of either the Ventura River Water District or the other Member Agencies serving on the governing body of the UVR Groundwater Agency ("UVR Groundwater Agency Board"); and

**WHEREAS**, the Board of Directors of the Ventura River Water District has determined it to be in the Ventura River Water District's best interest and in the public interest to execute the JPA Agreement in a form substantially similar to the JPA Agreement attached to this Resolution as Attachment 1; and

**WHEREAS**, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Ventura River Water District is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided;

**WHEREAS**, adoption of this resolution does not constitute a "project" under California Environmental Quality Act Guidelines Section 15378(b)(5), including organization and administrative activities of government, because there would be no direct or indirect physical change in the environment.

**THEREFORE, BE IT RESOLVED** by the Board of Directors of the Ventura River Water District, as follows:

1. All the recitals in this resolution are true and correct and the Ventura River Water District so finds, determines and represents.
2. The Secretary of the Ventura River Water District is hereby authorized and directed to attest the signature of the authorized signatory, and to affix and attest the seal of the Ventura River Water District, as may be required or appropriate in connection with the execution and delivery of the JPA Agreement.
3. This resolution shall take effect immediately upon passage and adoption.

**WE, THE UNDERSIGNED**, do hereby certify that the above and foregoing Resolution No. 2016-305 was duly adopted and passed by the Board of Directors of the Ventura River Water District at a regularly scheduled meeting held on the 9th day of November, 2016, by the following vote:

AYES: E. Lee, B. Kuebler, J. Curtis, M. Hanson, P. Wiles  
NOES: None  
ABSENT: None

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Ed Lee, President  
Ventura River Water District

ATTEST:

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Bert J. Rapp, Secretary

**ATTACHMENT 1**

**JOINT EXERCISE OF POWERS AGREEMENT CREATING THE UPPER VENTURA RIVER GROUNDWATER AGENCY**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
VENTURA RIVER WATER DISTRICT**

**RESOLUTION NO. 2016 – 306**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE VENTURA RIVER WATER DISTRICT APPOINTING DIRECTOR  
AND ALTERNATE DIRECTOR TO THE BOARD OF DIRECTORS OF THE UPPER VENTURA RIVER GROUNDWATER  
AGENCY JOINT POWERS**

**WHEREAS**, the Casitas Municipal Water District, the City of San Buenaventura, the County of Ventura, the Meiners Oaks Water District, and the Ventura River Water District ("Member Agency" or "Member Agencies") have entered into a joint exercise of powers agreement ("JPA Agreement") creating the Upper Ventura River Groundwater Agency ("UVR Groundwater Agency"); and

**WHEREAS**, the JPA Agreement requires the governing board of each Member Agency to appoint a Director to the UVR Groundwater Agency Board of Directors ("UVR Groundwater Agency Board") as well as an Alternate Director to represent the Ventura River Water District's interests in the absence of the Director; and

**WHEREAS**, in order to be eligible for appointment as a Director or Alternate Director, an individual shall be either a member of the Ventura River Water District's staff or of the Board of Directors and shall cease to be a Director or Alternate Director when no longer a member of the Ventura River Water District's staff or of the Board of Directors; and

**WHEREAS**, the Director and Alternate Director shall serve for an initial period of two or three years, as will be determined by resolution at the first regular meeting of the UVR Groundwater Agency Board; and

**THEREFORE, BE IT RESOLVED** by the Board of Directors of the Ventura River Water District, as follows:

1. All the recitals in this resolution are true and correct and the Ventura River Water District so finds, determines and represents.
2. The Board of Directors hereby appoints Bruce Kuebler as the Director and appoints Bert Rapp as the Alternate Director to represent the Ventura River Water District on the UVR Groundwater Agency Board.
3. The individuals appointed as the Director and Alternate Director are both a member of the Ventura River Water District's staff or of the Board of Directors, as required by the JPA Agreement.
4. The Board of Directors hereby confirms that the Director and Alternate Director appointed pursuant to this resolution are authorized to represent the Ventura River Water District's interests with respect to all matters that come before the UVR Groundwater Agency Board.
5. This resolution shall take effect immediately upon passage and adoption.

**WE, THE UNDERSIGNED**, do hereby certify that the above and foregoing Resolution No. 2016 - 306 was duly adopted and passed by the Board of Directors of the Ventura River Water District at a regularly scheduled meeting held on the 9<sup>th</sup> day of November, 2016, by the following vote:

AYES: E. Lee, B. Kuebler, J. Curtis, M. Hanson, P. Wiles  
NOES: None  
ABSENT: None

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Ed Lee, President  
Ventura River Water District

ATTEST:

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Bert J. Rapp, Secretary

- 6. WATER BUDGET RATES – CONTRACT AWARD UPDATE** – B. Rapp gave summary of the Water Budget Rates subcommittee meetings held by B. Rapp, J. Curtis and P. Wiles. Two companies were interviewed and RDN & Eagle Aerial was determined to be most qualified. The costs proposed by the groups were essentially the same at about \$65,000. Implementation of the Water Budget Rates is a conservation effort which will educate our customers on how much water they actually need versus what they use. B. Rapp noted that the subcommittee is looking for guidance from the board regarding aerial photography data, implementation date, evapotranspiration rate and interior water usage. Aerial photography data will be used to determine the individual water needs of each property. The aerial photography data currently available is from 2015. The cost to update the customer's water budgets with aerial photography every two years is estimated to be \$15,000-\$20,000. B. Rapp recommends using the data from 2015 to start the analysis and then updating in August of 2017 depending on precipitation levels achieved this winter. E. Lee brought up the issue of invasion of privacy involved in aerial photography. L. Nielson replied that invasion of privacy would likely apply more to a drone hovering over a house. J. Curtis felt there was a problem with using current aerial photography since many people have let their lawns, trees, and landscapes go. P. Wiles disagreed with J. Curtis and spoke about the water budget rates being a conservation effort. The consensus of the Board was to use the 2015 photography. B. Kuebler talked about the importance of having an appeal process. J. Curtis brought concerns about effects on revenue and having reserves for Capital Improvement projects. B. Rapp went on to discuss recommended implementation date of January 2018 and using the average rather than real time evapotranspiration rate by zip code. A lengthy discussion regarding interior water usage determination followed. J. Curtis said 10 units would cover customers well for interior usage. P. Wiles felt 10 units is much too high and will work against conservation. B. Kuebler spoke about the high percentage of customers who currently use less than 10 units. He also shared concern regarding the cost of the project being budgeted only to cost classes 3 & 4 when the rates will be individual and impact all cost classes. B. Rapp and P. Wiles responded that conservation effort costs have been put on to the higher water users. J. Curtis and B. Rapp discussed using most current census data to make a more accurate determination of the number of people in a household. The consensus of the Board was to use 2 people per home and have the customers report if they have more people in the home and to use the average ET rate for each month with the ability to adjust it prior to billing if the actual is significantly different.
- 7. CalPERS 457 SAVINGS PLAN OPTION** – B. Rapp gave summary of 457 tax deferred savings plan that can be offered to employees to save for retirement with funds either managed professionally by CalPERS or self-managed by individual employees if desired. This plan would be offered at no cost to the district. B. Kuebler and M. Hanson discussed the charging of interest on borrowing against the 457 plan. E. Lee inquired about requirement for him to sign resolution when agreement is between CalPERS and employees. B. Rapp explained resolution required by CalPERS to offer the plan to district employees. J. Curtis moved to approve Resolution 304, seconded P. Wiles, approved 5-0.

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
VENTURA RIVER WATER DISTRICT**

**RESOLUTION NO. 2016 – 304**

Approving Adoption of  
CalPERS Supplemental Income 457 Plan

*WHEREAS, The Ventura River Water District (Employer) desires to establish a deferred compensation plan for the benefit of its employees; and*

WHEREAS, the Board of Administration ( the "Board") of the California Public Employees' Retirement System ("CalPERS") has established the CalPERS Supplemental Income 457 Plan (the "CalPERS 457 Plan") which may be adopted by a governmental employer the employees of which are public employees; and

WHEREAS, The Ventura River Water District believes that the CalPERS 457 Plan and the investment options available thereunder will provide valuable benefits to its employees; and

WHEREAS, the Board has appointed Voya Financial® (the Plan Recordkeeper) to perform recordkeeping and administrative services under the CalPERS 457 Plan and to act as the Board's agent in all matters relating to the administration of the CalPERS 457 Plan;

NOW, THEREFORE, BE IT RESOLVED that the Ventura River Water District adopts the CalPERS 457 Plan for the benefit of its employees and authorizes and directs the Board President to execute the attached adoption agreement on behalf of the Ventura River Water District and to provide CalPERS or any successor agent duly appointed by the Board with such information and cooperation as may be needed on an ongoing basis in the administration of the CalPERS 457 Plan. A copy of this resolution, the agreement, and any attachments thereto shall be on file in the office of the Ventura River Water District (Office of Record).

PASSED, APPROVED AND ADOPTED this 9<sup>th</sup> day of November 2016.

AYES: E. Lee, B. Kuebler, J. Curtis, M. Hanson, P. Wiles

NOES: None

ABSENT: None

ATTEST:

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Ed Lee – President

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Bert J. Rapp – Secretary of the Board

**8. UPDATE TO RULES & REGULATIONS** – B. Rapp explained that the definitions for Commercial and Multi-Family Residential need to be defined and clarified. Proposed Rules and Regulations updates include defining "Commercial" as any commercial or industrial development operating on land zoned for commercial or industrial uses. "Multi-Family Residential" would be defined as any apartment or mobile home development with one or more meters designed to supply water to five or more dwellings on the same parcel. J. Curtis asked if granny flat in question has a separate meter and a Will Serve letter and indicated this needs to be verified. B. Kuebler discussed with B. Rapp reasons for using five as the designation for multi-family residential. M. Hanson moved to approve update to rules and regulations, seconded J. Curtis, approved 5-0.

**9. CUSTOMER PAYMENT DISPUTE** – A. Bakken gave summary of payment dispute with customer account 05-13600A, M. and D. Kutbach. The Kutbachs claim to have made a cash payment in the amount of \$225.34 for which they do not have a receipt but do have records reflecting their efforts to make the payment. The district has no record of the cash payment. Eight other customers have reported cash payments not being posted to their accounts and they have provided receipts to the District. A. Bakken discussed new cash procedures that have been implemented as of 9/12/16 to provide tighter internal controls on cash transactions. L. Nielson recommended a sign be posted in the lobby stating receipts are required to be given for cash payments and to implement a double entry receipt book with a carbon copy. E. Lee recommended a more personalized stamp be used with Ventura River Water District label. B. Kuebler moved for the recommended action to forgive \$225.34

for account 05-13600A and the \$537.60 for the other accounts of those who provided receipts, seconded J. Curtis, and carried 5-0.

10. **LAFCO RUNOFF ELECTION SPECIAL DISTRICT REPRESENTATIVE** – Board members indicated continued support for A. Fox to be special district representative. J. Curtis moved to approve A. Fox, seconded M. Hanson, motion approved 5-0.
11. **GENERAL MANAGER REPORT ON WELLS, WATER STATUS** – B. Rapp gave well update. Conservation was at 32% for the month of October. Rain levels for the month were 0.7 inches. Well 2 is nearing it's historic low and Well 1 is below it's historic low. Nitrates are holding steady at 7 to 8 mg/L.
12. **OLD AND NEW BUSINESS** – B. Rapp gave information about AWA Water Wise breakfast coming up. L. Nielson and P. Wiles indicated they may attend. B. Kuebler discussed Ventura River Watershed presentation by Epstein regarding connection to the state water line. J. Kear also presented at this meeting an alternate plan for groundwater to the Ojai Basin Groundwater Mangement Agency. R. Baggerly said there was no time for public comment. B. Kuebler went on to describe luncheon with B. Rapp and Kevin Delano of the State Water Board. L. Nielson, J. Curtis and B. Kuebler discussed location of proposed connection to state water line. B. Rapp said the preliminary budget is \$20 million. B. Kuebler also talked about the Casitas alternate water supply report that was to be published this evening. B. Rapp asked the board if they might consider changing the day and time of future board meetings so that they don't conflict with the Casitas Board Meetings in the event the Directors or General Manager wanted to attend the Caistas meetings.
13. **MEETING ADJOURNMENT** – 5:02 P.M.

Attested:



Ed Lee, President



Bruce Kuebler, Vice President

