



NOTICE OF REGULAR BOARD OF DIRECTORS MEETING

2:00 P.M. WEDNESDAY, APRIL 19, 2023

BOARD OF DIRECTORS

Ed Lee, President; Bruce Kuebler, Vice President; Jack Curtis, Treasurer; Nathan Rosser, Director; Peggy Wiles, Director

**The meeting will be held in person and via Zoom by phone & video conference. The meeting will be recorded. To attend/listen to the meeting please call Toll Free US 1 (888) 788-0099 or 1 (877) 853-5247
Meeting ID: 822 1803 9151 Password: 964370 Zoom Link: [Zoom Link](#)**

Right to be heard: Members of the public have a right to address the Board directly on any item of interest to the public, which is within the subject matter jurisdiction of the Board. The request to be heard should be made immediately before the Board's consideration of the item. No action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of 54954.2 of the Government Code and except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under section 54954.3 of the Government Code.

AGENDA

1. CALL MEETING TO ORDER & FLAG SALUTE
2. ROLL CALL
3. PUBLIC COMMENT – FOR ITEMS NOT ON THE AGENDA (LIMIT PER PERSON – 5 MINUTES)
4. CONSENT AGENDA:
 - A. MINUTES MARCH 15, 2023
 - B. PAYMENTS & CHECKS FOR MARCH 2023; FINANCIALS FOR FEBRUARY 2023
5. RESOLUTION 2023-352 RESCINDING ORDINANCE 2022-01 WATER WASTE & CONSERVATION DURING WATER SHORTAGE EMERGENCY
6. APPROVE TASK ORDER #20 FOR NEPA ANALYSIS – 2023 WATER PROJECTS
7. DISCUSSION OF UPDATED BOARD BYLAWS
8. FY 23/24 FIRST DRAFT BUDGET
9. CASITAS DROUGHT ALLOCATION
10. RESOLUTION 2023-350 TO AUTHORIZE A REPRESENTATIVE TO APPLY FOR THE EXPEDITED DRINKING WATER GRANT APPLICATION – TICO MUTUAL WATER CO. CONSOLIDATION
11. RESOLUTION 2023-351 TO AUTHORIZE A REPRESENTATIVE TO APPLY FOR THE STATE REVOLVING LOAN APPLICATION – 2023 WATER PROJECTS
12. CURRENT BROWN ACT REQUIREMENTS FOR REMOTE PARTICIPATION IN BOARD MEETINGS PER AB 2449
13. BOARD REPORTS ON MEETINGS ATTENDED
 - A. UPDATE ON THE UVRGA- BRUCE KUEBLER
14. GENERAL MANAGER'S REPORT ON WATER & DISTRICT STATUS UPDATE
15. OLD & NEW BUSINESS
16. CLOSED SESSION
 - A. A closed session will be held regarding pending litigation pursuant to Government Code Section 54956.9 (b) (City of Ventura v. VRWD, CPF-14-513875, Friend of the Court filing, Channelkeeper), case update.

If you require special accommodations for attendance at or participation in this meeting, please notify our office 24 hours in advance at (805) 646-3403 (Govt. Code Section 54954.1 and 54954.2(a)).

[409 Old Baldwin Rd Ojai CA 93023](#) | [805-646-3403](#) | [VenturaRiverWD.com](#)

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**VENTURA RIVER WATER DISTRICT
MINUTES OF REGULAR MEETING MARCH 15, 2023**

1. **CALL MEETING TO ORDER** - President Ed Lee called the meeting to order at 2:00 P.M. Flag salute led by Lindsay Nielson. Directors Jack Curtis requested invocation of AB2449 for emergency circumstances. Peggy Wiles moved to allow Director Curtis to attend via zoom, seconded by Bruce Kuebler and the motion carried 3-0. (AYES: Bruce Kuebler, Ed Lee, and Peggy Wiles. NOES: None.)
2. **ROLL CALL:** Directors Jack Curtis, Bruce Kuebler, Ed Lee, and Peggy Wiles were present. Director Nathan Rosser was present as a member of the public and unable to vote due to AB 2449 compliance. Also present were: Attorney Lindsay Nielson, General Manager/Board Secretary Bert Rapp, Assistant General Manager Alma Quezada, Office Manager Emily Arnbrister. Public Present: Stuart Nielson, Matt Ingamells of Padre and Associates, Fran Fitting with Tico Mutual and Ichiko Kido with Robert D. Niehaus Inc (RDN).
3. **PUBLIC COMMENT (FOR ITEMS NOT ON THE AGENDA)** – None.
4. **CONSENT AGENDA:**
 - A. **MINUTES FEBRUARY 15, 2023**
 - B. **PAYMENTS & CHECKS FOR FEBRUARY 2023; FINANCIALS FOR JANUARY 2023**

Jack Curtis moved for approval of the Consent Agenda, seconded by Bruce Kuebler and the motion carried 4-0-1. (AYES: Jack Curtis, Bruce Kuebler, Ed Lee, and Peggy Wiles. NOES: None. Absent: Nathan Rosser)
5. **ADOPTION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION- 2023 WATER PROJECTS:** The public comment period for the Mitigated Negative Declaration is complete. Comments received have been incorporated into the final document. Minor changes were made to Resolution 2023-349. Director Kuebler inquired about the comments made by the Department of Fish and Wildlife and State Water Resource Control Board. **Public Comment:** None. **Recommended Action:** 1) Adopt the findings of the Staff Memo and approve the Final Initial Study/Mitigated Negative Declaration 2) Adopt updated Resolution 2023-349 and instruct the General Manager to file a Notice of Determination. Peggy Wiles moved for approval of the recommended action, seconded by Bruce Kuebler and the motion carried 4-0-1. (AYES: Jack Curtis, Bruce Kuebler, Ed Lee, and Peggy Wiles. NOES: None. Absent: Nathan Rosser)
6. **GOALS UPDATE:** The Assistant General Manager presented an update to the 2022/23 Goals. No updates or changes were made. **Public Comment:** None.
7. **APPROVAL OF PROTEST HEARING NOTICE:** District staff and rate increase ad-hoc committee worked with RDN to perform a cost-of-service analysis, rate analysis and revenue review. RDN recommends rate increases for FYE 24 and FYE 25 as presented. RDN also recommends adjustment of tier widths, reducing tier 3 from 33 units to 21 units, and tier 4 to begin at 33 units instead of 45 units. The rate increases are subject to a Protest hearing. Staff proposes a Prop 218 hearing on May 10th for property owners to comment and protest suggested rate increases. There was general board discussion regarding the rate increases. **Public Comment:** None. **Recommended Action:** The Board approve the Protest Hearing Notice setting the Protest Hearing for a Special Meeting on May 10, 2023 at 2:00pm at the District office or via zoom. Approved rates would become effective on May 15, 2023 and customers would see the increase on their June 30, 2023 water bill. Peggy Wiles moved for approval of the recommended action with the updated prop 218 notice including an increase to \$53 in FYE 25 for the Will Serve Letter/Fire Flow Verification Letter and an RSVP option, seconded by Bruce Kuebler and the motion carried 4-0-1. (AYES: Jack Curtis, Bruce Kuebler, Ed Lee, and Peggy Wiles. NOES: None. Absent: Nathan Rosser)

8. **AWARD OF CONTRACT FOR LEGAL SERVICES:** The Assistant General Manager presented the draft agreement for legal services. **Public Comment:** None. **Recommended Action:** Approve and execute the Legal Services Agreement with Nelson Comis Kettle & Kinney LLP. Bruce Kuebler moved for approval of the recommended action, seconded by Peggy Wiles and the motion carried 4-0-1. (AYES: Jack Curtis, Bruce Kuebler, Ed Lee, and Peggy Wiles. NOES: None. Absent: Nathan Rosser)
9. **BOARD REPORTS ON MEETINGS ATTENDED & UPDATE ON THE UPPER VENTURA RIVER GROUNDWATER AGENCY (UVRGA) - BRUCE KUEBLER:** Director Kuebler reported on the UVRGA Board Meeting. The monitoring system was impacted from the storms and will require a more expensive system. Director Kuebler also attended the Ojai Basin Groundwater Management Agency (OBGMA) meeting. OBGMA's General Manager is retiring, administrative activities are recommended to be completed by Casitas Municipal Water District.
10. **WATER & DISTRICT UPDATE:** The static aquifer level at Well #2 on March 1, 2023, was at elevation 546.4, increasing 17.2 feet since the first of last month. The aquifer is currently 15.6 feet above the 35-year average for March 1st. Well #1 is pumping 1,075 GPM, up 93 GPM from last month. Well #7 is pumping 878 GPM, up 84 GPM from last month. Well #2, #3, #4 & #6 were offline in February. Supplemental Casitas water was not purchased. Sales dollars billed on February 28, 2023, amounted to \$113,226, under budget by \$39,903 for February. Water sold in February 2023 amounted to 17,814 HCF, a decrease of 40% below the 29,667 HCF sold in February 2013. On March 1, 2023, Lake Casitas level was at 49.4% of full capacity at an elevation of 512.1 feet. The lake has increased 5.4% since last month. Bert Rapp celebrated 12 years of service with the District.
11. **OLD & NEW BUSINESS:** The General Manager reported some changes to the board room and updates on the grant work through Watershed Progressive. Casitas Mutual Water District is going to mail out ballots to vote on merging with VRWD.
12. **EXECUTIVE SESSION –** No executive session was held.

Meeting adjourned at 3:23 pm.

Attested:

Bert J. Rapp, Secretary

Online A/P Payment Transactions - March 2023

Date	Vendor	Description	Amount
3/2/23	WRIGHT FUEL	Fuel	\$ 1,514.37
3/6/23	AT&T	Mobile Phones	\$ 365.79
3/7/23	WAGEWORKS	Flexible Spending Account	\$ 53.51
3/10/23	MATILIJA WATER	Office Water	\$ 24.24
3/10/23	MECHANICS BANK	Analysis Charges	\$ 665.88
3/14/23	SCE	Electric	\$ 12,880.39
3/14/23	EDD	State Tax Deposit	\$ 1,242.68
3/14/23	WAGEWORKS	Flexible Spending Account	\$ 10.00
3/15/23	ACWA	Health Insurance	\$ 11,586.48
3/15/23	IRS	Federal Tax Deposit	\$ 7,901.09
3/15/23	TIAA	Ricoh Office Printer	\$ 175.64
3/15/23	EXPERTPAY	Child Support	\$ 97.00
3/15/23	VANCO	Bank Check Elimination	\$ 80.95
3/15/23	IVR	Robocalls	\$ 74.90
3/16/23	CALPERS	UAL-Classic	\$ 3,934.58
3/16/23	CALPERS	457	\$ 3,375.00
3/16/23	CALPERS	Classic	\$ 2,610.90
3/16/23	CALPERS	Pepra	\$ 2,124.54
3/16/23	AT&T	Mobile Phones	\$ 521.13
3/16/23	CALPERS	UAL- Pepra	\$ 162.75
3/27/23	WAGEWORKS	Flexible Spending Account	\$ 75.00
3/28/23	WAGEWORKS	Flexible Spending Account	\$ 92.86
3/31/23	EDD	State Tax Deposit	\$ 39.80
3/31/23	EXPERTPAY	Child Support	\$ 97.00
3/31/23	IRS	Federal Tax Deposit	\$ 139.94
3/31/23	EJ HARRISON	Trash Bill	\$ 157.62
3/31/23	EDD	State Tax Deposit	\$ 1,245.84
3/31/23	WRIGHT FUEL	Fuel	\$ 1,414.34
3/31/23	CALPERS	Classic	\$ 2,189.97
3/31/23	CALPERS	Pepra	\$ 2,670.65
3/31/23	CALPERS	457	\$ 3,375.00
3/31/23	IRS	Federal Tax Deposit	\$ 8,089.44
Total Online A/P Payments			\$ 68,989.28

Voided Checks

Check Number	Vendor	Reason	Amount
17586	SWRCB	Check not needed	\$ 120.00

Ventura River Water District
AP Check Register (Current by Bank)
Check Dates: 3/1/2023 to 3/31/2023

Check No.	Date	Status*	Vendor ID	Payee Name	Amount
BANK ID: RBOGEN - OPERATING ACCOUNT					10005
17587	03/06/23	P	10202	ELITE GENERAL ENGINEERING INC	\$3,515.43
17588	03/15/23	P	MEDLEN	AMANDA MEDLEN	\$440.29
17589	03/15/23	P	10197	AMAZON CAPITAL SERVICES	\$1,113.07
17590	03/15/23	P	300	AQUA-FLO SUPPLY	\$41.83
17591	03/15/23	P	10107	BARTLETT, PRINGLE AND WOLF LLP	\$6,000.00
17592	03/15/23	P	10058	BERT RAPP	\$17.55
17593	03/15/23	P	750	CASITAS MUNICIPAL WATER DIST	\$9,993.88
17594	03/15/23	P	790	CHASE CARD SERVICES	\$1,432.18
17595	03/15/23	P	795	CLA-VAL	\$14,123.48
17596	03/15/23	P	1000	CONTINENTAL UTILITY SOLUTIONS	\$1,000.00
17597	03/15/23	P	10111	DATA PROSE	\$1,066.79
17598	03/15/23	P	1268	DIAL SECURITY	\$325.00
17599	03/15/23	P	1390	FAMCON PIPE & SUPPLY, INC.	\$1,950.10
17600	03/15/23	P	1393	FGL, INC.	\$142.00
17601	03/15/23	P	10134	HERUM CRABTREE SUNTAG	\$3,683.70
17602	03/15/23	P	1730	KELLY CLEANING & SUPPLIES	\$250.00
17603	03/15/23	P	1950	MEINERS OAKS HARDWARE	\$141.32
17604	03/15/23	P	2025	MITEC SOLUTIONS LLC	\$1,196.11
17605	03/15/23	P	10171	NORTHERN DIGITAL	\$12,880.00
17606	03/15/23	P	10127	OJAI TRUE VALUE	\$7.50
17607	03/15/23	P	2400	OJAI VALLEY SANITARY DISTRICT	\$120.90
17608	03/15/23	P	2625	PHOENIX CIVIL ENGINEERING, INC	\$49,101.59
17609	03/15/23	P	3550	UNDERGROUND SERVICE ALERT	\$116.75
17610	03/15/23	P	10123	ZWORLD GIS, LLC	\$3,333.28
17611	03/14/23	P	10094	BADGER METER	\$929.11
17612	03/15/23	P	10203	STATE OF CALIFORNIA- DEPT OF F	\$2,814.00
17613	03/31/23	P	10197	AMAZON CAPITAL SERVICES	\$380.63
17614	03/31/23	P	1268	DIAL SECURITY	\$40.00
17615	03/31/23	P	1392	FAIRWEATHER HEATING & AIR CON	\$168.75
17616	03/31/23	P	1393	FGL, INC.	\$999.00
17617	03/31/23	P	1425	FRED'S TIRE MAN	\$451.44
17618	03/31/23	P	2074	LAW OFFC OF LINDSAY F. NIELSON	\$1,875.00
17619	03/31/23	P	1950	MEINERS OAKS HARDWARE	\$242.54
17620	03/31/23	P	2025	MITEC SOLUTIONS LLC	\$469.75
17621	03/31/23	P	2226	OJAI AUTO SUPPLY LLC	\$65.58
17622	03/31/23	P	10127	OJAI TRUE VALUE	\$119.72
17623	03/31/23	P	2750	QUILL CORPORATION	\$33.24
17624	03/31/23	P	10118	STATE WATER RESOURCES CONTROL	\$60.00
17625	03/31/23	P	3555	UNIVAR USA INC	\$1,391.42
17626	03/31/23	P	10200	Ventura Energy	\$4,713.00
17627	03/31/23	P	10163	WATERSHED PROGRESSIVE	\$13,982.50
BANK RBOGEN REGISTER TOTAL:					\$140,728.43
GRAND TOTAL :					\$140,728.43

* Check Status Types: "P" - Printed ; "M" - Manual ; "V" - Void (Void Date); "A" - Application; "E" - EFT
** Denotes broken check sequence.

Ventura River Water District
Income Statement
(Original Budget to Actual Comparison)
For the period of 2/1/2023 Through 2/28/2023

	Current Period				Year To Date			
	Actual	Budget	Variance	%	Actual	Budget	Variance	%
<u>Revenues</u>								
WATER SALES	\$110,986.59	\$153,129.00	\$(42,142.41)	(27.5)%	\$1,511,804.31	\$1,859,215.00	\$(347,410.69)	(18.7)%
SERVICE INSTALLATION	0.00	83.33	(83.33)	(100.0)	2,344.82	666.64	1,678.18	251.7
DELINQUENT FEES	2,325.00	1,400.00	925.00	66.1	15,530.00	11,200.00	4,330.00	38.7
CONSERVATION PENALTY FEES	4,865.00	2,666.67	2,198.33	82.4	82,189.00	21,333.36	60,855.64	285.3
Total Revenues	\$118,176.59	\$157,279.00	\$(39,102.41)	(24.9)%	\$1,611,868.13	\$1,892,415.00	\$(280,546.87)	(14.8)%
<u>Operating Expenses</u>								
WATER PURCHASES & CASITAS BASE FEES	9,993.88	12,000.00	2,006.12	16.7	76,113.13	96,000.00	19,886.87	20.7
UVRGA PUMP FEE	10,705.33	10,705.33	0.00	0.0	85,642.64	85,642.64	0.00	0.0
SALARIES	54,897.87	64,705.92	9,808.05	15.2	499,352.35	517,647.36	18,295.01	3.5
PTO & SICK	7,066.44	6,470.58	(595.86)	(9.2)	52,932.17	51,764.64	(1,167.53)	(2.3)
SOCIAL SECURITY & MEDICARE	4,767.21	4,950.00	182.79	3.7	37,202.42	39,600.00	2,397.58	6.1
STATE PAYROLL TAXES (SUI, ETT)	55.49	83.33	27.84	33.4	1,056.95	666.64	(390.31)	(58.5)
PUBLIC EMPLOYEES RETIREMENT SYSTEM	9,023.69	9,918.58	894.89	9.0	71,781.28	79,348.64	7,567.36	9.5
GROUP HEALTH INSURANCE	11,586.48	12,000.00	413.52	3.4	92,942.99	96,000.00	3,057.01	3.2
WORKER'S COMPENSATION INSURANCE	1,041.51	2,333.33	1,291.82	55.4	7,523.56	18,666.64	11,143.08	59.7
LIABILITY INSURANCE	5,438.33	5,981.92	543.59	9.1	43,506.64	47,855.36	4,348.72	9.1
BOARD MEMBER COMPENSATION	1,100.00	1,083.33	(16.67)	(1.5)	7,240.00	8,666.64	1,426.64	16.5
CONTRACT LABOR	40,363.17	10,953.75	(29,409.42)	(268.5)	87,821.11	87,630.00	(191.11)	(0.2)
PROFESSIONAL SERVICES(Audit, Engr,Draft)	7,666.64	5,958.33	(1,708.31)	(28.7)	27,666.48	47,666.64	20,000.16	42.0
FUEL	1,514.37	1,800.00	285.63	15.9	12,987.63	14,400.00	1,412.37	9.8
VEHICLE MAINTENANCE	25.00	833.33	808.33	97.0	2,490.27	6,666.64	4,176.37	62.6
OFFICE MAINTENANCE	3,470.04	5,650.00	2,179.96	38.6	31,923.61	45,200.00	13,276.39	29.4
FIELD EQUIPMENT MAINTENANCE	1,400.00	4,583.33	3,183.33	69.5	18,121.39	36,666.64	18,545.25	50.6
METER REPLACEMENT & MAINTENANCE	929.11	6,898.92	5,969.81	86.5	85,678.36	55,191.36	(30,487.00)	(55.2)
EQUIPMENT RENTAL	29.28	416.67	387.39	93.0	234.24	3,333.36	3,099.12	93.0
WATER SYSTEM MAINTENANCE	10,437.17	7,916.67	(2,520.50)	(31.8)	61,319.80	63,333.36	2,013.56	3.2
DISTRICT LEGAL COUNSEL	1,950.00	1,416.67	(533.33)	(37.6)	5,923.57	11,333.36	5,409.79	47.7
DEPRECIATION	0.00	29,166.67	29,166.67	100.0	0.00	233,333.36	233,333.36	100.0
Total Operating Expenses	\$183,461.01	\$205,826.66	\$22,365.65	10.9 %	\$1,309,460.59	\$1,646,613.28	\$337,152.69	20.5 %
<u>General & Administrative Expenses</u>								
UTILITIES	6,338.59	12,083.33	5,744.74	47.5	77,343.33	96,666.64	19,323.31	20.0
TELEPHONE & INTERNET	1,070.65	1,191.67	121.02	10.2	7,122.40	9,533.36	2,410.96	25.3
LAFCO FEES	131.67	134.67	3.00	2.2	1,053.36	1,077.36	24.00	2.2
BANK FEES AND MISCELLANEOUS	761.38	1,200.00	438.62	36.6	6,445.95	9,600.00	3,154.05	32.9
MEMBERSHIP,DUES,SUBSCRIPTIONS	1,850.25	2,083.33	233.08	11.2	14,324.73	16,666.64	2,341.91	14.1
PUBLIC RELATIONS/EDUCATION/CONSERV	157.09	1,200.00	1,042.91	86.9	3,078.17	9,600.00	6,521.83	67.9
LEGAL NOTICES & NEWSLETTERS	0.00	333.33	333.33	100.0	0.00	2,666.64	2,666.64	100.0
ELECTIONS	0.00	341.67	341.67	100.0	0.00	2,733.36	2,733.36	100.0
DIRECTORS TRAVEL/EDUCATION	0.00	416.67	416.67	100.0	225.82	3,333.36	3,107.54	93.2
SECURITY	289.00	416.67	127.67	30.6	2,741.50	3,333.36	591.86	17.8

Ventura River Water District
Income Statement
(Original Budget to Actual Comparison)
For the period of 2/1/2023 Through 2/28/2023

	Current Period				Year To Date			
	Actual	Budget	Variance	%	Actual	Budget	Variance	%
POSTAGE	785.24	1,083.33	298.09	27.5	6,926.29	8,666.64	1,740.35	20.1
OFFICE SUPPLIES	1,228.97	1,416.67	187.70	13.2	10,992.98	11,333.36	340.38	3.0
VENTURA RIVER WATERSHED ISSUES	47.21	4,583.33	4,536.12	99.0	424.98	36,666.64	36,241.66	98.8
BAD DEBT EXPENSE	0.00	333.33	333.33	100.0	0.00	2,666.64	2,666.64	100.0
CONSERVATION	0.00	3,333.33	3,333.33	100.0	878.31	26,666.64	25,788.33	96.7
Total General & Administrative Expenses	\$12,660.05	\$30,151.33	\$17,491.28	58.0 %	\$131,557.82	\$241,210.64	\$109,652.82	45.5 %
Total Expenses	\$196,121.06	\$235,977.99	\$39,856.93	16.9 %	\$1,441,018.41	\$1,887,823.92	\$446,805.51	23.7 %
Income (Loss) from Operations	\$(77,944.47)	\$(78,698.99)	\$754.52	1.0 %	\$170,849.72	\$4,591.08	\$166,258.64	3,621.3 %
<u>Other Income (Expense)</u>								
PROPERTY TAXES	\$2,006.70	\$4,166.67	\$(2,159.97)	(51.8)%	\$31,468.35	\$33,333.36	\$(1,865.01)	(5.6)%
INTEREST INCOME	1.77	500.00	(498.23)	(99.6)	7,581.54	4,000.00	3,581.54	89.5
OTHER REVENUE	(726.32)	416.67	(1,142.99)	(274.3)	27,268.61	3,333.36	23,935.25	718.1
SRF LOAN PROCEEDS	0.00	7,500.00	(7,500.00)	(100.0)	0.00	60,000.00	(60,000.00)	(100.0)
GRANT REVENUE	0.00	0.00	0.00	0.0	25,294.59	0.00	25,294.59	0.0
Total Other Income (Expense)	\$1,282.15	\$12,583.34	\$(11,301.19)	(89.8)%	\$91,613.09	\$100,666.72	\$(9,053.63)	(9.0)%
Income Before Taxes	\$(76,662.32)	\$(66,115.65)	\$(10,546.67)	(16.0)%	\$262,462.81	\$105,257.80	\$157,205.01	149.4 %
Net Income (Loss)	\$(76,662.32)	\$(66,115.65)	\$(10,546.67)	(16.0)%	\$262,462.81	\$105,257.80	\$157,205.01	149.4 %

3/30/23
3:15:16 PM

Ventura River Water District

Balance Sheet

As of 2/28/2023

Assets

Current Assets

FUNDS IN COUNTY TREASURY	\$707,598.30	
LOCAL AGENCY INVESTMENT FUND	965,022.85	
PETTY CASH	580.03	
SECURITY DEPOSIT CHECKING	18,978.74	
RABO6073	119,472.24	
PRO-EQUITIES	894,613.67	
ACCOUNTS RECEIVABLE	127,625.90	
TREASURY INTEREST RECEIVABLE	215.35	
CMWD PENALTY RECEIVABLE	76.56	
GRANTS RECEIVABLE	30,226.00	
PREPAID SECURITY MONITORING & MAINT	308.00	
PREPAID WEB SERVICES	168.33	
PREPAID INSURANCE	21,190.54	
PREPAID COMPUTER MAINTENANCE	11,060.12	
PREPAID OTHER	66,765.72	
DEFERRED OUTFLOWS	162,672.00	
Total Current Assets		\$3,126,574.35

Property, Plant & Equipment

WATER SYSTEMS IMPROVEMENT	\$2,810,360.66	
SCADA SYSTEM IMPROVEMENTS	59,597.10	
DISTRICT 4 AND DISTRICT 7	118,245.00	
WELLS	1,852,532.96	
TANKS	1,412,845.83	
PUMPS	277,620.38	
METERS	79,791.94	
TRUCKS	278,657.71	
OFFICE AND SHOP EQUIPMENT	299,988.35	
BUILDINGS	1,810,567.45	
LAND, WATER & RIGHTS OF WAY	227,580.50	
SCADA SYSTEM	37,541.85	
BALDWIN EROSION PROTECTION	68,324.24	
PIPELINES	2,905,339.00	
COMPUTERS	1,810.14	
RE-PLUMB ENCINO & THOMAS PRV VAULTS	33,783.75	
WELL#3 & WELL#2 PUMP & PANEL REPLACEMENT	305,662.80	
N. BALDWIN TANK REPAIR	11,204.91	
SANTA ANA BLVD FIRE FLOW UPGRADE	21,700.50	
TICO MUTUAL PROJECT	47,488.18	
SRF WATER MAIN PROJECTS	388,397.35	
SRF CONSTRUCTION POTHOLING	66,793.15	
SRF SOLAR PROJECTS	118,264.19	
REPLACE 2008 F-250 TRUCK	51,768.05	
ACCUMULATED DEPRECIATION	(5,127,624.42)	
Upgrade SCADA Radios	34,996.81	
Casitas Springs Emergency Fire Flow Pump	17,598.25	
GAIN/LOSS ON ASSET DISPOSAL	13,797.00	
Total Property, Plant & Equipment		8,224,633.63

Total Assets

\$11,351,207.98

Liabilities and Equity

Current Liabilities

ACCOUNTS PAYABLE	\$93,302.65
PTO PAYABLE	153,254.90

3/30/23
3:15:16 PM

Ventura River Water District

Balance Sheet

As of 2/28/2023

CONSTRUCTION DEPOSITS PAYABLE	10,121.25	
SECURITY DEPOSIT PAYABLE	7,615.03	
TICO MUTUAL TRUST	51,832.53	
Flexible Spending Account	(1,246.07)	
Dependent Care	999.96	
NET PENSION LIABILITY	203,443.00	
DEFERRED INFLOWS	213,131.00	
Total Current Liabilities		<u>\$732,454.25</u>
Total Liabilities		\$732,454.25
<u>Equity</u>		
INVESTMENT IN CAPITAL ASSETS	\$7,786,425.00	
UNRESTRICTED NET POSITION	2,569,865.92	
Current Year Profit/Loss	262,462.81	
Total Equity		<u>10,618,753.73</u>
Total Liabilities and Equity		<u><u>\$11,351,207.98</u></u>

VENTURA RIVER WATER DISTRICT
Status of Capital Improvement Projects - FYE 2023
2/28/2023

Water System Improvements

Account	Fixed Asset	22/23 Budget	YTD	Remaining/(Over)	Description/Status
13014	Well #6 (Well #5 Replacement)	\$ 15,000.00		\$ 15,000.00	Retaining wall, gravel pad (Postponed due to COVID-19)
13040	Mixing Valve South Alto Tank	\$ 25,000.00		\$ 25,000.00	Modifications being made to existing valves then do South Tank in 2022.
13070	Santa Ana Blvd Fire Flow Upgrade	\$ 45,000.00	\$ 19.50	\$ 44,980.50	Construction in 2024
13057	Re-plumb Encino & Thomas PRV Vaults - Design	\$ 12,000.00	\$ 1,072.50	\$ 10,927.50	Construction in 2024
13061	Well #2 & 3 Pump & Pannel Replacement	\$ 325,000.00	\$ 2,370.00	\$ 322,630.00	Pump & Panel Replacement
13104	Upgrade SCADA Radios	\$ 35,012.00	\$ 34,996.81	\$ 15.19	Replace SCADA radios & antennas and relocate antennas
13105	Casitas Springs Emergency Fire Flow Pump	\$ 250,000	\$ 17,598.25	\$ 232,401.75	Needed because of dropping Lake Casitas levels
13094	Tico Mutual Annexation Project	\$ 90,000	\$ 4,534.30	\$ 85,465.70	LAFCo Application, Design Engineering, SRF Coordination
13098	SRF Water Main Projects , Planning for Environmental, Engr, Easemts	\$ 523,000	\$ 170,942.81	\$ 352,057.19	Awarded to Phoenix = \$658,000 (13098 & 13099), Potholing & Easements
13099	SRF Construction Potholing	\$ 120,000	\$ 66,793.15	\$ 53,206.85	2023 Potholing Project (budget transfer #1)
13100	SRF Solar Projects , Planning for Environmental, Engr	\$ 81,000	\$ 69,832.39	\$ 11,167.61	Awarded to Phoenix = \$114,227
Total		\$ 1,521,012	\$ 368,160	\$ 1,152,852	

Auto Equipment

Account	Fixed Asset	22/23 Budget	YTD	Remaining/Over	Description/Status
13101	Replace 2008 F-250 Worktruck	\$ 55,000.00	\$ 51,768.05	\$ 3,231.95	Replace 2008 Ford F-250 work truck

Shop Equipment

Account	Fixed Asset	22/23 Budget	YTD	Remaining/Over	Description/Status
13092	Valve Turn Machine Upgrade to add GPS for GIS	\$ 4,500.00		\$ 4,500.00	This upgrade will provide the location of valves as they are exersized and import data to the GIS system.

Office Equipment

Account	Fixed Asset	22/23 Budget	YTD	Remaining/Over	Description/Status
13054	Computer Upgrades	\$ 8,000.00	\$ 1,810.14	\$ 6,189.86	Scanner for front office, agm computer, small desktop printer

Summary **\$ 1,588,512.00** **\$ 421,737.90** **\$ 1,166,774.10**

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VENTURA RIVER WATER DISTRICT

DATE: April 19, 2023
TO: Board of Directors
FROM: Bert Rapp, P.E. General Manager
SUBJECT: RESOLUTION 2023-352 RESCINDING ORDINANCE 2022-01 WATER WASTE & CONSERVATION DURING WATER SHORTAGE EMERGENCY

SUMMARY

On March 16, 2022 in response to significant water shortage concerns in the Ojai Valley and the State of California the Board adopted Ordinance 2022-1 addressing Water Waste, Conservation and declaring a water shortage emergency. This winter the District has received over 45" of rain, Lake Casitas has risen to over 70% of capacity and the Casitas Municipal Water District has reduced the drought stage from Stage 3 to Stage 1.

RECOMMENDED ACTIONS

The General Manager recommends that the Board:

1. Adopt Resolution 2023-352 rescinding ordinance 2022-01 Water Waste & Conservation During Water Shortage Emergency and removing the mandatory 30% conservation requirement on outdoor irrigation.
2. Keep Abusive Water Waste Penalty at \$5 or reduce to \$3 or \$4.

BACKGROUND

On April 12th the Casitas Board reduced the Drought Stage from Stage 3 to Stage 1 effective June 1, 2023 and eliminated the \$5 per unit penalty for exceeding a water allocation.

The General Manager recommends that the outdoor irrigation water budgets be restored to 100% of the customer needs in accordance with the table below:

VRWD Water Budgets at Casitas Drought Stages					
Item	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Health & Safety 10 units/month	100%	100%	100%	100%	100%
Outside water use	100%	80%	70%	60%	50%

At the current Stage 3 drought level outdoor water budget portions are set at 70% of the irrigation needs. Elevating to Stage 1 will increase the outdoor water budget portion to 100% of the irrigation needs.

Casitas eliminated their \$5 Conservation Penalty which probably makes more sense than for the Ventura River Water District to eliminate the \$5 Abusive Water Waste Penalty.

The VRWD Water Budgets and Casitas allocations are different in character. The VRWD Water Budgets distinguish “appropriate” and “wasteful” water use, Casitas allocations do not. With the Casitas allocations a customer may be irrigating more area than is allowed under the WEAP, exceeding their allocation but watering efficiently and not wasting water.

The outdoor irrigation portion the VRWD Water Budget is based on the amount of irrigation needed, regardless of the size of the area irrigated. The Casitas allocation for outdoor irrigation is based on limiting the area allowed to be irrigated. The Casitas Residential allocation is defined in the WEAP section 4.3 for residential:

- 6) Where not previously assigned a residential allocation, a residential allocation shall be based on the following:
 - a. The essential health and sanitation portion of the residential allocation shall be set at **120 units per year**, and be constant for each month of the year.
 - b. Non-essential portion of the annual residential allocation shall be based on actual irrigated landscape area of the parcel with a maximum limit to 1.99 acres (86,684 square feet) of irrigated landscape area and set as follows:
 - i. For the first 5,000 square feet of irrigated landscape area, 15 gallons per square foot;
 - ii. For the next 10,000 square feet of irrigated landscape area, 10 gallons per square foot
 - iii. For the next increment up to 71,684 square feet of irrigated landscape area, 3 gallons per square foot;

Reasons to keep the Abusive Water Waste Penalty:

- a. The outdoor irrigation water budgets are going to increase 30% for Stage 1 and should significantly reduce the number of Abusive Water Waste Penalties assessed.
- b. The majority of customers who pay significant Abusive Water Waste Penalties are very large water users who regularly overwater their landscaping and waste water.
- c. Wasting water should always be discouraged even when not in drought conditions.
- d. The District has accepted a \$172,000 water conservation grant from the Wildlife Conservation Board to design low water landscapes for customers. The required match is \$25,800. The match is currently planned to be funded with the water waste penalty monies. Projected Water Waste Penalty monies are projected to be about \$50,000 but is unknown how they will be effected by the 30% increase in outdoor water budgets.
- e. The Abusive Water Waste penalty funds water conservation efforts by the District. If the District continues conservation efforts and funds them through regular water revenues then the customers who manage their water use and stay within their budget will pay for conservation work instead of the customers who waste water.

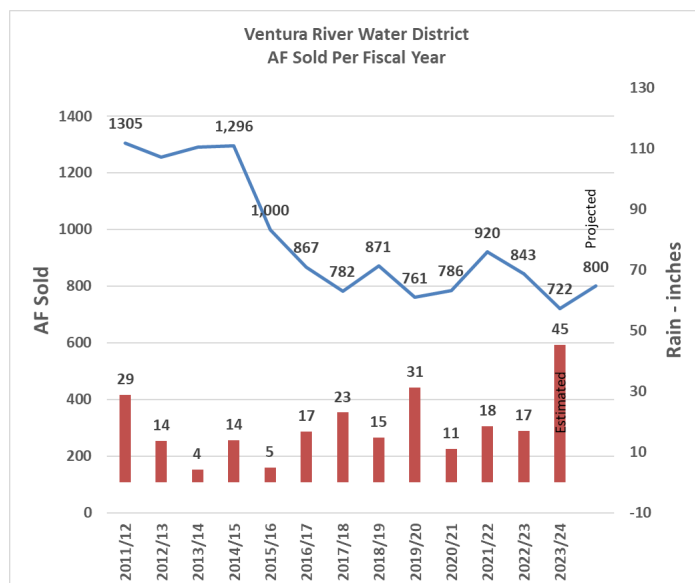
- f. The Board has established an Abusive Water Waste Penalty forgiveness program for exceedance that was not intentional. This has been a big help to persons who unintentionally use excess water.
- g. The District modifies water budgets on request of the customer to reflect the amount of area they desire to water.
- h. Water budgets are adjusted each month to reflect actual evapotranspiration rates so customers are not penalized for using water they needed.
- i. If in the coming months if revenues from the Abusive Water Waste Penalties are greater than needed to fund water conservation activities and new water resources, then the Board can immediately reduce them.

FISCAL IMPACT

The Abusive Water Waste Penalty is currently at \$5 per unit of water used in excess of the water budget. It could be lowered to \$3 or \$4. When it was \$1 it was hardly noticed and ignored. It is unknown how many customers will exceed their budgets after 30% increase. The penalty can be reduced at any time without advanced notice.

Rescinding the drought emergency and removing the 30% mandatory reduction on outdoor irrigation will likely increase water usage some amount. Over the last 11 years of drought many customers have relandscaped their water thirsty lawns with low water plants and rain gardens to capture rainwater. While water usage may increase some it will not likely increase to previous levels.

After the last large rain year in 2019 when the District received 31 inches of rain, but remained in Stage 3 drought, water usage was 760 AF. Water usage next fiscal year is estimated at 800 AF which is likely in the ballpark. Water revenues are expected to remain stable in the coming year.



Attachments:
A – Resolution 2023-352
Rescinding Drought Emergency

**VENTURA RIVER WATER DISTRICT
RESOLUTION # 2023-352**

Rescinding Local Drought Emergency

WHEREAS, on March 16, 2022 the Ventura River Water District Board of Directors declared a Local Drought Emergency and approved Water Waste and Conservation Ordinance 2022-1; and

WHEREAS, the Ventura River watershed received over 45 inches of rain in the winter of 2023, and;

WHEREAS, Lake Casitas has increased to over 70% of capacity and is projected to stay above Stage 2 drought levels until at least 2025; and

WHEREAS, the Casitas Municipal Water District serves as the back-up water supply for the Ventura River Water District when available water in the Upper Ventura River Groundwater basin diminishes; and

WHEREAS, the Casitas Municipal Water District has lowered the Drought Stage to Stage 1 effective June 1, 2023; and

WHEREAS, the Ventura River Water District serves water to about 6,100 people in the Ojai Valley and to businesses; and

WHEREAS, the primary source of water supply for the Ventura River Water District is from the Upper Ventura River groundwater basin; and

WHEREAS, the current drought Stage 3 requires a 30% reduction in outdoor irrigation. The Ventura River Water District has reduced the allowable outdoor irrigation by a factor of 0.7 applied to residential outdoor water budgets; and

WHEREAS, the Ventura River Water District Board of Directors (Board) finds that conditions of the drought emergency have passed for the present time and warrant the rescinding of the local emergency.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED AS
FOLLOWS:**

1. The local drought emergency has terminated and Ordinance 2022-1 is hereby rescinded.
2. Effective April 15, 2023 the drought factor applied to outdoor irrigation shall be increased from 0.7 to 1.0.

ADOPTED this 19th day of April 2023.

Ed Lee, President

Bert J. Rapp, Secretary

VENTURA RIVER WATER DISTRICT

DATE: April 19, 2023

TO: Board of Directors

FROM: Bert J. Rapp, P.E. General Manager

SUBJECT: APPROVE TASK ORDER #20 FOR 2023 WATER PROJECTS – NEPA ANALYSIS

SUMMARY

On January 19, 2022 the Board awarded the design engineering contract for the 2023 Water Projects to Phoenix Civil Engineering. Since the award of contract several changes have been made and approved by the Board. A new change is being proposed for the preparation of the National Environmental Policy Act (NEPA) Analysis.

RECOMMENDED ACTION

The General Manager recommends that the Board take the following action:

1. Approve Task Order #20 in the amount of \$15,192 for the NEPA Analysis for the 2023 Water Projects design contract with Phoenix Civil Engineering.

BACKGROUND

Project Status:

The State Revolving Loan (SRF) Program staff have requested the completed environmental document prior to submittal of the draft plans and specifications. On March 15, 2023, the Board approved the Final Initial Study and Mitigated Negative Declaration for the 2023 Water Projects. SRF staff have requested a NEPA environmental analysis because the funds they will be providing for the Tico improvements and the \$10M zero interest loan are partially Federal monies. Phoenix has prepared the plans and specifications, currently at 60% design, so they can be submitted to the State for review and approval of SRF Funding.

FISCAL SUMMARY

The overall changes to the 2023 projects are shown below.

The current design fee with Phoenix is \$630,075. This change will increase the total fee to \$645,267. This work is budgeted in Account #13098 and has adequate monies available this fiscal year to accommodate this additional \$15,192.

Attachments: Task Order 20

Task Order # 20

2023 Water Projects – Prepare Federal Environmental Documents (NEPA) for SRF Funding

Scope of Work:

Prepare the required federal environmental documentation for the 2023 Water Projects as required to obtain SRF Funding. Specific tasks are detailed in Attachment A and include:

- Environmental Package (Construction)
- Environmental Alternatives Analysis
- Historic Properties Identification Report
- Biological Report/Assessment
- Air Quality Analysis.
- Environmental Justice.
- Floodplain Management.
- Response to Information Requests from the SWRCB.

Schedule:

Complete analysis concurrently with application for SRF Funding to the State for the 2023 Water Projects.

Fees and Payment:

Total fees for Task Order #20 are \$15,192, for a new total fee of \$645,267.

April 20, 2023

Bert J. Rapp, P.E. General Manager



Phoenix Civil Engineering, Inc.

535 East Main Street Santa Paula, California 93060 805.658.6800
info@phoenixcivil.com www.phoenixcivil.com

Mr. Bert Rapp, PE
General Manager
Ventura River Water District
409 Old Baldwin Rd.
Ojai, CA 93023

April 4, 2023

Ventura River Water District – Additional Fee Proposal for Preparation of Federal Environmental Documentation as Required for the State Revolving Fund (SRF) Program for the 2023 Water Projects

Dear Bert,

I am pleased to submit our proposal for additional environmental document preparation services associated with the above project. This work is required by the State Revolving Fund (SRF) program. These tasks are in addition to the work that was already completed under Task 1.4 of our Agreement with the District and will be performed by Padre Associates, Inc., as a subconsultant to Phoenix Civil Engineering. I have prepared my proposal to include the following:

Phase 1.4.1: Environmental/NEPA Documents

- Environmental Package (Construction). Padre will complete this form, which addresses federal environmental laws, and includes a summary of and references to the following analyses.
- Environmental Alternatives Analysis. Based on information provided in the Engineers Reports and Preliminary Design Reports prepared for the project, we will identify alternative designs, locations and processes that were considered but rejected during project engineering development. A brief analysis of the feasibility and relative environmental impacts of the alternatives will be provided.
- Historic Properties Identification Report. This Report will document compliance with the Archaeological and Historic Preservation Act and National Historic Preservation Act and meet the SRF Program guidelines. This task will expand the analysis provided in the MND and include an updated and expanded cultural resources record search and consultation with tribal contacts provided by the Native American Heritage Commission.
- Biological Report/Assessment. The biological impact analysis provided in the MND will be expanded and re-focused to address compliance with the Bald Eagle and Golden Eagle Protection Act, Endangered Species Act, Fish and Wildlife Coordination Act, Magnus on-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Protection of Wetlands and Rivers and Harbors Act. A Biological Report/Assessment will be prepared to be attached to the Environmental Package.
- Air Quality Analysis. The air quality impact analysis provided in the MND will be expanded to address other pollutants, General Conformity with the State Implementation Plan and compliance with the Clean Air Act.

- Environmental Justice. An assessment of the project to disproportionately effect any minority and/or low-income populations will be provided, utilizing 2020 Census data from the District's service area.
- Floodplain Management. The impact analysis provided in the MND concerning project components located within the 100-year floodplain will be expanded and include flood insurance rate maps.
- Response to Information Requests from the SWRCB. This task involves revisions to the above environmental analyses and responses to the comments and information requests from the SWRCB.

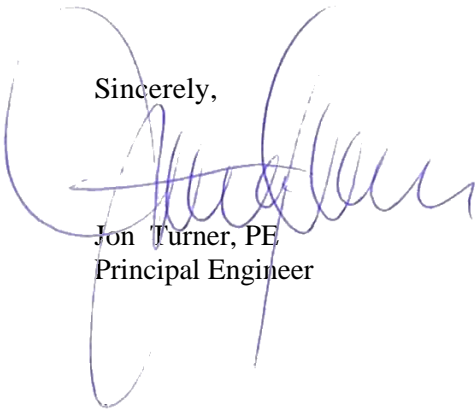
Fees

The additional efforts will be added to the original contract amount as follows:

Task 1.4.1	Environmental/NEPA Documents	\$15,192
	Original Contract Amount - Design	\$630,075
	Revised Contract Amount – Design	\$645,267

Let me know if you would like to discuss my proposal.

Sincerely,


Jon Turner, PE
Principal Engineer

March 22, 2023
Project no. 2202-1821

Bert Rapp
Ventura River Water District
409 Old Baldwin Road
Ojai, California 93023

**2023 Water Projects
Proposal to Prepare Federal Environmental Documentation
as Required for the State Revolving Fund (SRF) Program**

Introduction

We understand your funding will be provided through the SRF Program, which requires submittal of federal environmental documentation as listed in "Environmental Package (Construction)" provided by the State Water Resources Control Board (SWRCB). Note that this documentation is in addition to the environmental analysis provided in the Mitigated Negative Declaration (MND). The purpose of this proposal is to provide a scope of work and fee to prepare required federal environmental documentation for the subject project.

Scope of Work

Our work scope fully complies with the SRF Program requirements, and includes the following tasks:

Environmental Package (Construction). Padre will complete this form, which addresses federal environmental laws, and includes a summary of and references to the following analyses.

Environmental Alternatives Analysis. Based on information provided in the Engineers Reports and Preliminary Design Reports prepared for the project, we will identify alternative designs, locations and processes that were considered but rejected during project engineering development. A brief analysis of the feasibility and relative environmental impacts of the alternatives will be provided.

Historic Properties Identification Report. This Report will document compliance with the Archaeological and Historic Preservation Act and National Historic Preservation Act and meet the SRF Program guidelines. This task will expand the analysis provided in the MND and include an updated and expanded cultural resources record search and consultation with tribal contacts provided by the Native American Heritage Commission.



Biological Report/Assessment. The biological impact analysis provided in the MND will be expanded and re-focused to address compliance with the Bald Eagle and Golden Eagle Protection Act, Endangered Species Act, Fish and Wildlife Coordination Act, Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Protection of Wetlands and Rivers and Harbors Act. A Biological Report/Assessment will be prepared to be attached to the Environmental Package.

Air Quality Analysis. The air quality impact analysis provided in the MND will be expanded to address other pollutants, General Conformity with the State Implementation Plan and compliance with the Clean Air Act.

Environmental Justice. An assessment of the project to disproportionally effect any minority and/or low-income populations will be provided, utilizing 2020 Census data from the District's service area.

Floodplain Management. The impact analysis provided in the MND concerning project components located within the 100-year floodplain will be expanded and include flood insurance rate maps.

Response to Information Requests from the SWRCB. This task involves revisions to the above environmental analyses, and response to comments and information requests from the SWRCB.

Schedule and Fee

We will initiate work within two working days of receipt of written authorization to proceed, and anticipate completing Tasks 1 through 7 within two weeks of initiation.

Padre will complete the scope of work described above on a time and materials basis, according to the attached 2022 Fee Schedule for a not-to-exceed fee of \$13,320. The following Table provides a breakdown of our fee by task.



Task	Estimated Fee
1. Environmental Package Form	\$1,280
2. Environmental Alternatives Analysis	\$1,600
3. Historic Properties Identification Report	\$5,150
4. Biological Report/Assessment	\$2,090
5. Air Quality Analysis	\$640
6. Environmental Justice Assessment	\$960
7. Floodplain Impact Discussion	\$320
8. Response to Information Requests from SWRCB	\$1,280
Total	\$13,320

Should you have any questions regarding this proposal, please contact me at 805/644-2220 ext. 413 at your earliest convenience.

Sincerely,

Padre Associates, Inc.

A handwritten signature in blue ink, appearing to read "Matt Ingamells", is written over a blue circular stamp. The stamp contains the text "Padre Associates, Inc." and "March 22, 2023".

Matt Ingamells
Project Manager/Senior Biologist

Attachment: 2022 Fee Schedule

2022 STANDARD FEE SCHEDULE

PROFESSIONAL SERVICES

Principal Professional II	\$ 210/hr
Principal Professional	\$ 180/hr
Senior Professional II	\$ 160/hr
Senior Professional	\$ 150/hr
Project Professional II	\$ 130/hr
Project Professional	\$ 120/hr
Staff Professional II	\$ 110/hr
Staff Professional	\$ 95/hr
Senior Technician (Non-Prevailing Wage)	\$ 90/hr
Senior Technician (Prevailing Wage)	\$ 95/hr
Technician (Non-Prevailing Wage)	\$ 80/hr
Technician (Prevailing Wage)	\$ 85/hr
Senior GIS/CAD Specialist	\$ 110/hr
GIS/CAD Specialist	\$ 95/hr
Drafting	\$ 75/hr
Word Processing/Technical Editor	\$ 80/hr

*Overtime rates for Technicians and Office Staff is 1.3 x rates shown.

Fees for expert witness preparation, testimony, court appearances, or depositions will be billed at the rate of \$425 per hour.

OTHER DIRECT CHARGES

Subcontracted Services	Cost Plus 15%
Outside Reproduction	Cost Plus 15%
Travel, Subsistence, and Expenses	Cost Plus 15%
Vehicle	\$ 80/day
Photoionization Detector	\$ 120/day
Nuclear Density Gauge	\$ 85/day
Automobile Mileage	\$ 0.85/mile

NELSON COMIS KETTLE & KINNEY LLP
ATTORNEYS AT LAW

MEMORANDUM

TO: Ventura River Water District Board of Directors

FROM: Stuart Nielson, Legal Counsel

DATE: April 19, 2023

RE: Proposed Update and Revision of Board of Director Bylaws

Governing a public agency requires a level of formality and consistency to promote thoughtful, orderly, open and transparent decision-making, and to provide legitimacy and acceptance of the decisions made and actions taken by the agency's governing body. A governing board's bylaws establish organizational and administrative rules, policies and guidelines that are critical to the achievement of these objectives.

Ventura River Water District's ("VRWD" or "the District") current Bylaws were originally adopted over twenty years ago and have been amended on various occasions since then. Given the changes in the law and other practical developments affecting the District's governance and operations that have occurred during the intervening years, it is proposed that the Bylaws be updated in order to conform to current best practices. Accordingly, revised Bylaws have been prepared and are being presented for the Board's review, discussion and input.

The revised Bylaws include the following substantive changes and provisions:

Articles I and II – Name, Purpose and Function of the District: These provisions describe the basic purpose and other organizational aspects of the District.

Article III – The Governing Body of the District: This article describes the general powers, authority and functions of the District's Board of Directors ("Board"). It also addresses the laws and requirements applicable to the qualification, election, and disqualification of Directors. The following provisions are of particular importance:

- Section 3.04(d) addresses the disqualification of a Director due to "persistent absenteeism." According to the current Bylaws, this involves a Director being absent from three or more consecutive meetings without "acceptable cause being given to the Board of Directors." The revised Bylaws define "persistent absenteeism" as a Director being absent from three or more consecutive meetings or more than five meetings within any calendar year, except when prevented by sickness or other medical condition from which the Director is expected to recover, or when excused due to other "just cause." The provision defines "just cause" to include a family medical emergency, a childcare or caregiving need of a family member, a temporary employment conflict, out of town travel, or other circumstances as may be determined by the Board on a case-by-case basis. Accordingly, the provision would allow for

the excusal of a Director's absence due to any of the described circumstances or for other for justifiable reason as determined by the Board in its discretion.

- Section 3.07 addresses the subject of Director compensation. Currently, the amount of Director compensation is stated in the Bylaws, as per the most recent ordinance adopted by the Board addressing the issue (Ordinance 2006-08). However, since Director compensation is established pursuant to a separate ordinance, it is best to simply include a reference to such ordinance in the Bylaws, so that any future changes to Director compensation adopted by ordinance will not also require an amendment to the Bylaws. In addition, given the number of years that have passed since the Board last considered the issue of Director compensation, the Board may wish to revisit the issue now in order to determine whether the current compensation structure is consistent with the compensation paid to the directors of other similar public agencies in the area.

Article IV – Ethics Guidelines for Board of Directors: This article has been added to the Bylaws in order to inform the Board and the public of the various laws, rules of conduct, and other guidelines concerning the Director's ethical duties and obligations. It is important that all Directors be aware of these duties and requirements in order to ensure that all Board actions and activities are taken in full compliance with the law and in the public interest.

Article V – Officers: This article identifies the title and function of the various officers of the District, which include the President of the Board, Vice-President, and Board Secretary. These provisions are generally consistent with the corresponding provisions of the current Bylaws. The only substantive change is that the current Bylaws indicate that the District will have a Treasurer. However, pursuant to the County Water District Law, the District must either appoint a Treasurer or retain an outside auditor to perform the annual audit and otherwise oversee the District's accounting. Because VRWD has an outside accounting firm that performs its annual audit, the Board does not need to appoint a Treasurer and the revised Bylaws do not provide for the appointment such an officer.

Article VI – Meetings of the Board of Directors: These provisions address the procedures for the conduct of Board meetings. The revised Bylaws address this subject in somewhat greater detail than the current Bylaws in order to ensure that meetings are agendized, noticed, and conducted in a uniform manner consistent with the requirements of the Brown Act and other applicable law.

New sections have been included (Sections 6.04 and 6.05) addressing the use of teleconferencing for Board meetings and remote participation in meetings by Directors. The requirements for teleconference meetings and remote participation have recently been changed by AB 2449, and the current requirements are scheduled to sunset on January 1, 2026. Accordingly, to the extent the District intends to conduct meetings using such technology, it is very important to ensure that the current requirements of the Brown Act are properly observed.

Section 6.12 summarizes the rules of order for Board meetings. These provisions have been drafted to be consistent with the current practices of the Board. However, the Board should review them carefully to identify any potential issues or concerns.

Article VII – Board Committees: This article addresses the formation and functions of Board committees. This topic is not addressed in the current Bylaws. It is important that all meetings and other activities of any committees be conducted in a uniform manner and in full compliance with the requirements of the Brown Act.

Article VIII – Administration of District Business: This article addresses the roles and authority of the General Manager and other District staff and advisors. It also addresses various reporting obligations that are required by law, including conflict of interest reporting by Board members and District staff.

Following the Board’s discussion of the revised Bylaws, any changes or other input received from the Board will be incorporated into the document, and a final version will be brought back to the Board for final approval at the next regular meeting of the Board.

VENTURA RIVER WATER DISTRICT

BYLAWS

Revised: _____

ARTICLE I. NAME

- Section 1.01 Name. The name of this organization is VENTURA RIVER WATER DISTRICT, (hereinafter referred to as the “District”). The District is a California special district formed in 1956 and operating under the provisions of the County Water District Law, Water Code Section 30000 *et seq.* (hereinafter, the “Act”).

ARTICLE II. PURPOSE AND FUNCTION

- Section 2.01 Purpose and Powers. The District is an independent special district established in accordance with and having the authority and powers as set forth in the Act. The mission of the District is to deliver a safe, reliable and sustainable supply of water to meet the needs of the residents and businesses within the District’s service area, including portions of Oak View, the City of Ojai, Western Ojai Valley, and Casitas Springs. To that end, the District maintains and operates both water procuring and water distribution systems.
- Section 2.02 Principal Office. The District’s administrative office shall be located at 409 Old Baldwin Road, Ojai, California, or such other place as the Board of Directors shall determine.
- Section 2.03 Facilities and Assets. The District’s assets consist of well sites, a storage and corporation yard facility located at the District’s principal office, miscellaneous buildings, pipelines, pumps, wells, tanks, real property, equipment and an established boundary.

ARTICLE III. GOVERNING BODY

- Section 3.01 Board of Directors. The Board of Directors (hereinafter, the “Board”) is the governing body of the District and, except as otherwise provided in the Act, the business and affairs of the District shall be managed and all District powers shall be exercised by and under the direction of the Board. The Board of Directors shall delegate the management of the day-to-day operations to the General Manager, provided that all District power shall be exercised under the ultimate direction of the Board of Directors.
- Each Director shall exercise such powers and otherwise perform such duties in good faith, in the manner such Director believes to be in the best interest of the District, and with care, including reasonable inquiry, using ordinary prudence as a person in like position would use under similar circumstances.
- Section 3.02 Number and Term of Office. The Board shall consist of five (5) Directors, each representing the District as a whole. The term of office for each member of the Board is four (4) years. The terms of the Directors are staggered so that every two years elections are held for either three or two of the seats on the Board. The terms of newly-elected Directors, following election, begin as determined and provided for in Section 10554 of the Elections Code. A Director’s term can be terminated prior to the completion of the full 4-year term by his or her resignation, removal, or disqualification from office.
- Section 3.03 Qualifications. Each Director shall be a voter and bona fide resident of the District and shall otherwise be qualified to hold office as provided in the Act and other applicable law.

Section 3.04 Disqualification. Each Director shall serve in such a capacity as provided herein for the full term of office unless such Director shall become disqualified from further service upon the occurrence of any of the following acts:

- (a) The Director is disqualified from holding office for any reason as provided in the California Constitution or the laws of the State of California;
- (b) The Director is removed from office in accordance with Section 3000 *et seq.* of the Government Code or other applicable law;
- (c) The Director resigns;
- (d) The Director is guilty of persistent absenteeism from meetings of the Board, which shall be defined as being absent from three (3) or more consecutive meetings or more than five (5) meetings within any calendar year, except when prevented by sickness or other medical condition that prevents the director from attending in person and from which the Director is expected to recover, or when excused due to other just cause. For purposes hereof, “just cause” shall include a family medical emergency, a childcare or caregiving need of a family member, a temporary employment conflict, out of town travel, or other circumstances as may be determined by the Board on a case-by-case basis. In the case that any Director is guilty of persistent absenteeism as provided herein, the Board may by resolution declare that a vacancy exists on the Board and the subject Director’s term shall expire upon the adoption of such resolution;
- (e) In accordance with Section 30508 of the Act, the Director’s place of residence (as defined in Section 244 of the Government Code) is moved outside the District’s boundaries, and the Director fails within one hundred eighty (180) days of the move to reestablish a place of residence within the District, whereupon it shall be presumed that a permanent change of residence has occurred and that a vacancy exists on the Board pursuant to Section 1770 of the Government Code.

Section 3.05 Elections.

- A. Elections. Board member elections are conducted in the manner provided in the Act and in accordance with the Uniform District Election Law, Elections Code Section 10500 *et seq.* Elections are held in even-numbered years in November and are consolidated with the County of Ventura general election. In the event the number of qualified candidates running is equal to the vacancies to be filled, no election will be necessary as the candidates shall be appointed by the Ventura County Board of Supervisors. In the event there are more candidates than there are openings on the Board, it will be necessary for an election to be conducted. The cost of the election shall be assumed by the District except the candidate statement, which shall be assumed by the candidate.
- B. Vacancies. Vacancies on the Board shall be filled for the unexpired term as provided in Government Code Section 1780.

Section 3.06 Oath of Office. Each Director elected or appointed to the Board shall, before entering upon the duties of his or her office, take and subscribe the following oath of office and file it with the

District Secretary:

“I, *[state name]*, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.”

Section 3.07 Board Compensation. Directors shall receive compensation for each day’s attendance at meetings of the Board and meetings of District committees, and for each day’s service rendered as a member of the Board by request of the Board, together with payment or reimbursement of any expenses incurred in the performance of his or her duties, as provided in the applicable ordinances and policies of the District, as amended from time to time.

Section 3.08 Indemnification of Directors. Each Director shall be wholly indemnified and defended by the District in any District related litigation in which that Director is named as a defendant so long as the allegations against the Director fall within the course and scope of his or her duties as a Director. The District shall pay for costs of defense and damages for any judgment against a Director relating to any such indemnified claim. Such indemnification will not cover intentional acts outside of the scope of duties which are reasonable and customary for a Director of the District.

ARTICLE IV. ETHICS GUIDELINES FOR BOARD OF DIRECTORS

Section 4.01 Act in the Public Interest. Directors must recognize that stewardship of the public interest must be their primary concern. Directors will work for the common good of the people of the District and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Board.

Section 4.02 Comply with the Law. Directors shall comply with all applicable federal, state and local laws and regulations in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; California Political Reform Act of 1974 (Gov. Code Sections 87100-87500) and corresponding Fair Political Practices Commission regulations (Title 2 Calif. Code of Regs., Section 18701 *et seq.*); laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, Brown Act Open Meetings Law (Gov. Code Section 54950 *et seq.*), Public Records Act (Gov. Code Section 6250 *et seq.*), AB 1234 (Local agencies: ethics; Stats. 2005, ch. 700) and AB 1661 (Local governments: sexual harassment prevention training and education; Stats. 2016, ch. 816).

Section 4.03 Conduct of Directors. The professional and personal conduct of Directors must be above reproach and avoid even the appearance of impropriety. Directors shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Directors, District staff, other public agencies, representatives of other public agencies, and the public.

- A. Duty of Care. A Director must pay attention to organization matters and participate fully in Board review and decision-making. He or she must exercise the care that an ordinarily prudent person would exercise in a like position and under similar circumstances.
- B. Duty of Loyalty. A Director must put the needs of the organization ahead of any personal interest when making decisions affecting the District and may not use

information obtained as a Director for personal gain. A Director must always maintain confidentiality regarding confidential District operations and business.

- C. Duty of Obedience. A Director must be faithful to the District's mission and may not act in a manner that is inconsistent with this mission. This requirement is based on the public trust afforded to governmental entities, and the assumption that the agency will manage constituent funds in fulfillment of the District's statutory purpose.
- D. Fiduciary Duty. A Director has a fiduciary (i.e., "one who must exercise a high standard of care in managing another's money or property" (Black's Law Dictionary, 10th ed., p. 743)) duty to the organization and is responsible for assuring the District's fiscal health.

Section 4.04 Respect for Process. Directors shall perform their duties in accordance with the processes and rules of order established in these Bylaws.

Section 4.05 Conduct at Public Meetings. Directors shall be prepared to attend and participate at Board meetings and Board committee meetings; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

Section 4.06 Decisions Based on Merit. Directors shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

Section 4.07 Communication. Directors shall publicly share substantive information that is relevant to a matter under consideration by the Board which they may have received *ex parte* from sources outside of the public decision-making or public hearing process.

Section 4.08 Conflict of Interest. To ensure their independence and impartiality on behalf of the common good, Directors shall not use their official positions to influence government decisions in which they have a material financial interest as defined by California law.

In accordance with governing law, Directors shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist pursuant to Federal and California laws.

Section 4.09 Gifts and Favors. Directors shall not take any special advantage of services or opportunities for personal gain, because of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

Section 4.10 Confidential Information. Directors shall respect the confidentiality of information concerning the property, personnel or affairs of the District that they learn or receive from their interactions with other Board members, staff, or legal counsel outside of a public meeting, especially for those matters discussed and acted upon in closed session. Directors shall not disclose confidential information unless required to fulfill their fiduciary duty. Nor shall they disclose confidential information to advance their personal, financial or other private interest.

Section 4.11 Representation of Private Interests. In keeping with their role as stewards of the public interest, Directors shall not appear on behalf of the private interests of third parties before the Board.

Section 4.12 Advocacy. Directors shall represent the official policies of the District to the best of their ability when designated as representatives or delegates for this purpose. When presenting or communicating their individual opinions and positions to the public or to other agencies or agency staff, Directors shall: (a) explicitly state that they do not represent the District or the Board; (b) explicitly state that their views do not reflect the views of the District or the Board; (c) explicitly state that their opinions and positions are theirs alone; and (d) not allow any inference that they are speaking or acting as District or Board representatives.

Section 4.13 Policy Role of Directors. The primary roles of the Directors are policy setting and policy review. Directors shall not interfere with or direct the daily administrative functions of the District or the professional duties of District staff or consultants, nor shall they impair the ability of District staff to implement Board policy decisions. A Board member shall not attempt to circumvent Board direction by attempting to influence others outside of a public Board meeting.

ARTICLE V. OFFICERS

Section 5.01 Titles and Functions. The officers of the District shall consist of the following, who shall be elected or appointed by the Board in the manner provided in the Act:

- A. President. The President shall preside at all meetings of the Board, have general supervision of the affairs of the Board, represent the Board in any actions taken by the Board, be an *ex officio* member of all Board committees, sign all contracts on behalf of the District, and perform such other duties and have such other powers and authority as prescribed by these Bylaws or as provided in the Act.
- B. Vice-President. The Vice-President shall, in the absence of the President, assume all duties of the President, including the chairing of meetings and the appointment of committees, and such other powers normally reserved for the President.
- C. District Secretary. The District Secretary shall attest to all resolutions and ordinances adopted by the Board, countersign all contracts on behalf of the District, and perform such other duties and have such other powers and authority as imposed by the Board, as prescribed by these Bylaws, or as provided in the Act.

Section 5.02 Terms of Board Officers.

- A. Length of Term. The terms of all officers shall be from the date of their election by the Board for the following approximately one year period when elections are held again. Any officer can be re-elected to continue in the same office.
- B. Vacancies. If the President fails to complete his or her term, the Vice-President shall act in his or her stead and a new Vice-President shall be elected for the remainder of the term. If the Vice-President fails to complete his or her term, the Board shall elect a Board member to serve as Vice-President for the remainder of the term. If the Secretary fails to complete his or her term, the Board shall appoint a new Secretary to serve for the remainder of the term.

Section 5.03 Board Office Election/Appointment Process.

- A. President and Vice-President Election Process. At its regular meeting held in the month of January of each year, the Board shall elect one of its members as President and one

of its members as Vice-President.

- B. Appointment of District Secretary. The General Manager shall also act as Secretary of the District unless otherwise determined by the Board in accordance with the Act.
- C. Assumption of Duties. Officers shall assume the duties of their offices immediately following completion of the election or appointment process for all offices.

Section 5.04 Indemnification of Officers. Each officer shall be wholly indemnified and defended by the District in any District related litigation in which that officer is named as a defendant so long as the allegations against the officer fall within the course and scope of his or her duties as an officer. The District shall pay for costs of defense and damages for any judgment against an officer relating to any such indemnified claim, so long as the action and judgment are related to his or her official duties as an officer of the District. Such indemnification will not cover intentional acts outside of the scope of duties which are reasonable and customary for an officer of the District.

ARTICLE VI. MEETINGS OF THE BOARD OF DIRECTORS

Section 6.01 Time and Place. Regular meetings of the Board shall be held at the principal office of the District on the third (3rd) Wednesday of each month beginning at 2:00 p.m., or at such other place or time as may be set by resolution of the Board. Special meetings of the Board may be called by the President or, if he or she is unable or refuses to act, then by any three (3) Directors. Special meetings of the Board shall be held at the principal office of the District or at such other place as designated in the meeting notice. All meetings shall be noticed and conducted pursuant to and in compliance with the provisions of Government Code Section 54950 *et seq.*, commonly known as the Brown Act.

Section 6.02 Agenda.

- A. Formation, review and finalization of the agenda for each regular or special Board meeting shall be the joint responsibility of the Board President, General Manager, and District legal counsel.
- B. For any agenda item that is complex or introduces topics unfamiliar to the Board, or for which the General Manager otherwise determines that a written staff report would be beneficial to the Board's review and discussion of the item, the General Manager shall prepare or direct the preparation of a written staff report or Board letter/memorandum that will explain the agenda item, indicate the fiscal impact, if any, of the agenda item, and clearly indicate a recommended action to be taken by the Board.
- C. The General Manager shall be responsible for complying with all applicable requirements for preparing, posting, mailing, emailing, and otherwise distributing each Board meeting agenda as required by the Brown Act.
- D. The Board President, or acting President, may make changes in the order of the items on the Board agenda unless a two-thirds vote of the Board members in attendance defeats the decision of the President.
- E. In accordance with Government Code Section 54954.2(a)(3), any Board member may request an item be placed on a future Board meeting agenda for discussion or action.

The Board President, in cooperation with the District General Manager, shall determine when and how such a request for an item to be placed on a Board meeting agenda will be accomplished. When a Board member requests that a certain matter be placed on a future Board meeting agenda, its actual placement on a future Board meeting agenda shall depend upon several factors including, but not limited to: existing Board priorities, agenda items already in progress for placement on the Board meeting agenda, work load of affected District staff responsible for preparing a Board letter or memorandum on the subject as determined by the General Manager, and District Board consensus to place the matter on a future agenda.

- F. Emergency items can only be added pursuant to the provisions set forth in Government Code Section 54954.2.
- G. Members of the public may request to have an item placed on a future Board agenda during the public comment portion of a Board meeting. The President shall ask if any Board member supports this request. If there is support, the General Manager will be directed to place the item on a future Board agenda.

Section 6.03 Quorum. A majority of the current Board membership shall constitute a quorum. A majority of the Board members voting shall be required to approve, disapprove or otherwise act on any proposal, except matters requiring action by a specific number or percentage of the full Board as required by statute; provided that if only three (3) Directors are present, unanimous action shall be required on all motions, ordinances and resolutions. A tie vote shall constitute a denial.

Section 6.04 Use of Teleconferencing. The Board may use teleconferencing in connection with any meeting of the Board as permitted by and in compliance with the applicable requirements of the Brown Act.

Section 6.05 Remote Participation by Directors. A Director may participate in a meeting of the Board remotely as permitted by and in compliance with the applicable requirements of the Brown Act. Remote participation by a Director in a meeting in accordance with the Brown Act shall constitute attendance at the meeting.

Section 6.06 Record of Proceedings.

- A. Recordings. All Board meetings shall be either audio or video-recorded and these recordings may be destroyed once the written minutes are prepared and approved by the Board, but in any event no less than thirty (30) days after the recording or for such additional period of time as may otherwise be required by law or District policy.
- B. Written Minutes of Board Meetings. The District Secretary shall prepare for approval by the Board minutes recording all resolutions, ordinances, actions, and determinations of the Board. Minutes shall contain mainly a record of what was done at the meeting, not what was said by the Board members, staff or public.
- C. Official Signatures. All papers involving official acts of the Board shall be signed in accordance with appropriate legislation relating to such acts. In the absence of specific regulations, the signature of the President or Vice-President attested by the District Secretary shall be deemed sufficient.

Section 6.07 Order of Business. Subject to the authority of the President to make changes to the order of the

agenda as provided in Section 6.02.C above, the preferred order of business shall generally be as follows:

- a. Call Meeting to Order and Flag Salute
- b. Roll Call
- c. Public Comment for Items Not Appearing on the Agenda
- d. Approval of Prior Meeting Minutes and Other Consent Agenda Items
- e. Regular Agenda and Public Hearings
- f. Board Reports on Meetings Attended
- g. General Manager Informational Report on District Operations
- h. Old Business/Information Items
- i. Closed Session Agenda
- j. Adjournment

Section 6.08 Closed Sessions. The Board may meet in closed session in accordance with the Brown Act.

Section 6.09 Amendments or Additions to the Agenda. Government Code Section 54954.2 provides that no action or discussion shall be undertaken on any item not appearing on the posted agenda, with certain specific exceptions. Subject to such specified exceptions, other amendments or additions to the agenda that are considered by the Board during Agenda Review shall be limited to removal, rearrangement, or movement of items that are included in the agenda between categories, or addition of informational items.

Section 6.10 Adjournment. The Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, pursuant to Government Code Section 54955.

Section 6.11 Temporary President. In the absence of the President or Vice-President fifteen minutes after the noticed time of any meeting of the Board, the District Secretary shall convene the meeting and the Board shall elect a temporary President to conduct such meeting. Upon arrival of the President or Vice-President, the higher ranking regular officer shall become the presiding officer and conduct such meeting.

Section 6.12 Rules of Order for Board and Board Committee Meetings.

- A. To the fullest extent practicable, the Board shall follow the latest edition of *Robert's Rules of Order Newly Revised* in the conduct of all Board and Board Committee business. If a conflict should arise between these Bylaws and *Robert's Rules of Order Newly Revised*, the latter shall take precedence over the former.
- B. To obtain the floor, a Director, staff member or public attendee must be directly recognized by the President.
- C. The Director making a motion shall clearly state the action or actions desired.
- D. A motion may be amended, prior to the vote, if the first and second on that motion agree to the amendment.
- E. A Board member who voted with the prevailing side on a question previously considered by the Board, may, prior to the adjournment of the meeting where such question was considered, move that the Board reconsider the vote on that question. Any member may second the motion to reconsider. If a majority of the Board votes in favor

of the motion to reconsider, the question will be reheard before the Board. A motion to reconsider made at the same meeting has precedence over every main motion, and may be taken up at any time during the meeting if there is no other motion on the floor. Upon adoption, a motion for reconsideration cancels the previous vote on the question as though the previous vote had never taken place.

- F. If, after the adjournment of a meeting where a question was previously considered, a Board member who voted with the prevailing side on that question requests reconsideration of the question, a motion for reconsideration will be placed on the agenda of the Board's next scheduled meeting. At that next scheduled meeting, any member may second the motion to reconsider. If a majority of the Board votes in favor of the motion to reconsider, the question will be reheard before the Board. Upon adoption, a motion for reconsideration cancels the previous vote on the question as though the previous vote had never taken place.
- G. Agenda items which shall require a roll call vote are:
 - a) Contracts or any action involving the expenditure of over \$20,000 of District funds;
 - b) Board resolutions;
 - c) Quasi-legislative matters; and
 - d) Quasi-adjudicatory matters.
- H. All other Board votes on other Board meeting agenda items may be conducted by voice vote, (i.e., signifying affirmative or negative). The District Secretary shall publicly report any action taken in the minutes and the vote or abstention on that action of each member present.

Section 6.13 Public Hearings. Public hearings will be conducted as follows:

1. Open public hearing
2. Receive staff report and recommendations
3. Report of written communications by District Secretary
4. Public comment
5. Close public hearing
6. Discussion by Board of Directors

Further input by the public after the close of the public hearing shall be at the discretion of the Board President.

The formal rules of evidence applicable to an action at law shall not apply to hearings before the Board. The only rule that shall govern the admissibility or the reception of evidence is the requirement that the offered evidence have some reasonable tendency to explain or shed light on the matter at issue.

The testimony and argument of all persons appearing before the Board shall be limited to a reasonable time as determined by the Board President.

ARTICLE VII. BOARD COMMITTEES

Section 7.01 Establishment of Committees. The President may appoint such standing or temporary (*ad hoc*)

committees as he or she deems appropriate and shall appoint, with the advice and consent of the Board, the members of committees from among the members of the Board. Committees shall be composed solely of members of the Board that are less than a quorum of the Board. All Board committees are advisory to the Board and thus are not binding on the Board.

Section 7.02 Committee Meetings. Committee meetings are public and subject to the requirements of the Brown Act. The committee meeting schedule shall be mutually determined by the committee membership. Committee meetings cannot be held without a majority of the committee membership present. If a committee member is unable to attend a scheduled committee meeting, it is the member's responsibility to notify the General Manager and District Secretary at the earliest time possible. The attendance of a majority of the members of the Board at an open and noticed meeting of a standing committee of the District shall not constitute a meeting of the Board, provided that the members of the Board who are not also members of the committee attend only as observers. However, participation by a majority of the members of the Board (other than as observers, in the case of the non-committee members) in any committee meeting shall constitute a meeting of the Board and shall be noticed as a Board meeting in accordance with the requirements of the Brown Act.

Section 7.03 Representation on Other Boards, Committees and Agencies. The President shall appoint individual Directors to serve as the Board's representative to board, committees and agencies outside the District. The President may appoint himself or herself to serve in any of these positions.

ARTICLE VIII. ADMINISTRATION OF DISTRICT BUSINESS

Section 8.01 General Manager. The Board of Directors shall appoint a General Manager to implement the policies and programs approved by the Board of Directors. The General Manager so selected shall meet such minimum qualifications as are established by the Board of Directors. The General Manager shall be an "at will" employee and shall serve at the pleasure of the Board. The General Manager shall be in charge of the production and distribution system and maintain both operations in an efficient manner. The General Manager shall oversee all contracts performed on behalf of the District. He or she shall also attend all Board meetings and report on the condition of the District, as well as participate in budget-making process, projections, and such necessary planning and operations as from time to time he or she shall report to the Board. The General Manager shall act as Secretary to all Board meetings and shall be responsible for the monthly reports, which shall be prepared by the office manager under the General Manager's control and direction

Section 8.02 Office Manager. The District's Office Manager shall maintain an efficient office and keep complete and accurate sets of books, collect all monies due the District, deposit all funds received in an authorized bank, pay all bills authorized by the Board of Directors, and shall maintain complete records of all Board meetings, keep a set of minutes for each regular meeting, and attend all special meetings if secretarial work is necessary.

Section 8.03 Legal Counsel. The Board of Directors shall retain legal counsel to ensure all business of the District is conducted and all District Board actions taken conform to all applicable federal, state and local laws and regulations.

Section 8.04 Independent Auditor. As required by law, the Board shall obtain the services of an independent certified public accountant to annually audit the financial books and records of the District. Such

auditor shall annually present a written report of the District's financial position to the Board of Directors along with a management letter containing any observations or comments deemed pertinent.

- Section 8.05 Other Employees. The General Manager shall appoint such other employees as are necessary to carry out the programs and policies of the Board and shall have the authority to execute employment agreements and make appointments pursuant to relevant personnel rules and regulations and shall be within the framework of the annual budget approved by the Board. The General Manager shall be the primary point of contact with the Board and individual Directors and shall be the intermediary between the Board and individual Directors and District staff.
- Section 8.06 Rules and Regulations. The Board shall adopt, and may from time to time amend, rules and regulations with respect to the District's services and operations ("Rules and Regulations"). Such Rules and Regulations shall be made available to any user within the District who so requests. All operations shall be determined by the Rules and Regulations, including water rates, collection procedures, and day-to-day operations. The Rules and Regulations may be amended or revised by majority vote of the Board.
- Section 8.07 Conflict of Interest Code. All Board Members and covered employees are subject to the District's conflict of interest code and shall file periodic statements as required by the Political Reform Act of 1974 (Gov. Code Section 81000 *et seq.*) and Fair Political Practices Commission regulations (2 Calif. Code of Regs., Section 18000 *et seq.*).
- Section 8.08 Fiscal Matters. Consistent with the provisions of applicable laws of the State of California, and the operational needs of the District, the General Manager or his or her designee shall be authorized and responsible for the fiscal concerns of the District as follows:
- A. District Fiscal Year. Fiscal Year begins July 1st and ends June 30th.
 - B. Budget. Prepare, for adoption by the Board of Directors prior to July 1st of each year, a budget showing anticipated revenues and expenses for personnel, services, supplies, equipment and related expenses to perform the purposes and goals of the District. The Board-approved annual fiscal year budget shall authorize the General Manager and his or her staff to collect and expend funds for purposes identified in the adopted budget, as it may be amended by the Board of Directors from time to time. The General Manager shall control expenditures to be within the specific categories and purposes in the adopted or amended budget and within the available funds on hand and revenues received.
 - C. Finance Management. As authorized by the Board, the General Manager will direct the collection and disbursement of all monies into and out of the District treasury. The General Manager is authorized to make investments and open and close bank accounts as necessary to conduct the business of the District and in accordance with the District's current investment policy adopted by the Board.
 - D. Purchasing Authority. The General Manager has the authority to procure labor, supplies, services and equipment as necessary in accordance with policies established by the Board of Directors.
 - E. Annual Audits. The General Manager shall arrange for reports to the Board by the

independent auditor as directed by the Board.

The General Manager is responsible for annually submitting financial reports to the State Controller's office (State Controller's Report) in accordance with Government Code Section 53891.

The independent auditor is to be instructed to provide the Board of Directors with access to all correspondence related to the audit, simultaneously submitting copies of such correspondence to the General Manager and the District Secretary.

- F. Statement of Investment Policy. The General Manager is responsible to present to the Board, for review and approval, an annual Statement of Investment Policy in accordance with Government Code Section 53646.
- G. Reimbursement Disclosure. The General Manager is responsible for a report being published, at least annually, to disclose any reimbursement paid by the District of at least one hundred dollars (\$100) for each individual charge for services or product received, in accordance with Government Code Section 53065.5.

ARTICLE IX. ADOPTION AND AMENDMENT OF BYLAWS

These Bylaws are adopted by resolution and become effective on _____, 2023. Any amendments or revisions to these Bylaws may be adopted by resolution approved by majority vote of the Board.

Changes to the sections of laws referenced, and any changes to these Bylaws by reason of a change in the District's principal act or other State law affecting the District, shall be automatically incorporated as part of this document without the need for specific amendment following such changes.

IN WITNESS WHEREOF, I have executed these Bylaws on behalf of the Ventura River Water District this ____ day of _____, 2023, at Ojai, California.

Ed Lee, President Board of Directors

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DATE: April 19, 2023
TO: Board of Directors
FROM: Emily Arnbrister, Office Manager & Bert J. Rapp, P.E. General Manager
SUBJECT: FY 23/24 FIRST DRAFT BUDGET

SUMMARY

This is the first review of the draft FY 23/24 budget. This draft includes the potential rate increase scheduled to take effect May 15, 2023.

Water Sales Revenues are running 19% under budget and are expected to stay that way. Water usage has decreased due to the strong drought messaging last summer, large amounts of rain received this winter and a wet start to spring. The budget estimates 800 AF for water usage FY 23/24. Current usage for the current year FY 22/23 is 730 AF. The last big rain year was 2019. The following year FY 2019/20 water use was 786 AF so the projection of 800 AF for FY 2023/24 should be in the ballpark.

Administration and operation expenses are currently 11% under budget.

RECOMMENDED ACTIONS

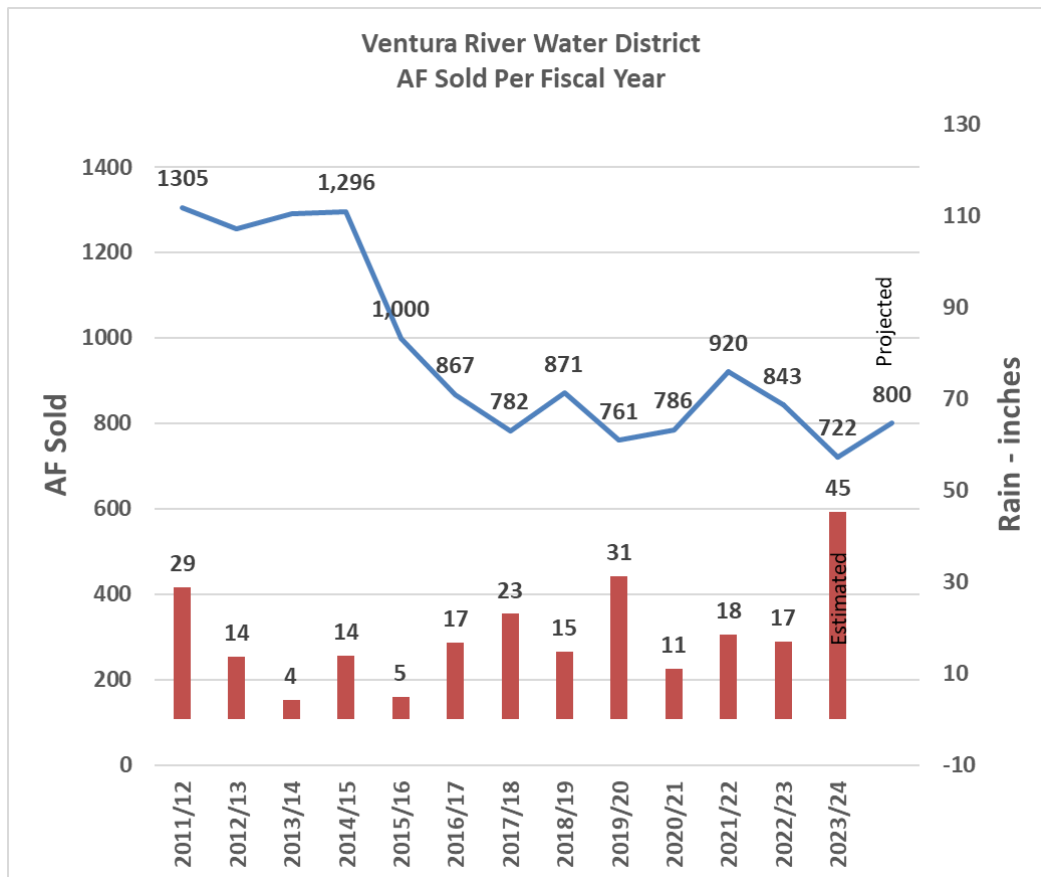
1. Review and comment on the first draft of the FY 2023/24 budget.

BACKGROUND

The 2022/23 Fiscal Year is on track to be a record low water usage year, see the chart below. During the summer usage was low because of the extreme drought conditions in the State. Then in November it started raining and didn't stop until April. The record low water usage is also expected to lower revenues by about 19% or about \$500,000. The District prepared for this potential reduction by setting aside a Water Sales Fluctuation Reserve of \$400,000. Also, the purchase of the Casitas Springs Drought Emergency Fire Flow Pump at a cost of \$200,000 can be delayed now that lake levels have risen. The District remains financially solid even with the record low water usage.

The inflation rate used for budget projections is the Consumer Price Index for the Los Angeles area for 12 months ending February 2023. This year the inflation rate is 5.1%. Last year it was 8.5%.

With this draft of the budget the latest revenues and expenses have been included as of February 28th. The budget is adjusted for the General Manager's retirement expected to occur mid-year. Affected categories include salaries, PTO, health insurance and CalPers.



Notable changes:

60001- PTO accrual: Increased cost due to payout for General Managers retirement.
\$77,000 → \$161,000

60005- Public Employees Retirement System: Change in Employer Contribution percentages for Classic and Pepra Members. Unfunded Accrued Liability charged for Classic members only. Staff is exploring the option of a “fresh start” on the unfunded accrued liability, which could save the district monies spent on interest.
\$119,000 → \$127,000

60010- Liability Insurance: The cost for Liability Insurance has increased this year. Increases for: increased property values, fire rate increase for wildfire exposure and increased payroll costs. Staff is exploring other quotes prior to next years renewal.
\$71,000 → \$83,000

60018- Office Maintenance: Includes replacement of office flooring with an estimated cost of \$12,000.
\$67,000 → \$65,000

60022- Water System Maintenance: Increased for tank inspection estimated to be completed in November 2023.

\$95,000 → \$120,000

70014- Ventura River Watershed Issues, Channelkeeper Lawsuit: Increased for expected cost of mediator.

\$55,000 → \$72,000

Pending Expense Items:

50000- Water Purchases & Casitas Base Fees- Casitas Municipal Water District has not adopted new water rates yet.

50001- UVRGA Pump Fees- Anticipated cost update by end of April.

Capital Improvements:

13106- Re-roof office and replace fascia prior to installation of solar panels.

Approximate cost \$30,000

13010- Hydrant and Valve project replacement scheduled for Summer 2023.

Approximate cost \$205,000

13014- Well #6 Retaining Wall installation needs to be contracted out.

Approximate cost \$30,000

13040- Mixing Valve South Alto Tank: Project moved to winter of 2024. This year the mixing valves in the North Alto tank were reconditioned.

Removed cost \$25,000 in FYE 2023 and moved forward to FYE 2024.

FISCAL IMPACT

See attached 1st draft of the FY2023/24 budget.

VENTURA RIVER WATER DISTRICT
Draft FISCAL YEAR BUDGET
FYE 2024 (2023/2024)
April 19, 2023

REVENUES

BEGINNING CASH BALANCE:	July 1, 2023 \$ 2,901,384.00		July 1, 2024 \$ 2,144,679	CPI = 5.1%, 12 Months ended February 2023
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Account Number	OPERATING REVENUES	BUDGET 2022-2023	TOTAL AS OF 2/28/2023	ESTIMATED THRU JUNE 2023	GENERAL MGR RECOMMENDED 2023-2024	Comments
40000	WATER SALES (Water Charges, Fire standby)	\$ 2,660,000	\$ 1,511,804	\$ 2,100,000	\$ 2,665,000	Use 800 AF for 23/24 with rate increase
40001	SERVICE INSTALLATIONS	\$ 1,000	\$ 2,345	\$ 3,845	\$ 1,500	Anticipate one new connection for ADU.
40002	DELINQUENT FEES	\$ 16,800	\$ 15,530	\$ 23,292	\$ 16,800	Aprox 40 customers month
40005	PURCHASED WATER SURCHARGE	\$ -	\$ -	\$ -	\$ -	Not expecting Casitas water purchases this year
40009	CONSERVATION PENALTY FEES	\$ 32,000	\$ 82,189	\$ 105,000	\$ 50,000	Increased Conservation Penalty from \$1 to \$5 per unit

TOTAL OPERATING REVENUES	\$ 2,709,800.00	\$ 1,611,868.13	\$ 2,232,137.00	\$ 2,733,300.00
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Account Number	OTHER REVENUE	BUDGET 2022-2023	TOTAL AS OF 2/28/2023	ESTIMATED THRU JUNE 2023	GENERAL MGR RECOMMENDED 2023-2024	Comments
43000	CAPACITY CHARGE	\$ -	\$ -	\$ -	\$ -	Anticipate no new non ADU connections
41000	PROPERTY TAXES	\$ 50,000	\$ 31,468	\$ 47,208	\$ 50,000	Based on year to year actual
42000	INTEREST INCOME	\$ 6,000	\$ 7,581	\$ 11,376	\$ 8,000	LAIF Interest expected to be about 2.0%
45000	OTHER REVENUE	\$ 5,000	\$ 27,266	\$ 4,000	\$ 15,000	TVI/Pro Equities Revenue varies, UVRGA \$13.5K Audit
46000	SRF LOAN PROCEEDS	\$ 90,000	\$ -	\$ -	\$ -	Anticipate funding in FY 24-25
47000	GRANT REVENUE	\$ -	\$ 25,295	\$ -	\$ -	Unsure on grant funding

TOTAL OTHER REVENUE	\$ 151,000	\$ 91,610	\$ 62,584	\$ 73,000
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TOTAL REVENUE	\$ 2,860,800	\$ 1,703,478	\$ 2,294,721	\$ 2,806,300
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VENTURA RIVER WATER DISTRICT
Draft FISCAL YEAR BUDGET
FYE 2024 (2023/2024)
April 19, 2023

EXPENSES (Part 1 of 2)

Account Number	OPERATING EXPENSES	BUDGET 2022-2023	TOTAL AS OF 2/28/2023	ESTIMATED THRU JUNE 2023	GENERAL MGR RECOMMENDED 2023-2024	Comments
50000	WATER PURCHASES & CASITAS BASE FEES	\$ 144,000	\$ 76,113	\$ 130,476	\$ 151,200	Casitas Costs, base fees + usage, 5% rate increase + Casitas Adjudication
50001	UVRGA PUMP FEE	\$ 128,464	\$ 85,642	\$ 128,460	\$ 128,464	Upper Ventura River Groundwater Agency Pump Fee (868 AF @ \$148)
60000	SALARIES	\$ 776,471	\$ 499,352	\$ 749,028	\$ 801,320	Includes GM retirement in Dec 23 and AGM Promotion
60001	PTO ACCRUAL	\$ 77,647	\$ 52,932	\$ 79,404	\$ 161,000	PTO Accrual for employees. Payout for GM retirement
60002	SOCIAL SECURITY & MEDICARE	\$ 59,400	\$ 37,202	\$ 55,800	\$ 62,000	Social Security 6.2%, Medicare 1.45% (employer)
60004	STATE PAYROLL TAXES (SUI, ETT)	\$ 1,000	\$ 1,057	\$ 1,584	\$ 1,500	Only applies to the first \$7,000 of employee wages
60005	PUBLIC EMPLOYEES RETIREMENT SYSTEM	\$ 119,023	\$ 71,781	\$ 107,676	\$ 126,000	Employer contribution of 10.10% & 7.68% plus UAL classic \$46,000 . Employees paying their portion of 7.0% & 6.75%. Includes a \$5K contingency.
60008	GROUP HEALTH INSURANCE	\$ 144,000	\$ 92,943	\$ 139,416	\$ 138,000	No Projected rate increase for first half of fiscal year, 5% contingency for second half
60009	WORKERS COMPENSATION INSURANCE	\$ 28,000	\$ 7,524	\$ 11,280	\$ 21,000	SDRMA Workers Compensation, projected to stay low due to no claims
60010	LIABILITY INSURANCE	\$ 71,783	\$ 43,507	\$ 65,256	\$ 83,000	Cal Mutual JPRIMA \$81,903 for 2023 + increase for 2024, renewal in April
60011	BOARD MEMBER COMPENSATION	\$ 13,000	\$ 7,240	\$ 10,860	\$ 15,000	12 Regular meetings, 2 Special Meetings, 4 committee meetings, 10 Adjudication meetings
60012	EMERGENCY REPAIR	\$ 131,445	\$ 87,821	\$ 131,736	\$ 100,000	Leak Repair
60014	PROFESSIONAL SERVICES (Audit, Engr, Draft, Etc)	\$ 71,500	\$ 27,666	\$ 41,496	\$ 75,000	Audit \$16.5K , UVRGA Audit \$13.5K Engr & Drafting Services \$20K, Zworld GIS 23.4K Support, Cross Connection Control \$1,500
60016	FUEL	\$ 21,600	\$ 12,988	\$ 19,476	\$ 24,000	Fuel prices have stayed high
60017	VEHICLE MAINTENANCE	\$ 10,000	\$ 2,490	\$ 3,732	\$ 10,000	Vehicle maintenance costs remain low
60018	OFFICE MAINTENANCE	\$ 67,800	\$ 31,924	\$ 47,880	\$ 65,000	CUSI/CYMA \$1900+1195+3800= \$6895 (3/7/22) LogMeln/Splashtop: \$750 , ESRI Cloud GIS 10k , LF Annual+Monthly Online Backup \$1149+(\$220*12)=\$3789 , Fire Extinguisher Maint \$383 , MiTec \$20k , Zoom (\$100/mo + \$149.9/year= \$1350) Adobe \$600 , Aerial Image for GIS \$4,000 even years. Replace office flooring \$12,000 Computer Upgrades \$2,000 (scanner and printer)
60019	FIELD EQUIPMENT MAINTENANCE	\$ 55,000	\$ 18,121	\$ 27,180	\$ 55,000	Motor-Panel Insp & Maint \$5,700 , Clay Valve Maint \$3K , Itron Annual \$2,089 , ClearSCADA \$2,030 , Win911 (SCADA Call outs) \$495 , Generator maint. \$1,000 , SCADA \$15K , LogMeln \$350 , Maint. Well/Bster pump \$25K
60020	METER REPLACEMENT & MAINTENANCE	\$ 82,787	\$ 85,678	\$ 128,520	\$ 78,000	120 meters per year (20 yr mtr life) = \$65,000 per year. Monthly Beacon = \$0.89/mtr (1020+120 = 1140*.89*12= \$12,200 FY 23/24)
60021	EQUIPMENT RENTAL	\$ 5,000	\$ 234	\$ 348	\$ 5,000	Equipment, postage machine rental \$332/yr.
60022	WATER SYSTEM MAINTENANCE	\$ 95,000	\$ 61,320	\$ 91,980	\$ 120,000	Monitoring; pipe, fittings; \$9K chlorine, fittings Division of Drinking Water \$10K/Yr, every 3 yrs = +\$10K for Sanitary Survey (2022). County Encroachment Permit \$1,200 + Actual\$?. SWRCB annual permit \$10,00, NPDES permit \$400, Uniforms, Recording Groundwater rights/usage \$250, DigAlert, Annual APCD Fee for Emergency Generators \$1,246, Weed abatement \$10,000, Tank Inspection \$25,000 Nov. 2023
60024	DISTRICT LEGAL COUNSEL	\$ 17,000	\$ 5,924	\$ 8,880	\$ 25,000	\$325 per hour + Occasional Employment Attorney @ \$350/hr
60025	DEPRECIATION	\$ 350,000	\$ -	\$ 350,000	\$ 350,000	Completed projects to be added to depreciation calculation
TOTAL OPERATING EXPENSES		\$2,469,920	\$1,309,459	\$2,330,468	\$2,596,000	

VENTURA RIVER WATER DISTRICT

Draft FISCAL YEAR BUDGET

FYE 2024 (2023/2024)

April 19, 2023

EXPENSES (Part 2 of 2)

Account Number	GENERAL & ADMINISTRATIVE EXPENSES	BUDGET 2022-2023	TOTAL AS OF 2/28/2023	ESTIMATED THRU JUNE 2023	GENERAL MGR RECOMMENDED 2023-2024	Comments
70001	UTILITIES	\$ 145,000	\$ 77,343	\$ 132,588	\$ 154,000	Edison actual projected, Sewer: \$1,600/yr
70002	TELEPHONE & INTERNET	\$ 14,300	\$ 7,122	\$ 10,680	\$ 14,300	Telephone, Internet Service, Cell Phones, Tablets for GIS
70003	LAFCO FEES	\$ 1,616	\$ 1,053	\$ 1,400	\$ 1,977	Annual LAFCO Fees.
70004	BANK FEES, AND MISCELLANEOUS	\$ 14,400	\$ 6,446	\$ 9,672	\$ 15,300	Wire transfers (\$50 ea), Check Returns (\$35 ea), fees for ACH & Positive Pay (\$800/mo) , fees for VANCO and RDC-Direct Send (\$100 + \$100 + .12/item) FSA Monthly Fee (\$75)
70005	MEMBERSHIP DUES, SUBSCRIPTIONS	\$ 25,000	\$ 14,325	\$ 21,492	\$ 25,000	AWA \$855 , OVNews \$75, VCSDA \$175 , ACWA \$10,000, Water Education Fund \$45, CSDA \$7,615 , AWWA \$110, Engineering Registration \$150, CRWA \$1,180 , AWA-CCWUC \$75, CalMutualWA \$500, VCAPCD \$1,246
70006	PUBLIC RELATIONS, EDUCATION	\$ 14,400	\$ 3,078	\$ 4,617	\$ 15,900	AWA Operators workshop \$100x3=\$300, AWA Symposium \$225, ACWA Annual Conference \$950 Registration + Travel \$400+Hotel \$600+ Meals \$100, Banners \$480 (\$120 ea), AWA meetings \$30 x 3 x 7 = \$630, AWA CCWUA \$30 x 2 x 5 = \$300, Tuition Reimbursement \$7k, Lunch and Learn meetings \$1500, Employee Recognition \$500
70007	LEGAL NOTICES	\$ 4,000		\$ -	\$ -	No Prop 218 Protest Hearing Notice
70008	ELECTIONS	\$ 4,100	\$ -	\$ -	\$ -	Not an election year.
70009	DIRECTORS TRAVEL & EDUCATION	\$ 5,000	\$ 226	\$ 1,236	\$ 5,000	Director Training, Education: AWA, VCSDA monthly mtgs
70010	SECURITY	\$ 5,000	\$ 2,742	\$ 4,116	\$ 5,000	Digital Security, per Contract with LTE failover
70011	POSTAGE	\$ 13,000	\$ 6,926	\$ 10,392	\$ 13,000	Average monthly for billing is \$800*12=\$9,600 plus postage machine and miscellaneous mailings \$1,400
70012	OFFICE SUPPLIES	\$ 17,000	\$ 10,993	\$ 16,488	\$ 21,000	Printer cartridges,RICOH Printer \$2,100 , form costs, office supplies, Janitor \$290/mo*12=\$3,480 , Data Prose bill printing costs + bill stuffers (\$300/mo + bill stuffers=approx \$5k)
70014	VENTURA RIVER WATERSHED ISSUES, CHANNELKEEPER LAWSUIT	\$ 55,000	\$ 425	\$ 10,636	\$ 72,000	Watershed Council \$1,500, Ventura Adjudication \$53,500, Cost of Mediator for 10 in-person meetings \$17,000 (1/9 of total cost).
70017	BAD DEBT EXPENSE	\$ 4,000	\$ -	\$ -	\$ 4,000	Based on actual Year to Year.
70018	CONSERVATION	\$ 40,000	\$ 878	\$ 11,320	\$ 25,000	VRIF Grant Matching requirement for: Landowner Incentive Program, rainwater capture, grey water reuse, re-landscape

TOTAL GENERAL AND ADMINISTRATIVE EXPENSES	\$ 361,816	\$ 131,558	\$ 234,637	\$ 371,477
TOTAL EXPENSES	\$ 2,831,736	\$ 1,441,017	\$ 2,565,105	\$ 2,967,477
BALANCE TO THE CIP	\$ 29,064	\$ 262,461	\$ (270,384)	\$ 188,823

VENTURA RIVER WATER DISTRICT

Draft FISCAL YEAR BUDGET

FYE 2024 (2023/2024)

April 19, 2023

CAPITAL IMPROVEMENTS

Account Number	FIXED ASSETS	BUDGET 2022-2023	TOTAL AS OF 2/28/2023	ESTIMATED THRU JUNE 2023	GENERAL MGR RECOMMENDED 2023-2024	Comments
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STRUCTURES & IMPROVEMENTS

13106	Re-Roof Office & Replace Fascia Boards	\$ -	\$ -	\$ -	\$ 30,000.00	Needed prior to solar installation
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WATER SYSTEM IMPROVEMENTS

13014	Well #6 Retaining Wall	\$ 15,000		\$ -	\$ 30,000	Retaining wall, gravel pad (Postponed due to COVID-19)
13040	Mixing Valve South Alto Tank	\$ 25,000		\$ -	\$ 25,000	Needed before using CMWD water to keep water fresh
13070	Santa Ana Blvd move pipe out of back yards	\$ 45,000	\$ 20	\$ 40,000	\$ -	Being tracked in 2023 Water Projects 13098
13057	Re-plumb Encino & Thomas PRV Vaults - Design	\$ 12,000	\$ 1,073	\$ 12,000	\$ -	Being tracked in 2023 Water Projects 13098
13061	Well #2 & 3 Pump & Panel Replacement	\$ 325,000	\$ 2,370	\$ 162,500	\$ 162,500	Pump & Panel Replacement
13104	Upgrade SCADA Radios	\$ 35,012	\$ 34,997	\$ 35,012	\$ -	Replace SCADA radios & antennas and relocate antennas
13105	Casitas Springs Emergency Fire Flow Pump	\$ 250,000	\$ 17,598	\$ 57,500	\$ 10,000	Finish pump design and specs: Phoenix PO 75%/25%
13094	Tico Mutual Annexation Project	\$ 90,000	\$ 4,534	\$ 40,000	\$ 20,000	LAFCo Application, Design Engineering , SRF coordination
13098	SRF Water Main, Tanks & Pumps Projects , CEQA, Engr, Easements	\$ 523,000	\$ 173,757	\$ 330,000	\$ 150,000	Tot = \$657,565, FY 20-21 = \$217,454
13100	Solar Projects, Prepare Design Build Contract	\$ 81,000	\$ 69,832	\$ 81,000	\$ 50,000	Awarded to Phoenix = \$114,227
13099	SRF Potholing Projects	\$ 120,000	\$ 70,309	\$ 70,309	\$ -	Project Completed
13010	Hydrant & Valve Replacement	\$ -	\$ -	\$ -	\$ 205,000	To be completed Summer 2023

AUTO EQUIPMENT

13101	Replace 2008 F-250 Work truck	\$ 55,000	\$ 51,768	\$ -	\$ -	Completed
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SHOP EQUIPMENT

13092	Valve Turn Machine Upgrade to add GPS for GIS	\$ 4,500	\$ -	\$ -	\$ -	Expected completion FYE 23
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OFFICE EQUIPMENT

13054	Computer Upgrades	\$ 8,000	\$ 1,810	\$ 8,000	\$ -	Moved to 60018 due to Capitalization Policy

INVESTMENT IN FIXED ASSET	\$ 1,588,512	\$ 428,067	\$ 836,321	\$ 652,500
DEPRECIATION (as revenue)	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000
NET EXPENDITURES: Operating Expenses + Fixed Asset Investment	\$ 4,070,248	\$ 3,051,426	\$ 3,269,977	
TOTAL NET INCOME (LOSS)	\$ (1,209,448)	\$ (756,705)	\$ (463,677)	

VENTURA RIVER WATER DISTRICT

Draft FISCAL YEAR BUDGET

FYE 2024 (2023/2024)

April 19, 2023

PROJECTED ENDING CASH BALANCE:	Budget:6/30/23		Estimated through 6/30/23	Proj: 6/30/2024
	\$ 1,691,936		\$ 2,144,679	\$ 1,681,002

DATE: April 19, 2023
TO: Board of Directors
FROM: Bert J. Rapp, P.E. General Manager
SUBJECT: APPROVAL OF DRAFT CASITAS ALLOCATION FOR FY 2023/24

SUMMARY

In accordance with the Resale Water Service Agreement with Casitas Municipal Water District the General Manager is to negotiate water allocations in May of each year. Lake Casitas is currently at 70% capacity this year and the Casitas Municipal Water District Board enacted Stage 1 voluntary water allocations effective June 1, 2023 on April 12, 2023.

RECOMMENDED ACTIONS

The General Manager recommends that the Board review and comment on the proposed Allocation Request.

BACKGROUND

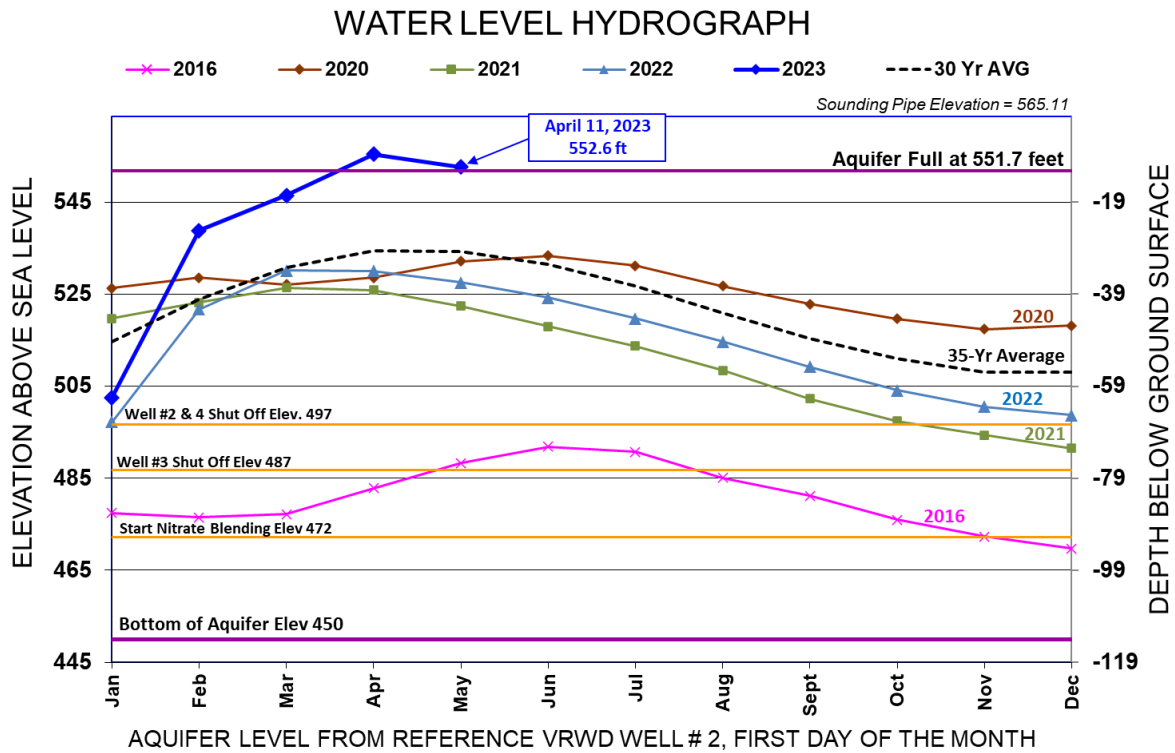
The present projection is that the District will only use Casitas Water in the Casitas Service Areas and no significant Casitas water will be needed in the Well Service Area between July 1, 2023 and June 30, 2024. Therefore, the District should not need supplemental Casitas water the coming fiscal year except for emergency purposes.

The Casitas WEAP defines Stage 1 as having 20% voluntary conservation:

Table 2 – WEAP Stages and Lake Casitas Volumes

Stage	<u>Stage 1</u>	<u>Stage 2</u>	<u>Stage 3</u>	<u>Stage 4</u>	<u>Stage 5</u>
Percent Storage	100%	50%	40%	30%	25%
Volume (Acre-feet)	237,975	118,988	95,190	71,393	59,494
	20% Voluntary	20% Mandatory	30% Mandatory	40% Mandatory	50% Mandatory

In the Well Service Area the District may need some Casitas water for unplanned leak repairs or construction purposes so the recommendation is to request an allocation of 5 AF incase unexpected needs arise.



The history of usage and the requested allocation is shown below:

Area	Allocation -10%	Actual 2017/18	Actual 2018/19	Actual 2019/20	Actual 2020/21	Actual 2021/22	Estimated 2022/23	Requested Allocation 2023/24
Casitas Springs	55.9	45	45	50	52.3	41	37	55.9
Monte Via	25.2	15	14	16	19.2	19.0	15.0	25.2
Well Service Area	816.9	2.2	0.4	0.0	0.2	0.3	0.03	5

Table 1 below shows the proposed allocation requests for the 2023/24 fiscal year.

Table 1 - Allocation Assignment for Fiscal Year 2023/24 4-19-2023

Service Account No. Service Area Name (Casitas Location)	Stage 1 Allocation for DISTRICT Service Area Demand	Stage 1 Demand Reduction Target at	DISTRICT Water Availability to Service Area	Supplemental Allocation Requested by DISTRICT	Casitas Allocation Assigned to GWP for Fiscal Year 2022/23	
					(AF)	(HCF)
11-21954-00 Casitas Springs/Nye	62.1	55.9	0.0	55.9		
28-11576-00 Monte Via	28.0	25.2	0.0	25.2		
28-12769-00 Live Oak Acres	907.7	816.9	811.9	5.0		
28-20427-00 Villanova (VM 462+48)						
28-20486-00 150 Cage						
Totals:	998	898	812	86		

It is unknown how much water the Casitas Springs or Monte Via residents will use with the reduction in drought stage from Stage 3 to Stage 1. The voluntary reduction for Stage 1 is 80%, the proposed allocation is set at 90% as a conservative estimate of how much water will be used. Table 1 shows that the historic usage is significantly lower than the requested allocation.

The Resale Water Service Agreement provides for reconsideration of annual allocations if there is an unplanned emergency.

FISCAL SUMMARY

There is no anticipated fiscal impact associated with the recommended 2023/24 allocation.

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VENTURA RIVER WATER DISTRICT

DATE: April 19, 2023
TO: Board of Directors
FROM: Bert Rapp, P.E. General Manager
SUBJECT: RESOLUTION 2023-350 TO AUTHORIZE A REPRESENTATIVE TO APPLY FOR THE EXPEDITED DRINKING WATER GRANT FUNDING APPLICATION – TICO MUTUAL WATER COMPANY CONSOLIDATION

SUMMARY

The State Water Resources Control Board (SWRCB) recently approved a new Expedited Drinking Water Grant (EDWG) Funding Program that will facilitate the Tico consolidation project by streamlining the application process. Total grant funding requested is \$1,334,000. The application requires that the Board adopt a resolution authorizing the General Manager or their designee to apply for the grant, execute a grant agreement, and submit any required documents, invoices, and reports required to obtain grant funding.

RECOMMENDED ACTIONS

The General Manager recommends that the Board:

1. Adopt Resolution 2023-350 authorizing the General Manager or their designee to apply for funding, execute a grant agreement, and submit any required documents, invoices, and reports under the Expedited Drinking Water Grant Funding, to obtain grant funding for consolidation with Tico Mutual Water Company.

BACKGROUND

The District is currently working on consolidating Tico's potable water customers into the District's. The cost to construct the necessary improvements is anticipated to be approximately \$1.334 Million. The work will include installing three short sections of new water main to connect the existing mutual water system to VRWD, installing new hydrants and installation of VRWD water meters.

SWRCB informed District staff of a new grant opportunity that will fully fund the water improvement costs needed to consolidate the two water systems.

The grant is available for public agencies, public utilities, special districts, cities, counties and Joint Powers Authorities (JPAs). The grant does not have a matching requirement and does not need to be repaid. This funding is separate from the 2023 SRF Loan Funding.

In order for an application to be considered, a resolution must be adopted by the Board of Directors authorizing a representative to sign and submit the application with all associated documents, and execute a financing agreement. Attached is a draft resolution

for the Board's consideration and potential adoption. Staff recommend submittal of the grant application.

FISCAL IMPACT

If the grant is awarded to the District, there is no matching requirement.

The preparation and submittal of the grant application will require staff time. No further costs are anticipated with the preparation of this grant application.

Attachments:

A – Resolution 2023-350 – Authorizing Resolution, EDWGF

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

RESOLUTION NO: 2023-350

**AUTHORIZING THE GENERAL MANAGER OR DESIGNEE TO ACT ON BEHALF OF THE
DISTRICT AND SUBMIT A GRANT APPLICATION AND ASSOCIATED DOCUMENTS
RELATED TO THE APPLICATION SUBMITTAL FOR THE
EXPEDITED DRINKING WATER GRANT FUNDING PROGRAM**

WHEREAS, Ventura River Water District (the “District”) proposes to consolidate with Tico Mutual Water Company (“Tico”) and to thereafter deliver a safe, clean, affordable, and accessible supply of drinking water to the community currently served by Tico;

WHEREAS, the District intends to apply for grant funding from the California State Water Resources Control Board under the Expedited Drinking Water Grant Funding Program to fund the necessary infrastructure improvements to consolidate with Tico and to facilitate the District’s service of such community;

WHEREAS, the District desires to enhance the provision and protection of the drinking water supplied to its customers; and

WHEREAS, the District has the legal authority and is authorized to enter into a funding agreement with the State of California;

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

1. The District’s General Manager (the “Authorized Representative”), or designee, is hereby authorized and directed to sign and file, for and on behalf of the District, a Financial Assistance Application for a Financial Assistance Agreement from the State Water Resources Control Board for the planning, design, and construction of the Tico Mutual Water Company Consolidation (the “Project”), and to take such other actions as necessary or appropriate to obtain grant funding for such Project.
2. The Authorized Representative, or his/her designee, is hereby designated to provide the assurances, certifications, and commitments required for the Financial Assistance Application, including executing a Financial Assistance Agreement from the State Water Resources Control Board and any amendments or changes thereto.
3. The Authorized Representative, or his/her designee, is further designated to represent the District in carrying out the District’s responsibilities under the Financial Assistance Agreement, including certifying disbursement requests on behalf of the District and compliance with applicable state and federal laws.

CERTIFICATION, I do hereby certify that the foregoing Resolution 2023-350 is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Directors of Ventura River Water District held on April 19, 2023. Motion by _____ and

seconded by _____, motion passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ed Lee, President

Bert J. Rapp, Secretary/Clerk

VENTURA RIVER WATER DISTRICT

DATE: April 19, 2023
TO: Board of Directors
FROM: Bert Rapp, P.E. General Manager
SUBJECT: RESOLUTION 2023-351 TO AUTHORIZE A REPRESENTATIVE TO APPLY FOR THE STATE REVOLVING FUND LOAN APPLICATION – 2023 WATER PROJECTS

SUMMARY

The State Water Resources Control Board (SWRCB) is accepting applications for the Drinking Water State Revolving Fund. If awarded, the loan can be used to fund the 2023 Water Projects. Total grant funding under the zero-interest loan is \$10 Million. Should the Board elect to fund projects in excess of the \$10M the interest rate would be the then current SRF low interest loan rate. The application requires that the Board adopt a resolution authorizing a representative to apply for the loan, execute a loan agreement, and submit any required documents to enter into a loan agreement.

RECOMMENDED ACTIONS

The General Manager recommends that the Board:

1. Adopt Resolution 2023-351 authorizing the General Manager or their designee to apply for loan funding, execute a loan agreement, and submit any required documents, invoices, and reports under the Drinking Water State Revolving Fund, to obtain a loan in the amount of \$10 Million for the 2023 Water Projects and possibly supplemental funding for additional projects.

BACKGROUND

The District is currently working on the 2023 Water Projects and the engineering designs are at 60% completion. The cost of these projects is anticipated to be approximately \$16.2 Million. Staff would like to request funding for the components of the 2023 Water Projects that have received preliminary approval from the State as eligible projects.

Staff recommends submitting an application in the amount of \$16.2 million. If awarded, the funds will be divided into two loans:

1. The first for a zero-interest loan in the amount of \$10 million,
2. The second for low-interest loan in the amount of \$6.2 million.

If Casitas Mutual elects to consolidate with VRWD the \$6.2 million could be included in a second \$10M Zero Interest loan. The application would be submitted under the Drinking Water State Revolving (SRF) Fund with a repayment period of up to 40 years. Staff will request a 40-year payment period in the loan application, but the State may only approve a 30 or 20-year term. The repayment terms will never be less than 20 years.

The interest rate for \$6.2 million loan will be stipulated in the financing agreement. The SRF Policy states the SRF Financing Agreement will be “fifty percent of the average interest rate paid by the State on general obligation bonds.” During the last 20 years, the average interest rate for general obligation bonds with a 20-year term have been 4.37%. Staff anticipates the interest rate for the \$6.2 million SRF loan to be around 2.5%.

The loan does not have a matching component and the District will be eligible to request reimbursement for design engineering costs incurred to date.

The 2023 Water Projects include:

Baldwin Pumpstation Renovation and flood protection, 2nd Parker Tank, Parker Pump Station VRD's, Zone 5 Pumps, Infill Pipe along Hwy 33 at Well #6, Loma Drive Water Main, Santa Anna Water Main, Thomas & Encino Pressure Vault Rehabilitation, Ojai Terrace Pipe Replacements and Emergency Casitas Turnout.

This funding is separate from the Tico Mutual Water Company Consolidation which is now being moved to the new Expedited Drinking Water Grant Program.

In order for an application to be considered, a resolution must be adopted by the Board of Directors authorizing a representative to execute and submit the application and all necessary documents, as well as execute the funding agreement. Attached is a draft resolution for the Board's consideration and potential adoption.

FISCAL IMPACT

If the loan is awarded to the District, there is no matching requirement. The \$10M Zero Interest loan saves significant monies long term compared to paying as we go and will help keep future water rate increases as low as possible.

The preparation, submittal, and management of the loan application will require staff time. No further costs are anticipated with the preparation of this loan application.

Attachments:

A – Resolution 2023-351 – Authorizing Resolution, SRF

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

RESOLUTION NO: 2023-351

**AUTHORIZING THE GENERAL MANAGER OR DESIGNEE TO ACT ON BEHALF OF THE
DISTRICT TO SUBMIT A LOAN APPLICATION AND ALL ASSOCIATED LOAN
DOCUMENTS UNDER THE STATE WATER RESOURCES CONTROL BOARD DRINKING
WATER STATE REVOLVING FUND PROGRAM**

WHEREAS, Ventura River Water District (the “District”) proposes to undertake several capital improvement projects collectively referred to as the 2023 Water Projects (collectively, the “Project”) to enhance the provision and protection of the drinking water supplied to its customers;

WHEREAS, the District has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, the District intends to apply for a loan from the State Water Resources Control Board Drinking Water State Revolving Fund Program;

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

1. The District’s General Manager (the “Authorized Representative”), or designee, is hereby authorized and directed to sign and file, for and on behalf of the District, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Project, and to take such other actions as necessary or appropriate to obtain grant funding for such Project.
2. The Authorized Representative, or his/her designee, is hereby designated to provide the assurances, certifications, and commitments required for the Financial Assistance Application, including executing a Financial Assistance Agreement from the State Water Resources Control Board and any amendments or changes thereto.
3. The Authorized Representative, or his/her designee, is further designated to represent the District in carrying out the District’s responsibilities under the financing agreement, including certifying disbursement requests on behalf of the District and compliance with applicable state and federal laws.

CERTIFICATION, I do hereby certify that the foregoing Resolution 2023-351 is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Directors of Ventura River Water District held on April 19, 2023. Motion by _____ and seconded by _____, motion passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ed Lee, President

Bert J. Rapp, Secretary/Clerk

NELSON COMIS KETTLE & KINNEY LLP
ATTORNEYS AT LAW

MEMORANDUM

TO: Ventura River Water District Board of Directors

FROM: Stuart Nielson, Legal Counsel

DATE: April 19, 2023

RE: Current Brown Act Requirements for Remote Participation in Board Meetings Per
AB 2449

Pursuant to the Brown Act, a local agency is generally permitted to use teleconferencing technology for conducting public meetings subject to certain requirements, including that each teleconference location from which a board member is participating be identified in the agenda and be accessible to the public. (See Cal. Gov. Code § 54953(b)(3).)

These specific requirements were waived during the COVID-19 pandemic due to social distancing requirements and health concerns, but that waiver applied only during the proclaimed state of emergency and has lapsed.

AB 2449 REQUIREMENTS REGARDING REMOTE PARTICIPATION:

Pursuant to AB 2449, these provisions of the Brown Act were further amended to allow for the use of teleconferencing without compliance with the public identification and accessibility requirements for remote access locations under the following circumstances (*see* Cal. Gov. Code §54953(f)(1)):

- At least a quorum of the board must participate in the meeting in person from a singular physical location that is identified on the agenda, open to the public, and located within the boundaries of the local agency;
- The public must be provided a means of remotely hearing and observing the meeting and addressing the board, which may consist of either a two-way audiovisual platform *or* a two-way telephonic service combined with a live webcasting of the meeting; and
- The agenda must provide notice of the means by which the public can access the meeting remotely and offer public comment, and the public must be provided an opportunity to attend and address the board by such means.

In addition, subject to the requirement that a quorum of the board participate in person, AB 2449 authorizes a director's remote participation in a meeting if the need to participate remotely is either supported by "**just cause**" or due to "**emergency circumstances**."

JUST CAUSE:

- “**Just cause**” is limited to the following circumstances:
 - A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the director that requires the director to participate remotely;
 - A contagious illness that prevents the director from attending in person;
 - A need related to a physical or mental disability that cannot otherwise be accommodated by the board; or
 - Travel while on official business of the board or another state or local agency.
- If the director’s need to participate remotely is for any of the foregoing circumstances constituting “just cause,” the director must notify the board of such circumstances at the earliest opportunity possible, including at the start of the meeting if earlier notification is not possible. Such notification must include a general description of the circumstances supporting the need to participate remotely.
- All that is required is that the director provide the above notice, and there is no requirement that the board take any action finding that “just cause” exists.
- A director may not participate remotely in more than two meetings per calendar year on the basis of any circumstances constituting “just cause.”

EMERGENCY CIRCUMSTANCES:

- “**Emergency circumstances**” means a physical or family medical emergency that prevents a director from attending in person.
- A member who wishes to participate remotely due to “emergency circumstances” must make a request to do so to the board, including a general description of the circumstances supporting the request. However, the request need not include the disclosure of any personal medical information. The request must be made as soon as possible, and a separate request must be made for each meeting for which the director seeks to participate remotely.
- The board must take action to approve the request by majority vote.
- If the timing of the request does not allow sufficient time to place the proposed action on the meeting agenda, the board may nevertheless take action to approve the request after publicly identifying the item for discussion.

GENERAL REQUIREMENTS AND LIMITATIONS:

If a director's remote participation is supported either by "just cause" or "emergency circumstances," then the following additional requirements must be complied with:

- The director who is participating remotely must publicly disclose during the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room with them and, if so, the general nature of the director's relationship with any such individual.
- The director must participate through both audio and visual technology.
- A director may not participate remotely, whether on the basis of "just cause" or due to "emergency circumstances," for a period of more than three consecutive months or 20 percent of the regular meetings of the board within any calendar year.

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DATE: April 19, 2023
TO: Board of Directors
FROM: Alma Quezada, P.G., Assistant General Manager
SUBJECT: WATER AND DISTRICT UPDATE

WELLS & PRODUCTION

The static aquifer level at Well #2 on April 1, 2023, was at elevation 554.1 feet; the level increased 7.7 feet since the first of last month. The aquifer is 21.0 feet above the 35-year average for April 1st.

Well #1 is pumping 1,070 gpm, down 5 gpm from last month. Well #7 is pumping 912 gpm, up 34 gpm from last month, Wells #2, #3, #4 and #6 were off-line in March.

USAGE

Sales dollars billed on March 31, 2023, amounted to \$144,283, (\$48,093) under budget for March. Last year we billed \$128,174 during the same period. Water sold in March 2023 amounted to 15,619 HCF, a decrease of 48% below the 29,812 HCF sold in March 2013.

Charts are enclosed to depict the ground water status and water usage. On April 1, 2023, Lake Casitas level was at 67.4% of full capacity at elevation 567.0, with storage of 160,494 AF. The lake increased 18.0%, rose 54.9 feet and increased 43,169 AF since last month.

ET adjustment: The ET was reduced by 33% for the March 31st water bill because ET was below average for the period due to the rain and cold weather. This decreases the irrigation portion of the customer's monthly water budget.

ACTIVITIES

Regulatory

The Consumer Confidence Report has been prepared and is being finalized for submittal to the State and notification to our customers.

Staff is working with Padre Engineering to prepare the environmental document under the National Environmental Policy Act (NEPA), for the 2023 Water Projects. This will be conducted in parallel with the application submittal for SRF funding.

Office Improvements

Staff replaced the projector and screen with two high-definition televisions to improve the visual quality of presentations. The visitor chairs were reorganized to double the number of visitors that can be accommodated.

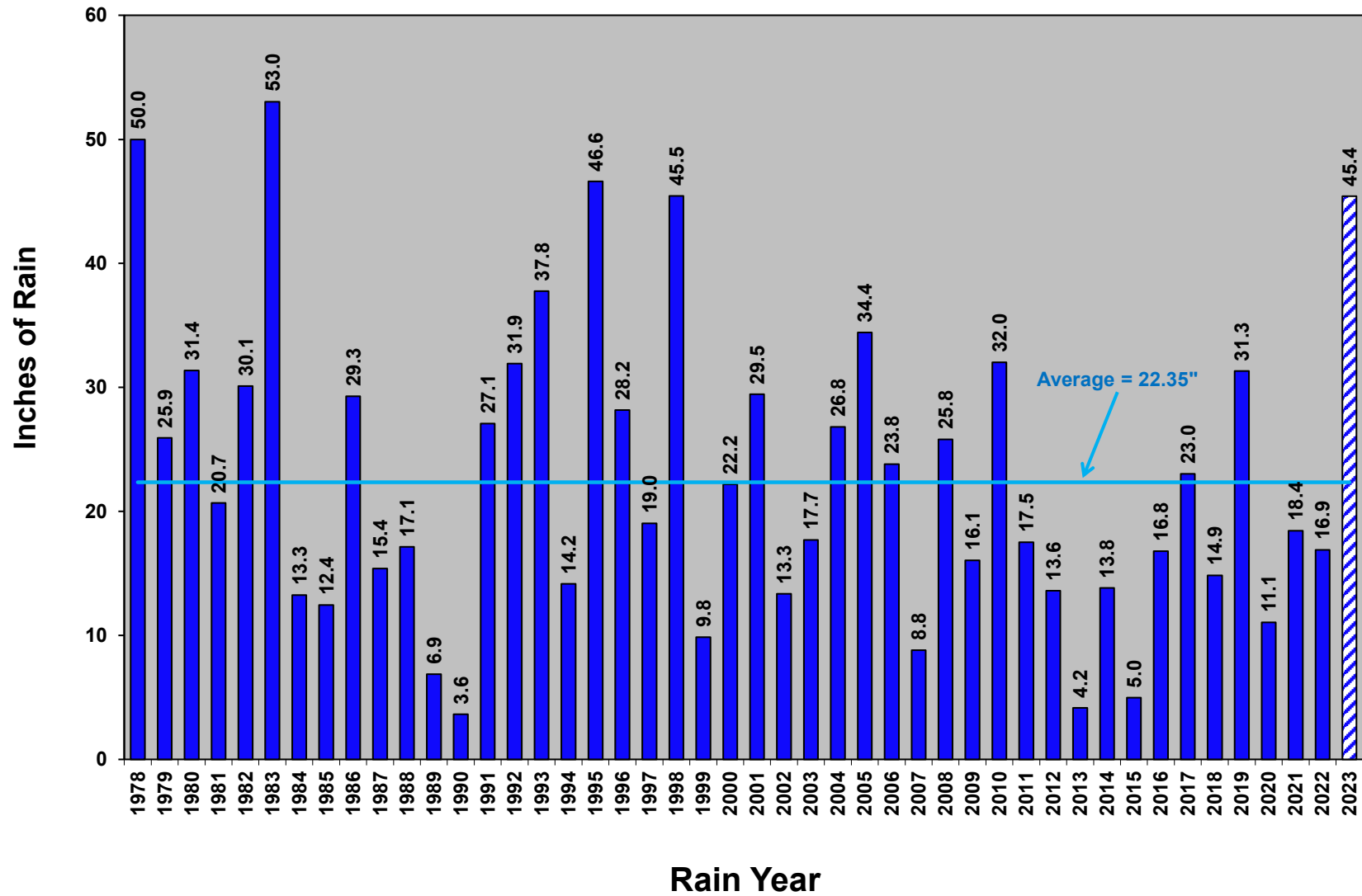
Complaint Log

One customer complaint was logged during the month of March. The complaint log is included below.

CUSTOMER COMPLAINT LOG												
DATE	LOCATION / ADDRESS	TASTE & ODOR	COLOR	TURBIDITY	WORMS / ORGANISMS	PRESSURE HIGH/LOW	Leak		SERVICE or METER	MAIN - SYSTEM	OTHER / DESCRIPTION	FINDINGS COMMENTS
							VRWD	CUSTOMER SIDE				
3/29/2023	395 Villanova Rd						X		Meter			Leaking meter gasket on our side, installed new gasket

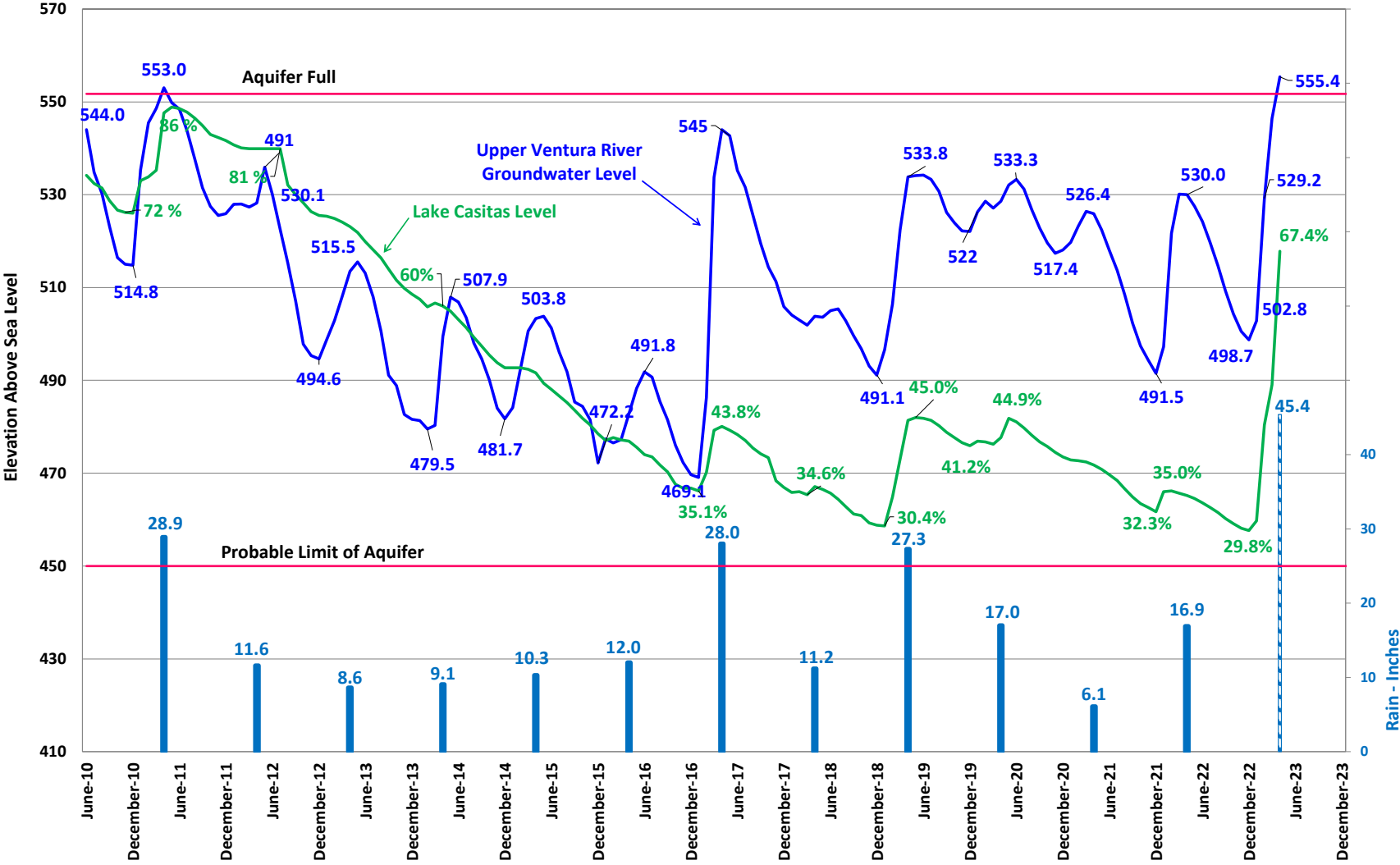
Historic Annual Rainfall - At VRWD Office

April 1, 2023



VENTURA RIVER UPPER BASIN & LAKE CASITAS LEVELS April 1, 2023

Chart 9



WATER LEVEL HYDROGRAPH

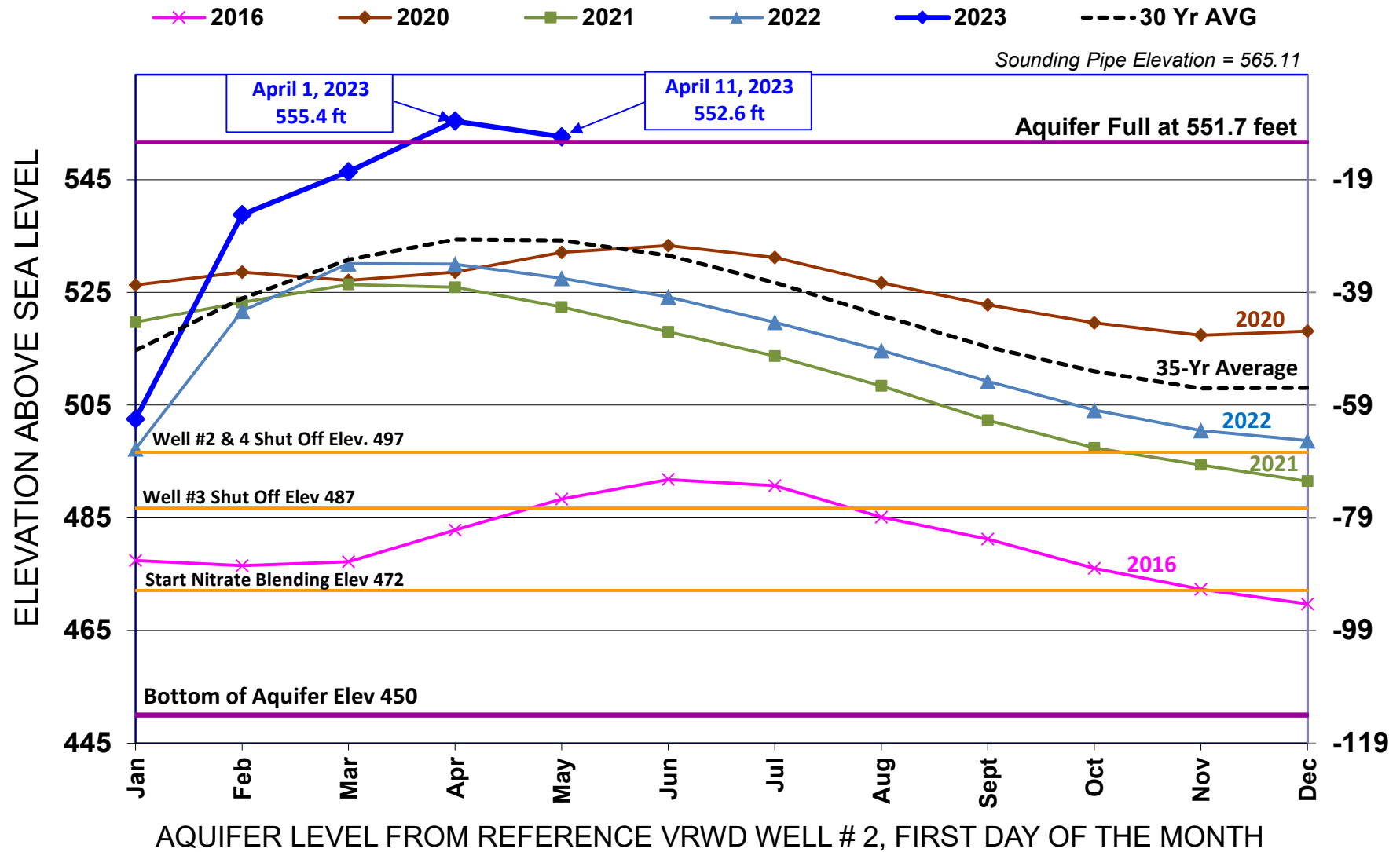
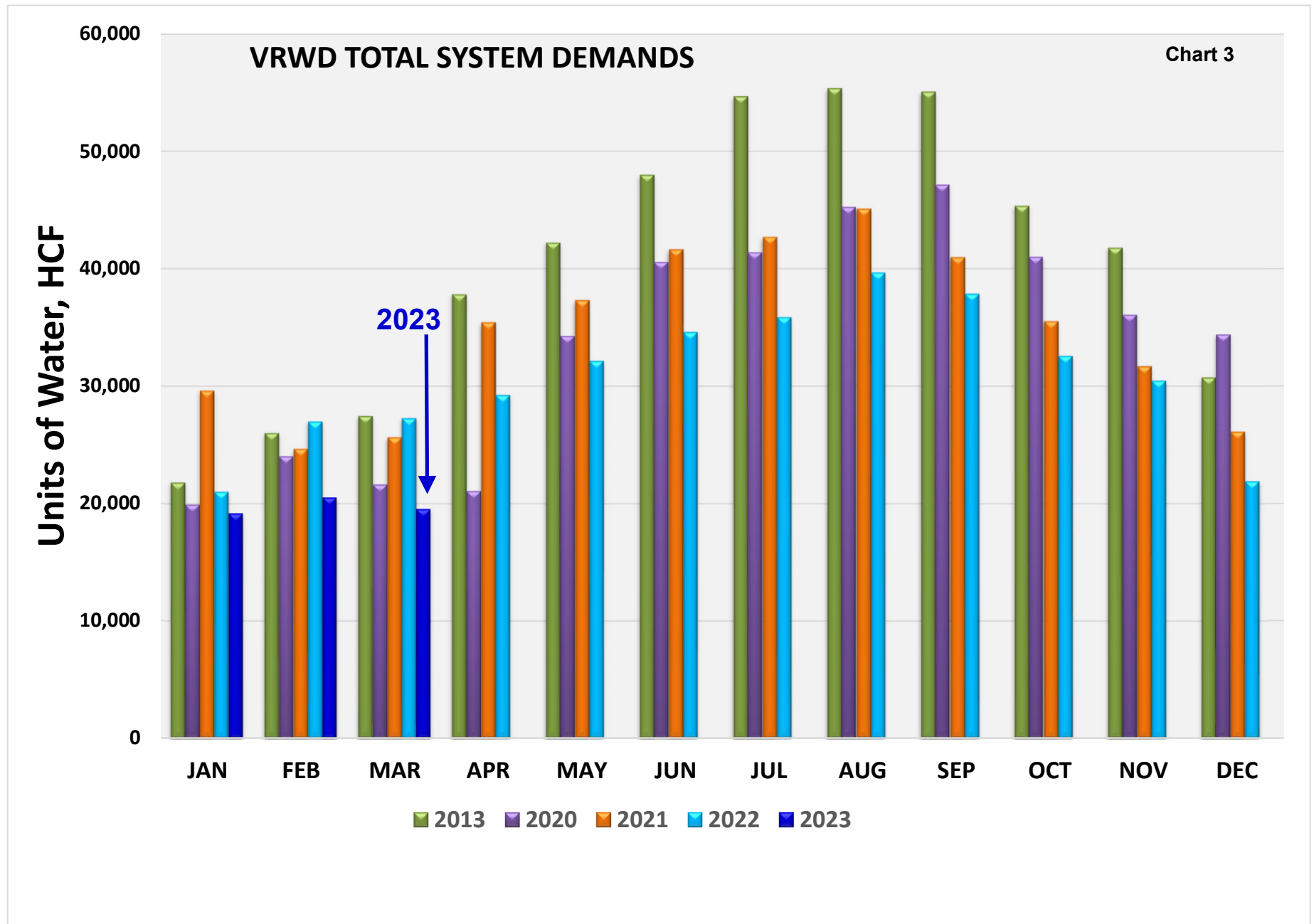


CHART # 2



Ventura River WD Water Usage Compared to 2013

Chart 7

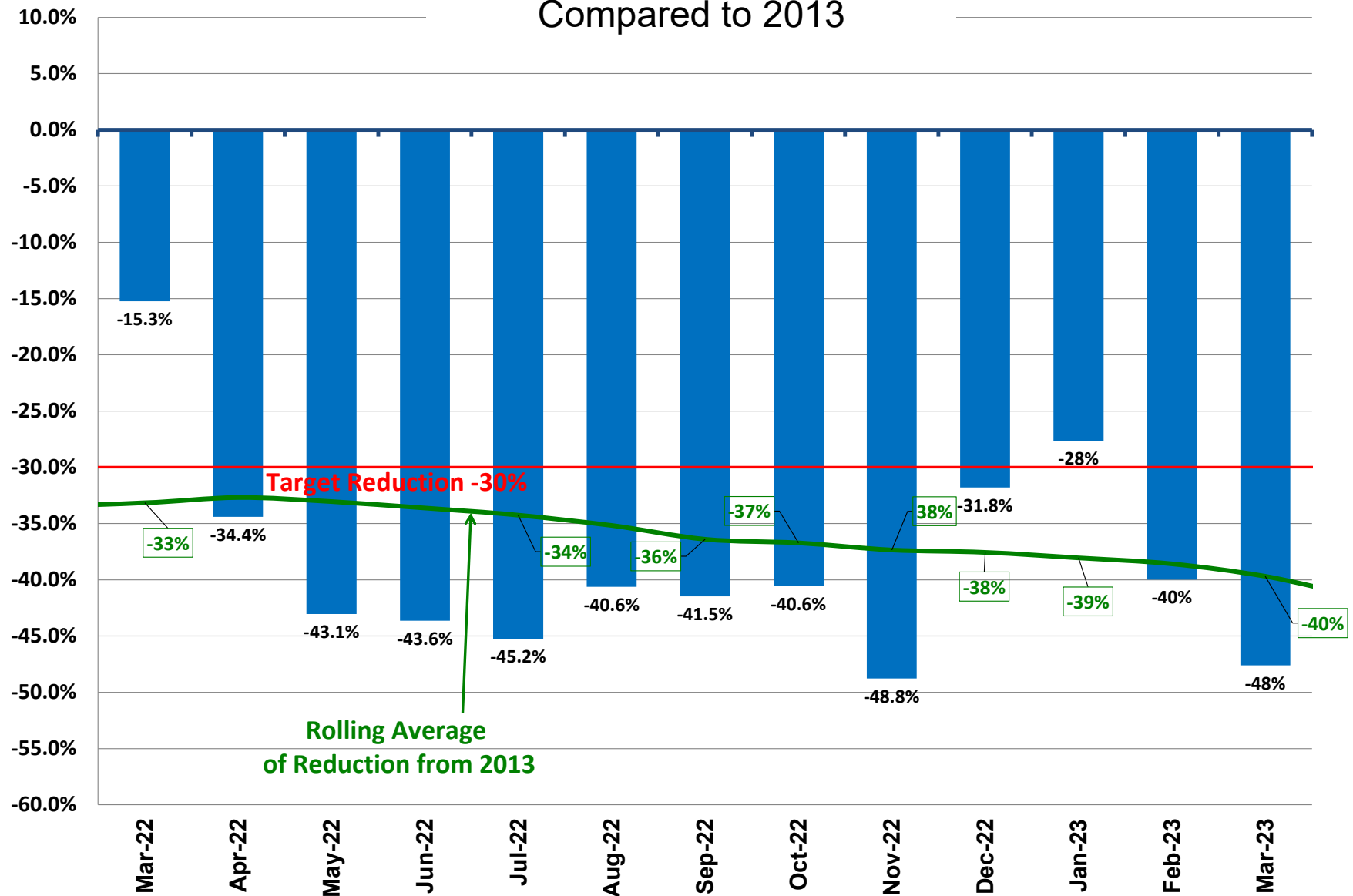
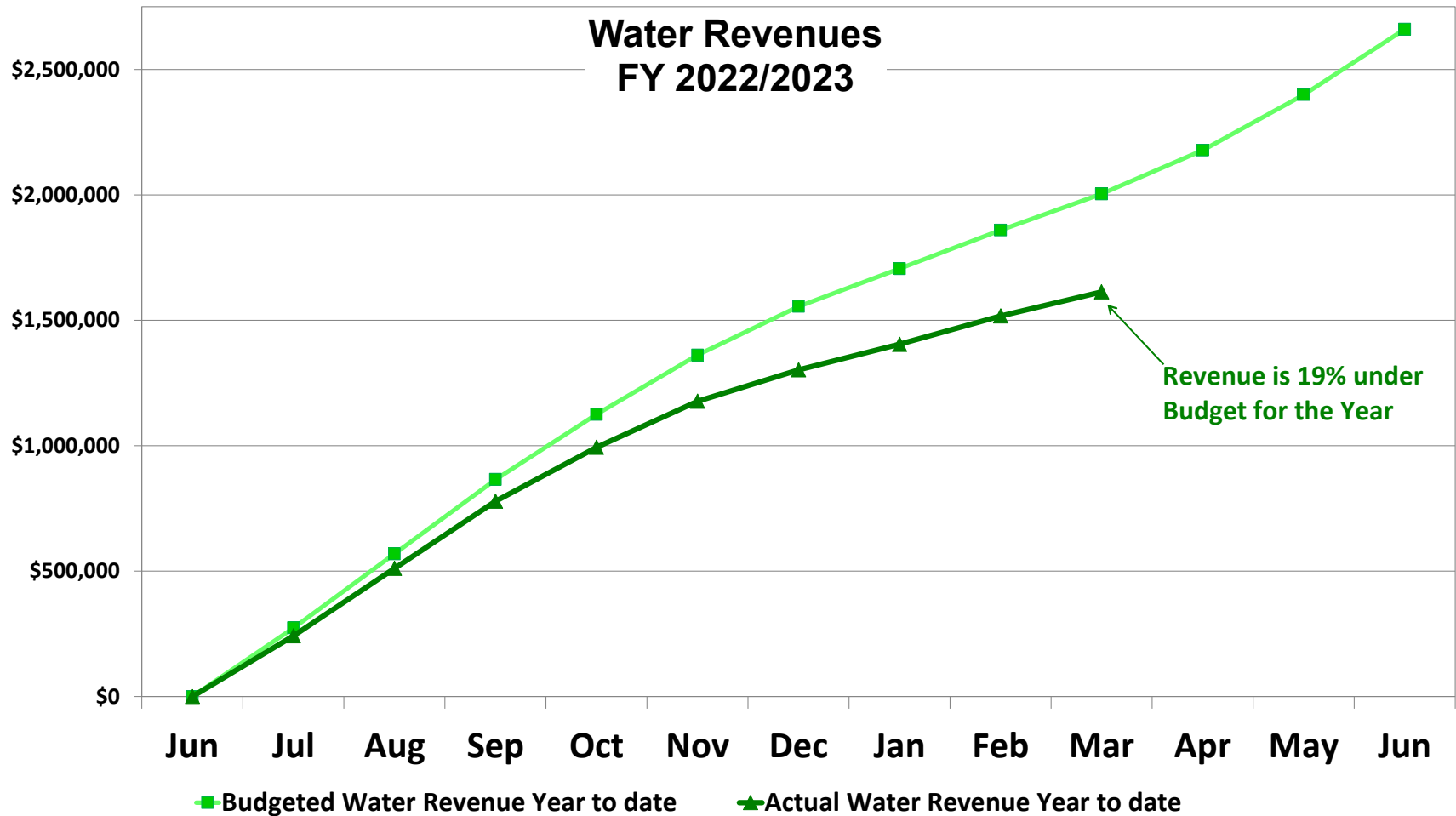


Chart 8

Water Revenues FY 2022/2023



Water Usage FY 2022/2023

