

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



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EXECUTIVE OFFICER

Jeff Pratt, P.E.

December 1, 2023

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1610

SUBJECT: Discussion of Future Staffing Needs of the Agency – (New Item)

RECOMMENDATION: Board should lead a discussion on the future staffing needs of the Agency.

INTRODUCTION:

At the September 27, 2023, meeting, your Board requested via Chair West's direction a special meeting "for the Board and staff and the public to have a discussion concerning the future staffing needs of the Agency, and that should include a discussion of whether it's an appropriate time to consider developing a plan for the independent staffing of the Agency."

DISCUSSION:

Section 408 of the *Fox Canyon Groundwater Management Agency Act*, enacted in 1982 in Assembly Bill No. 2995 (Imbrecht), provides that:

The agency may contract with the county or United [Water Conservation District] for staff and other services and may hire such other contractors and consultants as it considers appropriate.

The Agency has contracted with the County of Ventura to provide staff since its formation in 1982. Per Section 408, possible staff options under the law are the County or United Water Conservation District (UWCD). Any plan "for the independent staffing of the Agency," not through the County or United, would need to include legislation to amend section 408 or replace it with a statute that provides the Agency with additional staffing authority.

The direction to agendize this discussion followed comments by some Board members that were critical of County staff working on behalf of the Agency (hereafter referred to as "Agency staff"). Those comments were not specific and failed to acknowledge that Agency staff faithfully implements your Board's direction and policies including implementation and enforcement of the many Ordinances and Resolutions adopted by your Board after careful consideration at one or more public meetings. It should also be noted that the amount of litigation in which the Agency has been involved over the past five years can be directly traced to the State's enactment of the Sustainable Groundwater Management Act (SGMA) in late 2014. Prior to SGMA, the Agency's groundwater management actions resulted in just one lawsuit, an unsuccessful challenge to your Board's adoption of Ordinance No. 8.8, which amended the Agency Ordinance Code relating to extraction surcharges for exceeding an Irrigation Allowance Index of 1.0 and imposing an Agency-wide cap on agricultural extractions. Since SGMA, the Agency has been sued five times – all regarding

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Ordinances or Groundwater Sustainability Plans (GSPs) adopted by your Board in response to the SGMA mandates. Responding to these lawsuits has diverted significant staff resources and contributed to delays in implementation of the Agency's GSPs, including the development of projects to augment local water supplies.

The discussion should also acknowledge the extent to which Agency staff encouraged the active participation of stakeholders in the development of the groundwater sustainability plans for the Las Posas Valley (LPV), Oxnard and Pleasant Valley (OPV) groundwater basins. The Agency's outreach efforts went well beyond the mandates of SGMA and included 73 public meetings, eight public workshops, and the circulation of two drafts of the three GSPs prior to your Board's adoption of the plans in late 2019. It also bears mentioning that prior to adoption of the GSPs, the Agency was expressly prohibited from engaging in water supply projects and was limited to the development of programs and rules and regulations aimed at conserving groundwater resources. Prior to SGMA, the Agency was limited to collecting \$6 per acre-foot which yielded annual operating revenue of less than \$1 million. Notwithstanding this limited authority and revenue, the Agency can point to numerous examples over the past several years in which it worked collaboratively and cooperatively with stakeholders to solve problems and work toward bringing the basins into balance. These examples include:

- A long-standing, positive and productive working relationship with UWCD on such projects as the 2007 Update to the Groundwater Management Plan, the hiring of a technical staff person to work jointly for the Agency and UWCD (this staff person, Bryan Bondy, went on to do important work for the Las Posas Users Group [LPUG] and currently works as a consultant on behalf of stakeholders throughout the Agency), the support of legislation to amend the Water Code to eliminate the need for duplicate reporting of groundwater extraction by individual pumpers to both State and local agencies and designating UWCD as the reporting authority for the region, groundwater modeling of the West Las Posas, Oxnard and Pleasant Valley groundwater basins, acquisition of the Ferro property near UWCD's recharge facilities, the development of a technical study that will support a replenishment fee that will be used to fund purchases of supplemental water, the Saticoy Well Field Program, and the provision of \$3 million from the Agency's Designated Surcharges Account to purchase 15,000 acre-feet of water released from UWCD's Santa Felicia Dam and delivered via the Santa Clara River and diverted at the Freeman Diversion to recharge facilities in the Oxnard Forebay for the benefit of the groundwater basins within the Agency's jurisdiction.
- Sponsored workshops put on by the Irrigation Research and Training Center on updates to the Agency's irrigation allowances that took into account growers' concerns related to different crop types and cropping patterns, and the accuracy of precipitation and evapotranspiration values.
- Approved a cost share agreement with Calleguas Municipal Water District for preparation of the Las Posas Basin Replacement Water Study which played an important role in the comprehensive adjudication of the Las Posas Valley groundwater basin.
- Supported the City of Oxnard's GREAT Program by allowing the City to accrue a Recycled Water Pumping Allocation based on deliveries of recycled water that offset groundwater pumping; the Agency's project approval was updated last month to provide the City with greater operational flexibility.
- Approved the City of Camarillo's North Pleasant Valley Desalter Project.
- Approved settlement agreements with two water purveyors serving disadvantaged communities that waived surcharges for over-pumping in exchange for purveyors' commitment to install meters and invest in system improvements.

- Approved the Conejo Creek Water Pumping Program to allow for the transfer of credits from Pleasant Valley County Water District to Camrosa Water District in exchange for delivery of surface water from Conejo Creek.
- Adopted the Integrated Regional Water Management Plan prepared by the Watersheds Coalition of Ventura County, a consortium of local cities, wholesale and retail water suppliers, special district, the County and others interested in promoting and implementing regional water management planning efforts.
- Adopted the Groundwater Supply Enhancement Assistance Program that provided funds to facilitate and assist local water agencies with projects to increase groundwater supply within the Agency.
- Identified additional water purveyors who were established prior to the formation of the Agency and thus allowed to continue exporting groundwater outside the Agency's boundary for use within their service territories.
- Developed charters for stakeholder groups in the LPV and OPV Basins to come up with allocation systems for those basins that would have maximum support among groundwater users. In the case of the LPV Basin, the charter resulted in a Las Posas Allocation System developed by LPUG that eventually became the basis of the Agency's allocation ordinance for that basin. In the OPV Basin, the Agency conducted numerous public meetings, including a workshop at which attorneys representing various stakeholders presented their views on how the basin yield should be allocated under common law water rights principles.
- In response to the City of Simi Valley's 2020 Urban Water Management Plan, the Agency conducted an evaluation of the impact on the projected sustainable yield of the LPV Basin through 2070 (the 50-year SGMA planning horizon) of discharges of treated effluent from the Simi Valley Water Quality Control Plant and from shallow dewatering wells to the Arroyo Simi/Las Posas. This new information will be used to update the LPV Basin GSP and is expected to result in an increase in the sustainable yield estimate. Agency staff has also taken steps to secure a commitment from Simi Valley to continue the discharges.
- Conducted significant stakeholder engagement regarding Board's concerns with CombCodes including meetings with agricultural well owners and operators, and six public workshops, committee, and Board meetings.
- Successfully obtained \$15.2 million in State grant funds for projects in the OPV basins including UWCD Ferro-Rose Artificial Recharge Of Groundwater; UWCD Laguna Road Recycled Water Interconnection; UWCD Monitoring Well Construction and Data Collection for the Extraction Basin Barrier Project; Pleasant Valley County Water District (PVCWD) Recycled Water Connection Pipeline; PVCWD Private Reservoir Program; City of Camarillo Stormwater Diversion To Water Reclamation Plant Feasibility Study; and Agency investigations including multi-depth monitoring wells (approximate total of \$18.6 million in grant funds sought out and awarded since 2015).

This is by no means an exhaustive list of work done by the Agency in the years leading up to and following enactment by SGMA but helps to illustrate the many ways in which the Agency has worked within the confines of its statutory authority in collaboration with the State, other local agencies and groundwater users within its territory to fulfill its statutory objective of preserving groundwater resources while allowing these resources be put to the maximum beneficial use.

It is also worth noting that the Agency and its staff devoted considerable time and effort to reach consensus among stakeholders that would avoid litigation. In the LPV Basin, this was done by tasking LPUG with development of an allocation system. The comprehensive adjudication and other litigation in the LPV Basin was initiated by a small group of dissenting landowners in response to LPUG's proposed allocation system. In the OPV Basins, the Agency sponsored, organized and participated in a months-long facilitation process aimed at avoiding an adjudication of those basins. The process came to an end when competing agricultural stakeholder groups were unable to get beyond their fundamental disagreements over how groundwater allocations should be established. Throughout all of the litigation, the Agency committed considerable resources to mediation and other settlement discussions and those efforts are continuing.

To facilitate your Board's consideration of whether now is an appropriate time to consider making a change in Agency staffing, the current Agency work scope, other than the new Watermaster responsibilities imposed by the Las Posas Valley Adjudication Judgment (LPV Judgment), are defined in the Fiscal Year 2023-24 Work Plan adopted by your Board at the June 28, 2023, meeting. The Work Plan projects an average of 10 full-time equivalent (FTE) staff during FY 2023-24, ending the year with 12.3 FTEs at full staffing not including legal services, fiscal services, IT services, nor executive officer services which are another 3.9 FTEs. The FY 2023-24 Work Plan tasks are summarized in Item 1A. The Work Plan did not include LPV Watermaster tasks, as the final Judgment had not yet been entered. Staff estimates LPV Watermaster tasks may require an additional 4 FTEs; legal services are additional. LPV Watermaster tasks are summarized in Item 1B. Following is a summary of some of the time-constrained tasks and contractual commitments:

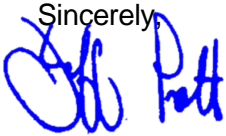
- Groundwater Sustainability Plan Updates – Must be adopted and submitted to Department of Water Resources (DWR) by 1/13/2025
 - Contract with Dudek
 - Contract with United Water Conservation District (UWCD)
- DWR Sustainable Groundwater Management (SGM) Implementation Grants (\$7.2 million each for Oxnard and Pleasant Valley basins) – Work completed, final billing and closeout reports by 6/30/2025
 - FCGMA contracts with DWR
 - FCGMA subcontracts with City of Camarillo, UWCD, and Pleasant Valley County Water District
 - Open Agency request for bid (RFB) installation of monitoring wells (closes 12/1/2025)
 - PWA Engineering Services managing RFB, contract, certified payroll, etc., for Agency
 - Field supervision, well logs, etc., by Agency staff and Dudek
- Destruction of Oxnard Well at Church
 - Contract with General Pump Company
- CMIS Weather Station – Contract with DWR
 - Maintained by Agency staff
- FCGMA Online Data Management System
 - Supported by PWA Information Services
- AMI Data Management by Agency staff
- LPV Watermaster
 - Many tasks and schedule per the Judgment

The Agency received a number of letters regarding this item. The majority are form letters supporting "independent staffing" of the Agency. Letters received through November 27, 2023, are attached as Item 1C.

CONCLUSION AND RECOMMENDATION:

Agency staff recommends that your Board give careful consideration as to whether it is in the best interests of the Agency to plan to end 40 years of dedicated and faithful service by County staff to the Agency. This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-2073.

Sincerely,



Jeff Pratt, P.E.
Executive Officer

Attachments: Item 1A – Summary of FY 2023-24 Work Plan Tasks
Item 1B – Summary of LPV Watermaster Tasks
Item 1C – Letters Received