

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A State of California Water Agency



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## BOARD OF DIRECTORS

**Eugene F. West, Chair**, *Director, Camrosa Water District*  
**David Borchard, Vice Chair**, *Farmer, Agricultural Representative*  
**Kelly Long**, *Supervisor, County of Ventura*  
**Lynn Maulhardt**, *Director, United Water Conservation District*  
**Bert Perello**, *Councilperson, City of Oxnard*

## EXECUTIVE OFFICER

**Jeff Pratt, P.E.**

## MINUTES

Minutes of the Fox Canyon Groundwater Management Agency's (FCGMA) **Board Regular Hybrid Meeting** held **Wednesday, August 23, 2023, at 12:00 P.M.**, in the **Board of Supervisor's Hearing Room and Via Zoom** at the Ventura County Government Center, Hall of Administration, 800 South Victoria Avenue, Ventura, California.

### **A. Call to Order**

Chair Eugene F. West called the meeting to order at 12:02 p.m.

### **Closed Session Public Comments**

Public comments were heard from:

- (1) John Grether, Grether Farms, commented that he was dismayed that the Agency filed an appeal to the judgment right away. He stated that he wants to Agency to withdraw their appeal.
- (2) Derrick Knobel, Leavens Ranches, commented that he wanted the Agency to reconsider the appeal and stay request. He said that he was worried about the continued uncertainty for pumpers.
- (3) David Schwabauer, former Board member, commented that he was highly frustrated with having to pay attorney fees for Leavens Ranch and Agency fees.

### **Closed Session 12:00 p.m.**

Director Perello recused himself from Item 3.

Director Craviotto recused himself from Item 1.

Chair West adjourned to Closed Session at 12:19 p.m.

## **FCGMA BOARD CLOSED SESSION AGENDA**

**Closed Session** - It is the intention of the Board of Directors to meet in Closed Session to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov. Code, §54956.9) PURSUANT TO GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (d), PARAGRAPH (1): NAME OF CASE: Las Posas Valley Water Rights Coalition v. Fox Canyon Groundwater Management Agency, Santa Barbara County Superior Court Case No. VENCI0059700
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov. Code, §54956.9) PURSUANT TO GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (d), PARAGRAPH (1): NAME OF CASE: OPV Coalition et al v. Fox Canyon Groundwater Management Agency, Ventura Superior Court Case No. 56-2021-00555357-CU-PT-VTA
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov. Code, §54956.9) PURSUANT TO GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (d), PARAGRAPH (1): NAME OF CASE: City of Oxnard v. Fox Canyon Groundwater Management Agency, Los Angeles County Superior Court Case No. 20STCP00929

### **Regular Session 1:30 p.m.**

Chair West reconvened the regular session at 1:39 p.m. He stated that there was no reportable action taken in closed session.

#### **B. Pledge of Allegiance**

Director Maulhardt led the Pledge of Allegiance.

#### **C. Roll Call**

Chair Eugene F. West  
Director Kelly Long  
Director Lynn Maulhardt  
Alternate Director Michael Craviotto  
Director Bert Perello

#### **Agency Staff**

Jeff Pratt, Executive Officer  
Alberto Boada, County Counsel  
Jason Canger, Assistant County Counsel  
Arne Anselm, Deputy Director  
Kim Loeb, Groundwater Manager  
Farai Kaseke, Assistant Groundwater Manager  
Keely Royas, Clerk of the Board

#### **D. Agenda Review**

There were no changes to the agenda.

**E. Public Comments**

- (1) Josh Waters stated that he would like the support from the GMA to keep moving forward with the tasks of the Watermaster.
- (2) Unknown Caller, asked that the Agency reconsider the stay request.

**F. Board Member Comments**

There were no Board member comments.

**CONSENT AGENDA:**

- 4. Approval of Minutes** – Approve minutes of the July 26, 2023, Board meeting.

Director Maulhardt made a motion to approve the Consent Agenda. Director Long seconded the motion, and the motion was unanimously approved.

**REGULAR AGENDA:**

- 5. Authorize Executive Officer to Enter into Contract at Additional Cost for Destruction of State Well No. 01N22W04K01S at 936 W. 5<sup>th</sup> Street, Oxnard**

James Maxwell introduced the item and presented background information on the previous steps taken to destroy the well in early 2020 that was not completed due to constraints associated with the COVID pandemic.

Mr. Maxwell stated that the approved 2023/24 fiscal year budget includes a line item of \$70,000 for destruction of the well, but the revised cost from the original bid is for \$86,975.54. He asked that the Board allocate an additional \$25,673 from the operating account contingency to cover the cost of the well destruction with a 10% contingency budget.

Director Perello asked how the bid process works for this sort of project.

Mr. Maxwell stated that in 2020 and 2022 the Agency requested bids from local companies. He said that three declined and the General Pump Company (GPC) had the lowest price for the best scope of work. Recently the Agency reached back out to the three that previously submitted bids and GPC still had the lowest price with the best scope.

Public Comments were made by:

- (1) Greg Lewis, Duda Farms.

Director Long made a motion to authorize the Executive Officer to enter a contract with General Pump Company for destruction of State Well No. 01N22W04K01. Director Perello seconded the motion, and the motion was unanimously approved.

## **6. Groundwater Sustainability Plan Five-Year Evaluations**

Kim Loeb introduced the item and provided background on the approval of the GSPs and the required minimum 5-Year evaluation of the GSPs with the 11 items for corrective action from the Department of Water Resources (DWR). Mr. Loeb presented a schedule for the GSP evaluation tasks and announced the date, time, and topics for discussion for the first kick-off workshop.

Director Long expressed concern over the short timeframe of the first workshop and asked how the information was sent out to stakeholders. She also asked if the other meeting dates are scheduled.

Mr. Loeb stated that an email would be sent out and that the information was posted on the website. He said that the meeting will also be recorded and posted to the Agency website. Mr. Loeb said that the other dates will be scheduled as the target dates approach.

Director Craviotto stated that discussion on stakeholder engagement seemed disingenuous.

Mr. Loeb stated that the GSP date stays the same regardless of the judgment.

Mr. Pratt stated that the process is completely open, and that comments and public input are always welcome.

## **7. Presentation on Notice of Commencement of Groundwater Adjudication in the Oxnard and Pleasant Valley Groundwater Basins**

Assistant County Counsel Jason Canger introduced the item and gave background information on the lawsuit. He explained that with a comprehensive groundwater adjudication it is the responsibility of the party that filed the lawsuit to provide Notice of Commencement of an adjudication to all property owners in the basin with a Form Answer that can be filed with the court by property owners to participate in the adjudication.

Mr. Canger said that these notices have been going out to property owners at different times throughout the past few months and the Agency as well as elected officials have been receiving calls regarding the notice.

Mr. Canger stated that the deadline date to respond was August 30, 2023, but that the date to respond would likely be extended.

Public Comments were made by:

(1) Greg Lewis, OPV Coalition.

## **8. OPV Special Counsel Contract**

County Counsel Alberto Boada introduced the item and stated that he was requesting a retainer for special counsel with regards to the OPV Coalition matter.

He said that the law firm Shute, Mihaly & Weinberger would substitute in as special counsel for the Agency in the OPV adjudication matter. He said that although the lawsuit is considered

a groundwater adjudication it also includes challenges to the allocation ordinance for the basins as well as challenges to the GSPs. He said that the law firm specializes in defending this type of legislative actions by public agencies.

Mr. Boada said the OPV adjudication lawsuit is expected to proceed in phases as the LPV adjudication did and the not-to-exceed amount in the proposed contract is the estimated amount for the first phase. He said that the item would return to the Board if the lawsuit continued into further phases.

Chair West stated that his understanding is that no concrete decision has been made with regards to phases.

Director Craviotto stated that the proposed amount does not seem like enough money.

Mr. Boada said that the amount is for the initial proceedings, and it would be brought back to the Board for additional funds once a decision has been made how the lawsuit will be laid out.

Director Perello asked what substituted in means. Mr. Boada stated that Shute, Mihaly, and Weinberger would be substituted in and Stoel Rives would be substituted out.

## **9. Executive Officer's Report**

Director Maulhardt made a motion to approve the Executive Officer's Report. Director Perello seconded the motion, and the motion was unanimously approved.

## **Closed Session (Continued)**

Chair West recessed into closed session again at 2:27 p.m.

## **10. Adjourn Board Meeting**

Chair West adjourned the Board meeting at 3:22 p.m.

Submitted by:

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Keely Royas  
Clerk of the Board