



FOX CANYON GROUNDWATER MANAGEMENT AGENCY

MEMORANDUM

Date: December 21, 2023
To: Executive Committee
From: Arne Anselm, Deputy Director
Subject: Item E – Las Posas Valley Groundwater Basin Watermaster Meeting Procedures

INTRODUCTION:

With the conclusion of the Las Posas Valley Groundwater Adjudication (LPV Adjudication), the Agency will be taking actions in multiple capacities, including, for example, as a groundwater management agency under the Fox Canyon Groundwater Management Agency Act (FCGMA Act), as a groundwater sustainability agency under the Sustainable Groundwater Management Act (SGMA), and as the Watermaster under the LPV Adjudication. The purpose of this item is to discuss options for the Agency's preparation of meeting agendas and consideration of items, especially when the Agency is acting in more than one capacity at a single meeting.

BACKGROUND:

Under the LPV Adjudication judgment (Judgment), the Agency is appointed Watermaster responsible for implementing the Judgment and managing the Las Posas Valley Groundwater Basin (LPV Basin):

To assist the Court in the administration of this Judgment, the Court appoints the FCGMA in its role as GSA (Wat. Code, § 10723(c)(1)(D)) and as the special act water agency created to manage and conserve Basin groundwater resources (Wat. Code App., §§ 121-102, 121-201) as Watermaster. (Judgment, § 5.1.)

[T]his Judgment govern all aspects of the FCGMA's management of the Basin, whether undertaken by the FCGMA in its role as a special act water management agency, the GSA under SGMA, or as Watermaster. (Judgment, § 9.1.)

In turn, the Las Posas Watermaster Rules, appoint your Board to serve as the Watermaster Board:

Section 5.1 of the Judgment appoints the FCGMA as Watermaster. The Watermaster Board will consist of five members, which will be the five Directors of the FCGMA. Consistent with FCGMA practice, when a Director does not attend a meeting of the Watermaster Board, the Director's alternate may act instead of that Director. (Wat. Code Appx., § 121-401.) (Judgment, Exhibit A, § 2.1.)

However, the Judgment did not eliminate the Agency's roles, responsibilities, and authorities under the FCGMA Act as a groundwater management agency and SGMA as a groundwater sustainability agency. Accordingly, there may be times when the FCGMA Board is acting in different capacities at its meetings. Guidance was requested from the Executive Committee on how the FCGMA Board will notice and convene its meetings and how items are identified on agendas.

DISCUSSION:

Staff has identified at least three options for FCGMA Board meetings and agendas when the board may be acting in multiple capacities.

Option 1:

FCGMA Board agendas can include an obvious identifier on items when acting as Watermaster. This practice has been seen in other Boards that serve two Agencies as when the County Board of Supervisors also acts as the board of the Ventura County Watershed Protection District. This is possible because the two boards include the same members, like the FCGMA Board and the Watermaster Board. Staff can make an effort to keep all Watermaster items together on an agenda, but consent and closed session items may provide a challenge. The two previous Watermaster items heard by your Board followed this process as seen in the example below.

- 1. Las Posas Valley Basin Adjudication Judgement Policy Advisory Committee (PAC) Nominee Appointments [LPV Watermaster] – (New Item) RECOMMENDATION:**
Receive an update and appoint nominees to the Las Posas Valley Watermaster Policy Advisory Committee. (Farai Kaseke @ 654-2954)

Option 2:

The FCGMA Board can adjourn a meeting and open a new meeting when hearing Watermaster items, then reconvene as the FCGMA Board if there is further business to be conducted. This will allow those only interested in the Watermaster items clarity on what portion of the meeting those discussions will be happening. This option is similar in practice to when the County Board of Supervisors adjourns to open a meeting as the Ventura County Air Pollution Control District (APCD) Board. The distinction is the APCD Board is not identical to the Board of Supervisors. It consists of the Board of Supervisors and five additional members; therefore it requires a separate meeting time and agenda. A separate meeting will require notice of and adherence to an official start time per the Brown Act. This may be disruptive to the business of FCMGA Board meetings when stopping to begin again as the Watermaster board.

Option 3:

The scheduling of separate meetings with separate agendas can be done for the FCGMA Board when sitting as the Watermaster board. This provides the most clarity of when actions will be considered by the Watermaster board. The timing of these meetings does not need to be on the same day as the FCGMA Board meetings. Scheduling difficulties may arise to add an additional meeting to everyone's calendar, including the board room. If the meetings are held on the same day, there may be challenges in accurately scheduling the start time as the length of FCGMA Board meetings is unpredictable. This could lead to items being continued by the FCGMA Board, or considerable downtime between the meetings.

CONCLUSION

Staff recommends that your Committee discuss the above three options – and any other options identified at your meeting – for decision by the FCGMA Board.