

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Lynn E. Maulhardt, Chair, Director, United Water Conservation District

David Borchard, Farmer, Agricultural Representative

Charlotte Craven, Vice Chair, Councilperson, City of Camarillo

John Zaragoza, Supervisor, County of Ventura

Dr. Michael Kelley, Director, Zone Mutual Water Company

EXECUTIVE OFFICER

Jeff Pratt, P.E.

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Fox Canyon Groundwater Management Agency (FCGMA) will hold an **Executive Committee Meeting** from **3:30 p.m. to 5:00 p.m. on Monday, February 4, 2013** in the **Atlantic Conference Room**, Main Plaza Level of the Ventura County Government Center, Hall of Administration Building, at **800 South Victoria Avenue, Ventura, California**.

FCGMA EXECUTIVE COMMITTEE MEETING AGENDA

February 4, 2013

Members: Chair Lynn Maulhardt
Co-Chair Charlotte Craven

- A. **Call to Order**
- B. **Introductions**
- C. **Public Comment** - Audience members may speak about FCGMA-related matters not on today's Agenda.
- D. **Minutes** – Approve the minutes from the December 7, 2012 Executive Committee meeting.
- E. **Proposed Amendment to the GMA Act** – Consider and Direct Agency Staff to seek a Proposed Amendment to the GMA Act to Allow Inspections of Wells on Private Property.
- F. **Adjourn the Executive Committee Meeting** – Adjourn until the next Executive Committee meeting, to be scheduled at a later date.

NOTICES

The FCGMA Board strives to conduct accessible, orderly, and fair meetings where everyone can be heard on the issues. The Board Chair will conduct the meeting and establish appropriate rules and time limitations for each item. The Board can only act on items designated as Action Items. Action items on the agenda are staff proposals and may be modified by the Board as a result of public comment or Board member input. Additional information about Board meeting procedures is included after the last agenda item.

Administrative Record: Material presented as part of testimony will be made part of the Agency's record, and 10 copies should be left with the Board Clerk. This includes any photographs, slides, charts, diagrams, etc.

ADA Accommodations: Persons who require accommodation for any audio, visual, or other disability in order to review an agenda or to participate in the Board of Directors meeting per the Americans with Disabilities Act (ADA),

may request such accommodation in writing addressed to the Clerk of the FCGMA Board, 800 So. Victoria Avenue, Location #1610, Ventura, CA 93009-1610, or via telephone by calling (805) 654-2014. Any such request should be made at least 48 hours prior to the meeting so staff can make the necessary arrangements.

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the FCGMA office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning five days before the Board meeting. Agenda packet contents are also posted on the FCGMA website as soon as possible, and left there for archival retrieval in case reference is needed on previously considered matters. Questions about specific items on the agenda should be directed to the Agency's Executive Officer.

Continuance of Items: The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Participating individuals or parties will be notified of the rescheduling of their item prior to the meeting. Please contact the FCGMA staff to find out about rescheduled items.

Electronic Information and Updates: Our web site addresses are www.foxcanyongma.org (for weather station data) or <http://www.fcgma.org> (for home page information). Information available online includes the Board's meeting schedule, a list of the Board members and staff, weather station data, general information, and various Agency forms. If you would like to speak to a staff member, please contact Miranda Nobriga, the FCGMA Clerk of the Board at (805) 654-2014, or Sheila Lopez, the FCGMA Engineering Technician at (805) 645-1372.

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MINUTES

Minutes of the Fox Canyon Groundwater Management Agency's (FCGMA) Executive Committee meeting held Friday, December 7, 2012 in the Atlantic Conference Room at the Ventura County Government Center, Hall of Administration, 800 South Victoria Avenue, Ventura California.

- A. **Call to Order** – The meeting commenced at 4:05 p.m.
- B. **Introductions** – In attendance were: (1) Lynn Maulhardt, FCGMA Executive Committee Chair; (2) Neal Andrews, FCGMA Executive Committee Alternate; (3) Rick Viergutz, WPD, Groundwater Manager; (4) Kathleen Riedel, WPD, Groundwater Specialist; (5) Jessica Rivera, FCGMA Clerk of the Board; (6) Alberto Boada, Agency Counsel; (7) Bryan Bondy, Calleguas Municipal Water District (CMWD); (8) Susan Mulligan, CMWD; (9) Henry Graulich, CMWD; (10) Robert Eranio, Crestview Mutual Water Company (CMWC) and Chair of Las Posas Users Group (LPUG); (11) Steve Nash, Oxnard resident; (12) Daryl Smith, Adaboy Acres; and (13) Bill Miller, grower.

C. **Public Comments** – None.

D. **Meeting Minutes**

Chair Maulhardt and Co-Chair Andrews approved the minutes, with the revisions submitted by Ms. Susan Mulligan, CMWD. Chair Maulhardt noted future meeting minutes should be generalized, with a brief summation of each topic.

E. **Las Posas Basin-Specific Groundwater Management Plan (LPBSGMP) Comment Letter**

Ms. Kathleen Riedel, WPD, Groundwater Specialist, provided a brief review of the LPBSGMP comment letter. Discussions among the group included: (1) the executive summary of the comment letter; (2) sustainability; (3) brackish groundwater and water rights; (4) roles of the GMA; (5) legislative authority; (6) determining key linchpin issues; and (7) determining a timeline to complete the linchpins.

The Executive Committee advised Agency staff to work with LPUG to determine 3-5 key linchpins at a December 20, 2012 meeting, and stated its recommendation to the Board would be to not adopt the LPBSGMP at this time, noting the key linchpins would need to be tackled within the next year.

F. **Adjourn the Executive Committee Meeting**

The meeting adjourned at 5:20 p.m.

Submitted by:

Jessica Rivera
Clerk of the Board

800 South Victoria Avenue, Ventura, CA 93009-1610
(805) 654-2014 or 645-1372 FAX: (805) 654-3350 or 677-8762
Websites: www.fcgma.org or www.foxcanyongma.org

PROPOSED LANGUAGE TO GMA ACT

Sec. XXXX - INSPECTIONS

A. *In accordance with the requirements of this section the Fox Canyon Groundwater Management Agency (“Agency”) shall have the right to enter and conduct an inspection of extraction facilities for purposes of assuring compliance with the provisions of this act or any agency ordinance. Owners shall provide access to all required areas of extraction facilities for inspection within twenty-one calendar days of an inspection request from the Agency. If the property where the extraction facility is located is legally occupied by a tenant or other occupant, the owner shall notify the tenant or occupant and require that the tenant or occupant allow the inspection. The owner shall be in violation of this section if the tenant or occupant refuses to allow the inspection.*

Sec. XXXI REFUSAL TO PERMIT INSPECTION

A. *If an inspection is scheduled and entry is thereafter refused or cannot be obtained, the Agency shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises, including but not limited to securing an inspection warrant pursuant to Code of Civil Procedure Sections 1822.50 through 1822.57. The Agency shall provide notice that a warrant has been issued to both the owner/operator and the tenant or occupant at least twenty-four hours before the warrant is executed, unless the judge finds that immediate execution is reasonably necessary under the circumstances shown.*

B. *Notwithstanding the foregoing, if the Agency has reasonable cause to believe that the extraction facility is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, the Agency shall have the right to immediately enter and inspect the premises and may use any reasonable means required to effect the entry and make an inspection.*

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Alternative to seeking An Amendment to the GMA Act

The Act gives the Agency power to conduct "investigations of all kinds in order to carry out the provisions of this act." [Sec. 501]

The Act also authorizes the Agency to petition the court for an injunction to force an operator to comply with "any provision of this act or any agency ordinance." [Sec. 406].

Alternative – Amend the Agency Ordinance Code providing for annual inspections. Should an operator refuse consent, the Agency could sue the operator, then ask the court to issue an injunction allowing us to conduct the inspection.

- Advantage - Avoids having to go through the lengthy and cumbersome legislative process in Sacramento.
- Disadvantage – Ordinance Change will not solve potential issue of more difficult and costly undertaking than simply requesting an administrative search warrant if access denied.