

Fox Canyon Groundwater Management Agency

REVISED AGENDA PACKAGE

Board Special Meeting
of
February 12, 2025



FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, Director, Camrosa Water District
Kelly Long, Vice Chair, Supervisor, County of Ventura
Michael Craviotto, Farmer, Agricultural Representative
Lynn Maulhardt, Director, United Water Conservation District
Tony Trembley, Councilmember, City of Camarillo

INTERIM EXECUTIVE OFFICER

Arne Anselm

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Fox Canyon Groundwater Management Agency (FCGMA) Board of Directors will hold a **Board Hybrid Meeting** at **12:30 P.M.** on **Wednesday, February 12, 2025**, in the **Board of Supervisor's Hearing Room and via Zoom**, at the Ventura County Government Center, Hall of Administration, Main Plaza Level at **800 South Victoria Avenue, Ventura, California.**

REVISED FCGMA BOARD SPECIAL MEETING AGENDA

February 12, 2025
12:30 P.M.

Welcome to the meeting of the Fox Canyon Groundwater Management Agency Board of Directors, also sitting as watermaster for the Las Posas Valley Basin and the groundwater sustainability agency for the Las Posas Valley Basin, the Pleasant Valley Basin, and the Oxnard Subbasin. For more information, full agenda packets, or past meeting information, visit www.fcgma.org.

In compliance with the Americans with Disabilities Act, all possible accommodations will be made for individuals with disabilities so they may attend and participate in meetings. If special assistance is needed, please call Agency staff at (805) 654-2014 at least 24 hours prior to the meeting so proper arrangements may be assured. If requested, and as possible, agendas will be provided in alternative formats.

Agenda items are numbered for identification purposes only and may not necessarily be considered in this order. Agenda items are grouped under Las Posas Valley Watermaster (LPV Watermaster) or under Fox Canyon Groundwater Management Agency (FCGMA), if the item directly applies only to that entity. The Board reserves the right to limit each speaker to five (5) minutes per subject or topic if necessary. The public portion of every public meeting of the Board of Directors is recorded. Please see the "STANDING NOTICES" section at the end of this Agenda for more information, including options for hybrid attendance and public participation.

OPENING

- 1. Call to Order** – The Board Chair will call the meeting to order.
- 2. Pledge of Allegiance** – A Board member will lead the Pledge of Allegiance.
- 3. Roll Call** – Attending Board members, alternates, and staff will be recorded by the Board Clerk.

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Revised Agenda - Page 1 of 6

4. **Agenda Review** – Consider and approve by majority vote, any minor revisions to Board Agenda items and/or attachments and any item(s) added or removed from this Agenda.
5. **Public Comments** – Audience members may speak about Agency-related matters not on today's Agenda. California State law does not allow any response or action from the Board concerning non-agenda topics at this time; however, topics can be placed on future agendas or referred to staff. Please come to the podium and state your name and affiliation for the record before commenting on any particular subject.
6. **Executive Officer's Comments** – Brief announcements and administrative report on Agency workforce activities.
7. **Board Member Comments** – An opportunity for Board Members to make comments or to communicate with other directors, staff, and/or the public regarding non-agenda topics.

CONSENT AGENDA

Routine items are placed under the Consent portion of this Agenda and need only be reviewed and approved by one single motion. Consent Agenda items are grouped under LPV Watermaster or under FCGMA, if the item directly applies only to that entity. Consent items generally require no discussion; however, they may be debated or voted on by moving them to the "Regular Agenda" portion at the Board's discretion.

CONSENT AGENDA – FCGMA Items

8. **Approval of Revised First Periodic Evaluation of the Groundwater Sustainability Plan for the Oxnard Subbasin – (New Item)**
RECOMMENDATIONS: (1) Approve the revised First Periodic Evaluation of the Groundwater Sustainability Plan for the Oxnard Subbasin and (2) Direct Agency staff to submit it to the California Department of Water Resources.
9. **FCGMA Budget to Actual Report for January 2025 – (New Item)**
RECOMMENDATION: Receive and file the monthly financial report.

CONSENT AGENDA – LPV Watermaster Items

10. **LPV Watermaster Budget to Actual Report for January 2025 – (New Item)**
RECOMMENDATION: Receive and file the monthly financial report.
11. **Appointment of Ventura County Waterworks District Nos. 1 & 19 Representative to the Las Posas Valley Policy Advisory Committee – (New Item)**
RECOMMENDATION: Appoint Mr. Jeff Palmer to serve as the replacement nominee for Ventura Waterworks Districts 1 & 19 (WMIDs 2011, 2191 and 2192) on the Las Posas Valley Watermaster Policy Advisory Committee.

CONSENT AGENDA – Correspondence Items

Correspondence Agenda items are presented to the Board for information under the Consent Agenda. These items require no action or are not ready for Board consideration.

12. **Receive and file correspondence** from Ventura County Clerk of the Board of Supervisors regarding reappointment verification for the Board of Supervisors representative, dated January 17, 2025.
13. **Receive and file correspondence** from Rob Bonta, State of California Attorney General, regarding Opinion 24-101 concerning staffing the Agency, issued January 22, 2025.
14. **Receive and file correspondence** from Ian Prichard, Deputy General Manager of Calleguas Municipal Water District, regarding election results for the Small Water Districts representative, dated February 3, 2025.
15. **Receive and file correspondence** from Director Kelly Long via the California Department of Water Resources regarding Executive Order N-16-25, dated February 3, 2025.

REGULAR AGENDA

Regular Agenda items are heard at the Board's discretion and may be heard at any time during the meeting. Regular Agenda items are grouped under LPV Watermaster or under FCGMA, if the item directly applies only to that entity.

16. **Resolution of Appreciation for Agency Counsel Alberto Boada – (New Item)**
RECOMMENDATION: Adopt Resolution 2025-01 honoring Agency Counsel Alberto Boada for 18 years of Agency service.
17. **County of Ventura Water Resource Mapping Presentation – (New Item)**
RECOMMENDATION: Receive and file a presentation from the County of Ventura Public Works Agency regarding the development of a Countywide water mapping database.
18. **Calleguas Water Resources Implementation Strategy Presentation – (New Item)**
RECOMMENDATION: Receive and file a presentation from Calleguas Municipal Water District on the Water Resources Implementation Strategy (WRIST).
19. **City of Oxnard Groundwater Recovery Enhancement and Treatment Program Presentation – (New Item)**
RECOMMENDATION: Receive and file a presentation from the City of Oxnard regarding an update to the Groundwater Recovery Enhancement and Treatment (GREAT) Program.

20. **Agency Staffing Analysis Report Presentation – (New Item)**
RECOMMENDATION: Receive and file a presentation by Hallmark Group on the Agency Staffing Needs Analysis. *Agenda Item revised to add Exhibits.*
21. **Legislative Proposal to Amend Section 10726.6 of the Water Code – (New Item)**
RECOMMENDATION: Approve Support of a Legislative Proposal to Amend the Sustainable Groundwater Management Act (SGMA) to provide that Section 10726.6, Action to Determine Validity of Plan, sets forth the sole process for challenging a groundwater sustainability plan and Authorize the Chair to Sign a Letter of Support.
Agenda revised to add Item and Exhibits.

REGULAR AGENDA – FCGMA Items

22. **Legal Services Agreement with Alana Rotter of Greines, Martin, Stein & Richland LLP to Represent the Agency in *City of Oxnard v. FCGMA Appeals and Cross-Appeals* – (New Item)** **RECOMMENDATION:** Approve, and ratify the Interim Executive Officer’s execution of, a legal services agreement with Greines, Martin, Stein & Richland LLP (GMSR) for Ms. Alana Rotter’s representation of the Agency in *City of Oxnard v. FCGMA* appeals and cross-appeals. *Agenda Item revised to edit item number.*

CLOSED SESSION AGENDA

Discussions of Closed Session Agenda items are closed to the public. The Chair will announce when the Board is going into closed session. Closed session items may be heard at any time during the meeting.

23. **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
24. **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
25. **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, Santa Barbara County Superior Court Case No. VENCI00555357
26. **Adjourn Board Meeting.**

STANDING 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.

Public Comment: Public comment is the opportunity for members of the public to participate in meetings by addressing the Fox Canyon Board of Directors in connection with one or more agenda or non-agenda items.

The following options allow for public participation:

1. Join the Zoom Meeting as an Attendee:

<https://us02web.zoom.us/j/83866690007?pwd=gM91MwihxFa3LlpZuYB50dvADCnKzY.1>

Webinar ID: 838 6669 0007

Passcode: 649514

With this option you will be able to raise your hand, and the Clerk of the Board will give you speaking abilities to make a public comment. If you experience technical difficulties during Zoom meeting attendance that impact your ability to hear or see meeting proceedings, please contact the host via chat, or raise your hand for Q&A inside the Zoom Client. If you are unable to contact the host via the Zoom Client's chat or Q&A features, please call (805) 654-2014 and report the issue, then consider submitting written comment according to option 4, below. Should the technical issue persist on Zoom, please consider option 2, below.

2. Observe the Board of Directors meeting streaming live by navigating to the "Current and Upcoming Meetings" section of our website and clicking on the video icon button next to the meeting listing at: <https://fcgma.org/board-agendas-broadcasts-minutes/>
3. Call in to listen to the meeting:
 - +1 669 444 9171 US
 - +1 669 900 6833 US (San Jose)
 - +1 408 638 0968 US (San Jose)
 - +1 253 215 8782 US (Tacoma)
 - +1 346 248 7799 US (Houston)
 - +1 719 359 4580 US
 - +1 253 205 0468 US
 - +1 689 278 1000 US
 - +1 301 715 8592 US (Washington DC)Webinar ID: 838 6669 0007
Passcode: 649514

Options 2 and 3 will not allow you to make direct speaking comments. If you wish to make a written comment, please follow the steps below.

4. If you wish to make a written comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Monday prior to the Board regular meeting. Please submit your comment to the Clerk of the Board at FCGMA@ventura.org. Please indicate in the subject line of your email the agenda item number (e.g., Item 9). Your comment will be read by the Board of Directors and placed into the record.
5. If you are watching the live stream of the Board meeting and would like to make either a general public comment (Item 5) for items not on the day's agenda or to comment on a specific agenda item as it is being heard, please submit your comment via email to the Clerk

of the Board at FCGMA@ventura.org. Please indicate in the email subject line, the agenda item number (e.g., Item No. 9). Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

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 memos, presentations, maps, etc. If possible, in advance of the meeting, email a PDF of your materials to FCGMA@ventura.org.

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, via emailing FCGMA@ventura.org 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 regular 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 Agency Clerk to find out about rescheduled items.

The Ralph M. Brown Act: It is the intent of the law that the actions of this Board be taken openly and that their deliberations be conducted openly. Read about the Ralph M. Brown Act via this link: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?chapter=9.&division=2.&lawCode=GOV&part=1.&title=5.

Agency Information and Updates: Our website address is <https://fcgma.org/>. Information available online includes the Board's meeting schedule, a list of the Board members and staff, general information, and various Agency forms. If you would like to be added to our email notification list, or to speak to a staff member, please contact the FCGMA Clerk of the Board at (805) 654-2014 or via email at FCGMA@ventura.org.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

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INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: Executive Officer's Report – (Returning Item)

RECOMMENDATION: Receive and file this informational report.

AGENCY EXECUTIVE OFFICER RECRUITMENT:

When appointed Interim Executive Officer, I made it clear I do not intend to be your full-time Executive Officer, primarily because I knew I would not have the longevity in the position to best serve your Board and the Agency.

I will be retiring from the County and the Agency on April 25, 2025. This last year as your Interim Executive Officer has been unlike any other in my career. Not just in the work I've been doing but the good people I've been working with. I appreciate the support your Board has given and look forward to seeing the work everyone will be doing in the future. My last Fox Canyon Board meeting will be April 22nd. Until then, I will be working with your Board and our FCGMA team to assure as smooth a succession as possible.

CANDIDATE RECRUITMENT AND SELECTION

The request for qualifications presented to your Board on January 22, 2025, was solicited to professional recruitment firms on Monday, January 27 with responses due Monday, February 3, 2025. Three responses were received. Interviews are planned with each of the responsive recruitment firms; the top firm will be selected and contracted shortly thereafter.

Stakeholder engagement is encouraged to ensure collaboration in the candidate selection. Per the Executive Committee's recommendation, a selection panel will be formed consisting of representatives from the Las Posas, Oxnard, and Pleasant Valley Basins, and it will include a range of stakeholders including agriculture, municipal and local water agency representatives as well as FCGMA and County Executive Office (CEO) HR.

Stakeholders are invited to suggest names for the selection panel. Please email your nominations and their contact information to FCGMA@ventura.org with "EO Selection Panel Nominee" in the email subject line at your earliest convenience.

FORMAL POSITION CREATION

Position description of duties, qualifications and compensation for the Agency Executive Officer position¹ was approved by your Board January 22, 2025. The next step is for the County Board of Supervisors to approve the creation of the position within the County payroll system. This is expected to be discussed for approval on their March 18th Agenda.

**MONTHLY BUDGET TO ACTUAL ACCOUNTING:
FCGMA**

The FCGMA monthly budget report for January 2025 is listed in the Consent Agenda.

LPV WATERMASTER

The LPV Watermaster monthly budget to actual accounting report for January 2025 is listed in the Consent Agenda.

**LPV WATERMASTER ASSESSMENTS:
2024-1 BASIN ASSESSMENT UPDATE**

On September 25, 2024, the Watermaster Board adopted a Basin Assessment for Las Posas Valley Basin for Water Year (WY) 2024 of \$64.58 to be invoiced quarterly at \$16.145. The first quarterly Basin Assessment (BA) invoice payments were due November 1, 2024. Payments not received within a month of the due date are considered delinquent and shall bear interest at the current real property tax delinquency rate for Ventura County.

Two notices of delinquency were sent to delinquent Water Management Identifications (WMIDs) on December 11 and December 21, 2024. As of February 06, 2025, \$28,027.83 is delinquent from 14 WMIDs, \$24,943.76 in BA invoice payments and \$3, 084.07 in interest charges. A list of delinquent 2024-1 BA WMIDs is available on the Watermaster website at: <https://fcgma.org/annual-allocations-wy-2024/>².

2023-1 DELINQUENT BASIN ASSESSMENTS

Staff have processed \$1,287,217.90 from LPV Basin Assessments for WY 2023. Delinquent payments for WY2023 as of February 06, 2025, amount to \$23,242.72 from 10 WMIDs. A list of delinquent 2023-1 BA WMIDs is available on the Watermaster website at: <https://fcgma.org/annual-allocations-wy-2023/>³. Staff are taking the next steps consistent with enforcement authorities granted under the Judgment to collect delinquent amounts.

MEETINGS:

FEBRUARY REGULAR BOARD MEETING

Due to availability in February, staff recommends cancelling the Board Regular meeting scheduled for February 26, 2025.

¹ Link to Position Description: <https://ventura.primegov.com/portal/viewer?id=371770&type=2>

² Direct link to 24-1 BA Delinquency List: https://s42135.pcdn.co/wp-content/uploads/2025/02/LPV-Basin-Assess-Delinq-Report-2024-1_2025-02-06.pdf

³ Direct link to 23-1 BA Delinquency List: https://s42135.pcdn.co/wp-content/uploads/2025/02/WY2023-1_LPV-Basin-Assessment_Delinquency-Invoice_Status_02-09-25.pdf

FCGMA Board Meeting
Item 6 – Executive Officer's Administrative Report
February 12, 2025

For more information about Board and Committee meetings, please see the list of Scheduled Meetings for Calendar Year 2025 (attached as Item 6A).

CONCLUSION:

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-3942.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arne Anselm', written over a horizontal line.

Arne Anselm
Interim Executive Officer

Attachment:
Item 6A – Scheduled Meetings for Calendar Year 2025



Fox Canyon Groundwater Management Agency (FCGMA) Scheduled Meetings for Calendar Year 2025

Board Regular Meetings

Fourth Wednesday, Monthly

Date	Start Time	Room
Wednesday, January 22	12:30 PM	BOS
Wednesday, February 26	12:30 PM	BOS
Wednesday, March 26	12:30 PM	BOS
Wednesday, April 23	12:30 PM	BOS
Wednesday, May 28	12:30 PM	BOS
Wednesday, June 25	12:30 PM	BOS
Wednesday, July 23	12:30 PM	BOS
Wednesday, August 27	12:30 PM	BOS
Wednesday, September 24	12:30 PM	BOS
Wednesday, October 22	12:30 PM	BOS
Wednesday, December 10	12:30 PM	BOS

Board Special Meetings

Typically, Second Friday, Monthly, As Needed

Wednesday, February 12	12:30 PM	BOS
Friday, April 11	12:30 PM	LPAR
Friday, May 9	12:30 PM	LPAR
Friday, June 13	12:30 PM	MPR
Friday, July 11	12:30 PM	LPAR
Friday, August 8	12:30 PM	LPAR
Friday, September 12	12:30 PM	MPR
Friday, October 10	12:30 PM	LPAR
Friday, November 14	12:30 PM	MPR

Executive Committee Meetings

As Needed

Thursday, January 9	1:30 PM	LPAR
Monday, March 17	10:00 AM	LPAR
Thursday, May 1	1:30 PM	LPAR
Thursday, July 10	1:30 PM	LPAR
Thursday, September 4	1:30 PM	MPR
Thursday, November 6	1:30 PM	MPR

Fiscal Committee Meetings

As Needed

Tuesday, February 18	10:00 AM	MPR
Tuesday, March 18	10:00 AM	LPAR
Tuesday, April 15	10:00 AM	MPR
Tuesday, May 6	10:00 AM	MPR
Tuesday, June 17	10:00 AM	MPR
Tuesday, July 15	10:00 AM	MPR
Tuesday, August 19	10:00 AM	MPR

Operations Committee Meetings

As Needed

Monday, February 3	1:30 PM	MPR
Monday, April 7	12:30 PM	MPR
Monday, June 2	1:30 PM	MPR
Monday, August 4	1:30 PM	MPR
Monday, October 6	1:30 PM	MPR

ABOUT SCHEDULED MEETINGS

- All meetings will be held at the Ventura County Government Center, Administration Building, at 800 South Victoria Avenue, Ventura, California, unless otherwise noted.
- Special meetings and committee meetings are subject to necessity and may be rescheduled or may not be noticed to occur.**
- When a meeting is officially noticed per the Ralph M. Brown Act, it is confirmed to occur.
- To stay up to date, contact FCGMA@ventura.org to subscribe to our notification list.
- Alterations of the time or room are possible, so please check for facility or start time changes each month.
- Meeting schedules are online at <https://fcgma.org/events/>.

Key

"As Needed"	Subject to Necessity
Row is Gray	Already Occurred
Strikethrough	Meeting Not Held
BOS	Board of Supervisors Hearing Room
LPAR	Lower Plaza Assembly Room
MPR	Multi-Purpose Room

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

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INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: Approval of Revised First Periodic Evaluation of the Groundwater Sustainability Plan for the Oxnard Subbasin – (New Item)

RECOMMENDATIONS: (1) Approve the revised First Periodic Evaluation of the Groundwater Sustainability Plan (GSP) for the Oxnard Subbasin and (2) direct Agency staff to submit it to the California Department of Water Resources (DWR).

DISCUSSION:

At the December 13, 2024, meeting, your Board considered for approval the 5-Year Periodic Evaluations of the Groundwater Sustainability Plans for the Las Posas Valley, Oxnard, and Pleasant Valley Basins. Your Board approved the evaluations for the Las Posas Valley Basin and the Oxnard Subbasin as prepared by Agency staff without amendment or change, and subsequently approved the evaluation for the Pleasant Valley Basin with changes approved by your Board. The specified changes are shown in Exhibit 8A, attached hereto.

After your Board adopted the evaluations, Agency staff learned that your Board intended its recommended changes to be made to the evaluations for the Pleasant Valley Basin and the Oxnard Subbasin. For reference, please see a redline copy of the December 13, 2024, FCGMA Board meeting minutes (attached as Exhibit 9B), which were approved as amended during your Board's January 22, 2025, meeting¹. As such, the Periodic Evaluation of the Groundwater Sustainability Plan for the Oxnard Subbasin has been revised accordingly (attached as Exhibit 8C).

CONCLUSION:

It is recommended that your Board approve and include the Board's recommended

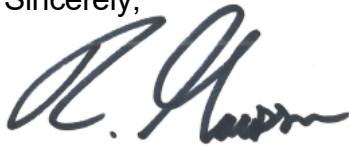
¹ Review the January 22, 2025, Board meeting recording at <https://ventura.primegov.com/Portal/Meeting?meetingTemplateId=19853>.

FCGMA Board of Directors
Item 8 - Approval of Amended Periodic Evaluation for the Oxnard Subbasin
February 12, 2025

changes in the Revised First Periodic Evaluation of the Groundwater Sustainability Plan for the Oxnard Subbasin and to direct staff to submit the amended evaluation to DWR.

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-3952

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hampson". The signature is fluid and cursive, with a large initial "R" and a stylized "Hampson".

Robert Hampson
Hydrologist

Attachments:

Exhibit 8A - Motion to Approve and Authorize Staff to Submit the Five-Year Periodic Evaluations of the Groundwater Sustainability Plans for the Pleasant Valley Basin and Oxnard Subbasin, as authored by Director Tony Trembley

Exhibit 8B - December 13, 2024, Board Meeting Minutes, approved as amended

Exhibit 8C - Revised First Periodic Evaluation of the Groundwater Sustainability Plan for the Oxnard Subbasin

Motion to Approve and Authorize Staff to Submit the Five-year Periodic Evaluations of the Groundwater Sustainability Plans for the Pleasant Valley Basin and Oxnard Subbasin as amended by the below changes:

Add the below paragraph in the first part of the Executive Summary for the Five-Year Periodic Evaluation for the Pleasant Valley Basin, as well as the Five-Year Periodic Evaluation for the Oxnard Subbasin:

This first Periodic Evaluation of the GSP also includes updated groundwater modeling and new additional preliminary groundwater modeling simulations of future groundwater usage scenarios and sustainable yields. This work is ongoing and subject to further stakeholder engagement, which may result in revisions to the information presented herein. Stakeholders have requested more comprehensive analysis of simulation results. Some stakeholders, while acknowledging the PVB and Oxnard Subbasins are interconnected, have questioned statements that pumping in the PVB impacts seawater intrusion in the Oxnard Subbasin, so this issue will be further evaluated as part of the ongoing GSP evaluations. Stakeholders are also interested in a more comprehensive analysis of the groundwater model simulations to assess potential unintended consequences. For example, some of the preliminary simulation results show that certain groundwater usage scenarios result in losses of recharge from precipitation and applied water, shifts in flows between groundwater basins (that negatively impacts PVB and Oxnard Subbasin water supplies), significant losses of stream recharge, and significant increases in evapotranspiration and drain flows, which results in a waste of water resources. The FCGMA Board is committed to further stakeholder engagement to address these concerns and continue a robust evaluation of the GSP in order to ultimately adopt amendments to the GSP that provide benefits to the community and environment at reasonable costs.

Delete the 3rd paragraph of the North Pleasant Valley Management Area section of Section 2.2.4.1 of the Five-Year Periodic Evaluation for the Pleasant Valley Basin, and replace it with the following:

The City of Camarillo, in coordination with FCGMA, is in the process of developing a revised Monitoring and Contingency Plan (MCP) to establish groundwater elevation of nearby project wells as the primary measure of assessing potential seawater intrusion impacts. Monitoring data indicate that groundwater elevation at well 02N20W19M05S has not dropped below -11.5 ft. msl. The current GSP minimum threshold groundwater elevation at well 02N20W19M05S of -135 ft msl is designed to accommodate the operation of the NPV Groundwater Desalter Project; however the FCGMA Resolution 2016-04 and accompanying MCP was established primarily to address water quality concerns in the NPVMA with thresholds established to reduce groundwater levels prior to when brackish water entered the basin, then allowing the basin to recover . The operation of the Desalter may bring groundwater levels in the project area below the GSP minimum threshold at well 02N20W19M05S temporarily while addressing groundwater quality concerns. FCGMA is committed to adaptive management and encouraging beneficial projects that address water quality degradation in the basin and enable beneficial uses of local water supplies. Groundwater level and quality conditions in the NPVMA will continue to be monitored in coordination with the City of Camarillo through implementation of the NPV Groundwater Desalter project.

FCGMA staff is directed to submit the City of Camarillo's and Camrosa Water District's comments on the draft Periodic Evaluation to the Department of Water Resources as attachments to the final Periodic Evaluation with the following explanation statement:

The eastern portion of the Pleasant Valley basin has a complex relationship with inflows from neighboring basins, both in terms of water quantity and water quality. For example, the City of Camarillo's desalter serves not only the City's water supply needs, but also addresses a water quality concern identified by the Los Angeles Regional Water Quality Control Board. FCGMA continues to work with the City and Camrosa Water District to incorporate these concerns into the groundwater sustainability plan (GSP) and this Periodic Evaluation should not be understood to prejudice further analysis of those issues in the eastern Pleasant Valley basin as the GSP is updated.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



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INTERIM EXECUTIVE OFFICER

Arne Anselm

MINUTES

Minutes of the Fox Canyon Groundwater Management Agency's (FCGMA) Board of Directors hybrid special meeting held at 1:30 P.M. on Friday, December 13, 2024, via Zoom and in-person in the Lower Plaza Assembly Room at the Ventura County Government Center, Hall of Administration, Lower Plaza Level at 800 South Victoria Avenue, Ventura, California.

1. Call to Order

1:32 P.M.

Chair Eugene F. West called the meeting to order.

2. Pledge of Allegiance

Chair West led the Pledge of Allegiance.

3. Directors Present

Chair Eugene F. West
Director Kelly Long
Director Tony Trembley
Director Michael Craviotto
Alternate Director Bert Perello
Alternate Director David Borchard

Director Lynn Maulhardt was absent with no Alternate Director present.

Agency Staff Present

Jason Canger, Assistant County Counsel
Arne Anselm, Interim Executive Officer
Farai Kaseke, Assistant Groundwater Manager
Elka Weber, Clerk of the Board
Robert Hampson, Groundwater Specialist
Briana Barajas, Water Resources Specialist

4. Agenda Review

1:33 P.M.

Interim Executive Officer Arne Anselm proposed that the Board hear Item 18 as the first item of the regular agenda, after hearing consent. Mr. Anselm also suggested that the

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Board hear Items 19 and 20 together but have comments and motions separately. The Board agreed with no objections.

5. Public Comments 1:33 P.M.

No public comment was given.

6. Executive Officer’s Comments 1:34 P.M.

Interim Executive Officer Arne Anselm referred the Board to the administrative report attached to Item 6 as an exhibit. Mr. Anselm then introduced Water Resources Specialist Briana Barajas and welcomed her to the Agency as a new hire. Mr. Anselm noted that a Management Assistant will be onboarded in January 2025.

7. Board Member Comments 1:35 P.M.

Director Long thanked all water districts for working together and making sure we had the water needed to fight the Mountain Fire. Director Long then encouraged our stakeholders to advocate for more State water than the 5% that was announced recently.

CONSENT AGENDA 1:35 P.M.

8. Approval of Minutes of the October 23, 2024, Board Regular Meeting.

CONSENT AGENDA – FCGMA Items

9. FCGMA Budget to Actual Report for October 2024

10. Approve and Authorize a Purchase Order in the Amount of \$33,551.88 with In-situ Inc. for Data Collection Equipment (Transducers) for the Agency’s New Monitor Wells

CONSENT AGENDA – LPV Watermaster Items

11. LPV Watermaster Budget to Actual Report for October 2024

12. Appointment of Arturo Aseo, Replacement Commercial Constituency Group Representative to the Las Posas Valley Basin Policy Advisory Committee

CONSENT AGENDA – Correspondence Items

13. Receive and file Correspondence from Melissa A. Jones of Stoel Rives LLP, regarding the firm’s increased rates, dated November 21, 2024.

14. Receive and file Correspondence from James Graham, President of the Pleasant Valley Mutual Water Company (PVMWC), regarding shareholder nominations for PVMWC Director elections, dated November 18, 2024.

Chair West asked for a motion to approve and adopt the Consent Agenda, Items 8 through 14, as presented. Director Long so moved. Director Trembley seconded the motion. The motion passed with all in favor at 1:35 P.M.

REGULAR AGENDA - FCGMA Items 1:35 P.M.

15. Agency Board Meeting, Special Meeting, and Committee Meeting Schedules for Calendar Year 2025 1:39 P.M.

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Item 15 was heard at 1:39 P.M. after Item 18, per the Board's decision during Agenda Review.

Interim Executive Officer Arne Anselm presented the Item and noted the proposed schedules for calendar year 2025 for the Board of Directors and the Executive, Fiscal, and Operations Committees. Mr. Anselm noted that the schedule of special meetings, should they be needed, has shifted to the second Wednesday monthly, due to conference room availability.

Regarding Committee meetings, Mr. Anselm noted that their meeting schedules have been updated to include extra reservations for meetings as they are needed, due to difficulties in scheduling and logistics. Mr. Anselm stated that it is easier to cancel a reservation than it is to schedule an entirely new special meeting during the year. Special meetings and Committee meetings are held on an as needed basis and will be held if they are officially noticed per the Ralph m. Brown Act.

Mr. Anselm noted that, in calendar year 2025, Agency staff hopes the Executive Committee focus is on reviewing the Fiscal Year 2024-2025 Annual Work Plans for both the Agency and LPV Watermaster, then providing guidance on updating the plans for the coming fiscal year; the Executive Committee also hopes to focus on staffing, policy development, especially working on an initial outline of a policy manual for the LPV Watermaster, and developing a 5-Year Strategic Plan for the Agency. The Fiscal Committee aims its 2025 focus on fiscal policy, FY 24/25 Work Plan and resource assignment review, a review of Agency fees, and development of the FY 2025-2026 draft budgets, Work Plan and, Proposed Budget Report. He noted that the start time for Fiscal Committee meetings may shift to 10 AM for all meetings, and that the May meeting is likely to be rescheduled to May 6 due to availability. Mr. Anselm then noted that staff hopes the Operations Committee plans to focus on Fire Fighting Relief Planning related to the Mountain Fire, reviewing and discussing improvements and consolidations for the Meter Ordinance, and a series of project reviews and evaluations before identifying further project details, modeling information in future GSP amendment work, and developing annual project presentations to the Board at large. Mr. Anselm noted that these focus areas are recommended in order to hone and improve the Agency's basin management.

Director Trembley noted that he has shared feedback regarding his availability with the Chair and the Clerk, and the Clerk agreed that follow-up on this information is underway. Director Trembley noted that he will not be present for the February Board meeting, and has asked his Alternate, Bert Perello, to attend in his place. Director Long expressed preference for special meetings to be scheduled on Fridays, she noted that she will review the schedules as presented with her staff and the Clerk agreed to follow up with her office as needed.

Chair West asked for a motion to approve and adopt the meeting schedules as presented, with needed amendments that may arise during the calendar year. Director Craviotto so moved. Director Trembley seconded the motion. The motion passed with all in favor at 1:48 P.M.

16. Rescind Resolution 2005-08 and Adopt Resolution 2024-06 Defining the Function of the Position of Agency Executive Officer 1:48 P.M.

Interim Executive Officer Arne Anselm presented the Item and reminded the Board that the Item was deferred from a previous agenda. He provided a brief overview of the Executive Officer, noting that the position was first defined in Ordinance No. 8.1 on July 27, 2005, and that the position of Executive Officer was delegated the administrative authority required to implement Agency executive functions with the adoption of Resolution 2005-08 on September 28, 2005. He noted that Resolution 2005-08 also carries designates the Director of the Ventura County Watershed Protection District as the Agency’s Executive Officer, a designation that the Executive Committee recommended eliminating during its October 14, 2024, meeting.

Mr. Anselm stated that Resolution 2024-06 retains the delegated administrative authority needed for the function of the position of the Agency Executive Officer, yet it rescinds Resolution 2005-08 and its designation that the Director of Ventura County Public Works Agency Watershed Protection also serve as Executive Officer to the FCGMA. In addition, Mr. Anselm noted that Resolution 2024-06 includes the assertion that the Executive Officer shall be subject to annual performance evaluations by the Board.

Public comment was given by Bert Perello, FCGMA Alternate Director and City of Oxnard Councilmember.

Mr. Anselm clarified that this motion is by the FCGMA Board and refers to our Board only.

Chair West asked for a motion to approve and adopt Resolution 2024-06. Director Long so moved. Director Craviotto seconded the motion. The motion passed with all in favor at 1:51 P.M.

17. Agency Executive Officer Position Duties and Qualifications 1:51 P.M.

Regarding the Item, Interim Executive Officer Arne Anselm reminded the Board that the FY 2024-25 budget includes funding for a full time Executive Officer, and that this Agency has never directly recruited or hired an Executive Officer. One of the first steps towards hiring an Executive Officer would be reaching an agreement on the position’s qualifications as described in a job description.

To provide further context on the Item, Chair West reminded the Board that the draft job description, attached as an exhibit under Item 17, has been drafted by Sevet Johnson and the office of the Ventura County Chief Executive Officer (CEO). Chair West noted that he has met with the office of the Ventura County CEO multiple times over the past year to discuss the position and its qualifications.

Chair West stated that the intent of this Item is to discuss the draft job description and possible amendments or inclusions that the Board should consider before publishing to

recruit candidates. He added that a salary range is currently missing from the draft job description, and if it is this Board's pleasure for the Executive Committee will need to discuss what salary range would be appropriate for the role to publish as part of that recruitment effort.

Director Long noted that an "established date" should also be added to the document to communicate the date of adoption, once the draft job description is adopted. She noted that this draft job description is an outline of minimum required qualifications and experience and does not define what the role falls within or under structurally. Chair West agreed and said that the job description, once adopted, will be used as a recruiting tool.

Director Craviotto asked after a timeline for recruitment and what the next steps may be. Chair West noted that the Executive Committee would like to discuss the Board's options for recruitment once the job description and salary range are established, whether they will use the County's HR department to recruit the role or go with an independent recruiting agency, or both. He noted that whichever entity oversees recruiting will inform the timeline of recruitment.

Chair West stated that his preference would be to use an independent agency that specializes in filling government positions of this type, and that the CEO's office has recommended several firms to consider. He added that a recommendation with respect to the salary range is not included today because that information is still pending from the County's HR department.

Mr. Anselm noted that an additional next step for the Board to consider is developing marketing materials that show why this position and Agency are so unique, which would provide more context for its challenges and opportunities.

Public comment was given by Dr. Sevet Johnson, CEO, County of Ventura. Dr. Johnson noted that the County is working behind the scenes with multiple departments to resolve some compaction regarding the potential salary range for this role and added that the County has to look at this issue equitably, because the Executive Officer position would be a County employee, falling under the classifications and structure of County employment. Chair West stated that it is his understanding that because this Agency will be paying the salary of the role, this Agency gets to set the payment schedule independent of the County's salary schedule. Dr. Johnson stated that she understands the Chair's assertion but maintains that the County is currently working through some nuances related to this issue.

Director Craviotto asked whether the Executive Officer position could be staffed on a contract basis. Chair West responded that the Board would have an opportunity to discuss that topic and its complications at a later date. He clarified that while the Agency's enabling legislation gives the Board authority to contract with entities of their choice, County employees currently staff the FCGMA and cannot be supervised or directed by someone who is not a County employee. Director Long added that the topic is part of a larger issue because it relates to how the Agency was created and can be staffed

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according to its legislative wording and counsel interpretations. She noted that this job description and salary range are a few pieces of a larger puzzle.

Director Craviotto responded that he appreciates the context and how this is part of a larger conversation, and he commented that staffing the Executive Officer role via contract would hypothetically enable the Board to offer a higher salary that is more competitive.

Director Trembley quoted the draft job description under the “Distinguishing Characteristics” section: “This single position classification is fully accountable to the Board of Directors for the management of the Fox Canyon Groundwater Management Agency. This position is exempt from the Civil Service System.” Director Trembley noted that however the space that person occupies, he or she will be directly accountable to this Board.

Public comment was given by David Borchard, Farmer and FCGMA Alternate Director.

Chair West noted that the Fiscal Committee has been recommending midyear budget reports and monthly summaries so that midyear adjustments to the budget can be made as needed. Interim Executive Officer Arne Anselm noted that one such midyear adjustment the Board has made recently was to reduce the amount of the FY 2023-24 LPV Watermaster Basin Assessments.¹

As this Item was presented for information and feedback only, no Board action was taken.

18. Resolution of Appreciation for David Borchard

1:35 P.M.

Item 18 was heard at the top of the Regular Agenda, at 1:35 P.M, per Board agreement.

Chair West presented the Item and introduced it as one he never hoped to have to present, as he anticipated he would be long gone before presenting such an item marking the exit of David Borchard as Director on our Board. Chair West thus honored David Borchard for his twenty years of service on the Board of Directors; he stated that there has been no one during his tenure that Chair West has enjoyed working with more. Chair West continued that, agree or disagree, David Borchard was always a calming voice during discussions, respectful of the process, and the public, and the other Board members; he'll be missed by this Board and our stakeholders.

Chair West then asked for Board comment. Director Long thanked Mr. Borchard and his family for his commitment to the Board and noted that Mr. Borchard's passion for water and dedication to raising awareness and having tough conversations about the Agency's work has been a true service to our community. Director Trembley agreed completely by offering the City of Camarillo City Council's trademark agreement phrase, “Ditto.” He also extended his thanks to Mr. Borchard.

¹ See Resolution 2024-04 at <https://s42135.pcdn.co/wp-content/uploads/2024/07/Resolution-2024-04.pdf>

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Director Craviotto noted that, when he was discussing joining the Board as farming representative with the Farm Bureau, the CEO Maureen Macguire of the Farm Bureau said that the best part of this job is hanging out with Dave Borchard. Director Craviotto noted that this is a testimony to the person Dave Borchard is in our community, that it shows what an approachable, knowledgeable figure of service he is and has been, and how deserving he is of our gratitude.

Chair West asked for a motion to adopt Resolution 2024-07, honoring David Borchard for his years of esteemed service to the Board. Director Trembley so moved. Director Craviotto seconded the motion. With all in favor, the motion passed at 1:39 P.M.

The Board then returned to the Agenda order as presented, and the Chair announced the Board's intention to hear Item 15.

19. Approve and Authorize Staff to Submit the Five-Year Periodic Evaluations of the Groundwater Sustainability Plans for the Pleasant Valley Basin and Oxnard Subbasin
2:07 P.M.

Item 19 was heard with Item 20; discussion on Item 19 began at 2:07 P.M. Redline versions showing revisions and final revised drafts of Periodic Evaluations for the Oxnard Subbasin, the Pleasant Valley Basin, and the Las Posas Valley Basin are available at <https://fcgma.org/gsp-evals-draft-comments/>.

Interim Executive Officer Arne Anselm introduced the Item to the Board, alongside Agency Hydrologist Robert Hampson and Dr. Trevor Jones of Dudek, the Agency's consultant engaged with the first periodic evaluation of the Agency's implementation of the Groundwater Sustainability Plans (GSPs) for the basins.

Mr. Anselm noted that the Periodic Evaluation is required by the California Department of Water Resources (DWR) to be conducted at a minimum of every five years, and that the project is an assessment of GSP implementation for that evaluation cycle, including analyses of the status of groundwater conditions, progress on meeting interim milestones and measurable objectives, progress GSP elements such as projects and management actions and their quantified cumulative benefits, including any unforeseen challenges encountered during the development or implementation of certain projects and management actions.

To remind the audience, Mr. Anselm noted that a GSP Amendment differs from a Periodic Evaluation, as it is at the discretion of the GSA, not the DWR, and is warranted when a significant or material change to GSP implementation occurs in either measurable objectives, minimum thresholds, or management actions. GSP Amendments are not needed for new representative monitoring sites or new sustainable management criteria for new monitoring sites that are utilizing a consistent approach. Mr. Hampson provided an overview of the development process for the Periodic Evaluations, including stakeholder engagement. He thanked the stakeholders for their detailed and involved feedback and noted that the stakeholders did not recommend amending thresholds for

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sustainable management criteria. He noted that the revised Periodic Evaluations do not recommend an amendment as a direct result of stakeholder feedback.

During his proposal, Dr. Jones agreed that the Periodic Evaluations do not warrant amending the GSPs as GSP implementation is on track to meet the sustainability goal set forth in the GSP for each basin. The revised draft Periodic Evaluations were improved by stakeholder feedback, and several primary revisions include correcting errors and typos, expanding discussion narratives for additional clarity, re-evaluating modeling to address double counting of recycled water, removing recommendations to revise the minimum threshold and measurable objective groundwater levels, and removing recommendations to amend the Oxnard, Pleasant Valley, and Las Posas Valley GSPs.

Dr. Jones added that while GSP Amendments are not recommended at this time; the need to amend the GSPs should be evaluated over the next five years as projects are implemented and additional data is collected. Improved coordination and installation of additional dedicated monitoring wells would benefit from the understanding of how GSP implementation impacts the basin over the upcoming five year period.

Dr. Jones noted that the development of the Periodic Evaluations has brought an improved understanding of GSP implementation in each basin; the process has expanded the suite of projects relative to the GSP, it has improved the understanding of project and management action impacts on the sustainable yield and simulated seawater intrusion, improvements to the estimates of sustainable yield, and revisions to the monitoring network. He noted that the GSPs and Periodic Evaluations both include simulations that minimize seawater intrusion, and that it is reasonable to recommend that minimum thresholds and measurable objects established in the GSPs are appropriate for the evaluation of progress towards sustainability over the next five years. As the Extraction Barrier and Brackish (EBB) Water Treatment Project progresses in its phased implementation over the next five years, minimum thresholds and measurable objectives will need to be evaluated and revised. Additional next steps recommended in GSP implementation include ongoing coordination with stakeholders and member Agencies, project implementation planning, collation of stakeholder recommendation into a longer-term planning document, continuing to prepare and submit annual report, and continuing to improve monitoring efforts.

At 2:33 P.M., Chair West asked for Board comments.

Director Long asked if we have received feedback from the stakeholders regarding the revised Periodic Evaluations, particularly with regards to removing the recommendation for an amendment. Dr. Jones responded that updated recommendations are consistent with stakeholder feedback but noted that no direct feedback regarding the final revised Periodic Evaluations has been received to date.

At 2:35 P.M., Chair West asked for public comment on the Periodic Evaluation for the Oxnard Subbasin.

Public Comment was given by:

Michael Wolfe, Director of Public Works for the City of Oxnard.

At 2:38 P.M., Chair West asked for a motion to approve and authorize staff to submit the 5-Year Periodic Evaluation of the Groundwater Sustainability Plan for the Oxnard Subbasin for submittal to the Department of Water Resources by January 13, 2025.

Director Trembley so moved. Director Long seconded the motion. Via roll call vote, the motion passed unanimously at 2:38 P.M.

At 2:38 P.M., Chair West asked for public comment on the Periodic Evaluation for the Pleasant Valley Basin.

Public Comment was given by:

Norman Huff, General Manager, Camrosa Water District

Terry Foreman, Director, Camrosa Water District

Dave Klotzle, Director of Public Works for the City of Camarillo.

On December 12, 2025, Camrosa Water District submitted comments on the final revised Periodic Evaluation for the Pleasant Valley Basin to be discussed during today's meeting. On December 13, 2025, the City of Camarillo submitted comments on the final revised Periodic Evaluation for the Pleasant Valley Basin to be discussed during today's meeting.

These comment letters have been distributed as handouts during the meeting and have been archived with Item 19 for the indexed December 13, 2024, Board Agenda, which was recirculated to the Board subsequent to adjournment. Review indexed materials at <https://ventura.primegov.com/portal/item?id=273204>.

Director Trembley stated that accuracy is of the utmost importance as the Periodic Evaluation ultimately reflects the Board's action. Director Trembley noted that the staff/consultant response to comments included in Appendix A of the updated draft Periodic Evaluation for Pleasant Valley Basin² inaccurately quote Resolution 2016-04, and he asked staff to follow up to confirm the validity of the response.³

The response was written with regards to Letter Number 6 from City of Camarillo. Excerpted from the final draft Periodic Evaluation for Pleasant Valley Basin:

FCGMA recognizes the important role of the City of Camarillo's North Pleasant Valley Groundwater Desalter facility in removing and treating brackish groundwater that historically entered the basin from the adjacent Las Posas Valley Basin. However, Resolution 2016-04 recognized the potential that pumping from Desalter extraction wells could reduce groundwater levels such that seawater intrusion in the adjacent Oxnard Subbasin could be exacerbated, subsidence could

² See page 306 of the final draft at https://s42135.pcdn.co/wp-content/uploads/2024/11/PVB_Periodic_Evaluation_Updated-Draft_GSP_CLEAN.pdf

³ Resolution 2016-04 and attached Monitoring and Contingency Plan: <https://s42135.pcdn.co/wp-content/uploads/2024/12/Resolution-2016-04.pdf>

be induced, or a significant and unreasonable loss of fresh groundwater in storage could occur. The Resolution included a Monitoring and Contingency Plan that included groundwater pumping reduction triggers based on measured static groundwater elevation in northern Pleasant Valley wells. The GSP evaluation is consistent with these findings. The GSP evaluation does not recommend changing the minimum threshold or measurable objective in the vicinity of the desalter facility.

Director Trembley circulated an amended motion he prepared for the Board to consider with regards to factoring in stakeholder feedback on the final draft Periodic Evaluation and to approve and authorize staff to submit the 5-Year Periodic Evaluation of the Groundwater Sustainability Plan for the Pleasant Valley Basin and Oxnard Subbasin for submittal to the Department of Water Resources by January 13, 2025.

Director Trembley's amended motion is reflected below in its entirety:

Motion to Approve and Authorize Staff to Submit the Five-year Periodic Evaluations of the Groundwater Sustainability Plans for the Pleasant Valley Basin and Oxnard Subbasin as amended by the below changes:

Add the below paragraph in the first part of the Executive Summary for the Five-Year Periodic Evaluation for the Pleasant Valley Basin, as well as the Five-Year Periodic Evaluation for the Oxnard Subbasin:

This first Periodic Evaluation of the GSP also includes updated groundwater modeling and new additional preliminary groundwater modeling simulations of future groundwater usage scenarios and sustainable yields. This work is ongoing and subject to further stakeholder engagement, which may result in revisions to the information presented herein. Stakeholders have requested more comprehensive analysis of simulation results. Some stakeholders, while acknowledging the PVB and Oxnard Subbasins are interconnected, have questioned statements that pumping in the PVB impacts seawater intrusion in the Oxnard Subbasin, so this issue will be further evaluated as part of the ongoing GSP evaluations. Stakeholders are also interested in a more comprehensive analysis of the groundwater model simulations to assess potential unintended consequences. For example, some of the preliminary simulation results show that certain groundwater usage scenarios result in losses of recharge from precipitation and applied water, shifts in flows between groundwater basins (that negatively impacts PVB and Oxnard Subbasin water supplies), significant losses of stream recharge, and significant increases in evapotranspiration and drain flows, which results in a waste of water resources. The FCGMA Board is committed to further stakeholder engagement to address these concerns and continue a robust evaluation of the GSP in order to ultimately adopt amendments to the GSP that provide benefits to the community and environment at reasonable costs.

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Delete the 3rd paragraph of the North Pleasant Valley Management Area section of Section 2.2.4.1 of the Five-Year Periodic Evaluation for the Pleasant Valley Basin, and replace it with the following:

The City of Camarillo, in coordination with FCGMA, is in the process of developing a revised Monitoring and Contingency Plan (MCP) to establish groundwater elevation of nearby project wells as the primary measure of assessing potential seawater intrusion impacts. Monitoring data indicate that groundwater elevation at well 02N20W19M05S has not dropped below -11.5 ft. msl. The current GSP minimum threshold groundwater elevation at well 02N20W19M05S of -135 ft msl is designed to accommodate the operation of the NPV Groundwater Desalter Project; however, the FCGMA Resolution 2016-04 and accompanying MCP was established primarily to address water quality concerns in the NPVMA with thresholds established to reduce groundwater levels prior to when brackish water entered the basin, then allowing the basin to recover. The operation of the Desalter may bring groundwater levels in the project area below the GSP minimum threshold at well 02N20W19M05S temporarily while addressing groundwater quality concerns. FCGMA is committed to adaptive management and encouraging beneficial projects that address water quality degradation in the basin and enable beneficial uses of local water supplies. Groundwater level and quality conditions in the NPVMA will continue to be monitored in coordination with the City of Camarillo through implementation of the NPV Groundwater Desalter project.

FCGMA staff is directed to submit the City of Camarillo's and Camrosa Water District's comments on the draft Periodic Evaluation to the Department of Water Resources as attachments to the final Periodic Evaluation with the following explanation statement:

The eastern portion of the Pleasant Valley basin has a complex relationship with inflows from neighboring basins, both in terms of water quantity and water quality. For example, the City of Camarillo's desalter serves not only the City's water supply needs, but also addresses a water quality concern identified by the Los Angeles Regional Water Quality Control Board. FCGMA continues to work with the City and Camrosa Water District to incorporate these concerns into the groundwater sustainability plan (GSP) and this Periodic Evaluation should not be understood to prejudice further analysis of those issues in the eastern Pleasant Valley basin as the GSP is updated.

~~As the Periodic Evaluation for the Oxnard Subbasin was approved and authorized by prior Board action at 2:38 P.M., Director Trembley's motion applies to the language of the Periodic Evaluation for the Pleasant Valley Basin.~~

At 3:06 P.M., Director Trembley moved to approve and authorize staff to submit the 5-Year Periodic Evaluations of the Groundwater Sustainability Plans for the Pleasant Valley Basin and for the Oxnard Subbasin, as amended, for submittal to the Department of Water Resources by January 13, 2025.

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Director Long asked that Director Trembley's added correction regarding the Comment Response to Letter Number 6 from the City of Camarillo regarding a summary of Resolution 2016-04 (on page 15285-11 A-8) be included in his motion as amended, and Director Trembley agreed. At 3:13 P.M., Director Long seconded Director Trembley's motion as amended.

Director Craviotto stated that he preferred having more time to consider the amended motion. Director Trembley responded that the timeline has been compressed for all parties.

Additional public comment was given by Bert Perello, City of Oxnard Councilmember and FCGMA Alternate Director.

Chair West called for a roll call vote. At 3:16 P.M. the amended motion passed with three votes in favor. Director Craviotto voted against the motion.

REGULAR AGENDA – LPV Watermaster Items

- 20. Approve the Response Reports Prepared in Response to the Las Posas Valley Policy Advisory Committee and Technical Advisory Committee Recommendation Reports on the Final Draft Five-Year Evaluation of the Groundwater Sustainability Plan for the Las Posas Valley Basin; Approve and Authorize Staff to Submit to the Department of Water Resources the Final Draft Five-Year Periodic Evaluation of the Groundwater Sustainability Plan for the Las Posas Valley Basin** 3:17 P.M.

Item 20 was heard with Item 19; discussion on Item 20 began at 3:17 P.M.

Chair West asked for Board comments. Director Craviotto emphasized the importance of a mechanism to collect lessons learned and to plan for future collaborations and suggested that such information be published, as it can be helpful with regard to planning for the next periodic evaluation. Director Craviotto noted that the PAC and TAC Recommendation Reports both address a main theme of data gaps and reporting that the Basin has, with regards to collecting data at a minimum number of sites. He asked for a plan to address and resolve these issues in the future.

After asking for public comment and hearing none, Chair West then asked for a motion to approve the Response Reports prepared by Agency staff and Dudek in response to the Las Posas Valley Policy Advisory Committee and Technical Advisory Committee Recommendation Reports on the draft 5-Year Periodic Evaluation of the LPV GSP, and to approve and authorize staff to submit the final draft 5-Year Periodic Evaluation of the Groundwater Sustainability Plans for the Las Posas Valley Basin to the Department of Water Resources by January 13, 2025.

At 3:21 P.M. Director Craviotto so moved. Director Trembley seconded the motion. Via roll call vote, the motion passed with all in favor.

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Director Long asked if the Agency can begin planning the timeline for next steps regarding the issues surfaces today in future meetings in calendar year 2025. Interim Executive Officer Anselm agreed and noted that he intends to bring the topic to the Executive Committee to start planning the process.

CLOSED SESSION AGENDA

3:23 P.M.

Chair West asked for public comment regarding the two matters agendized in closed session. Hearing none, Chair West recessed into closed session at 3:23 P.M.

- 21. 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

- 22. 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

Chair West reconvened the regular session at 4:35 P.M. and announced that there was reportable action taken in closed session regarding Item 22:

Agency Counsel Jason Canger stated that the Board has ratified the filing of a cross appeal in the appeal of City of Oxnard v. Fox Canyon Groundwater Management Agency, Los Angeles County Superior Court Case No. 20STCP00929.

23. Adjournment

4:35 P.M.

Chair West adjourned the meeting.

Submitted by:



Elka Weber
Clerk of the Board

**NOTE: THE FULL REVISED EVALUATION (452 PAGES) IS AVAILABLE AT:
<https://fcgma.org/wp-content/uploads/2025/02/Item-8C-Revised-Oxnard-Periodic-Evaluation-2025.pdf>**

Revised First Periodic Evaluation **Groundwater Sustainability Plan for the Oxnard Subbasin**

JANUARY 2025

Prepared for:

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

800 South Victoria Avenue
Ventura, California 93009-1610
Contact: Farai Kaseke, PhD, PH, PMP, CSM

Prepared by:

DUDEK

605 Third Street
Encinitas, California 92024

and groundwater management in the Subbasin in accordance with the ongoing GSP evaluation process and adaptive management approach outlined in SGMA.

Summary of Public Comment

The FCGMA Board of Directors has prioritized outreach and engagement with interested parties throughout the GSP implementation process. In conjunction with the development of this first Periodic Evaluation, interested parties feedback was solicited at FCGMA Board meetings, in public and technical workshops, and through release of a Draft Periodic Evaluation of the GSP, which was made available for review on the FCGMA website for 45 days. FCGMA received six comment letters on the Draft Periodic Evaluation. Comment themes focused on the numerical modeling, projects and management actions, and the sustainable management criteria. Several of the comments made suggestions for additional work that needs to be done over the upcoming evaluation period. FCGMA recognizes and appreciates the significant contributions of the interested parties that have participated in the development of the GSP, its implementation, and this first Periodic Evaluation.

At the January 22, 2025 meeting of the FCGMA Board of Directors, the Board Directed that the following statement be included in this Periodic Evaluation:

This first periodic Evaluation of the GSP also includes updated groundwater modeling and new additional preliminary groundwater modeling simulations of future groundwater usage scenarios and sustainable yields' This work is ongoing and subject to further stakeholder engagement, which may result in revisions to the information presented herein. Stakeholders have requested more comprehensive analysis of simulation results. Some stakeholders, while acknowledging the PVB and Oxnard Subbasins are interconnected, have questioned statements that pumping in the PVB impacts seawater intrusion in the Oxnard Subbasin, so this issue will be further evaluated as part of the ongoing GSP evaluations. Stakeholders are also interested in a more comprehensive analysis of the groundwater model simulations to assess potential unintended consequences. For example, some of the preliminary simulation results show that certain groundwater usage scenarios result in losses of recharge from precipitation and applied water, shifts in flows between groundwater basins (that negatively impacts PVB and Oxnard Subbasin water supplies), significant losses of stream recharge, and significant increases in evapotranspiration and drain flows, which results in a waste of water resources. The FCGMA Board is committed to further stakeholder engagement to address these concerns and continue a robust evaluation of the GSP in order to ultimately adopt amendments to the GSP that provide benefits to the community and environment at reasonable costs.

Item 9. FCGMA Budget to Actual Report for January 2025																
FUND: 0170 UNIT: 5795				EXPENDITURES BY ACCOUNTING PERIOD												
	OBJ	PROGRAM	TOTAL	AP 01/ July	AP 02/ August	AP 03/ September	AP 04/ October	AP 05/ November	AP 06/ December	AP 07/ January	AP 08/ February	AP 09/ March	AP 10/ April	AP 11/ May	AP 12/ June	AP 13
1			6,988,697.31	6,988,697.31	7,779,349.81	6,644,333.02	5,493,290.11	5,213,793.63	4,034,911.42	3,653,443.78	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23
2																
3	9790	P6020901	297,470.21	123,574.42	16,147.94	25,446.70	52,388.37	31,042.51	8,667.97	40,202.30						
4	9790	P6020903	43,631.11	34,464.25						9,166.86						
5	9790	P6020904	35,582.72	2,624.31	4,151.14	1,550.00		8,433.83	8,100.00	10,723.44						
6	9790	P6020907	767,123.25	359,428.58	18,816.00	84,781.06	172,664.55	34,904.40	28,893.34	67,635.32						
7	9790	P6020908	1,079,831.33	492,364.19	27,714.27	122,932.79	253,189.35	48,025.45	41,895.34	93,709.94						
8	9708	P6020852	46,472.00			46,472.00										
9	8911	-	40,103.81	(88,564.50)		44,282.25		44,282.25		40,103.81						
10	9790	P6020872/6020874	2,541,830.03							2,541,830.03						
11	9790	-	0.00													
12			4,852,044.46	923,891.25	66,829.35	325,464.80	478,242.27	166,688.44	87,556.65	2,803,371.70	0.00	0.00	0.00	0.00	0.00	0.00
13																
13			11,840,741.77	7,912,588.56	7,846,179.16	6,969,797.82	5,971,532.38	5,380,482.07	4,122,468.07	6,456,815.48	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23
14																
15																
16	2205	-	1,366,089.45	121,253.89	205,268.99	182,529.79	211,276.59	332,417.44	184,744.02	128,598.73						
17	2199	P6020901	237,900.00				118,950.00		118,950.00							
18	2202	P6020850	54,841.95		11,666.00	3,989.00	5,663.17	13,080.99	10,140.69	10,302.10						
19	2072	P6020850	4,085.00	4,085.00												
20	2199	P6020850	4,950.00			4,950.00										
21	2199	P6020850	0.00													
22																
23	2183	P6020858	583,230.29			122,414.64	108,002.39	189,199.93		163,613.33						
24	2183	P6020858	42,187.50					7,835.00		34,352.50						
25	2183	P6020858	0.00													
26	2199	P6020852/70	36,627.04	4,355.21	5,920.79	2,365.11	7,814.89	4,311.52	2,208.15	9,651.37						
27	2199	P6020850	8,879.31				5,164.34			3,714.97						
28	2183	P6020872/74	3,795.00				1,897.50			1,897.50						
29																
30	2185	P6020850	0.00													
31	2185	P6020853	47,775.00			11,534.25	23,955.75		12,285.00							
32	2185	P6020864	6,415.50			2,934.75	2,320.50		1,160.25							
33	2185	P6020866	5,050.50			819.00	1,365.00		2,866.50							
34	2185	P6020867	26,958.75			8,531.25	11,943.75		6,483.75							
35	2185	P6020850	1,976.00				1,976.00									
36	2185	P6020853	11,573.50		11,573.50											
37	2185	P6020864	241,683.28		8,134.20	26,165.00	94,508.48			112,875.60						
38	2185	P6020866	248,136.88		44,163.52	70,954.51	78,846.71			54,172.14						
39	2185	P6020867	0.00													
40	2185	P6020867	327,300.88		104,254.96	33,207.96	50,591.53	47,164.56	58,177.77	33,904.10						
41	2185	P6020853	(200,000.00)							(200,000.00)						
42																
43	2199	P6020852	64,560.00		6,492.50	9,452.50	29,867.50		18,747.50							
44	4114	P6020872	1,294,585.28		401,925.86	494,794.82		374,121.88	23,742.72							
45	4114	P6020874	1,294,585.24		401,925.85	494,794.80		374,121.87	23,742.72							
46																
47	2203	P6020850	1,053.36		300.96	150.48	150.48	150.48	150.48	150.48						
48	2206	P6020850	6,206.48			4,144.84		1,853.32		208.32						
49	2116	P6020850	833.28				833.28									
50	2032	P6020850	36.81					12.27	12.27	12.27						
51	2164	P6020850	3.61							3.61						
52																
53	2159	P6020850	3,510.00	3,510.00												
54	2199	P6020854	0.00													
55	2199	P6020872/74	4,895.00			2,612.00	1,306.00	977.00								
56																
57	2221	various	855.07				855.07									
58	2273	P6020850	0.00													
59	2162	P6020872/74	0.00													
60	2103	P6020852	0.00													
61	2104	P6020872	286.81				286.81									
62	2236	P6020850	977.83		163.01	163.01	163.01	163.01		325.79						
63	2169/79	P6020850	431.94	34.65	56.00			161.38		179.91						
64	2159	P6020850	330.00							330.00						
65			5,732,606.54	133,238.75	1,201,846.14	1,476,507.71	757,738.75	1,345,570.65	469,024.29	348,680.25	0.00	0.00	0.00	0.00	0.00	0.00

Item 9. FCGMA Budget to Actual Report for January 2025																
FUND: 0170 UNIT: 5795			EXPENDITURES BY ACCOUNTING PERIOD													
	OBJ	PROGRAM	TOTAL	AP 01/ July	AP 02/ August	AP 03/ September	AP 04/ October	AP 05/ November	AP 06/ December	AP 07/ January	AP 08/ February	AP 09/ March	AP 10/ April	AP 11/ May	AP 12/ June	AP 13
66																
67																
68	TOTAL REVENUE		4,852,044.46	923,891.25	66,829.35	325,464.80	478,242.27	166,688.44	87,556.65	2,803,371.70	0.00	0.00	0.00	0.00	0.00	0.00
69	CONTINGENCY		0.00													
70	ENDING CASH BALANCE		6,108,135.23	7,779,349.81	6,644,333.02	5,493,290.11	5,213,793.63	4,034,911.42	3,653,443.78	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23	6,108,135.23
NOTES: •Revenues from charges and fees increased \$133,881.21 (153%) in January (AP07) from December (AP06). Due to the SAES reporting 2024-2 due date of February 03, 2025, significant increases were seen from Pumping Charges, Surcharges, Penalties, GEMES Reserve fees and Sustainability fees collected. •Interest earnings from County Pooled Investment fund decreased by 9% compared to November (AP05). December saw no interest earnings allocation. •SGM Grant Program reimbursement received in January: PV Basin was reimbursed \$1,457,500.00 and Oxnard Subbasin \$1,084,330.03, for a total of \$2,541,830.03. •Expenses decreased by \$120,344.04 (26%) in January (AP07) as the County Counsel legal invoices for November and December did not process this month. The final invoice from Wildherron Drilling, LLC for \$136,250.97 will be processed for payment in February. •As per Board approval, \$200,000 legal expense cost share was transferred to LPV Watermaster.																

Item 10 - LPV Watermaster Budget to Actual Report for January 2025

FUND: 0171 UNIT: 5796 LPV WATERMASTER	2024-25 ADOPTED BUDGET	ACCUMULATED			EXPENDITURES BY ACCOUNTING PERIOD												
		OBJ	PROG	TOTAL	AP 01	AP 02	AP 03	AP 04	AP 05	AP 06	AP 07	AP 08	AP 09	AP 10	AP 11	AP 12	AP 13
					7/23	8/23	9/23	10/23	11/23	12/23	1/24	2/24	3/24	4/24	5/24	6/24	7/24
CASH BALANCE				1,127,504.76	1,127,504.76	1,050,837.78	1,076,742.91	1,074,025.08	1,386,410.44	1,412,842.35	1,438,769.91	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40
REVENUE:																	
INTEREST EARNINGS		8911	-	6,167.29	(9,651.42)		4,825.71		4,825.71		6,167.29						
BASIN ASSESSMENT FEE		9790	P6020670	972,176.68	(54,626.98)	38,593.60	15,837.76	403,185.65	85,301.81	70,356.86	413,527.98						
BASIN ASSESSMENT INTEREST		9790	P6020671	16,282.53	2,102.43	2,775.68	2,584.16	112.55		1,232.84	7,474.87						
TOTAL REVENUE				994,626.50	(62,175.97)	41,369.28	23,247.63	403,298.20	90,127.52	71,589.70	427,170.14	-	-	-	-	-	-
TOTAL FUNDS AVAILABLE				2,122,131.26	1,065,328.79	1,092,207.06	1,099,990.54	1,477,323.28	1,476,537.96	1,484,432.05	1,865,940.05	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40
EXPENDITURES:																	
SUPPORT:																	
PUBLIC WORKS ISF CHARGES - LPV WATERMASTER ADMINISTRATION	106,848	2205	P6020660	77,420.64	14,491.01	5,228.90	1,925.09	7,698.49	26,921.33	8,029.70	13,126.12						
PUBLIC WORKS ISF CHARGES - LPV ALLOCATIONS & RECORD KEEPING	257,792	2205	P6020661	16,707.69		1,535.70	332.74	3,187.43	8,854.35	2,797.47							
PUBLIC WORKS ISF CHARGES - LPV BASIN MANAGEMENT	156,880	2205	P6020662	20,486.66		1,319.55		3,126.10	6,132.81	3,981.92	5,926.28						
PUBLIC WORKS ISF CHARGES - LPV COMMITTEE COORDINATION AND CONSULT	71,232	2205	P6020663	19,272.05		2,608.50	1,187.44	2,770.72	6,966.06	3,760.25	1,979.08						
PUBLIC WORKS ISF CHARGES - LPV BUDGET & ASSESSMENTS	136,528	2205	P6020664	6,238.24				1,510.97	2,789.73	569.63	1,367.91						
PUBLIC WORKS ISF CHARGES - LPV SERVICE & SUPPORT	200,000	2205	P6020667	14,404.02			79.68	4,727.78	4,605.03	3,085.77	1,905.76						
LPV CALLEGUAS ASR PROJECT OPERATIONS STUDY	81,408	2205	P6020665	-													
LEGAL:																	
LPV LEGAL SERVICES - COUNTY COUNSEL	248,640	2185	P6020666	45,045.00			10,647.00	25,184.25		9,213.75							
LPV LEGAL SERVICES - FCGMA LEGAL COST SHARE		2185	P6020666	200,000.00							200,000.00						
CONTRACTS:																	
RGS AUTHORITY	25,000	2199	P6020660	15,523.81		4,771.50	1,602.26	1,520.35	3,052.30	4,577.40							
TODD GROUNDWATER-TAC	259,200	2199	P6020662	38,613.75			10,191.25	18,152.50	8,853.75		1,416.25						
AQUILOGIC-TAC		2199	P6020662	15,890.00				11,860.00	570.00		3,460.00						
DANIEL B STEPHENS & ASSOCIATES-TAC/PAC	170,000	2199	P6020662	22,190.00				11,174.25	3,804.00	792.50	6,419.25						
TOTAL EXPENDITURES				491,791.86	14,491.01	15,464.15	25,965.46	90,912.84	63,695.61	45,662.14	235,600.65	-	-	-	-	-	-
CONTINGENCY																	
ENDING CASH BALANCE				1,630,339.40	1,050,837.78	1,076,742.91	1,074,025.08	1,386,410.44	1,412,842.35	1,438,769.91	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40	1,630,339.40

NOTES:
 • January (AP 07), revenue totaled \$355,580.44, an increase of 497% from December, largely due to the quarterly 2024-2 Basin Assessment (BA) payments collected before the January 30, 2025, due date for the quarterly BA.
 • Interest earnings from the County Pooled Investment fund were higher by 28% compared to November (AP05); December (AP06) saw no interest earnings allocation.
 • Expenses increased 416% from December due to the Board-approved \$200,000 legal expense cost share transfer to LPV Watermaster, which occurred in January.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, Director, Camrosa Water District
Kelly Long, Vice Chair, Supervisor, County of Ventura
Michael Craviotto, Farmer, Agricultural Representative
Lynn Maulhardt, Director, United Water Conservation District
Tony Trembley, Councilmember, City of Camarillo

INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: Appointment of Ventura County Waterworks District Nos. 1 & 19 Representative to the Las Posas Valley Policy Advisory Committee [LPV Watermaster] – (New Item)

RECOMMENDATION: Appoint Mr. Jeff Palmer, Assistant Director of the Ventura County Public Works Agency (PWA) to serve as the replacement nominee for Ventura Waterworks Districts 1 & 19 (WMIDs 2011, 2191 and 2192) on the Las Posas Valley Watermaster Policy Advisory Committee (PAC).

INTRODUCTION

The Policy Advisory Committee (PAC) is an 11-member advisory body to the Las Posas Valley Basin Watermaster (LPV Watermaster) on policy-related matters of a non-technical nature. The PAC includes: 5 basin wide representatives [Zone Mutual Water Company, Ventura County Waterworks Districts Nos. 1 & 19, Calleguas, Commercial and Watermaster Representative (*non-voting*)] and 6 representatives for the East and West Management Areas (Large Agriculture, Small Agriculture and Mutual Water Companies) (Judgment, § 6.10.2).

Each member of the PAC serves until that member resigns or is replaced according to the Judgment (Judgment, § 6.10.2, Exh. A, § 3.1.6). In the event of a vacancy, the applicable Landowner Constituency nominates a replacement pursuant to the procedure for initial selection set forth in the Judgment. However, Basin wide and Watermaster representatives may select their respective PAC members pursuant to their own internal governance process (Exhibit A, § 3.1.6).

DISCUSSION

Ventura County Waterworks Districts Nos. 1 & 19 (WWD) notified Watermaster that the WWD representative to the PAC, Mr. David Fleisch, was stepping down. At the same time, WWD notified Watermaster of a replacement nominee to the PAC, Mr. Jeff Palmer, pursuant to the WWD's internal governance process, in a letter dated February 4, 2025. This letter is attached as Exhibit 11A. Pursuant to the Judgment, Watermaster shall

FCGMA Board Meeting
February 12, 2025
Item 11

appoint or decline to appoint a nominee within 60 days of the nomination and shall only decline to appoint a nominee for cause (Judgment, § 6.10.2).

CONCLUSION

Staff recommends that your Board appoint the WWD nominee, Mr. Jeff Palmer, to the Las Posas Valley Policy Advisory Committee as the Ventura Waterworks Districts 1 & 19 representative.

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-3942.

Sincerely,



Kudzai Farai Kaseke (Ph.D., PH, PMP, CSM)
Assistant Groundwater Manager

Attachment:

Exhibit 11A – Ventura County Waterworks Districts 1 & 19 LPV PAC Membership Replacement Letter, dated February 4, 2025.



COUNTY of VENTURA

Gregg Strakaluse
Agency Director

Jeff Palmer
Assistant Director

Central Services
Joan Araujo, Director

Engineering Services
Anastasia Seims, Director

Roads & Transportation
Anitha Balan, Director

Water & Sanitation
Vacant, Director

Watershed Protection
Vacant, Director

February 4, 2025

Gene West, Chair
Fox Canyon Groundwater Management Agency/Las Posas Basin Watermaster
800 S. Victoria Ave.
Ventura, CA 93009

RE: Ventura County Water Works Districts Nos. 1 and 19 Las Posas Valley Policy Advisory Committee Membership Replacement

Chair West:

The Ventura County Water Works Districts Nos. 1 and 19 is party to the Las Posas Valley Water Rights Coalition, et al. v. Fox Canyon Groundwater Management Agency, Santa Barbara Sup. Ct. Case No. VENC100509700 (Judgment) and is assigned a seat on the Policy Advisory Committee (PAC). In accordance with the provisions of the Judgment, Ventura County Water Works Districts Nos. 1 and 19 nominate Jeff Palmer as the replacement nominee for the Ventura County Water Works Districts Nos. 1 and 19 on the PAC. (Judgment, Exh. A, § 3.1.6.)

Ventura County Water Works Districts Nos. 1 and 19 look forward to your approval for appointment of this nomination consistent with section 6.10.2. of the Judgment.

Thank you for your consideration,

Gregg Strakaluse, P.E
Director



Item 12 - Correspondence from Ventura County Clerk of the Board of Supervisors regarding reappointment verification for the Board of Supervisors representative, dated January 17, 2025.

From: [ClerkoftheBoard](#)
To: [Weber, Elka](#); [Anselm, Arne](#)
Subject: Appointments to the Fox Canyon Groundwater Management Agency Board
Date: Friday, January 17, 2025 11:49:43 AM
Attachments: [Meeting_Minute_Orders_011425.pdf](#)

Greetings,

Attached is the Minute Order from the **January 14, 2025**, Board of Supervisors meeting verifying the reappointment of **Supervisors Kelly Long and Vianey Lopez** to the **Fox Canyon Groundwater Management Agency Board**. You may access **Fox Canyon Groundwater Management Agency Board's** record details at www.ventura.org/county-executive-office/clerk-of-the-board/boardscommissionscommittees-information/.

Sincerely,



Clerk of the Board Staff

O: (805) 654-2251

ventura.org/cob



**BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA**

**SUPERVISORS MATT LAVERE, JEFF GORELL,
KELLY LONG, JANICE S. PARVIN AND VIANEY LOPEZ
January 14, 2025 at 8:30 a.m.**

COUNTY EXECUTIVE OFFICE - Review, Discuss, and Make Assignments of Members of the Board of Supervisors to Various Boards, Commissions, and Committees.

- (X) All Board members are present.

- (X) The following person is heard: Mia Martinez.

- (X) Upon motion of Supervisor Long, seconded by Supervisor Gorell, and duly carried, the Board hereby approves assignments as proposed with all assignments for 2024 remaining in place for 2025 with the following additions:
Appoint Jeff Gorell and Kelly Long as Alternates to Beach Erosion Authority for Clean Ocean and Nourishment (BEACON);
Appoint Vianey Lopez to Juvenile Justice Coordinating Council (with Jeff Gorell vacating); and
Appoint Janice S. Parvin as an Alternate to Ventura County Health Care System Oversight Committee.

By: Lori Key
Lori Key
Assistant Chief Deputy Clerk of the Board

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

ROB BONTA
Attorney General

OPINION	:	
	:	
of	:	No. 24-101
	:	
ROB BONTA	:	January 22, 2025
Attorney General	:	
	:	
SUSAN DUNCAN LEE	:	
Deputy Attorney General	:	

The HONORABLE TIFFANY NORTH, COUNTY COUNSEL FOR THE COUNTY OF VENTURA, has requested an opinion on a question relating to a groundwater management district’s statutory hiring power.

QUESTION PRESENTED AND CONCLUSION

The Fox Canyon Groundwater Management Agency was created by the Legislature, as reflected in Water Code Appendix sections 121-102 to 121-1105.¹ Does this statutory scheme allow the Agency to hire its own staff, or to contract with an entity other than the County of Ventura or the United Water Conservation District for staff services?

¹ Many water districts in California have been formed through uncodified legislative acts, which have been collected and maintained for the benefit of the public in the Water Code Appendix. (See Preface, 70C West’s Ann. Wat. Code (2010 ed.) p. III; see also Legislative Intent Service, Inc., California Water Code Statutory History, <http://www.legintent.com/california-water-code-statutory-history>, Sept. 8, 2017 (as of Jan. 22, 2025).)

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FCGMA Board Meeting, 2/12/2025

No. The statutory scheme establishes the Agency’s power to contract for staff services, and it limits that power to contracting with the two agencies specified in the statute, which are the County of Ventura and the United Water Conservation District.

BACKGROUND

The Fox Canyon Groundwater Management Agency is a special water agency created by the Legislature in 1982 to manage and conserve groundwater resources for agricultural, municipal, and industrial uses, for the common benefit of all water users.² The Agency’s formation was prompted by a State Water Board investigation into seawater intrusion beneath the Oxnard Plain Basin in Ventura County. Completed in 1979, the investigation found that seawater intrusion into the Oxnard Plain was affecting 20 square miles of the basin despite continuing local mitigation efforts. To address the seawater intrusion problem, Ventura County and the United Water Conservation District sought and obtained the Legislature’s approval to establish the Agency.³

To carry out its mission to preserve fresh groundwater resources, the Agency prepares annual work plans, budgets, and management reports; quarterly work plans and budget status reports; and monthly decision items such as ordinances and resolutions.⁴ Since its creation, the Agency has relied on contracts with Ventura County for its staffing needs.

ANALYSIS

The Ventura County Counsel has asked for our opinion as to whether Water Code Appendix section 121-408 permits the Agency to hire its own staff, or to contract with an entity other than the County of Ventura or the United Water Conservation District for staff services.

Familiar principles of statutory interpretation guide our consideration of this question. Our primary task in interpreting a statute is to determine the Legislature’s

² Stats. 1982, ch. 1023 (Fox Canyon Groundwater Management Agency Act); Wat. Code App., §§ 121-102–121-1105.

³ The United Water Conservation District is a local agency that conserves and enhances water resources in the Santa Clara River Valley and the Oxnard Plain. (See United Water Conservation District, About Us, <https://www.unitedwater.org/about-us> (as of Jan. 22, 2025).)

⁴ See FCGMA, Brief History Overview (Jan. 2015), p. 3, available at https://fcgma.org/wp-content/uploads/2022/05/FCGMA_History_Edit_PK.pdf (as of Jan. 22, 2025).

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FCGMA Board Meeting, 2/12/2025

intent, so that we can apply the statute in a way that carries out its intended purpose.⁵ In examining a statute’s language, we are to give the words their ordinary, everyday meaning unless the context requires otherwise.⁶ The statutory language should be examined “in the context of the entire statute and the statutory scheme,” and in a manner that gives significance to “every word, phrase, sentence, and part” of the legislative act.⁷

We begin with the text. Here, we analyze a statute that defines the scope of the groundwater conservation district’s hiring authority. The Agency’s hiring power is set forth in section 121-408, which states:

The agency may contract with the county or United for staff and other services and may hire such other contractors and consultants as it considers appropriate.⁸

On its face, this language addresses two categories of authority: (1) to contract with the County of Ventura or the United Water Conservation District for “staff and other services”; and (2) to hire “other contractors and consultants.” These terms are not expressly defined by the Agency’s enabling act, but we can understand their contours by referring to general authorities.

As to the first category of authority, the term “staff” is well understood as referring to the personnel responsible for the internal operations of an institution.⁹ The term “other services” is more vague, but by its association with the term “staff” we believe it may be fairly understood as including the kinds of things (besides staff) that either the County or United could be expected to provide to support the Agency’s regular

⁵ *Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, 1037.

⁶ *Halbert’s Lumber, Inc. v. Lucky Stores, Inc.* (1992) 6 Cal.App.4th 1233, 1238.

⁷ *Brennon B. v. Superior Court* (2022) 13 Cal.5th 662, 673; *Tuolumne Jobs & Small Business Alliance v. Superior Court*, *supra*, 59 Cal.4th at p. 1038; see also *Plantier v. Ramona Municipal Water Dist.* (2019) 7 Cal.5th 372, 386 (statutes should not be read in way that renders language meaningless).

⁸ We interpret the permissive term “may” here as allowing the Agency to exercise either or both staffing options (County or United) authorized by section 121-408, rather than forcing a choice between the two options. (See *Compton College Federation of Teachers v. Compton Community College Dist.* (1982) 132 Cal.App.3d 704, 711–712.)

⁹ E.g., American Heritage Dict., 4th ed., p. 802 (“the personnel of an enterprise”); Merriam-Webster’s Collegiate Dict., 11th ed., p. 1213 (“officers chiefly responsible for the internal operations of an institution or business . . . a group of officers appointed to assist a civil executive . . . the personnel who assist a director in carrying out an assigned task”).

Item 13
FCGMA Board Meeting, 2/12/2025

internal operations, such as office space, photocopying and other document management services, mail and delivery services, and the like.¹⁰

As to the second category of “other contractors and consultants,” we can understand more about these terms from their position and juxtaposition within the statute. Importantly, we believe that the term “other contractors and consultants” must necessarily mean something distinct from “staff and other services,” otherwise there would be no point in using the two different phrases within the one statute. It is contrary to general principles of statutory construction to interpret a statute in a way that makes some of its words mere surplusage.¹¹ Further, the words “contractors and consultants” are part of a longer phrase, i.e., “[the agency] may hire such other contractors and consultants as it considers appropriate.” The words “such other” denote, again, a distinction between contractors and consultants on the one hand, and staff and other services on the other. And the words “as it considers appropriate” suggest a measure of discretion in the Agency about how to hire such assistance, if at all. Whereas the Agency can obtain “staff and other services” only from the County or United, it can retain “other contractors and consultants” from any source “it considers appropriate.”¹²

With those considerations in mind, we now consider whether the statute allows the Agency to hire its own staff, or to contract with an entity other than the County or United for staff services. We conclude that it does not. Because the Agency’s second category of authority extends only to contracting for non-staff services, we conclude that the Agency may contract for staff only with the County or United.

Generally speaking, a statutory grant of authority is considered to carry the implied negative that no power may be exercised which is more than the authority granted.¹³ That general principle supports the view that, by expressly authorizing the

¹⁰ See *California Farm Bureau Federation v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 189 (“*Noscitur a sociis* (literally, ‘it is known from its associates’) means that a word may be defined by its accompanying words and phrases, since ‘ordinarily the coupling of words denotes an intention that they should be understood in the same general sense.’ (2A Sutherland, *Statutory Construction* (6th ed. 2000) § 47.16, pp. 268–269, fn. omitted.)”); *Yates v. United States* (2015) 574 U.S. 528, 545 (plur. opn. of Ginsburg, J.) (describing related canon of *ejusdem generis*).

¹¹ See *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1386–1387 (“A construction making some words surplusage is to be avoided”).

¹² For example, the Requestor reports that the Agency has used its authority to hire non-staff “contractors and consultants” to retain a technical consulting firm to assist with the Agency’s five-year evaluation of its groundwater sustainability plan.

¹³ 79 Ops.Cal.Atty.Gen. 128 (1996), citing *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 196, and *Safer v. Superior Court* (1975) 15 Cal.3d 230, 236–238.

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FCGMA Board Meeting, 2/12/2025

Agency to “contract with the county or United for staff and other services,” the Legislature foreclosed the Agency from contracting with other entities for staff services. Significantly, the Legislature made a different choice in another, comparable enactment. The enabling legislation for the Ojai Basin Groundwater Management Agency was enacted in 1991 and otherwise echoes section 121-408. In contrast to section 121-408, however, the Ojai agency’s enabling legislation provides: “The agency *may contract for staff and other services* and may hire other contractors and consultants.”¹⁴ The difference in language is clear, and strongly suggests that the restrictive phrase “with the county or United” in section 121-408 was meant to limit the Agency’s staffing options.¹⁵

Of course, we should consider the text of section 121-408 not only within itself, but also as it relates to the whole statutory scheme of which it is a part. The statutory scheme reveals that the Agency has implied powers to carry out its objectives and purposes in addition to its express powers. The Fox Canyon Groundwater Management Agency Act provides that the Agency “shall exercise the powers granted by this act for purposes of groundwater management within the boundaries of the agency, together with such other powers as are reasonably implied and necessary and proper to carry out the objectives and purposes of the agency.”¹⁶

But we see no basis for concluding that the Agency has implied power to hire personnel to assist in administering the regular business of the district. Section 121-102 itself limits the Agency’s implied powers to those that are “necessary and proper to carry out the objectives and purposes of the agency.”¹⁷ Some reasonable level of staffing is certainly necessary to carry out the agency’s work, but section 121-408 does not leave the Agency bereft of staff; it merely limits the Agency to a hiring pool consisting of staff that have been hired through the County or through United.¹⁸ The implied powers doctrine may not be used to circumvent this express restriction on the Agency’s contracting authority.¹⁹

Furthermore, when a statute prescribes the manner and mode by which a power may be exercised, courts have held that the mode prescribed is the measure of the

¹⁴ Wat. Code App., § 131-409.

¹⁵ See *County of San Diego v. San Diego NORML* (2008) 165 Cal.App.4th 798, 825.

¹⁶ Wat. Code App., § 121-102.

¹⁷ *Water Quality Assn. v. County of Santa Barbara* (1996) 44 Cal.App.4th 732, 746.

¹⁸ *Podiatric Medical Board of California v. Superior Court of City and County of San Francisco* (2021) 62 Cal.App.5th 657, 673 (no need to resort to implied powers when existing statute addresses actual power).

¹⁹ 2A McQuillin, Municipal Corporations (3d ed., 2024 update) § 10:13.

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FCGMA Board Meeting, 2/12/2025

power.²⁰ In other words, by expressly providing that the Agency may contract for staff services with either the County or United, section 121-408 both grants a measure of authority and prescribes the mode of exercising that authority. Were the Agency to engage a different party to provide staff services, it would be disregarding the mode prescribed by the Legislature for hiring staff.²¹ All points considered, we find no support in the Agency’s enabling legislation for concluding that the Agency may hire its own staff, or contract with an entity other than the County of Ventura or the United Water Conservation District for staff services.

Finally, we consider whether the Agency might derive its hiring authority from another source. Beyond its enabling legislation, the Agency has the same authority as any other special district to contract for “special services and advice” under Government Code section 53060, which provides in pertinent part:

The legislative body of any public or municipal corporation or district may contract with and employ any persons for the furnishing to the corporation or district special services and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained and experienced and competent to perform the special services required.

By its express terms, Government Code section 53060 is limited to contracting for “special services and advice.” The term “special services” has been construed by courts to mean services that are unique, unusual, or out of the ordinary.²² Whether services may be considered “special” depends on factors including the qualifications of the person furnishing the services, and whether such services are available from public sources.²³ Staff services such as preparing regular reports, plans, and budgets would be considered neither unique nor out of the ordinary, and would therefore not fall within the hiring authority of section 53060. So we do not see how section 53060 could supply the Agency with authority to contract for staff other than with the County or United.

²⁰ *Ibid.*, citing *People v. Zamora* (1980) 28 Cal.3d 88, 98, and *Wildlife Alive v. Chickering, supra*, 18 Cal.3d at p. 196.

²¹ See *Bottoms v. Madera Irr. Dist.* (1925) 74 Cal.App. 681, 698–699 (statutory grant of power must be exercised in accordance with limitations and restrictions on mode of exercise of granted power).

²² *Costa Mesa City Employees’ Assn. v. City of Costa Mesa* (2012) 209 Cal.App.4th 298, 315–316; see *Jaynes v. Stockton* (1961) 193 Cal.App.2d 47, 51.

²³ *Darley v. Ward* (1982) 136 Cal.App.3d 614, 627–628 (services may be considered “special” because person furnishing them has outstanding skill or expertise).

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Given the express language of Water Code Appendix section 121-408 addressing staffing, we conclude that the Fox Canyon Groundwater Management Agency may contract only with the County of Ventura and the United Water Conservation District for staffing services.

FCGMA Board Meeting, 2/12/2025

RAUL AVILA, PRESIDENT
DIVISION 1

THIBAUT ROBERT, SECRETARY
DIVISION 4

REDDY PAKALA, DIRECTOR
DIVISION 3



SCOTT H. QUADY, VICE PRESIDENT
DIVISION 2

JACQUELYN MCMILLAN, TREASURER
DIVISION 5

KRISTINE MCCAFFREY
GENERAL MANAGER

web site: www.calleguas.com

2100 OLSEN ROAD • THOUSAND OAKS, CALIFORNIA 91360-6800 805/526-9323 • FAX: 805/522-5730

Gene West, Chair
Fox Canyon Groundwater Management Agency
800 S. Victoria Ave.
Ventura, CA 93009

February 3, 2025

Chair West:

This letter serves to inform the Fox Canyon Groundwater Management Agency (FCGMA) Board and stakeholders of the results of the recent election to the Board of the representatives from the special districts and mutuals.

In accordance with Section 401 of the FCGMA enabling legislation, members of the governing boards of Alta Mutual Water Company, Berylwood Mutual Water Company, Calleguas Municipal Water District, Camrosa County Water District, Del Norte Mutual Water Company, Pleasant Valley County Water District, and Zone Mutual Water Company were invited to an election at Calleguas Municipal Water District on January 30, 2025. The following representatives were in attendance:

- Alta Mutual Water Company: Leslie Leavens
- Calleguas Municipal Water District: Raul Avila (previous alternate FCGMA Board member) and Reddy Pakala
- Camrosa Water District: Gene West (current FCGMA Chair)
- Pleasant Valley County Water District: Tom Vujovich
- Zone Mutual Water Company: John Menne
- Berylwood and Del Norte were invited but did not send representatives.

Mr. Vujovich moved that Mr. West be reappointed Chair and Mr. Pakala appointed alternate. Mr. Avila seconded. A vote by acclamation produced unanimous approval.

Congratulations, Chair West, on your reappointment.

Sincerely,

Ian Prichard, Deputy General Manager

Item 15 - Correspondence from Director Kelly Long via the California Department of Water Resources regarding Executive Order N-16-25, dated February 3, 2025.

From: [FCGMA](#)
To: [FCGMA](#)
Subject: FYI: Governor Newsom issues Executive Order N-16-25
Date: Monday, February 3, 2025 11:19:22 AM
Attachments: [image001.png](#)
[image002.png](#)

Good morning,

Please see the below information, shared by request.

Regards,

Fox Canyon Groundwater Management Agency

800 S. Victoria Ave. L#1610

Ventura, CA 93009

(805) 654-2014 | fcgma@ventura.org

www.FCGMA.org

Hello,

See below from DWR. Please share with others.

Best regards,

Kelly

Kelly Long

Ventura County Supervisor

District 3

Begin forwarded message:

From: Department of Water Resources <DWR@public.govdelivery.com>

Date: January 31, 2025, at 6:08:51 pm GMT-7

Subject: Governor Newsom issues Executive Order N-16-25



Governor Newsom issues Executive Order N-16-25

This bulletin was sent at 01/31/2025 05:07 PM PST

[View this bulletin online - Share](#)



CALIFORNIA DEPARTMENT OF WATER RESOURCES SUSTAINABLE GROUNDWATER MANAGEMENT OFFICE

*This is an email from the Department of Water Resources' Sustainable Groundwater Management Office.
Please do not reply directly to this email; for more information or general inquiries,
please contact: sgmps@water.ca.gov.*

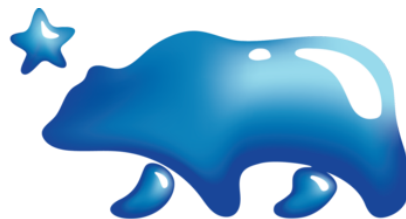
Governor Newsom issues Executive Order N-16-25

Governor Newsom today signed Executive Order N-16-25, which set forth the conditions under which water users may divert and store excess water from incoming winter storms.

Specifically, the Executive Order suspends the local flood plan requirement of Water Code 1242.1, which codified many elements of the previous 2023 Flood Executive Orders and allows for diversions of flood flows for recharge without water rights. The State Water Resources Control Board has updated its [1242.1 Technical Guidance](#) that provides additional details of the existing 1242.1 requirements and addresses today's Executive Order.

For more information on the Executive Order:

- [Release Information](#)
- [Executive Order](#)



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**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-16-25

WHEREAS on April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed States of Emergency to exist across all counties in the State due to drought conditions; and

WHEREAS on September 4, 2024, I terminated the drought State of Emergency in 19 counties, while maintaining the drought State of Emergency in the remaining 39 counties of the State because the multi-year nature of the drought yielded ongoing, significant impacts in those 39 counties (the "Proclaimed Drought Counties"), which include the Sacramento and San Joaquin River basins; the Tulare Lake basin; the Scott, Shasta, and Klamath River watersheds; and the Clear Lake watershed; and

WHEREAS even now, many groundwater basins remain depleted in the Proclaimed Drought Counties from overreliance and successive multi-year droughts; and

WHEREAS on March 10, 2023, March 31, 2023, and May 17, 2023, I issued Executive Orders N-4-23, N-6-23, and N-7-23, to facilitate Californians' ability to divert stormwaters and flood flows to recharge groundwater basins following storms in early 2023, to mitigate the effects of the drought State of Emergency on groundwater supplies, which were then substantially codified in statute through the enactment of Senate Bill No. 122 (2023), and the relevant provisions of those Orders were subsequently terminated; and

WHEREAS the relevant provisions of Senate Bill No. 122, codified at Water Code section 1242.1, authorize diversions for groundwater recharge where a local or regional agency has adopted a local flood-control plan pursuant to Water Code section 8201 or has considered flood risk as part of its most recently adopted general plan; and

WHEREAS local and regional agencies require more time to adopt these local flood-control plans or to update their general plans, and so the requirement of such plans would interfere with landowners' ability to make use of Senate Bill No. 122 to divert stormwaters for groundwater recharge in the interim; and

WHEREAS the State is anticipating significant precipitation associated with winter storms in late January and early February 2025, and is remaining vigilant to manage the impacts of that precipitation while maximizing opportunities for groundwater recharge and other drought relief; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the drought State of Emergency in the Proclaimed Drought Counties.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately.

IT IS HEREBY ORDERED THAT:



1. All provisions contained in the above-referenced Proclamations of a State of Emergency and related Executive Orders shall remain in full force and effect, except as terminated, withdrawn, or otherwise modified in subsequent Proclamations and Orders.
2. The requirement in Water Code section 1242.1, subdivision (a)(1), that a local or regional agency have "adopted a local plan of flood control pursuant to Section 8201" or have "considered flood risk as part of its most recently adopted general plan" is suspended in the Proclaimed Drought Counties. A local or regional agency in the Proclaimed Drought Counties may therefore trigger the remaining provisions of Water Code section 1242.1 without having adopted a local flood-control plan pursuant to Water Code section 8201 or having considered flood risk as part of its most recently adopted general plan.
3. The Department of Water Resources is directed to take all feasible and appropriate action to maximize diversions of excess flows that become available as a result of the anticipated winter storms, and other winter storms, to storage, including storage in San Luis Reservoir.
4. The Department of Water Resources, the State Water Resources Control Board, the Natural Resources Agency, and the Environmental Protection Agency are directed to identify any obstacles that would hinder efforts to maximize diversions to storage of excess flows that become available as a result of the anticipated winter storms, to remove or minimize such obstacles wherever possible, and to promptly report to my office any additional statutory or regulatory barriers that should be considered for suspension.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 31st day
of January 2025.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH. D
Secretary of State



FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, Director, Camrosa Water District
Kelly Long, Vice Chair, Supervisor, County of Ventura
Michael Craviotto, Farmer, Agricultural Representative
Lynn Maulhardt, Director, United Water Conservation District
Tony Trembley, Councilmember, City of Camarillo

INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: Resolution of Appreciation for Agency Counsel Alberto Boada – (New Item)

RECOMMENDATION: Adopt Resolution 2025-01 honoring Agency Counsel Alberto Boada for 18 years of Agency service.

BACKGROUND:

Mr. Boada began his career at the County of Ventura as Assistant County Counsel with the Ventura County Counsel's Office in November 2004. He assumed the Agency Counsel position in May 2006. Mr. Boada brought his deep legal experience and advisory skills to the Agency to assist and guide its preparation and implementation of numerous Agency policies, programs, projects, and legislation; he has dutifully served staff, Board, and stakeholders as Agency Counsel for the past 18 years.

DISCUSSION:

Mr. Boada announced his retirement in January. His last day of service to the Agency will be February 14, 2025.

CONCLUSION:

Staff recommends that your Board adopt Resolution No. 2025-01 (attached as Exhibit 16A), honoring, recognizing, and thanking Mr. Boada for his service to the Agency. This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-2954.

Sincerely,

Arne Anselm
Interim Executive Officer

Attachment: Exhibit 16A – Resolution 2025-01

800 South Victoria Avenue, Ventura, CA 93009-1610
(805) 654-2014 <https://fcgma.org/>



Resolution 2025-01

Fox Canyon Groundwater Management Agency

HONORING

Alberto Boada

WHEREAS, Agency Counsel Alberto Boada started his public service career as an assistant county counsel with the Ventura County Counsel's Office in November 2004 and assumed the role of Agency Counsel in May 2006, dutifully advising and representing the Agency for the past 18 years; and

WHEREAS, Mr. Boada brought his legal experience and skills to the Agency to assist and guide its preparation and implementation of numerous Agency policies, programs, projects, and legislation, and was thus instrumental in advising the Agency on its implementation and compliance with the Sustainable Groundwater Management Act and its many new policies, programs, and requirements for sustainable groundwater management; and

WHEREAS, Mr. Boada brought his litigation experience and institutional knowledge of the Agency to advise on its defense of several lawsuits, including *Pleasant Valley County Water Agency v Fox Canyon Groundwater Management Agency*; *City of Oxnard v Fox Canyon Groundwater Management Agency*; *Las Posas Water Rights Coalition, et al. v. Fox Canyon Groundwater Management Agency, et al.* (LPV Adjudication); and *OPV Coalition, et al. v. Fox Canyon Groundwater Management Agency, et al.* (OPV Adjudication); and

WHEREAS, Mr. Boada staffed the meetings of the Fox Canyon Groundwater Management Agency Board of Directors throughout his tenure, advising directors on parliamentary procedure, the Brown, conflicts of interest, and guiding the Agency 's response to numerous questions from directors, staff, and stakeholders, and via his quiet personality and dry intellect Mr. Boada has brought valuable perspective, insight, and levity to a variety of complex projects, issues, and situations, and will be missed by the Fox Canyon Groundwater Management Agency Board of Directors, Agency staff, and the many consultants and colleagues he touched; and

WHEREAS, Mr. Boada will conclude his 18 years of service to the Agency on February 14, 2025.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Fox Canyon Groundwater Management Agency honors and thanks **Alberto Boada** for his dedication and for his invaluable years of service to the Agency, and wishes him a well-deserved, happy retirement.

APPROVED AND ADOPTED THIS 12TH DAY OF FEBRUARY 2025 BY THE BOARD OF DIRECTORS.

Eugene West, Chair

Kelly Long, Vice Chair

Lynn Maulhardt, Director

Tony Trembley, Director

Michael Craviotto, Director

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, *Director, Camrosa Water District*
Kelly Long, Vice Chair, *Supervisor, County of Ventura*
Michael Craviotto, *Farmer, Agricultural Representative*
Lynn Maulhardt, *Director, United Water Conservation District*
Tony Trembley, *Councilmember, City of Camarillo*

INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: County of Ventura Water Resource Mapping Presentation – (New Item)

RECOMMENDATION: Receive and file a presentation from the County of Ventura Public Works Agency regarding the development of a Countywide water mapping database.

BACKGROUND:

The County has acquired funding and hired a consultant to develop a Countywide water mapping database that would ideally serve as an interactive encyclopedia of water resources and emergency information. This tool will aid planning and management initiatives, which could include State reporting and potential grant and loan pursuits. It's anticipated that this publicly accessible shared resource will support water agencies of all sizes, with a particular focus on supporting under-resourced and smaller agencies. The scope of work includes outreach efforts with small water purveyors, municipal advisory councils (MACs), local water associations, and other groups to gather input on potential needs that could be met by this project and recommended approaches for development.

Based on input gathered so far, the County is currently updating the Public Works Agency (PWA) Ventura County Geographical Information System (GIS) Mapping Application¹ with water system information layers that contain:

- Supplier service area boundaries
- Supplier system information linked to external State, federal, and private organization databases
 - o Agency information (contacts, connections, population & demographics, facilities, regulatory compliance, etc.)
 - o System type (private, community, non-community, etc.)
 - o Supply source
 - o Water quality and risk information
 - o Sustainable Groundwater Management Act (SGMA) information
 - o Safe Drinking Water Information System reporting
- Suppliers' County Water Availability Letter (WAL) status

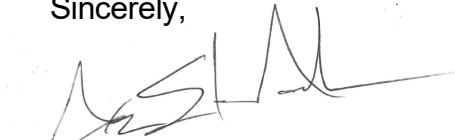
¹ <https://maps.ventura.org/pwagisviewer/>

Item 17 – Water Resource Mapping Development Presentation
February 12, 2025

CONCLUSION:

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-3942.

Sincerely,



Arne Anselm
Interim Executive Officer

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, Director, Camrosa Water District
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Tony Trembley, Councilmember, City of Camarillo

INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

**SUBJECT: Calleguas Water Resources Implementation Strategy Presentation –
(New Item)**

RECOMMENDATION: Receive and file a presentation from Calleguas Municipal Water District on the Water Resources Implementation Strategy (WRIST).

BACKGROUND:

Calleguas Municipal Water District (Calleguas) is a wholesale water district in southeastern Ventura County. Calleguas provides imported water from the Metropolitan Water District of Southern California (Metropolitan) to 19 retail agencies, including the Cities of Oxnard, Port Hueneme, Camarillo, Thousand Oaks, and Simi Valley, as well as County Waterworks Districts, special districts, mutual water companies, and investor-owned utilities. Approximately 650,000 residents, three-quarters of the county's population, receive their drinking water in whole or in part from Calleguas. Calleguas also owns and operates the Las Posas Aquifer Storage and Recovery Wellfield, comprised of 18 injection/extraction wells in the East Las Posas Valley Basin that allows Calleguas to store water for later use. As a "constituent group" in the Las Posas Valley Watermaster Policy Advisory Committee, Calleguas is an active participant in developing approaches to meet the long-term sustainability goals of the Las Posas Groundwater Sustainability Plan and the Final Judgment in the Las Posas Valley Basin adjudication.

Calleguas Municipal Water District's mission is "to provide the service area with a reliable supplemental supply of regional and locally developed water in an environmentally and economically responsible manner."

Calleguas is currently entirely dependent on Metropolitan for supply and located within an area of the Metropolitan service area unable to receive significant quantities of Colorado River water. That renders Calleguas almost entirely dependent on State Water Project water and therefore at the mercy of hydrological conditions and droughts that threaten the reliability of State Water Project supplies. In the 2020-2022 drought, State Water Project supplies were severely curtailed, causing Metropolitan to enact an

Item 18 – Calleguas WRIST Presentation
February 12, 2025

Emergency Water Conservation Program that forced Calleguas and its retailers to limit outdoor watering to one day a week. The Calleguas Board understood this crisis as a call to action and reoriented the district's strategic direction.

DISCUSSION:

With its "New Model for Resilience," the Calleguas Board determined that its future would involve greater resilience through partnerships and regional collaboration to develop water supply, storage, conveyance, and programs. Staff have spent the last 18 months working on a Water Resources Implementation Strategy (WRIST) with its retail and regional partners, including the City of Ventura, United Water Conservation District, Casitas Municipal Water District, and Las Virgenes Municipal Water District. The WRIST builds on Calleguas's history of regional collaboration to address short-term outages and long-term water supply reliability and resiliency by characterizing and evaluating portfolios of projects with a regional focus. Phase One of the WRIST, which identifies the preferred portfolio of projects and programs, identifies "no-regret" projects, and recommends next steps, has been completed.

CONCLUSION:

Kristine McCaffrey, Calleguas General Manager, and Ian Prichard, Calleguas Deputy General Manager, will present the findings of Phase One of the WRIST, with an emphasis on the groundwater-related aspects of the projects and programs included in the preferred portfolio.

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-3942.

Sincerely,



Arne Anselm
Interim Executive Officer

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, Director, Camrosa Water District
Kelly Long, Vice Chair, Supervisor, County of Ventura
Michael Craviotto, Farmer, Agricultural Representative
Lynn Maulhardt, Director, United Water Conservation District
Tony Trembley, Councilmember, City of Camarillo

INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: City of Oxnard Groundwater Recovery Enhancement and Treatment Program Presentation – (New Item)

RECOMMENDATION: Receive and file a presentation from the City of Oxnard regarding an update to the Groundwater Recovery Enhancement and Treatment (GREAT) Program.

BACKGROUND:

Since the late 1990s, the City of Oxnard has pursued a recycled water program, commonly known as the Groundwater Recovery Enhancement and Treatment (GREAT) program. Since then, many steps have been completed on this journey to comprehensive and connected water supply projects and programs to improve reliability, water quality, and resiliency in an ever changing environment. The most significant and first step was the completion of the Advanced Water Purification Facility (AWPF), which has been delivering ultra-pure recycled water since February 2016.

In addition to wastewater recycling, the GREAT program evaluated and contemplated other projects. These include projects for groundwater injection and storage and recovery to provide an additional water supply source to the Oxnard Plain as outlined in the June 26, 2013, Fox Canyon Groundwater Management Agency staff report, and the California Environmental Quality Act (CEQA) document referenced within said staff report. Some of these additional projects, which are projects that can be found in other sustainable groundwater basins in Southern California, include seawater injection barrier wells and aquifer storage and recovery wells.

CONCLUSION:

Staff from the City of Oxnard's Public Works Department will provide updates on the Aquifer Storage and Recovery project and other related capital improvement projects from the GREAT program.

Item 19 – City of Oxnard GREAT Program Presentation
February 12, 2025

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-3942.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arne Anselm', written over a faint, light-colored rectangular stamp or watermark.

Arne Anselm
Interim Executive Officer

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, *Director, Camrosa Water District*
Kelly Long, Vice Chair, *Supervisor, County of Ventura*
Michael Craviotto, *Farmer, Agricultural Representative*
Lynn Maulhardt, *Director, United Water Conservation District*
Tony Trembley, *Councilmember, City of Camarillo*

INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Revised with Exhibits Added

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: Agency Staffing Analysis Report Presentation – (New Item)

RECOMMENDATION: Receive and file a presentation by Hallmark Group on the Agency Staffing Needs Analysis.

BACKGROUND:

Following your Board's discussion at the December 1, 2023ⁱ, meeting regarding future staffing needs of the Agency and the discussion at the January 12, 2024ⁱⁱ, meeting on Agency task prioritization, on March 27, 2024ⁱⁱⁱ, your Board directed an independent report be provided at the April 24, 2024, meeting on the Agency's staffing needs to accomplish the Board priorities identified at the January meeting.

To get an unconflicted opinion from outside the Agency, the Hallmark Group was contracted to identify the staffing needs to accomplish your Board's identified priorities, including efforts needed to comply with the LPV Judgment.

Your Board received a progress report on April 24, 2024^{iv}. Updates were subsequently given to the Executive Committee on June 20, 2024, and October 14, 2024^v. Through this process the scope grew to be comprehensive of all Agency staffing needs, beyond the priorities identified on January 12, 2024.

DISCUSSION:

Over several months in 2024, Hallmark Group held multiple interviews with Agency staff to understand responsibilities and staffing requirements. Agency staff supplied time estimates for tasks that were included within the work plan or within the task level shown in the Agency Work Task and Prioritization sheet (attached as Exhibit 20A). Using their understanding of public agency staffing and requirements imposed on groundwater sustainability agencies by the Sustainable Groundwater Management Act, Hallmark Group performed a qualitative assessment during staff interviews to develop appropriate task assumptions and reviewed this assessment against the final draft staff hours. Many additional activities were identified during the analysis, which were not identified in the original FCGMA Work Task and Prioritization sheet. These include, but are not limited to, supervision and personnel issues, process improvement, training, consultant management, strategic planning, grant proposals, stakeholder outreach, website management, and the financial management of

Item 20 – Staffing Analysis Presentation (*Revised to add exhibits*)
February 12, 2025

payments. Hallmark Group made an effort to identify and quantify the staff needs for these additional tasks.

Hours tracked by staff for billing the Agency was found lacking as a dependable source of data since overtime is not paid to salaried staff and is not tracked in the accounting system.

The estimates include some administrative tasks currently performed by consultants due to insufficient staffing levels, but they do not include consultants hired for their special expertise, such as groundwater modelers and hydrogeologists for writing the recently submitted periodic evaluations, or outside counsel for litigation. Fiscal services provided by the County are also not included in the estimates, which range from nuanced financial reporting to accounts receivable, audit support, and general accounting.

CONCLUSION:

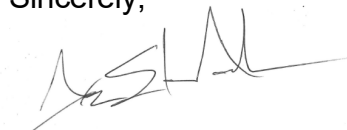
Hallmark’s report (*attached as Exhibit 20B*) estimates approximately 20 full-time equivalents (FTEs) are needed to arrive at a level of staffing necessary to accomplish the Agency’s work (*see also the FCGMA Staff Time Analysis spreadsheet, attached as Exhibit 20C*).

Currently, staff are only able to perform a subset of the tasks for the administration of the Agency, and the FTE identified to do this task subset is approximately 15 FTE. For context, at one point in 2024, the Agency was down to five staff members. As of today’s meeting, the Agency stands at eleven of twelve full-time positions filled.

Today, your Board will receive a presentation from Hallmark on the staff needed for the Agency to accomplish its responsibilities and implement your Board’s priorities.

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-3942.

Sincerely,



Arne Anselm
Interim Executive Director

Attachments: Exhibit 20A – FCGMA Work and Task Prioritization
 Exhibit 20B – FCGMA Staff Analysis Report
 Exhibit 20C – FCGMA Staff Time Analysis Spreadsheet

ⁱ See 12/1/2023 meeting recording and Item 1 materials at <https://ventura.primegov.com/Portal/Meeting?meetingTemplateId=17783>.

ⁱⁱ See 1/12/2024 meeting recording and Item 2 materials at <https://ventura.primegov.com/Portal/Meeting?meetingTemplateId=17969>.

ⁱⁱⁱ See 3/27/2024 meeting recording and Item 10 materials at <https://ventura.primegov.com/Portal/Meeting?meetingTemplateId=18525>.

^{iv} See 4/24/2024 meeting recording and Item 3 materials at <https://ventura.primegov.com/portal/item?id=267170>.

^v See 10/14/2024 draft presentation given to the Executive Committee at <https://ventura.primegov.com/portal/viewer?id=368077&type=2>.

Exhibit 20A – FCGMA Board Meeting, 2/12/2025

FCGMA Work Tasks and Prioritization

Task	Frequency	Importance	Urgency	Current Priority
I. Board Meetings				
1. Board meetings, agendas, minutes	Ongoing	Important	Urgent	1
2. Committee meetings, agendas, minutes	Ongoing	Important	Urgent	1
II. Legislation and Regulations				
1. GSP 5-Year Evaluation	Periodic	Important	Urgent	2
2. GSP Annual Reports	Periodic	Important	Urgent	2
3. Annual Work Plan & Budget	Periodic	Important	Urgent	2
4. Biennial Audit	Periodic	Important	Urgent	2
5. Public Records Act (PRA) Requests	Ongoing	Important	Urgent	2
III. Judgment and Litigation				
1. LPV Adjudication Judgment	Ongoing	Important	Urgent	3
a. Watermaster Admin	Ongoing	Important	Urgent	3
b. Basin Optimization Yield Study	Periodic	Important	Urgent	3
c. Basin Optimization Plan	Periodic	Important	Urgent	3
2. OPV Adjudication	Ongoing	Important	Urgent	3
a. Discovery	Ongoing	Important	Urgent	3
IV. Ordinance				
1. Semi-Annual Statements (SAES)	Ongoing	Important	Urgent	4
a. Programming and mailing	Periodic	Important	Urgent	4
b. Processing	Ongoing	Important	Urgent	4
1. Entering paper SAES	Periodic	Important	Urgent	4
2. Review flowmeter photos	Ongoing	Important	Urgent	4
3. Payments, refunds, etc.	Ongoing	Important	Urgent	4
4. Customer service, walk-ins, etc.	Ongoing	Important	Urgent	4
2. Well Permit Applications	Periodic	Important	Urgent	4
3. Allocation Transfer Requests	Periodic	Important	Urgent	4
4. Flowmeters & AMI	Ongoing	Important	Urgent	4
a. Calibration review & processing	Ongoing	Important	Urgent	4
b. Flowmeter replacement, rollover, water usage estimates	Ongoing	Important	Urgent	4
c. AMI data management	Ongoing	Important	Urgent	4
5. Owner and/or operator changes	Ongoing	Important	Urgent	4
6. Compliance/Enforcement	Ongoing	Important	Not Urgent	5
a. Non-reporting	Ongoing	Important	Not Urgent	5
b. Failure to register change of owner/operator	Ongoing	Important	Not Urgent	5
c. Flowmeter calibration	Ongoing	Important	Not Urgent	5
d. AMI	Ongoing	Important	Not Urgent	5
V. Resolution				
1. Conejo Creek Project	Ongoing	Important	Not Urgent	5
2. NPV Desalter	Ongoing	Important	Not Urgent	5
3. GREAT / RWPA Program	Ongoing	Important	Not Urgent	5
VI. Grant - SGM implementation Rd 1				
1. OPV Monitoring Well Installation	Ongoing	Important	Urgent	6
2. Subgrantee awards to UWCD, PVCWD, Camarillo	Ongoing	Important	Urgent	6
3. Quarterly reports	Ongoing	Important	Urgent	6
VII. Board Direction				
1. Oxnard well destruction (in progress)	One-Time	Important	Urgent	6
2. Project Prioritization	Periodic	Important	Not Urgent	7
3. Replenishment Fee	One-Time	Important	Not Urgent	7
4. OPV variance applications	One-Time	Important	Not Urgent	7
5. New data management system procurement	One-Time	Important	Not Urgent	7
6. CombCode - ordinance amendments	One-Time	Important	Not Urgent	7
7. Study of independent staffing for Agency	One-Time	Important	Not Urgent	7



STAFF REQUIREMENT ANALYSIS FOR THE FOX CANYON GROUNDWATER MANAGEMENT AREA

Revised: February 6, 2025

Scope of Work

Hallmark Group was contracted to develop a report analyzing the staffing requirements for the Fox Canyon Groundwater Management Agency (FCGMA) tasks listed in the “FCGMA Work Tasks and Prioritization” table for the end of the calendar year (9-months) and a full 12-month period.

Hallmark Group identified additional tasks that are required to run and operate the FCGMA. Findings were presented to the Executive Committee (EC) on June 20, 2024, and the EC directed Hallmark to include those additional tasks in the staff analysis.

At the EC meeting on June 20, 2024, the EC requested that all third-party efforts (underway or planned) doing the work that FCGMA staff would perform if sufficiently staffed were included in the analysis, and Hallmark worked with FCGMA staff to ensure those hours were included in the analysis.

Staffing Analysis Methodology

Hallmark Group developed an excel sheet of the main tasks in the FCGMA Work Tasks and Prioritization sheet and identified subtasks to assist in creating detailed work hour estimates. Interviews were held with FCGMA staff to review staffing requirement assumptions and FCGMA supplied estimates for those subtasks that were rolled up to the task level shown in the FCGMA Work Task and Prioritization sheet and the additional tasks identified by the Hallmark Group and reviewed with the EC. Following the initial interviews, Hallmark Group reached out to staff regularly to receive additional information and further refine the analysis.

Hallmark Group requested staff provide estimates for tasks not initiated yet which are color-coded in blue. These include vacant positions and tasks not initiated by currently staffed positions.

Hallmark Group used its understanding of public agency staffing requirements to provide a qualitative assessment during staff interviews to develop appropriate task assumptions and in reviewing the final draft staff hours.

Report Considerations / Assumptions

- The estimates included in the report represent the hours necessary to operate the FCGMA, not the hours staff are currently working since historically, overtime is not tracked in the FCGMA system.
- The tasks listed in the FCGMA Work Tasks and Prioritization sheet do not include all the tasks required to manage and operate the FCGMA. Additional tasks were included for an accurate FCGMA staffing assessment.



Item 20B FCGMA Board Meeting, 2/12/2025



- OPV Adjudication is a new process and staffing estimate was based on Hallmark's experience as Watermaster in the Antelope Valley Adjudication.
- The analysis includes estimates for several vacant positions. However, since October 2024, staff have been onboarded, and hours may need to be refined for those staff.
- The analysis does not include indirect costs (i.e. office space, equipment, energy, or County overhead, etc.).
- County overhead (fiscal service, and ancillary IT support, etc.) is outside this scope of work and was not calculated as part of this analysis.

Conclusions

The detailed FCGMA staffing analysis is provided as Attachment 1 and key findings are provided below.

- Currently, staff is performing a subset of the required tasks for the administration of FCGMA, and the full-time equivalent (FTE) of this task subset is approximately 15 employees.
- The estimated level of staffing to perform all the required tasks (unimitated tasks and the additional identified tasks) is approximately 20 FTEs.
- Using employee rates that include employee benefits and overhead, the estimated staff costs to perform all required FCGMA tasks is \$5.7 million.

Potential Next Steps

- Refine staff analysis to reflect input from the EC and/or the Board
- Perform additional analysis to include FCGMA indirect costs
- Prepare a report that identifies total costs for operation of FCGMA

Item 20C - Addition to Revised Agenda Packet
FCGMA Board Meeting, 2/12/2025

	B	C	D	E	F	G	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AF	AG		
357																															
358			b			Audit Coordination																									
359						1 Select an auditor																					8.00		0.05		
360						2 Annual prep with auditor																					4.00		0.03		
361						3 Ongoing engagement with auditor before report																					16.00		0.10		
362			c			Budget Development																									
363						1 Develop fiscal year budgets																					24.00		0.15		
364																															
365			4			New / Replacement Well Review (AB 2079)			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
366						a Replacement wells																									
367						1 Review xx applications and coordinate with applicant before GSA determination																									
368																															
369			b			New wells																									
370						1 Review xx applications and coordinate with applicant before GSA determination																									
371																															
372			5			Clerk Specific			0.00	0.00	6.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.50		13.00		0.08	
373						a Weekly 1:1 with EO					4.00															4.00		8.00		0.05	
374						b Project update meetings with EO					2.50															2.50		5.00		0.03	
375																															
376			5			Other Tasks (see Article 5 of Assembly Bill No. 2995)			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18.00	24.00		23.00	0.00	0.00	0.00		65.00		0.41	
377						a Data Collection, Investigations and Analysis															8.00		8.00					24.00		0.15	
378						b Groundwater Studies, and Projects															10.00		16.00					41.00		0.26	
379																															
380			6			Future Tasks			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	35.50		22.00	0.00	0.00	0.00		57.50		0.36	
381						a Update Ordinance Code (including Chapter 4)																2.00					4.00		0.03		
382						b FCGMA Annual Reports (per enabling legislation)(includes the areas outside the DWR basins but inside Agency)																10.00					20.00		0.13		
383						c Installation of flowmeters and groundwater extraction reporting of all wells in the DWR basins (including "white area wells" per SGMA)																13.50					21.50		0.13		
384						d Research University well (aquifer(s) from which groundwater is being extracted)																10.00					12.00		0.08		
385																															
386																															
387						TOTALS (9-Month)	Student Worker II	IT Support	Clerk of the Board	MA II	MA III (part-time)	Admin Assist II	Admin Assist II	Staff Services Specialist	Compliance Specialist	WR Specialist	Hydrogeologist (part-time)	Hydrogeologist	Hydrogeologist	Engineer II	Assistant Manager	Groundwater Manager	Interim Executive Officer	Monthly Hours	Monthly FTE						
388						Current Work	0.00		38.25	0.00	4.25	0.00	0.00	0.00	10.00	0.00	69.17	42.00	29.17	0.00	23.00	35.50	17.00	258.33	1.60						
389						Tasks not started yet											24.16				7.50	2.00	87.91	0.55							
390						All hours	0.00		38.25	0.00	4.25	0.00	0.00	10.00	0.00	93.33	42.00	29.17	54.25		30.50	35.50	19.00	356.25	2.23						
391						TOTALS (12-Month)	Student Worker III	IT Support	Clerk of the Board	MA II	MA III (part-time)	Admin Assist II	Admin Assist II	Staff Services Specialist	Compliance Specialist	WR Specialist	Hydrogeologist (part-time)	Hydrogeologist	Hydrogeologist	Engineer II	Assistant Manager	Groundwater Manager	Interim Executive Officer	Monthly Hours	Monthly FTE						
392						Current Work	81.00		206.00	132.17	7.00	31.17	16.17	174.00	178.25	172.17	9.08	233.25	178.25	5.00	132.58	144.58	134.37	2,076.99	12.98						
393						Tasks not started yet			51.25	58.00	5.50	166.50	181.50	141.50		5.00		3.00	175.50	105.00	57.25	8.00	1,056.38	6.60							
394						All hours	81.00	82.29	257.25	190.17	12.50	197.67	197.67	315.50	178.25	177.17	9.08	236.25	353.75	110.00	189.83	152.58	134.37	3,133.36	19.58						

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, Director, Camrosa Water District
Kelly Long, Vice Chair, Supervisor, County of Ventura
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Lynn Maulhardt, Director, United Water Conservation District
Tony Trembley, Councilmember, City of Camarillo

INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Item Addition to Revised Agenda

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

**SUBJECT: Legislative Proposal to Amend Section 10726.6 of the Water Code –
(New Item)**

RECOMMENDATIONS: (1) Approve Support of a Legislative Proposal to Amend the Sustainable Groundwater Management Act (SGMA) to provide that Section 10726.6, *Action to Determine Validity of Plan*, sets forth the sole process for challenging a Groundwater Sustainability Plan and (2) Authorize the Chair to sign a Letter of Support.

BACKGROUND:

Indian Wells Valley Groundwater Authority (IWVGA) has requested that the Agency lend its support to a legislative proposal that would clarify the manner in which a party may bring a court challenge to a groundwater sustainability plan (GSP).

Your Board previously approved providing amicus support of a request by IWVGA to have the Court of Appeal clarify this issue in an adjudication action for the groundwater basin being managed by IWVGA. The Court of Appeal declined to review the issue and so the matter remains unsettled, which will prolong the outcome of the pending comprehensive adjudication of the Oxnard and Pleasant Valley groundwater basins. This Legislative Proposal would provide much-needed clarification to groundwater sustainability agencies and their stakeholders.

DISCUSSION:

The IWVGA has authored a legislative proposal (attached as Exhibit 21A) to amend the Sustainable Groundwater Management Act to clarify that a validation proceeding under Section 10726.6 is the sole venue for challenging the requirements of a groundwater sustainability plan adopted in accordance with SGMA.

The draft bill from Legislative Counsel is attached as Exhibit 21B. Per the Legislative Counsel's Digest: "Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or

February 12, 2025

coordinated groundwater sustainability plans, except as specified. Existing law requires the department to periodically review the groundwater sustainability plans developed by groundwater sustainability agencies pursuant to the act to evaluate whether a plan conforms with specified laws and is likely to achieve the sustainability goal for the basin covered by the plan. Existing law authorizes a groundwater sustainability agency that adopts a groundwater sustainability plan to file a court action to determine the validity of the plan no sooner than 180 days following the adoption of the plan, as provided.

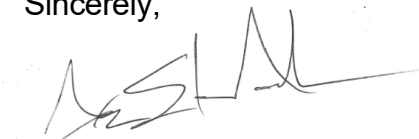
“This bill would provide that, except for certain matters delegated to the department for evaluation, an action to determine the validity of a groundwater sustainability plan shall be the sole venue and process for challenging the validity of any part of, or determination in, an adopted groundwater sustainability plan, including, but not limited to, technical information, technical findings, and determinations of the basin’s safe or sustainable yield and the amount of groundwater in storage that may be safely extracted from the basin. The bill would require the court to employ an abuse of discretion standard in reviewing discretionary decisions, findings, or determinations made by the groundwater sustainability agency.”

CONCLUSION:

Staff recommends your Board approve and formally support the Legislative Proposal to Amend Section 10726.6 of the Water Code prepared by the Indian Wells Valley Groundwater Authority.

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-3942.

Sincerely,



Arne Anselm
Interim Executive Officer

Attachments (*Exhibits are additions to Revised Agenda*):

- Exhibit 21A – Legislative Proposal 2025-2026 California Session, Issue Area Groundwater Adjudications, Proposed Amendment
- Exhibit 21B – Draft Bill from Legislative Counsel

Legislative Proposal

2025-2026 California Session

Sponsors:

**INDIAN WELLS VALLEY
GROUNDWATER AUTHORITY**

Issue Area/Subject:

**GROUNDWATER
ADJUDICATIONS**

Proposed Amendment:
Section 10726.6 of the
Water Code

The State of California's authority to regulate groundwater sustainability, pursuant to the requirements of the Sustainable Groundwater Management Act (SGMA), is being impeded by pumpers through groundwater adjudication actions.

Parties have an existing ability to challenge sustainability requirements in Section 10726.6 of the Water Code. The Section should be amended to clarify this process is the sole venue to challenge sustainability actions.

POLICY QUESTIONS

Should opponents of State-approved groundwater sustainability measures be able to challenge those measures through both validation and groundwater adjudication proceedings?

Should a State-approved Groundwater Sustainability Plan be subject to de novo review years into its implementation?



Problem Statement

In three critically overdrafted groundwater basins, pumpers have used the adjudication process to bypass the statutory validation procedures and seek a de novo (complete with no deference given) review of State-approved Groundwater Sustainability Plans to thwart their implementation. If successful, the precedent set by these litigants will make the SGMA process moot.



Observation

Historically, groundwater adjudications have been required to establish a basin's "safe yield" and determine the available amount of water. Further, the courts have established a "physical solution" to maintain safe yield amounts.

With the adoption of SGMA, the courts' decisions in an adjudication proceeding are unnecessary. In an adjudication, the court does not need to reconsider the technical findings and safe yield determinations made in an approved GSP.

Challenges to a GSP are appropriately provided in a Writ as part of a reverse validation proceeding.



Indian Wells Valley Groundwater Authority

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DISCUSSION

SGMA requires that Groundwater Authorities implement potentially costly projects to sustainably maintain groundwater basins. To provide the certainty needed to obtain third-party funding, SGMA provides a validation procedure that prevents a plan from being challenged in court once the validation period has ended.

Opponents of a groundwater sustainability plan (GSP) have multiple opportunities to challenge the findings and the implemented measures through the regulatory review process at the Department of Water Resources (DWR) and ultimately through the courts in a validation action. Validation actions, appropriately, have a statute of limitations requiring opponents to seek redress in a timely manner. GSPs are updated every five years, opening potential new issues for validation actions.

By contrast, groundwater adjudications do not have a statute of limitations. Opponents of GSPs are using the mechanism of groundwater adjudication as a backdoor to bypass the validation procedures. They argue that the court is required to permit them to challenge the basins' sustainable yields and implement physical solutions outside, and in direct contradiction, of the sustainability measures implemented within the State-approved GSP. In many cases, the comprehensive groundwater adjudication is filed years after the adoption of the GSP and many years into the implementation of sustainability measures, placing the ability to fund and implement projects in jeopardy.

A CHILLING EFFECT ON SGMA AND THE STATE OF CALIFORNIA

“Once a final judgment is entered [in the adjudication], as a public agency, IWVGA will lack the discretion to act inconsistently with this Court’s orders pertinent to the imposition of a physical solution.”

[Mojave Pistachios, LLC v. Indian Wells Valley Groundwater Authority, Case No. 21-01187275, Mojave Pistachios, LLC Filing 06/03/2024, @ pg 9, lines 14-17]

“[T]hough not explicitly stated, the requirement of adhering to an existing GSP during an adjudication proceeding suggests that the GSP may be replaced as a result of the proceeding.”

[Minute Order, Judge William D. Claster, Superior Court Orange County, Department CX-101, Mojave Pistachios, LLC v. Indian Wells Valley Groundwater Authority, Case No. 21-01187275, 08/06/2024]

“Nothing in [Section 10726.6 of the Water Code] or SGMA requires the Court to rigidly adhere to all of the findings underlying the GSP or precludes it from considering relevant technical information in formulating a physical solution.”

[Minute Order, Judge William D. Claster, Superior Court Orange County, Department CX-101, Mojave Pistachios, LLC v. Indian Wells Valley Groundwater Authority, Case No. 21-01187275, 08/06/2024]

In three current SGMA-era groundwater adjudications, the court has set a trial to determine the groundwater basin's safe yield and establish a physical solution to meet sustainability. In all three basins, Fox Canyon, Cuyama Basin, and the Indian Wells Valley Basin, a State-approved GSP exists. These multi-year court actions essentially halt the sustainability measures within these critically over-drafted groundwater basins and allow litigants to continue to overdraft groundwater supplies while the court establishes the physical solution within the adjudication.

In at least two of these cases, opponents seek radically different safe yield amounts and sustainability requirements than those established within the GSP. The State, local taxpayers, and, in some cases, the federal government have invested tens of millions of dollars in implementing sustainability measures approved by the State that can now be overturned by the courts years after the State’s approval.

Item 21A

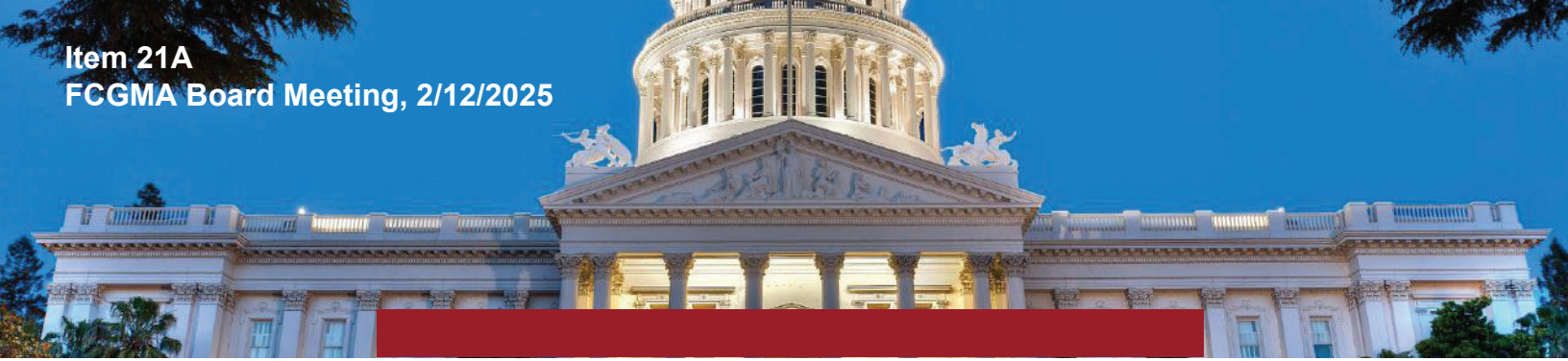
FCGMA Board Meeting, 2/12/2025

The courts' decisions within the adjudications are unnecessary. The adjudication court has sole authority to set groundwater allocations. However, to set these groundwater allocations, the court does not need to reconsider the technical findings and safe yield determinations made in the GSP. Instead, the adjudication process should be “streamlined” by directing the court to rely on the existing technical determinations as a basis for the allocation awards. This would ensure that the judgments reached in the adjudications are consistent with the work performed by the State.

The State is not immune from this action. Under current court precedents, the court can review state-ordered sustainability or enforcement measures through adjudication. This would apply to probationary groundwater basins.

The best-case scenario for the court's ability to review the approved GSP or State-ordered actions through an adjudication is a delay in implementing the sustainability measures. This allows for the continued overdraft of the groundwater basin, further damaging the environmental resource. The worst-case scenario is that the court's ability to review the approved GSP or the State-ordered actions through an adjudication renders SGMA meaningless by allowing the court to impose a physical solution outside of SGMA.

Should the latter scenario be upheld by a court, it calls into question the use of local taxpayer funds to implement sustainability measures that could simply be overturned or even stayed for a lengthy period of time through an adjudication. This would create the potential for nearly all groundwater basins to be managed by the State rather than through local GSAs.



THE LEGISLATURE HAS ATTEMPTED TO ADDRESS THE ISSUES

Several statutes address the court's ability to review an approved GSP, limit the ability to impair GSAs or the State's ability to implement sustainability and discuss appropriate guidance by the State Water Resources Control Board/DWR. They are simply being ignored.

Section 850(b) of the Code of Civil Procedure (as amended AB 779, Chapter 665, Statutes of 2023) authorizes a court to enter judgment in a comprehensive adjudication, in addition to existing requirements, if the court finds a) that the water use of small farmers and disadvantaged communities have been considered; and b) that the judgment will not substantially impair the ability of a GSA, SWRCB, or DWR to comply with SGMA and to achieve sustainable groundwater management. Unfortunately, the courts recently interpreted this section as a means to review the actions of the GSA, SWRCB, and DWR.

Section 10737.2 of the Water Code (as amended AB 779, Chapter 665, Statutes of 2023) requires the court to manage the adjudication proceedings in a manner that minimizes interference with the timely completion and implementation of a groundwater sustainability plan, avoids redundancy and unnecessary costs in the development of technical information and a physical solution, and is consistent with the attainment of sustainable groundwater management. In the current adjudications, this is being ignored, and a full-scale review of the GSPs is taking place within the adjudication process.

THE GSP CAN BE CHALLENGED: PARTIES HAVE EXISTING REDRESS

Section 10726.6 of the Water Code allows parties to challenge a GSP through a validation action. The SGMA statute actually provides longer time frames to file such a challenge in that it provides 180 days to file such a challenge. Typical validation statutes provide parties 60 days. Even with this additional ability, parties are being afforded the additional opportunity to challenge the GSP through the adjudication process.

In the Indian Wells Valley case, a party filed both a validation challenge to the GSP's implementation and an action challenging the imposition of a mitigation fee designed to purchase imported water supplies. The party has stayed the validation challenge in favor of pursuing a de novo review of the GSP through the adjudication. In its challenge to the mitigation fee, the party lost. The same set of facts is now being litigated in the adjudication process. Litigants are being allowed to forum-shop through various court actions, the findings, and the implementation of the GSP. The GSA may or may not be a named party within the adjudication. IWVGA intervened in the groundwater adjudication, recognizing the potential challenge to the GSP.

Adjudications are being perceived as a loophole within the law to provide for additional redress and review of the State-approved GSP. These actions are tantamount to a reverse validation action.

Sufficient redress currently exists. Parties aggrieved by the requirements of a GSP may challenge the GSA's finding through the regulatory process at DWR or by seeking a writ as required in the validation action. That process is subject to review by the Superior Court at a deferential standard similar to CEQA litigation. Litigants should not be allowed to seek de novo review of the GSP (a standard of review that provides no deference to the GSP) through the adjudication process. A GSA should not be subject to multiple court reviews of sustainability measures.



SMALL FARMERS, DISADVANTAGED COMMUNITY MEMBERS AND LOCAL TAXPAYERS BEAR THE COST BURDEN

Groundwater adjudication is a lengthy and expensive process. Litigants must be able to bear the substantial costs associated with such litigation to provide evidence to the court in defense of their water rights. Small farmers and disadvantaged communities with small water pumping operations (e.g., community service districts, mutuals, and individual well owners) often lack the substantial financial means necessary to become involved in the adjudication process. The Legislature again attempted to address this simple issue of due process in Section 850(b) of the Code of Civil Procedure. However, the three current adjudications have provided no such representation for small farmers and disadvantaged community members. In fact, litigants have successfully argued against the appointment of class counsel to provide the court with evidence on their behalf. Instead, small farmers and disadvantaged community members must rely upon the consideration of a judge, who may or may not be at some time in consultation with the SWRCB and who is without the provision of evidence in the adjudication trial, to consider their water rights.

As previously stated, groundwater adjudication is a lengthy and expensive process. The cost to a GSA to defend a GSP will reach millions of dollars. Those costs come from [volumetric] fees imposed on water users throughout the basin. In most cases, local agencies have already incurred significant costs in developing and beginning the implementation of sustainability measures. Litigation to satisfy an aggrieved party in multiple lawsuits should not be the responsibility of local residents. GSAs are in an unenviable position of deciding to cease operations and remand control of the basin to the State (through the SWRCB). This shifts the litigation costs associated with groundwater adjudication to the State.

WHAT HAPPEN'S NEXT

The Fox Canyon and Cuyama Basin cases are pending trial. In the Indian Wells Valley case, a Writ to the California State Supreme Court is pending. The State's imposed sustainability measures in the probationary Kings County basin have been stayed pending trial. If the appellate court does not take up the IWVGA appeal or it is denied, it is hard to imagine a scenario where work on SGMA would continue.

Thus far, State Agencies have adopted a wait-and-see approach, opting not to engage in the adjudications. That approach has led to recent court decisions, as the State has not asserted its jurisdiction over SGMA. If the court undermines the State-approved GSP, GSAs may disband and require the State to enforce SGMA requirements. What is the incentive for public agencies to continue spending millions of dollars to develop and implement GSPs if the courts disregard that work at a de novo standard of review? Simply put, if the court is to provide no deference to the local agency's determinations, it would behoove the agency to bypass the GSA process altogether and file an adjudication suit.

The need for the California Legislature to clarify the State's role in the governance of groundwater sustainability is critical. Perceived loopholes being used by litigants to initiate multiple challenges and reverse validation actions years after the implementation of a State-approved GSP must be closed. During these court actions, groundwater overdrafts in the basins continue. The need to 1) stop environmental damage caused by over-drafting; 2) the impact on small farmers and disadvantaged community members created by the lack of representation; and 3) the overall financial burden on taxpayers/ratepayers within the adjudicating groundwater basin must be addressed.

The state urgently needs to address policy issues. What happens in the building pictured above in 2025 may render SGMA moot. The historical requirements of the courts to determine a "safe yield" and impose a physical solution to address sustainability are no longer necessary in the era of SGMA. Parties have sufficient redress to challenge a GSP and its sustainability requirements through existing regulatory and legal proceedings.

LEGISLATIVE PROPOSAL

An Act relating to groundwater adjudication.

Amend Section 10726.6 of the Water Code to read as follows:

§10726.6. Action to determine validity of plan.

(a)

(1) A groundwater sustainability agency that adopts a groundwater sustainability plan may file an action to determine the validity of the plan pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure no sooner than 180 days following the adoption of the plan.

(2) *Notwithstanding any other provision of law, this provision shall be the sole venue and process for challenging the validity of any part or determination in an adopted groundwater sustainability plan, including, but not limited to, any technical information and/or technical findings including the determination of the Basin's safe and/or sustainable yield or the amount of groundwater in storage that may be safely extracted from the Basin. The information, findings and determinations in any part of an adopted groundwater sustainability plan, including, without limitation, a Basin's safe and/or sustainable yield may not be challenged in any other proceeding including a comprehensive adjudication.*

(3) *The court shall employ an abuse of discretion standard in reviewing any discretionary decisions, findings and/or determinations made by the groundwater sustainability agency, including but not limited to any technical information and/or technical findings in any part of an adopted groundwater sustainability plan, including the determination of the Basin's safe and/or sustainable yield or the amount of groundwater in storage that may be safely extracted from the Basin.*

(4) *This subdivision shall not apply to matters delegated to the department for evaluation under Section 10733 or regulations adopted pursuant to Section 10733.2*

(5) *The provisions set forth herein are reflective of existing law and shall apply to any comprehensive adjudication that has yet to become final.*

(b) Subject to Sections 394 and 397 of the Code of Civil Procedure, the venue for an action pursuant to this section shall be the county in which the principal office of the groundwater management agency is located.

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(b) Subject to Sections 394 and 397 of the Code of Civil Procedure, the venue for an action pursuant to this section shall be the county in which the principal office of the groundwater management agency is located.

(c) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance or resolution imposing a new, or increasing an existing, fee imposed pursuant to Section 10730, 10730.2, or 10730.4 shall be commenced within 180 days following the adoption of the ordinance or resolution.

(d) Any person may pay a fee imposed pursuant to Section 10730, 10730.2, or 10730.4 under protest and bring an action against the governing body in the superior court to recover any money that the governing body refuses to refund. Payments made and actions brought under this section shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund of that payment in Article 2 (commencing with Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code, as applicable.

(e) Except as otherwise provided in this section, actions by a groundwater sustainability agency are subject to judicial review pursuant to Section 1085 of the Code of Civil Procedure.

Version 8.0

**Exhibit 21B – Draft Bill from Legislative Counsel
FCGMA Board Meeting, 2/12/2025**

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An act to amend Section 10726.6 of the Water Code, relating to water.

UNBACKED
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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 10726.6 of the Water Code is amended to read:

10726.6. (a) (1) A groundwater sustainability agency that adopts a groundwater sustainability plan may file an action to determine the validity of the plan pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure no sooner than 180 days following the adoption of the plan.

(2) Notwithstanding any other law, and except as provided in paragraph (5), an action brought pursuant to this section shall be the sole venue and process for challenging the validity of any part of, or determination in, an adopted groundwater sustainability plan, including, but not limited to, the following:

(A) Technical information.

(B) Technical findings.

(C) Determinations of the basin's safe or sustainable yield and the amount of groundwater in storage that may be safely extracted from the basin.

(3) The information, findings, and determinations in any part of an adopted groundwater sustainability plan, including a basin's safe or sustainable yield, shall not be challenged in any other action or proceeding, including a comprehensive adjudication, except as provided in paragraph (5).

(4) The court shall employ an abuse of discretion standard in reviewing discretionary decisions, findings, or determinations made by the groundwater sustainability agency, including, but not limited to, subparagraphs (A), (B), and (C) of paragraph (2).

(5) Paragraphs (2) and (3) shall not apply to matters delegated to the department for evaluation pursuant to Section 10733 or regulations adopted pursuant to Section 10733.2.

(6) This subdivision shall apply to any comprehensive adjudication that has not been finalized as of the date they go into effect.

(b) Subject to Sections 394 and 397 of the Code of Civil Procedure, the venue for an action pursuant to this section shall be the county in which the principal office of the groundwater management agency is located.

(c) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance or resolution imposing a new, or increasing an existing, fee imposed pursuant to Section 10730, 10730.2, or 10730.4 shall be commenced within 180 days following the adoption of the ordinance or resolution.

(d) Any person may pay a fee imposed pursuant to Section 10730, 10730.2, or 10730.4 under protest and bring an action against the governing body in the superior court to recover any money that the governing body refuses to refund. Payments made and actions brought under this section shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund of that payment in Article 2 (commencing with Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code, as applicable.

(e) Except as otherwise provided in this section, actions by a groundwater sustainability agency are subject to judicial review pursuant to Section 1085 of the Code of Civil Procedure.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Sustainable Groundwater Management Act: validation action.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Existing law requires the department to periodically review the groundwater sustainability plans developed by groundwater sustainability agencies pursuant to the act to evaluate whether a plan conforms with specified laws and is likely to achieve the sustainability goal for the basin covered by the plan. Existing law authorizes a groundwater sustainability agency that adopts a groundwater sustainability plan to file a court action to determine the validity of the plan no sooner than 180 days following the adoption of the plan, as provided.

This bill would provide that, except for certain matters delegated to the department for evaluation, an action to determine the validity of a groundwater sustainability plan shall be the sole venue and process for challenging the validity of any part of, or determination in, an adopted groundwater sustainability plan, including, but not limited to, technical information, technical findings, and determinations of the basin's safe or sustainable yield and the amount of groundwater in storage that may be safely extracted from the basin. The bill would require the court to employ an abuse of discretion standard in reviewing discretionary decisions, findings, or determinations made by the groundwater sustainability agency.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



250567716022BILL

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, *Director, Camrosa Water District*
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Lynn Maulhardt, *Director, United Water Conservation District*
Tony Trembley, *Councilmember, City of Camarillo*

INTERIM EXECUTIVE OFFICER

Arne Anselm

February 12, 2025

Revised to Update Item Number

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: Legal Services Agreement with Alana Rotter of Greines, Martin, Stein & Richland LLP to Represent the Agency in *City of Oxnard v. FCGMA* Appeals and Cross-Appeals – (New Item)

RECOMMENDATION: Approve, and ratify the Interim Executive Officer's execution of, a legal services agreement with Greines, Martin, Stein & Richland LLP (GMSR) for Ms. Alana Rotter's representation of the Agency in *City of Oxnard v. FCGMA* appeals and cross-appeals.

DISCUSSION:

The Agency is currently defending a lawsuit filed by the City of Oxnard (Oxnard) that seeks, among other things, a writ of mandate challenging the Agency's "An Ordinance to Establish an Allocation System for the Oxnard and Pleasant Valley Groundwater Basins" (OPV Allocation Ordinance). (See *City of Oxnard v. Fox Canyon Groundwater Management Agency*, Second App. Dist. Civil Case No. B342228.) The OPV Allocation Ordinance was adopted by your Board in October 2020 to establish pumping allocations in the Oxnard Pleasant Valley Basin (OPV Basins) to comply with the Sustainable Groundwater Management Act's (SGMA) mandate that the basins be managed sustainably by 2040. Following a trial court decision, where the Agency prevailed in part and lost in part, Oxnard appealed and the Agency cross-appealed. The Agency cross-appealed to ensure a complete appellate review of the trial court's decision on the merits. The Agency also appealed the trial court's award of certain attorney's fees and costs.

Special appellate counsel is needed to represent the Agency in the *Oxnard v. FCGMA* appeals and cross-appeal. This case involves complicated legal issues related to the validity of the OPV Allocation Ordinance and the Agency's regulatory authority. Further, the complexity of issues has been compounded by the posture of the proceedings, which include multiple rounds of briefings, hearings, and decisions at the trial court level, and now appeals and cross-appeals of the trial court's decision on the merits and award of certain attorney's fees and costs to Oxnard. Ms. Rotter has extensive experience

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representing clients in California appellate court proceedings, including representing public entities in cases involving constitutional law, regulatory claims, and government tort liability. Ms. Rotter and GMSR are ideally suited to represent the Agency in these complex appellate proceedings.

On December 17, 2024, the Interim Executive Officer executed a legal services agreement with Ms. Rotter and GMSR to represent the Agency in the appellate proceedings of this case. (See Exhibit *22A. Revised to update Exhibit number.*) In the trial court, the Agency was represented by Stoel Rives LLP. Ms. Rotter and GMSR have substituted in to represent the Agency in the appellate proceedings. If your Board approves the recommended action, Ms. Rotter and GMSR will continue to serve as special appellate counsel representing the Agency in the appellate proceedings of the *Oxnard v FCGMA* case.

CONCLUSION:

It is recommended that your Board approve, and ratify the Interim Executive Officer's execution of, the attached legal services agreement with GMSR for Alana Rotter's representation of the Agency on the *City of Oxnard v. FCGMA* appeals and cross-appeals.

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-3942.

Sincerely,



Arne Anselm
Interim Executive Officer

Attachment:

Exhibit *22A* - Legal Services Agreement with GMSR, executed December 17, 2024. *Revised to update Exhibit number.*



AUTHOR'S EMAIL ADDRESS:
arotter@gmsr.com

Law Offices
Greines, Martin, Stein & Richland LLP
6420 Wilshire Boulevard, Suite 1100
Los Angeles, California 90048
(310) 859-7811
www.gmsr.com

December 17, 2024

Via Email: Jason.Canger@ventura.org

Jason Canger
Ventura County Counsel's Office
800 South Victoria Avenue, 4th Floor, L#1830
Ventura, CA 93009

**Re: *City of Oxnard v. Fox Canyon Groundwater Management Agency*
Los Angeles Superior Court Case No. 20STCP00929
Court of Appeal Case No. B342228**

Dear Jason:

Thanks for choosing Greines, Martin, Stein & Richland LLP as Fox Canyon Groundwater Management Agency's appellate counsel in the above captioned appeal. This letter sets forth the terms and conditions that apply to our representation of Fox Canyon Groundwater Management Agency ("Agency" or "you"), for all services performed and costs incurred both before and after execution of this letter. We will not be obligated to perform any services until the letter is fully executed. Please read this letter carefully, as it is the contract that governs our attorney-client relationship.

1. Scope of the Representation.

Our representation encompasses the merits appeal/cross-appeal, and the attorney fee appeal in the above-captioned case. Initially, we will advise you on appellate procedural matters including a proposed briefing sequence and, in consultation with you and your trial counsel, we will review the record and conduct legal research to analyze whether there are meritorious arguments available. If we determine there are meritorious arguments, we will prepare and file appellate briefs and appendices; present oral argument; and, if appropriate, seek or resist rehearing in the Court of Appeal and review in the California Supreme Court. We will appear of record in the Court of Appeal, and

Jason Canger
Ventura County Counsel's Office
December 17, 2024
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will have ultimate responsibility for, and final decision-making power regarding, the form and content of all briefs and other documents filed in any appellate court.

Unless otherwise agreed in writing, we will not appear as counsel of record in the trial court. Your trial counsel has exclusive responsibility for representing you in that court.

You will be our sole client, and our representation does not encompass any other type of legal work, advice, or counsel, unless we so agree in writing.

2. Fees.

Our fees will be calculated on an hourly basis based on time actually expended. Time is billed in minimum increments of one-tenth (0.1) of an hour. The hourly rate for senior partners will be \$850. The rates for other partners will be \$750. Lawyers designated Counsel will be billed at \$650 per hour. Associate rates will be \$525-\$575.

Appellate fellow rates will be \$350 per hour for substantive legal work, and \$200 per hour for cite-checking and proofreading our draft briefs. Our appellate fellows are members of the California bar who are in their first two years of practice or law school graduates awaiting bar results.

We generally increase our rates at the beginning of each calendar year, with the increase reflected on our February invoice for January services. We will give 30 days' notice of such annual rate increases. We reserve the right to adjust our rates at other times instead, with 30 days advance written notice.

If we agree to perform services beyond the scope of representation set forth in Paragraph 1, the fee arrangement, if not otherwise agreed upon at the time, will be based upon the firm's hourly rates at the time we perform that work.

3. Costs.

In addition to our fees, you will pay all reasonable and appropriate expenses we incur on your behalf. These include filing fees, travel costs, printing costs, commercial messengers and the like at our actual cost; document digitization services by outside vendors at our actual cost; and secretarial overtime when required by your needs at our actual cost.

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We will generally advance day-to-day costs on your behalf, and you will reimburse us for them. For significant cost items, however, we may require that you either provide us with advance payment or pay the vendor directly.

4. Billing and Payment.

We will send you invoices at the email address on page 1. Our invoices will state the services rendered; the attorney or appellate fellow rendering the services; the amount charged for the services at the applicable hourly rate; and any costs incurred. We generally issue invoices monthly, but we may do so at different intervals, shorter or longer, as circumstances warrant. Each bill is reviewed by a partner for reasonableness before it is sent.

Our invoices are due and payable immediately, and prompt payment is an essential element of our bargain. Beginning on the 30th day after the date of each invoice, we will charge interest at 10% per year. Failure to pay the firm's invoices when due is cause for us to withdraw as your counsel in accordance with California Rules of Professional Conduct, rule 1.16.

Because our clients' satisfaction with both the quality of our work and the reasonableness of our bills is of the utmost importance to us, we welcome a call to discuss and promptly resolve any question, comment, or concern.

5. Fee Deposit.

No fee deposit will be required at this time. However, we reserve the right to require a fee deposit in the future should the needs of the case require it.

6. Cooperation.

You agree to cooperate fully with us by promptly responding to our inquiries and promptly supplying all information and documents we request in connection with our representation. You also agree to update us concerning any changed circumstances (including any change of contact information) that could impact our representation of you.

7. Professional Liability Insurance Disclosure.

Our firm carries professional liability insurance.

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8. No Guarantee of Outcome or Fee Estimates.

We do not and cannot guarantee the outcome in any matter. Any comments about the outcome of your matter are expressions of opinion only.

The adversarial nature of litigation and counsel's inability to control the actions of opposing counsel or the courts make it impractical to determine with certainty the total amount of work necessary to complete this matter. We have made no promise about the total amount of fees and costs that will be required to see your matter through to conclusion.

9. No Assertion of Meritless Claims.

We specialize in handling appeals and related proceedings, and we believe that we have developed an outstanding reputation in the appellate courts and bar for appellate work of the highest quality. In order to maintain that reputation, we are committed never to pursue any issue that, in our sole judgment, lacks arguable merit. Accordingly, we reserve the right to refuse to file a brief or participate in asserting an argument that we believe contains a meritless or unsupported claim.

10. Termination.

Our representation terminates upon completion of the matters set forth in Paragraph 1, unless otherwise agreed. You are free to terminate our services at any time. We are free to terminate our representation of you at any time, in accordance with Rule of Professional Conduct 1.16.

Rule 1.16 permits us to withdraw from representing you under various circumstances, including for example, if your conduct makes it unreasonably difficult for us to carry out the representation effectively or if you fail to pay our fees and costs in accordance with this agreement.

If you terminate our representation or if we withdraw from the representation, you will remain obligated to pay us our fees for all services we have provided up to that time and to reimburse us for all costs we have advanced on your behalf.

Jason Canger
Ventura County Counsel's Office
December 17, 2024
Page 5

11. Applicable Law; Dispute Resolution.

This letter agreement and any disputes arising out of or relating to it will be governed by and construed in accordance with California law.

If any dispute arises between us, including, but not limited to, disputes over billing, fees, claimed malpractice, or any other complaints, and we cannot resolve the dispute informally, we both agree that the dispute shall next be submitted to mediation. Both parties agree to use their best efforts to promptly and thoroughly mediate any such dispute, with each party sharing equally in the cost of a mutually agreeable mediator. Only if mediation is unsuccessful may either party then pursue relief in Los Angeles Superior Court. You are also free to utilize the fee arbitration procedures set forth in California Business & Professions Code section 6200 *et seq.*

12. Client File.

The client file generated during our representation of you belongs to you. At the conclusion of our representation, including by withdrawal, and subject to any restrictions that may arise from the existence of a confidentiality or protective order, you are entitled to receive your client file upon request. You agree that an electronic or digital copy of your file is sufficient, and that we need not maintain a paper copy of the file. If you wish to receive the client file, you agree to notify us in writing. We will maintain a digital copy of the file for five years, after which we may, in our discretion, destroy the file without further notice.

13. Miscellaneous.

This Agreement is the entire agreement between the parties. This Agreement may be modified only by a later written agreement signed by all parties. If any provision of this Agreement is held in whole or in part to be unenforceable for any reason, that portion will be severable, and the remainder of that provision and of the entire Agreement will remain in effect.

In executing this Agreement neither party has relied upon any inducements, promises or representations made by the other party, outside of the explicit provisions of this Agreement. By signing below, you represent that: (A) you have asked, and we have answered, any questions you have about the terms of our representation, and (B) you have had the opportunity to consult with independent legal counsel concerning the terms of our representation, and you either did so or voluntarily decided not to do so.

Jason Canger
Ventura County Counsel's Office
December 17, 2024
Page 6

This Agreement shall be binding upon, and shall inure to the benefit of, each party's respective heirs, legal representatives, successors, and assigns. By signing below, the signatory warrants possession of authority to enter into this agreement on behalf of Fox Canyon Groundwater Management Agency. A PDF of the fully signed agreement shall be deemed an original, and authorized electronic signatures shall suffice.

14. Conclusion.

If this Agreement is acceptable to you, please sign it and return it to us via a digitally signed or scanned PDF. As noted above, our representation of you will begin only upon our receipt of a fully signed copy of this agreement.

You should keep a copy of the signed agreement for your files. If you discover that you do not have a fully executed copy of this agreement, please let us know and we will provide one to you.

We look forward to working with you.

Very truly yours,



Alana H. Rotter

Agreed:

By:



Arne Anselm
Interim Executive Officer

Date:

12-17-24

On behalf of: Fox Canyon Groundwater Management Agency

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

DIRECTORS

Eugene F. West (Chair) – Small Water Districts (805) 657-2121 (*Term Exp 2-28-27*)
Executive Committee, Fiscal Committee

Kelly Long (Vice Chair) – Ventura County Board of Supervisors (805) 654-2276 (*Term Exp 2-28-27*)
Executive Committee

Michael Craviotto – Farming Interests (805) 766-9602 (*Term Exp 2-28-26*)
Operations Committee, Flynn Award Selection Subcommittee

Lynn Maulhardt – United Water Conservation District (805) 982-0780 (*Term Exp 2-28-26*)
Operations Committee

Tony Trembley – Five Cities (805) 388-5307 (*Term Exp 2-28-26*)
Fiscal Committee, Flynn Award Selection Subcommittee

ALTERNATE DIRECTORS

Reddy Pakala – Small Water Districts (805) 990-6809 (*Term Exp 2-28-27*)

David Borchard – Farming Interests (805) 485-3525 (*Term Exp 2-28-26*)

Vianey Lopez – Ventura County Board of Supervisors (805) 654-2613 (*Term Exp 2-28-27*)

Bert Perello – Five Cities (805) 240-6194 (*Term Exp 2-28-26*)

STAFF

Arne Anselm – Interim Agency Executive Officer (805) 654-3942

Alberto Boada – Agency Legal Counsel (805) 654-2578

Jason Canger – Agency Assistant Legal Counsel (805) 654-2879

Farai Kaseke – Assistant Groundwater Manager (805) 654-2954

Kathleen Riedel – Groundwater Specialist Ret. PT (805) 654-2064

Robert Hampson – Groundwater Specialist (805) 654-3952

John Gauthier – Groundwater Specialist (805) 654-5164

Raya Nour – Engineer II (805) 654-2454

Kathy Jones – Staff Services Specialist (805) 645-1372

Cynthia Rodriguez – Administrative Assistant (805) 662-6831

Erin Ware – Administrative Assistant (805) 654-2032

Fatima Perez – Management Assistant (805) 650-4073

Kylen Wooley – Water Resources Compliance Specialist (805) 658-4374

Briana Barajas – Water Resources Specialist (805) 654-2021

Elka Weber – Clerk of the Board (805) 654-2014