

## Response to Grand Jury Report Form



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Ventura County  
Grand Jury

Report Title: Independent Special Districts

Report Date: April 26, 2018

Response by: Keely Royas Title: Fox Canyon GMA Clerk of the Board

### FINDINGS / CONCLUSIONS

- I (we) agree with the findings / conclusions numbered: R-04
- I (we) disagree wholly or partially with the Findings / Conclusions numbered: C-01  
(Attach a statement specifying any portions of the Findings / Conclusions that are disputed; include an explanation of the reasons.)

### RECOMMENDATIONS

- Recommendations numbered R-04 have been implemented.  
(Attach a summary describing the implemented actions and date completed.)
- Recommendations number \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a time frame for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.

Date: July 23, 2018

Signed: Keely Royas

Number of pages attached: 7

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



## BOARD OF DIRECTORS

Eugene F. West, Chair, Director, Camrosa Water District  
David Borchard, Vice Chair, Farmer, Agricultural Representative  
Steve Bennett, Supervisor, County of Ventura  
Charlotte Craven, Councilperson, City of Camarillo  
Robert Eranio, Director, United Water Conservation District

EXECUTIVE OFFICER  
Jeff Pratt, P.E.

July 23, 2018

Ventura County Grand Jury  
800 South Victoria Avenue  
Ventura, CA 93009  
Attn: Andrew Ludlum, Foreperson 2017-2018

### **Subject: Response to Grand Jury Final Report on Independent Special Districts**

Dear Mr. Ludlum:

The Fox Canyon Groundwater Management Agency (Agency) appreciates the work of the Ventura County Grand Jury and the opportunity to respond to the findings of the Final Report, Independent Special Districts, dated April 26, 2018. The report identified one conclusion and one recommendation applicable to the Agency.

The Agency disagrees with Conclusion C-01 regarding election of board members. The California Legislature prescribed the procedure for how the Agency's Board of Directors shall be chosen in the Fox Canyon Groundwater Management Act. Please see the enclosed California Assembly Bill No. 2995, Article 4, Section 401, for the procedure established by the California Legislature.

Recommendation R-04 provided specific recommendations for information that should be included on the Agency's website. The Agency strongly agrees with the Grand Jury that special districts should maintain a website to provide information to the public. The Agency maintained most of the recommended information on its website [www.fcgma.org](http://www.fcgma.org), but has improved our website in response to the Grand Jury's recommendations.

#### Key Components:

- Name, location, contact information, and services provided – Existing on website "Home" page.
- Governance structure of the district, including election information and the process for constituents to run for board positions – Board appointment process identified in California State Assembly Bill No. 2995, Article 4, Section 401. Existing on website under "Ordinances & Legislation." We have added a link from the "Board of Directors" page.
- Compensation details including staff salaries, pensions, and benefits, or a link to this information on the State Controller's website – the Agency contracts staff from the County of Ventura. A link to County of Ventura Human Resources compensation and benefits information has been added to the website under "Organizational Chart."

Sec. 403. The board may adopt ordinances for the purpose of regulating, conserving, managing, and controlling the use and extraction of groundwater within the territory of the agency. All ordinances shall be adopted, after noticed public hearings by a majority vote of the board. Notice of the adoption of all ordinances shall be given. The ordinances of the agency shall become effective on the 31st day after adoption except that the board may, by the vote of at least four members of the board, dispense with notice of public hearing and adopt an emergency ordinance which shall become effective immediately upon adoption, if the board determines that the public health, safety, or welfare so requires.

Sec. 404. Any person who intentionally violates any provision of this act or any agency ordinance shall be guilty of an infraction and may be required to pay a fine to the agency of not to exceed five hundred dollars (\$500).

Sec. 405. Any person who negligently or intentionally violates any provision of this act or any agency ordinance may also be liable civilly to the agency for a sum not to exceed one thousand dollars (\$1,000) per day for each day of such violation, in addition to any other penalties that may be prescribed by law.

Sec. 406. Upon the failure of any person to comply with any provision of this act or any agency ordinance the agency may petition the superior court for a temporary restraining order, preliminary or permanent' injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law.

Sec. 407. The agency may petition the superior court of the county to recover any sums due the agency. In order to preserve and manage the groundwater resources within its territory, the agency may also commence, maintain, intervene in, defend, compromise, and assume the costs and expenses of legal actions and administrative proceedings now or hereafter begun involving groundwater, including, but not limited to, groundwater rights adjudication.

Sec. 408. 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.

Sec. 409. The agency may exclude from any of the requirements of this act, or the operation of any ordinance, any operator who extracts less than a minimum amount of groundwater as specified by ordinance adopted by the board.

## **Article 5. Studies and Investigations**

Sec. 501. The agency may collect data and conduct technical and other investigations of all kinds in order to carry out the provisions of this act. All hydrological investigations and studies carried out by or on behalf of the agency shall be conducted by or under the supervision of licensed engineers or other persons qualified in groundwater geology or hydrology.

Sec. 502. The agency shall prepare annually or receive from its member agencies reports on groundwater and supplemental water supplies and conditions in the territory of the agency, including groundwater management and conjunctive use objectives and a plan for implementation of those objectives.

Sec. 503. The agency may recommend and encourage waste water reuse and other water development projects, where those projects will enhance and contribute to the responsible

within the system must be evaluated by the agency and incorporated in the basin management plan before it can be adopted and implemented.

Sec. 603. The plans required pursuant to this article shall be completed and adopted within three years after the effective date of this act.

### **Article 7. Groundwater Management**

Sec. 701. If the board determines after a noticed public hearing, and consideration of any relevant investigations, studies, and evidence that groundwater management activities are necessary in order to improve or protect the quantity or quality of groundwater supplies within a groundwater basin or aquifer, the board may, by ordinance, exercise any of the following powers:

(a) Require conservation practices and measures within the affected portion of its territory.

(b) Control groundwater extractions by regulating, limiting, or suspending extractions from extraction facilities, the construction of new extraction facilities, the enlarging of existing extraction facilities, and the reactivation of abandoned extraction facilities.

(c) Commence and prosecute legal actions to enjoin unreasonable uses or methods of use of water within the agency or outside the territory of the agency to the extent those uses or methods of use adversely affect the groundwater supply within the agency.

(d) Impose spacing requirements on new extraction facility construction to minimize well interference.

(e) Impose reasonable operating regulations on extraction facilities to minimize well interference, including requiring pumpers to operate on a rotation basis.

Sec. 702. The availability of supplemental water to any operator shall not subject that operator to regulations more restrictive than those imposed on other operators.

### **Article 8. Registration of Groundwater Extraction Facilities**

Sec. 801. The agency may, by ordinance, require extraction facilities to be registered with the agency within 30 days of notice being given to the operator of the extraction facility.

Sec. 802. The agency may require, by ordinance, that the operator of a registered extraction facility provide the agency annually with the following information regarding the extraction facility:

(a) The name and address of the operator of the extraction facility.

(b) The name and address of the owner of the land upon which the extraction facility is located.

(c) A description of the equipment associated with the extraction facility.

(d) The location of the water extraction facility.

Sec. 803. It shall be a violation to extract groundwater from any extraction facility required to be registered unless the extraction facility has been registered with the agency.

Sec. 804. The agency may, by ordinance, require extraction facilities to be equipped with waterflow measuring devices installed and calibrated by the agency or, at the agency's option, by the extraction facility operator.

Sec. 902. Management charges shall be paid upon presentation one-quarter each by United, the county, the cities whose territory at least in part overlies the territory of the agency, and the special districts and mutual water companies described in Section 401. For example, if four cities overlie the territory of the agency, each of those four cities shall pay one-quarter of one-quarter of such management charges, and similarly if four special water districts and four mutual water companies overlie the territory of the agency, each special water district and mutual water company shall pay one-eighth of one-quarter of the management charges.

Sec. 903. The board may fix management charges for the first three years only after the effective date of this act.

### **Article 10. Groundwater Extraction Charges**

Sec. 1001. The agency may, by ordinance, levy groundwater extraction charges on the extraction of groundwater from all water extraction facilities within the territory of the agency for the purposes of paying the costs of initiating, carrying on, and completing any of the powers, purposes and groundwater management activities described in this act.

Sec. 1002. The Legislature hereby finds and determines that the groundwater management activities of the agency are of equal benefit to all operators of groundwater extraction facilities within the territory of the agency.

Sec. 1003. The groundwater extraction charge rate shall be uniform for groundwater extraction within the territory of the agency.

Sec. 1004. Groundwater extraction charges shall be calculated on the basis of groundwater extraction statements required to be filed pursuant to this act.

Sec. 1005. If any operator of any extraction facility fails to pay the groundwater extraction charge when due, the agency shall charge and collect interest at the rate of 1½ percent each month on the delinquent amount of the groundwater extraction charge. In addition, the agency may exercise any of the provisions of Sections 75630 to 75633, inclusive, of the Water Code for the purpose of collecting delinquent groundwater extraction charges.

Sec. 1006. All moneys collected by the agency pursuant to this act shall be available for expenditure by the agency in carrying out its groundwater management functions pursuant to this act.

Sec. 1007. The groundwater extraction charge shall not exceed fifty cents (\$0.50) per acre foot pumped per year.

Sec. 1008. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, and because certain costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.