

## Notes from the CEO

By John Krist

A new chapter has been written in the long-running dispute over groundwater pumping charges between the city of Ventura and United Water Conservation District (UWCD). And this time, the storyline decisively favors farmers.

The saga began nearly four years ago, when UWCD adopted an increase in its groundwater extraction charges.

The city sued, challenging the legality of the rate structure, which charges urban users three times as much per unit of water as it does agricultural users.

The ratio is not arbitrary. Under the California Water Code, UWCD is legally required to charge urban pumpers at least three times as much as agricul-

tural pumpers. That's been state law since 1963, and the district is not free to disregard it.

The revenue generated by the fee pays to maintain and operate facilities critical to the sustainability of a water supply that serves more than half the county's irrigated agricultural acreage, as well as the military bases, major industrial employers, and tens of thousands of residents in Ventura, Oxnard, Santa Paula, Fillmore, Port Huen-

eme and the beach communities. These facilities include Santa Felicia Dam, the Freeman Diversion, and a variety of pipelines and percolation basins with a single overarching purpose: to ensure that all these users – city dwellers and crop irrigators alike – may continue to rely on the shared groundwater resource without destroying it.

In its filing, the city made a number of claims, including that it derives little or no benefit from the district's groundwater protection and recharge activities. The city also contended that the groundwater

extraction charges are unconstitutional because UWCD did not specifically demonstrate that the differential rates are proportional to the costs of service to each class of user. The city argued that such proportionality is required by Proposition 218, a constitutional amendment approved by voters in 1996, and that the Water Code requirement is therefore unconstitutional.

Farm Bureau of Ventura County and the California Farm Bureau Federation intervened in the case to defend the Water Code's 3-1 ratio requirement, which is of critical importance to agricultural interests statewide.

In April 2013, a Santa Barbara trial court judge dismissed most of Ventura's claims, including its suggestion that the Water Code is unconstitutional. He did rule, however, that the groundwater extraction charges were subject to the Proposition 218 proportionality requirement, and that UWCD had failed to demonstrate that urban users derive three times as much benefit from its activities as agricultural pumpers when it adopted those rates. He ordered United to pay back more than a million dollars to the city.

Both parties appealed the ruling. United argued that Proposition 218 does not apply to the groundwater extraction charge. The city sought to have the Water Code section requiring the rate differential to be declared unconstitutional, and to force UWCD to change its method of calculating the extraction charge. Instead of charging a uniform rate across all groundwater basins for activities related to recharge and conservation, as UWCD historically has, the city sought to force the agency to calculate what percentage of the benefit from each of those activities can be demonstrated to flow directly to each individual basin – probably impossible from a hydrogeologic standpoint, and certainly a nightmare from an accounting standpoint.

On March 17, the Second District Court of Appeal ruled in United's favor on every count. It reversed the trial court decision in favor of the city and, most crucially, ruled that the groundwater extraction charges are neither property-related fees nor taxes – meaning they are not subject to Proposition 218's proportionality requirements or to approval by the voters.

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### What's Inside?

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- Sustainable Groundwater Mgmt Act Workshop
- FELS Workshop: New 2015 Requirements
- Member Benefits

# State Fund can help employers comply with IIPP requirement

By Mike Burns

As an employer, paying close attention to safety protects the health of your employees and helps you comply with Cal/OSHA regulations. One of the most important tools for employers, including those in agriculture, is an Injury and Illness Prevention Program (IIPP).

California employers are required by law to have a written, effective IIPP in place and readily available if state inspectors show up at the farm or ranch. You can be subject to substantial fines if a Cal/OSHA officer inspects your operation and cites you for failure to maintain an IIPP.

The IIPP should include procedures that you put into practice. Part of your responsibility is to control potential workplace hazards and correct hazardous conditions or practices as they occur or are recognized. The IIPP includes a system for you to communicate with your employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform you of hazards at the worksite without fear of reprisal.

An effective IIPP should establish the following requirements for a safe workplace:

- Management commitment and assignment of responsibilities.
- Safety communications system with employees.

- System for assuring employee compliance with safe work practices.

- Scheduled inspections and an evaluation system.
- Accident investigation.
- Procedures for correcting unsafe and/or unhealthy conditions.
- Safety and health training and instruction.
- Recordkeeping and documentation.

State Fund's safety and health services are offered at no extra charge to policyholders and include educational programs, materials, and inspections, such as:

- Ergonomic evaluations, air sampling, and onsite inspections that can save employers thousands of dollars in injuries and illnesses.
- Electronic pamphlets, manuals, booklets and safety sheets.
- Assistance in Cal/OSHA Compliance.

As the largest workers' compensation carrier in California, State Fund plays a stabilizing role in the economy by providing fairly priced workers' compensation insurance, making California workplaces safe, and restoring injured workers.

State Fund recognizes that your loss-prevention efforts affect the frequency and severity of injuries and illnesses in your work environment. Our experience shows that with informed planning and education, workplace injuries and illnesses can be reduced or eliminated. We are committed to the belief that a safe workplace can increase worker productivity and lower your workers' compensation costs.

For more information, call toll-free at 888-STATEFUND (888-782-8338), or check the State Fund Website at [www.state-fundca.com](http://www.state-fundca.com).

— Mike Burns is Farm Bureau Group manager for State Compensation Insurance Fund. Contact him at [mjburns@scif.com](mailto:mjburns@scif.com). Since 1943, the California Farm Bureau-State Fund partnership has provided affordable worker compensation insurance coverage and accident prevention training for agricultural employers and their employees.

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**Notes from the CEO**  
*(cont'd from front page)*

The court also found that the charges are "fair and reasonable," and do not exceed UWCD's resource management costs.

It was a complete legal smackdown of the city. For agricultural pumpers, the victory preserves a rate structure that provides substantial benefits. Had UWCD been forced to equalize its extraction charge across all categories of users, it would have nearly doubled the rates for agricultural users.

It's also a victory for farming interests statewide, preserving the benefits of the Water Code for groundwater pumpers in numerous other basins managed by water conservation districts. And those benefits likely will expand dramatically in coming years, as hundreds

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## SAVE THE DATE

### SUSTAINABLE GROUNDWATER MANAGEMENT ACT WORKSHOP

April 1, 2015 - 9:00 AM to Noon

Fillmore Veterans Memorial Building

511 Second St., Fillmore, CA

**You are invited to attend an informational workshop hosted by United Water Conservation District. Learn about the new Sustainable Groundwater Management Act, efforts by local agencies to begin complying with the Act, how you participate in formation of the Groundwater Sustainability Agency(ies) and the preparation of Groundwater Sustainability Plans.**

**Staff from the California Department of Water Resources will be on hand to explain its role and expectations with respect to the new law.**

## Notes from the CEO

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of other basins come under the management of groundwater sustainability agencies required by the state's new Sustainable Groundwater Management Act. The victory, and the benefits that it provides our members, amply justify the intervention in this case by Farm Bureau of Ventura County and the California Farm Bureau Federation.

### Annual meeting date set

Farm Bureau of Ventura County will conduct its annual business meeting and

election of directors on Thursday, May 21, at the Museum of Ventura County in downtown Ventura. The event will begin with registration and breakfast at 8:30 a.m., followed by the business meeting at 9 and adjournment at 11:30.

Agricultural members will receive their ballots and a more detailed meeting announcement next month. This year's election will seat four members on the 13-member board.

— John Krist is chief executive officer of the Farm Bureau of Ventura County. Contact him at john@farmbureauvc.com.

## Member Benefits

### TICKETS & DISCOUNTS

*Farm Bureau members qualify for discounts on admission to many of Southern California's most popular theme parks and other attractions. To take advantage of any of these special offers, drop by the Farm Bureau office at 5156 McGrath St. in Ventura. You can also place an order and pay by phone, and have the tickets mailed to you. For more information, contact Cissy Perez-Haas at (805) 289-0155. Have your membership number handy. We accept Visa and MasterCard.*

**Aquarium of the Pacific** — Adult (12+ yrs): \$19.95 (save \$9); Child (3-11 yrs): \$11.95 (save \$3). Valid thru 12/31/15.

#### California Adventure and Disneyland 1-Day

**Park Hopper** — Adult (10+ yrs): \$144 (save \$6); Child (3-9 yrs): \$139 (save \$5). Valid thru 12/31/15.

**Cinemark & Century Theatres** — Platinum ticket, valid all show times at all Cinemark & Century locations: \$8.75 (savings \$2.75). Additional premiums may be applied for specially priced films and/or events priced higher than normal box office. No expiration.

**Knott's Berry Farm** — Buena Park/Palm Springs. Adult (12+ yrs) \$36.95 (save \$28.05); Junior (3-11 yrs) Senior (62+ yrs) \$32.95 (save \$2.05). Valid thru 12/31/2015.

**Legoland** — "E" tickets only. Adult (13+ yrs) \$74.95 (save \$10.05); Child (3-12 yrs) \$69.96 (save \$9.05). Includes 2nd day free ticket within 90 days of 1st visit.

**Resort Hopper Ticket** — "E" Ticket only. Adult (13+ yrs) \$79.95 (save \$29.05); Child (3-12 yrs) \$74.95 (save \$28.05). Includes 2 visits to Legoland, including new Waterpark (seasonal) and 2 visits to Sea Life Aquarium. Valid thru 12/31/2015.

**Magic Mountain** — \$43.50 (savings \$26.49) General use ticket (3 yrs. +). Valid thru 9/27/15.

**Regal Cinemas** — Unrestricted tickets \$8.75 (regularly \$9.50 Sun.-Thurs, \$10 Fri.-Sat). Good at Edwards, Regal, Signature and United Artists Theaters. No expiration.

**San Diego Safari Park** — (Formerly Wild Animal Park) Adult-African Tram Safari : \$40.75 (save \$7.25) (12+ yrs); Child-African Tram Safari: \$33 (save \$5) (3-11 yrs). Africa Tram Safari includes admission, unlimited use of the Journey into Africa Tour, Conservation Carousel and other shows/exhibits. Valid through 12/31/15.

**San Diego Sea World** — 1 Day Admission. Adult (10+ yrs.) \$64 (savings \$22); Child (3-9 yrs.) \$64 (savings \$16). "E" Ticket: Buy 1 day get 1 year of unlimited visits. 2015 Fun Card Adult (10+ yrs) \$75 (save \$9); Child (3-9 yrs) \$75 (no savings). Valid thru 12/31/2015. Blackout dates apply. Valid thru 3/15/16.

**San Diego Zoo** — Adult (12+ yrs): \$40.75 (save \$7.25). Child (3-11 yrs): \$33 (save \$5). Includes admission, unlimited use of Guided Bus Tour, Express Bus, Skyfari Aerial Tram and all shows & exhibits. Valid through 12/31/15.

**See's Candy** gift certificate — One-pound box \$15.45 (Save \$2.05). No expiration.

"E Tickets" — Disneyland: 1 day/1 park, 2 day/1 park, 2 Day Park Hopper. Universal Studios, buy 1 day, get "2015" FREE (3+ yrs). Valid thru 12/31/15. Blackout dates apply after first visit.

## FARM EMPLOYERS NEW REQUIREMENTS FOR 2015

**Every year, Sacramento mandates  
new requirements for agricultural employers...**

**New Heat Illness Regulation**

**New Sick Leave Mandate**

**State Minimum Wage Increase**

**New Training Requirements for Farm Labor Contractors**

**New Responsibility and Liability for Hiring Contractors**

### Are you Ready for 2015?

**Farm Employers Labor Service**, an affiliate of the California Farm Bureau Federation, offers educational workshops to help you know what's coming in 2015, and what you need to do to be ready!



#### April 6 | Santa Rosa

4H Center, 6545 Commerce Blvd., Rohnert Park

#### April 13 | Stockton

Cabral Ag Center, 2101 East Earhart Avenue

#### April 16 | Ventura County

Santa Paula Community Center, 530 W. Main Street

#### April 21 | Bakersfield

Kern Ag Pavilion, 3300 East Belle Terrace

#### April 22 | Fresno

CDPES Hall, 172 W. Jefferson

Sponsored by:



**ADMISSION: Free for FELS Newsletter subscribers, Farm Bureau members, Ventura County Agricultural Association and California Fresh Fruit Association; \$25 for all others.**

**Register online at [www.fels.net/workshops](http://www.fels.net/workshops)**

# FARM BUREAU OF VENTURA COUNTY

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