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Cal. Gov't Code § 6103

11 Attorneys for Respondent and Cross-Complainant
12 CITY OF SAN BUENAVENTURA

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

15 SANTA BARBARA CHANNELKEEPER, a
16 California non-profit corporation,

17 Petitioner,

18 v.

19 STATE WATER RESOURCES CONTROL
20 BOARD, etc., et al.,

21 Respondents.

22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.
27
28

Case No. 19STCP01176

Judge: Honorable William F. Highberger

JOINT REPORT

Date: June 6, 2022

Time: 2:30 p.m.

Dept: SS10

Action Filed: September 19, 2014

Trial Date: TBD

1 JOINT REPORT

2 Pursuant to the Court’s Order at the April 12, 2022 continued final status conference, the
3 City of Ventura (Ventura), Casitas Municipal Water District, City Of Ojai, and the East Ojai
4 Group submit this joint report in advance of the status conference scheduled for June 6, 2022 at
5 2:30 p.m.

6 1. Mediation Status Update

7 David Ceppos, Director and Managing Senior Mediator for the Consensus and
8 Collaboration Program at Sacramento State University, has been retained as the mediator to
9 organize and conduct a structured mediation for this case. Mr. Ceppos’ water resources resume is
10 attached hereto as Exhibit A. Mr. Ceppos has conducted extensive background work with the
11 principals for four initial mediation parties, consisting of the Casitas Municipal Water District, the
12 City of Ojai, the East Ojai Group, and Ventura (Initial Mediation Parties). This background work
13 has included, without limitation, review of background material; individual, confidential
14 assessment meetings with principals for each of the Initial Mediation Parties; and preparation of
15 materials for the first in-person mediation session.

16 On May 17 and 18, 2022, Mr. Ceppos conducted a two-day mediation session with the
17 principals of the Initial Mediation Parties. A summary report from Mr. Ceppos regarding the
18 mediation session is attached hereto as Exhibit B. Mr. Ceppos has developed a plan for
19 additional mediation sessions to occur in a structured fashion throughout the stay period. Next
20 steps include another session with the Initial Mediation Parties and a subsequent session focusing
21 on de minimis users/dormant rights claimants. Mr. Ceppos is scheduling individual, confidential
22 assessment meetings with certain parties in advance of those mediation sessions. Additional
23 parties will attend future mediation sessions.

24 2. Stipulation to Conditionally Exempt de Minimis Cross-Defendants

25 Ventura and parties represented by Gregg Garrison have agreed to a “Stipulation to
26 Conditionally Exempt Certain Cross-Defendants,” which has been filed with the Court. As
27 contemplated in the Stipulation, and as described above, future sessions of the mediation will
28 focus on the negotiations of exemption categories and the exemption process, with the goal of

1 jointly presenting solutions regarding de minimis parties and dormant rights claimants to the
2 Court in the future, either as part of an overall settlement, or separately, as appropriate. In
3 response to the filed Stipulation, additional de minimis parties or dormant rights claimants have
4 contacted Ventura regarding this process, and Ventura is working on a form stipulation for other
5 interested parties to consider. Mr. Ceppos has contacted the Garrison group to schedule an
6 interview to prepare for an upcoming mediation session specific to the exemption issue. Mr.
7 Ceppos has also contacted attorney Ryan Blatz and Andrew Whitman to invite them to interview
8 to prepare for an upcoming mediation session specific to the exemption issue.

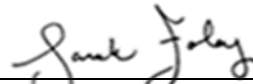
9 3. Conclusion

10 The parties to this Joint Report request that the Court schedule a further status conference
11 for early August of 2022, at which time the parties would update the Court on the status of the
12 mediation process. Thus far, the structured mediation process is progressing well, and the Initial
13 Mediation Parties are pleased with the process. It is anticipated that other parties will be
14 integrated into the structured process to build upon this progress and that the parties will continue
15 to move toward a structured resolution of this matter.

16 Dated: May 31, 2022

BEST BEST & KRIEGER LLP

17 By:



18
19 SHAWN HAGERTY
20 CHRISTOPHER M. PISANO
21 SARAH CHRISTOPHER FOLEY
22 PATRICK D. SKAHAN
23 Attorneys for Defendant and
24 Cross-Complainant
25 CITY OF SAN BUENA VENTURA
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Dated: May 31, 2022

RUTAN & TUCKER, LLP

By: /s/ David B. Cosgrove (w/permission)

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Dated: May 31, 2022

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Attorneys for Cross-Defendant CITY OF
OJAI

Dated: May 31, 2022

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By: /s/ Gregory J. Patterson (w/permission)

GREGORY J. PATTERSON
WILLIAM W. CARTER
Attorneys for Cross-Defendants EAST OJAI
GROUP

EXHIBIT A

EXHIBIT A



California State University, Sacramento Consensus and Collaboration Program

Dave Ceppos, Director / Managing Senior Mediator

Years of Experience

CCP: 18 years
Total: 35 years

Discipline/Specialty

Facilitation/Mediation
Public Participation
Organizational Development
Public Policy
Natural Resources Planning

Education

Advanced Mediation Program,
Pepperdine University, 2000

Introductory and Advanced Risk
Communication, Berkeley and
Columbia Universities, 1994-
1995

Public Outreach, Facilitation, and
Dispute Resolution, Emory
University/Carter Center,
1989-1992

Post-Baccalaureate Research,
Environmentally Related
Behavior, University of
Florida, Gainesville, 1985

B.L.A. Landscape Architecture,
University of Florida,
Gainesville, 1985

Geographic Experience

California
Nevada
Oregon
Georgia
Florida
Washington, DC

Professional Affiliation(s)

Association for Conflict
Resolution
Society of Wetland Scientists
Water Environment Federation

Summary of Experience

Dave Ceppos has a comprehensive background developing consensus based, stakeholder-driven, resource management processes. He specializes in water policy and natural resources facilitation, mediation, and strategic planning. He additionally has considerable management of public outreach and engagement processes, and field experience in watershed planning, ecological assessment, hydrology, hazardous waste management, and habitat restoration.

Example Water Policy Project Experience

DWR / SWRCB - Sustainable Groundwater Management Act

Client: California Department of Water Resources (DWR). Location: Statewide. Years: 2014 – Present. Role: Program Manager / Managing Senior Mediator. Summary: Advisor to and at the request of the Governor's office regarding governance components of the legislation. Worked as a senior advisor and member of the DWR SGMA Program Team. Coordinated and designed DWR's Local Assistance Program to provide in-kind facilitation support to emergent Groundwater Sustainability Agencies (GSA) throughout California (launched May 2015). Also a member of the strategy team for DWR's development of Boundary Designation Regulations. Facilitator and advisor for the Boundary Regulation Practitioner Advisory Panel. Program Manager and designer of the Boundary Regulations statewide public listening sessions in April, 2015. Presenter on for various meetings / conference throughout California on SGMA implementation and governance design. Advisor on outreach sections on DWR SGMA Strategic Plan.

Program Manager and Principal-in-Charge for the following GSA support efforts

- Siskiyou County – Shasta Valley Basin GSA
- Siskiyou County - Butte Valley Basin GSA
- Siskiyou County – Scott Valley Basin GSA
- Shasta County - Enterprise / Anderson Subbasins GSA
- Colusa County GSA and GSP (Colusa Subbasin)
- Glenn County GSA and GSP (Colusa Subbasin)
- East Butte Subbasin GSA
- West Butte Subbasin GSA
- Wyandotte Creek Subbasin GSA
- Vina Subbasin GSA

EXHIBIT A

- Yolo County Subbasin GSA
- Sonoma Valley GSA and GSP
- Santa Rosa Plan GSA and GSP
- Petaluma GSA and GSP
- Ukiah Valley Basin GSA
- Santa Margarita Groundwater Agency GSP
- Stanislaus SGMA Coordinating Committee
- Madera Subbasin GSP
- Chowchilla Subbasin GSP
- Kern County Subbasin GSA and GSP
- Turlock Subbasin GSA
- Kaweah Delta Subbasin GSA
- Greater Kaweah GSA
- Paso Robles Subbasin GSA
- Soquel-AptosGSA
- Santa Maria Basin GSA (adjudicated)
- Owens Valley Basin GSA
- Santa Clara River Valley East Subbasin GSA
- Upper Ventura River Basin GSA
- San Luis Rey / Pauma Valley Basin GSA
- San Diego River Valley Basin GSA
- Borrego Valley Basin GSA and GSP

SGMA GSP Implementation – Salinas Valley GSA (SVGSA)

Client: Salinas Valley GSA (SVGSA). Location: Salinas Valley Years: April 2022. Role: Facilitator / Strategic Advisor. Pending role is to support SVGSA to develop criteria and strategies on the refinement of demand management measure (DMM) options, expanding on initial generalized ideas presented in the GSP. Subsequent efforts will be to facilitate allocation discussions and associated DMMs with Stakeholder advisory groups for the GSA's six subbasins.

SGMA GSP Implementation – Yolo Sustainable Groundwater Agency (YSGA)

Client: YSGA Location: Yolo County. Years: March 2022 and ongoing . Role: Facilitator / Strategic Advisor. Role is to support YSGA and Yolo County to develop mutually compatible roles and agreements regarding groundwater authorities and limitations and to develop a communications plan outlining said agreements and associated jurisdictional responsibilities for public use and understanding.

SGMA GSP Implementation – Colusa Subbasin

Client: Colusa Groundwater Authority and Glenn Groundwater Authority. Location: Colusa and Glenn Counties. Years: January 2022 and ongoing. Role: Facilitator / Strategic Advisor. Provide on-call support on media strategy, outreach implementation, public and GSA Technical Advisory Committee facilitation.

Madera Irrigation District (MID)

Client: Madera Irrigation District. Location: Madera. Years: 2018. Role: Facilitator / Strategic Advisor. MID solicited Dave's support to design and facilitate a Special Session of the MID Board regarding potential resolutions to issues raised in the Petition for the Adjudication of Rights to the Fresno River, filed on October 18, 2018. Dave worked closely with MID staff and a group of affected stakeholders to construct a productive, equitable approach for stakeholders to prepare in the moment, a comprehensive proposal on how to resolve said issues.

Delta Regional Monitoring Program (RMP)

Client: Multiple. Location: Sacramento and San Joaquin Rivers Delta / Sacramento Region. Years: 2018 – Present. Role: Program Manager / Managing Senior Mediator. Led a team of staff to reconcile and improve, long standing programmatic deficiencies. Lead facilitator for the Technical Advisory Committee, Leadership Coordinating Committee, Steering Committee, and Governance Subcommittee. Providing governance subject matter expertise as the RMP revises its organizational structure from an MOU based organization to a 501(c)(3) nonprofit status. Oversee a team of staff facilitating five other subcommittees. Provide interim program oversight of the Aquatic Science Center, in their technical program delivery role.

Laguna de Santa Rosa Watershed, Total Phosphorus Blue Ribbon Panel

Client – City of Santa Rosa, Years: 2018. Project Manager / Lead Mediator / Facilitator. The main task of the Blue-Ribbon Panel (BRP) was to identify a set of principles and a framework to support watershed-oriented, cost-effective mitigation measures in response to the City's existing nutrient water quality limits

EXHIBIT A

related to Total Phosphorus (TP) discharges from the Laguna Treatment Plant. This alternative approach was anticipated to provide the City a consistent compliance mechanism while providing reliable, ongoing benefits to the ecosystem within the Laguna de Santa Rosa watershed. Mr. Ceppos was hired to design the BRP process and then mediate mutually supported outcomes of the 7-member panel. The panel completed their work in 3 meetings with a consensus set of recommendations.

Process Water Food Safety Expert Panel

Client: Central Valley Regional Water Quality Control Board. Years: 2016 – 2020. Mediator and facilitator for the panel from fall 2016. The group was convened as a collection of toxicological experts from State and Federal agencies and agricultural industry representatives to develop sampling protocols and assess data outcomes regarding the safety or lack thereof of crops in Kern County that are irrigated with petroleum production water that is used in the Kern Oil fields and then tertiary treated and blended prior to field application. The project has set immediate expectations and requirements for the current produced water use practices and is expected to inform long range State policy on similar.

California Water Commission – Water Storage Investment Program (WSIP) – Stakeholder Advisory Committee (SAC)

Client: California Water Commission and DWR. Location: Statewide. Years: 2014 – 2016. Role: Program Manager / Managing Senior Mediator. Summary: Worked with Commission and DWR to create and facilitate the SAC. The purpose of the SAC was to advise the Commission on key factors of the \$2.7 billion WSIP including development of storage program benefits evaluation criteria, development of evaluation methodologies, and similar.

California Water Use Efficiency Program - SBx7-7 Water Conservation Act of 2009

Client: California Department of Water Resources (DWR). Location: Statewide. Years: 2010 – 2016. Role: Program Manager / Managing Senior Mediator. Summary: Worked with DWR Water Use Efficiency Branch, Bureau of Reclamation, California Urban Water Conservation Council, and Agricultural Water Management Council to develop and implement a comprehensive multi stakeholder process to address multiple, legislative mandates and projects. Managed an Urban Stakeholder Committee (USC), and Agricultural Stakeholder Committee (ASC) and six additional technical subcommittees. Work and coordinate directly with a range of technical specialists on water use engineering, economics, biological impacts, financing practices, regulatory constraints and development of draft and final State regulations. Strategic planning activities resulted in the completion of urban and agricultural water methods and regulations, acted on by the USC, ASC, and California Water Commission. These included the adoption of the following (as mandated in SBx7-7) for the USC:

- Urban Target Methodologies
- Fourth Target Method
- Process Water Regulations

And the adoption of the following (as mandated in SBx7-7) for the ASC:

- Quantification of Agricultural Water Use
- Agricultural Water Use Regulations
- Agricultural Water Efficiency Practices

California Commercial, Industrial and Institutional (CII) Water Use Task Force

Client: DWR. Location: Statewide. Years: 2011 – 2013. Role: Project Manager / Managing Senior Mediator. Summary: SBx7-7 mandated the creation of the CII Task Force to identify and recommend best management practices and associated metrics and water use savings for California's CII sectors. In the context of strategic planning, and report to the State Legislature with their recommendations. Mr. Ceppos was the process designer, facilitator, and mediator of this 35-member group of interest specialists from a

EXHIBIT A

variety of water use sectors and academia. Activities included the development and incorporation of data from the following Subcommittees and Workgroups:

- Commercial Landscape Subcommittee
- Refining and Petrochemical Subcommittee
- Metrics Subcommittee
- High-Tech Workgroup
- Food and Beverage Manufacturing Workgroup

California Executive Order B-37-16 Implementation

Client: California Department of Water Resources (DWR). Location: Statewide. Years: 2016 – 2017. Role: Senior Mediator / Principal-in-Charge. Summary: Worked with DWR, State Water Resources Control Board (SWRCB), California Department of Food and Agriculture (CDFA), California Public Utilities Commission (CPUC), and California Energy Commission (CEC) (Collectively “Executive Order [EO] State Agencies”), convened weekly meetings among staff and executive-level positions among diverse EO State Agencies. Activities included mediating diverse project goals and objectives to meet EO directives on the management of California’s water resources. Coordinated a team to facilitate all meetings between EO State Agencies and public stakeholders. Worked directly with EO State Agencies to reach agreement on frameworks for new statewide Water Use Targets, Water Loss Regulations, Water Shortage Contingency Plans, and Drought Planning. Assisted in program management among project teams and EO State Agencies’ staff and executives.

Demand Management Measures – Independent Technical Panel (ITP)

Client: DWR. Location: Statewide. Years: 2013 – 2016. Role: Project Manager and Managing Senior Mediator for this Bagley Keene Act group, founded by legislative mandate. Summary: The ITP is mandated to remain convened and to deliver a report to the legislature every 5 years with recommendations on new demand management measures, technologies and approaches to water use efficiency. Mr. Ceppos was been the process designer and facilitator of the ITP since its inception, designing meeting approaches and the group’s governance Charter, and mediating the development of a set of recommendations and Phase I and II reports to the legislature about proposed changes to the Urban Water Management Planning Act. The Phase II ITP focus has been on landscape water use and associated recommendations to the Legislature and several State was on short and long-term water use modifications. The ITP finalized this report in April 2016 which led to the development of several pieces of water efficiency and conservation legislation in subsequent legislative cycles.

California Water Plan

Client: DWR. Location: Statewide. Years: 2005 – 2018. Role: Project Manager and Managing Senior Mediator. Senior leader and advisor on multiple groups and strategic initiatives of the California Bulletin 160 Water Plan Update process. Focused efforts have included scenarios development, climate change workgroups, Advisory Committee facilitation and process design, and similar.

Santa Margarita River (SMR) Nutrient Initiative Group

Client: County of San Diego. Location: Santa Margarita River Basin, San Diego and Riverside Counties. Years: February 2012-2018. Role: Mediator and Facilitator. Summary: The group developed a proposed nutrient numeric endpoint (NNE) approach to establish site specific nutrient objectives for the SMR and tributaries and potentially the development of a Total Maximum Daily Load (TMDL) for the SMR and its estuary. Authored and assisted in the development of governance structure to define group membership, decision-making, leadership, communication and similar items. Mr. Ceppos facilitated the successful development of monitoring and management questions that have been in discussion for over two years. He has also helped establish specific rules and roles for action accountability, and the timely completion of tasks. Working closely with the Technical Advisory Committee of the Initiative Group (including numerous technical specialists and consultants) and affected stakeholders such as San Diego and

EXHIBIT A

Riverside Counties, Rancho Cordova Water District, Sierra Club, Trout Unlimited, National Marine Fisheries Service, US Geological Survey, and the US Marine Corps.

Delta Methylmercury TMDL Collaborative Stakeholder Process

Client: Central Valley Regional Water Quality Control Board (Board). Location: Central Valley of California. Years: 2010-2011. Role: Project Manager/Senior Mediator. The methylmercury (MeHg) TMDL was a controversial effort to establish the TMDL for MeHg. This effort was characterized by polarized relationships between Board staff and affected stakeholders throughout the Delta / North Central Valley region for over a decade. The TMDL had significant implications to subsistence anglers regarding intended improvements to fish tissue bioaccumulation of MeHg, and to managers of agricultural lands and wetlands which are believed to be responsible for MeHg production and transport. The TMDL was approved by the Board in April 2010, and approved by USEPA in October 2011.

Upper Truckee River TMDL Collaborative Stakeholder Process

Client: Lahontan RWQCB (Lahontan). Location: Upper Truckee River, Lake Tahoe and Northern California. Years: 2007-2008. Role: Project Manager/Senior Mediator. Summary: Mr. Ceppos facilitated this community-based process with Lahontan and stakeholders of the Upper Truckee River, the goal of which was to agree upon standards for sediment TMDLs in the watershed and implement strategies to improve water quality in the watershed. A Planning Committee of the USFS, Desert Research Institute, Truckee River Watershed Council, and others was convened to direct stakeholder engagement.

North San Francisco Bay Selenium TMDL Collaborative Stakeholder Process

Client: San Francisco Bay RWQCB. Location: San Francisco Bay, CA . Years: 2007-2008. Role: Project Manager/Senior Mediator. Summary: The selenium TMDL was co-funded by the Western States Petroleum Association (WSPA) to expedite and address selenium loading decisions in the northern reach of San Francisco Bay and to avoid complications between regulatory enforcement discrepancies between this TMDL and existing National Pollutant Discharge Elimination System permits. The project was a quasi-third party TMDL approach. Process included a comprehensive stakeholder assessment and the convening of a stakeholder advisory committee and technical support committee in the context of CEQA requirements.

San Francisco Bay Nutrient Management Strategy

Client: San Francisco Bay RWQCB. Location: San Francisco Bay, CA . Years: 2013- 2016. Role: Senior Advisor/Managing Senior Mediator. Summary: Senior advisor to the Regional Board, the Bay Area Clean Water Agencies association, State and federal agencies, local jurisdictions, and similar in the development and governance of the comprehensive technical analysis and ecological impacts assessment process for nutrient loading in the Bay.

Lower Truckee River Third Party TMDL

Clients: Cities of Reno and Sparks, NDEP, US EPA. Location: Reno / Sparks / Pyramid Lake, NV . Years: 2008 - 2010 Role: Project Manager/Senior Mediator. Summary: Mr. Ceppos worked with multiple stakeholders to conduct a review and revision of an existing TMDL for total nitrogen, total phosphorous, and total dissolved solids. Third parties had challenged the validity of the 1994 TMDL based on potentially faulty flow data and previous proprietary basis and associated lack of public availability of a water quality model used to develop the technical basis for the 1994 TMDL. The process included a comprehensive interest-based multi-party negotiation and associated technical advisory committee process as well as extensive outreach program

Third Party TMDL National Task Force

Mr. Ceppos was invited by Water Environment Federation and US EPA to be the public process specialist on a national task force developing recommendations for optimal development and implementation of

EXHIBIT A

Third Party TMDLs. Mr. Ceppos was the co-author of the WEF / USEPA published document Third Party TMDL Tool Kit.

Central Valley Irrigated Lands Regulatory Program (ILRP)

Client: Central Valley Regional Water Quality Control Board (RWQCB). Location: Central Valley California. Years: 2008 – 2010. Role: Project Manager/Managing Senior Mediator for multi-party, stakeholder process to design the compliance stage of the Central Valley ILRP. Summary: Mr. Ceppos facilitated and mediated the main stakeholder advisory group and several commodities-based and watershed-based caucuses on technical water quality, focusing on the monitoring, analysis, and reporting of water quality conditions for agricultural lands throughout the Central Valley. Regarding strategic planning expertise, the project resulted in broad stakeholder engagement and agreement on the approach of the ILRP, and in RWQCB adoption and current implementation of the ILRP. He also designed and managed public outreach activities including direct interaction with watershed –based water quality coalitions and environmental advocates throughout the Central Valley. He prepared media information, web-based content, and public notices of project events. Mr. Ceppos oversaw the design and delivery of several public meetings about the ILRP.

North Coast ILRP

Client: North Coast RWQCB. Location: Northern California. Years: 2011 – 2013. Role: Project Manager/Managing Senior Mediator for multi-party, stakeholder process to design the compliance stage of the North Coast ILRP. Summary: Mr. Ceppos facilitated / mediated the main stakeholder advisory on technical water quality, focusing on the monitoring, analysis, and reporting of water quality conditions for agricultural lands throughout North Coast and inland agricultural areas. Regarding strategic planning expertise, the project is proceeding on schedule with direct influence and engagement by the affected discharger communities. The RWQCB is expected to adopt and implement the ILRP by 2015. Currently, he is designing and managing the public outreach activities that include direct interaction with watershed –scale, water quality and commodities-based coalitions and environmental advocates within the Region. He prepared media information, web-based content, and public notices of project events. He also oversaw the design and delivery of several public meetings about the ILRP.

American River Flow Management Standard (FMS)

Client: Sacramento Water Forum. Years: 2010 – 2012. Role: Project Manager, Principal Investigator and Managing Senior Mediator. Summary: The case regarded negotiating the last unresolved agreement associated with the historic Water Forum Agreement. The FMS has been a long standing unresolved situation from the original Water Forum effort. Environmental advocates had expected this standard to be resolved over a decade ago and since then water purveyors have acted on several system improvements allowed through the agreement while the FMS remained unresolved. Mr. Ceppos conducted an assessment of Water Forum signatories about the feasibility of a negotiation to resolve outstanding issues of a FMS. Recommended and convened several groups including a technical advisory team, steering committee, and focused work groups to address specific water management issues on the American and Sacramento rivers associated with creating a functional FMS. The project has focused since mid-2012 on a range of technical modeling issues that must be resolved before final negotiation can be completed.

North-of-Delta Offstream Storage Project

Client: DWR, US Bureau of Reclamation, Sites Reservoir Joint Power Authority. Location: Maxwell, California. Years: 2011 – 2016. Role: Project Manager / Managing Senior Mediator. Summary: Working with DWR, Bureau, and the Sites Reservoir Joint Power’s Authority (JPA), Mr. Ceppos conducted outreach, develops strategic messaging, established and implemented a comprehensive critical path in the analysis and environmental compliance process of the proposed Sites Reservoir and associated Integrated Regional Water Plan activities. He was the project manager for day-to-day activities on the effort. He also was been the lead facilitator for meetings between the various project agencies, and between member organizations of the JPA. He authored the public outreach plan for future activities, including affected

EXHIBIT A

landowner meetings, CEQA/ NEPA meetings, presentations and workshops with the Northern Sacramento Valley IRWM, and similar. He prepared media information, web-based content, and public notices of project events.

California Landscape Conservation Cooperative (LCC) – US Fish and Wildlife Service.

Client: US Fish and Wildlife Service. Years: 2008 – 2015. Role: Project Manager/Senior Mediator. Project Manager/Senior Mediator. The LCC was part of a national initiative of 21 regional groups that focused and coordinated climate science research with resource managers. The project area extended from the northern Central Valley south to and including the San Diego region and Baja Mexico and from the California coast, east to the Sierra crest. The LCC alliance is over 400 stakeholders engaged in research and communication. Mr. Ceppos provided consultation on LCC governance and stakeholder engagement, strategic planning, and outreach. He managed a team of facilitators, graphics artists, website managers, and planners.

Suisun Marsh Charter Group

Client: CALFED. Location: Suisun Marsh, CA . Years: 2005 - 2008. Role: Project Manager/Senior Mediator. Summary: The Charter Group was a CALFED directed effort to resolve longstanding regulatory and land/water management issues in the Suisun Marsh. Mr. Ceppos developed a mutually beneficial implementation plan that meets regulatory compliance requirements, increases opportunities for tidal wetland creation, and enhances opportunities for long-term management and viability of existing freshwater wetland habitats. Stakeholders included USFWS, DFG, Bureau of Reclamation, NOAA Fisheries, and DWR.

Dungeness Crab Task Force

Client: California Ocean Protection Council. Location: Northern Coastal California. Year: 2009. Role: Project Manager, Managing Senior Mediator and Facilitator for the legislatively mandated Task Force. Summary: Formed through requirements in SB 1690, the twenty seven member Task Force was formed to resolve over a decade of competing legislation and increased inter- and intrastate conflict regarding the Dungeness crab fishery. All negotiations were conducted in public based on requirements of Bagely-Keene Act. Process resulted in 22 negotiated agreements that were the basis for SB 1093 in 2the 010 California Legislature session.

North Valleys Water Quality Negotiation

Clients: Pyramid Lake Paiute Tribe, Cities of Reno and Sparks- Nevada, US Bureau of Land Management, Washoe County, Nevada Division of Environmental Protection. Location: Reno / Sparks NV. Years: 2010 . Role: Project Manager/Senior Mediator. Summary: Mr. Ceppos worked with Tribal, State, Federal, and local government interests to resolve complicated water quality conflict associated with the treatment and discharge of imported water from Honey Lake in the Great Basin / Sierra Nevada region to the Truckee River. The primary concerns were total dissolved solids, dissolved oxygen, heavy metals, and endocrine disrupters. Topics of negotiation include special status species, local economies, and cultural sensitivities.

Lake Davis Northern Pike Eradication Project

Client: DFG. 2005 – 2008. Role: Senior Manager. Member of the DFG Project Leadership Team. Process advisor to DFG Manager and legal counsel, and US Forest Service Regional Forester on advanced stakeholder involvement and collaborative problem solving Manager of Center staff. Designed and managed DFG staff training about how to address and manage stakeholder conflict.

Lake Tahoe Pathway 2007

Clients: Multiple Organizations. Location: Lake Tahoe Region. Year: 2007. Role: Senior Mediator and Program Manager. Summary: Mr. Ceppos designed and lead the collaborative process to merge the Tahoe Regional Planning Agency's Regional Plan Update, the USFS Forest Plan for the Lake Tahoe Basin, and the Lahontan RWQCB Board and Nevada Division of Environmental Protection Nutrient TMDL process.

EXHIBIT A

Upper Klamath Basin Working Group Restoration Planning Process

Client: U.S. Institute for Environmental Conflict Resolution. Location: Klamath Basin. Year: 2001 - 2002. Role: Project Manager, Lead Facilitator and Process Designer. Summary: Mr. Ceppos developed a comprehensive situation assessment focused on assessing the organizational capacity of the Working Group, a 33-member collaborative process. Prepared recommendations and mediated a collaborative, two-phase planning process to develop a consensus-based comprehensive restoration plan for the Upper Klamath Basin.

Upper Putah Creek/Middletown Watershed Management Plan

Client: U.S. Army Corps of Engineers and East Lake Resource Conservation District. Project Manager and lead facilitator for the development of a watershed management plan for the upper Putah Creek in Lake County, California. Activities included planning and facilitation for town meetings, workshops, and subsequent key stakeholder meetings including over 60 general public and 10 key organization stakeholders. Also oversaw the development of a watershed management plan proposal, and analysis of issues such as flood-damage reduction, water-supply, stream bank protection, conveyance capacity, environmental restoration, recreation, Native American and other cultural resources.

Headwaters Forest Reserve Management Plan

Client: U.S. Bureau of Land Management (BLM). Location: Eureka, CA. Year: 2001. Role: Task leader for public involvement program, lead facilitator/mediator for process, and part of resource planning team. Summary: Mr. Ceppos developed the public outreach and facilitation strategies for meetings in Eureka, San Francisco, and Sacramento, California. The project included the assessment of multiple recreational and other land uses and the development of the long-range management plan for the 7,400-acre Headwaters Reserve near Eureka, CA.

Upper Putah Creek/Middletown Watershed Management Plan

Client: USACE and East Lake Resource Conservation District. Location: Lake County, California. Year: 1997 - 1998. Role: Project Manager and Lead Facilitator. Summary: Mr. Ceppos planned activities that included planning and facilitation for town meetings, workshops, and subsequent key stakeholder meetings including over 60 general public and 10 key organization stakeholders. He also oversaw the development of a watershed management plan, and analysis of issues such as flood-damage reduction, water-supply, stream bank protection, conveyance capacity, environmental restoration, recreation, Native American and other cultural resources.

Sacramento River Restoration Site Hydraulic Feasibility Study

Client: The Nature Conservancy and USFWS. Location: Sacramento, CA. Years: 1997 - 1998. Role: Project Manager for the hydraulic analysis of three proposed restoration sites for the Sacramento River National Wildlife Refuge converting floodplain agricultural land uses to riparian habitats. The project used an innovative assessment process that was supported and accepted by the State Reclamation Board as a new, viable method for prospective restoration proponents to model and assess the impacts of floodplain restoration on flood flows and associated flood risks.

California Military Environmental Coordination Committee

Client: U.S. Department of Defense (DoD) and State of California. Location: Statewide, CA. Years: 1995 - 1997. Role: Lead Facilitator. Summary: For this multi-agency, multi-military service, environmental policy program, Mr. Ceppos provided ongoing conflict resolution, facilitation, and management services for the following issue groups: Environmental and Natural Resources Planning, Historic and Cultural Resources, Water Quality Assessment, Technical and Economic Feasibility, Bulk Fuel Underground Storage Tanks, and Lead in Soil.

EXHIBIT A

White House Conference on Cooperative Conservation

One of 24 senior practitioners from throughout the US asked to mediate / facilitate deliberations of 1,200 invited delegates at this conference held in St. Louis MO in September 2005. This was only the fourth Presidential conference on conservation and natural resources in U.S. history.

Employment Experience

Sacramento State, College of Continuing Education, Consensus and Collaboration

Program – January 2018 to present. Director / Managing Senior Mediator / Senior Policy Advisor

Sacramento State, Center for Collaborative Policy – 2002 to December 2017.

Associate Director / Managing Senior Mediator/ Senior Policy Advisor

Jones & Stokes – 1997 to 2002.

Senior Mediator / Facilitator. Senior Natural Resources Planner. Senior Project Manager. Team Leader for public involvement, facilitation, mediation services.

Tetra Tech EMI – 1992 to 1997.

Facilitator/Mediator, Natural Resources Planner, Project Manager. Wetlands Program Coordinator.

U.S. EPA, Region IV – 1988 to 1992.

State Section Leader (Florida), Superfund Division. Facilitator/ADR Specialist. Environmental Scientist.

EDAW, Inc. – 1985 to 1988.

Facilitation support staff. Landscape Architect. Environmental Planner.

EXHIBIT B

EXHIBIT B



California State University, Sacramento
College of Continuing Education
Consensus and Collaboration Program
304 S Street, 3rd Floor • Sacramento, CA 95811

Date: May 25, 2022
To: Honorable William F. Highberger. Superior Court of the State of California, County of Los Angeles.
From: David Ceppos. Director and Managing Senior Mediator. Sacramento State, Consensus and Collaboration Program
Subject: Case No. 19STCP01176. Status Report. Structured Mediation Process

The following is a status report on the Structured Mediation Process in this case, commencing with discussions between the Casitas Municipal Water District, the City of Ojai, the City of San Buenaventura, and the East Ojai Group, "Initial Mediation Parties" (IMP). This process was allowed for by the Honorable William F. Highberger, Superior Court of the State of California, County of Los Angeles, in his ruling on April 12, 2022 to allow a six-month stay of court proceedings to allow the mediation to occur.

Mediation Process to Date

Following scope, budget and contract completion in mid-late April 2022, the Mediator conducted comprehensive review of background materials regarding the associated legal cases. Beginning on May 4 and extending to May 9, the Mediator conducted individual, confidential interviews with representative groups from each IMP and their trial attorney. Following said interviews, the Mediator provided his formal assessment and support of the initial feasibility of a mediation process and coordinated a 2-day session (Session 1) to be held on May 17 and 18, 2022. In advance of Session 1, the Mediator prepared and distributed for review and discussion by the IMP:

- Comprehensive 2-Day Agenda,
- Preliminary Draft Mediation Charter defining "rules of engagement" for a multi-interest, mediation process (i.e. roles, responsibilities, decision-making protocols, meeting guidelines, etc.)
- Preliminary Common Principles describing the proposed shared interests, values, and objectives by the IMPs

The IMP convened on the morning of Day 1 in Oak View, California. As discussed between the Mediator and the IMP's, IMP assigned mediation participants were and remain strictly defined as the following persons.

Casitas Municipal Water District	
Richard Hajas	Board Member
Peter Kaiser	Board Member
East Ojai Group	
Greg Patterson	Appointed Representative
To be determined Principal	Appointed Representative
City of Ojai	
Randy Haney	Councilmember

EXHIBIT B

Bill Weirick	Councilmember
City of Ventura	
Jim Friedman	Councilmember
Joe Schroeder	Councilmember

The following individuals are collectively approved by all IMP representatives to attend mediation sessions in a “listen only” role unless as called on by their respective representative, asked to speak by another IMP representative, or asked to speak by the Mediator.

Casitas Municipal Water District	
Michael Flood	General Manager
Kelly Dyer	Assistant General Manager
City of Ojai	
James Vega	City Manager
City of Ventura	
Miles Hogan	Senior Assistant City Attorney
Jenifer Tribo	Management Analyst

Following introductory comments and initial framing of mediation process, purpose and objectives, the mediator engaged the participants in a sequence of discussions on Day 1 about:

- Preliminary Draft Common Principles
- Preliminary Draft Mediation Charter
- Preliminary Watershed Enhancement Project (WEP) ideas (formerly referred to as the “Physical Solution”)

Day 2 was similarly held in Oak View. Day 2 started with a recap of Day 1 outcomes, followed by continuation of discussion and presentation of more WEP. Following that, the IMP reviewed revised versions of the Common Principles and Mediation Charter (as edited by the Mediator between Day 1 and 2). Lastly, the IMP discussed the sequence and timing of next steps in the process, based on the Mediator’s confirmation that he supported and sees value in continued discussions.

Session 1 Outcomes

1. IMP unanimously ratified the Mediation Charter, thus setting forth their “rules of engagement” for the process.
2. IMP unanimously ratified the Common Principles based on 2 rounds of edits. They further voted unanimously to allow said Principles to be shared with respective governing bodies and clients (East Ojai Group), with the mutual understanding that there may be confidentiality factors to be considered and that they vest each of their IMP colleagues with the personal discretion to decide if and how to share the Principles such that confidentiality is protected as much as feasible.
3. The IMP completed their comprehensive review of existing, proposed WEP and a large suite of new, potential WEP.
4. Regarding above, the IMP unanimously directed their respective staff/consultants to immediately start sharing information about the new WEP and to create a standardized format

EXHIBIT B

to document the WEP and populate information about a list of WEP variables that they consider important to learn / memorialize.

5. Similarly related to above, the IMP directed staff to work together, inquire about, learn and then report back at the next mediation session (Session 2), a comprehensive summary of external funding sources (i.e., bids, grants, etc.) that could be applicable to the list of WEP.
6. The IMP approved the Mediator to prepare a neutral summary of the Session 1 process and outcomes to be provided to the trial attorneys and appended to their joint report to Judge Highberger.
7. Regarding Session 2, the Mediator will start coordination of meeting dates with staff ASAP and will seek for said meeting to be approximately 1 month after Session 1.
8. The Mediator will initiate contact with the several attorneys representing other parties (particularly de minimis) to schedule and conduct interviews identical to what was conducted with the IMP, and to report on initial outcomes from the IMP efforts, (based on discussion and approval by the IMP on items the mediator can feel comfortable addressing and that which he should avoid for confidentiality purposes).
 - a. Similarly, the Mediator will inform these parties that he will schedule a broader mediation session (Session 3 – Likely late July) after Session 2 has been completed by the IMP and that said other parties will be invited to participate in Session 3 and likely subsequent discussions in the mediation process leading to the September target for completion of the initial 6 month stay.
9. Ventura Councilmember Friedman will meet informally with Ventura County Supervisor Matt LeVere to start inquiry and encouragement for the County to start their involvement in the mediation process.
10. Regarding Session 2, the IMP agreed to the following as primary discussion topics (to be refined by the Mediator in the Session 2 Agenda and associated Mediation / Facilitation Plan:
 - A discussion of the term “Exempt” as relates to de minimis water users. This will be preceded in the coming weeks by the following action items:
 - Information sharing regarding water use, existing measurement and monitoring tools/methods, and documented water use / retail purchases.
 - Consideration / discussion by individual IMP to confirm and then present to the City of Ventura, desired meaning of “exempt” and associated conditions that can provide Ventura with the certainty it needs going forward.
 - Comprehensive discussion about the WEP with a focus on potential cost ranges, time frames, external funding options (as noted above), ROI (e.g. costs, water delivery, etc.)
 - Mediator report of non-attributed outcomes from interviews with other parties and implications to next steps and Session 3
 - Preliminary discussion of potential funding roles and capabilities between the IMP to implement the WEP.
 - Overall mediation strategy steps / critical path.

All pages related to proof of service have been removed for purposes of posting on the Casitas Municipal Water District website.