

**Fillmore and Piru Basins Groundwater Sustainability Agency
Board of Directors Meeting**

August 28, 2017 - 6:00 p.m.

City of Fillmore City Hall, City Council Chambers
250 Central Avenue, Fillmore, CA 93015

AGENDA

BOARD MATTERS

Normally, Action (Motion) Items will be considered and acted upon separately; Consent Items will be considered and acted upon collectively, although a Consent Item may be considered and acted upon separately; and Information Items will be considered separately without action.

The Board of Directors in its discretion may change the order of agenda items.

1. Call to Order

2. Pledge of Allegiance

3. Public Comments

Members of the public may address the Board on any matter on the agenda or on any non-agenda item within the jurisdiction of the Board. No action will be taken by the Board on any non-agenda item. All comments are subject to a five-minute time limit.

4. Approval of Agenda

Motion

5. Director Announcements/Board Communications

Information Item

Board members may present non-agenda information including, but not limited to, the following: 1) meetings, workshops, conferences and functions attended during the previous month on behalf of the GSA; 2) meetings, workshops, conferences and functions Directors plan to attend in the upcoming month; and 3) possible conflicts that Directors might have with respect to issues on the Agenda.

6. Interim Executive Director Update

Information Item

The Interim Executive Director will provide an informational update on Agency activities since the previous Board meeting of July 26, 2017.

Continues...

7. Article 21 Water and Santa Felicia Dam Release

Information Item

The Board will hear a report from UWCD staff on the recent purchases of Article 21 water from the California Department of Water Resources and the release of stored water from Lake Piru.

8. Other Water Exchange PGMS - MWD, CLWA

Information Item

The Board will hear a report from UWCD staff on its efforts to establish water exchange agreements with other entities.

CONSENT CALENDAR

9. Approval of Minutes

Approval of the minutes from the Regular Board Meeting of July 26, 2017.

ACTION ITEMS

10. Adoption of Conflict of Interest Code

Motion

The Board shall consider adopting a proposed Conflict of Interest Code as required by California Government Code §87300.

11. Adoption of an Operating Budget

Motion

The Board shall consider adopting a proposed Operating Budget prepared for anticipated administrative costs and expenses through the end of December 2017.

12. Funding Sources

Motion

The Board shall consider possible funding sources that are permissible under the Sustainable Groundwater Management Act (SGMA), the Agency's Joint Powers Agreement, and the powers of the individual member entities.

13. Submission of Grant Applications

Motion

The Board shall consider submitting a Proposition 1 grant application to assist with Groundwater Sustainability Plan development.

14. Development of a Request for Proposal for Legal Services

Motion

The Board shall consider the development and distribution of a Request for Proposal for Legal Services to various legal firms.

15. Formation of Standing Committees

Motion

The Board shall consider whether to form Standing Committees (e.g., Executive and Finance). Standing Committees are commonly used in many governmental agencies to provide additional opportunities for the Board to consider important issues.

16. Formation of Ad Hoc Committees - Legal Counsel, Bylaws, Policies

Motion

The Board shall consider whether to form Ad Hoc Committees (e.g., Legal Counsel, Bylaws, Policies, Allocation) that can be used to facilitate additional stakeholder engagement on various topics.

17. Basin Boundary Modifications

NOI - Workshop

Motion

The Board shall consider to (a) file the preliminary notification with California Department of Water Resources that the Agency is considering a basin boundary modification, (b) convene a workshop to discuss the technical basis for the boundary modification and solicit stakeholder input, and (c) begin the preparation of the basin boundary modification documentation required by CA DWR.

ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting on September 18, 2017** or call of the Chair.

Materials, which are non-exempt public records and are provided to the Board of Directors to be used in consideration of the above agenda items, including any documents provided subsequent to the publishing of this agenda, are available for inspection at UWCD's offices at 106 North 8th Street in Santa Paula during normal business hours.

The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda materials in an alternative format, please contact the UWCD Office at (805) 525-4431 or the City of Fillmore at (805) 524-1500. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.

Approved: Kelly Long via email

Posted: (date) August 24, 2017 (time) 7 p.m. (attest) Kris Sofley
At: United Water Conservation District Headquarters, 106 No. 8th St., Santa Paula, CA

Posted: (date) August 25, 2017 (time) 10a.m. (attest) Kris Sofley
At: Fillmore City Hall, 250 Central Avenue, Fillmore, CA

Posted: (date) August 24, 2017 (time) 7p.m. (attest) Kris Sofley
At: <https://www.facebook.com/FPBGSA>

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Approved: _____

Kelly Long

Posted: (date) *8/29/2017* (time) *4:35* p.m.

(attest) *Kris Sofley*

At: United Water Conservation District Headquarters, 106 No. 8th St., Santa Paula, CA

Posted: (date) _____ (time) _____ p.m.

(attest) *Kris Sofley*

At: Fillmore City Hall, 250 Central Avenue, Fillmore, CA

Posted: (date) _____ (time) _____ p.m.

(attest) *Kris Sofley*

At: <https://www.facebook.com/FPBGSA>

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 7

DATE: Aug 28, 2017

TO: Board of Directors

SUBJECT: Report on Recent State Water Project Imports (Article 21 Water) and Releases from Santa Felicia Dam (Receive and File)

SUMMARY

United Water Conservation District (United) recently completed a significant aquifer replenishment project. The project included the purchase of 10,000 acre-feet (AF) of Article 21 water from California Department of Water Resources (DWR), the release of the Article 21 waters plus approximately 5,000 AF of retained flood flow from Castaic Lake and a concurrent conservation release of 15,000 AF of water from the Santa Felicia Dam to augment water resources within its service area. These waters contributed about 24,800 AF of groundwater replenishment (combined) to the Fillmore or Piru basins.

RECOMMENDED ACTION

Receive and file an oral report from United staff.

BACKGROUND

United has a Table A State Water Project (SWP) allocation of 5,000 AF. Table A allocation holders are eligible to purchase excess SWP water when the supplies exceed the Table A needs. This condition occurred this past spring as the reservoirs in Northern and Central California were full and there was limited space for the continuing runoff. Historically, this condition occurs, on average, about every 6-7 years.

Article 21 Water: United purchased 10,000 AF of Article 21 water that was delivered to Castaic Lake where another approximately 5,000 AF of flood flow waters were retained by DWR on behalf of the Down Stream Water Users group. United administers the retained flood flow waters on behalf of the Down Stream Water Users group. The Article 21 water was purchased at an estimated cost of about \$194.00/AF. DWR released the 15,000 AF of water from Castaic Lake into Castaic Creek where it flowed downstream towards Ventura County. An estimated 3,800 AF of the released waters percolated in Los Angeles County.

Santa Felicia Dam Conservation Release: United released approximately 15,000 AF of stored water from Santa Felicia Dam in conjunction with the Article 21 water releases from Castaic Lake. These waters were about 50% of the water stored in Lake Piru.

The following table summarizes the direct aquifer recharge benefits associated with the Article 21 water purchase and delivery and Santa Felicia Dam conservation release.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

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August 28, 2017

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Summary of Direct Benefits to Groundwater Basins

Basin / Area	Acre-Feet
SCR Valley East (Castaic Creek)	3,800
Piru Basin	22,800
Fillmore Basin	2,000
Santa Paula Basin	700
Freeman Diversion	800
Total	30,100

FISCAL SUMMARY

There was no fiscal impact from this item.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 8

DATE: Aug 28, 2017
TO: Board of Directors
SUBJECT: Water Exchange Programs (Information)

SUMMARY

The Board will hear a presentation from United Water Conservation District (United) staff on their efforts at exploring the potential for entering into water exchange agreements with other agencies.

RECOMMENDED ACTION

Receive and a report on United staff efforts to develop water exchange programs with other agencies.

BACKGROUND

Water exchange agreements are relatively common occurrence between entities such as State Water Project Contractors and Metropolitan Water District (MWD) participants. United staff have had initial conversations with entities such as MWD and Castaic Lake Water Agency (CLWA) to explore how United can provide benefit to their water resource programs and to identify potential benefits to the groundwater basins within United's jurisdiction.

The exchange programs can have elements of variable exchange rates and flexible return water schedules that could benefit the Piru and Fillmore basins.

FISCAL SUMMARY

There is no fiscal impact associated with this item.

Fillmore and Piru Basins Groundwater Sustainability Agency
Board of Directors Meeting

MINUTES
For July 26, 2017

City of Fillmore City Hall, City Council Chambers
250 Central Avenue, Fillmore, CA 93015

Directors Present:

Director Carrie Broggie, City of Fillmore Mayor
Director Ed McFadden, UWCD Board of Directors
Director Kelly Long, Ventura County Board of Supervisors
Director Gordon Kimball, Fillmore Basin Pumpers Association
Director Candice Meneghin, Environmental Interests Groups
Director Glenn Pace, Piru Basin Pumpers Association

Staff Present:

Kris Sofley, Interim Executive Director

Public Present:

Tyler Cobb, Rancho Simpatica
Martin Hernandez, VC Board of Supervisors
Tim Moore, United Water Conservation District
Tony Morgan, United Water Conservation District
Robert Morris, Morris Ranch
David J. Ross, CE&D Mabry Family Ltd Pty
Richard Tate, J. M. Sharp Co

CALL TO ORDER

1. Director Long called the meeting to order at 6:05p.m.
2. **Pledge of Allegiance**
Director Broggie led those present in the Pledge of Allegiance.
3. **Public Comments**
Director Long asked if there were any members of the public that wanted to address the Board on any matter on the agenda or on any non-agenda item within the jurisdiction of the Board. No public comments were offered.
4. **Approval of Agenda**
Motion

Continues...

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Motion to approve the agenda as is, Director Long; Second, Director McFadden. Voice vote all ayes (Broggie, Long, McFadden), none opposed. Motion carries unanimously.

5. Director Announcements/Board Communications

Director Long reported that she has been receiving various vendor brochures and proposals and is forwarding them to Ms. Sofley for safekeeping until the Board requires such services.

6. Update on GSA Notice of Intent Filing with California Department of Water Resources

Information Item

UWCD's Tony Morgan reported to the Board that the FPBGSA filing with the California Department of Water Resources was received and posted online. There is a 90 day comment period from date of filing, June 28, 2017, so if no other eligible entities come forward, the FPBGSA will become the official GSA for the Fillmore and Piru Basins effective September 26, 2017.

7. Interim Executive Director Update

Information Item

Ms. Sofley reported to the Board that, since the previous Board meeting of June 26, 2017, a Notice of Joint Powers Agreement (JPA) was prepared and submitted to the office of the Secretary of State. A filing fee of \$1 and a \$1 fee for a copy of the recorded document was submitted with the filing. The document was recorded on July 7, 2017 (File No. 2387) and a copy was received by FPBGSA.

A notice of the JPA was also filed with the State Controller via email on June 29, 2017. No response from the State Controller has been received to date.

A Statement of Facts/Roster of Public Agencies filing with the office of the Secretary of State was originally submitted on June 29, 2017. That document was returned to Ms. Sofley with a request that the "clerk" title be assigned, so Ms. Sofley amended the document and resubmitted it to the Secretary of State. A fee of \$1 was paid to receive a recorded copy of the document, but that copy had not been received as of the Board meeting.

Ms. Sofley also reported that a public notice was published in the Ventura County Star on July 19, 2017 noticing the meeting date, time and location for the July 26, 2017 FPBGSA Board of Directors meeting. The cost of the ad, \$141.50, was billed to UWCD. UWCD is keeping a tally of expenses related to the FPBGSA for future reimbursement.

Continues...

CONSENT CALENDAR

8. Approval of Minutes

Motion to approve the minutes from the Board Meeting of June 26, 2017, Director McFadden; Second, Director Broggie. Roll call vote: three ayes (Broggie, Long and McFadden); none opposed. Motion carries unanimously.

ACTION ITEMS

9. Appointment of Agency Stakeholder Directors

The Board will consider nominees for the three (3) Stakeholder Director positions on the FPBGSA Board of Directors

Motion

After reviewing individual statements from each of the nominees for the three Stakeholder Director positions (Gordon Kimball for Fillmore Basin Pumpers Association; Glen Pace for Piru Basin Pumpers Association; and Candice Meneghin for the Environmental Interests groups), nominees were interviewed by Directors Broggie, Long and McFadden individually regarding their backgrounds, qualifications, and experience as well as to why they wanted to participate in the Fillmore and Piru Basins Groundwater Sustainability Agency.

Motion to approve and appoint Gordon Kimball as the Stakeholder Director representing the Fillmore Basin Pumpers Association, Director Broggie; Second Director McFadden. Roll call vote: three ayes (Broggie, Long and McFadden); none opposed. Motion carries unanimously.

Motion to approve and appoint Glen Pace as the Stakeholder Director representing the Piru Basin Pumpers Association, Director McFadden; Second Director Broggie. Roll call vote: three ayes (Broggie, Long and McFadden); none opposed. Motion carries unanimously.

Motion to approve and appoint Candice Meneghin as the Stakeholder Director representing the Environmental Interests Groups, Director Broggie; Second, Director McFadden. Roll call vote: three ayes (Broggie, Long and McFadden); none opposed. Motion carries unanimously.

10. Adoption of Schedule for Future Meetings

Motion

The Board of Directors reviewed proposed meeting dates for the FPBGSA regular Board of Directors meetings based on the availability of the City of Fillmore City Council Chambers as the site for such future meetings. After checking personal calendars and discussing various options specific dates were agreed to for future meetings, with the caveat that the Board could move to amend specific meeting

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dates in future based on the amount of business the Board has to consider and in keeping with the Brown Act public noticing requirements.

Motion to adopt August 28, 2017; September 18, 2017; October 30, 2017; November 15, 2017; and December 19, 2017 as the Regular Board of Directors meeting dates for the Fillmore Piru Basins Groundwater Sustainability Agency, with a start time of 6p.m., Director McFadden; Second, Director Broggie. Roll call vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin and Pace); none opposed. Motion carries unanimously

11. Review of Deadlines

Motion

Mr. Morgan presented various administrative deadlines contained in the Joint Powers Agreement (“JPA Agreement”) for contracting for legal counsel/services and developing bylaws (which must be submitted and recorded by June 26, 2108); appointing a treasurer/auditor, applying for a Federal Tax ID/Employer Identification Number; developing a website and/or Facebook page for collecting information for an “interested parties” database; approving a budget (which must be done by September 24, 2017); developing a local conflict of interest code (by the August 28, 2017 board meeting); preparing basin boundary modifications (which all agreed to table until January) and the agency’s groundwater sustainability plan, and preparing for GSP Grant funding (grant application submissions start in August and go through October, and grants are being awarded on a first come-first awarded basis).

The Board also discussed that expenses incurred by various member director’s organizations, be it staff time or out of pocket, would be reimbursed, and the JPA has language to that effect. Mr. Morgan reminded the board that they have the financial authority to impose fees to fund the development of a Groundwater Sustainability Plan for each of the basins and to operate the agency.

Motion to:

1. Task Ms. Sofley with applying for a Tax ID/EIN number, creating a Facebook page and preparing an initial budget for the FPBGSA;
2. Task Director Long with inquiring about the availability of the County’s Legal Counsel to help with 501(c)(3) application, conflict of interest code and bylaws; and to inquire about the County’s IT department helping develop a website and method for collecting “interested parties” data for the FPBGSA;
3. Task Director Meneghin with reviewing and writing the GSA Grant submission with the help of UWCD, and formulating a strategy for the grant process as each basin is able to apply for funding of “reasonable costs”;
4. Task Mr. Morgan with inquiring about the availability of UWCD’s finance department in setting up a billing and collection system for the FPBGSA as a contracted accounting service; researching other GSA’s bylaws; and using

Continues...

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UWCD's historical data and research to begin developing Groundwater Sustainability Plan as well as assist in getting any consultants hired for the project up to speed quickly;
Director McFadden; Second Director Broggie. Roll call vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin and Pace); none opposed. Motion carries unanimously

12. Additional Initial Organizational Items

Motion

This item was waived as it was covered in the previous discussion of the Board's review of deadlines.

13. Discussion of Legal Services

Motion

This item was waived as it was covered in the previous discussion of the Board's review of deadlines.

14. Possible Future Action Items

Motion

This item was waived as it was covered in the previous discussion of the Board's review of deadlines.

ADJOURNMENT 7:40p.m.

The Board will adjourn to the next **Regular Board Meeting** on Monday, **August 28, 2017** or call of the Chair.

I certify that the above are a true and correct copy of the minutes of the Board of Directors meeting of July 26, 2017.

ATTEST:

Director Kelly Long, Chair

ATTEST:

Kris Sofley, Interim Executive Director

Continues...

FILLMORE AND PIRU BASINS
GROUNDWATER SUSTAINABILITY AGENCY
INAUGURAL BOARD OF DIRECTORS MEETING

ATTENDANCE SHEET/CONTACT INFORMATION

MEETING DATE: July 26, 2017

Name: Tyler Cobis

Organization: SIMPATICA

Phone: (805) 444-0687

E-mail: tyler@simpatica.ag

Name: Glen Pace

Organization: WWS

Phone: 805 795-7600

E-mail: glenpace@sbcglobal.net

Name: DAVID J. ROSS

Organization: CE & D MABLY FAMILY LTD P.

Phone: 805-660-4080

E-mail: DAVID@MABLYFLY.COM

Name: RICHARD TATE

Organization: J.M. SHARP CO.

Phone: 805-405-7457

E-mail: rjtate@jmsharpco.com

Name: Cardize Mureghin

Organization: California Trout

Phone: (805) 665-6203

E-mail: cmureghin@caltrout.org

Name: ROBERT MORAN

Organization: MORAN BRAND

Phone: 805 231 4085

E-mail: FARMORBOBE@FARMORBOBE.COM

Name: Martin Hernandez

Organization: BOS Bred District

Phone: 654-2276

E-mail: MARTIN.HERNANDEZ@VENTURA.ORG

Name: _____

Organization: _____

Phone: _____

E-mail: _____

Fillmore & Piru Basins Groundwater Sustainability Agency Board of Directors Meeting – July 26, 2017

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comments
4. Approval of Agenda
5. Director Announcements/Board Communications
6. Update on GSA Notice of Intent Filing with California Department of Water Resources
7. Interim Executive Director Update

CONSENT CALENDAR

8. Approval of Minutes

ACTION ITEMS

9. Appointment of Agency Stakeholder Directors
10. Adoption of Schedule for Future Meetings
11. Review of Deadlines
12. Additional Initial Organizational Items
13. Discussion of Legal Services
14. Possible Future Action Items

GSA formation – Early Decisions

- Elect to become GSA
- Administrative
 - ✓ Solicitation for Stakeholder Director nominations
 - ✓ Review & approve, if acceptable, the Stakeholder Director nominations
 - ✓ Executive Director or ?? – *Kris Sofley - Interim Exec Director*
 - ✓ Legal counsel
 - ✓ Accounting / Treasurer / Auditor
 - ✓ Website / Interested Parties List
- ✓ Budget – *90 days from 1st BOD mtg (June 26 – Sept 24)*
- ✓ Bylaws (*June 26, 2018*)
- ✓ Fed Tax ID # (needed for grant applications)
- ✓ Consider GSP grant funding (*Applications accepted Aug-Oct 2017*)
- ✓ Basin boundary modifications
- ✓ GSP preparation – outside consultant or UWCD or ??

FINANCIAL AUTHORITY

10730. REGULATORY FEES AUTHORITY; LIMITED EXCEPTION FOR DE MINIMIS EXTRACTORS

(a) A groundwater sustainability agency **may impose fees**, including, but not limited to, permit fees and fees on groundwater extraction or other regulated activity, **to fund the costs of a groundwater sustainability program, including, but not limited to, preparation, adoption, and amendment of a groundwater sustainability plan, and investigations, inspections, compliance assistance, enforcement, and program administration, including a prudent reserve**. A groundwater sustainability agency shall not impose a fee pursuant to this subdivision on a de minimis extractor unless the agency has regulated the users pursuant to this part.

FINANCIAL AUTHORITY

10730.2. ADDITIONAL FEE AUTHORITY FOLLOWING ADOPTION OF A PLAN

(b) Until a groundwater sustainability plan is adopted pursuant to this part, **a local agency may impose fees** in accordance with the procedures provided in this section for the purposes of Part 2.75 (commencing with Section 10750) **as long as a groundwater management plan adopted before January 1, 2015, is in effect for the basin**.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 10

DATE: Aug 28, 2017
TO: Board of Directors
SUBJECT: Conflict of Interest (Motion)

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Agency adopt a local Conflict of Interest (COI) code pursuant to the schedule and provisions described below. Examples of COIs from other Groundwater Sustainability Agencies are attached for the Board’s review and consideration.

RECOMMENDED ACTION

Adopt a Conflict of Interest code.

BACKGROUND

Section 8.5 of the JPA Agreement requires the Board of Directors to adopt a local conflict of interest code pursuant to the provisions of the Political Reform Act of 1974 (Government Code sections 81000, et seq.) at the first meeting following the appointment of the Stakeholder Directors.

The Interim Executive Director has compiled examples of COIs (see attachments) approved by or being considered by other GSAs for the Board to consider as templates in the development of a COI for this Agency.

Additionally, the Board of Directors must file a Form 700 Statement of Economic Interests.

FISCAL SUMMARY

There was no fiscal impact from this item.

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

Item No. 6(a)

DATE: August 17, 2017
TO: Board of Directors
SUBJECT: Conflict of Interest Code

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Agency adopt a local conflict of interest code pursuant to the schedule and provisions described below. Director McDermott has drafted the attached Conflict of Interest Code for the Board’s review and approval.

RECOMMENDED ACTION

Adopt the Conflict of Interest Code (attached).

BACKGROUND

Section 8.5 of the JPA Agreement requires the Board of Directors to adopt a local conflict of interest code pursuant to the provisions of the Political Reform Act of 1974 (Government Code sections 81000, et seq.).

At the July 20, 2017 meeting, Director McDermott volunteered to draft a Conflict of Interest Code for the Board’s consideration since he had just completed a similar effort for another Groundwater Sustainability Agency. The proposed Conflict of Interest Code is attached for the Board’s review and approval.

On July 20, 2017, the Interim Executive Director received the attached letter from the Clerk of the Board of Supervisors for Ventura County notifying the Agency that it must submit a proposed conflict of interest code to the Ventura County Board of Supervisors for review no later than December 6, 2017.

FISCAL SUMMARY

There is no fiscal impact associated with this action.

Action: _____

Motion: _____ 2nd: _____

J.McDermott___ M.Mobley___ G.Shephard___ A.Camp___ C.Everts___

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BOARD OF DIRECTORS
MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2017-02

A RESOLUTION OF THE MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY (AGENCY) ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code §81000 *et seq.* requires every state and local government agency to adopt and promulgate a Conflict of Interest Code pursuant to Government Code §87300; and,

WHEREAS, the Fair Political Practices Commission (“FPPC”) has adopted a regulation which contains terms of a standard model Conflict of Interest Code (2 California Code of Regulations §18730), which is attached hereto as Attachment A, and will be amended to conform to amendments in the Political Reform Act after public notice and hearing conducted by the FPPC; and,

WHEREAS, the standard model Conflict of Interest Code will help ensure compliance by the Agency with the Political Reform Act.

NOW, THEREFORE, the Board of Directors of the Mound Basin Groundwater Sustainability Agency does hereby resolve, find, determine and order as follows:

Section 1: The terms of the standard model Conflict of Interest Code adopted pursuant to 2 California Code of Regulations §18730, a copy of which is attached hereto as Attachment A, and any amendments to it duly adopted by the FPPC is hereby adopted and incorporated by reference as the Conflict of Interest Code for the Agency. This standard model Conflict of Interest Code and Attachments B, C, and D to this Resolution, in which members and employees are designated and disclosure categories are set forth and explained, shall constitute the Conflict of Interest Code of the Agency.

Section 2: Employees designated in Attachment D hereto shall file statements of economic interests (Form 700) with the Agency Secretary pursuant to this Resolution. The Chair, Vice-Chair, Members of the Board of Directors, Alternate Directors, the Executive Director, Agency General Counsel, and Treasurer of the Agency shall file a Form 700 statement pursuant to State law (Government Code § 87200 *et seq.*) with the Agency Secretary who shall forward a copy of the statement to the FPPC. The Mound Basin Groundwater Sustainability Agency Secretary shall be responsible for the retention of a copy of all statements of economic interests and make them available for public inspection and reproduction (Government Code §81008).

Section 3: The Agency shall certify as to the adoption of this Resolution and cause the filing of said Conflict of Interest Code in the manner prescribed by law.

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PASSED, APPROVED, AND ADOPTED this 17th day of August, 2017.

Michael Mobley, Board Chair

ATTEST:

Jennifer Tribo
Interim Executive Director

ATTACHMENT A

**CONFLICT OF INTEREST CODE
MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY**

TITLE 2. ADMINISTRATION
DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION
CHAPTER 7. CONFLICTS OF INTEREST

ARTICLE 2. DISCLOSURE

2 CCR §18730

§18730. Provisions of Conflict of Interest Codes

- (a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Attachments referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section §87300 or the amendment of a conflict of interest code within the meaning of Government Code Section §87307 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections §81000, *et seq.* The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section §87100, and to other state or local laws pertaining to conflicts of interest.
- (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. of Regs. Sections §18110, *et seq.*), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in Attachment D are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section §87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections §87200, *et seq.*

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code section §87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Attachment C specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Attachment D. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the

effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

- (C) Annual Statements. All designated employees shall file statements no later than April 1.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.
- (E) Reports for military service as defined in the Service member's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

- (A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
 - (1) File a written resignation with the appointing power; and
 - (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

- (A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure.

When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the

business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal during Reporting Period.

In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section §89501 shall apply to the prohibitions in this section.

This Section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section §89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$290.

- (A) No member of a state board or commission, and no designated employee of the state or local government agency, shall accept gifts with a total value of more than \$290 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code Section §89503 shall apply to the prohibitions in this Section.

(8.2) Section 8.2. Loans to Public Officials.

- (A) No elected officer of a state or local government agency shall, from this date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member or consultant of the state or local government agency in which the elected officer holds office over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed two hundred fifty dollars (\$250) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.

- c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars \$250 or more in value provided to, received by or

promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$290 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of

other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections §81000-§91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section §87100 or §87450 has occurred may be set aside as void pursuant to Government Code Section §91003. A violation of this Code may result in discipline under the Authority's Personnel Rules. Such discipline may include discharge.

ENDNOTES

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section §81004.

² See Government Code Section §81010 and 2 Cal. Code of Regs. Section §18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Government Code Section §83112. Reference: Sections §87103(e), §87300-§87302, §89501, §89502 and §89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).

16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of History 24 (Register 2003, No. 12).
26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative

Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

This database is current through 3/10/17 Register 2017, No. 10
2 CCR § 18730, 2 CA ADC § 18730

ATTACHMENT B

CONSULTANTS

Commission Regulation §18700 defines “consultant” as an individual who, pursuant to a contract with a state or local government agency:

(A) Makes a governmental decision whether to:

- (i) Approve a rate, rule, or regulation;
- (ii) Adopt or enforce a law;
- (iii) Issue, deny, suspend, or revoke any permit license, application, certificate, approval, order, or similar authorization or entitlement;
- (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
- (v) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
- (vi) Grant agency approval to a plan, design, report, study, or similar item;
- (vii) Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the Agency’s Conflict of Interest Code.

Consultant*

Consultant shall be included in the list of designated employees and shall disclose pursuant to the broadcast disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. Such written determination shall include a description of the consultant’s duties and, based upon the description, a statement of the extent of disclosure requirements. The Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

ATTACHMENT C
DISCLOSURE CATEGORIES

GENERAL PROVISIONS

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated. Disclosure categories pertain to investments, real property, business positions and sources of income, including loans, gifts and travel payments from sources located in or doing business within the jurisdiction of the Mound Basin Groundwater Sustainability Agency (“Agency”).

DISCLOSURE CATEGORIES

Category 1:

A designated employee in this category must report all interests in real property as well as investments, business positions, sources of income, and gifts from any source in, or doing business in, the jurisdiction of the Agency, and all other interests, which are subject to the regulation or supervision of the Agency.

Category 2:

A designated employee in this category must report all interests in real property located within the Agency. Investments, business positions in business entities and income, gifts, loans and travel payments, from sources in, or doing business within the Agency which:

1. Engages in the appraisal, acquisition, disposal, development of real property, or rehabilitation or construction of improvements on real property including architects, contractors, and subcontractors.
2. Provides services, supplies, materials, machinery, or equipment of any type utilized by the Agency to which the employee is assigned.
3. Are of the type which is subject to the regulation or supervision of the Agency.

Category 3:

A designated employee in this category must report all interests in real property located within the Agency. Investments, business positions in business entities and income, gifts, loans and travel payments from sources in, or doing business within the Agency which:

1. Provide services, supplies, materials, machinery or equipment of any type utilized by designated filers in the Agency.
2. Are of the type which is subject to the regulation or supervision of the Agency.

Category 4:

A designated employee in this category must report all interests in real property located within the Agency. Investments, business positions in business entities, income, and gifts from sources in, or doing business within the Agency, and all other interests which are subject to the regulation or supervision of the Agency.

ATTACHMENT D
DESIGNATED EMPLOYEES

POSITIONS TITLES	DISCLOSURE CATEGORY
Assistant General Counsel	4
Assistant Executive Director	4
Assistant Secretary	1
Consultants that will make or participate in making governmental decisions on behalf of the Agency	4*

*Disclosure Category 4 shall generally apply; however, the Executive Director, after consultation with the Agency General Counsel, shall designate the disclosure category for each consultant subject to this Code. If a consultant is performing duties the same as an “employee” the consultant will be assigned the same reporting category. See Attachment B for the consultant definition.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 11

DATE: Aug 28, 2017
TO: Board of Directors
SUBJECT: Consideration of Adoption of Operating Budget (Motion)

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Agency adopt a budget for the ensuing fiscal year within ninety (90) days after the first meeting, which is September 24, 2017. At the July 26, 2017 meeting, the Board directed the Interim Executive Director to develop a budget framework for discussion at the next meeting.

RECOMMENDED ACTION

Staff will lead the Board in a discussion of the draft budget framework (attached) for the term July-December 2017 and the selection of a fiscal year.

The Board may consider establishing an Ad Hoc Committee to develop an annual budget. If an Ad Hoc Committee is desired, a motion creating an Ad Hoc Committee should include the following details:

- Purpose of Ad Hoc Committee;
- Individuals appointed to Ad Hoc Committee, including at least one Director; and
- Date of Ad Hoc Committee termination.

BACKGROUND

Section 14.1 of the JPA Agreement requires the Board of Directors to adopt a budget for the Agency for the ensuing fiscal year within ninety (90) days after the first meeting, which is September 24, 2017. Subsequent budgets must be adopted prior to the commencement of the fiscal year. The Board should discuss and consider selecting a fiscal year (e.g., calendar year, July 01-June 30, or other).

Article 12 of the of the JPA Agreement provides that the Board of Directors may from time to time appoint one or more advisory committees or establish standing or ad hoc committees to assist in carrying out the purposes and objectives of the Agency. The Board shall determine the purpose and need for such committees and the necessary qualifications for individuals appointed to them. Each committee shall include a Director as the chair thereof. Other members of each committee may be composed of those individuals approved by the Board of Directors for participation on the committee. However, no committee or participant on such committee shall have any authority to act on behalf of the Agency.

The attached budget framework largely borrows from the budget developed by the Upper Ventura River Groundwater Agency (“UVRGA”) with some adjustments for this Agency’s situation. The Directors will need to discuss the tasks the Agency needs to complete prior to the end of December 2017 and what

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 11

August 28, 2017

Page 2

resources are necessary to complete those tasks. The draft budget was proposed for only a six-month term to allow the Board flexibility in establishing the fiscal year.

FISCAL SUMMARY

The fiscal impact from this item is the value of the final approved budget.

Attachments: DRAFT BUDGET SPREADSHEET

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY
DRAFT BUDGET (July-Dec 2017)

23-Aug-17

OPERATING EXPENSES

Administrative Support Services

Item	Description	Qty	Units	Amount	SubTotal	Category Total
1	Interim Executive Director	6	months	\$ 1,000.00	\$ 6,000.00	
2	Communications (Facebook/Website/Email)	6	months	\$ 250.00	\$ 1,500.00	
3	Photocopying/Printing	6	months	\$ 100.00	\$ 600.00	
4	Office Expense / General	6	months	\$ 100.00	\$ 600.00	
5	Office Expense / Telephone/FAX	6	months	\$ -	\$ -	
6	Office Expense / Postage	6	months	\$ 100.00	\$ 600.00	
7	Publications/Legal Notices	6	months	\$ 100.00	\$ 600.00	
8	Rent & Leases / Facility	6	months	\$ -	\$ -	
9	Office Expense / Utilities	6	months	\$ -	\$ -	
10	Bank Charges	6	months	\$ 25.00	\$ 150.00	
11				\$ -	\$ -	
12				\$ -	\$ -	
13				\$ -	\$ -	
						\$ 10,050.00

Professional Services

Item	Description	Qty	Units	Amount	SubTotal	Category Total
14	Accounting / Billing	6	months	\$ 1,000.00	\$ 6,000.00	
15	Legal / BOD meetings & other meetings	39	man-hrs	\$ 250.00	\$ 9,750.00	
16	Legal / Conflict of Interest preparation	1	LS	\$ 5,000.00	\$ 5,000.00	
17	Legal / Bylaws preparation	1	LS	\$ 10,000.00	\$ 10,000.00	
18	Legal / Routine Legal Counsel	60	man-hrs	\$ 250.00	\$ 15,000.00	
19	Public Outreach / Education	1	LS	\$ 10,000.00	\$ 10,000.00	
20	Board Participation / Travel (per diem, travel, registration)	1	LS	\$ 5,000.00	\$ 5,000.00	
21	Grant Writer / Prop 1	1	LS	\$ 15,000.00	\$ 15,000.00	
22	Grant Writer / other	1	LS	\$ -	\$ -	
23	Groundwater Sustainability Plan Development (UWCD Labor)	500	man-hrs	\$ 97.47	\$ 48,735.00	
24	Groundwater Sustainability Plan Development (misc. expenses)	1	LS	\$ 2,500.00	\$ 2,500.00	
25				\$ -	\$ -	
26				\$ -	\$ -	
27				\$ -	\$ -	
						\$ 126,985.00

OPERATING EXPENSES - TOTAL

\$ 137,035.00

REVENUE

Revenue Sources - Options

Item	Description	Qty	Units	Amount	SubTotal	Category Total
1	Director Entity Assessment	6	ea	\$ 22,839.17	\$ 137,035.00	or
2	Member Director Entity Assessment	3	ea	\$ 45,678.33	\$ 137,035.00	or
3	Groundwater Extraction Fee	30,000	AF (6 mths)	\$ 4.57	\$ 137,035.00	
4				\$ -	\$ -	
5				\$ -	\$ -	
6				\$ -	\$ -	
7				\$ -	\$ -	
8				\$ -	\$ -	
9				\$ -	\$ -	
10				\$ -	\$ -	
11				\$ -	\$ -	
12				\$ -	\$ -	
13				\$ -	\$ -	
						\$ 137,035.00

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 12

DATE: Aug 28, 2017
TO: Board of Directors
SUBJECT: Source(s) of Funding (Motion)

SUMMARY

The Joint Exercise of Powers Agreement (“JPA Agreement”) requires that the Agency adopt a budget for the ensuing fiscal year within ninety (90) days after the first meeting, which is September 24, 2017. The Board, under a separate agenda item, will be discussing a draft budget. The Board will consider possible sources to fund the operation of the Agency.

RECOMMENDED ACTION

Staff will lead the Board in a discussion of the potential funding sources.

The Board may consider establishing an Ad Hoc Committee to develop an annual budget. If an Ad Hoc Committee is desired, a motion creating an Ad Hoc Committee should include the following details:

- Purpose of Ad Hoc Committee;
- Individuals appointed to Ad Hoc Committee, including at least one Director; and
- Date of Ad Hoc Committee termination.

BACKGROUND

Section 14.2 and 14.3 of the JPA Agreement describes, in very general terms, funding and contribution options available to the Agency. Chapter 8 – *Financial Authority* of the Sustainable Groundwater Management Act (SGMA) also provides guidance to the Agency.

FISCAL SUMMARY

The fiscal impact from this item is dependent on the funding sources identified and selected by the Board to facilitate the final approved budget.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 13

DATE: Aug 28, 2017
TO: Board of Directors
SUBJECT: Submission of Grant Application (Motion)

SUMMARY

The Board will discuss the feasibility of preparing a grant application to potentially acquire grant funding to offset a portion of the Groundwater Sustainability Plan development.

RECOMMENDED ACTION

Staff will lead the Board in a discussion of the Proposition 1 (Prop 1) Grant program, possible funding amounts, applicant qualifications, application timeline, and level of effort associated with assembling an application.

BACKGROUND

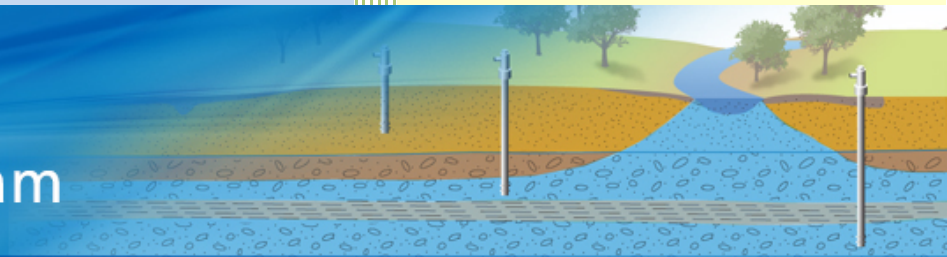
Up to \$1 million per basin for Groundwater Sustainability Plan development are contained in the Prop 1 grant funding. Applicants are responsible for a minimum cost share of 50% of the total project cost. Project expenses must be incurred after May 18, 2016 to be considered as cost share.

Application packets must be submitted to California Department of Water Resources (DWR) between August 2017 and October 2017 with release of funding awards expected in December 2017. If Prop 1 grant funds are still available, DWR will accept additional applications from December 2017 to January 2018.

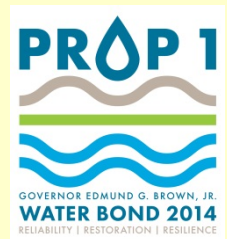
FISCAL SUMMARY

The fiscal impact associated with preparing the grant application is expected to be \$12,000-15,000 based on experiences with other grant application efforts. These cost include the use of a grant consultant, but do not include staff time to facilitate the application process.

Sustainable Groundwater
Planning Grant Program



2015 Grant Program Guidelines



California Natural Resources Agency
Department of Water Resources
Division of Integrated Regional Water
Management

October 2015

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Foreword

This document contains the California Department of Water Resources' (DWR) Sustainable Groundwater Planning (SGWP) Grant Program Guidelines. The document establishes the general process, procedures, and criteria that DWR will use to implement the SGWP Grant Program, funded by the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1).

Grant Program Website

DWR will use the SGWP website as a communication tool to notify interested parties of the status of the grant solicitations and to convey pertinent information. Information will be posted at the following website: <http://water.ca.gov/irwm/grants/sgwp>. See [Appendix A](#) for other useful web links.

Mailing List

In addition to the above-referenced website, DWR will distribute information via e-mail. If you wish to be placed on the SGWP e-mail distribution list, please sign-up at the following link: <http://water.ca.gov/irwm/grants/sgwp/subscription.cfm>.

Point of Contact

For questions about these Guidelines or other issues, please contact DWR's Financial Assistance Branch at (916) 651-9613 or by e-mail at SWGPA@water.ca.gov.

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ACRONYMS AND ABBREVIATIONS USED IN THESE GUIDELINES AND APPENDICES

AB	Assembly Bill
ACS	American Community Survey
AWMP	Agricultural Water Management Plan
BMP	Best Management Practices
CASGEM	California Statewide Groundwater Elevation Monitoring
CEDEN	California Environmental Data Exchange Network
CEQA	California Environmental Quality Act
CMU	Compliance Monitoring Unit
DAC	Disadvantaged Community
DWR	Department of Water Resources
EDA	Economically Distressed Area
EIR	Environmental Impact Report
EO	Executive Order
GIS	Geographic Information System
GRanTS	Grants Review and Tracking System
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
GWMP	Groundwater Management Plan
IRWM	Integrated Regional Water Management
MHI	Median Household Income
NAHC	Native American Heritage Commission
OPR	The Governor's Office of Planning and Research
PSP	Proposal Solicitation Package
SB	Senate Bill
SDAC	Severely Disadvantaged Community
SGMA	Sustainable Groundwater Management Act
SGWP	Sustainable Groundwater Planning
SWRCB	State Water Resources Control Board
USGS	United States Geological Service
UWMP	Urban Water Management Plan

I. PURPOSE AND USE

These guidelines provide the process and general procedures that DWR will use to administer solicitations, submittal and review of grant applications, and award of grant funding for the SGWP Grant Program. Individual Proposal Solicitation Packages (PSPs) will contain detailed information on how to apply for each grant solicitation. The PSP for specific grant solicitation(s) can be downloaded from the DWR website listed in the Foreword.

II. INTRODUCTION AND OVERVIEW

The SGWP Grant Program is designed to provide funding for projects that develop and implement groundwater plans and projects consistent with sustainable groundwater planning. The following legislative efforts provide the basis of the guidelines and associated proposal solicitation packages:

- Public Resource Code §79700 *et seq.* Proposition 1 – The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) authorized the issuance of \$7,120,000,000 in General Obligation Bonds to finance water quality, supply, and infrastructure improvement program.
- Water Code §10720 *et seq.* – Sustainable Groundwater Management Act (SGMA) directed DWR to complete the following activities in support of the SGMA: (1) develop regulations to revise groundwater basin boundaries; (2) adopt regulations for evaluating and implementing Groundwater Sustainability Plans (GSPs) and coordination agreements; (3) identify basins subject to critical conditions of overdraft; (4) identify water available for groundwater replenishment; and (5) publish best management practices for the sustainable management of groundwater. In addition SGMA specified actions for critically overdrafted groundwater basins, high and medium priority basins, and low and very low priority basins. SGMA also outlined the responsibility of the State Water Resource Control Board (SWRCB) with regard to groundwater basins that do not comply with SGMA.
- Water Code §10920 – California Statewide Groundwater Elevation Monitoring (CASGEM) – In 2009, the California Legislature amended the Water Code with Senate Bill (SB) x7-6. SBx7-6 mandates a statewide groundwater elevation monitoring program to track seasonal and long-term trends in groundwater elevations in California's groundwater basins. The amendment required collaboration between local monitoring entities and DWR to collect groundwater elevation data as an important fundamental step toward improving management of California's groundwater resources.
- Water Code §10753 *et seq.* – Groundwater Management Act – In 1992, legislation was passed to encourage local agencies to work cooperatively to manage groundwater resources. The Groundwater Management Act provided guidance on preparation of groundwater management plans (GWMPs) as a methodology for managing groundwater. Assembly Bill (AB) 359 amended the act, requiring agencies to submit GWMPs to DWR and requiring DWR to provide public access to the GWMPs.

Additional changes to the guidelines may be necessary due to legislation or changes in State water management policy. If additional changes are necessary, these guidelines will be amended and subject to a public review process per Water Code §79706.(b).

A. Funding

The SGWP Grant Program is funded by Proposition 1. Proposition 1 amended the Water Code to add, among other articles, §79774 authorizing the Legislature to appropriate \$100 million for competitive grants for projects that develop and implement groundwater plans and projects in accordance with groundwater planning requirements established under Division 6 (commencing with Section 10000). DWR will make at least 10 percent (\$10 million) of these funds available for projects that serve severely disadvantaged communities (SDAC) (Water Code §79774.(d)). Additional information on Proposition 1 can be found at the following website: <http://bondaccountability.resources.ca.gov/p1.aspx>.

B. Minimum Local Cost Share Requirements

A local cost share of not less than 50% of the total project costs is required by Proposition 1 (Water Code Section 79774.(b)). The definition of “Local Cost Share” can be found in Appendix B. For proposals containing multiple projects, the local cost share is based on the total cost of the proposal. Other State funds can be included in the total project cost budget but cannot be used as local cost share. The cost-sharing requirement may be waived or reduced for projects that directly benefit a disadvantaged community (DAC) or an economically distressed area (EDA), see Appendices E and F for guidance regarding determining DAC or EDA status.

C. Program Preferences and Statewide Priorities

DWR will provide a Program Preference for each proposal solicitation that meet the following preferences identified in Proposition 1:

- ❖ Leverage Funds – Priority needs to be given to projects that leverage private, federal, or local funding or produce the greatest public benefit (Water Code §79707.(b)).
- ❖ Include New and Innovative Practices – Special consideration needs to be given to projects that employ new or innovative technology or practices, including decision support tools that support the integration of multiple jurisdictions, including, but not limited to, water supply, flood control, land use, and sanitation (Water Code §79707.(e)).
- ❖ Proposition 1, Chapter 10 (Water Code §79771.(b)(1-5)) specifies that projects shall be prioritized based upon the following criteria:
 - The threat posed by groundwater contamination to the affected community’s overall drinking water supplies, including an urgent need for treatment of alternative supplies or increased water imports if groundwater is not available due to contamination.
 - The potential for groundwater contamination to spread and impair drinking water supply and water storage for nearby population areas.
 - The potential of the project, if fully implemented, to enhance local water supply reliability.
 - The potential of the project to maximize opportunities to recharge vulnerable, high-use groundwater basins and optimize groundwater supplies.
 - The project addresses contamination at a site for which the courts or the appropriate regulatory authority has not yet identified responsible parties, or where the identified responsible parties are unwilling or unable to pay for the total cost of cleanup, including water supply reliability improvement for critical urban water supplies in designated superfund areas with groundwater contamination listed on the National Priorities List established pursuant to Section 105(a)(8)(B) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9605(a)(8)(B)).

DWR will also give priority to proposals that meet one or more of the following Statewide Priorities:

- ❖ Proposals that directly benefit DAC or SDAC.
- ❖ Counties forming or participating in formation of Groundwater Sustainability Agencies (GSAs).
- ❖ Regional projects or programs that implement an adopted Integrated Regional Water Management (IRWM) Plan (Water Code §10544).

These Program Preferences and Statewide Priorities may be reflected in the individual PSP scoring criteria or may be taken into consideration during the review process. Individual PSPs will include additional information regarding both the Program Preferences and Statewide Priorities.

D. Competition

Grants will be awarded on a competitive basis based on application scores using specific criteria contained in each PSP (Water Code §79775).

III. ELIGIBILITY REQUIREMENTS

A. Eligible Grant Applicants

Eligible grant applicants are public agencies, non-profit organizations, public utilities, federally recognized Indian tribes, California Native American Tribes, and mutual water companies (Water Code §79712.(a-b)). See Appendix B for definitions of these terms.

B. Eligible Project Types

Projects that are eligible to receive funds through the SGWP Grant Program must advance sustainable management of groundwater by doing one or more of the following items:

- ❖ Advancing the purpose of Proposition 1 Chapter 10, Groundwater Sustainability.
- ❖ Being consistent with water quality protection outlined in Division 7 (commencing with Section 13000) of the Water Code and Section 13100 of the Government Code relating to state infrastructure funding plans (Water Code §79707.(h)).
- ❖ Promoting State planning priorities and sustainable community strategies (consistent with Section 65041.1 and 65080 of the Government Code) (Water Code §79707.(i)).

Projects proposed by a public utility regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system and not the investors (Water Code §79712.(b)(1)).

Additional factors that may affect eligible project types include funding obligations and the economic status of community(ies) that projects benefit. Individual PSPs will be used to provide clarification on the specific project eligibility requirements. Prospective applicants should also be aware that Proposition 1 funds cannot be used for the following items:

- ❖ Any project that could adversely impact a wild and scenic river or any river afforded protection under the California or Federal Wild and Scenic Rivers Act (Water Code §79711.(e)).
- ❖ Acquisition of land through eminent domain (Water Code §79711.(g)).
- ❖ Design, construction, operation, mitigation, or maintenance of Delta conveyance facilities (Water Code §79710).
- ❖ Acquisition of water except for projects that will provide fisheries or ecosystem benefits or improvements that are greater than required applicable environmental mitigation measures or compliance obligations in effect at the time the funds are made available for the project (Water Code §79709.(c)).
- ❖ To pay any share of the costs of remediation recovered from parties responsible for the contamination of a groundwater storage aquifer, but may be used to pay costs that cannot be recovered from responsible parties (Water Code §79771.(c)).

C. Eligibility Criteria

Applications for grants must meet all relevant eligibility criteria, listed below, in order to be considered for funding. Additional eligibility criteria may be applicable to specific appropriations of funding. Such appropriation specific elements will be found in the relevant PSP. To be eligible for funding:

- ❖ **GWMP Compliance.** For groundwater implementation projects that directly affect groundwater levels or quality, the applicant or the project proponent responsible for such projects must self-certify that one of the following applies:
 - They have prepared and implemented a GWMP in compliance with Water Code §10753.7. Projects located in a high or medium priority groundwater basin without an adopted GWMP before January 1, 2015 are not eligible to receive funding (Water Code §10750.1.(a)).

- They participate or consent to be subject to a GWMP, basin-wide management plan, or other IRWM program or plan that meets the requirements of Water Code §10753.7(a).
 - Their project is located in a low or very low priority groundwater basin and the Proposal includes the development of a GWMP that meets the requirements of Water Code §10753.7 and will be completed within 1-year of the grant application submittal date.
- ❖ **Water Code §10920 Compliance.** Water Code §10920 *et seq.* establishes a groundwater monitoring program designed to monitor and report groundwater elevations in all or part of a basin or sub-basin. Information on the requirements of the CASGEM Program can be found at the CASGEM link listed in Appendix A. DWR has established high, medium, low, and very low priority groundwater basins, as well as CASGEM monitoring entities. Water Code §10927 identifies potential CASGEM monitoring entities. Applicants who match the list for potential CASGEM monitoring entities, and whose jurisdictional boundaries include high or medium priority basins with no CASGEM monitoring entity, will not be eligible for a SGWP grant award pursuant to Water Code §10933.7(a). Consistent with Water Code §10933.7(b), if the entire service area of the grant applicant is demonstrated to be a DAC, as defined in Appendix B, the project will be considered eligible for grant funding notwithstanding CASGEM compliance.
- ❖ **Agricultural Water Suppliers.** An agricultural water supplier shall adopt and submit an agricultural water management plan (AWMP) in accordance with the Agricultural Water Management Planning Act (Part 2.8 (commencing with §10800) of Division 6 of the Water Code). *The 2015 AWMPs are due to DWR by December 31, 2015.* In addition, per the Governors' April 2015 Executive Order (EO B29-15), agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 AWMPs a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. DWR requires those plans to include quantification of water supplies and a demand for 2013, 2014, and 2015 to the extent the data is available. DWR will provide technical assistance to water suppliers in preparing the plans. For additional information regarding AWMP and to request technical assistance, please visit the Water Use and Efficiency website listed in Appendix A.
- ❖ **Urban Water Suppliers.** An urban water supplier shall adopt and submit an Urban Water Management Plan (UWMP) in accordance with the Urban Water Management Planning Act (Part 2.6 (commencing with §10610) of Division 6 of the Water Code) to DWR to be eligible for SGWP Grant Program funding. Eligible Urban Water Suppliers must have a 2010 UWMP that has been verified as complete by DWR before a grant agreement will be executed. *The 2015 UWMPs are due to DWR by July 1, 2016.* In addition, per EO B29-15, urban water suppliers must provide the State Water Resources Control Board (SWRCB) with monthly information on water usage, conservation, and enforcement on a permanent basis.
- ❖ **Surface Water Diversion Reporting Compliance.** A diverter of surface water is not eligible for a water grant or loan awarded or administered by the State unless it complies with surface water diversion reporting requirements outlined in Part 5.1 (commencing with §5100) of Division 2 of the Water Code.
- ❖ **AB 1420 Compliance.** AB 1420 (Stats. 2007, Chapter 628) conditions the receipt of a water management grant or loan, for urban water suppliers, on the implementation of water demand management measures described in CWC §10631. DWR has determined that implementation of the California Urban Water Conservation Council best management practices (BMPs) will fulfill the requirements of AB 1420. An urban water supplier may be eligible for a water management grant or loan if it demonstrates that it has implemented or scheduled, or is in the process of implementing or scheduling the implementation of BMPs. Urban water suppliers applying to use grant funds for implementation of BMPs must ensure they have submitted all the necessary information. Therefore, urban water suppliers who are applicants or project proponents in a grant application must supply additional information which can found at the Water Use and Efficiency website listed in Appendix A.
- ❖ **SBx7-7 Compliance.** Sustainable Water Use and Demand Reduction (Water Code §10608 *et seq.*). SBx7-7 conditions the receipt of a water management grant or loan for urban water suppliers on Gallons per Capita per Day reduction targets with the end goal of a 20% reduction by 2020.

IV. GENERAL PROGRAM REQUIREMENTS

A. Conflict of Interest

All participants are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent grant agreement being declared void. Other legal action may also be taken. Before submitting an application, applicants are urged to seek legal counsel regarding conflict of interest requirements. Applicable statutes include, but are not limited to, Government Code §1090 and Public Resources Code §10410 and §10411.

B. Confidentiality

Once the Proposal has been submitted to DWR, any privacy rights, as well as other confidentiality protections afforded by law with respect to the application package will be waived.

C. CEQA Compliance

Activities funded under the SGWP Grant program regardless of funding source must be in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code §21000 *et seq.*).

Public Resources Code §21080.3.1 requires the CEQA lead agency to consider project effects on tribal cultural resources and to conduct consultation with California Native American tribes. Appendix C contains additional information on tribal notification.

D. Labor Compliance

Funding recipients shall keep informed of and take all measures necessary to ensure compliance with Labor Code requirements, including but not limited to, Section 1720 *et seq.* of the Labor Code regarding public works, limitations on use of volunteer labor (California Labor Code Section 1720.4), labor compliance programs (California Labor Code Section 1771.3), and payment of prevailing wages for work done and funded pursuant to the SGWP Grant Program, including any payments to the Department of Industrial Relations under Labor Code Section 1771.3. The applicant must comply with all applicable laws when it hires private consultants to implement its project partially or fully.

Tribal governments may have other labor compliance requirements or obligations; tribes are encouraged to consult their legal counsel and the California Department of Industrial Relations to determine their specific labor compliance obligations.

For additional information on Labor Code compliance, please refer to the Department of Industrial Relations website listed in the Appendix A. Before submitting an application, applicants are urged to seek legal counsel regarding California Labor Code compliance.

E. Monitoring Requirements

Projects that collect surface or groundwater water quality data shall collect and report the data in a manner consistent with the SWRCB database, the California Environmental Data Exchange Network (CEDEN). See Appendix A for web links to CEDEN.

If a project's Work Plan contains a groundwater ambient monitoring element, groundwater quality monitoring data shall be submitted to the State for inclusion in the State Water Resources Control Board's Groundwater Ambient Monitoring and Assessment (GAMA) Program Information on the GAMA Program can be obtained at the website listed in Appendix A. Projects that collect watershed monitoring data shall collect and report the data in a manner consistent with the Department of Conservation's statewide watershed monitoring program (Water Code §79704).

Water Code §10927 requires various entities, including local agencies that are managing all or part of a groundwater basin pursuant to Water Code §10750, to assume responsibilities for groundwater elevation monitoring and reporting, as required by Water Code §10920 *et seq.* See CASGEM link listed in Appendix A.

F. Signage or Acknowledgement of Credit

To the extent practicable, a project supported by funds made available through this program will include signage or other relevant forms of acknowledgement informing the public that the project received funds from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (§79707.(g)).

V. PROPOSAL SELECTION

A. Solicitation Notice

DWR will solicit grant Proposals with the release of a final PSP.

PSPs provide detailed instructions on the mechanics of submitting Proposals and specific information on submittal requirements. PSPs will be made available on the DWR website listed in the Foreword. A solicitation notice will be e-mailed to all interested parties on the SGWP mailing list and posted on the website listed in the Foreword.

B. Applicant Assistance Workshops

Informational workshops will be conducted to address applicant questions and to provide general assistance to applicants preparing grant applications. The date and locations of the workshops are provided via the SGWP Grant Program website, e-mail distribution list, and news release. In addition to these informational workshops, applicants are encouraged to seek assistance from DWR staff in understanding SGWP Grant Program requirements and completing grant applications.

C. Proposal Submittal

Grant application processes will utilize electronic submittals when possible. Submission of applications will be through DWR's Grant Review and Tracking System (GRanTS). The PSP for any given solicitation will contain specific instructions and links to the GRanTS system.

D. Completeness Review

All information requested in the PSP must be provided. Each application will first be evaluated in accordance with the PSP for completeness. **Applications not containing all required information will not be reviewed or considered for funding.**

E. Eligibility Review

Complete applications will be evaluated for compliance with the Eligibility Criteria, Section III.B. **Applications that are determined to be ineligible will not be reviewed or considered for funding.**

F. Review Process

The appropriate review process will be described in each PSP. Generally the review process will include the following steps:

- ❖ Technical reviewers will individually score Proposals in accordance with scoring criteria documented in PSP. Each funding cycle may have slight variations in scoring criteria; so, applicants should be sure to review the specific criteria during each funding cycle.
- ❖ A selection panel comprised of DWR senior and management staff will generate a preliminary ranking list of the Proposals and make the initial funding recommendations. When developing the ranking list, the selection panel will consider the following items

- Amount of funds available
- Proposal review and score
- Program Preferences and Statewide Priorities (as outlined in individual PSPs)

The Selection Panel may recommend reducing grant amounts from that requested because of available funding limitations or other relevant factors.

G. Grant Awards

Based on the Proposal evaluations, and the recommendation of the selection panel, DWR’s Director will approve a final funding list and the associated funding commitments. Following approval by the Director, the selected grant recipients will receive a commitment letter officially notifying them of their selection, the grant amount, and funding source(s).

H. Grant Agreement

Following funding commitment, DWR will execute a grant agreement with the grant recipient. Grant agreements are not executed until signed by the authorized representative of the grant recipient and DWR. Grant recipients will need to provide a resolution from their governing board accepting the funds and designating a representative authorized to execute the contract and sign requests for disbursement.

For each project(s), both conditions of the following conditions must be met prior to disbursement of grant funds:

- ❖ **Financial Statements:** To help demonstrate that sufficient funds are available to complete the grant-funded project, the Grantee may be required to submit copies of their most recent audited financial statements or documentation that supports the financial status of the grantee.
- ❖ **CEQA:** The Grantee must demonstrate that it has a plan to comply with all applicable requirements of CEQA and the National Environmental Policy Act and a schedule that outlines when the appropriate environmental documents will be completed. DWR staff will review the CEQA documentation available at the time of the grant agreement execution for each project contained within the proposal. Each project with work subject to CEQA shall not proceed until documents that satisfy the CEQA process are received by DWR and DWR has completed its CEQA compliance review. Work that is subject to a CEQA document shall not proceed until and unless approved by DWR. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. Once CEQA documentation has been completed, DWR will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations, or other mitigation.

As part of the grant agreement, the Grantee will be required to provide routine progress reports and information regarding their projects for Bond Accountability reporting. Appendix D provides applicants with a summary of the minimum documentation that will need to be maintained for State auditing purposes. A template for the agreement will be posted later on the SGWP Grant program website.

I. Eligible Costs

For costs to be eligible for reimbursement, the costs must be consistent with the “reimbursable costs” definition contained in Appendix B and must be incurred after the effective date listed in the PSP and prior to termination of the grant agreement. For costs to be eligible for consideration as local cost share, the costs must be consistent with the “local cost share” definition in Appendix B and incurred after the date specified in each individual PSP. Travel costs incurred on SGWP Grant Program grants are not eligible as local cost share or for reimbursement unless the proposed project directly benefits a DAC or SDAC and DWR concurs with the Grantees request. **Advance funds will not be provided.**

APPENDIX A

USEFUL WEB LINKS

DWR

Homepage:	www.water.ca.gov/
Groundwater Information Center:	www.water.ca.gov/groundwater/
Sustainable Groundwater Management:	http://www.water.ca.gov/groundwater/sgm/index.cfm
CASGEM Program:	http://www.water.ca.gov/groundwater/casgem/
Bulletin 118 California's Groundwater:	http://www.water.ca.gov/groundwater/bulletin118/index.cfm
IRWM Grant Program:	http://www.water.ca.gov/irwm/grants/
California Water Plan:	www.waterplan.water.ca.gov
DAC Mapping Tool and Data:	http://www.water.ca.gov/irwm/grants/resources_dac.cfm
Grants & Loans:	http://www.water.ca.gov/funding/
Water Use and Efficiency:	http://www.water.ca.gov/wateruseefficiency/

California Native American Heritage Commission

Homepage:	http://www.nahc.ca.gov/
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State Water Board Information and Programs

Homepage:	www.waterboards.ca.gov
Groundwater site:	http://www.waterboards.ca.gov/water_issues/programs/gmp/
Financial Assistance:	http://www.waterboards.ca.gov/water_issues/programs/grants_loans/
CEDEN:	http://www.ceden.org/
GAMA:	http://www.waterboards.ca.gov/water_issues/programs/gama/

CEQA Information

Environmental Information:	http://resources.ca.gov/ceqa/
California State Clearinghouse Handbook:	http://opr.ca.gov/docs/SCH_Handbook_2012.pdf
California Climate Adaptation Strategy:	climatechange.ca.gov/adaptation/index.html

Department of Industrial Relations (DIR)

Labor Compliance Programs:	www.dir.ca.gov/lcp.asp
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U.S. Census Bureau

Homepage:	www.census.gov
American Community Survey:	http://www.census.gov/acs

APPENDIX B

DEFINITIONS

- Agricultural Water Supplier** – a water supplier, either publicly or privately owned, provided water to 10,000 or more irrigated acres, excluding the acreage that received recycled water; also include a supplier or contractor for water regardless of the basis of right that distributes or sells water for ultimate resale to customers (Water Code §10608.12.(a)).
- Applicant** – the entity that is formally submitting a grant application. This is the same entity that would enter into an agreement with the State should the grant application be funded.
- Application** – the electronic submission to DWR that requests grant funding for a Proposal that the applicant intends to implement.
- Basin** – a groundwater basin or subbasin identified and defined in Bulletin 118 or modified pursuant to Chapter 3 (commencing at Section 10722 of the Water Code).
- Bulletin 118** – means “California’s Groundwater: Bulletin 118” updated in 2003, as it may be subsequently update or revised in accordance with Section 12924 of the Water Code.
- California Native American Tribe** – the term “state Indian tribes” (Water Code Section 79712.(a)) means Indigenous Communities of California, which are on the contact list maintained by the Native American Heritage Commission, including those that are federally non-recognized and federally recognized, and those with allotment lands, regardless of whether they own those lands. Additionally, because some water bodies and Tribal boundaries cross State borders, this term may include Indigenous Communities in Oregon, Nevada, and Arizona that are impacted by water in California.
- Coordination Agreement** – refers to a legal agreement, adopted between two or more groundwater sustainability agencies, that provides the basis for coordinating multiple agencies or groundwater sustainability plans within a basin pursuant to this part.
- Disadvantaged Community** – a community with an annual median household income that is less than 80 percent of the Statewide annual median household income (Water Code §79702.(j) which cross references to Water Code §79505.5).
- Economically Distressed Area** – a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less, with an annual median household income that is less than 85 percent of the statewide median household income, and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) Unemployment rate at least 2 percent higher than the statewide average, or (3) low population density. (Water Code §79702.(k))
- Federally Recognized Indian Tribes** – means a federally recognized tribe is an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs (Bureau of Indian Affairs).
- Governing Body** – means the legislative body of a groundwater sustainability agency.
- Grantee** – a grant recipient.
- Groundwater**- refers to water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.
- Groundwater Recharge** - the augmentation of groundwater, by natural or artificial means.
- Groundwater Sustainability Agency** – means one or more local agencies that implement the provisions of this part. For purposes of imposing fees pursuant to Chapter 8 (commencing with Section 10730) or

taking action to enforce a groundwater sustainability plan, “groundwater sustainability agency” also means each local agency comprising the groundwater sustainability agency if the plan authorizes separate agency action (Water Code § 10721.(j)).

Groundwater Sustainability Plan - a plan of a groundwater sustainability agency proposed or adopted pursuant to this part (Water Code § 10721.(j)).

In-Kind Contributions – work performed by the grantee that furthers the scope of the grant, the cost of which is considered local cost share in-lieu of actual funds from the grantee.

Land Subsidence – Land subsidence is a gradual settling or sudden sinking of the Earth’s surface due to movement of earth materials. (*USGS Fact Sheet-165-00 December 2000*)

Local Cost Share – non-State fund portion of cost share made available by the applicant to assist in financing a project which can include in-kind-services directly related to the scope of work presented in the grant proposal. Local cost share expenses must meet the definition of reimbursable cost listed below and be incurred after the local cost share eligibility date specified in the individual PSPs. Local cost share may also include expenses, including in-kind services, incurred by a State agency, as long as the expenses are not otherwise funded by State funds.

Mutual Water Company – a private corporation or association organized for the purposes of delivering water to its stockholders and members at cost, including use of works for conserving, treating, and reclaiming water (Public Utilities Code §2725-2729).

Non-profit Organization – any non-profit corporation qualified to do business in California and qualified under §501(c)(3) of the Internal Revenue Code. (Water Code §79702.(p))

Overdraft – the condition of the groundwater basin or aquifer where the average annual amount of water extracted exceeds the average annual supply of water to a basin or aquifer.

Proposition 1 – “Water Quality, Supply, and Infrastructure Improvement Act of 2014” passed by California voters on November 4, 2014, and as set forth in Division 26.7 of the Water Code.

Public Agency – any state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the State (Water Code §79702.(s)).

Public Utility – as defined in Public Utilities Code §216.

Recharge Area - the area that supplies water to an aquifer in a groundwater basin.

Reimbursable Costs – costs that may be repaid by state grant funds. Reimbursable costs must be incurred after the effective date listed for the specific solicitation in the PSP, and may include the reasonable costs of engineering, design, land and easement, legal fees, preparation of environmental documentation, environmental mitigation, and project implementation including administrative costs and incidental costs.

Costs that are not reimbursable with grant funding include, but are not limited to:

- a. Costs for preparing and filing a grant application belonging to another solicitation
- b. Operation and maintenance costs, including post construction project performance and monitoring costs
- c. Purchase of equipment not an integral part of the project
- d. Establishing a reserve fund
- e. Purchase of water supplies
- f. Replacement of existing funding sources for ongoing programs
- g. Support of existing punitive regulatory agency requirements and/or mandates in response to negligent behavior

- h. Purchase of land in excess of the minimum required acreage necessary to operate as an integral part of the project, as set forth and detailed by engineering and feasibility studies or acquisition of land by eminent domain
- i. Payment of principal or interest of existing indebtedness or any interest payments unless the debt is incurred after effective date of a grant award with the State, the granting agency agrees in writing to the eligibility of the costs for reimbursement before the debt is incurred, and the purposes for which the debt is incurred are otherwise reimbursable project costs
- j. Overhead not directly related to project costs
- k. Meals, food items, or refreshments
- l. Costs associated with travel unless the project directly benefits a Disadvantaged Community or Severely Disadvantaged Community.

Scoring Criteria – set of requirements used by DWR to evaluate a proposal for a given program or for funding.

Selection Panel – group of DWR representatives at the supervisory or management level assembled to review and consider proposal evaluations and scores developed by the Technical Reviewers and to make initial funding recommendations. Other agencies, such as the SWRCB or RWQCB, representatives at the supervisory or management level may also be invited to participate on the Selection Panel.

Severely Disadvantaged Community – is a community with a median household income of less than 60 percent of the statewide average. (Water Code §79702.(v) which cross references to Health and Safety Code §116760.20)

Sustainable Groundwater Management - the management and use of groundwater, in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.

Technical Reviewers – a group of DWR representatives assembled to evaluate the technical competence of a proposed project and the feasibility of the project being successful if implemented. Other agencies, such as SWRCB or the regional water quality control boards, representatives may also be invited to participate as technical reviewers.

Undesirable Result - one or more of the following effects caused by groundwater conditions occurring throughout the basin (Water Code § 10721.(w)):

1. Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.
2. Significant and unreasonable reduction of groundwater storage.
3. Significant and unreasonable seawater intrusion.
4. Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.
5. Significant and unreasonable land subsidence that substantially interferes with surface land uses.
6. Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

Urban Water Supplier – supplier, either publicly or privately owned, that provides water for municipal purposes, either directly or indirectly, to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually (Water Code §10617).

APPENDIX C

NATIVE AMERICAN TRIBE NOTIFICATION

Public Resources Code §21080.3.1 requires the CEQA lead agency to consider project effects on tribal cultural resources and to conduct consultation with California Native American tribes. DWR recommends using the Office of Planning and Research's (OPR) procedures for tribal consultation for General Plans and Specific Plans as guidance to meeting the Native American Tribe Notification requirement. The notification process a lead agency uses may include the following steps:

- ❖ Determine if the proposed project is a project under CEQA.
- ❖ If the project will use a negative declaration or an Environmental Impact Report to comply with CEQA and the CEQA document was not adopted by March 1, 2009, tribal notification is required prior to adoption of the CEQA document.
- ❖ To determine which tribes may have traditional lands located within the project area, send a request to the Native American Heritage Commission (NAHC) using the NAHC request form which can be found at the following link: <http://nahc.ca.gov/resources/forms/>. Expect a reply within 30 days.
- ❖ Once tribal information from NAHC is received, notify tribes of the project nature and project location.
- ❖ Allow tribes 90 days to reply to the notification.
- ❖ Solicit input from tribes that respond to the notification.
- ❖ Consider tribal input to the project prior to adoption of a negative declaration or EIR.

The above notification process follows OPR's procedures for tribal consultation for General Plans and Specific Plans. Further information on tribal consultation can be found at the following link:
http://www.opr.ca.gov/s_localandtribalintergovernmentalconsultation.php

Contact information for the NAHC is as follows:

Tribal Advisor
Office of Governor Edmund G. Brown Jr.
Executive Secretary, Native American Heritage Commission
1550 Harbor Blvd. Suite 100
West Sacramento, California 95691
(916) 373-3710
(916) 373-5471
nahc@nahc.ca.gov
<http://nahc.ca.gov/>

APPENDIX D

GUIDELINES FOR GRANTEES

The lists below details the documents/records that State Auditors would need to review in the event of a grant being audited. Grantees should ensure that such records are maintained for each funded project for a minimum of three years after termination of the grant agreement.

Internal Controls

- 1) Organization chart (e.g. Agency's overall organization chart and organization chart for the grant funded Program/Project)
- 2) Written internal procedures and flowcharts for the following:
 - a) Receipts, deposits, and disbursements
 - b) State reimbursement requests
 - c) Grant expenditure tracking
 - d) Guidelines, policy, and procedures on grant funded Program/Project
- 3) Audit reports of the Agency's internal control structure and/or financial statements within the last three years
- 4) Prior audit reports on grant funded Program/Project

Grants

- 1) Original grant agreement, any amendment(s) and budget modification documents
- 2) A listing of all bond-funded grants received from the State
- 3) A listing of all other funding sources for each Program/Project

Contracts

- 1) All subcontractor and consultant contracts and related or partners documents, if applicable
- 2) Contracts between the Agency and member agencies as related to the grant funded Program/Project

Invoices

- 1) Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the grant
- 2) Documentation linking subcontractor invoices to State reimbursement, requests and related grant budget line items
- 3) Reimbursement requests submitted to the State for the grant

Cash Documents

- 1) Receipts (copies of warrants) showing payments received from the State
- 2) Deposit slips (or bank statements) showing deposit of the payments received from the State
- 3) Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, and/or agents under the grant
- 4) Bank statements showing the deposit of the receipts

Accounting Records

- 1) Ledgers showing entries for grant receipts and cash disbursements
- 2) Ledgers showing receipts and cash disbursement entries of other funding sources
- 3) Bridging documents that tie the general ledger to requests for grant reimbursement

Administration Costs

- 1) Supporting documents showing the calculation of administration costs

Personnel

- 1) List of all contractors and Agency staff that worked on the grant funded Program/Project
- 2) Payroll records including timesheets for contractor staff and the Agency personnel who provided services charged to the program

Project Files

- 1) All supporting documentation maintained in the project files
- 2) All grant related correspondence

APPENDIX E

DISADVANTAGED COMMUNITIES AND SEVERELY DISADVANTAGED COMMUNITIES

The American Community Survey (ACS) of the U. S. Census provides a dataset that can be used as a source to estimate a community's MHI. The most recent and most comprehensive data available is for the 5-year period of 2009-2013. The ACS data gives estimates of MHI for different census geographies, such as for states, counties, census places (incorporated cities and unincorporated towns), census tracts, and census block groups. Using the ACS data for the years 2009-2013, 80% of the Statewide MHI is \$48,875 and 60% of the Statewide MHI is \$36,656. For additional information on the ACS at the link listed in Appendix A.

DWR has developed a tool which utilizes the most current ACS data (2009-2013 ACS) to show the location and boundaries of DACs and SDACs in the State, at the census place, tract, and block group level. The tool allows users to view different geographies or combinations of geographies, using different base maps and to zoom in to various scales. Appendix A provides a link to the DAC tool. For individuals with GIS capabilities, also provided at this link are GIS files representing the ACS data (and DAC status) for the three census geographies.

DWR will update the MHI values and the DAC tool as updated ACS data sets become available. Therefore, potential applicants should check the DAC website prior to submitting a grant application to verify that current information is being used.

The applicant may use ACS data at the census place, census tract, or census block group geography levels to show whether a project serves a DAC or SDAC, based on what geography is the most representative for that community. For DACs or SDACs, the allowable alternative geographies are, respectively:

Alternative Geography	DAC	SDAC
The project serves an area that is contained within a census place for which the MHI is less than	\$48,875	\$36,656
The project serves an area that is contained within one or more census tracts and the MHI of each census tract is less than		
The project serves an area that is inscribed within one or more census block groups and the MHI of each block group is less than		
The project serves an area that is inscribed in one or more census tracts or block groups and some (but not all) of the census tracts or block groups have an MHI of less than		

If a project serves a DAC or SDAC and is divided among several contiguous census tracts or block groups, and some of the project area tracts or block groups do not meet the DAC or SDAC criterion, the project will be considered a DAC project for the purpose of waiving cost share requirements in proportion to the population served that meets the DAC criterion. For some projects, it may be more appropriate to use the project cost or area served as the basis for proportioning the project into DAC/non-DAC or SDAC/non-SDAC segments, for instance, when there are differences in population density or in project costs to serve different segments of the project population. Similar rationales will be used for evaluating whether a project serves a SDAC for the purposes of ensure that at least 10% of the SGWP funding is made available to projects that serve SDACs (See Section II.A).

In cases where the ACS 5-year survey data do not support a community as a DAC or SDAC, DWR will consider use of other data that show the community is a DAC. For instance, use of third party survey data that supports the population served by the project has an MHI of less than DAC or SDAC MHI. In these instances, please contact DWR for a determination of how alternate data may be used to determine whether a community is a DAC.

APPENDIX F

ECONOMICALLY DISTRESSED AREA

DWR has developed the Economically Distressed Area Instructions and Mapping Tool to assist potential applicants in determining whether the project is located in or benefits an EDA. The Instructions that provide guidance on defining the relevant terms contained in the EDA definition and the current comprehensive data available for evaluating those terms; the Mapping Tool provides a user-friendly means to assess whether the area in question is an EDA.

The EDA Mapping Tool presents the different levels of geography, which include counties, census places (incorporated cities and unincorporated towns), census tracts, and census block groups and can be found at the following link: http://www.water.ca.gov/irwm/grants/resources_eda.cfm.

The applicant may use the data at the different geography levels to show whether a project serves an EDA, based on what geography is the most representative for the project location/benefit area. For individuals with GIS capabilities also provided at the above-referenced link are GIS files representing the data and EDA status for the provided geographies.

In cases where the outlined data does not adequately portray the project benefit area (such as census geography and the project area do not match), DWR will consider use of other data that shows the appropriate criteria of an EDA. For example, income survey data may be used to support the MHI of the project benefit area. In these instances, please contact DWR for a determination of how alternate data may be used to demonstrate whether a project benefit area is an EDA.

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CALIFORNIA NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
DIVISION OF INTEGRATED REGIONAL WATER MANAGEMENT

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 14

DATE: Aug 28, 2017

TO: Board of Directors

SUBJECT: Discussion of Request for Proposal for Legal Services (Motion)

SUMMARY

The JPA Agreement provides that the Agency may contract with a Member or other public agency or private entity for various services. The Agency may require the services of legal counsel for routine operations or compliance with the Sustainable Groundwater Management Act.

RECOMMENDED ACTION

The Board will discuss the need for legal services and consider asking the Interim Executive Director to develop a Request for Proposal to solicit legal services for the Agency.

BACKGROUND

The JPA Agreement provides that the Agency may contract with a Member or other public agency or private entity for various services, including those related to the Agency's finances, purchasing, risk management, information technology, and human resources. A written agreement shall be entered between the Agency and the Member or other public agency or private entity contracting to provide such service, and that agreement shall specify the terms on which such services shall be provided, including without limitation, compensation, if any, that shall be made for the provision of such services.

FISCAL SUMMARY

Depending on the direction of the Board, there could be a fiscal impact associated with this item. The amount of the impact cannot be determined at this time.



Sample Request for Proposal for Legal Services

September 2012

This is a Request for Proposal (RFP) for Legal Services that Community Action Agencies (CAA) may use as a starting place to create their own RFP. A CAA should carefully review this RFP and edit it as necessary to ensure that it meets the needs of its organization. It is important to note that, as set forth in the Working with Attorneys section of the Exemplary Legal Policies and Practices Guidebook, a CAA must comply with the procurement requirements set forth in Uniform Administration Requirements for Grants set forth in 2 C.F.R. Part 215 (OMB Circular A-110) when searching for an attorney to retain. This sample RFP is not intended as legal advice.

REQUEST FOR PROPOSAL FOR LEGAL SERVICES

FOR THE PERIOD

[DATE] to [DATE]

INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:

[EXECUTIVE DIRECTOR OR WHOMEVER IS DESIGNATED TO RECEIVE INQUIRIES]

[TITLE]

[COMMUNITY ACTION AGENCY]

[MAILING ADDRESS]

[PHONE]

[FAX]

[EMAIL]

I. GENERAL INFORMATION.

- A. **Purpose.** This request for proposal (RFP) is to contract for legal services to be provided **[COMMUNITY ACTION AGENCY NAME]** for the **[SPECIFY TIME PERIOD SUCH AS CALENDER YEAR ____ OR DATE RANGE]**.
- B. **Who May Respond.** Only attorneys who are currently licensed to practice law in **[STATE]** and maintain an office in **[CITY, STATE]**, or law firms including such attorneys, may respond to this RFP.

C. Instructions on Proposal Submission.

1. **Closing Submission Date.** Proposals must be submitted no later than **[TIME]** on **[DATE]**
2. **Inquiries.** Inquiries concerning this RFP should be mailed to:

[EXECUTIVE DIRECTOR OR WHOMEVER IS DESIGNATED TO RECEIVE INQUIRIES]
[TITLE]
[COMMUNITY ACTION AGENCY]
[MAILING ADDRESS]

Or e-mailed to: **[EMAIL ADDRESS OF EXECUTIVE DIRECTOR OR WHOMEVER IS DESIGNATED TO RECEIVE INQUIRIES]**

3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by **[COMMUNITY ACTION AGENCY]**, (hereinafter referred to as (CAA).
4. **Instructions to Prospective Contractors.** Your proposal should be addressed as follows:

[EXECUTIVE DIRECTOR OR WHOMEVER IS DESIGNATED TO RECEIVE PROPOSALS]
[TITLE]
[COMMUNITY ACTION AGENCY]
[MAILING ADDRESS]

It is important that the Offeror's proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal
[TIME] [DATE]
SEALED PROPOSAL For Legal Services

Failure to do so may result in premature disclosure of your proposal. It is the responsibility of the Offeror to insure that the proposal is received by CAA , by the date and time specified above. Late proposals will not be considered.

5. **Right to Reject.** CAA reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
6. **Small and/or Minority-Owned Businesses.** Efforts will be made by CAA to utilize small businesses, women and/or minority owned businesses. Offeror qualifies as a small business firm if it meets the definition of "small business" as established by the Small Business Administration ([13 C.F.R. § 121.201](#)).
7. **Notification of Award.** It is expected that a decision selecting the successful Firm will be made within four (4) weeks of the closing date for the receipt of proposals. Upon conclusion of final negotiations with the successful Firm, all Offerors submitting proposals in response to this Request for Proposal will be informed, in writing, of the name of the successful consultant. It is expected that the contract shall **[DESCRIBE TYPE OF CONTRACT, FOR EXAMPLE WILL IT BE A ONE YEAR FIXED PRICE CONTRACT WITH OPTION FOR RENEWAL OR WILL IT BE A CONTRACT FOR A WORK PERFORMED WITHIN A SPECIFIC TIME PERIOD WITH A RETAINER AND ADDITIONAL FEES CONSIDERED ON A MONTHLY BASES].**

- D. **Description of Entity.** CAA is a Community Action Agency that serves **[COUNTIES]** in **[STATE]**. CAA is a **[NONPROFIT CORPORATION/PUBLIC ENTITY]** and **[IF NONPROFIT, has been determined to be exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code]**. CAA has an annual budget of approximately **[DOLLARS]** and is governed by a **[NUMBER OF BOARD MEMBERS]** member volunteer Board of Directors, which meets **[NUMBER]** times per year. CAA employs **[NUMBER]** people. Administrative offices are located at **[ADDRESS]**. Other offices are located throughout **[COUNTIES]**.

CAA's mission **[DESCRIPTION OF MISSION, FOR EXAMPLE, CAA'S mission is to empower people to move from poverty to self-sufficiency. It accomplishes this goal through a variety of programs, financed primarily by federal, state, and local grants, including the following: Head Start and other child and family development programs; Home Energy Assistance; Rental Assistance; Transitional Living and Homelessness Intervention; Runaway and Homeless Youth; Child/Family Health Plus; and Emergency Food and Shelter].**

- II. **SCOPE OF SERVICES.** The Offeror shall be readily available to perform the following legal services, as requested by the Executive Director and/or Board of Directors:

[LIST LEGAL SERVICES DESIRED, FOR EXAMPLE:

- 1. Review, draft, and negotiate contracts and leases**
- 2. Advise on corporate and tax-exempt organization legal issues**
- 3. Advise on individual labor and employment matters**
- 4. Review personnel, fiscal and other policies, as well as corporate by-laws**
- 5. Attend Board of Directors and Committee meetings as necessary**
- 6. Advise on government grant and contract issues**
- 7. Advise on responses to subpoenas, court orders, and requests for information from third parties**
- 8. Defend lawsuits, administrative claims, or other legal claims**
- 9. Conduct litigation as necessary**
- 10. Other legal services as needed]**

Although it is preferable for an attorney or firm to submit a proposal covering all of the above areas, CAA will consider proposals for subsets of these areas.

Offeror shall be prepared to submit detailed billing statements for all services billed at an hourly rate, if any, broken down into time increments of no more than a quarter hour. Offeror shall also include summaries of work performed and time spent on services performed under the flat monthly fee, as discussed below.

III. PROPOSAL CONTENTS. The Offeror, in its proposal, shall, as a minimum, include the following;

- A. **Legal Experience.** The Offeror should describe its legal experience, including the names, addresses, contact persons, and telephone numbers of at least three clients, preferably including clients similar to CAA. Experience should include the following categories:

[LIST EXPERIENCE DESIRED, FOR EXAMPLE:

- 1. Experience advising nonprofit organizations.**
- 2. Experience advising clients conducting similar programs and government-funded services.]**

- B. **Organization, Size, Structure, and Areas of Practice.** If the Offeror is a firm, it should describe its organization, size, structure, areas of practice, and office location(s). Indicate, if appropriate, if the firm is a small or minority/owned business. Also include copy of Equal Opportunity/Affirmative Action Policy, if the firm has one.

- C. **Attorney Qualifications.** The Offeror should have experience in the following areas: **[LIST EXPERIENCE DESIRED, FOR EXAMPLE: non-profit and tax-exempt organizations; real estate, including bond financing; government grants and contracts; labor and employment; and general business operations.]** The Offeror should describe the qualifications of attorneys to be assigned to the representation. Descriptions should include:

1. Professional and education background of each attorney.
 2. Overall supervision to be exercised.
 3. Prior experience of the individual attorneys with respect to the required experience listed above. Only include resumes of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.
- D. **Price.** The Offeror's proposed price should include information on the hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. Also include a monthly flat fee that would be charged to advise on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work. CAA reserves the right to negotiate with the Offeror on the structure of the billing and/or retainer fee.

IV. PROPOSAL EVALUATION

- A. **Submission of Proposals.** All proposals shall include an original and **[NUMBER]** copies.
- B. **Evaluation Procedure and Criteria.** CAA's Executive Director and appropriate staff will review proposals and make recommendations to the Board of Directors for final approval. The Executive Director and/or Board of Directors may request a meeting with some qualified Offerors prior to final selection. Proposals will be reviewed in accordance with the following criteria:

[LIST CRITERIA BY WHICH YOU WILL BE REVIEWING THE PROPOSALS, FOR EXAMPLE:

- 1. Proposed approach to scope of work.**
- 2. Level of experience of the individual(s) identified to work on this matter.**
- 3. The Offeror's experience with similar clients and legal matters.**
- 4. Response from references.**
- 5. Cost.**
- 6. Interviews, if conducted.]**

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 15

DATE: Aug 28, 2017
TO: Board of Directors
SUBJECT: Formation of Standing Committees (Motion)

SUMMARY

The Board will consider whether to form Standing Committees (e.g., Executive and Finance). Standing Committees are commonly used in many governmental agencies to provide additional opportunities for the Board to consider important issues.

RECOMMENDED ACTION

The Board will create the Standing Committees deemed appropriate at this time.

BACKGROUND

Article 12 of the JPA Agreement provides that the Agency may appoint one or more advisory committees or establish standing or ad hoc committees to assist in carrying out the purposes and objectives of the Agency. The Board shall determine the purpose and need for such committees and the necessary qualifications for individuals appointed to them. Each standing or ad hoc committee shall include a Director as the chair thereof. Other members of each committee may be composed of those individuals approved by the Board of Directors for participation on the committee. However, no committee or participant on such committee shall have any authority to act on behalf of the Agency.

FISCAL SUMMARY

There is no fiscal impact associated with this item.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 16

DATE: Aug 28, 2017
TO: Board of Directors
SUBJECT: Formation of Ad Hoc Committees (Motion)

SUMMARY

The Board will consider whether to form Ad Hoc Committees (e.g., Legal Counsel search, Bylaws creation, Policy development, Groundwater Allocation). Ad Hoc Committees are commonly used in many governmental agencies to provide additional opportunities for the Board to consider important issues and to provide additional opportunities for stakeholder engagement.

RECOMMENDED ACTION

The Board will create the Ad Hoc Committees deemed appropriate at this time.

BACKGROUND

Article 12 of the JPA Agreement provides that the Agency may appoint one or more advisory committees or establish standing or ad hoc committees to assist in carrying out the purposes and objectives of the Agency. The Board shall determine the purpose and need for such committees and the necessary qualifications for individuals appointed to them. Each standing or ad hoc committee shall include a Director as the chair thereof. Other members of each committee may be composed of those individuals approved by the Board of Directors for participation on the committee. However, no committee or participant on such committee shall have any authority to act on behalf of the Agency.

FISCAL SUMMARY

There is no fiscal impact associated with this item.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 17

DATE: Aug 28, 2017
TO: Board of Directors
SUBJECT: Water Exchange Programs (Information)

SUMMARY

The Board will hear a presentation from United Water Conservation District (United) staff on their efforts at exploring the potential for entering into water exchange agreements with other agencies.

RECOMMENDED ACTION

Receive and a report on United staff efforts to develop water exchange programs with other agencies.

BACKGROUND

Water exchange agreements are relatively common occurrence between entities such as State Water Project Contractors and Metropolitan Water District (MWD) participants. United staff have had initial conversations with entities such as MWD and Castaic Lake Water Agency (CLWA) to explore how United can provide benefit to their water resource programs and to identify potential benefits to the groundwater basins within United's jurisdiction.

The exchange programs can have elements of variable exchange rates and flexible return water schedules that could benefit the Piru and Fillmore basins.

FISCAL SUMMARY

There is no fiscal impact associated with this item.