

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

**September 7, 2017 - 6:00 p.m.**

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

**AGENDA**

*This is a special meeting of the Board of Directors called in accordance with Government Code 54956. Other than the listed agenda items, no other business will be considered by the Board of Directors.*

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Public Comments**

In accordance with Government Code Section 54954.3: every notice for a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the notice for the meeting before or during consideration of that item. All comments are subject to a five minute time limit.

- 4. 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.

- 5. 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.

**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 8<sup>th</sup> 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.*

Continues...

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Approved:   
Director Kelly Long, Chair

Posted: (date) August 31, 2017 (time) 9a.m. (attest) *Kris Sofley*  
At: United Water Conservation District Headquarters, 106 No. 8<sup>th</sup> St., Santa Paula, CA

Posted: (date) August 31, 2017 (time) 9:30a.m. (attest) *Kris Sofley*  
At: Fillmore City Hall, 250 Central Avenue, Fillmore, CA

Posted: (date) August 31, 2017 (time) 9:30a.m. (attest) *Kris Sofley*  
At: <https://www.facebook.com/FPBGSA>

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

ATTACHMENT A

23-Aug-17

**OPERATING EXPENSES**

**Administrative Support Services**

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

**Professional Services**

Item	Description	Qty	Units	Amount	SubTotal	Category Total	In-Kind	Cash
14	Accounting / Billing	6	months	\$ 1,000.00	\$ 6,000.00		1 \$ 6,000.00	\$ -
15	Legal / BOD meetings & other meetings	39	man-hrs	\$ 250.00	\$ 9,750.00		\$ - 1 \$	9,750.00
16	Legal / Conflict of Interest preparation	1	LS	\$ 5,000.00	\$ 5,000.00		\$ - 1 \$	5,000.00
17	Legal / Bylaws preparation	1	LS	\$ 10,000.00	\$ 10,000.00		\$ - 1 \$	10,000.00
18	Legal / Routine Legal Counsel	60	man-hrs	\$ 250.00	\$ 15,000.00		\$ - 1 \$	15,000.00
19	Public Outreach / Education	1	LS	\$ 10,000.00	\$ 10,000.00		\$ - 1 \$	10,000.00
20	Board Participation / Travel (per diem, travel, registration)	1	LS	\$ 5,000.00	\$ 5,000.00		\$ - 1 \$	5,000.00
21	Grant Writer / Prop 1	1	LS	\$ 15,000.00	\$ 15,000.00		1 \$ 15,000.00	\$ -
22	Grant Writer / other	1	LS	\$ -	\$ -		1 \$ -	\$ -
23	Groundwater Sustainability Plan Development (UWCD Labor)	500	man-hrs	\$ 97.47	\$ 48,735.00		1 \$ 48,735.00	\$ -
24	Groundwater Sustainability Plan Development (misc. expenses)	1	LS	\$ 2,500.00	\$ 2,500.00		1 \$ 2,500.00	\$ -
25				\$ -	\$ -		\$ -	\$ -
26				\$ -	\$ -		\$ -	\$ -
27				\$ -	\$ -		\$ -	\$ -
						<b>\$ 126,985.00</b>	\$ 72,235.00	\$ 54,750.00
							\$	126,985.00
<b>OPERATING EXPENSES - TOTAL</b>						<b>\$ 137,035.00</b>	\$ 78,235.00	\$ 58,800.00
							\$	137,035.00

**REVENUE**

**Revenue Sources - Options**

Item	Description	Qty	Units	Amount	SubTotal	Category Total	In-Kind	Cash
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				\$ -	\$ -			
						<b>\$ 137,035.00</b>		

**REVENUE - TOTAL**

**LEGAL FEES**

A

B

C

D

E

F

General Counsel

Special Counsel



## **ARTICLE 12 COMMITTEES**

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 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.

## **ARTICLE 13 ACCOUNTING PRACTICES**

13.1 General. The Board of Directors shall establish and maintain such funds and accounts as may be required by generally accepted public agency accounting practices. The Agency shall maintain strict accountability of all funds and report all receipts and disbursements of the Agency.

13.2 Fiscal Year. Unless the Board of Directors decides otherwise, the fiscal year for the Agency shall run concurrent with the calendar year.

13.3 Appointment of Treasurer and Auditor; Duties. The treasurer and Auditor shall be appointed in the manner, and shall perform such duties and responsibilities, specified in sections 6505, 6505.5 and 6505.6 of the Act. The treasurer shall be bonded in accordance with the provisions of section 6505.1 of the Act. The treasurer of one of the Members shall be the treasurer of the Agency, to be the depository and have custody of all money of the Agency from whatever source, provided that the Board of Directors may at any time select another treasurer. The Auditor shall be of the same public agency as treasurer, and shall draw all warrants to pay demands against the Agency approved by the Board.

## **ARTICLE 14 BUDGET AND EXPENSES**

14.1 Budget. Within ninety (90) days after the first meeting of the Board of Directors, and thereafter prior to the commencement of each fiscal year, the Board shall adopt a budget for the Agency for the ensuing fiscal year. In the event that a budget is not so approved, the prior year's budget shall be deemed approved for the ensuing fiscal year, and any groundwater extraction fee or assessment(s) of contributions of Members, or both, approved by the Board during the prior fiscal year shall again be assessed in the same amount and terms for the ensuing fiscal year.

14.2 Agency Funding and Contributions. For the purpose of funding the expenses and ongoing operations of the Agency, the Board of Directors shall maintain a funding account in connection with the annual budget process. The Board of Directors may fund the Agency as provided in Chapter 8 of SGMA, commencing with section 10730 of the Water Code. As authorized by Government Code Section 6504, the Members may make initial contributions,

payments and advances for operating the Agency, all of which shall be repaid to the Members pursuant to, and with accrued interest, as set forth in Section 14.3 herein. The Members agree that the Agency, and not the Members, have the sole responsibility to develop and implement a funding program to fiscally and fully implement the Agency's SGMA compliance efforts and ongoing operations.

14.3 Return of Contributions. In accordance with Government Code section 6512.1, repayment or return to the Members of all or any part of any contributions made by Members and any revenues by the Agency may be directed by the Board of Directors at such time and upon such terms as the Board of Directors may decide; provided that (1) any distributions shall be made in proportion to the contributions paid by each Member to the Agency, and (2) any capital contribution paid by a Member voluntarily, and without obligation to make such capital contribution pursuant to Section 14.2, shall be returned to the contributing Member, together with accrued interest at the annual rate published as the yield of the Local Agency Investment Fund administered by the California State Treasurer, before any other return of contributions to the Members is made. The Agency shall hold title to all funds and property acquired by the Agency during the term of this Agreement.

14.4 Issuance of Indebtedness. The Agency may issue bonds, notes or other forms of indebtedness, as permitted under Section 4.5, provided such issuance be approved at a meeting of the Board.

## **ARTICLE 15 LIABILITIES**

15.1 Liability. In accordance with Government Code section 6507, and as authorized by Government Code Section 6508.1, the debt, liabilities and obligations of the Agency shall be the debts, liabilities and obligations of the Agency alone, and not the Members.

15.2 Indemnity. To the fullest extent permitted by law, funds of the Agency may be used to defend, indemnify, and hold harmless the Agency, each Member, each Director, and any officers, agents and employees of the Agency for their actions taken within the course and scope of their duties while acting on behalf of the Agency. To the fullest extent permitted by law, the Agency agrees to save, indemnify, defend and hold harmless each Member from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorney's fees and costs, court costs, interest, defense costs, and expert witness fees, where the same arise out of, or are in any way attributable in whole or in part, to acts or omissions of the Agency or its employees, officers or agents or negligent acts or omissions (not including gross negligence or wrongful conduct) of the employees, officers or agents of any Member, while acting within the course and scope of a Member relationship with the Agency. In addition, to the fullest extent permitted by law, the Agency shall indemnify, defend and hold harmless, each Member from any liabilities incurred as a result of handling, receipt, use, or disposal of hazardous materials, hazardous substances, and hazardous wastes how so ever defined under Federal, State, or local laws, ordinances, or regulations.

15.3 Privileges and Immunities. All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, workers compensation, and other benefits which apply to the activity of officers, agents, or employees of any of the Members when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Agreement. None of the officers, agents, or employees appointed by the Board of Directors shall be deemed, by reason of their employment by the Board of Directors, to be employed by any of the Members or, by reason of their employment by the Board of Directors to be subject to any of the requirements of such Members.

15.4 Liability Insurance. The Board of Directors shall obtain, and maintain in effect, appropriate liability insurance to cover the activities of the Agency's Directors and staff in the ordinary course of their duties.

## **ARTICLE 16 WITHDRAWAL OF MEMBERS**

16.1 Unilateral Withdrawal. Subject to the Dispute Resolution provisions set forth in Section 17.9, a Member may unilaterally withdraw from this Agreement without causing or requiring termination of this Agreement, effective upon one hundred eighty (180) days written notice to the Executive Director.

16.2 Rescission or Termination of Agency. This Agreement may be rescinded and the Agency terminated by unanimous written consent of all Members, except during the outstanding term of any Agency indebtedness.

16.3 Effect of Withdrawal or Termination. Upon termination of this Agreement or unilateral withdrawal, a Member shall remain obligated to pay its share of all debts, liabilities and obligations of the Agency required of the Member pursuant to terms of this Agreement, and that were incurred or accrued prior to the effective date of such termination or withdrawal, including, without limitation, those debts, liabilities and obligations pursuant to Sections 4.11 and 14.4. Any Member who withdraws from the Agency shall have no right to participate in the business and affairs of the Agency or to exercise any rights of a Member under this Agreement or the Act, but shall continue to share in distributions from the Agency on the same basis as if such Member had not withdrawn, provided that a Member that has withdrawn from the Agency shall not receive distributions in excess of the contributions made to the Agency while a Member. The right to share in distributions granted under this Section 16.3 shall be in lieu of any right the withdrawn Member may have to receive a distribution or payment of the fair value of the Member's interest in the Agency.

16.4 Return of Contribution. Upon termination of this Agreement, any surplus money on-hand shall be returned to the Members in proportion to their contributions made. To the extent permitted by law, the Board of Directors shall first offer any property, works, rights and interests of the Agency for sale to the Members on terms and conditions determined by the Board of Directors. If no such sale to Members is consummated, the Board of Directors shall offer the property, works, rights, and interest of the Agency for sale to any non-member for good and



**10729. TECHNICAL ASSISTANCE BY DEPARTMENT AND GROUNDWATER SUSTAINABILITY AGENCY; DEPARTMENT ESTIMATE OF WATER AVAILABLE FOR REPLENISHMENT; DEPARTMENT BEST MANAGEMENT PRACTICES**

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(a) The department or a groundwater sustainability agency may provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources.

(b) The department may provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development and implementation of a groundwater sustainability plan. The department shall use its best efforts to provide the requested assistance.

(c) The department shall prepare and publish a report by December 31, 2016, on its Internet Web site that presents the department's best estimate, based on available information, of water available for replenishment of groundwater in the state.

(d) (1) By January 1, 2017, the department shall publish on its Internet Web site best management practices for the sustainable management of groundwater.

(2) The department shall develop the best management practices through a public process involving one public meeting conducted at a location in northern California, one public meeting conducted at a location in the San Joaquin Valley, one public meeting conducted at a location in southern California, and one public meeting of the California Water Commission.

## CHAPTER 8. Financial Authority

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

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(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.

(b) (1) Prior to imposing or increasing a fee, a groundwater sustainability agency shall hold at least one public meeting, at which oral or written presentations may be made as part of the meeting.

(2) Notice of the time and place of the meeting shall include a general explanation of the matter to be considered and a statement that the data required by this section is available. The notice shall be provided by publication pursuant to Section 6066 of the Government Code, by posting notice on the Internet Web site of the groundwater sustainability agency, and by mail to any interested party who files a written request with the agency for mailed notice of the meeting on new or increased fees. A written request for mailed notices shall be valid for one year from the date that the request is made and may be renewed by making a written request on or before April 1 of each year.

(3) At least 10 days prior to the meeting, the groundwater sustainability agency shall make available to the public data upon which the proposed fee is based.

(c) Any action by a groundwater sustainability agency to impose or increase a fee shall be taken only by ordinance or resolution.

(d) (1) As an alternative method for the collection of fees imposed pursuant to this section, a groundwater sustainability agency may adopt a resolution requesting collection of the fees in the same manner as ordinary municipal ad valorem taxes.

(2) A resolution described in paragraph (1) shall be adopted and furnished to the county auditor-controller and board of supervisors on or before August 1 of each year that the alternative collection of the fees is being requested. The resolution shall include a list of parcels and the amount to be collected for each parcel.

(e) The power granted by this section is in addition to any powers a groundwater sustainability agency has under any other law.

**10730.2. ADDITIONAL FEE AUTHORITY FOLLOWING ADOPTION OF A PLAN**

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(a) A groundwater sustainability agency that adopts a groundwater sustainability plan pursuant to this part may impose fees on the extraction of groundwater from the basin to fund costs of groundwater management, including, but not limited to, the costs of the following:

(1) Administration, operation, and maintenance, including a prudent reserve.

(2) Acquisition of lands or other property, facilities, and services.

(3) Supply, production, treatment, or distribution of water.

(4) Other activities necessary or convenient to implement the 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.

(c) Fees imposed pursuant to this section shall be adopted in accordance with subdivisions (a) and (b) of Section 6 of Article XIII D of the California Constitution.

(d) Fees imposed pursuant to this section may include fixed fees and fees charged on a volumetric basis, including, but not limited to, fees that increase based on the quantity of groundwater produced annually, the year in which the production of groundwater commenced from a groundwater extraction facility, and impacts to the basin.

(e) The power granted by this section is in addition to any powers a groundwater sustainability agency has under any other law.

**10730.4. AUTHORITY TO USE FEES FOR ACTIVITIES PURSUANT TO PART 2.75**

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A groundwater sustainability agency may fund activities pursuant to Part 2.75 (commencing with Section 10750) and may impose fees pursuant to Section 10730.2 to fund activities undertaken by the agency pursuant to Part 2.75 (commencing with Section 10750).

**10730.6. FEE COLLECTION AND ENFORCEMENT**

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(a) A groundwater fee levied pursuant to this chapter shall be due and payable to the groundwater sustainability agency by each owner or operator on a day established by the groundwater sustainability agency.

(b) If an owner or operator knowingly fails to pay a groundwater fee within 30 days of it becoming due, the owner or operator shall be liable to the groundwater sustainability agency for interest at the rate of 1 percent per month on the delinquent amount of the groundwater fee and a 10-percent penalty.

(c) The groundwater sustainability agency may bring a suit in the court having jurisdiction against any owner or operator of a groundwater extraction facility within the area covered by the plan for the collection of any delinquent groundwater fees, interest, or penalties imposed under this chapter. If the groundwater sustainability agency seeks an attachment against the property of any named defendant in the suit, the groundwater sustainability agency shall not be required to furnish a bond or other undertaking as provided in Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure.

(d) In the alternative to bringing a suit pursuant to subdivision (c), a groundwater sustainability agency may collect any delinquent groundwater charge and any civil penalties and interest on the delinquent groundwater charge pursuant to the laws applicable to the local agency or, if a joint powers authority, to the entity designated pursuant to Section 6509 of the Government Code. The collection shall be in the same manner as it would be applicable to the collection of delinquent assessments, water charges, or tolls.

(e) As an additional remedy, a groundwater sustainability agency, after a public hearing, may order an owner or operator to cease extraction of groundwater until all delinquent fees are paid. The groundwater sustainability agency shall give notice to the owner or operator by certified mail not less than 15 days in advance of the public hearing.

(f) The remedies specified in this section for collecting and enforcing fees are cumulative and may be pursued alternatively or may be used consecutively as determined by the governing body.

**10730.8. NO LIMITATION ON OTHER AUTHORITIES; PERSONAL INFORMATION TREATED LIKE UTILITY INFORMATION**

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(a) Nothing in this chapter shall affect or interfere with the authority of a groundwater sustainability agency to levy and collect taxes, assessments, charges, and tolls as otherwise provided by law.

(b) Personal information included in a report or record pursuant to this chapter has the same protection from disclosure as is provided for information concerning utility customers of local agencies pursuant to Section 6254.16 of the Government Code.

#### **10731. AUTHORITY TO DETERMINE AMOUNTS EXTRACTED**

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(a) Following an investigation pursuant to Section 10725.4, the governing body may make a determination fixing the amount of groundwater production from the groundwater extraction facility at an amount not to exceed the maximum production capacity of the facility for purposes of levying a groundwater charge. If a water-measuring device is permanently attached to the groundwater extraction facility, the record of production as disclosed by the water-measuring device shall be presumed to be accurate unless the contrary is established by the groundwater sustainability agency after investigation.

(b) After the governing body makes a determination fixing the amount of groundwater production pursuant to subdivision (a), a written notice of the determination shall be mailed to the owner or operator of the groundwater extraction facility at the address as shown by the groundwater sustainability agency's records. A determination made by the governing body shall be conclusive on the owner or operator and the groundwater charges, based on the determination together with any interest and penalties, shall be payable immediately unless within 20 days after the mailing of the notice the owner or operator files with the governing body a written protest setting forth the ground for protesting the amount of production or the groundwater charges, interest, and penalties. If a protest is filed pursuant to this subdivision, the governing body shall hold a hearing to determine the total amount of the groundwater production and the groundwater charges, interest, and penalties. Notice of the hearing shall be mailed to each protestant at least 20 days before the date fixed for the hearing. Notice of the determination of the governing body hearing shall be mailed to each protestant. The owner or operator shall have 20 days from the date of mailing of the determination to pay the groundwater charges, interest, and penalties determined by the governing body.

### **CHAPTER 9. Groundwater Sustainability Agency Enforcement Powers**

#### **10732. CIVIL PENALTIES**

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(a) (1) A person who extracts groundwater in excess of the amount that person is authorized to extract under a rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2, shall be subject to a civil penalty not to exceed five hundred dollars (\$500) per acre-foot extracted in excess of the amount that person is authorized to extract. Liability under this subdivision is in addition to any liability imposed under paragraph (2) and any fee imposed for the extraction.

(2) A person who violates any rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2 shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000) plus one hundred dollars (\$100) for each additional day on which the violation continues if the person fails to comply within 30 days after the local agency has notified the person of the violation.

(b) (1) A groundwater sustainability agency may bring an action in the superior court to determine whether a violation occurred and to impose a civil penalty described in subdivision (a).

(2) A groundwater sustainability agency may administratively impose a civil penalty described in subdivision (a) after providing notice and an opportunity for a hearing.