

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

September 18, 2017 - 6:00 p.m.

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

**AGENDA**

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**
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 August 28, 2017.
7. **Update on Funding Sources**

**Information Item**

Director Long and Mr. Morgan will update the Board on acquisition of funding sources
8. **Discussion of Legal Services**

**Information**

The Board will discuss the need for legal services and consider directing staff to develop a Request for Proposal (RFP) to solicit such services on behalf of the FPBGSA.
9. **CONSENT CALENDAR**
  - a. **Approval of Minutes**

Approval of the minutes from the Board Meeting of August 28, 2017 and the Special Board Meeting of September 7, 2017

## 10. ACTION ITEMS

### a. Application for General Liability Insurance

#### Motion

The Board shall considering approving an application requesting a quote from the CalAssociation of Nonprofits Insurance Service for General Liability and Directors & Officers coverage. There is no charge for the requested quote.

### b. Approval of Conflict of Interest Code

#### Motion

The Board shall consider approving and adopting the draft Conflict of Interest Code.

### c. Establishing a Commercial Checking Account for FPBGSA

#### Motion

The Board shall consider establishing a commercial checking account for the FPBGSA.

### d. Possible Future Action Items

#### Motion

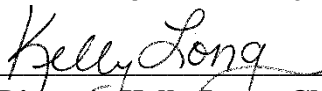
The Board will review future action items and deadlines and direct the Interim Executive Director to include these items on the agenda for consideration during future Board of Directors meetings.

## 11. ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting** on Monday, **October 30, 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.*

Approved:   
Director Kelly Long, Chair

Posted: (date) September 14, 2017 (time)3:00p.m. (attest) Kris Sofley  
At: United Water Conservation District Headquarters, 106 No. 8<sup>th</sup> St., Santa Paula, CA

Posted: (date) September 14, 2017 (time)3:30p.m. (attest) Kris Sofley  
At: Fillmore City Hall, 250 Central Avenue, Fillmore, CA

Posted: (date) September 14, 2017 (time)3:45p.m. (attest) Kris Sofley  
At: <https://www.facebook.com/FPBGSA/>

## **FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY**

### **Item No. 7**

**DATE:** September 18, 2017  
**TO:** Board of Directors  
**SUBJECT:** Update on Funding Sources (Information Item)

### **SUMMARY**

As discussed at the Special Board Meeting of September 7, 2017, the FPBGSA has a few options to pursue for possible funding. Director Long was checking with the County of Ventura regarding possible funding in the amount of \$51,300; Tony Morgan was checking with the UWCD on the process for UWCD's provision of "in-kind" services to offset out of pocket expenses, one of which services would be hiring the District's grant writer to complete the Prop 1 Grant funding proposal.

### **RECOMMENDED ACTION**

Director Long and Mr. Morgan to apprise the Board of discussions with the County of Ventura and UWCD and recommend steps for moving forward on securing funding.

### **BACKGROUND**

As covered in Article 14 of the Joint Powers of Authority agreement between the County of Ventura, the City of Fillmore and United Water Conservation District,

14.2 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 SMGA 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.

**FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY**

**Item No. 7**

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**FISCAL IMPACT:**

The fiscal impact from this item will not be determined until agreements with the County of Ventura and UWCD are made regarding funding and/or in-kind services



## **FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY**

### **Item No. 8**

**DATE:** September 18, 2017

**TO:** Board of Directors

**SUBJECT:** Discussion of Request for Proposal for Legal Services (Information)

### **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 to provide direction regarding criteria and preferences for legal services RFP.

### **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.

**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

**MINUTES**

Directors in Attendance

- Director Carrie Broggie
- Director Gordon Kimball
- Director Kelly Long, Chair
- Director Ed McFadden
- Director Candice Meneghin
- Director Glen Pace

Staff Present:

- Kris Sofley, Interim Executive Director

Public Present:

- Ken King, SMMWCO
- Rachael Kimball Laenen, Fillmore & Piru Pumpers
- Bill Lindsay, Beans/Snab/RWC
- Dick Marshall, Marshall Ranches
- Tim Moore, United Water Conservation District
- Tony Morgan, United Water Conservation District
- Bram Sercu, United Water Conservation District
- Glen Shephard, Ventura County Public Works Agency/Watershed Prot District

- 1. Call to Order 6p.m.**
- 2. Pledge of Allegiance**  
Led by Director McFadden
- 3. Public Comments**  
Director Long asked if there were any public comments, none were offered.
- 4. Approval of Agenda**  
**Motion**

Continues...

Interim Executive Director advised the Board that, in order to correct an error in compiling the agenda packet for this meet, the staff report for item 17 had been replaced.

Motion to approve the agenda with the modification of the staff report for item 17, Director McFadden; Second, Director Broggie. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin, and Pace); none opposed. Agenda is approved with the noted modification.

## **5. Director Announcements/Board Communications**

### **Information Item**

Director Long acknowledged that documents received at her office for the FPBGSA had been forwarded to Interim Executive Director Kris Sofley and reported that the County Supervisors were dark in August. Director Pace reported on his participation at the annual Fillmore Piru Pumpers meeting and his completion of the online ethics training as required. Director Kimball also participated in the association's board meeting on August 8 and attended a United Water Conservation District special board meeting on August 24. Director Meneghin completed online ethics training as required, also.

## **6. Interim Executive Director Update**

### **Information Item**

Since the July 26 meeting, the Interim Executive Director reported that the FPBGSA had received an Employer Identification Number from the IRS, which could be used to open a checking account and identify the GSA on other types of documents. Ms. Sofley stated that Directors Long and McFadden had Form 700s on file with the County, but that Directors Broggie, Kimball, Meneghin and Pace would need to complete the Form 700 so that these documents could be filed with the County when the FPBGSA submitted its Conflict of Interest Code for approval. Ms. Sofley also reported that since launching the FPBGSA Facebook page, it has received 21 Likes, is being followed by 24 people and that the posting of the agenda for the August 28 Board meeting received 470 views and 25 click throughs. Ms. Sofley has also confirmed Brian Palmer, Clerk of the Board for the Ventura County Board of Supervisors for the FPBGSA meeting in October. Mr. Palmer will present information on the Brown Act, Conflict of Interests, and other important information to insure that the Board and its members are in compliance with appropriate rules and regulations.

**7. Article 21 Water and Santa Felicia Dam Release  
Information Item**

UWCD's Tony Morgan and Bram Sercu presented a powerpoint (attached to Minutes) to the Board regarding the impact of UWCD's recent Lake Piru stored water release and Article 21 Water purchase and release. As Mr. Morgan explained, the heavy rainfall and snow melt in Northern California resulted in more water being available than could be stored, so the CA Department of Water Resources (DWR) contacted the City of Ventura and Casitas, who passed on the water purchase. UWCD initially purchased 5,000 AF of Article 21 Water for what is basically the costs associated with conveyance, and the following week, accepted another 5,000 AF of Article 21 Water for a total purchase of 10,000 AF. The purchased water, plus an additional 5,000AF that had been stored at Castaic Lake, were released in June, along with 10,000 AF of water released from stored water from Lake Piru. Mr. Sercu explained that although the water was released in large volume to be more beneficial to recharge at the Freeman Diversion, more water percolated into the watershed than anticipated, but that percolation resulted in higher water tables and lower Chloride and TDS levels in area wells, so it was still a benefit. Mr. Morgan said that, in six or seven years down the road, the GSA might want to think about developing a "reserve" fund for future Article 21 and/or Table A water purchases from the Department of Water Resources. Director Long commented that it was an opportunity that should be explored.

**8. Other Water Exchange PGMS - MWD, CLWA  
Information Item**

Mr. Morgan reported on UWCD staff's efforts to establish water exchange agreements with other entities, such as Castaic Lake Water Agency and Metropolitan Water District. Mr. Morgan explained that entities can "exchange" water with other entities and then ask for it back at some future date. When you repay the water (return it to its original owner) that dictates the rate you will pay for the water. Typically the exchange represents 20 percent of the state allocation and is repaid at a 2 to 1 exchange rate. DWR approval is required, but approval isn't stringent, it's more "parental." Mr. Morgan also said the exchange of water is common for DWR and State Water Contractors. Director Long asked what was the least amount of water released and Mr. Morgan answered that at Lake Piru, it would be less than 10,000 AF and between 15,000 and 20,000 AF from Castaic. Director Long then asked if a higher rate would apply later, and Mr. Morgan answered that if you can coordinate the logistics as well as money and exchange rate it is less expensive than moving Table A allocated water, usually \$150-\$170 less per acre foot. Ed McFadden then asked how long it typically takes to "square up" between the time you give/take the water and the time it's repaid, and Mr. Morgan responded usually about ten years. Director Broggie stated that it sounds like a bookkeeping nightmare, to which Mr. Morgan replied, "yes."

Mr. Morgan said that Metropolitan, for example, has lots of excess water, about 100 to 200,000 AF that it needs to park NOW. The challenge is in how to get the water into the District, how to get the water back to Metropolitan, less the 15 percent “leave back” and that the stumbling block is how to get the water back, as there is no mechanism in place for that currently. UWCD has plenty of room for the water, the problem is the conveyance going back to Metropolitan. Director Long asked if Calleguas could help and Mr. Morgan stated that the City of Ventura, Calleguas, Casitas and UWCD were working to get a mechanism of State Water into the County. A pipeline is one way, Calleguas as the back door but its drinkable water vs. raw water down river which costs more. Director McFadden asked about the difference in price and Mr. Morgan said that raw water is typically \$425 to \$450 per acre foot and that Calleguas Tier 2 water is \$1,100 to \$1,300 AF (but that’s drinkable ready to go water).

## **CONSENT CALENDAR**

### **9. Approval of Minutes**

Directors Kimball and Pace asked that the identification of “Association” after their groups be changed to Stakeholders (Fillmore Basin Pumper Stakeholders/Piru Basin Pumper Stakeholders) in both the attendance list and in item 9 of the minutes. Director Meneghin also requested that item 9 be changed to read “Stakeholder Director nominated by”...instead of “representing” as each represents numerous constituents and not all are members of a specific associations. Director McFadden requested a correction to the affiliation for Tyler Cobb which should be listed as Simpatico, not Rancho Simpatico.

Approval of the minutes from the Regular Board Meeting of July 26, 2017, with modifications as reviewed, Director Broggie; Second, Director McFadden. Roll call vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin and Pace); none opposed. Minutes approved.

## **ACTION ITEMS**

### **10. Adoption of Conflict of Interest Code**

#### **Motion**

Director Long suggested we revise the Mound Basin Conflict of Interest Code for use by the Fillmore and Piru Basins Groundwater Sustainability Agency. Director McFadden asked is it was okay as is, or if it needed attorney review of changes; and if it could stand as an interim policy and be revised at later dates. Director Broggie said she assumed it was reviewed by the City of Ventura’s counsel. Director Kimball suggested we revised the text based on the Mound Basin Conflict of Interest Code, have everything all in one place, spelled out and bring it back to the Board at the next Board meeting for approval.

Director Long asked for the Board's agreement to make the modifications to the Mound Basin Conflict of Interest Code and conduct a background review of the modifications and readdress the motion at the next board meeting. The Board agreed to readdress the adoption of the Conflict of Interest Code at the Board Meeting on September 18, 2017.

## **11. Adoption of an Operating Budget**

### **Motion**

Mr. Morgan presented a draft Operating Budget and asked the Board if they were prepared to decide on the period for its fiscal year and whether or not they wished to form an ad hoc committee to review, amend and make recommendations to the Board.

After some discussion, Director McFadden suggested that, based on the desire of all of the Board members to participate in developing and approving the initial Operating Budget, a Special Board meeting be organized to deal with the issues regarding approving an initial Operating Budget for the July through December 2017 period as well as address funding issues.

After polling the Directors, the date of September 6, 2017 was selected for the Special Board Meeting address the GSA's Operating Budget for July 1 through December 31, 2017.

Motion to establish the FPBGSA's fiscal year as running from July 1 through June 30; Director McFadden; Second, Director Broggie. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin and Pace); none opposed. Motion carries unanimously.

## **12. Funding Sources**

### **Motion**

The Board was to 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. However, again after some discussion, it was agreed to discuss funding mechanisms in greater detail at the Special Board Meeting

## **13. Submission of Grant Applications**

### **Motion**

The Board shall consider submitting a Proposition 1 grant application to assist with Groundwater Sustainability Plan development. During the Board's discussion, Mr. Morgan mentioned that economically disadvantaged communities could often have the matching funds portion of the Grant award reduced. Director Broggie stated that Fillmore and Piru may be considered economically disadvantaged.

Motion to begin preparation of a grant application for submission to the Proposition 1 (Prop 1) Grant Program to offset a portion of the Groundwater Sustainability Plan, Director Meneghin; Second, Director Broggie. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin and Pace), none opposed. Motion carries unanimously.

#### **14. Development of a Request for Proposal for Legal Services**

##### **Motion**

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

Board members discussed the type of legal services that would be required by the FPBGSA, from general counsel at Board meetings to help with writing the GSA's bylaws, establishing policies and more. There was also discussion as to which law firms would be eligible without having to provide conflict of interest waivers and whether or not the GSA should consider going outside of Ventura County for legal services; whether to go with a large firm that has a deep bench of experts in various fields of law; or contract with one lawyer and call in legal experts on an 'as needed' basis. The board agreed that it needed to prepare a request for proposals but more consideration of specifics was required.

Motion to develop and distribute a Request for Proposal for legal services to be distributed to various legal firms, Director Broggie; Second Director McFadden. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin and Pace); none opposed. Motion carries unanimously.

#### **15. Formation of Standing Committees**

##### **Motion**

The Board considered whether to form Standing Committees (e.g., Executive and Finance), commonly used in many governmental agencies to provide additional opportunities for the Board to consider important issues, and the Board consensus was to table this discussion until the need for Standing Committees arose.

#### **16. Formation of Ad Hoc Committees – Legal Counsel, Bylaws, Policies**

##### **Motion**

The Board considered the need to form Ad Hoc Committees (e.g., Legal Counsel, Bylaws, Policies, Allocation) that can be used to facilitate additional stakeholder engagement on various topics, and again concurred that the discussion could be tabled until a need arose.

#### **17. Basin Boundary Modifications**

##### **NOI – Workshop**

##### **Motion**

The Board considered filing the preliminary notification with California Department of Water Resources (DWR) 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.

During the discussion, Mr. Morgan explained that using high resolution aerial photography, geology and hydrology, modifications to the GSA's boundaries could be more exact to geology mapping "cleaning up boundaries" and making the geology more accurate. Director McFadden expressed concerns about property owners being in or out of the GSA and Director Long said stakeholders have to be shown the proposed boundary changes. Mr. Morgan agreed and said that Town Hall and Stakeholder meetings prior to the CA DWR filing in January 2018 was a must. Again, Director Long stressed the importance of stakeholder outreach. Director Broggie asked if the DWR has to accept or approve the boundary modifications and Mr. Morgan said there was a public comment period required as part of the formal boundary modification process.

Mr. Morgan suggested that the GSA file a notice with CA DWR now, then have outreach meetings now to show the intent of the proposed boundary modifications. He also suggested that the focus be on the grant submission now and as the deadline for boundary modifications got closer (January 2018) and the GSA had some money to pay for outreach and stakeholder educational meetings, then the GSA could schedule the boundary meetings.

Director Kimball said the space between Fillmore and Santa Paula needs to be corrected and this is a perfect chance to start stakeholder outreach, especially with something that is not controversial. Director Long reiterated that stakeholder participation and support is vital.

Motion to authorize Mr. Morgan to file the preliminary notification with the California Department of Water Resources, notifying that entity of the Agency's intent to modify its boundary and to convene workshops to discuss the technical basis for the boundary modification and solicit stakeholder input in the preparation of the basin boundary modification documentation as required by CA DWR, Director Kimball; Second, Director Broggie. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin and Pace); none opposed. Motion carries unanimously.

**ADJOURNMENT 8:38p.m.**

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



FPBGSA Regular Board of Directors Meeting

August 28, 2017 MINUTES

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I certify that the above are a true and correct copy of the minutes of the Board of Directors meeting of August 28, 2017.

ATTEST:

\_\_\_\_\_  
Director Kelly Long, Chair

ATTEST:

\_\_\_\_\_  
Kris Sofley, Interim Executive Director

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

ATTENDANCE SHEET/CONTACT INFORMATION

MEETING DATE: August 28, 2017

Name: Dick Marshall

Organization: Marshall Ranches

Phone: 805-324-4624

E-mail: dickmarshall@earthlink.net

Name: ARAM SOROC

Organization: VWCD

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Name: Glen Shepherd

Organization: UC PWA WPD

Phone: 805 640 2040

E-mail: glen.shepherd@ucpwa.org

Name: BILL LINDSAY

Organization: BOANS/SNABE/RWC

Phone: 805-625-1144

E-mail: wmg.lindsay@gmail.com

Name: RACHAEL LAENEN

Organization: FILLMORE + PIRU PUMPERS

Phone: N/A

E-mail: \_\_\_\_\_

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Name: KEN KING

Organization: JMMWCO

Phone: 233-4226

E-mail: \_\_\_\_\_

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

## Fillmore & Piru Basins Groundwater Sustainability Agency Board of Directors Meeting – August 28, 2017

### AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comments
4. Approval of Agenda
5. Director Announcements/Board Communications
6. Interim Executive Director Update
7. Article 21 Water & Santa Felicia Dam Release
8. Other Water Exchange Programs

### CONSENT CALENDAR

9. Approval of Minutes

### ACTION ITEMS

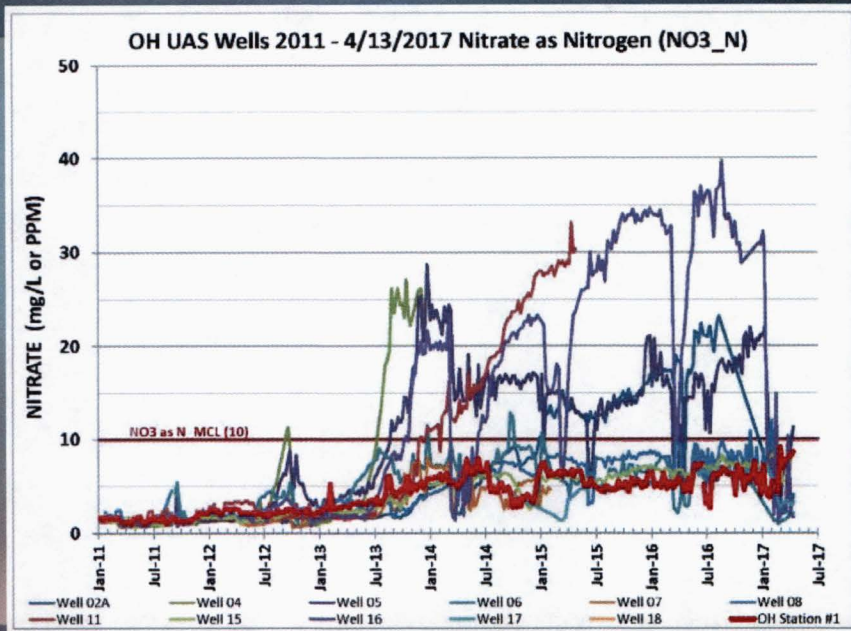
10. Adoption of Conflict of Interest Code
11. Adoption of Operating Budget
12. Funding Sources
13. Submission of Grant Applications
14. Development of RFP for Legal Services
15. Formation of Standing Committees
16. Formation of Ad Hoc Committees
17. Basin Boundary Modifications

## 7. Article 21 Water & Santa Felicia Dam Release

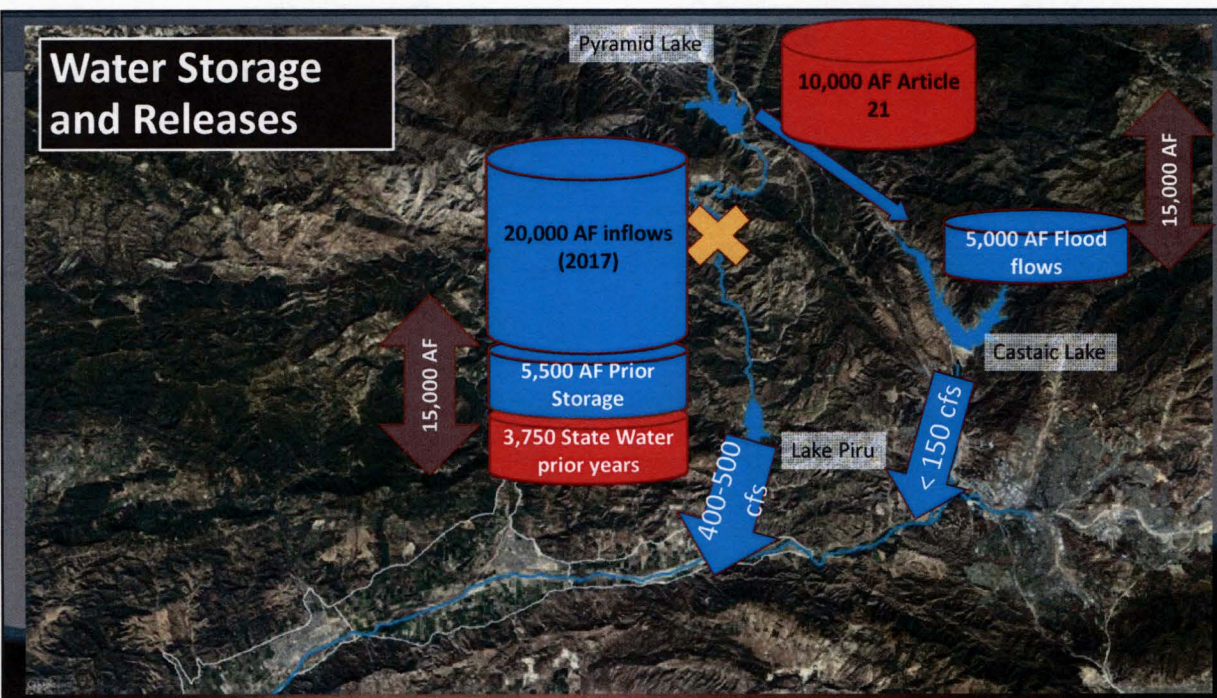
- Article 21 Waters = excess waters after Table A allocations are satisfied
- Table A water available this spring
- Ventura County Table A allocation = 20,000 AF
  - City of Ventura - 10,000 AF
  - Casitas Municipal Water District – 5,000 AF
  - UWCD – 5,000 AF
- Dr. Bram Sercu – coordinated getting the Article 21 Water and SFD releases



### Water Quality El Rio Wellfield



### Water Storage and Releases





## Final hurdles cleared...



- Castaic cone valve repair
- Survey Arroyo Toad negative
- Release committee meeting
- Quagga control plans
- Improvements + monitoring plan Newhall crossings
- Improvements Camulos Ranch diversion
- 5/17 Start Castaic Release
- 5/28 Start SFD Release



## Newhall Crossings

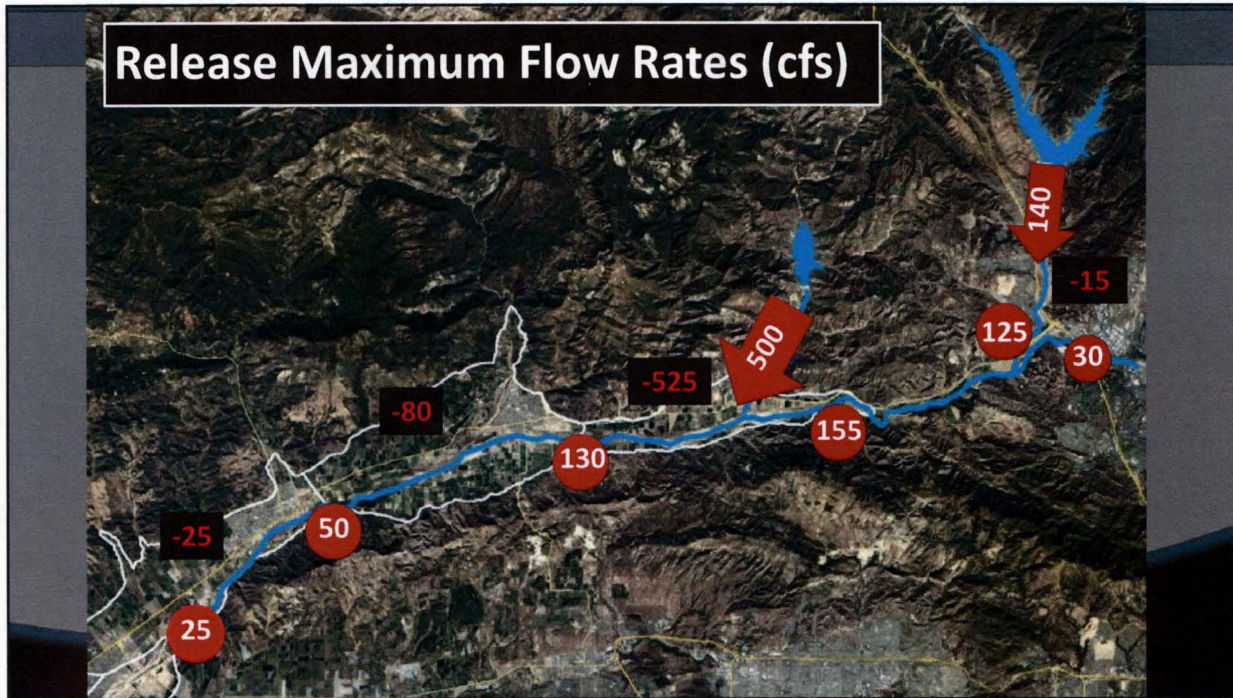
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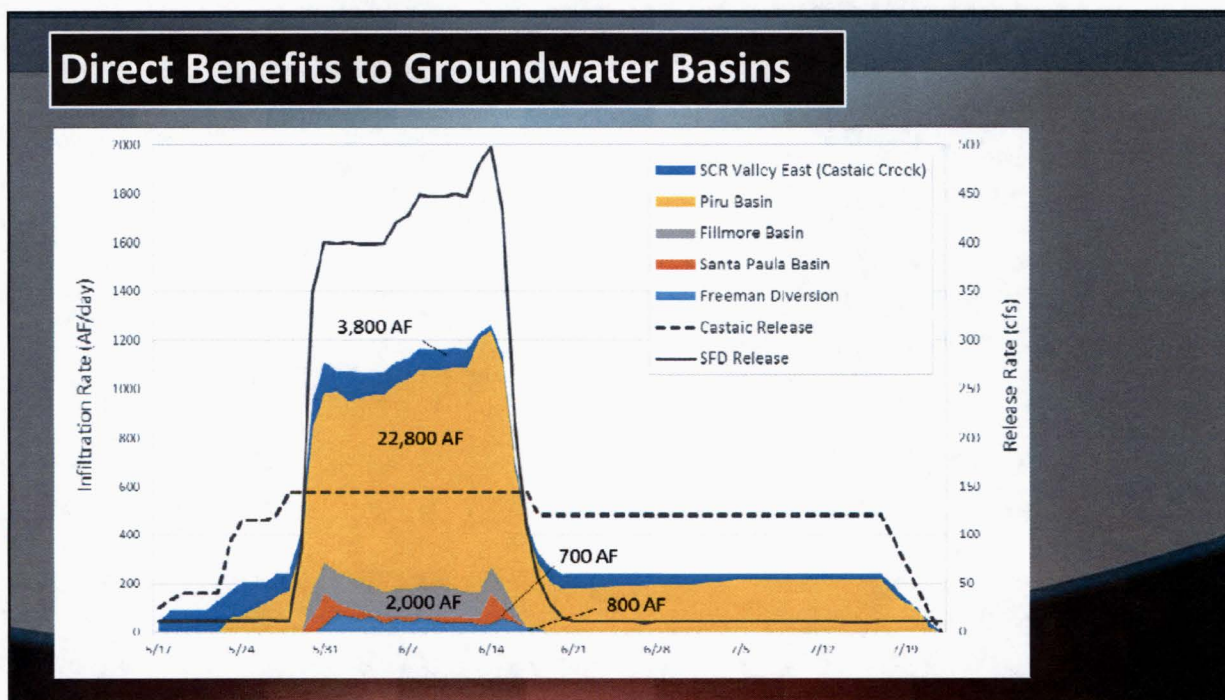
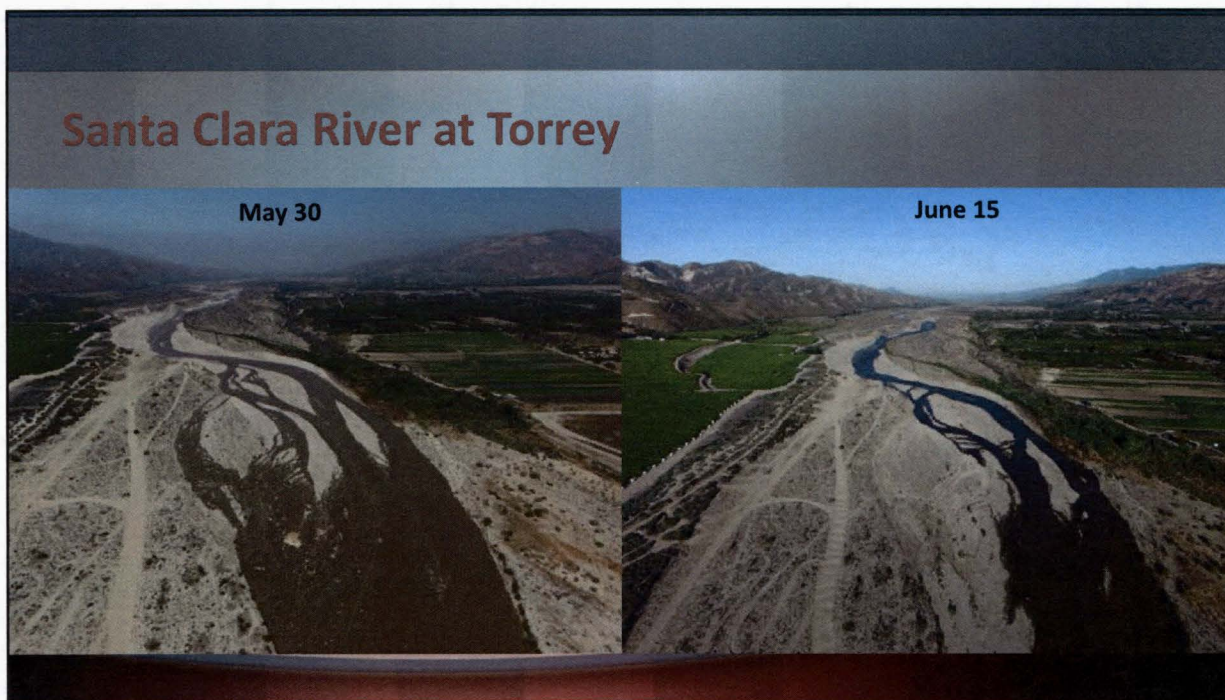
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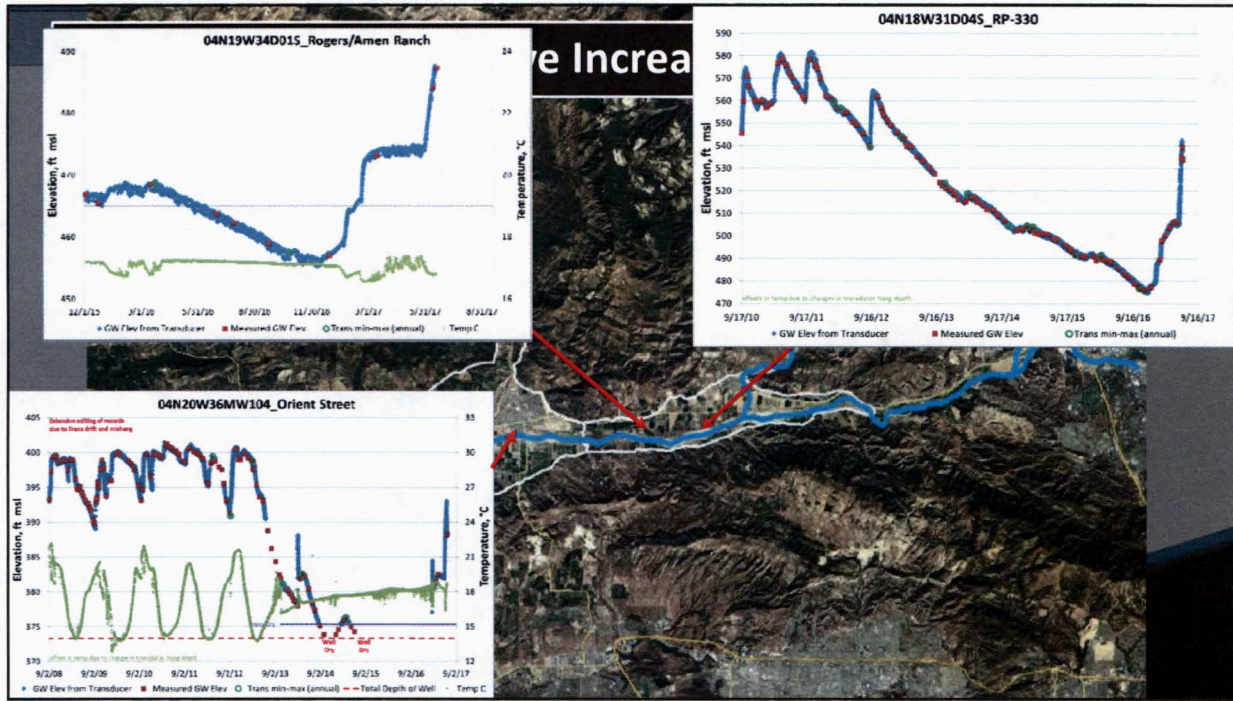








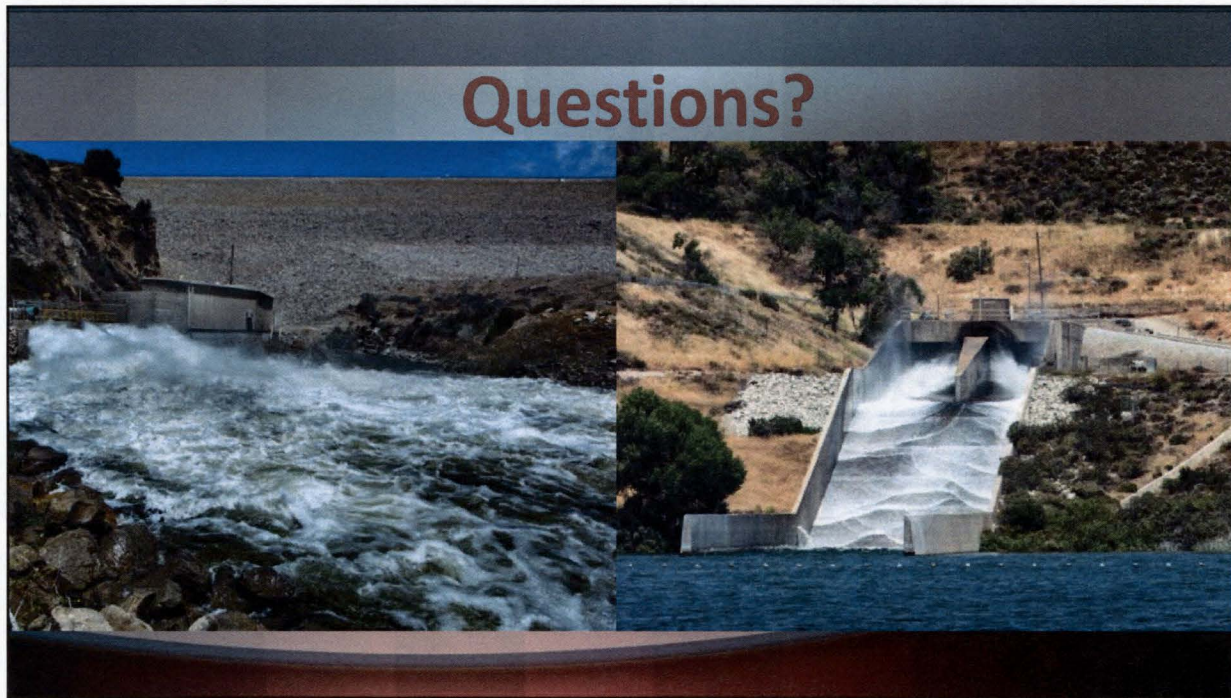
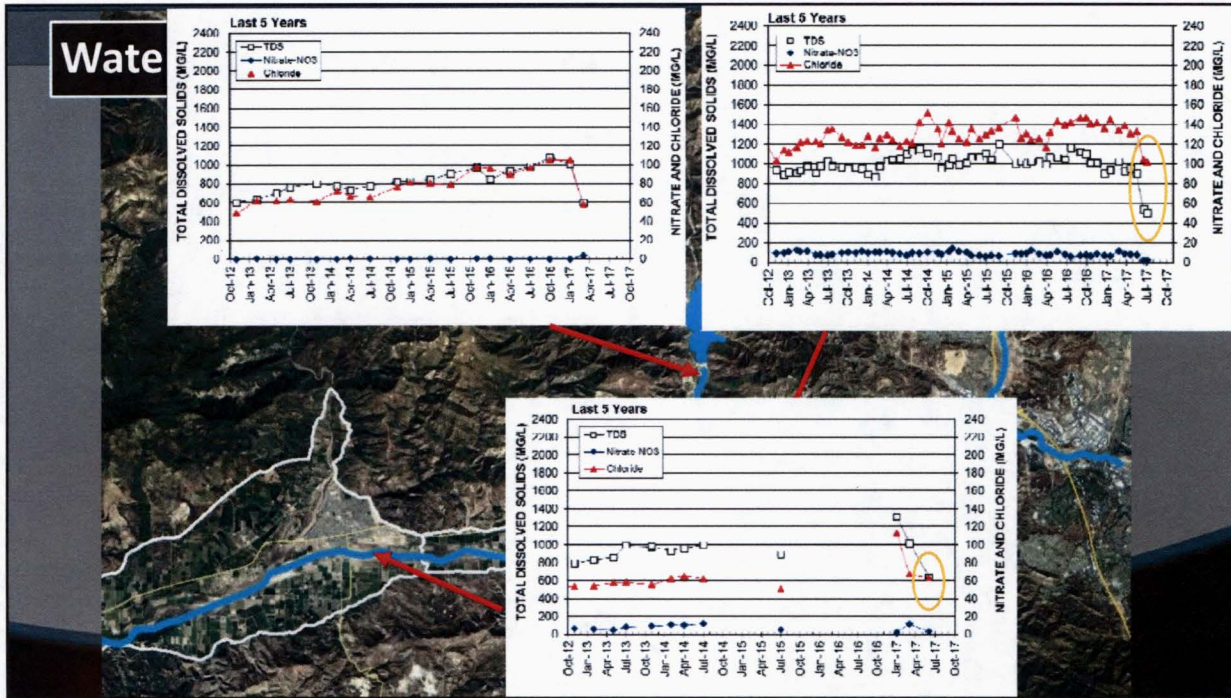




### Longer-Term Benefits to Downstream Basins

The map shows a river system with several basins labeled: Paula, Fish Hatchery, Fish Springs, and Fish Springs. Red arrows indicate the flow direction from the source area towards the downstream. Below the map are two photographs comparing the SCR at Fish Hatchery before and after release. The left photo shows a dry, sandy area with sparse vegetation, while the right photo shows a wet, muddy area with more dense vegetation. A small inset map shows the location of the Paula basin.







## 8. Other Water Exchange Programs

UWCD staff exploring *Water Exchange Programs* with other entities

- Castaic Lake Water Agency
- Metropolitan Water District

Repayment of water in the future / Variable exchange rates

Storage / Banking of water – held for the benefit of the depositing entity

“Hold Back” amount (e.g., 10%, 15%)

## 10. Adoption of Conflict of Interest Code

- Conflict of Interest Code required
- Example of COI Code in Board packet



## 11. Adoption of an Operating Budget

- Budget due per JPA by September 24, 2017
- DRAFT budget framework included with staff report
- DRAFT budget for July-December 2017
- Select a fiscal year (e.g., calendar year, July 1 – June 30, water year [Oct 1 – Sept 30])

## 11. Adoption of an Operating Budget

- Quantities and unit rates are examples guided by UVRGSA and staff experience
- Ad Hoc Committee?
- Review and discuss further at Sept 18 BOD meeting?

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY						
DRAFT BUDGET (July-Dec 2017)						
23-Aug-17						
<b>OPERATING EXPENSES</b>						
<b>Administrative Support Services</b>						
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
<b>Professional Services</b>						
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	30	man-hrs	\$ 250.00	\$ 7,500.00	
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 (LAWCO Labor)	500	man-hrs	\$ 97.47	\$ 48,735.00	
24	Groundwater Sustainability Plan Development (misc. expense)	1	LS	\$ 2,500.00	\$ 2,500.00	
25				\$ -	\$ -	
26				\$ -	\$ -	
27				\$ -	\$ -	
						\$ 126,985.00
<b>OPERATING EXPENSES - TOTAL</b>						
						\$ 137,035.00
<b>REVENUE</b>						
<b>Revenue Sources - Options</b>						
Item	Description	Qty	Units	Amount	SubTotal	Category Total
1	Director Entity Assessment	6	ea	\$ 22,898.17	\$ 137,335.00	or
2	Member Director Entity Assessment	3	ea	\$ 46,678.33	\$ 137,035.00	or
3	Groundwater Extraction Fee	30,000	AF (6-mths)	\$ 4.57	\$ 137,035.00	
4				\$ -	\$ -	
5				\$ -	\$ -	
6				\$ -	\$ -	
7				\$ -	\$ -	
8				\$ -	\$ -	
9				\$ -	\$ -	



## 12. Funding Sources

### POSSIBLE FUNDING SOURCES

- Director entity assessments (1<sup>st</sup> 6-month period)
- Member director entity assessments (1<sup>st</sup> 6-month period)
- Groundwater Extraction Fee (e.g., \$/AF)
- Similar to municipal Ad Valorem type tax (e.g., \$/Acre)
- Ad Hoc Committee (?) – discuss further at Sept 18 BOD meeting

### 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.

## 13. Submission of Grant Applications – Prop 1

- Groundwater Sustainability Plans and Projects (Proposition 1)
- Up to \$1 million/basin
- If Agency applying for more than one basin, 2<sup>nd</sup> basin limit is \$500K
- Local matching funds – 50%
- Matching funds requirement may be able to be reduced based on Disadvantaged Community (DAC) or Severely Disadvantaged Community (SDAC) status
- Project/Plan expenses after May 16, 2016 can be counted towards matching fund requirement
- Applications due to CA DWR in August-October 2017
- Awards in December 2017
- If funds still available, 2<sup>nd</sup> open application period December 2017 – January 2018
- Grant consultant (?) – likely costs \$12,000 - \$15,000



### 13. Submission of Grant Applications – Prop 1

#### Decisions

- Entity preparing the GSP (e.g., UWCD, consultant, ??)
- GSP preparation schedule (e.g., 2 yrs, 3 yrs, 5 yrs)
- Other specialty consultants (e.g., public facilitator?)

### 14. Development of Request for Proposal for Legal Services

#### Agency has need for legal counsel

- Legal counsel from Member or Stakeholder Director Entity
  - ✓ Possible conflict of interest from using legal counsel from a Director's entity?
  - ✓ Many legal firms are actively being engaged by other GSAs and stakeholder groups. More difficult to find legal counsel without conflicts if we delay
- Prepare RFP for legal counsel on behalf of Agency ?



## 15. Formation of Standing Committees

- Many entities have Standing Committees to provide additional guidance to full BOD on specific topics (e.g., Executive, Finance)
- Functions as additional vetting opportunity on important issues
- A Director must serve as Chair for the Committee
- Does not have authority to act on behalf of the Agency

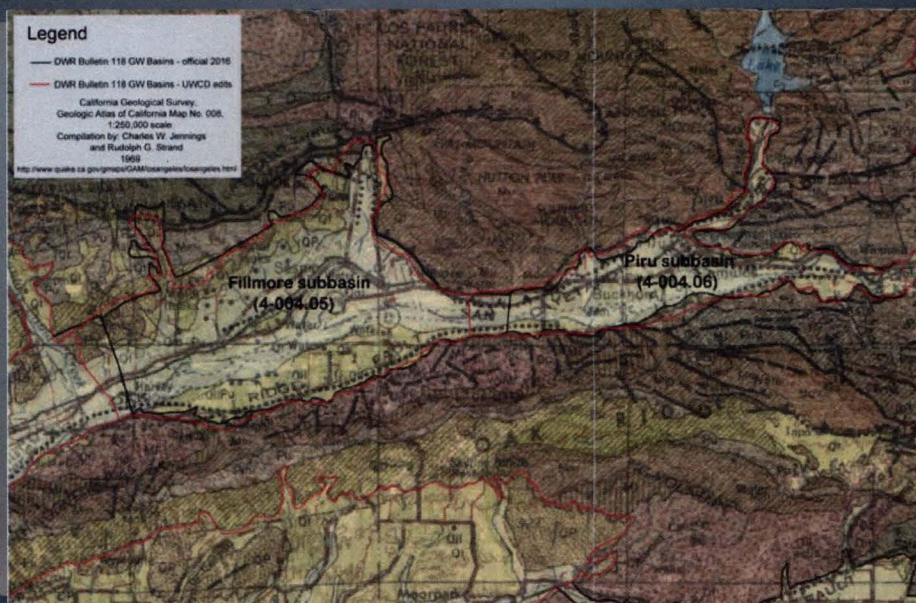
## 16. Formation of Ad Hoc Committees

- Many entities have Ad Hoc Committees to provide additional opportunities for stakeholder engagement on specific topics (e.g., allocations, bylaw preparation, policies)
- A Director must serve as Chair for the Committee
- Functions as additional vetting opportunity on important issues
- Does not have authority to act on behalf of the Agency

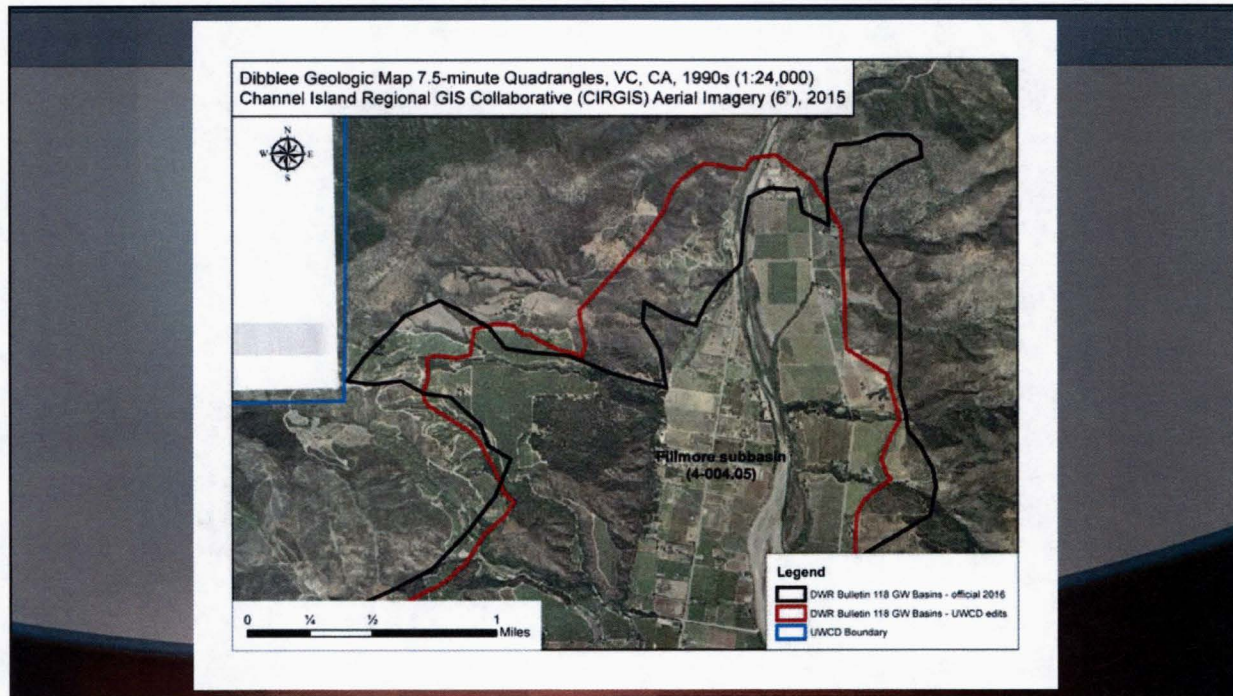
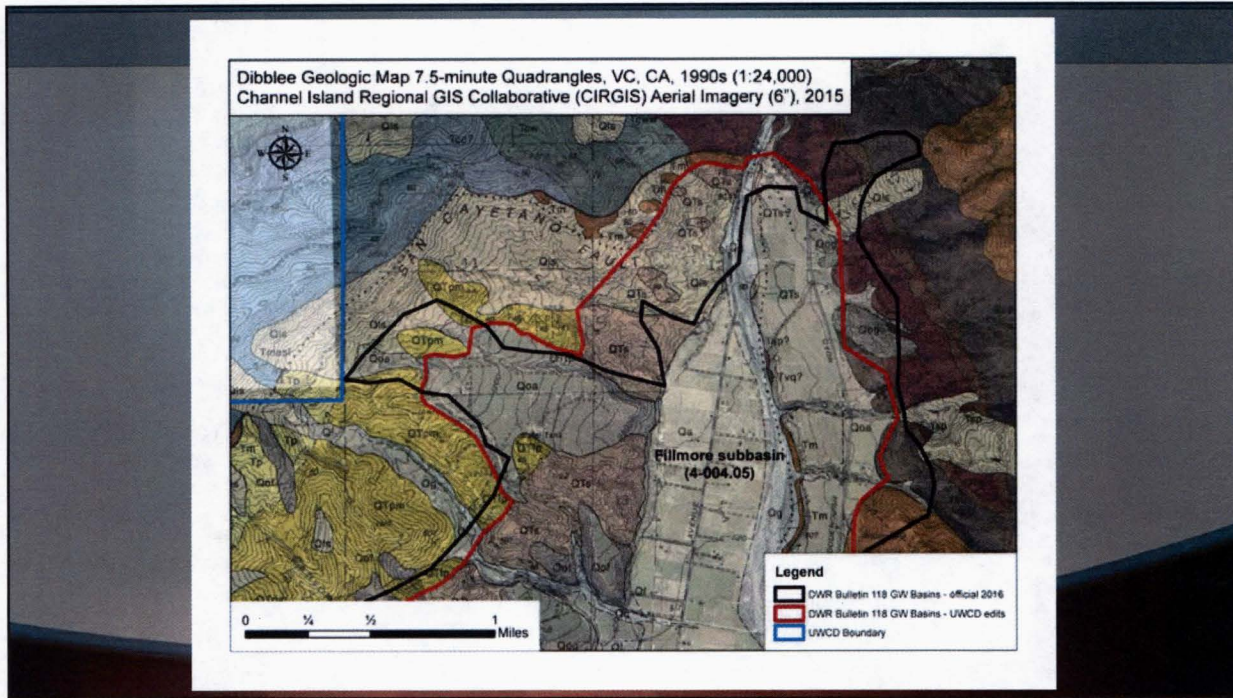


## 17. Basin Boundary Modifications

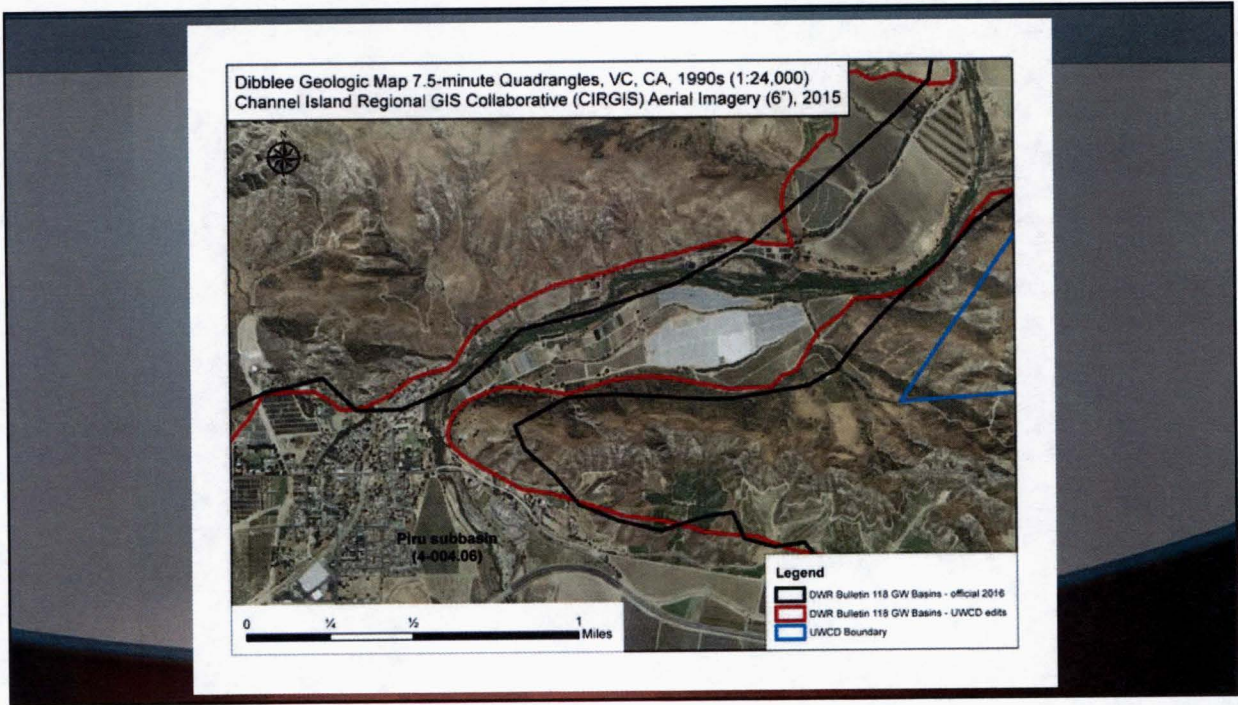
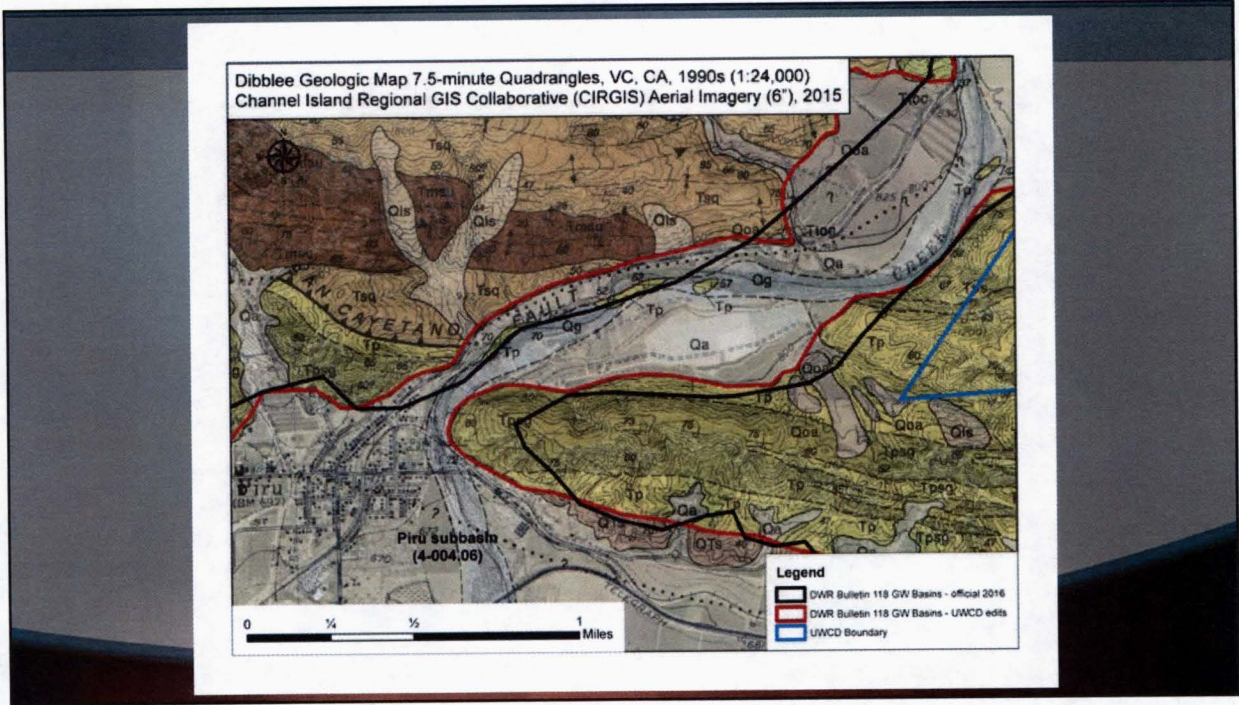
- Local agencies intending to submit a Basin Boundary modification request are required to submit an “Initial Notification” of their intent within 15 days of local agency's decision to explore basin modification.
- **January 1, 2018** – Submission Period opens
- **March 31, 2018** – Submission Period Closes and 30-day Public Comment Period opens
- **April 30, 2018** – Public Comment Period Closes
  - DWR begins boundary modification requests and public comments
- **Approximately July 2018** – Draft Basin Boundary Modifications released
- **Approximately August 2018** – Final Basin Boundary Modifications released











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

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

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

**MINUTES**

Directors in Attendance

Director Carrie Broggie  
Director Gordon Kimball  
Director Kelly Long, Chair  
Director Ed McFadden  
Director Candice Meneghin  
Director Glen Pace

Staff Present:

Kris Sofley, Interim Executive Director

Public Present:

Tim Moore, United Water Conservation District  
Tony Morgan, United Water Conservation District  
Robert Morris, Morris Ranches  
William Kile  
Dwight V Moore, Moore's Ranches  
Helen McGrath, Fillmore Pumpers Association  
Bill Lindsay, Beans Ranch/SNABE

**1. Call to Order 6:04 p.m.**

**2. Pledge of Allegiance**

Director Pace led the meeting in the 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. Director Long called for Public Comments. No public comments were offered.

Continues...

#### **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.

The Board went through each line item on the proposed Operating Budget, making the following changes:

Under Administrative Support Services, Item 11 Liability Insurance, the Board added in \$1000 for General Liability Insurance, stating it was a must. Items 1-10 were left unchanged from the proposed costs.

Under Professional Services, Item 19, Public Outreach/Education, the Board reduced the proposed \$10,000 to 4 events at \$1,000 each for a total of 4,000. Item 20, Board Participation/Travel/Per Diem, the Board reduced the proposed \$5,000 to \$2,500. Item 24, the Board reduced the \$2,500 miscellaneous expenses to \$1,000.

With those changes, the Total Operating Expenses for the period of July through December 2017 is estimated at \$128,035.

Motion to approve and adopt the Operating Expense Budget with the changes discussed during the Special Board meeting, Director Broggie; Second, Director McFadden. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin and Pace); none opposed. Motion carries unanimously.

#### **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.

Mr. Morgan suggested that the Board had three options for possible funding. The first was that each of the six Directors' entities pay an equal portion of the estimated expenses (\$128,035 divided by 6 = \$21,399.17); that only the Member Directors' entities pay equal portions of estimated expenses (\$128,035 divided by 3 = \$42,678.33); or that groundwater extraction fee of \$4.27 AF be charged to pumpers (\$128,035 divided by estimated 30,000 AF = \$4.27 per AF).

Then he suggested that the Board get creative. He explained that the GSA would need cash for some expenses like insurance, lawyer's fees, postage, while other expenses like preparing the Groundwater Sustainability Plan, accounting services, executive director position, could be paid by in-kind services, providing the GSA entered into an agreement to repay those in-kind services once it began generating revenue.

Director Long stated that the County of Ventura had budgeted \$51,300 towards funding the initial operating costs of the GSA. If that cash were made available to the GSA and United Water Conservation District could provide in-kind services to cover billing, accounting services, grant writing, and groundwater research and data required for the Groundwater Sustainability Plan that could get the GSA through to the time when it would start seeing revenue.

Glen Shephard, from Ventura County's Watershed Protection District, said that \$50,000 per basin had been budgeted as seed money to be paid back by June 30, 2018.

Director Long said it would be like an investment and would be paid back, but that approval from the County Board of Supervisors would be required.

Director Pace asked if UWCD would ask for interest and Mr. Morgan said it would have to be discussed and approved by the United Board.

Director Broggie said that if the County could provide a cash loan of \$51,300 and bill in January to cover costs.

Director Long said she would need to get Supervisors approval and would go back to the Supervisors to make that request based on the estimated costs of the approved Operating Budget.

Director McFadden said the Supervisor's approval would have an impact on the UWCD Board's decision.

Mr. Morgan said he would speak with his GM and plead the case of a startup agency that the District is heavily involved with and that mainly the investment would be staff time.

Director Broggie said a motion wasn't required until we get the information back from the County Supervisors and UWCD. Director Long said she would request the cash loan from the County and asked Mr. Morgan to request UWCD agree to an in-kind agreement.

**ADJOURNMENT 7:23p.m.**

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

**ADJOURNMENT p.m.**

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

FPBGSA Regular Board of Directors Meeting

September 7, 2017 MINUTES

Page 4

I certify that the above are a true and correct copy of the minutes of the Board of Directors meeting of September 7, 2017.

ATTEST:

\_\_\_\_\_  
Director Kelly Long, Chair

ATTEST:

\_\_\_\_\_  
Kris Sofley, Interim Executive Director





# **Fillmore & Piru Basins Groundwater Sustainability Agency Board of Directors Special Meeting – September 7, 2017**

## **AGENDA**

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

## **ACTION ITEMS**

- 4. Adoption of Operating Budget**
- 5. Funding Sources**



## 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  
DRAFT BUDGET (July-Dec 2017)

Approved Budget 6/0

ATTACHMENT A

7-Sep-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	1	LS	\$ 1,000.00	\$ 1,000.00		\$ -	1 \$ 1,000.00
12				\$ -	\$ -		\$ -	1 \$ -
13				\$ -	\$ -		\$ -	1 \$ -
						\$ 11,050.00	\$ 6,000.00	\$ 5,050.00
							\$ 11,050.00	

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	4	ea	\$ 1,000.00	\$ 4,000.00		\$ -	1 \$ 4,000.00
20	Board Participation / Travel (per diem, travel, registration)	1	LS	\$ 2,500.00	\$ 2,500.00		\$ -	1 \$ 2,500.00
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	\$ 1,000.00	\$ 1,000.00		1 \$	1,000.00 \$ -
25				\$ -	\$ -		\$ -	\$ -
26				\$ -	\$ -		\$ -	\$ -
27				\$ -	\$ -		\$ -	\$ -
						\$ 116,985.00	\$ 70,735.00	\$ 46,250.00
							\$ 116,985.00	
<b>OPERATING EXPENSES - TOTAL</b>						<b>\$ 128,035.00</b>	<b>\$ 76,735.00</b>	<b>\$ 51,300.00</b>
							\$ 128,035.00	

REVENUE

Revenue Sources - Options

Item	Description	Qty	Units	Amount	SubTotal	Category Total	In-Kind	Cash
1	Director Entity Assessment	6	ea	\$ 21,339.17	\$ 128,035.00	or		
2	Member Director Entity Assessment	3	ea	\$ 42,678.33	\$ 128,035.00	or		
3	Groundwater Extraction Fee	30,000	AF (6 mths)	\$ 4.27	\$ 128,035.00			
4				\$ -	\$ -			
5				\$ -	\$ -			

REVENUE - TOTAL

\$ 128,035.00



**FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY**

**Item No. 10a**

**DATE: September 18, 2017**

**TO: Board of Directors**

**SUBJECT: Application for General Liability Insurance (Motion)**

**SUMMARY**

As directed by the Board at the August 28, 2017 meeting, interim executive director has requested quotes for General Liability and Directors and Officers Liability coverage from two different insurance providers. One provider, associated with the California Association of Non Profits (CalNonprofits), requires an extensive application be completed before the insurance provider will provide a quote for coverage. This is the agency that was recommended by Deborah Jackson (Brokaw Nursery) of the Fillmore Pumpers Association. The other insurance provider, JPIA, is affiliated with Association of California Water Agencies (ACWA). Both providers require membership in the affiliated association as one of the requirements for securing Liability Insurance; CalNonprofits would require the FPBGSA to be a registered non-profit, too.

**RECOMMENDED ACTION**

Board would agree to sign and submit the application to CalNonprofits for a quote for General Liability Insurance coverage.

**BACKGROUND**

In accordance with item 15.4 of the Joint Exercise of Powers Agreement (“JPA Agreement”), 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. To that end, the interim executive director has requested quotes for General Liability and Directors and Officers Liability coverage from two different insurance providers.

**FISCAL IMPACT:**

The fiscal impact from this item will not be determined until the quotes for coverage are received.

Attachment: A

Proposed Motion:

“Motion to approve and sign the CalNonporfits application for a quote for General Liability Insurance Coverage on behalf of the Fillmore and Piru Basins Groundwater Sustainability Agency,”

1<sup>st</sup>: Director \_\_\_\_\_

2<sup>nd</sup>: Director \_\_\_\_\_

Voice/Roll call vote:

Director Broggie:      Director Kimball:      Director Long:      Director McFadden:

Director Meneghin:      Director Pace:



**FLEXI PLUS FIVE APPLICATION**  
NOT-FOR-PROFIT ORGANIZATION DIRECTORS AND OFFICERS LIABILITY INSURANCE  
EMPLOYMENT PRACTICES LIABILITY INSURANCE  
FIDUCIARY LIABILITY INSURANCE  
WORKPLACE VIOLENCE COVERAGE  
INTERNET LIABILITY INSURANCE

THIS IS AN APPLICATION FOR A CLAIMS MADE POLICY  
PLEASE READ YOUR POLICY CAREFULLY

**Instructions:**

- Whenever used in this Application the term **Applicant** shall mean the Parent Organization and its wholly-owned/controlled subsidiaries.
- The **Applicant** is required to complete Sections 1, 2, and 7.
- The **Applicant** should complete other applicable Section(s) for which coverage is desired. (See chart below)

Check Coverage Desired	Section	Requested Limit	Requested Retention
<input type="checkbox"/> General Information	1	N/A	N/A
<input checked="" type="checkbox"/> Directors & Officers	2	\$	\$
<input type="checkbox"/> Employment Practices	3	\$	\$
<input type="checkbox"/> Fiduciary Liability	4	\$	\$
<input type="checkbox"/> Workplace Violence	5	\$	\$
<input type="checkbox"/> Internet Liability	6	\$	\$
<input type="checkbox"/> General Summary	7	N/A	N/A

**SECTION 1 – GENERAL INFORMATION**  
(All Applicants must complete this section)

- Name of Parent Organization: Fillmore and Piru Basins Groundwater Sustainability Agency
- Address: c/o City of Fillmore, 250 Central Avenue, Fillmore CA 93015  
Telephone: 805 525 4431 Internet Address: www.
- Date Established: June 26, 2017 State of Incorporation: CA
- Standard Industrial Classification (SIC) #: \_\_\_\_\_
- a. Federal Employer Identification (FEIN) #: 82-2317076
- Please describe the nature of the **Applicant's** operations: \_\_\_\_\_  
Groundwater sustainability agency tasked with devising a Groundwater Sustainability Plan and monitoring groundwater usage in the Fillmore and Piru Basins
- Does the **Applicant** have a tax-exempt status under the U.S. Internal Revenue Code?  Yes  No **If no, provide an explanation.**  
The Fillmore and Piru Basins Groundwater Sustainability Agency will be applying for tax-exempt status but has not done so as yet.
- The Officer of the **Applicant** designated to receive any and all notices from the **Underwriter** or their authorized representative concerning this insurance is:  
Kelly Long Director/Chair kelly.long@ventura.org  
Name Title E-mail Address

8. Number of Members: six Number of Chapters: one

Please attach details for all "YES" answers to questions 8 – 12.

- 9. Does the **Applicant** publish any magazines, periodicals or newsletters?  Yes  No
- 10. Is the **Applicant** involved in product research, product development, testing and/or certification?  Yes  No
- 11. Does the **Applicant** set standards for the qualification and performance and/or certify its members?  
 Yes  No
- 12. Does the **Applicant** engage in any disciplinary actions as a result of peer review activities?  Yes  No
- 13. Does the **Applicant** administer or sponsor any insurance programs for its members?  Yes  No

FINANCIAL INFORMATION	CURRENT FISCAL YEAR	PREVIOUS FISCAL YEAR
TOTAL ASSETS:	\$0	\$0
NET ASSETS / FUND BALANCE:	\$0	\$0
ANNUAL REVENUE:	\$0	\$0
NET REVENUE	\$0	\$0

Please attach the most recent annual financial audit or 990 form.

**SECTION 2 – DIRECTORS AND OFFICERS**  
**(All Applicants must complete this section)**

- 1. Directors and Officers Liability Insurance has been continuously in force since: no insurance; new agency
- 2. Provide a list of all direct and indirect subsidiaries or any other entity or organization the **Applicant** controls:

Name/Type of Business	Percent the Applicant Owns/Controls	Date Created/ Acquired	For Profit / Non-Profit
<i>Example:</i> ABC Foundation, Inc/ Charitable Children's Foundation	100%	01/01/2000	Non-Profit
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Additional entities listed by attachment

- 3. Has the **Applicant** or any person proposed for coverage herein been the subject of, or involved in, any of the following in the past five (5) years? **If yes, please attach details.**
  - Anti-trust, copyright or patent litigation?  Yes  No
  - Any disciplinary action by any regulatory agency or association?  Yes  No
  - Any action where a license was revoked or suspended?  Yes  No
  - Any administrative proceeding charging violation of a federal or state law or regulation?  Yes  No
  - Any other criminal actions?  Yes  No

**It is agreed that with respect to Question #3, if such circumstances exist, any claim arising from such circumstances are excluded from the proposed insurance.**



4. In the past twenty-four (24) months or the next twelve (12) months, has the **Applicant** been, or anticipate being involved in any of the following?  
 Mergers, acquisitions or consolidation with another entity? **If yes, please attach details.**  Yes  No  
 Changes in the board of directors or senior management (other than death or retirement)?  Yes  No **If yes, please attach details.**
5. Does the **Applicant** direct or request any individual to serve as director, officer, governor or trustee of any other entity?  Yes  No **If yes, please attach details.**

**SECTION 3 – EMPLOYMENT PRACTICES**  
 (Complete this section only if Employment Practices Liability coverage is desired.)

1. Employment Practices Liability Insurance has been continuously in force since: \_\_\_\_\_
2. Please provide the following employee count information:
- | U.S. based employees/volunteers:            | Currently | One Year Ago | Two Years Ago |
|---|-----------|--------------|---------------|
| Full Time employees:                        | _____     | _____        | _____         |
| Part Time employees:                        | _____     | _____        | _____         |
| Temporary employees:                        | _____     | _____        | _____         |
| Volunteers:                                 | _____     | _____        | _____         |
| <b>Non U.S. based employees/volunteers:</b> | _____     | _____        | _____         |
| <b>TOTAL SUM OF ABOVE:</b>                  | _____     | _____        | _____         |
3. How many employees have been terminated or demoted in the past twelve (12) months?  
 Voluntary: \_\_\_\_\_ Involuntary: \_\_\_\_\_ Laid Off: \_\_\_\_\_ Demoted: \_\_\_\_\_
4. Is any reduction of employees or change of status anticipated in the next year?  
 Voluntary: \_\_\_\_\_ Involuntary: \_\_\_\_\_ Layoffs: \_\_\_\_\_ Demotions: \_\_\_\_\_
5. Does the **Applicant** have an employment handbook?  Yes  No
6. Does the **Applicant** use an employment application for every potential employee?  Yes  No
7. Does the **Applicant** have an "At Will" provision in the employment application or handbook?  Yes  No
8. Has the **Applicant** implemented an anti-sexual harassment policy?  Yes  No
9. Has the **Applicant** implemented an anti-discrimination policy?  Yes  No
10. Does the **Applicant** use outside employment counsel for employment advise?  Yes  No

**SECTION 4 – FIDUCIARY LIABILITY**  
 (Complete this section only if Fiduciary liability coverage is desired.)

1. Fiduciary Liability Insurance has been continuously in force since: \_\_\_\_\_
2. List all plans for which coverage is requested (use attachment if necessary):
- | Plan Name  | Year<br>Established | Assets/<br>Contributions | Type* | Participants | Administrator |
|--|---------------------|--------------------------|-------|--------------|---------------|
| <b>Example:</b><br>The ABC Children Corp 401K Plan | 2000                | \$1,000,00               | 2     | 75           | self          |
| a) _____   | _____               | _____                    | _____ | _____        | _____         |
| b) _____   | _____               | _____                    | _____ | _____        | _____         |
| c) _____   | _____               | _____                    | _____ | _____        | _____         |
| d) _____   | _____               | _____                    | _____ | _____        | _____         |

\* 1=Employee Welfare Benefit Plan (as defined by ERISA), 2= Defined Contribution Plan (as defined by ERISA), 3= Defined Benefit Plan (as defined by ERISA), 4=Other. If Type is 3 or 4 a Fiduciary Liability Supplemental Application must be completed.

**Please attach a separate page or use the additional information page provided at the end of the application.**

3. Does any plan(s) employ the investment, trustee, actuarial, legal, administrative, custodial or benefits consulting services of any outside provider?  Yes  No **If yes, please attach details.**
4. Has termination been requested or contemplated for any plan?  Yes  No
5. Has any amendment to any plan been made or contemplated within the past two (2) years, or is any amendment now contemplated, which has resulted or might result in any reduction of benefits including, but not limited to, an increase in participants' portion of cost?  Yes  No **If yes, please attach details. If there has been any amendment(s), please attach copies.**
6. Has any plan been spun-off (sold), transferred or terminated?  Yes  No **If yes, please attach details.**
7. Are there or have there been within the last three (3) years any known or alleged violations of ERISA or any similar statutory or common law (including applicable amendments, rules and regulations) of the United States, Canada or any state or other jurisdiction to which a plan is subject?  Yes  No **If yes, please attach details.**
8. Does the **Applicant** have any information to suggest or indicate that any of the plans it sponsors may be under governmental or regulatory investigation with regard to the applicable plan's funding, administration or investment strategies?  Yes  No **If yes, please attach details.**
9. Is Form 5500 filed on an annual basis for each plan?  Yes  No **If yes, provide a copy of the most recent 5500; If no, please attach details.**

**SECTION 5 – WORKPLACE VIOLENCE**  
 (Complete this section only if Workplace Violence coverage is desired.)

**Please attach a copy of your employee and customer complaint/grievance procedures.**

1. Workplace Violence Insurance has been continuously in force since: \_\_\_\_\_
2. The **Applicant's** total number of work locations: \_\_\_\_\_
3. The **Applicant's** total number of employees: \_\_\_\_\_
4. Does the **Applicant**:
 

have an employee assistance program?	<input type="checkbox"/> Yes <input type="checkbox"/> No
have a progressive disciplinary policy?	<input type="checkbox"/> Yes <input type="checkbox"/> No
have an employee complaint/grievance resolution procedure?	<input type="checkbox"/> Yes <input type="checkbox"/> No
have a written policy on workplace violence that is circulated to all employees?	<input type="checkbox"/> Yes <input type="checkbox"/> No
train employees to recognize, report, and respond to potentially hostile situations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
have a process for performing background checks for all potential employees?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. In the past twelve (12) months, has the **Applicant** been involved with any layoffs, staff reductions, or facility closings?  Yes  No **If yes, please attach details.**
6. In the next twelve (12) months, does the **Applicant** contemplate any layoffs, staff reductions, or facility closings?  Yes  No **If yes, please attach details.**
7. Has the **Applicant** or any person proposed for coverage herein been the subject of, or involved in, any incidents of workplace violence in the last five years?  Yes  No **If yes, please attach details.**



**SECTION 6 – INTERNET LIABILITY**  
 (Complete this section only if Internet Liability coverage is desired.)

1. Internet Liability Insurance has been continuously in force since: \_\_\_\_\_

2. Please identify the internet site(s) for which coverage is sought, the date each site first went on-line, and (if known) the average number of page views per month:

<u>Internet site address</u>	<u>Date on-line</u>	<u>Average page views per month</u>
https://www.facebook.com/FPBGSA/	June 30, 2017	200
_____	_____	_____
_____	_____	_____

3. Does the **Applicant** conduct transactions (e-commerce) on the site or is the site informative only?

- Transactional / E-commerce (Please complete questions 4, 5 & 6)  
 Informational Only (Please go to question 6)  
 Both (Please complete questions 4, 5, & 6)

4. The **Applicant's** projected annual gross revenues from the internet site: \$ \_\_\_\_\_

5. Please describe the type and purpose of the transactions performed on the site: \_\_\_\_\_

6. What percentage of monthly page views on the **Applicant's** internet site originates outside the U.S. and Canada? \_\_\_\_\_ 0 %

**SECTION 7 – GENERAL SUMMARY**  
 (All Applicants must complete this section.)

1. Has the **Applicant** given written notice under the provisions of any prior policies providing similar insurance or claims, or of specific facts or circumstances which might give rise to a claim being made against any person or entity applying for this insurance?  Yes  No **If yes, complete a Claim Supplemental for each incident.**
2. No person applying for this coverage is aware of any facts or circumstances which he or she has reason to suppose might give rise to a future claim that would fall within the scope of any of the proposed coverages for which the **Applicant** has applied, except: None  or as noted below:

3. Current Coverage

<b>COVERAGES</b>	<b>Insurance Company</b>	<b>Limit of Liability</b>	<b>Deductible</b>	<b>Policy Effective Dates</b>	<b>Premium</b>
D&O	none	\$	\$		\$
EPLI	none	\$	\$		\$
Fiduciary	none	\$	\$		\$
Workplace Violence	none	\$	\$		\$
Internet Liability	none	\$	\$		\$
General Liability	none	\$	\$		\$
Professional Liability	none	\$	\$		\$



4. With respect to the above coverage, has any Underwriter refused, canceled or non-renewed coverage?  
(Not applicable in Missouri)  Yes  No If yes, provide details.

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#### Material Change

If there is any material change to the answers of this Application's questions prior to the policy inception date, the **Applicant** must notify the Underwriter in writing. Any outstanding quotation may be modified or withdrawn.

#### False Information

**WARNING:** ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES.

#### FRAUD NOTICE STATEMENTS

**NOTICE TO APPLICANTS:** "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT WHICH IS A CRIME AND MAY SUBJECT SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES."

**NOTICE TO ALASKA RESIDENTS APPLICANTS:** "A PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE AN INSURANCE COMPANY FILES A CLAIM CONTAINING FALSE, INCOMPLETE OR MISLEADING INFORMATION MAY BE PROSECUTED UNDER STATE LAW."

**NOTICE TO ARKANSAS RESIDENT APPLICANTS:** "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

**NOTICE TO ARIZONA RESIDENTS APPLICANTS:** "FOR YOUR PROTECTION ARIZONA LAW REQUIRES THE FOLLOWING STATEMENT TO APPEAR ON THIS FORM. ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES."

**NOTICE TO COLORADO RESIDENTS APPLICANTS:** "IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE, AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICYHOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICYHOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES."

**NOTICE TO DISTRICT OF COLUMBIA APPLICANTS:** "WARNING: IT IS A CRIME TO PROVIDE FALSE OR MISLEADING INFORMATION TO AN INSURER FOR THE PURPOSE OF DEFRAUDING THE INSURER OR ANY OTHER PERSON. PENALTIES INCLUDE IMPRISONMENT AND/OR FINES. IN ADDITION, AN INSURER MAY DENY INSURANCE BENEFITS IF FALSE INFORMATION MATERIALLY RELATED TO A CLAIM WAS PROVIDED BY THE APPLICANT."

**NOTICE TO FLORIDA RESIDENTS APPLICANTS:** "ANY PERSON WHO, KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE ANY INSURER FILES A STATEMENT OF CLAIM OR AN APPLICATION CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY OF THE THIRD DEGREE."



**NOTICE TO KENTUCKY APPLICANTS:** "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE CONTAINING ANY "MATERIALLY" FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT WHICH IS A CRIME."

**NOTICE TO LOUISIANA RESIDENTS APPLICANTS:** "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

**NOTICE TO MAINE RESIDENTS APPLICANTS:** "IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES OR A DENIAL OF INSURANCE BENEFITS."

**RESIDENTS OF MARYLAND APPLICANTS:** "ANY PERSON WHO KNOWINGLY AND WILLFULLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR WHO KNOWINGLY AND WILLFULLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

**RESIDENTS OF MINNESOTA APPLICANTS:** "ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE/SHE IS FACILITATING A FRAUD AGAINST ANY INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT IS GUILTY OF INSURANCE FRAUD."

**RESIDENTS OF NEW JERSEY APPLICANTS:** "ANY PERSON WHO INCLUDES ANY FALSE OR MISLEADING INFORMATION ON AN APPLICATION FOR AN INSURANCE POLICY IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES."

**RESIDENTS OF NEW MEXICO APPLICANTS:** "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES."

**RESIDENTS OF NEW YORK APPLICANTS:** "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE STATED VALUE OF THE CLAIM FOR EACH SUCH VIOLATION."

**RESIDENTS OF OHIO APPLICANTS:** "ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE/SHE IS FACILITATING A FRAUD AGAINST ANY INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT IS GUILTY OF INSURANCE FRAUD."

**RESIDENTS OF OKLAHOMA APPLICANTS:** "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE ANY INSURER, MAKES ANY CLAIM FOR THE PROCEEDS OF AN INSURANCE POLICY CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY."

**RESIDENTS OF OREGON APPLICANTS:** "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD OR SOLICIT ANOTHER TO DEFRAUD AN INSURER: (1) BY SUBMITTING AN APPLICATION, OR (2) BY FILING A CLAIM CONTAINING A FALSE STATEMENT AS TO ANY MATERIAL FACT, MAY BE VIOLATING STATE LAW."

**RESIDENTS OF PENNSYLVANIA APPLICANTS:** "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION OR CONCEALS FOR THE PURPOSE OF MISLEADING INFORMATION CONCERNING ANY FACT MATERIAL THERETO COMMITS A FRAUDULENT INSURANCE ACT WHICH IS A CRIME AND SUBJECTS SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES."

**RESIDENTS OF TENNESSEE APPLICANTS:** "IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES INCLUDE IMPRISONMENT, FINES AND DENIAL OF INSURANCE BENEFITS."

**RESIDENTS OF TEXAS APPLICANTS:** IF A LIFE, HEALTH AND ACCIDENT INSURER PROVIDES A CLAIM FORM FOR A PERSON TO USE TO MAKE A CLAIM, THAT FORM MUST CONTAIN THE FOLLOWING STATEMENT OR A SUBSTANTIALLY SIMILAR STATEMENT: "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON."

**RESIDENTS OF VIRGINIA APPLICANTS:** "IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES AND DENIAL OF INSURANCE BENEFITS."



**RESIDENTS OF WASHINGTON APPLICANTS:** "IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSES OF DEFRAUDING THE COMPANY. PENALTIES INCLUDE IMPRISONMENT, FINES, AND DENIAL OF INSURANCE BENEFITS."

**RESIDENTS OF WEST VIRGINIA APPLICANTS:** "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

Signature

The Undersigned warrants that to the best of his/her knowledge and belief the statements set forth herein are true. The Undersigned further declares that any occurrence or event that takes place prior to the effective date of the insurance applied for which may render inaccurate, untrue, or incomplete any statement made will immediately be reported in writing to the Underwriter. The Underwriter may withdraw or modify any outstanding quotations and/or authorization or agreement to bind the insurance. The Underwriter is hereby authorized to make any investigation and inquiry in connection with the information, statements and disclosures provided in this Application. The signing of this Application does not bind the Undersigned to purchase the insurance, nor does the review of this Application bind the insurance company to issue a policy. It is agreed that this Application shall be the basis of the contract should a policy be issued. This Application will be attached and become a part of the policy.

\_\_\_\_\_  
Name (Please Print/Type)

\_\_\_\_\_  
Title (MUST BE SIGNED BY THE PRESIDENT,  
CHAIRMAN OR EXECUTIVE DIRECTOR)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The above signed warrants that he/she is authorized and has the power to complete and execute this Application, including the Warranty Statement on behalf of the Applicant and their respective Directors, Officers or other insured persons.

Produced By: (Section to be completed by Producer/Broker)

\_\_\_\_\_  
Producer

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Agency Taxpayer ID or SS No.

\_\_\_\_\_  
Producer License No:

\_\_\_\_\_  
Address (Street, City, State, Zip)



ADDITIONAL INFORMATION

This page may be used to provide additional information to any question on this application. Please identify the question number to which you are referring.

Section 2, Question 5: Does the Applicant director or require any individual to serve as Director, Officer, Governor or Trustee of any other entity? Yes. The Fillmore Piru Basins Groundwater Sustainability Agency is comprised of three Member Directors and three Stakeholder Directors. The three Member Directors represent the interests of the City of Fillmore, the County of Ventura and the United Water Conservation District (UWCD). These representatives are asked to be elected officials or employees of the entity they represent. Presently, County of Ventura is represented by County Supervisor Kelly Long, who also serves as Member Director and Chair of the FPBGSA; City of Fillmore is represented by Mayor Carrie Broggie, who also serves as Member Director of the FPBGSA; and UWCD is represented by Director Ed McFadden, who also serves as a Member Director of the FPBGSA. The three Stakeholder Directors represent (one each from) Fillmore Basin Pumpers, Piru Basin Pumpers and a collective of Environmental groups but are not required to hold a Director, Officer, Governor or Trustee position with those groups.

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Signature

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Date

CalNonprofits works to strengthen the power of California's nonprofits, because stronger nonprofits mean stronger communities and a better California. We have a full time policy director and lobbyist in Sacramento working hard to make sure good things things happen to nonprofits and bad things don't. When you join CalNonprofits and participate in our Annual Convention, join a Policy Task Force, or sign on to Vote With Your Mission, you become part of a leadership network advocating for nonprofits and our communities.

## The benefits of full membership

CalNonprofits also offers a range of individual benefits that save you money and make life easier. Members get access to great programs and discounts like these:

### INSURANCE

CalNonprofits Insurance Services *(exclusively for members)*

### ADMINISTRATIVE AND GENERAL SUPPORT

- Office Depot - up to 30% off
- FREE governance and accounting templates
- UPS Shipping - up to 30% off
- Special pricing for events & FREE webinars
- Credit card processing *(Dharma Merchant Services)*
- Accounting support *(Jitasa)*
- Large-scale outdoor advertising *(Great Kolor)*
- Job Board - *members pay half price*

### HUMAN RESOURCES AND RISK MANAGEMENT

- HR compliance tools & resources *(HR360)*
- Background checks *(including fingerprinting)*
- Retirement plan management *(Retirement Benefits Group)*
- Unemployment insurance tax alternative *(Unemployment Services Trust)*

### TECHNOLOGY

- Idealware webinars
- Phone and web conferencing *(ReadyTalk)*

### ACCOUNTING AND FINANCE

- Provident Credit Union Membership
- CalCPA Finance Classes & Resources

### PUBLICATIONS

- Stanford Social Innovation Review - 20% off
- Nonprofit Quarterly - 20% off

## Why do nonprofits join CalNonprofits?

- ✓ Strengthen the voice of nonprofits in California
- ✓ Participate in advocacy
- ✓ Get health insurance and other insurances
- ✓ Save money on office supplies, background checks, and more
- ✓ Access online library of finance, HR, and governance resources
- ✓ Learn how to stay compliant
- ✓ Community Engagement Champion Award competition for \$10,000



CHOOSE WITH CONFIDENCE

Workers' Compensation  
Property/Liability  
Health Benefits



# Property/Liability Program

## Basic Eligibility Requirements

SDRMA's Property/Liability Program membership eligibility requirements include:

- Be a public agency formed under California Government Code
- Execute the SDRMA Joint Powers Agreement
- **Commit to an initial three-year member enrollment** (thereafter coverage may be renewed annually)
- **Maintain annual membership in California Special Districts Association** (CSDA)

## Obtaining A Property/Liability Quotation

In order to obtain a quotation for membership in our Property/Liability Program, you need to submit the following 2 items:

- 6-years detailed loss history. This should be easily obtainable from your current/prior carrier(s). If any of the information is not available for whatever reason, please draft a brief letter on district letterhead indicating your efforts and that there are no known open claims during the period of the missing loss data. We would be happy to assist you in obtaining this information.
- Completed SDRMA Application Packet. Call us at 800.537.7790 for more information.

Anna Palmer, CSDA Membership

CSDA Membership fees: **Associate Membership: \$1,231** per year; running promotion 12 mo. membership fee for 15 mo. membership (through the end of 2018)

Wendy, SDRMA

SDRMA: **General liability insurance base rate is \$1,400 per year**

[UWCD regular member/SDRMA employee insurance not General Liability]

## General Liability

Coverage for claims and losses arising from third-party personal injury, bodily injury and property damages. Coverage includes: subsidence (associated with main leaks and breaks), sudden & accidental release of chlorine, water and wastewater as a completed product (not pollution), failure to supply, sewer overflow/backups, hazardous material loading/ unloading, volunteer/ employees, and inverse condemnation and dam failure liability (by endorsement). There are no general liability policy sub limits. Limits: Minimum \$2,500,000 per occurrence; no annual aggregate. Deductible: None; \$500 (property damage only).

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## **Public Officials and Employee Errors and Omissions**

Coverage for public officials' and directors' "wrongful acts", alleged or actual negligence, errors and omissions, breach of duty, misfeasance, malfeasance, and nonfeasance, and defamation. Limit: Minimum \$2,500,000 per occurrence/annual aggregate. Deductible: None.

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## **Elected Officials Personal Liability**

This highly specialized unique coverage protects elected/appointed officials from claims and settlements arising outside the course and scope of their duties. Coverage includes invasion of privacy, libel, slander, defamation of character, discrimination, false arrest, and malicious protection. Limits: \$500,000 per official per year/annual aggregate. Deductible: \$500 per claim.

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## **Employee and Public Officials Dishonesty**

Coverage protection for member losses resulting from fraudulent or dishonest acts committed by employees, volunteers or board members. Coverage includes larceny, theft, embezzlement, forgery, and wrongful misappropriation. Limits: \$1,000,000. Deductible: None.

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**ACWA JPIA**  
YOUR BEST PROTECTION

## Liability Program

The JPIA's Liability Program is designed specifically for public water agencies. It provides protection to members against liability for bodily injury, property damage, errors and omissions, employment practices, fiduciary responsibilities, products, and pollution. The program provides pooled, reinsurance and excess coverage of up to \$60 million for its members.

[Request for Membership Application](#)

[Renewal Memorandum](#)

[2016 Memorandum of Liability Coverage \(MOC\)](#)

Other Coverages:

[Dam Failure Liability Supplement](#)

[Crisis Management Supplement](#)

[Groundwater Sustainability Agencies \(GSA\) Insurance Coverage Application](#)

Debbie JPIA 916 786 5742

Tiffany ACWA 916 441 4545

GSA would have to be current member of ACWA; can't use UWCD's membership as the District does not have General Liability insurance with JPIA. Am waiting for information regarding ACWA membership rates and JPIA General Liability coverage rates

The dues formula shall be based on adjusted operation and maintenance expense for the following activities of a district as reported to the State Controller:

- water;
- waste water;
- electric;
- land reclamation and levee maintenance;
- flood control and water conservation; and
- drainage and drainage maintenance.

The latest published report, which is released approximately ten months after the close of the fiscal year, will be used to make the calculation. Thus, 2017 ACWA dues are based on the 2014-2015 fiscal year. If an agency does not report to the State Controller, the dues formula is based on the adjusted operations and maintenance expense as reported on the appropriate financial report. Members joining after the beginning of the calendar year shall have their dues pro-rated for the remainder of the year. Members joining after October 1 will have their dues pro-rated for the current year and will be billed concurrently for the following year's dues.

NET O & M (2015 FY)	2017 DUES
\$1	\$750
\$37,501	2% max*
\$125,500	\$2,510
\$200,001	\$2,930
\$300,001	\$3,340
\$400,001	\$3,750
\$500,001	\$4,170
\$600,001	\$4,585
\$700,001	\$5,010
\$800,001	\$5,415
\$900,001	\$5,830
\$1,000,001	\$6,375
\$1,100,001	\$6,805
\$1,200,001	\$7,240
\$1,300,001	\$7,660
\$1,400,001	\$8,075
\$1,500,001	\$8,740
\$2,000,000	\$9,800
\$2,500,001	\$10,680
\$3,000,001	\$11,580
\$3,500,001	\$12,470
\$4,000,001	\$13,360
\$4,500,001	\$14,245
\$5,000,001	\$15,140
\$5,500,001	\$16,030

NET O & M (2015 FY)	2017 DUES
\$6,000,001	\$16,920
\$7,000,001	\$17,805
\$8,000,001	\$18,710
\$9,000,001	\$19,590
\$10,000,001	\$20,860
\$15,000,001	\$21,760
\$20,000,001	\$22,665
\$25,000,001	\$23,580
\$30,000,001	\$24,475
\$35,000,001	\$25,380
\$40,000,001	\$27,020
\$50,000,001	\$27,950
\$60,000,001	\$29,805
\$70,000,001	\$31,685
\$80,000,001	\$33,540
\$90,000,001	\$35,400
\$100,000,001	\$37,265
\$150,000,001	\$39,130
\$200,000,001	\$40,990
\$250,000,001	\$42,860
\$300,000,001	\$44,715
\$350,000,001	\$46,580
\$400,000,001	\$48,440
\$500,000,001	\$52,160

\*Subject to a 2% max of O&M



## Side by Side Legislative Differences Between CSDA and ACWA

CSDA and ACWA complement each other: While ACWA takes the lead on water issues, CSDA is the voice for all special districts concerning a wide array of issues affecting all types of districts and local agencies.

	California Special Districts Association (CSDA)	Association of California Water Agencies (ACWA)
<b>Regular Members</b>	All Special Districts	Water Districts, Cities, and Counties
<b>Areas of Focus</b>	Revenue and Taxation (Property Taxes, Proposition 218/Fees, Mello Roos, etc.), Environment (CEQA, Greenhouse Gases, Renewable Energy, Land Use), Human Resources and Personnel (Labor Relations, Pensions and Other Benefits, Workers' Compensation, Occupational Safety), Special District Governance (Open Meetings, Audits, Elections, Mandate Reimbursement, Public Records, Open Meetings), Formation and Organization (LAFCO Issues, Consolidation), Public Works and Infrastructure (Contract Bidding, Bonds and Financing, Prevailing Wage, Liability)	Water
<b>Adopted Policy Principles</b>	Property Tax; CEQA; Public Pensions; Service Contracts; State Mandates; Transparency; Privacy and Consumer Protection; Service Delivery Structures, Plans, & Organization; State General Obligation Bonds	Energy and Water Resources, Water Markets, Headwaters, Endangered Species Act, Climate Change, Water Infrastructure, Eminent Domain, Integrated Regional Water Management Plans (IRWMPs), Environmental Sustainability, Groundwater, Delta Conveyance, Water Conservation, Desalination, Property Taxes and Reserve Funds
<b>Membership Dues</b>	\$1,231 Associate Membership	Estimated at \$15,140* (Base on acwa.com)

\*Amount estimated off \$5,000,000 operating budget

**FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY**

**Item No. 10b**

**DATE:** September 18, 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 were presented for the Board’s review and consideration at the August 28, 2017 Board meeting. At that time, the Board directed the interim executive director to draft a Conflict of Interest Code for the Fillmore and Piru Basins Groundwater Sustainability Agency based on the Conflict of Interest Code adopted by the Mound Basin GSA.

**RECOMMENDED ACTION**

Adopt the draft Conflict of Interest Code presented with the staff report.

**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 drafted a COI code (see attachment) based on the COI code approved by Mound Basin GSA for the Board to consider as the 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.

Proposed Motion:			
“Motion to approve and adopt the Conflict of Interest Code on behalf of the Fillmore and Piru Basins Groundwater Sustainability Agency as presented,”			
1 <sup>st</sup> : Director _____		2 <sup>nd</sup> : Director _____	
Voice/Roll call vote:			
Director Broggie:	Director Kimball:	Director Long:	Director McFadden:
Director Meneghin:	Director Pace		

**FILLMORE AND PIRU BASINS  
GROUNDWATER SUSTAINABILITY AGENCY**

**RESOLUTION 2017-02**

**A RESOLUTION OF THE FILLMORE AND PIRU BASINS  
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 Fillmore and Piru Basins 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 Fillmore and Piru Basins 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.



PASSED, APPROVED, AND ADOPTED this 18th day of September, 2017.

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Kelly Long, Board Chair

ATTEST:

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Kris Sofley  
Interim Executive Director

**ATTACHMENT A**

**CONFLICT OF INTEREST CODE  
FILLMORE AND PIRU BASINS 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.<sup>1</sup>

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.<sup>2</sup>

(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 property<sup>3</sup> is required to be reported,<sup>4</sup> 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,<sup>5</sup> 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,<sup>6</sup> 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**

<sup>1</sup> 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.

<sup>2</sup> 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.

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

<sup>4</sup> 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.



<sup>5</sup> 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.

<sup>6</sup> 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 Fillmore and Piru Basins 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**

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

\*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. 10c**

**DATE:** September 18, 2017  
**TO:** Board of Directors  
**SUBJECT:** Discussion of Establishing a Commercial Checking Account with a Financial Institution (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 a financial institution (commercial checking account) for routine banking operations.

**RECOMMENDED ACTION**

The Board will discuss the need for establishing a commercial checking account for routine banking operations and consider tasking the Interim Executive Director with gathering information as to rates and requirements for establishing an account with a financial institution recommended by the Board.

**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.

Proposed Motion:			
“Motion to direct interim executive director to gather information and rates from financial institutions with the aim to establish a commercial checking account on behalf of the Fillmore and Piru Basins Groundwater Sustainability Agency,”			
1 <sup>st</sup> : Director _____		2 <sup>nd</sup> : Director _____	
Voice/Roll call vote:			
Director Broggie:	Director Kimball:	Director Long:	Director McFadden:
Director Meneghin:	Director Pace:		

**FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY**

**Item No. 10d**

**DATE:** September 18, 2017  
**TO:** Board of Directors  
**SUBJECT:** Discussion of Possible Future Action Items (Motion)

**SUMMARY**

The following potential action items should be calendared by the Board for inclusion in future Board Meeting agendas (October 30; November 15; December19):

- Establishing a website for the FPBGSA
- Accounting Procedures (review the process and reports)
- Interview process for Legal Council (ad hoc committee; full Board participation, etc.)
- Bylaws (creating)
- Discussion of proposed fee schedule based on actual budget
- Timeline for GSA
- Date for Town Hall re FPBGSA/Budgets/fee schedule
- Dates for Focus Groups re: GSA Mapping GSA

**RECOMMENDED ACTION**

The Board will discuss the items listed above to determine priorities for more in-depth discussions and actions at a future date.

**BACKGROUND**

These items were identified by Board of Directors as possible future discussion topics.

**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.

Proposed Motion:

“Motion to calendar the topics as discussed on behalf of the Fillmore and Piru Basins Groundwater Sustainability Agency,”

1<sup>st</sup>: Director \_\_\_\_\_ 2<sup>nd</sup>: Director \_\_\_\_\_

Voice/Roll call vote:

Director Broggie:    Director Kimball:    Director Long:    Director McFadden:

Director Meneghin:    Director Pace: