

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

Monday, January 29, 2018 - 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

6. Interim Executive Director Update

Information Item

The Interim Executive Director will provide an informational update on Agency activities since the previous Special Board meeting of January 11, 2018

7. CONSENT CALENDAR

7A Approval of Minutes

Approval of the minutes from the Board Meeting of January 11, 2018.

8. INFORMATION ITEMS

8A Website Design Review

Information Item

Ventura County's Information Technology Services Department Deputy Chief Information Officer Bill De La Espriella; Project Manager Stacy Van Der Zwaan and Designer Rafael Torres will present the preliminary design for the Fillmore and Piru Basins Groundwater Sustainability Agency's website for review and input by the Board.

8B Financial Report from UWCD's Tony Morgan

Information Item

Mr. Morgan will present an overview of reimbursable expenses incurred to date by United Water Conservation District in support of the FPB GSA.

8C Budget Workshop Strategy

Information Item

The Board shall review the proposed agenda for the Budget Workshop and discuss talking points, strategy and presentation materials required, if any, for the public outreach event.

8D Sespe Aquifer Exemption Proposal

Information Item

Board will discuss the status of the Sespe Aquifer Exemption Proposal.

9. ACTION ITEMS

9A Clerk of the Board (Executive Director) Position

Motion

The Board of Directors will consider the proposed job description for the Clerk of the Board (formerly Executive Director) position

9B Grant Opportunities

Motion

The Board shall review various grant opportunities suggested by Director Meneghin and provide direction as to which grants to pursue on behalf of the FPB GSA.

9C Legal Services Agreement

Motion

The Board shall consider accepting the contract for legal services presented by Olivarez Madruga Lemieux O'Neill, LLP

ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting on Tuesday, February 20, 2018** or call of the Chair.

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

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

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Approved: 

Posted: (date) 01-25-2018 **(time)** 12:15 p.m. **(attest)** *Kris Sofley*
At: United Water Conservation District Headquarters, 106 No. 8th St., Santa Paula, CA

Posted: (date) 01-25-2018 **(time)** 12:20 p.m. **(attest)** *Kris Sofley*
At: Fillmore City Hall, 250 Central Avenue, Fillmore, CA

Posted: (date) 01-25-2018 **(time)** 12:20 p.m. **(attest)** *Kris Sofley*
At: <https://www.facebook.com/FPBGSA/>

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

Thursday, January 11, 2018 - 5:00 p.m.

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

MINUTES

1. Call to Order - 5:10p.m.

2. Pledge of Allegiance, led by Director Gordon Kimball

3. Public Comments

Chair Long asked if there were any members of the public wishing to address the Board on any matter on the agenda or on any non-agenda item within the jurisdiction of the Board. No public comment was offered.

4. Approval of Agenda

Motion

Motion to approved the agenda, Director McFadden; Second, Director Broggie. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin, Pace), none opposed. Motion carries unanimously.

5. Director Announcements/Board Communications

Chair Long reminded the Board that suggested questions for the Legal Services interviews had been provided and that the Board would provide 10 minutes to each of the three candidates to make their presentation and then allow 20 minutes for questions and answers. She also added that at the end of the interview process, the Board would provide direction to the ad hoc legal committee as to which firm to proceed with regarding contract negotiations. Director Broggie also suggested checking the references of the preferred candidate and also checking with the State Bar as to any censures or complaints against the firm.

Chair Long then asked the Board if they had an interest in attending the 2018 Legislative Symposium presented by the Groundwater Resources of California in Sacramento in March or the GRAC Biannual Symposium on March 6. Mr. Morgan said that the GRAC event was very technical in nature and didn't really address policy, administration or finance. He also stated that he was undecided as to whether he would be in attendance at the Legislative Symposium, but did state that he would be attending the GSP meeting in Sacramento this June.

Chair Long inquired as to the deadline extension for submitting Boundary Modifications to the DWR. Mr. Morgan reported that the deadline had been moved to June, giving the Board three more months before it has to submit its suggested boundary modifications.

Mr. Morgan also reported that due to the Napa/Sonoma fires the Prop 1 grant deadlines had been extended and now looks like preliminary awards will be announced in late February or early March 2018. He also stated that there had been no changes to the deadline for GSP submission.

Chair Long asked Mr. Morgan if he could have a draft job description for the executive director position for the Board's review at its next regular meeting on January 29 and asked the board if they had any candidates for the position to be considered by the Board. At the January 29 meeting Mr. Morgan will also present a report on financials.

Ms. Sofley added that at that January 29 meeting, Ventura County IT department staff will present the website design for Board input.

Director Meneghin added that she was working on a potential grant list, a matrix of annual grant opportunities and public comment periods. Chair Long asked as a new entity, how does the FPB GSA get on the list for grant opportunity notification. Director Meneghin said that she would present a list of grants that are suitable for the agency. Chair Long said the GSA could submit notifications to that list once provided. Mr. Morgan added that once the website is functional, the Board could use it for email contact or continue to use independent email addresses for email notifications from these various grant providers.

6. Interim Executive Director Update

Information Item

Ms. Sofley reported that, since the previous Special Board meeting of December 4, 2017, the GSA's Conflict of Interest Code was once again rejected by Ventura County's Clerk of the Board, but that a "suggested" revised code was provided, which is included in this meeting's Consent Calendar.

General Liability Insurance has been secured through InsureCAL Insurance Agency for \$1900 per year and, once Director McFadden signed the check, Ms. Sofley would submit the payment and signed application which would generate a policy in return.

Ms. Sofley and UWCD's Tim Moore participated in a website design meeting with project manager Stacy VanDer Zwaan and website designer Rafael Torres regarding design, layout and content organization for the GSA's website. The group is planning on presenting the beta site for review and comment by the Board at its January 29 meeting.

Confirmed dates for the 2018 Regular Board meetings have been confirmed with the City of Fillmore as to Council Chambers availability. There are two dates – one in February and one in May – that need to be rescheduled due to conflicts on the City's calendar. Ms. Sofley also asked

the Board to select a date to reschedule the Budget Workshop which was cancelled in December due to the Thomas fire and said available dates were provided in Action Item 8A.

7. CONSENT CALENDAR

a. Approval of Minutes

Motion

Approval of the minutes from the Regular Board Meeting of October 30, 2017; Special Board Meeting of November 7, 2017; and Special Board Meeting of December 4, 2017.

b. Revised Resolution 2017-02 Adopting a Revised Conflict of Interest Code

Motion

Board to consider adopting the revised version of Resolution 2017-02 and approving the revised Conflict of Interest Code.

c. General Liability Insurance

Motion

Board to consider accepting the General Liability Insurance proposal presented by insureCAL Insurance Agency providing Professional Liability and Directors and Officers Insurance with \$1,000,000 policy aggregate limit; \$1,000,000 coverage for Public Officials Management; \$50,000 coverage for Defense Only non-monetary coverage; \$100,000 Defense only non-monetary coverage aggregate and \$25,000 Crisis Management coverage for a premium of \$1,955.24 per year

Motion to approve the Consent Calendar items 7a – c, Director McFadden; Second, Director Broggie. Roll call vote: Six ayes (Broggie, Kimball, Long, McFadden, Meneghin, Pace), none opposed. Motion carries unanimously.

8. ACTION ITEMS

a. Confirmation of 2018 Regular Board Meeting dates and the rescheduling of the FPB GSA's Community Workshop and Boundary Modification Workshop

Motion

The Board discussed items for discussion at the next regular board meeting, scheduled for January 29, 2018, including the Executive Director position, UWCD's financial accounting, Budget Workshop strategy, website and post office box rental.

Motion to approve the 2018 meeting dates as indicated in Attachment A and to schedule the FPB GSA Regular Board meeting for February on the 20th and the FPB GSA Regular Board meeting for May on the 31st and to reschedule the Community Workshop – Budget Workshop #1, postponed from December 6 due to the Thomas fire, for February 7 at the

Veteran's Memorial Building, Director McFadden; Second, Director Broggie. Voice vote: Six ayes (Broggie, Kimball, Long, McFadden, Meneghin, Pace), none opposed. Motion carries unanimously.

b. Interview with Legal Firms

Motion

Keith Lemieux and Steven O'Neill of Olivarez Madruga Lemieux & O'Neill were the first law firm to present to the Board, beginning at 5:39p.m.. Mr. O'Neill presented a powerpoint with assistance from Mr. Lemieux, then both gentlemen fielded questions from the Board. Mr. O'Neil, a former District Attorney, and Mr. Lemieux both serve as special water council to the City of Oxnard, however, they do not see this as a conflict in representing the GSA. Both gentlemen have public agency experience and have been involved in numerous water law cases. Mr. O'Neill would attend the GSA's Board meetings while Mr. Lemieux would be available for special consultations, as required. They also stated that the GSA would benefit from the firm's extensive experience with other public agencies and that many documents needed by the GSA had already been created by the firm, saving time and money.

Alan Doud and Scott Kuney of Young Wooldridge were the next firm to be interviewed by the Board, beginning at 6:16p.m. Mr. Kuney presented a powerpoint with assistance from Mr. Doud, outlining the firm's history (the firm was formed in 1939), that it represents 34 water agencies as general counsel and that Mr. Kuney would serve as general counsel to the GSA with Mr. Doud and other associates filling in as necessary. Mr. Doud also represented the Tejon Ranch Company and the Tejon Ranch Conservancy as well as its interest in the Tejon Castaic Water District. A senior partner with the firm, Ernest Conant, is also a highly respected water law expert. Mr. Kuney said the firm would likely have to "ramp up" on the front end but then the time required for legal counsel would likely become more routine, and typically, the firm allocates 30 to 40 hours per month for public agency representation. Mr. Kuney also said the firm's rates are based on the years of experience of the providing attorney, with Mr. Kuney being the more senior counsel with 35 years experience. The firm would also bill between three and four hours for travel time. The firm currently does not represent any agencies in Ventura County so they do not anticipate any conflicts. Mr. Kuney did say that he thought the GSA's JPA was very sensible and other materials produced by the GSA seem to be proactive. Mr. Kuney also said the firm was very familiar with environmental issues and cited Mr. Doud's work with the Tejon Ranch Conservancy, including work with preserving condor habitat in Tehacipi.

Daniel Raytis and Issac St. Lawrence of McMurtrey Harsock and Worth came before the Board at 6:40p.m. They distributed a hard copy presentation to the Directors while stressing that they were a small firm with a small client base, that they had no PR or marketing support on staff and were committed to delivering the best solution at the lowest price. The firm does serve as primary counsel to many member representatives of GSAs and provide excellent, personalized service with experience as general counsel to public agencies with water expertise. They have clients within the Kern River GSA as well as the Kern Delta and Indian Wells Valley. They estimate travel being about two hours. Mr. Raytis would serve as the lead counsel and since their clients are all in Kern County there are no conflicts. Mr. St.Lawrence has dealt with many environmental concerns, include

CEQA and EIR issues as well as BiO and has advised clients on compliance issues in these areas.

At the conclusion of the interview process, the Board discussed the attributes and challenges of each of the three legal firm candidates. Directors discussed the variances in rates, potential conflicts, and that the majority of the legal work would be of a public agency nature with water and environmental issues for assistance in developing the GSP. Mr. Morgan added comments about the reputations of several of the attorneys among the water community. After further discussion, the Board members agreed that Olivarez Madruga Lemieux & O'Neill was their first choice and Chair Long asked for a motion.

Motion to request a contract for legal services from Olivarez Madruga Lemieux & O'Neill, after Director McFadden checks the firm's references and Ms. Sofley checks their status with the California State Bar, Director McFadden; Second Director Meneghin. Voice vote: Six ayes (Broggie, Kimball, Long, McFadden, Meneghin, Pace); none opposed. Motion carries unanimously.

Chair Long also added that if Director Meneghin can provide a copy of the proposed contract with Olivarez Madruga Lemieux & O'Neill, she would ask Ventura County's General Counsel to review the contract.

ADJOURNMENT 7:30p.m.

The Board adjourned to the next **Regular Board Meeting** on Monday, **January 29, 2018** or call of the Chair.

ATTEST: _____

Kelly Long, Chair, FPB GSA Board of Directors

I certify that the above is a true and correct copy of the minutes of the Fillmore and Piru Basins Groundwater Sustainability Agency's Special Board of Directors meeting of January 11, 2018.

ATTEST: _____

Kris Sofley, Clerk of the Board

PROPOSAL TO
FILLMORE AND PIRU BASINS
GROUNDWATER SUSTAINABILITY AGENCY FOR GENERAL
COUNSEL LEGAL SERVICES

OLIVAREZ MADRUGA LEMIEUX O'NEILL, LLP



WHAT IS OMLO?

LEMIEUX & O'NEILL

Long-time "boutique" water firm with over 70 years' experience providing transactional and litigation services in water law, municipal law, environmental law, and toxic tort law. The Firm represented many of the largest water districts in Southern California for over 40 years, including:

- Eastern Municipal Water District
- West Basin Municipal Water District
- Las Virgenes Municipal Water District, and many others.

OLIVAREZ MADRUGA

Fast growing municipal law practice with a specialty in municipal law and education law:

- City of El Monte
- City of San Fernando
- City of Huntington Park
- El Monte Union High School District
- Lynwood Unified School District
- Compton Unified School District, and many others

OUR SUCCESS

Our success is reflected in our client loyalty

- Even though OMLO is a new company, its roots run deep.
- OMLO's attorneys have been general counsel for some of their public entity clients for more than 25 years. These clients have been with the firm for more than 40 years. In fact, our predecessor firms actually formed many of the public entities that we now serve as general counsel.

Steven P. O'Neill

General Counsel	Practice Areas	Litigation
<ul style="list-style-type: none"> ▪ Eastern Municipal Water District ▪ West Basin Municipal Water District ▪ Upper San Gabriel Valley Municipal Water District ▪ Bedford Coldwater Groundwater Sustainability Authority 	<ul style="list-style-type: none"> ▪ Groundwater Management ▪ Recycled Water Development and Sale ▪ Water Distribution Issues ▪ Sewer Service Issues ▪ Urban Water Management Plans ▪ Groundwater Rights Adjudication ▪ CEQA 	<ul style="list-style-type: none"> ▪ Construction/Water Treatment Facilities ▪ Development Agreements ▪ Endangered Species ▪ Contract Disputes ▪ CEQA

W. Keith Lemieux

General Counsel/ City Attorney	Practice Areas	Published Cases
<ul style="list-style-type: none"> ▪ Las Virgenes Municipal Water District ▪ Foothill Municipal Water District ▪ Valley County Water District ▪ Big Bear Municipal Water District ▪ Litterock Irrigation District ▪ Palm Ranch Irrigation District ▪ Indian Wells Valley Groundwater Authority ▪ City of Ridgecrest 	<ul style="list-style-type: none"> ▪ Groundwater Rights Adjudication ▪ Groundwater Contamination ▪ Reclaimed and Recycled Water Projects ▪ CEQA ▪ Water Distribution Issues ▪ Water Transfers and Wheeling Arrangements 	<ul style="list-style-type: none"> ▪ <i>In re Groundwater Cases</i>, Santa Maria Group ▪ <i>Hartwell Corp. v. Superior Court</i> ▪ <i>Antelope Valley Groundwater Adjudication</i> ▪ <i>Gallagher v. Las Virgenes Municipal Water District</i> ▪ <i>N.L. Nielson v. City of California City</i>

BPOU SA1
Treatment
Facility



- Valley County Water District owns and operates the BPOU SA1 Treatment Facility, a state-of-the-art water supply and water treatment project. This facility is the primary treatment facility for the Baldwin Park Operable Unit, which the EPA refers to as the largest groundwater superfund site in the country.
- The facility is designed to treat 13 different contaminants, including TCE, PCE perchlorate, 123 dioxane, and many others.
- We negotiated and drafted the Baldwin Park Operable Unit Project Agreement, which was a three-way agreement between various water companies, polluters of the San Gabriel Valley, and the Environmental Protection Agency.
- We are pleased to report that under the agreement this client has never paid for any portion of the Project (not even the costs associated with the negotiation).

Edward C. Little Water Recycling Facility



- The Edward C. Little Water Recycling Facility (ECLWRF), owned and operated by our client West Basin Municipal Water District, is the largest water recycling facility of its kind in the United States and was recognized by the National Water Research Institute in 2002 as one of only six national centers for water treatment technologies.
- We provide all of the legal services necessary in connection with the development, construction, and operation of this large project.
- We represented the district in construction claims and other legal disputes that arose: *City of Vernon v. Central Basin Municipal Water District, et al.*, (1999) 69 Cal.App.4th 508

Rancho Las Virgenes Composting Facility

- Las Virgenes Municipal Water District also owns Rancho Las Virgenes, a composting facility that takes biosolids material from the District's reclaimed water facility and converts it to compost using anaerobic bacteria in digesters.
- In *Gallagher v. Las Virgenes Municipal Water District*, we defended an inverse condemnation claim filed on behalf of 50 homeowners asserting this District's Composting Facility generated foul odors that reduced the value of their nearby properties. We were able to successfully dismiss this case without payment by obtaining a court finding that the composting facility predated the development and that the homeowners had constructive notice of the odors at the time they bought their property.



OMLO Experience

- OMLO represents several forms of groundwater management agencies, including watermasters, groundwater sustainability agencies, and water quality authorities. We have been principal litigators in each of the last several groundwater adjudications in Southern California.
- OMLO's clients include state water contractors, as well as five of the most prominent Met member agencies, which keeps us connected to statewide water issues. OMLO attorneys regularly review, and sometimes draft, new legislation.
- OMLO represents the City of Oxnard, Main San Gabriel Water Quality Authority, Raymond Basin Watermaster, and other entities with jurisdiction over groundwater quality issues.
- Development of fees and charges is a routine part of our practice. Recently, we aided LVMWD and EMWD with the development of "budget-based" rates. We regularly advise our clients regarding legislative attempts to refine Proposition 218 and related matters.

OMLO MISSION STATEMENT/CORE VALUES

Our goal is to provide superior representation at a fair and reasonable price.

Cost Control

- OMLO works closely with its clients to maintain appropriate cost control.
- We make sure that our assignments are clear and maintain regular communication with the client.
- We use our own library of legal opinions and form documents, including form contracts, whenever possible.
- We provide frequent status reports to our clients regarding costs, including itemized billing, and we regularly monitor costs against our budgets.

Fee Proposal

- OMLO proposes to bill for services on an hourly basis at a rate of \$200 per hour for the first 25 hours worked in a month.
- After that, we would bill at a rate of \$225 per hour for partners, and \$185 per hour for associates.
- Because our offices are located close to the Agency, we would not bill for any travel time from beyond our Westlake Village offices.



GROUNDWATER EXPERIENCE

- General Counsel for several large groundwater recharge and banking projects (Kern Water Bank Authority, Semitropic Water Storage District, Arvin-Edison Water Storage District, North Kern Water Storage District)
- Trial counsel for several major landowners in both the Santa Maria and Antelope Basin Adjudications

BACKGROUND

- Founded in 1939
- Full Service Law Firm of 9 Partners, 4 Associates, 2 Of Counsel Attorneys, 6 Paralegals and 18 Support Staff.
- History of foundational representation
 - State Water Project and Central Valley Project
 - Formation of Water Storage Districts
 - Santa Maria and Antelope Valley Groundwater Adjudication Judgments
 - San Joaquin River Restoration Settlement
 - Formation of SGMA Groundwater Sustainability Agencies
- Decades of established relationships with other water and public agency attorneys, engineering consultants, finance consultants, and others performing work for client JPAs and special water districts.

SGMA EXPERIENCE

- Instrumental in drafting and implementing of SGMA.
- Represent numerous member units of the Kern Groundwater Authority-Kern Sub-Basin.
- General counsel to several GSAs located in the San Joaquin, Cuyama Valley and Salinas Valley Basins.

GENERAL EXPERIENCE

General Counsel on a range of laws and issues applicable to public water agencies, including the Brown Act, CEQA, Eminent Domain, Conflict of Interest, Public Finance, and Public Contracting.

The Water Law and Special Districts Department consists of six attorneys:

- Ernest A. Conant, Partner Attorney
- Scott K. Kuney, Partner Attorney
- Steven M. Torigiani, Partner Attorney
- Alan F. Doud, Attorney
- Jeffrey J. Patrick, Attorney
- Brett A. Stroud, Attorney



LEAD COUNSEL

Scott K. Kuney

- General counsel to public water agencies including SWP and CVP contractors, and Kern River interests.
- Coordinate numerous clients that are member units of the Kern Groundwater Authority.
- Lead attorney in various litigation matters concerning surface and groundwater rights, eminent domain, CEQA, NEPA, and ESA.

ASSISTANT LEAD COUNSEL


Alan F. Doud

- Represent clients on a broad range transactional, regulatory and litigation matters, including matters before DWR, SWRCB and EPA, water rights disputes, Prop 218 proceedings, district formation and elections, and general transactional matters.
- Former Senior Counsel to the Tejon Ranch Company, providing guidance on numerous water issues associated with Tejon's real estate developments and affecting the disposition of Tejon's water assets. Facilitated cooperative efforts among the Company, the Tejon-Castac Water District, and the Tejon Ranch Conservancy.

DEPARTMENT HEAD

Ernest A. Conant

- Almost 40 years of experience representing JPAs, special districts and mutual water companies.
- Instrumental in development of the Kern Water Bank, and the Semitropic and Arvin-Edison Water Storage Districts' water banking programs.
- Lead negotiator for Friant contractors in the San Joaquin River Restoration Settlement.
- General counsel to several GSAs, providing for formation, financing, and implementation of SGMA.



**FILLMORE & PIRU BASINS
GROUNDWATER
SUSTAINABILITY AGENCY**

**Dan Raytis &
Isaac St. Lawrence**

LAW OFFICES

McMURTREY, HARTSOCK & WORTH

A PROFESSIONAL CORPORATION

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Dan@mcmurtreymartsock.com Isaac@mcmurtreymartsock.com



McMurtrey, Hartsock & Worth

What We Do

- **General Counsel to Public Agencies First**
- **Water Lawyers Second**



McMurtrey, Hartsock & Worth Attorneys

- **Gene McMurtrey** 49 Years
- **Robert Hartsock** 33 Years
- **Jim Worth** 25 Years
- **Dan Raytis** 16 Years
- **Isaac St. Lawrence** 14 Years

McMurtrey, Hartsock & Worth

Clients

- **Kern Delta Water District (45 Years)**
- **Buena Vista Water Storage District (35 Years)**
- **Indian Wells Valley Water District (35 Years)**
- **Cawelo Water District (20 Years)**
- **Olcese Water District (15 Years)**
- **Rosedale-Rio Bravo Water Storage District (10 Years)**



McMurtrey, Hartsock & Worth Groundwater Sustainability Agencies

- **Kern Groundwater Authority GSA**
- **Kern River GSA**
- **Cawelo GSA**
- **Olcese GSA**
- **Indian Wells Valley GSA**
- **Henry Miller Water District GSA**



McMurtrey, Hartsock & Worth

What Distinguishes Us?

- **Small Size & Small Client Base**
- **General Counsel First,
Water Law Second**



Questions?

**Dan Raytis &
Isaac St. Lawrence**

LAW OFFICES

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FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 8A

DATE: January 29, 2018

TO: Board of Directors

SUBJECT: Website Design and Development

SUMMARY As directed at the October 30, 2017 Board of Directors meeting, County of Ventura’s Information Technology Services Department was contracted to design and build a website for the FPB GSA. The Board also approved contracting with WP Hosting Spot as serve as the website’s host for the next year.

Deputy Chief Information Officer Mr. Bill De La Esprielle, Project Manager Ms. Stacy Van Der Zwaan and Web Designer Rafael Torres will present the preliminary design for the FPB GSA website for review and input from the Board.

RECOMMENDED ACTION Board to review the beta website and provide approval and/or further direction regarding the website’s design, function and content.

BACKGROUND Director Long recommended reaching out to the county’s IT services department to find out what it would charge for creating a new website for the Fillmore and Piru Basin Groundwater Sustainability Agency based on a similar look, feel and functionality to the Upper Ventura River Groundwater Sustainability Agency’s website. The existing site (<https://uvrgroundwater.org/>) design was used as a guideline to build the new FPB GSA’s website. IT personnel worked with resources provided by the FPB GSA (content including documents, photographs, maps, etc.) for the new website. The new site was developed utilizing the WordPress content management platform which makes it easy for the Agency to add and maintain future content in-house at a significant cost savings. The IT Services Department also recommended the new website be hosted at cloud-based website hosting provider WPHostingSpot.com. IT Services has vetted this cloud hosting provider and has found through its experience that wphostingspot.com provides excellent performance, support, uptime, security, and value.

FISCAL IMPACT: The fiscal impact of this agreement is the cost of building the site (\$1,800) plus an annual hosting fee (\$360) for a total expenditure of \$2,160.

Attachment: Explanation of web site hosting services/fees.

Proposed Motion: “Motion to approve the design [with the additional recommendations of...] and approve the payment of \$1800.00 to Ventura County IT Services Department for completion of the website; and to contract with the County’s IT Services Department to host the site for a year at a cost of \$360. on behalf of the Fillmore and Piru Basins Groundwater Sustainability Agency.”

1st: Director _____ 2nd: Director _____
Voice/Roll call vote:
Director Broggie: Director Kimball: Director Long: Director McFadden:
Director Meneghin: Director Pace

8A Attachment A: Email explaining the change in web hosting services and fee

When we originally quoted this project, Ventura County IT Services was using a hosting company called WPHostingSpot.com. We had a number county website hosted there and everything was working well. During the recent fire event here in the county, some of our sites were negatively impacted by a large number of visitors and some of those sites crashed. We were able to get the sites back up very quickly but this situation revealed two significant problems with WPHostingSpot.com. 1) They were not able to support sites that had very heavy traffic in very short timeframes and 2) Their support was not as good as we would have expected.

We immediately began a search for a new hosting service provider that would provide that could meet our requirements. We finally picked a company called LunarPages.com. LunarPages gave us everything that we required and more. The following is a list of what they provide us:

1. Redundant data center which provide us with a failover in case one datacenter goes down our site are switched to the failover site within a predetermined amount of time.
2. Daily backups
3. High performance hardware which is extendable. We can add memory, storage, and bandwidth as needed.
4. LunarPages datacenter are highly secure sites. Their primary location is at SuperNap in Las Vegas and is considered one of the best and most secure datacenters in the United States. LunarPages is responsible for keeping the operating system up to date with the latest security patches. They also employ state of the art security hardware and software to protect or websites and our data.
5. LunarPages provides 24x7 customer and technical support.
6. LunarPages can support both the Linux and Windows operating systems and several choices of databases are available as well.

In conclusion, LunarPages provides us with a much better value the WPHostingSpot.com even though it is more expensive. It is important to also note that as we move more and more websites and application to LunarPages we anticipate that the monthly \$40.00 fee will come down. We will reevaluate the fee on an annual basis and adjust it accordingly. I hope that this is enough information.

If you have any questions or need any additional information please do not hesitate to contact me.

Thanks,
Bill

Bill De La Espriella
Deputy Chief Information Officer
Information Technology Services Department
Office: (805) 654-7647
Email: bill.delaespriella@ventura.org

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 8B

DATE: January 29, 2018

TO: Board of Directors

SUBJECT: Financial Report

SUMMARY United Water Conservation District (United) personnel staff have been functioning as staff to the Agency since its inception. This arrangement was the Board of Directors preferred alternative to contracting the administrative and technical support services to an outside entity(ies). The Board of Directors concurred with United's management that its support would be on a cost reimbursable basis.

RECOMMENDED ACTION Receive and file a report from United Water Conservation District on reimbursable expenses incurred to date by United in support of the Agency.

BACKGROUND The Board of Directors preferred to use United personnel as the Executive Director and staff to the Agency recognizing their experience with the operation of a public agency, as well as their technical expertise gained from their long-term groundwater management efforts in the Piru and Fillmore basins.

FISCAL IMPACT: There is no fiscal impact associated with this report.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 8C

DATE: January 29, 2018

TO: Board of Directors

SUBJECT: Preparation for Budget Workshop on February 7, 2018

SUMMARY Postponed from its original date of December 6, 2017 due to the Thomas Fire, the Board has rescheduled this public outreach event for February 7, 2018 at the Veteran's Memorial Building in Fillmore. A Public Notice inviting participation will be published in the Fillmore Gazette's editions for January 25 and February 1 as well as available in its online editions. Additionally, a mailing to the pumpers in the Fillmore and Piru basins area will receive a letter of invitation signed by all of the Directors.

RECOMMENDED ACTION Review and discuss the proposed agenda for the event as well as suggestions offered by Rachael Laenen after having attended a Fox Canyon GMA Stakeholder Workshop.

BACKGROUND As part of the Agency's public outreach and stakeholder engagement strategy, it is obliged to host several events to solicit public comment and promote support for the fees it will assess local pumpers. The Budget Workshop is the Agency's opportunity to explain its activities, goals and objectives while also clarifying its budgetary requirements for administrative activities and for the development of a Groundwater Sustainability Plan and how those factors impact its rate setting process.

FISCAL IMPACT The City of Fillmore is not charging the FPB GSA for the use of the room; UWCD will provide the laptop and projector as well as printed maps and other materials for public distribution as noted in the agenda. The cost of the public notice in the Fillmore Gazette and online is \$108. The mailing cost is estimated to be \$ 117.03 postage. Ms. Sofley will pick up coffee (\$15.95 per 12 servings) and donuts (\$12 per dozen) [\$83.85]. Total estimated costs: \$308.88

**Fillmore and Piru Basins Groundwater Sustainability Agency
(FPB GSA)
Public Outreach Meeting**

**Budget Workshop
Wednesday, February 7, 2018
9a.m. to 11:00 a.m.**

**Veterans' Memorial Building
511 2nd Street, Fillmore, CA 93015**

AGENDA

- 1. Welcome - FPB GSA Chair Kelly Long**
- 2. Introductions of FPB GSA Board of Directors**
 - a. Board Chair Kelly Long**
 - b. Board Vice Chair/Secretary/Treasurer Edwin T. McFadden III**
 - c. Director Carrie Broggie**
 - d. Director Gordon Kimball**
 - e. Director Candice Meneghin**
 - f. Director Glen Pace**
- 3. Sustainable Groundwater Management Act - UWCD's Tony Morgan**

Mr. Morgan will address SGMA requirements, historical data, AB3030 and other information, including the benefits provided to the FPB GSA by UWCD's partnership.
- 4. Joint Powers of Authority Agreement - Directors McFadden and Kimball**

Why the County of Ventura, the City of Fillmore and United Water Conservation District joined together in establishing the FPB GSA; what each JPA member provides to the FPB GSA; how the JPA impacts/affects the FPB GSA; expectations for the FPB GSA and the importance of peer reviews
- 5. Fillmore and Piru Basins Groundwater Sustainability Agency (FPB GSA)
Activities to Date - Chair Long**

An overview of the meetings, motions and accomplishments of the FPB GSA to date as well as goals and objectives for the year ahead.

6. Proposition 1 Grant Application - UWCD's Tony Morgan

An overview of the FPB GSA's grant application, including work plan, development of Groundwater Sustainability Plan (GSP), efficiencies in using UWCD historical data, budget and distribution of funds, once awarded. Hard copies of the Work Plan and Budget will be provided.

7. Budget and Assessments - All Board Members

Presentation outlining significant costs, potential grant awards, funding options, extraction fees/assessments and cash flow projections for the FPB GSA. Hard copies will be provided.

8. Discussion

Chair Long will lead an open discussion of the information presented. Comments, concerns, suggestions and opinions are welcome and encouraged.

Please join us for the next **FPB GSA Regular Board Meeting** on **Tuesday, February 20, 2018** at the **City of Fillmore's City Council Chambers, 250 Central Avenue, Fillmore, CA 93015**

Budget Workshop Guidelines

Key messages:

Over-arching Theme: **Unique** and **Opportunity**

- While the GSA was created out of a mandate by SGMA, it is a **unique** piece of legislation because it puts the power in our hands;
 - We have an **opportunity** here to shape our GSP, to be the masters of our own destiny, to protect our basins, including:
 - get involved, come to meetings, invest in your stakeholder representatives, have a say in the plan;
 - Our basins are **unique**: we don't have subsidence, we don't have seawater intrusion, we don't have critical over-drafting;
 - SGMA creates **opportunity** for water to have a value, to be bought and sold;
 - Our basins have a **unique** storage capacity;
 - There is **opportunity** to leverage our storage capacity for our benefit and beyond through projects and initiatives;
 - Because of the positive position we are in, we have a **unique opportunity** to invest time and effort into careful consideration of the environmental factors in our basin areas.
- It will cost money to develop the plan and administer the agency but we're working hard to be **fiscally responsible**, make every dollar work hard and make sure we all get **good value**;
- If done well, and we put the effort in now, we will see **value** from this for years to come - providing certainty and a water market, no litigation and less ongoing costs;
- This isn't a 'write a GSP and put it on the shelf project', we are establishing the **foundation for long term sustainability** to provide certainty for all of our interests, which will require ongoing management, oversight, modification and tweaking over coming decades;
- We want to make good, considered decisions that will stand the test of time so generations to come will look back and be proud of what we achieved.

CONSIDERATIONS...

- Make sure your meeting can run as long as needed. Don't put an end time on it so it feels like stakeholder input is being cut off. Make sure everyone knows you're committed to staying to answer every question in the room;
- For presentations, use the slides as a prompt for explaining information. Don't read the text that's on the slides - the audience can do that!;

- Ensure you choose your most dynamic and engaging speakers to give presentations;
- Introduce each person who is involved in the process. Have each person introduce themselves, who their constituents are and why they have a vested interest in the project;
- Remind people the GSA will be around for the long-term, even after the GSP is written;
- Make the presentation time a small fraction of the discussion time;
- Be definite on how you will get any follow-up information to people;
- Open the floor after the presentations to a '**discussion**' not a Q&A session.

Beyond that, there is an opportunity at your first public outreach meeting to set the tone for the agency. I'd suggest you want to be **open, personable** and remind people you **want to know what they think** because you want to do the best and most efficient job you can.

You don't want anything about the meeting, room or layout to be intimidating. Everything needs to say open and approachable - from how the chairs are laid out to how you manage questions.

Here are a few suggestions for your meeting specifically:

- Create a 'circle' by curving the chairs towards the front with an aisle down the middle. Try to avoid an 'us and them' feeling by straight-on presenting to an audience;
- Have the board sit/perch on stools at the front to one side. This will allow for directors to get up, move around while talking, and not be trapped behind a desk or lectern, and not to have a physical barrier between them and the stakeholders;
- Have Kelly as the Chair, open the meeting with a bit of brief background on who you and are what you're doing. Explain how the GSA was formed and why you're working with United (existing knowledge and efficiency);
- Reinforce messages of **Uniqueness** (hydrogeology of the basin, chance to establish water market) and **Opportunity** (create certainty, be part of a wider solution);
- Reinforce the message that you want to make the process as efficient as possible because you know it will be costly. You will need to collect assessments for this but the very first expense you approved was for the grant writer to help ease the financial burden;
- Have each board member do an intro and bio. Make sure everyone in the room knows why they're involved and who they are representing. This will also help give context to who answers which questions;
- Have all presentations and information available via handouts, USB sticks at the meeting if many pages, and on the website. People consume information in different ways so make it as easy as possible for anyone to get the info how it is best for them;

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 8D

DATE: January 29, 2018

TO: Board of Directors

SUBJECT: Sespe Aquifer Exemption Proposal

SUMMARY The Board of Directors will discuss the status of the Sespe Aquifer Exemption Proposal.

RECOMMENDED ACTION Discussion by Board of Directors – Information Item only

BACKGROUND The Board of Directors will use information from the DOGGR website, the updated compliance review letter dated 11/9/17 from DOGGR on Class II Injection Wells to the US EPA, to provide a status update on the Sespe Aquifer Exemption Proposal.

FISCAL IMPACT: There is no fiscal impact associated with this report.

Attachment: A – 2017-11-09 SWRCB letter to EPA re Class II Injection Wells

B – 2017-09-25 SWRCB Statement of Basis for the Expansion of the Aquifer Exemption at the Sespe Oil Field



State of California • Natural Resources Agency
Department of Conservation
Division of Oil, Gas, and Geothermal Resources
Kenneth A. Harris Jr., *State Oil and Gas Supervisor*
801 K Street • MS 18-05
Sacramento, CA 95814
(916) 445-9686 • FAX (916) 319-9533



State Water Resources Control Board

November 9, 2017

Mr. David Albright, Manager
Ground Water Office
United States Environmental Protection Agency—Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901
Albright.David@epa.gov

NOVEMBER 2017 UPDATE ON COMPLIANCE REVIEW

Dear Mr. Albright:

On August 22, 2017 the Division of Oil, Gas, and Geothermal Resources (Division) and the State Water Resources Control Board (State Water Board) (collectively, the State) provided the United States Environmental Protection Agency (US EPA) with the most recent update on the State's compliance status on class II injection wells identified to be permitted for injection into potentially non-exempt underground sources of drinking water (USDW). As we agreed, the State will continue to provide US EPA with periodic updates on our progress to complete the aquifer exemption (AE) proposals identified in our January 17, 2017 letter.

This letter and enclosure provide a status update on the State's progress on AE proposals. There are a total of 28 AE proposals that the State has initially determined to have merit and would address the Safe Drinking Water Act compliance. Of those 28 AE proposals, the US EPA has already approved six, another two have been submitted to US EPA for approval and three have received concurrence from the State Water Board. For each of the remaining AE proposals, the State Water Board has identified additional data and analysis needed in order to issue concurrence. The Division is working with operators to collect and develop that additional data and/or analysis. Estimated completion dates for the remaining proposals are listed in the enclosed table.

While we continue to make progress on the AE proposals, the Division continues to take the necessary steps to ensure permanent cessation of injection into wells where data to support an exemption is not currently available. Of the wells of concern identified in the previous updates, the Division has confirmed that injection has ceased in all but five of the wells and the injection lines are disconnected. For four of the remaining wells, the Division is in the process of evaluating data indicating that the injection zone might not be a USDW. The operator of the fifth well is in the process of recompleting the well to inject into a non-USDW.

In addition to verifying that injection into these wells is not presently occurring, the Division is taking steps to rescind approvals to inject into a USDW that are outside the scope of an advancing AE proposal. The Division issued letters to 22 operators of such wells seeking voluntary

Mr. David Albright
November 9, 2017
Page 2

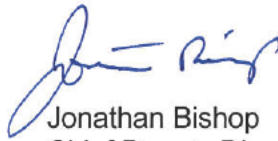
relinquishment of their permit to inject into those wells. If an operator does not respond by executing a declaration of voluntary relinquishment, then the Division will issue orders revoking the operator's approval to inject into the wells. This is an important step to ensure that injection will not resume in the future unless there has been a substantial State review and approval following US EPA approval of an appropriate AE proposal.

We believe that our progress continues to demonstrate the State's commitment to protect public health and the environment while avoiding unnecessary disruption of oil and gas production. If you have any questions or wish to discuss this matter further, please contact Mr. Ken Harris at (916) 323-1777.

Sincerely



Kenneth A. Harris Jr.,
State Oil and Gas Supervisor
Division of Oil, Gas, and Geothermal Resources



Jonathan Bishop
Chief Deputy Director
State Water Resources Control Board

Enclosure 1

AQUIFER EXEMPTION PROPOSAL REVIEW STATUS (11/8/2017)

Field	Name of Formation(s) / Unit(s) Proposed for Exemption	Injection Types	Minimum TDS of Area Proposed for Exemption (mg/L)	Maximum TDS of Area Proposed for Exemption (mg/L)	Hydrocarbon Production	Federal Criteria (40 CFR 146.4)	Preliminary Concurrence Letter to DOGGR ¹	Final Concurrence Letter to DOGGR	Status
Arroyo Grande	Dollie Sands	SC, SF, WD	980	2,800	Yes	(a), (b)(1)	8/7/2015	2/8/2016	DOGGR submitted proposal to US EPA on 2/8/2016. Proposal is being revised based on US EPA feedback.
Round Mountain	Jewett Sand	SC, SF	2,800	2,800	Yes	(a), (b)(1)	4/28/2016	11/29/2016	Approved by US EPA 2/9/2017.
	Pyramid Hill Sand	SC, SF, WF	1,000	2,400	Yes				
	Vedder	SC, SF, WF	1,200	4,000	Yes				
	Walker	WD	1,400	2,400	Yes				
Fruitvale	Santa Margarita	WD	5,630		Eastern Portion	(a), (c)	6/15/2016	11/7/2016	Approved by US EPA 2/9/2017.
Tejon	Transition Zone	WD	2,231	3,317	Yes	(a), (b)(1)	7/22/2016	11/30/2016	Approved by US EPA 2/9/2017.
Mount Poso	Pyramid Hill Sand	SF, WF	1,730		Yes	(a), (b)(1)	10/4/2016	2/8/2017	Approved by US EPA 4/17/2017.
	Vedder	SF, WF	2,520		Yes				
San Ardo/McCool Ranch	Lombardi Sands	SF, WD	4,500		Yes	(a), (c)	12/1/2016	9/13/2017	DOGGR submitted proposal to US EPA on 9/28/2017. EPA has provided questions about the proposal.
	Aurignac Sands	SC, WF, WD	4,842		Yes				
Lynch Canyon - Lanigan Sand	Lanigan Sand	SC, SF	3,439	4,658	Yes	(a), (b)(1)	2/3/2017		DOGGR is preparing public comment summaries and responses.
Sespe	Basal Sespe	WD	5,700	33,000	Yes	(a), (b)(1)	2/3/2017		Public hearing was held on 10/24/2017. Public comment period ends 11/8/2017.
Jasmin	Cantleberry Sands Member, Vedder Fm.	SF, SC, WD	380	410	Yes	(a), (b)(1)	2/7/2017	7/13/2017	Approved by US EPA 9/28/2017.
Kern Front	Vedder	WD	3,500	10,790	No	(a), (c)	2/23/2017	7/13/2017	Approved by US EPA 8/3/2017.
Elk Hills - Phase 1	Tulare	WD	4,500	20,000	No	(a), (c)	6/13/2017		DOGGR is preparing public comment summaries and responses.
Elk Hills - Phase 2	Tulare	WD	4,500	20,000	No	(a), (c)	6/13/2017		DOGGR is preparing public comment summaries and responses.
Poso Creek	Basal Etchegoin and Chanac	SC, SF	260	680	Yes	(a), (b)(1)	8/17/2017		Public comment period is open and a hearing is scheduled for 11/29/2017.
	Basal Etchegoin	SC, SF	480	1,300	Yes				
McKittrick	Tulare	SF, SC, WD	1,412	34,685	Yes	(a), (b)(1)	November 2017		Proposal is under review by Water Boards.
Jacalitos and Coalinga	Temblor	SF, WF	3,024	12,730	Yes	(a), (b)(1)	November 2017		Proposal is under review by Water Boards.
Kern Front	Upper Chanac	SC, SF, WD	320	350	Yes	(a), (b)(1)	November 2017		Proposal is under review by Water Boards.

AQUIFER EXEMPTION PROPOSAL REVIEW STATUS (11/8/2017)

Field	Name of Formation(s) / Unit(s) Proposed for Exemption	Injection Types	Minimum TDS of Area Proposed for Exemption (mg/L)	Maximum TDS of Area Proposed for Exemption (mg/L)	Hydrocarbon Production	Federal Criteria (40 CFR 146.4)	Preliminary Concurrence Letter to DOGGR ¹	Final Concurrence Letter to DOGGR	Status
North Belridge	Tulare	SC, SF, WF, WD	8,055	22,540	Yes	(a), (b)(1)	<i>November 2017</i>		Proposal is under review by Water Boards.
Cymric	Tulare	SF, WD	1,100	14,100	Southeastern Portion	(a), (b)(1)	<i>December 2017</i>		Proposal is under review by Water Boards.
Kern River	Kern River	SC, WD	120	1,200	Yes	(a), (b)(1)	<i>December 2017</i>		Proposal is under review by Water Boards.
Lost Hills - Phase 1	Tulare	SC, SF	3,789	11,135	Yes	(a), (b)(1)	<i>December 2017</i>		Proposal is under review by Water Boards.
Midway-Sunset	Tulare	SC, SF, WD	3,588	30,337	Northern Portion, Lower Tulare	(a), (c)	<i>December 2017</i>		Proposal is under review by Water Boards.
	Potter Sands	SC, SF, WD	1,550	22,347	Eastern Portion				
	Spellacy Sands	SC, SF, WD	1,200	38,491	Eastern Portion				
	Miocene Shale	SC, SF, WF, WD	3,000	26,628	Yes				
	Lower Antelope Sands	WD	4,296	24,740	No				
South Belridge	Tulare	SF, WD	3,498	32,788	No	(a), (b)(1)	<i>December 2017</i>		Proposal is under review by Water Boards.
Edison - Phase 1	Pyramid Hills and Vedder	WF	1,110	20,775	Yes	(a), (b)(1)	<i>December 2017</i>		Proposal is under review by Water Boards.
	Wicker Sands, Fruitvale Fm.	WD	3,300	3,300	Yes				
	Santa Margarita	SC, SF	440	820	Yes				
Edison - Phase 2	Chanac	SC, SF	570	2,000	Yes	(a), (b)(1)	<i>January 2018</i>		Proposal is under review by Water Boards.
Holser	Holser-Nuevo Zone, Modelo Fm.	WD	6,000	9,000	Yes	(a), (b)(1)	<i>January 2018</i>		DOGGR is preparing responses to Water Boards comments and questions regarding proposal.
Cat Canyon	Sisquoc	SC, SF, WF, WD	6,100	26,000	Yes	(a), (b)(1)	<i>March 2018</i>		DOGGR is preparing responses to Water Boards comments and questions regarding proposal. Proposal is being revised to include the Monterey Formation.
Lynch Canyon - Santa Margarita	Santa Margarita	WD	3,700 (estimated)	3,845 (estimated)	No	(a), (c)	<i>April 2018</i>		DOGGR is preparing responses to Water Boards comments and questions regarding proposal.
Lompoc	Monterey	WD	4,700	12,100	Yes	(a), (c)	<i>May 2018</i>		DOGGR is preparing responses to Water Boards comments and questions regarding proposal.

ACRONYMS:

Enhanced Oil Recovery (EOR), Cyclic Steam (SC), Steam Flood (SF), Water Flood (WF), Waste Disposal (WD), Division of Oil, Gas, and Geothermal Resources (DOGGR), To Be Determined (TBD), milligrams per liter (mg/L),

¹ Italics indicate estimated dates of submittal based on prior reviews and are subject to change.



DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES



Statement of Basis for the Expansion of the Aquifer Exemption at the Sespe Oil Field

Field: Sespe Oil Field
County: Ventura County, California
Class and Well Type: Class II, Water Disposal
Geologic Formation: Basal Sespe Zone, (Oligocene) Sespe Formation

EXPANSION OF AQUIFER EXEMPTION

This document describes the basis for expanding the Sespe exemption area in the Tar Creek-Topatopa Area of the Sespe Oil Field (Proposal Area). Additional technical data supporting the summary provided herein are available in the application for exemption. Portions of the Sespe Formation are currently exempted in the Proposal Area. Because the non-exempt portions of the aquifers proposed for exemption meet the US Environmental Protection Agency's (US EPA) definition of an underground source of drinking water (USDW), injection of Class II fluids is only permissible if the US EPA approves an aquifer exemption for the portions of the aquifers at issue (Title 40 of the Code of Federal Regulations § 146.3 and 146.4). As described below, the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (Division) and the State Water Resources Control Board (State Water Board) have preliminarily determined that the state and federal requirements for expanding the exemption of the aquifers at issue have been satisfied.

BASIS FOR EXEMPTION

The proposed expansion of the aquifer exemption for the Basal Sespe Zone of the Sespe Formation in and surrounding the Sespe Oil Field meets the criteria of Code of Federal Regulations, title 40, section 146.4 and California Public Resources Code section 3131. Pursuant to Code of Federal Regulations, title 40, section 146.4, the Proposal Area does not currently serve as a source of drinking water, and will not in the future serve as a source of drinking water because it is hydrocarbon producing. In addition, pursuant to California PRC Code § 3131, the data indicate that fluid injection within the Proposal Area is not expected to affect the quality of water that is, or may reasonably be, used for any beneficial use because the groundwater contained in the aquifer

proposed for exemption is not expected to be put to beneficial use, and the injected fluids are expected to remain in the aquifer proposed for exemption due to a combination of geologic features and operational controls.

AQUIFER EXEMPTION CRITERIA

US EPA Exemption Criteria:

Section 146.4 of Title 40 of the Code of Federal Regulations:

- (a) It does not currently serve as a source of drinking water;
- (b) It cannot now and will not in the future serve as a source of drinking water because:
 - (1) It is a mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.

California State Exemption Criteria:

California Public Resources Code section 3131, subdivision (a):

- (a) To ensure the appropriateness of a proposal by the state for an exempted aquifer determination subject to any conditions on the subsequent injection of fluids, and prior to proposing to the US EPA that it exempt an aquifer or portion of an aquifer pursuant to Section 144.7 of Title 40 of the Code of Federal Regulations, the division shall consult with the appropriate regional water quality control board and the state board concerning the conformity of the proposal with all of the following:
 - (1) Criteria set forth in Section 146.4 of Title 40 of the Code of Federal Regulations.
 - (2) The injection of fluids will not affect the quality of water that is, or may reasonably be, used for any beneficial use.
 - (3) The injected fluid will remain in the aquifer or portion of the aquifer that would be exempted.

LOCATION

The Sespe Oil Field is located in Ventura County, approximately 2.5 miles north of the town of Fillmore, CA along Highway 126. The proposed exemption areas for the Basal Sespe Zone of the Sespe Formation encompass approximately 8 square miles.

SYNOPSIS

Seneca Resources Corporation has requested an expansion of the existing aquifer exemption for the Basal Sespe Zone of the Sespe Formation in the Tar Creek-Topatopa Area to the geologic extents of the units in and surrounding the Sespe Oil Field. The original aquifer exemption for the Sespe

Formation were approved in 1983 in conjunction with the US EPA granting the State of California primacy for regulation of Class II injection, including enhanced oil recovery (EOR) injection and the disposal of produced fluids associated with oil and gas production.

Class II injection can only be permitted into an aquifer that meets the definition of an underground source of drinking water if it is exempted by the US EPA. In accordance with 40 CFR 146.4, the data supporting this aquifer exemption proposal demonstrate that the aquifer at issue does not currently serve as a source of drinking water and that the aquifer will not in the future serve as a source of drinking water due to the presence of hydrocarbons.

In accordance with PRC section 3131, subdivision (a), the data indicate that the injection of produced fluids and those used for EOR are not expected to affect the quality of water that is, or may reasonably be, used for any beneficial use because; (1) the groundwater contained in the aquifer proposed for exemption is not expected to be put to beneficial use (other than oilfield operations) because it contains hydrocarbons; and (2) the injected fluids are expected to remain in the aquifer proposed for exemption due to a combination of geologic features and operational controls (discussed below).

The Division has conducted a thorough review of the supporting data and, with preliminary concurrence from the State Water Board, is proposing to expand the area of the current aquifer exemption designation for the Basal Sespe Zone of the Sespe Formation to the geologic extents of the units in the Proposal Area. Subject to approval by the US EPA, the proposed aquifer exemption expansion would allow the State, in compliance with the federal Safe Drinking Water Act, to allow Class II injection into the Basal Sespe Zone within the Proposal Area.

PROPOSAL MEETS THE FEDERAL EXEMPTION CRITERIA

Does Not Currently Serve as a Source of Drinking Water (40 CFR § 146.4(a)):

A complete search for water supply wells was conducted within one mile of the surface projections of the proposed Tar Creek-Topatopa Area aquifer exemption area boundary. The water well survey included data obtained from oilfield operators, field reconnaissance, the Ventura County Environmental Health Department, the GeoTracker (GAMA) Groundwater Information System, and California Department of Water Resources Well Completion Reports database. Eight water supply wells were identified within the area of review; five of these wells are former oil wells converted to water supply wells for oil field activities. Four of the five former oil well conversions are either inactive, idle or abandoned. None of the identified water wells are hydraulically connected to the Proposal Area. The Tar Creek-Topatopa area of the Sespe Field is in a steep mountainous area beginning over a mile north of the Fillmore groundwater subbasin which is part of the larger Santa Clara-Calleguas Basin delineated by the California Department of Water Resources. Both the DWR and the United States Geological Survey describe the rocks of the Proposal Area as impervious and relatively non-water bearing.

Will Never be a Source of Drinking Water. (40 CFR § 146.4(b)(1)):

The geologic horizon for the aquifer exemption is the Basal zone of the Sespe Formation. The data provided in this Proposal demonstrates that the portion of the aquifer proposed for exemption is a hydrocarbon-bearing zone with a 3:1 oil-to-water ratio. Laboratory analyses of groundwater samples collected in and surrounding the Sespe Oil Field indicate TDS concentrations ranging from 5,700 to 33,000 mg/l in the Basal Sespe Zone. Other supporting documentation includes historical production data, mud logs, core analyses, and geophysical logs.

PROPOSAL MEETS CALIFORNIA STATE AGENCY EXEMPTION CRITERIA

Meets US EPA Exemption Criteria (PRC § 3131, subdivision (a)(1)):

As discussed above, the proposal meets the aquifer exemption criteria in the federal regulations.

The injection of fluids will not affect the quality of water that is, or may reasonably be, used for any beneficial use (PRC § 3131, subdivision (a)(2)):

As discussed above, the injected fluids are not expected to affect the quality of water that is, or may reasonably be, used for any beneficial use (other than oilfield operations) because the groundwater contained in the proposed exemption areas is not expected to be put to beneficial use due to the presence and concentration of petroleum hydrocarbons.

The injected fluids are expected to remain in the portion of the aquifer proposed for exemption (PRC § 3131, subdivision (a)(3)):

A technical demonstration shows that injected fluids are expected to remain in the proposed exemption areas due to a combination of geologic features and operational controls. The geologic features that provide lateral containment are (1) the presence of low-permeability mudstones and sandstones of the Coldwater Formation that underlies the Basal Sespe Zone, and (2) Basal Sespe Zone itself with a low permeability of approximately 1 millidarcy (mD). The geologic features that provide vertical containment are the low-permeability mudstones, sandstones and fanglomerates of the Middle and Upper Sespe Zones, the marine mudstones and sandstones of the Vaqueros Formation and the marine shale of the Rincon Formation that overly the Basal Sespe in the Proposal Area. In addition, the net withdrawal of fluids from the aquifers proposed for exemption due to historic oilfield operations has created hydraulic gradients towards the production centers of the Sespe Oil Field, contributing to the containment of injected fluids in the Proposal Area.

Approval of Class II underground injection control (UIC) projects involves a joint review by the Division and State Water Board staff. The Division and State Water Board staff will consider incorporating conditions into approvals of injection projects to verify that injected fluids remain in the proposed exempted areas. Potential conditions include, but are not limited to, requiring the implementation of a water quality and/or pressure monitoring program in and/or in proximity to the proposed exempted areas.

CONCLUSION

Data related to the proposed expansion of the exemption of the Basal Sespe Formation of the Sespe Formation within the Proposal Area indicate that:

- 1) The aquifer proposed for exemption does not currently serve as a source of drinking water;
- 2) The proposed aquifer to be exempt is currently hydrocarbon producing;
- 3) The injection of fluids will not affect the quality of water that is, or may reasonably be, used for any beneficial use (other than oilfield operations); and
- 4) The injected fluids will remain in the portions of the aquifer that would be exempted.

Based on these factors, the State of California is preliminarily proposing an expansion of the existing aquifer exemptions for the Basal Sespe Zone of the Sespe Formation to the geologic extents of the units in and surrounding the Tar Creek-Topatopa Area of the Sespe Oil Field, as described above.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 9A
DATE: January 29, 2018
TO: Board of Directors
SUBJECT: Executive Director Position

SUMMARY The Board of Directors will consider the proposed Job Description for the Clerk of the Board (formerly Executive Director) position.

RECOMMENDED ACTION Approve the job description for the Clerk of the board

BACKGROUND The Board of Directors will review the proposed job description for the primary administrative person for the Agency. This position title has been *Executive Director* to date. It is suggested that this title be changed to *Clerk of the Board* to more accurately reflect the anticipated job duties in support of the Board of Directors.

FISCAL IMPACT: There is no fiscal impact associated with this report.

ATTACHMENTS A - Draft job description for Clerk of the Board

Proposed Motion: "Motion to approve the job description for the Clerk of the Board [with the additional recommendations of...]."			
1 st : Director _____		2 nd : Director _____	
Voice/Roll call vote:			
Director Broggie:	Director Kimball:	Director Long:	Director McFadden:
Director Meneghin:		Director Pace	

JOB DESCRIPTION: CLERK OF THE BOARD

THE FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

The Clerk of the Board shall be the primary administrative staff of the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency). The Clerk of the Board shall serve at the pleasure of the Board of Directors and shall be responsible to the Board for the proper and efficient administration of the Agency. The Clerk of the Board shall have the powers designated by the Board, or otherwise set forth in the Bylaws.

ANTICIPATED ACTIVITIES

It is expected that the Clerk of the Board will support the Agency in accomplishing the following:

1. Making arrangements for the Regular Board meetings approximately once a month.
2. Making arrangements for the Special Board meetings and workshops as needed.
3. Monthly tracking and reporting on agency activities and budget.
4. Coordination of compliance with regulatory and statutory requirements.
5. Regular coordination with partners including United Water Conservation District staff.
6. Regular communication with key stakeholders and members of the public.

KEY RESPONSIBILITIES

The Clerk of the Board shall serve as a neutral party responsible equally to all Agency Board members and accountable to the collective decisions of the Agency Board.

The Clerk of the Board shall manage Agency administrative operations, provide regular Clerk of the Board Reports, and make recommendations to the Agency Board to ensure proper and efficient administration of the Agency.

The Clerk of the Board shall track expenditures and coordinate the preparation of periodic fiscal information as directed by the Board.

The Clerk of the Board shall develop and maintain professional and collegial relationships with key stakeholders including partners and beneficial users.

The Clerk of the Board shall serve as the Agency's general point of contact for communication with the public, legislators, regulatory agencies, and the media as determined by the Board.

The Clerk of the Board shall serve as a credible and informed spokesperson, representing the Board as directed, anticipating challenges and opportunities that the Agency may encounter, providing information and making recommendations to the Board.

The Clerk of the Board shall perform other duties as detailed in the Bylaws and directed by the Board.

SCOPE OF WORK

The precise scope of work will be determined by the Agency and may change over time. Generally, the Clerk of the Board will perform the following administrative and management duties for the Agency:

1. Schedule and coordinate meetings, as necessary, ensuring availability of rooms, equipment, materials, audiovisual equipment, computers, etc.
2. Prepare meeting agendas, items for Board consideration, attend meetings, and prepare minutes for all Agency meetings including regular Board meetings, special Board meetings, and any standing committee meetings or ad hoc committee meetings as directed by the Board.
3. Compose a variety of standardized reports, resolutions, proclamations, legal notices, or other documents as directed by the Board.
4. Prepare or assist with the preparation of requests for proposals, contracts and agreements to retain services as directed by the Board.
5. Communicate with key stakeholders and partners regarding the activities of the Agency.
6. Monitor the Agency budget including allocation of revenue and expenditures, and provide standardized fiscal reports for the Board.
7. Maintain Agency master files.
8. Coordinate, or perform if appropriate, updates to the Agency website and social media sites.
9. Keep apprised of and convey information regarding relevant legislation, guidelines, Best Management Practices (BMPs), funding opportunities, and other items of interest to the Board.

QUALIFICATIONS

Minimum and desired qualifications will be determined by the Board. The following experience and knowledge may be desired in order to support the key responsibilities and the scope of work:

Experience

1. Facilitation of meetings including developing agendas, preparing minutes, and coordination with key partners and stakeholders.
2. Budget management and reporting including experience working with granting agencies, fiscal partners, and consultants.
3. Experience working with partners, key stakeholders, and beneficial users of groundwater within the Piru and Fillmore basins.
4. Experience communicating with members of the public including articulating complex issues in a politically sensitive environment.

Knowledge

1. Knowledge of the Piru and Fillmore groundwater basins.
2. Familiarity with the Ralph M. Brown Act.
3. Familiarity with the Sustainable Groundwater Management Act (SGMA) and associated requirements of Groundwater Sustainability Agencies and Groundwater Sustainability Plans.
4. Demonstrated understanding of the Joint Exercise of Powers Agreement creating The Fillmore and Piru Basins Groundwater Sustainability Agency.

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 9B
DATE: January 29, 2018
TO: Board of Directors
SUBJECT: Grant Opportunities

SUMMARY The Board of Directors will review and discuss the list of potential grant opportunities provided by Director Meneghin and provide direction as to which grants to pursue on behalf of the Fillmore and Piru Basin Groundwater Sustainability Agency.

RECOMMENDED ACTION Board to consider grant opportunities and select appropriate grants to pursue.

BACKGROUND The Board of Directors will review the proposed matrix of grant opportunities provided by Director Meneghin as possible funding resources available to the Agency. The Board of Director’s will identify how the preparation of the selected grant applications will the performed (e.g., hiring grant writer or other methods) and the funding source(s) available to support the grant application preparation effort.

FISCAL IMPACT: There is no fiscal impact associated with this action at this time, but pursuit of grant funding could result in incurred expenses (e.g., grant writer) as well as revenue (i.e., grant awards).

ATTACHMENTS Matrix of potential grant opportunities

Proposed Motion: “Motion to pursue the following grant opportunities (insert list of grants) using (insert grant application preparer[s]) with a not to exceed budget of (insert budget amount) from account (insert budget account [source of funding]).”			
1 st : Director _____		2 nd : Director _____	
Voice/Roll call vote:			
Director Broggie:	Director Kimball:	Director Long:	Director McFadden:
Director Meneghin:		Director Pace	

Funder	Proposal Deadline	Recurring and How Long
GRANTS		
<u>FEDERAL</u>		
US FWS - State Wildlife Grants Program	TBD	Congress appropriates funds for the State Wildlife Grant Program on an annual basis
BOR WaterSMART Cooperative Watershed Management Program	2/15/2017, 2018 TBD	Dependent on annual federal budget allocation
BOR WaterSMART Water Conservation and Energy Efficiency	Jan-April 2017, 2018 TBD	Dependent on annual federal budget allocation
BOR Water Marketing Strategy	4/19/2017, 2018 TBD	TBD
National Resource Conservation Service EQUIP	rolling deadline	2014-2018 (authorized by 2014 Farm Bill)
<u>STATE</u>		
CDFW FRGP	3/15/2018	renewed annually
CDFW Prop 1 Watershed Restoration	6/1/2018	2014-2054
IRWM Prop 1 - Implementation	"Early 2018"	2014-2054
IRWM Prop 1 - Disadvantaged Communities	Currently doing needs assessment	2014-2054

CA Finance Coordinating Committee	various	various
Wildlife Conservation Board CA Streamflow enhancement	August	2014-2054
Wildlife Conservation Board Regular	Quarterly Board Meetings	Prop 40 - until funds expended (\$89 mil); Prop 50 - until funds expended (\$865,943 left for LA/Ventura); Prop 84 - \$132,303 left.; Prop 1E - \$33,978 left
SCC Prop 1	3/30/2018	2014-2054
SCC Climate Ready	TBD	2012-2015 (3 years, \$7.3 mil)
Southern California Wetlands Recovery Project - Community Wetland Restoration Grant Program	Need to be a listed project	"Going forward, the Wildlife Conservation Board, the State Coastal Conservnacy, and the Earth Island Institute will be funding the CWRGP for the next three years."
Urban Greening Grant Program/California River Parkways Program	May	SB 32 - through 2030
LOCAL		
City of Ventura	City of Fillmore annual budget appropriations	
County of Ventura	Already a supporter.	
Ventura County Watershed Protection Act	The Ventura County Watershed Protection Act is th	
FPBGSA Rates	As per budget, with adjustment based on successfu	
Municipal Bonding	The taxes levied through the abovementioned Vent	
Private Foundations		

NFWF Los Padres National Forest – Wildfires Restoration Grant Program	1/25/2018	2016-2020 (5 years, \$11 million)
NFWF Wells Fargo Environmental Solutions for Communities	TBD	2012-2017 (5 years, \$15 mil)
NFWF Impact Directed Environmental Accounts (IDEA)	New	CA-ILF est. Oct 2014, proposal accepted semi-annually
Mead Foundation	April/September	ongoing
Ventura County Community Foundation	TBD	ongoing

Available Funds	Match Requirements	Max Request	Project Period	Award Date
\$2-3M/year to CA. But verified in PSN each year.	35% Non-Federal	\$1 mil	Max 36 months	March - Aug
\$1.75 million	minimum 50% required	\$100,000	2 years	May
TBD	50%	\$75,000-\$1 million	3 years	June
TBD	50%	\$200,000-\$400,000	24-36 months	Jun-17
TBD	TBD	\$450,000	TBD	TBD
\$14 million federal, \$2.2 state. \$7M for SoCal.	cost share matrix	n/a		Feb-19
\$24 million	more = better	n/a	3 years	Nov-18
\$418 million	50% local cost share	n/a	3 years + O&M	TBD
\$51 million (\$9.8 mil for LA)	0% local cost share	less than \$4 million to be competitive		"Upon Proposal Approval"

NA	NA	NA	NA	NA
\$38.4 million	TBD	TBD	3 years	Dec-17
Riparian, Wetland and habitat enhancement programs have different budget allocations	TBD	TBD	Depends of program	Quarterly
\$15 million	25% = 3 pts, 50% = 5 pts.	n/a	5 years	Nov-17
\$1.35 million	25% = 3 pts, 50% = 5 pts.	\$500,000	2 years	Mar-15
TBD for 2018	n/a	\$30,000	TBD	15-Jun-17
\$76 million	0%, but match will help competitiveness.	None		2017, with possibility of 2018 round.

ie enabling legislation which established the Ventura County Flood Control District in 1947. VCWPD currently col
 ll grant applications.

ventura County Watershed Protection Act, could be used to pay off debt incurred by taking out a municipal bond to

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\$3 million	50% required, 1:1 preferred	Grant awards will range from \$25,000 to \$500,000	18 months	Apr-17
\$2.5 million	1:1 preferred	grants will range from \$25,000 to \$100,000	18 months	Jun-15
TBD	TBD	TBD	TBD	TBD
Various scales	NA	TBD	TBD	rolling
Various scales	TBD	TBD	TBD	TBD

Program Contact
Karen Miner at Karen.Miner@wildlife.ca.gov or 916-445-3685
irene Hoiby 303-445-2025 ihoiby@usbr.gov
TBD
Irene Hoiby Grants Management Specialist Phone 303-445-2025
Dawn Afman (805) 984 2358, ext. 101. Dawn.Afman@ca.usda.gov. Fax 1-844-206-7057. 3550 S. Harbor Blvd. Ste. 2-202 Oxnard CA 93035
Patty Forbes (916) 327-8842 patty.forbes@wildlife.ca.gov
WatershedGrants@Wildlife.ca.gov
DWR's Financial Assistance Branch: (916) 651-9613 DWR_IRWM@water.ca.gov.
DWR's Financial Assistance Branch: (916) 651-9613 DWR_IRWM@water.ca.gov.

For general CFCC inquiries please e-mail: ibank@ibank.ca.gov

wcbstreamflow@wildlife.ca.gov

Peter Perrine 916-445-1109; 916-445-8448;
Peter.Perrine@wildlife.ca.gov

Joan Cardellino, 510-286-4093,
joan.cardellino@scc.ca.gov

Joan Cardellino, 510-286-4093,
joan.cardellino@scc.ca.gov

Shawn Kelly, skelly@scwrp.org;
805-628-9459

Phone: (916) 653-2812
Email:
urbangreening@resources.ca.gov

lects a fee on property taxes which a

support a Project. Ventura County o

Jim/James Bond
Jim.Bond@nfwf.org; 415-243-3107

Sarah McIntosh, 202-595-2434
Sarah.McIntosh@nfwf.org
Carrie Clingan, 202-595-2471
Carrie.Clingan@nfwf.org

Stephanie TomCoupe
415-243-3103

Liz Epstein
415-243-3102

TBD

Phone: (805) 988-0196
Email: vccf@vccf.org

Threshold Requirements

Land Tenure/Site Control/Access Permission. 29.68% indirect cost limit. ID lead agencies for NEPA and CEQA if required.

Develop or implement watershed management plan.

Revised in PSN.

States, Indian tribes, irrigation districts, water districts, or other organizations with water or power delivery authority located in the Western United States. Board resolution. NO more than 35 pages.

Landowner cooperation.

Provisional access. 65% design minimum for implementation. PSN available online.

Provisional access. 65% design minimum for implementation. PSN to be finalized shortly.

O&M burden. 50% non state match.

PSN available.

NA

Awaiting updated PSN for 2018.

Variis guidelines for the respective Riparian, Wetland, and Habitat Enhancement programs are available at <https://wcb.ca.gov/programs>

Guidelines document:

http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2016/1609/20160929Board04B_Rev_SCC_Prop_1_Grant_Guidelines_Ex1.pdf

Awaiting new announcement. Meet Strategic Plan objectives.

Be identified on the workplan.

CEQA compliance, Division 13 (commencing with Section 21000); willing seller (acquisitions); labor codes; Provide public access, where feasible; located in an urban area is defined as a geographic area designated or defined as urban by an applicable plan covering the project area, including, but not limited to general plans, specific plans, or community plans; Provide direct benefits to the urban area such as walkability and/or functionality (i.e., no impediments such as a freeway with no under/over passing, river with no pedestrian crossing, storm water capture that does not directly benefit the urban area, etc.); Track and report performance metric data about GHG reductions and other co-benefits. Engage with the local community to develop the project; Comply with the Model Water Efficient Landscape Ordinance (MWELO) or local agency landscape water ordinance (if as strict or stricter) and use low water, drought tolerant plantings (This program does not fund high water plantings); provide multiple benefits (economic, environmental, and social) to the community.

are levied pursuant to Section 12 of this act. This legislation also provides that the Board

or the City of Fillmore could explore this possibility with Stifel Financial Corp., a wealth ma

Nexus to Fire
Community benefit
TBD
TBD
TBD

Notes

Eligibility is limited to agencies with lead management responsibility for fish and wildlife resources. nonprofit organizations, local government agencies, colleges and universities, and state departments.

Applications may be accepted electronically through grants.gov or hard copies may be submitted via mail; <https://www.usbr.gov/watersmart/cwmp/>

Through this grant program, Reclamation will provide grants to conduct planning activities in developing a water marketing strategy to establish or expand water markets or water marketing transactions. Water marketing refers to water rights transactions, include the lease, sale or exchange of water rights, undertaken in accordance with state and federal laws, between willing buyers and sellers. A water market refers to a formal arrangement, based on a set of rules and/or water management agreements, to allow for water rights transactions within a specific geographic area. A “water marketing strategy” consists of planning activities including engineering, hydrologic, legal, economic, and other types of analysis, and the development of rules, legal agreements, software and logistical arrangements for water marketing.

Agricultural nexus.

Fisheries Pacific Coastal Salmon Recovery Funding, may not be reupped.

TBD - Sant Ana Good Fit

San Bernardino Funding Fair in Aug 2017 (http://cfcc.ca.gov/funding_fairs.htm)

Central Coast focus in March 2018

provides funding for community-based restoration projects in coastal wetlands and watersheds in the southern California region

of Supervisors may levy an additional tax in District 3, for the purpose of

agement and investment banking firm with local experience assisting

This grant program focuses on watersheds and ecosystems affected by the Zaca, Piru, and Jesusita fires.

Environmental organizations supported by the Mead Foundation generally have as their primary emphasis forestry, fisheries and the sustainable use of natural resources in western North America. Proposals invited to apply must first submit a Letter of Interest (LOI), and if approved, will be asked to submit a application

VCCF accepts proposals only in response to an open Request for Proposals (RFP); they also have a "permanent endowment program."

FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY

Item No. 9C
DATE: January 29, 2018
TO: Board of Directors
SUBJECT: Legal Services Agreement

SUMMARY The Board of Directors will review and discuss the agreement for legal services provided by Oliverz Madruga Lemieux O’Neill, LLP, to the Fillmore and Piru Basin Groundwater Sustainability Agency.

RECOMMENDED ACTION Board to approve agreement and retain Oliverz Madruga Lemieux O’Neill, LLP as the Agency’s legal counsel of record.

BACKGROUND The Board of Directors received and reviewed proposals and references from various law firms interested in serving as legal counsel for the Agency. The top three candidate firms were then invited to make presentations and be interviewed by the Board members. After the interview process, Board members agreed to pursue an agreement for legal services with Oliverz Madruga Lemieux O’Neill, LLP after receiving very positive recommendations

FISCAL IMPACT: The fiscal impact associated with this action would vary based on the number of hours of attorney time provided per month.

ATTACHMENTS Legal Services Agreement between Oliverz Madruga Lemieux O’Neill, LLP and the Fillmore and Piru Basins Groundwater Sustainability Agency

Proposed Motion: “Motion to approve the legal services agreement [with the additional recommendations of...] and retain Oliverz Madruga Lemieux O’Neill, LLP as legal counsel for the Fillmore and Piru Basins Groundwater Sustainability Agency.”

1st: Director _____ 2nd: Director _____

Voice/Roll call vote:

Director Broggie: Director Kimball: Director Long: Director McFadden:
Director Meneghin: Director Pace

**ATTORNEY RETAINER AGREEMENT
FOR AND BETWEEN OLIVAREZ MADRUGA LEMIEUX O'NEILL, LLP AND THE FILLMORE AND
PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY**

This Agreement ("Agreement") is made and entered into effective this ____ day of _____, 2018, ("Effective Date") by and between OLIVAREZ MADRUGA LEMIEUX O'NEILL, LLP ("Attorney"), and the FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY ("Client"). In this agreement, Attorney and Client are referred to individually as a "Party" and collectively as the "Parties."

AGREEMENT

1. Services to be Rendered. Attorney shall provide legal advice on contractual, statutory, regulatory, and any other legal matters. This advice will include, without limitation, reviewing contracts, meeting agendas and notices, providing legal opinions and resolutions, reviewing policies and procedures, generally supervising and coordinating litigation, or specialized legal advice, involving Client and special counsel retained to represent Client on a specific case or issue. If called upon, Attorney may advise the Client Board of Directors and its Chief Executive Officer/Administrator and staff on matters as requested, and represent Client, its officers and its employees in litigation in any of the courts of this state or federal court. Upon request, Attorney will also attend Client board meetings and closed sessions as legal advisor to Client.

2. Client Duties. Client shall provide such assistance, information, cooperation, and access to books, records, and other information as is necessary for Attorney to effectively and efficiently render its services under this Agreement to Client. Client shall comply with this agreement and timely pay Attorney's bills for fees, costs, and expenses in accordance with this Agreement.

3. Compensation.

Attorney services will be billed at a rate of \$200 per hour for the first 25 hours worked in a calendar month. When 25 hours are exhausted, we will bill Client at a rate of \$225 per hour for partners, and \$185 per hour for associates.

4. Term. This Agreement shall be deemed in full force and effect as of the Effective Date and shall remain in effect until terminated as hereinafter provided, with the exception that the Conflict of Interest Waiver provision in Section 6 of this Agreement and the Indemnity provision in Section 8 of this Agreement shall indefinitely survive the termination of this Agreement.

5. Attorney Representations. Attorney makes the following representations which are agreed to be material to and form a part of the inducement for this Agreement:

(a) Attorney has the expertise, support staff, and facilities necessary to provide the services described in this Agreement.

(b) Attorney shall diligently provide such legal services as are necessary and assigned by Client in a timely and professional manner in accordance with the terms and conditions stated in this Agreement, will comply with all ethical duties, and will maintain the integrity of the attorney-client relationship. Attorney shall have the sole discretion to assign or reassign individual attorneys to represent Client.

6. Conflict of Interest Waiver. The Client has requested that Attorney provide legal services as set forth in Section 1, including advice related to the Sustainable Groundwater Management Act ("SGMA"), on behalf of the Client. Attorney has potential interests adverse to Client by reason of its special counsel representation of the City of Oxnard. The Attorney is governed by specific rules relating to its representation of clients where it has a relationship with both parties and therefore a potential conflict of interest. Rules 3-310(A), (B), (C), and (E) of the Rules of the Professional Conduct of the State Bar of California (CPRC) govern conflicts of interest. This Agreement advises Client of a potential conflict of interest in Attorney's proposed representation of the Client as described herein and, by its signature to this Agreement as set forth below, to request Client's informed written consent to waive such a potential conflict of interest and to the representation of the Client as described herein.

Underground water flow that is within the jurisdiction of the GSA flows from the Fillmore Basin through the Santa Paula Basin and ultimately to the Oxnard Forebay area. The City of Oxnard has wells in the Oxnard Forebay area. Therefore, the City of Oxnard has a remote interest in the interest of the underground flow from the Fillmore Basin into the Santa Paula Basin. However, water flow from the Santa Paula Basin to the Forebay area is constricted by underground faulting. Furthermore, the Fox Canyon Groundwater Management Authority, and not the City of Oxnard, is the public entity charged with jurisdiction over maintaining this flow. We are not aware of any current disputes regarding the amount of this flow, and for the reasons described above, we believe the likelihood of such a dispute is remote.

Therefore, at this time, Attorney believes that it may competently represent the Client on such matters as specified in Section 1, including but not limited to, groundwater and SGMA matters and still maintain a duty of loyalty to the City of Oxnard. Attorney does not believe that it has obtained any confidential information from the City of Oxnard which is material to its representation of the Client as specified herein. However, if an actual conflict should arise related to the same issue in which Attorney has represented the City of Oxnard in which (i) Attorney could not maintain its duty of loyalty to the City of Oxnard and to the Client, (ii) the issue of dispute is substantially related to the same issue in which Attorney has represented the Client, or (iii) Attorney has obtained any confidential information from Client which is material in its representation of the City of Oxnard, Attorney would require the additional written consent of Client.

In the event of a conflict of interest, or for any other reason Attorney deems appropriate, Attorney reserves the right to discontinue some, or all, of the legal services provided to and for Client after notice to and consultation with Client.

7. Negation of Partnership. In the performance of legal services under this Agreement, Attorney shall be, and acknowledges that Attorney is, in fact and law, an independent contractor and not an agent or employee of Client. Attorney has and retains the right to exercise full supervision and control of the manner and methods of providing services to Client under this Agreement.

Attorney retains full supervision and control over the employment, direction, compensation, and discharge of all persons assisting Attorney in the provision of services under this Agreement. With respect to Attorney's employees, Attorney shall be solely responsible for payment of wages, benefits and other compensation, compliance with all occupational safety, welfare and civil rights laws, tax withholding and payment of employee taxes (whether federal, state or local), and compliance with any and all other laws regulating employment.

8. Indemnification and Insurance.

(a) Client agrees that Attorney shall be treated as an "employee" for purposes of Government Code sections 995 - 996.6, and shall provide a defense and indemnity of Attorney pursuant to the provisions of the Government Code.

(b) Attorney represents it is self-insured for Professional Liability, General Liability, Automobile Liability and Workers' Compensation.

9. Termination. Either Party may at its election terminate this Agreement by providing the other part with written notice of said election. A Notice of Termination will be deemed effective thirty (30) days after personal delivery, or thirty-five (35) days after mailing by regular U.S. Mail, postage prepaid. In the event this Agreement is terminated by either Party, Attorney shall submit to Client a final status report on any pending matters and shall deliver to Client all files, memoranda, documents, evidence, exhibits, correspondence and other items generated in the course of performing this Agreement, within twenty-one (21) days after the effective date of any written Notice of Termination. Client may, upon making a good faith determination and if the best interests of Client so require, terminate this Agreement and suspend all further work by Attorney effective immediately upon personal delivery of a Notice of Termination to Attorney, at which time Attorney's obligations upon termination as above stated shall be performed by Attorney.

10. Ownership and Inspection of Files. All files, pleadings, reports, exhibits, evidence, and other items generated or gathered in the course of providing services to Client under this Agreement are and shall remain the property of Client, and shall be returned to Client upon termination of this Agreement, except that Client shall have no right to obtain Attorney work product from Attorney except as otherwise provided by law. The provisions of this paragraph shall continue to survive after termination of this Agreement.

11. Notices. All notices required or provided for in this Agreement shall be provided to the Parties at the following addresses, by personal delivery or deposit in the U.S. Mail, postage prepaid, registered or certified mail, addressed as follows:

To Attorney: Steven P. O'Neill, Esq.
Olivarez Madruga Lemieux O'Neill, LLP
4165 E. Thousand Oaks Blvd., Suite 350
Westlake Village, CA 91362

To Client: Fillmore and Piru Basins GSA
c/o City of Fillmore
Attn: _____
250 Central Avenue
Fillmore, CA 93015

The Parties may, if necessary, amend this Agreement to indicate a change of address by ten (10) days written notice to the other Party, said notice to be given in the manner above described. Nothing in this Agreement shall be construed to prevent or render ineffective delivery of notices required or permitted under this Agreement by leaving such notice with the receptionist or other person of like capacity employed by either Party.

12. Entire Agreement. This document contains the entire agreement of the Parties relating to the services, rights, obligations and covenants contained herein and assumed by the Parties respectively. No inducements, representations, or promises have been made, other than those recited in this Agreement. No oral promise, modification, change, or inducement shall be effective or given any force or effect, and all changes or modifications to this Agreement shall be made in and reduced to writing, duly signed and agreed to by both Parties.

13. Modification. This Agreement may be amended at any time by formal written agreement of the Parties.

14. Partial Invalidity. Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of the United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the agreement which the Parties intended to enter into in the first place.

15. Waiver. No waiver of a breach or provision of this Agreement shall constitute a waiver of any other breach or provision. The Parties' failure to enforce at any time, or from time to time, any provision of this Agreement shall not be construed as a waiver thereof. The remedies herein reserved shall be cumulative and additional to any other remedies in law or equity.

The Parties have executed this Agreement as of the Effective Date.

**OLIVAREZ MADRUGA
LEMIEUX O'NEILL, LLP**

By:  _____
Steven P. O'Neill
Its: Partner

**FILLMORE AND PIRU GROUNDWATER
SUSTAINABILITY AGENCY**

By: _____

Its: Chairman, Board of Directors