



Fillmore and Piru Basins
Groundwater Sustainability Agency

Board of Directors Meeting
Thursday
September 27, 2018 – 6:00p.m.
City of Fillmore City Hall, City Council Chambers
250 Central Avenue, Fillmore, CA 93015

MINUTES

Directors Present

Director Kelly Long, Chair
Director Ed McFadden, Vice Chair/Secretary/Treasurer
Director Carrie Broggie
Director Gordon Kimball

Directors Absent

Director Candice Meneghin
Director Glen Pace

Staff Present

Anthony Emmert, Executive Director
Wayne Lemieux, Legal Counsel
Kris Sofley, Clerk of the Board

Public Present

Bryce Bannatyne, Rancho Resplendor LLC
Elaine Bannatyne
Frank Brommenschenkel
Emilio Cervantes, Newhall Land
Erin Gorospe, UWCD
Rachel Kimball Laenen
Ryan Kristensen, GHD
John Lindquist, UWCD
Manuel Minjares, Supervisor Kelly Long's office
Tim Moore
Tony Morgan, DBS&A
George Reid
Steve Zimmer

1. Call to Order 6:01p.m.

Chair Long called the meeting to order at 6:01p.m.

2. Pledge of Allegiance

Chair Long asked Director Kimball to lead the group in the Pledge of Allegiance.

3. Public Comments

Chair Long welcomed everyone to the meeting and made note of the fact that Director Candice Meneghin was not in attendance as she was returning from the Groundwater Resources Association Congress in Sacramento and that Director Pace was also absent. Chair Long asked if there were any public comments at this time. None were offered.

4. Approval of Agenda

Motion

Motion to approve the agenda, Director McFadden; Second, Director Broggie. Voice vote: four ayes (Broggie, Kimball, Long, McFadden); none opposed; two absent (Meneghin, Pace). Motion carries unanimously 4/0/2.

5. Director Announcements/Board Communications

Chair Long reported on her trip to Sacramento to attend the Groundwater Resources Association's first annual Congress. She reported that there were many workshops and seminars on a variety of topics beneficial to the Agency and its development of GSPs for the Fillmore and Piru Basins, including a workshop on Groundwater Dependent Ecosystems (GDEs), which she attended. Chair Long reported that the GDE Workshop was led by The Nature Conservancy and provided a case study of the Fillmore and Piru Basins. She also said it was very useful to meet some of the many people representing SGMA and DWR and that she would continue to share information as appropriate. None of the other Directors had announcements or communications.

6. Executive Director Update

Information Item

Mr. Emmert reported that the DWR recommended changes to structure of the scope of work and budget for the Prop 1 GSP grant-- by adding categories – and shifting tasks to avoid negative cash flow situations. Accordingly, UWCD staff made the recommended adjustments and submitted a revised draft to DWR. DWR is still reviewing the draft, but Mr. Emmert noted that DWR did not anticipate changing the grant amount or matching funding requirements. DWR's Grant Engineering Supervisor asked for clarification on a few items last Friday and has forwarded the revisions to the legal department for its review. Chair Long said that DWR's Eddie Pech should have given direction earlier regarding the format, but thinks there is some flexibility with DWR.

Mr. Emmert said that the Request for Qualifications/Request for Proposals for the GSP consultant, including a scope of work and schedule of deliverables, had been distributed to some 59 groundwater consulting contacts. The draft Grant budget was not included as it was deemed not helpful at this point. Over the next couple of weeks, Mr. Emmert and staff will collect questions and requests for clarification and will compile responses and distribute those remarks and responses to all of the RFQ/RFP candidates. He reported that proposals are due on October 24.

Mr. Emmert said that he was unaware of the grant match accumulation as to the value of the District's work to date, but that the value of the work provided would be used as matching funds for the grant. He said that the \$800,000 monitoring wells was a big work around, and that while UWCD doesn't charge for the groundwater modeling or its biennial reports, the value of that work can be used to build up the matching funds reporting for the grant and that it is the value of that work that will be reported to DWR. Mr. Emmert He added that official Notification of Intent had been submitted to DWR, confirming that the FPB GSA intended to prepare GSPs for the Fillmore and Piru basins. GSP preparation efforts made prior to the notification can not be reimbursed or counted towards matching funds.

Director Kimball asked Mr. Emmert if the DWR seemed happy with the scope of work and concepts as identified so far and Mr. Emmert responded that he believed the DWR was happy with the level of detail and scope of work.

He also said that UWCD's staff would be making a presentation to the Board at an upcoming meeting regarding UWCD's hydrostratigraphic and numerical modeling plans as a preview on basin work.

Chair Long added that there are different standards for various monitoring projects and that the data doesn't always line-up. Director Broggie said that when it's apples to oranges, who is the final judge? Director Kimball said DWR is always right, but Chair Long said that not all applications through DWR are clear on water rights.

This prompted Legal Counsel to state that there is a case being debated now – Environmental Law Foundation v. State Water Resources Control Board – which kind of “blows everything up.” Mr. Lemieux explained that environmentalists sued the State of California and Siskiyou County on the theory that the government's failure to regulate groundwater violates the public trust doctrine. This doctrine traditionally applies only to navigable waters and entrusts the government with the responsibility to preserve the land and resources for productive, recreational, and environmental uses. No California court had ever applied the public trust doctrine to groundwater until the Sacramento Superior Court did so in this case. An amicus on behalf of property owners and farmers, asks the Court of Appeal to reverse this unwarranted, vast expansion of the public trust doctrine.

Chair Long asked Mr. Lemieux to keep the Board up to date on this case and ruling.

7. CONSENT CALENDAR

7A Approval of Minutes

The Board will consider approving the Minutes from the Board Meeting of August 23, 2018.

7B Approval of Warrants

The Board will consider approving invoices for the following payments:
OMLO August Legal Services \$805.00

7C Monthly Financial Report

The Board will receive a monthly profit and loss statement for the FPBGSA from UWCD's accounting staff.

Motion to approve Consent Calendar items, Director Broggie; Second, Director Kimball. Voice vote: four ayes (Broggie, Kimball, Long, McFadden); none opposed; two absent (Meneghin, Pace). Motion carries unanimously 4/0/2.

8. ACTION ITEMS

8A Consideration of Waiver of Late Fees and Penalties

Motion

As explained by UWCD's Erin Gorospe, while the Board's policy is to assess a 10% late penalty when an invoice is not paid within 30 days, and to assess a 1% interest per month on the delinquent amount, some of the Fillmore and Piru Basin GSA customers were not familiar with the GSA and had not budgeted for the groundwater assessment fee or the related penalty charges. As December 1, 2018 is six months after the original due date of the June 1, 2018 billing, by waiving late fees and penalties up until that time, customers will be provided with additional time to pay their invoices and plan for the next billing cycle. After the December 1, 2018 payment deadline, requests for waiver of fees made by customers will be brought to the Board for approval.

Director McFadden asked if people had already paid the late fee and penalty, would those fees be reimbursed. Chair Long said yes, everyone will be treated in the same manner, with the deadline being December 1, 2018.

Director Kimball asked staff to send a letter out to all FPB GSA customers explaining the billing policy and this one time waiver of late fees and penalties for all customers. Ms. Sofley said she would draft a letter explaining the policy and submit it to the Board for its approval before distribution. Ms. Gorospe also stated that she would include a note explaining the one time waiver with late notices.

Motion to waive late fees for customers who have paid their 2017-2 invoice as of September 20, 2018, as well as those who pay their 2017-2 invoice by December 1, 2018, Director McFadden; Second, Director Broggie. Voice vote: four ayes (Broggie, Kimball, Long, McFadden); none opposed; two absent (Meneghin, Pace). Motion carries unanimously 4/0/2.

**8B Consideration of Creating Ad Hoc Committee to review GSP
Consultant proposals and rate respondents for consideration/interviews
Motion**

Mr. Emmert said that while UWCD staff are prepared to review proposals and weight them based on experience, understanding of the scope of work and other factors, he felt the Board should create an ad hoc committee to review the proposals once the field was narrowed, and then the committee could take its recommendations to the Board.

Director McFadden said that as long as UWCD staff would rank the proposals based on competency and completeness, and then submit the top candidates with the matrix explaining those firms' initial ranking, he would volunteer to be on the ad hoc committee. Chair Long also volunteered Director Meneghin in her absence. Director Pace was mentioned as a possible committee member, but Chair Long said that he had mentioned having to recuse himself at an earlier meeting as he had relationships with many of the potential candidates.

Motion to form an ad hoc committee comprised of Director Ed McFadden and Director Candice Meneghin, Director Kimball; Second, Director Broggie. Voice vote: four ayes (Broggie, Kimball, Long, McFadden); none opposed; two absent (Meneghin, Pace). Motion carries unanimously 4/0/2.

8C Development of Agency Travel Policy for Directors and Staff

Motion

While the Board was pleased with the initial redlined draft of the proposed travel policy addressing approvals, expenses (airfare, lodging, ground transportation/car rental/mileage reimbursement, meals), expense advance vs reimbursement, GSA credit card vs personal credit cards, et cetera, the Board decided to table this discussion until its next meeting when the other Directors would be able to discuss and approve the drafted policy.

Chair Long asked Ms. Sofley to make the corrections to the Policy as mentioned by Legal Counsel and correct the formatting of the document for easier understanding and bring it back to the Board for its consideration in October.

8D Groundwater Resources Association Membership

Motion

Staff presented the costs and benefits of membership in the Groundwater Resources Association, based on \$125 per year per individual or \$345 for a group of three for the year, with each additional group member being charged \$115 per year.

Chair Long asked UWCD staff to propose the top five associations or organizations that it felt would be beneficial for the FPB GSA Board – whether for personal education or a resource for GSP development, et cetera – and bring that list with costs and benefits back to the full Board for its consideration in October.

9. INFORMATION ITEMS

9A UWCD Staffing Plans and Work Assignments

Information Item

Mr. Emmert explained that there have been a few changes over the last year regarding UWCD staff, the District is honoring its commitment to the FPB GSA. Senior Hydrogeologist John Lindquist and Supervising Hydrogeologist Dan Detmer, would be handling most of the geological data and information; Dr. Jason Sun was doing the groundwater modeling and Eric Elliott, a water quality technician and geologist, would be available immediately while the District recruits for Tim Moore's replacement. He said the staff would make its best efforts to complete the fundamental work on the GSP and that the chart he included with this staff report outlined the tasks UWCD would complete and the proposed delivery dates for those tasks.

Walking the Board through the planned Scope of Work to be performed by UWCD, including the deliverables and estimated delivery dates, Mr. Emmert said that UWCD staff would work closely with the GSP consultant and would continue to work on the budget to minimize the likelihood of the GSA finding itself in a negative cash flow situation.

Director McFadden asked Mr. Emmert to review the RFQ/RFP schedule, which was issued on September 26. Mr. Emmert said that UWCD staff would assist in clarification and answering questions that may be asked by potential respondents up until the October 10 deadline, and that the full list of questions and calls for clarification would be distributed to all potential candidates as soon as possible. The deadline for proposal submittals is October 24. UWCD would evaluate proposals by November 7, and would then recommend the top three candidates to the FPB GSA Board's ad hoc committee by November 14 [note: November Board Meeting is scheduled for November 15]. The committee could review candidates and schedule presentations to the Board at its December meeting (December 20, 2018), with the goal of hiring the GSP consultant effective January 1, 2019.

FUTURE TOPICS FOR BOARD DISCUSSION

1. Final Grant Document – scope of work/budget and schedule changes;
2. UWCD Groundwater Modeling presentation

ADJOURNMENT 6:50p.m.

Chair Long adjourned to the next **Regular Board Meeting** on Thursday, **October 25, 2018** or call of the Chair.

I certify that the above is a true and correct copy of the minutes of the Fillmore and Piru Basins Groundwater Sustainability Agency's Board of Directors meeting of September 27, 2018

ATTEST:



Kelly Long, Chair, FPB GSA Board of Directors

ATTEST: 
Kris Sofley, Clerk of the Board



BOARD MEETING

September 27, 2018 @ 6:00pm

City Council Chambers, Fillmore City Hall

250 Central Avenue, Fillmore, CA 93015

Name: Ryan Kristensen
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Phone: 661 313 5041
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Name: TONY MORGAN
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Name: John Lindquist
Organization: UWCO
Phone: _____
E-mail: _____

Name: ELAINE BANNATYNE
Organization: _____
Phone: _____
E-mail: _____

Name: TIM MOORE
Organization: _____
Phone: _____
E-mail: _____

Name: FRANK BRONNENSCHENKER
Organization: _____
Phone: _____
E-mail: _____

Name: EMILIO GERVANTES
Organization: Newhall Land
Phone: _____
E-mail: _____

Name: GEORGE REID
Organization: _____
Phone: _____
E-mail: _____

Name: Steve Zimmer
Organization: _____
Phone: _____
E-mail: _____

Name: BRYCE BANNATYNE
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EXHIBIT A

WORK PLAN

Project Title: Groundwater Sustainability Plan Development for the Fillmore and Piru Basins

Project Description: The Fillmore and Piru Basins Groundwater Sustainability Agency (FPBGSA) project has one component, to prepare a Groundwater Sustainability Plan (GSP) for each basin. Although there will be two GSPs resulting from the project, the intent is to share data, modeling, and hold coordinated outreach efforts during development of the GSPs to maximize efficiency of these efforts to keep costs down. As shown in the Schedule (Exhibit C), the two GSPs are expected to be developed in parallel.

Category (a): Grant Administration

Task 1: Administration

This task consists of management of the grant agreement, including compliance with grant requirements and provision of supporting grant documentation as requested by DWR. This task includes preparation and submission of quarterly invoices and progress reports to DWR, as well as a final grant completion report. This task also includes administrative responsibilities associated with the project such as coordinating with partnering agencies and managing consultants/contractors.

Deliverables

- Invoices and Progress Reports
- Final Grant Completion Report

Category (b): Stakeholder Coordination and Engagement

Task 2: Stakeholder Engagement Plan and Public Outreach

A plan for stakeholder engagement will be developed to interface with the public on activities needed to develop the GSPs.

As part of the stakeholder engagement plan, the FPBGSA will implement a public outreach plan. This task involves developing materials for public outreach and then holding forums on the GSPs at critical junctures.

Task 2 will also define methods to reach out to disadvantaged community (DAC) groups.

Task 2 Deliverables

- Stakeholder engagement plan (which will incorporate a public outreach plan)
- Informational handouts

Task 3: Stakeholder Education

In April 2015, United Water Conservation District's (United's) Board of Directors held a workshop in Fillmore to begin discussions about local requirements under the Sustainable Groundwater Management Act (SGMA) and to review groundwater conditions in the Fillmore and Piru Basins. Another workshop was held in January 2017 to review SGMA status and basin conditions. This stakeholder education process will continue consisting of stakeholder workshops (meetings) at key times during GSP development. It will be necessary to share with the stakeholders results of important technical studies, the Santa Clara River Basins Groundwater Flow Model

(inputs, outputs, assumptions, and proper use), information about groundwater dependent ecosystems in the basins, and past and proposed actions to manage groundwater.

Task 3 Deliverables

- Agendas and Meeting Materials

Task 4: Develop Interbasin Agreement

Develop an Interbasin agreement between the Piru Basin (Basin 4-004.06) and the adjacent Santa Clara River Valley East (Basin 4-004.07). The goal of the interbasin agreement is to ensure that the sustainability goals of the different GSPs not interfere with each other and, if possible, complement each other.

Task 4 Deliverables

- Interbasin Agreement with Santa Clarita Valley GSA

Category (c): Construction/Implementation

Task 5: Additional Monitoring Wells

Previous work has identified the need for construction of up to two monitoring wells in the boundary area between the Fillmore and Piru Basins and the boundary area between the Fillmore and Santa Paula basins.

Task 5 Deliverables

- Environmental Information Form, all necessary CEQA documents, permits, and access agreements
- Well completion Report
- Final Specifications and Design

Task 6: Project Monitoring Plan

Develop and submit a Project Monitoring Plan, as described in Paragraph 18 of this agreement, for the new monitoring-wells installed within the Subbasin. This plan shall incorporate items defined and listed in Exhibit K.

Task 6 Deliverables:

- Final Project Monitoring Plan

Category (d): Model and GSP Development

Task 7: Complete Santa Clara River Basins Groundwater Flow Model

The Santa Clara River Basins Groundwater Flow Model conceptual framework was started in May 2017 as was the collection of pumping, surface water flow, and precipitation data. The model will specifically serve to provide necessary GSP data and aid in evaluation of potential scenarios necessary for GSP development.

Task 7 Deliverables

- Technical Memorandum summarizing peer review of model
- Final model documentation

Task 8: Groundwater Sustainability Plan Development

Develop a GSP for each subbasin to include, at a minimum, the sections listed and described below.

1. Executive Summary

Will provide a brief summary of the main findings and recommendations from each GSP.

2. Introductory and Administrative Information

Will include information about the FPBGSA and describe the organization of the GSPs.

3. Plan Area

Will include a description of land use (existing and projected), existing water resource monitoring and management, parties affected by each GSP, historical and predicted climate, and historical and current water demands and supplies within each subbasin.

4. Basin Setting

Will include identification of principal aquifers and aquitards, maps of topography, surficial geology, soils, recharge and discharge areas, other surface water features in each subbasin. This section will also describe: current and historical groundwater conditions including groundwater contour maps, flow direction patterns of groundwater movement, hydrographs for monitoring wells, graphs documenting change in storage, known groundwater quality issues, and areas potentially supportive of GDEs.

5. Water Budget

Data gathered as part of the model development (Task 5) effort will be used to develop water budgets for the period 1980-2015 for both the Fillmore and Piru basins and will include wet, dry, and normal precipitation years. The model will also provide build-out assessment of water demands through year 2045 necessary to estimate future water budgets (through 2070)

6. Establishment of Basin Sustainability Criteria

Identify sustainable management criteria, metrics to track sustainability goals, and means of monitoring for undesirable results using minimum thresholds and measurable objectives. Approximately three meetings per basin are anticipated to review and receive input on the significance and unreasonableness of potential impacts (such as impacts to GDEs) and minimum thresholds for the sustainability indicators.

7. Evaluate Monitoring Network

The existing monitoring network, including facilities managed by United and the County of Ventura, will be evaluated for the capability to monitor undesirable results, minimum thresholds, and to track progress toward GSP sustainability goals. Specific items will be to identify monitoring objectives, review the existing monitoring network and identify any additional data needed to rank GSP sustainability goals, develop monitoring protocols, develop reporting protocols, and outline a plan for review and improvement of the monitoring network.

8. Management Actions

The FPBGSA will outreach to beneficial users, the public, DWR, and adjacent GSAs to identify potential management actions. Potential projects and programs will be cataloged and then ranked using a weighting scheme based on cost, potential benefits, reliability, objectives and ability to implement. The Santa Clara River Basins Groundwater Flow Model will be used to evaluate potential management actions. The most feasible projects/management actions will be modeled. The result will be a prioritized list of projects, programs, and management actions, if any are needed.

9. Define Plan Implementation Actions

Involves developing a plan of action to implement the GSP, including a schedule, estimate of costs to implement the GSP, data management planning, filling data gaps, and the process for periodic evaluation and annual reporting.

Task 8 Deliverables

- Draft GSP – Fillmore Basin
- Draft GSP – Piru Basin

Task 9: Preparation of Final GSPs

Following the FPBGSA, stakeholder, and peer reviews of the draft versions of the GSPs, Final GSPs will be prepared, adopted by the Board, and submitted to the California Department of Water Resources.

Task 9 Deliverables

- Proof of Final GSP submittal to DWR - Fillmore Basin
- Proof of Final GSP submittal to DWR - Piru Basin

DRAFT

**EXHIBIT B
BUDGET**

Project Budget					
Project Title: Groundwater Sustainability Plan Development for the Fillmore and Piru Basins					
Budget Category		Grant Amount	Required Cost Share (non-state source)*	Other Cost Share**	Total Cost
(a)	Grant Administration	\$0	\$30,228	\$0	\$30,228
(b)	Stakeholder Coordination and Engagement	\$51,912	\$0	\$0	\$51,912
(c)	Construction/Implementation	\$302,970	\$497,030	\$0	\$800,000
(d)	Model and Groundwater Sustainability Plan Development	\$1,145,118	\$0	\$0	\$1,145,118
TOTAL COSTS		\$1,500,000	\$527,258	\$0	\$2,027,258

NOTES:

* Grantee received a 50% Cost Share Waiver resulting from the needs of DACs and SDACs in the Subbasins.

**EXHIBIT C
SCHEDULE**

Project Schedule			
Project Title: Groundwater Sustainability Plan Development for the Fillmore and Piru Basins			
Budget Category		Start Date	End Date
(a)	Grant Administration	4/24/2017	6/30/2022
(b)	Stakeholder Coordination and Engagement	4/8/2015	9/21/2021
(c)	Construction/Implementation	8/8/2018	6/30/2020
(d)	Model and Groundwater Sustainability Plan Development	10/01/2018	1/30/2022