



Board of Directors Meeting
Thursday, July 18, 2019
City Council Chambers, Fillmore City Hall
250 Central Avenue, Fillmore, CA 93015

MINUTES

Directors Present

Director Ed McFadden, Vice Chair/Secretary/Treasurer
Director Lynn Edmonds
Director Gordon Kimball
Director Candice Meneghin
Director Glen Pace

Directors Absent

Director Kelly Long, Chair

Staff Present

Anthony Emmert, executive director
Manual Serpa, legal counsel
Kris Sofley, clerk of the board

Public Present

Lisa Ballin, California State University Sacramento, Consensus and Collaboration Program
Marjie Bartels, Bartels Ranch
Frank Brommenschenkel, Frank B & Associates
Dave Ceppos, California State University Sacramento - College of Continuing Education,
Consensus and Collaboration Program
Emilio Cervantes, Jr., NLF FivePoint
Dan Detmer, UWCD
Martin Farrell, Fillmore Gazette
Dr. Zachary Hanson, UWCD
Tony Morgan, DBS&A
Eduardo Pech, DWR
George Reid
Dr. Bram Sercu, UWCD
Dr. Jason Sun, UWCD
Jean Thirkettle, KetlKoi Farms
Steve Zimmer

1. Call to Order – First Open Session 5:06p.m.

Vice Chair McFadden called the meeting to order at 5:06p.m., explaining that Chair Long was unable to attend this evening's Board of Directors meeting. He then asked Director Kimball to lead everyone in the Pledge of Allegiance

2. Pledge of Allegiance

Director Kimball led everyone in reciting the Pledge.

3. Directors Roll Call

Director Candice Meneghin, Vice Chair Edwin McFadden, Director Gordon Kimball and Director Glenn Pace were joined by Director Lynn Edmonds at 5:10p.m. Chair Kelly Long was absent.

4. Public Comments

Vice Chair McFadden asked if there were any public comments in general or concerning the meeting's topics for discussion.

Jean Thirkettle introduced herself to the Board saying she was representing KettleKoi Farms, and that she was a grower of lemons and fish. Ms. Thirkettle said she had visited the Fillmore Piru Basins GSA's website and reviewed the proposed FY 2019020 Budget and the spreadsheet and doesn't understand why the rates have gone up to \$12 an acre foot since last year.

Executive Director Emmert said that staff had a presentation that would explain the increase.

Ms. Thirkettle said she had received the May letter explaining the extraction fee was delayed and that a credit was being issued but wanted to know what the money has been doing over the last six months.

Vice Chair McFadden replied that part of the money was used as part of the budget. Executive Director Emmert said that the money was still going to be used as planned, but that one pumper, who was affiliated with the State, raised an issue with the rates and it didn't make sense to penalize others.

Vice Chair McFadden explained that issuing the credit created a gap in the budget. Director Kimball added that instead of issuing refunds, which would create a cash crunch for the GSA, it issued credits against future payments so the GSA could continue operating. Vice Chair McFadden said that the GSA's budget was evolving and that the Board was doing

the best it could in setting up the agency. He also offered to sit down with Ms. Thirkettle after the meeting to answer any questions she may have in greater detail.

5. Approval of Agenda

Motion

Motion to approve the Agenda, Director Pace; Second, Director Meneghin. Voice vote: five ayes (Edmonds, Kimball, McFadden, Meneghin, Pace); none opposed; one absent (Long). Motion carries 5/0/1.

6. Director Announcements/Board Communications

Information Item

Director Edmonds apologized for being late.

Director Pace reported that at the Pumpers Associations' monthly meetings, he and Director Kimball had spoken with UWCD's General Manager Mauricio E. Guardado, Jr. to discuss opportunities to raise more money for the purchase of State Water when it becomes available. All agreed that if that could be part of the GSA's ongoing discussion, exploring options, as there is no mechanism at present for the pumpers associations to collect these funds.

Vice Chair McFadden said that this year's snow pack was 202 percent above normal, Article 21 water should be available between December and January. Director Pace said he just wasn't sure where or if the money could be available.

7. Executive Director Update

Information Item

Executive Director Emmert reported that, since the previous Board meeting of June 20, 2019, GSP development continues on schedule and that Daniel B. Stephens and Association would be delivering a presentation later in the meeting. UWCD staff, he said, were planning to deliver an update on modeling at the September meeting. Stakeholder Engagement, which is extremely critical, was discussed at an ad hoc committee meeting and the Board has done an excellent job in engaging stakeholders early. It is appropriate for the Board, staff and stakeholders to know as much as possible. Basin boundary modifications resulted in a number of pumpers being welcomed to the GSA and that progress in contacting those pumpers has taken a bit longer but progress is being made. Some of the new stakeholders do not have registered wells and/or records are old, so staff is trying to track them down. He also said that staff is preparing the first grant report and invoice, going back to January 2015 and including the beginning of the GSP preparation which started in June 2017 and that it is taking a bit more time and effort to walk through all of the progress.

Director Meneghin asked about Stakeholder Engagement and whether or not anyone was tracking alternate plans, such as Ojai's submission to DWR, to see which plans worked and which failed.

Executive Director Emmert said that Eduardo Pech, the GSA's DWR contact, has been very helpful both by asking questions and in responding to staff's questions regarding cash flow and grant categories. Vice Chair McFadden said that he appreciates Mr. Pech's guidance.

Director Pace asked about the UWCD rates included in the staff reports. Executive Director Emmert said that the list attached identifies the positions that UWCD has provided to the GSA and that Erin Gorospe narrowed the staff position list to be more applicable to the agency. The labor rates are effective as of July 7 and will be reflected in bills to the Agency for staff time.

Vice Chair McFadden asked if there were any other comments or questions. None were offered.

8. Legal Counsel Update
Information Item

Legal Counsel reported that since the previous Board meeting of June 20, 2019, they had conferenced with Executive Director Emmert regarding the Resolutions included in tonight's agenda to insure that all were compliant and that proper procedures had taken place for Board consideration.

9. Groundwater Sustainability Plans Development Update
Information Item

Tony Morgan, of Daniel B. Stephens and Associates, began by answering Director Meneghin's question about alternative sustainability plans, reporting that nine alternative applications had been received by DWR and six had been rejected. He said that he and his team were gleaning information and reviewing what worked and what doesn't. He added that the deadline for rejections was January 2022 and that there are still many basins without GSAs, and that the AB3030 Plan, doesn't know if there is the administrative staff to get it done, among other concerns. Vice Chair McFadden asked if pass/fail may be a topic for the future. Mr. Morgan said that in Bulletin 118 update, there is a summary of every basin across the state, highlights and inputs on SGMA issues, the scope is expanding quite a bit.

Mr. Morgan said the GSA and the County and UWCD are all providing information for a preliminary survey on site selection for monitoring well(s). He attended an August

workshop on GSP submittal process and that it was a week long effort to upload details. DBS&A is participating in the workshops. Mr. Morgan then showed a slide (see attached) depicting the various preliminary cost estimates for identifying location and drilling/construction of monitoring wells. DBS&A had reached out to three firms for estimates on drilling, two of which responded. The chart showed the cost comparison of the two estimates based on five different monitoring well scenarios, including the costs of drilling/construction, construction oversight, easements, and including a 10 percent contingency, which demonstrated that the \$800,000 estimated in the grant application was adequate. He said the estimates include two to three well nests, with estimates averaging \$600,000 to \$700,000, so the \$800,000 budgeted seems reasonable.

Vice Chair McFadden said that was good news. Mr. Morgan said when the team gets closer they will distribute a bid for the project.

Vice Chair McFadden asked if there were any questions or comments. Ms. Thirkettle asked what the oversight fee was for and Mr. Morgan explained it was the cost of a hydrogeologist who reviews the samples, plans, reports and other work. Mr. Morgan then said that he would prepare a more detailed update on GSP progress for the September meeting. Then he reintroduced David Ceppos to the Board as DBS&A's stakeholder engagement partner.

Mr. Ceppos said he was heading up the GSA's stakeholder communication and engagement plan. He said that there is a higher bar for GSAs regarding engagement, more than CEQA, and needs to be thought of as a depository for background, and game plan requirements to engage public. Board's decision making is based on technology, social science, beneficial users and memorializing the effort. In service of the GSP development, look for milestones which are the logical places to engage the public and determine how much effort the Board wants to make.

Mr. Ceppos spoke of his work through Sacramento State's Consensus and Collaboration project, participating in some 10 or 11 GSP development efforts and has worked with over three dozen basins as well as with DWR and the State Board. Throughout this effort, he has found it helpful for GSA Boards to establishing Guiding Principles which effectively communicate the shared interests, goals and philosophy of the GSA. He said that Chair Long and Vice Chair McFadden felt this was an ideal time to develop the language and terms based on background of SGMA to brief and educate stakeholders as much and as often as possible so that the best decisions can be made. He said to focus on three main ideas to start the Guiding Principles and have the ad hoc committee bring those back to the Board; and also work on educational modules, identifying significant and undesirable results, and criteria for sustainability and regularly restate those during board meetings.

Vice Chair McFadden asked if there were any questions or comments. Director Meneghin stated that she would like to be involved in the ad hoc committee and would like to review materials before presented to stakeholders at workshops. Mr. Ceppos said the action taken by the Board is collaborative and while different interests of the Board are considered, there needs to be a “sweet spot” identified for the Board.

10. CONSENT CALENDAR

10A Approval of Minutes

The Board will consider approving the Minutes from the Board Meeting of June 20, 2019, and the Special Board Meeting of June 24, 2019.

10B Approval of Warrants

The Board will consider approving the following invoices for payment this month:

Daniel B Stevens & Associates	\$22,931.71	GSP consultant
County of Ventura IT Services	40.00	Monthly server
Olivarez Madruga Lemieux O'Neill, LLP	2,391.00	legal services
Morris Partnership	17.63	payment refund
LT Farm Inc.	77.29	payment refund
Petit Ranch Inc. Reimer	2,576.53	payment refund
Petit Ranch Inc. Reimer	2,437.46	payment refund
Rancho Adobe	818.13	payment refund
AMPAC-Morris	2,033.79	payment refund
Morris Properties	54.53	payment refund

10C Monthly Financial Report

The Board will receive a monthly profit and loss statement and balance sheet for the Agency from United Water Conservation District’s accounting staff.

Director Pace abstained from voting on 10A, stating that he was absent from that Board meeting. [Director Edmonds was also absent from that meeting] Director Meneghin asked that item 6 in the minutes from the June 20 Board meeting be amended to reflect her statement that the *GSA’s budget had not been finalized prior to the deadline* for the Integrated Regional Water Management grants’ groundwater dependent ecosystem projects, she has not moved forward, but is continuing to explore other grant opportunities.

Motion to approve Consent Calendar Items, Director Edmonds; Second Director Meneghin. Voice vote: five ayes (Edmonds, Kimball, McFadden, Meneghin, Pace), none opposed, 1 absent (Long) for items 10B and 10C. Minutes were approved by three votes (Kimball, McFadden, Meneghin) with none opposed, two abstaining (Edmonds, Pace) and one absent (Long).

11. INFORMATIONAL ITEMS

11A Presentation of the Roles and Responsibilities of the GSA and its Board Members by David Ceppos

Informational Item

David Ceppos, Associate Director of the California State University, Sacramento, Center for Collaborative Policy, and member of the Daniel B. Stephens & Associates groundwater sustainability planning team, provided a review of the Roles and Responsibilities of the GSA and its Board members (see attached) from his original April 2019 presentation to the Board.

Mr. Ceppos reminded the Board of its regulatory authority. (see SGMA presentation slides) Director Meneghin asked about CEQA compliance and Mr. Ceppos said that it is not requires for GSPs, however, further implementation of projects may be subject to CEQA. He reminded the Board of the six sins of SGMA – groundwater elevation re baseline established at height of drought January 1 2015; groundwater storage - volumetric; degraded water quality; subsidence – elastic and inelastic; and surface to groundwater interconnection – with an emphasis on local control.

Not a proxy for remediate conditions of groundwater. The distinction - not a regulatory restraint but what could happen. Surface to groundwater interconnection is not about flows, groundwater extraction from a tributary could be dewatering GDE, taken into effect, the question is not maintaining flow but how it is impacting.

Director Meneghin said there seems to be a lot of back and forth and asked if DWR will make a clear statement. Mr. Ceppos said that DWR has been consistent that it is not a glow requirement but is directly related to extraction and impacts. DWR's Eduardo Pech added that every ecosystem is different which is why there has been so much back and forth.

Mr. Ceppos explained that this is why SGMA was deliberate in emphasizing local control because there is no one size fits all. Both technical and social data needs to be considered. DWR has the last word in assessing the decision making which is why technical and social need to be considered. Vice Chair McFadden asked if there was a mechanism in place for working with DWR throughout the process.

Mr. Ceppos replied that Eddie is an excellent representative and added, candidly, that DWR has never been a regulatory agency with the exception of the Division of

Safety of Dams, so it has been challenging for DWR and why it limits advice it should or can give to technical service and support.

Mr. Pech added that it is a difficult position to be in regarding technical information gathering. DWR is not compiling data and can broadly say if the GSP is going in the right direction but it's pretty difficult to give a thumbs up prior to the complete GSP submission.

Director Meneghin asked about DWR falling behind and how the Board should deal with asking for guidance. Mr. Pech replied that the guidance document is not as robust as he'd like but DWR is working on it among other priorities.

Vice Chair McFadden said it is a balancing act in compliance but also being frugal and respectful of rate payers.

Mr. Ceppos said that the Board had selected an excellent tech team and there was no up and down vote at this stage. The Board has to make sure the GSPs have conclusions and data that is *reproducible* and suggested Board members read statute and regulations cover to cover as they need to know if consultant is advising appropriately.

Ms. Thirkettle asked that is each GSA has its own plan, what happens with adjoining basins, such as Santa Clarita, what happens if their GSP interferes with Fillmore and Piru GSPs and what, if any, recourse does the Board have.

Mr. Ceppos said statutory regulations and legal coordinating agreements with adjacent basins are encouraged but not required, but GSPs should be aware of redirected effect on another basin. Vice Chair McFadden said the GSP has to be aware of upstream and downstream impact. Mr. Ceppos said that there are few shalls but many mayas. You shall create a GSA, you shall create a GSP, you shall do public engagement.

Mr. Ceppos then moved on to Roles and Responsibilities (see attached slides). HE stated that only two groups do not need to comply with SGMA – tribes, because they are sovereign nations, and the Federal government. Beneficial assessment, so you still need to reach out and engage. Boards need to be in compliance with local ordinances, state regulations and federal regulations; funding can be sourced from registration fees, property related assessments, local taxes, local general obligation bonds, and/or contributing member agencies. Authorities are what is “necessary and proper” to carry out SGMA purposes. Registration of wells is required, measurement and reporting is required, and meters are required. Annual statements

describing annual water use; conduct investigations regarding surface and groundwater connection; warrant authority; well spacing requirements and regulating and controlling groundwater extraction.

Coordinating internally with County and Cities regarding extraction requirements and groundwater allocations and authorization of water transfers (water wheeling) and manage conjunctive use voluntarily following purchase and transfer of water. Margie Bartels asked what authorities are recommended for the GSAS to adopt. Mr. Ceppos replied that basically, the philosophy of governance is that *any* GSA decides what authorities to adopt.

Ms. Bartels said that from a grower's perspective, that is a frightening amount of power. Director Kimball said that's why we want to do it ourselves as well as represent the other users on the Board. He said today's government situation is unprecedented regarding local control and the County, City and UWCD representatives have been facilitating and conserving water for 100 years. Pumpers, environmental groups, and the community have local control. You know it, you do it! There is potential for significant authorities used wisely could still be problematic.

Director Meneghin said she wanted to hear from the community regarding how we get there together, to avoid using all of these authorities. Mr. Ceppos said the Guiding Principles will help and stakeholder engagement is the higher bar. The Board has to determine who and how engaged they want people and the decision making process has to be described and the record has to show the public input was considered. CEQA public disclosure is low SGMA *is not!* Decisions must be mutually beneficial, as the nature of consultation, and the communication and engagement plan answers the required questions and documents what was done. With regard to interests, the Board needs to remember it is needs not wants when "getting to yes." You must do your due diligence, ground things in truth, define responsibilities, define interests and that is what is needed in preparation of a communication and engagement plan.

Director Edmonds asked if defining interests is really defining needs – what you need. Mr. Ceppos said keep coming back to "what do you *need*." Define rules of engagement, define shared expectations. Transparency, authenticity and consistency. The job is to achieve and maintain sustainability – sustainability NOT special interest. Avoid arbitrary and capricious. You are obliged to make hard and informed decisions which should be part of a robust administrative record.

Executive Director Emmert said bylaws, guiding principles, it can't all be done in a board setting, but the Board will review documents and look at what other GSAs ahead of us have done before committing to GSP. Vice Chair McFadden said the ad hoc committee would meet on July 24. Director Kimball said being involved and watching development of Bylaws is excellent idea as the GSA is in a completely different place then when it started.

Mr. Serpa said it is an organic document that is amended to capture the foundational agency structure looked at in context of engagement to move forward on amendments based on direction from the Board. Methods of engagement need to be specific enough to provide guidance but not to tie or restrict.

Director Meneghin said the purpose of the ad hoc would be beneficial for her to attend.

Steve Zimmer asked if the stakeholder engagement committee was an ad hoc or standing committee. Vice Chair McFadden said it was not a standing committee. Mr. Ceppos then introduced Lisa Ballin as his "boots on the ground," and she stated that the committee was an ad hoc with visitors. Vice Chair McFadden reiterated the four objectives of the committee – guidance, educational outreach, communication and engagement plan and a review of bylaws.

Mr. Serpa added that the culmination of previous decisions are reflected in the amended bylaws.

12. MOTION ITEMS

12A County of Ventura Public Works Department's Request for Comment Motion

Ventura County's Public Works department requested the FPBGSA Board provide a comment on a request for Waiver of Ventura County Water Well and Water Well Permit Prohibitions regarding property at 1307 Bardsdale Ave, Fillmore, APN 046-0-211-080. Petitioner clarified that the Elkins Ranch had provided flow but the property owner was requesting a variance, not for expansion, but to get water from a different source. Vice Chair McFadden asked if the Board wanted to discuss the matter.

Director Meneghin said it was her understanding that this was administrative geography. Executive Director Emmert said the County's well ordinance applies. Then Director Pace asked if the ordinance was County wide. Dan Detmer said it is a County wide ordinance modeled on the Fox Canyon Groundwater Management

Agency. Vice Chair McFadden is that this isn't really additional but the same water just for a different use. Director Kimball said he had no problem with a letter of support, it was de minimis use. Director Meneghin said she would like the Public Works Agency to clarify. Director Kimball asked if one house will negatively impact groundwater sustainability. Director Pace added that the system can't provide enough water, and he's for it, and said it was overreaching to stop all. Director Meneghin said we don't know what the water budget is or if we are sustainable and I am hesitant as an agency to be approving when the County has historically put a moratorium on this. Vice Chair McFadden called for a motion.

Motion to support Ms. McGrath's request for a waiver of the County's well prohibition, Director Pace; Second, Director Edmonds. Vice Chair McFadden asked if there was any further discussion.

Director Meneghin again stated that she was hesitant to do business as usual when the Board doesn't have figures or numbers and that many small requests can accumulate to have a larger impact. Director Edmonds asked if anyone had any idea how much water the property would use. Director Pace said that Elkins spring historically feeds treated water to the golf course with a small pipe, maybe a trickle, that doesn't work for anyone these days. Regulations say can't do it, but how much water – can't say, look at historical data. He said we support this but the County still decides if the permit is issued. Vice Chair McFadden said he would hate to have a blanket "no" until the GSP is finished.

Motion to support Ms. McGrath's request for a waiver of the County's well prohibition, Director Pace; Second, Director Edmonds. Roll call vote: four ayes (Edmonds, Kimball, McFadden, Pace); none opposed; one abstaining (Meneghin) and one absent (Long). Motion carries 4/0/1/1.

12B PUBLIC HEARING

Motion

The Board opened a PUBLIC HEARING on the Fillmore and Piru Basins Groundwater Sustainability Agency's proposed FY 2019-20 Budget and proposed Groundwater Extraction rates for July 19, 2019 through June 30, 2020.

Executive Director Emmert said that everyone knows what we have to do, and if the GSA doesn't complete the assignment, the State Board will step in and take control. Director Kimball said that we all agree that is an undesirable consequence. Vice Chair McFadden said he'd rather have local control and that the pumpers associations have a great deal of experience and made the effort to come to UWCD because they wanted to be part of the process. Executive Director Emmert then presented various slides recalling the GSA's history. Executive Emmert said that, in the coming year, the GSA wants to continue to coordinate with well owners, will

execute its Communication and Engagement plan, will complete the extension of the UWCD ground model to include the Fillmore and Piru basins, will continue to develop GSPs for each basin and will have selected a site and have designs for its monitoring wells. Mr. Detmer added that the modeling will be complete and staff will have a draft water budget. Executive Director Emmert said that, based on the estimates from two and half years ago, the GSA is pretty close to its targets. Director Meneghin asked if those estimates could be made available to the Board. Executive Director Emmert said yes, and the estimates will get better as the GSA narrows down the site selection and secures construction estimates and designs, and that actual construction will not begin until the next fiscal year.

Executive Director Emmert reported that the budget, based on day to day activities, are at or below estimates. He pointed to the original worksheet and said that the timing is a bit different, but it's pretty close to what was projected. Vice Chair McFadden said that it was frontloaded to take advantage of grant reimbursements. Executive Director Emmert said that the focus was less specific on budget categories and descriptions, then staff realized it would benefit cash flow, but the problem was the \$500,000 to \$600,000 to construct wells and that the GSA hasn't built up enough reserve. Short term borrowing could help, and he has sought input from the foundational agencies – UWCD, County Supervisors-Watershed Protection District, but staff needs to get through the budget process to determine how much to borrow. If extraction rates can be increased to \$12 per acre foot for the next couple of years (FY 2019-20 and FY 2020-21), after that the grant reimbursements would pay off the loan and the Board could consider reducing the rate or funding projects and/or choose to purchase supplemental water.

Vice Chair McFadden said it's five years of work and then updates every five years. Executive Director Emmert said it was his hope that, as both Fillmore and Piru basins are in pretty good shape, he sees no reason why the Board couldn't reduce fees at that time. He also advised the Board that tonight's public hearing had been noticed in newspapers during the required time period and that staff had not received any written comments or calls from people. Director Kimball asked about a 12 to 18 month period for the rate rather than a 24 month period. Executive Director Emmert said staff recommends a 24 month period and then a review of where the GSA is and how quickly it can pay back the loan.

Vice Chair McFadden then asked if there were any public comments or questions. Ms. Thirkettle asked if the consultant's team goes away once the GSPs are done. Director Kimball explained that there is a five year review and updates that will need to be made and a good portion of the \$1.5 million grant the GSA was awarded will help. He estimated that about three-fourths of the costs of the GSP development would be covered by the grant.

Margie Bartels suggested that in the future, the public hearings be scheduled at the beginning of the meeting. Vice Chair McFadden said that the Board wanted to educate and/or remind the public of the SGMA background and GSA's roles and responsibilities so they'd have a better understanding of what is required. Ms. Bartels suggested attending the pumpers meetings for growers' opinions. She also said, in reviewing the budget and worksheet, she doesn't believe that the GSA will reduce rates from \$12 per acre foot to \$4 per acre foot, because something "always comes along," and the Board should just be honest about that. Vice Chair McFadden said the rate reduction was the goal of the Board.

Vice Chair McFadden asked if there were any other comments or questions regarding the proposed FY 2019-20 Budget and Groundwater Extraction Rates. There were no additional comments or questions offered. Vice Chair McFadden closed the PUBLIC HEARING and asked the Board to proceed with consideration of Resolution 2019-03, approving the Proposed FY 2019-20 Budget for the FPB GSA; and consideration of Resolution 2019-04, approving the Proposed Groundwater Extraction rates.

Resolution 2019-03

Motion

Motion to adopt Resolution 2019-03, approving the proposed FY 2019-20 Budget, Director Kimball; Second Director Edmonds. Roll call vote: five ayes (Edmonds, Kimball, McFadden, Meneghin, Pace); none opposed; one absent (Long). Motion carries 5/0/1.

Resolution 2019-04

Motion

Motion to adopt Resolution 2019-04, approving the proposed Groundwater Extraction rates for the period of July 19, 2019 through June 30, 2020, Director Pace; Second, Director Meneghin. Roll call vote: five ayes (Edmonds, Kimball, McFadden, Meneghin, Pace); none opposed; one absent (Long). Motion carries 5/0/1.

12C Consider Cancellation of August Board Meeting

Motion

The Board discussed whether or not there was a need to hold a Board meeting in August. Director Kimball said that Public Outreach and the Water Budget were priorities. Executive Director Emmert said the water budget was up to the Board and the next step for September as the Communication and Engagement Plan. Mr. Detmer said he would prepare to present statistical data. Director Meneghin said that she would like to see a grant schedule and required GSP updates to assure that the schedule was on track with the budget and updates. Mr. Detmer that in

September staff would be mapping units and reading points into software which would generate layering. He added that a demonstration on the progress on model development, including the calibration period from 1985 to 2015, incorporating 31 years period at Oxnard, both drought and wet years and pump readings going back to 1980. He said a five year period is required for validation, including a couple years of drought and the last wet year to see how the model does. Mr. Morgan said educational modules will be rolled at a future Board meeting and will be geared toward bringing the public up to speed on background and foundation rather than dropping them in before.

Motion to cancel the regular August 15, 2019 Board meeting and adjourning to September 26, 2019 Board meeting or call of the Chair; Director Meneghin; Second, Director Kimball. Voice vote: five ayes (Edmonds, Kimball, McFadden, Meneghin, Pace); none opposed; one absent. Motion carries 5/0/1.

Clerk of the Board was instructed to check with the City of Fillmore and secure the Council Chambers for Thursday, September 26, beginning at 5pm.

13. FUTURE TOPICS FOR BOARD DISCUSSION

GSA's Guiding Principles; Grant Schedule on pace with GSP updates; groundwater model.

ADJOURNMENT 7:50 p.m.

Vice Chair McFadden adjourned the Board at 7:50 p.m. until its Regular Board Meeting on Thursday, September 26, 2019 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 Board of Directors meeting of July 18, 2019.

ATTEST: 
Kris Sofley, Clerk of the Board



BOARD MEETING & PUBLIC HEARING

July 18, 2019 @ 5:00pm

City Council Chambers, Fillmore City Hall

250 Central Avenue, Fillmore, CA 93015

Name: Eddie Peck

Organization: DWE

Phone: _____

E-mail: eduardo.peck@water.ca.gov

Name: Steve Zimmer

Organization: _____

Phone: _____

E-mail: _____

Name: Jason Sun

Organization: UWCD

Phone: _____

E-mail: _____

Name: EMILIO CERVANTES Jr

Organization: NLF FivePoint

Phone: _____

E-mail: _____

Name: Tony Morand

Organization: DBSA

Phone: _____

E-mail: _____

Name: Marjie Bartels

Organization: Bartels Ranch

Phone: _____

E-mail: bartelsranch@gmail.com

Name: CISA Ballin

Organization: CSU CCP

Phone: _____

E-mail: _____

Name: Dr. Dinos

Organization: UWCD

Phone: _____

E-mail: _____

Name: Jean Thirkettle

Organization: KETL KDI FARM

Phone: (805) 521-1874

E-mail: _____

Name: BRAN SERCU

Organization: UWCD

Phone: _____

E-mail: _____



BOARD MEETING & PUBLIC HEARING

July 18, 2019 @ 5:00pm

City Council Chambers, Fillmore City Hall

250 Central Avenue, Fillmore, CA 93015

Name: Zach Hansen

Name: _____

Organization: UWCD

Organization: _____

Phone: _____

Phone: _____

E-mail: _____

E-mail: _____

Name: FRANK BRONNENSCHENKE

Name: _____

Organization: _____

Organization: _____

Phone: _____

Phone: _____

E-mail: _____

E-mail: _____

Name: Martin Farrell

Name: _____

Organization: Fillmore Gaiette

Organization: _____

Phone: 805 524 2481

Phone: _____

E-mail: pub@fillmoregaiette.com

E-mail: _____

Name: _____

Name: _____

Organization: _____

Organization: _____

Phone: _____

Phone: _____

E-mail: _____

E-mail: _____

Name: _____

Name: _____

Organization: _____

Organization: _____

Phone: _____

Phone: _____

E-mail: _____

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Fillmore and Piru Basins
Groundwater Sustainability Agency

Fiscal Year 2019-2020 Budget and Charges

18 Jul 2019

Item 12B

Sustainable Groundwater Management Act (SGMA)

Fillmore and Piru Basins
Groundwater Sustainability Agency

- ▶ SGMA Effective Jan 2015
- ▶ GW Basins Managed in “Sustainable” Manner
- ▶ GW Basins have 20 Years to Become “sustainable”
- ▶ Management Delegated to Locals
 - ✓ CA Dept of Water Resources Backstop
 - ✓ Manage Basins if Locals Do Not
 - ✓ Locals Reimburse DWR for its Efforts

Sustainable Groundwater Management Act (SGMA)



- ▶ Groundwater Sustainability Agency (GSA) formed from local entities
 - ✓ JPA formed to administer Fillmore and Piru basins
- ▶ GSA prepares Groundwater Sustainability Plan (GSP)
 - ✓ GSP provides framework for ensuring basins are managed sustainably and in accordance with SGMA
 - ✓ GSPs (one each for Fillmore Basin and Piru Basins) due Jan 2022

Joint Powers of Authority (JPA)



- ▶ New Public Agency formed via JPA
 - ▶ Member Agencies
 - ▶ County of Ventura
 - ▶ City of Fillmore
 - ▶ United Water Conservation District
 - ▶ Stakeholder Representation
 - ▶ Fillmore Basin Pumpers
 - ▶ Piru Basin Pumpers
 - ▶ Environmental Organizations

Agency Activities to Date



► Fiscal Year 2017-2018 Activities

- Agency Creation & Set-Up
- Established Work Plan
- Applied for Groundwater Sustainability Planning Grant
- Established Budget
- Set Groundwater Pumping Assessments (\$8.50/Acre-Foot)

Agency Activities to Date



► Fiscal Year 2018-2019 Activities

- United WCD Initiated Extension of Groundwater Model to Fillmore & Piru Basins
 - Work Counts as Grant Match
- Daniel B. Stephens & Associates Initiated Groundwater Sustainability Planning
- Received \$1.5 Million Grant from CA DWR
- Issued ~\$380K in Credits to Pumpers
- Completed Basins Boundaries Modifications

Fiscal Year 2019-2020 Activities



- ▶ Coordinate with Well Owners Following Basins Boundaries Mods.
- ▶ Develop & Implement Communication & Engagement Plan
- ▶ Complete Extension of Groundwater Model to Fillmore & Piru Basins
- ▶ Progress on Groundwater Sustainability Planning
- ▶ Site & Design Monitoring Wells at Basins Boundaries
- ▶ Manage Grant from Cal. DWR

Budget and Assessments



- ▶ Based Upon SGMA Requirements & Schedule
- ▶ Maximizes \$1.5 Million Grant from Cal. DWR
 - ▶ Includes Monitoring Wells Right-of-Way Acquisition & Design (\$100K)
 - ▶ Necessary to Monitor Basin-to-Basin Underflows
 - ▶ Short-Term Borrowing for Wells Construction
- ▶ Includes In-Kind Technical Services (Modeling) from United
- ▶ Lines-up with Original 2017 – 2024 Budget
- ▶ Accounts for Recent Issuance of Credits to Pumpers

Budget and Assessments



- ▶ Current Assessment \$ 8.50/Acre-Foot
- ▶ Proposed FY 2019-2020 Assessment 12.00/Acre-Foot
- ▶ Approx. Future Years Assessments
 - ▶ FY 2020-2021 12.00/Acre-Foot
 - ▶ FY 2021-2022 Reduce to 4.00/Acre-Foot
- ▶ Short-Term Borrowing for Monitoring Wells Construction

Budget and Assessments



- ▶ Recommended Actions
 - ▶ Hold Public Hearing on Proposed Budget & Rates
 - ▶ Motion to Adopt Resolution 2019-03 Approving Proposed FY 2019-2020 Budget
 - ▶ Motion to Adopt Resolution 2019-04 Approving Proposed Groundwater Extraction Charges for Period July 19, 2019 to June 30, 2020

The Sustainable Groundwater Management Act

SGMA 101 and Groundwater Sustainability Agency Roles and Responsibilities

June 18, 2019
Fillmore and Piru Basins
Groundwater Sustainability Agency



Dave Ceppos
Managing Senior Mediator
Sacramento State University
College of Continuing Education
Consensus and Collaboration Program

Presentation Outline

- Introduction
- SGMA 101
- Background
- Roles and Responsibilities

SGMA 101

Groundwater Sustainability Agencies (GSAs)

“Any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin.” (Water

Code § 10721)

“Local agency” means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.” (Water

Code § 10721)

- e.g. - counties, cities, water agencies, irrigation districts, drainage districts, PUDs, CSDs. or similar

SGMA 101

Groundwater Sustainability Agencies (GSAs)

- SB 13 Added - “A water corporation regulated by the Public Utilities Commission or a mutual water company may participate in a groundwater sustainability agency through a memorandum of agreement or other legal agreement. The authority provided by this subdivision does not confer any additional powers to a nongovernmental entity..” (Water Code § 10723.6 (b))

SGMA 101

Private Pumpers / The Public

- No special authorities are granted. Only references are:
 - 10723.2 - Consideration of interests of all beneficial uses and users of groundwater
 - 10726.5 - In addition to any other authority granted to a GSA by this part or other law, a GSA may enter into written agreements and funding with a private party to assist in, or facilitate the implementation of, a GSP or any elements of the plan.
- De minimis extractor - A person who extracts, for domestic purposes, two acre-feet or less per year. (Water Code § 10721)

SGMA Foundational Items

- **6 foundational / potential undesirable results**
 - Groundwater Elevation
 - Groundwater Storage
 - Seawater Intrusion
 - Degraded Water Quality
 - Land Subsidence
 - Groundwater / Surface Water interconnection
- **Local Control Emphasis**
- **“Few Shalls...Many Mays...”**
 - Shall...Create GSA
 - Shall...Prepare GSP
 - Shall...Do Public Engagement
- **GSA's are Regulatory Agencies**

Background

- Reference Documents:
 - SGMA (Water Code)
 - Groundwater Sustainability Plan (GSP) Regulations
 - *“Designing Effective Groundwater Sustainability Agencies: Criteria for Evaluation of Local Governance Options”* (UC Water/ Berkeley Law)
 - Joint Exercise of Powers Act (CA Code 6500)

GSA Roles and Responsibilities

- Governance
- Outreach/Engagement (Transparency)
- Compliance
- Funding
- Authorities
 - General
 - Information Gathering
 - Groundwater Extraction
 - Property Acquisition and Management
 - Enforcement
- Coordination
- Technical

Governance

- Create an Agency through legal agreement or MOU
- Establish Membership including potential membership levels / roles
- Determine Member durations, replacement procedures, removal procedures, etc.
- Create a decision-making process
- Create a dispute resolution process

Outreach / Engagement (Transparency)

Beneficial Users (Water Code § 10723.2)

- | | |
|--|---|
| • All Groundwater Users | • Counties |
| • Holders of Overlying Rights (agriculture and domestic) | • Local Landowners |
| • Municipal Well Operators | • Disadvantaged Communities |
| • Public Water Systems | • Business |
| • Tribes | • Federal Government |
| • Local Land Use Planning Agencies | • Environmental Users |
| | • Surface Water Users <i>(if connection between surface and ground water)</i> |

Outreach/Engagement (Transparency)

- Consider all interests of all beneficial users and users of groundwater
- Maintain interested persons list
- Document a decision-making process and how stakeholder input and public response will be used.
- Encourage the active involvement of diverse social, cultural, and economic elements of the population within the basin.
- Operate under the Brown Act
- Provide access to information consistent with the California Public Records Act

Compliance

- Comply with local ordinances and similar
 - (e.g. land use ordinance, etc.)
- Comply with all State regulations, laws, and similar
 - (e.g. CEQA, California ESA, Porter-Cologne, etc.)
- Comply with all Federal regulations, laws and similar
 - (e.g. Federal ESA, Clean Water Act, etc.)

Funding

- Establish / obtain one or more of the following:
 - Regulatory fees
 - Property-related fees or assessments
 - Local taxes
 - Local general obligation bonds
 - Contributions from member agencies
 - Grants from other State and federal agencies

Authorities

General

- Do anything “necessary and proper” to carry out SGMA’s purposes
- Adopt rules, regulations, ordinances, and resolutions
- Use any other authority allowed to the GSA to apply and enforce SGMA requirements

Authorities

Information Gathering

- Require registration of groundwater extraction facilities
- Require measurement and annual reporting of groundwater extractions*
- Defer all costs associated with the purchase and installation of the water-measuring device to the owner operator of said groundwater extraction facility*
- Require that the owner or operator of a groundwater extraction facility to file an annual statement describing annual water use*

*Does not apply to de minimis extractors

Authorities

Information Gathering

- Conduct investigations of surface or ground water rights and related rights
- Monitor the diversion of surface water to underground storage
- Inspect property and facilities to determine compliance, upon obtaining any necessary consent or obtaining an inspection warrant

Authorities

Groundwater Extraction

- Minimize well interference by imposing well-spacing requirements on new wells and reasonable operating regulations on existing wells including requiring extractors to operate on a rotation basis.
- Control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations

Authorities

Groundwater Extraction (cont.)

- Establish groundwater extraction allocations
- Authorize within-GSA transfers of groundwater extraction allocations
- Impose regulatory fees on groundwater extraction or other regulated activity or property-related fees on groundwater extraction

Authorities

Property Acquisition and Management

- Acquire property, including groundwater and surface water rights
- Make physical improvements to real property
- Acquire, transfer, or exchange groundwater water and surface water

Authorities

Property Acquisition and Management (cont.)

- Manage wastewater, stormwater, and seawater for subsequent use
- Transport, reclaim, purify, desalinate, treat, or otherwise manage and control polluted water, wastewater, or other waters for subsequent use
- Provide for a program of voluntary fallowing of agricultural lands or validate an existing program

Authorities

Property Acquisition and Management (cont.)

- Import surface water or groundwater into the Agency, and conserve and store water within or outside the Agency including, but not limited to, the spreading, storing, retaining, or percolating into the soil
- Purchase, transfer, deliver, or exchange water or water rights to provide surface water in exchange for a groundwater extractor's agreement to reduce or cease extractions.

Authorities

Enforcement

- Sue to collect delinquent fees, interest, or penalties or order extraction stopped until delinquent fees are paid
- Pursue civil penalties for extraction exceedances
- Pursue civil penalties for violations of SGMA-related rules, regulations, ordinances, or resolutions*
- *Does not apply to de minimis extractors

Coordination

- Coordination with adjacent subbasins (Santa Paula, Santa Clara East)
- Coordination between Management Areas (if applicable)

Technical

- Access appropriate technical expertise, either in-house, through consultants, or via technical assistance from other agencies.
- Conduct and/or oversee monitoring, data collection, and reporting
- Develop a water budget and identify sustainable yield.
- Assess basin history and potential paths to sustainable management
- Remediate / oversee remediation of polluted groundwater

Discussion / Q&A

THANK YOU

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SGMA Requirements for Stakeholder Engagement

Applying Regulation into Practice

June 18, 2019
Fillmore and Piru Basins
Groundwater Sustainability Agency



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Presentation Outline

- Regulatory Context
- Framing Questions about Regulations
- Practical Responses
- Practical Applications

Regulatory Context



Regulatory Requirements

CALIFORNIA CODE OF REGULATIONS, TITLE 23. DIVISION 2. CHAPTER 1.5. SUBCHAPTER 2. GROUNDWATER SUSTAINABILITY PLANS

§ 354.10. Notice and Communication

Each Plan shall include a summary of information relating to notification and communication by the Agency with other agencies and interested parties including the following:

- (a) A description of the beneficial uses and users of groundwater in the basin, including the land uses and property **interests potentially affected by the use of groundwater** in the basin, the **types of parties representing those interests**, and the **nature of consultation with those parties**.
- (b) A list of public meetings at which the Plan was discussed or considered by the Agency.
- (c) Comments regarding the Plan received by the Agency and a summary of any responses by the Agency.

Regulatory Requirements

§ 354.10. Notice and Communication (continued)

(d) A communication section of the Plan that includes the following:

- (1) An explanation of the Agency's decision-making process.
- (2) Identification of opportunities for public engagement and a discussion of how public input and response will be used.
- (3) A description of how the Agency encourages the active involvement of diverse social, cultural, and economic elements of the population within the basin.
- (4) The method the Agency shall follow to inform the public about progress implementing the Plan, including the status of projects and actions.

Regulatory Requirements

- What are you doing to pass the higher bar?
- This is:
 - Not NEPA/CEQA
 - Complicated (but doesn't have to be hard)
 - New
 - Serious
 - Mutually Beneficial
 - GSA benefits from you doing this
 - Stakeholders benefit from you doing this

Regulatory Questions

- How will you describe “interests”
- Do you know what that means and what DWR is looking for?
- Do you know who represents those interests?
 - Are you sure?
- Do you know what “the nature of consultation” means and how to describe it?
- How will you describe your decision-making process?

Regulatory Questions

- How will public input and response be used?
 - What happens if the public input is poorly informed? How do you use it?
 - What happens if responses are inconsistent with GSA member interests?
- What is your plan to “encourage the active involvement of diverse elements in the basin”?

Beneficial Users / Uses

- Holders of Overlying Rights (agriculture and domestic)
- Municipal Well Operators
- Public Water Systems
- Tribes
- Local Land Use Planning Agencies
- Disadvantaged Communities
- Federal Government
- Environmental Users
- Surface Water Users

Practical Responses

*How will you describe "interests"
What does that mean and what is DWR looking for?
Do you know who represents those interests?*

- Interests = Needs / Motivators
 - Hierarchy of Needs
 - Needs ≠ Wants
 - I NEED water for my family>
 - I WANT to use as much water as I feel like.

Practical Responses

*How will you describe "interests"
What does that mean and what is DWR looking for?
Do you know who represents those interests?*

- Representation
 - Do your due diligence / "Walk the Beat"
 - Convene stakeholders to ground truth things
 - Understand the difference between defining representatives and defining interests
 - Prepare a Communications and Engagement Plan

Practical Responses

*Do you know who represents the interests?
What is your "nature of consultation"?
What are your decision-making protocols?*

- Representation (cont.)
 - Advisory Committees and Seated Board Members
 - Define "rules of engagement"
 - Define Shared Expectations - VERY IMPORTANT
 - Document expectations and rules
 - Repeatedly restate expectations and rules in public

Practical Responses

*What are your decision-making protocols?
How will public input be used?*

- Decision-Making
 - Charters, By-Laws, or similar
 - Transparency
 - Authenticity
 - Consistency

Practical Questions

*What are your decision-making protocols?
How will public input be used?
Consistency with GSA interests?*

- Decision-Making and Public Input
 - Memorialize Guiding Principles / Interests
 - Keep you Eyes on the Prize
 - SUSTAINABILITY Not Special Interest
 - Define Goals and Objectives
 - Qualitatively (principles / interests)
 - Quantitatively (Undesirable Results)

Practical Responses

*What are your decision-making protocols?
How will public input be used?
Consistency with GSA interests?*

- GSA is NOT obligated to agree with beneficial users
- GSA IS obligated to make hard and informed decisions
- Robustly Document the Process
 - Avoid arbitrary and capricious decisions
 - Avoid “smoke filled rooms”
 - Be above reproach
 - Create an administrative record (i.e. like CEQA)

Practical Applications



Practical Applications - Toolkit

http://www.water.ca.gov/groundwater/sgm/digital_toolkit.cfm

Stakeholder Survey Template

Date _____

1. Organization or business name: _____
2. Name of primary contact: _____
or _____
3. Individual stakeholder name: _____
4. Information for primary contact or individual stakeholder:

Email: _____	Cell: _____	Twitter: _____	Website: _____
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Question	Response	Notes
Are you familiar with SGMA regulations?		
Are you currently engaged in activity or discussions regarding groundwater management in this region?		
Do you own or manage operate land in this region?		
Do you manage water resources? If yes, what is your role?		
What is your primary interest in land or water resources management?		
Do you have concerns about groundwater management? If so, what are they?		
Do you have recommendations regarding groundwater management? If so, what are they?		
What else do you want me to know?		
Who else should we listen to?		

California Department of Water Resources

SGMA Stakeholder Communication and Engagement Digital Toolkit

Practical Applications - Toolkit

Organization/ Individual <small>(Name of stakeholder organization or individual)</small>	Type of stakeholder <small>(based on water code §10723.2)</small>	Key Interests <small>(stakeholder's key interests related to groundwater)</small>	Key Issues <small>(documented issues (media coverage, statements, reports, etc.) or specific issues such as past events)</small>	GSP <small>(which section(s) of the GSP may this interest be applicable to?)</small>	Rationale <small>(reasons why this is a stakeholder that requires a certain level of engagement)</small>

Discussion / Q&A

THANK YOU

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