



**Fillmore and Piru Basins**  
Groundwater Sustainability Agency

**Board of Directors Meeting**  
**Thursday**  
**February 17, 2022**  
**5:00 p.m.**

**In accordance with the California Governor's Executive Stay at Home Order and the County of Ventura Health Officer Declared Local Health Emergency and Be Well at Home Order resulting from the novel coronavirus (COVID-19), the Fillmore City Hall is closed to the public. Therefore, the FPB GSA will be holding its Regular Board of Directors meeting virtually using the ZOOM video conferencing application.**

**To participate in the Board of Directors meeting via Zoom, please access:**

**<https://us02web.zoom.us/j/85480305580?pwd=ZnFBWGhtVU05dXd3REFkM255c0h6UT09>**

**Meeting ID: 854 8030 5580**

**Password: FPBGSA**

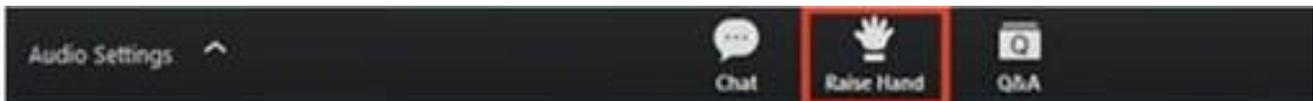
To hear just the audio portion of the meeting, phone into the toll-free number 877 853 5247

Meeting ID: **854 8030 5580**

All participants are asked to join the meeting at least five minutes in advance of the 5pm start time and be aware that all participants will be "muted" until recognized by the host. If your computer has a camera, please enable it so we can ensure better engagement between participants.

If you would like to address the Board with a question or offer a comment, please follow these simple instructions to engage the host (Clerk of the Board):

1. During a meeting, click on the icon labeled "Participants" at the bottom center of your computer screen.
2. At the bottom of the window on the right side of the screen, click the button labeled "Raise Hand."
3. Once you've been recognized by the Chair, please click on "Raise Hand" again to remove the signal.



Similarly, if you have a comment or question for the Board, you can use the "Chat" button to convey your question or comment to the HOST, who will put you in line to address the Board.

**The Fillmore and Piru Basins GSA Board of Directors appreciates your participation and patience in using Zoom to conduct its public meeting.**

## **AGENDA**

### **1. CALL TO ORDER**

**1A Pledge of Allegiance**

**1B Directors Roll Call**

**1C Public Comments**

Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) will accept public comment concerning agenda items at the time the item is considered and on any non-agenda item within the jurisdiction of the Board during the agendaized Public Comment period. No action will be taken by the Board on any non-agenda item. In accordance with Government Code § 54954.3(b)(1), public comment will be limited to three (3) minutes per speaker per issue.

**1D Approval of Agenda  
Motion**

**2. UPDATES**

**2A Director Announcements/Board Communications:**  
Oral Reports from the Board

**Fillmore Pumpers Association Stakeholder Director Update**

**Piru Pumpers Association Stakeholder Director Update**

**Environmental Stakeholder Director Update**

**City of Fillmore Member Director Update**

**United Water Conservation District Member Director Update**

**County of Ventura Member Director Update**

**2B Executive Director Update  
Information Item**

The Executive Director will provide an informational update on Agency activities since the previous Board meeting of January 20, 2022.

**2C Legal Counsel Update  
Information Item**

Legal Counsel will provide an informational update on Agency's legal issues and concerns since the previous Board of Directors meeting of January 20, 2022.

**2D GSP Consultant Update  
Information Item**

Representatives from Daniel B Stephens & Associates will provide an informational update on Agency's groundwater sustainability planning and reporting activities since the previous Board meeting of January 20, 2022.

### **3. CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)

#### **3A Approval of Minutes**

The Board will consider approving the Minutes from the regular Meeting Special Board Meeting of January 13 and Board Meeting of January 20, 2022.

#### **3B Approval of Warrants**

The Board will consider approving payment of outstanding vendor invoices

- Roger, Anderson, Malody & Scott LLP \$ 950.00
- United Water Conservation District \$28,277.90
- DBS&A Consultants \$28,530.28

#### **3C Monthly Financial Report**

The Board will receive the Agency's monthly profit and loss statement and balance sheet.

#### **3D Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements**

The Board will consider adopting Resolution 2022-03 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

### **4. MOTION ITEMS**

#### **4A Governmental Advocacy Platform Development**

##### **Motion**

The Board will provide comments and direction to staff on the development of an Agency Governmental Advocacy Platform.

### **FUTURE TOPICS FOR BOARD DISCUSSION**

### **ADJOURNMENT**

The Board will adjourn to the next **Regular Board Meeting** on Thursday, **March 17, 2022**, or call of the Chair.

Fillmore and Piru Basins Groundwater Sustainability Agency  
Board of Directors Meeting  
February 17, 2022  
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*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 1701 N. Lombard Street in Oxnard during normal business hours.*

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

Approved:   
Board Chair Kelly Long

Posted: (date) February 11, 2022 (time) 2:00 pm (attest) Eva Ibarra  
At: <https://www.FPBGSA.org>

Posted: (date) February 11, 2022 (time) 2:15 pm (attest) Eva Ibarra  
At: <https://www.facebook.com/FPBGSA/>

Posted: (date) February 11, 2022 (time) 2:30 pm (attest) Eva Ibarra  
At: UWCD, 1701 N. Lombard Street, Oxnard CA 93030



**Special Board of Directors Meeting**  
**Thursday, January 13, 2022**  
**at 5:00p.m**

**Directors in Attendance**

Chair Long  
Vice Chair McFadden  
Director Kimball  
Director Meneghin  
Director Pace  
Director Villaseñor

**Staff in Attendance**

Executive Director Anthony Emmert  
Legal Counsel Scott Nave  
Clerk of the Board Kris Sofley

**Public in Attendance**

Steve Zimmer, Five Points

**1. Call to Order -**

Chair Long called the Special Board Meeting to order at 5:00p.m. and asked Director Pace to lead everyone in reciting the Pledge of Allegiance

**1A Pledge of Allegiance**

Director Pace lead everyone in reciting the Pledge of Allegiance

**1B Directors Roll Call**

The clerk called roll. All six Directors were present (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor).

**1C Public Comments**

Chair Long asked if there were any public comments. None were offered.

**1D Approval of Agenda**

**Motion**

Chair Long asked if there were any changes to the agenda.

Executive Director Emmert asked the Board to consider carrying items 2A (Director Announcements/Board Communications), 2C (Legal Counsel Update), and 2D (GSP Consultant Update) as well as motion item 4A (Meeting Calendar for 2022) over to the next Regular Board meeting scheduled for Thursday, January 20, 2022; and pulling motion item 3A (Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements) from the Consent Calendar for discussion as a regular motion item.

Motion to approve the agenda as amended, Director McFadden; Second, Director Villaseñor.

Director Kimball asked why the Board couldn't proceed with the agenda as is and cancel the regular Board meeting scheduled for January 20, 2022. Mr. Emmert said he was trying to keep the Special Board meeting short and address the matters requiring more content and discussion at the next regular meeting. Chair Long agreed that carrying the other agenda items over to the next regular Board meeting was more expedient and asked for a roll call vote on the Motion offered by Vice Chair McFadden and seconded by Director Villaseñor.

Roll call vote: six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed. Motion to approve the agenda as amended carries unanimously 6/0.

## **2B Executive Director Update**

### **Information Item**

Mr. Emmert addressed the Board stating that he had been working with DWR's grant administrator to secure an amendment to the GSA's grant agreement since before Christmas. Mr. Pech worked very hard through the holidays and was able to send an amendment to the grant agreement to Chair Long for her signature via DocUSign, which she has executed. The request amendment reshuffles line items to reflect the Agency's greater expenses in the areas of outreach and planning and reduces the budget for monitoring wells. The amendment also extends the schedule to December 31, 2022, providing more time to the Agency to secure sites for the monitoring wells as construction will most likely start on those wells after fall 2022. Mr. Emmert also reported that there are slight variances on deliverables in the amendment, including the technical memo of coordination with the Santa Clarita Valley Water Agency and Los Angeles Sanitation District.

Mr. Emmert also reported that staff is in the process of completing progress report and invoice #11. He then discussed the challenges regarding securing easements for State owned properties such as the Fillmore Fish Hatchery, which could take years to complete, and suggested that a licensing agreement may be a better solution for securing access to State properties. He added that the GSA was losing or had lost the fifth well adjacent to the Sespe confluence as the property was sold and the new owners are asking for a large fee to consider access and use of the well on the property. He suggested that the GSA should look for another location and would welcome suggestions from the Board at a future meeting.

Director Kimball asked for the well's specific location and he may know of a possible well

location and property owner that would be amenable to working with the GSA. Mr. Emmert said that staff may have found a site in the Camulos area which could be inserted into the plan. Mr. Emmert concluded by saying that the grant extension is good news and at next meeting the Board will address election of new officers.

Mr. Emmert added that staff was working on an amendment to the DBS&A agreement for future work, including helping United staff with the annual report which is due next April. The Task Order will walk the Board through work planning, enhancements and other projects the Board has considered, and that he hopes to have that at next week's Board meeting.

Chair Long expressed her appreciation for all the hard work staff has put in to secure the amendment to the grant agreement and appreciates the flexibility of the Department of Water Resources in working with the Agency to make that possible. Mr. Emmert replied that Eddie Pech has been very responsive and very good about responding to the Agency's questions and requests. Mr. Emmert also stated that there is another round of GSP grants – implementation grants, that will be available next year. The GSA's projects and programs will need to be flushed out for inclusion in this possible grant application, he said.

Chair Long added that the Governor just announced preliminary budget on January 10 with a large sum included for infrastructure projects, so the sooner the GSA can be ready to go with its projects, the better. She then asked if there were any additional comments or questions.

Director Meneghin asked about a lease agreement for the Fish and Wildlife property. Mr. Emmert said that was one of the tough questions for Mr. Pech as the grant requires certain assurances to DWR that it gets a minimum of three years' worth of data, which he believes the GSA could get at the very least. He said he thought a licensing agreement would be acceptable to DWR as it is unlikely that the state would terminate the agreement without notice or sell the property.

Director Kimball said he'd like to join in acknowledging the praise of staff, Mr. Pech and DWR on completing the amendment.

Vice Chair McFadden asked what the preferred range of the monitoring well would be between the Sespe and Santa Clara river. The Agency's consultant from DBS&A, Tony Morgan stated that within half a mile of the confluence would be preferred. Vice Chair McFadden said he'd look on Google Earth to which Mr. Morgan added that he could also review the online database, which also includes well locations.

### 3A Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

#### Motion

Mr. Emmert explained that the previous Resolution adopting the continuation of AB 361 would expire before the January 20, 2022 regular FPBGSA Board meeting, which needs to be adopted every 30 days or less and that the Board would consider adopting another resolution continuing the AB 361 findings at next week's regular Board meeting as well.

Chair Long asked if there were any questions or comments. None were offered. She then asked if there was a motion from the Board regarding the adoption of Resolution 2022-01, continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

Motion to adopt Resolution 2022-01, continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), Vice Chair McFadden; Second, Director Meneghin. Roll call vote: six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed. Motion carries unanimously 6/0.

### ADJOURNMENT 5:24p.m.

Chair Long thanked the Directors for their time and participation in the Special Board meeting and adjourned the meeting at 5:24p.m. to the next **Regular Board Meeting** on Thursday, **January 20, 2022** 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 13, 2022.

ATTEST: \_\_\_\_\_  
**Kris Sofley, clerk of the Board**



**Board of Directors Meeting**  
**Thursday, January 20, 2022**  
**5 p.m.**  
**MINUTES**

**Directors Present**

Director Kelly Long, chair  
Director Ed McFadden, vice chair/secretary/treasurer director  
Gordon Kimball  
Director Candice Meneghin  
Director Glen Pace  
Director Christina Villaseñor

**Staff Present**

Anthony Emmert, executive director  
Steve O'Neill, legal counsel  
Eva Ibarra, clerk of the board

**Public Present**

Lisa Ballin, DBS&A, consultant  
Frank Brommenschenkel  
Dan Detmer, UWCD  
Tony Morgan, DBS&A  
Jason Sun, UWCD  
James Thurber  
Gus Tolley, DBS&A  
Steve Zimmer, Five Point

**1. CALL TO ORDER 5:03 pm**

Chair Long called the meeting to order at 5:03pm

**1A Pledge of Allegiance**

Director Villaseñor asked everyone to join her in reciting the Pledge of Allegiance.

**1B Directors Roll Call**

Chair Long asked the clerk to conduct roll call. Directors Kimball, Chair Long, Vice Chair McFadden, Director Meneghin, Director Pace, and Director Villaseñor were present.

**1C Public Comments**

Chair Long asked if there were any public comments. None were offered.

**1D Approval of Agenda**

**Motion**

Motion to approve the agenda, Director McFadden; Second, Director Meneghin.  
Roll call vote: six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor);  
none opposed; motion carries unanimously 6/0.

**2. SELECTION OF OFFICERS**

**2A Board of Directors Selection of Officers**

**Motion**

The Board accepted nominations and elected officers for Calendar Year 2022.

Chair Long nominated Vice Chair McFadden as Vice Chair, and herself, as Chair.

Legal Counsel Steve O'Neill mentioned Vice Chair McFadden is also Secretary and Treasurer. Chair Long requested that her motion be amended by addition of Vice Chair McFadden as Secretary and Treasurer as well as Vice Chair.

Motion to approve nominations, Director Long; Second, Director McFadden. Roll call vote: six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

**3. UPDATES**

**3A Director Announcements/Board Communications:  
Information Item**

Oral Reports from the Board

**Fillmore Pumpers Association Stakeholder Director Update**

Director Kimball stated the Fillmore Pumpers Associations Board of Directors had their meeting on January 11, and discussed United's request for quarterly meters readings. One suggestion was made to have an application on their phones that would allow the user to take a picture and tie it to the specific meter and forward it to United, saving the user lots of time and effort.

**Piru Pumpers Association Stakeholder Director Update**

Director Pace reported on behalf of the Piru Basin Pumpers Association, which also held its Board of Directors meeting on the 11<sup>th</sup>, and echoed the comments of Director Kimball. He stated that the Associations were waiting on the GSA's

calendar for 2022, so that they could establish their meetings for 2022 ahead of the GSA meetings.

### **Environmental Stakeholder Director Update**

Director Meneghin provided an update and stated the California Water Commission has supported groundwater trading and has put forth a draft white paper, with public comments due by February 28. GDE's and disadvantage communities are highlighted in this document, which is pending March 2022 approval. The last of twelve remaining critical basins GSPs are due for approval by DWR tomorrow. She also said Las Posas GSPs were approved last week. Director Meneghin also mentioned Friends of the Santa Clara River is in discussion with a contractor to the County of Ventura's Integrated Regional Water Management program, for round three of Water Talks. The group went back to the disadvantaged communities that they had contacted in round two and will be developing projects with those communities around water needs.

### **City of Fillmore Member Director Update**

Director Villaseñor reported she has been reelected to continue for another year as City Council Representative for the City of Fillmore and stated she is very happy to be part of this agency as she has learned so much this past year. She also said the City will be installing a generator behind the senior center and are planning on also adding a generator to the Veterans Memorial Center, and mentioned the City will be adding a memorial tree for Ari Larson in front of Fillmore City Hall, which was adopted at the Council's last meeting. Director Villaseñor said the City Council will now be meeting twice a month at City Hall on the second and fourth Tuesday of every month.

### **United Water Conservation District Member Director Update**

Vice Chair McFadden had nothing to report, and mentioned he is very happy with the much-needed rain and stated the area received just under eighteen inches and wells water levels are recovering well due to the groundwater recharge.

### **County of Ventura Member Director Update**

Chair Long stated that the County of Ventura had nothing to report.

## **3B Executive Director Update**

### **Information Item**

Executive Director Anthony Emmert reported staff is preparing the Groundwater Sustainability Planning grant progress report 11 and invoice 11, which are due on February 15, 2022. He also mentioned groundwater statements from July through December are now being prepared and will be mailed out in February and mentioned

the Sustainable Groundwater Management grant program Round Two grants for medium and high priority basins will be available in fall of 2022.

Mr. Emmert also said Integrated Regional Water Management grant program Round Two grants are calling for projects in mid-2022, with Watersheds Coalition of Ventura County's suite of projects to be submitted late in 2022 or early 2023. He also mentioned United provided notices to pumpers regarding the upcoming request for quarterly pumping data to satisfy DWR's request for water year reporting. He also reminded the Board to please fill out their CFPPC Form 700s for 2021. He completed his update by recommending the Agency wait for the passing of the Omicron variant peak to celebrate the completion of the agency's GSPs.

**3C Legal Counsel Update**  
**Information Item**

Legal Counsel Scott Nave reported that he has contacted Suncrest's legal counsel and that the company has filed for bankruptcy with debt to the Agency exceeding \$20,000 in debt. He said the GSA has now been added to the list of creditors and hopes to get compensation for the money owed.

**3D GSP Consultant Update**  
**Information Item**

Mr. Tony Morgan stated the GSP uploading is underway with the goal of getting the documents uploaded by mid next week and annual report preparation is also underway. He finished his update by introducing Dr. Gus Tolley, who replaces Patrick O'Connell on the DBS&A team. Dr. Tolley introduced himself and invited the Board and staff to reach out to him if they have any questions.

**4. CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)

**4A Approval of Minutes**

The Board approved the Minutes from the regular Board Meeting of December 16, 2021.

#### **4B Approval of Warrants**

The Board approved payment of outstanding vendor invoices:

•Olivarez Madrugal Lemieux O'Neill, LLP	\$1,609.50
•Olivarez Madrugal Lemieux O'Neill, LLP	\$ 499.50
•DBS&A Consultants	\$9,164.53
•InsureCal	\$2,287.12

#### **4C Monthly Financial Report**

The Board will receive the Agency's monthly profit and loss statement and balance sheet.

#### **4D Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements**

The Board adopted Resolution 2022-02 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

Motion to approve the Consent Calendar items; Director McFadden; Second, Director Villaseñor. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

### **5. MOTION ITEMS**

#### **5A Meetings Calendar for 2022**

##### **Motion**

The Board set its regular meetings for calendar year 2022.

Chair Long asked Directors for feedback on future meetings for the upcoming year, asking if meeting once a month on third Thursday of every month, at 5pm, worked well for all.

Director Pace stated his days on the Board are numbered due to the water company being sold and that he should transition before June. He anticipates less meetings this year as most of the work is done and prefers the 5pm video call meetings. He also mentioned that the Agency has to meet every month in order to renew Resolutions reaffirming AB 361 until meetings go back to being held in person, then the meetings could change to every other month.

Executive Director Emmert stated the current recommendation is the Agency start the year with a meeting every month to also allow for time to develop and evaluate some of the optional projects and programs included in the GSPs and gain feedback, and then may be able to taper off on the number of meetings. He also mentioned the Agency will need to make a policy change that will allow for

paying bills in between meetings if the Agency meets less frequently.

Chair Long said if everyone feels meeting online works well for everyone, maybe this is something that the Agency can continue with going forward and agreed with the idea to make a policy change to help pay the Agency's bills without interruption.

Chair Long proposed the Board continue to meet once a month, every third Thursday, at 5pm.

Motion to approve the meeting of every third Thursday of each month, at 5pm, Director Kimball; Second Director McFadden. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

## **5B Amendments to Fiscal Year 2021-2022 Budget**

### **Motion**

The Board considered approving the proposed budget modifications for Fiscal Year 2021-2022. Executive Director Emmert explained the reason for the modification to the budget adjustment of \$50,000.

Motion to approve the budget modifications, Director Meneghin; Second Director Villaseñor. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

## **5C Amendment to Agreement with Daniel B. Stephens & Associates Technical and Stakeholder Outreach Support Services**

### **Motion**

The Board will consider approving Amendment No. 4 to Professional Services Agreement No. 2019-01-18-DBSA with Daniel B. Stephens & Associates (DBS&A) for as-needed technical and stakeholder outreach support services.

Motion to approve the amendment to agreement, Director McFadden; Second, Director Pace. Roll call vote: six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villasenor); none opposed; motion carries unanimously 6/0.

## **FUTURE TOPICS FOR BOARD DISCUSSION**

AB 361

Governmental Advocacy Platform

Future Planning Forecast from DBS&A

Condition of the Basins

**ADJOURNMENT 5:38 p.m.**

Chair Long adjourned the Board meeting at 5:38pm to the next Regular Board Meeting on Thursday, February 17, 2022, 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 January 20, 2022.

ATTEST: \_\_\_\_\_  
Eva Ibarra, Clerk of the Board

**Fillmore and Piru Basins GSA**  
**Check Detail**  
February 1 - 8, 2022

Type	Num	Date	Name	Account	Original Amount
Bill Pmt -Check	11148	02/08/2022	Daniel B Stephens & Associates, Inc.	10000 · Bank of the Sierra	-28,530.28
Bill Pmt -Check	11149	02/08/2022	Rogers, Anderson, Malody & Scott, LLP	10000 · Bank of the Sierra	-950.00
Bill Pmt -Check	11150	02/08/2022	United Water Conservation District	10000 · Bank of the Sierra	-28,277.90
					<hr/> -57,758.18



**Fillmore and Piru Basins**  
Groundwater Sustainability Agency

**Item No.**        **3C Consent Calendar**

**DATE:**        **February 10, 2022(for February 17, 2022 meeting)**

**TO:**            **Board of Directors**

**SUBJECT:**     **Monthly Financial Report**

**SUMMARY**

The Board will receive the monthly financial report for the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency).

**BACKGROUND**

UWCD accounting staff has prepared financial reports based on the Agency revenue and expenses for the month of January 2022.

**FISCAL IMPACT**

None

Attachments:    January 31, 2022 P/L Budget Performance  
                          January 31, 2022 Balance Sheet

**Fillmore and Piru Basins GSA**  
**Profit & Loss Budget Performance**  
July 2021 through January 2022

	<u>Jul '21 -Jan '22</u>	<u>Annual Budget</u>	<u>Budget</u>
<b>Income</b>			
40001 · Groundwater Extraction Charge	0.00	540,000.00	0.00%
41000 · Grant Revenue			
41001 · State Grants	0.00	537,970.00	0.00%
<b>Total 41000 · Grant Revenue</b>	<b>0.00</b>	<b>537,970.00</b>	
47000 · Other Revenue			
47001 · Late Fees	21,985.31	0.00	
47012 · Returned Check Charges	0.00	0.00	
<b>Total 47000 · Other Revenue</b>	<b>21,985.31</b>	<b>0.00</b>	
<b>Total Income</b>	<b>21,985.31</b>	<b>1,077,970.00</b>	<b>2.04%</b>
<b>Gross Profit</b>	<b>21,985.31</b>	<b>1,077,970.00</b>	<b>2.04%</b>
<b>Expense</b>			
52200 · Professional Services			
52240 · Prof Svcs - IT Consulting	509.44	1,700.00	29.97%
52250 · Prof Svcs - Groundwtr/GSP Prep			
52251 · Prof Svcs - UWCD GW Services	12,149.19	0.00	
52252 · Prof Svcs - GSP Consultant	210,316.43	430,000.00	48.91%
<b>Total 52250 · Prof Svcs - Groundwtr/GSP Prep</b>	<b>222,465.62</b>	<b>430,000.00</b>	<b>51.74%</b>
52270 · Prof Svcs - Accounting	16,538.18	24,200.00	68.34%
52275 · Prof Svcs - Admin/Clerk of Bd	8,261.37	25,000.00	33.05%
52280 · Prof Svcs - Executive Director	37,491.48	40,000.00	93.73%
52290 · Prof Svcs - Other	0.00	0.00	
<b>Total 52200 · Professional Services</b>	<b>285,266.09</b>	<b>520,900.00</b>	<b>54.76%</b>
52500 · Legal Fees			
52501 · Legal Counsel	9,460.50	30,000.00	31.54%
<b>Total 52500 · Legal Fees</b>	<b>9,460.50</b>	<b>30,000.00</b>	<b>31.54%</b>
53000 · Office Expenses			
53010 · Public Information	574.04	1,000.00	57.40%
53020 · Office Supplies	510.52	500.00	102.10%
53026 · Postage & Mailing	315.87	2,000.00	15.79%
53040 · Membership Dues	0.00	0.00	
53060 · Computer Software	0.00	0.00	
53110 · Travel & Training	58.70	4,000.00	1.47%
<b>Total 53000 · Office Expenses</b>	<b>1,459.13</b>	<b>7,500.00</b>	<b>19.46%</b>
53500 · Insurance			
53510 · Liability Insurance	2,287.12	2,500.00	91.48%
<b>Total 53500 · Insurance</b>	<b>2,287.12</b>	<b>2,500.00</b>	<b>91.48%</b>
70130 · Bank Service Charges	0.00	0.00	
81000 · Capital Expenditures	0.00	505,000.00	0.00%
<b>Total Expense</b>	<b>298,472.84</b>	<b>1,065,900.00</b>	<b>28.00%</b>
<b>Net Income</b>	<b>-276,487.53</b>	<b>12,070.00</b>	<b>-2290.70%</b>

**Fillmore and Piru Basins GSA**  
**Balance Sheet**  
As of January 31, 2022

	<u>January 31, 22</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
10000 · Bank of the Sierra	852,047.63
<b>Total Checking/Savings</b>	<u>852,047.63</u>
<b>Accounts Receivable</b>	
11000 · Accounts Receivable	245,467.43
<b>Total Accounts Receivable</b>	<u>245,467.43</u>
<b>Total Current Assets</b>	<u>1,097,515.06</u>
<b>TOTAL ASSETS</b>	<u><u>1,097,515.06</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
20000 · Accounts Payable	57,758.18
<b>Total Accounts Payable</b>	<u>57,758.18</u>
<b>Total Current Liabilities</b>	<u>57,758.18</u>
<b>Total Liabilities</b>	57,758.18
<b>Equity</b>	
32000 · Retained Earnings	1,316,244.41
Net Income	-276,487.53
<b>Total Equity</b>	<u>1,039,756.88</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>1,097,515.06</u></u>



**Item No.**            **3D Motion**

**DATE:**            February 9, 2022 (for February 17, 2022 meeting)

**TO:**                Board of Directors

**FROM:**            Anthony A. Emmert, Executive Director

**SUBJECT:**        **Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements**

#### **SUMMARY**

In response to the COVID-19 pandemic, the California Governor signed Assembly Bill 361 (AB 361) on September 16, 2021, that temporarily exempts agencies from certain requirements of the Brown Act and adds additional requirements for public meetings held by teleconference. This staff report provides an analysis of the changes to the Brown Act per AB 361. During its October 21, 2021 meeting, the Agency's Board adopted Resolution 2021-06 authorizing the use of the AB 361 provisions for its meetings. Adoption of Resolution 2022-03 continues the authorization of the use of AB 361 provisions for the coming 30 days.

#### **RECOMMENDED ACTION**

The Board will consider adopting Resolution 2022-03 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

#### **BACKGROUND**

In March of 2020, the Governor of California issued Executive Order N-29-20, which waived Brown Act requirements found in Gov. Code § 54953(b)(3) for teleconference participation in public meetings. In particular, this Order waived:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- b) The requirement that each teleconference location be accessible to the public;
- c) The requirement that members of the public may address the body at each teleconference location;
- d) The requirement that state and local bodies post agendas at all teleconference locations; and
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Executive Order N-29-20 expired on September 30, 2021. However, AB 361 was signed by the Governor to extend the provisions of N-29-20, subject to certain conditions to be met by the local legislative body utilizing its exemptions. AB 361 also imposes certain new requirements, detailed below.

Item No: 3D: Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

**ANALYSIS**

AB 361 exempts local legislative bodies from certain Brown Act requirements currently governing teleconferencing. These exemptions may be used only in one of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Currently, the Governor's state of emergency regarding COVID-19 is still in effect, and the Ventura County Health Officer has recommended that legislative bodies in the County continue to follow social distancing measures to prevent the spread of COVID.

Further, AB 361 requires the Agency to reconsider the state of emergency and make such determination every 30 days after commencing use of its exemptions. However, if during the 30-day period the Agency wishes to meet in person, they may choose to do so despite adopting the proposed Resolution. The intent of the Resolution is merely to allow the Board members to avail themselves of the AB 361 teleconferencing conveniences if they so choose.

Finally, in addition to allowing for the above exemptions, AB 361 adds the following requirements:

- a) The legislative body must give notice of the meeting and post agendas as otherwise required by the Brown Act.
- b) The legislative body must allow members of the public to access the meeting, and the agenda must provide an opportunity for members of the public to address the legislative body directly pursuant to Brown Act requirements. In each instance where notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via call-in option or an internet-based service option. The legislative body need not provide a physical location from which the public may attend or comment.
- c) The legislative body must conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.
- d) In the event of a disruption that prevents the public agency from broadcasting the meeting to members of the public using the call-in or internet-based service options, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in or internet-based service options, the legislative body must take no further action on items appearing on the meeting agenda until public access to the meeting is restored. Actions taken on agenda items during a disruption preventing the broadcast of the meeting may be challenged as provided in the Brown Act.
- e) The legislative body may not require public comments to be submitted in advance of the meeting, and it must provide an opportunity for the public to address the legislative body and offer comment in real time.

Item No: 3D: Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

- f) The legislative body may use an online third-party system for individuals to provide public comment that requires an individual to register with the system prior to providing comment.
- g) If a legislative body provides a timed public comment period, it may not close the comment period or the time to register to provide comment under f) until the timed period has elapsed. If the legislative body does not provide a time-limited comment period, it must allow a reasonable time for the public to comment on each agenda item and to register as necessary under f).

Accordingly, staff recommends that the Board adopt Resolution 2022-03. Doing so will enable the Agency's continued use of the AB 361 exemptions to Brown Act teleconferencing requirements, while allowing the Board to hold in person meetings at its discretion.

**FISCAL IMPACT**

No fiscal impacts.

**ATTACHMENTS**

Resolution 2022-03

Proposed Motion: Adoption of Resolution 2022-03.

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

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

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:

**RESOLUTION NO. 2022-03**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF FILLMORE & PIRU  
BASINS GROUNDWATER SUSTAINABILITY AGENCY AUTHORIZING THE  
USE OF TELECONFERENCING FOR PUBLIC MEETINGS**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FILLMORE & PIRU BASINS  
GROUNDWATER SUSTAINABILITY AGENCY** as follows:

**WHEREAS**, the Governor of the State of California (“Governor”) proclaimed a State of Emergency to exist as a result of the threat of COVID-19. (Governor’s Proclamation of a State of Emergency (Mar. 4, 2020).)

**WHEREAS**, the Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) provided that local legislative bodies may hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body and waived the Brown Act provisions found in Govt. Code section 54953(b)(3) which require the physical presence of the members, the clerk, or other personnel of the body, or the public, as a condition of participation in, or quorum for, a public meeting, including:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- b) The requirement that each teleconference location be accessible to the public.
- c) The requirement that members of the public may address the body at each teleconference location.
- d) The requirement that state and local bodies post agendas at all teleconference locations.
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

**WHEREAS**, the provisions of Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) expired on September 30, 2021 and are no longer in effect thereafter;

**WHEREAS**, the Center for Disease Control is currently contending with the Delta Variant of the COVID-19 virus and anticipates the development of potential other strains which may further impede public agency operations and prolong the need for social distancing requirements; and

**WHEREAS**, recent legislation (A.B. 361) authorizes a local legislative body to use teleconferencing for a public meeting without complying with the Brown Act’s teleconferencing quorum, meeting notice, and agenda requirements set forth in Government Code section 54953(b)(3), in any of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency as follows:

Section 1.     Incorporation of Recitals. All of the foregoing Recitals are true and correct, and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

Section 2.     Adoption of AB 361. The Board has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Section 3.     Continued Implementation of AB-361. If the state of emergency remains active, or state or local officials have imposed measures to promote social distancing, the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency shall, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make the following findings by majority vote:

- a) The legislative body has reconsidered the circumstances of the state of emergency; *and*
- b) Either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing.

Section 4.     Applicability. The health and safety findings and determination that teleconference meetings are appropriate applies to all District committees and legislative bodies subject to the Brown Act.

**PASSED, APPROVED AND ADOPTED** on February 17, 2022.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott Nave, General Counsel



**Item No.** 4A Motion Item  
**DATE:** February 10, 2022 (for February 17, 2022 meeting)  
**TO:** Board of Directors  
**FROM:** Anthony Emmert, Executive Director  
**SUBJECT:** Governmental Advocacy Platform Development

**RECOMMENDATION:**

The Board will provide comments and direction to staff on the development of an Agency Governmental Advocacy Platform.

**BACKGROUND**

As per the California Sustainable Groundwater Management Act (SGMA), the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) has primary responsibility for the sustainable management of the two groundwater basins under its authority, the Piru basin and the Fillmore basin. The Agency has recently completed initial groundwater sustainability plans for the two basins and has submitted them to the California Department of Water Resources for review. The SGMA provides the Agency with certain regulatory authority to establish and enforce policies within its boundaries that support its groundwater sustainability plans. It is likely that future actions and activities of other governmental entities may either contribute toward sustainability or detract from sustainability of the basins under the Agency's authority. Although the Agency does not have authority to enforce its policies outside of its boundaries, it may desire to influence the policies and actions of others governmental entities when the actions of those entities may affect the sustainability of the basins. Additionally, the Agency may desire to advocate for funding opportunities for projects and programs that would enhance the sustainability of the basins. As opportunities to advocate regarding governmental policies or funding opportunities often arise with little advance notice, it makes sense for the Agency to consider the potential opportunities in advance and establish a Governmental Advocacy Platform.

In November 2019, the Agency adopted the Fillmore and Piru Groundwater Subbasins Guiding Principles document. A copy of the document is attached as Attachment 1. Staff recommends that this document serve as the basis for developing a Governmental Advocacy Platform. Potential subject matter areas to consider include: 1) water supply development, diversification, and resiliency; 2) water use efficiency; 3) water quality; 4) land use as it affects water supply, water demand or water quality; and 5) funding opportunities. A draft list of statements is attached as Attachment 2, for Board consideration as a starting point in development of its Platform.

**FISCAL IMPACT**

None.

**ATTACHMENTS**

- Attachment 1 – Fillmore and Piru Basins Groundwater Sustainability Agency Fillmore and Piru Groundwater Subbasins Guiding Principles
- Attachment 2 – Draft Governmental Advocacy Platform

Proposed Motion:			
Provide comments and direction to staff on the development of an Agency Governmental Advocacy Platform.			
1 <sup>st</sup> : Director _____		2 <sup>nd</sup> : Director _____	
Voice/Roll call vote:	Director Kimball:	Director Long:	Director McFadden
	Director Meneghin:	Director Pace:	Director Villasenor:



## Fillmore and Piru Basins Groundwater Sustainability Agency

### Fillmore and Piru Groundwater Subbasins Guiding Principles

The following describes commitments and common interests that combined leadership from the Fillmore and Piru Groundwater Subbasins (Basins) have agreed on as a way to influence current and future compliance with the Sustainable Groundwater Management Act (SGMA). Under the requirements of SGMA, certain groundwater basins must create one or more Groundwater Sustainability Agencies (GSA) to regulate groundwater and implement SGMA. The Basins have created a joint GSA titled the Fillmore and Piru Basins Groundwater Sustainability Agency (FPBGSA) to achieve this requirement. Similarly, SGMA requires the development of one or more Groundwater Sustainability Plans (GSP) for each groundwater basin. Once approved by the State, a GSP guides implementation of SGMA for a 20-year period (with accommodation for periodic revisions of the GSP if warranted). The FPBGSA will prepare two GSPs, one for each Basin, to achieve coordinated SGMA compliance for sustainable groundwater management.

As reflected in this introduction, SGMA is a complex law that mandates the local and State-scale regulation of groundwater. Attachment A (below) presents significant background and context about SGMA and groundwater conditions in the Basins and readers of the following Guiding Principles are encouraged to review the Attachment.

The following Guiding Principles reflect unanimous agreements by the FPBGSA Board of Directors.

#### General Principles of Understanding

- Gen1. SGMA requires that GSAs (including the FPBGSA) consider the interests of all Beneficial Uses and Users of groundwater in compliant groundwater basins. (See Attachment B for a list of these interests as defined in SGMA). More specifically, SGMA requires that GSAs encourage the active involvement of diverse social, cultural, and economic elements of the population within a groundwater basin. The FPBGSA is committed to uphold this inclusive approach through all aspects of GSP development and SGMA implementation.
- Gen2. Pursuant to SGMA, all Beneficial Users and Uses are required to comply with SGMA and by extension, the GSPs prepared by the FPBGSA which will guide SGMA implementation.
- Gen3. The FPBGSA supports a partnered approach among various local agencies and organizations to support SGMA implementation. A partnered approach to groundwater management is in the best interest of the Basins' Beneficial Users because it will maximize efficiencies, keep costs at a minimum, and capitalize on skills and strengths of various partners. This approach will reflect mutual respect for each partner's role and mission, governmental authorities

(when applicable), expertise, knowledge of groundwater conditions, rights, needs and concerns.

- Gen4. Implementation of SGMA may be expensive and all Beneficial Users will need to contribute in some way. Failure to implement SGMA locally will result in State intervention and even greater costs and regulation.
- Gen5. Local control of groundwater should be preserved to the maximum extent practicable, and State intervention to implement SGMA should be avoided.
- Gen6. Sustainable groundwater conditions in the Basins are critical to support, preserve, and enhance the economic viability, social well-being, environmental health, and cultural norms of all Beneficial Users and Uses including Tribal, domestic, municipal, agricultural, environmental and industrial users.
- Gen7. FPBGSA is committed to conduct sustainable groundwater practices that balance the needs of and protect the groundwater resources for all Beneficial Users in the Basins.
- Gen8. The FPBGSA will have an open, transparent process for GSP development and SGMA implementation. Extensive outreach is a priority of FPBGSA members to inform Beneficial Users about implementation and potential effects of SGMA, and to ensure the FPBGSA is informed of all Beneficial User input as a means to support GSA decision-making.
- Gen9. SGMA implementation is new to water users throughout the State, thus there are many unknowns. Willingness by all GSA members and Beneficial Users to adapt and adjust during GSP development (based on science and facts) and SGMA implementation is crucial to the Basins' success.

### **Specific Principles of Understanding**

#### Governance

- Gov1. The FPBGSA operates as a governing public agency, granted with regulatory authorities provided in SGMA.
- Gov2. The FPBGSA's purpose is to implement SGMA in the Basins. The FPBGSA is committed to develop local SGMA compliance and sustainability solutions, and thereby maintain local control and avoid State intervention and management of local groundwater resources. It is also committed to solutions that will avoid costly litigation between stakeholders.
- Gov3. The FPBGSA Joint Exercise of Powers Agreement (JPA) is the legal foundational document for the GSA. These Guiding Principles are intended to be consistent with and in furtherance of the JPA. In the event of a conflict between the JPA and these principles, the JPA take precedence.
- Gov4. The JPA requires its Board of Directors to include representative directors from Member Agencies (the City of Fillmore, County of Ventura, and United Water Conservation District)

and stakeholder directors (Fillmore Basin and Piru Basin Pumper Stakeholder Directors and an environmental stakeholder director). The FPBGSA is committed to maintaining this diverse and balanced representation in its governance and decision-making.

- Gov5. While the FPBGSA Board of Directors have unique responsibilities to serve their respective organizations and interests, these individuals also have a responsibility (as signatory parties to the JPA) to serve the interests and regulatory authorities of the FPBGSA in its required role to identify, achieve, and maintain sustainable groundwater conditions in the Basins. FPBGSA Directors and staff are committed to fulfill this SGMA-specific responsibility.
- Gov6. The FPBGSA represents and seeks to preserve the groundwater interests of all Beneficial Users and Uses in the Basins equitably and transparently.
- Gov7. The FPBGSA will comply with all applicable State and federal regulations and statutes.
- Gov8. Discussions among the FPBGSA Board of Directors, staff, and Beneficial Users may be challenging at times. The FPBGSA will conduct these discussions in a collaborative manner with a commitment to respectful civil discourse among all participants.

#### Communication and Education

- Com1. In addition to its statutory responsibilities and authorities, the FPBGSA is committed to provide consistent, transparent educational opportunities for all Beneficial Users about water resources, land uses and water management in the Basins
- Com2. The FPBGSA is committed to partner, now and in the future, with other agencies and organizations not currently engaged in GSP development and SGMA implementation.
- Com3. The FPBGSA will engage with neighboring basins to achieve coordinated groundwater management and to ensure that consistent and productive communication takes place for the mutual best interests of Beneficial Users in the Basins and all adjacent basins.

#### Funding and Finances

- Fund1. The FPBGSA recognizes its duty to taxpayers, ratepayers, and future generations to ensure that financial resources are used effectively and responsibly to promote sustainable groundwater conditions. The FPBGSA is committed to carefully use collected fees in the most prudent ways possible to fully comply with SGMA and to avoid expanding beyond the scope of SGMA in a manner that might create undo costs to Beneficial Users.
- Fund2. The budgeting process and ongoing management of the FPGGSA will be fully transparent to all stakeholders. Budgets may be changed by unexpected circumstances but the FPBGSA Board and staff are committed to follow budget projections as closely as possible. The FPBGSA recognizes its duty to assessment payers and future generations to ensure that its financial resources are used effectively and responsibly to promote sustainable groundwater conditions.

- Fund3. The FPBGSA is committed to pursue financial and infrastructure solutions and beneficial partnerships with other agencies within and adjacent to the Basins to provide sustainable water supplies for all constituents within the framework of SGMA.
- Fund4. The GSPs should encourage maximum flexibility to adapt to changes in FPBGSA membership, funding and planning oversight as the parties build their relationships and mutual trust.
- Fund5. Data collection and groundwater studies are essential to increase knowledge and to support groundwater management decisions. Funding (including rate increases and grants) and implementing such studies is and will be a priority and a shared responsibility among all FPBGSA members and Beneficial Users.
- Fund6. The FPBGSA will seek alternative sources of funding beyond rate payers and is committed to defer funding choices from local FPBGSA member agencies whenever feasible.

#### SGMA Implementation and Sustainability

- Sus1. Future sustainable groundwater conditions will depend on land uses and water demand targets being in balance with available water resources. The FPBGSA is committed to work with land use agencies in the Basins to promote land use practices and water demand targets that achieve sustainable water resources.
- Sus2. The FPBGSA is committed to enhance groundwater resiliency to protect the Basins from undesirable results as defined by the six SGMA indicators of basin health and sustainability and outcomes of future climate change variables.
- Sus3. As described in Appendix A, imported water plays a role in the overall surface water portfolio of the Basins. This imported water may become a more significant source of future recharge water for the Basins and will be considered in the process of formulating the GSPs and subsequent SGMA implementation.
- Sus4. The GSPs will encourage utilizing surface water to its full extent as available, feasible, and legal, and conserving groundwater for use during dry periods when surface water is not readily available or affordable.
- Sus5. FPBGSA members and Beneficial Users may have different requirements under different water resource conditions to ensure that minimum thresholds are achieved or exceeded. These potential different requirements will be defined in the GSPs and implemented by the FPBGSA.
- Sus6. Groundwater conditions throughout the Basins are not uniform. Conditions vary by location, surface water conditions, precipitation, and water year type. While all Beneficial Uses and Users will share the obligation to achieve sustainability, solutions will need to reflect these geographic and hydrogeographic differences.

- Sus7. The FPBGSA recognizes that groundwater recharge occurs through many different means. Applied surface water, precipitation, porous supply and drain ditches, and Best Management Practices utilized by Beneficial Users contribute to the Basins recharge. Studies will quantify the availability of such recharge and provisions will be included in the GSPs to ensure that future groundwater extractions are consistent with quantified recharge and the sustainable yields of the Basins.
- Sus8. Integrated water management is a set of methods to extract, transport, store, use, and share groundwater and surface water throughout a groundwater basin to ensure a resilient water supply for all water users. To support SGMA objectives and Basin-wide water needs, the FPBGSA will pursue an integrated water management approach for the Basins. An integrated water management approach will honor the social, cultural, natural, and economic diversity of the Basins. It will seek to ensure that all Beneficial Users have necessary water resources. An integrated water management approach may rely on but may not be limited to:
- a. Science-based decision-making.
  - b. Projects and methods to recover and restore the Basin aquifers.
  - c. Collective and individual groundwater use requirements to ensure that groundwater elevations are not depleted below minimum thresholds.

SGMA requires that groundwater dependent ecosystems be considered in GSPs as part of potential interconnectedness between groundwater and surface water. In this context:

- Sus9. The FPBGSA acknowledges the interconnectedness of groundwater and surface water resources in the Basins, the contributions to the groundwater system from surface water applications and that this interaction plays an important role in the Santa Clara River (River) ecosystem (e.g., at the boundary between the Basins; and the boundaries between the up-gradient and down-gradient adjacent River subbasins). Within the Basins, the River is a largely naturalized water feature with significantly fewer built impediments than found in other southern California river systems. The River ecosystem (including tributaries) includes aquatic and adjacent terrestrial habitats for a multitude of species, including those with State and Federal threatened and endangered status. The FPBGSA is committed to assess these water and ecological relationships and to minimize undesirable results on groundwater dependent ecosystems in the Basins.
- Sus10. SGMA requires, and the FPBGSA is committed to, robust analysis of current and future climate-based conditions to ensure that the Basins are resilient to climate change-related impacts.
- Sus11. Groundwater recharge, surface water deliveries, and the base flows of the Basins' tributaries will be impacted by climate change and associated water conditions. The FPBGSA will ensure the use of best available science to inform management decisions before, during, and after extreme climate-based conditions, within the scope of SGMA.

Under SGMA, groundwater users that extract two acre-feet of groundwater or less per year for domestic purposes are defined as “de minimis.” This classification limits the statutory financial and

measurement responsibilities of these groundwater extractors and is a means through which some SGMA-related burdens are minimized for this select set of groundwater extractors. In this context:

- Sus12. The FPBGSA is committed to the definition of de minimis and will explore opportunities to minimize SGMA-related impacts to all groundwater extractors and users, in particular disadvantaged communities who rely solely on groundwater.
- Sus13. The de minimis classification does not excuse a Beneficial User from their legal responsibility to comply with SGMA.
- Sus14. The FPBGSA will evaluate and account for the incremental impacts that de minimis water users have on the Basins' water budgets.
- Sus15. The FPBGSA is committed to provide appropriate compliance benefits that are afforded to de minimis users but to also ensure that potential groundwater use impacts are not imposed on other Beneficial Users that do not meet the de minimis definition.

# ATTACHMENT A

## The Fillmore and Piru Subbasins – Background and Conditions

### Introduction and Background

The Fillmore (4-004.05) and Piru (4-004.06) Groundwater Subbasins (Basins) are located in Ventura County in the Santa Clara River Valley. The Basins are defined by the California Department of Water Resources (DWR) in “*Bulletin 118*”, the official State publication on the occurrence and nature of statewide groundwater conditions. The Basins are technically defined as two of a series of alluvial groundwater subbasins of the larger Santa Clara River Valley Basin and are situated downstream and west of the Santa Clara River Valley East Subbasin, and upstream and east of the Santa Paula Subbasin, all of which are similarly defined by DWR in Bulletin 118. As illustrated by the proximities described above, the Basins are hydrogeologically connected to each other and to the upstream and downstream basins.

The Basins are characterized by diverse communities and varying land use including urban and agricultural areas. By acreage, agricultural use makes up the largest developed portion of the Basins.

### Groundwater and Associated Watershed Conditions

Groundwater is currently the primary source of water in the Basins for agriculture, and municipal and industrial use. The largest source of groundwater recharge is from rainfall. Other sources of groundwater recharge include two Los Angeles County Wastewater Reclamation Plants (i.e., Saugus and Valencia Plants) that discharge tertiary treated water directly into the Santa Clara River, contributing recharge to the east end of Piru Basin; and by a relatively small amount of State Water Project (SWP) surface water imported by the United Water Conservation District (UWCD) and released into the Santa Clara River. Beyond this small SWP contribution, snowpack in the Sierra Nevada does not contribute significantly to recharge in the Basins. UWCD releases water from Lake Piru and Castaic Lake through the Santa Clara River over the Piru, Fillmore, and Santa Paula Basins. Lake Piru (current capacity of 82,000 acre-feet) is filled primarily by rainwater but may also receive SWP imported water through Pyramid Reservoir. Castaic Lake is already partially replenished with SWP water.

Historically, groundwater in the Basins has been quick to recharge during average or above-average rainfall years through winter flows of the Santa Clara River and many local tributaries and creeks including Sespe Creek, Pole Creek, Hopper Canyon Creek, Piru Creek, and others. Sespe Creek may support surface flows to the Santa Clara River into late summer during average or above-average rainfall years. By example, substantial groundwater level recovery of both Basins occurred during recent (2019) above-average rainfall periods, which followed the most intense drought in recent local history. Groundwater levels in all but the east end of the Piru Basin dropped to the lowest recorded levels during the recent drought but recovered quickly to near pre-drought conditions following above average rainfall in 2019. This pattern of groundwater level declines during major droughts, followed by recovery, is observable in the historical data and is likely to persist into the future. Groundwater quality of the Basins was not degraded by the recent drought or by lower than average groundwater levels, but the quality of water moving into the Basins from upstream basins is a concern and will be considered in the Groundwater Sustainability Plans (GSP) (described further below).

Lower than average groundwater levels caused by the recent drought have not resulted in reported permanent (inelastic) land subsidence impacts in the Basins or a reduction in groundwater aquifer storage capacity. Due to the generally coarse-grained sediments comprising the aquifers, subsidence is not anticipated to be a significant concern in the Basins.

### **Historical Groundwater Management in the Basins**

California Assembly Bill 3030 was enacted in 1992, which established in the California Water Code sections 10750-10756, a systematic procedure for a local agency to develop a groundwater management plan. Subsequently, in 1995, a Memorandum of Understanding (M.O.U.) was signed among United Water Conservation District (United Water or United), the City of Fillmore, water companies and other pumpers to establish how an AB 3030 groundwater management plan would be formulated for the Piru and Fillmore groundwater basins (M.O.U., 1995). The M.O.U. established that the Management Plan would be a cooperative plan for the Basins. After the adoption of the M.O.U., a Groundwater Management Plan (Plan) was formulated and adopted in 1996. The Plan outlined the roles of the various parties in implementing a groundwater management program, including the establishment of a Groundwater Management Council to manage the Plan. The Council consisted of seven members: two City Council representatives from Fillmore, four pumpers (of which two were from private entities and two from investor-owned companies or mutual water companies), and one elected board member from United Water.

SB 1938 (2002) and AB 359 (2013) required additional elements be included in all AB 3030 management plans, and an updated Draft Piru/Fillmore Basins AB 3030 Groundwater Management Plan was submitted to the AB 3030 Groundwater Management Council in 2011. The Draft Plan update included Basin Management Objectives (BMOs) for groundwater elevations, groundwater quality and surface water quality at various locations. It also included a groundwater export policy which provoked considerable discussion. In 2013 an updated version of the Draft Plan was submitted to the Council. The revised draft of the Plan was never adopted by the Council and therefore never finalized. The AB 3030 process has since been superseded by the Sustainable Groundwater Management Act.

### **Sustainable Groundwater Management Act**

The Sustainable Groundwater Management Act (SGMA) was passed by the State legislature and signed by Governor Brown in 2014 and was enacted on January 1, 2015. It requires the formation of Groundwater Sustainability Agencies (GSA) in priority groundwater basins. It further requires that these GSAs prepare GSPs, submit them for approval to DWR and then implement the GSP over a 20-year period during which each basin must achieve and maintain sustainable groundwater conditions.

SGMA defines sustainable groundwater management as *“the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.”* Sustainable conditions are generally defined as those conditions that existed as of January 2015 when SGMA became a law.

Per SGMA, there are six indicators that are used to determine if a basin has sustainable conditions. A basin will be considered unsustainable if there are significant and unreasonable conditions and Undesirable Results (see Attachment B) in the basin from one or more of the following:

- Chronic lowering of groundwater levels;
- Reduction of groundwater storage;
- Land subsidence that substantially interferes with surface land uses;
- Degraded water quality, including the migration of contaminant plumes that impair water supplies;
- Depletions of interconnected surface water and groundwater; or
- Seawater intrusion.

As stated above, certain groundwater basins are required to comply with SGMA based on their priority. Groundwater basins that have gone through an adjudication process (e.g., the down-gradient Santa Paula Basin) are exempt from a number of the SGMA requirements but do have new requirements to report basin conditions to the DWR. In addition to characterizing the location of all groundwater basins in the state, DWR also has the responsibility to set (and at times, modify) the priority of each basin into one of four categories: High, Medium, Low, or Very Low. Prioritization is conducted for each basin using a set of variables that includes but is not limited to: current and projected basin population, groundwater elevation, groundwater connectedness to surface water, total number of wells, irrigated acreage, groundwater reliance by beneficial users, and similar. All High and Medium priority basins are required to comply with SGMA. In addition to the prioritization process, some High priority basins were also designated as being “Critically Overdrafted”. Critically Overdrafted Basins are required to prepare and submit their GSPs two years earlier than all other priority basins. These basins must submit their GSPs to DWR by January 31, 2020. All other SGMA compliant basins (including the Fillmore and Piru Subbasins) must complete and submit their GSPs by January 31, 2022. The FPBGSA’s target for GSP adoption and submittal to DWR is therefore on or before January 31, 2022. The GSPs must be updated every five years. Actions to achieve sustainable conditions by 2042 will be described in the GSPs for the Basins.

The Basins are individually ranked “High” priority by DWR, principally because groundwater is the primary source of water for all water users. Other reasons include a lack of recent subsidence data, and declining groundwater levels during the 2012-2017 drought that contributed to lower scoring for the habitat and streamflow components of the prioritization methods.

SGMA compliant evaluations of the sustainability indicators in the Basins will be extensive. All indicators will be assessed with the likely exception of Seawater Intrusion. All current data shows that the Basins are not affected by seawater intrusion due to their inland location and groundwater elevations consistently above mean sea level, even during droughts.

## **ATTACHMENT B SGMA EXCERPTS**

### **10723.2. CONSIDERATION OF ALL INTERESTS OF ALL BENEFICIAL USES AND USERS OF GROUNDWATER**

The groundwater sustainability agency shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to, all of the following:

- (a) Holders of overlying groundwater rights, including:
  - (1) Agricultural users.
  - (2) Domestic well owners.
- (b) Municipal well operators.
- (c) Public water systems
- (d) Local land use planning agencies.
- (e) Environmental users of groundwater.
- (f) Surface water users, if there is a hydrologic connection between surface and groundwater bodies.
- (g) The federal government, including, but not limited to, the military and managers of federal lands.
- (h) California Native American tribes.
- (i) Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems.
- (j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.

### **10721. DEFINITIONS**

- (x) “Undesirable result” means one or more of the following effects caused by groundwater conditions occurring throughout the basin:
  - (1) Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and groundwater recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.
  - (2) Significant and unreasonable reduction of groundwater storage.

- (3) Significant and unreasonable seawater intrusion.
- (4) Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.
- (5) Significant and unreasonable land subsidence that substantially interferes with surface land uses.
- (6) Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.



# Fillmore and Piru Basins

## Groundwater Sustainability Agency

### Governmental Advocacy Platform

February 17, 2022

#### 1. Water Supply

- a. Maximize the use of low energy local water supplies for the beneficial use of all users, including residents, businesses, agriculture, and the environment.
- b. Utilize surface water and groundwater conjunctively, to improve water resiliency.
- c. Diversify the sources of water supply, including surface water, groundwater, stormwater runoff, treated wastewater, and imported water, to improve water resiliency.
- d. Cooperate with water sustainability management agencies in upstream basins and downstream basins to maximize the usefulness of available water resources, developing projects and programs that increase water resiliency.

#### 2. Water Use Efficiency

- a. Improve water use efficiency of residential buildings, including single-family and multiple-family.
- b. Improve water use efficiency of commercial, industrial and institutional buildings.
- c. Improve water use efficiency of urban and suburban landscaped areas.
- d. Improve water use efficiency of agricultural businesses.

### **3. Water Quality**

- a. Maintain drinking water supplies that meet all federal and state primary drinking water standards.
- b. Improve surface water quality and groundwater quality to meet water quality standards of the Regional Water Quality Control Board Basin Plan.

### **4. Land Use**

- a. Support land uses that enhance the sustainable groundwater management objectives included in the groundwater sustainability plans.

### **5. Funding**

- a. Support funding opportunities that enhance the sustainable groundwater management objectives included in the groundwater sustainability plan.