



Fillmore and Piru Basins
Groundwater Sustainability Agency

Board of Directors Meeting
Thursday
April 21, 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.

Audio Settings ^



Chat



Raise Hand



Q&A

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 March 17, 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 March 17, 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 March 17, 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 Board Meeting of March 17, 2022, and the Special Board Meeting of March 24, 2022.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices

County of Ventura IT Services	\$847.93
Daniel B Stephens	\$23,945.97
UWCD	\$25,358.65

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 2022-06 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 Master Professional Services Agreement with Daniel B. Stephens & Associates and Task Order for Database Hosting Services

Motion

The Board will consider approving a Master Professional Services Agreement with Daniel B. Stephens & Associates for ongoing technical services to support the Agency's implementation of its Groundwater Sustainability Plans and Task Order Number 2022-01 for hosting the Agency's online groundwater database.

5. INFORMATION ITEMS

5A Groundwater Monitoring Wells Project Status Report

Information

The Board will receive a presentation from United Water Conservation District staff on the Groundwater Monitoring Wells Project.

FUTURE TOPICS FOR BOARD DISCUSSION

ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting** on Thursday, **May 19, 2022**, or call of the Chair.

Materials, which are non-exempt public records and are provided to the Board of Directors to be used in consideration of the above agenda items, including any documents provided subsequent to the publishing of this agenda, are available for inspection at UWCD's offices at 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) April 18, 2022 (time) 4:40pm (attest) Eva Ibarra
At: <https://www.FPBGSA.org>

Posted: (date) April 18, 2022 (time) 4:45pm (attest) Eva Ibarra
At: <https://www.facebook.com/FPBGSA/>

Posted: (date) April 18, 2022 (time) 5:00 pm (attest) Eva Ibarra
At: UWCD, 1701 N. Lombard Street, Oxnard CA 93030



Fillmore and Piru Basins
Groundwater Sustainability Agency

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

Directors in Attendance

Vice Chair McFadden
Director Kimball
Director Meneghin (joined at 5:15pm)
Director Pace
Director Villaseñor

Directors Absent

Chair Kelly Long

Staff in Attendance

Executive Director Anthony Emmert
Legal Counsel Steven O'Neill
Clerk of the Board Eva Ibarra

Public in Attendance

Dan Detmer, UWCD
Carole Fornoff
Zachary Hanson, UWCD
Jennifer Knipper
Rachel Laenen, FPBPA and PBPA
Tony Morgan, DBS&A
Jason Sun, UWCD
Gus Tolley, DBS&A
Steve Zimmer, Five Points

1. Call to Order - 5:00 pm

Vice Chair McFadden called the Special Board Meeting to order at 5:00p.m.

1A Pledge of Allegiance

Vice Chair McFadden lead everyone in reciting the Pledge of Allegiance

1B Directors Roll Call

The clerk called roll. Four Directors were present (Kimball, McFadden, Pace, Villaseñor). Chair Long was absent, and Director Meneghin was unavailable for vote.

1C Public Comments

Vice Chair McFadden asked if there were any public comments. None were offered.

1D Approval of Agenda

Motion

Vice Chair McFadden asked if there were any changes to the agenda. None were mentioned.

2. UPDATES

2A Director Announcements/Board Communications:

Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update

Director Kimball stated the Board was dark this month and had no updates to report.

Piru Pumpers Association Stakeholder Director Update

Director Pace stated they are awaiting a date with a target of June 2022 for the sale of the water company, with takeover in mid-July. He also shared the sad news of the passing of Frank Brommenschenkel, as he was a well-known resource in the water industry.

Environmental Stakeholder Director Update

Director Meneghin mentioned Friends of the Santa Clara River's Jim Danza is organizing a bike event for the watershed and mentioned the ongoing effort to reconfigure the Santa Clara Parkway project. She stated that Assembly Member Bennett recently introduced legislation that would require well permits for all new wells.

City of Fillmore Member Director Update

Director Villaseñor stated the City is updating zoning ordinances and looking at ADU's.

United Water Conservation District Member Director Update

Director McFadden had nothing to report.

County of Ventura Member Director Update

Chair Long was absent.

2B Executive Director Update
Information Item

The Executive Director stated the Board should soon have easement documents for the monitoring wells their approval. He said groundwater extraction statements for the July through December 2021 period have been mailed out to pumpers. He also mentioned they will begin work on progress report twelve and invoice twelve to DWR in April. He finished his update with reminding the Board to please complete filing of Form 700, due on April 1st.

Director Meneghin asked in regard to the Sespe confluence monitoring well site, she had heard there were properties for sale or at least some of the easements may be under negotiations and may be helpful for the Agency's siting of a well.

Director Villaseñor joined the conversation and said she has reached out to Fillmore Irrigation Company that has a parcel in the Fillmore area that may be for sale and could be a potential monitoring well site. She has tried contacting the Fillmore Irrigation Company Board to obtain more information. Director Meneghin stated Director Villaseñor provided her a map, and she would share with the Board to review. Mr. Emmert stated he will be reviewing the map with staff.

2C Legal Counsel Update
Information Item

Legal Counsel stated that the Agency has filed with the Court overseeing the Suncrest bankruptcy filing, clarifying that Suncrest is a debtor to the Agency, and are awaiting the proposed bankruptcy plan. He stated that once received, he will then agendize the plan for Boards review. He also mentioned AB 361 will continue to be agendized on a monthly basis due to the ongoing COVID state restrictions. Mr. O'Neill announced as of April 1st, he will be moving to a new firm and is requesting to agenize a new contract with Aleshire & Wynder group for the Board's consideration for next month's Board meeting, as the existing agreement will no longer be operative.

Vice Chair McFadden asked Mr. Emmert what is his recommendation on this matter? Mr. Emmert said we need to be careful on our evaluation as we have three member agencies and stated he will follow up with legal counsel for City of Fillmore, County of Ventura, and United Water Conservation District.

Vice Chair McFadden asked Mr. O'Neill if the Board could discuss this issue at this time? Mr. O'Neill said yes, as this will not create any formal action. Mr. O'Neill also mentioned technically this also means the agency will be without legal counsel, as of April 1st, and up to the April Board meeting, but can be solved with a short agreement between both parties.

2D GSP Consultant Update
Information Item

Mr. Tony Morgan mentioned the draft annual reports are prepared and agendaized for today's meeting, and said they have been working to provide DWR with the finalized documents before the April 1st deadline. He stated that the DBS&A team has made updates to the online database, including water levels and water quality. He stated that GSP implementation planning meetings are ongoing. Mr. Morgan stated that the team is continuing to add the redacted well completion reports to the database. He finalized his update with asking if the Board would like to continue DBS&A to host the Agency's database on their servers, or if they would like it moved, as there is a fee to continue the service. He mentioned there is a new batch of subsidence data from DWR, and asked if the Board interested in having an update on what the subsidence data is telling us.

Director Kimball asked if the updates to the online database come with the annual report preparation or is keeping the database current fundamental to its value, as it is a valuable database. Mr. Morgan said they included it, in the annual report this year and they used that online database to extract information used for the report, and said the information is only required to be updated once a year.

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 Board Meeting of February 17, 2022.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices

- DBS&A Consultants \$13,016.76

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 2022-04 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 consent calendar, Director Pace; Second, Director Kimball. Roll call vote: five ayes (Kimball, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 5/0. Chair Long was absent.

4. MOTION ITEMS

4A Annual Reports to Department of Water Resources

Motion

The Board received a presentation from Daniel B. Stephens and Associates on the Annual Reports to the Department of Water Resources and provide comments and direction to staff.

Director Meneghin asked Dr. Gus Tolley to explain a slide on agriculture use, regarding a pumper who pumped ten thousand plus acre feet, if that was the Fillmore Hatchery? Dr. Tolley stated there were several Fish Hatchery wells that pumped a total ten thousand four-hundred-acre feet during 2021. Director Meneghin asked to explain the graph showing annual groundwater water storage. Both Dr. Tolley and Mr. Morgan explained the graph. Director Meneghin asked Dr. Tolley to show where the monitoring network well that is going to exceed its minimum threshold is located on the map. Dr. Tolley logged into the database and pointed out where the well is located. Director Meneghin asked about the annual report, if we see monitoring wells that are reaching their minimum threshold, do we have to make any recommendations to DWR, does it need to be addressed into the annual report? Mr. Morgan said no and explained what is expected.

Water Resources Manager Dan Detmer asked Dr. Tolley if it is correct to note that 2019 storage change estimates in his analysis for the last two years are prone to overestimation. Dr. Tolley said yes and explained the process that he used.

Vice Chair McFadden asked Mr. Morgan what is the deadline for which comments can be received for the draft annual reports? Mr. Morgan agreed to Tuesday, March 22nd.

Director Kimball asked Mr. Emmert if the pumpers would be receiving a form for April's recording? Mr. Emmert said yes the Agency will be mailing out a request.

Receive and file.

5. INFORMATION ITEMS

5A **Governmental Advocacy Platform Development Information**

The Board received governmental advocacy platform documents from other regional agencies to inform the Board's future discussions regarding potential development of an Agency Governmental Advocacy Platform.

FUTURE TOPICS FOR BOARD DISCUSSION

The Board discussed a date for a Special Board meeting, for March 24, 2022, at 5pm., pending Chair Long's availability, where the Board will approve AB 361 and have a discussion on a new agreement for legal counsel.

Director Meneghin asked if there is another round of Integrated Regional Water Management implementation funding coming up, and are we planning on applying for that? Mr. Emmert recommended that the Agency flesh-out the projects that are already in the GSPs, and then apply for grant funding. He stated that applying for grant funding would be appropriate for an additional monitoring well site if a good candidate site can be found.

Mr. Emmert mentioned Mr. Detmer reached out to the Los Angeles County Sanitation District regarding a potential status report on the District's chloride discharge reduction project. The project manager was open to making a presentation to the Agency Board within the next few meetings.

The Board also expressed interest in a presentation on the latest subsidence data.

ADJOURNMENT 6:32 p.m.

Chair Long thanked the Directors for their time and participation in the Special Board meeting and adjourned the meeting at 6:32p.m. to the next **Regular Board Meeting** on Thursday, **April 21, 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 March 17, 2022.

ATTEST: _____
Eva Ibarra, clerk of the Board



Special Board of Directors Meeting
Thursday, March 24, 2022
at 5:00p.m.

Directors in Attendance

Chair Long

Vice Chair McFadden

Director Kimball

Director Meneghin (joined at 5:02pm)

Director Pace

Director Villaseñor

Staff in Attendance

Executive Director Anthony Emmert

Legal Counsel Steve O'Neill

Clerk of the Board Eva Ibarra

1. Call to Order - 5:00pm

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 led everyone in reciting the Pledge of Allegiance

1B Directors Roll Call

The clerk called roll. Five Directors were present (Kimball, Long, McFadden, Pace, Villaseñor). Director Meneghin was unavailable.

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. No changes mentioned.

Motion to approve the agenda, Director McFadden; Second, Director Villaseñor. Roll call vote: five ayes (Kimball, Long, McFadden, Pace, Villaseñor); none opposed; motion carries unanimously 5/0. Director Meneghin was unavailable for vote.

2A. Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

The Board adopted Resolution 2022-05 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.

3A. Agreement with Aleshire & Wynder LLP for General Legal Services

Motion

The Board approved the agreement with Aleshire & Wynder LLP for General Legal Counsel services.

Legal Counsel Steven O'Neill explained the change of law firms from Olivarez Madruga Lemeiux O'Neill to Aleshire & Wynder LLP and discussed possible future conflicts between the Agency and the City of Fillmore, who also uses Aleshire & Wynder as its City Attorney. He stated that no conflicts exist at this time and that, should the Agency secure Aleshire & Wynder as its legal counsel firm, that both he and the City's legal counsel would sign conflict disclosure letters.

Chair Long asked Executive Director Anthony Emmert if he had any comments on the information provided by Mr. O'Neill. Mr. Emmert explained possible conflicts that could occur with the transition. He stated that he had spoken to legal counsels of the other members of the JPA, the County of Ventura, and the United Water Conservation District. Both legal counsels noted that it was not an ideal situation, but that they were not aware of any current conflicts. They both urged caution in moving forward and said that conflict letters were a necessity.

Chair Long asked if there is any change in the fee schedule with the new legal firm? Mr. O'Neill said no, the fees will remain the same, although he mentioned beginning 2023, it is expected to go up five percent, due to inflation costs.

Vice Chair McFadden stated he feels it would be expensive and time consuming to start a procurement for a new legal counsel, although if no complications, he would support to moving forward as recommended by staff.

Chair Long thanked Legal Counsel for the services they have provided the Agency which has allowed the transition to the new firm to be effortless.

Director Pace asked Mr. O'Neill if the Agency would be entering a limited term agreement? Mr. O'Neill stated there is no term in the proposed agreement, and stated the Agency can be terminate his services at any given time.

Director Kimball said it is difficult to find a water lawyer anywhere in California that does not have a conflict, and the possible conflicts discussed are minimal, and he felt we have been well represented by the firm this far.

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

ADJOURNMENT 5:17p.m.

Chair Long thanked the Directors for their time and participation in the Special Board meeting and adjourned the meeting at 5:17p.m. to the next **Regular Board Meeting** on Thursday, **April 21, 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 March 24, 2022.

ATTEST: _____
Eva Ibarra, clerk of the Board

Fillmore and Piru Basins GSA
Check Detail
April 18, 2022

<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Original Amount</u>
Bill Pmt -Check	11152	04/18/2022	County of Ventura IT Services Department	10000 · Bank of the Sierra	-847.93
Bill Pmt -Check	11153	04/18/2022	Daniel B Stephens & Associates, Inc.	10000 · Bank of the Sierra	-23,945.97
Bill Pmt -Check	11154	04/18/2022	United Water Conservation District	10000 · Bank of the Sierra	-25,358.65
					<hr/> -50,152.55



Fillmore and Piru Basins
Groundwater Sustainability Agency

Item No. **3C Consent Calendar**

DATE: **April 13, 2022 (for April 21, 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

United Water Conservation District accounting staff has prepared financial reports based on the Agency revenue and expenses for the month of March 2022.

FISCAL IMPACT

None

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

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

	<u>Jul '21 -Mar '22</u>	<u>Annual Budget</u>	<u>Budget</u>
Income			
40001 · Groundwater Extraction Charge	367,906.05	540,000.00	68.13%
41000 · Grant Revenue			
41001 · State Grants	0.00	537,970.00	0.00%
Total 41000 · Grant Revenue	0.00	537,970.00	
47000 · Other Revenue			
47001 · Late Fees	21,985.31	0.00	
47012 · Returned Check Charges	0.00	0.00	
Total 47000 · Other Revenue	21,985.31	0.00	
Total Income	389,891.36	1,077,970.00	36.17%
Gross Profit	389,891.36	1,077,970.00	36.17%
Expense			
52200 · Professional Services			
52240 · Prof Svcs - IT Consulting	1,357.37	1,700.00	79.85%
52250 · Prof Svcs - Groundwtr/GSP Prep			
52251 · Prof Svcs - UWCD GW Services	13,413.35	0.00	
52252 · Prof Svcs - GSP Consultant	254,110.16	430,000.00	59.10%
Total 52250 · Prof Svcs - Groundwtr/GSP Prep	267,523.51	430,000.00	62.21%
52270 · Prof Svcs - Accounting	19,632.70	24,200.00	81.13%
52275 · Prof Svcs - Admin/Clerk of Bd	11,393.50	25,000.00	45.57%
52280 · Prof Svcs - Executive Director	48,383.64	40,000.00	120.96%
52290 · Prof Svcs - Other	0.00	0.00	
Total 52200 · Professional Services	348,290.72	520,900.00	66.86%
52500 · Legal Fees			
52501 · Legal Counsel	9,460.50	30,000.00	31.54%
Total 52500 · Legal Fees	9,460.50	30,000.00	31.54%
53000 · Office Expenses			
53010 · Public Information	574.04	1,000.00	57.40%
53020 · Office Supplies	604.16	500.00	120.83%
53026 · Postage & Mailing	352.44	2,000.00	17.62%
53040 · Membership Dues	0.00	0.00	
53060 · Computer Software	0.00	0.00	
53110 · Travel & Training	83.15	4,000.00	2.08%
Total 53000 · Office Expenses	1,613.79	7,500.00	21.52%
53500 · Insurance			
53510 · Liability Insurance	2,287.12	2,500.00	91.48%
Total 53500 · Insurance	2,287.12	2,500.00	91.48%
70130 · Bank Service Charges	0.00	0.00	
81000 · Capital Expenditures	0.00	505,000.00	0.00%
Total Expense	361,652.13	1,065,900.00	33.93%
Net Income	28,239.23	12,070.00	233.96%

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

	Mar 31, 22
ASSETS	
Current Assets	
Checking/Savings	
10000 · Bank of the Sierra	810,135.72
Total Checking/Savings	810,135.72
Accounts Receivable	
11000 · Accounts Receivable	584,500.47
Total Accounts Receivable	584,500.47
Total Current Assets	1,394,636.19
TOTAL ASSETS	1,394,636.19
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	50,152.55
Total Accounts Payable	50,152.55
Total Current Liabilities	50,152.55
Total Liabilities	50,152.55
Equity	
32000 · Retained Earnings	1,316,244.41
Net Income	28,239.23
Total Equity	1,344,483.64
TOTAL LIABILITIES & EQUITY	1,394,636.19



Item No. **3D Motion**

DATE: April 14, 2022 (for April 21, 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 2022-06 continues the authorization of the use of AB 361 provisions for the coming 30 days.

RECOMMENDED ACTION

The Board will consider adopting Resolution 2022-06 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 2022-06. 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 2022-06

Proposed Motion: Adoption of Resolution 2022-06.

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:

RESOLUTION NO. 2022-06

**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 April 21, 2022.

President

ATTEST:

Secretary

APPROVED AS TO FORM:

Steven O'Neill, General Counsel



Item No. 4A Motion Item
DATE: April 15, 2022 (for April 21, 2022 meeting)
TO: Board of Directors
FROM: Anthony A. Emmert, Executive Director
SUBJECT: Master Professional Services Agreement with Daniel B. Stephens & Associates and Task Order for Database Hosting Services

SUMMARY:

The proposed Master Professional Services Agreement with Daniel B. Stephens & Associates (DBS&A) will provide the Agency with as-needed technical and stakeholder outreach support from the DBS&A team (Daniel B. Stephens & Associates, Stillwater Sciences, California State University Center for Collaborative Policy) as it conceptualizes, plans, develops and communicates its future projects. Approval of Task Order Number 2022-01 will provide for ongoing web hosting of the Agency's online groundwater database.

RECCOMENDATION:

The Board will consider approving a Master Professional Services Agreement with Daniel B. Stephens and Associates for ongoing technical services to support the Agency's implementation of its Groundwater Sustainability Plans and Task Order Number 2022-01 for hosting the Agency's online groundwater database.

BACKGROUND

The Agency's groundwater sustainability plans (GSPs) include several projects, programs and studies that need further development and consideration. The Monitoring Wells project phase 1 is in progress, and currently does not need additional support; however, the Cienega Springs Restoration Enhancement project concept requires significant development and evaluation. The Agency may also wish to further explore several other sustainability projects, programs or studies that are listed in its GSPs. Having continued access to the knowledge and expertise of the DBS&A team (Daniel B. Stephens & Associates, Stillwater Sciences, California State University Center for Collaborative Policy) on an as-needed basis will be helpful to further the Agency's efforts. Additionally, the Agency could utilize the DBS&A team's services for ongoing maintenance and hosting of the Agency's online groundwater database, and preparation of its annual reports to the California Department of Water Resources (DWR).

In January 2022, the Agency Board approved Amendment No. 4 to the original DBS&A agreement, which will facilitate DBS&A support for the next few months. As the original DBS&A agreement was focused on assisting the Agency with its initial groundwater sustainability planning and is now several years old, staff proposes no longer adding amendments to that original agreement for new scopes of work but enter into a new master professional services

agreement (PSA) with DBS&A for future work. As a new scope of work is developed, staff and DBS&A would bring task orders to the Board for approval. Staff recommends leaving the original agreement open until such time as the Agency receives comments from DWR. It would be appropriate for the Agency to utilize the original agreement to have DBS&A assist the Agency with any responses to comments or amendments to its groundwater sustainability plans.

For the past several years, DBS&A hosted the Agency's online groundwater database. Staff recommends the Agency have DBS&A continue to host the database and provide cyber security services associated with it. Task Order Number 2022-01 would provide for DBS&A to continue hosting the database for the next two years, at a cost of approximately \$1,500 per year.

FISCAL IMPACT

Adoption of the master PSA will not result in a fiscal impact. The Agency's Fiscal Year 2021-2022 budget includes sufficient funds to cover the proposed scope of work for Task Order Number 2022-01. The activities associated with Task Order Number 2022-01 are not associated with the Agency's groundwater sustainability planning grant.

ATTACHMENTS

- Attachment 1 – Master Professional Services Agreement with DBS&A
- Attachment 2 – Task Order Number 2022-01

Proposed Motion:			
Authorize Master Professional Services Agreement with Daniel B. Stephens & Associates, Inc. and Task Order Number 2022-01.			
1 st : Director _____		2 nd : Director _____	
Voice/Roll call vote:	Director Kimball: Director Meneghin:	Director Long: Director Pace:	Director McFadden Director Villasenor:

PROFESSIONAL SERVICES AGREEMENT NO. 2022-04-21-DBSA
between
Fillmore & Piru Basins Groundwater Sustainability Agency
and
Daniel B. Stephens & Associates, Inc.
for
As-Needed Consulting Services

The Fillmore & Piru Basins Groundwater Sustainability Agency, herein "AGENCY", and Daniel B. Stephens & Associates, Inc., herein "CONSULTANT", agree as follows:

SECTION 1 - PURPOSE

Under this Agreement, the CONSULTANT shall provide as-needed professional consulting services in support of the AGENCY'S implementation of its Groundwater Sustainability Plans (GSPs) in compliance with the requirements of the California Sustainable Groundwater Management Act (SGMA).

SECTION 2 - SCOPE OF SERVICES

The CONSULTANT shall, in good workmanlike and professional manner and at its own expense, furnish all of the technical, administrative, professional and other labor, all supplies and materials, equipment, printing, vehicles, transportation, office space and facilities necessary to perform and complete the work and provide the services as set forth in Exhibit "A" of this Agreement and subsequent Task Orders.

SECTION 3 - TERM

The term of this Agreement shall be for a period of approximately five years, concluding on June 30, 2027, at the end of the AGENCY'S Fiscal Year 2026-2027.

SECTION 4 - ACCEPTANCE

This Agreement constitutes the AGENCY offer to the CONSULTANT. Unless the CONSULTANT notifies the AGENCY, in writing to the contrary, the commencement of performance required by this offer shall be conclusive evidence of the CONSULTANT'S approval of, and consent to the terms and conditions of this Agreement herein contained.

SECTION 5 - TERMINATION

(a) The AGENCY may terminate or cancel this Agreement, in whole or in part, without liability to the AGENCY, if CONSULTANT fails to perform in accordance with the requirements of Section 2 – Scope of Services of this Agreement, or in the event of a substantial breach of any of the other terms or conditions hereof.

(b) The AGENCY may also terminate this Agreement, in whole or in part, even though CONSULTANT is not in default hereunder and no breach hereof has occurred, by notice in writing at any time. Such notice shall state the extent and effective date of termination and upon the receipt by CONSULTANT of such notice, CONSULTANT will, as and to the extent prescribed by the AGENCY, stop work under the Agreement and placement of further purchase orders or subcontracts hereunder, terminate work under purchase order and subcontracts outstanding hereunder, and take any necessary action to protect property in the CONSULTANT’S possession in which the AGENCY, has or may acquire an interest.

SECTION 6 – AGREEMENT ADMINISTRATION

The Project Manager is the AGENCY’S designated representative responsible for the administration of this Agreement. The Project Manager for this Agreement is:

Anthony A. Emmert, Executive Director
PO Box 1110
Fillmore, CA 93015
805-525-4431

SECTION 7 - CONSIDERATION

The AGENCY shall compensate CONSULTANT as specified and authorized in the Task Order either on a time-and-expenses basis or on a lump sum basis in accordance with CONSULTANT’S Schedule of Charges shown in each Task Order.

SECTION 8 -BILLING

- (a) CONSULTANT’S invoices shall be submitted on a monthly basis for the previous month’s services.
- (b) CONSULTANT shall submit an itemized invoice that includes:
 - (1) Date or period of service.
 - (2) A complete description of the services performed.
 - (3) AGENCY’S Agreement number.

- (4) The name of the AGENCY'S Project Manager.
- (5) CONSULTANT'S remittance address.
- (6) Name and phone number of CONSULTANT'S accounts receivables representative.
- (c) When applicable, CONSULTANT'S invoice shall be accompanied by support documentation sufficient to validate the charges for each invoice item.
- (d) CONSULTANT shall submit invoices to the following address:

Fillmore and Piru Basins Groundwater Sustainability Agency
PO Box 1110
Fillmore, CA 93016
- (e) Incomplete invoices will be returned to the CONSULTANT.
- (f) AGENCY'S payment terms are Net 30 days after receipt of invoice.

SECTION 9 - NOTICES

Notices required or permitted shall be given by personal delivery or by first class mail, postage prepaid, or facsimile transmission.

To: CONSULTANT
Tony Morgan
Project Manager
Daniel B. Stephens & Associates
3196 State Street Suite 1A
Santa Barbara, CA 93105

To: AGENCY
Executive Director
Fillmore & Piru Basins Groundwater Sustainability Agency
PO Box 1110
Fillmore, CA 93016

SECTION 10 - OWNERSHIP OF DATA, REPORTS, AND DOCUMENTS

The CONSULTANT shall deliver to the General Manager notes of surveys made, all reports of tests made, studies, reports, plans, a copy of electronic and digital files, and other materials and documents which shall be the property of the AGENCY. The

CONSULTANT is released from responsibility to third parties for the use by AGENCY of data, reports, and documents on other projects. The CONSULTANT may retain copies of such documents for its own use. The AGENCY may use or reuse the materials prepared by CONSULTANT without additional compensation to CONSULTANT.

SECTION 11 - CONFIDENTIALITY

Except as required by law, CONSULTANT will not disclose or cause their respective officers, directors, employees, representatives, agents, advisors, or subconsultants to disclose or use any of the content of negotiations or Confidential Information furnished, or otherwise permitted for review, by one party to the other in connection with the proposed transactions. For purposes of this paragraph, "Confidential Information" means information supplied by one party to the other, except information which is part of public record.

SECTION 12 - FORCE MAJEURE

Any prevention, delay, nonperformance or stoppage due to any of the following causes shall excuse nonperformance for a period equal to the duration of the force majeure event. The causes referred to above are strikes, walkouts, labor disputes, failure of power, irresistible superhuman cause, acts of public enemies of the State or United States, riots, insurrections, civil commotion, governmental restrictions or regulations or controls (except those reasonably foreseeable in connection with the uses contemplated by this Agreement), casualties not contemplated by insurance provisions of this agreement, or other causes beyond the reasonable control of the party obligated to perform.

SECTION 13 - INDEMNIFICATION

CONSULTANT shall hold harmless, defend at its own expense, and indemnify AGENCY, its officers, employees, and agents against any and all liability, claims, losses, damages, or expenses, including reasonable attorneys' fees, arising from all negligent or reckless acts or omissions, or acts of willful misconduct of CONSULTANT or its officers, agents, or employees in rendering services under this agreement; excluding, however, such liability, claims, losses, damages, or expenses arising solely from AGENCY'S active negligence or willful acts.

SECTION 14 - INSURANCE REQUIREMENTS

- (a) The CONSULTANT shall procure and maintain, for the duration of the contract insurance against claims for injuries to persons or damages to

property arising from or in connection with the performance of the work hereunder by the CONSULTANT, officers, agents, employees, or volunteers.

(b) The CONSULTANT shall provide the following coverages:

(1) Commercial General Liability insurance written on an occurrence basis (Insurance Service Office ("ISO") policy form CG 00 01 or insurer's equivalent) in the amount of \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. The insurance policy shall be amended to provide that the general aggregate limit shall apply separately to the work under this contract or the general aggregate shall be twice the required per occurrence limit.

(2) Business Automobile Liability insurance insuring all owned, non-owned and hired automobiles - coverage code 1 "any auto" (Insurance Service Office policy form CA 0001 or insurer's equivalent) in the amount of \$1,000,000 combined single limit per accident for bodily injury and property damage.

(3) Workers' Compensation and Employer's Liability Insurance - The CONSULTANT and all sub-consultants shall insure (or be a qualified self-insured) under the applicable laws relating to workers' compensation insurance, all of their employees working on or about the work site, in accordance with the "Workers' Compensation and Insurance Act", Division IV of the Labor Code of the State of California and any Acts amendatory thereof. The CONSULTANT shall provide employer's liability insurance with limits of no less than \$1,000,000 each accident, \$1,000,000 disease policy limit, and \$1,000,000 disease each employee.

(4) Professional Liability insurance appropriate to the CONSULTANT'S profession providing coverage for loss, damage or injury arising out of professional acts, errors or omissions in the amount of \$1,000,000 per claim. If a general policy aggregate limit is applicable to the coverage, the general policy aggregate limit shall apply separately to this contract (with an appropriate endorsement) or the general policy aggregate limit shall be twice the required per claim limit.

(c) The required limits for the insurance policies required above may be satisfied by a combination of a primary policy and an excess or umbrella policy.

(d) The insurance policies required above shall contain or be endorsed to contain the following specific provisions:

(1) Commercial General Liability - The AGENCY and its Board Members, officers, employees, agents and volunteers are added as additional insureds. Additional insured endorsements shall provide coverage at least as broad as Commercial General

Liability ISO form CG 20 10 11 85. If ISO form CG 20 10 11 85 is not provided, then ISO form CG 20 10 XX XX [latest version] may be provided but must be accompanied by ISO form CG 20 37 XX XX [latest version]).

(2) The CONSULTANT'S insurance shall be primary insurance as respects the AGENCY, its Board Members, officers, employees, agents and volunteers and any insurance or self-insurance maintained by the AGENCY shall be excess of the CONSULTANT'S insurance and shall not contribute to it.

(3) Any failure to comply with the claim reporting provisions of the policies or any breach of a policy warranty shall not affect coverage under the policy provided to the AGENCY, its Board Members, officers, employees, agents and volunteers.

(4) The policies shall contain a waiver of transfer rights of recovery ("waiver of subrogation") against the AGENCY, its Board Members, officers, employees, agents and volunteers for any claims arising out of the work of the CONSULTANT.

(5) The policies may provide coverage which contains deductible or self-insured retentions. Such deductible and/or self-insured retentions shall not be applicable with respect to the coverage provided to the AGENCY under such policies. The CONSULTANT shall be solely responsible for deductible and/or self-insured retention and the AGENCY, at its option, may require the CONSULTANT to secure the payment of such deductible or self-insured retentions by a surety bond or an irrevocable and unconditional letter of credit. The insurance policies that contain deductibles or self-insured retentions in excess of \$25,000 per occurrence shall not be acceptable without the prior approval of the AGENCY.

(6) Prior to start of work under the contract, the CONSULTANT shall file with the AGENCY evidence of insurance as required above from an insurer or insurers certifying to the required coverage. The coverage shall be evidenced on an ACORD Certificate of Insurance form (latest version) and be signed by an authorized representative of the insurer(s). A copy of ISO form CG 20 10 11 85 (or ISO form CG 20 10 XX XX [latest version] accompanied by ISO form CG 20 37 XX XX [latest version]) required in above shall be attached to the Certificate of Insurance at the time that it is filed with the AGENCY. Should the required coverage be furnished under more than one policy of insurance, the CONSULTANT may submit as many certificates of insurance as needed to provide the required amounts. The AGENCY reserves the right to require certified complete copies of any insurance coverage required by this contract but the receipt of such policy or policies shall not confer responsibility upon the AGENCY as to sufficiency of coverage.

(7) All Coverages:

(i) Each policy required in this Section shall contain a policy cancellation clause that provides that the policy shall not be canceled or otherwise terminated by the insurer or the CONSULTANT or reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the AGENCY, Attention: Project Manager.

(e) All insurance required by this contract shall be placed with insurers licensed by the State of California to transact insurance business of the types required herein. Each insurer shall have a current AM Best rating of not less than A:VII unless prior approval is secured from the AGENCY as to the use of such insurer.

(f) The CONSULTANT shall include all subconsultants as insureds under its policies or shall furnish separate certificates and endorsements for each sub-consultant and sub-supplier.

(g) All coverages for sub-consultants shall be subject to all of the requirements stated herein. The CONSULTANT shall maintain evidence of compliance with the insurance requirements by the sub-consultants at the job site and make them available for review by the AGENCY.

(h) CONSULTANT shall submit all required insurance documentation identified herein to AGENCY not later than seven (7) calendar days from the initial receipt of this agreement for signature.

SECTION 15 – RIGHT TO AUDIT

Following execution of this Agreement and for a period of three years following the completion of performance, AGENCY shall have the right to audit the CONSULTANT'S invoices and all supporting documentation generated in performance of this agreement.

SECTION 16 - ATTORNEY'S FEES

If any action is instituted to enforce this Agreement, the prevailing party shall be reimbursed all reasonable attorneys' fees, costs of collection, as well as any other costs and expenses incurred in connection with the enforcement effort.

SECTION 17 - ASSIGNMENT

CONSULTANT shall not assign, sell, or otherwise transfer any obligation or interest in this Agreement without the specific written consent of the AGENCY.

SECTION 18 - INDEPENDENT CONSULTANT

The CONSULTANT is an independent CONSULTANT and not an employee of the AGENCY.

SECTION 19 - APPLICABLE LAW

This Agreement shall be construed in accordance with and governed by the laws of the State of California.

SECTION 20 - LABOR COMPLIANCE

(a) Public Works

(1) Portions of this project for which services are provided in performance of this agreement may be considered a "Public Work" for purposes of prevailing wage laws.

(2) AGENCY will file a form PWC-100 with the Department of Industrial Relations ("DIR") for this project, when applicable.

(3) A consultant, contractor, subconsultant or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for Public Work, unless currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. An unregistered consultant or contractor may submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the consultant or contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

(b) Prevailing Wages

(1) CONSULTANT, subconsultants and subcontractors will not pay less than the prevailing rates of wages. A determination of the general prevailing rates of per diem wages and holiday and overtime work where the work is to be performed is on file at the Agency's offices. CONSULTANT will post one copy of the prevailing rates of wages at the job site.

(2) CONSULTANT shall forfeit as penalty to the Agency a sum of not more than \$200.00 for each calendar day, or portion thereof, for each worker paid less than the prevailing rates. This penalty shall be in addition to any shortfall in wages paid.

(c) Travel and Subsistence Payments - Travel and subsistence payments shall be paid to each worker as specified by the Department of Industrial Relations for the particular craft, classification, or type of work.

(d) Hours of Work

(1) Eight (8) hours' labor constitutes a legal day's work. Workers shall be paid at a rate of one and one-half times the basic rate of pay for work in excess of eight (8) hours during a calendar day or 40 hours during a calendar week of the foregoing hours.

(2) As a penalty for failure to pay overtime when required, the CONSULTANT, subconsultant or subcontractor shall forfeit to the Agency \$25.00 for each worker for each calendar day during which such worker works more than eight (8) hours and is not paid overtime, and for each week during which such worker works more than 40 hours and is not paid overtime.

(e) Certified Payroll - CONSULTANT shall keep and make available an accurate record showing the name of each worker and hours worked each day and each week by each worker. CONSULTANT, subconsultant and subcontractor shall furnish electronic certified payroll records to the Labor Commissioner in accordance with Labor Code Section 1771.4

(f) Apprentices - CONSULTANT shall comply with the Labor Code concerning the employment of apprentices.

SECTION 21 - SUBSTITUTION OF SUBCONSULTANTS

There may be occasion, during the course of this engagement, to substitute or introduce a new subconsultant in order to satisfy the requirements for a specific task request. Introduction of substitute or new subconsultants will be allowed, but, is subject to the express written approval of the AGENCY. Such approval shall not be unreasonably withheld.

SECTION 22 - INTEGRATION

This Agreement represents the entire understanding of the parties. No prior oral or written understanding shall be of any force or effect with respect to those matters covered by this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date of the latest signature below.

APPROVED:

Fillmore & Piru Basins Groundwater Sustainability Agency

By: _____ Date _____
Kelly Long, Chair

APPROVED AS TO FORM:

By: _____ Date _____
Steven O'Neill, General Counsel

APPROVED:

Daniel B. Stephens & Associates, Inc.

By: _____ Date _____

**EXHIBIT “A” TO AGREEMENT FOR
AS-NEEDED PROFESSIONAL CONSULTING SERVICES
SCOPE OF SERVICES**

CONSULTANT shall provide As-Needed Hydrogeological, Geological, Environmental, and Technical Services (“project”) in support of the AGENCY’s implementation of its GSPs, in accordance with work described as in the Request for Qualifications and Request for Proposals (RFQ/RFP) dated September 26, 2018. CONSULTANT’s Statement of Qualifications dated October 24, 2018 is incorporated by reference and made a part of the Scope of Services.

Work shall be undertaken only upon AGENCY’s written authorization (Task Order including a scope of work, estimated project schedule, and fee schedule) and the CONSULTANT’s mutual agreement.

Work to be completed under the As-Needed contract would be performed on an as needed basis and is not a retainer. The AGENCY does not guarantee a minimum contract amount or any amount of work. The AGENCY Board of Directors or designated representative would issue a Task Order for each task or project to be completed.



Anthony Emmert, Executive Director
Fillmore and Piru Basins Groundwater Sustainability Agency
PO Box 1110
Fillmore, CA 93016

Proposal No.: DB22.1106.PR
April 18, 2022

Sent via email

RE: PROPOSAL FOR HOSTING FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY ONLINE DATABASE

Dear Mr. Emmert:

Daniel B. Stephens & Associates, Inc. (DBS&A), a Geo-Logic Associates company, is pleased to provide this proposal for providing database hosting services in support of the Fillmore and Piru Basins Groundwater Sustainability Agency (FPBGSA). The scope of work and general framework for this project were developed during our previous conversations and is the basis for this document.

SCOPE OF WORK

The scope of work for this project includes the following items:

1. Hosting of the FPBGSA database will continue in DBS&A's secure on-premise or cloud-based hosting environments, with firewall and antivirus protection and 24x7 up-time monitoring;
2. DBS&A IT professionals will install security updates on a monthly basis on the virtual machines that support the FPBGSA database;
3. DBS&A IT professionals will maintain and monitor daily backups, keep a set of recent backups off-site at a secure location, and review server logs for any indications of trouble; and
4. DBS&A IT professionals will renew SSL certificates annually to ensure that website connections are secure and encrypted.

COST ESTIMATE

The cost for the hosting services is \$1,500.00/year and this agreement will extend for two years. The hosting fee of \$1,500.00/year will be invoiced annually at the beginning of the service period with Net 30 days payment terms.

Daniel B. Stephens & Associates, Inc.
a Geo-Logic Company

3916 State Street, Garden Suite 805-683-2409
Santa Barbara, CA 93105

If the FPBGSA needs additional technical assistance (e.g., help with uploading a new dataset, adding a new field to the database, uploading additional static data layers [e.g., shapefiles]), that assistance can be provided at an hourly rate of \$200/hour. An estimate of the time required to accomplish a specific request will be provided to the FPBGSA for its review and concurrence prior to initiating work on that request.

TERMS AND CONDITIONS

This project will be completed in accordance with a mutually acceptable Professional Services Agreement between the FPBGSA and DBS&A and will be subject to the fees and payment terms, as well as performance period described earlier in this proposal.

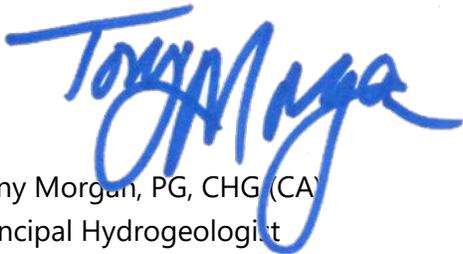
ESTIMATED SCHEDULE

The hosting services will be started upon receipt of this executed proposal and the first year's fees (\$1,500.00).

Please contact Mr. Tony Morgan (805-290-3862 cell / tmorgan@geo-logic.com) with any questions you have regarding this proposal. Thank you for the opportunity to support you on this project.

Sincerely,

Daniel B. Stephens & Associates, Inc.



Tony Morgan, PG, CHG (CA)
Principal Hydrogeologist
Market Leader – Water Planning and Development

Anthony Emmert, Executive Director
Fillmore and Piru Basins GSA
Page 3

Proposal No.: DB22.1106.PR
April 18, 2022

Authorized by:

Signature

Firm/Entity

Printed Name

Date