



Board of Directors Meeting
Thursday
January 19, 2023
4:00 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**

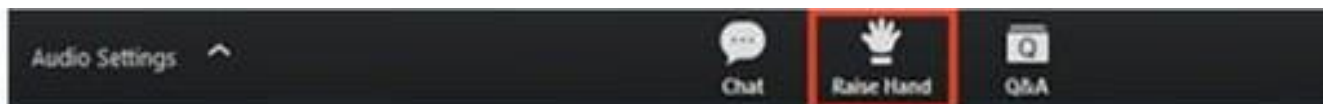
To hear just the audio portion of the meeting, phone into the toll-free number 877 853 5247

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 Special Board of Directors meeting of December 8, 2022.

**2C Legal Counsel Update
Information Item**

Legal Counsel will provide an informational update on Agency's legal issues and concerns since the previous Special Board of Directors meeting of December 8, 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 Special Board of Directors meeting of December 8, 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 Special Board Meeting of December 8, 2022.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices

UWCD	\$65,957.84
DBS&A	\$34,663.20
Aleshire & Wynder LLP	\$2,999.50
Insure Cal	\$2,437.42

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 2023-01 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).

4. FUTURE TOPICS FOR BOARD DISCUSSION

5. ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting** on Thursday, **February 16, 2023**, 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.

Fillmore and Piru Basins Groundwater Sustainability Agency
Board of Directors Meeting
January 19, 2023
Page 4

Approved: 
Board Chair Kelly Long

Posted: (date) January 13, 2023 (time) 4:30pm (attest) *Eva Ibarra*
At: <https://www.FPBGSA.org>

Posted: (date) January 13, 2023 (time) 4:35pm (attest) *Eva Ibarra*
At: <https://www.facebook.com/FPBGSA/>

Posted: (date) January 13, 2023 (time) 4:40 pm (attest) *Eva Ibarra*
At: UWCD, 1701 N. Lombard Street, Oxnard CA 93030



Fillmore and Piru Basins
Groundwater Sustainability Agency

**Special Board of
Directors Meeting
Thursday, December 08, 2022
5:00 p.m.
MINUTES**

Directors in Attendance

Chair Kelly Long
Director Carole Fornoff
Director Debbie Jackson
Director Gordon Kimball
Director Candice Meneghin
Director Christina Villaseñor

Staff in Attendance

Anthony Emmert, executive director Alex
Lemieux, legal counsel
Eva Ibarra, clerk of the Board

Public in Attendance

Eric Elliott, UWCD
Danielle Gallo, DBS&A
Zachary Hanson, UWCD
Tony Morgan, DBS&A
Jason Sun, UWCD
Jean Thirkettle

1. Call to Order 5:00pm

Director Long called the Board Meeting to order at 5:01 p.m.

1A Pledge of Allegiance

Director Jackson led everyone in reciting the Pledge of Allegiance.

1B Directors Roll Call

The clerk called roll. Six Directors were present (Fornoff, Jackson, Kimball, Long, Meneghin, Villaseñor).

1C Public Comments

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

1D Approval of Agenda

Motion

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

UPDATES

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

Fillmore Pumpers Association Stakeholder Director Update
Director Jackson had no updates.

Piru Pumpers Association Stakeholder Director Update
Director Fornoff had no updates.

Environmental Stakeholder Director Update
Director Meneghin had no updates.

City of Fillmore Member Director Update
Director Villaseñor reported the City of Fillmore certified elections and will be swearing in new council members on Tuesday, with the mention of all the elected candidates. She also said she met with Executive Director Anthony Emmert and City staff to discuss the potential of upgrading their council chambers to include hybrid technology. Director Villaseñor stated she would keep the Board up to date with the issue.

United Water Conservation District Member Director Update
Director Kimball thanked Director Villaseñor and Mr. Emmert on their efforts with navigating City Hall.

County of Ventura Member Director Update
Director Long reported the County had four elected officials retire and two new Supervisors, with the mention of those elected. She also mentioned there is a big demand for housing, and the State may have an economic downturn, and less grant funds available. She said the Board of Supervisors had its State of the County address that is available online at Ventura County website.

2B Executive Director Update **Information Item**

The Executive Director provided an informational update on Agency activities since the previous Board meeting of November 17, 2022.

Mr. Emmert reported the monitoring wells project has now been completed, and that Eric Elliot will provide a presentation later in the meeting. He also said the Groundwater Sustainability Planning Grant 15th quarter concludes on December 31, 2022, with a few documents to be submitted to DWR to complete the grant deliverables. He stated that staff will then prepare progress report 15 and invoice 15 for submittal to DWR. Mr. Emmert stated that the City of Fillmore has

reserved the Council Chambers for the Agency's meetings, starting in March 2023. He also mentioned that he met with Director Villaseñor and City Manager David Rowlands, regarding the potential for upgrading the Council Chambers to facilitate hybrid meetings; the City Manager will discuss this with new City Council in January 2023; Mr. Emmert will follow-up with Mr. Rowlands after his meeting with the City Council.

Chair Long provided information to the GSA that, once completed, the Fillmore Library will include a community meeting room with hybrid capabilities that could potentially be an alternative meeting location for the Agency.

2C Legal Counsel Update

Information Item

Legal Counsel provided an informational update on Agency's legal issues and concerns since the Board meeting of November 17, 2022.

Mr. Alex Lemieux from Aleshire & Wynder reported he has been coordinating with County Council, Tony Morgan from DBS&A and Mr. Emmert regarding Executive Order N-7-22 and mentioned the changes that will need to take place for in-person meetings after February of 2023.

2D GSP Consultant Update

Information Item

Representatives from Daniel B Stephens & Associates provided an informational update on Agency's Groundwater Sustainability Planning and reporting activities since the Board meeting of November 17, 2022.

Mr. Tony Morgan from DBS&A reported current activities regarding DWR funding for SGMA, GSP reviews, water supply, well permitting, AB 2201, and DWR comments on Oxnard Plain GSPs.

Director Long said she heard feedback from legislators opposing AB 2201.

Director Meneghin said she met with Pacific Institute to evaluate climate change in the Ventura County area and potential for new water supplies and cost benefit comparisons and said she would share final scope and fee.

Director Fornoff asked how can the GSA compete against critical basins for grant funds? Mr. Morgan said the critically over drafted basins already received money in round one, therefore DWR will give consideration to the other basins that have not received any money. Danielle Gallo from DBS&A said it is critical that the GSA get max points in the grant application, in order to be considered. The greater the points the better, and the GSA must be clear in the language provided in grant request.

Director Kimball said there is good and clear description on the grant from Board packet.

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 approved the Minutes from the Board Meeting of November 17, 2022.

3B Approval of Warrants

The Board approved payment of outstanding vendor invoice
BC2 \$509,689

3C Monthly Financial Report

The Board received 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 adopted Resolution 2022-14 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).

Director Kimball asked why the January to June groundwater receipts haven't been reported, and asked if the audit had been completed? Mr. Emmert said it is just a timing issue, but eventually they will.

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

4. MOTION ITEMS

4A Sustainable Groundwater Management Grant Program SGMA Implementation Grant

Motion

The Board received a presentation from Daniel B. Stephens & Associates and staff on the updated scope, schedule, and budget for its application submittal to the California Department of Water Resources for a 2021 Sustainable Groundwater Management Grant Program SGMA Implementation grant and provide comments and direction.

Director Long asked if the agency must send the grant applications together or separately. Mrs. Gallo said they will be sending each application separately and explained how the funds splits are determined. Mr. Emmert also provided information

on how the funds are distributed.

Director Meneghin asked if the \$600,000 for Cienega will be for Fillmore GSE? Mr. Morgan said their thinking is to keep all the eggs in one basket and all the project funds in one application and will discuss this tomorrow with DWR to make sure they are on the same page, as the bulk of the parcels are in the Fillmore basin. Mr. Emmert also agreed with Mr. Morgan. Ms. Gallo explained how the funding distribution is displayed. Director Fornoff said the domestic well component is important for the disadvantage community and should be pushed. Ms. Gallo agreed and said important items will take priority. Director Meneghin thanked all that would be putting together the grant as it is not an easy task.

Director Villaseñor asked if DWR has discussed regionalism on their decision making? Mr. Morgan said he has not known of regionalism being an issue. Ms. Gallo also joined the conversation stating the goal is to fund as many projects as possible through the point system with the minimum grant being \$2 million dollars and the largest being \$20 million dollars and provided award scenarios. Mr. Morgan said they used verbiage in the grant application that DWR likes to see. Mr. Emmert also shared information on grant applicants like the Agency's.

5. INFORMATION ITEMS

5A Monitoring Wells Project Information Item

The Board received a presentation from staff on the recently completed installation of the monitoring wells adjacent to the Sespe Cienega groundwater dependent ecosystem (GDE) area at the Piru-Fillmore basins boundary and the East Grove GDE area at the Fillmore-Santa Paula basins boundary.

Director Long asked if, when drilling the well, did the drillers hit water? Associate Hydrogeologist Eric Elliott said yes, water was hit at 9 feet of drilling.

Director Kimball said he wanted the GSA to get credit for its innovation in using the new drilling technique for the shallow monitoring wells. Other agencies, including United, have witnessed the benefits of this technique. He stated that this is an opportunity for the Agency to give back to United, for all it has done for the Agency.

FUTURE TOPICS FOR BOARD DISCUSSION

Press Release for Monitoring Wells Project
Ribbon Cutting for Monitoring Wells Project
Grant Update
Cash Flow Analysis

ADJOURNMENT 6:26 p.m.

Director Long adjourned the Board meeting at 6:26p.m. to the next **Board Meeting** on Thursday, **January 19, 2023**, or call of the Chair.

ATTEST: _____
Chair Long 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 December 8, 2022.

ATTEST: _____
Eva Ibarra, Clerk of the Board

INSTALLATION OF NEW MONITORING WELLS IN THE FILLMORE BASIN

Eric Elliott, Associate Hydrogeologist
FPBGSA BOD meeting
Dec. 8, 2022



1

PROJECT BACKGROUND

- ✓ FPBGSA adopted final GSP
- ✓ Data gap analysis completed
- ✓ Key recommendations: monitoring in GDE areas and Santa Paula/Fillmore basin boundary

2

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FILLMORE BASIN AQUIFER SYSTEM

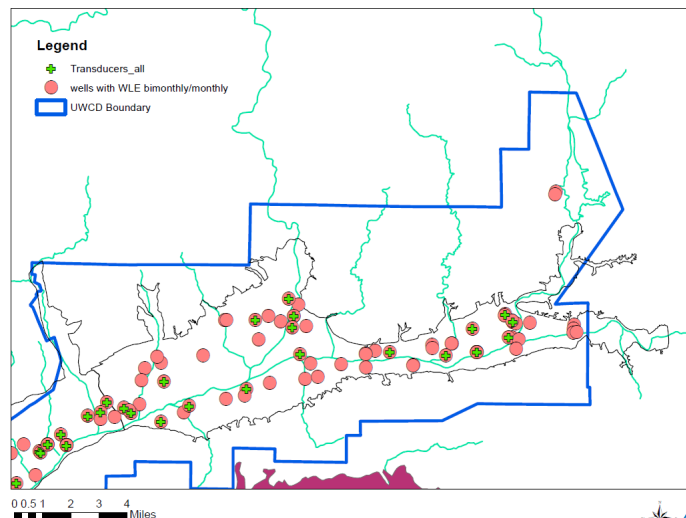
Aquifer System	Hydrostratigraphic Unit	Model Layer
A	Surficial Deposits and Colluvium	1
	Aquitard	2
	Recent younger Alluvium	3
B	Aquitard	4
	Older Alluvium	5
	Aquitard	6
	Upper Saugus/San Pedro	7
C	Aquitard	8
	Lower Saugus/San Pedro	9
	Undifferentiated Sedimentary Deposits	10

3

3

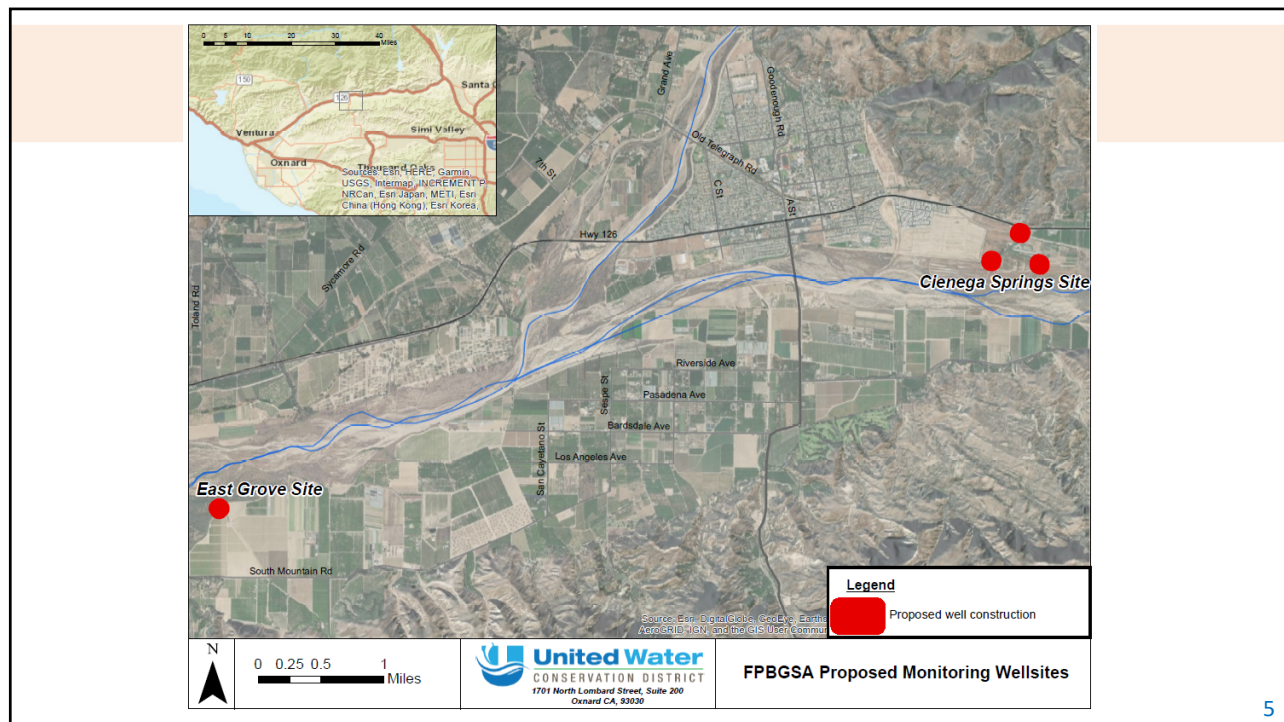
FILLMORE & PIRU BASINS MONITORING

- ✓ UWCD and VCWPD monitor a robust network, but few wells screened in the shallow A zone
- ✓ Identified existing wells in shallow zone, reduce drilling cost

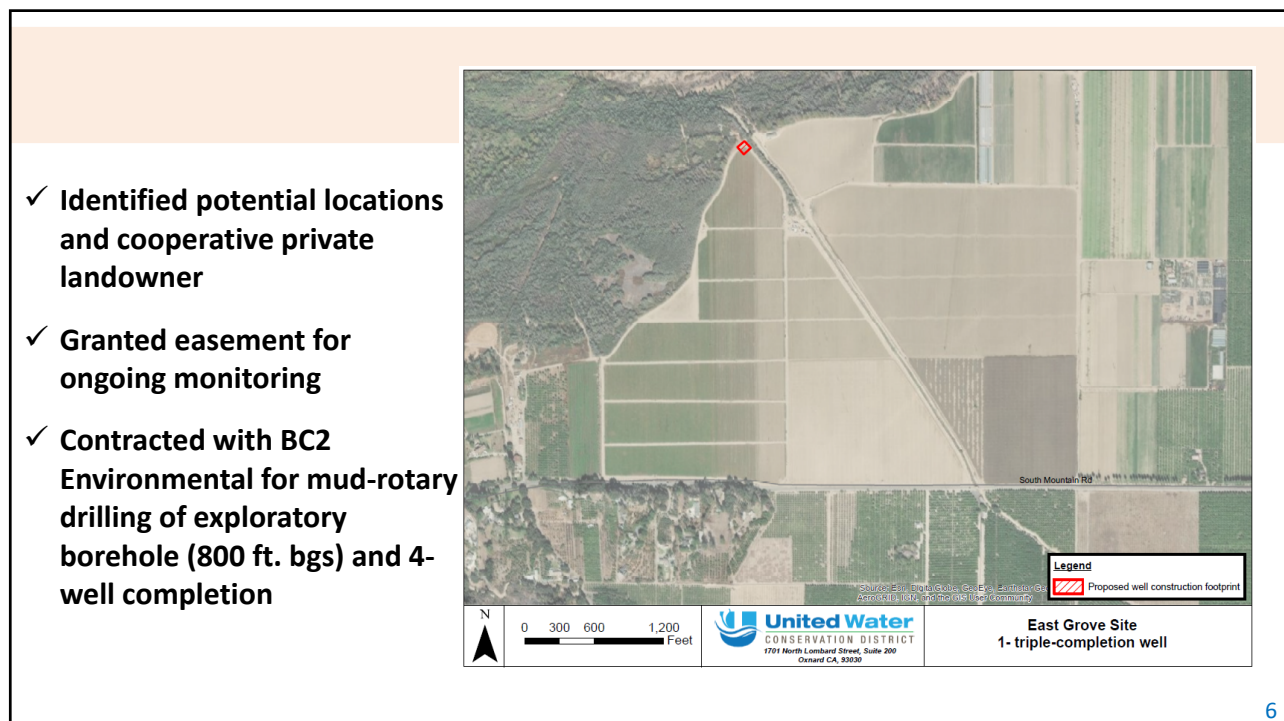


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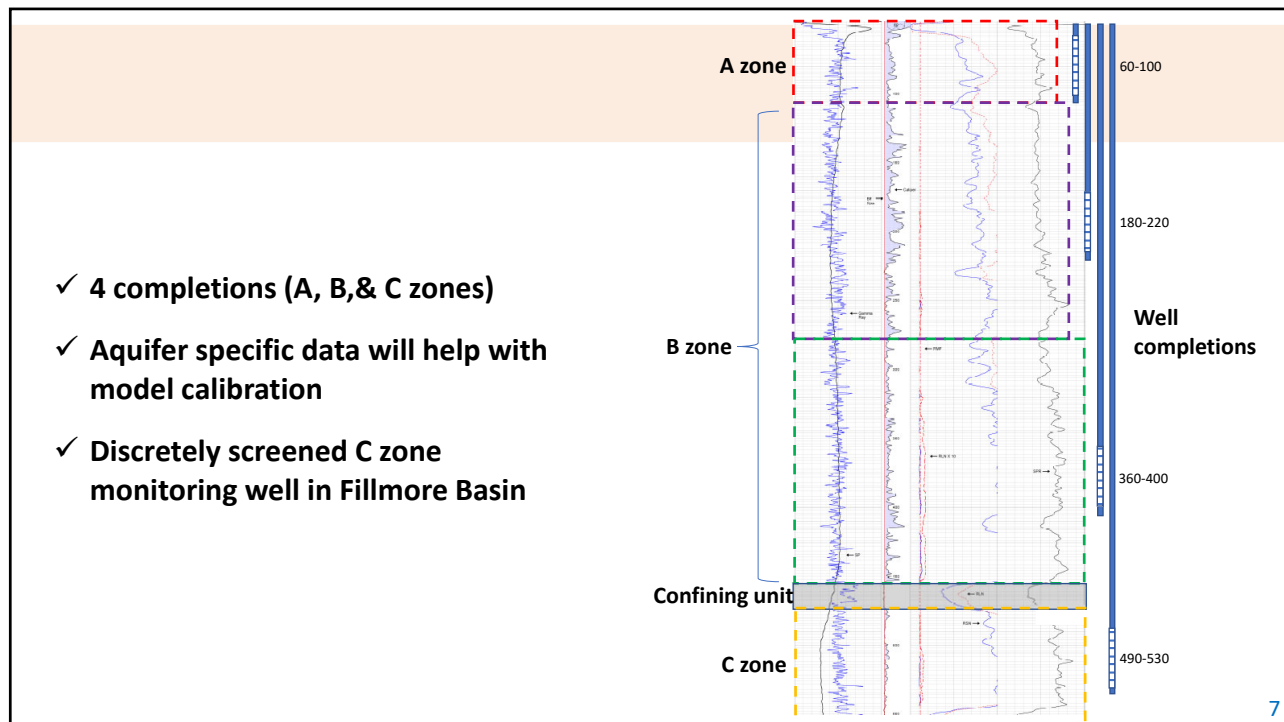
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5



6



7



8

CONSTRUCTION & DEVELOPMENT COMPLETED EARLY NOVEMBER

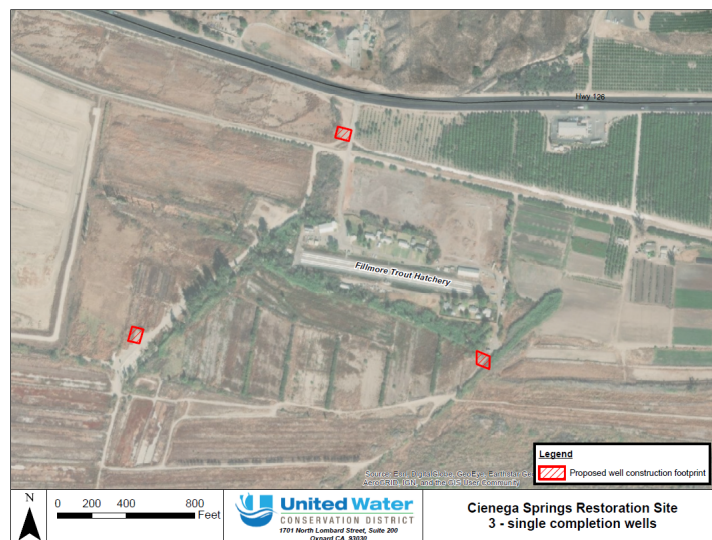


9

9

CIENEGA RESTORATION SITE

- ✓ Contacted CDFW representatives, coordinated siting wells
- ✓ Granted access agreement for ongoing monitoring
- ✓ Contracted with BC2 Environmental for Sonic drilling 3 shallow monitoring wells (100 ft. bgs)



10

10

CIENEGA RESTORATION SITE

- ✓ 3 shallow wells completed
- ✓ Well locations allow for determining groundwater gradients across restoration site
- ✓ non-conforming lithology at one wellsite
- ✓ Incorporate existing deep well for monitoring head differentials in shallow and deeper zone (16-36 ft. bgs/80-180 ft. bgs)



11

11

COMPLETED CIENEGA WELLS



12

12

NEW FPBGSA WELLS

- ✓ 3 shallow wells completed at Cienega Springs, quadruple nested well at East Grove. All documentation submitted to DWR, County
- ✓ Well locations allow for collecting shallow groundwater near habitat/rising groundwater areas
- ✓ Wells will be instrumented with transducers to record short- and long-term trends
- ✓ United will be collecting groundwater elevations, water quality



13

13

QUESTIONS?



14

14

Fillmore and Piru Basins GSA
Check Detail
January 1 - 11, 2023

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill Pmt -Check	11174	01/10/2023	Aleshire & Wynder LLP		10000 · Bank of the Sierra		-2,999.50
Bill Pmt -Check	11175	01/10/2023	Daniel B Stephens & Associates, Inc.		10000 · Bank of the Sierra		-34,663.20
Bill Pmt -Check	11176	01/10/2023	Insure Cal		10000 · Bank of the Sierra		-2,437.42
Bill Pmt -Check	11177	01/10/2023	United Water Conservation District		10000 · Bank of the Sierra		-65,957.84
							-106,057.96



Fillmore and Piru Basins
Groundwater Sustainability Agency

Item No. **3C Consent Calendar**

DATE: **January 5, 2023**

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 December 2022.

FISCAL IMPACT

None

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

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

	<u>Jul - Dec 22</u>	<u>Annual Budget</u>	<u>Budget</u>
Income			
40001 • Groundwater Extraction Charge	4,842.38	638,031.42	0.76%
41000 • Grant Revenue			
41001 • State Grants	0.00	400,057.68	0.00%
Total 41000 • Grant Revenue	0.00	400,057.68	0.00%
47000 • Other Revenue			
47001 • Late Fees	3,850.89	0.00	
47012 • Returned Check Charges	0.00	0.00	
Total 47000 • Other Revenue	3,850.89	0.00	
Total Income	8,693.27	1,038,089.10	0.84%
Gross Profit	8,693.27	1,038,089.10	0.84%
Expense			
52200 • Professional Services			
52240 • Prof Svcs - IT Consulting	89.26	1,700.00	5.25%
52250 • Prof Svcs - Groundwtr/GSP Prep			
52251 • Prof Svcs - UWCD GW Services	33,294.12	0.00	
52252 • Prof Svcs - GSP Consultant	68,437.20	165,000.00	41.48%
Total 52250 • Prof Svcs - Groundwtr/GSP Prep	101,731.32	165,000.00	61.66%
52270 • Prof Svcs - Accounting	6,862.23	24,200.00	28.36%
52275 • Prof Svcs - Admin/Clerk of Bd	6,375.77	25,000.00	25.50%
52280 • Prof Svcs - Executive Director	41,349.15	50,000.00	82.70%
52290 • Prof Svcs - Other	0.00	20,000.00	0.00%
Total 52200 • Professional Services	156,407.73	285,900.00	54.71%
52500 • Legal Fees			
52501 • Legal Counsel	14,724.50	60,000.00	24.54%
Total 52500 • Legal Fees	14,724.50	60,000.00	24.54%
53000 • Office Expenses			
53010 • Public Information	0.00	1,000.00	0.00%
53020 • Office Supplies	112.47	500.00	22.49%
53026 • Postage & Mailing	42.18	2,000.00	2.11%
53110 • Travel & Training	9.00	4,000.00	0.23%
53000 • Office Expenses - Other	1,922.80		
Total 53000 • Office Expenses	2,086.45	7,500.00	27.82%
53500 • Insurance			
53510 • Liability Insurance	2,437.42	2,500.00	97.50%
Total 53500 • Insurance	2,437.42	2,500.00	97.50%
70130 • Bank Service Charges	0.00	0.00	
81000 • Capital Expenditures			
81001 • Design & Cons - Monitoring Well	509,689.00	600,000.00	84.95%
81000 • Capital Expenditures - Other	0.00	0.00	
Total 81000 • Capital Expenditures	509,689.00	600,000.00	84.95%
Total Expense	685,345.10	955,900.00	71.70%
Net Income	<u><u>-676,651.83</u></u>	<u><u>82,189.10</u></u>	<u><u>-823.29%</u></u>

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

	<u>December 2022</u>
ASSETS	
Current Assets	
Checking/Savings	
10000 - Bank of the Sierra	953,093.49
Total Checking/Savings	953,093.49
Accounts Receivable	
11000 - Accounts Receivable	284,854.26
Total Accounts Receivable	284,854.26
Total Current Assets	1,237,947.75
TOTAL ASSETS	<u>1,237,947.75</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 - Accounts Payable	106,057.96
Total Accounts Payable	106,057.96
Total Current Liabilities	106,057.96
Total Liabilities	106,057.96
Equity	
32000 - Retained Earnings	1,808,541.62
Net Income	-676,651.83
Total Equity	1,131,889.79
TOTAL LIABILITIES & EQUITY	<u>1,237,947.75</u>

Item No. 3D Motion**DATE:** January 11, 2023 (for January 19, 2023, 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 2023-01 continues the authorization of the use of AB 361 provisions for the coming 30 days.

RECOMMENDED ACTION

The Board will consider adopting Resolution 2023-01 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).

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 2023-01. 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 2023-01

Proposed Motion:

Adopt Resolution 2023-01.

1st: Director _____

2nd: Director _____

Voice/Roll call vote:

Director Fornoff:

Director Jackson:

Director Kimball:

Director Long:

Director Meneghin:

Director Villaseñor:

RESOLUTION NO. 2023-01

**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 January 19, 2023.

Chair

ATTEST:

Secretary

APPROVED AS TO FORM:

General Counsel