



Board of Directors Meeting
Monday, May 31, 2018 - 6:00 p.m.
City Council Chambers, Fillmore City Hall
250 Central Avenue, Fillmore, CA 93015

MINUTES

Directors Present

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

Directors Absent

Director Candice Meneghin

Staff Present

Steve O'Neill, Legal Counsel
Kris Sofley, Clerk of the Board

Public Present

Anthony Emmert, UWCD
Mauricio E. Guardado, Jr., UWCD
John Lindquist, UWCD
Tim Moore, UWCD
Tony Morgan, Groundwater Strategies, Inc.
Tina Rivera, UWCD
Steve Zimmer

1. Call to Order 6:37p.m.

Chair Long called the meeting to order at 6:37p.m.

2. Pledge of Allegiance

Chair Long led the group in the Pledge of Allegiance

3. Public Comments

Chair Long asked if there were any public comments; none were offered.

4. Approval of Agenda

Motion

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

5. Director Announcements/Board Communications

Chair Long reported that she would be attending the First Annual GSA Summit in Sacramento on June 5 and June 6, organized by the Groundwater Resources Agency (GRA).

6. Clerk of the Board Update

Information Item

The Clerk of the Board provided a verbal cost estimate for the Agency's printed envelopes to offset costs incurred by using UWCD supplies. Herald Printing was the most affordable, at .084 cents per envelope (window or regular #10), and notified the Board that she was ordering 2500 FPB GSA imprinted window envelopes (for billing purposes) and 2500 GPB GSA imprinted regular #10 envelopes for correspondence at a total cost of \$423.38.

7. CONSENT CALENDAR

7A Approval of Minutes

Motion to approve the minutes from the Regular Board Meeting of April 30, 2018, Director McFadden; Second, Director Broggie. Voice vote: five ayes (Broggie, Kimball, Long, McFadden, Pace); none opposed; one absent (Meneghin). Motion carries unanimously 5/0/1.

8. ACTION ITEMS

8A Execution of Grant Agreement Conditions and Possible Amendments to DWR Prop 1 Grant for GSAs

Motion

UWCD's Tim Moore updated the Board on suggested modifications to the work plan and time line of the originally submitted Prop 1 grant application documents. He reported that he and UWCD's John Lindquist along with Chair Long and Director Kimball participated in a Conference Call on May 18 with Department of Water Resources' (DWR) Brian Moniz and Eduardo Pech for the purpose of reviewing these suggested modifications.

As required by the DWR, proposed changes must be submitted to the DWR within 45 calendar days (June 20, 2018) of the Grant Award Notification letter (May 7, 2018).

Mr. Moore reported to the Board that the original grant submission had included two Memos of Understanding, one each with United Water Conservation District and the County of Ventura (Work Plan Task 2). As these MOUs appear not to be necessary, he suggested removing them from the application (submitted as “track changes”).

The second change to the original submission relates to the schedule, specifically regarding the two monitoring wells, which was slated for May 8, and the beginning of the Groundwater Sustainability Plan development, which was slated for July. Mr. Moore suggested that the schedule dates be shifted three months forward, which, while it did spark a conversation with DWR, the submission date for the GSPs are on track for submission in Fall 2021. GSPs are due to the DWR by January 31, 2022. During the May 18 phone conversation, DWR did offer to provide a preliminary “courtesy” review of the GSPs prior to the submission deadline. Mr. Moore added that it could take months for DWR to review and since DWR didn’t know how long the review process would take, the Agency may not have time to amend the Plans before the January 31, 2022 deadline.

Chair Long stated that she would prefer a July or August deadline in 2021, to allow time for review, public comment and suggestions before the DWR submission deadline.

Director Kimball said that, according to SGMA, the DWR has two years after the submission deadline to review and for the Agency to make changes.

Mr. Moore said that the Agency isn’t penalized for submitting the GSPs early.

Chair Long then asked about the Request for Proposals for the GSP consultant.

Mr. Moore advised the Board that he had completed the Environmental Information Form regarding CEQA-impacted projects and documenting that the two monitoring wells are categorical exempt from well permits. The EIF will be submitted with the proposed changes to the grant application.

Tony Morgan, of Groundwater Strategies, wanted to mention that the monitoring wells have a trickle down impact on the budget. He said that the installation of the wells could be extended to 2021 to allow the Agency to build funds. He also mentioned that the Agency may not want to go forward with existing rates because big ticket items were coming up sooner rather than later. He pointed to item number

six on the budget worksheet, which showed adding monitoring wells in 2020, after collecting the money to pay for them, which could impact rate requirements.

Motion to approve the changes to the Prop 1 grant work plan and schedule, and direct UWCD staff to submit these changes to DWR, including the extension of monitoring wells to 2021, Director McFadden; Second, Director Broggie. Voice vote: five ayes (Broggie, Kimball, Long, McFadden, Pace); none opposed; one absent (Meneghin). Motion carries 5/0/1.

8B Adoption of Proposed FPB GSA Bylaws

Motion

Agency's legal counsel Mr. O'Neill reported to the Board that the revised FPB GSA Bylaws have been reviewed by the City of Fillmore's legal counsel, UWCD's legal counsel and the County of Ventura's legal counsel. The recommendations expressed by these three entities have been included in the revised Bylaws.

Based on the current version, the Board asked legal counsel to remove the specific invoice dates from Article 10.1 (Fee Enforcement) and include late penalties after 30 days. The Board also asked that, under Article 14, 14.3 (Procurement of Goods and Services) requires Board approval for any expense over \$500, including a Purchase Order or Check Request signed by both the Board Chair and Treasurer; and that emergency or critical expenses be limited to a maximum of \$1,000, anything more would require Board approval.

Ms. Rivera approached the Board for clarification, suggesting that expenses (invoices/warrants) be presented to the Agency's treasurer for review on a monthly basis, and that she and the Treasurer would review expenses against the budget estimates before presenting the expenses to the Board for approval. Also, for contracted services, the contract amount will be approved by the Board, with monthly invoices charged against that amount.

Motion to adopt the proposed FPB GSA Bylaws with amended language to 10.1, removal of specific billing dates; and 14.3, Board approval of expenses over \$500, Director Broggie; Second, Director McFadden. Voice vote: five ayes (Broggie, Kimball, Long, McFadden, Pace); none opposed; one absent (Meneghin). Motion carries 5/0/1.

8C Repayment of In-Kind Services Agreement with County of Ventura

Motion

Ms. Sofley reported that, as a result of rate payers' prompt payment of FPB GSA invoices, the Agency is now able to repay the cash advance from the County of Ventura, with interest, a full month before it is due, saving the Agency about \$65 in interest fees.

Motion to approve the repayment of the cash advance of \$51,300 from the County of Ventura, plus accrued interest of \$423.14, totaling \$51,723.14 on behalf of the Fillmore and Piru Basins Groundwater Sustainability Agency, Director McFadden; Second, Director Broggie. Voice vote: five ayes (Broggie, Kimball, Long, McFadden, Pace); none opposed; one absent (Meneghin). Motion carries 5/0/1.

8D Financial Reports from UWCD

Motion

UWCD's Ms. Rivera presented various financial reports prepared by UWCD staff to the Board and asked for direction regarding minimum requirements for invoicing, policy for collections and cash flow projections.

She explained that the District allows a ten day grace period beyond the 30 day payment due date for payment receipt without penalty. She said that if a customer owes less than \$1, it is reasonable to assume the well isn't being used. Non-reporters, the customers who do not respond to the District's request for usage reports, are handled two different ways. If there is a usage history, the District averages three years of historical usage data to estimate the customer's current usage and bills accordingly. For those customers without a usage history, the District investigates further, and keeps those customers on an "aging" report with a balance of one cent. For customers with no known address or for situations where customers/operators have changed and the District doesn't have any information, the District continues to investigate.

Mr. Moore added that many times, wells are improperly abandoned, so they stay on the books until the District receives the required destruction permit. Director McFadden added that it is expensive to destroy a well and obtain the necessary permit.

Ms. Rivera said that United staff will walk through the reports each month with Director McFadden, as the Agency's treasurer, for a few months to make sure everyone understands the reports.

Motion to waive charges for customers reporting less than \$1 in usage for each reporting period; non-reporting customers will be billed based on a three-year historical usage average; non reporting customers without historical usage data will be kept on the books with a one cent balance; customers without a valid address or customers who are new operators will be investigated for more information, and in addition, a motion to approve payment of checks in the amount of \$38,624.33 pursuant to Government Code § 54954.2(b)(2); Director McFadden; Second,

Director Broggie. Voice vote: five ayes (Broggie, Kimball, Long, McFadden, Pace); none opposed; one absent (Meneghin). Motion carries 5/0/1.

8E FPB GSA Proposed Budget for CY July - December 2018

Motion

UWCD's Ms. Rivera suggested that the Agency adopt an annual Fiscal Year budget, covering the period of July 2018 through June 2019.

Steve Zimmer approached the Board and said that the motion would be in conflict with the Brown Act as a FY 2018-19 Budget had not been presented prior to the motion.

Chair Long asked that the item be carried over to the June 2018 meeting, and that a Public Hearing – Budget Workshop, be scheduled for June 25. She also asked the ad hoc budget committee (Directors McFadden and Kimball) to review the FY 2018-19 budget to insure that it is adequate as presented, and that the Agency can make changes to the budget as necessary.

Ms. Rivera also suggested that, for additional clarification, the updated budget numbers show what has actually transpired as well as estimated expenses and revenues.

8F FPB GSA Board of Director Meeting Dates for June - December 2018

Motion

Based on several conflicts with the last Monday of the month meeting dates, staff researched Council Chambers availability from June through December 2018 and presented those options to the Board. Based on consensus, the FPB GSA meeting dates have been revised as follows in the motion.

Motion to reschedule FPB GSA Regular Board of Directors meetings to June 19, July 17, August 23, September 27, October 25, November 15 and December 20, 2017, Director Broggie; Second, Director Pace. Voice vote: five ayes (Broggie, Kimball, Long, McFadden, Pace); none opposed; one absent (Meneghin). Motion carries 5/0/1.

9. INFORMATION ITEMS

9A Groundwater Sustainability Plans – Overview of the Scope of Work, Timetable

Information Item

Mr. Moore presented a Groundwater Sustainability Plan matrix for the Board's review which included a scope of work (tasks) for the Fillmore and Piru basins GSPs. He identified the tasks that UWCD would tackle; tasks that an Executive Director or consultant could be hired to complete; and tasks that may require a sub-contractor with specific areas of expertise, such as would be required to deal with groundwater dependent eco-systems (GDE), for example.

Among the highlights:

Section 1 Introduction – to be completed by a consultant;

Section 2 Plan Area and Basin Setting – UWCD will take the lead on this, which includes basin boundary modifications. UWCD has a robust monitoring network and has already started on the 2016-2017 Piru and Fillmore Basins Biennial Report.

2.2 Basin Setting – UWCD hydrologic concept model and groundwater numerical model (which will not be billed to GSA);

2.2.1 Maps – Groundwater Dependent Ecosystems will be the consultant's task.

2.2.3 Water Budget – UWCD groundwater model as a potential resource to aid the GSA consultant in determining the Sustainable Yield of the basins.

Section 3 Sustainable Management Criteria – Public and Board input, consultant will take the lead;

3.3 Minimum Thresholds – based on historical data which UWCD can assist with;

3.5.1 Monitoring Network – UWCD has, but needs to be expanded

Section 4 Projects and Management - UWCD will assist consultant; measurable objectives

Section 5 Plan Implementation – Annual reporting can potentially be handled by UWCD, morphing current reporting information.

Chair Long asked if this would be sufficient for preparing the Request for Proposal, and acknowledged legal counsel's sharing of Indian Wells RFP with the Board.

Mr. O'Neill said that he represents four GSAs and that two have hired part time Executive Directors and one hired a rotating Executive Director that is shared with another agency, and that the Board needs to determine which route to take. Does the Board want to hire a consultant to manage and prepare the draft GSPs; or an Executive Director to ride herd over consultants, costs and content; or an objective third party to oversee the plan development. He added that, in his opinion, some type of Executive Director should be hired.

Chair Long asked if any of the Directors had an opinion or thoughts on the subject. She said that UWCD has noted what jobs they can perform, but what about the other tasks. She said one person, like an Executive Director, could be hired to hold all of the agencies and consultants accountable, and she wants to insure that there is no duplication of efforts.

Director Pace added that he thought the size of the project and the position warrant one person to do both tasks – oversee the development of the GSPs and manage the sub-contractors and agencies.

Director Broggie said that other agencies have hired Executive Directors on an hourly basis.

Mr. O'Neill added that it's a hard question to answer because everything is so new. He said you could hire Stantec, but there's not a lot to do at this point, it's later once the GSPs' preparation gets going.

Director Kimball said the Agency is essentially hiring two consultants – UWCD and another consultant. His concern is that the longer the Agency waits, the harder it will be to find someone to manage the process as all GSAs are going after the same consultants.

Chair Long added that she was thinking of an Executive Director and a consultant, who would serve as project manager and oversee sub-contractors and who already has knowledge of the basins and how they work.

Director Kimball asked if that was one person, the Agency's point of contact, or multiple people.

Chair Long said the Agency needs to do the RFP and move forward.

Mr. Moore said that a GSP consultant or an Executive Director should be decided before the RFP was distributed as most likely an Executive Director would want to weigh in on the RFP.

Director Kimball said an Executive Director could be hired for three to four months to get the RFP out and the consultant hired; then hire the consultant for another three months.

Mr. Moore said that UWCD can get going on some of its tasks now.

UWCD's GM, Mauricio Guardado, addressed the Board saying that with the scope of work as outlined, an Executive Director could bring in a team of consultants that they were already working with or had worked with in the past.

Director McFadden said that this is very challenging and he is rethinking the whole process, especially as it impacts the budget.

Mr. Morgan then addressed the Board, saying that the struggle seems to be with the Executive Director, what role would that person play – is it riding herd over consultants or running the agency? With legal counsel and ad hoc budget committee, the role at present isn't overly burdensome and an Executive Director or General Manager could get more involved in the GSP as it goes. It's defining titles and roles. GSP consultants should be contracted sooner rather than later as many are getting booked out now, at least the top tier firms, and the longer the Agency waits, the more expensive it will be. He asked the Board to consider Agency management, which would provide more flexibility, as a GSP supervisor and project manager while also sharing responsibility for assembling the primary and assistant tasks, utilizing UWCD's expertise, policy decisions, et cetera.

Chair Long reiterated the need to move forward on creating the RFP and asked the Board to read the Indian Wells RFP and decide what is the wish of the Board – a part time Executive Director, a General Manager, a Project Manager, leading the group plus the GSP; or reviewing the GSP.

Director McFadden said that writing the GSP is most critical and the Agency has to be careful not to duplicate efforts or impede United's efforts, and he didn't think it required a full time Executive Director, but possibly a part time Executive Director.

Director pace said he thought it would be more of a one stop shop, a team of consultants working with UWCD, going through the process; part time maybe 20 hours a week, what does that mean?

Chair Long said that the Mound Basin GSA was working with Bryan Bondy, but Mr. Morgan said that the Mound had no Executive Director and was lagging behind the FPB GSA by about six to eight months.

Mr. Guardado said that the Mound Basin hadn't executed its proposed contract with UWCD yet either.

Chair Long said focus an Executive Director on the GSP project to get it done well.

Director Broggie suggested starting with 20 hours per week and adjust the time commitment as required.

Director Pace said there are a lot of things that need to get done right away, but there will be hold time as UWCD fills in its portion of the tasks. Then there will be some quiet time and some busy time, so maybe not a stable 20 hours per week, but something more flexible.

Director McFadden said the Agency needs to gather outside information, form an ad hoc committee to sort throughout all of the information and come back at the next meeting with recommendations. He added that he and Director Kimball would meet with United staff to determine how much time is needed and what parts need to be managed in an effort to determine how much a time will be required of the person helping the Agency.

Director Kimball added that he would like to start with the RFP for GSP prep and then decide if the Agency needs someone to manage the process or not.

Director Pace said that the RFP should include expectations of tasks and what help UWCD is providing. Chair Long added a project time line and budget and a copy of the grant application submitted to DWR as well, just to define direction.

Ad hoc committee will provide an RFP that includes detailed scope of work for the GSPs that includes what support UWCD will provide; as well as the anticipated timeline for writing the GSP and consideration of which consultants to solicit proposals from, including public notices and job posting services.

**9B Draft 2018 SGMA Basin Prioritization Results and Fillmore/Piru Basins
Boundary Modification update**

Information Item

Mr. Moore explained the DWR criterion for basin prioritization changed in 2014 and Fillmore was “dinged” for seawater intrusion. The point range for High Priority Basins is 22 to 42 and Fillmore currently scores 27. In 2014, Fillmore was only 3/10 (or one point) below the high priority threshold, but the rate of population growth increased its point value, too. Mr. Moore said he spoke with Tim Ross at DWR who told him that there really isn’t a difference between medium and high priority designation, but if the Board wishes, he can craft a response to DWR. The Public Comment period closes July 18.

Chair Long requested that the Draft Reprioritization notice designating Fillmore basin as a “high” priority basin and an invitation for the public to comment on this be posted on the FPBGSA website. Mr. Moore said he would have a comment letter for Board approval at the June meeting.


ADJOURNMENT 8:55p.m.

The Board adjourned to the next **Regular Board Meeting** on Monday, **June 19, 2018** or call of the Chair.

ATTEST: 

Kelly Long, Chair, FPB GSA Board of Directors

I certify that the above is a true and correct copy of the minutes of the Fillmore and Piru Basins Groundwater Sustainability Agency’s Board of Directors meeting of May 31, 2018.

ATTEST: 

Kris Sofley, Clerk of the Board



BOARD MEETING

May 31, 2018 @ 6:00pm

City Council Chambers, Fillmore City Hall

250 Central Avenue, Fillmore, CA 93015

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