



Board of Directors Meeting
Thursday, April 18, 2019
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 Lynn Edmonds
Director Gordon Kimball
Director Glen Pace

Directors Absent

Director Candice Meneghin

Staff Present

Anthony Emmert, executive director
Wayne Lemieux, legal counsel
Kris Sofley, clerk of the board

Public Present

Matt Carpenter, FivePoint NLF
Dave Ceppos, Center for Collaborative Policy/California State University, Sacramento
Dan Detmer, UWCD
Tony Morgan, Daniel B. Stephens & Associates (DBS&A)
George Reid
Steve Zimmer

1. **Call to Order – First Open Session 5:06p.m.**
Chair Long called the meeting to order at 5:06p.m.
2. **Pledge of Allegiance**
Chair Long led the group in reciting the Pledge of Allegiance.
3. **Directors Roll Call**
Chair Long reported that Director Meneghin was ill and unable to attend tonight's Board Meeting. Directors Pace, Kimball, Edmonds and McFadden were all in attendance.

4. Public Comments

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

5. Approval of Agenda

Motion

Chair Long asked if there were any changes to the agenda. Ms. Sofley said there were no changes.

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

6. Director Announcements/Board Communications

Information Item

Chair Long reported that she had attended the AWA Symposium that day and that it was a great meeting regarding the future of water and covered all of the complexities of SGMA, which most of the Board understands.

Director Pace said that he wanted to inform the Board that he was beginning the process of selling Waring Water, the company that he owned. He has entered into an agreement to sell, but it will be a year before it takes place. He stated that he will be discussing this with the Piru Pumpers Association at its next meeting. Chair Long said that he was appointed to the Board for a two-year term, so his term is coming up for renewal in the near future. Director Pace reminded her that the terms were staggered, with the Fillmore Pumpers representative appointed for a two-year term and the Piru Pumpers representative appointed for a three-year term, and that his term's expiration will coincide with the same of the water company. Chair Long asked legal counsel to confirm this.

Director Kimball reported that the Fillmore and Piru Pumpers Associations would have their next joint meeting on Tuesday, June 11, at 10am at the Veterans Memorial Hall in Fillmore. He thought that this would be a good opportunity for the consultants to take advantage of the meeting to engage stakeholders, if they wished. Director Edmonds asked if it was appropriate for her to attend the meeting and Director Kimball replied that it was an open public meeting.

7. Executive Director Update

Information Item

Mr. Emmert addressed the Board, saying there were a few things to report on. He said that staff was moving forward on the issuance of credits based on the Board's March 28, 2019

approval, and were working through the details to ensure correctness. He thanked Director Kimball for letting staff know about the properties that were recently sold. Mr. Emmert stated that legal counsel had proposed language regarding the credits issuance and that staff is using that language for both phone inquiries and for the cover letter to pumpers. He stated that the package to be mailed to pumpers will include the cover letter, a credit statement for the July 1, 2017 to December 31, 2017 period, a credit statement for January 1, 2018 to March 26, 2018 period, and an invoice for the July 1, 2018 to December 31, 2018 period. Mr. Emmert said that late fees for the second billing period would be pro-rated. He stated that staff should complete the credits issuance within the next week, but the same staff members working on the credit issuance are also working to finalize United Water Conservation District's (District) budget document.

Director McFadden said the Farm Bureau Board of Directors response to the credit was positive – nobody is complaining.

Mr. Emmert continued, stating that District staff was making good progress on the model development for the two basins, and that the effort is on schedule. He also reported that staff had begun work on the first grant report and invoice, which is due to the Department of Water Resources (DWR) in May 2019. He stated that the first report is more difficult to complete, as it must capture Agency activities and expenditures back to the beginning of the period allowable under the grant agreement. Mr. Emmert explained that the report will be detailed enough to capture all allowable Agency expenditures and all allowable in-kind work performed by the District on model development, with the intent to meet matching requirements as early as possible. He stated that Agency staff will work closely with Eduardo Pech, DWR's grant administrator, to minimize agency costs and maximize grant reimbursements. Mr. Emmert stated that Agency staff and DBS&A staff had held a three-hour grant kick-off meeting with DWR staff in late February 2019.

Mr. Emmert stated that staff has begun working on the Agency's draft budget for Fiscal Year 2019-2020.

Chair Long asked about the status of the Basin Boundary Modification. Mr. Emmert said that DWR has recently issued a notification that it had finalized the boundaries modifications for the two basins, with no additional changes. He stated that staff will reach out to the affected well owners, and will include them in the billing for the period ending June 30, 2019. He reminded the Board that the significant change was the extension of the Fillmore basin boundary to the boundary of the Santa Paula basin adjudication, thereby adding significant pumping by the Farmers Irrigation Company to the Fillmore Basin. He stated that the changes to the Piru basin boundaries did not result in the capture of significant additional pumping. Director Edmonds asked if Mr. Emmert foresaw any problems. He replied that the most difficult task will be to communicate with the owners

of the smaller wells in the side canyons of the Piru basin, as none responded to previous letters and several are outside of the District's service area, making information gathering more difficult. He stated that staff has not put too much time into this effort, as it had been working on other priority items.

8. Legal Counsel Update
Information Item

Mr. Lemieux said that he had no update for the Board.

9. Groundwater Sustainability Plans Development Update
Information Item

Tony Morgan, of Daniel B. Stephens and Associates, provided the Board with a brief background on Dave Ceppos explaining that Mr. Ceppos had a lot of information to present to the Board. He also reported that DBS&A staff was working on identifying and evaluating the data gap portion of the groundwater sustainability plan (GSP), and that it had just recently begun work on developing the stakeholder engagement program.

10. CONSENT CALENDAR

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

10A Approval of Minutes

The Board will consider approving the Minutes from the Board Meeting of March 21, 2019 and the Special Board Meeting of March 28, 2019.

10B Approval of Warrants

The Board has no invoices for payment this month.

10C Monthly Financial Report

Staff has prepared an update on the Agency's cash position, as of March 29, 2019, and is currently in the process of issuing credits for groundwater extraction fees. An updated profit and loss statement and balance sheet will be provided once the credits have been completed.

11. INFORMATION ITEMS

11A Presentation on Stakeholder Engagement from Daniel B. Stephens & Associates Team

Informational Item

Dave Ceppos, Associate Director of the California State University, Sacramento, Center for Collaborative Policy, and member of the Daniel B. Stephens & Associates groundwater sustainability planning team, provided two presentations to the Board, on understanding the roles and responsibilities of the GSA Board members and SGMA requirements regarding Stakeholder Engagement in the groundwater sustainability planning process. (see attached)

FUTURE TOPICS FOR BOARD DISCUSSION

Chair Long asked for an update on the billing and credit issuance for the Agency ratepayers and an update on the progress regarding groundwater model development.

ADJOURNMENT

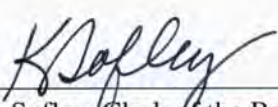
Chair Long adjourned the meeting at 6:34p.m. to the next Regular Board Meeting on Thursday, May 16, 2019, or the call of the Chair.

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 April 18, 2019.

ATTEST: _____


Kris Sofley, Clerk of the Board



Fillmore and Piru Basins
Groundwater Sustainability Agency

SPECIAL BOARD MEETING

April 18, 2019 @ 5:00pm

City Council Chambers, Fillmore City Hall

250 Central Avenue, Fillmore, CA 93015

Name: Steve Zimmer

Name: _____

Organization: _____

Organization: _____

Phone: _____

Phone: _____

E-mail: _____

E-mail: _____

Name: Math Carpenters

Name: _____

Organization: NLF

Organization: _____

Phone: _____

Phone: _____

E-mail: _____

E-mail: _____

Name: _____

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The Sustainable Groundwater Management Act

SGMA 101 and Groundwater Sustainability Agency Roles and Responsibilities

April 18, 2019
Fillmore and Piru Basins
Groundwater Sustainability Agency



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

Presentation Outline

- Introduction
- SGMA 101
- Background
- Roles and Responsibilities

SGMA 101

Groundwater Sustainability Agencies (GSAs)

"Any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin." (Water Code § 10721)

"Local agency" means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin." (Water Code § 10721)

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

SGMA 101

Groundwater Sustainability Agencies (GSAs)

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

SGMA 101

Private Pumpers / The Public

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

SGMA Foundational Items

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

Background

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

GSA Roles and Responsibilities

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

Governance

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

Outreach / Engagement (Transparency)

Beneficial Users (Water Code §16723.2)

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

Outreach/Engagement (Transparency)

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

Compliance

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

Funding

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

Authorities

General

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

Authorities

Information Gathering

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

*Does not apply to de minimis extractors

Authorities

Information Gathering

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

Authorities

Groundwater Extraction

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

Authorities

Groundwater Extraction (cont.)

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

Authorities

Property Acquisition and Management

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

Authorities

Property Acquisition and Management (cont.)

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

Authorities

Property Acquisition and Management (cont.)

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

Authorities

Enforcement

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

Coordination

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

Technical

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

Discussion / Q&A

THANK YOU

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SGMA Requirements for Stakeholder Engagement

Applying Regulation into Practice

April 18, 2019
Fillmore and Piru Basins
Groundwater Sustainability Agency



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Managing Senior Mediator
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College of Continuing Education
Consensus and Collaboration Program

Presentation Outline

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

Regulatory Context



Regulatory Requirements

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

§ 354.10. Notice and Communication

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

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

Regulatory Requirements

§ 354.10. Notice and Communication (continued)

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

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

Regulatory Requirements

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

Regulatory Questions

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

Regulatory Questions

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

Beneficial Users / Uses

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

Practical Responses

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

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

Practical Responses

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

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

Practical Responses

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

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

Practical Responses

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

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

Practical Questions

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

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

Practical Responses

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

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

Practical Applications



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

Kelembagaan: Satuan Terpadu

No. _____

1. Kelembagaan yang diteliti _____

2. Spesifikasi lokasi _____

3. Waktu penelitian _____

4. Alasan memilih lokasi dan waktu penelitian _____

Nama	Jenis	Jumlah
1. <u>Kelembagaan yang diteliti</u>		
2. <u>Spesifikasi lokasi</u>		
3. <u>Waktu penelitian</u>		
4. <u>Alasan memilih lokasi dan waktu penelitian</u>		
5. <u>Kelembagaan yang diteliti</u>		
6. <u>Spesifikasi lokasi</u>		
7. <u>Waktu penelitian</u>		
8. <u>Alasan memilih lokasi dan waktu penelitian</u>		
9. <u>Kelembagaan yang diteliti</u>		
10. <u>Spesifikasi lokasi</u>		
11. <u>Waktu penelitian</u>		
12. <u>Alasan memilih lokasi dan waktu penelitian</u>		

(Tanda Tangan dan Stempel)

[illegible]

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