



Board of Directors Meeting
September 17, 2020
via ZOOM

MINUTES

Directors Present

Director Kelly Long, Chair
Director Ed McFadden, Vice Chair/Secretary/Treasurer
Director Tim Holmgren
Director Gordon Kimball
Director Glen Pace
Director Candice Meneghin

Staff Present

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

Public Present

Lisa Ballin, CSUS/DBS&A
Bryan Bondy, Fillmore and Piru Pumpers Associations
Frank Brommenschenkel
Dan Detmer, UWCD
Emerson
Erin Gorospe, UWCD
Burt Handy
Dr. Zachary Hanson, UWCD
Rachael Laenen, FP Pumpers Association
Tony Morgan, DBS&A
Patrick O'Connell, DBS&A
Eddie Pech, DWR
Steve Slack, CDFW
Ambry Tibay, UWCD
Jim Thurber
Gilead Wurman

Call to order 5:01p.m.

Chair Long called the meeting to order at 5:01p.m.

1A. Pledge of Allegiance

Chair Long asked everyone to join her in reciting the Pledge of Allegiance

1B. Directors Roll Call

Chair Long asked the Clerk to call roll. All directors were present (Holmgren,

Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace.)

1C. Public Comments

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

1D. Approval of Agenda

Motion

Chair Long asked Mr. Emmert if there were any changes to the agenda. Mr. Emmert stated there were none.

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

2. Updates

2A Director Announcements/Board Communications:

Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update

Director Kimball reported Fillmore and Piru Pumpers Association's Board meeting took place on Tuesday, September 8. The group discussed FPBGSA's Stakeholder meetings and interactions. Some members like Zoom others prefer in person. The suggestion was made to have outdoor Stakeholders meetings with social distancing. It was mentioned that Zoom has the capabilities to conduct polls and other features conducive to engaging participants. Director Kimball said he was aware that these features will be used in the GSA's upcoming stakeholders meeting.

Chair Long mentioned she will ask County compliance representatives about any changes in social distancing recommendations. Currently the limit for in-person gatherings is 10. Chair Long added that since the County may make it into the red zone re State guidelines, she may have new information.

Piru Pumpers Association Stakeholder Director Update

Director Pace stated that Director Kimball had already reported on the Pumpers Association meeting and he had nothing to add.

Environmental Stakeholder Director Update

Director Meneghin reported there have been no meetings of the Environmental groups. She said the groups are planning an upcoming workshop for improvement to their environmental engagement management criteria and hoping to have good participation.

City of Fillmore Member Director Update

Director Holmgren stated he had nothing to report.

United Water Conservation District Director Update

Vice Chair McFadden reported that United continues the release from Santa Felicia Dam/Lake Piru with another six weeks to go. Basins are being recharged and water is flowing to the Freeman Diversion and United is making surface deliveries to the Oxnard plain, benefitting many users.

County of Ventura

Chair Long reported the Board of Supervisors had a long meeting on Monday and Tuesday for its budget. Thanks to good planning and federal financing, the County did well and will be servicing the community more cost effectively than last year. She also stated the County's General Plan was approved through 2040, and now has 30 days to be reviewed by the public before it will be implemented. She added that the General Plan includes advancements for the economic vitality of the County as well a climate action plan, environmental justice and a housing element that will come later. Chair Long mentioned she personally is appointing someone to serve on the climate action commission and asked if anyone knows of someone that might be interested and lives in Piru, to please contact her.

Chair Long said that Eddie Pech at DWR had contacted the GSA, inquiring about questions or delays the GSA may have relating to the sustainability plan and appreciated Mr. Emmert's reaching out to DWR to assure him that the GSA is on target. Chair Long added that she attended the State Association of Counties and members were discussing DWR and sustainable ground management webinars in an effort to understand how the state and local agencies are working together. She is networking with many of the County representatives and said that she wants to make sure the GSA has a voice in everything.

2B Executive Director Update

Mr. Emmert said an update on receivables will be covered in agenda Item 4A and that regarding the ongoing grant process, the GSA's fifth invoice for \$86,000 was approved by DWR. The GSA's progress report six and invoice six covering the period ending September 30, 2020 is due to DWR by November 15, 2020. Mr. Emmert reported the expert panel reviewing the United groundwater model gave it strong favorable reviews and added that the final validation of the model should be completed by September 30, 2020 and documentation will follow with a target date of December 31, 2020.

Mr. Emmert also advised the Board that he is in communication with the Santa Clarita Valley Water Agency regarding modeling assumptions and future scenarios. Mr. Emmert reminded the Board that the upcoming Stakeholder

Workshop, slated for October 1, 2020, would be discussed in greater detail in item 4B. Mr. Emmert also mentioned that the Community Water Talk events for disadvantaged communities will be resuming after a COVID-19 induced pause of several months.

2C Legal Counsel Update

Legal Counsel Mr. O'Neill stated that he has been working with Executive Director Emmert on enforcement options regarding collection of past due accounts receivables, which will be discussed in greater detail in item 4A.

2D GSP Consultant Update

Mr. Tony Morgan of Daniel B. Stephens & Associates provided a presentation updating the Board on the Agency's GSP development activities since the August meeting. (see attached) Of the three agenda items that will be discussed tonight, are the Stakeholder Workshop, review of Sustainable Management Criteria, with an update from the Ad Hoc Committee activities, and an update on future conditions.

Mr. Morgan shared some news that the Vina Basin GSA in Oroville has formally requested Governor Newsom extend the GSP deadline by two years for stakeholder outreach efforts. Mr. Morgan said that some Directors have asked about that in the past and that he would report back once he hears more on this subject. He also said there has been a lot of talk about the GSPs in the critically over drafted basins that did or did not address the impacts of domestic wells, particularly in the Central Valley as many of the shallow wells go dry. Even if the main objective is achieved in the GSP, there have been a lot of webinars on what that means in the future. He said that he would continue to monitor those situations to make sure the boxes are being checked for the Fillmore and Piru GSPs.

Director Meneghin mentioned that she had heard through the RWM person that the GSP extension date is being investigated due to the impact of COVID-19 on the Disadvantage Community Engagement program grant as well as how that has affected stakeholder engagement, which is an issue across the board and she said she will be interested in seeing the outcome.

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 Board Meeting of August 20, 2020

3B Approval of Warrants

The Board will consider approving the following invoices for payment:
Olivarez Madruga Lemeiux O'Neill LLP \$2612.00

3C Monthly Financial Report

The Board will receive a monthly profit and loss statement and balance sheet for the FPBGSA from UWCD's accounting staff.

Chair Long asked if there were any comments or questions from the Board of the public. No comments were offered

Motion to approve the Consent Calendar including the amendments to the MINUTES as offered by Director Meneghin, Vice Chair McFadden; Second, Director Meneghin. Roll call vote: six ayes (Holmgren, Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace); none opposed. Motion carries unanimously 6/0.

4 MOTION ITEMS

4A Authorities of the Agency for Charging Fees and Collections as per the Sustainable Groundwater Management Act and Open Groundwater Pumping Accounts Receivables

Motion

Mr. Emmert addressed the Board saying this may be the first in a couple different sessions to discuss receivables and fees that the agency charges, and that legal counsel will provide an overview of the authorities that SGMA and state law provide to the agency with regard to charging fees and collection of those fees. He added that Mr. O'Neill will also discuss the various options that the law affords.

Mr. Emmert said that the receivables vary between large, medium and small as well as the length of time the receivables are overdue. He said this information would facilitate the discussion of what the Board would like staff to do next. He said he didn't have a recommendation but rather was open to receiving direction and feedback from the board.

Mr. O'Neill explained the various legal options for collecting payments on delinquent customers and how COVID-19 is impacting enforcement based on Executive Orders from Governor Newsom. He also stated the GSA may have the option to collect via the tax roll and that he will confirm that with County counsel.

Vice Chair McFadden asked what happens if the receivables are pre-COVID. Mr. O'Neill replied that COVID only limits the GSA's ability to seize production, but not the ability to collect on the unpaid fees.

Director Kimball said he likes the idea of collecting through the county tax roll, and if ratepayers do not pay property taxes that is a bigger problem.

Vice Chair McFadden asked if the county tax roll applies the interest and penalties to amounts owed. Mr. O'Neill said those fees would be applied, and he would have to work with the County to come up with the numbers. He also mentioned the Board has addressed this in the past, and that some interest was waived some time ago.

Mr. Emmert confirmed that some fees were waived in the past. Chair Long said she believed the amount waived was less than \$20 dollars. Mr. Emmert explained that the Agency waived fees during the first year, due to the newness of the Agency. He also said that there was a situation when the Agency Board waived fees when a family member passed away. Director Kimball said he believed this is going to be an ongoing issue as families farm until they die, and the remaining family members are left with not knowing what to do. He said the GSA needs to be open to these types of situations.

Chair Long asked if the decision to waive fees would come to the Board first or go to the County. Mr. O'Neill said this will need to go to the Board, explaining this is a new process for everybody and he will need to engage with County counsel to see how this should be administered and confirm the County's collection procedure. Mr. O'Neill stated that state law allows joint powers authorities such as the Fillmore and Piru Basins GSA to utilize the powers of its member agencies. In this case, the County of Ventura has powers to assess fees on property taxes under the public nuisance statutes, but he will reconfirm that.

Chair Long asked if there were any further questions from the Directors or public comments. No comments were offered.

Mr. Emmert said he had received some useful information from the Board and that staff likes the idea of putting some of these delinquent accounts on the assessment of property tax, if found to be legal. He reviewed the variations of delinquent accounts based on dollar amounts owed, adding that some customers have never paid, and he wonders if they just do not know to pay or do not want to pay. He said that staff would have to work with the County and provide a list of the unpaid customers. He said it may also be necessary to have a hearing ahead of time when customers can have their due process opportunity. This would likely take place in the May-June time frame, as the County wraps up its whole property tax processing around then.

Vice Chair McFadden asked how many customers had a balance of over \$1,000. Mr. Emmert replied quite a few and added that United is pursuing a lawsuit against one of them, who has been troublesome and does not report usage.

Chair Long stated the action steps are for Brian Miller in her office to contact Mr. O'Neill and provide him with a contact from the tax collector's office and regarding code compliance, as there are rules and regulations associated with that process.

Motion to approve pursuit of County collaboration on collection efforts, Vice Chair McFadden; Second, Director Meneghin. Roll call vote: six ayes (Holmgren, Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace), none opposed. Motion carries unanimously 6/0.

**4B Groundwater Sustainability Plan (GSP) Stakeholder Workshop 2
Sustainable Management Criteria – Consider draft agenda and plan**

Motion

The Board will consider a draft agenda and workshop plan developed by the Stakeholder Engagement Ad Hoc Committee for the second GSP Stakeholders Workshop.

Motion to approve the general draft agenda and to send one finalized agenda to the Directors and to update everything on our website and social media, Director Kimball, Second; Vice Chair McFadden. Roll call vote: Six ayes (Holmgren, Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace) Motion carries unanimously 6/0.

Ms. Lisa Ballin mentioned she will be presenting materials for the upcoming October 1st Groundwater Sustainability Plan (GSP) Stakeholder Workshop 2. Ms. Ballin explained the flow of the meeting as planned. Ms. Ballin stated the meeting will be recorded and posted on the website. She asked the Board if they would agree on spending the money for the mailing of invitations for this event. Director Kimball stated he feels the mailing should be approved, and Vice Chair McFadden also agreed it needs to be done. Chair Long asked Director Meneghin if she was in agreement with the mailing and she also agreed. Chair Long stated hearing from three Directors to proceed with the mailing proves it is an important factor. It was agreed Ms. Eva Ibarra will be sending out the mailings for the event. A Zoom features slide will be shown at the beginning of the presentation to show the audience the features available to them during the workshop. The Board provided feedback on the polling questions to be used during the workshop. Director Kimball stated that he likes the polls and hopes that brings more engagement.

Chair Long asked for public comments or questions from Directors for Ms. Lisa Ballin and Director Kimball mentioned he would like to see the posting of the recording soon after the workshop and a calendar invite sent out to the Directors.

3. INFORMATION ITEMS

5A Sustainable Management Criteria Ad Hoc Committee Status Update

Information item

Representative from Daniel B. Stephens & Associates and committee members will provide a status report to the Board regarding the development of draft Sustainable Groundwater Management Criteria.

Mr. Tony Morgan presented an update (see slides). Mr. Morgan also stated he will provide an update of the actions of the Ad Hoc committee and stated the Ad Hoc committee has now had five meetings and another one scheduled for next Monday. Mr. Morgan presented an updated Matrix with the mention of an added column titled "Undesirable Results" with an explanation of updated data to the matrix. Mr. Morgan explained each slide as he provided information on land subsidence, degraded water quality and an introduction into groundwater elevation.

Vice Chair McFadden asked questions on land subsidence and the MO's showing for 2016 level from the slides presented. Mr. Morgan explained. Vice Chair asked if there's fine-grained material in our basins. Mr. Morgan said yes. Director Kimball joined the conversation and shared his ideas as well. Vice Chair McFadden stated that he understands this is an extreme problem in San Joaquin and wondered if we have the same potential here with the geology of our aquifers. Mr. Morgan stated we do have fine-grained material in our aquifers. Director Kimball also joined the discussion and provided input.

Director Kimball mentioned a water quality problem that has impacted our water and stated it needs to be acknowledged. Mr. Tony Morgan discussed the information he had regarding this problem. Chair Long mentioned she attended a GRA conference that stated you have to do mitigation with the flows above or below depending on the quality of your water and wants to make sure we have a criteria and stated this is our issue. Director Meneghin also joined the discussion and stated she made the recommendation that they have the Regional Water Quality Control Board give us the status of chlorides as the only resource is the regional board to stop it from happening, if we are going to be accountable. Chair Long stated she wants to get a better understanding of our roles in this from DWR.

Vice Chair McFadden stated only two out of the six conditions listed were agreed upon from the Ad Hoc Committee, and they still need to have a lot of discussion.

Some Board members and staff each expressed their thoughts, concerns, and made suggestions on what information they felt should be shared to stakeholders at the October 1st workshop. Mr. Tony Morgan stated concepts and ideas is what is envisioned as the bulk of the workshop.

Chair Long asked if there were any comments or questions from the Board or the public. Dan Detmer and Bryan Bondy raised their hands.

Dan Detmer made some clarifications on the subsidence issues previously discussed.

Bryan Bondy shared his thoughts on slides presented and made suggestions for the upcoming workshop.

Mrs. Lisa Ballin stated she will be amending two of the documents with a slight wording change.

Motion to receive and file, Vice Chair McFadden; Second: Director Pace
Roll call vote: six ayes (Holmgren, Kimball, Meneghin, Pace, Vice Chair McFadden, Chair Long) Motion carries unanimously 6/0.

5B Status Report on Information Received and Still Needed for Future Conditions

Information item

Representative from Daniel B. Stephens & Associates will provide a status report on information received to date and discuss information still needed for future conditions.

Mr. Tony Morgan presented slides (see attached).

Motion to receive and file, Vice Chair McFadden; Second: Chair Long. Roll call vote: six ayes (Holmgren, Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace) Motion carries unanimously 6/0.

FUTURE TOPICS FOR BOARD DISCUSSION

Better understanding of de minimis groundwater users, how they should be charged or not.

ADJOURNMENT 7:43 p.m.

Chair Long adjourned the meeting at 7:43 p.m. to the next **Regular Board Meeting** on Thursday, **October 15, 2020** or call of the Chair

ATTEST: _____


Kelly Long, Chair, FPB BSA 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 September 17, 2020.

ATTEST: _____


Eva Ibarra, Clerk of the Board