



Fillmore and Piru Basins
Groundwater Sustainability Agency

Board of Directors Meeting

Thursday

April 15, 2021

5:00 p.m.

In accordance with the California Governor's Executive Stay at Home Order and the County of Ventura Health Officer Declared Local Health Emergency and Be Well at Home Order resulting from the novel coronavirus (COVID-19), the Fillmore City Hall is closed to the public. Therefore, the FPB GSA will be holding its Regular Board of Directors meeting virtually using the ZOOM video conferencing application.

If you are new to ZOOM video conferencing, please visit this help page in advance of the meeting date and time:

<https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting->

To participate in the Board of Directors meeting via Zoom, please access:

<https://us02web.zoom.us/j/82477092074?pwd=SkJoa2hhZk5pUG1wZzJLa3V5dGZsQT09>

Meeting ID: **824 7709 2074**

Password: **FPBGSA**

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

Meeting ID: **824 7709 2074**

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 Cal

1C Public Comments

Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) will accept public comment concerning agenda items at the time the item is considered and on any non-agenda item within the jurisdiction of the Board during the agendaized Public Comment period. No action will be taken by the Board on any non-agenda item. In accordance with Government Code § 54954.3(b)(1), public comment will be limited to three (3) minutes per speaker per issue.

**1D Approval of Agenda
Motion**

2. UPDATES

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

Fillmore Pumpers Association Stakeholder Director Update

Piru Pumpers Association Stakeholder Director Update

Environmental Stakeholder Director Update

City of Fillmore Member Director Update

United Water Conservation District Member Director Update

County of Ventura Member Director Update

**2B Executive Director Update
Information Item**

The Executive Director will provide an informational update on Agency activities since the previous Board meeting of March 18, 2021.

**2C Legal Counsel Update
Information Item**

Legal Counsel will provide an informational update on Agency's legal issues and concerns since the previous Board meeting of March 18, 2021.

**2D GSP Consultant Update
Information Item**

Representatives from Daniel B Stephens & Associates and UWCD will provide an informational update on Agency's GSP development activities since the previous Board meeting of March 18, 2021.

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 Meetings of March 18, 2021 and April 1, 2021.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices

United Water Conservation District	\$28,058.48
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3C Monthly Financial Report

The Board will receive the Agency's monthly profit and loss statement and balance sheet.

4. MOTION ITEMS

4A Resolution 2021-01 Waiver of Late Fees and Interest on Groundwater Charges

Motion

The Board will consider adopting Resolution Number 2021-01 amending the Agency Bylaws to authorize the Executive Director to approve waiver of certain late fees and interest charges associated with groundwater pumping fees.

4B California Department of Fish and Wildlife Request for Waiver of Late Fees and Interest

Motion

The Board will consider California Department of Fish and Wildlife's request for waiver of late fees and interest in the amount of \$1,687.99 for groundwater pumping associated with its Fillmore Fish Hatchery facility.

4C Four Oaks Ranch Request for Waiver of Late Fees and Interest

Motion

The Board will consider a request by the Four Oaks Ranch for waiver of late fees and interest in the amount of \$86.38 for groundwater pumping associated with the Four Oaks Ranch.

4D City of Fillmore Request for Waiver of Late Fees and Interest

Motion

The Board will consider a request by the City of Fillmore for waiver of late fees and interest in the amount of \$1,163,80 for groundwater pumping associated with its municipal water supply wells.

4E Rogers, Anderson, Malody & Scott, LLP Audit Amendment Number 1

Motion

The Board will consider approving Amendment Number 1 to Agreement 2019-08-21 with Rogers, Anderson, Malody & Scott, LLP for financial auditing services for the Fiscal Years 2019-2020 and 2020-2021 for up to \$9,200.

4F Sustainable Management Criteria Development

Motion

The Board will consider stakeholder input regarding the Agency's Sustainable Management Criteria matrix with a focus on finalizing the Land Subsidence criteria and the Streamflow criteria and provide direction to Agency staff and consultant team toward development of the draft Groundwater Sustainability Plans.

4G Special Board Meeting on Sustainable Management Criteria

Motion

The Board will select a date for a Special Board Meeting in April 2021 to consider approval of the Sustainable Management Criteria matrix.

FUTURE TOPICS FOR BOARD DISCUSSION

ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting** on Thursday, May 20, 2021 or call of the Chair

Materials, which are non-exempt public records and are provided to the Board of Directors to be used in consideration of the above agenda items, including any documents provided subsequent to the publishing of this agenda, are available for inspection at UWCD's offices at 1701 N. Lombard Street in Oxnard during normal business hours.

The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda materials in an alternative format, please contact the UWCD Office at (805) 525-4431 or the City of Fillmore at (805) 524-1500. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.

Approved:


Board Chair Kelly Long

Posted: (date) April 09, 2021
At: <https://www.FPBGSA.org>

(time) 6:00pm

(attest) Eva Ibarra

Fillmore and Piru Basins Groundwater Sustainability Agency

Board of Directors Meeting -

April 15, 2021

Page 5

Posted: (date) April 09, 2021

(time) 6:30pm

(attest) *Eva Ibarra*

At: <https://www.facebook.com/FPBGSA/>

Posted: (date) April 09, 2021

(time) 6:45pm

(attest) *Eva Ibarra*

At: UWCD, 1701 N. Lombard Street, Oxnard CA 93030



Board of Directors Meeting/Stakeholder Workshop

March 18, 2021

Via Zoom

MINUTES

Directors Present

Director Kelly Long, Chair
Director Ed McFadden, Vice Chair/Secretary
Director Gordon Kimball
Director Candice Meneghin
Director Glen Pace
Director Christina Villaseñor

Staff Present

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

Public Present

Lisa Ballin, CSUS/DBS&A
Bryan Bondy, Fillmore and Piru Pumpers Associations
Christian Brodrick, Stillwater Science
Katie Brokaw
Dan Detmer, UWCD
Michael Fetchner
Carole Fornoff
Matt Freeman
Burt Handy
Debbie Jackson
Rachel Laenen
Murray McEachron, UWCD
Helen McGrath
Tony Morgan, DBS&A
Patrick O'Connell, DBS&A
Bruce Orr, Stillwater Science
Eddie Pech, DWR
Zachary Plummer, UWCD
Lara Shellenbanger
Stacie Ann Silva

Steve Slack, CDFW
Lita Spencer
Dr. Jason Sun, UWCD
Richard Tate
Jean Thirkettle
Roy Thun
James Thurber
Ambry Tibay, UWCD
Jim Van de Water
Gilead Wurman
Steven Zimmer

1. Call to Order – First Open Session 5:00 pm

Chair Long, called the meeting to order at 5 pm.

1A. Pledge of Allegiance

Director Kimball led the meeting participants in the reciting of the Pledge of Allegiance.

1B. Directors Roll Call

Roll call: (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor); six present.

1C. Public Comments

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

1D. Approval of Agenda

Motion

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

2. UPDATES

2A Director Announcements/Board Communications:

Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update
Director Kimball reported the Fillmore Pumpers Association's Board had a combined Fillmore and Piru Pumpers Associations meeting on March 9, during which time the members discussed, reviewed, and approved the

letter to the GSA on the subsidence SMC and discussed the added cost of the two GPS monitors mentioned in the letter, with general widespread support for the cost of the monitors. Additionally, he said the members also discussed groundwater storage, groundwater elevation SMCs and he received general support for the groundwater elevation SMC, as proposed, as well as support for matching elevations for the groundwater storage SMC. He stated that there was concern expressed for the progress of the monitoring wells project. He reported that members are willing to help in any way possible, as they are aware that this is a difficult and time consuming process and are also concerned that Department of Water Resources will not grant an extension on the grant terms if deadlines are not met.

Piru Pumpers Association Stakeholder Director Update

Director Pace echoed the same sentiments expressed by Director Kimball and simply stated the concern is time, adding “it is not on our side.”

Environmental Stakeholder Director Update

Director Meneghin stated she had no update and would be commenting further on other agenda items during the meeting regarding SMCs and GDEs.

City of Fillmore Member Director Update

Director Villaseñor reported that she summarized the SMC at the last City Council meeting and mentioned the City of Fillmore continues to waive the water non-payment penalties and water shut off orders for its customers during the COVID-19 period. The City has extended the deadline for another 120 days or until the Governor officially ends the emergency declaration. She also mentioned community members stepped up and promoted vaccination, and Fillmore now has its own vaccination clinic.

United Water Conservation District Member Director Update

Vice Chair McFadden stated he had nothing to report.

County of Ventura Member Director Update

Chair Long reported she has forwarded the GDE Technical Memo for County staff review. She also mentioned that County is now in the red tier at the COVID-19 one year anniversary.

2B Executive Director Update

Information Item

Executive Director Anthony Emmert provided an update stating open groundwater invoices are down from \$57,000 in November 2020 overall, but one customer with two wells represents almost \$23,000 of the receivables total. He stated that the pumper is being sued by United for non-payment. He reported that staff timely submitted progress report seven and invoice to the Department of Water Resources. DWR requested edits to progress report seven and staff are currently making edits and will return the report to DWR this week. Mr. Emmert mentioned the United staff are proceeding with documentation for the expanded Regional Groundwater Model, with a target date of the end of April 2021. He also mentioned a few future agenda items to be added for next month's agenda.

2C Legal Counsel Update

Information Item

Legal Counsel Steve O'Neill provided an update stating he has been working with staff on the monitoring wells project, providing some well drilling contract templates and easement agreements for the well sites. He said that his firm received a favorable court decision in recent groundwater litigation adjudication. He stated that this documentation will help in providing guidance on decision making regarding customers who are delinquent in their payments to Fillmore Piru Basin Groundwater Sustainability Agency.

2D GSP Consultant Update

Information Item

Mr. Tony Morgan from Daniel B Stephens & Associates provided an informational update regarding the Groundwater Dependent

Ecosystems (GDE) Technical Memo that was posted on the website for stakeholder review and comment. Consultants have been working on many aspects of the GSPs, analyzing and reanalyzing information as they develop the SMC matrix for presentation to the Board. He stated there is no update on the Monitoring Wells Project, as they wanted to focus more on the SMCs, but will provide an update at the next meeting.

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.

3A Approval of Minutes

The Board considered and approved the Minutes from the Board Meeting of February 18, 2021.

3B Approval of Warrants

The Board approved payment of outstanding vendor invoices.

Daniel B. Stephens & Associates	\$119,477.76
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Ventura County IT Services	\$686.50
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Olivarez Madruga Lemeiux O'Neill	\$1,983.50
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3C Monthly Financial Report

The Board received the Agency's monthly profit and loss statement and balance sheet.

Motion to approve Consent Calendar items, Director Villaseñor; Second, Vice Chair McFadden. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor); none opposed. Motion carries 6/0.

4. STAKEHOLDER WORKSHOP

4A Presentation on Groundwater Ecosystem

Informational

The Board received a presentation from Christian Braudrick, PhD, Fluvial Geomorphologist, with Stillwater Sciences, on the Groundwater Dependent Ecosystems Technical Memorandum (see attached slides).

Director Meneghin asked about impacts to the Sespe Cienega, specifically if any conclusions or assumptions were being made around conservation releases, drought, or pumping, as there were conservation releases from Santa Felicia Dam within the years mentioned. Dr. Brodrick explained his theory behind what he presented.

Vice Chair McFadden asked a related question and pointed out the map presented on the normalized difference vegetation index (NDVI) for the Sespe Cienega. Dr. Brodrick explained his theory as presented and Bruce Orr from Stillwater Science also joined the discussion providing his input on the subject.

Chair Long asked if *Arundo donax* is an invasive plant and why are the consultants giving it any credit in the NDVI analysis. She stated that many organizations are paying to remove it. Dr. Brodrick replied that the plant is not given credit, it is just there, and they are ongoing efforts to control the *Arundo*.

Director Meneghin asked Dr. Orr about the regeneration of *Arundo* after the drought. Dr. Orr explained his observations on the subject.

4B Presentation on Draft Sustainable Management Criteria Matrix

Informational

The Board received a presentation from Mr. Tony Morgan of Daniel B. Stephens & Associates on the SMC matrix (see attached slides).

Director Meneghin stated that by following the SMC table, the GSA is going to be impacting Groundwater Depended Ecosystems on the Sespe Cienega during future drought conditions and made suggestions

for what she felt would help meet the SMC goals listed, along with other questions on what was presented. Mr. Morgan explained his reasoning on the information used in his presentation.

Vice Chair McFadden asked both Mr. Morgan and Director Meneghin about the Fish Hatchery plans. Mr. Morgan stated he did not have any information and Director Meneghin stated she has only heard rumors of them not being operational in the future and mentioned other restoration is planned within that general site. Vice Chair McFadden asked if the GSA was relying on the water outflows from the Fish Hatchery operations to support the Sespe Cienega. Director Meneghin stated that the restoration area is going to be regraded and replanted and recommended that the GSA review the restoration plan at future Board meeting. Chair Long stated she had heard that the restoration area will be regraded but will not have a higher water demand.

4C. Stakeholder Input and Discussions on Draft Sustainable Management Criteria Matrix

Informational

The Board and consultant team received stakeholder input on the draft Sustainable Management Criteria matrix.

4D Summarize Workshop Stakeholder Input

Mr. Bryan Bondy stated that Groundwater Dependent Ecosystems tend to occur in the context of surface water flow and recommended focus on the specific criteria for surface water depletion.

Director Kimball mentioned it is clear from the stress test model runs that these basins fill rapidly and effectively, and it would be the Pumpers' recommendation to have the groundwater storage reduction minimum threshold match the minimum thresholds or groundwater elevation and provided a brief explanation of the Pumpers' discussion.

Director Pace added the pumpers are assuming that the model shows that it does refill, and as long it does refill, that is what makes more sense to the Pumpers.

Mr. Bondy summarized the comment letter provided by the Pumpers.

Participant chat question, “if land subsidence is not an issue, is it necessary to use the continuous Groundwater Sustainability Plan (GSP) monitoring system?”

Mr. Bondy answered on chat, stating the benefit of the GPS monitoring is to make sure the GSA can properly interpret the satellite data should there be land movement and prevent an incorrect conclusion that land movement caused by tectonics is due to groundwater pumping.

Vice Chair McFadden asked if the Pumpers are suggesting we change the Minimum Thresholds and Measurable Objectives to what Mr. Bondy is suggesting. Director Pace replied yes, that is what the pumpers think are reasonable numbers to be taken into consideration. Vice Chair McFadden said he agreed on the recommendations.

Mr. Bondy mentioned that Tony Morgan has proposed one foot per year, and the GSA should consider the basis that Mr. Morgan has for the one foot per year. Mr. Morgan explained why he made that choice.

Director Kimball stated in the next five years, the GSA needs to consider having a study done to identify what is the critical infrastructure that might be affected by subsidence, as it needs to know where they are and what sensitivity they have.

Participant chat question, “is it likely that the overall footprint of Groundwater Dependent Ecosystems (GDE's) is currently larger due to more water in the basins because of new water introduced into Ventura County from LA County Sanitation District annually over the last 50 years?”

Dr. Brodrick replied by sharing his screen and providing an explanation supported by a previous slide and invited Dr. Orr to provide his input.

Chair Long asked Dr. Orr various questions and Dr. Orr provided responses for her clarification.

Board members had an extensive discussion on different aspects of the information provided by Stillwater, and Dr. Orr provided answers to all their questions and concerns.

Participant chat statement, “I would like to continue to encourage the board to always be as aggressive as possible when finalizing these Sustainable Management Criteria’s SMCs, we have very resilient basins, and it would be prudent to make sure we do not artificially limit ourselves.”

Participant chat statement, “I agree with previous statement, everything presented here indicates we have very resilient basins and there is no need to set unnecessary limits.”

Vice Chair McFadden asked Dr. Brodrick about the table of groundwater dependent species. He wanted to make sure which plants were mentioned in the report. Dr. Brodrick stated the species mentioned in the report are named in the table. Dr. Orr joined the discussion and provided more clarity on the question asked.

Director Meneghin requested Dr. Brodrick share the GDEs that he is referencing. Dr. Brodrick did not reply.

Director Pace mentioned there are still a lot of conversations to be had to determine what is significant and unreasonable, to help make a decision as to what is critical and how the GSA stays within its guidelines.

Director Kimball echoed the same and thanked Dr. Brodrick on the report and stated the GSA needs input from environmental stakeholders.

Director Meneghin stated the delay in the release of the GDE Technical Memo made it impossible to provide any input from the environmental organizations at this time, but would encourage the submittal of comment letters.

Participant chat comment, “I also agree with Rachel's comment regarding our resilient basins even to the extent that I am almost ready to reverse my support of continual GPS monitoring of Subsidence for the Piru Basin and that maybe it should be declared as ‘Not Applicable’ because much of the Piru Basin soil profile where many of our wells are located is mostly comprised of sand, gravel, rock and very little clay, therefore, we need to be very careful to set minimum thresholds and measurable objectives for Subsidence that may or may not be necessary given a very stable basin that is

not very expansive, I understand the potential that any subsidence truly be attributed to plate tectonics and not subsidence.”

Motion to receive and file, Meneghin; Second, Pace. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor); none opposed. Motion carries 6/0.

5. MOTION ITEMS

5A Sustainable Management Criteria Development

Motion

The Board did not approve the Sustainable Management Criteria matrix for use in developing the draft Groundwater Sustainability Plans.

No action taken by the Board at this time.

5B Special Board Meeting on Sustainable Management Criteria

Motion

The Board selected April 1st as the date for the Special Board Meeting of a Sustainable Management Criteria matrix, should the matrix not be approved during the current Board meeting.

Motion to approve April 1, as the date for a Special Board meeting on SMC matrix, Director Meneghin; Second, Director Kimball. Roll call vote; six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor); none opposed. Motion carries 6/0.

FUTURE TOPICS FOR BOARD DISCUSSION

None mentioned.

ADJOURNMENT: 8:45 pm

Chair Long adjourned the meeting at 8:23 p.m. to the next **Regular Board Meeting** on Thursday, **April 15, 2021** 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 March 18, 2021.

ATTEST: _____
Eva Ibarra, Clerk of the Board



Photo: Bruce Orr

Fillmore and Piru Basins Groundwater Dependent Ecosystems

Christian Braudrick and Bruce Orr
Stillwater Sciences



Outline

- What are GDEs
- Approach
- GDE Units and their composition
- GDE trends through time
- Groundwater-dependent special status species



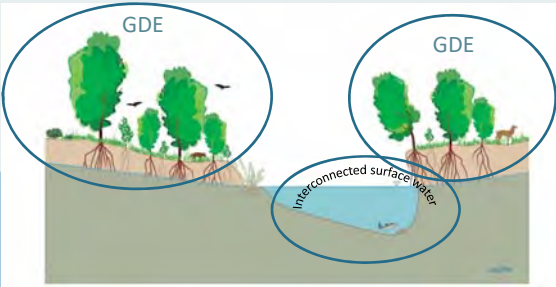
Photo: Bruce Orr

Groundwater Dependent Ecosystems (GDEs)

DWR defines GDEs as ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface.

GDEs occur in a variety of different environments ranging from seeps and springs, to groundwater-dependent wetlands, to aquatic and riparian ecosystems associated with rivers that partially or entirely rely on groundwater.

Our Goal is to define the extent and composition of groundwater dependent ecosystems to provide the basis for assessing



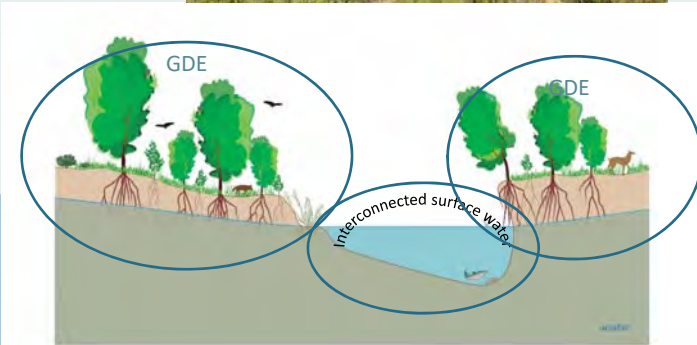
Braudrick et al., 2018 (figure by K. Rodriguez)

Part 1. GDE Mapping

1. What plant communities occur in the Fillmore and Piru Basins?
2. Are the plant species likely to be connected to groundwater ?
 - How deep are their roots?
 - How deep is the groundwater?
3. What is the extent of interconnected surface water?



Photo: Bruce Orr



Braudrick et al., 2018 (figure by K. Rodriguez and A. Merrill)

The Fillmore and Piru Basins have had 3 historical forested wetlands that correspond to areas of rising groundwater

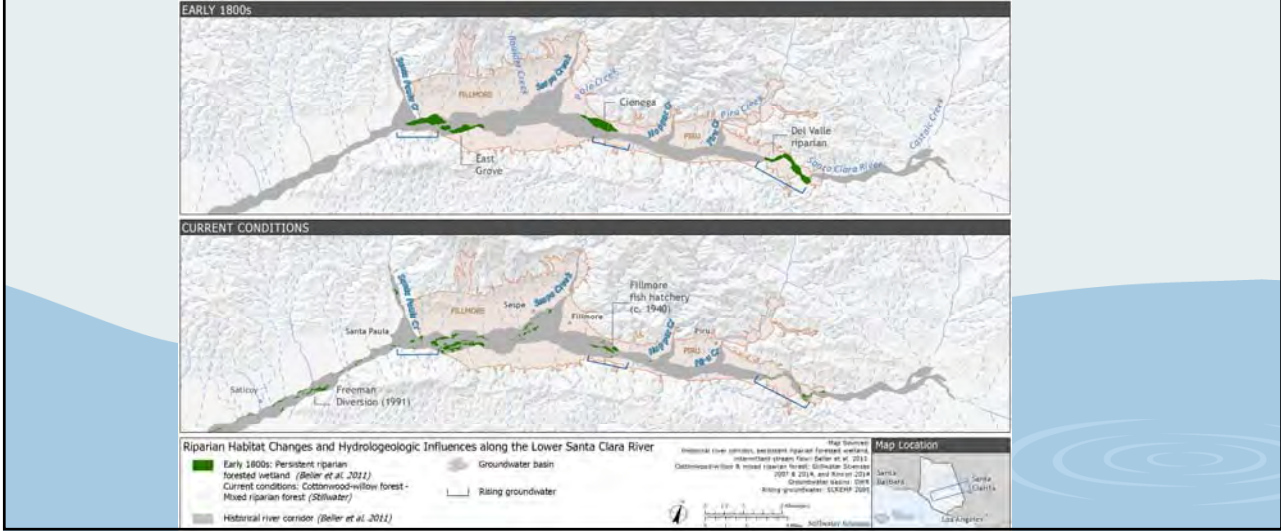
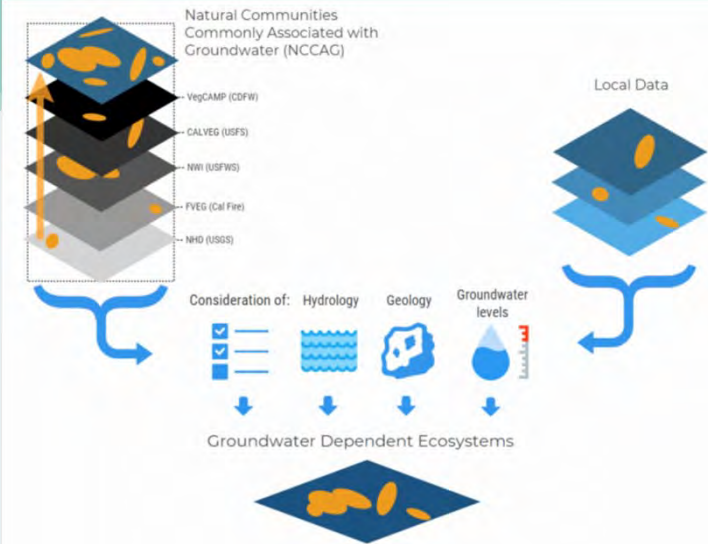


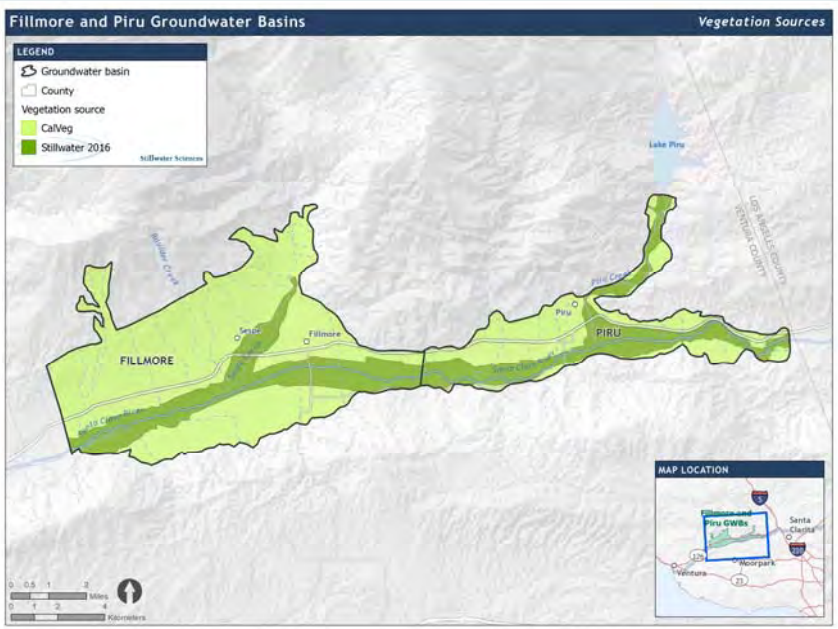
Photo: Bruce Orr

Approach



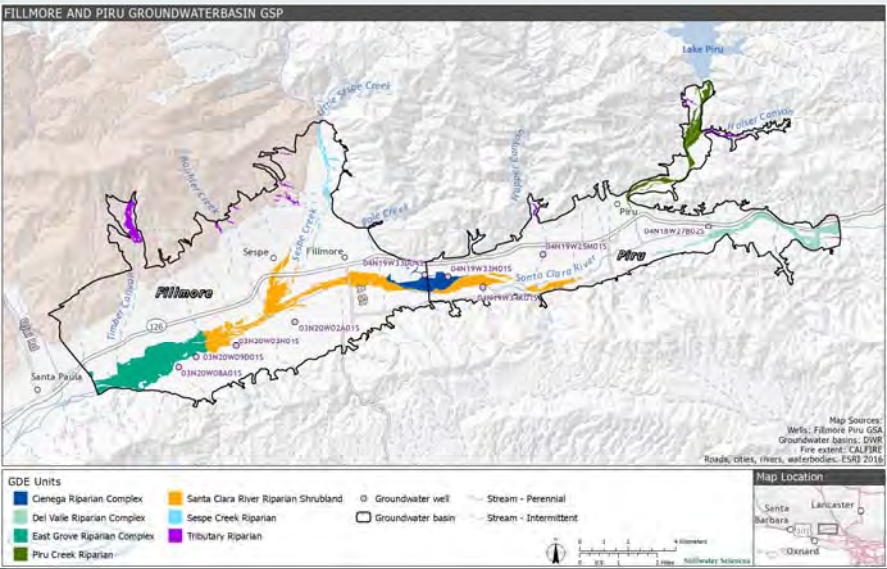
Source Data

- High quality data (Stillwater Sciences 2016) along the Santa Clara River, data quality is lower (CalVeg-2002) on the margins of the basin

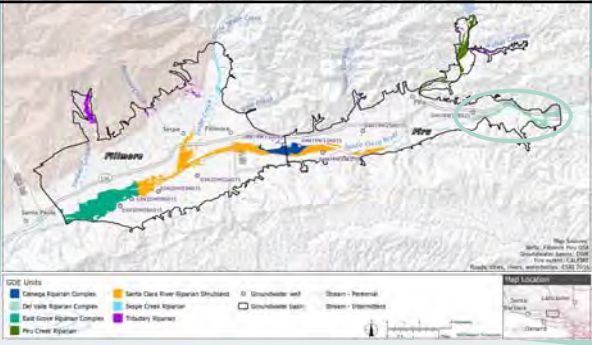
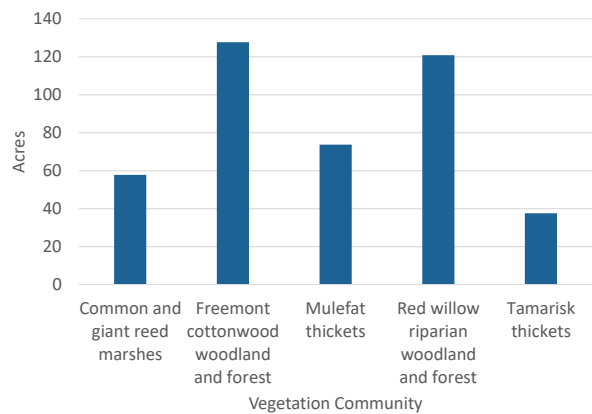


GDE Units

- We identified 8 GDE units.
- 3 have certain connections to groundwater
- 2 may be connected some of the time
- And 3 have little data

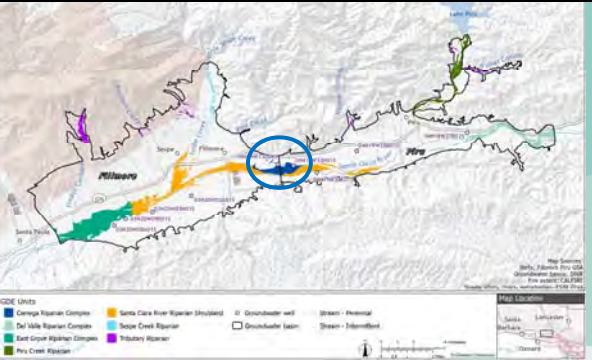
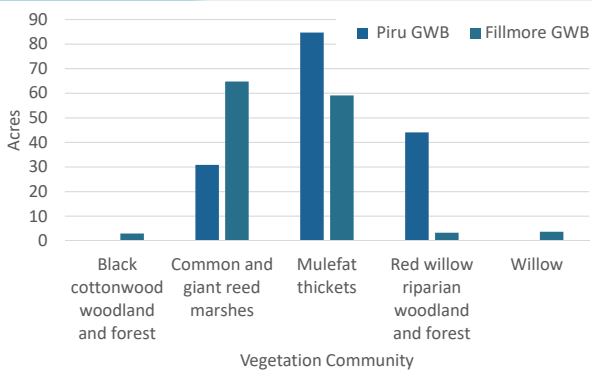


Del Valle Riparian Complex

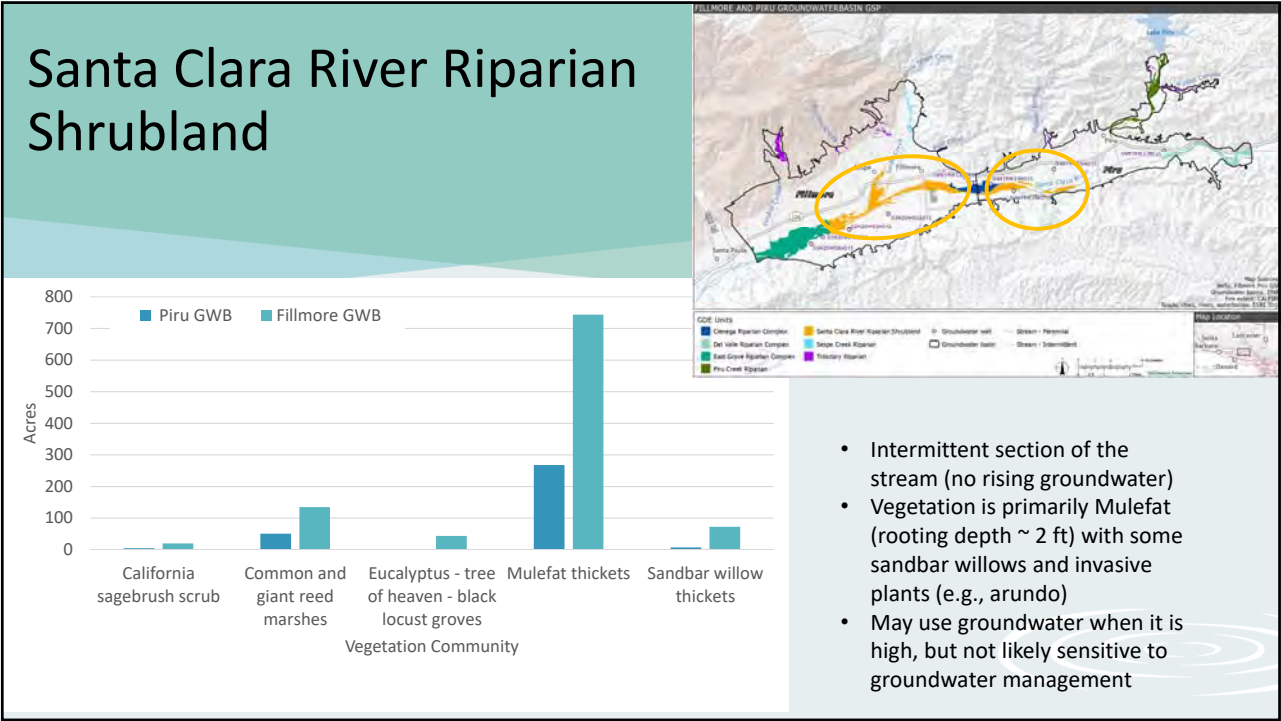
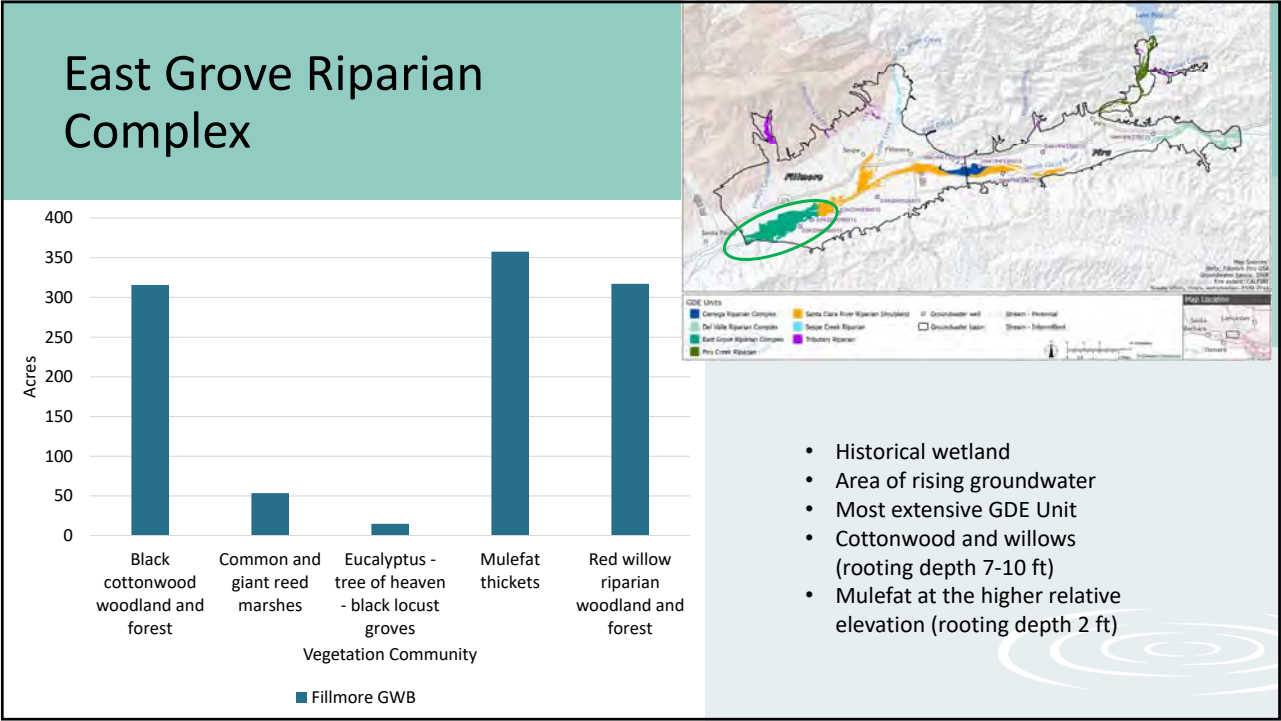


- Historical wetland
- Area of rising groundwater
- Fremont Cottonwoods, red willow, and mulefat at higher relative elevations. Also contains tamarisk and arundo
- Rooting depth of cottonwood and willows 6.7-10 ft
- Effluent releases from Los Angeles County may be important for maintaining the GDE

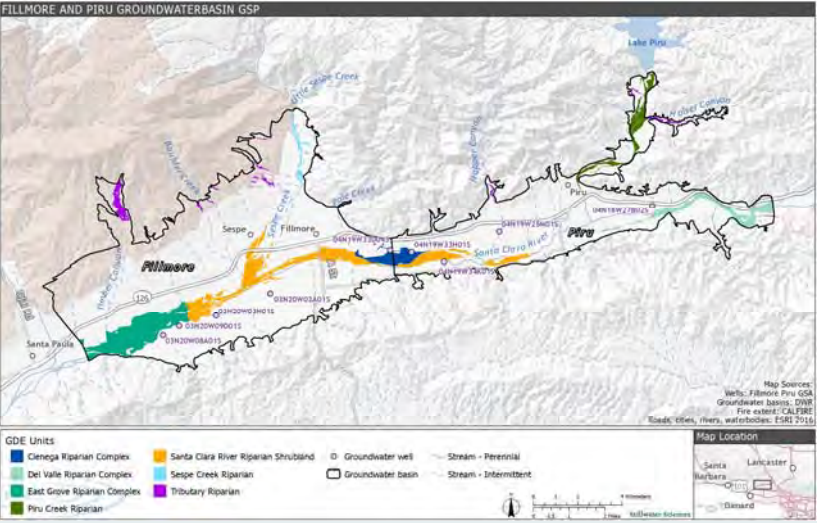
Cienega Riparian Complex GDE Unit



- Historical wetland
- Area of rising groundwater
- Prior to 2012-2016 had extensive cottonwoods and willows which died during the drought (see Chris Kliber presentation)
- Now some willow but mostly mulefat, and arundo.



Other GDE Units



FILLMORE AND PIRU GROUNDWATER BASIN GSP

GDE Units

- Cienega Riparian Complex
- Del Valle Riparian Complex
- East Grove Riparian Complex
- Piru Creek Riparian
- Santa Clara River Riparian Shrubland
- Sespe Creek Riparian
- Tributary Riparian

Legend:

- Groundwater well
- Groundwater basin
- Stream - Perennial
- Stream - Intermittent

Map Location

Map Sources: Wells: Fillmore Pisu GSA Groundwater basins: DWR Fire extent: CAL FIRE Roads: Cities, rivers, waterbodies: ESRI 2016

Tributary riparian

- (mostly oaks, little groundwater data)
- deep roots (30 ft) little groundwater data
- No shallow groundwater measurements.
- Unlikely to be affected by groundwater management

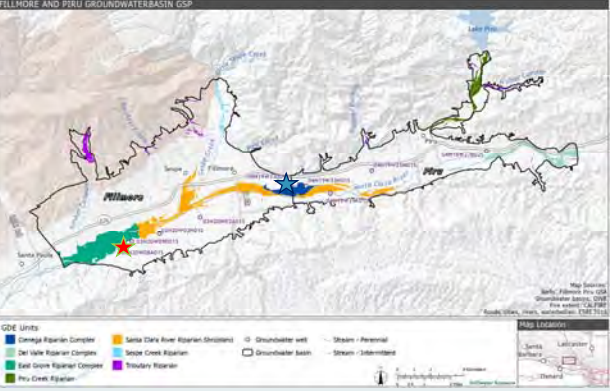
Sespe Creek Riparian

- (cottonwood, willow, arundo).
- Shallow groundwater unknown
- rooting depths of willows and cottonwoods = 7 ft, average relative elevation is 10 ft in SCR.
- Few shallow groundwater measurements

Piru Creek Riparian

- Cottonwood, willow (roots 7-10 ft) and mulefat (root depth 2 ft)
- Releases from Santa Felicia Dam
- Few shallow groundwater measurements

Groundwater



FILLMORE AND PIRU GROUNDWATER BASIN GSP

GDE Units

- Cienega Riparian Complex
- Del Valle Riparian Complex
- East Grove Riparian Complex
- Piru Creek Riparian
- Santa Clara River Riparian Shrubland
- Sespe Creek Riparian
- Tributary Riparian


Legend:

- Groundwater well
- Groundwater basin
- Stream - Perennial
- Stream - Intermittent


Map Location

Map Sources: Wells: Fillmore Pisu GSA Groundwater basins: DWR Fire extent: CAL FIRE Roads: Cities, rivers, waterbodies: ESRI 2016

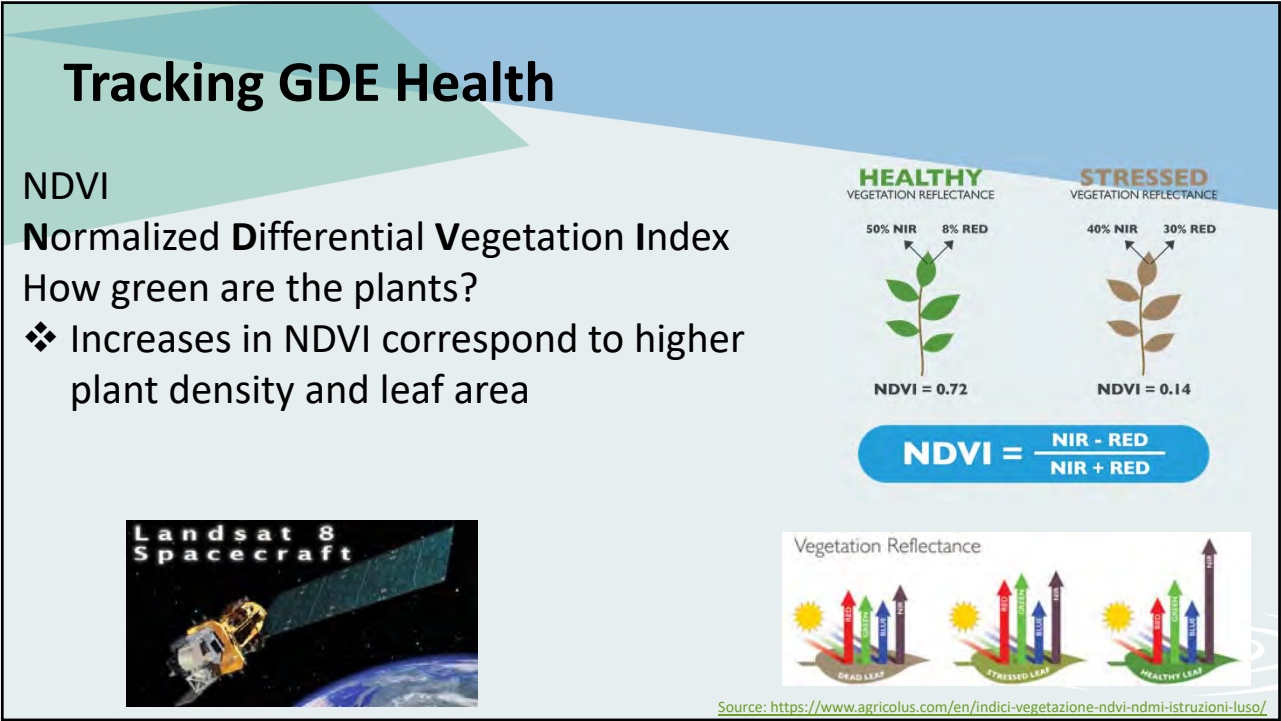
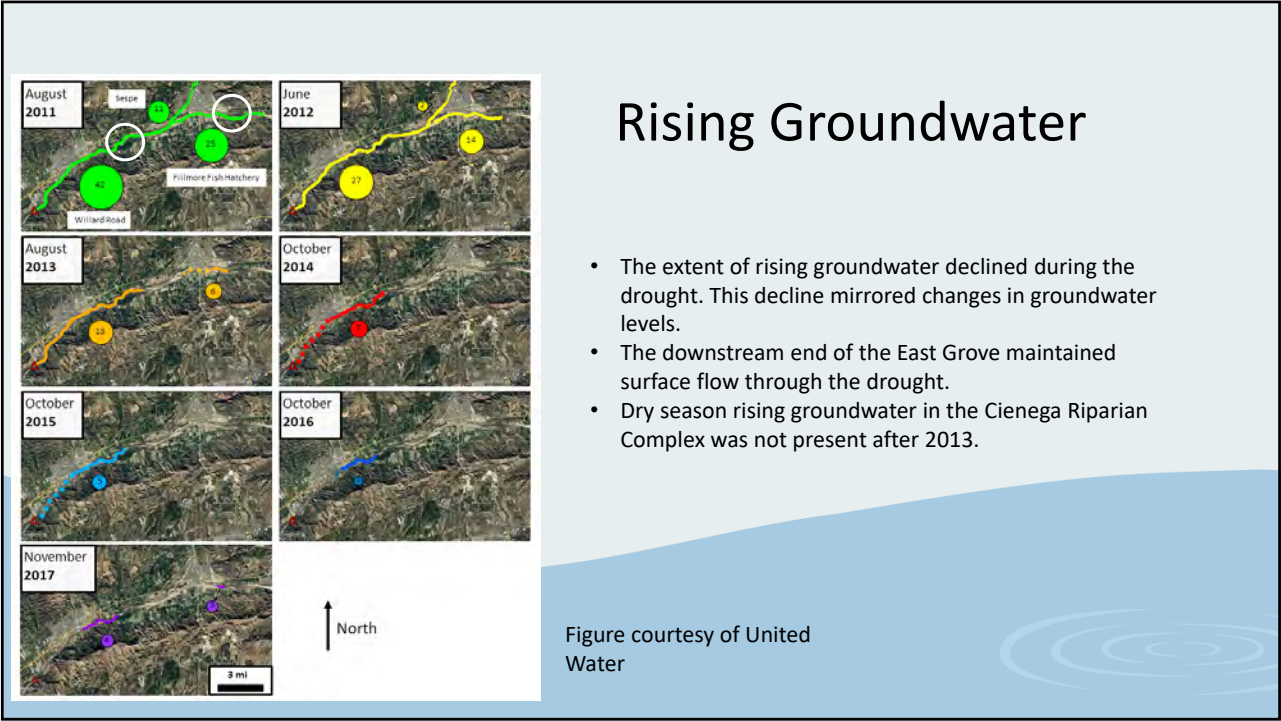
★ East Grove



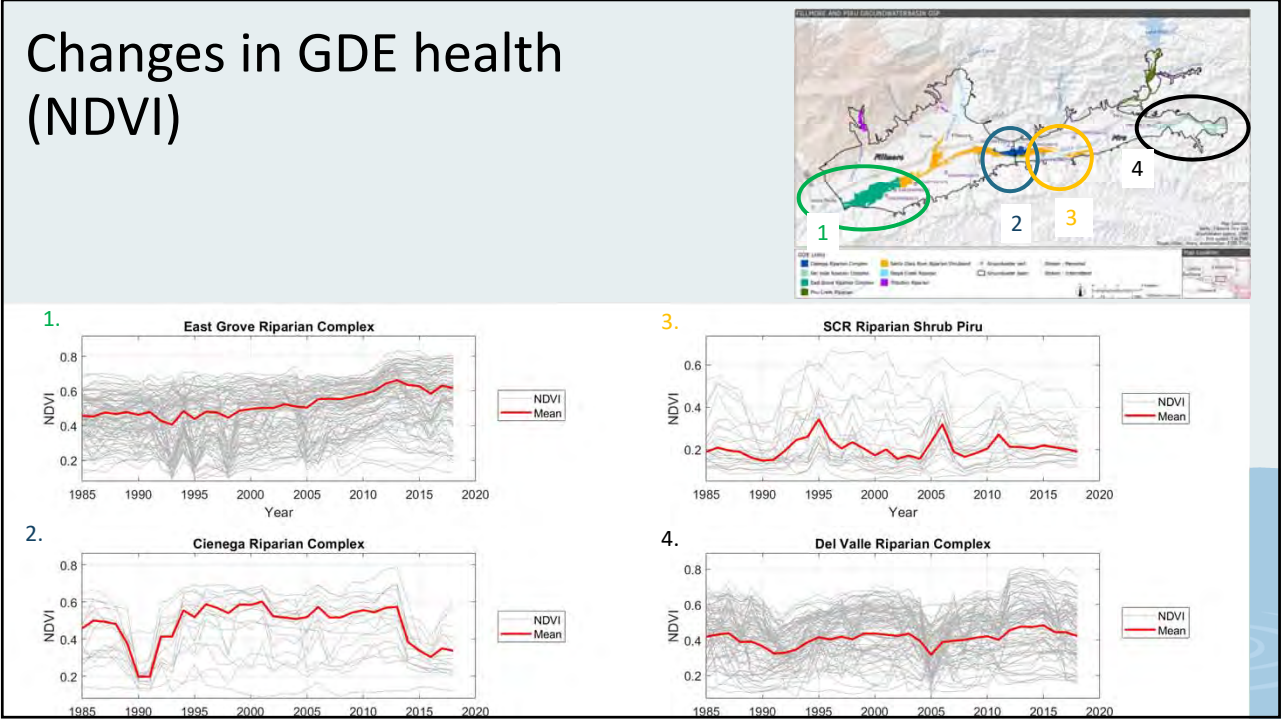
★ Cienega



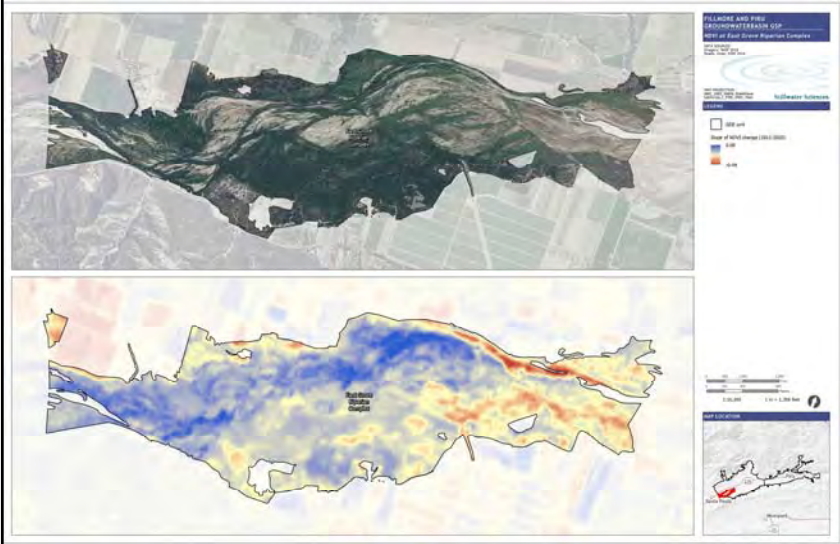
The east grove well is 10-20 ft above the GDE elevation



Changes in GDE health (NDVI)

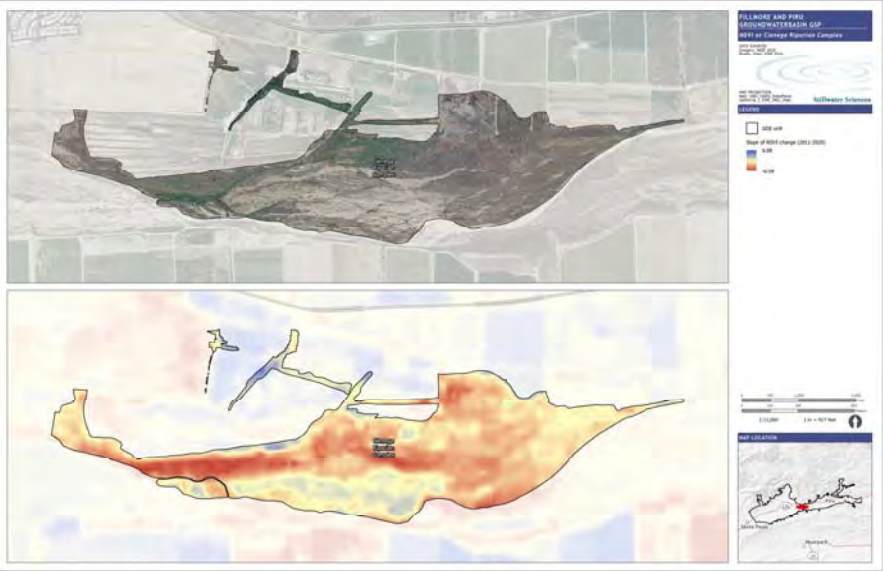


NDVI Change East Grove Riparian Complex



- Generally steady or improving GDEs
- Some decline at upstream end of GDE during 2012-2016 drought
- Groundwater declined by ~20 ft at one well

NDVI Change Cienega Riparian Complex



- Extensive cottonwood and willow die off during 2012-2016 drought.
- Groundwater levels dropped significantly (> 15 ft and up to 30 ft)

NDVI Change Del Valle Complex



- Extensive cottonwood and willow die off during 2012-2016 drought.
- Groundwater levels dropped significantly (> 15 ft and up to 30 ft)

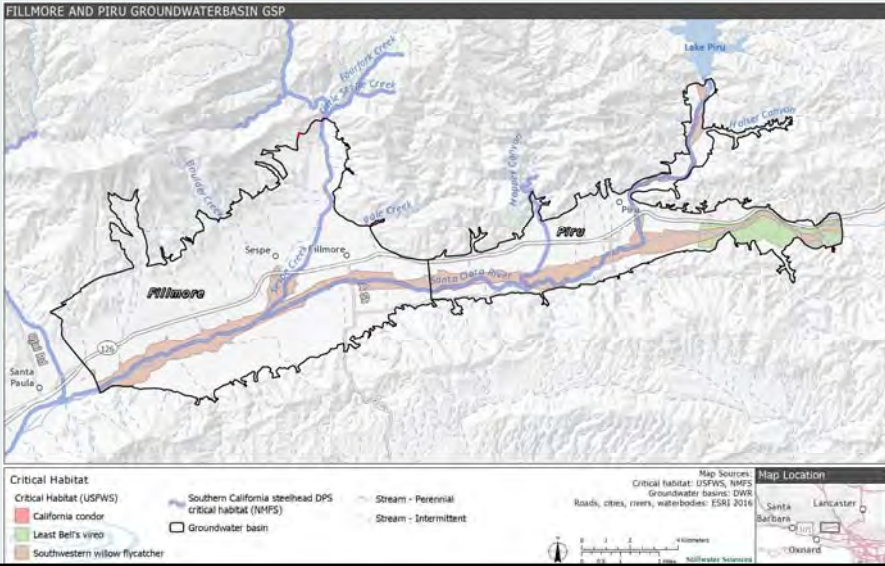
Groundwater dependent special status species

GDE Unit	Basin	Plants	Wildlife	Fish	Natural Communities
Del Valle Riparian Complex	Piru	2	7	2	3
Santa Clara River Riparian Shrubland	Piru	0	2	2	3
Cienega Riparian Complex	Piru	1	6	4	0
Piru Creek Riparian	Piru	1	7	4	5
Tributary Riparian	Piru	3	0	0	1
East Grove Riparian Complex	Fillmore	1	7	4	4
Santa Clara River Riparian Shrubland	Fillmore	0	7	2	4
Cienega Riparian Complex	Fillmore	1	5	4	1
Tributary Riparian	Fillmore	2	0	0	1
Sespe Creek Riparian Complex	Fillmore	0	4	4	2

Within the two groundwater basins, five special status plants, 11 natural communities, 10 wildlife, and four fish species were identified as indirectly or directly groundwater dependent

Critical Habitat (USFWS) for 4 species

- Critical habitat for California Condor, least Bell’s vireo, Southwestern willow flycatcher, and Southern California steelhead.



Summary

- We identified 8 GDE units in the Fillmore and Piru basin. The GDE units at the basin boundaries (Del Valle, Cienega, and East Grove riparian complexes) are areas of rising groundwater and perennial flow
- Groundwater dependent vegetation includes willows, cottonwoods, and exotic species like arundo.
- Groundwater elevations decline during droughts to below the rooting depth of GDEs. Rising groundwater did not occur after 2013 in the Cienega Riparian Complex
- The 2012–2016 drought caused a decline in vegetation health throughout the Cienega Riparian complex and at the upstream margin of the East Grove Riparian Complex, and the downstream margin of the Del Valle Riparian Complex. The groundwater elevation at the Cienega riparian complex dropped 30 ft.
- The NDVI decline during the late 1980s early 1990s drought was similar to 2012–2016 in the Cienega Riparian Complex but NDVI recovered within a couple of years in the early 1990s.
- 19 groundwater-dependent special status species are likely to occur in the basins.




Item 4B - Sustainable Management Criteria

- SMC Matrix
- Overview of SMC Rationale
- SW Depletion from GW Pumping - Stream Flow Cross Over Analyses
- SMC Matrix

Lowering GW Levels

Reduction of Storage

Seawater Intrusion

Degraded Quality

Land Subsidence

Surface Water Depletion



DBS&A
Daniel B. Stephens & Associates, Inc.

SMC	Undesirable Results	Metric	MT	MO	Comments
GW Elevation	Loss of ability to pump GW	GW elevation	WL declines below the base of well screens in more than 25% of representative wells	GW levels at 2011 high WL	maximizes range between MT and MO
GW Storage Reduction	inadequate GW storage to last through multi-year drought without GW extraction limitations	GW elevation	WLs equivalent to the estimated historical low WLs	GW levels at 2011 high WL	maximizes range between MT and MO
SW Depletion	Surface water flow declines due to GSP implementation that interfere with the beneficial use and users	Rising GW rates at the Fillmore-Piru basin boundary (Fish Hatchery) / Depth to GW at the Fillmore - Piru basin Boundary	The GSP does not propose projects or management actions that would change the operational regime of the basins. Therefore, implementation of the GSP does not cause significant and unreasonable effects. No beneficial users or uses are materially impacted by implementation of the GSP.		
Land Subsidence	Land subsidence amounts that interfere with infrastructure operations	Subsidence rates	Total inelastic subsidence of 1ft/yr or 1ft over 5 yrs	Inelastic subsidence rates within +/- 0.05 ft/yr as determined by InSAR	Monitor subsidence amount - InSAR data from DWR; trigger at GW elevation lower than the estimated historical low
Degraded WQ	Water quality degradation that impairs the beneficial use of the resource	WQ values	Water quality parameters established in existing or future regulations	FPBGSA is not a water purveyor and lacks regulatory authority for WQ compliance, but will cooperate with appropriately empowered entities	
Seawater Intrusion	NA	NA	NA	NA	

Sea Water Intrusion

- Not a realistic concern for Fillmore or Piru basins
- Western edge of Fillmore basin is approx. 16 miles from coastline
- Western edge of Fillmore basin elevation is approx. 300 ft above msl



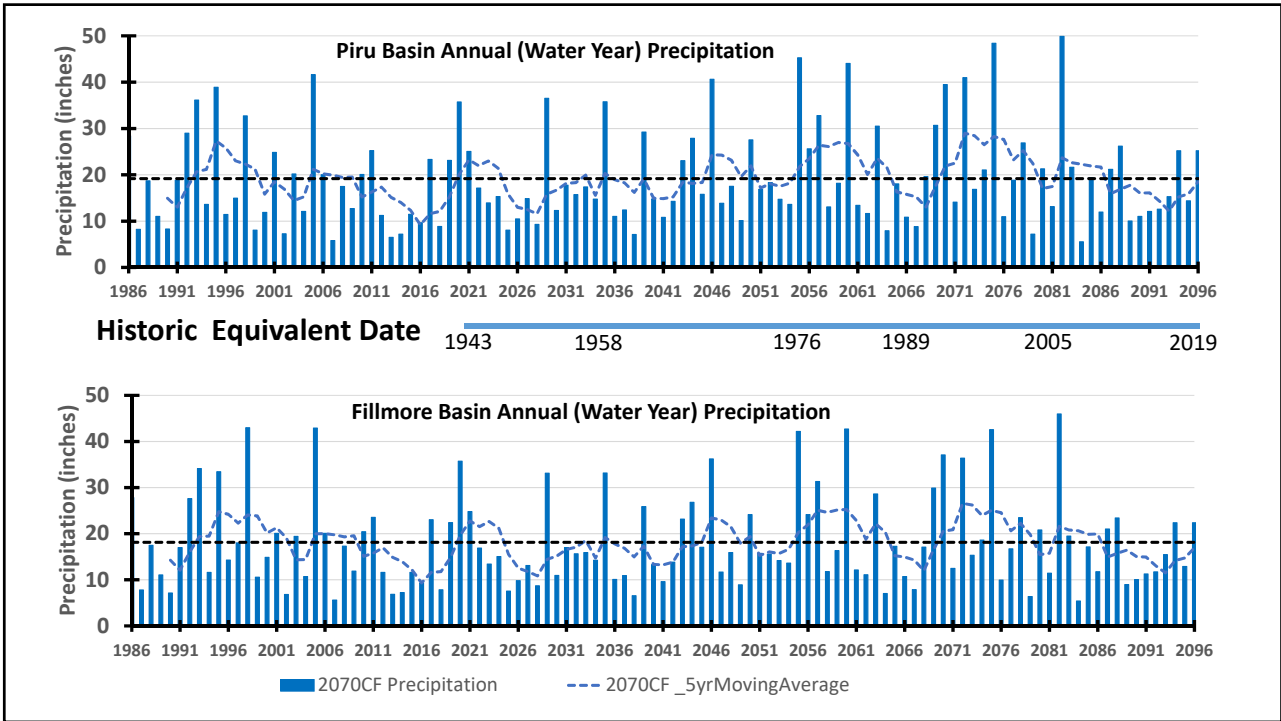
Water Quality Degradation

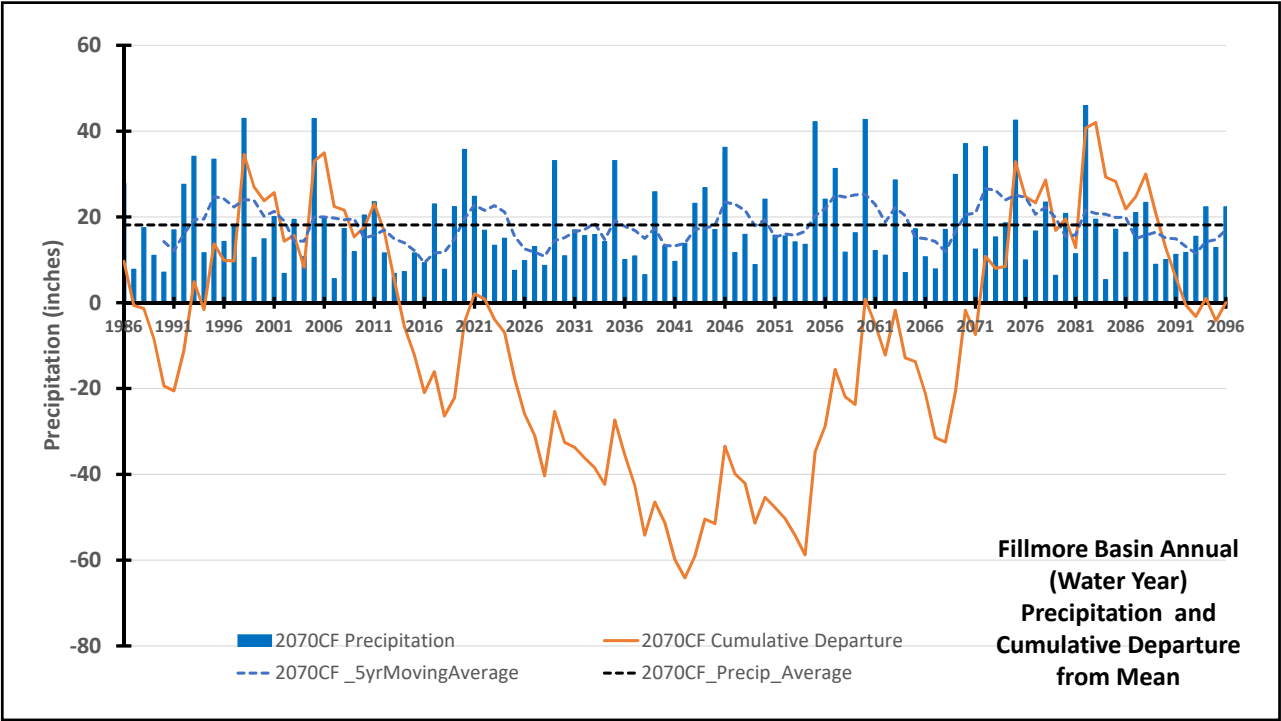
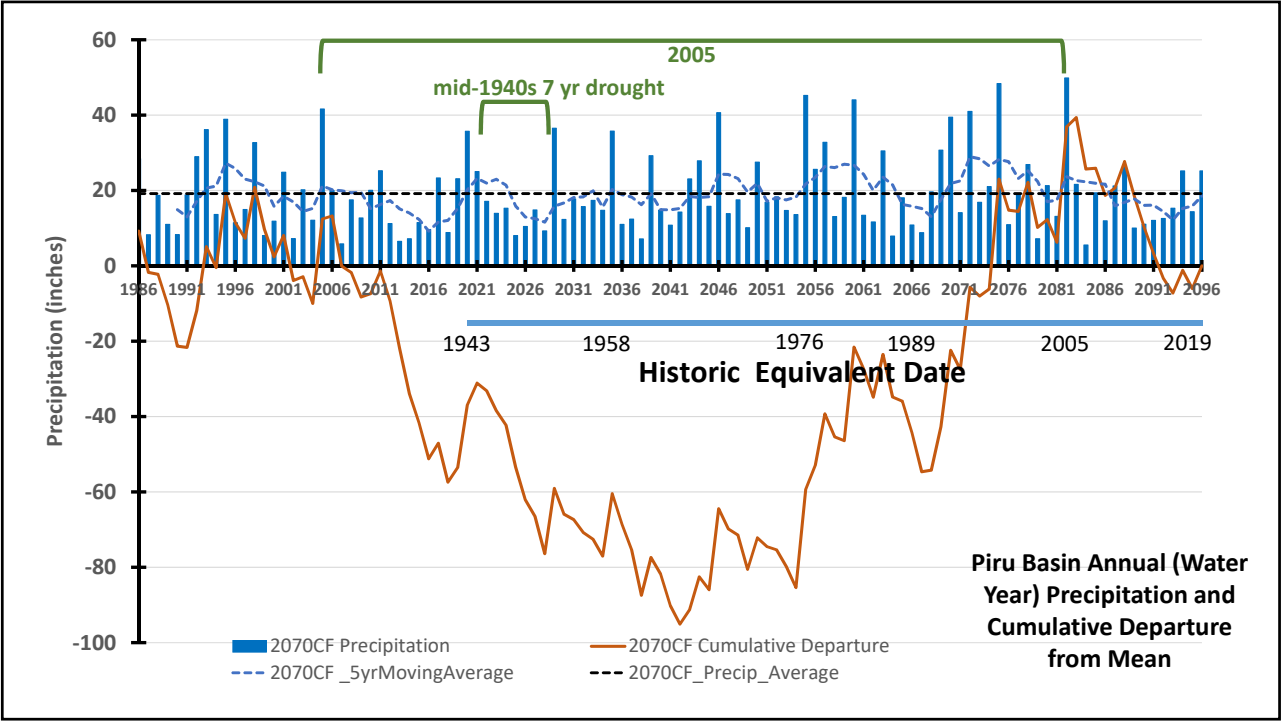
- Concerned with water quality degradation caused by the implementation of the GSP
- Generally, no major water quality issues in the basins
 - Chloride concentrations in waste water treatment plant effluent discharged to SCR
- Continue with monitoring program (GW and SW)
- FPBGSA lacks regulatory authority to enforce water quality regulations, but can be a cooperative agency to County of Ventura, RWQCB, DTSC, etc.



Groundwater Levels

- Long-term, chronic water level decline
- Impacts of water level declines in beneficial uses and users
 - GW extractions by MUNI, IRRIG, DOM users
 - Related to surface water depletion
- Examined long-term future GW conditions including climate change

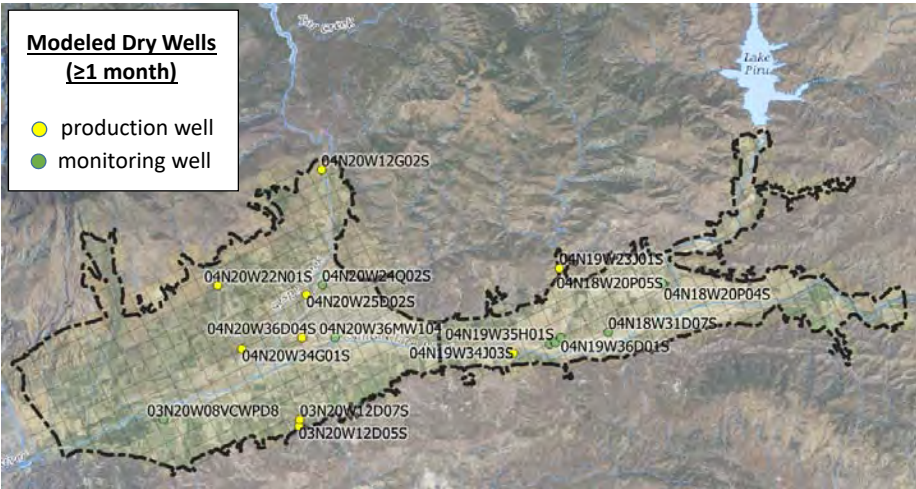




Dry Well Evaluation

No production wells are expected to go dry

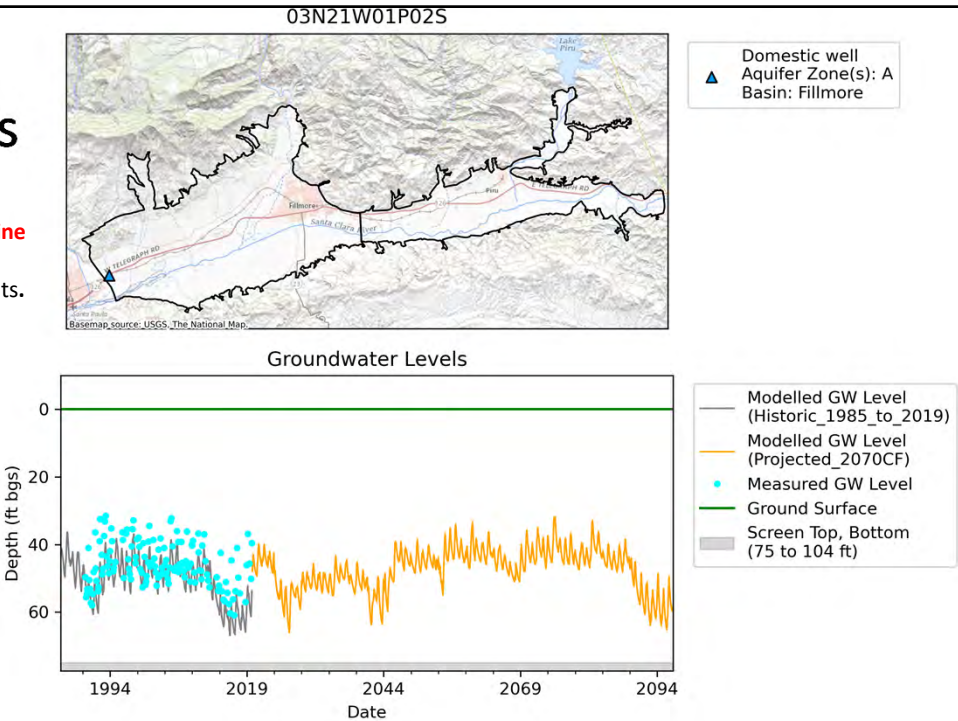
- Nine (9) shallow production wells that went “dry” at various months, according to the model, were evaluated and determined to not be dry based on measurements.
- Wells most susceptible to getting close to dry conditions are <100 ft deep, on average.
- Shallow monitoring wells are expected to go (and have gone) dry periodically.
- Based on UWCD model (Projected 2070CF) results

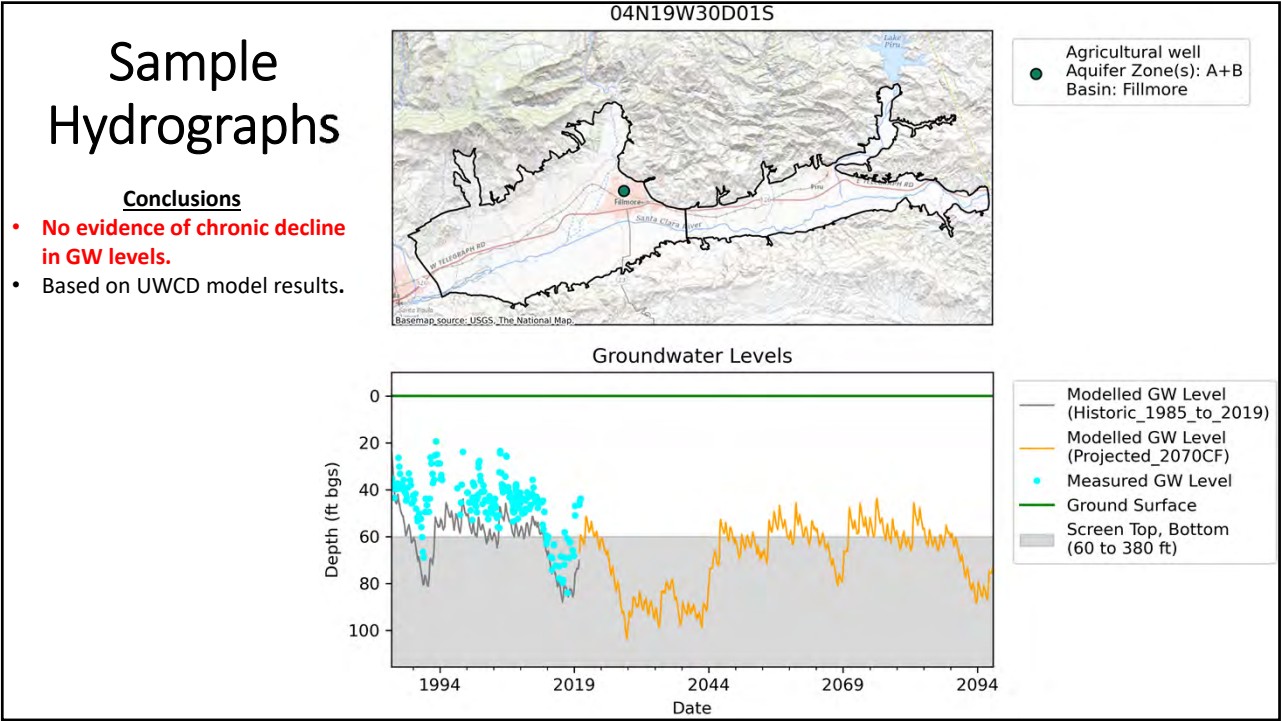
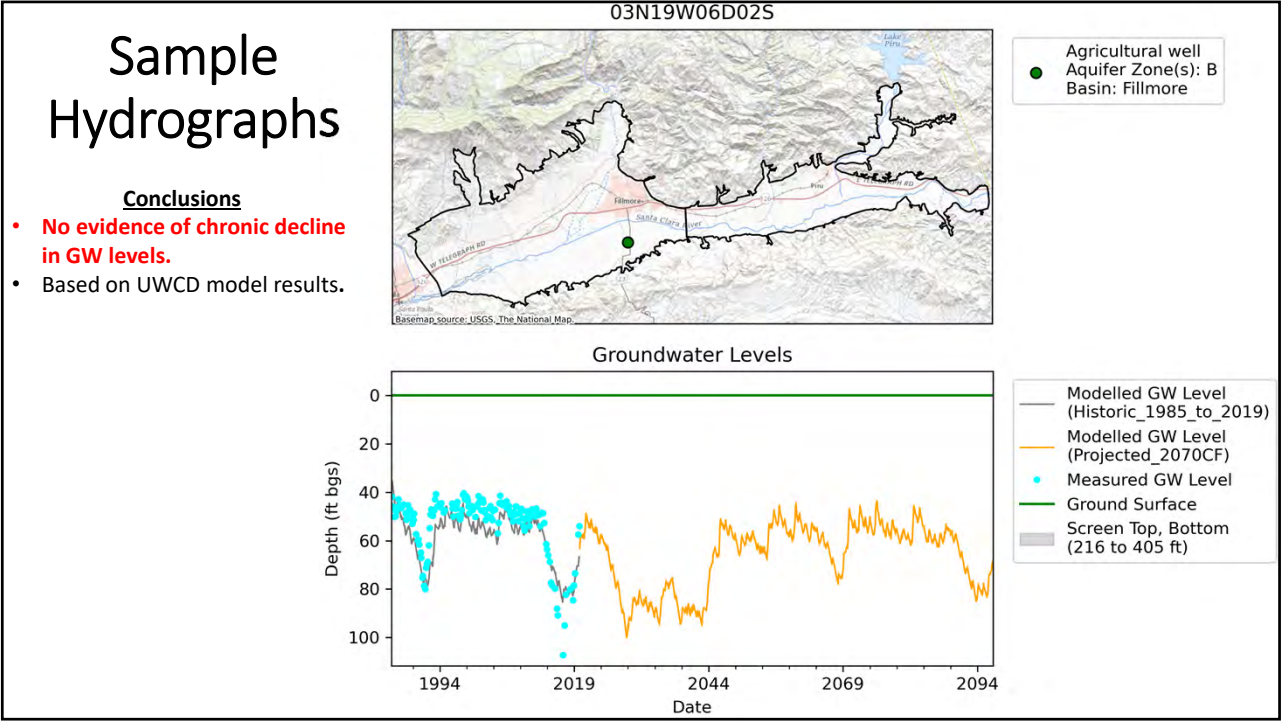


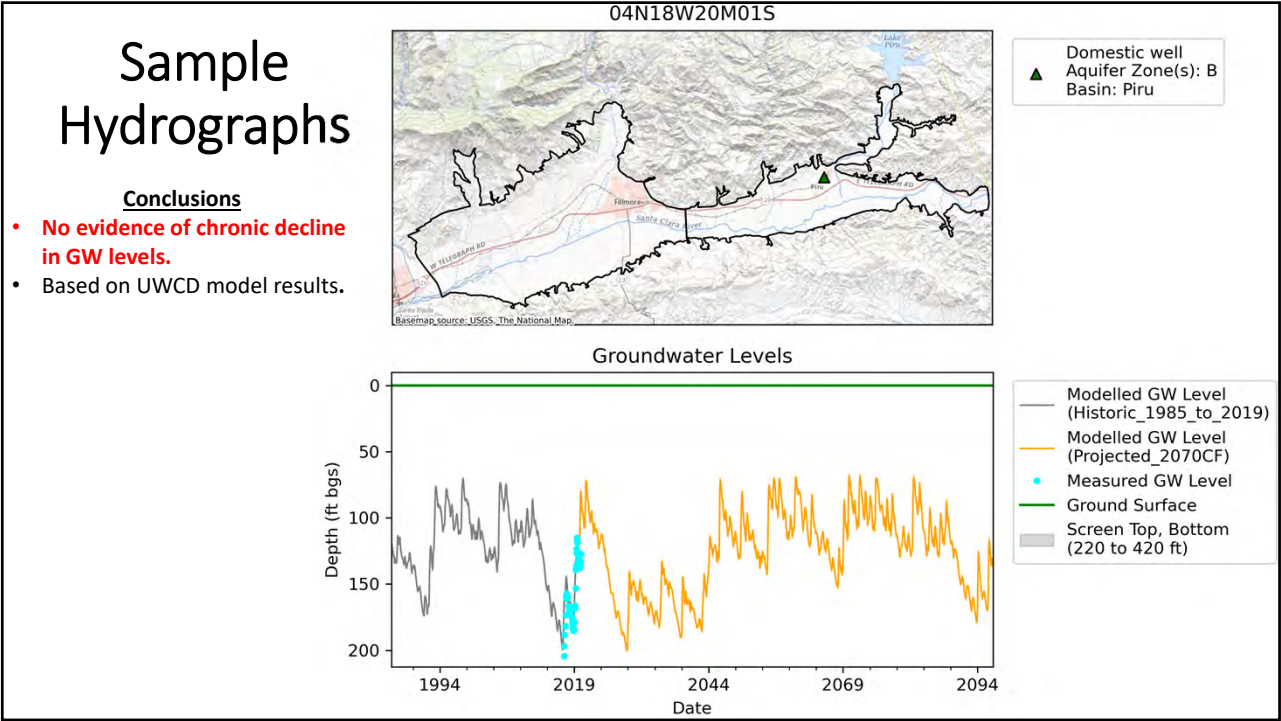
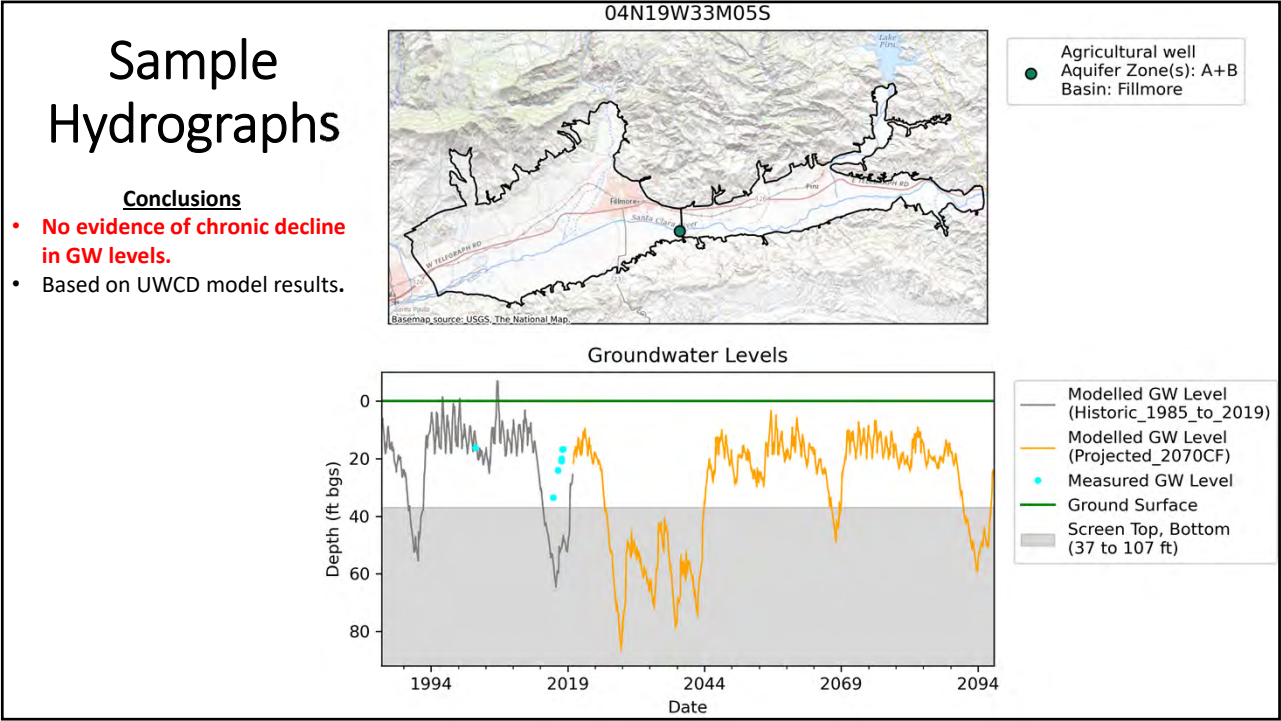
Sample Hydrographs

Conclusions

- No evidence of chronic decline in GW levels.
- Based on UWCD model results.





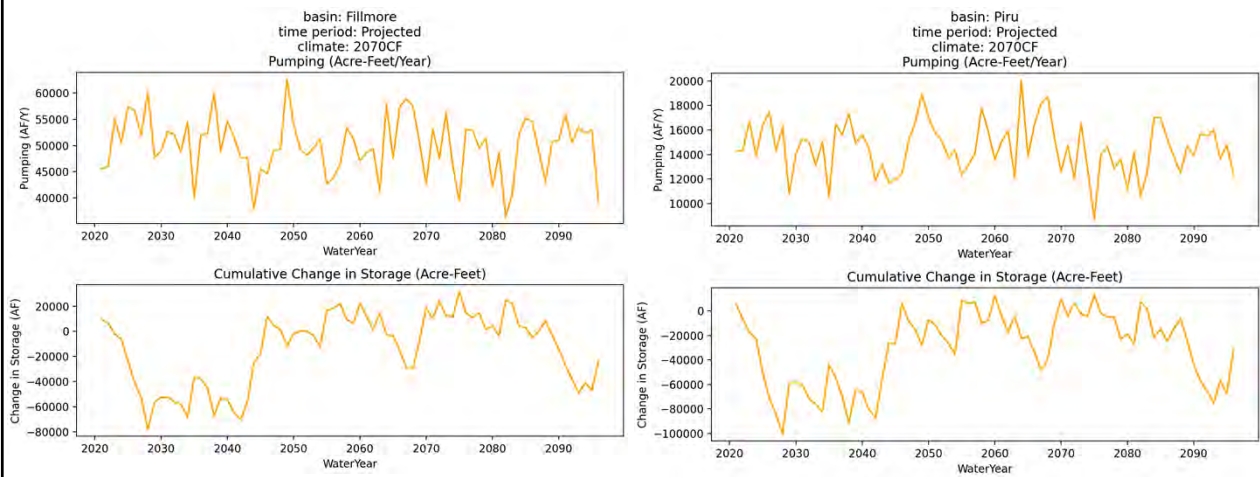


Groundwater Storage

- GW in storage to last through future droughts
- Storage is critical element for these basins - dependent on GW



Forecasted Annual Pumping & Cumulative Change in Storage



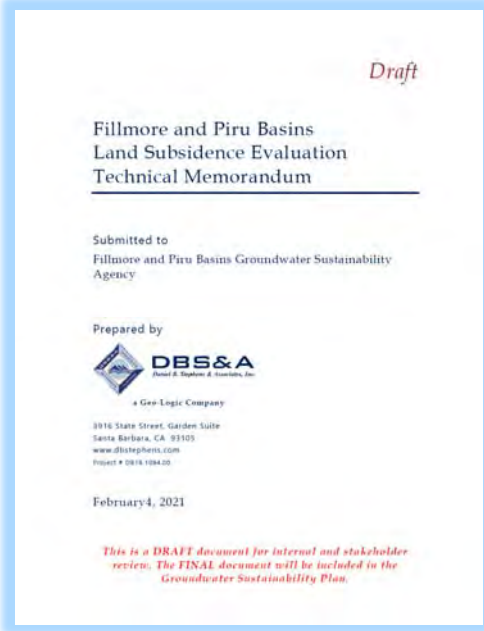
Subsidence

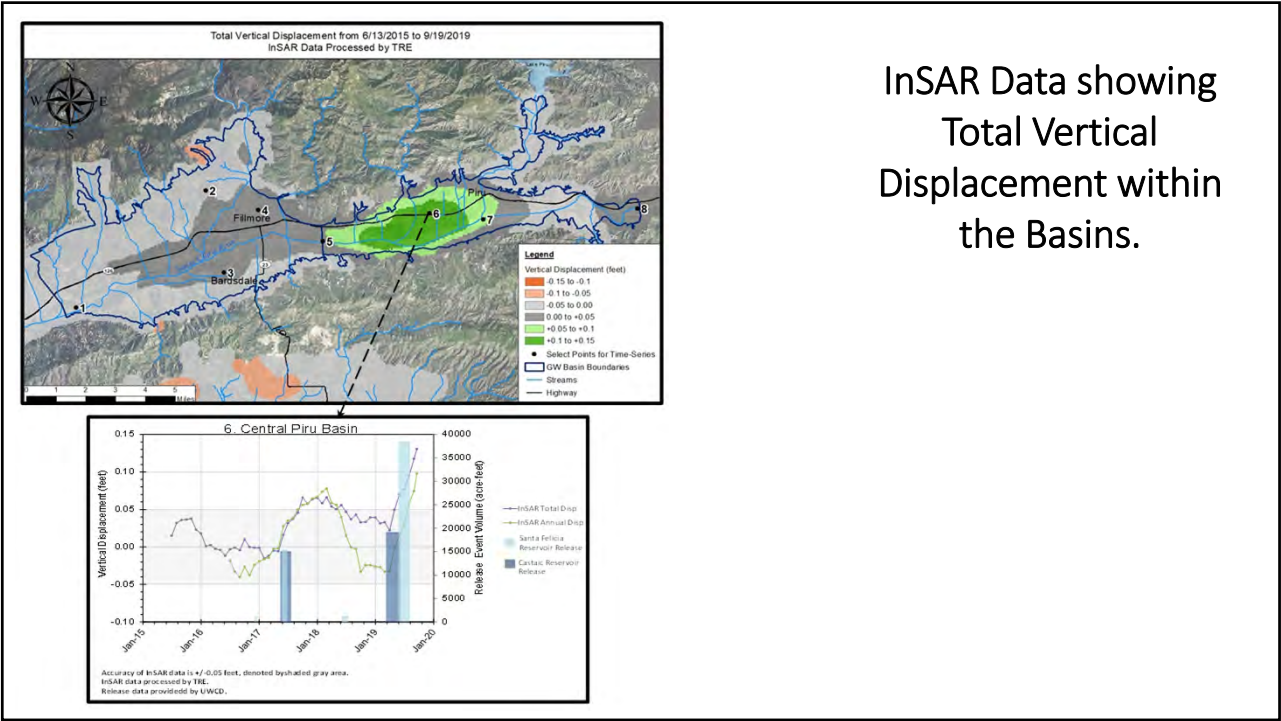
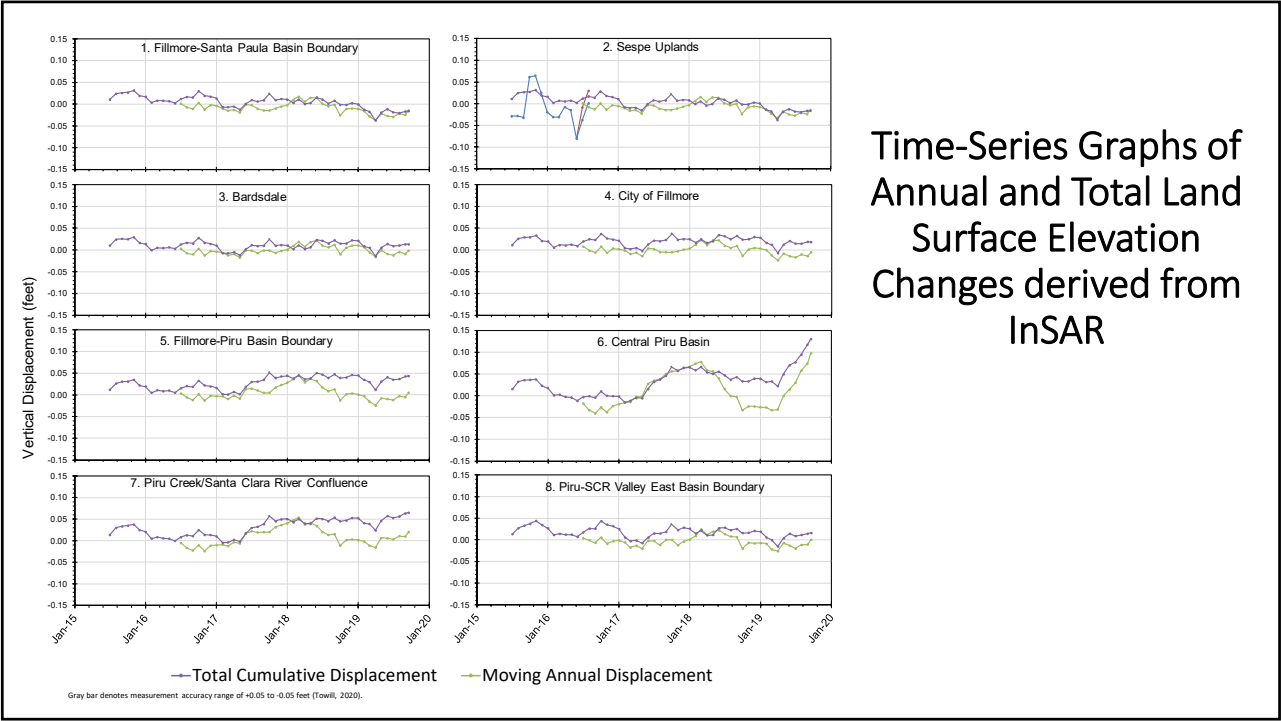
- Ground subsidence due to groundwater extractions, only
- Other potential subsidence factors
 - Oil and gas extraction
 - Tectonic activity
- No anecdotal evidence of historical subsidence even with drought-induced low water levels
- Future GW conditions not likely low enough to trigger subsidence



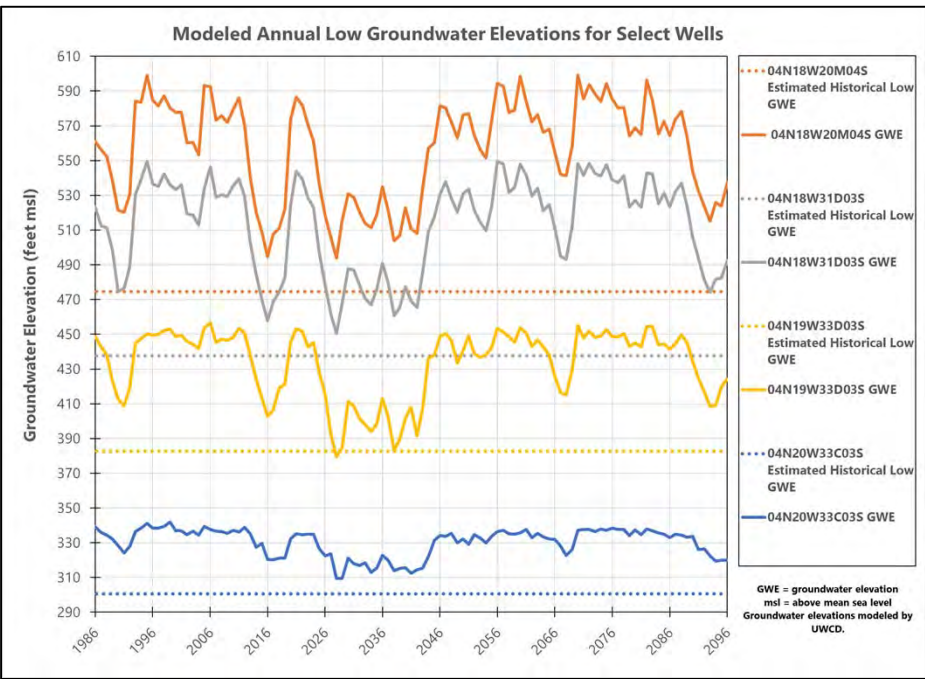
Land Subsidence Evaluation

- Previous investigations and reports;
- Geodetic surveys;
- Interferometric Synthetic Aperture Radar (InSAR) data;
- Subsidence evaluations / potentials.

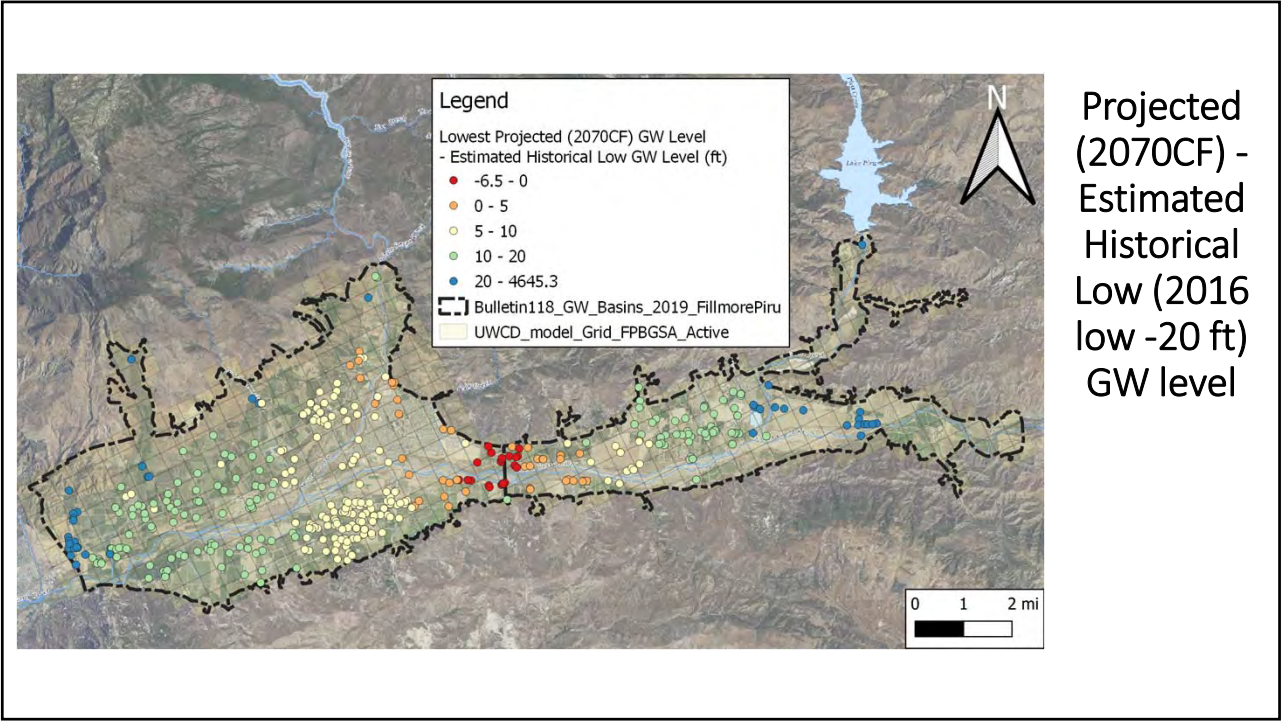




Future Subsidence Potential - Representative Wells



2070CF
Modeled Water
Levels v.
Estimated
Historical Low
Water Level at
Representative
Wells



Summary of (Inelastic) Subsidence Potential

Basin	Hydro-stratigraphic Setting Susceptibility*	Chronic Declines in Groundwater Levels	Geodetic / Extensometer / Tiltmeter Evidence of Subsidence	InSAR Evidence of Subsidence	Subsidence Susceptibility Ranking
Fillmore	Low to Moderate	No	No	No	Low
Piru	Low	No	No	No	Very Low

* Low - thinner, possibly discontinuous fine-grained layers

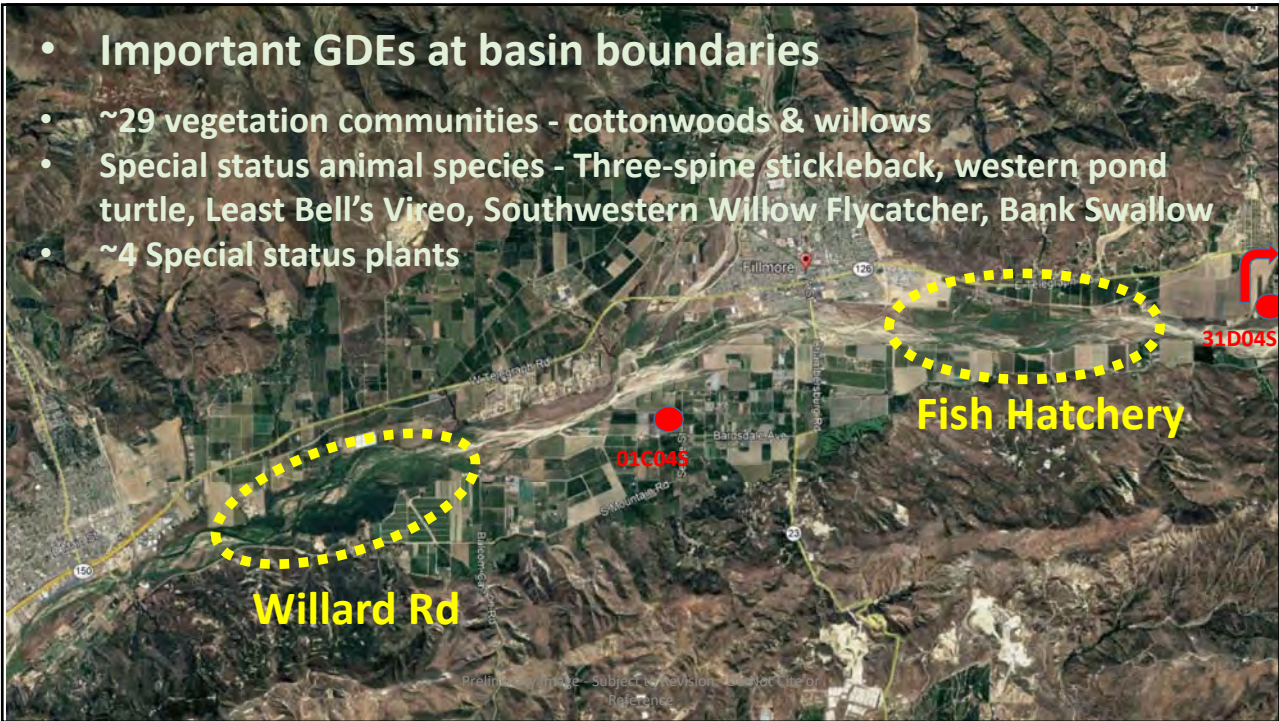
Moderate - fine grained layer typically a few 10s of feet thick

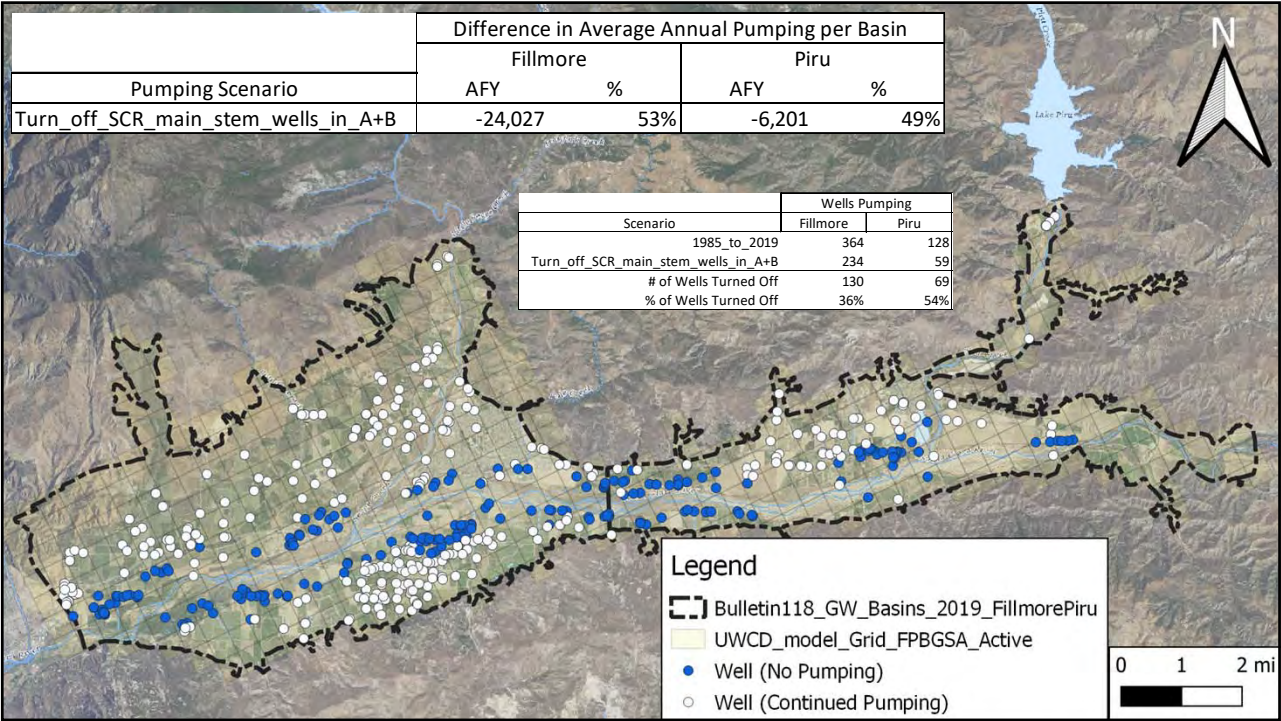
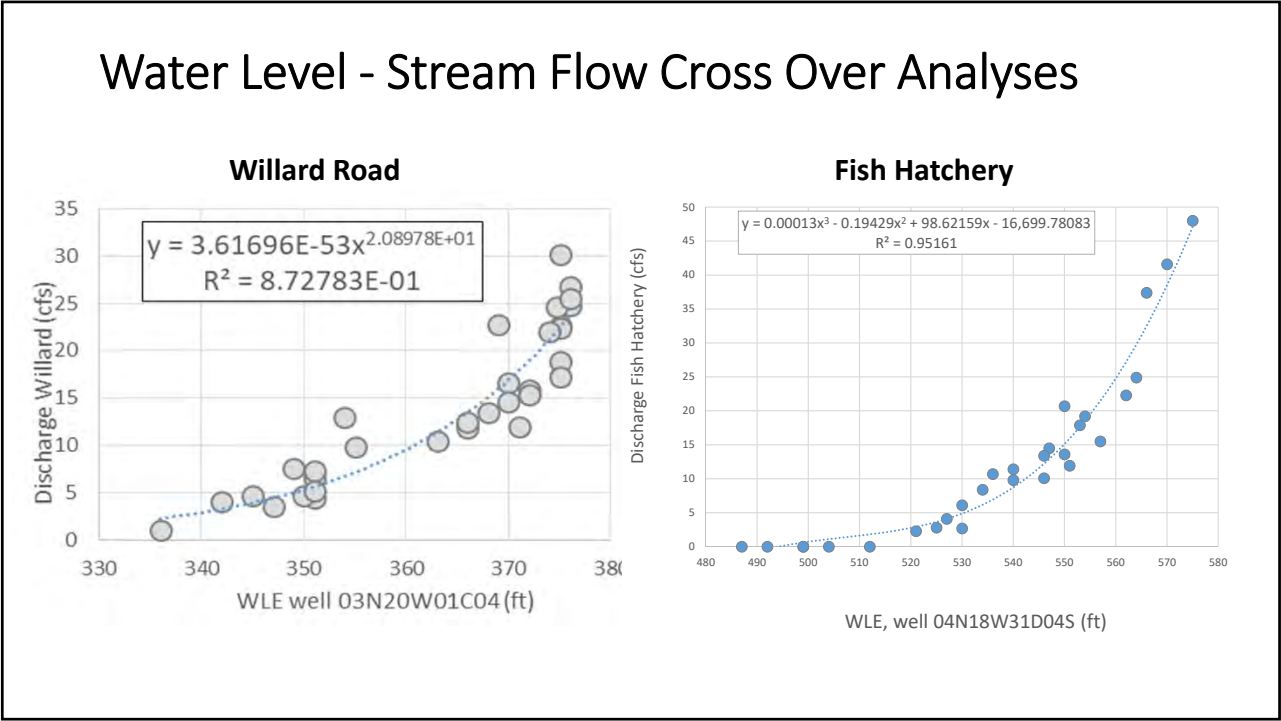
Surface Water - Groundwater Interaction

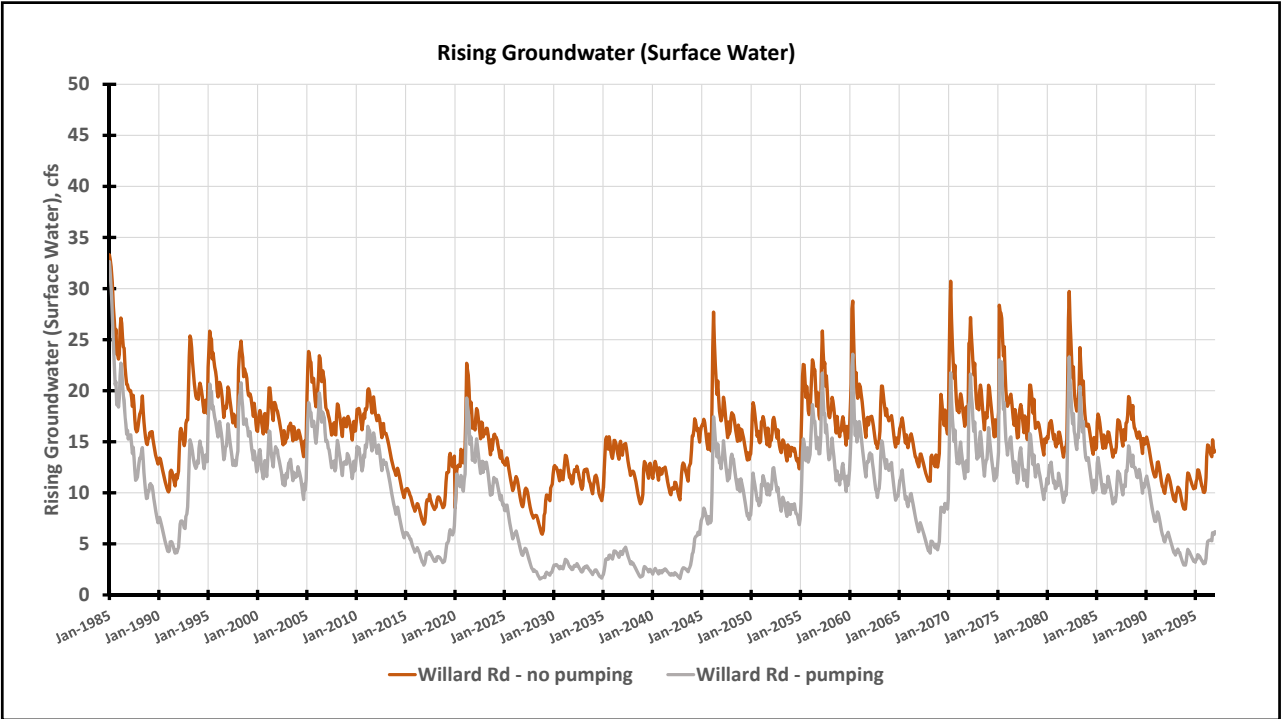
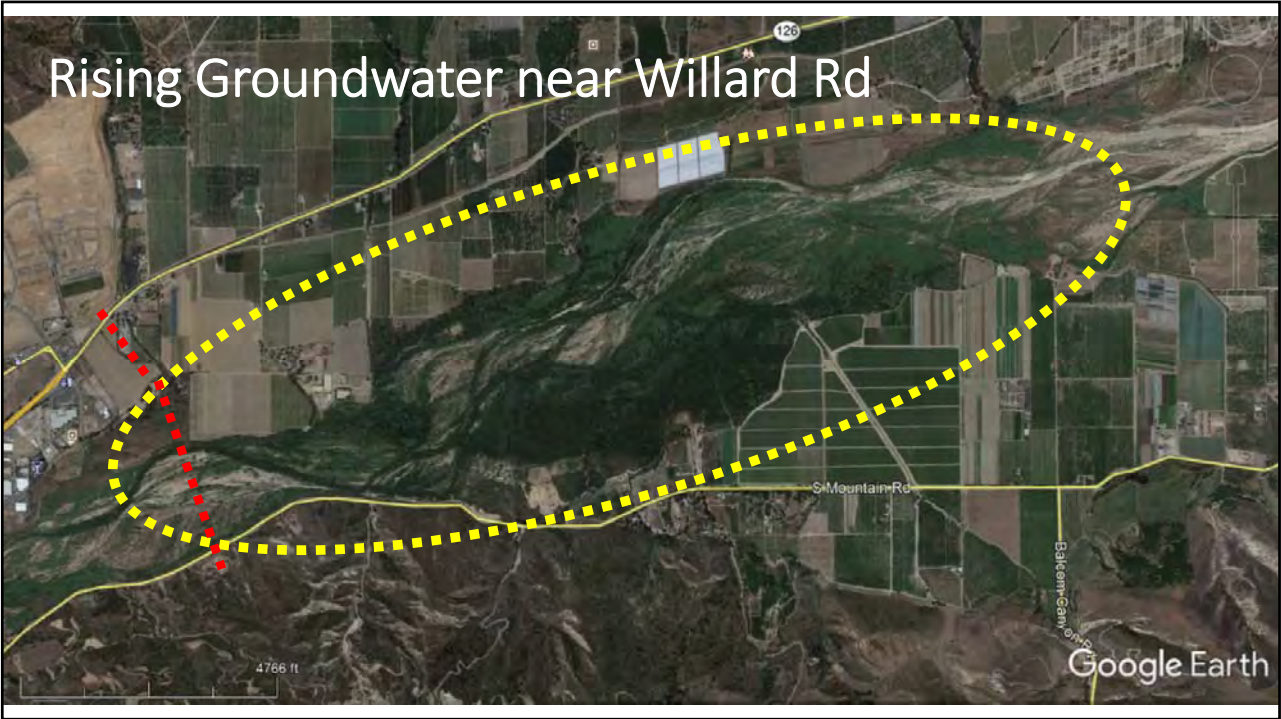
- Surface water depletion due to GW extractions
- Impacts of water level declines on beneficial uses and users
 - GDEs
 - Surface water diversions

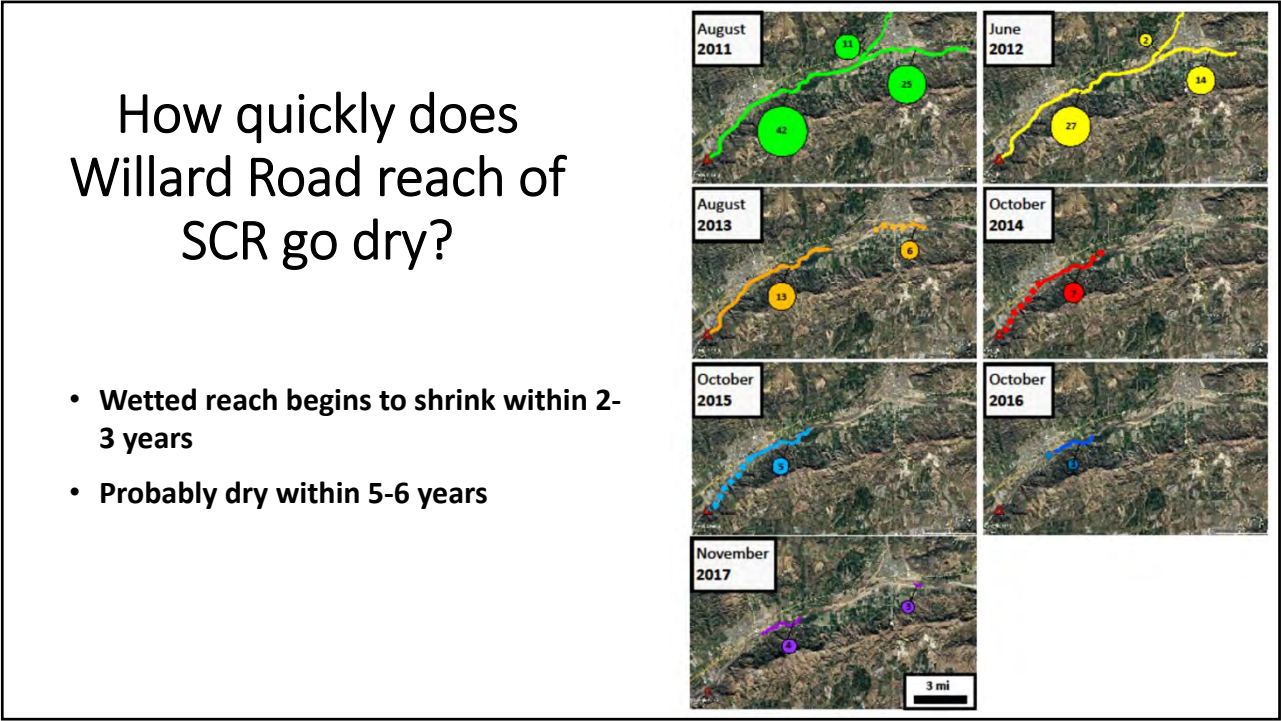


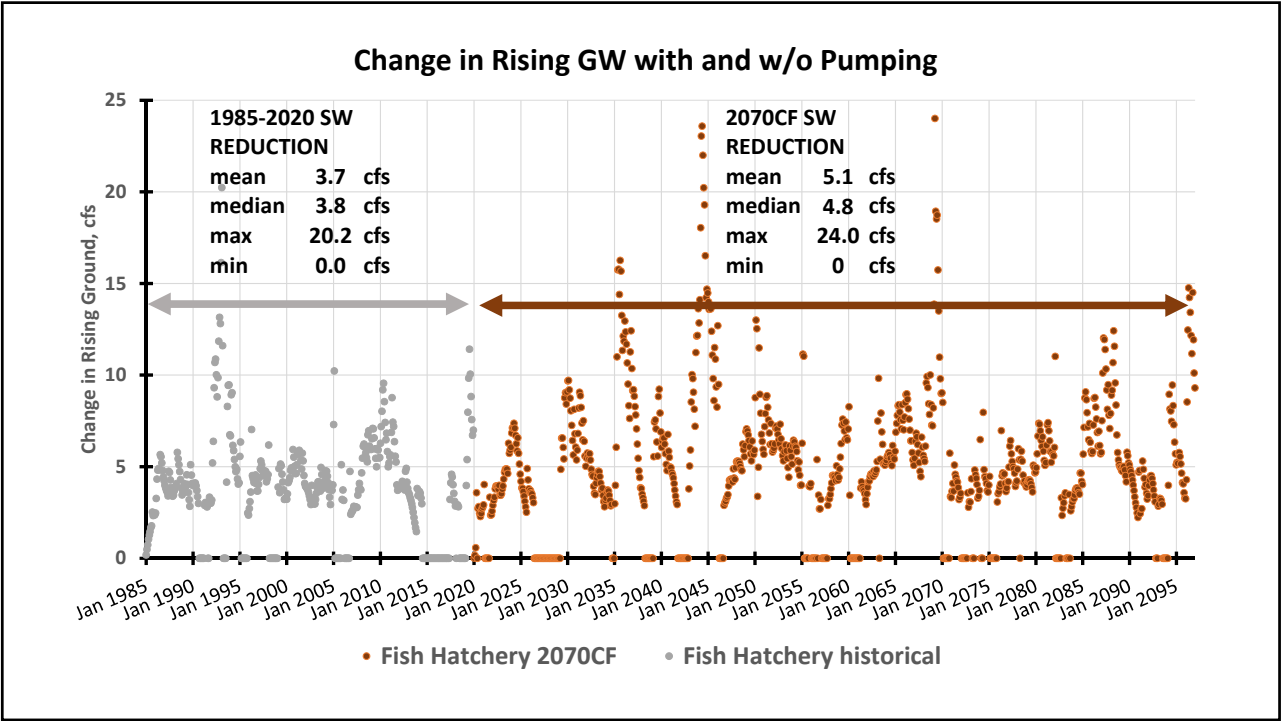
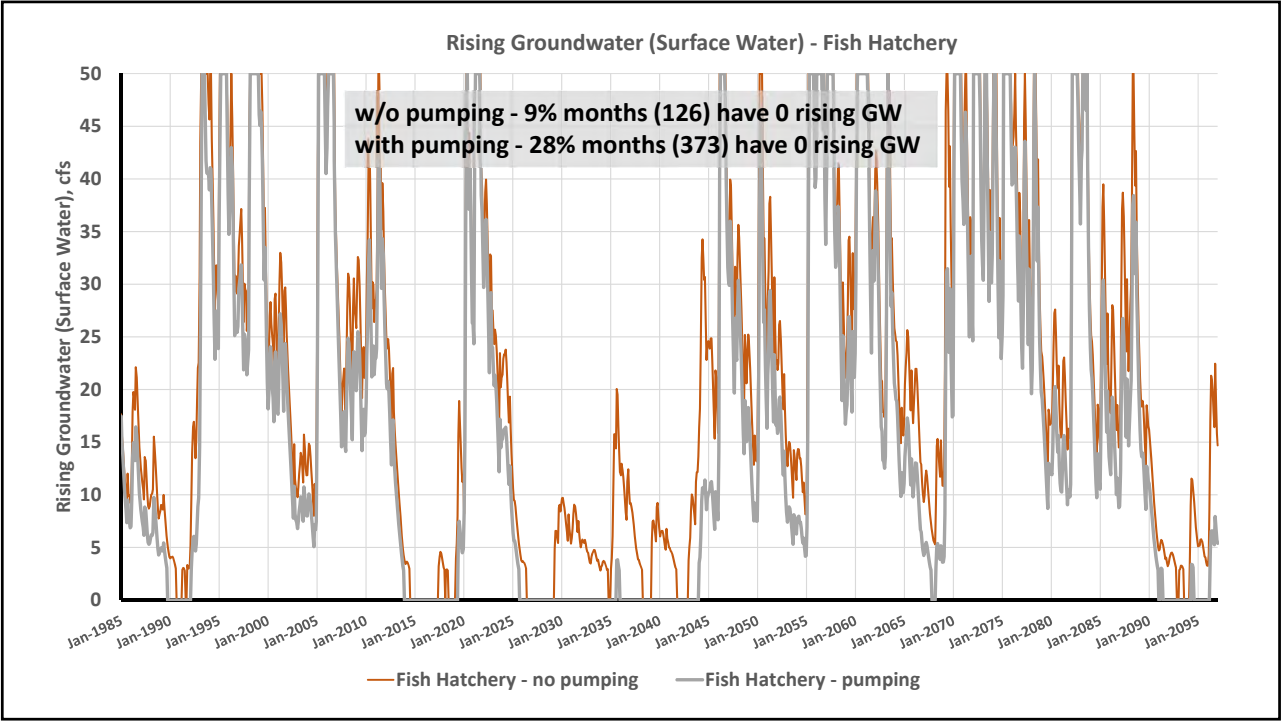
- Important GDEs at basin boundaries
- ~29 vegetation communities - cottonwoods & willows
- Special status animal species - Three-spine stickleback, western pond turtle, Least Bell's Vireo, Southwestern Willow Flycatcher, Bank Swallow
- ~4 Special status plants

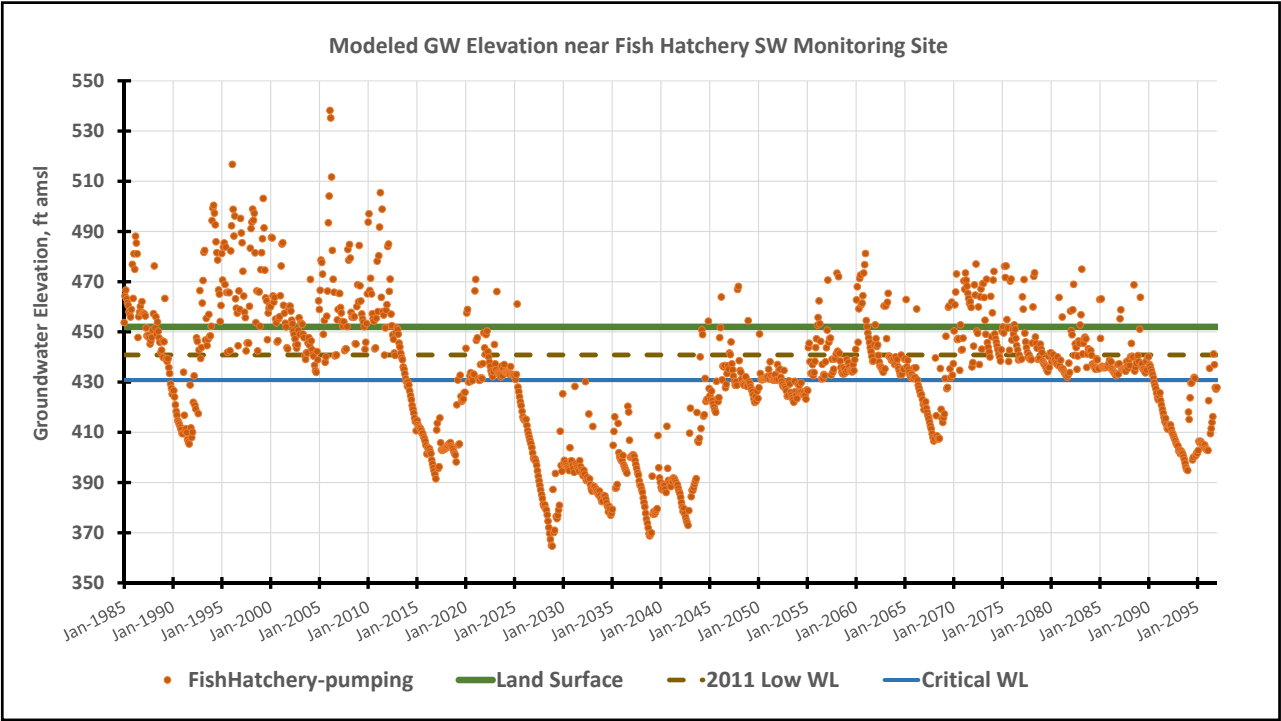
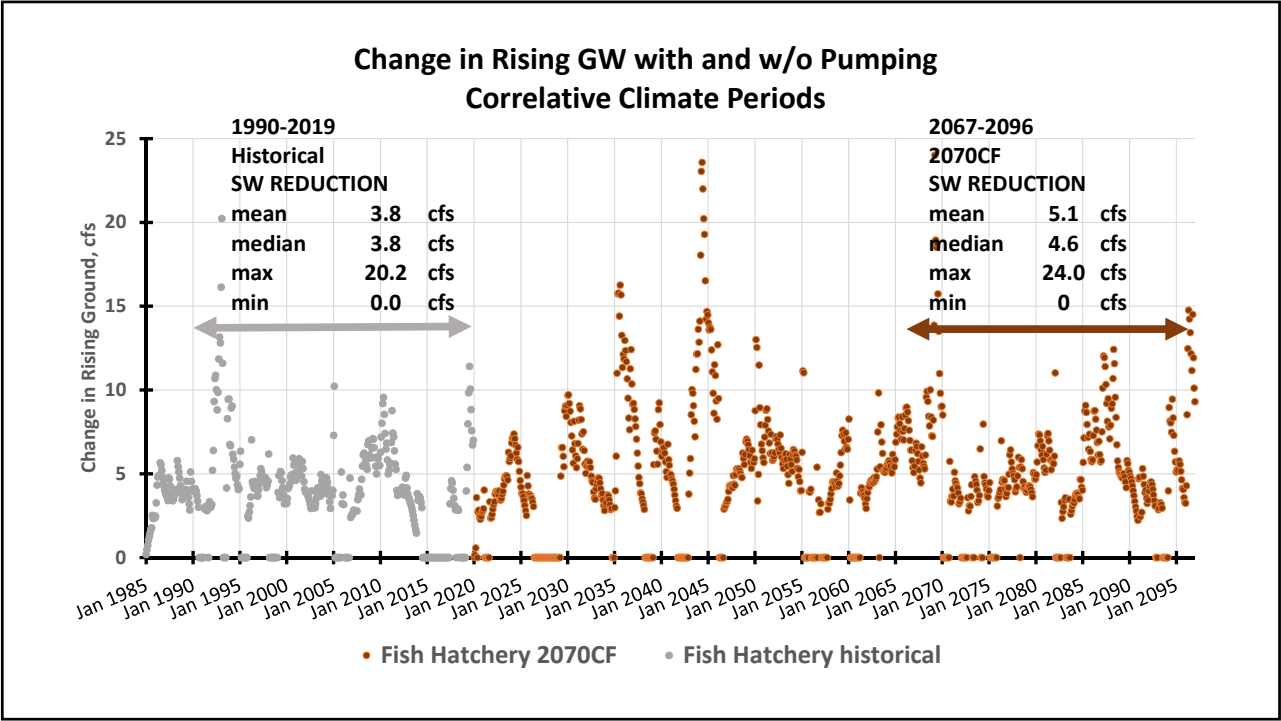


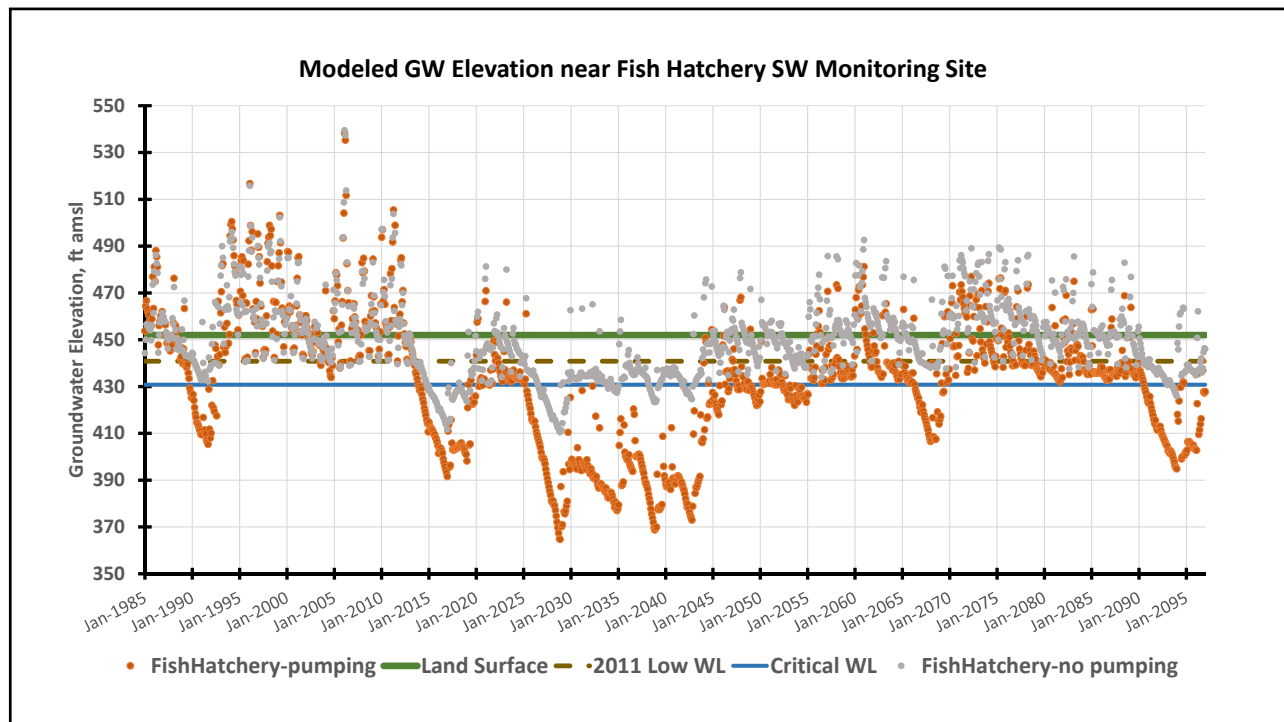












Surface Water - Groundwater Interaction / SW Depletion

- SMC focused on reaches of the Santa Clara River at the F-P & SP-F basin boundaries with rising GW
- No or limited beneficial uses and users of the SW in these areas
- GDEs present along those reaches → Birds - Amphibians - Vegetation
 - ✓ Drought periods create multi-month sequences with no rising GW with or without GW pumping
 - ✓ Drought periods create multi-month sequences with GW level declines greater than the critical water level decline of ~10 ft

Does the FPBGSA have a responsibility to mitigate drought impacts if those impacts are not any more severe than pre-Jan 2015 impacts?

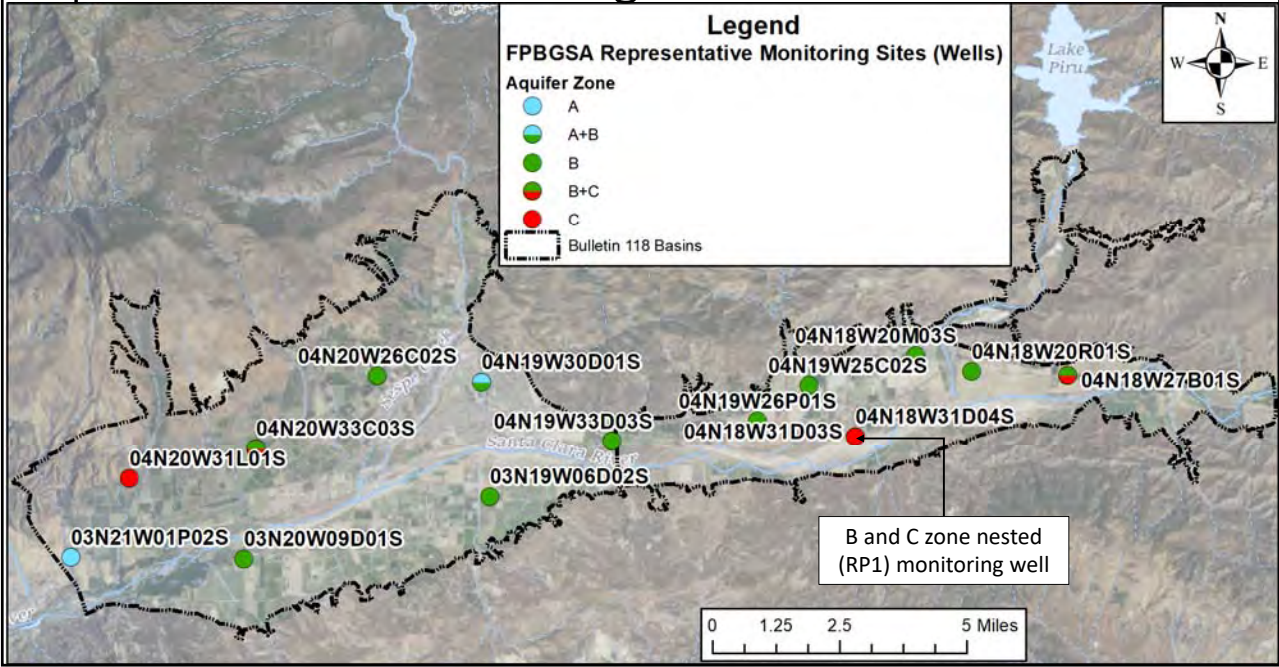
SMCs - General Framework



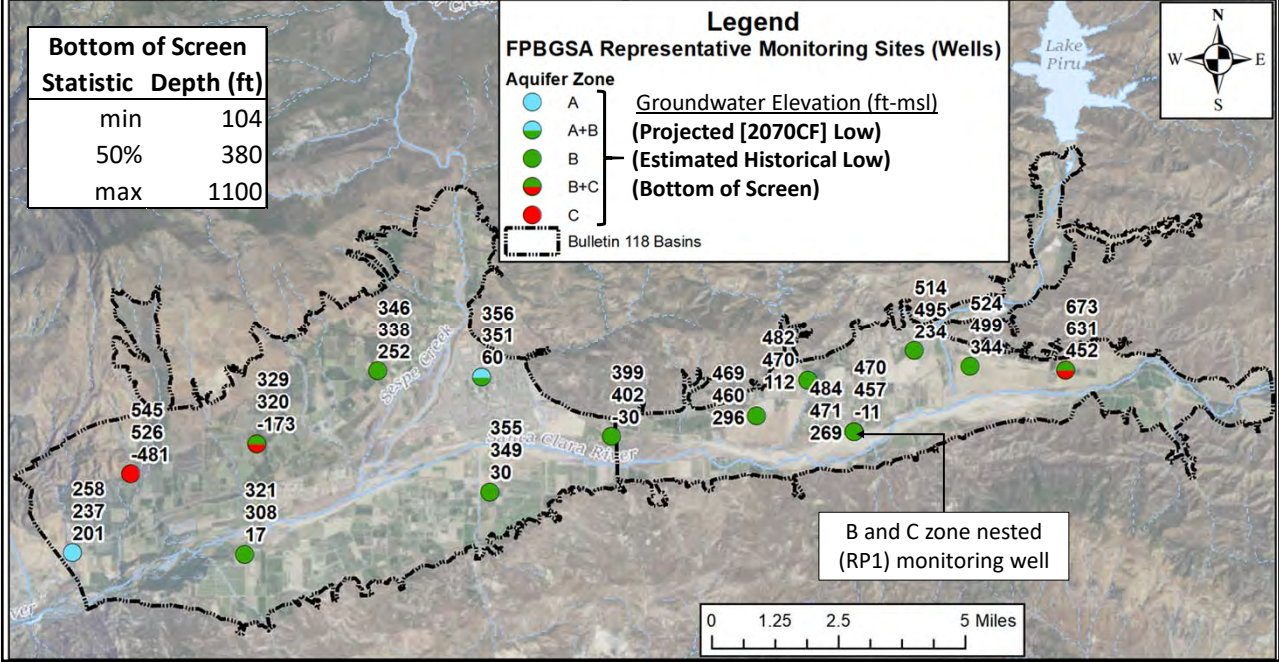
- **Lowering GW Levels** - no chronic decline in water levels
- **Reduction of GW Storage** - no chronic decline in GW storage
- **Seawater Intrusion** - not applicable
- **Degraded Water Quality** - no regulatory authority over WQ / work with existing agencies with appropriate regulatory authority
- **Land Subsidence** - not reported during historical past and not anticipated during future climate & pumping conditions
- **Surface Water Depletion** - rates of SW depletion in future not materially greater than Jan 2015 - in droughts multi-month periods with zero rising GW with or w/o pumping & GW levels below critical WL in severe droughts

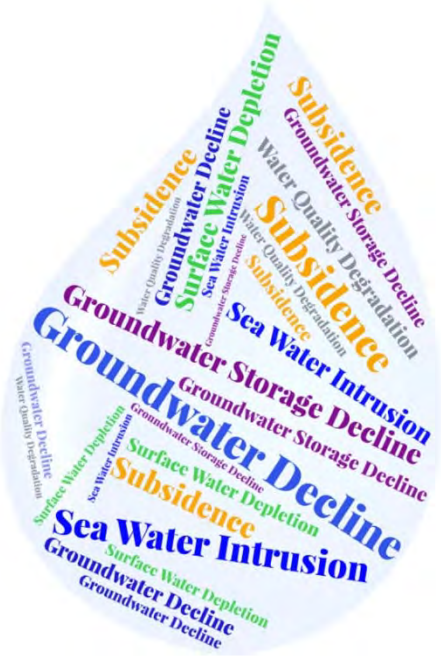
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Degraded WQ	Water quality degradation that impairs the beneficial use of the resource	WQ values	Water quality parameters established in existing or future regulations	FPBGSA is not a water purveyor and lacks regulatory authority for WQ compliance, but will cooperate with appropriately empowered entities	
Seawater Intrusion	NA	NA	NA	NA	

Representative Monitoring Sites





Representative Monitoring Sites





Questions







Special Board of Directors Meeting

April 1, 2021

Via Zoom

MINUTES

Directors Present

Director Kelly Long, Chair
Director Ed McFadden, Vice Chair/Secretary
Director Gordon Kimball
Director Candice Meneghin
Director Glen Pace
Director Christina Villaseñor

Staff Present

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

Public Present

Gary Ball
Lisa Ballin, CSUS/DBS&A
Bryan Bondy, Fillmore and Piru Pumpers Associations
Christian Brodrick, Stillwater Science
Katie Brokaw
Guy Cole
Dayanna Costa
Dan Detmer, UWCD
Michael Fetchner
Carole Fornoff
Matt Freeman
David Grant
Burt Handy
Logan Hardison
Gosta Iwasiuk
Debbie Jackson
Rachel Laenen
Bill Lindsay
Helen McGrath
Tony Morgan, DBS&A

Patrick O'Connell, DBS&A
EJ Remson, The Nature Conservancy
Bruce Orr, Stillwater Science
Eddie Pech, DWR
Zachary Plummer, UWCD
Brisa Romero
Kat Selm, The Nature Conservancy
Lara Shellenbanger, SCRWC
Stacie Ann Silva
Steve Slack, CDFW
Lita Spencer
Jeffrey Steinberg
Dr. Jason Sun, UWCD
Richard Tate
Jean Thirkettle
Roy Thun
James Thurber
Ambry Tibay, UWCD
Jim Van de Water
Gilead Wurman
Steven Zimmer

1. Call to Order – First Open Session 5:01 pm

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

1A. Pledge of Allegiance

Vice Chair McFadden led the meeting participants in reciting the Pledge of Allegiance.

1B. Directors Roll Call

Roll call: (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor); six present.

1C. Public Comments

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

1D. Approval of Agenda

Motion

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

2. STAKEHOLDER WORKSHOP

2A Board of Directors Opening Statements (this was moved to the end of the meeting)

2B Stakeholder Input on Draft Groundwater Dependent Ecosystems Technical Memorandum

Informational

The Board received stakeholder input on the draft Groundwater Dependent Ecosystems Technical Memorandum.

Vice Chair McFadden commented by saying only two letters had been received and asked if any additional letters had been submitted.

Executive Director Anthony Emmert summarized the letters received and asked participants to share comments from the letters they may have submitted.

Ms. Lisa Ballin mentioned the GDE Technical Memo will be part of the actual draft GSP that will undergo public review once the document is completed.

Chair Long requested clarification on the deadline for receiving comments and letters.

Mr. Tony Morgan stated there is no deadline but mentioned comments should be received by the end of the month of April.

EJ Remson said he has, “two concerns, one regarding the GDE’s for the Cienega area and the objectives that bring the water levels to pre-drought baseline and rooting depth versus water level.

Participant chat commented, “I would like to hear a summary of environmental concerns from the former GDE Memo.”

Director Meneghin stated she had read all letters, except for the United Water letter, and mentioned the concern from Mr. Remsons previous conversation, adding pre-drought baseline had also been mentioned in the letter from California Fish and Wildlife. She summarized the comment letters that had been received to this point.

Participant chat, “All the work on GDEs seems to suggest that there is significant interconnection between the surface and groundwater systems. This being the case, Department of Water Resources (DWR) will likely expect them to be monitoring and measuring integrated Surface Water (ISW) using SMC. In the preparation of the Critically Overdraft GSPs, DWR placed heavy emphasis on this monitoring component – from their perspective, if the condition changes, even if the does so due to natural conditions, the GSA has to keep an eye on it. There is a significant risk that failing to address one of the sustainability indicators, that they have identified as existing in the Subbasin, could cause their plan to be deemed inadequate or incomplete.

Director Meneghin said, the California Department of Fish and Wildlife has identified that as a data gap, the Agency needs to address the monitoring requirements that are needed or study development.

Director Kimball asked if there are technical studies that quantify the groundwater use of Arundo donax.

Director Meneghin mentioned UCSB did a study on Arundo and provided background on what has been done and is being done on the study of eradicating arundo.

Chair Long, Mr. Morgan and Dr. Bruce Orr had a brief conversation on Arundo.

Participant chat commented, "In addition to Steelhead, these GDE's act as critical areas for breeding of many migratory songbird species. TNC has been conducting bird point counts on the river since 2011 and the results of last year are evidence of the importance of these GDEs. Despite the recovery from the 5 year drought in the last two wet years (2018-2019), species richness continued to decline on most properties from 2011 levels. It is likely that the loss of mature tree cover on the wettest properties, which was substantial by 2016/2017, coupled with increased cover of Arundo on most properties since the last large scouring event in 2011, are keeping bird species richness and abundances depressed. Densities of three special status species remained high on one of our properties and that is one where Arundo has been removed and the riparian forest did not experience any die off from the last major drought."

Participant chat: Here is a source of information on Arundo water consumption:
https://groundwaterresourcehub.org/public/uploads/pdfs/TNC_Arundo_ET_Literature_Review_Feb2019.pdf

Chair Long asked Dr. Orr, based on the studies he has done, with the burnt trees from recent wildfires, how does this play on the pressure from everything moving down into the river.

Dr. Orr replied how the process works and how it affects the river.

Participant chat commented, "The Stillwater report dropped a basket of information on us just a week ago. It seems the board is being asked to make decisions regarding GDEs today considering a raft of "could be", "might be" conditions; further, one flood can wipe out a substantial number of ecosystems we devote substantial effort and water to conserve beforehand. At this time, it seems appropriate to monitor and further study "potential" conditions, rather than locking in requirements that may not be needed in the actual future."

Director Meneghin said, Department of Water Resources (DWR) has taught us to identify the existing GDEs and as much as that can change, the Board needs to develop the Sustainable Management Criteria for what is existing, in case of fire or flood etc. She then provided more details of the process.

Chair Long also expressed what the Board's role is regarding the GDE's. Chair Long requested Mr. Morgan's input on the subject.

Mr. Morgan provided his input on the process.

Director Meneghin mentioned the Friends of the Santa Clara River letter calls for steelhead limiting factors to be considered. She stated that Mr. Emmert noted earlier that the Agency has already determined that data gaps exist regarding shallow groundwater near the GDEs, and that the Agency's monitoring wells project is intended to close that data gap.

Participant chat commented, "I agree with Logan. I have attended many of these meetings and there is more speculation than actual concrete metrics. It is not appropriate to adopt stringent guidelines but proceed as Logan suggests, there are enough overlapping goals amongst agriculture, municipal, and environmental stakeholders to focus on now."

Vice Chair McFadden asked Mr. Morgan to review the DWR requirements for baseline year, as the Board has to be aware of conditions.

Mr. Morgan explained the Sustainable Groundwater Management Act requirements.

2C Stakeholder Input on Draft Sustainable Management Criteria Matrix

Informational

The Board received a brief presentation on the draft Sustainable Management Criteria Matrix from Daniel B. Stephens & Associates team (see attached slides).

Director Villaseñor asked Mr. Morgan if he has looked at a longer drought period model.

Mr. Morgan shared a slide to show how the drought scale is measuring the drought.

Director Meneghin asked if a ten year drought was modeled?

Mr. Morgan stated that a future drought graph might be steeper, might be deeper.

Mr. Emmert asked Mr. Morgan if the graph he was using included the DWR climate factors.

Mr. Morgan said yes, the DWR climate factors are included, and this affects the potential future precipitation, and pointed it out on graph.

Dan Detmer stated that the Agency is required to update its GSPs every 5-years and submit to the Department of Water Resources (DWR).

Mr. Morgan replied that this is to remind the people that, there is a mandatory five-year update, and the GSA will also be required to do an annual report. Mr. Morgan shared other scenarios.

Director Meneghin opened a discussion on surface water criteria, summarizing the Environmental groups' thoughts and recommendations for the matrix.

Chair Long asked Director Meneghin for clarification of the information she had just shared.

Mr. Emmert commented on the discussion Director Meneghin and Chair Long had, and asked Mr. Morgan to show previous slides.

Chair Long asked Mr. Morgan if the surface water flows in the Willard Road (East Grove) area will always be five cubic feet per second (cfs) of water, despite drought conditions.

Mr. Morgan showed the graph and pointed out the conditions produced by the model.

Chair Long stated DWR did not put the basins in the high classification because of the drought, it is in case there is more development.

Mr. Morgan stated the reason the GSA is in the high category is because it is groundwater dependent; the area does not have other resources of water.

Vice Chair McFadden asked if the East Grove area is a potential steelhead habitat.

Director Meneghin answered Vice Chair McFadden's question that it is a potential steelhead over-summering habitat, but no studies have been done to confirm this.

Participant chat commented, "I respectfully disagree, specific objectives of SGMA not does not include steelhead recovery. Please do not confuse natural seasonal streamflow for migration with minor flows associated with rising groundwater."

Director Villaseñor asked Director Meneghin if there is something that can be done to close the data gap that she mentioned and have it as part of the SMC looking at data if the GSA cannot come up with the measurable threshold (MT) at this time.

Director Meneghin replied no, in some instances there is not enough information and in others it is a matter of having the conversation and coming to agreement on that SMC matrix.

Participant chat commented, "Please refresh my memory but didn't DWR place our basins as impaired primarily because we don't have any other additional sources of water than rain. Therefore, building on what Tony just spoke about I believe our basins are not impaired but follow California's wet and dry cycles and trying to assume that dry periods will be more prolonged is not an acceptable assumption. We could just as easily enter a prolonged wet cycle beginning next year. The reality is no one knows the future until it happens and then it becomes history. We cannot risk everything on hypothetical potentials but use the current modeling as proposed and then make adjustments every 5 years if needed. The GDE's are larger than ever because of additional water from L A County and continuous releases from the Santa Felicia Dam.

Mr. Detmer added that 2005 was a record wet year.

Vice Chair McFadden interjected that 2005 was also a destruction of habitat on the riverbed or radical adjustment of habitat unlike he had seen for decades. Much riparian habitat was displaced and swept out to sea.

Participant chat commented, "If we have to do studies to figure out if steelhead are habitating the rising groundwater areas then it probably isn't significant."

Participant chat commented, “The Temperature of water being released from the Santa Felicia Dam into Piru Creek is generally much cooler because it is discharged from deeper depths of Lake Piru, so this released water may be more beneficial to aquatic species than currently realized.”

Participant chat commented, “GDE communities comprised of willows and cottonwoods require scouring and flood events to disperse as they need the mineral soil to germinate. One concern I have in dead and dying GDE's along the river is that there will not be that seed source to repopulate after a dramatic event like the 2005 floods. Not sure about the longevity of the seed banks for these species, maybe Bruce can speak to this?”

Dr. Orr replied that the seeds are not viable for a long period.

Vice Chair McFadden requested Dr. Orr provide clarification on his answer.

2D Stakeholder Input on Draft Sustainable Management Criteria Matrix

Informational

The Board received stakeholder input on the Draft Sustainable Management Criteria Matrix.

3. MOTION ITEMS

3A Sustainable Management Criteria Development

Motion

The Board agreed on four of the six criteria included in the Sustainable Management Criteria matrix for use in developing the draft Groundwater Sustainability Plans:

1. Groundwater Elevation
2. Groundwater Storage Reduction
3. Degraded Water Quality
4. Seawater Intrusion

Executive Director Emmert shared his thoughts and information on the process of approving the SMCs.

Chair Long asked each Director and Vice Chair McFadden to share their feelings and thoughts on the process of approving the SMCs. They all summarized their thoughts and agreed to approve four out of the six criteria from the Matrix.

Motion to approve four of the six SMC's (GW Elevation, GW Storage Reduction, Degraded WQ and Seawater Intrusion), Vice Chair McFadden; Second, Director Kimball. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor); none opposed. Motion carries 6/0.

FUTURE TOPICS FOR BOARD DISCUSSION

Land Subsidence

Surface Water Depletion

Consider a date for a Special Board Meeting

ADJOURNMENT: 7:30 pm

Chair Long adjourned the meeting at 7:30 p.m. to the next **Regular Board Meeting** on Thursday, **April 15, 2021** 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 April 1, 2021.

ATTEST: _____
Eva Ibarra, Clerk of the Board

FPBGSA Special Board Meeting

Item 2C - Draft Sustainable Management Criteria

• SMC Matrix

• Stakeholder Discussion / Input on Draft SMC

Lowering GW Levels

Reduction of Storage

Seawater Intrusion

Degraded Quality

Land Subsidence

Surface Water Depletion

DBS&A

Daniel B. Stephens & Associates, Inc.

SMC	Undesirable Results	Metric	MT	MO	Summary	Comments
GW Elevation	Loss of ability to pump GW	GW elevation	WL declines below the base of well screens in more than 25% of representative wells	GW levels at 2011 high WL		maximizes range between MT and MO
GW Storage Reduction	inadequate GW storage to last through multi-year drought without GW extraction limitations	GW elevation	*WL declines below the base of well screens in more than 25% of representative wells	GW levels at 2011 high WL		maximizes range between MT and MO
SW Depletion	Surface water flow declines due to GSP implementation that interfere with the beneficial use and users	Rising GW rates at the Fillmore-Piru basin boundary (Fish Hatchery) / Depth to GW at the Fillmore-Piru basin boundary	The GSP does not propose projects or management actions that would change the operational regime of the basins. Therefore, implementation of the GSP does not cause significant and unreasonable effects. No beneficial users or uses are materially impacted by implementation of the GSP.			
Land Subsidence	Land subsidence amounts that interfere with infrastructure operations	*Subsidence rates / quantity	*Total inelastic subsidence of 1.2 in/yr (0.1 ft/yr) or 0.6 ft over 5 yrs	Inelastic subsidence rates within +/- 0.05 ft/yr as determined by InSAR		Monitor subsidence amount - InSAR data from DWR; trigger at GW elevation lower than the estimated historical low
Degraded WQ	Water quality degradation that impairs the beneficial use of the resource	WQ values	Water quality parameters established in existing or future regulations	FPBGSA is not a water purveyor and lacks regulatory authority for WQ compliance, but will cooperate with appropriately empowered entities		
Seawater Intrusion	NA	NA	NA	NA		

Sea Water Intrusion



- Not a realistic concern for Fillmore or Piru basins
- Western edge of Fillmore basin is approx. 16 miles from coastline
- Western edge of Fillmore basin elevation is approx. 300 ft above msl



Water Quality Degradation



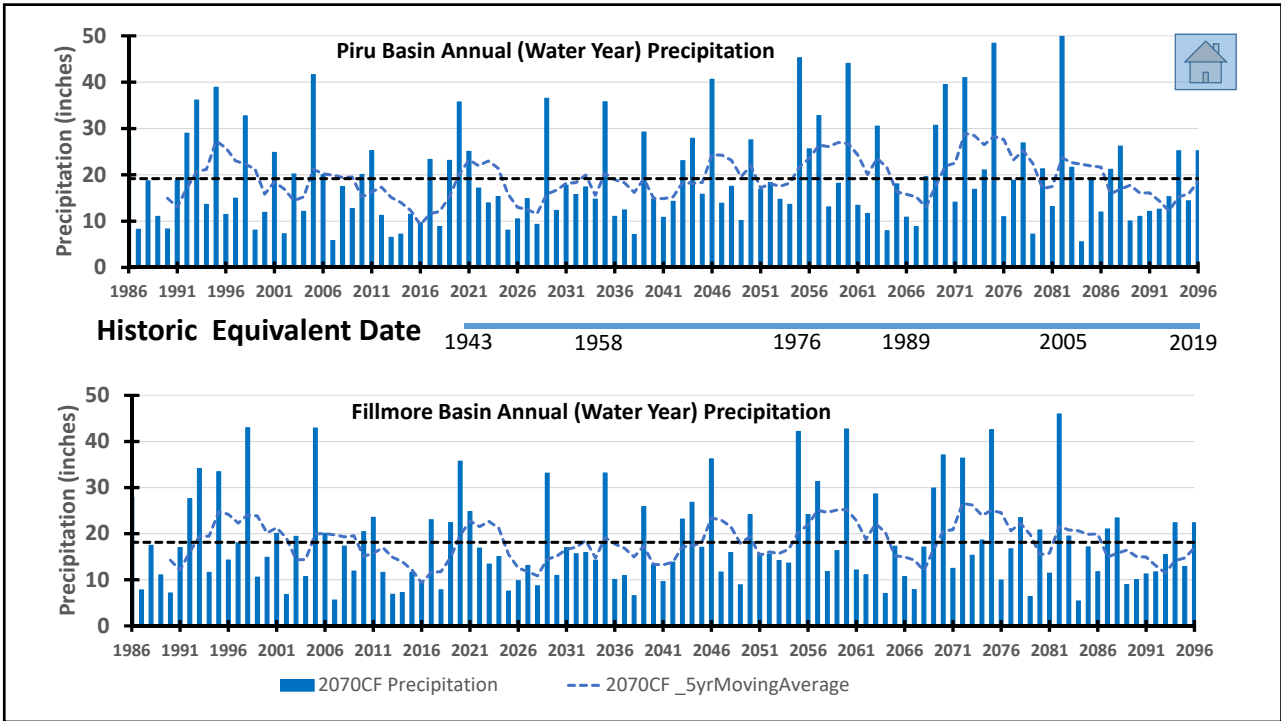
- Concerned with water quality degradation caused by the implementation of the GSP
- Generally, no major water quality issues in the basins
 - Chloride concentrations in waste water treatment plant effluent discharged to SCR
- Continue with monitoring program (GW and SW)
- FPBGSA lacks regulatory authority to enforce water quality regulations, but can be a cooperative agency to County of Ventura, RWQCB, DTSC, etc.

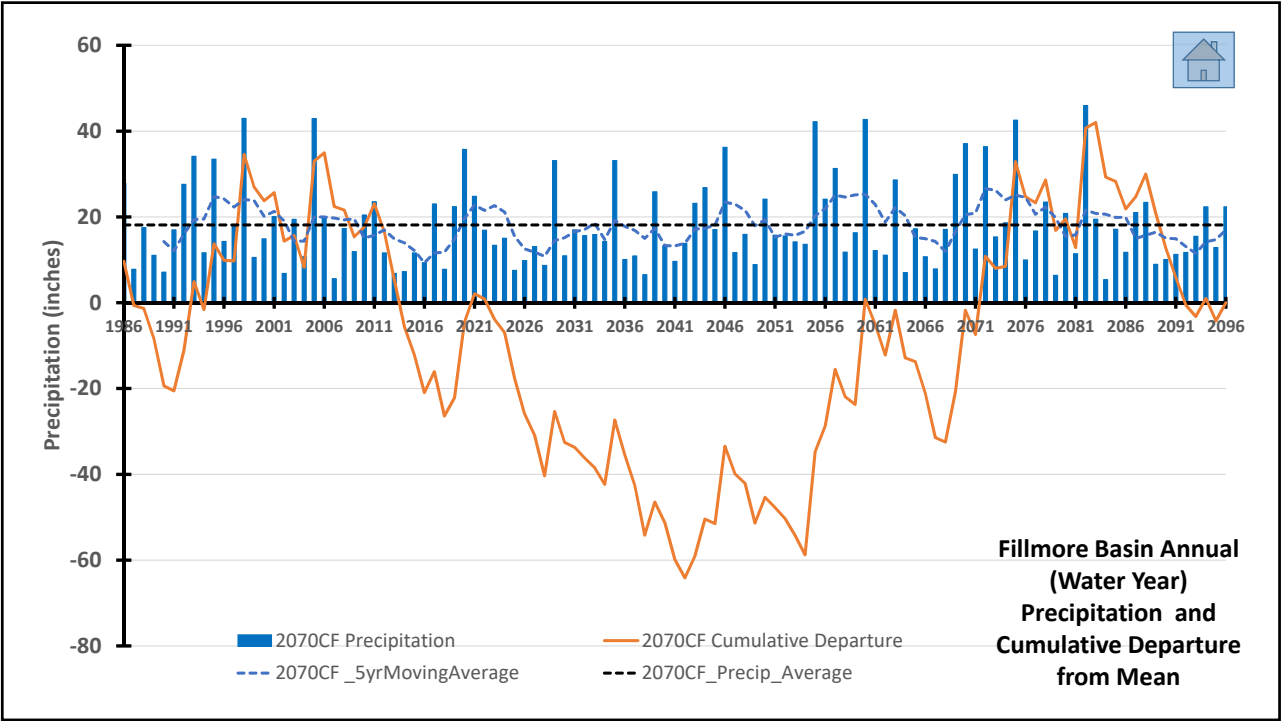
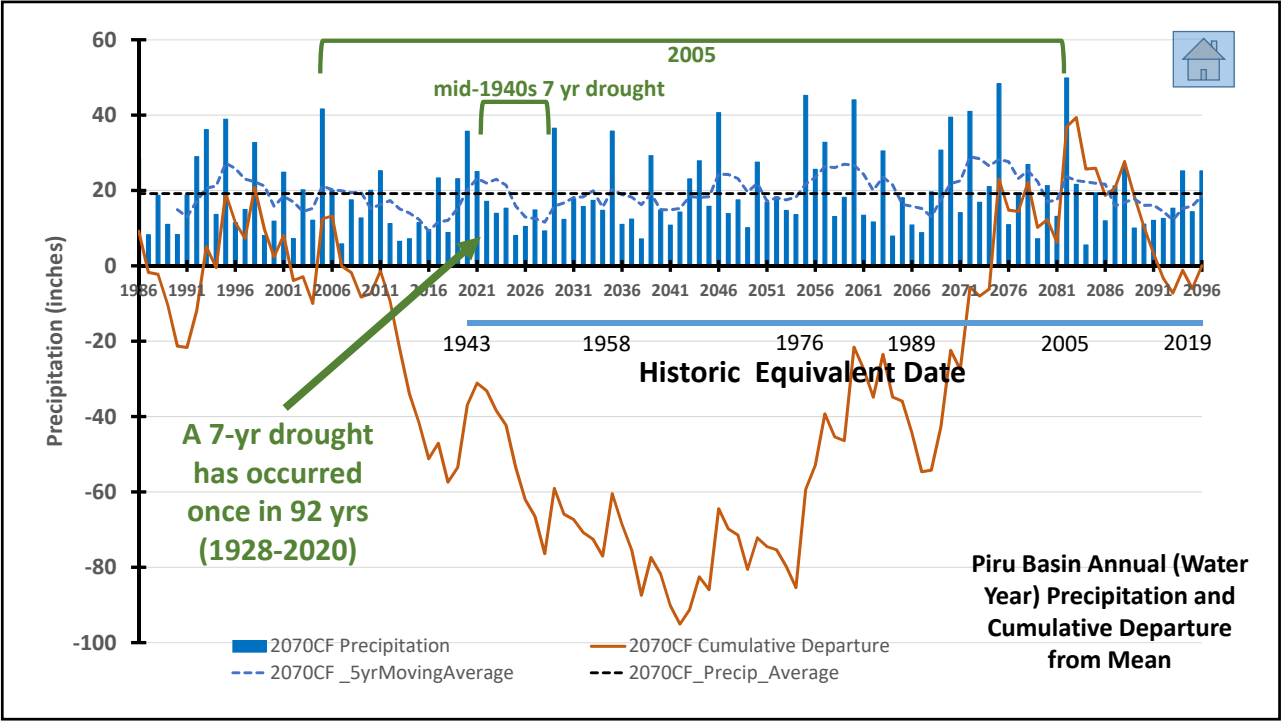


Groundwater Levels



- Long-term, chronic water level decline
- Impacts of water level declines in beneficial uses and users
 - GW extractions by MUNI, IRRIG, DOM users
 - Related to surface water depletion
- Examined long-term future GW conditions including climate change





Dry Well Evaluation

No production wells are expected to go dry

- Nine (9) shallow production wells that went “dry” at various months, according to the model, were evaluated and determined to not be dry based on measurements.
- Wells most susceptible to getting close to dry conditions are <100 ft deep, on average.
- Shallow monitoring wells are expected to go (and have gone) dry periodically.
- Based on UWCD model (Projected 2070CF) results

Modeled Dry Wells (≥1 month)

- production well
- monitoring well

Sample Hydrographs

Conclusions

- **No evidence of chronic decline in GW levels.**
- Based on UWCD model results.

03N21W01P02S

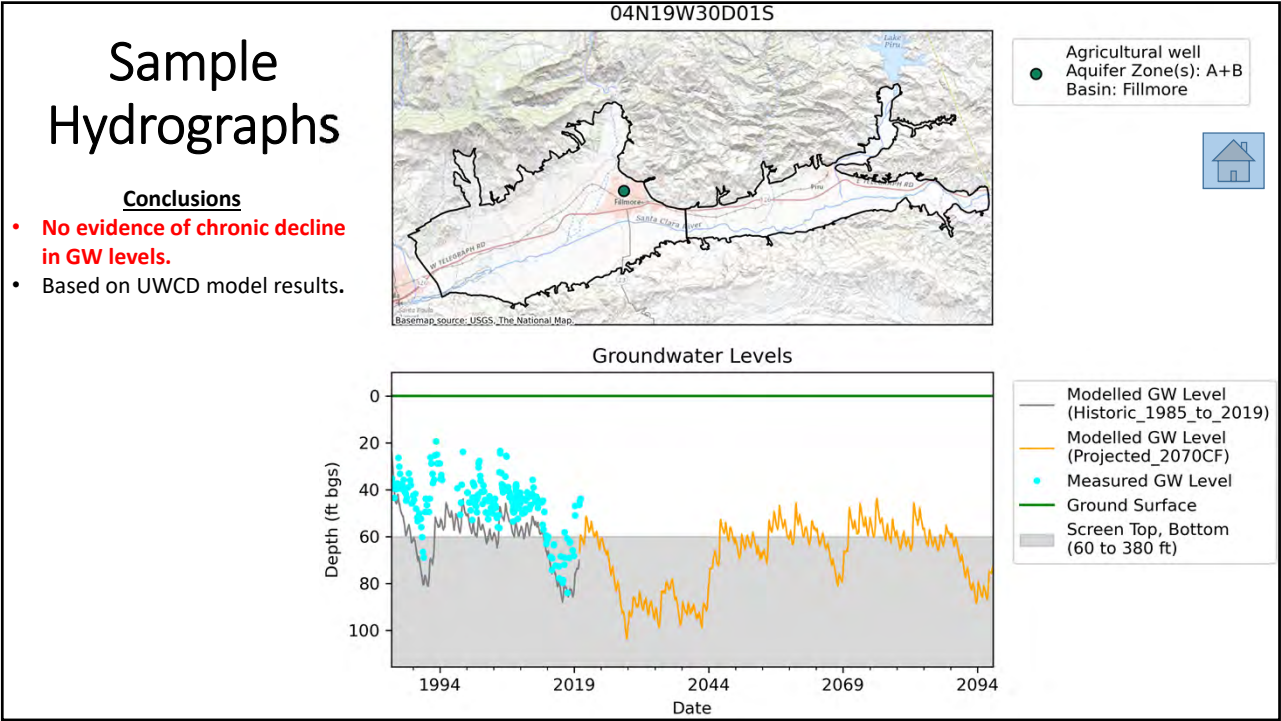
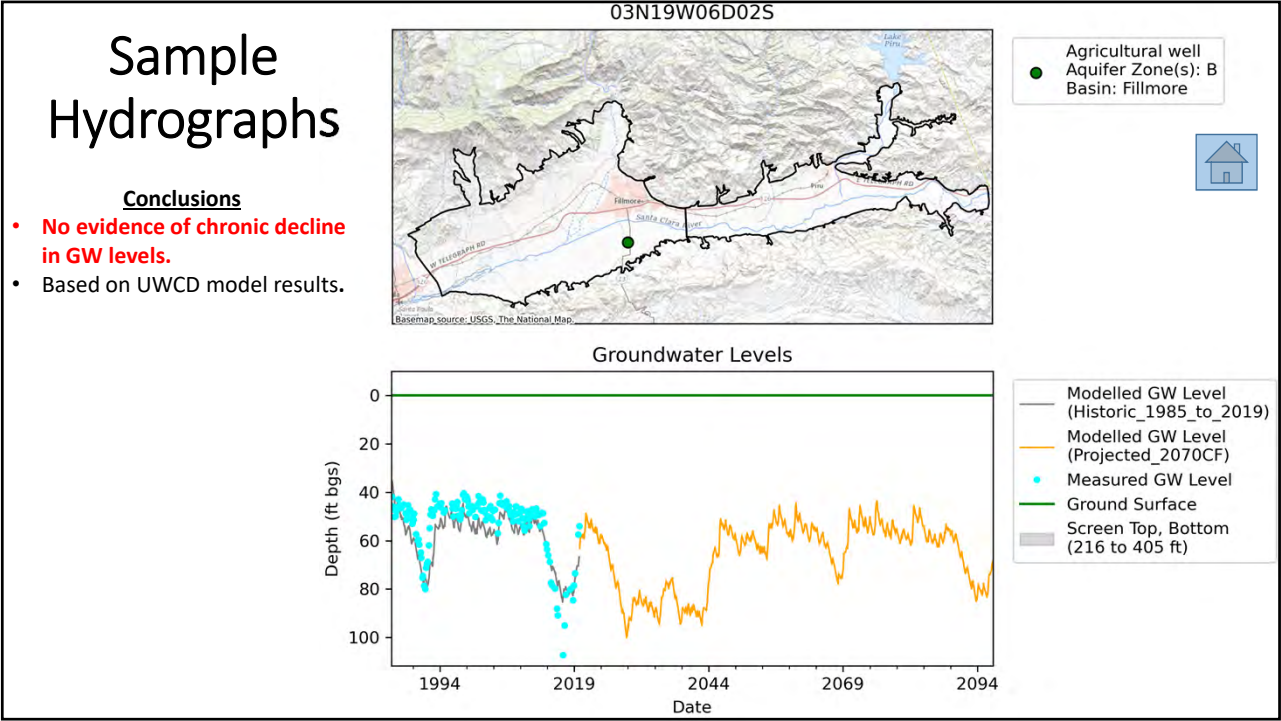
Domestic well
Aquifer Zone(s): A
Basin: Fillmore

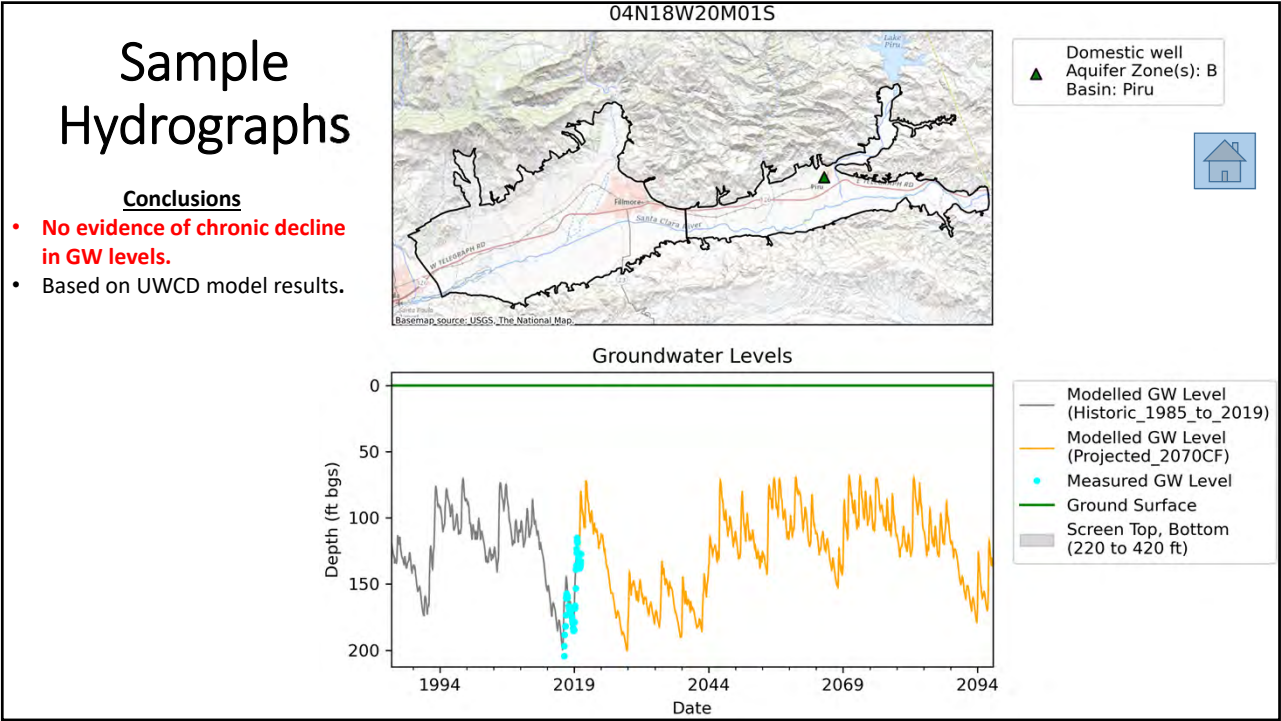
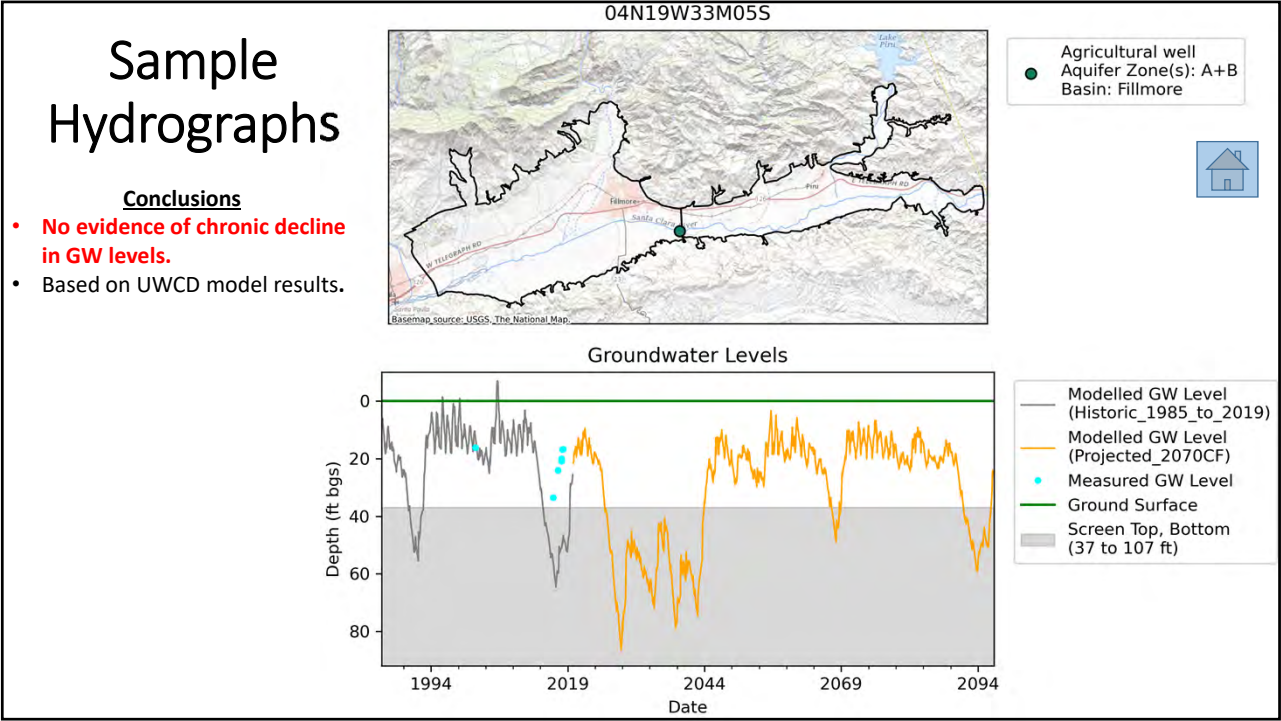
Groundwater Levels

Depth (ft bgs)

Date

- Modelled GW Level (Historic_1985_to_2019)
- Modelled GW Level (Projected_2070CF)
- Measured GW Level
- Ground Surface
- Screen Top, Bottom (75 to 104 ft)





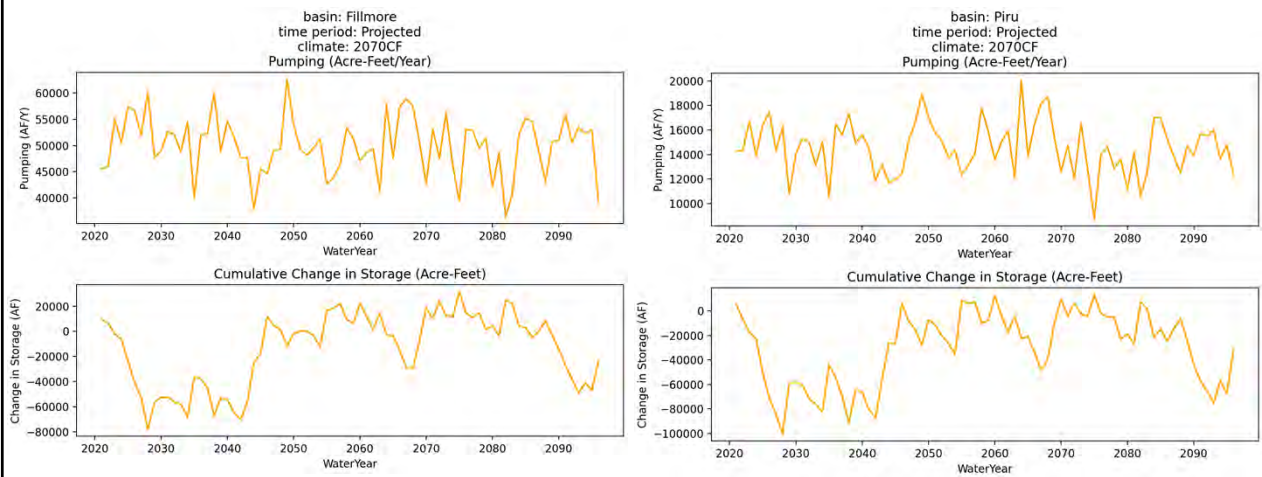
Groundwater Storage



- GW in storage to last through future droughts
- Storage is critical element for these basins - dependent on GW



Forecasted Annual Pumping & Cumulative Change in Storage



Subsidence



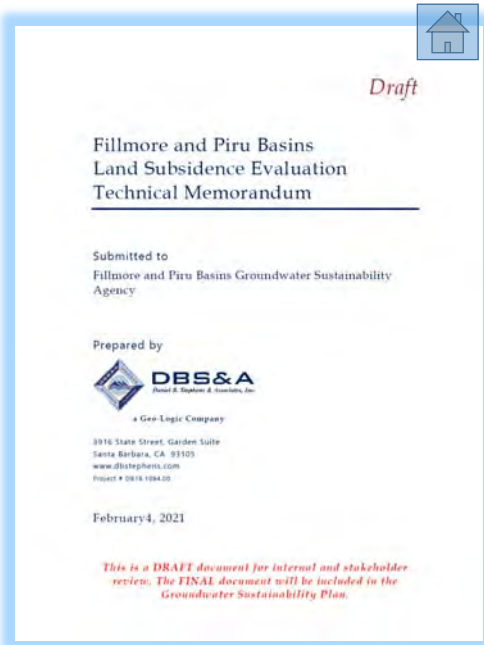
- Ground subsidence due to groundwater extractions, only
- Other potential subsidence factors
 - Oil and gas extraction
 - Tectonic activity
- No anecdotal evidence of historical subsidence even with drought-induced low water levels
- Future GW conditions not likely low enough to trigger subsidence

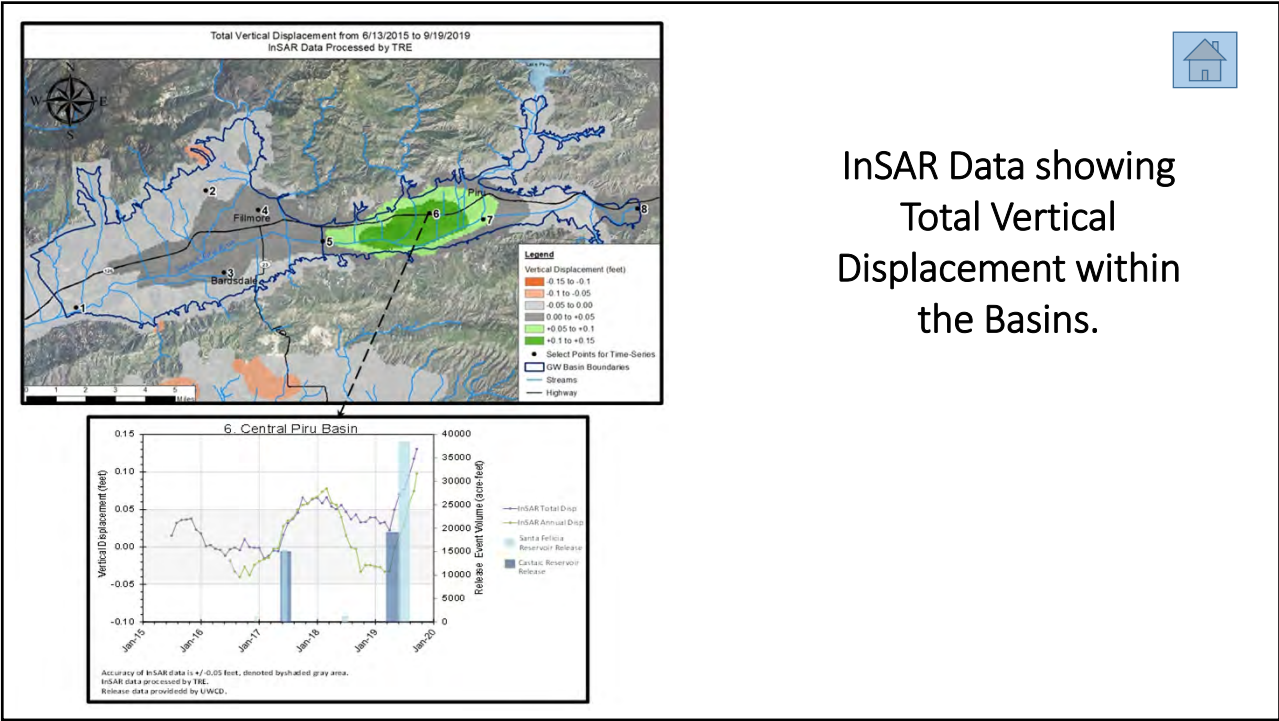
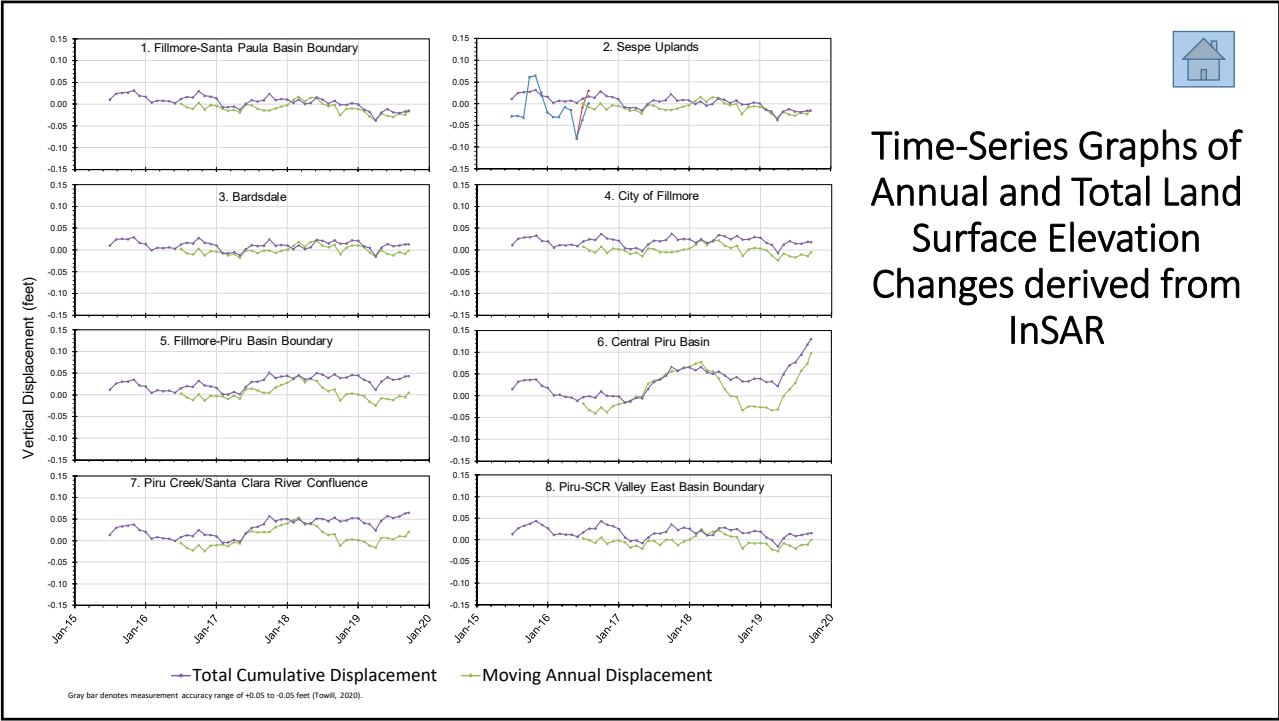


Land Subsidence Evaluation

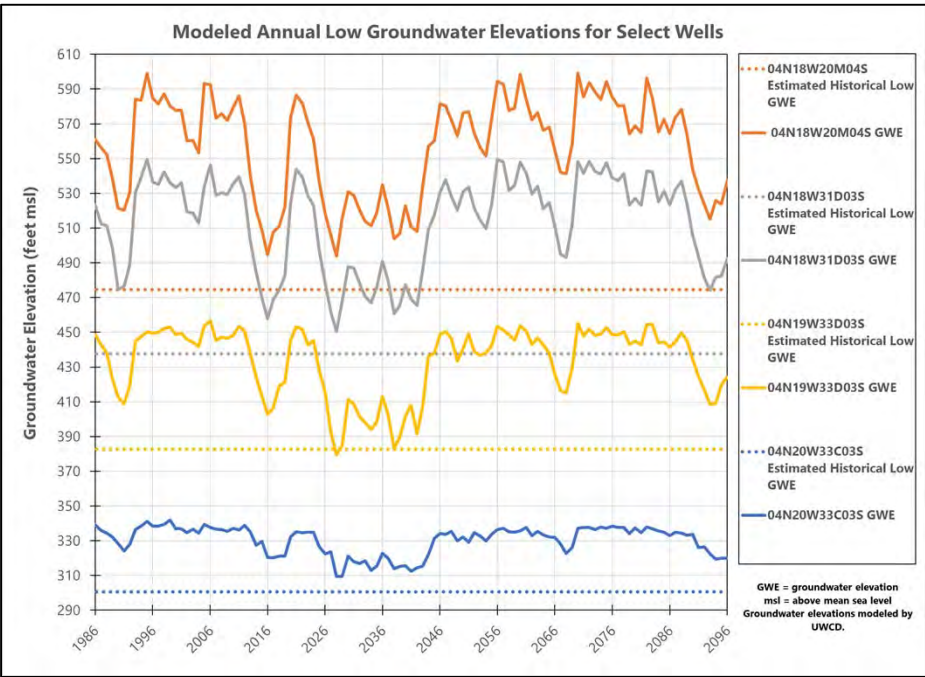


- Previous investigations and reports;
- Geodetic surveys;
- Interferometric Synthetic Aperture Radar (InSAR) data;
- Subsidence evaluations / potentials.

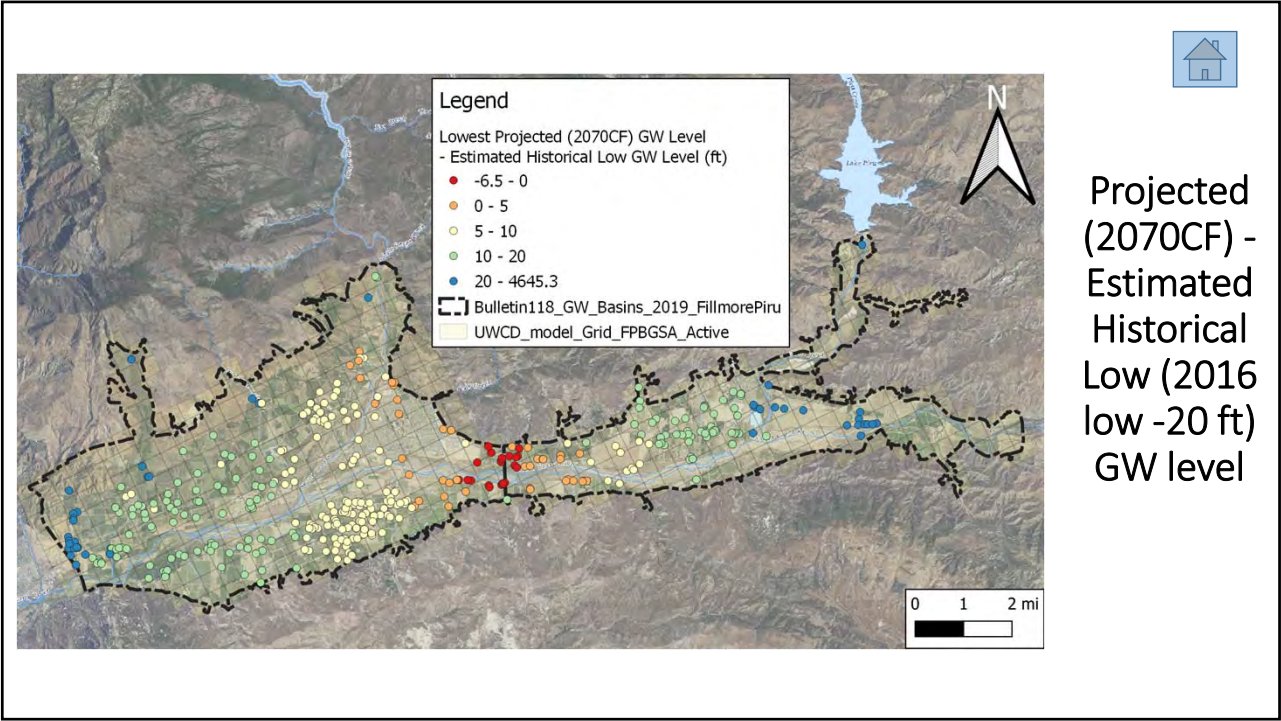




Future Subsidence Potential - Representative Wells



2070CF
Modeled Water
Levels v.
Estimated
Historical Low
Water Level at
Representative
Wells



Summary of (Inelastic) Subsidence Potential

Basin	Hydro-stratigraphic Setting Susceptibility*	Chronic Declines in Groundwater Levels	Geodetic / Extensometer / Tiltmeter Evidence of Subsidence	InSAR Evidence of Subsidence	Subsidence Susceptibility Ranking
Fillmore	Low to Moderate	No	No	No	Low
Piru	Low	No	No	No	Very Low

* Low - thinner, possibly discontinuous fine-grained layers
Moderate - fine grained layer typically a few 10s of feet thick

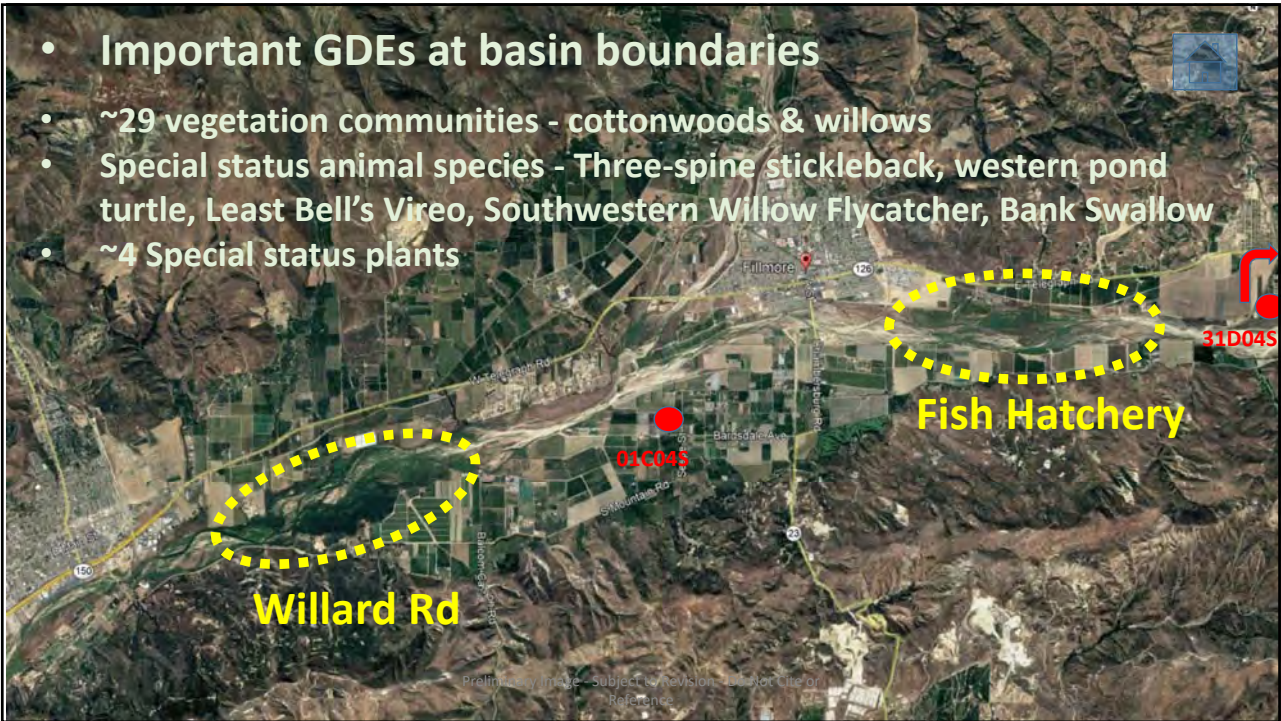
Surface Water - Groundwater Interaction

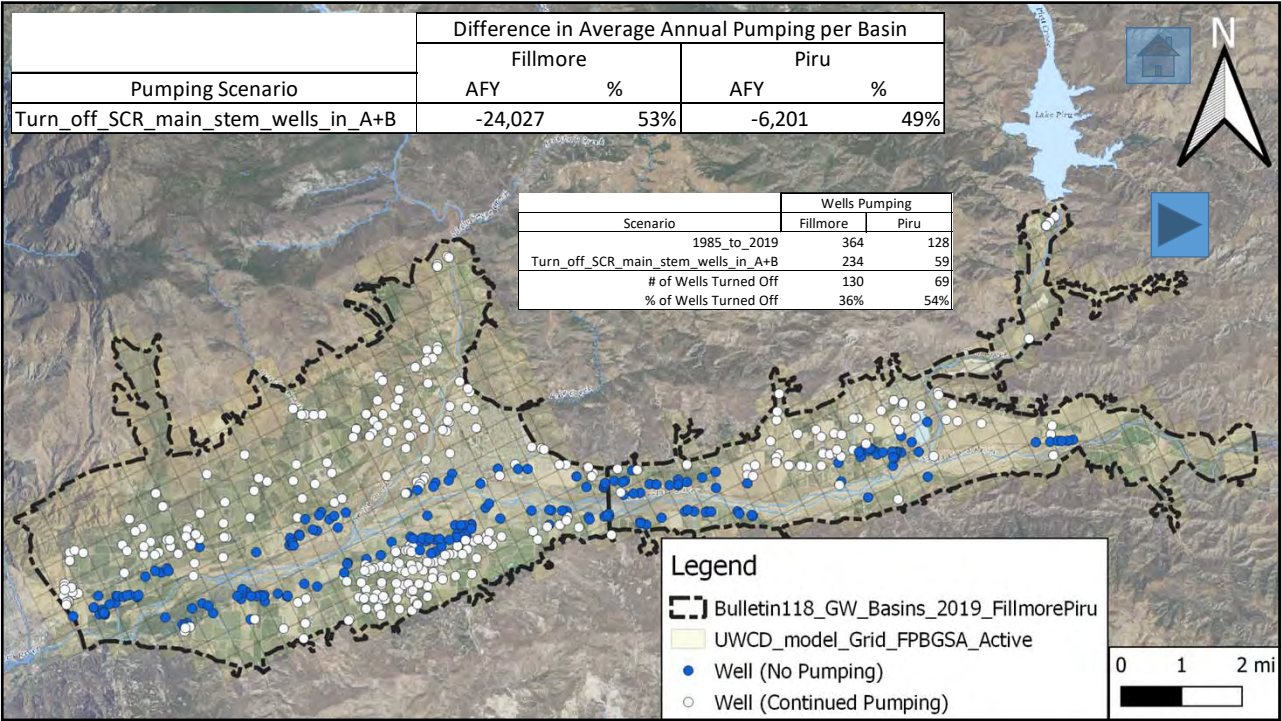
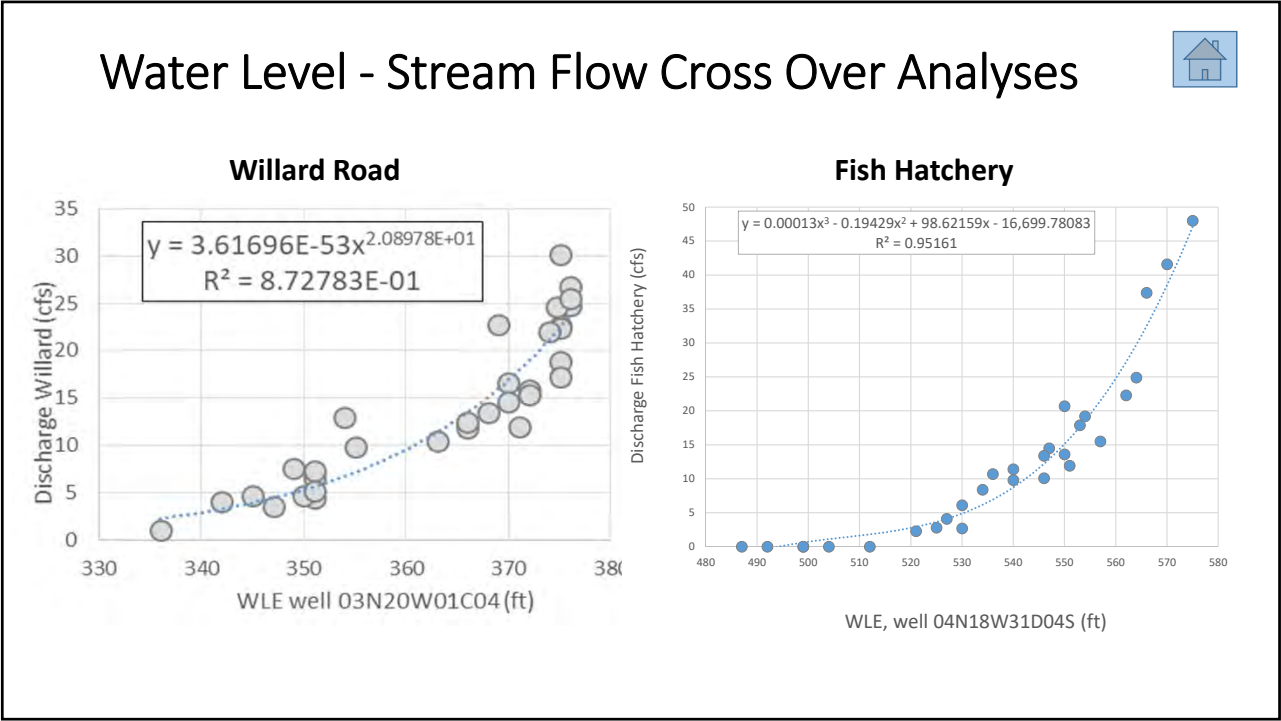


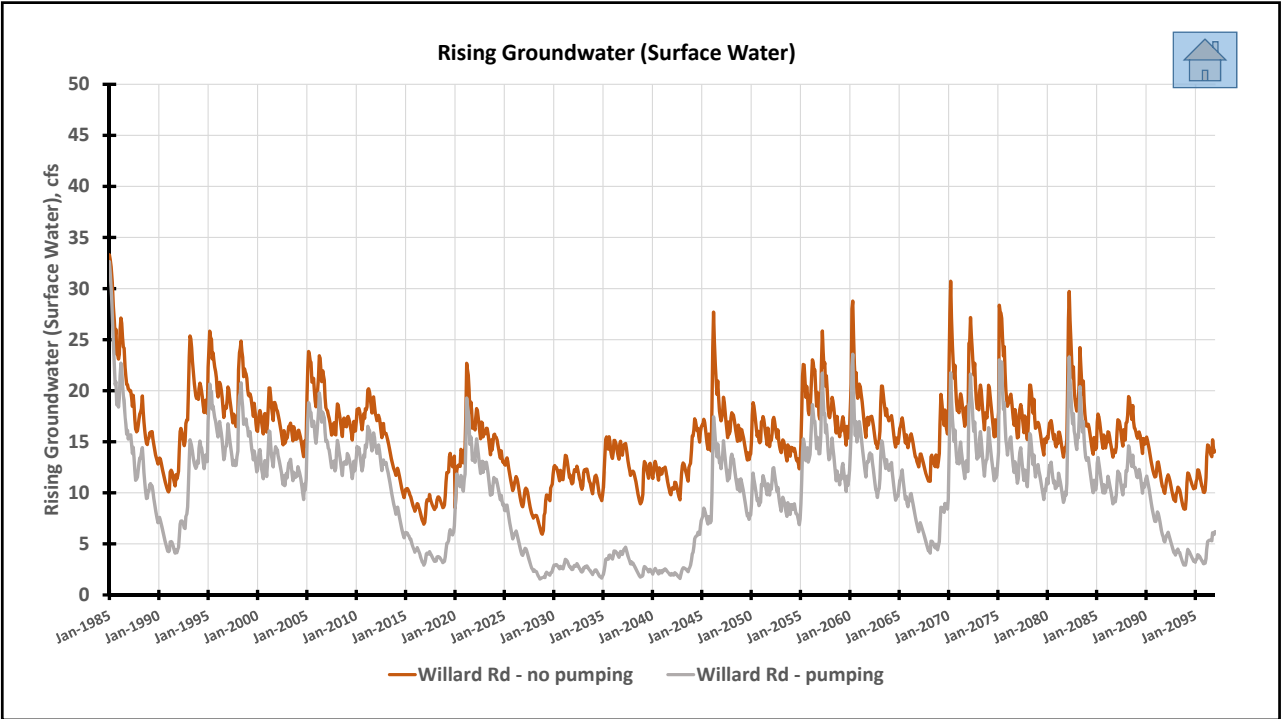
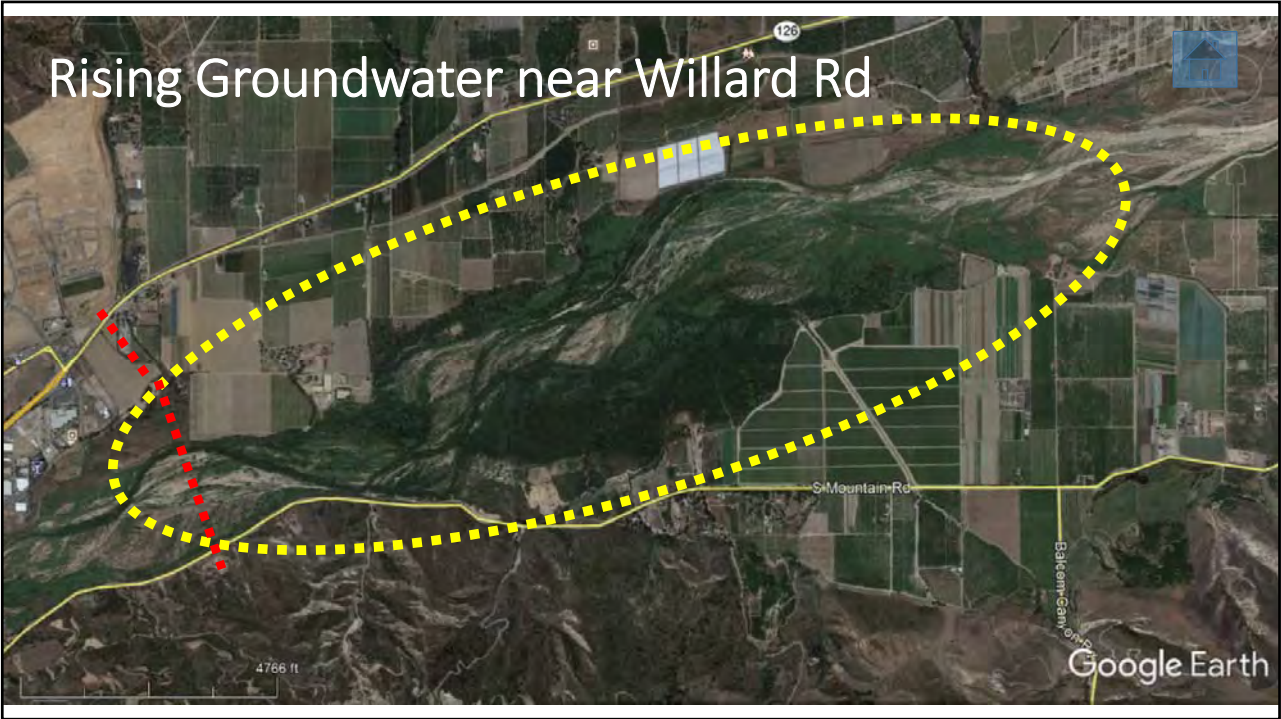
- Surface water depletion due to GW extractions
- Impacts of water level declines on beneficial uses and users
 - GDEs
 - Surface water diversions



- Important GDEs at basin boundaries
- ~29 vegetation communities - cottonwoods & willows
- Special status animal species - Three-spine stickleback, western pond turtle, Least Bell's Vireo, Southwestern Willow Flycatcher, Bank Swallow
- ~4 Special status plants



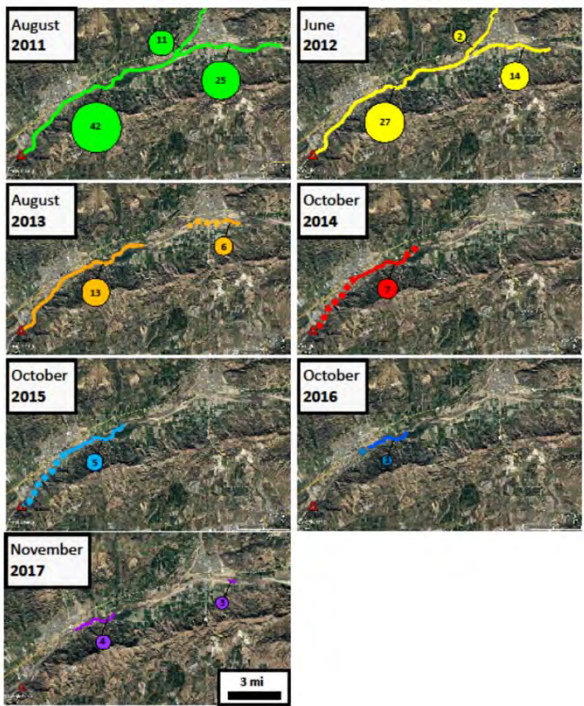


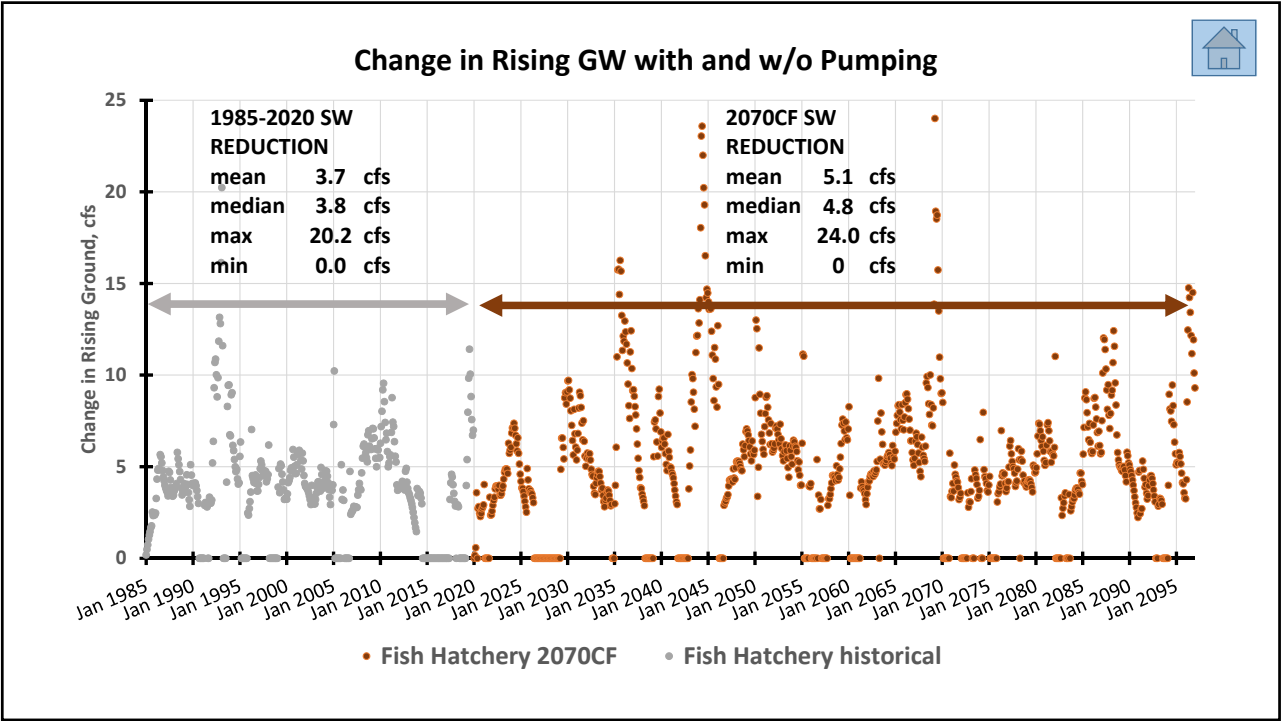
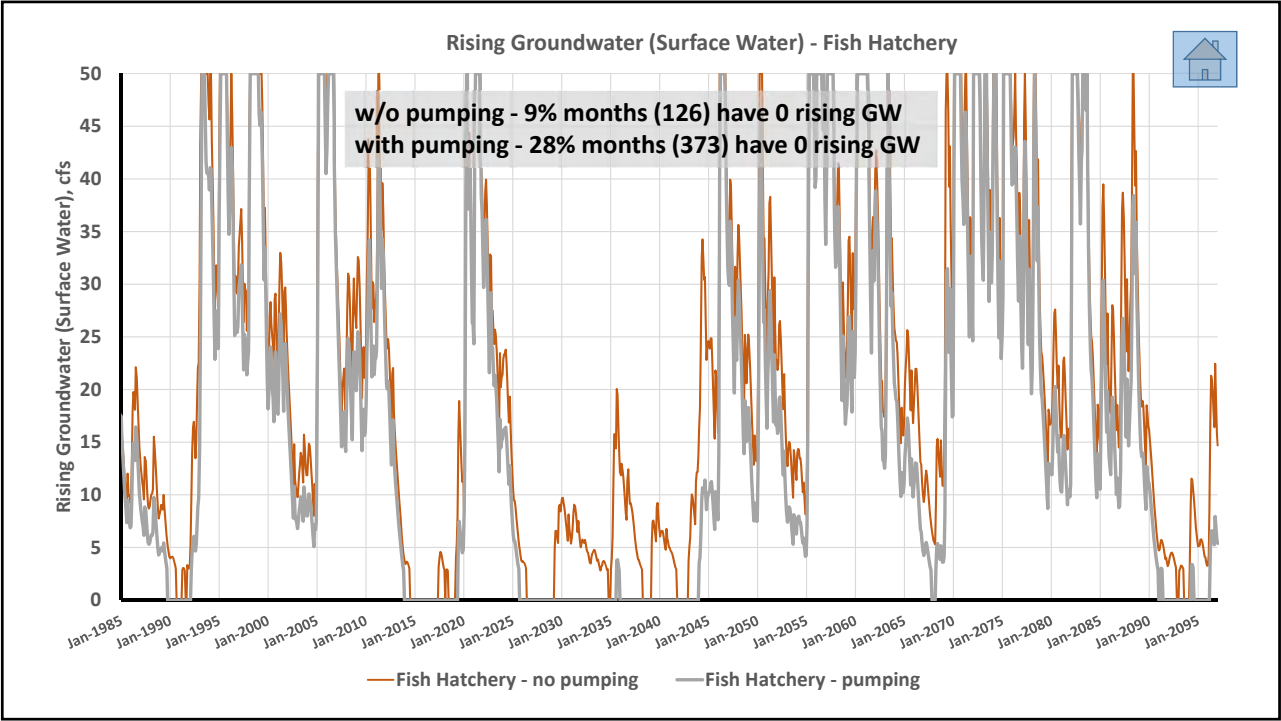


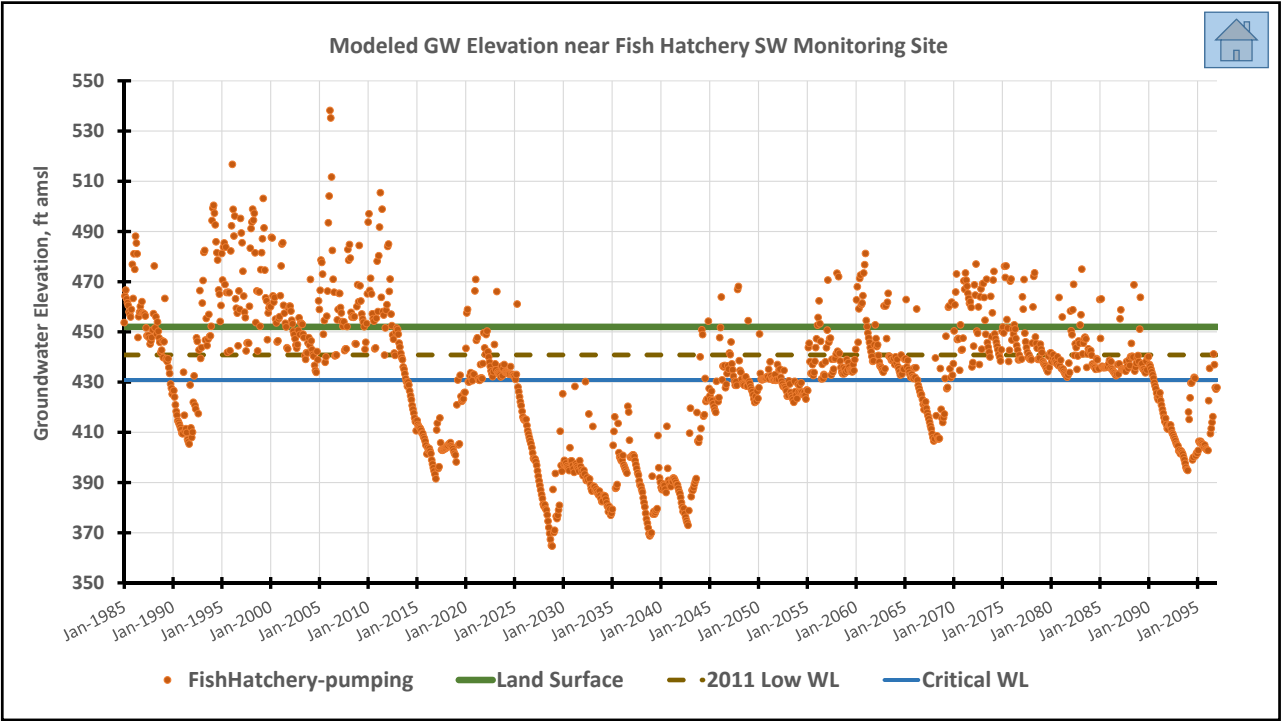
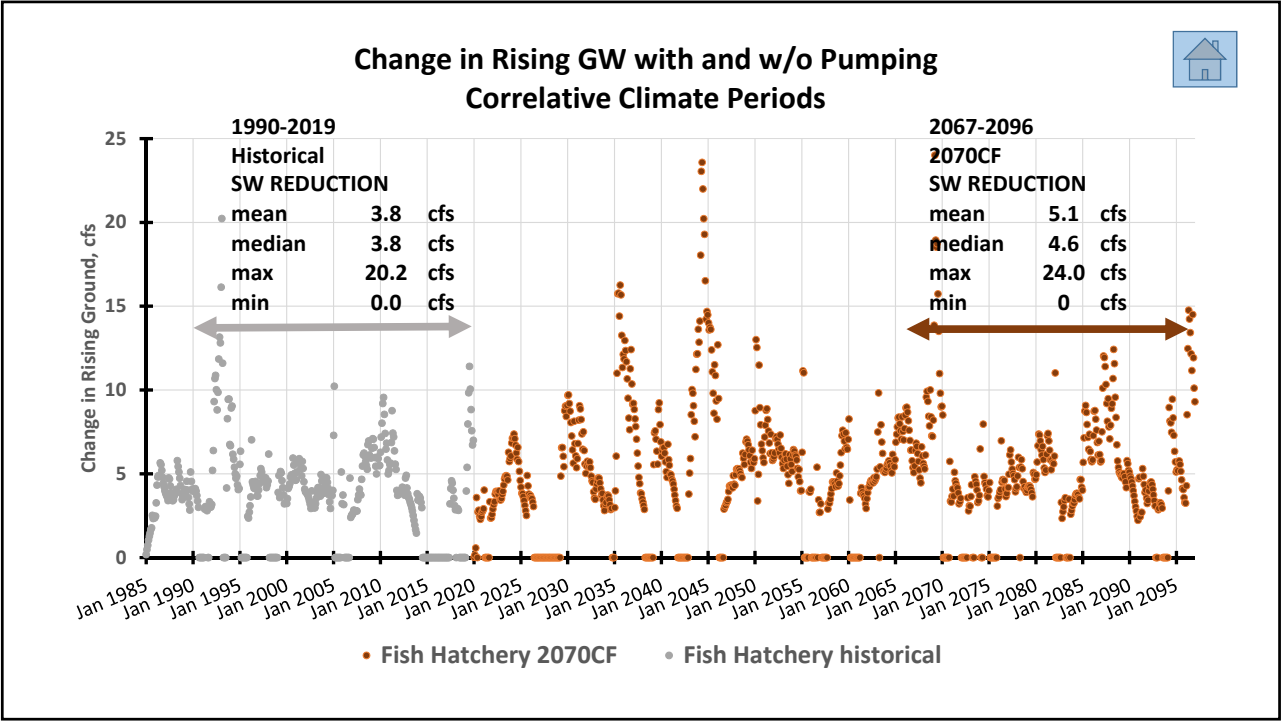


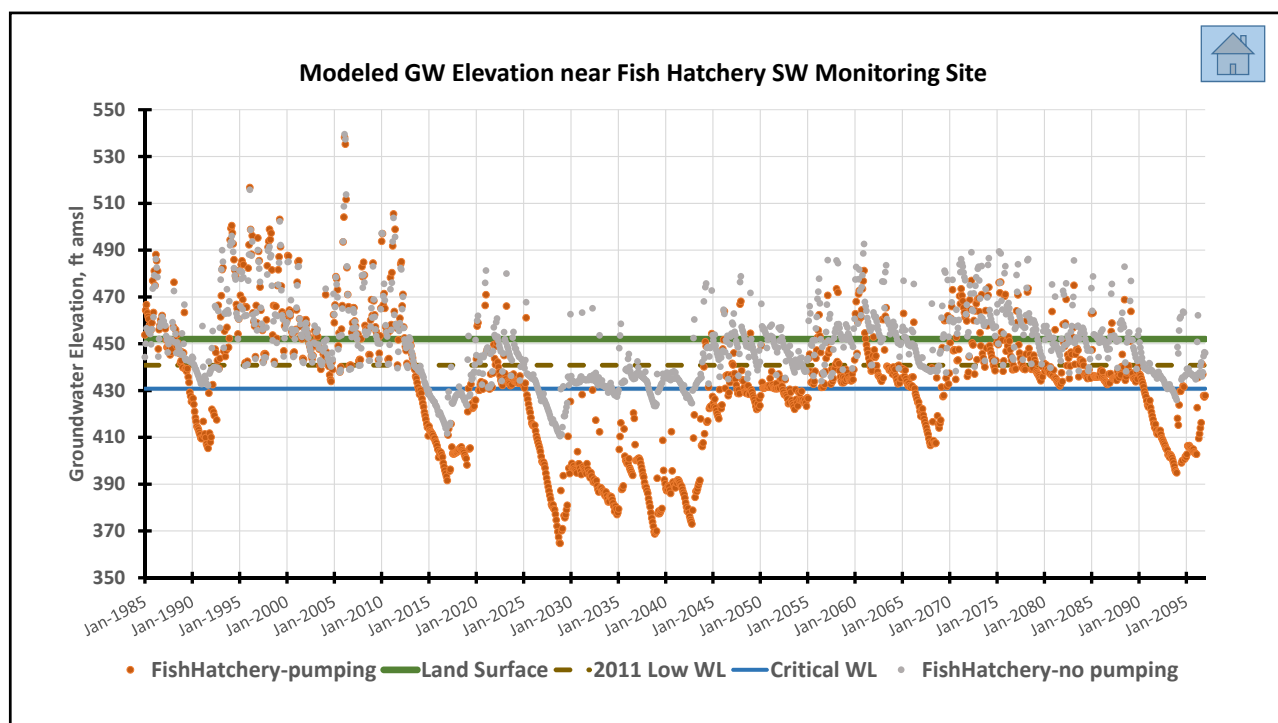
How quickly does Willard Road reach of SCR go dry?

- Wetted reach begins to shrink within 2-3 years
- Probably dry within 5-6 years









Surface Water - Groundwater Interaction / SW Depletion

- SMC focused on reaches of the Santa Clara River at the F-P & SP-F basin boundaries with rising GW
- No or limited beneficial uses and users of the SW in these areas
- GDEs present along those reaches → Birds - Amphibians - Vegetation
 - ✓ Drought periods create multi-month sequences with no rising GW with or without GW pumping
 - ✓ Drought periods create multi-month sequences with GW level declines greater than the critical water level decline of ~10 ft

Does the FPBGSA have a responsibility to mitigate drought impacts if those impacts are not any more severe than pre-Jan 2015 impacts?

SMCs - General Framework



- **Minimize Unreasonable Impact to Users and Uses of Groundwater** - for example, DOM - MUNI - IRRIG - ENV - REC
- **Avoid Significant and Unreasonable Impacts** - defined by Board of Directors with input from stakeholders
- **Jan 2015 is the statutory baseline** - (i.e., GSA is not obligated to restore, recreate, re-establish, or improve groundwater conditions to pre-Jan 2015 conditions)
- **Achieve sustainability by 2042**

SMCs - General Framework



- **Lowering GW Levels** - no chronic decline in water levels / wells do not go dry in future climate change scenarios
- **Reduction of GW Storage** - no chronic decline in GW storage
- **Seawater Intrusion** - not applicable
- **Degraded Water Quality** - no regulatory authority over WQ / work with existing agencies with appropriate regulatory authority

SMCs - General Framework



• **Land Subsidence** - not reported during historical past and not anticipated during future climate & pumping conditions

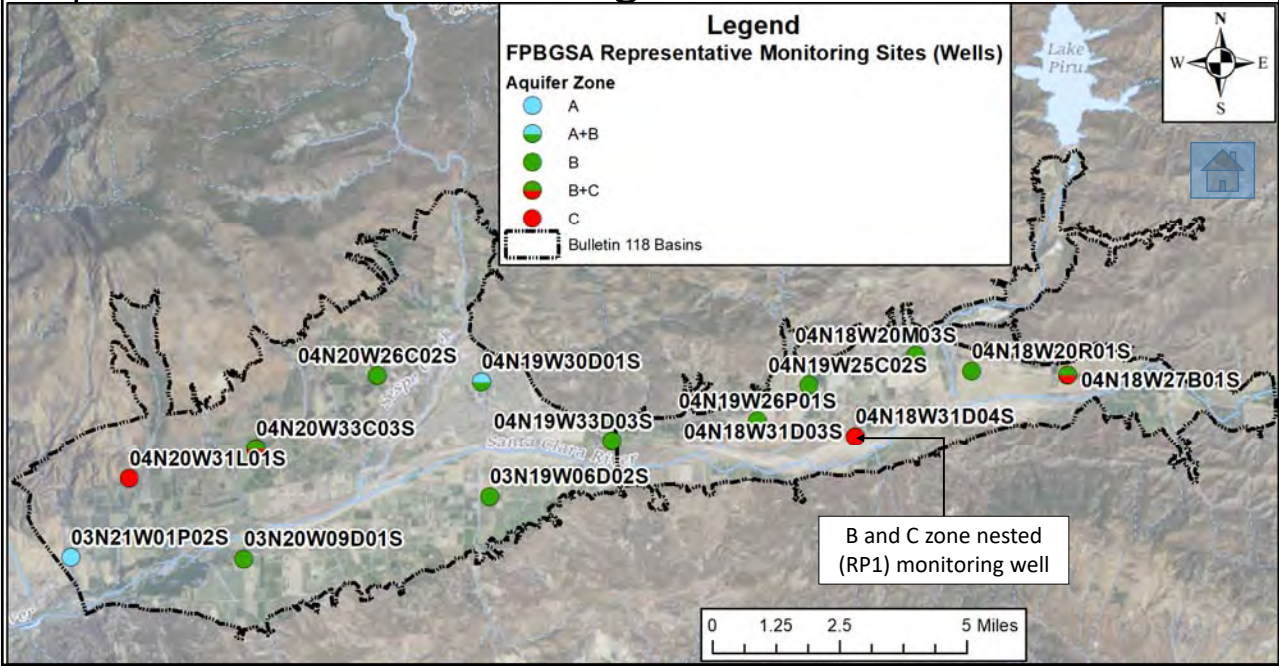


• **Surface Water Depletion** -

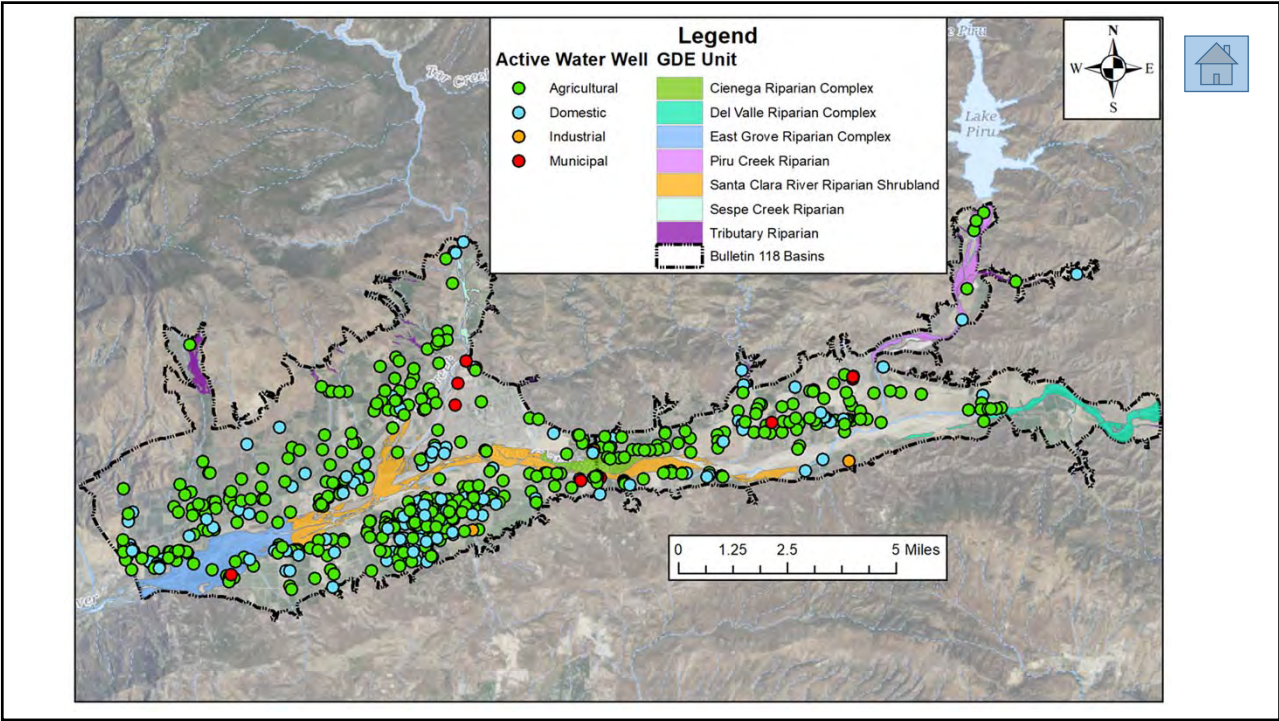
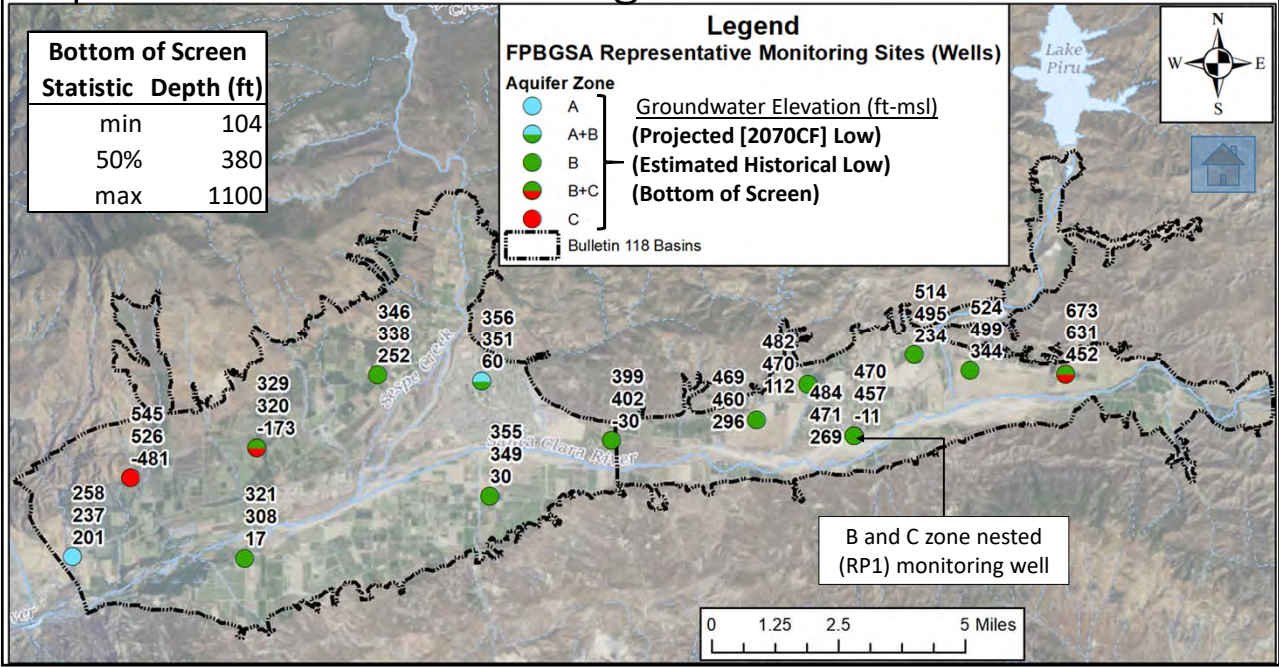
- ✓ in areas of rising GW, impacts of GW extraction near SCR in the future (2020+) are not materially greater than historical (1985-2020) (median Δ = 1 cfs)
- ✓ in severe, multi-decadal droughts multi-month periods with zero rising GW with or w/o pumping & GW levels below critical WL
- ✓ in droughts of typical duration (e.g., 3-5 yrs) there are periods with zero rising GW with or w/o pumping (but fewer that for multi-decadal droughts)
- ✓ GDEs in Fish Hatchery and Willard Rd areas are transient in nature - subject to droughts and flooding
- ✓ GW extractions near SCR turned off in model at access impacts (reduction of ~30,200 AFY [~50% decrease])

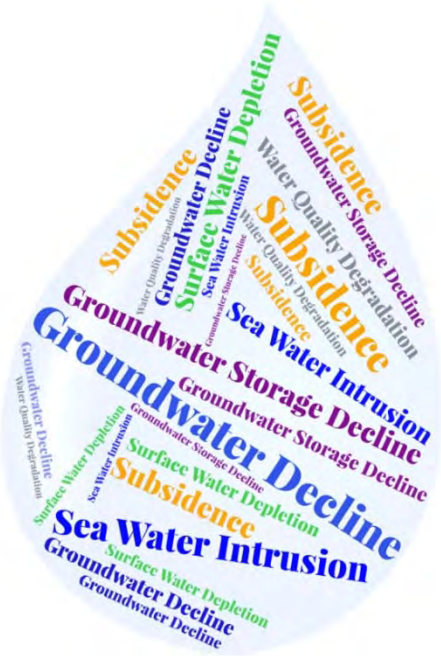


Representative Monitoring Sites





Representative Monitoring Sites





Questions





Fillmore and Piru Basins GSA
Check Detail
April 8, 2021

Type	Num	Date	Name	Account	Original Amount
Bill Pmt -Check	11117	04/08/2021	United Water Conservation District	10000 - Bank of the Sierra	-28,058.48
					-28,058.48



Fillmore and Piru Basins
Groundwater Sustainability Agency

Item No. **3C Consent Calendar**

DATE: **April 15, 2021**

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 March 2021.

FISCAL IMPACT

None

Attachments: March 28, 2021 P/L Budget Performance
 March 28, 2021 Balance Sheet

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

	Jul - Mar 21	Annual Budget	Budget
Income			
40001 • Groundwater Extraction Charge	406,743.96	540,000.00	75.32%
41000 • Grant Revenue			
41001 • State Grants	122,926.26	698,246.00	17.61%
Total 41000 • Grant Revenue	122,926.26	698,246.00	
47000 • Other Revenue			
47001 • Late Fees	4,144.75	0.00	
47012 • Returned Check Charges	20.00	0.00	
Total 47000 • Other Revenue	4,164.75	0.00	
Total Income	533,834.97	1,238,246.00	
Gross Profit	533,834.97	1,238,246.00	43.11%
Expense			
52200 • Professional Services			
52240 • Prof Svcs - IT Consulting	1,125.70	980.00	114.87%
52250 • Prof Svcs - Groundwtr/GSP Prep			
52251 • Prof Svcs - UWCD GW Services	5,620.28	50,000.00	11.24%
52252 • Prof Svcs - GSP Consultant	348,748.58	350,814.00	99.41%
Total 52250 • Prof Svcs - Groundwtr/GSP Prep	354,368.86	400,814.00	88.41%
52270 • Prof Svcs - Accounting	12,683.03	10,000.00	126.83%
52275 • Prof Svcs - Admin/Clerk of Bd	20,922.44	10,000.00	209.22%
52280 • Prof Svcs - Executive Director	38,103.79	40,000.00	95.26%
52290 • Prof Svcs - Other	0.00	1,000.00	
Total 52200 • Professional Services	427,203.82	462,794.00	92.31%
52500 • Legal Fees			
52501 • Legal Counsel	18,081.10	20,000.00	
Total 52500 • Legal Fees	18,081.10	20,000.00	90.41%
53000 • Office Expenses			
53010 • Public Information	0.00	1,000.00	
53020 • Office Supplies	565.69	500.00	113.14%
53026 • Postage & Mailing	1,170.75	2,000.00	58.54%
53040 • Membership Dues	0.00	0.00	
53060 • Computer Software	0.00	0.00	
53110 • Travel & Training	53.74	4,000.00	
Total 53000 • Office Expenses	1,790.18	7,500.00	23.87%
53500 • Insurance			
53510 • Liability Insurance	2,115.73	2,500.00	84.63%
Total 53500 • Insurance	2,115.73	2,500.00	
70000 • Interest & Debt Service			
70120 • Interest Expense	0.00	0.00	
Total 70000 • Interest & Debt Service	0.00	0.00	
70130 • Bank Service Charges	20.00	0.00	
80000 • AR Write-Offs - Bad Debt Exp.	0.00	0.00	
81000 • Capital Expenditures	0.00	200,000.00	
Total Expense	449,210.83	692,794.00	64.84%
Net Income	84,624.14	545,452.00	15.51%

Fillmore and Piru Basins GSA

Balance Sheet

As of March 31 2021

	<u>Mar 31, 21</u>
ASSETS	
Current Assets	
Checking/Savings	
10000 · Bank of the Sierra	317,106.83
Total Checking/Savings	<u>317,106.83</u>
Accounts Receivable	
11000 · Accounts Receivable	546,326.11
Total Accounts Receivable	<u>546,326.11</u>
Total Current Assets	<u>863,432.94</u>
TOTAL ASSETS	<u>863,432.94</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	28,058.48
Total Accounts Payable	<u>28,058.48</u>
Total Current Liabilities	<u>28,058.48</u>
Total Liabilities	<u>28,058.48</u>
Equity	
32000 · Retained Earnings	750,750.32
Net Income	<u>84,624.14</u>
Total Equity	<u>835,374.46</u>
TOTAL LIABILITIES & EQUITY	<u>863,432.94</u>



Fillmore and Piru Basins
Groundwater Sustainability Agency

Item No. **4A Motion**

DATE: April 7, 2021 (for April 15, 2021 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: **Resolution 2021-01 Waiver of Late Fees and Interest on Groundwater Charges**

RECOMMENDED ACTION

The Board will consider adopting Resolution Number 2021-01 amending the Agency Bylaws to authorize the Executive Director to approve waiver of certain late fees and interest charges associated with groundwater pumping fees.

BACKGROUND

The Agency's Bylaws provide for the waiver of late fees and interest associated with groundwater charges. Currently, all requests must be brought before the Board of Directors.

The Agency has recently received several requests for waivers of late fees and interest. Reasons for the recent late fees include deaths of the primary property owner or well operator; changes of property owner or well operator due to property sale or terminations of lease; financial hardship due to the COVID-19 incident; and mistaken payment sent to the wrong groundwater sustainability agency. Most of these recent requests have involved small dollar values. Each request brought to the Board for consideration requires the preparation of an agenda staff report and staff time to participate in the Board meeting. For many, the cost of staff time to prepare the agenda staff report and attend the meeting exceeds the value of the penalty and interest. During its February 18, 2021 meeting, staff recommended that for these smaller value waiver requests the Agency establish a process by which they could be approved without bringing them to the Board, thereby saving the Agency the cost of the associated staff time. Doing so would also shorten the time between the pumper requesting the waiver and receiving a response from the Agency. During its February 18, 2021 meeting, staff proposed the following language change to the Agency's Bylaws, Article 10(f):

By an affirmative vote of four (4) Directors, or three (3) Directors in the event a Director is absent, conflicted or prohibited from voting pursuant to 9.3 of the JPAA agreement, the Agency may, in its sole discretion, waive any interest payments, penalties, or overdue fees. *The Executive Director is authorized to waive delinquent payments and associated penalties if the combined amount of the payment due and associated penalty does not exceed \$250. The Executive Director is also authorized to engage a collection agency to collect all accounts delinquent over three months where District collection efforts have proven unsuccessful.*

The Board of Directors supported the proposed language and directed staff to bring back a Resolution amending the Bylaws, as proposed. Resolution 2021-01 would amend the Agency Bylaws as described.

FISCAL IMPACT

Waiving late fees and interest will result in less revenue received by the Agency; however, some savings will result in lower expenditures for staff's time to prepare the request for Board consideration. Additionally, late fees and interest are not budgeted by the Agency and waiving the fees and interest will not materially impact the Agency's financial position.

ATTACHMENTS

Resolution Number 2021-01

Proposed Motion: Provide comments and direction regarding the proposed edits to the Agency Bylaws.

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:

RESOLUTION NO. 2021-01

**A RESOLUTION OF
THE BOARD OF DIRECTORS OF
THE FILLMORE AND PIRU BASINS
GROUNDWATER SUSTAINABILITY AGENCY
AMENDING THE BYLAWS TO AUTHORIZE THE EXECUTIVE DIRECTOR
TO WAIVE CERTAIN LATE PENALTIES AND INTEREST ON
GROUNDWATER CHARGES**

WHEREAS, the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) has adopted Bylaws to govern the Agency's actions; and

WHEREAS, the Agency's Bylaws, in Article 10(f), establishes the process by which the Agency can waive interest payments, penalties, or overdue fees; and

WHEREAS, the Agency's Board of Directors desires to improve the efficiency and timeliness of the process by delegating the authority to waive certain interest payments, penalties, or overdue fees up to a total of \$250 to the Agency's Executive Director; and

WHEREAS, the Agency's Board of Directors desires to authorize the Executive Director to engage a collection agency to collect all accounts delinquent over three months where Agency collection efforts have proven unsuccessful;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency that its Bylaws be amended by adding the text contained in Exhibit 1, attached hereto and incorporated here into Article 1(f); and

BE IT FURTHER RESOLVED that the Bylaws are reaffirmed and readopted in full except as expressly set forth herein.

We, the undersigned, being the duly qualified and current Chair and Secretary, respectively, of the Board of Directors of Fillmore and Piru Basins Groundwater Sustainability Agency, do hereby certify that the above and foregoing resolution was duly and regularly adopted and passed by resolution of the Board of Directors of said groundwater sustainability agency at a meeting thereof held on the 15th day of April 2021, by the following vote:

In favor thereof, Directors:

Abstain, Directors:

RESOLUTION No. 2021-01 (continued)

Not in favor, Directors:

Absent, Directors:

ATTEST: _____
Kelly Long, Chair, FPB GSA Board of Directors

ATTEST: _____
Edwin T. McFadden III, Vice Chair/Secretary/Treasurer, FPB GSA Board
of Directors

RESOLUTION No. 2021-01 (continued)

Exhibit 1

Amendments to Fillmore and Piru Basins Groundwater Sustainability Agency

Bylaws, Article 10(f)

By an affirmative vote of four (4) Directors, or three (3) Directors in the event a Director is absent, conflicted, or prohibited from voting pursuant to 9.3 of the JPAA agreement, the Agency may, in its sole discretion, waive any interest payments, penalties, or overdue fees. *The Executive Director is authorized to waive delinquent payments and associated penalties if the combined amount of the payment due and associated penalty does not exceed \$250. The Executive Director is also authorized to engage a collection agency to collect all accounts delinquent over three months where District collection efforts have proven unsuccessful.*



Item No. **4B Motion**

DATE: April 7, 2021 (for April 15, 2021 meeting)

TO: Board of Directors

VIA: Anthony A. Emmert, Executive Director

FROM: United Water Conservation District Finance Staff

SUBJECT: **Waiver of Late Fees and Interest for California Department of Fish and Wildlife**

SUMMARY

The California Department of Fish and Wildlife has requested a waiver of late fees and interest totaling \$1,687.99.

RECOMMENDED ACTION

The Board will consider California Department of Fish and Wildlife's request for waiver of late fees and interest in the amount of \$1,687.99 for groundwater pumping associated with its Fillmore Fish Hatchery facility.

BACKGROUND

Gary Williams, California Department of Fish and Wildlife, contacted Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) staff to request a waiver of late fees and interest on two accounts. The customer stated they processed and mailed out warrants in advance of the billing due date, however the US Postal Service did not deliver the warrants until after the billing due date. Groundwater extraction invoices are paid in full on both accounts. Staff recommends the Board approve Department of Fish and Wildlife's request to waive the late fees and interest.

FISCAL IMPACT

Waiving late fees and interest will result in less revenue received by the Agency in the amount of \$1,687.99. However, late fees and interest are not budgeted by the Agency and waiving the fees will not materially impact the Agency's financial position.

Proposed Motion: "Motion to waive late fees and interest for Department of Fish and Wildlife."

1st: Director _____ 2nd: Director _____
Voice/Roll call vote: Director Kimball: Director Long: Director McFadden:
Director Meneghin: Director Pace: Director Villasenor:



Item No. 4C Motion

DATE: April 7, 2021 (for April 15, 2021 meeting)

TO: Board of Directors

VIA: Anthony A. Emmert, Executive Director

FROM: United Water Conservation District Finance Staff

SUBJECT: Waiver of Late Fees and Interest for Four Oaks Ranch

SUMMARY

Four Oaks Ranch has requested a waiver of late fees and interest totaling \$86.38.

RECOMMENDED ACTION

The Board will consider Four Oaks Ranch's request for waiver of late fees and interest in the amount of \$86.38 for groundwater pumping associated with the Four Oaks Ranch.

BACKGROUND

Donna Johanson with Four Oaks Ranch contacted Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) staff to request a waiver of late fees and interest on one account. The customer stated her husband passed away, leaving her inundated with paperwork, and she was unable to pay the invoices on time. All groundwater extraction invoices are paid in full on this account. Staff recommends the Board approve Four Oaks Ranch request for waiver of late fees and interest.

FISCAL IMPACT

Waiving late fees and interest will result in less revenue received by the Agency in the amount of \$86.38. However, late fees and interest are not budgeted by the Agency and waiving the fees will not materially impact the Agency's financial position.

ATTACHMENTS

Proposed Motion: "Motion to waive late fees and interest for Four Oaks Ranch."

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:



Item No. **4D Motion**

DATE: April 7, 2021 (for April 15, 2021 meeting)

TO: Board of Directors

VIA: Anthony A. Emmert, Executive Director

FROM: United Water Conservation District Finance Staff

SUBJECT: **City of Fillmore Waiver of Late Fees and Interest**

SUMMARY

City of Fillmore has requested a waiver of late fees and interest totaling \$1,163.80.

RECOMMENDED ACTION

The Board will consider a request by the City of Fillmore for a waiver of late fees and interest in the amount of \$1,163.80 for groundwater pumping associated with its municipal water supply wells.

BACKGROUND

David Smallwood, City of Fillmore, contacted Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) staff on March 18, 2021 to request a waiver of late fees and interest on the City's three accounts. He stated invoices and statements were not paid in a timely matter due to internal process that have since been corrected. Groundwater extraction invoices are paid in full on all accounts. Staff recommends that the Board approve City of Fillmore's request for waiver of late fees and interest.

FISCAL IMPACT

Waiving late fees and interest will result in less revenue received by the Agency in the amount of \$1,163.80. However, late fees and interest are not budgeted by the Agency and waiving the fees and interest will not materially impact the Agency's financial position.

Proposed Motion: "Motion to waive late fees and interest for City of Fillmore."

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:



Item No. **4E Motion**

DATE: April 7, 2021 (for April 15, 2021 meeting)

TO: Board of Directors

VIA: Anthony A. Emmert, Executive Director

FROM: United Water Conservation District Finance Staff

SUBJECT: **Rogers, Anderson, Malody & Scott, LLP Audit Amendment Number 1**

SUMMARY

The Board will consider an extension of its agreement with Rogers, Anderson, Malody & Scott, LLP for financial auditing services.

RECOMMENDED ACTION

The Board will consider approving Amendment Number 1 to Agreement 2019-08-21 with Rogers, Anderson, Malody & Scott, LLP (RAMS) for financial auditing services for the Fiscal Years 2019-2020 and 2020-2021 for up to \$9,200.

BACKGROUND

In 2019, the Agency retained RAMS to perform a two-year financial audit for its Fiscal Years 2017-2018 and 2018-2019, under Agreement 2019-08-21, for a total of \$8,000. RAMS performed the audit and presented its findings to the Agency Board of Directors. Staff recommends that RAMS perform another two-year financial audit for its Fiscal Years 2019-2020 and 2020-2021, for up to \$9,200. Approval of Amendment Number 1 to Agreement 2019-08-21 would result in a total expenditure for the two two-year audits to \$17,200. Staff recommends the Agency award the audit services work to RAMS.

FISCAL IMPACT

The total cost for the FY 2019-2020 and FY 2020-2021 biennial audit and prepare the State Controller's Report is \$9,200.

ATTACHMENTS

Amendment No. 1 to Professional Services Agreement No. 2019-08-21

Proposed Motion: "Motion to waive late fees and interest for City of Fillmore."

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:

AMENDMENT NO. 1
to
PROFESSIONAL SERVICES AGREEMENT NO. 2019-08-21
between
Fillmore and Piru Basins Groundwater Sustainability Agency
and
Rogers, Anderson, Malody & Scott, LLP
for
Auditing Services

This Amendment No. 1 ("Amendment") to the Professional Services Agreement No. 2019-08-21 ("Original Agreement") between Fillmore and Piru Basins Groundwater Sustainability Agency, herein "AGENCY", and Rogers, Anderson, Malody & Scott, LLP, herein "CONSULTANT", collectively referred to as the "PARTIES." The PARTIES agree as follows:

SECTION 1 - PURPOSE

Under the Original Agreement dated September 12, 2019, the AGENCY retained the CONSULTANT to provide financial auditing services. The PARTIES desire to modify the Agreement to reflect additional costs and amended financial auditing services for the Fiscal Years 2019-2020 and 2020-2021.

SECTION 2 – EXPANDED SCOPE OF SERVICES

Exhibit A, "Scope of Services," to the Original Agreement is to remain in effect and amended by the addition of Exhibit B "January 27, 2021 Proposal Letter".

SECTION 3 - TERM

Section 3 of the Original Agreement, "Term" is amended to reflect the following new term:

"This agreement shall be in effect until the completion of the FY 2019/20 and 2020/21 audit and submission of the auditor's report. AGENCY will have the option to renew this contract for another two-year audit period."

SECTION 7 - CONSIDERATION

Section 7 of the Original Agreement, "Consideration" is amended to reflect the following new total payment amount:

"The AGENCY shall compensate the CONSULTANT on a time-and-material basis at the rates and in the amounts shown in Exhibit B. Total payments shall not exceed \$17,200, except upon Parties' written agreement."

SECTION 4 – EFFECT OF AMENDMENT

Except as expressly amended, supplemented, and modified herein, nothing in this Amendment in any way alters or amends the restrictions, rights, or obligations under the Original Agreement that are not expressly amended herein, and all other provisions in the Original Agreement are hereby ratified, confirmed, and remain in full force and effect.

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

APPROVED:

Fillmore & Piru Basins Groundwater Sustainability Agency

By: _____ Date _____
Kelly Long, Chair

APPROVED AS TO FORM:

By: _____ Date _____
Olivarez Madruga Lemieux O'Neill, LLP
District Counsel

APPROVED:

Rogers, Anderson, Malody & Scott, LLP

By:  _____ Date 4-8-21

Name & Title: Scott W. Maunula Partner



ROGERS, ANDERSON, MALODY & SCOTT, LLP
CERTIFIED PUBLIC ACCOUNTANTS, SINCE 1948

January 27, 2021

735 E. Carnegie Dr. Suite 100
San Bernardino, CA 92408
909 889 0871 T
909 889 5361 F
ramscca.net

To the Board of Directors
Fillmore & Piru Basins Groundwater Sustainability Agency
Fillmore, California

PARTNERS

Brenda L. Odle, CPA, MST
Terry P. Siroa, CPA
Scott W. Marino, CPA, CGMA
Leena Shailbhag, CPA, MST, CGMA
Bradford A. Wolebie, CPA, MBA, CGMA
Jonny W. Liu, CPA, MST

MANAGERS / STAFF

Charles De Simone, CPA
Gardenia Duran, CPA
Branna Schultz, CPA
Jingmei Wu, CPA
Evelyn Hosenbin-Borcena, CPA
Veronica Hernandez, CPA
Tara B. Thorp, CPA, MSA
Laura Arvizu, CPA
Louris Fernandez, CPA
Abigail Hernandez Conde, CPA, MSA
Zoe Kulu-Zhang, CPA, MSA
John Platonardo, CPA, MSA

MEMBERS

American Institute of
Certified Public Accountants

PCPS The AICPA Alliance
for CPA Firms

Governmental Audit
Quality Center

Employee Benefit Plan
Audit Quality Center

California Society of
Certified Public Accountants

The following represents our understanding of the services we will provide the Fillmore & Piru Basins Groundwater Sustainability Agency.

You have requested that we audit the financial statements of the Fillmore & Piru Basins Groundwater Sustainability Agency (the Agency), as of June 30, 2021, and for the two years ending June 30, 2021 and 2020, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit applicable to those basic financial statements.

Accounting principles generally accepted in the United States of America (U.S. GAAP), as promulgated by the Governmental Accounting Standards Board (GASB) require that supplementary information, such as management's discussion and analysis (MD&A) and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP. This RSI will be subjected to certain limited procedures but will not be audited:

1. Management's Discussion and Analysis (as applicable)



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Auditor Responsibilities

We will conduct our audit in accordance with U.S. GAAS, and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America, and State Controller's *Minimum Audit Requirements for California Special Districts*. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the basic financial statements, whether due to fraud or error, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used, and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the basic financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the basic financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards*.

In making our risk assessments, we consider internal control relevant to the Agency's preparation and fair presentation of the basic financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the basic financial statements that we have identified during the audit. Our responsibility as auditors is, of course, limited to the period covered by our audit and does not extend to any other periods.

We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinion on the basic financial statements is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

Compliance with Laws and Regulations

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of the Agency's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Management's Responsibilities

Our audit will be conducted on the basis that management acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements;
3. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the basic financial statements such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit; and
 - c. Unrestricted access to persons within the Agency from whom we determine it necessary to obtain audit evidence.
4. For including the auditor's report in any document containing basic financial statements that indicates that such basic financial statements have been audited by the Agency's auditor;
5. For identifying and ensuring that the Agency complies with the laws and regulations applicable to its activities;
6. For adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole; and
7. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management written confirmation concerning representations made to us in connection with the audit.

Reporting

We will issue a written report upon completion of our audit of the Agency's basic financial statements. Our report will be addressed to the Board of Directors. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance will not be an objective of the audit and, therefore, no such opinion will be expressed.

Other

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

We will assist management with drafting the financial statements based on the Agency's trial balances and preparing the State Controller's Annual Financial Transactions Report. With respect to this or any nonattest services we perform, the Agency's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

If it is determined a Single Audit is needed subsequent to this engagement letter, we will provide the Agency with another engagement letter covering the terms and conditions related to a Single Audit and the Uniform Guidance.

Provisions of Engagement Administration, Timing and Fees

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Our firm may transmit confidential information that you provided us to third parties in order to facilitate delivering our services to you. We have obtained confidentiality agreements with all our service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have the appropriate procedures in place to prevent the unauthorized release of confidential information to others. We will remain responsible for the work provided by any third-party service providers used under this agreement. By your signature below, you consent to having confidential information transmitted to entities outside the firm. Please feel free to inquire if you would like additional information regarding the transmission of confidential information to entities outside the firm.

Scott Manno, CPA, CGMA is the engagement partner for the audit services specified in this letter. His responsibilities include supervising Rogers, Anderson, Malody & Scott, LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fee for the audit will be between \$8,500 - \$9,200. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use the Agency's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

To ensure that Rogers, Anderson, Malody & Scott, LLP's independence is not impaired under the AICPA *Code of Professional Conduct*, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

We agree to retain our audit documentation or work papers for a period of at least seven years from the date of our report. Upon expiration of this period, we will be free to destroy our records related to the engagement. However, we do not keep original client documents, so we will return those as they are used during each engagement. It is management's responsibility to retain and protect the records for possible future use, including examination by regulators and federal agencies.

At the conclusion of our audit engagement, we will communicate to the Board of Directors the following significant findings from the audit:

- Our view about the qualitative aspects of the Agency's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management

The audit documentation for this engagement is the property of Rogers, Anderson, Malody & Scott, LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to regulators and federal agencies and to the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Rogers, Anderson, Malody & Scott, LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the regulators. The regulators may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

Board of Directors
Fillmore & Piru Basins Groundwater Sustainability Agency

Please sign and return the attached original of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities. Keep the copy for your records.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

ROGERS, ANDERSON, MALODY & SCOTT, LLP



Scott Manno, CPA, CGMA
Partner

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of Fillmore & Piru Basins Groundwater Sustainability Agency by:

Name: _____

Title: _____

Date: _____

Grant Bennett Associates

A PROFESSIONAL CORPORATION

Report on the Firm's System of Quality Control

May 15, 2018

To the Partners of Rogers, Anderson, Malody & Scott, LLP and the Peer Review Committee of the California Society of CPAs:

We have reviewed the system of quality control for the accounting and auditing practice of Rogers, Anderson, Malody & Scott, LLP (the firm) in effect for the year ended November 30, 2017. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act and an audit of an employee benefit plan.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Rogers, Anderson, Malody & Scott, LLP in effect for the year ended November 30, 2017, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Rogers, Anderson, Malody & Scott, LLP has received a peer review rating of *pass*.



GRANT BENNETT ASSOCIATES
A PROFESSIONAL CORPORATION
Certified Public Accountants



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Princeville, HI 96722
888/769-7323

PROFESSIONAL SERVICES AGREEMENT NO. 2019-08-21

between

Fillmore & Piru Basins Groundwater Sustainability Agency

and

Rogers, Anderson, Malody & Scott, LLP

for

Auditing Services

The Fillmore & Piru Basins Groundwater Sustainability Agency ("AGENCY"), and Rogers, Anderson, Malody & Scott, LLP ("CONSULTANT"), collectively the "Parties," agree as follows:

SECTION 1 - PURPOSE

Under this Agreement, the CONSULTANT shall provide AGENCY a biennial audit for fiscal years 2017/18 and 2018/19. CONSULTANT will prepare one balance sheet as of June 30, 2019 and two income statements, one for the period ended June 30, 2018 and one for the period ended June 30, 2019.

SECTION 2 - SCOPE OF SERVICES

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

SECTION 3 - TERM

This agreement shall be in effect until the completion of the FY 2017/18 and 2018/19 audit and submission of the auditor's report. AGENCY will have the option to renew this contract for another two-year audit period.

SECTION 4 - ACCEPTANCE

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

SECTION 5 - TERMINATION

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

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

SECTION 6 – AGREEMENT ADMINISTRATION

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

Anthony Emmert
805-525-4431

SECTION 7 - CONSIDERATION

The AGENCY shall compensate the CONSULTANT on a time-and-material basis at the rates and in the amounts shown in Exhibit "B". Total payments shall not exceed \$ 8,000, except upon Parties' written agreement.

SECTION 8 - BILLING

(a) CONSULTANT'S invoices shall be submitted upon the completion of the work described in Exhibit A.

(b) CONSULTANT shall submit an itemized invoice that includes:

- (1) Date or period of service.
- (2) A complete description of the services performed.
- (3) AGENCY'S Agreement number.
- (4) The name of the AGENCY'S Project Manager.
- (5) CONSULTANT'S remittance address.

(6) Name and phone number of CONSULTANT'S accounts receivable representative.

(c) When applicable, CONSULTANT'S invoice shall be accompanied by support documentation sufficient to validate the charges for each invoice item.

(d) CONSULTANT shall submit invoices to the following address:

Fillmore & Piru Basins Groundwater Sustainability Agency
PO Box 1110
Fillmore, CA 93016

(e) Incomplete invoices will be returned to the CONSULTANT.

(f) AGENCY'S payment terms are Net 30 days after receipt of invoice.

SECTION 9 - NOTICES

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

To: CONSULTANT
Rogers, Anderson, Malody & Scott, LLP
Attn: Scott W. Manno, CPA, CGMA
735 E. Carnegie Drive, Suite 100
San Bernardino, CA 92408

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

SECTION 10 - OWNERSHIP OF DATA, REPORTS, AND DOCUMENTS

The CONSULTANT shall deliver to the Executive Director notes of surveys made, all reports of tests made, studies, reports, plans, a copy of electronic and digital files, and other materials and documents which shall be the property of the AGENCY, except those items defined as audit documentation under professional standards promulgated by the American Institute of Certified Public Accountants. The CONSULTANT is released from responsibility to third parties for the use by AGENCY of data, reports, and documents on

other projects. The CONSULTANT may retain copies of such documents for its own use. The AGENCY may use or reuse the materials prepared by CONSULTANT without additional compensation to CONSULTANT.

The audit documentation for this engagement will be the property of CONSULTANT and will constitute confidential information. CONSULTANT may be requested to make certain audit documentation available to regulators and federal agencies and to the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of CONSULTANT personnel. The regulators may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

Audit documentation includes, for example, audit programs, account analyses, issues memoranda, summaries of significant findings or issues, letters of confirmation and representation, checklists, abstracts or copies of important documents, correspondence (including e-mail) concerning significant findings or issues, and schedules of the work the auditor performed. The audit documentation for a specific engagement is assembled in an audit file.

SECTION 11 - CONFIDENTIALITY

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

SECTION 12 - FORCE MAJEURE

Any prevention, delay, nonperformance or stoppage due to any of the following causes shall excuse nonperformance for a period equal to the duration of the force majeure event. The causes referred to above are strikes, walkouts, labor disputes, failure of power, irresistible superhuman cause, acts of public enemies of the State or United States, riots, insurrections, civil commotion, governmental restrictions or regulations or controls (except those reasonably foreseeable in connection with the uses contemplated

by this Agreement), casualties not contemplated by insurance provisions of this agreement, or other causes beyond the reasonable control of the party obligated to perform.

SECTION 13 - INDEMNIFICATION

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

SECTION 14 - INSURANCE REQUIREMENTS

(a) The CONSULTANT shall procure and maintain, for the duration of the contract insurance against claims for injuries to persons or damages to property arising from or in connection with the performance of the work hereunder by the CONSULTANT, officers, agents, employees, or volunteers.

(b) The CONSULTANT shall provide the following coverages:

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

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

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

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

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

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

(1) Commercial General Liability - The AGENCY and its Board Members, officers, employees, agents and volunteers are added as additional insureds. Additional insured endorsements shall provide coverage at least as broad as Commercial General Liability ISO form CG 20 10 11 85.

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

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

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

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

(6) Prior to start of work under the contract, the CONSULTANT shall file with the AGENCY evidence of insurance as required above from an insurer or insurers certifying to the required coverage. The coverage shall be evidenced on an ACORD

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

(7) All Coverages:

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

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

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

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

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

SECTION 15 – RIGHT TO AUDIT

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

SECTION 16 - ATTORNEY'S FEES

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

SECTION 17 - ASSIGNMENT

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

SECTION 18 - INDEPENDENT CONSULTANT

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

SECTION 19 - APPLICABLE LAW

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

SECTION 20 - LABOR COMPLIANCE

(a) Public Works

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

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

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

(b) Prevailing Wages

(1) CONSULTANT, subconsultants and subcontractors will not pay less than the prevailing rates of wages. A determination of the general prevailing rates of per diem wages and holiday and overtime work where the work is to be performed is on file

at the Agency's offices. CONSULTANT will post one copy of the prevailing rates of wages at the job site.

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

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

(d) Hours of Work

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

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

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

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

SECTION 21 - SUBSTITUTION OF SUBCONSULTANTS

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

SECTION 22 - INTEGRATION

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

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

APPROVED:

Fillmore & Piru Basins Groundwater Sustainability Agency

By:  Date 12 Sep 2019
Anthony Emmert, Executive Director

APPROVED AS TO FORM:

By: _____ Date _____
Olivarez Madruga Lemieux O'Neill, LLP
Agency Counsel

APPROVED:

Rogers Anderson Malody & Scott, LLP

By:  Date 8-21-19

Name & Title: Scott W. Manno, CPA, CGMA, Partner

SECTION 22 - INTEGRATION

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


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

APPROVED:

Fillmore & Piru Basins Groundwater Sustainability Agency

By: _____ Date _____
Anthony Emmert, Executive Director

APPROVED AS TO FORM:

By:  _____ Date September 12, 2019
Olivarez Madruga Lemieux O'Neill, LLP
Agency Counsel

APPROVED:

Rogers Anderson Malody & Scott, LLP

By: _____ Date _____

Name & Title: Scott W. Manno, CPA, CGMA, Partner

EXHIBIT A – SCOPE OF SERVICES

Under this Agreement, the CONSULTANT shall provide AGENCY a biennial audit for fiscal years 2017/18 and 2018/19. CONSULTANT will prepare one balance sheet as of June 30, 2019 and two income statements, one for the period ended June 30, 2018 and one for the period ended June 30, 2019. CONSULTANT will issue an audit report for the biennial audit period.



Item No. **4F Motion Item**

DATE: April 7, 2021 (for April 15, 2021 meeting)

TO: Board of Directors

FROM: Anthony Emmert, Executive Director

SUBJECT: **Sustainable Management Criteria**

SUMMARY:

The Agency will continue to develop its Sustainable Management Criteria with the assistance of its Daniel B. Stephens and Associates consultant team. The focus of the discussion will be on finalizing the Land Subsidence criteria and monitoring and receiving specific input from stakeholders on the Streamflow criteria (minimum threshold, management objective) with the objective of finalizing the matrix during April 2021.

RECCOMENDATION:

The Board will consider stakeholder input regarding the Agency's Sustainable Management Criteria matrix with a focus on finalizing the Land Subsidence criteria and the Streamflow criteria and provide direction to Agency staff and consultant team toward development of the draft Groundwater Sustainability Plans.

BACKGROUND

At the November 4, 2020 special meeting, the Daniel B. Stephens & Associates (DBS&A) team provided a presentation on the "Straw Man" Sustainable Management Criteria (SMC), with emphasis on the sustainability indicators: 1) chronic lowering of groundwater levels, 2) land subsidence, 3) degradation of water quality, and 4) reduction of groundwater storage. The Board agreed that the seawater intrusion sustainability indicator is not applicable to the Fillmore Basin or Piru Basin. The Board and stakeholders provided feedback to the DBS&A team regarding the Undesirable Results and Sustainability Goals and recommended that staff and DBS&A revise the groundwater sustainability planning schedule to lengthen the time that the Board and stakeholders can develop the SMC in a public process.

At the November 19, 2020 meeting, the DBS&A team provided a presentation on the "Stress-Test" model scenarios, illustrating the effects of potential future pumping increases during severe droughts and recoveries during subsequent wetter periods. The DBS&A team also presented a summary of the future conditions that it recommends including in the plans. The Board and stakeholders provided feedback to staff and consultants from presentations from the November 4 and November 19, 2020 meetings. DBS&A staff also provided the Board with an updated planning schedule that removed the administrative draft milestone and lengthened the stakeholder engagement period for development of the SMC.

During the December 17, 2020 meeting, DBS&A staff provided additional findings from the “Stress-Test” model scenarios, including correlation of observed stream flow with observed water levels in wells adjacent to rising groundwater areas; and provided a presentation on the groundwater dependent ecosystems and impacts from recent drought periods and impacts of scouring from large flood events.

During the January 21, 2021 meeting, DBS&A staff presented observations from the recent 2070 future model run, using the California Department of Water Resources’ (DWR) climate change factors. The observations included impacts of future droughts. Comparison of modeled water levels to bottom of well screen data indicated that no production water wells are projected to go dry during future droughts. Water level-stream flow cross over analysis showed that future droughts are projected to lead to reduction or cessation of rising groundwater in the Piru basin-Fillmore basin boundary zone within a relatively short time period. Water level-stream flow cross over analysis showed that future droughts are projected to lead to reduction of rising groundwater in the Fillmore basin-Santa Paula basin boundary zone over several years, but flows are unlikely to completely cease. DBS&A staff also presented a conceptual project to pump groundwater to augment stream flow in the Piru basin-Fillmore basin boundary area and associated riparian zone during multi-year droughts.

During the February 18, 2021 meeting, DBS&A reviewed the findings of the Land Subsidence Technical Memorandum, which is available for review on the Agency’s website. The DBS&A team reviewed previous studies and information regarding subsidence and also used the recently completed 2070 groundwater model run that incorporated the DWR climate change factors. DBS&A’s conclusion was that the risk of subsidence in the Piru and Fillmore basins is low. The DBS&A team also provided an update on its findings regarding water level-stream flow analysis, including a scenario in which shallow wells near the Santa Clara River were not pumped during severe drought periods, as a simulation of a potential management action that could be taken by the Agency during severe drought periods. The finding was that pumping of shallow wells near the river did have an impact on stream flow in the rising groundwater zones. However, DBS&A also found that not pumping those wells during projected future drought periods would delay but not prevent water level declines that would likely lead to cessation of rising groundwater stream flow at the Piru basin-Fillmore basin boundary zone and likely die-off of riparian plants. DBS&A also provided an updated matrix of Sustainable Management Criteria.

On March 10, 2021, Stillwater Sciences completed the Assessment of Groundwater Dependent Ecosystems for the Fillmore and Piru Basins Groundwater Sustainability Plans Technical Memorandum (GDE TM), and on March 11, 2021, the Agency posted the document on its website and distributed an email notice to stakeholders regarding the posting.

During the March 18, 2021 Agency Board meeting, Stillwater Sciences presented a summary of the GDE TM and DBS&A presented the updated draft SMC matrix. Stakeholders provided initial comments on the GDE TM and comments on the updated draft SMC matrix. To provide more time for stakeholder input, the Board set a special meeting for April 1, 2021, and requested that stakeholders submit their written comments by that date and be prepared to provide specific recommendations to the Board during the special meeting.

During the April 1, 2021 Agency Board meeting, the Board received stakeholder input regarding the GDE TM and the updated draft SMC. Following receiving input from stakeholders during the workshop portion of the meeting, the Board discussed the draft SMC matrix and approved minimum thresholds and management objectives for the water level, groundwater storage, water quality, and seawater intrusion items in the matrix. The Board noted that the Agency was close to finalizing the land subsidence item also but needed a bit more deliberation and input. The Board noted that the streamflow item was difficult to address, given the significant impacts of multi-year droughts, which the Agency cannot control, as compared to groundwater pumping. The Board acknowledged the potential impacts of drought plus pumping on the sensitive species and habitats in the Agency's service area. Because of this, the Board requested more time to receive input from stakeholders. The Board requested that stakeholders provide specific input on the streamflow minimum threshold and management objective, and any recommendations for projects or monitoring that the Agency might consider. The Board also directed staff to extend the comment period to April 15, 2021. The Board expressed a desire to thoroughly consider stakeholders' comments and consider options for the streamflow criteria and felt that lengthening the schedule to facilitate thorough discussions before the plans were written was of high importance.

Since the April 1, 2021 Board meeting, the Agency has received written comments on the GDE TM from the National Marine Fisheries Service and the County of Ventura Public Works Agency.

During the April 15, 2021 Board meeting, the Agency's objective will be to: 1) finalize the criteria for the land subsidence item; and 2) further the development of the criteria for the streamflow item, considering specific input on a potential minimum threshold, management objective, monitoring, and projects. The Board will have the option of approving the final SMC matrix at the meeting or directing the DBS&A team to make additional edits and bring the matrix back for approval at a special Board meeting in April 2021.

For the Agency to maintain its groundwater sustainability planning schedule and produce Sustainable Groundwater Management Act (SGMA) compliant groundwater sustainability plans by December 2021, the Agency must finalize its draft SMCs in April 2021.

REFERENCES

Comment letters to the Agency regarding the Land Subsidence TM, the Groundwater Dependent Ecosystems TM, or draft Sustainable Management Criteria matrix can be found on the Agency's website at <https://www.fpbgsa.org/gsp/section-2-draft/>. Comment letters received to date include:

- Memorandum from County of Ventura Public Works Agency on Land Subsidence TM
- Letter from the Fillmore Pumpers Association and Piru Pumpers Association on Subsidence TM
- Letter from California Department of Fish and Wildlife on Groundwater Dependent Ecosystems TM
- Memo from County of Ventura Public Works Agency on Groundwater Dependent Ecosystems TM
- Letter from Friends of the Santa Clara River on Groundwater Dependent Ecosystems TM
- Letter from National Marine Fisheries Service on Groundwater Dependent Ecosystems TM
- Letter from The Nature Conservancy on Groundwater Dependent Ecosystems TM
- Letter from United Water Conservation District on Groundwater Dependent Ecosystems TM

FISCAL IMPACT

None.

ATTACHMENTS

Proposed Motion:

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:
Director Pace:

Director Long:
Director Villasenor:

Director McFadden

Director Meneghin:



Fillmore and Piru Basins
Groundwater Sustainability Agency

Item No. 4G Motion

DATE: April 8, 2021 (for April 15, 2020 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: **Special Board Meeting for Sustainable Management Criteria**

RECOMMENDED ACTION

The Board will select a date for a Special Board Meeting in April 2021 to adopt the Sustainable Management Criteria matrix.

BACKGROUND

The Agency Board, stakeholders, the Agency's consultant team and staff have worked for several months to develop a Sustainable Management Criteria (SMC) matrix, which will serve as the basis for preparing the Sustainable Management Plans. The purpose of the Special Board Meeting will be to deliberate on and approve a SMC matrix in April 2021. Approval of the SMC in April is critical to meeting the SGMA deadlines.

FISCAL IMPACT

There are no fiscal impacts.

ATTACHMENTS

Proposed Motion:

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor: