



Board of Directors Meeting
Thursday, October 21, 2021, 5p.m.
MINUTES

Directors Present

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

Staff Present

Anthony Emmert, executive director
Scott Nave, legal counsel
Kris Sofley, clerk of the board

Public Present

Frank Bromschenk, Frank B & Associates
Burt Handy
Tony Morgan, DBS&A consultant
Patrick O'Connell, DBS&A
Steve Zimmer

1. CALL TO ORDER 5:00pm

Chair Long called the meeting to order at 5:00pm

1A Pledge of Allegiance

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

1B Directors Roll Call

Chair Long asked the clerk to conduct roll call. Directors Kimball, Long, McFadden, Meneghin and Villaseñor were present. Director Pace was absent.

1C Public Comments

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

At 5:02p.m. Director Pace joined the meeting.

1D Approval of Agenda

Motion

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

2. UPDATES

2A Director Announcements/Board Communications: Information Item

Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update

Director Kimball stated that the Fillmore and Piru Pumpers Associations' Board of Directors didn't meet since the last GSA meeting but have submitted comments on the draft GSPs. Bryan Bondy, the pumpers' consultant, wrote up suggestions and comments and submitted them on behalf of the associations. Director Kimball added that he attended the UWCD Water Sustainability Summit the previous week and found the event very informative. He said the event signified United's leadership role in determining more effective water use and he wanted to thank Ed and the rest of the United Board for its leadership.

Piru Pumpers Association Stakeholder Update

Director Pace said that once again, Director Kimball makes it easy for him in that he echoes his statements. Director Pace said that he has attended the Water Sustainability Summit remotely and that he found all of the things being discussed very interesting. He added that lots of people are working together on good projects and what has been accomplished to date and what's up next is very encouraging.

Director Update Environmental Stakeholder Director Update

Director Meneghin reported that the Friends of the Santa Clara River are still working on comments for the Fillmore and Piru GSPs and that it's good to see different environmental stakeholders and other groups submitting letters. She also mentioned a river run and clean up on Saturday at the levee and stated that the plan is for this to become an annual event and supports the bike trail along the levee at Oxnard and the 118 and is a good location for environmental education. She also spoke about the fish passage restoration at private property on Sisar Creek and encouraged environmental stakeholders to help private landowners with funding and expertise for restoration projects.

City of Fillmore Member Director Update

Director Villaseñor reported that at the recent Fillmore City Council meeting, the Councilmembers were informed of a well shut down and that only one well was operational. The Council authorized emergency repairs for well #8. She added that the four or five applicants for the vacant City Council seat were being interviewed during a special Council meeting on Tuesday and that an appointment was slated for the middle of November. The appointment will be for one year and whoever is appointed will have to run for election in November 22 for a two-year term.

United Water Conservation District Member Director Update

Vice Chair McFadden said the Water Sustainability Summit was very successful and well attended and that staff, Tony Emmert and Mauricio Guardado did a great job.

County of Ventura Member Director Update

Chair Long reported that the drought officially encompasses Ventura County with the Governor's recent remarks that hopefully that proclamation will be helpful in moving funds. She added that she participated in the Association of Water Agencies Ventura County (AWA VC) annual Symposium today and that the City of Camarillo was recognized with an award for its Desalter project. Chair Long also mentioned that redistricting maps for the County Supervisorial districts have been released for public comment and that District 3 looked to be changing the most. She said it was an interesting dynamic and that she appreciates stakeholder engagement and involvement.

2B Executive Director Update

Information Item

Executive Director Anthony Emmert reported that the groundwater model is complete and Mr. Detmer's group has provided all the documentation, including expert panel technical memos, on the Agency's website. He is working with staff to complete and submit grant report and invoice #10 and continues to work with the Grant Manager on amendments extending the time, moving money between budget line items, and removing the interagency agreement from the deliverables. He added that he hopes to present the amendments to the Board at its November meeting. United staff have just completed the groundwater billing, so outstanding receivables may look high at the moment, since the due date for everyone is today. He said that \$355,000 was billed for the period of January 1 through June 30, 2021; \$79,000 is still outstanding from the previous billing period and there is a \$250,000 payment from DWR for the last grant invoice that he expects to receive soon. He added that he expects to receive the scope of work and fee proposal from DBS&A

for preparing the annual report soon and expects to present it to the Board for adoption at the next meeting. He said it was important to get DBS&A under contract soon, as the annual report is due on April 1 and it is important to get this first annual report completed and submitted on time.

2C Legal Counsel Update

Information Item

Mr. Scott Nave said that he had nothing to report and would explain more on AB 361 when that motion item came up for discussion. Director Meneghin asked Mr. Nave about his discussion with the County regarding steps the Agency could take regarding resolution of long-standing non-payment of water extraction fees. Mr. Emmert responded by saying the Agency had reached the end of the line in its discussions with the County, adding that the County's legal counsel was not comfortable with the methodology proposed by the Agency. Mr. Nave agreed that was his recollection of the discussion as well. Chair Long asked if the topic could be brought back for future discussion and perhaps development of a "plan b." Mr. Nave said that now that the County has new legal counsel, it may be a good time to circle back with them, and Mr. Emmert agreed.

2D GSP Consultant Update

Information Item

Mr. Tony Morgan started his update by presenting slides (see attached) depicting the Agency's current activities including the public review and comments on the Fillmore basin GSP which were due on October 9, 2021. He stated that DBS&A staff were working with Stillwater Sciences on developing responses to comments received and creating a "Response to Comments" table (RTC) summarizing all public comments received. He added that the team was evaluating and developing responses to the comments and would be creating a red-line edited version of the Fillmore basin GSP and technical appendices to document any changes to the documents and expects to present that to the Board soon. He stated that a similar process would be followed for public comments received on the Piru basin GSP; the deadline for comments on that GSP are due on October 23. Mr. Morgan also stated that the team would go through the whole thing again conducting a thorough review digitally rather than a hard copy print out, and that technical appendices are also being red line edited.

Chair Long asked if the edited versions of the GSP would be provided to the Board digitally or emailed. Director Kimball asked if it would be a Brown Act issue to provide the edited version to the Board for its review. Mr. Nave replied that as long

as the public has access to the documents, it is not a Brown Act violation and if the public wants a hard copy, it can request one through the Public Records Act. Chair Long asked about directing Mr. Morgan to provide a digital or paper copy of the red-line edits, would that be a violation, and Mr. Nave reported no. Chair Long then asked Mr. Morgan for a digital copy as did all of the Board members, with Director Meneghin requesting both a digital copy and a hard copy if it is small.

Vice Chair McFadden asked if the Board approved the draft GSP, how does it go about approving changes to the document. Mr. Morgan directed Vice Chair McFadden to the slide presentation, which showed what groups and individuals had provided comments and the categories within the GSP that had been commented on. Mr. Morgan stated that he expects to be able to provide the red-lined version of the GSPs and technical appendices to the Board by November 10, and that during the November 18 Board meeting, he would like to get the Board's response to the comments and adjustments. He said that his goal is to have the final draft GSPs for adoption during the December 16 Board meeting. He reminded the Directors that the Final GSPs are to be filed with DWR by the end of January 2022.

Vice Chair McFadden asked Mr. Morgan to be sure that the Board has time to review and accept any proposed changes. Mr. Morgan restated that the red-line edits will be available to the Board on November 10, to be discussed at the November 18 Board meeting, one more week to review and respond to comments only. Vice Chair McFadden asked about changes to wording in the approved draft and Mr. Morgan said that 75 comments had been received on the Fillmore basin GSP. Director Meneghin asked if the Board could receive an excel document ahead of the red-line edited version. Mr. Morgan said he could probably do that, sorting comments by topic and produce one answer to similar comments and apply to sections and shared the system setup that DBS&A and Stillwater were using to allow for real-time editing from multiple sources as well as sharing.

Chair Long asked if there were any additional comments or questions. None were offered.

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 regular Board Meeting of September 23, 2021.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices:

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|--|-------------|
| DBS&A Consultants | \$87,069.81 |
| United Water Conservation District | \$37,108.66 |
| Olivarez Madrugal Lemieux O'Neill, LLP | \$ 1,822.50 |
| County of Ventura IT Services | \$ 377.68 |

3C Monthly Financial Report

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

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

4. MOTION ITEMS

4A Resolution 2021-06 Invoking the Provisions of Assembly Bill 361 Regarding its Public Meetings During the COVID-19 Emergency Period

Motion

Mr. Nave addressed the Board explaining that the Governor's Executive Order that previously allowed for remote teleconferencing without having to post agendas at and provide public access to the locations of the Board members participating remotely expired on September 30, 2021. In order for the Board to continue to meet remotely without having to post agendas at and provide public access to the locations being used by Board members participating remotely, new legislation in the form of AB 361, requires the Board to adopt findings that a local or regional state of public health emergency exists and may continue to provide remote teleconferencing to Board members for a 30-day period. If the Board does not adopt the findings in Resolution 2021-06, then the Board must comply with earlier Brown Act requirements for providing public notice of remote teleconferencing

participation by Board members, posting agendas with location details at the remote locations and providing public access to participate from those remote locations.

Chair Long asked if the Board could still move forward on hybrid in-person and remote meetings and Mr. Nave said yes, as long as the Resolution is adopted. Vice Chair McFadden asked if future Resolutions could be addressed through the Consent Calendar, and Mr. Nave said yes. Mr. Nave added that AB 361 will be in effect until December 31, 2024 and added that he hoped the Board wouldn't need it for that long. Chair Long said that there was some push back at the State level from organizations that meet every two months, but she hadn't heard any further discussion on that.

Motion to adopt Resolution 2021-06 invoking the provisions of Assembly Bill 361 regarding the conduct of its public meetings during the ongoing State of California-declared emergency regarding COVID-19, Vice Chair McFadden; Second, Director Meneghin. Roll call vote: six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

5. FUTURE TOPICS FOR BOARD DISCUSSION

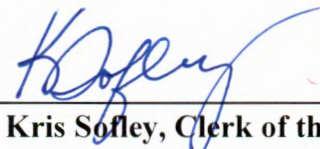
Vice Chair McFadden asked if outstanding balances on receivables could be added for discussion at a future Board meeting, including Mr. Nave's efforts to discuss collections of long-term outstanding account receivables with County's legal counsel.

6. ADJOURNMENT 5:43p.m.

Chair Long thanked everyone for their efforts and work on the GSPs and adjourned the Board at 5:43pm to the next Regular Board Meeting on Thursday, November 18, 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 October 21, 2021.

ATTEST: 
Kris Sofley, Clerk of the Board