



Board of Directors Meeting
Thursday, November 18, 2021,
5 p.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
Eva Ibarra, clerk of the board

Public Present

Lisa Ballin, DBS&A, consultant
Christian Braudrick, Stillwater Science, consultant
Frank Bromschenk, Frank B & Associates
Dan Detmer, UWCD
Michael Fetchner
Carole Fornoff
Matt Freeman
Burt Handy
Zachary Hanson, UWCD
Logan Hardison
Rachel Laenen, Fillmore Basin Pumpers Association, Piru Basin Pumpers Association
Tony Morgan, DBS&A
Patrick O'Connell, DBS&A
Jim Thurber
Lara Shellenberg, County of Ventura
Gilead Wurman
Steve Zimmer, Five Point

1. CALL TO ORDER 5:00pm

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

1A Pledge of Allegiance

Director Villasenor 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, Chair Long, Vice Chair McFadden, Director Meneghin, Director Pace, and Director Villaseñor were 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, Director McFadden; Second, Director Villasenor. Roll call vote: six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villasenor); 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 the Fillmore and Piru Pumpers Associations' Board of Directors had a Board meeting on Tuesday, November 9, and mainly discussed Association business and the availability of both SWEEP and EQIP grants for water efficiency, and the fact that the agencies awarding the grants are requesting letters of support from the GSAs. It was stated on the agenda to have discussion on how to easily receive approval for these types of letter of support without having to bring it to the Board each time.

Piru Pumpers Association Stakeholder Director Update

Director Pace echoed the same as Director Kimball and added members are excited and very positive on how far the GSA has come, and in getting closer to adopting the GSP for the January submittal to DWR.

Environmental Stakeholder Director Update

Director Meneghin provided an update mentioning the Coalition for Clean Air is hosting a water quality, air quality and climate change webinar on November 29, from 12:30 to 1:30, with a focus on Metropolitan Water for those interested to learn how other agencies are dealing with climate change. She also mentioned Friends of Santa Clara River will be submitting a proposal for a project on Sisar Creek to be submitted tomorrow. Director Meneghin also said when Senator Limon was in the California Assembly, she led the effort to develop a statewide database where all available grants are accessible and that the GSA can take advantage of that database to identify appropriate grant funding opportunities.

City of Fillmore Member Director Update

Director Villasenor reported the City Council has a new member, Mrs. Simon Alex, a new resident to Fillmore. She also mentioned that the City's Well #8 went down and the City was able to secure emergency funding to make the needed repairs. Director Villasenor also invited all to visit the City of Fillmore's website for upcoming holiday events.

United Water Conservation District Member Director Update

Vice Chair McFadden had nothing to report.

County of Ventura Member Director Update

Chair Long reported there is a lot of activity going on with State and Federal funding for infrastructure projects, and mentioned the County Board of Supervisors received a presentation regarding funding coming through. That information can be found on the County website under Tuesday's meeting or she can email the link to interested parties. She also mentioned that the County has made its appointments to various committees, including the GSAs, and that the County is in the process of preparing the associated documents. Chair Long also mentioned the County Supervisors have had a difficult conversation regarding redistricting and that a new State law is coming into affect, and explained what changes will have to be made as a result of that legislation. She also shared a booklet on the State of the Region report from the Ventura County Civic Alliance which provides data and insights as to how the County is doing in a number of area including education, public health, employment and other economic areas.

2B Executive Director Update

Information Item

Executive Director Anthony Emmert reported the groundwater sustainability planning grant activities are ongoing. Staff has now submitted Progress Report 10 and Invoice 10, on November 15, and mentioned a proposed grant agreement amendment is in development, along with an amendment to the agreement with DBS&A for the preparation of the GSA's annual report. He also mentioned upcoming SGMA grants from DWR that may be released as early as fall 2022, that the Agency may wish to apply for grant funding.

2C Legal Counsel Update

Information Item

Legal Counsel Scott Nave mentioned there are two items on the agenda that he will be addressing: the continuation of AB 361, because the circumstances have not change since the last meeting; and Item 4B regarding collection of groundwater receivables.

2D GSP Consultant Update

Information Item

Mr. Tony Morgan started his update by presenting (see slides)

Director Villasenor asked Mr. Morgan if he had mentioned the GSPs for the Oxnard Plain had been submitted two years ago. Mr. Morgan stated yes, they were submitted in January 2020, and that DWR has two years to ponder your GSP submittal.

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 October 21, 2021.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices:

UWCD	\$738.75
Fillmore Gazette	\$108.00

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; Director Meneghin; 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 Final Draft Groundwater Sustainability Plans

Motion

The Board received a presentation from DBS&A on the amended draft Groundwater Sustainability Plans (GSP) for the Fillmore basin and the Piru basin and associated technical appendices and provided direction regarding preparation of the final GSPs for subsequent adoption by the Board at its December 16, 2021, meeting.

The item included the opportunity for board members to review comments received, responses to comments, and the resulting edits to the draft GSPs.

Review of the Fillmore Basin response to comment letters:

Letter 1. Bondy Groundwater Consulting

Director Kimball referred to comment 1-11 on the Bondy Groundwater Consulting comments and asked why 25 percent was used. Mr. Morgan explained the process of how that percentage was derived. Vice Chair McFadden stated he was in favor of Mr. Bondy’s suggested edits, and that changes have been made and he felt it is now acceptable. Director Pace added a lot of things have been addressed following comments and a good job has been done addressing public comments.

Participant Chat: “Please describe rationale and discussions held to establish 25%.”

Mr. Morgan stated we just had that conversation, and again explained the rationale, and mentioned the rationale used is also detailed in the document.

Letter 2. Katie Brokaw – (No further discussion).

Letter 3. California Department of Fish and Wildlife

Director Meneghin stated she felt there needs to be more rationale for not installing stream flow gauges at the basin boundaries, or what steps would need to be taken for it to be feasible. She also had a question on the data gap analysis for the hydrologic conceptual model. She said the GSA should have the missing data or a plan on how to address the data gaps. Mr. Morgan stated he will look into it and ensured her he would address this issue. Chair Long stated she agreed with Director Meneghin in providing the needed data or more details as to why it may remain a data gap.

Letter 4. Cal Trout – (No further discussion).

Letter 5. National Marine Fisheries Service

Director Meneghin asked Mr. Morgan to explain NMFS concerns. Mr. Morgan stated that comments included fish migration flows, GDEs, surface water diversions and recharge programs in the basin, which is an intermittent issue. Mr. Morgan, Christian Braudrick and Director Meneghin continued the conversation on the surface water hydrology of the Fillmore basin. Chair Long asked for feedback from the Directors, both Vice Chair McFadden and Executive Director Emmert joined the conversation to voice their thoughts.

Letter 6. State University of New York – (No further discussion).

Letter 7. The Nature Conservancy

Director Meneghin asked how the GSP addresses the human right to water. Mr. Morgan stated he would have to refer to legal counsel to explain. Mr. Nave stated he had not seen that comment, and he would have to discuss that with Mr. Morgan. Mr. Morgan stated the human right to water is something that State agencies are supposed to consider for affordability, quality and availability of water resources. This agency's program is not doing anything to make the water unavailable, change its water quality or make it no longer potable, and therefore he felt it does not touch on any of the elements addressing the human right to water. Director Meneghin asked how the GSA Board can give direction if they are not educated or aware of these details. Mr. Morgan said he thought they had addressed the issue presented in the comment letter and would ensure the addition of clarifying language in the document. Director Meneghin and Mr. Morgan continued their discussion on their views on the subject. Vice Chair McFadden stated that if it is not an issue, then how do we deal with it, other than saying it is not an issue in the basins. Mr. Morgan said that the team and board did look at these items during the SMC development process, but will look back to see if they need to expand the discussion.

Letter 8. United Water Conservation District – (No further discussion).

Letter 9. Ventura County Public Works

Director Meneghin asked if it makes sense to add a sentence or two to bring the information from the appendix into the body of the GSP to avoid questions raised by the County. Mr. Morgan said he would.

Mr. Bryan Bondy stated that he wanted to comment on the human rights to water, and said he agrees with Mr. Morgan's interpretation. This topic will come into play in DWR's review of the GSP, and that the comment is more of a description of the impact of beneficial uses.

Mr. Morgan asked to speak with legal counsel, as the Piru basin responses to comments were posted late and the Directors and public have had a short time to review them. Mr. Scott Nave stated there is no time requirement with the Brown Act, although the Directors and public need to have access to the documents at the same time, and that would be the only Brown Act consideration. Mr. Nave stated it is not a legal question or problem, it is more of a question to the Board, if they are good with the time they have had to review. Director Pace stated most of the comments were consistent between both basins and felt the responses to comments provided for Fillmore basin are similar to those for Piru basin, although there are some unique items to discuss now. He also asked if it is possible to send in a comment at a later date. Mr. Morgan said if someone has a comment and can submit it quickly, staff will make it happen, although they will need it within a week.

Mr. Morgan then offered to go into the Piru basin comments that are unique, as the comment responses are almost identical. Mrs. Lisa Ballin asked if Mr. Morgan wanted to give the opportunity for comments on the changes to the text on the GSP. Mr. Morgan asked if the Board wanted to go page by page, even though it would take a while. Chair Long asked if there are any comments on the changes in verbiage; no requests were offered and she stated that if someone has any specific comments they should forward them to Mr. Morgan. Director Meneghin asked to select a deadline date and suggested the first week of December. Mr. Morgan said he would like to have comments submitted before the holiday. Executive Director Emmert said they should agree on a due date Mr. Morgan specified Monday, November 22 as the due date.

Director Meneghin asked what he means by "slightly modified language" in the GSP. Mr. Morgan said the request was made of staff to take out certain language

that was a problem in the past, and they are taking steps to correct some language to improve clarity. Director Meneghin, Director Pace, Director Villasenor, and Mr. Morgan then discussed various parts of the responses to comments for improved clarity.

Participant Chat: “Are the Chloride TMDL's correct because they do not look correct per my recollection for East Piru Basin RWQCB?” Mr. Morgan said they had adjusted them per the comments from Los Angeles County Sanitation District, citing the current TMDLs.

Participant Chat: “According to data provided from the Ventura County Irrigated Lands Group Association, the VCILGA sampling is reporting higher nitrate levels in the Piru Basin, and I am wondering if a lot of that excess nitrates are entering the Piru basin ground water from upstream urban development?”

Mr. Morgan said it is possible at this point and time if they implement their treatment plan as proposed upstream there will be a lot of salt taken out of the treated wastewater that is now being discharged into the river, and stated he has not seen all of their irrigated lands database, and wondered if maybe United may have it. Vice Chair McFadden replied and said he can get it from the Farm Bureau.

Participant Chat: “Matt Freeman stated they are being asked to implement a lot of nitrogen management area plans, rain is a blessing, recharge water helps clean it up, and is also a blessing. A lot of urban water users over-apply all types of chemicals and fertilizers and when the runoff occurs it comes into the Piru basin. Most farmers are conscious of cost, and he does not want them to bear a burden because they are not the main contributors to that excess. With the mention of various chemicals, they are very conscious of that cost to downstream users, and what they do in their business. Director Meneghin said her understanding is the matrix is not in place yet, that is an ongoing issue, but not currently fixed, and they are the main source. Mr. Freeman stated he did not know where they are currently. Mr. Freeman asked Mr. Dan Detmer to comment, as he had his hand up. Both Mr. Detmer and Executive Director Tony Emmert shared information they had on the project.

Director Meneghin asked when referring to appendices, if footnotes are being added in the text, making it easier for people reading to reference supporting data. Mr. Morgan stated only if they make changes to the actual data in the GSP language. Director Meneghin asked if we could add a request for private well data as a survey. Mr. Morgan stated most people do not have the ability to check water levels in their wells, as wells are not built that way, and owners can probably only tell you when no water comes out of their well. Director Meneghin asked if domestic wells do not have the ability to do the reading, if we were to assess the wells, what would we be doing, wondering if the agency

can provide this as a service. Mr. Morgan stated the GSA would need access into the well head. Directors, legal counsel, and Mr. Morgan continued the discussion by voicing their opinions and suggestions.

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

4B Receivables Collections Options

Motion

The Board received a presentation from Executive Director Emmert and legal counsel Scott Nave regarding options for collections of the Agency's receivables and provided comments and direction.

Director McFadden asked if people can still pump while in bankruptcy court. Mr. Nave stated yes, they still can. Directors, Mr. Emmert, and legal counsel continued the conversation with sharing information on this matter.

Per legal counsel, no motion was needed, as this was informational for the Board.

Director Kimball asked if the Board should need to take action to file a claim in the bankruptcy court. Legal counsel stated he will find out where they are and come back to the Board with a recommendation.

4C Support for King & King Ranch CDFA SWEEP Grant Application

Motion

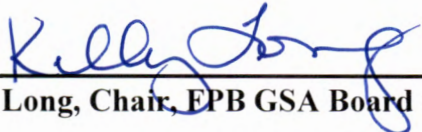
The Board authorized approval of a letter of support for the King & King Ranch's application for a California Department of Food and Agriculture State Water Efficiency and Enhancement Program grant and provided direction to staff regarding future SWEEP grant applications.

Motion to approve any water efficiency grant letters of support, enable staff to sign these letters, with submittal to the Board, Director McFadden; Second, Director Villasenor. Roll call vote: six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villasenor); none opposed; motion carries unanimously 6/0.

FUTURE TOPICS FOR BOARD DISCUSSION

ADJOURNMENT 7:20p.m.

Chair Long thanked everyone for their efforts and work on the GSPs and adjourned the Board at 7:20 pm to the next Regular Board Meeting on Thursday, December 16, 2021, or call of the Chair.

ATTEST: 
Kelly Long, Chair, EPB 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 November 18, 2021.

ATTEST: 
Eva Ibarra, Clerk of the Board