



Fillmore and Piru Basins
Groundwater Sustainability Agency

Board of Directors Meeting
Thursday
January 20, 2022
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.

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

<https://us02web.zoom.us/j/85480305580?pwd=ZnFBWGhtVU05dXd3REFkM255c0h6UT09>

Meeting ID: **854 8030 5580**

Password: **FPBGSA**

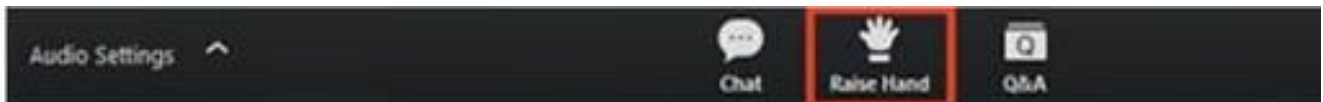
To hear just the audio portion of the meeting, phone into the toll-free number 877 853 5247

Meeting ID: **854 8030 5580**

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 Call

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. SELECTION OF OFFICERS

2A Board of Directors Selection of Officers

Motion

The Board will accept nominations and elect officers for Calendar Year 2022.

3. UPDATES

3A 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

3B Executive Director Update

Information Item

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

3C Legal Counsel Update

Information Item

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

3D GSP Consultant Update

Information Item

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

4. 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)

4A Approval of Minutes

The Board will consider approving the Minutes from the regular Board Meeting of December 16, 2021.

4B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices

- Olivarez Madrugal Lemieux O'Neill, LLP \$1,609.50
- Olivarez Madrugal Lemieux O'Neill, LLP \$ 499.50
- DBS&A Consultants \$9,164.53
- InsureCal \$2,287.12

4C Monthly Financial Report

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

4D Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

The Board will consider adopting Resolution 2022-02 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

5. MOTION ITEMS

5A Meetings Calendar for 2022

Motion

The Board will consider setting its regular meetings for calendar year 2022.

5B Amendments to Fiscal Year 2021-2022 Budget

Motion

The Board will consider approving the proposed budget modifications for Fiscal Year 2021-2022.

5C Amendment to Agreement with Daniel B. Stephens & Associates for Technical and Stakeholder Outreach Support Services

Motion

The Board will consider approving Amendment No. 4 to Professional Services Agreement No. 2019-01-18-DBSA with Daniel B. Stephens & Associates (DBS&A) for as-needed technical and stakeholder outreach support services.

FUTURE TOPICS FOR BOARD DISCUSSION

ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting** on Thursday, **February 17, 2022**, 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) January 17, 2022 (time) 10:00 am (attest) Eva Ibarra
At: <https://www.FPBGSA.org>

Posted: (date) January 17, 2022 (time) 10:15 am (attest) Eva Ibarra
At: <https://www.facebook.com/FPBGSA/>

Posted: (date) January 17, 2022 (time) 10:30 am (attest) Eva Ibarra
At: UWCD, 1701 N. Lombard Street, Oxnard CA 93030



Board of Directors Meeting
Thursday, December 16, 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 Villasenor

Staff Present

Anthony Emmert, executive director
Scott Nave, legal counsel
Eva Ibarra, clerk of the board

Public Present

Lisa Ballin, DBS&A, consultant
Bryan Bondy, Bondy Groundwater, consultant
Christian Braudrick, Stillwater Science, consultant
Dan Detmer, UWCD
Burt Handy
Rachel Laenen, Fillmore Basin Pumpers Association/Piru Basin Pumpers Association
Albert Lambie
Ben Lewis
Tony Morgan, DBS&A
Patrick O'Connell, DBS&A
James Thurber
Gus Tolley
Steve Zimmer, Five Points

1. CALL TO ORDER 5:01pm

Vice Chair McFadden called the meeting to order at 5:01pm

1A Pledge of Allegiance

Vice Chair McFadden asked everyone to join him in reciting the Pledge of Allegiance.

1B Directors Roll Call

Vice Chair McFadden 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

Vice Chair McFadden asked if there were any public comments. None were offered.

1D Approval of Agenda

Motion

Motion to approve the agenda, Director Kimball; 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 the Fillmore and Piru Pumpers Associations' Board of Directors were dark for December and therefore had nothing to report. He added that the letter the agency wrote in support of the King and King Ranch Sweep Grant helped, as grant was awarded and approved as requested, and he thanked everyone for their support.

Piru Pumpers Association Stakeholder Director Update

Director Pace echoed the sentiments of Director Kimball and added the Piru water company sale has been set back and looks like it will remain into 2022.

Environmental Stakeholder Director Update

Director Meneghin provided an update and said Friends of the Santa Clara River had their field days at the Fillmore Hatchery and will also have Round 3 of Water Talks, which will include training on how to write grants for water needs through the County of Ventura. She also mentioned the group has submitted its full proposal for the water conservation grant. She also mentioned Lynn Rodriguez sent out an email regarding the opening of the Integrated Water Region Grant (IWR), and now is the time to discuss projects identified in the GSP to see if there's an opportunity to partner with other agencies. Director Meneghin stated California Trout has a petition to the Fish and Wildlife Commission for the listing of endangered steelhead

at the state level, and there will be opportunity for comment at the Commission's meetings on February 15 and 16.

City of Fillmore Member Director Update

Director Villaseñor reported municipal well 8 was taken offline in February for emergency reasons, and after repairs, it is now back online. She also said the City has held many events to bring out the public in support of local vendors, and specifically mentioned the Sierra Railroad Operator contract was approved, and therefore the railroad will be operating again through Fillmore and Santa Paula. Director Villaseñor said the City Council will be talking again in January regarding American Resources Public Funds of about \$2 million for community funds, broadband, water, and sewer infrastructure.

United Water Conservation District Member Director Update

Vice Chair McFadden said for all pumpers, United is initiating a voluntary quarterly reporting system to more accurately report numbers to Department of Water Resources to begin by next month. Vice Chair McFadden asked both Executive Director Anthony Emmert and Water Resources Manager Dan Detmer to provide any additional information to ensure it was clear to the pumpers as to the need to provide readings four times a year, instead of the normal two times a year. Both Mr. Emmert and Mr. Detmer provided more explanation.

County of Ventura Member Director Update

Chair Long reported County of Ventura had their 10-year redistricting with selection of all representatives and stated she will continue to serve Fillmore Piru Basin GSA. She also mentioned Ventura County Transportation Systems announced Sierra Northern will be used for railroad services, and the Department of Water Resources has sent out information regarding conservation of water for the coming year due to ongoing and current drought conditions.

2B Executive Director Update

Information Item

Executive Director Anthony Emmert reported the groundwater sustainability planning grant activities are ongoing and mentioned a proposed grant agreement amendment is still in development. He also said staff will be preparing progress report 11 and invoice 11 in January 2022. Mr. Emmert stated dollar amounts for outstanding receivables and DWR grant funding totals, and mentioned one pumper owes over \$22,000. Legal counsel is inquiring with the bankruptcy court regarding filing a claim against this pumper. He said he expects the Sustainable Groundwater Management grant program package to be available in October of 2022 and added DWR will be requesting pumping data every quarter.

Mr. Emmert also discussed the need to have a Special Board Meeting in January to continue the AB361 exemptions. He also reminded all Board members to complete their Form 700s. He finished his update with the mention of a small celebration of the GSP submittal, with a recommendation of a restaurant in Fillmore.

2C Legal Counsel Update

Information Item

Legal Counsel Scott Nave reported he has now emailed delinquent pumpers' bankruptcy attorney so the GSA can be added to the proof of service regarding submitting a claim in the case but has yet to hear back from the attorney. He also mentioned he has been talking with Phebe Chu from Ventura County Counsel's office. She has been working with Mr. Nave on delinquent fee issues and has provided him with a template to be used, that he will present to the Board at the regular Board of Directors meeting in January.

2D GSP Consultant Update

Information Item

Mr. Tony Morgan stated they are working on prepping the draft GSP and appendices for submittal to DWR, with the mention of deadlines for the GSP. Mr. Morgan reminded the Board that it had commented to continued negotiations with CDFW regarding the mitigation project to supply supplemental groundwater to the Cienega restoration project area during sustained droughts, and suggested this be done by the first of the year.

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 November 18, 2021.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices:

- Ventura County Star \$ 466.04
- Olivarez Madruga Lemeiux O'Neill LLP \$ 1,479.00
- Rogers, Anderson, Malody & Scott, LLC \$ 8,250.00
- Daniel B Stephens & Associates, Inc. \$87,780.63

3C Monthly Financial Report

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

3D Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

The Board will consider adopting Resolution 2021-08 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

Motion to approve the Consent Calendar items; Director Villaseñor; 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 Adoption of Resolution 2021-09 Adopting the Fillmore Basin Groundwater Sustainability Plan.

Public Hearing and Motion

The Board: 1) held a public hearing and received stakeholder comments on the final draft Fillmore Basin Groundwater Sustainability Plan and Technical Appendices, and 2) adopted Resolution 2021-09 Adopting the Fillmore Basin Groundwater Sustainability Plan and Technical Appendices and directing the Executive Director to submit the adopted documents to the California Department of Water Resources, in compliance with the Sustainable Groundwater Management Act.

Motion

Motion to close public hearing, Director Villaseñor; Second, Chair Long. Roll call vote: five ayes (Kimball, Long, McFadden, Meneghin, Villaseñor); none opposed; one abstaining (Director Pace); motion carries unanimously 6/0/1.

Director Meneghin expressed her thoughts on the GSP and requested the addition of a limiting factors study for steelhead. Chair Long and Vice Chair McFadden both stated they did not agree with adding anything to the GSPs this late in the process.

Motion to adopt 2021-09 Resolution, Director Long; Second, Director Kimball. Roll call vote: 4 ayes (Kimball, Long, McFadden, Villaseñor); one opposed (Director Meneghin); one abstaining (Director Pace); motion carries 4/1/1.

4B Adoption of Resolution 2021-10 Adopting Piru Basin Groundwater Sustainability Plan.

Public Hearing and Motion

The Board: 1) held a public hearing and received stakeholder comments on the final draft Piru Basin Groundwater Sustainability Plan and Technical Appendices, and 2) adopted Resolution 2021-09 Adopting the Fillmore Basin Groundwater Sustainability Plan and Technical Appendices and directing the Executive Director to submit the adopted documents to the California Department of Water Resources, in compliance with the Sustainable Groundwater Management Act.

Motion to close public hearing, Director Long; Second, Director Meneghin. Roll call vote: five ayes (Long, McFadden, Meneghin, Pace, Villaseñor); none opposed, one abstaining (Director Kimball); motion carries 5/0/1.

Director Villaseñor expressed her thoughts and appreciation for all the hard work that went into the completion of the GSP.

Director Meneghin expressed her disapproval in the GSP draft, and again requested the addition of a limiting factors study for steelhead.

Director Pace expressed his support for the GSP draft, and added he felt the GSA is too far into the process of the draft GSP to add any items.

Motion

Motion to adopt Resolution 2021-10, Director Long; Second Director Pace. Roll call vote: four ayes (Long, McFadden, Pace, Villaseñor); one opposed (Meneghin); one abstaining (Director Kimball); motion carries 4/1/1.

4C Amendments to Fiscal Year 2021-2022 Budget

Motion

The Board approved the proposed budget modifications for Fiscal Year 2021-2022.

Director Meneghin asked if when the GSA needs the \$100,000 it will not come from the grant. Executive Director said assuming the Agency gets approval from the grant administrator and DWR, it should have enough funds to cover. Director Meneghin asked if the Agency has received any feedback from DWR on the grant. Mr. Emmert stated the original timeline to spend the money was for springtime 2022, with the goal of getting all invoices in by mid-year to wrap up the grant.

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

**4D Amendment to Agreement with Daniel B. Stephens & Associates for
Preparation of Annual Reports and Online Database Management
Motion**

The Board approved Amendment No. 3 to Professional Services Agreement No. 2019-01-18-DBSA with Daniel B. Stephens & Associates (DBS&A) for preparation of the Agency's Annual Reports for Water Year 2021 and for associated maintenance and updates of the Agency's online data management system.

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

FUTURE TOPICS FOR BOARD DISCUSSION

1. Next Year's Calendar
2. Upcoming Elections
3. Legislative Platforms Developed

ADJOURNMENT 6:39p.m.

Vice Chair McFadden adjourned the Board at 6:39 pm to the next Regular Board Meeting on Thursday, January 20, 2022, 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 December 16, 2021.

ATTEST: _____
Eva Ibarra, Clerk of the Board

Fillmore and Piru Basins GSA
Check Detail
January 1 - 13, 2022

Type	Num	Date	Name	Account	Original Amount
Bill Pmt -Check	11145	01/13/2022	Daniel B Stephens & Associates, Inc.	10000 · Bank of the Sierra	-9,164.53
Bill Pmt -Check	11146	01/13/2022	Insure Cal	10000 · Bank of the Sierra	-2,287.12
Bill Pmt -Check	11147	01/13/2022	Olivarez Madruga Lemeiux O'Neill LLP	10000 · Bank of the Sierra	-2,109.00
					-13,560.65



Attachments: December 31, 2021 P/L Budget Performance
December 31, 2021 Balance Sheet

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

	<u>Jul '21 -Dec 21</u>	<u>Annual Budget</u>	<u>Budget</u>
Income			
40001 · Groundwater Extraction Charge	0.00	540,000.00	0.00%
41000 · Grant Revenue			
41001 · State Grants	0.00	537,970.00	0.00%
Total 41000 · Grant Revenue	0.00	537,970.00	
47000 · Other Revenue			
47001 · Late Fees	21,985.31	0.00	
47012 · Returned Check Charges	0.00	0.00	
Total 47000 · Other Revenue	21,985.31	0.00	
Total Income	21,985.31	1,077,970.00	2.04%
Gross Profit	21,985.31	1,077,970.00	2.04%
Expense			
52200 · Professional Services			
52240 · Prof Svcs - IT Consulting	509.44	1,700.00	29.97%
52250 · Prof Svcs - Groundwtr/GSP Prep			
52251 · Prof Svcs - UWCD GW Services	6,301.64	0.00	
52252 · Prof Svcs - GSP Consultant	181,786.15	380,000.00	47.84%
Total 52250 · Prof Svcs - Groundwtr/GSP Prep	188,087.79	380,000.00	49.50%
52270 · Prof Svcs - Accounting	11,730.66	24,200.00	48.47%
52275 · Prof Svcs - Admin/Clerk of Bd	5,732.66	25,000.00	22.93%
52280 · Prof Svcs - Executive Director	21,457.10	40,000.00	53.64%
52290 · Prof Svcs - Other	0.00	0.00	
Total 52200 · Professional Services	227,517.65	470,900.00	48.32%
52500 · Legal Fees			
52501 · Legal Counsel	9,460.50	30,000.00	31.54%
Total 52500 · Legal Fees	9,460.50	30,000.00	31.54%
53000 · Office Expenses			
53010 · Public Information	574.04	1,000.00	57.40%
53020 · Office Supplies	509.42	500.00	101.88%
53026 · Postage & Mailing	311.73	2,000.00	15.59%
53040 · Membership Dues	0.00	0.00	
53060 · Computer Software	0.00	0.00	
53110 · Travel & Training	54.20	4,000.00	1.36%
Total 53000 · Office Expenses	1,449.39	7,500.00	19.33%
53500 · Insurance			
53510 · Liability Insurance	2,287.12	2,500.00	91.48%
Total 53500 · Insurance	2,287.12	2,500.00	91.48%
70130 · Bank Service Charges	0.00	0.00	
81000 · Capital Expenditures	0.00	555,000.00	0.00%
Total Expense	240,714.66	1,065,900.00	22.58%
Net Income	<u>-218,729.35</u>	<u>12,070.00</u>	<u>-1812.17%</u>

Fillmore and Piru Basins GSA
Balance Sheet
As of December 31, 2021

	<u>December 31, 21</u>
ASSETS	
Current Assets	
Checking/Savings	
10000 · Bank of the Sierra	861,286.86
Total Checking/Savings	<u>861,286.86</u>
Accounts Receivable	
11000 · Accounts Receivable	249,788.85
Total Accounts Receivable	<u>249,788.85</u>
Total Current Assets	<u>1,111,075.71</u>
TOTAL ASSETS	<u><u>1,111,075.71</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	13,560.65
Total Accounts Payable	<u>13,560.65</u>
Total Current Liabilities	<u>13,560.65</u>
Total Liabilities	<u>13,560.65</u>
Equity	
32000 · Retained Earnings	1,316,244.41
Net Income	<u>-218,729.35</u>
Total Equity	<u>1,097,515.06</u>
TOTAL LIABILITIES & EQUITY	<u><u>1,111,075.71</u></u>



Item No. 4D Motion

DATE: January 14, 2021 (for January 20, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

SUMMARY

In response to the COVID-19 pandemic, the California Governor signed Assembly Bill 361 (AB 361) on September 16, 2021, that temporarily exempts agencies from certain requirements of the Brown Act and adds additional requirements for public meetings held by teleconference. This staff report provides an analysis of the changes to the Brown Act per AB 361. During its October 21, 2021 meeting, the Agency's Board adopted Resolution 2021-06 authorizing the use of the AB 361 provisions for its meetings. Adoption of Resolution 2022-02 continues the authorization of the use of AB 361 provisions for the coming 30 days.

RECOMMENDED ACTION

The Board will consider adopting Resolution 2022-02 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

BACKGROUND

In March of 2020, the Governor of California issued Executive Order N-29-20, which waived Brown Act requirements found in Gov. Code § 54953(b)(3) for teleconference participation in public meetings. In particular, this Order waived:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- b) The requirement that each teleconference location be accessible to the public;
- c) The requirement that members of the public may address the body at each teleconference location;
- d) The requirement that state and local bodies post agendas at all teleconference locations; and
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Executive Order N-29-20 expired on September 30, 2021. However, AB 361 was signed by the Governor to extend the provisions of N-29-20, subject to certain conditions to be met by the local legislative body utilizing its exemptions. AB 361 also imposes certain new requirements, detailed below.

Item No: 4D: Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

ANALYSIS

AB 361 exempts local legislative bodies from certain Brown Act requirements currently governing teleconferencing. These exemptions may be used only in one of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Currently, the Governor's state of emergency regarding COVID-19 is still in effect, and the Ventura County Health Officer has recommended that legislative bodies in the County continue to follow social distancing measures to prevent the spread of COVID.

Further, AB 361 requires the Agency to reconsider the state of emergency and make such determination every 30 days after commencing use of its exemptions. However, if during the 30-day period the Agency wishes to meet in person, they may choose to do so despite adopting the proposed Resolution. The intent of the Resolution is merely to allow the Board members to avail themselves of the AB 361 teleconferencing conveniences if they so choose.

Finally, in addition to allowing for the above exemptions, AB 361 adds the following requirements:

- a) The legislative body must give notice of the meeting and post agendas as otherwise required by the Brown Act.
- b) The legislative body must allow members of the public to access the meeting, and the agenda must provide an opportunity for members of the public to address the legislative body directly pursuant to Brown Act requirements. In each instance where notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via call-in option or an internet-based service option. The legislative body need not provide a physical location from which the public may attend or comment.
- c) The legislative body must conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.
- d) In the event of a disruption that prevents the public agency from broadcasting the meeting to members of the public using the call-in or internet-based service options, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in or internet-based service options, the legislative body must take no further action on items appearing on the meeting agenda until public access to the meeting is restored. Actions taken on agenda items during a disruption preventing the broadcast of the meeting may be challenged as provided in the Brown Act.
- e) The legislative body may not require public comments to be submitted in advance of the meeting, and it must provide an opportunity for the public to address the legislative body and offer comment in real time.

Item No: 4D: Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

- f) The legislative body may use an online third-party system for individuals to provide public comment that requires an individual to register with the system prior to providing comment.
- g) If a legislative body provides a timed public comment period, it may not close the comment period or the time to register to provide comment under f) until the timed period has elapsed. If the legislative body does not provide a time-limited comment period, it must allow a reasonable time for the public to comment on each agenda item and to register as necessary under f).

Accordingly, staff recommends that the Board adopt Resolution 2022-02. Doing so will enable the Agency's continued use of the AB 361 exemptions to Brown Act teleconferencing requirements, while allowing the Board to hold in person meetings at its discretion.

FISCAL IMPACT

No fiscal impacts.

ATTACHMENTS

Resolution 2022-02

Proposed Motion: Adoption of Resolution 2022-02.

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:

RESOLUTION NO. 2022-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF FILLMORE & PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY AUTHORIZING THE USE OF TELECONFERENCING FOR PUBLIC MEETINGS

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FILLMORE & PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY as follows:

WHEREAS, the Governor of the State of California (“Governor”) proclaimed a State of Emergency to exist as a result of the threat of COVID-19. (Governor’s Proclamation of a State of Emergency (Mar. 4, 2020).)

WHEREAS, the Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) provided that local legislative bodies may hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body and waived the Brown Act provisions found in Govt. Code section 54953(b)(3) which require the physical presence of the members, the clerk, or other personnel of the body, or the public, as a condition of participation in, or quorum for, a public meeting, including:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- b) The requirement that each teleconference location be accessible to the public.
- c) The requirement that members of the public may address the body at each teleconference location.
- d) The requirement that state and local bodies post agendas at all teleconference locations.
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

WHEREAS, the provisions of Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) expired on September 30, 2021 and are no longer in effect thereafter;

WHEREAS, the Center for Disease Control is currently contending with the Delta Variant of the COVID-19 virus and anticipates the development of potential other strains which may further impede public agency operations and prolong the need for social distancing requirements; and

WHEREAS, recent legislation (A.B. 361) authorizes a local legislative body to use teleconferencing for a public meeting without complying with the Brown Act’s teleconferencing quorum, meeting notice, and agenda requirements set forth in Government Code section 54953(b)(3), in any of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency as follows:

Section 1. Incorporation of Recitals. All of the foregoing Recitals are true and correct, and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

Section 2. Adoption of AB 361. The Board has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Continued Implementation of AB-361. If the state of emergency remains active, or state or local officials have imposed measures to promote social distancing, the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency shall, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make the following findings by majority vote:

- a) The legislative body has reconsidered the circumstances of the state of emergency; *and*
- b) Either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing.

Section 4. Applicability. The health and safety findings and determination that teleconference meetings are appropriate applies to all District committees and legislative bodies subject to the Brown Act.

PASSED, APPROVED AND ADOPTED on January 20, 2022.

President

ATTEST:

Secretary

APPROVED AS TO FORM:

Scott Nave, General Counsel



Fillmore and Piru Basins
Groundwater Sustainability Agency

Item No. **5A Motion**

DATE: January 14, 2022 (for January 20, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: **Meeting Calendar for 2022**

RECOMMENDED ACTION

The Board will consider approving the meeting calendar for 2022.

BACKGROUND

The Agency's Board meets on the third Thursday of every month, with special meetings set as the need arises. As the Agency transitions from the preparation of its groundwater sustainability plans to development, evaluation and implementation of its sustainability programs and projects, staff recommends that the Board continue to meet on a monthly basis for Calendar Year 2022.

FISCAL IMPACT

None.

ATTACHMENTS

Proposed Motion: Approve the meeting calendar for 2022.

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:



Item No. 5B Motion

DATE: January 14, 2022 (for January 20, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: Amendments to Fiscal Year 2021-2022 Budget

RECOMMENDED ACTION

The Board will consider approving the proposed budget modifications for Fiscal Year 2021-2022.

BACKGROUND

The Fiscal Year 2021-2022 Budget does not currently contain sufficient funds in the Professional Services GSP Consultant line item to cover the proposed Amendment No. 4 to the Agreement with Daniel B. Stephens and Associates for as-needed technical and stakeholder outreach services. Progress on the Agency's Monitoring Wells Project has been slower than projected, resulting in a savings in the Capital Expenditures line item of the budget. Staff proposes a budget adjustment to cover the approximately \$50,000 not-to-exceed cost of the new scope of work.

FISCAL IMPACT

It is proposed to move \$50,000 from the Capital Expenditures line item (81000) to the Professional Services GSP Consultant line item (52252). The recommended budget adjustment will have no impact to the net income of the Agency.

ATTACHMENTS

Proposed Amendments to FY 2021-22 Budget

Fiscal Year 2021-2022 Original versus Proposed Budget

Proposed Motion: Approve the proposed budget modifications for Fiscal Year 2021-2022.

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:

Fillmore and Piru Basins Groundwater Sustainability Agency
Proposed Budget Amendments
FY 2021-22

Expenses			
Acct. Number	Acct. Name	Increase/ (Decrease)	Explanation
52252	Professional Fees - GSP Consultant	50,000	For as-needed technical and stakeholder outreach support services with Daniel B. Stephens & Associates
81000	Capital Expenditures	(50,000)	Timing of monitoring wells has shifted and more costs will be incurred next fiscal year
Total Expense Adjustments		-	

Fillmore and Piru Basins GSA FY 21-22 Proposed Budget

FY 21-22

	Adopted Budget	Proposed Budget Amendment	Proposed Budget
Income			
40001 • Groundwater Extraction Charge	540,000.00		540,000.00
41000 • Grant Revenue			
41001 • State Grants	537,970.00		537,970.00
Total 41000 • Grant Revenue	537,970.00		537,970.00
47000 • Other Revenue			
47001 • Late Fees	0.00		0.00
47012 • Returned Check Charges	0.00		0.00
Total 47000 • Other Revenue	0.00		0.00
Total Income	1,077,970.00		1,077,970.00
Gross Profit	1,077,970.00		1,077,970.00
Expense			
52200 • Professional Services			
52240 • Prof Svcs - IT Consulting	1,700.00		1,700.00
52250 • Prof Svcs - Groundwtr/GSP Prep			
52251 • Prof Svcs - UWCD GW Services	0.00		0.00
52252 • Prof Svcs - GSP Consultant	380,000.00	50,000.00	430,000.00
Total 52250 • Prof Svcs - Groundwtr/GSP Prep	380,000.00		430,000.00
52270 • Prof Svcs - Accounting	24,200.00		24,200.00
52275 • Prof Svcs - Admin/Clerk of Bd	25,000.00		25,000.00
52280 • Prof Svcs - Executive Director	40,000.00		40,000.00
52290 • Prof Svcs - Other	0.00		0.00
Total 52200 • Professional Services	470,900.00		520,900.00
52500 • Legal Fees			
52501 • Legal Counsel	30,000.00		30,000.00
Total 52500 • Legal Fees	30,000.00		30,000.00
53000 • Office Expenses			
53010 • Public Information	1,000.00		1,000.00
53020 • Office Supplies	500.00		500.00
53026 • Postage & Mailing	2,000.00		2,000.00
53040 • Membership Dues	0.00		0.00
53060 • Computer Software	0.00		0.00
53110 • Travel & Training	4,000.00		4,000.00
Total 53000 • Office Expenses	7,500.00		7,500.00
53500 • Insurance			

**Fillmore and Piru Basins GSA
FY 21-22 Proposed Budget**

	FY 21-22		
	Adopted Budget	Proposed Budget Amendment	Proposed Budget
53510 · Liability Insurance	2,500.00		2,500.00
Total 53500 · Insurance	2,500.00		2,500.00
70130 · Bank Service Charges	0.00		0.00
81000 · Capital Expenditures	555,000.00	-50,000.00	505,000.00
Total Expense	1,065,900.00		1,065,900.00
Net Income	12,070.00	0.00	12,070.00



Fillmore and Piru Basins
Groundwater Sustainability Agency

Item No. **5C Motion Item**

DATE: **January 14, 2022 (for January 20, 2022 meeting)**

TO: **Board of Directors**

FROM: **Anthony Emmert, Executive Director**

SUBJECT: **Amendment to Agreement with Daniel B. Stephens & Associates for Technical and Stakeholder Outreach Support Services**

SUMMARY:

The proposed Amendment No. 4 in the amount of \$50,000 to the Agreement with Daniel B. Stephens & Associates (DBS&A) will provide the Agency with as-needed technical and stakeholder outreach support from the DBS&A team (Daniel B. Stephens & Associates, Stillwater Sciences, California State University Center for Collaborative Policy) as it conceptualizes, plans, develops and communicates its future projects.

RECOMMENDATION:

The Board will consider approving Amendment No. 4 to the Agreement No 2019-01-18-DBSA with Daniel B. Stephens & Associates, Inc. for as-needed technical and stakeholder outreach support services.

BACKGROUND

The Agency's groundwater sustainability plans (GSPs) include several projects, programs and studies that need further development and consideration. The Monitoring Wells project phase 1 is in progress, and currently does not need additional support; however, the Cienega Springs Restoration Enhancement project concept requires significant development within the next few months. The Agency may also wish to further explore several other sustainability projects, programs or studies that are listed in its GSPs. Having continued access to the knowledge and expertise of the DBS&A team (Daniel B. Stephens & Associates, Stillwater Sciences, California State University Center for Collaborative Policy) on as as-needed basis will be helpful to further the Agency's efforts. Agency staff proposes an amendment to DBS&A's contract to provide as-needed technical and stakeholder outreach services for the next several months. Exhibit A to the Amendment No. 4 (attached) provides additional detail on the proposed scope of work. The not to exceed fee proposal for the amendment is \$50,000.

Staff recommends the Agency consider approval of Amendment No. 4 in the not-to-exceed amount of \$50,000. Previously, the Agency approved Amendment No. 1 in the amount of \$19,972 for assistance with developing specifications for the Agency's monitoring wells project; Amendment No. 2 for additional groundwater sustainability planning and stakeholder outreach work in the amount of \$278,996; and Amendment No. 3 for preparation of the annual reports

and updating of the online database management system in the amount of \$99,432. Approval of Amendment No. 4 would bring the total for the DBS&A Agreement to \$1,243,400.

FISCAL IMPACT

With the approval of the proposed budget amendment included in Agenda Item 5B, the Agency's Fiscal Year 2021-2022 budget includes sufficient funds to cover the proposed scope of work. The activities associated with Amendment No. 4 are not part of the Agency's existing grant project scope.

ATTACHMENTS

Attachment 1 – Amendment No. 4 to Agreement with Daniel B. Stephens & Associates, Inc.

Proposed Motion:

Authorize Amendment Number 4 to the Agreement with Daniel B. Stephens & Associates, Inc. for preparation of Annual Reports and online database management.

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

AMENDMENT NO. 4
to
PROFESSIONAL SERVICES AGREEMENT NO. 2019-01-18-DBSA
between
Fillmore & Piru Basins Groundwater Sustainability Agency
and
Daniel B. Stephens & Associates, Inc.
for
Groundwater Sustainability Planning Services

This Amendment No. 4 ("Amendment") to the Professional Services Agreement No. 2019-01-18-DBSA ("Original Agreement") between Fillmore and Piru Basins Groundwater Sustainability Agency, herein "AGENCY", and Daniel B. Stephens & Associates, Inc., herein "CONSULTANT", collectively referred to as the "PARTIES." The PARTIES agree as follows:

SECTION 1 - PURPOSE

Under the Original Agreement dated January 17, 2019, the AGENCY retained the CONSULTANT to provide groundwater sustainability planning services, in compliance with the requirements of the California Sustainable Groundwater Management Act (SGMA). The PARTIES modified the Agreement with Amendment No. 1 to expand the scope of services regarding the AGENCY's Monitoring Wells Project, and Amendment No. 2 to expand the scope of services regarding the AGENCY's groundwater sustainability planning and associated stakeholder outreach, and Amendment No. 3 to support the AGENCY's preparation of its annual reports for Water Year 2021 and associated maintenance of the AGENCY's online data management system. The PARTIES desire to modify the Agreement to reflect additional costs and amended technical services on an as-needed basis in support of the AGENCY's conceptualization, development and evaluation of sustainability projects and programs.

SECTION 2 – EXPANDED SCOPE OF SERVICES

Exhibit A, "Scope of Services," to the Original Agreement, Exhibit D "Scope of Services Monitoring Wells," Exhibit E "Contract Amendment Request #2," and Exhibit F "Proposal to Prepare 2021 Annual Reports for Fillmore and Piru Basins in Support of the Fillmore and Piru Basins Groundwater Sustainability Agency," are to remain in effect and amended by the addition of Exhibit G "Letter Proposal to Provide Continued Technical Support to FPBGSA Planning Activities."

SECTION 3 - CONSIDERATION

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

"Total payments shall not exceed \$ 1,243,400."

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:

Daniel B. Stephens & Associates, Inc.

By: _____ Date _____

Tony Morgan, PG, CHG, Vice President