



**Board of Directors Meeting**  
**Thursday**  
**November 17, 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**

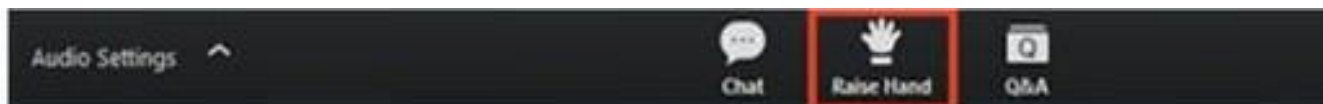
To hear just the audio portion of the meeting, phone into the toll-free number 877 853 5247

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. 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 October 20, 2022.

**2C 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 October 20, 2022.

**2D GSP Consultant Update  
Information Item**

Representatives from Daniel B Stephens & Associates will provide an informational update on Agency's groundwater sustainability planning and reporting activities since the previous Board meeting of October 20, 2022.

### **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 Special Board Meeting of October 20, 2022.

#### **3B Approval of Warrants**

The Board will consider approving payment of outstanding vendor invoices

Aleshire & Wynder LLP \$ 9,918.00

Daniel B. Stephens & Associates, Inc. \$ 16,883.00

#### **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 2022-16 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).

### **4. MOTION ITEMS**

#### **4A Sustainable Groundwater Management Grant Program SGMA Implementation Grant**

##### **Motion**

The Board will consider adoption of Resolution 2022-17 directing and authorizing the Agency to prepare and submit an application to the California Department of Water Resources for a 2021 Sustainable Groundwater Management Grant Program SGMA Implementation grant and authorizing the Chair or designee to execute the funding agreement and all associated documents.

#### **4B Preparation of Annual Reports and Update of Online Database**

##### **Motion**

The Board will consider approving Task Order 2022-03 with Daniel B. Stephens & Associates for the preparation and submittal of annual reports for the Fillmore basin and the Piru basin for Water Year 2022 and updating of the Agency's Online Database.

**4C Monitoring Wells Project Change Order Ratification**

**Motion**

The Board will consider ratifying Change Order 1 to the Agreement with BC2 Environmental, LLC for the Monitoring Wells Project, for the addition of a fourth nested well to the East Grove site.

**4D Meetings Calendar for 2023**

**Motion**

The Board will consider setting its regular meetings for calendar year 2023.

**5. INFORMATIONAL ITEMS**

**5A Summary of Current California Requirements for Remote Meetings**

**Information Item**

The Board will receive a presentation from Legal Counsel regarding California's requirements for remote meetings, including the Brown Act, Executive Order N-29-20, AB 361, and AB 2449.

**6. FUTURE TOPICS FOR BOARD DISCUSSION**

**7. ADJOURNMENT**

The Board will adjourn to the next **Regular Board Meeting** on Thursday, **December 15, 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) November 14, 2022

(time) 4:50pm

(attest) Eva Ibarra

At: <https://www.FPBGSA.org>

Posted: (date) November 14, 2022

(time) 4:55pm

(attest) Eva Ibarra

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

Posted: (date) November 14, 2022

(time) 5:00 pm

(attest) Eva Ibarra

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



**Fillmore and Piru Basins**  
Groundwater Sustainability Agency

**Board of Directors Meeting**  
**Thursday, October 20, 2022**  
**5:00 p.m.**  
**MINUTES**

**Directors in Attendance**

Chair Kelly Long  
Director Carole Fornoff  
Director Debbie Jackson  
Director Gordon Kimball  
Director Candice Meneghin  
Director Christina Villaseñor

**Staff in Attendance**

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

**Public in Attendance**

Bryan Bondy, Bondy Groundwater Consultants  
Kiernan Brtalik, Rincon Consultants  
Eric Elliott, UWCD  
Dan Detmer, UWCD  
Jennifer Haddow, Rincon Consultants  
Rachel Laenen, Kimball Ranches  
Tony Morgan, DBS&A  
Gus Tolley DBS&A  
James Thuber

**1. Call to Order 5:00pm**

Chair Long called the Board Meeting to order at 5:00 p.m.

**1A Pledge of Allegiance**

Director Jackson led everyone in reciting the Pledge of Allegiance.

**1B Directors Roll Call**

The clerk called roll. Six Directors were present (Fornoff, Jackson, Kimball, Long, Meneghin, Villaseñor).

**1C Public Comments**

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

**1D Approval of Agenda  
Motion**

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

**UPDATES**

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

**Fillmore Pumpers Association Stakeholder Director Update**

Director Jackson reported the Fillmore Pumpers Association Stakeholders have not meet since the last GSA meeting, although she mentioned they had discussions on the well permitting guidelines and mentioned the result of the discussion that is part of the Board packet.

**Piru Pumpers Association Stakeholder Director Update**

Director Fornoff reported the Piru Pumpers Association Stakeholders update is the same as the Fillmore Pumpers Association Stakeholders update.

**Environmental Stakeholder Director Update**

Director Meneghin reported she met with the Pacific Institute regarding the cost benefit analysis regionally for Ventura County for water infrastructure and capital investment projects and is anticipating something back this week, and to then seek funding. She also mentioned she attended the California Lawyers Association Environmental Conference in Yosemite where they provided a CEQA update, and she asked questions regarding the GSA well permitting and potential bill that she will discuss later in the meeting. She said the Valencia and Saugus Water Treatment Works' extension did come through as they mentioned in their update from our last Board meeting. She also mentioned Friends of the Santa Clara River will have its stewardship meeting at Hedrick Ranch Nature area on October 21 and she attended United Water's Water Sustainability Summit on October 19.

**City of Fillmore Member Director Update**

Director Villaseñor reported the City of Fillmore has approved the adding of two to three monitoring wells where there once was a Shell gas station on Highway 126. She also mentioned the City of Fillmore will be sponsoring Trunk or Treat, Dia de Los Muertos and upcoming elections.

**United Water Conservation District Member Director Update**

Director Kimball reported United Water held their third annual Water Sustainability Summit on October 19. He felt the information was well

received, especially the final presentation of the Summit with the cost of the anticipated projects, and how those costs impact water rates to customers and continuing to manage and conserve water. Director Kimball suggested all should attend these water summits, as they are very informative and beneficial [presentations from the Summit are available online].

### **County of Ventura Member Director Update**

Director Long reported that on October 11, the Ventura County Board of Supervisors voted and approved a five-million-dollar project for a tertiary treatment facility at the Piru Wastewater Treatment Plant that will remove high salt content from wastewater to meet the State water quality requirements, an investment for the disadvantaged community from ARPA funds, and that the Board also approved a \$1.2 million upgrade for the Piru wastewater treatment plant for the installation of solar photovoltaic facility for Water District 16 that will provide carbon-free power and reduce operation costs.

### **2B Executive Director Update Information Item**

The Executive Director provided an informational update on Agency activities since the previous Special Board meeting of September 29.

Mr. Emmert reported the monitoring wells project is well underway with drilling in progress at both sites; groundwater payments were due on October 15; and groundwater sustainability planning grant 14<sup>th</sup> quarter of GSP grant report concluded on September 30, 2022. Staff to begin preparation of progress report and invoice 14. He also mentioned the Sustainable Groundwater Management Grant program (SGMA) to implement Round 2 of 230,000,000 with the proposal solicitation package released in early October, and applications due November 30, 2022. RFQ has been released for a consultant to assist with groundwater application assistance and consultant for groundwater charges back-up (Proposition 26, 218)., He ended his report by providing the location and date for the celebration for Glen Pace's five years of service on the Board.

### **2C Legal Counsel Update Information Item**

Legal Counsel provided an informational update on Agency's legal issues and concerns since the Special Board meeting of September 29.

Steve O'Neill, with Aleshire and Wynder, reported the Governor is set to repeal the state of emergency in February of 2023. That will require the GSA to revert to in-person meetings per the Brown Act and explained the provisions. He mentioned he has been working with Mr. Emmert and Tony Morgan from Daniel B Stephens & Associates on the GSP that will be later discussed in this meeting.

Director Long said she would like Mr. O'Neill to come back to the discussion of the meeting requirements. Mr. Emmert and Director Kimball joined that conversation and shared what information they had regarding the new meeting process as of February 2023. Mr. Emmert said he will work with legal to hopefully add an agenda item in next month's agenda to discuss this item further.

## **2D GSP Consultant Update**

### **Information Item**

Representatives from Daniel B Stephens & Associates provided an informational update on Agency's Groundwater Sustainability Planning and reporting activities since the Special Board meeting of September 29, 2022.

Mr. Morgan provided slides on his update regarding current activities and said there will be further discussion later in the meeting on his items.

## **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 approved the Minutes from the Special Board Meeting of September 29.

### **3B Approval of Warrants**

The Board approved payment of outstanding vendor invoice

County of Ventura IT Services	\$ 89.26
Aleshire & Wynder LLP	\$ 530.50
Traffic Technologies LLC	\$ 1,922.80
United Water Conservation District	\$22,087.08

### **3C Monthly Financial Report**

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

### **3D FY 21-22 Final Financial Reports**

The Board received the Agency's FY 21-22 final financial report.

### **3E Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements**

The Board adopted Resolution 2022-14 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 minutes, with changes per Director Meneghin's email forwarded to the Clerk of the Board, Director Villaseñor; Second, Director Fornoff. Roll call vote: six ayes (Fornoff, Jackson, Kimball, Long, Meneghin, Villaseñor); none opposed; motion carries unanimously 6/0.

#### **4. MOTION ITEMS**

##### **4A Development of Well Permitting Review Process in Compliance with California Executive Order N-7-22**

###### **Motion**

The Board received a presentation from Legal counsel, Daniel B. Stephens and Associates, and staff regarding the development of the Agency's Well Permitting Review Process and provided comments and direction.

Director Meneghin asked if Mr. Emmert would be speaking to Ventura County Public Works or County Council? Mr. Emmert said they have not spoken to County Council but have been speaking with Public Works, and the subject will be part of the conversation tomorrow with Public Works Watershed Protection leadership when at the County's office. Director Meneghin asked Mr. O'Neill to clarify if there is some sort of mechanism that could be used to have the County assume responsibility, and wondered if there is a way to do this? Mr. O'Neill said they have been looking at the issue of discretionary act versus ministerial act, to the extent that the Agency can make it a ministerial act that would give the Agency more protection from liability. Director Meneghin asked is there is anything other than a flowchart that he could provide the County as the well permitting agency? Mr. O'Neill said the County is the permitting agency and the executive order puts the GSA in a box by requiring the GSA to state that a proposed well is not inconsistent with the GSP, and that is why a flow chart was used. Director Meneghin asked if the agency could provide guidance to the County, and see if the County would approve? Mr. O'Neill said he will ask that when he speaks with County Counsel.

Director Fornoff asked if there is a designation on the flowchart that designates where the responsibilities stop and can that be handed to the County, or is this all the agencies responsibility? Mr. Emmert said if she was referring to the well interference, as that, the County is making that permitting decision.

Director Kimball asked Mr. O'Neill if the executive order is discretionary, and is the County responsible for conducting a CEQA process for every well permit? Mr. O'Neill said it does not change the status quo, the County will be the one issuing the permit, and that action could be subject to CEQA, as someone can bring an action saying that constitutes an action for purpose of CEQA.

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

#### **4B Projects and Management Actions**

##### **Motion**

The Board received a presentation from Daniel B. Stephens and Associates on the Agency's proposed Projects and Management Actions from the Fillmore and Piru Basins Groundwater Sustainability Plans and on the proposed projects, studies, and programs for inclusion in a Sustainable Groundwater Management Grant Program grant application and provide comments and direction.

Director Meneghin asked Mr. Morgan to please explain fiber optic distributed temperature sensing? Mr. Morgan explained the process and gave examples. Director Meneghin also asked if it would give a flow as well as temperature reading? Mr. Morgan said it would give both as this is what is needed. Director Meneghin suggested a few be purchased and suggested to add hobos to the shallow wells area. Director Meneghin asked Mr. Morgan what did DWR say about sustainable management criteria for steelhead at Fox Canyon? Mr. Morgan said he did not recall and noted to get back with an answer.

Director Jackson asked is there is a reason the removal of non-native species is not on the list? Mr. Morgan said yes, the Board made the decision at an earlier meeting not to add that item at this time.

Director Kimball asked Mr. Morgan if the Agency can get reimbursable cost through April 2026, and if so, can the Agency add the 2025 and 2026 report to the annual reports? He also asked if in fact he felt the agency would spend a million dollars on GSP updates? Mr. Morgan said we can add 2025 report to the list and said the total for GSP updates was just a go big or go home amount to meet dollar amount criteria.

Director Long asked Mr. Morgan about the grant funding third round, and asked if in the meeting with DWR, did DWR mention anything about a third round? Mr. Morgan said they have that option if they have money left over. Director Long asked how much was the Agency granted for round one? Mr. Morgan said the Agency was not eligible for round one, as it was only for critically over drafted basins. Director Long asked in the next round how much on average will go to each basin? Mr. Morgan said they have a pot of \$231,000,000.

Director Fornoff asked if the GSA must fund these projects prior to receiving the funding? Mr. Morgan said yes, as it is a reimbursement funding.

Director Long asked if the GSA were to approve this draft what is the next step? Mr. Morgan said the GSA would need to fill out submittals for each one of the projects online with all the details and he has a couple of grant knowledgeable employees that can help with the process. Mr. Emmert also voiced his view on what the Agency needs to do to get the process started.

Motion to receive and file and to direct staff to come back on November 17, Board meeting with draft application and draft resolution, Director Kimball; Second, Director Fornoff. Roll call vote: six ayes (Fornoff, Jackson, Kimball, Long,

Meneghin, Villaseñor); none opposed; motion carries unanimously 6/0.

#### **FUTURE TOPICS FOR BOARD DISCUSSION**

Hybrid meeting location  
Calendar of Meetings  
Details to Glens Celebration  
Letter to DWR on Guidance for the Five-Year Update

#### **ADJOURNMENT 6:53 p.m.**

Director Long adjourned the Board meeting at 6:53p.m. to the next **Regular Board Meeting** on Thursday, **November 16, 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 October 20, 2022.

**ATTEST:** \_\_\_\_\_  
**Eva Ibarra, Clerk of the Board**

Fillmore and Piru Basins GSA  
Check Detail  
November 1 - 9, 2022

Type	Num	Date	Name	Account	Original Amount
Bill Pmt -Check	11171	11/09/2022	Aleshire & Wynder LLP	10000 · Bank of the Sierra	-9,918.00
Bill Pmt -Check	11172	11/09/2022	Daniel B Stephens & Associates, Inc.	10000 · Bank of the Sierra	-16,883.00
					-26,801.00



**Fillmore and Piru Basins**  
*Groundwater Sustainability Agency*

**Item No.**        **3C Consent Calendar**

**DATE:**         **November 1, 2022**

**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**

United Water Conservation District accounting staff has prepared financial reports based on the Agency revenue and expenses for the month of October 2022.

**FISCAL IMPACT**

None

Attachments:    October 31, 2022 P/L Budget Performance  
                         October 31, 2022 Balance Sheet

**Fillmore and Piru Basins GSA**  
**Profit & Loss Budget Performance**  
July through October 2022

	<b>Jul - Oct 22</b>	<b>Annual Budget</b>	<b>Budget</b>
<b>Income</b>			
40001 • Groundwater Extraction Charge	-105.72	638,031.42	-0.02%
41000 • Grant Revenue			
41001 • State Grants	0.00	400,057.68	0.00%
<b>Total 41000 • Grant Revenue</b>	<b>0.00</b>	<b>400,057.68</b>	<b>0.00%</b>
47000 • Other Revenue			
47001 • Late Fees	-12,828.42	0.00	
47012 • Returned Check Charges	0.00	0.00	
<b>Total 47000 • Other Revenue</b>	<b>-12,828.42</b>	<b>0.00</b>	
<b>Total Income</b>	<b>-12,934.14</b>	<b>1,038,089.10</b>	<b>-1.25%</b>
<b>Gross Profit</b>	<b>-12,934.14</b>	<b>1,038,089.10</b>	<b>-1.25%</b>
<b>Expense</b>			
52200 • Professional Services			
52240 • Prof Svcs - IT Consulting	89.26	1,700.00	5.25%
52250 • Prof Svcs - Groundwtr/GSP Prep			
52251 • Prof Svcs - UWCD GW Services	2,708.33	0.00	
52252 • Prof Svcs - GSP Consultant	33,774.00	165,000.00	20.47%
<b>Total 52250 • Prof Svcs - Groundwtr/GSP Prep</b>	<b>36,482.33</b>	<b>165,000.00</b>	<b>22.11%</b>
52270 • Prof Svcs - Accounting	3,259.80	24,200.00	13.47%
52275 • Prof Svcs - Admin/Clerk of Bd	1,885.87	25,000.00	7.54%
52280 • Prof Svcs - Executive Director	14,224.50	50,000.00	28.45%
52290 • Prof Svcs - Other	0.00	20,000.00	0.00%
<b>Total 52200 • Professional Services</b>	<b>55,941.76</b>	<b>285,900.00</b>	<b>19.57%</b>
52500 • Legal Fees			
52501 • Legal Counsel	11,725.00	60,000.00	19.54%
<b>Total 52500 • Legal Fees</b>	<b>11,725.00</b>	<b>60,000.00</b>	<b>19.54%</b>
53000 • Office Expenses			
53010 • Public Information	0.00	1,000.00	0.00%
53020 • Office Supplies	0.66	500.00	0.13%
53026 • Postage & Mailing	3.42	2,000.00	0.17%
53110 • Travel & Training	4.50	4,000.00	0.11%
53000 • Office Expenses - Other	1,922.80		
<b>Total 53000 • Office Expenses</b>	<b>1,931.38</b>	<b>7,500.00</b>	<b>25.75%</b>
53500 • Insurance			
53510 • Liability Insurance	0.00	2,500.00	0.00%
<b>Total 53500 • Insurance</b>	<b>0.00</b>	<b>2,500.00</b>	<b>0.00%</b>
70130 • Bank Service Charges	0.00	0.00	
81000 • Capital Expenditures			
81001 • Design & Cons - Monitoring Well	0.00	600,000.00	0.00%
81000 • Capital Expenditures - Other	0.00	0.00	
<b>Total 81000 • Capital Expenditures</b>	<b>0.00</b>	<b>600,000.00</b>	<b>0.00%</b>
<b>Total Expense</b>	<b>69,598.14</b>	<b>955,900.00</b>	<b>7.28%</b>
<b>Net Income</b>	<b>-82,532.28</b>	<b>82,189.10</b>	<b>-100.42%</b>

**Fillmore and Piru Basins GSA**  
**Balance Sheet**  
As of October 31, 2022

	<u>October 2022</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
10000 - Bank of the Sierra	1,404,285.97
Total Checking/Savings	<u>1,404,285.97</u>
Accounts Receivable	
11000 - Accounts Receivable	353,243.97
Total Accounts Receivable	<u>353,243.97</u>
Total Current Assets	<u>1,757,529.94</u>
<b>TOTAL ASSETS</b>	<u><u>1,757,529.94</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 - Accounts Payable	26,801.00
Total Accounts Payable	<u>26,801.00</u>
Total Current Liabilities	<u>26,801.00</u>
Total Liabilities	26,801.00
Equity	
32000 - Retained Earnings	1,813,261.22
Net Income	<u>-82,532.28</u>
Total Equity	<u>1,730,728.94</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>1,757,529.94</u></u>

**Item No.            3D Motion****DATE:**            November 2, 2022 (for November 17, 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 2022-16 continues the authorization of the use of AB 361 provisions for the coming 30 days.

**RECOMMENDED ACTION**

The Board will consider adopting Resolution 2022-16 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: 3D: 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: 3D: 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 2022-16. 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 2022-16

Proposed Motion:

Adopt Resolution 2022-16.

1<sup>st</sup>: Director \_\_\_\_\_

2<sup>nd</sup>: Director \_\_\_\_\_

Voice/Roll call vote:

Director Fornoff:

Director Jackson:

Director Kimball:

Director Long:

Director Meneghin:

Director Villaseñor:

**RESOLUTION NO. 2022-16**

**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 November 17, 2022.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
General Counsel



**Fillmore and Piru Basins**  
Groundwater Sustainability Agency

**Item No.**            **4A Motion**

**DATE:**            November 13, 2022 (for November 17, 2022, meeting)

**TO:**                Board of Directors

**FROM:**           Anthony A. Emmert, Executive Director

**SUBJECT:**        **Sustainable Groundwater Management Grant Program SGMA Implementation Grant**

**RECOMMENDED ACTION**

The Board will consider adoption of Resolution 2022-17 directing and authorizing the Agency to prepare and submit an application to the California Department of Water Resources for a 2021 Sustainable Groundwater Management Grant Program SGMA Implementation grant and authorizing the Chair or designee to execute the funding agreement and all associated documents.

**DISCUSSION**

The Agency's groundwater sustainability plans (GSPs), under Section 4, *Projects and Management Actions to Achieve Sustainability Goal*, include several projects, programs and studies that warrant further development, evaluation and consideration. Over the past several meetings, the Agency Board and stakeholders developed a prioritized list of activities for the Agency to pursue in the near future, as a part of an application for a Sustainable Groundwater Management Grant Program SGMA Implementation Round 2 grant. These include:

- Enhancement of Cienega Springs Restoration project as a Drought Refuge Pilot Program, including
  - Development of potential provision of irrigation water from existing deeper groundwater wells for a critical portion of the Cienega Springs Restoration project during multiple-year droughts
  - Development of potential cooperation with ongoing efforts to keep invasive plants from re-colonizing previously cleared areas within the Cienega Springs Restoration project following multiple-year droughts
- Domestic Well Vulnerability Evaluation, with emphasis on potential disadvantaged communities affected
- Study of subsidence and associated impacts
  - Add subsidence module to regional groundwater flow model
  - Update groundwater flow model to USG and refine discretization
  - Prepare annual reports analyzing subsidence data and potential impacts (2022, 2023, 2024, 2025)
- Groundwater Sustainability Plans Revisions and Updates
  - GSPs revisions and updates to Department of Water Resources (DWR) comments
  - 2027 GSPs updates
  - Annual Reports to DWR (2022, 2023, 2024, 2025)

- Stakeholder outreach program to better reach disadvantaged communities and other key stakeholders to overcome limitations experienced during COVID-19 period
- Proposition 26- and Proposition 218-compliant analysis for groundwater fees supporting implementation projects and programs
- CEQA compliance
- Special studies to better understand the dynamics associated with the groundwater dependent ecosystems near the basin boundaries

The current estimate of the total cost of the project is \$5,610,000. The grant requires no local match. Expenditures during the period October 4, 2022 to April 30, 2026 are eligible for grant reimbursement. The Agency's staff and consultant team is working to assemble the components of an application package. Applications are due to DWR by December 16, 2022.

#### **FISCAL IMPACT**

The current Fiscal Year 2022-2023 budget includes sufficient funds to prepare and submit the grant application. The SGM Round 2 Implementation Grant Program does not require a local match; however, grant funds are provided on a reimbursement basis. The Agency will need to raise revenue for the activities included in the grant agreement via future groundwater extraction fees, starting with the Fiscal Year 2023-2024, and extending into the Fiscal Year 2025-2026. Following completion of the grant activities, the Agency will invoice DWR, and DWR will reimburse the Agency. Reimbursement payments are often six months following invoices submittals.

#### **ATTACHMENTS**

Attachment 1 – Resolution 2022-17

Attachment 2 – Grant Project Budget

#### **Proposed Motion:**

Adopt Resolution 2022-17 authorizing the Executive Director to prepare and submit an application to the California Department of Water Resources for a Sustainable Groundwater Management Round 2 Implementation Grant Program grant.

1<sup>st</sup>: Director \_\_\_\_\_

2<sup>nd</sup>: Director \_\_\_\_\_

#### **Voice/Roll call vote:**

Director Fornoff:

Director Jackson:

Director Kimball:

Director Long:

Director Meneghin:

Director Villasenor:

**RESOLUTION NO. 2022-17**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF FILLMORE & PIRU  
BASINS GROUNDWATER SUSTAINABILITY AGENCY AUTHORIZING  
APPLICATION TO CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR  
2021 SUSTAINABLE GROUNDWATER MANAGEMENT IMPLEMENTATION  
GRANT**

**WHEREAS**, the Sustainable Groundwater Management Act (SGMA) went into effect on January 1, 2015 and requires local public agencies and Groundwater Sustainability Agencies (GSAs) to develop and implement Groundwater Sustainability Plans (GSPs) or alternatives to GSPs for designated high and medium priority groundwater basins and subbasins; and

**WHEREAS**, SGMA authorizes a combination of local agencies to form a GSA by entering into a joint powers agreement as authorized by the Joint Exercise of Powers Act (Chapter 5 of Division 7 of Title 1 of the California Government Code); and

**WHEREAS**, the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) is such a joint powers authority and exercises jurisdiction upon land overlying the entire Fillmore basin (designated subbasin 4-004.05 by California Department of Water Resources [DWR] in its *California Groundwater 2020* [Bulletin 118]) and entire Piru basin (designated subbasin 4-004.06 by DWR in Bulletin 118); and

**WHEREAS**, DWR has designated both the Fillmore basin and Piru basin as high priority basins in its Bulletin 118; and

**WHEREAS**, the Agency has prepared and submitted GSPs for both the Fillmore basin and the Piru basin to DWR in January 2022, as per the requirements of SGMA; and

**WHEREAS**, the Agency has identified projects, studies, and public outreach needed to further the water sustainability goals in the Agency's GSPs; and

**WHEREAS**, the Agency is seeking funding to further its water sustainability projects, studies, and public outreach; and

**WHEREAS**, DWR is administering the 2021 Sustainable Groundwater Management Grant Program, to encourage the implementation of groundwater sustainability projects and programs by GSAs; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency, that application be made to the California Department of Water Resources to obtain a grant under the 2021 Sustainable Groundwater Management (SGM) Grant Program Sustainable Groundwater Management Act (SGMA) Implementation Grant pursuant to the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Pub. Resources Code, §80000, et seq.) and the Budget Acts of 2021 and 2022; and

**BE IT FURTHER RESOLVED** that the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency has the authority and shall enter into a funding agreement with the Department of Water Resources to receive a grant for the Fillmore and Piru Basins Sustainability Implementation project; and

**BE IT FURTHER RESOLVED** that the Chair of the Board of the Fillmore and Piru Basins Groundwater Sustainability Agency, or designee, is hereby authorized and directed to prepare the necessary data, conduct investigations, file such application, execute a funding agreement and any future amendments thereto, submit invoices, and submit any reporting requirements with the Department of Water Resources.

**PASSED, APPROVED AND ADOPTED** at a meeting of the Fillmore and Piru Basins Groundwater Sustainability Agency Board of Directors on November 17, 2022.

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Kelly Long  
Chair of the Board

ATTEST:

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Secretary

APPROVED AS TO FORM:

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General Counsel

#### **CERTIFICATION**

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency held on November 17, 2022.

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Secretary



POTENTIAL SGMA ROUND 2 IMPLEMENTATION GRANT COMPONENTS		APPLICABLE BASIN		GRANT AMOUNT (x1000)*		Round 1 example amounts
DRAFT	13-Oct-22	Fillmore	Piru	Fillmore	Piru	
COMPONENT A: GRANTS						
1	Grant Administration (limited to no more than 10% of grant award amount)	X	X	\$255	\$255	S=\$400K / PR=\$250K / C=\$300K / ESJ=\$100K / M=\$100K / TT=\$760K / CH=\$760K / F=\$30K / LT=\$150K / K=\$100K / IW=\$300K
2	Grant Preparation Assistance	X	X	\$25	\$25	
COMPONENT B: DROUGHT MITIGATION						
3	Cienega Springs Drought Refuge Pilot Program	X	X	\$500	\$500	
4	Domestic Well Drought Vulnerability Evaluation	X	X	\$250	\$250	
COMPONENT C: SUBSIDENCE						
5	Add Subsidence Module to UWCD GW Flow Model (UWCD)	X	X	\$50	\$50	
6	Update GW Flow Model to USG & Refine Discretization (UWCD)	X	X	\$250	\$250	
7	Subsidence Update Annual Reports (2022, 2023, 2024, 2025)	X	X	\$100	\$100	
COMPONENT D: GSP REVISIONS AND UPDATES						
8	GSP Revisions and Updates to DWR Comments	X	X	\$250	\$250	DP=\$425K / TT=\$336K K=\$600K / W=\$500K / C=\$3M
9	2027 GSP Updates	X	X	\$500	\$500	
10	Annual Reports to DWR (2022, 2023, 2024, 2025)	X	X	\$120	\$120	
COMPONENT E: STAKEHOLDER OUTREACH / PROP 218 & 26 / CEQA COMPLIANCE						
11	Stakeholder Outreach	X	X	\$105	\$105	
12	Prop 218 & 26 / Rate Consultant	X	X	\$75	\$75	
13	CEQA Compliance	X	X	\$75	\$75	
COMPONENT F: SPECIAL STUDIES						
14	Rising Groundwater Evaluation at Basin Boundaries near GDEs (fiber optic distributed temperature sensing [FO-DTS])	X	X	\$250	\$250	
Eligible reimbursable costs must occur between 04Oct22 - 30Apr26				\$2,805	\$2,805	* all grant amounts are placeholders

DP=Del Puerto WD / K=Kaweah / W=Westlands / S=Salinas Valley / C=Cuyama / TT=Triangle T WD  
PR=Paso Robles / ESI=Eastern San Joaquin / M=Merced Irrig Urban GSA / CH=Chowchilla Subbasin  
F=Fresno Irrig Dist / LT=Lower Tule River / K=Kern GW Authority / IW=Indian Wells /



**Fillmore and Piru Basins**  
Groundwater Sustainability Agency

**Item No.** 4B Motion Item

**DATE:** November 9, 2022 (for November 17, 2022 meeting)

**TO:** Board of Directors

**FROM:** Anthony Emmert, Executive Director

**SUBJECT:** Preparation of Annual Reports and Update of Online Database

**SUMMARY:**

The proposed Task Order 2022-03 in the amount of \$43,064 to the Master Agreement with Daniel B. Stephens & Associates will cover the Agency's preparation of its annual reports for both the Fillmore basin and the Piru basin, for submittal to the California Department of Water Resources, in compliance with the Sustainable Groundwater Management Act. The reports must be submitted by April 2022. Task Order 2022-03 will also cover the processing of new data and documents since October 2021 and the updating of the Agency's online database management system.

**RECCOMENDATION:**

The Board will consider approving Task Order 2022-03 with Daniel B. Stephens & Associates, Inc. for preparation and submittal of the annual reports for the Fillmore basin and the Piru basin for Water Year 2022 and updating of the Agency's Online Database.

**BACKGROUND**

The Sustainable Groundwater Management Act (SGMA) requires groundwater sustainability agencies to produce and submit annual reports for each groundwater basin. The Agency will need to produce one report for the Fillmore basin and one report for the Piru basin, for submittal to the California Department of Water Resources (DWR) by April 1, 2023. SGMA also requires the Agency to update and keep current its public database of groundwater information.

The proposed scope of work contained in Task Order 2022-03 (copy attached) includes gathering, reviewing, and analyzing data and documents for the period October 1, 2021 to September 30, 2022, redacting documents if necessary to comply with privacy laws, and updating the Agency's online database management system, and preparing SGMA-compliant annual reports for both the Fillmore basin and Piru basin, and uploading them to the DWR portal by the deadline.

The not to exceed fee proposal for the amendment is \$43,064. Approval of Task Order 2022-03 would bring the total for Agreement 2022-04-21-DBS&A (Master Agreement) to \$69,086.

**FISCAL IMPACT**

The Agency's Fiscal Year 2022-2023 budget includes sufficient funds to cover the proposed scope of work. The activities associated with Task Order 2022-03 are not part of the Agency's existing grant project scope.

**ATTACHMENTS**

Attachment 1 – Task Order 2022-03 with Daniel B. Stephens & Associates, Inc.

**Proposed Motion:**

Approve Task Order 2022-03 with Daniel B. Stephens & Associates, Inc. for preparation and submittal of the annual reports for the Fillmore basin and Piru basin for Water Year 2022 and updating of the Agency's Online Database.

1<sup>st</sup>: Director \_\_\_\_\_

2<sup>nd</sup>: Director \_\_\_\_\_

**Voice/Roll call vote:**

Director Fornoff:

Director Jackson:

Director Kimball:

Director Long:

Director Meneghin:

Director Villasenor:



# Fillmore and Piru Basins

## Groundwater Sustainability Agency

### PROFESSIONAL AS-NEEDED CONSULTING SERVICES TASK ORDER

#### TASK ORDER NO. 2022-03

<b>Consultant's Name:</b>	Daniel B. Stephens & Associates, Inc.	<b>Prev. Approved Task Orders:</b>	NA
<b>Agreement Date:</b>	01 Jul 2022	<b>FY 2021-22 Authorizations:</b>	NA
<b>1<sup>st</sup> Amendment Date:</b>	NA	<b>FY 2022-23 Authorizations:</b>	NA
<b>2<sup>nd</sup> Amendment Date:</b>	NA	<b>This Task Order:</b>	\$43,064.00
<b>3<sup>rd</sup> Amendment Date:</b>	NA	<b>Total Amount to Date:</b>	\$69,086.00
<b>Project No.:</b>	NA		
<b>Project Name:</b>	Water Year 2022 Annual Reports for Fillmore and Piru Basins		

#### SCOPE OF SERVICES FOR THIS TASK ORDER:

**General Description:** Prepare and submit annual reports for Water Year 2022 for each of the Fillmore and Piru groundwater basins, and update the Agency's online data management system with new data from the Water Year.

#### **SEE ATTACHED SCOPE OF WORK**

NOT-TO-EXCEED FEE AMOUNT FOR TASK ORDER: \$43,064.00

TIME FOR COMPLETION OF ALL SERVICES UNDER THIS TASK ORDER:	NA	Calendar Days
	NA	From this Date

**Accepted By:**  **Date:** 08 Nov 2022

Daniel B. Stephens & Associates

**Approved By:**  **Date:** 08 Nov 2022

Executive Director

**Date:**

**Approved By:**

Board Chair



October 26, 2022

Anthony Emmert  
Executive Director  
Fillmore and Piru Basins Groundwater Sustainability Agency  
P.O. Box 1110  
Fillmore, CA 93106

*Sent via email*

**RE: Proposal to Prepare Water Year 2022 Annual Reports for Fillmore and Piru Basins in Support of the Fillmore and Piru Basins Groundwater Sustainability Agency**

Dear Mr. Emmert:

At the request of the Fillmore and Piru Basins Groundwater Sustainability Agency (FPBGSA), Daniel B. Stephens & Associates, Inc. (DBS&A) has prepared the following scope of work (SOW) to prepare and submit annual reports for Water Year 2022 for each of the Fillmore and Piru groundwater basins by April 1, 2022. These annual reports are required, per the Sustainable Groundwater Management Act (SGMA) regulations (*California Code of Regulations [CCR] Title 23, Division 2, Chapter 1.5, Subchapter 2, Section 356.2*), to be submitted to the California Department of Water Resources (DWR) by April 1 of each year following the adoption the GSPs.

The SOW for this effort is largely the same as for the 2021 Annual Reports (Amendment 3 to Professional Services Agreement No 2019-01-18-DBSA authorized 08 Dec 2021) with the exception of Task 3 – Well Completion Report Uploads. This task has been completed and the small number of new wells over the past year will be added to the database under Task 1.

This SOW also includes the updating of the FPBGSA online data management system (DMS or database), developed and hosted by DBS&A at <https://fillmore-piru.gladata.com/>, which is required per *Section 352.6* of SGMA to be updated with relevant information for public access.

**Daniel B. Stephens & Associates, Inc.**  
a Geo-Logic Company  
3916 State Street, Garden Suite  
Santa Barbara, CA 93105  
805-683-2409

## SCOPE OF WORK

DBS&A proposes the following tasks:

### *Task 1 - Data Collection, Evaluation and Analysis*

This task will include data collection, evaluation, analysis and archival elements.

**Data Collection:** DBS&A will coordinate with United Water Conservation District (United) and Ventura County Watershed Protection District (VCWPD) to collect relevant up-to-date information, notably:

- newly installed well locations and construction details;
- groundwater level, quality and production data; and
- surface water imports and conservation releases.

This information must represent basin conditions for the preceding water year (i.e., October 1, 2021 through September 30, 2022). Additional information is anticipated to be collected for any newly available well completion reports (i.e., new wells) from DWR and/or VCWPD.

**Data Evaluation and Analysis:** Data will be evaluated against data and reporting standards specified in *Sections 352.4 and 356.2* of SGMA to ensure consistency with the GSPs and ongoing basin monitoring requirements. Coordination with United and/or VCWPD is anticipated to resolve any potential discrepancies in the data. The primary data evaluation that we anticipate requiring coordination will be developing water year equivalent estimates of groundwater production, because production volumes are reported to United on a semi-calendar year basis instead of a water year basis.

Once data have been evaluated and determined to be of sufficient quality, DBS&A will analyze data to describe and represent basin conditions. Analyses will, at a minimum, include:

- spatial and temporal trends in groundwater levels, production and storage; and
- surface water used or available for recharge.

Changes in the volume of groundwater in storage will be calculated based on changes in groundwater elevation contours (i.e., the water table) that are based on measured groundwater levels and aquifer storage coefficients from United's regional groundwater model.

**Data Archiving:** The FPBGSA online database functions as the GSAs' formal information repository of a variety of data compiled during the GSP development process and will need to be periodically updated as supplemental data sets (e.g., groundwater extractions, water quality, locations of new wells) are compiled.

The online database will be updated with information from Task 1 and any additional information (e.g., GDE locations and groundwater level contours) that became available during the GSP development process.

### ***Task 2 – Report Preparation and Submittal***

DBS&A will prepare an annual report for each basin that meets the requirements of *Section 356.2* of SGMA. This task will involve summarizing and presenting information associated with water year 2022. These information will span:

- general information about each basin, (e.g., an executive summary and location maps);
- detailed descriptions and graphical (i.e., tables, charts and maps) representation of basin conditions, notably:
  - groundwater elevation contour maps and hydrographs;
  - groundwater production by water use sector and reporting method type;
  - surface water used or available for use for groundwater recharge; and
  - maps and graphs depicting changes in groundwater in storage.
- a description of progress towards implementing each GSP, including the implementation of projects and/or management actions since the previous annual report.

## **PROPOSED COST AND SCHEDULE**

DBS&A will begin Task 1 as soon as this scope of work is approved by FPBGSA. A draft technical memorandum summarizing the materials proposed to be uploaded to DWR will be submitted to FPBGSA by March 3, 2023. DBS&A will incorporate, as appropriate, FPBGSA comments and submit the final annual reports to DWR by April 1, 2023.

A project budget (Table 1) is provided for the proposed tasks on a time and materials basis in accordance with the attached Fee Schedule and assumes the scope-of-work is as described above. The attached cost proposal is an estimated budget based on present knowledge of the assignment that is believed sufficient to cover the services described, but no guarantee is made or implied. Changes to the scope-of-work may require additional budget authorization. Only actual costs incurred will be charged if costs are less than estimated and estimated costs will not be exceeded without a cost amendment and prior approval by FPBGSA.

We estimate completing this project in about eight to ten weeks after receiving written notice to proceed.

## **PROPOSED TERMS AND CONDITIONS**

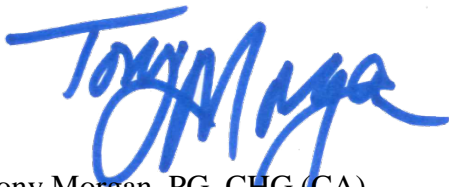
This project will be completed in accordance with the existing Professional Services Agreement (“Agreement”) executed between FPBGSA and DBS&A (dated 18 January 2019).

Anthony Emmert, FPBGSA  
October 26, 2022  
Page 4

Tony Morgan, PG, CHG will be the project manager and your primary contact for this project. Please contact Tony Morgan (805-290-3862 cell / tmorgan@geo-logic.com) with any questions you have regarding this proposal. Thank you for the opportunity to support you on this project.

Sincerely,

**DANIEL B. STEPHENS & ASSOCIATES, INC.**



Tony Morgan, PG, CHG (CA)  
Principal Hydrogeologist/Vice President

Attachments: Table 1 Cost Estimate  
Labor Fee Schedule

**Authorized by:**

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Signature

---

Printed Name

---

Date



*Table 1 Cost Estimate*

**26-Oct-22 FPBGSA  
 2022 Annual Reports  
 As-Needed Consulting Services**

	Task	Total Labor	Total ODCs	GLA Equipment	Task SubTotal	Labor-Hours
1	Data Collection, Evaluation, Analysis & Archive	\$ 18,996	\$ -	\$ -	\$ 18,996	118
2	Annual Report Preparation and Submittal	\$ 24,068	\$ -	\$ -	\$ 24,068	134
	<b>Subtotals</b>	<b>\$ 43,064</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 43,064</b>	
	<b>Estimated Project Total</b>				<b>\$ 43,064</b>	
	<b>Project Labor-Hours</b>					<b>252</b>
	<b>Average \$/Labor-Hour</b>				<b>\$ 171</b>	

**Major Assumptions:**

- Annual Reports will be developed using the FPBGSA Online Database
- FPBGSA Online Database will be updated with groundwater data developed in the past year
- Draft Annual Reports will be presented to the Board of Directors via remote technologies (Zoom, Teams, etc.)



*Daniel B. Stephens & Associates, Inc.*

**California Schedule of Fees**  
(Effective January 1, 2022 through December 31, 2022)  
**Confidential**

**Professional Services**

Principal Professional II .....	\$317.00/hour
Principal Professional I .....	\$276.00/hour
Senior Professional II .....	\$254.00/hour
Senior Professional I .....	\$227.00/hour
Project Professional III .....	\$206.00/hour
Project Professional II .....	\$187.00/hour
Project Professional I .....	\$177.00/hour
Staff Professional III .....	\$154.00/hour
Staff Professional II .....	\$142.00/hour
Staff Professional I .....	\$132.00/hour
Managing Technician .....	\$160.00/hour
Principal Technician .....	\$142.00/hour
Technician IV .....	\$129.00/hour
Technician III .....	\$121.00/hour
Technician II .....	\$112.00/hour
Technician I .....	\$104.00/hour
GIS Specialist .....	\$134.00/hour
CADD Specialist .....	\$134.00/hour
CADD/GIS/Database II .....	\$132.00/hour
CADD/GIS/Database I .....	\$120.00/hour
Senior Technical Editor .....	\$140.00/hour
Technical Editor .....	\$115.00/hour
Project Assistant II .....	\$110.00/hour
Project Assistant I .....	\$99.00/hour
Biologist II .....	\$118.00/hour
Biologist I .....	\$110.00/hour

**Expenses**

Travel	
Airfare, car rental, cab, bus, parking .....	Actual cost
Lodging, meals, phone .....	Actual cost or negotiated per diem rates
Mileage	
Personal vehicle .....	Prevailing IRS rates
Company vehicle	
Daily rate .....	\$102/day + actual gas cost
Half day rate .....	\$52/half day + actual gas cost
Mileage .....	Prevailing IRS rates
Subcontractors/temporary service personnel .....	Actual cost plus 10%
Computers and communications .....	Special services at additional charge
Equipment	
Rentals (e.g., environmental monitors) .....	Actual cost plus 10%
Fabrication in our shop .....	Labor plus materials
Misc. field equipment and supplies .....	Actual cost plus 10%
Meters, gauges, and monitors .....	Separate schedule available upon request

**TERMS**

Payment terms for professional services and expenses are net 30 days. Unpaid balance will be assessed a service fee of 1.5% per month.

**NOTES**

1. All fees are subject to local/state sales or gross receipts tax, as applicable.
2. Delivery of depositions or expert testimony will be billed at 1.5 times Fee Schedule rates.
3. Work requiring Health & Safety Level C or Level B protection will be billed as a surcharge, \$25 or \$50 per hour, respectively, to the Fee Schedule rates.
4. A service fee of 3% will be charged for credit card payments.



## Fillmore and Piru Basins Groundwater Sustainability Agency

**Item No.**            **4C Motion**

**DATE:**            November 9, 2022 (for November 17, 2022 meeting)

**TO:**                Board of Directors

**VIA:**                Anthony A. Emmert, Executive Director

**FROM:**            United Water Conservation District Water Resources

**SUBJECT:**        **Monitoring Wells Project Change Orders Ratification**

### **RECOMMENDED ACTION**

The Board will consider ratifying Change Order 1 to the Agreement with BC2 Environmental, LLC, for the Monitoring Wells Project, for the addition of a fourth nested well to the East Grove site.

### **DISCUSSION**

At its August 15, 2022, meeting, in recognition of the need for the Agency to make timely decisions during the construction of the wells included in its Monitoring Wells Project, the Board of Directors authorized the Executive Director to authorize change orders to its agreement with BC2 Environmental, LLC, the Agency's well drilling contractor. Following any change order approvals, the Executive Director was to bring the change orders to the Board at a subsequent meeting.

After reviewing information from drilling the borehole to 800 feet at the East Grove site, United Water Conservation District (District) hydrogeologists recommended the installation of a fourth monitoring well within the common borehole. The additional monitoring well will provide future groundwater data from an aquifer zone in the 500 feet below ground surface range. The original planned deepest monitoring well was in the 300 feet below ground surface range. The installation of the fourth well involved reaming the borehole another 210 feet, plus the materials for the fourth well and associated well development time. The cost of the Change Order 1 is \$78,114.00. Due to the need for a quick decision, the Executive Director approved Change Order 1 on October 24, 2022 (Change Order 1 attached), bringing the total cost of the project to \$519,599. Staff anticipates no additional change orders.

### **FISCAL IMPACT**

There are sufficient funds included in the Fiscal Year 2022-2023 budget for the project, including Change Order 1.

### **ATTACHMENTS**

Attachment 1 – Change Order 1

## Monitoring Wells Project Change Order Ratification

November 17, 2022

Page 2 of 2

### Proposed Motion:

Motion to ratify Change Order 1 to the Agreement with BC2 Environmental, LLC, for the Monitoring Wells Project, for the addition of a fourth nested well to the East Grove Well.

1<sup>st</sup>: Director \_\_\_\_\_

2<sup>nd</sup>: Director \_\_\_\_\_

### Voice/Roll call vote:

Director Fornoff:

Director Jackson:

Director Kimball:

Director Long:

Director Meneghin:

Director Villasenor:



150 West Trenton Avenue  
Orange, CA 92867  
Tel (714) 744-2990 Fax (714) 744-2991

## Attachment 1

Date: 10/20/22  
# of Pages: 1

### Change Order Form Additional Footage/Materials/Services

To: Eric Elliot  
Company: United Water Conservation District  
Address: 1701 N Lombard St, Suite 200  
Oxnard, CA 93030  
Tel: (805) 525-4431

From: Kurt Magee  
BC2 Invoice No.: 22-28427  
Project Name: Fillmore & Piru Basin  
GSA Monitoring Well Project  
Specification No: 22-01  
Work Order/PO# Issue Date: 7/26/2022  
Change Order No.: 01

Scope: . Additional drilling from 350' to 530' bgs.  
. Furnish and install a forth 2" well casing in the hole. Including all filter pack and seals.  
. Additional development time  
. Transportation and disposal of additional drilling fluids. (Approximately 4,500 gallons/Drill Mud, 10.92 Yards Soil)  
. Service run for additional well supplies.

Item	Description	Unit	Estimated		Extension
			Quantity	Unit Price	
7	2-inch SCH 80 PVC Flush Threaded Blank Casing	Foot	460	\$32.00	\$14,720.00
8	2-inch SCH 80 PVC Flush Threaded .020 Screen	Foot	40	\$62.00	\$2,480.00
9	Centralizers, Spacers	L.S.	1	INCLUDED	INCLUDED
10	2-inch SCH 80 Threaded Bottom Caps	Each	1	INCLUDED	INCLUDED
11	2-inch SCH 80 Locking Caps	Each	1	INCLUDED	INCLUDED
13	Ream Borehole to 16" Diameter	Foot	210	\$133.00	\$27,930.00
14	Gravel Pack - Monterey #3 Sand	Foot	150	\$54.00	\$8,100.00
16	Bentonite Seals	Foot	108	\$98.00	\$10,584.00
17	Well Development (Mechanical and Pumping)	Hour	15	\$390.00	\$5,850.00
18	Well Disinfection	L.S.	1	\$500.00	\$500.00
20	Transportation/Hauling of Drill Fluids to Disposal Area	L.S.	1	\$6,750.00	\$6,750.00
21	Service run to site for additional materials	L.S.	1	\$1,200.00	\$1,200.00
Estimated Change Order Total:					\$78,114.00

Subcontractor - BC2 Environmental

United Water Conservation District

Print: Kurt Magee, Operations Manager

Print: Anthony A. Emmert, Exec. Dir., Fillmore Piru Basins GSA

Signature: 

Signature: 

Date: 10/20/2022

Date: 24 Oct 2022



**Item No. 4D Motion**

**DATE:** November 11, 2022 (for November 17, 2022 meeting)

**TO:** Board of Directors

**FROM:** Anthony A. Emmert, Executive Director

**SUBJECT: Meetings Calendar for 2023**

**RECOMMENDED ACTION**

The Board will consider setting its regular meetings for Calendar Year 2023.

**BACKGROUND**

The Agency's Board meets on the third Thursday of every month, with special meetings set as the need arises. As the Agency is still working to develop its projects and programs, in support of its groundwater sustainability plans, staff recommends that the Board continue to meet on a monthly basis for Calendar Year 2023. If the amount of Agency business declines, staff recommends that the Board reduce the meeting schedule to every other month.

**FISCAL IMPACT**

None.

**ATTACHMENTS**

Attachment 1 – Calendar Year 2023 Meeting Schedule

Proposed Motion: Approve the meeting calendar for 2023.

1<sup>st</sup>: Director \_\_\_\_\_

2<sup>nd</sup>: Director \_\_\_\_\_

Voice/Roll call vote:

Director Fornoff:

Director Jackson:

Director Kimball:

Director Long:

Director Meneghin:

Director Villasenor:



**Fillmore and Piru Basins**  
*Groundwater Sustainability Agency*

## **Board Meeting Calendar for 2023**

(Third Thursdays at 5:00 p.m., Fillmore City Hall)

January 19<sup>th</sup>

February 16<sup>th</sup>

March 16<sup>th</sup>

April 20<sup>th</sup>

May 18<sup>th</sup>

June 15<sup>th</sup>

July 20<sup>th</sup>

August 17<sup>th</sup>

September 21<sup>st</sup>

October 19<sup>th</sup>

November 16<sup>th</sup>

December 21<sup>st</sup>



**Item No.**            **5A Informational Item**

**DATE:**            **November 11, 2022 (for November 17, 2022 meeting)**

**TO:**                **Board of Directors**

**FROM:**           **Anthony A. Emmert, Executive Director**

**SUBJECT:**        **Summary of Current California Requirements for Remote Meetings**

**RECCOMENDATION:**

The Board will receive and consider a report from Legal Counsel regarding current and future California requirements for holding remote meetings.

**BACKGROUND**

California Government Code Section 54953 (Brown Act) permits officials to attend meetings remotely if certain requirements are met. During the COVID-19 pandemic period and associated state of emergency, the requirements for meeting attendance were relaxed by Executive Order N-29-20. During the COVID-19 state of emergency period, the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) met remotely, via the Zoom platform, in compliance with the relaxed public meeting requirements of Executive Order N-29-20. On September 13, 2022, Assembly Bill 2449 was passed, modifying certain requirements of the Brown Act regarding remote meeting participation. On October 17, 2022, Governor Newsom announced that the state of emergency will end on February 28, 2023. After this date, the Agency will need to comply with either the original Brown Act requirements or Assembly Bill 2449 requirements.

Legal Counsel has prepared a summary (attached) of the Brown Act, Executive Order N-29-20, Assembly Bill 361, and Assembly Bill 2449, to inform the Agency's decision making for its future meetings.

**FISCAL IMPACT**

None.

**ATTACHMENTS**

Attachment 1 – Remote Meeting Summary





## **Remote Meeting Summary**

Brown Act, Executive Order N-29-20; AB 361; AB 2449

### **I. Government Code section 54953 – Pre-COVID Telephonic Meeting Requirements**

The Pre-COVID Brown Act permitted remote attendance at meetings by officials where the following requirements are met:

- The agency gives notice of where an official is physically located while they are teleconferencing;
- The location is accessible to the public;
- Members of the public are allowed to address the agency at each teleconference location;
- The agency must post an agenda at each teleconference location; and
- At least a quorum of the agency must participate from locations within the physical boundaries of the agency's jurisdiction.

### **II. March 17, 2020 -- Executive Order N-29-20 Relaxing Brown Act Requirements**

Executive Order N-29-20 relaxed the teleconferencing requirements under the Brown Act in light of the COVID-19 pandemic. The Order **waived** the following requirements:

- Each teleconference location must be identified in the notice and agenda of the meeting or proceeding;
- Each teleconference location must be open and accessible to the public;
- The agenda must provide an opportunity for members of the public to address the legislative body directly at each teleconference location
- The agenda must be posted at all teleconference locations; and
- During the teleconference, a minimum of a quorum of members must participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

The Order **implemented** the following:

- No requirement to provide any physical location from which the public may attend and participate;
- The agency has satisfied the public comment/participation requirement where public has electronic access
- Give notice of the means that public may observe the meeting and offer public comment when the agency gives notice of the meeting or post the agenda;

- Must be a procedure to receive and “swiftly respond to” requests for reasonable accommodation and must resolve any doubt about accommodation in favor of access;
- The means for public participation in teleconferenced meetings should be accessible
- Must include the procedure for accommodations in each notice about the means by which members of the public may observe and comment.

### **III. September 16, 2021 – AB 361 Updates Virtual Meeting Requirements During Proclaimed State of Emergency**

Beginning October 1, 2021, officials may attend or conduct meetings virtually if any of the following apply:

- 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;
- The purpose of the meeting is to determine, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The legislative body has already determined that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

To continue virtual meetings/attendance, the agency must make findings by majority vote on the applicable state of emergency and find either:

- (1) The state of emergency continues to directly impact the ability of its members to safely meet in person; or
- (2) That state or local officials continue to impose or recommend social distancing measures.

If virtual meetings are conducted, the agency must provide the following to ensure public access:

- Provide notice and post agendas;
- Conduct the virtual meetings in a manner that protects the statutory and constitutional rights of the parties and the public;
- Provide members of the public access to the meeting and opportunity to address the body;
- Provide members of the public the opportunity to comment in real time;
- Suspend further action on agenda items where there is a disruption in the ability of the meeting to be broadcast to members of the public or in the ability for members of the public to comment; and
- Avoid closing any timed public comment period until such time has lapsed.

NOTE: AB 361 will sunset on January 1, 2024, or earlier if the state of emergency ends earlier.

### **IV. September 13, 2022 – AB 2449 Amends Brown Act Requirements re Telephonic Meetings**

AB 2449 goes into effect on January 1, 2023, and amends the Brown Act by removing certain requirements for remote meetings, and adds others. AB 2449 **removed** the following requirements:

- Agencies are no longer obligated to post agendas at all teleconference locations;
- Agencies are not obligated to identify all teleconference locations in the meeting agendas, and
- Agencies don’t have to make each teleconference location open to the public.

AB 2449 implemented the following new requirements for agencies to conduct meetings remotely, without the agency complying with traditional Brown Act teleconferencing rules or the modified AB 361 procedures. To conduct virtual meetings, the agency must comply with the following:

- A quorum of the members of the agency must participate in person from a singular physical location identified on the agenda, open to public, within boundaries of agency;
- A member may only teleconference if one of the following are met:
  - (1) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for “just cause,” including a general description of the circumstances relating to their need to appear remotely at the given meeting; or
    - Just cause: (1) A childcare or caregiving need (for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner) that requires the member to participate remotely; (2) A contagious illness prevents the member from attending the meeting in person; (3) There is a need related to a defined physical or mental disability that is not otherwise accommodated for; (4) Traveling while on official business of the legislative body or another state or local agency.
      - Mental disability: Generally, mental disability means having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. Mental disability is more specifically defined in Government Code section 12926(j) and section 12926.1.
      - Physical disability: Generally, physical disability means having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following: (1) affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or (2) limits a major life activity. Physical disability is more specifically defined in Government Code section 12926(m) and section 12926.1.
  - (2) The member requests the legislative body to allow them to participate in the meeting remotely due to “emergency circumstances” and the legislative body takes action to approve the request. The legislative body must request a general description of the circumstances relating to their need to appear remotely at the given meeting.
    - Emergency circumstances: A physical or family medical emergency that prevents a member from attending in person. A member of the legislative body must make a request to the body to allow the member to meet remotely due to an emergency circumstance, and further must provide a general description of the circumstance justifying such attendance.

The member seeking to appear remotely must make the request “as soon as possible,” and shall make a separate request for each meeting in which they seek to participate remotely.

Unlike a request for remote attendance for “just cause,” a request from a member to attend remotely due to an emergency circumstance requires that the legislative body take action and approve the remote attendance at the start of the meeting for the member to be allowed to participate remotely for that meeting.

- A member may only teleconference for a limited number of meetings.
  - Teleconference procedures may not be used by a member of the legislative body to teleconference for a period of more than three consecutive months or 20% of the regular meetings within a calendar year, or more than two meetings if the legislative body meets fewer than 10 times per calendar year.
  - Members participating remotely must do so through both audio and visual technology and must publicly disclose whether any individual over the age of 18 is present at the remote location with the member.
- The agency must provide either a two-way audiovisual platform or two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting, and remotely address the meeting;
- The agenda must identify and include an opportunity for all persons to attend via a call-in option, internet-based service option, and at the in-person location of the meeting.

In addition to the above requirements, under AB 2449 also requires the following:

- Agencies implement procedures for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, consistent with applicable civil rights and nondiscrimination laws;
- No action can be taken if a disruption event prevents the agency from broadcasting the meeting; and
- Agencies may take action on items of business not appearing on the posted agenda if the request to consider action was for a member to participate in a meeting remotely due to emergency circumstances and the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote.

**NOTE:** AB 2449’s rules remain in effect through 2025. After January 1, 2026, unless further legislation is adopted, only the pre-pandemic, traditional Brown Act rules will remain in effect.

#### **V. February 28, 2023 – Expiration of California COVID-19 State of Emergency**

- On October 17, 2022, Governor Newsom announced the state of emergency will end on February 28, 2023. This will likely moot the provisions of AB 361, making it inapplicable after February 28, 2023.
- This leaves agencies with the decision of whether to comply with the traditional Brown Act requirements or the modified AB 2449 requirements.