



Board of Directors Meeting
Monday, March 26, 2018 - 6:00 p.m.

City Council Chambers, Fillmore City Hall
250 Central Avenue, Fillmore, CA 93015

MINUTES

Directors Present

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

Directors Absent

Staff Present

Steve O'Neill, Legal Counsel
Kris Sofley, interim executive director

Public Present

Manual Minjares, Supervisor Kelly Long's office
Tim Moore, UWCD
Tony Morgan, UWCD

1. Call to Order 6:06p.m.

Chair Long called the meeting of the FPB GSA Board of Directors to order at 6:06p.m.

2. Pledge of Allegiance

3. Public Comments

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

4. Approval of Agenda

Motion

Motion to approve the agenda with the addition of the amended Resolution 2018-02 (version 3), Director McFadden; Second, Director Broggie. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin, Pace); none opposed. Motion carries unanimously 6/0.

5. Director Announcements/Board Communications

Director Meneghin advised the Board that she has resigned her position with Cal Trout. This opened a lengthy discussion with the Agency's legal counsel and board as to the continuation of Director Meneghin as the Environmental Consortium's representative. Legal Counsel stated that Director Meneghin's term does not expire just because she is no longer affiliated with Cal Trout. Chair Long said that the Environmental Consortium nominated Director Meneghin in 2017 for a two year term with the support of the environmental stakeholders, but it was the Member Directors who voted to appoint her to the Board. She added that Director Meneghin may choose to resign her position, but it was not a requirement. Director Kimball stated that the Joint Powers of Authority agreement address member directors but did not specify relationships of stakeholder directors, and asked Legal Counsel to address this issue in drafting the GSA's Bylaws. Director Meneghin said that there were approximately 10 groups represented in the Environmental Consortium and that she believed she continues to have their support. At the end of the discussion, the Board agreed that Director Meneghin should continue to serve as a Director for the remainder of her two year appointment with the support of the Environmental Consortium. Legal Counsel added that he would amend the draft Bylaws to address similar situations.

6. Interim Executive Director Update

Information Item

The Interim Executive Director reminded Directors of the April 2 deadline for filing Form 700 in compliance with the GSA's Conflict of Interest Code.

7. CONSENT CALENDAR

7A Approval of Minutes

Motion to approve the minutes from the Regular Board Meeting of February 20, 2018, with a correction on page 11 to indicate Director Pace's comment was regarding the Fillmore Irrigation Company and not the City of Fillmore as the suppliers of water to his home, and the approval of the minutes from the Special Board Meeting of March 16, 2018, Director McFadden; Second, Director Pace. Voice vote: five ayes (Kimball, Long, McFadden, Meneghin, Pace); none opposed; one recused due to absence (Broggie). Motion carries unanimously 5/0/1.

8. ACTION ITEMS

8A Adoption of Resolution 2018-01 Whereas the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency Approve and Adopt the Proposed Budget for the First Half of Calendar 2018

Motion

Motion to approve and adopt Resolution 2018-01, approving and adopting the proposed CY 2018 Budget for the period of six months from January 2018 through June 2018, Director McFadden; Second, Director Kimball. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin, Pace); none opposed. Motion carries unanimously 6/0.

8B Adoption of Resolution 2018-02 Whereas the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency Determine and Establish Groundwater Extraction Charges Against All Persons Operating Groundwater Producing Facilities within the Fillmore and Piru Basins During the 2017-2018 Water Year

Motion

Motion to approve and adopt Resolution 2018-02, establishing a groundwater extraction rate of \$8.50 per acre foot, for the period of July 1 through December 31, 2017 and approving and adopting a semiannual billing cycle for the periods of January 1 through June 30 and July 1 through December 31, Director McFadden; Second Director Meneghin. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin, Pace); none opposed. Motion carries unanimously 6/0.

8C Approval of Cost Reimbursement Agreement with United Water Conservation District

Motion

As Mr. Morgan reported that the cost reimbursement agreement was not as yet finalized and approved by UWCD, the Board agreed to table this motion item until its next Board meeting of April 30, 2018. Director Broggie suggested a Special Board Meeting to address approval of an agreement with UWCD once it is ready.

Mr. Morgan said the agreement was primarily stock clauses. Agree on terms for invoicing as UWCD is not interested in doing monthly billing and quarterly is more likely with monthly updates once activity increases, but would like feedback from the Board. Director Kimball said quarterly invoices was preferred as every 30 days is awkward. Mr. Morgan said quarterly was being discussed, especially since invoices to ratepayers are going out every six months. The 1 ½ percent late fee is stock language. Director McFadden asked if Tina (Rivera, UWCD CFO) has additional comments regarding timing and implementation. Mr. Morgan said no, but GM wants UWCD legal counsel to review as well. Chair Long asked if a profit/loss report would be included to monitor expenses, then asked Directors to give their feedback on the document directly to Mr. Morgan.

Director Meneghin asked if the scope of work and budget for the GSP was provided to UWCD, asking if United were taking the lead on the GSP, Stillwater and Nature Conservancy would like to be included in discussion as they could offer cost savings. Mr. Morgan said that it was totally appropriate to discuss as there needs to be a communication plan and outreach plan and its necessary to engage specialty services for GSP development. He said that as far as to what degree of outside service providers will be used, it has not been decided, but with a firm like Stillwater, there's always room for discussion.

8D Approval of Basin Boundary Modification and Adoption of Resolution 2018-03

Motion

Motion to approve (a) the preparation and submittal of a Basin Boundary Modification application for the Fillmore and Piru basins to California Department of Water Resources; (b) authorize staff from United Water Conservation District to act on behalf of the Agency in filing the application and to coordinate with the County of Ventura with respect to the proposed boundary adjustments; and (c) adopt Resolution 2018-03, approving and authorizing the submission of basin boundary modifications to the Department of Water Resources as presented to constituents and the general public at the Basin Boundary Workshop held on March 16, 2018; Director Broggie; Second, Director McFadden. Voice vote: six ayes (Broggie, Kimball, Long, McFadden, Meneghin, Pace); none opposed. Motion carries unanimously 6/0.

Mr. Morgan also suggested that the City of Fillmore, the County of Ventura and UWCD provide letters supporting the Basin Boundary Modifications for inclusion with the application to DWR. Chair Long suggested that the Piru and Fillmore Pumpers' associations might also want to provide letters of support.

8E Adoption of Proposed FPB GSA Bylaws

Motion

Legal Counsel suggested that this item was more for discussion than an actual motion, as the Board had already identified a new provision regarding terms of service for stakeholder directors. He also stated that the Joint Powers of Authority agreement (JPAA) was very comprehensive and that he had cited JPAA language where appropriate in drafting the Bylaws.

Chair Long suggested that once the Board's modifications to the draft Bylaws had been incorporated into the document, the revised draft Bylaws should be provided to Ventura County legal counsel Lester Smith review the document.

In reviewing the proposed bylaws drafted by the Agency's legal counsel, the Board suggested the following revisions:

Item 4.7 Officer Compensation – regarding per diems and travel expenses, Director Broggie said that it is helpful to have a cap amount; language of nominal fees are okay but over a specific amount, reimbursement should require Board approval.

Legal Counsel stated that SGMA doesn't require public bids when seeking consultants, but refers rather to "best value." Mr. Morgan reminded counsel that the GSA is bound by the policies of members of the JPAA. Legal Counsel stated that the Agency is a separate, independent body created by statues of SGMA and the industry standards is to award on best value. Director Broggie asked if that would include drillers, and Chair Long reminded the Board of the GSA's hiring of the County's IT department to do the website because it

was the best value. Legal Counsel responded that there are some circumstances when the GSA will want to issue RFPs for services, but the award of contract does not have to be based on the lowest price. Director Kimball asked if there was a policy regarding bidding and requests for proposals and Director Broggie stated that as a public entity, the GSA needs to have that transparency.

Item 4.8 Expenses: Legal Counsel asked about a procurement policy to cover basic materials, such as supplies for the Clerk of the Board, as well as larger expenditures such as professional services contracts. He said that he would draft policy that makes it mandatory for outside services to offer public bids and would include an emergency clause as well. Director Broggie asked for a clause regarding sole source as well as renewing or extending terms of an agreement. Legal Counsel cautioned that emergency provisions were clearly defined as imminent threat, such as critical repair of infrastructure which requires a quick response time or a need that must be addressed immediately.

Director McFadden asked about including grant applications, as the GSA just experienced a short window regarding the deadline to submit the grant application. Mr. Morgan added language addressing critical timeline perhaps. Director Pace asked about an investment policy, suggesting some standard public agency policy language. Legal Counsel said he would address that as a stand-alone policy.

Item 10, Registration of Facilities: Mr. Morgan said that permits are authorized by the County, who reports to the State, and once a well is registered, UWCD assigns recordation number, maintaining a registry with notices from the County.

Item 11, Fee Enforcement Policy: Legal Counsel said that SGMA authorizes the GSA to have a fee enforcement policy and he referenced UWCD's language re fee structure. Chair Long stated that the GSA's fee enforcement policy should match UWCD's. Legal Counsel said he will compare to AB552 and add an exemption for case by case approval by Board.

Item 12, Records Retention: Legal Counsel said this is all covered by Public Records Act.

Item 13, Code of Ethics and Conflict of Interest: Legal Counsel was in agreement with the Board approved Conflict of Interest Code. He said that for Article 13.2 Directors positions will address removal, resigning and replacing in accordance with the JPAA as to how Board is configured and it will address vacancy issues, including the three stakeholder non-member director positions, which are nominated by the special interest groups but voted on and approved by the three member directors. Chair Long asked that with the stakeholder groups, add language regarding a replacement's wait term period. Legal Counsel said he would also address resignations and group nominees for Board consideration. Director McFadden said that was the same for the pumpers. Director Kimball said Stakeholder directors need to commit to represent for a two year term. He said Member directors not re-elected also needed to be addressed. Chair Long reiterated the need for the Bylaws and the JPAA to work together. Legal Counsel added that in the case of a conflict, the JPAA dominates or takes priority.

Legal Counsel thanked the Board for its direction and said he'd have a revised draft in about one or two weeks. Chair Long asked the Clerk to make sure this item was agendized as a motion at the April 30 Board of Directors' meeting.

At 7:47p.m., Chair Long moved to take a five minute break.

9. INFORMATION ITEMS

9A Groundwater Extraction Reporting Periods in Compliance with the Department of Water Resources Reporting Requirements

Information Item

Mr. Morgan provided the Board with a presentation regarding various options for how the GSA may wish to conform its groundwater extraction reporting with the Department of Water Resources requirement of reporting based on a Water Year (October 1 through September 30), and the various methods available to the GSA for collecting and reporting usage data to fit this timetable. (see attachment A)

9B United Water Conservation District's Conceptual Water Projects

Information Item

UWCD's Tony Morgan presented UWCD's proposed projects for "new water" resources, including the possible acquisition of State "Table A" and "Article 21" water and conceptual plans for a Fillmore and Piru Basins Water Banking Program, among other projects. (see attachment A)

9C Groundwater Sustainability Plan - Overview of the Scope of Work, Timetable and Determination of the Needs of the Ecosystem

Information Item

Mr. Morgan provided the Board with an overview of the timetable regarding Groundwater Sustainability Plans for the Piru and Fillmore Basins. He reminded the Board that each basin will require its own, stand-alone documentation packaged with a third overarching management document. Both basins' GSPs are due January 2022, so the GSA has 39 months to complete this assignment. Mr. Morgan said that DWR has provided a check list that is nine pages long, plus an additional 10 pages of annotations, but that the GSA has a 'significant check in hand' in that UWCD has much of the past or historical work done.

He continued stating that the plan includes a long term schedule and scope of work and requires attention to sequencing so that all of the various elements fit

together in the right order. Board decisions, in addition to technical data, must reflect “reasonable” and “prudent” sustainable measures in an effort to reduce significant undesirable impact, or as Mr. Morgan called it, “the six deadly sins of SGMA.”

Chair Long asked what elements of the GSP UWCD currently has, like maps and data, and how quickly can that information be added so the GSA can move onto the next thing?

Mr. Morgan said there are some 25 reports regarding water quality of the basins and the District can compile those rather than conduct a new study. The District can be more concise with the language, and the GSA can rely on the District’s historical info and documents and suggested the details could be discussed once the scope of work is examined. Director Broggie asked if there was a specific format for the GSP. Mr. Morgan said that he had received an outline, but as the DWR looks at hundreds of GSPs, there is some leeway. He would like to focus on making it easiest to review by conforming to the DWR outline, which should reduce comments, too.

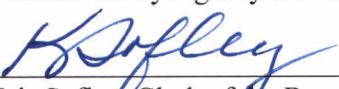
Director Meneghin asked if it made sense to conference with Stillwater, UWCD and environmental stakeholders *before* Stillwater presents to the Board, more of a cost estimate type of discussion. Mr. Morgan said that the devil is in the details, and that while there is some flexibility regarding requirements, he agrees with Director Meneghin that a discussion with Stillwater is a good idea. Director Meneghin added that she thought their feedback could be beneficial regarding clearer estimate of costs. Mr. Morgan added that at some point in the not too distant future, he would arrange a meeting.

Director Kimball asked for a preliminary schedule for the GSP be agendized for the April or May Board meeting.

The meeting was adjourned at 9:13p.m.

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

I certify that the above is a true and correct copy of the minutes of the Fillmore and Piru Basins Groundwater Sustainability Agency’s Board of Directors meeting of March 26, 2018.

ATTEST: 
Kris Sofley, Clerk of the Board