

Joint Meeting of Cuyama Basin Groundwater Sustainability Agency Board of Directors and Standing Advisory Committee

September 5, 2018

Meeting Minutes

Cuyama Valley Family Resource Center, 4689 CA-166, New Cuyama, CA 93254
Cuyama Valley Recreation District, 4885 Primero St, New Cuyama, CA 93254

PRESENT:

Board of Directors:

Yurosek, Derek - Chair
Williams, Das
Compton, Lynn
Albano, Byron
Shephard, Glenn
Bantilan, Cory
Bracken, Tom
Cappello, George
Chounet, Paul
Scrivner, Zack
Wooster, Jane
Beck, Jim – Executive Director
Hughes, Joe – Legal Counsel

Standing Advisory Committee:

Jaffe, Roberta – Chair
Kelly, Brenton – Vice Chair
Alvarado, Claudia
DeBranch, Brad
Draucker, Louise
Furstenfeld, Jake
Haslett, Joe
Post, Mike

ABSENT:

Board of Directors:

None

Standing Advisory Committee:

Valenzuela, Hilda Leticia

1. Call to order

Chair Derek Yurosek called the meeting to order at 4:02 p.m.

2. Roll call

Hallmark Group Project Coordinator Taylor Blakslee called roll (shown above) and informed Chair Yurosek that there was a quorum of the Board and Standing Advisory Committee.

3. Pledge of Allegiance

The pledge of allegiance was led by Chair Yurosek.

4. Approval of Minutes

Chair Yurosek opened the floor for comments on the August 1, 2018 CBGSA Board meeting minutes. A minor edit was suggested, and a motion was made by Director George Cappello to adopt the minutes and seconded by Glenn Shephard. A roll call vote was made, Director Das Williams abstained from the vote, and the motion passed.

5. Report of the General Counsel

a. Conflict of Interest Code

The Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board of Directors approved the Conflict of Interest (COI) Code in June of 2017 when the Agency was formed. After approval, the COI Code went to the California Fair Political Practices Commission for comments and revisions to be presented to the CBGSA Board at the September 5, 2018 meeting. Legal Counsel Joe Hughes provided an overview of the COI Code, which is provided in the Board packet.

A motion was made by Director Paul Chounet to readopt the COI Code and seconded by Director Williams. A roll call vote was made and the motion passed unanimously.

6. Report of the Standing Advisory Committee

CBGSA SAC Chair Roberta Jaffe provided a report on the August 30, 2018 SAC meeting, which is provided in the Board packet.

SAC Chair Jaffe informed that Board that the SAC approved the Groundwater Sustainability Plan (GSP) Section Development Strategy and Responsibly memo that CBGSA Executive Director Jim Beck drafted. She reported that the memo depicted the SAC and Board’s responsibilities for GSP document review. Additionally, she reported that the SAC tabled the study group concept for GSP section review, and it is on the agenda for discussion later. SAC Chair Jaffe reminded the Board that adoption of the Hydrogeologic Conceptual Model was being postponed until the September 27, 2018 SAC meeting.

a. Discussion of Special Session for Public Review

CBGSA SAC Vice Chair Brenton Kelly provided a report on the discussion of a Special Session for Public Review, which is provided in the Board packet.

SAC Vice Chair Kelly thanked the SAC ad hoc and provided an update on their recommendation to host a special session to review components of the GSP. He expressed his concern that the SAC discussion lasted over 45 minutes in a circular effort of futility and recommended the item be tabled until trust can be built to warrant further discussion on this.

Chair Yurosek asked for staff’s feedback on the process. Mr. Beck said the memo in the Board packet reflects the report of the SAC ad hoc and not the entire SAC. He mentioned that SAC Chair Jaffe did a great job managing this process and the non-consensus position the SAC ended up on this issue is an example of where the SAC may end up on other issues—and this is ok. Mr. Beck clarified that no action is needed to table the item.

SAC Committee Member Mike Post said it would be helpful for the Board to comment if the study group concept is a possibility since a lot of time was spent on this idea. Director Williams asked why the Board would not support a meeting of the SAC to understand the documents better. Director Williams said if it can be added on to a meeting and Santa Barbara County Water Agency Water Resources Program Manager Matt Young was willing to staff if it, go ahead.

SAC Committee Member Joe Haslett arrived at 4:14 pm

Mr. Beck reminded the Board that both the Hallmark Group and Woodard & Currans' (W&C) budgets are tight and do not have room to accommodate an additional meeting. He let the Board know another issue with holding a separate meeting deals with inclusivity and transparency. He commented that some SAC members and public may not be able to attend another meeting, and this would create asymmetric information for those that can attend. One of the recommendations was to run the meeting without staff and Mr. Beck commented that staff serves an important directional aspect to make sure the Committee does not stray from topics and violate the Brown Act.

Director Jane Wooster commented that it was her understanding that you have to do a lot of review on your own. She said the discussion should take place during the SAC or Board meeting, but discussions should not be compressed by time constraints.

Director Cappello asked who would explain issues that the SAC did not understand in the context of a separate meeting. SAC Vice Chair Kelly replied that staff such as Matt Young or Cathy Martin could provide input. He stressed that they want to review the material to determine what questions they may have for W&C.

Director Cappello suggested doing review in smaller groups to avoid a quorum. Mr. Hughes said this is where he gets concerned, because when one of those members talks casually to another you now have a serial meeting. Also, the spirit of the Brown Act is a transparency issue and by meeting in small groups there is the potential that decisions can be hashed out away from public view.

Director Byron Albano said he attends the SAC meetings and values the discussion but likely could not attend a separate meeting and feels as though a separate meeting is trying to get around the Brown Act.

Director Shephard said he believes the study session should be part of the SAC meeting, and Director Tom Bracken agreed with this approach. Director Lynn Compton also supported the study session being done at a SAC meeting, if it can be done.

SAC Chair Jaffe said the SAC is struggling with this study group idea and want to comply with the Brown Act. She stated the educational component provides a good base of information but is very different than understanding draft sections of the GSP. She said if the study session is incorporated into the SAC meeting, we will need to restructure the SAC meeting because sitting through three hours of meeting is tough enough.

Director Chounet said some way to have a special workshop that does not impose on the budget would be ideal because a five hour meeting seems too long.

SAC Member Joe Haslett commented that everyone is provided a packet before the meetings and if you read the packet and make notes or formulate questions, those could be incorporated into the normal agenda during the presentations. Mr. Haslett said he feels it is his responsibility to come with questions.

Director Zack Scrivner arrived at 4:40 pm

Local landowner Sue Blackshear said she does not have the resources to print the packet and does not have email. She advised the Board to consider the public that does not have access.

Director Chounet asked if the Brown Act requires a printed copy be given to those that do not have access to a printer or email. Mr. Hughes confirmed that the Brown Act does allow for this. Mr. Haslett asked if the library has copies of the GSP sections. Mr. Blakslee said there is a reference copy of the packet brought to the meetings at the Cuyama Valley Family Resource Center (FRC), but he is unaware if the library maintains the GSP sections.

Chair Yurosek said if someone wants a printed copy, talk to the staff.

FRC Executive Director Lynn Carlisle said the concept of a study group arose because the public was interested in providing very meaningful input on the GSP sections, but all she has heard so far is a discussion of logistics and expense. The SAC and Board need to find a way to educate the public since they all do not have access to EKI or another technical organization.

Chair Yurosek said it sounds like there is not consensus in the SAC on this topic. He stated the SAC was set up to get community feedback through that group. He encouraged everyone to be prepared for the upcoming technical discussions and come up with ways to work within their meeting to become more educated per their expressed request. Chair Yurosek encouraged the SAC to spend more time on the procedure that they want to follow and adjust if needed.

Director Albano said he feels as though the SAC has been overly consensus-based and he is not looking for consensus from the SAC, but he is looking for their opinions. Chair Yurosek clarified that the Board wants to know the SAC's feedback.

SAC Chair Jaffe asked for clarity regarding the SAC's ability review the GSP sections within a study session. Mr. Beck said if the study session can be done within the confines of the SAC meeting, the Board would probably approve of it. However, if the Committee wants to host an additional meeting outside the SAC meeting, it would be more difficult.

7. Groundwater Sustainability Agency

a. Report of the Executive Director

Nothing to report.

i. Groundwater Sustainability Plan Section Development Strategy and Responsibility

Executive Director Jim Beck said in an attempt to provide clarity on the review process for the Board and SAC, he drafted a memo entitled the Groundwater Sustainability Plan Section Development Strategy and Responsibility, which is provided in the Board packet.

Mr. Beck mentioned that the suggested process is that the GSP section is distributed for public review with stakeholders having four weeks to provide comments. He stressed that Board members have the right to provide personal feedback, then W&C will draft a comment response matrix and will develop a recommendation. Grammatical comments will not be included in the matrix to keep the number of comments in the matrix to a manageable size. He reported that the SAC is not responsible for reaching consensus on

issues, but rather it is responsible for reporting on the various recommendations the SAC develops. The Board will determine what decisions will be incorporated in the GSP sections. However, there will be a different final review process for the final draft of the GSP.

Director Bantilan asked if a supermajority vote is needed for each GSP section that is approved. Mr. Hughes said there is one needed based on the spirit of the Joint Exercise of Powers Agreement (JEPA) that requires a supermajority for adopting a GSP.

SAC Chair Jaffe mentioned that the “majority” reference in Mr. Beck’s report needs to be altered to “supermajority.”

Ms. Carlisle asked if the public comments made on parts of the draft GSP sections are seen by the SAC. Mr. Beck said W&C complies all comments received, so SAC will view everyone’s comments. He mentioned there are comments that can be in conflict.

A motion was made by Director Albano to adopt the Groundwater Sustainability Plan Section Development Strategy and Responsibility and seconded by Director Bantilan. Roll call vote was made and the motion passed unanimously.

b. Progress & Next Steps

Mr. Beck provided an update on the near-term GSP schedule, along with the accomplishments and next steps, which are summarized in the Board packet.

SAC Committee Member Post said he believes the public is having difficulty with the forced schedule imposed on us by the legislature. Mr. Beck said that is a good reminder that there is not much slack in the schedule.

8. Groundwater Sustainability Plan

a. Groundwater Sustainability Plan Update

GSP consultant Woodard & Curran (W&C) staff Brian Van Lienden provided an update on the GSP development.

Mr. Van Lienden informed the Board that W&C Senior Hydrogeologist John Ayers was in attendance. He reported the revised Hydrogeologic Conceptual Model (HCM) would be released in a week or two.

b. Technical Forum Update

Mr. Van Lienden reported on the August 3, 2018 technical forum meeting which is summarized in the Board packet. The next monthly meeting is scheduled for Friday, August 31, 2018.

Mr. Van Lienden reported that W&C retooled the technical forum schedule based on feedback and will now be holding the technical forum meetings in advance of the Board meetings.

Director Albano asked if there was any information on EKI’s ability to view the modeling data. Mr. Van Lienden replied that the technical forum members would be able to view the modeling data within the next few weeks after settling on the historical calibration.

c. Hydrogeologic Conceptual Model Update

Mr. Van Lienden provided an update on the HCM, which is summarized in the Board packet.

Mr. Van Lienden reported nearly 200 comments were received.

d. Groundwater Conditions

Mr. Van Lienden provided an overview of the groundwater conditions, which is summarized in the Board packet.

SAC Chair Jaffe asked what it means when wells in similar areas have different depths. Mr. Ayres said it could be a bad measurement or due to localization of that particular well.

Director Williams asked if the low spot in the central basin is caused by pumping and Mr. Ayres said it appears to be.

SAC Committee Member Post asked if we have determined what the bottom of the basin is. Mr. Ayres said no, but most of the wells stop at the clay layer since that is where they do not receive water. SAC Committee Member Post said the point of his comment is you can have a 500 foot well with 500 more feet of water beneath it, or a 50 foot well with no water beneath it. He commented that the model image is not self-explanatory and should not be sent to the public without being made clearer.

e. Monitoring Networks

Mr. Van Lienden provided an overview on the monitoring networks, which is summarized in the Board packet.

f. Stakeholder Engagement Update

GSP outreach consultant the Catalyst Group's Charles Gardiner provided an update on stakeholder engagement which is provided in the Board packet.

9. Financial Report

a. Financial Management Overview

Mr. Blakslee provided an update on the financial costs through July 2018. He mentioned that the outstanding invoice amount is currently \$335,144.96. Mr. Beck presented the revised cash flow and informed the Board that we expect the DWR grant reimbursement funding to be received in the November to December 2018 timeframe.

b. Financial Report

Mr. Blakslee provided an overview of the financial report.

c. Payment of Bills

Mr. Blakslee reported on the payment of bills for the month of July 2018. A motion was made by Director Williams and seconded by Director Chounet to approve payment of the bills through the month of July 2018 in the amount of \$154,619.31 pending receipt of funds. A roll call vote was made and the motion passed unanimously.

10. Reports of the Ad Hoc Committees

Nothing to report.

11. Directors' Forum

Nothing to report.

12. Public comment for items not on the Agenda

Director Albano suggested front loading the agenda with the GSP topics for the October 3, 2018 Board meeting to ensure adequate time is made to discuss technical issues.

13. Adjourn

At 6:12 p.m., Chair Yurosek adjourned the joint meeting to the Cuyama Valley Recreation District for public workshops starting at 6:30 p.m. The workshops ended at 9:00 p.m., and the SAC and Board were adjourned.

I, Jim Beck, Executive Director to the Cuyama Basin Groundwater Sustainability Agency Board of Directors, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held on Wednesday, September 5, 2018, by the Cuyama Basin Groundwater Sustainability Agency Board of Directors and the Standing Advisory Committee.

Jim Beck

Dated: October 3, 2018