

Groundwater Sustainability Commission of the San Luis Obispo Valley Groundwater Basin

Agenda April 18, 2018

NOTICE IS HEREBY GIVEN that the Groundwater Sustainability Commission of the San Luis Obispo Valley Groundwater Basin will hold a meeting at **3:00 P.M. on Wednesday, April 18, 2018** at the Ludwig Community Center, 864 Santa Rosa St, San Luis Obispo, CA 93401.

NOTE: In compliance with the Americans with Disabilities Act, if you need disability-related modifications or accommodations to participate in this meeting, please contact Joey Steil at (805) 781-4076 at least 72 hours before the meeting, if possible. The Groundwater Sustainability Commission reserves the right to limit each speaker to three (3) minutes per subject or topic.

Adam Hill, Member, County of San Luis Obispo
Bob Schiebelhut, Member, EVGMWC
Dennis Fernandez, Member, ERMWC/VRMWC
Mark Zimmer, Member, GSWC
Andy Pease, Member, City of San Luis Obispo

Bruce Gibson, Alternate, County of San Luis Obispo
George Donati, Alternate, EVGMWC
James Lokey, Alternate, ERMWC/VRMWC
Toby Moore, Alternate, GSWC
Carrie Mattingly, Alternate, City of San Luis Obispo

1. **Call to Order** (City Staff: Floyd)
2. **Roll Call** (City Staff: Floyd)
3. **Pledge of Allegiance** (City Staff: Floyd)
4. **Introductions and Appointment of Officers** (City Staff: Floyd)

Recommendation

- a) Appoint a Commission member to the position of Commission Chairperson.
- b) Appoint a Commission member to the position of Commission Vice Chairperson.

5. **Public Comment – Items not on Agenda** (Chairperson)
6. **Sustainable Groundwater Management Act (SGMA)** (County Staff: Berg)

Recommendation

- a) Receive a presentation overviewing SGMA and related requirements.

7. **Overview “Memorandum of Agreement Regarding Preparation of a Groundwater Sustainability Plan for the San Luis Obispo Valley Groundwater Basin”** (City Staff: Floyd, County Staff: Berg)

Recommendation

- a) Receive a presentation overviewing key elements and roles defined in the MOA.

8. **Groundwater Sustainability Commission Conflict of Interest Code** (County Staff: Berg)

Recommendation

- a) Approve the “Resolution of the Groundwater Sustainability Commission Adopting a Conflict of

Interests Code.”

9. Overview of Groundwater Sustainability Plan (GSP) Scope, State Grant Funding Award, and Consultant Selection Process (County Staff: Berg, City Staff: Floyd)

Recommendation

- a) Receive a presentation overviewing the initial GSP scope of work for the San Luis Obispo Valley Groundwater Basin, the Proposition 1 Sustainable Groundwater Management Planning grant funding awarded to support scope, and consultant selection process (MOA Section 7.2).
- b) Designate a Commission Member to participate in the GSP consultant selection process.

10. Establish Regular Groundwater Sustainability Commission Meeting Schedule (City Staff: Floyd)

Recommendation

- a) Establish a quarterly meeting schedule for the Groundwater Sustainability Commission.

11. Future Items (Chairperson)

- a) Update on GSP consultant selection process
- b) Development of a stakeholder participation plan

12. Adjourn (Chairperson)

GROUNDWATER SUSTAINABILITY COMMISSION
of the San Luis Obispo Valley Groundwater Basin
April 18, 2018

Agenda Item 4 – Introductions and Appointment of Officers
(Action Item)

Recommendation

It is recommended that the Groundwater Sustainability Commission (Commission):

- a) Appoint a Commission member to the position of Commission Chairperson.
- b) Appoint a Commission member to the position of Commission Vice Chairperson.

Prepared By

Carolyn Berg, County of San Luis Obispo

Discussion

The City of San Luis Obispo, the County of San Luis Obispo, the Edna Valley Growers Mutual Water Company, the Varian Ranch Mutual Water Company, the Edna Ranch Mutual Water Company and the Golden State Water Company (collectively referred to as Parties) entered into a Memorandum of Agreement regarding preparation of a Groundwater Sustainability Plan for the San Luis Obispo Valley Groundwater Basin (MOA) in January 2018.

The MOA establishes the Groundwater Sustainability Commission, which is composed of five members (and alternate members) representing the Parties. Appointments of officers are appropriate during this first meeting of the Commission. The MOA does not specify the appointment of officer positions; however, staff recommends appointing both a Commission Chairperson and Vice Chairperson as stated in the recommendation.

GROUNDWATER SUSTAINABILITY COMMISSION
of the San Luis Obispo Valley Groundwater Basin
April 18, 2018

Agenda Item 6 – Sustainable Groundwater Management Act (SGMA)
(Presentation Item)

Recommendation

It is recommended that the Groundwater Sustainability Commission (Commission):

- a) Receive a presentation overviewing SGMA and related requirements.

Prepared By

Carolyn Berg, County of San Luis Obispo

Discussion

State Law, the Sustainable Groundwater Management Act (SGMA), requires sustainable groundwater management in all high and medium priority basins, including the San Luis Obispo Valley Groundwater Basin (designated as medium priority). SGMA's first critical deadline required formation of groundwater sustainability agency(ies) (GSA) by June 30, 2017. SGMA's next critical deadline requires development and adoption of a groundwater sustainability plan (GSP) for the SLO Basin by January 31, 2022.

Staff will provide a brief overview of SGMA and related requirements.

Attachments:

1. Presentation



**COUNTY
of SAN LUIS
OBISPO**

Sustainable Groundwater Management Act (SGMA)

April 18, 2018

Groundwater Sustainability Commission
of the San Luis Obispo Valley Basin

www.slocounty.ca.gov

SGMA: The Basics

In all High and Medium Priority Basins...



```
graph LR; A[Sustainable Yield] --> B[Sustainability Goals]; B --> C[Sustainable Management];
```

Mitigate & prevent "undesirable results"
"Significant" & "Unreasonable"

Lowering of Groundwater Levels	Reduction in Groundwater in Storage	Seawater Intrusion	Water Quality Degradation	Land Subsidence	Depletions of Surface Water
--------------------------------	-------------------------------------	--------------------	---------------------------	-----------------	-----------------------------



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

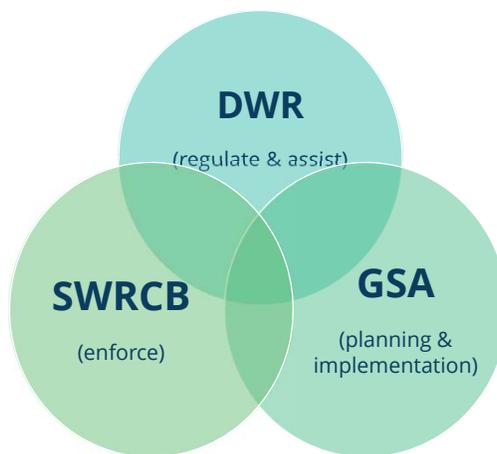
SGMA Key Deadlines



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

General Roles & Responsibilities



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

General Roles & Responsibilities

GSA must consider the interest of **all beneficial uses and users** of groundwater, including:



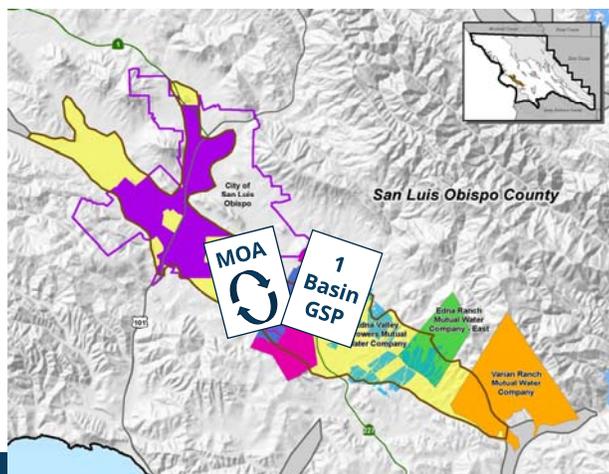
COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

San Luis Obispo Basin Governance

GSA Deadline: 6/30/2017

GSP Deadline: 1/31/2022

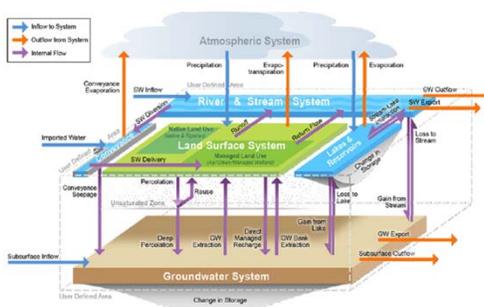


COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

Coordinating on the Basin Setting

- Hydrogeologic Conceptual Model → Acceptance of connectivity
- Groundwater Conditions → Acceptance of current status
- Water Budget → Concurrence on the future

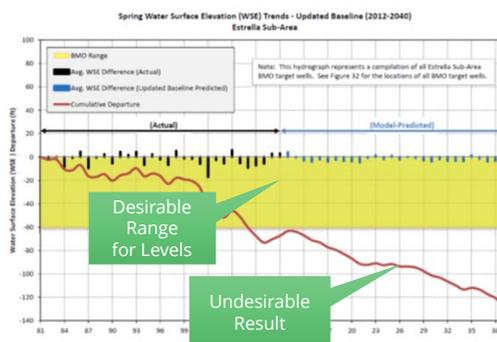


COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

Deciding on Sustainable Management Criteria

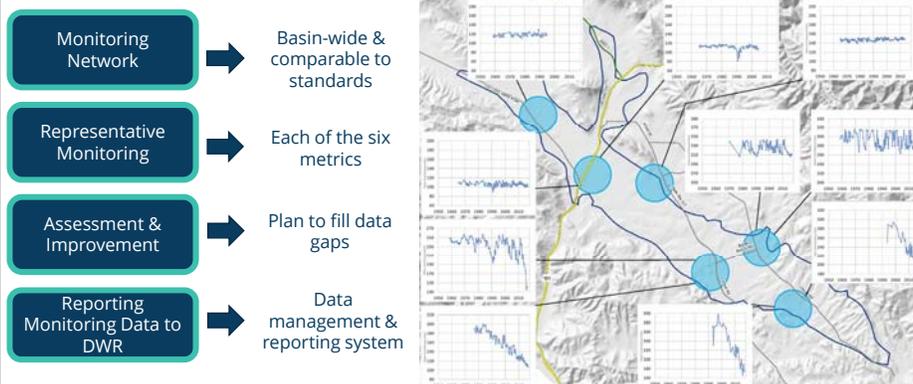
- Sustainability Goal → Basin-wide
- Undesirable Results → Each of the six metrics
- Minimum Thresholds → Each of the six metrics
- Measurable Objectives → Milestones to achieve on the path to sustainability



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

Establishing a Common Data Network



COUNTY OF SAN LUIS OBISPO

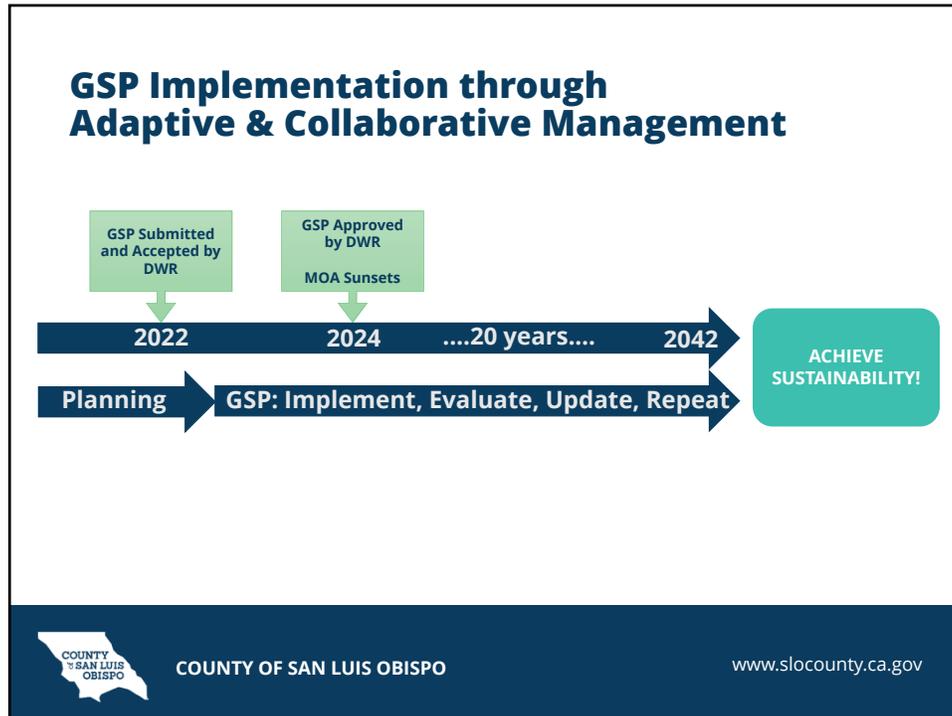
www.slocounty.ca.gov

Deciding what Actions to Take



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov



Thank you!

For more information, join our email list:
www.slocountywater.org/sgma

www.slocounty.ca.gov

GROUNDWATER SUSTAINABILITY COMMISSION
of the San Luis Obispo Valley Groundwater Basin
April 18, 2018

Agenda Item 7 – Overview “Memorandum of Agreement Regarding Preparation of a Groundwater Sustainability Plan for the San Luis Obispo Valley Groundwater Basin”
(Presentation Item)

Recommendation

It is recommended that the Groundwater Sustainability Commission (Commission):

- a) Receive a presentation overviewing key elements and roles defined in the MOA.

Prepared By

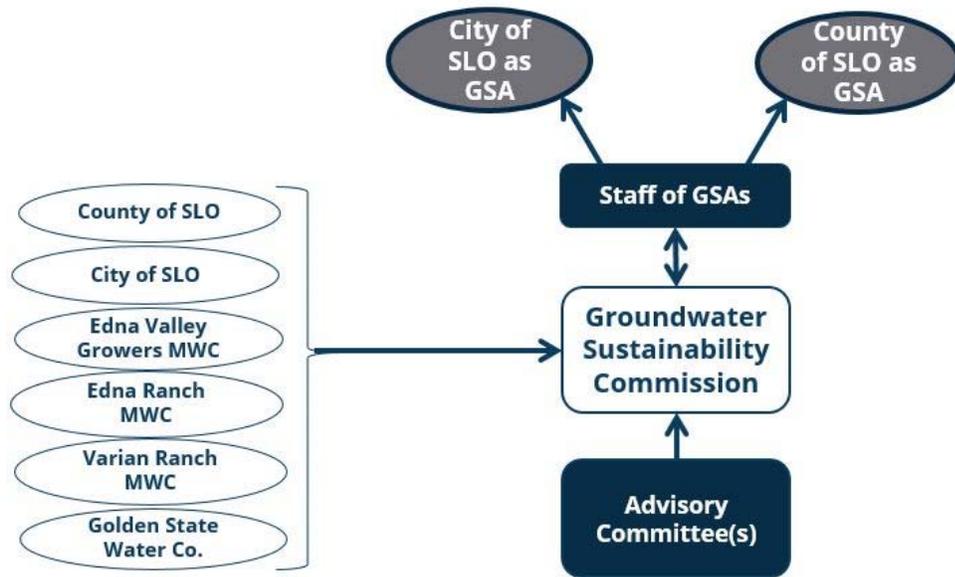
Aaron Floyd, City of San Luis Obispo
Carolyn Berg, County of San Luis Obispo

Discussion

Two local agencies, the City of San Luis Obispo (City) and the County of San Luis Obispo (County), formed Groundwater Sustainability Agencies (GSAs), resulting in full coverage of the San Luis Obispo Valley Groundwater Basin (Basin). While GSAs were formed by the two local public agencies, SGMA provides that other entities are eligible to participate in GSAs. Representatives of eligible entities within the SLO Basin, including the Golden State Water Company (GSWC), Edna Ranch Mutual Water Company (ERMWC), Varian Ranch Mutual Water Company (VRMWC), and Edna Valley Growers Mutual Water Company (EVGMWC), have been engaged in developing the governance structure for the Basin and in engaging local stakeholders since 2015. The City, County and these other entities (collectively, Participating Parties) collaborated to develop the attached MOA.

The MOA defines how the City and County will work jointly to meet the objectives of the MOA, namely to develop a single GSP for the Basin by January 31, 2022, in coordination with the Groundwater Sustainability Commission (Commission; an advisory committee to the GSAs) created by the MOA. The Commission consists of representatives of the GSAs and the Participating Parties. City and County staff will collaboratively participate in developing a GSP through, among other things, retaining the services of a consultant, coordinating with the Commission, and engaging Basin users and stakeholders. Once developed, the GSP would be considered for adoption by the GSAs (i.e., City Council and County Board of Supervisors) and subsequently submitted to the State Department of Water Resources (DWR) for approval. The MOA automatically terminates upon approval of the GSP by DWR.

The following graphic depicts the relationship of the GSAs and the Participating Parties:



As established under the terms of the MOA and subject to each Participating Party making an annual monetary contribution to defray the costs of administering the Commission (a combined \$50,000), the Commission is composed of five (5) members representing the City, County, and the Participating Parties (ERMWC and VRMWC are collectively represented by one member). It is anticipated that the Commission, in coordination with City and County staff, will be an active participant in the development of a single GSP over the Basin.

Additionally, the GSAs may decide to jointly establish one or more advisory committee(s) to the Commission to consider the interests of beneficial uses and users not already represented.

The MOA also defines how the City and County will jointly fund the costs associated with implementation of the MOA, less the Participating Parties contribution described above.

Attached

1. Presentation
2. Memorandum of Agreement Regarding Preparation of a Groundwater Sustainability Plan for the San Luis Obispo Valley Groundwater Basin



Memorandum of Agreement (MOA)

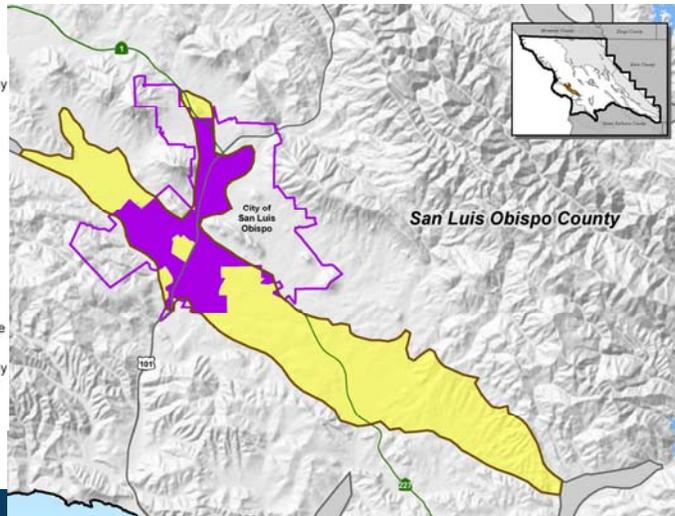
April 18, 2018

Groundwater Sustainability Commission
of the San Luis Obispo Valley Basin

www.slocounty.ca.gov

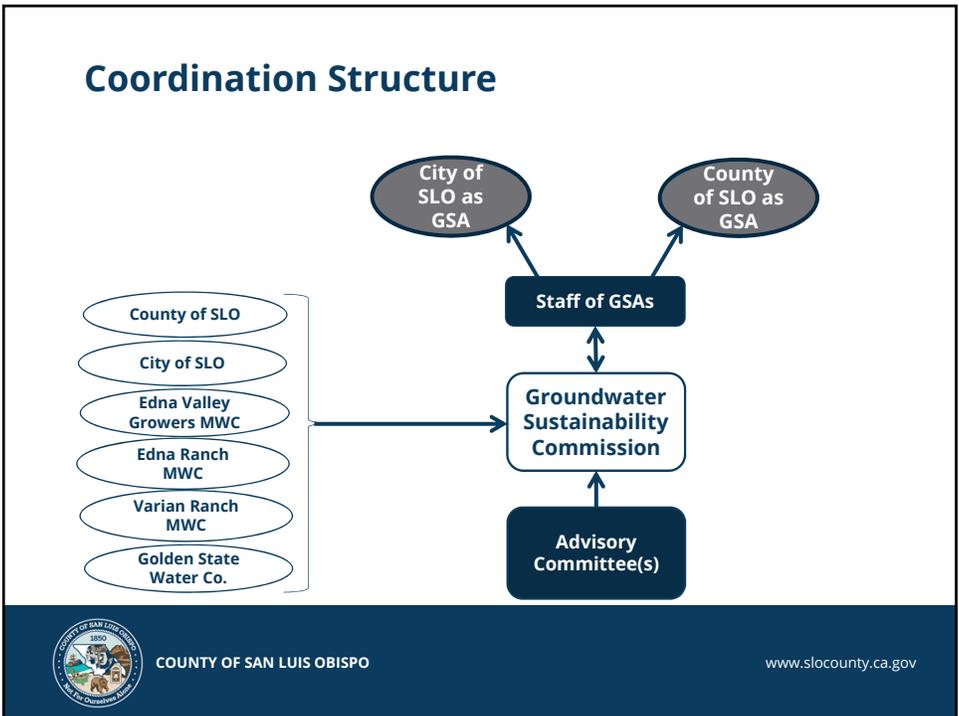
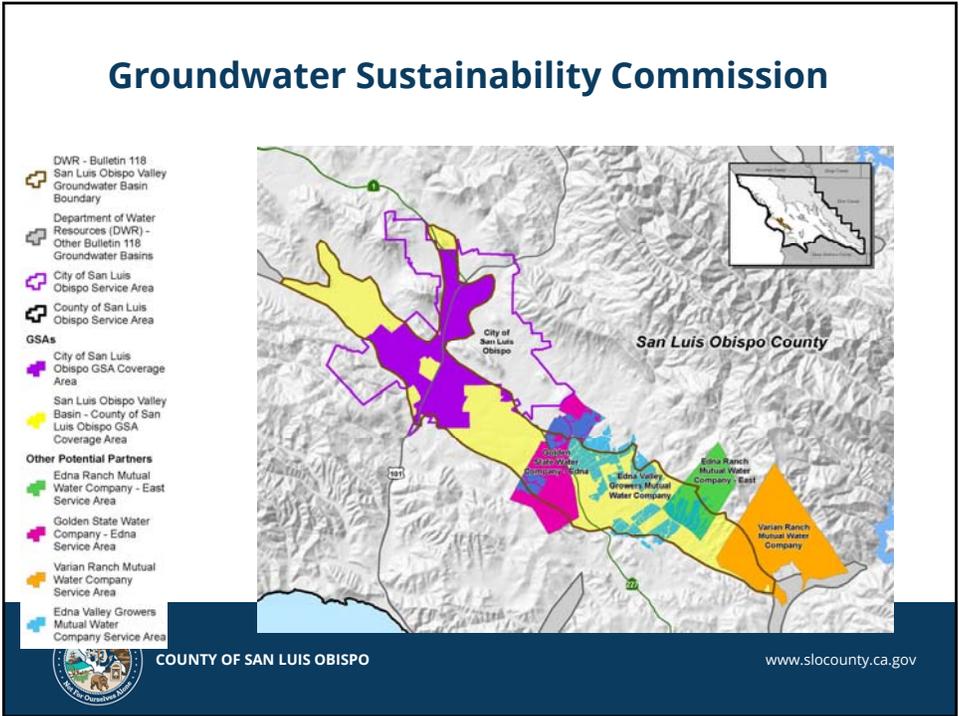
San Luis Obispo Basin GSAs

-  DWR - Bulletin 118 San Luis Obispo Valley Groundwater Basin Boundary
-  Department of Water Resources (DWR) - Other Bulletin 118 Groundwater Basins
-  City of San Luis Obispo Service Area
-  County of San Luis Obispo Service Area
- GSAs**
-  City of San Luis Obispo GSA Coverage Area
-  San Luis Obispo Valley Basin - County of San Luis Obispo GSA Coverage Area



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov



Coordinated Development of Basin-wide GSP

- Establish Groundwater Sustainability Commission
 - All meetings subject to Brown Act
 - Advise GSAs on GSP development
 - One non-GSA Member may participate in consultant selection process
 - Recommend GSP for adoption by City GSA & County GSA

- Establish Coordination between City/County GSAs
 - Appointments to Commission
 - Designate staff to participate in GSP development
 - Prepare annual budget to implement the MOA
 - Establish stakeholder advisory committee(s)
 - Adopt GSP



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

Commission Voting and Cost Share

Voting

- Each member is entitled to one vote on 5-Member Commission
- Minimum voting threshold: Support by Majority of the Members
 - ✓ *Exception: Requires support by at least 4 Members:*
 - Recommendation to GSAs to adopt GSP or to amend the GSP

Cost Share

- Participating Parties' contributions to defray Commission costs

✓ EVGMWC	\$28,200
✓ VRMWC	\$ 4,550
✓ ERMWC	\$ 4,550
✓ GSWC	\$12,700

- Annual Budget for GSP Development

✓ County of San Luis Obispo	70%
✓ City of San Luis Obispo	30%



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

Annual Budget & Process for Cost Sharing



NOTE: Participating Party annual contribution due by February 25th



COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov



Thank you!

For more information, join our email list:
www.slocountywater.org/sgma

www.slocounty.ca.gov

**MEMORANDUM OF AGREEMENT REGARDING PREPARATION OF A
GROUNDWATER SUSTAINABILITY PLAN FOR
THE SAN LUIS OBISPO VALLEY GROUNDWATER BASIN**

This Memorandum of Agreement (“MOA”) is entered into by and between the City of San Luis Obispo (“City”), the County of San Luis Obispo (“County”), the Edna Valley Growers Mutual Water Company (“EVGMWC”), the Varian Ranch Mutual Water Company (“VRMWC”), the Edna Ranch Mutual Water Company (“ERMWC”) and the Golden State Water Company (“GSWC”) (each referred to individually as a “Party” and collectively as the “Parties”) for purposes of coordinating preparation of a single groundwater sustainability plan for the San Luis Obispo Valley Groundwater Basin.

Recitals

WHEREAS, on September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (“SGMA”), which became effective on January 1, 2015 and which have been and may continue to be amended from time to time; and

WHEREAS, SGMA requires the establishment of a groundwater sustainability agency (“GSA”) or agencies for all basins designated as medium- or high-priority by the Department of Water Resources (“DWR”) on or before June 30, 2017; and

WHEREAS, SGMA further requires the adoption of a groundwater sustainability plan (“GSP”) or coordinated GSPs for all basins designated by DWR as medium- or high-priority and not subject to critical conditions of overdraft on or before January 31, 2022; and

WHEREAS, DWR has designated the San Luis Obispo Valley Groundwater Basin (Basin No. 3-9) (“Basin”) as a medium-priority basin not subject to critical conditions of overdraft; and

WHEREAS, the County and the City have each decided to become the GSA within their respective service areas overlying the Basin and have informed DWR of their decision and intent to undertake sustainable groundwater management therein; and

WHEREAS, the County and the City desire to collectively develop a single GSP to sustainably manage the Basin; and

WHEREAS, the County and the City further desire to include the other Parties to this MOA who each constitute entities eligible to participate in a GSA (sometimes referred to individually as a “Participating Party” or collectively as the “Participating Parties”) in the development of the GSP through the creation of the Groundwater Sustainability Commission.

NOW, THEREFORE, it is mutually understood and agreed as follows:

**Section 1
Purpose**

This MOA is entered into by the Parties for the purpose of establishing the manner in which the City and the County, with input from the Participating Parties, will coordinate in the development of a single GSP for the Basin that will be considered for adoption by the City Council and the County Board of Supervisors and subsequently submitted to DWR for approval. This MOA may also serve as the basis for continued cooperation among the City and the County in the management of the Basin during the period between adoption of the GSP by the City Council and the County Board of Supervisors and approval of the GSP by DWR. As more specifically set forth in Section 10.3 below, this MOA shall automatically terminate upon DWR's approval of the GSP for the Basin.

**Section 2
Term**

This MOA shall become effective on the date that the last of the six (6) Parties signs ("Effective Date") and shall remain in effect until terminated in accordance with Section 9.2 or Section 10.3 below.

**Section 3
City and County Roles and Responsibilities**

- 3.1 The City and the County shall work jointly to meet the objectives of this MOA.
- 3.2 The City and the County shall retain the services of a consultant(s) to meet the objectives of this MOA, including, but not limited to, preparation of a GSP for the Basin in accordance with the provisions set forth in Section 7 below.
- 3.3 The City and the County shall each designate a staff person(s) to participate in the development of the GSP and related technical studies through, without limitation, the provision of guidance and available data, in coordination with the consultant(s), and to administer the Groundwater Sustainability Commission (e.g. to, among other things, timely publish all agendas and take minutes).
- 3.4 The City and the County shall each be responsible for adopting the GSP and implementing the GSP within their respective service areas. Notwithstanding the foregoing, nothing contained in this MOA shall be construed as obligating either the City Council or the County Board of Supervisors to adopt the GSP developed pursuant to this MOA or as preventing either the City Council or the County Board of Supervisors from adopting the GSP developed under this MOA in the event that the other elects not to adopt it or in the event that the Groundwater Sustainability Commission fails to recommend approval.

3.5 The City and the County may lead certain Basin-wide public outreach and stakeholder involvement to improve development of the GSP.

3.6 The City shall be responsible for taking all legally required actions associated with its appointment of the member and alternate member to the Groundwater Sustainability Commission representing the City as set forth in Section 4.5, including, without limitation, all applicable requirements under the Maddy Act (Government Code §§ 54970 et seq.) and the County shall be responsible for taking all such actions associated with its appointment of the member and alternate member to the Groundwater Sustainability Commission representing the County and its confirmation of the members and alternate members to the Groundwater Sustainability Commission representing the Participating Parties as set forth in Section 4.4 and Section 4.3, respectively.

Section 4

Establishment of the Groundwater Sustainability Commission

4.1 The City and the County hereby establish the Groundwater Sustainability Commission to serve as an advisory committee to the City Council and the County Board of Supervisors in connection with preparation of the GSP and interim Basin management actions subject to each Participating Party making its required contributions under Section 6(B).

4.2 The Groundwater Sustainability Commission shall be composed of five (5) members: one (1) member representing the City, one (1) member representing the County, one (1) member representing EVGMWC, one (1) member collectively representing VRMWC and ERMWC and one (1) member representing GSWC.

4.3 Each of the Participating Parties shall nominate a member and an alternate member to represent it on the Groundwater Sustainability Commission subject to confirmation by the County Board of Supervisors with the exception that VRMWC and ERMWC shall jointly nominate a member and an alternate member to represent them subject to confirmation by the County Board of Supervisors. Said members shall serve at the pleasure of the County Board of Supervisors and may be removed at any time provided that the County Board of Supervisors shall have no authority to replace a removed member with an individual who has not been nominated by the relevant Participating Party or collection of Participating Parties.

4.4 The County Board of Supervisors shall appoint the member and alternate member representing the County and said members shall serve at the pleasure of the County Board of Supervisors.

4.5 The City Council shall appoint the member and alternate member representing the City and said members shall serve at the pleasure of the City Council.

4.6 All meetings of the Groundwater Sustainability Commission shall be conducted in accordance with the Ralph M. Brown Act (Government Code §§ 54950 et seq.).

4.7 A majority of the members of the Groundwater Sustainability Commission shall constitute a quorum for purposes of transacting business, except that less than a quorum may vote to adjourn the meeting.

4.8 Each member of the Groundwater Sustainability Commission shall be entitled to one (1) vote on any matter under consideration by the Groundwater Sustainability Commission.

4.9 All advisory opinions submitted by the Groundwater Sustainability Commission to the City Council and the County Board of Supervisors shall be supported by a majority of the members, except for the recommendation to adopt the GSP or any amendments thereto which shall be supported by at least four (4) of the members.

4.10 The County Board of Supervisors and the City Council may approve or reject any advisory opinion submitted by the Groundwater Sustainability Commission provided that in every case that the County Board of Supervisors or City Council rejects an advisory opinion of the Groundwater Sustainability Commission related to the contents or adoption of the GSP it shall do so only after holding a public hearing, at which time the members of the Groundwater Sustainability Commission shall have the right to appear and address the City Council and the County Board of Supervisors.

4.11 None of the members or alternate members shall be entitled to any compensation from the County or the City for their service on the Groundwater Sustainability Commission.

Section 5

Establishment of Additional Advisory Committees

The City Council and the County Board of Supervisors may from time to time jointly establish one or more additional advisory committees or establish standing or ad hoc committees to assist in carrying out the purposes and objectives of this MOA. Without limiting the foregoing, it is anticipated that the City Council and the County Board of Supervisors will establish a stakeholder advisory committee to the Groundwater Sustainability Commission to consider the interests of beneficial uses and users not already represented on the Groundwater Sustainability Commission consistent with Water Code Section 10723.2.

**Section 6
Funding**

The City and the County agree to jointly fund the costs associated with implementation of this MOA in accordance with and subject to the following:

A. Within sixty (60) days of the Effective Date and prior to each anniversary of the Effective Date, City and County staff shall prepare an annual budget for the GSAs to implement this MOA for approval by the City Council and the County Board of Supervisors.

B. Each of the Participating Parties shall be responsible for contributing the following funds to help defray the costs of the Groundwater Sustainability Commission and in consideration for their participation thereon within thirty (30) days of the Effective Date and within thirty (30) days of each anniversary of the Effective Date:

EVGMWC	\$28,200
VRMWC	\$4,550
ERMWC	\$4,550
GSWC	\$12,700

C. Subject to City Council and County Board of Supervisor approval of the annual budget, the City and County agree to fund the annual budget (less the contributions set forth in Section 6(B)) in accordance with the percentage allocations set forth below. Notwithstanding the foregoing and Section 10.1, the City Council and the County Board of Supervisors may amend said percentage allocations without the agreement of the Participating Parties.

County	70%
City	30%

D. It is anticipated that the vast majority of budgeted costs to be paid by the City and the County will involve costs for consultant services. Consequently, most City and County contributions will be paid in the manner described in Section 7 below.

**Section 7
Retention of Consultants**

7.1 The County agrees to act as the contracting agent to retain the services of a consultant(s) as described in Section 3.2 above.

7.2 Notwithstanding the foregoing, the County agrees that the City and one (1) member of the Groundwater Sustainability Commission not representing the City or the County designated by the Groundwater Sustainability Commission shall be included in the selection of any consultant retained by the County pursuant to this MOA. More specifically,

a staff representative from the City and the designated member of the Groundwater Sustainability Commission shall be given an opportunity to review and approve all requests for proposals prior to their release and to participate in the various stages of the selection process, including, but not limited to, review of proposals and participation on interview panels.

7.3 All consultant contracts entered into by the County pursuant to this MOA shall include the following: (1) a provision requiring that the consultant name the City as an additional insured, (2) an expected spend plan estimating the amount of the not to exceed contract amount that the consultant expects to invoice each month, and (3) a provision requiring that the consultant calculate both the County and City's share of each invoice consistent with Section 6(C) and send monthly invoices to both the County and the City showing the foregoing calculation.

7.4 Both the City and the County shall be responsible for remitting payment of their share of each monthly invoice directly to the consultant within thirty (30) days of receipt or within the time frame otherwise set forth in the consultant contract.

Section 8 Notice

8.1 To provide for consistent and effective communication among the Parties, each Party shall designate a representative as its central point of contact on matters relating to this MOA.

8.2 All notices, statements, or payments related to this MOA shall be deemed to have been duly given if in writing and delivered electronically, personally or mailed by first-class, registered or certified mail to the Parties at the addresses set forth in Exhibit A. The Parties may update Exhibit A from time to time without formal amendment to this MOA.

Section 9 Withdrawal and Termination

9.1 Any Participating Party may unilaterally withdrawal from this MOA without causing or requiring termination of this MOA. Withdrawal shall become effective upon thirty (30) days written notice to the remaining Parties' designated addresses as listed in Exhibit A. A Participating Party that has withdrawn from this MOA shall remain obligated to pay its allocation of the current annual budget. If a Participating Party withdraws, the Groundwater Sustainability Commission shall automatically be reconstituted to no longer include a member or alternate member representing the withdrawing Participating Party. In addition, the withdrawing Participating Party's annual contribution as set forth in Section 6(B) for all subsequent years shall be allocated among the remaining Participating Parties on a pro rata basis.

9.2 This MOA may be terminated by either the City or the County upon thirty (30) days written notice to all Parties' designated addresses as listed in Exhibit A. Upon termination, any unused portion of the cost contributions described in Section 6(B) and Section 6(C) as of the effective date of termination shall be returned to each Party on a pro rata basis. If the City terminates this MOA, it shall remain obligated to pay its cost share obligation under any existing consultant contract entered into by the County pursuant to this MOA.

Section 10 Miscellaneous

10.1 Subject to the exception set forth in Section 6(C), this MOA may be amended only by unanimous written consent of all current Parties.

10.2 This MOA may be executed in counterparts.

10.3 This MOA shall automatically terminate upon DWR's approval of the adopted GSP. Depending on the content of the GSP, the Parties may decide to enter into a new agreement to coordinate GSP implementation.

10.4 This MOA is made in the State of California, under the Constitution and laws of said State and is to be so construed.

10.5 If any provision of this MOA is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and unaffected to the fullest extent permitted by law and regulation.

10.6 This MOA constitutes the sole, entire, integrated and exclusive agreement between the Parties regarding the contents herein. Any other contracts, agreements, terms, understandings, promises or representations not expressly set forth or referenced in this writing are null and void and of no force and effect.

10.7 The Parties agree and acknowledge that this MOA has been developed through negotiation, and that each Party has had a full and fair opportunity to revise the terms of this MOA. Consequently, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this MOA.

[signatures to follow on next page]

IN WITNESS WHEREOF, the Parties have executed this MOA by authorized officials thereof on the dates indicated below.

CITY OF SAN LUIS OBISPO

By: [Signature]
Its: Mayor
Date: 1/26/18

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]
Its: Asst. City Attorney
Date: 1/25/18

**EDNA VALLEY GROWERS
MUTUAL WATER COMPANY**

By: _____
Its: _____
Date: _____

**EDNA RANCH MUTUAL
WATER COMPANY**

By: _____
Its: _____
Date: _____

COUNTY OF SAN LUIS OBISPO

By: _____
Its: _____
Date: _____

APPROVED AS TO FORM AND LEGAL EFFECT:

By: [Signature]
Its: Deputy County Counsel
Date: Nov. 6, 2017

**VARIAN RANCH MUTUAL
WATER COMPANY**

By: _____
Its: _____
Date: _____

GOLDEN STATE WATER COMPANY

By: _____
Its: _____
Date: _____

IN WITNESS WHEREOF, the Parties have executed this MOA by authorized officials thereof on the dates indicated below.

CITY OF SAN LUIS OBISPO

By: _____

Its: _____

Date: _____

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____

Its: _____

Date: _____

**EDNA VALLEY GROWERS
MUTUAL WATER COMPANY**

By: [Signature]

Its: President

Date: 11/2/17

**EDNA RANCH MUTUAL
WATER COMPANY**

By: _____

Its: _____

Date: _____

COUNTY OF SAN LUIS OBISPO

By: **JOHN PESCHONG**

Chairperson, Board of Supervisors, County
of San Luis Obispo, State of California

Date: January 9, 2018

APPROVED AS TO FORM AND LEGAL EFFECT:

ATTEST:

Tommy Gong, County Clerk-Recorder and
Ex-Officio Clerk of the Board of Supervisors

By: _____

By: SANDY CURRENS

Its: _____

Deputy Clerk

Date: _____

**VARIAN RANCH MUTUAL
WATER COMPANY**

By: _____

Its: _____

Date: _____

GOLDEN STATE WATER COMPANY

By: _____

Its: _____

Date: _____

IN WITNESS WHEREOF, the Parties have executed this MOA by authorized officials thereof on the dates indicated below.

CITY OF SAN LUIS OBISPO

By: _____

Its: _____

Date: _____

**APPROVED AS TO FORM AND
LEGAL EFFECT:**

By: _____

Its: _____

Date: _____

**EDNA VALLEY GROWERS
MUTUAL WATER COMPANY**

By: _____

Its: _____

Date: _____

**EDNA RANCH MUTUAL
WATER COMPANY**

By: _____

Its: _____

Date: _____

COUNTY OF SAN LUIS OBISPO

By: _____

Its: _____

Date: _____

**APPROVED AS TO FORM AND
LEGAL EFFECT:**

By: _____

Its: _____

Date: _____

**VARIAN RANCH MUTUAL
WATER COMPANY**

By: *Jessy W. DeSoy*

Its: *President*

Date: *10/31/2017*

GOLDEN STATE WATER COMPANY

By: _____

Its: _____

Date: _____

IN WITNESS WHEREOF, the Parties have executed this MOA by authorized officials thereof on the dates indicated below.

CITY OF SAN LUIS OBISPO

By: _____

Its: _____

Date: _____

**APPROVED AS TO FORM AND
LEGAL EFFECT:**

By: _____

Its: _____

Date: _____

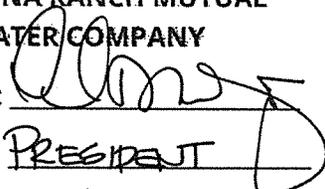
**EDNA VALLEY GROWERS
MUTUAL WATER COMPANY**

By: _____

Its: _____

Date: _____

**EDNA RANCH MUTUAL
WATER COMPANY**

By:  _____

Its: PRESIDENT _____

Date: 11/14/17 _____

COUNTY OF SAN LUIS OBISPO

By: _____

Its: _____

Date: _____

**APPROVED AS TO FORM AND
LEGAL EFFECT:**

By: _____

Its: _____

Date: _____

**VARIAN RANCH MUTUAL
WATER COMPANY**

By: _____

Its: _____

Date: _____

GOLDEN STATE WATER COMPANY

By: _____

Its: _____

Date: _____

IN WITNESS WHEREOF, the Parties have executed this MOA by authorized officials thereof on the dates indicated below.

CITY OF SAN LUIS OBISPO

By: _____

Its: _____

Date: _____

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____

Its: _____

Date: _____

EDNA VALLEY GROWERS MUTUAL WATER COMPANY

By: _____

Its: _____

Date: _____

EDNA RANCH MUTUAL WATER COMPANY

By: _____

Its: _____

Date: _____

COUNTY OF SAN LUIS OBISPO

By: _____

Its: _____

Date: _____

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____

Its: _____

Date: _____

VARIAN RANCH MUTUAL WATER COMPANY

By: _____

Its: _____

Date: _____

GOLDEN STATE WATER COMPANY

By: Oenise Kuy

Its: Sr. Vice President

Date: November 3, 2017

EXHIBIT A
PARTY ADDRESS LIST

County of San Luis Obispo
County Government Center, Room 206
San Luis Obispo, CA 93408
Attention: Wade Horton, Public Works Director

City of San Luis Obispo
Utilities Department
879 Morro Street
San Luis Obispo, CA 93401-2710
Attention: Carrie Mattingly, Utilities Director

Edna Valley Growers Mutual Water Company
4910 Edna Road
San Luis Obispo, CA 93401
Attention: Bob Schiebelhut, President

Varian Ranch Mutual Water Company
2060 Varian Circle
Arroyo Grande, CA 93420
Attention: James Lokey

Edna Ranch Mutual Water Company
5665 Edna Ranch Circle
San Luis Obispo, CA 93401
Attention: Andy Mangano

Golden State Water Company
2330 A Street, Suite A
Santa Maria, CA 93455
Attention: General Manager, Coastal District

GROUNDWATER SUSTAINABILITY COMMISSION
of the San Luis Obispo Valley Groundwater Basin
April 18, 2018

Agenda Item 8 – Groundwater Sustainability Commission Conflict of Interest Code
(Action Item)

Recommendation

It is recommended that the Groundwater Sustainability Commission (Commission):

- a) Approve the “Resolution of the Groundwater Sustainability Commission Adopting a Conflict of Interest Code.”

Prepared By

Carolyn Berg, County of San Luis Obispo

Discussion

On December 13, 2017, the Clerk Recorder’s Office of the County of San Luis Obispo provided an informational letter to each groundwater sustainability agency (GSA) within the county, summarizing the requirement of the California Government Code and the regulations promulgated by the Fair Political Practices Commission (FPPC) that local agencies adopt a conflict of interest code in accordance with the California Political Reform Act (Gov. Code, § 81000 et seq.; hereafter “the Act”).

Pursuant to the Act, every local agency is required to adopt and promulgate a conflict of interest code (Gov. Code, § 87300). The Groundwater Sustainability Commission is an “agency” within the meaning of the Act and therefore must adopt a conflict of interest code. A conflict of interest code for the Groundwater Sustainability Commission has been prepared and is attached for consideration, designated as “The Conflict of Interest Code of the Groundwater Sustainability Commission” (hereafter “the Code”). The Code incorporates by reference the model code promulgated by the FPPC for adoption by local agencies, which may be found at Title 2 of the California Code of Regulations, section 18730. It is recommended that the Code be adopted by resolution of the Commission to provide for an official record of adoption of the Code. Once approved, the attached resolution and the Code will be submitted by the Groundwater Sustainability Commission Coordinator to the County Board of Supervisors (“the code reviewing body” for all local agencies except cities) in accordance with Government Code section 87303.

Attachments:

1. Resolution of the Groundwater Sustainability Commission Adopting a Conflict of Interest Code
2. Conflict of Interest Code for the Groundwater Sustainability Commission
3. December 13, 2017 Informational Letter from the County of San Luis Obispo Office of the Clerk-Recorder regarding Adoption of Conflict of Interest Code

RESOLUTION NO. 2018-_____

**RESOLUTION OF THE GROUNDWATER SUSTAINABILITY COMMISSION
ADOPTING A CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act (Gov. Code § 81000 et seq.), requires every state and local government agency to adopt and promulgate a conflict of interest code in accordance with Government Code section 87300; and

WHEREAS, the Fair Political Practices Commission (“FPPC”) has adopted a regulation (Cal. Code Regs., tit. 2, § 18730) that contains terms of a standard model conflict of interest code (hereafter “the model code”); and

WHEREAS, adoption of the model code by the Groundwater Sustainability Commission will help ensure compliance by said Commission with the Political Reform Act;

NOW, THEREFORE, be it resolved and ordered by the Groundwater Sustainability Commission that:

1. The Conflict of Interest Code for the Groundwater Sustainability Commission (hereafter “the Code”), attached hereto as Exhibit A and incorporated herein by this reference, is hereby adopted.
2. Those officials and employees designated in Appendix A of the Code, whether elected, appointed, or otherwise hired, shall file statements of economic interests with the County of San Luis Obispo Clerk-Recorder, upon assuming office, leaving office, and during each year in office disclosing those financial interests set forth in Appendix B of the Code.
3. The County of San Luis Obispo Engineer, or his/her designee, is hereby directed to act as the Conflict of Interest Code coordinator for purposes of coordinating implementation of the Code with the Clerk-Recorder of the County of San Luis Obispo and is hereby directed to submit for approval the Conflict of Interest Code to the County of San Luis Obispo in accordance with Government Code section 87303.

PASSED AND ADOPTED by the Groundwater Sustainability Commission at a meeting held on the 18th day of April 2018 by the following vote:

AYES, and all in favor, thereof, Members:

NOES, Members:

ABSENT, Members:

ABSTAIN, Members:

Chairperson, Groundwater Sustainability
Commission

ATTEST: _____

Exhibit A

CONFLICT OF INTEREST CODE OF THE GROUNDWATER SUSTAINABILITY COMMISSION

The Political Reform Act (Gov. Code, § 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes governing the political activities and financial disclosure requirements of certain of their officers and employees. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (Cal. Code Regs., tit. 2, § 18730) that contains the terms of a standard conflict of interest code, which may be adopted by local agencies and its provisions incorporated by reference as the agency’s code. After public notice and hearing, the FPPC may amend section 18730 to conform to amendments in the Political Reform Act. Therefore, the terms of Title 2 of the California Code of Regulations, section 18730, and any amendments to it duly adopted by the FPPC are hereby adopted and incorporated herein by reference as the Conflict of Interest Code of the Groundwater Sustainability Commission (“the Commission”), together with the attached appendices, designating positions (Appendix A) and establishing disclosure requirements (Appendix B).

Individuals holding designated positions shall file their statements of economic interests with the County of San Luis Obispo Clerk-Recorder, who is hereby designated as the filing official for all statements of economic interest filed pursuant to this code. All statements will be retained by the County Clerk-Recorder in accordance with applicable law, and, upon request by any member of the public, such statements will be made available for public inspection and reproduction in accordance with Government Code Section 81008. Upon the Commission’s behalf, the County Clerk-Recorder will maintain the statements at the clerk’s office located at 1055 Monterey Street, Suite D120, San Luis Obispo, CA 93408.

**CONFLICT OF INTEREST CODE FOR THE
GROUNDWATER SUSTAINABILITY COMMISSION
APPENDIX A - Designated Position List**

<u>Position</u>	<u>Disclosure</u>
<u>Category</u>	
Groundwater Sustainability Commission Members	1,2
City of San Luis Obispo Deputy Director of Utilities	1,2
County of San Luis Obispo Engineer	1,2
Consultants/New Positions	*

Note: The position of Attorney is filled by an outside consultant, but acts in staff capacity.

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Commission may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Commission's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

APPENDIX B – Disclosure Categories

1. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources of the type that provide services, supplies, materials, machinery, or equipment of the type utilized by the Commission.
2. Interests in real property located within the jurisdiction of the Commission, or within two miles of the jurisdictional boundaries of the Commission, or within two miles of any land owned or used by the Commission.



COUNTY OF SAN LUIS OBISPO OFFICE OF THE CLERK-RECORDER

Tommy Gong - County Clerk Recorder
Elaina Cano - Assistant County Clerk Recorder

December 13, 2017

To: Atascadero Basin Groundwater Sustainability Agency Executive Committee
San Luis Obispo Basin Sustainability Groundwater Commission
Paso Basin Cooperative Committee
[see attached address list]

Re: Adoption of Conflict of Interest Code

This office is writing to provide you with certain information related to your agency's duty to adopt a conflict of interest code pursuant to the California Political Reform Act (Gov. Code, § 81000 et seq; hereafter "the Act"). It has come to the attention of this office that your agency has not yet adopted a conflict of interest code. Therefore, in order to assist you, we are providing this informational letter summarizing your agency's duty with respect to the adoption of a code in accordance with the Act, and the rules promulgated by the Fair Political Practices Commission (FPPC).

Section 87300 of the California Government Code,¹ requires that every agency adopt a conflict of interest code governing: (1) which of the agency's officers and employees are required to disclose certain financial interests on the Statement of Economic Interest (Form 700) promulgated by the FPPC, and (2) what those financial interests are that must be disclosed. The Act permits the adoption of an agency's conflict of interest code at the most decentralized level, but also permits an agency to adopt a single, uniform code that may be made applicable to the agency's various departments or divisions. (§ 87301.) "Agency" is defined in the Act as "any state or local government agency," and "local government agency" is, in turn, defined as "a county, city, or district of any kind [...] or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other

¹ All statutory references are to the California Government Code unless otherwise noted.

agency of the foregoing.” (§ 87203; § 82041.) Therefore, local groundwater sustainability agencies and related committees or commissions appear to fall within the ambit of section 87300 and must adopt and promulgate a conflict of interest code, unless a particular agency qualifies for an exemption pursuant to California Code of Regulations, Title 2, section 18751. (A copy of this regulation is attached hereto.)²

A newly established agency must adopt a conflict of interest code and submit the code to “the code reviewing body” within six months of its creation. (§ 87303.) For all local agencies with jurisdiction within a county, except cities, the county board of supervisors is designated as the “code reviewing body.” (§ 82011.) Several years ago, the San Luis Obispo County Board of Supervisors designated the County Clerk-Recorder as “the local code administrator” charged with reviewing and submitting for the Board’s adoption each local agency’s conflict of interest code and any future amendments proposed by the agency.

An agency’s code should contain the following: (1) a list of the positions within the agency (other than those specified in § 87200), which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest; (2) for each enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable³; (3) that information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by

²A determination of whether your agency may be exempt from the requirements to adopt a code should be made after consultation with your agency’s legal counsel. However, we have been advised by County Counsel that upon a preliminary examination of the applicable regulations governing a local agency’s duty to adopt a code and in light of your agency’s authority, your agency should adopt a conflict of interest code. In this regard, County Counsel has determined that both the local groundwater sustainability agencies and the Paso Basin Cooperative Committee possess one or more of the criteria set forth in Section 18700(c)(2) describing when a committee, board, commission, group or other body possesses decision-making authority. It is this authority that requires that a conflict of interest code be adopted.

³ “An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.” (§ 87302, subd.(a).)

sections 87206 and 87207; (4) a requirement that an initial statement be filed by each designated employee within 30 days after the effective date of the conflict of interest code disclosing investments, business positions, and interests in real property held on the effective date of the code and any income received during the 12 months before the effective date of the code; (5) for each newly designated employee, a requirement that the employee shall file a statement within 30 days after assuming office disclosing investments, business positions, and interests in real property held on, and any income received during the 12 months before the date of assuming office; (6) a requirement that each designated employee shall file an annual statement, at the time specified in the code, disclosing reportable interests held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year; (7) a requirement that every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable interests held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office; and (8) specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision.⁴ (§ 87302.)

The FPPC, which is charged with enforcement of the Act, has promulgated a “model code” that agencies may adopt by reference. (See e.g., § 18730.) For your assistance, we have attached a copy of the model code. In addition, upon request, the FPPC will provide technical assistance to agencies in the preparation of a conflict of interest code. (§ 87312.) If your agency chooses to adopt the model code, the agency must attach a list of its designated positions and applicable disclosure categories,

⁴ Disqualification shall be required by an agency’s conflict of interest code when the designated employee has a financial interest as defined in Section 87103, which, with reasonable foreseeability, may be affected materially by the decision, except that no designated employee shall be required to disqualify himself or herself with respect to any matter that could not legally be acted upon or decided without his or her participation. (§ 87302, subd. (c).)

identifying the disclosures that must be made by each position. The model code along with the attached list of designated positions and disclosure categories must be submitted to the GSA or GSA advisory committee for its approval. The resolution or minutes of the GSA board or advisory committee establishing the adoption of the code or the adoption of the model code by reference, along with a copy of the code or statement that the board or committee has adopted the model code by reference (including the attached designated positions and disclosure categories), should then be submitted to the County Clerk-Recorder for approval by the Board of Supervisors. Again, the deadline to submit the code to the Board is no later than six months after the creation of the GSA or GSA advisory body.

To assist you in determining which officers and employees should be designated as Form 700 filers, we have set forth below certain principles and rules from the Political Reform Act and the California Code of Regulations (specifically, from the rules promulgated by the FPPC) regarding conflict of interest codes, which you should consider in determining which positions and disclosure categories should be designated and included in your code.

Government Code section 87302, subdivision (a) provides that a conflict-of-interest code shall contain "specific enumeration of the positions within the agency [that] involve the making or participation in the making of decisions which may foreseeably have a material financial effect on any financial interest." The term "public official" is defined, in part, in Government Code section 82048 as ". . . every member, officer, employee or consultant of a state or local government agency"

A public official "makes a governmental decision" when the official, acting within the authority of his or her office or position, votes on a matter, obligates or commits his or her agency to any course of action, or enters into any contractual agreement on behalf of his or her agency. (Cal. Code Regs., title 2, § 18702.1.) Any position with this authority should be designated in the agency's conflict-of-interest code. A public official "participates in a governmental decision" when, acting within the authority of his or her position, and without significant substantive or intervening review, negotiates,

advises, or makes recommendations to the decision-maker regarding the governmental decision. (Cal. Code Regs., title 2, § 18702.2.)⁵ If a superior officer relies on another individual's professional judgment, then that individual is participating in making a governmental decision. In other words, if the individual influences the final decision by supporting a position *or suggesting a course of action*, he or she *is participating in the decision even if he or she is not making the final decision*. **Thus, officers or employees who are in a position to influence or even "suggest" a course of action, without significant substantive review, should be designated in an agency's conflict-of-interest code.**

No conflict of interest code or amendment may be approved by the code reviewing body if it fails to: (1) provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented; (2) provide to each affected person a clear and specific statement of his duties under the code; or (3) adequately differentiate between designated employees with different powers and responsibilities. (§ 87309.) Where "[t]he duties of a designated employee are so broad or indefinable that the requirements of section 87309 cannot be complied with . . ." the code must require that the designated employee comply with Government Code section 87200 et seq., which provides for the broadest of disclosure categories. (§ 87310.)

⁵ The full text of California Code of Regulation, Section 18702.2 reads as follows:

A public official "participates in making a governmental decision," except as provided in Title 2, California Code of Regulations, section 18702.4, when, acting within the authority of his or her position, the official:

(a) Negotiates, without significant substantive review, with a governmental entity or private person regarding a governmental decision referenced in Title 2, California Code of Regulations, section 18701(a)(2)(A); or

(b) Advises or makes recommendations to the decision maker either directly or without significant intervening substantive review, by:

(1) Conducting research or making any investigation which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision referenced in Title 2, California Code of Regulations, section 18701(a)(2)(A); or

(2) Preparing or presenting any report, analysis, or opinion, orally, or in writing, which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision referenced in Title 2, California Code of Regulations, section 18701(a)(2)(A).

Finally, please be aware that, regardless of your agency's adoption of a conflict of interest code, a member of a newly created GSA or GSA advisory board or commission, must file a Form 700 statement at the same time and in the same manner as those individuals required to file pursuant to section 87200, and shall then file the statement again pursuant to section 87302 once the agency adopts an approved conflict of interest code (e.g. within 30 days of the Board of Supervisor's approval of the agency's code).

If you have any questions or concerns, please contact our legal counsel, Ann Duggan, with the Office of County Counsel at (805) 781-5400.

Very truly yours,
TOMMY GONG
Clerk-Recorder
County of San Luis Obispo



By: Elaina Cano
Assistant County Clerk-Recorder

Address List

Atascadero Basin Groundwater Sustainability Agency Executive Committee

TO: Attn: Roberta Fonzi, Chairperson of the Atascadero Basin GSA Executive Committee

c/o City of Atascadero
6500 Palma Ave
Atascadero, CA 93422

Additional GSA contacts:

County of San Luis Obispo
976 Osos Street, Room 206
San Luis Obispo, CA 93408
Attention: John Diodati, Public Works Interim Director

Atascadero Mutual Water Company
5005 El Camino Real
Atascadero, CA 93422
Attention: John Neil
Email: JNeil@amwc.us

City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422
Attention: Lara Christensen
Email: lchristensen@atascadero.org

Templeton Community Services District
420 Crocker Street
Templeton, CA 93465
Attention: Jeff Briltz

City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93451
Attention: Dick McKinley, Public Works Director
Email: DMcKinley@prcity.com

Santa Ysabel Water District
2495 Iron Stone Loop
Templeton, CA 90465
Attention: Terry Hays
Email: terry@vms-inc.com

Santa Margarita Ranch Mutual Water Company
750 Pismo Street
San Luis Obispo, CA 93401
Attention: Rob Rossi & Vickey Farley
Email: rob@rossi-ent.com; vickey@rossi-ent.com

Paso Basin Cooperative Committee

TO: Attn: John Hamon, Chairperson of the Paso Basin Cooperative Committee
c/o City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Additional GSA contacts:

County of San Luis Obispo
976 Osos Street, Room 206
San Luis Obispo, CA 93408
Attention: John Diodati, Public Works Interim Director

City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93451
Attention: Dick McKinley, Public Works Director

San Miguel Community Services District
1150 Mission Street
San Miguel, CA 93451
Attention: Rob Roberson, Interim General Manager

Heritage Ranch Community Services District
4870 Heritage Road
Paso Robles, CA 93446
Attention: Scott Duffield, General Manager

Shandon San Juan Water District
365 Truesdale Road PO Box 150
Shandon, CA 93461
Attention: Willy Cunha, President, Board of Directors

San Luis Obispo Basin Sustainability Groundwater Commission:

TO: City of San Luis Obispo
Utilities Department
879 Morro Street
San Luis Obispo, CA 93401-2710
Attention: Carrie Mattingly, Utilities Director

County of San Luis Obispo
County Government Center, Room 206
San Luis Obispo, CA 93408
Attention: John Diodati, Public Works Interim Director

Additional GSA contacts:

Edna Valley Growers Mutual Water Company
4910 Edna Road
San Luis Obispo, CA 93401
Attention: Bob Schiebelhut, President

Varian Ranch Mutual Water Company
2060 Varian Circle
Arroyo Grande, CA 93420
Attention: James Lokey

Edna Ranch Mutual Water Company
5665 Edna Ranch Circle
San Luis Obispo, CA 93401
Attention: Dennis Fernandez

Golden State Water Company
2330 A Street, Suite A
Santa Maria, CA 93455
Attention: Mark Zimmer, Coastal District

GROUNDWATER SUSTAINABILITY COMMISSION
of the San Luis Obispo Valley Groundwater Basin
April 18, 2018

Agenda Item 9 – Overview of Groundwater Sustainability Plan (GSP) Scope, State Grant Funding Award, and Consultant Selection Process
(Action Item)

Recommendation

It is recommended that the Groundwater Sustainability Commission (Commission):

- a) Receive a presentation overviewing the initial GSP scope of work for the San Luis Obispo Valley Groundwater Basin, the Proposition 1 Sustainable Groundwater Management Planning grant funding awarded to support scope, and consultant selection process (MOA Section 7.2).
- b) Designate a Commission Member to participate in the GSP consultant selection process.

Prepared By

Aaron Floyd, City of San Luis Obispo
Carolyn Berg, County of San Luis Obispo

Discussion

The State established Proposition 1 (Water Quality, Supply and Infrastructure Improvement Act of 2014) grant program. This grant program is administered by Department of Water Resources (DWR), and makes \$100-million available for projects that develop and implement GSPs. In Fall 2017, DWR opened the “*Groundwater Sustainability Plans and Projects*” grant funding opportunity, making \$86-million (of the overall \$100 million) available on a statewide competition basis. The County, with City of San Luis Obispo support, submitted an application seeking grant funding to offset local costs associated with developing a GSP. DWR published final grant funding awards in April 2018, including \$854,650 grant funding towards the San Luis Obispo Valley Basin GSP development (subject to final negotiations and execution of Grant Agreement between DWR and County).

Attachment 1 provides an outline of the grant application scope of work that generally focuses on:

- (1) developing communications strategies that help connect basin users to the GSP;
- (2) developing a data/information management system and web-based portal to help streamline data/information collection and sharing among GSAs/basin users; and
- (3) completing technical efforts (i.e. hydrogeologic conceptual/flow models) needed for GSP.

The work plan contained in the grant application will be used to develop a Request for Proposals for the GSP consultant services in Spring/Summer 2018.

Per the MOA Section 7, the County has agreed to act as the contracting agent to retain consultant services necessary to develop a GSP. Per MOA Section 7.2, staff recommends that the Commission designate a member to participate, along with County and City staff, in the GSP consultant selection process prior to the County’s award of a consultant contract.

Staff will present an overview of the GSP contracting and development milestones/timing and grant funding award.

Attachments:

1. GSP Work Plan Outline from Grant Application

ATTACHMENT 1

The following is a brief outline of the work plan's main tasks and subtasks necessary to complete the San Luis Obispo Valley Basin GSP¹. This outline will be used to develop a Request for Proposals when seeking GSP consultant services.

Task 1: Project Management and Grant

Administration

- Project Meetings
- Grant Coordination and Reporting
- Project Submittal Review Process

Task 2: Basin Management Overview

- Basin Overview
- Water Resources Monitoring and Management Programs
- Land Use Conditions

Task 3: Basin Setting

- Physical Setting and Characteristics (build on Stressed Basin Grant work)
- Hydrogeologic Conceptual Model (HCM) (build on Stressed Basin Grant work)
- Identify Data Gaps and Uncertainty (build on Stressed Basin Grant work)

Task 4: Groundwater Conditions

- Current and Historical Groundwater Conditions
- Description of Surface Water Supply
- Identification of Management Areas

Task 5: Water Budget

- Develop Historical and Projected Water Budget

Task 6: Water Data Needs

- Monitoring Wells
- Water Quality Sampling Plan
- Surface Water Inflow/Outflow Monitoring Plan

Task 7: Groundwater Management Tool Needs

- Monitoring Network Update
- Data Management System
- Regional Groundwater Model Development Review
- Stakeholder Communication and Engagement Plan

Task 8: Sustainable Management Criteria

- Establish Sustainability Goals
- Develop Processes and Criteria to Define Undesirable Results
- Establish Minimum Thresholds and Sustainability Indicators
- Define Measurable Objectives to Obtain Goals in 20 Years
- Define Projects and Management Actions

Task 9: GSA and Stakeholder Coordination

- Intrabasin Coordination
- Interbasin Coordination

Task 10: GSP Development

Task 11: Public Notification and Communications

¹ The full grant application can be accessed through the State's website at:
<https://d3.water.ca.gov/owncloud/index.php/s/hofm9MbZy4iQfaZ?path=%2FCounty%20of%20San%20Luis%20Obispo>

GROUNDWATER SUSTAINABILITY COMMISSION
of the San Luis Obispo Valley Groundwater Basin
April 18, 2018

**Agenda Item 10 – Establish Regular Groundwater Sustainability Commission Meeting
Schedule**
(Action Item)

Recommendation

It is recommended that the Groundwater Sustainability Commission (Commission):

- a) Establish a quarterly meeting schedule for the Groundwater Sustainability Commission.

Prepared By

Carolyn Berg, County of San Luis Obispo

Discussion

A Memorandum of Agreement (MOA) was established to convey how the City and County, with input from the Participating Parties, will coordinate in the development of a basin-wide Groundwater Sustainability Plan (GSP). This MOA established the Commission to serve as an advisory committee to the City Council and County Board of Supervisors in connection with GSP development. Once developed, both the City Council and the County Board of Supervisors will consider adopting the GSP, and subsequently submitted to State for approval.

Stakeholder outreach and coordination requirements, as well as the practical realities of preparing a GSP require the involvement of the entire community. Therefore, staff recommends that the Commission set a regular meeting schedule (at least quarterly) to minimize challenges associated with coordinating various Commission member schedules and to establish regularity for the public. The Commission may also provide a preference on whether staff should aim to maintain the same meeting location, or whether staff should aim to vary meeting locations throughout the Basin (pending venue availability).