

Groundwater Sustainability Commission
for the San Luis Obispo Valley Groundwater Basin

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Groundwater Sustainability Commission will hold a **Regular Meeting at 3:00 P.M. on Wednesday, October 6th, 2021**. Based on state of emergency in response to the COVID-19 pandemic as reflected in the Proclamations of Emergency issued by the Governor of the State of California on March 4, 2020, and pursuant to the Brown Act as amended after September 30, 2021 (Government Code Section 54953(e)), this meeting will be conducted as a phone-in/web-based meeting only. There will be no physical meeting location for this GSC Meeting. Members of the public can participate via phone or by logging into the web-based meeting.

TO JOIN THE MEETING FROM YOUR COMPUTER, TABLET OR SMARTPHONE, GO TO:

<https://us06web.zoom.us/j/97326319672?pwd=WjBZS0JZVjRhaGlvaXVyMG02MG05Zz09>

Passcode: 100536

(This link will help connect both your browser and telephone to the call)

YOU CAN ALSO DIAL IN USING YOUR PHONE:

Dial +1 669 900 6833

Webinar ID: 973 2631 9672

Passcode: 100536

All persons desiring to speak during any Public Comment can submit a comment by:

- Email at jsteil@co.slo.ca.us by 5:00 PM on the day prior to the Commission meeting
- Teleconference meeting at link or phone number above
- Mail by 5:00 PM on the day prior to the Commission meeting to:
County of San Luis Obispo Department of Public Works
Attn: Joey Steil
County Government Center, Room 206
San Luis Obispo, CA 93408
- Additional information on how to submit Public Comment is provided on page 3 of this Agenda

NOTE: The Groundwater Sustainability Commission reserves the right to limit each speaker to three (3) minutes per subject or topic. In compliance with the Americans with Disabilities Act, all possible accommodations will be made for individuals with disabilities, so they may participate in the meeting. Persons who require accommodation for any audio, visual or other disability in order to participate in the meeting of the GSC are encouraged to request such accommodation 48 hours in advance of the meeting from Joey Steil at (805) 781-5252.

GROUNDWATER SUSTAINABILITY COMMISSION AGENDA

Dawn Ortiz-Legg, Member, County of SLO
Bob Schiebelhut, Chair, EVGMWC
Dennis Fernandez, Member, ERMWC/VRMWC
Mark Zimmer, Vice Chair, GSWC
Andy Pease, Member, City of San Luis Obispo

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

-
1. **Call to Order** (Chair) **3:00 pm**
 2. **Roll Call** (City Staff: Mychal Boerman)
 3. **Pledge of Allegiance** (Chair)
 4. **Request to consider adopting a resolution authorizing the Groundwater Sustainability Commission to continue remote teleconferencing of public meetings based on the findings that COVID-19**

remains a serious risk to public health and safety (County staff) **3:05 pm – 3:10 pm (5 min)**

5. **Public Comment – Items not on Agenda** (Chair)
6. **Approval of Meeting Minutes** (Chair) **3:20 pm – 3:25 pm (5 min)**
 - a) August 18, 2021
7. **Ongoing Updates** (County staff) **3:25 pm – 3:35 pm (10 min)**
 - a) Monitoring well (SLV-23) installation
 - b) GSA Boundary update based on City annexations
 - c) Annual Report process and schedule
8. **Final Draft of the Groundwater Sustainability Plan Review and Comments** (WSC Consultant Team: Michael Cruikshank and Dave O'Rourke) **3:35 pm – 4:35 pm (60 min)**

Recommendation

 - a) Consider response from comments on the Public Draft of the San Luis Obispo Basin (SLO Basin) Groundwater Sustainability Plan (GSP)
 - b) Consider recommending the SLO Basin GSP to be adopted by the SLO Basin GSAs.
9. **Discuss participation and funding provisions in the Memorandum of Agreement (MOA) regarding preparation of a Groundwater Sustainability Plan for the San Luis Obispo Valley Groundwater Basin** (County staff) **4:35 pm – 4:55 pm (20 min)**
10. **Future Items** (Chair) **4:55 pm - 5:00 pm (5 min)**
11. **Adjourn** (Chair)

Groundwater Sustainability Commission
for the San Luis Obispo Valley Groundwater Basin

NOTICE OF MEETING

*****CONFERENCE CALL/WEBINAR ONLY*****

Wednesday, October 6, 2021 at 3:00 p.m.

Important Notice Regarding COVID-19 Based on guidance from the California Department of Public Health and the California Governor's Officer, in order to minimize the spread of the COVID-19 virus, please note the following:

1. The meeting will only be held telephonically and via internet via the number and website link information provided on the agenda. After each item is presented, Commission Members will have the opportunity to ask questions. Participants on the phone will then be provided an opportunity to speak for 3 minutes as public comment prior to Commission deliberations and/or actions or moving on to the next item. If a participant wants to provide public comment on an item, they should select the "Raise Hand" icon on the Zoom Online Meeting platform or press *9 if on the phone. The meeting host will then unmute the participant when it is their turn to speak and allow them to provide public comment.
2. The Commission's agenda and staff reports are available at the following website:
<https://www.slowaterbasin.com>
3. If you choose not to participate in the meeting and wish to make a written comment on any matter within the Commission's subject matter jurisdiction, regardless of whether it is on the agenda for the Commission's consideration or action, please submit your comment via email or U.S. Mail by 5:00 p.m. on the day prior to the Commission meeting. Please submit your comment to Joey Steil at jsteil@co.slo.ca.us. Your comment will be placed into the administrative record of the meeting.

Mailing Address:

County of San Luis Obispo Department of Public Works

Attn: Joey Steil

County Government Center, Room 206

San Luis Obispo, CA 93408

4. If you choose not to participate in the meeting and wish to submit verbal comment, please call (805) 781-5252 and ask for Joey Steil. If leaving a message, state and spell your name, mention the agenda item number you are calling about and leave your comment. The verbal comments must be received by no later than 9:00 a.m. on the morning of the noticed meeting and will be limited to 3 minutes. Every effort will be made to include your comment into the record, but some comments may not be included due to time limitations.

NOTE: The Groundwater Sustainability Commission reserves the right to limit each speaker to three (3) minutes per subject or topic. In compliance with the Americans with Disabilities Act, all possible accommodations will be made for individuals with disabilities, so they may participate in the meeting. Persons who require accommodation for any audio, visual or other disability in order to participate in the meeting of the GSC are encouraged to request such accommodation 48 hours in advance of the meeting from Joey Steil at (805) 781-5252.

GROUNDWATER SUSTAINABILITY COMMISSION
October 6, 2021

Agenda Item #4 – Consider Adopting Resolution to Continue Meeting Remotely

Recommendation

Request to consider adopting a resolution authorizing the Groundwater Sustainability Commission to continue remote teleconferencing of public meetings based on the findings that COVID-19 remains a serious risk to public health and safety.

Prepared By

Mladen Bandov, County of San Luis Obispo

Summary

On March 4, 2020, California State Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That proclamation remains in effect to date. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting Law, the Brown Act (Government Code Section 54950 et seq.). On June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying the suspension of the teleconferencing rules set forth in the Brown Act, noting that those provisions would remain suspended through September 30, 2021.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which allows legislative bodies subject to the Brown Act to continue meeting by teleconference, provided they make certain findings, including that meeting in person would present imminent risks to the health or safety of attendees. AB 361 requires that certain findings be made by the legislative body every 30 days.

This staff report is presented today for the GSC to consider the finding that holding in person meetings would present imminent risks to the health or safety of board members, staff and all attendees of GSC public meetings.

Attachments

1. Resolution of the Groundwater Sustainability Commission authorizing teleconference meetings for a period of thirty days pursuant to the Ralph M. Brown Act

In The GROUNDWATER SUSTAINABILITY COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Wednesday, October 6th, 2021

PRESENT:

ABSENT:

RESOLUTION NO. _____

**A RESOLUTION OF THE GROUNDWATER SUSTAINABILITY COMMISSION ACKNOWLEDGING
GOVERNOR NEWSOM'S PROCLAMATION OF A STATE OF EMERGENCY AND AUTHORIZING
MEETINGS BY TELECONFERENCE FOR A PERIOD OF THIRTY DAYS PURSUANT TO THE RALPH
M. BROWN ACT**

The following Resolution is now offered and read:

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and

WHEREAS, the proclaimed state of emergency remains in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code Section 54950 *et seq.* (the "Brown Act"), provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), allowing legislative bodies subject to the Brown Act to continue meeting by teleconference if the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

WHEREAS, California Department of Public Health and the federal Centers for Disease

Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

WHEREAS, the CDC has established a “Community Transmission” metric with 4 tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and

WHEREAS, the County of San Luis Obispo currently has a Community Transmission metric of “high” which is the most serious of the tiers; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Groundwater Sustainability Commission (the “GSC”) deems it necessary to find holding in person meetings would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the GSC that:

1. The recitals set forth above are true and correct.
2. The Proclamation of State of Emergency in response to the COVID-19 pandemic issued by Governor Newsom on March 4, 2020, remains in effect.
3. Based on the recitals above, the GSC finds that meeting in person would present imminent risks to the health or safety of attendees.
4. Staff is directed to return at the next regularly scheduled meeting with an item for the GSC to consider making the findings required by AB 361 to continue meeting under its provisions.

Upon motion of Member _____, seconded by Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Robert Schiebelhut
Chairperson of the Groundwater Sustainability
Commission

ATTEST:

Mladen Bandov
County of San Luis Obispo Engineer

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: _____

Groundwater Sustainability Commission
Regular Meeting Minutes (Draft)
August 18, 2021

The following members were present:

- Bob Schiebelhut**, Chair, EVGMWC
- Mark Zimmer**, Vice Chair, GSWC
- Dennis Fernandez**, Member, ERMWC/VRMWC
- Dawn Ortiz-Legg**, Member, County of San Luis Obispo
- Andy Pease**, Member, and **Aaron Floyd**, Alternate Member, City of San Luis Obispo

1. Call to Order	Chair Schiebelhut: calls the meeting to order at 3:30 PM.																														
2. Roll Call	City Staff, Mychal Boerman: calls roll.																														
3. Pledge of Allegiance	Chair Schiebelhut: leads the Pledge of Allegiance.																														
4. Public Comment – Items not on Agenda	Chair Schiebelhut: recommends reordering agenda items 7 and 8 – there are no objections – and opens the floor for public comment. <u>None</u>																														
5. Approval of Meeting Minutes: • June 21, 2021	<p>Chair Schiebelhut: opens discussion for Agenda Item 5 - Approval of Meeting Minutes for the June 21, 2021, Groundwater Sustainability Commission meeting and asks for comments from the Commission; there are none.</p> <p>Motion By: Chair Schiebelhut Second By: Vice Chair Zimmer Motion: The Commission moves to approve the June 21, 2021, meeting minutes.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Members</th> <th style="text-align: center;">Ayes</th> <th style="text-align: center;">Noes</th> <th style="text-align: center;">Abstain</th> <th style="text-align: center;">Recuse</th> </tr> </thead> <tbody> <tr> <td>Bob Schiebelhut (Chair)</td> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mark Zimmer (Vice Chair)</td> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dennis Fernandez (Member)</td> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dawn Ortiz-Legg (Member)</td> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Aaron Floyd (Alternate Member)</td> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Members	Ayes	Noes	Abstain	Recuse	Bob Schiebelhut (Chair)	X				Mark Zimmer (Vice Chair)	X				Dennis Fernandez (Member)	X				Dawn Ortiz-Legg (Member)	X				Aaron Floyd (Alternate Member)	X			
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6. GSP Update – New Monitoring Well Installation	<p>County Staff, Dick Tzou: provides an update on the installation of a monitoring well at O’Connor Way and Foothill Boulevard (SLV-23) to be completed by November 2021. Also provides an update on the August 24th County Board of Supervisors meeting where the Board will hold a Hearing to consider modifying the boundaries of the County GSA to exclude the areas annexed by the City of SLO. The County Board of Supervisors will also be receiving a presentation on the compiled Draft GSP on this date.</p> <p>Chair Schiebelhut: opens the floor for public comment; there are none.</p>																														

Groundwater Sustainability Commission
Regular Meeting Minutes (Draft)
August 18, 2021

<p>8. Scope of Work for the SLO Basin 2022 Annual Report and Request for Proposals (RFP)</p>	<p>County Staff, Dick Tzou and City Staff, Mychal Boerman: present on the Scope of Work for the SLO Basin 2022 Annual Report and Request for Proposals. Topics and Member discussion:</p> <ul style="list-style-type: none"> • Components of GSP Annual Report • Annual reports to be submitted to DWR every year, first one 4/1/22 • Upcoming work to prepare the report that will include data up to 9/30/2021 • Estimated timeline and cost of \$100k shared between City (30%) and County (70%) • Designating a Commission Member to participate in the consultant selection process. <p>Motion By: Member Ortiz-Legg Second By: Alternate Member Floyd Motion: The Commission moves to receive and file a draft scope of work for the preparation of the SLO Basin 2022 Annual Report and nominate Toby Moore to participate in consultant selection process.</p> <table border="1" data-bbox="537 884 1495 1125"> <thead> <tr> <th>Members</th> <th>Ayes</th> <th>Noes</th> <th>Abstain</th> <th>Recuse</th> </tr> </thead> <tbody> <tr> <td>Bob Schiebelhut (Chair)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mark Zimmer (Vice Chair)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dennis Fernandez (Member)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dawn Ortiz-Legg (Member)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Aaron Floyd (Alternate Member)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Members	Ayes	Noes	Abstain	Recuse	Bob Schiebelhut (Chair)	X				Mark Zimmer (Vice Chair)	X				Dennis Fernandez (Member)	X				Dawn Ortiz-Legg (Member)	X				Aaron Floyd (Alternate Member)	X			
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<p>7. Public Draft of the Groundwater Sustainability Plan Review and Comments</p>	<p>GSP Consultant Team, Michael Cruickshank and Dave O'Rourke: present on the Public Draft of the Groundwater Sustainability Plan and responses to public comments. Topics and Member discussion:</p> <ul style="list-style-type: none"> • Recapped chapters; 400 pages • Executive Summary presented in the beginning of the GSP summarizing chapters • List of appendices / newer appendices: A and I • Public comments and responses are listed in Appendix I • Responses to public comments for Chapters 8, 9, and 10 • Areas identified in the GSP for potential clarification based on comments and review of Santa Cruz GSP which was approved by DWR • Review of Interconnected Surface Water (ISW) and period of record • Conceptual modeling scenario for ISW, patterned after Santa Cruz GSP to assess impacts of pumping on streamflow (Chapter 8) • Revised Sustainable Management Criteria (SMC); updated the SMC at RMS SLV-12 and updated Water Quality Undesirable Result statement from "any year" to "5-year GSP Update" 																														

**Groundwater Sustainability Commission
Regular Meeting Minutes (Draft)
August 18, 2021**

	<ul style="list-style-type: none"> • Shared effects of climate change on groundwater conditions in the basin per DWR guidance • Removal of City of SLO potable water to Golden State project was removed from the public draft per feedback from the City Council at 7/20/21 session. Commission Members and staff discussed how the removal of the project will be documented, stakeholder engagement for removing the project, and including text in the Plan (Chapter 9-2) acknowledging that the project has been selectively removed. <p>Member Pease joins the meeting at 4:05 pm.</p> <p>Chair Schiebelhut: opens the floor for public comment.</p> <p>Tim Walters: speaks. Commission Members and staff respond.</p> <p>Motion By: Member Pease Second By: Member Ortiz-Legg Motion: The Commission moves to receive and file the Public Draft of the Groundwater Sustainability Plan with modification to Chapter 9-2 and release for public comments on 8/19/2021.</p> <table border="1" data-bbox="540 995 1495 1234"> <thead> <tr> <th>Members</th> <th>Ayes</th> <th>Noes</th> <th>Abstain</th> <th>Recuse</th> </tr> </thead> <tbody> <tr> <td>Bob Schiebelhut (Chair)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mark Zimmer (Vice Chair)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dennis Fernandez (Member)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Dawn Ortiz-Legg (Member)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Andy Pease (Member)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Members	Ayes	Noes	Abstain	Recuse	Bob Schiebelhut (Chair)	X				Mark Zimmer (Vice Chair)	X				Dennis Fernandez (Member)	X				Dawn Ortiz-Legg (Member)	X				Andy Pease (Member)	X			
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Andy Pease (Member)	X																														
<p>9. Future Items</p>	<ul style="list-style-type: none"> • October 6th GSC Meeting <ul style="list-style-type: none"> ○ Response to Comments on Public Draft ○ GSC to recommend the Final Draft of the GSP to be adopted by the GSAs 																														
<p>10. Next Meeting</p>	<p>October 6, 2021, at 3:00 p.m. via Zoom</p>																														
<p>11. Adjourn</p>	<p>The Commission adjourns the meeting at 5:10 p.m.</p>																														

DRAFTED BY: City and County Staff

GROUNDWATER SUSTAINABILITY COMMISSION
for the San Luis Obispo Valley Groundwater Basin

October 6, 2021

Agenda Item 8 – Final Draft of the Groundwater Sustainability Plan Review and Comments
(Action Item)

Recommendation

- a) Consider response from comments on the Public Draft and recommend the Final Draft of the Groundwater Sustainability Plan to be recommended for adoption by the GSAs.

Prepared by

Michael Cruikshank, WSC

Dave O'Rourke, GSI

Discussion

Part of discussions of this item is to open the floor for the GSC members and public to discuss any pertinent public comments received on the Public Draft of the GSP. The comment period for Public Draft of the GSP closed on September 19, 2021. All comments received and their associated written responses are published online and may be viewed at: <https://www.slowaterbasin.com/review-documents>. Public or GSA comments received during each draft GSP chapter/section's comment period are considered and appropriate responses are included in a compiled comments and responses. Pending approval by the GSC, the GSP will be recommended for adoption by the GSA's.

The Final GSP will be uploaded to SLOWaterBasin.com for review after the GSC has recommended that each GSA adopt the GSP. The WSC Team will present an overview of the Final GSP and next steps in the process.

Attachments:

1. Presentation



Agenda Item 8: Final Draft of the Groundwater Sustainability Plan & Response to Comments

Michael Cruikshank
Dave O'Rourke

1 | SLO GSC MEETING • October 6, 2021

Final Draft of the SLO Basin GSP

- Executive Summary – August 2021
- Chapter 1 – Introduction to the SLO Basin GSP – September 2019
- Chapter 2 – Agency Information – September 2019
- Chapter 3 – Description of Plan Area – December 2019
- Chapter 4 – Basin Setting – December 2019
- Chapter 5 – Groundwater Conditions – March 2020
- Chapter 6 – Water Budget – July 2020
- Chapter 7 – Monitoring Networks – December 2020
- Chapter 8 – Sustainable Management Criteria – May 2021
- Chapter 9 – Projects and Management Actions – June 2021
- Chapter 10 – Implementation Plan – June 2021

2 | SLO GSC MEETING • October 6, 2021

Final Draft of the SLO Basin GSP

- Appendix A: DWR Elements of the Plan Guide – August 2021
- Appendix B: City of San Luis Obispo Resolution to From GSA – September 2019
- Appendix C: County of San Luis Obispo Resolution to From GSA – September 2019
- Appendix D: Memorandum of Agreement- Preparation of GSP – September 2019
- Appendix E: Notice and Communication – August 2019, October 2020
- Appendix F: GDE TM– June 2021
- Appendix G: Surface Water/Groundwater Modeling Documentation – May 2019, November 2019, February 2020, June 2021
- Appendix H: Data Management: September 2020, December 2020
- Appendix I: Response to Public Comments: March 2021 and [September 2021](#)

Response to Comments on Public Draft

- Comments regarding Interconnected Surface Water (ISW)
 - Additional discussion added in Section 8.10 Depletion of Interconnected Surface Water Sustainability Indicator §354.28(c)(6)
- Comments Regarding State Water Project (SWP)
 - Supplemental Water Feasibility Study will focus on the feasibility of supplemental water sources including the State Water Project as described in Chapter 10.

Response to Comments on Public Draft

- Comments from Ag and General Public regarding Groundwater Extraction and Metering Plan and the Demand Management Plan
 - Text was added to 9.5.2.2 Non-De Minimis Extraction and Reporting Program
 - "...It is anticipated that the Groundwater Extraction Metering and Reporting Plan developed pursuant to this GSP will provide for mandatory metering and reporting consistent with Water Code 10725.8 if, without limitation, there is insufficient voluntary participation and that such mandate would be implemented and enforced via a separately developed regulation. Such regulation could exclude a class of users beyond those that meet the statutory definition of a de minimis extractor if warranted and consistent with the objectives of this GSP."

5 | SLO GSC MEETING • October 6, 2021

Response to Comments on Public Draft

- Comments from Ag and General Public regarding Groundwater Extraction and Metering Plan and the Demand Management Plan
 - Text was added to Section 9.5.3 Demand Management Plan and Section 9.5.3.5 Pumping Limitations
 - "...This GSP calls for the development of a Demand Management Plan that will include the documentation of water conservation measures taken by purveyors, irrigation efficiencies of the agricultural fields, water efficient crop conversion, and volunteer crop fallowing. The Demand Management Plan may also provide for mandatory pumping limitations consistent with Water Code Section 10726.4 which would be implemented and enforced via a separately developed regulation..."

6 | SLO GSC MEETING • October 6, 2021

NEXT STEPS

October 6th GSC Meeting

Response to Comments on Public Draft

- GSC to recommend the Final GSP to be adopted by the GSAs
- Next Steps

December 7th GSAs Board Meetings

- The City and County will hold a Board Meeting to adopt the GSP

7 | SLO GSC MEETING October 6, 2021

RECOMMENDATION

- GSC to recommend the Final GSP to be adopted by the GSAs

8 | SLO GSC MEETING • October 6, 2021

GROUNDWATER SUSTAINABILITY COMMISSION
for the San Luis Obispo Valley Groundwater Basin

October 6, 2021

Agenda Item 9 – Discussion on MOA provisions

Recommendation

- a) Discuss participation and funding provisions in the Memorandum of Agreement (MOA) regarding preparation of a Groundwater Sustainability Plan for the San Luis Obispo Valley Groundwater Basin

Prepared by

Mladen Bandov, County Staff

Discussion

The County of San Luis Obispo, the City of San Luis Obispo, the Edna Valley Growers Mutual Water Company (MWC), the Varian Ranch MWC, the Edna Ranch MWC, and the Golden State Water Company entered into the Memorandum of Agreement (MOA) regarding preparation of a groundwater sustainability plan for the San Luis Obispo Valley Groundwater Basin (see Attachment 1).

Under Section 1 Purpose of the MOA:

*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. (Emphasis added)***

It is anticipated that the City Council and the County Board of Supervisors each will consider adopting the SLO Basin Groundwater Sustainability Plan (GSP) in December 2021. It is also anticipated that the adopted GSP will be submitted to the California Department of Water Resources (DWR) by the statutory deadline of January 31, 2022, after which DWR will have two years to evaluate and issue an assessment of the GSP.

While it's unknown when DWR would issue an assessment, which could come before the 2-year deadline, DWR has conveyed to County staff that the expectation is that GSAs initiate GSP implementation as soon as possible. For example, annual reports which are due April 1 following the GSP submission and every year thereafter is a SGMA requirement and included in the GSP.

The purpose of this item is to allow a discussion among the Parties of the provisions of the MOA including the automatic termination date of the MOA (Sections 2 and 10.3), GSA activities during the DWR approval period, continuation of the GSC (Section 4), ongoing funding by the Participating Parties (Section 6.B), and other related topics.

Attachments:

1. MOA

**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: _____

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: DEPT. COUNTY CLERK

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: [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: _____

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. Decker*
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: _____

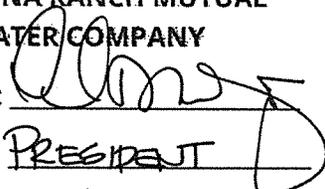
**EDNA VALLEY GROWERS
MUTUAL WATER COMPANY**

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