

LOS OSOS GROUNDWATER BASIN, BASIN MANAGEMENT COMMITTEE

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Los Osos Groundwater Basin, Basin Management Committee Board of Directors will hold a **Regular Board Meeting** at **1:30 P.M.** on **Wednesday, December 15, 2021**. Due to the continuing increase of Coronavirus (COVID-19) cases and in accordance with AB 361, which amends Government Code §54953 to allow local legislative bodies to hold virtual meetings after September 30, 2021, if certain criteria is met, the Basin Management Committee meeting for December 15, 2021 will be a virtual meeting held via Zoom webinar. There will be no physical meeting location for this BMC Meeting. Members of the public can participate via phone or by logging into the web-based meeting.

For quick access, go to <https://us04web.zoom.us/j/778762508>
(This link will help connect both your browser and telephone to the call)

If not using a computer, dial 1 (669) 900-6833 or 1 (346) 248-779 and enter **778 762 508**

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

- Email at danheimel@ConfluenceES.com by 5:00 PM on the day prior to the Committee meeting.
- Teleconference by phone at 1 (669) 900-6833 and enter **778 762 508**
- Teleconference by phone at 1 (346) 248-7799 and enter **778 762 508**
- Teleconference meeting at <https://us04web.zoom.us/j/778762508>
- Mail by 5:00 PM on the day prior to the Committee meeting to:
Attn: Dan Heibel (Basin Management Committee)
2122 9th St.
Suite 110
Los Osos, CA 93402

Additional information on how to submit Public Comment is provided on page 3 of this Agenda.

Directors: Agenda items are numbered for identification purposes only and may not necessarily be considered in numerical order.

NOTE: The Basin Management Committee 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 BMC are encouraged to request such accommodation 48 hours in advance of the meeting from Dan Heibel at danheimel@ConfluenceES.com.

BASIN MANAGEMENT COMMITTEE BOARD OF DIRECTORS AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. RESOLUTION AUTHORIZING CONTINUED REMOTE TELECONFERENCING BMC MEETINGS**
- 4. BOARD MEMBER COMMENTS**

Board members may make brief comments, provide project status updates, or communicate with other directors, staff, or the public regarding non-agenda topics.

- 5. SPECIAL PRESENTATION**

None

6. CONSENT AGENDA

The following routine items listed below are scheduled for consideration as a group. Each item is recommended for approval unless noted and may be approved in their entirety by one motion. Any member of the public who wishes to comment on any Consent Agenda item may do so at this time. Consent items generally require no discussion. However, any Director may request that any item be withdrawn from the Consent Agenda and moved to the "Action Items" portion of the Agenda to permit discussion or to change the recommended course of action. The Board may approve the remainder of the Consent Agenda on one motion.

- a. **2021 Budget Update and Invoice Register**
- b. **Approval of Minutes from November 17, 2021 BMC Meeting**
- c. **Approval of Minutes from October 27, 2021 BMC Meeting**

7. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

The Basin Management Committee will consider public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Basin Management Committee. The Basin Management Committee cannot enter into a detailed discussion or take any action on any items presented during public comments at this time. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. The presiding Chair shall limit public comments to three minutes.

8. EXECUTIVE DIRECTOR'S REPORT

9. ACTION ITEMS

- a. **Calendar Year 2022 BMC Budget**

Recommendation: It is recommended that the BMC: 1) receive recommendations and approve the Calendar Year 2022 BMC Budget; 2) approve Calendar Year 2022 BMC Executive Director and Hydrogeologist consultant proposals; or 3) provide alternate direction to staff.

10. ADJOURNMENT

Notice of Meeting
LOS OSOS GROUNDWATER BASIN, BASIN MANAGEMENT
COMMITTEE

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

Wednesday, December 15, 2021 at 1:30 PM

Important Notice Regarding COVID-19

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, Committee Members will have the opportunity to ask questions. Participants on the phone or on the computer will then be provided an opportunity to speak for 3 minutes as public comment prior to Committee 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 Committee's agenda and staff reports are available at the following website:
[https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Los-Osos-Basin-Management-Committee-\(BMC\).aspx](https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Los-Osos-Basin-Management-Committee-(BMC).aspx)
3. If you choose not to participate in the meeting and wish to make a written comment on any matter within the Committee's subject matter jurisdiction, regardless of whether it is on the agenda for the Committee'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 Committee meeting. Please submit your comment to Dan Heibel at danheibel@ConfluenceES.com. Your comment will be placed into the administrative record of the meeting.
4. If you choose not to participate in the meeting and wish to submit verbal comment, please call (805) 459-8498 and ask for Dan Heibel. 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.

Mailing Address:
Attn: Dan Heibel
Basin Management Committee
2122 9th St.
Suite 110
Los Osos, CA 93402

All Americans with Disabilities Act (ADA) accommodations shall be promptly reviewed and resolved. Persons who require accommodations for any audio, visual or other disability in order to review an agenda, or to participate in the meeting of the Basin Management Committee per the ADA, are encouraged to request such accommodation 48 hours in advance of the meeting from Dan Heibel at (805) 459-8498.

TO: Los Osos Basin Management Committee

FROM: Dan Heibel, Executive Director

DATE: December 15, 2021

SUBJECT: Item 3 – Authorizing continuation of remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety

Recommendations

Staff recommends that the BMC: 1) adopt a resolution authorizing the BMC to continue remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety; or 2) provide alternate direction to staff.

Discussion

The Brown Act (Gov. Code § 54950 et seq.) guarantees the public's right to attend and participate in the meetings of local legislative bodies. As such, the Brown Act requires that meetings of legislative bodies and local public agencies be noticed, open, and public. The Brown Act requirements for teleconferencing public meetings include:

- Each teleconference location must be open to the public;
- Members of the public must be able to address the body at each teleconference location;
- At least a quorum of the body must be within the body's territorial jurisdiction at the time of the meeting;
- All votes must be counted via rollcall

E.O. N-29-20, which was issued on March 17, 2020 in response to the COVID-19 pandemic, allowed local agencies to hold public meetings remotely by suspending many of the Brown Act limitations on teleconferencing. E.O. N-08-21, issued June 11, 2021, stated that these loosened teleconference rules were going to expire on September 30. However, due to the recent passing of AB 361 and AB 339, many remote teleconferencing options are still be available during state-proclaimed emergencies. Both of these bills modify the Brown Act's teleconferencing requirements (Gov. Code § 54953(b)).

Assembly Bill 361 was passed on September 10 and signed on September 16. The bill is an urgency statute and was operative immediately upon signing and is set to expire on December 31, 2023. AB 361 amends Government Code section 54593 and allows agencies to hold virtual meetings and allow remote participation by the public with requirements similar to those that have been in place under E.O. N-29-20, with some new requirements.

The modified teleconferencing requirements established in AB 361 (now Gov. Code § 54953(e)) may be utilized by an agency to hold public meetings, so long as:

- There is a gubernatorially declared state of emergency as defined under Section 8625 of the California Emergency Services Act (Gov. Code § 52953(e)(1), (e)(4));

- One of the following circumstances is present: (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is holding a meeting for the purpose of determining whether the emergency at hand presents imminent risks of health and safety to attendees if meetings were held in person, or (3) the legislative body has already held a meeting and determined (by majority vote) that such health and safety risks are present (Gov. Code § 54953(e)(1)); and
- A decision to meet telephonically must be renewed at least every 30 days with the legislative body finding (by majority vote) that either the emergency situation continues to impact the ability of members and the public to meet in person or state *or* local officials continue to impose social distancing measures (Gov. Code § 54953(e)(3)).

BMC Staff recommends that the BMC adopt a resolution authorizing the BMC to continue remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety.

RESOLUTION NO. _____

**A RESOLUTION OF THE LOS OSOS BASIN MANAGEMENT COMMITTEE
PROCLAIMING A LOCAL EMERGENCY, RE-RATIFYING THE PROCLAMATION
OF A STATE OF EMERGENCY ISSUED BY THE GOVERNOR OF THE STATE OF
CALIFORNIA ON MARCH 4, 2020 AND RE-AUTHORIZING REMOTE
TELECONFERENCE MEETINGS PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the Los Osos Basin Management Committee (“Committee”) is committed to preserving and nurturing public access and participation in meetings of the Committee; and

WHEREAS, as set forth in the Stipulated Judgment in *Los Osos Community Services District v. Golden State Water Company, et al.*, Civil Case No. GIN 040126 (San Luis Obispo County Superior Court), all meetings of the Committee are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate and watch the Committee conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Committee’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Committee previously adopted Resolution No. 2021-01 on 11/17/2021 finding that the requisite conditions exist for the District’s Board of Directors to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Committee must reconsider the circumstances of the state of emergency that exists in the District at least every thirty (30) days, and the Committee has done so; and

WHEREAS, COVID-19 remains a primary concern to public safety as the United States' Center for Disease Control ("CDC") announced in August that the Delta variant is more than twice as contagious as previous variants, it has a greater risk of infection even among vaccinated individuals, and that it may cause more serious illness than previous variants;¹ and

WHEREAS, San Luis Obispo County ("County") has seen an increase of cases and deaths related to COVID-19 since June with the emergence of the Delta variant² and the County's Public Health Department recently released an order requiring all vaccinated and unvaccinated individuals to wear masks in indoor public settings, citing a recent increase in hospitalizations and the high transmissibility of the Delta variant³;

WHEREAS, the Committee's Board of Directors does hereby find that the higher transmission rate and significant health risks posed by the Delta variant has caused, and will continue to cause, conditions of peril to the safety of persons within the Committee that are likely to be beyond the control of services, personnel, equipment, and facilities of the Committee, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Committee does hereby find that it shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Committee shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, pursuant to the Brown Act as amended after September 30, 2021,⁴ the Committee is including instructions for the public to virtually attend and comment on the meeting by telephone or through Zoom on each meeting agenda, which is posted on the Committee's website prior to the meeting.

NOW, THEREFORE, THE LOS OSOS BASIN MANAGEMENT COMMITTEE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Committee hereby considers the conditions of the state of emergency in throughout the Committee's jurisdiction and proclaims that a local emergency persists, and due to the high transmission rate of the Delta and Omicron variants, risk to unvaccinated and vaccinated individuals, greater risk of transmission at indoor gatherings, and significant increase in the County's number of COVID-19 cases since June,

¹ CDC COVID-19 August 26 update on the Delta Variant ([CDC website](#)).

² According to the state's most recent COVID-19 data tracking statistics by county, ([COVID19.CA.GOV](#)).

³ September 1, 2021 San Luis Obispo County Health Officer Order (<https://www.emergencyslo.org/en/resourcesGeneral/9.1.2021-Health-Order-6---Mask-Mandate.pdf>)

⁴ Gov. Code § 54953(e)

meeting in person would present imminent risk to the health and safety of board members and the public.

Section 3. Re-Ratification of Governor’s Proclamation of a State of Emergency. The Committee hereby re-ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Executive Director and Committee are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty (30) days or (ii) such time as the Committee considers and re-ratifies this resolution to extend the time during which the Committee may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Los Osos Basin Management Committee, this 15th day of December, 2021, by the following vote:

AYES: ____

NOES: ____

ABSENT: ____

ABSTAIN: ____

BASIN MANAGEMENT COMMITTEE BOARD OF DIRECTORS

Agenda Item 6b: Minutes of the Meeting of November 17, 2021

The following is a summary of the actions taken at the Basin Management Committee Board of Directors Meeting.
The official record for the meeting is the recording that can be found at:
<https://slo-span.org/static/meetings-LOBMC.php>

Agenda Item	Discussion or Action
1. Call to Order	Chairperson Ochylski called the meeting to order at approximately 1:30 pm.
2. Roll Call	Daniel Heimel, Executive Director, called roll to begin the meeting. Chairperson Marshall Ochylski, Director Charlie Cote, Director Bruce Gibson and Director Mark Zimmer were present.
3. Resolution Authorizing Continued Remote Teleconferencing BMC Meetings	<p>Recommendation: Staff recommends that the BMC: 1) adopt a resolution authorizing the BMC to continue remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety; or 2) provide alternate direction to staff.</p> <p>Public Comment Patrick McGibney</p> <p>Board Action Adopt the resolution authorizing the BMC to continue remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety. Motion: Director Zimmer Second: Director Cote Ayes: Director Cote, Director Gibson, Director Zimmer, Chairperson Ochylski Nays: None Abstain: None Absent: None</p>
9c. Executive Director Contract Transfer	<p>Recommendation: It is recommended that the BMC: 1) consider transfer of the Executive Director contract from Water Systems Consulting, Inc. to Confluence Engineering Solutions, Inc.; or 2) provide alternate direction to staff.</p> <p>Public Comment None</p> <p>Board Action Approve the transfer of the Executive Director contract from Water Systems Consulting, Inc. to Confluence Engineering Solutions, Inc. Motion: Director Gibson Second: Director Cote Ayes: Director Cote, Director Gibson, Director Zimmer, Chairperson Ochylski Nays: None Abstain: None Absent: None</p>
4. Board Member Comments	None
5. Special Presentation	None

<p>6. Consent Agenda</p> <p>6a. Approval of Minutes of October 27, 2021 Meeting</p>	<p>Recommendation: Review and approved items on the Consent Agenda.</p> <p>Public Comment Keith Wimer Linde Owen</p> <p>Board Action Accept October 27, 2021 BMC Meeting Minutes with the exception that the description of Action Item 8a be modified to reflect the BMC’s direction to reject the recommendation to apply the methodology used in the calculation of the Calendar Yield 2022 Sustainable Yield estimate to the Calendar Year 2021 Sustainable Yield estimate.</p> <p>Motion: Director Zimmer Second: Director Gibson Ayes: Director Cote, Director Gibson, Director Zimmer, Chairperson Ochylski Nays: None Abstain: None Absent: None</p>
<p>7. Public Comments on Items Not Appearing on the Agenda</p>	<p>Public Comment Deborah Howe Keith Wimer Patrick McGibney Linde Owen Jeff Edwards Judy West Virginia Jensen Vic</p>
<p>8. Executive Director’s Report</p>	<p>Public Comment Jeff Edwards Keith Wimer Deborah Howe Linde Owen</p> <p>Board Direction Director Gibson requested that the BMC agendize a discussion of adaptive management and what steps does the BMC see for reducing the Basin Yield Metric back down to 80. Receive and file the Executive Director’s Report.</p>
<p>9. Action Items</p>	
<p>9a. Preliminary Calendar Year 2022 BMC Budget</p>	<p>Recommendation: BMC Staff recommends that the BMC: 1) receive information on potential items for BMC Calendar Year 2022 Budget and provide direction to staff.</p> <p>Public Comment Keith Wimer Linde Owen</p> <p>Board Direction Director Zimmer requested additional information on the cost of the Transient Groundwater Model and for BMC Staff to further define recommended actions listed under technical contingency.</p>

<p>9b. LOCSD Program C Well Minor Use Permit</p>	<p>Recommendation: BMC Staff recommends that the BMC: 1) review the LOCSD Well Minor Use Permit/CDP Application and recommend project approval to the County; or 2) provide alternate direction to staff.</p> <p><u>Public Comment</u> Keith Weimer Jeff Edwards</p> <p><u>Board Action</u> Approve staff recommendation and recommend project approval to the County. Motion: Director Cote Second: Director Cesena Ayes: Director Cote, Chairperson Zimmer, and Director Cesena Nays: None Abstain: Director Gibson Absent: None</p>
<p>10. ADJOURNMENT</p>	<p>Meeting adjourned at approximately 3:20 PM. The next regularly scheduled meeting is Wednesday, December 15, 2021 at 1:30 PM.</p>

BASIN MANAGEMENT COMMITTEE BOARD OF DIRECTORS

Agenda Item 6c: Minutes of the Meeting of October 27, 2021

The following is a summary of the actions taken at the Basin Management Committee Board of Directors Meeting.
The official record for the meeting is the recording that can be found at:
<https://slo-span.org/static/meetings-LOBMC.php>

Agenda Item	Discussion or Action
1. CALL TO ORDER	Chairperson Ochylski called the meeting to order at 1:00 pm.
2. ROLL CALL	Daniel Heimel, Executive Director, called roll to begin the meeting. Chairperson Marshall Ochylski, Director Charlie Cote, Director Bruce Gibson and Director Mark Zimmer were present.
3. BOARD MEMBER COMMENTS	Director Zimmer – Recycled water to Los Osos Valley Road median
4. Special Presentation	None
5. CONSENT AGENDA	
5a. Approval of Minutes of September 29, 2021 Meeting	Review of minutes from September 29, 2021 Meetings, 2021 Budget Update and Invoice Register and resolution authorizing continued remote teleconferencing BMC Meetings.
5b. Approval of 2021 Budget Update and Invoice Register	<u>Public Comment</u> Keith Weimer Lindi Doud Linde Owen
5c. Resolution authorizing continued remote teleconferencing BMC Meetings	<u>Board Direction</u> Obtain legal opinion on where to place resolution allowing remote teleconferencing of BMC Meetings on future agendas. Agendize development of transcripts for BMC Meeting Minutes on future BMC Agenda. <u>Board Action</u> Approve Consent Agenda Motion: Director Gibson Second: Director Zimmer Ayes: Director Cote, Director Gibson, Director Zimmer, Chairperson Ochylski Nays: None Abstain: None Absent: None
6. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA	<u>Public Comment</u> Keith Weimer Jeff Edwards Lindi Doud Larry Raio Linde Owen Patrick McGibney

8. ACTION ITEMS

8a. Sustainable Yield_x Methodology Review and Recommendations

Recommendation: BMC Staff recommends that the BMC: 1) receive information on the updated Sustainable Yield_x calculations and approve the proposed Sustainable Yield estimate of 2,380 AFY for Calendar Year 2022 based on the findings provided; or 2) provide alternate direction to staff.

Public Comment

Jeff Edwards
Deborah Howe
Larry Raio
Linde Owen
Patrick McGibney
Keith Weimer

Board Action

Approve the staff recommendation to adopt the Sustainable Yield estimate for the Los Osos Basin of 2,380 AFY for Calendar Year 2022 based on the findings in the staff report but reject the recommendation in the body of the report to apply the methodology used in the 2022 Sustainable Yield calculation to the Calendar Year 2021 Sustainable Yield calculation.

Motion: Director Zimmer

Second: Director Cote

Ayes: Director Cote, Director Gibson, Director Zimmer, and Chairperson Ochylski

Nays: None

Abstain: None

Absent: None

8b. Recycled Water Funding Program Grant Application and County Funding Request

Recommendation: BMC Staff recommends that the BMC: 1) authorize the use of Grant Pursuit Contingency funding to prepare the Water Recycling Funding Program (WRFP) Grant Application; and 2) submit a request to the County to access the \$150,000 in County funding budgeted for the development of a Transient Groundwater Model; or 3) provide alternate direction to staff.

Public Comment

Jeff Edwards
Linde Owen
Keith Weimer
Patrick McGibney

Board Action

Approve Staff Recommendation and authorize preparation of WRFP grant application and submit request to County of transient model funding.

Motion: Director Gibson

Second: Director Zimmer

Ayes: Director Cote, Director Gibson, Director Zimmer, and Chairperson Ochylski

Nays: None

Abstain: None

Absent: None

<p>8c. BMC Funding Options Consulting Services</p>	<p>Recommendation: BMC Staff recommends that the BMC: 1) review and approve the proposal for SCI Consulting Group to provide an updated funding options analysis and assessment evaluation; or 2) provide alternate direction to staff.</p> <p><u>Public Comment</u> Keith Weimer Jeff Edwards</p> <p><u>Board Direction</u> Bring back information on potential procurement policy for the BMC consideration at a future BMC Meeting.</p> <p><u>Board Action</u> Approve Staff Recommendation and authorize SCI Consulting Group to provide an updated funding options analysis and assessment evaluation. Motion: Director Cote Second: Director Gibson Ayes: Director Cote, Director Gibson, Director Zimmer, and Chairperson Ochylski Nays: None Abstain: None Absent: None</p>
<p>8d. Wellhead Survey Authorization</p>	<p>Recommendation: BMC Staff recommends that the BMC: 1) Authorize Twin Cities Survey and Cleath-Harris Geologist to complete a survey of additional wells in the Los Osos Basin to improve monitoring program data; and 2) request that the County survey the wells in their monitoring program; or 3) provide alternate direction to staff.</p> <p><u>Public Comment</u> Keith Weimer</p> <p><u>Board Action</u> Approve Staff Recommendation and authorize Twin Cities Survey and Cleath-Harris Geologist to survey additional wells in Los Osos Basin and request that the County survey the wells in their monitoring program.</p> <p>Motion: Director Cote Second: Director Ballantyne Ayes: Director Cote, Director Ballantyne, Director Zimmer, and Chairperson Ochylski Nays: None Abstain: None Absent: None</p>

<p>8e. Lower Aquifer Monitoring Evaluation</p>	<p>Recommendation: BMC Staff recommends that the BMC: 1) authorize the use of Contingency funds for Cleath-Harris Geologists to evaluate the feasibility and cost of modifying existing wells to improve monitoring of Zone E water quality; or 2) provide alternate direction to staff.</p> <p><u>Public Comment</u> Keith Weimer</p> <p><u>Board Action</u> Approve Staff Recommendation and authorize Cleath-Harris Geologist to evaluate the feasibility and costs for improving the lower aquifer monitoring program.</p> <p>Motion: Director Ballantyne Second: Director Zimmer Ayes: Director Cote, Director Ballantyne, Director Zimmer, and Chairperson Ochylski Nays: None Abstain: None Absent: None</p>
<p>7. EXECUTIVE DIRECTOR'S REPORT</p>	<p>Item deferred till November BMC Meeting</p> <p><u>Public Comment</u> Patrick McGibney Keith Weimer Linde Owen</p>
<p>9. ADJOURNMENT</p>	<p>Meeting adjourned at approximately 4:03 PM. The next regularly scheduled meeting is Wednesday, Nov. 17, 2021 at 1:30 PM.</p>

TO: Los Osos Basin Management Committee

FROM: Dan Heibel, Executive Director

DATE: December 15, 2021

SUBJECT: Item 8 – Executive Director’s Report

Recommendations

Staff recommends that the Committee receive and file the report and provide staff with any direction for future discussions. Sections of the Executive Director’s Report that have been updated or significantly changed from the previous meeting’s version are underlined.

Discussion

This report was prepared to summarize administrative matters not covered in other agenda items and to provide a general update on staff activities.

Funding and Financing Programs to Support Basin Plan Implementation

Prop 1 GWGP: The Prop 1 GWGP Round 3 solicitation was released on July 6th, 2021 with Concept Proposals due September 7th, 2021. However, as indicated in the January 2018 BMC meeting, the State Board confirmed that sea water intrusion mitigation projects under Program C are eligible for low interest loans but are not currently eligible for grants under the Proposition 1 Groundwater Grant Program (GWGP). New wells in the upper and lower aquifer are viewed as aquifer management, not aquifer clean-up as defined by the State, therefore we will need to look for future funding rounds and other opportunities. Aquifer clean-up projects (e.g. Community Nitrate Facility, Upper Aquifer Capture and Treatment) could be considered for pursuing grant funding through this program. Unfortunately, this is the 3rd and last round for this Program and they are only looking to fund implementation projects (i.e. projects that have design, CEQA and other planning components completed and are ready for construction), not planning projects.

IRWM: The Program A upper aquifer well at 8th Street was submitted by Los Osos CSD to the local IRWM process in 2019 and was subsequently selected to be a part of the application for the current funding opportunity. The application for this grant was submitted in December 2019 and the Project was included in the Department of Water Resource’s July 2020 Final Funding Award List for the full grant request (\$238,000).

Prop 1 SWGP: The concept of urban storm water recovery at 8th and El Moro was ranked in the County Stormwater Resource Plan. The Project is labeled as “Capture and Reuse of Storm Water” and listed as a Los Osos Community Services District project. The Stormwater Resource Plan can be found here:

<https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Stormwater-Resource-Plan.aspx>. The Project is additionally described in the following locations:

- It is **described** here in our SWRP Appendix 4B under “Capture and Reuse of Storm Water” at 9th and El Morro: <https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Stormwater-Resource-Plan/Documents/SWRP-Appendix-4-B-Identified-Project-and-Program-D.pdf>
- It is **ranked** here on our SWRP website on the **SWRP Project List** link under “Capture and Reuse of Storm Water”: <https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Stormwater-Resource-Plan/Documents/SWRP-Program-Master-Project-Info-2020-04-16.pdf>
- It is also on the **IRWM Project list** under “Capture and Reuse of Storm Water”: [https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Integrated-Regional-Water-Management-\(IRWM\)/IRWM-Plan/2019-IRWM-Plan/Appendices/App_F_Project-Lists.pdf](https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Integrated-Regional-Water-Management-(IRWM)/IRWM-Plan/2019-IRWM-Plan/Appendices/App_F_Project-Lists.pdf)

Grant funding may be available through the Prop 1 Storm Water Grant Program (SWGP). However, the application period for Round 2 of SWGP funding has closed. Information about the Storm Water Grant Program can be found here:

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/swgp/prop1/

WRFP: The State Water Resource Control Board (SWRCB) increased the amount for Water Recycled Program Planning (WRFP) grants from \$75k to \$150k. This could provide a grant funding opportunity to advance Basin Plan initiatives, with a reduced cost to the community of Los Osos, through preparation of a Recycled Water Facilities Planning Study (RWFPS). Potential scope items for the RWFPS could include:

- Transient Groundwater Model Development
- Soil Aquifer Treatment (SAT) Assessment
- Broderson/Creek Discharge Scenario Analysis
- Stormwater and Perched Water Recovery Project – Feasibility Study
- Adaptive Management Groundwater Modeling
- RWFPS Report Development

Recent communication with the SWRCB Representatives confirmed that this funding program is still fully funded and WRFP grants are available.

Status of BMC Initiatives

Sustainable Yield: At its October 27th, 2021 Meeting, the BMC unanimously approved a Sustainable Yield estimate of 2,380 AFY for Calendar Year 2022 and these actions will be documented in the 2021 Annual Report.

Lower Aquifer Transducer Installation: In March, Cleath-Harris Geologists (CHG) initiated requests for permission to access and install transducers in several County monitoring wells, a private well, and a purveyor well. The purveyor well (LA 9) was equipped with a transducer. Due to the uncertainty in accessing County wells, two additional purveyor monitoring wells (LA 40 and LA41) were equipped with transducers. Permission was subsequently received to access County wells, and four County monitoring wells have been equipped with transducers (LA11, LA14, LA16, and LA19). This completes the planned transducer expansion program, with 7 added units.

Basin Metric Evaluation: Analysis of alternative metric approaches in progress. The approaches are anticipated to be provided to BMC Staff before the end of 2021 and brought to the BMC in Q1 2022.

Recycled Water Beneficial Use Evaluation: This effort is currently on hold and is anticipated to be included in the Water Recycling Funding Program Planning Grant initiative.

Transient Groundwater Model: At its October 27th, 2021 Meeting, the BMC authorized the preparation of a Water Recycling Funding Program Grant Application and to request access to the \$150,000 of funding that the County budgeted for a transient groundwater model for Los Osos.

Wellhead Survey: At its October 27th, 2021 Meeting, the BMC authorized Twin Cities Survey and CHG to survey additional wells in Los Osos Basin and for BMC Staff to request that the County survey the wells in their monitoring program. The Twin Cities Survey was completed November 30 and December 1. A County survey crew also mobilized to Los Osos in December to complete their portion of the Phase 2 wellhead survey.

Lower Aquifer Monitoring Evaluation: At its October 27th, 2021 Meeting, the BMC authorized CHG to evaluate the feasibility and cost of modifying existing wells or construction a new monitoring well(s) to improve monitoring of Zone E water quality.

Status of Basin Plan Implementation and Funding Plans

The BMC has requested an integrated funding plan for project implementation and BMC monitoring and administration. BMC Staff and BMC Party Staff have formed a Funding and Organizational Working Group to identify and evaluate potential future funding and organization structures for the BMC and implementation of the Basin Plan. Consistent with the Basin Plan, the Working Group is identifying and evaluating funding and organizational structures that will provide a long-term mechanism for funding BMC Administration and Basin Plan Implementation costs and that allocate costs equitably amongst all who benefit from the Basin's water resources.

The Working Group reviewed previously completed analysis on BMC funding and organization structures, documenting the different alternatives and identifying data/information gaps that may require outside technical support. At its October 27th, 2021 Meeting, the BMC approved a proposal from

SCI Consulting Group to provide an updated funding options analysis and assessment evaluation. This effort has been initiated and updates will be provided to the BMC at future meetings.

JPA Formation: Staff level discussions continue to focus on the need for, and benefits of, forming a JPA, see table below, to assist with implementation of the Basin Plan.

Table 1. JPA Formation Considerations

Pros	Cons
• Common ownership of basin assets	• Complexity and community perception
• Ability to contract for services as an entity	• Potential for difficulty in formal proceedings - less nimble
• GSWC can participate as a director	• More difficult to exit/change if needed
• Could cover entire limits of basin for funding	
• If carefully done, incremental costs could be limited to insurance and up-front legal expenses	
• Ability to carry-over funds from one budget year to another	

As indicated in previous meetings, it was determined that GSWC could serve as an appointed JPA director without forming a separate Mutual Water Company entity, which would simplify the process.

Discussions with BMC Party Staff indicate that the BMC Parties would like to execute the Implementation Plan initiative to first develop a roadmap for the BMC and then evaluate the potential formation of a JPA or other governance structure once there is a more defined plan for future BMC initiatives.

BMC Legal Counsel – Recent discussions with BMC Party Staff have identified a potential need for dedicated BMC legal counsel. To date, the BMC has relied upon legal input/advice from legal counsel representing individual BMC parties. However, this presents a challenge as individual party legal counsel must represent their respective party and can make it difficult to provide legal advice specifically for the BMC. Contracting with dedicated BMC legal counsel would help address this issue and assist the Executive Director in complying with rules and regulations established for the BMC. To reduce costs for BMC Parties, BMC Staff proposes to continue to rely upon input from BMC Party legal counsel for the majority of the legal input/advice that is needed, but to also include a contingency budget item in the Calendar Year 2022 Budget for dedicated BMC legal counsel and solicit legal firms that could be accessed under circumstances where BMC specific legal input/advice is needed.

Program B Implementation Process and Funding: The existing nitrate removal facility owned by GSWC is intended to serve existing development, so it is likely that a Program B facility intended for future development would be jointly owned by either a JPA or by one of the public agencies.

- Likely next steps for the implementation of Program B projects include:
 - Technical Studies to validate and update cost estimates
 - Siting Studies to identify project locations
 - AB 1600 analysis to evaluate funding options relative to future development in coordination with the Los Osos Community Plan
 - Environmental Review (CEQA)
 - Land Use Permitting (e.g. Coastal Development Permits, etc.)

Land Use Planning Process Update

Los Osos Retrofit-to-Build Program (Title 19 Water Offset Requirement) Update:

One consultant proposal was received in response to the Request for Proposals issued September 10, 2021. The County has received final approval of State grant funding to sign a contract and will post an updated project timeline to the project website once the contract is signed: [Los Osos Water Offset Study - County of San Luis Obispo \(ca.gov\)](#). The contract will be to update the retrofit-to-build program for Los Osos to incorporate significant changes in water consumption patterns since the water offset program was adopted in 2008 and incorporate new water conservation measures to expand the capacity of the program to offset new development.

Los Osos Community Plan:

The Los Osos Community Plan is being reviewed by the California Coastal Commission and a hearing date has not yet been scheduled. In the meantime, the County is meeting with BMC staff to discuss potential policy changes. On December 15, 2020, the County Board of Supervisors adopted the Los Osos Community Plan ("LOCP") update and Final Environmental Impact Report and tentatively adopted amendments to the Growth Management Ordinance that would establish a residential growth rate for the Los Osos urban area. The LOCP policies are still subject to change based on California Coastal Commission review. If the LOCP is certified by Coastal Commission with no changes, the Growth Management Ordinance amendments to establish a growth rate for Los Osos are effective upon certification. If the LOCP requires changes, then the growth rate would need to be established at another Board hearing. The LOCP and Growth Management Ordinance policies considered by the Board on December 15 are available at: <https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/12683>.

Background

The Board authorized preparation of this update on December 11, 2012. A series of community outreach meetings to unveil the Community Plan were conducted in the Spring of 2015. The plan was prepared to be consistent and coordinated with the draft groundwater basin management plan and the draft Habitat Conservation Plan ("HCP"). The draft Environmental Impact Report was released on September 12, 2019; comments were due December 11, 2019. A Community Meeting on the Draft Environmental Impact Report for the LOCP, HCP, and associated Environmental Documents was held on October 28, 2019. The Final Environmental Impact Report and Public Hearing Draft were released on June 8, 2020. The Planning Commission held hearings on July 9, 2020, August 13, 2020, and October 8,

2020. At the October 8, 2020 hearing, the Planning Commission recommended approval of the Plan to the Board of Supervisors.

Accessory Dwelling Unit (ADU) Ordinance:

On January 28, 2020, the Board of Supervisors considered and adopted a resolution to amend Title 22 and 23 for the replacement of the Secondary Dwelling Ordinance with a new ordinance for Accessory Dwelling Units (ADUs). The Board of Supervisors adopted amendments to Table “O” of the Coastal Framework on June 16, 2020. These amendments would allow ADUs to be established in the Community of Los Osos. The amendments to Title 23 and Table “O” of the Coastal Framework for Planning are currently under review by the California Coastal Commission. Until such amendments are approved by the California Coastal Commission, the County will review ADU applications for consistency with State ADU law, which would allow for the construction of ADUs in the Coastal Zone. On March 12, 2021, Coastal Commission found that Los Osos ADU projects approved by the County thus far raise a substantial issue and did not hold a hearing on the question. The Commission took jurisdiction over the projects and voided the County’s prior approval. The next step in the process is the de novo hearing, which has not yet been scheduled. The Commission would prefer to take an action on the County’s proposed ADU Ordinance before taking an action on individual projects. The Commission has requested additional information from the County about the ADU Ordinance. The County is preparing a response, which includes coordinating with the Los Osos water purveyors regarding ADUs.

Los Osos Wastewater Project Flow and Connection Update

The following table summarizes flows from the LOWRF based on the available data. Cells highlighted in yellow indicate data that was not available at the time the Executive Director’s Report was developed.

LOWRF Wastewater and Recycled Water Flows

Year	Month	Influent	Broderson	Bayridge	Sea Pines	Giacomazzi	Construction Water	Ag Users	Discharge/ Recycled Water Delivery Total (AF)
2021	Jan	48.7	38.0	1.1	1.7	0.0	0.0	0.1	42.6
2021	Feb	43.0	47.3	1.7	1.0	0.0	0.0	0.0	50.5
2021	Mar	47.5	47.2	1.9	1.0	0.0	0.0	0.0	50.3
2021	Apr	45.4	33.6	1.8	0.8	0.0	0.0	0.2	36.4
2021	May	46.7	40.9	1.9	0.7	0.0	0.0	0.1	41.7
2021	Jun	44.6	44.1	1.8	0.9	0.0	0.1	0.3	47.2
2021	Jul	46.1	34.7	1.8	2.2	0.0	0.1	0.1	38.9
2021	Aug	45.7	34.1	1.8	4.0	0.0	0.0	0.1	40.0
2021	Sept	43.6	34.8	1.7	2.2	0.0	0.1	0.2	39.0
2021	Oct								
2021	Nov								
2021	Dec								
Total									

Enforcement: A list of properties that were not connected were transferred to County Code Enforcement and Notice of Violations were issued last year in Feb. 2019. That list was about 70 properties. As of 5/12/2021, the sewer service area has a 99.4% connection status with a total of 36 properties not yet connected. Of those, one is not required to connect because there is no structure (demolished), 18 have expired building permits, and the rest have an open Code Enforcement case.

The County has assigned staff in code enforcement to Los Osos. Expired permits did not receive a Code Enforcement case because those properties have their own noticing process through the Building Department which, if not corrected, could result in a Notice of Violation.

Recycled Water Connections: The County approved \$350,000 in funding from the American Rescue Plan Act of 2021 for connecting new users to the LOWRF Recycled Water System. Additional funding was approved for improvements at the LOWRF and the Broderson Leach field.

Water Conservation Update

Rebate Update: Average indoor water usage for 2019 was estimated to be 40 gpd per person and remains at that number currently.

Cannabis and Hemp Information

Hemp: According to the Ag Commissioners Office there is no hemp cultivation currently registered in Los Osos.

Cannabis: On January 28, 2021, the County Planning Commission approved a request by Wild Coast Farms for a Coastal Development Permit / Development Plan (DRC2018-00215) and adopted the Mitigated Negative Declaration (MND) prepared for the project to allow for the phased development to establish 27,500 sf of indoor cannabis cultivation area (22,000 sf canopy); 12,600 sf of ancillary and commercial indoor nursery area; a 1,472 sf metal building for indoor ancillary processing, a cloning area, a restroom, storage, and an office; Ancillary Transport; and related site improvements (e.g., composting area, trash / recycling area, parking, general storage, etc.). A parking modification is requested to allow 9 parking spaces instead of the required 81. The project will result in the disturbance of approximately 3 acres on a 73.5 acre parcel located at 2198 Los Osos Valley Road, approximately 0.5 miles northwest of the Los Osos Valley Road/Clark Valley Road intersection and directly west of the Los Osos Wastewater Facility (LOWWF). The site is in the Agriculture land use category and within the area governed by the Estero Area Plan. The project site is outside the Los Osos Urban Reserve and the Los Osos Community Services District boundary and is within the Coastal Appeal Area.

The Planning Commission approval has been appealed to the County Board of Supervisors. An appeal hearing date has not yet been scheduled.

The Planning Commission hearing item documents (staff report, findings, presentation, conditions of approval, MND, etc.) are available at:

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/12865>

The permit Conditions of Approval require the applicant to submit a Water Conservation Plan for review and approval by the Department of Planning and Building prior to building permit issuance to implement a water demand offset of 3.5 acre-feet per year (AFY), to be verifiable and permanent.

The Sustainable Groundwater Management Act (SGMA)

SGMA Overview: SGMA took effect on January 1, 2015.¹ SGMA provides new authorities to local agencies with water supply, water management or land use responsibilities and requires various actions be taken in order to achieve sustainable groundwater management in high and medium priority groundwater basins. Los Osos Valley Groundwater Basin (Los Osos Basin) was subject to SGMA based on the 2014 Basin Prioritization by the California Department of Water Resources (DWR) that listed the Los Osos Basin as high priority and in critical conditions of overdraft.²

Basin Prioritization: On December 18, 2019, DWR released the SGMA 2019 Basin Prioritizations. Basins or subbasins reassess to low or very low priority basins or subbasins are not subject to SGMA regulations.

¹ On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package, composed of [AB 1739 \(Dickinson\)](#), [SB 1168 \(Pavley\)](#), and [SB 1319 \(Pavley\)](#), collectively known as SGMA

² SGMA mandates that all groundwater basins identified by DWR as high- or medium-priority by January 31, 2015, must have groundwater sustainability agencies established by June 30, 2017. The act also requires that all high- and medium-priority basins classified as being subject to critical conditions of overdraft in Bulletin 118, as of January 1, 2017, be covered by groundwater sustainability plans, or their equivalent, by January 31, 2020. Groundwater sustainability plans, or their equivalent, must be established for all other high- and medium-priority basins by January 31, 2022.

A summary of DWR's Final SGMA Prioritizations for the Los Osos Area Subbasin and Warden Creek Subbasin are listed below:

- Los Osos Area Subbasin is listed as **very low** priority for SGMA³ and in critical conditions of overdraft⁴
- SGMA does not apply to the portions of Los Osos Basin that are adjudicated provided that certain requirements are met (Water Code §10720.8).
- Warden Creek Subbasin is listed as **very low** priority for SGMA³

For more information on DWR's basin boundary modification and prioritization process, please visit: <https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization>

Additional Attachments:

1. None

³ As noted by DWR, the priority for the subbasin has been set to very low (0 total priority points) as a result of conditions being met under sub-component C of the Draft SGMA 2019 Basin Prioritizations.

⁴ Critical conditions of overdraft have been identified in 21 groundwater basins as described in Bulletin 118 (Water Code Section 12924). Bulletin 118 (updates 2003) defines a groundwater basin subject to condition of critical overdraft as: "A basin is subject to critical conditions of overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts."

TO: Los Osos Basin Management Committee

FROM: Dan Heimel, Executive Director

DATE: December 15, 2022

SUBJECT: Item 9a – Calendar Year 2022 BMC Budget

Recommendation

It is recommended that the BMC: 1) receive recommendations and approve the Calendar Year 2022 BMC Budget; 2) approve Calendar Year 2022 BMC Executive Director and Hydrogeologist consultant proposals; or 3) provide alternate direction to staff.

Discussion

As outlined in the Basin Management Committee (BMC) Rules and Regulations, the BMC is directed to adopt the annual budget for the following year at the first BMC Meeting following December 1st of the current year.

To assist the BMC in adopting a budget for Calendar Year (CY) 2022, BMC Staff, in coordination with BMC Party Staff, prepared the following recommended budget for the BMC’s consideration. The complete proposed CY 2022 BMC Budget is included as Attachment 1. In addition to the Baseline Service (Budget Items 1-7), there are additional items described in the following table for consideration by the BMC for inclusion in the CY 2022 BMC Budget.

Proposed CY 2022 BMC Budget Items

Budget Item	Anticipated Costs	Description
BMC Legal Counsel Contingency	\$20,000	Contingency budget for obtaining legal input from 3 rd Party (i.e. not representing any BMC parties) legal counsel to advise BMC on potential legal issues. It is anticipated that a legal counsel firm would be selected and be available to provide the BMC and BMC Staff with legal advice on an as-needed basis. To reduce costs the BMC Parties, the BMC and BMC Staff would continue to rely upon legal counsel input from BMC Party Legal Counsel for routine legal questions that may arise. Additional discussion regarding the need for dedicated BMC Legal Counsel is provided below.

WRFP Study - Year 1	\$15,000	Water Recycling Funding Program (WRFP) Planning Grant Study to develop a transient groundwater model and utilize model to evaluate recycled water and other sustainable yield improvement projects (WRFP Study). Total Project cost is anticipated to be \$330,000. To fund the project, BMC intends to apply for \$150,000 of WRFP grant funding and request that the County contribute the \$150,000 in funding budgeted for a Los Osos Basin Transient Model as match funds. It is anticipated that the additional \$30,000 would be contributed by the BMC and spread out over two budget years. Additional information on the anticipated breakdown of costs for the WRFP Study is provided below.
Lower Aquifer Monitoring Well Improvement	\$25,000	Modify existing wells within the basin to provide ability to sample specific portions of the aquifer and obtain zone specific water level and water quality information. Specific recommendations regarding which well and proposed modifications will be provided in the Lower Aquifer Monitoring Evaluation TM.
Los Osos Creek Stream Gage Rating Curve	\$25,000	Development of a rating curve for the Los Osos Creek Stream Gage to better quantify the amount of water flowing in Los Osos Creek. Currently there is no rating curve for the Los Osos Creek gage and an improved understanding of flow rates in the creek is an essential component for the development of the transient groundwater model.
Lower Aquifer Nitrate Investigation	\$7,000	Further investigation into the source of nitrates impacting the lower aquifer and water supply well LA8 (S&T Well 5). Includes additional water quality testing to better understand the wastewater influence and improved characterization of the potential nitrate loading from nearby horse stables.

BMC Legal Counsel

The Basin Management Committee (BMC) is a separate “governing body” created pursuant to the court-approved Stipulated Judgment (SJ) to:

“administer, enforce and implement the provisions of [the] [SJ], the Basin Plan, and any subsequent orders of the [c]ourt under the [SJ].” In order permit the BMC to carry out its purpose, the SJ authorizes the BMC, among other things, to “[e]mploy, or otherwise contract for

the services of, agents, officers, employees, attorneys, engineers, planners, financial consultants, technical specialists, advisors and independent contractors.”

At the same time, the SJ acknowledges that additional structure may be required in order for the BMC to fully exercise its powers through its identification of the “BMC JPA,” i.e. the JPA “that may be created [...] [and] whose function and authority includes serving as the [BMC] with those authorities and obligations” described in the SJ, including implementing programs to fund actions provided in the SJ and Basin Plan.

Given that the BMC is separate from the parties to the SJ and has its own independent authority, if the BMC or its staff (currently only the Executive Director) needs legal advice, it should ultimately retain its own legal counsel. Although counsel from select parties have answered questions¹ posed by the BMC and the Executive Director, dual representation is inappropriate. Notwithstanding the exposure that comes with providing advice to a non-represented party, even if it is assumed that current legal counsel (or some of them) are willing to continue to respond to inquiries on limited (e.g. administrative) matters, a budget contingency for dedicated legal counsel is included in the recommended budget as an interim solution because there will likely be circumstances in the near future where: (1) legal counsel for an individual party has a conflict / bias given the interests of the party; (2) more than one counsel has opined and they disagree; (3) contentious / complex matters arise where independent counsel should be sought—e.g. matters involving financial statutory authorities, including in connection with the pending funding study.

Although a number of Directors expressed support for “dedicated counsel” during the November 17, 2021 meeting, and although certain party staff continue to advocate for this at present, BMC staff is proposing to start with a contingency and utilize separate legal counsel under limited circumstances while acknowledging that this unlikely to be a viable permanent solution, particularly if the BMC decides to formalize its governance.

WRFP Study Budget Estimates

The following table provides a summary of the tasks and associated cost estimates for the completion of the WRFP Study. As described previously, it is anticipated that the County’s funding contribution of \$150,000 can be used as match to obtain an additional \$150,000 in WRFP Planning Grant funds and offset the majority of the costs to the BMC for the development of a transient model. The development of the transient model and the completion of the WRFP Study are anticipated to take approximately 2 years and thus the additional costs, currently estimated at approximately \$30,000, would be split over 2 years (i.e. \$15,000 included in the proposed CY 2022 BMC Budget).

¹ Given the nature of the BMC (e.g. a Brown Act body) and its powers (identified generally above), questions are likely to continue.

WRFP Study Cost Breakdown

Scope	Description	Fee Estimate
Project Management	Project Team Meetings, Schedule Management, Invoicing, Technical Advisory Committee Coordination	\$ 20,000
Transient Model	Development and calibration of a Transient Groundwater Model to assist with basin understanding, predictive modeling, Basin Plan project implementation analysis, and cost/benefit evaluations for future projects	\$ 150,000
Scenario Analysis	Utilization of transient model to evaluate benefits of recycled water and other sustainable yield improvement projects	\$ 50,000
Model Development Peer Review	3rd Party Hydrogeologist review of development of the model, calibration and scenario analysis	\$ 30,000
Supplemental Supply Alternatives Evaluation	Preliminary engineering analysis and development of updated costs estimates for implementing Basin Plan programs and recycled water and other sustainable yield improvement projects	\$ 50,000
Report Development	Development of RWFP Study Report for submission to Water Recycling Funding Program.	\$ 30,000
Total		\$ 330,000
Anticipated WRFP Grant Contribution		\$ 150,000
Anticipated County Funding Contribution		\$ 150,000
Anticipated BMC Funding Contribution		\$ 30,000

Financial Consideration

The Proposed CY 2022 BMC Budget, including a 10% Contingency, is \$316,300. This amount falls within the range of previous BMC budgets, which are shown in the following table and is close to the CY 2021 BMC Budget.

Historic BMC Budget Summary

Calendar Year	Budget	Budget w/ Contingency	Notes
2016	\$286,000	\$314,600	\$120k for Funding measure including initial feasibility report, final report and Prop 218 process
2017	\$264,000	\$290,400	\$100k for Funding measure including Prop 218 process
2018	\$268,000	\$294,800	\$115k for Cuesta by Sea (Lupine) Monitoring Well
2019	\$319,700	\$335,685	\$115k for Cuesta by Sea (Lupine) Monitoring Well
2020	\$175,500	\$193,050	Baseline Budget Only
2021	\$285,500	\$314,050	Updated Sustainable Yield Estimate, Basin Metric Review, Funding & Organization Study, Implementation Initiative Evaluation

A breakdown of the estimated costs for each of the BMC Parties for the Proposed CY 2022 BMC Budget is provided in the following table:

Cost Breakdown - Proposed CY 2022 BMC Budget

BMC Party (Cost Share %)	Preliminary Cost Share
LOCSO (38%)	\$120,194
GSWC (38%)	\$120,194
County of SLO/SLOCF&WCD (20%)	\$63,260
S&T Mutual (4%)	\$12,652

Executive Director and Hydrogeologist Consultant Proposals

Proposals for providing BMC Executive Director and Hydrogeologist services for CY 2022 are provided as Attachments 2 – 6. It is recommended that the BMC, if it approves the Proposed CY 2022 BMC Budget or a corresponding portion of the budget, additionally approve the proposals for the CY 2022 Executive Director and Hydrogeologist services. Approval of these proposals will allow consultants to initiate work on January 1, 2022.

Attachment 1

Proposed CY 2022 BMC Budget			
Item	Description	Cost	Comments
1	BMC Administration and Facilitation	\$70,000	Executive Director services to administer and facilitate the activities of the BMC.
2	Meeting expenses: Facility rent	\$1,500	Rental of facilities to host the BMC Meetings, should in-person meetings resume.
3	Meeting expenses: Audio and video services	\$6,000	Audio and visual recording of BMC Meetings.
4	Technical Support/Adaptive Management Services	\$15,000	Technical Support/Adaptive Management Services budget.
5	2022 Groundwater Monitoring	\$42,000	Semi-Annual Seawater Intrusion Monitoring.
6	2021 Annual Report	\$56,000	Includes development of the Annual Report, CY 2023 Sustainable Yield Estimate, and Basin Metric Update supplemental support services.
7	Grant Pursuit Contingency	\$5,000	Contingency budget for potential pursuit of Grant Opportunities.
8	BMC Legal Counsel Contingency	\$20,000	Contingency budget for obtaining legal input from 3 rd Party (i.e. not representing any BMC parties) legal counsel to advise BMC on potential legal issues.
9	WRFP Study - Year 1	\$15,000	Water Recycling Funding Program (WRFP) Planning Grant Study to develop a transient groundwater model and utilize model to evaluate recycled water and other sustainable yield improvement projects (WRFP Study). Total Project cost is anticipated to be \$330,000. To fund the project, BMC intends to apply for \$150,000 of WRFP grant funding and request that the County contribute the \$150,000 in funding budgeted for a Los Osos Basin Transient Model as match funds. It is anticipated that the additional \$30,000 would be contributed by the BMC and spread out over two budget years.
10	Lower Aquifer Monitoring Well Improvement	\$25,000	Modify existing wells within the basin to provide ability to sample specific portions of the aquifer and obtain zone specific water level and water quality information. Specific recommendations regarding which well and proposed modifications will be provided in the Lower Aquifer Monitoring Evaluation TM.
11	Los Osos Creek Stream Gage Rating Curve	\$25,000	Development of a rating curve for the Los Osos Creek Stream Gage to better quantify the amount of water flowing in Los Osos Creek. Currently there is no rating curve for the Los Osos Creek gage and an improved understanding of flow rates in the creek is an essential component for the development of the transient groundwater model.
12	Phase 2 Lower Aquifer Nitrate Investigation	\$7,000	Further investigation into the source of nitrates impacting the lower aquifer and S&T Mutual Water Company's water supply well LA8 (S&T Well 5). Includes additional water quality testing to better understand the wastewater influence and improved characterization of the potential nitrate loading from nearby horse stables.
	Total (After County/WRFP Reimbursement)	\$287,500	
	10% Contingency (rounded to nearest \$100)	\$28,800	
	Total	\$316,300	
	LOCSD (38%)	\$120,194	
	GSWC (38%)	\$120,194	
	County of SLO/SLOCFC&WCD (20%)	\$63,260	
	S&T Mutual (4%)	\$12,652	



Confluence Engineering Solutions, Inc.

PO Box 7098

Los Osos, CA 93412

December 9, 2021

To: Basin Management Committee

Subject: Proposal for Calendar Year 2022 Executive Director Professional Services

Confluence Engineering Solutions, Inc. (ConfluenceES) is pleased to provide the following proposal for providing Executive Director professional services for the Los Osos Basin Management Committee (BMC) for Calendar Year 2022.

Scope of Work

Task 1 BMC Administration

1.1 BMC Administration

- Perform BMC administrative tasks necessary for facilitate BMC activities, including but not limited to:
 - Coordinate with BMC Board Members, Stipulating Parties, and the public
 - Coordinate with San Luis Obispo County staff so that documents and agenda packages are published to the BMC website in a timely and accurate manner
- Prepare and provide monthly invoices and progress reports describing activities of the Executive Director

1.2 Financial Oversight

- Oversee financial operation of the BMC, including recommending an annual budget and processing invoices.

- Coordinate with the law office of Brownstein Hyatt Farber Schreck (BHFS) which performs the accounting function for the BMC, including the payment of approved invoices.

1.3 BMC Party Staff Meetings

- Conduct monthly BMC Party Staff Meetings with representatives of each of the parties to facilitate BMC activities.

1.4 BMC Representation

- Represent the BMC as directed to other entities, including DWR, RWQCB, and other agencies, as needed.

Task 2 BMC MEETINGS

2.1 Meeting Coordination

- In consultation with the BMC Chair, coordinate up to 10 public BMC meetings.
- Coordinate with Audio/Video Consultant to ensure that the BMC meeting venue and audio/visual services properly performed.

2.2 Agenda Preparation

- In consultation with the BMC Chair, prepared agenda packets for up to 10 public BMC meetings.

2.3 Meeting Attendance

- Function as staff (including clerk) during BMC public meetings, including providing appropriate technical input on questions from both Directors and the public.
- Oversee the BMC's compliance with the Brown Act, with input from legal counsel provided by the BMC parties.

2.4 Meeting Minutes

- Prepare action minutes for all public meetings.

Task 3 PROGRAM MANAGEMENT

3.1 Annual Report Management

- Provide program management for the BMC on the Annual Report, including management of scope, schedule and budget, collection and incorporation of BMC and other comments, and publishing of approved work products.
- Participate in coordination meetings with the Annual Report consultant to provide work direction, receive project updates, and review consultant interim work products and deliverables.
- File required information to DWR's website by the April 1st deadline.

3.2 BMC Project Management

- Provide program management for the BMC on other projects, including management of scope, schedule and budget, collection and incorporation of BMC and other comments, and publishing of approved work products.
- Participate in coordination meetings with BMC consultants to provide work direction, receive project updates, and review consultant interim work products and deliverables.

Fee Estimate

ConfluenceES proposes to provide the Executive Director services described above for Calendar Year 2022 on a time and materials basis with a not-to-exceed fee of \$70,000 at a rate of \$200 per hour.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Heimel".

Daniel Heimel, PE, MS

President/Principal Engineer

ConfluenceES

Cleath-Harris Geologists, Inc.
75 Zaca Lane, Suite 110
San Luis Obispo, CA 93401
(805) 543-1413



December 9, 2021

Los Osos Basin Management Committee
c/o Mr. Daniel Heimel, P.E.
Confluence Engineering Solutions, Inc.
P.O. Box 7098
Los Osos, CA 93412

SUBJECT: Proposal for preparing the 2021 Annual Monitoring Report for the Los Osos Groundwater Basin.

Dear Mr. Heimel:

Cleath-Harris Geologists (CHG) proposes to perform hydrogeologic services for completing the 2021 Annual Monitoring Report for the Los Osos Basin Plan (LOBP) Groundwater Monitoring Program, along with two additional management tasks. This proposal includes a scope of work, schedule, and estimated cost.

SCOPE OF WORK

2021 Annual Report

Annual Report tasks include:

- Update databases with 2021 groundwater level and quality data for LOBP monitoring network wells.
- Prepare the draft 2021 Annual Monitoring Report for Basin Management Committee (BMC) review. The report will include data reporting and interpretation, including geophysical surveys, for the period from January 1, 2021 through December 31, 2021. The report shall follow the 2020 Annual Monitoring Report format as a template, with updates for changed conditions.
- Receive BMC comments and incorporate into a final 2021 Annual Monitoring Report.
- Assist BMC with preparing CASGEM datasets.

Management Task 1: Sustainable Yield₂₀₂₃

The Interlocutory Stipulated Judgement (ISJ), adopted in 2015, includes requirements to the effect that the Basin Management Committee (BMC) shall annually establish the sustainable yield of the Basin, based on the conservation implemented and Basin Plan infrastructure then developed in the Basin and simulated in the model. The following task are proposed to comply with this requirement:



- In coordination with BMC Staff, evaluate Sustainable Yield₂₀₂₃ based on changes in LOBP infrastructure, groundwater inflow or outflow parameters, the understanding of hydrogeologic or geologic features in the basin, or other factors.
- Upon direction from BMC Staff, modify selected parameters from the previous Sustainable Yield₂₀₂₂ and, using the Basin model, estimate Sustainable Yield₂₀₂₃.
- Prepare a brief technical memorandum or similar materials presenting the Sustainable Yield₂₀₂₃ estimate for consideration and adoption by the BMC. If adopted, the Sustainable Yield₂₀₂₃ value would be previewed in the 2022 Annual Report.

Management Task 2: Basin Metric Update and Monitoring Well Modification Supplemental Support Services

CHG will provide supplemental support to the BMC for the Basin Metric review and update process and for coordinating the initial implementation of any Lower Aquifer monitoring well modifications approved by the BMC.

SCHEDULE

The draft Annual Report and management task technical memorandums will require approximately four months to complete. The final report would be available approximately 2-3 weeks following receipt of BMC comments.

The Sustainable Yield₂₀₂₃ task (Management Task 1) will be initiated in July 2022 (after completion of the 2021 Annual Report). The schedule will be coordinated with BMC Staff to allow for evaluation and adoption Sustainable Yield₂₀₂₃ before January 2023.

Management Task 2 will be performed concurrent with the Annual Report and will be submitted for BMC consideration after the Annual Report is approved.

FEES AND CONDITIONS

CHG proposes to perform the above scope of work on an hourly rate plus expenses basis in accordance with the hourly rates schedule and attached terms of fees and conditions. The estimated cost for hydrogeologic services to complete 2021 annual report tasks is estimated at \$44,000. Management Task 1 is estimated to cost \$5,000. Management Task 2 is estimated to cost \$7,000. The total estimated cost for 2021 Annual Report preparations and the one additional management task is **\$56,000**.



SCHEDULE OF HOURLY RATES

Principal Hydrogeologist	\$170
Senior Hydrogeologist	\$160
Project Geologist	\$145
Environmental Scientist	\$130
GIS Specialist	\$130
Staff Geologist II	\$130
Staff Geologist I	\$115

EXPENSES

Mileage \$0.60/mile
Other expenses at cost plus 10 percent handling

AGREEMENT

If the above work scope and fees and conditions are acceptable, this proposal will serve as the basis for agreement.

Respectfully submitted,

CLEATH-HARRIS GEOLOGISTS, INC.

Spencer J. Harris, President

attachment



TERMS OF FEES AND CONDITIONS

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7. All of the terms, conditions and provisions hereof shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, provided, however, that no assignment of the contract shall be made without written consent of the parties to the agreement.

Cleath-Harris Geologists, Inc.
75 Zaca Lane, Suite 110
San Luis Obispo, CA 93401
(805) 543-1413



December 9, 2021

Los Osos Basin Management Committee
c/o Mr. Daniel Heimel, P.E.
Confluence Engineering Solutions, Inc.
P.O. Box 7098
Los Osos, CA 93412

SUBJECT: Proposal for Los Osos Basin Plan 2022 Groundwater Monitoring.

Dear Mr. Heimel:

Cleath-Harris Geologists (CHG) proposes to perform hydrogeologic services related to groundwater monitoring for the Los Osos Basin Plan (LOBP). This proposal describes existing monitoring data collection and presents a scope of work, schedule, and estimated costs for monitoring.

BACKGROUND

The groundwater monitoring program in Chapter 7 of the LOBP included 73 monitoring well locations within the basin. Twenty locations have been added to the network (summary tables attached).

There are two existing, ongoing monitoring programs that historically overlapped with the LOBP monitoring program: the San Luis Obispo County Water Level Monitoring Program and the Los Osos Water Recycling Facility (LOWRF) Groundwater Monitoring Program. Beginning in winter 2016, the LOWRF monitoring schedule was shifted from spring and fall monitoring to summer and winter monitoring. As a result, data from the LOWRF monitoring program no longer coincides with the monitoring schedule adopted in the LOBP. A total of 22 network wells, including all five nitrate metric wells, were switched to the summer and winter monitoring schedule.

CHG plans to continue measuring water levels in April and October at those LOBP network wells that were shifted to summer and winter monitoring under the LOWRF monitoring program. Water quality testing, however, will not be duplicated in the schedule, and data from the LOWRF program in June and December 2022 will be used for reporting purposes.



SCOPE OF WORK

CHG will perform the following tasks for the LOBP Groundwater Monitoring Program:

- Conduct/coordinate semi-annual water level monitoring in April and October 2022 at up to 55 well locations.
- Download and process pressure transducer data from up to 12 well locations.
- Conduct/coordinate groundwater sampling in April 2022 from up to 15 wells for general minerals analyses.
- Conduct/coordinate groundwater sampling in October 2022 from up to 20 wells for general mineral analyses.
- Conduct groundwater sampling in October 2022 for up to three wells for CEC analyses.

Deliverables:

Tables with results of Lower Aquifer seawater intrusion monitoring will be provided upon completion of the April and October 2022 monitoring events. Data interpretation and reporting is not included in this scope of work, but will be performed during 2022 Annual Report preparations.

SCHEDULE

The scope of work will be completed per the Basin Plan monitoring schedule (April and October monitoring).

FEES AND CONDITIONS

CHG proposes to perform the above scope of work on an hourly rate plus expenses basis in accordance with the hourly rates schedule and attached terms of fees and conditions. Laboratory analytical services, pump equipment, and CEC sample shipping are estimated at \$14,000. The cost for hydrogeologic services related to water level monitoring, groundwater sampling, transducer downloading, and coordinating with private well owners is estimated to be \$28,000. Total estimated costs for the 2022 groundwater monitoring scope of work is estimated to be **\$42,000**.



SCHEDULE OF HOURLY RATES

Principal Hydrogeologist	\$170
Senior Hydrogeologist	\$160
Project Geologist	\$145
Environmental Scientist	\$130
GIS Specialist	\$130
Staff Geologist II	\$130
Staff Geologist I	\$115

EXPENSES

Mileage	\$0.60/mile
Other expenses at cost plus 10 percent handling	

AGREEMENT

If the above work scope and fees and conditions are acceptable, this proposal will serve as the basis for agreement.

Respectfully submitted,

CLEATH-HARRIS GEOLOGISTS, INC.

Spencer J. Harris, President

attachment



TERMS OF FEES AND CONDITIONS

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7. All of the terms, conditions and provisions hereof shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, provided, however, that no assignment of the contract shall be made without written consent of the parties to the agreement.

**Los Osos Basin Plan
Monitoring Well Network 2022
FIRST WATER**

Program Well ID	Well Owner	Basin Plan Monitoring Code	County Water Level Program	LOWRF Groundwater Monitoring Program ¹	2022 Basin Plan Monitoring Program ²
FW1	PRIVATE	L			L
FW2	LOCSD	L, G		L, G	L
FW3	LOCSD	L		L	L
FW4	LOCSD	L		L	L
FW5	LOCSD	L		L	L, CEC
FW6	LOCSD	TL, G, CEC		G	TL, CEC
FW7	LOCSD	L			L
FW8	LOCSD	L		L	L
FW9	LOCSD	L		L	L
FW10	LOCSD	TL, G		G	TL
FW11	LOCSD	L		L	L
FW12	LOCSD	L		L	L
FW13	LOCSD	L		L	L
FW14	PRIVATE	L		L	L
FW15	LOCSD	L, G		L,G	L
FW16	LOCSD	L		L	L
FW17	LOCSD	L, G		L,G	L
FW18	SLCUSD	L			L
FW19	LOCSD	L		L	L
FW20	LOCSD	L, G		L, G	L
FW21	LOCSD	L		L	L
FW22	PRIVATE	L, G		L, G	L
FW23	PRIVATE	L		L	L
FW24	PRIVATE	L	L		
FW25	PRIVATE	L	L		
FW26	PRIVATE	L, G, CEC			L, G, CEC
FW27	PRIVATE	TL			TL
FW28	PRIVATE	L, G	L		G
FW29	PRIVATE	(added in 2015)	L		
FW30	PRIVATE	(added in 2015)		L	
FW31	SLO CO.	(added in 2015)			L
FW32	PRIVATE	(added in 2017)			L
FW33	PRIVATE	(added in 2018)			L

L = WATER LEVEL

G = GENERAL MINERAL

CEC = CONSTITUENTS OF EMERGING CONCERN

TL = TRANSDUCER WATER LEVEL

LOCSD = Los Osos Community Services District

SLCUSD = San Luis Coastal Unified School District

SLO CO. = San Luis Obispo County

NOTES:

1 - Summer and winter monitoring schedule

2 - Spring and Fall water levels, water quality in Fall only

**Los Osos Basin Plan
Monitoring Well Network 2022
UPPER AQUIFER**

Program Well ID	Well Owner	Basin Plan Monitoring Code	County Water Level Program	LOWRF Groundwater Monitoring Program ¹	2022 Basin Plan Monitoring Program ²
UA1	SLO CO.	L	L		
UA2	SLO CO.	L	L		
UA3	GSWC	L, G			L, G
UA4	S&T	TL			TL
UA5	LOCSD	L		L	L
UA6	SLO CO.	L	L		
UA7	SLO CO.	L	L		
UA8	LOCSD	L			L
UA9	GSWC	L, G			L, G
UA10	LOCSD	TL			TL
UA11	PRIVATE	L		L	L
UA12	LOCSD	L		L	L
UA13	LOCSD	L, G			L, G
UA14	PRIVATE	L			L
UA15	PRIVATE	L			L
UA16	PRIVATE	(added in 2015)	L		
UA17	PRIVATE	(added in 2015)	L		
UA18	PRIVATE	(added in 2015)	L		
UA19	LOCSD	(added in 2019)			L

L = WATER LEVEL

G = GENERAL MINERAL

TL = TRANSDUCER WATER LEVEL

LOCSD = Los Osos Community Services District

SLO CO. = San Luis Obispo County

GSWC = Golden State Water Company

S&T = S&T Mutual Water Company

NOTES:

1 - Summer and winter monitoring schedule

2 - Spring and Fall water levels, water quality in Fall only



December 9, 2021

Los Osos Basin Management Committee
c/o Mr. Daniel Heimel, P.E.
Confluence Engineering Solutions, Inc.
P.O. Box 7098
Los Osos, CA 93412

SUBJECT: Proposal for Rating Curve Development at Los Osos Stream Gage.

Dear Mr. Heimel:

Cleath-Harris Geologists (CHG) proposes to perform hydrogeologic services related to developing a rating curve (stage-discharge relation) for the Los Osos Creek stream gage at Los Osos Valley Road (Station 751). This proposal presents a background, scope of work, schedule, and estimated costs for rating curve development.

BACKGROUND

A rating curve, also known as a stage-discharge relation, is a correlation between the stage of a stream at a gage location and the associated flow in the channel. Depending on the nature of the channel and physical controls on flow at the gage site, a rating curve may be approximated by a mathematical equation that covers the full range of flow, or it may involve curve segments, each with its own equation. In addition, a rating curve may be relatively permanent if the channel and other physical controls on flow are stable, or it may be subject to shift and require periodic updates.

A rating curve for a stream gage is developed by concurrently measuring flow and stage at the gage location over the expected range of stages for the gage. Stream stage (and flow) peaks during or following a storm event, depending on the intensity and distribution of rainfall over the watershed. Measurements of stage and flow for rating curve data collection would ideally begin prior to the peak flow period and would continue through the flow recession period to a base flow condition. Data from a few different storm events are needed to provide insight into potential variability (data scatter) in the stage-discharge relationship which can be due to various factors.

The purpose of rating curve development for the Los Osos stream gage would be to convert the historical stage data (in feet), which is typically available at 15-minute intervals, into daily flow (in cubic feet per second). This daily flow data could then be compiled into seasonal or annual flow volumes (in acre-feet) for use in calibrating a transient groundwater flow model and for basin water balance applications.



SCOPE OF WORK

CHG will perform the following tasks for rating curve development:

- Inspect the gage location for physical flow controls (vegetation, channel configuration, backwater conditions, bridge design, etc.) and plan access for in-stream measurements and bridge deck-based measurements.
- Prepare two stream transect profiles at the gage location, one at the beginning of the project and one at the end of the project to evaluate the stability of the channel profile.
- Measure stream stage and flow during significant storm runoff events to characterize flow through the historical range of stages at the gage. Begin measurements prior to the anticipated peak flow period and continue through the flow recession period to a base flow condition, as conditions permit. If necessary, measurements may be stopped during one storm event and restarted during another to complete the range of stage coverage. Up to four visits during storm events are anticipated.
- Plot the data (stage versus flow) and develop a rating curve for the gage site.
- Apply the rating curve to reduce the available historical stage data and generate estimated daily flows.
- Prepare a technical memorandum summarizing rating curve development.

Deliverables:

Technical memorandum with rating curve and historical stage data converted to daily flows.

SCHEDULE

The scope of work is expected to take 4-5 months to perform, pending the availability of significant storm runoff events.



FEES AND CONDITIONS

CHG proposes to perform the above scope of work on an hourly rate plus expenses basis in accordance with the hourly rates schedule and attached terms of fees and conditions. Total estimated cost for the rating curve development scope of work is estimated to be \$25,000.

SCHEDULE OF HOURLY RATES

Principal Hydrogeologist	\$170
Senior Hydrogeologist	\$160
Project Geologist	\$145
Environmental Scientist	\$130
GIS Specialist	\$130
Staff Geologist II	\$130
Staff Geologist I	\$115

EXPENSES

Mileage	\$0.60/mile
Other expenses at cost plus 10 percent handling	

AGREEMENT

If the above work scope and fees and conditions are acceptable, this proposal will serve as the basis for agreement.

Respectfully submitted,

CLEATH-HARRIS GEOLOGISTS, INC.

Spencer J. Harris, President

attachment



TERMS OF FEES AND CONDITIONS

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Cleath-Harris Geologists, Inc.
75 Zaca Lane, Suite 110
San Luis Obispo, CA 93401
(805) 543-1413



November 19, 2021

Mr. Charlie Cote, Director
S&T Mutual Water Company
P. O. Box 6391
Los Osos, CA 93412

SUBJECT: Proposal for Additional Nitrate Source Investigation at Lower Aquifer well LA8, Los Osos Groundwater Basin.

Dear Mr. Cote:

As requested, Cleath-Harris Geologists (CHG) proposes to perform additional investigation into the source of nitrate in groundwater produced by S&T Mutual Water Company water supply well LA8 (common name S&T Well 5). The purpose of the additional investigation is to refine the assumption used for nitrate loading from horse stables, and to perform additional water quality testing to evaluate wastewater influence. This proposal for hydrogeologic services includes a brief background, scope of work, schedule, and estimated cost.

BACKGROUND

LA8 is a Lower Aquifer Zone D well located in the Western Area of the basin and constructed in 1999. Nitrate concentrations in groundwater produced by LA8 (and nearby well LA9) have been increasing over time. Unless this trend changes, nitrate concentrations are projected to exceed the drinking water standard at LA8 within the next 10-20 years.

A nitrate source investigation was recently conducted by CHG. The investigation concluded that septic system discharges from Cabrillo Estates appear to be the primary contributor to the trend of increasing nitrate concentrations in groundwater at LA8. Results of the investigation were subsequently discussed with Regional Water Quality Control Board staff and, based on that discussion, a second phase of the investigation is proposed.

SCOPE OF WORK

The following tasks are proposed to complete the scope of work:

- Review and update nitrate mass loading assumptions for the local horse stables, based on information provided by others on historical manure management practices.

The estimated nitrate loading to groundwater from horse stables (for comparison to other potential sources of nitrate loading) was based on the stated assumption that manure remained on-site under historical conditions. This assumption will be reviewed and updated as appropriate.



- Collect additional groundwater samples for analytical testing from LA8 and LA9. Constituents to be tested include nitrate-nitrogen, Acesulfame K, and Pharmaceuticals and Personal Care Products (PPCPs) by EPA 1994M-ESI+ (constituent list attached).

Additional water quality testing to evaluate wastewater influence is recommended due to the lack of sucralose detection in the first phase of investigation. Literature indicates Acesulfame K is an artificial sweetener that is generally reported to be environmentally persistent and is less susceptible to microbial degradation compared to other sweeteners, including sucralose.

CHG also reviewed the results of Upper Aquifer water quality testing in Los Osos (Task 3 - Los Osos Upper Aquifer Water Quality Characterization, June 2006) which identified carbamazepine (anticonvulsant, detected in three out of five wells tested) and sulfamethoxazole (antibiotic, detected in five out of five wells tested) as locally persistent contaminants of emerging concern (CECs) associated with septic discharges. The PPCP suite under EPA method 1994M-ESI+ includes these two CEC's, along with others, some of which have also been found to persist in groundwater and which were not part of the 2006 Upper Aquifer study (e.g. ciprofloxacin and organophosphates TCEP and TCPP).

- Prepare a draft report updating the nitrate source investigation to include the results of the additional investigation tasks, with interpretation. Address any comments and prepare final report.

SCHEDULE

CHG estimates the updated draft report can be completed within three months of proposal acceptance, provided access is available for groundwater sampling at LA8 and LA9 within 2-3 weeks of authorization (laboratory turn-around time for PPCPs is currently 20 business days). The final report would be available approximately two weeks following receipt of comments on the draft.

FEES AND CONDITIONS

CHG proposes to perform the above scope of work on an hourly rate plus expenses basis in accordance with the hourly rates schedule and attached terms of fees and conditions. The estimated cost for hydrogeologic services to complete the scope of work is estimated at \$5,000. The estimated cost for laboratory analytical services for water samples collected from LA8 and LA9, including shipping, is \$1,880; total cost for the nitrate source investigation is estimated to be **\$6,880**.



SCHEDULE OF HOURLY RATES

Principal Hydrogeologist	\$165
Senior Hydrogeologist	\$155
Project Geologist	\$140
Environmental Scientist	\$125
GIS Specialist	\$125
Staff Geologist II	\$125
Staff Geologist I	\$110

EXPENSES

Mileage \$0.60/mile
Other expenses at cost plus 10 percent handling

AGREEMENT

If the proposed work scope, schedule, and fees and conditions are acceptable, this proposal will serve as the basis for agreement with your signature attached below.

CLEATH-HARRIS GEOLOGISTS, INC.

S&T MUTUAL WATER COMPANY

Spencer J. Harris, President

Signature

Name

Date

attachment



TERMS OF FEES AND CONDITIONS

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ATTACHMENT

EPA 1694M-ESI+ Constituents of Analysis

Analyte	MDL	MRL	Units	% Recovery	DUP RPD	Matrix Spike		Blank Spike		CASNumber
						% R	RPD	% R	RPD	
PPCP - Hormones by LCMSMS-APCI+ by EPA 1694M-APCI (Water)										
17-a-Ethinylestradiol	4.0	4.0	ng/l	-	30	50-150	30	68-159	30	57-63-6
17-b-Estradiol	4.0	4.0	ng/l	-	30	50-150	30	65-146	30	50-28-2
Estrone	4.0	4.0	ng/l	-	30	50-150	30	59-141	30	53-16-7
Progesterone	4.0	4.0	ng/l	-	30	50-150	30	58-154	30	57-83-0
Testosterone	4.0	4.0	ng/l	-	30	50-150	30	60-172	30	58-22-0
PPCP - Pharmaceuticals by LCMSMS-ESI- by EPA 1694M-ESI- (Water)										
Bisphenol A	4.0	4.0	ng/l	-	-	38-163	30	53-168	30	80-05-7
Diclofenac	4.0	4.0	ng/l	-	-	37-218	30	37-218	30	15307-86-5
Gemfibrozil	4.0	4.0	ng/l	-	-	69-135	30	76-122	30	25812-30-0
Ibuprofen	4.0	4.0	ng/l	-	-	66-153	30	67-139	30	15687-27-1
Iopromide	4.0	4.0	ng/l	-	-	1-155	30	0.1-163	30	73334-07-3
Naproxen	4.0	4.0	ng/l	-	-	52-153	30	64-138	30	22204-53-1
Salicylic Acid	100	100	ng/l	-	-	7-177	30	56-229	30	69-72-7
Triclosan	8.0	8.0	ng/l	-	-	68-141	30	76-139	30	3380-34-5
PPCP - Pharmaceuticals by LCMSMS-ESI+ by EPA 1694M-ESI+ (Water)										
Acetaminophen	5.0	5.0	ng/l	-	-	70-163	30	66-156	30	103-90-2
Amoxicillin	20	20	ng/l	-	-	24-166	30	14-167	30	26787-78-0
Atenolol	4.0	4.0	ng/l	-	-	74-147	30	56-164	30	29122-68-7
Atorvastatin	4.0	4.0	ng/l	-	-	0.1-128	30	0.1-173	30	134523-00-5
Azithromycin	20	20	ng/l	-	-	39-186	30	52-166	30	83905-01-5
Caffeine	4.0	4.0	ng/l	-	-	58-146	30	55-152	30	58-08-2
Carbamazepine	4.0	4.0	ng/l	-	-	41-140	30	60-135	30	298-46-4
Ciprofloxacin	20	20	ng/l	-	-	35-182	30	51-168	30	85721-33-1
Cotinine	8.0	8.0	ng/l	-	-	45-171	30	68-155	30	486-56-6
DEET	4.0	4.0	ng/l	-	-	34-151	30	45-135	30	134-62-3
Diazepam	4.0	4.0	ng/l	-	-	74-125	30	58-127	30	439-14-5
Fluoxetine	4.0	4.0	ng/l	-	-	39-147	30	55-150	30	54910-89-3
Meprobamate	4.0	4.0	ng/l	-	-	0.1-116	30	11-166	30	57-53-4
Methadone	4.0	4.0	ng/l	-	-	66-141	30	62-137	30	76-99-3
Phenytoin (Dilantin)	4.0	4.0	ng/l	-	-	42-163	30	69-138	30	57-41-0
Primidone	4.0	4.0	ng/l	-	-	68-148	30	54-147	30	125-33-7
Sulfamethoxazole	4.0	4.0	ng/l	-	-	69-138	30	60-133	30	723-46-6
TCEP	10	10	ng/l	-	-	0.1-89	30	25-149	30	115-96-8
T CPP	50	50	ng/l	-	-	20-118	30	24-149	30	13674-84-5
TDCPP	50	50	ng/l	-	-	0.1-152	30	20-158	30	13674-87-8
Trimethoprim	4.0	4.0	ng/l	-	-	58-165	30	67-139	30	738-70-5