

**BOARD OF DIRECTORS  
REGULAR MEETING AGENDA**

**DECEMBER 14, 2017  
4 P.M.**

**CITY HALL ROTUNDA  
200 LINCOLN AVENUE  
SALINAS, CA 93901**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. GENERAL PUBLIC COMMENT**

Members of the public may comment on matters within the jurisdiction of the Agency that are not on the agenda. Public comments generally are limited to two (2) minutes per speaker; the Chair may further limit the time for public comments depending on the agenda schedule. Comments on agenda items should be held until the items are reached. To be respectful of all speakers and avoid disruption of the meeting, please refrain from applauding or jeering speaker.

**5. SPECIAL BOARD MATTERS**

- a. Requested Endorsement of California Water Bond, information and request provided by Matteo Crow. Complete information on proposed legislation at <https://waterbond.org>

**6. CONSENT ITEMS**

All matters listed under the Consent Agenda may be enacted by one motion unless a member of the Board, audience, or staff requests discussion or a separate vote.

- a. Approve November 9, 2017 regular meeting minutes.
- b. Receive November 2017 Monthly Financial Report.
- c. Receive Status Report on Regional Government Services Task List

**7. SCHEDULED ITEMS**

Receive Staff report, Directors' questions, public comments, Directors' comments and consider Board action on each of the following items.

- a. Adopt **RESOLUTION** adopting Bylaws for conduct of Board business.
- b. Consider changes to SVBGSA Board regular meeting schedule and location.

- c. Approve Ninety Day Work Plan to formulate consensus agreement on how best to immediately address Sea Water Intrusion in the 180/400 Aquifer.
- d. Approve Issuance of Request for Qualifications to prepare a Groundwater Sustainability Plan for the Salinas Valley Basin Groundwater Sustainability Agency.

## **8. GENERAL MANAGER'S REPORT**

- a. First GSA Symposium sponsored by Groundwater Resources Association of California tentatively scheduled for June 6 and 7, 2018 in Sacramento.
- b. Update on meeting with Paso Robles GSA's.
- c. Budget and Finance Committee

## **9. DIRECTORS' REPORTS**

## **10. FUTURE AGENDA ITEMS**

## **11. ADJOURNMENT**

### **MEETING ACCOMMODATION**

Disability-related modification or accommodation, including auxiliary aids or services, may be requested by any person with a disability who requires modification or accommodation in order to participate in the meeting. Requests should be referred to Ann Camel, Clerk of the Board at [camela@svbgsa.org](mailto:camela@svbgsa.org) or (831) 471-7519 as soon as possible, but by no later than 5 p.m. two business days prior to the meeting. Hearing impaired or TTY/TDD text telephone users may contact the Agency by dialing 711 for the California Relay Service (CRS) or by telephoning any other service providers' CRS telephone number.

### **VIEWING MEETINGS**

Live meetings are televised on Channel 25 at [www.youtube.com/thesalinaschannel](http://www.youtube.com/thesalinaschannel). The recorded meeting schedule may be viewed at <http://tinyurl.com/salinas25>

### **AGENDA POSTING**

The meeting agenda was posted on December 8, 2017 at [www.svbgsa.org](http://www.svbgsa.org) and at the City Clerk's Office in the City Hall Rotunda, 200 Lincoln Avenue, Salinas, CA 93901 and at the Monterey County Monterey County Government Center, 1441 Schilling Place, Salinas, CA.





## STAFF REPORT

**AGENCY MEETING DATE:** December 14, 2017

**AGENDA ITEM:** 5a

**SUBJECT:** Requested Endorsement of California Water Bond

**RECOMMENDATION:**

Hear Presentation and Consider Endorsement of Proposed Water Bond

**BACKGROUND:**

This initiative measure is proposed to appear on the November 2018 statewide California ballot. If the measure were to pass it would invest \$8.877 billion dollars in California water infrastructure, its proponents call it a balanced measure that would result in improved water supplies for every part of the state. This measure currently has a wide range of endorsements including conservation, agricultural, water and civic organizations.

**DISCUSSION:**

The proposed California Water Bond of 2018 appears to follow up on much of the work started with Proposition 1. Proposition 1. was a good start but as an example did not contemplate the funding that would be required for SGMA projects or the increase in funding need to provide water recycling infrastructure. This measure would address those and many more issues that will require greater funding than that which will be provide by Proposition 1. Complete information on the proposed bond, its programs and its endorsements can be found at <https://waterbond.org>, the proponents of this measure who will be presenting information on the measure will be requesting that the Board endorse this measure, which is within the ability to do if it chose.

**FISCAL IMPACT:**

The fiscal impact of this measure would be born by the voters who approve it. It would be an obligation of the General Fund of the State of California, which currently has less than 5% devoted to bond servicing. This is considered prudent by bond investors who consider this a reasonable increase.

**ATTACHMENT (S):**

For More information and the full text of the Measure please see <https://waterbond.org>

**PREPARED BY:** Gary Petersen General Manager



# Salinas Valley Basin Groundwater Sustainability Agency

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AGENDA NO. 6A

**SALINAS VALLEY BASIN GROUNDWATER SUSTAINABILITY AGENCY  
UNOFFICIAL MEETING MINUTES  
NOVEMBER 9, 2017**

1. Call to order

Chairperson Pro Tem Gunter convened the regular meeting at 4 p.m.

2. Pledge of Allegiance.

3. Roll call

Present:

Director Luis Alejo (arrived at 4:10 p.m.)

Director Janet Brennan

Director Brenda Granillo

Director Bill Lipe

Director Michael McHatten

Director Steve McIntyre

Director Colby Pereira

Director Adam Secondo

Director Ron Stefani

Chairperson Joseph Gunter

Absent:

Director Lou Calcagno

Also Present:

General Manager Gary Petersen; Chief Assistant County Counsel Les Girard; Ann Camel, Clerk of the Board.

4. General Public Comment

Tom Virsik stated that to meet the best science standard, the Agency's consultants' review should include already established information such as that pertaining to the Orradres Ranch in the south end of the valley.

Bill Carrothers stated that the Agency is unwise to invest in this endeavor if there is no sustainable system to support development proposals.

## CONSENT RESOLUTION

**The Board moved and adopted the Consent Resolution. Ayes: Directors Brennan, Granillo, Lipe, McHatten, McIntyre, Pereira, Secondo, Stefani, and Chair Gunter. Noes: None. Abstain: None. Absent: Directors Alejo and Calcagno.**

The Consent Resolution contained the following items:

5. Approved October 12, 2017 regular meeting minutes

## CONSIDERATION ITEMS

6. Receive Financial Report.

Jeff Kise, RGS Finance and Operations Manager, presented the report and answered questions.

**Director Alejo arrived at the meeting at 4:10 p.m.**

Norm Groot, Monterey County Farm Bureau, requested that the Statement of Revenues and Expenses, Budget and Actual report include a column for each month's actual, including a comparison against that monthly budget, in addition to the year-to-date summary.

**The Board voted to receive the Financial Report. Ayes: Directors Alejo, Brennan, Granillo, Lipe, McHatten, McIntyre, Pereira, Secondo, Stefani, and Chair Gunter. Noes: None. Abstain: None. Absent: Director Calcagno.**

7. Adopt Resolution approving Amendment No. 1 to Agreement regarding interim administrative and legal services between the County of Monterey, the City of Salinas, and the Salinas Valley Basin Groundwater Sustainability Agency.

Gary Petersen presented the report.

**The Board moved and adopted RESOLUTION 2014-14 approving Amendment No. 1 to Agreement regarding interim administrative and legal services between the County of Monterey, the City of Salinas, and the Salinas Valley Basin Groundwater Sustainability Agency. Ayes: Directors Alejo, Brennan, Granillo, Lipe, McHatten, McIntyre, Pereira, Secondo, Stefani, and Chair Gunter. Noes: None. Abstain: None. Absent: Director Calcagno.**

8. Adopt Resolution adopting Bylaws for the conduct of Board business.

Mr. Girard reviewed the Bylaws. Directors would be eligible for the stipend, mileage, and expenses when attending Committee meetings in an official capacity or meeting attendance authorized by the Board. Staff would return with a policy on mileage and limits, probably including the federal government guidelines. Special presentations on the agenda may include presentations or visiting officials. The Board may act by ordinance, resolution, or Board minute order. There are no specific general laws on how this body would adopt an ordinance. The bylaws propose newspaper notice of the Board's consideration of an ordinance, introduction and adoption at the same meeting, and the ordinance would go into effect after thirty days.

In response to Directors, Mr. Girard stated that he would revise Section 3.2 on Officers' rotation to be clearer on how the rotation would work. The standing committee meetings should be at the location of the regular Board meetings, generally. The Board may allow alternates to serve as Pro Tem Chair and Vice Chair if elected by the Board, and to allow the Committees to directly request the Board to add an item on the agenda instead of going through the Executive Committee. He will provide a process similar to Monterey County's to allow an individual Director to request the Executive Committee to add an item to the agenda.

Norm Groot, Monterey County Farm Bureau and Salinas Basin Agricultural Water Association, stated that it is confusing not to have a roll call vote when a super majority or super majority plus vote is required. He requested that the Executive Committee minutes reflect items that are not recommended for full Board consideration.

Dave Morisoli, alternate Director, spoke against counting an abstention in favor of the majority if abstaining for reasons other than for a conflict of interest.

Director Alejo commented that there is a difference between a recusal and an abstention. Director Alejo and Chair Gunter support the Roberts Rules of Order provision that counts an abstention for reason other than a conflict of interest in favor of the majority on the motion, or in the event of a tie vote, in favor of the motion. Director Lipe stated that if the Director does not want the vote to count as a yes, they should vote no.

Director Pereira supports Mr. Groot's comments regarding a roll call vote on the super majority and super majority plus vote.

Mr. Girard stated that these change would return for the Board's consideration at the December meeting.

9. Adopt Resolution adopting a Conflict of Interest Code for the Agency.

Mr. Girard stated that the Board of Supervisors is the Code Reviewing Body, and the Code would go before the Board of Supervisors if approved by the Agency.

**The Board moved and adopted RESOLUTION 2017-15 approving the Conflict of Interest Code for the Agency. Ayes: Directors Alejo, Brennan, Granillo, Lipe, McHatten, McIntyre, Pereira, Secondo, Stefani, and Chair Gunter. Noes: None. Abstain: None. Absent: Director Calcagno.**

10. Adopt Resolution approving Coordination Agreement between Marina Coast Water District and SVBGSA.

Mr. Petersen presented his written report. Director Granillo would like the agreement to explicitly state that Corral de Tierra would be managed by the SVBGSA.

Keith Van der Maaten, Marina Coast Water District, (MCWD) stated that that MCWD is amenable to making it explicit in the agreement that they are not interested in the Corral de Tierra area, which was not included in their filing.

In response to Director Pereira, Mr. Petersen confirmed that the boundaries are not firmly established and will be fine tuned.

Director McIntyre requested better map resolution so agricultural owners know where the boundaries exist in terms of their ranches. Mr. Petersen emphasized that those boundaries are subject to change.

Curtis Weeks, Arroyo Seco GSA, supports the recommendation and looks forward to working toward a similar solution.

**The Board moved and adopted RESOLUTION 2017-16 approving the Coordination Agreement between Marina Coast Water District and SVBGSA with the amendment clarifying that Corral de Tierra is part of the SVBGSA. Directors Alejo, Brennan, Granillo, Lipe, McHatten, McIntyre, Pereira, Secondo, Stefani, and Chair Gunter. Noes: None. Abstain: None. Absent: Director Calcagno.**

11. Adopt Resolution approving Investment Policy

Director Alejo stepped down from the dais.

Roberto Moreno, RGS Senior Advisor, presented his report.

**The Board moved and adopted RESOLUTION 2017-17 approving the Investment Policy. Ayes: Directors Brennan, Granillo, Lipe, McHatten, McIntyre, Pereira, Secondo, Stefani, and Chair Gunter. Noes: None. Abstain: None. Absent: Directors Alejo and Calcagno.**

**12. Update on California Department of Water Resources Groundwater Sustainability Plan Grant Application.**

Director Alejo returned to the dais.

Mr. Petersen stated that the Department of Water Resources checked in with him yesterday, and they are interested in what the SVBGSA is doing. The Agency will be meeting with Greenfield next week on an agreement similar to that with Marina, and he will also be meeting with Arroyo Seco and Paso Robles.

**13. GENERAL MANAGER'S REPORT**

Mr. Petersen stated that the interest in well management has increased dramatically. The WRA will be considering alternatives next week. The Monterey County Board of Supervisors will consider this item on December 12, 2017, prior to the next SVBGSA meeting. The Advisory Committee will provide their opinion.

Recommendations on Planning Committee appointments will return for the Board's direction and will include some Advisory Committee members.

The Agency now has svbgسا.org email addresses and has taken over that account for the Board's use if they choose. Mr. Girard urged Directors to use the official email address so that their



personal email accounts do not become subject to public records requests.

#### 14. Directors' Reports and Future Agenda Items

There were no reports.

#### ADDENDUM

#### 15. Provide direction to staff on the California Department of Water's response regarding the formation of GSAs in the Salinas Valley Basin

Mr. Petersen stated that he wished the letter from the Chief Counsel of the State Water Resources Control Board was stronger and clearer regarding jurisdictional questions. It does make clear that there are no overlaps due to lack of standing by the GSAs to extend beyond their agency boundaries. They State Board wants the parties to work things out.

Mr. Girard clarified that the letter is from the chief counsel of the State Water Resources Control Board and not the Board itself, and the letter is advisory only. The Chief Counsel's letter states that neither Greenfield nor Marina Coast Water District may levy fees outside of their boundaries, so this Board would have to levy any fees.

In response to Director Lipe, Mr. Girard stated that, in his opinion, Marina could only expand their GSA boundary if expanding their jurisdictional boundary, and he understands the Water District is currently processing an annexation to take to LAFCO.

In response to Director Brennan, Mr. Girard stated that the Marina coordination agreement provided for two scenarios, but the end result is agreement that they can manage the area.

In response to Director McIntyre, Mr. Girard stated that the Chief Counsel is expressing his opinion. However, the Board has not taken action because the Chief Counsel does not believe there is action required by Board as there is no overlap, and they expect the parties to work it out locally and collaboratively.

Curtis Weeks, Arroyo Seco GSA, suggests that levying of fees may be County-wide, but the distribution of fees would support the management areas. There is a long way to go, including on the development of Proposition 218 ballots.

Keith Van de Maaten, Marina Coast Water District, stated that they have existing funding mechanisms. They would have to look at whether there is a need to do more with the mechanism that SGMA provides.

Tom Virsik stated that the letter copies State employees who may be there for a very long time.

Norm Groot, Monterey County Farm Bureau, expressed concern about double assessments or lack of contribution. Growers feel that everyone should pay their fair share.

There was no vote on this item.

**ADJOURNMENT**

The meeting adjourned at 5:50 p.m.

APPROVED:

\_\_\_\_\_  
Joseph Gunter, Board Chair

ATTEST:

\_\_\_\_\_  
Ann Camel, Clerk of the Board

## STAFF REPORT

**MEETING DATE:** December 14, 2017

**AGENDA ITEM:** 6b

**SUBJECT:** Receive November 2017 Financial Reports

**RECOMMENDATION:**

It is recommended that the Board of Directors receive the financial reports.

**BACKGROUND**

Section 10.2 of the Joint Exercise of Powers Agreement forming the Salinas Valley Basin Groundwater Sustainability Agency (“Agency”) states “The Agency shall maintain strict accountability of all funds and report all receipts and disbursements of the agency on no less than a quarterly basis.” Reports are being presented monthly.

**DISCUSSION**

Attached are the following financial statements for the Agency thru November 30, 2017:

- Statement of Revenue & Expense - Budget vs. Actual – shows revenues exceeding expenditures by \$1,063,323
- Balance Sheet – shows \$1,069,899 in cash and \$20,000 in receivables
- Payment & Disbursement Report – shows detail of deposits and disbursements for the month of November with a net increase of \$660,797.60

The Agency has set-up a CalTrust medium term account. During December, investable funds will be moved to that account.

**FISCAL IMPACT**

None.

**ATTACHMENT(S)**

Financial Statements as stated above

**PREPARED BY:**

Roberto Moreno, RGS Senior Advisor

**Salinas Valley Basin Groundwater Sustainability Agency**  
**Statement of Revenue and Expense Budget vs. Actual**  
**July through November 2017**

8:32 AM  
 12/07/2017  
 Accrual Basis

	<u>Jul - Nov 17</u>	<u>Budget</u>
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
440000 · Member Contributions	1,145,000	477,083
<b>Total Income</b>	<u>1,145,000</u>	<u>477,083</u>
<b>Expense</b>		
520000 · Administrative Services	53,398	138,991
530000 · Groundwater Sustainability Plan		82,909
530500 · Staff Attorney		37,266
540100 · Agency Financing Plan		18,182
540200 · Facilitation Services		14,545
540300 · Grant Writing / Lobbying	12,865	15,273
540400 · Outside Specialty Legal Svcs	1,253	29,091
550200 · Conferences / Training		2,727
550300 · Dues and Subscriptions		2,727
550600 · Insurance Expense	2,219	5,455
550700 · Legal Notices & Ads		3,636
550800 · Office Supplies		1,636
550900 · Postage and Delivery		1,091
551000 · Printing and Reproduction	1,943	3,636
551100 · Office Rent	400	14,545
551200 · Technology		4,727
551300 · Travel Expense		3,636
551400 · Bank Service Charges	20	
551500 · Recruitments	9,551	
551800 · Meals and Meeting Expenses	50	
<b>Total Expense</b>	<u>81,699</u>	<u>380,073</u>
<b>Net Ordinary Income</b>	1,063,301	97,010
<b>Other Income/Expense</b>		
<b>Other Income</b>		
702000 · Interest Income	22	
<b>Total Other Income</b>	<u>22</u>	
<b>Net Other Income</b>	<u>22</u>	
<b>Net Income</b>	<u><u>1,063,323</u></u>	<u><u>97,010</u></u>

## Salinas Valley Basin Groundwater Sustainability Agency

## Balance Sheet

As of November 30, 2017

12/06/17

Accrual Basis

	<u>Nov 30, 17</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
100100 · Rabobank Checking	14,877
100200 · Rabobank Money Mar...	1,055,022
<b>Total Checking/Savings</b>	<u>1,069,899</u>
<b>Accounts Receivable</b>	
110000 · Accounts Receivable	20,000
<b>Total Accounts Receivable</b>	<u>20,000</u>
<b>Other Current Assets</b>	
120005 · Prepaid Expense	400
<b>Total Other Current Assets</b>	<u>400</u>
<b>Total Current Assets</b>	<u>1,090,299</u>
<b>TOTAL ASSETS</b>	<b><u>1,090,299</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
200000 · Accounts Payable	26,976
<b>Total Accounts Payable</b>	<u>26,976</u>
<b>Total Current Liabilities</b>	<u>26,976</u>
<b>Total Liabilities</b>	26,976
<b>Equity</b>	
<b>Net Income</b>	1,063,323
<b>Total Equity</b>	<u>1,063,323</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>1,090,299</u></b>

## Salinas Valley Basin Groundwater Sustainability Agency Payment & Disbursement Report November 2017

	<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Nov 17						
	Bill Pmt -Check	11/13/2017	1002	County of Monterey	Rent for 1441 Schilling Place, November & December	-800.00
	Bill Pmt -Check	11/13/2017	1003	Keenan & Associates	D&O Insurance coverage from 10/13/17 to 10/13/18	-2,219.00
	Bill Pmt -Check	11/13/2017	1004	Regional Government Servies	Contract Services Month of October	-13,268.40
	Deposit	11/21/2017		WRA	Deposit	20,000.00
	Bill Pmt -Check	11/27/2017	1006	Kennedy/Jenks Consulting	Salinas-2017 SGWP Grant	-12,865.00
	Bill Pmt -Check	11/27/2017	1005	Regional Government Servies	Meeting with Dir of HR, GSA Interview	-50.00
	Deposit	11/28/2017		Monterey County	Deposit	670,000.00
Nov 17						<u><u>660,797.60</u></u>



## STAFF REPORT

**MEETING DATE:** December 14, 2017

**AGENDA ITEM:** 6c

**SUBJECT:** Receive Status Report on Regional Government Services Task List

### RECOMMENDATION

Receive Status Report on RGS Task List

### BACKGROUND

On August 10, 2017, the Agency Board approved an Agreement for Management and Administrative Services with Regional Government Services Authority (RGS). Exhibit B of that agreement describes the Scope of Services. That section includes a task list of initial tasks to be undertaken by RGS.

### DISCUSSION

The Agreement for Management and Administrative Services between the Agency and Regional Government Services (RGS) includes a Task List in the Scope of Services that itemizes the first initial steps that RGS must complete.

On the next page is a status report on those tasks along with an estimated completion date and some notes. This report is to keep the Board informed of the tasks that are being accomplished to help the Agency achieve its objectives. This report will be updated on a bi-monthly basis. This timing is consistent with the availability of funds from the Proposition 1. Grants.

### FISCAL IMPACT

None

**PREPARED BY:** Roberto Moreno, RGS Senior Advisor

### ATTACHMENT(S)

RGS Scope of Services Task List

# RGS Scope of Services for SVBGSA

First/ Initial Steps/ Task Orders			
%done	Phase	Estimated Completion	Notes
100%	1.0 Identify an employee to serve as the GM	10/ 12/ 17	presented candidate to Board
100%	2.1 Set-up Banking and investment accounts	10/ 12/ 17	all set-up
100%	2.2 Invoice member agencies	10/ 12/ 17	member agencies invoiced
100%	2.3 Prepare Agency accounting records	09/ 30/ 17	records established, will present financial report in November
100%	3.0 Retain Clerk of the Board Services	09/ 01/ 17	Ann Camel is Clerk of the Board
100%	4.1 Establish Agency technology and support infrastructure	10/ 31/ 17	using RGS infrastructure for now pending access to G-Suite set-up by the County
100%	4.2 Set up official address	11/ 30/ 17	Using RGS address for mailing; 1441 Schilling is office location
100%	4.3 Set-up e-mail addresses and phone numbers	10/ 31/ 17	waiting on Boardmembers reply for their email
75%	4.4 Website maintenance and improvements	12/ 31/ 17	now have admin privileges to website; set-up svbgsa.org
25%	5.0 Provide education for the Board on public-sector officials responsibilities	12/ 31/ 17	Upcoming - Conflict of interest code, role of GM, role of Board,
50%	6.0 Meet with Board to finalize strategic and legally required GSP and Financing Plan	02/ 08/ 17	developing steps to select engineering and technical services following closely all guidelines
75%	7.0 Meet with state officials about GSP	12/ 31/ 17	and requirements
75%	8.0 Identify steps to ensure Agency meets SGMA guidelines	02/ 08/ 18	following closely all guidelines and requirements
100%	9.0 Meet with Board regularly, ensuring compliance with open meeting laws and	ongoing	
100%	10.1 Develop and issue RFP for engineering studies	12/ 14/ 17	Issuing RFP for GSP Services
	10.2 Identify and recommend consulting engineer	02/ 08/ 18	Will be based on results of RFP
	10.3 Manage consulting services	01/ 31/ 18	No other consulting services yet



## STAFF REPORT

**AGENCY MEETING DATE:** December 14, 2017

**AGENDA ITEM:** 7 (a)

**SUBJECT:** Approval of Agency Bylaws

**RECOMMENDATION:**

It is recommended that the Board of Directors consider and adopt Bylaws for the conduct of Board business.

**BACKGROUND**

Section 6.8 of the Joint Exercise of Powers Agreement forming the Salinas Valley Basin Groundwater Sustainability Agency (“Agency”) states “The Board shall adopt Bylaws governing the conduct of meetings and the day-to-day operations of the Agency on or before the first anniversary of the Effective Date.”

A draft set of Bylaws was presented to the Board at its November 9, 2017, meeting. Revisions were requested by the Board, and a revised set is ready for consideration.

**DISCUSSION**

Changes to the initial draft recommended by the Board are indicated in underline/strikeout.

**FISCAL IMPACT**

None with the adoption of the bylaws. Implementation of the bylaws may have a fiscal impact, for example publication of notices for the adoption of ordinances.

**ATTACHMENT(S)**

A – Draft bylaws

B – Resolution

**PREPARED BY:**

Leslie J. Girard  
Agency Counsel

**APPROVED BY:**

Gary Petersen  
Interim General Manager

## BYLAWS

### SALINAS VALLEY BASIN GROUNDWATER SUSTAINABILITY AGENCY

#### BOARD OF DIRECTORS

##### I. PURPOSE AND AUTHORITY.

1.1. Authority. These bylaws are adopted pursuant to the Joint Exercise of Powers Agreement forming the Salinas Valley Basin Groundwater Sustainability Agency ("Agency"), dated December 22, 2016 (Agreement).

1.2. Purpose. The purpose of these bylaws is to establish procedures for the conduct of meetings of the Agency Board of Directors ("Board"), provide for the formation and function of committees, and to provide guidelines for the other activities of the Board.

1.3. Relations between Board and Regional Government Services. The purpose of the Board is to set policy for implementation by Regional Government Services, an independent contractor who is providing certain administrative services to the Agency pursuant to a contract dated August 10, 2017. Such services include the provision of a General Manager, who will function as the Agency's Executive Director as described in the Agreement but not be an employee of the Agency.

1.4. Incorporation of Provisions of the Agreement. Various provisions of the Agreement set forth the powers, duties and procedures of the Board. Those provisions are attached hereto and incorporated herein as Exhibit A for ease of reference. If any inconsistency exists between the provisions of the Agreement and these bylaws, the provisions of the Agreement shall control.

##### II. DIRECTORS.

2.1. General. The number, manner of appointment, removal, filling of vacancies, and duties of Primary and Alternate Directors are set forth in Article VI of the Agreement. Primary and Alternate Directors are expected to communicate with each other from time-to-time so that the Alternates may participate in Board meetings in an informed manner when called upon to do so. When a Primary Director is present, an Alternate may attend a Board meeting as a member of the public, but may not participate in any Board discussion or vote on a matter.

##### 2.2. Compensation.

(a) Each Director, whether Primary or Alternate, shall receive a stipend for his or her services in the sum of \$100 for each meeting attended by such Director in an official capacity. A meeting for which a stipend will be given may be a regular or special meeting of the Board at which a Director is sitting as a participating member of the Board, a meeting of any committees established by the Board to which a Director is appointed and is attending in a participating capacity, or any meeting at which a Director's presence is authorized by the Board.

(b) In addition, Directors, whether Primary or Alternate, shall be reimbursed for actual and necessary expenses incurred in the performance of official Agency business when so directed or authorized by the Board, such reimbursement to be consistent with a schedule and

policy adopted by the Board.

2.3. Notice to Directors. Whenever written notice is required by law or these bylaws to be given or delivered to Directors, such notice will be considered effective when the notice is left at the Directors' residence or usual place of business by personal messenger, when the notice is sent to the Director via fax transmittal to the fax number given to the Agency by the Director, when the notice is sent to the Director via electronic mail transmittal to an electronic mail address given to the Agency by the Director, or five days after the notice is deposited in the U.S. mail, first class postage prepaid, properly addressed to the Director.

### III. OFFICERS.

3.1. Officers. The officers of the Board shall be the Chairperson and Vice-Chairperson.

3.2. Qualification, Selection, and Term. The Chairperson and Vice-Chairperson shall be Primary Directors and elected by the Board at the Board's first meeting in July of each year, and shall serve until June 30 of the succeeding calendar year, or until a successor has been duly elected. Beginning in Fiscal Year 2017-2018 the role of Chairperson and Vice-Chairperson shall rotate amongst the classes of Directors on an annual basis in the order reflected in Exhibit B to the Agreement. ~~Beginning in Fiscal Year 2017-2018 the Chairperson shall be the Primary Director appointed by the City of Salinas, and the Vice-Chairperson shall be the Primary Director appointed by the South County Cities. For Fiscal Year 2018-2019 the Chairperson shall be the Primary Director appointed by the South County Cities and the Vice-Chairperson shall be the Primary Director appointed for the Other GSA Eligible Entity Director position.~~ Directors may decline to serve as Chairperson or Vice-Chairperson, in which case the selection shall be made from the next class of Directors except for the class of Agricultural Directors, in which case the selection shall pass to the next eligible Primary Agricultural Director. If all Primary Agricultural Directors decline to serve, the selection shall pass to the next class of Directors.

3.3. Duties of Chairperson. The Chairperson shall preside at all meetings of the Board. The Chairperson shall execute contracts, correspondence, conveyances, and other written instruments as authorized by the Board, and exercise and perform such other powers and duties as may be assigned by the Board. In the absence of both the Chairperson and Vice-Chairperson, ~~and notwithstanding the appointment of an Alternate Director for the Director Position serving as Vice-Chairperson,~~ the Board shall elect a Chairperson Pro-Tem from the ~~Primary Directors present~~ to preside at a meeting; ~~however, the Alternate Director for the Vice-Chairperson may otherwise attend and participate in the meeting as a substitute for the absent Primary Director.~~

3.4. Duties of Vice-Chairperson. Notwithstanding the appointment of an Alternate Director for the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson in the absence or disability of the Chairperson; however, the Alternate Director for the Chairperson may otherwise attend and participate in the meeting as a substitute for the absent Primary Director. The Vice-Chairperson shall exercise and perform such other powers and duties as may be assigned by the Board. In the absence of both the Chairperson and Vice-Chairperson, and notwithstanding the appointment of an Alternate Director for the Director Position serving as Vice-Chairperson, the Board shall elect a Chairperson Pro-Tem from the Primary Directors to preside at a meeting; however, the Alternate Director for the Vice-Chairperson may otherwise attend and participate in the meeting as a substitute for the absent Primary Director.

3.5. Vacancies and Removal of Officers. Officers of the Board may be removed and replaced at any time, with or without cause, by a Majority Vote. A vacancy in any office shall be

filled by nomination and election by the Board from the Primary Directors as soon as it is reasonably possible to fill the remaining term. In the event that an officer loses their position as a Primary Director, that officer position shall become vacant.

#### **IV. MEETINGS.**

4.1 Conduct of Meetings. All meetings of the Board shall be subject to the provisions of the Ralph M. Brown Act (Government Code section 54950 et seq.) (“Brown Act”), the Agreement, and these bylaws. If any inconsistency exists between the provisions of the Act and the Agreement or these bylaws, the provisions of the Act shall control.

4.2 Regular Meetings Time and Place. Regular meetings of the Board shall occur monthly; however, regular meetings may be cancelled by the Chairperson due to the anticipated lack of a quorum or lack of business to be addressed. At its regular meeting in June of each year, the Board shall establish a regular meeting schedule for the following fiscal year. The Board shall meet regularly in the Salinas City Council Chambers (“Rotunda”) located at 200 Lincoln Avenue, Salinas, CA, 93901; however, should that location be unavailable the Board shall meet in the Monterey County Board of Supervisors Chambers located at 168 W. Alisal Street, Salinas, CA, 93901. Regular meetings shall occur on the second Thursday of each month at 4 p.m. Due to the geographic expanse of the Agency’s jurisdiction, and in order to provide convenient access to regular Board meetings for constituents of the Agency in remote locations, the Board shall designate alternate locations for not more than five (5) regular Board meetings each year at other venues within the boundaries of the Salinas Valley Groundwater Basin. Notice and posting of agendas for regular meetings shall be pursuant to the provisions of the Brown Act.

4.3 Special Meetings. Special meetings may be called by the Chairperson at any time for a specific, announced purpose. At the request of any five (5) Primary Directors, the Chairperson shall call such a special meeting. Written notice of a special meeting shall be delivered to all Directors at least 48 hours in advance of any such meeting. Attendance at a special meeting by any Director amounts to a waiver of any defect in the giving of notice to such Director, unless at the meeting the Director specifically objects to the holding of the meeting on the grounds of such defect. Notice and posting of agendas for special meetings shall be pursuant to the provisions of the Brown Act.

4.4 Emergency Meetings. Emergency meetings may be called by the Chairperson under the circumstances and conditions set forth in the Brown Act.

4.5 Quorum. A quorum of the Board shall consist of six (6) Directors. No action shall be taken by the Board unless a quorum is present at the meeting, except as otherwise provided herein or in the Brown Act.

4.6 Voting. Actions of the Board shall be by majority vote, super majority vote, or super majority plus vote, as set forth in the Agreement. If a Director is recused or prohibited from voting due to an actual or perceived conflict of interest under the California Political Reform Act (Government Code section 8700 et seq.) or Government Code section 1090 et seq., the Director shall leave the dais and the Board chambers, and his or her presence shall not be counted towards a quorum. The presence of any Director who otherwise abstains from voting shall be counted for purposes of determining a quorum, and shall be considered to vote in favor of the majority or, if a tie vote results not considering the abstaining Director’s vote, in favor of the motion voted upon.

Voting on all motions and resolutions of the Board shall be by voice vote, calling

for ayes and noes, except that if any Director requests a roll call vote, either before or after the voice vote is taken, then the vote shall be by roll call.

4.7 Minutes. The Board shall designate a Clerk of the Board of Directors who shall keep a record of proceedings of all minutes of the Board.

4.8 Preparation of the Agenda. The agenda for each meeting of the Board shall be prepared in the first instance by the Executive Director/General Manager in consultation with the Chairperson and Agency Counsel. Any item voted affirmatively out of the Executive Committee shall be placed on a Board agenda as directed by the committee if Board action is required. A memorandum signed by not more than five (5) Directors may cause an item to be placed on a Board agenda as requested in the memorandum. An individual Director may make a request that a matter be addressed by staff and reported on to the Board by making a referral to the Executive Director/General Manager. The referral shall be made on a form prescribed by the Executive Director/General Manager, and shall describe the matter on which a report is requested and the time within which the report should be made. The Executive Director/General Manager shall provide for the response to the Board on the referral.

The Board may not take action on or discuss items not listed on the agenda except as otherwise allowed by the Brown Act.

4.9 Time for Public Comment.

(a) Each agenda of the Board shall provide an opportunity for members of the public to address the Directors on any agenda item of interest to the public, before or during the Directors' consideration of the item. The Chair may limit the time allowed for each person to speak.

(b) Each agenda for regular meetings will include a regular time near the beginning of the agenda to receive public comment on items that are within the jurisdiction of the Agency but that are not on the agenda. Directors are not required to respond to any issues raised during the public comment period, and may not take any action on such issues other than to refer the item to Staff or schedule action for a future agenda.

4.10 Order of Agenda. The general order of each agenda for a regular meeting shall be as set forth in Exhibit B, attached hereto and incorporated herein. Special Board Matters are unique matters that may be of special interest to the Board or otherwise require special attention. Consent Items are those items that are not controversial and that can be taken together with a single vote. Directors or members of the public may ask that a consent item be removed from consent and discussed.

4.11 Procedure for Discussion Items. All items for discussion and decision by the Board shall be heard with the following procedure:

4.11.1 Introduction by the Chairperson.

4.11.2 The General Manager or designee presents the Staff report to the Directors.

4.11.3 The Chair inquires if Directors have any questions of Staff.

4.11.4 The Chair opens the item for public comment; public speakers are requested to identify themselves.

4.11.5 Public testimony is closed and the item returned to the Board for further questions and discussion.

4.11.6 The Chairperson entertains any motion on the item.

4.11.7 Board votes.

The Chair may alter the order specified above, if the Chair believes such change in the order would facilitate the hearing process. Should the Board be required to undertake a noticed public hearing on an application for a permit or other entitlement, the Chairperson may modify the above described procedure to allow time for proponents and opponents of the matter to address the Board outside of general public comment, including appropriate time for rebuttal.

4.12 Reconsideration. The Board may reconsider any item upon which a final vote has been taken at the same meeting upon motion by a Director who voted in the majority on the item. If a motion for reconsideration is made and passes, the item will be reconsidered at the same meeting, or may be continued to a future meeting for reconsideration. A motion for reconsideration shall have precedence over every other motion except a motion to adjourn.

4.13 Continuance and Adjournment. The Directors may continue any item to another meeting specified in the order of continuance, may adjourn any meeting without specifying a new meeting date, and may adjourn any meeting to a time and place specified in the order of adjournment. Less than a quorum may so continue an item or adjourn a meeting. If all members are absent from any meeting, the Secretary may so adjourn the meeting, and shall provide notice of any new meeting date and time as required by law.

## V. BOARD ACTIONS.

5.1 The Board may take action in one of three (3) ways:

- (a) By Ordinance for matters that are regulatory in nature, as determined by Agency Counsel, for example the adoption of rules and regulations regarding the operation or placement of wells, the imposition of a permit requirement, or as otherwise may be required by law. Ordinances may be passed and adopted on the same day but shall not take effect until 30 days after adoption unless by a unanimous vote of the Board the Ordinance is to take effect immediately. Ordinances shall require a noticed public hearing pursuant to Government Code section 6061 at least ten (10) days prior to the hearing, and may be codified upon order of the Board;
- (b) By Resolution for matters not requiring an Ordinance but otherwise requiring special Board attention or the creation of an appropriate record, as determined by Agency Counsel, for example the setting of a fee schedule; and
- (c) By Board Order for routine and non-controversial matters, as determined by Agency Counsel, for example Consent Items.

5.2 Notwithstanding the foregoing, all matters requiring a Super Majority Vote as set forth in the Agreement shall be adopted by Resolution, and all matter requiring a Super Majority Vote Plus shall be adopted by Ordinance and the vote thereon shall be by roll call.

5.3 The introductory of clause of Ordinances shall be "Be it ordained by the Board of

Directors of the Salinas Valley Basin Groundwater Sustainability Agency . . . .” The introductory clause of resolutions shall be: “Be it resolved by the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency . . . .”

5.4 The general format of ordinances and resolutions shall be as set forth in Exhibit C, attached hereto.

## **VI. COMMITTEES.**

6.1 Standing Committees. The Board shall maintain the following standing committees: Executive Committee, Budget and Finance Committee, and a Planning Committee. Meetings of the standing committees shall be subject to the provisions of the Ralph M. Brown Act (Government Code section 54950 et seq.). Standing committees shall meet as frequently as is necessary to fulfill the committee’s duties, but in any event, not less than quarterly. Standing committees shall consist of not more than five (5) Directors. Each standing committee shall elect a Chairperson and Vice Chairperson.

6.2 Appointment and Terms of Committees. The Board shall appoint members of standing committees at its regular meeting in July of each year, and terms of committee members shall last until June 30 of the succeeding calendar year or until a successor is appointed. Members of committees may be re-appointed for succeeding terms, without limitation.

6.3 Executive Committee. The Executive Committee shall consist of the Chairperson and Vice-Chairperson, and three (3) other Directors as appointed by the Board. The Executive Committee shall receive direction from and report directly to the Board of Directors on all matters considered. The Executive Committee shall consider and make recommendations to the full Board on all matters requiring a Super Majority or Super Majority Plus vote. The Executive Committee shall also consider and make recommendations on items referred by the other standing committees, the performance of the Executive Director/General Manager and Agency Counsel, and changes in By-Laws.

6.4 Budget and Finance Committee. The Finance Committee assists in establishing and enhancing valid business and financial management systems, and makes appropriate recommendations to the Board. It annually reviews and recommends the budget, and ~~each month~~ quarterly it reviews the Agency’s financial performance under the adopted budget. The committee acts as the audit committee for the Board of Directors and makes recommendations on capital expenditures. The committee reviews the financial aspects of projects proposed to be implemented by the Agency, and reviews charges proposed to be levied by the Agency.

6.5 Planning Committee. The Planning Committee shall assist the Executive Director/General Manager develop short- and long-range plans for the Agency with respect to all activities in which the Agency is involved or might become involved, and make appropriate recommendations to the Board. The Planning Committee will screen, evaluate, and prioritize projects and programs considered for implementation by the Agency, and review the Agency’s ongoing projects and programs.

6.6 Advisory Committee. The Board shall establish an Advisory Committee as provided in the Agreement. Director membership on the Advisory Committee shall be structured such that there shall not be more than a quorum of Directors, whether Primary or Alternate, participating in Advisory Committee meetings in an official capacity at any one time.

Membership on the Advisory Committee shall not have a term, but shall be at the pleasure of the Board, and Advisory Committee members may be removed with or without cause. The Advisory Committee Charter, attached hereto as Exhibit D and incorporated herein, shall be the bylaws of the Committee.

6.7 Additional Committees. The Board may by majority vote establish additional committees from time to time, including standing committees and ad hoc committees. Ad hoc committees may not consist of more than five (5) Directors, shall be advisory only, and shall have limited subject matter jurisdiction. Ad hoc committees are not subject to the provisions of the Brown Act.

6.8 Staff Assistance to Committees. Agency Staff shall provide assistance to all committees of the Directors, at the request of the committee or the Board. The Clerk of the Board shall take minutes of Executive Committee meetings; other standing committees shall provide that one if its members shall take minutes.

6.9 Role of Committees. The role of each committee is limited to the matters expressly assigned to the committee by these bylaws or by ~~resolution~~ order of the Board, together with all matters necessarily incidental thereto. Except as otherwise expressly provided in these bylaws or by resolution of the Board, the committee does not make binding decisions on those matters; rather, the committee makes recommendations to the Board on those matters that are to be considered by the Board. Recommendations of the Budget and Finance Committee, Planning Committee, and any other standing committee established by the Board shall be forwarded to the Executive Committee. The Executive Committee shall consider such recommendations and, by vote on each item, determine whether to forward such recommendation to the Board.

## **VII. MISCELLANEOUS.**

7.1 The logo of the Agency shall be as set forth in Exhibit E.

7.2 The letterhead for the Agency shall be as set forth in Exhibit F.

7.3 The format for Staff reports to the Board or its committees shall be as set forth in Exhibit G.

7.4 The seal of the Agency shall be as set forth in Exhibit H.

## **VIII. ADOPTION AND AMENDMENT OF BYLAWS.**

8.1 These bylaws shall be adopted by resolution, approved by a majority of the Directors. The bylaws may be amended at any properly noticed meeting, by resolution approved by a majority of the Directors.



EXHIBIT A

EXCERPTS FROM  
JOINT EXERCISE OF POWERS AGREEMENT  
establishing the  
SALINAS VALLEY BASIN GROUNDWATER  
SUSTAINABILITY AGENCY

## Article VI: Directors And Officers

### Section 6.1 – Board Of Directors.

The Agency shall be governed and administered by an eleven (11) member Board of Directors which is hereby established. All voting power of the Agency shall reside in the Board.

### Section 6.2 – Initial Board of Directors.

An Initial Board shall be composed of the Director Positions with the qualifications and Appointing Authority as described in Exhibit B. The nominating groups identified in Section 6.5, below, may, but are not required to, provide nominations to the relevant Appointing Authority for the Initial Board; however, any such nomination must be received by the respective Appointing Authority no later than January 31, 2017. If such nominations are received no later than the time specified the Appointing Authorities shall follow the respective procedures for appointment to the Permanent Board set forth in Section 6.5, below. If such nominations are not received by the time specified, the Appointing Authority may make appointments to the Initial Board as it determines in its sole discretion.

The Initial Board shall serve only until September 30, 2017, at which time a Permanent Board shall be appointed as described below.

### Section 6.3 – Permanent Board.

Subject to the Appointment and Nominating procedures set forth in Section 6.5, below, beginning on October 1, 2017, a Permanent Board shall be established consisting of the Director Positions with the qualifications and Appointing Authority as described in Exhibit B. With the exception of the CPUC Regulated Water Company Director Position, each Permanent Director Position shall have a term consisting of three (3) years and shall hold office until their successor is appointed by their Appointing Authority and the Agency has been notified of the succession. The terms of Permanent Director Positions shall be staggered, with Director Positions identified in rows (a), (c), (f), (h) and (j) of exhibit C serving three (3) year terms from initial appointment, and those identified in rows (b), (d), (g), (i), and (k) serving two (2) year terms from initial appointment, and thereafter serving three (3) year terms. The CPUC Regulated Water Company Director Position shall serve a term of two (2) years, and a Director shall hold office until their successor is appointed and the Agency has been notified of the succession. Notwithstanding the actual date of their initial appointment, for purposes of establishing the terms of Permanent Directors such initial appointment shall be deemed to have commenced on the July 1 preceding such initial appointment, and the terms of Directors shall thereafter commence on July 1 of the respective appointing year. Each Director Position shall require an affirmative appointment by the Appointing Authority for every term.

### Section 6.4 – General Qualifications.

a) Each Director, whether on the Initial Board or Permanent Board, must have the following general qualifications:

- i. General education and/or knowledge, interest in and experience relating to the control, storage, and beneficial use of groundwater.
- ii. General understanding and knowledge of the Basin and all its beneficial users.
- iii. Working knowledge and understanding of how to develop strategic plans, policies, programs, and financing/funding mechanisms.
- iv. Genuine commitment to collaboratively work together to (i) achieve groundwater sustainability through the adoption and implementation of a GSP for the Basin, and all its beneficial uses; and (ii) provide for the ongoing sustainable management of the Basin.
- v. General knowledge and understanding of one or more of the different facets (administration, financial, legal, organizational, personnel, etc.) needed for a successful and productive organization.
- vi. Ability to commit the time necessary, estimated at a minimum 15-20 hours per month, to responsibly fulfill their commitment to the organization. This includes, but is not limited to: (i) Board meetings, (ii) Board training, (iii) analyzing financial statements and technical reports, (iv) reviewing Board documents before Board meetings, (v) attending Board meetings, and (vi) serving on committees to which they are assigned.
- vii. A permanent resident within the Basin, or a representative of an agency with jurisdiction, or a business or organization with a presence, within the Basin.

b) Nominating groups and Appointing Authorities, as described in Section 6.5, should endeavor to avoid nominating or appointing a person to a Director Position that, because of his or her employment or other financial interest, is likely to be disqualified from a substantial number of decisions to be made by the Board on the basis of conflict-of-interest requirements.

**Section 6.5 – Appointments and Nominations for Director Positions on the Permanent Board.**

The appointment and nominating process for each Primary and Alternate Director Positions on the Permanent Board shall be as follows:

- a) City of Salinas Director Position.

The City of Salinas shall appoint the Director Position listed in Row (a) of Exhibit B, the specific qualifications of such Director Position to be at the discretion of the City of Salinas.

b) South County Cities Director Position.

The Director Position listed in Row (b) of Exhibit B shall be filled by a representative from one of the four cities listed therein. The City Selection sub-Committee shall determine which city shall be the Appointing Authority for each term of the Director Position. The specific qualifications of such Director Position shall be at the discretion of that city designated the Appointing Authority. If the City Selection sub-Committee cannot reach agreement on a city to be the Appointing Authority for this Director Position, the County Board of Supervisors shall decide which city shall be the Appointing Authority.

c) Other GSA Eligible Entity Director Position.

- i. Representative of the entities listed on Exhibit C shall be eligible to participate in the nominating process for the Other GSA Eligible Entity Director Position listed in Row (c) of Exhibit B.
- ii. The representatives collectively by agreement among themselves shall make nominations to the Appointing Authority for the persons to fill both the Primary and Alternate Director Positions when the term of such position are expiring or are vacant.
- iii. The representatives shall nominate one or more persons to fill both the Primary and Alternate Director Positions. If more than one person is nominated the representatives shall indicate the preferred nominee.
- iv. The Appointing Authority shall appoint the nominee (if only one) or appoint from among the nominees; the Appointing Authority may reject a nominee only for Cause. If the representatives cannot or do not forward any nominations the Appointing Authority shall make the appointment based upon its own determination.
- v. The representatives may also advise the Appointing Authority regarding the removal of their nominee from the Director Positions for Cause. If the Appointing Authority determines that Cause exists such Director shall be removed and a new Director appointed to fill out the remaining term of the removed Director. The representatives may also request that their nominee in the Director Position be removed for any reason or no reason. If such request is made the Appointing Authority shall remove the Director and a new Director appointed to fill out the remaining term of the removed Director.

- vi. From time-to-time entities may ask to be removed from Exhibit C. If such request is made the Appointing Authority shall notify the other Members and the Board, and Exhibit C shall be modified accordingly.
  - vii. From time-to-time other entities may request to be included on Exhibit C. The then-existing representatives shall inform the Appointing Authority if such requests are acceptable. If accepted by the representatives the Appointing Authority shall notify the other Members and the Board, and Exhibit C shall be modified accordingly.
- d) Disadvantaged Community, or Public Water System Systems, including Mutual Water Companies serving residential customers, Director Position.
- i. Representative of the entities listed on Exhibit D shall be eligible to participate in the nominating process for the Disadvantaged Community, or Public Water System Systems, including Mutual Water Companies serving residential customers, Director Position listed in Row (d) of Exhibit B.
  - ii. The representatives by agreement among themselves shall collectively make nominations to the Appointing Authority for the persons to fill both the Primary and Alternate Director Positions when the term of such positions are expiring or are vacant.
  - iii. The representatives shall nominate one or more persons to fill both the Primary and Alternate Director Positions. If more than one person is nominated the representatives shall indicate the preferred nominee.
  - iv. The Appointing Authority shall appoint the nominee (if only one) or appoint from among the nominees; the Appointing Authority may reject a nominee only for Cause. If the representatives cannot or do not forward any nominations the Appointing Authority shall make the appointment based upon its own determination.
  - v. The representatives may also advise the Appointing Authority regarding the removal of their nominee from the Director Positions for Cause. If the Appointing Authority determines that Cause exists such Director shall be removed and a new Director appointed to fill out the remaining term of the removed Director. The representatives may also request that their nominee in the Director Position may be removed for any reason or no reason. If such request is made the Appointing Authority shall remove the Director and a new Director appointed to fill out the remaining term of the removed Director.
  - vi. From time-to-time entities may ask to be removed from Exhibit D. If such request is made the Appointing Authority shall notify the other Members and the Board, and Exhibit D shall be modified accordingly.

- vii. From time-to-time other entities may request to be included on Exhibit D. The then-existing representatives shall inform the Appointing Authority if such requests are acceptable. If accepted by the representatives the Appointing Authority shall notify the other Members and the Board, and Exhibit D shall be modified accordingly.
- e) CPUC Regulated Water Company Director Position.
- i. Representative of the entities listed on Exhibit E must meet the requirements of Section 1.1 (o) and shall be eligible to participate in the nominating process for the CPUC Regulated Water Company Director Position listed in Row (e) of Exhibit B.
  - ii. The representatives by agreement among themselves shall collectively make nominations to the Appointing Authority for the persons to fill both the Primary and Alternate Director Positions when the term of such position are expiring or are vacant.
  - iii. The representatives shall nominate one or more persons to fill both the Primary and Alternate Director Positions. If more than one person is nominated the representatives shall indicate the preferred nominee.
  - iv. The Appointing Authority shall appoint the nominee (if only one) or appoint from among the nominees; the Appointing Authority may reject a nominee only for Cause. If the representatives cannot or do not forward any nominations the Appointing Authority shall make the appointment of an employee or agent of a CPUC Regulated Water Company listed on Exhibit E based upon its own determination.
  - v. The representatives may also advise the Appointing Authority regarding the removal of their nominee from the Director Position for Cause, although such authority to remove shall rest solely with the Appointing Authority.
  - vi. From time-to-time entities may ask to be removed from Exhibit E. If such request is made the Appointing Authority shall notify the other Members and the Board, and Exhibit E shall be modified accordingly.
  - vii. From time-to-time other entities may request to be included on Exhibit E. The then-existing representatives shall inform the Appointing Authority if such requests are acceptable. If accepted by the representatives the Appointing Authority shall notify the other Members and the Board, and Exhibit E shall be modified accordingly.
- f) Agriculture Director Positions.
- i. The Agricultural Association shall be eligible to participate in the nominating process for the Agriculture Director Positions listed in Rows

- (f) – (i) of Exhibit B. The Agricultural Association shall be solely responsible for its membership.
- ii. The Agricultural Association shall make nominations to the Appointing Authority for the persons to fill each Primary and Alternate Director Position when the terms of such positions are expiring or are vacant.
  - iii. The Agricultural Association shall nominate at least two persons to fill each Director Position; the Agricultural Association shall indicate the preferred nominee for each Director Position.
  - iv. The Appointing Authority shall appoint from among the nominees for each Director Position; the Appointing Authority may reject a nominee only for Cause. If the Agricultural Association cannot or does not forward any nominations the Appointing Authority shall make the appointment based upon its own determination.
  - v. The Agricultural Association may also advise the Appointing Authority regarding the removal of a nominee from a Director Position for Cause. If the Appointing Authority determines that Cause exists such Director shall be removed and a new Director appointed to fill out the remaining term of the removed Director. The Agricultural Association may also request that their nominee in a Director Position may be removed for any reason or no reason. If such request is made the Appointing Authority shall remove the Director and a new Director appointed to fill out the remaining term of the removed Director.
- g) Environment Director Position.
- i. Representative of the entities listed on Exhibit F shall be eligible to participate in the nominating process for the Environment Director Position listed in Row (j) of Exhibit B.
  - ii. The representatives by agreement among themselves shall collectively make nominations to the Appointing Authority for the persons to fill both the Primary and Alternate Director Positions when the term of such positions are expiring or are vacant.
  - iii. The representatives shall nominate at least two persons to fill both the Primary and Alternate Director Positions and the representatives shall indicate the preferred nominee.
  - iv. The Appointing Authority shall appoint from among the nominees; the Appointing Authority may reject a nominee only for Cause. If the representatives cannot or do not forward any nominations the Board shall solicit applications from interested persons. At an open public meeting, the Board shall select qualified applicants whose names shall be forwarded

to the Appointing Authority. The Board may indicate a preferred nominee. The Appointing Authority shall make the appointment from the list of candidates in its sole discretion. If the Board cannot, or does not, forward a list of candidates, the Appointing Authority shall make the appointment based upon its own determination.

- v. The representatives may also advise the Appointing Authority regarding the removal of their nominee from the Director Position for Cause. If the Appointing Authority determines that Cause exists such Director shall be removed and a new Director appointed to fill out the remaining term of the removed Director. The representatives may also request that their nominee in the Director Position may be removed for any reason or no reason. If such request is made the Appointing Authority shall remove the Director and a new Director appointed to fill out the remaining term of the removed Director.
- vi. From time-to-time entities may ask to be removed from Exhibit F. If such request is made the Appointing Authority shall notify the other Members and the Board, and Exhibit F shall be modified accordingly.
- vii. From time-to-time other entities may request to be included on Exhibit F. The then-existing representatives shall inform the Appointing Authority if such requests are acceptable. If accepted by the representatives the Appointing Authority shall notify the other Members and the Board, and Exhibit F shall be modified accordingly.

**h) Public Member Director Position.**

- i. The Public Member Primary and Alternate Director Positions listed in Row (k) of Exhibit B shall be filled by application to the Board when the term of such position is expiring or is vacant.
- ii. Board staff shall process the applications to an open and public meeting of the Board.
- iii. At the public hearing, the Board shall select the qualified applicants whose names shall be forwarded to the Appointing Authority. The Board may indicate a preferred nominee.
- iv. The Appointing Authority shall appoint from among the nominees in its sole discretion. If the Board cannot or does not forward any nominations the Appointing Authority shall make the appointment based upon its own determination.
- v. The Board may also advise the Appointing Authority regarding the removal of the Public Member Director for Cause, although such authority to remove shall rest solely with the Appointing Authority.



### Section 6.6 – Primary Directors And Alternates.

Subject to the Appointing and Nominating procedures set forth in Section 6.5, above, each Appointing Authority shall appoint one Primary Director and one Alternate Director for each Director Position. With the exception of the Chairperson and Vice-Chairperson duties as more fully described in Section 6.7, below, the Alternate Director shall serve and assume the rights and duties of the Primary Director when the Primary Director is unable to attend or participate in a Board meeting. Unless appearing as a substitute for a Primary Director, Alternate Directors shall have no vote, and shall not participate in any discussions or deliberations of the Board, but may appear at Board meetings as members of the public. The Primary and Alternate Directors may be removed by their Appointing Authority only for Cause only upon the recommendation of or consultation with the nominating body for that Director Position, or upon the request of the nominating body for that Director Position. In the event that a Primary or Alternate Director is removed from their position, that Director Position shall become vacant and the Appointing Authority for that Director Position shall appoint a new Primary or Alternate Director pursuant to the provisions of Section 6.5 who shall fill the remaining term of that Director Position. In the event that a Director resigns from a Director Position, the Board shall notify the nominating body for that Director Position and the Appointing Authority for that Director Position shall appoint a new Primary or Alternate Director pursuant to the provisions of Section 6.5 who shall fill the remaining term of that Director Position.

### Section 6.7 – Officers Of The Board.

#### a) Designation.

Officers of the Board shall consist of a Chairperson and Vice-Chairperson who shall be selected from the Primary Directors. The Chairperson shall preside at all meetings of the Board. Notwithstanding the appointment of an Alternate Director for the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson in the absence or disability of the Chairperson; however, the Alternate Director may otherwise attend and participate in the meeting as a substitute for the absent Primary Director. The Chairperson and Vice-Chairperson shall exercise and perform such other powers and duties as may be assigned by the Board. In the absence of both the Chairperson and Vice-Chairperson, and notwithstanding the appointment of an Alternate Director for the Director Position serving as Vice-Chairperson, the Board shall elect a Chairperson Pro-Tem from the Primary Directors to preside at a meeting; however, the Alternate Director for the Vice-Chairperson may otherwise attend and participate in the meeting as a substitute for the absent Primary Director.

#### b) Election.

The Board shall elect officers at the initial meeting of the Board, described in Section 7.1, below. The Primary Director appointed by the City of Salinas shall be designated as the Chairperson Pro Tem to convene and preside at the initial meeting of the Board, described in Section 7.1, until a Chairperson is elected by the Board. The Chairperson so elected shall serve in such capacity until June 30 of the succeeding calendar year. Thereafter, the Board shall annually elect the officers of the Board from the Primary Directors. Officers of the Board shall hold office for a term of one year commencing on July 1 of each calendar year and they may serve for multiple consecutive terms. Officers of the Board may be removed and replaced at any time, with or without cause, by a Majority Vote. In the event that an officer loses their position

as a Primary Director, that officer position shall become vacant and the Board shall elect a new officer from existing Primary Directors to serve the remaining officer term.

**Section 6.8 – Bylaws.**

The Board shall adopt Bylaws governing the conduct of meetings and the day-to-day operations of the Agency on or before the first anniversary of the Effective Date.

**Section 6.9 – Official Seal And Letterhead.**

The Board may adopt, and/or amend, an official seal and letterhead for the Agency.

**Section 6.10 – Conflict of Interest.**

Directors shall be subject to the provisions of the California Political Reform Act, California Government Code section 81000 et seq, and all other laws governing conflicts of interests. Directors shall file the statements required by Government Code section 87200, et seq.

**Article VII: Board Meetings And Actions**

**Section 7.1 – Initial Meeting.**

The initial meeting of the Board shall be held at either the County Board of Supervisors chambers, located at 168 W. Alisal Street in Salinas, or at the Salinas City Council chambers, located at 200 Lincoln Avenue in Salinas within thirty days (30) days of the Effective Date of this Agreement. The date and time of the meeting shall be prominently publicized and noticed in addition to any requirements of the Brown Act in an effort to maximize public participation.

**Section 7.2 – Regular Meeting Schedule.**

At its initial meeting, and annually before July 1 of each calendar year thereafter, the Board shall establish a schedule of regular meetings, including time and place, at a location overlying the Basin. The Board may vote to change the regular meeting location, time and place, and may call special or emergency meetings, provided that the new, special or emergency meeting location remains at a place overlying the Basin, unless otherwise authorized by the Brown Act.

**Section 7.3 – Principal Office.**

At its initial meeting the Board shall establish a principal office for the Agency, which shall be located at a place overlying the Basin. The Board may change the principal office from time to time as the Board sees fit so long as that principal office remains at a location overlying the Basin.

**Section 7.4 – Conduct Of Board Meetings.**

Meetings of the Board of Directors shall be noticed, held, and conducted in accordance with the provisions of the Brown Act and such By-laws as the Board may adopt that are consistent with the Brown Act.

**Section 7.5 – Quorum.**

A quorum of the Board shall consist of a majority of the Director Positions.

**Section 7.6 – Voting.**

Each Director Position shall have one vote. In all cases, when a quorum is present, a Majority Vote shall be required to conduct business, unless a Super Majority Vote or a Super Majority Plus Vote is required.

**Section 7.7 – Super Majority Vote Requirement.**

Items that require a Super Majority Vote include the following unless otherwise required by law:

- a) Approval of a GSP;
- b) Amendment of budget and transfer of appropriations;
- c) Withdrawal of Members pursuant to Section 11.6 (d); and,
- d) Termination of Members pursuant to Section 11.7 (c).

**Section 7.8 – Super Majority Plus Vote Requirement.**

Items that require a Super Majority Plus Vote include the following unless otherwise required by law:

- a) Decisions to impose fees not requiring a vote of the electorate or property owners;
- b) Proposals to submit to the electorate or property owners (as required by law) decisions to impose fees or taxes; and
- c) Limitations on well extractions (pumping limits).

**Section 7.9 – Conflict Of Interest Code.**

At the initial meeting of Board, the Board shall begin the process for adoption and filing of a Conflict of Interest Code pursuant to the provisions of the Political Reform Act of 1974 (Government Code section 81000 et seq.).

\*\*\*\*\*

**Article VIII: Board Committees**

**Section 8.1 – Committees Of The Board.**

a) **Board Committees.**

The Board may from time-to-time establish one or more standing or ad hoc committees consisting of Directors to assist in carrying out the purposes and objects of the Agency, including but not limited to a Budget and Finance Committee, Planning Committee, and an Executive Committee. The Board shall determine the purpose and need for such committees. Meetings of standing committees shall be subject to the requirements of the Brown Act.

b) **Advisory Committee.**

The Board shall establish an advisory committee consisting of Directors and non-Directors. The advisory committee shall be designed to ensure participation by and input to the Board of those constituencies set forth in Water Code section 10723.2 whose interests are not directly represented on the Board. The Board shall determine the number and qualifications of committee members.

**EXHIBIT B**

**BOARD OF DIRECTORS**

<b><u>Director</u></b>	<b><u>Representing</u></b>	<b><u>Specific Qualifications</u></b>	<b><u>Appointing Authority</u></b>
a) City of Salinas.	City of Salinas.	To be determined by the Appointing Authority.	Salinas City Council.
b) South County Cities.	Cities of Gonzales, Soledad, Greenfield, and King City.	To be determined by the Appointing Authority.	Appropriate City Council as recommended by the City Selection sub-Committee.
c) Other GSA Eligible Entity.	GSA Eligible Entities but not including the cities of Salinas, Gonzales, Soledad, Greenfield or King City.	Must be a representative of a GSA Eligible Entity but not including the cities of Salinas, Gonzales, Soledad, Greenfield or King City.	Monterey County Board of Supervisors.
d) Disadvantaged Community, or Public Water System, including Mutual Water Companies serving residential customers.	Unincorporated Disadvantaged Communities, or Public Water Systems, including Mutual Water Companies serving residential customers only.	Must be a resident of a Disadvantaged Community in the unincorporated area, or a representative Public Water System, including Mutual Water Companies serving residential customers only.	Castroville Community Services District.

e)	CPUC Regulated Water Company.	CPUC Regulated Water Companies in the Basin.	Must be a representative of a CPUC Regulated Water Company.	Salinas City Council.
f)	Agriculture.	Agricultural interests.	Must be an individual that is: 1) engaged in, and derives the majority of his or her gross income or revenue from, commercial agricultural production or operations; or 2) designated by an entity this is engaged in commercial agricultural production or operations, and the individual derives the majority of his or her gross income or revenue from agricultural production or operations, including as an owner, lessor, lessee, manager, officer, or substantial shareholder of a corporate entity.	Monterey County Board of Supervisors.
g)	Agriculture.	Agricultural interests.	Same as (f).	Monterey County Board of Supervisors.
h)	Agriculture.	Agricultural interests.	Same as (f).	Monterey County Board of Supervisors.
i)	Agriculture.	Agricultural interests.	Same as (f).	Monterey County Board of Supervisors.

- j) **Environment.** Environmental users and interests. Must be a representative of an established environmental organization that has a presence or is otherwise active in the Basin. Monterey County Board of Supervisors.
- k) **Public Member.** Interests not otherwise represented on the Board. A rural residential well owner; an industrial processor; a Local Small or State Small Water System; or other mutual water company. Monterey County Board of Supervisors.

EXHIBIT B



# Salinas Valley Basin

## Groundwater Sustainability Agency

**BOARD OF DIRECTORS  
REGULAR MEETING AGENDA**

**[DATE]  
[TIME]**

**CITY HALL ROTUNDA, 200 LINCOLN AVENUE  
SALINAS, CALIFORNIA 93901**

- 1. Call to Order**
- 2. Roll call**
- 3. Pledge of Allegiance**
- 4. General Public Comment**

*Members of the public may comment on matters within the jurisdiction of the agency that are not on the agenda. Public comments generally are limited to two (2) minutes per speaker; the Chair may further limit the time for public comments depending on the agenda schedule. Comments on agenda items should be held until the items are reached. To be respectful of all speakers and avoid disruption of the meeting, please refrain from applauding or jeering speaker.*

- 5. Special Board Matters**
- 6. Consent Items**
- 7. Scheduled Items**
- 8. General Manager's Report**
- 9. Directors' Reports**
- 10. Future Agenda Items**
- 11. Closed Session (if any)**



## **EXHIBIT B**

### **12. Adjournment**

#### **MEETING ACCOMMODATION**

Disability-related modification or accommodation, including auxiliary aids or services, may be requested by any person with a disability who requires modification or accommodation in order to participate in the meeting. Requests should be referred to the Clerk to the Board at [insert e-mail address] as soon as possible but by no later than 5 p.m. of the last business day prior to the meeting. Hearing impaired or TTY/TDD text telephone users may contact the Agency by dialing 711 for the California Relay Service (CRS) or by telephoning any other service providers' CRS telephone number.

#### **VIEWING MEETINGS**

Live meetings are televised on Channel 25. The recorded meeting schedule may be viewed at <http://tinyurl.com/salinas25>

#### **AGENDA POSTING**

The meeting agenda was posted on [date and time] at the City Clerk's Office, in the City Hall Rotunda, 200 Lincoln Avenue, Salinas, CA 93901.

EXHIBIT C

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE SALINAS VALLEY BASIN GROUNDWATER SUSTAINABILITY AGENCY, STATE OF CALIFORNIA, [description of ordinance]**

Agency Counsel Summary

*[Agency Counsel summary]*

WHEREAS, . . . ; and,

WHEREAS, . . . ; and,

WHEREAS, . . . ; NOW, THEREFORE,

BE IT ORDAINED, by the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency as follows:

1. The above recitals are true and correct.
2. . . . .
3. . . . .
- 4.

**PASSED AND ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Chairperson,  
Salinas Valley Basin Groundwater  
Sustainability Agency

**A T T E S T:**

Ann Camel  
Clerk of the Board

\_\_\_\_\_

APPROVED AS TO FORM:  
  
LESLIE J. GIRARD  
Agency Counsel

EXHIBIT C  
Before the Board of Directors of the  
Salinas Valley Basin Sustainable Groundwater Management Agency

**Resolution No.**

Resolution . . .

)

WHEREAS, . . . ; and,

WHEREAS, . . . ; and,

WHEREAS, . . . ; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency as follows:

1. The above recitals are true and correct.
2. . . . .
3. . . . .
- 4.

PASSED AND ADOPTED on this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Ann Camel, Clerk of the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Directors duly made and entered in the minutes thereof of Minute Book \_\_\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Ann Camel, Clerk of the Board of Directors of the Salinas Valley Basin  
Groundwater Sustainability Agency,  
County of Monterey, State of California

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# Salinas Valley Basin Groundwater Sustainability Agency Advisory Committee

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## Committee Charter and By-laws

*V 2017\_04-10*

*V 2017\_04-03 Shared for Advisory Committee Review and Discussion on 4/7/2017-*

*The Salinas Valley Basin Groundwater Sustainability Agency Board of Directors will make the final decision to approve the Advisory Committee charter*

*Approved by SVBGSA JPA Board as final on April 20, 2017 as recorded in Minutes of that meeting.*

### Charge

The purpose of the Advisory Committee is to provide input and recommendations to the Board of Directors ("Board") of the Salinas Valley Basin Groundwater Sustainability Agency ("Agency"). At the request of the Board, the Advisory Committee will provide input on groundwater sustainability plan development and implementation and Agency policies. The Intent of the Committee is to provide community perspective and inclusive participation in the Agency.

The Advisory Committee will review and/or provide recommendations to the Board on groundwater-related issues that may include:

- Development, adoption or amendment of the Groundwater Sustainability Plan ("GSP")
- Sustainability goals and objectives
- Monitoring programs
- Annual work plans and reports (including mandatory 5-year milestone reports)
- Modeling scenarios
- Inter-basin coordination activities
- Projects and management actions to achieve sustainability
- Community outreach
- Local regulations to implement Sustainable Groundwater Management Act ("SGMA")
- Fee proposals
- General advisory

### Brown Act, Open Process and Conflicts of Interest

1. Advisory Committee meetings are subject to the Brown Act. All meetings of the Advisory Committee are open to the public. The Advisory Committee shall adopt a schedule and location for regular meetings, and meeting agendas shall be posted in compliance with the Brown Act.
2. The Board will maintain an interested parties list, develop an application process, and make appointments to the Advisory Committee from time-to-time.

3. Members of the Advisory Committee are subject to all applicable conflict of interest laws including Government Code section 1090 and the California Political Reform Act. The Board shall adopt a conflict of interest code for the Advisory Committee.

### Roles and Responsibilities

#### Agency Board of Directors

The Board commits to the value of the Advisory Committee and will consider Advisory Committee recommendations when making its policy decisions.

#### Advisory Committee

The purpose of the Advisory Committee is to incorporate community and stakeholder interests into consensus recommendations on SGMA implementation in the Salinas Valley Groundwater Basin for the Board to consider in its decision-making process.

Advisory Committee members represent the diverse interests of GSA-eligible agencies and groundwater users. The criteria for Advisory Committee members are to:

- Serve as a strong effective advocate
- Work collaboratively with others
- Commit time needed for ongoing discussions
- Collectively reflect diversity of interests
- Maintain Committee size to support focused deliberations

#### Sub-Committees

The Advisory Committee may establish ad hoc sub-committees to come together periodically to manage a specific task. Sub-committees would develop options for the Advisory Committee to contemplate and refine before sharing with the Board. Sub-committees would be small and focused on a particular task. Participants could be, but do not need to be, members of the Advisory Committee, would have expertise related to the sub-committee's purpose, and would reflect a diversity of interests when possible. The Advisory Committee would define its scope and purpose.

An Engagement Sub-Committee could work with Agency staff and the facilitation team to develop and implement a communication and engagement plan. A Technical Sub-Committee could begin advising on development of the groundwater sustainability plan.

#### Facilitator

The facilitator will remain impartial toward the content of the issues under discussion. The facilitator will work with all the parties to ensure the process is credible, fair, and effective.

#### The facilitator will:

- Chair meetings of the Advisory Committee.
- In consultation with the staff, formulate the agenda and desired outcomes for the sessions, including developing a meeting work plan.
- Identify and synthesize points of agreement and disagreement.
- Assist in building consensus among participants.
- Work with members to ensure process and participation agreements are followed.

- Assure a fair, effective, and credible process, but remain impartial with respect to the outcome of the deliberations.

If a Committee member has a concern about bias, neutrality or performance of the facilitator, s/he should raise the concern first with the facilitator and then the General Manager or Legal Counsel.

### Decision Making

To inform the Board's decision-making, the Advisory Committee will provide written recommendations on subjects that the Board assigns to the Advisory Committee. The recommendations will identify areas of agreement and disagreement.

The Advisory Committee will be consensus seeking. The Advisory Committee will strive to reach consensus on its recommendations. The definition of consensus spans the range from strong support to neutrality, to abstention, to "I can live with it," to "I will let this go forward." When unable to reach consensus on recommendations, the Advisory Committee will outline the areas of agreement and areas in which it does not agree, providing explanation to inform the Board's decision-making. Then, the Advisory Committee will forward this summary via the Agency staff to the Board. To comply with the Brown Act, the position of each Advisory Committee member on the points of consensus or summary will be noted in the Committee's records.

The Advisory Committee may request that one or more members present its recommendations to the Board, including areas of agreement and disagreement, consistent with Advisory Committee deliberations.

### Membership

The initial membership of the Advisory Committee has been established as of March 9, 2017, by the Agency Board of Directors to include the members of the Collaborative Working Group (see Appendix A) The intent of the Advisory Committee is to provide broad participation and advice to the Board. Board members may serve on the Advisory Committee, but will encourage others to participate in the Advisory Committee to maximize participation from different interests and voices as outlined below. (Note, the number of Board Members serving on the Advisory Committee must be less than a Board quorum.) To facilitate effective meetings and manage group size, ~~is no set limit on membership on the Committee~~ will not exceed 25 members. Each seat has a primary representative and an alternate.

The Advisory Committee will manage its membership and composition, and the Agency Board of Directors may make appointments from time-to-time after receiving Advisory Committee recommendations and corresponding applications from interested parties to serve on the Committee. Organizations that hold seats on the Advisory Committee select their representatives (primary and alternate), which the Advisory Committee recommends to the Board for appointment. When an organization's representative is no longer able to serve, the organization will recommend a new representative to the Advisory Committee. If the organization withdraws from the Advisory Committee, the Advisory Committee will identify another organization and corresponding representative to fill that interest-based seat and recommend the organization to the Board for appointment. If a stakeholder seat, not affiliated with an organization becomes vacant, the Advisory Committee will solicit applications for the seat and then make a recommendation for the stakeholder's replacement to the Board.

The Advisory Committee strives to include a range of interests in groundwater in the Salinas Valley and outlined in the Sustainability Groundwater Management Act. Advisory Committee members live in the Salinas Valley or represent organizations with a presence or agencies with jurisdiction in the Salinas Valley groundwater basin, including:

- All Groundwater Users
- Municipal Well Operators, Public Utilities Commission-Regulated Water Companies, and Private and Public Water Systems
- County and City Governments
- Planning Departments / Land Use
- Local Landowners
- Disadvantaged Communities
- Business and Agriculture
- Rural Residential Well Owners
- Environmental Uses
- Water Supply and Management Surface Water Users (if connection between surface and ground water)

The Advisory Committee, at this time, does not include representatives from:

- Tribes
- Federal Government

### Organization and Functions

The facilitator will convene each meeting as service as the “chair” of the meeting. The facilitator will preside over the conduct of Advisory Committee meetings in conformance with the posted agenda. A leader shall be chosen for any established sub-committees.

All Committee meetings shall provide for public comment in conformance with the Brown Act, including non-agenda public comment and public comment on individual agenda items. Public Comment will generally be limited to 3 minutes, but the time may be adjusted based upon meeting circumstances. Special and Emergency meetings need not provide for non-agenda public comment, but such comment may be allowed in the Advisory Committee’s discretion.

### Process Agreements

To conduct a successful process, the parties agree to the procedures that the Committee will use as well as define individual behaviors or ground rules.

- ✓ **Everyone agrees to negotiate in good faith.** All participants agree to participate in decision making, to act in good faith in all aspects of this effort and to communicate their interests during meetings. Good faith also requires that parties not make commitments they do not intend to follow through with, and that parties act consistently in the meetings and in other forums where the issues under discussion in these meetings are also being discussed.
- ✓ **Everyone agrees to address the issues and concerns of the participants.** Everyone who is joining in the Advisory Committee is doing so because s/he has a stake in the issue at hand. For the process to be successful, all the parties agree to validate the issues and

concerns of the other parties and strive to reach an agreement that takes all the issues under consideration. Disagreements will be viewed as problems to be solved, rather than battles to be won.

- ✓ **Agreements stand even if representatives change.** If an organization changes its representatives, organizations commit to a thorough debriefing of new representatives including with the facilitator. New representatives agree to uphold previous agreements reached.
- ✓ **Everyone agrees to inform their leadership and constituents about the outcome of the facilitated discussions.** Meeting scheduling will allow for participants to inform and seek advice from their leadership, constituents, attorneys, and scientific advisors about the discussions and negotiated outcomes. Participants can express conditional support to an agreement, but will need to solicit input and support in their organization or interest group caucus before reaching final agreement.
- ✓ **Everyone agrees to attend all the meetings to the extent possible.** Continuity of the conversations and building trust are critical to the success of the Advisory Committee. Participants are encouraged to turn off cell phones and focus on the issue at hand. Every effort will be made to accommodate the schedule of the participants. GSA staff or the facilitator will coordinate the meeting schedule.
- ✓ **Everyone agrees that parties can meet with other organizational or interest group members.** Advisory Committee members may find it helpful to caucus or meet with other organizations or interest group members and to consult with constituents outside of the meeting or to talk privately with other meeting participants. Participants or the facilitator can request a caucus. Participants agree to use caucuses as a tool to move agreements forward and explore topics of concern. The facilitator may attend and consult with parties during caucus discussions.

### **Participation Agreements**

The facilitator and participants will work together to create a problem-solving environment and to implement these agreements to that aim.

#### **Use Common Conversational Courtesy**

##### **All Ideas and Points of View Have Value**

All ideas have value in this setting. We are looking for innovative ideas. The goal is to achieve understanding. Simply listen, you do not have to agree. If you hear something you do not agree with or you think is "silly" or "wrong," please remember that the purpose of the forum is to share ideas.

##### **Be Honest, Fair, and as Candid as Possible**

Help others understand you and work to understand others.

#### **Avoid Editorials**



It will be tempting to analyze the motives of others or offer editorial comments. Please talk about *your own* ideas and thoughts. Avoid commenting on why you believe another participant thinks something.

**Honor Time and Be Concise**

People's time is precious; treat it with respect.

**Think Innovatively and Welcome New Ideas**

Creative thinking and problem solving are essential to success. "Climb out of the box" and attempt to think about the problem in a new way.

**Invite Humor and Good Will**

**Be Comfortable**

Please feel help yourself to refreshments or take personal breaks. If you have other needs please inform the facilitator.

**Communication & Media**

Agency staff will serve as primary contacts for all communication, outreach and media. At the request of the Agency Board of Directors, or staff, the Advisory Committee may advise on outreach and community engagement.

Advisory Committee members reserve freedom to express their own opinions to media representatives, but not the opinions of others. The temptation to discuss someone else's statements or position should be avoided. Participants can refer media inquiries to Committee members for individual comments.

If contacted by the press or an external party concerning the discussions, participants are asked to:

- Point out that they are not speaking on behalf of the Committee, unless specifically authorized by the Committee to do so.
- Present their views only and conscientiously refrain from expressing, characterizing, or judging the views of others.
- Avoid using the press as a vehicle for negotiation.

The facilitator will avoid speaking with the media.

**Amendments**

The Advisory Committee can recommend future changes to the charter and by-laws. The Board may amend the charter and by-laws when needed using its decision-making guidelines.

EXHIBIT E



[Date]

[Addressee]

[Address]

Re: \_\_\_\_\_

Dear \_\_\_\_\_,

Sincerely,

\_\_\_\_\_  
Chair, Board of Directors of SVBGSA



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## STAFF REPORT

**AGENCY MEETING DATE:**

**AGENDA ITEM:**

**SUBJECT:**

**RECOMMENDATION:**

**BACKGROUND**

**DISCUSSION**

**FISCAL IMPACT**

**ATTACHMENT(S)**

**PREPARED BY:**

**EXHIBIT H**



**Before the Board of Directors of the  
Salinas Valley Basin Sustainable Groundwater Management Agency**

**Resolution No.**

Resolution adopting Agency Bylaws )

WHEREAS, Section 6.8 of the Joint Exercise of Powers Agreement (“Agreement”) forming the Salinas Valley Basin Groundwater Sustainability Agency (“Agency”) requires that the Agency adopt bylaws no later than the first anniversary of the effective date of the Agreement (December 22, 2016); and,

WHEREAS, staff has prepared and the Board has considered draft bylaws for the conduct of Board business; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency as follows:

1. The above recitals are true and correct.
2. The bylaws attached hereto and incorporated herein by reference are adopted as the Agency’s Bylaws.
3. The General Manager is hereby directed to post the Bylaws on the Agency’s website so that the general public may have access to the Bylaws.
4. The General Manager and Agency Counsel are hereby authorized and directed to take such other and further actions as may be necessary to implement the intent and purposes of this resolution.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Ann Camel, Clerk of the Board of Directors of the Salinas Valley Basin Groundwater Sustainability Agency, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Directors duly made and entered in the minutes thereof of Minute Book \_\_\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Ann Camel, Clerk of the Board of Directors of the Salinas Valley Basin  
Groundwater Sustainability Agency,  
County of Monterey, State of California



## STAFF REPORT

**AGENCY MEETING DATE:** December 14, 2017

**AGENDA ITEM:** 7b

**SUBJECT:** Consider Changes to SVBGSA Board Regular Meeting Schedule and Location.

**RECOMMENDATION:** Reach Agreement on Adjustment of Board Meeting Location and Schedule. Provide Direction to Staff.

**BACKGROUND:**

The City of Salinas has provided meeting space for the SVBGSA Board at its scheduled time for the past several months. However, the City has a policy that provides for city use to take precedent over outside agencies and organizations when providing access.

The City of Salinas Traffic and Transportation Commission meets on the same second Thursday as the SVBGSA Board. Prior to January the Commission met beginning at 7:00 PM. The Commission has determined that they would like to move their meeting time to 6:00 PM. This change in time would require that SVBGSA Board meetings be concluded by 5:30 PM. This would likely place an unrealistic constraint in containing meeting times to 90 minutes.

With the pending change in meeting times staff is looking at options for adjusting or relocating Board Meetings.

**DISCUSSION:**

Many options are available to accommodate Board meeting times. Likely the easiest and least complicated would be to move the board meeting start time from 4:00 PM to 3:00 PM and remain at City Hall. This provides for a two and one half hour time frame to complete Board meetings. This has proven adequate in the past, however as Sustainability Planning moves to the forefront of Board decisions this time allotment may not allow enough time for adequate deliberation on substantial matters.

Alternatively, the Board meeting could move to the first or third Thursday of the month. This would allow the Board to remain at City Hall and eliminate any meeting conflict except for the third Thursday which would have conflicts twice a year (including January 2018). Given that the Board has expressed an interest in holding meetings at other locations this would provide an occasion to do so.

There are also the options of Monday nights or Friday nights. Meeting space is available on those times, as they remain the least popular days for Public Meetings.

Finally, would be for staff to begin to seek another location to hold meetings. Staff would undertake this effort as directed by the Board. One of the key considerations for a new location would be the ability to provide televised and video recording of board meetings. This has been determined to have value by your Board and would seem to be something desirable to continue.

The County Board of Supervisors Chambers has served as a past alternative meeting space and could likely be used for at least some GSA Board Meetings dependent upon schedule.

**FISCAL IMPACT:**

The fiscal impact of adjusting time and location of Board Meetings is difficult to calculate but is likely not extensive. Fees could be incurred for meeting space depending upon any decision to relocate. Mileage reimbursement could also increase depending upon meeting location. Neither increase would place a significant burden on the agency budget.

**PREPARED BY:** Gary Petersen General Manager





## STAFF REPORT

**AGENCY MEETING DATE:** December 14, 2017

**AGENDA ITEM:** 7c

**SUBJECT:** Ninety-Day Work Plan to Formulate Consensus Agreement on How Best to Immediately Address Sea Water Intrusion in the 180/400 Aquifer.

**RECOMMENDATION:** Approve Work Plan

**BACKGROUND:**

At a Special Joint Meeting of the Board of Supervisors of Monterey County, Board of Supervisors of the Monterey County Water Resources Agency and the Water Resources Agency (WRA) Board of Directors (Joint Boards) on July 11, 2017, WRA staff presented the 2015 coastal Salinas Valley seawater intrusion contours; and 2015 groundwater elevation contours.

The updated seawater intrusion information prompted a request from the Joint Boards that WRA staff returns with recommendations for actions that would slow or halt further expansion of seawater intrusion.

At a meeting of the WRA Board of Directors on October 16, 2017, WRA staff provided those recommendations in the attached report. The report provides a discussion of the current knowledge and information surrounding seawater intrusion and potential impacts on the Salinas Valley Groundwater Basin.

On November 14<sup>th</sup> the Monterey County Board of Supervisors, acting in its capacity as the Monterey County Board of Supervisors of the Water Resources Agency, received the report provided to the WRA Board of Directors and based on this information they issued a Board Order.

The Board Order (attached) reads in part:

***“Provide direction to county staff to work together with Water Resources Agency staff and to return in December with an Urgency Ordinance for an immediate moratorium on groundwater extractions from new wells in the Pressure 400-foot Aquifer within an identified Area of impact (with exemptions) and an urgency Ordinance for enhancement and expansion of the Castroville Seawater Intrusion Project (CISP) Service Area.”***

It is expected that this item will be presented to the Board of Supervisors on December 12<sup>th</sup>. It is

important to note that this staff report was developed prior to the WRA/County report to the

Board and some information contained in this document may change prior to the GSA Board meeting of December 14, 2017.

## DISCUSSION:

Several significant recommendations are provided in the report that was delivered to the WRA Board of Directors and the Board of Supervisors. The report also provides evidence to support the following recommendations made to slow or halt seawater intrusion.

1. An immediate moratorium on groundwater extractions from new wells in the pressure 400-Foot Aquifer within an identified Area of Impact (with exemptions).
2. Enhancement and expansion of the Castroville Seawater Intrusion Project (CSIP) Service Area.
3. Following expansion of the CSIP Service Area, termination of all pumping from existing wells within the identified Area of Impact (with exemptions).
4. Initiate and diligently proceed with destruction of selected wells in Agency Zone 2B.
5. An immediate moratorium on groundwater extractions from new wells within the entirety of the Deep Aquifers until such a time as an investigation determines its long-term viability.
6. Initiate and diligently proceed with an investigation to determine the long-term viability of the Deep Aquifers.

Given the gravity of the most recent seawater intrusion into the 180/400 Aquifer and the potential threat to the deep aquifer in the same area it is likely that some action should be taken to preserve existing resources. It is important to note that the WRA in its report to the Board of Supervisors indicates that funding does not currently exist to address these issues.

It is expected that the focus of the conversation on the Dec 12<sup>th</sup> Supervisors meeting will be “Should there be an immediate moratorium and or restrictions?” and if so “Who should be responsible for implementing the moratorium?”

The question of who should implement the moratorium will likely focus on the appropriate legal mechanism for implementing a moratorium and which agency should exercise that power.

In the attached Recommendation’s Report -Section 6 – Agency Authority and Regulations Applicable to Implementing Recommendations, there are descriptions of existing ordinances and powers attributed to three agencies; The County of Monterey, the Water Resources Agency, and the Salinas Valley Basin Groundwater Sustainability Agency.

There are also significant questions of impacts created by any restrictions or moratoriums that would likely need to be mitigated in some way if access to water is limited. The question of which agency would address these concerns, and which agency would have responsibility for mitigating these impacts is a question that will also need to be answered.

Finally, there is a question of cost associated with the recommendations. It is clear in some of

the ordinance language that WRA has some fiscal responsibility for elimination of existing wells.

There does also exist language that limits the ability to restrict or eliminate access to groundwater without replacing the water from other sources. It is unclear at this time as to how replacement water would be provided and what the cost would be, or how it would be paid for.

In terms of the SVBGSA role in this issue there is some certainty of what is expected to occur in the near future but not immediately. The SVBGSA is charged with creating a Groundwater Sustainability Plan (GSP) for the 180/400/Deep Aquifer by the year 2020. This plan would expect to lay out actions and projects that must be taken if sustainability is to be achieved over the 20- year planning cycle required by the Sustainable Groundwater Management Act (SGMA).

SGMA provides a variety of options for managing a given sub-basin including restrictions on pumping, setting of fees and other actions taken to create balance in a given sub-basin. These powers became available to the GSA once it was formed; however, it is important to note that any application of these powers would require a Super Majority Plus Vote (eight members of the Board with three of the seated agricultural representatives voting in the affirmative).

A reasonable question would be whether the information provided by the WRA is adequate for exercising those powers or should the exercise of those powers be dependent upon the completion of the GSP for the 180/400 Aquifer?

As an alternative to issuing an immediate moratorium there is an emerging expectation that some time may be requested to allow for consultation between the three primary agencies involved in the moratorium to reach agreement on how best to address this critical issue in the short term.

There are many factors that will play into this decision that will not be made clear until the Board of Supervisors meets on December 12, 2017.

SVBGSA staff expects that the success of the implementation of GSP's in the seven sub-basins will require close cooperation between the three agencies that need to address the existing 180/400/Deep Aquifer issues. With that in mind, staff has created a draft 90-Day work plan designed to begin a conversation between appropriate staff from each of the three agencies. It is expected that this initial plan would result in a consensus approach to making immediate recommendations for addressing the issues associated with seawater intrusion in the 180/400 and Deep aquifers, and would lead to longer-term working relationships that would support the success of achieving groundwater sustainability across the Salinas Basin.

#### **FISCAL IMPACT:**

The fiscal impact of accepting the 90-Day Work Plan is the cost of staff time. However, all costs associated with this effort will qualify for matching funds with the GSP Grant, and facilitation services will be provided with an existing grant provided by the Department of Water Resources.

#### **ATTACHMENT(S):**

1. 90-Day Work Plan
2. Report Recommendations to Prevent Seawater Intrusion
3. Completed Board Order



	<b>Action Items</b>	<b>Objective</b>	<b>Participants and Resources</b>
<b>January 2018</b>	1. Convene representatives from responsible agencies and organizations.	Define scope of work and responsibilities, identify key issues and areas of concern. Collate information determine information gaps	Environmental Health, Public Health Official, RMA Rep, CAO Rep, GSA Reps, WRA Reps Facilitator
	2. Convene GSA Advisory Committee	Receive input, identify key issues and areas of concern	GSA Reps, GSA Advisory Committee Facilitator, Other Agency Reps
	3. Report Back to Respective Boards	Ensure communication, flow report data. Receive input, Identify key issues	BOS, WRA Board, GSA Board
	4. Re-convene representatives from responsible agencies and organizations.	Make recommendations, determine levels of agreement, check data	Environmental Health, Public Health Official, RMA Rep, CAO Rep, GSA Reps, WRA Reps Facilitator
	5. Report back to agencies and participants	Ensure Communication and check agreement	Appropriate Representatives
<b>February 2018</b>	1. Re-convene GSA Advisory Committee	Provide information, receive input, check agreement, seek consensus	GSA Reps, GSA Advisory Committee Facilitator, Other Agency Reps
	2. Report Back to Respective Boards	Receive input, check agreement, seek consensus	BOS, WRA Board, GSA Board

<b>February 2018 (Cont)</b>	3. Convene representatives from responsible agencies and organizations	Develop Draft Recommendations	Environmental Health, Public Health Official, RMA Rep, CAO Rep, GSA Reps, WRA Reps Facilitator
	4. Release Recommendations to All Participants Provide Feedback Mechanism	Incorporate Feedback in to final recommendations.	
	5. Finalize Recommendations		
<b>March 2018</b>	1. Re-convene GSA Advisory Committee	Final Agreement	GSA Reps, GSA Advisory Committee Facilitator, Other Agency Reps
	2. Approvals of Respective Boards	Final Agreement	BOS, WRA Board, GSA Board

Note 1. This approach is based on a cross-disciplined multi-agency task force who will be responsible for producing associated documents. Each agency must ensure that they organize representation in a manner that does not violate the Brown Act. Ad Hoc Committees of each Agency may be appropriate.

Note 2. Facilitation services will be provided by Gina Bartlett from the Consensus Building Institute working under a grant provided by the Department of Water Resources.

Note 3. Legal review of recommendations is expected occur throughout the process by County Counsel as deemed appropriate.

Note 4. The Salinas Valley Basin Groundwater Sustainability Agency will take responsibility for organizing meetings, times and locations, with expected support from other participating agencies.

Note 5. This process is considered by the GSA is the first step in developing a Groundwater Sustainability Plan for the 180/400 Foot Aquifer as required by SGMA

# RECOMMENDATIONS TO ADDRESS THE EXPANSION OF SEAWATER INTRUSION IN THE SALINAS VALLEY GROUNDWATER BASIN

Monterey County  
Water Resources Agency

Special Reports Series 17-01

October 2017



**THIS REPORT MAY BE VIEWED AT THE MONTEREY COUNTY  
WEBSITE AT**

**<http://www.co.monterey.ca.us/home/showdocument?id=57432>**





## Monterey County Board of Supervisors

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

### Board Order

Upon motion of Supervisor Parker, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

- a. Received a report "Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin"; and
- b. Provide direction to county staff to work together with Water Resources Agency staff and to return in December with an urgency Ordinance for an immediate moratorium on groundwater extractions from new wells in the Pressure 400-foot Aquifer within an identified Area of Impact (with exemptions) and an urgency Ordinance for enhancement and expansion of the Castroville Seawater Intrusion Project (CISP) Service Area.

RECEIVED this 14<sup>th</sup> day of November 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting November 14, 2017.

Dated: November 28, 2017  
File ID: WRAG 17-241

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy



## STAFF REPORT

**AGENCY MEETING DATE:** December 14, 2017

**AGENDA ITEM:** 7d

**SUBJECT:** Request for Qualifications to prepare a Groundwater Sustainability Plan(s) for the Salinas Valley Basin Groundwater Sustainability Agency

**RECOMMENDATION:** Approve Issuance of Request for Qualifications

### **BACKGROUND:**

In the fall of 2014, the California legislature adopted, and the Governor signed into law, three bills (SB 1168, AB 1739, and SB 1319) collectively referred to as the “Sustainable Groundwater Management Act” (“SGMA”), that initially became effective on January 1, 2015. The purpose of SGMA, as set forth in California Water Code section 10720.1, is to provide for the sustainable management of groundwater basins at a local level by providing local GSA’s with the authority, and technical and financial assistance necessary, to sustainably manage groundwater.

In order to accomplish this, SGMA required the designation of Groundwater Sustainability Agencies (“GSAs”) for the purpose of achieving groundwater sustainability through the adoption and implementation of Groundwater Sustainability Plans (“GSPs”) plan for all medium and high priority basins as designated by the California Department of Water Resources. SGMA also required that the Basin have a designated GSA by no later than June 30, 2017, and an adopted GSP by no later than January 31, 2020, if a high or medium priority basin in critical overdraft, and no later than January 31, 2022, if a high or medium priority basin;

### **DISCUSSION:**

The SVBGSA has succeeded in developing a GSA, establishing boundaries, creating an organizational infrastructure and applying for a Proposition 1. Grant that will provide funding to develop a GSP. With that in mind, staff has prepared the attached RFQ to begin the process of acquiring a Consultant who can best provide services to the SVBGSA to develop GSP(s) for the Salinas Basin and the seven (7) sub-basins that require these plans.

This timing is consistent with the availability of funds from the Proposition 1. Grants.

### **FISCAL IMPACT:**

There is no fiscal impact of issuing the RFQ other than staff time.

**PREPARED BY:** Gary Petersen, General Manager

**ATTACHMENT:** Request for Qualifications

# Request for Statement of Qualifications

From Firms or Individuals Qualified to Provide

Groundwater Sustainability Planning Services

For the Salinas Valley Basin Groundwater Sustainability Agency



**Response Submittals Due January 12, 2018**

**Request for Statements of Qualifications From Firms or Individuals  
Qualified to Provide Groundwater Sustainability Planning Services For  
the Salinas Valley Basin Groundwater Sustainability Agency.**

**SECTION 1. NOTICE OF REQUEST FOR QUALIFICATIONS.**

The Board of Directors for the Salinas Valley Basin Groundwater Sustainability Agency (“SVBGSA” or “Agency”) is requesting Statements of Qualifications from professional firms or individuals qualified to provide Groundwater Sustainability Planning Services to support the Agency in development and implementation of a Groundwater Sustainability Plans for the Salinas Valley Groundwater Basin and 7 sub-basins within Monterey County. It is expected that the precise scope of work will be approved by the SVBGSA Board in consultation with the successful firm for this RFQ and will be part of a contract entered into with the SVBGSA. Generally, the scope of the project would be to prepare a GSP for the Basin, and seven sub-basins. Included in the scope would be communications with other agencies including extensive engagement with the Monterey County Water Resources agency (WRA) and other interested parties as required by Section 354.10 of the GSP Regulations. An existing facilitator funded by a grant from the Department of Water Resources will provide initial facilitation and public engagement as required by the GSP Regulations and facilitation of meetings of an Advisory Committee established by the GSA Board pursuant to the JPA. The SVBGSA is expecting to fund this project through a Grant from the Department of Water Resources and has submitted a grant application including a work plan which can be viewed here:

<https://static1.squarespace.com/static/5924cea23a0411c1b50d8fd1/t/5a1dba6924a694106d07f68d/1511897723970/2017-13%2C+GSP+Grant+Application.pdf>

## SECTION 2. BACKGROUND AND SCOPE

Governor Brown's signing of SGMA in September 2014 put in effect legislation that has resulted in the formation of the SVBGSA.

The following provides a summary of the Sustainable Groundwater Management Act:

1. Provides for sustainable management of groundwater basins;
2. Enhances local management of groundwater consistent with rights to use or store groundwater;
3. Establishes minimum standards for effective, continuous management of groundwater;
4. Provides local groundwater sustainability agencies ("GSAs") with the authority, and technical and financial assistance needed to maintain groundwater supplies;
5. Requires the avoidance or minimization of impacts resulting in land subsidence;
6. Improves data collection and understanding of groundwater resources and management;
7. Requires the avoidance or minimization of the depletion of groundwater storage and removes impediments to recharge; and
8. Empowers local agencies to manage groundwater basins, while minimizing state intervention.

In order to meet these requirements a group of stakeholders met multiple times to establish a governance structure, known as the Salinas Valley Basin Groundwater Sustainability Agency, which has been created as a Joint Powers Authority representing a broad base of Salinas Valley stakeholder interests. The legislation requires that one or more GSAs for a basin be formed by the end of June of 2017 prior to developing groundwater sustainability plans for groundwater basins or sub-basins that are designated as medium or high priority, or in critical condition of overdraft. The GSA is required to have authority over the basin or sub-basins it will manage. SGMA goes on to say that GSAs must adopt a Groundwater Sustainability Plan ("GSP") by 2020 that will demonstrate sustainability by the 20th year after adoption, with measurable objectives and milestones in 5-year increments. If at any point the GSA fails to form, or function as a GSA, or fails to deliver a GSP, the State Department of Water Resources can usurp local authority and take responsibility of implementation of the legislation.

The SVBGSA was formed effective as of December 22, 2016, and voted to send to the Department of Water Resources a Notice of Intent to be the GSA for the Salinas Valley Groundwater Basin on April 13, 2017.

#### SCOPE OF WORK

The statement of qualifications should clearly describe how the responding firm or individual is qualified to address the following scope of work:

- Generally, the scope of the project would be to prepare a GSP for the Basin and seven sub-basins including all procedural and substantive requirements under DWR's regulations for developing GSPs (23 CCR Title 23, Division 2, Chapter 1.5, Subchapter 2 (commencing at section 350)) (GSP Regulations).
- Capable of producing a GSP that satisfies these legislative and regulatory requirements while meeting the needs of a wide range of stakeholders
- Development of Coordination Agreements and Management Areas with other GSA's adjacent to or within the Salinas Valley Basin.
- Establish and maintain effective and cooperative working relationships with Board Members, employees, officials and the general public.

The precise scope of work will be approved by the SVBGSA Board in consultation with the successful firm for this RFQ and will be part of a contract entered into with the GSA. Included in the scope would be communications with other agencies and interested parties as required by Section 354.10 of the GSP Regulations, However, facilitation and public engagement as required by the GSP Regulations, and facilitating meetings of an Advisory Committee established by the GSA Board will be provided by a facilitator funded by a grant from the Department of Water Resources.

#### SECTION 3. MINIMUM QUALIFICATIONS AND CRITERIA FOR EVALUATION

The firm or individual ultimately selected is expected to hold the following minimum qualifications and will be evaluated by representatives of the Agency on the following criteria:

- a. Demonstrated knowledge and recent experience designing and completing similar successful public projects within the scope.
- b. Creativity in working with diverse stakeholders to arrive at unique decisions.
- c. Ability to bring together a complete, competent team to address all necessary disciplines required to successfully produce a Groundwater Sustainability Plan.
- d. Strong understanding of the Sustainable Groundwater Management Act related to the requirements of creating a Groundwater Sustainability Plan with the ability to provide services that can produce a viable groundwater management plan.
- e. Solid track record of successful projects and satisfied clients.

Desirable, but not required, is a strong understanding of the Salinas Groundwater Basin, Monterey County Water Resources Agency projects, agricultural community, and municipal and other water interests.

A selection committee comprised of members of the Agency and the interim Agency staff will review the Statements of Qualifications submitted in response to this RFQ and may request interviews with some firms or individuals. The selection committee will rank the top firms and individuals based on Statements of Qualifications and interviews (if conducted).

#### SECTION 4. STATEMENT OF QUALIFICATIONS: RESPONSE FORMAT

Statements of Qualifications should include the following information in the following order and format describing the prospective consultant's availability, interests, qualifications, and current relevant experience. Please keep responses to a maximum of thirty (30) Pages). The response to this RFQ will identify a qualified team or individual that has substantial experience in preparing the requested deliverables.

1. Consulting firm or individual's information.
2. Cover letter indicating the RFQ due date and title, the firm or individual's name, address, telephone number, fax number, and email contract address(es).
3. Firm or individual profile.
4. Identify team members (if appropriate) and provide résumés of the team members and identify the agents and subcontractors (if any) that the firm or individual anticipates



assigning in conjunction with this project. Include a discussion of the expertise of the individuals who will be assigned to the project team, along with a description of their individual roles.

5. Describe why the firm or individual is the best qualified to perform the scope of services in a timely and responsive manner.
6. A detailed list of the tasks to be performed, to include a proposed schedule for performance, and an analysis of each task to include the personnel assigned and the proposed methodology for completing the task.
7. A schedule showing the various tasks, the time to complete each task, and a total time frame proposed to complete the project.
8. Current billing rate schedule and the proposed total cost for the services to be completed to meet the expectations outlined in this RFQ; The billing rate will be applicable throughout the term of the agreement for the work on this project. The schedule should include the rates for all personnel who would potentially work on the project. The billing rate schedule and the proposed total cost shall be submitted in a separate sealed envelope. The envelope should be clearly marked as the price proposal, with firm name, and project name (GSP Development). Submit only one sealed envelope with one copy of the billing rate schedule and proposed total cost.
9. Describe those conditions, constraints or problems that are unique to the proposed scope of services that may adversely affect either the cost of the project or the efficient progress and completion of the project.
10. Provide at least three (3) public entity references (with contact name, address, and telephone number) for which the firm and proposed key personnel have performed (or are performing) that represents work of a similar type, scope, and complexity; and
11. Identify any legal proceedings, arbitrations, complaints or court actions files by any person against the firm or individual within the last three (3) years for any project in which the firm or the individual participated.

12. Conflict of Interest: Provide a statement that discloses any past, on-going, or potential conflicts of interest that the firm or individual may have as a result of performing work in response to this RFQ.

#### SECTION 5. SUBMITTAL REQUIREMENTS.

A complete response to this RFQ must include five (5) copies of a bound written report and electronic copies of documents containing a PDF version of the Statement of Qualifications. Statements of Qualification will be received until Noon on Friday January 12, 2018 at the City of Salinas, City Clerk's Office at 200 Lincoln Ave. Salinas CA, 93901. Faxed responses are not acceptable and will not be returned to the sender. The submittal deadline is absolute. Late submittals will not be considered. Statements of Qualification received after the due date and time will not be accepted or considered and will be returned to the sender without review. Prospective firms and individuals must select a method of delivery that ensures the Statement of Qualifications will be delivered to the correct location by the due date and time. The five copies of bound written Statement of Qualifications, and one Thumb Drive shall be submitted in one package with the words "GSA GSP Planning". The sealed and marked price proposal envelope shall be included in the package. In case of any conflict between the PDF version sent by email, and the submitted bound copies, the submitted bound copies will control.

This RFQ may be downloaded from the Salinas Valley Groundwater Basin Management Web Page, or by request to the General Manager at [peterseng@svbgsa.org](mailto:peterseng@svbgsa.org). Note that failure to notify the Agency that you have downloaded an RFQ will preclude you from receiving updates or amendments, if issued. Notifications of download as well any Questions regarding this RFQ may be directed to the Agency at [peterseng@svbgsa.org](mailto:peterseng@svbgsa.org).

Interested firms or individuals are required to identify any potential or perceived conflict of interest (personal and/or property interest in the subject scope of work). Pre-qualification is not required. All interested firms and individuals responding to this RFQ are required to comply with all applicable provisions of federal, state, and local law.

The Agency reserves the right to (1) reject any or all responses, (2) waive informalities in a response, (3) select a firm or individual who has submitted fully responsive Statement of Qualifications and who is determined by the Agency

to be a professional, qualified firm or individual, or (4) take whatever action or make whatever decision it determines to be appropriate including allowing the selected consultant to continue on to final design and construction without re-advertising the project. The Agency assumes no obligation in this general solicitation of Statements of Qualifications and all costs and expenses of responding to this RFQ shall be borne by the interested firms or individuals.

#### SECTION 6. RECORDS AND FINANCIAL DATA

All correspondence with the Agency, including responses to this RFQ, will become the exclusive property of the Agency upon receipt and will become public records under the California Public Records Act. Financial data, rates for services, and cost sheets are not considered confidential or proprietary. All documents submitted in response to this RFQ will be subject to disclosure if requested by a member of the public. There are a very limited number of exceptions to this disclosure requirement. During this selection process, until a firm or an individual is selected, the Agency will not disclose submittals (or any parts thereof), except as required under applicable law. This means that, depending on the nature or timing of the request, or future court decisions, that information may not remain private or confidential and may be publicly disclosed.

#### SECTION 7. GENERAL PROVISIONS

Each prospective firm or individual submitting a Statement of Qualifications in response to this RFQ agrees that the preparation of all materials for submittal to the Agency and all presentations are at the firm or individual's sole cost and expense, and the Agency will not, under any circumstance, be responsible for any costs or expenses incurred by a prospective firm or individual. In addition, each prospective firm understands and agrees that all documentation and materials submitted with a Statement of Qualifications will remain the

property of the Agency and will become a public record; the Agency will assume ownership of all documents and deliverables submitted by prospective firms and individuals.

Release of this RFQ does not commit the Agency to the selection of a firm or an individual and does not commit the Agency to enter into any agreement with a firm or an individual identified by the Agency through this process and the most qualified to provide the services described in this RFQ.

Prospective firms and individuals are responsible for making necessary investigations and examination of records. Failure to do so will not act to relieve any condition of a potential professional services agreement or the requirements set out in this RFQ. It is mutually understood and agreed that the submission of a Statement of Qualifications shall be considered evidence that the prospective firm has made such examinations and investigations. No request for modification of a Statement of Qualifications shall be considered after its submission on the grounds that the prospective firm or individual was not fully informed as to any fact or condition.

A prospective firm or individual may withdraw their submittal at any time prior to the date and the time which is set forth herein as the deadline or submittal of Statements of Qualifications.

The Agency reserves the right to request additional information at any time from any and all prospective firms or individuals as deemed necessary by the Agency to evaluate the submittals. This process may not be used, however, as an opportunity to submit missing documentation or to make substantive revisions to the original Statement of Qualifications.

If a prospective firm or individual has a question or requests clarification pertaining to this RFQ, such question or request for clarification must be put in writing and submitted to the Agency in the manner identified below. The Agency will provide all prospective firms or individuals who have provided their contact information with a list of all questions and requests for clarification, as well as the answers to the questions and responses to the requests for clarification.

All Statements of Qualifications will remain in effect and legally binding for at least one hundred twenty (120) days from the date of submission.

This Request for Qualifications shall be governed in accordance with the laws of the State of California and the jurisdiction of any disputes hereunder shall be Monterey County, or in the appropriate federal court with jurisdiction over the matter.

Unless otherwise directed, all communications regarding this RFQ, including all questions, should be submitted to the Agency at [gsafacilitation@simplelists.com](mailto:gsafacilitation@simplelists.com).

SECTION 8. SCHEDULE

The following is the tentative schedule for selection of a consultant:

December 15, 2017	RFQ Release Date
January 5, 2018	Deadline for Submittal of Questions or Requests for Clarification
January 12, 2018	RFQ Response Submittals Due to the Agency
January 26 2018	Agency Review

## STAFF REPORT

**MEETING DATE:** December 14, 2017

**AGENDA ITEM:** 10

**SUBJECT:** Future Agenda Items

Following is a list of items tentatively scheduled for future meetings looking ahead 6 months.

### Salinas Valley Basin Groundwater Sustainability Agency Tentative Six-Month Schedule of Future Meeting Items

January	February	March	April	May	June
Educational Presentation	Educational Presentation	Educational Presentation	Educational Presentation	Educational Presentation	Educational Presentation
Presentation on Brown Act	Approve GSP Services Contract	Receive FY 18-19 Budget			Approve Meetings Schedule
Presentation on Conflict of Interest			Approve FY 2018-19 Budget	Approve RGS Agreement for FY 18-19	Election of Officers
Approve Purchasing Policy					
Monthly Finance Report	Monthly Finance Report	Monthly Finance Report	Monthly Finance Report	Monthly Finance Report	
Issue RFP for Funding Options		Approve Consultant Contract for Funding Options	Approve Annual Investment Policy		
	Status Report of RGS Tasks		Status Report of RGS Tasks		