

## Cuyama Basin Groundwater Sustainability Agency (GSA)

### Final Board of Directors Meetings Minutes

October 4, 2017

Cuyama Valley Family Resource Center, 4689 CA-166, New Cuyama, CA 93254

The Cuyama Basin GSA Board of Directors met in regular session at approx. 4:00 PM.

**PRESENT:** Directors: Paul Chounet, Cory Bantilan, Jane Wooster, Byron Albano, Derek Yurosek, Glenn Shephard, George Cappello, Tom Bracken

Alt. Directors: Darcel Elliott (joined at 4:20 pm)

**ABSENT:** Directors: Lynn Compton, David Couch (no Alternate appeared as substitute for Directors)

**1. Call to order**

Chair Yurosek calls the meeting to order at approx. 4:00 PM.

**2. Roll call**

Secretary Carolyn Berg calls roll of the Board (shown above).

**3. Pledge of allegiance**

The pledge of allegiance is led by Chair Yurosek.

**4. Reconsider approval of revised minutes of the August 02, 2017 meeting**

**Carolyn Berg (SLO County staff):** describes that following the September 6, 2017 Board meeting, a minor error was identified in Item #8 of the approved August 2, 2017 meeting minutes; therefore, she requested that the Board consider re-approval of the revised minutes.

**Chair Yurosek:** opens floor to comments with no response.

**Motion by:** Director Albano moves to approve minutes.

**Second by:** Director Wooster.

**Motion passes unanimously.**

**5. Approval of minutes of the September 6, 2017 meeting**

**Chair Yurosek:** opens floor to comments with no response.

**Motion by:** Director Shephard moves to approve minutes.

**Second by:** Director Wooster.

**Motion passes unanimously.**

**6. Submittal of a resolution designating the Executive Director or Chairman to file an application and execute an agreement with the California Department of Water Resources for the Sustainable Groundwater Planning Grant Program's "Groundwater Sustainability Plans and Projects" solicitation.**

**Rob Morrow (RMC a Woodard & Curran Company/ Grant Consultant):** Mr. Morrow reviews that on September 6, 2017, the GSA Board designated a committee to help in developing the scope of work to be included in the grant application. Following that meeting, RMC convened a work group conference call to vet the scope of work. Participants on the work group included: Directors Bantilan, Cappello,

Compton, and Wooster, as well as the following staff Chris Hephpen (EKI), Cathy Marin (SLO County), Carolyn Berg (SLO County), and Matt Young (SBCWA). He briefly reviews the two major focal points of the grant application scope of work: to conduct feasibility study of potential infrastructure projects, and to develop a GSP. Mr. Morrow letters of support from each member agency of the GSA would benefit the competitiveness of the application. Ideally letters of support would be provided to RMC no later than November 1, 2017.

**Public Comments:** Lynn Carlile.

**Directors:** Discussion ensues regarding what forms of and level of support would benefit the grant application's competitiveness from a State perspective. Director Yurosek and Wooster ask about the process for finalizing and submitting the application. Questions arise regarding whether the public or stakeholder advisory committee would be providing input. Legal Counsel Joe Hughes offers that, if the Board wanted, the stakeholder advisory committee could be convened to review the scope as it falls within the committee's general intent to provide input on the implementation of SGMA. Alternate Director Elliott concurs with Mr. Hughes.

**Motion by:** Director Chounet moves to approve a resolution designating the Executive Director or Chairman of the Cuyama GSA as the authorized representative to file an application and execute an agreement with the California DWR for the Sustainable Groundwater Planning Grant Program's "Groundwater Sustainability Plans and Projects" solicitation for the Cuyama Groundwater Basin, and directs staff to engage the stakeholder advisory committee in review of grant scope.

**Second by:** Director Bantilan.

**Motion passes unanimously.**

**7. Receive an update from Legal Counsel regarding securing an Executive Director and current candidates; receive an update on scheduling of the next special meeting to interview all three candidates; and provide any further direction on the procurement process.**

**Joe Hughes (Legal Counsel):** Mr. Hughes briefly describes his analysis of questions regarding one of the Executive Director candidate's potential conflicts of interest that were identified during the Board's special meeting on September 21, 2017. In general, he describes the Political Reform Act of 1974, and its requirement that public officials need to recuse themselves if a decision will have a foreseeable financial effect on them. He also describes the "public generally rule", which essentially allows that even if a decision affects the public official, if enough of the public is also affected by the decision, then there is no need for a recusal from the discussion or decision making. Mr. Hughes then provides more specific analysis of the candidate in question, Jim Beck of Hallmark Group. Mr. Beck works for Hallmark Group which has Grimmway Farms as a client. Due to Mr. Beck's compensation arrangement with Hallmark Group, Grimmway Farms is considered an "economic interest" of Mr. Beck. If Hallmark Group is hired, Mr. Beck would need to include Grimmway Farms on his Form 700 and consider his potential conflicts arising from Grimmway Farms as they relate to each item or decision. Mr. Hughes notes that, at the special meeting, the GSA Board decided that it would hold a subsequent special meeting to interview all three potential Executive Director candidates. Mr. Hughes passes out a draft agenda for that meeting and describes staff's proposed approach to the meeting.

**Public Comments:** Roberta Jaffe, Lynn Carlile

**Directors:** Director Byron inquired regarding the potential for Hallmark Group to assign a different member of staff to Grimmway. Mr. Hughes points out that his analysis would remain the same, unless Hallmark Group closed out the project or contract with Grimmway. Director Wooster asked if an

individual recuses him or herself, what are the recusing from? Mr. Hughes says anything related to that item, including discussion of the item. Discussion ensues about what sorts of decisions might constitute a conflict for Mr. Beck. Discussion ensues about the best approach and format for the upcoming special meeting to interview all three candidates. Directors provide direction that staff should generate a list of approximately 9-10 interview questions, which includes collecting potential questions from any members of the public through Friday, October 6<sup>th</sup> at 5:00 PM, aggregating into a single comprehensive list of questions and ranking to determine the staff's recommended list of 10 or so questions. Directors request that staff publish all three candidates' original proposals and/or revised scopes of work by Friday, October 6<sup>th</sup> as well to allow transparency and review prior to interviews.

**8. Report from ad hoc committee for GSP Preparation Consultant; discussion and possible action regarding process for selection of GSP Preparation Consultant.**

**GSP Preparation Consultant Ad Hoc Committee Verbal Report (Directors Chounet, Albano, and Yurosek):** Director Chounet overviews the results of a recent ad hoc committee meeting to determine an approach to reviewing the four potential consultants/ proposals. The committee decided to create objective criteria with staff input, which would then be used to review all proposals against. He notes that the intent would be to engage the Executive Director in this review process, assuming an Executive Director candidate is selected at the October 9<sup>th</sup> special meeting. The intent would be for the ad hoc committee to return with a recommendation at the November 1<sup>st</sup> GSA Board meeting. Chairperson Yurosek notes that the ad hoc committee wants to confirm the approach and Board expectations, prior to engaging consultants and conducting review/ recommendation process. He highlights that their aim is consensus – if reached, the ad hoc committee would return with one recommended consultant, but if differing opinions among the committee members, they would return with a shortlist of 2 or more consultants for the Board's consideration.

**Public Comments:** Ann Meyre, Louise Drauker, Lynn Carlile.

**Directors:** Director Bantilan notes that this particular decision requires a supermajority approval by the GSA Board. Discussion ensues regarding best approach, ability to reach goal of consensus, and if/ how the public would be engaged in the selection process. Director Bantilan suggests that the ad hoc committee consider input from staff and the public.

**9. Consider approval of staff recommendation to select the JPRIMA insurance option, directing staff to complete any necessary documents for insurance contract for the GSA, and authorizing the Chairman to execute a contract for the GSA, and authorizing the Chairman to execute a contract with JPRIMA, subject to review of Counsel.**

**Matt Klinchuch (Water District staff):** Mr. Klinchuch reported back on two follow up items regarding the insurance for the GSA. One follow up item was to confirm with Cal Mutuals (JPRIMA) whether a draft budget would be acceptable for the contracting documents, since a final budget has not been set for the GSA. Cal Mutuals confirmed a draft budget was acceptable. The other follow up item was considering the possibility of insurance through the ACWA JPIA. There are several requirements for this option including memberships in both ACWA and ACWA JPIA by a member agency, and said member agency would need to have insurance coverage through ACWA JPIA. It was recommended to not pursue this latter option and continue with the staff recommendation for the JPRIMA insurance option through Cal Mutuals.

**Motion by:** Director Bantilan moves to approve staff's recommendation.

**Second by:** Director Albano.

**Motion passes unanimously** (*note Alternate Director Elliott not present at time of the vote*).

**10. Public comment for items not on the Agenda**

A Director notes that the Board may want to consider rescheduling its January 3<sup>rd</sup> regular Board meeting, given the holiday schedule. No further public comment is made.

**11. Adjourn**

Chair Yurosek adjourns the Cuyama Basin GSA Board of Directors meeting at approximately 5:59 PM.

I, Carolyn Berg, temporary Secretary to the Cuyama Basin Groundwater Sustainability Agency Board of Directors, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held on Wednesday, October 4, 2017, by the Cuyama Basin Groundwater Sustainability Agency Board of Directors.

**CAROLYN BERG**

**Dated:** October 17, 2017