

**MINUTES OF THE  
REGULAR MEETING OF THE  
BEDFORD COLDWATER  
GROUNDWATER SUSTAINABILITY AUTHORITY**

**May 19, 2022**

**Board Present**

David Harich, TVWD  
Jacque Casillas, City of Corona  
Phil Williams, EVMWD

**Staff Present**

Jeff Pape, TVWD  
Greg Thomas, EVMWD  
Tom Moody, City of Corona  
Steven O'Neill,  
Margie Armstrong, EVMWD  
Christy Gonzalez, EVMWD  
Victor Harris, Stantec  
Kelly Shugart, Stantec

**Others**

Paul Rodriguez, RCG

**CALL TO ORDER AND ROLL CALL**

The meeting of the Bedford-Coldwater Groundwater Sustainability Authority was held via teleconference allowed under the waivers of the Brown Act in response to the COVID19 epidemic. Participants joined by accessing information posted on the meeting Agenda, posted at least 72 hours prior to the meeting start time. The meeting was called to order by Vice Chairperson Casillas at 4:00 p.m.

**PUBLIC COMMENT**– There were none. Opportunity for public comment was provided to attendees for the entire duration of the meeting.

**1. CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING CONTINUANCE OF REMOTE TELECONFERENCE MEETINGS (Resolution No. 22-02)**

Vice Chairperson Casillas explained that this is a reoccurring resolution to be acted upon as long as the Governor's Emergency Order is effective, and it allows the Board to continue to meet remotely, in compliance with the Brown Act. Although AB 361 calls for the Resolution to be adopted every 30 days, because the BCGSA meets approximately every 90 days, it is advised that the resolution be placed as the first matter of business on each agenda.

**ACTION:** Director Williams made a motion, Director Harich seconded, and the motion carried unanimously to Adopt Resolution No. 22-02

## 2. **CONSENT CALENDAR**

- A. **Approval of Minutes of the February 17, 2022 Special Meeting**
- B. **Financial Statement**
- C. **Ratification of Demands**
- D. **Back-up Information for Major Contracts**
- E. **Outside Contract Summary Report**

Vice Chairperson Casillas thanked everyone for all the work that goes into each of these items, especially the financial statements. Director Harich requested to abstain from this item since he was not involved with Bedford Coldwater GSA prior to this meeting.

**ACTION:** Director Williams made a motion, Vice Chairman Casillas seconded, and the motion carried unanimously, with Director Harich abstaining to approve the Consent Calendar.

## 3. **BUSINESS CALENDAR**

- A. **Consider Approval of a Professional Services Agreement with Aleshire & Wynder, LLP for Legal Counsel Services (MO# 40)**

Margie Armstrong reported that in August 2017, the Board of Directors approved a retainer agreement with Olivarez Madruga Lemieux O'Neill (OMLO) for legal counsel services for the Authority, formerly known as Lemieux & O'Neill.

Effective April 1, 2022, Lemieux & O'Neill separated from OMLO and have joined with Aleshire & Wynder, LLP. Aleshire & Wynder has provided a Professional Services Agreement (PSA) for the Authority reflecting generally the same terms and conditions as the OMLO retainer agreement. Retaining Aleshire & Wynder will provide continuity of service for the Authority. An updated agreement was circulated, which was identical to the original agreement with the exception of the rate sheet. Instead of being separate rates for each position, it is now one blended rate no matter who is doing the work. Mr. O'Neill further explained that the rate is consistent with their other clients at \$250.00 an hour as a blended rate.

Director Williams asked if there will be an assigned attorney for quicker response time. Mr. O'Neill responded that he will be the primary representative and attending the meetings. Aleshire & Wynder LLP is a 50-attorney firm based in Irvine that represents cities and other public agencies in Southern California providing a broader platform, support, and array of services.

Mr. O'Neill further clarified that their services are typically transactional and not litigation. All of the contracts have litigation rates if it should arise, however, he does not foresee that for this agency.

Vice Chairperson Casillas asked if it might be beneficial to perform a Request for Proposal (RFP) for legal services and what the risk would be not to have legal counsel in the interim, since she felt it is not common to consider a rate increase at the same time as a contract approval. Opening for discussion, Director Williams commented that he would be comfortable approving the contract without having to go through the process since most likely they would end up with the same individuals. If services were not satisfactory, there is an option to bring in outside counsel. He didn't feel the need for the extra expense and staff time in preparing the RFP. Director Harich agreed and didn't feel the rate structure provided is out of the norm for their type of services. He is more concerned with not having legal representation during the time and effort needed to put these services out to bid. Vice Chairperson Casillas agreed that these were all good points.

**ACTION:** Director Williams made a motion, Director Harich seconded, and the motion carried unanimously to:

1. Approve a Professional Services Agreement (PSA) with Aleshire & Wynder, LLP; and
2. Authorize the Deputy Treasurer to execute the appropriate documents on behalf of the Authority.

**B. Approval of a Professional Services Agreement with Water Systems Consulting, Inc. for Groundwater Sustainability Plan Administrator Services (MO# 41)**

Ms. Armstrong reported that the principal in charge for Stantec will no longer be available and due to the upcoming change, and after discussion with the Authority's member agency staff, on March 8, 2022, the Authority solicited Request for Proposal (RFP) for the GSP Administrator services utilizing PlanetBids.

Three firms responded to the RFP by the deadline of April 12, 2022. The Authority's member agency staff reviewed the proposals based on predetermined evaluation criteria's: Relevant Qualifications/Experience, Understanding of the Project, Cost, and Overall Quality of the Proposal, Cost, and References, and concluded that Water Systems Consulting, Inc. (WSC) is most qualified. Evaluation ratings were included in the meeting's packet materials.

After careful review, staff recommended award of a Professional Services Agreement (attached) for the Authority's GSP Administrator services with Water Systems Consulting, Inc. in the amount of \$200,000 which is consistent with the previous administrator contract. The cost of the GSP Administrator services has been incorporated in the FY 2022 and approved FY 2023 budget.

Director Williams commented that Ms. Armstrong was confident in the selection of Water Systems Consulting, Inc. and with her endorsement he is in support of this item. Director Harich felt that there was a considerable amount of due diligence in providing this recommendation. Vice Chairperson Casillas appreciated staff for their work with the RFP and selection process. She was hopeful that we will get the same level of knowledge as we did with Mr. Victor Harris. Clarifying to Vice Chairperson Casillas, Ms. Armstrong reported that the amount of the PSA is consistent with Stantec, however, the billing rates are higher than the current billing rates.

Mr. Harris appreciated the comments and will be working with the new administrator to get them up and running quickly.

**ACTION:** Director Williams made a motion, Director Harich seconded, and the motion carried unanimously to:

1. Approve a Professional Services Agreement with Water Systems Consulting, Inc in the amount of \$200,000; and
2. Authorize the Deputy Treasurer to execute the appropriate documents on behalf of the Authority.

**C. Consider Approval of Amendment No. 3 for Professional Services Agreement with Stantec Consulting, Inc. (MO# 42)**

Ms. Armstrong reported that this amendment includes a three-month extension to the current Stantec Professional Services Agreement expiring in June. This amendment will provide the time needed for the knowledge transfer to the new administrator. An additional amount of \$10,341.00 is included, which is anticipated to last through the end of September.

Staff reviewed the Stantec proposed scope of service and costs and recommends approval of Amendment No. 3 to the PSA with Stantec in the amount of \$10,341.00, bringing the total authorization to \$412,000.00, and to extend the term of services through September 30, 2022. Administrator expenses have been included in the approved FY 2022-23 budget. A portion of this amount is grant reimbursable.

Mr. Paul Rodriguez expressed his thanks and gratitude to Mr. Victor Harris for his guidance, development, and creation of the Groundwater Sustainability Authority (GSA) along with preparation and completion of the Groundwater Sustainability Plan (GSP). He has been a fantastic resource and trusts his guidance as he leads WSC as they take over the role. He has a high confidence in WSC and looks forward to continued success.

Responding to Director Harich, Ms. Armstrong stated the current balance of the Stantec agreement is approximately \$30,000 and an additional \$10,000 is requested from this amendment. Approximately \$25,000 of this amount will be used during the transition period.

Vice Chairperson Casillas asked if Stantec will continue the grant billing and reporting. Ms. Armstrong responded that it is anticipated that Ms. Kelly Shugart will be used as a subconsultant to WSC to maintain grant reporting continuity.

**ACTION:** Director Williams made a motion, Director Harich seconded, and the motion carried unanimously to:

1. Approve Amendment No. 3 for Professional Services Agreement (PSA) with Stantec Consulting, Inc. (Stantec) in the amount of \$10,341.00; and,
2. Authorize the Deputy Treasurer to execute the appropriate documents on behalf of Bedford Coldwater Groundwater Sustainability Authority.

#### **4. Administrator's Update**

Mr. Harris referenced page 122 of the meeting packet and reported on Stantec's progress. The new monitoring wells have been completed and both have been equipped with transducers to record the groundwater elevations. The first annual report was delivered to the Department of Water Resources (DWR). Proposals for the new administrator were reviewed and a selection made. Referencing Page 126 of the Board packet, local contributions were met, and future spending will now be eligible for grant funding. An amendment is currently under review with DWR to amend the work plan and schedule, such funds that are projected or funds that are unused will remain on the development of the GSP and can be used for GSP implementation. If accepted there are a number of activities that will become grant eligible, such as the first annual report, water quality sampling, development of requests for proposals for two projects outlined in the GSP and a private well survey. If approved, \$190K could become available for grant funding, all which would need to be completed by December 31<sup>st</sup>.

Answering a question from Director Harich, the two new monitoring wells are located midway in the basin. Mr. Harris further explained that modeling projection done during the development of the GSP indicated the groundwater will go up due to the return flow from delivered water. He has not seen impacts of the drought yet on the health of the basin, but we may within a few months. Mr. Pape also confirmed that the basin is very healthy, and the groundwater levels are higher than they have been in recent history.

#### **5. Legal Counsel Report**

Mr. O'Neill reported on a new development with the Governor's Executive Order N-7-22, containing a paragraph that implicates Groundwater Sustainability Agencies. Under this Executive Order, counties, cities and other public agencies that are considering approving a new well or allowing for the alteration of an existing well requires a written approval from the GSA and the proposed activity is consistent with the plan. AB2201 has been introduced into legislature, however, was placed on hold. This could be a potential expansion of the roles of GSAs.

Vice Chairperson Casillas opined that it may be a good thing that GSA's will have a say, since we are held accountable for the GSPs.

**6. Comments of the Board**

Director Harich commented that it is a pleasure to be a part of this Board and looks forward to working with everyone and getting caught up to speed.

Vice Chairperson Casillas welcomed Director Harich to the Board, and thanked Mr. Rodriguez for attending.

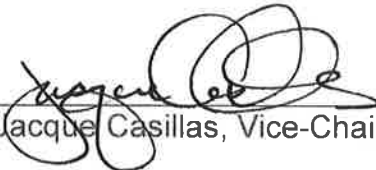
**7. Adjourn**

There being no further business, the May 19, 2022, Regular meeting of the Bedford-Coldwater Groundwater Sustainability Authority was adjourned at 4:49 p.m.

**ATTEST:**

**APPROVED:**

  
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Phil Williams, Director

  
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Jacquie Casillas, Vice-Chairperson

Date: 8-25-22

Date: 9-7-2022