

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

August 16, 2018

Board Present

Paul Rodriguez, TVWD
Phil Williams, EVMWD

Staff Present

Jeff Pape, TVWD
Tom Moody, City of Corona
Margie Armstrong, EVMWD
Parag Kalaria, EVMWD
Terese Quintanar, EVMWD
Victor Harris, Stantec
Manuel Serpa, Olivarez Madruga Lemieux O'Neill, LLP

1. CALL TO ORDER

The meeting of the Bedford-Coldwater Groundwater Sustainability Authority was held at its principal offices located at 22646 Temescal Canyon Road, Temescal Valley, California. The meeting was called to order by Chairman Rodriguez at 4:04 p.m.

2. PUBLIC COMMENT – None.

3. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN (MO# 17)

Mr. Moody mentioned that Director Fox would not be pursuing re-election for his agency in the next election. A replacement may be discussed at the November BCGSA meeting.

ACTION: Vice-Chairman Williams made a motion, Chairman Rodriguez seconded, and the motion carried unanimously to appoint Director Paul Rodriguez as Chairman and Director Phil Williams as Vice-Chairman for the current fiscal year.

4. CONSENT CALENDAR

A. Approval of Minutes of the May 17, 2018 Meeting

B. Ratification of Demands

ACTION: Vice-Chairman Williams made a motion, Chairman Rodriguez seconded, and the motion carried unanimously to approve the Consent Calendar.

5. BUSINESS CALENDAR

A. Membership in ACWA JPIA (*Resolution No. 18-01*)

Margie Armstrong explained that this item is continued from the May meeting and is to enter a liability program. The JPIA Premium is calculated once a year, for the period of October through September and is a percentage of payroll or a minimum of \$2,900. Annual premium is calculated every three years and adjusted by our own loss record and is based on three years-worth of loss. ACWA JPIA will wait three years before the first calculation so it may be adjusted but the loss is based on employee loss (i.e., workers compensation claims, or any claims made to the GSA). Also, in December or January, they calculate the adjustment and that is based on individual losses as well as how they perform as a pool. They don't bill or refund until that amount reaches 50% of the annual premium. We don't know exactly when that will happen, so it is possible we will get two invoices in any given year, starting three years from now.

Chairman Rodriguez explained his concern had to do with retroactive premium adjustment and he expressed that he was far more comfortable with this new information. Further, any adjustment will not be a substantial multiplier, but a modest adjustment. The fact that the rate was so low, caused concern for a potentially significant adjustment. Ms. Armstrong added that the BCGSA will also be in a GSA pool, which includes JPAs which have no employees.

ACTION: Vice-Chairman Williams made a motion, Chairman Rodriguez seconded, and the motion carried unanimously to:

1. Adopt resolution No. 18-01 Consenting To Enter The Joint Protection Programs Of the Association of California Water Agencies (ACWA)/Joint Powers Insurance Authority (JPIA) and authorize the Deputy Treasurer to enroll the Bedford Coldwater Groundwater Sustainability Authority (BCGSA) in the required ACWA membership.

B. Amendment to Stantec PSA (*MO# 18*)

Margie Armstrong explained this is also a continued item from May. The amendment includes a percentage that is a fixed percentage on the invoices to cover administrative cost and not associated with labor. During the previous discussion, the concern of the Board was what was required for grant reimbursements. Ms. Armstrong confirmed that the Department of Drinking Water (DWR) has indicated that this fixed cost is reimbursable. Chairman Rodriguez commented that we are leveraging individual efforts and as we will be assertively looking for grant funding, we need to be mindful of these details.

ACTION: Vice-Chairman Williams made a motion, Chairman Rodriguez seconded, and the motion carried unanimously to:

1. Approve Amendment No. 1 to Professional Services Agreement with Stantec Consulting Services, Inc. for Administrator services for Bedford Coldwater Groundwater Sustainability Authority.

C. Financial Statement (MO# 19)

Margie Armstrong explained that the Financial Statement is unaudited, but we do have an auditor who will review the information this month. A balance sheet will also be added. Membership contributions for the 2018 Fiscal Year total \$369,000. Legal expenses, JPA administration charges, administrator, grant application consultant (Kennedy Jenks) and bank fees total \$80,614, leaving a member contribution balance of \$288,771, as of June 2018. Staff will be presenting a reserve policy to the Board at a meeting in the near future.

Manuel Serpa advised that a formal action is not necessary, as this is an informational item. In the future, this item can be combined with the ratification of demands to be received and filed.

ACTION: Vice-Chairman Williams made a motion, Chairman Rodriguez seconded, and the motion carried unanimously to receive and file the Financial Statement.

6. ADMINISTRATOR'S UPDATE

Victor Harris reported on his progress in development of the public-facing website that stakeholders and the public can utilize. It was also developed for internal use which is live as of this week.

Regarding the grant award, there have been many conversations with the State about the work plan, which is underway to generalize the scope of work, so we don't get caught up on one particular detail. Initial comments were provided by the State and it was resubmitted for review. Once the language is developed, it will eventually become an agreement with the State. Todd Groundwater was also asked to compile information for the GSP and that information is being reviewed. Between now and the next meeting, we will go live with the website, continue to populate SharePoint database and start planning our first public meeting. At the public meeting, information will be provided to stakeholders on what a GSP and where we are headed. It will be important to gain feedback. Todd Groundwater provided a data gap analysis and technical studies will begin for the GSP. As part of the GSP, guidelines such as well abandonment and new wells were looked at. Drafts will be generated similar to what is typically done to review with staff. RFP's will also be developed for technical studies, as needed.

Chairman Rodriguez asked how we will communicate with the public about the website. Mr. Harris responded that during the grant application process, we developed a list of interested parties which we will contact to inform them of the website. Also, there will be information on the website informing the public where to send mailed correspondence. Discussion followed regarding timing of the "go live" date and the need

for sufficient information to be found on the website before becoming available to the public. Mr. Harris commented that the purpose of the public meeting is to engage stakeholders and get feedback. Mr. Pape suggested each of the respective agencies have a link to the GSP site. Chairman Rodriguez mentioned a standing item on the TVWD agenda referring to BCGSA, enabling ability to report any updates, as TVWD does have public that attends and have been supportive.

7. LEGAL COUNSEL REPORT

Manuel Serpa opined that the grant agreement template is well laid out. Much of the contents are common requirements and we need to have a system in place to regulate compliance. Much is also subject specific, such as CEQA. We should define details as questions arise. Some items, like prevailing wage, will not apply to PSAs the GSA might have. Specifics, such as escape clauses can also be addressed in contracts. He suggested further review of the BCGSA escape clause. He continued that it reads that no reason is required, but later states that a reason must be provided.

The agreement template sets us up well for post-performance monitoring and his firm can help initial set up. Paragraph 13 includes verbiage regarding "urban water supplier" which we may not need. Individual responsibility does not translate to the JPA responsibility. That is an example of something that would be significant work but would not apply to the EPA. The JPA would be a wholesaler and would not be engaged in anything inconsistent with rules of an urban water supplier.

Chairman Rodriguez asked if BCGSA will be following all of the laws but not having to do the reporting that an urban supplier would have to do. Mr. Sherpa responded that all of this is laid out clearly and will be easily reviewed and verified. He shared that some clients spread the responsibility out too much. The BCGSA will need to have a systematic method in place in order for quick review by legal counsel. Chairman Rodriguez stressed the importance of understanding who the responsible party is, and Mr. Harris responded that it is clearly Stantec's responsibility. Mr. Sherpa continued that his firm will be approving form and will verify with Steve O'Neill that nothing is programmatic. He will verify that we will not "counter" with the State. Although, every once in a while, we can change a context specific sentence. Mr. Pape added that all three agreements with the BCGSA agencies are identical. Mr. Moody added that his experience found the State to be very fair and reasonable. Mr. Sherpa stated this is a very well put together package; better than some he has seen. His general impression is that there are no "red flags." He suggested that down the line, his firm could assist with language on a case by case basis.

8. COMMENTS OF THE BOARD

Mr. Pape stated he has not yet seen the website, as the link is not working. He suggested that the Board review the website before making it accessible to the public, to make sure sufficient content is available.

Mr. Pape also mentioned that both Mayhew and Coldwater Canyon are burned by the fire. It burned a little of Brown Canyon Channel, and asked if, as a group, there is a reason why we don't contact DWR to see if there are modifications. Discussion followed regarding fire debris and how it might affect the basin and entire watershed. He suggested a letter of concern be sent to the Flood Control District, to make them aware. Storm water protection may be warranted. Vice-Chairman Williams mentioned that CalFire has relayed to EVMWD that its goal to have hillsides planted, treated and protected before they leave the area. Their efforts are also focused on diverting water back to its original path of flow. Ms. Armstrong mentioned that FEMA funding has not yet been made available. Mr. Moody suggested that each agency send letters of concern. Chairman Rodriguez suggested our agencies mention the JPA and express concern for the watershed, and relayed reluctance in sending general letters on BCGSA letterhead. He added there recently have been healthy discussions on take-aways from this emergency and there is a clear desire for cooperative planning.

9. ADJOURN

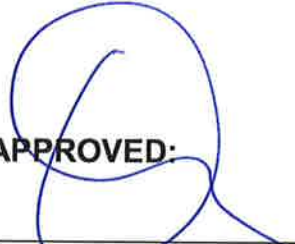
There being no further business, the August 16, 2018 Regular meeting of the Bedford-Coldwater Groundwater Sustainability Authority was adjourned at 4:50 p.m.

ATTEST:



Phil Williams, Vice-Chairperson

APPROVED:



Paul Rodriguez, Chairperson

Date: 11-15-2018

Date: NOVEMBER 15, 2018