

# MINUTES

# Owens Valley Groundwater Authority

## Board Members:

<b>SIERRA HIGHLANDS</b>	John Camphouse	<b>COUNTY OF MONO</b>	Fred Stump
<b>EASTERN SIERRA CSD</b>	Walt Pachuki	<b>CITY OF BISHOP</b>	Joe Pecschi
<b>INDIAN CREEK-WESTRIDGE CSD</b>	Luis Elias	<b>COUNTY OF INYO</b>	Dan Totheroh
<b>WHEELER CREST CSD</b>	Glenn Inouye	<b>BIG PINE CSD</b>	Bryanna Vaughan
<b>TRI VALLEY GWMD</b>	Dave Doonan	<b>KEELER CSD</b>	John Dukes
		<b>STARLITE CSD</b>	Daniel Cutshall

March 8, 2018

The Owens Valley Groundwater Authority meeting was called to order at 2:02 p.m. at the Bishop Fire Training Center, Bishop, CA.

Laura Piper led the pledge of allegiance.

### **1. Public Comment**

The Chairperson opened the public comment period and there was no one wishing to address the Board.

### **2. Introductions**

The Board introduced themselves with one alternate in attendance, Marilyn Harden – Starlite CSD.

### **3. Reports from staff**

The Chairperson inquired if any Board Members wished to provide a staff report and there was no one at this time.

### **4. Approval of minutes for meetings of October 5, 2017; October 26, 2017; December 14, 2017; and February 8, 2018**

The Chairperson called for a motion to approve the October 5, 2017 minutes, first by Walt Pachuki with a second by Luis Elias, roll call vote 11 yes, 0 no. Motion passed unanimously.

The Chairperson called for a motion to approve October 26, 2017 minutes, first by Luis Elias with a second by Joe Pecschi, roll call vote 11 yes, 0 no. Motion passed unanimously.

The Chairperson stated the December 14, 2018 minutes should be corrected to reflect December 14, 2017, motion made by Dave Doonan. Ms. Vaughan stated Item#2 states all Board members were prepared to make decisions and she stated it should reflect with the exception of Big Pine CSD. The Chairperson called for a motion to approve as corrected, first by Joe Pecschi and second by Dave Doonan, roll call vote 10 yes, 1 no (Starlite). Motion passed.

The Chairperson called for a motion to approve the February 8, 2018 meeting minutes, motion by Dave Doonan and a second by Joe Pecschi, roll call vote 11 yes, 0 no. Motion passed unanimously.

### **5. Finalization of member GSP Development Budget funding agreements**

The Chairperson stated all funding agreements have been submitted, signed, and hand delivered today. He stated the need for invoices and an account set up is needed to move forward with the process. Dr. Harrington stated Inyo County can send out invoices to members if that is necessary, and per the JPA the funds will be deposited into a designated account with the Inyo County Treasury. Mr. Vallejo advised that Sierra Highlands actually voted to become a non-funding member. As a result the three Members that elected to become extra-funding members have an increase in the amount to their funding agreements. Mr. Vallejo stated due to the changes, this Board should ratify those three agreements. The Board asked Mr. Vallejo to restate with the changes made who's fully funded, who is not, and the percentage. Mr. Vallejo stated there are three categories:

Non Funding – (2 votes) Eastern Sierra, Keeler, Sierra Highlands, and Starlite

Full Funding – (4 votes) \$22,654 annually each - Big Pine, Indian Creek/Westridge, Tri-Valley, Wheeler Crest

Extra Funding – (6.66 votes) \$52,859.66 annually each - City of Bishop, County of Inyo, County of Mono

The Chairperson made a motion to adopt the above changes to include the change to Sierra Highlands and the additional cost increase for City of Bishop, County of Inyo, and County of Mono, first by Dan Totheroh and second by Joe Peci. Roll call vote, 11 yes, 0 no. Motion passed unanimously.

Lynn Greer – Ms. Greer asked if the cost increase provides more votes to the City of Bishop, County of Inyo, and County of Mono, the Chairperson stated yes.

Mr. Bagley – Mr. Bagley asked if the non-funding groups could be repeated. Mr. Vallejo restated the above.

The Chairperson asked staff to send Mr. Bagley a copy of the JPA agreement.

## **6. Discussion and direction to staff to secure permanent staffing for the OVGA**

Dr. Harrington noted that Inyo County's commitment to provide staffing to the OVGA was now subject to Inyo County's cost or a more formal agreement. Mr. Peci thanked Inyo County for continuing to provide staff services. Mr. Stump stated Mono County is also willing to provide staff support.

Phillip Anaya – Mr. Anaya stated he thought this item indicated that this meant appointed permanent, not temporary staff to the OVGA. He inquired if Inyo County is going to be the permanent staffing or will the Board look for an executive director. Dr. Harrington stated Inyo County has anticipated moving forward with staff support as in the past with the exception of providing those services on a cost recovery basis with the understanding that sometime in the future, the authority would be entering into a professional services contract to provide those services of a permanent staff.

Mr. Stump asked if the members sitting on the OVGA Board would be required to file an additional 700 form, Mr. Vallejo stated most likely because it will need to cover the jurisdiction of this agency which include both Inyo and Mono County. Mr. Cutshall asked if someone would be notifying them to complete the 700 form, Mr. Vallejo stated staff for the OVGA would do so.

Phillip Anaya – Mr. Anaya provided praise to the Inyo County Water Department for all the work taken upon themselves to get through the SGMA process. He stated when he saw this agenda item, he thought that it meant having someone to represent the Board 24/7 to the Dept. of Water Resources, and the tribes; he stated he had envisioned an executive director as stated in the JPA that's not answerable to a Board of Supervisors but only to the OVGA Board.

Mark Bagley – Mr. Bagley stated wouldn't the OVGA Board need to approve the relationship with Inyo County and staff reimbursing Inyo County next meeting. Mr. Vallejo stated it would be appropriate for the Board to give direction to staff to secure that type of agreement with Inyo County until future changes are made. Dr. Harrington stated the budget was prepared using County rates which are built into the administrative costs. He stated currently we are working off the budget approved by the OVGA Board in October.

Mark Bagley – Mr. Bagley stated his recollection of the budget is there is one line item for administrative costs in the approximate amount of \$42,000 and another line item for County Counsel. Ms. Vaughan stated in the Final GSP Development Budget there is an extensive table of tasks and duties that include administrative costs. Mr. Bagley requested a copy of the Final GSP Development Budget.

The Chairperson made a motion to formalize use of the Inyo County Water Department and Inyo County Counsel to continue staff service and when income is available to bill the OVGA for said services.

Jason Cangar – Mr. Cangar inquired as to what rates would be charged, and cost estimates. Mr. Inouye stated there were administrative duties allocated in the GSP Development Budget which he assumes would be used for this purpose.

Mr. Inouye asked if staff could again send out the final budget document to all Board members.

Mr. Doonan made a motion to continue to utilize the services of Inyo County Water Department and Mono County while staying within the budget parameters on a cost recovery basis, seconded by John Dukes.

Roll call vote 11 yes, 0 no. Motion passes unanimously.

## **7. Direct staff to proceed with the steps necessary for the OVGA to file to become the GSA for the Owens Valley Groundwater Basin, and set a date for the required public hearing**

Dr. Harrington provided a handout from the Ca Dept. of Water Resources web page on how to form a GSA and reviewed those steps in detail. He stated at this time, the steps to transfer the existing GSA authority to the OVGA is not perfectly clear so he is discussing this with Ca Dept. of Water Resources. Mr. Cangar asked questions about the process. Dr. Harrington, Mr. Vallejo and the Board discussed the issue in detail.

The Chairperson asked the four entities if the May public hearing would give them sufficient time to meet with their respective Boards. Mr. Camphouse stated that would be a May 10, 2018 public hearing date, the Board agreed.

Mr. Vallejo provided the language for the motion to direct staff: Direct staff to proceed with the steps necessary for the OVGA to become the GSA for the Owens Valley Groundwater Basin, motion by Joe Peci with a second by Dan Totheroh.

Roll call vote 11 yes, 0 no.

## **8. Discussion regarding procurement of consultant to prepare Groundwater Sustainability Plan**

Dr. Harrington stated once Inyo County had been preliminarily recommended for funding for a Sustainable Groundwater Management grant from DWR the Water Dept. began preparing a draft RFP/RFQ for a consultant based on the budget that was included with the grant. Dr. Harrington stated when there is a final draft; it will be circulated to the OVGA Board. The Board and staff discussed this item in detail and at length.

Phillip Anaya – Mr. Anaya stated in Indian Wells Valley there are a few advisory committees. He stated he wants this authority to have autonomy, and the problem is Inyo County is the singular responsible party in this process and are parties to the LTWA. He stated this Board needs to be a third party in this relationship. He wanted to make the suggestion that the OVGA Board consider establishing a committee to come up with a search for this consultant for the GSP. He stated it needs to be someone familiar with the LTWA and the requirements of SGMA.

Wendy Sugimura – Ms. Sugimura reiterated the process of what Dr. Harrington mentioned earlier regarding preparation of a draft RFP/RFQ.

David Grah – Mr. Grah stated that several agencies involved in the authority go through the RFP/RFQ process on a regular basis so this is a standard way to move forward.

Mark Bagley – Mr. Bagley stated he would assume the OVGA couldn't issue an RFP/RFQ until they become the GSA. Mr. Stump stated the earlier action to authorize Inyo County to act on the behalf of the Board allows that process to continue. Mr. Vallejo stated the SGMA does not preclude an RFP/RFQ process from going forward before becoming a GSA.

Sally Manning – Big Pine Paiute Tribe – Ms. Manning complained that the RFP/RFQ drafting process was not transparent. She stated there are a lot of technical details to this but it is supposed to be locally generated and based on what the locals value here in this basin and it's not totally driven by DWR. She stated the Board is supposed to consider the stakeholders, the economy, the tribes and all the groups that care about the area and not just how much you can pump. She stated values are a part of this. Mr. Elias stated this is a Board of your peers and we have the same sentiments.

Mr. Peci asked when we have a RFP/RFQ can't we send out the draft for comment. Dr. Harrington stated we can go through as much process as the Board would like. Mr. Peci stated we should have a comment period to fine tune the RFP/RFQ. Mr. Totheroh stated there is always a balance, he cherishes public involvement but to a degree and that delays in the process may cause us to lose the good consultants as they are being hired by other areas; his concern is how far out we go. Mr. Cutshall asked how deep is the pool of consultants, how many of them are already taken, and how many other water basins are looking for consultants. He stated we have limited resources compared to other larger populated areas so we may not find many consultants that wish to work with us, time is of the essence in getting this under way.

Phillip Anaya – Mr. Anaya complained about the level of Inyo County's involvement in the process. He stated we have to choose the best people we can find to prepare the GSP and he believes they are already located in this basin.

Mr. Stump stated he agrees with Mr. Totheroh in pushing ahead, the consultant pool is being drawn down by other basins and he believes there is a way to incorporate what Mr. Anaya asked for once the consultant is brought on board. He stated we need to move forward to find the best person we can. He stated if we get too engaged in a public process prior to securing services, the consultant pool will be so diminished that no one will be happy.

Mark Bagley – He would encourage the Board to have some kind of public review of the draft.

Mr. Doonan asked if Inyo County was going to draft this RFP/RFQ and put it out and get consultants back without the approval of the OVGA Board. Dr. Harrington stated no. Dr. Harrington stated if this Board does not succeed in becoming a GSA then Inyo would move forward, he stated that would be the fallback. Mr. Doonan stated Inyo is not going to put the RFP/RFQ out without Board approval, this Board is very public, and there will be public comment and discussion to go over it at a meeting, he stated he would think that would suffice.

The Chairperson called a break at 4:02 p.m.

The Chairperson reconvened the meeting at 4:11 p.m.

## **9. Discussion regarding OVGA participation by Associates and Interested Parties**

Dr. Harrington stated now that the Board is fully constituted with financial commitments and voting shares, one of the next steps is bringing in the Associate Members and Interested Parties under Article V of the JPA. Dr. Harrington listed the various entities that were eligible under the guidelines and provided a brief overview of the process.

Mr. Inouye asked if the draft application could come to the next meeting.

April Zrelak – Ms. Zrelak stated she misunderstood this agenda item because it had been requested by Bryanna to put in a discussion about LADWP's participation. She stated she had distributed a document previously with a request to change language in 1.3.3 of the JPA. Mr. Vallejo noted the JPA language can only be changed by agreement by all members of the JPA, requesting a specific language change that goes back to each of their respective Boards agency's to get approval to enter into a revised agreement.

Phillip Anaya – Mr. Anaya asked how interested parties would be chosen. Mr. Vallejo stated that selection is at the policy decision of the OVGA Board.

Mary Roper – Owens Valley Committee – Ms. Roper stated she is concerned there is going to be a large pool of applications from interested parties. She stated the OVC will be applying.

Phillip Anaya – Mr. Anaya stated that this was not a truly public process as promised. Mr. Camphouse stated the Board is part of the public too. Mr. Anaya stated the Board members only represented their respective constituents. Mr. Vallejo clarified that as a legal matter each Board member wears the hat of the OVGA and while they may bring a certain perspective to the Board, their interest is the OVGA's interest.

Nick Buckmaster – Mr. Buckmaster stated it seems like there is a lot of public interest. He stated one of the ways around this is to take one of the interested party slots and turn those into committee voting slots, such as all environmental committees together would get one vote, they all come together to discuss the issues important to them and so on. Dr. Harrington stated the structure in place can fully accommodate that, it doesn't have to be a single tribe or mutual water company, it can be an amalgamation of multiple companies or tribes, then when the applications come to the Board, there can be one application for one group instead of several of the same group.

Mr. Stump stated the meeting is going to be adjourned, staff has other obligations, and he proposes this agenda item be continued to the next meeting. He would also like to direct staff to begin an application process so the Board can review and if there is Board consensus he is willing to place on the next agenda potential reviewing language changes to the JPA or one specific language that was discussed today.

Mr. Cangar asked if he could recommend an application process be included in the beginning of the draft bylaws.

## **10. Discussion regarding reimbursement process**

Agenda item continued to next meeting.

## **11. Discussion and direction to staff regarding next meeting agenda**

The next meeting will be held April 12, 2018 at the Bishop Fire Training Center.

## **12. Comments from Members of the Board of Directors**

There were no Board members wishing to make comment at this time.

## **13. Adjourn**

The Chairperson adjourned the meeting at 4:59 p.m.

