

MINUTES

Owens Valley Groundwater Authority

Board Members:

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

October 25, 2018

The Owens Valley Groundwater Authority meeting was called to order at 2:00 p.m. at the Bishop Fire Training Center, Bishop, CA.

1. Pledge of allegiance

Daniel Cutshall led the pledge of allegiance.

2. Public Comment

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

3. Introductions

The Board introduced themselves with three alternates in attendance; City of Bishop – Chris Costello, Big Pine CSD – Dave Allen, and Tri Valley GWMD, Marion Dunn. Sierra Highlands was absent.

4. Approval of minutes from the August 15, 2018 Special Meeting and the September 13, 2018 OVGA Board meeting

The Chairperson requested a motion to approve the minutes of the August 15, 2018 Special Meeting, first by Mr. Totheroh, Second by Mr. Elias. Motion passed 42 yes, 2 absent; September 13, 2018, first by Mr. Cutshall, second by Mr. Totheroh. Motion passed 34 yes, 2 absent, 3 abstentions (8 votes) (Eastern Sierra CSD, Keeler CSD, Indian Creek/Westridge CSD).

5. Board Member Reports

Mr. Stump stated that Mono County has initiated legal action against the Los Angeles Department of Water and Power (LADWP) in regard to the Mono County Ranch Lease Renewal Project, and that the Sierra Club has joined Mono County's lawsuit.

6. Financial Report

Laura Piper, Administrative Analyst for ICWD, gave a brief presentation regarding the OVGA finances. She stated all members are current and the OVGA cash balance is \$253,193.56.

Peter Stickell, during Public Comment, asked for an idea of the OVGA's monthly expenses and whether they were on target with the budget. Ms. Piper said the first quarter expenses from Inyo County were approximately \$14,000 and the second quarter would likely be a similar amount. Wendy Sugimura, Mono County staff, said they would be submitting their first and second quarter billing soon, and David Grah, City of Bishop staff, said their charges were minimal to-date and would submit them in the future.

7. Approval of grant agreement with the California Department of Water Resources for a Sustainable Groundwater Management Grant

Dr. Harrington gave a brief summary of the staff report and the history of the DWR grant for GSP development that Inyo County initially applied for and received which was subsequently transferred to the OVGA. Staff recommended Chairman Stump approve and

sign the grant agreement contract. Public comment was offered and none received. Mr. Inouye made a motion to sign and approve, Mr. Costello seconded. Board approve the contract 10-0 (42 votes) with Sierra Highland absent (2 votes).

8. Approval of a contract with Daniel B. Stephens & Associates for professional services to prepare a groundwater sustainability plan

Dr. Harrington gave a brief summary of the staff report and history of the Request for Qualifications process for selecting a consultant team to develop the OVGA's GSP for the Owens Basin. He noted that all outstanding contractual issues had been resolved between the OVGA and Daniel B. Stephens & Associates, and recommended that the Board Chairman sign the contract. Mr. Inouye asked a question regarding the timeliness of DBS&A reaching project milestones to stay on target to meet the January 31, 2022 deadline for GSP submittal. Dr. Harrington noted the schedule in DBSA's Statement of Qualifications and that staff, the Board, and DBS&A would need to work to meet those deadlines. During Public Comment Mr. Anaya asked about the total amount of the contract, and Dr. Harrington referred to the "not to exceed" amount of approximately \$710,000.

Mr. Inouye moved that the Chairman sign the contract, Mr. Totheroh seconded. Motion passed with 9 yes (40 votes), Starlight CSD abstaining (2 votes) and Sierra Highlands absent (2 votes).

9. Discussion and possible action concerning OVGA membership in the Inyo-Mono Regional Water Management Plan

Dr. Harrington gave a brief summary of the staff report describing the non-binding and no financial commitment nature of the IRWMP MOU. The Board clarified with legal staff that there would be no specific conflict of interest with having the OVGA sign the IRWMP MOU. Staff also related that several OVGA Board entities also are also IRWMP signatories and could potentially serve as OVGA representatives as well. There was no public comment on this item. Mr. Cutshall moved for the Chairman to sign the MOU, and Mr. Stone seconded. The motion passed 10 yes (42 votes) with Sierra Highlands CSD absent (2 votes).

The Chairperson suggested that appointment of the OVGA's member representative for the IRWMP be selected at the next meeting.

10a. Discussion Regarding Bylaws - Associates & Interested Parties

As noted by Chairman Stump earlier in the meeting, Item 10a was taken earlier in the Agenda due to staff time constraints.

Wendy Sugimura presented a staff report and gave a detailed presentation outlining potential options for the Board to consider regarding inclusion of Associate and Interested parties (Assoc's or IPs) on the OVGA Board. These options were consistent with the Joint Powers Agreement (JPA) and were also developed in consideration of SGMA provisions regarding public input. The options presented ranged from adding no new Board members to 13 new members. Ms. Sugimura also presented the concept of Advisory Committees which have been used extensively in Mono County as an option for providing the public an opportunity to dive deeply into issues, leverage local expertise, and then present findings and recommendations to the Board. Ms. Sugimura noted that developing the OVGA's Sustainability Criteria could be a topic for an Advisory Committee and also noted that staff was bringing no specific recommendation on additional OVGA Board members, but providing background information for an open, public discussion.

A vigorous discussion ensued with both Board members and the public asking questions and providing opinions, options, and insight. John Vallejo, Inyo County staff, advised the Board that conditions of Assoc or IP membership could be specified in the agreements for joining the Board. Mr. Cutshall expressed that the number of potential new Board members would probably be less than 13 due to the unlikelihood that the Tribes and LADWP would join the OVGA due to the requirement to both share data and implement the GSP in their jurisdictional areas. Glenn Inouye expressed his opinion that new members should have to agree to implement the GSP and should have some skin in the game regarding funding or other contributions. There was widespread agreement among Board members for this sentiment during the discussion. There was discussion regarding staff time spent assisting the Advisory Committees and also the roles, powers, and types of Advisory Committees.

April Zrelak, Phillip Anaya, Dave Tanskley, and Mary Roper all spoke to language in the JPA forming the OVGA which notes the JPA's "intention" to include Assoc's and IPs. Not allowing additional Board seats for Assoc's and IPs would be a significant departure from the JPA language and previous public discussions during the SGMA process. They noted that there was a difference between offering public comment and having a seat at the table. Ryan Smith from Crystal Geysers Roxanne (CGR) expressed his organization's desire to join the Board as an IP; Ms. Roper expressed OVCs similar desire and noted that having only one seat for IPs would be problematic as the OVC has sued CGR in the past.

Board members further discussed the relative merits of having the most-inclusive Board while still maintaining a functional and effective body. The idea of forming Advisory Committees was supported by Board members. Jason Canger, Mono County staff, explained that the Board had discretion and options to add additional requirements from Assoc's and IPs in their individual agreements with those entities if desired, and also that timeliness and efficiency in the process was important to the OVGA meeting deadlines.

The Chairperson called a break at 3:51 pm and reconvened the meeting at 4:02 pm.

Mr. Costello requested more information of who might actually apply for Associate or IP status; and Dr. Harrington noted that applications for Assocs and IPs had been discussed at past OVGA Board meetings and that Board input to staff had been incorporated into drafts of those applications. Nick Buckmaster, from California Department of Fish and Wildlife, noted that his agency would not be able to contribute funding to the OVGA but could bring expertise and potentially equipment, and that the Board should consider not just funding contributions but other types of contributions in regard to applicants for Assocs or IPs. Mr. Anaya concurred and noted the knowledge and expertise that groups like the OVC possess would be an asset for the OVGA.

Consensus developed among the Board to have staff proceed with refinement of the Associate or Interested Party applications, include sections asking interested applicants whether they are willing to implement the GSP in their jurisdiction (if applicable) and the type and/or amount of funding or other contributions applicants were willing to make to the OVGA. This would allow the Board to have a clearer picture of how many potential entities are interested in Board seats within the allowable framework of the JPA.

10b. – Discussion Regarding Bylaws – Other Bylaw components

Mr. Vallejo gave a presentation and summary of the staff report and draft Bylaws, highlighting several substantive issues including roll call voting, handling of excess funding, adoption of a purchasing policy, how to place items on the agenda, establishing a funding reserve (recommending Ms. Shephard, Inyo County Auditor provide a future presentation), membership billing, selecting an Executive Director, and which county purchasing policy to adopt.

The Board and Mr. Vallejo also addressed comments submitted by Board-member Bryanna Vaughan, who was not in attendance, but had submitted written comments to the Bylaws. There was Board discussion and consensus not to adjust the agenda-related language contained in the draft Bylaws and that detail regarding the employment contract with an Executive Director could be clarified in the hiring contract itself. Mr. Canger noted that the JPA stated that the Executive Director serves “at the pleasure” of the Board. There were Board questions regarding Advisory Committees and whether Board members could attend or participate in those committees in relationship to the Brown Act requirements. Legal staff clarified those issues, and the Board expressed consensus that no additional language changes were necessary to that part of the draft Bylaws.

Mr. Grah expressed City of Bishop staff support for Mono County’s purchasing agreement as being easier to work with, and Board members concurred. The maximum purchasing discretion allowed without Board approval was also discussed by Board and staff in terms of Inyo’s \$10,000 maximum and Mono’s \$50,000 maximum. Board discussion of hiring or appointing an Executive Manager was discussed.

Chairman Stump expressed his desire to approach Dr. Harrington in the future for continued support of the OVGA after his 2018 retirement. Mr. Vallejo said that staff will prepare a draft Request for Proposals for the Executive Director position and present it at the next Board meeting. Mr. Canger noted that selecting an Executive Director and establishing a mailing address were important steps in the OVGA process.

During public comment, Ms. Zrelak indicated that she would like to see the OVGA establish its own website, and Mr. Anaya noted that Dr. Harrington had been “money” during the SGMA/GSA formation process.

Staff indicated that they had the direction needed to proceed with Bylaw development.

11. Correspondence: Letter from Anselmo Collins, LADWP to Fred Stump, OVGA

Mr. Cutshall led this discussion summarizing the recent correspondence between the OVGA and LADWP, and specifically LADWP’s September 26, 2018 letter to the OVGA. He noted that he had begun to develop a response to this letter, but was seeking Board and staff opinion on this issue. He noted that he felt the letter was disingenuous and emphasized that, although the OVGA itself is not a land holder, its Board members all represent private land holders in the Owens Valley. Although Board members concurred with this sentiment, Board consensus was that further exchange of letters with LADWP would serve no useful purpose at this point in time. During Public Comment, Mr. Anaya noted the impacts to West Bishop residents that occurred in 2013 with domestic wells going dry.

12. Reports from OVGA members’ staff

There were no additional reports from staff.

13. Comments from Members of the Board

Chairman Stump stated that future agenda items for the next meeting should include hiring an Executive Manager, further discussion related to Associate and Interest Parties, appointing a member representative for the IRWMP/signing the MOU, and revised Bylaws.

14. Set Next Meeting

The next meeting was scheduled for November 15, 2018 in the Bishop Fire Training Center if available.

15. Adjourn

The Chairperson adjourned the meeting at 5:26 p.m.