

# Santa Rosa Plain Groundwater Sustainability Agency Board Meeting Minutes

May 12, 2022

Location: Zoom Meeting

[www.santarosaplaingroundwater.org](http://www.santarosaplaingroundwater.org)

## 1. Call to Order and Roll Call

**Chair Schwedhelm** called the meeting to order at 1:01 p.m. **Directors Coursey, Dutton, Harvey, Nagle, Salmon, Slayter** and **Stafford** were present. **Directors Hopkins and Jacobs** joined at 1:02 p.m. Also, in attendance at the meeting, were Sam Magill, acting administrator, replaced Andy Rodgers who was absent; Jay Jasperse, Plan Manager; Marcus Trotta, Technical staff; Ann DuBay, Outreach; Andrea Rodriguez, Outreach staff; Sabrina Marson, GSA staff; and Simone Peters, GSA Administrative Aide (recording meeting minutes); Scott Morris, Legal Counsel; Bob Anderson, Peter Martin, Elizabeth Cargay, Mary Grace Pawson, and David Long, all SRP Advisory Committee members; Jerry Bradshaw and Ryan Aston of SCI Consulting Services.

## 2. Public comment on matters not listed on the agenda but within the subject matter jurisdiction of the Board

No public comment.

## 3. Consent Calendar

### a. Approve Minutes of April 14 Board Meeting

No public comment.

**Director Harvey** approved the consent calendar as presented; **Director Stafford** seconded. Motion passed **9-0-0**. **Director Nagle** abstained as he missed the last meeting.

### Vote Roll Call

**Director Harvey** – aye, **Director Stafford** – aye, **Director Slayter** – aye, **Director Dutton** – aye, **Director Jacobs** – aye, **Director Hopkins** – aye, **Director Nagle** – abstain, **Director Salmon** – aye, **Director Schwedhelm** – aye, **Director Coursey** – aye

## 4. Directors/Subcommittee Report

No public comment.

## 5. Advisory Committee Report

Bob Anderson, Advisory Committee chair, said he had received an update on the April Board meeting and recent community meetings at the May 9 Advisory Committee meeting. Fifteen out of 18 members

were present, where they also received updates on Permit Sonoma by Rob Pennington, and on the Rate and Fee study by Jerry Bradshaw, SCI Consulting.

No questions, no public comment.

## 6. Information items

### a. Groundwater Sustainability Plan (GSP) Implementation Update

The Groundwater Sustainability Plan (GSP) was submitted on January 29, 2022, by the Santa Rosa Plain Groundwater Sustainability Agency (GSA) and initial implementation activities are underway. Marcus Trotta said that a detailed staff report was in the meeting packet. He then provided an overview of comments received by the California Department of Water Resources during their 75-day public comment period for the GSP, and in-progress and near-term planned activities for the following implementation components: annual monitoring and reporting, communication, and stakeholder engagement, addressing data gaps, land use planning and well permitting coordination, and projects and management actions.

#### *Questions/Comments*

**Director Harvey** – Are we planning on putting any informational materials out regarding the monitoring wells? It might be good to highlight the purpose of the wells.

**Ann DuBay** – We will be putting out a press release when the work starts.

**Director Nagle** – In reviewing the comments received so far, is there anything you think would impede the approval by DWR?

Trotta – Nothing significant, we need to fully evaluate the comments. Some comments were already received during the public review period (such as regarding interconnected surface water) but some of the water quality comments are new.

**Director Schwedhelm** – Were these form letters from the organizations that were sent to all the GSAs?

Trotta – I wouldn't consider them form letters, they were specific to the basin, however most of the GSAs in the state received similar comments from the three environmental organizations.

No public comment.

### b. Rate and Fee Study Update: Review updated rate and fees based on current Groundwater Fee Ordinance and methodology, with updated information for revised fees to prepare for public hearing on June 9, 2022.

Jerry Bradshaw, SCI Consulting provided a refresher on the Santa Rosa Plain Groundwater Sustainability Agency (GSA) rate and fee update study based on the regulatory fee methodology that was selected at the April 14 Board meeting:

- Budget to rely on 25% funding from grants
- Average annual budget is \$1.2 million
- Continue with existing structure (Ordinance No. 19-01)
- Determine rates according to updated revenue requirement and groundwater extraction estimates average over five-year window

- Adopt in June 2022
- Put on fiscal year 2022-23 property tax bills

Bradshaw provided extraction rates, fee calculations and examples, and outlined next steps:

- Prepare for public meeting on rate/adoption in June
  - Prepare website with fee information by May 20
  - Publish legal notice in the Press Democrat twice prior to the meeting
  - Distribute draft Rate Study to Board and member staff
- Advertise maximum rate of \$40 per acre-foot
- June 9 meeting
  - Public comment
  - Board to consider adoption of Rate Resolution

### *Questions/Comments*

**Director Nagle** – The public system data of the municipalities, is that from a public source?

Bradshaw – Those entities are required to report to the Dept. of Drinking Water, so we pulled it from their website.

**Director Nagle** – So, you are pulling data from a regulatory reporting source?

Bradshaw – Yes.

**Director Nagle** – What are ‘offsets’?

Bradshaw – For example, if someone is using recycled water to offset water usage, they would only be charged for the net difference.

**Director Nagle** – For commercial calculations on a parcel, what did you use to apply consumption, was it based upon the type of business?

Trotta – Unincorporated commercial uses that aren’t hooked up to public water supply systems weren’t included in the previous Raftelis study but are included in this study. Permit Sonoma developed water use factors to support water supply assessments for certain projects, that is what formed the basis for per parcel commercial uses. We provided a list of the assessor use codes at the recent Advisory Committee meeting. They will also be included in the rate and fee study that Jerry Bradshaw is preparing.

**Director Jacobs** – Are there other offsets being considered besides recycled water?

Bradshaw – We are using surface water where we have the information for surface water right uses. We are working hard to make sure they are applied to the proper parcel.

**Director Jacobs** – Does turf irrigation fall into ornamental or non-ornamental? The state is in the process of issuing a ban on ornamental lawns. Do you have a sense of what is ornamental and what is not?

Bradshaw – We are looking at larger turf areas, minimum of half an acre, such as an HOA area. The rate structure is meant to be dynamic and allow for corrections as we go along.

**Director Hopkins** – What elements of this are appealable?

Bradshaw – The ordinance as it stands now isn’t very descriptive of what can be appealed. We are still working on that. There are some things like vetting of turf that we will pursue proactively.

Trotta – We are thinking about this more and more. We have done some proactive outreach, especially to schools, golf courses, etc. It would be beneficial to have some guidelines for standards and procedures and to get some direction from the Board for development of a policy of appeals.

**Director Hopkins** – Are we thinking about ‘setting and forgetting’ it fees? To what extent are we going to address variability with the fees from year to year?

Bradshaw – The structure we have, some of that is baked in. Hopefully we won’t see spikes. Crop demands are not sensitive to actual pumping. As drought conditions change, we don’t see the water demand changing. The offsets are variable. Wholesale is immune to a lot of this, good for the revenue side, but not so good for incentivizing conservation. In the projects and actions there are voluntary conservation programs planned. Our proactive work between now and November when the bills arrive, will help staff understand some of the variables and protocol.

**Director Harvey** – It feels like we should start working immediately on the appeals process. The fee we are putting out there is dependent on 25% grants. When is the next grant cycle? I want to make sure we have the funds to cover the process.

Trotta –The next round to open for SGMA implementation grants applications in the fall this year, with awards happening early 2023. About \$200,000,000 will be available statewide for medium and high priority basins; it will be competitive. Our first-year budget assuming 25% grant funding is less reliant on grants.

**Director Harvey** – Staff has already identified budget items that we can forego for the near future until we have the funding, correct?

Trotta – Yes, we have identified items that can be deferred, or we can forego.

**Director Slayter** – I agree with **Director Harvey’s** comment about getting ahead of the appeal/adjustment. Regarding commercial users, and format of the report – are the larger water users in commercial use category, vineyards, other beverages, dairies? Also, the component of where the high water-users are located, is it within a city limit? Will the data be available in a digital format such as an ESRI map?

Bradshaw – We have the GUIDE system available, and folks can look at the information related to a parcel. The report shows all the different use codes. The data will be available in a few different formats.

**Director Stafford** – **Director Harvey’s** comments on timing of appeal is extremely important. Also, something that **Director Hopkins** raised, is there any way to do outreach before people receive their tax bill in November so that they can see what is happening and won’t be shocked?

Trotta – One of the primary intentions of the GUIDE program is to serve as an outreach to groundwater users and opportunity to see what is coming. That has already been on our website for about one and a half years.

DuBay – We don’t have anything specific planned, but we can work with Andy Rodgers on a budget and see what it will require then bring it back to the Board for a decision at your next meeting.

**Director Stafford** – In Rohnert Park we have mailed things to every house and people still say they haven’t seen anything or need information.

DuBay – I agree, a piece of mail in the mailbox is more direct than a newspaper ad, etc.

Bradshaw – We are publishing a legal ad for the public hearing and an eight-page other ad that we can tweak a bit. We can take a few steps, can't guarantee everyone will be paying attention.

Scott Morris – I heard several questions about the appeals process and noticing. As far as noticing, we are doing what is legally required. Other basins have done more proactive work such as letters, that would be a lot of work to do in advance. It is a voluntary, informational thing. On the appeals process, the Ordinance has about two and a half pages of information on how to go through the appeals process. It requires a hearing, a statement from people making an appeal, and gives staff the opportunity to respond. It doesn't include standards. We can pull out the pages and show it to you. It would be difficult to modify the initial Ordinance at this time.

**Director Schwedhelm** – It would be helpful to pull out the pages to show us what is currently in place.

No public comment.

## 7. Action Items

### a. **Appoint Marcus Trotta, Principal Hydrogeologist, Sonoma Water as Plan Manager for the Santa Rosa Plain Subbasin Groundwater Sustainability Plan**

Jay Jasperse said that he is retiring in July; he has served in the Plan Manager role since August 2017. The California Department of Water Resources' (DWR) Groundwater Sustainability Plan Emergency Regulations (GSP Regulations) requires the appointment of a Plan Manager. The technical portion of Sonoma Water's scope of services is consistent with the definition and role of Plan Manager. With Jasperse' planned retirement, the GSA must appoint a new Plan Manager starting July 1, 2022. The GSA is proposing to appoint Marcus Trotta, Principal Hydrogeologist, Sonoma Water. Trotta has been the technical lead on developing the Santa Rosa Plain GSA and its implementation plan under direction of the Plan Manager.

Trotta – Thanked Jay Jasperse for his service and said he appreciates his leadership and foresight. He also thanked the Board for their consideration of his appointment.

#### *Questions/Comments*

**Director Hopkins** – Is there a conflict of interest for me to vote being an appointment of Sonoma Water? She thanked Jay Jasperse for this service and congratulated him on his retirement.

**Scott Morris** – I think you are OK to vote on this, it is a generalized role for an appointment.

**Directors Jacobs, Harvey, Nagle, and Stafford** thanked Jay Jasperse for his service, wished him well in his retirement, and said they look forward to working with Marcus Trotta.

**Director Coursey** – The relationship between the GSA and Sonoma Water – we have had some questions about job openings and whether they will be posted. I don't know if this position applies. I want to make sure we aren't stepping on our own toes.

Morris – I believe the Board has the authority to make appointments of their staff. There is nothing in the Bylaws.

No public comment.

**Director Harvey** moved to accept the appointment of Marcus Trotta, Principal Hydrogeologist, Sonoma Water, as Plan Manager for the Santa Rosa Plain Groundwater Sustainability Plan beginning July 1, 2022, **Director Stafford** seconded. Motion passed **9-0-0**. **Director Hopkins abstained** concerned with a possible conflict of interest.

#### Vote Roll Call

**Director Harvey** – aye, **Director Stafford** – aye, **Director Slayter** – aye, **Director Dutton** – aye, **Director Jacobs** – aye, **Director Hopkins** – abstain, **Director Nagle** – aye, **Director Salmon** – aye, **Director Schwedhelm** – aye, **Director Coursey** – aye

b. **Contract for Administrative Services.** Consider authorizing the administrator of the Petaluma Valley and Sonoma Valley GSAs and the GSA legal counsel to negotiate a new two-year agreement with West Yost Associates for administrative and grant administration services. The item would also authorize the Chair to sign the agreement.

Ann DuBay explained that the current contracts for administrative services and grant administration services will end on June 30, 2022. This item would authorize legal counsel and the administrator of the Petaluma Valley and Sonoma Valley GSAs to negotiate a new two-year agreement with West Yost Associates for administrative and grant administration services for the Santa Rosa Plain GSA for a not-to-exceed amount of \$351,800. West Yost Associates has been providing administrative services since November 1, 2018.

Administrative services include:

- Board meeting preparation and follow-up;
- Preparing for and staffing Advisory Committee meetings;
- Negotiating and managing contracts for goods and services;
- Managing and overseeing the Agency’s budget and financial transactions;
- Working closely with the Plan Manager, technical and outreach staff;
- Communicating and meeting with member agency staff and the staff of other basins; and
- Working with the Chair, Board subcommittees, consultants and other stakeholders on issues and initiatives, including fee studies and the GUIDE program.

#### Questions/Comments

**Director Coursey** – Does this contract amount cover the appeal work?

DuBay – The budget has money built into it for the fee implementation so there is some money for the fee work, it may be worthwhile to include it in the contract. Currently, the scope doesn’t have it specified but it should.

**Director Harvey** – I notice in the tasks it mentions four Board meetings, now we do six. Will we use up the contract budget with Board meetings?

DuBay – Adopting the new calendar was to deal with the fee issues. We are trying to keep the budget low with quarterly mtgs, and holding working groups, rather than the entire Board, for specific items.

**Director Harvey** – We may be looking at a changed budget in case we get a lot of appeals.

DuBay – There was a 10% contingency removed from the budget, we may need to put it back in.

**Director Harvey** – So when this is negotiated and there is a cap on the contract, could we negotiate a per meeting amount so that we would only have to amend the budget, but not redo the contract?

DuBay – We could increase the not-to-exceed amount and additional tasks as needed.

**Director Schwedhelm** – Our intent was to keep the contract budget as low as possible. If DWR approves the GSP earlier, it might reduce costs.

No public comment.

**Director Harvey** moved to authorize the Chair of the Petaluma Valley and Sonoma Valley groundwater basins, and legal counsel, to negotiate a new two-year agreement with West Yost Associates for administrative and grant administration services for a not-to-exceed amount of \$351,800, and authorize the Chair to sign the agreement, **Director Stafford** seconded. Motion passed **10-0-0**.

#### Vote Roll Call

**Director Harvey** – aye, **Director Stafford** – aye, **Director Slayter** – aye, **Director Dutton** – aye, **Director Jacobs** – aye, **Director Hopkins** – aye, **Director Nagle** – aye, **Director Salmon** – aye, **Director Schwedhelm** – aye, **Director Coursey** – aye

**c. Contract with Kronick, Moskowitz, Tiedemann and Girard, LLC.** Consider authorizing the administrator of the Santa Rosa Plain GSA and the GSA legal counsel to negotiate a new two-year agreement with Kronick, Moskowitz, Tiedemann and Girard, LLC for legal services. The item would also authorize the Chair to sign the agreement.

The Sacramento-based law firm Kronick, Moskowitz, Tiedemann and Girard (KMTG), was selected to serve as general legal counsel for the GSA through a formal solicitation process in 2017, and a contract was approved by the Board at its August 2017 meeting. The contract has been extended four times for time and money, over the past five years. Ann DuBay explained that this item would authorize the administrator of the Santa Rosa Plain GSA and the GSA legal counsel to negotiate a new two-year agreement with Kronick, Moskowitz, Tiedemann and Girard, LLC for legal services. The fiscal year 2022-23 budget includes \$50,000 in funding for legal services.

No questions, no public comment.

**Director Harvey** moved to authorize the Administrator of the Santa Rosa Plain GSA and the GSA legal counsel to negotiate a new two-year agreement with Kronick, Moskowitz, Tiedemann and Girard, LLC for legal services, and authorize the Chair to sign the agreement, **Director Stafford** seconded. Motion passed **10-0-0**.

#### Vote Roll Call

**Director Harvey** – aye, **Director Stafford** – aye, **Director Slayter** – aye, **Director Dutton** – aye, **Director Jacobs** – aye, **Director Hopkins** – aye, **Director Nagle** – aye, **Director Salmon** – aye, **Director Schwedhelm** – aye, **Director Coursey** – aye

## 8. Administrator, Plan Manager and Legal Counsel Report

The Administrator report is in the packet. Sam Magill gave a synopsis of the report including upcoming activities.

**Director Schwedhelm** mentioned the recent in-person rate and fee community meeting in Santa Rosa which was highly contentious. He thanked staff for their handling of the contentious participants.

Jay Jasperse confirmed that the Governor's Order N7-22 issued in March relates to the ongoing drought. Two items, 9A and 9B, directly affect well permitting. 9A requires new well permit requests to be coordinated between well permitting agencies and the GSA. 9B requires the permitting agency to determine if extraction of the groundwater won't likely cause subsidence or negatively affect nearby wells. The Order provides exemption for de minimis users and public supply wells.

Across the state, GSAs are trying to figure out what compliance means. Staff is continuing to work on it and will report back to the Board.

Scott Morris said that most of his focus is currently on the rate and fee work. He thanked the Board for allowing him to continue to work with the GSA.

**Directors Harvey and Jacobs** thanked Ann DuBay for all the work she has done for this group.

No public comment.

## 9. Adjournment

**Chair Schwedhelm** thanked everyone for their participation and adjourned the meeting at 2:44 p.m. The next Board meeting will be June 9 at 1:00 p.m.