



SANTA CRUZ MID-COUNTY GROUNDWATER AGENCY
Board of Directors Remote-Access Meeting

Thursday, September 17, 2020
7:00 p.m.

In response to COVID-19, the Governor issued Executive Order N-29-20 which waived certain provisions of the Brown Act and allowed public meetings to be conducted via teleconferencing or other electronic means.

The information below provides an opportunity for members of the Board and the public to participate in a simultaneous webcast or to join by telephone.

Webcast (audio and video): <https://global.gotomeeting.com/join/588988957>

To dial in by phone: (312) 757-3121, **Access Code:** 588-988-957

For meeting materials visit: www.midcountygroundwater.org/committee-meetings

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Oral Communications Related to Items Not on the Agenda**
Issues within the purview of the Santa Cruz Mid-County Groundwater Agency (MGA). Guidelines attached.
- 4. Election of Officers** (Page 4)
 - 4.1 Elections for Chair, Vice Chair, and Secretary
- 5. Consent Agenda** (Page 5)
 - 5.1 Approve Minutes from June 18, 2020, Board Meeting (no memo)
- 6. General Business** (Page 12)
 - 6.1 Approve Proposed MGA Procurement Policy
 - 6.2 Ratify Retroactive Change to MGA Bylaws Section 7.1

- 7. Informational Updates** (Page 32)
 - 7.1 Treasurer's Report
 - 7.2 Staff Reports (Oral report)
 - i. Update on the Data Management System
 - ii. Update on the Request for Qualifications for Planning and Technical Services for the Groundwater Sustainability Plan Implementation and Reporting
 - iii. Update on Monitoring Network Expansion
- 8. Future Agenda Items**
- 9. Written Communications and Submitted Materials**
- 10. Adjournment**

Next Board Meeting: November 19, 2020

SANTA CRUZ MID-COUNTY GROUNDWATER AGENCY (MGA)

Guidance for Public Input during MGA Board Meetings

All information furnished to the MGA Board of Directors with this agenda is provided on the MGA website located here: <http://www.midcountygroundwater.org/committee-meetings>.

Submittal of Written Correspondence and Informational Materials

Submittal of written correspondence, informational materials, or handouts must be received by 5:00 pm on the Monday of the week prior to the scheduled board meeting (10 days prior to the meeting) to be included in the meeting materials for board review (commonly referred to as the board packet). Due to holidays and other factors there may be instances when even the above deadline is not adequate. Submittals received after the deadline but prior to the start of the board meeting will be included in the meeting materials for the next board meeting. Submittals received after the deadline may not have time to reach board members or be read by them prior to the consideration of an item. Materials may also be submitted in-person immediately preceding the start of a board meeting by giving those materials directly to the Board Chair. Organized groups wishing to make a presentation are asked to contact Laura Partch at lparch@cfsc.org or 831.662.2053 prior to the meeting. Soquel Creek Water District serves as the designated administrative headquarters of the MGA. Written correspondence and materials may be directed to: Santa Cruz Mid-County Groundwater Agency, c/o Soquel Creek Water District, Attention: Emma Olin, Executive Secretary/Board Clerk, 5180 Soquel Drive, Soquel, CA 95073.

Public Comments

Non-Agenda Items

At the outset of the meeting, during the time set aside for public comment, members of the public can comment on any item not on the agenda as long as it is related to the subject matter of the MGA. Each speaker will be limited to a single presentation of up to three minutes. The maximum time set aside for public comment will be 15 minutes total for all speakers. Time limits may be increased or decreased at the Board Chair's discretion. Those wishing to speak should come to the front of the room and be recognized by the Board Chair. Speakers must address the entire board: dialogue will not be permitted either between speakers and board members or amongst board members.

Agenda Items

Comments may also be given during the remainder of the meeting pertaining to each agenda item. For items listed on the agenda, the board will deliberate and take action after speakers have concluded their remarks. Each speaker will be limited to up to three minutes per agenda item. The maximum time set aside for public comment will be 15 minutes total for all speakers. Time limits may be increased or decreased at the Board Chair's discretion. Additional comments may be given at the Board Chair's discretion related to specific items listed on the agenda. Additional public comment will not be allowed during the board's deliberation unless the Board Chair specifically calls on someone in the audience.

Disability Access

The meeting room is wheelchair accessible. Please contact Laura Partch at lparch@cfsc.org or 831.662.2053 if you need assistance in order to participate in a public meeting or if you need the agenda and public documents modified as required by Section 202 of the Americans with Disabilities Act.

September 17, 2020

MEMO TO THE MGA BOARD OF DIRECTORS

Subject: Agenda Item 4.1

Title: Elections for Chair, Vice Chair, and Secretary

The Officers of the Santa Cruz Mid-County Groundwater Agency (MGA) Board of Directors (Board) are governed Article 4 of the MGA Bylaws. Provisions governing the election of the Chair, Vice Chair and Secretary are set forth at Paragraph 4.2.

The election of Officers is to be held at the first meeting of the Board in the fiscal year. All Directors are eligible to serve as an Officer. While the designated term for an officer is one year, an officer may succeed himself/herself and serve any number of consecutive or nonconsecutive terms.

Nominations for Officers are to be made and seconded by a Director. If more than two Directors are nominated for any office, voting occurs until a nominee receives a majority of the votes cast.

Recommended Board Action:

1. By MOTION, elect the Board Chair, Vice Chair, and Secretary according to the process outlined above.

By



Tim Carson
Program Director
Regional Water Management Foundation



**SANTA CRUZ MID-COUNTY GROUNDWATER AGENCY
Board of Directors Remote-Access Meeting**

Thursday, June 18, 2020
7:00 – 9:00 p.m.

DRAFT MINUTES

1. Call to Order

The meeting was called to order at 7:00 by Chair LaHue.

In response to COVID-19, and pursuant to Executive Order N-29-20, the meeting was conducted via teleconferencing. Chair LaHue provided directions and guidance for participation in the remote-access meeting.

2. Roll Call

Directors present: Curt Abramson, David Baskin, Bruce Daniels, Zach Friend, Jon Kennedy, Jim Kerr, Tom LaHue, Cynthia Mathews, and Marco Romanini.

Directors absent: John Leopold, Rob Marani.

Staff present: Ralph Bracamonte, Ron Duncan, Rosemary Menard, Tim Carson, Sierra Ryan, Laura Partch.

Others present: A representative of the Department of Water Resources (DWR) and approximately 2 members of the public.

3. Oral Communications for Items Not on the Agenda

Becky Steinbruner appreciated receiving the Groundwater Sustainability Plan (GSP) on a thumb drive, and said she is moving forward with her legal challenges to the Pure Water Soquel (PWS) project.

Brian Lockwood, General Manager of Pajaro Valley Water Management Agency (PVWMA), provided an update on PVWMA's Alternate GSP, which was approved July 2019. A key project is the development of water supply facilities/pipelines to deliver water to coastal areas, reduce groundwater extraction, and help prevent seawater intrusion. PVWMA received a \$3 million DWR grant to extend a coastal distribution system, which will be operational in 2021. Since water demand is twice

that of supply, additional supplies are needed. The PVWMA Board approved the College Lake Integrated Resources Management Project, and is seeking grants to complete the project by the end of 2023, and is also developing Watsonville Slough System Managed Aquifer Recharge and Recovery Projects.

4. Consent Agenda

- 4.1 Approve Minutes from January 16, 2020, Board Meeting (no memo)
- 4.2 Acknowledge Member Agency Board Appointments
- 4.3 Approve Letters of Support for the Pajaro Valley Water Management Agency's College Lake Integrated Resources Management Project

MOTION: Director Baskin; Second, Director Daniels. To approve the consent agenda. Motion passed unanimously by roll call vote: Directors Abramson, Baskin, Daniels, Friend, Kennedy, Kerr, LaHue, Mathews, and Romanini.

5. General Business

- 5.1 Review Budget for Fiscal Year 2019-2020 and Proposed Budget for 2020-2021

Staff reported major tasks have been re-categorized slightly for the coming year as the Santa Cruz Mid-County Groundwater Agency (MGA) moves from GSP planning and development into implementation. With the receipt of grant reimbursements, member agency contributions are not requested for the next fiscal year.

In Table 1, the beginning reserves reflect past agency contributions and grant reimbursement. The operating budget was \$1.3 million, but activity was less than budgeted; because of the focus on the GSP, monitoring expansion has not yet begun. The amount increases next year as monitoring network expansion will begin, and includes \$500,000 in DWR grant funding. Reserve contingencies changed from 5% to 10% because of increased uncertainties and the timing of the grant reimbursements.

In Table 2, categories of operating expenses in FY 2019/20 and 2020/21 are mostly the same, with slight increases. A new category, Planning/ Program Staff Support, under Management and Coordination, is a broad catch-all for additional member agency or Regional Water Management Foundation (RWMF) staff expenses for various activities that support the GSP implementation. Upcoming activities include monitoring network expansion, new monitoring wells, Data Management Systems (DMS) and a start of the groundwater extraction metering program for non de minimus users and high-priority users as designated by the County. Most of this work will be reimbursed by the two DWR Sustainable Groundwater Management Program grants, which were combined into one \$2 million grant. Also in the budget

is the annual report on the GSP, due on April 1st each year. Outreach is currently scaled back, particularly with the pandemic, but will be ongoing in the next fiscal year.

Board Comment:

With no additional funding for GSP Development, how will the MGA pay for additional work that might be required by DWR?

- Staff could use the \$40K under Planning/Program Staff Support, which is intended to provide supplemental staff support as needed.

Is the money for Planning/Program Staff Support for additional staff costs beyond MGA administration?

- Yes, these funds are distinct from current administrative tasks, and are essentially intended to cover extra tasks by member agency staff.

Will the MGA be responding to public comments submitted to DWR?

- DWR received comments from 13 different commenters, most of which were similar to those received on the GSP draft, and many acknowledged the changes made. The MGA will not address the comments to DWR. DWR will also not respond to the comments received, but will review the comments, may request additional information.

The assumption is DWR could approve or deny the GSP, and if denied, the MGA would have the opportunity to respond or make corrections within a time frame.

Public Comment:

Becky Steinbruner responded to board discussion regarding comments on the GSP, asked how future GSP work would be funded, questioned the delay for work on the monitoring network and decreased funding, requested an independent treasurer for the MGA, and asked about the use of past and future outreach funds.

- Staff responded that the grant budget amount has not changed. Due to the focus on GSP, monitoring well expansion was not started in the past year, but the funding is allocated and the work will begin next fiscal year.

DWR representative Amanda Peisch Derby confirmed that while DWR is required to receive and consider public comments, it does not plan to reply to individual commenters or agencies, except in rare cases where specific information is needed.

MOTION: Director Baskin; Second, Director Daniels. To approve the proposed MGA planning budget for FY 2020/2021. Motion passed unanimously by roll call vote: Directors Baskin, Daniels, Friend, Kennedy, Kerr, LaHue, Mathews, and Romanini. Director Abramson, absent.

5.2 Ratify Santa Cruz Mid-County Basin Water Year 2019 Annual Report
http://www.midcountygroundwater.org/sites/default/files/uploads/WY2019_MGA_AnnualReportFinal_web.pdf

This item was originally on the March agenda. Staff reported the Annual Report is posted on the MGA website. The Report's executive summary highlights improvements in groundwater conditions as well as issues still to be addressed.

Board Comment:

Despite improvements noted in the report, local groundwater remains at risk of seawater intrusion.

Public Comment:

Becky Steinbruner appreciated the report's good news, said her legal challenge to PWS should have been included, requested a focus on the Pajaro subbasin and its positive influence on groundwater levels in the Aromas Red Sands Aquifer, and requested information on the amount of water required for injection wells.

MOTION: Director Baskin; Second, Director Romanini. To receive the Basin Water Year 2019 Annual Report and to ratify its submittal by the Basin Point of Contact to DWR in accordance with California Code of Regulations, Tit.23, secs 353.4 and 356.2. Motion passed unanimously by roll call vote: Directors Baskin, Daniels, Friend, Kennedy, Kerr, LaHue, Mathews, and Romanini. Director Abramson, absent.

5.3 Approve Contract Change Order for Montgomery & Associates
Contract 2020-02 Groundwater Sustainability Plan (GSP) Annual
Report Preparation

At the January Board meeting the Board was advised that, pursuant to governing procurement policies, a \$50,000 contract had been executed with Montgomery & Associates to prepare the Annual Report. The Board was informed that if optional items in the contract were required, the matter would come back to the Board. An additional \$5,000 was required to organize monitoring well data, complete and upload it to DWR, the contract total increased to \$55,000, requiring Board approval.

MOTION: Director Mathews; Second, Director Romanini. To approve the issuance of a contract change order in the amount of \$5,000 for work by Montgomery & Associates in support of the submittal of the GSP first Annual Report. Motion passed unanimously by roll call vote: Directors Abramson, Baskin, Daniels, Friend, Kennedy, Kerr, LaHue, Mathews, and Romanini.

5.4 Approve Contract with Regional Water Management Foundation for Staff Support in FY 2020-21

Member agency executive staff recommended that the Board approve the FY 20-21 RWMF contract, not to exceed \$129,600. Executive staff commended the work of the RWMF in providing administrative support, pursuing funding opportunities, and managing the DWR grants. Executive staff also stated that RWMF's coordination of regional resources and collaborative efforts to meet the needs of the member agencies has been critical to the success of the MGA.

Board Comment:

Concurrence with executive staff comments, and that the work of the RWMF is remarkably cost effective for the administration of a public agency.

Public Comment:

Becky Steinbruner appreciated the work of the RWMF, requested clarification as to past work and work under this contract, and expressed concerns regarding the role of the Community Foundation Santa Cruz County since it is not a public agency.

- Staff responded that Darcy Pruitt worked on the development of the GSP; ongoing administrative work is done by Tim Carson and Laura Partch.

MOTION: Director Daniels; Second, Director Romanini. To authorize the Board Chair to execute a contract not to exceed \$129,600 with the RWMF for the scope of work in Attachment 1 and authorize the General Manager of Soquel Creek Water District to sign a purchase order for the work to be performed by the RWMF in the amount indicated. Motion passed unanimously by roll call vote: Directors Abramson, Baskin, Daniels, Friend, Kennedy, Kerr, LaHue, Mathews, and Romanini.

6. Informational Updates

6.1 Treasurer's Report

The Treasurer's Report is standard, required by law. Staff reported that MGA recently hired a new auditor and is in the midst of a mid-term audit. Any questions could be relayed to the MGA Treasurer.

Board Comment:

With the amount of funds in a checking account, should it be earning interest?

- The money moves quickly, and transfers might jeopardize cash flow.

Public Comment:

Becky Steinbruner requested the MGA move its accounts from Wells Fargo Bank to a local bank with a better reputation and requested an explanation regarding how amounts in the Treasurer's Report relate to those in the recently-approved budget.

6.2 Staff Reports

6.2.1 Trout Unlimited Scope and Budget

Staff reported that Trout Unlimited, under a grant from the Resource Conservation District of Santa Cruz County, had installed and maintained stream gages along Upper Soquel Creek. As that grant recently ended, the MGA entered into a contract with Trout Unlimited to continue management of the gages. These may not end up being sites of ongoing monitoring by the MGA, but as the gages were in place this was a low-cost opportunity to continue to collect ongoing stream monitoring data.

Board Comment:

Are the previous reports available for review?

- Staff will try to post them on the MGA website.

A request was made for the MGA to explore access and/or ownership to previous data in case it is needed in the future.

- As previous data was grant funded, MGA should have access to the data.

This is a great partnership and a wise investment of modest amount of money, the kind of project that would be very appealing to the public.

6.2.2: MGA Letter to Coastal Commission

An MGA letter in support of PWS was sent to the California Coastal Commission.

Public Comment:

Becky Steinbruner is appealing this decision of the Coastal Commission.

6.2.3: Oral Report on GSP Comments Submitted to DWR

Staff member Sierra Ryan, the MGA Basin Point of Contact, reported that the GSP comment period ended on June 3rd. DWR received 29 individual comments by 13 individual commenters. Seventeen comments were received after the close of the comment period. All the comments are available on the SMGA Portal.

7. Future Agenda Items

Board Requests:

A staff discussion on key areas in the annual report specifically seawater intrusion and changes in key monitoring wells.

Director Daniels offered to provide information on climate change developments that may impact Basin GSP implementation.

Public Requests:

Becky Steinbruner requested the MGA consider: pursuing State Water Board grant funds for a second, smaller SkyTem study to get a sense of how things are changing; cooperatively managed groundwater recharge projects in the Aromas Red Sands area; and that a hard copy of the draft GSP be made available at a library.

8. Written Communications and Submitted Materials

9. Adjournment

The meeting was adjourned at 8:22 p.m.

September 17, 2020

MEMO TO THE MGA BOARD OF DIRECTORS

Subject: Agenda Item 6.1

Title: Approve Proposed MGA Procurement Policy

Attachments:

1. Proposed MGA Procurement Policy

Background:

At the inception of the Santa Cruz Mid-County Groundwater Agency (MGA), the Board of Directors (Board) designated the Soquel Creek Water District (SqCWD) as its parent agency. With this designation, if the MGA did not have a policy to govern certain circumstances, it would follow the governing policy of the SqCWD. To date, in contracting for goods and services, the MGA has followed SqCWD procurement policies and procedures.

In August 2019, the SqCWD revised its Procurement Policy and Procedures to include provisions specific to the receipt of federal grant awards. Because the MGA does not have a federal grant and is not pursuing federal grant awards in the foreseeable future, these additional requirements and procedures are either not suitable to the MGA based upon its structure or are unnecessarily burdensome.

The Executive Team directed staff to develop the proposed MGA Procurement Policy (Policy) for consideration and adoption by the Board. The Regional Water Management Foundation (RWMF) assisted with drafting the proposed Policy consistent with its role of providing administrative support. The proposed Policy draws heavily from the format and provisions of the SqCWD procurement policy, and some sections of the proposed Policy are identical to the SqCWD policy. Notable differences in the proposed Policy are that it lowers the threshold amounts for certain procurement requirements which are based upon federal guidance, eliminates provisions that principally pertain to federal grant requirements, and modifies elements that are not suitable or less relevant to the MGA.

Discussion:

Key factors of the proposed Policy for Board consideration include the following:

1. The proposed Policy reduces the thresholds for procurement requirements in the SqCWD policy. For purchases between \$5,000 and \$50,000, the MGA must obtain price or rate quotations from three qualified sources or satisfy sole-

source procurement requirements. For purchases greater than \$50,000 formal solicitation (e.g., Requests for Proposals, Requests for Qualifications) is required unless, under limited circumstances, a sole-source procurement is justified. Under the SqCWD policy, the requirement of three quotes is required for purchases between \$9,000 and \$150,000, and beyond \$150,000, formal solicitation is required. The Policy encourages fair and competitive procurement in a manner conducive to sound fiscal practices.


2. The proposed Policy sets forth standard procedural requirements governing formal solicitation, but broadens the circumstances for sole source or noncompetitive selection. The purpose of expanding the options for sole-source procurement is to provide the MGA, as a small and highly specialized public agency, with the flexibility needed to operate in the most efficient and effective manner. Sole source procurement is to be used judiciously when no other option is feasible as noncompetitive selection can be subject to higher cost proposals and vendor bias.
3. The SqCWD Procurement Policy and Procedures includes the procedures governing purchase orders, invoice approval, payments, etc. The MGA procurement procedures, which are administrative in nature and are intended to guide staff, will be set out in a separate procurement procedures document.

For purposes of transparency, the Board is informed that the RWMF staff assisted with drafting the proposed Policy, which governs procurement of RWMF services. At this point, the longer-term administrative staffing of the MGA, currently provided by the RWMF, is still to be determined. The procurement of future administrative staff services, as with the procurement of all future goods and services in support of the MGA, will be guided by the proposed Policy and the direction of the Board.

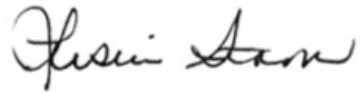
The proposed Policy was developed with input from the MGA Treasurer, Leslie Strohm, and the Executive Team.

Recommended Action:


1. BY MOTION, approve the proposed MGA Procurement Policy.

By 

Tim Carson
Program Director
Regional Water Management
Foundation

By 

Leslie Strohm
Treasurer
Santa Cruz Mid-County
Groundwater Agency

By 

Ron Duncan
General Manager
Soquel Creek Water District

SANTA CRUZ MID-COUNTY GROUNDWATER AGENCY PROCUREMENT POLICY

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SANTA CRUZ MID-COUNTY GROUNDWATER AGENCY

PROCUREMENT POLICY

1. AUTHORITY

The Santa Cruz Mid-County Groundwater Agency (MGA) is a joint powers agency organized under the laws of the State of California. A Joint Powers Agreement (JPA) was executed on March 17, 2016, by four member agencies (Members): the Soquel Creek Water District, the City of Santa Cruz, the County of Santa Cruz, and the Central Water District.

Under the JPA, the MGA has the authority to make and enter into contracts necessary to the full exercise of its power, and to employ, designate or otherwise contract for the services of agents, officers, employees, attorneys, engineers, planners, financial consultants, technical specialists, advisors and independent contractors.

2. PURPOSE

The purpose of the MGA Procurement Policy (Policy) is to establish a framework for the procurement of goods and services by the MGA. The Policy is designed to comply with applicable procurement standards, promote fairness in the procurement process, ensure the fiscal integrity of the MGA, and provide the flexibility needed to efficiently conduct the business of the MGA.

Any exceptions to this policy must be approved by the Board of Directors. The Board of Directors may, by majority vote and in accordance with its fiduciary responsibilities, approve expenditures in any amount and for any length of term that are not otherwise inconsistent with any applicable law or contract.

3. ADMINISTRATION

The MGA operates under a collaborative staffing model in which senior-level executive staff of the four Members (Executive Staff) are responsible for the management and administration of the MGA. Executive Staff include: the General Manager of the Soquel Creek Water District, the Director of the City of Santa Cruz Water Department, the County of Santa Cruz Water Resources Division Director, and the District Manager of the Central Water District.

The MGA Treasurer is the Finance and Business Services Manager of the Soquel Creek Water District. The MGA Treasurer and staff (MGA Financial Team) facilitate procurement payments as provided in this Policy and in the MGA Procurement Procedures. The MGA Board Clerk is the Executive Secretary/Board

Clerk of the Soquel Creek Water District (SqCWD).

4. GENERAL PROCUREMENT STANDARDS

4.1 Code of Conduct

The purpose of the Code of Conduct is to give guidance to representatives of the MGA so that they conduct themselves in a manner that is compatible with the best interests of the MGA and maintain compliance with California Government Code §1090, *et seq.* Representatives of the MGA are expected to: conduct themselves in a professional and ethical manner, maintain high standards of integrity, use good judgment, be principled in their business interactions, and act in good faith with individuals both inside and outside the Mid-County Groundwater Basin.

The following Code of Conduct shall govern the performance, behavior and actions of the MGA, including employees, Member agency employees, appointed or elected officials, volunteers, consultants, or agents (collectively referred to as “MGA Representatives”) who are engaged in any aspect of procurement, including, but not limited to, purchasing goods and services, awarding contracts and grants, and the administration and supervision of contracts or subcontracts:

- No MGA representative or agent of the MGA shall participate in the selection, award, or administration of a contract if a conflict of interest exists under applicable law. The Executive Staff, at their sole discretion, may also require any employee, official, volunteer, consultant or agent of the MGA to refrain from participation in the selection, award, or administration of a contract to avoid the appearance of conflict of interest.
- A conflict would arise if the MGA representative or agent of the MGA or any member of his or her immediate family, his or her partner or partner’s immediate family, or an organization which employs or is about to employ any of the parties indicated herein, has a real or apparent financial or other interest in, or receives tangible personal benefit from, the firm selected for an award. It is imperative that the MGA representative disclose to the Executive Staff as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. (Immediate family members are defined as a spouse, domestic partner, legal guardian, son, daughter, mother, father, sister, brother, grandparents, or grandchild. Adopted, half, and step members are also included in immediate family).

- No MGA representative or agent of the MGA shall do business with, award contracts to, or show favoritism toward a member of his or her immediate family, his or her partner or partner's immediate family, or to any company, vendor, contractor, or parties to subcontractors who either employ or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of federal, state and local procurement laws and policies established to maximize free and open competition among qualified vendors.
- MGA Representatives may not solicit, accept or agree to accept any gratuity for themselves, their immediate families or others that would or could result in personal gain. Personal gain may result not only in cases where an employee or immediate family member has a significant interest in a firm, or subcontractor of a firm, with which the MGA does business but also when an employee or immediate family member receives any gift or special consideration as a result of any transaction or business dealings involving the MGA. The following items are not considered gratuities:
 - Discounts or concessions routinely available to the general public
 - Items less than twenty-five dollars (\$25) that are turned over to the MGA for general MGA use
 - Inexpensive advertising items bearing the name of the vendor, such as pens, cups, candy, calendars, etc. that have a monetary value of less than twenty-five dollars (\$25)
- Disciplinary actions, up to and including termination for cause, will apply to any violation of these conflict of interest standards, in accordance with MGA policy, and/or, as applicable, a collective bargaining agreement, employment contract, or contract for services.

4.2 Fair Competition

MGA Representatives must discharge their duties impartially to assure fair competition among responsible vendors. All vendors will be treated equally and fairly at all times by all MGA Representatives, with equal information given to each vendor who participates in the procurement process. Prequalified lists of persons or firms, or products used in acquiring goods or services, are to be kept current and include enough qualified sources to ensure maximum open and fair competition.

- MGA Representatives may not place unreasonable restrictions on competition, including any of the following:

- Placing unreasonable requirements on vendors to qualify for a procurement
 - Requiring unnecessary experience and bonding
 - Noncompetitive pricing practices between vendors or affiliated companies
 - Awarding noncompetitive contracts to consultants that are on retainer contracts
 - Organizational conflicts of interest
 - Specifying a brand name product instead of allowing an equal product to be offered (brand names may be specified in instances where no grant funding is applicable to the project as long as the procurement remains competitive)
 - Non-compliance with sole source restrictions
 - Precluding potential bidders from qualifying during the solicitation
 - Any arbitrary action in the procurement process
- MGA Representatives shall ensure that any vendor that develops or drafts specifications, requirements, statements of work, invitation for bids, requests for qualifications, or requests for proposals for a procurement is excluded from competing in that procurement.
 - Procurements shall be conducted in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
 - All solicitations will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standard to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used as a means to define the performance or other relevant requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated.

- Bids and proposals shall identify all the requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

4.3 Solicitation Procedures

The MGA has established procurement procedures to guide the conservative utilization of resources.

- Acquisition of unnecessary or duplicative items must be avoided. Consideration should be given to consolidating or dividing procurements to obtain a more economical purchase. When appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services, the MGA shall enter into state and local inter-governmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
- Encourage the procurement of federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- Value engineering clauses may be used in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lowest cost.
- Contracts shall only be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- Records will be maintained sufficient to detail the history of the procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. The Board Clerk will be the repository for said records which shall be maintained according to the MGA's written record retention schedule.

- The MGA will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the MGA of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

5. PURCHASING APPROVAL THRESHOLDS

All expenditures must be approved in the fiscal year budget approved by the MGA Board of Directors (Board). The purchasing approval thresholds below establish the authority of either Executive Staff or the Board to approve individual expenditures within the fiscal year.

The Board may, however, approve expenditures in any amount and for any length of term that are not otherwise inconsistent with any applicable law or contract. Any purchase not covered under an existing budget allocation must be approved through the Operating Contingency Reserve (OCR).

5.1 Authority Thresholds

Procurements of up to \$50,000 must be approved by a member of the Executive Staff.

Procurements over \$50,000 must be approved by the Board.

A capital expenditure greater than \$100,000 must be approved by the unanimous decision of the member directors of the Board pursuant to JPA Section 9.3.

5.2 Contract Change Orders

Contract change orders (CCO) may be executed for projects that are in progress provided:

- Executive Staff approves all CCOs within its authority threshold;
- The Board approves all CCOs within its authority threshold;
- The total of all CCO's do not exceed the amount approved in the annual budget unless approved by the Board; and
- The CCO is within the authorized scope of work for the contract. Out-of-

scope (supplemental agreements) must be separately bid and authorized by the Executive Staff for contracts within its approval authority, or by the Board.

A project is “in process” between the execution of the contract and/or Notice to Proceed, whichever is earlier, and final completion of the contract. Executive Staff shall report to the Board at the next Board meeting any CCO executed under this authority.

6. PROCUREMENT REQUIREMENTS

6.1 Purchases less than \$5,000

The price of any purchase must be considered reasonable by the MGA.

6.2 Purchases from \$5,000 to \$50,000

Price or rate quotations from at least three (3) qualified sources must be submitted to the MGA Financial Team or proof of compliance with one or more of the factors for sole source procurement set forth in Section 6.5, below.

6.3 Purchases greater than \$50,000

All goods or services over \$50,000 are to be procured by the formal solicitation processes unless it is determined that the requirements of sole source procurement set forth in Section 6.5 are satisfied. Competitive proposals require formal solicitation, this includes fixed-price or cost-reimbursement contracts, and are used when sealed bids are not appropriate. The solicitation will often include evaluative factors other than price, and these factors shall be identified in the solicitation document, as well as how the factors will be weighted in the final consideration of bids.

6.3.1 Requests for Proposals

If a Request for Proposals (RFP) is used, the following requirements apply:

- The RFP must be publicized and identify all evaluation factors and their relative importance;
- Proposals must be solicited from an adequate number of qualified sources so as to ensure fair competition;
- The methods for technical evaluations of the proposals received and

for selecting recipients may include, but are not limited to, oral interviews, reference checks, past performance, availability to perform work, and appropriate certifications as determined by project scope;

- Written procedures are required for all RFP technical evaluations and must be retained in the event of an audit;
- Any response that takes exception to mandatory items in the RFP proposal process may be rejected and not considered; and
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the MGA, with price and other qualitative factors considered.

A review and selection committee may be appointed to evaluate and rank the proposals and may be comprised as follows:

- The number of committee members and consultants to be interviewed shall be at the discretion of the Executive Staff or Board.
- The committee may include Executive Staff, other appropriate Member staff, other qualified individuals, or qualified and unbiased members of the professional discipline being considered; and
- If authorized by the Board, Board member(s) may participate in the selection committee.

6.3.2 Requests for Qualifications

Requests for Qualifications (RFQ) must be used for the required qualification-based procurement of architectural, landscape architectural, engineering, environmental, land surveying, and construction management services (collectively “A/E” professional services). The selection will be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required, pursuant to Government Code Section 4526.

Criteria for selecting an A/E firm should include such factors as professional excellence, demonstrated competence, specialized experience of the firm, education and experience of key personnel, staff capability, workload, ability to meet schedules, principals to be assigned, nature and quality of completed work, reliability and continuity of the firm, location, professional awards, and other relevant considerations. Such factors shall be weighed according to the nature

and complexity of the project, the needs of the Agency, and the special requirements of the specific project.

Under an RFQ, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

6.3.3 Sealed Bids

Sealed bids are an alternative procurement method for purchases over \$150,000 that are not suited to Competitive Proposals under Sections 6.3.1 or 6.3.2.

Competitive sealed bids are publicly solicited and a firm fixed-price contract is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the Invitation for Bids (IFB), is the lowest in price. Upon obtaining and awarding bids, purchases must be approved pursuant to the approval guidelines in section 5.1. Purchases of materials, supplies, components or chemicals that will be in contact with drinking water must be NSF 60/61 certified and a certification form must accompany the purchase requisition.

This method is appropriate when the following conditions exist:

- A complete, adequate and realistic specification or purchase description is available, which can exist for some construction projects, vehicle or inventory purchases;
- Two or more responsible bidders are willing and able to compete effectively for the business; or
- The procurement lends itself to a firm fixed-price contract (lump sum or unit) and the selection of the successful bidder can be made principally on the basis of price.

If the sealed bid method is used, the following conditions apply:

- The Invitation for Bids (IFB) must be publicly advertised;
- Bids must be solicited from an adequate number of known suppliers, and bidders must be provided a sufficient response time prior to the date set for opening bids;
- The IFB, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

- All bids will be publicly opened at the time and place prescribed in the IFB;
- A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually employed; and
- Any and all bids may be rejected if there is a sound documented reason.

6.3.4 Contract Cost or Price Analysis

As part of the selection process for every purchase over \$150,000, some form of cost or price analysis must be performed, including any contract modifications. A price analysis is the process of comparing total price among comparable offers, whereas a cost analysis is the process of reviewing individual elements of cost that make up the overall price. If it is requested that costs are broken out in the submission of bid or proposal, each of the elements must be analyzed to determine whether it is fair, reasonable and beneficial to the overall deliverable.

6.4 Time and Materials Contracts

The use of time and materials contracts are discouraged and may only be used if 1) the contract includes a not-to-exceed price that the contractor exceeds at its own risk; and 2) the Board has determined no other type of contract is suitable and the reasons for unsuitability are well documented. The cost of a time and materials type contract is the sum of the actual cost of materials plus direct labor hours charged at a fixed hourly rate that include wages, administrative expenses and profit. Such contracts are disfavored because they provide no positive profit incentive for cost control or labor efficiency, and require a higher degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

6.5 Sole Source Procurement

All goods or services over are to be procured as presented in Sections 6.1 to 6.4 above unless it is determined and documented that the requirements of sole source procurement are satisfied.

For procurements less than \$50,000, which require Executive Staff approval and

for which a contract has been executed, a copy of the contract and the written justification for sole source procurement must be provided to the Board at the next meeting of the Board. For procurements over \$50,000, which require Board approval, the written justification must be distributed with the Board meeting materials in advance of the meeting at which the contract is approved.

Sole source procurement may be utilized when competitive procurement would fail to produce an advantage or the procurement process is undesirable, impractical, or impossible. The following factors may justify sole source procurement:

- a) When the goods or services are needed on an emergency basis. Executive Staff may determine if an emergency exists and that the potential impacts to public health, safety or welfare of the community warrant this procurement method. All emergency purchases which would otherwise require competitive solicitation must be submitted to the Board for ratification at the next meeting of the Board.
- b) When the goods or services are either:
 - i. available from only one source, or
 - ii. unique due to the specialized skill or experience of the contractor, consultant or supplier, or
 - iii. proprietary in nature.
- c) When the goods or services are required to match, integrate or be compatible with an existing project or program and the work, materials or services are from a contractor, consultant or vendor who previously satisfactorily performed or provided work, materials or services to the MGA or a Member Agency.
- d) When the goods or services are obtained by cooperative procurements or “piggyback” on the competitive procurement process of another agency. The MGA shall have the authority to join with other public jurisdictions in cooperative purchasing plans, programs or pricing agreements. The MGA may also contract for Services and Supplies at a price established by competitive procurement by another public jurisdiction in substantial compliance with that public agency’s competitive procurement process. The MGA may also contract with any federal, state, municipality or other public agency.

7. CONTRACT REQUIREMENTS

7.1 All Contracts

All MGA contracts are signed by the Board Chair or Vice-Chair or a member of the Executive Staff and approved as to form by MGA legal counsel.

7.2 General Services Contracts

The purchase of general services (other than professional services, as defined below) under a service contract or agreement should generally not exceed a two-year term. Services associated with a project may be approved for a multi-year contract that coincides with the term of the project at the discretion of the Board. In instances where a shorter term contract could result in significant disruption of MGA operations, the Board may approve an extended contract.

7.3 Professional Services Contracts

Professional services may be procured for up to three-year contracts, with an option to extend into one or two additional years as long as performance is satisfactory and pricing remains competitive. Longer contracts preclude competitive procurement and are discouraged. Professional services are services requiring a high degree of professional, educational or technical skill such as services rendered by architects, landscape architects, engineers, environmental engineers, environmental planners, surveyors, construction managers, economists, bond counsel, bond underwriters, financial advisors, appraisers, actuaries, attorneys, auditors, software service providers, web designers, and others. Professional services associated with a project may be approved for a multi-year contract that coincides with the term of the project at the discretion of the Board. In instances where a shorter term contract could result in significant disruption of MGA operations, the Board may approve an extended contract.

Executive Staff is authorized to negotiate a contract detailing scope of work and fair and reasonable compensation with the firm whose competitive proposal ranked highest during the evaluative process. If the MGA is unable to negotiate a satisfactory contract with the highest ranked firm, negotiations may be formally terminated and the firm dismissed from further consideration. Negotiations may continue with subsequently ranked firms until an agreement is reached. The substance of previous negotiations will not be divulged by MGA member agency staff in discussions with subsequently ranked firms, and the submittals of unsuccessful candidates will be considered confidential. If no agreement is reached the MGA may consider re-publicizing the procurement.

7.4 Public Works Projects

7.4.1 Prevailing Wage Requirements

Public works projects are defined, for prevailing wage purposes, in California Labor Code Section 1720 to include construction (including design, inspection or

surveying), alteration, demolition, installation, or repair, paid for in whole or in part out of public funds. No contractors or subcontractors may be awarded a contract for a public works project unless the contractor and subcontractor is registered with the California Department of Industrial Relations' Public Works Contractor Registration Program.

7.4.2 MGA Responsibilities

For any public works project, the MGA must:

- Register the project with the Department of Industrial Relations (DIR) by filing a PWC-100 form within 5 days of the award of the contract (failure to provide timely submission can jeopardize state funding);
- Obtain prevailing wage rates from DIR;
- Notify potential contractors that they must register with DIR prior to bidding;
- Certify proof of contractor registration before awarding bid;
- Require contractors to post jobsite notices on public works requirements;
- Ensure contractor is paying prevailing wages in compliance with public works laws; and
- Report any suspected violations to the Labor Commission.

7.4.3 Contractor Responsibilities

For any public works project, the contractor must:

- Register with the Department of Industrial Relations (DIR) as a public works contractor;
- Pay prevailing wages on any project over \$1,000;
- Follow apprenticeship requirements for any project over \$30,000;
- Maintain and submit certified payroll records.

7.4.4 Small Project Exemption

A small project exemption exists for maintenance projects that do not exceed

\$15,000, or new construction, demolition, alteration or repair projects that are less than \$25,000. Contractors who work exclusively on small projects that qualify for exemption are not required to register as a public works contractor or file electronic certified payroll reports but are still required to maintain certified payroll records and provide them to the Labor Commissioner's office and the MGA on request. The MGA need not file a PWC-100 form for exempt projects.

7.4.5 Surety (Bonding) Requirements

For public works construction contracts or subcontracts the MGA has established the following sureties.

- A bid guarantee from each bidder equivalent to ten percent (10%) of the bid price. The bid guarantee must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- A faithful performance bond on the part of the contractor for no less than 100 percent (100%) of the contract amount. A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- Required for contracts and subcontracts exceeding \$25,000: A payment bond on the part of the contractor for no less than 100 percent (100%) of the contract amount. A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. The MGA must approve the bond before work begins and is not allowed to release payment to the contractor without an approved payment bond. This threshold is less than the MGA's threshold for sealed bids or competitive proposals but exceeds the threshold for small purchases requiring competitive pricing. A design professional is not considered a direct contractor in this instance and is therefore exempt from the bond requirement.
- A maintenance bond on the part of the contractor for no less than ten percent (10%) of the contract amount or \$2,000, whichever is greater, to remain in effect for a minimum of two years after the completion and acceptance of work performed under the contract. A maintenance bond protects the MGA against defects and faults in materials, workmanship, and design.

September 17, 2020

MEMO TO THE MGA BOARD OF DIRECTORS

Subject: Agenda Item 6.2

Title: Ratify Retroactive Change to MGA Bylaws Section 7.1

Background:

The Santa Cruz Mid-County Groundwater Agency (MGA) Joint Powers Agreement (JPA) became effective March 17, 2016. The MGA Bylaws were adopted by the Board of Directors (Board) on May 19, 2016. It has been the expectation of the Board and Executive Team that each of these documents would be reviewed for recommended clarifications, changes, or corrections after the initial Groundwater Sustainability Plan was completed and the MGA shifted from the planning phase to implementation.

The JPA and the Bylaws are currently undergoing review, and it is anticipated that any proposed changes will be brought to the Board in early 2021. The process of review, however, has disclosed one issue requiring immediate Board action.

Paragraph 7.1 states, in part, that all disbursements are to be by check, and that disbursements in excess of five thousand dollars (\$5,000) require the signature of both the Treasurer and Chair, or in the Chair's absence, the Vice Chair. Since the inception of the MGA, however, in practice, disbursement checks have been signed with the sole signature of the Treasurer.

Discussion:

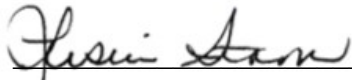
To resolve this discrepancy and remain compliant with audit procedures, it is recommended that Paragraph 7.1 of the MGA Bylaws be amended retroactively, to the adoption of the Bylaws on May 19, 2016, to state that MGA check disbursements require the signature of one the following: the Treasurer, the Chair, the Vice Chair, or any Member Agency Executive Staff, which includes the General Manager of Soquel Creek Water District, the County Water Resources Division Director, the City of Santa Cruz Water Department Director, and the District Manager of Central Water District.

Any amendment to Paragraph 7.1, or any change to the practice of sole-signature check disbursements, will be addressed in the upcoming discussion of all potential changes to the MGA JPA or Bylaws.

Recommended Board Action:

1. BY MOTION, to ratify retroactively, to May 19, 2016, an amendment to MGA Bylaws 7.1 to state that MGA disbursements may be issued pursuant to the sole signature of the Treasurer, the Chair, the Vice Chair, or any Member Agency Executive Staff.

By



Leslie Strohm

Treasurer

Santa Cruz Mid-County Groundwater Agency

September 17, 2020

MEMO TO THE MGA BOARD OF DIRECTORS

Subject: Agenda Item 7.1

Title: Treasurer's Report

Attachment:

1. Treasurer's Report for the Period Ending August 31, 2020

Attached is the Treasurer's Report for June through August 2020. The report contains three sections:

- Statement of Changes in Revenues, Expenses and Net Position
 - This interim financial statement provides information on the revenue that has been invoiced to the member agencies and the expenses that have been recorded as of August 31, 2020.
- Statement of Net Position
 - This interim financial statement details the cash balance at Wells Fargo Bank, the depository institution for the Santa Cruz Mid-County Groundwater Agency (MGA), the membership revenue still owed through accounts receivable, prepaid expenses such as insurance, and the resulting net income as reported on the Statement of Changes in Revenues, Expenses and Net Position from the preceding page.
- Warrants
 - The list of warrants reflects all payments made by the MGA, either by check or electronic means, for the period covered by the Treasurer's Report.

The Treasurer's Report will be provided at each board meeting according to statutory requirement and to promote transparency of the agency's financial transactions.

Recommended Board Action:

1. Informational, no action necessary.

By



Leslie Strohm
Treasurer
Santa Cruz Mid-County Groundwater Agency

Treasurer's Report

Santa Cruz Mid-County Groundwater Agency
For the period ended August 31, 2020



Prepared on
September 4, 2020

Statement of Revenues, Expenses and Changes in Net Position

June - August, 2020

	Total
INCOME	
Total Income	
GROSS PROFIT	0.00
EXPENSES	
5100 Groundwater Management Services	2,707.50
5210 Rain & Stream Gage Services	1,513.67
5300 Administrative Personnel Services	34,248.48
5315 Office Services	72.00
5340 Computer Services	516.66
5345 Professional Organizations	1,382.50
5355 Insurance	209.08
5415 Outreach Services	59.97
5515 Audit & Accounting Services	500.00
5520 Legal Services	1,000.00
Total Expenses	42,209.86
NET OPERATING INCOME	-42,209.86
OTHER INCOME	
4400 Grant Revenue	425,419.27
Total Other Income	425,419.27
NET OTHER INCOME	425,419.27
NET INCOME	\$383,209.41

Statement of Net Position

As of August 31, 2020

		Total
ASSETS		
Current Assets		
Bank Accounts		
1100 Wells Fargo Business Checking		1,853,252.19
Total Bank Accounts		1,853,252.19
Accounts Receivable		
1220 Accounts Receivable - Grants		78,513.29
Total Accounts Receivable		78,513.29
Total Current Assets		1,931,765.48
TOTAL ASSETS		\$1,931,765.48
LIABILITIES AND EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
2100 Accounts Payable		1,603.66
Total Accounts Payable		1,603.66
Total Current Liabilities		1,603.66
Total Liabilities		1,603.66
Equity		
Retained Earnings		1,932,010.05
Net Income		-1,848.23
Total Equity		1,930,161.82
TOTAL LIABILITIES AND EQUITY		\$1,931,765.48

Warrants

June - August, 2020

Date	Transaction Type	Num	Name	Memo/Description	Clr	Amount
Bill Payment (Check)						
08/14/2020	Bill Payment (Check)	10208	County of Santa Cruz (County Counsel)			-1,000.00
						-1,000.00
08/14/2020	Bill Payment (Check)	10209	Errol L Montgomery & Associates Inc			-315.00
						-315.00
08/14/2020	Bill Payment (Check)	10210	Regional Water Management Foundation			-12,276.54
						-12,276.54
08/14/2020	Bill Payment (Check)	10211	Soquel Creek Water District (2)	Quickbooks and MailChimp		-159.99
						-159.99
07/22/2020	Bill Payment (Check)	10205	County of Santa Cruz (County Counsel)			-8,375.00
						-8,375.00
07/22/2020	Bill Payment (Check)	10206	Errol L Montgomery & Associates Inc			-11,342.50
						-11,342.50

Date	Transaction Type	Num	Name	Memo/Description	Clr	Amount
07/22/2020	Bill Payment (Check)	10207	Soquel Creek Water District (2)	Quickbooks, MailChimp, GoToMeeting, Domain registration, audit services, District personnel costs		-4,485.53
						-4,485.53
06/24/2020	Bill Payment (Check)	10203	Errol L Montgomery & Associates Inc			-27,657.50
						-27,657.50
06/24/2020	Bill Payment (Check)	10204	Regional Water Management Foundation			-74,175.94
						-74,175.94
Expense						
06/05/2020	Expense	US00284B4K	Google - Online Payments	G Suite Subscription	R	-72.00
				Google Payment - G Suit		72.00