



SANTA CRUZ MID-COUNTY GROUNDWATER AGENCY
Board of Directors Remote-Access Meeting
Thursday, September 9, 2021 – 7:00 p.m.

MINUTES

1. Call to Order

The meeting was called to order at 7:01 by Chair LaHue.

2. Roll Call

Directors present: Curt Abramson, David Baskin, Zach Friend, Bruce Jaffe, Manu Koenig, Tom LaHue, Marco Romanini, and Alternate Director Robert Schultz.

Directors absent: Justin Cummings, Jon Kennedy, Jim Kerr and Rob Marani.

Staff present: Ralph Bracamonte, Ron Duncan, Heidi Luckenbach, Sierra Ryan, Tim Carson, and Laura Partch.

Others present: Melanie Mow Schumacher, a representative of the Department of Water Resources, and a member of the public.

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.

None.

4. Consent Agenda

4.1 Approve June 17, 2021 Board Meeting Minutes (no memo)

4.2 Approve Revised MGA Procurement Policy

No Board discussion or public comment.

MOTION: Director Jaffe; Second, Director Baskin. To approve the consent agenda. Motion passed unanimously by roll call vote; Director LaHue abstained on Agenda Item 4.1.

5. General Business

5.1 Approve First Amended Bylaws

Staff noted that Board approval of the First Amended Bylaws (Bylaws) follows approval of the First Amended Joint Powers Agreement, which is now final and effective August 10, 2021. The only changes made to the Bylaws since presented to the Board in June involve the correction of sequential numbering issues. Article 11 of the original Bylaws requires at least 30 days written notice be given to all members of the Board prior to any amendment. Notice of the proposed amendments was sent via email to all Directors and Alternates on August 3, 2021, posted on the MGA website, and included in the August 2021 MGA Eblast.

No public comment at the meeting or Board discussion.

MOTION: Director Baskin; Second, Director Romanini. To adopt a Resolution to amend the Bylaws and approve the First Amended Bylaws. The motion and Board Resolution No. 21-01 passed by unanimous by roll call vote.

5.2 Annual Election of Officers by the Board of Directors

Nominations were made for Director Kerr to continue as Secretary, Director Baskin as Vice Chair, and Director LaHue as Chair. No other nominations were made, and each Officer was elected for another one-year term.

No public comment or Board discussion.

5.3 Consider Appointment, Effective Date, and Term of Appointment for the Private Well Owner Directors

Staff stated that the First Amended JPA (JPA) authorizes the member agency Directors to appoint Private Well Owner (PWO) Directors, and the Bylaws outline the procedures for establishing their terms. Unless otherwise established by member agency Directors, the default term of the Board terms is four years. To create staggered terms, two Directors would have initial terms of two years, and two Directors would have four-year terms. The establishment of the PWO Director terms must be done by Board resolution.

The current PWO Directors participated in a public solicitation process and have served on the Board since their appointment in 2016. Staff identified the need for the Board to take action regarding the PWO Directors under the Bylaws by one of two pathways: to reappoint the currently-serving directors and establish their terms, or to initiate the process set out in the Bylaws to solicit and appoint new directors.

If the current slate of PWO directors are reappointed, the proposed starting date for the new terms is January 2022, to coincide with member agency appointments.

If the Board decides to begin the solicitation process, this would require more time as well as the formation of a temporary Board committee, and so the proposed starting date for the new terms is March 2022. Staff noted the following agenda item requests approval of a temporary Board committee on the initial development of the Metering Program. If approved, that committee would run for up to six months, which would allow the current PWO Directors to participate on that committee regardless of whether the Board opts to initiate a solicitation process to solicit and appoint new directors to serve on the Board.

Staff and the Board expressed appreciation for the contributions of the current PWO Directors. Each PWO Director is willing to continue serving on the Board, and, if reappointed, they are in unanimous agreement on the staggered terms: Directors Abramson and Kennedy would serve the four-year terms, and Director Kerr and Alternate Director Schultz would serve the two-year terms.

No public comment at the meeting; submitted written comments were distributed to the Board and posted on the MGA website.

MOTION: Director Jaffe; Second, Director Romanini. To approve by Board resolution the appointment of Private Well Owner Directors Abramson and Kennedy to four-year terms, and Director Kerr and Alternate Director Shultz to two-year terms, effective January 2022. Member Agency Directors approved the motion and Board Resolution No. 21-02 by unanimous roll call vote.

5.4 Approve Formation of Temporary Board Committee for Initial Development of the Non-*De Minimis* Metering Program; Approve Metering Program Guidelines; and Provide Direction on Program Incentives

Staff noted that the Santa Cruz Mid-County Groundwater Basin (Basin) Groundwater Sustainability Plan (GSP) states that the MGA will institute a metering program for non-*de-minimis* pumpers to fill data gaps on the amount of pumping in the Basin. Current information relies primarily on estimates from aerial imagery for agricultural parcels, along with pumping information from small water systems and a few institutional users. The collection of this additional data will improve the accuracy of model projections.

The work of an original temporary Board committee resulted in the selection of the consulting firm Geosyntec to develop the MGA Non-*De Minimis* Metering Program (Metering Program). Staff appreciated the benefit of having both PWO and member agency Directors serving on the selection committee, and now seeks approval for a second temporary Board committee for the initial development of the Metering Program. In addition, staff requests Board input on the draft guidelines set out in the GSP, and seeks to gauge the willingness of the Board to consider the use of financial incentives for

participation in the Metering Program.

The Board discussed the membership of both temporary Board committees, the anticipated charge of the new committee, the draft metering guidelines, the types of meters, possible costs to participants, and the possibility of financial incentives for participation in the Metering Program. Regarding any financial incentives and potential costs, the Board requested that staff provide the Board with information on the number, size, and impact on potential participants.

No public comment at the meeting; submitted written comments were distributed to the Board and posted on the MGA website.

MOTION: Director Romanini; Second Director Baskin. To direct staff and the temporary Board committee on the development of the Non *De-Minimis* Metering Program to consider financial incentives and bring recommendations to the Board. Motion passed by unanimous roll call vote.

MOTION: Director Baskin; Second Director Romanini. To approve draft guidelines for the Metering Program with the condition that if the guidelines are unworkable, the temporary Board committee would return to the Board with workable guidelines. The motion failed by roll call vote with Directors Abramson, Jaffe, Romanini and Schultz opposed.

Board Question: Does staff require any additional information or interim guidelines in order to move forward with the program?

- Staff is seeking Board approval prior to initiating targeted public outreach. Board approval of recommended guidelines at its December meeting would meet current scheduling for program development and general outreach.

MOTION: Director Jaffe; Second Director Abramson. To direct the temporary Board committee on the development of the Non *De-Minimis* Metering Program to evaluate the proposed Metering Program guidelines and report back to the Board with recommendations. Motion passed by unanimous roll call vote.

MOTION: Director Romanini; Second, Director LaHue. To approve the creation of a temporary Board committee on the initial development of the Non *De-Minimis* Metering Program, and to appoint Directors Abramson, Kennedy, Kerr, Jaffe and Romanini to the committee. Motion passed by unanimous by roll call vote.

6. Informational Updates

6.1 Status Update on GSP Implementation

Member agency staff provided updates on GSP implementation, with a focus on the Group 2 project and management actions identified in GSP Section 4. Staff stated that the MGA decided, and GSP reflects, that the member agencies are undertaking the projects to move the Basin towards sustainability. The updates can be heard from minutes 59:15 to 2:12:05 of the meeting recording posted on the [Board Meetings](#) page of the MGA website.

Board question: Are there any updates on legal actions regarding any of these projects?

- Staff reported a single litigant has filed four lawsuits challenging various approvals of PWS and has sought five injunctions to stop the project. To date courts have denied or dismissed all lawsuits and rejected all efforts to stay the project. A case challenging the environmental impact report is now final. Two other lawsuits have been dismissed; one is now under appeal and it is unknown if the second will be appealed. A fourth lawsuit remains in process. Soquel Creek Water District remains committed for the long haul to serve the needs of both its customers and the Basin, and these lawsuits have cost the District close to \$1 million dollars in legal fees.

6.2 Treasurer's Report

No public comment at the meeting; written comments submitted on this item were distributed to the Board and posted on the MGA website.

6.3 Report on Contract Change Order for the Regional Water Management Foundation (RWMF)

No public comment at the meeting; written comments submitted on this item were distributed to the Board and posted on the MGA website.

7. Future Agenda Items

Staff reported that the prior Board request to consider a change in the start time of the meetings would be brought to the Board at the next meeting after additional guidance is received from the State regarding remote-access meetings.

A request was made to discuss a policy on breaks during Board meetings.

8. Written Communications and Submitted Materials

Written communications are posted on the [Board Meetings](#) page of the MGA website.

9. Adjournment

The meeting was adjourned at 9:15.

Next Board Meeting: December 16, 2021