

Public Comment for MidCounty Groundwater Agency Board Meeting November 19, 2020 Agenda

Inbox



Becky Steinbruner <ki6tkb@yahoo.com>

Sun, Nov 22, 2020,
12:40 AM

to MidCounty, Becky

Dear MidCounty Groundwater Administrator,

I thought that my comments below had been sent to the MGA Board in advance of the November 19, 2020 meeting, but in now reviewing my correspondence, I have discovered that there was a problem with my internet service and it was not sent. Therefore, I am sending this now, with additional comment included relevant to actions taken by the Board in order to register my opinions and questions in writing for the record.

Since most of the questions and requests for clarification that I posed in oral testimony to the Board during the November 19 meeting were not addressed, I respectfully request that you answer in writing the questions that I ask below.

I continue to feel the issue of the deadline for public correspondence to the Board is unrealistic. On November 13, I received the agenda packet for the November 19 Board meeting. However, in order for me effectively correspond in writing on any issue on the agenda, it was too late. I would have had to submit my letter on Monday, November 9 by 4pm.

While I appreciate the updates to the Public Participation Policy, requiring the administrator to check for e-mail messages regularly after the public might receive the meeting materials, there is nothing in the policy to require the administrator to forward actual communication to the Directors as "Late Correspondence".

Please include a further update regarding the issue of "Late Correspondence", requiring the actual correspondence be forwarded to the Board, rather than a notification that it exists on the website.

I also wonder how the public is to submit materials to the Board during the meetings, now that the meetings are held only remotely? There is no instruction provided for real-time submission of correspondence to the Board that would guarantee the Board would receive it immediately before or during the meeting should someone want to submit critical information at that time.

Who is the recipient of the "comment@midcountygroundwater.org"? The U.S. Mail address provided is directed to Ms. Emma Olin, the Board Clerk for Soquel Creek Water District, and therefore one must assume that she is the person also handling the e-mail correspondence. Her office duties cease at 5pm and therefore seemingly any email correspondence sent to "comment" after 5pm on the day of the MGA Board meeting would not be seen until the next business day.

Here is the new Public Participation Policy your Board just approved:
NEW GUIDELINES FOR COMMUNICATION (Agenda Item 4.3.1)

Deadlines for Submittal:

- *Written communications received by 4:00 p.m. on the Tuesday of the week prior to a regularly scheduled (Thursday) Board meeting will be posted on the MGA website and included in the Board meeting materials packet.*

- *Written communications received after the 4:00 p.m. deadline will be posted on the MGA website and Board members informed of the communications at the earliest opportunity.*
- *Written communications received after the Board meeting materials packet has been distributed will be posted on the MGA website and Board members informed of the communications at the earliest opportunity.*
- *Please note, communications received after 9:00am the day before the Board Meeting may not have time to reach Board members, nor be read by them prior to consideration of an item.*
- *Written communications received at a Board meeting will be distributed to Board members and posted on the MGA website at the earliest possibility.*

Item 5.1

Approve Consultant Selection and Planning and Technical Services for Groundwater Sustainability Plan Implementation and Reporting Professional Services Agreement

I am disappointed the MGA Executive Committee chose to award the contract to Montgomery & Associates and question whether there is a Conflict of Interest involved regarding Soquel Creek Water District's potential benefit of work for the PureWater Soquel Project. M & A did all the modeling work for the PureWater Soquel Project, and could likely have a conflict in assuming the data analysis of any work for the MidCounty Groundwater Agency to support their modeling of the PureWater Soquel Project.

19. Conflict of Interest. (page 37)

Consultant, for Consultant and on behalf of Consultant's agents, employees, and subcontractors warrants that by execution of this Agreement that they have no interest, present or contemplated, in the projects affected by this Agreement. Consultant further warrants that neither Consultant, nor Consultant's agents, employees, and subcontractors have any ancillary real property, business interests, or income that shall be affected by this Agreement or, alternatively, that Consultant shall file with MGA an affidavit disclosing this interest.

*The MGA hosted an optional online question and answer session on October 5, 2020. Representatives from multiple firms attended, including: Montgomery & Associates (M&A); EKI Environment & Water, Inc.; cbec, inc. eco engineering; and Freeman Hydrologic Data Services, LLC.
(page 17)*

Accordingly, the criteria for selecting the contract recipient for this work is (page 30):

4.3 SoQ Ranking and Award The MGA evaluation committee will open and review the proposals in confidence and may request additional information from the respondents. Consultants will be evaluated on all information collected by the MGA. Evaluation criteria and weighting used to select the consultant will include the following:

- 1. Qualifications of Consultant and proposed key personnel (20%)*
- 2. Knowledge of SGMA and Reporting Requirements (20%)*
- 3. Consultant's demonstrated experience with similar projects or programs (40%)*
- 4. Client References: Apparent ability to provide services as needed (10%)*
- 5. Clarity and completeness of the SoQ (10%)*

This Board agenda packet does not include any information submitted by the other companies interested in this contract. How can the MidCounty Groundwater Agency Board make an effective decision to award the contract if there is absolutely no information provided to you regarding the other potential contractors who submitted and SoQ?

It seems the reason the other contractors did not submit an SoQ was because the MGA Executive Committee had unanimously decided that Montgomery & Associates was the best qualified.

The November 19, 2020 Board agenda packet should have included the other contractor information that led to supporting the Executive Committee's unanimous decision, subsequently limiting the SoQ responses.

I feel that Soquel Creek Water District General Manager Ron Duncan, who is part of the Executive Committee, had a conflict of interest in participating in this unanimous decision because Montgomery & Associates is under contract by the District to do all the supportive modeling for the District's PureWater Soquel Project. Work that the MGA will pay to have done would directly benefit the District, possibly reducing the costs for work that would need to be done inherent to permitting and mitigations related to their Project.

I respectfully request that the MGA Board continue this matter until complete information is submitted for your review to justify awarding the contract to Montgomery & Associates, and that you publicly discuss the issue of potential conflict of interest regarding that contractor.

ITEM 5.3

Affirm the Approach to Near-Term Groundwater Sustainability Plan (GSP) Implementation Activities for Basin Monitoring and Data Management

I am concerned about the costs of the proposed private well metering program and how the costs to install meters are seemingly not supported by the MGA. Who will pay for the private well metering, data collection and analysis? Small water company owners are already taxed for time and resources.

How will the County administer and maintain this program?

What will the MGA/County do if no private well owners are willing to cooperate?

What will happen when the \$165,000 grant funding is exhausted? The Board did not discuss this publicly during the November 19, 2020 meeting.

How will the MGA implement the proposed well metering program?

(page 140):

Groundwater Extraction Metering Program Consistent with the GSP (Section 3.3.4.3 Groundwater Extraction Monitoring Data Gaps), the MGA will develop and implement a well metering program to facilitate consistent and reliable reporting of volumetric data on groundwater usage from certain non-de minimis users (users with annual groundwater extraction greater than 2 acre-feet) in the Basin. The program will apply to two categories of users: (1) all pumping operations expected to extract more than 5 acre-feet per year, and (2) all non-de minimis pumping operations within priority management zones as defined by the County of Santa Cruz and pending approval from the MGA Board. This program is intended to provide reliable extraction data to inform management and groundwater modeling of the Basin and to provide new data on pumping that may impact seawater intrusion or an interconnected stream where groundwater dependent ecosystems are identified in the GSP.

Grant funding will support technical consultant(s) and the County of Santa Cruz Environmental Health Water Resources Division staff in conducting this task. Additional support, as needed, may also be provided by MGA member agency staff. This work will be principally funded by the Sustainable Groundwater Management Program grant from DWR. Work will initiate in 2021. A Groundwater Extraction Metering Plan is anticipated to be done in summer 2021, followed by launch of the Program. The Year 1 annual reporting summary is anticipated in late summer 2022.

New Monitoring Wells

Will the historic information gathered by the USGS stream monitoring be made available for the data analysis and baseline models?

Collaboration with Neighboring GSA's (page 140)

GSA's (Partner Agencies) to develop a Countywide DMS. The approach provides greater efficiencies in terms of cost and effort and provides greater utility overall in terms of data available to inform management of both basins and access to data. The MGA informed the DWR SGMA Program managers of the proposed approach and they indicated their support for the GSAs coordinated approach. MGA representatives also meet with staff from PV Water, the GSA for the Pajaro Valley Basin, to inform them of the coordinated approach and gauge their potential interest in participating. **PV Water is not interested in participating at this time** but staff expressed interest in being kept informed of the progress on the DMS development.

Why doesn't the MGA use the same platform as the Pajaro Valley Water Management Agency to encourage that agency to participate in seamless data sharing for a Countywide Data Management System?

If the MGA is going to pay for implementing the Data Management System program, why is the County sending the award of the contract to the Board of Supervisors for approval in January, 2021 without the MGA Board review and approval?

(page 151): Timeline

Proposals Due November 12, 2020 at 4:00 p.m.

Interviews November 18, 2020

Selection Recommendation November 20, 2020

Contract to Board of Supervisors January, 2021

WORK PLAN FROM GRANT (page 153)

Construct new stream gauges and monitoring wells

. *Install a minimum of five (5) groundwater wells and a minimum of three (3) stream gages at RMPs identified in the GSP*

Is there enough money from the State Dept. of Water Resources Grant to fund this construction?

Item 5.3: Approval to apply for Prop. 68 GSP Implementation Grant

I protest the MGA Board approval to spend a 25% match to apply for a grant application to support PureWater Soquel Project by \$2-\$5 million when there is a real financial need to implement new monitoring well and stream gauge projects that would benefit the Basin GSP process. The Board has consistently stated **the MGA does not do projects, and that it is up to the agencies within the MGA to fund their own projects.**

If the MGA is awarded \$5 million in Prop. 68 grant funding, the MGA would have to spend \$1,250,000 to help pay for the PureWater Soquel Project. That would be absolutely counter to MGA policy.

The Board's approval of this item, without any oversight regarding the projects included in the application, sets a dangerous precedent for any and all other member jurisdictions to return to the Board in the future to ask for funding their jurisdictional projects. I respectfully request that the only projects included in the Prop. 68 Round 1 grant application for Basin GSP implementation be the new monitoring wells and stream gauge stations described in the draft GSP currently under consideration by the State.

Please respond in writing to my questions stated herein. Thank you.

Sincerely,
Becky Steinbruner