



Public Comment for September 17, 2020 MGA Board Meeting

Becky Steinbruner <ki6tkb@yahoo.com>

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To: Santa Cruz Mid-County Groundwater Agency <admin@midcountygroundwater.org>, "Sierra Ryan (MGA Point of Contact)" <basinpoc@midcountygroundwater.org>

Cc: "Peisch Amanda@DWR" <amanda.peisch@water.ca.gov>, Trent Sherman <trent.sherman@water.ca.gov>, "tricia.carter@waterboards.ca.gov" <tricia.carter@waterboards.ca.gov>, Becky Steinbruner <ki6tkb@yahoo.com>

Dear MidCounty Groundwater Agency Board,

I may not be available to participate in this evening's MGA Board meeting, so ask that my comments below be read into and incorporated as public record.

Thank you.

Sincerely,

Becky Steinbruner

PUBLIC COMMENT

1) Item 3.0 Public Communication

Thank you for your work to comply with the SGMA deadlines and requirements.

As a concerned member of the public, I want to make clear my protest of the Agency's focus on PureWater Soquel Project in the GSP submitted to the State. The environmental review was inadequate, and legal challenge regarding the multiple alleged CEQA violations is currently pending in the Court of Appeals.

I feel this unbalanced focus is the result of the powerful positioning that Soquel Creek Water District has imposed, and other participating jurisdictions are hesitant to resist. This is not good governance.

The MGA Board would do well to continue to explore other more environmentally-friendly projects to achieve groundwater sustainability. I am heartened by the City of Santa Cruz pursuing environmental analysis of expanded water rights place of use for the region's water supply that lacks adequate storage when the water is available.

The urgency to rush to an expensive PureWater Soquel Project, whose construction price has now doubled to \$182 million, according to EPA WIFIA loan agreement documentation, and not be completed until 2025, is unwise in these economically-stressful times that are predicted to worsen in the near future. Will the MGA decide under pressure to financially support the District's outrageously expensive Project in order to meet the State SGMA requirements and the (assumed) approved GSP?

The following is from the GSP and supports the ability to carefully consider the broad view of the issues that are causing perhaps unnecessary hyper-focus on a single Project, with a blind eye to the lack of short-term and long-term affordability and environmental damage inherent:

2.2.4.3 Seawater Intrusion

Historically, seawater intrusion has been documented at Soquel Point in the Purisima A- and has been consistently detected at deep monitoring wells in all coastal monitoring clusters in the Aromas area (in both Purisima F-unit and Aromas Red Sands aquifers).

With the exception of monitoring well cluster SC-A1, coastal monitoring clusters in the Aromas area were installed with their deepest completion intentionally located below the freshwater-saltwater interface to monitor increases in chloride concentrations. Chloride data from Water Year 2018 shows that the extent of seawater intrusion has remained the same over the past few years (Figure 2-35).

Coastal well locations where seawater intrusion has not been observed continue to show no indication of seawater intrusion. Groundwater quality where seawater intrusion has been observed is either stable or improving with the exception of one well.

At SC-A2B, an increasing trend has been observed over the last two years and the latest sample exceeded the minimum threshold that is set for this well as part of the Basin's sustainable management criteria in Section 3. If any of the following three samples at SC-A2B exceed the minimum threshold, this would be considered an undesirable result based on the sustainable management criteria proposal contained in this GSP.

In 2013, Best, Best & Krieger provided Soquel Creek Water District Board the legal recommendation to pursue temporary urgent Water Rights to the San Lorenzo River for wet months of the year. The District has consistently ignored that recommendation, which is now even easier to accomplish with State Waterboard policy changes approved in September, 2019.

I want to encourage all MidCounty Groundwater Agency Board members to review the reality of the GSP relying predominantly on the Soquel Creek Water District's PureWater Soquel Project to inject treated sewage water into the aquifer.

I am heartened by the Information presented recently to the Santa Cruz City Water Commission that the PureWater Soquel Project may be modified to supply irrigation water to DeLaveaga Golf Course, and perhaps include a supply line to the small treatment plant at Pasatiempo Golf Course for irrigation use there. I support the use of recycled water for irrigation, but am strongly opposed to injecting it into the aquifer supplying drinking water for the MidCounty area.

Thank you for considering my concerns.

Sincerely,
Becky Steinbruner
3441 Redwood Drive
Aptos, CA 95003

2) Item # 6.1

MGA Administration

(page 16)

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).***

I feel that Soquel Creek Water District has a disproportionate amount of control of the MGA. I am especially concerned about the fact that MGA finances are managed by Soquel Creek Water District. Please discuss hiring an independent financial director that is neutral.

My concern regarding this is proven with the issues brought forth in Item #6.2 (page 30), wherein it is disclosed that Ms. Strohm has been violating the MGA By-Laws by being the sole signer on checks issued.

Please hire an independent Financial Director. This will promote trust and transparency with the public.

3) Policy 6.5 Sole Source Procurement (page 25)

As a member of the public and customer of a privately-owned small water company in the Basin that will likely be assessed in the future, I am concerned by this policy language.

(page 26) *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**

I am concerned that Soquel Creek Water District, as the largest participating jurisdiction, will conscript funding from the MGA to support the District's expensive PureWater Soquel Project, if it is built. As a small water company customer, I insist that such sole source procurements be considered publicly by the Board before approval.

4) Item #6.1 Authority Thresholds (page 21)

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.

For transparency, please require procurements of \$50,000 or less to require approval by **two** members of the Executive Staff.

I am grateful for the requirement that all capital expenditures greater than \$100,000 be approved by the unanimous decision of the Board, however recall a recent incident when Soquel Creek Water District Financial Manager, Ms. Strohm, announced an expenditure that was over \$100,000 but that had been approved and executed **without** the Board's approval. Please strengthen this policy to include "even in emergencies".

5) Item #6.1 Procurement Policies

(page 23-24))

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.

I respectfully request that there be language included that the MGA Board periodically review these RFQ approved contracts for long-term services, and publicly discuss putting the said work out for a fresh round of contract proposals. This will not only encourage the selected contractor to keep their charges for work at a competitive level, but also allow

for future new contractors who may be equally qualified and perhaps more competitive to have an opportunity to submit a proposal.

While I do see that this is somewhat addressed on page 27 under 7.3 Professional Services Contracts, I would like the full Board to be involved in this decision-making, rather than only the Executive Committee. This will promote better, more transparent governance over the long-term existence of the MGA.

6) Agenda Item #6.2

Retroactive Approval of Change to By-Law 7.1

(page 30)

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.

*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.*

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.

I strongly oppose the adoption of this retroactive change that essentially makes the Soquel Creek Water District Financial Director, Ms. Strohm, unaccountable for having violated the By-Law requirements all these years. The By-laws were constructed and approved by all participating jurisdictional representatives to foster equity and transparency and should be upheld, not changed retroactively and haphazardly to allow violations of them to be considered compliant.

Sincerely,
Becky Steinbruner
3441 Redwood Drive
Aptos, Ca 95003