

WRITTEN CORRESPONDENCE (1 of 3)- Miscellaneous Communications and Agenda Items 5.1, 5.3, 5.4, 6.2, and 6.3.

From: [Santa Cruz Mid-County Groundwater Agency](#)
To: [Becky Steinbruner](#)
Subject: Re: Correspondence for September 9, 2021 MidCounty Groundwater Agency Board Meeting
Date: Wednesday, September 8, 2021 11:47:02 AM

Dear Ms. Steinbruner,

Thank you for your email. This is to confirm your email (1 of 3) was received. Consistent with the MGA's policy, written communications received are posted on the [MGA website](#) and Board members are informed of the written communications.

Best,

Tim Carson

On Wed, Sep 8, 2021 at 1:55 AM Becky Steinbruner <ki6tkb@yahoo.com> wrote:

Dear MidCounty Groundwater Agency Board,

I will not be able to participate in the September 9, 2021 MGA Board meeting, and would like to offer my comments below for your consideration.

1) Public Communication

a) At the last MGA Board meeting, it was reported (page 9 of this month's Board packet):

DWR Aerial Surveys:

Staff reported DWR will be conducting airborne electromagnetic (AEM) surveys to gather information about aquifer structures that will support the development and implementation of GSPs. The surveys are starting this summer and will move north through the Central Valley. There are DWR constraints on the program, such as limitations on where they can fly (i.e. not over buildings, and not offshore). They will also use a course grid, whereas the MGA used a fine grid. Staff attended a presentation and learned it will not be possible to pay for a finer resolution. The Basin is so small this survey might not provide much information, but DWR will be reaching out about other technologies and wants to collaborate on gathering additional data.

I request that staff report about the DWR actions to contact the MGA staff or Executive Committee about other technologies and collaboration for gathering additional data that could include coarse-grid AEM to determine the status of the freshwater/salt water interface in the Basin.

b) Also at the last Board meeting, it was stated the Board would consider starting the MGA Board meetings earlier, but I see no agenda item to publicly discuss that idea. I am in favor of whatever best serves the needs of the most Board members and members of the public, but support maintaining a 7pm start time due to local traffic congestion.

c) Finally, your Board needs to be aware that there appears to be ZERO collaboration occurring between Soquel Creek Water District staff or agents with the California Dept. of Fish and Wildlife to develop meaningful, effective or enforceable mitigations for the Modified Pure Water Soquel Project, per a Public Records Act request.

On August 17, 2021, I submitted a Public Records Act request to CDFW for correspondence with Soquel Creek Water District and/or the City of Santa Cruz regarding the Project. I am alarmed by the CDFW response of August 30, 2021 that "No Records Exist".

[View Message\(s\)](#)

Request / Incident Summary

Request Type:	Public Records Act Request
Contact E-Mail:	ki6tkb@yahoo.com
Reference No:	R001431-081721
Status:	No Record(s) Exist

I am very concerned that Soquel Creek Water District has not been consulting CDFW to develop an effective and enforceable Mitigation and Monitoring Plan, as the public was assured of when the District certified the Project EIR in 2018.

Under CEQA, a project that affects the habitat of an endangered, rare or threatened species is considered to be a project of statewide significance that requires state agency review of the project's EIR (14 Cal Code Regs 15206(b)(5).

Soquel Creek Water District, as the lead agency, is required to consult with the Department of Fish and Wildlife and obtain written findings on the impact of the project on the continued existence of any endangered or threatened species, in compliance with Public Resources Code 21104.2.

This has not happened.

Please make a recommendation to Soquel Creek Water District that this be remedied immediately. The MidCounty Groundwater Sustainable Plan was approved by the State based on the inclusion of this Project. Therefore, the MGA would do well to make sure there are proper procedures being followed and that meaningful mitigations will occur.

2) ByLaw Amendments (page 38)

4.7.1 Appointment. The Board shall appoint and may remove the Treasurer and the auditor by majority vote of the Board. At present, the Finance

Manager of the Soquel Creek Water District holds the office of Treasurer and auditor of the Agency, as authorized by Section 6505.6 of the Government Code, and performs the duties as authorized in Section 6505 et seq. of the Government Code.

I do not feel it is wise to allow the same person or entity to act as both the Treasurer and the auditor. Please amend this to read that the auditor must be from a different JPA agency or contracted by the JPA as a neutral third party.

I do see that it is the Treasurer's duty to contract with an auditing agency(duties on page 38):

Contract for an independent audit to be made by a certified public accountant, or public accountant, in compliance with and as required by Government Code Sections 6505.

I note that Gov't Code 6505(c) requires an annual audit report:

(c) When an audit of an account and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each of the contracting parties to the agreement and also with the county auditor of the county where the home office of the joint powers authority is located and shall be sent to any public agency or person in California that submits a written request to the joint powers authority. The report shall be filed within 12 months of the end of the fiscal year or years under examination.

When was the last MGA fund audit report submitted to the Board? I am not able to find this information on the MGA website.

3) Item 5.3 Private Well Representatives

I have read the staff report, proposed changes to the ByLaws, and staff recommendations.

I protest the continued screening and selection of the Private Well Owner representatives by the Board SubCommittee, and respectfully request that the MidCounty Groundwater Agency align with the Santa Margarita Groundwater Agency and instead allow the Private Well Owners themselves to interview and select our representatives on the MGA Board.

Please do not take action to merely renew the three existing Private Well Owner representatives for another four years without supplying any notification of this potential action to the Private Well Owners at large.

If the Board is determined to take action on Item 5.3 during the September 9, 2021 meeting, I request actions 2(a), (b) and (c) are adopted for now. (page 50): https://www.midcountygroundwater.org/sites/default/files/uploads/meetings/board-packet/MGA_Board_Packet_%202021-0909.pdf

As a customer of a Private Well Owner, I request that Section 2.2 be re-written to include a process similar to the Santa Margarita Groundwater Agency ByLaws:

<https://www.smgwa.org/media/AgencyDocuments/Second-Amended-and-Restated-Bylaws.pdf> (see pages 3-5):

2.2 TERM OF APPOINTMENTS.

The term of the appointment for each Director on the Board shall be established by each entity they represent ("Represented Entity"). If a Director has no Represented Entity (as may be the case for the Well Owner Directors or the Well Owner Alternate, collectively referred to herein as "Well Owners"), the term of appointment shall be three (3) years and such term shall continue until the successor is duly appointed by the Board. At the expiration of a Well Owner's term, the Board may (i) elect to initiate the appointment procedure for a Well Owner position under section 2.3 of the Bylaws; or (ii) authorize a then-serving Well Owner to serve another term, subject to Board approval with the unanimous approval of the Member Directors participating in voting. Subject to Board approval, a Well Owner Director and the Well Owner Alternate may mutually agree to rotate positions so that the Well Owner Alternate assumes the role of Well Owner Director, and the Well Owner Director assumes the role of Well Owner Alternate ("Rotation") for a period of time not to exceed the respective terms of either Well Owner, or six months, whichever is earlier. The Rotation shall automatically terminate upon the expiration of the term of either Well Owner, or upon six months from the date of the appointment, unless the Board approves an extension of the term of the Rotation.

2.3 PROCEDURE FOR APPOINTMENT OF WELL OWNERS.

2.3.1 Under section 6.3.7 of the Agreement, Well Owners shall be nominated and approved by the procedure described in these Bylaws.

2.3.2 At minimum, one (1) of the two (2) Well Owner Directors shall be from an Individual Water System. If one (1) of two (2) Well Owner Directors is from a Small Water System, then the preference in choosing a Well Owner Alternate shall be given to an Individual Water System representative.

2.3.3 Any person meeting the requirements of section 2.3.2 and the following qualifications may apply to serve as a Well Owner (individually, an "Applicant"). At a minimum, an Applicant shall (a) be an owner of a private well located within the boundaries of the Agency, a tenant leasing property with a private well located within the boundaries of the Agency, or a representative of a small public water system with a well located within boundaries of the Agency; (b) be at least 18 years of age; and (c) exhibit high standards of integrity, commitment, and good judgment; (collectively, 2.3.3 (a)-(c) shall be the "Qualifications"). Once appointed, a Well Owner shall meet the Qualifications for the duration of his or her service as a Well Owner.

2.3.4 If a Well Owner position becomes vacant for any reason, including death, permanent disability, inability to perform his or her responsibilities, resignation, removal, or failure to meet the Qualifications, the following process shall apply:

2.3.4.1 In the event of Well Owner Director vacancy, the Well Owner Alternate shall fill the vacancy as a Director if the Well Owner Alternate is willing to serve as a Director, subject to compliance with section 2.3.2 of these Bylaws. The Well Owner Alternate who fills a vacancy under this section shall serve as a Director for the remainder of the term of the departing Well Owner Director.

2.3.4.2 If a Well Owner Director vacancy is not filled under section 2.3.4.1, or if a Well Owner position remains vacant, the Board shall appoint an ad hoc committee of three (3) Directors of the Agency to facilitate the appointment process ("Committee"). At least one (1) of the members of the Committee shall be a Member Director, and the Board shall give preference to then-serving Well Owners to fill the remaining two (2) Committee positions.

2.3.4.2.1 The Committee shall provide or cause to be provided a notice of the opportunity for individuals to submit an application to serve as a Well

Owner to fill a vacancy. The notice may include a description of the work of the Agency, the minimum qualifications of a Well Owner, the desired characteristics and skills of a Well Owner, criteria to be used in evaluating applications received, as well as deadlines and the timeline for decision-making on appointees. The notice shall also inform Applicants that if there are more Well Owner Applicants than the number of positions available, the Applicants will have the opportunity to self-nominate a Well Owner by reaching agreement among themselves by having some Applicants voluntarily withdraw their applications so that the remaining number of applications is the same as the number of vacant positions. To encourage participation, a variety of print media, electronic or other formal and informal communication mechanisms may be utilized, and the period of notice shall cover, at a minimum, ten (10) working days.

2.3.4.2.2 The Committee shall be given the names and contact information of all Applicants. The Applicants shall be informed that they have at least twenty (20) days but no more than forty (40) days ("Deadline") to meet and/or confer and endeavor to seek agreement on which Applicants elect to voluntarily withdraw their applications and which Applicants will be recommended to fill the vacant positions. Committee members are encouraged to attend the meetings of the Applicants. The Committee may recommend the rejection of an application if the Applicant fails to meet the Qualifications or if an Applicant fails to attend a meeting of Applicants called for the purpose of nominating an Applicant to fill a vacancy.

2.3.4.2.3 An Applicant may withdraw his application prior to the Deadline by sending a written request to the Principal Office by mail, email or facsimile.

2.3.4.2.4 If by the Deadline, the number of Applicants equals the number of vacancies, then the applications shall be forwarded to the Board for consideration, provided the Applicants meet the Qualifications.

2.3.4.2.5 If no applications are forwarded to the Board under section 2.3.4.2.4, then the Committee shall report its findings and forward all of the applications of the Applicants to the Board. The Board may then appoint any Applicant to fill each vacant Well Owner position.

2.3.4.2.6. If a Well Owner position remains vacant after the conclusion of the forgoing process, the Board may appoint any person meeting the requirements of section 2.3.3.

2.3.5. Notwithstanding anything to the contrary herein, the final appointment of any person to fill a Well Owner vacancy shall be subject to the approval of the Board and the unanimous approval of the Member Directors participating in voting.

(see pages 3-5):

<https://www.smgwa.org/media/AgencyDocuments/Second-Amended-and-Restated-Bylaws.pdf>

4) Item 5.4 Subcommittee to Form Non-de Minimis Metering Program

I have read the staff report and recommendations and **request that the MGA send a notification letter to all non-de minimis pumpers and host a meeting with these pumpers.** Many may already be metered, but others may not have had the financial or physical ability to meter all service connections.

Once again, the Private Well Owners need to be able to choose their own representatives on the MGA Board and this proposed Committee. **Although Temporary Committees are not required to abide by the Brown Act or be open to the public, I respectfully request that this Committee do both.**

How will the two proposed groups be identified and notified? (page 54);

- (1) All non-de minimis pumping operations expected to extract more than 5 acre-feet per year, and
- (2) All non-de minimis pumping operations expected to extract more than 2 acre-feet per year in priority areas that may impact seawater intrusion or stream flow.

What is the timeline for implementing this program?

5) Item 6.2 Financial Status Report

I have the following questions and ask that the Treasurer provide answers:

a) 5520 Legal Services 1,875.00 (page 59) What legal services were performed that required this payment?

b) 4400 Grant Revenue 64,076.99 (page 59) Many thanks to the grant writer and grant manager!
Page 59

6) Item 6.3 Contract Change Order for Administrative Services

What administrative duties caused the second Contract Change Order to be necessary?

At the June 17, 2020 meeting of the Santa Cruz Mid-County Groundwater Agency (MGA) Board of Directors, staff advised the Board that for Fiscal Year (FY) 2020/21, administrative services costs were higher than initially projected. The Board approved an increase in the administrative budget of \$15,000 for FY 2020/21 and FY 2021/22.

*The Executive Team subsequently approved a Contract Change Order (CCO) in the amount of \$20,400 to increase RWMF's FY 2020/21 contract amount from **\$129,600 to \$150,000**. The budget increase is for administrative services (within the Administrative budget category) and planning/program support (within the Management & Coordination budget category). (page 68)*

Thank you for taking the time to consider my comments and thank you in advance for answering my questions.

Sincerely,
Becky Steinbruner
Customer of Private Well Owner / Small Water Company
831-685-2915

