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**NOTICE IS HEREBY GIVEN that the
Mound Basin Groundwater Sustainability Agency (“Agency”)
Board of Directors (“Directors”) will hold a
REGULAR BOARD MEETING
at 1:00 P.M. on Thursday, October 21, 2021**

In accordance with the **California Governor’s Executive Stay at Home Order** and the **County of Ventura Health Officer Declared Local Health Emergency** and **Be Well at Home Order** resulting from the novel coronavirus (COVID-19), the Ventura City Hall is closed to the public. Therefore, the Mound Basin GSA will hold its Regular Board of Directors meeting virtually using the Zoom video conferencing application.

If you are new to Zoom, please click on this link and watch the short video tutorial:
<https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting->

To participate in the Board of Directors meeting via Zoom, please access:
<https://us02web.zoom.us/j/82529392240?pwd=eWNzTkdyREdYd2F5WlFtR2x3S05jQT09>

Meeting ID: 825 2939 2240 | Passcode: MBGSA

To call into the meeting (audio only), call: (877) 853-5247 (US Toll-free)

Meeting ID: 825 2939 2240

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY
BOARD OF DIRECTORS MEETING AGENDA

CALL TO ORDER 1:00 P.M.

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. RESOLUTION 2021-02 Finding that the Governor of California issued a Proclamation of a State of Emergency on March 4, 2020, relating to the COVID-19 virus and local officials continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus and authorizing remote teleconference meetings of the legislative body of Mound Basin Groundwater Sustainability Agency for the period of October 21, 2021, through November 20, 2021, pursuant to Brown Act provisions**

Motion

The Board will consider adopting Resolution 2021-02 finding that the requisite conditions exist for remote teleconference meetings of the Agency without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

The Board will receive public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Agency. The Board will not enter into a detailed discussion or take any action on any items presented during public comments. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. In accordance with Government Code §54954.3(b)(1), public comment will be limited to three (3) minutes per speaker.

5. APPROVAL OF AGENDA

Motion

6. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)

6a Approval of Minutes

Motion

The Board will consider approving the Minutes from the September 16, 2021, Regular Mound Basin GSA Board of Directors meeting.

6b Approval of Warrants

Motion

The Board will consider approving payment of outstanding vendor invoices.

6c Monthly Financial Reports

Information Item

The Board will receive monthly profit and loss statements and balance sheets for the month of September 2021.

7. BOARD MEMBER ANNOUNCEMENTS

7a Directors will provide updates on matters not on the agenda.

7b Directors will provide oral reports of time spent on grant eligible activities since the previous regular Board meeting.

8. EXECUTIVE DIRECTOR UPDATE

Information Item

The Executive Director will provide an informational update on non-GSP activities since the previous Board meeting.

9. MOTION ITEMS

9a GSP Monthly Update (Grant Category (d), Task 4)

Motion

The Board will receive an update from the Executive Director concerning development of the Agency's Groundwater Sustainability Plan (GSP) and grant status. The Board may provide feedback or direction to staff.

9b Schedule Public Hearing for GSP Adoption (Grant Category (c), Task 3 and d), Task 4)

Motion

The Board will consider setting a date and time for a public hearing concerning adoption of the GSP.

9c Stakeholder Engagement Plan Annual Review

Motion

The Board will consider approving updates to the Stakeholder Engagement Plan.

9d Fiscal Year 2020-2021 Budget Report

Motion

The Board will consider receiving and filing the year-end budget report for fiscal year 2020-2021.

10. FUTURE AGENDA ITEMS

The Board will suggest issues and/or topics they would like to address at future meetings.

ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting** scheduled for **Thursday, November 18, 2021**, or call of the Chair.

Materials, which are non-exempt public records and are provided to the Board of Directors to be used in consideration of the above agenda items, including any documents provided subsequent to the publishing of this agenda, are available for inspection at UWCD's offices at 1701 North Lombard Street in Oxnard during normal business hours.

The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs, or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda materials in an alternative format, please contact the Mound Basin Clerk of the Board at (805) 525-4431 or the City of Ventura at (805) 654-7800. Notification of at least 48 hours prior to the meeting will enable the Agency to make appropriate arrangements.

Posted: (Date) October 18, 2021

(time) 11:00 A.M.

(attest) Jackie Lozano

At: <https://moundbasingsa.org>

Posted: (Date) October 18, 2021

(time) 11:15 A.M.

(attest) Jackie Lozano

At: <https://www.facebook.com/moundbasingsa/>

Posted: (Date) October 18, 2021

(time) 11:30 A.M.

(attest) Jackie Lozano

At: United Water Conservation District, 1701 North Lombard Street, Oxnard CA 93030



MoundBasin

GROUNDWATER SUSTAINABILITY AGENCY

Item No. 3

DATE: October 13, 2021

TO: Board of Directors

FROM: Executive Director

SUBJECT: **Resolution 2021-02 Finding that the Governor of California issued a Proclamation of a State of Emergency on March 4, 2020, relating to the COVID-19 virus and local officials continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus and authorizing remote teleconference meetings of the legislative body of Mound Basin Groundwater Sustainability Agency for the period of October 21, 2021, through November 20, 2021, pursuant to Brown Act provisions**
Motion

RECOMMENDATION:

The Board will consider adopting Resolution 2021-02 finding that the requisite conditions exist for remote teleconference meetings of the Agency without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

BACKGROUND

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders (N-25-20, N-29-20, N-35-20) collectively modified certain requirements created by the Ralph M. Brown Act (“the Brown Act”), the state’s local agency public meetings law.

On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021. After that date, local agencies are required to observe all the usual Brown Act requirements status quo ante (as they existed prior to the issuance of the orders). Local agencies must once again ensure that the public is provided with access to a physical location from which they may observe a public meeting and offer public comment. Local agencies must also resume publication of the location of teleconferencing board members, post meeting notices and agendas in those locations and make those locations available to the public in order to observe a meeting and provide public comment.

On September 16, the Governor signed AB 361 into law, effective immediately, which extends the flexibilities provided in the Governor's prior executive order to local and state bodies to hold public meetings remotely beyond the executive order's September 30, 2021, expiration date.

On September 20, the Governor signed an executive order (N-15-21) waiving the application of AB 361 until October 1, 2021, when the provisions of prior Executive Orders that established certain requirements for public agencies to meet remotely during the COVID-19 emergency will expire. The September 20 order makes clear that, until September 30, local agencies may conduct open and public remote meetings relying on the authority provided under prior Executive Orders (rather than AB 361). The revised Order also explicitly permits a local agency to meet pursuant to the procedures provided in AB 361 before October 1, so long as the meeting is conducted in accordance with the requirements of AB 361.

All local agencies are being asked to be aware that they may not conduct remote teleconference meetings pursuant to the authority in the Governor's prior Executive Orders beyond September 30; after that date, all meetings subject to the Brown Act must comply with standard teleconference requirements (as they existed "pre-pandemic") OR must comply with the newly enacted provisions of AB 361. The adoption of this Resolution provides the Agency with compliance as it relates to the newly enacted provisions of AB 361.

FISCAL SUMMARY

There is no fiscal impact related to the approval of this Resolution.

ATTACHMENT

Attachment A - Resolution 2021-02

BOARD OF DIRECTORS

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION 2021-02

**A RESOLUTION OF THE MOUND BASIN GROUNDWATER SUSTAINABILITY
AGENCY AUTHORIZING THE REVISED USE OF TELECONFERENCING
FOR PUBLIC MEETINGS**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MOUND BASIN
GROUNDWATER SUSTAINABILITY AGENCY** as follows:

WHEREAS, the Governor of the State of California (“Governor”) proclaimed a State of Emergency to exist as a result of the threat of COVID-19. (Governor’s Proclamation of a State of Emergency (Mar. 4, 2020).)

WHEREAS, the Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) provided that local legislative bodies may hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body and waived the Brown Act provisions found in Govt. Code section 54953(b)(3) which require the physical presence of the members, the clerk, or other personnel of the body, or the public, as a condition of participation in, or quorum for, a public meeting, including:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- b) The requirement that each teleconference location be accessible to the public.
- c) The requirement that members of the public may address the body at each teleconference location.
- d) The requirement that state and local bodies post agendas at all teleconference locations.
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

WHEREAS, the provisions of Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) expired on September 30, 2021 and will no longer remain in effect thereafter;

WHEREAS, the Center for Disease Control is currently contending with the Delta Variant of the COVID-19 virus and anticipates the development of potential other strains which may further impede public agency operations and prolong the need for social distancing requirements;

AND WHEREAS, recent legislation (A.B. 361) authorizes a local legislative body to use teleconferencing for a public meeting without complying with the Brown Act's teleconferencing quorum, meeting notice, and agenda requirements set forth in Government Code section 54953(b)(3), in any of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mound Basin Groundwater Sustainability Agency as follows:

Section 1. Incorporation of Recitals. All of the foregoing Recitals are true and correct and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

Section 2. Adoption of AB-361. The Board has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Continued Implementation of AB-361. If the state of emergency remains active, or state or local officials have imposed measures to promote social distancing, the Board of Directors of the Mound Basin Groundwater Sustainability Agency shall, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make the following findings by majority vote:

- a) The legislative body has reconsidered the circumstances of the state of emergency; *and*
- b) Either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing.

[signature page follows]

PASSED, APPROVED AND ADOPTED this 21st day of October 2021.

Michael Mobley, Board Chair

ATTEST:

Bryan Bondy, Executive Director

APPROVED AS TO FORM:

Joseph Hughes, Mound Basin Groundwater
Sustainability Agency General Counsel

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY
REGULAR BOARD OF DIRECTORS MEETING

Thursday, September 16, 2021, at 1:00 P.M.
via Zoom, due to COVID-19 Meeting Protocol

MINUTES

DIRECTORS IN ATTENDANCE

Mike Mobley, Chair
Susan Rungren, Vice-Chair/Secretary
Glenn Shephard, Treasurer
Jim Chambers
Conner Everts

STAFF IN ATTENDANCE

Bryan Bondy, Executive Director
Joseph Hughes, Legal Counsel
Jackie Lozano, Clerk of the Board

PUBLIC IN ATTENDANCE

Burt Handy
Kathleen Kuepper, UWCD
John Lindquist, UWCD
Steve Slack, CDFW

CALL TO ORDER

Chair Mobley called the meeting to order at 1:02 P.M.

1. PLEDGE OF ALLEGIANCE

Chair Mobley led the participants in reciting the Pledge of Allegiance.

2. ROLL CALL

The Clerk of the Board called roll. All five Directors were present (Chambers, Everts, Mobley, Rungren, Shephard).

3. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chair Mobley asked if there were any public comments. None were offered.

4. APPROVAL OF AGENDA

Motion

Director Everts moved agenda approval; Second, Director Shephard. Roll call vote: five ayes (Chambers, Everts, Mobley, Rungren Shephard), none opposed). Motion carried 5/0.

5. CONSENT CALENDAR

5a Approval of Minutes

Motion

The Board will consider approving the Minutes from the August 19, 2021, Regular Mound Basin GSA Board of Directors meeting and the September 2, 2021, Special Mound Basin GSA Board of Directors meeting.

5b Approval of Warrants

Motion

The Board will consider approving payment of outstanding vendor invoices.

5c Monthly Financial Reports

Information Item

The Board will receive monthly profit and loss statements and balance sheets for the month of August 2021.

No comments or questions were offered by the Directors. No public comments were offered.

Motion to approve the Consent Calendar, Director Rungren; Second, Director Everts. Roll call vote: five ayes (Chambers, Everts, Mobley, Rungren, Shephard), none opposed. Motion carried 5/0.

6. BOARD MEMBER ANNOUNCEMENTS

6a Director Everts mentioned that he attended the NGO Water Resources meeting on September 15, 2021.

6b Since the previous Board meeting, the Directors reported no time was spent on grant eligible activities.

7. EXECUTIVE DIRECTOR UPDATE

Executive Director Bryan Bondy briefly reviewed the staff report regarding updates on non-Groundwater Sustainability Plan (GSP) matters. Regarding financial matters, staff will continue to pursue payment of the past due extraction fee invoice. Regarding the monitoring well project, staff will continue to work with DWR to finalize the Technical Support Services Agreement and schedule construction.

Informational item. No questions were offered by the Directors. No public comments were offered.

8. MOTION ITEMS

8a GSP Monthly Update (Grant Category (c), Task 3 and Category (d), Task 4)

Motion

Executive Director Bondy reviewed the written staff report regarding GSP development, grant status, and development schedule. He summarized the activities surrounding the GSP draft and public comment period. From the comments received, there are two general categories: 1) straightforward requests for clarifications or non-substantive edits, and 2) concerns about environmental beneficial uses associated with the shallow groundwater table (i.e., the GSPs handling or potential groundwater dependent ecosystems and interconnected surface water of the Santa Clara River and its estuary). A new appendix will be added to further explain the technical basis for not managing the shallow groundwater (shallow groundwater is not pumped and deep aquifer pumping does not significantly influence the shallow water table). The next step is to finalize the GSP and for the Board to consider adopting at either the November or December Board of Directors meeting.

Executive Director Bondy reported on a web meeting held with Director Everts, The Nature Conservancy, and CDFW on Friday, September 10, 2021. The purpose of the meeting was to discuss the concerns about environmental beneficial uses associated with the shallow groundwater table (i.e., the GSPs handling or potential groundwater dependent ecosystems and interconnected surface water of the Santa Clara River and its estuary). Director Evert's felt is it was a good call and important that they understand the influence of pumping in the groundwater system.

Executive Director Bondy explained that it would be prudent to consider monitoring shallow groundwater near the Santa Clara River and its estuary to confirm the findings in the GSP concerning GDEs and interconnected surface water. Doing so will go a long way to addressing the concerns. The City of Ventura owns several shallow groundwater monitoring wells in the area that could potentially be used. He is in discussions with the City of Ventura and United about this and the GSP will be updated to include this monitoring on a temporary basis. He felt the data could confirm the conclusions in the GSP or identify something to consider that needs to be addressed.

Director Chambers asked if Rincon Consultants (Rincon) is putting together a scope of work for the Agency. Executive Director Bondy said Rincon is working on a time and materials basis to assist with GSP edits and responding to comments. Director Chambers asked about the cost for the shallow groundwater monitoring. Executive Director Bondy said the cost will depend on who performs the monitoring; the City will be performing some of the monitoring for its needs and United Water may perform the rest, both would be no cost to MBGSA, The details need to be worked out and he is scheduling a call with the City and United Water. Director Everts asked if there was a chance the wells are abandoned? Mr. Lindquist said Sarah Horwath of the City of Ventura implied that the wells are still in existence or available but will confirm in about a week or so.

No further comments were offered by the Directors. No public comments were offered.

Motion to receive and file the GSP monthly update, Director Everts; Second, Director Rungren. Roll call vote: five ayes (Chambers, Everts, Mobley, Rungren, Shephard), none opposed. Motion carried 5/0.

8b Board Meetings

Motion

Agency Counsel Joseph Hughes provided an update to the Directors and staff concerning the expiration of the Governor's Executive Order No. N-29-20 and the status of Assembly Bill (AB) 361.

AB 361 would extend the flexibilities provided in the Governor's prior executive order to local and state bodies to hold public meetings electronically beyond the executive order's September 30, 2021, expiration date. The order specifies that for any meetings held to determine if remote meetings are justified beyond September 30, local legislative bodies must follow the statutory requirements established by AB 361.

The action would also provide clarity for local legislative and state bodies about the applicable requirements for holding remote meetings. The bill would sunset on January 1, 2024. Assuming the Governor signs the Assembly Bill, the Agency could

continue meeting virtually based on the new rules under the Brown Act. He summarized the conditions that would allow that. The teleconferencing rule would be restricted to only holding virtually meetings when social distancing requirements are in place or if the Board of Directors find there to be imminent risk to the Board and attendees by meeting in-person. For in-person meetings, there is a requirement to wear a mask indoors, and enable social distancing measures of six feet apart for all attendees following Cal OSHA rules. Chair Mobley requested to attach the actual AB 361 to the minutes of this meeting.

The Board thanked Mr. Hughes for his update and no further comments were offered by the Directors. No public comments were offered.

The Board discussed the situation and reached a consensus to continue to hold the Board of Directors meetings virtually and review status monthly.

Motion to receive the oral report from Agency Counsel concerning Assembly Bill 361, Director Everts; Second, Director Rungren. Roll call vote: five ayes (Chambers, Everts, Mobley, Rungren, Shephard), none opposed. Motion carried 5/0.

9. FUTURE AGENDA ITEMS

Chair Mobley polled the Directors for any future agenda items. None received.

ADJOURNMENT 1:41 P.M.

Chair Mobley adjourned the meeting at 1:41 P.M. to the next Regular Board of Directors meeting on Thursday, October 21, 2021, or call of the Chair.

I certify that above is a true and correct copy of the minutes of the Mound Basin Groundwater Sustainability Agency's Board of Directors meeting of September 16, 2021.

ATTEST: _____
Susan Rungren, Board Secretary

ATTEST: _____
Jackie Lozano, Clerk of the Board


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AB-361 Open meetings: state and local agencies: teleconferences. (2021-2022)

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Date Published: 09/17/2021 09:00 PM

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials

have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in

connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

- (A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.
- (B) Each teleconference location be accessible to the public.
- (C) Members of the public may address the legislative body at each teleconference conference location.
- (D) Post agendas at all teleconference locations.
- (E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.
- (c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.
- (d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:
- (1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.
- (2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).
- (e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:
- (1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.
- (2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.
- (f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.
- (g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all

otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5

(commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

Mound Basin Groundwater Sustainability Agency

Check Detail

October 1 - 12, 2021

<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Original Amount</u>
Bill Pmt -Check	11409	10/11/2021	A.J. Klein, Inc T. Denatale, B. Goldner	10000 · Bank of the Sierra	\$ (2,262.00)
Bill Pmt -Check	11410	10/11/2021	Bondy Groundwater Consulting, Inc	10000 · Bank of the Sierra	\$ (7,988.75)
Bill Pmt -Check	11411	10/11/2021	insureCAL Insurance Agency	10000 · Bank of the Sierra	\$ (2,050.09)
Bill Pmt -Check	11412	10/11/2021	INTERA Incorporated	10000 · Bank of the Sierra	\$ (33,585.00)
Bill Pmt -Check	11413	10/11/2021	Rincon Consultants, Inc.	10000 · Bank of the Sierra	\$ (9,470.00)
Bill Pmt -Check	11414	10/11/2021	United Water Conservation District	10000 · Bank of the Sierra	\$ (10,952.09)
					<hr/> \$ (66,307.93)



MoundBasin
GROUNDWATER SUSTAINABILITY AGENCY

Item No. 6(c)

DATE: October 1, 2021
TO: Board of Directors and Executive Director
FROM: Ambry Tibay, UWCD
SUBJECT: Monthly Financial Reports

SUMMARY

The Board will receive the monthly financial reports for the Mound Basin GSA.

INFORMATIONAL ITEM

UWCD accounting staff has prepared financial reports based on the Mound Basin GSA revenue and expenses for the month of September 2021.

BACKGROUND

FISCAL SUMMARY

Not applicable.

ATTACHMENTS

- A. September 2021 Profit/Loss Statement
- B. September 2021 Profit/Loss by Class
- C. September 2021 Balance Sheet

Mound Basin Groundwater Sustainability Agency
Profit & Loss Budget Performance
 July 2021 through September 2021

	<u>Jul '21 - Sept '21</u>	<u>Annual Budget</u>	<u>Budget</u>
Income			
40001 · Groundwater Extraction Fees	0.00	377,600.00	0.00%
41000 · Grant revenue			
41001 · State Grants	0.00	150,000.00	0.00%
Total 41000 · Grant revenue	0.00	150,000.00	0.00%
Total Income	0.00	527,600.00	0.00%
Gross Profit	0.00	527,600.00	0.00%
Expense			
52200 · Professional Services			
52240 · Prof Svcs - IT Consulting	0.00	1,000.00	0.00%
52250 · Prof Svcs - Groundwater/GSP Pre			
52252 · Prof Svcs - GSP Consultant	104,751.12	150,000.00	69.83%
52250 · Prof Svcs - Groundwater/GSP Pre - Other	0.00	102,500.00	0.00%
Total 52250 · Prof Svcs - Groundwater/GSP Pre	104,751.12	252,500.00	41.49%
52270 · Prof Svcs - Accounting	1,298.12	21,200.00	6.12%
52275 · Prof Svcs - Admin/Clerk of Bd	2,801.66	7,500.00	37.36%
52280 · Prof Svcs - Executive Director	3,524.38	17,500.00	20.14%
Total 52200 · Professional Services	112,375.28	299,700.00	37.50%
52500 · Legal Fees			
52501 · Legal Counsel	3,381.00	7,500.00	45.08%
Total 52500 · Legal Fees	3,381.00	7,500.00	45.08%
53000 · Office Expenses			
53010 · Public Information	0.00	3,000.00	0.00%
53020 · Office Supplies	18.18	200.00	9.09%
53026 · Postage & Mailing	215.68	400.00	53.92%
53070 · Licenses, Permits & Fees	87.53	3,000.00	2.92%
53110 · Travel & Training	61.37	500.00	12.27%
53000 · Office Expenses - Other	18.59	0.00	0.00%
Total 53000 · Office Expenses	401.35	7,100.00	5.65%
53500 · Insurance			
53510 · Liability Insurance	5,106.34	2,000.00	255.32%
Total 53500 · Insurance	5,106.34	2,000.00	255.32%
70000 · Interest & Debt Service			
70120 · Interest Expense	0.00	1,238.00	0.00%
Total 70000 · Interest & Debt Service	0.00	1,238.00	0.00%
81000 · Contingency - Non Capital Expen	0.00	16,754.00	0.00%
Total Expense	121,263.97	334,292.00	36.27%
Net Income	-121,263.97	193,308.00	-62.73%

Mound Basin Groundwater Sustainability Agency
Profit & Loss by Class
 July through September 2021

	<u>A - Grant Administration</u>	<u>Task 04 - GSP Development (D - GSP Development)</u>	<u>Total D - GSP Development</u>	<u>Unclassified</u>	<u>TOTAL</u>
Expense					
52200 · Professional Services					
52250 · Prof Svcs - Groundwater/GSP Pre					
52252 · Prof Svcs - GSP Consultant	1,513.13	103,237.99	103,237.99	0.00	104,751.12
Total 52250 · Prof Svcs - Groundwater/GSP Pre	<u>1,513.13</u>	<u>103,237.99</u>	<u>103,237.99</u>	<u>0.00</u>	<u>104,751.12</u>
52270 · Prof Svcs - Accounting	574.26	0.00	0.00	723.86	1,298.12
52275 · Prof Svcs - Admin/Clerk of Bd	0.00	0.00	0.00	2,801.66	2,801.66
52280 · Prof Svcs - Executive Director	0.00	0.00	0.00	3,524.38	3,524.38
Total 52200 · Professional Services	<u>2,087.39</u>	<u>103,237.99</u>	<u>103,237.99</u>	<u>7,049.90</u>	<u>112,375.28</u>
52500 · Legal Fees					
52501 · Legal Counsel	0.00	0.00	0.00	3,381.00	3,381.00
Total 52500 · Legal Fees	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>3,381.00</u>	<u>3,381.00</u>
53000 · Office Expenses					
53020 · Office Supplies	0.00	0.00	0.00	18.18	18.18
53026 · Postage & Mailing	0.00	0.00	0.00	215.68	215.68
53070 · Licenses, Permits & Fees	0.00	0.00	0.00	87.53	87.53
53110 · Travel & Training	0.00	0.00	0.00	61.37	61.37
53000 · Office Expenses - Other	0.00	0.00	0.00	18.59	18.59
Total 53000 · Office Expenses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>401.35</u>	<u>401.35</u>
53500 · Insurance					
53510 · Liability Insurance	0.00	0.00	0.00	5,106.34	5,106.34
Total 53500 · Insurance	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>5,106.34</u>	<u>5,106.34</u>
Total Expense	<u>2,087.39</u>	<u>103,237.99</u>	<u>103,237.99</u>	<u>15,938.59</u>	<u>121,263.97</u>
Net Income	<u><u>-2,087.39</u></u>	<u><u>-103,237.99</u></u>	<u><u>-103,237.99</u></u>	<u><u>-15,938.59</u></u>	<u><u>-121,263.97</u></u>

Mound Basin Groundwater Sustainability Agency
Balance Sheet
As of September 30, 2021

	Sept 30, 21
ASSETS	
Current Assets	
Checking/Savings	
10000 · Bank of the Sierra	164,320.60
Total Checking/Savings	164,320.60
Accounts Receivable	
11000 · Accounts Receivable	197,280.76
Total Accounts Receivable	197,280.76
Total Current Assets	361,601.36
TOTAL ASSETS	361,601.36
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	66,307.93
Total Accounts Payable	66,307.93
Other Current Liabilities	
20001 · Advance from City of Ventura	55,000.00
20510 · Interest Payable	1,958.30
Total Other Current Liabilities	56,958.30
Total Current Liabilities	123,266.23
Total Liabilities	123,266.23
Equity	
32000 · Retained Earnings	359,599.10
Net Income	-121,263.97
Total Equity	238,335.13
TOTAL LIABILITIES & EQUITY	361,601.36



MoundBasin

GROUNDWATER SUSTAINABILITY AGENCY

Item No. 8

DATE: October 21, 2021
TO: Board of Directors
FROM: Executive Director
SUBJECT: Executive Director Update

SUMMARY

The following are updates on non-GSP matters since the last Board meeting.

1. Administrative: No update.
2. Financial:
 - a. Invoices for the 2020-2 semi-annual period (July-December 2020) were issued in early March and were due in early April. One entity is past due with a total of \$270.76 unpaid.
 - b. Invoices for the 2021-1 semi-annual period (January–July 2021) were issued in September. Payments are due October 15, 2021.
3. Legal: No activity.
4. Groundwater Monitoring Well – DWR Technical Support Services (TSS):
A preconstruction meeting is scheduled for November 2, 2021. The TSS agreement will be finalized after the preconstruction meeting. Construction can be scheduled after these steps are completed.
5. Correspondence: None.

INFORMATIONAL ITEM

Receive an update from the Executive Director concerning non-GSP matters since the previous board meeting.

BACKGROUND

Not applicable

FISCAL SUMMARY

Not applicable



MoundBasin

GROUNDWATER SUSTAINABILITY AGENCY

Motion Item No. 9a

DATE: October 21, 2021
TO: Board of Directors
FROM: Executive Director
SUBJECT: **GSP Monthly Update (Grant Category (c), Task 3 and (d), Task 4)**

SUMMARY

The following is a monthly status update on the Groundwater Sustainability Plan (GSP) and associated grant. An updated GSP development schedule is attached for discussion (Attachment A).

GSP Development:

1. **GSP Status:** The GSP Development Team worked on responding to draft GSP comments received and updating the GSP based on those comments. The updated GSP and comment response table is scheduled to be completed this week.
2. **GSP Development Schedule:** The updated GSP Development Schedule is provided in Attachment A.

Sustainable Groundwater Planning (SGWP) Grant:

1. **Invoices:**
 - a. Grant Progress Report and Invoice No. 9 were submitted to DWR on August 23, 2021. Payment in the amount of \$105,759 is expected later this year.
2. **Grant Deliverables:**
 - a. Remaining grant deliverables include quarterly progress reports and invoices, final report, and the GSP. These deliverables will be submitted as they become due.

RECOMMENDED ACTION

Receive an update from the Executive Director concerning Groundwater Sustainability Plan development and associated grant and consider providing feedback or direction to staff.

BACKGROUND

None.

FISCAL SUMMARY

None.

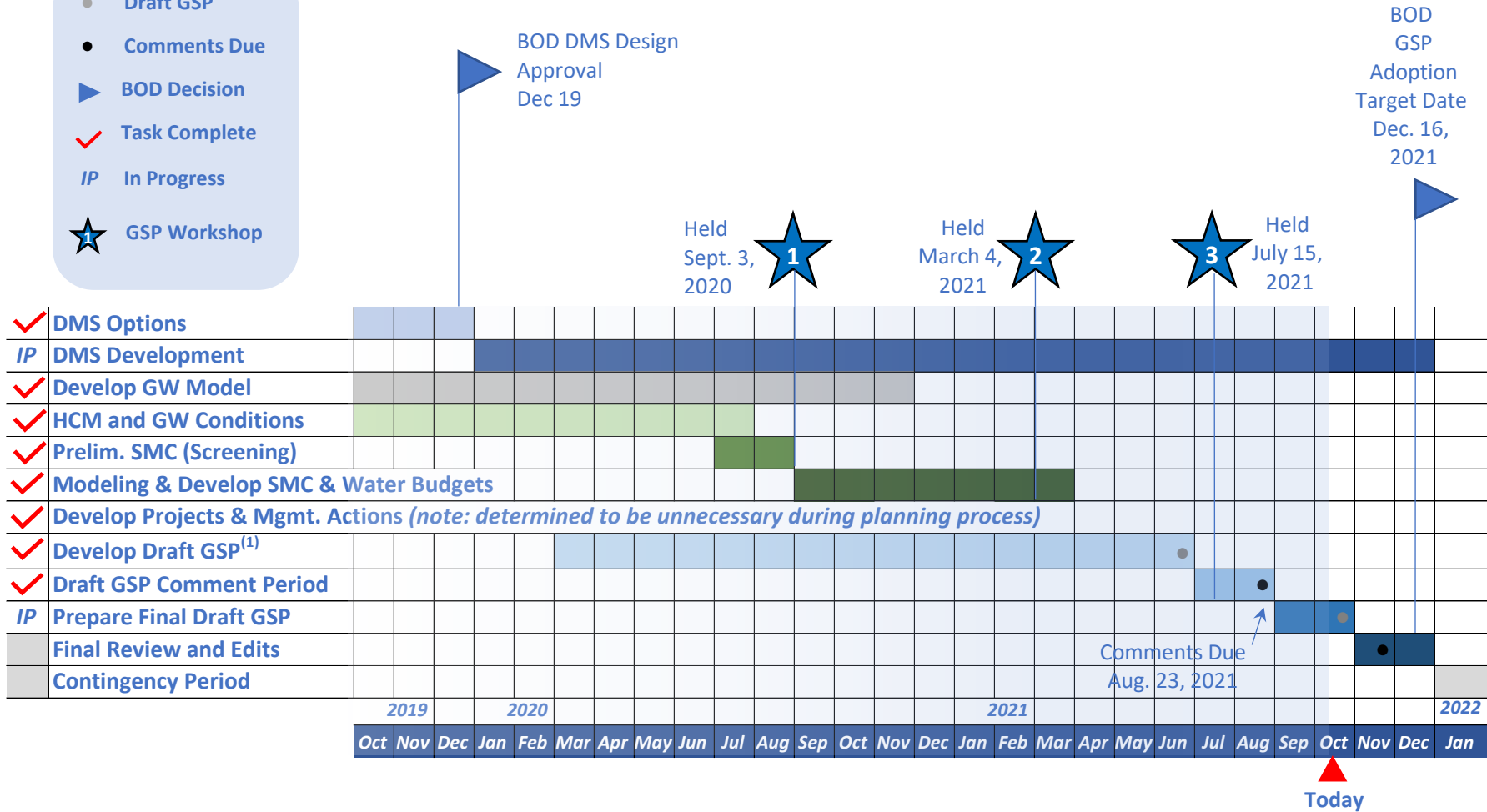
ATTACHMENTS

A. GSP Schedule

Action: _____
Motion: _____ 2 nd : _____
J.Chambers: _____ C.Everts: _____ M.Mobley: _____ S.Rungren: _____ G.Shephard: _____

Mound Basin GSA GSP Development Schedule Updated 10/16/2021

- Draft GSP
- Comments Due
- ▶ BOD Decision
- ✓ Task Complete
- IP In Progress
- ★ GSP Workshop



Notes:

(1) GSP topics not listed above generally consist of background or supporting information and will be prepared concurrently with the above-listed tasks.

BOD = Board of Directors; DMS = Data Management System; HCM = Hydrogeologic Conceptual Model; GSA = Groundwater Sustainability Agency;

GSP = Groundwater Sustainability Plan; GW = Groundwater



MoundBasin

GROUNDWATER SUSTAINABILITY AGENCY

Motion Item No. 9b

DATE: October 21, 2021
TO: Board of Directors
FROM: Executive Director
SUBJECT: Schedule Public Hearing for GSP Adoption (Grant Category (c), Task 3 and (d), Task 4)

SUMMARY

The updated GSP and comment response table will be completed this week. A public hearing is required prior to adopting the GSP. It is recommended that a public hearing included in the next regular meeting on November 18, 2021. The Board would have the option of adopting the GSP at that time or it could direct staff to modify the GSP and postpone adoption until the December 16, 2021, regular meeting (or a special meeting on another date).

Staff recommends the Board and stakeholders review the updated draft GSP and comment responses. The updated draft GSP, a redline of the GSP changes, and the GSP comment response table will be posted to the MBSGA website on the following page <https://www.moundbasingsa.org/gsp/>. A summary of GSP changes is presented in Attachment A to this staff report. Any remaining issues for the GSP can be discussed during the November 18, 2021, public hearing.

RECOMMENDED ACTION

Schedule the GSP public hearing for November 18, 2021, time certain at 1:30 p.m.

BACKGROUND

None.

FISCAL SUMMARY

None.

ATTACHMENTS

- A. Summary of Notable GSP Changes

Action: _____
Motion: _____ 2 nd : _____
J.Chambers: _____ C.Everts: _____ M.Mobley: _____ S.Rungren: _____ G.Shephard: _____

Item 9b - Attachment A

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY Summary of Notable GSP Changes

Sustainable Management Criteria - Chronic Lowering of Groundwater Levels

MBGSA received comments from Fox Canyon Groundwater Management Agency (FCGMA) concerning the minimum thresholds (MT) for chronic lowering of groundwater levels. Pursuant to SGMA, the draft GSP MTs were based on calculations of the groundwater levels at which a significant and unreasonable depletion of supply would occur (i.e., when wells would no longer be able to produce a reasonable amount of water). However, because the aquifers are very deep, the MTs were low enough to be of concern to FCGMA. The FCGMA is concerned that there could be impacts to the Oxnard Basin because groundwater levels need to be maintained higher there to address seawater intrusion. The GSP makes clear that the Mound Basin could not be operated as deep as the chronic lowering of groundwater levels MTs because of the risk for exceeding the MTs for land subsidence. Upon further consideration, the GSP Development team felt it would be best to raise the MTs up to the historical low groundwater levels in order to be consistent with the goals for preventing land subsidence and to address FCGMA's concern.

Sustainable Management Criteria – Reduction of Groundwater Storage

Previously, the sustainable management criteria for the reduction of groundwater storage sustainability indicator were based the chronic lowering of groundwater levels sustainability indicator by proxy. Following review of GSPs recently approved by DWR it was decided that using a volumetric measure would be more consistent with SGMA. The new minimum threshold is the upper bound of the sustainable yield estimate. The new GSP text caveats this by adding that the minimum threshold applies over an averaging period and groundwater extractions exceeding the minimum threshold in any given year will not automatically be considered to indicate undesirable results are occurring in the Basin. The new measurable objective is 90% of the sustainable yield estimate to account for uncertainty in the sustainable yield estimate. Like the minimum threshold, the measurable objective applies over a long-term period of average hydrology. It is anticipated that the measurable objective will be met in wet periods, but not met in drier than average periods and perhaps some average years. Failure to meet the measurable objective during other times average to dry years shall not be considered failure to sustainably manage the Basin. The measurable objective will be tracked over time and updated based on measured and recorded pumping rates for the Basin

Sustainable Management Criteria – Degraded Water Quality

The measurable objectives for total dissolved solids and sulfate for the Hueneme Aquifer were increased from 1,200 and 500 milligrams per liter (mg/L) to 1,400 and 600 mg/L, respectively, to better match existing water quality.

Shallow Groundwater, Groundwater Dependent Ecosystems, and Interconnected Surface Water

Comments received from several resource agencies and non-governmental organizations expressed concerns about the absence of sustainable management criteria (SMC) and limited monitoring of the shallow groundwater to address concerns about groundwater dependent ecosystems (GDEs, both riparian and aquatic), including the “depletions of interconnected surface water” sustainability indicator. The Draft GSP explained that the riparian GDEs may, in some cases, utilize shallow groundwater (particularly within the floodplain of the Santa Clara River). Similarly, the Draft GSP stated that the shallow groundwater system discharges minor amounts of groundwater to Santa Clara River and its estuary. However, the Draft GSP also explained that there is no current or planned extraction of shallow groundwater from the Basin and that groundwater extractions from the deep, confined aquifers of the Basin do not materially affect shallow groundwater levels or surface flows in the Santa Clara River due to the presence of a thick aquitard between the shallow groundwater system and the principal aquifers. For these reasons, the draft GSP concluded that there are no impacts to the riparian and aquatic GDE beneficial uses that needed to be considered during SMC formulation. Similarly, owing to the lack of impacts, the need for detailed monitoring of shallow groundwater and Santa Clara River flows.

In review of the comments, it was clear that the Draft GSP could be improved by providing more information about shallow groundwater conditions and further information to support the conclusion that that shallow groundwater levels and Santa Clara River flows are not materially affected by groundwater pumping in the Mound Basin. To address this, the GSP development team performed additional groundwater modeling and prepared a new appendix (G) for the GSP. The new appendix provides additional documentation of the technical data and additional numerical modeling that support the conclusions that the shallow groundwater geologic units (now referred to as the Shallow Alluvial Deposits) is not a principal aquifer and that that shallow groundwater levels and Santa Clara River flows are not materially affected by groundwater pumping in the Mound Basin. Specifically, the new appendix provides the following information:

1. The characteristics of the Shallow Alluvial Deposits HSU and explanation of why it is not considered a principal aquifer in Mound Basin.
2. Additional evidence supporting the conclusion that there is a lack of material hydraulic connection between the shallow groundwater with the much deeper principal aquifers used for water supply in Mound Basin (the Mugu and Hueneme Aquifers).
3. Additional evidence supporting the conclusion that there is a lack of material hydraulic connection between the Santa Clara River (and its estuary) and the principal aquifers used for water supply in Mound Basin (the Mugu and Hueneme Aquifers).

These topics are meant to provide further explanation as to why the Shallow Alluvial Deposits HSU is not a principal aquifer and why SMC included in the GSP do not have significant effects on beneficial uses of shallow groundwater and interconnected surface water in the Mound Basin GSP. The sources of data and interpretations provided in this appendix largely consist of the references cited in the Draft GSP document and the groundwater modeling conducted by United Water Conservation District (UWCD) in support of GSP development.

Item 9b – Attachment A

Page 3 of 3

Additional sources of information that were not referenced or included in the Draft GSP are referenced in this appendix.

The conclusions included in the new appendix are as follows:

1. The Shallow Alluvial Deposits HSU has not been considered an important water-bearing unit by historical investigators and does not meet the definition of a principal aquifer, as defined in the GSP Emergency Regulations, because MBGSA has concluded that this HSU does not store, transmit, and yield significant or economic quantities of groundwater to wells, springs, or surface water systems
2. Available data and numerical modeling analysis indicate that groundwater conditions in the principal aquifers (Mugu and Hueneme Aquifers), including pumping, do not materially influence groundwater levels in the Shallow Alluvial Deposits. Therefore, groundwater dependent ecosystems (GDEs) present in Area 11 of the GSP (i.e., GDEs associated with the Santa Clara River and its estuary) will not be materially impacted by groundwater pumping or GSP implementation and, therefore, do not need to be considered in the SMC for the GSP.
3. Available data indicate that the Santa Clara River and its estuary are interconnected with shallow groundwater present in the Shallow Alluvial Deposits. However, available data and numerical modeling analysis indicate that groundwater conditions in the principal aquifers (Mugu and Hueneme Aquifers), including pumping, do not materially influence interconnected surface water flows. Therefore, depletion of interconnected surface water is not an applicable sustainability indicator for the GSP.

New Management Action – Interim Shallow Groundwater Data Collection and Analysis

This management action was added to help address the above-described concerns about GDEs and interconnected surface water. This management action consists of monitoring shallow groundwater near the Santa Clara River and its estuary to confirm the findings in the GSP concerning GDEs and interconnected surface water. Existing shallow monitoring wells owned by the City of Ventura will be used. Some wells will be monitored by the City of Ventura to satisfy other requirements and the remaining monitoring wells will be monitored by either United Water or MBGSA. As noted in the title, this is an interim action; data collection is only committed to through the first 5-year GSP assessment. The data will be analyzed to determine if they confirm the conclusions in the GSP or identify issues that need to be addressed in a GSP update.



Motion Item No. 9c

DATE: October 21, 2021
TO: Board of Directors
FROM: Executive Director
SUBJECT: Stakeholder Engagement Plan Annual Review

SUMMARY

Staff has completed an annual review of the Agency’s Stakeholder Engagement Plan (Plan), as required pursuant to Section 5.3 of the Plan. Recommended plan updates are indicated in Attachment A.

RECOMMENDED ACTION

Staff recommends approving updates to the Stakeholder Engagement Plan.

BACKGROUND

The Stakeholder Engagement Plan was adopted on October 18, 2018 and was last updated on October 15, 2020.

FISCAL SUMMARY

Not applicable.

ATTACHMENTS

A: Draft Stakeholder Engagement Plan Update dated October 21, 2021

Action: _____
Motion: _____ 2 nd : _____
J.Chambers: _____ C.Everts: _____ M.Mobley: _____ S.Rungren: _____ G.Shephard: _____

**STAKEHOLDER ENGAGEMENT PLAN
MOUND BASIN
(4-004.03) VENTURA COUNTY, CALIFORNIA**

**SUSTAINABLE GROUNDWATER MANAGEMENT ACT
(SGMA) PROGRAM**

**PREPARED BY THE MOUND BASIN GROUNDWATER
SUSTAINABILITY AGENCY
UPDATED AND ADOPTED OCTOBER 21, 2021**

DRAFT

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1 INTRODUCTION

This Stakeholder Engagement Plan (Engagement Plan) summarizes the strategies to educate and involve stakeholders (those individuals and representatives of organizations who have a direct stake in the outcome of the planning process) and other interested parties in the preparation and implementation of a Groundwater Sustainability Plan (GSP) for the Mound Basin – Department of Water Resources (DWR) Basin No. 4-004.03 (Figure 1). This GSP will be prepared in accordance with the Sustainable Groundwater Management Act (SGMA), which was signed by Governor Brown in September 2014 and became effective January 1, 2015.

SGMA provides a framework to regulate groundwater for the first time in California’s history. SGMA’s intent is to strengthen local management of specified groundwater basins that are most critical to the state’s water needs by regulating groundwater and land use management activities. SGMA also aims to preserve the jurisdictional authorities of cities, counties and water agencies within groundwater basins while protecting existing surface water and groundwater rights.

The Mound Basin Groundwater Sustainability Agency (MBGSA or Agency), a Groundwater Sustainability Agency (GSA), was formed by three local agencies: County of Ventura (County), City of San Buenaventura (City), and United Water Conservation District (UWCD). There was extensive stakeholder engagement during that process. The governing board consists of one representative from each of those agencies plus two stakeholder directors representing environmental and agricultural interests. The GSA is responsible for developing a GSP for the Mound Basin to achieve long-term groundwater sustainability. Additionally, SGMA requires and directs GSAs to encourage active involvement of stakeholders and interested parties in the process to sustainability manage the basin.

2 PURPOSE

The purpose of the outreach activities described in this Engagement Plan is to encourage the active involvement of individual stakeholders and stakeholder organizations, and other interested parties in the development and implementation of the GSP for the Mound Basin. This GSP is required under SGMA to be completed no later than January 31, 2022. The projects and management actions necessary to implement the GSP could affect individuals and groups who have a stake in ensuring the basin is sustainably managed as required by SGMA.

In an effort to understand and involve stakeholders and their interests in the decision- making and activities, the MBGSA has prepared this Engagement Plan to encourage broad, enduring and productive involvement during the GSP development and implementation phases. This Engagement Plan will assist the MBGSA in providing timely information to stakeholders and receive input from interested parties during GSP development. This Engagement Plan will identify stakeholders who have an interest in groundwater in the Mound Basin, and recommend outreach, education, and communication strategies for engaging those stakeholders during the development and implementation of the GSP. The plan also includes an approach for evaluating the overall success of stakeholder engagement and education of both stakeholders and the public. In consideration of the interests of all beneficial uses and users of groundwater in the basin, this Engagement Plan has been developed pursuant to California Water Code Section 10723.2. Additionally, this Engagement Plan has been developed to encourage the active involvement of diverse social, cultural, and economic elements of the population within the Mound Basin, in accordance with GSP Regulations Section 354.10.

3 GENERAL INFORMATION

The following personnel will serve as contacts for the public during GSA formation and GSP preparation.

3.1 Clerk of the Board

For general information about MBGSA and the GSP status, contact:

Jackie Lozano, Clerk of the Board, (805) 525-4431, email jackiel@unitedwater.org.

3.2 Executive Director

MBGSA's Executive Director will be available for stakeholders and the public seeking specific detailed information about the GSP, contact:

Bryan Bondy, Executive Director, (805) 212-0484, email bryan@bondygroundwater.com.

4 OUTREACH ACTIVITIES

MBGSA will implement the following outreach activities to maximize stakeholder involvement during the development of the GSP and throughout SGMA implementation.

4.1 Public Notices

To ensure that the general public is apprised of local activities and allow stakeholders to access information, SGMA specifies several public notice requirements for GSAs. Refer to Table 1 in Appendix A for a summary of statutory requirements. Three sections of the California Water Code require public notice before establishing a GSA, adopting (or amending) a GSP, or imposing or increasing fees:

- Section 10723(b). "Before electing to be a groundwater sustainability agency, and after publication of notice pursuant to Section 6066 of the Government Code, the local agency or agencies shall hold a public hearing in the county or counties overlying the basin." In accordance with California Water Code Section 10723(b), the following was noticed to the public: On June 22, 2017, the MBGSA held a public hearing to consider becoming a GSA for the Mound Basin. The public hearing was noticed in the *Ventura County Star* in accordance with Government Code Section 6066.
- Section 10728.4. "A groundwater sustainability agency may adopt or amend a groundwater sustainability plan after a public hearing, held at least 90 days after providing notice to a city or county within the area of the proposed plan or amendment. ..."
- Section 10730(b)(1). "Prior to imposing or increasing a fee, a groundwater sustainability agency shall hold at least one public meeting, at which oral or written presentations may be made as part of the meeting....(3) At least 10 days prior to the meeting, the groundwater sustainability agency shall make available to the public data upon which the proposed fee is based." In accordance with California Water Code Section 10730(b)(1), the following was noticed to the public: On August 23, 2018, the MBGSA held a public hearing to consider establishing a groundwater extraction fee. The public hearing was noticed in the *Ventura County Star* in accordance with Government Code Section 6066 and data upon which the fee is based was posted to the MBGSA website and mailed to all entities on the interested parties list prior to the meeting.
- Future noticing will occur as required by SGMA.

4.2 Stakeholder Identification

Pursuant to Water Code Sections 10723.8(a)(4) and 10723.2, the Agency will consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing a GSP.

MBGSA has engaged stakeholders in the development of the Agency to serve as the GSA. For example, during development of the joint powers authority agreement (“JPA Agreement”) forming the Agency, the signatory members held numerous public meetings to discuss important terms to be included in the JPA Agreement. The signatory members also held multiple stakeholder outreach meetings to engage and educate stakeholders within the Mound Basin about the SGMA requirements the JPA Agreement, and the Agency’s intention to form a GSA for the Mound Basin. In addition to the Agency’s public outreach efforts, it also designated two seats on its five-seat Board of Directors for Stakeholder Directors: one seat is reserved for an Agricultural Stakeholder Director and one seat is reserved for an Environmental Stakeholder Director.

The Agency plans to continue its practice of seeking broad stakeholder engagement in management of the Mound Basin’s groundwater resources as it undertakes the process to develop and implement the Plan for the Mound Basin over the next several years.

SGMA mandates that a GSA establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents. The MBGSA compiled a list of interested persons for this purpose that will be maintained throughout the GSA formation and GSP development phases. An initial list of stakeholders and interested parties include, but are not limited to, the following:

- a) Holders of overlying groundwater rights, including:
 - 1) Agricultural well owners - There are agricultural users of groundwater operating on land overlying the Basin. To account for these users’ interests, the Agency designated a seat on its five-member governing board to be filled by an Agricultural Stakeholder Director. The Agricultural Stakeholder Director will be appointed from nominations received by the Mound Basin Ag Water Group (MBAWG) or the Ventura County Farm Bureau. The Agricultural Stakeholder Director is responsible for engaging the Basin’s agricultural users of groundwater and representing their interests before the Agency.
 - 2) Domestic well owners - There are no domestic wells overlying the Basin.
 - 3) Industrial well owners - Two industrial wells have been identified in the basin: Saticoy Lemon Association (lemon packing facility cooperative) and Ivy Lawn Cemetery Association. Given Saticoy Lemon Association’s ties to agriculture, the Agricultural Stakeholder Director will be responsible for engaging this stakeholder. The Executive Director will be responsible for engaging Ivy Lawn Memorial.
 - 4) Other - The County of Ventura operates a well for landscape irrigation at the County Government Center. The County is represented on the Agency’s Board of Directors.
- b) Municipal Well Operators - The Agency is a joint powers authority created by three local public agencies. One of the Agency’s signatory members—the City of San Buenaventura operates municipal wells within the Basin and is represented on the Agency’s Board of Directors.
- c) Public water systems

1) Ventura Water (City of San Buenaventura)

The City of San Buenaventura is a signatory member to the JPA Agreement forming the Agency and is represented on the Agency's Board of Directors.

- d) Local land use planning agencies - Both the County of Ventura ("County") and the City of San Buenaventura have land use planning authority on land overlying the Basin. Both are signatory members to the JPA Agreement forming the Agency and are represented on the Agency's Board of Directors.
- e) Environmental - There are several environmental organizations dedicated to preserving and maintaining environmental values operating within the boundaries of the Basin. To account for these users' interests, the Agency designated a seat on its five-member governing board to be filled by an Environmental Stakeholder Director. The Environmental Stakeholder Director will be appointed from nominations received from local environmental nonprofit organizations supportive of the Basin's groundwater sustainability. The Environmental Stakeholder Director is responsible for engaging stakeholders within the Basin and representing environmental interests before the Agency.
- f) Surface Water Users There are no permitted or licenses surface water diversions within the Basin.
- g) The federal government - No land overlying the Mound Basin is managed by the Federal Government.
- h) California Native American Tribes – There are no tribal trust lands located within the Basin. However, the Mound Basin lies within the traditional tribal territory of the Chumash. The Agency will ensure that a Chumash representative is on the Agency's interested parties list, in order to receive notices of all Agency meetings and other stakeholder involvement opportunities.
- i) Disadvantaged communities - There are no disadvantaged communities served by private domestic wells or small community water systems located within the Basin. The City of San Buenaventura (City) serves the areas indicated by DWR as Disadvantaged Communities (DACs) and Severely Disadvantaged Communities (SDACs). Outreach to DAC's shall be accomplished via bill stuffers or other means through the City's water department (Ventura Water), including materials provided in Spanish.
- j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency. The County is the designated California Statewide Groundwater Elevation Monitoring ("CASGEM") entity for the Basin. The County is a signatory member to the JPA Agreement forming the Agency and represented on the Agency's Board of Directors.
- k) Casitas Municipal Water District (CMWD) - CMWD is a wholesale water agency that provides a portion of the potable water supplied by Ventura Water within the Basin. CMWD does not operate any facilities in the Basin. CMWD's service area overlaps with a western portion of the Basin.

MBGSA intends to work cooperatively with partner agencies, stakeholders, and interested parties to develop and implement the GSP for the Mound Basin and will maintain a list of stakeholders and interested parties to be included in the formation of the GSP.

A person can be added to the interested parties list by submitting an inquiry via the MBGSA website: <http://moundbasingsa.org/contact-us/> or by contacting the Clerk of the Board.

4.3 Integrated Regional Water Management

The Watershed Coalition of Ventura County (WCVC) prepared an Integrated Regional Water Management Plan in 2006 and has been updated multiple times since. The Santa Clara River Watershed Committee, a sub organization of WCVC, is actively involved in the community on a wide range of issues affecting the watershed, including the Mound Basin. Since this group provides a forum for the discussion of issues that are important to the community, it is important for this group to be well informed throughout GSP development. Representatives from the MBGSA attend Council meetings and provide up-to-date information and hear feedback from Council members.

4.4 Public Hearings/Meetings

4.4.1 Planning Commission

Periodic updates on SGMA implementation will be provided to the City of Ventura Planning Commission and the Ventura County Planning Commission and the public will be invited to listen.

4.4.2 Public Meetings

Comprehensive stakeholder involvement will include regularly scheduled public meetings to aid in developing and implementing the GSP. Logical subdivisions of the GSP will be the subject of public meetings to receive comments prior to approval. In addition to signing up to receive information about GSP development at the MBGSA webpage, interested parties may participate in the development and implementation of the GSP by attending and participating in public meetings (Water Code Section 10727.8(a)). Public meetings are generally held at Ventura City Hall, 501 Poli Street, Ventura, California 93001. Future public meetings will generally be held at this location, although some meetings may be moved to other locations depending on meeting room availability. Each meeting will have a scheduled time for public comments. While the California Governor's Executive Stay at Home Order and the County of Ventura Health Officer Declared Local Health Emergency and Be Well at Home Order remain in effect, meetings will be held on-line. When appropriate, on-line meetings will include polling features to facilitate stakeholder input. Information about upcoming meetings can be found on the MBGSA website: <http://moundbasingsa.org>.

4.4.3 Local Agency Meetings

To ensure their constituency is kept informed of the progress of GSP development and implementation, the Directors representing MBGSA member agencies, which consist of County of Ventura, City of San Buenaventura, and United Water Conservation District have committed to providing periodic updates during their regularly scheduled board meetings. These meetings offer a chance for the public to receive information and provide comment. Information about upcoming meetings is provided on the following agency websites, or by the means each agency currently meets its legal noticing requirements, whichever is appropriate:

<http://cityofventura.ca.gov>

<http://ventura.org> (Board of Supervisors)

<https://www.unitedwater.org/>

4.5 Direct Mailings/Email

Public meetings and project information will be disseminated through email, from the Agency office, or direct mail under special circumstances if requested. This communication will provide

information for the community, public agencies, and other interested persons/organizations about milestones, meetings, and the progress of GSP development. Property owners with groundwater wells within the basin are notified via email and/or direct mailings about the establishment of an interested persons list and given the opportunity to receive future notices.

4.6 Newsletters/Columns

Periodic GSP newsletters will be developed and sent to the interested parties and posted on the website. Periodic updates may be provided to the *Ventura County Star* newspapers to advise, educate, and inform the public on SGMA implementation.

4.7 MBGSA Website

Regular updates on the GSP development and implementation will be provided on the MBGSA website. This information will include maps, timelines, frequently asked questions, groundwater information, and schedules/agenda of upcoming meetings and milestones. This information will be accessible on the MBGSA website: <http://moundbasingsa.org>. MBGSA staff will update the website regularly and invite users to request information or be added to the interested persons list. In addition, general information about SGMA and groundwater conditions will be available on UWCD's website.

4.8 Database

To distribute information about GSP development, an email list has been compiled into a database of interested persons and stakeholders. The database will be updated regularly to add names of attendees at public meetings along with those requesting information via email or through the MBGSA website.

4.9 Tribal Engagement

There are no tribal trust lands located within the Basin. However, the Mound Basin lies within the traditional tribal territory of the Chumash. MBGSA will inform the Tribal Elder, Julie Tumamait, and Tribal representative Walter Viar throughout the GSP development process and GSP implementation.

4.10 Additional Opportunities

Additional opportunities for stakeholder participation (e.g., an advisory committee) will be considered as GSP development progresses and as stakeholder interests evolve.

5 EVALUATION

To determine the level of success of the Engagement Plan, the MBGSA will implement the following measures:

5.1 Attendance/Participation

A record of those attending public meetings will be maintained throughout the GSP development process. MBGSA will utilize sign-in sheets and request feedback from attendees to determine adequacy of public education and productive engagement in the GSP development and implementation process. Meeting minutes will also be prepared and will be provided on the MBGSA website once approved.

5.2 Polling

Polls will be used to determine how stakeholders are receiving notices about GSP status and meetings and if any stakeholder categories require additional outreach. Polls will also be used to determine topics of most interest and the level of information that is desired for specific topics.

Outreach methods will be tailored based on polling response.

5.3 Adherence to Schedule

Public participation in developing sustainable management criteria and projects and management actions for inclusion in the GSP is instrumental to the success of the GSP. Keeping these tasks on schedule will be an important indicator of stakeholder involvement. GSP development updates will be provided at each Regular Board of Directors meeting. A GSP development schedule will be developed and updated monthly.

5.4 Plan Update

This Plan will be updated at least annually.

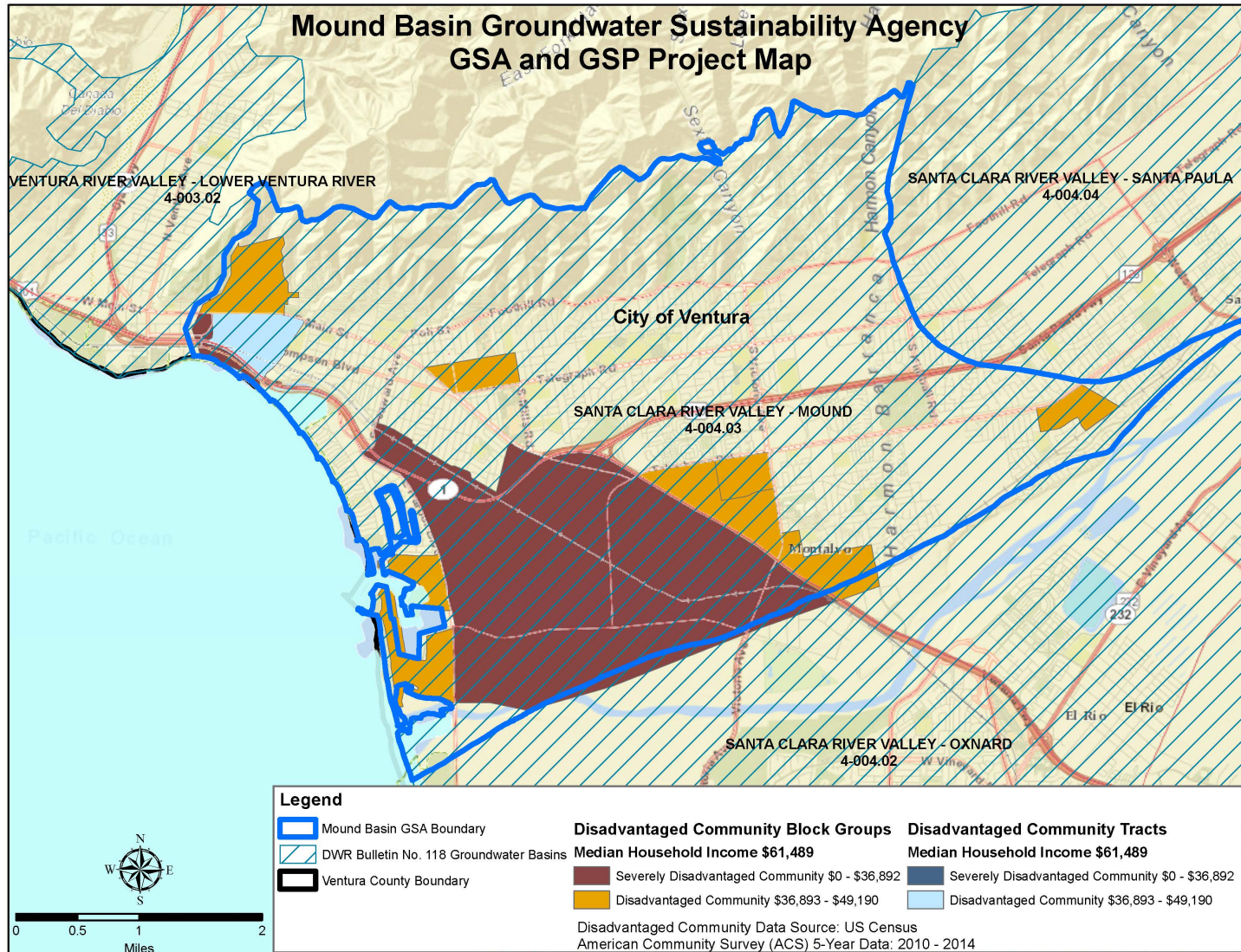
DRAFT

APPENDIX A

TABLE 1

<i>During GSA Formation:</i>	
“Before electing to be a groundwater sustainability agency... the local agency or agencies shall hold a public hearing.”	Water Code Sec. 10723 (b)
“A list of interested parties [shall be] developed [along with] an explanation of how their interests will be considered.”	Water Code Sec. 10723.8.(a)(4)
<i>During GSP Development and Implementation:</i>	
“A groundwater sustainability agency may adopt or amend a groundwater sustainability plan after a public hearing.”	Water Code Sec. 10728.4
“Prior to imposing or increasing a fee, a groundwater sustainability agency shall hold at least one public meeting.”	Water Code Sec. 10730(b)(1)
“The groundwater sustainability agency shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents.”	Water Code Sec. 10723.4
“Any federally recognized Indian Tribe... may voluntarily agree to participate in the preparation or administration of a groundwater sustainability plan or groundwater management plan... A participating Tribe shall be eligible to participate fully in planning, financing, and management under this part.”	Water Code Sec. 10720.3(c)
“The groundwater sustainability agency shall make available to the public and the department a written statement describing the manner in which interested parties may participate in the development and implementation of the groundwater sustainability plan.”	Water Code Sec. 10727.8(a)
<i>Throughout SGMA Implementation:</i>	
“The groundwater sustainability agency shall consider the interests of all beneficial uses and users of groundwater.”	Water Code Sec. 10723.2
“The groundwater sustainability agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin.”	Water Code Sec. 10727.8(a)

FIGURE 1





MoundBasin
GROUNDWATER SUSTAINABILITY AGENCY

Item No. 9(d)

DATE: October 1, 2021
TO: Board of Directors
FROM: Ambry Tibay of UWCD, and Executive Director
SUBJECT: Fiscal Year 2020-2021 Budget Report

SUMMARY

The Board will receive and file the year-end financial reports for the Mound Basin GSA.

MOTION ITEM

UWCD accounting staff has prepared financial reports based on the Mound Basin GSA revenue and expenses for the fiscal year 2020-2021.

BACKGROUND

The fiscal year 2020-2021 budget was adopted on June 17, 2020. The budget was revised concurrently with the mid-year budget report on February 18, 2021. The mid-year update was based on year-to-date projections available at that time. Attachment A shows both the original and revised budget amounts for comparison with the actual income and expenses. The Budget to Actual variance in Grants and Professional Services is the result of overestimating the pace of work on the GSP during the second half of the fiscal year.

FISCAL SUMMARY

Not applicable.

ATTACHMENTS

- A. FY 20-21 Profit/Loss Statement - Final
- B. FY 20-21 Profit/Loss by Class - Final
- C. FY 20-21 Balance Sheet - Final

Mound Basin Groundwater Sustainability Agency
Profit & Loss Budget Performance
June 2021

	<u>Jul '20 - Jun 21</u>	<u>Annual Budget</u>	<u>Budget</u>
Income			
40001 · Groundwater Extraction Fees	134,919.82	150,000.00	89.95%
41000 · Grant revenue			
41001 · State Grants	339,748.29	493,277.00	68.88%
Total 41000 · Grant revenue	339,748.29	493,277.00	68.88%
47000 · Other Revenue			
47001 · Late Fees	-3,095.33	1,136.00	-272.48%
Total 47000 · Other Revenue	-3,095.33	1,136.00	-272.48%
Total Income	471,572.78	644,413.00	73.18%
Gross Profit	471,572.78	644,413.00	73.18%
Expense			
52200 · Professional Services			
52240 · Prof Svcs - IT Consulting	727.78	494.00	147.32%
52250 · Prof Svcs - Groundwater/GSP Pre			
52252 · Prof Svcs - GSP Consultant	357,530.48	469,842.00	76.10%
Total 52250 · Prof Svcs - Groundwater/GSP Pre	357,530.48	469,842.00	76.10%
52270 · Prof Svcs - Accounting	7,486.86	15,000.00	49.91%
52275 · Prof Svcs - Admin/Clerk of Bd	10,398.69	12,500.00	83.19%
52280 · Prof Svcs - Executive Director	21,400.00	45,000.00	47.56%
Total 52200 · Professional Services	397,543.81	542,836.00	73.23%
52500 · Legal Fees			
52501 · Legal Counsel	5,673.00	35,000.00	16.21%
Total 52500 · Legal Fees	5,673.00	35,000.00	16.21%
53000 · Office Expenses			
53010 · Public Information	2,417.92	5,000.00	48.36%
53020 · Office Supplies	66.65	3,500.00	1.90%
53026 · Postage & Mailing	256.14	700.00	36.59%
53070 · Licenses, Permits & Fees	4,162.80	4,000.00	104.07%
53110 · Travel & Training	364.17	500.00	72.83%
Total 53000 · Office Expenses	7,267.68	13,700.00	53.05%
53500 · Insurance			
53510 · Liability Insurance	1,945.00	3,700.00	52.57%
Total 53500 · Insurance	1,945.00	3,700.00	52.57%
70000 · Interest & Debt Service			
70120 · Interest Expense	0.00	1,238.00	0.00%
Total 70000 · Interest & Debt Service	0.00	1,238.00	0.00%
Total Expense	412,429.49	596,474.00	69.14%
Net Income	59,143.29	47,939.00	123.37%

**Mound Basin Groundwater Sustainability Agency
Profit & Loss Budget Performance
June 2021**

	<u>Original Budget</u>	<u>Revised</u>	<u>Jul '20 - Jun 21</u>	<u>% to Revised Budget</u>	
Income					
40001 · Groundwater Extraction Fees	150,000.00	150,000.00	134,919.82	89.95%	
41000 · Grant revenue					
41001 · State Grants	493,277.00	493,277.00	339,748.29	68.88%	
Total 41000 · Grant revenue	<u>493,277.00</u>	<u>493,277.00</u>	<u>339,748.29</u>	<u>68.88%</u>	
47000 · Other Revenue					
47001 · Late Fees	0.00	1,136.00	-3,095.33	-272.48%	Ocean Breeze Late fees and interests refund
Total 47000 · Other Revenue	<u>0.00</u>	<u>1,136.00</u>	<u>-3,095.33</u>	<u>-272.48%</u>	
Total Income	<u>643,277.00</u>	<u>644,413.00</u>	<u>471,572.78</u>	<u>73.18%</u>	
Gross Profit	<u>643,277.00</u>	<u>644,413.00</u>	<u>471,572.78</u>	<u>73.18%</u>	
Expense					
52200 · Professional Services					
52240 · Prof Svcs - IT Consulting	494.00	494.00	727.78	147.32%	
52250 · Prof Svcs - Groundwater/GSP Pre					
52252 · Prof Svcs - GSP Consultant	469,842.00	469,842.00	357,530.48	76.10%	
Total 52250 · Prof Svcs - Groundwater/GSP Pre	<u>469,842.00</u>	<u>469,842.00</u>	<u>357,530.48</u>	<u>76.10%</u>	
52270 · Prof Svcs - Accounting	15,000.00	15,000.00	7,486.86	49.91%	
52275 · Prof Svcs - Admin/Clerk of Bd	12,500.00	12,500.00	10,398.69	83.19%	
52280 · Prof Svcs - Executive Director	45,000.00	45,000.00	21,400.00	47.56%	
Total 52200 · Professional Services	<u>542,836.00</u>	<u>542,836.00</u>	<u>397,543.81</u>	<u>73.23%</u>	
52500 · Legal Fees					
52501 · Legal Counsel	35,000.00	35,000.00	5,673.00	16.21%	
Total 52500 · Legal Fees	<u>35,000.00</u>	<u>35,000.00</u>	<u>5,673.00</u>	<u>16.21%</u>	
53000 · Office Expenses					
53010 · Public Information	5,000.00	5,000.00	2,417.92	48.36%	
53020 · Office Supplies	7,500.00	3,500.00	66.65	1.90%	
53026 · Postage & Mailing	200.00	700.00	256.14	36.59%	
53070 · Licenses, Permits & Fees	0.00	4,000.00	4,162.80	104.07%	
53110 · Travel & Training	1,000.00	500.00	364.17	72.83%	
Total 53000 · Office Expenses	<u>13,700.00</u>	<u>13,700.00</u>	<u>7,267.68</u>	<u>53.05%</u>	
53500 · Insurance					
53510 · Liability Insurance	3,700.00	3,700.00	1,945.00	52.57%	
Total 53500 · Insurance	<u>3,700.00</u>	<u>3,700.00</u>	<u>1,945.00</u>	<u>52.57%</u>	
70000 · Interest & Debt Service					
70120 · Interest Expense	1,238.00	1,238.00	0.00	0.00%	
Total 70000 · Interest & Debt Service	<u>1,238.00</u>	<u>1,238.00</u>	<u>0.00</u>	<u>0.00%</u>	
Total Expense	<u>596,474.00</u>	<u>596,474.00</u>	<u>412,429.49</u>	<u>69.14%</u>	
Net Income	<u><u>46,803.00</u></u>	<u><u>47,939.00</u></u>	<u><u>59,143.29</u></u>	<u><u>123.37%</u></u>	

Mound Basin Groundwater Sustainability Agency
Profit & Loss by Class
 July 2020 through June 2021

	Task 03 - Stakeholder Outreach			Task 04 - GSP Development	D - GSP Development - Other			
	A - Grant Administration	(C - Planning Activities)	Total C - Planning Activities	(D - GSP Development)	(D - GSP Development)	Total D - GSP Development	Unclassified	TOTAL
Income								
40001 - Groundwater Extraction Fees	0.00	0.00	0.00	0.00	0.00	0.00	134,919.82	134,919.82
41000 - Grant revenue								
41001 - State Grants	12,311.94	0.00	0.00	0.00	327,436.35	327,436.35	0.00	339,748.29
Total 41000 - Grant revenue	12,311.94	0.00	0.00	0.00	327,436.35	327,436.35	0.00	339,748.29
47000 - Other Revenue								
47001 - Late Fees	0.00	0.00	0.00	0.00	0.00	0.00	-3,095.33	-3,095.33
Total 47000 - Other Revenue	0.00	0.00	0.00	0.00	0.00	0.00	-3,095.33	-3,095.33
Total Income	12,311.94	0.00	0.00	0.00	327,436.35	327,436.35	131,824.49	471,572.78
Gross Profit	12,311.94	0.00	0.00	0.00	327,436.35	327,436.35	131,824.49	471,572.78
Expense								
52200 - Professional Services								
52240 - Prof Svcs - IT Consulting	0.00	0.00	0.00	0.00	0.00	0.00	727.78	727.78
52250 - Prof Svcs - Groundwater/GSP Pre								
52252 - Prof Svcs - GSP Consultant	9,550.00	5,150.00	5,150.00	286,488.98	0.00	286,488.98	56,341.50	357,530.48
Total 52250 - Prof Svcs - Groundwater/GSP Pre	9,550.00	5,150.00	5,150.00	286,488.98	0.00	286,488.98	56,341.50	357,530.48
52270 - Prof Svcs - Accounting	2,761.94	0.00	0.00	0.00	0.00	0.00	4,724.92	7,486.86
52275 - Prof Svcs - Admin/Clerk of Bd	0.00	170.55	170.55	149.23	0.00	149.23	10,078.91	10,398.69
52280 - Prof Svcs - Executive Director	0.00	0.00	0.00	0.00	0.00	0.00	21,400.00	21,400.00
Total 52200 - Professional Services	12,311.94	5,320.55	5,320.55	286,638.21	0.00	286,638.21	93,273.11	397,543.81
52500 - Legal Fees								
52501 - Legal Counsel	0.00	0.00	0.00	0.00	0.00	0.00	5,673.00	5,673.00
Total 52500 - Legal Fees	0.00	0.00	0.00	0.00	0.00	0.00	5,673.00	5,673.00
53000 - Office Expenses								
53010 - Public Information	0.00	1,775.60	1,775.60	0.00	0.00	0.00	642.32	2,417.92
53020 - Office Supplies	0.00	0.00	0.00	0.00	0.00	0.00	66.65	66.65
53026 - Postage & Mailing	0.00	0.00	0.00	0.00	0.00	0.00	256.14	256.14
53070 - Licenses, Permits & Fees	0.00	0.00	0.00	0.00	0.00	0.00	4,162.80	4,162.80
53110 - Travel & Training	0.00	0.00	0.00	0.00	0.00	0.00	364.17	364.17
Total 53000 - Office Expenses	0.00	1,775.60	1,775.60	0.00	0.00	0.00	5,492.08	7,267.68
53500 - Insurance								
53510 - Liability Insurance	0.00	0.00	0.00	0.00	0.00	0.00	1,945.00	1,945.00
Total 53500 - Insurance	0.00	0.00	0.00	0.00	0.00	0.00	1,945.00	1,945.00
Total Expense	12,311.94	7,096.15	7,096.15	286,638.21	0.00	286,638.21	106,383.19	412,429.49
Net Income	0.00	-7,096.15	-7,096.15	-286,638.21	327,436.35	40,798.14	25,441.30	59,143.29

Mound Basin Groundwater Sustainability Agency
Balance Sheet
As of June 30, 2021

	June 30, 21
ASSETS	
Current Assets	
Checking/Savings	
10000 · Bank of the Sierra	180,146.48
Total Checking/Savings	180,146.48
Accounts Receivable	
11000 · Accounts Receivable	253,131.92
Total Accounts Receivable	253,131.92
Total Current Assets	433,278.40
TOTAL ASSETS	433,278.40
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	15,903.54
Total Accounts Payable	15,903.54
Other Current Liabilities	
20001 · Advance from City of Ventura	55,000.00
20510 · Interest Payable	1,958.30
Total Other Current Liabilities	56,958.30
Total Current Liabilities	72,861.84
Total Liabilities	72,861.84
Equity	
32000 · Retained Earnings	300,455.81
Net Income	59,143.29
Total Equity	359,599.10
TOTAL LIABILITIES & EQUITY	432,460.94