

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY
REGULAR BOARD OF DIRECTORS MEETING

Monday, January 23, 2023, at 3:00 p.m.
via Zoom, due to COVID-19 Meeting Protocol

MINUTES

DIRECTORS IN ATTENDANCE

Elizabeth (Betsy) Cooper, Vice-chair/Secretary
Arne Anselm, Treasurer
James (Jim) Chambers
Conner Everts

STAFF IN ATTENDANCE

Bryan Bondy, Executive Director
Alex Dominguez, Legal Counsel
Jackie Lozano, Clerk of the Board

PUBLIC IN ATTENDANCE

John Lindquist, UWCD

CALL TO ORDER

Vice-chair Betsy Cooper called the meeting to order at 3:01 p.m.

1. PLEDGE OF ALLEGIANCE

Vice-chair Cooper led the participants in reciting the Pledge of Allegiance.

2. BOARD OF DIRECTORS ROLL CALL

The Clerk of the Board called roll. Four Directors were present (Anselm, Chambers, Cooper, and Everts). United Water Conservation District's MBGSA director seat was unappointed at the time of the meeting.

3. Adoption of Alternative Teleconferencing Requirements Under AB 361

Motion

Following discussion, on motion of Director Everts, seconded by Director Anselm, the Board made the determination that, due to continuation of the Governor's Executive Order and the imminent risk to health and safety, the Board will continue with the previous teleconferencing determination under AB 361, on the following roll call vote: Four ayes (Anselm, Chambers, Cooper, Everts); none opposed. Motion carried 4/0.

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Vice-chair Cooper asked if there were any public comments. None were offered.

5. APPROVAL OF AGENDA

Motion

Director Everts moved Agenda approval; Seconded by Director Chambers. Roll call vote: Four ayes (Anselm, Chambers, Cooper, Everts), none opposed. Motion carried 4/0.

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 November 17, 2022, Regular Board of Directors meeting. A meeting cancellation notice was emailed to the Board of Directors and interested parties list as well as posted on the Mound Basin GSA website regarding the December 15, 2022, Regular Board of Directors meeting.

6b. Approval of Warrants

Motion

The Board will review the warrant payment registry for previously paid invoices and 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 months of November and December 2022.

Vice-chair Cooper requested three corrections to Consent Calendar item 6a. Approval of Minutes as follows:

- Item 3: After roll call vote: four ayes, remove “Everts” from the roll call list and add “Cooper.”
- Item 10: Last line of paragraph, change out the word “Victoria” and replace it with the word “Mound.”

Motion to approve Consent Calendar items and Minutes as modified with a note that Director Everts was absent on November 17, 2022, Director Anselm; Seconded by Director Chambers. Roll call vote: Four ayes (Anselm, Chambers, Cooper, Everts); none opposed; Motion carried 4/0.

7. BOARD MEMBER ANNOUNCEMENTS

There were no updates provided by the Directors.

8. REVIEW OF MEETING TELECONFERENCING RULES

Information Item

Alex Dominquez from the Agency Counsel’s office provided an overview and presentation (attached) of the new teleconferencing changes coming in March. He also provided, as an attachment to the staff report, a reference guide to assist with any questions the Board may have in the future. Alex Dominquez answered miscellaneous questions about the teleconferencing rules.

No public comments.

9. EXECUTIVE DIRECTOR UPDATE

Information Item

Executive Director Bryan Bondy provided an update on Agency activities since the last Regular Board of Directors meeting of November 17, 2022. Director Chambers as well as Vice-chair Cooper thanked Executive Director Bondy for emailing the year-end Mound Basin GSA 2022 summary to the interested parties.

No public comments.

10. MOTION ITEMS

10a. Agency Officer Appointments and Required Bond

Motion

Executive Director Bondy summarized the motion to the Board for their consideration of approval. He asked for clarification from legal counsel about officer eligibility. Mr. Dominguez responded that any director could serve as an officer. After further discussion among the Directors regarding appointments, Director Anselm asked whether the Board could defer this matter to the next Regular Board of Directors meeting so that the new United Water Conservation District representative could be included. Mr. Dominguez said officer appointments could wait. Vice-chair Cooper agreed with deferring the item.

No public comments.

Motion to approve deferring Agency Officer Appointments and Required Bond to the next Regular Board of Directors meeting, Director Anselm; Seconded by Director Chambers. Roll call vote: Four ayes (Anselm, Chambers, Cooper, Everts); none opposed. Motion carried 4/0.

10b. Stakeholder Engagement Plan Annual Review

Motion

Executive Director Bondy summarized this motion to the Board for approval. A redlined version of the plan was provided in the agenda packet for review. Director Cooper said the delineation of disadvantaged communities on Figure 1 of the plan doesn't look correct. Executive Director Bondy explained that the data is provided by the Department of Water Resources. Executive Director Bondy said he would check for any updates to the data prior to finalizing the plan.

No public comments.

Motion to approve amendment of the Stakeholder Engagement Plan with an updated Figure 1, Director Cooper; Seconded by Director Chambers. Roll call vote: Four ayes (Anselm, Chambers, Cooper, Everts); none opposed. Motion carried 4/0.

11. FUTURE AGENDA ITEMS

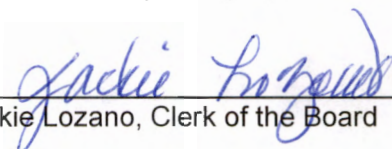
Vice-chair Cooper polled the Directors for any future agenda items. Director Chambers asked if there are any updates on modeling. John Lindquist said there isn't anything new that is significant to report. Director Chambers said he is interested in receiving updates on the shallow groundwater monitoring and the new monitoring well. Director Chambers also asked about the status of the City's wells and pumping rates. Vice-chair Cooper said she can provide a report after the new wells are online.

ADJOURNMENT

Vice-chair Cooper adjourned the meeting at 3:47 p.m. to the next Regular Board of Directors meeting on February 27, 2023, at 3:00 p.m. or call of the Vice-chair.

I certify that the above is a true and correct copy of the minutes of the Mound Basin Groundwater Sustainability Agency's Board of Directors meeting of January 23, 2023.

ATTEST: 
Elizabeth (Betsy) Cooper, Vice Chair/Secretary

ATTEST: 
Jackie Lozano, Clerk of the Board

BROWN ACT UPDATE

2023-01-23

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STANDARD TELECONFERENCE REQUIREMENTS

- **The Brown Act authorizes and applies to teleconference meetings.**
 - This includes teleconference through audio and video conferencing through Zoom, Teams, etc.
- **For a teleconference meeting:**
 - The agenda must list each teleconference location.
 - The agenda must be posted at each teleconference location.
 - Each teleconference location must be ADA accessible and accessible to the public.
 - At least a quorum of the members of the legislative body must participate from within the District's boundaries.
 - Votes must be conducted by roll call.

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NEW RULES UNDER AB 2449

- AB 2449 is effective January 1, 2023.
- Under AB 2449, board members may attend a meeting by teleconference *without* identifying the location on the agency's agenda or making the location accessible to the public if the following procedures are followed:
 - (1) A quorum of the board must participate in person from a singular physical location clearly identified in the agenda, which is open to the public and within the agency's boundaries; **AND**
 - (2) The remaining board members participate remotely either (a) for "just cause," or (b) in "emergency circumstances."

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JUST CAUSE

- "**Just cause**" is defined as any of the following:
 - Childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely;
 - A contagious illness that prevents a member from attending in person;
 - A need related to a physical or mental disability; or
 - Travel while on business of the legislative body (*i.e.*, board) or another state or local agency.
- A member can only participate remotely for "just cause" **2 times** per calendar year.

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EMERGENCY CIRCUMSTANCES

- “Emergency circumstances” include physical or family medical emergencies that prevent a board member from attending in person.
- A board member requesting to meet remotely must provide a general description of the “emergency circumstance” to the board and the board must approve the request in order for the board member to participate and count towards the quorum.
 - This description does not need to be more than 20 words and the board member does not need to disclose personal medical information.
- If the board member does not make the request in time for inclusion on the agenda, the board may take action at the beginning of the meeting by majority vote.

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WHICH RULES APPLY

- From Now Until January 1, 2023:
 1. Traditional Brown Act teleconferencing rules; or
 2. AB 361’s abbreviated teleconferencing rules.
- From January 1, 2023 Until February 27, 2023:
 1. Traditional Brown Act teleconferencing rules; or
 2. AB 361’s abbreviated teleconferencing rules; or
 3. AB 2449’s new teleconferencing rules
- From February 27, 2023 Onward:
 1. Traditional Brown Act teleconferencing rules; or
 2. AB 2449’s new teleconferencing rules

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