

## LOS OSOS GROUNDWATER BASIN, BASIN MANAGEMENT COMMITTEE

### NOTICE OF MEETING

**NOTICE IS HEREBY GIVEN** that the Los Osos Groundwater Basin, Basin Management Committee Board of Directors will hold a **Regular Board Meeting** at **1:00 P.M.** on **Wednesday, October 27, 2021**. Due to the continuing increase of Coronavirus (COVID-19) cases and in accordance with AB 361, which amends Government Code §54953 to allow local legislative bodies to hold virtual meetings after September 30, 2021, if certain criteria is met, the Basin Management Committee meeting for October 27, 2021 will be a virtual meeting held via Zoom webinar. There will be no physical meeting location for this BMC Meeting. Members of the public can participate via phone or by logging into the web-based meeting.

For quick access, go to <https://us04web.zoom.us/j/778762508>  
(This link will help connect both your browser and telephone to the call)

**If not using a computer**, dial 1 (669) 900-6833 or 1 (346) 248-779 and enter **778 762 508**

All persons desiring to speak during any Public Comment can submit a comment by:

- Email at [dheimel@wsc-inc.com](mailto:dheimel@wsc-inc.com) by 5:00 PM on the day prior to the Committee meeting.
- Teleconference by phone at 1 (669) 900-6833 and enter **778 762 508**
- Teleconference by phone at 1 (346) 248-7799 and enter **778 762 508**
- Teleconference meeting at <https://us04web.zoom.us/j/778762508>
- Mail by 5:00 PM on the day prior to the Committee meeting to:  
Attn: Dan HeimeI (Basin Management Committee)  
2122 9th St.  
Suite 110  
Los Osos, CA 93402

Additional information on how to submit Public Comment is provided on page 3 of this Agenda.

*Directors: Agenda items are numbered for identification purposes only and may not necessarily be considered in numerical order.*

*NOTE: The Basin Management Committee reserves the right to limit each speaker to three (3) minutes per subject or topic. In compliance with the Americans with Disabilities Act, all possible accommodations will be made for individuals with disabilities, so they may participate in the meeting. Persons who require accommodation for any audio, visual or other disability in order to participate in the meeting of the BMC are encouraged to request such accommodation 48 hours in advance of the meeting from Dan HeimeI at [dheimel@wsc-inc.com](mailto:dheimel@wsc-inc.com).*

### BASIN MANAGEMENT COMMITTEE BOARD OF DIRECTORS AGENDA

#### 1. CALL TO ORDER

#### 2. ROLL CALL

#### 3. BOARD MEMBER COMMENTS

Board members may make brief comments, provide project status updates, or communicate with other directors, staff, or the public regarding non-agenda topics.

#### 4. SPECIAL PRESENTATION

None

#### 5. CONSENT AGENDA

The following routine items listed below are scheduled for consideration as a group. Each item is recommended for approval unless noted and may be approved in their entirety by one motion. Any member of the public who wishes to comment on any Consent Agenda item may do so at this time. Consent items generally require no discussion. However, any Director may request that any item be withdrawn from the Consent Agenda and moved to the "Action Items" portion of the Agenda to permit discussion or to change the recommended course of action. The Board may approve the remainder of the Consent Agenda on one motion.

- a. Approval of Minutes from September 29, 2021 BMC Meeting**
- b. 2021 Budget Update and Invoice Register**
- c. Resolution authorizing continued remote teleconferencing BMC Meetings**

## **6. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

The Basin Management Committee will consider public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Basin Management Committee. The Basin Management Committee cannot enter into a detailed discussion or take any action on any items presented during public comments at this time. 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. The presiding Chair shall limit public comments to three minutes.

## **7. EXECUTIVE DIRECTOR'S REPORT**

## **8. ACTION ITEMS**

### **a. Sustainable Yield<sub>x</sub> Methodology Review and Recommendations**

Recommendation: BMC Staff recommends that the BMC: 1) receive information on the updated Sustainable Yield<sub>x</sub> calculations and approve the proposed Sustainable Yield estimate of 2,380 AFY for Calendar Year 2022 based on the findings provided; or 2) provide alternate direction to staff.

### **b. Recycled Water Funding Program Grant Application and County Funding Request**

Recommendation: BMC Staff recommends that the BMC: 1) authorize the use of Grant Pursuit Contingency funding to prepare the Water Recycling Funding Program (WRFP) Grant Application; and 2) submit a request to the County to access the \$150,000 in County funding budgeted for the development of a Transient Groundwater Model; or 3) provide alternate direction to staff.

### **c. BMC Funding Options Consulting Services**

Recommendation: BMC Staff recommends that the BMC: 1) review and approve the proposal for SCI Consulting Group to provide an updated funding options analysis and assessment evaluation; or 2) provide alternate direction to staff.

### **d. Wellhead Survey Authorization**

Recommendation: BMC Staff recommends that the BMC: 1) Authorize Twin Cities Survey and Cleath-Harris Geologist to complete a survey of additional wells in the Los Osos Basin to improve monitoring program data; and 2) request that the County survey the wells in their monitoring program; or 3) provide alternate direction to staff.

**e. Lower Aquifer Monitoring Evaluation**

Recommendation: BMC Staff recommends that the BMC: 1) authorize the use of Contingency funds for Cleath-Harris Geologists to evaluate the feasibility and cost of modifying existing wells to improve monitoring of Zone E water quality; or 2) provide alternate direction to staff.

**9. ADJOURNMENT**

**Notice of Meeting**  
**LOS OSOS GROUNDWATER BASIN, BASIN MANAGEMENT**  
**COMMITTEE**

**\*\*\*CONFERENCE CALL/WEBINAR ONLY\*\*\***

Wednesday, Oct. 27, 2021 at 1:00 PM

**Important Notice Regarding COVID-19**

1. The meeting will only be held telephonically and via internet via the number and website link information provided on the agenda. After each item is presented, Committee Members will have the opportunity to ask questions. Participants on the phone or on the computer will then be provided an opportunity to speak for 3 minutes as public comment prior to Committee deliberations and/or actions or moving on to the next item. If a participant wants to provide public comment on an item they should select the "Raise Hand" icon on the Zoom Online Meeting platform or press \*9 if on the phone. The meeting host will then unmute the participant when it is their turn to speak and allow them to provide public comment.
2. The Committee's agenda and staff reports are available at the following website:  
[https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Los-Osos-Basin-Management-Committee-\(BMC\).aspx](https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Los-Osos-Basin-Management-Committee-(BMC).aspx)
3. If you choose not to participate in the meeting and wish to make a written comment on any matter within the Committee's subject matter jurisdiction, regardless of whether it is on the agenda for the Committee's consideration or action, please submit your comment via email or U.S. Mail by 5:00 p.m. on the day prior to the Committee meeting. Please submit your comment to Dan Heibel at [dheibel@wsc-inc.com](mailto:dheibel@wsc-inc.com). Your comment will be placed into the administrative record of the meeting.
4. If you choose not to participate in the meeting and wish to submit verbal comment, please call (805) 457-8833 x104 and ask for Dan Heibel. If leaving a message, state and spell your name, mention the agenda item number you are calling about and leave your comment. The verbal comments must be received by no later than 9:00 a.m. on the morning of the noticed meeting and will be limited to 3 minutes. Every effort will be made to include your comment into the record, but some comments may not be included due to time limitations.

Mailing Address:  
Attn: Dan Heibel  
Basin Management Committee  
2122 9<sup>th</sup> St.  
Suite 110  
Los Osos, CA 93402

*All Americans with Disabilities Act (ADA) accommodations shall be promptly reviewed and resolved.* Persons who require accommodations for any audio, visual or other disability in order to review an agenda, or to participate in the meeting of the Basin Management Committee per the ADA, are encouraged to request such accommodation 48 hours in advance of the meeting from Dan Heibel at (805) 457-8833 x104.

**BASIN MANAGEMENT COMMITTEE BOARD OF DIRECTORS**

**Agenda Item 5a: Minutes of the Meeting of September 29, 2021**

The following is a summary of the actions taken at the Basin Management Committee Board of Directors Meeting.  
The official record for the meeting is the recording that can be found at:  
<https://slo-span.org/static/meetings-LOBMC.php>

Agenda Item	Discussion or Action
<b>1. CALL TO ORDER</b>	Chairperson Ochylski called the meeting to order at 1:30 pm.
<b>2. ROLL CALL</b>	Daniel Heimel, Executive Director, called roll to begin the meeting. Chairperson Marshall Ochylski, Director Charlie Cote, Director Bruce Gibson and Director Mark Zimmer were present.
<b>3. BOARD MEMBER COMMENTS</b>	None.
<b>4. Special Presentation</b>	None.
<b>5. CONSENT AGENDA</b>	
<b>5a. Approval of Minutes of July 21, 2021 Meeting</b>	Review of minutes from June 16, 2021 and July 21, 2021 Meetings, and 2021 Budget Update and Invoice Register.
<b>5b. Approval of Minutes of June 16, 2021 Meeting</b>	<u><b>Public Comment</b></u> None.
<b>5c. Approval of 2021 Budget Update and Invoice Register</b>	<u><b>Board Action</b></u> Consent Agenda Approved. <b>Motion:</b> Director Gibson <b>Second:</b> Director Cote <b>Ayes:</b> Chairperson Ochylski, Director Cote, Director Gibson, and Vice Chairperson Zimmer <b>Nays:</b> None <b>Abstain:</b> None <b>Absent:</b> None
<b>6. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA</b>	<u><b>Public Comment</b></u> Jeff Edwards Keith Weimer Linde Owens Patrick McGibney
<b>7. EXECUTIVE DIRECTOR'S REPORT</b>	None.
<b>8. ACTION ITEMS</b>	
<b>8a. Draft Spring 2021 Lower Aquifer Groundwater Basin Monitoring Results</b>	<b>Recommendation:</b> Receive an update on early findings for the Spring 2021 Lower Aquifer Groundwater Monitoring results.  <u><b>Public Comment</b></u> Keith Weimer

<p><b>8b. Sustainable Yield<sub>x</sub> Methodology Review and Recommendations</b></p>	<p><b>Recommendation:</b> Receive information from BMC Staff’s review of the Sustainable Yield<sub>x</sub> methodology and provide direction on Staff’s recommendations regarding: 1) revisions to the methodology; and 2) the procedure / timeline by which the Sustainable Yield will be calculated each year.</p> <p><b><u>Public Comment</u></b>  Keith Weimer  Jeff Edwards  Linde Owens  Patrick McGibney</p> <p><b><u>Board Direction</u></b>  BMC Staff to bring back multiple Sustainable Yield calculation alternatives, including modeling results for Sustainable Yield calculation scenarios and the associated Basin Yield Metric 80 scenario results, and authorized use of \$12,000 in contingency funds to allow Cleath-Harris Geologist to support the calculation of Sustainable Yield estimates for Calendar Year 2022.</p>
<p><b>8c. Consider authorizing continuation of remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety and use of video at future remote BMC Meetings</b></p>	<p><b>Recommendation:</b> Staff recommends that the BMC: 1) adopt a resolution authorizing the BMC to continue remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety; and 2) provide input on the use of video at future remote BMC Meetings.</p> <p><b><u>Public Comment</u></b>  Linde Owen</p> <p><b><u>Board Action</u></b>  Adopt resolution in Item 8c and add use of video to future BMC Meetings.  <b>Motion:</b> Director Cote  <b>Second:</b> Director Zimmer  <b>Ayes:</b> Chairperson Ochylski, Director Cote, Director Gibson, and Vice Chairperson Zimmer  <b>Nays:</b> None  <b>Abstain:</b> None  <b>Absent:</b> None</p>
<p><b>9. ADJOURNMENT</b></p>	<p>Meeting adjourned at approximately 3:40 PM.  The next regularly scheduled meeting is Wednesday, Oct. 20, 2021 at 1:30 PM.</p>

**TO:** Los Osos Basin Management Committee

**FROM:** Dan Heimel, Executive Director

**DATE:** October 27, 2021

**SUBJECT:** Item 5b – Approval of Budget Update and Invoice Register through October 2021

## Recommendations

Staff recommends that the Committee review and approve the report.

## Discussion

Staff has prepared a summary of costs incurred as compared to the adopted budget for 2021 (see Attachment 1). A running invoice register is also provided as Attachment 2.





**Attachment 2: Invoice Register for Los Osos BMC for Calendar Year 2021**

<b>Vendor</b>	<b>Invoice No.</b>	<b>Amount</b>	<b>Month of Service</b>	<b>Description</b>	<b>Budget Item</b>	<b>Date Executive Director Approved</b>	<b>Date BMC Chairperson Approved</b>	<b>Date BMC Approved</b>
WSC	5337	\$11,520.00	Dec-20	Monthly Meeting Administration	1		Mar-21	
CHG	20210102	\$13,728.92	Jan-21	Annual Report Preparation	6	Mar-21		
AGP	8386	\$150.00	Jan-21	Video Production	3	Mar-21		
CHG	20210202	\$5,342.50	Feb-21	Annual Report Preparation	6	Mar-21		
WSC	5558	\$9,167.50	Jan-Mar-21	BMC Executive Director Facilitation	1		May-21	
CHG	20210303	\$17,047.50	Mar-21	Annual Report Preparation	6	Apr-21		
CHG	20210304	\$6,839.18	Mar-21	Semi Annual Seawater Intrusion Monitoring	5	Apr-21		
CHG	20210404	\$7,110.00	Apr-21	Annual Report Preparation	6	May-21		
CHG	20210405	\$11,079.62	Apr-21	Semi Annual Seawater Intrusion Monitoring	5	May-21		
CHG	20210406	\$930.00	Apr-21	LOSG Meeting and Response to Comments	4			May-21
CHG	20210506	\$870.00	May-21	Annual Report Preparation	6	Jun-21		
CHG	20210507	\$3,170.00	May-21	Semi Annual Seawater Intrusion Monitoring	5	Jun-21		
WSC	5671	\$12,027.50	Apr/May-21	BMC Executive Director Facilitation	1		Jun-21	
CHG	20210605	\$3,845.00	Jun-21	Annual Report Preparation	6	Jul-21		
CHG	20210606	\$1,240.00	Jun-21	Annual Report Preparation	6			Jul-21
WSC	5849	\$10,216.25	Jun-21	BMC Executive Director Facilitation	1		Aug-21	
AGP	8526	\$200.00	Jun-21	Video Production	3	Aug-21		
CHG	20210704	\$1,550.00	Jul-21	Sustainable yield and metrics review	6	Sep-21		
CHG	20210705	\$1,680.00	Jul-21	Semi Annual Seawater Intrusion Monitoring	5	Sep-21		
CHG	20210803	\$4,510.00	Aug.21	Sustainable Yield Modeling	6	Sep-21		
WSC	6049	\$21,802.50	Sep-21	BMC Executive Director Facilitation	1		Oct-21	
CHG	20210906	\$465.00	Sep-21	Adaptive Management	4	Oct-21		
CHG	20210905	\$2,784.40	Sep-21	Semi Annual Seawater Intrusion Monitoring	5	Oct-21		
CHG	20210904	\$4,185.00	Sep-21	Sustainable Yield Modeling	6	Oct-21		
	<b>2021 Total</b>	<b>\$139,940.87</b>						<b>To be approved</b>

**TO: Los Osos Basin Management Committee**

**FROM: Dan Heibel, Executive Director**

**DATE: October 27, 2021**

**SUBJECT: Item 5c – Authorizing continuation of remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety**

### **Recommendations**

Staff recommends that the BMC: 1) adopt a resolution authorizing the BMC to continue remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety; or 2) provide alternate direction to staff.

## Discussion

### Remote Meetings

The Brown Act (Gov. Code § 54950 et seq.) guarantees the public’s right to attend and participate in the meetings of local legislative bodies. As such, the Brown Act requires that meetings of legislative bodies and local public agencies be noticed, open, and public. The Brown Act requirements for teleconferencing public meetings include:

- Each teleconference location must be open to the public;
- Members of the public must be able to address the body at each teleconference location;
- At least a quorum of the body must be within the body’s territorial jurisdiction at the time of the meeting;
- All votes must be counted via rollcall

E.O. N-29-20, which was issued on March 17, 2020 in response to the COVID-19 pandemic, allows local agencies to hold public meetings remotely by suspending many of the Brown Act limitations on teleconferencing. During its tenure, local agencies are permitted to hold meetings through teleconference so long as members of the public are permitted to participate electronically and the agency meets additional requirements for notice and accessibility. It generally waives requirements regarding public access to any teleconference location from which a member of the legislative body will be participating remotely in a public meeting. It also waives the requirement that at least a quorum of members participate from locations within the territorial boundaries over which the body exercises jurisdiction.

E.O. N-08-21, issued June 11, 2021, stated that these loosened teleconference rules are to expire on September 30. However, due to the recent passing of AB 361 and AB 339, many remote teleconferencing options will still be available during state-proclaimed emergencies. Both of these bills modify the Brown Act’s teleconferencing requirements (Gov. Code § 54953(b)).

**I. Assembly Bill 361 – Amendments to the Brown Act’s Teleconferencing Requirements During a Declared State of Emergency**

Assembly Bill 361 was passed on September 10 and signed on September 16. The bill is an urgency statute and was operative immediately upon signing and is set to expire on December 31, 2023. AB 361 amends Government Code section 54593, effectively allowing local agencies to continue conducting meetings virtually so long as the Governor has proclaimed a state of emergency.

AB 361 allows agencies to hold virtual meetings and allow remote participation by the public with requirements similar to those that have been in place under E.O. N-29-20, with some new requirements. These teleconferencing options will only be available in the event that a gubernatorial state of emergency has been issued and remains active; therefore a locally-proclaimed state of emergency will be insufficient to trigger the remote teleconferencing rules set forth in AB 361. While this bill was adopted in the context of COVID-19, it applies to any gubernatorially-proclaimed emergencies at a local, state, or national level and will likely be useful in other potential emergency situations – including earthquakes and fires – during which it would be dangerous or exceedingly difficult for public meetings to be held in person.

The most significant requirements under AB 361 are laid out below.

Authorization for modified teleconferencing requirements: The modified teleconferencing requirements established in AB 361 (now Gov. Code § 54953(e)) may be utilized by an agency to hold public meetings, so long as:

- There is a gubernatorially declared state of emergency as defined under Section 8625 of the California Emergency Services Act (Gov. Code § 52953(e)(1), (e)(4));
- One of the following circumstances is present: (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is holding a meeting for the purpose of determining whether the emergency at hand presents imminent risks of health and safety to attendees if meetings were held in person, or (3) the legislative body has already held a meeting and determined (by majority vote) that such health and safety risks are present (Gov. Code § 54953(e)(1)); and
- A decision to meet telephonically must be renewed at least every 30 days with the legislative body finding (by majority vote) that either the emergency situation continues to impact the ability of members and the public to meet in person or state *or* local officials continue to impose social distancing measures (Gov. Code § 54953(e)(3)).

Conducting public meetings via teleconference: Recognizing that an emergency situation might limit the availability of public meeting places or teleconferencing locations, for an AB 361 teleconferenced meeting to be proper:

- There is no requirement that at least a quorum of board members participate from within the territorial bounds of the agency’s jurisdiction (Gov. Code § 54953(e)(1));

- The agency must give notice and publish meeting agendas as normally required by the Brown Act (Gov. Code § 54953(e)(2)(A));
- The agenda must list how the public can attend and comment on the meeting electronically (via call-in or internet service options), *however*, the agency is not required to offer any in-person options for the public to view and comment on the meeting (Gov. Code § 54953(e)(2)(B));
- The agency must provide a reasonable amount of time for the public to comment on each agenda item (and register, if necessary) or must provide at least the amount of time allowed per agency meeting protocols – *whichever is longer* (Gov. Code § 54953(e)(2)(F-G));
- The agency shall not require public comments to be submitted in advance of the meeting, rather the agency must provide an opportunity for public comment during the meeting (Gov. Code § 54953(e)(2)(E)). Note that this may require officials to schedule longer meeting times to ensure that there is sufficient time for comment during the meeting;
- No action may be taken during a disruption in the broadcast of the meeting or one that inhibits the public’s ability to comment (Gov. Code § 54953(e)(2)(D)). Note that the agency should likely test their remote meeting setup before and during any meeting to ensure there are no issues;
- All votes must be made via rollcall (Gov. Code § 54953(b)(2));
- The agency must take all precautions to protect the statutory and constitutional rights of the public (Gov. Code § 54953(e)(2)(C)).

As an urgency statute, AB 361 is effective at the date of signature (September 16), meaning a local agency would be required to follow these new regulations as of this date. However, the Governor recently released E.O. N-15-21, clarifying that local agencies can continue to meet telephonically pursuant to the waiver in E.O. N-08-21 through September 30, 2021 with the following exception: any local agency that meets to take a majority vote pursuant to Government Code 54953(e)(1)(B) shall conduct the meeting at which such vote is taken as required by Government Code 54953(e)(2).<sup>1</sup> E.O. N-08-21 expires on October 1, 2021, at which time local agencies will need to follow the Brown Act (as amended by AB 361).

## II. Assembly Bill 339 – Public Access to Virtual Meetings in Large Jurisdictions

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<sup>1</sup> As outlined in more detail in the bullet points above, these requirements include:

- Providing notice and publishing the meeting agendas as normally required by the Brown Act (Gov. Code § 54953(e)(2)(A));
- Listing on the agenda how the public can attend and comment on the meeting electronically (i.e., via call-in or internet service options) (Gov. Code § 54953(e)(2)(B));
- Taking all precautions to protect the statutory and constitutional rights of the public (Gov. Code § 54953(e)(2)(C));
- Not taking action during a disruption in the broadcast of the meeting or one that inhibits the public’s ability to comment (Gov. Code § 54953(e)(2)(D));
- Not requiring public comments to be submitted in advance of the meeting (Gov. Code § 54953(e)(2)(E)); and
- Providing a reasonable amount of time for the public to comment on each agenda item or providing at least the amount of time allowed per agency meeting protocols – *whichever is longer* (Gov. Code § 54953(e)(2)(F-G)).

Assembly Bill 339 contains provisions parallel to those found in AB 361, with a greater focus on public access to attend and participate in public meetings via electronic methods, regardless of whether the agency is holding the meeting solely via teleconference. However, any requirements beyond those already set forth by AB 361 affect only city councils or county boards of supervisors in jurisdictions with at least 250,000 people.

Under this bill:

- Any city council or county board of supervisors that governs a jurisdiction containing at least 250,000 people must provide an opportunity for members of the public to attend all public meetings via a two-way telephonic or internet-based option (Gov. Code § 54953.9. (a)(1)(A));
- Jurisdictions with at least 250,000 residents must provide at least one physically accessible meeting location, unless emergency declarations and laws prohibit public gatherings (Gov. Code § 54953(a)(3));
- Any city council or county board of supervisors in a jurisdiction with at least 250,000 residents that has, as of June 15, 2021, provided video streaming of at least one of its meetings must continue to provide that video streaming (Gov. Code § 54953(a)(2)).

AB 339 is still awaiting the Governor's signature and must be signed into law by October 10, 2021. AB 339 is not an urgency statute and, if signed, will not go into effect until January 1, 2022. This bill is also set to expire on December 31, 2023.

BMC Staff recommends that the BMC adopt a resolution authorizing the BMC to continue remote teleconferencing of public meetings based on findings that COVID-19 remains a serious risk to public health and safety.

**RESOLUTION NO. [REDACTED]**

**A RESOLUTION OF THE LOS OSOS BASIN MANAGEMENT COMMITTEE  
PROCLAIMING A LOCAL EMERGENCY, RE-RATIFYING THE PROCLAMATION  
OF A STATE OF EMERGENCY ISSUED BY THE GOVERNOR OF THE STATE OF  
CALIFORNIA ON MARCH 4, 2020 AND RE-AUTHORIZING REMOTE  
TELECONFERENCE MEETINGS PURSUANT TO BROWN ACT PROVISIONS.**

**WHEREAS**, the Los Osos Basin Management Committee (“Committee”) is committed to preserving and nurturing public access and participation in meetings of the Committee; and

**WHEREAS**, as set forth in the Stipulated Judgment in *Los Osos Community Services District v. Golden State Water Company, et al.*, Civil Case No. GIN 040126 (San Luis Obispo County Superior Court), all meetings of the Committee are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate and watch the Committee conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Committee’s boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, the Committee previously adopted Resolution No. 2021-01 on 9/29/2021 finding that the requisite conditions exist for the District’s Board of Directors to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

**WHEREAS**, as a condition of extending the use of the provisions found in section 54953(e), the Committee must reconsider the circumstances of the state of emergency that exists in the District, and the Committee has done so; and

**WHEREAS**, COVID-19 remains a primary concern to public safety as the United States' Center for Disease Control ("CDC") announced in August that the Delta variant is more than twice as contagious as previous variants, it has a greater risk of infection even among vaccinated individuals, and that it may cause more serious illness than previous variants;<sup>1</sup> and

**WHEREAS**, San Luis Obispo County ("County") has seen an increase of cases and deaths related to COVID-19 since June with the emergence of the Delta variant<sup>2</sup> and the County's Public Health Department recently released an order requiring all vaccinated and unvaccinated individuals to wear masks in indoor public settings, citing a recent increase in hospitalizations and the high transmissibility of the Delta variant<sup>3</sup>;

**WHEREAS**, the Committee's Board of Directors does hereby find that the higher transmission rate and significant health risks posed by the Delta variant has caused, and will continue to cause, conditions of peril to the safety of persons within the Committee that are likely to be beyond the control of services, personnel, equipment, and facilities of the Committee, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency, the Committee does hereby find that it shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Committee shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

**WHEREAS**, pursuant to the Brown Act as amended after September 30, 2021,<sup>4</sup> the Committee is including instructions for the public to virtually attend and comment on the meeting by telephone or through Zoom on each meeting agenda, which is posted on the Committee's website prior to the meeting.

**NOW, THEREFORE, THE LOS OSOS BASIN MANAGEMENT COMMITTEE DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2.** Affirmation that Local Emergency Persists. The Committee hereby considers the conditions of the state of emergency in throughout the Committee's jurisdiction and proclaims that a local emergency persists, and due to the high transmission rate of the Delta variant, risk to unvaccinated and vaccinated individuals, greater risk of transmission at indoor gatherings, and

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<sup>1</sup> CDC COVID-19 August 26 update on the Delta Variant ([CDC website](https://www.cdc.gov/media/releases/2021/s0826-covid19-delta-variant.html)).

<sup>2</sup> According to the state's most recent COVID-19 data tracking statistics by county, ([COVID19.CA.GOV](https://www.covid19.ca.gov/)).

<sup>3</sup> August 31, 2021 San Luis Obispo County Health Officer Order

(<https://www.emergencyslo.org/en/resourcesGeneral/9.1.2021-Health-Order-6---Mask-Mandate.pdf>)

<sup>4</sup> Gov. Code § 54953(e)

significant increase in the County’s number of COVID-19 cases since June, meeting in person would present imminent risk to the health and safety of board members and the public.

**Section 3.** Re-Ratification of Governor’s Proclamation of a State of Emergency. The Committee hereby re-ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

**Section 4.** Remote Teleconference Meetings. The Executive Director and Committee are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

**Section 5.** Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty (30) days or (ii) such time as the Committee considers and re-ratifies this resolution to extend the time during which the Committee may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Los Osos Basin Management Committee, this 27<sup>th</sup> day of October, 2021, by the following vote:

AYES: \_\_\_\_

NOES: \_\_\_\_

ABSENT: \_\_\_\_

ABSTAIN: \_\_\_\_



**TO:** Los Osos Basin Management Committee

**FROM:** Dan Heibel, Executive Director

**DATE:** October 27, 2021

**SUBJECT:** Item 7 – Executive Director’s Report

## Recommendations

Staff recommends that the Committee receive and file the report and provide staff with any direction for future discussions. Sections of the Executive Director’s Report that have been updated or significantly changed from the previous meeting’s version are underlined.

## Discussion

This report was prepared to summarize administrative matters not covered in other agenda items and to provide a general update on staff activities.

### Funding and Financing Programs to Support Basin Plan Implementation

**Prop 1 GWGP:** The Prop 1 GWGP Round 3 solicitation was released on July 6<sup>th</sup>, 2021 with Concept Proposals due September 7<sup>th</sup>, 2021. However, as indicated in the January 2018 BMC meeting, the State Board confirmed that sea water intrusion mitigation projects under Program C are eligible for low interest loans but are not currently eligible for grants under the Proposition 1 Groundwater Grant Program (GWGP). New wells in the upper and lower aquifer are viewed as aquifer management, not aquifer clean-up as defined by the State, therefore we will need to look for future funding rounds and other opportunities. Aquifer clean-up projects (e.g. Community Nitrate Facility, Upper Aquifer Capture and Treatment) could be considered for pursuing grant funding through this program. Unfortunately, this is the 3<sup>rd</sup> and last round for this Program and they are only looking to fund implementation projects (i.e. projects that have design, CEQA and other planning components completed and are ready for construction), not planning projects.

**IRWM:** The Program A upper aquifer well at 8th Street was submitted by Los Osos CSD to the local IRWM process in 2019 and was subsequently selected to be a part of the application for the current funding opportunity. The application for this grant was submitted in December 2019 and the Project was included in the Department of Water Resource’s July 2020 Final Funding Award List for the full grant request (\$238,000).

**Prop 1 SWGP:** The concept of urban storm water recovery at 8th and El Moro was ranked in the County Stormwater Resource Plan, and a grant opportunity may be available through the Prop 1 Storm Water Grant Program (SWGP). The application period for Round 2 of SWGP funding has closed. The

Stormwater Resource Plan can be found here: <https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Stormwater-Resource-Plan.aspx>

And information about the Storm Water Grant Program can be found here:

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/swgp/prop1/](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/swgp/prop1/)

**WRFP:** The State Water Resource Control Board (SWRCB) increased the amount for Water Recycled Program Planning (WRFP) grants from \$75k to \$150k. This could provide a grant funding opportunity to advance Basin Plan initiatives, with a reduced cost to the community of Los Osos, through preparation of a Recycled Water Facilities Planning Study (RWFPS). Potential scope items for the RWFPS could include:

- Transient Groundwater Model Development
- Soil Aquifer Treatment (SAT) Assessment
- Broderson/Creek Discharge Scenario Analysis
- Stormwater and Perched Water Recovery Project – Feasibility Study
- Adaptive Management Groundwater Modeling
- RWFPS Report Development

Recent communication with the SWRCB Representatives confirmed that this funding program is still fully funded and WRFP grants are available.

### Status of BMC Initiatives

**Sustainable Yield:** BMC Staff developed summary of Sustainable Yield estimates methodology and key assumptions, presented recommendations on modifications to these assumptions and is in the process of developing and provided updated Sustainable Yield<sub>2022</sub> estimates for the BMC's consideration.

**Lower Aquifer Transducer Installation:** In March Cleath-Harris Geologists (CHG) initiated requests for permission to access and install transducers in several County monitoring wells, a private well, and a purveyor well. The purveyor well (LA 9) has been equipped with a transducer. The remaining access requests are still in process.

**Basin Metric Evaluation:** Analysis of alternative metric approaches in progress. The approaches are anticipated to be brought to the BMC before the end of 2021.

**Recycled Water Beneficial Use Evaluation:** This effort is currently on hold pending the outcome of the Sustainable Yield estimate.

### Status of Basin Plan Implementation and Funding Plans

The BMC has requested an integrated funding plan for project implementation and BMC monitoring and administration. BMC Staff and BMC Party Staff have formed a Funding and Organizational Working Group to identify and evaluate potential future funding and organization structures for the BMC and implementation of the Basin Plan. Consistent with the Basin Plan, the Working Group is identifying and evaluating funding and organizational structures that will provide a long-term mechanism for funding

BMC Administration and Basin Plan Implementation costs and that allocate costs equitably amongst all who benefit from the Basin’s water resources.

The Working Group has reviewed previously completed analysis on BMC funding and organization structures, documenting the different alternatives and identifying data/information gaps that may require outside technical support. Based on this review, BMC Staff recommends obtaining services from an outside consultant to prepare an updated evaluation of the different funding options that would be available to the BMC and to determine what would be the financial impact of those different funding impacts on groundwater users within the basin.

**JPA Formation:** Staff level discussions continue to focus on the need for, and benefits of, forming a JPA, see table below, to assist with implementation of the Basin Plan.

*Table 1. JPA Formation Considerations*

<b>Pros</b>	<b>Cons</b>
• Common ownership of basin assets	• Complexity and community perception
• Ability to contract for services as an entity	• Potential for difficulty in formal proceedings - less nimble
• GSWC can participate as a director	• More difficult to exit/change if needed
• Could cover entire limits of basin for funding	
• If carefully done, incremental costs could be limited to insurance and up-front legal expenses	
• Ability to carry-over funds from one budget year to another	

As indicated in previous meetings, it was determined that GSWC could serve as an appointed JPA director without forming a separate Mutual Water Company entity, which would simplify the process.

Discussions with BMC Party Staff indicate that the BMC Parties would like to execute the Implementation Plan initiative to first develop a roadmap for the BMC and then evaluate the potential formation of a JPA or other governance structure once there is a more defined plan for future BMC initiatives.

**BMC Legal Counsel** – Recent discussions with BMC Party Staff have identified a need for dedicated BMC legal counsel. To date, the BMC has relied upon legal input/advice from legal counsel representing individual BMC parties. However, this presents a challenge as individual party legal counsel represent their respective party and can make it difficult to provide legal advice for the BMC. Additionally, individual party legal counsels may provide conflicting legal input/advice. Contracting with dedicated BMC legal counsel would help address this issue and assist the Executive Director in complying with rules and regulations established for the BMC. BMC Staff anticipates including budget for dedicated

BMC legal counsel in the proposed CY 2022 BMC Budget and would like to solicit proposals from legal firms in advance of finalizing the CY 2022 BMC Budget.

**Program B Implementation Process and Funding:** The existing nitrate removal facility owned by GSWC is intended to serve existing development, so it is likely that a Program B facility intended for future development would be jointly owned by either a JPA or by one of the public agencies.

- Likely next steps for the implementation of Program B projects include:
  - Technical Studies to validate and update cost estimates
  - Siting Studies to identify project locations
  - AB 1600 analysis to evaluate funding options relative to future development in coordination with the Los Osos Community Plan
  - Environmental Review (CEQA)
  - Land Use Permitting (e.g. Coastal Development Permits, etc.)

## Land Use Planning Process Update

### **Los Osos Retrofit-to-Build Program (Title 19 Water Offset Requirement) Update:**

One consultant proposal was received in response to the Request for Proposals issued September 10, 2021. The County is waiting for final approval of State grant funding to sign a contract and will post an updated project timeline to the project website once the contract is signed: [Los Osos Water Offset Study - County of San Luis Obispo \(ca.gov\)](#). The contract will be to update the retrofit-to-build program for Los Osos to incorporate significant changes in water consumption patterns since the water offset program was adopted in 2008 and incorporate new water conservation measures to expand the capacity of the program to offset new development.

### **Los Osos Community Plan:**

The Los Osos Community Plan is being reviewed by the California Coastal Commission and a hearing date has not yet been scheduled. In the meantime, the County is meeting with BMC staff to discuss potential policy changes. On December 15, 2020, the County Board of Supervisors adopted the Los Osos Community Plan ("LOCP") update and Final Environmental Impact Report and tentatively adopted amendments to the Growth Management Ordinance that would establish a residential growth rate for the Los Osos urban area. The LOCP policies are still subject to change based on California Coastal Commission review. If the LOCP is certified by Coastal Commission with no changes, the Growth Management Ordinance amendments to establish a growth rate for Los Osos are effective upon certification. If the LOCP requires changes, then the growth rate would need to be established at another Board hearing. The LOCP and Growth Management Ordinance policies considered by the Board on December 15 are available at: <https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/12683>.

### Background

The Board authorized preparation of this update on December 11, 2012. A series of community outreach meetings to unveil the Community Plan were conducted in the Spring of 2015. The plan was prepared to be consistent and coordinated with the draft groundwater basin management plan and the

draft Habitat Conservation Plan ("HCP"). The draft Environmental Impact Report was released on September 12, 2019; comments were due December 11, 2019. A Community Meeting on the Draft Environmental Impact Report for the LOCP, HCP, and associated Environmental Documents was held on October 28, 2019. The Final Environmental Impact Report and Public Hearing Draft were released on June 8, 2020. The Planning Commission held hearings on July 9, 2020, August 13, 2020, and October 8, 2020. At the October 8, 2020 hearing, the Planning Commission recommended approval of the Plan to the Board of Supervisors.

**Accessory Dwelling Unit (ADU) Ordinance:**

On January 28, 2020, the Board of Supervisors considered and adopted a resolution to amend Title 22 and 23 for the replacement of the Secondary Dwelling Ordinance with a new ordinance for Accessory Dwelling Units (ADUs). The Board of Supervisors adopted amendments to Table "O" of the Coastal Framework on June 16, 2020. These amendments would allow ADUs to be established in the Community of Los Osos. The amendments to Title 23 and Table "O" of the Coastal Framework for Planning are currently under review by the California Coastal Commission. Until such amendments are approved by the California Coastal Commission, the County will review ADU applications for consistency with State ADU law, which would allow for the construction of ADUs in the Coastal Zone. On March 12, 2021, Coastal Commission found that Los Osos ADU projects approved by the County thus far raise a substantial issue and did not hold a hearing on the question. The Commission took jurisdiction over the projects and voided the County's prior approval. The next step in the process is the de novo hearing, which has not yet been scheduled. The Commission would prefer to take an action on the County's proposed ADU Ordinance before taking an action on individual projects. The Commission has requested additional information from the County about the ADU Ordinance. The County is preparing a response, which includes coordinating with the Los Osos water purveyors regarding ADUs.

**Los Osos Wastewater Project Flow and Connection Update**

The following table summarizes flows from the LOWRF based on the available data. Cells highlighted in yellow indicate data that was not available at the time the Executive Director's Report was developed.

LOWRF Wastewater and Recycled Water Flows

Year	Month	Influent	Broderson	Bayridge	Sea Pines	Giacomazzi	Construction Water	Ag Users	Discharge/ Recycled Water Delivery Total (AF)
2021	Jan	48.7	38.0	1.1	1.7	0.0	0.0	0.1	42.6
2021	Feb	43.0	47.3	1.7	1.0	0.0	0.0	0.0	50.5
2021	Mar	47.5	47.2	1.9	1.0	0.0	0.0	0.0	50.3
2021	Apr	45.4	33.6	1.8	0.8	0.0	0.0	0.2	36.4
2021	May	46.7	40.9	1.9	0.7	0.0	0.0	0.1	41.7
2021	Jun	<u>44.6</u>	<u>44.1</u>	1.8	0.9	0.0	0.1	0.3	47.2
2021	Jul	<u>46.1</u>	<u>34.7</u>	<u>1.8</u>	<u>2.2</u>	<u>0.0</u>	<u>0.1</u>	<u>0.1</u>	<u>38.9</u>
2021	Aug	<u>45.7</u>	<u>34.1</u>	<u>1.8</u>	<u>4.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.1</u>	<u>40.0</u>
2021	Sept	<u>43.6</u>	<u>34.8</u>	<u>1.7</u>	<u>2.2</u>	<u>0.0</u>	<u>0.1</u>	<u>0.2</u>	<u>39.0</u>
2021	Oct								
2021	Nov								
2021	Dec								
Total									

**Enforcement:** A list of properties that were not connected were transferred to County Code Enforcement and Notice of Violations were issued last year in Feb. 2019. That list was about 70 properties. As of 5/12/2021, the sewer service area has a 99.4% connection status with a total of 36 properties not yet connected. Of those, one is not required to connect because there is no structure (demolished), 18 have expired building permits, and the rest have an open Code Enforcement case.

The County has assigned staff in code enforcement to Los Osos. Expired permits did not receive a Code Enforcement case because those properties have their own noticing process through the Building Department which, if not corrected, could result in a Notice of Violation.

**Recycled Water Connections:** The County approved \$350,000 in funding from the American Rescue Plan Act of 2021 for connecting new users to the LOWRF Recycled Water System. Additional funding was approved for improvements at the LOWRF and the Broderson Leach field.

**Water Conservation Update**

**Rebate Update:** Average indoor water usage for 2019 was estimated to be 40 gpd per person and remains at that number currently.

**Cannabis and Hemp Information**

**Hemp:** According to the Ag Commissioners Office there is no hemp cultivation currently registered in Los Osos.

**Cannabis:** On January 28, 2021, the County Planning Commission approved a request by Wild Coast Farms for a Coastal Development Permit / Development Plan (DRC2018-00215) and adopted the Mitigated Negative Declaration (MND) prepared for the project to allow for the phased development to establish 27,500 sf of indoor cannabis cultivation area (22,000 sf canopy); 12,600 sf of ancillary and commercial indoor nursery area; a 1,472 sf metal building for indoor ancillary processing, a cloning area, a restroom, storage, and an office; Ancillary Transport; and related site improvements (e.g., composting area, trash / recycling area, parking, general storage, etc.). A parking modification is requested to allow 9 parking spaces instead of the required 81. The project will result in the disturbance of approximately 3 acres on a 73.5 acre parcel located at 2198 Los Osos Valley Road, approximately 0.5 miles northwest of the Los Osos Valley Road/Clark Valley Road intersection and directly west of the Los Osos Wastewater Facility (LOWWF). The site is in the Agriculture land use category and within the area governed by the Estero Area Plan. The project site is outside the Los Osos Urban Reserve and the Los Osos Community Services District boundary and is within the Coastal Appeal Area.

*The Planning Commission approval has been appealed to the County Board of Supervisors. An appeal hearing date has not yet been scheduled.*

The Planning Commission hearing item documents (staff report, findings, presentation, conditions of approval, MND, etc.) are available at:

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/12865>

The permit Conditions of Approval require the applicant to submit a Water Conservation Plan for review and approval by the Department of Planning and Building prior to building permit issuance to implement a water demand offset of 3.5 acre-feet per year (AFY), to be verifiable and permanent.

## The Sustainable Groundwater Management Act (SGMA)

**SGMA Overview:** SGMA took effect on January 1, 2015.<sup>1</sup> SGMA provides new authorities to local agencies with water supply, water management or land use responsibilities and requires various actions be taken in order to achieve sustainable groundwater management in high and medium priority groundwater basins. Los Osos Valley Groundwater Basin (Los Osos Basin) was subject to SGMA based on the 2014 Basin Prioritization by the California Department of Water Resources (DWR) that listed the Los Osos Basin as high priority and in critical conditions of overdraft.<sup>2</sup>

**Basin Prioritization:** On December 18, 2019, DWR released the SGMA 2019 Basin Prioritizations. Basins or subbasins reassess to low or very low priority basins or subbasins are not subject to SGMA regulations.

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<sup>1</sup> On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package, composed of [AB 1739 \(Dickinson\)](#), [SB 1168 \(Pavley\)](#), and [SB 1319 \(Pavley\)](#), collectively known as SGMA

<sup>2</sup> SGMA mandates that all groundwater basins identified by DWR as high- or medium-priority by January 31, 2015, must have groundwater sustainability agencies established by June 30, 2017. The act also requires that all high- and medium-priority basins classified as being subject to critical conditions of overdraft in Bulletin 118, as of January 1, 2017, be covered by groundwater sustainability plans, or their equivalent, by January 31, 2020. Groundwater sustainability plans, or their equivalent, must be established for all other high- and medium-priority basins by January 31, 2022.

A summary of DWR's Final SGMA Prioritizations for the Los Osos Area Subbasin and Warden Creek Subbasin are listed below:

- Los Osos Area Subbasin is listed as **very low** priority for SGMA<sup>3</sup> and in critical conditions of overdraft<sup>4</sup>
- SGMA does not apply to the portions of Los Osos Basin that are adjudicated provided that certain requirements are met (Water Code §10720.8).
- Warden Creek Subbasin is listed as **very low** priority for SGMA<sup>3</sup>

For more information on DWR's basin boundary modification and prioritization process, please visit: <https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization>

## Additional Attachments:

1. None

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<sup>3</sup> As noted by DWR, the priority for the subbasin has been set to very low (0 total priority points) as a result of conditions being met under sub-component C of the Draft SGMA 2019 Basin Prioritizations.

<sup>4</sup> Critical conditions of overdraft have been identified in 21 groundwater basins as described in Bulletin 118 (Water Code Section 12924). Bulletin 118 (updates 2003) defines a groundwater basin subject to condition of critical overdraft as: "A basin is subject to critical conditions of overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts."



**TO:** Los Osos Basin Management Committee

**FROM:** Dan Heibel, Executive Director

**DATE:** October 27, 2021

**SUBJECT:** Item 8a – Sustainable Yield<sub>x</sub> Methodology Review and Recommendations

## Recommendations

BMC Staff recommends that the BMC: 1) receive information on the updated Sustainable Yield<sub>x</sub> calculations and approve the proposed Sustainable Yield estimate of 2,380 AFY for Calendar Year 2022 based on the findings provided below; or 2) provide alternate direction to staff.

BMC Staff proposes establishing the Sustainable Yield estimate for Calendar Year 2022 (Sustainable Yield<sub>2022</sub>) as 2,380 AFY, based on the following justification:

1. Seawater Intrusion Threshold - Utilizing the Adaptive Method for limiting the extent of seawater intrusion does not allow seawater to intrude farther inland during the calculation of the Sustainable Yield for the Basin. This approach establishes that further degradation of the Basin is an undesirable affect and basin pumping should be managed to, at a minimum, not further degrade the basin and with the goal (Basin Yield Metric 80 pumping target) of reversing seawater intrusion and pushing the seawater intrusion front back toward the Bay.
2. Broderson Mound - Sustainable Yield calculations for 2022 should be performed using the assumption that the Broderson Mound is only 50% developed. Based on the best available information that we have, it is estimated that the Broderson Mound is approximately 50% developed and incorporating this assumption into the Sustainable Yield calculation helps identify the amount of pumping that can be sustainably achieved under anticipated conditions in 2022.
3. Available Infrastructure – The calculation of Sustainable Yield<sub>2022</sub> accounts for currently available infrastructure and infrastructure that is anticipated to be available for the majority of 2022.
4. Precipitation – BMC Staff reviewed the rainfall assumptions in the Sustainable Yield calculation and recommends utilizing 17.3 inches per year as the long-term average rainfall for the basin. This recommendation is based on an evaluation of two different datasets using the latest available rainfall data for the basin. Additional information on the rainfall evaluation is provided in Item 8b of the 9/29/2021 BMC Agenda Packet.

## Discussion

### Background

In the Stipulated Judgement (SJ) and the Basin Plan, the BMC Parties agreed on a framework and methodology for estimating and updating the Sustainable Yield for the Los Osos Basin (Basin), referred

to as Sustainable Yield<sub>x</sub>, where “X” represents the Sustainable Yield estimate for that year. The SJ and Basin Plan require the BMC to annually evaluate, confirm and set the Sustainable Yield<sub>x</sub> based on the best available data and evidence. At the July 21, 2021 BMC Meeting, the BMC directed staff to review the Sustainable Yield estimate and to bring back recommendations for how to calculate the Sustainable Yield<sub>x</sub>. At the September 29<sup>th</sup> BMC Meeting, the BMC directed staff to calculate Sustainable Yield<sub>2022</sub> estimates using the Historic Method threshold for seawater intrusion—which allows seawater to intrude farther inland before stabilizing—and proposed Adaptive Method threshold for seawater intrusion—which limits seawater intrusion in the Sustainable Yield calculations to current extents—and provide them to the BMC for consideration. Additional information on the seawater intrusion threshold criteria and other key assumptions in the Sustainable Yield calculations are provided in Item 8b of the 9/29/2021 BMC Agenda Packet.

Based on the direction provide by the BMC, BMC Staff developed updated Sustainable Yield calculations, which are described below. During the development of the updated Sustainable Yield calculations, BMC Staff identified a methodology that allows for a more accurate representation of the development of the Broderson Mound, a critical component of the Basin Plan strategy for stopping and pushing back seawater intrusion in the basin. To help illustrate the impact that the Broderson Mound has on the Sustainable Yield estimate, multiple scenarios were run that represent a Broderson Mound that is 50% (current estimated level of development), 75% and 100% developed. The table below provides a summary of the Sustainable Yield scenarios and the Sustainable Yield estimates and Basin Yield Metric values associated with each scenario.

Table 1. Sustainable Yield Scenario Summary

Scenario	Seawater Intrusion Front <sup>1</sup>	Rainfall <sup>2</sup>	Broderson Mound	Available Infrastructure <sup>3</sup>	Sustainable Yield (AFY)	Basin Yield Metric <sup>4</sup>
1	Historic Method	17.3 inches per year	100% Developed	2022 Infrastructure	2,650	0.76
2	Adaptive Method	17.3 inches per year	100% Developed	2022 Infrastructure	2,510	0.80
3	Adaptive Method	17.3 inches per year	75% Developed	2022 Infrastructure	2,450	0.82
4	Adaptive Method	17.3 inches per year	50% Developed	2022 Infrastructure	2,380	0.84

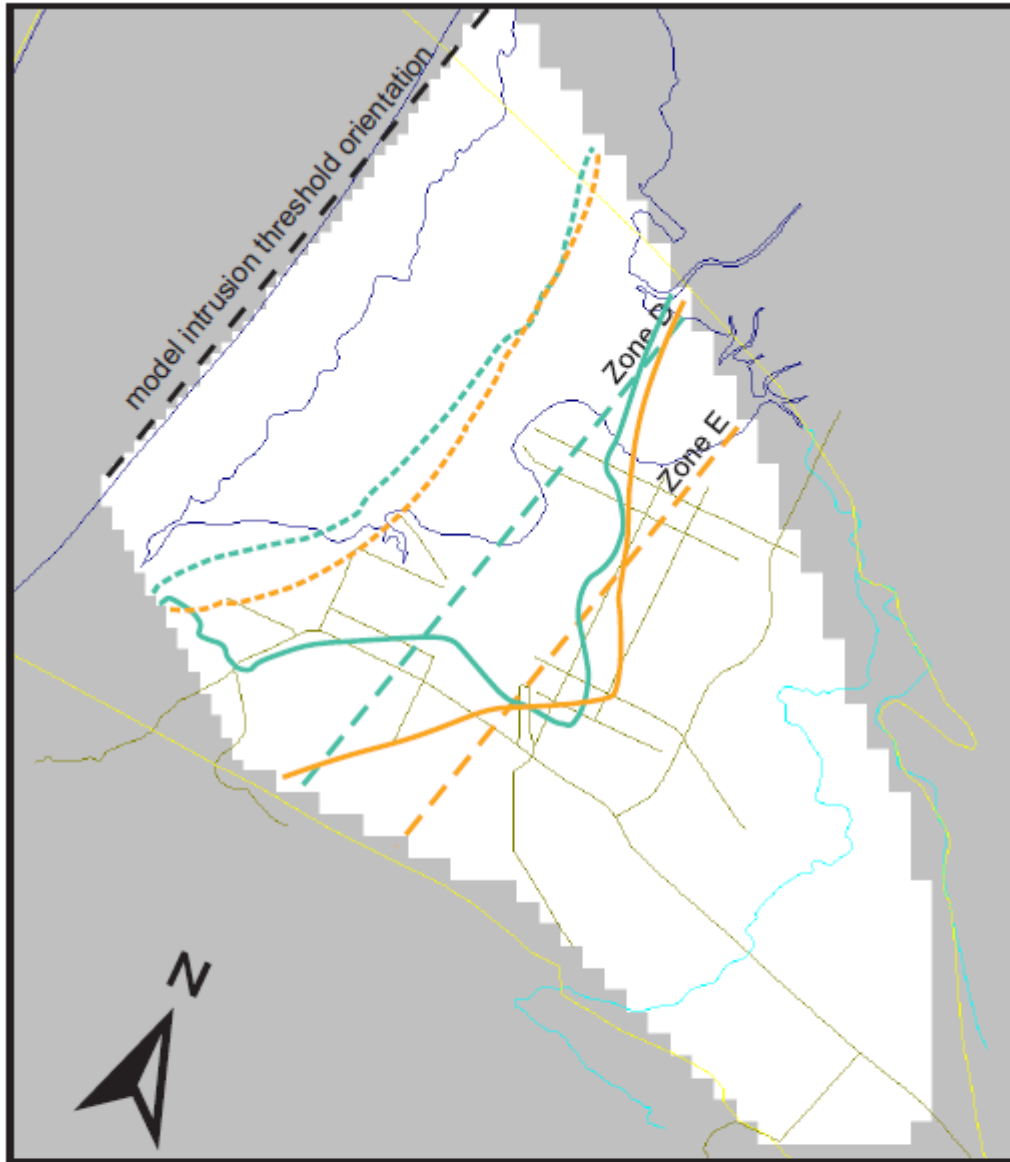
<sup>1</sup>Historic Method allows seawater to intrude farther inland before stabilizing. Adaptive Method restricts the intrusion of seawater in the basin to current extents for purposes of calculating the Sustainable Yield

<sup>2</sup>Rainfall assumption based an updated evaluation of rainfall for the Los Osos Basin, additional information is provided in Item 8b of the 9/29/2021 BMC Agenda Packet.

<sup>3</sup>Available infrastructure represents the infrastructure anticipated to be available in Calendar Year 2022 (e.g. the Los Osos Community Services District’s 8<sup>th</sup> Street Upper Well is assumed to be available in 2022 as it is anticipated to be online in Q1 2022).

<sup>4</sup>Basin Yield Metric calculated using basin production estimate of 2,010 AFY (2020 Annual Monitoring Report)

Additionally provided are figures that illustrate the modeled location of the seawater intrusion front under the various scenarios. Figure 1 illustrates the estimated location of the seawater intrusion front, using the Historic Method threshold for seawater intrusion (i.e. allowing seawater to intrude farther inland than current extents) for Zones D and E, as well as the anticipate location of the seawater intrusion front if pumping within the Basin was limited to 80% of the Sustainable Yield estimate (i.e. BYM 80). It should be noted that when pumping is limited to 80% of the Sustainable Yield the model predicts the seawater intrusion front will be pushed back toward the Bay.



Scale 1" = 4000 feet

- Zone D 250 mg/L isochlor
- Intrusion Front Threshold
  - BYM100 (2,650 AFY)
  - ... BYM80 (2,120 AFY)
- Zone E 250 mg/L isochlor
- Intrusion Front Threshold
  - BYM100 (2,650 AFY)
  - ... BYM80 (2,120 AFY)

Figure 1

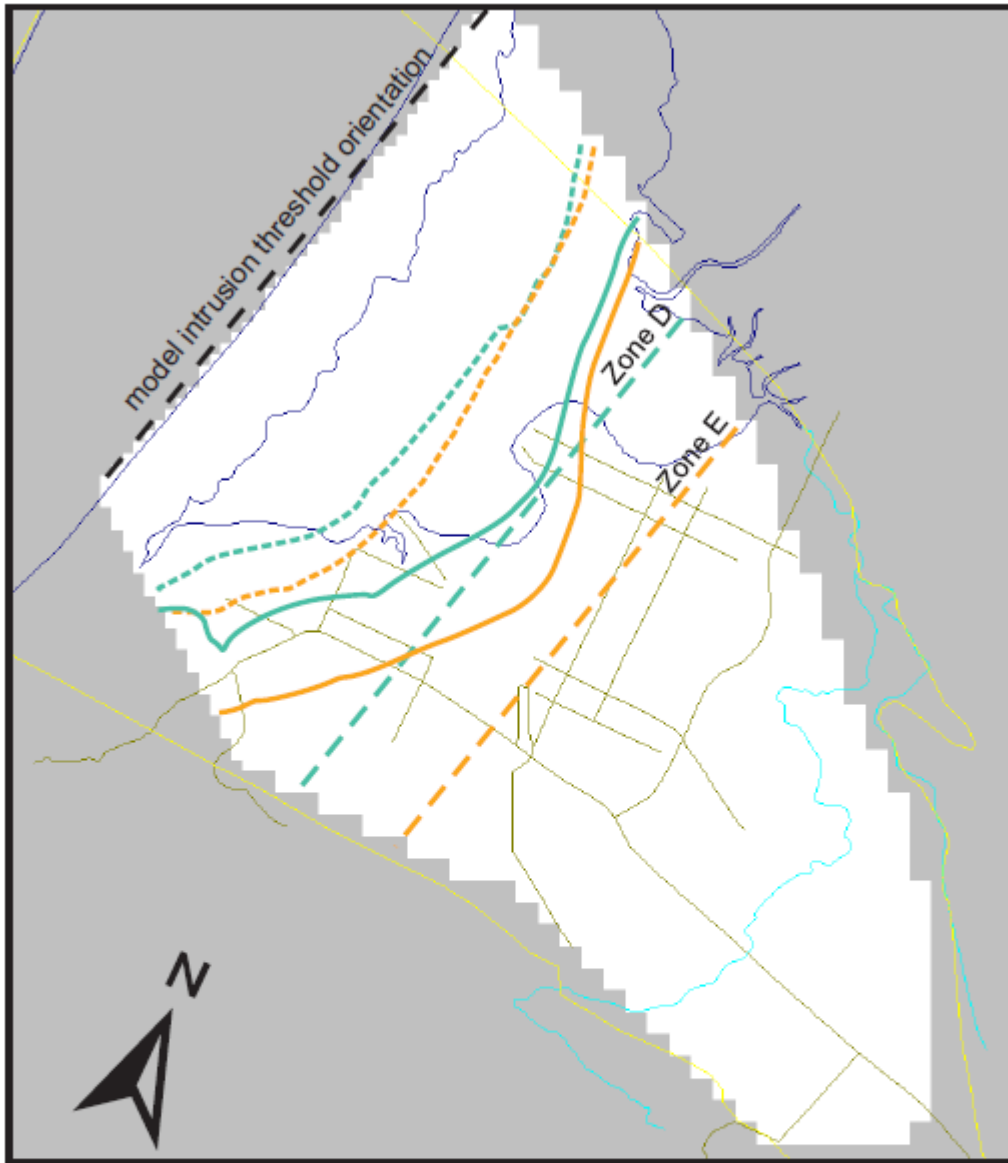
Seawater Intrusion  
2022 Sustainable Yield  
Historical Method  
Broderson 100%

Cleath-Harris Geologists

Figure 1. Historic Method Sustainable Yield Calculation (100% Broderson Mound development)

Figure 2 illustrates the estimated location of the seawater intrusion front, using the Adaptive Method threshold for seawater intrusion (i.e. limiting intrusion to current extents) for Zones D and E, as well as

the anticipate location of the seawater intrusion front if pumping within the Basin was limited to 80% of the Sustainable Yield estimate (i.e. BYM 80).



Scale 1" = 4000 feet

- Zone D 250 mg/L isochlor
- — — — — Intrusion Front Threshold
  - — — — — BYM100 (2,380 AFY)
  - · · · · BYM80 (1,904 AFY)
- Zone E 250 mg/L isochlor
- — — — — Intrusion Front Threshold
  - — — — — BYM100 (2,380 AFY)
  - · · · · BYM80 (1,904 AFY)

Figure 2

Seawater Intrusion  
2022 Sustainable Yield  
Adaptive Method  
Broderson 50%

Cleath-Harris Geologists

Figure 2. Adaptive Method Sustainable Yield Calculation (50% Broderson Mound development)

Based on review of these results and extensive discussion with BMC Party Staff, BMC Staff recommends that the BMC establish the Sustainable Yield for the year 2022 (Sustainable Yield<sub>2022</sub>) as 2,380 AFY (Scenario 4), based on the following reasons:

1. Seawater Intrusion Threshold - Utilizing the Adaptive Method for limiting the extent of seawater intrusion does not allow seawater to intrude further inland during the calculation of the Sustainable Yield for the Basin. This approach establishes that further degradation of the Basin is an undesirable affect and basin pumping should be managed to at a minimum not further degrade the basin and with the goal (Basin Yield Metric 80 pumping target) of reversing seawater intrusion and pushing the seawater intrusion front back toward the Bay.
2. Broderson Mound - Sustainable Yield calculations for 2022 should be performed using the assumption that the Broderson Mound is only 50% developed. Based on the best available information that we have, it is estimated that the Broderson Mound is approximately 50% developed and incorporating this assumption into the Sustainable Yield calculation helps identify the amount of pumping that can be sustainably achieved under anticipated conditions in 2022.
3. Available Infrastructure – The calculation of Sustainable Yield<sub>2022</sub> accounts for currently available infrastructure and infrastructure that is anticipated to be available for the majority of 2022.
4. Precipitation – BMC Staff reviewed the rainfall assumptions in the Sustainable Yield calculation and recommends utilizing 17.3 inches per year as the long-term average rainfall for the basin. This recommendation is based on an evaluation of two different datasets using the latest available rainfall data for the basin. Additional information on the rainfall evaluation is provided in Item 8b of the 9/29/2021 BMC Agenda Packet.

### Proposed Sustainable Yield Update Process

To meet the requirements of the SJ to determine the Sustainable Yield<sub>x</sub> on an annual basis the following process is proposed for updating the Sustainable Yield.

1. Beginning in July of a given year, BMC Staff will evaluate the Sustainable Yield<sub>x</sub> for the upcoming year based on changes in Basin Plan infrastructure, groundwater inflow or outflow parameters, the understanding of hydrogeologic or geologic features in the basin or other factors.
2. BMC Staff will then provide a recommendation to the BMC on Sustainable Yield<sub>x</sub> for the upcoming year and the reasoning for that recommendation.
  - a. If the recommendation is to modify the Sustainable Yield<sub>x</sub>, then recommendations for which parameters to modify from the previous Sustainable Yield<sub>x</sub> will be provided.
    - i. If the BMC approves the recommended modifications to the Sustainable Yield<sub>x</sub>, BMC Staff will perform the updated Sustainable Yield<sub>x</sub> calculations and bring the results back to the BMC for consideration and approval.
    - ii. If the updated Sustainable Yield<sub>x</sub> results are unanimously approved by the BMC then the updated Sustainable Yield<sub>x</sub> will be documented in the Annual Report for that Year and used for calculation of the Basin Yield Metric, Basin Development Metric and Purveyor Pool for the upcoming year.

- b. If the recommendation is to not modify the Sustainable Yield<sub>x</sub> and the BMC agrees, then the Sustainable Yield<sub>x</sub> will remain the same as the previously approved Sustainable Yield<sub>x</sub> by the BMC.
- c. If the BMC cannot come to unanimous agreement of whether or not to modify the Sustainable Yield<sub>x</sub> then the Sustainable Yield<sub>x</sub> will remain the same as the previously approved Sustainable Yield<sub>x</sub> and the BMC will provide direction to Staff on how to proceed.

An example timeline for the envisioned process of updating the Sustainable Yield<sub>x</sub> and incorporating it into the BMC monitoring, management and Annual Monitoring Report processes is outlined below:

1. July 2021 BMC Staff begins evaluation of Sustainable Yield<sub>2022</sub>
2. BMC Staff presents recommendations for Sustainable Yield<sub>2022</sub>
3. Before January 2022 BMC approves Sustainable Yield<sub>2022</sub>
4. Sustainable Yield<sub>2022</sub> used to establish Purveyor Pool for 2022
5. Sustainable Yield<sub>2022</sub> incorporated into Basin Yield and Basin Development Metric calculations for 2022 Annual Monitoring Report (AMR)
6. Sustainable Yield<sub>2022</sub> described in 2021 AMR

It is additionally recommended that, if the BMC agrees upon a Sustainable Yield<sub>2022</sub> estimate, that a Sustainable Yield<sub>2021</sub> estimate be calculated utilizing the same methodology and key assumptions for use in the 2021 AMR Basin Yield Metric and Basin Development Metric calculations.



**TO:** Los Osos Basin Management Committee

**FROM:** Dan Heimerl, Executive Director

**DATE:** October 27, 2021

**SUBJECT:** Item 8b – Recycled Water Funding Program Grant Application and County Funding Request

## Recommendation

BMC Staff recommends that the BMC: 1) authorize the use of Grant Pursuit Contingency funding to prepare the Water Recycling Funding Program (WRFP) Grant Application; and 2) submit a request to the County to access the \$150,000 in County funding budgeted for the development of a Transient Groundwater Model; or 3) provide alternate direction to staff.

## Discussion

The BMC currently utilizes a steady state model for the purposes of predicting future conditions within the basin and informing management decisions. However, BMC Staff and others have identified that development of a Transient Groundwater Model (Transient Model) would provide an improved ability to predict future basin conditions and make better informed management and operational decisions. Development of a transient model would provide the ability to model variable hydrologic or precipitation patterns and their impact on the basin. Additionally, a transient model would allow for an improved evaluation of implementation of potential future Basin Plan initiatives, including: Program B Upper Aquifer Nitrate Treatment; Los Osos Creek LOWRF Effluent Discharge; Urban Storm/Perched Water Capture; Supplemental Supply Conjunctive Use Opportunities and others.

The development of a Transient Model was included in the BMC's Implementation Plan but did not rank highly because of the associated cost, however, the County recently budgeted \$150,000 for the development of a Transient Groundwater Model for the Los Osos Basin. Additionally, the State Water Resource Control Board recently increased the amount of grant funding that is available for its WRFP from \$75,000 to \$150,000. To maximize the amount of funding that can be obtained for development of the Transient Model, BMC Staff proposes to utilize the \$150,000 budgeted by the County as match fundings for obtaining an additional \$150,000 in WRFP grant funding.

Given the availability of these potential additional funding sources for the model, BMC Staff recommends that the BMC take the follow actions: 1) authorize the use of Grant Pursuit Contingency funding to prepare the Water Recycling Funding Program (WRFP) Grant Application; and 2) submit a request to the County to access the \$150,000 in County funding budgeted for the development of a Transient Groundwater Model. Taking these actions will allow the BMC to move closer to being able to authorize the development of a Transient Model for the basin.

## Financial

The approved BMC Calendar Year 2021 Budget includes \$5,000 in funding Grant Pursuit Contingency, which is sufficient for the preparation of an application for a Water Recycling Funding Program grant application.

It is anticipated that the costs for developing the Transient Model will be primarily covered through the County's funding contribution and the WRFPP grant, however, there may be additional costs (e.g. Peer Review of the model development) that may exceed the funding available from these sources. Authorizing the activities described in this staff report does not commit the BMC to preparing the transient model or executing a WRFPP Grant agreement, but if successful will significantly increase the likelihood that the Transient Model can be funded, with development initiated in 2022. The BMC will have the opportunity to review the full scope and costs of developing a Transient Model during the consideration and approval of the CY 2022 and other future BMC budgets.

**TO:** Los Osos Basin Management Committee  
**FROM:** Dan Heimel, Executive Director  
**DATE:** October 27, 2021  
**SUBJECT:** Item 8c – Funding Options Consulting Services Proposal

## Recommendations

BMC Staff recommends that the BMC: 1) review and approve the proposal for SCI Consulting Group to provide an updated funding options analysis and assessment evaluation; or 2) provide alternate direction to staff.

## Discussion

It was envisioned in the Stipulated Judgement that a formal funding mechanisms (e.g. Zone of Benefit) would be established to fund the administrative or monitoring and management activities of the Basin Management Committee (BMC). However, to-date there has not been a formal funding mechanism established and the BMC is funded through contributions from each of the parties. Recently, BMC Staff and BMC Party Staff convened a Funding and Organization Subcommittee (Funding Subcommittee) to discuss and evaluate the potential funding options available to the BMC. Prior to initiating the evaluation of funding options, the Funding Subcommittee established a preliminary list of goals that it would like to achieve through establishing a formal funding mechanism for the BMC, which are listed below:

### Funding Subcommittee Proposed Goals for establishing a formal BMC Funding Mechanism

- Allocation costs equitably among all who benefit from the Basin’s water resources (Basin Plan, Continuing Goal No. 7, Pg. 16, Chapter 15)
- Development of strategies to maximize grant and other funding and financing opportunities for ongoing Basin Plan implementation (Basin Plan, Continuing Goal No. 10, Pg. 16)
- Funding mechanisms that enable joint or individual purveyor ownership of basin infrastructure
- Equitable cost sharing amongst current basin users (purveyor customers, individual well owners) and new development

Additionally, the Funding Subcommittee developed a summary of different funding options based on its knowledge and experience, which are outlined in Table 1 below. Please note that the information provided in the table below is preliminary and developed based on the understanding of the Funding and Organization Subcommittee and has not been vetted through thorough research of current regulations.

Table 1. Funding Subcommittee BMC Funding Options Summary

Potential BMC Funding Mechanisms	Rate Payers	Benefits	Constraints
BMC Party Contributions	BMC Party Contributions (Water Purveyor Water Rates, County General Fund)	<ul style="list-style-type: none"> <li>➤ Structure currently in place for funding BMC Basin Monitoring and Management</li> </ul>	<ul style="list-style-type: none"> <li>➤ County may not continue to provide funding in future</li> <li>➤ Not all basin pumpers contribute funds for basin monitoring and management</li> </ul>
Water Rates	Water Purveyors Water Rates	<ul style="list-style-type: none"> <li>➤ Water rate funding mechanisms already in place</li> </ul>	<ul style="list-style-type: none"> <li>➤ Increased rates require Prop 218 for LOCSD, PUC Approval for GSWC, BOD Vote for S&amp;T Mutual</li> <li>➤ Not all basin pumpers contribute funds for basin monitoring and management</li> </ul>
Flood Control District (FCD) Special Tax	Parcel Tax on property owners	<ul style="list-style-type: none"> <li>➤ Applied to Zone of Benefit, which could mirror the Adjudicated Area</li> <li>➤ Can be used to fund basin monitoring and management</li> </ul>	<ul style="list-style-type: none"> <li>➤ Requires establishment of Zone of Benefit with 2/3<sup>rd</sup> approval of registered votes received</li> <li>➤ Requires San Luis Obispo County Flood Control and Water Conservation District to take the lead</li> <li>➤ Utilizes formula for establishing special tax based on reasonable justification</li> </ul>
Community Facilities District (CFD) Special Tax	Parcel Tax on property owners	<ul style="list-style-type: none"> <li>➤ May not require SLOCFC&amp;WCD to lead</li> </ul>	<ul style="list-style-type: none"> <li>➤ Requires 2/3<sup>rd</sup> approval of registered votes received</li> <li>➤ Cannot be used to fund ongoing basin monitoring and management</li> </ul>
Special Assessment	Assessment on property owners	<ul style="list-style-type: none"> <li>➤ Doesn't require a vote, protest only</li> <li>➤ Could be applied basin wide</li> </ul>	<ul style="list-style-type: none"> <li>➤ Requires Prop 218 compliance</li> <li>➤ Difficult to do one assessment for entire basin, may require separate assessments for individual areas</li> <li>➤ Need strong justification between costs and benefits</li> <li>➤ Potential for legal challenges (particularly with respect to any attempt to fund administrative costs)</li> <li>➤ Difficult to implement for general groundwater benefits</li> </ul>

Potential BMC Funding Mechanisms	Rate Payers	Benefits	Constraints
County Resource Impact Fee	County Planning Department Impact Fee	<ul style="list-style-type: none"> <li>➤ Existing Resource Impact designation requires 2:1 Water Offsets</li> <li>➤ Applies to all basin users</li> <li>➤ Could be modified to include Supplemental Project fee</li> </ul>	<ul style="list-style-type: none"> <li>➤ Would require County to lead implementation, not BMC</li> <li>➤ Would need direct correlation between project and fee and benefit to new development (i.e. document improvement to sustainable yield)</li> </ul>
AB 1600	New Development Impact Fees	<ul style="list-style-type: none"> <li>➤ New development pays equitable portion for new and existing infrastructure</li> <li>➤ Doesn't require a public vote</li> </ul>	<ul style="list-style-type: none"> <li>➤ Limited ability to fund administrative costs outside of fee administration</li> <li>➤ Cash is accumulated slowly over time as new development occurs</li> <li>➤ Doesn't fund existing basin monitoring and management</li> <li>➤ Doesn't provide mechanism for existing individual well owners to contribute to basin management</li> </ul>
SGMA or Special Legislation Fee	Could be assessed to Adjudicated Boundary	<ul style="list-style-type: none"> <li>➤ Allows for use Regulatory Fees for administrative costs without a public vote</li> <li>➤ Prop 218 for Capital Projects, not vote required</li> </ul>	<ul style="list-style-type: none"> <li>➤ May require special legislation remove Los Osos exemption from SGMA requirements or provide regulatory fee authority</li> </ul>

Upon review of the list of available funding options, BMC Staff determined that it would be beneficial to bring in an outside consultant to review the previous work completed for the BMC on funding options (i.e. Taussig Report, Funding Subcommittee findings) and prepare an updated evaluation for the different funding options that would be available to the BMC and what would be the financial impact of those different funding impacts on the groundwater users within the basin (e.g. evaluating the number and types of parcels, wells, water use and other related characteristics and the magnitude of fee or assessment that would be required).

To support the BMC in better understanding the funding options available, BMC Staff recommends that the BMC authorize the SCI Consulting Group to complete the scope of work included in the attached proposal to assist in identifying and understanding the impacts of potential alternative funding mechanisms for the BMC and implementation of the Basin Plan.

## Financial

The approved BMC Calendar Year 2021 Budget includes \$40,000 in funding for Funding and Organization Studies and proposed fee for SCI Consulting Group is \$18,500.

## Attachments:

1. SCI Consulting Group Funding Analysis Proposal

Wednesday, October 13, 2021

**Submitted via email**

Dan HeimeI (dheimel@wsc-inc.com)

Dan HeimeI, Executive Director  
Los Osos Area Subbasin Management Committee  
San Luis Obispo County Public Works  
1055 Monterey Street  
San Luis Obispo, CA 93408

**Re: Proposal for a Funding Options Technical Memorandum and Related Consulting Services**

Dear Dan:

**SCI Consulting Group** ("SCI") is pleased to submit, for your review, this proposal to provide a Funding Options Technical Memorandum ("Funding Memo") for the Los Osos Subbasin Management Committee ("Committee"). We understand that the Committee would like to explore the implementation of a stable and reliable funding mechanism to support its efforts in managing the Los Osos Area Subbasin ("Basin"). We also understand that there are complex legal, regulatory, and political issues relating to groundwater basin management and that various stakeholders have an interest in the management of the Basin.

The Funding Memo would provide a detailed overview of the various viable funding mechanism options best suited for groundwater management in the Los Osos Area Subbasin. It would also include a comprehensive evaluation of the Basin's various attributes and characteristics, including the number and types of parcels, wells, and water use, relating these characteristics to specific funding mechanisms. This would allow SCI to provide approximate potential fee and tax rates using methodologies that derive from the distinct attributes of the community of Los Osos.

The Funding Memo would describe the financial, legal, and policy basis for establishing a new fee or tax program for the Basin. Specifically, it would outline the revenue generation potential of these mechanisms and how they would comply with the substantive and procedural requirements of Propositions 13, 26 and 218, the Mitigation Fee Act, and other governing regulations. Within these tasks, the Funding Memo would most likely focus on four mechanisms: regulatory fees, property-related fees, special taxes, and development impact fees. A general understanding of these mechanisms would be conveyed and applied within the context of the specific needs and realities of the Committee and the community of Los Osos.

Our approach to the Memo would be based on close interaction and coordination of the project with Committee staff, County staff, Water District staff, and other key stakeholders. If selected, SCI would provide comprehensive services in a manner that limits the necessary time and resources of all involved staff. We do not have any work commitments that would interfere with their responsiveness and ability to complete the projects within a reasonable timeframe.

## WORK PLAN AND APPROACH

Based on our current understanding of the project and the technical analysis and services needed by the Committee, we propose the following scope of work and approach:

**Task 1: Initial Research and Planning.** SCI will first coordinate a project kick-off conference call to discuss the process of gathering all the available data and revenue goals needed for the Funding Memo. SCI will review the Committee's Annual Reports, The Basin's Stipulated Judgement, general characteristics of the Basin and the community of Los Osos, applicable authorizing ordinances, and any other technical studies and plans related to the Committee's funding of Basin management. SCI will then coordinate a project kick-off meeting with the Committee to discuss the goals and objectives, proposed methodologies and approaches, and develop a detailed timeline, task list, and deliverables for the project.

**Task 2: In-Depth Research and Development of Funding Models.** Following the strategy and utilizing the gathered data and cost estimates, SCI will determine the viable mechanisms to fund Basin management, both in terms of operations and maintenance as well as capital projects. SCI and Committee staff will need to maintain a productive dialogue throughout this process to ensure cost allocation methodologies are appropriate and comply with the stakeholders' requirements. Upon completion of the initial cost allocation and fee determination, SCI will review the technical analysis, key findings, and recommendations with Committee staff and make any adjustments as necessary.

**Task 3: Funding Options Technical Memorandum.** SCI will then prepare a draft Funding Options Technical memorandum for administrative review and comment. The Funding Memo will include a summary of fee and tax methodologies, approaches, and findings, along with technical analysis and documentation to support the implementation of a new funding mechanism. The Funding Memo will also demonstrate compliance with legal requirements, including Propositions 13, 26, 218, and the Mitigation Fee Act (AB 1600). Additionally, the Funding Memo will summarize approaches to community outreach, the benefits of a potential public opinion survey, and other considerations. After review of the Administrative Draft Memo, SCI will provide a final Draft of the Funding Memo, modified as necessary according to comments from the Committee.

**Task 4: Summary Presentation of Funding Options Technical Memorandum.** As necessary, SCI will present a summary of the Funding Memo before the Committee and other key stakeholders. This presentation intends to provide the Committee and other stakeholders an in-depth verbal summary of the purpose and details of the Funding Memo and to answer any questions. A PowerPoint presentation will be prepared to present an overview of key findings and recommendations succinctly.

**In-Person Meetings.** We anticipate the potential need for at least two in-person meetings, (1) kick-off meeting to identify goals and objectives, and (2) present our findings to the Committee. Given the constraints of COVID-19 on in-person meetings and the Committee's current web-based meeting format, we are flexible and willing to make any necessary adjustments. Additional in-person meetings, assistance, or participation in other presentations, beyond our proposed in-person meetings will be billed at our hourly billing rates for the duration of the project.

## COMMITTEE RESOURCES

SCI will carry out all tasks specified in the Work Plan and any other related services, as appropriate, to prepare the Funding Memo. The Committee would be responsible for the following:



- Meet or participate in video conference calls periodically with SCI as needed.
- Provide information and documentation regarding the Committee's current financial structure and Basin/community attributes needed to develop fee and tax methodologies.
- Assist with the review of the Funding Memo and other information presented and prepared by SCI.
- Assist with planning, review, and coordination of action items.

## **TIMELINE**

We anticipate that the preparation of the Funding Options Technical Memorandum will take approximately two to three months. The timeline will, in part, depend upon the availability of the required data and cost estimates, and level of stakeholder outreach. The summary presentation of findings and recommendations could occur the following month or subsequent month, depending upon the Committee's meeting calendar.

## **ABOUT SCI CONSULTING GROUP**

Established in 1985, **SCIConsultingGroup** is a recognized public finance consulting firm with leading expertise in assisting California public agencies with local funding of public services and improvements. We also possess industry-leading expertise with the important legal and procedural requirements for establishing fee programs, special taxes, Community Facilities Districts, Benefit Assessment Districts, and other local financing mechanisms. SCI has also formed and annually administers nearly 1,000 special taxes, assessments, and fees for over 175 public agencies throughout the State.

This expertise and experience will ensure that the Committee's goals and objectives are met successfully, collaboratively, on schedule, and on budget.

## **QUALIFICATIONS**

### **Experience with Funding Analysis for Implementation of Groundwater Sustainability Plans**

- Santa Rosa Plain GSA (Sonoma County)
- Sonoma Valley GSA (Sonoma County)
- Petaluma Valley GSA (Sonoma County)
- Ukiah Valley Basin GSA (Mendocino County)
- Butte Valley GSA (Siskiyou County)
- Scott Valley GSA (Siskiyou County)
- Shasta Valley GSA (Siskiyou County)
- Sierra Valley Groundwater Management District GSA (Sierra and Plumas Counties)

### **Successful Water (Storm Drainage and Flood Control) Rate Studies**

- City of Alameda
- City of Berkeley
- City of Cupertino
- City of Davis
- City of Los Altos
- Town of Moraga

### Successful Water-Related Balloting Results

For large agency-wide ballot measures, such as the proposed fee measure for the Agencies, SCI has a success rate of over 94% with over 140 successful Proposition 218-compliant ballot measures to date. This is more than the number of new agency-wide Proposition 218-compliant measures by all other consulting firms in California combined. Also, we are currently working on seven benefit assessment implementations for flood control agencies (Reclamation Districts 349, 551, 765, 755, 817, 2103, and 2107). Additionally, we are working on implementing storm drainage fees for the Cities of Davis, Del Mar, San Mateo, Santa Clara, and the Tahoe Resource Conservation District. A listing of previous projects is presented below:

#### FLOOD CONTROL

<u>District</u>	<u>SFE Base Rate</u>	<u>%Support</u>	<u>Year</u>
Reclamation District 2107 Mossdale	\$1,260.28	97.82%	2021
Reclamation District 1600 Mull District	\$265.22	85.00%	2021
Reclamation District 756 Bouldin Island	\$954.82	100.00%	2020
Reclamation District 2026 Webb Tract	\$1,015.11	100.00%	2020
Reclamation District 2028 Bacon Island	\$1,046.36	100.00%	2020
Reclamation District 2025 Holland Tract	\$68.40	93.00%	2018
Reclamation District 150	\$128.71	85.78%	2018
City of San Mateo – North Shoreview	\$125.51	76.80%	2018
Bethel Island Levee Improvement District	\$132.69	68.00%	2015
Reclamation District No. 1001	\$216.25	82.27%	2014
City of San Mateo Re-Balloting	\$66.08	82.33%	2013
City of San Carlos	\$190.32	95.40%	2010
City of San Mateo – South Bayfront	\$89.41	79.60%	2009
Marysville Levee Commission	\$49.58	74.00%	2009
Reclamation District No. 10	\$100.00	78.60%	2008
Three Rivers Levee Improvement Authority	\$138.90	62.20%	2008

#### STORM DRAINAGE

<u>District</u>	<u>SFE Base Rate</u>	<u>%Support</u>	<u>Year</u>
City of Alameda	\$ 74.00	56.96%	2019
City of Cupertino	\$ 44.42	51.15%	2019
City of Los Altos	\$ 88.00	44.24%	2019
City of Berkeley	\$ 42.89	60.75%	2018
Town of Moraga	\$120.38	47.96%	2018

### Expertise in Propositions 13, 26 and 218

Throughout designing and establishing new Proposition 13, 26, and 218-compliant fees, taxes, and benefit assessments, and working on these projects with many of the leading specialized attorneys in the State, we have gained unparalleled legal and Proposition 13, 26, and 218 compliance expertise.

## REFERENCES

**Ann DuBay, Administrator**  
**Sonoma Valley and Petaluma**  
**Valley Groundwater Sustainability Agencies**  
404 Aviation Boulevard  
Santa Rosa, CA 95403  
(707) 524-8378  
Ann.DuBay@scwa.ca.gov

**Andy Rodgers, Administrator**  
**Santa Rosa Plain Groundwater**  
**Sustainability Agency**  
2235 Mercury Way, Suite 105  
Santa Rosa, CA 95407  
(707) 243-8555  
arodgers@santarosaplaingroundwater.org

**Amber Fisette,**  
**Deputy Director of Transportation**  
**Ukiah Valley Basin Groundwater Sustainability**  
**Agency**  
501 Low Gap Road  
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**Matt Parker,**  
**Natural Resources Specialist**  
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**Clean Water Program Specialist**  
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**Sean O'Shea,**  
**Administrative & Fiscal Manager**  
**City of Berkeley Public Works**  
2180 Milvia Street, 3rd Floor,  
Berkeley, CA 94704  
(213) 485-0587  
soshea@cityofberkeley.info

## FEE SCHEDULE / MANNER OF PAYMENT

Compensation for the preparation of a Funding Options Technical Memorandum and related consulting services as outlined in the Work Plan shall be a fixed fee of \$18,500. After the completion of each task, SCI shall submit an invoice.

<b>TASK</b>	<b>Fixed Fee</b>
Task 1: Initial Research and Planning	\$2,500
Task 2: In-Depth Research and Development of Funding Models	\$4,500
Task 3: Funding Options Technical Memorandum	\$8,500
Task 4: Summary Presentation of Funding Options Technical Memorandum	\$3,000
<b>TOTAL</b>	<b>\$18,500</b>

The scope of work includes up to two (2) in-person meetings. SCI will bill any additional meetings, if required, at the rate of \$1,050 per person per meeting. Incidental costs incurred by SCI for the purchase of property or statistical data, travel, and other out-of-pocket expenses incurred in performing the scope of work shall be reimbursed at actual cost, and shall not exceed \$1,000 without prior authorization from the Committee.

## ADDITIONAL INFORMATION

**Employment Policies.** SCI does not and shall not discriminate against any employee in the workplace or against any applicant for such employment or against any other person because of race, religion, sex, color, national origin, handicap, age, or any other arbitrary basis. SCI Consulting Group ensures compliance with all civil rights laws and other related statutes.

**Conflict of Interest Statements.** SCI has no known past, ongoing, or potential conflicts of interest for working with the Committee, performing the Scope of Work, or any other service for this Project.

**Insurance.** SCI carries professional Errors and Omissions insurance in the amount of \$2 million per occurrence and \$2 million aggregate. SCI also carries general liability insurance in the amount of \$2 million per occurrence and \$4 million aggregate.

**Independent Contractor.** If selected, SCI shall perform all services included in this proposal as an independent contractor.

## PROJECT TEAM

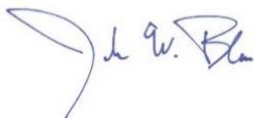
If selected, Ryan Aston would serve as the project manager, and John Bliss would be principal-in-charge. Jerry Bradshaw, Senior Engineer, would also be involved with the technical analysis and preparation of the Funding Memo. The three of us do not have any work commitments that would interfere with our responsiveness and ability to complete the project within a reasonable timeframe.

Ryan specializes in funding options for groundwater basins, including identifying viable methodologies and analysis of basin and community attributes that contribute to mutually beneficial funding solutions. Ryan has presented such findings at GSA Governing Board and Community Meetings and annual conferences, most recently at the Groundwater Resources Association's Western Groundwater Congress. He graduated from the University of California, Santa Cruz, with a B.A. in Politics with emphases in political economy and municipal government.

If you have any questions or require additional information, please do not hesitate to contact me. Ryan can be reached at 707-430-4300 ext. 118 or via email at [ryan.aston@sci-cg.com](mailto:ryan.aston@sci-cg.com). John Bliss, President of SCI, can be reached at 707-430-4300 ext. 113 or via email at [john.bliss@sci-cg.com](mailto:john.bliss@sci-cg.com).

We look forward to the possibility of assisting the Committee with this important project and stand ready to proceed.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Bliss". The signature is stylized and somewhat cursive.

John Bliss, P.E., President, SCI Consulting Group

cc: Ryan Aston, SCI Consulting Group

**TO:** Los Osos Basin Management Committee  
**FROM:** Dan Heibel, Executive Director  
**DATE:** October 27, 2021  
**SUBJECT:** Item 8d – Wellhead Survey Authorization

## Recommendation

BMC Staff recommends that the BMC: 1) Authorize Twin Cities Survey and Cleath-Harris Geologist to complete a survey of additional wells in the Los Osos Basin to improve monitoring program data; and 2) request that the County survey the wells in their monitoring program; or 3) provide alternate direction to staff.

## Discussion

In September of 2020, a wellhead survey was performed to collect more accurate elevation data for wells within the Los Osos Basin (Basin) that only had elevation information from topographic maps for the purposes of improving the monitoring program data (Phase I). It is proposed to survey additional wells (Phase II) that are included in the monitoring program and for which water level information is utilized to develop the groundwater elevation contours in the Annual Monitoring Report to improve the accuracy of the data obtained for these wells. There are a total of 31 wells that have been identified for the Phase II wellhead survey, which are described in Table 1 and shown in Figure 1.

The wells have been broken into two categories: PRIVATE WELLS WITH OWNER CONTACT THROUGH SLO COUNTY (Phase IIa Wells); and WELLS WITH AGENCY ACCESS OR PRIVATE WELLS WITH OWNER CONTACT THROUGH CHG (Phase IIb Wells). County staff indicated that they would like to manage access and perform the survey for the twelve (12) wells listed under the Phase IIa Wells. BMC Staff is recommending that the BMC authorize Twin Cities Survey and Cleath-Harris Geologist (CHG) to perform the survey for the nineteen (19) Phase IIb wells. CHG would lead development of the survey plan, coordination, and outreach with the well owners, escorting the survey crew and marking the reference points. Twin Cities Survey would perform the wellhead survey and provide the survey documentation.

Table 1. Phase II Wellhead Survey Wells

Los Osos Basin - Phase II survey wells

Program ID	Well Number	Name/Location	Basin Area	Coordinates			Well Type	SURVEY SOURCE	Well Owner	ACCESS CONTACT
				Latitude	Longitude	Reference Point Elev.				
<b>PRIVATE WELLS WITH OWNER CONTACT THROUGH SLO COUNTY</b>										
FW24	30S/11E-17J2	USGS E North - shallow	Eastern	35.3142	120.8119	71.62	D	OLD CO	PRIVATE	COUNTY
FW25	30S/11E-17R1	Lariat Dr.	Eastern	35.3091	120.8113	71.50	D	OLD CO	PRIVATE	COUNTY
FW27	30S/11E-20L1	Horse Ranch #1	Eastern	35.299	120.8196	134.07	I	OLD CO	PRIVATE	COUNTY
FW28	30S/11E-20M2	Horse Ranch #2	Eastern	35.2987	120.8234	148.61	I	OLD CO	PRIVATE	COUNTY
FW29	30S/11E-20A1	R - Tapidero	Eastern	35.308	120.809	80.94	D	OLD CO	PRIVATE	COUNTY
LA24	30S/11E-17J1	USGS E North - deep	Eastern	35.3142	120.8119	71.67	I	OLD CO	PRIVATE	COUNTY
LA26	30S/11E-20G2	USGS E South	Eastern	35.3037	120.8131	99.66	I	OLD CO	PRIVATE	COUNTY
LA29	30S/11E-21E3	Cimmaron Way - north	Eastern	35.3044	120.8066	77.85	D	OLD CO	PRIVATE	COUNTY
LA33	30S/11E-17A1	E Domestic	Eastern	35.3204	120.8121	21.52	D	OLD CO	PRIVATE	COUNTY
UA11	30S/11E-17D	Pismo at 18th Street	Central	35.323	120.8228	81.00	D	TOPO	PRIVATE	COUNTY
UA16	30S/11E-17L4	S - Freeman Lane	Central	35.315	120.817	97.36	D	OLD CO	PRIVATE	COUNTY
UA18	30S/11E-17F2	C - San Luis Ave	Central	35.319	120.818	81.77	D	OLD CO	PRIVATE	COUNTY
<b>WELLS WITH AGENCY ACCESS OR PRIVATE WELLS WITH OWNER CONTACT THROUGH CHG</b>										
LA16	30S/11E-18M1	CCW #5 - Broderson OBS	Western	35.3129	120.8431	106.82	MW	OLD CO	SLO CO.	COUNTY
LA17	30S/11E-24A2	USGS Broderson	Western	35.3074	120.8433	210.40	MW	OLD CO	SLO CO.	COUNTY
LA19	30S/11E-19H2	USGS Bayview Heights 6"	Central	35.3043	120.8266	256.20	MW	OLD CO	SLO CO.	COUNTY
FW33	30S/11E-18D1S	Sweet springs artesian	Western	35.3212	120.8413	7.40	MW	TOPO	PRIVATE	CHG
LA30	30S/11E-20H1	Cimarron Way - south	Eastern	35.3017	120.8081	85.54	D	OLD CO	PRIVATE	CHG
LA4	30S/10E-13M1	USGS Howard West	Western	35.3149	120.8599	41.20	MW	OLD CO	PRIVATE	CHG
UA17	30S/11E-17E1	P - Sage	Central	35.319	120.822	107.47	D	OLD CO	PRIVATE	CHG
LA10	30S/10E-13J1	GSWC Rosina	Western	35.3145	120.8468	95.31	M	OLD CO	GSWC	GSWC
LA9	30S/10E-24C1	GSWC Cabrillo-Rodman	Western	35.3077	120.8554	178.32	M	OLD CO	GSWC	GSWC
UA9	30S/11E-18K3	GSWC Los Olivos #3	Central	35.3133	120.8302	121.18	M	OLD CO	GSWC	GSWC
LA12	30S/11E-7Q3	LOCSD 8th St. Lower	Central	35.3258	120.8343	24.30	M	OLD CO	LOCSD	LOCSD
LA13	30S/11E-18F2	LOCSD Ferrell #2	Central	35.31598	120.8359	100.00	M	OLD CO	LOCSD	LOCSD
LA21	30S/11E-17E7	SBB OBS deep #3	Central	35.3159	120.8242	105.85	MW	OLD CO	LOCSD	LOCSD
LA22	30S/11E-17E8	SBB OBS middle #2	Central	35.3159	120.8242	105.85	MW	OLD CO	LOCSD	LOCSD
UA10	30S/11E-18H1	LOCSD - 12th St.	Central	35.3162	120.8299	107.10	M	OLD CO	LOCSD	LOCSD
UA12	30S/11E-17E9	SBB OBS shallow #1	Central	35.3159	120.8242	105.85	MW	OLD CO	LOCSD	LOCSD
UA19	30S/11E-7Qa	LOCSD 8th St. Upper	Central	35.3259	120.8342	26.00	M	TOPO	LOCSD	LOCSD
UA5	30S/11E-7N1	LOCSD 3rd St. Well	Central	35.3256	120.8402	9.13	M	OLD CO	LOCSD	LOCSD
UA4	30S/10E-13L1	S&T Mutual #1	Western	35.3134	120.8526	38.68	M	OLD CO	S&T	S&T

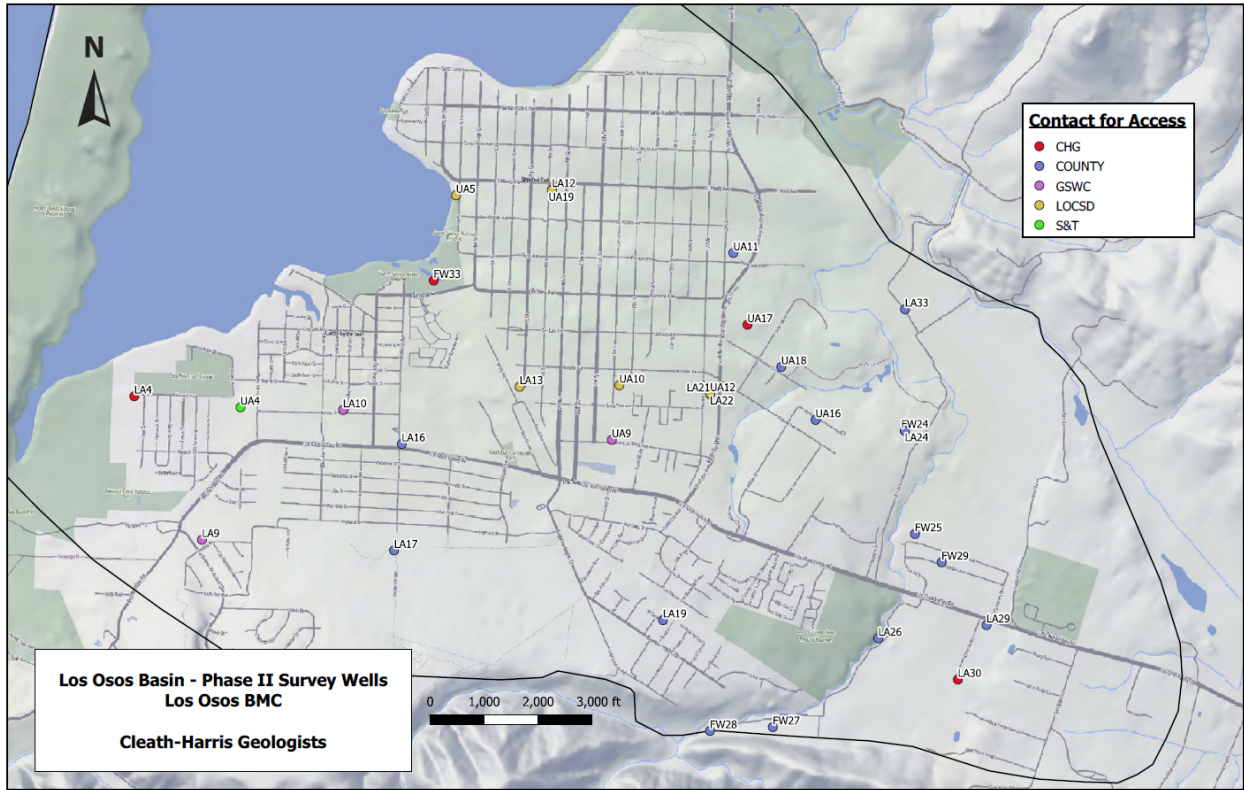


Figure 1. Phase II Well Survey Map

## Financial

The approved BMC Calendar Year 2021 Budget includes \$15,000 in funding for Technical Support/Adaptive Management Services. Currently, there are approximately \$13,000 remaining for this budget item. The proposed cost estimates from Twin Cities Survey (\$5,100) and CHG (\$2,500) total \$7,600, which fits within the remaining budget for this task.

**TO:** Los Osos Basin Management Committee

**FROM:** Dan Heimerl, Executive Director

**DATE:** October 27, 2021

**SUBJECT:** Item 8e – Lower Aquifer Monitoring Evaluation

## Recommendation

BMC Staff recommends that the BMC: 1) authorize the use of Contingency funds for Cleath-Harris Geologists to evaluate the feasibility and cost of modifying existing wells to improve monitoring of Zone E water quality; or 2) provide alternate direction to staff.

## Discussion

Zone E is the deepest aquifer in the Los Osos Basin (Basin), and the most susceptible to seawater intrusion. The 2020 Annual Report identified four locations where existing wells could potentially be modified to provide Zone E water quality data for the monitoring program, which would allow better delineation of seawater intrusion. Evaluating the feasibility and costs of these modifications was recommended, in conjunction with identifying additional sites for a new Lower Aquifer monitoring well in the western area of the Basin. To complete this evaluation, Cleath-Harris Geologist (CHG) proposes to complete the following tasks:

1. Evaluate the feasibility and cost of modifying up to four existing program wells to become dedicated Zone E water quality monitoring locations.
2. In conjunction with the above evaluation of well modifications, prepare a list of feasible sites where new Lower Aquifer monitoring wells may be constructed to improve seawater intrusion definition and monitoring in both Zone D and Zone E.
3. Prepare a technical memorandum with the anticipated feasible actions and estimated costs for well modifications, along with recommended Lower Aquifer monitoring well sites and anticipated costs.

BMC Staff recommends that the BMC approve CHG to complete the tasks described above to better inform the BMC on how the Basin monitoring well network could be improved to better track seawater intrusion.

## Financial

The approved BMC Calendar Year 2021 Budget includes \$28,600 in Contingency Funds. Currently, there are approximately \$15,000 of remaining Contingency Funds. The proposed cost estimate for CHG to complete the Lower Aquifer Monitoring Evaluation is \$7,000, which fits within the remaining Contingency budget. Additionally, there are a number of other tasks (e.g. Meeting Expenses,



Implementation Initiative Evaluation) with remaining budget that is not anticipated to be spent before the end of the Calendar Year.