

**SACRAMENTO CENTRAL GROUNDWATER AUTHORITY (SCGA)**  
**Governing Board Meeting**  
**Final Minutes**  
**January 9, 2008**

**LOCATION:** 10545 Armstrong Avenue, Suite 101  
Mather, CA 95655  
9:00 a.m. to 11:00 a.m.

**MINUTES:**

**1. Call to Order and Roll Call**

Chair Scott Fort called the meeting to order at 9:00 a.m.

Roll call was taken and the following meeting participants were in attendance:

Board Members (Primary Rep.)

Anthony van Steyn, Agricultural Interests  
Stuart Helfand, Agricultural-Residential  
Rick Bettis, Conservation Landowners  
Edwin Smith, Public Agencies Self-Supplied  
Ronald Lowry, Omochumne-Hartnell Water District  
Ed Crouse, Rancho Murieta Community Services District  
Scott Fort, Golden State Water Company

Board Members (Alternate Rep.)

Clarence Korhonen, City of Elk Grove  
Walter Sadler, City of Folsom  
Albert Stricker, City of Rancho Cordova  
Mel Johnson, City of Sacramento  
Herb Niederberger, County of Sacramento/Sacramento County Water Agency  
Ruben Robles, Sacramento Regional County Sanitation District

Staff Members

Darrell Eck, Executive Director, Sacramento Central Groundwater Authority  
Michelle Fiorino, Clerk, Sacramento Central Groundwater Authority  
Ramón Roybal, Sacramento Central Groundwater Authority

Others in Attendance

Jafar Faghieh, MWH  
Jose Ramirez, Sacramento Regional County Sanitation District  
Rob Swartz, SGA  
Ali Taghavi, WRIME

## **2. Public Comment**

Chair Fort called for any public comment. No public comment was made.

## **3. Consent Calendar**

The draft meeting minutes for the meeting held on December 12, 2007 were reviewed for final approval.

Motion/Second/Carried – Herb Niederberger moved, by a second from Rick Bettis to approve the minutes.

## **4. Budget Report**

Darrell Eck provided the status of the 2007-2008 Budget (see corresponding attachment).

Budget status as of the end of December 2007:

- Expenditures - \$65,784
- Outstanding Expenditures (Other Professional Services) - \$20,000
- Approximate Expenditures to date - \$90,000

## **5. On-Site Wastewater Treatment Systems Program**

Continued presentation to February 13, 2008.

## **6. Report Back/Workshop on Well Protection Program**

### **Minutes of December 19, 2007 Subcommittee Meeting**

The draft meeting minutes for the meeting held on December 19, 2007 were reviewed for final approval.

Motion/Second/Carried – Walter Sadler moved, by a second from Stuart Helfand to approve the minutes.

### **Report Back on the December 19, 2007 Well Protection Program Subcommittee Meeting and Discussion of Proposed Ground Rules**

Darrell Eck provided the following report. At the December 12, 2007 Board meeting the Well Protection Program Subcommittee was formed and was tasked with discussing the issues presented to the Board at that meeting and to report back with recommendations on how to proceed with the development of the Well Protection Program. The subcommittee met on December 19, 2007, and after significant discussion agreed upon a series of ground rules that were felt would guide successful development of the Well Protection Program. These ground rules are as follows:

1. The Sacramento Central Groundwater Authority will be the entity that adopts the ordinance establishing the Central Basin Well Protection Program.

2. All of the JPA signatory agencies have to participate in the Well Protection Program in order for the program to be viable.
3. Collection of the Well Protection Fee would be in accordance with the recommendations of the Well Protection Program Trial Balloon found in Appendix D (Recommendation 4) of the Groundwater Management Plan, specifically:
  - a. *A fee assessed on every new building permit issued following a specified date, and*
  - b. *A fee assessed on any permit to drill a new well for any purpose, including agriculture, agricultural/residential, business, M & I supply, etc. Remediation wells required by regulatory compliance orders and monitoring wells should be exempt from paying the fee.*
4. The Well Protection Program shall be self-sustaining and as such appropriate provisions should be included in the ordinance to address the potential of a Trust Fund shortfall.
5. Development of the Well Protection Program should be in accordance with the following Work Plan.
  - a. January – Purpose (Chapter 2.05), Definitions (Chapter 2.10) (WRIME analysis and BIA coordination begins and continues through the end of March)
  - b. February – Trust Fund (Chapter 2.15), Well Protection Fee (Chapter 2.20), Sunset Provision (Chapter 2.35), Collection of fees (Business agreements with land use agencies)
  - c. March – Eligibility (Chapter 2.25), Benefits (Chapter 2.30)
  - d. April – Fee amount (Appendix 1), Establishment of fee/nexus report
  - e. May – 1<sup>st</sup> draft of Ordinance
  - f. June – review of Ordinance, begin public outreach
  - g. July – final draft of Ordinance
  - h. August – Public Notice
  - i. September – adopt Ordinance, start fee collection
  - j. October – implementation

The Board raised questions on the following issues and asked that staff respond as appropriate.

- City of Sacramento – Under the ground rules proposed by the subcommittee, *“all JPA signatory agencies have to participate in the Well Protection Program in order for the program to be viable.”* Mel Johnson asked if the City, being a member of the JPA, would be required to participate in the Well Protection Plan. Mr. Johnson indicated that language in the Groundwater Management Plan provides a specific exemption for the City. The Trial Balloon states, *“Any property within the City of Sacramento that is served by surface water should be exempted from paying a fee on building permits to support the well protection trust fund”*(Appendix D, Recommendation 5). Language in the draft Ordinance does address this exemption for the City of Sacramento and is part of the Board’s Workshop in February (Section 2.20.040, Paragraph B). Some Board members questioned if the City was exclusively served by surface water or if there were some instances of groundwater use – reference was made to Campbell Soup and Proctor & Gamble. It was indicated that these facilities had their own wells and that the wells in question were not part of the City system. However, on-going discussion seemed to indicate that some

members of the Board still wanted to consider situations where the City may have some sort of groundwater use and would then participate in the program. Mr. Johnson indicated that he would need to discuss participation by the City with their attorney.

- **New Well** – The Trial Balloon states that, “*a fee assessed on any permit to drill a new well for any purpose...*” Rick Bettis asked how “new well” is defined? Mr. Bettis pointed out that deepening an existing well has the potential to drastically increase the production of that well. Stuart Helfand stated that such an action would require the issuance of a new well drilling permit and that this could be the mechanism to identify and categorize what a “new well” is. The Authority should discuss what constitutes a “new well” and include this definition in the Ordinance.
- **Public Outreach** – Albert Stricker recommended that time be provided in the Work Plan schedule for the individual city councils and the County Board of Supervisors to review the draft Ordinance before the Authority begins formal public outreach. Mr. Stricker also recommended that the draft Ordinance be as complete as possible for this review in order to allow for meaningful comment. There was no consensus among the Board members representing the various land use agencies on what this review would consist of and what sort of recommendation or approval would be requested from their councils or Board. Additional discussion by the Authority is required.
- **Fee Requirements** – Ruben Robles asked if Proposition 218 would be applicable to the fee. Herb Niederberger responded that there is no Proposition 218 requirements for the fee because the proposed fee is not a tax. Mr. Niederberger also pointed out that State law requires a 60-day waiting period after the adoption of a fee before the fee is effective and collection can begin. If the fee is adopted in September, then fee collection cannot begin until November. The Work Plan should be adjusted accordingly.
- **CEQA Requirements** - Are there any CEQA requirements for adoption and implementation of the program? Mr. Niederberger suggested that Darrell Eck check with Tim Hawkins at DERA.

**Workshop on Purpose (Chapter 2.05) and Definitions (Chapter 2.10)**  
(see corresponding attachment)

2.05.010 Purpose - The Board requested that Staff revise the language on Lines 14-17 to provide additional clarity (second paragraph). Make sure that term “eligible well” found in the second paragraph is clearly defined in the chapter on Eligibility.

2.10.020 Agent. – Change the definition to read, “Land use agency which has entered into an agreement with the Authority to collect the Well Protection Fee.”

2.10.025 Agricultural Well. – Change the definition to read, “Well that is primarily used for crop and/or pasture irrigation.

2.10.040 BMO. – Change the definition to read, “Basin Management Objective as delineated in the Central Basin GMP.”

2.10.045 Central Basin. – Change definition to read, “Refers to the groundwater basin underlying the area within the boundaries of the Authority (see Appendix No. 4 to Title 2).

2.10.050 Central Basin GMP. – Change definition to read, “Central Sacramento County Groundwater Management Plan, as it may be modified or amended by the Board.”

2.10.060 Eligible Well. – Change the definition to read, “An Agricultural Well or Private Domestic Well that has been properly registered under the provisions of this Title.”

2.10.070 Qualified Inspector. – Will need to assess this definition after reviewing how it is used in the document [see Paragraph 2.30.010 (Payment of Benefit) and 2.30.020 (Claim Requirements)] (Chapter 2.30, Benefits, will be discussed in March).

2.10.075 Change title to Private Domestic Well. – Change definition to read, “Wells that produce water for domestic use within the area of eligibility.” (how eligibility is defined will be discussed in March).

The Board requested that two definitions be added to Chapter 2.10: Area of Eligibility (with reference to a map) and Eligible Costs.

## **7. Master Services Agreement**

Staff made a request for an on-call technical services contract with WRIME. This type of services contract would provide a greater amount of flexibility for staff in initiating work on various technical tasks that require outside technical support. This type of contract also saves time, as staff would not have to initiate a new contract each time a special service is required. With this type of contract the scope of services, performance, and compensation requirements will be set forth in written task orders. Task orders would be initiated by the Authority on an as needed basis.

If the Board approves moving forward with this contract staff would like to initiate Task Order 1. Task Order 1 covers the work necessary to define a specific area within the Central Basin area where existing wells will most likely be impacted as a result of pumping by new wells. Task 1 is a result of previous discussions that have indicated that the time involved for staff to complete the well registration process basin wide would take more than a year - under the best conditions. During these discussions the Board agreed that a more practical approach might be to focus on the area where well impacts were expected to occur. This approach was further defined at the December 12, 2007 Board meeting when the Well Impact Analysis performed by WRIME (Figures 4-1 through 4-3) for the Groundwater Management Plan was discussed. While developing the Work Plan for completion of the Well Protection Program the subcommittee felt that the work necessary to specifically identify the area of impact should begin this month in order to provide additional information to guide development of the overall program. Staff has discussed the requirements for this analysis with WRIME and they have provided a Scope of Work and cost estimate of approximately \$20,000 to complete the work. The Scope includes coordinating with staff on the collection of additional data, conducting the actual impact analysis (to the parcel level), and preparing a report. At the conclusion of the project, WRIME would make a presentation to the Board of the results.

There was significant discussion by members of the Board on the request for an on-call services contract with WRIME. One Board member questioned the qualifications of

WRIME to perform this type of service. It was pointed out that the Authority had just gone through a selection process on another contract with similar type of work and that WRIME was clearly qualified. Other questions involved authorizing the Executive Director to initiate task orders without individual approval by the Board. It was suggested that the Board could give this type of approval and establish a cost ceiling for individual task orders. There were some concerns expressed about "piecemealing" if a particular task exceeded the authorized cost ceiling. There was a general consensus that a cost ceiling of \$20,000 per task order would be appropriate. Given the Board's questions regarding on-call contracts the Board directed staff to develop task order procedures for their review prior to approving an on-call services contract. In order to move forward on the Well Protection Program the Board suggested developing a contract with the Scope of Services developed by WRIME and to place the on-call services contract issue on a future Board agenda.

Motion/Second/Carried – Herb Niederberger moved, by a second from Stuart Helfand to enter into a contract with WRIME for the Scope of Services already submitted and reviewed. The contract is not to exceed \$20,000, with delegation given to Darrell Eck.

#### **8. Executive Director's Report**

Local Groundwater Assistance Grant Update – A letter of support for the Authority's AB 303 Grant Application was submitted by Supervisor Don Nottoli. According to Ali Taghavi (WRIME) the State Department of Water Resources (DWR) accepted the letter as part of the Authority's application. Darrell received an e-mail from Mike Floyd of DWR indicating that they had received 122 proposals for AB 303 grants requesting a total of \$28 Million. There is only \$6.4 Million available through the program.

South Area Water Council – A letter of support was sent by the Executive Director as requested by the Board. The next meeting of the South Area Water Council is scheduled for January 30 at the FFA's office in Galt. The first stakeholder meeting is scheduled for February 13 and will be held at the Wilton Fire Protection District Community Room starting at 5:30 pm.

#### **9. Director's Comments**

Ed Crouse – Asked what the status is of identifying a new Clerk of the Board as Michelle Fiorino will be leaving effective March 12, 2008. Darrell advised that a volunteer was requested at the November 14, 2007 Board meeting and that so far there have been no suggestions or recommendations. This item should be added to the next agenda. Ed also asked how much time Darrell Eck (Executive Director) is spending on this Board. Darrell responded that as the Executive Director he is spending eight (8) hours per week on the program. Ed suggested that Darrell needs to be recognized for his efforts and that this information should be provided to his supervisor, John Coppola.

Mel Johnson -- Requests that the Chapters for the Well Protection Program be made available prior to the Board meeting so that the Board members have time to review them. Darrell responded that staff would be sending out the chapters to be reviewed the day following the Board meeting.

Rick Betts – Thanks to the Well Protection Program subcommittee and staff for their efforts.

Herb Niederberger – Advised that Ed Winkler, the Executive Officer of the Sacramento Groundwater Authority, is resigning.

**10. Adjournment**

With no further business to come before the Board, Chair Scott Fort adjourns meeting at 11:00 a.m.

By:

*Scott D. Fort*  
Chairperson

2/13/08  
Date

Attest:

*Muhelle Fiorino*

2/13/08  
Date

