

**SACRAMENTO CENTRAL GROUNDWATER AUTHORITY (SCGA)**  
**Well Protection Program Sub-Committee Meeting**  
**Final Minutes**  
**February 28, 2008**

**LOCATION:** 9280 West Stockton Boulevard, Suite 220  
Elk Grove, CA 95758  
2 p.m. to 3:30 p.m.

**MINUTES:**

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

Meeting commenced at 2:05 p.m.

The following meeting participants were in attendance:

Board Members (Primary Rep.)

Stuart Helfand, Agricultural-Residential

Board Members (Alternate Rep.)

Walter Sadler, City of Folsom

Andy Soulé, California-American Water Company

Staff Members

Darrell Eck, Executive Director, Sacramento Central Groundwater Authority

Ramón Roybal, Sacramento Central Groundwater Authority

**2. Public Comment**

None

**3. Well Protection Program Criteria**

General discussion on further development of the Well Protection Program (WPP) including review of the text of the following Draft Well Protection Ordinance chapters: Eligibility (Ch. 2.25) and Benefits (Ch. 2.30).

The meeting began with Stuart Helfand mentioning that he had been absent from the regular SCGA Board meeting of February 13<sup>th</sup>. Darrell Eck related to Mr. Helfand that one of the discussion points was that SCGA staff had met with Albert Stricker and Cyrus Abhar from the City of Rancho Cordova (Rancho Cordova), to discuss Rancho Cordova's concerns over the WPP. Mr. Eck related that Mr. Stricker and Mr. Abhar indicated to staff that they were satisfied with the direction the discussion had been going with the development of the WPP and in addressing Rancho Cordova's concerns. It was also mentioned that Mr. Stricker and

Mr. Abhar felt that it is important that the City Council weigh in on the approval of the WPP. Mr. Helfand suggested that Mr. Eck present the WPP, as Executive Director of SCGA, to the Rancho Cordova City Council. Mr. Eck responded that this may be possible but that it is still unclear as to the exact context with which the WPP should be brought before their City Council or any of the other City Councils or Board of Supervisors. Given that the Groundwater Authority was authorized by the Cities and County through the JPA to adopt a WPP (if feasible) it would seem that the representatives of the Cities and County need to decide how this information is brought before their respective Councils/Board of Supervisors. The action could be as simple as a consent item.

The following changes to the draft Ordinance are recommended by the WPP Sub-committee. Added text is represented by *bold italics* and deleted text by ~~bold strikethrough~~.

### Discussion of Eligibility Ch. 2.25

The following changes were suggested for **Section 2.25.010 Qualification**:

During the term of the Well Protection Program, any owner of land who owns and operates a well *as a sole source of water supply* on a legal parcel which lies within the Central Basin Well Protection Program Area shown on the map attached hereto as Appendix 2 and made a part hereof, shall be eligible for benefits under the Well Protection Program, provided such owner registers such well.

Mr. Eck suggested that the term "well" may need a more specific definition in order to exclude wells that are on properties that are also served by a municipal water connection. Mr. Helfand suggested the addition of the term "sole source".

The following changes were suggested for **Section 2.25.020 Registration**:

A. The Authority shall provide timely ~~written~~ notice of the Well Protection Program to all owners of land within the Central Basin Well Protection Program Area and of the requirement to register his/her well in order to qualify for the payment of benefits hereunder. Each such owner shall be required to request registration of his/her well not later than ninety (90) days after the date of the first ~~written~~ notice; failure to request registration of a well with the Authority within said time period shall disqualify any owner from receiving benefits hereunder ~~without exception~~, unless *specifically* approved by the Board.

B. Upon receipt of written request for registration of one or more wells from an owner, the Authority shall inspect each well to verify its existence and operating condition. Only a well that can be shown to operate and be in good working order at the time of registration is eligible for coverage under the Well Protection Program. Sub-standard wells, faulty motors or pumps, etc. will not be covered by the fund or eligible for consideration. Only an owner of land who has requested registration of his/her well, as herein provided, and whose well has been inspected as provided in this paragraph (hereinafter, "Eligible Well") shall be eligible for the payment of benefits under the program.

C. Once a well has been registered, coverage by the Well Protection Program shall continue for as long as the Well Protection Program remains active. Coverage of the well is not affected by a change in ownership of the property on which it is located.

Andy Soulé clarified that rehabilitation of a well due to contamination is not an eligible cost

for reimbursement. Mr. Soulé suggested that language excluding contamination as an eligible cost be added to Part B of Section 2.25.020. Mr. Helfand stated that contamination of a well will not cause a well to stop operating and thus does not need to be specified.

Mr. Soulé asked whether or not a newspaper advertisement would qualify as written notification under the terms of Section 2.25.020 Part A. Mr. Helfand suggested that the word "written" be stricken from the term "written notice". Mr. Soulé then asked how the Board will verify that notice was received by a well owner, either through direct mailer or otherwise, and how this process may affect the registration process. Mr. Eck responded that based on experience with the North Vineyard WPP, the mailer included a returnable portion requesting basic information regarding each well on a particular parcel and that it served as confirmation of notification of the well owner. Mr. Eck indicated that he would bring copies of this mailer to the regular Board meeting so that members of the Board could see what the mailers looked like. Mr. Soulé then asked what would happen if a well owner responded to the mailer and then had to replace or repair their well before SCGA staff had the opportunity to verify its existence and operating condition. Mr. Eck responded that this was a good question due to the potential number of eligible well owners in the Central Basin. Mr. Eck posed the question of when registration of a well is to be considered effective; at the time the registration mailer is returned by the well owner or after inspection since the well owner cannot necessarily be held at fault for not having their well inspected by SCGA staff prior to an eligible failure of their well. Mr. Helfand stated that he believed a well to be considered effectively registered as soon as the mailer is returned to the governing authority. Mr. Soulé said that the burden of proof should rest on the part of the well owner if an on-site visit had not been conducted and they suffer a well failure.

### **Discussion of Benefits Ch. 2.30**

The following changes were suggested for **Section 2.30.010 Payment of Benefit:**

Benefits from the Trust Fund shall be paid to the owner of an Eligible Well if said well fails for ~~any reason, due to declining water levels other than casing failure and mechanical or electrical failure of the pump and/or motor, to provide sufficient water capacity for its intended purpose, as determined by a qualified inspector.~~ The Executive Director (or Appointed Designee) shall authorize payment from the Trust Fund to reimburse the owner of such Eligible Well an amount sufficient to restore said water capacity, but in no event more than the amount shown on Reimbursement Schedule for each such failed Eligible Well. The Authority has no additional obligation to ~~pay~~ *reimburse* for well failure other than under the terms of this Ordinance.

Mr. Soulé posed the idea of partial payments in the event of a Trust Fund shortfall. Walt Sadler stated that it would be a booking keeping nightmare in addition to potential legal costs associated with partial payment releases and other legal matters that might arise.

Mr. Soulé asked if the amount referred to on the Reimbursement Schedule was to be applied on a per event basis or over the entire life of the Central Basin WPP.

The following changes were suggested for **Section 2.30.020 Claim Requirements:**

Reasonable actions shall be taken to verify the loss of capacity of any Eligible Well; the cost of any such verification shall be included in the administrative costs for the Well Protection Program. To be eligible for the benefit hereunder, the owner of an Eligible Well must submit a written claim

to the Authority for such benefit not later than sixty (60) days after the cost of restoration is incurred. Verification of the cost of restoration may be evidenced by an affidavit from a **qualified licensed** inspector. The Executive Director (or Appointed Designee) will determine reimbursement eligibility within sixty (60) days after receipt of claim.

The following changes were suggested for **Section 2.30.020 Total Benefit**:

Under this program, the Authority shall not ~~pay~~ *reimburse* more than amount shown on Reimbursement Schedule in Appendix 3 for any one Eligible Well. The Authority does not assume any liability and does not acknowledge that any well failure is caused in any manner or to any extent by **further** development in the Central Basin.

**Language submitted by Sacramento City Attorney's Office**

Sub-committee reviewed language sent to SCGA staff by Board Member Mel Johnson regarding additional language requested by the City of Sacramento Attorney's Office concerning Fee Exemptions. All sub-committee members agreed that the language should be included in the Draft Ordinance.

Mr. Eck distributed a revised SCGA Well Protection Program Work Plan that had been reformatted to table format and which reflected a scheduling update to reflect a 60-day public notice period necessary prior to the implementation of the WPP. Mr. Eck then mentioned to Mr. Sadler that another modification to the Work Plan may be required to account for the time requirements associated with the various land-use agencies presenting the WPP fee to their respective Boards and Councils. Mr. Sadler stated that he planned on packaging the WPP fee as a Board Report under the title of the SCGA JPA. Mr. Eck asked if this would be a consent item. Mr. Sadler replied in the affirmative.

**4. Adjournment**

With no further business to discuss meeting adjourns at 3:30 p.m.

By:

Scott V. Fort  
Chairperson

3/12/08  
Date

Attest:

Michelle Fiorino

3/12/08  
Date

