

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY (SCGA)
Governing Board Meeting
Final Minutes
February 13, 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.)

Rick Bettis, Conservation Landowners
Edwin Smith, Public Agencies Self-Supplied
Ronald Lowry, Omochumne-Hartnell Water 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
Herb Niederberger, County of Sacramento/Sacramento County Water Agency
Andy Soulé, California-American Water Company
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
Ping Chen, Sacramento Central Groundwater Authority

Others in Attendance

Rob Swartz, SGA
Steve Kalvelage, EMD

2. Public Comment

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

3. Consent Calendar

The draft meeting minutes for the Board meeting held on January 9, 2008 and the Well Protection Program Subcommittee meeting held on January 18, 2008 were reviewed for final approval.

Motion/Second/Carried – Ron Lowry moved, by a second from Edwin Smith to approve the minutes.

4. On-Site Wastewater Treatment Systems Program

An informational presentation was provided by Steve Kalvelage of the Sacramento County Environmental Management Department (see attached presentation).

Clarence Korhonen mentioned that the City of Elk Grove has been investigating the use of dry wells for the disposal of storm water run-off. Herb Niederberger indicated that storm water run-off contains numerous pollutants and that other Cities in the Central Valley that have used dry wells for this purpose have had problems. Mr. Niederberger also mentioned that the County of Sacramento is against disposing of storm water run-off in this manner.

5. Subcommittee Report/Workshop on Well Protection Program

Subcommittee Report

Darrell Eck provided a summary of the items discussed at the Well Protection Program Subcommittee meeting held on January 18, 2008.

Fee Exemption – During the Well Protection Program Workshop held during the January 9, 2008 Board meeting there was some discussion by members of the Board on the proposed ground rule that states, “All of the JPA signatory agencies have to participate in the Well Protection Program in order for the program to be viable.” Mel Johnson asked if this means the City of Sacramento (Sacramento) would be required to participate in the Well Protection Program given that the Groundwater Management Plan provides an exemption for the City for property that is served by surface water (GMP, Appendix D, Trial Balloon on Well Protection Program – Item 5). Subcommittee members mentioned that there might be a situation in which Sacramento would want to use groundwater and then would fall under the provisions of the ordinance. After some discussion the subcommittee agreed that the language in the Trial Balloon was adequate and that Sacramento can provide comments as necessary on any language proposed for the ordinance.

The subcommittee also discussed if there were any different ways that a fee exemption for exclusive surface water usage could be applied more broadly. After discussing some examples of where the exemption could potentially be applied it was decided that it would be too complicated to try to expand the exemption beyond Sacramento.

Collection of Fees – It was agreed that the method of collection of fees should be simple and straightforward. Different collection methodologies were discussed including paying with a separate check in order to emphasize to the payer that the fee is for the Authority (subsequent discussion with administrative staff has indicated that this process would be costly). The best method still seems to be including the fee as part of the regular fee collection process at building permit. Staff would like to coordinate with the various land use agencies to determine what needs to be done to set this process up in their jurisdictions and to determine what kind of administrative charge there may be so that a total fee cost can be determined prior to meeting with the BIA.

Copies of an agreement between the County of Sacramento (County) and the Sacramento Metropolitan Fire District (Fire District) where the County collects fees for the Fire District was distributed to those in attendance. Staff believes the agreements between the land use agencies (the Cities of Elk Grove, Folsom, Rancho Cordova, and Sacramento and the County of Sacramento) and the Groundwater Authority can be patterned after this agreement.

Eligible well – Stuart Helfand commented on providing a stricter definition for an eligible well. Mr. Helfand indicated that there are land owners in the Elk Grove area that have or had municipal water service but elected to drill their own wells to avoid the cost of water from their local service provider. Mr. Helfand stated that in his opinion these properties should not be eligible for protection as they opted out of municipal water service by choice. The purpose of the Well Protection Program is to protect those property owners that don't have a choice.

Workshop on Trust Fund (Chapter 2.15), Well Protection Fee (Chapter 2.20), and Sunset Provision (Chapter 2.35) (see corresponding attachment)

Scott Fort facilitated the Well Protection Program Workshop. The following changes to the draft Ordinance were approved by the Board. Added text is represented by *bold italics* and deleted text by ~~bold strikethrough~~.

2.15.020 Funds Deposited

All Well Protection Fees collected, *and any interest earned there upon*, pursuant to this Ordinance shall be placed in the Trust Fund and shall be expended solely to pay the costs of the Well Protection Program.

2.15.030 Lawful Purpose

Except as restricted by this Ordinance or other applicable laws, all moneys in the Trust Fund shall be used for any lawful purpose reasonably related to the operation of the Well Protection Program, *as determined by the Executive Director*. In the event of the termination of the Well Protection Program, as described under the Sunset Provisions of this Ordinance, any funds remaining in the Trust Fund shall be transferred, without restriction, to the Authority to fund other activities consistent with the purposes of the Central Basin GMP.

2.15.050 Fund Shortfall

In the event that the Trust Fund experiences a shortfall so that the Authority is not able to pay benefits as hereinafter described, the Executive Director shall provide written notice to

the Board of said shortfall. ~~The Board will advance sufficient funds from the Groundwater Authority's fund balance, if available, to make up such shortfall within thirty (30) days of the date of said written notice. The Trust Fund will return a like amount of funds to the Groundwater Authority's fund as soon as sufficient funds are available.~~ If sufficient funds are unavailable no benefit(s) will be paid until sufficient fees have been collected to meet the Authority's obligations under the Ordinance.

2.20.010 Fees and Charges

Prior to ~~receiving~~ *issuing* a building permit for new construction or a well drilling permit for a new well in the Central Basin Well Protection Program Area ~~a real property owner shall pay~~ a well protection fee *shall be paid*.

2.20.030 Fee Adjustments

The Authority can adjust the amount of the Well Protection Fee by conducting a nexus study, including an impacts analysis ~~if it is believed to be warranted from actuarial studies.~~ The Authority shall provide reasonable notice of any such intended Fee adjustment.

2.35.010 Program Termination

Not earlier than five years after implementing the Well Protection Program, nor later than the beginning of the eleventh year after surface water from the Freeport Regional Water Project is delivered to the Central Basin area, the Authority shall conduct an ~~comprehensive~~ evaluation of the Basin to determine whether a continuing need exists to maintain the Well Protection Program. In conducting this evaluation the Authority ~~shall~~ *may* consider the following factors: groundwater levels, number of claims against the Trust Fund, rate of claims filed over time, and status of urbanization. A decision on whether or not to continue the Well Protection Program shall be reserved to the Board.

As Mel Johnson was not in attendance today, all proposed changes will be sent to Mr. Johnson for his review.

Herb Niederberger suggested that staff keep a strikethrough version of the Ordinance so that it is clear where changes have been made to the draft as a result of the various workshops. Darrell Eck indicated that staff has been maintaining a strikethrough version of the Ordinance.

6. Executive Director's Report

Clerk of the Board – As a reminder to the Board, the March Board meeting will be Michelle Fiorino's last as Clerk of the Board. The Executive Director has discussed this issue with the head of the Sacramento County Water Agency's Administration Division and they are investigating whether or not they have someone available to do this job. Should know by next week.

Meeting with the City of Rancho Cordova (Rancho Cordova) – Met with Albert Stricker and Cyrus Abhar to discuss the development and implementation of the Well Protection Program. Basically, the meeting covered topics that have been discussed in previous Board

meetings; timing of the ordinance, nexus requirements, method of payment/collection of the fee, outreach to the BIA, and outreach to the City Council. Most of these items are addressed in the Well Protection Program Work Plan (Work Plan) that was outlined at the January 9, 2008 Board meeting. However, one item raised by Rancho Cordova that is not included in the Work Plan is outreach to the various Councils/Board. This item was mentioned by Mr. Stricker at the January 9, 2008 Board meeting but there was no consensus among the members of the Board on what this review would consist of and what sort of recommendation or approval would be requested. Depending on what ultimately may be required, additional time would need to be added to the Work Plan to accommodate this effort. It was recommended this item be added to the March agenda for further discussion.

Herb Niederberger suggested staff develop a fact sheet regarding the Well Protection Program in order to have a uniform message. This could help in future discussions with the BIA. Development of the fact sheet is targeted for May 2008.

South Area Water Council – The first stakeholder meeting is scheduled for February 13, 2008 beginning at 5:30 pm at the Wilton Fire Protection District Community Room.

Form 700 – Statement of Economic Interests – Reminders will be mailed to everyone who is required to submit a Form 700 in the next couple of weeks. Forms are due back to the Groundwater Authority by April 1, 2008.

7. Directors' Comments

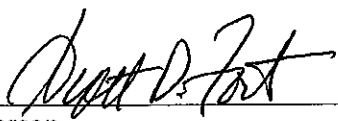
Scott Fort – Suggested Darrell Eck's performance evaluation be added to the next meeting agenda.

Andy Soulé – The various water purveyors should start collecting their water delivery data for 2007 and submitting it to the Authority so that contributions can be calculated for next fiscal year.

8. Adjournment

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

By:


Chairperson

3/12/08
Date

Attest:



3/12/08
Date

