

**ARROYO SECO GROUNDWATER SUSTAINABILITY AGENCY MEETING
JANUARY 25, 2022 @ 4:00 P.M.**

Virtual Attendance Only and Remote Viewing Options

The Arroyo Seco Groundwater Sustainability Agency (“ASGSA”) will be conducting its regular meeting on January 25, 2022. Consistent with Assembly Bill (AB) 361, the Advisory Committee will hold this meeting virtually only, without in-person attendance by the public and without a physical location for public participation. Further, and consistent with AB 361, the meeting is accessible for public participation through video conferencing and livestreaming.

The Board meeting to be held on January 25, 2022, at 4:00 p.m. will only be accessible online and may be viewed through the following options:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86402461295>

Or One tap mobile: US: +16699006833,,86402461295# or +13462487799,,86402461295#

Or Telephone: Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or
+1 929 205 6099 or +1 301 715 8592

Webinar ID: 864 0246 1295

The ASGSA will provide links to these streaming options on the City of Greenfield’s website and on its Facebook page.

Public Comment

Public comments will be permitted in the following formats: (1) through Zoom, and (2) through e-mail. If you wish to make a public comment through Zoom, please use the “raise your hand” feature during the public comment section of the agenda that you wish to comment on. You will be selected by the meeting host and will be allowed to say your comment aloud. If you wish to make a public comment through email, please submit your public comment to cityclerk@ci.greenfield.ca.us. In the subject line of the email, please state your name and the item you are commenting on. If you wish to submit a public comment on more than one agenda item, please send a separate e-email for each item you are commenting. Please be aware that written public comments, including your name, may become public information.



**City of Greenfield
Arroyo Seco
Groundwater Sustainability Agency**

599 El Camino Real
Greenfield, CA 93927

**Meeting Agenda
January 25, 2022
4:00 P.M.**

The Arroyo Seco Groundwater Sustainability Agency will be conducting its regular meeting on January 25, 2022. Given the current Shelter-in-Place Order covering Monterey County and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the Agency is implementing changes for attendance and public comment. The Groundwater Sustainability Agency meeting to be held on January 25, 2022 at 4:00 p.m. will only be accessible online. Please review the Agency's Attendance and Public Comments Changes Due to COVID-19 for further information.

PLEASE TURN OFF CELL PHONES AND PAGERS

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **PLEDGE OF ALLEGIANCE**
- D. **PUBLIC COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA**

This portion of the Agenda allows an individual the opportunity to address the Agency on any items not on closed session, consent calendar, public hearings, and Agency business. Under state regulation, **no action can be taken on non-agenda items, including issues raised under this agenda item.** Members of the public should be aware of this when addressing the Agency regarding items not specifically referenced on the Agenda.

PLEASE NOTE: Given the current Shelter-in-Place Order covering Monterey County and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the Agency is implementing changes for attendance and public comment. Please review the Agency's Attendance and Public Comments Changes Due to COVID-19 for additional information. Please be further aware that all public comments must be submitted via email to the following email address: cityclerk@ci.greenfield.ca.us.

**Meeting Agenda
January 25, 2022**

E. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and may be approved by one action of the Agency, unless a request for removal for discussion or explanation is received prior to the time Agency votes on the motion to adopt.

E-1. APPROVAL of the Minutes of the December 28, 2021 Meeting of the Arroyo Seco Groundwater Sustainability Agency

E-2. ADOPTION of Resolution GSA #2022-01, A Resolution of the Arroyo Seco Groundwater Sustainability Agency Authorizing the Continued Use of Remote Teleconferencing Provision (AB 361)

F. AGENCY BUSINESS

F-1. CONSIDER APPROVAL OF AMENDING EXISTING AGREEMENT FOR TECHNICAL SUPPORT SERVICES IMPLEMENTING THE FOREBAY SUBBASIN GROUNDWATER SUSTAINABILITY PLAN

- a. Staff Report
- b. Public Comments
- c. Agency Board - Comments / Review / Action

F-2. RECEIVE Arroyo Seco Groundwater Sustainability Agency General Manager's Status Report

- a. Oral Report
- b. Public Comments
- c. Agency Board - Comments / Review / Action

G. ADJOURNMENT

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In compliance with the American With Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (831) 674-5591. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (CFR 35.102-35.104 ADA Title II).
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This agenda is duly posted outside City Hall and on the City of Greenfield web site

**CITY OF GREENFIELD ARROYO SECO
GROUNDWATER SUSTAINABILITY AGENCY
MINUTES**

AGENCY MEETING OF DECEMBER 28, 2021

This meeting was conducted via Zoom.

ROLL CALL

Present: Chair Thorp, Vice Chair Griva, Board Member Rodriguez and Martinez

Absent: Board Member Wood

Staff: Interagency Attorney Cochran, General Manager Weeks, City Clerk Rathbun

PUBLIC COMMENTS FROM THE AUDIENCE REGARDING ITEMS NOT ON THE AGENDA

Thomas Virsik stated that DWR was making a lot of funds available and there was a second round that was for the medium high priority basins and the Forebay was one of those. He stated that he does not know if the ASGSA had any projects that they wanted to finance; however, in the bigger picture, paying attention to what was getting financed was important because it may have something to do with the Forebay or the coordination agreement.

City Clerk Rathbun reported that an email was received from Christopher Guillen and that email was forwarded to all members and would be part of the record.

APPROVAL OF CONSENT AGENDA

A MOTION by Board Member Rodriguez, seconded by Board Member Martinez to approve the Minutes of the October 26, 2021 Meeting of the Arroyo Seco Groundwater Sustainability Agency; Minutes of the October 26, 2021 Special Meeting of the Arroyo Seco Groundwater Sustainability Agency and Minutes of the December 8, 2021 Special Meeting of the Arroyo Seco Groundwater Sustainability Agency and **Resolution GSA #2021-03, “A Resolution of the Arroyo Seco Groundwater Sustainability Agency Authorizing the Continued Use of the Remote Teleconferencing Provision (AB 361)”**. ROLL CALL VOTE: AYES: Board Member Martinez, Board Member Rodriguez, Vice Chair Griva and Chair Thorp. ABSENT: Board Member Wood. Motion carried.

AGENCY BUSINESS

CONSIDERATION OF APPOINTMENT TO THE SALINAS VALLEY BASIN GROUNDWATER SUSTAINABILITY AGENCY’S INTEGRATION SUBCOMMITTEE

Staff report was given by General Manage Weeks.

A MOTION by Board Member Martinez, seconded by Vice Chair Griva to appoint Curtis Weeks to the Salinas Valley Basin Groundwater Sustainability Agency’s Integrated Subcommittee. ROLL CALL VOTE: AYES: Board Member Martinez, Board Member Rodriguez, Vice Chair Griva and Chair Thorp. ABSENT: Board Member Wood. Motion carried.

**CONSIDERATION AND ADOPTION OF A RESOLUTION APPROVING THE GROUNDWATER SUSTAINABILITY PLAN FOR THE FOREBAY SUBBASIN OF THE SALINAS VALLEY GROUNDWATER BASIN AND AUTHORIZING ITS FILING WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES
RESOLUTION GSA #2021-04**

Staff report was given by General Manager Weeks. He also addressed the email from Brown, Hyatt, Farber, Schreck, LLP.

Thomas Virsik stated that there was a resolution that the SVGSA passed in July 2021 about integrating implementation. He stated that one way of looking at it, was that the interest that were complaining about it now, did not raise anything back in July. He also stated that the other issue was the “ask of the certain kinds of models that were being used” and that it would be useful in a basin wide adjudication but much less for the purposes of SMGA.

A MOTION by Vice Chair Griva, seconded by Board Member Rodriguez to adopt **Resolution GSA #2021-04, “A Resolution Approving the Groundwater Sustainability Plan for the Forebay Subbasin of the Salinas Valley Groundwater Basin and Authorizing Its Filing with the California Department of Water Resources”**. ROLL CALL VOTE: AYES: Board Member Martinez, Board Member Rodriguez, Vice Chair Griva and Chair Thorp. ABSENT: Board Member Wood. Motion carried.

RECEIVE ARROYO SECO GROUNDWATER SUSTAINABILITY AGENCY GENERAL MANAGER’S

General Manager Weeks stated that there would be a lot of implementation funds made available so it would be important to work with the coordination committee and put together an appropriate Forebay spending package with SVGSA. He also stated that he was working with Donna Meyers to get a reimbursement package to move forward and get the funds reimbursed.

ADJOURN TO CLOSED SESSION

**CLOSED SESSION – Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager**

Meeting adjourned to closed session at 4:39 p.m.

RECONVENE TO OPEN SESSION

Meeting reconvened to open session at 4:46 p.m.

No reportable action was taken.

ADJOURNMENT

Meeting adjourned at 4:47 p.m.

Chair of the Board

City Clerk of the City of Greenfield

December 8, 2021

Stephanie O. Hastings
Attorney at Law
805.882.1415 direct
shastings@bhfs.com

**VIA E-MAIL – BOARD@SVBGSA.ORG; MEYERSD@SVBGSA.ORG; PRISO@MCWD.ORG;
CITYCLERK@CI.GREENFIELD.CA.US**

Board of Directors
Salinas Valley Basin Groundwater Sustainability Agency
c/o Donna Meyers
General Manager
P.O. Box 1350
Carmel Valley, CA 93924

Board of Directors
Marina Coast Water District Groundwater Sustainability Agency
c/o Paula Riso
Executive Assistant/Clerk to the Board
11 Reservation Road
Marina, CA 93933-2099

Governing Board
Arroyo Seco Groundwater Sustainability Agency
General Manager
c/o City Clerk
599 El Camino Real
Greenfield, CA 93927

RE: Groundwater Sustainability Plans for the Upper Valley, Forebay, Eastside, Langley, and Monterey Subbasins of the Salinas Valley Groundwater Basin

To the Boards of the Salinas Valley Basin Groundwater Sustainability Agencies:

On behalf of the Salinas Basin Water Alliance (*Alliance*),¹ this office submits these written comments on the Groundwater Sustainability Plans (GSP) for the Upper Valley, Forebay, Eastside, Langley, and

¹ The *Alliance* is a California nonprofit mutual benefit corporation formed to preserve the viability of agriculture and the agricultural community in the greater Salinas Valley. Alliance members include agricultural businesses and families that own and farm more than 80,000 acres within the Salinas Valley.

Monterey Subbasins of the Salinas Valley Groundwater Basin proposed for adoption by the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA), the Arroyo Seco Groundwater Sustainability Agency (ASGSA), and the Marina Coast Water District Groundwater Sustainability Agency (MCWDGSA) (collectively, the “GSAs”).

Over the course of the GSPs’ development, the *Alliance* has made numerous comments, including an October 15, 2021 letter (October 15 Letter) from this firm and an October 15, 2021 technical memorandum from aquilogic, Inc., detailing the GSPs’ failure to comply with the Sustainable Groundwater Management Act (SGMA) and the *Alliance’s* concerns with respect to the GSAs’ approach to groundwater management in the Basin. The *Alliance* appreciates the SVBGSA’s efforts to respond to the *Alliance’s* comments.² However, the *Alliance* hereby reiterates its prior comment that the SVBGSA should undertake additional modeling simulations to (a) analyze the impact of any projects or management actions on adjacent subbasins, *and* (b) understand how groundwater pumping impacts interbasin flows, prior to adoption of the GSPs. If the requested additional analysis cannot feasibly be accomplished prior to adoption of the GSPs and their submission to the Department of Water Resources, the *Alliance* implores the SVBGSA, at the time of and as a condition of adoption, to commit to undertaking the required analysis as soon as feasible. The *Alliance* is informed and believes that the SVBGSA has the technical capacity to perform the requested simulations, that such simulations and analysis could be conducted in less than 30 days (potentially far less), and that the costs (e.g., consultant fees) would be nominal and easily incorporated into the SVBGSA’s budget for GSP preparation.

Until such time as this additional modeling is completed and the results are incorporated into the GSPs, the GSPs will continue to fail SGMA’s requirements and will have the potential to inequitably distribute the burdens of groundwater management on pumpers within the Basin. As explained in detail in the October 15 Letter and below, these failures include, but are not limited to, the following:

1. The GSPs Are Not Integrated: SGMA requires the GSPs to be integrated in their planning, development, and implementation; integration ensures the objectives of SGMA are satisfied, the interests of all beneficial users throughout the Basin are considered, and the burden of sustainability is equitably allocated across the Basin. Integration is essential here as the surface water and groundwater resources within the Basin are generally interconnected. SVBGSA previously acknowledged this fact, proposing an integrated GSP to cover the entire Basin. However, the draft GSPs circulated for public comments were not integrated in any manner, containing numerous inconsistencies in their data, water budgets, and sustainable management criteria. Further, SVBGSA has now scrapped the integrated GSP in place of the development of a separate “Integrated Implementation Plan” without a guarantee that the “Implementation Plan” will address the numerous existing inconsistencies in the GSPs. In fact, the revisions to the GSPs made since submittal

² The SVBGSA has distributed a document reflecting responses to comments submitted on the draft GSPs. Please confirm that these responses will be included in the final GSPs and the submittal to the Department of Water Resources.

of the October 15 Letter confirm that the GSPs' inconsistencies will remain unaddressed through implementation, with the Upper Valley Subbasin GSP stating the Implementation Plan must be "consistent with" the GSPs, and deleting language suggesting projects and management actions will be considered on a Basin-wide level as opposed to a subbasin level. (See Upper Valley GSP, pp. 2-4, 9-2-3.) In other words, if the contents of the Implementation Plan are dictated by the confines of the GSPs, the Plan cannot address conflicts between the various GSPs and the GSPs will remain uncoordinated.

2. Additional Modeling Is Required: In prior comment letters,³ the *Alliance* identified the need for additional modeling to support the GSPs. In particular, the *Alliance's* comments highlighted how the GSPs cannot adequately set sustainable management criteria and analyze impacts to adjacent subbasins without identifying the amount of Basin-wide groundwater discharge that is and has been captured by pumping. This information could be obtained by running additional model scenarios that do not include any pumping to analyze how interbasin flow responds accordingly. The *Alliance* requests the GSAs' future consideration of these analyses. However, the GSPs will remain insufficient until that time—the GSPs cannot adequately set sustainable management criteria and analyze impacts to adjacent basins and subbasins absent that information. This is especially significant as the GSPs for the Forebay and Upper Valley Subbasins fail to acknowledge that pumping in those subbasins impacts flows to the Eastside and 180/400-Foot Aquifer Subbasins in any manner.
3. The GSPs Do Not Analyze Impacts to Adjacent Subbasins: The GSPs define their water budgets and sustainable yields, and set their sustainable management criteria without consideration for impacts to adjacent subbasins. For example, in the Eastside and Langley Subbasin GSPs, the groundwater level minimum thresholds are set at or near historic lows and permit pumping depressions that reverse the natural flow of groundwater towards the 180/400-Foot Aquifer Subbasin to persist. Similarly, the Forebay and Upper Valley Subbasin GSPs erroneously conclude that the subbasins are presently sustainable,⁴ and set their minimum thresholds near or, in the case of the Upper Valley GSP, below the historic lows.⁵ However, the GSPs fail to include any analysis of how (a) pumping in these

³ See October 15 Letter and August 12, 2021 letter re "Preliminary Comment on draft GSPs for the Eastside, Forebay, Langley, Monterey and Upper Valley Subbasins of the Salinas Valley Basin."

⁴ The revisions to draft GSP reemphasize this point, claiming the GSP will be implemented to "maintain" sustainability in the subbasin as opposed to "achieve" sustainability.

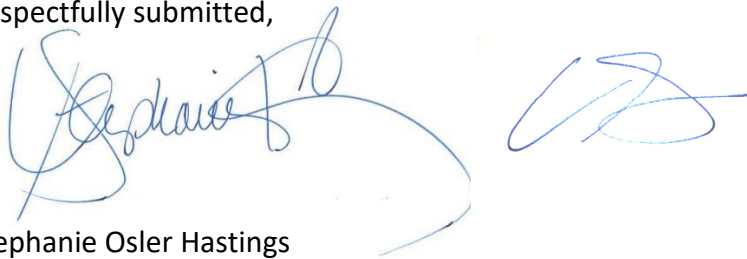
⁵ The SVBGSA attempts to rationalize the Upper Valley Subbasin's groundwater elevation minimum threshold in the revised GSP, claiming the threshold was set five feet below historic lows because it "would ensure a minimum 5-foot span between the minimum threshold and measurable objective to provide operational flexibility." (Upper Valley Subbasin GSP, p. 8-7.) This reasoning is flawed—the GSP is using water levels in five out of the 18 representative wells to justify an unreasonably low groundwater elevation minimum threshold especially considering Figure 8-2 shows a cumulative change of over 20 feet between the groundwater elevation measurable

subbasins impacts flows to adjacent subbasins, or (b) how implementing the sustainable management criteria, including the minimum thresholds, will impact adjacent subbasins. The October 15 Letter explains in detail how these failures create cascading faults in the GSPs.

4. The GSPs Must Be Revised to Address These Concerns: As a result of the GSPs' failures discussed above, the GSPs disproportionately allocate the burden of sustainability across the Basin and threaten to impair groundwater users' rights in and to the Basin. This approach violates SGMA and could result in projects and management actions being implemented in one subbasin as a result of groundwater management in another subbasin.

The *Alliance* appreciates the GSAs' collective efforts to implement SGMA and achieve sustainable groundwater management throughout the Basin.

Respectfully submitted,

Two handwritten signatures in blue ink. The first signature is larger and more stylized, while the second is smaller and more compact.

Stephanie Osler Hastings
Christopher R. Guillen

cc: Emily Gardner, Senior Advisor / Deputy General Manager (gardnere@svbgsa.org)
Derrick Williams, Montgomery & Assoc. (dwilliams@elmontgomery.com)
Leslie Girard, Monterey County Counsel (GirardLJ@co.monterey.ca.us)

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objective and the historic low experienced in groundwater elevations experienced in 2016. Moreover, the GSP utilizes the same standards for minimum thresholds and measurable objectives as for other sustainable management criteria (see groundwater quality).

December 8, 2021

MEMORANDUM

To: Board of Directors, Salinas Valley Basin Groundwater Sustainability Agency
Board of Directors, Marina Coast Water District Groundwater Sustainability Agency
Governing Board, Arroyo Seco Groundwater Sustainability Agency

From: Robert H. Abrams, PhD, PG, CHg, Principal Hydrogeologist, aquilogic, Inc.
Anthony Brown, CEO & Principal Hydrologist, aquilogic, Inc.

**Subject: Comments on Groundwater Sustainability Plans for the Eastside
Aquifer, Forebay Aquifer, Upper Valley Aquifer, Langley Area,
and Monterey Subbasins of the Salinas Valley Groundwater
Basin**

Project No.: 018-09

Aquilogic, Inc. (**aquilogic**) is pleased to provide this memorandum on behalf of the Salinas Basin Water Alliance (Alliance). The curricula vitae for Mr. Brown and Dr. Abrams are provided in **Attachment A**. This memorandum transmits our comments on Salinas Valley Basin Groundwater Sustainability Agency's (SVBGSA) responses to **aquilogic's** 10/15/2021 memorandum on the subject draft Groundwater Sustainability Plans (GSPs).

The 10/15/2021 **aquilogic** memorandum was included as an attachment to the 10/15/2021 letter from Brownstein Hyatt Farber and Schreck (Brownstein) to the SVBGSA and other parties. The SVBGSA's Comment Letter Responses table for each of the subbasins did not respond directly to the **aquilogic** memorandum. However, some of our comments were represented in the Brownstein letter, and the SVBGSA responded to several aspects of the Brownstein letter. We have yet to evaluate all of the responses from SVBGSA to the letter from Brownstein and the accompanying 10/15/21 **aquilogic** memorandum. However, at this time, we have identified the two responses below where we can provide follow-up comments in this memorandum.

Comments on SVBGSA Responses

In partial response to section II. A. of the Brownstein letter, the SVBGSA states,

"SVBGSA ran a no pumping scenario with the SVIHM to determine locations of surface water depletion due to pumping; however, it is a static model that does not shed light on how intersubbasin flow would have changed. It is a static dataset that reflects how reservoirs were actually operated, not how they would

have been operated with no pumping. The Integrated Implementation Committee will consider the flow and relationship between subbasins early in 2022.”

Aquilologic disagrees that the so-called “static” model cannot provide insight into the changes in inter-subbasin flows that occurred as groundwater extractions began and subsequently increased in the Salinas Valley Groundwater Basin (SVGB). The Alliance has requested an in-depth analysis of such flows (see 8/11/2021 **aquilologic** memorandum). The Alliance request is for concept development and hypothesis testing simulations, which can be accomplished with “what-if” model scenarios as proposed in the 8/11/2021 **aquilologic** memorandum (also included as Attachment C of the 10/15/2021 **aquilologic** memorandum). The request is not for a re-creation of past or hypothetical conditions. Historic reservoir releases are sufficient to conduct the simulation analyses. The questions being asked by such analyses are related to “order of magnitude” estimates of how much groundwater and surface water is captured by pumping, not a specific accounting of water budget components for a hypothetical scenario.

In partial response to section II. B. 1. a of the Brownstein letter, the SVBGSA states,

“The boundary with the Eastside Subbasin generally represents the furthest extents of the alluvial fans, which are characterized by clays and other fine sediments. These sediments frequently act as an impediment to flow, if not fully a barrier in certain locations. Subsequently, the gradient relationship is not the only influence to groundwater flow between the 180/400-Foot and Eastside Subbasins, and needs to be considered along with all subsurface characteristics. While there is a relationship between the groundwater contours developed for the 180/400 and Eastside Subbasins, the contours themselves are not fully representative of flow between the subbasins.”

Aquilologic understands and agrees that the boundary between the Eastside Subbasin (Eastside) and the 180/400-Foot Aquifer Subbasin (180/400) represents a geological facies change from alluvial fans on the east to fluvial and marine deposits on the west. However, the draft Eastside GSP does not provide evidence, references, or analyses indicating impediments or full barriers to groundwater flow at this subbasin boundary. The SVBGSA is correct that the presence of a hydraulic gradient does not necessarily indicate groundwater flow. However, multiple previous publications state that the natural direction of groundwater flow has been reversed and groundwater from the 180/400 currently recharges the Eastside. In fact, this reversal in the natural direction of groundwater flow is acknowledged multiple times in the Eastside GSP (Eastside GSP, p. 4-35, 6-19 [“Groundwater pumping near the city of Salinas has created a cone of depression . . . that draws in groundwater into the Eastside Subbasin from the 180/400-Foot Aquifer Subbasin, which is naturally slightly downgradient in the Salinas area.”])).

Groundwater elevation contour maps have been prepared and presented by the Monterey County Water Resources Agency (MCWRA) and the SVBGSA. Although they are regional in nature, these maps do not show perturbations in the contour lines that would be indicative of impediments or barriers to groundwater flow. Indeed, the contour lines generally show consistent magnitudes of hydraulic gradients (i.e., spacing between the contour lines) without abrupt shifts in direction. This observation is a first line of evidence. The nature of groundwater flow in the vicinity of this subbasin boundary is a data gap that should be identified as such in the Eastside GSP. In the absence of evidence, the SVBGSA should use the best available data, all of which suggest that groundwater currently flows from the 180/400 to the Eastside. Flow at and near the subbasin boundary may be at slower rates than flow in other parts of the 180/400, but no evidence or discussion one way or the other is provided in the draft Eastside GSP. Therefore, it is premature for the SVBGSA to dismiss the possibility that pumping in the Eastside may impact or exacerbate sustainability indicators in the 180/400.

RESOLUTION GSA NO. 2022-01
A RESOLUTION OF THE ARROYO SECO GROUNDWATER SUSTAINABILITY AGENCY
AUTHORIZING THE CONTINUED USE OF REMOTE
TELECONFERENCING PROVISIONS (AB 361)

WHEREAS, the Governing Board of the Arroyo Seco Groundwater Sustainability Agency (“Governing Board”) is committed to open and transparent government, and full compliance with the Ralph M. Brown Act (“Brown Act”); and

WHEREAS, the Brown Act generally requires that a public agency take certain actions in order to use teleconferencing to attend a public meeting virtually; and

WHEREAS, the Governing Board recognizes that a local emergency persists due to the worldwide COVID-19 pandemic; and

WHEREAS, the California Legislature has recognized the ongoing state of emergency due to the COVID-19 pandemic and has responded by creating an additional means for public meetings to be held via teleconference (inclusive of internet-based virtual meetings); and

WHEREAS, on September 16, 2021, the California legislature passed Assembly Bill (“AB”) 361, which amends Government Code, section 54953 and permits a local agency to use teleconferencing to conduct its meetings in any of the following circumstances: (A) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (B) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, in order for the Governing Board to use teleconferencing as allowed by AB 361 after October 1, 2021, it must first adopt findings in a resolution, allowing the Governing Board to conduct teleconferenced meetings for a period of thirty (30) days; and

WHEREAS, Governor Gavin Newsom declared a state of emergency for the State of California due to the COVID-19 pandemic in his order entitled “Proclamation of a State of Emergency,” signed March 4, 2020; and

WHEREAS, the Governing Board previously adopted Resolution Number 2021-01 on October 26, 2021, finding that the requisite conditions exist to conduct remote teleconference meetings in accordance with Government Code section 54953(e); and

WHEREAS, the Governing Board is conducting its meetings through the use of telephonic and internet-based services so that members of the public may observe and participate in meetings and offer public comment; and

WHEREAS, as a condition of the continued use of the provisions found in Government Code section 54953(e), the Governing Board must reconsider the circumstances of the state of

emergency and find that either it continues to directly impact the ability of the members to meet safely in person, and/or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the County of Monterey continues to require and/or recommend certain social distancing requirements of people within Monterey County, as described in detail in the “Recommendation Regarding Social Distancing Including Remote Meetings of Legislative Bodies,” issued by the Monterey County Health Department on September 22, 2021; and

NOW THEREFORE, BE IT RESOLVED, that the recitals set forth above are true and correct and fully incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED, that the Governing Board has reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to directly impact the ability of members to meet safely in person.

BE IT FURTHER RESOLVED, that the Governing Board has determined that state or local officials have imposed or recommended social distancing measures.

BE IT FURTHER RESOLVED, that the actions taken by the Governing Board through this Resolution may be applied to all District committees governed by the Brown Act unless otherwise desired by that committee.

BE IT FURTHER RESOLVED, the Governing Board authorizes the General Manager or their designee(s) to take all actions necessary to continue to conduct Governing Board meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, using teleconferencing for a period of thirty (30) days from the adoption of this Resolution, after which the Governing Board will reconsider the circumstances of the state of emergency.

PASSED AND ADOPTED by the Arroyo Seco Groundwater Sustainability Agency Governing Board on this 25th day of January 2022, by the following vote:

AYES, and all in favor, thereof, Board Members:

NOES, Board Members:

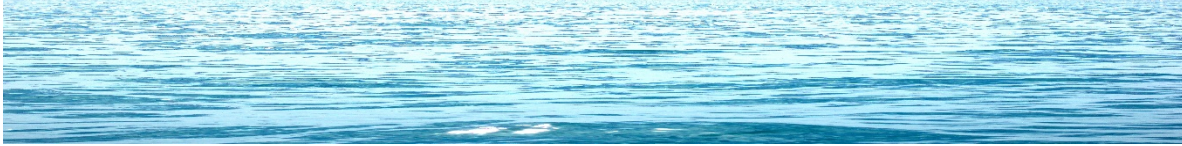
ABSENT, Board Members:

ABSTAIN, Board Members:

Chair of the Board

Attest:

City Clerk of the City of Greenfield



**City of Greenfield
Arroyo Seco
Groundwater Sustainability Agency**

MEMORANDUM: January 21, 2022

AGENDA DATE: January 25, 2022

TO: Board Members

FROM: Curtis Weeks, General Manager

TITLE: **APPROVE AMENDING EXISTING AGREEMENT FOR TECHNICAL SUPPORT SERVICES IMPLEMENTING THE FOREBAY SUBBASIN GROUNDWATER SUSTAINABILITY PLAN**

It is recommended that the Board of Directors approve the attached scope of work and budget with TODD Groundwater for technical services to assist the ASGSA with collaboration with the Salinas Valley Basin Groundwater Sustainability Agency and other technical support during the implementation phase of the Forebay Subbasin Groundwater Sustainability Planning (GSP).

DISCUSSION

As the GSP implementation phase begins, the ASGSA will need to increase their technical capacity in order to coordinate implementation efforts with the SVBGSA and work toward making sure the ASGSA and SVBGSA GSP implementation is consistent with the approved Forebay Subbasin GPS and the Sustainable Groundwater Management Act (SGMA). TODD Groundwater's scope is attached to this report for the Board's review and consideration. The initial estimated of budget for the work is \$35,000. Other monies made need to be allocated depending on the coordination effort with the SVBGSA.

REVIEWED AND RECOMMENDED

The ASGSA General Manager has reviewed this report and recommends that the Board of Directors approved the proposed amended scope and budget with TODD Groundwater for technical support services.

ATTACHMENT

TODD Groundwater Scope of Work.

**AMENDMENT TO AGREEMENT WITH TODD GROUNDWATER
FOR TECHNICAL SUPPORT SERVICES**

This Amendment (“Amendment”) to the Agreement with TODD Groundwater For Technical Support Services, made and entered into by and between the Arroyo Seco Groundwater Sustainability Agency (“ASGSA”), and TODD Groundwater (“Consultant”).

RECITALS

WHEREAS, the ASGSA and Consultant entered into that certain “Agreement with TODD Groundwater For Technical Support Services” (“Agreement”);

WHEREAS, the Agreement was amended on September 24, 2019, to allow Consultant to assist the ASGSA seek available grant funding;

WHEREAS, the Parties now intend to amend the Agreement further as set forth below; and

NOW, THEREFORE, the Parties mutually agree as follows:

1. The Agreement is amended as follows:

- a. Paragraph 1 of the Agreement, is hereby amended and restated as follows:

Term. This Agreement shall commence on August 1, 2018, and shall remain and continue in effect until the tasks described herein are completed, but in no event later than January 30, 2025, unless sooner terminated pursuant to the provisions of this Agreement.

- b. The “Proposed Scope of Services for TODD Groundwater”, attached to the Agreement as Exhibit A and incorporated therein, is amended to include the following tasks:

Consultant, and specifically, Gus Yates, shall serve on the Sea Water Intrusion Technical Advisory Committee (“SWITAC”), a committee of the Salinas Valley Basin Groundwater Sustainability Agency, through his capacity as Consultant to the ASGSA and as a representative of the of the ASGSA, provided that Gus Yates is duly appointed to the SWITAC.

Consultant, and specifically, Gus Yates, will provide all required technical assistance throughout the implementation phase of the Forebay Subbasin Groundwater Sustainability Plan.

2. Except as amended by Paragraph 1 above, there shall be no other changes to the Agreement

hereunder.

3. The Agreement, as modified by this Amendment, constitutes the entire understanding between the parties hereto, and no addition to, or modification of, any term or provision of the Agreement, as modified by this Amendment, shall be effective unless set forth in writing, approved by the ASGSA and Consultant, and signed by both parties.

4. This Amendment shall be governed by and construed in accordance with the laws of the State of California and any action or proceeding seeking any relief under or with respect to this Amendment shall be brought solely in the Superior Court of the State of California for Monterey County, subject to any motion for transfer of venue.

5. This Amendment may be executed in counterparts, each of which shall constitute an original of the Amendment. This Amendment shall be deemed effective upon approval by the ASGSA and Consultant, and execution by both parties.

7. The parties recognize that, once final, this Amendment is a public record and must be made available to the public upon request.

IN WITNESS WHEREOF, the parties have, by their duly recognized representatives, executed this Amendment as of the date written below.

**Arroyo Seco Groundwater
Sustainability Agency
(ASGSA)**

Dated: _____

Name, Title

**TODD Groundwater
(Consultant)**

Dated: _____

Name, Title