

Pauma Valley Community Services District
33129 Cole Grade Road * Pauma Valley, CA 92061
(760) 742-1909 * (760) 742-1588

NOTICE OF PUBLIC MEETING

In response to the COVID-19 pandemic and in an effort to prevent the spread of the virus, Pauma Valley CSD will hold its board meeting via teleconference. This meeting is open to the public via virtual interface and can be accessed by clicking on the link below.

DATE: Monday, January 10, 2022
TIME: OPEN Session - 10:00 a.m.
PLACE: 33129 Cole Grade Rd. Pauma Valley, CA 92061
<https://us02web.zoom.us/j/83033043431>
Phone: (669) 900-6833 Passcode: 830 3304 3431

AGENDA

Mission Statement

The Mission of the Pauma Valley Community Services District is to protect the public health and environment of its community by providing effective wastewater management and stormwater drainage control, life safety assistance, security services, and exceptional customer care.

1. Call to Order
2. Roll Call
3. Consent Calendar: All items appearing on the Consent Calendar may be voted on by a single motion. Items shall be removed from the Consent Calendar if any member of the Board of Directors, or the public, requests removal prior to a vote on a motion to approve the items. Such items removed will be considered separately for action by the Board.
 - a. Minutes of the Special Board Meeting of December 13, 2021
 - b. AB 361 - Hybrid Meetings

4. Open for Public Comments
 - a. Any person may address the Board at this time upon any subject not identified on this Agenda, but within the jurisdiction of the District; however, any matter not on the agenda that requires action will be referred to staff for a report and action at a subsequent Board meeting. As to matters on the Agenda, an opportunity will be given to address the Board when the matter is considered.

In the interest of public health and safety this meeting will be held as a hybrid (in-person and virtually). Please note, individuals have a limit of three (3) minutes to make comments and will have the opportunity when called upon by the presiding officer.

5. Amendment 3 to Memorandum of Understanding (MOU) for Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin
 - a. The Board will consider adopting the Amendment
6. Resolution 108 - A Resolution Recommending Approval of the Groundwater Sustainability Plan for the Pauma Valley Subbasin of the San Luis Rey Valley Groundwater Basin
 - a. The Board will consider adopting Resolution 108
7. Closed Session
 - a. Conference with Legal Counsel - Anticipated Litigation
 - i. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)- (1 case)
 - b. Public Employee Performance Evaluation
 - i. In accordance with Government Code Sections 54954.5(e), and 54957 the Board will discuss the performance of the General Manager
 - c. Session With Labor Negotiator
 - i. In accordance with Government Code Sections 54954.5 & 54957.6
 - ii. Agency Designated Representatives: Bill Jacobs & Mike Esparza
 - iii. Unrepresented Employee: General Manager
 - d. Personnel Matters
 - i. Confer on personnel matters pursuant to Government Code Section 54957
8. Open Session
 - a. Reportable action(s) from Closed Session
9. Other Business
 - a. Requested items for next or future agendas (Directors and Staff Only)
 - b. Board comments

10. Adjournment

a. Regular Meeting on January 24, 2022 at 10:00 a.m.

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the District's Administrative office not less than 72 hours prior to the meeting date and time above. All public records relating to each agenda item, including any public records distributed less than 72 hours the office of the District Secretary, 33129 Cole Grade Road, Pauma Valley, California.

To request a disability-related modification or accommodation regarding agendas or attendance, contact Amber Watkins, at AmberWatkinspvcSD@hotmail.com at least 48 hours before the meeting.



January 7, 2022

Minutes of a Special Meeting of the Board of Directors of the
PAUMA VALLEY COMMUNITY SERVICES DISTRICT (PVCSD)

Held on December 13, 2021

Directors Present: Michael Esparza, Bill Jacobs, Bill Schultz, and Jim Cipriano
Also Present: Andy Mathews, Jodie Lawston, Betty Potalivo, General Manager Bobby
Graziano, Office Manager Amber Watkins, and Administrative Assistant
Marissa Fehling

- 12.1 Call to Order: Regular Meeting was called to order at 10:01 a.m. by President Esparza.
- 12.2 Roll Call: Esparza requested a Roll Call. Fehling verified that all directors were present at that time, to constitute a quorum.
- 12.3 Consent Calendar: All items appearing on the Consent Calendar may be voted on by a single motion. Items shall be removed from the Consent Calendar if any member of the Board of Directors, or the public, requests removal prior to a vote on a motion to approve the items. Such items removed will be considered separately for action by the Board.
- a. Minutes of the Special Board Meeting of December 06, 2021- Mathews inquired why the December 6, 2021 minutes reported that Director Schultz resigned effective December 6th, but was still participating as a Board of Director through the entire meeting. Esparza explained that Schultz's resignation was effective at the end of the day on December 6.
- b. AB 361 – Hybrid Meetings
Cipriano motioned to approve the consent calendar as presented, seconded by Jacobs and upon a unanimous vote was adopted.
- 12.4 Open for Public Comments:
- a. Any person may address the Board at this time upon any subject not identified on this Agenda, but within the jurisdiction of the District; however, any matter not on the agenda that requires action will be referred to staff for a report and action at a subsequent Board meeting. As to matters on the agenda, an opportunity will be given to address the Board when the matter is considered– Mathews gave recognition to Graziano for all his achievements as the General Manager for both PVCSD and RPMWC. Mathews mentioned that it is abundantly clear that Michael Martello is the most qualified candidate for the Board and if he is not elected the Board cannot hide behind the good judgement rule. Jacobs asked for Mathews to elaborate on the achievements Graziano did for RPMWC. Mathews explained how Graziano brought Well 40 back online after it had been stranded for years. Mathews mentioned the significance of drilling and completing Well 7R2.
- 12.5 Board Member Appointment –
- a. The Board will consider appointing two new board members to fill (2) vacancies – Upon a motion by Cipriano, seconded by Esparza, and unanimous vote Elizabeth Potalivo and Jodie Lawston were appointed as the new Board Members for the PVCSD Board of Directors.
- 12.6 Oath of Office –
- a. Staff will Swear in Appointed Board Members – Fehling delivered the Oath of Office to both Potalivo and Lawston.
- 12.7 Appointment of Secretary:
- a. The Board will consider appointing a Secretary – Esparza explained what the role of the Board Secretary would be. Potalivo expressed that she prefers to work in financials. Cipriano mentioned he would step down as Treasurer and turn the role over to Potalivo. Lawston volunteered for the Board Secretary position. Upon a motion by Cipriano, seconded by Potalivo and unanimous vote, Lawston was appointed as the Board Secretary. Esparza explained what Hybrid meetings were. Jacobs explained a process being created called the workload intake process. Esparza informed

the Board has the opportunity to listen to staff, the community and prioritize what needs to be improved and worked on.

12.8 Closed Session - The Board entered into closed session at 10:20 a.m.

a. Session with Labor Negotiator

i. In accordance with Government Code Sections 54954.5 & 54957.6

ii. Agency Designated Representative: Bill Jacobs

iii. Unrepresented Employee: General Manager

12.9 Open Session

a. Reportable action(s) from Closed Session – The meeting reconvened to Open Session at 11:31 a.m. Reportable actions were that Jacobs would review Graziano’s completed Annual Performance Review with him during a lunch meeting. Esparza thanked Graziano for all the hard work this past year. Graziano mentioned that in previous years he was given the opportunity to present his Goals and Initiatives (G&I’s); he noted that opportunity was not given to him this year. Jacobs mentioned that he did go over them with the Board. Esparza informed that he is aware of all of his accomplishments and agreed that in the future hearing them directly from him is important. Graziano informed that last year all Board Directors gave him their individual reviews with him present and this year he was asked to leave. Potalivo mentioned that she is used to that type of review process Graziano mentioned and informed that she believes it should have been done.

12.10 Other Business

a. Requested items for next or future agendas (Directors and Staff Only) – Cipriano mentioned he would like to review Committee appointments, officer changes, mentioning that he believes Potalivo would be a great Treasurer and he would be happy to step down. Jacobs informed he would like to discuss 2022 G&I’s, authorize expenses for the sewer system cleaning, approve handbook updates. Graziano informed for the January Special meeting he would like to discuss Resolution 108. Graziano listed some other topics from board feedback; Employee Appreciation Day, and a Pauma Valley Roadway Association discussion. Cipriano also mentioned he would like the board to revisit outsourcing of the Security Department. Jacobs asked Cipriano what his reasoning was. Cipriano informed due to the turnover rate. Jacobs informed that during his previous research he was informed that a full risk analysis could be performed at a minimum of \$10k. Graziano noted that if outsourcing the Security Department only offers a minimal savings to the customer, he does not feel it would be worth losing the unique customer service our personnel currently provide. Graziano stated that contractors would not provide the same level of customer service our community has come to expect and appreciate. Esparza suggested discussing this further in a committee.

b. Board comments – None.

12.11 Adjournment:

a. Special Meeting on January 10, 2022, at 10:00 a.m. – This item was reviewed in conjunction with the next Regular Meeting.

b. Regular Meeting on January 24, 2022, at 10:00 a.m. – The next meeting date is scheduled for January 10, 2022, at 10:00 a.m. With nothing further to discuss and upon a motion from Cipriano, second by Esparza and unanimous vote, the meeting adjourned at 12:00 p.m.

Marissa Fehling

Marissa Fehling, Recording Secretary

STAFF REPORT

DATE: January 10, 2022

TO: Board of Directors

FROM: Bobby Graziano, General Manager
Steve Anderson, General Counsel

SUBJECT: SGMA MOU

RECOMMENDATION

It is recommended that the Board of Directors approve Amendment No. 3 to the Sustainable Groundwater Management Act (SGMA) Memorandum of Understanding and give authority to the General Manager to sign the amendment, including any changes to the amendment language that may arise before the amendment is executed, provided the General Manager and General Counsel approve such changes.

BACKGROUND/ANALYSIS

In 2017, the District entered into a Memorandum of Understanding: Development of a Groundwater Sustainability Plan for the San Luis Rey Groundwater Basin (MOU) with the Upper San Luis Rey Resource Conservation District (RCD), Yuima Municipal Water District (Yuima MWD) and the County of San Diego. Later, the County withdrew from the MOU. In 2020, the District, RCD and Yuima MWD entered into Amendment No. 1 to the MOU. Subsequently, the parties entered into Amendment No. 2 to modify the geographic scope of the MOU and the groundwater sustainability plan (GSP) being prepared to conform to modifications to the Subbasin boundaries made by the Legislature under Water Code, section 10722.5.

The parties now seek to enter into Amendment No. 3 to the MOU to authorize Pauma Municipal Water District ("Pauma Municipal") to become a party to and member under the MOU. In addition, provided the three parties, Pauma Municipal, and the groundwater sustainability agency (GSA) can reach agreement on conditions to its participation, San Luis Rey Municipal Water District ("SLRMWD") may also seek to become a new member of the MOU.

AMENDMENT 3 TO MEMORANDUM OF UNDERSTANDING

FOR DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN

This Amendment 3 to the MEMORANDUM OF UNDERSTANDING FOR DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN (heretofore referenced as the "2017 MOU") is made and entered into effective January ____, 2022 (Effective Date") by and between Yuima Municipal Water District, a municipal water district organized under and existing pursuant to Sections 71000 et seq. of the California Water Code ("Yuima MWD" or "Yuima"), Pauma Valley Community Services District, a community services district formed under the Community Services District Law, Government Code Sections 61000-61850, ("Pauma Valley CSD "), the Upper San Luis Rey Resource Conservation District ("USLRCD") a resource conservation district formed under the Resource Conservation District Act, Public Resources Code Sections 9001 et seq. (the "Existing Members"), and proposed "New Members," the Pauma Municipal Water District ("Pauma MWD") and San Luis Rey Municipal Water District ("SLR MWD") municipal water districts organized under and existing pursuant to Sections 71000 et seq. of the California Water Code. Each entity may be referred to herein individually as a "Party," or collectively as the "Parties."

- A. WHEREAS, on June 27, 2017, the Parties to that agreement entitled the Memorandum of Understanding for Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin (the "2017 MOU") executed the 2017 MOU and agreed to work together cooperatively in order to facilitate the preparation of a groundwater sustainability plan ("GSP") per the timelines and in accordance with the requirements of the Sustainable Groundwater Management Act ("SGMA"); and
- B. WHEREAS, the 2017 MOU was submitted to the California Department of Water Resources ("DWR") and subsequently accepted by DWR as creating a Groundwater Sustainability Agency ("GSA") for portions of the San Luis Rey Valley Groundwater Basin ("SLR Basin"), which GSA, hereinafter referenced as the Pauma Valley GSA ("PVGSA"), would be managed by the Parties to the 2017 MOU per its terms, including the cooperative preparation of a GSP for portions of the SLR Basin classified by DWR as High or Medium priority, and therefore required to be managed under a GSP; and
- C. WHEREAS, after the County of San Diego withdrew from the 2017 MOU; on or about June 1, 2020 the remaining Parties to the 2017 MOU executed a first amendment to the 2017 MOU entitled Amendment One to Memorandum of Understanding for Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin (hereinafter, "Amendment One to 2017 MOU"); and
- D. WHEREAS, Amendment One to the 2017 MOU was submitted and uploaded to the DWR SGMA Portal on or about July 17, 2020; and
- E. Whereas AB 1944 (codified as Water Code § 10722.5) in September 2018 legislatively divided the SLR Basin into two separate sub-basins, the Upper and Lower Groundwater Sub-Basins of the SLR Basin, which two sub-basins, together, constitute the SLR Basin, and thereafter SB 779, in September 2019, legislatively directed that the boundary between the Upper and Lower Subbasins

of the SLR Basin be set by DWR at the east line of the western boundary of Section 6, Range 2 West, Township 10 South of the San Bernardino Meridian; and

- F. WHEREAS, at the time the Parties entered into the 2017 MOU, the entire SLR Basin was designated as a medium priority Basin subject to the development of a GSP per SGMA; and
- G. WHEREAS, on May 1, 2020 DWR designated the Lower Subbasin of the SLR Basin as a very low priority basin, which such Lower Subbasin does not, under SGMA, require management by a GSA or development of a GSP; and
- H. WHEREAS, the 2017 MOU, and Amendment One to the 2017 MOU, contained Exhibits that, after AB 1944, SB 779, and DWR's designation of the Lower Basin as Very Low Priority, required minor update to reflect the substantially reduced area of the SLR Basin requiring management by a GSA per SGMA while also updating Figure 1 to the 2017 MOU to accurately reflect the legislatively created boundary referenced in Water Code §10722.5(a) between the Upper and Lower Sub-Basins of the SLR Basin; and
- I. WHEREAS, the 2017 MOU provides that it may be amended by written instrument duly signed and executed by all Parties to the 2017 MOU, and the Existing Members of the MOU, specifically Yuima, Pauma Valley CSD, and the USLRRCDC, duly approved two minor amendments to the 2017 MOU with "Amendment 2 to the 2017 MOU" effective June 1, 2021. Amendment 2 to the 2017 MOU: (a) clarified the definition of "Pauma Valley Subbasin" for purposes of the PVGSA and future GSP development; (b) Updated the map attached to the 2017 MOU to reflect the portions of the SLR Basin that were, as of June 2021, required to be managed by a Plan per SGMA, and which Amendment No. 2 was subsequently uploaded to the DWR SGMA Portal on or about September 15, 2021; and
- J. WHEREAS, the 2017 MOU, Section X.1.a. states that the Parties to the 2017 MOU would evaluate prior to GSP submission whether to consider "adding additional GSA-eligible entities" as part of ensuring the PVGSA structure is effective in accomplishing the requirements of SGMA before and after GSP submission to DWR; and
- K. WHEREAS, per Section X.3 of the 2017 MOU, the 2017 MOU may be amended, including amendment to add Members, via a written instrument, such as this Amendment No. 3, signed by all parties; and
- L. WHEREAS, New Members, Pauma MWD, and SLR MWD both overlie portions of the Upper Sub-Basin of the SLR Basin and are both "local agencies" eligible to manage groundwater per SGMA as part of the PVGSA, and have, after authorization by their respective Boards of Directors, agreed to join and become Members of the PVGSA, and be bound by the terms of the 2017 MOU (as amended), by executing this Third Amendment to the 2017 MOU.

NOW THEREFORE, in consideration of the Recitals above, which are incorporated herein by this reference, and in order to facilitate the expedient development of a GSP for the Upper Sub-Basin of the SLR Basin, the Parties do hereby agree to amend the 2017 MOU as follows:

- 1. Section II (14) of the 2017 MOU, as previously amended, is hereby again amended to read:

“Party” refers to [each of] the Pauma Valley Community Services District, Upper San Luis Rey Resource Conservation District, the Yuima Municipal Water District, the Pauma Municipal Water District, and the San Luis Rey Municipal Water District (“SLR MWD”) (collectively “Parties”).

2. Section III.3 (b), as previously amended, is hereby further amended to delete the words “Pauma Municipal Water District” since Pauma Municipal Water District shall, upon approval of this Third Amendment, be a regular voting member of the PVGSA and not an ex officio member of the PVGSA.
3. Section VI.2 is amended to read as follow with new language in italics:

To the extent authorized by California law, and notwithstanding Government Code Section 895.2, each Party hereby agrees to defend itself from any claim, action, or proceeding arising out of the concurrent acts or omissions of the Parties. In such cases, Parties agree to retain their own legal counsel, pay their own defense costs, and waive their right to seek reimbursement of such costs from the other parties. However, as to New Member SLR MWD only, the other Members of the PVGSA, including New Member Pauma MWD, agree to defend SLR MWD with shared legal counsel retained by the PVGSA, at no cost to SLR MWD, in any legal challenge to the GSA, GSP, or to the action of the PVGSA to approve the GSP, that may be initiated against SLR MWD. SLR MWD will not be financially responsible for any administration costs, costs and expenses of projects or work of the GSA pursuant to the Memorandum of Understanding or any Groundwater Sustainability Plan adopted by the PVGSA. However, persons extracting groundwater from within SLR MWD’s boundaries may be required to fund a portion of the future costs of the PVGSA per the procedures in SGMA.

4. Section IX of the MOU is amended to identify the persons entitled to receive notice for both New Members (President, Pauma Municipal Water District, and President, San Luis Rey Municipal Water District), to strike the word “Interim” before the words “General Manager” with regard to Yuima’s representative entitled to receive notice, and to add the word “Administrator” prior to the address given for the USLRRCD entitled to receive notice.
5. Figure 1 of the 2017 MOU, consisting of two separate maps, is hereby replaced with an updated Figure 1 attached hereto, which depicts the portions of the Upper Sub-Basin of the SLR Basin that are, as of the Effective Date, required to be managed by a Plan per SGMA, and updating Figure 1 to reflect the areas where the New Members are eligible to manage groundwater per SGMA.
6. All portions of the 2017 MOU not specifically amended herein, or in Amendment 1 to the 2017 MOU, shall continue to read as they did after the Members’ approval of Amendment 2 to the 2017 MOU.

SIGNATURES ON THE FOLLOWING PAGES

YUIMA MUNICIPAL WATER DISTRICT

By: _____

Date: _____

Roland Simpson
President, Board of Directors

Approved as to Form

General Counsel

PAUMA VALLEY COMMUNITY SERVICES DISTRICT

By: _____

Date: _____

President, Board of Directors

Approved as to Form

General Counsel

UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT

By: _____

Date: _____

Andy Lyall
President, Board of Directors

Approved as to Form

General Counsel

PAUMA MUNICIPAL WATER DISTRICT

By: _____

Date: _____

Warren Lyall
President, Board of Directors

Approved as to Form

General Counsel
SAN LUIS REY MUNICIPAL WATER DISTRICT

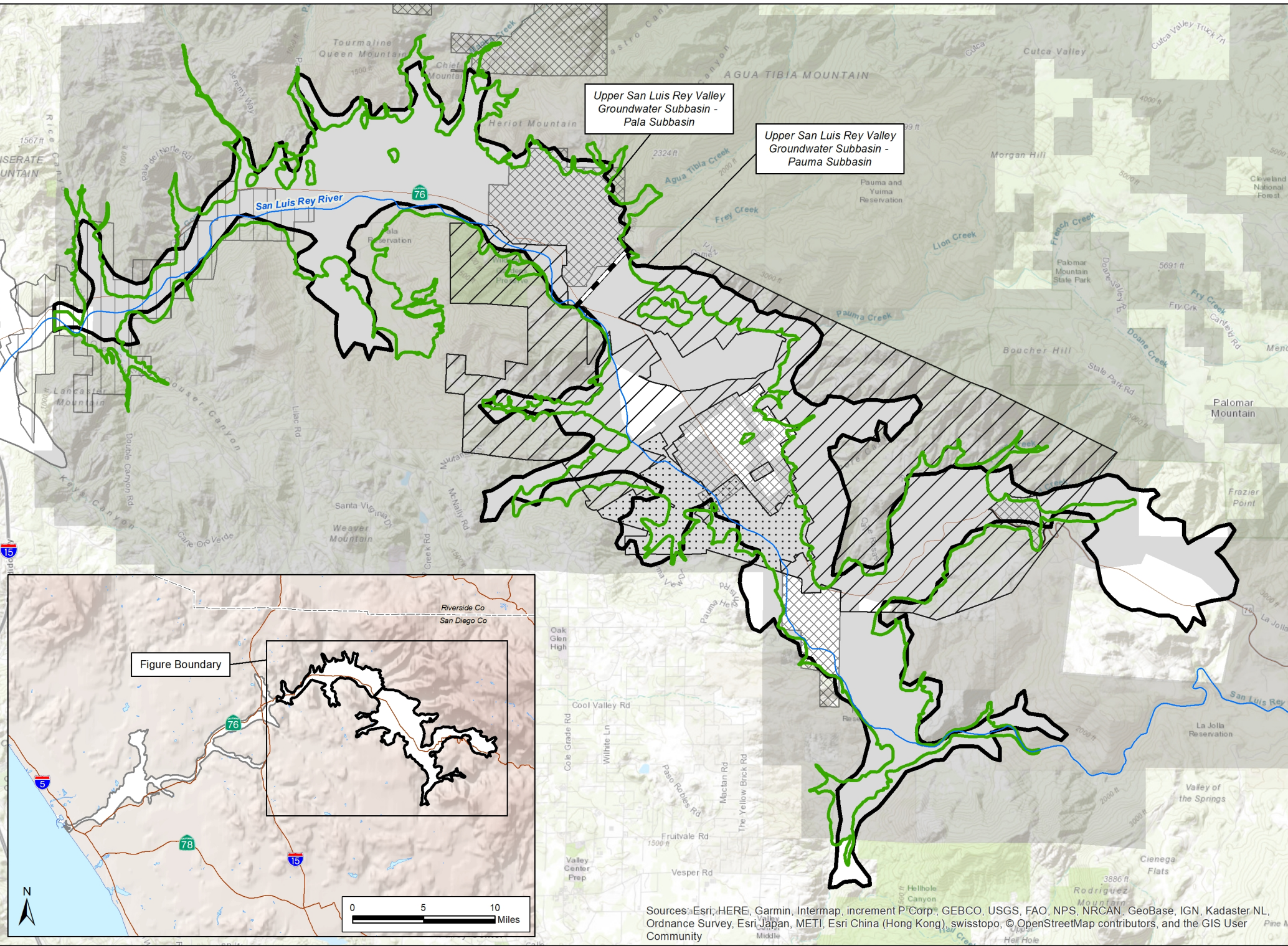
By: _____ Date: _____
Victor S. Pankey
President, Board of Directors

Approved as to Form

General Counsel

©2022, GEOSCIENCE Support Services, Inc. All rights reserved. Drawn by: DCS, Projection: State Plane 1983, Zone VI.

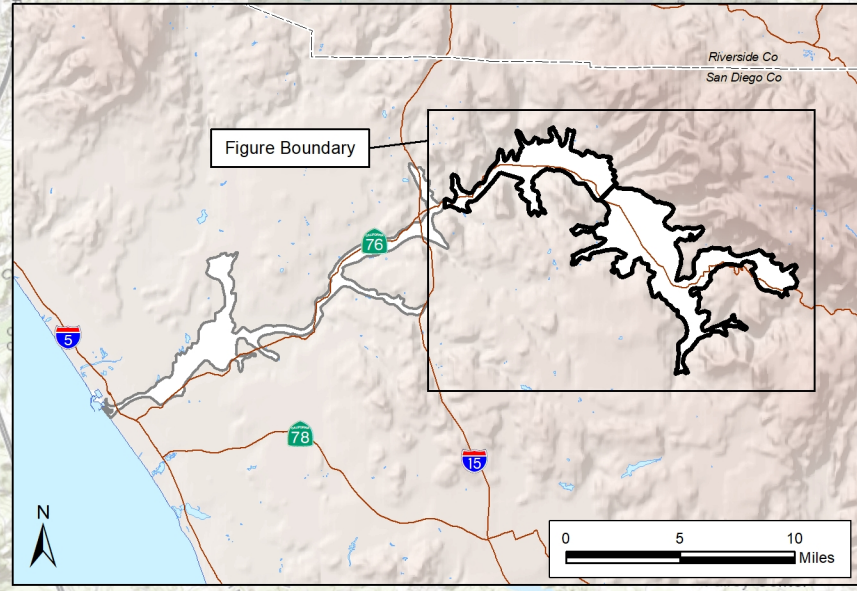
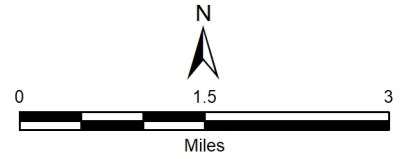
\\GIS\proj\San Luis Rey_GSP\CA_SRECAV_Fig_1_GW_basin_jurisdictional_bdrfr_122.mxd



EXPLANATION

- Groundwater Basins/Subbasins**
- San Luis Rey Valley Groundwater Basin (DWR Bulletin 118, 2016)
 - Upper San Luis Rey Valley Groundwater Subbasins - Pala and Pauma (AB1944, 2018)
 - Frey Creek (SWRCB D1649, 2002)
 - Proposed Pala/Pauma Subbasin Boundary (GSSI, 2021)
- Pauma Valley GSA**
- Pauma Municipal Water District
 - Pauma Valley Community Services District
 - San Luis Rey Municipal Water District
 - Upper San Luis Rey Resource Conservation District
 - Yuima Municipal Water District

NOTE: The proposed Upper San Luis Rey Valley Groundwater Basin boundaries are based on geology but have not yet been approved by DWR



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

**SAN LUIS REY VALLEY
GROUNDWATER BASIN
JURISDICTIONAL
BOUNDARIES**

Jan-22

RESOLUTION NO. 108

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PAUMA VALLEY
COMMUNITY SERVICES DISTRICT RECOMMENDING APPROVAL OF THE
GROUNDWATER SUSTAINABILITY PLAN FOR THE PAUMA VALLEY SUBBASIN OF
THE SAN LUIS REY VALLEY GROUNDWATER BASIN

WHEREAS, Pauma Valley Community Services District (“District”) is a public agency party to the amended Memorandum of Understanding (MOU) for Development of a Groundwater Sustainability Plan (GSP) for the San Luis Rey Valley Groundwater Basin and a voting member of the Pauma Valley Groundwater Sustainability Agency (PVGSA); and

WHEREAS, pursuant to the MOU, the District has appointed Charles Bandy and Bobby Graziano (collectively, “District Representatives”) to serve as the District Representatives to the Executive Team described in the MOU; and

WHEREAS, the District Board of Directors and the District Representatives have had the opportunity to review the most current version of the GSP; and

WHEREAS, the District Board of Directors desires to approve the GSP, including any subsequent modifications to the document concurred in by its District Representatives between today’s date and the submission of the GSP to the California Department of Water Resources (DWR); and

WHEREAS, the District Board of Directors also desires to authorize its District Representatives to vote to recommend that the Yuima Municipal Water District Board of Directors formally approve the final GSP at an upcoming meeting of the GSA Executive Team expected to take place on or about January 21, 2022.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE PAUMA VALLEY
COMMUNITY SERVICES DISTRICT 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. Approval. The Board of Directors hereby approves the GSP, including any subsequent modifications to the GSP document concurred in by its District Representatives between today’s date and the submission of the GSP to DWR.

Section 3. Delegation. The Board of Directors hereby authorizes its District Representatives to vote to recommend that the Yuima Municipal Water District Board of Directors formally approve the final GSP on behalf of the District and the other members of the PVGSA as part of an upcoming meeting of the GSA Executive Team expected to take place on or about January 21, 2022.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Board of Directors of the _____ District this _____ day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: