

## **MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY**

### **NOTICE OF MEETING\***

**NOTICE IS HEREBY GIVEN** that the Mound Basin Groundwater Sustainability Agency (“Agency”) Board of Directors (“Board”) will hold a **Board Meeting** at **10:00 A.M. on Thursday, December 21, 2017** at the Community Meeting Room, Ventura City Hall, 501 Poli Street, California 93001

### **MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY BOARD OF DIRECTORS**

#### **AGENDA**

**Thursday, December 21, 2017**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. DIRECTOR ANNOUNCEMENTS**
- 4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

The Board will receive public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Agency. The Board will not enter into a detailed discussion or take any action on any items presented during public comments. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. The presiding Chair shall limit public comments to three minutes.

- 5. CONSENT ITEMS**

- a. Approve Minutes from November 16, 2017 Regular Meeting** (provided at the meeting).

- 6. ACTION ITEMS**

- a. Request for Funding from Ventura County Watershed Protection District**  
The Board will consider authorizing the Chair to request funding for GSA development from the Ventura County Watershed Protection District.

- b. Interim Accounting Services**

The Board will consider authorizing the Chair to enter into an agreement with United Water Conservation District to perform interim accounting services for the Agency.

- c. Discussion of Options for Appointing Treasurer and Auditor**

The Board shall discuss the options for appointing a Treasurer and Auditor and consider appointing one of the directors as the Treasurer.

*\* In compliance with the Americans with Disabilities Act, all possible accommodations will be made for individuals so they may attend and participate in meetings.*

**d. Ad hoc Committee for Long-term Funding Options**

The Board may consider establishing an ad hoc committee to develop a framework for Agency funding options under SGMA.

**e. Request for Proposal and Qualifications for Legal Services**

The Board will discuss and consider authorizing staff to release the attached RFP for general legal services for the Agency.

**f. Meeting Schedule for Calendar Year 2018**

The Board will consider the meeting schedule for 2018.

**g. Schedule Workshop for Basin Boundary Modification**

The Board will consider scheduling a workshop to discuss the necessary basin boundary modifications.

**7. EXECUTIVE DIRECTOR'S REPORT**

**a. Update on Liability Insurance**

**8. ADJOURNMENT**

Administrative Reports relating to this agenda are available in the City of Ventura City Clerk's Office, 501 Poli St., Room 204, Ventura, during normal business hours as well as on the City of Ventura's Web Site (<https://www.cityofventura.ca.gov/1075/Water-Sources>). Materials related to an agenda item submitted to the Agency after distribution of the agenda packet are available for public review at the City Clerk's Office.

This agenda was posted before 12/18/17 at 10:00 a.m. on the City of Ventura City Hall Public Notices Board and on the Internet.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the Ventura Water Office at (805) 652-4587 or the California Relay Service at (866) 735-2929. Notification by 12/21/17, at 12:00 p.m. will enable the Agency to make reasonable arrangements for accessibility to this meeting.

**MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY**

**Item No. 6(a)**

**DATE:** December 21, 2017  
**TO:** Board of Directors  
**FROM:** Jennifer Tribo, Interim Executive Director  
**SUBJECT:** Request for Funding from Ventura County Watershed Protection District

**SUMMARY**

The Ventura County Watershed Protection District is offering startup funds to GSAs within the County.

**RECOMMENDED ACTION**

The Board will consider authorizing the Chair to request advanced funding from Ventura County Watershed Protection District equal to the member agency contribution according to the adopted FY 2017/2018 budget.

**BACKGROUND**

At its October 19, 2017 meeting, the Board adopted a budget for FY 2017/2018 of \$104,027. If member agencies agree to share costs equally, then each Agency would contribute \$28,925.73. The remainder of the budget reflects in-kind services. All funds may be reimbursed at a later date. Attached is an example agreement between the Fillmore-Piru GSA and the County of Ventura.

**FISCAL SUMMARY**

Funding received would be counted as the County of Ventura's member agency contribution according to the adopted budget.

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

K. Brown \_\_\_ M.Mobley\_\_\_ G.Shephard\_\_\_ J. Chambers\_\_\_ C.Everts\_\_\_

**AGREEMENT FOR CASH ADVANCE AND REPAYMENT BETWEEN  
COUNTY OF VENTURA AND FILLMORE AND  
PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY**

This Agreement for Cash Advance and Repayment (“Agreement”), dated September 26, 2017, for reference purposes, is made and entered into by and between the COUNTY OF VENTURA, a political subdivision of the State of California (“County”), and the FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY (“FPBGSA”) (collectively, “Parties”).

WHEREAS, County, the City of Fillmore and the United Water Conservation District are the members (“Members”) of the FPBGSA, a joint powers agency created by such Members pursuant to California Government Code section 6500 et seq. (the “Joint Powers Law”) and the Parties’ Joint Exercise Of Powers Agreement effective as of June 1, 2017 (the “Joint Powers Agreement”); and

WHEREAS, as a Member of the FPBGSA, County has, under Government Code section 6504, subdivision (c) and section 14.2 of the Joint Powers Agreement, the authority to provide advances of public funds to the FPBGSA for the purposes set forth in the Joint Powers Agreement; and

WHEREAS, section 14.3 of the Joint Powers Agreement also provides that the FPBGSA has the authority to repay advances made by Members in accordance with the Joint Powers Law and on terms established by the FPBGSA’s Board of Directors; and

WHEREAS, the FPBGSA has requested that County advance to the FPBGSA \$51,300 to provide the FPBGSA with funds to pay certain start-up costs; and

WHEREAS, County’s Board of Supervisors has approved the making of a short-term cash advance in the amount of \$51,300 to the FPBGSA to be repaid in full by the FPBGSA, plus accrued interest thereon;

NOW, THEREFORE, in consideration of their mutual promises, covenants and conditions set forth herein, the sufficiency of which is acknowledged, the Parties agree as follows:

**ARTICLE I  
ADVANCE AND REPAYMENT**

A. Advance. Upon execution of this Agreement by both Parties, County will advance \$51,300 to the FPBGSA under the terms and conditions of this Agreement.

B. Repayment. The FPBGSA shall repay in full to County the amount advanced by County under this Agreement, plus accrued interest at the annual rate published as the yield of the Local Agency Investment Fund administered by the California State Treasurer, as set

counterparts, all of which together constitute one and the same agreement.

I. Entire Agreement. This Agreement constitutes the entire agreement between the FPBGSA and County with respect to the subject matter herein and supersedes all previous negotiations, proposals, commitments, writings and understandings of any nature whatsoever unless expressly included in this Agreement.

FILLMORE AND PIRU BASINS  
GROUNDWATER SUSTAINABILITY AGENCY

By: \_\_\_\_\_

Title: \_\_\_\_\_

COUNTY OF VENTURA

By: \_\_\_\_\_

Title: \_\_\_\_\_

**MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY**

**Item No. 6(b)**

**DATE:** December 21, 2017  
**TO:** Board of Directors  
**FROM:** Jennifer Tribo, Interim Executive Director  
**SUBJECT:** Interim Accounting Services

**SUMMARY**

In order for the Mound Basin GSA (“Agency”) to pay for legal, technical, and consultant services received before the appointment of a Treasurer and permanent Executive Director, the Board may consider entering into an agreement with United Water Conservation District to perform interim accounting services.

**RECOMMENDED ACTION**

The Board will consider authorizing the Chair to enter into an agreement with United Water Conservation District to perform interim accounting services for the Agency.

**BACKGROUND**

At its October 19, 2017 meeting, the Board authorized the Chair to execute an MOU with the City of Ventura (pending member agency approval) to perform interim accounting functions. At its November 16, 2017 meeting, the Board was informed that the City of Ventura was unable to perform accounting functions on behalf of the Agency. The Board discussed the possibility of United Water Conservation District providing interim accounting services and directed to staff to provide additional information at the December 21, 2017 meeting.

**FISCAL SUMMARY**

Accounting services provided by United Water Conservation District would be reimbursable in kind services and the budget would be amended accordingly.

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

K. Brown \_\_\_ M.Mobley\_\_\_ G.Shephard\_\_\_ J. Chambers\_\_\_ C.Everts\_\_\_

**MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY**

**Item No. 6(c)**

**DATE:** December 21, 2017  
**TO:** Board of Directors  
**FROM:** Jennifer Tribo, Interim Executive Director  
**SUBJECT:** Discussion of Options for Appointing Treasurer and Auditor

**SUMMARY**

Article 13 of the Joint Exercise of Powers Agreement (“JPA Agreement”) requires the Agency to appoint a treasurer and auditor consistent with the requirements in the Government Code.

**RECOMMENDED ACTION**

The Board shall discuss the options for appointing a Treasurer and Auditor for the Agency and consider appointing one of the directors as the Treasurer.

**BACKGROUND**

Section 13.3 of the JPA Agreement provides that the treasurer and auditor shall be appointed and/or retained in the manner, and shall perform such duties and responsibilities, specified in sections 6505, 6505.5 and 6505.6 of the Act. The treasurer shall be bonded in accordance with the provisions of Government Code section 6505.1, if applicable.

**Options for Appointment of Treasurer:**

The Government Code allows the following options for appointment of a treasurer for the Agency:

1. Appoint the treasurer of one of the member agencies;
2. Appoint the treasurer for Ventura County;
3. Contract with a certified public accountant; or
4. Appoint an officer or employee of the Agency.

At its November 16, 2017, the Board discussed appointing one of the Directors as the Treasurer and entering into an agreement with United Water Conservation District to perform interim accounting services.

**FISCAL SUMMARY**

Depending upon the option selected, there may be a fiscal impact associated with this agenda item.

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

K. Brown \_\_\_ M.Mobley\_\_\_ G.Shephard\_\_\_ J. Chambers\_\_\_ C.Everts\_\_\_

**MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY**

**Item No. 6(d)**

**DATE:** December 21, 2017  
**TO:** Board of Directors  
**FROM:** Jennifer Tribo, Interim Executive Director  
**SUBJECT:** Ad hoc Committee for Long-term Funding Options

**SUMMARY**

The Board may consider establishing an ad hoc committee to develop a framework for Agency funding options under SGMA.

**RECOMMENDED ACTION**

The Board may consider establishing an ad hoc committee to develop a framework for Agency funding options under SGMA.

A motion creating an Ad Hoc Committee should include the following details:

- Purpose of Ad Hoc Committee
- Individuals appointed to Ad Hoc Committee, including at least one Director
- Date of Ad Hoc Committee's termination

**BACKGROUND**

At its November 16, 2017 meeting, the Board discussed funding options for the Mound Basin GSA under SGMA. The Board directed staff to place consideration of an ad hoc committee on the December agenda.

**FISCAL SUMMARY**

There is no fiscal impact associated with this agenda item.

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

K. Brown \_\_\_ M.Mobley\_\_\_ G.Shephard\_\_\_ J. Chambers\_\_\_ C.Everts\_\_\_



**MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY**

**Item No. 6(e)**

**DATE:** December 21, 2017  
**TO:** Board of Directors  
**FROM:** Jennifer Tribo, Interim Executive Director  
**SUBJECT:** Request for Proposal and Qualifications for Legal Services

**SUMMARY**

The Joint Powers Agreement (“JPA Agreement”) provides that the Agency may contract with a Member or other public agency or private entity for various services. The Agency may require the services of legal counsel for routine operations or compliance with the Sustainable Groundwater Management Act of 2014 (“SGMA”).

**RECOMMENDED ACTION**

The Board will discuss and consider authorizing staff to release the attached RFP for general legal services for the Agency.

**BACKGROUND**

The JPA Agreement provides that the Agency may contract with a Member or other public agency or private entity for various services, including without limitation, those related to the Authority’s finance, purchasing, risk management, information technology and human resources. A written agreement shall be entered between the Authority and the Member or other public agency or private entity contracting to provide such service, and that agreement shall specify the terms on which such services shall be provided, including without limitation, the compensation, if any, that shall be made for the provision of such services.

**FISCAL SUMMARY**

Depending on the direction of the Board, there could be a fiscal impact associated with this item.

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

K. Brown \_\_\_ M.Mobley\_\_\_ G.Shephard\_\_\_ J. Chambers\_\_\_ C.Everts\_\_\_

# **MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY**

## **REQUEST FOR PROPOSAL AND QUALIFICATIONS FOR GROUNDWATER SUSTAINABILITY AGENCY LEGAL SERVICES**

### **INTRODUCTION**

The Mound Basin Groundwater Sustainability Agency (Agency) is seeking proposals and statements of qualification submittals from attorneys or firms with experience representing public agencies to provide General Counsel legal services for the Agency.

The Agency is primarily interested in a firm's or attorney's experience in relation to general counsel needs and water law, specifically related to the Sustainable Groundwater Management Act. The legal services provided may include general public agency governance, public meetings and public records issues, water rights, intergovernmental agreements with other groundwater sustainability agencies or public agencies, revenue options, and public contracting issues. Preference will be given to local respondents.

A firm or attorney selected as General Counsel will serve at the pleasure of the Board of Directors of the Agency. If the Agency determines to award a contract for general counsel legal services as a result of this RFP, it will enter into a contract establishing the terms and compensation for the subject services. All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by the Agency.

### **BACKGROUND INFORMATION**

On September 14, 2014, Governor Brown signed into law three bills collectively referred to as the Sustainable Groundwater Management Act (SGMA). SGMA requires the formation of groundwater sustainability agencies (GSAs) in state-designated medium and high priority basins. The Agency is comprised of one medium priority basin (Mound basin ID No. 4-004.03). As authorized by SGMA, the GSA-eligible entities – the City of Ventura, the County of Ventura and United Water Conservation District, have formed a Joint Powers Authority with the intent to work together with local stakeholders to implement the requirements of SGMA.

The Agency was formed for the purpose of developing, adopting, and implementing a Groundwater Sustainability Plan for the Mound basin in order to implement SGMA's requirements and achieve the sustainability goals outlined in SGMA.

The Agency intends to coordinate its activities to involve the public and local stakeholder through outreach and engagement in developing and implementing the GSP.

## **SCHEDULE**

To the extent achievable, the following schedule shall govern the RFP. The Agency reserves the right to modify the dates below.

- Availability of the Request for Proposals and Qualifications: January 2, 2018
- Deadline for Submission of Interpretation and/or Questions: January 15, 2018

Questions should be submitted to Jennifer Tribo, Interim Executive Director for the Mound Basin Groundwater Sustainability Agency at [jtribo@venturawater.net](mailto:jtribo@venturawater.net)

- Closing Date for the receipt of the Request for Proposals and Qualifications: January 24, 2018 by 5:00pm.

## **QUALIFICATIONS**

1. Firm or individual attorney must have at least 10 years of public law experience representing public agencies, special districts, municipal governments, or joint powers authorities in California.
2. All attorneys performing services must be admitted to practice in the State of California and be members in good standing with the State Bar of California.
3. The attorney with primary responsibility for the services provided to the Agency (“Lead Counsel”), must have at least ten (10) years of experience providing general counsel legal services for local public agencies, special districts, or municipalities.
4. Demonstrated legal expertise in the following practice areas as they relate to public agencies, special districts, municipal governments, and joint powers authorities in California:
  - a. General Counsel - Laws and regulations that pertain to the governance of public entities including, but not limited to, California joint powers authorities, special districts, water districts, irrigation districts and municipalities. The relevant laws and regulations include, but are not limited to, the Ralph M. Brown Act; Public Records Act; Political Reform Act; conflicts of interest laws; general public entity and municipal law; the California Government Code and California Water Code; public agency bylaws and policies; public contracting and procurement processes and operating procedures; and rules of order relative to the conduct of joint powers authorities, special districts, water districts, irrigation districts and municipalities.

The types of services may include some or all of the following:

- Review, draft, and negotiate contracts.

- Advise on Agency legal matters
  - Advise on labor and employment matters
  - Review personnel, fiscal, and other policies
  - Develop Agency bylaws
  - Attend Agency Board of Director meetings and other meeting as directed by the Board of Directors
  - Advise on government grant and contract issues
  - Advise on responses to subpoenas, court orders, and requests for information from third parties
  - Defend lawsuits, administrative claims, or other legal claims
  - Conduct litigation as necessary
  - Other legal services as deemed necessary by the Agency
- b. Special Counsel – In addition to the General Counsel expertise, it is desirable for the selected law firm to have expertise in a few specialty areas, including, but not necessarily limited to:
- Sustainable Groundwater Management Act.
  - Water rights matters in state courts and before the State Water Resources Control Board.
  - Public financing and revenue mechanisms, including experience with Propositions 26 and 218. Environmental law, including: California Environmental Quality Act (CEQA); National Environmental Policy Act (NEPA); California and federal Endangered Species Acts; federal Clean Water Act and the California Porter-Cologne Water Quality Act.
  - Governance of public agencies, special districts, municipalities, and joint powers authorities, including amendments and bylaws, and experience interfacing with counsel for joint powers member agencies.
  - Other relevant areas pertaining to special district and public entity law.
  - It is permissible for a firm to submit their proposal and qualifications based on the strength of their public agency/general counsel experience, and to team with other law firms to provide the Special Counsel expertise. In this scenario, however, it is expected that the Lead Counsel will have a working knowledge of SGMA and that the qualifications of the firm proposed to provide Special Counsel expertise be a part of the submittal package.

5. Lead Counsel shall typically attend all Governing Board meetings, and the attorney must be accessible to provide legal assistance to the Agency on an urgent basis, from time to time.

## **SUBMISSION REQUIREMENTS**

Submission Materials and any questions should be sent to Jennifer Tribo, Interim Executive Director for the Mound Basin Groundwater Sustainability Agency at [jtribo@venturawater.net](mailto:jtribo@venturawater.net).

- **Cover letter** (no longer than 2 pages) - The cover letter should convey a clear understanding of the requirements and objectives, and why the Respondent is uniquely qualified to be awarded a contract.
- **Respondent's Qualifications** - Summary of overall qualifications and experience of the Respondent. It is expected that the firm will describe its organization, size, structure, areas of practice, and office locations.
- **Proposed Respondent Team** - The Proposal shall identify the Lead Counsel who will be primarily responsible for providing legal services to the Agency, and other attorneys and staff to be assigned to the Agency's legal matters. Please include the qualifications, training, and certifications of Lead Counsel, and all other attorneys and staff who will perform the services outlined herein. Particular emphasis should be placed on those attorneys likely to be assigned to the representation.
- **Fee Schedule** - This section should identify the billing rates for listed personnel, as well as other costs or expenses that would be charged in conjunction with the work. The Offeror is free to propose alternative billing structures (e.g., monthly flat fee for attending Agency Board of Director meetings and advising on routine matters that do not require extensive research or other legal work) for consideration by the Agency. The Agency reserves the right to negotiate with the Offeror on the structure of the billings.
- **Conflicts** - This section should identify whether Respondent anticipates it would need to obtain conflict waivers from any existing clients and how Respondent anticipates addressing any potential conflicts with respect to any Member or Stakeholder entity and/or between GSAs.
- **References** - The names, addresses, and telephone numbers of three (3) public agency clients who have contracted with the Respondent for services similar to those described in this RFP within the last five years.

## **SUBMITTALS**

One original and eight (8) copies of the Proposal and Statement of Qualifications should be mailed to:

Mound Basin GSA  
c/o City of Ventura  
501 Poli Street  
Ventura, CA 93001

and be clearly marked “RFP LEGAL SERVICES” on the outside of the mailing envelope.

## **EVALUATION CRITERIA**

The Agency Board of Directors and select staff will review the proposals and make recommendations for final approval. The Agency Board of Directors may request an interview meeting and/or responses to written questions with some qualified Offerors prior to final selection. The proposals will be reviewed with the following general criteria:

- Level of experience and competence of the individual proposed as Lead Counsel with respect to the key areas of service identified in the Qualifications.
- Level of experience and competence of the individual/firm proposed as Special Counsel for each of the major issue categories. What is the working relationship between the Lead Counsel’s firm and Special Counsel’s firm if they are different?
- Proposed approach to the scope of work.
- Offerors experience with similar clients and legal matters.
- Reference recommendations.
- Potential conflict of interest issues with Offeror’s other clients.
- Comprehensive rates.
- Interviews/responses to written questions (if conducted)