



San Pasqual Valley (SPV) Groundwater Sustainability Plan (GSP) Basin Advisory Committee (AC) Meeting 2 Meeting Minutes

Date: Thursday October 10, 2019 from 2:00 to 4:00 pm

Location: San Diego County Farm Bureau 420 S. Broadway, Ste. 200, Escondido, CA 92025

Purpose: SPV Groundwater Basin AC Meeting 2

- Attendees: City of San Diego (City) Advisory Committee
- Sandra Carlson
- Karina Danek
- Niki McGinnis
- Delaney Sisk
County of San Diego (County)
- Leanne Crow
GSP Consultant (Woodard & Curran)
- John Ayres
- Rosalyn Prickett
GSP Consultant (Katz & Associates)
- Patsy Tennyson
- Trish Boaz San Dieguito River Valley Conservancy
- Carole Burkhard Small land Owner
- Frank Konyon Agricultural/Animal
- Eric Larson San Diego County Farm Bureau
- Lisa Peterson San Diego Zoo Safari Park
- Rikki Schroeder Rancho Guejito
- David L. Toler Jr. San Pasqual Tribe
- Matt Witman Agricultural/Crop
Public
- Alicia Appel, City of Escondido
- Bill Hunter, Santa Fe Irrigation District
- Mark Lindshield
- Mary Montgomery, Santa Fe Irrigation District
- Marissa Potter, Santa Fe Irrigation District
- Hank Rupp, Rancho Guejito
- Jose Tosteow, Gilemerre

Welcome and Introductions

Patsy Tennyson, the meeting facilitator, opened the meeting and gave an overview of the meeting's objectives. Karina Danek of the City welcomed attendees and thanked the Farm Bureau for hosting the meeting.

AC members had no comments on the minutes from the June meeting. Patsy reviewed the agenda for today's meeting with the group.

Patsy then reviewed key discussion items from the draft AC by-laws, including that they are focused on the future, that all perspectives are valuable, that everyone had equal opportunity to participate, that it was important to avoid ulterior motives and set aside judgment, and represent the AC as a group.

AC By-Laws Review

The meeting facilitator reviewed changes to the AC by-laws that had been recommended by AC members and/or the Core Team before the meeting. These included:

- Adding a sentence at the end of Article 1, Section C and adding two words in the middle of Article 3, (2) as shown in the attached **By-Law Handout**
- Deleting Article 5 Section A paragraph on Robert's rules
- Modifying Article 6 – the paragraph about the qualified specialist, allowing only one Technical Peer Review (TPR) member per AC member and allowing a professional Geologist to be from any state of the USA

Additional discussion about the by-laws is summarized below.

- In Article 3, Section C of the by-laws, “non-profit” could be interpreted to have a legal connotation; AC member suggested a change to “non-partisan, non-sectarian, collaborative organization.” The AC agreed to this change.
- AC member asked for clarification about the responsibility to disseminate information to those referred to by “member's-own stakeholder constituents that they represent”. The AC determined that it is not required for AC members to convey the information discussed in Advisory Committee meetings to affiliated parties, and that any interested parties can be added to the existing email list to receive all meeting information. The AC agreed to delete Article 5, Section A, Covenant 13 from the by-laws in accordance with this.
- AC member asked how votes will be handled if conflicts arise. AC is intended as forum for hearing opinions, advice, and suggestions; no formal voting. Consultant team will document all positions.
- AC member asked for clarification about why AC members could have their own TPR member; he felt this might introduce bias into the GSP process.
 - Karina Danek of the City explained that when City Council approved establishment of the SPV GSA, they directed that a transparent AC and TPR process be used and that staff doesn't really have a choice about how to manage the process at this point. It has been decided at the Council level and staff is following their directions. Both the City and County agencies developed the proposed structure together.
 - John Ayres, Consultant Project Manager, emphasized that it is the duty of the Consultant team to be objective when writing the GSP, and that the comments from TPR members will be considered but won't necessarily be incorporated into the final GSP.

TPR will vet the GSP's general approach and how data will be analyzed. Proposed structure attempts to level bias by allowing only one TPR member per AC member. It was also noted that there are two independent reviewers in the TPR group.
 - Another AC member commented that he too was concerned about an AC Member being able to create a large impact on the GSP development if only one AC member hired a technical reviewer. He also noted that the leaseholders in the Basin would have different goals/concerns/needs than the landowners and that this should be considered in the GSP.

Due to concern for running out of time, this topic was tabled for further discussion until after agenda item No. 7, *Technical Peer Review purpose and composition*.

GSP Overview and Call for Data Request

John Ayres, Consultant Project Manager, gave an overview of SGMA terminology, consulting team members and roles, discussed the GSP document's sections and process, and basin settings information. He also noted that the Consultant team has received City and County data, California Department of Water Resources (DWR) data, and previous reports and studies. The Consultant team is looking to compile any well data, monitoring data, or any other information AC members may have.

It was requested that all AC members send any pertinent data they have about the San Pasqual Valley Groundwater Basin, whether it be well information, water quality data or anything else that could help the GSP development, **send the data to Sandra Carlson at the City. Her email is carlsons@sandiego.gov.**

John explained that the Consultant team was developing a list of frequently asked questions (FAQ), and asked if any AC members had any specific questions they wanted answered.

AC members asked about or noted the following:

- FAQs on the County website are several years old; they will be updated before next AC meeting
- Explain why we are developing a GSP
- Ask people to share their data (including those who are not AC members)
- Explain where the data goes
- Describe the timeline for GSP development, post a flow chart
- State the DWR deadline of January 2022
- Share work plan information

Questions About the Brown Act

Patsy Tennyson, the meeting facilitator, explained that Core Team meetings are not subject to Brown Act, but AC and TPR meetings are subject to the Brown Act and are being noticed per the Act.

TPR Purpose and Composition

Patsy Tennyson reviewed the draft TPR mission statement, the TPR's proposed composition, and schedule with the AC, along with a proposed change to AC by-laws, Article 6 (i.e., allow a Professional Geologist to be from any US State). The AC approved this change to the by-laws.

AC member suggested that AC members be allowed to comment during TPR meetings. John Ayres of the Consultant team said that these meetings were technical in nature and that it would be counterproductive to the purpose of the TPR. As a compromise, Patsy suggested a change to the AC by-laws to allow AC members to speak to each TPR meeting agenda item after it had been discussed by the Technical Reviewers. Patsy summarized that only the TPR members would be allowed to engage in meeting discussions, but there would be an opportunity for AC members to ask questions after each agenda item, with each comment limited to 3 minutes, per AC member. Only AC members would be able to comment during

this period and all other members of the public would be able to speak only at the end of the entire meeting. John Ayres expressed his concern that the TPR meetings would be very long if we included a comment period after each agenda item but tentatively agreed. Patsy asked if this was a solution that all the AC members could live with, and all agreed they could.

Leanne Crow of the County noted that they were working per direction from the County Board and the City Council to establish the TPR. Karina Danek further stated that executive management teams met many times to agree on the structure of two independent reviewers and AC nominees. It was noted that the TPR is not a voting body, and that John Ayres of the Consultant team will decide about what is technically appropriate because he will stamp the GSP with his professional license (California registered professional geologist) before submission to the California Department of Water Resources. John Ayres noted that the consultant's job is to prove conclusions through data and analysis, which will be fully documented, so it can be replicated and is accessible.

AC member suggested an addition to the TPR mission and principles of participation, stating that independent consultants would remain independent, and that their role would be to check not only Consultant's work, but also TPR members' contributions.

Action Items

AC Members:

- Send data to Sandra Carlson at the City. Her email is scarlson@sandiego.gov or call her at (619) 533-4235.

Sandra Carlson of the City will:

- Send out revised TPR screening form and request return in one week for first TPR meeting (Nov 7th)
- Send AC members information about the upcoming TPR meeting via email

Consultant team will (via Sandra):

- Share a project schedule/flow chart of the GSP with AC members
- Share a work plan of the GSP at the next AC meeting on January 9, 2020
- Send information about the TPR's mission and principles before the first TPR meeting on November 7, and AC members will be invited to comment
- Update the meeting sign in sheet with an area to add attendees' affiliations

Future Meeting Dates

The next AC meeting will take place on January 9, 2020.

The first TPR meeting will take place on November 7, 2019. The TPR will meet at the County Operations Center at 5510 Overland Drive.

Public Comments

- Can a TPR member be hired later if the process appears to be going sideways? Yes, AC members would be permitted to add new TPR members as desired; the TPR screening

form will be on the website. It is requested that if an AC member wishes to do this that ample time should be given to process the screening form.

- Please add a space for AC members and all other meeting attendees to write in their affiliation on the sign in sheet for meetings; please add this information in future meeting notes.
- The City owns Lake Hodges, and Santa Fe Irrigation District uses water from Lake Hodges, which is a major source of water supply. The Santa Fe Irrigation District is interested in water quantity and quality information for areas upstream of Lake Hodges.
- There is a real estate transaction for local private property under way, and this groundwater basin is not disclosed in their sales information; they should have disclosed this basin and GSP regulations. The AC meeting ended at 3:50 pm.

**SAN PASQUAL VALLEY
GROUNDWATER SUSTAINABILITY PLAN
ADVISORY COMMITTEE
BY-LAWS**

Article 1 PURPOSE, ROLE AND FORMATION OF THE ADVISORY COMMITTEE

Section A – On October 25, 2016, San Diego City Council (City Council) held a public hearing and approved a resolution to become a Groundwater Sustainable Agency (GSA) for the San Pasqual Valley Groundwater Basin (Basin). On June 21, 2017, the Board of Supervisors of the County of San Diego (County) approved the Memorandum of Understanding (MOU) between the City of San Diego (City) and County for the Basin. On June 27, 2017, City Council held a public hearing and also approved the MOU, which memorializes each agency’s role and responsibility for developing a Groundwater Sustainability Plan (GSP) by January 31, 2022, and establishes a multi-agency GSA for the Basin. The MOU establishes a Core Team comprised of City and County staff tasked with coordinating the activities of the Advisory Committee (AC) for the Basin GSP.

Section B – In consideration of the interests of all beneficial uses and users of groundwater in the basin, stakeholder engagement and education of both stakeholders and the general public will be conducted in part via the deliberations of the AC pursuant to California Water Code Section 10723.2. The purpose of the AC is to provide input and community perspective to aid in the development of the GSP. As information supporting the GSP is prepared by the GSA, these items will be brought before the AC for discussion, analysis, and input.

Section C – The AC is a non-partisan, non-sectarian, non-partisan, non-sectarian, collaborative organization. The AC is not empowered by ordinance, establishing authority, or policy to render a binding decision of any kind. Membership on the AC shall not waive or preclude comment or participation, formally or informally, on any related decisions or process.

Section D – The AC is advisory to the Core Team. The Core Team will develop a GSP that is technically sound, meets the requirements of the Sustainable Groundwater Management Act (SGMA), and is acceptable to the City and to the County. The GSP shall include, but not be limited to, groundwater use enforcement measures, a detailed breakdown of each GSA Party’s responsibilities for GSP implementation, anticipated costs of implementing the GSP, and cost recovery mechanisms, if necessary.

Article 2 MEMBERSHIP AND TERM OF OFFICE

Section A – The AC shall consist of individuals with interests in developing, deliberating, planning, and/or advocating for sustainable use of groundwater in the San Pasqual Basin, under the requirements of SGMA.

Section B – The AC is limited to nine (9) members. Potential representatives shall be apportioned as follows:

- (1) One member to represent San Pasqual Academy
- (2) One member to represent Rancho Guejito/Large Land Owner
- (3) One member to represent Small Land Owner/Aggregate Group
- (4) One member to represent San Diego Zoo Safari Park
- (5) One member to represent Agricultural/Crop
- (6) One member to represent Agricultural/Animal
- (7) One member to represent San Dieguito River Valley Conservancy
- (8) One member to represent San Diego County Farm Bureau
- (9) One member to represent San Pasqual Tribe

Each organization/category above may nominate another AC member appointee to represent their organization/category, if a vacancy occurs. Each person nominated to the AC by the above stakeholder/category must be endorsed by the Core Team before serving on the AC. Only endorsed members may serve on the AC.

Section C – Each AC member shall serve a term, which shall run concurrently with the development and completion of the GSP.

Section D – A vacancy shall be recognized for any AC member who: (1) dies; (2) resigns; (3) has unexcused absences from more than three of the scheduled AC meetings within a single calendar year; (4) misses three meetings in a row; (5) regularly fails to abide by the discussion covenants of the AC; (6) violates the Ralph M. Brown Act; or (7) fails to exercise the purpose and authority of the AC as described in Article 1 above. The AC member shall notify the Core Team if a position is deemed vacant pursuant to items 1-4 above, or if the AC member recommends the removal of a member as related to items 5-7 above. If a vacancy occurs, the stakeholder/category may nominate another AC member appointee for that position that must then be endorsed by the Core Team. The new appointee AC member shall serve through the development and completion of the GSP.

Article 3 DUTIES

The AC shall have the following duties and responsibilities:

- (1) Serve as a resource to the Core Team on GSP development issues for the San Pasqual Basin;
- (2) Advise and provide input in the formation of the planning and policy recommendations to be included in the GSP. This may include reviewing technical materials and providing comments, data, and relevant local information to the GSA related to GSP development; assisting in communicating concepts and requirements to the member's own stakeholder constituents that they represent; providing comments on materials and reports prepared; assisting the Core Team to anticipate short- and long-term future events that may impact groundwater sustainability, trends and conditions that will impact groundwater management; and
- (3) Participate in AC and Core Team public meetings, expected to occur on an approximately quarterly basis or as needed during GSP development.

Article 4 STRUCTURE

Section A – AC meetings may be facilitated by a Facilitator acceptable to the Core Team. The Facilitator shall convene the meeting, establish the existence of a quorum and oversee the meeting to insure the timely completion of the published agenda. If for any reason, the Facilitator cannot facilitate at a particular meeting, a Core Team member shall assume the facilitation responsibilities assigned above to the facilitator.

Section B – The Facilitator, in consultation with the AC, shall assign coordinating duties and/or specific tasks to subcommittees of the AC as necessary. The Facilitator will work with the Core Team to determine a meeting schedule, develop meeting materials, coordinate communications to the AC in advance of meetings, and other similar organizational responsibilities.

Section C – The City shall assign staff to record the minutes of all AC meetings, maintain a list of all active representatives, handle committee correspondence, and keep records of actions as they occur at each meeting. It is the responsibility of the Core Team staff to ensure that posting of meeting notices in a publicly accessible place for 72 hours prior to an AC meeting, to keep a record of such posting, and to reproduce and distribute the AC notices and minutes of all meetings.

Article 5 ORGANIZATIONAL PROCEDURES

Section A – AC meetings shall be held under the following discussion covenants:

- (1) Focus on the future as much as possible
- (2) All perspectives are valued. You are not required to defend your perspective, but you are asked to share it and to provide supporting rationale
- (3) All ideas have value; if you believe another approach is better, offer it as a constructive alternative
- (4) Everyone will have an equal opportunity to participate
- (5) Everyone will be encouraged to talk
- (6) One person speaks at a time
- (7) No side conversations
- (8) View disagreements as problems to be solved rather than battles to be won
- (9) Avoid ascribing motives to or judging the actions of others. Please speak about your experiences, concerns, and suggestions; treat each other with respect
- (10) Avoid right-wrong paradigms
- (11) When communicating outside of the AC, members are asked to speak only for themselves when asked about AC progress
- (12) AC members represent their group interest not personal interest

Section B – A majority of the AC members currently appointed shall constitute a quorum. A quorum is required for an official meeting to occur.

Section C– All meetings of the AC and its subcommittees are open to the public. ~~to~~ the extent required by the Ralph M. Brown Act. Meetings are to be held in accessible, public places in San Diego, California. Notice of all AC meetings shall be posted in a publicly accessible place for a period of 72 hours prior to the meeting. AC members shall not use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any AC-related business outside of a public meeting in violation of the Ralph M. Brown Act.

Section D –All members of the AC must abide by these by-laws. The City and County reserve the right to remove members that do not abide by the by-laws.

Article 6 TECHNICAL PEER REVIEW (TPR)

To ensure quality assurance and the preparation of a scientifically sound GSP, the Core Team is requiring a technical peer review process for the development of the GSP, which shall include a quality assurance and quality control process.

Two (2) qualified specialists (independent technical reviewers) who are independent of the GSP development but with expertise to perform the work will be hired and shall meet the following qualifications:

- Be a Registered Geologist in any State of the United States of America
- Be a Professional Engineer in the State of California, and/or
- Have a PhD in Hydrology, Hydrogeology, Geology, or related field

The qualified specialists should also have appropriate expertise in hydrogeologic water supply investigations and/or related modeling and research. AC members may also hire one qualified specialist that meets the criteria above to serve as a TPR member for their own benefit, assuming all fees are borne by the AC member. Only the TPR members will be allowed to engage in meeting discussions. After each agenda item in the TPR meetings, AC members may ask questions and offer comments, limited to 3 minutes per AC member per agenda item.

The TPR members will review and provide comments where technical concerns may arise for specific sections during the development of the GSP. They will also attend and participate in TPR public discussion meetings with other key technical team members.

The Core Team will develop a mission and principles of participation for TPR meetings, which will be held the same day as AC meetings. The TPR meetings will be open to the public and a meeting summary will be available for public review.

Article 7 COMPENSATION

Members of the AC shall serve without compensation.