

Board of Directors
Santa Monica Basin Groundwater Sustainability Agency
Agenda for the July 17, 2024 8:00 AM

Board of Directors			
Attending	Agency	Board Member	Alternate
	City of Beverly Hills	Robert Welch	Vince Damasse
	City of Culver City	Sean Singletary	
	City of Los Angeles Department of Water and Power	Jesus Gonzalez	John Huynh
	County of Los Angeles	Gina Natoli, Chair	
	City of Santa Monica	Sunny Wang	

In addition to attending meetings in person, meetings may be viewed via Zoom. Please note that virtual attendance via Zoom is offered as a courtesy and that technical difficulties shall not require that a meeting be postponed. Instructions for attending meetings in person and virtually are provided below.

IN-PERSON PARTICIPATION

Santa Monica City Hall East, Room 219
1685 Main St., Santa Monica, CA 90401

Parking Instructions

Please note that the entrance to City Hall East is located on Olympic Boulevard next to (west from) the Public Safety Building at 333 Olympic Drive, Santa Monica, CA, 90401. Parking for City Hall East is located at Civic Center Parking Structure located at 333 Civic Center Drive, Santa Monica, CA 90401, across Olympic Blvd from City Hall East. Information and parking rates can be found online at:

<https://www.santamonica.gov/places/parking-lots/civic-center-parking-structure>

Instructions for In-Person Public Participation

If a member of the public is interested in speaking during the public comment portion of the Board meeting, please submit a speaking request via email to Lisette.Gold@santamonica.gov by 5:00 PM the day before the meeting and specify "in-person participation". Your name, the agenda item number, agenda item title, and comment summary must be included in the email or the comment will not be added to the speaker list. At the start of each agenda item, the Secretary of the Board will read the names of those who have requested to speak in advance on an agenda item. All public comment outside of the Public Forum must be germane to the specific agenda item you have indicated.

If you wish to comment on an item and have not submitted a public comment request prior to today's meeting, please do so now by filling out a public comment card request. Comment requests cards are available at the back of the room. On the request form, please include your name, comment summary and the agenda item number and title or the comment will not be added to the speaker list. Once you have filled out the request, you may submit it to the Secretary of the Board before the item is called. Public comment cards submitted after the start of the public comment period for the identified agenda item will not be added to the speaker list. At the start of each agenda item, the Secretary of the Board will read the names of those who have requested to speak on an agenda item.

VIRTUAL PARTICIPATION

Register in advance for this meeting by either clicking the link below or scanning the QR code:

<https://bit.ly/3RpcOk3>

Instructions for Virtual Public Participation

As a courtesy, the public is invited to attend the meeting virtually via Zoom. In order to have the opportunity to speak during the public comment portion of the Board meeting, please submit a speaking request via email to Lisette.Gold@santamonica.gov by 5:00 PM the day before the meeting and specify "virtual participation".

Your name, the agenda item number, agenda item title, and comment summary must be included in the email, or the comment will not be added to the speaker list. At the start of each agenda item, the Secretary of the Board will read the names of those who have requested to speak on an agenda item. All public comment outside of the Public Forum must be germane to the specific agenda item you have indicated.

Instructions for using ZOOM to Speak

After joining the meeting, please make sure you have audio and microphone capabilities enabled on your device. You may follow the prompts on the video version of ZOOM to test your speaker and microphone.

When your name has been called in the meeting, you will be invited to unmute, and you will unmute yourself and be able to speak for up to 3 minutes. When the time allotted to you has expired, you will be muted again.

WRITTEN PUBLIC COMMENT

To submit a written public comment on agenda items, please email Lisette.Gold@santamonica.gov with your comment and specify "written public comment only." Please include your name, the agenda item number and agenda item title in the email. Your comment will be placed into the record and distributed appropriately.

BASIC GSA MEETING RULES

Public Comment

Members of the public have up to 3 minutes to speak on each item. In the interest of allowing enough time to cover the business on the agenda, please be advised that the Chair of the Board has the discretion to reduce the time limits for each speaker or the public comment period for each agenda item. When speaking, please state your name clearly for the record before beginning your remarks.

Materials handed in during the meeting will be uploaded to the website in a timely fashion after the meeting.

Rules of Conduct

The Board will only entertain comments that are civil. Anyone who makes derogatory comments or targets individuals, will be asked to sit down and given a warning by the Chair of the Board. The individual will be asked to leave by the Chair of the Board if they continue with disruptive conduct per SB 1100. No warning is required if the individual is using force or threatening to use force against someone.

AGENDA

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call and Determination of a Quorum**
- 4. Disclosure of ex parte communications for board members**
- 5. Consent Items**
 - A. Approval of Minutes from the April 17, 2024 Meeting

6. Public Forum

*This portion of the agenda may be utilized by any member of the public to address and ask questions of the Board of Directors on any matter **not on the agenda** within the jurisdiction of the Santa Monica Basin Groundwater Sustainability Agency. Depending upon the subject matter, the Board of Directors may be unable to respond at this time, or until the specific item is placed on the agenda at a future Board meeting in accordance with the Ralph M. Brown Act.*

7. Informational Items

- A. Ballona Creek Wetlands Final Environmental Impact Report (FEIR): Information Used in GSP
- B. Review Draft Groundwater Metering Ordinance

8. Action Items

- A. Approve Cost Sharing Plan between GSA Member Agencies (continued from April 17, 2024 SMBGSA Board Meeting)
- B. Elect New Vice Chair (continued from April 17, 2024 SMBGSA Board Meeting)
- C. Adopt Meeting Schedule for 2025, 2026, and 2027.

9. Solicitation of Items to be Discussed at the Next Regular Board Meeting

10. Adjournment

Santa Monica Basin Groundwater Sustainability Agency Board Meeting

JULY 17, 2024

5A

Approval of Minutes from the April 17, 2024 Meeting

Board of Directors
Santa Monica Basin Groundwater Sustainability Agency
Draft Minutes for the April 17, 2024

Board of Directors			
Attending	Agency	Board Member	Alternate
X	City of Beverly Hills	Robert Welch	Vince Damasse
X	City of Culver City	Sean Singletary	
X	City of Los Angeles Department of Water and Power	Jesus Gonzalez	John Huynh attended the meeting
X	County of Los Angeles	Gina Natoli, Vice-Chair	
X	City of Santa Monica	Sunny Wang, Chair	

MEETING MINUTES

1. Call to Order

The meeting was called to order at 8:03 AM.

2. Roll Call and Determination of a Quorum

Sunny Wang, City of Santa Monica (Chair)
Gina Natoli, County of Los Angeles (Vice Chair)
Robert Welch, City of Beverly Hills
Sean Singletary, City of Culver City

John Huynh, alternate for the City of Los Angeles Department of Water and Power –was not present at roll call, but joined at the beginning of the Closed Session

3. Pledge of Allegiance

Dudek led the Pledge of Allegiance.

After the pledge, roll call and determination of a quorum, the Board of Directors went to closed session at 8:06 AM.

4. Closed Session

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Section 54956.9(d)(1) of the California Government Code)

Hillcrest Country Club v. County of Los Angeles, et al, Los Angeles Superior Court Case
No. 23STCV03479

The Board returned from closed session at 8:21 AM and opened the public forum. Vice Chair Natoli reported that the Court has dismissed the litigation with Hillcrest Country Club.

5. Disclosure of ex parte communications for Board Members

Vice-Chair Natoli, Chair Wang, Director Singletary, Director Huynh, and Director Welch received several emails from members of the public, specifically, John Davis and Patricia McPherson.

6. Consent Items

A. Approval of Minutes from the regular, quarterly GSA meeting from January 17, 2024.

Motion by Director Welch, seconded by Director Huyng to approve the meeting minutes. A roll call vote was conducted, and the motion carried unanimously.

7. Public Comment

The following members of the public provided comment: Dr. Margot Griswold, Patricia McPherson, John Davis

A break was taken from 8:30am to 8:48am.

8. Informational Items

A. GSP Annual Report

Dr. Jill Weinberger (Dudek, GSA consultant) presented an overview of information included in the GSP Annual Report. Chair Wang commented that the funding awarded to the GSA under the Sustainable Groundwater Management Round 2 Implementation award only covered the recharge well project, not other GSP projects, such as monitoring wells. Chair Wang asked Dr. Weinberger for an estimate in the change in groundwater elevation included in the report, and Dr. Weinberger stated approximately 80 feet. Vice-Chair asked why there was an increase in chloride concentrations increased in recent years, and Dr. Weinberger responded that she would review and follow up.

The following members of the public provided comment: Patricia McPherson and Dr. Margot Griswold.

Chair Wang made added that he had met with the Regional Board, and the Board would be publishing dewatering volume data at Playa Vista to refine and update models.

B. Example ordinances on groundwater extraction wells and monitoring

Dr. Jill Weinberger (Dudek, GSA consultant) presented examples of ordinances for groundwater extraction wells and monitoring. Chair Wang asked the GSA consultant to

develop a draft ordinance for the Board to review and consider at the next Board meeting. Vice Chair Natoli agreed that she would like to see the GSA move forward with an ordinance. Chair Wang asked how the ordinance would be enforced if passed by the GSA. Melanie Tory (Counsel, Los Angeles Department of Water and Power) responded that for Los Angeles Department of Water and Power, the Los Angeles Department of Water and Power Board would have to approve the ordinance to begin enforcement in their jurisdiction. Susan Cola (Counsel, City of Santa Monica) stated that the GSA would develop a model ordinance and give direction to adopt the ordinance.

Vice Chair Natoli stated that the Board is requesting legal counsels to prepare a draft ordinance for the GSA Board to review at the next meeting.

The following members of the public provided comment: Conners Everts and Patricia McPherson.

There was discussion amongst the Board of obtaining pumping and dewatering data from the Regional Water Board, and how data should be incorporated into the draft ordinance.

9. Action Items

A. Approve Cost sharing plan between GSA member agencies (continued from January 17, 2024 SMBGSA Board Meeting)

The Board discussed various proposed cost sharing plans between GSA member agencies: equal share of total 5-year cost, and cost share based on land area in the Basin. Director Welch noted that Beverly Hills' leadership were in favor of the land area-based cost share plan. Chair Wang suggested that another approach, which has been previously discussed would be to split admin costs equally and split implementation costs based on pumping.

Chair Wang made a motion to continue this item (9A) and for all respective attorneys to work together to devise a proposed cost share plan and present the plan at the next meeting.

Director Singletary seconded the motion. A roll call vote was conducted, and the motion carried unanimously.

B. Approve GSA Bylaws:

- i. Article IV, Section 1
- ii. Article VI, Section 1 (continued from July 19 SMBGSA Board Meeting)

The Board decided that the member agency order for Chair/Vice Chair rotation would be as follows: City of Culver City (Spot 1), City of Los Angeles Department of Water and Power (Spot 2), City of Beverly Hills (Spot 3), City of Santa Monica (Spot 4), and County of Los Angeles (Spot

5). It was also requested that language surrounding the option to decline the Chair/Vice Chair position be added to the Article VI.

There was no public comment.

Vice Chair Natoli made the motion to approve the bylaws as amended. Chair Wang seconded the motion. A roll call vote was conducted, and the motion carried unanimously.

C. Elect new Chair and Vice-Chair

Under the approved bylaws, Vice Chair Natoli became the new Chair, and Director Singletary declined the role of Vice Chair, which triggered the member of Los Angeles Department of Water and Power to be seated. Director Huynh declined as he is the alternate and stated he would speak with Director Gonzalez

The Board elected the Chair and continued the Vice Chair conversation to the next meeting. Director Huynh made the motion and Director Singletary seconded the motion.

10. Solicitation of Items to be Discussed at the Next Regular Board Meeting

Presentation from the GSA consultant on what information from the Ballona Creek Wetlands FEIR was used in the GSP.

Set meeting dates and times for 2025 and 2026.

11. Adjournment

The meeting was adjourned at 10:09am.

6

Public Comment

7A

Ballona Creek Wetlands FEIR: Information Used in the GSP

7A

Ballona Creek Wetlands FEIR: Information Used in the GSP

- The Ballona Wetlands Restoration Project Environmental Impact Report (EIR) was cited 12 times in the Groundwater Sustainability Plan for the Santa Monica Subbasin:
 - Section 2.4.7.3 of the GSP: Ballona Wetlands Ecological Reserve (BWER)
 - References the project description for the Ballona Restoration Project from the Draft and Final EIRs (USACE 2017 and CDFW 2019)
 - Cites the special status plants and wildlife listed in Appendix D of the Draft EIR (USACE 2017 [Appendix D: Biological Resources])
 - Cites the historical water levels measured in the BWER listed in Appendix E of the Draft EIR (USACE 2017 [Appendix E - Geotechnical Investigation Report])
 - Cites the reported thickness of the Ballona Aquitard from borehole data provided in Appendix E of the Draft EIR (USACE 2017 [Appendix E – Geotechnical Investigation Report])

7A

Ballona Creek Wetlands FEIR: Information Used in the GSP

- The Ballona Wetlands Restoration Project Environmental Impact Report (EIR) was cited 12 times in the Groundwater Sustainability Plan for the Santa Monica Subbasin:
 - Section 2.1.1.1.1 of the GSP: Summary of Jurisdictional and Other Features - County/ Municipal
 - References the disposal of dredge material in the BWER from straightening of the Ballona Creek Channel and development of Marina del Ray (CDFW 2019)
 - Section 2.1.1.1.2 of the GSP: Summary of Jurisdictional and Other Features - State
 - References the CDFW management and ownership of the BWER (CDFW 2019)
 - References the areas within the BWER that receive water from LADWP (CDFW 2019)

7B

Review Draft Groundwater Metering Ordinance

**AN ORDINANCE OF THE [INSERT MEMBER AGENCY NAME],
ACTING IN ITS CAPACITY AS A MEMBER OF THE SANTA MONICA
BASIN GROUNDWATER SUSTAINABILITY AGENCY, AND
REQUIRING THE REGISTRATION, METERING, AND REPORTING
OF GROUNDWATER EXTRACTIONS WITHIN THE SANTA MONICA
SUBBASIN**

WHEREAS, the City of Santa Monica, the Los Angeles Board of Water and Power Commissioners, the City of Beverly Hills, the City of Culver City, and the County of Los Angeles (each a “Party” and, collectively, the “Parties”) formed the Santa Monica Basin Groundwater Sustainability Agency (“GSA”) through a Memorandum of Understanding (“MOU”), effective May 2017 to manage the Santa Monica Groundwater Basin (“Basin”).

WHEREAS, the California Department of Water Resources (“DWR”) recognized the GSA in September 2017. The GSA is governed by the terms of the MOU and bylaws adopted by the GSA.

WHEREAS, the GSA is represented by a five-member board (the “Board”). Each board member is appointed in accordance with Section 4.1 of the MOU. The GSA may only act with unanimous consent of its Board.

WHEREAS, the Board has both decision-making and advisory responsibilities pertaining to groundwater management in Basin, which DWR has designated as a medium priority basin under the Sustainable Groundwater Management Act (“SGMA”) (three statutes enacted by the California legislature in 2014: AB 1739, SB 1168, SB 1319).

(Attorneys to insert any necessary additional regulatory preamble re GSA authority etc.)

SECTION 1 SHORT TITLE

This Ordinance shall be known as the “Metering Ordinance” of the [INSERT MEMBER AGENCY NAME], acting in its capacity as a member of the GSA.

SECTION 2 PURPOSE

The GSA is charged with the legal responsibility of managing groundwater within the non-adjudicated portion of the Basin. Each GSA member is responsible for enforcing GSA regulations in its respective jurisdiction within the Basin. Information concerning the extraction, distribution, and use of groundwater is necessary for the GSA’s fulfillment of its legislative function of managing groundwater resources under SGMA.

SECTION 3 DEFINITIONS

“De minimis” means a person who extracts, for domestic purposes, two (2) acre-feet of less per year, as defined in SGMA.

“GSA” means the Santa Monica Basin Groundwater Sustainability Agency.

“Extraction Facility” or “Extraction Facilities” means any device or method for the extraction of groundwater, including a well.

“Flow meter”, “Metering Equipment”, or “Meter” means a manufactured measuring device which is attached to an Extraction Facility for the purpose of accurately measuring and recording the quantity of groundwater extracted by an Extraction Facility.

“Operator” means an authorized representative of an Owner.

“Owner” means any Person, entity, or Operator that has a legal right to extract groundwater.

“Person” means any individual, group of individuals, entity, partnership, firm, private corporation, state or local governmental agency, or federal agency.

“SGMA” means the Sustainable Groundwater Management Act.

SECTION 4 EXTRATION FACILITY REGISTRATION AND VERIFICATION PROCEDURES

- A) All existing Extraction Facilities shall be registered by the Owner or Operator with the GSA no later than January 31, 2025.
- B) Extraction Facilities shall follow the verification procedures outlined in the *New and/or Replacement Production Well Installation Verification Procedures Within the Santa Monica Subbasin* adopted by the GSA on April 19, 2023, and shall be registered by the owner or operator with the GSA within sixty (60) days of the completion of such Extraction Facility. The Owner or Operator of an Extraction Facility to be registered shall provide information about the Extraction Facility to the GSA in electronic format that includes, at a minimum, the following:
 - I. Name and address of the Operator(s).
 - II. Name and address of the Owner(s) of the land upon which the Extraction Facility is located.
 - III. Location, address, parcel number, and State of California well number (if available) of the Extraction Facility.
 - IV. Well completion report, filed with the California Department of Water Resources, pursuant to California Water Code section 13751, or, if not available, construction information about the Extraction Facility, including total depth of well casing, diameter of well casing, and location or depth of perforations.
 - V. Information on the size of the Extraction Facility, including pump size (i.e. horsepower) and pump test information or estimated pumping capacity.
 - VI. Specifications on the type of Flow meter installed on the Extraction Facility (see Section 5).
 - VII. Primary use(s) of Extraction Facility (e.g., agricultural, commercial, domestic, industrial, irrigation, municipal, etc.)

SECTION 5 EXTRATION FACILITY METERING

Pursuant to authority granted under California Water Code section 10725.8, the GSA shall require all Extraction Facilities, excluding de minimis users, to be measured by Flow meters, including every separate well on the subject

property. The costs associated with the purchase, installation, operation, and maintenance of Flow meters shall be borne by the Owner or Operator of each Extraction Facility. The following criteria and information for all Extraction Facilities equipped with a Flow meter used to report groundwater extraction shall be provided to the GSA in electronic format (“Extraction Statement”):

- I. Manufacturer and model of Flow meter.
- II. Date Flow meter installed.
- III. Diameter of discharge pipe and size of Flow meter.
- IV. Identification and contact information of who installed Flow meter and calibrated Flow meter per manufacturer specifications.
- V. Color photographs in sufficient quantity to confirm Flow meter identification, installation location, and that each Flow meter was installed correctly.

Additionally, the Owner or Operator of the Extraction Facility shall allow GSA staff access to physically inspect the Flow meter, upon written request by the GSA staff no later than 48 hours prior to such inspection.

SECTION 6 GROUNDWATER EXTRACTION REPORTING

- A) Unless otherwise specified by the GSA Board of Directors, metered extractions shall be reported electronically to the GSA for the period from October 1 through March 31 and for the period from April 1 through September 30 each water year. The October 1 through March 31 extractions shall be reported to the GSA by April 30 and the extractions from April 1 through September 30 shall be reported to the GSA by October 31.
- B) The form of the Extraction Statement shall be approved by the GSA. For good cause, the GSA may disregard the Extraction Statement and cause an investigation of the actual amount extracted by any Operator in any water year. In the event of a discrepancy between the Extraction Statement filed by the Operator and the findings of the GSA, the findings of the GSA shall control.

SECTION 7 ENFORCEMENT AND PENALTIES

The [INSERT NAME OF MEMBER AGENCY], acting through its designated GSA representative, may take any actions authorized by law to enforce the terms and provisions of this Ordinance within the [MEMBER AGENCY’S JURISDICTION]. Any Owner, Operator, or other person who violates the terms and provisions of this Ordinance shall be subject to the criminal and civil sanctions set forth in SGMA (including without limitation California Water Code section 10732).

SECTION 8 TERMINATION DATE

This Ordinance will remain in full effect unless modified or until repealed by action of the [LEGISLATIVE BODY OF THE MEMBER AGENCY].

SECTION 9 ORDINANCE EFFECTIVE DATE

This Ordinance was adopted on _____, 2024, and shall be effective thirty (30) days after passage.

8A

Approve Cost Sharing
Plan between GSA
Member Agencies

8A

Approve Cost Sharing Plan between GSA Member Agencies (continued from April 17 Meeting)

- This item is continued from the previous meeting to provide time for the respective attorneys to work together to devise a proposed cost share plan.
- The equal share of the administrative costs and division of administrative costs based on land area in the basin are provided, for reference, below.

Cost Share with Equal Share of Total 5-Year Administrative Cost

Jurisdictional Authority	5-Year Cost Share
City of Los Angeles (Department of Water and Power)	\$177,516.00
City of Santa Monica	\$177,516.00
City of Culver City	\$177,516.00
City of Beverly Hills	\$177,516.00
County of Los Angeles	\$177,516.00
Total	\$887,580

Administrative Cost Share Based on Land Area in the Basin

Jurisdictional Authority	Area Within Plan Area (acres)	Percent of Plan Area	Percent of Plan Area Without State Lands	Cost Share Amount Based on Land Area (5-year)
Plan Area				
City of Los Angeles (Department of Water and Power)	19,539	62%	65%	\$574,367
City of Santa Monica	5,165	16%	17%	\$151,830
City of Culver City	2,981	9%	10%	\$87,629
City of Beverly Hills	596	2%	2%	\$17,520
County of Los Angeles	1,913	6%	6%	\$56,234
State of California Lands (various agencies)	1,443	5%		
Total	31,637	100%	100%	\$887,580

- Attorneys for Santa Monica, Beverly Hills, and the County, would like to recommend a third option for administrative cost sharing

8A

Approve Cost Sharing Plan Between Member Agencies: Option 3

Based on what each agency has stated they are willing to pay from the past 2 or 3 GSA Board Meetings

- **GSP Administrative Cost Sharing**
 - This cost sharing agreement between the 5 agencies is good for the current 5-year GSP implementation period (through February 29, 2028)
 - This should be revisited when the Dudek contract expires
 - City of Los Angeles pay 20% (\$177,516)
 - County of Los Angeles pay 20% (\$177,516)
 - City of Beverly Hills pay 2% (\$17,520)
 - City of Culver City pay 10% (\$87,629)
 - City of Santa Monica pay remainder 48% (\$427,399)
- Each member pays their own legal costs for administration

8A

Approve Cost Sharing Plan Between Member Agencies: Option 3

- **GSP Implementation Cost Sharing**
 - Pumpers impact the basin condition and should contribute their share to sustainable management
 - To be paid for by pumpers in the Basin based on the average historical pumping records (base period to be established)
 - To be supported by well ordinance to meter groundwater production
 - City of Santa Monica
 - Private Golf Courses
 - Other private well owners
 - Cost of a few projects identified in the GSP are:
 - Salt and Nutrient Management Plan - \$300,000
 - Monitoring well in Marina Del Rey - \$1,000,000 to \$2,500,000
- **Litigation Cost Sharing**
 - To be determined by individual agencies after litigation is filed

8B

Elect New Vice-Chair

8B

Elect New Vice-Chair (continued from April 17, 2024)

- The GSA Bylaws approved at the April 17, 2024 meeting set a member agency rotation for serving as the Chair and Vice-Chair of the SMBGSA:
 1. City of Culver City
 2. City of Los Angeles Department of Water and Power
 3. City of Beverly Hills
 4. City of Santa Monica
 5. County of Los Angeles
- Vice Chair Natoli became the Chair, Director Singletary declined to serve as Vice Chair, Director Huynh declined to accept the position as the alternate
- The election of the Vice-Chair was continued to the July 17 meeting

8C

Adopt Meeting
Schedule for 2025,
2026, and 2027

Board of Directors
Santa Monica Basin Groundwater Sustainability Agency
Proposed Quarterly Meeting Schedule for 2025, 2026, and 2027

SMBGSA Board of Directors Meeting Schedule		
Year	Quarter	Date
2025	1	January 15
	2	April 16
	3	July 16
	4	October 15
2026	1	January 21
	2	April 15
	3	July 15
	4	October 21
2027	1	January 20
	2	April 21
	3	July 21
	4	October 20