



**SAN ANTONIO BASIN GROUNDWATER SUSTAINABILITY AGENCY (SABGSA)
BOARD OF DIRECTORS MEETING**

APPROVED MINUTES

Tuesday, April 18, 2023

- 1. CALL TO ORDER and ROLL CALL** – The meeting was called to order by President Sharer at 6:00pm at the Los Alamos Community Services District, 82 St. Joseph Street, Los Alamos, CA. Members of the public had the option to participate virtually or in-person.

Board of Directors Present: Dan Chabot, Juan Gomez, Alternate Bart Haycraft, Randy Sharer, Alternate Jim Stollberg, Chris Wrather

Alternates present, but not acting on behalf of a Director: None

Directors Absent: Tom Durant, Kevin Merrill, Patrice Mosby, Kenny Pata

- 2. PLEDGE OF ALLEGIANCE**

- 3. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

No public comments received.

- 4. CONSENT ITEMS**

- a. Approve Minutes from March 21, 2023, SABGSA Board Meeting**

Motion by Director Wrather, second by Director Chabot to approve the minutes of the March 21, 2023 Board meeting, as presented.

Ayes: Dan Chabot, Juan Gomez, Alternate Bart Haycraft, Randy Sharer, Alternate Jim Stollberg, Chris Wrather

Nos: None; **Absent:** Tom Durant, Kevin Merrill, Patrice Mosby, Kenny Pata; **Abstain:** None.

- b. Agency Finances, Budgeting, and Training**

Motion by Director Chabot, second by Alternate Director Stollberg to approve the financial report dated March 31, 2023, as presented.

Ayes: Dan Chabot, Juan Gomez, Alternate Bart Haycraft, Randy Sharer, Alternate Jim Stollberg, Chris Wrather

Nos: None; **Absent:** Tom Durant, Kevin Merrill, Patrice Mosby, Kenny Pata; **Abstain:** None.

- 6. INFORMATIONAL ITEMS**

- a. Executive Director Updates**

- **Solomon Hills Development:** Executive Director Stephanie Bertoux reported that there have been several inquiries regarding the SABGSA's formal position on the proposed Solomon Hills Development. Generally, the SABGSA's role has been to fulfill its statutory mandates under the Sustainable Groundwater Management Act to manage the basin as a whole rather than taking positions on specific developments. Given the significance of the Solomon Hills project, however, the SABGSA is continuing to closely monitor this development. Once a more detailed water supply portfolio is available for the project, the SABGSA Board of Directors will be in a better position to discuss during a public meeting and consider whether to take any action with respect to the development.

b. San Antonio Basin Water District Update

Executive Director Donna Glass reported that the San Antonio Basin Water District (SABWD) Board of Directors met on April 18, 2023.

- 43% of the delinquent assessments levied in 2021 have been collected to date.
- 95% of the assessments levied in 2022 have been collected to date.
- The SABWD Board approved the SABGSA’s fund request.
- The SABWD continues to assist the SABGSA with the Well Registration Program, as needed.

c. Advisory Committee Updates

- The Advisory Committee did not meet in April 2023.

d. Board Member Updates

- None.

7. DISCUSSION AND ACTION ITEMS

a. Q1 2023 Quarterly Water Level Monitoring Report

President Randy Sharer provided an overview of the Q1 2023 Quarterly Water Level Monitoring Report prepared by GSI Water Solutions, Inc. The Q1 2023 report is posted on SABGSA’s website. The Board did not take action on this item.

b. SABGSA Well Registration Program Update

SABGSA Executive Director Stephanie Bertoux provided the following update on the Well Registration Program. Pursuant to Ordinance No. 22-001, well registration forms were due on March 31, 2023. To date, 72% of SABWD landowners have submitted well registration forms. The remaining 28% account for a total of 600 irrigated acres and 7,971 non-irrigated acres in the Basin. To date, 48% of landowners within the LACSD service area have submitted well registration forms. Of the 241 registered wells, 88 have meters installed. SABGSA Executive Director Stephanie Bertoux reviewed the following procedural steps, recommended by SABGSA legal counsel, required to impose penalties for non-compliance.

General Considerations

- SABGSA has prosecutorial discretion and is not legally required to pursue enforcement.
- There is no deadline to commence enforcement action against non-compliant landowners.
- SABGSA may pursue enforcement of the well registration requirement as part of a future Program such as metering or allocations. For instance, compliance with well registration requirements could be a prerequisite to receiving a pumping allocation.

Procedural Steps

Legal costs for Steps 1-5 below could range from \$15,000 - \$30,000.

- Step 1: Further pursue voluntary compliance through outreach to landowners.
- Step 2: Board considers adoption of an Administrative Policy.
 - o Administrative Policy could set penalty at up to \$1,000 and \$100/day.
 - o Policy can exclude de minimis pumpers and focus on lands with confirmed wells.
- Step 3: Send final warning letter to non-compliant landowners, citing new administrative policy, and requiring compliance by X date (at least 30 days out).
- Step 4: Send formal Notices of Violation to non-compliant landowners imposing monetary Penalty. The SABGSA must offer an opportunity for a public hearing.
- Step 5: Public hearing on penalties if requested by landowners.

- Step 6: For landowners that ignore Notices of Violation, commence judicial (i.e., “civil”) enforcement by filing a lawsuit in Santa Barbara County Superior Court to pursue injunctive relief and/or property liens.

There was consensus among the Board that the SABGSA should enforce the well registration program. The Board directed the SABGSA Executive Director and Ad Hoc Committee to make a recommendation regarding the timing of well registration program enforcement at the May board meeting.

c. SABGSA Budget Priorities for Fiscal Year 2023-24

The Board briefly discussed the budget priorities for fiscal year 2022-23 and directed staff to prepare a draft budget to be reviewed at the May board meeting.

8. NEXT MEETING: May 16, 2023, at 6pm at the Los Alamos Community Services District.

9. ADJOURN – 7:37pm

Please contact Stephanie Bertoux at admin@sanantoniobasingsa.org with any questions.