

Eastern Tule GSA - Executive Committee

Meeting Agenda

April 6, 2017
2:00 pm

Location: 291 N. Main Street, Porterville
Coleman Conference Room

Invitees: City of Porterville - Mike Reed, Michael Knight, Julie Phillips; Tulare County – Denise England; Terra Bella ID, Porterville ID, Saucelito ID – Sean Geivet; Teapot Dome Water District – Keith Norris; Vandalia ID – Steve Drumright; Kern-Tulare Water District – Costas Cecero, Steve Dalke; Ducor CSD – Henry Owen; Ducor CSD – Cecilia Parsons; Richgrove CSD – Ernie Hernandez, Lorena Maldonado, Alberto Sánchez; Patrick Sullivan – Poplar CSD; Community Water Centers – Kristen Dobbin; “White Area Property Owners”: David Evans Farming – Scott Wiley, Peter Harman; Wonderful Company – Andrew Edstrom.

- I. Call to order
- II. Roll call (including self-introduction of “White Area” property owners and other attendees)
- III. Open issues
 - a) Minutes – Approval of Executive Committee minutes for February 2, 2017 and March 2, 2017 meetings
 - b) DWR filing to become a Groundwater Sustainable Agency (GSA) – Filing status.
 - c) Stakeholders Committee – Report on applicants.
 - d) Groundwater Sustainability Plan – Discussion of next steps towards the creation of a plan.
 - e) Water Allocation System - Discussion of next steps in creating a water allocation system.
- IV. New business
 - a) Bylaws – Discussion with the committee and attorney regarding the implementation of Bylaws:
 1. Interaction of board and committees

2. Cost sharing formula

3. Other items

b) Budget – Discussion regarding the implantation of a fiscal budget.

c) Agenda for April 20, 2017 Board of Directors Meeting.

V. Other Business

a) Open Discussion

VI. Adjournment

Eastern Tule GSA - Executive Committee

Minutes

February 2, 2017

- I. Call to order at 2:23 pm.
- II. Roll call - City of Porterville - **Mike Reed, Michael Knight, and David Payne**; Terra Bella ID, Porterville ID, Saucelito ID – **Sean Geivet**; Teapot Dome Water District – **Keith Norris**; Vandalia ID – **Steve Drumright**; Kern-Tulare Water District – **Costas Cecero, Steve Dalke**; Equinox Tree Farming – **Bill Wallace**; Tea Pot Dome Water District/Pioneer Water - **Eric Limas**.
- III. Open issues
 - a) Joint Powers Agreement (JPA) document. All agencies have signed the JPA.
 - b) Full execution of JPA document - Distribution. Mike Reed handed out an original copy for each of the member agencies.
 - c) Public Hearing - Application for Groundwater Sustainability Agency (GSA). With help from GSA attorney Aubrey Mauritson, good progress has been made in regards to the application letter, and accompanying documents to DWR and it appears on track for the Public Hearing and delivery to DWR.
- IV. New business
 - 1) Coordination of appointed committee members Eastern Tule Groundwater Sustainability Agency (ETGSA):
 - a) Discussion regarding Executive & Stakeholder committees – According to the JPA, the chair of the Board is an ex-officio member of the Executive and Stakeholder committees.
 - b) Brown Act discussion regarding structure of committees per JPA. Mike Reed noted that per the JPA, the Executive committee is considered to be subject to the Brown Act, and therefore must be noticed. Additionally, the Stakeholder committee will be a Brown Act meeting. An amendment to the JPA can be initiated stating that the Executive committee will create the agenda for every Board meeting, or keep as is, especially the Stakeholders committee. Sean Geivet shared that Friant just went through the same scenario with their JPA, and the lawyer said that if any mention of a committee is contained in the JPA, it is subject to Brown Act. Removing committee's from the JPA restricts the authority of the ad hoc

committee from making recommendations to the Board of Directors. It was noted however; that if the Board Chair sits in on ad hoc committee's meetings, he/she can take recommendations to the Board. It was agreed to leave as is, let it be Brown Act and notice the meetings.

- c) Review of application for Stakeholders committee. Mike Reed reported that Greater Kaweah GSA shared their Stakeholder's committee application and description. It was suggested to instruct Vickie Ratta to type these up verbatim, for committee members to give feedback, with edits to same. When it's in its final form, it will be taken to the Board of Directors for action.

What should the timing be for forming this committee? Should a director be on this committee? It was agreed earlier that the Chair will be an ex officio member. The description needs to be edited to show that information. What should the size of the committee be? Discussion centered around nine committee members. The committee should include one each from Ducor Community Service District and Richgrove Community Service District. Additionally, domestic well users, some of which are the most impacted by groundwater management, should also be represented. Edits were made to the Stakeholders committee description and the application was essentially unedited with the exception of the number of committee members.

- d) It was reported that applications have been distributed by Tulare County for the "White" area members and there is a large number of interested individuals. Applications are due February 14, 2017.
- e) Members discussed quorums for any meetings of the GSA, the JPA states that a quorum is a majority of all members, a quorum must be present at the time of any vote on any matter before the board, and an affirmative vote of at least a majority of the members present is required for any action. The JPA states certain matters requires only a two-thirds vote, i.e. approval or revision of budgets, assessments, litigation, hiring or termination of the CEO, adoption of bylaws, adoption of the GSP, addition of new members, termination of members and amendments of the JPA.

2) Discussion regarding implementation of draft Bylaws:

- a) Bylaws shall be formed within 120 days after the authority's formation. This is an opportunity to form an ad hoc committee to generate the bylaws. GSA's attorney feels some board items need to be brought before her before she can start generating bylaws.

3) Agenda for February 23, 2017 Public Hearing:

Public Notification – Will be faxed to the Porterville Recorder. Publication dates are February 9 and February 16, 2017.

a) DWR Notice – The letter to DWR regarding the formation of the GSA, and the resolution were shared, reviewed and edited.

- Remove last sentence, regarding bylaws, from the first paragraph.
- State “none” regarding the letter from Native American Heritage.
- Must address a) through j) and if none, state “none”.
- Change resolution to Exhibit “D”.
- Public Notice is Exhibit “C”.
- Remove the repeated sentence in item f).
- Item 2) “Domestic Well Owners” description, the wording that the GSP should exclude domestic wells from the requirements of SGMA, is preferred for our purposes. Mike Reed shared how the City Council is handling domestic well owners. Could this be, somehow, included within the structure of the GSP. The question is should we really notify the DWR that we are going to exclude domestic wells. Perhaps changing the language from “will” to “may”. Sean Geivet felt domestic wells should be included and ways to manage them included in the road map also. The committee needs to think about how to write the paragraph on domestic well users, and leave it open to the GSP to define it. Change “will” to “may”. Add that domestic well users will be represented by Tulare County? Domestic well owners can seek representation on the Stakeholders committee. Remove the entire last sentence and the stakeholder committee.
- Regarding b) Mike Reed will take care of the language for this item, changing the paragraph representative to the City of Porterville
- c) add in Del Oro, CalWater, Ducor and Richgrove. Sean Geivet is concerned about what the paragraph is meant to do. Eric Limas shared that it is just to identify other water systems that are delivering water.
- d) identify as the city and counties.
- e) make it “at this time, the Agency is unaware of environmental users of groundwater within the Agency’s boundaries.”
- f) Mike Reed will talk with Agency attorney about this wording. It was agreed that wording will include “it is unknown at this time if such users exist in the Tule Subbasin. The Agency will consider and evaluate whether such users do exist.” And also, if users are identified, they may seek representation of the Stakeholders committee. Use Lower Tule’s example.
- g) the Federal Government wording, use Lower Tule’s example.

- h) California Native American Tribes, use Lower Tule's example.
- i) Disadvantaged Communities, those are the actual water systems that deliver water to those areas. Terra Bella, Richgrove, Ducor and East Porterville.
- j) Entities listed in the Water Code, Mike Reed will take a look at the water code. In essence, it is listed as not identified and continue to evaluate.

The last paragraph of the letter is required and will address cooperation to develop the GSP by collaborating with other GSA's in the subbasin, maintain a list of interested parties. Interested parties will be able to provide input formally and informally in the GSP throughout the process. Interested parties will have a voice in special meetings and committee meetings as noticed in the water code.

The letter, resolution and attachments will be presented to the Board at the Public Hearing.

The agenda for the next Board of Directors meeting was reviewed. It will include the public hearing. Stakeholders committee application and description, formation and appointments. Bylaws. All on the next meeting agenda.

Auditor agreements with Tulare County have not been secured yet. However, they have committed to it through the JPA.

Mike will point out that the Chair is an ex-officio officer of the committees.

For the public comment, interested parties can speak to the board at the beginning of the meeting. Comments will also be taken during the public hearing. It was agreed public comments will also be at the end of the meeting.

V. Other Business

- a) Road map was briefly discussed. It was mentioned that an individual is writing a grant (funded by Rockefeller) that will allow him to help with road maps for GSP's. Creation of the plan will be part of the grant. He recognizes that there will be many opinions on how to manage it from each area.
- b) Formation of an ad hoc committee for the creation of the budget. An ad hoc may not be needed, the Executive committee can speak on it without being in a public forum. At some point of time, the budget will be in a public forum. Put this on the agenda.
- c) _____ mentioned that he has been in touch with a man who runs US arm of a software company that has the accounting and trading board in Australia. This company has already written a database (WaterFind) that could implement a plan like the road map, a shared water system for the groundwater. They are selling the

accounting package as a backbone where names, water accounts, recharge accounts, all of the data is housed there. Another package that connects that database into a trading board, where users can login and buy and sale water, etc. In essence it is an accounting of names, APN's, ownerships, crop types and more. It is felt that this software will assist in writing the GSP's with all the data inputted.

- d) Mike Reed shared a public notice regarding proposed agreements including delivery of potential damaging floodwaters, in the Kings, Kaweah, Tule River and the Friant-Kern canal. Boswell is putting pumps in through a deal with Bureau.
- e) North Kaweah has a three-year budget through January 2020 that is \$2 million. The projection is probably based on acreage.

VI. Adjournment was at 4:23 pm.



Michael K. Reed, Secretary
Eastern Tule Groundwater Sustainability
Agency

Eastern Tule GSA - Executive Committee

Minutes

March 2, 2017

2:00 pm

Location: 291 N. Main Street, Porterville
Coleman Conference Room

Attendees: Costas Cecero, David Payne, Keith Norris, Eric Limas, Steve Drumright, Don A Wright, Eric Borba, Sean Geivet, Bill Wallace, Mike Knight, and Mike Reed via teleconference

- I. The meeting was called to order at 2:08 pm.
- II. Self-introductions were made.
- III. Open issues

GSA Public Hearing Recap and DWR filing to become a Groundwater Sustainable Agency (GSA) – Mike Knight will be filing/working on the DWR filing tomorrow, plans are to have everything finished on Monday. Mike Reed shared that there have been a couple of versions floating around and Aubrey Mauritson, GSA attorney, has reviewed and approved the letter.

Review of application process for Stakeholders Committee – Mike Reed recently sent an email out to Board and Executive GSA members with a link to the Stakeholder committee application. It is likely to have those applications at the next Executive committee meeting. Tulare County Farm Bureau President was approached about the application and he agreed to email, or place in the newsletter, that ETGSA is seeking Stakeholders committee members. Steve Drumright revisited who else would be notified, and Sean Geivet mentioned that two seats are reserved for Ducor CSD and Richgrove CSD. It was noted that as part of the recommendation to the Board regarding the applicants to the committee, those seats will be cited. Steve Drumright stated that ETGSA, at the very least, needs to reach out to those two CSD's. Mike Reed reached out to Kristen Dobbin with the Community Water Center, and others in the "interested parties" group, Ms. Dobbin will be contacting those two CSD's about the application. Mike Reed was asked to communicate with Del Oro and CalWater about the Stakeholders committee.

During the last Board meeting, it was reported that three (3) applications have been received for the "White Area" Board seat. The Board of Supervisors are to act on this item at their next meeting.

Executive Committee chair – Eric Borba’s presence was acknowledged as the Board representative. Discussion was opened regarding who shall conduct the committee meetings. Everyone was reminded that these committees are subject to the Brown Act. Suggestions included that the chair of the board run the meetings, or the decision could be deferred to the committee, or to the City of Porterville and the secretary. Sean Geivet advised that the Stakeholder committee should decide who shall run their meetings.

As for the Executive committee, Eric Borba suggested that Mike Reed continue to develop the agenda’s and communicating with members, and that he continue to do his job sitting as the moderator.

Steve Drumright made a motion to nominate City of Porterville staff as the moderator for the Executive committee. The motion died for lack of a second.

Sean Geivet commented that we have a group that is urban and Ag, but the urban side is conducting the majority of the work. From the outside world, if the city is the chair and the secretary, it appears to be a city run agency. However, if the chair was an Ag person, it would appear to be a partnership.

A motion was made by Sean Geivet, seconded by Steve Drumright, to nominate Eric Borba to chair the meetings of the Executive committee and Mike Reed as vice chair in the absence of the chair.

Ayes: Cecero, Norris, Limas, Drumright, Geivet, Borba
Opposed: Reed
Disposition: Passed

Stakeholder Committee – Mike Reed repeated specifics from earlier discussion. Additional comment revolved around bringing this item to the Board. Sean Geivet reviewed the CSD’s expectation of seats on the committee, the County Supervisors choice for a seat and the procedure for developing the remainder of the committee.

The flow of recommendations by the committees to the board was briefly discussed. This dialogue should be addressed in the Bylaws.

Should reserve seating for other water companies in the area be brought before the Board as an informational item? Sean Geivet recommended not to provide a forum to give hard seats to the Stakeholder committee at this point. To this it was noted that was not the point of this informational item to the Board, it is an attempt to reach out. Ducor and Richgrove CSD’s have specifically requested to have representatives on this committee, other water companies have not expressed this sentiment. Perhaps at some future time the Board will see the applicants and then act to set the committee up in a certain fashion based on the applicants. It was agreed that an informational item will be placed on the Board of Directors agenda, it was inadvertently omitted at the last Board meeting that the CSD’s

will each have a seat on the Stakeholder committee. Once applications have been received, the Executive committee will make recommendations on the committee.

Discussion regarding implementation of draft Bylaws – A draft copy was provided to each of the members. The draft was generated by Aubrey Mauritson, who is working with other GSA's drafting their bylaws. It is recommended that the document be reviewed and comments provided at the next meeting of the Executive committee meeting.

Establishment of protocol should be developed between the Stakeholder committee and the Executive committee and addressed in the bylaws. Mike Reed is seeking thoughts on if a budget should be addressed in the bylaws, or at least the sharing of the costs. The JPA does not include wording about sharing costs. The JPA could be amended and structure a budget within the JPA, or a cost sharing statement. Sean Geivet shared that the JPA states the Board will adopt a budget and it will dictate how members will cost share. JPA amendments will require all the agency home boards to re-adopt. Whereas, if it's put in the bylaws it can be changed by a Board vote. Mike Reed will run that by the attorney, and thinks it's a good thing to have a section in the bylaws that whatever the budget may be, we share equally, or share on a proportional basis based on acreage. He will ask her to add in the bylaws a statement about cost sharing, board budget and cost sharing based on acreage. Sean Geivet read JPA Section 6.04 – Assessment of Members, which states that the board has the power to assess, but it doesn't describe how it will be calculated. It was restated that we're on an acreage basis now, at some point, it may change. Aubrey Mauritson should be invited to the next Executive committee meeting. Sean Geivet restated thoughts on the Stakeholders committee vs the Executive committee that can be incorporated before or provide thoughts and discuss at the next meeting. Mike Reed restated that comment for understanding that the Executive committee review the bylaws, between now and the next Executive committee meeting come up with comments, structure that the Stakeholder committee report to the Executive committee, then make a recommendation to the Board of Directors. He thinks there should be a round-table discussion at the next Executive meeting, then make a discussion at that meeting if it is presentable to the Board. Sean Geivet foresees the Stakeholders saying the Executive committee is going to wash all our recommendations. He also feels that if he were a Board member, he wouldn't want conflicting recommendations from the two committees. The Board may also say that they do not want just the Executive committee talking to the Board and would like to hear from the Stakeholders committee. Another option, should the Board see an issue with the Stakeholders committee reporting to the Executive committee, then let the Stakeholders have a spot on the Board agenda to report their discussions, then the Board could say we like that, run it back through the Executive committee for their opinion. Also, if Eric Borba chairs both the committees, he could make the decision on bringing to the Board directly or go through the Executive committee. For that matter, any Director should be able to take a Stakeholder issue to the Board directly.

IV. New business

Groundwater Sustainability Plan – Sean Geivet shared that Mike Young spoke to him again, he is still working on a draft proposal, and if funds can be found, make two trips. The first trip in May would be an information gathering meeting, then returning in a June timeframe to begin the work for the GSP. At the next Board meeting, have an attachment to the agenda of the current generic version of the roadmap. Since this document is 80+ pages, perhaps just a summary can be presented to get the thought process moving. Sean Geivet stated that we need a way to shift gears off of governments and onto the real work of the GSP. There will be a lot of forces wanting to make management of groundwater as complicated as possible. He does not feel that it's that complicating, it takes a sophisticated accounting system and rules. The complication is how to transition from how much water is being used today to a sustainable use of groundwater without putting agencies out of business. The roadmap contains things that we need to have in a GSP. Even if it's just 3 things that are disagreeable to us. We may feel that we are not going to do what the experts say who make the annual decision. We have set up the GSA's and we expect the GSA's to say how to do it. Or the coordination agreement, we may instead do as our hydraulic modeler reveals what the Subbasin allocation is and we get a share based on acreage or whatever format we decide on. With the roadmap, it can help to get people focused on it and thinking about it. Start with handing out the executive summary with instructions to read and be prepared to discuss. This task needs to start soon. And, the board needs to be brought up to speed on the GSA's and the Subbasin and the coordination agreement, and give them an overview of what's happening in that group, history, local involvement, where it is act and where we expect it to move.

- V. Other Business – Agenda for next March 16 Board of Directors. Mike Reed summarized what he had heard committee members requested to be on the agenda. Sean Geivet suggested caution in calling “it” the roadmap, instead using “GSP.” Considering the roadmap to be a draft concept for the GSP. Mike will put together a history of the GSA presentation, coordination agreement, follow up specific to the ETGSA as it relates to the GSP. Progress on modeling is a subject that the Board needs to be informed about. RL Schaffer should be informed of Board members contact information, this information needs to be shared with Aubrey Mauritson for the Controller's office or the Secretary of State. Form 700's must be completed by all the Director's and Alternates. Mike Reed will notify all of them of the Form 700 requirement. Mike Knight will send a roster out to the Executive committee members to provide email addresses. Aubrey Mauritson needs all the information and she will structure the form. Mike Reed again went over his notes for the next Board meeting, 1) Informational item re Stakeholder committee; 2) Informational item re Bylaws; 3) Informational item re the presentation of the Tule Subbasin GSA's and coordination agreement; 4) Informational item re moving toward

the GSP with the roadmap attached. No action items. The 1st Thursday of every month was confirmed as the Executive committee meeting, April 6 at 2 pm will be the next meeting. Mike Reed stated his wished to work closely with Sean Geivet and anyone else when he puts the presentation together and the GSP together. Bill Wallace expressed confusion about how the committee's will communicate with the Board. Communication will be laid out in the Bylaws. In particular, it was asked how the Stakeholders committee will communicate with the Board. In answer to that, it was shared how the Executive committee will discuss and develop the Board's agenda, with items determined for the agenda presented to the Board in open session. It was reiterated that the Stakeholders will come to the Executive for placement on the agenda. Structure for all this protocol will be laid out in the Bylaws. Discussion turned to experience of the members, and it was answered that all the Board members are Director's on their respective irrigation districts, and knowing who the nominees are for the White area representative, they are all very experienced ag/water farmers. Mike Knight will add Public Comment at the beginning of the Board meeting, and Public Comment before Adjuourment.

VI. Adjournment was at 3:20 pm.



Michael K. Reed
Eastern Tule Groundwater
Sustainability Agency

BYLAWS
EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY

Adopted [date]

PREAMBLE

These Bylaws are adopted and effective as of _____, 2017, pursuant to the Eastern Tule Groundwater Sustainability Agency Joint Powers Authority Agreement.

ARTICLE 1. THE AGENCY

- 1.1. Name of Agency. The name of the Agency created by the Agreement shall be the Eastern Tule Groundwater Sustainability Agency Joint Powers Authority (“Authority”).
- 1.2. Office of Agency. The principal office of the Agency shall be the City of Porterville, 291 N. Main Street, Porterville, or at such other location as the Board may designate by resolution.

ARTICLE 2. BOARD OF DIRECTORS

- 2.1. Board of Directors. The Agency shall be governed by a Board of Directors (the “Board”).
- 2.2. Procedure for Appointment of Director as “White Area Representative”.

ARTICLE 3. BOARD MEETINGS

- 3.1. Meetings. The Board’s regular meeting schedule shall be the fourth Thursday of each month at 2:00 P.M. at the Agency’s principal office. Special meetings of the Board may be called by the Chairman or any Director upon written request.

ARTICLE 4. OFFICERS

4.1. Officers. The Officers of the Agency are the Chair, Vice-Chair, and Secretary, pursuant to Article V of the Agreement. Only Directors representing Members of the Agreement are eligible to serve as Chair or Vice-Chair. [AM1]

4.2. Election of Officers. At the first meeting of the Board after January 1 each year, nominations for the Officers will be made and seconded by a Director. If more than two (2) Directors are nominated for any one office, voting occurring until a nominee receives a majority of the votes cast.

4.3. Removal of Elected Officers. An officer may be removed, with or without cause, by a majority vote of the Board at a regular or special meeting.

4.4. Vacancies. Any vacancy in the offices because of death, resignation, removal, disqualification, or any other cause will be filled for the balance of the vacated term in the manner prescribed in these Bylaws for regular appointments to that office; provided, however, that such vacancies may be filled at any regular or special meeting of the Board.

4.5. Resignation of Officers. Any Officer may resign at any time by giving written notice to the Board Chair or Secretary. Any resignation takes effect at the date of the receipt of that notice or at any later time specified in that notice. Unless otherwise specified in that notice, the acceptance of the resignation is not necessary to make it effective.

4.6. Responsibilities of Officers. The responsibilities of the Chair and Vice-Chair shall be performed as outlined in Article V of the Agreement. In addition to the duties outlined in Article V of the Agreement, the Secretary shall: 1) keep or cause to be kept, at the principal executive office of the Agency, a book of minutes of all meetings and actions of Directors and Committees of the Agency; 2) Prepare, give, or cause to be given, notice of, and agendas for, all meetings of the Board and committees of the Agency; and 3) exercise and perform such other powers and perform such other duties as may be assigned to him/her by the Board.

ARTICLE 5. BOARD COMMITTEES

5.1. Board Committees. The Board may establish temporary or permanent Board Committees composed entirely of Board Members. Temporary, or ad hoc committees, which have a limited duration and are comprised of less than a quorum of the Board, are not subject to the Brown Act (Government Code Section 54950, *et seq*). A permanent, or standing committee, shall have specific jurisdiction over a subject matter and be subject to the Brown Act.

5.2. Stakeholder Committee. [describe committee and appointment process]

5.3. Executive Committee. [describe committee and appointment process]

ARTICLE 6. ETHICS AND CONFLICTS OF INTEREST

The Agency shall be subject to the conflict of interest rules set forth in the Political Reform Act (commencing with Section 81000 of the Government Code of the State of California) and Sections 1090, *et seq*. of the Government Code. The Agency shall adopt a conflict of interest code.

ARTICLE 7. AMENDMENT

These Bylaws may be amended from time to time by resolution of the Board duly adopted pursuant to Article III of the Agreement at a regular or special meeting of the Board.

ARTICLE 8. DEFINITIONS AND CONSTRUCTION

Unless specifically defined in these Bylaws, all defined terms shall have the same meaning ascribed to them in the Agreement. If any of the terms within these Bylaws conflict with any term of the Agreement, the Agreement's terms shall prevail, and these Bylaws shall be amended to eliminate such conflict of terms.