



EASTERN TULE  
GROUNDWATER  
SUSTAINABILITY  
AGENCY  
JOINT POWERS  
AUTHORITY

## MINUTES OF THE BOARD OF DIRECTORS HELD AUGUST 2, 2018

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At approximately, 2:00 p.m. on August 2, 2018, at the City of Porterville Coleman Conference Room, Chairman Eric Borba, called to order the meeting of the Board of Directors of the Eastern Tule Groundwater Sustainability Agency Joint Powers Authority (“ETGSA”).

Members Present:   Dyson Schneider                               Eric Borba  
                          Lorren Wheaton                                     Mike Ennis  
                          Dalke (alternate)                                     Steve Kisling  
                          John Corkins   Matt Leider  
                          Cam Hamilton

Members Absent:   Curt Holmes

### PUBLIC COMMENT

Chairman Eric Borba announced public comment period. No comment was received.

### MINUTES

#### Approval of July 11, 2018 Minutes

Director Kisling moved for approval of the July 11, 2018, regular meeting minutes. The motion was seconded by Director Ennis and the board unanimously approved the motion.

### ADMINISTRATION

#### Consider Pre-Approval and Authorization of General Office Supplies, Expenditures and Reimbursement Under \$500 Per Month in FY 19

Executive Director McAteer provided a report. He requested from the board pre-approval and authorization of general office supplies, expenditures and reimbursements under \$500 per month. Director Corkins moved and Director Ennis seconded to approve the request. The board unanimously approved the motion.

Consider Approval to Execute a Rental Agreement for an Office Printer

Executive Director McAteer provided a report on a request for an office printer. Attached hereto and incorporated by reference as Agenda Item #4b is a copy of the proposed agreement with Cline's Business Equipment. Director Corkins moved and Director Ennis seconded to approve the agreement. The board unanimously approved the motion.

Consider Authorization and Approval of Amendment to Executive Director Employment Contract and Reimbursement Agreement with Member Agency

Executive Director McAteer reported that he was encountering several issues with becoming the first "employee" of the ETGSA. As a result, he recommends entering into an agreement for a Member Agency of the ETGSA to be his employee and administer his employment contract. General Counsel Mauritsen provided a summary of the Agreement included in the Agenda Packet as Agenda Item #4c, and by this reference is incorporated herein. The Agreement as proposed would allow for Terra Bella Irrigation District to administer Executive Director McAteer's employment contract. The Agreement can be terminated for any reason at any time within 60 days written notice by either party.

Director Corkins moved and Director Wheaton seconded to approve the agreement as presented in the agenda packet. The board unanimously approved the motion.

Consider Authorization and Approval of Executive Director Health Coverage Reimbursements Until Amendment of Employment Contract is Complete or Other Action is Taken

Executive Director McAteer provided a report on the status of health care reimbursements. He is seeking approval from the board for health care coverage reimbursements until the Employment Agreement with Terra Bella Irrigation District is approved by TBID's board of directors and its benefits take effect.

Director Ennis moved and Director Corkins seconded to authorize and approve reimbursements related to the Executive Director's health care coverage. The board unanimously approved the motion.

Consider Approval of ETGSA Employee Handbook

Executive Director McAteer provided a report on the need for an Employee Handbook. Attached hereto and incorporated by reference as Agenda Item #4e is a proposed draft Employee Handbook. General Counsel Mauritsen reported that in the Executive Director's quest to obtain insurance quotes for the Agency, numerous questions were asked regarding employment policies. To ensure the lowest quotes possible, she recommended approval of an employee handbook, to be revisited and revised at a later date when the Agency desired to hire employees.

Director Corkins moved to approve the employee handbook as presented in the agenda packet, but to bring back to the board prior to any employment of any individuals. Director Leider seconded and the board unanimously approved the motion.

Consider Approval of ETGSA Insurance Policies (Property, Crime, General Liability, E&O, D&O, Auto, Other)

Executive Director McAteer provided a report on his efforts to obtain insurance for the Agency. Attached hereto and incorporated by reference is Agenda Item #4f, a copy of a proposal from Buckman-Mitchell, Inc. and Glatfelter Public Practice.

Director Corkins moved to approve obtaining the policy as outlined in the agenda packet, including obtaining excess coverage in the amount of \$5,000,000.00. Director Ennis seconded the motion and the board unanimously approved.

Consider Approval of Payroll Management System and Pre-Approval and Authorization of Recurring Expenses Resulting From Recurring Employee and Payroll Disbursement

Executive Director McAteer provided a report on the possible future needs for a payroll management system.

Director Corkins moved to table the matter to a later date. Director Leider seconded and the board unanimously approved to table the matter.

Consider Approval of a Master Calendar for Regular Meetings of ETGSA

Executive Director McAteer reported he was previously tasked with preparing a master calendar of board and committee meetings for the Agency. Attached hereto and incorporated by reference as Agenda Item #4h is a copy of the calendar.

Director Corkins moved and Director Ennis seconded to approve the master calendar. The board unanimously approved.

Consider Approval to Send Executive Director to Groundwater Allocation Workshop Hosted by Water Foundation, Stanford University, and EDF

Executive Director McAteer provided a report on the Groundwater Allocation Workshop hosted by the Water Foundation, Stanford University and EDF. Attached hereto as Agenda Item #4i is a copy of the invitation to the workshop.

Director Corkins moved to approve sending the Executive Director to the workshop. Director Leider seconded and the board unanimously approved.

Consider Approval to Respond to KGA Letter Regarding Coordination and Meeting with ETGSA

Executive Director McAteer provided a report on recent communication sent by the Kern Groundwater Authority to various GSAs within the Tule Subbasin. Attached hereto and incorporated by reference as Agenda Item #4j is a copy of the letter. Executive Director McAteer requested the board direct him on responding to the letter.

Director Corkins moved to direct the Executive Director to engage in dialogue with KGA. Director Leider seconded and the board unanimously approved.

#### AMENDMENTS TO THE JPA & BYLAWS

##### Discuss Regarding the Amending of JPA Sections 5.03-4 and 6.01 to Designate a New Treasurer of ETGSA, Per Provisions in CA Gov't Code §6505.5-6

Executive Director McAteer proposed several revisions to the Joint Powers Authority Agreement. Attached hereto and incorporated by reference as Agenda Item #5a is a copy of the proposed amendments.

Alternate Director Dalke recommended the proposals be sent to the Executive Committee for recommendations. Director Ennis seconded and the board unanimously approved the motion.

##### Discussion and Potential Resolution Regarding the Opening of an Account with Local Bank

Executive Director McAteer reported that he may be bringing back before the board at a later date a resolution regarding banking with a local bank.

##### Consider an Amendment to ETGSA Bylaws Article 1.2 to Update the Address of the Agency, and to Update the Official Address in SOS Filing and IRS Register and Other Applicable Registries

Executive Director McAteer provided a recommendation on revisions to the ETGSA Bylaws. Attached hereto and incorporated by reference as Agenda Item #5c is a copy of the proposed amendments.

Director Corkins moved and Director Ennis seconded to approve the proposed amendments as outlined in the agenda packet. The board unanimously approved.

##### Consider an Amendment to ETGSA Bylaws Article 3.1 to Establish Monthly Meetings of the Board of Directors

Executive Director McAteer provided a recommendation on revisions to the ETGSA Bylaws. Attached hereto and incorporated by reference as Agenda Item #5d is a copy of the proposed amendments.

Director Ennis moved and Director Leider seconded to approve the proposed amendments as outlined in the agenda packet. The board unanimously approved.

Consider an Amendment to ETGSA Bylaws Article 4.1 to Affirm that the Executive Director Shall Serve as Secretary to the Board

Executive Director McAteer provided a recommendation on revisions to the ETGSA Bylaws. Attached hereto and incorporated by reference as Agenda Item #5e is a copy of the proposed amendments.

Director Ennis moved and Director Corkins seconded to approve the proposed amendments as outlined in the agenda packet. The board unanimously approved.

Consider an Amendment to ETGSA Bylaws Article 5.3.4 to Establish a New Principal Location for Executive Committee Meetings

Executive Director McAteer provided a recommendation on revisions to the ETGSA Bylaws. Attached hereto and incorporated by reference as Agenda Item #5f is a copy of the proposed amendments.

Director Corkins moved and Director Leider seconded to approve the proposed amendments as outlined in the agenda packet. The board unanimously approved.

Consider an Amendment to ETGSA Bylaws Article 5.4.4 to Establish Monthly Meetings of the Stakeholder Committee and a New Principal Location for Such Meetings

Executive Director McAteer provided a recommendation on revisions to the ETGSA Bylaws. Attached hereto and incorporated by reference as Agenda Item #5g is a copy of the proposed amendments.

Director Leider moved and Director Ennis seconded to approve the proposed amendments as outlined in the agenda packet. The board unanimously approved.

Review of ETGSA Bylaws Article 5.4.1 and Consider Amendment Should Board Wish to Alter How Recommendations Are Received From the Stakeholder and Executive Committees

Executive Director McAteer referred the board to the current structure as outlined in the Bylaws for recommendations received from the Stakeholder and Executive Committee. The current structure provides for the Stakeholder Committee to provide recommendations to the Executive Committee. The Executive Committee then provides recommendations to the board, which such report shall include the Stakeholder Committee's recommendations.

The board did not take action to revise Section 5.4.1 of the bylaws.

## BILLS AND WARRANTS

### Presentation of Current Financial Standing (Recently Paid Bills, Unpaid Bills, P&L v. Budgeted, Balance Sheet, and Recent Deposits)

Executive Director McAteer provided a report on current financial standing. Attached hereto and incorporated by reference as Agenda Item #6a and 6b is a copy of the financial reports.

### Consider Authorization to Pay the Bills

Executive Director McAteer provided a report on the accounts payable. Attached hereto and incorporated by reference is Agenda Item #6a and 6b, a copy of the accounts payable.

Director Corkins moved and Director Ennis seconded to approve payment of the bills. The board unanimously approved the motion.

## TULE SUBBASIN REPORTS AND ITEMS

### Report on the Tule Subbasin MOU Technical Advisory Committee Meeting of July 18, 2018

Executive Director McAteer reported on the latest Tule Subbasin TAC meeting on July 18, 2018. Dr. Harder reported at that meeting that he will be presenting the results of several model runs at the next subbasin meeting on August 15, 2018.

Discussion amongst the board ensued.

Dr. Harder will also be working on a monitoring plan on behalf of the subbasin. He expects to have that work also completed by the August 15, 2018 subbasin meeting. General Counsel Mauritson noted she is tasked with reorganizing the current draft of the Coordination Agreement. She will be needing feedback from committees and the board to proceed forward with the draft.

Discussion amongst the board ensued.

### Consider Distribution of Draft Coordination Agreement Discussion Papers to Stakeholder and Executive Committees for Review and Recommendation, and for Posting to ETGSA Website

Executive Director McAteer reported that he and General Counsel Mauritson had been working on several white papers regarding the Coordination Agreement. He will plan to circulate those to the committees for feedback.

## GSP DRAFTING

### Review and Discuss Policy Points Papers Subsections (A) and (B) and Recommend Guidance to Executive Director for Drafting of GSP

Executive Director McAteer provided a status report on the policy points discussion paper previously presented to the board. Attached hereto and incorporated by reference as Agenda Item #8 is a copy of the ETGSA policy points paper. Previously Executive Director Sean Geivet reported that the board had not previously taken action on any of the policy points, but that the board had received recommendations from both committees on points A and B.

Discussion amongst the board ensued.

### Review and Authorize Updated Policy Points and Authorize Review by Stakeholder and Executive Committees for Recommendation to the Board

Executive Director McAteer reported that he had revised the policy points paper previously circulated. Attached hereto and incorporated by reference as Agenda Item #8b is a copy of his revision to the paper.

Director Corkins moved to table further discussion at the board on items #8a and #8b until recommendations are received from the Executive and Stakeholder Committees. Director Leider seconded and the board unanimously approved.

Public comment was received from Bill Samarin.

### Authorize the Publishing of Updated Policy Points to the ETGSA Website

The board did not take action on this item.

### Consider Approval of a Draft Timeline for GSP Creation

Executive Director McAteer reported he was tasked with the creation of a timeline for GSP development. Attached hereto and incorporated by reference as Agenda Item #8d is a copy of the GSP development timeline.

Director Corkins moved to recommend the Executive Director provide the timeline to the committees for their recommendations. Director Leider seconded and the board unanimously approved.

## COMMITTEE REPORTS

### Receive and Discuss Executive and Stakeholder Committee Monthly Report

Executive Director McAteer reported the Executive and Stakeholder Committees met in a joint meeting. The committees discussed the general director of the GSA, considerations around GSP development, and provided reports on recent Tule Subbasin TAC meetings.

## STAKEHOLDERS AND COMMITTEE ENGAGEMENT

### Consider Draft Mailer to be Sent to all APNs Within ETGSA Jurisdiction Informing Owners of SGMA and ETGSA, and Including Contact Information for Stakeholder Committee Representatives

Executive Director McAteer reported he is currently addressing outreach efforts within the ETGSA. He has drafted a sample mailer to distribute to landowners. Attached hereto and incorporated by reference is Agenda Item #10a a draft copy of the mailer. The cost of mailing the flier to each APN in the ETGSA is significant. Approximately 25,000 APNs exist with a cost of approximately \$1.45 per mailer. He is working with the County to pursue other paths and will work with member agencies as well.

Discussion amongst the board ensued. No action was taken by the board at this time. The board requested the matter continue to be placed on the board agenda for possible action.

### Consider Updates to ETGSA Website to Include Discussion on GSP Development and Other Topics

Executive Director McAteer provided a report on the ETGSA website and the need for future updated. He will work with the website provider to continue to make the website up to date and relevant. No action was taken by the board.

## NEXT MEETING DATE

The next meeting of the Board of Directors of the ETGSA Joint Powers Authority shall be a regular meeting, set for September 6, 2018, 2:00 p.m.



ADJOURNMENT

Since there was no further business to come before the Committee, Chairman Borba adjourned the meeting.

Respectfully submitted,

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Bryce McAteer, Executive Director