



EASTERN TULE
GROUNDWATER
SUSTAINABILITY
AGENCY
JOINT POWERS
AUTHORITY

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS HELD MAY 2, 2019

At approximately, 2:00 p.m. on May 2, 2019, at the City of Porterville, Council Chambers, 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: Lorren Wheaton Curt Holmes
Dyson Schneider Matthew Leider
Steve Kisling Eric Borba
Mike Reed (Alternate) Dennis Townsend
William Bennett (Alternate)

Members Absent: John Corkins Monte Reyes

Others Present: Bryce McAteer Val Guzman
Aubrey Mauritsen David Payne
Alan Becker Todd Turley
John M. Domondon Garrett Busch
Sean Geivet Matt Watkins
Bill Samarin David De Groot

PUBLIC COMMENT

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

ANNOUNCEMENTS

Executive Director McAteer announced the GRA GSA Summit will take place on June 5-6, 2019. He will be presenting on June 5, 2019. The Almond Board will be presenting its annual Navigating the Waters event on May 14, 2019 in Tulare. Lastly, the Tule Subbasin TAC meeting is scheduled for June 19, 2019 in Tulare.

MINUTES

Approval of April 15, 2019 Special Board Meeting Minutes

Director Leider moved for approval of the April 15, 2019 special board meeting minutes. The motion was seconded by Director Schneider. The board unanimously approved the motion.

ADMINISTRATION

Consider Approval of Resolution 2019-002 “RESOLUTION OF SUPPORT FOR A NON-MATERIAL GSA BOUNDARY CHANGE BETWEEN ETGSA, LTRIDGSA, AND PIXDGSA” and Authorization of Staff to Undertake Said Boundary Change

Executive Director McAteer provided a report on the potential non-material GSA boundary change. Attached hereto and incorporated by reference as Agenda Item #5a is a copy of his report. The Executive Director noted that the original proposed resolution, attached hereto and incorporated by reference as Exhibit A, had been subsequently updated to remove mention of Pixley ID GSA as no changes were necessary between Pixley ID GSA and ETGSA. The updated resolution, Resolution 2019-002 “Resolution of Support for a Non-Material GSA Boundary Change Between ETGSA and LTRIDGSA”, is attached hereto and incorporated by reference as Exhibit B. The Executive Director asked that the Board approve the Resolution as presented in Exhibit B.

Discussion amongst the board ensued regarding the boundary change and other boundary issues.

Director Townsend moved and Director Wheaton seconded to approve Resolution 2019-002. The board unanimously approved the motion.

Consider adoption of ETGSA Purchasing Policy

Executive Director McAteer provided a report on the proposed purchasing policy. Attached hereto and incorporated by reference as Agenda Item #5b is a copy of his report and, as Exhibit A, the proposed policy. The Finance Committee recommended approval of the policy.

Director Leider moved and Director Kisling seconded to adopt the purchasing policy as presented in the agenda packet. The board unanimously approved the motion.

Consider Adoption of ETGSA Policy Regarding Use of Agency-Issued Credit Cards

Executive Director McAteer provided a report on the proposed credit card policy. Attached hereto and incorporated by reference as Agenda Item #5c is a copy of his report and, as Exhibit A, the proposed credit card policy. The Finance Committee recommended approval of the policy.

Director Leider moved and Director Holmes seconded to adopt the credit card policy as presented in the agenda packet. The board unanimously approved the motion.

Ratify Retainer Agreement Between Herr Pedersen & Berglund LLP and ETGSA for Employment Related Legal Services.

Executive Director McAteer provided a report on employment related legal services with Herr Pedersen & Berglund LLP, attached hereto and incorporated by reference as Agenda Item #5d. The Executive Director noted that the Finance Committee had authorized Staff to engage outside

special counsel to review the employee handbook and other employee-related documents and reported that he had engaged Herr Pedersen & Berglund LLP, pursuant to this authorization. He requested that the Board ratify the retainer agreement between ETGSA and Herr Pedersen & Berglund LLP, which is attached hereto and incorporated by reference as Exhibit A.

Alternate Director Bennett moved and Director Schneider seconded to ratify the retainer agreement. The board unanimously approved the motion.

Consider Approval of Recommended Revisions to the ETGSA Bylaws

Executive Director McAteer provided a summary of the proposed amendments as presented in the agenda packet. Attached hereto and incorporated hereto as Agenda Item #5e is a report summarizing the proposed changes and, as Exhibit A, a copy of draft Bylaws with the recommended revisions. Three changes were proposed: 1) the removal of Richgrove CSD as having a seat on the Stakeholder committee due to the removal of Richgrove CSD from the ETGSA boundaries; revisions to the Executive Committee to reflect the number of votes received from the appointments of member agencies; and the addition of creating a new agency officer. After discussion with legal counsel, Executive Director McAteer did not recommend revision #3, the addition of a new officer, as it would necessitate changes to the conflict of interest code and additional Form 700 filers.

Chairman Borba recommended the board discuss and vote on each proposed change independently.

Revision #1, removal of Richgrove CSD: After minimal discussion, Director Leider moved to approve the Bylaws revision to remove Richgrove CSD from the Stakeholder Committee as presented in the agenda packet. Director Townsend seconded and the board unanimously approved the motion.

Revision #2, revisions to the voting structure of the Executive Committee: Executive Director McAteer provided a summary of the proposed change. As currently worded, the bylaws provide that each member of the Committee is entitled to one vote. Each member agency is entitled to appoint one person to the Executive Committee with the exception of the County of Tulare, which is entitled to two. Some member agencies have appointed the same staff person, and thus are only entitled to one vote with the one appointed staff person.

Discussion amongst the board ensued regarding the desire for one vote per appointment, or the current status quo of the bylaws which provides each member with only one vote. General Counsel Mauritson provided a summary of the intent behind the bylaws and the current structure.

Executive Director McAteer reviewed the current bylaws and relayed that some members on the Executive Committee are appointed by more than one agency.

Discussion amongst the board ensued regarding the proposed change.

Alternate Director Reed moved to accept staff's recommendation on the proposed changes to the bylaws regarding the voting structure of the Executive Committee as presented in the agenda packet. Director Kisling seconded. A roll call vote was taken as follows:

Alternate Director Reed: Aye
Director Lieder: Nay
Director Kisling: Aye
Director Townsend: Nay
Chairman Borba: Aye
Alternate Director Bennet: Nay
Director Holmes: Nay
Director Wheaton: Aye
Director Dyson: Nay

The motion failed to pass. As a result, the bylaws will not be revised to make any alterations to the Executive Committee voting structure.

As previously reported, the Executive Director did not recommend taking any action on revisions for a new officer. As a result, the board did not discuss the third revision nor take action.

Consider approval of 4Creeks, Inc. proposal for Phase 1 Development of SGMA Management Website Application Development Services

Executive Director McAteer provided a report on the 4Creeks, Inc. proposal for Phase 1 Development of a SGMA Management Website Application. Attached hereto and incorporated by reference as Agenda Item #5f is a copy of his report and, as Exhibit A, the proposal.

Discussion amongst the board ensued regarding the specificity in the regulations for data management systems.

Public comment was received from Trent Sherman of DWR.

Director Holmes moved, and Alternate Director Bennett seconded to approve the 4Creeks, Inc. proposal for Phase 1 development as presented in the agenda packet. The board unanimously approved the motion.

Consider appointment of Stakeholder Committee Chair and Vice Chair

Executive Director McAteer reported there had been a request to change the current appointment for the Chair and Vice-Chair of the Stakeholder Committee. Attached hereto and incorporated by reference as Agenda Item #5.g is a copy of his report.

Discussion amongst the board ensued regarding appointments of Chair and Vice Chair. Discussion ensued regarding the ability or non-ability of the Chair and Vice Chair to be a voting member of the Committee and potential quorum issues.

Discussion ensued regarding the chair being a non-voting member, and Bennet being an appointed member.

Director Leider moved to appoint Alternate Director Bennett as Chair and Director Leider as Vice-Chair of the Stakeholder Committee. Director Townsend seconded the motion. Director Wheaton voted nay. The remaining board members voted to approve the motion, and the motion carried.

Correspondence from SWRCB, “Resources for Groundwater Sustainability Agencies to Consider When Complying with the Sustainable Groundwater Management Act” – April 11, 2019

Executive Director McAteer provided a report on correspondence from SWRCB. Attached hereto and incorporated by reference as Agenda Item #5h is a copy of his report and, as Exhibit A, a copy of the cover letter of the SWRCB correspondence.

STAKEHOLDER OUTREACH AND COMMUNITY ENGAGEMENT

Report on Ongoing ETGSA Outreach Efforts

Executive Director McAteer provided a report on recent outreach and community engagement efforts. Attached hereto and incorporated by reference as Agenda Item #6a is a copy of his report. He also provided testimony in support of SB 559, regarding fixes to the Friant Kern Canal.

Discussion amongst the board ensued regarding attendance of some of the outreach efforts.

COMMITTEE REPORTS

Receive Finance Committee Monthly Reports

Attached hereto and incorporated by reference as Agenda Item #7a is a copy of the Finance Committee Monthly reports.

Receive Executive Committee Monthly Reports

Attached hereto and incorporated by reference as Agenda Item #7b is a copy of the Executive Committee Monthly reports.

Receive Stakeholder Committee Monthly Reports

Attached hereto and incorporated by reference as Agenda Item #7c is a copy of the Stakeholder Committee Monthly report.

BILLS AND WARRANTS

Review the Financial Statements; Consider Ratification of Bills Paid and Approval of Bills to be Paid

Executive Director McAteer provided a report on current financial standing and accounts payable. Attached hereto and incorporated by reference as Agenda Item #8a is his report and, as Exhibit A, a copy of the financial statements.

Discussion amongst the board ensued regarding TBID's reimbursement of employment services.

Director Dyson moved and Director Leider seconded to ratify the bills paid and approve bills to be paid. The board unanimously approved.

TULE SUBBASIN AND REGIONAL REPORTS AND ITEMS

Report on April 17, 2019 TAC Meetings, Tule Subbasin Coordination, and TH&Co Tule Subbasin Task Items

Executive Director McAteer provided a report on the recent Subbasin TAC meetings and TH&Co's task items. Attached hereto and incorporated by reference as Agenda Item #9a is a copy of his report. Included in his report were Exhibit A, a proposal by TH&Co for expanding the subsidence analysis, Exhibit B, a Technical Memorandum provided by TH&Co regarding items to be provided to the GSAs for completing their GSPs, Exhibit C, updated draft Tule Subbasin and ETGSA historical water budgets, Exhibit D, the current discussion draft for the Tule Subbasin Sustainability Goal and Undesirable Results, and Exhibit E, slides visualizing the process for Tule Subbasin Coordination – all of which are attached hereto and incorporated by reference.

Executive Director McAteer noted that the Finance Committee had authorized the expanded scope of work described in Exhibit A.

Discussion amongst the board ensued regarding timeliness of receipt of Harder's work to complete the GSPs. Consulting Engineer DeGroot provided comment on receipt of Harder's work.

Discussion amongst the board ensued regarding the data being used in the GSP to date regarding the FKC subsidence issue.

Public comment was received from Bill Samarin.

Authorize Future Projection Scenario Runs, Per Proposed Projects and Management Actions

Executive Director McAteer provided a report on future project scenario runs ("FPSRs"). Attached hereto and incorporated by reference as Agenda Item #9b is a his report. Included in his

report, and attached hereto and incorporated by reference, were Exhibit A, the proposed initial FPSRs from ETGSA, and Exhibit B, a presentation describing how staff anticipated the FPSRs from all the Tule Subbasin GSAs to be arranged and finalized.

The Executive Director requested that the Board authorize staff to provide the various projects and management actions described in Exhibit A to TH&Co for use in the FPSRs, with discretion to sort and edit the submitted projects and management actions as necessary to finalize the initial scenarios.

Discussion amongst the board ensued regarding the various ramp down schedules presented in the agenda packet.

Alternate Director Reed moved and Director Townsend seconded to authorize the future projection scenario runs as presented in the agenda packet.

Public comment was received from Bill Samarin.

The board unanimously approved the motion.

Report on Inter-Basin and Other Regional Stakeholder Coordination

Executive Director McAteer provided a report on inter-basin and other regional stakeholder coordination. Attached hereto and incorporated by reference as Agenda Item #9c is a copy of his report. Included in his report, and attached hereto and incorporated by reference, was Exhibit A, an abridged version of the draft proposed revisions to the Bureau of Reclamations groundwater banking guidelines for the CVP.

Discussion ensued amongst the board regarding the proposed revisions to the groundwater banking guidelines. Executive Director McAteer suggested that board members review the guidelines and direct their member entities' staff to provide comment to the Bureau if they felt it to be beneficial.

GSP DRAFTING

Report on Progress of ETGSA GSP Drafting

Executive Director McAteer provided a report on the progress of the drafting of the GSP. Attached hereto and incorporated by reference as Agenda Item #10a is a copy of his report. Included in his report, and attached hereto and incorporated by reference, were Exhibit A, a table of contents for the draft GSP Sections 1-3, and Exhibit B, a table of contents for the draft GSP Section 4.

Staff noted that completion of the draft GSP may be pushed back by a month or two due to several items not having yet been completed by TH&Co.

Direct Staff on Inclusion and Use of Management Areas Within the GSP

Executive Director McAteer provided a report on management areas. Attached hereto and incorporated by reference as Agenda Item #10b is a copy of his report and, as Exhibit A, a visualization of his proposal on four initial management area types.

The Executive Director had recommended that the ETGSA incorporate four initial management area types in the draft GSP. Staff's recommendation had been reviewed by both the Executive and Stakeholder committees, and both had approved Staff's recommendation.

Director Holmes moved and Director Kisling seconded to accept staff's recommendation to begin drafting the GSP with four management areas as described in the agenda packet. The board unanimously approved the motion.

Review Status and Progress on GSP Policy Matters; Board May Take Action to Provide Direction to Staff on Policy Matters.

Executive Director McAteer provided a report on GSP policy matters. Attached hereto and incorporated by reference as Agenda Item #10c is a copy of his report.

Discussion amongst the board ensued regarding addressing each policy item one by one.

Public comment was received from Sean Geivet.

Discussion amongst the board ensued regarding a workshop on the policy matters. Executive Director McAteer stated he would work on coordinating a workshop prior to the next regularly scheduled meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
[Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)]
Number of Potential Cases: Two

The board of directors, while in closed session pursuant to Government Code Section 54956.9(d)(2), met with General Counsel Aubrey Mauritson regarding two potential items of anticipated litigation.

PUBLIC EMPLOYMENT
Title: Office Manager

The board of directors, while in closed session pursuant to Government Code Section 54957, met and discussed the potential employment of an Officer Manager.

CLOSED SESSION ITEMS

Report Action Taken in Closed Session Required by Government Code 54957.1

The board of directors came back into open session. Chairman Borba reported there was no reportable action from closed session.

NEXT MEETING DATE

Next Regular Meeting- Thursday, June 6, 2019 at City of Porterville Council Chambers
(291 N. Main Street, Porterville, CA)

The next meeting of the Board of Directors of the ETGSA Joint Powers Authority shall be a regular meeting, set for June 6, 2019, 2:00 p.m.

ADJOURNMENT

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

Respectfully submitted,

Bryce McAteer, Executive Director