

# ***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

Approved April 6, 2017