

MINUTES  
JANUARY 19, 2017

**EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY JOINT POWERS  
AUTHORITY**

Minutes  
Authority Board of Directors  
City of Porterville Council Chambers  
291 N. Main St., Porterville, California  
Thursday, January 19, 2017

**ATTENDANCE:**

Board: Cam Hamilton, Steven Kisley, Mike Ennis, Eric Borba, Lorren Wheaton, Steve Drumright, Steven Dalke, Matthew Leider.

Staff & Guests: Mike Reed, Julia Lew, Michael Knight, Julie Phillips, David DeGroot, Denise England, Keith Norris, Geoffrey Calloway, Sean Geivet, David Payne, Kristin Dobbin, Alberto Sánchez, Adrian Monte Reyes, Tim Allan, Andy Edstrom, Daniel Cervantez.

Mr. Reed, called the meeting of the Eastern Tule Groundwater Sustainable Agency Joint Powers Authority ("ETGSA) to order at 2:10 pm.

**1. PUBLIC COMMENT:**

None

**2. ANNOUNCEMENTS:**

Mr. Reed shared a PowerPoint Presentation summarizing the Sustainability Groundwater Management Act ("ACT") and formation of multiple Groundwater Sustainable Agencies within the Tule Subbasin.

SGMA was implemented by the State by three bills and became effective January 1, 2015. These bills empower local agencies to achieve sustainability within 20 years for groundwater basin in High Critical Overdraft as is the case of the Tule Subbasin.

Of significance is Sustainable Yield which is the maximum quantity of water that can be withdrawn annually from the groundwater supply without causing undesirable results. Undesirable results include: Significant and unreasonable chronic lowering of groundwater levels; Reduction of groundwater storage; Seawater intrusion; Degraded water quality; Land subsidence and Depletion of interconnected surface waters.

Mr. Reed reviewed key dates of the Act with board members. Legislation became effective January 1, 2016; June 1, 2016, State finalized regulations for the basin boundary adjustments; June 30, 2017, all local agencies must be formed; January 31, 2020, GSP's "Plans" must be completed for basins in critical condition of overdraft; January 31, 2022, Plans must be completed in all other high and medium priority basins; and within twenty years, plans for all high and medium priority groundwater basins must achieve sustainability.

Six water districts, the City of Porterville and Tulare County are cooperatively working with Tulare County to form the Eastern Tule GSA. All the agencies and districts have executed a Memorandum of Understanding and are currently preparing a draft JPA so as to officially form the Eastern Tule GSA.

An “organizational” chart was shared with the board to show the overall structure of the Tule Subbasin. Within it, the Eastern Tule Subbasin will have a Board of Directors. This board shall consist of one director, plus an alternate, from each of the member agencies. The board will appoint a secretary, per the JPA the Tulare County officer will be the Treasurer/Auditor, and legal counsel will be appointed by the Board of Directors. The Stakeholder committee will also be appointed by the Board by application and the Executive committee is one staff member of each agency. The Tulare County Board of Supervisors will appoint a “white” area representative. Additionally, Bylaws will be adopted by the Board per the JPA.

Mr. Reed reviewed critical articles of the Memorandum of Understanding with the Board.

It was noted that the six Groundwater Sustainable Agencies (SGA’s) and the six Groundwater Sustainable Plans will function in unison via a “Coordination Agreement.”

Groundwater Management Agencies shall work to measure and report on groundwater conditions; Allocate groundwater and manage pumping consistent with property rights; Assess fees; Allow and approve groundwater transferred; land use coordination with counties; and ability to enforce requirements.

Compliance challenges are Protection of property rights; Groundwater management through Well extraction limits; Well permit regulations; Well metering / reporting; Fees implementation; Land use coordination and collaboration; Enforcement disproportionate adverse economic impacts; Differing public agency perspectives; and Potential regulations on current / future agriculture practices.

Anticipated infrastructure cost necessary to comply with the GSA and accompanying plan will include: Fees; Enforcement; Land acquisition; Enhanced water management projects; Funding of implementation & infrastructure; Construction of monitoring wells; Water Quality testing for monitoring wells annually; Construction of turn-out structures for Friant water access; Construction of storm drain percolation ponds for ground water recharge; Annual Pipe replacement program; and Annual surface water purchases

#### **4. GOVERNING BOARD OFFICERS:**

a. Consider Approval of Officer Nomination Policy – no action.

b. Appointment of Authority Chair: Nominations was opened, Mr. Hamilton nominated Mr. Eric Borba; seconded by Mike Ennis.

Ayes: Hamilton, Kisley, Ennis, Wheaton, Drumright, Dalke, Leider

Maybe: Borba

Noes: None

Disposition: Passed

c. Appointment of Authority Vice-Chair: Nomination was opened, Mr. Steve Kisling was nominated, seconded by Mr. Leider.

Ayes: Hamilton, Kisley, Ennis, Wheaton, Drumright, Dalke, Leider, Borba  
Noes: None  
Disposition: Passed

d. Consider Appointment of Authority Secretary

Per the JPA, the Secretary can be one staff member of the agency, or a consultant. Nominations was opened, Mike Reed was nominated, seconded by Steve Drumright.

Ayes: Hamilton, Kisley, Ennis, Wheaton, Drumright, Dalke, Leider, Borba  
Noes: None  
Disposition: Passed

e. Review Tulare County Treasurer/Auditor Support

Support data to the TCT/A will require the ETGSA to establish a budget, after that, the TCT/A will be in charge of the finances.

5. **COMMITTEE FORMATION:**

a. Stakeholder Committee.

Established by the Joint Powers Agreement (Section 4.01a), the Stakeholder Committee will be formed by application. Applicants can be from interested persons or representatives of interested entities within the boundaries of the ETGSA. Membership shall be appointed by the Board. The JPA is silent on the number of members in this committee; however, the Authority can establish the criteria for the committee. Mr. Reed reviewed how the process could be ascertained. Public outreach and opinion in the creation of the water sustainment fund. One suggestion is to let the Executive Committee ponder this and bring a recommendation back to the Board.

Motion made to give this item to the Executive Committee for establishment of criteria, application and recommendation to Board. Seconded by Steven Kisley.

b. Executive Committee.

Established by the Joint Powers Agreement (Section 4.01b) the formation of the Executive Committee shall consist of one staff from the eight ETGSA entities. At this time the “white area” is unrepresented. Given that three agencies are represented by the same person, the Board moved to appoint, Mr. Mike Reed, City of Porterville; Ms. Denise England, Tulare County; Mr. Sean Geivet, Saucelito, Porterville and Terra Bella Irrigation Districts; Mr. Keith Norris, Tea Pot Dome; Mr. Steve Drumright, Vandalia Water District, and Mr. Steven Dalke, Kern-Tulare Water District. Seconded by Mike Ennis;

Ayes: Hamilton, Kisley, Ennis, Wheaton, Drumright, Dalke, Leider, Borba  
Noes: None  
Disposition: Passed

An option to add staff, for instance a “white area” representative, or delete staff at any time in the future was agreed upon.

6. **AGENCY BYLAWS:**

In progress, the Board has the option to address items of interest they deem should be included in the Bylaws, and staff will take note of them. The Board may also act to not generate bylaws which is in the JPA. Additionally, the Board may delegate the Executive Committee to generate the Bylaws. Mr. Dalke motioned for the Executive Committee to generate the Bylaws for the Agency and bring back to Board. Mr. Leider seconded.

Ayes: Hamilton, Kisley, Ennis, Wheaton, Drumright, Dalke, Leider, Borba  
Noes: None  
Disposition: Passed

7. **GROUNDWATER SUSTAINABILITY AGENCY FORMATION:**

Ms. England turned the meeting over to Ms. Aubrey Mauritson, Tulare County Counsel.

Ms. Mauritson noted that prior to the Public Hearing on February 23, 2017, the Agency must post notice, twice, in a general publication newspaper one week apart.

The Public Hearing will consist of the adoption of a resolution and a map with the Board directing staff to submit to the Department of Water Resources.

Discussion followed about a budget to pay for the publication of the Public Hearing notice. Budget expenses were not addressed in the JPA document and should be discussed at the next meeting. In the meantime, Ms. England suggested the County cover the cost. Other GSA's began with an initial assessment of members of a small dollar amount. Mr. Mauritson shared that SGMA does have a specific fee provision section related to groundwater structure fee's. Analysis continues on whether or not it will require a change, there are currently five cases pending before the California Supreme Court, which will probably give an answer on the issue. Unfortunately, the Court has not made a ruling, putting us in a stand by and wait mode.

Has any boundaries, changing or overlapping boundaries of some of the districts been noted? No issues of this nature have been noted. Once submitted, DWR has 15 days to review the notice, and 90-days for the presumed exclusive. There is a 90-day window for other agencies to overlap.

Is there any flexibility in the 90-day period? As we get closer to the June 30<sup>th</sup> deadline, the State Board has commented that you don't need to be posted for 90 days in order to pass the State intervention test.

Regarding the subject of a budget/funding, it does need to be addressed by the ETGSA, perhaps be part of the Bylaws, generating criteria for funding. It was suggested that the entities split the costs or an agency agree to cover the cost initially. The Public Hearing and filing is not costly, one agency could foot the costs and there be an agreement to be reimbursed that agency equitably. This may be an appropriate item for the Executive Committee to set the criteria in the Bylaws, and bring back to the Board.

Motion was made by Mr. Drumright that the Board agree to reimbursement of costs equitably by member agencies, that a member agency bare the initial out of pocket costs

for a short time, and to set the Public Hearing for February 23, 2017 at 2 pm located at the Council Chambers, City of Porterville. Seconded by Mr. Ennis.

Ayes: Hamilton, Kisley, Ennis, Wheaton, Drumright, Dalke, Leider, Borba

Noes: None

Disposition: Passed

8. **ADMINISTRATION:**

a. Authority Boundary Mapping Status

Mr. DeGroot, of 4Creeks, initiated the mapping criteria for five of the GSA's, and prepared the resolution for the ETGSA for the Board to approve filing on February 23<sup>rd</sup>, as staff recommended.

b. Administration Support

It is recommended that the Executive Committee take up this discussion, and come up with ideas for administrative support, there is a lot of expertise that will be needed, for example a hydrologist and there should be discussion on what support this body will need to move the June 30<sup>th</sup>, 2017, date to the implementation of the Groundwater Sustainability Plan.

Mr. Dalke shared that a hydrologist was hired for the County, therefore why would ETGSA be an exception? He suggested that with Administrative Support we continue on preparing the notice, with the City of Porterville paying it and invoice each of the District's.

Mr. Reed stated that as we move through the process and learn more of requirements, there may be a need to hire additional staff, such as a recording secretary. The ETGSA is in a learning curve, and depending upon the progression of meetings and needs for support and consultants, there will be details that we will need to bring back to the board as we get into the GSP.

Mr. Ennis agreed that as we move forward we will see what the needs will be.

c. Authority Legal Counsel

Mr. Dalke reported that this item was discussed by staff (now Executive Committee). There is a challenge to find an attorney who is not conflicted out.

Ms. Lew conveyed that as it stands, the group could have an attorney that represents a member agency per the GSA JPA, with the acknowledgement that if a representative is conflicted, they would step out.

Mr. Dalke motioned for the Board to appoint an attorney from a member agency as long as he/she recuses self from conflicts. Seconded by Mr. Hamilton.

Ayes: Hamilton, Kisley, Ennis, Wheaton, Drumright, Dalke, Leider, Borba

Noes: None

Disposition: Passed

Mr. Dalke moved to appoint Aubrey Mauritson as ETGSA legal counsel. Seconded by Mr. Hamilton.

Ayes: Hamilton, Kisley, Ennis, Wheaton, Drumright, Dalke, Leider, Borba  
Noes: None  
Disposition: Passed

9. **SET NEXT MEETING DATE:**

GSA Authority Meeting

It was agreed that Board of Directors (Governing Board) meetings will be held on the 3<sup>rd</sup> Thursday of every month at 2 pm.

It was noted that a motion had passed to make February 23, 2017 the Public Hearing date. The purpose of the Public Hearing on February 23, 2017 at 2 pm is to adopt a resolution to file with DWR to create the GSA.

Discussion turned to the meeting of the Executive Board. It was suggested that it should meet no later than 72 hours prior to a Board meeting.

Motion made to hold the next "meeting" of the Board on February 23<sup>rd</sup>, 2017, and thereafter the 3<sup>rd</sup> Thursday's of each month. Seconded by Mr. Ennis.

Ayes: Hamilton, Kisley, Ennis, Wheaton, Drumright, Dalke, Leider, Borba  
Noes: None  
Disposition: Pass

10. **ADJOURNMENT**

The Board adjourned at 3:00 pm



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Michael K. Reed, Secretary  
Eastern Tule Groundwater Sustainability  
Agency

