



## ANNOUNCEMENTS

Announcements were postponed until the completion of closed session.

## 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: Five

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

*\*Director Geoffrey Galloway joined the meeting at this time.*

## CLOSED SESSION ITEMS

### Report Action Taken in Closed Session Required by Government Code 54957.1

Chairman Borba reported there was no reportable action from closed session.

## PUBLIC COMMENT

Chairman Borba announced the public comment period. No public comment was presented.

## ANNOUNCEMENTS

General Manager Caudillo advised that there were no new announcements.

## MINUTES

### Approval of Minutes of August 5, 2021 Meeting of the Board of Directors.

It was noted that Nick Keller's presence at the August 5, 2021 Board meeting was not reflected in the minutes. Director Corkins moved to approve the minutes, as amended to reflect Mr. Keller's attendance. The motion was seconded by Director Leider, and unanimously approved by way of the following roll call vote:

#### In Favor:

Director Townsend  
Director Holmes  
Director Leider  
Director Galloway  
Director Corkins  
Director Reyes

Director Schneider  
Director Kisling  
Chairman Borba

Opposed: None.

#### ADMINISTRATION

##### Consider Approval of Land Subsidence Monitoring Plan and Formation of Land Subsidence Monitoring Committee

Consulting Engineer David De Groot provided a report on the Land Subsidence Monitoring Plan. Attached hereto and incorporated by reference as Agenda Item #7a is a copy of the draft Plan.

Discussion ensued regarding the Plan.

Director Corkins moved to adopt the Plan and form the Committee as described in the Plan. The motion was seconded by Director Kisling.

Public comment was received from Don Davis.

Discussion ensued.

The motion was approved by way of the following roll call vote:

##### In Favor:

Director Townsend  
Director Holmes  
Director Leider  
Director Galloway  
Director Corkins  
Director Reyes  
Director Schneider  
Director Kisling  
Chairman Borba

Opposed: None.

##### 2022 Sustainable Yield and Tier 1 Penalty Allocations

General Manager Caudillo provided a report on the 2022 sustainable yield and Tier 1 penalty allocations. Consulting Engineer David De Groot presented the 2022 allocations. Attached hereto and incorporated by reference as agenda item #7c is a copy of his allocation methodology, which results in a Native Sustainable Yield credit of 0.15-acre feet per acre per year, and transitional pumping allocations of 0.91-acre feet per acre per year.

Public comment was received from Todd Turley, Wilson Orvis, Johnny Amaral, Dough DeFlicht, and Don Davis.

Discussion ensued.

Consider Approval of Resolution 2021-5 Setting Penalty Rates for Tier 1 & Tier 2 Penalty Allocations

General Manager Caudillo provided a report on the proposed penalty rates for Tier 1 and Tier 2 penalty allocations. A copy of Resolution 2021-5 is attached as Agenda Item #7d and incorporated by reference.

Director Corkins moved for the approval of Resolution 2021-5 Setting Penalty Rates for Tier 1 & Tier 2 Penalty Allocations as presented, with a Tier 1 Penalty Allocation of \$270 for the period beginning October 1, 2021 and ending September 30, 2022. The motion was seconded by Director Kisling, and approved by way of the following roll call vote:

In Favor:

Director Townsend  
Director Holmes  
Director Leider  
Director Galloway  
Director Corkins  
Director Reyes  
Director Kisling  
Chairman Borba

Opposed: None.

Abstain: Director Schneider.

Report from 4Creeks on ETGSA Accounting and Invoicing

Consulting Engineer De Groot provided a report on accounting and invoicing. He advised that the July ET data has not yet been reported, but will hopefully be available next week. The 10% emergency ordinance has been applied in BasinSafe. Work is currently underway for final surface water credits, and will be completed within the next couple of days. The groundwater extraction fee for 2021-2022 is in the process of being distributed to landowners. Currently, there are 1,054 active BasinSafe accounts. One hundred and fifty-one accounts have custom withdrawal priorities. Eight parcels have elected to opt out, totaling 24.5 acres. With respect to bisected parcels, of the 154 total, approximately half have opted in.

STAKEHOLDER OUTREACH AND COMMUNITY ENGAGEMENT

Report on Ongoing ETGSA Outreach Efforts

General Manager Caudillo provided a report on the ongoing outreach efforts and upcoming events. A copy of his report is attached as Agenda Item #8a and incorporated by reference.

### REPORT FROM COMMITTEES

#### Receive Reports from Executive Committee Members

General Manager Caudillo provided a report. Attached hereto and incorporated by reference as Agenda Item #9a is a copy of the report on the meetings of the Executive Committee.

#### Receive Reports from Stakeholder Committee Members

General Manager Caudillo provided a report. Attached hereto and incorporated by reference as Agenda Item #9b is a copy of the report on the meeting of the Stakeholder Committee.

### BILLS AND WARRANTS

#### Receive Finance Committee Monthly Reports

General Manager Caudillo provided a report. Attached hereto and incorporated by reference as Agenda Item #10a is a copy of the report on the meeting of the Finance Committee.

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

General Manager Caudillo provided a report on current financial standing and accounts payable. The Finance Committee recommends payment of the accounts. Attached hereto and incorporated by reference as Agenda Item #10b is a copy of the financial statements.

Director Kisling moved to approve the financial statements, ratification of bills paid, and approval of bills to be paid, as presented in the agenda packet. The motion was seconded by Director Schneider, and approved by way of the following roll call vote:

#### In Favor:

Director Townsend  
Director Holmes  
Director Leider  
Director Galloway  
Director Corkins  
Director Reyes  
Director Schneider  
Director Kisling  
Chairman Borba

Opposed: None

### Discussion Regarding Groundwater Extraction Fees and Late Fees

General Manager Caudillo provided a report on groundwater extraction fees and late fees. Previous board meeting contemplated implementing or applying late fees. The Executive Committee provided a recommendation to staff to the effect that late fees for failure to timely pay should be considered. Discussion ensued regarding whether to institute such fees. The Board instructed staff to begin development of prospective late fee policies.

### TULE SUBBASIN AND REGIONAL REPORTS AND ITEMS

#### Report on Tule Subbasin Coordination and TH&Co Task Items

General Manager Caudillo provided a report. Attached hereto and incorporated by reference as Agenda Item #11a is a copy of the report.

### NEXT MEETING DATE

Next Regular Meeting – Thursday, October 7, 2021 at 2:00 p.m.

The next regular meeting of the Board of Directors of the ETGSA Joint Powers Authority shall be held on October 7, 2021 at 2:00 p.m.

### ADJOURNMENT

There being no further business before the Board, Chairman Borba adjourned the meeting.

Respectfully submitted,

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Rogelio Caudillo, General Manager