

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

Eric Borba
Chairman
Porterville Irrigation District

Steve Kisling
Vice-Chairman
Saucelito Irrigation District

Dennis Townsend
County of Tulare

Don Weyhrauch
City of Porterville

Matthew Leider
Teapot Dome Water District



**Meeting of the Authority
Board of Directors**

Thursday, January 5, 2023
Convenes at 2:00 p.m.

www.eastertulegsa.com
info@eastertulegsa.com

Curt Holmes
Kern-Tulare Water District

Geoffrey C. Galloway
Terra Bella Irrigation District

Dyson Schneider
Vandalia Water District

John Corkins
White Area

Rogelio Caudillo
General Manager

Aubrey Mauritson
Legal Counsel

Zoom Videoconference:

Join Zoom Meeting
<https://us02web.zoom.us/j/85677739109>
Meeting ID: 856 7773 9109

By Phone:
+1 669 900 9128 US (San Jose)

Due to current COVID-19 safety measures, the ETGSA Board of Directors Meeting is only available for in person attendance by Committee Members, Consultants, and Staff.

Web Meeting Attendance Available for Interested Parties:

Join Zoom Meeting
<https://us02web.zoom.us/j/85677739109>
Meeting ID: 856 7773 9109
+1 669 900 9128 US (San Jose)

-----AGENDA-----

All items on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action by the Board of Directors. The Board of Directors may consider agenda items in any order. Materials related to an item on this agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection at the ETGSA Office, 881 W. Morton Avenue, Suite D, Porterville, California, during normal business hours.

1. ROLL CALL

2. PUBLIC COMMENT

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for Board consideration. Any person addressing the Board will be limited to a maximum of three (3) minutes or the Chairman's discretion. At all times, please use the microphone and state your name for the record.

3. ANNOUNCEMENTS

4. CONSENT CALENDER

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent

Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Consent Calendar.

- a. Approval of December 1, 2022 Meeting of the Board Minutes.
- b. Approval of ETGSA Resolution 2021-6 re: Public Teleconference Meetings.
- c. Approval of ratification of bills paid and approval of bills to be paid. (*Materials to be distributed on the day of the Board Meeting.*)

5. **ADMINISTRATION**

- a. **ACTION** – Consider appointment of Agency Officers (Chair, Vice Chair, and Secretary).
- b. **ACTION** – Consider appointment of Committee Chairs and Vice Chairs.
- c. **ACTION** – Review and Consider Approval of Draft ETGSA Scope of Work for MLRP
- d. Report from 4Creeks on ETGSA Accounting and Invoicing.

6. **STAKEHOLDER OUTREACH AND COMMUNITY ENGAGEMENT**

- a. Report on ongoing ETGSA outreach efforts.

7. **REPORTS FROM COMMITTEES**

- a. Receive report from Finance Committee meeting.

8. **TULE SUBBASIN AND REGIONAL REPORTS AND ITEMS**

- a. Report on Tule Subbasin Coordination and TH&Co Task Items.

9. **CLOSED SESSION:**

- a. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
[Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)]
Number of Potential Cases: Three

10. **CLOSED SESSION ITEMS:**

- a. Report Action Taken in Closed Session Required by Government Code 54957.1

11. **NEXT MEETING DATE**

- a. Next Regular Meeting – Thursday, February 2, 2023 at 2 p.m.

12. **ADJOURNMENT**

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the GSA Authority to provide a disability-related modification or accommodation in order to participate in any public meeting of the GSA Authority. Such assistance includes appropriate alternative formats for the agendas and agenda packets used for any public meetings of the GSA. Requests for such assistance and for agendas and agenda packets shall be made in person, by telephone, facsimile, or written correspondence to the GSA Authority Secretary or to the City of Porterville Public Works Department (559) 791-7804, at least 48 hours before a public GSA meeting.



ETGSA Board Meeting January 5, 2023

Agenda Item 4.a-c

Consent Calendar

Staff Report to the ETGSA Board of Directors

Subject: Consent Calendar

Submitted By: General Manager

Recommended Action: *Move to approve items under the Consent Calendar, approval of items may be made in one motion.*

Executive Summary:

- Approval of December 1, 2022 Meeting of the Board Minutes.
- Approval of ETGSA Resolution 2021-6 re: Public Teleconference Meetings.
- Approval of Ratification of bills paid and approval of bills to be paid.

Attachments:

- Exhibit A: December 1, 2022 Meeting of the Board Minutes.
- Exhibit B: ETGSA Resolution 2021-6 re: Public Teleconference Meetings.
- Exhibit C: ETGSA Financial Statements (Unaudited)

ANNOUNCEMENTS

General Manager Caudillo advised that there were no announcements.

CONSENT CALENDAR

General Manager Caudillo referred the Board to Agenda Items 4a – 4c on the Consent Calendar portion of the agenda. A copy of the Minutes of the November 2, 2022 Board Meeting is attached as Agenda Item #4a. A copy of Resolution 2021-6 Re: Public Teleconference Meetings is attached as Agenda Item #4b. A copy of the financial statements is attached as Agenda Item #4c.

Director Corkins moved to approve Items 4a through 4c. Director Leider seconded, and the motion was unanimously carried by way of the following roll call vote:

In Favor:

Director Holmes
Director Leider
Director Galloway
Director Corkins
Director Weyrauch
Director Schneider
Director Kisling
Chairman Borba

Opposed: None.

ADMINISTRATION

Consider Approval to Direct Staff to File and Record Certificates of Lien with the County of Tulare for Unpaid Groundwater Extraction Fees.

General Counsel Mauritsen provided a report.

Discussion ensued.

Director Corkins moved to approve staff's recordation of Certificates of Lien with the County of Tulare for all unpaid groundwater extraction fees. Director Schneider seconded.

Public comment was received from Tien Tran.

**Director Townsend arrived during this item.*

Discussion ensued.

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

In Favor:

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

Opposed: None.

Consider Approval of Well Mitigation Program Policy

General Manager Caudillo provided a report on the proposed draft Well Mitigation Program Policy. Attached hereto and incorporated by reference as Agenda #5b is a copy of the draft Well mitigation Program Policy document.

General Counsel Mauritsen reviewed the policy with the board.

Discussion ensued.

Tien Tran provided public comment.

Director Corkins moved to approve the Well Mitigation Program Policy as presented in the agenda packet. Director Townsend seconded, and the motion was carried by way of the following roll call vote:

In Favor:

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

Opposed: Director Weyrauch.

Consider Approval of ETGSA Eighth Amended Rules and Regulations

General Counsel Mauritson provided a report on the Eighth Amended Rules and Regulations. Attached hereto as Item #5c is a copy of the Eighth Amended Rules and Regulations. The draft amendment went before the Joint Stakeholder & Executive Committee meeting. Both committees unanimously recommended approval.

Discussion ensued.

Director Corkins moved to approve the Eighth Amended Rules and Regulations as presented in the Agenda Packet. 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 Weyrauch
Director Schneider
Director Kisling
Chairman Borba

Opposed: None.

Consider Approval to Direct Staff to get new logo designs for ETGSA

General Manager Rogelio provided a report on the ETGSA logo.

Director Townsend moved to direct staff to obtain new logo designs for the ETGSA. The motion was seconded by Director Leider, and approved by way of the following roll call vote:

In Favor:

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

Opposed: None.

Report from 4Creeks on ETGSA Accounting and Invoicing

Consulting Engineer De Groot provided a report on accounting and invoicing. Mr. De Groot advised that total number of Basinsafe accounts is currently 1,065, and that approximately 78,000 irrigated acres are currently enrolled. Mr. De Groot noted that 1,200 approximately acres have opted out. Mr. De Groot also reported that the invoice for the groundwater extraction fee has been mailed out. The invoices for transitional water during water year 2022 will be sent to water users shortly. The invoice amount is approximately \$5 million.

STAKEHOLDER OUTREACH AND COMMUNITY ENGAGEMENT

Report on Ongoing ETGSA Outreach Efforts

General Manager Caudillo provided a report on ongoing outreach efforts and upcoming events. A copy of his report is attached as Agenda Item #6a and incorporated by reference.

REPORT FROM COMMITTEES

Receive Reports from Joint Stakeholder & Executive Committee Meetings

General Manager Caudillo provided a report. Attached hereto and incorporated by reference as Agenda Item #7a is a copy of his report.

Receive Reports from Finance Committee Members

General Manager Caudillo provided a report, a copy of which is attached as Agenda Item #7b. Mr. Caudillo noted that the Committee met immediately prior to the Board meeting.

TULE SUBBASIN AND REGIONAL REPORTS AND ITEMS

Report on Tule Subbasin Coordination and TH&Co Task Items

General Manager Caudillo provided a report on Tule Subbasin Coordination and TH&Co Task Items. Attached hereto and incorporated by reference as Agenda Item #8a is a copy of the report.

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: Four

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

CLOSED SESSION ITEMS

Report Action Taken in Closed Session Required by Government Code 54957.1

Chairman Borba announced that there was no reportable action from closed session.

NEXT MEETING DATE

Next Regular Meeting – Thursday, January 5, 2023, at 2:00 p.m.

The next regular meeting of the Board of Directors of the ETGSA Joint Powers Authority shall be held on January 5, 2023, at 2:00 p.m.

ADJOURNMENT

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

Respectfully submitted,

Rogelio Caudillo, General Manager

RESOLUTION 2021-6
of the
BOARD OF DIRECTORS OF THE EASTERN TULE GROUNDWATER
SUSTAINABILITY AGENCY

RESOLUTION RE SUSPENSION OF PUBLIC TELECONFERENCING LOCATIONS

WHEREAS, as modified by Assembly Bill 361, *Government Code* § 54953(e)(1) permits local agencies to dispense with the requirements for teleconference locations contained in *Government Code* § 54953(b)(3) under the conditions specified herein;

WHEREAS, the Board has reconsidered the state of emergency issued by the State of California in connection with COVID-19, and has found that the declared state of emergency remains in effect;

WHEREAS, local and state officials continue to recommend and, in some cases, require, social distancing measures;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board, and each of the Agency's committees subject to the Ralph M. Brown Act, shall, consistent with *Government Code* 54953(e)(1), continue to operate without physical, public meeting or teleconference locations.

THE FOREGOING RESOLUTION was passed and adopted by the Eastern Tule Groundwater Sustainability Agency Board of Directors on this 4th day of November, 2021, by the following vote:

AYES: Directors

NOES: Directors

ABSTAIN:

ABSENT:

Eric Borba, Chairman

ATTEST:

Rogelio Caudillo, Secretary

Certificate of Secretary

I do hereby certify that I am the Secretary of the Eastern Tule Groundwater Sustainability Agency, an agency organized and existing under the laws of the State of California, and that the foregoing Resolution was duly adopted by the Board of Directors thereof at a meeting thereof duly and regularly held on the 4th day of November, 2021, at which meeting a quorum of the said Board of Directors was at all times present and acting, and that said Resolution has not been rescinded or amended in whole or any part thereof, and remains in force and effect.

IN WITNESS WHEREOF, I have signed this Certificate on this 4th day of November, 2021, Porterville, California.

Rogelio Caudillo, Secretary



ETGSA Board Meeting January 5, 2023

Agenda Item 5.a

Consider appointment of Agency Officers

Staff Report to the ETGSA Board of Directors

Subject: ETGSA Board Officers

Submitted By: General Manager

Recommended Action: *Move to appoint ETGSA Board Chair and Vice Chair.*

Executive Summary:

Presentation will be given by staff.

Background:

- n/a

Fiscal Impact:

- n/a

Attachments:

- Exhibit A: 2022 ETGSA Officers Chart

Agenda Item #4.a
Exhibit A



Eastern Tule GSA JPA
Agency Officers and Committee Positions

Body	Officer/Position	Eligible Person(s)	Election/Appointment Interval	Current Appointment
Board of Directors	Chair	Director	Annually, at the first meeting of the Board after January 1	Eric Borba
	Vice-Chair	Director	Annually, at the first meeting of the Board after January 1	Steve Kisling
	Secretary	General Manager (or a Director, Consultant, or other employee of the Authority)	Annually, at the first meeting of the Board after January 1	Rogelio Caudillo
Stakeholder Committee	Chair	Director, Alternate Director	n/a	Bill Bennett
	Vice-Chair	Director, Alternate Director	n/a	Matthew Leider
Executive Committee	Chair	Director, Alternate Director	n/a	Eric Borba
	Vice-Chair	Director, Alternate Director	n/a	Vacant
Finance Committee	Chair	Director, Alternate Director	n/a	Steve Kisling
Land Subsidence Monitoring Committee	Chair	Consultant (or an employee or other technical expert.)	n/a	David DeGroot
	Vice-Chair	Director, Alternate Director	n/a	Thomas Harder

Appointments Current as of January 6, 2022



ETGSA Board Meeting

January 5, 2023

Agenda Item 5.b

Consider appointment of Committee Chairs and Vice Chairs

Staff Report to the ETGSA Board of Directors

Subject: ETGSA Committee Officers

Submitted By: General Manager

Recommended Action: *Move to appoint Committee Chairs and Vice Chairs.*

Executive Summary:

Presentation will be given by staff.

Background:

- n/a

Fiscal Impact:

- n/a

Attachments:

- Exhibit A: 2022 ETGSA Officers Chart

Agenda Item #4.b
Exhibit A



Eastern Tule GSA JPA
Agency Officers and Committee Positions

Body	Officer/Position	Eligible Person(s)	Election/Appointment Interval	Current Appointment
Board of Directors	Chair	Director	Annually, at the first meeting of the Board after January 1	Eric Borba
	Vice-Chair	Director	Annually, at the first meeting of the Board after January 1	Steve Kisling
	Secretary	General Manager (or a Director, Consultant, or other employee of the Authority)	Annually, at the first meeting of the Board after January 1	Rogelio Caudillo
Stakeholder Committee	Chair	Director, Alternate Director	n/a	Bill Bennett
	Vice-Chair	Director, Alternate Director	n/a	Matthew Leider
Executive Committee	Chair	Director, Alternate Director	n/a	Eric Borba
	Vice-Chair	Director, Alternate Director	n/a	Vacant
Finance Committee	Chair	Director, Alternate Director	n/a	Steve Kisling
Land Subsidence Monitoring Committee	Chair	Consultant (or an employee or other technical expert.)	n/a	David DeGroot
	Vice-Chair	Director, Alternate Director	n/a	Thomas Harder

Appointments Current as of January 6, 2022



ETGSA Board Meeting January 5, 2023

Agenda Item 5.c

Review and Consider Approval of Draft ETGSA Scope of Work for MLRP

Staff Report to the ETGSA Board of Directors

Subject: Multibenefit Agricultural Land Repurposing Plan

Submitted By: General Manager

Recommended Action: *None, Board may provide direction to staff.*

Executive Summary:

Presentation will be given by staff.

Background:

The Tule Subbasin Multibenefit Land Repurposing Program will facilitate strategic land retirement, development of habitat resources, and protection and enhancement of water resources throughout the Tule Subbasin. The overarching goal of the Program is to support a transition to sustainable groundwater management while meeting economic, environmental, and social needs within the subbasin, in the understanding that these values are intrinsically linked to water resource management.

Fiscal Impact:

- ETGSA grant funds: \$289,000.00

Attachments:

- n/a



ETGSA Board Meeting January 5, 2023

Agenda Item 5.d

Reports from 4Creeks on ETGSA Accounting and Invoicing

Staff Report to the ETGSA Board of Directors

Subject: ETGSA Accounting and Invoicing
Submitted By: General Manager
Recommended Action: *None, Board may provide direction to staff.*

Executive Summary:

Presentation will be given by 4Creeks staff.

Background:

- n/a

Fiscal Impact:

- n/a

Attachments:

- n/a



ETGSA Board Meeting January 5, 2023

Agenda Item 6.a

Report on ongoing ETGSA outreach efforts

Staff Report to the ETGSA Board of Directors

Subject: Summary of ETGSA Outreach
Submitted By: General Manager
Recommended Action: *n/a (report is for informational purposes)*

Executive Summary:

In addition to its regular Board and Committee Meetings and email correspondence to its Interested Parties List, ETGSA continues to conduct community outreach regarding SGMA, ETGSA, and the implementation of ETGSA's GSP through a variety of events and other media.

A summary of ETGSA's outreach efforts in December is provided below:

In accordance with social distancing guidelines as a result of the threat of the COVID-19 virus, committee members and ETGSA staff have been participating in meetings and engaging with stakeholders and the public remotely via teleconferencing.

- Zoom Teleconferencing Participation for ETGSA:
 - December 1, 2022, Board of Directors (24 Participants)

Background:

SGMA requires that, "The groundwater sustainability agency shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans..." (WAT § 10723.2). ETGSA undertakes outreach efforts, both individually and in collaboration with regional partners, to ensure that these interests are considered and provided with information pertinent and relevant to SGMA and the development of ETGSA's GSP. The ETGSA Board of Directors adopted a Communication and Engagement Plan on October 5, 2018 that serves as a living guide to ETGSA's outreach efforts.

ETGSA's Board and Committee meetings occur on a regular basis and, save for closed session as permitted pursuant the Brown Act, are open to the public.



ETGSA Board Meeting

January 5, 2023

ETGSA continues to encourage its stakeholders to engage the Agency with other opportunities for outreach.

Fiscal Impact:

- Monthly cost for Zoom Standard Pro: \$15.89

Attachments: n/a



ETGSA Board Meeting January 5, 2023

Agenda Item 7.a

Receive reports from Finance Committee Members

Staff Report to the ETGSA Board of Directors

Subject: Summary of Finance Committee Meetings
Submitted By: General Manager
Recommended Action: *n/a (report is for informational purposes)*

Executive Summary:

A report on the Meeting of the ETGSA Finance Committee, scheduled to be held on January 5, 2023, will be given verbally.

Background:

- n/a

Fiscal Impact:

- n/a

Attachments:

- n/a



ETGSA Board Meeting January 5, 2023

Agenda Item 8.a

Report on Tule Subbasin Coordination and TH&Co Task Items

Staff Report to the ETGSA Board of Directors

Subject: Updates Regarding Tule Subbasin Coordination and Task Items

Submitted By: General Manager

Recommended Action: *n/a (report is for informational purposes)*

Executive Summary:

The Tule Subbasin Managers did not meet in December. Below is a summary of the discussions and ongoing subbasin work:

- **Grants** – Reviewing grants and receiving grant funds updates.
- **Technical Advisory Committee (TAC):** The next meeting of the TAC has been scheduled for January 18, 2023 at 2pm. Notices and agendas including call-in information for the TAC meetings will be posted on the Tule Subbasin website: www.tulesgma.com. Notice and Agendas will also be provided by ETGSA.

The Tule Subbasin Management Zone

The Tule Subbasin Management Zone Advisory Committee meets bi-monthly on the first Tuesday of the month. ETGSA General Manager Rogelio Caudillo serves as the GSA representative on the Advisory Committee. Below is a summary of the updates, anticipated deliverables, and associated Exhibits:

- Tule Basin MZ Advisory Committee did not meet in December.

The Tule Subbasin Multibenefit Land Repurposing Program

The Tule Subbasin Multibenefit Land Repurposing Program will facilitate strategic land retirement, development of habitat resources, and protection and enhancement of water



ETGSA Board Meeting

January 5, 2023

resources throughout the Tule Subbasin. The overarching goal of the Program is to support a transition to sustainable groundwater management while meeting economic, environmental, and social needs within the subbasin, in the understanding that these values are intrinsically linked to water resource management.

- MLRP Project Partners has been meeting to discuss budgeting and developing scopes of work for projects.
- ETGSA has been working on its own scope for development of core land repurposing strategies and strategies for a plan in the Land Subsidence Management Area.

Background:

ETGSA is member to the Tule Subbasin MOU Group. This group consists of the various GSAs overlying the Tule Subbasin. More information can be found at: www.tulesgma.com

The Tule Subbasin GSAs have collectively engaged and contracted TH&Co to undertake various scopes of work to assist them in the completion of their GSPs, Coordination Agreement, and various technical matters that must be addressed in a coordinated Subbasin manner. Additionally, David De Groot/4Creeks serves as Technical Lead/Grant Lead/Secretary. Lower Tule River Irrigation District serves as Fiscal Agent to the Tule Subbasin MOU Group.

Fiscal Impact:

- N/A

Attachments:

- N/A