

**EASTERN TULE
GROUNDWATER
SUSTAINABILITY AGENCY,
JPA**

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



ETGSA

**Meeting of the Authority
Board of Directors**

Thursday, September 7, 2023
Convenes at 2:00 p.m.

info@eastertulegsa.com
www.eastertulegsa.com

Curt Holmes
Kern-Tulare Water District

Geoffrey C. Galloway
Terra Bella Irrigation District

Dyson Schneider
Vandalia Water District

John Corkins
White Area

Aubrey Mauritson
Legal Counsel

Rogelio Caudillo
General Manager

Meeting Location:
City of Porterville
City Council Chambers
291N. Main Street
Porterville, CA 93257

**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-----

Action items are listed in **bold**.

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. 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.

2. ANNOUNCEMENTS

3. CONSENT CALANDER

- a. Approval of August 3, 2023 Meeting of the Board Minutes.
- b. Approval of ratification of bills paid and approval of bills to be paid. *(Materials to be distributed on the day of the Board Meeting.)*

4. ADMINISTRATION

- a. **ACTION** – Consider approval of Salary/Payment Adjustment: Administrative Assistant.

- b. Report from 4Creeks on ETGSA Accounting and Invoicing.
- 5. **GOVERNMENTAL AND LEGISLATIVE MATTERS**
 - a. Report on State Advocacy efforts.
- 6. **STAKEHOLDER OUTREACH AND COMMUNITY ENGAGEMENT**
 - a. Report on ongoing ETGSA outreach efforts.
- 7. **REPORTS FROM COMMITTEES**
 - a. Receive report from Finance Committee.
 - b. Receive report from Stakeholder Committee.
- 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: Four
 - b. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
[Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)]
Number of Potential Cases: One
Claimant: Setton Pistachio of Terra Bella, Inc
- 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, October 5, 2023 at 2 p.m.
- 12. **ADJOURNMENT**

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the ETGSA to provide a disability-related modification or accommodation in order to participate in any public meeting. 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 General Manager of the ETGSA at (559) 781-7660, at least 48 hours before a public meeting.



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Agenda Item 3.a-b

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 August 3, 2023 Meeting of the Board Minutes.
- Approval of Ratification of bills paid and approval of bills to be paid.

Attachments:

- Exhibit A: August 3, 2023 Meeting of the Board Minutes.
- Exhibit B: ETGSA Financial Statements (Unaudited).

Agenda Item #3a. A copy of the Minutes of the June 15, 2023, Board Meeting is attached as Agenda Item #3b. A copy of the financial statements is attached as Agenda Item #3c. A copy of the Engagement Letter for Independent Audit FY22-23 from Cuttone & Mastro is attached as Agenda Item #3d.

Director Corkins moved to approve Items #3a - #3d. Director Dyson seconded, and the motion was unanimously carried.

ADMINISTRATION

Consider Approval of Draft ETGSA FY23-24 Budget

General Manager Caudillo provided a report on the Draft ETGSA FY23-24 Budget. Attached hereto and incorporated by reference as Agenda Item #4a is a copy of the budget. Vice-Chair Kisling reported on the finance committee discussions regarding the budget and recommendation.

Discussion ensued.

Director Kisling moved to approve the Draft ETGSA FY23-24 Budget. Director Corkins seconded.

The item was opened for public comment. No public comment was presented.

The motion to approve the Draft ETGSA FY23-24 Budget was unanimously carried.

Consider Approval of Rate Payers Report and Set Date for Public Hearing on Groundwater Extraction Fee

General Manager Caudillo referred the Board to the draft Rate Payers Report. Attached hereto and incorporated by reference as Agenda Item #4b is a copy of the Rate Payers Report. David De Groot provided a summary report of the report.

Discussion ensued.

Director Corkins moved to approve the Rate Payers Report and to set a date for the public hearing on groundwater extraction fee on October 5, 2023. Director Kisling seconded.

The item was opened for public comment. No comment was received.

Board unanimously approved the motion.

Consider Approval of Tulare County FY23-24 Budget Form and Approval of Agency Authorized Signatories for Disbursement of Funds

General Manager Caudillo provided a report on the Tulare County FY23-24 Budget Form and agency authorized signatories for disbursement of funds. Attached hereto and incorporated by reference as Agenda Item #4c is a copy of the budget.

Discussion ensued.

Director Corkins moved to approve the Tulare County FY23-24 Budget Form and agency authorized signatories for disbursement of funds. Director Schneider seconded, and the motion was unanimously approved.

The item was opened for public comment.

The motion was unanimously approved.

Report from 4Creeks on ETGSA Accounting and Invoicing

David De Groot of 4Creeks provided a report on ETGSA accounts and invoicing. He advised that 1,746 Basin safe accounts are operational. In terms of fallowed parcels, Mr. De Groot reported that there are nine accounts, comprised of a total of approximately 2,000 acres. Attached hereto and incorporated by reference as Agenda Item #4d is a copy of his report.

Discussion ensued.

GOVERNMENTAL AND LEGISLATIVE MATTERS

Report on State Advocacy Efforts

Ashley Walker of Nossaman, LLP provided a report. Attached hereto and incorporated by reference as Agenda Item #5a is a copy of her report.

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.

REPORTS FROM COMMITTEES

Receive Report from the Finance Committee

General Manager Caudillo provided a report, a copy of which is attached as Agenda Item #7a.

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: 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.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

[Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)]

Number of Potential Cases: One

Claimant: Setton Pistachio of Terra Bella

The Board of Directors, while in closed session pursuant to Government Code Section 54956.9(d)(2), met with General Counsel Aubrey Mauritson regarding one potential item 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, September 7, 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 September 7, 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



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Agenda Item 4.a

Consider approval of Salary/Payment Adjustment: Administrative Assistant

Staff Report to the ETGSA Board of Directors

Subject: ETGSA
Submitted By: General Manager
Recommended Action: *Move to approve pay increase for Administrative Assistant position to \$20.00/hr*

Executive Summary:

ETGSA Staff Evaluation

Employee name: Dalee Chang
Department: Administration
Position held: Administrative Assistant

Date of Hire: 9/16/21

Date of review: 8/2/23

- Ability to accomplish responsibilities: Good.
- Goal achievements: Has accomplished most if not all professional goals since employment.
- Suggested areas of improvement: A little better time management.
- Demonstration of core values: Yes.
- Additional comments: Has had much improvement in working with landowners and helping explain ETGSA policies and Basinsafe.

Recommended Pay: **\$20.00/hr**

Background:

- n/a



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Fiscal Impact:

- n/a

Attachments:

- n/a



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Agenda Item 4.b

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:

Report will be given by 4Creeks, Inc. staff.

Background:

- n/a

Fiscal Impact:

- n/a

Attachments:

- n/a



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Agenda Item 5.a

Report on State Advocacy efforts

Staff Report to the ETGSA Board of Directors

Subject: ETGSA State Advocacy efforts
Submitted By: General Manager
Recommended Action: *None, Board may provide direction to staff.*

Executive Summary:

Report will be given by Ashley Walker of Nossaman, LLP.

Background:

- n/a

Fiscal Impact:

- n/a

Attachments:

- n/a



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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 development of ETGSA's Draft GSP, GSP Amendments, and the ETGSA's Rules & Regulations through a variety of events and other media.

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

- ETGSA Meetings
 - August 3, 2023 Board of Directors (19 Participants)
 - August 10, 2023 Stakeholder Committee (12 Participants)
- Porterville Chamber of Commerce
 - August 31, 2023 Porterville Chambers GAC Committee: Provided update to GAC Committee on current GSA activities.
- LandFlex Grant
 - Participated in "LandFlex Lessons Learned" call with other applicants, DWR staff, and the TAPs.
 - ETGSA has submitted Progress Report and Invoice 3 as well as a revised Progress Report and Invoice 2 per DWRs recommendations.

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



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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 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



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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:

Meeting #1 – The ETGSA Finance Committee met on August 17, 2023. Below is a summary of the actions taken:

- Review and discussion on ETGSA Website Updates Proposal.
- Review and consider approval to pay the unpaid bills.

Meeting #2 – A report on the Meeting of the ETGSA Finance Committee, scheduled to be held on September 7, 2023 will be given verbally.

Background:

- n/a

Fiscal Impact:

- n/a

Attachments:

- n/a



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Agenda Item 7.b

Receive reports from Stakeholder Committee

Staff Report to the ETGSA Board of Directors

Subject: Summary of Stakeholder Committee Meetings

Submitted By: General Manager

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

Executive Summary:

The ETGSA Stakeholder Committee met on August 10, 2023. Below is a summary of the actions taken:

- Approved the April 13, 2023 meeting of the ETGSA Stakeholders Committee.
- Presentation and updates on ET from Land IQ.
- Presentation from Susan Long from the Tule Basin Land and Water Conservation Trust.
- Updates on ETGSA meetings.

Background:

- n/a

Fiscal Impact:

- n/a

Attachments:

- n/a



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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 Manager's met via Zoom on August 16, 2023. Below is a summary of the updates, anticipated deliverables, and associated Exhibits:

- **SWRCB** – Managers summarized and discuss feedback from previous meeting with SWRCB staff. Trying to coordinate meetings every six weeks with state staff.
- **Technical** – Discussions regarding updating Minimum Thresholds (MTs) in subbasin and evaluating possible reductions in impacts. Discussed possible next steps with state staff. Continuing work on subsidence.
- **Technical Advisory Committee (TAC):** The next meeting of the TAC has been scheduled for October 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 August.

The Tule Subbasin Multibenefit Land Repurposing Program



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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.

- 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.
- MLRP Project Partners recommended working on one big outreach workshop in the subbasin as opposed to the original plan of 3.
- MLRP Project Partners would like to utilize the built in stakeholder bodies of the GSAs for continued outreach.

Background:

ETGSA is a member of 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, R.L. Schafer serves as the Tule Subbasin Coordinator and 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