



ETGSA

MINUTES OF THE BOARD OF DIRECTORS MEETING HELD OCTOBER 5, 2023

At approximately 2:00 p.m. on October 5, 2023, at the City of Porterville, Council Chambers, Chairman Eric Borba called to order the meeting of the Board of Directors of the Eastern Tule Groundwater Sustainability Agency Joint Powers Authority (“ETGSA”). The meeting was also conducted remotely for members of the public.

Members Present: Eric Borba John Corkins
 Steve Kisling Matthew Leider
 Don Weyrauch Dyson Schneider
 Dennis Townsend Geoff Galloway

Members Absent: Curt Holmes

Others Present: Aubrey Mauritson Rogelio Caudillo
 Micheal Knight Andrew Hart
 David De Groot Susan Long
 Nick Sahota Ralph Pistoressi
 Don Davis Thomas Harder
 Tien Tran Ashley Walker
 Anthony Moore Ashdeep Singh

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: Seven

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Paragraph (1) of Subdivision (d) of Section 54956.9]

Setton Pistachio of Terra Bella, Inc. v. Eastern Tule Groundwater Sustainability Agency
Tulare County Superior Court Case No. VCU302028

The Board of Directors, while in closed session pursuant to Government Code Section 54956.9(d)(1), met with General Counsel Aubrey Mauritson regarding existing litigation named above.

PUBLIC COMMENT

Chairman Borba announced the public comment period. Susan Long provided public comment.

ANNOUNCEMENTS

General Manager Caudillo advised that the period for applying to the Stakeholder Committee is still open, and the due date for applications is December 1, 2023. Mr. Caudillo also announced that staff is working towards obtaining a 215 contract with the Bureau of Reclamation for flood water, and that the contract will appear as an item on a future agenda.

PUBLIC HEARING

Staff Report on Groundwater Extraction Fee and Water Rate Study

General Manager Caudillo provided a report on the Groundwater Extraction Fee and Water Rate Study. Attached to the Board packet as Agenda Item #5a is a copy of his staff report and the water rate study.

Public Hearing on Groundwater Extraction Fee. Written Protests by Individuals Will be Accepted up Until the End of the Hearing. Protests Submitted After the Hearing has Concluded Will Not be Considered

At approximately 3:08 p.m., Chairman Borba opened the public hearing. Public comment was received from Ralph Pistoressi and Nick Sahota. Additional public comment was received from Arshdeep Singh.

A short break period was held following public comment to allow submissions of protests.

Close Public Hearing, Report on Status of Written Protests

At approximately 3:35p.m., Chairman Borba closed the public hearing.

Consider Approval of Resolution 2023-03, Setting Groundwater Extraction Fee

General Manager Caudillo announced that protests received at the close of the public hearing were less than 2,000 acres.

General Counsel Mauritson announced that the protests received do not amount to a majority of the acreage within the area being assessed the groundwater extraction fee. As a result, the election passes. Attached to the Board packet as Agenda Item #5d is a copy of the Resolution setting groundwater.

Director Corkins moved to adopt Resolution 2023-03, adopting the groundwater extraction fee for WY 2024. Director Leider seconded.

Discussion ensued.

The board unanimously approved the motion.

CONSENT CALENDAR

General Manager Caudillo referred the Board to Agenda Items #5a – #5c on the Consent Calendar portion of the agenda. A copy of the Minutes of the September 7, 2023, Board Meeting is attached as Agenda Item #5a. A copy of the financial statements is attached as Agenda Item #5b. A copy of the letter to the County of Tulare Treasurer re: Petty Cash is attached as Agenda Item #5c.

Director Corkins moved to approve Items #5a - #5c. Director Kisling seconded.

A call was made for public comment. No public comment was received.

The board unanimously approved the motion.

ADMINISTRATION

WY 2024 Sustainable Yield and Tier 1 Penalty Allocations

Consulting Engineer David De Groot provided a report on WY 2024 Sustainable Yield and Tier 1 Penalty Allocations. Attached to the Board packet as Agenda Item #7a Exhibit A is a copy of the WY 2024 allocations.

Discussion ensued regarding allocation dates.

Mr. De Groot continued with his report.

Consider Approval of Resolution 2023-04 Establishing Tier 1 Penalty Rates

Consulting Engineer De Groot provided a report on penalty rates. Pursuant to the FWA Settlement Agreement, the rate must be set no less than \$286.00 per acre-foot for the Tier 1 Penalty Allocation.

General Manager Caudillo provided a report. His staff report attached as Agenda Item #7b.

A copy of Resolution 2023-04, establishing the penalty allocation rates for WY 2024, is attached to the Board packet as Agenda Item #7b.

Discussion ensued regarding the rates.

Public comment was received from Don Davis.

Director Corkins moved to approve Resolution 2023-04 Establishing Tier 1 Penalty Rates, with the Tier 1 rate being \$310 per acre-foot, and the Tier 2 rate remaining at \$500 per acre-foot. Director Kisling seconded.

Discussion ensued.

The board unanimously approved the motion.

Member Agency Calls for Funds

General Manager Caudillo provided a report on Member Agency Calls for Funds. Attached to the Board packet as Agenda Item #6c, a summary of the Calls for Funds.

Director Corkins moved to approve the Member Agency Calls for Funds as presented in the agenda packet. Director Galloway seconded.

A call was made for public comment. No public comment was received.

The board unanimously approved the motion.

Consider Approval of Appointments to Finance Committee

General Manager Caudillo provided a report on the appointments to the Finance Committee. He advised that the representative for Kern-Tulare Water District has resigned. The recommendation of the Finance Committee is that Director Leider become the standing committee member, with Director Galloway serving as alternate.

Director Corkins moved to approve the slate as presented in the agenda packet. Director Weyrauch seconded, and the motion was unanimously carried.

Discussion Regarding Water Bucket Prioritization

General Manager Caudillo provided report. Attached to the Board packet as Agenda Item #6e is his staff report. Mr. Caudillo made one point of clarification with respect to the Rules & Regulations: The default priorities lock into place 30 days prior to the end of each quarter. Mr. Caudillo noted that there has been some leniency in the enforcement of this rule, but that it and the other rules would be strictly enforced in the new water year.

Discussion ensued.

Report from 4Creeks on ETGSA Accounting and Invoicing

Don Tucker of 4Creeks provided a report on ETGSA accounts and invoicing.

Attached to the Board packet as Agenda Item #6f 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 to the Board packet as Agenda Item #7a is a copy of her report.

Discussion ensued.

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 to the Board packet as Agenda Item #8a.

REPORTS FROM COMMITTEES

Receive Report from the Finance Committee

General Manager Caudillo provided a report, a copy of which is attached to the Board packet as Agenda Item #9a.

Receive Report from the Stakeholder Committee

General Manager Caudillo provided a report, a copy of which is attached to the Board packet as Agenda Item #9b.

Receive Report from Land Subsidence Monitoring Committee

General Manager Caudillo provided a report, a copy of which is attached to the Board packet as Agenda Item #9c.

Discussion ensued regarding land subsidence management area parcels which are located within an irrigation district.

Thomas Harder provided comment.

TULE SUBBASIN AND REGIONAL REPORTS AND ITEMS

Presentation on Revised Methodology and Revised Sustainable Management Criteria for Addressing DWR Comments

General Manager Caudillo provided a report on revised methodology and revised sustainable management criteria for addressing DWR comments. Attached to the Board packet as Agenda Item #10a is a copy of the presentation.

Public comment was received from Tien Tran.

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 to the Board packet as Agenda Item #10b is a copy of the report.

Discussion ensued.

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, November 2, 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 November 2, 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