

WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY

March 02, 2017 - 6:00 PM
Special Meeting

Turlock Irrigation District, Board Room 105
333 E. Canal Drive, Turlock, California

AGENDA

BOARD MEMBERS

Joe Alamo, Turlock Irrigation District

Chair

Gary Soiseth, City of Turlock

Vice Chair

Chris Vierra, City of Ceres

Dillard Worsham, Delhi County Water District

David Odom, Denair Community Services District

Curtis Jorritsma, Hilmar County Water District

Jeremy Young, City of Hughson

Lloyd Pareira, Merced County

Miguel Alvarez, City of Modesto

Vito Chiesa, Stanislaus County

Alternate formats of this agenda will be made available upon request by qualified individuals with disabilities. Appropriate interpretive services for this meeting will be provided if feasible upon advance request by qualified individuals with disabilities. Please contact the Dorinda Soiseth, Interim Agency Secretary at (209) 883-8374 for assistance and allow sufficient time to process and respond to your request.

A. CALL TO ORDER

B. CONSENT CALENDAR

- 1. Approval of minutes of the initial meeting of February 2, 2017.**

C. STAFF UPDATES

None.

D. PUBLIC COMMENT PERIOD

Interested persons in the audience are welcome to introduce any topic within the Agency's jurisdiction. No action may be undertaken on any item not appearing on the posted agenda, except that the Board may briefly respond to the comments, refer the matter to staff, or request it be placed on a future agenda.

E. PUBLIC HEARING

1. PRESENTATION AND PUBLIC COMMENT ON WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY'S PROPOSED ELECTION TO BE A GROUNDWATER SUSTAINABILITY AGENCY.

- Tou Her

ACTION: Conduct a public hearing and receive public comment on the proposal of the West Turlock Subbasin Groundwater Sustainability to elect to be a Groundwater Sustainability Agency.

F. ACTION ITEMS

1. RESOLUTION APPROVING THE WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY'S ELECTION TO BE A GROUNDWATER SUSTAINABILITY AGENCY.

- Tou Her

ACTION: Adopt the Resolution approving the West Turlock Subbasin Groundwater Sustainability Agency's election to be a groundwater sustainability agency and directing Staff to submit the GSA election package to the Department of Water Resources.

2. TECHNICAL ADVISORY COMMITTEE

Staff will discuss the need for a Technical Advisory Committee for the West Turlock Subbasin GSA, and will provide a recommendation on establishing a Technical Advisory Committee and appointing a Chair and a Vice-Chair.

- Tou Her

ACTION: Motion to establish a Technical Advisory Committee, and appoint a Chair and a Vice-Chair.

3. LEGAL COUNSEL

Staff will discuss the need for legal counsel for the West Turlock Subbasin GSA, and will provide a recommendation on the appointment of a General Counsel and a Special Counsel and approve reimbursement for the costs to cover the time of the General Counsel, and to direct the Chair of the Technical Advisory Committee to execute an agreement for the Special Counsel services.

- Tou Her

ACTION: Motion to appoint a General Counsel and a Special Counsel, approve reimbursement for the costs of the General Counsel, and to direct the Chair of the Technical Advisory Committee to execute an agreement for the services of the Special Counsel.

G. REPORTS

1. TURLOCK GROUNDWATER BASIN ASSOCIATION (TGBA) – “ROADMAP” TO MEET SGMA DEADLINES

- Staff will provide as an informational item, TGBA’s efforts on development of a “Roadmap” to meet SGMA deadlines. This item is for discussion purposes only and no formal action will be taken by the Board.
- Debbie Liebersbach, TGBA Chair

H. COMMENTS FROM THE BOARD

Board Members may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the Legislative Body.

I. MOTION TO ADJOURN

The next scheduled special meeting will be held on June 1, 2017 at 6:00 PM, TID Board Room 105, 333 E. Canal Drive, Turlock.

**MINUTES OF THE
INITIAL MEETING
OF THE BOARD OF DIRECTORS
OF THE WEST TURLOCK SUBBASIN
GROUNDWATER SUSTAINABILITY AGENCY**

Turlock Irrigation District Office
333 E. Canal Drive, Turlock, CA

6:00 p.m.
February 2, 2017

1. CALL TO ORDER AND INTRODUCTION OF BOARD MEMBERS

Dorinda Soiseth, as assuming Secretary, called the meeting to order at 6:00 p.m.
The Board Members introduced themselves and noted the agencies they represent.

PRESENT: Directors Alamo, Soiseth, Chiesa, Alavarez, Pareira, Young, Jorritsma,
Odom, Worsham and Vierra

ABSENT: None

2. STAFF UPDATES

Tou Her, Assistant General Manager of Water Resources at Turlock Irrigation District, and also a member of the Technical Committee, provided a brief overview of the Sustainable Groundwater Management Act and a history of the West Turlock Subbasin Groundwater Sustainability Agency (WTS GSA). There are 18 agencies within the WTS GSA, made up of the two counties, cities, irrigation districts, water districts and community service districts. In taking steps to form the GSA, representatives from all the agencies held a series of meetings over the last 11 months to discuss numerous categories which ultimately led to the JPA forming the West Turlock Subbasin GSA. Ten agencies have elected to be members, four have elected to be associate members, and four have elected not to participate but will fall under the jurisdiction of the GSA. Members have a Board seat and voting privileges while Associate Members do not have a Board seat or voting privileges but can participate in committees.

3. PUBLIC COMMENT PERIOD

There were no comments from the public.

4. ELECTION OF OFFICERS

Tou Her provided the staff report and explained the election process for the positions of Chair and Vice Chair. He advised that the election of officers must be by a motion to nominate, supported by a second motion, and followed by a vote of the Board.

Dorinda Soiseth, as assuming Secretary, opened the floor to the Board Members for nominations of the Chair position.

MOTION: Director Chiesa moved, Director Soiseth seconded, that Director Alamo be elected to the position of Chair for the WTS GSA. A roll call vote was conducted and all voted in favor with none opposed.

Director Alamo, as Chair, opened the floor to the Board Members for nominations of the Vice Chair position.

MOTION: Director Vierra moved, Director Jorritsma seconded, that Director Soiseth be elected to the position of Vice Chair for the WTS GSA. A roll call vote was conducted and all voted in favor with none opposed.

5. GSA STAFFING

Tou Her provided the staff report and said the options for staffing are to hire an independent employee that would work directly for the Authority; to be a member of a participating agency with reimbursement; be a member of participating agency without reimbursement; and to choose to use all or a portion of the Member's staff to work in a committee structure.

Mr. Her reviewed the responsibilities of the GSA Secretary and said the staff recommendation is to appoint Dorinda Soiseth of TID as interim secretary.

Director Vierra asked for clarification of the term "interim". Mr. Her responded that the Secretary would serve at the discretion of the Board.

MOTION: Director Jorritsma moved, Director Pareira seconded, that the Board appoint Dorinda Soiseth from Turlock Irrigation District to act as interim Secretary, and approve reimbursement to TID for the costs to cover Ms. Soiseth's time working for the Agency. All voted in favor with none opposed. Director Soiseth abstained.

Tou Her noted that a Deputy Secretary may be appointed in the future should the Board desire to do so. The consensus was to refer this matter to the Technical Advisory Committee for a recommendation.

Mr. Her reviewed the responsibilities of the GSA Treasurer and said the staff recommendation is to appoint Michael Clipper of TID as interim treasurer.

MOTION: Director Chiesa moved, Director Vierra seconded, that the Board appoint Michael Clipper from Turlock Irrigation District to act as interim Treasurer, and approve reimbursement to TID for the costs to cover Mr. Clipper's time working for the Agency. All voted in favor with none opposed.

Mr. Her advised that the Board could select an Executive Director immediately, or may choose to have the Technical Advisory Committee perform the duties of an Executive Director, in which case the Board may appoint a Chair and Vice-Chair to lead that committee.

The consensus of the Board was to utilize the Technical Advisory Committee to serve as the Executive Director and to provide recommendations for a chair and vice chair.

Mr. Her advised that a recommendation would be provided at the next meeting and placed on the agenda for Board action.

Mr. Her advised that the Board could hire legal counsel as it deems appropriate, which could be both general and special counsel positions. Staff is seeking direction from the Board and could provide a recommendation at the next meeting.

Director Chiesa asked that this matter be sent back to the Technical Advisory Committee for a recommendation.

Director Soiseth agreed that a recommendation from the Advisory Committee is needed.

Director Chiesa leaves the meeting.

6. TECHNICAL ADVISORY COMMITTEE

Tou Her provided the staff report and advised that the GSA could establish internal committees comprised of the staff of the Members and Associate Members, and said there is a need for staff to continue to meet regarding recommendations to the Board regarding SGMA compliance. Staff will provide a recommendation at the next meeting.

7. AMEND EXHIBIT E OF THE JPA FORMING THE WEST TURLOCK SUBBASIN GSA

Tou Her provided the staff report and noted that the Monterey Park Tract Community Services District Board of Directors has elected not to be an Associate Member of the GSA. Staff recommends amending Exhibit E of the JPA to reflect this action.

MOTION: Director Pareira moved, Director Odom seconded, that the Board amend Exhibit E of the JPA to reflect removing Monterey Park Tract Community Services District as an Associate Member of the West Turlock Subbasin GSA. All voted in favor with none opposed. Director Chiesa was not present for this vote.

8. BUDGET

Tou Her noted the initial budget of the GSA is \$106,000, which represents the annual membership fees required of each participating agency. He advised that the Board can amend the budget at any time, and staff recommends adoption of the initial 2017 budget as presented.

MOTION: Director Vierra moved, Director Soiseth seconded, that the Board adopt the Initial 2017 Budget and direct the Treasurer to collect the annual membership fees from all Members and Associate Members. All voted in favor with none opposed. Director Chiesa was not present for this vote.

9. BYLAWS

Tou Her said that draft bylaws were included in the agenda packet. He asked the Board to review the bylaws and to provide any comments to Dorinda Soiseth. The comments will be incorporated in to the document and staff will provide the revised draft bylaws to the Board for approval at a future meeting. He noted that staff is specifically seeking direction for meeting days, time and place. The recommendation is the first Thursday of the month on a quarterly basis.

The consensus of the Board was to hold the meetings quarterly, at 6:00 PM on the first Thursday of the month, at the TID Board Room in Turlock.

10. PUBLIC HEARING REGARDING GSA ELECTION

Tou Her provided the staff report and explained the steps that need to be taken to successfully elect to be a GSA with the Department of Water Resources (DWR). At the suggestion of the Technical Advisory Committee, DWR was contacted about whether a public hearing would be required in all counties where the GSA overlapped. DWR staff advised they held no position on where to hold public hearings where a GSA is located in multiple counties. Mr. Her offered two options to the Board; 1) hold one public hearing on March 2 at TID; and 2) hold two public hearings – one in the Merced County Board Chambers on March 1, 2017 at 6:00 p.m. and one in Turlock on March 2, 2017 at the TID offices. The hearing on March 1 would be a public hearing only with no action taken by the Board. The action would be taken at the March 2 meeting in Turlock.

Director Jorritsma said he would prefer the hearings be held in both counties as there is representation from Merced County on the Agency.

Mr. Her noted that if the Board elects only one hearing, staff will post the notice and advertise in both counties.

Valerie Kincaid, attorney for the Technical Advisory Committee, advised that the requirement is for the GSA to hold a public hearing and state their intent. SGMA allows an agency to hold a public hearing in a county or counties. She contacted staff at DWR and they stated they had no position on whether more than one public hearing was required if a GSA overlapped into multiple counties. She stated that her legal opinion is we will comply by holding one public hearing.

Director Soiseth said that holding hearings in both counties would symbolically show Merced County we are in support, and he favors holding the hearings in both counties.

Director Odom said he agrees that a hearing should be held in each county.

MOTION: Director Soiseth moved, Director Young seconded, that the Board set two public hearing dates; March 1, 2017, at 6:00 p.m. at the Merced County Board Chambers, 2222 M Street, Merced, CA, and March 2, 2017, at

6:00 p.m. at the Turlock Irrigation District office, 333 E. Canal Drive, Turlock CA, and directs the Secretary to post notice of the public hearings. All voted in favor with none opposed. Director Chiesa was not present for this vote.

Valerie Kincaid advised that the first hearing does not need to be held by the JPA.

Tou Her advised that the Board will take formal action on their intent to become a GSA at the March 2nd meeting.

11. COORDINATION WITH EAST TURLOCK SUBBASIN GSA

Tou Her provided the report and said that the western portion of the Turlock Subbasin will be managed by the West Turlock Subbasin GSA, and the eastern portion of the basin will be managed by the East Turlock Subbasin GSA. The two GSAs plan to work collaboratively to develop a single, basin-wide Groundwater Sustainability Plan (GSP). Should this not be possible, the two GSAs will be required to enter into an agreement to assure the GSPs are coordinated.

12. COMMENTS FROM THE BOARD

Director Jorritsma thanked staff for their work and said this is the beginning of an interesting journey.

13. ADJOURNMENT

It was moved and seconded to adjourn the meeting at 6:56 p.m.

Dorinda Soiseth
Interim Agency Secretary

WEST TURLOCK SUBBASIN GROUNDATER SUSTAINABILITY AGENCY
STAFF REPORT

F. ACTION ITEMS

1. RESOLUTION APPROVING THE WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY'S ELECTION TO BE THE GROUNDWATER SUSTAINABILITY AGENCY FOR THE LANDS WITHIN THE BOUNDARY OF THE WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY.

The main purpose of the Agency is to comply with the Sustainable Groundwater Management Act (SGMA) and successfully elect to be a groundwater sustainability agency with the Department of Water Resources by June 30, 2017. There are several steps that an agency must take in order to elect to become a Groundwater Sustainability Agency (GSA). First, it must be a public agency, or a joint powers authority made up of public agencies. Second, the public agency must properly notice a public hearing of the agency's intent to become a GSA. Third, the public agency must hold a public hearing and take affirmative action to elect to become a GSA. Fourth, within 30 days of electing, the public agency must provide the election package to DWR. Fifth, 90 days after a complete GSA application is provided to DWR, the agency is presumed to be the exclusive GSA over the areas it proposed to manage.

At the February 2, 2017 Board meeting, the Board of Directors of the West Turlock Subbasin GSA (WTSGSA) took action to set two public hearings, the first of which to be held at 6:00 PM on March 1, 2017 in Merced, at the Merced County Board chambers, located at 2222 M Street, Merced, CA 95340. The second public meeting to be held during a special meeting of the Board at 6:00 PM on March 2, 2017 in the Turlock Irrigation District Board room, located at 333 E. Canal Drive, Turlock, CA 95380. At the special meeting on March 2, 2017, the Board will also consider adoption of a resolution approving the WTSGSA's election to be the GSA for the lands within the boundary of the WTSGSA.

Recommendation: Staff recommends adoption of the Resolution approving the WTSGSA's election to be the GSA for the lands within the boundary of the WTSGSA and directs Staff to develop and submit the GSA election package to the Department of Water Resources (DWR).

DRAFT RESOLUTION NO. 2017-_____

RESOLUTION APPROVING THE WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY'S ELECTION TO BE THE GROUNDWATER SUSTAINABILITY AGENCY FOR THE LANDS WITHIN THE BOUNDARY OF THE WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY

WHEREAS, the Sustainable Groundwater Management Act (SGMA) was signed into law on September 16, 2014 and adopted as California Water Code, section 10720, et. seq.; and

WHEREAS, the purpose of SGMA is to provide sustainable management of groundwater basins and enhance local management of groundwater through empowering local management agencies with the authority, technical, and financial assistance necessary to sustainably manage groundwater; and

WHEREAS, Water Code section 10723(a) authorizes any combination of local agencies having water or land management authority overlying a basin to elect to be the groundwater sustainability agency for that basin; and

WHEREAS, the West Turlock Subbasin Groundwater Sustainability Agency (WTSGSA) was formed as a joint powers authority pursuant to Government Code section 6500, et. seq., by agencies that qualify to be groundwater sustainability agencies (Members); and

WHEREAS, the respective service areas of the WTSGSA Members are located in the Turlock Groundwater Subbasin as defined in the California Department of Water Resources Bulletin 118; and

WHEREAS, WTSGSA membership was extended to all agencies that have water and/or land management authority within the boundary of the WTSGA; and

WHEREAS, the WTSGSA is committed to sustainable management of its groundwater resources; and

WHEREAS, retaining local jurisdiction and control over groundwater management is beneficial to the health, safety, and water supply reliability of the Members of the WTSGSA and their respective customers and constituents; and

WHEREAS, adoption of this Resolution does not constitute a project under the California Environmental Quality Act because it does not result in any direct or indirect physical change in the environment; and

WHEREAS, pursuant to Water Code section 10723 and Government Code section 6066, notices of a public hearing regarding the adoption of a resolution to elect to become a groundwater sustainability agency were published on February, 16 and 23, 2017 in the Modesto Bee and Merced Sun-Star, and on February 15 and 22, 2017 in the Turlock Journal; and

WHEREAS, on March 1, 2017, the WTSGSA held a public hearing in Merced County to receive comments prior to the WTSGSA considering to be a Groundwater Sustainability Agency; and

WHEREAS, on March 2, 2017, the WTSGSA held an additional public hearing in Stanislaus County during a special meeting of the WTSGSA and considered the adoption of this RESOLUTION.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the WTSGSA that:

1. The WTSGSA elects to be the Groundwater Sustainability Agency and intends to undertake sustainable groundwater management within its boundary area; and
2. The WTSGSA Board authorizes the Chair of the Technical Advisory Committee or his designee to notify the California Department of Water Resources of the WTSGSA's decision, by providing a copy of this RESOLUTION and other relevant information necessary to the California Department of Water Resources within 30 days, and otherwise comply with the requirements of Water Code section 10723.8(a).

Moved by Director _____, seconded by Director _____, that the foregoing resolution be adopted.

Upon roll call, the following vote was had:

Ayes: Directors
Noes: Directors
Absent: Directors

The President declared the resolution _____.

I, Dorinda Soiseth, Interim Secretary to the Board of Directors of the WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a special meeting of said Board of Directors held the 2nd day of March, 2017.

Interim Secretary to the Board of Directors
of the West Turlock Subbasin
Groundwater Sustainability Agency

2. TECHNICAL ADVISORY COMMITTEE

The JPA allows the Agency to establish internal committees comprised of the staff of the Members and Associate Members of the WTSGSA. Prior to the execution of the JPA, staff from each of the agencies has been collaborating on GSA formation and SGMA compliance issues.

There is a need for staff to continue to engage regarding development of a roadmap for SGMA compliance, development of a Groundwater Sustainability Plan (GSP), development of staff reports and provide other recommendations to the Board with regard to SGMA compliance and various activities of the WTSGSA.

Recommendation: Staff recommends the Board establish a Technical Advisory Committee (TAC) and appoint Michael Cooke, Municipal Services Director for the City of Turlock, as Chair, and Lacey Kiriakou, Water Resources Coordinator for Merced County, as Vice-Chair for a term of 2 years.

3. LEGAL COUNSEL

The JPA allows the Board to hire legal counsel as it deems appropriate. It may be appropriate to consider both general and special SGMA counsel positions. A general counsel would provide counsel with regard to Brown Act matters, employment issues, JPA amendments, and other general business issues with the Agency. Special counsel would provide advice and guidance related to compliance with SGMA, including formation of a GSA, establishing coordination agreements, and development of a groundwater sustainability plan.

While legal counsel for the various agencies could serve as general counsel for the WTSGSA, staff determined that Phaedra Norton, City Attorney for the City of Turlock would be well suited to serve as general counsel for the WTSGSA.

Staff also determined that Valerie Kincaid would be well suited to serve as special counsel for the WTSGSA. Ms. Kincaid is a partner at the firm of O’Laughlin & Paris LLP, whose practice focuses on water law, including water rights, water transfers, and water quality issues, and she is well versed in SGMA.

Recommendation: Staff recommends the Board appoint Phaedra Norton, City Attorney for the City of Turlock, as General Counsel, and approve reimbursement to the City of Turlock for the costs to cover Ms. Norton’s time working for the WTSGSA. Staff further recommends the Board appoint Valerie Kincaid from O’Laughlin & Paris, LLP, as Special Counsel, and further directs the Chair of the Technical Advisory Committee to execute an agreement with O’Laughlin & Paris, LLP, for Ms. Kincaid’s services for the WTSGSA.

G. REPORTS

1. TURLOCK GROUNDWATER BASIN ASSOCIATION (TGBA) – “ROADMAP” TO MEET SGMA DEADLINES

The WTSGSA will manage groundwater resources in the western portion of the Turlock Subbasin, while the East Turlock Subbasin GSA (ETSGSA) will manage the eastern portion of the Turlock Subbasin. Both the GSAs have agreed that while there are two GSAs within the subbasin, it was in the best interest of the subbasin for the two GSAs to work collaboratively together to develop a single basin-wide GSP. This can be accomplished through a Memorandum of Understanding (MOU) between the two GSAs.

Prior to SGMA, the member agencies of both the GSAs established the Turlock Groundwater Basin Association (TGBA), an entity formed since the 1990's to coordinate and communicate groundwater management activities within the Turlock Subbasin. To get a head start on SGMA compliance and position the Turlock Subbasin for potential funding that could be available, the TGBA developed a Request for Proposal and subsequently retained a team of consultants (Todd Groundwater) to assist the TGBA in developing a “Roadmap” for the Turlock Subbasin to meet SGMA deadlines. A representative of Todd Groundwater will be present to provide the Board with an overview of the “Roadmap” efforts of the TGBA.