

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY
Sustainable Groundwater Management Act Sub-Committee Meeting
Final Minutes
Wednesday, October 16, 2015; 1:30 PM

Location: 10060 Goethe Road
Sacramento, CA 95827
SRCSD/SASD Office Building – Room 1213 Red Oak

Minutes:

1. Call to Order and Roll Call

Paul Schubert called the meeting to order at 1:30 p.m.

The following meeting participants were in attendance:

Board Members:

Tom Nelson – FRCD/EGWD
Tom Mahon – Agricultural Interests
Brett Ewart – City of Sacramento
Rick Bettis – Conservation Landowners

Staff Members:

Darrell Eck - SCGA
Sarah Britton – Legal Counsel
Ping Chen – SCGA
Ramon Roybal – SCGA

Others in Attendance:

Amanda Platt, Sloughhouse RCD
Mark Madison – FRCD/EGWD
Bruce Kamilos – FRCD/EGWD
Jonathan Goetz – GEI

2. Public Comment

None

3. SCGA Joint Powers Authority

- In response to the question of why the Joint Powers Agreement (JPA) requires its signatories to confirm nominations Ms. Britton reported that there was a California Constitutional limitation that the Legislature may not delegate municipal functions to private entities. The appointment of stakeholder interest

positions that are private must be appointed by an elected body in order to utilize the municipal functions of the Authority.

- Ms. Britton reported that any public agency may form a Joint Powers Authority with other public agencies but that the law requires that the exercise of powers under the Authority would be limited to the least common powers held by all member agencies.
- Ms. Britton stated that it would be possible to form a GSA under the organization of a Joint Powers Authority that included entities that lacked police powers delegated by the State or in the formation of an MOU while utilizing the enhanced powers granted under SGMA, but that in her opinion such an organization may be at risk of having those powers challenged in the future.
- Ms. Britton opined that it might be advantageous for the Authority to maintain its current JPA signatory arrangement given the land-use coordination requirements of SGMA. Mr. Kamilos disagreed and offered that an agency that derived all of its power from land-use authorities would likely be viewed negatively by the rural residential and ag communities.
- Review of FRCD's suggested changes to JPA (see FRCD letter).
- Mr. Madison stated that FRCD's suggested changes to the existing JPA were in the interest of equal power for all members of the Authority. He stated that the JPA was the proper mechanism for operating a GSA as opposed to an MOU. FRCD would like the JPA to be able to stand on its own and be empowered to take the necessary actions to comply with SGMA.
- Mr. Schubert observed that SGA's JPA was very similar in language to SCGA's and that they had not indicated any plan to modify their JPA at this time.
- FRCD recommended that starting in January 2016 the SCGA Board meet every month to ensure that timely actions can be taken and to keep board members engaged in the process. Mr. Schubert responded that he would be willing to follow the will of the board but that he felt it was not necessary to meet monthly in order to move forward with SGMA compliance at this time. Mr. Schubert recommended putting together a timeline of necessary actions for the board.
- Ms. Britton reported that SCGA could file an NOI for GSA formation without making any amendments to the existing JPA but recommended that it would be prudent to amend the JPA to conform to the powers and authorities called for by SGMA after SCGA was recognized as a GSA.
- Discussion regarding counsel review and opinion of recommended JPA edits by board members. Decision for counsel to first conduct test of JPA powers under alternate JPA signatory construction. Discussion and analysis of additional recommended JPA amendments to follow at a later date.
- Ms. Britton reminded that the board action to file an NOI would be done via Resolution.

- Counsel’s recommendation regarding amendments to JPA and preparation of NOI for GSA application under SGMA:
 - No immediate amendments to the JPA are necessary in order to file an NOI for application of GSA formation with the State. If the Authority wanted to file an NOI for a GSA that would be co-extensive with the South American Subbasin, as described by DWR Bulletin 118, the Authority could partner with an entity whose jurisdiction included the portions of the Bulletin 118 boundary not currently encompassed by the Authority. The filing of the NOI would then be made jointly between SCGA and said entity under an MOU which would include a statement that SCGA would act to amend its JPA, after GSA acceptance by the State, to be co-extensive with the Bulletin 118 boundary.

Motion/Second/Carried – Mr. Ewart moved, seconded by Mr. Mahon, the motion carried unanimously to make a recommendation to SCGA Board to follow legal counsel’s opinion regarding process to file NOI for GSA application.

4. Status Report

- Mr. Ewart stated that he would like an analysis of the potential risks of maintaining a course of action that would result in two GSA’s, SCGA and OHWD, within the South American Subbasin for presentation to the full board. Mr. Eck replied that staff could provide such an item and that off-hand, the risk of two GSA’s in the Central Basin would be similar to the risks for any basin if one of the participants did not follow through on their responsibilities as a GSA. Mr. Schubert responded that there was perhaps too much concern over the actions of OHWD and that they would either do what was necessary under SGMA or it would revert back to the County in which case the issue could be resolved at that time and thus their actions should not drive SCGA’s actions. Mr. Schubert acknowledged that it was important to educate the board relative to the consequences if any entity within the basin did not complying with their respective responsibilities under SGMA. Mr. Ewart reiterated his concern that OHWD would be transitioning from a single voting member of SCGA to a one-to-one relationship with SCGA as a body and that ensuring healthy coordination and cooperation under such an arrangement was an area of concern.
- Mr. Schubert mentioned the possibility of filing an NOI in coordination with OHWD’s filing of an NOI.
- Ms. Britton mentioned the option of negotiating cooperative agreements with OHWD prior to the filing of an NOI.

- Discussion regarding the timing of filing an NOI. Deadline to establish GSA is June 30, 2017. Mr. Madison stated that if SCGA were to put off filing for an NOI for another year than there would be no reason to delay discussions to amend the JPA. Mr. Goetz pointed out that there was some urgency for establishing a GSP independent of the deadline with respect to understanding the arrangement of the basin and being able to respond to the draft GSP guidelines when they are published.
- Subcommittee decided to proceed as previously discussed. SCGA to move forward as scheduled with filing an NOI for an area co-extensive with Bulletin 118 boundary and excluding the OHWD area. In the meantime SCGA could look for opportunity to discuss terms of cooperation with OHWD.

Motion/Second/Carried – Mr. Ewart moved, seconded by Mr. Mahon, the motion carried unanimously to make the recommendation to the SCGA Board that the SCGA GSA boundary will be co-extensive with South American Subbasin as defined by DWR Bulletin 118 and to direct staff to actively oppose any proposed modification to the Bulletin 118 boundary unless directed by the SCGA Board to do otherwise.

5. Stakeholder Outreach

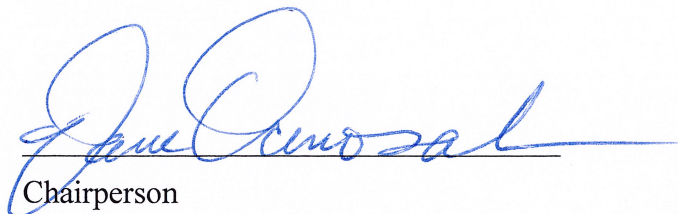
Draft stakeholder outreach fact sheet and stakeholder contact list was distributed to the subcommittee. Staff requested comments on materials upon subcommittee member review.

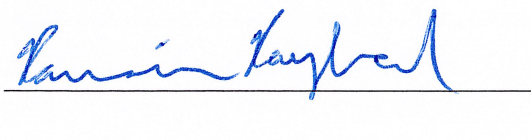
ADJOURNMENT

Upcoming meetings –

Next SCGA Board of Directors Meeting – Wednesday, November 4, 2015, 9:00 am;
SASD South Conference Room 1212 Sunset Maple

By:

 11/4/15
Chairperson Date

 11/4/15
Date