

**SACRAMENTO CENTRAL GROUNDWATER AUTHORITY (SCGA)**  
**Sustainable Groundwater Management Act Sub-Committee**  
**Meeting**  
**Final Minutes**  
**December 16, 2015**

**LOCATION:** 10060 Goethe Road, Room 1213  
Sacramento, CA 95827  
1:30 p.m. to 3:30 p.m.

**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:

Paul Schubert, Golden State Water Company  
Tom Nelson, FRCD/EGWD  
Tom Mahon, Agricultural Interests  
Brett Ewart, City of Sacramento  
Forrest Williams, County of Sacramento  
Rick Bettis, Conservation Landowners

Staff Members:

Darrell Eck, SCGA  
Sarah Britton, Legal Counsel  
Ramon Roybal, SCGA

Others in Attendance:

Mark Madison, FRCD/EGWD  
Bruce Kamilos, FRCD/EGWD  
Jonathan Goetz, GEI  
Jay Schneider, Sloughhouse RCD

**2. Public Comment**

None

**3. Status Report**

Mr. Eck informed the subcommittee of the County of Sacramento's continuance of its item to adopt groundwater management principles to ensure local compliance with the Sustainable Groundwater Management Act.

Mr. Eck then gave a regional groundwater update beginning with the Delta which included activities related to the North Delta Water Agency and a separate proposal by an organization called LAND which proposed an MOU to bind all of the reclamation districts in the area and a basin boundary line adjustment to expand the Solano Subbasin to Interstate 5. Mr. Madison stated that SCGA needed to be careful in staying consistent with its positions regarding boundary line adjustments that would directly affect the South American Subbasin. Mr. Schubert expressed concern over negotiating the issue of GSA formation with the number of reclamation districts present in that area.

Mr. Eck then addressed the Cosumnes Subbasin summarizing activities of OHWD, Sloughhouse RCD, and the South Sacramento County Agricultural Water Authority.

Jay Schneider from the Sloughhouse RCD commented on the activities of the OHWD Board meeting from December 3, 2015 reporting that they had appointed a committee to assist Mike Wackman in the selection of an engineering consultant to look into applying for adjustment of the Bulletin 118 boundary to OHWD's northern jurisdictional boundary. Mr. Schneider also reported that OHWD decided to delay notice of GSA application pending the outcome of the two by two meeting with SCGA in consideration of Sloughhouse RCD's actions for GSA application. OHWD had planned on noticing its GSA application for January 2016 but did not determine an updated timeline. Mr. Schneider reported that the members of the OHWD board reaffirmed their position that felt strongly about applying to become a GSA.

The subcommittee then discussed the requirements and timing needed for SCGA to file a GSA notification in response to OHWD's filing. Members of the subcommittee expressed concerns that a GSA filing within the South American Subbasin absent of negotiations between the filing entity and SCGA would be detrimental to the interests of SCGA and its members. The subcommittee discussed the filing of a competing or overlapping GSA notification in response to such an action as a tactic to trigger State mandated negotiations and an opportunity to reconcile any unresolved issues. The subcommittee members directed staff to place the issue on the agenda for discussion at the next regular board meeting.

Mr. Schneider announced that the Sloughhouse RCD would be holding a public hearing on January 13, 2016 to notice its intention to file as a GSA for its jurisdictional area within the Cosumnes Subbasin excluding OHWD and the Galt Irrigation District. Mr. Schneider stated that discussion on whether or not to file as a GSA for its area within the South American Subbasin would occur during the aforementioned public hearing.

Discussion followed regarding the legal opinion provided by Sarah Britton (*attached to the subcommittee agenda package*) concerning a SCGA JPA revision. The opinion offered by Ms. Britton addressed the powers that the SCGA Joint Powers Authority

would lose if the JPA was revised to include as signatories, all SCGA board members that qualified as “local agencies” pursuant to SGMA. Ms. Britton’s conclusion stated that SCGA would “lose the immediate use of a broad range of police, corporate, and taxation powers to accomplish the management and regulation of groundwater within its jurisdiction... This range of functions would not be available to SCGA as a GSA until SCGA adopted and submitted a groundwater sustainability plan or similar alternative document.”

Mr. Nelson presented a legal opinion by FRCD’s legal counsel, David Aladjem, Downey Brand, in response to Ms. Britton’s opinion. Mr. Madison stated that Mr. Aladjem was one of the architects of the SGMA legislation and had offered a differing opinion in response to Ms. Britton’s opinion. Ms. Britton disagreed with Mr. Madison and stated that she felt that Mr. Aladjem’s opinions concurred with hers and that the main differences between the two opinions was that Mr. Aladjem expanded on the subject whereas Ms. Britton’s opinion was kept more narrowly focused on the question that she had been asked to answer. Mr. Madison pointed out that SCGA’s powers would not be diluted by expanding the JPA signatories due to the powers that would be granted under SGMA. Ms. Britton interjected that her opinion also discussed the timing of when the full powers under SGMA became effective which was when the GSA’s GSP or alternative document was approved by the State and until that time, the GSA would maintain the existing powers of the entity which formed the GSA.

Mr. Schubert asked what exactly it was the FRCD was asking for relative to the discussion of amending the JPA. Mr. Madison responded that FRCD wanted to be a signatory to the JPA. Mr. Schubert asked what the purpose of their desire to be a JPA signatory was. Mr. Madison responded that as one of the largest independent jurisdictional agencies in the basin they felt the need to have equal standing with the other agencies on the SCGA board. Mr. Schubert asked what would be the purpose of changing the JPA structure prior to adoption of the GSP when there would be no loss in powers of the SCGA. Mr. Madison responded by asking why not do it. Mr. Nelson stated that it would give FRCD a feeling of equality on the SCGA board and stated that he felt that SCGA would not be risking the loss of power since they had not exercised nor could it be foreseen that it would exercise many of its available powers. Mr. Williams stated that he did not see why a change in the JPA structure needed to be made currently. He stated that FRCD was a voting member of the Authority and that they were working towards GSP adoption and that what they were asking for was a timing issue would eventually be attained but that was not necessary to be addressed presently. Mr. Ewart asked what FRCD had not been able to accomplish under the current structure. Mr. Madison responded that there was nothing they had not been able to accomplish. Mr. Madison went on to state that the powers of a governing board member were not the same as a JPA signatory. Mr. Madison then stated that as a public agency, FRCD served at the pleasure of another public agency in the City of Elk Grove and that it was fundamentally wrong for it to do so. Mr. Madison stated that FRCD’s interest was to correct the structure of SCGA to better equip it to function in its role as a GSA far into the future. Mr. Madison further stated that it was not a matter of timing in his opinion and

that FRCD would draft the changes as needed to alleviate the burden on the Authority. Mr. Ewart asked if FRCD's concerns were centered entirely on an apprehension of the potential for their relationship with the City of Elk Grove to become adversarial and thus the appointment of a particular individual on the SCGA board would be endangered. Mr. Madison responded that although the relationship between FRCD and the City of Elk Grove was positive, the political condition of the entire region may alter over time with developing compliance under SGMA and that FRCD was seeking to fundamentally protect and strengthen itself. Members of the subcommittee asked if FRCD would be open to addressing the issue after SCGA's GSP was adopted possibly as late as 2022. Mr. Madison stated that FRCD believed that the time to make the changes was now and that if the decision was delayed it would never happen. He added that he was concerned that their request was not being moved forward and was questioning why. Mr. Schubert responded that the reason why was due to the fact that there was a myriad of other issues that required their attention in order to move the SGMA process forward and that FRCD's request was not one of them especially when considering that it could be fully addressed to their satisfaction in the future. He further stated that he was not comfortable with potentially diluting the powers of SCGA prior to the powers given under SGMA with the approval of the GSP. Mr. Nelson stated that a structural change to the JPA would be necessary prior to development and adoption of a GSP and that that would be an appropriate time to make fundamental changes to the JPA. It was suggested that the issue be put on hold at least until the draft GSP regulations were published.

**4. SCGA Funding**

No discussion.

**5. Action Items/Next Steps/Assignments**

No discussion.

**ADJOURNMENT**

**Upcoming meetings –**

**Next SCGA Board of Directors Meeting –** Wednesday, January 13, 2016, 9:00 am;  
SASD South Conference Room 1205, Valley Oak.

By:



Chairperson

1-13-16

Date



Date

1-13-16