

**MID-KAWEAH GROUNDWATER SUB-BASIN JOINT POWERS AUTHORITY
GROUNDWATER SUSTAINABILITY AGENCY BOARD**

SUMMARY MINUTES

February 13, 2018 3:00 p.m.

Tulare Public Library & Council Chambers
491 North M Street – Tulare, CA 93274

MEMBERS PRESENT: Jose Sigala^{3:17 m.}, Howard Stroman (alt.), Dave Martin^{left at 4:05 pm}, David Bixler, Steve Nelsen, Greg Collins

STAFF PRESENT: Randy Groom, Leslie Caviglia, Aaron Fukuda, Paul Hendrix, Ken Richardson, Roxanne Yoder, Trisha Whitfield, Kathy Artis

OTHERS PRESENT: Larry Rodriguez, Chris Petersen with GEI Consultants; Craig Moyle with Stantec; other members of the public.

1. CALL TO ORDER REGULAR SESSION:

Chair Nelsen opened the meeting at 3:00 p.m. and indicated that several items on the agenda will be taken out of order to accommodate board member schedules.

2. PUBLIC COMMENT:

Chair Nelsen called for comments from any members of the public present at the meeting. There were no comments made.

3. GENERAL BUSINESS:

a. Approve Minutes of December 14, 2017 Special Board Meeting

It was moved by Director Martin, seconded by Director Bixler and carried 5 to 0 (Director Sigala absent) to approve the minutes as presented.

b. Establishment of Regular Meetings*

P. Hendrix reviewed past meeting regularity and the need to now meet more frequently. He recommended that regular board meetings occur on a bimonthly basis, beginning with the special session today. Director Martin asked if more frequent meetings may be held when warranted, to which Mr. Hendrix indicated that they could. By the motion of Director Bixler, second by Director Stroman and unanimously carried, Resolution 2018-01 was adopted establishing regular board meetings on a bimonthly schedule beginning with February 13, 2018.

c. Financial Report*

i. Financial Statements – Year To-Date

K. Artis reviewed the balance sheet, profit & loss statement, transactions listing and A/R aging summary report, citing key line items in each. Director Collins sought clarification as to budget contribution payments made by Tulare ID, and Ms. Artis indicated that the District has made this payment.

She noted further that a payment was received as of today by the City of Tulare. It was then moved by Director Martin, seconded by Director Collins and unanimously carried 5 to 0 (Director Sigala absent) to approve the reports as presented.

Chair Nelsen then noted that agenda item 3.h.i shall be taken up out of order.

h. Advisory Committee – Status Report

i. Resignation/Appointment*

P. Hendrix stated that Brett Taylor has resigned from service on the Committee, and that a new appointment is recommended at this time. Director Martin expressed support for Ed Henry given his experience with water issues locally and also mentioned his familiarity with Carole Medeiros. Directors Bixler and Stroman also expressed support for Mr. Henry, and Director Collins indicated he has known Phil Mirwald for a long time given his tenure with Calif. Water Service Company. By the motion of Director Martin, second by Director Bixler and unanimously carried 5 to 0 (Director Sigala Absent), Ed Henry was duly appointed to the Advisory Committee.

Chair Nelsen then noted that agenda item 3.i.i shall be taken up out of order.

i. Kaweah Sub-Basin Coordination

i. Appointments to Management Team*

Director Sigala arrived at the meeting at the onset of this item. P. Hendrix proceeded to summarize the upcoming work of the Sub-Basin Management Team, noting that this group will be making recommendations to GSA boards as to how much groundwater each GSA region has access to in the future. He stated that the recently-signed Sub-Basin MOU calls for three appointees to the Team from each GSA, and that currently the two city managers and TID's manager serve thereon. Mr. Hendrix then recommended that he be appointed as an alternate to the Team and by attendance rotation sit as a Team member at each such meeting. Director Collins asked how the other two GSAs place their respective managers on this Team, and Mr. Hendrix replied that they both serve on it. It was then motioned by Director Bixler, seconded by Director Martin and unanimously carried, that Mr. Hendrix serve as an alternate on the Sub-Basin Management Team as outlined in the staff report and, further, that the two city managers may designate an alternate to serve in their stead.

Chair Nelsen noted that the agenda order will be resumed, and thereupon referred back to item d therein.

d. Regional Water Supply Presentation

P. Hendrix provided background as to his intention to present various topics of interest to the Board at GSA meetings. He then introduced D. Mountjoy of Sustainable Conservation who will speak to new ways to evaluate groundwater

recharge potential for the region. Mr. Mountjoy thereupon reviewed the Valley's water development history and channelization of the stream and river systems on the Valley floor. He discussed the loss of flood plain groundwater recharge due to development and subsequent conservation ethic as applied on agricultural lands. Mr. Mountjoy then discussed how on-farm recharge projects may increase local groundwater recharge and compared costs with more typical recharge methods. He added that the approach could be applied as well to urban runoff and wastewater effluent flows as well, and introduced the Groundwater Recharge Assessment Tool (GRAT) as a means to evaluate such projects. Director Collins inquired as to the application of GRAT to the entire GSA area and for native habitat lands, and Director Sigala asked about its use for urban settings, mentioning his prior involvement with similar efforts on the Los Angeles River. Mr. Mountjoy stated that these applications could be added to GRAT. Mr. Hendrix further commented that the potential on-farm projects could be of benefit to the entire GSA depending on how they are structured. It was requested by the Board that Sustainable Conservation's presentation be provided to them.

e. GSA Manager – Status

- i. P. Hendrix reported that the agreements effectuating his transition to Manager of the GSA have been executed by all parties and that TID has authorized him to begin full-time with the GSA as of February 1st. He further indicated that he is searching for a suitable office to lease and that the monthly rental cost would be in the \$300 to \$500 range.

ii. Role in Management Committee

P. Hendrix described the makeup of the GSA's Management Committee, saying that it consists of the two city managers and TID's manager by previous Board designation. He indicated that staff has concluded that he, as the GSA Manager, conduct the Management Committee meetings and inform the Committee as to ongoing activities and issues, but not serve thereon. The GSA's legal counsel will work towards an amendment to the JPA that, among other things, clarifies the role of the GSA Manager relative to that of the Management Committee.

f. DWR Best Management Practices*

P. Hendrix provided a summary of DWR's role in issuing BMPs for guidance to GSAs in preparing and adopting GSPs. He indicated that the most important BMP, reflecting DWR's views on achieving groundwater sustainability in 20 years, is now out in draft form. He noted that Mid-Kaweah's comment letter on the draft is included with the staff report.

g. Tulare County Groundwater Ordinance

Chair Nelsen indicated that this matter is tabled until a subsequent GSA meeting.

h. Advisory Committee – Status Report

- i. **Resignation/Appointment** – addressed earlier in the agenda.

- ii. **Committee Interviews - Status**

Chair Nelsen next introduced Mr. Moyle who proceeded to summarize the Committee interview that he has been conducting. He highlighted that by in large the Committee members wish to provide input to the Technical Sub-Committee and GSA Board rather than be put in the role of directing activities. A report of the interviews will soon be prepared.
 - iii. **Outreach Plan Schedule**

Director Martin left the meeting at the onset of this item. C. Moyle then provided an overview of the time frame within which to present an outreach plan to the Committee and adoption by the Board, indicating that such a plan should be in place soon to guide the Committee's stakeholder communication efforts. Director Sigala asked if the means could be provided by which Committee members could serve as ambassadors and engage in public speaking forums to represent the GSA and its decision process. Mr. Moyle stated that this would be incorporated into the outreach plan.
 - iv. **Website Updates**

Mr. Moyle then informed the Board that the website has been under review by Stantec and that suggested changes would be presented to the Committee. Director Stroman asked how to access the website, and Mr. Moyle provided the information to do so.
- i. **Kaweah Sub-Basin Coordination**
 - i. **Appointments to Sub-Basin Management Team** - addressed earlier in the agenda.
 - ii. **Status of GSP Grant Application**

It was also announced by L. Rodriguez that the Kaweah Sub-Basin was awarded a \$1.5 million grant by the state for coordination and GSP planning, the maximum amount possible. In addition, he noted that state grant funding has been dedicated by Tulare County for coordination work as well.
 - iii. **Sub-Basin Water Budget Analyses***

L. Rodriguez described GEI's internal staff assignments to represent the Mid-Kaweah GSA and the Greater Kaweah GSA in their respective GSP work, as well as his role in representing the Sub-Basin for coordination activities. He said that a key task is to define the basin setting and water budget, and to segregate the water budget as among the three GSAs. Mr. Rodriguez then introduced Chris Petersen as the GEI person to represent Mid-Kaweah in GSP planning efforts. Mr. Petersen proceeded to summarize the respective roles of GEI and its sub-consultants GSI and Stantec.
 - iv. **GSA Management Areas**

Both Mr. Rodriguez and Mr. Petersen discussed the upcoming water budget apportionment as among the three GSAs and further delineation within the Mid-Kaweah region into its Member Management Areas, those being the two cities and Tulare ID.

Discussion then ensued as to the implications of apportioning the sub-basin water supplies and water budget and Director Collins inquired as to the role of water rights

in this effort. Mr. Rodriguez noted that much of the discussion will focus on surface water rights and that rights to groundwater have not been determined in the sub-basin, noting that policy decisions will likely be forthcoming in this regard. K. Richardson commented that the legal framework for this apportionment is very complicated.

j. JPA Unanimous Voting Requirements*

P. Hendrix referred the Board to the staff report, noting that discussions have occurred as to the need to soon consider altering the unanimous consent requirement for certain decisions to be made and action to be taken by the Board in the future. He indicated that, while Member contributions to the annual budgets have been defined for the next two fiscal years, the expense budget and ultimate adoption of a GSP will be key decisions that the Board must make during this time. Chair Nelsen indicated that no action is to be taken on this matter today and that it will be revisited at an upcoming meeting of the Board.

4. ADJOURNMENT:

Chair Nelsen adjourned the meeting at 4:28 p.m.

Groundwater Sustainability Agency
Board Chair

Attest:

Groundwater Sustainability Agency
Board Secretary

* Staff reports and/or other documents provided.

Mid-Kaweah GSA
Agenda Item Report

April 10, 2018

Agenda Item Wording: Fiscal – Financial Statements Year To Date

Report Author: Kathi Artis – Tulare ID

Background Discussion:

The GSA's financial policies require a financial overview and Profit & Loss Statement through the end of the previous month are to be provided to the Board of Directors at each Board meeting.

Attachments:

Balance Sheet as of March 31, 2018

Profit & Loss Statement for period July 2017 through March 2018

Transaction Detail by Account for checking and money market accounts for period February 2018 through March 2018

Mid-Kaweah Groundwater Sustainability Agency
Balance Sheet
As of March 31, 2018

	<u>Mar 31, 18</u>
ASSETS	
Current Assets	
Checking/Savings	
Checking	52,270.79
Money Market	217,306.41
Total Checking/Savings	<u>269,577.20</u>
Total Current Assets	<u>269,577.20</u>
TOTAL ASSETS	<u>269,577.20</u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	248,997.23
Net Income	20,579.97
Total Equity	<u>269,577.20</u>
TOTAL LIABILITIES & EQUITY	<u>269,577.20</u>

Mid-Kaweah Groundwater Sustainability Agency

Profit & Loss

04/02/18

July 2017 through March 2018

Accrual Basis

	Jul '17 - Mar 18
Ordinary Income/Expense	
Income	
Call For Funds	
Administration	100,000.50
GEI Planning	100,000.50
Total Call For Funds	200,001.00
Reimbursed Expenses	
GEI Planning	82,800.00
Prop 1 Grant Application Exp	19,978.04
Total Reimbursed Expenses	102,778.04
Total Income	302,779.04
Expense	
Audit Expense	3,200.00
Consulting Fees	
Consulting Fees-GEI	152,910.31
GEI Fees - Grant Applic 01-201	29,967.06
GEI Fees - MKGSA - 02.2017	
GSP	46,761.44
Sub-Basin Coordination	14,765.15
Total GEI Fees - MKGSA - 02.2017	61,526.59
Total Consulting Fees	244,403.96
Legal	33,584.96
Membership Dues	375.00
Office Expense	302.96
Rent	458.25
Total Expense	282,325.13
Net Ordinary Income	20,453.91
Other Income/Expense	
Other Income	
Interest Income	126.06
Total Other Income	126.06
Net Other Income	126.06
Net Income	20,579.97

Mid-Kaweah Groundwater Sustainability Agency
Transactions by Account
As of March 31, 2018

Type	Date	Numb	Name	Memo	Account	Amount
Checking						
Check	02/07/2018	1028	ACWA	Annual dues	Membership Dues	(375.00)
Check	02/22/2018		Citizen Business Bank	Service Charge	Office Expense	(5.02)
Check	03/06/2018	1029	Peltzer & Richardson LC	Invoice #5129 and #5130	Legal	(3,375.00)
Check	03/08/2018	1030	Aliamo Properties	March and April rent	Rent	(458.25)
Check	03/14/2018	1031	Craig Shiman	Activate phone line	Office Expense	(75.00)
Check	03/30/2018	1032	GEI Consultants	GSP	GEI Fees-MKGSAs-02.2017	(42,203.27)
				Sub-Basin	GEI Fees-MKGSAs-02.2017	(14,765.15)
Check	03/30/2018	1033	AT&T	Office Phone 3/16/18-4/15/18	Office Expense	(77.10)
Total Checking						(61,333.79)
Money Market						
Deposit	02/20/2018		City of Tulare	Deposit	Call for Funds	66,667.00
Deposit	02/23/2018		Kaweah Delta WCD	Deposit	Reimbursed Expenses	9,989.02
Deposit	02/28/2018		Citizens Business Bank	Interest	Interest Income	10.83
Deposit	03/28/2018		City of Visalia	Deposit	Call for Funds	66,667.00
Total Money Market						143,333.85
TOTAL						82,000.06

Mid-Kaweah GSA
Agenda Item Report

April 4, 2018

Agenda Item 3.c: Resolution No. 2018-02

Report Author: Paul Hendrix

Staff Recommendation:

It is recommended that the Board adopt Resolution No. 2018-02 authorizing its Manager to serve on the ACWA Region 7 Board, representing the Mid-Kaweah GSA.

Background Discussion:

Last fall, I was again elected to the Association of Calif. Water Agencies (ACWA) Region 7 board of directors for a two-year term commencing in January 2018, and subsequently as its Vice Chair to serve on the ACWA statewide board. This occurred while I remained as General Manager of Tulare ID. Since that time, the GSA has become a member of ACWA and its affiliated insurance agency for liability coverage. As a formality, my role on the Region 7 and statewide ACWA boards needs to reflect my new position with the GSA.

ACWA continues to gain GSAs as new members and, via its governing board direction and various committee activities, will continue to serve as a vehicle to the Sacramento administration and legislators concerning SGMA implementation and water management in general.

Recommended Motion:

I move to adopt Resolution No. 2018-02 supporting Paul Hendrix to serve on the ACWA Region 7 board of directors and that any necessary expenses associated with service on said board are to be borne by the GSA.

Attachment:

Resolution No. 2018-02 supporting the GSA Manager to serve on the ACWA Region 7 board of directors.

GSA RESOLUTION NO. 2018-02

A RESOLUTION OF THE MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY APPROVING REPRESENTATION IN ACWA

WHEREAS, the Board of Directors of Mid-Kaweah Groundwater Sustainability Agency (GSA) does support participation of its members and staff in the affairs and support activities of the Association of California Water Agencies (ACWA);

WHEREAS, J. Paul Hendrix, the GSA's Manager, currently serves as a Board Member and Vice Chair of ACWA Region 7 and has expressed a desire to continue to serve in that capacity.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Mid-Kaweah GSA:

1. Supports the nomination of J. Paul Hendrix for the position of Board Member and Officer of ACWA Region 7;
2. Determines that expenses associated with the service of J. Paul Hendrix in ACWA Region 7 shall be borne by the Mid-Kaweah GSA.

PASSED, APPROVED, AND ADOPTED this 10th day of April, 2018.

Steve Nelsen, Board Chair

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF TULARE) SS.
CITY OF TULARE)

I, Roxanne Yoder, Board Clerk of the Mid-Kaweah Groundwater Sustainability Agency Board, certify the foregoing is the full and true Board Resolution 2018-02 passed and adopted by the Agency Board at a regular meeting held on April 10, 2018, by the following vote:

Aye(s): _____

Noe(s): _____ Absent/Abstention(s): _____

Dated: _____ Clerk of the Board

Roxanne Yoder

AGENDA REPORT

**To: Board of Directors
Mid-Kaweah Groundwater Sustainability Agency**

**From: Ken Richardson
Peltzer & Richardson, LC**

Date: April 10, 2018

Re: Recommended Amendments to the Joint Powers Agreement (Item 3d)

Background

On September 14, 2015, Tulare Irrigation District, the City of Tulare and the City of Visalia (“Members”) entered into that certain “Joint Powers Agreement - Formation of the Mid-Kaweah Groundwater Subbasin Joint Powers Authority” (“JPA”). In the discussions during drafting of the JPA, immediately preceding formation of the Mid-Kaweah Groundwater Sustainability Agency (“MKGSA”), the consensus was that most if not all of the significant decisions of the MKGSA would require a unanimous vote of the Directors on this Board.

This decision was largely driven by a desire to build this new agency on a foundation of consensus based decision-making in the face of the daunting challenges being posed to it by SGMA and the State of California. As the MKGSA has matured and waded deeper into the SGMA waters, several of you have expressed concern that the present voting structure associated with significant decisions will inhibit the MKGSA’s ability to conduct business.

Objective

To amend the current voting requirements of the JPA in a manner that provides for the Directors on this Board to express differences of opinion when making significant decisions, while at the same time preserving the consensus based approach upon which the MKGSA was founded.

Process

This Board is being presented with proposed amendments to the JPA, and is asked to provide a recommendation on same to the legislative bodies of the Members. As with the initial approval of the JPA, an amendment to the JPA must be approved by the legislative bodies of the Members. Since this is only a recommendation of this Board, and not a formal action, a simple majority of the Directors present is required to adopt a recommended JPA amendment, which can

then be considered by the legislative bodies of the Members.

Proposed Amendments to the JPA

The proposed First Amendment to the JPA is attached for your reference. The revisions to the voting structure are found at Section 6 of the First Amendment. Section 6 would amend Section 9(e) of the JPA, which would revise the unanimous voting requirement for significant decisions to one of two options.

The first option, as shown in the attached draft First Amendment, is the next step down from a unanimous requirement, which would be to require a “supermajority” vote of at least five of the six Directors.

The second option would be to require a “modified majority” which would only require a vote of four Directors, so long as at least one vote of approval is made by a Director representing each Member. Put another way, so long as the two dissenting votes are not from both Directors appointed by a single Member.

The second option obviously provides more flexibility as amongst the Directors. Both options achieve the objectives of relaxing the voting requirements while preserving the consensus based approach amongst the Members. The draft First Amendment to the JPA attached can easily be modified to incorporate the “modified majority” requirement prior to presentation to the Members for their individual consideration and approval.

For reference, the following decisions would be subject to the new voting requirements:

- (1) Adoption or modification of the annual budget or Member contributions to fund the annual budget.
- (2) Contracts over \$25,000 and for terms in excess of two (2) years.
- (3) Appointment, employment, or dismissal of an employee, including any independent contractor who functions as an employee.
- (4) Setting the amounts of any contributions or fees to be made or paid to the Authority from any Member.
- (5) Compromise or payment of any claim against the Authority.
- (6) Acquisition by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and hold, use, enjoy, sell, let, and dispose of, real and personal property of every kind, including lands, water rights, structures, buildings, rights-of-way, easements, and privileges, and construct, maintain, alter, and operate any and all works or improvements, within or outside the agency, necessary or proper to carry out any of the purposes of the Authority.
- (7) Adoption and imposition of any fees pursuant to Water Code §§ 10730-10731;

- (8) Approval of a GSP for the portions of the Subbasin identified by the GSA boundaries, as well as any Coordination Agreement required for the GSP.**
- (9) Allocation of alternative funding sources described in Section 13 in any manner other than equally between the Members.**

The only decision of this Board that would remain unanimous would be to replace the annual audit with an audit covering a two year period. This unanimous voting requirement is required by state law.

Sections 1, 2, 3, 9, 10, and 11 in the draft First Amendment to the JPA simply serve the purpose of deleting or changing references to the unanimous voting requirement in other sections of the JPA. The following additional minor cleanup of the JPA has also been included.

- **Section 4 amends the JPA to allow Members to designate up to two Alternate Directors (current draft specifies only one).**
- **Section 5 amends the JPA to extend the requirements that Directors sever without term and at the discretion of the Member legislative bodies to also apply to Alternate Directors.**
- **Section 7 amends the JPA to integrate the responsibilities of the new Manager into the existing Management Committee/Board interface.**
- **Sections 8 and 12 amend the JPA to clarify that new members may only be added by amendment to the JPA, which requires approval of the legislative bodies of the Members.**

Recommended Action

Select by a majority vote of the Directors present, either the “supermajority” or “modified majority” voting requirement, and recommend to the legislative bodies of the Members approval of the First Amendment of the JPA with the chosen voting requirement and the other JPA amendments as presented.

Alternative Recommended Action

Select by a majority vote of the Directors present, either the “supermajority” or “modified majority” voting requirement, as well as any additional modifications to the draft First Amendment of the JPA approved by a majority of the Directors present, and recommend to the legislative bodies of the Members, approval of the First Amendment of the JPA, as modified.

1 Act (Water Code §§ 10730-10731), without any limitation on a Member's ability to impose fees
2 within its jurisdiction, to fund the cost of furthering the purposes of this Agreement, complying with
3 the Act, and sustainably managing groundwater within the Subbasin."

4 **4. Section 9(a) is amended to read as follows:** "GOVERNING BOARD: The
5 Authority shall be governed by a Board of Directors totaling six (6) seats, which shall be
6 designated by each of the Members and shall be composed of two (2) City of Visalia City
7 Councilmembers, two (2) individuals selected from either the City of Tulare City Council or the
8 City of Tulare Board of Public Utilities, and two (2) members of the Tulare Irrigation District Board
9 of Directors. In addition, each of the Members may designate up to two (2) Alternate Directors
10 who may participate on the Authority Board only when either of that Member's designated
11 Directors is absent. An Alternate Director may, but need not be a member of the legislative body
12 of the Member agency that he or she represents. Directors and Alternate Directors shall serve
13 without compensation, except that they may be reimbursed for reasonable expenses associated
14 with their service on the Board as authorized by the Board."

15 **5. Section 9(b) is amended to read as follows:** "TERM: Directors and Alternate
16 Directors shall serve without terms and at the pleasure of the legislative body which appointed
17 them."

18 **6. Section 9(e) is amended to read as follows:** "VOTING: A simple majority of the
19 quorum shall be required for the adoption of a resolution, ordinance, contract authorization or
20 other action of the Board, except that:

- 21 (a) A majority vote of less than a quorum may vote to adjourn;
- 22 (b) Any of the following actions shall require a supermajority vote of five
23 Directors or Alternate Directors:
- 24 (1) Adoption or modification of the annual budget or Member
25 contributions to fund the annual budget;
- 26 (2) Contracts over \$25,000 and for terms in excess of two (2) years;

- 1 (3) Appointment, employment, or dismissal of an employee, including
2 any independent contractor who functions as an employee;
- 3 (4) Setting the amounts of any contributions or fees to be made or paid
4 to the Authority from any Member;
- 5 (5) Compromise or payment of any claim against the Authority;
- 6 (6) Acquisition by grant, purchase, lease, gift, devise, contract,
7 construction, or otherwise, and hold, use, enjoy, sell, let, and dispose
8 of, real and personal property of every kind, including lands, water
9 rights, structures, buildings, rights-of-way, easements, and privileges,
10 and construct, maintain, alter, and operate any and all works or
11 improvements, within or outside the agency, necessary or proper to
12 carry out any of the purposes of the Authority.
- 13 (7) Adoption and imposition of any fees pursuant to Water Code §§
14 10730-10731;
- 15 (8) Approval of a GSP for the portions of the Subbasin identified by the
16 GSA boundaries, as well as any Coordination Agreement required for
17 the GSP.
- 18 (9) Allocation of alternative funding sources described in Section 13 in
19 any manner other than equally between the Members.

20 (c) Any of the following actions shall require a unanimous vote of the entire
21 Board:

- 22 (1) Replacement of the annual special audit required by Government
23 Code § 6505 with an audit covering a two year period.

24 **7. Section 9(j) is amended to read as follows: "MANAGEMENT COMMITTEE:**

25 The Board shall create a Management Committee for the purpose of overseeing all activities
26 undertaken in pursuit of the goals and objectives of the Authority identified in this Agreement.

1 The Authority's Manager shall be responsible for overseeing and coordinating the activities of the
2 Management Committee, and for reporting on the Management Committee's activities,
3 recommendations and determinations to the Board. The Management Committee shall be
4 comprised of one staff person designated by each of the Members. The Management Committee
5 shall, among other things, be responsible for the approval of all expenditures authorized by the
6 Board through their approval of budget appropriations as required herein. The Management
7 Committee may also establish a Technical Advisory Subcommittee for the purpose of assisting
8 the Management Committee and the Board with the technical aspects of GSP development and
9 implementation of the Act."

10 **8. Section 9(k) is amended to read as follows:** "ADDITIONAL MEMBERS:
11 Additional members may only be added by amendment to this Agreement, which requires the
12 approval of each governing body of each Member. Additional members must be capable of
13 being designated as a GSA under the Act, and must be a stakeholder located within the
14 Subbasin. The Board may recommend to the Members whatever conditions it deems necessary
15 in order to allow the inclusion of additional members, including but not limited to the
16 reimbursement of such additional members' proportionate share of the costs already incurred by
17 the Members.

18 **9. Section 12 is amended to read as follows:** "The Board shall, by unanimous
19 vote, approve an initial operating budget within ninety (90) days following the execution of this
20 Agreement. Thereafter, the fiscal year for the Authority shall extend from July 1 to June 30 of
21 each year, and the Board shall, by supermajority vote, adopt an annual operating budget for the
22 coming fiscal year by June 30 of each year, as required to conduct its business in a manner
23 consistent with the purposes of the Authority. All expenditures within the designations and
24 limitations of the applicable approved budget appropriations shall be made upon approval of the
25 Management Committee. The Treasurer shall draw checks or warrants or make payments by
26 other means for claims or disbursements not within an applicable budget only upon the approval

1 of the Board and in accordance with Board directions and authorizations concerning authorized
2 account signatories. The Authority may invest any money in the treasury that is not required for
3 its immediate necessities in the same manner, and upon the same conditions, as any local
4 agency may do pursuant to Government Code § 53635.”

5 **10. The first paragraph of Section 13 shall be amended to read as follows:** “The
6 Authority shall have the power to establish a joint operating fund. The fund shall be used to pay
7 all administrative, operating and other expenses incurred by the Authority, and shall be funded by
8 from Member contributions as set forth in the initial and annual operating budget required by
9 Section 12. The Authority may also seek funding from other alternative sources, including but not
10 limited to state and federal grants or loans, and all funding contributions obtained from alternative
11 sources shall be equally allocated to each Member unless specifically allocated differently by a
12 supermajority vote of the Board.”

13 **11. Section 14 shall be amended to read as follows:** “In the event the Authority
14 should experience an unanticipated need to pay for extraordinary costs, or to pay for any and all
15 costs of litigation or indemnification as provided in this Agreement, and to the extent that such
16 costs cannot otherwise be reasonably funded through use of reserves on hand or through the
17 other revenue sources authorized by this Agreement, the Board may allocate the additional costs,
18 whether actually incurred or estimated to be necessary. All allocations of additional costs shall be
19 equally allocated to each Member unless specifically allocated differently by a supermajority vote
20 of the Board. The Members agree that they will then contribute their proportionate share of the
21 additional costs within a reasonable period of time as determined by the Board.

22 **12. Section 31 shall be amended to read as follows:** “This Agreement may only be
23 amended with the approval of the legislative body of the Members.”

24 **THE MEMBERS**, having read and considered the above provisions, indicate their
25 agreement by their authorized signatures.

1 **CITY OF TULARE Signature page**

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

CITY OF TULARE

City Manager Date _____

ATTEST
City Clerk Date _____

CITY OF TULARE BOARD OF PUBLIC UTILITIES

President, Board of Public Utilities Commissioners Date _____

ATTEST
Secretary, Board of Public Utilities Commissioners Date _____

Approved to Form
City of Tulare City Attorney

Date _____

1 TULARE IRRIGATION DISTRICT Signature page

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

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President of the Board

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23 Secretary of the Board

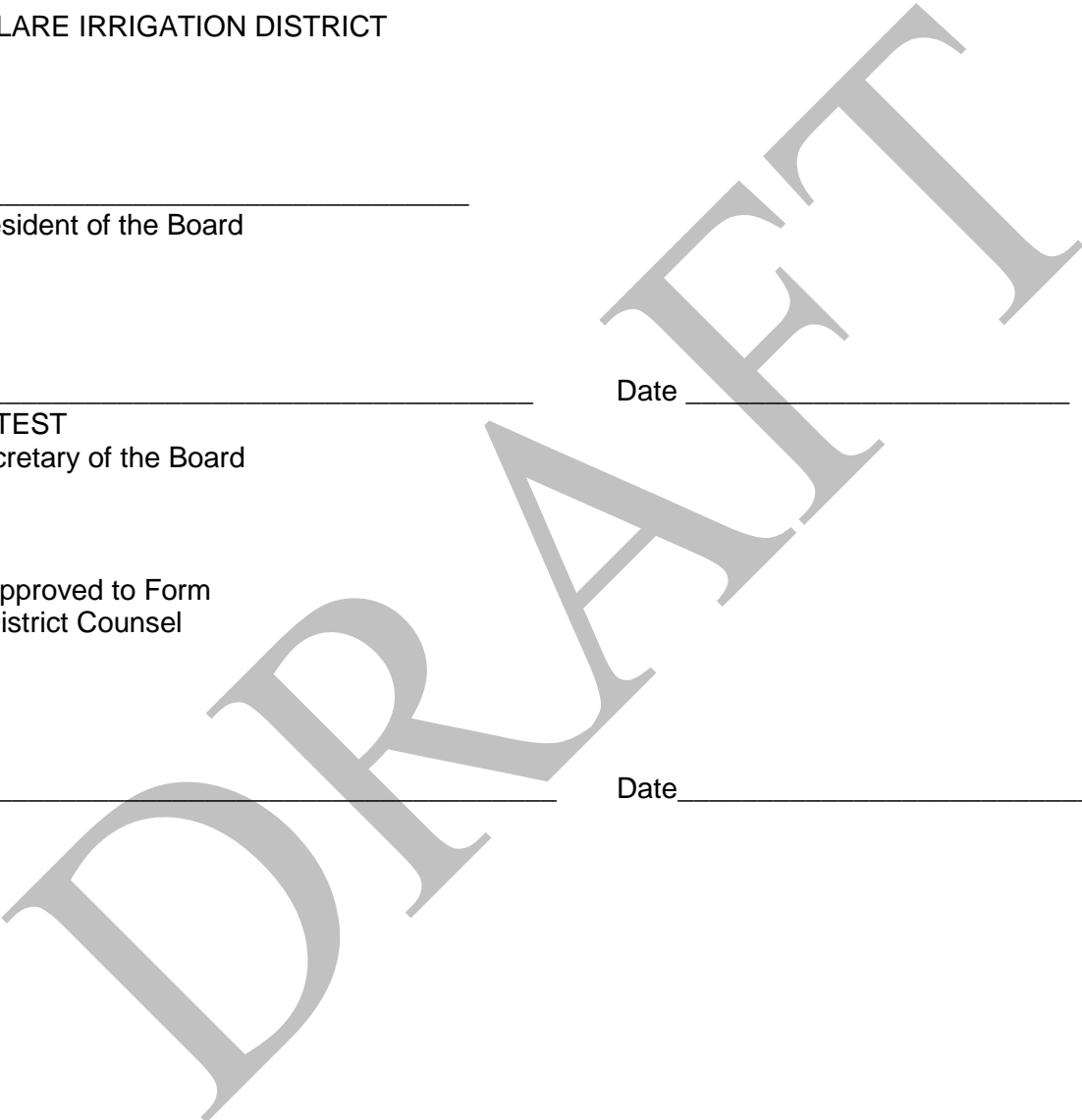
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28 District Counsel

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1 **CITY OF VISALIA Signature page**

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4 **THE PARTIES, having read and considered the above provisions, indicate their**
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Mid-Kaweah GSA
Agenda Item Report

April 4, 2018

Agenda Item 3.e: Proposed Policy re GSA Board Alternate Directors

Report Author: Paul Hendrix

Staff Recommendation:

It is recommended that the Board consider adopting the attached policy concerning the role of GSA board alternates that serve in the stead of primary directors at GSA board meetings.

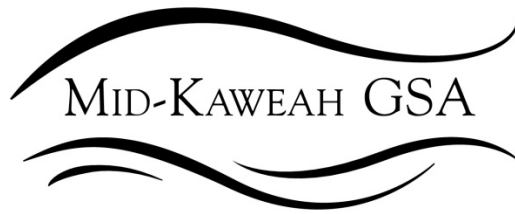
Background Discussion:

In conjunction with Section 9(a) of the proposed Joint Powers Agreement amendment concerning the number of alternate directors appointed by each Member, the Management Committee seeks clarification on how and when alternate directors are seated at the dais at a GSA board meeting. The attached draft policy sets forth guidelines on this matter, and solicits the submittal of any documentation each Member may have on hand governing their respective reliance on alternate directors.

It is recommended that the proposed policy be considered for adoption by the GSA Board at such time as the first amendment to the JPA be authorized for execution by the three GSA Members.

Attachment:

Draft "Board Member Alternate Policy."



Mid-Kaweah Groundwater Sustainability Agency

Board Member Alternate Policy

Background:

Each GSA Member appoints two primary representatives to serve on the Board of Directors and two alternate representatives to serve in their stead in circumstances where the primary representative cannot attend a board meeting. As stated in the First Amendment to the Joint Powers Agreement, either of two alternate directors may serve in the place of one of the two primary board members at board meetings.

Purpose:

To provide for an orderly transition during GSA board meetings for the replacement of an alternate director by a primary director after the meeting has commenced, and for replacement by an alternate director in the event a primary director leaves a board meeting prior to adjournment.

Policy:

It shall be the policy of the Mid-Kaweah GSA that, if any Member has seated an alternate director at the dais when a board meeting is called to order, should a primary director of said Member subsequently arrive at the meeting, the alternate director may step down and be replaced by the primary director at the dais upon the completion of all discussion and any action on the then-current agenda item.

If any primary or alternate board director of any Member leaves a board meeting prior to adjournment an alternate director, should any be present representing said Member, will be seated at the dais to replace the departed director.

Members shall furnish the GSA with any internal policies or other guidelines governing the protocol concerning reliance on alternate representatives and the manner in which they shall represent said Member at GSA board meetings.

Mid-Kaweah GSA

Agenda Item Report

April 3, 2018

Agenda Item 3.g.ii: Local Funding for Geophysical Data Collection

Report Author: Paul Hendrix

Staff Recommendation:

It is recommended that the Board support the attached funding proposal to be submitted to the Greater Kaweah GSA and East Kaweah GSA.

Background Discussion:

Tulare ID served as a pilot program for hydrogeological subsurface data collection using electromagnetic geophysical methods (via company called SkyTEM) in the fall of 2015. The work was arranged and funded by Stanford University with some administrative oversight by TID staff. The data collection was done by means of helicopter fly-overs along pre-selected flight lines within TID. Work products from this research and data analysis have been presented locally and statewide, and interest in furthering this means of subsurface data collection has developed.

Additional data collection is now being proposed for the Kaweah Sub-Basin under a new pilot program, one of four proposed by Stanford University. The total cost for the program is intended to be paid as follows:

- \$150,000 from Stanford University for data collection costs
- \$150,000 from Dept. of Water Resources for data collection costs
- \$150,000 from Sub-Basin GSAs for data collection costs
- \$25,000 from Sub-Basin GSAs for data management by GEI

It is recognized that additional data collected from this proposed project will enhance the understanding of the Kaweah Sub-Basin and its underlying aquifer characteristics, assist with the Basin Setting and Hydrogeologic Conceptual Model as necessary elements of GSPs, and provide new calibration parameters for the Sub-Basin numerical simulation model. The project will also provide direct benefits to the GSAs and landowners that overlie the proposed new flight lines, providing detailed subsurface information not previously available to those areas and landowners. However, no flight lines are being proposed over urban areas, as the SkyTEM fly-over operations are prohibited in these developed areas.

The aforementioned proposal will implicate the cost-share arrangement within the Mid-Kaweah GSA. Proposal costs that are deemed to be of benefit to all of its Members will be equally split as confirmed by the Board at its December 2017 meeting. Proposal costs that are determined based on flight-line locations within TID, if any, will be largely assigned to that Member only.

Attachment:

Local Funding Proposal for SkyTEM Data Collection