

Minutes of Friday, July 27, 2018

Northern Delta Groundwater Sustainability Agency Meeting

Walnut Grove Library 14177 Market Street, Walnut Grove, CA 95690

1. Call to Order

The meeting was called to order at 1:31 PM by Chairman Robinson.

Those Present:

RD 3 – Dave Robinson, Chair

RD 501 – Craig Nakahara

RD 2067 – Harvey Correia, Vice-Chair

RD 307 – Pete Dwyer

RD 317 – Bruce Pisoni

RD 349 – Fred Wheeler

RD 556 – Daniel Wilson

RD 407 – Bruce Pisoni

RD 554 – Bruce Pisoni

RD 2111 – Daniel Wilson

RD 744 – Brad Van Loben Sels,
Secretary/Treasurer

RD 755 – Doug Hemly

RD 369 – Clarence Chu

Osha Meserve, General Counsel

Soluri Meserve

Erik Ringelberg, CA Director

The Freshwater Trust

Chris Thomas, Policy Specialist

The Freshwater Trust

Anna Swenson, Community Outreach
Coordinator, The Freshwater Trust

2. Pledge of Allegiance

3. Public Comment

No Public Comment.

Closed Session

Board Motion to change order of agenda to move agenda item forward “13. Closed Session Conference with Legal Counsel – Potential exposure to litigation.” Motion seconded and approved. Chairman Robinson announced that Board would convene closed session to confer with General Counsel, Osha Meserve concerning potential litigation risk related to adoption of groundwater fee. Session reopened to public at 1:50 PM. Report from Closed Session: No action taken.

4. Review and Approval of Minutes 6/1/18 Meeting

Action – Approve minutes of the June 1, 2018 Board of Directors meeting as corrected.

Motion by Vice Chair Correia, Seconded by Sec./Treas. Van Loben Sels, 1 abstention by Member Hemly.

5. Chair, Vice-Chair, and Treasurer/Secretary Reports

No reports. Action – None.

6. Steering Committee Election

The Board discussed the resignation of Secretary Wilson.

Action – Nominate Board Member Van Loben Sels to serve as the Secretary and Treasurer. Motion by Member Wilson, Seconded by Vice-Chair Correia, Passed Unanimously.

Discussion – Steering Committee serves to facilitate day-to-day operation of NDGSA and exercise authority vested by the Board of Directors.

Action – Formalize Steering Committee, comprised of the Officers of the NDGSA Board of Directors: Board Chair Robinson, Vice Chair Correia, and Secretary/Treasurer Van Loben Sels. Motion by Daniel Wilson, Seconded by Vice-Chair Correia, Passed Unanimously.

7. Appointment of Associate Members to Governing Board

Discussion – Counsel and Consultants provided discussion of the potential for associate members of the Board. The Joint Powers Agreement allows for the appointment of associate members who could participate in all discussions and other Board functions but would not have a vote. These entities are GSAs and other interested agencies that have been active in the SGMA process to date but have not formally joined the NDGSA. At this time, Reclamation Districts 38 and 551 have expressed interest in remaining engaged in the NDGSA's activities while remaining associate members.

Action – Approve Resolution 2018-005 authorizing the appointment of RD 38 and RD 551 as associate members of the NDGSA Board of Directors. Motion to adopt by Vice-Chair Correia, Seconded by Daniel Wilson, Passed Unanimously.

8. NDGSA Conflict of Interest Code

Discussion – California law requires public agencies to adopt a conflict of interest code. The code proposed for the NDGSA is almost identical to those used for similar agencies. The Board questioned why the proposed Conflict of Interest Code covered San Joaquin County. The General Counsel explained that RD 38, located in San Joaquin County, is interested in becoming a full member of the NDGSA but is dealing with overlap issues with the County that prevent finalizing formation as a GSA. As such, the code was written to incorporate that area but could be altered now to exclude that county or revised in the future if RD 38 is not successful in joining the NDGSA as a full member.

Action – Adopt Conflict of Interest Code Resolution 2018-006 as proposed. Motion to adopt by Vice-Chair Correia, Seconded by Doug Hemly, Passed Unanimously.

9. NDGSA Bylaws

Discussion – Consultant presented Bylaws that incorporate the revisions previously proposed by the Board of Directors.

Action – Adopt NDGSA Bylaws as drafted through Resolution 2018-008. Motion to adopt Doug Hemly, Seconded by Vice-Chair Correia, Passed Unanimously.

10. Update on Basin Boundary Modification

Discussion – Consultant provided update on status of proposed basin boundary modification to change existing subbasin boundaries. Consultant informed Board that the Department of Water Resources pushed back the deadline for Basin Boundary Modification submissions until September 28, 2018. While Consultant largely completed the submission for the proposed Northern Delta Subbasin in order to comply with the former July deadline, the additional time will be used to further bolster the proposed modification in an effort to successfully create the new subbasin and have it assigned a low-priority. There is no clear timeline for when DWR will make a decision, though it is anticipated that a decision would be reached in late 2018 or early 2019. Consultant also provided some information on the considerations DWR will take into account when evaluating basin boundary modification proposals.

The Board inquired as to the impact this proposal would have on the other local agencies and GSAs. Consultant and Counsel responded that some local agencies are within the proposed new subbasin but are being consulted and, if they chose, would be able to join the NDGSA with approval of the Board at some future date. The Board inquired about the affect success on basin modification would have on the proposed budget. Consultant explained that the budget was drafted based on the assumption that the proposal would not be successful because it is necessary to plan for the worst-case scenario, but if a low-priority designation was realized then the budgetary needs for FY 2018 would be less than projected. Consultant updated Board as to the other proposed basin boundary modifications in the region.

Action – Adopt Resolution 2018-007 formally supporting Yolo County and Sacramento County basin boundary modification proposals to extent they do not negatively affect the NDGSA’s proposal and authorizing Steering Committee to determine whether to support any future basin boundary modification proposals. Motion to adopt by Daniel Wilson, Seconded Vice-Chair Correia, Passed Unanimously.

11. NDGSA Funding Sources

a. Grants

Discussion – Consultant provided explanation of current effort to apply for California Proposition 1 grants, detailing the general requirements, necessary cost match, and timing of applications and awards.

Action – None.

b. 218 Process Outcome

Discussion – Consultant and Counsel provided update on the outcome of the Proposition 218 fee process. The affected parcels were identified using the property rolls purchased from the counties and notice was mailed to those landowners informing them of the proposed fee and identifying the process to contest the fee. The hearing held on July 27, 2018 solicited comments and responded to questions from the public. Following the hearing the opposition protests

were counted and the results were below the threshold necessary to prevent the Board from adopting the fee.

A public comment was received concerning potential procedural issue related to a NDGSA member agency.

Action – None.

c. 2018-19 NDGSA Organizational Budget

- i) Action item: Review and consider adoption of proposed FY 2018-19 NDGSA budget.

Discussion – Consultant provided an explanation of the FY 2018 budget line items, detailing the individual costs and the projected expenses over the next year. Consultant also explained the fee collection process and required documentation necessary for the affected counties to collect the fee.

Action – Adopt Resolution 2018-009 authorizing the opening of a bank account for the Agency. Motion to adopt by Vice Chair Correia, Seconded by Sec./Treas. Van Loben Sels, Passed Unanimously.

Action – Adopt Resolution 2018-010 approving FY 2018 budget as proposed. Motion to adopt by Vice Chair Correia Seconded by Sec./Treas. Van Loben Sels, Passed with 18 votes in favor. 1 abstention by Member Hemly.

- ii) Action item: If no majority protest, the Board will review and consider adoption of a resolution to adopt the property-based Fees in accordance with Water Code section 10730 and place those fees on the Sacramento, Solano, and Yolo County property rolls for collection purposes.

Discussion – Board received explanation concerning the methodology for collecting the fees, Consultant and Counsel explained that SGMA provided for collection of fees by County as part of local property taxes.

Action – Adopt Resolution 2018-011 formally adopting FY 2018 fee of \$2.77 an acre. Motion to adopt by Vice Chair Correia, Seconded by Daniel Wilson, Passed.

- iii) Action item: If no majority protest, the Board will review and consider approving actions necessary for the collection of property-based Fees in Sacramento County.

Discussion – None.

Action – Approve actions necessary for the collection of property-based fee in Sacramento County. Motion to adopt by Vice Chair Correia Moved, Seconded by, Daniel Wilson Passed Unanimously.

- iv) Action item: If no majority protest, the Board will review and consider approving actions necessary for wire transfer authorization for property-based fees in Solano County.

Discussion – None.

Action – Approve actions necessary for collection of property-based fee in Solano County. Motion to adopt by Craig Nakahara, Seconded by Bruce Pisoni, Passed Unanimously.

- v) Action item: If no majority protest, the Board will review and consider adoption of Yolo County resolution requesting collection of charges on tax roll.

Discussion – None.

Action – Adopt Resolution 2018-012 concerning collection of property-based fee in Yolo County. Motion to adopt by Member Nakahara, Seconded by Vice-Chair Correia, Passed Unanimously. 1 abstention by Member Hemly.

12. Staff Report

Discussion – Consultant provided brief explanation of anticipated invoicing practice, whereby Consultant will provide draft invoices to present to Board, providing all Board members the opportunity to review before payment is authorized. Consultant will continue to provide frequent updates to Board and will be responsive to Board inquiries. Invoices over \$5,000 must be approved by full Board.

Action – None.

13. Time and Place of Next Board and Steering Meeting

Next Board of Directors meeting will be on January 16, 2018 at 10:00 AM at the Walnut Grove Library.

The Steering Committee will coordinate to find a mutually agreeable time and provide required public notice.

14. Adjournment

Chairman Robinson adjourned the meeting at 3:15 PM.