

**NORTHERN DELTA
GROUNDWATER
SUSTAINABILITY AGENCY**

**Minutes of Thursday December 5, 2019
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 9:06 a.m. by Chairman Van Loben Sels.

Those Present:

RD 744 – Brad Van Loben Sels, Chair
RD 501 – Craig Nakahara, Vice-Chair
RD 1002 – Jeff McCormack,
Secretary/Treasurer
RD 2110 – Connor Block / Norm Peters
RD 38 – Emily Wells
RD 755 – Doug Hemly

Osha Meserve, General Counsel
Soluri Meserve
Erik Ringelberg, California Director
The Freshwater Trust
Chris Thomas, Policy Specialist
The Freshwater Trust
Anna Swenson, Outreach Coordinator
The Freshwater Trust

2. Pledge of Allegiance

3. Roll Call

Quorum achieved with five Members present, representing eight total votes.

4. Public Comment

No public comment.

5. Review & Approve 06/18/19 Board Meeting Minutes

Action – Motion to approve the 06/18/19 Minutes by Vice-Chair Nakahara, seconded by Member Block. Motion passed unanimously.

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

No other reports from Chair, Vice-Chair, or Secretary/Treasurer.

Action – None.

7. Updates to Voting Member Representatives (as Needed)

Discussion – Staff verified that all contact information of the members present was current. Staff encouraged Board Members to inform Agency of any changes to representatives or contact information.

Action – None.

8. Associate Member Activities

NDGSA Support of Staten Island (owned by Conservation Farms and Ranches) in the Eastern San Joaquin Subbasin

Discussion – Per NDGSA Resolution 2018-0005, adopted on July 27, 2018, Staten Island is currently an Associate Member of the NDGSA. As an Associate Member Staten Island can participate in meetings and discussions of the NDGSA's Governing Board as a non-voting member. Staten Island asked for additional support for groundwater management actions in the Eastern San Joaquin Subbasin. Staten Island accepted the NDGSA's proposal that Staten Island provide \$2.66 per acre (equivalent to the FY 2019-20 property-based fee) for the 9,075 acres comprising the island. Staten Island agreed to make payments totaling \$24,091.62, to date the NDGSA has received half of the payment. Staff confirmed that all Staten Island work is separately accounted and invoiced.

Action – None.

RD 551 & South American Subbasin Participation

Discussion – Staff has participated in discussions concerning RD 551 regarding the possibility of joining the NDGSA for SGMA compliance purposes. At this time RD 551 has not yet provided notice concerning what course of action it will take regarding SGMA compliance and the South American Subbasin planning process.

Action – None.

9. Subbasin Planning Processes

Solano Subbasin

Discussion – NDGSA staff have been engaging in negotiations over the terms of a new MOU to facilitate collaboration among GSAs in the Solano Subbasin. At this time the Agreement has been drafted and is ready for execution by the parties. Staff have ensured the MOU will not undermine the NDGSA's interests. Staff recommended passing a resolution ratifying the Solano Subbasin MOU and authorizing the NDGSA Chair to sign the MOU in order to formalize the relationship with the Subbasin's GSAs.

Action – Motion to adopt Resolution 2019-005 Approving the Solano MOU by Member Hemly, seconded by Vice Chair Nakahara. Motion passed unanimously.

South American (SA) Subbasin

Discussion – Staff provided the NDGSA with an update on the continuing efforts to develop a Memorandum of Understanding (MOU) for collaboration among GSAs in the South American Subbasin. NDGSA staff have been engaging in those discussions and conveyed the tentative points of agreement, which represent the general framework for developing the MOU, to the NDGSA Board. The main points of interest to the NDGSA included ensuring the NDGSA can withdraw at any time without penalty upon submitting appropriate notice, providing equal votes among all parties, and verifying that no projects are currently planned for the Delta. Also in the SA Subbasin, the Sacramento Central Groundwater Authority, a GSA for portions of the Subbasin, is considering a fee study to finance groundwater management for unrepresented areas within the Subbasin. This would not affect the NDGSA, however, as the NDGSA's area is represented in groundwater management efforts.

Action – Motion to approve Resolution 2019-006 Approving the Critical Points of Agreement for SA MOU by Secretary/Treasurer McCormack, seconded by Member Hemly. Motion passed unanimously.

10. Legal Update/NDGSA Policy Development

In-Kind Contribution to Basin Planning

Discussion – NDGSA staff have been in active discussions with neighboring GSAs about groundwater planning and management in the region. Much of these discussions have concerned funding groundwater management activities. NDGSA staff have ensured that the MOUs will not require direct financial contributions from the NDGSA and will instead allow for in-kind contributions in the form of NDGSA staff support and assistance.

Action – None.

County Groundwater Well Permitting

Discussion – Staff explained that SGMA does not allow GSAs to regulate well construction until a GSP has been adopted, though SGMA does allow for GSAs to request that counties provide information about pending groundwater well permits. Staff recommended that the NDGSA request copies of groundwater well permit applications that would be constructed within the NDGSA's territory. This would be for informational purposes only in order to improve the Agency's understanding of groundwater demand trends—the NDGSA would not support, oppose, or comment upon any pending application.

Action – Motion to approve Resolution 2019-007 Concerning Groundwater Well Permitting by Secretary/Treasurer McCormack, seconded by Vice-Chair Nakahara. Motion passed unanimously.

Definitions of Undesirable Effects

Discussion – Staff will ensure that the term 'undesirable effects' is not defined in either the SA or the Solano Subbasin in a way that would be detrimental for the NDGSA and the Delta Region. Staff recommends that the collaboration with the SA and Solano Subbasin continue to ensure that the interests of the NDGSA are represented.

Action – None.

11. Review of Member Agency Withdrawals & Associated Actions

Status of Withdrawing Agencies

Discussion – Staff reported on the status of the GSAs that withdrew from the NDGSA. At this time, all SGMA Portal web pages have been transitioned from the NDGSA to the withdrawing members control. Regarding the outstanding payments for liabilities incurred, one GSA has indicated it will pay its proportional share of outstanding liabilities, RD 307. RD 307 has joined the Yolo Subbasin GSA, which reportedly required RD 307 pay \$1.50 per acre for RD 307's territory for both 2019 and 2018.

Other former NDGSA Members have disputed their liability. The NDGSA disputes this interpretation and will continue discussions with the former NDGSA Members.

Regardless of the outcome, the disputed liabilities have been separated in the NDGSA's

accounting to ensure that current Members of the NDGSA will not be responsible for a disproportionate share of the Agency's liabilities.

Action – None.

Joint Powers Agreement Status

Discussion – At this time, the amended Joint Powers Agreement forming the NDGSA has been executed by all Member Agencies. Staff will transmit the revised JPA to the California Secretary of State in accordance with the relevant statutes.

Action – None.

12. 2019/2020 Budget and Fee Update

Update on Financial Audit (2018-2019 Fiscal Year)

Discussion – An audit is in process but should be concluded soon. The audit is being conducted by an independent 3rd party to verify the propriety of the NDGSA's accounting and expenditures. The audit will also result in documentation required by the State Controller, which the auditor will submit to the Controller directly.

Action – None.

Budget Update 2019 Q3

Discussion – The NDGSA continues to conform to the budget projections, with liabilities for 2019-2020 Fiscal Year falling slightly below the adopted budget.

Action – None.

Update on County Fee Collection

Discussion – Staff provided the necessary information to Sacramento and Solano Counties to collect property-based fees on behalf of the NDGSA. This process is formally complete for the year and the counties will provide payment to the NDGSA. Payments should be received in January and May, with the final payment around June 2020.

Action – None.

Payment of Invoices

Discussion – Staff provided an explanation of the current NDGSA funds, the accounting practices, and the invoices that are currently awaiting payment. Staff reiterated that the funds from Staten Island are accounted for separately and work performed for Staten Island is invoiced separately. Staff recommended reserving \$5,000 for expenses and using the remainder to pay outstanding invoices, prioritizing the oldest invoices for payment first.

Action – Motion to authorize the Chair to pay oldest invoices as funds become available while retaining a \$10,000 reserve to pay for the audit and other expenses as well as authorizing Chair to issue payment for Staten Island invoices made by Member Hemly, seconded by Secretary/Treasurer McCormack. Motion passed unanimously.

13. Staff Report

Discussion – No additional items to discuss at this time.

Action – None.

14. Agenda Proposals, Time and Place of Next Board and Steering Meeting, TBD

The next NDGSA Board of Directors meeting is scheduled for May 14th at 9 am at the Walnut Grove Library.

15. Closed Session

Conference with Legal Counsel – Potential anticipated litigation pursuant to Government Code section 54956.9.

16. Report from Closed Session

No reportable action was taken in closed session.

17. Adjournment

Meeting adjourned at 10:30 am by Chair Van Loben Sels.

Respectfully submitted by Anna Swenson.