



**NORTHERN DELTA  
GROUNDWATER  
SUSTAINABILITY AGENCY**

**Minutes of Thursday May 14, 2020  
Northern Delta Groundwater Sustainability Agency Board Meeting**

Remote Teleconference at **(669) 900-9128**, Access Code **951-2088-7229**  
<https://zoom.us/j/95120887229>

*In accordance with the Governor's Executive Orders N-25-20 and N-29-20, the NDGSA's meeting was conducted remotely. There was no public access location, but the public was welcome to attend remotely by calling the number above, going to the webcast link, or both.*

**1. Call to Order**

The meeting was called to order at 9:01 a.m. by Chairman Van Loben Sels.

**2. Roll Call**

NDGSA Member Representatives:

RD 744 GSA – Brad Van Loben Sels, Chair

RD 501 GSA – Craig Nakahara, Vice-Chair

RD 1002 GSA – Jeff McCormack,  
Secretary/Treasurer

RD 813 GSA – Norm Peters

RD 2110 GSA – Dawit Zeleke\*

RD 369 GSA – Clarence Chu

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

Associate Member Representatives:

RD 38/Staten – Emily Wells

Quorum established with six Members present (nine total votes).

**3. Closed Session – Potential Litigation**

*Action – None.*

**Open Session**

Called to order at 9:30 a.m. by Chairman Van Loben Sels.

**4. Report from Closed Session**

No report from closed session.

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\* Member Zeleke was present for Roll Call and most of the meeting but departed after Item 11 – Grant Funding Prospects.

## 5. **Public Comment**

No public comment.

## 6. **Review & Approve 12/05/19 Board Meeting Minutes**

*Action – Motion to approve the 12/05/19 Minute by Secretary/Treasurer McCormack, seconded by Vice-Chair Nakahara. Motion passed unanimously.*

## 7. **Chair, Vice-Chair, and Treasurer/Secretary Reports**

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

*Action – None.*

## 8. **Associate Member Agency Activities**

### **NDGSA Support of RD 38 – Staten Island in Eastern San Joaquin Subbasin**

Discussion – RD 38/Staten is currently an Associate Member of the NDGSA pursuant to NDGSA Resolution 2018-0005, approved on July 27, 2018, allowing the Agency to participate as a non-voting NDGSA member and requiring financial contributions commensurate with the NDGSA’s property-based fees. NDGSA staff continue to engage in Eastern San Joaquin Subbasin Groundwater Sustainability Plan (GSP) development for Staten.

### **RD 551 & South American Subbasin Participation**

Discussion – The RD 551 GSA participated in the formation of the NDGSA and supported the Proposition 218 process, but did not join the NDGSA or implement a property-based fee. The RD 551 GSA is currently reconsidering its options: proceed as an independent GSA; join the NDGSA; or allow the County to take over groundwater management. No decision has been made yet. Staff recommends continuing discussions with the RD 551 GSA.

*Action – Motion to maintain support for Associate Member RD 38/Staten, to continue conversations with RD 551 GSA and to enter into agreement with RD 551 GSA if approved by Chair made by Member Peters, seconded by Vice-Chair Nakahara. Motion passed unanimously.*

## 9. **Subbasin Planning Processes Update**

### **Solano Subbasin Memorandum of Understanding (MOU) & GSP Development**

NDGSA staff have continued to engage in the subbasin planning process. To date, discussions have focused on crafting a MOU between the GSAs and securing professional services. The MOU has been finalized and the NDGSA has executed it per the Board’s previous direction.

### **South American Subbasin MOU & GSP Development Update**

Staff have continued to negotiate the terms of an MOU for the South American Subbasin GSAs. The parties recently agreed on a final draft MOU. The NDGSA has the option of participating as an observer or as a voting member. Staff recommend that the Board adopt Resolution 2020-

001 authorizing the Chair to execute the South American Subbasin MOU as a full voting member of the Working Group.

#### **Eastern San Joaquin Subbasin Update**

The GSP for the Eastern San Joaquin Subbasin was completed in January 2020. The member agencies are now beginning GSP implementation, including determining a funding approach. A lawsuit challenging the adequacy of the GSP was filed in March 2020. Currently, it is not clear whether the lawsuit will proceed at this time or will be stayed until after the Department of Water Resources has made a decision on GSP adequacy.

*Action – Motion to adopt Resolution 2020-001 authorizing the chair to execute the South American Subbasin MOU made by Member Peters, seconded by Secretary/Treasurer McCormack. Motion passed unanimously*

### **10. Financial Audit Findings**

Recently, the audit of the NDGSA’s finances from January 2018 to June 2019 was completed and all necessary state filings were submitted. The audit concluded that the NDGSA’s financials “present fairly in all material respects the respective financial position of the governmental activities” for the 18 month period. Staff recommended that the NDGSA retain the same firm, Boden Klein & Sneesby, for the 2019-2020 fiscal year audit and proceed with annual audits. The Board agreed that continuing with annual audits (rather than every two years) would be prudent and supported retaining the same firm.

*Action – None.*

### **11. Grant Funding Prospects**

Staff recently identified a potential grant opportunity: the Sustainable Groundwater Management Watershed Coordinator Grant, which funds a staff position to help achieve groundwater sustainability. The final solicitation should be released soon. Staff believe this represents an attractive opportunity for the NDGSA. Staff will track this and other opportunities as they arise. Since acting on grant opportunities may require action between Board meetings, staff recommends that the Board adopt Resolution 2020-002 to authorize the Chair to oversee and act upon grant opportunities if action must be taken before the next Board Meeting.

*Action – Motion to adopt Resolution 2020-002 made by Vice-Chair Nakahara, seconded by Member Peters. Motion passed unanimously.*

### **12. Current 2019/2020 Fiscal Year Budget Update**

Staff successfully worked with the Counties for a second year to have the property-based fees collected by the Counties for the 2019-2020 fiscal year to finance the NDGSA’s budget. To date, the NDGSA has conformed to the budget projections; while some costs exceeded the projections, other costs have been notably lower. The result is the total costs to date are below

the projections. The work completed for RD 38/Staten Island continues to be invoiced and paid separately. The NDGSA continues to pay invoices in the order that they accrue while maintaining a \$10,000 reserve.

*Action – None.*

### **13. 2020/2021 Fiscal Year Budget and Associated Fee Adoption**

#### **Review Budget Options & Adopt 2020-2021 Fiscal Year Budget**

The proposed budget incorporates insights gained from two years of operation to reallocate funding between the various categories. Overall, the budget represents a modest decrease in funds necessary to carry out Agency activities.

*Action – Motion to adopt Resolution 2020-003 adopting the budget for fiscal year 2020-2021 made by Vice-Chair Nakahara, seconded by Member Peters. Motion passed unanimously.*

#### **Adopt Per-Acre Fee for 2020-2021 Fiscal Year**

Based on the 2020-2021 Fiscal Year Budget adopted by the Board, a property-based fee of \$2.62 per acre would be levied. This is a slight decrease over the previous year.

*Action – Motion to adopt Resolution 2020-004 adopt a property-based fee of \$2.62 per acre made by Secretary/Treasurer McCormack, seconded by Member Peters. Motion passed unanimously.*

### **14. Staff Report**

No additional staff report.

### **15. Agenda Proposals, Time and Place of Next Board and Steering Meeting, TBD**

Staff will send out poll to all members with potential dates in November/December 2020 for next Board Meeting.

### **16. Adjournment**

Meeting adjourned at 10:22 a.m. by Chair Van Loben Sels.

Respectfully submitted by Anna Swenson