



Board Agenda Item 76

DATE: December 9, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Agreement with North Fork Kings Groundwater Sustainability Agency

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute Memorandum of Agreement with the North Fork Kings Groundwater Sustainability Agency for the management, operation and maintenance of the Elkhorn Recharge Facility for groundwater recharge, effective upon execution, until terminated with written notice by either party (\$0).

Approval of the recommended action will approve a Memorandum of Agreement (Agreement) with the North Fork Kings Groundwater Sustainability Agency (NFKGSA) for the diversion of surface water into the Elkhorn Recharge Facility (Basin), and for the management, operation and maintenance of the Basin. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended action, the conveyance of surface water into the Basin during flooding conditions will not be possible, resulting in less groundwater recharge.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The recommended Agreement does not provide any compensation between the County and the NFKGSA. The NFKGSA has agreed to manage, operate, and maintain the Basin and will assume all costs associated with providing these services.

DISCUSSION:

In May 2021, the U.S. Department of Treasury published Title 31, Code of Federal Regulations Part 35 Coronavirus State and Local Fiscal Recovery Funds (SLFRF) 2021 Interim Final Rule for expenditures before April 1, 2022 and the 2022 Final Rule (Final Rule), which establish a framework for determining the types of programs and services that are eligible to receive the SLFRF under the American Rescue Plan Act (ARPA). The Final Rule became effective on April 1, 2022.

On December 13, 2022, the Board approved \$6 million in ARPA-SLFRF to fund the design, engineering, and construction of the 57-acre Basin to comply with the Sustainable Groundwater Management Act of 2014 (SGMA) by recharging water back into the aquifer to help achieve local long-term groundwater sustainability goals. The recommended agreement would allow for the conveyance of surface water through the Liberty Canal and/or other facilities into the Basin during flooding conditions in the Kings River area and

downstream in above average water years. Diverted surface water will be used to recharge the groundwater aquifer, increasing the availability of groundwater for agricultural uses and ensuring reliability of clean drinking water for member agencies of the NFKGSA. The project will also benefit the water supplies of disadvantaged communities within the NFKGSA, including the unincorporated communities of Riverdale and Lanare, which are down gradient from the project location.

The NFKGSA was created by Special Act legislation on September 16, 2016, as allowed under SGMA, to manage groundwater in a sustainable manner. The NFKGSA is a Groundwater Sustainability Agency (GSA) within the Kings Subbasin, designated under SGMA as a high-priority, critically over drafted basin, which together with six other GSA groups, are responsible for developing and implementing Groundwater Sustainability Plans to comply with groundwater management regulations pursuant to SGMA. The County also serves as a representative on the NFKGSA Board of Directors.

The recommended agreement deviates, in part, from the County's standard contract language in that it contains a mutual hold harmless clause which has the effect of making each party responsible for losses arising from their own negligent or wrongful performance, or failure to perform. The mutual hold harmless clause has been reviewed by Department staff and deemed to be acceptable for this recommended agreement, given the services will assist the County in complying with SGMA and given the County's strong partnership with the NFKGSA.

REFERENCE MATERIAL:

BAI #66, December 13, 2022

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Memorandum of Agreement with NFKGSA

CAO ANALYST:

Maria Valencia