



# Board Agenda Item 42

DATE: August 20, 2019

TO: Board of Supervisors

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

SUBJECT: Joint Powers Agreement to form the Central Delta-Mendota Groundwater Sustainability Agency within the Delta-Mendota Groundwater Subbasin and County Member of the Board of Directors Designation

RECOMMENDED ACTION(S):

- 1. Adopt and authorize the Chairman to execute Resolution Authorizing the County of Fresno's Adoption of the Central Delta-Mendota Groundwater Sustainability Agency Joint Powers Authority for implementation of the Sustainable Groundwater Management Act within the Delta-Mendota Groundwater Subbasin; and,**
- 2. Approve and authorize the Chairman to execute Joint Powers Agreement for implementation of the Sustainable Groundwater Management Act for the Central Delta-Mendota Groundwater Sustainability Agency within the Delta-Mendota Groundwater subbasin; and**
- 3. Designate District 4 Supervisor as Director, District 1 Supervisor as First Alternate, and Department of Public Works and Planning's Senior Engineer, Augustine Ramirez, as Second Alternate to serve as a member of the Board of Directors for the Central Delta-Mendota Groundwater Sustainability Agency.**

Approval of the recommended actions would authorize the County's execution of a Joint Powers Agreement (JPA) between multiple agencies within the Delta-Mendota (DM) Groundwater Subbasin to form the Central DM Groundwater Sustainability Agency (Agency). In addition, the Director, First Alternate, and Second Alternate Board Member to the Board of Directors for the Agency would be designated. The Agency would be a separate legal entity with its own Board of Directors, and each director serving at the preference of their participating agency's appointing body. Each member agency would also be able to appoint up to two alternates for its member of the Board of Directors. Other member agencies of the Agency include the following six California Water Districts: Eagle Field, Fresno Slough, Mercy Springs, Pacheco, Panoche, and San Luis; the Santa Nella County Water District, a California County Water District; Tranquillity Irrigation District, a California Irrigation District; and, the County of Merced, a political subdivision of the State of California. This item pertains to locations in District 1.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended actions, which would likely result in increased costs and a delay in the preparation of the Groundwater Sustainability Plan (GSP) required by the Sustainable Groundwater Management Act (SGMA).

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. If the recommended items are approved, the County's future contributions are anticipated to decrease from the current 13.7% member contribution rate to a 10% member contribution, totaling a 3.7% cost reduction. The membership is paid for with Interest and Miscellaneous Expenditures Org 2540. Sufficient appropriations and estimated revenues are included in the Interest and Miscellaneous Org 2540 FY 2019-20 Recommended Budget.

DISCUSSION:

The Sustainable Groundwater Management Act (SGMA), signed into law in September of 2014, established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA allows the formation of local Groundwater Sustainability Agencies (GSAs) in the State's higher priority groundwater basins. Each GSA is then required to develop and implement a Groundwater Sustainability Plan (GSP) to meet the sustainability goal of the basin to ensure operation within its sustainable yield, without causing undesirable results, by January 31, 2020. Failure to implement a GSP in a groundwater basin could result in the State asserting its power to manage local groundwater resources.

In an effort to assure compliance with SGMA within the DM Groundwater Subbasin, whose boundaries are shown in Exhibit A, Department of Public Works and Planning staff has participated in regular meetings with representatives from the local agencies in that subbasin. As a result of that collaborative effort, those agencies formed the Agency for a portion of the DM Region. The County's participation in that Agency was approved by the Board of Supervisors on March 7, 2017, Agreement No. 17-075

Under Agreement No. 17-074 which formed the Agency, the participating agencies agreed to consider entering into a JPA if they deemed it necessary or beneficial in achieving sustainable groundwater management. Department staff has participated as a member of the Steering and Management Committees with the participating agencies on a monthly basis. As a result of these collaborative efforts it was determined that the participating agencies would move forward in developing a JPA.

For that reason, the Agency JPA is proposed to replace the Central DM Multi-Agency GSA for the Central DM Region. The agencies and the boundaries would continue to be the same as between the Central DM Groundwater Sustainability Multi-Agency GSA and the Agency JPA, as shown in Exhibit B, however the structure of the entity would change.

The JPA forms a ten member governing Board of Directors with one appointment from each participating agency to serve as Director, and up to two alternates, each serving at the preference of their agency's appointing body. As aforementioned, the District 4 Supervisor will serve as Director, followed by the District 1 Supervisor as First Alternate and Department of Public Works and Planning's Senior Engineer, Augustine Ramirez, as Second Alternate. The JPA provides that the member agency contribution rates be equally distributed among the ten member Board. Each member agency is to contribute 10% each, totaling a 100% contribution rate, as shown in Exhibit C. The JPA provides that, following adoption of an estimated sustainable yield and a sustainability goal under the approved GSP, the Board of Directors may consider recalculating the member contribution for the member agencies.

On March 10, 2015, the Board of Supervisors endorsed concepts for a Governance Agreement intended to guide implementation of SGMA for all participants. Department staff has evaluated the proposed JPA and finds it to be consistent with the Governance Agreement concepts. As a result, staff recommends approval and execution of the proposed JPA.

REFERENCE MATERIAL:

BAI #12 March 7, 2017

BAI #52 November 17, 2015

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A - C

On file with Clerk - Resolution

On file with Clerk -Central DM Groundwater Sustainability Agency JPA

CAO ANALYST:

Sonia M. De La Rosa