

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO**

**RESOLUTION AUTHORIZING THE COUNTY OF FRESNO'S ADOPTION OF THE CENTRAL
DELTA-MENDOTA GROUNDWATER SERVICES JOINT POWERS AUTHORITY**

RESOLUTION NO. 19-330

A. WHEREAS, the County of Fresno ("County") is a political subdivision of the State of California; and

B. WHEREAS, in August 2014, the California Legislature passed, and in September 2014 the Governor signed, legislation creating the Sustainable Groundwater Management Act (or "SGMA,") "to provide local groundwater agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater" (Wat. Code, § 10720, subd. (d)); and

C. WHEREAS, SGMA provides that each affected groundwater basin or subbasin may be regulated separately by one or more groundwater sustainability agency ("GSA"); and any local agency, as that term is defined in SGMA, may decide to become the GSA for a basin or subbasin within its boundaries; and SGMA also provides that a combination of local agencies may form a GSA through a joint powers agreement, or a memorandum of agreement or other legal agreement (Wat. Code, § 10723.6); and

D. WHEREAS, groundwater sustainability under SGMA is to be achieved through a groundwater sustainability plan (or "GSP"), which can be a single plan developed by one or more GSAs or multiple coordinate plans within a basin or subbasin (Wat. Code, § 10727); and

E. WHEREAS, the Board of Supervisors ("Board") is informed by County staff that Eagle Field Water District, a California Water District; the County of Fresno, a political subdivision of the State of California; Fresno Slough Water District, a California Water district; County of Merced, a political subdivision of the State of California; Mercy Springs Water District, a California Water District; Pacheco Water District, a California Water District; Panoche Water District, a California Water District; San Luis Water District, a California Water District; Santa Nella County Water District, a California County Water District; and Tranquillity Irrigation District, a California Irrigation District (individually, a "Party" and in the plural or collectively, the "Parties") are all public agencies authorized to contract with the State or Federal governments and agencies, and to exercise powers related to groundwater management, land use, or both, within their jurisdictional boundaries; and each Party would qualify individually to serve as a GSA under SGMA; and

F. WHEREAS, each Party's jurisdictional area overlies the Central Delta-Mendota Region, which is a portion of the Delta-Mendota Subbasin number 5-22.07 of the San Joaquin Valley Groundwater Basin identified in the California Department of Water Resources ("DWR") Bulletin 118, as its boundaries may be modified from time to time as provided by law; and DWR has designated the entire Delta-Mendota Subbasin as critically overdrafted; and under SGMA, each GSA is required to resume its regulatory role by June 30, 2017, and to submit a GSP to DWR by January 31, 2020; and

G. WHEREAS, the Parties previously entered into "Agreement Supporting Formation and Operation of the Central Delta-Mendota Region Multi-Agency Groundwater

Sustainability Agency in the Central Delta-Mendota Region,” effective February 15, 2017 (the “Initial Agreement”), to establish and operate the Central Delta-Mendota Region Multi-Agency GSA to meet their mutual goal of cost-effective, sustainable groundwater management that considers the interests and concerns of the Parties and other stakeholders in the Central Delta-Mendota Region without establishing a legal entity separate from the individual agencies; and

H. WHEREAS, in Section 5.4 of the Initial Agreement, the Parties agreed to consider entering into a joint exercise of powers agreement if they found it necessary or beneficial in achieving the goal of maintaining local control of sustainable groundwater management in the Central Delta-Mendota Region in compliance with SGMA; and

I. WHEREAS, under the Joint Exercise of Powers Act (Chapter 5 (commencing with section 6500) of the Division 7 of Title I of the Government Code) (the “Act”), two or more public agencies may by agreement jointly exercise any power held in common by agencies entering into such an agreement; and all of the Parties are public agencies as defined by the Act; and

J. WHEREAS, the Board wishes, and the Board is informed by County staff that the other Parties wish, to enter into the Central Delta-Mendota Groundwater Sustainability Agency Joint Powers Agreement to replace the Central Delta-Mendota Multi-Agency GSA for the Central Delta-Mendota Region; and

K. WHEREAS, the Parties and the boundaries would be the same as between the Central Delta-Mendota Groundwater Sustainability Multi-Agency GSA and the Central Delta-Mendota Groundwater Sustainability Agency Joint Powers Agreement, but the structure of the entity would change; and

L. WHEREAS, the Board wishes, and the Board is informed by County staff that the other Parties wish, to enter into the Central Delta-Mendota Groundwater Sustainability Agency Joint Powers Agreement for the purpose of acting as a separate and independent public agency and as a single GSA for the Central Delta-Mendota Region; and

M. WHEREAS, the Board wishes, and the Board is informed by County staff that the other Parties wish, to achieve the objectives recited above;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County finds as follows:

1. The facts stated in the Recitals above are true and correct and the Board of Supervisors of the County so finds, orders, and determines.

2. The Board hereby authorizes the Chairman of the Board to execute the Central Delta-Mendota Region Groundwater Sustainability Agency Joint Powers Agreement in substantially the form presented concurrently with this Resolution, subject to such modifications as the executing officer shall approve, and subject to approval by County Counsel, said execution to provide conclusive proof of approval of any such modifications.

3. The Board authorizes the Director of the Department of Public Works and Planning to take such other and additional actions as may be reasonably necessary to implement the purpose of this Resolution, which is to enter into the Central Delta-Mendota Region Groundwater

Sustainability Agency Joint Powers Agreement in substantially the form presented, subject to section 2 of this Resolution.

THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 20th day of August 2019, to wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

NOES: None

ABSENT: None

ABSTAINED: None



Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

ATTEST:

Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By Susan Bishop
Deputy