



# Board Agenda Item 35

DATE: April 14, 2020

TO: Board of Supervisors

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

SUBJECT: SS-MOA Participant Consent to Third Amendment to Central Delta-Mendota Region  
Sustainable Groundwater Management Act Services Activity Agreement

RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute the SS-MOA Participant Consent to Third Amendment to Agreement No. 17-075 Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement.**

Approval of the recommended action will authorize the County's execution of consent to the third amendment between multiple agencies within a portion of the Delta-Mendota (DM) Groundwater Subbasin and further the cooperation between the participating local agencies responsible for the implementation of the Groundwater Sustainability Plan (GSP), as required by the Sustainable Groundwater Management Act (SGMA). This item pertains to locations in District 1.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended action; however, it would likely result in delay in the implementation of the Groundwater Sustainability Plan (GSP) required by SGMA.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. 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:

SGMA, signed into law September 16, 2014, and codified at Water Code sections 10720 to 10737.8, established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA allowed the formation of locally controlled Groundwater Sustainability Agencies in DWR's higher priority groundwater basins. Each GSA was then required to develop a GSP by January 31, 2020. Failure to implement a GSP and meet its sustainability goal could result in the State Water Resources Control Board (State) asserting its authority to manage local groundwater resources. The GSP for this region was submitted to DWR on January 23, 2020, meeting the required deadline. Implementation of the GSP is ongoing.

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 within this portion of the subbasin. As a result of that collaborative effort, those agencies formed the Central Delta-Mendota Multi-Agency GSA for a portion of the DM Subbasin (Multi-Agency GSA). The County's participation in that Agency's formation was approved by the Board of Supervisors on March 7, 2017, in Agreement No. 17-074.

Around the same time, members of the Multi-Agency GSA that were also members of the San Luis and Delta-Mendota Water Authority (Authority) entered into the Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement which allowed, among other things, for the Multi-Agency GSA to obtain support services from the Authority related to SGMA. Other agencies in the Central Delta-Mendota region who were not members of the Authority, including the County, entered into a Memorandum of Agreement for Central Delta-Mendota Region Sustainable Groundwater Management Act Services (SS-MOA), Agreement No. 17-075. The Activity Agreement created the Central Delta-Mendota Management Committee (Management Committee) to oversee the coordination of GSAs in the Central Delta-Mendota Region. The SS-MOA allowed agencies who were not members of the Authority, such as the County, to participate on the Management Committee. The Activity Agreement and the SS-MOA also included two agencies that are not part of the Multi-Agency GSA but are part of the Management Committee: Widren Water District GSA and Oro Loma Water District GSA.

In 2019, the parties to the Multi-Agency GSA agreed to develop a joint powers agency (JPA) to help improve efficiency and streamline the decision-making process. The parties agreed to form the Central Delta-Mendota GSA, a JPA, to replace the Multi-Agency GSA. The County joined the JPA under Agreement No. 19-416, which the Board approved on August 20, 2019.

Like the Multi-Agency GSA, the Central Delta-Mendota GSA does not include Widren GSA or Oro Loma GSA. Thus, the JPA left in place the Activity Agreement and the SS-MOA, so that the Management Committee would continue to include them. As well, all of the parties to the JPA have remained parties to the Activity Agreement.

The Third Amendment would allow parties to the Activity Agreement, as well as participants through the SS-MOA, to delegate voting authority on the Management Committee. The Third Amendment is intended to streamline participation in the Activity Agreement for members of the JPA, as well as streamline administrative tasks and coordination of the Authority staff. Specifically, the expectation is that the JPA will become an SS-MOA participant, and then other participants through the SS-MOA, such as the County, can delegate their voting authority on the Management Committee to the JPA.

Approval of the Third Amendment allows for the possibility of delegation of authority, however department staff is not recommending delegation of authority choosing to retain that authority as held. The County is participating not as an Activity Agreement member, but as an SS-MOA participant.

Department staff is not yet recommending that the County delegate its management authority. At the time of preparation of this agenda item, the JPA has not yet finalized its agreement with the Authority as an SS-MOA participant. Until that is completed, the JPA does not have any seats on the Management Committee where delegated voting authority might be implemented. After the JPA becomes an SS-MOA participant, department staff expect to return to your Board for an authorization to delegate voting authority on the Management Committee to the JPA.

#### REFERENCE MATERIAL:

BAI #42 August 20, 2019  
BAI #41 October 23, 2018  
BAI #12 March 7, 2017

#### ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A

On file with Clerk - Third Amendment to Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement and Consent of SS-MOA Participants

CAO ANALYST:

Debbie Paolinelli