

SOUTH KINGS GROUNDWATER SUSTAINABILITY
AGENCY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS
SPECIAL MEETING AGENDA

KINGSBURG CITY HALL
1401 Draper Street
Kingsburg, CA 93631

Wednesday, June 14, 2023

5:30 PM

In compliance with the Americans with Disabilities Act, if you need special assistance to access or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Kingsburg City Hall at (559) 897-5821. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council meeting.

ITEMS:

1. Call to Order and roll call
2. Public Comment on Items not on Agenda

The first 15 minutes of each regular session is set aside for members of the public to comment on any item within the jurisdiction of the Board of Directors, but not appearing on the agenda. For items appearing on the agenda, the public is invited to comment at the time the item is called for consideration by the Board. Any person addressing the Board under public comment will be limited to a 3-minute presentation to ensure that all interested parties have an opportunity to speak. Please submit any handouts to the Secretary via email prior to the meeting at dpeters@peters-engineering.com.

3. Consent Calendar

Unless a member of the Board of Directors requests that an item be removed from the Consent Calendar, all items will be acted upon as a whole and by one vote. Items removed from the Consent Calendar will be acted upon separately.

- 3.1 Approved Minutes of April 17, 2023 meeting.

4. Committee Reports

4.1 Technical Advisory Committee – Oral Report by Josh Rogers, Chair

4.2 Administrative Committee – Oral Report by David Peters, Secretary

5. General Items

5.1 Approval of Extension to the Sanger Basin Option Agreement – Staff Report by Josh Rogers, TAC Chair

5.2 Approval of revisions to Conflict-of-Interest Code – Oral Report by Michael Linden, Counsel

6. Secretary's Report

6.1 Time and place for next meeting – July 12, 2023 at 5:30pm @ Parlier

7. Board Member Comments

8. Adjournment

SKJPA BOARD OF DIRECTORS
MEETING MINUTES

FOWLER CITY HALL
128 S. 5th Street
Fowler, CA 93625

Monday, April 17, 2023

5:30 PM

Chairman Kazarian called the meeting to order at 5:33 pm.

Board Members Present: Chairman Kazarian, E. Hurtado, D. Silva, D. Ramirez, S. Hall (Alt),

Board Members Absent: None

Staff Present: David Peters, Michael Linden, Josh Rogers

PUBLIC PRESENTATIONS

2.1 *Public Comment on Items not on Agenda*

None

CONSENT CALENDAR

3.1 *Approve minutes of March 27, 2023 meeting.*

Motion passes unanimously.

COMMITTEE REPORTS

4.1 *Technical Advisory Committee Meeting*

Mr. Rogers provides update on TAC.

4.2 *Administrative Committee Meeting*

Mr. Peters provides update on AC.

GENERAL ITEMS

5.1 *Approval of 2023-24 FY Budget – Oral Report by D. Peters*

Mr. Peters presents and recommends Board approval of FY 23-24 budget. Motion made by member Hurtado, second by member Hall. Motion passes unanimously.

SECRETARY REPORT

6.1 Time and place for next meeting

May 10, 2023 @ 5:30pm in Kingsburg.

BOARD MEMBER COMMENTS

Member Silva asks if CID is waiving the CIP clause. Mr. Peters says no.

Member Silva asks about additional basins in Kingsburg. Mr. Peters states possibilities exist near Madsen Ave.

Member Hurtado proposes a tour of the site and recommends SKGSA add photos of recharge activities to their website.

ADJOURNMENT

Having no further business Chairman Kazarian adjourned the meeting at 5:45pm.

SKGSA STAFF REPORT

TO: CHAIRMAN KAZARIAN & BOARD MEMBERS

FROM: JOSHUA ROGERS, TAC CHAIR

SUBJECT: NORTH SANGER GROUNDWATER RECHARGE PROJECT –
PROPERTY PURCHASE OPTION AGREEMENT EXTENSION

DATE: JUNE 14, 2023

RECOMMENDATION / REQUESTED ACTION

Approve First Amendment to Option Agreement with Keith Lyndon Hodge and Susan Tanya Hodge Family Trust for the purchase of property for the North Sanger Groundwater Recharge Project.

BACKGROUND

In December 2020, the SKGSA entered into an Option Agreement for Purchase and Sale of Real Property for approximately 15.5 acres of land in northern Sanger at the southwest corner of Academy Avenue and the California Avenue alignment. The agreement was executed with Keith Lyndon Hodge and Susan Tanya Hodge Family Trust and Hagop Soojian Testamentary Trust (“Original Optionors”). The agreement spelled out the terms and conditions of the option period, due diligence work, items prerequisite to a purchase and sale, and other such items. The option term specified was 30 months from the date of execution, with a planned termination by the end of June 2023 if not the option was not executed. The Purchase Price specified was to be “the higher of an appraisal of the Option Property dated by June 30, 2021 or an appraisal of the Option Property conducted within 90 days of the date the Option is exercised.”

In September 2022, one of the entities who was an Original Optionor (the Hagop Soojian Testamentary Trust) deeded their interest in the property to the Keith Lyndon Hodge and Susan Tanya Hodge Family Trust (“Optionor”).

Both the SKGSA and Optionor have satisfied the terms and conditions of the agreement up to this point. However, the funding agency, the California Department of Water Resources (DWR), has yet to approve the appraisal which has been prepared and revised for the property. The 4th submittal of the appraisal was made to DWR on June 8, 2023 after coordinating with DWR on the items left to be clarified. Because the appraisal must be approved prior to the land acquisition being eligible for funding, and because the original Option Agreement will terminate at the end of June 2023, Staff has coordinated with the Optionor on an extension of the Option Agreement through November 30, 2023. It is Staff’s belief that this should provide sufficient time to get the appraisal approved and

to complete the property purchase. As such, it is Staff's recommendation that the attached First Amendment to Option Agreement be approved.

Attachments:

First Amendment to Option Agreement

FIRST AMENDMENT TO OPTION AGREEMENT

This First Amendment to Option Agreement (this “**Amendment**”) is made and entered into as of May 23, 2023, by and between KEITH LYNDON HODGE and SUSAN TANYA HODGE FAMILY TRUST, (“**Optionor**”), and SOUTH KINGS GROUNDWATER SUSTAINABILITY AGENCY, a joint powers authority (“**SKGSA**” or “**Optionee**”).

RECITALS

On December 29, 2020 Susan Tanya Hodge as Trustee of the Hagop Soojian Testamentary Trust (“**Soojian**”) and Optionor (collectively then as “**Optionors**”) and Optionee executed an Option Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions (the “**Original Agreement**”) to provide Optionee an agreement to acquire certain real property of Optionors consisting of approximately 15.5 +/- acres of vacant land located in Sanger, California and more particularly described in Exhibit A to the Original Agreement defined as the “**Option Property**” or “**Real Property.**”

- A. By deed recorded on September 30, 2022 Soojian conveyed all of its ownership of the Option Property to Optionor including its rights and obligations under the Original Agreement.
- B. Optionor and Optionee now desire to amend the Original Agreement pursuant to this Amendment to extend the Closing Date as hereinafter provided. The Original Agreement as amended by this Amendment shall be collectively referred to as the “**Agreement.**”

AGREEMENT

For valuable consideration, the receipt and sufficiency of which are acknowledged, Optionor and SKGSA hereby agree as follows:

1. Recitals. The preamble and recitals are hereby incorporated into this Amendment.
2. Defined Terms. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Original Agreement.
3. Closing Date. Notwithstanding the other timelines within the Original Agreement, the Parties agree that the Purchase may occur at a Close of Escrow on or before November 30, 2023.
4. Other Terms. All other terms, conditions and provisions of the Original Agreement are hereby ratified and confirmed and shall remain in full force and effect as of the date thereof, except as expressly modified hereby. In the event of any conflict between this Amendment and the Original Agreement, this Amendment shall govern.

5. Counterparts. This Amendment may be executed by facsimile or electronic transmission in two or more counterparts, each of which shall be deemed to be an original, but all of which taken together shall constitute but one and the same instrument.

6. Binding Effect. This Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

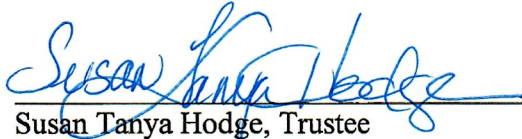
IN WITNESS WHEREOF, Optionor and SKGSA have executed this Amendment as of the date first written above.

OPTIONOR:

KEITH LYNDON HODGE AND SUSAN
TANYA HODGE FAMILY TRUST



Keith Lyndon Hodge, Trustee



Susan Tanya Hodge, Trustee

Dated: 5/23/2023

PURCHASER:

SOUTH KINGS GROUNDWATER
SUSTAINABILITY AGENCY, a joint
powers agency

By: _____

Name: _____

Title: _____

Dated: _____

CONFLICT-OF-INTEREST CODE FOR

SOUTH KINGS GROUNDWATER SUSTAINABILITY AGENCY

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the South Kings Groundwater Sustainability Agency ("SKGSA")

The Form 700s for designated positions, other than the members of the SKGSA's governing board and alternates, shall be filed with the SKGSA. The SKGSA's governing board and alternates are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with the SKGSA and, upon receipt of these paper Form 700s with waivers, the SKGSA shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

The SKGSA shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions and shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the Agency are hereby superseded.

APPENDIX A

Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments **and will file a statement of economic interests pursuant to Government Code Section 87200**. These positions are listed for informational purposes only:

-

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

DESIGNATED POSITIONS

Designated Positions

Disclosure Categories

- | | |
|----------------------------------|---|
| • Board Directors and Alternates | 1 |
| • Secretary | 2 |
| • Consultants | 2 |

* Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The **[head of agency or his/her designee]** may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The **[head of agency or his/her designee’s]** determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

APPENDIX B
DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license
- utility permit
- station vendor permit

CONFLICT-OF-INTEREST CODE FOR

SOUTH KINGS GROUNDWATER SUSTAINABILITY AGENCY

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the South Kings Groundwater Sustainability Agency ("SKGSA")

The Form 700s for designated positions, other than the members of the SKGSA's governing board and alternates, shall be filed with the SKGSA. The SKGSA's governing board and alternates are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with the SKGSA and, upon receipt of these paper Form 700s with waivers, the SKGSA shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

The SKGSA shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions and shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the Agency are hereby superseded.

APPENDIX A

Public Officials Who Manage Public Investments

It has been determined that the SKGSA does not have a position that manages public investments and thus would file a statement of economic interests pursuant to Government Code Section 87200.

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• Board Directors and Alternates	1
• Secretary	2
• Consultants	2

* Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The Chair of the Board of Directors may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Chair of the Board of Directors’ determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

APPENDIX B
DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license
- utility permit
- station vendor permit