

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

KINGSBURG CITY HALL
1401 DRAPER STREET
KINGSBURG, CA 93631

WEDNESDAY, JUNE 14, 2017
6:00PM

In compliance with the Americans with Disabilities Act, if you need special assistance to access the City of Kingsburg Council Chambers or to otherwise participate at this meeting, including auxiliary aids or services, please contact Fowler City Clerk Abigail Palsgaard 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
2. Pledge of Allegiance
3. Roll Call
4. Public Comment on Items not on Agenda
5. 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.

- a. Approve Minutes of May 25, 2017 meeting.

6. Public Hearing

- a. Consider the adoption of Resolution No. 2017-002 for inclusion of the Del Rey and Caruthers Community Services Districts in to the South Kings GSA and authorizing the Chair to enter into a MOU with each District - Staff Report by David Peters

7. General Items

- a. Consider place and time for next meeting.

8. Committee Reports

- a. Technical Committee – Committee met on May 31st at 9:00am at the City of Fowler. Josh Rogers (Sanger) was elected Technical Committee Chair. Danilo Blanusa (Cal Water) was elected Technical Committee Vice-Chair.

9. Board Member Comments

10. Adjournment

SKJPA BOARD OF DIRECTORS
MEETING MINUTES

FOWLER CITY HALL
128 S. FIFTH STREET
FOWLER, CA 93625

THURSDAY, MAY 25, 2017
6:00PM

David Peters called the meeting to order at 7:00 pm.

Board Members Present: Kazarian, Blayney, Chapa, Rodriguez, Avalos

Staff Present: David Peters

The Flag Salute was led by David Peters.

SEATING OF BOARD MEMBERS/ROLL CALL

The following Board members were present and seated by Mr. Peters.

City of Fowler – Karnig Kazarian
City of Kingsburg – Bruce Blayney
City of Parlier – Noe Rodriguez
City of Sanger – Tim Chapa (Alternate)
City of Selma – Jim Avalos (Alternate)

ELECTION OF BOARD CHAIR, VICE-CHAIR & SECRETARY

Mr. Karnig Kazarian was nominated for Board Chair by Mr. Blayney. The nomination was seconded by Mr. Chapa. Mr. Kazarian was elected Chair by unanimous vote.

Mr. Bruce Blayney was nominated for Board Vice-Chair by Mr. Kazarian. The nomination was seconded by Mr. Chapa. Mr. Blayney was elected Vice-Chair by unanimous vote.

Mr. Chapa nominated Mr. Peters for JPA Secretary. The nomination was seconded by Mr. Acosta. Mr. Peters was elected Secretary by unanimous vote.

PUBLIC PRESENTATIONS

Mr. Carlos Arias from Del Rey Community Services District congratulated the Joint Powers Authority on their formation.

CONSENT CALENDAR

The Consent Calendar consisted of:

- a. Authorize Secretary to file the Joint Powers Authority Agreement with the California Secretary of State as required by Government Code Section 6503.5
- b. Authorize Secretary to file a notice with the County Clerk and the Secretary of State containing the information outlined in Section 2.01 of the Joint Powers Authority Agreement.

Vice-Chair Blayney made a motion to approve to approve the Consent Calendar items, seconded by Board Member Rodriguez. The motion carried by unanimous voice vote: Ayes: Kazarian, Blayney, Rodriguez, Chapa, Avalos. Noes: None. Abstain/absent: None.

PUBLIC HEARING:

Consider the adoption of Resolution No. 2017-001 for the formation of a Groundwater Sustainability Agency (GSA), and authorize Lozano Smith to submit an application to Department of Water Resources on behalf of the GSA.

The Chair opened the duly noticed public hearing on the ordinance at 6:13 p.m.

Mr. Peters provided the Board with the background on the item contained in the staff report. Mr. Peters also addressed a letter received from Mr. Bernard Jimenez at the County of Fresno which stated that the formation of the JPA's GSA into the sphere areas would not be supported by the County. The letter also stated that an overlap cannot occur with the North Kings GSA because the NKGSA is already an exclusive GSA for their area. This letter was emailed to the Fowler City Clerk immediately prior to the JPA's meeting. Mr. Peters stated that in consultation with Lozano Smith, staff is confident that formation to the sphere limits is appropriate and will be accepted by the Department of Water resources. Mr. Peters also stated that the GSA boundaries have already been pulled back to eliminate any overlap with NKGSA.

Vice-Chair Blayney stated the City of Kingsburg support for formation of the proposed South Kings GSA.

Board Member Acosta stated the City of Selma's support for formation of the proposed South Kings GSA citing the need for City of Selma representation in the GSA.

Board Member Chapa stated that the City of Selma provides water outside the city limits within their sphere are and clarified that overlaps with NKGSA had been eliminated.

Mr. Steven Stadler from James Irrigation District addressed the Board of Directors and provided comments on the JPA's consideration to form a Groundwater Sustainability Agency. Mr. Stadler commented that James ID had looked into incorporating areas outside their service boundary into their GSA and ultimately thought that action would not be supported by the Department of Water. Mr. Stadler noted that an overlap of GSA could potentially place the Kings Sub-Basin on probation.

With no other comments, the public hearing was closed at 6:33 p.m.

Vice-Chair Blayney asked staff if filing the GSA to the spheres was appropriate. Staff stated that it will continue to be evaluated but that initial options are that the GSA to the spheres was appropriate.

A motion was made by Board Member Chapa to pass Resolution 17-001 for the formation of a Groundwater Sustainability Agency (GSA), and authorize Lozano Smith to submit an application to Department of Water Resources on behalf of the GSA with amended language regarding filing the GSA into the spheres to the extent allowable by law. The motion was seconded by Vice-Chair Blayney. The motion carried by unanimous voice vote: Ayes: Kazarian, Blayney, Rodriguez, Chapa, Avalos. Noes: None. Abstain/absent: None.

GENERAL ITEMS

- a) Technical Committee Members – The Board directed that the City Engineers for Kingsburg, Parlier and Sanger along with the Fowler Public Works Director and a representative from Cal Water would represent the five cities on the Technical Committee.
- b) Inclusion of Del Rey and Caruthers CSD's into the SKGSA. The Board directed staff to pursue discussion with both CSD and to pursue opportunities that may allow for inclusion of the two districts into the SKGSA.
- c) Kings Coordinated Technical Meetings – The Board directed staff to begin attending meetings between the GSA's within the Kings Basin for the purposes of coordinating efforts towards completion of a Groundwater Sustainability Plan (GSP). The Board chose the Board Chair and Technical Committee Chair to begin attending meetings on behalf of the SKGSA. Mr. Peters suggested that the Board consider soliciting proposals qualified consultants to assist the SKGSA with technical analysis relative to coordinating with other Kings Basin GSA's and preparation of the SKGSA GSP. The Board directed staff to postpone efforts to prepare a Request for Proposal at this time with plans for reconsidering the issue at a later date.
- d) Mr. Peters provided the Board with a proposal for initially funding the JPA through member contributions. The proposed funding level was 10% of the initial estimates for planned activities spanning from JPA creation to GSP adoption. The proposal was generally supported by the Board.
- e) The next JPA meeting was scheduled for June 14, 2017 at 6pm. The meeting will be held at the City of Kingsburg Council Chambers which will initiate a location rotation based on alphabetical order of the member agencies.

ADJOURNMENT

Having no further business, Board Chair Kazarian made a motion, seconded by Vice-Chair Blayney, to adjourn. The motion carried and the meeting adjourned at 7:20 pm.

MEMORANDUM

TO: CHAIR & BOARD MEMBERS
FROM: DAVID PETERS, PE
SUBJECT: INCLUSION OF THE DEL REY AND CARUTHERS COMMUNITY SERVICES DISTRICTS IN TO THE SOUTH KINGS GSA
DATE: JUNE 9, 2017

REQUESTED ACTION

Adopt Resolution No. 2017-002 for inclusion of the Del Rey and Caruthers Community Services Districts in to the South Kings GSA and authorizing the Chair to enter into a MOU with each District.

DISCUSSION / RECOMMENDATION

At the May 25, 2017 SKJPAGSA meeting, the Board adopted a resolution forming a GSA within the boundaries of the cities of Sanger, Parlier, Fowler, Selma and Kingsburg. That GSA was filed with DWR and posted on the SGMA portal on June 6, 2017. During the May 25, 2017 meeting the Del Rey Community Services District and Caruthers Community Services District expressed interest in being included in the South Kings GSA filing. Due to time constraints to submit the SKGSA filing to the Department of Water Resources, the request of the Districts were not acted upon, but instead was deferred until a later time such as to not impede the initial SKGSA filing. Since the May 25th meeting the filing has not been completed and posted and each District has formally approved to an MOU acceptable to staff which would allow for inclusion of the District's into the SKGSA.

The inclusion of the Districts in to the SKGSA will provide additional financial resources as well as greater geographic diversity. Therefore staff recommends the Board adopt Resolution No. 2017-002 for inclusion of the Del Rey and Caruthers Community Services Districts in to the SKGSA and authorizing the Chair to enter into a MOU with each District.

SOUTH KINGS GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2017-002

A RESOLUTION OF THE SOUTH KINGS GROUNDWATER SUSTAINABILITY AGENCY PROVIDING FOR THE INCLUSION OF THE DEL REY AND CARUTHERS COMMUNITY SERVICES DISTRICTS IN TO THE SOUTH KINGS GSA

WHEREAS, on September 16, 2014, the Governor signed into law, three bills (SB 1168, AB 1739, and SB 1319) collectively referred to as the “Sustainable Groundwater Management Act” (“SGMA”), effective on January 1, 2015, and amended from time-to-time thereafter; and

WHEREAS, SGMA requires all high and medium priority groundwater basins, as designated by Bulletin 118 issued by the California Department of Water Resources (“DWR”), to be managed by Groundwater Sustainability Agencies (“GSAs”); and

WHEREAS, the South Kings Groundwater Sustainability Agency is a joint powers authority formed pursuant to the Joint Exercise of Powers Act (Gov. Code, §§ 6500, et seq.), consisting of the cities of Sanger, Parlier, Fowler, Selma, and Kingsburg, who are qualified local agencies under SGMA, and thus is eligible to serve as a GSA within the Kings Subbasin; and

WHEREAS, California Water Code section 10723.2 requires that a GSA consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing Groundwater Sustainability Plans (“GSPs”), and

WHEREAS, the South Kings Groundwater Sustainability Agency held a public hearing on May 25, 2017, and elected to become a GSA within the Kings Subbasin; and

WHEREAS, the South Kings Groundwater Sustainability Agency has since submitted a filing which has been accepted by the Department of Water Resources and which has been posted on the SGMA portal website; and

WHEREAS, both Del Rey Community Services District and Caruthers Community Services District have requested to be included in the South Kings GSA and each has formally approved to an MOU acceptable to staff which would allow for inclusion of the District’s into the SKGSA; and

WHEREAS, inclusion of the Districts into the SKGSA will provide additional financial resources as well as greater geographic diversity for the Agency.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SOUTH KINGS GROUNDWATER SUSTAINABILITY AGENCY does hereby resolve, declare, and order as follows:

1. The South Kings Groundwater Sustainability Agency hereby agrees to include the Del Rey Community Services District and Caruthers Community Services District

service boundaries within the area managed by the SKGSA.

2. Authorizes the Board Chair to enter into a Memorandum of Understanding with each District for the purposes of including the District service areas in the SKGSA.
3. Authorized staff to amend the SGMA filing with the Department of Water Resources to include the District service areas in the SKGSA.

* * * *

The foregoing resolution was approved and adopted at a meeting of the South Kings Groundwater Sustainability Agency held on the 14th day of June, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIR OF THE BOARD

ATTEST:

SECRETARY

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
SOUTH KINGS GROUNDWATER SUSTAINABILITY AGENCY
JOINT POWERS AUTHORITY, THE DEL REY COMMUNITY
SERVICES DISTRICT, AND THE CARUTHERS COMMUNITY
SERVICES DISTRICT**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into this 14th day of June, 2017 (“Effective Date”) between the South Kings Groundwater Sustainability Agency, comprised of the cities of Fowler, Kingsburg, Parlier, Sanger, and Selma, operating pursuant to a Joint Exercise of Powers Agreement entitled the “South Kings Groundwater Sustainability Agency Joint Powers Authority” (“SKGSA”), the Del Rey Community Services District, a community services district established under the provisions of Government Code Section 61000, *et seq.* (“Del Rey”), and the Caruthers Community Services District, a community services district established under the provisions of Government Code Section 61000, *et seq.* (“Caruthers”) (collectively known as the “Parties”).

RECITALS

WHEREAS, on September 16, 2014, the Governor of the State of California signed three (3) bills (SB 1168, SB 1319, and AB 1739) into law creating the Sustainable Groundwater Management Act (“SGMA”), which is codified at section 10720, *et seq.*, of the California Water Code; and

WHEREAS, Water Code section 10723.6 authorizes a combination of local agencies overlying a groundwater basin to elect to become a Groundwater Sustainability Agency (“GSA”), by using a Joint Exercise of Powers Agreement, memorandum of understanding or other legal agreement; and

WHEREAS, the Parties overlie the Kings Sub-Basin of the San Joaquin Valley Basin Sub-Basin; ID 5-022.08 (2016 Department of Water Resources Bulletin 118) (the “Sub-Basin”) which is an unadjudicated groundwater basin; and

WHEREAS, at a duly-noticed public hearing on May 25, 2017, the SKGSA elected to become a GSA within the Kings Sub-Basin; and

WHEREAS, on June 6, 2017, the SKGSA submitted its GSA formation notice to the Department of Water Resources, as required by Water Code section 10723.8; and

WHEREAS, Caruthers is within the Kings Sub-Basin, and its boundaries are depicted on Exhibit “A-1” attached hereto, and incorporated by this reference herein; and

WHEREAS, Del Rey is within the Kings Sub-Basin, and its boundaries are depicted on Exhibit “A-2” attached hereto, and incorporated by this reference herein; and

WHEREAS, Del Rey and Caruthers are local entities with either water supply, water management, or land use responsibilities within the SKGSA, and as such are qualified individually to serve as a GSA under the provisions of SGMA; and

WHEREAS, Del Rey and Caruthers desire to join the SKGSA; and

WHEREAS, the SKGSA desires to have Del Rey and Caruthers join the SKGSA.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions herein and including the Recitals, which are a substantive part of this MOU:

1. This MOU is entered into by and between the Parties to facilitate a cooperative and ongoing working relationship that will allow compliance with SGMA and related State laws, both as amended from time to time.

2. Upon approval of this MOU by Del Rey, the SKGSA will commence the process to add Del Rey as a participant in the SKGSA through this Agreement.

3. Upon approval of this Agreement by Caruthers, the SKGSA will commence the process to add Caruthers as a participant in the SKGSA through this Agreement.

4. Nothing herein shall be construed or interpreted as authorizing the SKGSA to make a binding determination regarding the water rights of any person or entity, including, without limitation, Del Rey and Carruthers. However, Del Rey and Caruthers both acknowledge that upon the approval of this MOU by the SKGSA's governing board, they will participate in the GSA and be subject to the decisions made by the SKGSA's governing board as it is constituted under the South Kings Groundwater Agency Sustainability Agency Joint Powers Authority Agreement attached hereto as Exhibit "B." Until Del Rey or Carruthers become members of the South Kings Groundwater Agency Sustainability Agency Joint Powers Authority Agreement, this MOU will not require either entity to make a Member cost-sharing contribution, or pay a fee, charge or rate imposed pursuant to the South Kings Groundwater Agency Sustainability Agency Joint Powers Authority Agreement.

5. This MOU shall remain in effect until it is terminated. Such termination may be effectuated by a four-fifths vote of the SKGSA's governing board removing Del Rey and/or Caruthers as participants in the SKGSA, with thirty (30) days of written notice. Del Rey and/or Caruthers may also terminate this MOU with thirty (30) days of written notice to the SKGSA's Secretary. Del Rey and/or Caruthers shall remain liable for any obligation, financial or otherwise, incurred prior to the termination of this MOU.

6. The termination of this MOU may also be effectuated by the addition of Del Rey and Caruthers as members of the South Kings Groundwater Agency Sustainability Agency Joint Powers Authority, pursuant the terms of the Joint Powers Authority Agreement attached hereto as Exhibit "B." However, until such time, the conditions under which Del Rey and Caruthers participate in the SKGSA are governed by this MOU.

7. This MOU shall be interpreted, construed, and governed according to the laws of the State of California without regard to conflict of law principles.

8. Should any provision of this MOU be determined by a court of competent jurisdiction to be void, in excess of a Party's authority, or otherwise unenforceable, the validity of the remaining provisions of this MOU shall not be affected thereby.

9. No rights and duties of any of the Parties under this MOU may be assigned or delegated without the express prior written consent of all of the other Parties, and any attempt to assign or delegate such rights or duties without such consent shall be null and void.

10. Notices: Each Party shall designate a principal contact person for that Party, who may be changed from time to time. Any formal notice or other formal communication given under the terms of this MOU shall be in writing and shall be given personally or by certified mail, postage prepaid and return receipt requested. Any notice shall be delivered or addressed to the parties at the addresses set forth below or at such other address or facsimile numbers as shall be designated by notice in writing in accordance with the terms of this Agreement. The date of receipt of the notice shall be the date of actual personal service or three days after the postmark on certified mail.

South Kings Groundwater Sustainability Agency: David Peters, Secretary, City of Fowler, 128 S. 5th Street, Fowler, CA 93625

Carruthers Community Services District, 13617 S Raider Ave, Caruthers, CA 93609

Del Rey Community Services District, 10649 Morro Ave, Del Rey, CA 93616

11. Execution in Counterparts: This MOU may be executed in counterparts such that the signatures may appear on separate signature pages. A copy, or an original, with all signatures appended together shall be deemed a fully executed agreement. Signatures transmitted by facsimile or electronic transmission shall be deemed original signatures.

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IN WITNESS WHEREOF, the Parties hereto, pursuant to resolutions duly and regularly adopted by their respective governing boards, have caused their names to be affixed by their proper and respective officers as of the day and year first above-written.

South Kings Groundwater Sustainability Agency

By: Karnig Kazarian
Its:

Del Rey Community Services District

By: Remaldo Reyna
Its: President

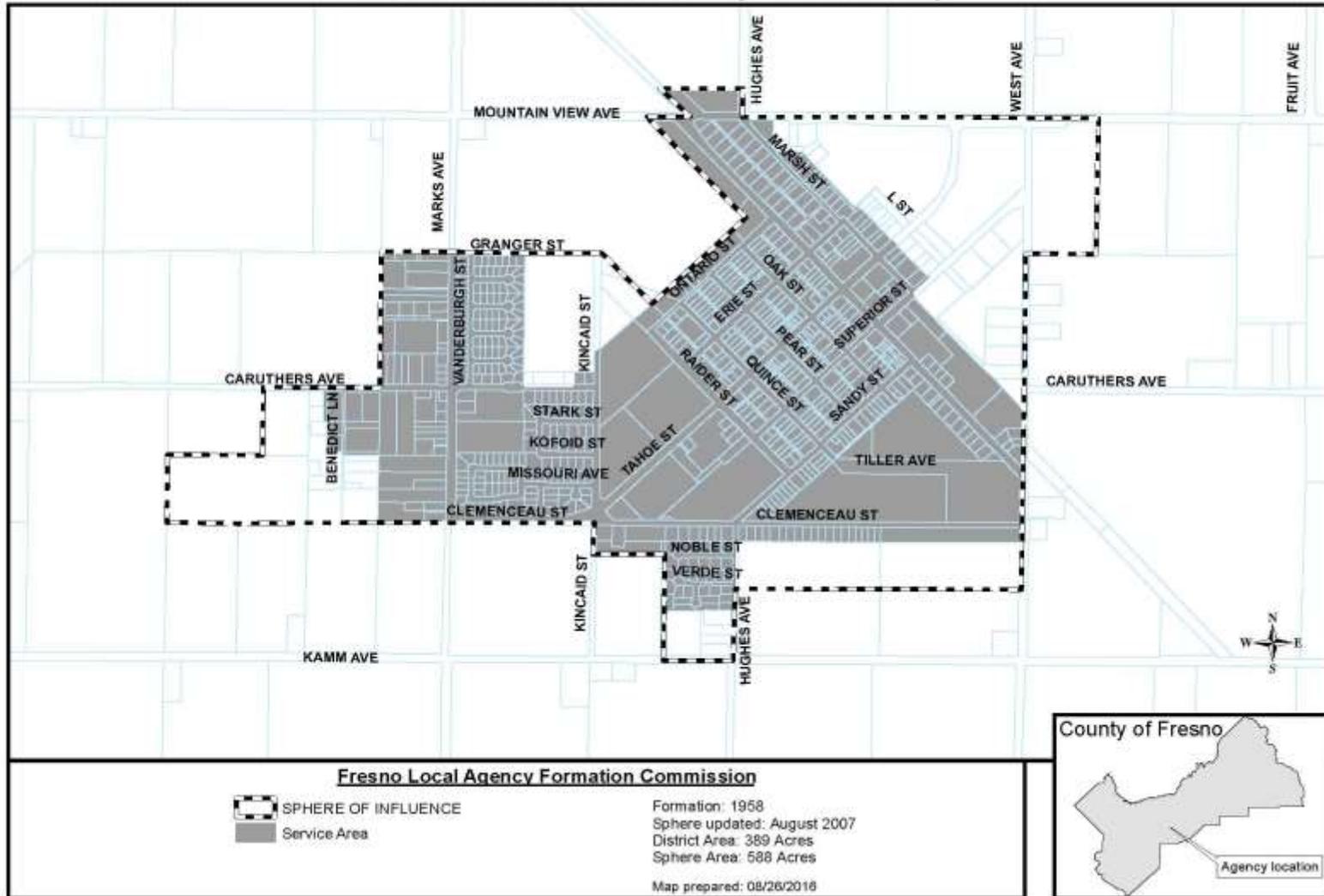
Carruthers Community Services District

By:
Its:

EXHIBIT A-1

Caruthers Community Service District

Authorized Services: Water, Sewer, Street Lights and Storm Drainage

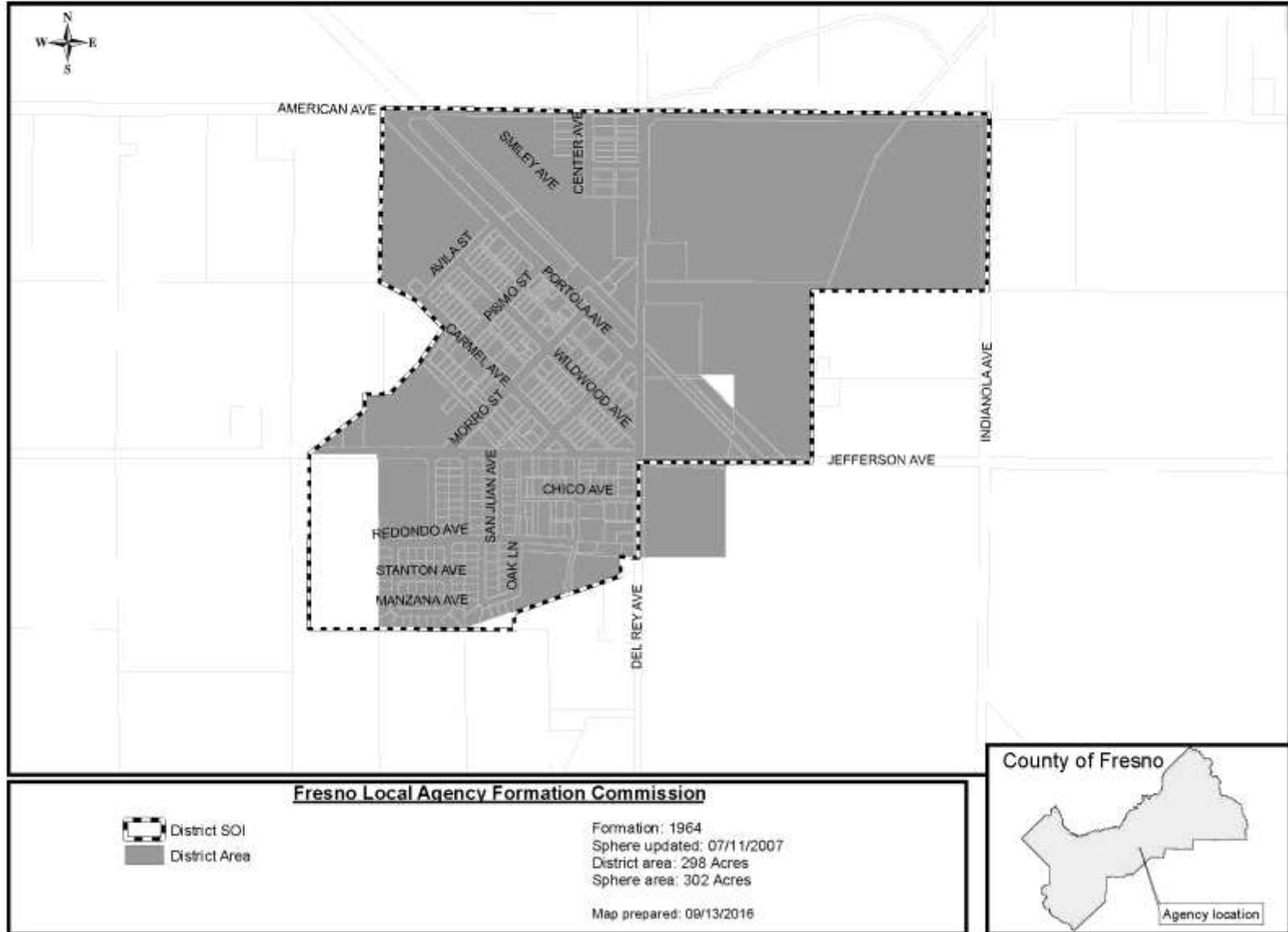


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EXHIBIT A-2

Del Rey Community Service District

Authorized Services: Street Lights, Water, Sewer, Garbage, Storm Drainage, Park Maintenance



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