

Meeting Summary

Ukiah Valley Basin Sustainable Groundwater Management Act Implementation Meeting

March 16, 2017

Ukiah Veterans Memorial Hall

293 Seminary Drive

Ukiah, CA

Prepared by the Center for Collaborative Policy, CSU Sacramento (based on meeting notes taken by Sarah Dukett)

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Background

California's Sustainable Groundwater Management Act (SGMA) provides a statewide framework for sustainable groundwater management. SGMA intends to support local groundwater management through the oversight of local agencies, which are required to form Groundwater Sustainability Agencies (GSAs) by June 30, 2017. GSAs must develop groundwater sustainability plans (GSPs) by 2020 or 2022 (depending on priority) to achieve sustainability within twenty years of the GSP's adoption.

The California Department of Water Resources (DWR) is providing GSA development support to the County of Mendocino (the County) and various stakeholders in the Ukiah Valley Basin (the Basin). Following a series of public workshops held by the County in 2015, the DWR tasked the Center for Collaborative Policy (CCP) at California State University, Sacramento to support GSA formation efforts, including assessing the perspectives of a diverse set of stakeholders, facilitating stakeholder discussions, and helping finalize the governance process(es) for one or more GSAs. This is the ninth public meeting held as part of this process, and the eighth meeting held of the group as a GSA Formation Committee.

Meeting Summary

This meeting's purpose and goals were to:

- Discuss the draft Joint Powers Agreement (JPA) for the proposed GSA; and
- Identify next steps regarding GSA formation.

Supporting Documents (on County website)

Supporting Document A – Meeting agenda

Supporting Document B – Draft JPA

Supporting Document C – MCFB Proposed Changes

Supporting Document D – MOU Framework

1. Welcome, Introductions, Review of Previous Meeting Summary & Overview of Today's Meeting

Mendocino County Supervisor Carre Brown welcomed attendees and invited participants to introduce themselves. Facilitator Malka Kopell of CCP reviewed the agenda and previous meeting materials, and sought feedback on any necessary changes.

- The group discussed the February meeting summary and suggested no changes. A couple of participants asked about last meeting's discussion to accommodate the Stakeholder Directors' ability to vote on all decisions without financial contribution – this was discussed again later in this meeting. (See discussion highlights below re: Article 9.)

Ms. Kopell reviewed the GSA formation timeline with the group. Once the group agrees to a governance structure, each participant will present the JPA to their respective governing boards for approval. After each Member's Board approves the JPA and elects to join the GSA, the Members will host a public hearing to form the GSA and send notice to DWR. If the Members want to take advantage of the full 30-day period to submit the notice to DWR, the public hearing should be held no later than the end of May (with 14-day public notice). Therefore, the group has seven weeks between now and mid-May to finalize the JPA and gain Board approval.

2. Review Draft GSA Joint Powers Agreement

Review of JPA Changes Made Since the Last Meeting:

Sarah Dukett presented the changes to the JPA that were made to reflect direction from the February meeting. Some changes generated additional discussion, and in some cases, members made additional recommendations for improvements. If there was no discussion, members agreed to the changes and moved on.

The following edits and additions to the draft JPA were approved by the group:

1. Language referring to an Exhibit B was removed. (Section 1.4)
2. Language regarding the location of the GSA office was removed and replaced with, "...provided for in the Bylaws" (Section 2.1)
3. Language was removed and replaced to reflect the most recent Bulletin 118 boundary. (Section 2.2)
4. Language referencing New Member costs was removed (Section 6.2)
5. Language was added to reflect the agricultural stakeholder seat selection process (Section 7.3.2 (a))
6. The words "an Alternate" were removed and replaced with, "a Member" (Section 7.7)
7. Language was removed and replaced to reflect the requirement of a, "...simple majority of all Directors" for agreement on non-fiscal items (Section 9.2)
8. Language was changed to reflect that Stakeholder Directors can vote on all issues regardless of whether or not they contribute financially (Sections 9.3 and 9.4)
9. Language was added to reflect that the roles and responsibilities of the Technical Advisory

Committee would be established in a memorandum of understanding between the Agency, the Mendocino County Resource Conservation District and the Sonoma County Water Agency (Section 11.3)

Clarifying questions:

- If something were to change in Bulletin 118, would the reference have to change in the JPA?
 - Yes, any changes would go to the GSA Board for approval

Discussion highlights:

- (Section 7.3.2) Members discussed the process for selecting an Agricultural Stakeholder Director:
 - County Counsel had suggested that instead of including details of the selection process in the JPA, the process could be specified in the Bylaws
 - After some discussion, the group agreed to not take the County Counsel's suggestion and keep the language in the JPA as originally agreed on by the group at the February meeting
- Members readdressed a discussion held at the February meeting regarding Article 9. The facilitator explained that the language in the current JPA draft had been written in response to the agreement at the last meeting that Stakeholder Directors (both Agricultural and Tribal) can vote on all issues regardless of whether or not they contribute financially.
 - Some participants expressed concern that there was not consensus on this issue at the February meeting
 - After more discussion, the group agreed to keep the language in – Stakeholder Directors can vote on all issues regardless of whether or not they contribute financially

[Additional Suggested Changes to the JPA:](#)

Discussion highlights:

- Should there be more than a quorum required for important GSA decisions?
 - If only a quorum were present, there could be situations where only a few people would be making important decisions for the whole Board
 - The current language (quorum required) is an incentive to participate.
 - Remember that each director seat includes an alternate, so it is unlikely that there would be meetings where all seats are not represented
 - Specifically, at the first meeting before the appointment of the Stakeholder Directors, there needs to be more than just a quorum of the Member Directors
- Members expressed concern with the financial contributions identified in Article 15:
 - If we contribute a certain amount (e.g., \$5K) up front without knowing the actual budget of the GSA, how can we ensure where the money is going?
 - It would be beneficial to identify the GSA budget first, and then determine the financial contributions

Agreements re: further revisions or additions:

- In addition to the existing language regarding adding new Member Directors, include language to reflect the possibility of adding new Stakeholder Directors down the road (Section 6.2)
- Add language requiring all members to participate in the initial meeting of the GSA (Section 8.1)
- Remove “the Member” and “all Stakeholder Directors” so that the section reads “a majority of all Directors” (Section 9.3)

- Members reaffirmed the language that the fiscal issues need to be decided by a majority of the Board, not just a simple majority of those present. (Section 9.3)
- Remove the language in Section 15.1 requiring a \$5,000 initial contribution from each Member. Switch the order of Sections 15.1 and 15.2 with the intention that the Agency will first develop its annual budget, then based on that amount, will divide up contributions equally between the Member Directors.
- With the Russian River Flood Control and Water Conservation Improvement District (RRFC) stepping down, the County of Mendocino agreed to fill the Treasurer position (Section 12.1)

3. Russian River Flood Control District: Suggested Language for Incorporation into JPA

Tamara Alaniz presented new amended language from the RRFC's counsel, recommended for inclusion in Section 7.1.3, to accommodate the concerns expressed previously by the City of Ukiah's Ad Hoc Committee. Kevin Doble, speaking for the City's Ad Hoc Committee, agreed to the suggested language and thanked RRFC for accommodating the City's concerns. The group accepted the amended language, with the addition of the word "any" to read, "...shall not vote on any item..."

4. Technical Advisory Committee: Draft MOU Framework

At the January meeting a working group (Tamara Alaniz, Jay Jasperse, Don Seymour, Patricia Hickey, and Sarah Dukett) was convened to draft an MOU between the GSA and the members of the Technical Advisory Committee members who are not representing GSA Directors (the Mendocino County Resource Conservation District and Sonoma County Water Agency). At the February meeting, the working group had agreed to submit a draft MOU framework to the Formation Committee for consideration. Mr. Seymour presented the draft framework, and clarified it was not the actual MOU language, but the framework for the document. The facilitator reminded the group that the JPA references the MOU in Section 11.3. She also reminded participants that the formal MOU does not need to be created by the June 30 deadline. The group discussed the framework and provided feedback, summarized below.

- In Section 5.1 the RCD should be described as having responsibilities for "resource conservation" rather than "water management"
- Section 5.2 should include the JPA reference to the MOU (Section 11.3 of JPA)
- The details listed in Section 6.0 may be beyond the scope of the GSA
 - It was clarified that the list of activities are not a work plan or to-do list. The TAC will serve the GSA and the GSA Board will direct their activities.

The Committee requested any additional feedback be submitted to Mr. Seymour.

6. Next Steps

Mendocino County will finalize the JPA with County Counsel, incorporating the edits discussed above, and send the document to the group by March 24. The Formation Committee members will consider the final document at a special meeting scheduled for March 30. Once the group approves the document, each respective GSA Member Board will review the JPA at the public hearing dates listed below:

- City of Ukiah: April 5
- Upper Russian River Water Agency: April 5
- Russian River Flood Control: April 10

- Mendocino County: April 17, 18

7. Attendance

Attendees included but were not limited to the following individuals:

- Sarah Dukett, Mendocino County
- Jerry Cardoza, Upper Russian River Water Agency (URRWA)
- Brandi Brown, Redwood Valley Rancheria
- Carre Brown, Mendocino County
- Kevin Doble, City of Ukiah
- Sean White, City of Ukiah
- Douglas Crane, City of Ukiah
- Brian Wallace, LACO
- Jarod Thiele, City of Ukiah
- Mike Webster, Mendocino County Resource Conservation District
- Frost Pauli, Mendocino County Farm Bureau (MCFB)
- Roger Kellerman, City of 10,000 Buddhas
- Dan Hamburg, Mendocino County
- Tamara Alaniz, Russian River Flood Control (RRFC)
- Bill Koehler, URRWA
- Maritza Flores, UC Davis
- Susan Knopf
- Linda Mendez, UC Davis
- Donald Seymour, Sonoma County Water Agency
- Paul Wells, California Department of Water Resources
- Will Carson, RRFC
- Glenn McGourty, UC Cooperative Extension
- Devon Jones, MCFB
- Granville Pool, Redwood Valley County Water District
- Carmel Angelo, Mendocino County
- Jay Jasperse, Sonoma County Water Agency