REGULAR MEETING AGENDA
October 8, 2020
2:00 PM
County of Merced Board Chambers, Third Floor
2222 M Street, Merced, CA

Bob Kelley, Stevinson Water District
Chair
Nic Marchini, Western White Area Representative
Vice Chair

George Park, Lone Tree Mutual Water Company
Lloyd Pareira, County of Merced
Kole Upton, Le Grand-Athlone Water District
Michael Gallo, Eastern White Area Representative

The Merced Subbasin Groundwater Sustainability Agency (GSA) welcomes you to its meetings. Your interest is encouraged and appreciated. Important Notice Regarding COVID-19:

Based on guidance from the California Department of Public Health and the California Governor’s Office, in order to minimize the spread of the COVID 19 virus, the Board Chambers will have limited public seating. The GSA will conduct business in compliance with social distancing requirements with seating for the public limited to 25. Overflow space will be provided on a first come first served basis. The following alternative is available to members of the public to watch these meetings:

AUDIO/VIDEO BROADCAST: All GSA board meetings are normally broadcast live. Live stream of the Merced Subbasin GSA meetings can be found at https://www.co.merced.ca.us/3239/Live-Governing-Board-Meetings.

The following alternative is available to members of the public to provide comments:

PUBLIC COMMENT (Email): Email public comments will not be read during the meeting, but will be delivered to the GSA board prior to the meeting if received by 5:00pm on the day prior to the GSA meeting. Please send email public comments to sgma@countyofmerced.com. These comments will be made part of the record. In an effort to identify the agenda item relating to your public comment please indicate the meeting body (i.e. Merced Subbasin GSA) and item number (i.e. Item No. 3) in the Subject Line. If you wish to do so, please identify yourself in the email.

AGENDA AND MINUTES: Merced Subbasin GSA agendas are posted on the Internet at least 72 hours preceding a meeting at the following website: https://www.co.merced.ca.us/AgendaCenter.

1. CALL TO ORDER/ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT PERIOD
   Public opportunity to speak on any matter of public interest within the Board's jurisdiction including items on the Board's agenda. Testimony limited to three minutes per person.

4. APPROVAL OF MINUTES
   Action to approve the meeting minutes from the special meetings on July 9, 2020 and September 22, 2020.
5. **2021 GOVERNING BOARD REGULAR MEETING SCHEDULE**
Action to set the regular quarterly Governing Board meeting dates in 2021.

6. **STAFF REPORT**

7. **BOARD REPORTS**

8. **NEXT REGULAR MEETING**

9. **ADJOURNMENT**
The agenda, original minutes, and all supporting documentation (for reference purposes only) of the Merced Subbasin Groundwater Sustainability Agency Governing Board meeting of July 09, 2020 are available online at www.countyofmerced.com/MercedSubbasinGSA.

I. CALL MEETING TO ORDER

The special public meeting of the Merced Subbasin Groundwater Sustainability Agency Joint Powers Authority Governing Board was called to order at 2:00 p.m., on July 09, 2020, at the Merced County Administration Building 2222 M Street, Board Room, Merced, CA 95340.

II. ROLL CALL OF BOARD MEMBERS

Board Members Present:
Bob Kelley Chairman (Stevinson Water District)
Nic Marchini Vice-Chair (Western White Area)
Kole Upton (Le Grand-Athlone Water District)
George Park (Lone Tree Mutual Water Co.)
Supervisor Lloyd Pareira (Merced County)

Board Members absent: Michael Gallo (Eastern White Area Representative)

Staff Present:
Mark Hendrickson Secretary
Lacey McBride Water Resources Coordinator
Kristin McHaney Acting Recording Secretary

III. PUBLIC COMMENT PERIOD

No Public Comment

IV. APPROVAL OF MINUTES

No Public Comment

V. PROPOSITION 68 SUSTAINABLE GROUNDWATER MANAGEMENT GRANT UPDATE

Informational update on the Proposition 68 Sustainable Groundwater Management Round 3 Grant award to the Merced Basin.

Lacey McBride, Water Resources Coordinator, provided a summary of the key elements of the grant award.

Chairman Kelley asked about the scheduled timeline of the workplan projects. Ms. McBride informed both the data gap and the remote sensing of basin water use plans are projected to be completed by April 2022.

No Public Comment.

VI. FIRST FIVE IMPLEMENTATION PROJECT/STUDIES

Discussion and possible direction regarding next steps in the First Five Implementation Plan’s projects and studies.

Consultant Greg Young of Tully and Young, provided informational presentation for First Five Plan and discussed groundwater levels, sustainability zones, collecting evapotranspiration data, and enhancement of the monitoring network.

Board-member Park asked if this plan would be in addition to the existing CASGEM network and Mr. Young discussed that it would be in addition to the network.

Board member Park inquired the kind of wells they are looking for and Mr. Young informed that any type of well will work for the monitoring network and wells do not specifically need to be idle nor abandoned.

Board-member Upton asked about the liability involved in the usage of these wells and Mr. Young responded that there would be agreements in place to address any liabilities between all parties.

Chairman Kelley stated that activities for this item will need to be considered and addressed at a later time in order to make important decisions on them. Mr. Young asked for some direction for scope of language and solicit input for costs.

Board-member Pareira agrees with bringing scope of language and making a decision on the subject at a later date.

Vice-Chairman Marchini asked what it would take to compile data in reference to satellite imagery. Mr. Young replied that in another county they contracted with, they were successful in compiling mapping and zone data information in a few months.
Chairman Kelley asked if there is a list of priority items to accomplish first. Mr. Young stated that the most important thing needed is guidance information from which to determine how to proceed for analysis and determination of Sustainability Zones. Chairman Kelley further added that data collection from remote sensing might be one of the ways to initially gather information.

Board-member Pareira specified that the expectation in Mr. Young’s next visit would be to help address the issues within certain water areas in order to figure out zones. Mr. Young stated he would need some guidance in order to come back with a variety of proposals for defining sustainability zones.

Chairman Kelley and the GSA Board gave Mr. Young direction to move forward with the next steps to develop scopes of work for identifying sustainability zones and enhancing the monitoring network.

No Public Comment.

VII. **FISCAL YEAR 2020-2021 BUDGET AND LANDOWNER FEE APPROVAL**

Action to approve the Fiscal Year 2020-2021 GSA budget and approve the FY 2020-2021 SGMA Compliance Landowner Fee.

Ms. McBride gave a presentation and discussed the 2020-2021 GSA budget and went over various finance categories and expenses.

Chairman Kelley inquired about MID’s billing for GSP expenses and Ms. McBride replied that prior to receiving reimbursement from the Proposition 1 grant, MID had fronted the costs and was reimbursed directly from Department Water Resources (DWR). Ms. McBride noted she has consulted with Woodard and Curran on anticipated future costs and has reviewed Woodard and Curran invoices received from MID.

Chairman Kelley asked if the activities proposed to be funded under the five-year implementation fall within the current budget. Ms. McBride stated that staff has worked with Greg Young to estimate the First Five Implementation expenses to be projected out of this fiscal year and the $250,000 budgeted for estimated technical projects is for the First Five Implementation expenses.

Chairman Kelley asked what the options and actions were for the $200,000 available for member agency reimbursement and how that would impact the actions that the GSA would need to take. Ms. McBride conferred that the GSA has the option to use the $200,000 to fund the GSA’s budget and possibly do away with the 218-landowner fee or reimburse back to the member agencies and still collect the landowner fee. Whatever the action taken would need a GSA action vote.

Vice-Chairman Marchini asked if the $200,000 in agency contributions was a one-time amount and Ms. McBride responded that it was a onetime contribution from all of the agencies for GSP development and the figure did not include previous contributions made.
Board-member Pareira commented that he would like Merced County’s portion of the $200,000, which is all-taxpayer derived, to go back to the County.

Board-member Park inquired if the landowner fee amount collected this year was the same as last year and Ms. McBride stated the amount collected last year was just under $400,000 and the amount proposed to be collected this year is just under $200,000.

Board-member Upton asked how the Le-Grand Athlone Water District portion of the $200,000 would get distributed, if the GSA decided to send it back to the districts and Ms. McBride acknowledged that since the Le-Grand Athlone Water District pays the 218-fee on behalf of its landowners, the reimbursement would go back to them rather than a suggested credit toward the landowner fee.

Board-member Pareira suggested to use a different naming description for the line item ‘project development’ to avoid confusion on meaning, if the projects were data gathering and First Five Implementation studies. Mr. Young stated that the couple of projects they were identifying are projects or studies they are wanting to start on quickly while other projects might be decided on at a later date.

Board-member Park requested that he would rather have a credit toward Lone Tree Mutual Water Company’s landowner fee on the books instead of a refund while he inquires what Sandy Mush Mutual Water Company’s position is and Ms. McBride stated she will work with the fiscal staff to manage that request.

Public comment was made by Brad Samuelson, and he asked about the budgeted $150,000 for the water rights application that the agencies not participating in the water rights application have to pay. Ms. McBride stated that the GSA will need to have a discussion at a future meeting about how they are going to pay the GSA shared portion via a Cost Share Agreement to ensure the 6 other agencies only have to pay their own share, without double paying.

Public comment made by Gino Pedretti, that on the FloodMar water rights cost share, he would like the GSA Board to help clarify and define payments to avoid double dipping between the agencies.

MOTION: M/S MARCHINI- PARK, AND CARRIED BY A VOTE OF 5-0, THE BOARD APPROVES THE FISCAL YEAR 2020-2021 GSA BUDGET RETURNING THE $200,000 TO ALL THE MEMBER AGENCIES THAT CONTRIBUTED.

MOTION: M/S MARCHINI- PAREIRA AND CARRIED BY A VOTE OF 5-0, THE BOARD APPROVES THE RECOMMENDED FISCAL YEAR 2020-2021 SGMA COMPLIANCE LANDOWNER FEE.

VIII. AGREEMENT WITH MERCED COUNTY FOR SUPPORT SERVICES

Action to approve and authorize the Chairman to sign an Agreement between the Merced Subbasin GSA and the County of Merced to provide staff support services to the GSA for Fiscal Year 2020- 2021.
Ms. McBride discussed a GSA agreement with Merced County for support services and described terms of agreement for Fiscal Year 2020 for a maximum amount of $65,000 invoiced quarterly. Ms. McBride stated that if the amount of services exceeds $65,000 this fiscal year, the County of Merced will subsidize the exceeded amount. She also specified that any future extensions or budget increases will be presented to the GSA Board during that time.

Board-member Pareira recused himself to avoid conflict of interest as a Board Supervisor with Merced County.

No Public Comment.

**MOTION: M/S PARK-UPTON AND CARRIED BY A VOTE OF 4-0, THE BOARD APPROVES AND AUTHORIZES THE CHAIRMAN TO SIGN AN AGREEMENT BETWEEN THE MERCED SUBBASIN GSA AND THE COUNTY OF MERCED TO PROVIDE STAFF SUPPORT SERVICES TO THE GSA FOR FISCAL YEAR 2020-2021.**

**IX. LEGAL COUNSEL CONTRACT EXTENSION**

Action to approve and authorize the Chairman to sign an amendment to Contract 2017-01 with Herum, Crabtree, Suntag to extend the term of the contract for legal services for one year.

Ms. McBride discussed the amendment to extend the previous GSA contract with Herum, Crabtree, Suntag for one year through 2021.

No Public Comment.

**MOTION: M/S PARK-PAREIRA AND CARRIED BY A VOTE OF 4-0 (BOARD-MEMBER MARCHINI NOT PRESENT AT THE TIME OF VOTE), THE BOARD APPROVES AND AUTHORIZES THE CHAIRMAN TO SIGN AN AMENDMENT FOR CONTRACT 2017-01 WITH HERUM, CRABTREE, SUNTAG TO EXTEND THE TERM OF THE CONTRACT FOR LEGAL SERVICES FOR ONE YEAR.**

**X. AMSTERDAM WATER DISTRICT UPDATE PRESENTATION**

Mr. Brad Samuelson provided information and update on the formation of the Amsterdam Water District and discussed interest of the district to be a part of the JPA.

Board-member Park asked if legal counsel can provide written guidance for next meeting in order for the GSA to be able to review the proposal.

Mr. Mark Hendrickson stated that staff would work with counsel to put together a potential guidance piece for the GSA Board to consider at a future meeting.

**XI. IRRIGATION TRAINING RESEARCH CENTER (ITRC) PRESENTATION**
Dan Howes with California Polytechnic State University’s Irrigation Training and Research Center provided an informational presentation on remote sensing of actual evapotranspiration using the ITRC-METRIC process.

Chairman Kelley asked who would manage the info provided on large data format, would it be the GSA who would have to take the info and manage and Mr. Howes clarified that the way it would operate is the GSA would provide a database with growers’ information then ITRC would send the net to and from groundwater data for that month. The GSA would then be responsible for getting that information out to the growers via the format they choose.

Vice-Chairman Marchini inquired about the methods to ensure the accuracy in the data possibly by ground truthing. Mr. Howes responded that there are no remote sensors that can accurately measure Evapotranspiration (ET) from ground truthing and what they have done with other GSAs is a water balance approach comparison applied water and ET to get a fairly close assessment.

Board-member Upton asked if this data system would account for farm irrigation water operating on a return system. Mr. Howes responded that reused water is accounted for and water that leaves the farm is not accounted for and what needs to be assessed.

Vice-Chairman Marchini questioned if the service offers any literature or written analysis of water consumption by crops to be able to hand to farmers. Mr. Howes replied that the website does have ET tables with monthly estimates for California that can be accessed. He also informed that a detailed breakdown for specific crops could be provided for the GSA as part of the analysis.

XII. STAFF REPORT

Ms. McBride updated that the Water Rights Agreement has been signed by Chairman Kelley and sent over to MID, and should have a complete executed agreement soon. She also informed that the letter of support from the GSA Board was sent to the Water Board in support of the Water Rights Application as future co-applicants.

XIII. BOARD REPORTS

None

XIV. NEXT REGULAR MEETING

The next regular scheduled GSA Board meeting is October 08, 2020.

XV. ADJOURNMENT

There being no further business, the meeting adjourned at 4:20 p.m.
I. CALL MEETING TO ORDER

The special public meeting of the Merced Subbasin Groundwater Sustainability Agency Joint Powers Authority Governing Board was called to order at 2:06 p.m., on September 22, 2020, at the Merced County Administration Building 2222 M Street, Board Room, Merced, CA 95340.

II. ROLL CALL OF BOARD MEMBERS

Board Members Present:
Bob Kelley               Chairman (Stevinson Water District)
Nic Marchini            Vice-Chair (Western White Area)
George Park             (Lone Tree Mutual Water Co.)
Michael Gallo           (Eastern White Area Representative)
Supervisor Lloyd Pareira (Merced County)

Board Members absent:  Kole Upton (Le Grand-Athlone Water District)

Staff Present:
Mark Hendrickson        Secretary
Ana Muniz-Laguna        Recording Secretary

III. PUBLIC COMMENT PERIOD

Mr. Eric Swenson, Shannon Pump Company, requested accommodations be made for public participation on a remote basis without the need of participants being physically present at GSA and Technical and Advisory Committee meetings due to COVID-19.

Public Comment Closed

IV. COST SHARE AGREEMENT FOR WATER RIGHTS APPLICATION

Action to approve the Cost Sharing Agreement for Water Rights Application and authorize payment of initial cost-reimbursement requests from MID as stipulated under the MID Agreement.
Mr. Greg Young, consultant with Tully and Young, provided update on the Cost Share agreement of flood water rights from various streams within the Merced Subbasin and discussed the previously signed MID Agreement. He informed that part of the agreement discussed an option of adding other applicants to enter into the agreement and presented a breakdown of shared costs within the various agencies. Mr. Young informed that once the agreement is fully executed, MID would request payment from participating parties of their obligation of costs.

Chairman Kelley asked about additional applicants intended within the agreement.

Mr. Young stated MID would be adding Lone Tree Mutual Water Company, Turner Island Water District, Amsterdam Water District, Legrand Athlone Water District, Sandy Mush Mutual Water Company, La Paloma Mutual Water Company and the Merced Subbasin GSA as additional applicants to MID’s Water Rights Application which was submitted to the State Department of Water Resources (DWR).

Boardmember Pareira asked where in the Cost Share Agreement does it show that the percentages shown by the different parties come out of the 50% cost.

Mr. Young stated that the original MID Agreement stipulates that parties participating in the agreement other than MID, are responsible for 50% of the costs. Parties would then develop a cost sharing agreement defining their percentage of obligations to equal to the 50%.

Vice-Chair Marchini asked to elaborate on Item No. 6 regarding Reassessment and True Up.

Mr. Young responded that in time, there may be opportunities to petition the Board for points of modification and for cost sharing percentages to be re-evaluated and assessed.

Mr. Hendrickson pointed out that Sandy Mush Mutual Water Company and Legrand- Athlone Water District have expressed their support for this item.

Public comment open.

No public comment.

Public comment closed.

M/S GALLO- MARCHINI AND CARRIED BY A VOTE OF 5-0, THE BOARD APPROVES AN ACTION TO APPROVE THE COST SHARING AGREEMENT FOR WATER RIGHTS APPLICATION AND AUTHORIZE PAYMENT OF INITIAL COST-REIMBURSEMENT REQUESTS FROM MID AS STIPULATED UNDER THE MID AGREEMENT.

V. AMSTERDAM WATER DISTRICT

Action to approve the inclusion of the Amsterdam Water District (AWD) to become a non-voting, non-paying member of the Merced Subbasin Groundwater Sustainability Agency Joint Powers Agreement (JPA), as allowed under the provisions of the JPA and, upon execution
by AWD of the Acknowledgment form provided to them, and authorize the Board Chair to countersign the Acknowledgment form.

Mr. Greg Young informed that AWD expressed interest in becoming a participating member of the Merced Subbasin GSA. The consideration is for AWD to become a non-voting, non-paying member and have further discussions about steps to become a full member at a future time.

Ms. Jeanne Zolezzi, Attorney with Herum and Crabtree, stated that AWD meets the criteria that the JPA has set for parties to be considered as non-voting members.

Mr. Hendrickson detailed that Mr. Brad Samuelson, on behalf of AWD, indicated support and interest in becoming a non-voting non-paying member at this time and is open to future conversations to become a full member at a future time.

Public comments

No public comments.

Public comments closed.


VI. CONTRACT FOR SUSTAINABILITY ZONES DEVELOPMENT

Action to authorize the Board Chair to execute a sole-source contract for requested consulting services with a selected consultant for the Sustainability Zone Investigation Project, to be completed by December 30, 2020, and not to exceed $20,000.

Mr. Young provided information and stated that as the GSA moves towards anticipating implementation actions to manage sustainability objectives within the GSP, it may be valuable to request consulting services to create Sustainability Zones. This would be direction for a consultant to provide a mapping tools and options which would be taken to the Technical and Advisory Committee for input and subsequently be presented to the Board by the end of December.

Boardmember Park asked how this determination differs from Management Areas.

Mr. Young clarified that per Sustainable Groundwater Management Act (SGMA) regulations, the term Management Areas requires a state report for each of the areas defined. He stated that the intent of sustainability zones is to have a consultant help internally determine the type of conditions within each of the zones to help determine activities in future use.
Ms. Zolezzi explained that the Sustainability Zones would be an internal management effort of the GSA to determine the different areas, and would not be a reporting requirement under SGMA.

Chairman Kelley stated that there will be a presentation with the various options on Sustainability Zones criteria at a later date.

Boardmember Gallo suggested an open process and to have information available so the public is aware of the procedure and able to contribute input. Mr. Gallo proposed that the Technical and Advisory Committee help with scope and design of the process.

Chairman Kelley, stated that it would be a good idea to have the consultant partake in a preliminary meeting with the TAC prior to findings being submitted to the Board.

Mr. Young clarified that the December date mentioned in the action is intended to help move the process forward and facilitate discussion both by the Board along with the Stakeholder and the Technical/Advisory Committees.

Boardmember Gallo stated it is a good approach to have an initial meeting to discuss scope of the process.

Boardmember Park added that after the initial meeting, the chosen consultant take written comments from the TAC into consideration for scope.

Mr. Hendrickson stated that staff will work with Mr. Young and coordinate with the consultant and the TAC.

Board-member Pareira suggested that as the process begins and public input is needed, using certain wording to get the public’s attention might be desirable for greater participation.

Public comment:

Mr. Eric Swenson, requested a copy of the written sole source justification for the consultant being used. He stated Woodard and Curran may not be the best option for this task and suggested at least three meetings between the consultant and the TAC to support the work. He proposed the first meeting to be for scope, the second to discuss data collection, and the third to review and discuss consultant’s recommendations to the Board. Mr. Swenson specified that the process should be accessible remotely and shared that discussions about groundwater extraction fees might create maximum public engagement.

Boardmember Park inquired why it is a sole source consultant.

Mr. Young stated that in order to move the process along rapidly, there is justification for a sole source consultant with the desired capabilities and one with a current contract in place.

Ms. Zolezzi stated that from a legal perspective, this action is consistent with authority of the JPA and from a policy standpoint, it would be a Board decision to move forward with this.

Boardmember Park asked how is it known that the consultant has the necessary knowledge for this area.
Chairman Kelley stated the consultant was chosen on the basis of knowledge in the area.

Mr. Young also informed that the consultant has array of local knowledge and has brought forward information on this consideration.

Mr. Swenson asked who the consultant is.

Mr. Hendrickson informed that an existing contract exists with Provost and Pritchard, which may extend to the scope of work discussed.

Closed public comment.

M/S GALLO- PARK AND CARRIED BY A VOTE OF 5-0, THE BOARD APPROVES ACTION TO AUTHORIZE THE BOARD CHAIR TO EXECUTE A SOLE-SOURCE CONTRACT FOR REQUESTED CONSULTING SERVICES WITH A SELECTED CONSULTANT FOR THE SUSTAINABILITY ZONE INVESTIGATION PROJECT, TO BE COMPLETED BY DECEMBER 30, 2020, AND NOT TO EXCEED $20,000.

VII. BOARD REPORTS

Mr. Hendrickson thanked Mr. Young and Ms. Zolezzi for all their previous GSA work and their help in today’s meeting during Ms. Lacey McBride’s absence.

Boardmember Gallo suggested including topics at future meetings that generate more public engaged and participation for input.

Chairman Kelley stated there will be an Ad-Hoc committee meeting with other GSAs on September 30, 2020 to discuss the MOU implementation agreement. He asked staff to work on developing a draft agenda for a future meeting to discuss public outreach.

XIV. NEXT REGULAR MEETING

October 8, 2020.

XV. ADJOURNMENT

There being no further business, the meeting adjourned at 2:56 p.m.
2021 Governing Board Regular Meeting Schedule

The Merced Subbasin GSA JPA Agreement, Article 12.2, requires the Governing Board to set the time and place for quarterly meetings.

The Merced Subbasin GSA Governing Board has been meeting on the second Thursday of each quarter at 2PM, in the Merced County Administration Building, Third Floor Board Room.

The following schedule identifies regular quarterly meetings for 2021 on the second Thursday of each quarter at 2PM and identifies the Merced County Administration Building, Board Room as the location.

Special meetings may be called in addition to the regularly scheduled quarterly meetings. Those meetings, as well as any changes made to the proposed regularly scheduled meetings, will be noticed, held, and conducted in accordance with the Ralph M. Brown Act.

Merced Subbasin GSA-2021 Schedule of Regular Quarterly Meetings

LOCATION:
Merced County Administration Building
Board Room, Third Floor
2222 M Street
Merced, CA 95340

TIME:
2PM

DATES:
January 14, 2021
April 8, 2021
July 8, 2021
October 14, 2021

REQUEST/RECOMMENDATION/ACTION NEEDED:
Approval to set the Merced Subbasin GSA Governing Board's regular quarterly meeting dates in 2021.