

RESOLUTION NO. 19-1185

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN LUIS WATER DISTRICT AUTHORIZING EXECUTION OF AGREEMENT FOR THE FORMATION OF THE CENTRAL DELTA- MENDOTA GROUNDWATER SERVICES JOINT POWERS AUTHORITY

WHEREAS, San Luis Water District ("District") is a California water district; and

WHEREAS, in August 2014, the California Legislature passed, and in September 2014 the Governor signed, legislation creating the Sustainable Groundwater Management Act (or "SGMA," as that term is defined in section 1.11, below) "to provide local groundwater agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater" (Wat. Code, Section 10720, subd. (d)); and

WHEREAS, SGMA provides that each affected groundwater basin or sub-basin may be regulated separately by one or more groundwater sustainability agency ("GSA"). Any local agency, as that term is defined in SGMA, may decide to become the GSA for a basin or sub-basin within its boundaries. SGMA also provides that a combination of local agencies may form a GSA through a joint powers agreement, or a memorandum of agreement or other legal agreement (Wat. Code Section 10723.6); and

WHEREAS, groundwater sustainability under SGMA is to be achieved through groundwater sustainability plans (or "GSPs"), which can be a single plan developed by one or more GSAs or multiple coordinate plans within a basin or sub-basin (Wat. Code Section 10727); and

WHEREAS, Eagle Field Water District, a California Water District; the County of Fresno, a political subdivision of the State of California; Fresno Slough Water District, a California Water district; County of Merced, a political subdivision of the State of California; Mercy Springs Water District, a California Water District; Pacheco Water District, a California Water District; Panoche Water District, a California Water District; San Luis Water District, a California Water District; Santa Nella County Water District, a California County Water District; and Tranquillity Irrigation District, a California Irrigation District (individually, a "Party" and in the plural or collectively, the "Parties") are all public agencies authorized to contract with the State or Federal governments and agencies, and to exercise powers related to groundwater management, land use, or both, within their jurisdictional boundaries. Each Party would qualify individually to serve as a GSA under SGMA; and

A. WHEREAS, each Party's jurisdictional area overlies the Central Delta-Mendota Region, which is a portion of the Delta-Mendota Sub-basin number 5-22.07 of the San Joaquin Valley Groundwater Basin identified in the California Department of Water Resources ("DWR") Bulletin 118, as its boundaries may be modified from time to time as provided by law. DWR has designated the entire Delta-Mendota Sub-basin as critically overdrafted. Under SGMA, each GSA is required to resume its regulatory role by June 30, 2017, and to submit a GSP to DWR by January 31, 2020; and

B. WHEREAS, the Parties previously entered into that certain "Agreement Supporting Formation and Operation of the Central Delta-Mendota Region Multi-Agency Groundwater Sustainability Agency in the Central Delta-Mendota Region," effective February 15, 2017 (the "Initial Agreement"), to establish and operate the Central Delta-Mendota Region Multi-Agency GSA to meet their mutual goal of cost-effective, sustainable groundwater management that considers the interests and concerns of the Parties and other stakeholders in the Central Delta-Mendota Region without establishing a legal entity separate from the individual agencies; and

WHEREAS, in Section 5.4 of the Initial Agreement, the Parties agreed to consider entering into a joint exercise of powers agreement if they found it necessary or beneficial in achieving the goal of maintaining local control of sustainable groundwater management in the Central Delta-Mendota Region in compliance with SGMA; and

WHEREAS, under the Joint Exercise of Powers Act (Chapter 5 (commencing with section 6500) of the Division 7 of Title I of the Government Code) (the "Act"), two or more public agencies may by agreement jointly exercise any power held in common by agencies entering into such an agreement. All of the Parties are public agencies as defined by the Act; and

WHEREAS, the Parties are entering into the Central Delta-Mendota Groundwater Sustainability Agency Joint Powers Agreement to replace the Central Delta-Mendota Multi-Agency GSA for the Central Delta-Mendota Region; and

WHEREAS, the Parties and the boundaries will be the same as between the Central Delta-Mendota Groundwater Sustainability Multi-Agency GSA and the Central Delta-Mendota Groundwater Sustainability Agency Joint Powers Agreement, but the structure of the entity will change; and

WHEREAS, the Parties are entering into the Central Delta-Mendota Groundwater Sustainability Agency Joint Powers Agreement for the purpose of acting as a separate and independent public agency and as a single GSA for the Central Delta-Mendota Region; and

WHEREAS, the Parties desire to achieve the objectives recited above.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors finds as follows:

1. The facts stated in the Recitals above are true and correct and the Board of Directors of the District so finds, orders, and determines.
2. The Board hereby authorizes the President and/or the General Manager of the Board of Directors of the District to execute the Central Delta-Mendota Region Groundwater Sustainability Agency Joint Powers Agreement in substantially the form presented (Exhibit A), subject to such modifications as the executing officer shall approve, said execution to provide conclusive proof of approval of any such modifications.
3. The Board authorizes the District General Manager and District Staff to take such other and additional actions as may be reasonably necessary to implement the purpose of this Resolution.

PASSED AND ADOPTED this 27th day of August, 2019, by the Board of Directors of the San Luis Water District, by the following vote:

<u>VOTE:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
President Diedrich	_____	_____	☒	_____
Director Coit	☒	_____	_____	_____
Director Maring	☒	_____	_____	_____
Director Teixeira	_____	_____	☒	_____
Director Wood	☒	_____	_____	_____



Bill Diedrich, President
By Mike Wood, Vice-President

Attest:



Tom Teixeira, Secretary
By Diane Wahid, Assistant Secretary