

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF MERCED, STATE OF CALIFORNIA

In the Matter of

RESOLUTION AUTHORIZING THE ADOPTION)	
OF THE CENTRAL DELTA-MENDOTA)	
GROUNDWATER SUSTAINABILITY AGENCY)	RESOLUTION NO. 2019-64
JOINT POWERS AUTHORITY)	

WHEREAS, the County of Merced ("County") is a political subdivision of the State of California; 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 subbasin 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 subbasin 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 subbasin (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

WHEREAS, each Party's jurisdictional area overlies the Central Delta-Mendota Region, which is a portion of the Delta-Mendota Subbasin 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 Subbasin 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

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 County of Merced Board of Supervisors finds as follows:

1. The facts stated in the Recitals above are true and correct and the Board of Supervisors of the County of Merced so finds, orders, and determines.
2. The Board hereby authorizes the Chairman of the County of Merced Board of Supervisors to execute the Central Delta-Mendota Region Groundwater Sustainability Agency Joint Powers Agreement in substantially the form presented.
3. The Board authorizes the County Executive Officer and County Staff to take such other and additional actions as may be reasonably necessary to follow the terms and purpose of the Central Delta-Mendota Groundwater Sustainability Agency Joint Powers Agreement.

I, JAMES L. BROWN, Clerk of the Board of Supervisors of the County of Merced, do hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by said Board at a regular meeting thereof held on this 30th day of July, 2019 by the following vote:

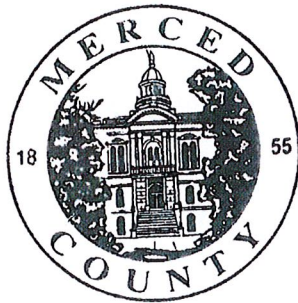
SUPERVISORS:

AYES: Lloyd Pareira, Rodrigo Espinoza, Scott Silveira

NOES: None

ABSENT: Lee Lor, Daron McDaniel

WITNESS my hand and the Seal of this Board this 30th day of July, 2019.



JAMES L. BROWN, CLERK

By: *Andrea Hamil*
Deputy