

**RESOLUTION CONFIRMING THE AUTHORITY OF THE CENTRAL DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY TO ADOPT THE NORTHERN & CENTRAL DELTA-MENDOTA GROUNDWATER SUSTAINABILITY PLAN ON BEHALF OF ITS MEMBERS**

**RESOLUTION NO. 2020-01**

**A. WHEREAS**, in August 2014, the California Legislature passed, and in September 2014 the Governor signed, legislation creating the Sustainable Groundwater Management Act (“SGMA”) “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

**B. 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

**C. 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 coordinated plans within a basin or subbasin (Wat. Code Section 10727); and

**D. 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

**E. WHEREAS**, each Party’s jurisdictional area overlies 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, said portion being designated as the “Central Delta-Mendota Region,” 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, GSAs in critically overdrafted subbasins are required to assume their regulatory roles by June 30, 2017, and to submit separate or coordinated GSPs to DWR by January 31, 2020; and

**F. 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

**G. WHEREAS**, SGMA requires GSAs to file an initial notice of formation (“Initial Notice”) with DWR within thirty (30) days of deciding to form a GSA and hold public hearings, followed by a ninety (90) day waiting period to allow DWR and other GSAs in the subbasin to determine the existence of overlapping boundaries with other noticed GSAs. (Wat. Code § 10723.8.) After the 90-day period has expired with no overlap identifications, the organization becomes effective as a GSA. DWR stated that a material change to the organization structure or boundaries from the Initial Notice may require a new 90-day waiting period; and

**H. WHEREAS**, the Central Delta-Mendota Region Multi-Agency GSA filed its Initial Notice on March 6, 2017 and held properly noticed public hearings on March 8, 2017 in Santa Nella, California and March 13, 2017, in Tranquillity, California. No conflicts arose, and the Central Delta-Mendota Region Multi-Agency GSA effectively became a GSA at the end of the ninety (90) day period; and

**I. WHEREAS**, the Parties in the Initial Agreement 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

**J. 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

**K. WHEREAS**, on August 28, 2019, the Parties entered into the Central Delta-Mendota Groundwater Sustainability Agency Joint Powers Agreement (the “JPA Agreement”) to replace the Central Delta-Mendota Region Multi-Agency GSA and to establish a separate and independent public entity to administer the GSA on behalf of the Parties (the “Central Delta-Mendota GSA”). Pursuant to the JPA Agreement, the Central Delta-Mendota GSA is governed by a Board of Directors consisting of one representative from each of the Parties (the “Board of Directors”), which was the same organizational structure for the Central Delta-Mendota Region Multi-Agency GSA; and

**L. WHEREAS**, the purpose of the Central Delta-Mendota GSA is to implement SGMA’s requirements and achieve the sustainability goals provided in SGMA by developing, adopting, submitting, implementing, enforcing, and revising a GSP for the Central Delta-Mendota Region, which may be part of a broader GSP coordinated with other GSAs in the Delta-Mendota Subbasin, and to exercise all powers and authorities of a GSA under SGMA; and

**M. WHEREAS**, pursuant to Section 4.1 of the JPA Agreement, the Parties and the boundaries of the Central Delta-Mendota Region are the same as between the Central Delta-Mendota Region Multi-Agency GSA and the Central Delta-Mendota GSA; and

N. **WHEREAS**, the Central Delta-Mendota GSA prepared a coordinated draft GSP with the West Stanislaus Irrigation District GSA, the City of Patterson GSA, the Northwestern Delta-Mendota GSA, the Patterson Irrigation District GSA, the DM-II GSA, the Widren Water District GSA, and the Ora Loma Water District GSA (the "Northern & Central Delta-Mendota GSP"). The Northern & Central Delta-Mendota GSP was released for public comment on September 9, 2019 and the proper public meetings were held; and

O. **WHEREAS**, the Central Delta-Mendota GSA now desires to notify DWR of the GSA's governance change and to confirm Central Delta-Mendota GSA's authority to adopt the Northern & Central Delta-Mendota GSP; and

**NOW, THEREFORE**, BE IT RESOLVED that the Board of Directors of the Central Delta-Mendota GSA find as follows:

1. The facts stated in the Recitals above are true and correct and the Board of Directors so finds, orders, and determines.

2. The Board of Directors finds that the change in governing structure from the Multi-Agency Agreement to the JPA Agreement does not constitute a material change requiring re-noticing from the Initial Notice, because the same ten (10) Parties are parties to both agreements, have the same organizational representation, and the boundaries of the Central Delta-Mendota Region have not change.

3. The Board of Directors finds that the Central Delta-Mendota GSA as contemplated in the JPA Agreement has the authority to adopt the Northern & Central Delta-Mendota GSP on behalf of the Parties.

4. The Board of Directors authorizes the Parties, its consultants, and the Plan Manager to take such other actions as may be reasonably necessary to file this Resolution with the DWR, and implement the purpose of this Resolution.

PASSED, APPROVED, AND ADOPTED this 6th day of January, 2020 by the following vote:

AYES: Montgomery, Mendes, Miles, Silveira, Cadena, Barcellos, Bennett, Fenters, Wade

NAYS:

ABSTAIN:

ABSENT:



Aaron Barcellos, Chairman

Attest:



Benjamin Fenters, Secretary

Date: 01/07/2020