



EASTERN TULE
GROUNDWATER
SUSTAINABILITY
AGENCY
JOINT POWERS
AUTHORITY

**MINUTES OF THE
BOARD OF DIRECTORS
MEETING HELD OCTOBER 6, 2022**

At approximately 2:00 p.m. on October 6, 2022, Chairman Eric Borba called to order the meeting of the Board of Directors of the Eastern Tule Groundwater Sustainability Agency Joint Powers Authority (“ETGSA”). Consistent with social distancing directives, there was no physical location for the meeting.

Members Present:	Eric Borba	John Corkins
	Steve Kisling	Matthew Leider
	Donald Weyhrauch	Geoffrey Galloway
	Dennis Townsend	Dyson Schneider
	Vanessa Yap	

Members Absent: Curt Holmes

Others Present:	Aubrey Mauritson	Rogelio Caudillo
	David De Groot	Eric Limas
	Don Tucker	Alexis Meneses
	John M. Domondon	Mike Knight
	Hailey Pritchett	Nick Gatti
	Parker Rous	Peter Harman
	Jerry Mill	

ROLL CALL

General Manager Caudillo called the roll as follows:

Director Townsend
Director Leider
Director Galloway
Director Corkins
Director Weyhrauch
Director Schneider
Director Kisling
Chairman Borba

PUBLIC COMMENT

Chairman Borba announced the public comment period.

ANNOUNCEMENTS

General Manager Caudillo advised that there were no announcements.

**Director Vanessa Yap arrived at this time.*

PUBLIC HEARING

Staff Report on Groundwater Extraction Fee and Water Rate Study

General Manager Caudillo provided a report on the groundwater extraction fee and water rate study. Attached hereto and incorporated by reference as Agenda Item #4a is a copy of his staff report. Mr. Caudillo reported that, currently, two landowners have submitted written protests.

Public Hearing on Groundwater Extraction Fee. Written Protests by Individuals Will Be Accepted up Until the End of the Hearing. Protests Submitted After the Hearing Has Concluded Will Not Be Considered.

At approximately 2:05 p.m., Chairman Borba opened the public hearing.

Public comment was received from Mr. Owens.

Close Public Hearing, Report on Status of Written Protests

At approximately 2:08 p.m., Chairman Borba closed the public hearing.

Consider Approval of Resolution 2022-05, Setting Groundwater

Consulting Engineer De Groot reported the two landowners who submitted protests represented less than 1,000 acres. General Counsel Mauritsen announced that the two protests received do not amount to a majority of the acreage within the area being assessed the groundwater extraction fee. As a result, the election passes. Attached hereto and incorporated by reference as Agenda Item #4d is a copy of the Resolution setting groundwater.

Director Corkins moved to adopt Resolution 2022-05, adopting the groundwater extraction fee for WY 2023. Director Kisling seconded, and the motion was unanimously carried by way of the following roll call vote:

In Favor:

Director Townsend
Director Yap
Director Leider
Director Galloway
Director Corkins
Director Weyhrauch
Director Schneider

Director Kisling
Chairman Borba

Opposed: None.

CONSENT CALENDAR

General Manager Caudillo referred the Board to Agenda Items 5a – 5d on the Consent Calendar portion of the agenda. A copy of the Minutes of the September 1, 2022 Board Meeting is attached as Agenda Item #5a. A copy of Resolution 2021-6 Re: Public Teleconference Meetings is attached as Agenda Item #5b. A copy of the Office Lease between ETGSA and Rico Property Group, LLC is attached as Agenda Item #5c. A copy of the financial statements is attached as Agenda Item #5d.

Director Corkins moved to approve Items 5a through 5d. Director Townsend seconded, and the motion was unanimously carried by way of the following roll call vote:

In Favor:

Director Townsend
Director Yap
Director Leider
Director Galloway
Director Corkins
Director Weyhrauch
Director Schneider
Director Kisling
Chairman Borba

Opposed: None.

ADMINISTRATION

WY 2023 Sustainable Yield and Tier 1 Penalty Allocations

General Manager Caudillo provided a report on WY 2023 Sustainable Yield and Tier 1 Penalty Allocations. Attached hereto and incorporated by reference as Agenda Item #6a is a copy of the WY 2023 allocations.

Discussion ensued regarding allocation dates.

Public comment was received from Jerry Mill, Peter Harman, Parker Rous, Nick Gatti, and an online participant.

Consider Approval of Resolution 2022-06 Establishing Tier 1 Penalty Rates

Consulting Engineer De Groot provided a report on penalty rates.

A copy of Resolution 2022-06, establishing the penalty allocation rates for WY 2023, is attached as Agenda Item #6b and incorporated herein by reference.

Discussion ensued regarding the rates.

Public comment was received from Parker Rous.

Director Schneider moved to approve Resolution 2022-06 Establishing Tier 1 Penalty Rates, with the Tier 1 rate being \$284 per acre-foot. Director Leider seconded, and the motion was unanimously carried by way of the following roll call vote:

In Favor:

Director Townsend
Director Yap
Director Leider
Director Galloway
Director Corkins
Director Weyhrauch
Director Schneider
Director Kisling
Chairman Borba

Opposed: None.

Member Agency Calls for Funds

General Manager Caudillo provided a report on Member Agency Calls for Funds. Attached hereto and incorporated by reference is Agenda Item #6c, a summary of the calls for funds.

Discussion ensued regarding the call for funds.

Director Yap moved to approve the Member Agency Calls for Funds as presented in the agenda packet. The motion was seconded by Director Corkins, and approved by way of the following roll call vote:

In Favor:

Director Townsend
Director Yap
Director Leider
Director Galloway
Director Corkins
Director Weyhrauch
Director Schneider
Director Kisling
Chairman Borba

Opposed: None.

Report on Tier 1 Discussion

General Manager Caudillo provided a report on Tier 1 discussions. This item was tabled, as it was discussed earlier in the meeting.

Review and Consider Approval of Amendments to ETGSA Land Subsidence Management Plan Policy Document

General Manager Caudillo provided a report on the amendments to the Land Subsidence Management Plan Policy document. Attached hereto and incorporated by reference as Agenda Item #6e, Exhibit A.

Discussion ensued.

Director Corkins moved to approve the Amendments to ETGSA Land Subsidence Management Plan Policy. The motion was seconded by Director Kisling, and approved by way of the following roll call vote:

In Favor:

Director Townsend
Director Yap
Director Leider
Director Galloway
Director Corkins
Director Weyhrauch
Director Schneider
Director Kisling
Chairman Borba

Opposed: None.

Review and Consider Approval of ETGSA Sixth Amended Rules and Regulations

General Counsel Mauritsen provided a report on the Sixth Amended Rules and Regulations. Attached hereto as Item #6f is a copy of the Sixth Amended Rules and Regulations.

Discussion ensued regarding recycled water and the recharge policy.

Director Corkins moved to approve the Sixth Amended Rules and Regulations as presented in the Agenda Packet. The motion was seconded by Director Weyhrauch, and approved by way of the following roll call vote:

In Favor:

Director Townsend
Director Yap
Director Galloway
Director Corkins
Director Weyhrauch
Director Schneider
Director Kisling
Chairman Borba

Opposed: None.

Abstain: Director Leider

Report from 4Creeks on ETGSA Accounting and Invoicing

Consulting Engineer De Groot provided a report on accounting and invoicing. He advised that the ET data for August 22nd had just posted, and extraction invoices will be mailed out based on today's action. Mr. De Groot also noted that the water market board is still available. He also reported on total Basinsafe accounts and acreage.

STAKEHOLDER OUTREACH AND COMMUNITY ENGAGEMENT

Report on Ongoing ETGSA Outreach Efforts

General Manager Caudillo provided a report on ongoing outreach efforts and upcoming events. A copy of his report is attached as Agenda Item #7a and incorporated by reference.

REPORT FROM COMMITTEES

Receive Reports from Executive Committee Members

General Manager Caudillo advised there was no Executive Committee meeting in September.

Receive Reports from Stakeholder Committee Members

General Manager Caudillo provided a report. Attached hereto and incorporated by reference as Agenda Item #8b is a copy of the report on the meeting of the Stakeholder Committee.

Receive Reports from Finance Committee Members

General Manager Caudillo provided a report, a copy of which is attached as Agenda Item #8c. Mr. Caudillo noted that the Committee met immediately prior to the Board meeting at 1:00 p.m.

Receive Reports from Land Subsidence Monitoring Committee

A report was received from the Land Subsidence Monitoring Committee. A copy of the report is attached hereto as Agenda Item #8d.

TULE SUBBASIN AND REGIONAL REPORTS AND ITEMS

Report on Tule Subbasin Coordination and TH&Co Task Items

General Manager Caudillo provided a report on Tule Subbasin Coordination and TH&Co Task Items. Attached hereto and incorporated by reference as Agenda Item #9a is a copy of the report.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
[Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)]
Number of Potential Cases: Three

The Board of Directors, while in closed session pursuant to Government Code Section 54956.9(d)(2), met with General Counsel Aubrey Mauritsen regarding three potential items of anticipated litigation.

CLOSED SESSION ITEMS

Report Action Taken in Closed Session Required by Government Code 54957.1

Chairman Borba announced that the board unanimously approved filing an amicus brief in the matter of, *City of Fresno, et al. v. United States of America*, Court of Federal Claims, Case No. 16-1276L.

NEXT MEETING DATE

Next Regular Meeting – Thursday, November 3, 2022 at 2:00 p.m.

The next regular meeting of the Board of Directors of the ETGSA Joint Powers Authority shall be held on November 3, 2022 at 2:00 p.m.

ADJOURNMENT

There being no further business before the Board, Chairman Borba adjourned the meeting.

Respectfully submitted,

Rogelio Caudillo, General Manager