



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

"SHIRTSLEEVE" SESSION

Date: October 11, 2016

Time: 7:00 a.m.

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo

City Clerk

Telephone: (209) 333-6702

Informal Informational Meeting

A. Roll Call by City Clerk

B. Topic(s)

B-1 Receive Information on the Draft Joint Exercise of Powers Agreement Establishing the Eastern San Joaquin Groundwater Authority (PW)

C. Comments by Public on Non-Agenda Items

D. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Jennifer M. Ferraiolo
City Clerk

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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Information on the Draft Joint Exercise of Powers Agreement Establishing the Eastern San Joaquin Groundwater Authority

MEETING DATE: October 11, 2016 (Shirtsleeve)

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Receive information on the Draft Joint Exercise of Powers Agreement establishing the Eastern San Joaquin Groundwater Authority.

BACKGROUND INFORMATION: On August 29, 2014, the California Legislature passed comprehensive groundwater legislation enacting the “Sustainable Groundwater Management Act” (SGMA). Governor Brown signed the legislation on September 16, 2014 and it became effective on January 1, 2015.

SGMA requires the formation of groundwater sustainability agencies (GSA’s) and the development and implementation of one or more groundwater sustainability plans (GSP’s) for each groundwater basin categorized by the California Department of Water Resources as high- or medium-priority.

The Eastern San Joaquin Sustainable Groundwater Management Act Work Group (Workgroup) is a collaboration of agencies (including Lodi) within the County working to develop an overall strategy for complying with the SGMA legislation. The Workgroup requested an “Attorneys Committee” comprised of attorneys representing each agency to prepare an initial draft of a Joint Exercise of Powers Agreement (JPA) and to identify key policy issues arising from such an agreement. The JPA is intended to be a collaboration document that will identify the obligations of multiple GSA’s working to prepare one basin-wide GSP.

This presentation will provide an overview of the Draft Joint Exercise of Powers Agreement establishing the Eastern San Joaquin Groundwater Authority and to allow staff to collect Council feedback.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Charles E. Swimley Jr.
Public Works Director

CES/ES/tdb

APPROVED: _____
Stephen Schwabauer, City Manager

The City of Lodi
Public Works



Joint Exercise of Powers Agreement
Establishing the Eastern San Joaquin
Groundwater Authority

October 11, 2016

Background



- The sustainable Groundwater Management Act (SGMA) became effective on January 1, 2015.
- SGMA requires the establishment of Groundwater Sustainability Agencies (GSA) and the development and implementation of one or more Groundwater Sustainability Plans (GSP).
- Failure of local agencies to comply with SGMA could result in State intervention.

Background

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- Eastern San Joaquin Groundwater Basin Authority (GBA)
 - SGMA Working Group
 - Regular Meetings
 - Lodi is a Member
 - Workgroup requested an Attorney Committee
 - “Draft Joint Exercise of Powers Agreement establishing the Eastern San Joaquin Groundwater Authority”
 - “A place to start”

Agreement Intentions

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- Comprised of entities that have elected (or intend to elect) to become GSA's.
 - Framework for entities to work together to mutually develop and ultimately adopt a GSP for the entire basin.
 - Funding for GSP will come from various sources:
 - San Joaquin County Zone 2 funding
 - State of California grant funding
 - Authority members
 - Amounts determined by the Board of Directors

Agreement Intentions

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- Allow maximum flexibility for implementation of the GSP:
 - Authority to implement GSP within Member boundaries
 - Members must agree
 - Allows Members to opt out
 - Implement independent GSP's
 - Allows Members to withdraw anytime

Key Principles

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- Member cooperation
 - Jointly implement GSP
 - But allow independent GSP's
 - Retain right to become a GSA
 - Will not restrict Member authorities
 - Recognizes need for outside services

Formation, Purpose, and Powers

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- Members must have authority to join
 - Not a separate public entity
 - Jointly exercise Member common powers
 - Cannot conduct activities within Member boundaries without consent
 - Establishes role of Member Agencies
 - No employees

Governance

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- Board of Directors (one per Member)
 - Elected Officers (Chair, Vice Chair, Treasurer)
 - Majority Vote
 - One vote per Member
 - Emphasizes consensus first
 - Supermajority Requirements
 - Budget
 - Levying assessments
 - Expenditures outside budget
 - Individual Member payment obligations
 - Approval of GSP

Financial Provisions



- Member assessments
 - Fund or offset administration costs
 - Initial contribution \$5,000 (non refundable)
 - Percentage based (determined by board of directors)
 - Member staffing contributions
- Accounting
 - Follow government accounting code
 - Treasurer to manage (separate accounts)
 - Likely the County
 - Third-party audits
- Expenditures
 - Budgeted – any officer authorized by board of directors
 - Not budgeted – supermajority vote

Changes to Membership



- Board authorized to add or remove Members
- Involuntary Termination
 - Failure to pay contributions
 - Impeding implementation of GSP
 - Meet and confer prior to removal vote
 - Member remains responsible for all liabilities incurred by Authority prior to removal
- Unilateral Member withdrawal

Next Steps



- November 1, 2016 JPA finalized ?
- November 16, 2016 Authorize CM to execute?
- June 30, 2017 GSA's formed
- January 31, 2020 GSP implemented



Questions?