

**Cosumnes Subbasin SGMA Working Group + Technical Advisory Committee
Joint Meeting
Meeting #17**

Meeting held April 17, 2018

Prepared by Consensus Building Institute and Water Forum

ACTION ITEMS

Who	What
GSAs	Re-examine the governance and cost-share examples compiled by Julia Golomb and consider pros and cons, relevance for Cosumnes sub-basin discussions.
Water Forum	Share EKI contract with Sac County staff.
Water Forum	Prepare a draft common meeting notice to ensure Brown Act compliance and send to GSAs.
Water Forum	Develop materials to support a conversation on strengths and weaknesses of various cost-sharing options to the May Working Group meeting.
Sac. County	Research possibility of changing the Zone 13 assessment for agricultural by editing the County Annual Engineering Report as a method to collect funds for GSP development.
CBI	Notify the Working Group of ESJ technical and policy meetings via email and website posting.
EKI	Project burn rate for project by phase to address what funds are needed when and overlap with fiscal calendar.

DISCUSSION – KEY THEMES

Below is a summary of key themes discussed at the meeting. This summary is not intended to be a meeting transcript. Rather, it focuses on the main points covered during the group’s discussions and any action items.

GENERAL UPDATES

Proposition 1 Grant Status

Grant award decisions by DWR are now final. DWR will be looking to enter into contracts first with critically over-drafted basins. Cosumnes will be lower in the queue because it is a designated medium-priority basin. Final award letters by DWR are expected in early May. Contracting discussions will follow.

Technical Consultant Selection for Groundwater Sustainability Plan (GSP) Development

The Working Group reaffirmed its intention to move forward with the RFQ process and to adhere to the previous process (used to select a technical consultant to develop the

subbasin's Prop. 1 application) in selecting a technical consultant for developing the subbasin's groundwater sustainability plan (GSP). One stakeholder suggested a revision to expand the communication skills category to include cross-basin coordination. The RFQ will be drafted to give interested applicants 30 days to respond.

Outcome: Linda Dorn of Sacramento County is working on an RFQ, which will be reviewed at the County level before review, discussion and approval by the Working Group. The Water Forum will share language from the EKI contract with Sacramento County to inform its drafting of the RFQ.

Contractual Relationships

Multiple contracts must be developed in a short period of time: between GSAs and Sacramento County; Sac. County and DWR; and Sac. County and the consultant. The Working Group expressed its preference to submit all of the contracts to the Sacramento County Board of Supervisors for their approval as a single package. Participants discussed the importance of ordering the development of these multiple sets of agreements: Linda Dorn acknowledged the primacy of developing individual agreements between GSAs and Sacramento County. Dorn requested examples of cooperative agreements similar in kind to that which should be developed between GSAs and the County. The Water Forum will share the EKI contact which stipulates explicitly that the Working Group is the decision-making body.

Near-Term Coordination with Eastern San Joaquin Subbasin

Eastern San Joaquin Subbasin (ESJ) declined the Cosumnes Subbasin SGMA Working Group's request for membership on the ESJ Technical Advisory Committee, but instead suggested that the Working Group participate on the ESJ Stakeholder Advisory Committee instead. The Working Group requested that Anona Dutton attend both ESJ technical and policy meetings and flag issues that merit GSA input. The Working Group will then determine how to best handle representation for these meetings. City of Galt suggested additional technical-to-technical side meetings.

Update from South American Subbasin

Tom Gohring gave an overview of the stakeholder processes the Water Forum is conducting with Supervisor Don Nottoli. Additional bi-laterals and public meetings have been held. Trilateral discussions will now begin.

Brown Act Consistency

While the Working Group does not require Brown Act compliance, individual member GSAs with two or more members in attendance need to ensure they are following notice requirements. Because GSAs use differing methods for posting their meeting notices, Working Group members agreed that individual GSAs should take responsibility for posting those notices. In addition, the Water Forum was asked to post a common notification so that if GSA representation changes, all GSAs will be covered. The City of Galt offered to post notices sent by other GSAs at the Galt meeting location. The Water Forum will draft a common meeting notice and send to GSAs to ensure it matches their own understanding of the Brown Act consistency.

Relevant updates from GSAs

Sloughhouse Resource Conservation District (SRCD) representative Barbara Washburn made a proposal to investigate the application of airborne geophysical surveys to better understand aquifer characteristics and recharge opportunities. The Working Group supports the submission of this

concept proposal in its name but made no commitment to fund or participate. Anona Dutton advised the group that although this emerging technology could provide useful data, the time needed for interpretation of results would likely prevent using the data to inform the preliminary GSP. A stakeholder commented that the study could inform subsequent GSP updates. Another stakeholder highlighted the need to ensure DWR support.

SRCD reported that its board did not reach a decision on moving forward with a separate GSP. The item will carry over to SRCD's next board meeting.

Public Comment

- Melinda Frost-Hurzel expressed support for SRCD's concept proposal as a multi-benefit resource which could give support to other agencies' projects.
- Rodney Fricke announced that the Nature Conservancy has launched the [Groundwater Resources Hub](#), a good source of information on groundwater dependent ecosystems available online.

GSP Development Cost Share

[View cost share handout](#). Tom Gohring presented an overview of overall costs and expected cost-share needs. With Sacramento County contributing \$500,000, City of Galt contributing \$100,000 and DWR providing matching funds totaling \$1,000,000, there remains a \$398,725 gap to be filled by the 5 GSAs in-order to meet the total cash needs to cover consulting services. Additionally, Sacramento County and Water Forum will contribute a total of \$967,975 towards in-kind costs and services. The distribution of funding contribution toward cash needs between the five GSAs has yet to be decided. If split evenly, annual costs would be approximately \$20,000 per GSA.

Zone 13

[View Zone 13 presentation](#). Approximately \$2.27 million is collected annually as part of the Zone 13 assessment, with \$107,764 collected from the agricultural benefit category, \$366,599 collected from commercial and the remainder of the funds collected from residential. Revenue generated from the Cosumnes subbasin totals approximately \$85,000. Zone 13 funds can only be used for planning purposes. Long-range planning studies related to water supply and drainage are currently supported by Sac. County through Zone 13. Funds are currently over-subscribed, an issue the county is working to address.

Cost-Share Options:

- Split equally but account for hardships
 - Nearly all GSA representatives suggested this was the most equitable and expedient option
- Proportional cost-share (assessed value, acreage, water usage, other)
 - Interest but potentially problematic; data-gathering and discussion among GSAs may take significant time
 - If proportional cost-share is pursued, Amador would strongly prefer groundwater pumping to assessed value
 - If cost share weighted, does that also lead to weighted governance?
- Upfront discussion with Sacramento County around ability to pay

- Strong interest among some to explore the potential for Sacramento County to provide funding to cover the lesser resourced GSAs. If funding is provided, some contribution should be required, even if nominal, to ensure all GSAs “have some skin in the game.”
- Discussion about the possibility of having GSAs with greater resources provide funding early on
- Seek additional grant sources
 - Unclear what grant sources to pursue

General Discussion:

- Several members discussed their continued interest in reducing costs through Plan development scope modifications. There was also interest in reducing scope to ensure there was a contingency fund for unanticipated Plan development expenses.
- In response to a question about redirecting funding for in-kind services to fill the gap in consulting costs, Tom Gohring indicated that this would be difficult because the process by which the Water Forum budget is approved by Water Forum funders does not allow in-kind contributions to be converted to cash.
- The need to ensure no entities would be double-charged since GSAs are unique territories was emphasized.
- There was discussion around how fees would be collected, and which entities would undertake collection. Members indicated they would prefer Sacramento County be the designated collection entity.
- Some GSAs underscored the challenges of holding two separate Prop. 218 referenda (one for Plan development and a second for Plan implementation) given the difficulty and expense associated with such efforts. Better, they said, to structure cost-share in a way that would allow them to hold just one referenda.
- Anona Dutton noted that projected costs for GSP development within the Cosumnes Basin are consistent with what she has seen in other basins. She also observed that the type of efficiencies desired would only be possible with strong collaborations among GSAs.

Governance for GSP Development

View governance and cost share presentation. View governance research. View governance summary table. Julia Golomb of the Consensus Building Institute (CBI) conducted extensive research into other basins’ approach to governance and cost share. Specific areas of inquiry include representation, voting rules, cost share and use of management areas. Bennett Brooks, CBI, shared Golomb’s findings.

Key Takeaways

- Governance agreements focused on GSP development; most agreements will be revisited upon completion of GSP development.
- Approaches to cost share and voting vary: Some basins distribute cost and/or decision-making equally among entities while other basins allocate cost and/or voting based on area or historical water usage.
- Basins utilize a variety of voting decision rules, with fewer instances that require full consensus.
- Some bodies include non-voting reps from non-GSAs

- Common to have management areas within GSP

Sample Basin: Paso Robles

- Memorandum of agreement (MOA) for five GSAs in San Luis Obispo County developing a single GSP
- Vote and cost-share are weighted by historical water usage.
- GSAs: JPA + City + Counties + Community Service District (CSDs)
- The MOA will **automatically terminate** upon DWR's approval of the GSP for the Basin

Weighted Voting and Cost Share - The vote and cost share of each member is weighted to reflect historical proportional use of groundwater in the basin and represent proportional responsibility to take care of the groundwater resource. These percentages represent how much cost in money, time and effort each party must proportionally expend in creating an acceptable GSP and later in implementing that Plan:

- City: 15%
- SMCSD: 3%
- HRCSD: 1%
- SSJWD: 20%
- SLO County: 61%

Voting Thresholds - Any action or recommendation requires affirmative vote of **67%**. The following requires a **100%** vote:

- Adopt the GSP or adopt an amendment to the GSP
- A recommendation that the Parties amend this MOA

Sample Basin: Paso Robles

- MOU for five GSAs developing a single GSP with management areas
- **Cost share** – Based on acreage.
- **Advisory Committee** - This MOU will be administered through an Advisory Committee, consisting of one member and one alternate from each of the GSAs that are Parties to this Agreement and one non-voting member and one non-voting alternate from each of the Parties that are not a GSA.

Advisory committee develops recommendations based on an agreement of the **majority** of the committee's members; the **governing bodies** of each of the GSAs is then required to approve those recommendations prior to them becoming effective. **Budget must be approved by all parties.**

Sample Basin: Eastern San Joaquin

- JPA for 17 GSAs Single GSP
- GSAs: MOU + MOA + County (2) + City (4) + Water District (2) + Services District + Irrigation District (2) + Water Conservation District (2) + Water Agency (2)
- One vote per GSA
- Strive for Consensus
- Majority rule on non-fiscal issues
- 67% majority on fiscal + major issues

- **Cost share** - San Joaquin County pays 55% due to Zone 2 property tax; remaining 45% divided into 17 shares. Calaveras and Stanislaus Counties each pay one share and small premium to approximate property tax.

Management Areas in GSP

- **Paso Robles Subbasin:** Each GSA is its own management area
- **Modesto Subbasin:** “If needed, the Modesto Subbasin will be divided into Management Areas... The HCM, groundwater conditions, water budget, water supply sources and types, and water management institutional setting and practices will be considered when evaluating the Subbasin for Management Areas. Management Areas will be discussed and delineated through a public process involving the GSA, local agencies, and stakeholders. Working together, the team will examine management strategies and impacts of defining various Management Areas.”

Sample Basin: Delta Mendota (view graphic depiction of Delta Mendota’s governance structure)

- 23 GSAs developing six GSPs
- Basin-wide bodies:
 - Coordination Committee
 - Technical Working Group
 - Policy Subcommittee
 - Communications Working Group
 - Regional Coordination Committee
- **Representation** - Coordination Committee has 8 GSP group representatives:
 - One per GSP with two representatives for the Northern & Central Delta Mendota GSP and for the SJREC GSP.
 - These two GSPs have two representatives each due to their size and number of agencies/GSAs covered.
 - Each GSP group develops its own process for selecting its GSP representative(s) and alternate.
- **Voting** – One vote per representative; Unanimous vote required.
- **Cost Share** - Each of the six GSP groups contributes 16.7%.
- Note: Cost of Coordination Agreement is > \$4 mil.
- **Data Coordination** – Subbasin to develop and maintain a coordinated data management system; plus, each GSP will develop its own separate data management system that is capable of reporting all pertinent information to the Coordination Committee.

Sample Basin: Kern

- Three GSPs:
 1. *Kern Groundwater Authority (KGA)* = JPA; lead agency composed of majority of the local agencies; completing GSP for majority of the basin.
 2. *Kern River GSA* = the independent water districts (ID4, Kern Delta, City of Bakersfield); Need to cover cost for their own plan.
 3. *Olcese Water District* – Need to cover cost for its own plan.
- Cost-Share based on GSA acreage
- Coordinating Bodies:

Policy Coordination Group

Technical Consultant Work Group (for technical coordination and data sharing)

- **Cost Share** - GSA acreage determines cost share for basin-wide technical work (e.g. modeling).
- **Voting** – Representatives vet proposals with their respective boards, come back to group with agreement.
- **Data Coordination** - The KGA Coordination Committee is preparing a series of white papers that addresses each of DWR's required coordination elements and provides suggested methodology and protocols.

During Golomb's research, Amanda Peisch from DWR sent her the following email message:

"I think you should really caution the Cosumnes if they are thinking about developing multiple GSPs. The **cost to do a coordination agreement is substantial**, in the millions for the basins that have gone down this path (Kings subbasin is over \$5 million for their GSPs and Delta-Mendota is over \$4 million). It has also **slowed the process** because they have to develop the governance; many of the subbasins [developing multiple GSPs] still have draft agreements and will continue to work through the technical aspects of the agreement as they develop the GSPs (governance and coordination is needed throughout the process). Madera and Paso Robles are really trying to consolidate to a single GSP if possible due to the **cost and time of formal coordination**. I also want to mention that all coordination agreements are working drafts and will not be final until the GSP is submitted, because many portions of the agreement cannot be completed until the GSPs are drafted. This also **pushes up the draft GSPs' schedule** to allow additional time for coordination of the plans as well as addressing public comments and ensuring those changes don't impact other plans within the basin. I have not even mentioned the interbasin coordination costs (subbasin to subbasin)."

Discussion:

- A request was made to truncate the conversation on governance and continue with the one-GSA, one-vote decision-making process agreed to in the Framework Agreement. Facilitator Bennet Brooks asked that GSAs remain open to alternatives, consistent with the GSAs commitment to jointly explore options before making decisions.
- SRCD's Jay Schneider restated his interest in investigating the question of constitutionality and distributed a document he had developed as a private citizen. In a later discussion, SRCD representatives were asked to clarify whether Schneider's concerns are shared by the SRCD Board. The other SRCD representatives indicated the Board does not yet have a stated policy on the issue but it is under discussion.
- The GSAs are expected to revisit the topic at a future meeting.

Outcome:

- The Water Forum will bring material to support a conversation on strengths and weaknesses of various cost-share option to the May meeting.
- Working Group members will re-examine the examples compiled by Julia Golomb and consider pros and cons associated with various governance approaches.

NEXT MEETING

The Working Group and TAC will next jointly meet at 9:00 am on Wednesday, May 16 in the Community Room at the Galt Police Department.

MEETING PARTICIPANTS

Damon Wykoff, Amador County Groundwater Management Authority
Darrel Evenson, Amador County Groundwater Management Authority
Gary Thomas, Amador County Groundwater Management Authority
Gene Mancebo, Amador County Groundwater Management Authority
Amanda Watson, Sloughhouse Resource Conservation District
Herb Garms, Sloughhouse Resource Conservation District
Jay Schneider, Sloughhouse Resource Conservation District
Barbara Washburn, Sloughhouse Resource Conservation District
Steve Winkler, City of Galt
Gary Silva, Jr., Clay Water District
Rick Wohle, Clay Water District
John Mulrooney, Galt Irrigation District
Leo VanWarmerdam, Galt Irrigation District
Leland Schneider, Omochumne-Hartnell Water District
Mark Stretars, Omochumne-Hartnell Water District
Mike Wackman, Omochumne-Hartnell Water District
Kerry Schmitz, Sacramento County
Linda Dorn, Sacramento County
Rodney Fricke, Sacramento County
Ramon Roybal, Sacramento County Groundwater Authority
Tom Gohring, Water Forum
John Lowrie, Water Forum
Katherine Perkins, Water Forum
Anona Dutton, EKI
Bennett Brooks, CBI

GLOSSARY

Below is a list of commonly used terms:

CBI	Consensus Building Institute - The organization that facilitates SGMA implementation in the Cosumnes Subbasin
DWR	California Department of Water Resources

EKI	The firm that currently serves as independent technical consultant for the Cosumnes Subbasin
Galt ID	Galt Irrigation District (link) - One of the seven GSAs in the Cosumnes Subbasin
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
OHWD	Omochumne-Hartnell Water District (link) - One of the seven GSAs in the Cosumnes Subbasin
RFP	Request for Proposal
RFQ	Request for Qualification
Prop. 1	Proposition 1
SGMA	California Sustainable Groundwater Management Act (link)
SRCD	Sloughhouse Resource Conservation District - One of the seven GSAs in the Cosumnes Subbasin
SSCWA	Southeast Sacramento County Agricultural Water Authority (link)
TAC	Cosumnes Subbasin Technical Advisory Committee – An advisory body, with representatives from each of the seven GSAs, that develops recommendations for approval by the Working Group.
WF	Sacramento Water Forum (link)
Zone 13	

For questions regarding this meeting summary, please contact Tom Gohring at the Water Forum or Julia Golomb at the Consensus Building Institute.

Visit cosumnes.waterforum.org for the latest meeting information and materials.