

Cosumnes Long-Term Governance Committee Meeting Notes

September 8, 2020

Meeting Overview

The Long-Term Governance Committee held its second meeting to discuss:

- Criteria for assessing long-term governance options (continued discussion from Meeting #1)
- GSP implementation functions
- Potential governance models

The main objective for the next meeting is expected to be to start assessing models relative to criteria.

Next Meeting: **October 6, 1:00-2:30p**

Key Outcomes

- Committee generally supports the current criteria for assessing long-term governance options (Note: criteria can and will be updated as needed).
- The table listing GSA-level and subbasin-level critical functions will also be a living document and updated as needed.
- Committee brainstormed several governance model options to further discuss at a future meeting.

ACTION ITEMS

Topic	Who	What
Governance Models	WF/CBI	Package the initial list of brainstormed governance models for the Committee to review and consider during Meeting #3

MEETING NOTES

Criteria for Assessing LT Governance Options

The group reviewed and discussed a revised list of potential criteria for assessing different long-term governance structures, funding strategies, and decision-making processes (updated from Meeting #1's discussion). These criteria are intended to be a work-in-progress and spark Committee discussions, revisions, and eventual confirmation.

[The presented list for discussion is in blue font. Suggested modifications per 9/8/20 discussion are underlined]:

- **Implementable**
 - Simple
 - Legal / legally binding
 - Fosters consensus / integration
 - Avoids veto power by one GSA over basin-wide decisions
 - GSA's cannot direct other GSAs to implement projects/ management actions within that GSA's own boundaries against its consent/ approval
- **Credible**
 - Sufficient data to support any approach
 - Meaningful opportunity for water user input (consistent with SGMA)
 - Ability to make case to constituents
 - Representation consistent with applicable laws

- Equitable
 - Maintains balance between large / small entities
 - Distributes costs relative to benefits received
 - Is commensurate with responsibility / autonomy / impact
 - Accounts for varying capacity among GSAs (balances “ability to pay” with “paying fair share¹” for baseline responsibilities)
- Flexible
 - Distinguishes between tasks requiring basin-wide decisions and funding and those that are GSA-specific (e.g., admin v. projects)
 - Distinguishes between major / minor decisions
 - Allows for ongoing evaluation and adaptation

Criteria for Assessing Governance | Discussion

- Several GSA representatives indicated the criteria seems on track with the core concerns raised thus far.
- Individuals reiterated the need for the criteria to support flexibility, particularly for finding the appropriate balance between roles/responsibilities at the individual GSA level vs. subbasin.
- Committee members were interested in examples of other basins’ cost estimates for different projects/management actions, with differentiated costs for planning, initial construction/implementation, ongoing operations & maintenance, etc.
- A Committee member suggested that the criteria clearly indicate how the GSAs are not able to regulate water users beyond the authorities SGMA provides (e.g., GSAs cannot mandate land use under SGMA [excludes land-use authorities certain local agencies like counties already had pre-SGMA]). Committee members acknowledged that the GSAs should understand and operate within their legal authorities, but suggested describing these authorities using the statutory language from SGMA to avoid misinterpretations.

GSP Implementation Functions

Per the Committee’s suggestion during Meeting #1, the Water Forum and CBI presented a draft list of implementation functions that will require governance protocols for the Committee to review and consider. In particular, the Committee discussed which functions might be shared among all GSAs and which are GSA-specific.

Information Flow/Responsibilities

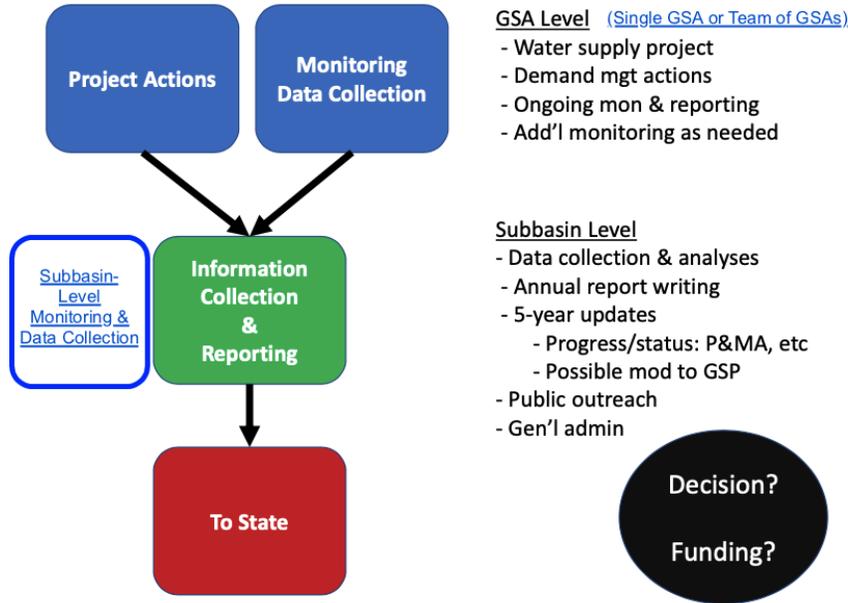
Water Forum presented a schematic (see below) to demonstrate the potential flow of information and associated responsibilities at the GSA Level (a single GSA or team of GSAs) and the subbasin level. The schematic reiterates that there will be several responsibilities that are at the subbasin-level, as the State will only accept information as one package from the subbasin, not from individual GSAs.

Discussion

- Committee members suggested clarifying that there may be global monitoring and associated data collection that occurs at the subbasin-level (e.g., if the GSAs agree to hire a consultant that monitors throughout the whole subbasin).

¹ Fair share might consider factors such as land use, water use, population, etc.

[Suggested modifications per 9/8/20 discussion are in blue font and underlined]:



Tasks

[The presented table for discussion is in blue font. Suggested modifications per 9/8/20 discussion are underlined]:

Tasks That Broadly Benefit Only Some GSAs (GSA Level)	Cross-Cutting Tasks That Broadly Benefit All GSAs (Subbasin Level)
<p>Water Supply Projects (to address groundwater deficit targets)</p> <ul style="list-style-type: none"> • Project development / construction • Ongoing management and outreach • Project-specific monitoring • Data collection and analyses <p>Demand Management Actions (to address groundwater deficit targets)</p> <ul style="list-style-type: none"> • Management Action development • Ongoing management and outreach • MA-specific monitoring • Data collection and analyses <p>Ongoing monitoring and reporting</p> <p>New monitoring wells to expand identified gaps in current network</p>	<p><u>Potentially could have water supply projects or demand management actions that broadly benefit all GSAs, which would then include basin-wide support for project development, O&M, monitoring, data collection, etc.</u></p> <p>Basin-wide monitoring Data collection and analyses Annual report writing 5-year updates</p> <ul style="list-style-type: none"> • Progress and status on P&MAs and interim milestones • Possible modifications to GSP (MSC, URs, P&MA, etc.) <p>Ongoing public outreach</p> <p>General GSA Administration (budget development, tracking, contract administration, etc.)</p>

<p>Decision-Making Rules</p> <ul style="list-style-type: none"> • Is there a role for basin-wide governance related to these tasks or is it at the GSA level only? • If there is a role for basin-wide governance, what models might we want to consider for these tasks? 	<p>Decision-Making Rules</p> <ul style="list-style-type: none"> • What governance models might we want to consider for these tasks? • Does the current Framework Agreement make sense as a starting point for developing governance structure for the tasks above? Why / why not?
<p>Funding Approach</p> <ul style="list-style-type: none"> • Is there a role for basin-wide funding related to these tasks or is it at the GSA level only? • If there is a role for basin-wide funding, what models might we want to consider for these tasks? • <u>Each GSA must develop its own budget and funding strategy, then implement strategy.</u> 	<p>Funding Approach</p> <ul style="list-style-type: none"> • To what extent does the current funding approach work? How might it need to be changed? • What other funding models might we want to consider?

Discussion

- A Committee member shared concerns about potential increased costs for consultants as the complexity level of responsibility increases from serving one GSA to the whole subbasin (e.g., supporting more centralized operations may require more expensive personnel).
- A GSA representative emphasized that for GSA-specific tasks, each individual GSA must figure how to fund those tasks. The group briefly considered various fee system approaches (e.g., Zone 13), often stating that all options appear to be similarly complex and require substantial effort.
- A Committee member suggested differentiating between planning and implementation tasks. For example, planning for a particular project/management action might occur at the subbasin level, then individual GSAs would conduct the implementation.
- Participants reiterated equity concerns regarding funding responsibilities. For instance, if a particular GSA’s current groundwater use is relatively low, what would be a fair contribution from that GSA to address the subbasin’s overdraft issue?
- A GSA representative mentioned the potential need to allocate costs across subbasin boundaries

Governance Models | Brainstorm Discussion

The group brainstormed potential governance models given their experience with the current Working Group Framework Agreement and governance models being used elsewhere. The group also identified issues to consider to help develop and assess the relative merits of different governance models

The following lists the range of governance ideas shared in no particular order (does not indicate individual ideas are aligned with each other, and/or the GSAs support one idea over another):

- **Example: Irrigated Lands Program** – Example of when the area had to have either a watershed program or each irrigator had to report their own drainage plan. SRCD facilitated activities; Amador County administered
- **Example: in San Joaquin – Advisory Committee**
 - Concern if members (who tend to be elected representatives), lead to politically affected discussions and decisions.
- **Consideration: Modified Working Group structure**

- Keep it flexible by allowing tasks to go basin-wide or to individual GSAs.
- There will still need to be a central reporting function.
- How will this group be funded and how will the GSAs share those costs?
- How will the group resolve conflicts?
- Consider contracting to a private entity to administer
- Whatever governance is decided, aim to operate under one agreement rather creating a series of agreements to address different components of governance (i.e., keep it simple and also flexible).
- **Consideration: JPA** – a fairly common model among the 2020 submitted GSPs (often a single GSA with water district members).
 - Benefits
 - Provides authorities that the current WG does not, e.g., hiring, contracting, etc.
 - Provides an entity with the necessary authority to potentially streamline day-to-day administrative tasks (if governance and decision-making kept simple enough), and report back to the full committee.
 - Drawbacks
 - Concern w/ power over entities, particularly if given broad powers. One of the benefits of the current Working Group structure is it gains power from the GSAs, not one central group imposing direction on any one GSA.
 - Exacerbates “right of representation” issues
 - Formality. Process burden
 - Other Considerations
 - “The JPA is limited by the powers you give it.”
 - A JPA approach may make sense down the road to solidify what has proven to work for this group.
 - Discussion Outcome: The Committee members indicated that a JPA is not desirable at this time.
- **Example and Consideration: Modified SSCAWA** – SSCAWA operates under a JPA
 - Because there are two general entities among the GSAs – ag interests and government, could there be a hybrid approach to use a SSCAWA structure for the ag entities, and a MOA w/ counties and city?

Other Discussion Notes

- In general:
 - Don’t reinvent the wheel.
 - Derive power from individual GSAs
 - Keep it simple. Keep it flexible.
- Several participants emphasized the need for individual GSAs to grant adequate decision-making authority to whichever entity that operates as the centralized body serving the whole subbasin. A Committee member cautioned from experience that work can be substantially stalled if the central body lacks the authority to make decisions and move subbasin-wide actions forward (e.g., giving direction and guidance to contractors serving the whole subbasin).

Attendees

GSAs	
Amador County GMA	[Unable to attend]
City of Galt	Mike Selling

Clay Water District	Rick & Sue Wohle
Galt Irrigation District	[Mike Wackman – Liaison]
Omochumne-Hartnell Water District	Mark Stretars Mike Wackman
Sacramento County	Kerry Schmitz
Sloughhouse RCD	Herb Garms Jay Schneider Austin Miller
Conveners/Facilitators	
Water Forum	Tom Gohring John Lowrie
CBI	Bennett Brooks Stephanie Horii