

**BEDFORD-COLDWATER
GROUNDWATER SUSTAINABILITY AUTHORITY**

BOARD MEETING AGENDA

MARCH 29, 2017

4:00 P.M.

Temescal Valley Water District Administrative Offices
22646 Temescal Canyon Road, Temescal Valley, California 92883

Members of the Board

Randy Fox, City of Corona
Phil Williams, Elsinore Valley Municipal Water District
Paul Rodriguez, Temescal Valley Water District

All agenda documents are available at 22646 Temescal Canyon Road, Temescal Valley, CA 92883.

- 1. CALL TO ORDER**
- 2. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**
- 3. PUBLIC COMMENT**

At this time, the public may address the Board on any item not appearing on the agenda that is within the subject matter jurisdiction of the Board. No action may be undertaken on any item not appearing on the posted agenda, except that the Board may briefly respond to the comments, refer the matter to staff, or request it be placed on a future agenda.

- 4. INTRODUCTION**
- 5. ACTION ITEMS**

A. STAFF APPOINTMENTS

- 6. PUBLIC HEARING**

This portion of the agenda is for advertised public hearing items where formal public testimony on each individual item is accepted prior to Board of Directors action.

A. ELECTION TO BE GROUNDWATER SUSTAINABILITY AGENCY

1. Staff Report by Jeremy Jungreis
2. Chairperson opens the Public Hearing
3. Testimony
4. Chairperson closes the Public Hearing
5. Recommendation that the Board of Directors:
 - o Adopt Resolution of Intent of the Board of Directors of the Bedford-Coldwater Groundwater Sustainability Authority, a Joint Powers Authority, to Become the Groundwater Sustainability Agency for the Bedford Coldwater Sub-Basin of the Elsinore Groundwater Basin.
 - o Direct Interim Administrator to file necessary documents with the California Department of Water Resources.

7. COMMENTS BY THE BOARD OF DIRECTORS

8. NEXT BOARD MEETING

The JPA requires that the Board of Directors meet at least quarterly. Until a regular meeting schedule has been approved by the Board, subsequent Board meetings will need to be scheduled independently.

9. ADJOURN

Agendas for all Board of Directors meetings are posted at least 72 hours prior to the meeting at the Temescal Valley Water District headquarters located at 22646 Temescal Canyon Road, Temescal Valley, California 92883.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the ADA Coordinator at (951) 277-1414. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**BEDFORD-COLDWATER
GROUNDWATER SUSTAINABILITY AUTHORITY**

BOARD MEETING

AGENDA ITEM 2

DATE: March 29, 2017
TO: Board of Directors
FROM: Staff
SUBJECT: ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

RECOMMENDATIONS

That the Board of Directors accept nominations and elect a Chairperson and Vice-Chairperson of the Bedford-Coldwater Groundwater Sustainability Authority

SUMMARY:

Section 9(f) of the Joint Powers Agreement creating the Bedford-Coldwater Groundwater Sustainability Authority requires the Board to elect a Chairperson and a Vice-Chairperson. The Chairperson shall preside at all meetings of the Board, and shall exercise and perform such other powers and duties as may be assigned by the Board. The Vice-Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson. The election of these officers will be held at each new Fiscal Year.

FISCAL IMPACT:

Not Applicable

**BEDFORD-COLDWATER
GROUNDWATER SUSTAINABILITY AUTHORITY**

BOARD MEETING

AGENDA ITEM 5A

DATE: March 29, 2017
TO: Board of Directors
FROM: Staff
SUBJECT: APPOINTMENT OF STAFF

RECOMMENDATIONS

That the Board of Directors:

1. Appoint, by minute motion, Margie Armstrong, Director of Strategic Programs for Elsinore Valley Municipal Water District, as Interim Administrator.
2. Direct the Interim Administrator to solicit proposals for a permanent Administrator.
3. Authorize the attorneys currently representing the Authority Members to continue collectively providing legal advice to the Authority, as needed.
4. Direct the Interim Administrator to solicit proposals for permanent legal counsel for the Authority.
5. Appoint, by minute motion, Margie Armstrong, Director of Strategic Programs for Elsinore Valley Municipal Water District, as Interim Secretary.

SUMMARY:

Administrator

The Joint Powers Agreement (“JPA”) creating the Bedford-Coldwater Groundwater Sustainability Authority (“Authority”) requires that the Board provide for staffing of the Authority to ensure the Authority is able to accomplish all requirements imposed by the JPA, the Sustainable Groundwater Management Act of 2014 and any other legal requirements. Section 8 of the Joint Powers Agreement (“JPA”) creating the Bedford-Coldwater Groundwater Sustainability Authority (“Authority”) authorizes the Board to designate an Administering Member and/or an Administrator to provide administrative support for the Authority. The Administrator will be responsible for staffing the Authority, preparing agendas and reports, and overseeing the day-to-day operations of the

Authority. The Board has the following three options for appointment of the Administrator:

1. Appoint an employee of one of the Authority Members to serve as Administrator.
2. Authorize the current employees of the Authority Members to collectively provide administrative services for the Authority.
3. Contract with an independent person or firm to serve as the Administrator.

It is recommended that the Board appoint someone to serve as the Administrator in an interim capacity to ensure that the actions that need to be taken by the Authority in the near future are accomplished. It is recommended that the Board appoint Margie Armstrong, Director of Strategic Programs for Elsinore Valley Municipal Water District, to serve as the Interim Administrator until such time that a permanent Administrator is selected by the Board. Additionally, it is recommended that the Board direct the Interim Administrator to solicit proposals for a permanent Administrator to be filled as soon as possible. Sections 9(k)(2)(i) and (j) of the JPA requires that the Board's decision to appoint an Administrator be by unanimous vote.

Legal Counsel

The JPA further provides that legal counsel shall be appointed by the Board and such legal counsel shall serve at the pleasure of the Board. Similar to the above options for appointment of the Administrator, the Board has the following three options for appointment of legal counsel:

1. Appoint one of the attorneys currently representing one of the Authority Members to serve as legal counsel for the Authority.
2. Authorize the attorneys representing the Authority Members to collectively provide legal services for the Authority on an as-needed basis.
3. Contract with an independent attorney or firm to serve as legal counsel for the Authority.

Staff anticipates that most of the actions required to be taken for the Authority in the near future will be accomplished by the Interim Administrator. Staff does not anticipate that there will be a need for significant involvement by legal counsel. Therefore, staff is recommending that the attorneys currently representing the Authority Members continue to collectively provide legal services for the Authority as needed until such time that permanent legal counsel for the Authority is selected by the Board. It is further recommended that the Board direct the Interim Administrator to solicit proposals for permanent legal counsel to be selected by the Board at a future Board meeting.

It should be noted that if the Board appoints one of the attorneys representing one of the Authority Members to be the Authority's legal counsel, it will be necessary to obtain conflict waivers from the Members in order for that attorney to provide legal services for

the Authority. Additionally, Section 9(k)(2)(i) of the JPA requires that the Board's decision to appoint legal counsel be by unanimous vote.

Secretary

Although not required by the JPA, it is recommended that the Board appoint someone to serve as Secretary for the Authority, on an interim basis, so that resolutions and other documents of the Authority can be attested to and minutes of the Board's meetings can be prepared. When the permanent Administrator is selected, that person will most likely assign a permanent Secretary.

It is recommended that the Board appoint Margie Armstrong, Director of Strategic Programs for Elsinore Valley Municipal Water District, to serve as the Interim Secretary until such time that a permanent Secretary is selected.

FISCAL IMPACT:

As provided in the JPA, all costs of the JPA shall be shared equally by the Authority Members. The recommended actions for appointment of the Administrator will require the Board to approve an initial budget and appropriate funding to cover the costs. The costs for the attorneys currently representing the Authority Members will continue to be borne by each Authority Member until such time that permanent legal counsel is selected. The appointment of permanent legal counsel, however, will require the Board to approve an initial budget and appropriate funding to cover the costs.

**BEDFORD-COLDWATER
GROUNDWATER SUSTAINABILITY AUTHORITY**

BOARD MEETING

AGENDA ITEM 6A

DATE: March 29, 2017
TO: Board of Directors
FROM: Staff
SUBJECT: PUBLIC HEARING TO ELECT TO BE THE GROUNDWATER
SUSTAINABILITY AGENCY FOR THE BEDFORD-COLDWATER
SUBBASIN

RECOMMENDATIONS

That the Board of Directors:

1. Hold a public hearing regarding adoption of Resolution of Intent of the Board of Directors of the Bedford-Coldwater Groundwater Sustainability Authority, a Joint Powers Authority, to become the Groundwater Sustainability Agency for the Bedford Coldwater Sub-Basin of the Elsinore Groundwater Basin.
2. Authorize Interim Administrator to submit the Notice of Intent to Form the GSA, along with the required supporting documentation, to the California Department of Water Resources
3. Authorize Interim Administrator to file and post a notice of exemption under the California Environmental Quality Act regarding adoption of the Resolution

SUMMARY:

The Sustainable Groundwater Management Act ("SGMA") became effective on January 1, 2015. Under SGMA, a groundwater sustainability agency ("GSA") must be formed for each high and medium priority basin no later than June 30, 2017, or the State Water Resources Control Board can seek to intervene and potentially assume management of the basin. The Bedford-Coldwater Sub-basin ("Sub-Basin") is designated as high priority.

SGMA provides that a combination of local agencies may seek to manage a groundwater basin or subbasin using a joint powers authority structure. In February 2017, the governing boards of Temescal Valley Water District, the City of Corona, and Elsinore Valley Municipal Water District each approved the joint powers agreement for the formation of the Bedford-Coldwater Groundwater Sustainability Authority ("Authority") for the purpose of managing the Sub-Basin.

Under SGMA, the Authority Board of Directors is required to hold a public hearing before formally deciding whether to seek to become the state recognized GSA for the Subbasin. To meet SGMA mandates, the Authority is also required to adopt a resolution formally expressing its intention to become the GSA for the Sub-Basin.

If the resolution and Board authorization to move forward are approved, staff will prepare the necessary documentation to submit to the California Department of Water Resources (“DWR”) to seek formal recognition of the Authority’s status as the state designated GSA for the Bedford-Coldwater Sub-Basin. The decision to become the GSA will take effect 90 days after DWR posts on its website the Authority’s notice of election to become the GSA, provided no other qualifying local agency creates an “overlap” situation by filing a competing notice before June 30, 2017.

FISCAL IMPACT:

Each of the parties will utilize existing staff members or consultants to prepare the necessary documentation to submit to DWR. The relevant tasks are expected to be shared relatively equally by the member agencies of the Authority. Should there be unexpected outside expenses, the Authority Board of Directors can determine how to allocate such expenses as part of the future Authority budget adoption process.

RESOLUTION NO. _____

RESOLUTION OF INTENT OF THE BOARD OF DIRECTORS OF THE BEDFORD-COLDWATER GROUNDWATER SUSTAINABILITY AUTHORITY, A JOINT POWERS AUTHORITY, TO BECOME THE GROUNDWATER SUSTAINABILITY AGENCY FOR THE BEDFORD COLDWATER SUB-BASIN OF THE ELSINORE GROUNDWATER BASIN

WHEREAS, in September 2014, the Sustainable Groundwater Management Act (“SGMA”) was signed into law, with an effective date of January 1, 2015, and codified at California Water Code, Section 10720 et seq; and

WHEREAS, the legislative intent of SGMA is to, among other goals, provide for sustainable management of alluvial groundwater basins and sub-basins defined by the California Department of Water Resources (“DWR”), to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to provide specified local agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater; and

WHEREAS, Water Code section 10723(a) authorizes a “local agency” with water supply, water management or local land use responsibilities, or a combination of local agencies with such responsibilities overlying a groundwater basin, to decide to become a Groundwater Sustainability Agency (GSA) under SGMA; and

WHEREAS, Elsinore Valley Municipal Water District (“EVMWD”), the City of Corona (“Corona”) and Temescal Valley Water District (“TVWD”) jointly requested the Elsinore Basin be split into two distinct groundwater areas; and

WHEREAS, on October 11, 2016, the California Water Commission approved the subject request and established two sub-basins within the Elsinore Basin; the southerly Elsinore Valley Sub-Basin (Bulletin 118 Basin No. #8-004.1) and the northerly Bedford Coldwater Sub-Basin (#8-004.2); and

WHEREAS, Bedford Coldwater Groundwater Sustainability Authority (Authority) is a “local agency” comprised of EVMWD, Corona, and TVWD (each a “Member”) with “water management” responsibilities within the Bedford-Coldwater Sub Basin (DWR Bulletin 118, No. 8-004.2) (the “Sub-Basin”) of the Elsinore Groundwater Basin (DWR Bulletin 118, No. 8-004); and

WHEREAS, sustainable groundwater management of groundwater basins designated by DWR as high and medium priority basins is required by SGMA; and

WHEREAS, the boundaries of the Authority overlie the Sub-Basin, which is not adjudicated and is designated by DWR as a high priority basin; and

WHEREAS, California Water Code Section 10723.8 requires that a local agency deciding to serve as a GSA notify DWR within 30 days of the local agency's decision to become a GSA authorized to undertake sustainable groundwater management within a basin; and

WHEREAS, California Water Code Section 10723.8 mandates that 90 days following the posting by DWR of the local agency's decision to become a GSA, that entity shall be presumed to be the exclusive GSA for the area within the basin the agency is managing as described in the notice, provided that no other GSA formation notice covering the same area has been submitted to DWR; and

WHEREAS, the Authority intends to manage all portions of the Sub-Basin subject to SGMA under a groundwater sustainability plan (GSP); and

WHEREAS, in accordance with Section 10723(b) of the California Water Code, and Section 6066 of the California Government Code, a notice of public hearing was published in two general circulation newspapers in Riverside County regarding the Authority's intent to consider becoming a GSA for the Sub-Basin.

NOW, THEREFORE, THE AUTHORITY BOARD OF DIRECTORS HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. The above recitals, and each of them, are true and correct, and are incorporated as terms of this resolution.

SECTION 2. The Authority Board of Directors hereby decides and determines that the Authority shall become the GSA for all of those portions of the Sub-Basin that are required to be managed under SGMA.

SECTION 3. Authority staff, or staff of one of the Authority Members on behalf of the Authority, shall submit to DWR, within thirty (30) days of the approval of this Resolution, all documentation and information required by Water Code section 10723.8 to support the Authority's formation of a GSA over the Sub-Basin.

SECTION 4. The approval of this Resolution and the actions described herein are exempt from the requirements of the California Environmental Quality Act (CEQA) since: (1) they are not a "project" for purposes of CEQA (CEQA Guidelines 14 Cal. Code Regs. §15378 (b)(5)) because the approval will not result in direct or indirect physical changes in the environment; and (2) it can be seen with certainty that there is no possibility that the approval in question may have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code Regs. §15061(b)(3).) Staff is directed to file and post within ten (10) business days a Notice of Exemption for this approval with the Clerk of the Board of Supervisors of Riverside County.

SECTION 5. The Board Secretary shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 29th day of March, 2017, by the following vote:

AYES:

NOES:

ABSENT:

Chairperson

ATTEST:

Secretary