



## Legislation Text

**File #:** 17-370, **Version:** 1

Receive a status update on efforts associated with forming a Groundwater Sustainability Agency within the Solano Subbasin; Consider authorizing the Chair of the Board to execute a resolution approving County participation in the Joint Powers Agreement establishing the Solano Subbasin Groundwater Sustainability Agency (SSGSA) and any amendments thereto; Designate the Board Members representing Districts 4 and 5, and one (1) Board Member alternate, to serve on the SSGSA Board of Directors; and Approve the Solano County Agricultural Advisory Committee nominations of Russ Lester as primary representative and Al Medvitz as alternate to serve as initial public representative on the SSGSA

Published Notice Required? Yes ☐ No ☒  
Public Hearing Required? Yes ☐ No ☒

### **DEPARTMENTAL RECOMMENDATION:**

The Department of Resource Management recommends that the Board of Supervisors:

1. Receive a status update on efforts associated with forming a Groundwater Sustainability Agency within the Solano Subbasin; and
2. Consider authorizing the Chair of the Board to execute a resolution approving County participation in the Joint Powers Agreement establishing the Solano Subbasin Groundwater Sustainability Agency (SSGSA) and any amendments thereto; and
3. Designate the Board Members representing Districts 4 and 5, and one (1) Board Member alternate, to serve on the SSGSA Board of Directors; and
4. Approve the Solano County Agricultural Advisory Committee nominations of Russ Lester as primary representative and Al Medvitz as alternate to serve as initial public representative on the SSGSA.

### **SUMMARY:**

The Sustainable Groundwater Management Act (SGMA) requires all medium and high priority groundwater basins and subbasins to achieve sustainable management over the next 20-25 years. The Solano Subbasin, which is partially located within Solano County, must be managed under SGMA by one or more Groundwater Sustainability Agencies (GSAs), which must be formed by June 30, 2017.

In early May 2017, County and GSA-eligible agency staff and stakeholders finalized the draft terms and conditions of a Joint Powers Agreement (JPA) that creates a separate, multi-agency entity: the Solano Subbasin GSA. The proposed GSA covers the majority of the Solano County portion of the Solano Subbasin, with the exception of the areas proposed for management by the Solano Irrigation District (SID) and City of Vacaville, which are in the process of forming separate GSAs, as well as Ryer Island and other Delta areas that may be included in a separate Northern Delta GSA (NDGSA). A small area of the Solano Subbasin in Yolo County within the boundaries of Reclamation Districts 2068 and 2093 would be managed by the Solano Subbasin GSA. Also, on May 23, 2017, the Board approved a memorandum of understanding with the Yolo GSA to allow that entity to manage the small portion of the Yolo Subbasin within Solano County underlying

lands owned by the University of California.

The JPA (included as Attachment A) would establish an 11-member Board of Directors that includes one seat for each of the Supervisors representing Districts 4 and 5. In order to participate as a member of the JPA, the Board of Supervisors must approve a resolution (Attachment B) that authorizes the Board Chair to execute the JPA, and designate the Board Members representing Districts 4 and 5 to serve as representatives on the GSA Board of Directors. The Board of Supervisors would also need to designate one additional member of the Board of Supervisors to serve as an alternate. The JPA also requires the Board to consider approving primary and alternate GSA Board Directors from the two candidates nominated by the County's Agricultural Advisory Committee: Russ Lester and Al Medvitz.

The JPA envisions that the Solano County Water Agency (SCWA) will provide initial staffing services to the Solano Subbasin GSA. SCWA staff have scheduled a public hearing at the SCWA offices on June 8, 2017 at 4 pm on behalf of the Solano Subbasin GSA. The designated primary members of the GSA Board of Directors will need to attend this meeting.

### **FINANCIAL IMPACT:**

Costs associated with tracking and advocacy efforts for the Sustainable Groundwater Management Act (SGMA) and related efforts, including costs associated with preparation of this update and future publications and mailing of hearing notices, are included in the Department's normal working budgets.

The JPA would require the County to provide an initial contribution of \$18,000 to the Solano Subbasin GSA, which is included in the FY2017/18 Recommended Budget. This represents a \$6,000 contribution for each of the seats on the GSA Board of Directors that are affiliated with the County: two members of the Solano County Board of Supervisors (Districts 4 and 5) and one Agricultural Advisory Committee nominee.

If the County decides to take no action, the State could intervene to manage any unmanaged areas. In this scenario, the direct costs to the County would be significantly lower. However, the financial impact to residents, businesses, and farmers could be significantly higher. The impact of these State intervention costs on the County have not yet been determined, but could include fees, requirements for land owners to install well meters, and possible regulation of domestic wells.

### **DISCUSSION:**

Since 2015, the Department of Resource Management and County Counsel staff have been working with staff from other GSA-eligible agencies and stakeholders to establish GSA(s) for the Solano County portion of the Solano Subbasin. County staff has also been collaborating with staff from adjacent counties to establish GSAs covering all portions of the Yolo and Solano Subbasins by June 30, 2017, in order to avoid State Water Resources Control Board intervention.

The Solano Subbasin GSA represents a collaborative, inclusive approach to managing the groundwater resources in the majority of the Solano County portion of the Solano Subbasin (as well as some small areas of the Yolo County portion of the Solano Subbasin). Joining this entity requires the Board to execute a JPA to form the Solano Subbasin GSA, composed of multiple agencies and stakeholder representatives. Table 1 provides a summary of key components of the JPA. The proposed JPA excludes areas within the City of Vacaville and the Solano Irrigation District (SID), which have taken steps to form independent GSAs. In order to comply with SGMA, the various GSAs within the Subbasin will either need to prepare a single GSP or enter into coordination agreements prior to approving separate GSPs.

This multi-agency approach was developed after numerous meetings involving staff from the various GSA-eligible agencies and stakeholders in the Subbasin, as well as an extensive public outreach campaign

facilitated by the Solano County Water Agency (SCWA) and its consultant, Ag Innovations. This public outreach process included:

- Seven public workshops in the cities of Vacaville, Rio Vista, and Davis, attended by more than 300 participants, and online forums, in 2016;
- Approximately 6,000 fliers and workshop notices mailed to land owners and interested parties located in the Solano Subbasin;
- Numerous notices advertising the public workshops posted in local newspapers;
- Developing and utilizing a listserv for over 200 interested stakeholders; and
- Presenting a GSA workshop at SCWA offices in Vacaville in 2017.

#### Governance:

The JPA establishes an 11-member board of Directors, including two Directors from the Solano County Board of Supervisors representing District 4 and District 5, which cover most of the geographic area of the Solano Subbasin. In the event of redistricting, the JPA permits Solano County to appoint as its two Directors any Supervisors whose supervisorial district overlies a portion of the Management Area. The Board of Directors includes one Director from the following: City of Dixon, City of Rio Vista, Cal Water, Solano Resource Conservation District, Dixon Resource Conservation District, Maine Prairie Water District, and Reclamation District 2068. The Board of Directors also includes two seats for public members of the agricultural community: one Director appointed by the Board of Supervisors from candidates nominated by the Solano County Agricultural Advisory Committee, and the other appointed by the GSA Board of Directors from candidates nominated by the Solano County Farm Bureau.

#### Voting:

Each member of the GSA Board of Directors has one vote, and the Board will conduct its normal business by simple majority vote. For some key Board actions identified in the JPA, such as adoption of fees and budgets, admission of new members, adoption of a GSP, and approval of contracts over \$25,000, approval requires a 2/3 vote that includes at least one affirmative vote from each of three broad categories of Board seats. These broad categories are 1) Municipalities, which includes both cities and Cal Water; 2) Districts, which includes the four reclamation, water, and resource conservation districts; and 3) Unincorporated Areas, which includes Solano County and the two public agricultural community representatives. While a weighted voting was considered, the multi-agency working group could not reach agreement on the appropriate weighting for the votes, and weighted voting was thought to be contrary to the collaborative nature of the multi-agency approach.

An issue that is emerging is whether a non-paying member should have a vote on the GSA Board. With approval of the JPA, the Board of Supervisors can provide their recommendation on this issue to the GSA Board for consideration on June 8, 2017 and possible amendment to the JPA.

The Board of Supervisors cannot unilaterally amend the JPA to require such a contribution, but could provide recommendations on this issue to the GSA Board for consideration at the GSA's June 8, 2017 meeting.

#### Dispute Resolution:

The actions of the Board of Directors will be governed by guiding principles enumerated in the JPA. The JPA members will submit any disputes to an independent mediator, who will help the GSA resolve the issue by providing a non-binding decision based on the guiding principles.

#### Special Management Areas (SMAs):

The JPA allows the Board of Directors to establish subareas of the GSA's management area in order to encourage further localized groundwater management. The Board will determine the shape of any SMAs based on local conditions, hydrogeology, water use, water demand, and management strategies. The SMAs

can serve as a framework to encourage localized actions needed for GSP development and implementation. SMA committees will include land owners, interested stakeholders, and GSA member staff, and can be formed to identify and resolve localized conditions and institute voluntary actions in the SMA to comply with SGMA. The GSA retains authority to take action to achieve groundwater sustainability if the SMA does not take appropriate action or if the action it does take is not successful.

#### Participating Agency Approvals:

Staff from the proposed GSA members and their legal counsel have agreed on the language of the proposed JPA, and have presented it to their boards and councils for authorization. All other participating entities have now taken action to participate in the Solano Subbasin GSA.

Following is a list of other participating agencies and the dates they approved the JPA:

- Dixon Resource Conservation District - May 10, 2017
- Reclamation District 2068 - May 11, 2017
- Maine Prairie Water District - May 16, 2017
- City of Rio Vista - May 16, 2017
- Solano Resource Conservation District - May 17, 2017
- City of Dixon - May 23, 2017

For the County of Solano to participate in the Solano Subbasin GSA, the Board must authorize the Chair to execute the JPA and designate Board Members representing Districts 4 and 5 to serve as representatives on the GSA Board of Directors. The Board of Supervisors would also need to designate one additional member of the Board of Supervisors to serve as an alternate. The Board must also appoint a primary and alternate GSA Board Director from the two candidates nominated by the County's Agricultural Advisory Committee: Russ Lester and Al Medvitz. During their meeting conducted on May 10, 2017, the Agricultural Advisory Committee recommended that Mr. Lester serve as the primary representative and Mr. Medvitz serve as the alternate. The Agricultural Advisory Committee's nominees are presented in a letter signed from Jim Allan, County Agricultural Commissioner, on behalf of the Agricultural Advisory Committee that is included as Attachment D.

The multi-agency Solano Subbasin GSA reflects the spirit of collaboration and partnership that the Board of Supervisors has sought to foster over the past two years of the GSA formation process. The governance structure provides a mechanism for the County to engage with a diverse group of stakeholders, including cities, water districts, and public stakeholders in a majority of the Subbasin. While these competing interests have the potential to slow the GSA decision making process, they should also ensure that any GSA decisions will be vetted through a collaborative process. This should improve implementation. Another advantage is that the financial and staff contributions of other members to the work of the GSA will reduce the burden on the County. The Board has other options that are summarized in the attached Table 1.

#### **ALTERNATIVES:**

The Board could choose not to adopt a resolution authorizing participating in the proposed Solano Subbasin JPA. This is not recommended because significant collaborative effort involving multiple entities in the County made significant collaborative efforts to develop the Solano Subbasin GSA and JPA as currently proposed. The attached Table 1 summarizes the Board's other options and explains why they are not recommended.

#### **OTHER AGENCY INVOLVEMENT:**

The Department, County Counsel's office, Agriculture Department, and the Agricultural Advisory Committee participated in GSA formation discussions and SGMA compliance efforts. Solano County is engaged with multiple local agencies, including SCWA, Solano Irrigation District, Maine Prairie Water District, Rural North

Vacaville Water District, Reclamation District 2068, Solano and Dixon Resource Conservation Districts, cities within Solano County, Yolo County, Sacramento County, DWR, and State Water Resources Control Board regarding SGMA compliance efforts.

**CAO RECOMMENDATION:**

APPROVE DEPARTMENTAL RECOMMENDATION