

# GSA Advisory Group (GSAG) Recommendations

Summary Document compiled by Ag Innovations. Updated October 14, 2016

## GSA Advisory Group Meeting Participation to Date:

*(Not every person has attended every meeting – some groups have alternates and some have chosen not to engage fully in the process.)*

Jim Allen, Ag Advisory Committee  
Jack Caldwell, Cal Water  
Jim Christensen, Travis Air Force Base  
John Currey, Dixon Resource Conservation District  
Royce Cunningham, City of Vacaville  
Darrell Eck, Sacramento County Water Authority  
Mike Hardesty, RD 2068  
Don Holdner, Maine Prairie Water District  
Misty Kaltreider, Solano County  
Cary Keaton, Solano Irrigation District  
Joe Leach, City of Dixon  
Chris Lee, Solano County Water Agency  
Russ Lester, Ag Advisory Committee

Derrick Lum, Solano County Farm Bureau  
Ryan Mahoney, Maine Prairie Water District  
David Melilli, City of Rio Vista  
Steve Mello, North Delta Water Agency/RD 563  
Peter Miljanich, Solano County  
Tim O'Halloran, Yolo County Flood Control & WD  
Felix Riesenber, City of Fairfield  
Erik Ringelberg, Northern Delta GSA / Fresh Water Trust  
Chris Rose, Solano RCD  
Melinda Terry, North Delta Water Agency

*Facilitation team: Brooking Gatewood, Joseph McIntyre, Tessa Opalach, [Ag Innovations](#).*

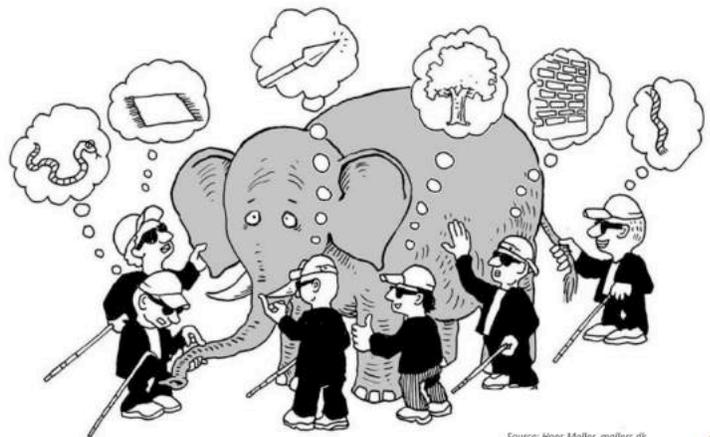
## I. Orientation to the Work

The GSA Advisory Group recognizes that in the Solano Subbasin, our **long-term goal is to maintain a sustainable groundwater basin so we can continue to enjoy our water resources into the future.** We aim to do this by developing a GSA and GSP that minimize conflict in the community, maximize our shared interests, build trust, engage stakeholders, are resource efficient and make the best use of technical knowledge.

As in the old Chinese parable of the elephant (right), we recognize that others' views help complete our shared understanding of groundwater needs for our Subbasin, and that bringing together different views and assets helps create workable solutions for all.

We strive to engage our creative and collaborative mindsets in this process, to identify the underlying core interests behind our positions, and to find solutions that meet as many of our interests as possible. We work with the understanding that assumptions are necessary to move forward, that this is an iterative process, and that we update our assumptions as new information comes in. Finally, we agree to ground rules of full attention, open listening, courteous speaking, suspending certainty, and representing our agency or constituency interests above personal interests throughout the GSAG deliberation process.

**We all hold different parts of the whole.**



Source: Hans Møller, moellers.dk



This document attempts to summarize the key recommendations that the GSA Advisory Group has reached to date, as well as the reasoning behind each one. Dozens of hours of dialog and deliberation amongst a diverse membership have led to these recommendations – we invite you to review this document with the same long-term goals and intent outlined above, and **please see the charter and meeting notes, available at [www.scwa2.com/sgma](http://www.scwa2.com/sgma), for more detail.**

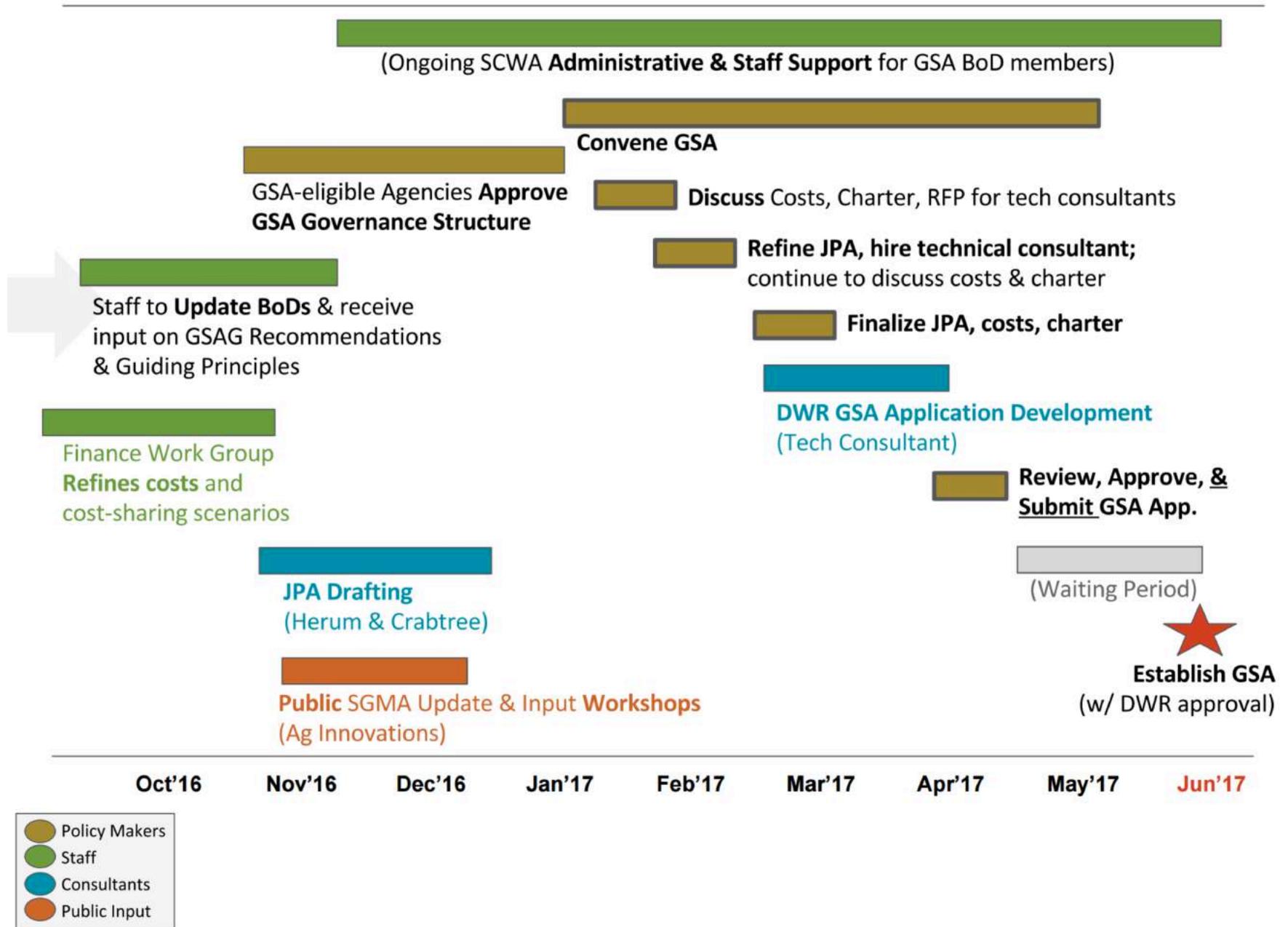
## II. The Road to GSA Notification: 2016 Work to Date



2016 Timeline	Overview	Key Recommendations	Notes and Additional Highlights
<p><i>January – February</i></p> <p><b>Situation Assessment</b></p> <p><b>Public Workshops</b></p>	<p>Ag Innovations interviews 20+ agency staff, elected officials, and community leaders from around the Solano Subbasin and broader Solano County area.</p> <p>Ag Innovations facilitates 3 public informational and input meetings on SGMA implementation.</p>	<ul style="list-style-type: none"> <li>Assessment establishes the need for staff-level <b>GSA Staff Advisory Group (GSAG)</b> outside SCWA Water Policy Council Meetings.</li> <li>It also clarifies the importance of collaboration amongst agencies with input from local stakeholders to meet deadlines.</li> </ul>	<ul style="list-style-type: none"> <li>The assessment reveals an early leaning toward one GSA for Solano portion of the Subbasin.</li> <li>Public meetings highlight regional variance in conditions around the Subbasin, and a strong interest in GSP implementation issues, such as fees.</li> </ul>
<p><i>March</i></p> <p><b>GSAG Charter Development</b></p> <p><b>GSAG holds 1<sup>st</sup> Meeting</b></p>	<p>The GSAG outlines the workflow, established an Asset Map of the advisory group memberships' expertise and resources, discusses Yolo County's Boundary Modification proposal, and begins GSA structure discussions.</p>	<ul style="list-style-type: none"> <li>GSAG approves a charter and decision-making process.</li> <li>Weighing benefits of aiming for one GSA in the Solano Portion of the Subbasin against those of having multiple GSAs, <b>GSAG recommends one Solano County GSA.</b></li> </ul>	<ul style="list-style-type: none"> <li>One GSA allows easier inclusion of areas without agency representation, unified decision-making on basin-wide issues, and better resources efficiencies for both agencies and landowners.</li> <li>Separate GSAs need to be established for the Sacramento and Yolo portions of the Subbasin to ensure appropriate jurisdictional authority.</li> </ul>
<p><i>April – May</i></p> <p><b>Constituency Input</b></p> <p><b>Ag Summit</b></p>	<ul style="list-style-type: none"> <li>GSAG members gather constituency input on governance structure needs for the single GSA option.</li> <li>A planning team of leaders from the ag community, with facilitation support from Ag Innovations, put on an Ag Summit, attended by ~85 community members.</li> </ul>	<p>Ag Summit attendees call for a GSA with: <i>Proportional and fair representation; a focus on the sustainability and longevity of our local groundwater resource; local governance and control; recognition of variance in local conditions; transparency and simplicity of governance; fair access to technical knowledge for sound decision-making; no financial conflicts of interest; and a value on ag's role in the local economy.</i></p>	<ul style="list-style-type: none"> <li>Participants learn about SGMA law and the local Solano Subbasin process.</li> <li>Participants share input on how ag could be represented in the GSA. Many feel agencies could not represent them and want an independent ag role on GSA board. Dixon RCD and RD 2068 are identified as the most trusted eligible agencies.</li> <li>Email listserv and occasional public meetings are identified as best ways to engage the public.</li> </ul>

<p><i>June</i></p> <p><b>GSAG Meeting #2</b></p>	<p>Seven draft governance structure proposals developed by members are discussed, the group votes on top options, and a hybrid model is sketched out that meets most members' named needs.</p>	<ul style="list-style-type: none"> <li>• A governance working group is formed to flesh out a draft governance structure recommendation based on the hybrid model discussed in the meeting.</li> <li>• <b>The GSAG recommends using a JPA or MOU to create a multi-party GSA</b> rather than a single agency model.</li> </ul>	<ul style="list-style-type: none"> <li>• GSAG discussion proposes an inclusive, non-rotating board structure aiming for 9-11 members, with 4+ SMAs, and technical advisory bodies to be determined later in the process.</li> <li>• The multi-party GSA recommendation is rooted in the contention that no single agency board can represent all Subbasin stakeholder interests.</li> </ul>
<p><i>July</i></p> <p><b>Governance Working Group Meetings</b></p>	<p>Over the course of three meetings and document review, a diverse working group of GSAG members drafts a governance proposal based on input from the prior meeting.</p>	<ul style="list-style-type: none"> <li>• The proposal suggests a board of 10 voting members. Three special management area (SMA) models are developed (Appendix B).</li> <li>• <b>General governance structure is accepted</b>, with board membership under review.</li> </ul>	<ul style="list-style-type: none"> <li>• Working Group Members: SCWA, SID, the City of Vacaville, Solano County, the Ag Advisory Committee, and the Farm Bureau.</li> <li>• <i>Amendments to the working group proposal are suggested by various boards, so the group keeps working on refining the BoD portion of the proposal to one that works for all parties.</i></li> </ul>
<p><i>August</i></p> <p><b>GSAG Meetings #3 and #4</b></p>	<p>GSAG reviews the working group governance proposal, discusses amendment proposals and concerns, and begins work on funding and cost estimations. The group begins work on guiding principles and key deal points for members to support a single-GSA approach.</p>	<ul style="list-style-type: none"> <li>• <b>The GSAG votes to recommend a Joint Powers Authority governance structure.</b></li> <li>• <b>The group agrees that details of SMA structure should be decided only after more technical data is available.</b></li> <li>• GSAG agrees to develop a statement of principles to support the drafting of the GSA JPA and the GSP development process.</li> <li>• Both principles and financial data will inform final board recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>• Some members propose a draft JPA, discussion of which leads to agreement that a JPA should be developed by legal teams based on guiding principles developed by GSAG.</li> <li>• How SGMA will affect surface water and property rights comes up as a key concern, and the group debates the level of detail needed to address these concerns in principles, JPA, and GSP itself.</li> <li>• Ag Innovations researches other models for addressing decisions &amp; rights issues (Appendix D).</li> <li>• Yolo County staff shared finance assessment template. GSAG survey collects local \$ data.</li> </ul>
<p><i>September</i></p> <p><b>Finance Working Group Meetings</b></p> <p><b>GSAG Meetings #5 and #6</b></p>	<p>The Finance Working Group gathers preliminary data to offer rough estimates of local SGMA expense and revenue pathways. GSAG refines recommendations for guiding principles and agrees on a 16 member board option, to be shared with agency boards and the public for input. Board includes two public ag rep seats.</p>	<ul style="list-style-type: none"> <li>• <b>We recommend a 16 member board</b>, detailed in Appendix A.</li> <li>• Each GSA member agency (except public ag seats) will pay in \$8-10k/year for initial start up costs, and likely ongoing membership.</li> <li>• <b>We develop 13 recommended guiding principles for GSA management.</b> Certain issues of core concern cannot be resolved in detail at this time, but are reflected in these principles statement.</li> </ul>	<ul style="list-style-type: none"> <li>• 16 member board recommendation reflects a solution that each party is willing to support to move forward in the process and meet our timelines. Not every party <i>prefers</i> this option.</li> <li>• Given tight timing, the group hopes for quick agreement on board membership so we can move to refining the JPA and GSA preparatory materials for the June 2017 notification deadline.</li> <li>• GSAG will pause meetings awaiting board input and GSA board formation. The Finance Group will continue to meet to refine SGMA cost estimates.</li> </ul>

### III. The Road to GSA Notification: Looking Ahead to the June 2017 Deadline



## IV. GSAG Draft Governance Structure Recommendations

### Final GSA Advisory Board Recommendation (see Appendix A for additional GSA structure details)

<b>SOLANO SUBBASIN Joint Powers Authority 16 member GSA BOARD</b>	
City of Dixon	Solano Irrigation District
City of Rio Vista	Maine Prairie Water Dist.
City of Vacaville	Rural North Vacaville WD.
City of Fairfield	RD 2068
Solano Co. Dist. 4	Cal Water
Solano Co. Dist. 5	Ag #1 (Farm Bureau nom.)
Dixon RCD	Ag #2 (Ag Advisory Committee nom.)
Solano RCD	North Delta Water Agency

Each group will nominate its own chosen representative to serve on the GSA board. For the two public seats, the proposed process is this: The Solano County Farm, as a private industry group, will offer multiple nominees to the GSA board, and the GSA board will then vote on one of the proposed candidates to serve for each of these two seats. The Solano County Ag Advisory Committee (AAC) will offer its nominations to the Solano County Board of Supervisors, who will appoint one nominee to serve on the GSA. Term length for individual board members will need to be worked out in the JPA development process.

*Highlights from this and other key deliberations underlying these recommendations are detailed below.*

**Board size:** The boards discussed in the proposals ranged from 7 members to 17 members. While some members prefer a smaller board, most agree that a larger and more inclusive board is preferable if agreement cannot be made for a smaller board. The group did indeed have trouble finding agreement for a smaller board, and the success of the 15-member SCWA board made most members comfortable that the GSA would be able to function well with a larger and more inclusive board.

- As with the similar process unfolding in the Yolo Subbasin, the intent is to designate flexibility for GSA membership - eligible member agencies can exit or enter the GSA as desired throughout the SGMA implementation process. Details of notification and financial obligations for exiting members will be detailed in the JPA development process.
- A structure with some rotating or shared board seats was also discussed as a way to allow for more people to sit on the board without having a larger board. However, this was ruled out for concerns of fairness, continuity of knowledge among members, disagreements among those who might share a seat, and the contention that the larger board would serve long term Subbasin interests more effectively.
- The group also discussed different voting options for the membership.
  - Proportional votes came up as a way to allow voting to reflect water use.
  - Weighted voting, determined by groundwater extraction rates and other factors, is proving to be a popular choice amongst other GSAs around the state, but to date, one vote per seat has been favorable amongst Solano Subbasin GSAG members.
    - The group agreed to an exception for Solano County to have a seat for each of the two Supervisors whose regions are largely within the Subbasin.
    - Similarly, the two ag seats represents acknowledgement of the ag community's large role in groundwater use in the county, and the reality of multiple ag community voices, interests, and groundwater contexts and conditions within the county.
  - Using the tool of supermajority and/or unanimous voting for certain high impact decisions has also been discussed, and is a tool being used elsewhere (see Appendix D).

**Ag Representation:** The GSAG ag community representatives, supported by findings from the Ag Summit, suggested that ag needs at least two dedicated seats, in addition to at least one RCD vote for adequate representation in the GSA. Without this, they believe the process will lose support from the ag community and may devolve into litigation. This was an area of much discussion in our meetings. Highlights below:

- Many members feel the current board structure strongly favors ag, with ag supportive board members in many agency and elected positions.
- GSAG ag reps reminded the group that SGMA is a long-term process, and current board views and relationships with the ag community may not reflect future stances. Thus the strong push for two independent seats.
- Some members preferred these seats be publicly elected, though the group agreed in the end to a model where the Farm Bureau and the AAC will nominate multiple possible representatives who are active farmers and groundwater users within the Subbasin, and these nominees would be elected by the appropriate body – the GSA board for the Farm Bureau, and the County Board of Supervisors for the AAC, which is an advisory body to that board. This allows some aspect of voting for these public representative seats, which was crucial for a few members, while preserving the ability of the ag community to nominate preferred representatives via these two trusted bodies.
- Technical support for these seats will be provided by the Farm Bureau and the Ag Advisory Committee so members receive staffing support comparable to what other elected board members receive from their agency staff.
- It is worth noting that for this model to work, a Memorandum of Agreement would not be sufficient for allowing public voting roles on the board and a Joint Powers Agreement would be required (see Appendix C).

**Special Management Areas (SMAs):** SMAs may be used to represent areas where the presence of local conditions for one or more critical parameters differ from those of the Subbasin at large, and where the GSA has determined an area will benefit by identifying site specific conditions of water demand, water use, water source, management strategies, or other characteristics. Members have discussed utilizing 3-5 SMAs throughout the Subbasin to help maintain local decision-making. Each SMA would report to the GSA board and the GSA would report to DWR. Maps of the SMA options are shown in Appendix B.

- Ultimately, the GSA retains responsibility for ensuring sustainable management, but can delegate responsibilities to the SMAs. Responsibilities of SMAs may include: conduct local groundwater monitoring and projects to ensure sustainability, report to GSA on GSP responsibilities/requirements, develop outreach committee to conduct stakeholder/public engagement.
- During the August 4<sup>th</sup> meeting the GSAG agreed to be flexible about the SMA boundaries at this time; and to create a structure that allows for management areas, but not try to define those boundaries without further information on financing and without considering overall sustainability.

**Technical Advisory Committee:** GSAG recommends that an advisory group to the GSA be formed to provide information and recommendations to the GSA policy makers. The proposed membership would include a staff representative from each of the GSA entities as well as a representative chosen by each SMA. Staff from Solano County Water Agency and Solano County would provide administrative and technical services to the GSA Advisory Committee. Potential GSA Advisory Committee responsibilities include, but are not limited to: developing SGMA reports/plans/procedures/parameters for GSA to consider; advising GSA chair members on SGMA action items; drafting specific recommended policies, guidance, requirements and regulations for GSA consideration; providing oversight and coordination of SMAs; financial oversight; GSP implementation.

## V. DRAFT Recommended GSA Governance Guiding Principles

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**The purpose of GSA principles** is to assist GSA member agencies and other stakeholders to engage in a transparent and effective discussion regarding expectations for GSA operations and coordination within the basin.

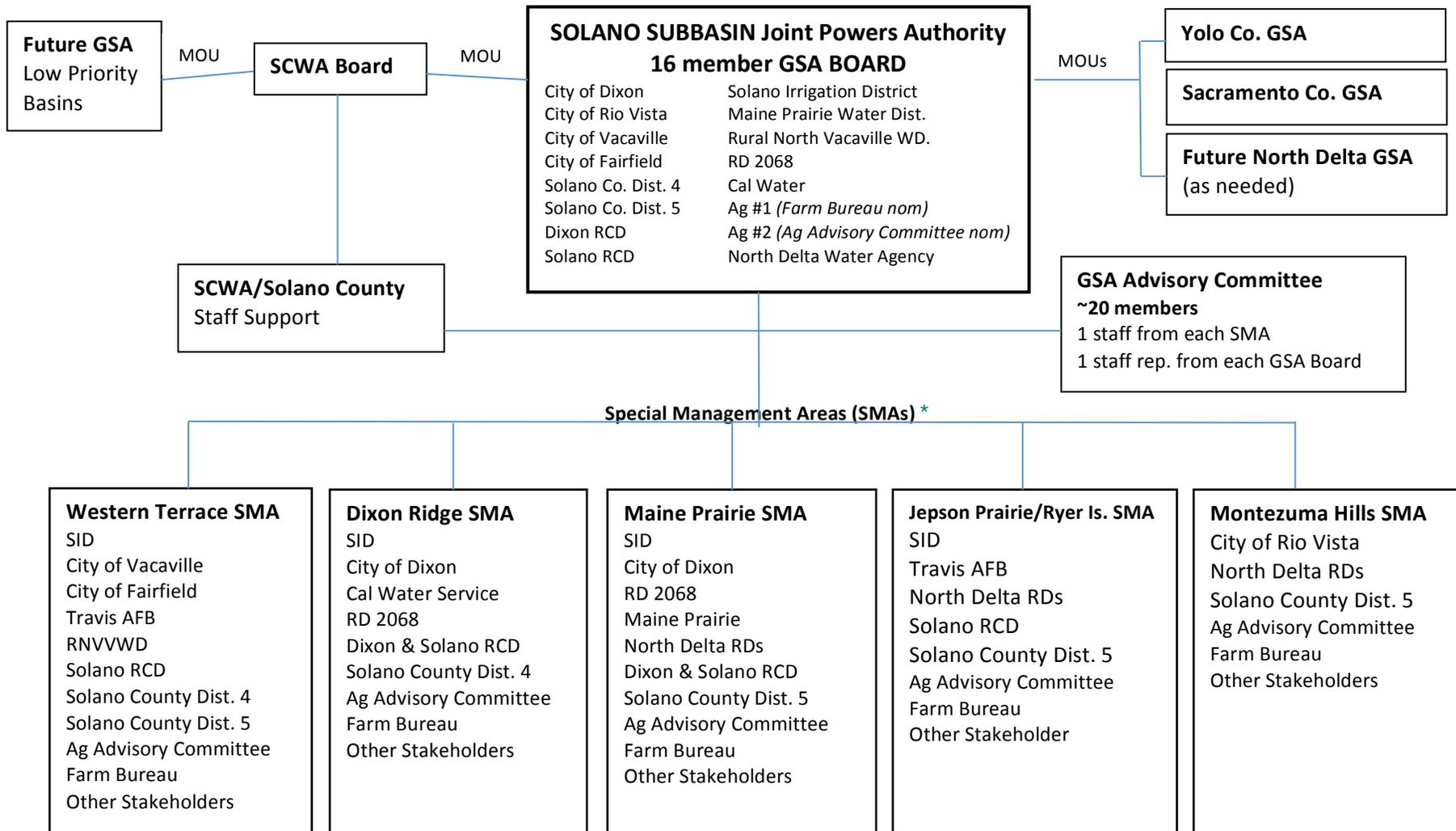
The following principles for the Solano Subbasin are based on GSA Advisory Group discussions to date, the principles represented in the GSAG charter, the principles developed at the Solano County Ag Summit, and examples from other Subbasins. There is broad agreement in the GSA Staff Advisory Group on the value of the core concepts underlying each principle for the GSA Board's JPA development, GSP development, and ongoing GSA governance. However, the principles are presented here in **draft** form as the GSAG members continue to refine wording in a few areas, most notably for #13.

### GSA Governance Guiding Principles

1. Seven cardinal principles guide the formation of our GSA:
  - Compliance with the requirements of SGMA and subsequent law and regulations
  - Protection of groundwater resources in the Subbasin
  - Protection of existing reasonable and beneficial water uses
  - Protection of existing legal rights to groundwater
  - Assurance of full and fair representation of all groundwater stakeholders in the GSA
  - Respecting the value of local management of the distinct water regions in the County
  - Respecting existing riparian and permitted surface water rights of landowners and agencies, and existing water purchase agreements
2. We recognize that SGMA specifically does not change rights to water (including the rights of surface water users to groundwater recharge that results from the application of surface water) and we are committed to both protecting rights and reasonable and beneficial current water uses in the implementation of SGMA.
3. Every property owner in the Subbasin has access to the sustainable yield [as defined in SGMA and by the GSP] of the groundwater aquifer beneath their property, subject to the Groundwater Sustainability Plan.
4. Our approach is explicitly collaborative. We believe the best results for the GSA will come when we engage all stakeholders in an effective process that finds solutions that respect the various interests in our community.
5. Technical knowledge and resources will be critical to the success of the GSA. We agree to open and transparent sharing of data and knowledge between GSA partners and stakeholders.
6. Fact-based decision-making is central to our efforts.
7. We agree to address issues identified in the Subbasin starting with voluntary measures and only when those are documented to be insufficient to achieve sustainability, move on to the other powers granted to the GSA under SGMA and its subsequent laws and regulations.

8. Local management where possible will lead to the best outcomes, and therefore we agree to create and support a GSA with multiple management areas to enable those who are closest geographically to unique hydrological areas of the Solano Subbasin to be directly involved in groundwater management.
9. We recognize that SGMA is just one of many efforts to better manage water resources in the Subbasin and we intend to find the potential synergies between all these efforts to both reduce costs and maximize benefits to maximize knowledge and opportunities.
10. Cost for the operation of the GSA, the development of the GSP, and for implementation of groundwater management projects will be shared equitably between all the beneficiaries and stakeholders in the Subbasin.
11. We agree to maximize the groundwater recharge capacity of the Subbasin through the actions we promote within the GSA. Development of a GSP shall consider the merits and possible impacts of the sustainability of assigning credits for rechargers for their actions to improve groundwater resources both in quality and quantity.
12. We intend to consider the economic impacts of any GSA future actions and to minimize or mitigate adverse impacts where possible.
13. **Under Review:** It is acknowledged that groundwater recharge by some property owners or agencies may be able to locally remediate aquifer depletion in a subarea, much like groundwater recharge on a property or agency boundary where groundwater extraction is not occurring may cause "groundwater mounding". Therefore, should it be necessary for the GSA to impose groundwater extraction restrictions in a subarea of the Subbasin to remediate [or prevent(?)] undesirable results, those restrictions will recognize the groundwater surcharge made available by and accruing to the benefit of the recharging entity. The remaining groundwater will be proportionately applied to all lands within the subarea.

Appendix A: Detailed GSA Governance Structure Proposal



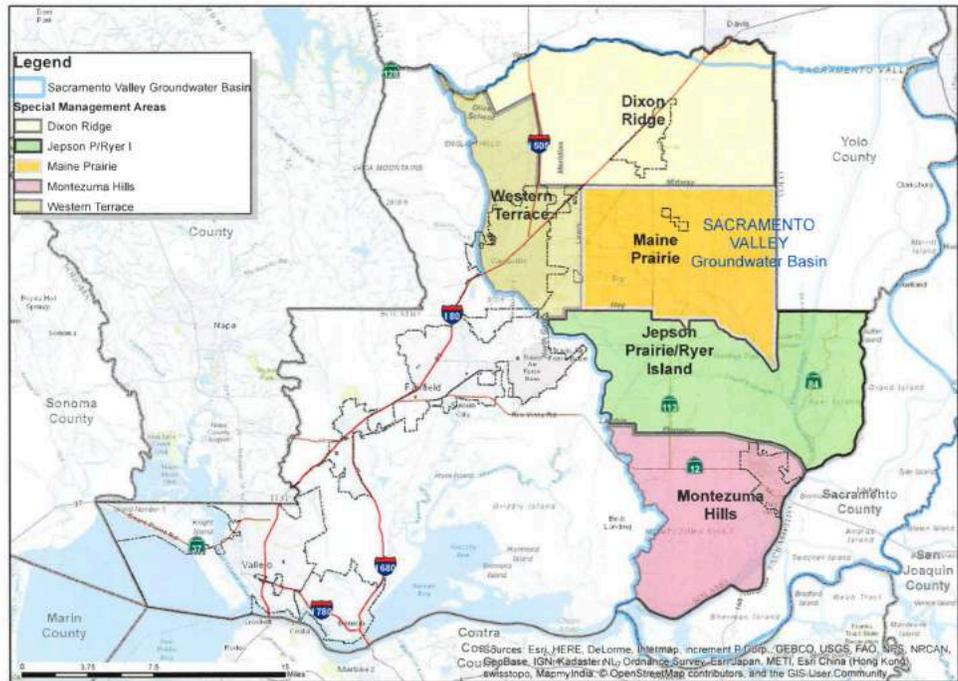
\* This diagram assumes a Five SMA model. See Appendix B for other options. The group discussed pros and cons for a five, four, and three SMA model, and agreed that further information about technical GSP plans would be needed to make the final decision on details of this aspect of the GSA structure.



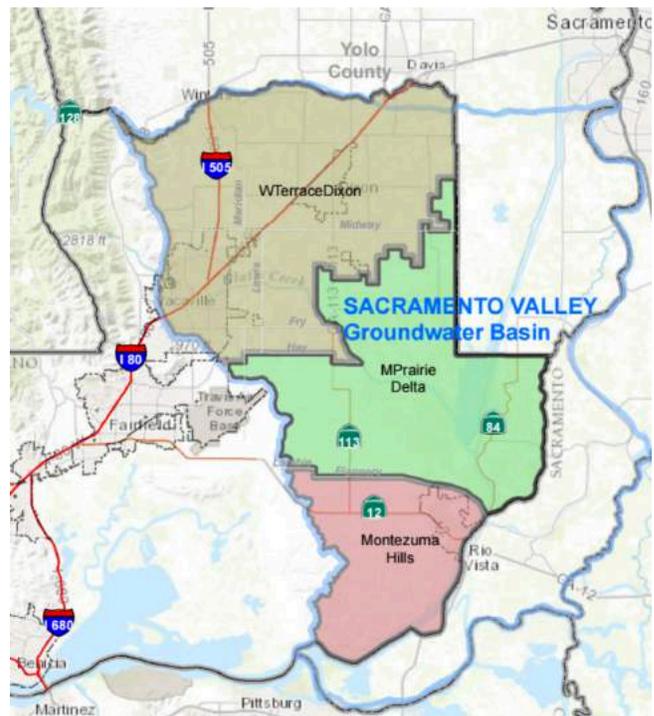
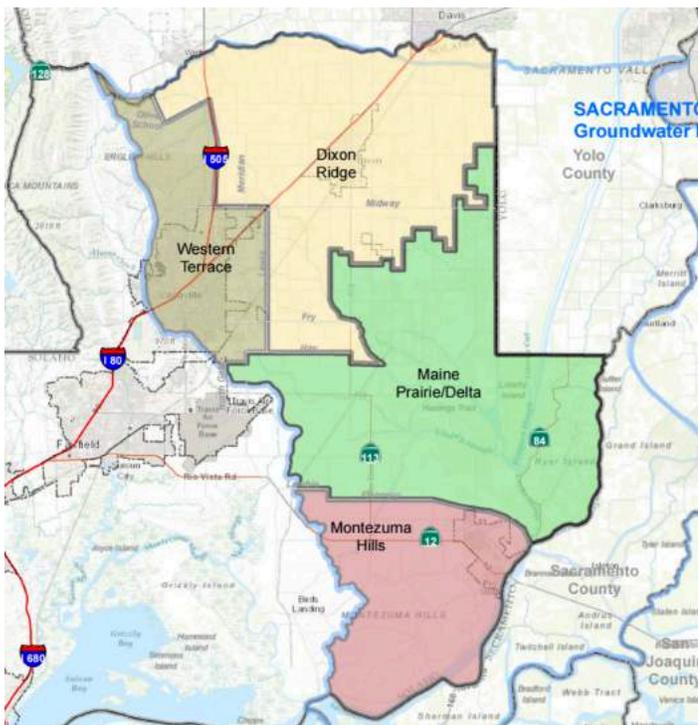
The five SMA model (right) is based on the ag areas in the [General Plan](#). It is also similar to the five recharge regions captured by a [UC Davis study on recharge](#).

The four SMA model (below left) is based on the different hydrologic regions in the Subbasin.

The three SMA model (below, right) is a simpler option that is also based on the different hydrologic regions in the Subbasin. The model was suggested for individuals who are wary about the financial costs and perhaps unnecessary complexity of having 4 or 5 SMAs.



Further technical information about GSP plans is likely needed to choose the appropriate boundary structure.



## Appendix C: Comparing MOA and JPA Legal Structures for the GSA



Agreement	Overview	Benefits	Potential Drawbacks
<p><b>Memorandum of Agreement</b></p> <p><i>Contract between parties</i></p>	<ul style="list-style-type: none"> <li>• Governed by state contract / common law</li> <li>• Structure, content and purpose vary from non-binding to comprehensive agreements committing parties to specific actions and funding obligations</li> <li>• Does not generally create separate entities</li> <li>• <b>Generally used for less formal or complex governance arrangements</b></li> </ul>	<p><u>JPA/MOA that is not a new authority</u></p> <ul style="list-style-type: none"> <li>• Could provide less formal and simpler way for agencies to coordinate SGMA compliance</li> <li>• Member agencies can retain some control through advisory board and budget</li> </ul>	<p><u>JPA/MOA that is not a new authority</u></p> <ul style="list-style-type: none"> <li>• SGMA compliance could require a complex series of MOAs, so agencies would need to clearly describe how they will share new SMGA authorities without creating an entity to acts as the GSA</li> <li>• Harder to ensure durable representation of non-public entities and stakeholders</li> <li>• May be difficult to agree on lead agency to assume primary management role (local agencies may need to cede some control to lead agency)</li> <li>• Legal uncertainty / potential for confusion: <i>SGMA lists an MOA as a GSA formation option. However, MOAs are not generally used to create separate legal entities and statutory language suggests that the GSA should be a clear legal entity</i></li> </ul>
<p><b>Joint Powers Agreement</b></p> <p><i>Legal agreement between public agencies to jointly exercise powers common to each of them to accomplish shared goals</i></p>	<ul style="list-style-type: none"> <li>• May or may not create a separate legal entity</li> <li>• When a JPA does not create a separate legal entity, the JPA works as an operating agreement, or framework for parties to manage a program or project. The agreement: <ul style="list-style-type: none"> <li>• Designates one agency or person to administer the terms of the agreement</li> <li>• Sometimes creates advisory board</li> <li>• Designates a person to perform certain management functions</li> </ul> </li> </ul>	<p><u>JPA/MOA that is not a new authority</u></p> <ul style="list-style-type: none"> <li>• Easier to dissolve if unsatisfactory</li> <li>• May not require Brown Act compliance<sup>1</sup></li> <li>• Could be used to coordinate among multiple GSAs</li> </ul>	<p><u>JPA/MOA that is not a new authority</u></p> <ul style="list-style-type: none"> <li>• Legal uncertainty / potential for confusion: <i>SGMA lists an MOA as a GSA formation option. However, MOAs are not generally used to create separate legal entities and statutory language suggests that the GSA should be a clear legal entity</i></li> </ul>
<p><b>Joint Powers Authority/Agency</b></p> <p><i>Separate legal entity created by a JPA, authorized through the Agreement to conduct business</i></p>	<ul style="list-style-type: none"> <li>• Members must file Notice of Joint Powers Agreement with Secretary of State</li> <li>• Does not require LAFCO approval</li> <li>• Usually creates a governing board and advisory committee</li> <li>• Designates a person to perform certain management functions</li> <li>• Designates a treasurer (may be someone from a member agency)</li> <li>• Must appoint auditor and arrange for an annual audit</li> </ul>	<p><u>JPA, separate legal entity</u></p> <ul style="list-style-type: none"> <li>• Flexible means to build a new regional agency/board to fit local circumstances</li> <li>• Member agencies can retain control through governing board and budget</li> <li>• Can delegate voting power to non-local agency entities/stakeholders<sup>2</sup></li> <li>• Can allow for associate member participation without conferring voting power</li> <li>• Can issue revenue bonds without voter approval</li> <li>• Generally protects member agencies from a JPA's debts or other liabilities</li> </ul>	<p><u>JPA, separate legal entity</u></p> <ul style="list-style-type: none"> <li>• Local agency parties would cede some control to the authority</li> <li>• Some parties may be concerned about limited voting rights on board</li> <li>• Additional "layer" of government: <ul style="list-style-type: none"> <li>• Administration costs</li> <li>• New government agency controlling groundwater</li> <li>• Visibility and accountability</li> </ul> </li> <li>• Could be difficult to keep together due to changes in local public support, new political leaders, or financial pressures</li> </ul>

<sup>1</sup> However, Brown Act compliance is probably required if MOA creates a governing board that acts like a separate entity.

<sup>2</sup> During the August GSAG meeting, an initial conversation regarding JPA or MOA formation indicated a preference for a JPA that creates a separate legal entity. Without creating a separate legal entity, non-agency individuals and entities will be unable to be ensured a durable voting role on the GSA Board.

## Appendix D: Learning from Other Subbasins: Sample GSA Structure & Decision-Making Models



GSA Name	# of Board Members	Committees	Voting and Decision-Making
<p><a href="#">Mid-Kaweah Groundwater Subbasin GSA</a></p> <p><i>Final JPA</i></p>	<p>-6 Board Members (2 from the Tulare Irrigation District, who are considered Principal Directors)</p> <p>-1 Alternate Director who may participate when a Principal Director is absent</p> <p>-Additional members are allowed to join only by unanimous vote by existing members</p>	<p>-Advisory Committee established for the purpose of soliciting information from the other Kaweah Agencies and stakeholders utilizing groundwater; membership is at the discretion of the Board</p> <p>-Management Committee established to oversee all activities undertaken in pursuit of the goals and objectives of the GSA, and is responsible for the approval of expenditures, and may establish a Technical Advisory Subcommittee for the purpose of assisting with technical aspects of GSP development and Act implementation</p> <p>-Management Committee is comprised of one staff person from each of the Members</p>	<p>-50% of the BOD plus one constitutes a quorum in order to conduct business</p> <p>-Simple majority of the quorum shall be required for the adoption of a resolution, ordinance, contract authorization or other action of the Board</p> <p>-Several actions require unanimous vote, including: adoption of budget modifications, imposition of fees, approval of a GSP and others</p>
<p><a href="#">Santa Cruz Mid-County GSA</a></p> <p><i>Final JPA</i></p>	<p>-11 Board Members (2 members each from the two Water Districts, City and County by their respective resolutions, and 3 representatives of private well owners, nominated and then appointed by majority vote of the eight public agency Member Directors)</p> <p>-Each agency Member may have an Alternate to act as a substitute, and the private well owners share an Alternate Director</p>	<p>-The BOD may appoint one or more advisory committees or establish standing or ad hoc committees to assist in carrying out the objectives of the GSA</p> <p>-The BOD shall determine the purpose, need and necessary qualifications for individuals appointed to these committees</p> <p>-Each committee shall include a Director as the chair thereof</p> <p>-Other members of committees may be constituted by such individuals approved by the BOD, and no committee shall have any authority to act on behalf of the GSA</p>	<p>-A quorum consists of a majority of Directors, plus one Director</p> <p>-Each Director is allotted 1 vote</p> <p>-Affirmative decisions require a simple majority</p> <p>-Unanimous votes are required for capital expenditure of \$100,000+, annual budget, GSP adoption and amendment, levying of assessments or fees, issuance of indebtedness, and any stipulation to resolve litigation concerning groundwater rights</p>
<p><a href="#">North Kings GSA</a></p> <p><i>DRAFT JPA</i></p>	<p>-7 Board Members, each with an Alternate</p> <p>-1 of the seats is a rotating seat shared by 3 water districts</p> <p>-1 seat is an at-large seat, appointed by a vote of the other BOD Members</p>	<p>-The BOD may establish standing committees and ad hoc committees as it deems necessary, and the BOD shall establish membership of those committees</p>	<p>-Unanimous vote required for adoption or amendments to the GSP, fee assessments, and amendments to the JPA</p> <p>-Five affirmative votes required for other actions including incurring debts and liabilities, adoption or revisions to policies of the Authority, GSA enforcement, budget allocation and member removal from the GSA</p>
<p><a href="#">Eastern San Joaquin GSA</a></p>	<p>- Process is still in the works, but as of August 2016, board has 23</p>	<p><i>Their JPA does not mention advisory committees</i></p>	<p>-1 vote per member, and voting is not weighted based on the member's size or groundwater extraction</p>

<p><i>Final JPA</i></p> <p>(See also: <a href="#">Policy Narrative Brief</a>)</p>	<p>member agencies consisting of cities, county, and water districts</p> <p>- Note this JPA was developed by an attorney committee, not the staff representative group</p>		<p>-Majority will constitute a quorum, and business is conducted with a majority vote</p> <p>-Supermajority vote will be required for certain actions, including budget approval, levying taxes, expenditure of funds, establishment of members' percentage obligations for payment, and GSP approval</p>
<p><a href="#">Indian Wells Valley GSA</a></p> <p><i>DRAFT JPA</i></p> <p>*Meetings are public</p>	<p>-5 General Members (1 vote each)</p> <p>-2 Associate Members (Non-voting)</p>	<p>-Advisory Committee established to provide recommendations on various activities of the Authority</p> <p>-Advisory Committee formed to ensure the meaningful participation of gw users in the basin in the development of the GSP</p>	<p>-General Members each have one voting Director seat on the Board</p> <p>-Board business requires a majority vote of the Directors and the concurrence of no less than two of the Directors from three local areas</p> <p>-Adoption of GSP will require super majority vote</p>

**Notes on how others are addressing Special Management Areas:**

- Of the above GSAs, only Eastern San Joaquin included information about Special Management Areas: “Management Area shall mean the area within the boundaries of a Member or group of Members to be managed by that Member or group of Members under any GSP adopted by the Authority”
  - Powers Reserved to Members: Approve the portion, section or chapter of the GSP adopted by the Authority as applicable within the Member’s boundaries or the Management Area managed in whole or in part by such Member or GSA of which it is a part;
  - Special Projects: Fewer than all of the Members may enter into a special project agreement to achieve any of the purposes of activities authorized by this JPA, and to share in the expenses of such special project, for example, to share in funding infrastructure improvements within the boundaries of only those Members and their Management Areas.

**Notes on how others are addressing funding:**

- Santa Cruz includes a section on Agency Funding and Contributions which states the Board will maintain a funding account, and may also issue assessments for contributions by the Members in the amount and frequency determined necessary by the Board.
- North Kings GSA estimates initial costs to be between \$100,000-\$200,000 over a three year period and will fund the development of the GSP and the initial start-up costs of the JPA. There will be a financial cost commitment to be a member with voting rights on the JPA.
- Eastern San Joaquin states upon execution of this Agreement, each Member shall contribute \$5,000 as an initial contribution.

**Notes on how others are addressing the question of agencies withdrawing from the Authority:**

- Mid-Kaweah: “Should a Member choose to withdraw from the Authority in accordance with the terms of this Agreement, that Member expressly retains the right to serve as the GSA for the groundwater basin underlying its jurisdictional boundaries.” This same JPA also states that member agencies are responsible within their own jurisdictions for the implementation of the GSP.
- North Kings: “Any member may withdraw from the GSA by giving sixty (60) days written notice of its election to do so. Withdrawing cannot impair any standing contracts, resolutions, or other obligations of the GSA currently in effect. If there is a disagreement about whether withdrawal with cause impairment, the BOD takes a majority vote.”...”Should a member choose to withdraw from the GSA, that member expressly retains the right to serve as the GSA for the portion of the groundwater basin underlying its jurisdictional boundaries to the extent permitted by SGMA.” Members remain responsible for their portion of adopted fiscal year budget.
- Indian Wells: Similar to North Kings, this JPA requires a 45 day written notice period and fulfillment of financial obligations. It does not include information about withdrawing members’ impact on GSA operations, or about members’ ability to maintain their authority over their jurisdiction or creation of a separate GSA.