

SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY

944 Whitley Avenue, Suite E, Corcoran, CA 93212

559-762-7240 www.swkgsa.org

AGENDA

REGULAR MEETING OF THE BOARD OF DIRECTORS

August 6, 2021

1:00 pm

**944 Whitley Avenue, 2nd Floor Boardroom
Corcoran, CA 93212**

Per Executive Order N-29-20, which allows local and state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, this Southwest Kings GSA Board of Directors meeting will be accessible via Zoom and dial in at:

Join Zoom Meeting

<https://us02web.zoom.us/j/89383568814?pwd=NHFxb0hkRVNDTUovWTI5cC96anREQT09>

Meeting ID: 893 8356 8814

Passcode: 403863

Dial in: +1 669 900 9128 US

The public may participate in the meeting as otherwise permitted under the Brown Act by calling into the telephone number above. Any member of the public may address the SWKGSA Board of Directors concerning any item on the agenda before or during its consideration of that matter, as appropriate.

CALL TO ORDER 1:00 pm

ROLL CALL Steve Jackson, Chair
Mark Grewal
Kimberly Brown
Bernard Puget
Jim Wilson

PUBLIC COMMENT

The Board of Directors welcomes participation in Board meetings. The public may address matters under the jurisdiction of the Board that have not been posted in the Agenda. However, California Law prohibits the Board from taking action on any matter that is not on the posted Agenda unless the Board determines that it is an emergency or one of the other situations specified in Government Code section 54954.2. The public will be given the opportunity to address the Board on any item on the Agenda at this time or before the Board's consideration of that item. If members of the public desire to address the Board relative to a particular Agenda item at the time it is to be considered, they should so notify the Chairman of the Board at this time. The Chairman may limit the total amount of time allocated for public testimony on particular issues for each individual speaker.

POTENTIAL CONFLICTS OF INTERESTS

(Any Board member who has a potential conflict of interest may now identify the item and recuse himself from discussing and voting on the matter.) [FPPC § 87105.]

CONSENT CALENDAR

1. Minutes of the Regular Board Meeting held on June 4, 2021.
2. Warrants and Finances (05/15/2021 – 07/29/2021).
3. Treasurer's Report.

ACTION CALENDAR

4. Review and consider for adoption **2022 Budget for Southwest Kings GSA.**
 - a. Report by Executive Director
 - b. Discussion
 - c. Public Comments / Questions
 - d. If desired, motion to adopt the 2022 Budget
5. Consider for adoption Resolution 21-01 **A RESOLUTION OF THE SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY APPROVING THE LEVYING OF THE 2022 ASSESSMENTS.**
 - a. Report by Executive Director
 - b. Discussion
 - c. Public Comments / Questions
 - d. If desired, motion to adopt Resolution 21-01
6. Consider for adoption Resolution 21-02 **A RESOLUTION STATING THE POWERS OF A JOINT POWERS AUTHORITY TO FIX AND COLLECT CHARGES ON THE 2021-22 YEARS KINGS COUNTY TAX ROLL.**
 - a. Report by Executive Director
 - b. Discussion
 - c. Public Comments / Questions
 - d. If desired, motion to adopt Resolution 21-02

COMMUNICATIONS/DISCUSSION ITEMS

7. Director's Reports/Comments/Suggestions
8. Reports of General Interest
 - a. California Strategies Update – David Armanasco and Rusty Areias
 - b. Tulare Lake Subbasin Update – Amer Hussain
 - c. Legal Counsel Report – Jason Howard
 - d. Other updates, as appropriate

ADJOURNMENT

9. Adjourn to the next Regular Board Meeting, scheduled for Friday, October 1, 2021 at 1:00 pm, at 944 Whitley Avenue, Corcoran, or as otherwise directed by the Board.

❖ Items on the Agenda may be taken in any order.

- ❖ Action may be taken on any item listed on the Agenda.
- ❖ Writings relating to open session Agenda items that are distributed to members of the Board of Directors will be available for inspection at the Authority office, excluding writings that are not public records or are exempt from disclosure under the California Public Records Acts.

Americans with Disabilities Act of 1990: Under this act, a qualifying person may request that the Authority provide a disability-related modification or accommodation in order to participate in any public meeting of the Authority. Such assistance includes alternative formats for the agendas and agenda packets used for any public meetings of the Authority. Requests for assistance shall be made in person, via telephone, or in written form to the SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY Office at 944 Whitley Avenue, Suite E, Corcoran, CA 93212 (559) 762-7240. Requests must be received at least 48 hours prior to a scheduled public meeting.

**SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY
AGENCY
REGULAR BOARD MEETING
MINUTES
June 4, 2021**

The Board of Directors of the Southwest Kings Groundwater Sustainability Agency met in the second-floor conference room, 944 Whitley Avenue, Corcoran, California, on Friday, June 4, 2021, at the hour of 1:00 p.m. Per Executive Order N-29-20, the meeting was conducted via Zoom.

Chairman Jackson presided and Executive Director Jackson kept the minutes.

DIRECTORS PRESENT: Steve Jackson
Mark Grewal
Jim Wilson
Bernard Puget

DIRECTORS ABSENT: Kim Brown

OTHERS PRESENT: Deanna Jackson, Executive Director
Staci Wilkins, Executive Assistant
Jason Howard, McCormick Barstow
David Armanasco, California Strategies
Amer Hussain, Geosyntec
Riley Jones, Tulare Lake Compost
Zac Just
Kendrick (last name unavailable)

Chairman Jackson called the meeting to order at 1:01 p.m.

PUBLIC COMMENT

No public comment

POTENTIAL CONFLICT OF INTEREST

Chairman Jackson indicated that he would recuse himself during the voting on Item 7 due to a conflict of interest.

CONSENT CALENDAR

Upon the motion of Director Grewal and seconded by Director Puget, the Consent Calendar was unanimously approved. (4-0)

1. Minutes of the March 26, 2021, Regular Board Meeting

2. Warrants and Finances (3/17/2021 – 5/14/2021)
3. Treasurer's Report

ACTION CALENDAR

4. Consider for acceptance the resignation letter received for Pam Silkwood.

On the motion of Director Grewal and seconded by Director Puget, the Board voted to accept Ms. Silkwood's resignation. (4-0)
5. Consider for approval Agreement for Legal Services with McCormick Barstow to retain Jason Howard as General Counsel for Southwest Kings.

Executive Director Jackson introduced Mr. Howard and asked him to say a few words about himself.

On the motion of Director Grewal and seconded by Director Wilson, the Board voted to approve the Agreement for Legal Services. (4-0)
6. Consider for approval the Proposal for Engineering Support for Fiscal Year 2022, Tulare Lake Subbasin.

Amer Hussain presented the proposal for the Tulare Lake Subbasin support that was to be offered during 2022. All of the managers within the Subbasin were being asked to approve the proposal for their allotted share of the total cost of \$53,000. Geosyntec will also be the Point of Contact for the Subbasin.

On the motion of Director Puget and seconded by Director Wilson, the Board voted to approve the proposal for engineering support for 2022. (4-0)
7. Consider for approval moving financial accounts from Bank of America to Suncrest Bank.

Executive Director Jackson explained that Bank of America has been charging an excessive amount of fees for the agency's checking account. Suncrest Bank is willing to offer a no-fee account with a machine that can be maintained onsite for check deposits. The LAIF account will not be affected by changing the checking account to a different institution.

On the motion of Director Grewal and seconded by Director Wilson, the Board voted to direct staff to begin the process of establishing a new checking account with Suncrest Bank. (3-0-1)

COMMUNICATIONS/DISCUSSION ITEMS

8. **Director's Reports/Comments/Suggestion**

Director Grewal noted that he had taken members of Geosyntec throughout the area to give them better understanding of Tulare Basin's conveyance systems.

9. **Reports of General Interest**

a) Tulare Lake Subbasin Update – Deanna Jackson/Amer Hussain

The Annual Report was submitted on April 1 for the entire Subbasin. It was noted that there was a change in storage of 35,000 AF. Amer noted that it is their goal to provide maps and reports to Boards throughout the year so they can see what’s going on more often than once a year.

The DWR has just released the first set GSP comments for a few GSAs along the coast. We will hope to receive comments on our plan in the next few months.

The Governor’s Budget shows \$300 million being made available for SGMA implementation (projects) and \$500 million for land repurposing. We will want to make sure that we have projects and policies in place to take advantage of these funds.

ACWA will be advocating for new conveyance and IRWM funds.

b) California Strategies – David Armanasco

GSP letters will be going out over the next few days for some of the plans submitted.

c) Other updates, as appropriate

None

ADJOURNMENT

12. There being no further business to come before the Board on the occasion of June 4, 2021, meeting, Chairman Jackson adjourned the meeting at 1:26 pm until the next Regular Meeting on August 6, 2021; at 944 Whitley Avenue, Corcoran, or as otherwise directed by the Board.

Attest:

Mark Grewal, Vice-Chairman

Steve Jackson, Chairman

Southwest Kings Groundwater Sustainability Agency

Check Detail May 15 - July 29, 2021

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	CLR	AMOUNT
101 Checking						
05/17/2021	Check	SVCCHRG		Account Analysis Fee - April Account Analysis Fee - April	R	-33.82 33.82
06/17/2021	Check	SVCCHRG		Account Analysis Fee - May Account Analysis Fee - May	R	-37.42 37.42
Bill.com Money Out Clearing						
06/02/2021	Bill Payment (Check)		Tri County Water Authority	Inv #532-- bill.com Check Number: 53746263		-7,000.00 -7,000.00
06/02/2021	Bill Payment (Check)		California Strategies and Advocacy, LLC	Inv #521105		-3,600.00 -3,600.00
06/02/2021	Bill Payment (Check)		Geosyntec Consultants, Inc.	Inv #32434992-- bill.com Check Number: 53773788		-945.93 -945.93
06/17/2021	Bill Payment (Check)		Cuttone & Mastro	Inv #4399-- bill.com Check Number: 54211603		-210.00 -210.00
06/17/2021	Bill Payment (Check)		Tri County Water Authority	Inv #547-- bill.com Check Number: 54212670		-7,000.00 -7,000.00
07/02/2021	Bill Payment (Check)		California Strategies and Advocacy, LLC	Inv #621104		-3,600.00 -3,600.00
07/02/2021	Bill Payment (Check)		Geosyntec Consultants, Inc.	Inv #32438250-- bill.com Check Number: 54632586		-1,274.11 -1,274.11
07/02/2021	Bill Payment (Check)		Tri County Water Authority	Inv #548-- bill.com Check Number: 54632553		-7,000.00 -7,000.00

Note
No assurance is provided on these financial statements.

Southwest Kings Groundwater Sustainability Agency

Budget vs. Actuals: FY_2021 - FY21 P&L

January - June, 2021

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
401 Benefit Assessment	180,372.76	182,362.00	-1,989.24	98.91 %
Total Income	\$180,372.76	\$182,362.00	\$ -1,989.24	98.91 %
GROSS PROFIT	\$180,372.76	\$182,362.00	\$ -1,989.24	98.91 %
Expenses				
502 Accounting	2,045.00	7,750.00	-5,705.00	26.39 %
503 Legal	522.50	18,000.00	-17,477.50	2.90 %
505 Insurance	865.00	3,000.00	-2,135.00	28.83 %
506 Website	504.06	2,000.00	-1,495.94	25.20 %
507 Audit		5,000.00	-5,000.00	
520 GSP				
520-1 Budget Overrun		25,000.00	-25,000.00	
520-2 Annual Report	2,342.05	15,000.00	-12,657.95	15.61 %
520-3 Monitoring/DMS	5,814.17	20,000.00	-14,185.83	29.07 %
520-4 Grant Applications/Admin		15,000.00	-15,000.00	
Total 520 GSP	8,156.22	75,000.00	-66,843.78	10.87 %
530 Dues	506.48		506.48	
540 Contingency		36,000.00	-36,000.00	
580 Outside Services				
580.1 Consulting	22,225.21	43,200.00	-20,974.79	51.45 %
580.3 Management Fees	35,000.00	84,000.00	-49,000.00	41.67 %
Total 580 Outside Services	57,225.21	127,200.00	-69,974.79	44.99 %
590 Other	688.83		688.83	
Total Expenses	\$70,513.30	\$273,950.00	\$ -203,436.70	25.74 %
NET OPERATING INCOME	\$109,859.46	\$ -91,588.00	\$201,447.46	-119.95 %
Other Income				
490 Interest	721.30	4,000.00	-3,278.70	18.03 %
495 Miscellaneous	58,920.12		58,920.12	
Total Other Income	\$59,641.42	\$4,000.00	\$55,641.42	1,491.04 %
NET OTHER INCOME	\$59,641.42	\$4,000.00	\$55,641.42	1,491.04 %
NET INCOME	\$169,500.88	\$ -87,588.00	\$257,088.88	-193.52 %

Note

No assurance is provided on these financial statements.

Southwest Kings Groundwater Sustainability Agency

Statement of Net Assets - Board Report

As of June 30, 2021

	TOTAL		
	AS OF JUN 30, 2021	AS OF JUN 30, 2020 (PY)	CHANGE
ASSETS			
Current Assets			
Bank Accounts			
101 Checking	202,529.15	47,023.86	155,505.29
102 LAIF	300,775.58	372,812.07	-72,036.49
Total Bank Accounts	\$503,304.73	\$419,835.93	\$83,468.80
Accounts Receivable			
Accounts Receivable	3,664.21	4,018.73	-354.52
Total Accounts Receivable	\$3,664.21	\$4,018.73	\$ -354.52
Total Current Assets	\$506,968.94	\$423,854.66	\$83,114.28
TOTAL ASSETS	\$506,968.94	\$423,854.66	\$83,114.28
LIABILITIES AND EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
Accounts Payable	4,874.11	3,785.00	1,089.11
Total Accounts Payable	\$4,874.11	\$3,785.00	\$1,089.11
Total Current Liabilities	\$4,874.11	\$3,785.00	\$1,089.11
Total Liabilities	\$4,874.11	\$3,785.00	\$1,089.11
Equity			
Retained Earnings	332,593.95	481,490.56	-148,896.61
Net Income	169,500.88	-61,420.90	230,921.78
Total Equity	\$502,094.83	\$420,069.66	\$82,025.17
TOTAL LIABILITIES AND EQUITY	\$506,968.94	\$423,854.66	\$83,114.28

Note

No assurance is provided on these financial statements.

Accrual Basis

**Southwest Kings Groundwater Sustainability Agency
2022 DRAFT BUDGET**

PROJECTED

Description	2021	2022	PROJECTED												Total Actual/ Projected Charges	Total Over/ (Under) Budget	
	BUDGET	BUDGET	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22			
Management	84,000	84,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	84,000	-
Legal	18,000	25,000	2,075	2,075	2,075	2,075	2,075	2,075	2,075	2,075	2,075	2,075	2,075	2,175	2,175	25,000	-
Insurance	3,000	3,000		3,000												3,000	-
Website	2,000	2,500	210	210	210	210	210	210	210	210	210	210	200	200	2,500	-	
Accounting	7,750	7,750	645	645	645	645	645	645	645	645	645	645	645	655	7,750	-	
Audit	5,000	5,000						5,000								5,000	-
Dues / Blueprint		8,250				7,500								750	8,250	-	
Budget Overrun / DWR Comments	25,000	30,000	5,000	5,000	5,000	5,000	5,000	5,000							30,000	-	
Annual Report / TL Engineering	15,000	10,000	850	850	850	850	850	850	850	850	850	850	750	750	10,000	-	
Monitoring/Land IQ/Engineering	20,000	35,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	2,500	2,500	35,000	-	
Grant Applications/Admin	15,000	15,000	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	15,000	-	
Consultant	43,200	43,200	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	43,200	-	
Contingency	36,000	30,000	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	30,000	-	
Total Budget Expended	273,950	298,700	26,130	29,130	26,130	33,630	26,130	31,130	21,130	21,130	21,130	21,130	21,130	20,520	21,380	298,700	-
<i>Projected Income</i>																	
2021 Assessments (\$2.00)	182,362	135,280	75,280					60,000								135,280	-
Interest	4,000	3,000	1,000					1,000					1,000			3,000	-
Total Income	186,362	138,280	76,280					61,000					1,000			138,280	-
Cash on Hand	353,185	400,000	450,150	421,020	394,890	361,260	396,130	365,000	343,870	322,740	301,610	281,480	260,960	239,580			
Proposed 2022 Assessment Rate	\$ 1.50 /Acre																

SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 21-01

**RESOLUTION OF THE SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY
APPROVING THE LEVYING OF 2022 ASSESSMENTS**

WHEREAS, the Southwest Kings Groundwater Sustainability Agency (the “Agency”) is a joint powers authority, formed pursuant to the Joint Exercise of Powers Act (Gov. Code §§ 6500, *et seq.*); and

WHEREAS, pursuant to the Sustainable Groundwater Management Act (“SGMA”), the Agency is also an exclusive Groundwater Sustainability Agency (“GSA”) in the portion of the Tulare Lake Subbasin (Subbasin 5-022.12 of the San Joaquin Valley Basin as defined by California Department of Water Resources Bulletin 118) underlying the Agency’s boundaries; and

WHEREAS, pursuant to California Water Code Section 10730 provides that a GSA may levy fees or assessments and each member of the Agency has the authority to impose assessments in compliance with Proposition 218 as specified in Article XIID of the California Constitution; and

WHEREAS, on June 28, 2017, the Agency adopted an engineer’s report to explain the need for the imposition of a land-based assessments pursuant to Proposition 218 and authorized mailing ballots to the landowners; and

WHEREAS, on August 14, 2017, the Agency held a public hearing to receive public comment and calculate the ballots for the Proposition 218 election; and

WHEREAS, 95.7 percent of the landowners that returned their ballots voted in favor of levying the land-based assessments in an amount up to and including five dollars and no/100 (\$5.00) per acre per year for those parcels that are ten acres or more; and

WHEREAS, either the Agency or the County of Kings may collect the Agency’s assessments, but the Agency elected to have the County of Kings collect the 2022 assessments on its behalf.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY does hereby resolve, declare and order as follows:

1. The above Recitals are deemed true and correct and are incorporated herein by this reference.
2. The landowners within the Agency’s boundaries authorized the Board of Directors of the Agency to levy a land-based assessment in an amount not to exceed five dollars and no/100 (\$5.00) per acre per year.
3. The Board of Directors of the Agency hereby sets the 2022 land-based assessment rate at one dollar and fifty cents (\$1.50) per acre.
4. The Agency hereby elects to have the County of Kings collect the assessments on the Agency’s behalf for the 2021-2022 assessment year and authorizes the Agency’s consultants to work with the County of Kings to do so.

5. Agency consultants/staff are authorized and directed to complete the necessary documentation to levy the Agency's 2021-2022 assessment.

PASSED AND ADOPTED this 6th day of August, 2021, by the following vote to wit:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

**CERTIFICATE OF SECRETARY
OF
SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY,
a California joint powers agency**

I, Kimberly Brown, do hereby certify that I am the duly authorized and appointed Secretary of the Southwest Kings Groundwater Sustainability Agency, a California joint powers agency (the "Agency"); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the Board of Directors of the Agency on the 6th day of August, 2021; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 6th day of August, 2021.

Kimberly Brown, Secretary

SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION 21-02

**RESOLUTION STATING THE POWERS OF A JOINT POWERS AUTHORITY TO
FIX AND COLLECT CHARGES ON THE 2021-22 YEAR KINGS COUNTY TAX
ROLL**

WHEREAS, the Southwest Kings Groundwater Sustainability Agency (“Agency”) is a joint powers authority formed pursuant to the Joint Exercise of Powers Act codified at California Government Code Sections 6500 *et seq.*; and

WHEREAS, the members of the Southwest Kings Groundwater Sustainability Agency include Dudley Ridge Water District, Tulare Lake Reclamation District No. 761, Kettleman City Community Services District, Tulare Lake Basin Water Storage District, and the County of Kings; and

WHEREAS, the Agency is located exclusively within Kings County; and

WHEREAS, the Agency may assess land in accordance the joint powers of the Agency’s members and through its powers as a Groundwater Sustainability Agency (“GSA”) under to the Sustainable Groundwater Management Act (“SGMA”); and

WHEREAS, pursuant to provisions of Proposition 218, as reflected in Article XIII D of the California Constitution, California Water Code Section 10730, and Sections 53750 through 53756 of the California Government Code, the Agency may, in lieu in whole or in part of levying assessments, fix and collect charges for services furnished by the Agency, including anyand all the following:

- (a) Administrative costs for management, legal, and consultant costs to manage and maintain the Agency in compliance with State laws and regulations;
- (b) Costs to comply with the SGMA, including but not limited to developing a Groundwater Sustainability Plan (“GSP”) independently or in conjunction with other GSAs; and
- (c) Costs to comply with SGMA in monitoring and reporting on the implementation of the GSP to the State through at least 2040.

WHEREAS, due to the cost of collection, the Southwest Kings Groundwater Sustainability Agency Board of Directors does hereby request the County of Kings, without regard to property valuation, to levy these assessments and place them on the 2021-22 Year Kings County Tax Roll.

NOW, THEREFORE, BE IT RESOLVED that the:

1. Southwest Kings Groundwater Sustainability Agency will not pursue collection of delinquencies; and
2. Southwest Kings Groundwater Sustainability Agency Collector will secure and file all necessary documents to support assessments and charges added to the Kings County Tax Roll pursuant to this Resolution.

NOW, THEREFORE, MAY IT FURTHER BE RESOLVED, that the Board of Directors approved and adopted the foregoing at an official meeting held on Friday, August 6, 2021.

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

**CERTIFICATE OF SECRETARY
OF
SOUTHWEST KINGS GROUNDWATER SUSTAINABILITY AGENCY,
a California joint powers agency**

I, Kimberly Brown , do hereby certify that I am the duly authorized and appointed Secretary of the Southwest Kings Groundwater Sustainability Agency, a California joint powers agency (the “Agency”); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the Board of Directors of the Agency on the 6th day of August, 2021; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 6th day of August, 2021.

Kimberly Brown, Secretary