

MINUTES OF THE SPECIAL MEETING OF THE FLORIN RESOURCE CONSERVATION DISTRICT BOARD OF DIRECTORS

Wednesday, June 8, 2016

The regular meeting of the Florin Resource Conservation District Board of Directors was called to order at 6:00 p.m. by Chuck Dawson, Chair, at 9257 Elk Grove Blvd, Elk Grove CA.

Call to Order, Roll Call, and Pledge of Allegiance.

Directors Present: Chuck Dawson, Elliot Mulberg, Tom Nelson, Jeanne Sabin
Directors Absent: Bob Gray
Staff Present: Mark J. Madison, General Manager; Stefani Phillips, Secretary;
Bruce Kamilos, Assistant General Manager
Associate Directors Present: Lisa Medina, Mike Schmitz
General Counsel Present: David Aladjem, Downey Brand LLP
Consultants Present: None

Public Comment

No comments were made.

1. Closed Session

- a. Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigations – Gov’t Code Section 54956.9(d)(2) (1 case).
- b. Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation – Gov’t Code Section 54956.9(d)(4) (1 case).

Nothing to report out of closed session.

2. Florin Resource Conservation District – Groundwater Sustainability Agency Filing

Mark Madison, General Manager, presented the Florin Resource Conservation District – Groundwater Sustainability Agency Filing to the Board.

Mr. Madison provided background on the Sustainable Groundwater Management Act (SGMA).

Tom Nelson, Vice-Chairman, provided additional background on SGMA and explained what the Florin Resource Conservation District (FRCD) wanted to see change through the Sacramento County Groundwater Authority (SCGA).

Mr. Nelson commented that the FRCD and others, this morning, were granted the option of designating the employee representative of choice. He then stated this will need to be approved by the governing agencies.

Mr. Madison stated that Carrie Schmitz with Sacramento County commented at the SCGA meeting that they would support independent agencies.

Mr. Madison recommended that the Board wait until the end of July to make a decision.

Elliot Mulberg, Director, inquired what the process of forming a GSA is. David Aladjem, General Counsel with Downey Brand LLP, responded and provided information on the process.

Mr. Nelson commented that he would like to spend time developing the Alternative Plan.

Mr. Mulberg commented that the SCGA would be a regulator and then inquired if any of the other RCD's have the power to become a GSA. Mr. Aladjem responded stating, "The way that SGMA works is, all the powers can be exercised by a local public agency. How the agency is defined is, one that manages water and conservation. An RCD has that kind of authority."

Public comments and inquiries include:

- Forrest Williams, Board Member with Sacramento County, commented, "The appropriate time for addressing changes to the JPA was during the GSP process and to do that currently would compromise more pressing issues that need to be addressed, for example the alternative plan." Mr. Williams then provided minutes of the last several meetings for the Board.
- Take your time and learn about the law and provide more public outreach
- Not the time to form a GSA
- What are the boundaries of the FRCD? Mr. Madison and Mr. Nelson showed a map of the boundaries the FRCD covers
- Discussion regarding how many agencies could form a GSA
- Sloughhouse RCD offered to partner with FRCD
- Concerned about a water war
- FRCD should be accountable to the landowner
- Transparency is important to have the support of landowners
- The general consensus from the public is the fear of how it will be governed

Mr. Mulberg asked for an explanation of police powers. Mr. Aladjem provided an explanation stating, "The state legislature can legislate any topic and when the state of California was formed the legislature delegated the power (a.k.a. police power) to political sub divisions of the state, the counties, and in most cases cities. There are a few things that cities and counties cannot legislate on. The main thing is that if the state legislature has already legislated on it they cannot develop a local ordinance that is inconsistent with the state law. The very broad police power is what SCGA has. The discussion that has been had amongst the lawyers is, is there a practical difference between having the police power and having the powers that would be vested in SCGA under SGMA once it has developed a GSP. There has been a disagreement on this particular issue but doesn't mean that the governance issues cannot be addressed. The question is about timing and what the goal of the FRCD is. Police power is a very broad authority and SGMA authority is more narrow and more focused on groundwater."

Mr. Nelson inquired at what point will the GSA's receive police powers. Mr. Aladjem responded stating after the GSP has been submitted.

Bruce Kamilos, Assistant General Manager, stated that there is a fear of a long term plan and people turn over within the City and County of Sacramento and believed this should be governed by an independent agency.

Mr. Aladjem commented that a GSA has to be a public agency, whether it is a local water district, city, county, or RCD. Members of the public do not get to vote to form a GSA.

Chuck Dawson, Chairman, stated he appreciated all public comments.

Mr. Mulberg thanked all the members of the public for coming out to the meeting.

Mr. Madison recommended that this matter be tabled to the regular board meeting on July 27, 2016.

MSC (Mulberg/Sabin) to bring this item back to the Regular Board Meeting on July 27, 2016, Ayes: Dawson, Mulberg, Nelson, Sabin

Adjourn to be determined.

Respectfully submitted,

Stefani Phillips

Stefani Phillips, Secretary

SP/CR