

**MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY  
BOARD OF DIRECTORS MEETING**

**MINUTES**

September 14, 2021 – 3:00 p.m.

This Committee Meeting was held via teleconference with no physical location due to the COVID-19 Pandemic and the Governors Executive Order N-29-20.

**MEMBERS PRESENT:** David Bixler, Steve Nelsen, Greg Collins, Dave Martin, Howard Stroman, Dennis Mederos

**MEMBERS ABSENT:** None

**GSA MEMBER STAFF PRESENT:** Aaron Fukuda, Kathi Artis, Trisha Whitfield, Valerie Kincaid, Leslie Caviglia, James Fisher

**PUBLIC ATTENDEES:** Geoff Vanden Heuvel, Andrew Hart, Rhett Anderson, Eric Osterling, Tim Leo, Derrick Williams, Matt Klinchuch, Mark Larsen, Stacie Ann Silva, Rob Hunt, Blake Wilbur, Tessa Hall, Johnny Gailey, Tim Mendonca, Ben Curti, Hylon Kaufmann

1. **CALL TO REGULAR ORDER**

Chair Martin called the meeting to order at 3:00 p.m.

2. **PUBLIC COMMENT**

Chair Martin called for comments from any members of the public present at the meeting. Fukuda introduced Bryant Platt, the new DWR Representative for the Kaweah Subbasin.

3. **GENERAL BUSINESS**

**a. Approval of Minutes of Regular Meeting on September 14, 2021\*.** By a motion of Director Nelson, seconded by Director Bixler and carried by all directors present the minutes of the August 10, 2021 Regular Meeting were approved

**b. Financial Reports\***

*i. Financial Statements – Year-to-Date* Ms. Artis presented the financial statements, and showed a negative equity. However, Artis emphasized the MKGSA has not employed a call for funds for several months. By a motion of Director Nelson, seconded by Director Bixler, and carried by all directors present, the financial statements as presented and were approved.

**c. Legal Counsel Report**

Ms. Kincaid provided the legal update. DWR is a couple weeks out from providing feedback and decisions on another round of GSPs. The SWRCB provided letters and feedback about 18 months after the comment period closed. The SWRCB focused largely on avoiding adversely affecting domestic supplies and emphasizing the responsibility of GSAs to also mitigate impaired water quality.

**d. MKGSA Advisory Committee Update** – The Advisory committee had 5 highlights from the September meeting:

- M&A MODFLOW model update for the Water Accounting Framework
- Interest in MKGSA & Sequoia River Lands Trust working together on the RCIS program, one method is a Memorandum of Understanding (MOU).
- MKGSA approved of the process and application for new Projects and Management Actions to be appended to the GSP for Board Consideration.
- Collected Committee Member feedback on aspects of the proposed water allocation guidelines.
- Self-Help Enterprises presented the domestic well mitigation program that the MKGSA may use as a blueprint for their mitigation program.

**e. MKGSA GSP Review Status**

**f. MKGSA GSP Implementation Workplan**

- i. *Consideration of MKGSA Request for Proposals – Groundwater Sustainability Plan: Projects and Management Actions and the MKGSA Projects and Management Actions List\** Mr. Fisher presented a workflow for the MKGSA to accept and approve new Projects and Management Actions (PMAs) to the MKGSA GSP on a rolling basis via the MKGSA website. Currently, the MKGSA can only append new PMAs every 5 years for the DWR 5-year GSP updates. The benefit of this proposed workflow is new ideas can be rapidly approved to the GSP and eligible for large grants requiring GSP status, as many recent DWR “request for proposals” have required. The process and application presented by Mr. Fisher were approved by Director Bixler and seconded by Director Mederos and approved unanimously by all directors present.
- ii. *Kaweah Subbasin Groundwater Pumping Cap* – Mr. Fukuda explained the MKGSA is working on an allocation process intended for an early 2022 implementation. Because the development of the Water Accounting Framework analysis is ongoing, the allocation will be based on allocating native yield and emergency ‘relief pumping’ to encourage conserving water while not creating financial hardships or creating a system for non-compliance. All 3 GSA’s are meeting weekly to develop a similar system.

Mr. Fukuda presented the general framework, but the MKGSA is still negotiating and testing values for this framework including: pumping cap values, maximum distances water can be transported, the durability of carry-over water from year-to-year, and how water will be measured (evapotranspiration vs pumped). Director Martin suggested distances should be consistent units, like miles, instead distance units that have drastic variability, such as parcels.

Relief pumping is proposed to be a two tier system. In both tiers, there will be a service charge (cost to monitor and measure water) to pump the water for both groundwater-dependent and surface water users. However, surface-water users will not be charged for Tier 1 or Tier 2 pumping.

- Tier 1 is the first half of the groundwater allocation (beyond native yield), which cannot be transferred to other land parcels. There is a cost per acre-ft for groundwater-dependent users.
- Tier 2 is the second half of the groundwater allocation (beyond the native yield). This can be transferred to other parcels and will be more expensive

per acre-ft for groundwater-dependent users.

This emergency system is not intended to be permanent. The implementation of the pumping cap is proposed to be evaluated annually.

The funds collected by the MKGSA will be used to implement projects and management actions listed in the GSP, purchase additional water for the GSA, may be redistributed to rate payers, and/or to fund the monitoring and outreach for groundwater. Mr. Fukuda proposed The Kaweah Subbasin Outreach Association as a solution to the mounting administrative and monitoring tasks that all three GSAs must employ.

Comments following Fukuda's presentation focused on discussing what happens when growers exceed Tier 2 pumping, expedient communication to growers that an allocation is likely to be implemented in 2022, and to err on the side of leniency for year 1 of the pumping cap because this was not anticipated until 2025.

**g. Kaweah Subbasin Coordination**

- i. *Kaweah Subbasin Management Committee*  
M&A provided an update on August 18<sup>th</sup>. The MODFLOW model is not based on the inventory method and is adaptable to estimate the effects of future management decisions. Currently the MODFLOW model matches the GSP water budget well, but there are outliers at the exceptionally deep and shallow water level observations that need to be resolved. Therefore, the MKGSA will continue to use the current GSP water budget for management decisions and will transition to the MODFLOW model once data residuals decrease.
- ii. *Prop 68 Planning Grant*  
We are behind schedule on video logging for the representative monitoring network. Work will begin soon.
- iii. *Prop 68 Implementation Grant*  
The MKGSA signed a \$3.8M grant contract with the Department of Water Resources. The kickoff meeting with DWR took place in August, some highlights included (1) all funds must be expended by March 2024 (2) post-construction monitoring must take place 3 years following construction and (3) DWR will perform post-grant evaluations to grade grant managers, which is a component of deciding future grant applications.
- iv. *Water Marketing Strategy Grant*  
Scheduling a public workshop to introduce existing water markets and collect and address concepts and concerns that the Kaweah Subbasin should consider for our Water Marketing Strategy.
- v. *Kaweah Water Foundation (CVSALTS)*  
No Updates.
- vi. *Kaweah Interbasin Coordination*  
Kaweah Subbasin is working with the Tule Subbasin to expand the subsidence and

groundwater modeling work Stanford is performing, providing a regional perspective on a key GSP issue.

4. STAFF UPDATE, DISCUSSION AND RECEIVE DIRECTION, IF NECESSARY, COVID-19

Meetings will continue the remote format while COVID-19 infections remain high in Tulare County.

5. BOARD/STAFF UPDATES, FUTURE AGENDA ITEMS OR OTHER TOPICS OF INTEREST

Chair Martin called for future agenda items or other topics for the board. Director Mederos announced that the City of Tulare city manager, Rob Hunt retired September 10<sup>th</sup>. Tulare just hired a new city manager, Marc Mondell.

6. CLOSED SESSION

a. **Gov't Code §54956.9 – Anticipated Litigation: One Case**

Upon returning to Open Session Director Martin indicated that there were no actions taken in Closed Session.

7. ADJOURNMENT:

Director Martin adjourned the meeting with the next regular meeting scheduled for October 12, 2021.

Attest: \_\_\_\_\_  
GSA Board Secretary

\_\_\_\_\_  
Board of Directors Chair

Mid-Kaweah GSA

Agenda Item Report

**October 12, 2021**

**Agenda Item Wording:** Fiscal – Financial Statements Year To Date

**Report Author:** Kathi Artis – Tulare ID

**Background Discussion:**

The GSA's financial policies require a financial overview and Profit & Loss Statement through the end of the previous month are to be provided to the Board of Directors at each Board meeting.

**Attachments:**

Balance Sheet as of September 30, 2021

Profit & Loss Statement for period July 1, 2021 through September 30, 2021

Transaction Detail by Account for checking and money market accounts for period September 1, 2021 through September 30, 2021

## Mid-Kaweah Groundwater Sustainability Agency

## Balance Sheet

10/04/21

As of September 30, 2021

Accrual Basis

	Sep 30, 21
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Checking	1,807.94
Money Market	121,446.61
Total Checking/Savings	123,254.55
Total Current Assets	123,254.55
<b>TOTAL ASSETS</b>	<b>123,254.55</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	193,798.04
Total Accounts Payable	193,798.04
Total Current Liabilities	193,798.04
Total Liabilities	193,798.04
Equity	
Retained Earnings	13,743.38
Net Income	-84,286.87
Total Equity	-70,543.49
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>123,254.55</b>

# Mid-Kaweah Groundwater Sustainability Agency

## Profit & Loss

July 1, 2021 through September 30, 2021

	<u>July 1, 2021 - September 30, 2021</u>	<u>2021-2022 Budget</u>	<u>Variance</u>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
Call For Funds	-	550,000.00	(550,000.00)
<b>Total Income</b>	-	550,000.00	(550,000.00)
<b>Expense</b>			
Net Reimbursements To/From Other GSAs	-	-	-
Audit Expense	-	6,000.00	(6,000.00)
<b>Consulting Fees</b>			
Montgomery & Associates	10,801.66		10,801.66
Provost & Pritchert	1,976.33		1,976.33
Stantec Consulting	-		-
Consulting Fees-GEI-Sub-Basin Coordination	67.34		67.34
<b>Total Consulting Fees</b>	<u>12,845.33</u>	<u>300,000.00</u>	<u>12,845.33</u>
Contributions - Water Blueprint of San Joaquin Valley	-	8,500.00	(8,500.00)
Engineering Expenses	-	-	-
Insurance	-	1,500.00	(1,500.00)
Legal	5,145.00	50,000.00	(44,855.00)
Membership Dues	-	6,000.00	(6,000.00)
Office Expense	92.74	1,500.00	(1,407.26)
TID Administrative Fees	66,249.99	265,000.00	(198,750.01)
Rent	-	-	-
<b>Total Expense</b>	<u>84,333.06</u>	<u>638,500.00</u>	<u>(254,166.94)</u>
<b>Net Ordinary Income/(Loss)</b>	<u>(84,333.06)</u>	<u>(88,500.00)</u>	<u>(295,833.06)</u>
<b>Other Income/Expense</b>			
<b>Other Income</b>			
Interest Income	46.19	125.00	(78.81)
<b>Total Other Income</b>	<u>46.19</u>	<u>125.00</u>	<u>(78.81)</u>
<b>Net Other Income</b>	<u>46.19</u>	<u>125.00</u>	<u>(78.81)</u>
<b>Net Income/(Loss)</b>	<u><u>(84,286.87)</u></u>	<u><u>(88,375.00)</u></u>	<u><u>(295,911.87)</u></u>

## Mid-Kaweah Groundwater Sustainability Agency Transactions by Account

As of September 30, 2021

Type	Date	Num	Name	Memo	Account	Receipts	Disbursements
<b>Checking</b>							
Check	09/14/2021	1260	O'Laughlin & Paris LLP	Professional Fees - August 2021	Legal		(2,835.00)
Check	09/14/2021	1261	Tulare Irrigation District	Management & Admin Services-September 2021	TID Adminstrative Fees		(22,083.33)
				QuickBooks Program	Office Expense		(75.00)
Check	09/14/2021	1262	Provost & Pritchard	Water Accounting Framework-April 2021 (1/3)	Consulting Fees		(638.67)
				Water Accounting Framework-May 2021 (1/3)	Consulting Fees		(2,732.67)
				Water Accounting Framework-July 2021 (1/3)	Consulting Fees		(1,624.33)
				Technical Support-July 2021	Consulting Fees		(352.00)
Transfer	09/14/2021			Funds Transfer	Money Market	30,000.00	
ACH	09/22/2021			Service Charge	Office Expense		(6.97)
<b>Total Checking</b>						<u>30,000.00</u>	<u>(30,347.97)</u>
<b>Money Market</b>							
Transfer	09/14/2021			Funds Transfer	Checking		(30,000.00)
Deposit	09/30/2021			Interest	Interest Income	11.05	
<b>Total Money Market</b>						<u>11.05</u>	<u>(30,000.00)</u>
						<u><b>30,011.05</b></u>	<u><b>(60,347.97)</b></u>
						<b>Net Cash</b>	<u><b>(30,336.92)</b></u>



Mid-Kaweah GSA  
Agenda Item Report

**October 5, 2021**

**Agenda Item 3.b.ii:** Call for Funds

**Report Author:** Aaron Fukuda, General Manager

**Staff Recommendation:**

It is recommended that the Board approve a call for funds in the amount of \$210,000.

**Background:**

The last Call for Funds in the amount of \$200,000 was in February 2021. During the last eight months, the MKGSA has now established an Administration Agreement with the Tulare Irrigation District, received a Proposition 68 Implementation Grant, completed an evaluation of the MKGSA Representative Monitoring Network, evaluated the Kaweah Subbasin MODFLOW Model, and started the development of a groundwater allocation and pumping cap emergency policy.

As the MKGSA moves towards the end of 2021, it is anticipated that the MKGSA will be moving several activities forward to continue implementing the MKGSA GSP. There are several expenses anticipated, some of which include, but are not limited to:

- A significant amount of work will be required to establish a groundwater allocation and pumping cap emergency policy and support from our consultants and legal counsel will be critical. Our consulting team and legal counsel will also be preparing to review and potentially respond to comments from the Department of Water Resources on the MKGSA GSP. MKGSA Staff is requesting funding in the amount of \$56,500 in consulting fees and legal counsel work.
- The MKGSA has completed an accounting of the work done to develop the Kaweah Subbasin Basin Setting and currently owes the Greater Kaweah GSA and East Kaweah GSA a total of \$194,000 in reimbursement for contributions advanced to MKGSA early in the process of developing GSPs.
- The MKGSA is currently operating under an Administration Agreement with the Tulare Irrigation District and the fees for the remainder of 2021 will be \$69,000.
- Miscellaneous other costs associated with the 2020 audit, ACWA fees, and insurance total \$13,500.

Looking at the anticipated expenditures from now until the end of 2021, it is anticipated that we expend approximately \$330,000. The MKGSA currently has roughly \$123,000 in cash; therefore, the net expenditures would be approximately \$210,000.

**Recommended Motion:**

I move to approve a call for funds in the total amount of \$210,000 to be collected in equal amounts from each of the Members.

## Mid-Kaweah GSA

### Agenda Item Report

**October 6, 2021**

**Agenda Item 3.f.i.1.:** Consider Montgomery & Associates Pumping Cap Evaluation Proposal

**Report Author:** Aaron Fukuda

**Staff Recommendation:**

It is recommended that the Board approve the Montgomery & Associates Pumping Cap Evaluation Proposal upon acceptable cost-sharing terms with the Greater Kaweah GSA.

**Background Discussion:**

At the September MKGSA Board of Directors meeting, a presentation was made regarding an MKGSA Groundwater Allocation and Pumping Cap Emergency Policy (Emergency Policy). The MKGSA Board received the proposal and directed MKGSA staff to continue with developing the Emergency Policy. During the discussion, MKGSA Staff reported that the limitation on groundwater pumping that was being considered ranged from 1.5 acre-feet per acre to 2.5 acre-feet per acre. In conversations with interested parties and growers, these numbers will likely impact local agricultural producers and the economy.

To ensure that MKGSA Staff is properly evaluating the groundwater pumping restrictions, a meeting was held with Montgomery and Associates (M&A), our consulting hydrogeologists, to help find a way to assess the benefits/impacts to our groundwater levels and storage if we limit the pumping to 1.5-2.5 acre-feet per acre. At the same time, the Greater Kaweah GSA (GKGSA) was developing a similar groundwater pumping limitation program and wanted to know what impact their limitations may have on their users.

M&A internally discussed how they could assist the MKGSA and GKGSA. What they developed was the attached Pumping Cap Evaluation Proposal. M&A proposes to use the existing MODFLOW model and a custom computer script that will revise the well and recharge package in the model to reflect lower pumping rates. The work can be completed within approximately three weeks, and the results will be shared with the MKGSA and GKGSA board of directors. The cost to do the analysis is approximately \$35,000 and each additional model run to evaluate other pumping cap values is \$5,000 per model run. The proposal's intent is not necessarily to look at the quantitative benefits/impacts but to determine if the pumping cutbacks will decrease the decline in groundwater levels or stabilize them.

**Recommended Motion:**

I move to approve that the MKGSA Board of Directors authorizes the MKGSA Interim General Manager to sign the Montgomery and Associates Pumping Cap Evaluation Proposal upon acceptable cost-sharing terms with the Greater Kaweah GSA.

**Attachments:**

- Montgomery & Associates Pumping Cap Evaluation Proposal

September 27, 2021

Aaron Fukuda  
Interim General Manager  
Mid-Kaweah Groundwater Sustainability Agency  
Tulare Irrigation District  
6826 Ave 240  
Tulare, CA 93274

Eric Osterling  
General Manager  
Greater Kaweah Groundwater Sustainability Agency  
Kaweah Delta Water Conservation District  
2975 Farmersville Rd  
Farmersville, CA 93223

## **SUBJECT: PUMPING CAP EVALUATION**

Dear Mr. Fukuda and Mr. Osterling:

Montgomery & Associates (M&A) is submitting this brief letter proposal to the Mid Kaweah Groundwater Sustainability Agency (MKGSA) and Greater Kaweah (GK) GSA for evaluating a groundwater pumping cap in the Kaweah Subbasin. This evaluation is needed by the GSA managers to support stakeholder planning for the pumping cap. Results of the evaluation are needed by mid-October 2021 to support the planning effort.

M&A will use the existing historical groundwater flow model for the pumping cap evaluation. The historical model was developed for the Groundwater Sustainability Plan (GSP) and simulates groundwater conditions between 1999 and 2017. The GSP historical model simulation results will be used as the base case simulation to compare against the pumping cap simulation results. Because M&A is using the historical model, this evaluation is not an estimate of future conditions. Rather, it is a conceptual demonstration of the benefits to groundwater levels from a pumping cap.

M&A has developed an approach to approximate a pumping cap and related decrease in irrigation return flow from reduced agricultural irrigation. A pumping cap of 2.3 acre-feet per acre will initially be used for the evaluation. A single pumping cap will be applied across the entire basin. The approach and related assumptions are summarized below.

- To expedite the evaluation, the modeling approach will adjust the historical MODFLOW model pumping well packages and recharge package directly instead of the model pre-processing spreadsheets. A custom computer script will be developed to revise the well and recharge packages. Agricultural pumping is simulated using the MODFLOW WEL package. Agricultural pumping is simulated using over 150,000 conceptual model wells (i.e., actual agricultural well locations and rates are unknown) spread across agricultural acreage based on a soil water balance analysis conducted by Davids Engineering. In contrast, pumping from wells with known locations and rates (e.g., municipal wells, dairy wells, etc.) are simulated using the MODFLOW multi-node well (MNW) package. The modeling approach will adjust both well packages. Return flow is simulated using the MODFLOW recharge (RCH) package.
- The approach will estimate irrigation return flow based on an average uniform irrigation efficiency for all irrigated agricultural. M&A will request guidance from the GSAs on assigning the average uniform irrigation efficiency.
- The approach will include a method to cap dairy pumping if needed. Guidance will be requested from the GSAs to assign the appropriate dairy pumping cap. The model currently simulates dairy pumping at an approximate average rate of 100 acre-feet per year per dairy for over 200 dairies. Dairy pumping does not result in significant return flow to groundwater.
- Municipal pumping is simulated at actual well locations and at reported rates. Water pumped from municipal wells likely serves large areas of unknown acreage. Therefore, the area-based pumping cap method does not apply for municipal wells, hence municipal pumping will not be capped in the evaluation.
- Golf course irrigation is simulated by discrete wells at metered rates. Golf course pumping is a small portion of basin-wide pumping and will not be adjusted in this evaluation.

The proposed approach balances reasonableness and expediency to support the pumping cap planning effort.

Increased groundwater pumping during dry periods lowers groundwater levels, which can increase well pumping costs or cause shallow wells (in particular, domestic wells) to go dry. The GSAs have expressed an interest in quantifying the potential benefits of a pumping cap on mitigating adverse well impacts. This evaluation could be completed after the base pumping cap evaluation at an additional cost. At the request of the GSAs, M&A would provide an approach, estimated cost, and schedule for this evaluation.

**Deliverables**

Deliverables include:

- A presentation to the GSA managers summarizing the model results
- Summary graphics of the pumping cap model simulation results for use in GSA presentations to stakeholders. Graphics will likely include hydrographs and/or maps of differences in groundwater levels between the base case and capped pumping simulations.

**Budget and Schedule**

The estimated total budget to develop the modeling approach, simulate one pumping cap value, and process, summarize, and present the model results is \$35,000. This work will be completed within 15 working days from written notice to proceed from the GSAs. The estimated cost to simulate, process, and summarize an additional pumping cap is \$5,000. Evaluation of additional pumping cap values will take 3 working days to complete. Additional pumping cap evaluations will only be conducted at the written request of the GSAs.

M&A will invoice for actual incurred labor and expenses monthly. The estimated budget will not be exceeded without written approval from the GSAs.

We appreciate the opportunity to provide this proposal to the MKGSA and GKGSA. Please contact us if you have questions.

Sincerely,

MONTGOMERY & ASSOCIATES



Timothy Leo, P.G.  
Principal Hydrogeologist



Derrick Williams, P.G.  
Principal Hydrogeologist

Accepted and Agreed:

\_\_\_\_\_  
Name: Aaron Fukuda, MKGSA

Date: \_\_\_\_\_

\_\_\_\_\_  
Name: Eric Osterling, GKGSA

Date: \_\_\_\_\_

## Mid-Kaweah GSA

### Agenda Item Report

**October 6, 2021**

**Agenda Item 4.a.:** Consideration of Resolution No. 2021-01 – Resolution to Implement Teleconference Requirement During a Proclaimed State of Emergency

**Report Author:** Aaron Fukuda

**Staff Recommendation:**

It is recommended that the Board approve Resolution No. 2021-01 – Resolution to Implement Teleconference Requirement During a Proclaimed State of Emergency

**Background Discussion:**

The Ralph M. Brown Act (Brown Act) requires that all meetings of a legislative body of a local agency be open and public. The Brown Act also allows for teleconference meetings of the agency public meetings but requires specific actions, such as posting the meeting at all locations where individuals may be participating. These requirements create a significant challenge when several attendees may be located in various places.

In March 2020, under Executive Order No. N-29-20 and again in June 2021 under Executive Order No. N-8-21, the Governor suspended the Brown Act and allowed legislative bodies to meet virtually (or via teleconference) as long a particular notice and accessibility requirements were met. Assembly Bill No. 361 was passed on September 16, 2021, officially amending the Brown Act and allowing local agencies to use teleconferencing without the original requirements when there is a proclaimed state of emergency and the local agency makes specific findings.

Resolution No. 2021-01 is required to continue to provide virtual (teleconference) board meetings. The Resolution makes the following findings.

1. There exists a proclaimed state of emergency;
2. State or local officials have imposed or recommended measures to promote social distancing;
3. MKGSA staff is authorized to take all steps and perform all actions necessary to execute and implement the Resolution; and
4. The Resolutions shall take effect on October 12, 2021 and stay in effect until November 11, 2021.

**Recommended Motion:**

I move to approve the MKGSA Resolution No. 2021-01 – Resolution to Implement Teleconference Requirement During a Proclaimed State of Emergency.

**Attachments:**

- Resolution No. 2021-01 – Resolution to Implement Teleconference Requirement During a Proclaimed State of Emergency

**MID KAWEAH GROUNDWATER SUSTAINABILITY AGENCY  
RESOLUTION No. 2021-01  
RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS  
DURING A PROCLAIMED STATE OF EMERGENCY**

**WHEREAS**, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings;

**WHEREAS**, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so;

**WHEREAS**, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

**WHEREAS**, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

**WHEREAS**, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

**WHEREAS**, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

**WHEREAS**, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

**NOW THEREFORE**, the Board of Directors hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The Board of Directors ("Board") of the Mid Kaweah Groundwater Sustainability Agency ("MKGSA") finds, by a majority vote, the following:
  - a. That there exists a proclaimed state of emergency; and
  - b. State or local officials have imposed or recommended measures to promote social distancing.



3. MKGSA staff is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.
4. That this Resolution shall take effect **October 12, 2021** and shall remain in effect for thirty (30) days thereafter (until November 11, 2021), provided the conditions set forth in Section 2 remain.

**PASSED AND ADOPTED** by the Board of Directors of the MKGSA this xx day of October, 12, 2021, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Dave Martin, Chair

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Aaron Fukuda, Secretary