



APPROVED GOVERNING BOARD MEETING MINUTES
July 28, 2020

The Governing Board of the Merced Irrigation-Urban Groundwater Sustainability Agency (MIUGSA) met on the above date pursuant to notice at 6:30 P.M. via virtual platform and telephonically consistent with temporary authorization to deviate from Brown Act meeting guidelines issued through Executive Order by California Governor Gavin Newsom.

CALL TO ORDER AND WELCOME

At 6:30 P.M., Hicham Eltal welcomed those present and called the meeting to order. MIUGSA Board Clerk, Jennifer McMaster made an announcement regarding changes that have been made to the Board meeting procedures in order to make good faith efforts to comply with the Governor's Executive Orders and allow the public the opportunity to observe, participate and comment in the Board's meeting.

Ms. McMaster stated that staff had not received any emails from members of the public requesting a link to the video portion of the meeting. Ms. McMaster also informed the public of the procedure for submitting comments prior to and during the meeting.

ROLL CALL

Roll call showed the following MIUGSA Representatives present:

Name	Organization
Hicham Eltal (Chair)	Merced Irrigation District
Stephanie Dietz (Vice Chair)	City of Merced
Justin Vinson	City of Atwater
Jose Antonio Ramirez	City of Livingston
Carlos Valencia	Winton Water and Sanitary District (CSD)
Daniel Chavez	Planada Community Services District (CSD)
Cynthia Benavidez	Le Grand Community Services District (CSD)

*(**Note – Board member Chavez was present during the Board's meeting, however he experienced technical difficulties with his audio device and was unable to signify a vote during consideration of the Board's action items. For purposes of these minutes only, Board member Chavez is noted to have abstained from the vote.)*

WRITTEN PETITIONS AND COMMUNICATIONS

Ms. McMaster indicated that Staff received a number of comments from the public consistent with the guidance document attached to the agenda for this meeting. Ms. McMaster indicated that each comment would be read to the Board as part of the Public Hearing section of the meeting.

BOARD ADDITIONS/DELETIONS TO THE AGENDA

None.

ORAL COMMUNICATIONS

Ms. McMaster indicated that staff received one oral communication from a member of the public consistent with the guidance attached to the agenda for this meeting. The communication was received by voice message and would be played to the Board as part of the Public Hearing section of the meeting.

PUBLIC HEARINGS

At approximately 6:40 pm, Chair Eltal announced and opened a public hearing to receive public comments relating to the proposed adoption and implementation of a fee, Resolution 2020-02.

Hansford Economic Consulting, Catherine Hansford, a consultant aiding MIUGSA in developing its fee study and fee options for funding of the GSP and regulatory activities, provided a brief overview of the process previously discussed at the June 15, 2020 and June 16, 2020 MIUGSA Governing Board Meeting Workshops. Ms. Hansford noted after the work of MIUGSA's consultants and staff, a fee structure to fund such activities was recommended. Ms. Hansford led a thorough discussion regarding the process for development of a fee study and selection of a fee structure. Ms. Hansford discussed the overall purpose of the study and recommended fee, and discussed identifying the costs for providing regulatory services to all within the groundwater sustainability agency. Ms. Hansford noted the public engagement process throughout its development and the process moving forward if adopted.

Ms. Hansford noted that the proposed fee implementation will have different impacts depending on whether a beneficiary of the MIUGSA is an agricultural, business, or residential user. Ms. Hansford discussed the differences in the costs amongst the various user groups.

Following the presentation by Ms. Hansford, the Board heard comments from the public.

Matthew Beaman, Merced Irrigation District, Water Resources Regulatory Engineer, discussed the various methods available for the public to provide comments prior to and during the public hearing. Mr. Beaman noted that several comments had been received prior to opening the public hearing, specifically five (5) comments were received via email and one (1) comment was received via voicemail. No comments were received during the hearing.

Mr. Beaman read each emailed comment to the Board. Mr. Beaman stated that the emailed comments would be included as part of the record of the meeting. The comments are summarized below.

Cheryl Miller, a former resident of the McSwain area in Atwater, expressed her support for MIUGSA's efforts towards groundwater sustainability. She indicated that when she lived in the area, the groundwater level was rapidly decreasing and there was concern that digging a deeper well would not be enough. She indicated that she would "gladly pay a small fee to have an agency watch over groundwater pumping activities in Merced".

Tommy Victor, a concerned resident indicated that the groundwater in Merced County and surrounding areas continues to be an issue and that he is “in support of monitoring groundwater”. He stated that “once an aquifer is dried and collapsed it can never be used again”.

Chad Englert, a domestic well owner expressed his understanding of the importance of managing groundwater locally. He expects that “an agency at the local level” will be able to manage fees “better than an “apply all” approach from the State level”.

Scott Koehn, expressed his support for the proposed rate schedule to help fund an oversight body to aid in the monitoring of excessive groundwater pumping in areas that are especially sensitive to overdraft. He indicated that “It is critically important that an independent body be established to monitor and set limits on groundwater pumping if we are going to protect our existing way of life”.

Jean Okuye, on behalf of Valley Land Alliance indicated that water is a “finite resource - not a renewable one” and “in order to protect our water needs in the Merced Irrigation Urban [Groundwater Sustainability] [A]gency.....there will be expenses”. Ms. Okuye expressed Valley Land Alliance’s understanding of the importance of a fee to fund MIUGSA’s efforts.

Mr. Beaman played a voicemail comment received from Lawanda Jones, a resident of the McSwain area in Merced County. In summary, Ms. Jones stated that she does not see any direct services, but “some limited services that residents of the city get”. Ms. Jones ultimately stated that she objects to the fee. Mr. Beaman stated that the voicemail would be included as part of the record of the meeting.

The Board reviewed and provided responses as appropriate and thanked the public for comments provided.

Chair Eltal provided clarification that the Merced Irrigation-Urban Groundwater Sustainability Agency (MIUGSA) does not provide water to any of the constituents within MIUGSA, rather the agency is a regulatory body meeting the law set in 2014 by the legislature to regulate groundwater. He clarified that MIUGSA is a regulatory agency necessary to monitor, report, and enforce when needed.

Chair Eltal briefly discussed and provided an overview of the Sustainable Groundwater Management Act of 2014 (SGMA) and the fees that could be imposed if the state were required to step in to manage the basin.

The public hearing closed at approximately 7:30 pm.

ACTIONS

Following the public hearing, Mr. Beaman presented Resolution No. 2020-02, a resolution to establish a groundwater sustainability fee. Mr. Beaman provided an overview of the authority provided under SGMA for implementation of the proposed fee and discussed the process followed in the development of the fee. Mr. Beaman explained and provided a visual presentation of the proposed action item and recommendation.

Mr. Beaman indicated that staff received several comments during the formal public review process. Each party had different requests that staff responded to. Mr. Beaman noted the public hearing today is the final step of the process prior to adoption and implementation of the fee to fund the regulatory activities of the MIUGSA. Mr. Beaman noted after reviewing all information in the administrative record including comments from the public and agencies, staff recommends that the Board adopt Resolution No. 2020-02.

Upon further discussion by the Board, Cynthia Benavidez (Le Grand CSD) made a motion to adopt Resolution 2020-02 establishing a groundwater sustainability fee as presented and authorizing other actions relating thereto, the motion was seconded by Stephanie Dietz (City of Merced); the Board voted unanimously to approve the motion. A roll call vote was taken and the votes were as follows:

Ayes:	Eltal, Dietz, Vinson, Ramirez, Valencia, Benavidez
Noes:	None
Abstain/No Vote:	Chavez
Absent:	None

The Board expressed gratitude to staff and the public for their involvement in the lengthy process of developing a funding mechanism, which will help to support groundwater sustainability within the basin.

BUSINESS FROM THE BOARD

None.

ADJOURN

On motion by Stephanie Dietz (City of Merced), seconded by Jose Ramirez (City of Livingston); the Board voted unanimously to adjourn the meeting at 7:40 P.M.