



**APPROVED** BOARD OF DIRECTORS MEETING MINUTES

**September 20, 2023**

The Board of Directors for the Merced Irrigation-Urban Groundwater Sustainability Agency (MIUGSA) met on the above date, pursuant to notice, at 9:00 A.M.

**CALL TO ORDER**

At 9:00 A.M., Chair Hicham Eltal called the meeting to order.

**ROLL CALL**

Roll call showed the following MIUGSA representatives present:

<b>Name</b>	<b>Organization</b>
Hicham Eltal	Merced Irrigation District (Chair)
Ken Elwin	City of Merced (Vice Chair)
Justin Vinson	City of Atwater
Tony Avina	City of Livingston
Carlos Valencia	Winton Water and Sanitary District (WWSD)
Cynthia Benavidez	Le Grand Community Services District (LGCSD)
Daniel Chavez	Planada Community Services District (PCSD)
Phil McMurray	General Counsel
Jennifer McMaster	Board Coordinator

Roll call showed the following MIUGSA representatives absent:

None.

**CORRECTIONS OR ADDITIONS TO THE AGENDA**

None.

**PUBLIC COMMENT**

None.

**CONSENT CALENDAR**

- 1. Minutes – August 9, 2023
- 2. Cash Transaction Report – July 2023

On a motion by Director Vinson, seconded by Director Chavez; the Board voted unanimously to adopt the Consent Calendar, as presented. The votes were as follows:

Ayes:	Eltal, Elwin, Vinson, Chavez, Avina, Valencia, Benavidez
Noes:	None
Abstain:	None
Absent:	None

**REPORTS**

None.

**ACTION/DISCUSSION**

Mr. Beaman provided an overview regarding the status of the development of draft MIUGSA rules and regulations, and policies. He reminded the Board of previous discussions and presentations provided over the course of development. He summarized minor updates made to a few of the rules and policies since his last presentation and Board discussion in August. He noted the MIUGSA ad hoc and stakeholder guidance committees both engaged in in-depth discussions regarding the draft rules, regulations and policies, and provided significant input at each of their respective meetings held earlier this month. Mr. Beaman and Mr. Eltal responded to several questions from the Board regarding a variety of the different rules, regulations and policies.

Mr. Beaman continued to summarize the developing draft rules, regulations, and policies at length and provided a general timeline for continued development and finalization. He said staff is looking for direction on finalizing, and indicated he expects to bring a final package to the Board for final discussion, comments, and action to approve and adopt in October.

Mr. Beaman then discussed a proposed process for assessing fines, including registration deadlines and fine amounts to be assessed. He asked the Board for consideration of the proposed penalties and timeline. The Board and staff discussed the topic at length, especially as it relates to enforcement and timing of enforcement. They also discussed potential outreach opportunities for moving the process forward.

After a thorough discussion, the Board provided direction to staff for final completion of the documents, and agreed with the overall direction of the draft rules, regulations and policies drafted by staff and general timeline as presented.

Mr. Beaman then provided an update regarding potential changes to the Merced County Groundwater Ordinance relating to groundwater mining and export. Mr. Beaman reviewed potential issues and impacts the proposed changes may have on groundwater management in the area. He provided an overview of the current ordinance and noted a new exemption proposed by the County that would place the burden of approving groundwater export activities on local GSAs.

Mr. Beaman noted the County discussed proposed changes to its groundwater ordinance at a meeting held August 22, 2023. Mr. Beaman attended the meeting and summarized the discussion, including the updated draft language proposed by the County. He noted MIUGSA provided a letter to the County relating to GSA review process and timing. In response to the letter and discussions held at the meeting on August 22, 2023, the County agreed to add some additional language to clarify the process for a GSA to make a determination whether any proposed groundwater export is consistent with the local GSP. Proposed language was also added to clarify that any export activity must comply with any state, or federal statutes. Mr. Beaman noted that MIUGSA requested additional language for inclusion in the County's policy, such as requiring GSAs to have approved GSPs and/or be in good regulatory standing with the state as a precondition of approving groundwater export activities, was not agreeable to other GSAs present.

The Board and staff discussed a potential timeline the County may follow in adopting changes to its ordinance. They also discussed providing additional comments to the County opposing changes to the County's ordinance that would allow exports outside of the basin.

Mr. Beaman then provided an update regarding upcoming SGMA related activities. He discussed DWR's acceptance of the GSP and noted the list of corrective actions previously identified by DWR. He briefly discussed additional corrective actions that DWR may provide after reviewing already submitted annual reports.

Mr. Beaman discussed the development of the first 5-year update to the Merced GSP. He noted that in the coming months, Woodard and Curran will begin working on drafting the 5-year GSP Periodic Evaluation. He said this will be a lengthy and very detailed process that is expected to continue over the next couple of years. He indicated the final document updating the Merced GSP should be complete in January 2025. He noted staff has already begun discussions regarding the update and that the first meeting with the GSP Coordination Committee to discuss potential and needed updates is anticipated to be held in November 2023. After responding to a few questions, Mr. Beaman indicated staff will provide further updates to the Board on an ongoing basis.

The Board and staff discussed briefly before adjourning the meeting.

### **CLOSED SESSION**

None.

### **ADJOURN**

The meeting was adjourned at approximately 10:30AM.