

JOINT POWERS AUTHORITY BOARD MEETING

Oroville City Council Chambers
1735 Montgomery Street
Oroville, CA. 95965



January 23, 2020
REGULAR MEETING
OPEN SESSION 1:00 PM
AGENDA

REQUESTS TO ADDRESS BOARD

If you would like to address the Board at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the Board Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Board in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, *please submit the form prior to the conclusion of the staff presentation for that item.* Staff has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to one and a half minutes per speaker. **(California Government Code §54954.3(b))**. Pursuant to Government Code Section 54954.2, the Board is prohibited from taking action except for a brief response from the Board or staff to statements or questions relating to a non-agenda item.

CALL TO ORDER / ROLL CALL

Board Members: Bill Connelly, Janet Goodson, Brian Pulley, William Bynum

Staff Management Team:

Chris Heindell, Thermalito Water & Sewer
Kelly Peterson, Butte County
Mike Massaro, City of Oroville
Paul Gosselin Butte County

OPEN SESSION

1. Pledge of Allegiance (Chair)
2. Roll Call (Clerk)

CONSENT CALENDAR

1. Approval of the board minutes from October 24, 2019 (Mike Massaro)

REGULAR BUSINESS

2. Approval of the Conflict of Interest / Ethics Policy (Chris Heindell)

- 3. Memorandum of Agreement between the Wyandotte Creek Groundwater Sustainability Agency and South Feather Power and Water (Kelly Peterson)**
- 4. Approval of the 2020 Calendar (Mike Massaro)**
- 5. WC GSA Management Committee Update (Verbal)**
 - a. WC GSA Board Update (Kelly Peterson)
 - b. WC GSA Stakeholder Advisory Committee Update (Kelly Peterson)
 - c. Overview of the Website (Chris Heindell)
 - d. Monthly Financial Status Report (Kelly Peterson)
 - e. GSP status report (Kelly Peterson)

PUBLIC COMMENT- NON-AGENDA ITEMS

This is the time for the public to address the Board on items not listed on the agenda. The WC GSA Board is prohibited by State law from taking action on any item presented if it is not listed on the agenda. Comments will be limited to three minutes per person.

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Wyandotte Creek GSA Board will be scheduled next month.

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the Board Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

Recordings - All meetings are audio recorded.



**October 24, 2019
SPECIAL MEETING
MINUTES**

This agenda was posted on October 23, 2019 at 12pm.

CALL TO ORDER / ROLL CALL

Meeting called to order by Board Member Goodson at 1:00pm

PRESENT: Board Members: Janet Goodson, Brian Pulley, William Bynum

ABSENT: Chairperson Bill Connelly

Staff Management Team:

Chris Heindell, Thermalito Water & Sewer
Kelly Peterson, Butte County
Mike Massaro, City of Oroville
Paul Gosselin Butte County

OPEN SESSION

1. Pledge of Allegiance (Chair) – Led by Board Member Bynum
2. Board Introductions (Chair) – The board and staff introduced themselves

CONSENT CALENDAR

Motion by Board Member Pulley and second by Board Member Bynum to approve the consent calendar. Motion passed.

AYES: Goodson, Pulley, Bynum
NOES: None
ABSTAIN: None
ABSENT: Connelly

1. **Approved the minutes from the prior JPA Board Meeting on September 26, 2019.**
2. **Accepted the Financial Report for informational purposes. Received \$5,000 from the City of Oroville.**
3. **Approved a letter of support for the Yuba Water Agency Groundwater Sustainability Agency (YWA-GSA) requested and authorize the Chair to sign.**

REGULAR BUSINESS

Item 1.

1. **Approve the Conflict of Interest / Ethics Policy** – This item was pulled from the agenda at the request of staff.
2. **Paul Gosselin provided an overview of the GSP development**
3. **Approve an agreement between the Wyandotte Creek Groundwater Sustainability Agency and South Feather Water and Power and authorize the chair to sign.** – This item was tabled to a future meeting
4. **Board Members shall nominate and vote on the appointment of a Vice Chair for the Board.**

Motion by Board Member Pulley and second by Board Member Bynum to appoint Janet Goodson as the board Vice Chair. Motion passed.

AYES: Goodson, Pulley, Bynum
NOES: None
ABSTAIN: None
ABSENT: Connelly

5. **The Board decided to cancel November and December meetings and to hold the next meeting January 23, 2019 at 1pm.**

PUBLIC COMMENT- NON-AGENDA ITEMS

The following individuals spoke on non-agenda items:

- Kelly Peterson
- John Scott
- Ken Fleming
- Janet Goodson

The following individuals spoke on agenda items:

- Tasha Levinson – Item 1, Item 3
- John Scott – Item 2, Item 3
- Ken Fleming – Item 3
- Matt Colewell – Item 3

CORRESPONDENCE

1. Appointments to the Wyandotte Creek GSA JPA.

ADJOURNMENT

Vice Chair Goodson adjourned the meeting at 2:01pm.

Approval:

Attested:

Vice Chair Janet Goodson

Secretary Jackie Glover



**Wyandotte Creek
Groundwater Sustainability
Agency
Agenda Transmittal**

Agenda-Item:
1

Item 1.

Subject: WC GSA Board Meeting Minutes: 10/24/2019

Contact: Mike Massaro

Meeting-Date: Thursday, January 23, 2020

Consent Agenda

Department Summary: Review and Approve previous Board Meeting Minutes

Fiscal Impact: None

Staff Recommendation: Approve



**Wyandotte Creek
Groundwater Sustainability Agency
Agenda Transmittal**

Agenda Item: 2

Item 2.

Subject: Conflict of Interest / Ethics Policy

Contact: Chris Heindell

Phone: 530-533-0740

Meeting Date: January 23, 2020

Regular Agenda

Department Summary: Per section 12.7 of the Joint Exercise of Power Agreement Establishing the Wyandotte Creek Groundwater Sustainability Agency, the attached Conflict of Interest Code / Ethics Policy are proposed pursuant to the provisions of the Political Reform Act of 1974.

Fiscal Impact: None

Staff Recommendation: Approve the Conflict of Interest / Ethics Policy

**CONFLICT OF INTEREST CODE OF THE
WYANDOTTE CREEK GROUNDWATER SUSTAINABILITY AGENCY**

The Political Reform Act set forth in Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest codes. The Fair Political Practices Commission had adopted a regulation, being section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by any amendments made from time to time to the Fair Political Reform Act. Therefore, the terms of section 18730 and any subsequent amendment to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference, and, along with the following Appendix in which Members and employees and agents of the Agency are designated and their disclosure categories are set forth, constitute the Agency’s Conflict of Interest Code.

Pursuant to section 4 of the Agency’s Conflict of Interest Code, all designated employees shall file statements of economic interest with the Agency. Upon receipt of the statements, the Agency shall make and retain a copy and forward the original of these statements to the Agency. The Agency shall make the statements of economic interest available to inspection and reproduction pursuant to Government Code Section 81008.

Appendix

Designated Employees

Disclosure Categories

Primary and Secondary Members of the Board of Directors	All
Management Committee	All
General Counsel	All

Disclosure Categories

1. Investments, sources of income and business positions in business entities of the type to contract with the Agency to supply materials, commodities, supplies, books, machinery, vehicles or equipment utilized by the agency.
2. Investments, sources of income and business positions in business entities, which are contractors or subcontractors, engaged in the performance of work or services of the type utilized by the Agency.
3. Investments and business positions in, and income from, entities in which the Agency is empowered to invest its funds.
4. Interests in real property (or interest in real property used for commercial leasing purposes) within the Wyandotte Creek subbasin

Disclosure Responsibilities

The categories relative to the types of interest that must be disclosed are based upon the types of interest in investments and real property within the Agency’s boundaries and/or interests that may foreseeable be affected by any decision made or participated in by the Agency.

Officials Who Manage Public Investments

The Agency has determined that the following positions manage public investments within the meaning of Government Code section 87200 and California Code of Regulations, title 2, section 18700.3, and that persons holding these positions must file statements of economic interest pursuant to the state Political Reform Act instead of the Agency's conflict of interest code: Primary and Secondary Members of the Board of Directors.

Adopted: January 23, 2020

**ETHICS POLICY OF THE WYANDOTTE CREEK GROUNDWATER
SUSTAINABILITY AGENCY**

1. Purpose and Scope

In order to best serve the citizens of Wyandotte Creek Groundwater Sustainability Agency (the "Agency"), the members of the Agency's Board of Directors and of its committees (individually, each a "Member" and collectively, the "Members") must act individually and collectively to create a government that is responsible, fair, honest and open. The Members are expected to demonstrate the highest standards of personal integrity, honesty, civility, and conduct in all activities in order to enhance the effectiveness of the Agency to serve the best interests of the Agency and its residents and to inspire public confidence and trust in the Agency.

The purpose of this policy is to establish Agency policy and guidelines reflecting expected values and behaviors for use by and applicable to the Members of the Agency.

2. Member Conduct

The Members are appointed officials and guardians of the public trust. They are required to be impartial and responsible in the fulfillment of their duties. The citizens of the Agency expect that the Members shall adhere to the highest standard of ethics, regardless of personal consideration.

It is the policy of the Board of Directors of the Agency that the Members and each of them shall abide by federal and state law, ordinances and policies, including this Ethics Policy. Each Member holds a relationship of trust to the Agency, requiring the Member at all times in the conduct of the business and affairs of the Agency to act in the utmost good faith and fair dealing. Violation of such law or policies tends to injure the good name of the Agency and to undermine the effectiveness of the Board of Directors and its committees as a whole.

2.1. Members shall conduct themselves in a manner that shall reflect honorably on the Board of Directors and the Agency at all times, including during Board meetings and committee hearings and through any verbal or printed communications to Agency staff and members of the public.

2.2. Members shall conduct their dealings with each other in a way that maintains public confidence in the office to which they have been elected. Members shall be open and honest and focus on issues rather than personalities. Members shall avoid aggressive, offensive or abusive conduct towards their fellow Members, Agency staff, and members of the public.

2.3. Members shall maintain the respect and dignity of their office in their dealings with other Members, other elected and appointed officials, Agency staff, and the public.

2.4. Members shall make no allegations against other Members, other elected and appointed officials or Agency staff which are improper, derogatory, false or misleading or slanderous and/or libelous.

2.5. No Member in debate shall, directly or indirectly, by any form of words impute to another Member or Members any conduct or motive unworthy or unbecoming of a Member.

2.6. Members shall refrain from abusive conduct, personal charges or verbal and written attacks upon the character, motives, ethics or morals of other members of the Board of Directors, other elected or appointed officials, Agency staff, and members of the public.

2.7. No Member shall use their position or prospective position, or the power or authority of their office or position, in any manner intended to induce or coerce any person to provide, directly or indirectly, anything of value which shall accrue to the private advantage, benefit, or economic gain, of the Member.

3. Conflict of Interest

3.1. A Member may not have a financial interest in a contract with the Agency, or be a purchaser at a sale by the Agency or a vendor at a purchase made by the Agency, unless the Member's participation is authorized under Government Code section 1090, 1091 or 1091.5, or other provisions of law.

3.2. A Member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board of Directors, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000 and following, relating to conflicts of interest.

3.3. If a Member believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

3.3.1. If the Member becomes aware of the potential conflict of interest before the meeting at which the matter will be discussed or acted on, the Member will notify the Agency's Administrator and the Agency's legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest.

3.3.2. If it is not possible for the Member to discuss the potential conflict with the Agency's Administrator and legal counsel before the meeting, or if the Member does not become aware of the potential conflict until during the meeting, the Member will immediately disclose the potential conflict during the meeting, so that there can be a determination whether it is a disqualifying conflict of interest.

3.3.3. Upon a determination that there is a disqualifying conflict of interest, the Member (a) will not participate in the discussion, deliberation or vote on the matter

for which a conflict of interests exist, which will be so noted in the minutes and (b) will leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters (e.g., the consent calendar), in which case the Member will identify the nature of the conflict and not vote on the specified item; and (c) may speak on his or her personal interests during the time the general public speaks on the issue if the matter is agendized for possible action, but the Member must leave the room during Board discussion and action on that item.

4. Member Compensation

4.1. Members shall not be compensated by the Agency for their service.

However, a Member may be compensated by another entity for their service according to that entity's own rules and policies.

5. Member and Management Committee Reimbursement

5.1. Members may be reimbursed for actual and necessary expenses incurred by them appropriately relating to Agency business if approved in advance by the Board of Directors. Expenses for which a Member may be reimbursed shall include travel, meals, lodging, and other actual and necessary expenses. When a Members uses their own vehicle for travel, they shall be reimbursed pursuant to the Internal Revenue Service rate for reimbursement of mileage

5.2. As a condition to such reimbursement if approved in advance by the Board of Directors, a Members shall submit expense reports as soon as reasonably practicable after incurring the expense, using the expense reporting form provided by the Agency. Receipts documenting each such event shall be attached to such form. All such reports shall be approved by the Board before reimbursement.

5.3. If lodging is required, it shall not exceed the maximum group rate published by the conference or activity sponsor. If the published group rate is unavailable, Members shall be reimbursed for comparable lodging at government or Internal Revenue Service rates.

5.4. It is against the law to falsify expense reports. Penalties may include loss of reimbursement privileges, restitution to the Agency, civil and/or criminal penalties.

6. Ethics and Sexual Harassment Training

Pursuant to Government Code §§ 53234, et seq., Board of Directors and Alternates shall receive at least two hours of training in general ethics principles and ethics relevant to their public service for and on behalf of the Agency and two hours of training in prevention of sexual harassment every two years. Each new Director who commences service with the Agency after January 1 of any calendar year shall receive the training no later than one year from the first day of their service with the Agency.

7. Violations of this Policy

7.1. Any Member may submit a written complaint concerning a violation of this Ethics Policy setting forth in detail the particular facts giving rise to the alleged violation. The complaint shall be submitted to the Chair of the Board of Directors, or, if the complaint concerns the Chair, the Vice-Chair of the Board of Directors. The complaint must contain specific allegations of the alleged conduct in violation of the Ethics Policy. The complaint may, but is not required to, be cosponsored by other Members.

7.2. Upon receiving the written complaint, the Chair shall refer it to Agency's Administrator and legal counsel for the Agency. The Agency's Administrator and legal counsel shall investigate the basis for the complaint and report their findings to the Board of Directors. The Board of Directors may consider and take any appropriate action that is warranted, including, but not limited to, adopting a resolution expressing disapproval of the conduct of the Member who has violated this policy.



**Wyandotte Creek
Groundwater Sustainability Agency
Agenda Transmittal**

Agenda Item: 3

Item 3.

Subject: Memorandum of Agreement between the Wyandotte Creek Groundwater Sustainability Agency and South Feather Power and Water

Contact: Kelly Peterson Phone: 530-552-3590 Meeting Date: January 23, 2020 Regular Agenda

Department Summary: In 2015, South Feather Water and Power (SFWP) elected to be a Groundwater Water Sustainability Agency (GSA) in the Wyandotte Creek subbasin. Prior to the basin boundary modification in 2018, the GSAs in the Wyandotte Creek subbasin were Butte County, the City of Oroville, South Feather Water and Power and Yuba County Water Agency. Thermalito Water and Sewer District was in the East Butte subbasin. SFWP's service area is mostly outside of the basin and not subject to the Sustainable Groundwater Management Act. SFWP participated in early governance discussions. SFWP felt that it would be more efficient for them to participate in SGMA but not as a GSA. SFWP was willing to withdraw as a GSA provided that Butte County and the City of Oroville provided them assurances that they would retain authority over well restrictions and fees. In turn, Butte County and the City of Oroville wanted a commitment from SFWP to provide data and participate in the GSP process. An MOU between SFWP, Butte County and the City of Oroville was entered into on March 28, 2017. Upon the formation of the Wyandotte Creek Groundwater Sustainability Agency, Butte County and the City of Oroville withdrew as a GSA, respectively. Since Butte County and Oroville are no longer GSAs, the terms of the agreement are negated. SFWP would like to enter into a similar agreement with the Wyandotte Creek GSA. For the provisions of the MOU to remain in effect, an agreement must be reached between SFWP and the Wyandotte Creek GSA. The MOU was redrafted to reflect the Wyandotte Creek GSA and removal of outdated items. The revised MOU contains the same provisions as the original MOU. The Management Committee recommends that the Wyandotte Creek GSA Board approve the MOU with SFWP and authorize the Chair to sign.

Fiscal Impact: None

Staff Recommendation: Approve Agreement and authorize the chair to sign.

MEMORANDUM OF UNDERSTANDING BETWEEN THE WYANDOTTE CREEK GROUNDWATER SUSTAINABILITY AGENCY AND SOUTH FEATHER WATER AND POWER AGENCY RELATED TO THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into between the Wyandotte Creek Groundwater Sustainability Agency and South Feather Water and Power Agency (“Agency” herein), each a “Party” and collectively the “Parties”. The MOU becomes effective on the date of the last signature of the Parties.

WHEREAS, on January 1, 2015, the Sustainable Groundwater Management Act (“SMGA”) went into effect; and

WHEREAS, the purpose of SGMA is to create a comprehensive management system in the State of California by creating a structure to manage groundwater at the local level, while providing authority to the State to oversee and regulate, if necessary, the local groundwater management system; and

WHEREAS, SGMA empowers local agencies to adopt groundwater sustainability plans that are tailored to the resources and needs of their communities to provide a buffer against drought and contribute to reliable water supply for the future; and

WHEREAS, Water Code Section 10723.6 authorizes a combination of local agencies overlying a groundwater basin to elect to become a Groundwater Sustainability Agency (“GSA”) by using a memorandum of agreement or other agreement; and

WHEREAS, Butte County, the City of Oroville, the Thermalito Water and Sewer District and South Feather Water and Power Agency are eligible local agencies qualified to become a GSA in the Wyandotte Creek subbasin (DWR Bulletin 118 basin number 5-021-69); and

WHEREAS, on September 18, 2018 Butte County, the City of Oroville and the Thermalito Water and Sewer District executed a Joint Powers Agreement which created the Wyandotte Creek GSA; and

WHEREAS, the Wyandotte Creek GSA has exclusive responsibility in the Wyandotte Creek subbasin to carry out the requirements of SGMA including developing and implementing the groundwater sustainability plan; and

WHEREAS, the Agency agreed to relinquish its GSA status in exchange for assurances that the Agency would retain specific groundwater management decisions within their jurisdiction; and

WHEREAS, the Agency and the Wyandotte Creek GSA finds that developing a cooperative and ongoing working relationship will advance the purposes of SGMA and groundwater sustainability for the Wyandotte Creek subbasin; and

WHEREAS, the Wyandotte Creek GSA seeks the cooperation of the Agency in the development and implementation of the Wyandotte Creek GSP; and

NOW THEREFORE, incorporating the above recitals herein and exhibits attached, it is mutually understood and agreed as follows:

1. The Wyandotte Creek GSA agrees to the following terms:
 - a. To not impose fees, assessments, or other charges pertaining to groundwater management and extraction to Agency or Agency's landowners without the prior written consent of Agency.
 - b. To not limit groundwater extraction on the Agency of its landowners without the written consent of Agency.
 - c. To not alter the current boundaries of the Wyandotte Creek Subbasin or consolidation of the subbasin without the advance written consent of Agency.
 - d. To not directly or indirectly regulate or interfere with the surface water rights or groundwater rights of the Agency or the landowners within the Agency without the written consent of Agency.

2. Agency agrees to the following terms:
 - a. To support the efforts of the Wyandotte Creek GSA or its Member Agencies to obtain grant funding for the development of the GSP for the Wyandotte Creek subbasin.
 - b. To provide to the Wyandotte Creek GSA associated data collected by the Agency as related to the sustainability of the subbasin, which will be utilized in the development and implementation of the GSP for the Wyandotte Creek subbasin.
 - c. To work cooperatively with the Wyandotte Creek GSA in the review, development and implementation of the GSP for the Wyandotte Creek subbasin.

3. **TERM.** This MOU shall remain in effect unless terminated by one of the Parties in writing and as allowed by State law.

4. **AMENDING THE MOU.** This MOU and Exhibits hereto may only be amended by a subsequent writing, approved and signed by all Parties.

5. **HOLD HARMLESS.** No Party, not any officer or employee of a Party, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by another Party under or in connection with this MOU.

WYANDOTTE CREEK GSA

SOUTH FEATHER WATER AND POWER

By: _____

By: Roth T. Mark

DATE: _____

DATE: 5-31-19



**Wyandotte Creek
Groundwater Sustainability
Agency
Agenda Transmittal**

Agenda-Item:
4

Item 4.

Subject: Projected 2020 WC GSA Board Meeting Calendar

Contact: Mike Massaro **Meeting-Date:** Thursday, January 23, 2020 **Regular Agenda**

Department Summary: Review and Provide Feedback on the 2020 Calendar of WC GSA Board Meetings

- February 27, 2020
- May 28, 2020
- August 27, 2020
- October 22, 2020

Fiscal Impact: None

Staff Recommendation: Approve Tentative Calendar



Contact: Kelly Peterson (530) 552-3588
Meeting Date: 1/23/20

Wyandotte Creek GSA Financial Report

The following is the current financial balance of the Wyandotte Creek GSA as of 1/13/20.

Fund Balance: \$ **13,046.96**
Balance Date: **1/13/2020**

Deposits

Date	Amount	Source	Notes
6/27/2019	\$ 5,000.00	Butte County	Annual Member Agency Contribution
6/30/2019	\$ 0.95	Interest	
7/25/2019	\$ 5,000.00	TWSD	Annual Member Agency Contribution
10/24/2020	\$ 5,000.00	City of Oroville	Annual Member Agency Contribution
10/30/2019	\$ 37.01	Interest	
\$ 15,037.96		Deposit SubTotal	

Expenditures

Date	Amount	Vendor	Notes
11/5/2019	\$ 360.00	Digital Deployment	Web Page Services
12/3/2019	\$ 1,141.00	Golden State Risk Management	Liability Insurance
12/9/2019	\$ 490.00	Bartkiewicz Kronick & Shanahan	Legal Services
\$ 1,991.00		Expenditures SubTotal	

\$ 13,046.96 Grand Total (Fund Balance)

Fiscal Impact: None- Informational only

Staff Recommendation: Accept the financial report for informational purposes.