**North Tulare County Regional Water Alliance**

**Working Group Meeting Notes**

Cutler-Orosi School District

12623 Avenue 416 Orosi, CA 93647

Saturday, August 13, 2016

8:30 – 1:00 PM

**Welcome and Updates:**

**Approval of meeting notes:** June 16th meeting notes and June 28th All Stakeholder’s Q&A approved

Mr. Prado wanted to clarify his board’s desire for a five member board and RCAC explained that the June 16th notes showed what had been the working group’s plan back at that point in time, which was 9 members but since then, things have changed.

Ms. Argelia Flores asked to be brought up to date as to what has happened with the meetings with the attorneys. She believed that we were further ahead with the JPA since the group had made progress on what we wanted in it. We then proceeded to discuss the major points of contention that have stopped the JPA from moving forward.

**Public Input:** None

**Leadership: Governance**

Finalization of the JPA:

Two major points of contention:

1. Board representation
	1. It seems this may have been resolved with a seven member board compromise with a supermajority redefined as 6/7 votes reserved for the important decisions.
2. Powers of the JPA
	1. Cutler and Orosi legal counsel wants the JPA to be specifically for surface water and to explicitly exclude any potential groundwater solutions—a desire that the state cannot support because:
		1. The JPA must be general because there is no approved project (approved by the community, the local boards and the state)
		2. The approved project will come out of a feasibility analysis. The feasibility analysis is required by all funding entities not just the SWRCB and it is important for all the communities. It is a study of all potential options-and associated costs for each option-for a long term sustainable water source for the region. An independent consultant completes the feasibility analysis utilizing all the information existing information including the KW study for a surface water option. The feasibility analysis will be presented and discussed with all the communities’ parties to the JPA, together the communities, the boards and the consultant will choose a preferred option. This option will become the project approved by the community the boards and submitted to the state for approval. At this point we want it to be the surface water but the existing study is outdated since it is about 7 years old.
		3. Thus, the JPA must have the power to implement any potential project that comes back from the feasibility analysis. It was also pointed out that just because the JPA has a particular power doesn’t mean it has to exercise it.
	2. The state and the legal counsel for Cutler and Orosi seem to be in agreement to add a clause to the JPA ensuring that only local jurisdictions have power over everything they currently own including groundwater resources. The JPA is only pertaining to the new regional project, nothing to do with existing ownership.
	3. The preferred option according to Orosi and Cutler legal counsel is to move forward with draft language for a surface water only JPA and submit it to see if they state will approve it or not. Lorri shared that it would not be accepted because it would not make the JPA agency eligible for state funding as it wouldn’t meet the requirements for funding according to the Policy for Implementing the Drinking Water SRF adopted by SWRCB, and under which the Prop 1 drinking water funding program is implemented. Applicants must have the required governing authorities including the authority to implement any of the alternatives evaluated. RCAC stated that USDA Rural Development, another potential funder, will also not fund a project that did not go through an official Alternatives analysis.
	4. County counsel, legal counsel for the other four water boards and the state and their legal counsel will continue this discussion and try to come to an agreement to move forward that all parties can live with.

Timeline:

* Hopeful that JPA will still be signed by October and it was clarified that representatives to sit on the JPA board for each legal signatory can be decided later.
* Follow up meeting on progress and next steps Monday September 12th, 5:30-8:30pm (meeting officially starts at 6 and dinner will be provided).
* Once the JPA is signed and a governing entity is created there are a number of next steps and free TA available for the JPA. Please see attachment outlining to do’s that are eligible for TA funding to build the JPA’s capacity and prepare them for submitting proposals for state and federal project funding. These include:
	+ Setting up board bylaws and policies
	+ Developing a budget for the JPA

\*Note that the JPA will decide what they need or want assistance with and which TA provider(s) they want to work with

Involvement and perspective from Alta Irrigation District:

* Alta does not mind if the regional project incorporates groundwater and frankly, when the Friant Kern Canal is shut down for 3 months every couple of years, groundwater will need to be provided as drinking water for all seven communities as the SWTP project stands now. Alta would not impose any regulations on the individual communities and their use of groundwater and would still provide the surface water they need. With SGMA, the GSA will establish the sustainability plan and decide what regulations are put in place and each of these communities has a voice in these future decisions.
* Mr. Prado Sr. requested that Alta provide the group with something in writing committing their willingness to provide surface water to the JPA and Chad Wegley from Alta said that this would be possible.
* The working group inquired as to whether or not there would be credits available to these communities for moving to surface water and no longer relying on and pumping groundwater? Alta did not have an answer but is something the communities should certainly look into. Chad W stated that he would have to research further but doubted they would get credits.
* Alta recommended that as part of the scope of work for project planning and any future studies that a chemistry capability analysis be completed especially if there will be a periodic switch within the pipes from surface water to groundwater for corrosion control purposes.
* Chad W also briefly mentioned as a possible alternative for water when the canal is down: rubber inflatable dams to store water and enable continued use of SWTP.

**Community Outreach Efforts and Local Project Updates:**

Polling:

* The last part of RCAC and CWC’s contract with the county is to conduct the polling process.
* County will do the mailing and collect the responses
* Recommended changes include adding the word “TENATIVE” when talking about board composition, adding a comments section under the residents’ yes or no choice, and adding language to explain that this will not impact ongoing local projects.
* Instead of waiting and delaying the project anymore, the working group wants the polling to go out ASAP so that they can have community input before they sign the JPA. Ryan Jensen will work with Denise England to make final changes to the polling information pamphlet and answer sheet and coordinate with the county on sending out the mailing—all systems provided their mailing lists either to Ryan or directly to the county—thank you!
* Residents are going to want to know what this will cost them. This poll is just being open to the idea of the JPA and then once the JPA is approved, the alternatives analysis and planning phase as well as official plans and specs will bring more accurate numbers to light which will then be shared with the communities. The prop 218s will be needed prior to construction.

Local Community projects update:

* Seville and Yettem are trying to move forward on the governance part of their project even before they go to and finalize construction. They are receiving assistance from SHE and CWC. Construction is still delayed but the county is trying to make it work as soon as possible.
* Monson and Sultana—Monson needs to reaffirm community support for moving forward with their project. The Sultana board approved the extraterritorial service agreement for Monson and is ready to file with LAFCO but likely Sultana will completely annex Monson into their system over time. The new system would be constructed next year and needs an entity to govern it. There is $1.5 million available from SWRCB but it looks like it will not be enough for the whole thing so they will need to seek additional funding from USDA, DWR etc. The well will be drilled first and then the distribution project will follow.

**Next Meetings**

Monday September 12th, 5:30-8:30pm (meeting officially starts at 6 and dinner will be provided at 5:30).

**Website:**

 http://www.rcac.org/environmental/regionalization/ntc-water-alliance/

**List of Participants in this session:**

1. Alex Marroquín, Orosi PUD
2. Anthony Rubalcaba, Orosi PUD
3. Argelia Flores, Seville
4. Armando Porras, Cutler
5. Chad Widman, Orosi
6. Charlie Davidian, Yettem
7. Fernie Rubalcaba, Cutler PUD
8. Javier Hernandez, Cutler PUD
9. Jesus Quevedo, Cutler
10. Jose Guerrero, Cutler PUD
11. Kari Quintana, Sultana
12. Lucy Rodriguez, Orosi PUD
13. Maria Magaña, Seville
14. Michael Prado Sr., Sultana CSD
15. Robert Rodriguez, Cutler PUD
16. Ronnie Castillo, Orosi PUD
17. Rubén Becerra, Seville
18. Servando Quintanilla Jr., Monson/Cutler

**From Agencies:**

Chad Wegley, Alta AID

Denise England, Tulare County

Lorri Silva, SWRCB DFA

Luis Garcia-Bakarich, US EPA

Brett Zeuner, US EPA

Marit Erickson, Tulare County Legal Counsel

**Facilitators:**

Blanca Surgeon, RCAC

Olga Morales, RCAC

Sarah Buck, RCAC

Ryan Jensen, Community Water Center

David Okita, Community Water Center

Pedro Ramirez, Community Water Center

Maria Herrera, SHE