



## NOTICE OF SPECIAL MEETING

SOUTH FORK KINGS  
GROUNDWATER SUSTAINABILITY AGENCY

Members

November 25, 2020

Director John Plourde  
*City of Lemoore*

Director Joe Neves  
*County of Kings*

Director Ceil Howe, Jr.  
*Empire West Side Irrigation District*

Director Charles Meyer  
*Stratford Irrigation District*

Director Scott Mercer  
*Stratford Public Utility District*

*Joe Neves, Chair*  
*Ceil Howe, Jr. Vice Chair*  
*John Plourde, Secretary*

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[www.SouthForkKings.org](http://www.SouthForkKings.org)

Board of Directors

of the

South Fork Kings Groundwater Sustainability Agency

This is to inform you a South Fork Kings Groundwater Sustainability Agency (SFKGSA) Board of Directors Special Meeting will be held on Thursday, December 3, 2020 **via ZOOM Web/Teleconference**. The web link and call-in information are on the Agenda The meeting will convene at 5:30 pm.

As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this meeting will occur solely via remote presence by video and teleconference. There will not be a physical public access location. The Board is conducting the meeting in this manner to protect public health by avoiding public gatherings and requiring social distancing. At the same time, the Board remains committed to transparency. Members of the public will be able to listen to and watch the meeting, and comment if desired.

The patience and cooperation of all participants is appreciated. While every effort has been made to streamline the experience and conduct meetings in the manner to which our stakeholders have grown accustomed, there may be technical issues and human error. We will attempt to promptly correct any issues that arise.

Individuals who require special accommodations are requested to contact Corey McLaughlin by phone at: (559) 237-5567 or by email at: [cmclaughlin@krcd.org](mailto:cmclaughlin@krcd.org).

# Board of Directors Special Meeting South Fork Kings Groundwater Sustainability Agency (SFKGSA)

December 3, 2020; Meeting Convenes at 5:30 p.m.

Remote Only Via Zoom

**Link:** <https://us02web.zoom.us/j/89919181741?pwd=MjN2dkdUMmN6T1dvMU1CYVBDNk1xUT09>

**Call-In:** +1 669 900 6833 ; **Meeting ID:** 899 1918 1741 ; **Password:** 000866

**One-tap Mobile:** +16699006833,,89919181741#,,,,,0#,,000866#

All items on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action by the Board of Directors. The Board of Directors may consider agenda items in any order. Materials related to an item on this agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection at the Kings River Conservation District, 4886 E. Jensen Ave., Fresno 93725 during normal business hours.

## MEETING AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ADDITIONS TO OR DELETIONS FROM THE AGENDA**
4. **PUBLIC COMMENT**

The public may address the Board of Directors on any item relevant to the GSA Authority. *This is the only portion of the meeting where the public can comment.* If you know in advance that you will want to comment, it will be helpful to email the Technical Moderator at [cmclaughlin@krcd.org](mailto:cmclaughlin@krcd.org), in advance of the meeting, to make this known. Comments by individuals and entities will be limited to three minutes or as may be reasonable as determined by the conducting officer.

5. **CONSIDER APPROVAL OF MINUTES**

The Board will consider approval of the October 15, 2020 minutes.

*Requires simple majority approval*

6. **DIRECTOR REPORTS**

Each Director will have the opportunity to report on meetings and other events attended during the prior month on behalf of the SFKGSA.

*No action will be taken.*

7. **STAFF REPORT**

Staff will report on meetings and other events attended during the prior month on behalf of the SFKGSA.

*No action will be taken.*

## **8. STAKEHOLDER OUTREACH AND COMMUNICATIONS**

The Board will receive a report and may take action on stakeholder outreach and communications activities and needs.

*Action may be taken.*

## **9. SGMA IMPLEMENTATION UPDATE**

The Board will receive a report from consultants on the status of, and progress on, GSP implementation.

*Action may be taken.*

## **10. RESOLUTION 2020-04 REGARDING PROPOSITION 68 SGMA IMPLEMENTATION GRANT**

The Board will be asked to consider adoption of Resolution 2020-04 as part of an application for SGMA Implementation Grant funding.

*Requires simple majority approval.*

## **11. SFKGSA FINANCE COMMITTEE REPORT**

The Board will receive a report on the Committee's activities and the Committee may make recommendations to the Board.

*Action may be taken to approve Committee recommendations.*

## **12. APPROVAL OF BUDGET AMENDMENT**

The Board will be asked to approve a Budget Amendment as recommended by the Finance Committee, reflecting the current year's \$100,000.00 portion of the grant award from the California Resilience Challenge for the Aquifer Storage and Recovery project feasibility study.

*Requires 4/5 Majority Vote*

## **13. SFKGSA POLICY COMMITTEE REPORT**

The Board will receive a report on the Committee's activities and the Committee may make recommendations to the Board.

*Action may be taken to approve Committee recommendations.*

## **14. ADOPTION OF GROUNDWATER DATA PROTECTION POLICY**

The Board will be asked to consider adopting a Groundwater Data Protection Policy.

*Requires simple majority approval.*

## **15. NOMINATION AND APPOINTMENT OF POLICY COMMITTEE MEMBERS**

The Board will consider nominations for and appointment of members of the Policy Committee.

*Requires simple majority approval.*

## **16. CLOSED SESSION**

Government Code Section 54956.9(d)(2) To confer with its Legal Counsel regarding exposure to one matter of potential litigation.

## **17. RECONVENE TO OPEN SESSION**

The Board will reconvene to open session and will report any action taken in Closed Session.

## **18. NEXT MEETING DATE AND AGENDA ITEMS**

## 19. ADJOURNMENT

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the SFKGSA to provide a disability-related modification or accommodation in order to participate in any public meeting of the SFKGSA. Such assistance includes appropriate alternative formats for the agendas and agenda packets used for any public meetings of the GSA. Requests for such assistance and for agendas and agenda packets shall be made in person, by telephone, facsimile, or written correspondence to the Kings River Conservation District, 4886 E. Jensen Ave, Fresno, CA 93725, telephone 559.237.5567, fax 559.237.5560 at least 48 hours before a public GSA meeting.



Actions:

It was moved by Director Howe, seconded by Director Plourde, and unanimously carried by Roll Call vote, to amend the June 18, 2020 Minutes to correct the date in Item 5 to April 16, 2020.

Roll Call Vote:

Director Neves: Aye

Director Plourde: Aye

Director Howe: Aye

Director Mercer: Absent (audio and video not working, but connected to the meeting)

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**Item 6:**            CONSIDER APPROVAL OF THE MINUTES            **Presenter:**    Chair Neves

Discussion:

None

Actions:

It was moved by Director Howe, seconded by Director Plourde, and unanimously carried by Roll Call vote, to approve the minutes of the July 16, 2020 meeting.

Roll Call Vote:

Director Neves: Aye

Director Plourde: Aye

Director Howe: Aye

Director Mercer: Absent (audio and video not working, but connected to the meeting)

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**Item 7:**            DIRECTOR REPORTS            **Presenter:**    Chair Neves

Discussion:

None

Actions:

None

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**Item 8:**            STAFF REPORT            **Presenter:**    Charlotte Gallock

Discussion:

Ms. Gallock reported on items of interest to the Board from her attendance at various workshops and meetings; as well as other staff activities relevant to the Board.

Actions:

None

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**Item 9:**            STAKEHOLDER OUTREACH AND COMMUNICATIONS            **Presenter:**    Cristel Tufenkjian

Discussion:

No Report.

Actions:

None.

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**Item 10:**            SGMA IMPLEMENTATION UPDATE            **Presenter:**    Technical Consultants

Discussion:

Amer Hussain reported to the Board regarding the status of, and progress on, GSP implementation. Mr. Hussain presented two items to the Board for action: a. Approval of a Task Order, and b. Approval of a Proposal.

Actions:



Roll Call Vote:

Director Neves: Aye  
Director Plourde: Aye  
Director Howe: Aye  
Director Mercer: Aye

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**Item 13:**            NEXT MEETING DATE AND AGENDA ITEMS            **Presenter:**    Chair Neves

Discussion:

Item moved up in the Agenda. The next meeting will be a Special Meeting on December 3, 2020, at 5:30 p.m. The Finance Committee will meet November 19, 2020 at 9:30 a.m.

Actions:

The Chair adjourned the Board from Open Session at 6:23 p.m.

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**Item 14:**            CLOSED SESSION            **Presenter:**    Kenneth Richardson

Discussion:

The Board entered closed session at 6:24 p.m., pursuant to Government Code Section 54956.9(d)(2), to confer with its Legal Counsel regarding exposure to one matter of potential litigation.

Actions:

None.

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**Item 15:**            END OF CLOSED SESSION -(PREVIOUSLY RECONVENE TO OPEN SESSION)            **Presenter:**    Chair Neves

Discussion:

There were no reportable actions taken during Closed Session, which adjourned at 6:43 p.m.

Actions:

It was noted during Closed Session that, at the next meeting, the Board would report that there were no actions taken.

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**Item 16:**            ADJOURNMENT            **Adjourned from**  
**Open Session at:**    6:23 p.m.  
**Adjourned Fully at:** 6:43 p.m.

Respectfully submitted,

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
approved on \_\_\_\_\_

Joe Neves, Board Chair



# SUMMARY OF PROPOSITION 68 GRANT SOLICITATION

**Application Options:** Round 1: Critically Over Drafted Basins (COD); Round 2: Medium- and high priority (including COD) basins

**Types of Projects:** Address drought and groundwater challenges to achieve regional sustainability for investments in groundwater recharge projects with surface water, stormwater, recycled water, and other conjunctive use projects; Prevent or clean up contamination of groundwater that serves as a source of drinking water; Support water supply reliability, water conservation, and water use efficiency; and Support water banking, exchange, and reclamation.

**Who Qualifies:** GSAs or member agencies of GSAs with adopted GSP that has been deemed complete by DWR. ONE APPLICATION PER BASIN.

**Funding:** Total \$103 million available - Round 1: \$26 Million available (\$5 Mil will be used for projects that benefit a underrepresented community; must address needs outlined in Disadvantaged Community Involvement Assessment Report, have minimum of 5 letters of support from community; meets requirements within Public Resources Code) Round 2: Minimum \$77 million available (\$15 Mil will be solely used to benefit underrepresented communities that are eligible; must address needs outlined in Disadvantaged Community Involvement Assessment Report, have minimum of 5 letters of support from community; meets requirements within Public Resources Code); Minimum grant amount per basin is \$2 Mil, Maximum grant amount per basin is \$ 5 Mil.

**What to submit:** Grant application has 5 sections: 1) Applicant Information (Proposal Budget, Geographic Information, Legislative Information); 2) Projects (Project Info, Project benefits info, Project Budget, Geographic information, Legislative Info); 3) Questions; 4) Climate Risk in Investments; 5) Attachments

**Notes:** Match of 25% local cost share (matching fund) which may include federal funds, local funding, donated services from non-State sources, etc. Can be waived or reduced if project benefits disadvantaged communities or economically distressed areas. See Table 2. Costs are reimbursed and disbursed after DWR approves submittal of invoice form and backup documentation. Invoice and report on quarterly basis only. Grantee must report all required local cost share funds for a budget category before reimbursement will be processed. Projects must begin January 31, 2021 (Round 1) and January 31, 2022 (Round 2). Projects must end by April 30, 2024 (Round 1) and April 30, 2025 (Round 2) because that is the last day funds can be reimbursed for the project.

<b>Table 1: Important Schedule and Key Dates</b>	
<b>Milestone or Activity</b>	<b>Tentative Schedule</b>
Final Proposal Solicitation Package posted to Public	November 2020
Round 1 Grant Opens	November 16, 2020
Round 1 Application Workshop	December 2020
Round 1 Grant Closes	January 31, 2021

Public Review of Round 1 Draft Funding List	March 2021
Round 1 Final Awards	May 2021
Round 2 Grant Opens	Spring 2022
Public Review of Round 2 Draft Funding List	Summer 2022
Round 2 Final Awards	Fall 2022
Round 2 Grant Closes	January 31, 2022

TABLE 2: Eligibility for Cost Share Waiver

<b>0% Local Cost Share:</b>	The Project is located within an URC and solely benefits the URC
<b>5% Local Cost Share:</b>	The Project is not located within an URC, but solely benefits the URC
<b>15% Local Cost Share:</b>	The Project is not located within an URC, but a minimum of 50% of the project benefits the URC
<b>25% Local Cost Share:</b>	The Project is not located within an URC and does not benefit an URC

NOTE: The minimum local cost share is calculated based upon the total project cost. For this program, the total project cost is the grant funds plus the local cost share amounts. To calculate the local cost share percent: local cost share/ (grant funds + local project cost).

<https://water.ca.gov/Work-With-Us/Grants-And-Loans/Sustainable-Groundwater>

## South Fork Kings GSA Proposed Budget Amendment One FY2021

	Approved Budget  FY 2021	Proposed Amendment 1  FY 2021	Proposed Amended Budget  FY 2021
<b>Administrative</b>			
Contract Admin Services (KRCD)	\$40,990	\$0	\$40,990
Contract Outreach Services (KRCD)	\$16,000	\$0	\$16,000
Contract Outreach Supplies	\$4,000	\$0	\$4,000
Office Supplies / Postage	\$4,510	\$0	\$4,510
Insurance	\$2,390	\$0	\$2,390
Annual Audit	\$6,000	\$0	\$6,000
Miscellaneous Overhead	\$1,434	\$0	\$1,434
<b>ADMINISTRATIVE EXPENSES SUBTOTAL</b>	<b>\$75,324</b>	<b>\$0</b>	<b>\$75,324</b>
<b>Professional Services</b>			
Hydrogeology / Engineering	\$0	\$0	\$0
Legal Expense	\$46,000	\$0	\$46,000
Grant Writing	\$0	\$0	\$0
Groundwater Sustainability Plan Preparation	\$0	\$0	\$0
Groundwater Sustainability Plan Implementation	\$292,092	\$0	\$292,092
California Resilience Challenge Grant	\$0	\$100,000	\$100,000
<b>PROFESSIONAL SERVICES EXPENSES SUBTOTAL</b>	<b>\$338,092</b>	<b>\$100,000</b>	<b>\$438,092</b>
<b>Contingency</b>			
	<b>\$35,532</b>	<b>\$0</b>	<b>\$35,532</b>
<b>Total Estimated Cost</b>			
	<b>\$448,948</b>	<b>\$100,000</b>	<b>\$548,948</b>
Reimburse Member Agencies Start-Up Costs	\$171,880	\$0	\$171,880
<b>Total Budgeted Expenditures</b>	<b>\$620,828</b>	<b>\$100,000</b>	<b>\$720,828</b>
<b>Revenue</b>	<b>\$620,828</b>	<b>\$100,000</b>	<b>\$720,828</b>
<b>Per Acre Charge</b>	<b>\$ 8.71</b>		<b>\$ 8.71</b>
City of Lemoore Acreage	5,655.0		5,655.0
Other Kings County Acreage	65,622.6		65,622.6
City of Lemoore Allocation	\$49,255		\$49,255
Other Kings County Allocation	\$571,573		\$571,573
California Resilience Challenge Grant	\$0	\$100,000	\$100,000
	\$620,828	\$100,000	\$720,828

# **South Fork Kings Groundwater Sustainability Agency**

## **Groundwater Data Protection Policy**

### **Policy No. 2020-01**

#### Purpose of Policy

The purpose of this Groundwater Data Protection Policy (“Policy”) is to provide property owners within the jurisdiction of the South Fork Kings Groundwater Sustainability Agency (“SFK GSA”) with assurance that all groundwater information and data that they agree to provide to the SFK GSA will be held and remain confidential to the maximum extent allowable by law.

#### Scope of Policy

This Policy applies to all groundwater data currently in the possession of the SFK GSA or that the SFK GSA will acquire in the future.

#### Background Information Supporting Policy

The SFK GSA is a joint powers authority formed pursuant to the Joint Exercise of Powers Act (Gov’t Code section 6500 et seq.) and acts pursuant to that authority. Its primary mission is to sustainably manage, protect and maintain the groundwater resources within its jurisdiction consistent with the Sustainable Groundwater Management Act of 2014 (“SGMA”) for the benefit of water users within its jurisdiction. The SFK GSA is located in the Tulare Lake Subbasin, Basin No. 5-22.12 as identified in the Department of Water Resources’ (“DWR”) Bulletin 118, and is designated therein as being presently in “critical overdraft.” The activities of the SFK GSA include coordination with the other Groundwater Sustainability Agencies (“GSAs”) within and adjacent to the boundaries of the Tulare Lake Subbasin, as well as groundwater management activities throughout the region.

Water Code section 10725.2 and the SFK GSA Joint Powers Agreement authorize the SFK GSA Board of Directors to adopt policies, rules, regulations, ordinances and resolutions for the purpose of complying with SGMA. The SFK GSA, in carrying out its mission, has need to acquire confidential, technical and proprietary groundwater information and data (“Confidential Information”), including, but not limited to:

- Well location.
- Ground surface elevation at well location, including elevation datum
- Level of standing water in well at development and up to last monitoring action.

- Well driller's logs.
- Well specifications/information (perforated intervals, seal depth, pumping capacity, water quality, etc.).
- Agricultural practices (crop type, irrigation method (flood or drip), surface or groundwater application, etc.).
- Irrigation facility information (location, dimension, capacity, etc.).
- Subsidence data.

The SFK GSA intends to compile, manage and maintain the Confidential Information in a manner to ensure confidentiality. However, the SFK GSA cannot be required to maintain confidentiality for any data or information that is in the public domain at the time of the disclosure.

The SFK GSA's Groundwater Sustainability Plan ("GSP") necessitates that it has and plans to continue pursuing investigations of groundwater conditions within its jurisdiction, and in that process will necessarily develop and/or acquire Confidential Information. The SFK GSA desires to ensure that the Confidential Information that may be disclosed to it is treated in the strictest confidence consistent with the requirements of the law. Where such Confidential Information is not general public knowledge and is being disclosed on a limited basis under the terms and conditions of this Policy, the SFK GSA will take every action within its legal authority to maintain confidentiality, including but not limited to entering into a data privacy confidentiality agreement made directly with property owners or their agents.

In the event that a property owner submits Confidential Information to and enters into a confidentiality agreement with the SFK GSA, and subsequently transfers title to the property associated with the Confidential Information, the SFK GSA will coordinate with the new record owner to continue to protect the Confidential Information as confidential, either pursuant to an assignment of the rights in the confidentiality agreement, if any, from the former property owner to the current property owner, or some other legal mechanism, if so desired by the new property owner.

The SFK GSA may, from time to time, need to utilize Confidential Information in conjunction with SGMA requirements that it coordinate with the other GSAs within or adjacent to the boundaries of the Tulare Lake Subbasin, or in consultation with government agencies with SGMA regulatory oversight responsibilities for the purpose of complying with the requirements of SGMA. Similarly, the SFK GSA may need to utilize Confidential Information for purposes of obtaining grant funding or complying with the requirements for grants awarded to the SFK GSA. Whenever the SFK GSA utilizes the Confidential Information for the above described purposes, the SFK GSA will only do so in a general manner and format that maintains the confidentiality of the property

owner's Confidential Information. The SFK GSA may, from time to time, seek the property owner's consent to disclose certain Confidential Information for the above purposes where it could be mutually beneficial to both parties.

The SFK GSA is a California public agency, and therefore is subject to the requirements of the California Public Records Act (Gov't Code §§ 6250 et seq.) ("CPRA"). The fundamental intent of the CPRA is that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the state. The SFK GSA Board of Directors acknowledge and understand that the CPRA includes a certain level of tension with the intent and the goals of this Policy. Nevertheless, in furtherance of the goals of this Policy and compliance with the CPRA, the following noteworthy exemptions to the CPRA do coincide with the goals and intent of this Policy, including:

- Geological and geophysical data. Gov't Code § 6254(e).
- Disclosure of a public record to a public agency pursuant to an agreement to treat the material as confidential. Gov't Code § 6254.5(e).
- Utility Usage Data. Gov't Code § 6254.16.
- Any information where, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. Gov't Code section 6255.

When the SFK GSA receives a CPRA request for records which implicates any Confidential Information provided to the SFK GSA pursuant to this policy, it will seek to maintain that confidentiality to the maximum extent allowable under the law, and will provide the submitting property owner with notice of the scope and nature of the request.

### Policy Implementation

The SFK GSA, by and through its employees and agents, shall take the following actions consistent with the intent of this Policy.

1. Seek out the cooperation of property owners within the SFK GSA to open a dialogue about sharing Confidential Information about groundwater usage, including by regularly requesting from Kings County Community Development a list of well permits issued to obtain property owner name, location and contact information.
2. Any groundwater data containing Confidential Information provided to the SFK GSA under a claim of confidentiality shall be marked by the SFK GSA as confidential and maintained at a to be designated secure location by the employees or authorized agents of the SFK GSA. Preferable formats for the submission of Confidential Information include paper copies or common unencrypted digital file formats such as pdf's or jpeg's.

3. All Confidential Information submitted to the SFK GSA shall be pursuant to a confidentiality agreement for SFK GSA to treat the information and data submitted pursuant to same as confidential.
4. The SFK GSA shall maintain all groundwater data as confidential, pursuant to the claims at the time of submission. Only persons authorized in writing by an authorized representative of the SFK GSA shall obtain the Confidential Information on behalf of the SFK GSA and only for the purposes that are consistent with this Policy and existing law.
5. The SFK GSA may assert any applicable exclusion or privilege to prevent disclosure of the Confidential Information subject to this Policy, either on its own behalf or on behalf of a landowner.
6. The SFK GSA may not disclose any data to the public without first providing notice to and obtaining the express authorization of the submitting landowner, unless otherwise authorized pursuant to a consent authorization and/or other agreement between the SFK GSA and the consenting landowner.
7. The SFK GSA shall immediately notify a submitting landowner of any request for information from a member of the public in order to allow sufficient time to assert any exclusions or privileges that may be available by law.
8. If any information is required to be disclosed pursuant to law or court order, the SFK GSA shall work to comply with the disclosure request while limiting the disclosure in a manner to preserve the confidential and proprietary nature of the Confidential Information, as allowed by existing law.
9. The SFK GSA may disclose Confidential Information to a public agency only if: (1) the public agency requires the information to perform its legally mandated duties; and (2) the public agency agrees in writing to protect the confidentiality of the Confidential Information and to limit disclosure to only those persons who are employed or retained by the agency and who have signed an agreement to maintain the confidentiality of the records.