

## Water Commission's Meetings

### NOTICE OF TEMPORARY PROCEDURES FOR THE WATER COMMISSION MEETINGS

On March 17, 2020, California Governor Gavin Newsom issued Executive Order N-29-20, relating to the convening of public meetings in light of the COVID-19 pandemic. The County of Tulare hereby provides notice that it will continue to convene its regularly scheduled public meetings of the Water Commission in the BOS Conference Rooms A&B at 2800 W. Burrel Ave, Visalia, as provided in the publicly posted agenda notice, and until further notice.

Based on guidance from the California Department of Public Health and the California Governor's Office, to minimize the spread of the COVID-19 virus, members of the public are encouraged to participate in the Board meetings in the following ways:

1. REMOTE VIEWING: Listen to the live audio stream of the Water Commission meeting at

Join Zoom Meeting

<https://tularecounty-ca.zoom.us/j/97308676203?pwd=bm9tZURaa09kb2FNVnFUSDJOVXIUT09>

Meeting ID: 973 0867 6203

Passcode: 599334

Dial In: +1 669 900 9128 US (San Jose)

Meeting ID: 973 0867 6203

Passcode: 599334

2. PUBLIC COMMENT: If you choose not to attend the Water Commission meeting but wish to comment on a specific agenda item we have the following options available:

- a. Submit written comments on an agenda item to the Clerk of the Water Commission at [DEngland@tularecounty.ca.gov](mailto:DEngland@tularecounty.ca.gov) for distribution to the Water Commission before the meeting. If you would like to support, oppose, or otherwise comment on a Water Commission' agenda item, please consider sending in your comment rather than attending the meeting in person. All communication, whether it is a formal letter or a one-line informal email, is read by the Water Commission. Also, if you are part of a large group that would like to comment on an agenda item, please consider commenting in writing or sending one spokesperson to speak on behalf of the group.

Written comments may also be submitted by U.S. mail, at:

Tulare County Administrative Office

c/o Clerk of the Water Commission

2800 W. Burrel Ave.

Visalia, CA 93291

b. To participate during the Water Commission meeting, please call (559) 636-5000. Each caller will, one at a time, be connected to the Board room to address the Commission in the same manner as if the caller were there in person. The caller will be requested to state his or her name and address for the record, and the caller's statements will go through the PA system in order to be heard by everyone in the room. The statements will go out on the live audio stream. The three (3) minute limit will apply to all public comments.

c. Alternatively, you may participate during the Commission meeting by submitting an email as the item is being heard. Emails should include the sender's name and address for the record. Emails should include the agenda item number and sent to the Clerk of the Water Commission at DEngland@tularecounty.ca.gov. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received before the end of the meeting.

d. If you attend the Water Commission meeting in person, all attendees will be requested to engage in social distancing measures by maintaining a 6-foot distance from other attendees. Exposed surfaces will be sanitized prior to the meeting and attendees are encouraged to avoid contact with surfaces such as microphones and door handles. Large groups wishing to comment on a common item are encouraged to submit comments in writing or to send one spokesperson to speak on behalf of the group.

Water Commission meetings can be viewed live through Zoom. Click here to join the Water Commission Live Stream:

Join Zoom Meeting

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Dial In: +1 669 900 9128 US (San Jose)

Meeting ID: 973 0867 6203

Passcode: 599334

**TULARE COUNTY WATER COMMISSION**  
**3:00 p.m. on Monday, January 10, 2022**  
**Human Resources & Development Innovation Room and ZOOM**  
**2500 W. BURREL AVE.**  
**VISALIA, CALIFORNIA 93291**

**NOTICE TO THE PUBLIC**  
**PUBLIC COMMENT PERIOD**

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Water Commission at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for the Water Commission's consideration. Any person addressing the Water Commission will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak. At all times, please use the microphone and state your name and address for the record.

**AGENDA**

1. Call to Order
2. Public Comment Period
3. Reaffirm Resolution 2021-01 Allowing Teleconferencing for Water Commission Meetings (Action Item)
4. Approve November 8, 2021 Minutes (Action Item)
5. Sustainable Groundwater Management Act Water Market Development (Discussion, Possible Action)
  - a. Presentation by Kaweah Sub-basin (Aaron Fukuda)
  - b. Presentation by Tule Sub-basin (David DeGroot)
6. 2022 Tulare County Water Commission Priorities
7. Drought Update (Discussion, Possible Action)
  - a. Conditions
  - b. Funding
8. Subcommittee Reports
  - a. Legislation (Discussion, Possible Action)
9. Staff Reports (Discussion, Possible Action)
  - a. DAC Program
  - b. SGMA Implementation
  - c. SWRCB Administrator Program
  - d. Commission Vacancies
10. Commissioners' Comments
11. Future Agenda Topics
12. Next meeting – Monday, February 14, 2022
13. Adjourn

Tulare County Water Commission Contact: Denise England, staff (559) 636-5000

Tulare County Water Commission website: <https://tularecounty.ca.gov/board/index.cfm/committees-commissions/water-commission>

Documents related to the items on this Agenda, submitted to the Board after distribution of the Agenda packet, are available for public inspection in the Board of Supervisors Office, 2800 W. Burrel Avenue, Visalia, CA during normal business hours. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website: <https://tularecounty.ca.gov/board/index.cfm/committees-commissions/water-commission>

**As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office at (559) 636-5000

# **TULARE COUNTY WATER COMMISSION**

**3:00 p.m. on Monday, November 8, 2021**

## **MEETING NOTES**

### **Members Present:**

Pete Vander Poel, Board Representative and Chairman  
Martha Flores, TCAG Representative  
Eric Quinley, District 2 Appointee  
Jessi Snyder, At-Large Appointee  
Mike Lane, At-Large Appointee  
Dominic Fino, At-Large Appointee

### **Members Absent:**

VACANT, District 1 Appointee  
VACANT, District 3 Appointee  
VACANT, District 4 Appointee  
Steve Etchegaray, District 5 Appointee  
Dennis Townsend, Board Alternate

### **Staff Present:**

Denise England, Tulare County Administration Office  
Aaron Zaheen, County Counsel  
,County Counsel  
Bob Irvine, TCiCT  
Jessica Gocke, HHSA-Environmental Health

### **Members of the Public Present:**

Pat Pinkham	John Lollis	Tamara Galli
Rhett Anderson	Michael Prado	
	Deanna Jackson	

1. Call to Order  
Chairman Vander Poel called the meeting to order at 3:00 pm.
2. Public Comment Period  
There was no public comment.
3. Adopt a Resolution  
On a motion made by Commissioner xxxx and seconded by Commissioner xxxx, Resolution 2021-01 was adopted unanimously.
4. Approve September 13, 2021 Minutes  
On a motion made by Commissioner Quinley and seconded by Commissioner Lane, the minutes were approved unanimously.
5. Water Market Development (Discussion, Possible Action)  
This item was tabled until January.
6. Drought Update
  - a. Conditions: Denise England, Water Resources Director, provided an update on well permits.
  - b. Funding: Ms. England provided an update on available drought funding. Ms. England reported that both the Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB) were accepting applications for drought grants. She went on to explain that the DWR was still soliciting projects through their Small Community Drought Assistance program, which has \$200 million available on a first-come-first-serve basis. Additionally, the DWR rolled out the Project Solicitation Package for the Urban and Multibenefit Drought Program. The Urban and Multibenefit Drought Program includes a set-aside of \$50 million for each Integrated Regional Water Management Disadvantaged Community Involvement Program. Ms. England reminded the Commission that Tulare County is the recipient of the Tulare-Kern Funding Area's DACII Program. She reported that Tulare County will submit an application for the set-aside to construct several DAC projects.

Ms. England indicated that Self Help received SWRCB funding for the requested bottled water cache as an emergency supply, which can be readily available when people first experience a water outage. The Governor has authorized California Disaster Act Assistance (CDAA) for drought. It is unclear at this time what impact CDAA will have on the drought response in Tulare County. However, it does open the door for small communities to get reimbursement for drought activities to-date not funded by another outside source.

Commissioner Quinley announced that Prop 68 Round 2 SGMA funds in the amount of \$7.6 million may be provided to each high-priority sub-basin for groundwater projects that improve drinking water for communities.

Michael Prado asked how many residences were waiting for a tank. Commissioner Snyder replied that she believed Self Help was able to keep up with the demand, however she committed to ask and provide an update.

## 7. Subcommittee Reports

### a. Legislation

Miss England provided an update on the following bills:

- i. SB 403- Signed by Governor
- ii. SB 776- Signed by Governor

iii. AB 1250- Signed by Governor

## 8. Staff Reports

### a. Tulare-Kern DACII Program

Denise England reported the Program is moving forward on schedule. She indicated the DWR will provide additional funding to the Program through the Urban and Multibenefit Drought Program.

### b. SGMA Implementation

Commissioner Quinley reported the GSAs are waiting for final approval of their submitted GSPs from the DWR. He reported that the DWR received letters from the SWRCB ahead of approval commenting on the completeness of some GSPs

### c. SWRCB Administrator Program

Ms. England reported the SWRCB held a public meeting in the community of Teviston regarding the appointment of an Administrator. The SWRCB sent a letter to the County requesting the County become the Administrator for Teviston. At this time, the Board wants to complete the Administrator agreement for East Orosi and carry out the Administrator duties for that community before taking on any additional communities.

### d. Commission Vacancies

Ms. England reported seats for District 3 and 4 are vacant.

## 9. Commissioners Comments

There were no Commissioner comments.

## 10. Future Agenda Topics-

Water Market discussion and ratifying the teleconferencing resolutuion.

## 11. Next meeting – Monday, January 10, 2022 3:00 PM

## 12. Adjourn

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The meeting adjourned at 3:47 PM

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**Resolution for Remote Attendance at Meetings Pursuant to AB 361**

**WHEREAS**, meetings of this Commission are governed by the provisions of California's open meetings law known as the Ralph M. Brown Act, found at Government Code section 54950, *et seq.* (the "Brown Act"); and

**WHEREAS**, for many years the Brown Act has allowed local legislative bodies such as ours to conduct their meetings, at least in part, through the use of teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law; and

**WHEREAS**, as a condition of using teleconferencing in part or in whole for meetings of local legislative bodies, the Brown Act requires that such meeting agendas disclose the precise locations from which teleconferencing will occur, that notices and agendas of the teleconferencing meetings be posted at all of those locations, and that all of the locations be freely accessible by members of the general public during the meetings; and

**WHEREAS**, as part of his response to the COVID-19 pandemic, in March 2020 Governor Newsom issued his Executive Order N-29-20 suspending said posting, noticing, and public access conditions for teleconferencing in order to allow local legislative bodies to carry out their important work while promoting social distancing and combatting the spread of COVID-19; and

**WHEREAS**, Executive Order N-29-20 expired on September 30, 2021; and

**WHEREAS**, the newly-enacted AB 361 allows local legislative bodies to continue meeting remotely to the extent possible upon making certain findings; and

**WHEREAS**, a state of emergency, declared by the Governor pursuant to Government Code section 8625, remains in effect in the State of California due to the continued effects of the COVID-19 pandemic; and

**WHEREAS**, this Commission wishes to allow its members to continue to have the option to participate in its governing board meetings remotely through the use of the teleconferencing provisions of AB 361.

**NOW, THEREFORE**, the Governing Board of the Tulare County Water Commission hereby finds and declares the following,

1. The above-listed recitals are adopted as being true and correct.
2. COVID-19 continues to threaten our community. The unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides is one means by which to reduce the risk of COVID-19 transmission.

3. Relaxing the requirements for remote meeting attendance by Commission members through teleconferencing will promote social distancing and allow potential governing board meeting attendees to maintain the privacy of their vaccination status, which will reduce the health and safety risk inherent in personal attendance at public meetings.

4. Based on these findings and pursuant to Government Code section 54953 (e)(1)(A), members of the Commission may use teleconferencing for meeting attendance without complying with the provisions of Government Code section 54953 (b)(3), so long as the requirements of AB 361 and this Resolution are met.

5. Pursuant to Government Code section 54953(e)(2), if meetings of this Commission allow for remote participation by members through teleconferencing as described above, then all of the following shall apply to such meetings:

- (A) The Commission shall give notice of the meeting and post agendas as otherwise required by the Brown Act.
- (B) The Commission shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the Commission directly pursuant to Government Code section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the Commission shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the Commission to provide a physical location from which the public may attend or comment.
- (C) The Commission shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the Commission.
- (D) In the event of a disruption which prevents the Commission from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the Commission's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the Commission shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the Commission from broadcasting the meeting may be challenged pursuant to Government Code section 54960.1.
- (E) The Commission shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the Commission and offer comment in real time. This subparagraph shall not be construed to require the



Commission to provide a physical location from which the public may attend or comment.

- (F) Notwithstanding Government Code section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the Commission, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.
- (G)
  - (i) If the Commission provides a timed public comment period for each agenda item, then it shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.
  - (ii) If the Commission does not provide a timed public comment period, but takes public comment separately on each agenda item, then it shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.
  - (iii) If the Commission provides a timed general public comment period that does not correspond to a specific agenda item, then it shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

6. If a state of emergency remains active, then in order to continue to teleconference without compliance with Government Code section 54953 (b)(3), this Commission shall, not later than 30 days after teleconferencing for the first time pursuant to this Resolution, and every 30 days thereafter, make the following findings by majority vote:

- (A) The legislative body has reconsidered the circumstances of the state of emergency.
- (B) Any of the following circumstances exist:
  - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
  - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

7. If this Board does not meet within thirty days of this meeting, or any subsequent meeting where these findings are ratified, and a state of emergency pursuant to Government Code section 8625 remains in effect, then the Commission will be deemed to have delegated to its Chair the authority to call a meeting pursuant to these provisions, provided that official also places on the

agenda of that meeting an item calling for the Commission to ratify that action and readopt this Resolution.

8. For purposes of this Resolution, a “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act found at Article 1 (commencing with § 8550) of Chapter 7 of Division 1 of Title 2 of the Government Code.

# 2022 Tulare County Water Commission Priorities

- Consolidating Small Water and Sewer Systems
  - Streamlining process for local entity formation for water and sewer systems
  - Funding for septic tank consolidation, not tied to sea level rise
  - Grants for green energy for wastewater treatment plants and furtherance of water-related efficiency and use that serve DACs
  - Funding for ongoing operation and maintenance
  - Funding for extension of service to properties with private domestic wells
  - Evaluate Administrator role
- Funding to address subsidence effects in Tulare County
  - Funding for Friant Kern Canal fix
- Implementation of SGMA
- Forest Management Funding and Legislation
- Water Bond
  - Wastewater funding
- Timely certification for Point of Use Point of Entry devices
- Regular meetings of the Water Legislation Subcommittee
- Support legislation for emergency funding for sewer emergencies

# County of Tulare

## Water Commission Meetings 2022 Calendar

*Tentative - Subject to Change*



### January

S	M	T	W	T	F	S
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

### February

S	M	T	W	T	F	S
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	1	2	3	4	5
6	7	8	9	10	11	12

### March

S	M	T	W	T	F	S
27	28	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9

### April

S	M	T	W	T	F	S
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
1	2	3	4	5	6	7

### May

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4
5	6	7	8	9	10	11

### June

S	M	T	W	T	F	S
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2
3	4	5	6	7	8	9

### July

S	M	T	W	T	F	S
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

### August

S	M	T	W	T	F	S
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10

### September

S	M	T	W	T	F	S
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1
2	3	4	5	6	7	8

### October

S	M	T	W	T	F	S
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

### November

S	M	T	W	T	F	S
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3
4	5	6	7	8	9	10

### December

S	M	T	W	T	F	S
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
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