



**COUNTY ADMINISTRATION
OFFICE
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
PETE VANDER POEL
District Two
PHILLIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: November 17, 2015 - **REVISED**

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Denise England PHONE: 636-5005				

SUBJECT: Joint Powers Agreement

REQUEST(S):

That the Board of Supervisors:

1. Approve the Joint Powers agreement between Fresno, Kings, Madera, Merced, and Tulare counties creating the San Joaquin Valley Water Infrastructure Authority; and
2. Authorize the Chairman to sign the agreement

SUMMARY:

On January 17, 2014 the Governor proclaimed a statewide emergency due to unprecedented drought conditions in the State of California. On February 4, 2014 your Board passed Resolution Number 2014-0090 declaring a local emergency due to extreme drought conditions. On September 17, 2014 the Governor issued an Executive Order proclaiming a statewide emergency and authorized California Disaster Act Assistance to address household water outages.

For the first time since its inception, the Central Valley Project (CVP) was allocated zero water due to several dry years and drought conditions in 2014. In 2015 a second zero allocation for the Central Valley Project was announced. Tulare County remains "ground zero" for the state's most serious economic and social water supply reduction impacts.

In November 2014, voters passed Proposition 1 which authorized \$7.5 billion in general obligation bonds, including \$2.7 billion allocated for development of water storage projects. In order to compete for the limited bond funding, a unified approach

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among San Joaquin Valley regional and local agencies to meeting these critical water needs by working together, in conjunction with the state and federal governments, is necessary.

On July 21, 2015, your Board passed a resolution to initiate the formation of a Joint Powers Authority (JPA) in an effort to unify with surrounding counties in identifying viable water storage projects that will bring critical relief to the San Joaquin Valley.

The proposed JPA was discussed at the September 12, 2015 and a nine member Board of Directors was proposed including:

- One supervisor from each of the five counties (Tulare, Fresno, Kings, Madera, and Merced)
- One member to represent cities
- One member to represent irrigation districts
- One member to represent community district/county service areas; and
- One at-large member

On September 18, 2015, a proposal to expand the JPA from nine to eleven members was discussed. The proposed changes to the JPA member composition were:

- Two, instead of one, members to represent water agencies, one from the east side and one from the west side
- Two, instead of one, member to represent cities, one from the east side and one from the west side
- One tribal council member
- Conversion of the member representing community service district/county service areas to an at-large member who can be selected from all of the categories above.

Fresno County approved a nine member JPA on September 22, 2015 but stated a willingness to consider an eleven member JPA as proposed at the September 18, 2015 stakeholder meeting. On September 22, 2015, Madera County approved the nine member agreement and stated its intent to adopt the September 18 changes. Kings County “approved concept of the JPA [Fresno approved version] with amendments as proposed by Madera County [September 18 stakeholder meeting proposed changes]. The final draft will be brought back to the Board for signature.”

The current draft incorporates the suggestions and concerns that were vetted during a conference call of county parties and includes the following provisions:

- Five counties
- Two cities- one eastern and one western
- Two water agencies- one eastern and one western
- One tribal party to be nominated
- A new article that describes the makeup of the Board of Directors, distinguishing between a party to the agreement and a member of the Board of Directors

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- Clarifies the nomination of the city representatives, outlining a nomination process by the majority of the incorporated cities within the jurisdictions of the county parties
- A process similar to the cities' nominations is also outlined for the water agency and tribal parties
- Requires that in order to participate in the city, water agency, or tribal member nomination process the cities', water agencies', or tribal entities' governing bodies must approve and sign the agreement
- Each nominated city must appoint an elected official and an alternate to serve on the Board of Directors
- Each nominated water agency must appoint an officer or employee of the agency
- The tribal member will be appointed by the tribal party member, but will not be subject to the affiliation requirements for the city and water agency members
- Allows bylaws to be adopted by a majority of the currently seated Board of Directors
- Requires each party to the agreement to contribute \$50,000, but includes provisions for the cities, water agencies, and tribal members to make arrangements with others to fund their initial contribution

The agreement includes an initial contribution by each Party of \$50,000. Subsequent contributions must be approved by the governing body of each Party in proportion to the relative populations of the member Parties based on the latest State of California Department of Finance E-1 estimate.

The agreement deviates from county contract protocol in that it calls for arbitration of disputes arising out the agreement.

FISCAL IMPACT/FINANCING:

The JPA agreement requires an initial contribution of \$50,000.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Plan includes an initiative to provide for the safety and security of the public which includes the goal of providing an adequate and safe water supply.

ADMINISTRATIVE SIGN-OFF:

Denise England
Water Resources Program Manager

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment: Agreement

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF JOINT POWERS)
AGREEMENT) Resolution No. 2015-0924
)**

UPON MOTION OF _____, SECONDED BY _____,
THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN
OFFICIAL MEETING HELD _____, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS VANDER POEL, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: SUPERVISOR ISHIDA

ATTEST: MICHAEL C. SPATA, INTERIM
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

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2. Authorized the Chairman to sign the agreement