

Resolution No. 16-70

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING THE MADERA IRRIGATION DISTRICT AND CITY OF MADERA GROUNDWATER SUSTAINABILITY AGENCY MEMORANDUM OF UNDERSTANDING.

Whereas, in September of 2014, the Governor signed into law the Sustainable Water Management Act (SGMA), which imposes new requirements on local agencies focusing on sustainable groundwater management at the groundwater basin level; and

Whereas, the City of Madera is located within the Madera Groundwater Sub-basin, together with several other entities subject to SGMA, including the Madera Irrigation District; and

Whereas, within the Madera Groundwater Sub-basin, SGMA requires the formation of one or more Groundwater Sustainability Agencies (GSAs) by 2017, and the preparation of a Groundwater Sustainability Plan (GSP) by 2020; and

Whereas, the entities that have jurisdiction within the Madera Groundwater Sub-basin mutually identified a preferred GSA structure whereby each agency would form a separate GSA, and then all the GSAs would work together on a single Plan; and

Whereas, the City and Madera Irrigation District each intend to establish a GSA with boundaries consistent with their respective organization boundaries; and

Whereas, the boundaries of the separate GSAs are not permitted to have any overlap; and

Whereas, the existing City limits overlap substantially with the existing boundaries of the Madera Irrigation District (MID); and

Whereas, the City of Madera and Madera Irrigation District desire to enter into an agreement that provides for cooperation and collaboration as to boundary matters and groundwater management issues within their respective GSAs.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. The Madera Irrigation District and City Of Madera Groundwater Sustainability Agency Memorandum Of Understanding, a copy of which is on file with the office of the City Clerk, is hereby adopted.
3. The Mayor is authorized to execute the Memorandum of Understanding on behalf of the City.
4. This resolution is effective immediately upon adoption.

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PASSED AND ADOPTED by the City Council of the City of Madera this 18th day of May, 2016 by the following vote:


AYES: Mayor Poythress, Council Members Rigby, Medellin, Holley, Robinson, Oliver.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:



ROBERT L. POYTHRESS, Mayor

ATTEST:



SONIA ALVAREZ, City Clerk



APPROVED AS TO LEGAL FORM:



BRENT RICHARDSON, City Attorney

**MADERA IRRIGATION DISTRICT AND
CITY OF MADERA
GROUNDWATER SUSTAINABILITY AGENCY
MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and effective as of May 18, 2016 (the “Effective Date”) by and between the public agencies of Madera Irrigation District (“MID”) and the City of Madera (“City”).

This MOU is made with reference to the following facts:

- A. The City encompasses approximately 15.8 square miles. The population of the City is estimated at 63,000 with approximately 16,000 households. The City is governed by a seven member Council. The City has no surface water supply and is solely reliant on groundwater.
- B. MID encompasses approximately 130,000 acres in the County of Madera. MID manages surface water supplies from Friant Dam, Millerton Lake, and Hidden Dam, Hensley Lake. MID is governed by a five member board. The mission statement of MID “is to obtain and manage affordable surface water and groundwater supplies in a manner which will ensure the long-term viability of irrigated agriculture in the District.” MID is an Irrigation District governed by the California Water Code.
- C. MID and the City are both members of the Madera Groundwater Authority. The Madera Groundwater Authority’s goal is to provide for the conjunctive use of groundwater and surface water within the represented groundwater basins to ensure the reliability of a long-term water supply to meet current and future beneficial uses through the development of a coordinated and comprehensive regional approach to the monitoring, evaluation and management of groundwater resources.
- D. On September 16, 2014 Governor Edmund G. Brown Jr. signed three bills, AB 1739, SB 1168, and SB 1319, which create a framework for sustainable, local groundwater management, this is known as the Sustainable Groundwater Management Act (SGMA). The legislation allows local agencies to tailor groundwater sustainability plans to their regional economic and environmental needs.
- E. The SGMA requires the formation of Groundwater Sustainability Agencies and the preparation of Groundwater Sustainability Plans within medium and high priority groundwater basins, including the Madera Groundwater Subbasin.
- F. MID and the City are both located entirely within the Madera Groundwater Subbasin.
- G. As stated by the Department of Water Resources, according to Water Code §10723.8(c), where there is overlap in areas proposed to be managed by local agencies, “the local agencies shall seek to reach agreement to resolve the overlap to allow prompt designation of a GSA.” Roughly 8,500 acres of the City (approximately 90% of the City) are within MID’s boundaries and pay city rate assessments to MID.

- H. Outside the City limits, the City maintains a sphere of influence comprised of approximately 25,000 acres, which defines the current limits of City annexation. The City also adopted an Urban Growth Boundary comprised of approximately 30,000 acres as part of its comprehensive General Plan, which is intended to define the limits of future urban growth. The boundaries of the City's sphere of influence and urban growth boundary substantially overlap MID's existing boundaries.
- I. MID and the City have each elected to form their own Groundwater Sustainability Agency (GSA) in accordance with the SGMA.
- J. Each of the parties to this Agreement has various oversight and active roles relative to water resources within their respective boundaries, including, but not limited to, water service.

Now, therefore, the parties hereto mutually agree as follows:

1. GSA Boundary Formation and Maintenance

- a. MID will not oppose any proposal by the City to form a GSA with boundaries consistent with its City limits.
- b. City will not oppose any proposal by MID to form a GSA with boundaries consistent with MID's organizational boundaries, excluding the area within the Madera City limits.
- c. Notwithstanding any claim or proposal by any other agency or entity, the Parties agree that properties within City's sphere of influence or urban growth boundary, but outside the City limits, should be located within a GSA formed by MID if within the MID boundary.
- d. The parties agree that it is their mutual intent that the boundaries of any GSA formed by the City should be consistent with City limits, and further acknowledge that City limits may be expanded through annexation from time to time. The parties agree to allow for such expansion as part of the GSA formation process, and to cooperate in making a formal adjustment to GSA boundaries as may be necessary.


2. Collaboration and Cooperation. The parties agree to collaborate and cooperate on groundwater management for the area lying within the boundaries of both MID and the City (Plan Area), including the following:

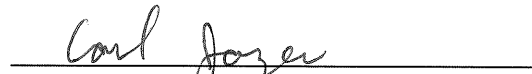
- a. Planning. Planning for sustainability of groundwater levels and quality within the Plan Area. Identify, develop, and prioritize collaborative plans, programs, and projects that may be beyond the scope or capability of individual stakeholders, but which would be of mutual benefit if implemented in a cooperative manner. Partner on the development of the Groundwater Sustainability Plan (GSP) as required by the SGMA.
- b. Funding. Develop and obtain funding for the management and implementation of projects and programs carried out in the Plan Area. Additionally, develop and obtain funding for ongoing operations and maintenance of those projects and programs.
- c. Implementation. Implementation of projects and programs for the sole purpose of groundwater management and sustainability in Plan Area.

- d. Public Outreach. Maximize public outreach and education amongst stakeholders. Utilize and leverage resources available to each agency to inform the public on SGMA.
- 3. Termination. Either party may terminate this Agreement by providing a written notice of termination 30 days prior to the requested date of termination.

CITY

MADERA IRRIGATION DISTRICT



Robert L. Poythress, Mayor


Carl Janzen, President

ATTEST:

ATTEST:

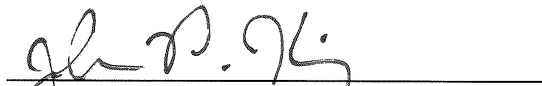

Sonia Alvarez, City Clerk


Richard Cosyns, Vice President

APPROVED AS TO FORM:

APPROVED AS TO FORM:


Brent Richardson, City Attorney


John P. Kinsey, General Counsel

