

CITY OF SANTA ROSA
BOARD OF PUBLIC UTILITIES

TO: CHAIR AND BOARD MEMBERS
FROM: PETER MARTIN, DEPUTY DIRECTOR – WATER RESOURCES,
SANTA ROSA WATER
SUBJECT: APPROVAL OF THE AMENDED AND RESTATED JOINT
EXERCISE OF POWERS AGREEMENT FOR THE SANTA ROSA
PLAIN GROUNDWATER SUSTAINABILITY AGENCY

AGENDA ACTION: MOTION

RECOMMENDATION

It is recommended by Santa Rosa Water that the Board of Public Utilities, by motion, recommend that the City Council approve the Amended and Restated Joint Exercise of Powers Agreement for the Santa Rosa Plain Groundwater Sustainability Agency.

EXECUTIVE SUMMARY

The Santa Rosa Plain Groundwater Sustainability Agency (SRPGSA) is a joint powers authority formed in 2017 to manage groundwater sustainably within the Santa Rosa Plain groundwater subbasin, as required by state law. The City of Santa Rosa is a founding member of the SRPGSA. The SRPGSA Board has approved an Amended and Restated Joint Exercise of Powers Agreement (Amended Agreement) and requested approval from each member agency's governing body.

BACKGROUND

Along with other mandates, the 2014 California Sustainable Groundwater Management Act (SGMA) required local agencies with land use, water supply, or water management authorities to form one or more Groundwater Sustainability Agencies (GSAs) in identified groundwater subbasins throughout the state. The Santa Rosa Plain Groundwater Sustainability Agency (SRPGSA) is a joint powers authority (JPA) that was formed to oversee sustainable groundwater management in the Santa Rosa Plain groundwater subbasin as required by SGMA. The members of the SRPGSA are as follows: the Cities of Cotati, Rohnert Park, Santa Rosa, and Sebastopol, the Town of Windsor, Sonoma Resource Conservation District, Gold Ridge Resource Conservation District, Sonoma County Water Agency, and the County of Sonoma.

The Santa Rosa Plain groundwater subbasin boundary includes areas that are within the City of Santa Rosa's jurisdiction.

The SRPGSA is governed by a Board of Directors and advised by an Advisory Committee. The City is represented by City Council members on the Board and by Santa Rosa Water staff on the Advisory Committee. On May 2, 2017, the City Council, by resolution, approved the Joint Exercise of Powers Agreement (Agreement) that created the SRPGSA. The Agreement became effective on May 25, 2017, and the City of Sebastopol later joined on August 8, 2019. With feedback and coordination with the SRPGSA's member agencies, including Santa Rosa, SRPGSA staff and legal counsel identified and proposed certain updates to the Agreement and Bylaws to improve efficiency and clarity for the governance and administration of the SRPGSA.

The SRPGSA Board of Directors approved changes to the Agreement and Bylaws at its June 11, 2026, public meeting. The existing Agreement requires amendments to be approved unanimously by the governing bodies of the member agencies. The proposed Amended Agreement would retain that requirement for specified substantive amendments but would allow minor, administrative amendments to be approved by a three-fourths supermajority vote of the SRPGSA Board. Amendments to the Bylaws do not require approval by the member agencies' governing bodies.

PRIOR BOARD OF PUBLIC UTILITIES REVIEW

On October 20, 2016, the Board of Public Utilities conducted a study session on the Groundwater Sustainability Agency Formation and provided direction to staff.

On April 20, 2017, the Board of Public Utilities adopted a Resolution recommending that the City Council, by resolution, approve the Agreement creating the SRPGSA, approve the City of Santa Rosa's membership in the GSA, delegate authority to the Mayor to appoint the Director and Alternate Director to the GSA Board of Directors, and delegate authority to the Director of Santa Rosa Water to appoint the GSA Advisory Committee member and alternate.

ANALYSIS

Following a review of the SRPGSA Bylaws and Agreement, SRPGSA staff proposed amendments intended to clarify governance provisions, improve administrative efficiency, and provide greater operational and procedural flexibility as the GSA has evolved since its formation in 2017. The proposed amendments would support the transparent and efficient administration of the SRPGSA and its continued implementation of SGMA.

Below is a summary of the proposed changes to the Agreement:

1. Section 6.02 – Directors and Alternates: Allow each member to appoint a Second Alternate Director who may exercise the rights and duties of the Primary Director

when both the Primary Director and Alternate Director are absent or recused. A Second Alternate Director would be limited to attending no more than two SRPGSA meetings during a calendar year.

2. Section 7.06 – Supermajority Voting Requirements: Clarify that a supermajority vote is required to change the total number of Advisory Committee seats but is not required for individual appointments.
3. Section 9.03 – Employees and Management: Remove the supermajority-vote requirement for contracts with member agencies for technical and outreach services.
4. Section 10.06 – Budget: Allow the annual budget to be approved at any time before the beginning of the applicable fiscal year.
5. Section 12.02 – Amendments: Allow minor, administrative amendments to the Agreement to be approved by a three-fourths supermajority vote of the SRPGSA Board, while continuing to require unanimous approval by the member agencies' governing bodies for amendments involving the Agency's powers, Board composition, voting requirements, liabilities and indemnification, termination and withdrawal provisions, elimination of the Advisory Committee, and other matters expressly requiring unanimous approval.
6. Other Revisions: Make other minor revisions throughout the Agreement for clarity and remove provisions that are no longer applicable.

Staff recommends that the City Council approve the proposed Amended Agreement.

FISCAL IMPACT

Approval of the proposed recommendation would have no fiscal impact on the Water Enterprise Fund or General Fund. The proposed amendments concern the governance and administration of the SRPGSA and do not authorize any new City expenditure or financial commitment.

ENVIRONMENTAL IMPACT

Pursuant to CEQA Guidelines Section 15378(b)(5), the recommended action is not a "project" subject to the California Environmental Quality Act (CEQA) because recommending approval of the Amended and Restated JPA Agreement is an organizational and administrative action that will not result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The proposed amendments address representation, voting and amendment requirements, contracting procedures, budget timing, and other governance matters and do not approve a groundwater project or management action, authorize construction, or commit resources to a physical activity. The Agreement also provides that no action or commitment of resources may occur until compliance with applicable environmental review requirements has been completed. In the alternative, the

UPDATE TO THE JOINT EXERCISE OF POWERS AGREEMENT FOR SANTA ROSA
PLAIN GROUNDWATER SUSTAINABILITY AGENCY
PAGE 4 OF 4

recommended action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the recommended action may have a significant effect on the environment.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Amended and Restated JPA Agreement (Redline)
- Attachment 2 – Amended and Restated JPA Agreement (Clean)

PRESENTER

Peter Martin, Deputy Director – Water Resources