

**SPECIAL MEETING AGENDA
JOINT MEETING OF THE
MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY,
HANFORD CITY COUNCIL,
KINGS COUNTY BOARD OF SUPERVISORS**

Date: Monday, July 29, 2024
Time: 7:00 p.m.
Place: BOARD of SUPERVISORS CHAMBERS, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ bosquestions@co.kings.ca.us ❖ website: <https://www.countyofkings.com>

The meeting can be attended on the Internet by clicking this link:

<https://countyofkings.webex.com/countyofkings/j.php?MTID=m663d9c6a2b35be4472c41aab6f6b140c>

or by sending an email to bosquestions@co.kings.ca.us on the morning of the meeting for an automated email response with the WebEx meeting link information. Members of the public attending via WebEx will have the opportunity to provide public comment during the meeting. Remote WebEx participation for members of the public is provided for convenience only. In the event that the WebEx connection malfunctions or becomes unavailable for any reason, the Board of Supervisors reserves the right to conduct the meeting without remote access. *WebEx will be available for access at 6:55 p.m.*

Members of the public who wish to view/observe the meeting virtually can do so on the internet at:

www.countyofkings.com and click on the "Join Meeting" button or by clicking this link:

<https://youtube.com/live/UPk34qme7PM?feature=share>

****Members of the public viewing the meeting through YouTube will not have the ability to provide public comment.**

Members of the public may submit written comments on any matter within the Board's subject matter jurisdiction, regardless of whether it is on the agenda for the Board's consideration or action, and those comments may become part of the administrative record of the meeting. Comments will not be read into the record, only the names of those who have submitted comments will be read. Written comments should be directed to bosquestions@co.kings.ca.us email by 4:00 p.m. on the morning of the noticed meeting to be included in the record, those comments received after 4:00 p.m. may become part of the record of the next meeting. E-mail is not monitored during the meeting. To submit written by U.S. Mail to: Kings County Board of Supervisors, Attn: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230.

I. 7:00 PM CALL TO ORDER
ROLL CALL – Clerk of the Board
PLEDGE OF ALLEGIANCE

II. UNSCHEDULED APPEARANCES
*Any person may directly address the Board at this time concerning any item that has been described in the notice for the meeting. **Two (2) minutes** are allowed for each item.*

- III. MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY:**
- A. Approval of the minutes from the regular meeting for November 14, 2023.
 - B. Approval of the minutes from the regular meeting for December 12, 2023.
 - C. Approval of the minutes from the special meeting for April 23, 2024.
 - D. Consider accepting the resignation of General Counsel Ray Carlson.
 - E. Consider accepting the resignation of General Manager Dennis Mills.
 - F. Consider approving the Amended and Restated Agreement for the Governance of the Joint Powers Authority known as the Mid-Kings River Groundwater Sustainability Agency Joint Powers Authority.
- IV. HANFORD CITY COUNCIL:**
- A. Consider approving the Amended and Restated Agreement for the Governance of the Joint Powers Authority known as the Mid-Kings River Groundwater Sustainability Agency Joint Powers Authority.
 - B. Consider appointing a City Council member to sit as a voting member on the Mid-Kings River Groundwater Sustainability Agency Joint Powers Authority.
- V. KINGS COUNTY BOARD OF SUPERVISORS:**
- A. Consider approving the Amended and Restated Agreement for the Governance of the Joint Powers Authority known as the Mid-Kings River Groundwater Sustainability Agency Joint Powers Authority.
- VI. MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY:**
- A. Consider appointing a General Manager, Chuck Kinney.
 - B. Consider appointing a General Counsel, Diane Freeman.
- VII. ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board of Supervisors office at (559) 852-2362 by 9:00 a.m. on the Monday prior to this meeting.

Agenda backup information and any public records provided to the Board after the posting of the agenda for this meeting will be available for public review within 24 hours of receipt of said documents, at the Kings County Board of Supervisors office, located at 1400 W. Lacey Blvd., Hanford, CA 93230 or at

<https://www.countyofkingsca.gov/departments/board-of-supervisors/calendar-agenda-and-action-summary>

MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY
JOINT POWERS AUTHORITY
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 14, 2023

DIRECTORS PRESENT: Steven P. Dias; Barry McCutcheon, Chair; Diane Sharp

DIRECTORS ABSENT: None

OTHERS PRESENT: Dennis Mills, GM and Board Secretary
Ray Carlson, Legal Counsel (phone)
Shawn Corley, Lakeside IWD
David Stanfield, Stanfield Farms
Rachel Clement, Congressman Valadao's staff
Doug Jackson, Water and Land Solutions
Mary Lou and Sebastian Silveira,
Mike LaSalle, Karl teVelde,
Garret Gilcrease, Bill Giacomazzi,
Jay Weiner (phone),
Todd & Jake Neves (phone)

ESTABLISH QUORUM

It was determined that a quorum was present at the meeting.

CONFLICT OF INTEREST

None.

PUBLIC COMMENT PERIOD

Sebastian Silveira commented about developing a Steering Committee.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Manager Mills relayed that the minutes of previous meetings were not ready for approval yet.

COMMUNICATIONS

None

MANAGER'S REPORT

Review of Recent Development and Meetings
State Board Staff Report

Manager Mills reported the report was roughly 180 pages and is very comprehensive. The initial review seems to go beyond what DWR previously required. The primary focus appears to be protecting drinking water supply and quality. A theme throughout appears to be that parties responsible for developing issues should be identified by the GSA and restricted or charged for mitigation.

State Board Public Workshop

Manager Mills reported that the presentation was generally basic. The presentation seemed to focus on what would happen if the TLS GSP was not revised. The presentation seemed well attended by local parties and there were fewer non-profit group comments than anticipated.

State Board Meetings

Manager Mills reported that the TLS GSA manager met with Shawn McGuire and Dede D'Addamo. Laurel Firestone also requested a phone call related to domestic well issues in the MKR GSA area. The State Board members were interested in unreasonable requirements from State Board staff. It was interesting that staff was telling TLS not to use examples from other Subbasins. State Board members wanted specific examples for their use. However, it was relayed to the Board that developing those would take time and we are under a deadline.

The State Board members seemed to strongly suggest not to complain about staff requirements at the Public Workshop because there would be 4 of 5 Board members present. The State Board members strongly suggested to talk about how the TLS GSP was being revised prior to the Probationary Hearing and simply describe how it would address issues.

State Board members communicated they were more interested in having the revised GSP be a significant improvement, and understand the improvements, rather than have a GSP that fully checks all the Staff's boxes.

State Board members acknowledged that they don't fully understand the technical issues. It was conveyed that the TLS GSAs need to connect the dots for the State Board members. Both State Board members suggested meeting with each Board member and push for them to consider a revised GSP if submitted before the Probationary Hearing. Also both State Board members thought the TLS GSAs should have a panel presentation on the Revised GSP at the Probationary Hearing.

The Board discussed the information and provided feedback.

Potential GSP Revision Plans

Manager Mills reported on the following topics related to planned TLS GSP Revisions:

Protecting Shallow Wells

The State Board has clearly communicated that domestic use is a priority over ag use in the area and it needs to be protected. TLS needs to commit to redrilling shallow domestic wells if they go dry from regional level conditions. In a drought year, this would likely mean all domestic wells that go dry would need to be redrilled by the GSA. Manager Mills recommended providing bottled water and tank services to all parties whose wells go down. He also recommend agreeing to a process of evaluation by a consultant to rule out things like casing failure (pumping sand), plugging, motor/maintenance issues and other non-GSA related matters.

Degraded Groundwater Quality

The State Board has clearly communicated that the GSA needs to commit to mitigating quality issues that get worse due to pumping from others. This could be from plume migration (e.g. nitrate) or from declining water levels that impact quality. Mitigation could be providing bottled water (if temporary/emergency), filtration (if possible), recharge of high quality surface water or drilling the well into a different zone.

Mitigating Subsidence

The State Board has clearly communicated that the GSA needs to commit to pumping restrictions to reduce subsidence and eventually eliminate it. The GSAs need to commit to restricting well development around critical infrastructure, particularly the CA Aqueduct. The GSAs also need to mitigate subsidence for flood levees and canal systems. The drought year is critical for avoiding subsidence, so pumping restrictions matter most during those conditions. Manager Mills recommended developing a process of evaluation by a consultant to identify if flood levees and canals systems are being impacted by subsidence, and what mitigation could be.

Groundwater Pumping Restrictions & Fees

The view of the State from their presentation is that ag pumping is over 90% of total pumping in the TLS area and therefore is responsible for almost all undesirable results (URs). There is also a clear view that those doing the majority of the pumping should pay for mitigation to impacted parties (parties not involved in developing the issue or UR). Pumping restrictions need to be the center-piece of the revised GSP. These will significantly change conditions in the area and reduce the amount of mitigation the State has estimated will be necessary. Pumping restrictions need to start in 2024 and increase toward ultimate levels based on yet to be determined triggers. Pumping fees need to adequately fund all envisioned mitigation efforts. Manager Mills recommended that funds received from 2024 should all be dedicated to mitigation as a precaution.

Recharge Projects

Local recharge projects can be developed, but the benefits of them can't be assumed. Benefits need to be realized before they can be relied on. Note that Groundwater Banking needs recharge to happen before extraction is allowed. More detailed project info will need to be included in the revised GSP, as they will be considered part of GSA Implementation. Also need linkage to groundwater pumping restrictions. There is concern from State Board staff that recharge projects might create water quality issues for some users. More water quality and level monitoring will be needed to address this.

The Board discussed the information and provided feedback.

Draft 2024 Groundwater Pumping Restriction Discussion

Manager Mills reported on the following topics and concepts:

Subbasin Sustainability Target

Possible pumping restrictions targeting groundwater level declines:

MKR GSA = 50 TAF/yr, ER GSA, 50 TAF/yr, SFK GSA = 30 TAF/yr

Possible pumping restrictions targeting levels decline and subsidence:

MKR GSA = 75 TAF/yr, ER GSA, 75 TAF/yr, SFK GSA = 50 TAF/yr

2024 Pumping Scenario

Possible pump restriction per aquifer zone per year:

A-zone = 0.5 AF/acre, B-zone = 3.0 AF/acre, C-zone = 2.0 AF/acre

The intent of these allowable amounts of pumping would be that each acre could only access one aquifer zone. So if there were both A and B zone wells on a property, the owner would have to decide which wells to use and thereby which zone amount was available.

Triggers

The challenge seems to be predictability for businesses versus groundwater management effectiveness. The GSA would annually be evaluating water/snow conditions, fall groundwater level declines, and dry wells versus the revised groundwater level MOs/MTs and also the subsidence level MOs/MTs.

The Board discussed the information and provided feedback.

Shallow Well Mitigation Plan Concept Discussion

Manager Mills reported on the following topics and concepts for the Board's consideration in development of future mitigation plans:

Shallow Domestic Wells

- Emergency Bottled Water,
- External Tank Water Service,
- Evaluation of what happened to cause an issue, using consultant
- If reason the well is dry is general level decline, pay to redrill down to next zone and re-outfit the well. No mitigation if the well experienced - plugging, casing failure (sand), changed use.

Shallow Ag Wells

- Mitigation only available to small or disadvantaged farmers. If the scale of their pumping is part of the issue in the well going dry, then no mitigation.

The Board discussed the information and provided feedback.

Groundwater Quality Mitigation Plan Concept Discussion

Manager Mills did not yet have concepts to discuss ready at this time.

Subsidence Mitigation plan Concept Discussion

Manager Mills reported on the following topics and concepts for the Board's consideration in development of future mitigation plans:

- Likely will need to be an additive Groundwater Pumping fee for certain areas. One example could be, if your well was in an area that experienced 4-inches of subsidence last year, you are paying "extra" for subsidence mitigation.
- Fees would be collected from C-zone pumpers.
- Fees need to also cover deep community wells in the C-zone that collapse from subsidence. The trick will be determining whether those wells also contributed to the subsidence or not.

The Board discussed the information and provided feedback.

Well Registration Efforts

Manager Mills updated the Board on the following well registration efforts:

- Kings County well permit records on wells from 2000-2022.
- Showed the four County Maps that have been developed.
- Working with P&P on initial efforts to scope registration database and app for staff use.
- It continues to be very important to get all wells in the GSA registered as quickly as possible because their depths have significance for the GSP Revisions being contemplated.

Manager Mills requested that the Board authorize additional consultant services by Provost & Pritchard to develop a well registration database, a visual interface for that database, and an application for staff use. The estimated budget for the effort is currently \$25,000. Vice-President Dias made a motion to authorize the additional consultant services by Provost & Pritchard as described with the estimated initial budget. Director Sharp seconded the motion and Chair McCutcheon called for the vote.

AYE: Steven Dias, Barry McCutcheon, Diane Sharp

NAY: None

ABSENT: None

ABSTAIN: None

Assessment and Pumping Charge Discussion

Manager Mills updated the Board on the following assessment and pumping charge efforts:

- The GSA over the next year will look very different from 2017-2023. It will need significantly more staff and will be doing very different things.
- The GSA will need a land based assessment to make sure normal operations are covered. Manager Mills initially suggested \$10/acre.
- The GSA will need groundwater pumping charge to pay for GSP Revisions, studies, projects, legal efforts, monitoring, mitigation and other efforts. Manager Mills initially suggested \$30-40/AF.

The Board discussed the information and provided feedback.

Project Discussion

None

On-Going Efforts

None

SET NEXT MEETING DATE

The regular December Board of Directors meeting was tentatively set for December 12, 2023 at 1 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 4:00 p.m.
Respectfully submitted,

Dennis Mills
MKR MIN 231114

DRAFT

**MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY
JOINT POWERS AUTHORITY
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 12, 2023**

DIRECTORS PRESENT: Steven P. Dias; Barry McCutcheon, Chair; Diane Sharp

DIRECTORS ABSENT: None

OTHERS PRESENT: Dennis Mills, GM and Board Secretary
Ray Carlson, Legal Counsel (phone)
Gabriel Gada (phone)
Mary Silviera (phone)
Shawn Corley, Lakeside IWD
David Stanfield, Summerfield Farms
Dusty Ference, KCFB
Lucas Wilgenburg, Flint Dairy
Geoff VandenHuevel, Milk Producers Council
Bill Giacomazzi

ESTABLISH QUORUM

It was determined that a quorum was present at the meeting.

CONFLICT OF INTEREST

None.

PUBLIC COMMENT PERIOD

None.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Manager Mills relayed that the minutes of previous meetings were not ready for approval yet.

COMMUNICATIONS

Manager Mills reported on the following:

- Landowners - Colton teVelde about new ranch plans
- TCWA comment letter to State Board
- El Rico comment letter to State Board
- Report that SFK Manager contacted State Board members regarding their finances

MANAGER'S REPORT

State Board Staff Report Comment Letter

Manager Mills reported portions of the MKR GSA Letter that relate to:

- TLS GSP Revision Progress Update;

- Encouragement to consider Revised GSP if adopted;
- Encouragement to use "To-do" list, like DWR, in GSP review;
- Encouragement to clarify Staff's authority during Probation and how to exit Probation;
- Draw attention to State Board staff not wanting TLS to use approaches DWR was OK with and potential unique standard being applied by Staff; and
- Draw attention to magnitude of State Board pumping fee and encourage community systems to be exempt from fees.

TLS GSP Revision Plans

Manager Mills reported on the following topics related to planned TLS GSP Revisions:

- Issues Per Zone/Aquifer
 - A-zone - declining levels relate to dry wells/WQ issues
 - B-zone - declining levels relate to dry wells/WQ issues
 - C-zone - subsidence relates to impacted canals and levees
- Revised description of Undesirable Results
 - Water Levels - "Identification of Undesirable Results is based on the monitoring network of Representative Monitoring Sites (RMSs) described in Section 5. The GSAs in the TLSB have defined the Undesirable Result as occurring when 10% of the RMS Wells for that aquifer zone have exceeded the Minimum Threshold during a single monitoring event. This value was chosen to provide a balance between unanticipated hydrology, potentially erroneous data, and coverage of a significant area within the GSA. Exceedance of a Minimum Threshold at a single RMS Well is not necessarily sufficient to indicate GSA-wide conditions are causing undesirable results."
- Revised MTs/MOs for Water Level connected to Well Depths
 - The most significant challenge is connecting the evaluation on existing well depths with RMS monitor levels.
 - The well depth evaluation is trying to show the shallowest wells in the aquifer zone.
 - The RMS levels often are showing depths below the shallowest wells, which either means:
 - The RMS well is tapped into a local zone that the shallowest wells are not, or
 - The shallowest well records have already gone dry.
- Planned GSP Revision presentations
 - Dec 23 - Revised MT/MO efforts, Well Mitigation Plan, MKR Pumping Limits/Fees
 - Jan 24 - Substantial Revised GSP Presentation
 - Feb 24 - Draft Revised GSP released for comment
 - Mar 24 - Board considers approval of Revised GSP

Mitigation Plan Concept Discussion

Manager Mills reported on the following topics related to planned Mitigation Plan Concepts:

- Over pumping from, or pumping that causes groundwater levels to reach new low levels, in the shallow perched aquifer (A-zone, generally west of the railroad) and the unconfined/semiconfined aquifer above the Corcoran Clay (B-zone) is understood to be the most significant cause of dry shallow rural domestic wells in the MKR GSA.
- Emergency Services - bottled drinking water and outdoor tank services
- Investigation-Evaluation - is well failure for water level reasons?
- Requirements - new well will be drilled below MTs
- Potential Funding Amounts
 - In 2022 MKR GSA had 51 dry domestic wells from April – Dec.
 - There were also a few "new" wells that were permitted.
 - If you drop the total to 50 for 3/4 of the year, and inflate for the missing quarter, that would give you 63 wells. 63 wells at \$75K/well would develop a budget of \$4,725,000 annually.
 - Current estimates for the MKR GSA is that there were roughly 9 TAF of pumping from the A-zone and 92 TAF from the B-zone in 2022 (pre-pumping limit). If you assume the A-zone pumping is reduced to 4 TAF and B-zone pumping is reduced to 75 TAF for a total of 79 TAF, then the cost per AF for MKR well mitigation would need to be roughly \$60/AF.

Draft 2024 Groundwater Pumping Restriction Discussion

Manager Mills reported on the following topics related to planned 2024 Groundwater Pumping Restrictions:

- El Rico considering a 2024 pumping restriction of 2.0 AF/acre. Seems to be mostly focused on the non-district areas. Likely that Boswell won't adjust their operations much.
- 2022 Ag Pumping
 - A-Zone = 9,200 AF
 - B-Zone = 92,000 AF
 - C-Zone = 71,000 AF
 - Total = 171,000 AF
- 2024 Pumping Restrictions
 - A-Zone = 4,000 AF (-5,200 AF), 0.5 AF/acre
 - B-Zone = 75,000 AF (-17,000 AF), 3.0 AF/acre
 - C-Zone = 45,000 AF (-26,000 AF), 2.0 AF/acre
 - Total = 124,000 AF (-47,000 AF, -27%)
- Plan would be to implement GW pumping restrictions in 2024 to try and hold recovered groundwater levels past 2023 flood.
- If landowners haven't registered wells, then Land IQ would be used with assumptions to "estimate" pumping/charge/manage.
- Draft policy needs more development related to what happens if parties go beyond the allocated pumping amounts or don't pay fees.
 - Impacts coming year's allocation
 - Could seek TRO from a judge

- Could levee a lien on the property

Assessment and Pumping Charge Discussion

Manager Mills updated the Board on efforts to date. Related to the amount of domestic wells in the MKR GSA:

- Stats
 - Total = 97,000 acres
 - Ag acre = 60,000 acres
 - 2024 Ag pumping = 171 TAF
 - M&I Pumping = 12 TAF
- Costs
 - Shallow well mitigation = \$4,725,000/yr (\$60/AF)
 - Subsidence mitigation = \$1.0 M/yr (\$22.25/AF)
 - New Monitor Wells = \$300K/yr (\$3.10/acre)
 - KCWD & Hanford Repayment = \$100K (\$1/acre) for 4 yrs
 - Monitoring = \$150K/yr (level, subsidence, quality, mapping) (\$1.50/acre)
 - GSP Revisions = \$150K (\$1.50/acre)
 - Well Registration = \$100K/yr (\$1/acre)
 - Fee Structure Services = \$100K/yr (\$1/acre)
 - MKR Staff = \$500K (\$5.15/acre)
 - Assist Manager – One + vehicle
 - Bookkeeper – One
 - Field staff – Two + vehicles
 - Estimated GSA Ops total
 - \$1.4 million/year, or roughly \$14.50/acre
 - Shallow well mitigation = \$4,725,000/yr (\$60/AF)
 - Subsidence mitigation = \$1.0 million/year (\$22.25/AF)
 - Recharge basin project development would be more

Well Registration Efforts

Manager Mills updated the Board on the following well registration efforts:

- P&P worked through Kings County well permit records.
- P&P worked through including KCWD renter well information.
- P&P developing a database and an App that can be used to fill in data gaps.
- Beta test on the App in December. Hopefully ready for January sign-ups.

Project Discussion

None

On-Going Efforts

None

DIRECTOR REPORTS

None

SET NEXT MEETING DATE

The regular January Board of Directors meeting was tentatively set for January 9, 2024 at 1 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 4:00 p.m.
Respectfully submitted,

Dennis Mills
MKR MIN 231212

DRAFT

MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY
JOINT POWERS AUTHORITY
SPECIAL MEETING / PUBLIC HEARING MINUTES
TUESDAY, APRIL 23, 2024

Held at Koinonia Church, 12536 Hanford-Armona Road, Hanford

DIRECTORS PRESENT: Barry McCutcheon, Chair; Ernest A. Taylor, Vice-Chair,
Mark Kairis, Treasurer

DIRECTORS ABSENT: None

OTHERS PRESENT: Dennis Mills – GM and Board Secretary;
Ray Carlson – Legal Counsel;
Brian Ehlers, Rick Besecker, Becca Quist and another staff member
from Provost & Pritchard Consulting Group;
Cesar Casillas and another staff member from MK Election
Services, LLC;
Roughly 200-250 attendees

The meeting was scheduled to begin at 1 pm and was planned to be held in the “Great Room” at Koinonia Church. However, Vice-Chair Taylor had a personal emergency and was delayed in arriving at the scheduled 1 pm meeting. As attendees arrived, the “Great Room” became very warm and also very full, so much so that many people were standing outside the room. Seating in the “Great Room” accommodates roughly 100 people. As there was available time and a larger room at the Church, Manager Mills asked the seated parties to shift over to the “Main Sanctuary” which accommodates roughly 500 people. Attendees complied, and efforts were made to prepare the new room. Eventually Vice-Chair Taylor arrived at the meeting around 2 pm and the meeting was started in the “Main Sanctuary”.

ESTABLISH QUORUM

It was determined that a quorum was present at the meeting.

CONFLICT OF INTEREST

None.

PUBLIC COMMENT PERIOD

None.

PUBLIC HEARING ON PROTESTS OF GROUNDWATER PUMPING FEES

Chair McCutcheon opened the Public Hearing. Manager Mills provided a brief presentation to summarize information on the proposed Groundwater Pumping Fees and communicated that at the end of the Public Hearing that would be end of the period when protest forms could be submitted. The following are a list of parties that provided comment and some information about their comment.

Dusty Ference, Kings Co Farm Bureau – Mentioned parties on the conference call could not hear the Public Hearing. Relayed that his comments were for both the Groundwater Pumping Fees and the Land Assessment. Suggested there were violations in the Prop 218 process. Threatened that the Kings Co Farm Bureau would work to challenge actions if they were successful.

Jacqueline Lowe – Ms. Lowe provided a written letter. She provided verbal comment on the distinction between small and large (1,000 acre or more) landowners. She didn't believe fees were equitable. She argued the fee structure should be sliding or weighted and mentioned perceived support at the recent Tulare Lake Subbasin State Board Probationary Hearing.

Julie Martella – Echoed Kings Co Farm Bureau comments. Ms. Martella is party to a lawsuit funded by Kings Co Farm Bureau against the State Board.

Doug Verboon, Kings County Supervisor – Comments related to SGMA “good actor clause” and incentivizing parties for doing the right thing. Would like to take temptation away for selling surface water. Also comments about preserving things for the next generation.

Hellen Sullivan – Echoed Kings Co Farm Bureau comments. Ms. Sullivan is party to a lawsuit funded by Kings Co Farm Bureau against the State Board.

Rachel Glauser, Delta View Water Association – Echoed some Kings Co Farm Bureau comments. Commented on stakeholder organization and implied the MKR GSA had organizational issues.

Louis Brown Sr. – Commented on the large number of owners that own below 10 acres.

Bill Winterberg – Commented about the need for water storage, available basins and his 700 foot groundwater well. Suggested that Manager Mills was “the problem”.

Dusty Robinson, Kings County Supervisor – Expressed his desire for a grower committee.

Dino Giacomazzi – Requested that fees not be implemented until a grower committee is arranged. Expressed that the GSA can't do this without local support.

Rick Rocha – Expressed that fees for pumping less than two acre-feet per acre should be excluded.

William Hoffman, Hoffman's Nursery – Concerned that water is going to the ocean in flood years, and expressed the need for more surface water storage.

Jim Harp – Comments related to 90% of dam storage and historical surface water runs on the King River.

Rich – Resident of Lemoore. Expressed he was mad as hell. He is former military and understands that he uses roughly one acre-foot per acre. Commented about water running to the ocean, and expressed the need for more surface water storage. Also commented about preserving things for the next generation.

Ed Esajian, Jr. – Commented on his desire for different representation. Described farmers planning to run folks out. Expressed the need to work together. Commented on High Speed Rail and being mad as hell.

Renee Gonzalez – Commented on owning 20 acres and not being able to get surface water. Asked about the potential for recharge credits. Mentioned Lemoore Canal.

Chair McCutcheon asked if there were any others that wanted to comment, but there were no others. After this Chair McCutcheon closed the public hearing and GSA consultants began counting the protest forms that had been received.

PUBLIC HEARING FOR LAND ASSESSMENTS

Chair McCutcheon opened the Public Hearing for Land Assessments. Manager Mills provided a brief presentation to summarize information on the proposed Land Assessments and communicated that at the end of the Public Hearing that would be end of the period when ballots could be submitted. The following are a list of parties that provided comment and some information about their comment.

Rick Rocha – Expressed he felt the calculations for dry wells were wrong and that other GSAs are only charging \$9 per acre.

Jason Mello – Expressed concern about the maximum fee being estimated and a lack of transparency. Wanted to know more specifically what the amount would be. Expressed that the budget looked funky.

Joe McGahan – Commended the Board for the difficult decisions they have had to make related to SGMA. Relayed that a well on his family farm used to have water a 35 feet and now the depth is 150 feet.

Doug Verboon, Kings County Supervisor – Conveyed a story about efforts many years ago to develop a centralized water system in the Grangeville area that was rejected by residents. Took issue with SGMA’s requirement to protect those parties given pervious decisions.

Dusty Ference, Kings Co Farm Bureau – Same comments as in previous public hearing.

Hellen Sullivan – Same comments as in previous public hearing.

Julie Martella – Same comments as in previous public hearing.

Deseree Alves – Commented on being an Alta ID landowner. She viewed the fees as being more than the State Board probationary fees and provided a protest letter to the GSA.

Commenter – Spoke about being on social security, meter requirements and the difficulty with increased costs.

Mary R. – Commented that she owned three acres, wanted a better solution, and doesn’t want to live in fear.

John Tos – Commented that the area was at a fork in the road and wanted different representation for the GSA.

Louis Brown, Sr. – Commented about the two acre-foot per year de minimis amount.

ANNOUNCEMENT OF RESULTS OF COUNTING VOTES AND PROTESTS

For the land based assessment it was reported that 597 ballots were counted and the no count for the returned and counted ballots was 80.28%, so the land based assessment failed.

For the groundwater pumping fees it was reported that approximately 1,700 ballots were counted. In an effort to validate the protests, each protest was reviewed and checked to see if it was completely filled out. Of the approximately 1,700 protests, 1,384 protests were found to represent the properties included on the roll. The most significant variance in the total and final accepted protests were due to duplicate protests on properties. The total number of parcels on the role is 2,704 and the number of protests needed to defeat the proposal was 1,352 plus one, or 1,353. Thus the number of protests exceeded the number required and the pumping charge/fee failed.

SET NEXT MEETING DATE

The next planned Board of Directors meeting was tentatively set for May 14, 2024 at 1 p.m. at the GSA Office.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 7:30 p.m.
Respectfully submitted,

Dennis Mills
MKR MIN 240423

MID-KINGS RIVER GSA

**AMENDED AND RESTATED AGREEMENT FOR THE GOVERNANCE OF THE
JOINT POWERS AUTHORITY KNOWN AS THE MID-KINGS RIVER
GROUNDWATER SUSTAINABILITY AGENCY**

THIS AMENDED AND RESTATED AGREEMENT FOR THE GOVERNANCE OF THE JOINT POWERS AUTHORITY KNOWN AS THE MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY ("Agreement") is made effective July 29, 2024 ("Effective Date") by action of the Mid-Kings River Groundwater Sustainability Agency Board with the agreement of its member agencies the COUNTY OF KINGS, a political subdivision of the State of California ("County"), as defined by California Government Code Section 23000 et seq., and the CITY OF HANFORD ("City"), a California general law city as defined by California Government Code Section 34102 (hereinafter referred to individually as "Member" and collectively as "Members"), to amend and restate the JPA Agreement dated November 22, 2016 forming the Mid-Kings River Groundwater Sustainability Agency ("Original Agreement").

RECITALS:

A. In September 2014, the Governor signed three bills (SB 1168, SB 1319, and AB 1739) into law creating the Sustainable Groundwater Management Act ("SGMA"). SGMA was amended in September and October 2015 when the Governor signed SB 13 and AB 617, respectively; and

B. SGMA authorizes the formation of entities called Groundwater Sustainability Agencies ("GSA"), one or more of which are authorized to implement provisions of SGMA as to each groundwater basin and subbasin falling within the provisions of SGMA; and

C. The Members overlie the Tulare Lake Subbasin (5-22.12 of the Department of Water Resources Bulletin 118 classifications) ("Subbasin") of the San Joaquin Valley Basin ("Basin"), an adjudicated groundwater basin, portions of which underlie the jurisdictional boundaries of each Member; and

D. Each of the Members is a local government entity with water supply, water management, and/or land use responsibilities within the Subbasin and is qualified individually to serve as a GSA under the provisions of SGMA; and

E. Under SGMA, a combination of local agencies may elect to form a GSA through a joint powers; and

F. On November 22, 2016 the Kings County Water District, the County of Kings and the City of Hanford executed a JPA Agreement creating the Mid-Kings River Groundwater Sustainability Agency ("MKRGSA"), a Joint Powers Authority. MKRGSA assumed its regulatory role as a GSA for all or portions of its Member's jurisdictional territory covering a portion of the subbasin prior to June 30, 2017, and has since performed its required duties including submitting a Groundwater Sustainability Plan ("GSP") to the Department of Water Resources by January 31, 2020. ;and

G. On May 30, 2024, the Kings County Water District provided the County of Kings and the City of Hanford 60 days' prior written notice of its termination of membership in the JPA.

H. Having received such notice, the County of Kings and the City of Hanford desire amend and restate the Original Agreement to continue the GSA without the Kings County Water District as a member agency, and to modify the makeup of the Mid-Kings River GSA Board of Directors; and

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I. The Members, through the Authority (as defined below), intend to work cooperatively with other GSAs to create a Basin-wide GSP or enter into a Coordination Agreement with other GSAs if multiple GSPs must exist over the Subbasin. The Members desire to continue collecting and organizing data, engaging and retaining experts and consultants, and soliciting feedback from beneficial users, users of groundwater and interested parties within the portion of the Subbasin subject to their jurisdiction, for the purpose of contributing to a Subbasin-wide GSP or for the purpose of creating a GSP for the portion of the Subbasin within their jurisdictional boundaries that will be one of multiple GSPs for the Subbasin that will be coordinated by agreement; and

J. The Members intend by this Agreement to provide for the management and funding commitments reasonably anticipated to be necessary for the above purposes; and

K. The City intends for the County to manage the SGMA implementation, reserving to itself a possible future participatory role in SGMA implementation. Such a future role is separate and distinct from the City's regulatory, land use, and police powers, which are reserved unto the City, and to which the GSA is subject pursuant thereto. The geographic boundaries of the GSA contemplated by the Members are set forth in the map attached hereto as Exhibit "A", which is incorporated herein by this reference; and

L. The Members intend by this Agreement to provide a framework for cooperative efforts for all entities and individuals within the Authority's jurisdictional area and to implement SGMA in the most effective, efficient, fair and reasonable way possible, and at the lowest reasonable cost.

NOW THEREFORE, in consideration the promises, terms, conditions, and covenants contained herein, the Members hereby agree as follows:

ARTICLE I GENERAL PROVISIONS

Section 1.01. Creation of Authority. Pursuant to California Government Code Section 6500, et. seq., there is hereby created a public entity to be known as the "Mid-Kings River Groundwater Sustainability Agency" ("Authority"), which shall be a public entity separate and apart from the Members, and shall administer this 1st Amendment.

Section 1.02. Purposes. The purposes of this 1st Amendment are:

- (a) To create a Joint Powers Authority separate from its Members that will serve as a GSA for a portion of the Subbasin;
- (b) To develop, adopt, and implement a GSP in order to implement SGMA's requirements and achieve sustainability goals outlined in SGMA; and
- (c) To enter into a Coordination Agreement or similar agreement with other GSAs in order to meet the sustainability requirements outlined in SGMA.

ARTICLE II POWERS

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Section 2.01. Powers. The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of all powers authorized under SGMA and necessary to satisfy the requirements of SGMA.

Section 2.02. Restrictions on Exercise of Powers. Pursuant to Government Code Section 6509 et. seq., the powers of the Authority shall be exercised and restricted in the same manner as those imposed upon the County.

Section 2.03. Obligations of the Authority. No debt, liability or obligation of the Authority shall constitute a debt, liability or obligation of any of the Members, appointed members of the Board of Directors, or committee members. .

Section 2.04. Water Rights. As provided in Water Code Section 10720.5, groundwater management under this Authority shall be consistent with Section 2 of Article X of the California Constitution and any GSP adopted by the Authority shall not determine or alter surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights.

Section 2.05. Precedence of Land Use Authority. Nothing in this Agreement or a future groundwater sustainability plan shall be interpreted as superseding the land use authority of County or City, including the County General Plan and the City General Plan (Wat.Code § 10726.8(f).)

ARTICLE III GOVERNING BODY

Section 3.01. Governing Board. The Authority shall be governed by a Board composed of Directors (“Board”). All voting power of the Authority shall reside in the Board.

(a) The Directors shall be as follows:

- (1) The five (5) elected members of the governing body of the County;
- (2) One (1) elected member of the governing body of the City. Such member shall serve at the pleasure of the City and may be removed or replaced by the City at any time.
- (3) The office of a Director who is no longer an elected member of the governing body of his/her appointing agency shall be deemed automatically vacant.

Section 3.02. Meetings of the Board. The Board shall call and conduct its meetings in accordance with Government Code Section 54950 et. seq.

Section 3.03. Minutes. The Secretary shall cause to be kept minutes of the meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director and to each of the Members.

Section 3.04. Voting. Each Director position on the Board shall have one vote.

Section 3.05. Quorum; Required Votes; Approval. A quorum of the Board for convening of any meeting shall consist of a majority of all Director positions. A quorum of the Board must be present at the time of any vote on any matter before the Board. An affirmative vote of at least a majority of the Director positions present

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in a quorum of the Board, shall be required for any action of the Board. Notwithstanding the foregoing, approval of certain types of matters shall require the approval of two-thirds (2/3rds) of all Director positions (meaning at least four (4) votes to approve, which would proportionately increase as members are added, if any). The items requiring approval of two-thirds (2/3rds) of all Director positions are: adoption and amendment of budgets, assessments, litigation, hiring or termination of the chief executive officer, adoption or amendment of a GSP, the addition of new Members, the termination or removal of Members, execution and amendment of a Coordinating Agreement with other GSAs, and amendment of this Agreement.

Section 3.06. Bylaws. The Board may adopt bylaws and governing regulations consistent with this Agreement, which may be amended from time-to-time, for the conduct of its meetings and as may be necessary for the purposes hereof.

Section 3.07. Terms of Office. The term of office for each Director shall be consistent with their term on the Board of Supervisors or City Council.

ARTICLE IV COMMITTEES

Section 4.01. Committee Formation. Committees shall be formed by the Board in order to advise the Board on matters that fall within the scope of the particular committee's assignment. Committees may be standing committees or ad hoc committees. The Board shall appoint one (1) Director to be a voting member of and the Chair of each committee. Committees shall meet as often as directed by the Board or, if no such direction is given, as often as necessary, as determined by the Chair of the committee. Committees will be established and dissolved at the discretion of the Board.

ARTICLE V OFFICERS AND EMPLOYEES

Section 5.01. Chair and Vice-Chair. During the Board's first regular meeting of each year, the Board shall elect a Chair and a Vice-Chair from among the Directors. The Chair and the Vice-Chair shall serve at the pleasure of the Board and shall perform the duties normally required of said offices.

- (a) The Chair shall: (1) preside at and conduct each meeting of the Board, (2) represent the Board as directed by the Board, (3) be an ex-officio member of each committee established by the Board, and (4) perform such other duties as may be imposed by said Board;
- (b) The Vice-Chair shall act and perform all of the Chair's duties in the absence of the Chair; and
- (c) The Chair or Vice-Chair may sign all contracts and agreements as approved by the Board.

Section 5.02. Secretary. The Board shall appoint a Secretary from among the employees of the Authority, the employees of the Members, or if no such employees exist, a consultant. The Secretary shall serve at the pleasure of the Board. The Secretary shall act on behalf of the Authority and perform such other duties as may be imposed by the Board. The Secretary may sign agreements for the Authority when authorized by the Board.

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Section 5.03. Treasurer and Auditor.

The Treasurer is designated as the fiscal agent and depository for the Authority. The initial Treasurer for the Authority following this amendment shall be the Director of Finance of the County, or designee thereof. The Authority shall reimburse the County for all contributions and expenses incurred by the County pursuant to the County Director of Finance's role as Treasurer, or for any other administrative assistance provided to the Authority by the County. The Authority and the County may enter into a separate agreement regarding reimbursement of the County for any and all contributions and expenses incurred by the County consistent with this Section.

Thereafter, the Treasurer shall be appointed by the Board. The Treasurer shall be the depository and have custody of all money of the Authority, from whatever source, subject to the applicable provisions of any indenture or resolution providing for a trustee or other fiscal agent. All funds of the Authority shall be held in the joint operating fund, established later in this Section, or in such other separate accounts as may be necessary, in the name of the Authority and not commingled with the funds of any Member or any other person or entity. Full books and accounts shall be maintained for the Authority in accordance with practices established by, or consistent with, those utilized by the Controller of the State of California for public entities. The books and records of the Authority shall be open to inspection by the Members at all reasonable times, and by bondholders and lenders to the extent provided by resolution or indenture.

The Authority shall have the power to establish a joint operating fund. The fund shall be used to pay all administrative, operating and other expenses incurred by the Authority, and will initially be funded by Member contributions as set forth in the initial and annual operating budgets. The Treasurer shall draw checks or warrants or make payments by other means for claims or disbursements not within an applicable budget only upon the approval of the Board and in accordance with Board directions and authorizations concerning authorized account signatories. The Authority's Members may invest any money in the treasury that is not required for its immediate necessities in the same manner, and upon the same conditions, as any local agency may do pursuant to Government Code Section 53635.

There shall be strict accountability of all funds, and the Treasurer designated by the Board shall report any and all receipts and disbursements to the Board with such frequency as shall reasonably be required by the Board. The Authority will utilize the services of an outside independent certified public accountant ("Auditor") to make an annual audit of the accounts and records of the Authority as required by Government Code Section 6505, unless the Board, by unanimous vote, elect to conduct the audit for a two (2) year period. In each case, the minimum requirements of the audit shall be those prescribed by the State Controller for special districts pursuant to Government Code Section 26909, and shall conform to generally accepted accounting principles. The Auditor selected by the Authority shall be formally designated by a resolution adopted by majority vote of the quorum present stating the effective date of the appointment and the term of the appointment.

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Section 5.04. Officers in Charge of Records; Funds; and Accounts. Pursuant to Government Code Section 6505.1, the Treasurer shall have charge of, handle and have access to all accounts, funds and money of the Authority and all records of the Authority relating thereto; and the Secretary shall have charge of, handle and have access to all other records of the Authority.

Section 5.05. Employees and Consultants. The Board may hire employees and consultants, including without limitation managers, engineers, field staff, accountants and attorneys, to provide services and leadership to the Authority to accomplish the purposes of the Authority.

ARTICLE VI ACCOUNTS AND REPORTS; FUNDS

Section 6.01. Accounts and Reports. The Treasurer shall establish and maintain such funds and accounts as may be required by good accounting practice. The books and records of the Authority shall be open to inspection at all reasonable times by the public and representatives of the Members. The Auditor, within one hundred twenty (120) days after the close of each Fiscal Year, shall give a complete written report of all financial activities for such Fiscal Year to the Members.

Section 6.02. Annual Budget. The Board shall annually adopt a budget for the Authority. The Treasurer shall disburse funds as set forth in the adopted budget. Members shall make contributions which shall be included in the budget adopted by the Board. A Director's affirmative vote to approve a budget does not constitute consent to finance or otherwise participate in any project or projects within that budget.

Section 6.03. Intention for Reimbursement for Expenditures from Alternative Funds. It is the intention of the Members that the advancement of monies by any Members for expenses of the operational needs of the Authority shall be reimbursed from the proceeds of grants or other funds, if alternative funds are obtained and such reimbursement is allowed by law. Additionally, in accordance with Government Code Section 6512.1, the Board may direct repayment or return to the Members of all or part of the contributions made by the Members, upon such terms as may be consistent with any indebtedness incurred by the Authority. Unless otherwise prohibited by the alternative funding source, said alternative source's funds will be disbursed before local funds for covered Authority obligations.

As of the date of this First Amendment, the GSA has an existing debt to former member Kings County Water District of approximately \$532,350 and a debt to the City of Hanford of approximately \$150,000. These funds are expected to be paid back as practicable following receipt of grant funds and/or a successful Proposition 218 election passed by Authority landowners. It is anticipated that a portion of the Proposition 218 funds will be used to pay for ongoing GSA expenses and a portion to repay the existing debts of the Mid-Kings River GSA so that those existing debts can be repaid in a time period close to within 4 years of the successful Proposition 218 election being passed by Authority landowners.

Section 6.04. Assessment of Members. The Board may vote to assess Members for a share of costs incurred by the Authority or which are anticipated to be incurred by the Authority based on methods described below. Assessments paid by Members shall be treated as loans to the Authority.

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It is the intent of the Members to financially support the Authority only until the Authority can financially sustain itself by developing a reliable funding stream through assessments, water charges or other potential fees. Once the Authority becomes financially self-sustaining, the Members will be reimbursed for the initial start-up funding provided to the Authority. Reimbursement will occur such that the oldest contributions will be reimbursed before newer contributions.

The method of cost allocation among the Members is envisioned to evolve over time. However, from the effective date of the JPA Agreement to the effective date of its First Amendment, cost has been split 75% to the District and 25% to the City. As a starting place following this First Amendment, it has been agreed that for the GSA's next fiscal year beginning in January 2025, costs will be split 89% to the County and 11% to the City, which allocation is partially based on acres of land within each agency's coverage area. Cost sharing for subsequent budgets will be negotiated in good faith at the time when those budgets are considered.

All assessments shall be paid by Members within sixty (60) days of the approval of the assessment by the Board.

ARTICLE VII MEMBERSHIP

Section 7.01. Other Members. The Board may vote to approve other entities to be Members of the Authority, as well as to appoint representatives of new Members serving as Directors and alternate Directors on the Board.

Section 7.02. Removal of Member. The Board may vote to remove any Member as a member of the Authority in accordance with Section 3.05.

ARTICLE VIII TERM; WITHDRAWAL; TERMINATION

Section 8.01. Term. The Authority shall continue in existence until dissolved by the Members. Dissolution of the Authority will occur only by unanimous written consent of all Members.

Section 8.02. Withdrawal of Member/Territory. A Member may terminate its membership in the Authority at any time, or, alternatively, authorize the withdrawal of land within its service area or political boundary, by giving sixty (60) days' prior written notice of the withdrawal to the Authority. A withdrawing Member shall be entitled to: (i) all data, information, and work product gathered and developed by the Authority and the Authority's contractors and consultants through the end of the then-current fiscal year or the effective date of the Member's withdrawal, whichever is later; and (ii) an interest in the Authority's assets in proportion to the withdrawing Member's past unreimbursed contributions and its share of obligations and liabilities for which it will remain responsible following withdrawal. Any such withdrawal shall continue to obligate the Member to pay its share of all debts (e.g. budgeted funding commitments within the fiscal year, indebtedness related to asset acquisition, regulatory fees), liabilities, and obligations incurred or accrued prior to the effective date of such withdrawal.

Should a Member choose to withdraw from the Authority or to authorize the withdrawal of territory

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within its service area or political boundary in accordance with the terms of this Agreement, that Member expressly retains the right to serve as the GSA or, alternatively, will ensure GSA coverage by another entity, in coordination with Department of Water Resources and subject to the requirements of the Act, for that portion of the Subbasin underlying its jurisdictional boundaries or service area.

Section 8.03. Disposition of Assets. Upon termination of the Authority, any assets shall be returned to the Members in the same proportion said Members have funded such reserves or surplus, in accordance with California Government Code § 6512.

ARTICLE IX MISCELLANEOUS PROVISIONS

Section 9.01. Amendments. This Agreement may be amended by the Board at any time, or from time to time. No change, amendment or modification of this Agreement shall be valid unless the same be in writing and signed by the Members in accordance with Section 3.05.

Section 9.02. Claims. All claims against the Authority, including, but not limited to, claims by public officers and employees for fees, salaries, wages, mileage, or any other expenses, shall be filed within the time and in the manner specified in Chapter 2 (commencing with Section 910) of Part 3, Division 3.6 of Title I of the Government Code, which describes the appropriate content of a claim.

Section 9.03. Indemnification. The Authority shall indemnify, defend, and save harmless the Members, their officers, agents, and employees, and appointed members of the Board of Directors, their officers, agents, and employees, and committee members, their officers, agents, and employees, from and against any and all claims and losses whatsoever, occurring or resulting to persons, firms, or corporations furnishing or supplying work, services, materials or supplies to the Authority in connection with the performance of this Agreement, and, except as expressly provided by law, from any and all claims and losses accruing or resulting to any persons, firm or corporation, for damage, injury, or death arising out of or connected with the Authority's performance of its obligations under this Agreement. Nothing herein shall limit the right of the Authority to purchase insurance or to create a self-insurance mechanism to provide coverage for the foregoing indemnity.

Section 9.04. Insurance. The Authority shall obtain insurance for all Members, appointed members, and committee members, including but not limited to directors' and officers' liability insurance and general liability insurance containing policy limits in such amounts as the Board of Directors shall determine will be necessary to adequately insure against the risks of liability that may be incurred by the Authority.

Section 9.05. Severability. If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions will remain in force and unaffected to the fullest extent permitted by law and regulation.

Section 9.06. Sole and Only Agreement. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the matters set forth herein and contains all of the covenants and agreements between the parties regarding said matters. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or in writing, have been made by any party or anyone acting on behalf of any party which are not embodied in this Agreement and no

City: MID-KINGS RIVER GSA

CITY OF HANFORD

By: _____

Travis Paden, Mayor

County:

COUNTY OF KINGS

By: _____

Doug Verboon, Chairman
Kings County Board of Supervisors