

MINUTES

NKGSA Advisory Committee Meeting

November 28, 2016

Clovis Corporation Yard

In attendance:

Luke Serpa – Clovis

Lisa Koehn – Clovis

Bill Stretch – FID

Adam Claes – FID

Nick Keller – Garfield WD

Dwight Miller – Biola CSD

Steve White – Fresno County

Bernard Jimenez – Fresno County

Augie Ramirez – Fresno County

Ken Moore – Kerman

Peter Sanchez – FMFCD

Sarge Green – Fresno State

Shay Bakman – Bakman Water

Steve Pickens – Bakman Water

Jim Anderson – Malaga CWD

Lauren Layne – NKGSA Legal Counsel

Phil Larson – Ag representative

Sarye McFarlane-Miller – Ag representative

Jim Phillips – Ag representative

Ron Samuelian – Provost & Pritchard

Tommy Esqueda – Fresno (joined late)

Gary Serrato – FID (joined late via phone)

Item 1 - Called to order at 2:08 PM

Item 2 – No agenda additions or revisions

Item 3 – Seating of Committee Members and Identification of Alternates

Discussion regarding eligibility to serve on Advisory Committee: Each Party as defined in the JPA (Member Agencies plus those entities that have executed Participation Agreements or MOUs with the JPA) can appoint a member of the Advisory Committee plus alternates. Advisory committee members can be elected officials.

Committee Members and Alternates were identified by representatives from each Party as follows:

Clovis – Luke Serpa, Alternate - Lisa Koehn

Fresno County – Bernard Jimenez, Alternate - Augie Ramirez

Biola CSD – Dwight Miller, Alternate – TBD

Kerman – Ken Moore, Alternate – TBD

FID – Bill Stretch, Alternate – Adam Claes

Garfield WD – Nick Keller, Alternate TBD

Fresno – Tommy Esqueda, Alternate Georgeanne White (to be confirmed)

International WD – no representative present

The following members were identified pending execution of Participation agreements and/or MOUs that would lead to them being “Parties”

Bakman Water – Shay Bakman, Alternate – Steve Pickens
FMFCD – Alan Hoffman, Alternate – Andrew Remus
Fresno State – Sarge Green, Alternate – TBD

Item 4 – Selection of Vice Chair

Bill Stretch was unanimously selected as Vice Chair

Item 5 – Public Comment

Questions from Sayre McFarlane-Miller and Phil Larson regarding how interested parties that are not eligible to members can have input to Advisory Committee. Ensuing discussion – Advisory Committee Meetings are public meetings and will take public comment on agenda items when they are considered, and items not on the agenda during Public Comments. Also, the Advisory Committee will appoint ad hoc subcommittees to address various issues and the interested parties that are not “Parties” as defined in the MOU can participate on those subcommittees.

Item 6 – Consider Recommendation for Approval – Participation Agreement with Bakman Water Company

Discussion regarding Participation Agreement with Bakman Water Company. Draft agreement had previously been circulated among all attendees. Chairman should have been sent out most recent version prior to meeting, but did not. Agreed to make sure all relevant materials would be provided with future agendas. Lauren Layne gave summary of changes since last version was reviewed; most significantly, verbiage regarding timing of approval of GSP by Bakman and NKGSA necessary to avoid possible PUC processes. Layne indicated that as Legal Counsel for NKGSA she is comfortable with agreement. Shay Bakman indicated that Bakman Water Company and their legal counsel is comfortable with agreement.

Motion to Recommend Approval of Participation Agreement by Nick Keller, second by Dwight Miller. Approved unanimously.

Item 7 – Consider Recommendation for Approval – MOU with Fresno Metropolitan Flood Control District

Lauren Layne and Peter Sanchez left the room. Discussion regarding Layne’s role as Legal Counsel for NKGSA and FMFCD. While her service has been

above reproach, Advisory Committee feels it is necessary to make sure that we avoid any possible appearance of conflict of interest. By consensus it was determined that the draft MOU between NKGSA and FMFCD will be provided to each member of the Advisory Committee for review and comment by their legal counsels. Nick Keller indicated that Garfield WD would abstain since Layne also serves as Garfield's Legal Counsel. Comments from members' counsels will be submitted to FID as the GSA's Administrative Agent and FID's legal counsel will work with Layne to finalize MOU.

No action taken regarding Recommendation of Approval.

Item 8 – Select Subcommittees to evaluate proposals for Technical Engineering Consultant and Legal Counsel

Discussion of how proposals were solicited and schedule/process for review and evaluation of proposals. RFPs were sent to approximately 10 engineering firms and 10 legal firms. Many of the firms were local, but not all. Proposals are due on December 16, and had hoped to have proposals evaluated and be ready to make recommendation to Board at January meeting. However, schedule for January Board meeting has not yet been established. Subcommittees may want to interview firms and may not be able to complete process by January meeting. Consensus was that subcommittees should complete evaluation as soon as possible, but postpone recommendation until February if necessary. Volunteers were solicited for one subcommittee to evaluate proposals for Technical Engineering Consultant and another subcommittee to evaluate proposals for Legal Counsel. Further discussion regarding need to ensure that we do not have a quorum of Advisory Committee members or alternates on any subcommittees.

Volunteers for the committee to evaluate the Technical Engineering Consultant proposals were as follows:

- Bill Stretch (also volunteered to chair subcommittee)
- Steve White
- Lisa Koehn
- Peter Sanchez
- Sarge Green
- Gary Serrato

These volunteers were unanimously approved as members of the subcommittee and Bill Stretch was approved as the Chair.

Volunteers for the subcommittee to evaluate the Legal Counsel proposals were as follows:

- Bernard Jimenez (also volunteered to chair subcommittee)
- Amanda Freeman (volunteered by Tommy Esqueda)
- Sarye McFarlane-Miller
- Jim Phillips
- Gary Serrato

These volunteers were unanimously approved as members and Bernard Jimenez was approved as chair.

Further discussion regarding need for subcommittees to develop evaluation criteria and possibility of meeting for this purpose prior to the due date for proposals. Subcommittee Chairs will coordinate and schedule meetings as needed.

Item 9 – Consider recommendation for inclusion of Advisory Committee members in Conflict of Interest Code

Discussion regarding Conflict of Interest Code that will be presented to Board at next meeting and whether or not Advisory Committee should recommend that Committee Members be included in Code. Consensus was that it was unnecessary, adds to workload for tracking Form 700 submittals, and that Advisory Committee should not make recommendation that Committee members be included in Code.

Item 10 – Member Comments

Discussion regarding possible schedule for NKGSA Board Meetings. Evenings of 4th Thursday of the month appear to have lowest chance of conflicting with any member agencies' meetings, so that would be recommendation of committee.

Discussion regarding schedule for next Advisory Committee meeting. The group had been meeting on 3rd Friday of month up until formation of GSA. Friday mornings worked well for group up to this point, but if Board meetings will be on the 4th Thursday, the 2nd Friday at 9:00 will provide more time to prepare for Board meeting. However, 2nd Friday in December is only two days after Board meeting which does not leave enough time to post agenda. Consensus that next Advisory Committee meeting will be at 9:00 AM on December 16 in Clovis.

Item 11 – Meeting Adjourned