



FOX CANYON GROUNDWATER MANAGEMENT AGENCY

MEMORANDUM

Date: December 21, 2023
To: Executive Committee
From: Arne Anselm, Deputy Director
Subject: Item D – Authorization for the Chair of the Executive Committee to Execute an Agreement for a Legal Opinion Regarding Agency Staffing Options

BACKGROUND:

At the December 1, 2023 meeting, your Board discussed the future staffing needs of the Agency and whether it's an appropriate time to consider developing a plan for the independent staffing of the Agency occurred. At that meeting, the legal authority of FCGMA to contract for independent staffing was discussed, and your Board approved a motion to authorize the executive committee to retain independent counsel to prepare a legal opinion on options for staffing of the Agency including legal obligations and restraints on the Agency.

DISCUSSION:

Section 408 of the Fox Canyon Groundwater Management Agency Act, enacted in 1982 in Assembly Bill No. 2995 (Imbrecht), provides that:

The agency may contract with the county or United [Water Conservation District] for staff and other services and may hire such other contractors and consultants as it considers appropriate.

Agency Counsel has reviewed the statute and drafted a closed session memorandum finding, per Section 408, possible staff options under the law were limited to the County or United Water Conservation District (UWCD) and that any plan for "independent staffing of the Agency," not through the County or United, would need to include legislation to amend section 408 or replace it with a statute that provides the Agency with additional staffing authority. (A public version of Agency Counsel's memorandum is attached.) An independent opinion of this issue is sought by the Board.

CONCLUSION:

The Board directed that any efforts that are made toward planning changes to the current Agency staffing structure must wait until the Agency's legal authority to contract and hire staff are understood. The Board authorized the Executive Committee to retain legal counsel for this assessment. Staff will provide support in contracting necessary to retain these legal services.

Attachment: Alternatives for Staffing Fox Canyon Groundwater Management Agency, Agency Counsel Memo, December 18, 2028