

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-4

Urgent

Routine

AGENDA DATE December 17, 2013

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Dissolve the Inactive County Groundwater Coordination Advisory Committee and Establish a Stanislaus County Water Advisory Committee to Support the Implementation of Groundwater Management in Stanislaus County and Approval of the Committee By-Laws

STAFF RECOMMENDATIONS:

1. Dissolve the inactive Stanislaus County Groundwater Coordination Advisory Committee that was established in 1999.
2. Establish a Stanislaus County Water Advisory Committee to support the implementation of groundwater management in Stanislaus County.
3. Approve the Water Advisory Committee By-laws.
4. Direct staff to post Water Advisory Committee vacancies.

FISCAL IMPACT:

There are minimal costs associated with the start-up of the Water Advisory Committee.

BOARD ACTION AS FOLLOWS:

No. 2013-650

On motion of Supervisor Withrow, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION: This Item was removed from the consent calendar for discussion and consideration.

ATTEST: Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

Approval to Dissolve the Inactive County Groundwater Coordination Advisory Committee and Establish a Stanislaus County Water Advisory Committee to Support the Implementation of Groundwater Management in Stanislaus County and Approval of the Committee By-Laws

DISCUSSION:

Groundwater Coordination Advisory Committee

Assembly Bill 3030 (AB 3030) was adopted January 1, 1993, contained in the California Water Code Section 10750 et seq. It provided a means for groundwater management and planning, through local agency adoption of groundwater management plans. On August 24, 1999, the Board of Supervisors created the Stanislaus County Groundwater Coordination Advisory Committee (Committee). The Committee was charged with evaluating the level to which current groundwater management practices in Stanislaus County protect groundwater. The Committee was directed to return to the Board with a report outlining recommended actions for protecting groundwater in the County and did so on November 6, 2001. According to County records the Committee has remained inactive. As a result of forming a new Water Advisory Committee to support the implementation of groundwater management, it is most efficient to formally dissolve the previous Committee.

Water Advisory Committee

On October 29, 2013 the Board of Supervisors approved an ordinance regulating the mining and export of groundwater in Stanislaus County. Staff acknowledged that the ordinance is a first step and that there is much work to be done. The formation of a Water Advisory Committee (WAC) is intended to capture the efficiency born out of the ad hoc water stakeholder working group model and to continue moving the effort forward using a community inclusive and transparent model.

The WAC will consist of 21 advisory stakeholders and community members with the intent to include a diversity of backgrounds and expertise. The committee will have the responsibility to provide needs assessment, prioritize groundwater concerns, develop draft policies and directives, and advise the Board of Supervisors on issues pertaining to groundwater. Members of the WAC will work in cooperation with the Water Resources Manager and the Department of Environmental Resources.

The Chairman of the Board of Supervisors, Chair of the Agricultural Advisory Board, Executive Director of the Farm Bureau, and two members from the community at large will participate on the WAC. Additionally, each Supervisor will nominate three members each to the committee. These appointments may include Irrigation District elected board members, City representatives, or at large appointments that may be from the drilling industry, business, industry, commerce, agriculture, or other. All vacancies will be filled through an application process and approved by the Board of Supervisors. The length of term for each appointment will be two years, however to create a rotation some initial terms will be one year.

Approval to Dissolve the Inactive County Groundwater Coordination Advisory Committee and Establish a Stanislaus County Water Advisory Committee to Support the Implementation of Groundwater Management in Stanislaus County and Approval of the Committee By-Laws

The WAC shall establish a regular monthly meeting schedule at a time and place to be determined by the Committee. A Chair and a Vice Chair will be elected by the Committee at the first meeting and annually thereafter to begin the term each January 1st. The Chair will preside over all committee meetings, exercise other powers and perform such other duties as may be prescribed by the Committee. The Water Resources Manager will coordinate and facilitate the meetings, maintain minutes and other records, and receive communications and correspondence. All meetings of the WAC will be conducted in accordance with the Ralph M. Brown Act and the public is encouraged to attend and to participate.

Once formed, the WAC will be tasked to develop a needs assessment process with the objective to identify all major and minor groundwater related issues that face our region. These issues will be discussed, debated in an open and constructive manner just as the base groundwater ordinance has been crafted, and prioritized.

The WAC will establish a Technical Advisory Committee (TAC) comprised of 10 members. This committee will be responsible for describing problems, collecting and disseminating information, and to assist the WAC in responding to issues. Included on this non-voting advisory will be representatives from six local Irrigation and Water Districts and four City representatives. The five permanent Irrigation and Water Districts will be Modesto Irrigation District (MID), Turlock Irrigation District (TID), Oakdale Irrigation District (OID), Eastside Water District, and Del Puerto Water District. There will be one, 2-year term, rotating Irrigation or Water District representative on the TAC initially filled by the Central California Irrigation District followed by others representing the west side of the County. The four Cities with representation will be Modesto, Turlock, Oakdale (representing the east side), and Patterson (representing the west side). The Irrigation/Water Districts and the Cities will self-appoint their representative to the TAC and make recommendations for enlisting science based experts. These experts will be called on as needed based on the subject matter and their related expertise.

Many of the participants from the water stakeholder group that have been involved in this process over the last year will continue on as members of the TAC with much appreciation from the County. Over the last few months, this group has met to discuss the role and responsibilities of the advisory function.

Groundwater is an important issue that staff and members of the water community have been working on for quite some time. The passing of the ordinance regulating the mining and export of groundwater in Stanislaus County was a crucial first step. The formation of the Water Advisory Committee and the approval of the committee by-laws will continue the momentum.

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POLICY ISSUE:

The recommended actions support the Boards' priorities of A Safe Community, A Healthy Community, the Efficient Delivery of Public Services, A Well Planned Infrastructure System, A Strong Agricultural Economy and Heritage, and A Strong Local Economy by providing adequate protection of one of the County's most valuable natural resources; groundwater. Additionally, the formation of a Water Advisory Committee supports the Board's priority of Effective Partnerships.

STAFFING IMPACTS:

The new Water Resource Manager (Manager IV) position assigned to the Department of Environmental Resources will be responsible for the oversight of the Water Advisory Committee.

CONTACT PERSONS:

Keith D. Boggs, Assistant Executive Officer	Telephone: 209-652-1514
Jami Aggers, Director of Environmental Resources	Telephone: 209-525-6770

Attachments:

1. Water Advisory Committee (WAC)/Technical Advisory Committee (TAC) formation
2. Water Advisory Committee By-laws

BOS

WAC
Water Advisory Committee

21

21 member advisory stakeholder and community based some expertise - not mandatory

TAC
Technical Advisory Committee
NON-VOTING

10

Water Resource Manager (facilitation) non-voting member

OBJECTIVES:
needs assessment
prioritize issues
develop draft policies/directive
advise County Board of Supervisors

- 1 = Farm Bureau - Executive Director *
- 2 = Community members @ large *
- 1 = Chair, Agricultural Advisory Board *

1 = BOS Chairman of the Board - rotating annually - non-voting

3 = member appointments each from Board of Supervisors members
[These appointments MAY include:
Irrigation District Elected Board member
City representative
or at large appointments that may be from the drilling industry,
business/industrial/commerce/AG or other]

- 6 Irrigation District advisory members
- MID
- OID
- TID
- Eastside Water District
- Del Puerto Water District
- CCID

4 = City appointments (staff level)

science based experts
providing data analysis
and technical advise will be
solicited by topic area as needed

* Appointment aligns with Title/Position

◇ 2 Board appointments = 2 YR Terms/ 1 Board appointment 1 YR Term [initial appointments only. All future appointments = 2 year terms]

NON-VOTING

**STANISLAUS COUNTY WATER ADVISORY COMMITTEE
BY-LAWS**

ARTICLE 1

Name

The name of the body shall be the STANISLAUS COUNTY WATER ADVISORY COMMITTEE. Whenever the word Committee is used in these by-laws, it will mean the Stanislaus County Water Advisory Committee.

ARTICLE II

Authority

The Stanislaus County Water Advisory Committee, hereinafter referred to as the "Committee", has been established and approved by resolution by the Stanislaus County Board of Supervisors on 12/17/2013 Resolution No. 2013-650.

ARTICLE III

Purpose

This Committee will advise the Stanislaus County Board of Supervisors on matters pertaining to groundwater. The Committee will work in cooperation with the Water Resources Manager and the Department of Environmental Resources. The Committee will provide needs assessment, prioritize issues, and develop draft policies/directives. A Technical Advisory Committee will be formed to provide data analysis and technical advice.

ARTICLE IV

Membership

The Committee shall consist of twenty-one (21) members with the intent to include a diversity of backgrounds and expertise on the Committee.

1. Members shall be appointed by the Stanislaus County Board of Supervisors as follows:

Ex Officio Members: The following four members shall be appointed by virtue of office or official position:

- (a) Stanislaus County Board of Supervisors Chairman_– One (1) member
- (b) Water Resources Manager – One (1) member
- (c) Farm Bureau Executive Director – One (1) member
- (d) Agricultural Advisory Board Chair – One (1) member

Regular Members: Vacancies in the following membership positions will be filled through an application process and appointed by the Stanislaus County Board of Supervisors:

- (a) Community at Large – Two (2) members
 - (b) Stanislaus County Board of Supervisor District appointments – Fifteen (15) members total; each Stanislaus County Supervisor shall select and nominate three (3) members.
2. The Chairman of the Board of Supervisors and the Water Resource Manager shall be non-voting members.
 3. Stanislaus County Board of Supervisor appointments may include Irrigation District elected board members, City representatives, or at large appointments that may be from the drilling industry, business, industrial, commerce, agriculture or other.
 4. Members of the Committee shall reside within Stanislaus County.
 5. The term of office for appointed members shall be two (2) years, ending on 12/31.
 6. Members may be removed if they miss more than three (3) meetings in a row, or are absent from 50% or more of the meetings in a year, or if they move from the county or otherwise lose the status which qualifies them for membership.
 7. Should a vacancy occur in a Committee position, the Stanislaus County Board of Supervisors shall appoint a replacement member to fill only the unexpired term of the vacant position(s).

ARTICLE V
Technical Advisory Committee

The Committee shall establish a panel of experts known as the Technical Advisory Committee consisting of ten (10) non-voting members. The intent of the Technical Advisory Committee will be to describe problems, collect information that has been gathered, and to respond to complaints. Representation on the Technical Advisory Committee will be from local Irrigation and Water Districts as well as Cities. Science experts shall be called upon for data analysis and technical advice on an as needed basis.

ARTICLE VI
Officers

1. The officers of the Committee shall be the Chair and Vice Chair.
2. The Committee shall elect from its members, at its first regular meeting of each year, a Chair and Vice Chair. The Chair and Vice Chair should not serve more than two consecutive one-year terms. The newly elected officers shall take office upon election. A vacancy in either position shall be promptly filled by the Committee, and such replacement officer shall serve out the remainder of the term.
3. It shall be the duty of the Chair to preside over the Committee meetings and to exercise other powers and perform such other duties as may be prescribed by the Committee.
4. It shall be the duty of the Vice Chair to assist the Chair in the execution of that office, to preside at meetings in the event the Chair is absent, and to exercise such other powers and perform such other duties as may be delegated by the Chair or as may be prescribed by the Committee.
5. The Water Resources Manager shall serve as Facilitator to the Committee. It shall be the duty of the Facilitator to maintain the minutes and other records of the Committee, and to receive communications and correspondence addressed to the Committee.

ARTICLE VII
Meetings of the Committee

1. The Committee shall establish a regular meeting time and place.
2. Special meetings may be called at the discretion of the Chair, according to Section 54596 of the Government Code.
3. A regular meeting may be cancelled by the Chair or Vice Chair in the absence of the Chair, not less than forty-eight (48) hours in advance of the meeting, due to an expected lack of a quorum or lack of business. A regular or special meeting may be cancelled by the Chair or Vice Chair at any time due to an emergency.
4. Agendas for meetings shall be prepared by the Water Resources Manager and mailed at least five days prior to a meeting to all Committee members and to others on the approved agenda mailing list. Public notice of all meetings shall be given pursuant to the Brown Act (Government Code Sections 54950 and following) in compliance with the 72-hour posting deadline for regular meetings and the 24-hour deadline for special meetings.

5. All meetings of the Committee shall comply with the Ralph M. Brown Act.
6. Unless otherwise addressed by these By-laws, the conduct of the affairs of the Committee shall proceed in accordance with the Rules of Order and Procedure as may be adopted by the Committee, or in the absence thereof, in accordance with the provisions of Robert's Rules of Order.
7. The Committee shall accept public comment on any matter within its jurisdiction during its regular meetings at the time set on the agenda for public comment and on any specific item on its agenda. The Committee hereby adopts the following regulations for public comment at its regular meetings:
 - (a) A period of time, herein called the "Public Comment Period", for the public to comment on matters within the jurisdiction of the Committee shall be posted on each agenda of a regular meeting. A total of five (5) minutes shall be allotted for the Public Comment Period.
 - (b) The Chair may grant additional time or, if it appears that all members of the public desiring to comment cannot comment within the allotted times, the Chair may shorten the individual comment time or extend the Public Comment Period.
 - (c) Only comments pertaining to matters within the jurisdiction, but not on the agenda of the Committee or pertaining to items on the consent portion of the Committee's agenda shall be allowed during the public comment period.

ARTICLE VIII
Quorum and Voting

1. The presence of ten (10) of the nineteen (19) voting members of the Committee shall constitute a quorum for the transaction of all business duly presented at a meeting of the Committee, but if less than the full quorum is eligible to vote on the item, the Chair may either (a) direct that the item be brought back for reconsideration at the next meeting of the Committee if a quorum can be established, or (b) invoke the Rule of Necessity to draw lots among conflicted members to establish a quorum.
2. Each voting member of the Committee shall have one vote, which shall be exercised by the member, if present at the meeting, unless required to abstain due to an actual or perceived conflict of interest. Voting by proxy shall not be allowed.
3. A tie shall be a rejection of the approval sought for the agenda item, but if less than the full Committee was present to vote on the item, the Chair may direct that the item be brought back for reconsideration at the next meeting of the Committee.

ARTICLE IX
Conflict of Interest

Members of the Committee shall comply with the terms and provisions of the Stanislaus County Board of Supervisor's Conflict of Interest policy, and shall abstain from acting on matters as prohibited by the Political Reform Act.

ARTICLE X
Amendments to By-laws

These By-laws may be amended, repealed, or altered, in whole or in part upon approval by the Stanislaus County Board of Supervisors. A recommendation to amend, repeal, or alter these By-laws, in whole or in part, may be made by a majority vote of the Committee members present at any duly organized meeting of the Committee, provided that a copy of any amendment proposed for consideration shall be mailed to the last recorded address of each member at least thirty days prior to the date of the meeting. These By-laws, and any amendments to these By-laws, shall take effect only upon approval by the Stanislaus County Board of Supervisors.



Building Industry Association of the Greater Valley

1701 W. March Ln., Ste. F
Stockton, CA 95207
(209) 235-7831 • (209) 235-7837 fax

B-4

December 17, 2013

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River Islands @ Lathrop
Rod Attebery, Vice President
Neumiller & Beardslee
Tom Doucette, Sec/Treas.
FCB Homes
Ray Franco, Past President
California Heirloom Homes

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Chairman Vito Chiesa
Board of Supervisors
County of Stanislaus
1010 10th Street, Suite 6800
Modesto, CA 95354

Dear Chairman Chiesa,

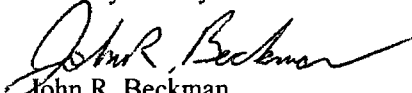
I am writing regarding agenda item B-4, the establishment of a Stanislaus County Water Advisory Committee. First I would like to congratulate Stanislaus County on its recent Water Ordinance regulating the transfer of water outside the County. As you are aware, and have demonstrated by your actions, water is one of our most valuable commodities and we must protect it.

As a result of the Great Recession the BIA of Central California dissolved and the BIA of the Greater Valley is now representing the building industry in Stanislaus County. As the representative for new development I am very concerned about the long-term availability of high quality water for businesses and residents of Stanislaus County.

Although I am new to the water discussion in Stanislaus County I am not new to the issue of providing safe ground and surface water to constituents. My experience in this area started in 1999 while on the staff of Assemblyman Anthony Pescetti I was the lead staffer on the creation of a parcel fee for the North San Joaquin Water Conservation District to enable the District to utilize surface water from the Mokolumne River. While serving on the Lodi City Council I was the City's representative on the San Joaquin County Groundwater Banking Authority, San Joaquin County Water Advisory Committee and the Delta Protection Commission. At the BIA I have continued my work in the world of water ensuring the availability of water for new development in all jurisdictions with the territory of the BIA.

Due to my long term relationship with jurisdictions in San Joaquin County the BIA is customarily afforded an equal privilege as that given to the Farm Bureau in the creation of new stakeholder committees. Although this request comes at the 11th hour I respectfully ask your consideration for a seat to be designated for the CEO of BIA of the Greater Valley on the new Water Advisory Committee.

Thank you for your consideration of this important matter.


John R. Beckman
Chief Executive Officer

BOARD OF SUPERVISORS
2013 DEC 17 P 3:50



STANISLAUS REGIONAL WATER AUTHORITY
P.O. Box 642, Modesto, CA 95353
(209) 577-5213 FAX (209) 577-5477

B-4

December 17, 2013

Vito Chiesa, Chairman
Stanislaus County Board of Supervisors
1010 10th Street
Modesto, CA 95354

Re: Proposed Stanislaus County Water Advisory Committee

Dear Chairman Chiesa:

This letter is in regard to the proposed action on the December 17, 2013 Board agenda to dissolve of the Stanislaus County Groundwater Coordination Advisory Committee and establish the Stanislaus County Water Advisory Committee.

If the Board of Supervisors intends to take action on forming the proposed Water Advisory Committee, the Stanislaus Regional Water Authority (SRWA) requests that the Board first increases the number of Ex Officio Members to five (5) and add a representative from SRWA on the Committee.

The Stanislaus Regional Water Authority (SRWA) is a Joint Powers Authority formed by the cities of Ceres, Modesto, and Turlock with the purpose of developing a Regional Surface Water Supply Project that would provide treated potable surface water to the three participating agencies, using surface water provided by the Turlock Irrigation District.

Just as with the constituents of the Farm Bureau and the Agricultural Advisory Board, urban residents may experience significant impacts from action by the Water Advisory Committee. Since the majority of water users in Stanislaus County reside in the three SRWA cities (which also serve numerous adjacent unincorporated areas), it is imperative that urban interests are represented on the Committee. Urban and agricultural interests will be well-served with implementation of conjunctive use (groundwater/surface water) systems, which is precisely what SRWA is all about. And SRWA is the entity mostly likely to implement such systems.

We appreciate the efforts of the Board of Supervisors to improve the economic vitality of the Stanislaus County area, and ask that an SRWA representative be included on the proposed Stanislaus County Water Advisory Committee.

Sincerely,

Chris T. Vierra, Chairman
Stanislaus Regional Water Authority

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BOARD OF SUPERVISORS

Public Comment
*B-4

TALK AT COUNTY BOARD ON 12/7/13

I am Vance Kennedy and live at 5052 Tully Road. I am a small-scale farmer and retired hydrologist. There are major problems with deep well drilling in the foothills, which is causing major environmental damage. Because groundwater moves as much as 100 times or more as easily laterally as vertically underground, a deep well can draw water from thousands of feet laterally thereby harming neighbors water supplies. Any one requesting a large deep well should be required to demonstrate that he is not harming his neighbor before a permit is issued.

Unfortunately, it seems that there already has been harm done, so it seems appropriate to require existing deep, high-capacity well owners to demonstrate that they are not taking their neighbors groundwater, or reimburse their neighbors for damage already done. It will be up to the lawyers to decide how too handle that.

In any case, it is imperative that all possible action be taken as soon as possible.

Vance Kennedy