

Notice and Agenda of a Workshop of the Yucaipa Groundwater Sustainability Agency

Tuesday, January 30, 2018 at 1:30 p.m.

City of Yucaipa, 34272 Yucaipa Boulevard
Yucaipa, California 92399
(909) 797-2489

- I. Call to Order**
- II. Roll Call**
- III. Public Comments** At this time, members of the public may address the representatives of the Yucaipa Groundwater Sustainability Agency on matters within its jurisdiction.
- IV. Approval of Meeting Minutes**
 - A. December 19, 2017
- V. Discussion Items**
 - A. Overview of the Draft Bylaws of the Yucaipa Groundwater Sustainability Agency - Mark Iverson and Joe Zoba
 - B. Status Report of the Department of Water Resources Grant Application and Proposed Schedule - Aaron Jones
 - C. Status Report of the Filing of a Notice of Intent to Create a Groundwater Sustainability Plan with the Department of Water Resources - Mark Iverson
 - D. Status Report for the Implementation of a Website, Distribution of Meeting Notifications, and Brown Act Compliance - Ray Casey
 - E. Discussion Regarding the Use of Workshops and Meetings for Administrative Proceedings - Ray Casey
 - F. Discussion of Recording Roll Call Votes in Meeting Minutes - Joseph Zoba
 - G. Discussion Regarding the Time and Date of Recurring Workshops and/or Meetings of the Groundwater Sustainability Agency - Ray Casey
- VI. Topics for Future Meetings**
 - A. Presentation of the Groundwater Sustainability Counsel and the Draft San Bernardino Basin Framework Agreement - Bob Tincher
 - B. Review of the Draft Request for Proposals for Consulting Support Services as Submitted in the Grant Application by the San Bernardino Valley Municipal Water District
 - C. Discussion Regarding the Methodology for Achieving a Sustainable Groundwater Plan
 - D. Discussion Regarding the Annual Filing of Groundwater Extraction Notices and Distribution of Data for the Yucaipa Basin
 - E. Status of Assignments of Primary and Alternate Members to the Yucaipa Groundwater Sustainability Agency
- VII. Comments by Members Assigned to the Yucaipa Groundwater Sustainability Agency**
- VIII. Announcements - Date and time of the next of the Yucaipa Groundwater Sustainability Agency**
- IX. Adjournment**

Consent Calendar

Approval of Meeting Minutes - December 19,
2017

MINUTES OF THE YUCAIPA GROUNDWATER SUSTAINABILITY AGENCY

**December 19, 2017 - 10:00 a.m.
City of Yucaipa, 34272 Yucaipa Boulevard, Yucaipa, California**

- I. Call to Order - Chairman Mark Iverson called the meeting to order at 10:00 a.m.
- II. Roll Call - The following representatives, as assigned by each Party, were in attendance at the meeting:

Purveyors	Present	Primary Representative	Present	Alternative Representative
South Mesa Water Company	✓	David Armstrong	✓	George Jorritsma
South Mountain Water Company	✓	Cecilia Griego		- -
Western Heights Water Company	✓	Mark Iverson		Tim Green
Yucaipa Valley Water District	✓	Joseph Zoba	✓	Jennifer Ares
Municipals				
City of Calimesa	✓	Lori Askew		Bonnie Johnson
City of Redlands	✓	Cecilia Griego		
City of Yucaipa	✓	Ray Casey	✓	Fermin Preciado
Regionals				
San Bernardino Valley MWD		Doug Headrick	✓	Bob Tincher
San Gorgonio Pass Water Agency		Jeff Davis		- -
Stakeholders				
County of Riverside		Steve Horn		- -
County of San Bernardino		Bob Page		- -

A quorum of the Governing Board of the Yucaipa Groundwater Sustainability Agency was present at the meeting.

Members of the public and other attendees at the meeting included:

- Susan Allen, Consultant for South Mesa Mutual Water Company and Western Heights Mutual Water Company
- Ashley Gibson, Yucaipa Valley Water District
- Mike Kostelecky, Yucaipa Valley Water District
- Mike Podegracz, Consultant for the City of Yucaipa
- Robert Zappia, Western Heights Water Company

III. Review and Approval of Meeting Minutes from November 16, 2017

David Armstrong moved, and Lori Askew seconded a motion to approve the meeting minutes as presented. The motion was approved.

IV. Reports on Assigned Tasks and Solicitation of Board Feedback

A. Draft GSA Board Bylaws

Mark Iverson distributed a draft document for review by the GSA members. A Word file of the draft document will be distributed electronically by Susan Allen. This item will be scheduled for discussion at future meetings.

B. Draft Request for Proposal for GSA Consulting Support

Bob Tincher reported on behalf of Aaron Jones that the draft Request for Proposals will be provided from the grant application filed with the Department of Water Resources for review at a future meeting.

C. Draft Outreach Plan

Ray Casey discussed the use of a website for the distribution of information and outreach instead of social media for the Groundwater Sustainability Agency. There was a consensus from the members that Ray Casey should pursue the cost and implementation of a website with the assistance from Lori Askew and David Armstrong.

V. Check-In - News about the GSA Approval by the Department of Water Resources

Jennifer Ares stated that a Notice of Intent needs to be filed with the Department of Water Resources for the formation of the Groundwater Sustainability Plan. Bob Tincher agreed to upload the Notice of Intent once received from Mark Iverson.

VI. Discussion of Brown Act Requirements for Future Meetings

The members discuss the implementation of the Brown Act as part of the communication plan for the activities of the Groundwater Sustainability Agency (GSA). This included posting future meeting notices at the meeting location, on the future GSA website, and on websites maintained by the individual parties. There was a general consensus that the Groundwater Sustainability Agency would implement the Brown Act for all future meetings.

VII. Other Items

Mike Kostelecky distributed the *Determination of the Usable Capacity and Safe Yield for Each Subbasin within the Yucaipa Basin Area* prepared by Geoscience and dated April 17, 2014. The information within this report will provide a historical view of the basin as well as detailed information about each subbasin.

Bob Tincher reported on the San Bernardino Basin Area Groundwater Sustainability Council. There was a consensus to have Bob Tincher provide a presentation about the

methodology used to facilitate an agreement between the parties in the San Bernardino Basin area.

Ray Casey discussed the overall structure of the Groundwater Sustainability Agency and the concept of having both workshops for technical discussions and board meetings for formal action. This item will be scheduled for a discussion at a future meeting.

The meeting was adjourned at 11:10 a.m.

The next meeting will be January 30, 2018 at 1:30 p.m. at the City of Yucaipa. The following agenda items will be added to the meeting agenda:

- Overview of the Groundwater Sustainability Counsel and the Draft San Bernardino Basin Framework Agreement - Bob Tincher
- Overview of the Draft Bylaws of the Yucaipa Groundwater Sustainability Agency - Mark Iverson
- Status Report of the Department of Water Resources Grant Application - Bob Tincher
- Status Report of the Filing of a Notice of Intent to Create a Groundwater Sustainability Plan with the Department of Water Resources - Bob Tincher
- Review of the Draft Request for Proposals for Consulting Support as Submitted in the Grant Application by the San Bernardino Valley Municipal Water District - Bob Tincher
- Status Report for the Implementation of a Website, Distribution of Meeting Notifications, and Brown Act Compliance - Ray Casey
- Discussion Regarding the Use of Workshops and Board Meetings for the Groundwater Sustainability Agency - Ray Casey
- Discussion of Roll Call Votes Recorded in Meeting Minutes for Workshops and Board Meetings - Joseph Zoba
- Discussion Regarding the Setting of Times and Dates for Meetings of the Groundwater Sustainability Agency - Joseph Zoba

Discussion Items

Overview of the Draft Bylaws of the Yucaipa
Groundwater Sustainability Agency

CHARTER
for the Yucaipa Basin Groundwater Sustainability Agency

Purpose and Goals

The purpose of the Yucaipa Basin Groundwater Sustainability Agency (GSA) is to fulfill the requirements of the Sustainable Groundwater Management Act (SGMA). All recommendations will be reviewed and vetted between meetings by member organizations’ boards and constituencies. The purpose of this charter is to :

- Develop a common understanding of the authority and responsibility of GSA in the Yucaipa Basin.
- Share information, ideas, and concerns pertaining to the SGMA process in the Yucaipa Basin.
- Solicit and respond to input from both agency boards and public stakeholder groups.
- Provide the necessary funding and technical resources in order to develop the Groundwater Sustainability Plan (GSP).
- Provide a forum for the deliberation of technical data about the groundwater basin and frame agreements about the sustainable operation of the Groundwater basin.

Membership

The GSA Board of Directors is structured to include representatives from GSA-eligible agencies of the Yucaipa Basin , as defined by state-administered maps, as well as representatives from a limited number of stakeholder groups that the board may choose to include. For size management, only one representative per GSA-eligible agency may actively participate in each meeting. The Board of Directors will be most effective where the same participant attends all meetings, however, each agency can nominate an alternate to fill in as necessary. Alternates are expected to be fully briefed and able to represent the member during decision-making. Invited membership includes one representative from the following GSA-eligible agencies:

AGENCY	REPRESENTATIVE	ALTERNATE(S)
<i>PURVEYORS</i>		
South Mesa Water Company	Dave Armstrong, General Manager (Vice President)	Adan Ortega, Advisor to South Mesa
South Mountain Water Company	Cecilia Griego, Water Resources Specialist	
Western Heights Water Company	Mark Iverson, General Manager (President)	Robert Zappia, Board Chair Timothy Green, Board Member
Yucaipa Valley Water District	Joseph Zoba, General Manager (Secretary)	Jennifer Ares, Water Resource Manager
<i>MUNICIPALS</i>		
Calimesa, City of	Bonnie Johnson, City Manager	Lori Askew, Public Works Director
Redlands, City of	Cecilia Griego, Water Resources Specialist	

Yucaipa, City of	Ray Casey, City Manager	Fermin Preciado, City Engineer
<i>REGIONALS</i>		
San Bernardino Valley Municipal Water District	Douglas Headrick, General Manager & Chief Engineer (Treasurer)	
San Gorgonio Pass Water Agency	Jeff Davis, General Manager & Chief Engineer	
<i>COUNTIES</i>		
Riverside, County of	Steve Horn, Senior Management Analyst	
San Bernardino, County of	Bob Page, Principal Management Analyst	

Roles and Responsibilities

Administration

The President of the Board of Directors will provide administrative support to The Board of Directors until and unless the Board of Directors chooses otherwise. The administrative role is to support the collaborative interagency process in creating a GSP and does not presume to have any governance authority over the GSA itself.

Facilitation

The Board of Directors will be facilitated by the President. The President will remain impartial toward the content of the issues under discussion. The President will work with all the parties to ensure the process is credible, fair, and effective and will:

- Chair meetings of The Board of Directors.
- In consultation with the staff, formulate the agenda and desired outcomes for the sessions, including developing a meeting work plan.
- Identify and synthesize points of agreement and disagreement.
- Assist in building consensus among participants.
- Work with members to ensure process and participation agreements are followed.
- Assure a fair, effective, and credible process, but remain impartial with respect to the outcome of the deliberations.

Sub-Committees

In lieu of Sub-Committees, The Board of Directors may identify individual members to take the lead in develop options for The Board of Directors to contemplate and refine. Individual members will be assigned a particular task and are encouraged to engage assistance from other members, Member organization staff and stakeholders with related expertise.

Individuals or Sub-Committees could be assigned to draft develop a Request for Proposal for needed Consultant support, develop a communication and engagement plan, etc. A Technical Sub-Committee will advise on development of the groundwater sustainability plan.

Communication & Media

The President will serve as primary contacts for all GSA communication, outreach and media. Whenever possible official announcements will be reviewed and approved by The Board of Directors in advance of media communications.

GSA Board of Directors reserve freedom to express their own opinions to media representatives, but not the opinions of others. The temptation to discuss someone else's statements or position should be avoided. Participants can refer media inquiries to other members for individual comments.

If contacted by the press or an external party concerning the discussions, participants are asked to:

- Point out that they are not speaking on behalf of the Board of Directors unless specifically authorized by the Board to do so.
- Present their views only and conscientiously refrain from expressing, characterizing, or judging the views of others.
- Avoid using the press as a vehicle for negotiation.

Brown Act, Open Process and Conflicts of Interest

GSA meetings are subject to the Brown Act. All meetings of The Board of Directors are open to the public. The Board of Directors shall adopt a schedule and location for regular meetings, and meeting agendas shall be posted in compliance with the Brown Act.

Meeting Ground Rules

The Board of Directors will use the following standing ground rules to establish a productive protocol for meetings and may modify them as appropriate.

- **Be Present:** Give each other the gift of our time (cell phones off).
- **Listen Openly:** Practice patience, attention, and respect for different views.
- **Speak Courteously:** Share your views candidly, define key terms, and share the floor generously.
- **Suspend Certainty:** Be curious about new information, approaches, and opinions.
- **Represent your Agency and/or Constituency Interests:** As representatives of a larger stakeholder group, members agree to:
 - a) consider these group interests over individual interests at all points in the deliberation process and
 - b) act as liaisons with these groups and their Elected Bodies to share updates on and solicit input into deliberations and recommendations.

Organizational Procedures

Robert's Rules of Order govern the operation of The Board of Directors. In all cases not

covered by this Charter The Board of Directors may formulate specific procedural rules of order to govern the conduct of its meeting.

Any voting is on the basis of one vote per member agency. No proxy or absentee voting is permitted.

Decision-Making

The Board of Directors is a working group tasked to develop recommendations regarding the GSP for the Yucaipa Basin, for consideration by all member agency boards as well as vetting through a formal public input process. In the development of the recommendations, The Board of Directors will strive for consensus (agreement among all participants) in decision-making. **Consensus here means that all group members either fully support or can live with the decision or overall recommendations and believe that their agencies and organizations can as well.**

In reaching consensus, it is useful to refer to the Gradients of Agreement below. This scale makes it easier for participants to be honest and register less-than-whole-hearted support without fearing that their statement will be interpreted as a veto. When differences of opinion exist after extensive discussion, a straw poll will be taken using the Gradients of Agreement. Unless a member votes to reject (level 6), the proposal will move forward.

1	2	3	4	5	6
Fully endorse!	Endorsement with minor issues	Conditional agreement	Stand Aside /Abstain /Neutral	Disagreement	Reject
I strongly support the proposal.	I generally like it. Proceed with my support.	I can support if some steps are taken now or in the future.	I neither support nor reject the proposal – Proceed.	I don't agree with the proposal in its current form but will not reject it outright.	I cannot support the proposal at all.

In the event a member cannot support the proposal and votes to reject, members will decide on the appropriate next course of action together for the decision at hand.

Member Agreements

The Board of Directors represents a first step in an ongoing collaborative effort toward SGMA compliance within the Yucaipa Basin. Staff participation in The Board of Directors is part of a good faith commitment founded on the following core agreements:

1. **Collaboration:** The Members agree to work collaboratively towards SGMA compliance within the Yucaipa Basin and to build upon existing frameworks, cooperation, and successful water management efforts in San Bernardino County.
2. **Input:** Staff representatives will provide key recommendations to the Board of Directors from their respective boards for review and, where appropriate, approval.
3. **Stakeholder engagement:** The Members recognize that meaningful stakeholder engagement is essential to the GSP planning process to engage public input and will work to ensure fair representation of diverse interests in the process. The Members will work collaboratively with community groups, individuals, and stakeholders to develop a plan structure to manage groundwater in the Basin and comply with SGMA. The Members will seek to institutionalize stakeholder engagement in the governance structure and will ensure regular, productive communication between the Members, stakeholders, and stakeholder representatives.
4. **Coordinated and collaborative data management:** The Members acknowledge that transparency and data sharing are fundamental components of effective resource management collaboration. The Members will identify opportunities to enhance data management and sharing across jurisdictional and organizational boundaries. With appropriate exceptions for confidential data, the Members will make data accessible and shareable in order to enhance collaboration among different organizations and stakeholders, increase the effectiveness of management decisions, and reduce disputes.
5. **Term:** The Members have entered into this Charter voluntarily. This Charter may not be modified except by mutual consent of authorized officials from the Members, using the decision-making procedure identified above. This Charter shall become effective upon signature by the authorized officials from the Members and will remain in effect until the GSP is approved by DWR.
6. **Good faith efforts:** Each Member shall use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the objectives of The Board of Directors and the satisfactory performance of the terms and provisions contained herein.

Appendix A – Context for Implementation of the Sustainable Groundwater Management Act in the Yucaipa Basin

In California, overlying landowners generally have the right to extract and use groundwater. Prior to the Sustainable Groundwater Management Act (SGMA), unless a basin was adjudicated by a Court or Settlement Agreement, a property owner's right to pump and extract groundwater was limited only by the availability of groundwater, the rights of the basin's other groundwater users, and the Constitutional requirement that requires all use of water be "reasonable and beneficial." In some California groundwater basins, unlimited pumping led to over drafting and its associated negative impacts. In 2014, prolonged drought and heightened public awareness of groundwater over drafting created the conditions that lead to the passage of SGMA.

With its passage in the California Legislature and signing into law by Governor Brown, the SGMA will change many conditions and requirements under which all groundwater resources are currently managed within the Yucaipa basin. A foundational tenet of the SGMA is to maintain existing local control of groundwater management, provided groundwater is managed in a sustainable manner, as outlined in the SGMA (see Appendix B for SGMA Tenets).

The SGMA requires certain deadlines be met by local agencies within the Yucaipa Basin in order to avoid intervention of local groundwater management by the State Water Resources Control Board (State Water Board). Entities in the Yucaipa Basin successfully met the deadline for formation of a GSA on June 30, 2017.

The second deadline for local agencies requires a Groundwater Sustainability Plan (GSP) to be developed to achieve groundwater sustainability within the Yucaipa Basin and submitted to DWR by January 31, 2022. The entire Yucaipa Basin must be the GSP. In order to craft a GSP that meets the requirements of SGMA, a GSA must essentially determine the allowable extraction from a basin such that the basin remains in a state of sustainability. Although SGMA does not change existing rights to use groundwater, it does provide authority to GSAs to limit extractions in order to achieve sustainability. The GSA will ultimately determine whether any changes to current management practices in the Yucaipa Basin are required.

Appendix B – SGMA Tenets

The Legislature finds and declares as follows:

- 1) The people of the state have a primary interest in the protection, management, and reasonable beneficial use of the water resources of the state, both surface and underground, and that the integrated management of the state's water resources is essential to meeting its water management goals.
- 2) Groundwater provides a significant portion of California's water supply. Groundwater accounts for more than one-third of the water used by Californians in an average year and more than one-half of the water used by Californians in a drought year when other sources are unavailable.
- 3) Excessive groundwater extraction can cause overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes the capacity of aquifers to store water for the future.
- 4) When properly managed, groundwater resources will help protect communities, farms, and the environment against prolonged dry periods and climate change, preserving water supplies for existing and potential beneficial use.
- 5) Failure to manage groundwater to prevent long-term overdraft infringes on groundwater rights.
- 6) Groundwater resources are most effectively managed as the local or regional level.
- 7) Groundwater management will not be effective unless local actions to sustainably manage groundwater basins and subbasins are taken.
- 8) Local and regional agencies need to have the necessary support and authority to manage groundwater sustainably.
- 9) In those circumstances where a local groundwater management agency is not managing its groundwater sustainably, the state needs to protect the resources until it is determined that a local groundwater management agency can sustainably manage the groundwater basin or subbasin.
- 10) Information on the amount of groundwater extraction, natural and artificial recharge, and groundwater evaluations are critical for effective management of groundwater.

- 11) Sustainable groundwater management in California depends upon creating more opportunities for robust conjunctive management of surface water and groundwater resource. Climate change will intensify the need to recalibrate and reconcile surface water and groundwater management strategies.
- 12) Sustainability groundwater management is part of implementation of the California Water Action Plan.

DRAFT

It is, therefore, the intent of the Legislature to do all of the following:

- 1) To provide local and regional agencies the authority to sustainably manage groundwater.
- 2) To provide that if no local groundwater agency or agencies provide sustainable groundwater management for a groundwater basin or subbasin, the state had the authority to develop and implement an interim plan until the time the local groundwater sustainability agency or agencies can assume management of the basin or subbasin.
- 3) To require the development and reporting of those data necessary to support sustainable groundwater management, including those data that help describe the basin geology, the short- and long-term trends of the basin's water balance, and other measures of sustainability and those data necessary to resolve disputes regarding sustainable yield, beneficial uses, and water rights.
- 4) To respect overlying and other proprietary rights to groundwater, consistent with Section 1200 of the Water Code.
- 5) To recognize and preserve the authority of cities and counties to manage groundwater pursuant to their police powers.

**BYLAWS OF THE
YUCAIPA GROUNDWATER SUSTAINABILITY AGENCY
(Department of Water Resources Sub-Basin No. 8-02.07)**

ARTICLE I - NAME, ORGANIZATION, REPRESENTATIVES, PRINCIPAL OFFICE

Section 1.1 Name. The name of this organization is the YUCAIPA GROUNDWATER SUSTAINABILITY AGENCY (hereinafter referred to as the “Yucaipa-GSA”).

Section 1.2 Organization. The Yucaipa-GSA was formed by a Memorandum of Agreement in 2017 by and among: South Mesa Water Company, South Mountain Water Company, Western Heights Water Company and Yucaipa Valley Water District, herein collectively referred to as the “Water Purveyors”; and the City of Calimesa, the City of Redlands, and the City of Yucaipa, herein collectively referred to as the “Municipalities”; and the San Bernardino Valley Municipal Water District, and the San Gorgonio Pass Water Agency, herein collectively referred to as the “Regionals.” Each of the above-described entities is individually referred to as a “Party” and collectively referred to as the “Parties”.

Section 1.3 Representatives. The governing board or each Party shall designate a principal representative and alternative representative for that Party, who may be changed from time to time at the sole discretion of the designating Party. Written confirmation from the governing board shall be provided to the Parties following any change in representation.

Section 1.4 Principal Office. The principal office of the Corporation is hereby fixed and located at the offices of the __[NAME]__, __[ADDRESS]__. The Parties hereby granted full power and authority to change said principal office from one location to another. Any such change shall be noted by the Secretary but shall not be considered an amendment to these Bylaws.

ARTICLE II - ROLES AND RESPONSIBILITIES

Section 2.1 Sustainable Groundwater Management Act. The Parties agree to jointly implement the Sustainable Groundwater Management Act (“SGMA”), codified in certain provisions of the California Government Code, including commencing with Section 65350.5, and codified in Part 2.74 of Division 6 of the California *Water Code*, commencing with Section 10720, and amending other provisions of the California *Government Code* and California *Water Code*.

Section 2.2 Groundwater Sustainability Plan. Specifically, the Parties agree to develop, implement, and maintain a Groundwater Sustainability Plan (“Plan”) prepared pursuant to the Sustainable Groundwater Management Act (Part 2.74 of Division 6 of the Water Code, beginning with Section 10720),

The following general principles shall guide the Parties in the implementation of a Groundwater Sustainability Plan: (a) Adopt a Plan that defines the basin setting and establishes criteria that will maintain or achieve sustainable groundwater management; (b) Monitor and report groundwater conditions to demonstrate that the Plan is achieving the sustainability goal for the basin; (c) Document the effect of the implementation of the Plan on adjacent basins; (d) Modify the Plan as needed, and report on a substantial compliance to the California Department of Water Resources; (e) Establish and report sustainable management criteria, projects, and management actions; and (f) Justify that the Plan provides a sustainably managed basin for 20 years following Plan implementation without adversely affecting the ability of an adjacent basin to achieve and maintain its sustainability goal.

ARTICLE III - MEETINGS

Section 3.1 Regular Meetings. The Parties shall hold regular quarterly meetings for the purpose of routine business matters. The Parties by resolution may fix the time, date, and place of holding such meetings.

- Section 3.2 Workshops and Special Meetings. The Parties may hold workshops and special meetings. The Parties by resolution may fix the time, date, and place of holding such meetings.
- Section 3.3 Voting Methodology. The voting structure for matters pertaining to the establishment and implementation of the administrative components of the YUCAIPA-GSA shall be by simple majority (51%) of the voting Parties, wherein each WATER PURVEYOR, MUNICIPALITY and REGIONAL holds a single vote. A WATER PURVEYOR that has sole responsibility for groundwater production and management for a DWR-recognized sub-basin shall have the power to continue exercising responsibilities related to the planning, implementation and on-going financing of facilities related to groundwater production and management of that DWR recognized sub-basin; providing that it is exercised in accordance with state recognized “best management practices” and subject to the provisions of the GSP established for the Basin; and further provided that the exercise of the responsibilities of the sole WATER PURVEYOR can be vetoed by a majority vote of the remaining WATER PURVEYORS and MUNICIPALITIES..
- Section 3.4 Fees and Compensation. Representatives from each Party shall receive no compensation or expenses from the Yucaipa-GSA.
- Section 3.5 Ralph M. Brown Act. Notwithstanding any of the provisions of these Bylaws to the contrary, all meetings shall be subject to the Ralph M. Brown Act, commencing at Section 54950 of the Government Code of the State of California.
- Section 3.6 Conduct of Meetings. The President or, in the absence of the President, the Vice President, or, in the absence of the Vice President, a Chairperson chosen by a majority of the Parties present, shall preside.
- Section 3.13 Quorum. A majority of the Parties constitutes a quorum for the transaction of business.

ARTICLE IV - OFFICERS

- Section 4.1 Officers. The officers of the Yucaipa-GSA shall be a President, a Vice President, a Secretary, a Treasurer.
- Section 4.2 Election. The officers shall be chosen at the first Regular Meeting held each calendar year and each shall hold office until the officer shall resign, be removed, or be otherwise disqualified to serve, or the officer's successor shall be elected and qualified.
- Section 4.3 Removal and Resignation. Any officer may resign, or may be removed, with or without cause, at any time. Vacancies caused by death, resignation or removal of any officer may be filled by appointment by the Parties.
- Section 4.4 President. The President shall preside at all meetings of the Parties.
- Section 4.5 Vice President. In the absence of the President, the Vice President shall perform all the duties of the President.
- Section 4.6 Secretary. The Secretary shall keep a book of minutes of all meetings, with the time and place of holding, the names of those present, and actions taken by the Parties.
- Section 4.7 Treasurer. The Treasurer shall keep and maintain adequate and correct books of account showing the receipts and disbursements of the Yucaipa-GSA, and an account of its cash and other assets, if any. Such books of account shall at all reasonable times be open to inspection by any Director.

The Treasurer shall deposit all moneys of the Yucaipa-GSA with such depositories as are designated by the Parties, and shall disburse the funds of the Yucaipa-GSA as may be ordered, and shall render to the Parties, regular statements of the financial condition of the Yucaipa-GSA.

ARTICLE V - MISCELLANEOUS

Section 5.1 Execution of Documents. The Parties may authorize any officer or officers as agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Yucaipa-GSA and such authority may be general or confined to specific instances; and unless so authorized, no officer, agent or other person shall have any power or authority to bind the Yucaipa-GSA by any contract or engagement or to pledge its credit or to render it liable for any purpose or to any amount.

Section 5.2 Inspection of Bylaws. The Yucaipa-GSA shall keep in its principal office the original or a copy of these Bylaws, as amended or otherwise altered to date, certified by the Secretary, which shall be open to inspection by members of the public at all reasonable times during office hours.

Section 5.3 Fiscal Year. The fiscal year of the Yucaipa-GSA shall begin July 1 of each year and end on the last day of June of the succeeding year.

Section 5.4 Construction and Definitions. Unless the context otherwise requires, the general provisions, rules of construction and definitions contained in the Law shall govern the construction of these Bylaws. If any section, subsection, sentence, clause or phrase of these Bylaws, or the application thereof, is contrary to the Law, the provisions of the Law shall prevail. Without limiting the generality of the foregoing, the masculine gender includes the feminine and neuter, the singular number includes the plural and the plural number includes the singular, and the term "person" includes a corporation as well as a natural person.

Section 5.5 Amendments. New Bylaws may be adopted, or these Bylaws may be amended or repealed by the vote of the Parties. No amendment to these Bylaws shall be effective until approved by the Parties.

Version History:

- Original Bylaws: Adopted on _____.

Discussion Items

Status Report for the Implementation of a
Website, Distribution of Meeting Notifications,
and Brown Act Compliance

As California Groundwater Regulation Unfolds, Some Feel Left Out

The state's new Sustainable Groundwater Management Act is setting up a new ecosystem of water utilities. But with deadlines looming to satisfy the law, some low-income groundwater users say their needs are being ignored.

CALIFORNIA'S SWEEPING EFFORT to regulate groundwater extraction is still in its infancy. But many community groups are already concerned that too little is being done to involve low-income and disadvantaged residents in managing aquifers dominated by agriculture.

The Sustainable Groundwater Management Act, adopted in 2014, was a Herculean achievement for California. Until that time, it was the only Western state with virtually no regulations on groundwater use. The new law requires critically overdrafted groundwater basins to adopt plans by 2020 to sustainably manage their aquifers. Basins identified as medium and high priority have an additional two years.

Sustainability, however, is a loose term under the law. Each newly formed groundwater sustainability agency can define it for themselves, depending on local needs. The stakes inherent in defining that term are huge. If "sustainability" considers only agricultural interests, for example, small water users with shallow wells could get short-changed.

For this reason, involvement by low-income groups, Native American tribes and domestic well owners is critical as the groundwater sustainability agencies are getting organized, said Jennifer Clary, California water programs manager at Clean Water Action, a nonprofit. Waiting to involve these groups until the groundwater sustainability plan is developed is too late, she said.

But that seems to be what's happening in many situations. "In disadvantaged communities, one of the reasons they are in the situation they're in is because they've never had power and influence," she said. "I think we see that pattern continuing. Smaller water users could end up losing out again." A total of 266 groundwater sustainability agencies have been formed across the state so far. Of these, 117 are in areas designated as critically overdrafted, primarily in the San Joaquin and Salinas valleys.

Clary said many groundwater sustainability agencies are fixated on meeting the 2020

deadline to complete their groundwater sustainability plans. It's a monumental task that requires gathering data on groundwater volume in each basin, measuring recharge and extraction rates and assessing effects on nearby streams and other surface water, among other things.

This work often requires hiring consultants, installing water meters on wells and, in some cases, drilling new monitoring wells. To pay for this work, many groundwater sustainability agencies are assessing fees on property owners, which requires a special election under the state's Proposition 218 tax law. The groundwater sustainability agency would conduct the election and every property owner within the mapped boundaries of the agency would get to vote in the election. And according to Prop. 218, their votes are weighted according to how much land they own (large landowners get more votes).

Caught up in all that work, some have put off reaching out to disadvantaged communities that rely on groundwater, private well owners who extract water for their own household use and even small domestic water utilities. All these groups have a role in achieving groundwater sustainability, but might know nothing of the process and its complexity.

"A lot of groundwater sustainability agencies are feeling pressure, and they're nervous about being able to produce an adequate plan in time," said Adriana Renteria, regional water management coordinator at Community Water Center, a nonprofit based in Visalia. "But that's not an excuse for a complete lack of inclusion of all beneficial users of water. They are very much taking a hands-off approach in terms of engagement." That could become a serious problem down the road, because the groundwater sustainability agency may not have complete information on well status as it develops its sustainability plan.

For example, Renteria said, irrigation wells are typically much deeper than domestic wells. So defining sustainable groundwater elevation based on agricultural wells could leave domestic wells high and dry.

"Having those diverse perspectives in the room will help you have more sustainable plans," said Renteria, who is working with a number of groundwater sustainability agencies to involve community members. "If people are not voicing their concern early on, there might be legal disputes they have to deal with once their plans are complete." Each groundwater sustainability agency is managed by a board of directors, which tends to be dominated by the largest water users in each basin: farmers and the irrigation districts that serve them. They are accustomed to managing canals and pumps and responding to orders for irrigation water from their customers. But working

hand-in-hand with disadvantaged communities on water issues is not part of their historical skillset.

“Trying to bring these different perspectives together and form an agency out of those is obviously a challenge,” said Eric Osterling, water resources manager for the Kings River Conservation District, which helps manage water supplies and flood control in Fresno, Kings and Tulare counties.

Osterling’s district was hired as program administrator for two new groundwater sustainability agencies in critically overdrafted areas: the South Fork and North Fork Kings River groundwater basins.

In the process, he has worked closely with nonprofits like Community Water Center, Self-Help Enterprises and the Leadership Counsel for Justice and Accountability, which have helped reach out to people who rely on groundwater to keep their towns vibrant, to bathe their children and grow their own food. He has also worked to get informational materials translated for Hmong and Punjabi radio stations, and translations are in the works for Spanish radio.

He has made evening meetings a priority so that residents can attend after work. Unfortunately, he said, that’s not the usual practice among many groundwater sustainability agencies. Instead, many groundwater sustainability agencies meet during the day because that’s when farm managers and irrigation district employees are on the clock anyway.

Clary said approaches like Osterling’s are more the exception than the rule, at least so far.

The state’s regulations don’t require disadvantaged communities to be represented on groundwater sustainability agency boards, said Trevor Joseph, a sustainable groundwater management agency manager at the state Department of Water Resources. But they do require groundwater sustainability agencies to engage with low-income communities, small well owners and Native American tribes and to prepare a communication strategy for doing so.

He said sustainability plans that are lacking these components are unlikely to be approved. “It’s an important provision that should not be taken lightly,” Joseph said. “The regulations are very clear that these stakeholder interests need to be considered. The practical reality is, you’re not going to reach sustainability in many of these basins without inclusion of these entities.”

The Department of Water Resources offers “facilitation services” to help groundwater sustainability agencies reach out to small and low-income groundwater users. And the department even offers to provide professional facilitators – at no charge – to help manage community meetings and encourage constructive dialogue.

However, only 10 groundwater groups have sought the help of these free facilitators, according to the Department of Water Resources, and only six of these are in critically overdrafted basins.

Another concern in many areas is water quality. Aquifers in many areas are severely degraded by decades of intensive farming, resulting in heavy concentrations of pesticides and nitrates in groundwater that can harm human health.

In the Salinas Valley, hundreds of small domestic water systems are plagued by high nitrate concentrations linked to farming. It remains to be seen if the new groundwater sustainability agencies in the region will do anything about contamination issues.

Horacio Amezcuita isn't hopeful. He is general manager of the San Jerardo Cooperative, which provides water and other services to one community of 350 people – mostly farmworkers and their families – in the Salinas Valley. High nitrate levels in the town's groundwater made residents sick for years, until Monterey County agreed to connect the community to a new water source 2 miles away.

Amezcuita said there are at least 35 other communities and 300 small water systems in the region with similar problems. “There's a lot of information that is missing,” he said. “And I don't think the new groundwater sustainability agency is going to do that. They're more concerned on the quantity (of water) and they're talking very little on the quality. In reality, nobody is facing the problem.”

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