

**BYLAWS OF THE  
YUCAIPA SUSTAINABLE GROUNDWATER MANAGEMENT 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 Sustainable Groundwater Management Agency (hereinafter referred to as the “Yucaipa-SGMA”).

Section 1.2 Organization. The Yucaipa-SGMA was formed by a Memorandum of Agreement (“MOA”) in 2017 which remains in full force and effect, 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 Board of Directors. Each Party shall appoint a principal representative and alternative representative, who may be changed from time to time at the sole discretion of the designating Party. The principal representative appointed to the Yucaipa-SGMA shall be a senior executive management level employee of each designating Party. In the event that the appointed representative(s) is/are no longer employed by the appointing Party, the individual will be removed as a member of the Board of Directors of the Yucaipa-SGMA. Written confirmation from the governing board shall be provided to the Yucaipa-SGMA at the Principal Office 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 San Bernardino Valley Municipal Water District, 380 East

Vanderbilt Way, San Bernardino, California 92408. 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.

## 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) for the Yucaipa Basin (Department of Water Resources Sub-Basin No. 8-02.07) (“Basin”),

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.

Section 2.3 Powers and Duties. The Yucaipa-SGMA shall exercise the following powers:

- A. To adopt rules, regulations, policies, bylaws and procedures governing the operation of the Yucaipa-SGMA.
- B. To establish as-needed Ad Hoc and Standing advisory committees for making recommendations to the Board of Directors. Committees shall exist for the term specified in the action creating the committee, and the Board of Directors may dissolve a committee at any time through a majority vote of the Parties.
- C. To monitor all public and private groundwater production and extractions.
- D. To develop a Groundwater Sustainability Plan as described in Section 2.2.
- E. To prepare an Annual Groundwater Report that reflects: all public and private groundwater extractions; natural and artificial recharge; return from use; water quality issues; contamination plumes; and other parameters deemed necessary by the Board of Directors to accurately determine the quantity and quality of the groundwater conditions in the Yucaipa Basin (Department of Water Resources Sub-Basin No. 8-02.07).
- F. To determine the amount of additional artificial recharge for the Basin from imported sources as a complement to native sources, and to plan for the development and application of such additional sources of recharge.
- G. By a majority vote, the Board of Directors may elect to exercise the following powers for a duration determined or modified as needed:
  - a. To contract for the services of engineers, attorneys, planners, financial consultants, and separate and apart therefrom, to appoint agents and representatives to employ such other staff persons as necessary.
  - b. To determine, assess, collect, account, and audit annual groundwater extraction charges to recover expenses related to groundwater recharge, administrative expenses, data collection, and report preparation as determined by the Board of Directors.
  - c. To cooperate, act in conjunction, and contract with the United States, the State of California, or any agency thereof, counties, municipalities, public and private corporations of any kind (including without limitation, investor-owned utilities), and individuals, or any

of them, for any and all purposes necessary or convenient for the purposes of the Yucaipa-SGMA.

- d. To accumulate operating and reserve funds and invest the same as allowed by law for the purposes of the Yucaipa-SGMA.
- e. As may be permitted by law, to apply for and accept grants, contributions, donations and loans, including under any federal, state or local programs for assistance in developing or implementing any of its projects or programs in connection with any project undertaken by the Yucaipa-SGMA.
- f. To implement a cost-sharing methodology in a manner that qualifies as a pass-through charge under the Constitutional requirements of Proposition 218 and similar revenue-raising requirements.
- g. To exercise any power necessary or incidental to the foregoing powers in the manner and according to the procedures provided for under the law applicable to the Parties to this Agreement.

### ARTICLE III - MEETINGS

Section 3.1 Regular Meetings. The Parties shall hold regular quarterly meetings on the fourth Wednesday in January, April, July, October for the purpose of conducting routine business matters. The Parties by resolution may fix and adjust the time, date, and place of holding such meetings.

Section 3.2 Workshops and Special Meetings. The Parties may schedule, and conduct workshops and special meetings as needed at the direction of a majority of the Board of Directors. 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-SGMA shall be by simple majority (51%) of the voting Parties, wherein each Water Purveyor, Municipality and Regional holds a single vote.

- Section 3.4 Fees and Compensation. Representatives from each Party shall receive no compensation or expenses from the Yucaipa-SGMA.
- 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 the Secretary, or, in the absence of the Secretary a Chairperson chosen by a majority of the Parties present, shall preside over the meeting.
- 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-SGMA 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 is elected.
- 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 a majority vote of 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-SGMA, 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-SGMA with such depositories as are designated by the Parties and shall disburse the funds of the Yucaipa-SGMA as may be ordered, and shall render to the Parties, regular statements of the financial condition of the Yucaipa-SGMA.

#### 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-SGMA 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-SGMA 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-SGMA 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-SGMA 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.

Approved and adopted on May 23, 2018.

Amendment No. 1 to Section 1.3 approved on October 24, 2018.