

**ORDINANCE NO. 2016-1**

**AN ORDINANCE OF THE TEHAMA COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT BOARD OF DIRECTORS ESTABLISHING THE TEHAMA  
COUNTY GROUNDWATER COMMISSION**

THE BOARD OF DIRECTORS OF THE TEHAMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ORDAINS AS FOLLOWS:

**SECTION 1. Purpose and Authority.** The purpose of this ordinance is to establish a broadly representative Commission with both decision-making and advisory responsibilities pertaining to groundwater management in the eleven subbasins or portions thereof for which the Tehama County Flood Control and Water Conservation District has been designated as the Groundwater Sustainability Agency under the Sustainable Groundwater Management Act. This ordinance is enacted pursuant to Water Code section 10752.2 and Sections 3, 8, and 11 of the Tehama County Flood Control and Water Conservation District Act (Statutes 1957, Chapter 1280; Water Code Appx., ch. 82).

**SECTION 2. Creation.** There is hereby created the Tehama County Groundwater Commission, which shall have the powers and duties set forth in this ordinance relating to groundwater management in every subbasin or portion thereof for which the Tehama County Flood Control and Water Conservation District has been designated as the Groundwater Sustainability Agency under the Sustainable Groundwater Management Act.

**SECTION 3. Membership.** The Commission shall consist of eleven members as set forth in this Section.

(a) The following members shall serve at the pleasure of their respective appointing authority:

- (1) One member appointed by the City Council of the City of Red Bluff.
- (2) One member appointed by the City Council of the City of Corning.
- (3) One member appointed by the City Council of the City of Tehama.
- (4) One member appointed by the Board of Directors of the El Camino Irrigation District.
- (5) One member appointed by the Board of Directors of the Los Molinos Community Services District.
- (6) One member appointed by the Board of Directors of the Rio Alto Water District.

(b) Five members shall be appointed by the Board of Directors of the Tehama County Flood Control and Water Conservation District, upon recommendation of the majority of the members of the Commission then appointed and serving. The term of office of such Commissioners shall be four years, except that the initial members appointed under this subdivision shall classify themselves by lot, with one member serving a term of one year, one member serving a term of two years, one member serving a term of three years, and two

members serving a term of four years, so that the Commissioners' terms are evenly staggered. Thereafter all members shall be appointed for the full term of four years. Notwithstanding the foregoing, any member appointed under this subdivision may be removed by a four-fifths vote of the Board of Directors after consultation with the Commission.

(c) The Commission and Board of Directors shall take into consideration all of the following criteria when recommending and appointing members under subdivision (b). These criteria are neither exclusive nor mandatory, and the Board of Directors may deviate from these criteria upon recommendation of the Commission for good cause.

- (1) One member should be a resident, property owner, or groundwater user within Tehama County Supervisorial District One.
- (2) One member should be a resident, property owner, or groundwater user within Tehama County Supervisorial District Two.
- (3) One member should be a resident, property owner, or groundwater user within Tehama County Supervisorial District Three.
- (4) One member should be a resident, property owner, or groundwater user within Tehama County Supervisorial District Four.
- (5) One member should be a resident, property owner, or groundwater user within Tehama County Supervisorial District Five.
- (6) Two members should represent the interests of agencies or districts that supply surface water.
- (7) Two members should represent the interests of private groundwater pumpers.
- (8) One member should represent the interests of the general public.
- (9) No two members should be officers, employees, or agents of the same agency, district, or public or private corporation.

(d) All Commission members shall exercise their independent judgment on behalf of the interests of the residents, property owners, and the public as a whole in furthering the purposes and intent of this ordinance.

**SECTION 4. Powers and Duties of the Commission.** The Commission shall have the following powers and duties relating to sustainable groundwater management:

(a) Groundwater Sustainability Plan and Regulations. The Commission shall oversee the development of a Groundwater Sustainability Plan pursuant to Water Code sections 10727 et seq., and any amendments thereto, and any implementing rules and regulations of the District. The Commission shall make a written recommendation to the Board of Directors on the adoption or amendment of a Groundwater Sustainability Plan or any implementing rule or regulation of the District. A recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Commission. The Commission shall hold at least one public hearing before approving a recommendation on

the adoption or amendment of a Groundwater Sustainability Plan or any implementing rule or regulation of the District.

(b) Investigations. The Commission shall conduct investigations to determine the need for groundwater management, monitor compliance and enforcement, or propose or update fees or other revenue measures, and make recommendations to Board of Directors thereon.

(c) Grants. The Commission shall review all proposed District grant applications relating to groundwater management, and advise the Board of Directors regarding grant funding opportunities.

(d) Legislative Intent – Permits. In the event that the District establishes any discretionary permitting or similar regulations relating to sustainable groundwater management, it is the intent of the Board of Directors to provide for such permits to be issued by the Commission, subject to appeal to the Board of Directors.

(e) Legislative Intent – Enforcement. In the event that the District establishes an administrative enforcement hearing process pursuant to Water Code section 10732, subdivision (b)(2), it is the intent of the Board of Directors to provide for such enforcement hearings to be conducted and decisions rendered by the Commission, subject to appeal to the Board of Directors.

(f) Ongoing Advisory Functions. The Commission shall provide ongoing advice to Board of Directors regarding any other matters relevant to the management in groundwater in Tehama County.

**SECTION 5.** Meetings. The Commission shall establish a regular meeting schedule in accordance with the Ralph M. Brown Act, which shall provide for at least one meeting in every ninety-day period.

**SECTION 6.** Bylaws. The Commission shall, subject to the approval of the Board of Directors, adopt their own bylaws and rules of order, and shall select their own officers.

**SECTION 7.** Compensation and Travel Expenses. The members of the Commission shall receive as compensation the sum of twenty-five dollars each for their attendance at each meeting or special meeting, not to exceed fifty dollars each per month. In addition thereto, each member shall be allowed reasonable travel expenses as provided by the Tehama County Travel Policy for official travel approved by the Commission, provided that appropriations therefor have been included in the District budget.

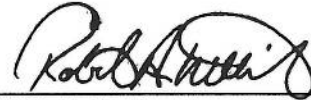
**SECTION 8.** This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in the *Red Bluff Daily News*, a newspaper of general circulation in Tehama County.

The foregoing ordinance was duly passed and adopted by the Board of Directors of the Tehama County Flood Control and Water Conservation District, State of California, at a regular meeting of the Board of Directors on the 7<sup>th</sup> day of June, 2016 by the following vote:

AYES: Directors Burt Bundy, Dennis Garton, Candy Carlson, Steve Chamblin and Robert Williams

NOES: None

ABSENT OR NOT VOTING: None



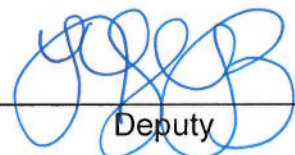
CHAIRMAN, Board of Directors

STATE OF CALIFORNIA     )  
  ) ss  
COUNTY OF TEHAMA     )

I, JENNIFER A. VISE, County Clerk and ex-officio Clerk of the Board of Directors of the Tehama County Flood Control and Water Conservation District, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Directors on the 7<sup>th</sup> day of June, 2016.

DATED: This 9<sup>th</sup> day of June, 2016.

JENNIFER A. VISE, County Clerk and ex-officio Clerk of the Board of Directors of the Tehama County Flood Control and Water Conservation District, State of California.

By  Deputy