

ORDINANCE NO. 2023-1

**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 advisory responsibilities pertaining to groundwater management in the seven 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.
 - (7) Five Commissioners appointed by the Board of Directors of the Tehama County Flood Control and Water Conservation District.

- (b) Process for nomination, appointment and service of Tehama Groundwater Commissioners for the Tehama County Flood Control and Water Conservation District shall be as follows:
- (1) Each member of the Board of Directors shall nominate one candidate for Tehama Groundwater Commissioner
 - i. District staff will assist each District Director in finding interested and qualified representatives by advertising vacancies on the District website (www.tehamacountywater.org), social media, and the local paper at least twice, to inform their nomination selection.
 - ii. Application forms will be made available through the District office (1509 Schwab Street, Red Bluff), sent to the Interested Parties email distribution list, and posted on the District's website for individuals seeking appointment to a vacant position.
 - iii. Applications will be presented to the District Director for selection and the nomination placed on the agenda for confirmation.
 - iv. The application period shall be at least 10 days.
 - (2) Appointment shall be subject to confirmation by a majority of the full Board of Directors.
 - (3) Each Tehama Groundwater Commissioner appointed by the Board of Directors shall serve a term which shall expire on the date that the member of the Board of Directors that nominated that commissioner leave office.
 - (4) If any District Director requests to have the commissioner nominated by that same District Director removed, the commissioner may be removed by a majority of the full Board of Directors.
 - (5) All vacancies shall be filled pursuant to the Maddy Act Local Appointive List Act of 1975 (Government Code sections 54970 et seq).
- (c) The Commission would benefit from representatives with the following:
- Knowledge of the Sustainable Groundwater Management Act
 - Knowledge of Tehama County Groundwater Sustainability Plans
 - Knowledge of local groundwater issues
 - Commitment to cooperative solution development
 - An interest in the preservation, protection, and enhancement of the groundwater in Tehama County
 - Technical expertise in a water related field
 - Technical expertise in environmental concerns involving water.
 - Commissioners shall be a resident of Tehama County.

(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 provide advisory input to the development of the

Groundwater Sustainability Plan(s), required updates, and annual reports pursuant to Water Code section 10727 et seq., and any amendments thereto, and any implementing rules and regulations of the District. The Groundwater Commission shall vote for direction to staff to agendize the recommendations to the Board of Directors.

Public hearings shall be conducted in accordance with the applicable water code prior to the adoption or amendment of a Groundwater Sustainability Plan(s) 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 may assist in the review of 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 Executive Director subject to appeal to the Board of Directors.

(e) Legislative Intent – Enforcement.

The District will establish an administrative enforcement hearing process, pursuant to Water Code section 10732, subdivision (b)(2)., in which the Commission shall conduct a review of the facts and makes a recommendation to the Board of Directors, who shall make the final decision.

(f) Ongoing Advisory Functions.

The Commission shall serve as advisors to the Executive Director regarding matters relevant to the management of 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 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 21st day of November , 2023 by the following vote:

AYES: Carlson, Nolen, Leach

NOES: Moule

ABSENT OR NOT VOTING: Hansen




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 21st day of November 2023.

DATED: This 28th day of November, 2023.

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