

April 10, 2018
Regular Meeting
Item # 3

CAO

SB 1084 Information

SB 1084 – Mono County Tri-Valley Groundwater Management District

Senator Tom Berryhill

IN BRIEF

The Mono County Tri-Valley Groundwater Management District is a special district created by the Legislature in 1989 to manage and protect from overdraft the groundwater resources of the Benton, Hamill, and Chalfant Valleys located in southeastern Mono County. The district overlies the Owens Valley Groundwater Basin, which has been designated by the Department of Water Resources as a medium-priority basin for purposes of the Sustainable Groundwater Management Act (SGMA).

Existing law requires the district board of directors to be comprised of six (6) property owners and groundwater users residing in the district and one (1) member appointed by the Mono County Board of Supervisors. The law requires the board of directors to appoint a groundwater advisory board consisting of 15 persons residing in the district and eligible to vote and to meet once a quarter. The law also permits the board of directors to create zones of benefit within the district.

THE ISSUE

The current board member appointed by the Mono County Board of Supervisors does not reside within the district, and there is no guarantee that future appointees will reside within the district. It is inequitable to allow a board member that does not reside within the district to vote on items and take action that will affect residents within the district.

The district board of directors has, for many years, been unable to appoint a groundwater advisory board because few, if any, residents of the district are interested and willing to serve on a voluntary basis.

Existing law does not specify the purposes for which the district may establish zones of benefit. In the future, the district will be required to participate in groundwater sustainability planning for the Owens Valley Groundwater Basin and implement sustainable management activities pursuant to SGMA.

THE SOLUTION

This bill would revise the composition of the district board of directors to include seven (7) voting members that own property and use groundwater within the district's boundaries and make the one (1) member appointed by the Mono County Board of Supervisors a non-voting, ex officio member. This bill would also eliminate the requirement for a groundwater advisory board, and instead permit the appointment of an advisory board if residents are interested and willing to participate voluntarily. Finally, this bill would authorize the establishment of zones of benefit to generate revenue necessary for future planning and regulatory activities required by SGMA.

SUPPORT

- Mono County Tri-Valley Groundwater Management District
- Mono County Board of Supervisors]

FOR MORE INFORMATION

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SB-1084 Mono County Tri-Valley Groundwater Management District. (2017-2018)

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AMENDED IN SENATE MARCH 22, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

No. 1084

Introduced by Senator Berryhill

February 12, 2018

An act to amend ~~Section 23232 of the Government Code~~, Sections 401, 402, 403, 404, and 802 of the Mono County Tri-Valley Groundwater Management District Act (Chapter 844 of the Statutes of 1989), relating to ~~local government~~. groundwater management district.

LEGISLATIVE COUNSEL'S DIGEST

SB 1084, as amended, Berryhill. ~~Counties: boundaries.~~ Mono County Tri-Valley Groundwater Management District.

Existing law, the Mono County Tri-Valley Groundwater Management District Act, creates the Mono County Tri-Valley Groundwater Management District consisting of specified areas of eastern Mono County. The act requires the board of directors of the district to consist of 7 members, one member being a county supervisor and 6 members being residents of the district who are owners of real property within the district elected at large from the district, 3 of whom have on their property extraction facilities capable of pumping at least 100 gallons per minute exclusive of domestic use.

This bill would provide that the county supervisor member is an ex officio, nonvoting member of the board. The bill would add an additional elected member who is required to be a resident of the district and owner of real property within the district. The bill would provide that this additional member shall be elected initially at the November 3, 2020, general election and before the term of that elected member may be appointed by the board of directors, as specified.

The act requires the board to adopt rules for the carrying out of its business and authorizes the board to establish zones of benefit within the district.

This bill would instead authorize the board to adopt rules for the carrying out of its business and would provide certain purposes for which the board is authorized to establish zones of benefit within the district.

The act requires the board to appoint a Groundwater Advisory Board consisting of 15 persons, 5 each who reside in the Valleys of Benton, Chalfant, and Hamill, are eligible to vote, and reside within the boundaries of the district. The act requires 5 members of the advisory board to reside in each of the Valleys of Benton, Chalfant, and Hamill. The act requires the advisory board to adopt procedural rules and to meet at least once each quarter.

This bill would instead authorize the board to appoint the advisory board, would not specify the number of members of the advisory board, and would provide that to the greatest extent practicable, the board is required to appoint members to the advisory board so that the residents of each of the 3 valleys are equally represented. The bill would instead authorize the advisory board to adopt procedural rules and to meet, as specified.

~~Existing law provides that proceedings for the alteration of existing county boundaries are not subject to the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.~~

~~This bill would make a nonsubstantive change to this provision.~~

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 401 of the Mono County Tri-Valley Groundwater Management District Act (Chapter 844 of the Statutes of 1989) is amended to read:*

Sec. 401. (a) The board of directors of the district shall consist of ~~seven~~ *eight* members as follows:

(1) One member shall be a county supervisor appointed by the board of ~~supervisors; supervisors as an ex officio, nonvoting member.~~

(2) ~~Three~~ *Four* members shall be residents of the district who are the owners of record of real property located within the district. These members shall be elected at large from the ~~district; district, except as provided in subdivision (d).~~

(3) Three members shall be residents of the district who are the owners of record of real property located within the district, and on which property there are extraction facilities capable of pumping at least 100 gallons per minute exclusive of domestic use. These members shall be elected at large from the district. ~~Any member so elected may designate another person to sit on the board in place of the person so elected, with full voting privileges.~~

(b) A quorum of the board of directors shall be four ~~members; of the voting members.~~ Four affirmative votes of the board shall be required to take an action.

(c) Of the ~~six~~ *seven* members of the board elected at large, ~~three shall serve initial terms of two years. These members shall be determined by lot at the first meeting of the board. All other~~ terms of office shall be four years. Members of the board of directors may be reelected.

(d) The member added to the board by the act that added this subdivision shall be elected for an initial term at the November 3, 2020, general election. Until a member is elected to that seat on the board, the vacant seat may be appointed by the board pursuant to subdivision (f).

~~(d)~~

(e) Except as otherwise provided in this act, the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 14 of the Elections Code) shall apply to elections within the district.

~~(e)~~

(f) Except for the board member who is a supervisor, vacancies on the board shall be filled by appointment by a majority *vote* of *the* remaining directors as provided in Section 1780 of the Government Code. An appointment to fill a vacancy on the board shall be for the unexpired portion of the term of the office in which the vacancy occurs.

SEC. 2. *Section 402 of the Mono County Tri-Valley Groundwater Management District Act (Chapter 844 of the Statutes of 1989) is amended to read:*

Sec. 402. The board ~~shall~~ *may* adopt rules for the carrying out of its business. The board shall exercise the powers of the district as set forth in this act.

SEC. 3. *Section 403 of the Mono County Tri-Valley Groundwater Management District Act (Chapter 844 of the Statutes of 1989) is amended to read:*

Sec. 403. The board ~~shall~~ *may* appoint a Groundwater Advisory Board consisting of ~~15~~ persons who are eligible to vote and who reside within the boundaries of the district. A quorum of the advisory board shall be ~~nine persons. Five members of the advisory board shall reside in a majority of the number of persons appointed to the advisory board. To the greatest extent practicable based on persons' interest in serving on the advisory board, the board shall appoint members to the advisory board so that the residents of each of the Valleys of Benton, Chalfant, and Hamill. Hamill are equally represented.~~

SEC. 4. *Section 404 of the Mono County Tri-Valley Groundwater Management District Act (Chapter 844 of the Statutes of 1989) is amended to read:*

Sec. 404. (a) The advisory board ~~shall~~ *may* meet at least once each quarter at a location within the district and shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(b) The advisory board ~~shall~~ *may* adopt procedural rules for the conduct of its business.

SEC. 5. *Section 802 of the Mono County Tri-Valley Groundwater Management District Act (Chapter 844 of the Statutes of 1989) is amended to read:*

Sec. 802. (a) The board may establish zones of benefit within the ~~district.~~ *district for the purpose of carrying out activities including, but not limited to, planning, studies, or any management program of the district or any joint powers agency of which it is a member.* Resolution of the board shall describe the boundaries of the zones of benefit.

(b) The board may amend zone of benefit boundaries by annexing property to or by withdrawing property from a zone, or may divide a zone into two or more zones. Resolutions of the board shall describe the boundaries of the amended or divided zones. Zones of benefit created by annexation shall not include lands outside the boundaries of the district.

~~SECTION 1. Section 23232 of the Government Code is amended to read:~~

~~23232. Proceedings pursuant to this article shall not be subject to the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5), relating to local agency formation commissions.~~

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Item # 7d

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**“On the Range: Water is
Life”**

ON THE RANGE, WATER IS LIFE



HELP CONSERVE WET HABITATS IN
SAGEBRUSH COUNTRY TO BENEFIT
WORKING LANDS AND WILDLIFE



BUILD DROUGHT RESILIENCE • BOOST FORAGE PRODUCTIVITY • BENEFIT WILDLIFE



MESIC HABITAT
refers to land with a well-balanced supply of moisture throughout the growing season. It includes streamsid es (riparian areas), wet meadows, springs and seeps, irrigated fields and high-elevation habitats.

Top: Sage grouse chicks become increasingly dependent upon productive mesic areas as summer heat dries out the range. Bottom: Healthy mesic habitats act like sponges helping to capture, store, and slowly release water. Photos by USFWS, Ken Miracle, and Joe Wheaton.

CONSERVING THE WEST'S EMERALD ISLANDS

In the arid American West, water is as good as gold. Wet “mesic” habitats—places where water meets land—comprise less than 2 percent of the entire landscape. Yet neither people nor wildlife can survive without them, as evidenced by the early homesteaders who followed scarce water when they settled the West. Today, most vital water resources are on private lands.

Protecting and restoring these “emerald islands” in the desert benefits livestock ranching and wildlife, including sage grouse. Western ranchers know that the next drought could be just around the corner. Practices that boost riparian, wet meadow, and watershed function provide ranchers with drought insurance by supplying more reliable water and forage production during lean times. Encouraging water to stay on the land longer makes good sense for their bottom line.

As summer heat dries out soils in sagebrush uplands, sage grouse—along with livestock and most wildlife species—follow the green line seeking out wetter, more productive areas. These mesic habitats serve as grocery stores providing the protein-rich forb and insect foods that help newly hatched sage grouse chicks grow and thrive.

Recognizing the importance of mesic habitats in the desert, the Sage Grouse Initiative (led by USDA's Natural Resources Conservation Service) is working with landowners to extend conservation practices beyond sagebrush uplands to include protection, restoration, and enhancement of wet meadows, riparian areas, and other mesic habitats. SGI and our partners provide technical and financial assistance for strategic practices and easements to help landowners scale-up conservation of the West's precious water resources.

WHAT CAN YOU DO?

Through the Sage Grouse Initiative, NRCS and its partners are helping ranchers scale up the following key conservation actions that benefit working lands and wildlife in sagebrush country.

✓ Grazing Management



Riparian recovery with improved grazing management. Photos by BLM Elko District, Nevada.

Because riparian and wet meadow areas stay greener longer into the summer than surrounding uplands, they often require different grazing management strategies. Implementing grazing plans with specific riparian and wet meadow goals can boost the health and productivity of these vital resources.

✓ Spring Protection and Enhancement



Springs and seeps are rare resources in the sagebrush sea, which can make them prone to degradation and in need of management. Photos by Jeremy Maestas and Ed Contreras.

In order to sustain water and forage on the range, it's important to enhance mesic habitat conditions by: considering springs and seeps in grazing management strategies; minimizing impacts when developing new livestock water, and retrofitting or redeveloping existing spring developments.

✓ Low-Tech Restoration



Beaver Dam Analogues (left) and Zeedyk structures (right) are two low-tech approaches for mesic habitat restoration. Photos by Jeremy Maestas and Nate Seward.

Active restoration may be necessary in some instances to enhance degraded riparian areas, meadows, swales, and other mesic areas. A variety of simple, cost-effective restoration structures can be installed by hand, using 'sticks and stones' to boost hydrologic function and productivity.

continued on next page

WHAT CAN YOU DO? *(continued)*

✓ Conifer Removal



Removing invading juniper and other conifers from productive mesic habitats helps sage grouse access 'green groceries'. Photos by Jeremy Maestas. Targeted conifer removal can provide tree-free movement corridors for sage grouse while improving late-season water availability and forage production.

✓ Mechanical Restoration



Restoring this deeply incised meadow (left) required a pond-and-plug approach (right) to capture sediment, raise the water table, and rehydrate the floodplain. Photos by NRCS Utah.

In limited situations where resource values are high, more costly mechanical restoration techniques may be appropriate to restore down-cut wet meadows to their historic floodplains.

✓ Easements



Protecting open rangelands benefits families, wildlife, and the Western way of life. Photos by USDA-NRCS and The Pioneers Alliance.

Conservation easements are a tool available to compensate private landowners for permanently protecting the most critical meadows and other mesic areas in sage grouse strongholds, ensuring working lands remain intact and productive for future generations.

Want To Participate?

- > Contact your local USDA Service Center at offices.sc.egov.usda.gov
- > Visualize mesic resources using the SGI Interactive Web App: map.sagegrouseinitiative.com

Sage Grouse Initiative is a partnership-based, science-driven effort that uses voluntary incentives to proactively conserve America's western rangelands, wildlife, and rural way of life. This initiative is part of Working Lands For Wildlife, which is led by USDA's Natural Resources Conservation Service.



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Item # 11a

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Informational Table

	CO	OR	WA	NV	CA	total
# of Counties	64	36	39	16	58	213
# of Municipalities	271	241	281	19	482	1294
Total						1507
State Level Regulations						
Delivery	Allowed.	Allowed. \$3,000 total in car	Not allowed.	Was allowed, but may not be at this time	Allowed.	
Flavors	Allowed.	Allowed.	Allowed.	Allowed.	Allowed.	
On-Site consumption	No public cons.	No Public cons.	No public consumption. Clubs appear to be considered at this time.	No public consumption. Considering clubs.		
Other products	No ban evident	No ban evident	Many restrictions on branded products in the advertising restrictions.	No ban evident.	Allowed.	