

Date of Hearing: June 20, 2018

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 1084 (Berryhill) – As Amended March 22, 2018

SENATE VOTE: 38-0

SUBJECT: Mono County Tri-Valley Groundwater Management District.

SUMMARY: Makes changes to the board and duties of the Mono County Tri-Valley Groundwater Management District (district). Specifically, **this bill:**

- 1) Clarifies the purposes for which the board may establish a zone of benefit by specifically including planning, studies, or management programs of the district or any joint powers agencies of which it is a member.
- 2) Increases the membership of the district's board to eight by adding an additional member that must be a resident and property owner within the district.
- 3) Provides for the election of the board member at the November 3, 2020, election and allows the other board members to appoint a temporary board member to fill the vacancy until the election, in accordance with existing law.
- 4) Repeals the ability of a board member to appoint another person to sit on the board in his or her place, and converts the board member that is a member of the board of supervisors to an ex-officio, non-voting member.
- 5) Authorizes, instead of requires, the board to adopt rules for carrying out its business.
- 6) Makes changes to existing law which establishes an advisory board of the district, as follows:
 - a) Authorize, instead of require, the district's board to appoint an advisory board;
 - b) Remove the requirement for there to be 15 members on the advisory board;
 - c) Require the board to appoint members so that the residents of the three valleys are equally represented, to the greatest extent practicable based on persons' interest in serving on the advisory board;
 - d) Establish a quorum of the advisory board to require a majority of the persons appointed; and,
 - e) Authorize, instead of require, the advisory board to adopt rules for the conduct of its business and to meet at least once a quarter.
- 7) Makes technical and conforming changes.

EXISTING LAW:

- 1) Provides for the establishment of many types of local agencies for the purpose of managing and providing water, including irrigation districts, municipal water districts, water agencies, public utility districts, and others.
- 2) Establishes the district to protect against overdraft in three valleys in Mono County: Benton Valley, Hamill Valley, and Chalfant Valley.
- 3) Allows the district to establish “zones of benefit” to levy assessments and fund projects in areas that benefit from the district’s activities in a manner different from other parts of the district.
- 4) Creates a governing board for the district, comprising seven members, including:
 - a) Three residents who live and own property within the district;
 - b) Three residents who live and own property within the district and who have facilities capable of producing at least 100 gallons per minute; and,
 - c) One member of the Mono County Board of Supervisors.
- 5) Allows sitting board members to appoint a person to sit on the board and exercise the authority vested in the board member, including the ability to vote on district business.
- 6) Requires, under the Sustainable Groundwater Management Act (SGMA), local agencies in high- and medium-priority basins or subbasins to form one or more “groundwater sustainability agencies” (GSAs) to develop plans to bring the underlying groundwater basins into sustainability within the next two decades.

FISCAL EFFECT: None

COMMENTS:

- 1) **Tri-Valley Groundwater Management District.** AB 1941 (N. Waters), Chapter 844, Statutes of 1989, created the district to protect against overdraft in three valleys in Mono County: Benton Valley, Hamill Valley, and Chalfant Valley. At the time, residents of these three valleys were concerned that some landowners might export groundwater through the Los Angeles Department of Water and Power Aqueduct. Accordingly, the district’s principal act prohibits export of groundwater from the district without a permit from the board that specifies the amount of water that can be exported and any conditions on the permit. The district cannot issue a permit, unless the applicant has established that there is excess water available and the board has determined that the export would not affect the rights of other groundwater users in the district.

The district must annually prepare a report on groundwater supply and conditions in the district, including groundwater management objectives and a plan to implement those objectives. If conditions of overdraft exist, the district must first reduce or suspend pumping by exporters. If such limits are inadequate, the board may curtail pumping by users within

the district. The board may also exercise certain powers if it determines that groundwater management activities are necessary to protect groundwater supplies, including to:

- a) Store surface or groundwater;
- b) Acquire, buy, sell, or exchange water and water rights;
- c) Purchase and import water;
- d) Require extractors to adopt measures to avoid interfering with other wells; and,
- e) Stop unreasonable uses of water that affect groundwater supplies within the district.

The district's board members are elected at large for staggered terms every four years. However, sitting board members may appoint a person to sit on the board and exercise the authority vested in the board member, including the ability to vote on district business. In addition, the board may fill vacancies by temporarily appointing someone to serve as a board member. The district's principal act further requires the board to establish rules for the conduct of its business and to establish an advisory board to independently advise and make recommendations to the board. The advisory board must have 15 members (five representing each of the three valleys). The district's board may not act on any matter without having first given the advisory board an opportunity to comment, and the board's agendas must reserve a time for comments by the advisory board.

- 2) **Sustainable Groundwater Management Act.** The Legislature enacted the Sustainable Groundwater Management Act (SGMA), comprising three bills: AB 1739 (Dickinson), Chapter 347, Statutes of 2014; SB 1319 (Pavley), Chapter 348, Statutes of 2014; and, SB 1168 (Pavley), Chapter 346, Statutes of 2014. Among other provisions, the Act directs the Department of Water Resources (DWR) to categorize the state's groundwater basins into high, medium, low, and very low priorities, based on factors, such as the population overlying the basin, number of wells in the basin, and overlying irrigated acreage. DWR must also identify basins subject to critical overdraft. Local agencies in high- and medium-priority basins or subbasins must form one or more GSAs to develop plans to bring the underlying groundwater basins into sustainability within the next two decades. The entirety of each medium- and high-priority basin must be covered by one or more plans. If a basin has more than one plan, the plans must all be coordinated by the responsible GSAs. The DWR evaluates the plans periodically to ensure that GSAs are on track to meet the goal of sustainability.

SGMA also provides GSAs with optional tools for reaching sustainability, including, but not limited to, the ability to conduct investigations, collect fees, limit pumping, require measurement and reporting of groundwater extractions, monitor compliance, charge civil penalties for violations, and implement plans and programs to recharge a basin or subbasin. SGMA explicitly designates the Mono County Tri-Valley Groundwater Management District as the GSA over the underlying groundwater basin in the area.

- 3) **Bill Summary.** This bill makes the formation of an advisory board optional, depending on interest from community members, and revises the district's board to ensure that only individuals that actually reside within the district are able to vote on matters. This bill also modernizes the district's principal act to make clear that the district has the ability to create zones of benefit for conducting the studies and management programs necessary to successfully implement SGMA, while targeting the costs to those that benefit from the programs. SB 1084 makes a series of other minor changes. The district is the sponsor of this bill.
- 4) **Author's Statement.** According to the author, "Senate Bill 1084 is intended to equitably distribute the voting power of the Mono County Tri-Valley Groundwater Management District board of directors among residents, reconcile requirements in existing law with the reality of the district, and specify (but not limit) the purposes for which the district may create zones of benefit. The current district 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 and take action on items that will affect residents within the district. This bill will revise the composition of the board of directors to ensure that matters are decided entirely by residents of the district. Also, for many years, the district board of directors has been unable to recruit and appoint a groundwater advisory board because of a lack of interest and willingness to serve on a voluntary basis. SB 1084 resolves this issue by allowing (but not requiring) appointment of a groundwater advisory board – of any size – if there is interest from the Tri-Valley communities. Finally, this bill specifies that the district may create zones of benefit for, among other purposes, SGMA related planning and management activities."
- 5) **Arguments in Support.** Supporters argue that Mono County has a long history of concern over outside interference in its watershed. The Mono County Tri-Valley Groundwater Management District was formed in 1989 to protect the groundwater supplies of three primarily agricultural valleys in the county, and has done so successfully for the past 30 years. With the passage of SGMA, the district has new responsibilities and needs to update its principal act to reflect current practices and responsibilities, as well as local conditions. Ultimately, this bill will modernize the district's principal act post-SGMA and ensure the district is able to equitably represent the residents of Benton, Hamill, and Chalfant Valleys on groundwater management related matters.
- 6) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Mono County Tri-Valley Groundwater Management District [SPONSOR]
Mono County

Opposition

None on file

Analysis Prepared by: Jimmy MacDonald / L. GOV. / (916) 319-3958