

**TULARE COUNTY WATER COMMISSION**  
**3:00 p.m. on Monday, October 14, 2019**  
**BOARD OF SUPERVISORS CHAMBERS**  
**2800 W. BURREL AVE.**  
**VISALIA, CALIFORNIA 93291**

**NOTICE TO THE PUBLIC**  
**PUBLIC COMMENT PERIOD**

At this time, members of the public may comment on any item not appearing on the agenda. Under state law, matters presented under this item cannot be discussed or acted upon by the Water Commission at this time. For items appearing on the agenda, the public is invited to make comments at the time the item comes up for the Water Commission's consideration. Any person addressing the Water Commission will be limited to a maximum of three (3) minutes so that all interested parties have an opportunity to speak. At all times, please use the microphone and state your name and address for the record.

**AGENDA**

1. Call to Order
2. Public Comment Period
3. Approve August 12, 2019 (Action Item)
4. Presentation of New Well Permitting Process, Environmental Health staff (Discussion, Possible Action)
5. Presentation of Data Sharing Initiative, TCiCT GIS staff (Discussion, Possible Action)
6. Overview of County's Groundwater Sustainability Plan Review Process and Results To Date, Aaron Bock, (Discussion, Possible Action)
7. Change Water Commission Meeting Schedule and possible revision to Bylaws (Discussion, Possible Action)
8. Staff Reports (Discussion, Possible Action)
  - a. Prop 1 DAC IRWM Involvement Program Update
9. Commissioners' Comments
10. Future Agenda Topics
11. Next meeting – Monday, January 13, 2020
12. Adjourn

Tulare County Water Commission Contact: Denise England, staff (559) 636-5000  
Tulare County Water Commission website: <https://tularecounty.ca.gov/board/index.cfm/committees-commissions/water-commission>

Documents related to the items on this Agenda, submitted to the Board after distribution of the Agenda packet, are available for public inspection in the Board of Supervisors Office, 2800 W. Burrel Avenue, Visalia, CA during normal business hours. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website: <https://tularecounty.ca.gov/board/index.cfm/committees-commissions/water-commission>

**As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.**

# TULARE COUNTY WATER COMMISSION

3:00 p.m. on Monday, August 12, 2019

## MEETING NOTES

### Members Present:

Pete Vander Poel, Board Representative and Chairman  
Dennis Townsend, Board Alternate  
Eric Quinley, District 2 Appointee  
Tamara Kelly, District 3 Appointee  
Steve Etchegaray, District 5 Appointee  
Martha Flores, TCAG Representative  
Paul Boyer, At-Large Appointee  
Michael Lane, At-Large Appointee

### Members Absent:

Zack Stuller, District 1 Appointee  
Chad Wegley, District 4 Appointee  
VACANT, At-Large Appointee

### Staff Present:

Denise England, Tulare County Board of Supervisors  
Marit Erickson, Tulare County Counsel

### Members of the Public Present:

Mark Larsen	Aaron Fukuda
Nilsa Gonzalez	John Lollis

#### 1. Call to Order

Chairman Vander Poel called the meeting to order at 3:00pm.

#### 2. Introduction of New Commissioners

The Water Commissioners introduced themselves.

#### 3. Public Comment Period

There was no public comment.

#### 4. Approve May 13, 2019 and June 10, 2019 minutes

On a motion made by Commissioner Kelly and seconded Commissioner Boyer, the minutes were approved with Commissioner Lane abstaining.

#### 5. Sub-Committee Reports

##### a. Legislation

Ms. England provided the Commission with the following table. She clarified there was still some time for bills to be passed before the end of 2019. Commissioner Boyer asked the Commission to consider SB 513 which would provide funding for temporary tanks and hauled water for homes experiencing water outages not associated with a natural disaster. Commissioner Boyer requested the Water Commission adopt a position of support and encourage the legislature to take action on the bill before the end of 2019 in order to provide uninterrupted funding for the program. Commissioner Quinley asked if it is a new appropriation, Commissioner Boyer indicated it is a new funding program. Commissioner Flores emphasized the importance for residents on wells and need for funding. On a motion made by Commissioner Kelly and seconded by Commissioner Lane, the Commission approved taking a position of support and recommended to the Board of Supervisors sending a letter of support encouraging the Legislature to take urgency action.

	Position	2019 Result
AB 134	Watch	Two Year Bill
AB 217	Support	Gut & Amended
AB 274	Support	Two Year Bill
AB 1381	Watch	Two Year Bill
AB 1751	Watch	Two Year Bill
SB 1		Two Year Bill
SB 45	Watch	Two Year Bill
SB 200		Signed into Law
SB 414		Two Year Bill
SB 513		Two Year Bill
SB 559	Support	Two Year Bill

## 6. Staff Reports

### a. Sustainable Groundwater Management Act implementation in Tulare County

Ms. England reported GSAs continue to work on their Groundwater Sustainability Plan and are negotiating coordination agreements. She went on to say two GSAs have their GSPs out for review. The Mid Kaweah GSP is out for public comment. The East Kaweah GSA sent an administrative draft to member agencies for review on July 30<sup>th</sup>. The East Kaweah GSA intends to release the GSP for the 90 day public comment on September 16<sup>th</sup>. She reiterated the county has contracted with Tulley and Young to review GSP components relative to the County's General Plan.

Aaron Fukuda, representing the Mid-Kaweah GSA, reported their GSP is out for review, but contains some placeholders in order to keep their schedule for GSP adoption. The comment period will close September 16<sup>th</sup>. He went on to say, each member agency is holding outreach meetings for their constituency. The Notice of Intent to adopt the GSP is on the Mid-Kaweah GSA's agenda for tomorrow's GSA Board meeting. The GSP is scheduled for adoption in December then to DWR in January. Public copies are available at the Tulare City Library, Tulare County Library, and the Tulare Irrigation District office.

Eric Osterling, Greater Kaweah GSA, indicated the schedule for their GSP draft has had to be pushed back slightly due to components still being composed by their consultant. The administrative draft is being constructed and the GSA's September meeting is now scheduled for August 27<sup>th</sup> in hopes to get everything out. They will need a full month to address comments. The Greater Kaweah GSA will accept public comments via a form on their website. The Greater Kaweah GSA will also have a road show, including a presentation to the Board of Supervisors, to provide information and gather comments. The Greater Kaweah Public Hearing to adopt is scheduled for November 21, 2019.

Miss England provided an update on the Eastern Tule GSA (ETGSA). She announced the ETGSA Executive Director announced his resignation, which was to be effective in September 1, 2019. However, the ETGSA Board was able to negotiate an extension to mid-October in order to bring the ETGSA through drafting their GSP.

Commissioner Quinley reported on the Delano Earlimart Irrigation District (DEID) GSA's GSP drafting process. He indicated the same 4-6 week timeframe for a public draft. He went on to say the DEID GSA is working on the management plan section to be included in GSP.

Commissioner Flores asked about the ETGSA Director exit and what the GSA planned to do. Commissioner Townsend replied the GSA is working with 4 Creeks to provide management coverage while the GSA looks for a replacement.

Documents related to the items on this Agenda, submitted to the Board after distribution of the Agenda packet, are available for public inspection in the Board of Supervisors Office, 2800 W. Burrel Avenue, Visalia, CA during normal business hours. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website: <http://www.tularecounty.ca.gov/cao/index.cfm/water-commission/agenda-minutes/>

**As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office at (559) 636-5000

Miss England also stated the GSA managers and County staff continue to meet the first Wednesday of each month to identify policies and procedures which may change as a result of GSP implementation. At their August meeting last week the group received a presentation from the Environmental Defense Fund regarding Regional Conservation Incentive Systems (RCIS). There was interest from the managers in the Kaweah sub-basin to work on a potential pilot project.

b. Prop 1 DAC IRWM Involvement Program Update

Ms. England reported the Program continues on schedule. She indicated the Project Advisory Committee would select the final slate of projects to fund at their August 15<sup>th</sup> meeting. The PAC will receive access to the newly designed Needs Assessment web tool in September to test before going live.

7. Commissioners Comments

Commissioner Boyer expressed his gratitude to the new slate of Commissioners.

8. Future Agenda Topics-

There were no suggestions.

9. Next meeting –Monday, September 9, 2019, 3:00 p.m.

10. Adjourn

The meeting adjourned at 3:24 pm.

Documents related to the items on this Agenda, submitted to the Board after distribution of the Agenda packet, are available for public inspection in the Board of Supervisors Office, 2800 W. Burrell Avenue, Visalia, CA during normal business hours. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website: <http://www.tularecounty.ca.gov/cao/index.cfm/water-commission/agenda-minutes/>

**As a courtesy to those in attendance, please turn off or place in alert mode all cell phones and pagers.**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office at (559) 636-5000

# **Tulare County Water Commission By-Laws**

Amended July 10, 2017

## **A. TIME AND PLACE OF MEETINGS**

1. Regular and Special Meetings.

Regular meetings of the Tulare County Water Commission shall be at 3:00 p.m. on the Second Monday of every month except December. The Water Commission may convene for Special Meetings as needed to offer timely recommendations to the Board of Supervisors on time-sensitive matters.

2. Meetings to be Public.

All regular meetings shall be open to the public in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq., as amended from time to time (herein referred to as the "Brown Act").

3. Public Comment during Regular Meetings.

The Water Commission shall accept public comment on any water-related matter during its regular meetings at the time set on the agenda for public comment and on any specific item on its agenda at the time the Water Commission takes up such matter, in accordance with the Brown Act. The Water Commission hereby adopts the following regulations for public comment at its regular meetings:

a. A period of time, herein called the "Public Comment Period," for the public to comment on water-related matters shall be posted on each agenda of a regular meeting. A total of fifteen (15) minutes shall be allotted for the Public Comment Period. During that period, comments will be received in accordance with the following:

i. Subject to the discretion of the presiding officer set forth herein, each member of the public shall have up to three (3) minutes to address the Water Commission. The presiding officer may grant additional time or, if it appears that all members of the public desiring to comment cannot comment within the allotted time, the presiding officer may shorten the individual comment time or extend the Public Comment Period.

ii. Only comments pertaining to water-related matters but not on the agenda of the Water Commission, or pertaining to items on the "consent calendar" portion of the Water Commission's agenda, shall be allowed during the public comment period. Comments on other items on the agenda will not be allowed at this time except with the permission of the presiding officer.

iii. Subject to the option of the presiding officer, members of the public shall generally be permitted to comment on a first come, first served basis. In order to determine the order of

comment, an optional public comment sign-up sheet may be posted at the entrance to the Chambers. The optional sign-up sheet shall clearly state that the signing, registering or completion of the sign-up sheet is voluntary and that all persons may attend the meeting regardless of whether a person signs in.

iv. In addressing the Water Commission, the members of the public shall follow the protocol set out in Section 8 below.

b. Public comment on specific items on the agenda not on the “consent calendar” portion of the agenda shall be permitted at the time the Water Commission takes up said item for consideration unless the presiding officer gives permission for public comments on this item to be made during the Public Comment Period. Public comments on specific items not on the consent portion of the calendar will be received in accordance with the following:

i. Members of the public shall be permitted to comment in the order determined by the presiding officer.

ii. Members of the public shall have up to three (3) minutes to address the Water Commission unless additional time is granted by the presiding officer. If it appears that all members of the public desiring to comment cannot comment within the allotted time without disrupting the Water Commission's agenda, the presiding officer shall have the option to shorten the individual comment time.

iii. In addressing the Water Commission, members of the public shall follow the protocol set out in Section 8 below.

## **B. COMMISSION AGENDA**

### **4. Agenda Items.**

Items will only be placed on the Water Commission's agenda at the direction of the presiding officer or his or her alternate pursuant to a request by a Water Commission member or County staff person. Except as otherwise allowed by law, no resolution or item shall be brought before the Water Commission for action at a regular meeting without having previously been placed upon a written agenda or agenda addendum furnished to each member of the Water Commission and posted seventy-two hours prior to such regular meeting.

### **5. Preparation of Agenda.**

Not later than seventy-two hours prior to any regular meeting, or at such earlier time as the Chairman may, from time to time, specify, the County Water Commission Staff shall prepare and furnish to each member of the Water Commission, the County Counsel, and to such other persons as the Water Commission shall designate, a written agenda and, if necessary, agenda addendum for such regular meeting. Such agenda and any agenda addendum shall also be available to the press and the public prior to the meeting as provided by law.

6. Posting of Agenda.

Not later than seventy-two hours prior to any regular meeting, the agenda and any agenda addendum shall be posted at the public notice board on the outside of the County Administrative Office Building, 2800 West Burrel in Visalia, California.

7. Off-Agenda Items.

No action may be taken on any item not appearing on the posted agenda except as follows:

a. Urgent Matter- Upon a determination by a two-thirds vote of the members of the Water Commission present at the meeting (or by all the members if less than two-thirds are present), that there is a need to take immediate action and the need for action came to the attention of the Water Commission subsequent to the posting of the agenda. Two conditions must be met in order for this exception to apply: (1) there is a need to take immediate action on the matter (as opposed to waiting until the next regular scheduled meeting or a special meeting, and (2) the need for immediate action came to the attention of the Commission subsequent to the agenda being posted. (Government Code Section 54954.2(b)(2).)

b. Emergency Matter- Upon a determination by four-fifths vote of the Water Commission, or, if less than the full Water Commission is present, a unanimous vote of those members present that an emergency situation exists. "Emergency situation" is defined as matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, and means any of the following which is determined by a majority of the members of the Water Commission: (a) Work stoppage or other activity which severely impairs public health, safety, or both; (b) crippling disaster which severely impairs the public health, safety, or both. (Government Code Section 54956.5.)

c. The item had been on the agenda for a previous meeting and the item had been continued to this meeting.

d. Water Commission referrals of items to staff for investigation and report to the Water Commission are not deemed to be action by the Water Commission which requires placement on the agenda; nor shall a direction to staff to place a matter of business on a future agenda.

**C. CONDUCT OF MEETINGS**

8. Manner of Addressing Water Commission- Time Limit.

a. Protocol: Each person addressing the Water Commission shall stand at the podium and give his/her name and address for the record in an audible tone of voice. As set out above, the presiding officer may limit the time of any person addressing the Water Commission. All remarks shall be addressed to the Water Commission as a body and not to any individual member thereof. No person, other than the Water Commissioners, County staff, County Counsel, and the person having the floor, shall be permitted to enter into any discussion, either

directly or through a member of the Water Commission, without the permission of the presiding officer. No question shall be asked of a Commissioner or member of the staff except through the presiding officer.

b. Protocol for Groups of Persons. Whenever any group of persons wishes to address the Commission on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Water Commission and in case additional data or argument is to be presented at the time by another member of said group, to limit the number of persons so addressing the Water Commission and the scope of their remarks so as to avoid unnecessary repetition.

#### **D. DUTIES AND PRIVILEGES OF WATER COMMISSION & COMMISSIONERS**

The Water Commission is an advisory body to the Board of Supervisors.

##### 9. Membership

The Commission shall be composed of nine (9) voting members, one (1) non-voting chairman, and one (1) non-voting alternate chairman. The Board of Supervisors shall appoint eight (8) voting members. The eight (8) voting members shall be comprised of one appointment representing each of the five (5) Supervisorial districts and three (3) at-large members. A district representative member must live or work in that district. The Tulare County Association of Governments shall appoint one (1) elected official from its Board of Governors to serve as a voting member on the Water Commission. The Board of Supervisors shall designate one of its own members to serve as the Chairman of the Water Commission. The Board of Supervisors shall also designate another of its own members to serve as the alternate Chairman in the absence of the designated Chairman

##### 10. Annual Reorganization.

At the first meeting following a newly constituted Water Commission due to appointments or reappointments, the Commission shall select from its voting members a Vice-Chairman and Secretary. If both the Chairman and the alternate Chairman of the Commission are absent from a meeting, the Vice-Chairman shall serve as the presiding officer.

The Water Commission will perform an annual review process and provide a presentation to the Board of Supervisors outlining its goals, objectives, areas of focus, and priorities for the year. This presentation is to be given during a regular Board of Supervisors meeting in the month of January. Water Commission's annual review presentation to the Board of Supervisors will serve as an opportunity for the Commission to present recommendations and feedback on its work to the Board of Supervisors, and also receive feedback and recommendation from the Board of Supervisors.

11. Terms

Terms shall be for two (2) years, commencing on the 1st day of May. The Board of Supervisors shall initially appoint a member to a greater or lesser term in order to ensure that the terms of the nine (9) members are staggered. For the purpose of staggering the two-year terms, the five (5) voting members appointed for District One, District Three, District Five, the Tulare County Association of Governments ( TCAG) member and one at-large member, designated Member at-large number two, shall be appointed for two years. The remaining four (4) voting members appointed for District Two, District Four, and the two remaining at-large members, designated Member at-large number one and Member-at-large number three, respectively, will be appointed for one year. The current term for the five (5) voting members appointed for District One, Three, Five, TCAG member, and one at-large member ends on April 30, 2011. The current term for the four (4) voting members appointed for District Two, Four, and the other two at-large members ends on April 30, 2010.

The two Board of Supervisors members shall serve indefinite terms.

12. Voting.

- a. Quorum. A quorum shall be five or more voting Water Commissioners except as provided otherwise by state law, but fewer Commissioners may adjourn a meeting.
- b. Vote. A majority of the quorum present is needed to take action.
- c. Abstention. It shall be the duty of each Commissioner present at a meeting of the Water Commission to cast a vote "aye," "nay," or unless excused from voting because of one of the following, in which case they may vote to "abstain":
  - i. A personal or pecuniary interest in the matter under consideration; or
  - ii. The law otherwise declared participation to be a conflict of interest; or
  - iii. They are disqualified by reason of absence from the hearing of a matter the decision on which under the law must be based upon findings supported by testimony and/or other evidence introduced in the proceeding.

An abstention shall not be counted as either an "aye" or "nay" vote.

Nothing herein is intended to abrogate the judicially declared "rule of necessity" adopted in the State of California, pertaining to the duty of members of public legislative and administrative bodies to vote on matters which require their action.

- d. Minutes. Minutes for a given meeting must be approved by a majority of the quorum.

## **E. COMMISSION PROCEDURES**

### 13. Motions and Resolutions to be Stated by Chair.

When a motion or resolution is made and seconded, it shall be stated by the chair before debate and voting.

### 14. Withdrawal of Motions.

A motion may not be withdrawn by the mover without consent of the second.

### 15. Motions Out of Order.

The Commission, by majority vote, may permit a member to introduce a resolution or motion out of the regular order of the agenda.

### 16. Motion to Adjourn; When Not in Order; When Debatable.

A motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion;
- b. When made as an interruption of a member speaking;
- c. When the previous question has been called
- d. While a vote is being taken, a motion to adjourn is debatable only as to the time to which the meeting is to be adjourned.

### 17. Reconsideration.

Once a vote has been taken the matter is final. Motions to reconsider are not provided for in these rules. Upon new information, an item may be reconsidered at a later meeting.

### 18. Procedure in Absence of Rule; Suspension of Rules.

In the absence of a rule to govern a point of procedure, a majority of the voting members present of the Water Commission may agree to a temporary rule to govern the point of procedure. Except as otherwise provided by law, these rules or any one thereof may be suspended at any time for any specified period of time by majority vote of the Commission or may be changed or eliminated until further notice by amendment to this resolution.

The FOREGOING RESOLUTION was adopted upon motion of Commissioner Schafer, seconded by Commissioner Kadara, at a regular meeting of the Water Commission held on July 10, 2017 by the following vote:

AYES: Stuller, Brogan, Kelly, Schafer, Kadara,

NOES: None

ABSTAIN: None

ABSENT: Peltzer, Mendoza, Wegley

By: Pete Vander

Poel

CHAIRMAN, TULARE COUNTY WATER COMMISSION

ATTEST:

SECRETARY, TULARE COUNTY WATER COMMISSION

Commissioner Schafer

Tulare County Board of Supervisors Resolution No. 2017-0981

Upon Motion of Supervisor Ennis, seconded by Supervisor Worthley, the following was adopted by the Board of Supervisors, at an official meeting held December 5, 2017.