



County of Lassen
Department of Planning and Building Services

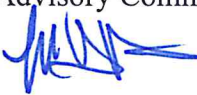
• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

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February 5, 2021

Zoning & Building
Inspection Requests
Phone: 530 257-5263

TO: Big Valley Groundwater Basin Advisory Committee

FROM: Maurice L. Anderson, Secretary 
Big Valley Groundwater Basin Advisory Committee

SUBJECT: Ad hoc committees created at the February 3, 2021, meeting of the Big Valley Groundwater Basin Advisory Committee

This memorandum will list the ad hoc committees that were created by the Big Valley Groundwater Basin Advisory Committee (BVAC) at its February 3, 2021, meeting, as well as the BVAC representatives assigned to each. Information will also be provided regarding staff's recommendations as to how the individual ad hoc committee meetings can be conducted. Lastly, information will be provided regarding Brown Act requirements of said ad hoc committees and the BVAC in general.

More specific information will be provided for each ad hoc committee. Ad hoc meetings will be scheduled by staff in the near future. Recommendations from the ad hoc committees will be presented at the March 3, 2021, BVAC meeting. At that time, there will be an opportunity for the public to participate in the ad hoc committees' recommendations to the full BVAC.

Ad Hoc Committee Function and Purpose:

Staff's understanding is that the purpose of the ad hoc committees is to provide direction to staff and a recommendation to the full BVAC regarding the assigned topic. The topics primarily relate to Chapter 7 (Sustainable Management Criteria) of the Groundwater Sustainability Plan (GSP). Specifically, sustainability indicators must be developed as part of the GSP. The February 3, 2021, BVAC packet contains more information on this topic and should be referred to regarding the requirements.

In total, six ad hoc committees were created (see description below). A recommendation is needed from each committee by February 22, 2021, so that our consultant can update Chapter 7 (Sustainable Management Criteria) in time for the March 3, 2021, BVAC meeting. Staff will work with our consultant (GEI) to develop any recommendations the ad hoc committees may make. Again, in order to develop the March 3, 2021, BVAC agenda and packet, GEI will need initial recommendations and direction by February 22, 2021. Obviously, this is not a lot of time and the ad hoc committees, staff and GEI will have to move quickly.

At the March 3, 2021, meeting, the recommendations of each ad hoc committee will be explained regarding its assigned topic. The BVAC will discuss the content with staff and GEI, and get input from the public. Ad hoc committee recommendations will serve as a starting point for this public discussion. After the March 3, 2021, BVAC meeting, staff and the consultant (and perhaps the ad hoc committees, depending on BVAC direction) will then update the content of Chapter 7, and hopefully, have a fairly detailed and developed Chapter 7 to present at the April 7, 2021, BVAC meeting.

It is necessary to divide staff responsibility for each ad hoc committee between the two counties. While a specific county has been assigned to provide staff for each ad hoc committee (see list below) and primary responsibility rests with the assigned jurisdiction, staff from the other jurisdiction may listen in to some or all meetings. Regardless of county assignments, staff will be working together, and with GEI, to present the overall ad hoc committee recommendations to the entire BVAC at its March 3, 2020, meeting.

Ad Hoc Committee Assignments:

What follows is a list of the ad hoc committees that were created by the BVAC on February 3, 2021. The BVAC representatives assigned to each ad hoc committee and the county that will provide staff for each ad hoc committee are also listed:

Ad Hoc Committee	BVAC Members	County Providing Staff Support
Sustainability goal and potential projects	Geri Byrne Aaron Albaugh John Ohm	Modoc County
Subsidence	Kevin Mitchell Duane Conner	Lassen County
Water quality	Geri Byrne Aaron Albaugh	Modoc County
Mapping	Jimmy Nunn Duane Conner	Modoc County
Groundwater levels and storage	Duane Conner Aaron Albaugh	Lassen County
Basin boundary modification	Aaron Albaugh Kevin Mitchell	Lassen County

Staff from the assigned county will contact each of you individually, regarding your assigned ad hoc committee. At that time, you will be provided with information as to how your specific ad hoc committee meetings will be conducted. This will likely happen through a combination of Zoom (internet), telephone, and in-person meetings.

Any information needed for a discussion on the assigned topic will be provided before each ad hoc meeting. Staff has already begun meeting with GEI to devise the best way to conduct each meeting. It is anticipated that the first meeting of each ad hoc committee will be with staff only (GEI will not be present). Subsequent meetings may include GEI for technical guidance. However, the topic assigned to each ad hoc committee is unique and may not be addressed in the same fashion. The ad hoc committee structure inherently provides some flexibility.

The BVAC roster, which includes contact information, is attached for reference and use by the ad hoc committees. **However, please note that contact between any BVAC members must be guided by the Brown Act, as discussed in the next section of this memorandum. The Brown Act specifically limits contact between BVAC members as it relates to discussion involving the tasks assigned to the BVAC through the Memorandum of Understanding (MOU) between Lassen County and Modoc County (the MOU can be found in the initial binder provided at the first meeting).**

Brown Act:

Chapter 9 (meetings) of the Brown Act was provided to the BVAC at the initial (February 3, 2020) meeting and includes sections 54950 through 54963 of the California Government Code. The BVAC is subject to the Brown Act because it was formed by the MOU between the Board of Supervisors from each County for a public function. It is imperative that BVAC members understand the limitations and requirements imposed upon them through the Brown Act as it relates to their appointment to the BVAC. Questions should be addressed to senior staff, assigned counsel, or myself (as the BVAC secretary).

In the near future, likely at the March 3, 2021, BVAC meeting, staff will provide additional information regarding Brown Act requirements. The availability of an appropriate online Brown Act class is also being investigated. In the interim, a summary by the law firm Best Best & Krieger can be found online at the following URL:

<https://www.bbkclaw.com/bbk/media/library/pdf/major-provisions-and-requirements-of-the-brown-act.pdf>

That said, the ad hoc committees described above are not subject to the Brown Act because each includes less than a quorum of the total number of representatives on the BVAC. That is, an ad hoc committee of the BVAC can be comprised of no more than three members. Four members represents a quorum and is subject to the Brown Act. As such, you are each prohibited by the

Brown Act from discussing a specific topic under the purview of the BVAC with any other three members outside of an official BVAC meeting. This limitation applies even if you speak to the other three members separately (in serial fashion) about a topic related to your appointment to the BVAC.

If you discuss the content assigned to each ad hoc committee with members of that ad hoc committee only, you are not subject to the Brown Act. Again, discussion must be limited to the assigned topic and to the assigned BVAC members.

Formation of the above ad hoc committees is intended to facilitate less formal discussion and in-depth research between ad hoc members, staff, and our consultant, regarding the assigned topic. This cannot be effectively accomplished at a full meeting of the BVAC, as the content is complicated and more thorough discussion of each topic is needed. Again, the results of the ad hoc committee meetings will be reported and discussed at the March 3, 2021, meeting of the BVAC and comment can be provided by the public at that time.

If there are any immediate questions regarding this memorandum, please contact myself, Assistant Director Gaylon Norwood for Lassen County, or Clerk of the Board/Assistant County Administrative Officer Tiffany Martinez for Modoc County. Otherwise, staff will contact you in the near future to discuss a meeting.

MLA:gfn

Enclosure

cc: Counsel for the BVAC
March 3, 2021, Big Valley Groundwater Advisory Committee packet

COMMITTEES & COMMISSIONS

NAME: Big Valley Advisory Committee
 ADDRESS: c/o Lassen Co. Planning and Building Services
 707 Nevada St., Susanville CA 96130

*UPDATED: 1/29/20
 NUMBER OF MEMBERS: 6 (2
 alternates)
 PHONE NUMBER:

QUALIFICATIONS

HOW APPOINTED:

One (1) Member of Lassen Co. Board of Supervisors appointed by said Board

One (1) Alternate Member of Lassen Co. Board of Supervisors appointed by said Board

One (1) Member of Modoc Co. Board of Supervisors appointed by said Board

One (1) Alternate Member of Modoc Co. Board of Supervisors appointed by said Board

Two (2) Public Members appointed by Lassen Board of Supervisors (must reside or own property within Lassen portion of BVGB)

Two (2) Public Members appointed by Modoc Board of Supervisors (must reside or own property within Modoc portion of BVGB)

LENGTH OF TERM: four year terms starting day appointment is made; must reapply to serve beyond a four year term through the GSA's application process.

Chair and vice-chair from different GSA's and serve one (1) year term. No chair or vice-chair shall serve more than two (2) consecutive terms.

A quorum is defined as having at least four BVAC Members present at every meeting.

Secretary: Lassen Co. Planning Director
 Counsel: Modoc Co. Counsel

ENABLING ACT: MOU between Modoc and Lassen Counties to form the BVAC to advise the Groundwater Sustainability Agencies during development of the BV Groundwater Sustainability Plan

ORDER/ENACTMENT DATE: June 11, 2019

*DENOTES CHANGES - NOTIFY COUNTY CLERK AND CITY CLERK OF EVERY UPDATE

NAME & ADDRESS PHONE NUMBER	DATE OF APPOINTMENT	REAPPT/REELECT DATES	TERM EXPIRES	OFFICERS/ CHANGES	Preferred Method of Communication
LASSEN CO. BOARD MEMBER Supervisor Aaron Albaugh PO Box 241 Adin CA 96006 (530) 708-1761	9/24/19		Sept. 2023	Four-year term	Calls: Cell phone Packets: Mail or pick up from Admin box
MODOC CO. BOARD MEMBER Supervisor Geri Byrne 3701 County Road 114 Tulelake CA 96134 geribyrne@co.modoc.ca.us (541) 891-7518	9/24/19		Sept. 2023	Four-year term	Calls: Cell phone or call Tiffany Martinez Packets: Email Only
LASSEN PUBLIC MEMBER #1 Kevin Mitchell Box 378 659-200 Iverson Lane Bieber CA 96009 ktmitchell@pacbell.net (530) 515-2067	9/24/19		Sept. 2023	Four-year term	Calls: Cell phone Packets:
LASSEN PUBLIC MEMBER #2 Duane Conner 25110 Hwy 299 Canby CA 96015 connerswelldrilling@yahoo.com (530) 640-0521			Sept. 2023	Four-year term	Calls: Cell phone Packets:
MODOC PUBLIC MEMBER #1 Jimmy Nunn PO Box 91 Lookout CA 96054 nbetter@aol.com (707) 338-7556	9/24/19		Sept. 2023	Four-year term	Calls: Cell Phone Packets: Mail hard copy to him and Email

MODOC PUBLIC MEMBER #2 John Ohm PO Box 88 Lookout CA 96054 jsohm48@yahoo.com (530) 524-9967	11/12/19		Nov. 2023	Four-year term	Calls: Cell phone Packets:

ALTERNATE APPOINTMENTS

NAME & ADDRESS PHONE NUMBER	DATE OF APPOINTMENT	REAPPT/REELECT DATES	TERM EXPIRES	OFFICERS/ CHANGES	Preferred Method of Communication
LASSEN CO. BOARD ALTERNATE MEMBER Supervisor Jeff Hemphill PO Box 116 Janesville CA 96114 (530) 260-6328 (cell)	9/24/19		Sept. 2023	Four-year term	Calls: Cell phone Packet: In Admin box or email
MODOC CO. BOARD ALTERNATE MEMBER Supervisor Ned Coe 6325 Co. Road 58 Alturas CA 96101 (530) 949-7018 nedcoe@co.modoc.ca.us			Month/2023	Four-year term	Calls: Cell phone Packets: Email

Additional information outlined in the MOU:

STAFF FOR BIG VALLEY GROUNDWATER BASIN ADVISORY COMMITTEE:

Lassen Co. Dept. of Planning and Building Services
Director (Maurice Anderson)
707 Nevada St., Suite 5
Susanville CA 96130
530 251-8269
530 251-8373 fax

BVAC SECRETARY: Dept. Director (or designee). May comment on any item but does not have a vote. P&BS staff shall:

- Coordinate noticing in accordance with the Brown Act
- Prepare and disseminate agendas and packets
- Serve as staff and be the repository of all associated committee records, with a copy of all records sent to the Modoc County Clerk of the Board.

LASSEN COUNTY GROUNDWATER SUSTAINABILITY AGENCY:

LASSEN COUNTY BOARD OF SUPERVISORS
Lassen County Clerk (Julie Bustamante)
220 So. Lassen
Susanville, CA 96130
530 251-8216
jbustamante@co.lassen.ca.us

MODOC COUNTY GROUNDWATER SUSTAINABILITY AGENCY:

MODOC COUNTY BOARD OF SUPERVISORS
Clerk of the Board (Tiffany Martinez)
204 S. Court Street
Alturas, CA 96101
530 233-6201
tiffanymartinez@co.modoc.ca.us

The designated Modoc County GSA groundwater staff member may comment on any item but does not have a vote.

BVAC COUNTY COUNSEL:

Margaret Long, Modoc County Counsel
2240 Court Street
Redding, CA 96001
530 691-0800

1252.01.04.02/BVAC Roster April 2020