



County of Lassen
Department of Planning and Building Services


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

Maurice L. Anderson, Director
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

January 29, 2020

Zoning & Building
Inspection Requests
Phone: 530 257-5263

TO: Big Valley Groundwater Basin Advisory Committee (BVAC)

FROM: Maurice L. Anderson, BVAC Secretary, 
Director, Lassen County Planning and Building Services Department

SUBJECT: February 3, 2020, meeting of the BVAC (see-attached agenda).

Summary:

This is the first meeting of the Big Valley Groundwater Basin Advisory Committee (BVAC). This Committee was established through a Memorandum of Understanding (MOU) between the Lassen County Board of Supervisors and the Modoc County Board of Supervisors. Each Board serves as the Groundwater Sustainability Agency (GSA) for their portion of the Big Valley Groundwater Basin. The intent of the MOU is to form a Committee to assist in the development of a Groundwater Sustainability Plan (GSP) and to provide a recommendation to the two GSAs regarding adoption of said plan.

The December 23, 2019, welcome letter (and its attachments) to the BVAC members provides additional background information and is included as an attachment to this staff report. The following documents were included with said letter:

- The MOU between Lassen and Modoc Counties forming the BVAC
- The Department of Water Resources (DWR) Emergency Regulations for SGMA
- The California Farm Bureau document titled "California's Sustainable Groundwater Management Act (SGMA): Understanding the Law"
- The document from the Union of Concerned Scientists titled "Getting Involved in Groundwater"

Said letter and the above attachments are available online through the following URL:

<http://bigvalleygsp.org/>

In addition, presentations will be provided by staff and/or consultants for each subject listed on the attached agenda.

SGMA Background:

In September 2014, California passed the Sustainable Groundwater Management Act (SGMA), which became effective January 1, 2015. The SGMA is codified as Part 2.74 *Sustainable Groundwater Management* of the California Water Code (Section 10720 et seq.). The regulations

adopted to enforce the provisions of the SGMA are found in Section 350 et seq., of Title 23, Division 2, Chapter 1.5, Subchapter 2 of the California Code of Regulations. This legislation requires that groundwater basins throughout the state be managed by local agencies that are responsible for developing GSPs for all basins designated as medium or high priority by the DWR. (More information about DWR's basin prioritization can be found at: <https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization>.)

The SGMA was created to ensure that groundwater basins throughout the state are managed to reliably meet the needs of all users, while mitigating changes in the quality and quantity of groundwater. The intent of the SGMA, as described in Section 10720.1 of the Water Code, is to:

- Provide for the sustainable management of groundwater basins
- Enhance local management of groundwater consistent with rights to use or store groundwater
- Establish minimum standards for sustainable groundwater management
- Provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater
- Avoid or minimize subsidence
- Improve data collection and understanding about groundwater
- Increase groundwater storage and remove impediments to recharge
- Manage groundwater basins through the action of local governmental agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure that local agencies manage groundwater in a sustainable manner

Local agencies with the responsibility of managing a basin are referred to as Groundwater Sustainability Agencies (GSAs). The role of a GSA is to create a GSP and then implement and enforce that plan. The plan must include measurable objectives and minimum thresholds that can be used to demonstrate that the basin is being sustainably managed within 20 years of plan implementation.

The Act provides GSAs considerable authority to adopt rules, regulations, ordinances and resolutions; conduct investigations; impose fees; require well registration, wellhead metering, monitoring, and reporting; allocate groundwater production; take enforcement actions; and control groundwater extraction by regulating, limiting or suspending extractions from wells. It is up to each GSA which (if any) authorities will be exercised.

SGMA in the Big Valley Groundwater Basin:

The Big Valley Groundwater Basin has been designated as a “medium priority” basin by the DWR, and therefore was required to establish GSAs and must develop a GSP by January 31, 2022, the deadline for GSP submittal to DWR. Providing guidance and formulating recommendations regarding said GSP is the primary function of this Committee.

As outlined by SGMA, GSAs can only manage portions of a basin within their jurisdiction. In the Big Valley Groundwater Basin, Modoc and Lassen Counties are working collaboratively to meet SGMA requirements.

At the direction of their respective Boards of Supervisors, Modoc County has filed with the DWR to be the GSA for the Modoc County portion of the basin, and Lassen County has filed to be the GSA for the Lassen County portion of the basin. The Lassen and Modoc GSAs are working together to develop one GSP for the entirety of the basin by the January 31, 2022, submittal deadline. Failure to develop a GSP by January 31, 2022, may cause the State Water Resources Control Board (SWRCB) to step in and manage the basin at a substantially higher cost than local management.

The GSP must contain a number of components, as identified by law and regulation. The key goal of the GSP is to identify what the sustainable conditions are for the Basin. Sustainable conditions will be established by gathering data, performing studies, and implementing projects to determine if the basin has, or will have in the future, any significant and unreasonable undesirable results for any of the following six sustainability indicators:

- Chronic lowering of groundwater levels
- Reduction of groundwater storage
- Seawater intrusion – *Not applicable*
- Water quality degradation
- Land subsidence
- Depletion of interconnected streams

The cost to prepare the GSP will be significant, but will be largely offset by Proposition 1 grant funding, secured by the Modoc and Lassen GSAs. Lassen County has entered into a contract with GEI, Incorporated to prepare the GSP. Preparation of the GSP is guided by both GSAs, this Committee (the BVAC), staff, and other partners, such as the University of California Cooperative Extension (Modoc) and North Cal-Neva Resource Conservation and Development Council. Again, it is the role of this Committee to provide input during development of the GSP and to provide recommendations to the two GSAs.

Although the bulk of the GSP development cost will be offset by Proposition 1 grant funding, the cost to enact and implement the plan may be significant as well, in part due to the technical information required to understand the resource at the necessary level of detail. That said, it is anticipated that State Water Board intervention would result in a much greater cost than that which will be incurred by the Counties assuming responsibility as GSAs. This is especially true when considering that preparation of a GSP by a local agency is exempt (see Water Code Section 10728.6) from the California Environmental Quality Act (CEQA), but preparation of plans by a State agency is not. Expenses incurred by the Water Board for preparation and implementation of a plan would be passed onto local property owners.

MLA:gfn:njm

Enclosures: February 3, 2020, BVAC Agenda

December 23, letter to Committee members with the referenced attachments
(Note that all letters, addressed to individual BVAC members, have been included, with only one set of attachments.)

Chapter 9 *Meetings* of the Brown Act (Government Code Sections 54950-54963)
BVAC Membership Roster

AGENDA
BIG VALLEY GROUNDWATER BASIN ADVISORY COMMITTEE (BVAC)
Veterans Memorial Hall
657-575 Bridge Street, Bieber, CA 96009
February 3, 2020
4:00 p.m.

Lassen County BVAC Members

Aaron Albaugh, Board Representative
Jeff Hemphill, Alt. Board Representative
Kevin Mitchell, Public Representative
Duane Conner, Public Representative

Modoc County BVAC Members

Geri Byrne, Board Representative
Ned Coe, Alt. Board Representative
Jimmy Nunn, Public Representative
John Olm, Public Representative

BVAC Secretary, Maurice L. Anderson, Director Lassen County Department of Planning and Building Services (or designee)

Public comments are welcomed and encouraged. The BVAC Chair will invite comments by members of the public in attendance for each applicable agenda item when appropriate.

An open public comment period will be offered at the end of the meeting to allow members of the public to speak to non-agenda topics.

NOTE: No one shall address the BVAC until they are recognized by the Chairperson. The person addressing the BVAC shall stand before the BVAC at the podium and provide their name before offering remarks or input.

Convene in Special Session (call to order by the Secretary, as a Chair has not yet been elected)

Flag Salute

Roll Call (by the Secretary)

Election of a Chair and a Vice Chair (call for motion by the Secretary)

- One year terms
- Should come from different GSAs

Matters Initiated by Committee Members

Correspondence (unrelated to a specific agenda item)

SUBJECT #1:

Team introductions: BVAC Secretary (and designee), Modoc County Representative, Modoc County Counsel, staff, consultants, facilitator and discussion of their respective roles in terms of execution of BVAC responsibilities.

ACTION REQUESTED:

1. Facilitate introductions.

SUBJECT #2:

Presentation regarding the Sustainable Groundwater Management Act (SGMA) and background information specific to the Big Valley Groundwater Basin, describing actions taken by the Lassen

County Big Valley Groundwater Sustainability Agency (e.g. the Lassen County Board of Supervisors) and the Modoc County Big Valley Groundwater Sustainability Agency (e.g. the Modoc County Board of Supervisors).

ACTION REQUESTED:

1. Receive report from the BVAC Secretary, Staff, and/or Consultant.
2. Receive public comment.

SUBJECT #3:

Introduce the “Memorandum of Understanding Forming the Big Valley Groundwater Basin Advisory Committee (BVAC) to Advise the Lassen and Modoc Groundwater Sustainability Agencies During the Development of the Groundwater Sustainability Plan Required Under the 2014 Sustainable Groundwater Management Act for the Big Valley Groundwater Basin,” and consider BVAC protocol.

ACTION REQUESTED:

1. Receive report from the BVAC Secretary, Staff, and/or Consultant.
2. Receive information regarding Chapter 9 (Meetings) of the Ralph M. Brown Act, (Government Code sections 54950-54963).
3. Receive information regarding the Political Reform Act/Fair Political Practices Commission.
4. Receive public comment.
5. Consider establishing MOU procedural requirements (e.g. regular meeting location(s), establishing regular meeting dates and times and/or any other procedural requirements of the adopted MOU or the Brown Act).
6. Provide additional direction if necessary.

SUBJECT #4:

Introduce the 2017 Proposition 1 Sustainable Groundwater Planning (SGWP) Grants and provide a report on their status:

- Agreement Number 4600012669, providing funding for the preparation of a Groundwater Sustainability Plan (GSP) for the Big Valley Groundwater Basin and monitoring well installation; Introduce the associated agreement between Lassen County and GEI Consultants, Inc. for professional services.
- Agreement Number 4600012693, providing funding for drilling four monitoring well clusters and corresponding monitoring devices, a groundwater recharge feasibility study, water quality monitoring, and stakeholder engagement and outreach. Introduce the associated agreement between Modoc County, University of California Cooperative Extension (Modoc County), and the North Cal-Neva Resource Conservation Council and Development.

ACTION REQUESTED:

1. Receive report from the BVAC Secretary, Staff, and/or Consultant (GEI).
2. Receive public comment.
3. Provide direction if necessary.

Matters Initiated by the General Public (regarding subjects not on the agenda)

NOTE: No one shall address the BVAC until they are recognized by the Chairperson. The person addressing the BVAC shall stand before the BVAC at the podium and provide their name before offering remarks or input.

Establish next meeting date (if not established under Subject #3)

ADJOURN

For information regarding this agenda, contact the Lassen County Planning and Building Services Department at (530) 251-8269; or the Modoc County Clerk of the Board's Office at (530) 233-6201.

You may also visit the project website at <http://bigvalleygsp.org/> where information regarding the above agenda items can be found.

Agenda posting locations:

Veterans Memorial Hall, 657-575 Bridge Street, Bieber, CA 96009

Lassen County Planning and Building Services, 707 Nevada Street, Suite 5, Susanville, CA 96130

Modoc County Clerk of the Board's Office, 204 S Court St #204, Alturas, CA 96101

Lassen County Clerk's Office, 220 S Lassen Street, Annex Building, Susanville, CA 96130

Admin/files/1200 (Natural Resources)/52 (Sustainable Groundwater Management Act)/01 (Big Valley Groundwater Basin)/04 (Big Valley Advisory Committee)/03 (meeting agendas)/"draft first BVAC meeting agenda"



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December 23, 2019

Aaron Albaugh, Supervisor, District 4
P.O. Box 241
Adin, CA 96006

Re: Big Valley Advisory Committee

Dear Supervisor Albaugh:

Thank you for your agreeing to participate as a member of the Big Valley Advisory Committee (BVAC). You have been selected by the Lassen or Modoc County Board of Supervisors to be a member of this committee, which was formed by a Memorandum of Understanding (MOU) between Lassen County and Modoc County. The MOU is included as **Attachment A**. The current list of committee members is provided below. The BVAC was established to advise the two Groundwater Sustainability Agencies (GSAs) during the preparation and implementation of a Groundwater Sustainability Plan (GSP) for the Big Valley Groundwater Basin (Basin).

The Basin has been ranked as medium priority by the Department of Water Resources (DWR), and is required to develop a GSP to comply with the Sustainable Groundwater Management Act (SGMA). Lassen and Modoc Counties have taken the requisite steps to be designated the GSAs for their respective portions of the Basin and have secured grant funding to cover the major costs of developing the GSP.

Gaylon Norwood, Lassen County's Assistant Director of Planning and Building Services, is the project manager for the grant, in close coordination with Tiffany Martinez, Modoc County's lead staff for groundwater. Maurice Anderson, Director, is the Secretary for the BVAC and Project Representative for the grant. GEI Consultants has been hired to develop the GSP under direction and advisement from the GSAs' staff and the BVAC. The BVAC will help ensure that local stakeholder input is heard and incorporated into the GSP, as appropriate, with the goals of developing a GSP that complies with SGMA, keeps costs and regulatory burdens low, enhances the reliability of water supplies for all users in the Basin, and ensures that groundwater management in the Basin is maintained locally and avoids State Water Resources Control Board intervention. BVAC meetings will be announced to all interested parties, held at a location within the Basin, and open to the public. For more information about the goals of the BVAC, your role as a committee member, and the processes and procedures for BVAC meetings, see the MOU.

SGMA was passed in 2014 and requires GSAs to develop a GSP and manage groundwater sustainably by 2042. The GSP must be submitted to DWR by January 31, 2022. Sustainability and the minimum contents of the GSP are defined in the Department of Water Resources' (DWR's) GSP Regulations

(Regs). The Regs have numerous technical and management components and are included as **Attachment B**. Additional information about SGMA from the California Farm Bureau Federation and the Union of Concerned Scientists are included as **Attachments C** and **D**, respectively. The GSAs have assembled these and a variety of other links and informational documents from various organizations about SGMA and have posted them on the GSP Communication Portal: www.bigvalleygsp.org.

Lassen County BVAC Members

Aaron Albaugh, Board Representative
Jeff Hemphill, Alt. Board Representative
Kevin Mitchell, Public Representative
Duane Conner, Public Representative

Modoc County BVAC Members

Geri Byrne, Board Representative
Vacant, Alt. Board Representative
Jimmy Nunn, Public Representative
John Ohm, Public Representative

The first BVAC meeting will be convened in early 2020. County staff or their consultants will be contacting you by phone to find out the available times of each member so that it is scheduled at a date and time that works for all members. In the meantime, please review the attached documents and information on the GSP website in preparation for the first meeting. If you have any questions pertaining to this letter or the BVAC, contact information is provided below.

Lassen County GSA Staff Contact

Gaylon Norwood
Assistant Director
Lassen County
Department of Planning and Building Services
gnorwood@co.lassen.ca.us
(530) 251-8269

Modoc County GSA Staff Contact

Tiffany Martinez
Assistant County Administrative Officer
Modoc County
tiffanymartinez@co.modoc.ca.us
(530)233-6201

Sincerely,



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

MLA:gfn,df

Enclosures: Attachment A, Memorandum Of Understanding between Lassen and Modoc Counties
Attachment B, DWR Emergency Regulations
Attachment C, California farm Bureau, Understanding SGMA
Attachment D, Getting Involved in Groundwater, Union of Concerned Scientist

cc: Tiffany Martinez, Clerk of the Board of Supervisors/Assistant County Administrative Officer



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December 23, 2019

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Phone: 530 257-5263

Jeff Hemphill, Supervisor, District 3
P.O. Box 116
Janesville, CA 96114

Re: Big Valley Advisory Committee

Dear Supervisor Hemphill:

Thank you for your agreeing to participate as a member of the Big Valley Advisory Committee (BVAC). You have been selected by the Lassen or Modoc County Board of Supervisors to be a member of this committee, which was formed by a Memorandum of Understanding (MOU) between Lassen County and Modoc County. The MOU is included as **Attachment A**. The current list of committee members is provided below. The BVAC was established to advise the two Groundwater Sustainability Agencies (GSAs) during the preparation and implementation of a Groundwater Sustainability Plan (GSP) for the Big Valley Groundwater Basin (Basin).

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Kevin Mitchell, Public Representative
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Modoc County GSA Staff Contact

Tiffany Martinez
Assistant County Administrative Officer
Modoc County
tiffanymartinez@co.modoc.ca.us
(530)233-6201

Sincerely,



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

MLA:gfn,df

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Zoning & Building
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Phone: 530 257-5263

December 23, 2019

Kevin Mitchell
Box 378
659-200 Iverson Lane
Bieber, CA 96009

Re: Big Valley Advisory Committee

Dear Mr. Mitchell:

Thank you for your agreeing to participate as a member of the Big Valley Advisory Committee (BVAC). You have been selected by the Lassen or Modoc County Board of Supervisors to be a member of this committee, which was formed by a Memorandum of Understanding (MOU) between Lassen County and Modoc County. The MOU is included as **Attachment A**. The current list of committee members is provided below. The BVAC was established to advise the two Groundwater Sustainability Agencies (GSAs) during the preparation and implementation of a Groundwater Sustainability Plan (GSP) for the Big Valley Groundwater Basin (Basin).

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Kevin Mitchell
December 23, 2019
Page 2

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(530) 251-8269

Modoc County GSA Staff Contact

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Sincerely,



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Phone: 530 257-5263

December 23, 2019

Duane Conner
25110 Highway 299
Canby, CA 96015

Re: Big Valley Advisory Committee

Dear Mr. Conner:

Thank you for your agreeing to participate as a member of the Big Valley Advisory Committee (BVAC). You have been selected by the Lassen or Modoc County Board of Supervisors to be a member of this committee, which was formed by a Memorandum of Understanding (MOU) between Lassen County and Modoc County. The MOU is included as **Attachment A**. The current list of committee members is provided below. The BVAC was established to advise the two Groundwater Sustainability Agencies (GSAs) during the preparation and implementation of a Groundwater Sustainability Plan (GSP) for the Big Valley Groundwater Basin (Basin).

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Modoc County GSA Staff Contact

Tiffany Martinez
Assistant County Administrative Officer
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Sincerely,



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

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December 23, 2019

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Phone: 530 257-5263

Geri Byrne, Supervisor, Modoc County
Care of: Tiffany Martinez, Deputy Clerk, Modoc County
204 South Court Street
Alturas, CA 96101

Re: Big Valley Advisory Committee

Dear Supervisor Byrne:

Thank you for your agreeing to participate as a member of the Big Valley Advisory Committee (BVAC). You have been selected by the Lassen or Modoc County Board of Supervisors to be a member of this committee, which was formed by a Memorandum of Understanding (MOU) between Lassen County and Modoc County. The MOU is included as **Attachment A**. The current list of committee members is provided below. The BVAC was established to advise the two Groundwater Sustainability Agencies (GSAs) during the preparation and implementation of a Groundwater Sustainability Plan (GSP) for the Big Valley Groundwater Basin (Basin).

The Basin has been ranked as medium priority by the Department of Water Resources (DWR), and is required to develop a GSP to comply with the Sustainable Groundwater Management Act (SGMA). Lassen and Modoc Counties have taken the requisite steps to be designated the GSAs for their respective portions of the Basin and have secured grant funding to cover the major costs of developing the GSP.

Gaylon Norwood, Lassen County's Assistant Director of Planning and Building Services, is the project manager for the grant, in close coordination with Tiffany Martinez, Modoc County's lead staff for groundwater. Maurice Anderson, Director, is the Secretary for the BVAC and Project Representative for the grant. GEI Consultants has been hired to develop the GSP under direction and advisement from the GSAs' staff and the BVAC. The BVAC will help ensure that local stakeholder input is heard and incorporated into the GSP, as appropriate, with the goals of developing a GSP that complies with SGMA, keeps costs and regulatory burdens low, enhances the reliability of water supplies for all users in the Basin, and ensures that groundwater management in the Basin is maintained locally and avoids State Water Resources Control Board intervention. BVAC meetings will be announced to all interested parties, held at a location within the Basin, and open to the public. For more information about the goals of the BVAC, your role as a committee member, and the processes and procedures for BVAC meetings, see the MOU.

SGMA was passed in 2014 and requires GSAs to develop a GSP and manage groundwater sustainably by 2042. The GSP must be submitted to DWR by January 31, 2022. Sustainability and the minimum

contents of the GSP are defined in the Department of Water Resources' (DWR's) GSP Regulations (Regs). The Regs have numerous technical and management components and are included as **Attachment B**. Additional information about SGMA from the California Farm Bureau Federation and the Union of Concerned Scientists are included as **Attachments C and D**, respectively. The GSAs have assembled these and a variety of other links and informational documents from various organizations about SGMA and have posted them on the GSP Communication Portal: www.bigvalleygsp.org.

Lassen County BVAC Members

Aaron Albaugh, Board Representative
Jeff Hemphill, Alt. Board Representative
Kevin Mitchell, Public Representative
Duane Conner, Public Representative

Modoc County BVAC Members

Geri Byrne, Board Representative
Vacant, Alt. Board Representative
Jimmy Nunn, Public Representative
John Ohm, Public Representative

The first BVAC meeting will be convened in early 2020. County staff or their consultants will be contacting you by phone to find out the available times of each member so that it is scheduled at a date and time that works for all members. In the meantime, please review the attached documents and information on the GSP website in preparation for the first meeting. If you have any questions pertaining to this letter or the BVAC, contact information is provided below.

Lassen County GSA Staff Contact

Gaylon Norwood
Assistant Director
Lassen County
Department of Planning and Building Services
gnorwood@co.lassen.ca.us
(530) 251-8269

Modoc County GSA Staff Contact

Tiffany Martinez
Assistant County Administrative Officer
Modoc County
tiffanymartinez@co.modoc.ca.us
(530)233-6201

Sincerely,



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

MLA:gfn,df

Enclosures: Attachment A, Memorandum Of Understanding between Lassen and Modoc Counties
Attachment B, DWR Emergency Regulations
Attachment C, California farm Bureau, Understanding SGMA
Attachment D, Getting Involved in Groundwater, Union of Concerned Scientist

cc: Tiffany Martinez, Clerk of the Board of Supervisors/Assistant County Administrative Officer



County of Lassen
Department of Planning and Building Services

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

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

December 23, 2019

Jimmy Nunn
Care of: Tiffany Martinez, Deputy Clerk, Modoc County
204 South Court Street
Alturas, CA 96101

Re: Big Valley Advisory Committee

Dear Mr. Nunn:

Thank you for your agreeing to participate as a member of the Big Valley Advisory Committee (BVAC). You have been selected by the Lassen or Modoc County Board of Supervisors to be a member of this committee, which was formed by a Memorandum of Understanding (MOU) between Lassen County and Modoc County. The MOU is included as **Attachment A**. The current list of committee members is provided below. The BVAC was established to advise the two Groundwater Sustainability Agencies (GSAs) during the preparation and implementation of a Groundwater Sustainability Plan (GSP) for the Big Valley Groundwater Basin (Basin).

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Sincerely,



Maurice L. Anderson, Director,
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MLA:gfn,df

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email: landuse@co.lassen.ca.us
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Zoning & Building
Inspection Requests
Phone: 530 257-5263

December 23, 2019

John Ohm
Care of: Tiffany Martinez, Deputy Clerk, Modoc County
204 South Court Street
Alturas, CA 96101

Re: Big Valley Advisory Committee

Dear Mr. Ohm:

Thank you for your agreeing to participate as a member of the Big Valley Advisory Committee (BVAC). You have been selected by the Lassen or Modoc County Board of Supervisors to be a member of this committee, which was formed by a Memorandum of Understanding (MOU) between Lassen County and Modoc County. The MOU is included as **Attachment A**. The current list of committee members is provided below. The BVAC was established to advise the two Groundwater Sustainability Agencies (GSAs) during the preparation and implementation of a Groundwater Sustainability Plan (GSP) for the Big Valley Groundwater Basin (Basin).

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Sincerely,



Maurice L. Anderson, Director,
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June 24, 2019

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Tiffany Martinez, Clerk of the Board
Assistant County Administrative Officer
Modoc County
204 South Court Street
Alturas, CA 96101

RE: Big Valley Advisory Committee Memorandum of Understanding

Dear Ms. Martinez:

Enclosed for your records is an original copy of the Lassen County Board's signature approving the MOU between Lassen and Modoc Counties dated June 11, 2019.

Sincerely,

Maurice L. Anderson,
fsl/Director

MLA:nes
Enclosure

1252.03/BOSSignMOUtoModoc

**MEMORANDUM OF UNDERSTANDING
FORMING THE BIG VALLEY GROUNDWATER BASIN ADVISORY COMMITTEE
(BVAC) TO ADVISE THE LASSEN AND MODOC GROUNDWATER SUSTAINABILITY
AGENCIES DURING THE DEVELOPMENT OF THE GROUNDWATER
SUSTAINABILITY PLAN REQUIRED UNDER THE 2014 SUSTAINABLE
GROUNDWATER MANAGEMENT ACT FOR THE
BIG VALLEY GROUNDWATER BASIN**

1. Background

The Sustainable Groundwater Management Act (SGMA) is codified as Part 2.74 of the California Water Code (Section 10720 et seq). The regulations adopted to enforce the provisions of the Act are found in Section 350 et seq, Division 2, Chapter 1.5, Subchapter 2 of Title 23 of the California Code of Regulations. The Sustainable Groundwater Management Act (SGMA) became effective January 1, 2015.

This memorandum of understanding pertains to the Big Valley Groundwater Basin (BVGB), which has been designated as a “medium priority” basin by the California Department of Water Resources (DWR). This designation as a medium priority basin requires preparation of a Groundwater Sustainability Plan (GSP) under the Act.

The SGMA was created to ensure groundwater basins throughout the state are managed to reliably meet the needs of all users, while mitigating changes in the quality and quantity of groundwater. The intent of the Act as described in section 10720.1 of the Water Code is to:

- Provide for the sustainable management of groundwater basins.
- Enhance local management of groundwater consistent with rights to use or store groundwater.
- Establish minimum standards for sustainable groundwater management.
- Provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater.
- Avoid or minimize subsidence.
- Improve data collection and understanding about groundwater.
- Increase groundwater storage and remove impediments to recharge.
- Manage groundwater basins through the action of local governmental agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure that local agencies manage groundwater in a sustainable manner.

The role of the Groundwater Sustainability Agency (GSA) is to create a GSP and then to implement and enforce that plan. The plan must include measurable objectives that can be used to demonstrate the basin is sustainably managed within twenty (20) years of implementation.

2. Purpose

The purpose of this memorandum is to:

- a. Establish the Big Valley Groundwater Basin Advisory Committee (BVAC) and its responsibilities.
- b. Establish the membership of the BVAC.
- c. Describe how meetings of the BVAC will be conducted and how information, findings, conclusions, decisions, etc. of the BVAC will be conveyed to the Lassen County Groundwater Sustainability Agency (GSA) and to the Modoc County Groundwater Sustainability Agency (GSA).

3. Recitals

- a. In September 2014, the Governor signed into law a legislative package (three bills), collectively known as the Sustainable Groundwater Management Act (SGMA), which requires local agencies with land use and/or water management or water supply authority to do certain things to reach sustainability of medium and high priority groundwater basins as designated by the State of California Department of Water Resources (DWR). SGMA became effective on January 1, 2015.
- b. The Big Valley Groundwater Basin has been designated a medium priority basin by the DWR.
- c. This MOU is dedicated to the Big Valley Groundwater Basin, not any other basin in either Lassen or Modoc Counties.
- d. The Lassen and Modoc County Board of Supervisors have adopted resolutions (17-013 and 2017-09 respectively) declaring themselves to be the Groundwater Sustainability Agency (GSA) for the portion of the Big Valley Groundwater Basin within their respective jurisdictions.
- e. No other agency pursued GSA status and therefore Lassen and Modoc Counties were awarded exclusive GSA status by DWR for the portion of the Big Valley Groundwater Basin within their respective jurisdictions.
- f. GSAs are required to develop Groundwater Sustainability Plans (GSP) for all medium and high priority basins, and said GSP for the BVGB is to be submitted to the DWR by January 31, 2022.
- g. Absent a qualified planning process which produces a Groundwater Sustainability Plan, the State Water Resources Control Board (State Board) is authorized to declare that the subbasins are out of compliance and thereby they will intervene and place the subbasins on probation with regard to SGMA.
- h. Lassen County has been awarded a grant (Grant Number 4600012669) to provide funding for the preparation of a GSP for the BVGB.

- i. Lassen and Modoc Counties intend to work cooperatively in the preparation of a GSP for the BVGB and prepare one GSP that covers the entirety of the basin.
- j. Lassen and Modoc Counties see the value of stakeholder input into the development and implementation of a Groundwater Sustainability Plan for the Big Valley Groundwater Basin.
- k. It is the intent of this MOU to form an advisory committee that would advise both Lassen and Modoc Counties on the preparation of a GSP for the basin.

4. Goals of the BVAC are as follows:

- a. Work collaboratively and transparently with other members to identify common goals, foster mutual understanding, and develop a GSP that all members and their constituents can live with and support;
- b. Develop a common understanding of existing groundwater resources, including groundwater dependent habitats, public trust resources and the current and future needs of all beneficial uses and users in the Big Valley groundwater basin, as well as current and future water needs;
- c. Solicit and incorporate community and stakeholder interests into committee discussions and emerging committee agreements in order to develop a locally-informed and broadly supported GSP;
- d. Consider and integrate science, to the best of its ability and with support from qualified scientific consultants, during GSP development and implementation;
- e. Support implementation efforts guided by GSP goals to use, monitor, and manage water resources in a sustainable manner, ensure local control, address current and future local water needs, and support the agricultural economy, Adin, Bieber, Nubieber, Lookout, and outlying communities, tourist visitation and fish and wildlife habitat in the basin;
- f. Negotiate in good faith to achieve consensus on management of groundwater resources in the Big Valley groundwater basin into the future;
- g. Advise the Lassen and Modoc GSAs on the preparation of a Groundwater Sustainability Plan (GSP);
- h. Provide a forum for the public to comment during the preparation of the GSP;
- i. Provide recommendations to the Lassen and Modoc GSAs that would result in actions which have as minimal impact as possible on the residents of Big Valley groundwater basin;
- j. Advise the Lassen and Modoc GSAs on the preparation of a GSP to produce the lowest possible future costs to the residents of Big Valley; and
- k. Ensure local control of the Big Valley Groundwater Basin be maintained by the Lassen and Modoc GSAs.

As a standing committee of the Lassen and Modoc GSA's, the Advisory Committee will operate in compliance with the Ralph M. Brown Act (Brown Act). Committee meetings will be noticed and agendas posted according to the Brown Act. All meetings will be open to the public and allow public comment. Speakers will generally be limited to three minutes, but time may be adjusted based upon meeting circumstances. As needed, the Chair may place time limits on public comments to ensure that the committee is reasonably able to address all agenda items

during the course of a meeting. The Lassen GSA will announce committee meetings on its website and through its regular communication channels. Recommendations and advice from the committee will be presented to the Lassen and Modoc GSA's through their staff.

5. BVAC Membership Composition

1. One (1) member of the Lassen County Board of Supervisors selected by said Board.
2. One (1) alternate member of the Lassen County Board of Supervisors selected by said Board
3. One (1) member of the Modoc County Board of Supervisors selected by said Board.
4. One (1) alternate member of the Modoc County Board of Supervisors selected by said Board
5. Two (2) public members selected by the Lassen County Board of Supervisors. Said members must either reside or own property within the Lassen County portion of the Big Valley Groundwater Basin.
6. Two (2) public members selected by the Modoc County Board of Supervisors. Said members must either reside or own property within the Modoc County portion of the Big Valley Groundwater Basin.

Member vacancies

If a vacancy occurs, the respective GSA will select a new committee member. Applications or letter of intent for all members of the committee must be kept on file with the respective GSA. An appointing GSA must notify the other GSA in writing if a member of the BVAC has been replaced.

Committee Member Terms

- Committee members serve four (4) year terms starting from the date of their appointment. If any committee member decides, for any reason, to terminate his or her role, he/she will notify GSA staff as soon as possible after making such a determination. Committee members interested in serving beyond four (4) years must re-apply through the GSA's application process.
- The chair and vice-chair will serve one a (1) year term. At the culmination of the term of a chair or vice-chair, the committee will use its decision-making procedures to nominate and confirm a new chair and vice-chair. Any interested chair or vice chair may be nominated for a second term, however, no chair or vice-chair shall serve more than two (2) consecutive terms.

6. BVAC Roles and Responsibilities

This section describes roles and responsibilities that the Big Valley Advisory Committee Members commit to during development and implementation of the Big Valley groundwater basin GSP.

Convener

The Lassen and Modoc GSA's, are the final decision maker in the GSP process. The GSA's will:

- Provide guidance, evaluation and feedback that directs GSA staff and Advisory Committee members to build and implement an effective GSP;

- Work collaboratively with GSA staff, Advisory Committee members, consultants, and constituents;
- Receive, evaluate, and decide on all GSP and SGMA related actions that come in the form of advice and recommendations from the Big Valley Advisory Committee;
- Welcome feedback that pertains to the GSP from all diverse stakeholder interests in each groundwater basin; and
- Serve as a representative for the basin, making decisions in the best interest of achieving and maintaining long-term groundwater sustainability for all beneficial uses and users of water in the basin.

Advisory Committee Members

Members of the Advisory Committee (“members”) collectively represent the diversity of beneficial groundwater uses and users in the Big Valley groundwater basin. Committee members commit to:

- Serve as strong, effective advocates and educators for the interest group (constituency) represented;
- Nominate and confirm a committee chair and vice chair every year;
- Arrive at each meeting fully prepared to discuss all agenda items and relevant issues. Preparation may include, but is not limited to, reviewing previous meeting summaries, draft and final GSP chapters, and other information distributed in advance of each meeting;
- Develop an innovative problem-solving approach in which the interests and viewpoints of all members are considered;
- Explore all options to resolve disagreements, including, as needed, one-on-one discussions with GSA staff, or, at Advisory Committee meetings, interest-based caucuses or small group discussions;
- Act as liaisons throughout the GSP development and implementation process to educate, inform and solicit input from the wider local community and interested constituencies not represented on the committee;
- Present constituent views on the issues being discussed and commit to engage in civil, respectful and constructive dialogue with other members, as well as GSA staff, technical team members and potentially a facilitator;
- Ensure accuracy of information dissemination during or outside meetings, and correct false information as needed or appropriate;
- Avoid representing individual viewpoints as those of the committee and respect confidential conversations;
- Work collaboratively to ensure broad constituent understanding and support for any advice and recommendations that the committee shares with the Lassen and Modoc GSA Boards;
- Coordinate with Lassen and Modoc GSA staff regarding recommendations for any additional committee tasks that should be undertaken by the committee, and which items shall be presented to the GSA Boards for its review and approval;
- Operate at all times in compliance with the Brown Act;
- Attend meetings consistently – participation in 75% of the meetings is the minimum expectation. *(Given the volume of information to be considered and discussed, it is*

essential that members actively participate in committee meetings on a consistent basis. It is understood that professional and personal commitments may at times prevent members from attending committee meetings. In such cases, members shall notify Lassen GSA staff no less than 24 hours in advance to be excused from attending any given committee meeting. As needed, staff will reach out to members who are not actively participating to give them the opportunity to explain their absence and reaffirm their interest to participate on the committee, and thus not lose their seat. Members who do not meet the threshold for active participation, and have not expressed an interest to continue participating, will, at the recommendation of Lassen and Modoc GSA staff, be automatically removed by the appropriate GSA Board from the committee. Alternates may attend in the absence of a committee member but must alert the Lassen and Modoc GSA staff prior to the meeting.); and

- Recuse him/herself from discussion and voting if he/she has a personal interest or stake in the outcome [BVAC members are subject to recusal due to conflicts of interest (as that term is defined by the Political Reform Act) in accordance with Government Code Title 9, Political Reform; Chapter 7, Conflicts of Interest].

Through its public meetings, the committee shall serve as an additional forum for public dialogue on SGMA and GSP development. Finally, with approval by the Lassen and Modoc GSA's, committee tasks may be amended, repealed, or additionally added at any time with the intent to comply with SGMA related activities provided said activities comply under the authorities granted by SGMA law. Alternates may vote on all matters before the BVAC in the absence of the appointed member. Each alternate shall be informed of the business of the BVAC and the actions to be taken when acting on behalf of a member.

The following are desired attributes for BVAC members:

- a. Have knowledge and experience in water resources management.
- b. Represent an agency, organization, tribe, academia, or interest that is under-represented in the region (e.g., disadvantaged communities or unincorporated areas).
- c. Have the ability and desire to objectively articulate the perspective of his/her BVAC seat and caucus at a level beyond that of his/her individual interest.
- d. Provide recommendations with the best interests of the entire Big Valley region in mind.

7. Appointment

Members of the BVAC shall be appointed by the respective Board of Supervisors acting as the GSA. Members will serve at the pleasure of said Boards and may be terminated at any time without cause. Persons interested in serving on the BVAC shall submit a letter of interest or application to the pertinent Clerk of the Board of Supervisors which includes the following:

- a. Current level of SGMA knowledge;
- b. Knowledge of groundwater in the Big Valley Groundwater Basin;
- c. Their ability to commit to attending meetings of the Advisory Committee
- d. Committee members should have demonstrated ability to work collaboratively with others of differing viewpoints and achieve good faith compromise.

8. BVAC Chair and Vice Chair Roles

The BVAC Chair and Vice Chair must be BVAC members. The Chair and Vice Chair will be determined by a majority vote of the BVAC. The Chair and Vice Chair shall serve for one (1) year term (multiple terms may be held, not to exceed two (2) years).

Although not required, the following attributes are desirable for the Chair and Vice Chair:

- Chair: prior experience working in the role of a Chair of a committee.
- Vice Chair: attributes and ability to assume Chair role and responsibilities, but not necessarily as much experience as the Chair.
- Chair and Vice Chair should come from different GSAs.
- Familiar with the purpose, structure, and content of meetings.
- Willing and able to attend each BVAC meeting until the GSP is drafted. The GSP must be submitted to the DWR by January 31, 2022.
- Ability to even-handedly articulate all interests.
- Consensus-builder.

The role of the Chair and Vice Chair will vary between BVAC meetings; however, the Vice Chair's primary role is to take on Chair responsibilities in the absence of the Chair and/or at the discretion of the Chair. General responsibilities for the Chair are as follows:

- a. Review BVAC agenda prior to finalization and distribution to stakeholders (one week prior to BVAC meetings);
- b. Meet with staff prior to each BVAC meeting to go over the BVAC agenda and presentation(s) so that the BVAC meeting runs smoothly and without interruption;
- c. Manage the BVAC agenda, select members to speak in turn, and keep the BVAC on task and on time;
- d. Convene each BVAC meeting and initiate introductions;
- e. Organize and call on public speakers during appropriate agenda items (if applicable) and determine public comment procedures;
- f. Identify when the BVAC has reached an impasse and needs to move forward with formal voting to resolve an issue;
- g. Summarize key decisions and action items at the end of each BVAC meeting.
- h. Close meetings;
- i. Ensure that notes are prepared summarizing discussion, agreements, and decisions; and
- j. Review and provide comments on BVAC meeting notes.

9. Meetings

Meetings will be conducted on a monthly basis or as often as is needed during preparation of the Big Valley Groundwater Basin GSP. Meetings shall be noticed in accordance with the Brown Act. The Lassen County Department of Planning and Building Services will coordinate Brown Act noticing and any other noticing that is executed. The Lassen County Department of Planning and Building Services will prepare and disseminate packets in advance of all meetings, if applicable. Said Department shall serve as staff to the BVAC, and be the repository of all associated records, with a copy of all records sent to the Modoc County Clerk of the Board. The

Director of the Lassen County Planning and Building Services Department or his or her designee shall serve as secretary of the BVAC and may comment on any item but does not have a vote. The designated Modoc County GSA groundwater staff member may comment on any item but does not have a vote. Legal counsel shall be provided by the Modoc County Counsel.

Meetings shall be conducted in accordance with this MOU, SGMA and any other applicable rules or regulations. A quorum is required to convene. The BVAC Chair or Vice Chair will determine if a quorum exists at any BVAC meeting. Formal voting may not occur without a quorum of BVAC members; however, presentations and discussion of agenda topics may occur. A quorum shall be defined as having at least four BVAC representatives, present at every meeting.

Meeting Location

All meetings of the Big Valley Groundwater Advisory Committee must be held within the boundary of the Big Valley Groundwater basin. Lassen GSA staff will work collaboratively with the Chair to determine a location which will encourage the most participation from all stakeholders. Meeting locations shall remain consistent to prevent reduced participation from all stakeholders.

10. Public Comments at BVAC Meetings

BVAC meetings are open to the public, and public comments are welcomed and encouraged. To ensure that members of the public have an adequate chance to provide comments, the BVAC Chair will invite public comments by members of the public in attendance on any agenda item in which the BVAC is making a decision or formulating a recommendation. An open public comment period will be offered at the end of BVAC meetings to allow members of the public to speak to non-agenda topics.

If there is substantial public interest or comment on a topic, the BVAC Chair or Vice Chair may implement the following procedures to ensure that such comments are received in a timely manner:

- Members of the public will be asked to fill out a speaker card to indicate their name, affiliation, contact, and the specific agenda item they wish to speak to (if applicable).
- Speaker cards will be limited to one per person per agenda item. Participants may submit multiple speaker cards to address multiple agenda items.
- The BVAC Chair or Vice Chair will invite those who submitted speaker cards to address the agenda item prior to calling for a consensus decision and/or vote on that item.
- Speaker cards will generally allow three minutes of public speaking time per speaker. However, in the event that there are a large number of public speaker comments, it will be up to the discretion of the BVAC Chair or Vice Chair to reduce the time for each public speaker to ensure that all agenda items are addressed and that the BVAC meeting closes on time.

11. Decision-making Procedures

In order to hold a meeting and conduct its work, a quorum of the Big Valley GSA Advisory Committee must be present.

- 1) **Consensus as the Fundamental Principle:** The advisory committee shall strive for consensus (agreement among all participants) in all of its decision-making. Working toward consensus is a fundamental principle which will guide group efforts, particularly when crafting any draft or final advisory committee proposals, reports or recommendations for GSA Boards consideration. If the committee is unable to reach consensus, the range of opinions provided, including areas of agreement and disagreement, will be documented in meeting summaries or otherwise communicated in written reports when advisory committee work is shared with the GSA Boards.
- 2) **Definition of Consensus:** Consensus means all committee members either fully support or can live with a particular decision and believe that their constituents can as well. In reaching consensus, some committee members may strongly endorse a particular proposal, report or recommendation while others may simply accept it as "workable." Others may only be able to "live with it" as less than desired but still acceptable. Still others may choose to "stand aside" by verbally noting disagreement, yet allowing the group to reach consensus without them, or by abstaining altogether. Any of these actions constitutes consensus.
- 3) **Types of Decision-Making:**
 - a. Administrative: Decisions about the daily administrative activities of the committee—including, but not limited to meeting logistics, meeting dates and times, agenda revisions and schedules. *Administrative decisions* will typically be put forward to the group by Lassen County Department of Planning and Building Services staff. As needed, staff will consult with the committee. Any administrative decisions by the committee will be made on a simple majority vote of all members present at a meeting. The committee will defer to the decision-making procedures outlined in this section of the MOU in circumstances where it is unclear if a committee decision is *administrative* in nature, or represents a more substantive *GSP/SGMA* decision (described below).
 - b. Groundwater Sustainability Planning/SGMA Advice and Recommendations: Advice and recommendations about the Big Valley GSP—including but not limited to topics mandated by SGMA and other groundwater related topics that the committee chooses to address. All *GSP/SGMA advice and recommendation decisions* will be made by the decision-making procedures outlined in this section of the MOU.
- 4) **Consensus with Accountability:** Consensus seeking efforts recognize that a convened group such as Big Valley Advisory Committee makes recommendations, but is not a formal decision-making body like the Lassen or Modoc GSA's. That said, achieving consensus is the goal, as this allows all stakeholder interests represented on the committee to communicate a unified group perspective to the GSA Boards as it considers public policy decisions and actions which may affect the constituencies that members represent, and the wider community. Using a model of consensus with accountability, all committee members shall commit to two principles:
 - a. All members are expected to routinely express their interests and analyze conditions to ensure they have clarity on how their interests and those of others may shift over time;

- b. All members shall negotiate agreements in a manner that serves their interests, and offers either neutral impact to others, or ideally provides benefit to others' interests as well as their own.

Operating by consensus with accountability will encourage multi-interest solutions based on shared member interests. Such solutions are in turn more sustainable and durable as they represent shared agreements rather than majority/minority dynamics. Most consensus building during the course of GSP development and SGMA implementation will be based on verbal dialogue, deliberation and iterative development of group ideas. The Chair may commonly ask, when it appears consensus or near consensus agreement has emerged or is emerging, if any member cannot live with said agreement. For any final decisions, committee members will demonstrate consensus, or lack thereof, in the following manner:

<i>Nay:</i>	<i>I do not support the proposal.</i>
<i>Aye:</i>	<i>I support the proposal.</i>
<i>Stand Aside:</i>	<i>Member verbally notes he/she is willing to stand aside and allow group consensus</i>
<i>Abstention:</i>	<i>At times, a pending decision may be infeasible for a participant to weigh in on. Member verbally notes he/she abstains. Abstentions do not prevent group consensus.</i>

Any member that stands aside or abstains from a decision is encouraged to explain why his/her choice is in his/her best interest.

- 5) **Less than 100% Consensus Decision Making:** The advisory committee is consensus seeking but shall not limit itself to strict consensus if 100% agreement among all participants cannot be reached after all interests and options have been thoroughly identified, explored and discussed. Less-than-consensus decision-making shall not be undertaken lightly. If the committee cannot come to 100% agreement, it could set aside the particular issue while it continues work on other issues, then revisit the disagreement later in the process. Finally, the committee recognizes that certain deadlines must be met during the collaborative process to ensure completion of all SGMA opportunities and requirements on time.

If, after thoroughly exploring all ideas and options, consensus is absent or otherwise not forthcoming, the committee, with assistance from the GSA staff, will clearly document majority and minority viewpoints. The Chair and Vice-Chair will then work with GSA staff to incorporate all viewpoints into the meeting summary, and, as warranted, prepare a committee report to the GSA Boards. The chair, in coordination with GSA staff, will then present the report to the GSA Boards, ensuring that all majority and minority viewpoints are clearly communicated and accurately represent the outcomes of committee discussions. Any committee member holding minority viewpoints will have the opportunity, if he/she is not comfortable with the process, to present his/her viewpoints directly to the GSA Boards at the

time the report is presented. Members wishing to do this will express their interest and minority viewpoints with GSA staff in advance of said GSA Board meetings.

- 6) **Decision Outcomes:** Advisory committee decisions will be made at appropriate meetings and, in accordance with the Brown Act, will be publicly noticed in advance and shared via the Lassen County GSA's website and SGMA interested parties email list. As described above, all committee proposals, reports and recommendations will reflect the outcomes of collaborative member discussions. All consensus agreements and other negotiated outcomes during GSP development and implementation, as well as discussion outcomes when consensus is not forthcoming, will be documented, as described above, and shared with the GSA Boards.

12. Collaborative Process Agreements and Meeting Ground Rules

Members commit to the following process agreements during discussion, deliberation and attempts to find consensus-based solutions to sustainable groundwater management in the Big Valley groundwater basin. Moreover, members also agree to abide by meeting ground rules in order to intentionally and consistently engage each other in civil and constructive dialogue during the collaborative process.

Process Agreements

- **Strive to focus on interests versus positions.** A focus on interests instead of positions will help reveal the needs, hopes or concerns behind any member's words. By extension this can help identify shared interests among committee members and, based on those shared interests, multiple options for mutually beneficial agreements.
- **Foster mutual understanding and attempt to address the interests and concerns of all participants.** For the collaborative process to be successful, all members must seek to understand the interests and concerns of other members, then strive to reach agreements that take all member interests under consideration.
- **Inform, educate and seek input from community constituents.** To the extent possible, members will share information and solicit input from their constituents, scientific advisors, and others about ongoing committee discussions and potential agreements or recommendations as they emerge.
- **View challenges as problems to be solved rather than battles to be won.** Challenges will at times arise during discussion of issues. Remember to focus on the challenge versus on each other. Search for multi-interest solutions, rather than win/lose agreements.
- **Be creative and innovative problem solvers.** Creative thinking and problem solving are essential to success in any collaboration. Get beyond the past, climb out of the perceived "box" and attempt to think about the problem, and potential solutions, in new ways.
- **Negotiate in good faith.** All members agree to candidly and honestly participate in decision making, to act in good faith in all aspects of this effort, and to communicate their interests in

group meetings. Good faith also requires that parties not make commitments for which they cannot or do not intend to honor.

- **Consider the long-term view.** SGMA requires submission and approval of a Big Valley GSP by January 31st, 2022. Taking a long-term view of the planning horizon, may help inform collaborative discussions, reduce conflict and thereby ensure long-term sustainability of groundwater resources.

Ground rules

- **Use common conversational courtesy and treat each other with respect.** Civil and respectful dialogue tends to foster a constructive, thorough and solutions-oriented environment within multi-stakeholder groups.
- **Remember that all ideas and points of view linked to the committee's charge have value.** All ideas have value in this setting. Simply listen, you do not have to agree. If you hear something you do not agree with or you think is silly or wrong, please remember that a fundamental purpose of this forum is to encourage diverse ideas.
- **Be candid, listen actively and seek to understand others.** This promotes genuine dialogue and mutual understanding. Mutual understanding in turn helps parties identify shared interests. Shared interests set the foundation to finding and developing mutually acceptable agreements.
- **Be concise and share the air.** Keep in mind that time is limited at meetings. Be concise when sharing your perspective so that all members can participate in the discussion. And remember, people's time is precious, treat it with respect.
- **Avoid editorial comments.** At times it will be tempting to try and interpret the intentions or motivations of others. Please avoid this temptation and instead speak to your own interests and the motivation behind them.
- **Stay focused on the meeting agenda.** The committee is a Brown Act compliant body. As such it is important to stay focused on the posted agenda for any given meeting.
- **Welcome levity and humor to the discussions.** Work around water can at times be daunting and filled with challenges. Levity and humor is both welcome and helpful at times, as long as it does not come at the expense of others.
- **Turn cell phones off or to vibrate.** Help the group avoid distractions by turning cell phones to vibrate, not checking email during meetings and, if you must take a call, taking it outside the room.

13. Communications/Media Relations

Members are asked to speak only for themselves or the constituency they represent when asked by external parties, including the media, about the committee's work, unless there has been a formal adoption of a statement, report or recommendations by the committee. Members will refer media inquiries to GSA staff while also having the freedom to express their own opinions to the

media. Members should inform media and external parties that they only speak for themselves and do not represent other members or the committee as a whole. The temptation to discuss someone else's statements or positions should be avoided.

14. Indemnification/Defense

Claims Arising from Acts or Omissions.

No GSA, nor any officer or employee of a GSA, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by another GSA under or in connection with this MOU. The GSA's further agree, pursuant to California Government Code section 895.4, that each GSA shall fully indemnify and hold harmless each other GSA and its agents, officers, employees and contractors from and against all claims, damages, losses, judgements, liabilities, expenses, and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such GSA under this MOU.

15. Litigation

In the event that any lawsuit is brought by a third party against any Party based upon or arising out of the terms of this MOU, the Parties shall cooperate in the defense of the action. Each Party shall bear its own legal costs associated with such litigation.

16. Books and Records

Each Governing Body will be entitled to receive copies of documents, records, historical data, data compiled through consultants and any and all information related to groundwater within the Big Valley Groundwater basin developed pursuant to this MOU; provided that nothing in this paragraph shall be construed to operate as a waiver of any right to assert any privilege that might apply to protect the disclosure to information or materials subject to the attorney-client privilege, attorney work product privilege, or other applicable privilege or exception to disclosure.

17. Miscellaneous

A. Term of Agreement.

This MOU shall remain in full force and effect until the date upon which all Parties have executed a document terminating the provisions of this MOU.

B. No Third-Party Beneficiaries.

This MOU is not intended and will not be construed to confer a benefit or create any right on any third party, or the power or right to bring an action to implement any of its terms.

C. Amendments.

This MOU may be amended only by written instrument duly signed and executed by all Parties.

D. Compliance with Law.

In performing their respective obligations under this MOU, the Parties shall comply with and conform to all applicable laws, rules, regulations and ordinances.

E. Construction of Agreement.

This MOU shall be construed and enforced in accordance with the laws of the United States and the State of California.

18. All notice required by this MOU will be deemed to have been given when made in writing and delivered or mailed to the respective representatives of the Parties at their respective addresses as follows:

For the County of Modoc:

Clerk of the Board
204 South Court Street
Alturas, CA 96101

For the County of Lassen:

Lassen County Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130

19. Signature

The parties hereto have executed this Memorandum of Understanding as of the dates shown below.

The effective date of this MOU is the latest signature date affixed to this page. This MOU may be executed in multiple originals or counterparts. A complete original of this MOU shall be maintained in the records of each of the parties.

COUNTY OF LASSEN

By: [Signature] Date: 6-11-19
Chairman, Lassen County Board of Supervisors

ATTEST:

By: [Signature] Date: 6/11/2019
Clerk of the Board

APPROVED AS TO FORM:

Lassen County Counsel Date: _____

COUNTY OF MODOC

By: [Signature] Date: MAY 21 2019
Chairman, Modoc County Board of Supervisors

ATTEST:

By: [Signature] Date: MAY 21 2019
Clerk of the Board

APPROVED AS TO FORM:

Modoc County Counsel Date: MAY 20 2019

19. Signature

The parties hereto have executed this Memorandum of Understanding as of the dates shown below.

The effective date of this MOU is the latest signature date affixed to this page. This MOU may be executed in multiple originals or counterparts. A complete original of this MOU shall be maintained in the records of each of the parties.

COUNTY OF LASSEN

By: _____ Date: _____
Chairman, Lassen County Board of Supervisors

ATTEST:

By: _____ Date: _____
Clerk of the Board

APPROVED AS TO FORM:

Lassen County Counsel

COUNTY OF MODOC

By: *Rochie Rhoads* Date: MAY 21 2019
Chairman, Modoc County Board of Supervisors

ATTEST:

By: *Liffany A. Martinez* Date: MAY 21 2019
Clerk of the Board

APPROVED AS TO FORM:

[Signature] Date: MAY 28 2019
Modoc County Counsel

CALIFORNIA CODE OF REGULATIONS
TITLE 23. WATERS
DIVISION 2. DEPARTMENT OF WATER RESOURCES
CHAPTER 1.5. GROUNDWATER MANAGEMENT
SUBCHAPTER 2. GROUNDWATER SUSTAINABILITY PLANS

ARTICLE 1. Introductory Provisions

§ 350. Authority and Purpose

These regulations specify the components of groundwater sustainability plans, alternatives to groundwater sustainability plans, and coordination agreements prepared pursuant to the Sustainable Groundwater Management Act (Part 2.74 of Division 6 of the Water Code, beginning with Section 10720), and the methods and criteria used by the Department to evaluate those plans, alternatives, and coordination agreements, and information required by the Department to facilitate that evaluation.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10733.2 and 10733.4, Water Code.

§ 350.2. Applicability

(a) The process and standards for an Agency to develop and submit a Plan for evaluation by the Department, and for Department evaluation of that Plan and its implementation, as described in these regulations, are also applicable to multiple Agencies developing multiple Plans, as described in Article 8, and to entities submitting Alternatives, as described in Article 9.

(b) Unless as otherwise noted, section references in these regulations refer to this Subchapter.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.6, 10733.2, 10733.4, and 10733.6, Water Code.

§ 350.4. General Principles

Consistent with the State's interest in groundwater sustainability through local management, the following general principles shall guide the Department in the implementation of these regulations.

(a) Groundwater conditions must be adequately defined and monitored to demonstrate that a Plan is achieving the sustainability goal for the basin, and the Department will evaluate the level of detail provided considering the basin setting.

(b) To comply with the Department's statutory mandate to evaluate Plans, Plan implementation, and the effect on Plan implementation on adjacent basins, Plan content information must be sufficiently detailed and readily comparable.

(c) The Department shall evaluate the adequacy of all Plans, including subsequent modifications to Plans, and reports and periodic evaluations based on a substantial compliance standard as described in Article 6, provided that the objectives of the Act are satisfied.

(d) Sustainable management criteria and projects and management actions shall be commensurate with the level of understanding of the basin setting, based on the level of uncertainty and data gaps, as reflected in the Plan.

(e) An Agency shall have the responsibility for adopting a Plan that defines the basin setting and establishes criteria that will maintain or achieve sustainable groundwater management, and the Department shall have the ongoing responsibility to evaluate the adequacy of that Plan and the success of its implementation.

(f) A Plan will be evaluated, and its implementation assessed, consistent with the objective that a basin be sustainably managed within 20 years of Plan implementation without adversely affecting the ability of an adjacent basin to implement its Plan or achieve and maintain its sustainability goal over the planning and implementation horizon.

(g) The Department shall consider the state policy regarding the human right to water when implementing these regulations.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 106.3, 113, 10720.1, 10720.9, 10727.6, 10733, and 10733.2, Water Code.

ARTICLE 2. Definitions

§ 351. Definitions

The definitions in the Sustainable Groundwater Management Act, Bulletin 118, and Subchapter 1 of this Chapter, shall apply to these regulations. In the event of conflicting definitions, the definitions in the Act govern the meanings in this Subchapter. In addition, the following terms used in this Subchapter have the following meanings:

- (a) “Agency” refers to a groundwater sustainability agency as defined in the Act.
- (b) “Agricultural water management plan” refers to a plan adopted pursuant to the Agricultural Water Management Planning Act as described in Part 2.8 of Division 6 of the Water Code, commencing with Section 10800 et seq.
- (c) “Alternative” refers to an alternative to a Plan described in Water Code Section 10733.6.
- (d) “Annual report” refers to the report required by Water Code Section 10728.
- (e) “Baseline” or “baseline conditions” refer to historic information used to project future conditions for hydrology, water demand, and availability of surface water and to evaluate potential sustainable management practices of a basin.
- (f) “Basin” means a groundwater basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Water Code 10722 et seq.
- (g) “Basin setting” refers to the information about the physical setting, characteristics, and current conditions of the basin as described by the Agency in the hydrogeologic conceptual model, the groundwater conditions, and the water budget, pursuant to Subarticle 2 of Article 5.
- (h) “Best available science” refers to the use of sufficient and credible information and data, specific to the decision being made and the time frame available for making that decision, that is consistent with scientific and engineering professional standards of practice.
- (i) “Best management practice” refers to a practice, or combination of practices, that are designed to achieve sustainable groundwater management and have been determined to be technologically and economically effective, practicable, and based on best available science.
- (j) “Board” refers to the State Water Resources Control Board.
- (k) “CASGEM” refers to the California Statewide Groundwater Elevation Monitoring Program developed by the Department pursuant to Water Code Section 10920 et seq., or as amended.
- (l) “Data gap” refers to a lack of information that significantly affects the understanding of the basin setting or evaluation of the efficacy of Plan implementation, and could limit the ability to assess whether a basin is being sustainably managed.
- (m) “Groundwater dependent ecosystem” refers to ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface.
- (n) “Groundwater flow” refers to the volume and direction of groundwater movement into, out of, or throughout a basin.

- (o) “Interconnected surface water” refers to surface water that is hydraulically connected at any point by a continuous saturated zone to the underlying aquifer and the overlying surface water is not completely depleted.
- (p) “Interested parties” refers to persons and entities on the list of interested persons established by the Agency pursuant to Water Code Section 10723.4.
- (q) “Interim milestone” refers to a target value representing measurable groundwater conditions, in increments of five years, set by an Agency as part of a Plan.
- (r) “Management area” refers to an area within a basin for which the Plan may identify different minimum thresholds, measurable objectives, monitoring, or projects and management actions based on differences in water use sector, water source type, geology, aquifer characteristics, or other factors.
- (s) “Measurable objectives” refer to specific, quantifiable goals for the maintenance or improvement of specified groundwater conditions that have been included in an adopted Plan to achieve the sustainability goal for the basin.
- (t) “Minimum threshold” refers to a numeric value for each sustainability indicator used to define undesirable results.
- (u) “NAD83” refers to the North American Datum of 1983 computed by the National Geodetic Survey, or as modified.
- (v) “NAVD88” refers to the North American Vertical Datum of 1988 computed by the National Geodetic Survey, or as modified.
- (w) “Plain language” means language that the intended audience can readily understand and use because that language is concise, well-organized, uses simple vocabulary, avoids excessive acronyms and technical language, and follows other best practices of plain language writing.
- (x) “Plan” refers to a groundwater sustainability plan as defined in the Act.
- (y) “Plan implementation” refers to an Agency’s exercise of the powers and authorities described in the Act, which commences after an Agency adopts and submits a Plan or Alternative to the Department and begins exercising such powers and authorities.
- (z) “Plan manager” is an employee or authorized representative of an Agency, or Agencies, appointed through a coordination agreement or other agreement, who has been delegated management authority for submitting the Plan and serving as the point of contact between the Agency and the Department.
- (aa) “Principal aquifers” refer to aquifers or aquifer systems that store, transmit, and yield significant or economic quantities of groundwater to wells, springs, or surface water systems.
- (ab) “Reference point” refers to a permanent, stationary and readily identifiable mark or point on a well, such as the top of casing, from which groundwater level measurements are taken, or other monitoring site.
- (ac) “Representative monitoring” refers to a monitoring site within a broader network of sites that typifies one or more conditions within the basin or an area of the basin.

(ad) “Seasonal high” refers to the highest annual static groundwater elevation that is typically measured in the Spring and associated with stable aquifer conditions following a period of lowest annual groundwater demand.

(ae) “Seasonal low” refers to the lowest annual static groundwater elevation that is typically measured in the Summer or Fall, and associated with a period of stable aquifer conditions following a period of highest annual groundwater demand.

(af) “Seawater intrusion” refers to the advancement of seawater into a groundwater supply that results in degradation of water quality in the basin, and includes seawater from any source.

(ag) “Statutory deadline” refers to the date by which an Agency must be managing a basin pursuant to an adopted Plan, as described in Water Code Sections 10720.7 or 10722.4.

(ah) “Sustainability indicator” refers to any of the effects caused by groundwater conditions occurring throughout the basin that, when significant and unreasonable, cause undesirable results, as described in Water Code Section 10721(x).

(ai) “Uncertainty” refers to a lack of understanding of the basin setting that significantly affects an Agency’s ability to develop sustainable management criteria and appropriate projects and management actions in a Plan, or to evaluate the efficacy of Plan implementation, and therefore may limit the ability to assess whether a basin is being sustainably managed.

(aj) “Urban water management plan” refers to a plan adopted pursuant to the Urban Water Management Planning Act as described in Part 2.6 of Division 6 of the Water Code, commencing with Section 10610 et seq.

(ak) “Water source type” represents the source from which water is derived to meet the applied beneficial uses, including groundwater, recycled water, reused water, and surface water sources identified as Central Valley Project, the State Water Project, the Colorado River Project, local supplies, and local imported supplies.

(al) “Water use sector” refers to categories of water demand based on the general land uses to which the water is applied, including urban, industrial, agricultural, managed wetlands, managed recharge, and native vegetation.

(am) “Water year” refers to the period from October 1 through the following September 30, inclusive, as defined in the Act.

(an) “Water year type” refers to the classification provided by the Department to assess the amount of annual precipitation in a basin.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 25, 10720.7, 10721, 10722, 10722.4, 10723, 10727.2, 10728, 10729, 10733.2, 10733.6, and 10924, Water Code.

ARTICLE 3. Technical and Reporting Standards

§ 352. Introduction to Technical and Reporting Standards

This Article describes the monitoring protocols, standards for monitoring sites, and other technical elements related to the development or implementation of a Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 352.2. Monitoring Protocols

Each Plan shall include monitoring protocols adopted by the Agency for data collection and management, as follows:

- (a) Monitoring protocols shall be developed according to best management practices.
- (b) The Agency may rely on monitoring protocols included as part of the best management practices developed by the Department, or may adopt similar monitoring protocols that will yield comparable data.
- (c) Monitoring protocols shall be reviewed at least every five years as part of the periodic evaluation of the Plan, and modified as necessary.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10728.2, 10729, and 10733.2, Water Code.

§ 352.4. Data and Reporting Standards

(a) The following reporting standards apply to all categories of information required of a Plan, unless otherwise indicated:

- (1) Water volumes shall be reported in acre-feet.
 - (2) Surface water flow shall be reported in cubic feet per second and groundwater flow shall be reported in acre-feet per year.
 - (3) Field measurements of elevations of groundwater, surface water, and land surface shall be measured and reported in feet to an accuracy of at least 0.1 feet relative to NAVD88, or another national standard that is convertible to NAVD88, and the method of measurement described.
 - (4) Reference point elevations shall be measured and reported in feet to an accuracy of at least 0.5 feet, or the best available information, relative to NAVD88, or another national standard that is convertible to NAVD88, and the method of measurement described.
 - (5) Geographic locations shall be reported in GPS coordinates by latitude and longitude in decimal degree to five decimal places, to a minimum accuracy of 30 feet, relative to NAD83, or another national standard that is convertible to NAD83.
- (b) Monitoring sites shall include the following information:

- (1) A unique site identification number and narrative description of the site location.
 - (2) A description of the type of monitoring, type of measurement taken, and monitoring frequency.
 - (3) Location, elevation of the ground surface, and identification and description of the reference point.
 - (4) A description of the standards used to install the monitoring site. Sites that do not conform to best management practices shall be identified and the nature of the divergence from best management practices described.
- (c) The following standards apply to wells:
- (1) Wells used to monitor groundwater conditions shall be constructed according to applicable construction standards, and shall provide the following information in both tabular and geodatabase-compatible shapefile form:
 - (A) CASGEM well identification number. If a CASGEM well identification number has not been issued, appropriate well information shall be entered on forms made available by the Department, as described in Section 353.2.
 - (B) Well location, elevation of the ground surface and reference point, including a description of the reference point.
 - (C) A description of the well use, such as public supply, irrigation, domestic, monitoring, or other type of well, whether the well is active or inactive, and whether the well is a single, clustered, nested, or other type of well.
 - (D) Casing perforations, borehole depth, and total well depth.
 - (E) Well completion reports, if available, from which the names of private owners have been redacted.
 - (F) Geophysical logs, well construction diagrams, or other relevant information, if available.
 - (G) Identification of principal aquifers monitored.
 - (H) Other relevant well construction information, such as well capacity, casing diameter, or casing modifications, as available.
 - (2) If an Agency relies on wells that lack casing perforations, borehole depth, or total well depth information to monitor groundwater conditions as part of a Plan, the Agency shall describe a schedule for acquiring monitoring wells with the necessary information, or demonstrate to the Department that such information is not necessary to understand and manage groundwater in the basin.
 - (3) Well information used to develop the basin setting shall be maintained in the Agency's data management system.
- (d) Maps submitted to the Department shall meet the following requirements:
- (1) Data layers, shapefiles, geodatabases, and other information provided with each map, shall be submitted electronically to the Department in accordance with the procedures described in Article 4.

(2) Maps shall be clearly labeled and contain a level of detail to ensure that the map is informative and useful.

(3) The datum shall be clearly identified on the maps or in an associated legend.

(e) Hydrographs submitted to the Department shall meet the following requirements:

(1) Hydrographs shall be submitted electronically to the Department in accordance with the procedures described in Article 4.

(2) Hydrographs shall include a unique site identification number and the ground surface elevation for each site.

(3) Hydrographs shall use the same datum and scaling to the greatest extent practical.

(f) Groundwater and surface water models used for a Plan shall meet the following standards:

(1) The model shall include publicly available supporting documentation.

(2) The model shall be based on field or laboratory measurements, or equivalent methods that justify the selected values, and calibrated against site-specific field data.

(3) Groundwater and surface water models developed in support of a Plan after the effective date of these regulations shall consist of public domain open-source software.

(g) The Department may request data input and output files used by the Agency, as necessary. The Department may independently evaluate the appropriateness of model results relied upon by the Agency, and use that evaluation in the Department's assessment of the Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10727.6, and 10733.2, Water Code.

§ 352.6. Data Management System

Each Agency shall develop and maintain a data management system that is capable of storing and reporting information relevant to the development or implementation of the Plan and monitoring of the basin.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10728, 10728.2, and 10733.2, Water Code.

ARTICLE 4. Procedures

§ 353. Introduction to Procedures

This Article describes various procedural issues related to the submission of Plans and public comment to those Plans.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 353.2. Information Provided by the Department

(a) The Department shall make forms and instructions for submitting Plans, reports, and other information available on its website.

(b) The Department shall provide information, to the extent available, to assist Agencies in the preparation and implementation of Plans, which shall be posted on the Department's website.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10729 and 10733.2, Water Code

§ 353.4. Reporting Provisions

Information required by the Act or this Subchapter, including Plans, Plan amendments, annual reports, and five-year assessments, shall be submitted by each Agency to the Department as follows:

(a) Materials shall be submitted electronically to the Department through an online reporting system, in a format provided by the Department as described in Section 353.2.

(b) Submitted materials shall be accompanied by a transmittal letter signed by the plan manager or other duly authorized person.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10728, 10728.2, 10733.2, 10733.4, 10733.6, 10733.8, and 10737.4, Water Code.

§ 353.6. Initial Notification

(a) Each Agency shall notify the Department, in writing, prior to initiating development of a Plan. The notification shall provide general information about the Agency's process for developing the Plan, including the manner in which interested parties may contact the Agency and participate in the development and implementation of the Plan. The Agency shall make the information publicly available by posting relevant information on the Agency's website.

(b) The Department shall post the initial notification required by this Section, including Agency contact information, on the Department's website within 20 days of receipt.

(c) Upon request, prior to adoption of a Plan, the Department shall provide assistance to an Agency regarding the elements of a Plan required by the Act and this Subchapter, however, the Agency is solely responsible for the development, adoption, and implementation of a Plan that satisfies the requirements of the Act and this Subchapter.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10723.4, 10727.8, 10729, and 10733.2, Water Code.

§ 353.8. Comments

(a) Any person may provide comments to the Department regarding a proposed or adopted Plan.

(b) Pursuant to Water Code Section 10733.4, the Department shall establish a comment period of no less than 60 days for an adopted Plan that has been accepted by the Department for evaluation pursuant to Section 355.2.

(c) In addition to the comment period required by Water Code Section 10733.4, the Department shall accept comments on an Agency's decision to develop a Plan as described in Section 353.6, including comments on elements of a proposed Plan under consideration by the Agency.

(d) Comments shall be submitted to the Department by written notice, with a duplicate copy of the comment provided to the Agency. Organizations or government entities providing comments shall include the name, address, and electronic mail address, if available, of the person or entity providing the comments and information.

(e) Comments received by the Department shall be posted on the Department's website.

(f) The Department is not required to respond to comments, but shall consider comments as part of its evaluation of a Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.8, 10733.2, and 10733.4, Water Code.

§ 353.10. Withdrawal or Amendment of Plan

An Agency may withdraw a Plan at any time by providing written notice to the Department, and may amend a Plan at any time pursuant to the requirements of Section 355.10.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10728.4 and 10733.2, Water Code.

ARTICLE 5. Plan Contents

§ 354. Introduction to Plan Contents

This Article describes the required contents of Plans submitted to the Department for evaluation, including administrative information, a description of the basin setting, sustainable management criteria, description of the monitoring network, and projects and management actions.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

SUBARTICLE 1. Administrative Information

§ 354.2. Introduction to Administrative Information

This Subarticle describes information in the Plan relating to administrative and other general information about the Agency that has adopted the Plan and the area covered by the Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 354.4. General Information

Each Plan shall include the following general information:

- (a) An executive summary written in plain language that provides an overview of the Plan and description of groundwater conditions in the basin.
- (b) A list of references and technical studies relied upon by the Agency in developing the Plan. Each Agency shall provide to the Department electronic copies of reports and other documents and materials cited as references that are not generally available to the public.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10733.2 and 10733.4, Water Code.

§ 354.6. Agency Information

When submitting an adopted Plan to the Department, the Agency shall include a copy of the information provided pursuant to Water Code Section 10723.8, with any updates, if necessary, along with the following information:

- (a) The name and mailing address of the Agency.
- (b) The organization and management structure of the Agency, identifying persons with management authority for implementation of the Plan.

- (c) The name and contact information, including the phone number, mailing address and electronic mail address, of the plan manager.
- (d) The legal authority of the Agency, with specific reference to citations setting forth the duties, powers, and responsibilities of the Agency, demonstrating that the Agency has the legal authority to implement the Plan.
- (e) An estimate of the cost of implementing the Plan and a general description of how the Agency plans to meet those costs.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10723.8, 10727.2, and 10733.2, Water Code.

§ 354.8. Description of Plan Area

Each Plan shall include a description of the geographic areas covered, including the following information:

- (a) One or more maps of the basin that depict the following, as applicable:
 - (1) The area covered by the Plan, delineating areas managed by the Agency as an exclusive Agency and any areas for which the Agency is not an exclusive Agency, and the name and location of any adjacent basins.
 - (2) Adjudicated areas, other Agencies within the basin, and areas covered by an Alternative.
 - (3) Jurisdictional boundaries of federal or state land (including the identity of the agency with jurisdiction over that land), tribal land, cities, counties, agencies with water management responsibilities, and areas covered by relevant general plans.
 - (4) Existing land use designations and the identification of water use sector and water source type.
 - (5) The density of wells per square mile, by dasymetric or similar mapping techniques, showing the general distribution of agricultural, industrial, and domestic water supply wells in the basin, including de minimis extractors, and the location and extent of communities dependent upon groundwater, utilizing data provided by the Department, as specified in Section 353.2, or the best available information.
- (b) A written description of the Plan area, including a summary of the jurisdictional areas and other features depicted on the map.
- (c) Identification of existing water resource monitoring and management programs, and description of any such programs the Agency plans to incorporate in its monitoring network or in development of its Plan. The Agency may coordinate with existing water resource monitoring and management programs to incorporate and adopt that program as part of the Plan.
- (d) A description of how existing water resource monitoring or management programs may limit operational flexibility in the basin, and how the Plan has been developed to adapt to those limits.
- (e) A description of conjunctive use programs in the basin.

(f) A plain language description of the land use elements or topic categories of applicable general plans that includes the following:

- (1) A summary of general plans and other land use plans governing the basin.
- (2) A general description of how implementation of existing land use plans may change water demands within the basin or affect the ability of the Agency to achieve sustainable groundwater management over the planning and implementation horizon, and how the Plan addresses those potential effects.
- (3) A general description of how implementation of the Plan may affect the water supply assumptions of relevant land use plans over the planning and implementation horizon.
- (4) A summary of the process for permitting new or replacement wells in the basin, including adopted standards in local well ordinances, zoning codes, and policies contained in adopted land use plans.
- (5) To the extent known, the Agency may include information regarding the implementation of land use plans outside the basin that could affect the ability of the Agency to achieve sustainable groundwater management.

(g) A description of any of the additional Plan elements included in Water Code Section 10727.4 that the Agency determines to be appropriate.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10720.3, 10727.2, 10727.4, 10733, and 10733.2, Water Code.

§ 354.10. Notice and Communication

Each Plan shall include a summary of information relating to notification and communication by the Agency with other agencies and interested parties including the following:

- (a) A description of the beneficial uses and users of groundwater in the basin, including the land uses and property interests potentially affected by the use of groundwater in the basin, the types of parties representing those interests, and the nature of consultation with those parties.
- (b) A list of public meetings at which the Plan was discussed or considered by the Agency.
- (c) Comments regarding the Plan received by the Agency and a summary of any responses by the Agency.
- (d) A communication section of the Plan that includes the following:
 - (1) An explanation of the Agency's decision-making process.
 - (2) Identification of opportunities for public engagement and a discussion of how public input and response will be used.
 - (3) A description of how the Agency encourages the active involvement of diverse social, cultural, and economic elements of the population within the basin.
 - (4) The method the Agency shall follow to inform the public about progress implementing the Plan, including the status of projects and actions.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10723.2, 10727.8, 10728.4, and 10733.2, Water Code

SUBARTICLE 2. Basin Setting

§ 354.12. Introduction to Basin Setting

This Subarticle describes the information about the physical setting and characteristics of the basin and current conditions of the basin that shall be part of each Plan, including the identification of data gaps and levels of uncertainty, which comprise the basin setting that serves as the basis for defining and assessing reasonable sustainable management criteria and projects and management actions. Information provided pursuant to this Subarticle shall be prepared by or under the direction of a professional geologist or professional engineer.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 354.14. Hydrogeologic Conceptual Model

(a) Each Plan shall include a descriptive hydrogeologic conceptual model of the basin based on technical studies and qualified maps that characterizes the physical components and interaction of the surface water and groundwater systems in the basin.

(b) The hydrogeologic conceptual model shall be summarized in a written description that includes the following:

- (1) The regional geologic and structural setting of the basin including the immediate surrounding area, as necessary for geologic consistency.
- (2) Lateral basin boundaries, including major geologic features that significantly affect groundwater flow.
- (3) The definable bottom of the basin.
- (4) Principal aquifers and aquitards, including the following information:
 - (A) Formation names, if defined.
 - (B) Physical properties of aquifers and aquitards, including the vertical and lateral extent, hydraulic conductivity, and storativity, which may be based on existing technical studies or other best available information.
 - (C) Structural properties of the basin that restrict groundwater flow within the principal aquifers, including information regarding stratigraphic changes, truncation of units, or other features.
 - (D) General water quality of the principal aquifers, which may be based on information derived from existing technical studies or regulatory programs.
 - (E) Identification of the primary use or uses of each aquifer, such as domestic, irrigation, or municipal water supply.

(5) Identification of data gaps and uncertainty within the hydrogeologic conceptual model

(c) The hydrogeologic conceptual model shall be represented graphically by at least two scaled cross-sections that display the information required by this section and are sufficient to depict major stratigraphic and structural features in the basin.

(d) Physical characteristics of the basin shall be represented on one or more maps that depict the following:

(1) Topographic information derived from the U.S. Geological Survey or another reliable source.

(2) Surficial geology derived from a qualified map including the locations of cross-sections required by this Section.

(3) Soil characteristics as described by the appropriate Natural Resources Conservation Service soil survey or other applicable studies.

(4) Delineation of existing recharge areas that substantially contribute to the replenishment of the basin, potential recharge areas, and discharge areas, including significant active springs, seeps, and wetlands within or adjacent to the basin.

(5) Surface water bodies that are significant to the management of the basin.

(6) The source and point of delivery for imported water supplies.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10733, and 10733.2, Water Code.

§ 354.16. Groundwater Conditions

Each Plan shall provide a description of current and historical groundwater conditions in the basin, including data from January 1, 2015, to current conditions, based on the best available information that includes the following:

(a) Groundwater elevation data demonstrating flow directions, lateral and vertical gradients, and regional pumping patterns, including:

(1) Groundwater elevation contour maps depicting the groundwater table or potentiometric surface associated with the current seasonal high and seasonal low for each principal aquifer within the basin.

(2) Hydrographs depicting long-term groundwater elevations, historical highs and lows, and hydraulic gradients between principal aquifers.

(b) A graph depicting estimates of the change in groundwater in storage, based on data, demonstrating the annual and cumulative change in the volume of groundwater in storage between seasonal high groundwater conditions, including the annual groundwater use and water year type.

(c) Seawater intrusion conditions in the basin, including maps and cross-sections of the seawater intrusion front for each principal aquifer.

- (d) Groundwater quality issues that may affect the supply and beneficial uses of groundwater, including a description and map of the location of known groundwater contamination sites and plumes.
- (e) The extent, cumulative total, and annual rate of land subsidence, including maps depicting total subsidence, utilizing data available from the Department, as specified in Section 353.2, or the best available information.
- (f) Identification of interconnected surface water systems within the basin and an estimate of the quantity and timing of depletions of those systems, utilizing data available from the Department, as specified in Section 353.2, or the best available information.
- (g) Identification of groundwater dependent ecosystems within the basin, utilizing data available from the Department, as specified in Section 353.2, or the best available information.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10723.2, 10727.2, 10727.4, and 10733.2, Water Code.

§ 354.18. Water Budget

- (a) Each Plan shall include a water budget for the basin that provides an accounting and assessment of the total annual volume of groundwater and surface water entering and leaving the basin, including historical, current and projected water budget conditions, and the change in the volume of water stored. Water budget information shall be reported in tabular and graphical form.
- (b) The water budget shall quantify the following, either through direct measurements or estimates based on data:
 - (1) Total surface water entering and leaving a basin by water source type.
 - (2) Inflow to the groundwater system by water source type, including subsurface groundwater inflow and infiltration of precipitation, applied water, and surface water systems, such as lakes, streams, rivers, canals, springs and conveyance systems.
 - (3) Outflows from the groundwater system by water use sector, including evapotranspiration, groundwater extraction, groundwater discharge to surface water sources, and subsurface groundwater outflow.
 - (4) The change in the annual volume of groundwater in storage between seasonal high conditions.
 - (5) If overdraft conditions occur, as defined in Bulletin 118, the water budget shall include a quantification of overdraft over a period of years during which water year and water supply conditions approximate average conditions.
 - (6) The water year type associated with the annual supply, demand, and change in groundwater stored.
 - (7) An estimate of sustainable yield for the basin.
- (c) Each Plan shall quantify the current, historical, and projected water budget for the basin as follows:

(1) Current water budget information shall quantify current inflows and outflows for the basin using the most recent hydrology, water supply, water demand, and land use information.

(2) Historical water budget information shall be used to evaluate availability or reliability of past surface water supply deliveries and aquifer response to water supply and demand trends relative to water year type. The historical water budget shall include the following:

(A) A quantitative evaluation of the availability or reliability of historical surface water supply deliveries as a function of the historical planned versus actual annual surface water deliveries, by surface water source and water year type, and based on the most recent ten years of surface water supply information.

(B) A quantitative assessment of the historical water budget, starting with the most recently available information and extending back a minimum of 10 years, or as is sufficient to calibrate and reduce the uncertainty of the tools and methods used to estimate and project future water budget information and future aquifer response to proposed sustainable groundwater management practices over the planning and implementation horizon.

(C) A description of how historical conditions concerning hydrology, water demand, and surface water supply availability or reliability have impacted the ability of the Agency to operate the basin within sustainable yield. Basin hydrology may be characterized and evaluated using water year type.

(3) Projected water budgets shall be used to estimate future baseline conditions of supply, demand, and aquifer response to Plan implementation, and to identify the uncertainties of these projected water budget components. The projected water budget shall utilize the following methodologies and assumptions to estimate future baseline conditions concerning hydrology, water demand and surface water supply availability or reliability over the planning and implementation horizon:

(A) Projected hydrology shall utilize 50 years of historical precipitation, evapotranspiration, and streamflow information as the baseline condition for estimating future hydrology. The projected hydrology information shall also be applied as the baseline condition used to evaluate future scenarios of hydrologic uncertainty associated with projections of climate change and sea level rise.

(B) Projected water demand shall utilize the most recent land use, evapotranspiration, and crop coefficient information as the baseline condition for estimating future water demand. The projected water demand information shall also be applied as the baseline condition used to evaluate future scenarios of water demand uncertainty associated with projected changes in local land use planning, population growth, and climate.

(C) Projected surface water supply shall utilize the most recent water supply information as the baseline condition for estimating future surface water supply. The projected surface water supply shall also be applied as the baseline condition used to evaluate future scenarios of surface water supply availability and reliability as a function of the historical surface water supply identified in Section 354.18(c)(2)(A), and the projected changes in local land use planning, population growth, and climate.

(d) The Agency shall utilize the following information provided, as available, by the Department pursuant to Section 353.2, or other data of comparable quality, to develop the water budget:

- (1) Historical water budget information for mean annual temperature, mean annual precipitation, water year type, and land use.
- (2) Current water budget information for temperature, water year type, evapotranspiration, and land use.
- (3) Projected water budget information for population, population growth, climate change, and sea level rise.

(e) Each Plan shall rely on the best available information and best available science to quantify the water budget for the basin in order to provide an understanding of historical and projected hydrology, water demand, water supply, land use, population, climate change, sea level rise, groundwater and surface water interaction, and subsurface groundwater flow. If a numerical groundwater and surface water model is not used to quantify and evaluate the projected water budget conditions and the potential impacts to beneficial uses and users of groundwater, the Plan shall identify and describe an equally effective method, tool, or analytical model to evaluate projected water budget conditions.

(f) The Department shall provide the California Central Valley Groundwater-Surface Water Simulation Model (C2VSIM) and the Integrated Water Flow Model (IWFM) for use by Agencies in developing the water budget. Each Agency may choose to use a different groundwater and surface water model, pursuant to Section 352.4.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10721, 10723.2, 10727.2, 10727.6, 10729, and 10733.2, Water Code.

§ 354.20. Management Areas

(a) Each Agency may define one or more management areas within a basin if the Agency has determined that creation of management areas will facilitate implementation of the Plan. Management areas may define different minimum thresholds and be operated to different measurable objectives than the basin at large, provided that undesirable results are defined consistently throughout the basin.

(b) A basin that includes one or more management areas shall describe the following in the Plan:

- (1) The reason for the creation of each management area.
- (2) The minimum thresholds and measurable objectives established for each management area, and an explanation of the rationale for selecting those values, if different from the basin at large.
- (3) The level of monitoring and analysis appropriate for each management area.
- (4) An explanation of how the management area can operate under different minimum thresholds and measurable objectives without causing undesirable results outside the management area, if applicable.

(c) If a Plan includes one or more management areas, the Plan shall include descriptions, maps, and other information required by this Subarticle sufficient to describe conditions in those areas.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10733.2 and 10733.4, Water Code.

SUBARTICLE 3. Sustainable Management Criteria

§ 354.22. Introduction to Sustainable Management Criteria

This Subarticle describes criteria by which an Agency defines conditions in its Plan that constitute sustainable groundwater management for the basin, including the process by which the Agency shall characterize undesirable results, and establish minimum thresholds and measurable objectives for each applicable sustainability indicator.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 354.24 Sustainability Goal

Each Agency shall establish in its Plan a sustainability goal for the basin that culminates in the absence of undesirable results within 20 years of the applicable statutory deadline. The Plan shall include a description of the sustainability goal, including information from the basin setting used to establish the sustainability goal, a discussion of the measures that will be implemented to ensure that the basin will be operated within its sustainable yield, and an explanation of how the sustainability goal is likely to be achieved within 20 years of Plan implementation and is likely to be maintained through the planning and implementation horizon.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10721, 10727, 10727.2, 10733.2, and 10733.8, Water Code.

§ 354.26. Undesirable Results

(a) Each Agency shall describe in its Plan the processes and criteria relied upon to define undesirable results applicable to the basin. Undesirable results occur when significant and unreasonable effects for any of the sustainability indicators are caused by groundwater conditions occurring throughout the basin.

(b) The description of undesirable results shall include the following:

(1) The cause of groundwater conditions occurring throughout the basin that would lead to or has led to undesirable results based on information described in the basin setting, and other data or models as appropriate.

(2) The criteria used to define when and where the effects of the groundwater conditions cause undesirable results for each applicable sustainability indicator. The criteria shall

be based on a quantitative description of the combination of minimum threshold exceedances that cause significant and unreasonable effects in the basin.

(3) Potential effects on the beneficial uses and users of groundwater, on land uses and property interests, and other potential effects that may occur or are occurring from undesirable results.

(c) The Agency may need to evaluate multiple minimum thresholds to determine whether an undesirable result is occurring in the basin. The determination that undesirable results are occurring may depend upon measurements from multiple monitoring sites, rather than a single monitoring site.

(d) An Agency that is able to demonstrate that undesirable results related to one or more sustainability indicators are not present and are not likely to occur in a basin shall not be required to establish criteria for undesirable results related to those sustainability indicators.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10721, 10723.2, 10727.2, 10733.2, and 10733.8, Water Code.

§ 354.28. Minimum Thresholds

(a) Each Agency in its Plan shall establish minimum thresholds that quantify groundwater conditions for each applicable sustainability indicator at each monitoring site or representative monitoring site established pursuant to Section 354.36. The numeric value used to define minimum thresholds shall represent a point in the basin that, if exceeded, may cause undesirable results as described in Section 354.26.

(b) The description of minimum thresholds shall include the following:

(1) The information and criteria relied upon to establish and justify the minimum thresholds for each sustainability indicator. The justification for the minimum threshold shall be supported by information provided in the basin setting, and other data or models as appropriate, and qualified by uncertainty in the understanding of the basin setting.

(2) The relationship between the minimum thresholds for each sustainability indicator, including an explanation of how the Agency has determined that basin conditions at each minimum threshold will avoid undesirable results for each of the sustainability indicators.

(3) How minimum thresholds have been selected to avoid causing undesirable results in adjacent basins or affecting the ability of adjacent basins to achieve sustainability goals.

(4) How minimum thresholds may affect the interests of beneficial uses and users of groundwater or land uses and property interests.

(5) How state, federal, or local standards relate to the relevant sustainability indicator. If the minimum threshold differs from other regulatory standards, the Agency shall explain the nature of and basis for the difference.

(6) How each minimum threshold will be quantitatively measured, consistent with the monitoring network requirements described in Subarticle 4.

(c) Minimum thresholds for each sustainability indicator shall be defined as follows:

(1) Chronic Lowering of Groundwater Levels. The minimum threshold for chronic lowering of groundwater levels shall be the groundwater elevation indicating a depletion of supply at a given location that may lead to undesirable results. Minimum thresholds for chronic lowering of groundwater levels shall be supported by the following:

(A) The rate of groundwater elevation decline based on historical trends, water year type, and projected water use in the basin.

(B) Potential effects on other sustainability indicators.

(2) Reduction of Groundwater Storage. The minimum threshold for reduction of groundwater storage shall be a total volume of groundwater that can be withdrawn from the basin without causing conditions that may lead to undesirable results. Minimum thresholds for reduction of groundwater storage shall be supported by the sustainable yield of the basin, calculated based on historical trends, water year type, and projected water use in the basin.

(3) Seawater Intrusion. The minimum threshold for seawater intrusion shall be defined by a chloride concentration isocontour for each principal aquifer where seawater intrusion may lead to undesirable results. Minimum thresholds for seawater intrusion shall be supported by the following:

(A) Maps and cross-sections of the chloride concentration isocontour that defines the minimum threshold and measurable objective for each principal aquifer.

(B) A description of how the seawater intrusion minimum threshold considers the effects of current and projected sea levels.

(4) Degraded Water Quality. The minimum threshold for degraded water quality shall be the degradation of water quality, including the migration of contaminant plumes that impair water supplies or other indicator of water quality as determined by the Agency that may lead to undesirable results. The minimum threshold shall be based on the number of supply wells, a volume of water, or a location of an isocontour that exceeds concentrations of constituents determined by the Agency to be of concern for the basin. In setting minimum thresholds for degraded water quality, the Agency shall consider local, state, and federal water quality standards applicable to the basin.

(5) Land Subsidence. The minimum threshold for land subsidence shall be the rate and extent of subsidence that substantially interferes with surface land uses and may lead to undesirable results. Minimum thresholds for land subsidence shall be supported by the following:

(A) Identification of land uses and property interests that have been affected or are likely to be affected by land subsidence in the basin, including an explanation of how the Agency has determined and considered those uses and interests, and the Agency's rationale for establishing minimum thresholds in light of those effects.

(B) Maps and graphs showing the extent and rate of land subsidence in the basin that defines the minimum threshold and measurable objectives.

(6) Depletions of Interconnected Surface Water. The minimum threshold for depletions of interconnected surface water shall be the rate or volume of surface water depletions

caused by groundwater use that has adverse impacts on beneficial uses of the surface water and may lead to undesirable results. The minimum threshold established for depletions of interconnected surface water shall be supported by the following:

- (A) The location, quantity, and timing of depletions of interconnected surface water.
- (B) A description of the groundwater and surface water model used to quantify surface water depletion. If a numerical groundwater and surface water model is not used to quantify surface water depletion, the Plan shall identify and describe an equally effective method, tool, or analytical model to accomplish the requirements of this Paragraph.
- (d) An Agency may establish a representative minimum threshold for groundwater elevation to serve as the value for multiple sustainability indicators, where the Agency can demonstrate that the representative value is a reasonable proxy for multiple individual minimum thresholds as supported by adequate evidence.
- (e) An Agency that has demonstrated that undesirable results related to one or more sustainability indicators are not present and are not likely to occur in a basin, as described in Section 354.26, shall not be required to establish minimum thresholds related to those sustainability indicators.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10723.2, 10727.2, 10733, 10733.2, and 10733.8, Water Code.

§ 354.30. Measurable Objectives

- (a) Each Agency shall establish measurable objectives, including interim milestones in increments of five years, to achieve the sustainability goal for the basin within 20 years of Plan implementation and to continue to sustainably manage the groundwater basin over the planning and implementation horizon.
- (b) Measurable objectives shall be established for each sustainability indicator, based on quantitative values using the same metrics and monitoring sites as are used to define the minimum thresholds.
- (c) Measurable objectives shall provide a reasonable margin of operational flexibility under adverse conditions which shall take into consideration components such as historical water budgets, seasonal and long-term trends, and periods of drought, and be commensurate with levels of uncertainty.
- (d) An Agency may establish a representative measurable objective for groundwater elevation to serve as the value for multiple sustainability indicators where the Agency can demonstrate that the representative value is a reasonable proxy for multiple individual measurable objectives as supported by adequate evidence.
- (e) Each Plan shall describe a reasonable path to achieve the sustainability goal for the basin within 20 years of Plan implementation, including a description of interim milestones for each relevant sustainability indicator, using the same metric as the measurable objective, in increments of five years. The description shall explain how the Plan is likely to maintain sustainable groundwater management over the planning and implementation horizon.

(f) Each Plan may include measurable objectives and interim milestones for additional Plan elements described in Water Code Section 10727.4 where the Agency determines such measures are appropriate for sustainable groundwater management in the basin.

(g) An Agency may establish measurable objectives that exceed the reasonable margin of operational flexibility for the purpose of improving overall conditions in the basin, but failure to achieve those objectives shall not be grounds for a finding of inadequacy of the Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10727.4, and 10733.2, Water Code.

SUBARTICLE 4. Monitoring Networks

§ 354.32. Introduction to Monitoring Networks

This Subarticle describes the monitoring network that shall be developed for each basin, including monitoring objectives, monitoring protocols, and data reporting requirements. The monitoring network shall promote the collection of data of sufficient quality, frequency, and distribution to characterize groundwater and related surface water conditions in the basin and evaluate changing conditions that occur through implementation of the Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 354.34. Monitoring Network

(a) Each Agency shall develop a monitoring network capable of collecting sufficient data to demonstrate short-term, seasonal, and long-term trends in groundwater and related surface conditions, and yield representative information about groundwater conditions as necessary to evaluate Plan implementation.

(b) Each Plan shall include a description of the monitoring network objectives for the basin, including an explanation of how the network will be developed and implemented to monitor groundwater and related surface conditions, and the interconnection of surface water and groundwater, with sufficient temporal frequency and spatial density to evaluate the affects and effectiveness of Plan implementation. The monitoring network objectives shall be implemented to accomplish the following:

- (1) Demonstrate progress toward achieving measurable objectives described in the Plan.
- (2) Monitor impacts to the beneficial uses or users of groundwater.
- (3) Monitor changes in groundwater conditions relative to measurable objectives and minimum thresholds.
- (4) Quantify annual changes in water budget components.

(c) Each monitoring network shall be designed to accomplish the following for each sustainability indicator:

(1) Chronic Lowering of Groundwater Levels. Demonstrate groundwater occurrence, flow directions, and hydraulic gradients between principal aquifers and surface water features by the following methods:

(A) A sufficient density of monitoring wells to collect representative measurements through depth-discrete perforated intervals to characterize the groundwater table or potentiometric surface for each principal aquifer.

(B) Static groundwater elevation measurements shall be collected at least two times per year, to represent seasonal low and seasonal high groundwater conditions.

(2) Reduction of Groundwater Storage. Provide an estimate of the change in annual groundwater in storage.

(3) Seawater Intrusion. Monitor seawater intrusion using chloride concentrations, or other measurements convertible to chloride concentrations, so that the current and projected rate and extent of seawater intrusion for each applicable principal aquifer may be calculated.

(4) Degraded Water Quality. Collect sufficient spatial and temporal data from each applicable principal aquifer to determine groundwater quality trends for water quality indicators, as determined by the Agency, to address known water quality issues.

(5) Land Subsidence. Identify the rate and extent of land subsidence, which may be measured by extensometers, surveying, remote sensing technology, or other appropriate method.

(6) Depletions of Interconnected Surface Water. Monitor surface water and groundwater, where interconnected surface water conditions exist, to characterize the spatial and temporal exchanges between surface water and groundwater, and to calibrate and apply the tools and methods necessary to calculate depletions of surface water caused by groundwater extractions. The monitoring network shall be able to characterize the following:

(A) Flow conditions including surface water discharge, surface water head, and baseflow contribution.

(B) Identifying the approximate date and location where ephemeral or intermittent flowing streams and rivers cease to flow, if applicable.

(C) Temporal change in conditions due to variations in stream discharge and regional groundwater extraction.

(D) Other factors that may be necessary to identify adverse impacts on beneficial uses of the surface water.

(d) The monitoring network shall be designed to ensure adequate coverage of sustainability indicators. If management areas are established, the quantity and density of monitoring sites in those areas shall be sufficient to evaluate conditions of the basin setting and sustainable management criteria specific to that area.

(e) A Plan may utilize site information and monitoring data from existing sources as part of the monitoring network.

(f) The Agency shall determine the density of monitoring sites and frequency of measurements required to demonstrate short-term, seasonal, and long-term trends based upon the following factors:

- (1) Amount of current and projected groundwater use.
- (2) Aquifer characteristics, including confined or unconfined aquifer conditions, or other physical characteristics that affect groundwater flow.
- (3) Impacts to beneficial uses and users of groundwater and land uses and property interests affected by groundwater production, and adjacent basins that could affect the ability of that basin to meet the sustainability goal.
- (4) Whether the Agency has adequate long-term existing monitoring results or other technical information to demonstrate an understanding of aquifer response.

(g) Each Plan shall describe the following information about the monitoring network:

- (1) Scientific rationale for the monitoring site selection process.
- (2) Consistency with data and reporting standards described in Section 352.4. If a site is not consistent with those standards, the Plan shall explain the necessity of the site to the monitoring network, and how any variation from the standards will not affect the usefulness of the results obtained.
- (3) For each sustainability indicator, the quantitative values for the minimum threshold, measurable objective, and interim milestones that will be measured at each monitoring site or representative monitoring sites established pursuant to Section 354.36.

(h) The location and type of each monitoring site within the basin displayed on a map, and reported in tabular format, including information regarding the monitoring site type, frequency of measurement, and the purposes for which the monitoring site is being used.

(i) The monitoring protocols developed by each Agency shall include a description of technical standards, data collection methods, and other procedures or protocols pursuant to Water Code Section 10727.2(f) for monitoring sites or other data collection facilities to ensure that the monitoring network utilizes comparable data and methodologies.

(j) An Agency that has demonstrated that undesirable results related to one or more sustainability indicators are not present and are not likely to occur in a basin, as described in Section 354.26, shall not be required to establish a monitoring network related to those sustainability indicators.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10723.2, 10727.2, 10727.4, 10728, 10733, 10733.2, and 10733.8, Water Code

§ 354.36. Representative Monitoring

Each Agency may designate a subset of monitoring sites as representative of conditions in the basin or an area of the basin, as follows:

(a) Representative monitoring sites may be designated by the Agency as the point at which sustainability indicators are monitored, and for which quantitative values for minimum thresholds, measurable objectives, and interim milestones are defined.

(b) Groundwater elevations may be used as a proxy for monitoring other sustainability indicators if the Agency demonstrates the following:

(1) Significant correlation exists between groundwater elevations and the sustainability indicators for which groundwater elevation measurements serve as a proxy.

(2) Measurable objectives established for groundwater elevation shall include a reasonable margin of operational flexibility taking into consideration the basin setting to avoid undesirable results for the sustainability indicators for which groundwater elevation measurements serve as a proxy.

(c) The designation of a representative monitoring site shall be supported by adequate evidence demonstrating that the site reflects general conditions in the area.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2 and 10733.2, Water Code

§ 354.38. Assessment and Improvement of Monitoring Network

(a) Each Agency shall review the monitoring network and include an evaluation in the Plan and each five-year assessment, including a determination of uncertainty and whether there are data gaps that could affect the ability of the Plan to achieve the sustainability goal for the basin.

(b) Each Agency shall identify data gaps wherever the basin does not contain a sufficient number of monitoring sites, does not monitor sites at a sufficient frequency, or utilizes monitoring sites that are unreliable, including those that do not satisfy minimum standards of the monitoring network adopted by the Agency.

(c) If the monitoring network contains data gaps, the Plan shall include a description of the following:

(1) The location and reason for data gaps in the monitoring network.

(2) Local issues and circumstances that limit or prevent monitoring.

(d) Each Agency shall describe steps that will be taken to fill data gaps before the next five-year assessment, including the location and purpose of newly added or installed monitoring sites.

(e) Each Agency shall adjust the monitoring frequency and density of monitoring sites to provide an adequate level of detail about site-specific surface water and groundwater conditions and to assess the effectiveness of management actions under circumstances that include the following:

(1) Minimum threshold exceedances.

(2) Highly variable spatial or temporal conditions.

(3) Adverse impacts to beneficial uses and users of groundwater.

(4) The potential to adversely affect the ability of an adjacent basin to implement its Plan or impede achievement of sustainability goals in an adjacent basin.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10723.2, 10727.2, 10728.2, 10733, 10733.2, and 10733.8, Water Code

§ 354.40. Reporting Monitoring Data to the Department

Monitoring data shall be stored in the data management system developed pursuant to Section 352.6. A copy of the monitoring data shall be included in the Annual Report and submitted electronically on forms provided by the Department.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10728, 10728.2, 10733.2, and 10733.8, Water Code.

SUBARTICLE 5. Projects and Management Actions

§ 354.42. Introduction to Projects and Management Actions

This Subarticle describes the criteria for projects and management actions to be included in a Plan to meet the sustainability goal for the basin in a manner that can be maintained over the planning and implementation horizon.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 354.44. Projects and Management Actions

(a) Each Plan shall include a description of the projects and management actions the Agency has determined will achieve the sustainability goal for the basin, including projects and management actions to respond to changing conditions in the basin.

(b) Each Plan shall include a description of the projects and management actions that include the following:

(1) A list of projects and management actions proposed in the Plan with a description of the measurable objective that is expected to benefit from the project or management action. The list shall include projects and management actions that may be utilized to meet interim milestones, the exceedance of minimum thresholds, or where undesirable results have occurred or are imminent. The Plan shall include the following:

(A) A description of the circumstances under which projects or management actions shall be implemented, the criteria that would trigger implementation and termination of projects or management actions, and the process by which the Agency shall determine that conditions requiring the implementation of particular projects or management actions have occurred.

(B) The process by which the Agency shall provide notice to the public and other agencies that the implementation of projects or management actions is being considered or has been implemented, including a description of the actions to be taken.

(2) If overdraft conditions are identified through the analysis required by Section 354.18, the Plan shall describe projects or management actions, including a quantification of demand reduction or other methods, for the mitigation of overdraft.

(3) A summary of the permitting and regulatory process required for each project and management action.

(4) The status of each project and management action, including a time-table for expected initiation and completion, and the accrual of expected benefits.

(5) An explanation of the benefits that are expected to be realized from the project or management action, and how those benefits will be evaluated.

(6) An explanation of how the project or management action will be accomplished. If the projects or management actions rely on water from outside the jurisdiction of the Agency, an explanation of the source and reliability of that water shall be included.

(7) A description of the legal authority required for each project and management action, and the basis for that authority within the Agency.

(8) A description of the estimated cost for each project and management action and a description of how the Agency plans to meet those costs.

(9) A description of the management of groundwater extractions and recharge to ensure that chronic lowering of groundwater levels or depletion of supply during periods of drought is offset by increases in groundwater levels or storage during other periods.

(c) Projects and management actions shall be supported by best available information and best available science.

(d) An Agency shall take into account the level of uncertainty associated with the basin setting when developing projects or management actions.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10727.4, and 10733.2, Water Code.

ARTICLE 6. Department Evaluation and Assessment

§ 355. Introduction to Department Evaluation and Assessment

This Article describes the methodology and criteria used by the Department to evaluate and assess a Plan, periodically evaluate and assess the implementation of a Plan, or evaluate and assess amendments to a Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 355.2. Department Review of Adopted Plan

(a) The Agency shall submit a copy of the adopted Plan to the Department for evaluation and the Department shall assign a submittal date to the Plan based on the day the Plan is received.

(b) The Department shall post the adopted Plan, submittal date, and materials submitted by the Agency on the Department's website within 20 days of receipt.

(c) The Department shall establish a period of no less than 60 days to receive public comments on the adopted Plan, as described in Section 353.8.

(d) If the Board has jurisdiction over the basin or a portion of the basin pursuant to Water Code Section 10735.2, the Department, after consultation with the Board, may proceed with an evaluation of a Plan.

(e) The Department shall evaluate a Plan within two years of its submittal date and issue a written assessment of the Plan, which shall be posted on the Department's website. The assessment shall include a determination of the status of the Plan, as follows:

(1) Approved. The Department shall approve a Plan that satisfies the requirements of the Act and is in substantial compliance with this Subchapter, based on the criteria described in Section 355.4.

(2) Incomplete. The Department has determined that the Plan has one or more deficiencies that preclude approval, but which may be capable of being corrected by the Agency in a timely manner. An incomplete Plan may be completed and resubmitted to the Department for evaluation as follows:

(A) A Plan that is determined to be incomplete prior to the statutory deadline may be revised and resubmitted to the Department prior to the applicable deadline.

(B) A Plan that is determined to be incomplete after the statutory deadline, or less than 180 days prior to the statutory deadline, may be revised and resubmitted to the Department if the Department has determined that the Plan has minor deficiencies that could be addressed by the Agency in a timely manner through corrective actions, which may be recommended by the Department.

(i) The Department may consult with the Agency to determine the amount of time needed by the Agency to address any deficiencies, not to exceed 180 days from the date the Department issues the assessment.

(ii) No time limit shall apply to address deficiencies to Plans submitted for low or very low priority basins.

(3) Inadequate. The Department shall disapprove a Plan if the Department, after consultation with the board, determines that a Plan is inadequate based on any of the following:

(A) The Plan does not satisfy the requirements of Section 355.4(a), and any deficiencies have not been corrected prior to the statutory deadline.

(B) The Plan contains significant deficiencies based on one or more criteria identified in Section 355.4(b), and any deficiencies have not been corrected prior to the statutory deadline.

(C) The Plan was determined to be incomplete, and the Agency has not taken sufficient actions to correct any deficiencies identified by the Department.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10720.7, 10722.4, 10727, 10733, 10733.2, 10733.4, and 10735.2, Water Code.

§ 355.4. Criteria for Plan Evaluation

The basin shall be sustainably managed within 20 years of the applicable statutory deadline consistent with the objectives of the Act. The Department shall evaluate an adopted Plan for compliance with this requirement as follows:

(a) An adopted Plan must satisfy all of the following conditions:

(1) The Plan was submitted within the statutory deadline, as applicable.

(2) The Plan is complete and includes the information required by the Act and this Subchapter, including a coordination agreement, if required.

(3) The Plan, either on its own or in coordination with other Plans, covers the entire basin.

(4) The Agency has taken corrective actions, within the period described in Section 355.2, to address any deficiencies in the Plan identified by the Department.

(b) The Department shall evaluate a Plan that satisfies the requirements of Subsection (a) to determine whether the Plan, either individually or in coordination with other Plans, complies with the Act and substantially complies with the requirements of this Subchapter. Substantial compliance means that the supporting information is sufficiently detailed and the analyses sufficiently thorough and reasonable, in the judgment of the Department, to evaluate the Plan, and the Department determines that any discrepancy would not materially affect the ability of the Agency to achieve the sustainability goal for the basin, or the ability of the Department to evaluate the likelihood of the Plan to attain that goal. When evaluating whether a Plan is likely to achieve the sustainability goal for the basin, the Department shall consider the following:

(1) Whether the assumptions, criteria, findings, and objectives, including the sustainability goal, undesirable results, minimum thresholds, measurable objectives,

and interim milestones are reasonable and supported by the best available information and best available science.

(2) Whether the Plan identifies reasonable measures and schedules to eliminate data gaps.

(3) Whether sustainable management criteria and projects and management actions are commensurate with the level of understanding of the basin setting, based on the level of uncertainty, as reflected in the Plan.

(4) Whether the interests of the beneficial uses and users of groundwater in the basin, and the land uses and property interests potentially affected by the use of groundwater in the basin, have been considered.

(5) Whether the projects and management actions are feasible and likely to prevent undesirable results and ensure that the basin is operated within its sustainable yield.

(6) Whether the Plan includes a reasonable assessment of overdraft conditions and includes reasonable means to mitigate overdraft, if present.

(7) Whether the Plan will adversely affect the ability of an adjacent basin to implement its Plan or impede achievement of its sustainability goal.

(8) Whether coordination agreements, if required, have been adopted by all relevant parties, and satisfy the requirements of the Act and this Subchapter.

(9) Whether the Agency has the legal authority and financial resources necessary to implement the Plan.

(10) Whether the Agency has adequately responded to comments that raise credible technical or policy issues with the Plan.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10720.7, 10722.4, 10723.2, 10727, 10727.2, 10727.4, 10727.6, 10733, 10733.2, and 10733.4, Water Code.

§ 355.6. Periodic Review of Plan by Department

(a) The Department shall periodically review an approved Plan to ensure the Plan, as implemented, remains consistent with the Act and in substantial compliance with this Subchapter, and is being implemented in a manner that will likely achieve the sustainability goal for the basin.

(b) The Department shall evaluate approved Plans and issue an assessment at least every five years. The Department review shall be based on information provided in the annual reports and the periodic evaluation of the Plan prepared and submitted by the Agency.

(c) The Department shall consider the following in determining whether a Plan and its implementation remain consistent with the Act:

(1) Whether the exceedances of any minimum thresholds or failure to meet any interim milestones are likely to affect the ability of the Agency to achieve the sustainability goal for the basin

(2) Whether the Agency is implementing projects and management actions consistent with the Plan, or that the Agency has demonstrated that actions described in the Plan have been rendered unnecessary based on changing basin conditions or an improved understanding of basin conditions.

(3) Whether the Agency is addressing data gaps and reducing the levels of uncertainty identified in the Plan.

(4) Whether the Plan continues to satisfy the criteria described in Section 355.4.

(d) The Department shall issue a written assessment of the review of the Plan, which shall be posted on the Department's website. The assessment shall include a determination of the status of the Plan, as follows:

(1) Approved. The Department shall approve the implementation of a Plan that remains in conformance with the requirements of the Act and is in substantial compliance with this Subchapter, based on the criteria described in this Section.

(2) Incomplete. The Department has determined that the Plan as implemented has one or more deficiencies that preclude approval, but which may be capable of being corrected by the Agency in a timely manner. An incomplete Plan may be completed and resubmitted to the Department for evaluation as follows:

(A) The Department shall identify deficiencies in the Plan as implemented, and may recommend corrective actions to address those deficiencies.

(B) The Department may consult with the Agency to determine the amount of time needed by the Agency to propose projects or management actions to address any deficiencies, not to exceed 180 days from the date the Department issues its assessment.

(3) Inadequate. The Department shall disapprove the implementation of a Plan if the Department, after consultation with the board, determines that a Plan is inadequate in accordance with Section 355.2.

(e) The Department may request from the Agency any information the Department deems necessary to evaluate the progress toward achieving the sustainability goal and the potential for adverse effects on adjacent basins.

(f) The Department may evaluate the implementation of a Plan at any time to determine whether the Plan is consistent with the objectives of the Act and in substantial compliance with this Subchapter.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10728.2, 10733, 10733.2, 10733.4, and 10733.8, Water Code.

§ 355.8. Department Review of Annual Reports

The Department shall review annual reports as follows:

(a) The Department shall acknowledge the receipt of annual reports by written notice and post the report and related materials on the Department's website within 20 days of receipt.

(b) The Department shall provide written notice to the Agency if additional information is required.

(c) The Department shall review information contained in the annual report to determine whether the Plan is being implemented in a manner that will likely achieve the sustainability goal for the basin, pursuant to Section 355.6.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10728, 10733.2, and 10733.8, Water Code.

§ 355.10. Plan Amendments

(a) Any amendment to a Plan shall be evaluated by the Department for consistency with the requirements of the Act and of this Subchapter.

(b) An Agency may amend a Plan at any time, and submit the amended Plan to the Department for evaluation pursuant to the requirements of this Subchapter.

(c) The Department shall evaluate the amended portions of the Plan and any new information that is relevant to the amendments or other Plan elements. Portions of the Plan that have not been amended will not be evaluated unless the Department determines the proposed amendment may result in changed conditions to other areas or to other aspects of the Plan.

(d) An amendment to a Plan shall be evaluated by the Department as follows:

(1) An amended Plan that has been submitted, but not yet approved by the Department, shall be evaluated during the initial evaluation period, in accordance with Sections 355.2 and 355.4.

(2) An amended Plan that has been approved by the Department, but determined to be incomplete or inadequate as a result of a periodic assessment pursuant to Section 355.6, shall be evaluated in accordance with Sections 355.2 and 355.4.

(3) An amendment to a Plan that has been approved by the Department shall be evaluated in accordance with Section 355.6, except that if the Department does not approve the amendment, the Agency may revise and resubmit another amendment at any time, provided that the status of the Plan remains unchanged.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10728.4, 10733.2, and 10733.8, Water Code.

ARTICLE 7. Annual Reports and Periodic Evaluations by the Agency

§ 356. Introduction to Annual Reports and Periodic Evaluations by the Agency

This Article describes the procedural and substantive requirements for the annual reports and periodic evaluation of Plans prepared by an Agency.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 356.2. Annual Reports

Each Agency shall submit an annual report to the Department by April 1 of each year following the adoption of the Plan. The annual report shall include the following components for the preceding water year:

(a) General information, including an executive summary and a location map depicting the basin covered by the report.

(b) A detailed description and graphical representation of the following conditions of the basin managed in the Plan:

(1) Groundwater elevation data from monitoring wells identified in the monitoring network shall be analyzed and displayed as follows:

(A) Groundwater elevation contour maps for each principal aquifer in the basin illustrating, at a minimum, the seasonal high and seasonal low groundwater conditions.

(B) Hydrographs of groundwater elevations and water year type using historical data to the greatest extent available, including from January 1, 2015, to current reporting year.

(2) Groundwater extraction for the preceding water year. Data shall be collected using the best available measurement methods and shall be presented in a table that summarizes groundwater extractions by water use sector, and identifies the method of measurement (direct or estimate) and accuracy of measurements, and a map that illustrates the general location and volume of groundwater extractions.

(3) Surface water supply used or available for use, for groundwater recharge or in-lieu use shall be reported based on quantitative data that describes the annual volume and sources for the preceding water year.

(4) Total water use shall be collected using the best available measurement methods and shall be reported in a table that summarizes total water use by water use sector, water source type, and identifies the method of measurement (direct or estimate) and accuracy of measurements. Existing water use data from the most recent Urban Water Management Plans or Agricultural Water Management Plans within the basin may be used, as long as the data are reported by water year.

(5) Change in groundwater in storage shall include the following:

(A) Change in groundwater in storage maps for each principal aquifer in the basin.

(B) A graph depicting water year type, groundwater use, the annual change in groundwater in storage, and the cumulative change in groundwater in storage for the basin based on historical data to the greatest extent available, including from January 1, 2015, to the current reporting year.

(c) A description of progress towards implementing the Plan, including achieving interim milestones, and implementation of projects or management actions since the previous annual report.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10728, and 10733.2, Water Code.

§ 356.4. Periodic Evaluation by Agency

Each Agency shall evaluate its Plan at least every five years and whenever the Plan is amended, and provide a written assessment to the Department. The assessment shall describe whether the Plan implementation, including implementation of projects and management actions, are meeting the sustainability goal in the basin, and shall include the following:

(a) A description of current groundwater conditions for each applicable sustainability indicator relative to measurable objectives, interim milestones and minimum thresholds.

(b) A description of the implementation of any projects or management actions, and the effect on groundwater conditions resulting from those projects or management actions.

(c) Elements of the Plan, including the basin setting, management areas, or the identification of undesirable results and the setting of minimum thresholds and measurable objectives, shall be reconsidered and revisions proposed, if necessary.

(d) An evaluation of the basin setting in light of significant new information or changes in water use, and an explanation of any significant changes. If the Agency's evaluation shows that the basin is experiencing overdraft conditions, the Agency shall include an assessment of measures to mitigate that overdraft.

(e) A description of the monitoring network within the basin, including whether data gaps exist, or any areas within the basin are represented by data that does not satisfy the requirements of Sections 352.4 and 354.34(c). The description shall include the following:

(1) An assessment of monitoring network function with an analysis of data collected to date, identification of data gaps, and the actions necessary to improve the monitoring network, consistent with the requirements of Section 354.38.

(2) If the Agency identifies data gaps, the Plan shall describe a program for the acquisition of additional data sources, including an estimate of the timing of that acquisition, and for incorporation of newly obtained information into the Plan.

(3) The Plan shall prioritize the installation of new data collection facilities and analysis of new data based on the needs of the basin.

(f) A description of significant new information that has been made available since Plan adoption or amendment, or the last five-year assessment. The description shall also include whether new information warrants changes to any aspect of the Plan, including the

evaluation of the basin setting, measurable objectives, minimum thresholds, or the criteria defining undesirable results.

(g) A description of relevant actions taken by the Agency, including a summary of regulations or ordinances related to the Plan.

(h) Information describing any enforcement or legal actions taken by the Agency in furtherance of the sustainability goal for the basin.

(i) A description of completed or proposed Plan amendments.

(j) Where appropriate, a summary of coordination that occurred between multiple Agencies in a single basin, Agencies in hydrologically connected basins, and land use agencies.

(k) Other information the Agency deems appropriate, along with any information required by the Department to conduct a periodic review as required by Water Code Section 10733.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10728, 10728.2, 10733.2, and 10733.8, Water Code.

ARTICLE 8. Interagency Agreements

§ 357. Introduction to Interagency Agreements

This Article describes the requirements for coordination agreements between Agencies within a basin developed pursuant to Water Code Section 10727.6, and voluntary interbasin agreements.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 357.2. Interbasin Agreements

Two or more Agencies may enter into an agreement to establish compatible sustainability goals and understanding regarding fundamental elements of the Plans of each Agency as they relate to sustainable groundwater management. Interbasin agreements may be included in the Plan to support a finding that implementation of the Plan will not adversely affect an adjacent basin's ability to implement its Plan or impede the ability to achieve its sustainability goal. Interbasin agreements should facilitate the exchange of technical information between Agencies and include a process to resolve disputes concerning the interpretation of that information. Interbasin agreements may include any information the participating Agencies deem appropriate, such as the following:

(a) General information:

- (1) Identity of each basin participating in and covered by the terms of the agreement.
- (2) A list of the Agencies or other public agencies or other entities with groundwater management responsibilities in each basin.
- (3) A list of the Plans, Alternatives, or adjudicated areas in each basin.

(b) Technical information:

- (1) An estimate of groundwater flow across basin boundaries, including consistent and coordinated data, methods and assumptions.
- (2) An estimate of stream-aquifer interactions at boundaries.
- (3) A common understanding of the geology and hydrology of the basins and the hydraulic connectivity as it applies to the Agency's determination of groundwater flow across basin boundaries and description of the different assumptions utilized by different Plans and how the Agencies reconciled those differences.
- (4) Sustainable management criteria and a monitoring network that would confirm that no adverse impacts result from the implementation of the Plans of any party to the agreement. If minimum thresholds or measurable objectives differ substantially between basins, the agreement should specify how the Agencies will reconcile those differences and manage the basins to avoid undesirable results. The Agreement should identify the differences that the parties consider significant and include a plan and schedule to reduce uncertainties to collectively resolve those uncertainties and differences.

(c) A description of the process for identifying and resolving conflicts between Agencies that are parties to the agreement.

(d) Interbasin agreements submitted to the Department shall be posted on the Department's website.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727.2, 10733, and 10733.2, Water Code.

§ 357.4. Coordination Agreements

(a) Agencies intending to develop and implement multiple Plans pursuant to Water Code Section 10727(b)(3) shall enter into a coordination agreement to ensure that the Plans are developed and implemented utilizing the same data and methodologies, and that elements of the Plans necessary to achieve the sustainability goal for the basin are based upon consistent interpretations of the basin setting.

(b) Coordination agreements shall describe the following:

(1) A point of contact with the Department.

(2) The responsibilities of each Agency for meeting the terms of the agreement, the procedures for the timely exchange of information between Agencies, and procedures for resolving conflicts between Agencies.

(3) How the Agencies have used the same data and methodologies for assumptions described in Water Code Section 10727.6 to prepare coordinated Plans, including the following:

(A) Groundwater elevation data, supported by the quality, frequency, and spatial distribution of data in the monitoring network and the monitoring objectives as described in Subarticle 4 of Article 5.

(B) A coordinated water budget for the basin, as described in Section 354.18, including groundwater extraction data, surface water supply, total water use, and change in groundwater in storage.

(C) Sustainable yield for the basin, supported by a description of the undesirable results for the basin, and an explanation of how the minimum thresholds and measureable objectives defined by each Plan relate to those undesirable results, based on information described in the basin setting.

(c) The coordination agreement shall explain how the Plans implemented together, satisfy the requirements of the Act and are in substantial compliance with this Subchapter

(d) The coordination agreement shall describe a process for submitting all Plans, Plan amendments, supporting information, all monitoring data and other pertinent information, along with annual reports and periodic evaluations.

(e) The coordination agreement shall describe a coordinated data management system for the basin, as described in Section 352.6.

(f) Coordination agreements shall identify adjudicated areas within the basin, and any local agencies that have adopted an Alternative that has been accepted by the Department. If an Agency forms in a basin managed by an Alternative, the Agency shall evaluate the

agreement with the Alternative prepared pursuant to Section 358.2 and determine whether it satisfies the requirements of this Section.

(g) The coordination agreement shall be submitted to the Department together with the Plans for the basin and, if approved, shall become part of the Plan for each participating Agency.

(h) The Department shall evaluate a coordination agreement for compliance with the procedural and technical requirements of this Section, to ensure that the agreement is binding on all parties, and that provisions of the agreement are sufficient to address any disputes between or among parties to the agreement.

(i) Coordination agreements shall be reviewed as part of the five-year assessment, revised as necessary, dated, and signed by all parties.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10721, 10727.2, 10727.6, 10733, 10733.2, 10733.4, and 10733.8, Water Code.

ARTICLE 9. Alternatives

§ 358. Introduction to Alternatives

This Article describes the methodology and criteria for the submission and evaluation of Alternatives.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Section 10733.2, Water Code.

§ 358.2. Alternatives to Groundwater Sustainability Plans

(a) The entity that submits an Alternative shall demonstrate that the Alternative applies to the entire basin and satisfies the requirements of Water Code Section 10733.6.

(b) An Alternative shall be submitted to the Department by January 1, 2017, and every five years thereafter. A local agency or party directed by a court that submits an Alternative based on an adjudication action described in Water Code Section 10737.4 may submit the adjudication action to the Department for evaluation after January 1, 2017.

(c) An Alternative submitted to the Department shall include the following information:

(1) An Alternative submitted pursuant to Water Code Section 10733.6(b)(1) shall include a copy of the groundwater management plan.

(2) An Alternative submitted pursuant to Water Code Section 10733.6(b)(2) that is not an adjudicated area described in Water Code Section 10720.8 shall include the following:

(A) Information demonstrating that the adjudication submitted to the Department as an Alternative is a comprehensive adjudication as defined by Chapter 7 of Title 10 of Part 2 of the Code of Civil Procedure (commencing with Section 830).

(B) A copy of the proposed stipulated judgment.

(3) An Alternative submitted pursuant to Water Code Section 10733.6(b)(3) shall provide information that demonstrates the basin has operated within its sustainable yield over a period of at least 10 years. Data submitted in support of this Alternative shall include continuous data from the end of that 10-year period to current conditions.

(d) The entity submitting an Alternative shall explain how the elements of the Alternative are functionally equivalent to the elements of a Plan required by Articles 5 and 7 of this Subchapter and are sufficient to demonstrate the ability of the Alternative to achieve the objectives of the Act.

(e) After an Alternative has been approved by the Department, if one or more Plans are adopted within the basin, the Alternative shall be revised, as necessary, to reflect any changes that may have resulted from adoption of the Plan, and the local agency responsible for the Alternative and Agency responsible for the Plan shall enter into an agreement that satisfies the requirements of Section 357.4.

(f) Any person may provide comments to the Department regarding an Alternative in a manner consistent with Section 353.8.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10727, 10727.2, 10733, 10733.2, 10733.6, 10733.8, and 10737.4, Water Code.

§ 358.4. Department Evaluation of Alternatives

The Department shall evaluate an Alternative submitted in lieu of a Plan as follows:

(a) An Alternative must satisfy all of the following conditions:

(1) The Alternative was submitted within the statutory period established by Water Code Section 10733.6, if applicable.

(2) The Alternative is within a basin that is in compliance with Part 2.11 of Water Code (commencing with Section 10920), or as amended.

(3) The Alternative is complete and includes the information required by the Act and this Subchapter.

(4) The Alternative covers the entire basin.

(b) The Department shall evaluate an Alternative that satisfies the requirements of Subsection (a) in accordance with Sections 355.2, 355.4(b), and Section 355.6, as applicable, to determine whether the Alternative complies with the objectives of the Act.

Note: Authority cited: Section 10733.2, Water Code.

Reference: Sections 10733.2, 10733.6, and 10733.8, Water Code.

California's Sustainable Groundwater Management Act (SGMA): Understanding the Law



The California Farm Bureau Federation developed this resource for farmers and landowners to help you understand why SGMA is important and how you can be involved.

SGMA requires formation of local agencies to develop new plans, called Groundwater Sustainability Plans or GSPs, to address and prevent problems in groundwater basins in most areas of the state. Signed into law in September 2014, SGMA focuses on protecting California's groundwater for generations to come.

How can I get involved?
How will it affect me?
Why do we have SGMA?
Where does it apply?

The Road to Sustainability

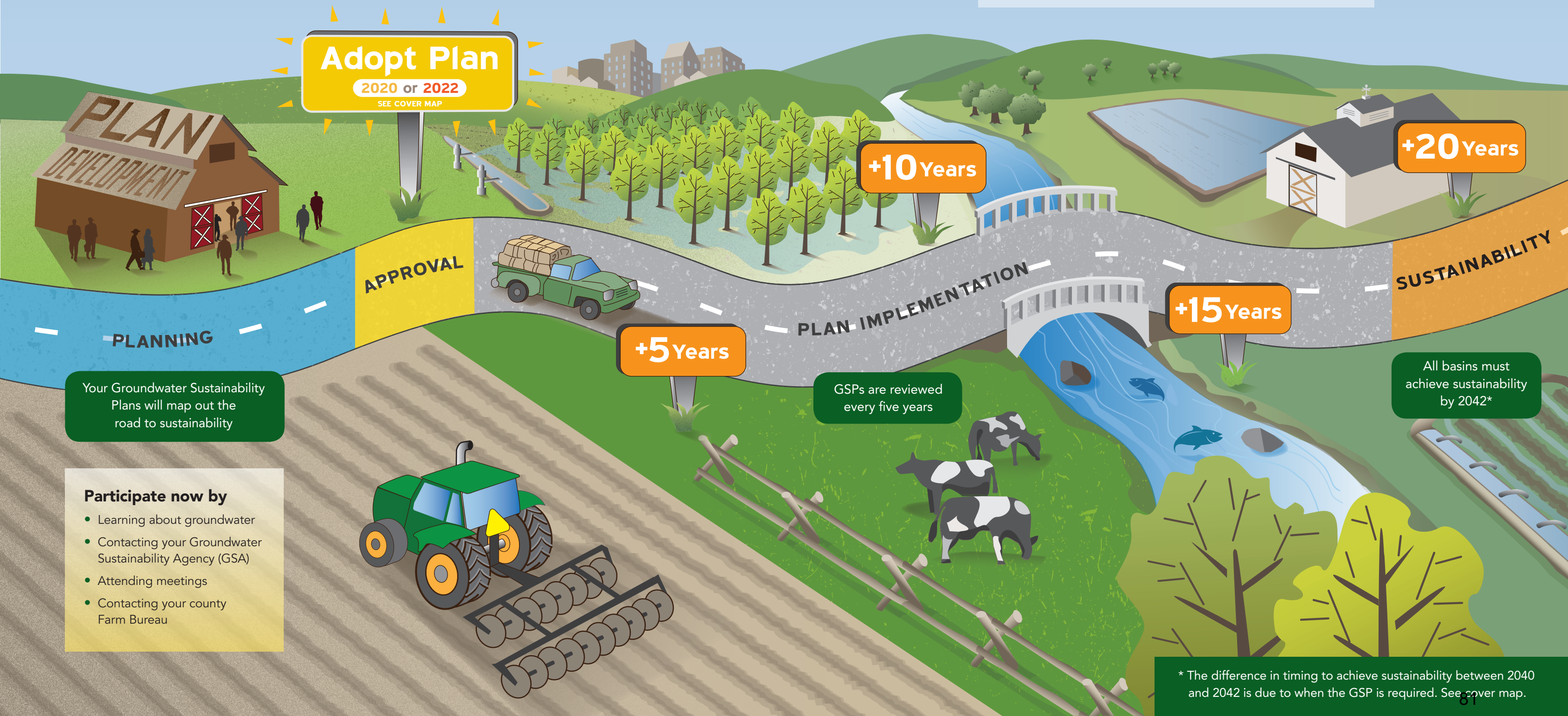
Learn and Engage!

Participate now to represent your interest. SGMA stresses local group formation, local plans and local management.

SGMA plans will reflect local conditions and can include local solutions. Once approved by the state, your local plan represents a commitment to future actions.

Let's be clear:

- SGMA will affect your groundwater pumping
- SGMA establishes new responsibilities to share groundwater
- SGMA will change how we use land and water
- SGMA does not change water rights

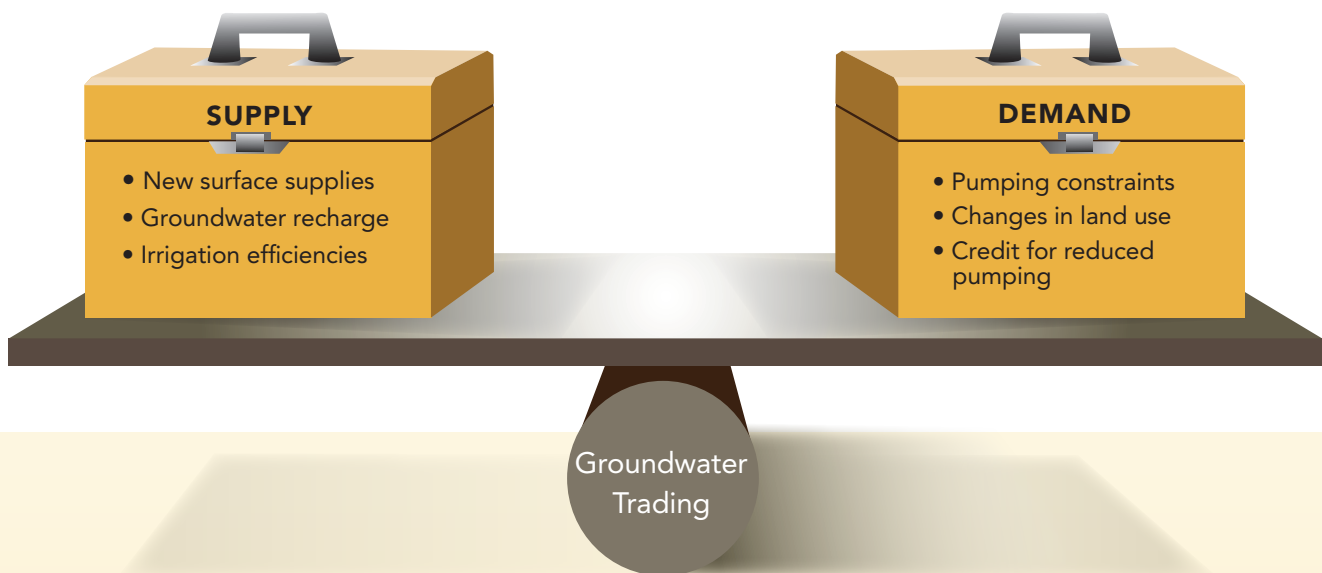


Opportunities and Challenges on the Road to Sustainability

GSP development and implementation will be a balancing act — among different interests, between water supply and water demand, and among beneficial uses. This is your opportunity to be involved, to ensure your interests are considered.

The primary tools your Groundwater Sustainability Agencies (GSA) have in the development of your GSP will be measures to either manage demand or manage supply.

Some tools to balance groundwater supply and demand



Groundwater Sustainability Plans (GSPs) will:

- Describe the basin
- Develop a water budget
- Set groundwater management standards and objectives
- Identify actions and projects to meet those standards and objectives
- Establish a monitoring program to measure success

GSPs will be geared to improvements over 20 years; plans will be reviewed every five years.

Groundwater Sustainability Agency (GSA) authorities:

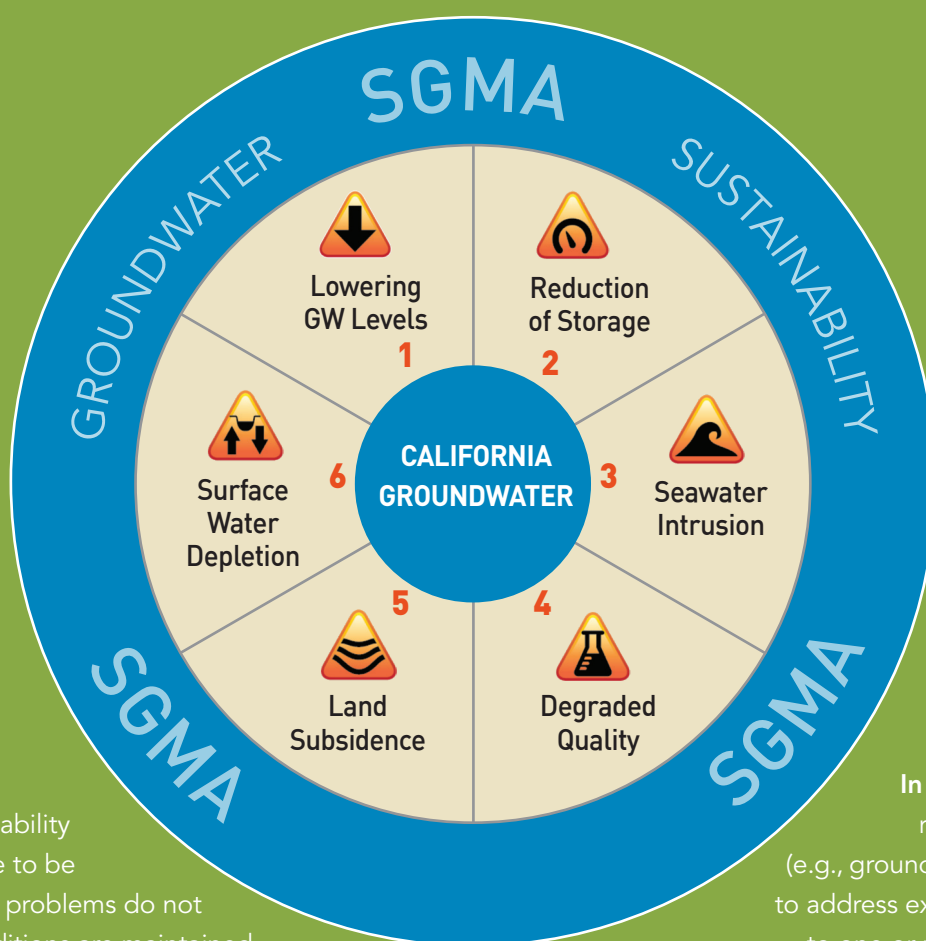
- Regulate pumping
- Require measurement and reporting of groundwater use
- Charge fees
- Enforce the GSP

GSAs will have the power to manage both supply and demand to meet objectives developed in the GSP.

Why SGMA?

California groundwater is an essential resource — we need it for farms, cities and other uses, today and tomorrow. SGMA seeks to ensure reliable groundwater supplies in the future through long-term groundwater management across California. The law creates a statewide process intended to protect future groundwater availability.

SGMA focuses on managing these six undesirable results



In some regions, Groundwater Sustainability Plans (GSPs) will have to be developed to ensure problems do not occur and good conditions are maintained over the next 20 years.

In other regions, GSPs will require significant actions (e.g., groundwater recharge projects) to address existing challenges related to one or more of the “undesirable results,” shown above.

SGMA encourages local communities to work together to develop effective GSPs, and encourages neighboring basins to find common, acceptable solutions. Basins not managed locally will have plans written and implemented by the State Water Resources Control Board.

Terms to know

- **Adjudicated Areas:** Where disputes over legal rights to groundwater have resulted in a court-issued ruling (known as an adjudication). Adjudications can cover an entire basin, a portion of a basin, or a group of basins.
- **Basin Prioritization:** Classification of California's 517 groundwater basins and subbasins into priorities based primarily on the importance of groundwater to the area. The priority of basins and subbasins determines the schedule for completing GSPs and whether SGMA provisions apply in a given basin. High- and medium-priority basins must comply with SGMA.
- **Best Management Practices (BMPs):** Practices designed to help achieve sustainable groundwater management. BMPs are intended to be effective, practical, and based on best available science.
- **Bulletin 118:** A California Department of Water Resources (DWR) document outlining the locations and characteristics of groundwater basins in California.
- **Critically Overdrafted:** Basins and subbasins identified by DWR to be subject to conditions of critical overdraft. GSPs are due in 2020.
- **Groundwater Sustainability Agency (GSA):** One or more local agencies that implement the provisions of SGMA.
- **Groundwater Sustainability Plan (GSP):** A local plan proposed by a GSA and approved by the state.
- **Measurable Objectives:** Conditions linked to the sustainability goals of the GSP, to be achieved in the basin within 20 years.
- **Sustainability Goals:** Metrics established in the GSP planning process to ensure that a basin is operated within its sustainable yield.
- **Sustainable Yield:** The amount of water that can be extracted from a basin without causing problems to the groundwater basin. See undesirable results on "Why SGMA?" page.
- **Undesirable Results:** The problems that SGMA strives to solve or prevent. See undesirable results on "Why SGMA?" page.
- **Water Budget:** An estimated accounting of all the water (surface and groundwater) that flows into and out of a basin.

To learn more

Department of Water Resources
SGMA portal at:
sgma.water.ca.gov/portal

Groundwater Exchange
groundwaterexchange.org

California Farm
Bureau Federation
www.cfbf.com

Getting Involved in Groundwater

A Guide to California's Groundwater Sustainability Plans



This guide is designed to help you get involved in developing a local groundwater sustainability plan, a requirement of California’s Sustainable Groundwater Management Act.

Using this guide and *online toolkit*, a diverse range of people can equip themselves to effectively participate in shaping the vision and plan for their community around maintaining groundwater supplies. While technical expertise is a critical element of developing a successful groundwater sustainability plan, the community, with clarity around its values and goals, must lead the way.

Community members and other interested people are needed to actively participate in groundwater sustainability planning. The law specifically calls for the engagement of diverse voices, and your involvement will help produce the strongest plan. This guide explains what’s at stake, shows you several entry points into the process, and suggests important questions to ask your Groundwater Sustainability Agency board members, technical experts, and others as you work toward a groundwater sustainability plan rooted in your community’s values.

For Groundwater Sustainability Agency board members and advisory committee members, this document offers guidance for designing groundwater sustainability plans with community participation in mind. Since individual groundwater basins have different needs, this guide does not aim to be a comprehensive manual. Rather, it provides some critical questions to ask other advisory committee members and board members, stakeholders, and the technical experts with whom you’ll likely be collaborating.

This guide can also help **scientists, technical experts, and consultants** understand the interplay between technical information, community values, and perceived problems and/or benefits that will guide the definition of sustainability in a groundwater sustainability plan.

Recognizing the critical need for, and the value of, effective engagement in groundwater sustainability plans, the Union of Concerned Scientists (UCS) created this guide to provide information and tools for developing community-driven, science-based plans. This guide will help you to answer the following questions:

- **What is a groundwater sustainability plan?**
- **What are the groundwater conditions in your basin?**
- **How are groundwater sustainability goals defined?**
- **How can I engage in groundwater sustainability planning?**
- **How may water budgets and models inform your plan?**
- **What is the role of technical experts in creating a plan that’s based on community values and goals?**

These questions will be answered in color-coded sections, making it easy to flip to sections of the guide that most interest you and find them again later. Throughout, terms are bolded and defined when first used, and you’ll find a glossary on the last page.

For additional resources, exercises, and tools to deepen your understanding, or to get more information—including referrals to experts who can help answer any technical questions—visit the UCS website at www.ucsusa.org/CAGroundwatertoolkit.

An Introduction to the Sustainable Groundwater Management Act

In California, groundwater—the water found underground in the cracks and spaces in soil, sand, and rock—has long served as a “savings account” for our water supply.

In dry years, Californians rely on the water in underground **aquifers** (the layer of rock and sand that is saturated with water) more heavily. In wet years when there is ample **surface water** (rivers, lakes, and streams), the account replenishes, though this can take multiple wet years. During the state’s most recent drought, more than 60 percent of our water use was supplied from underground sources, leading to declining groundwater levels in many areas. The Sustainable Groundwater Management Act (SGMA) was passed to correct our course from a race to the bottom of the aquifer to a sustainable path that we can refine over the coming decades.

The new local groundwater sustainability agencies (GSAs) must achieve sustainability by 2040 (or 2042 for lower-priority basins). Yet, there is no technical definition for sustainability—communities will define sustainability themselves. GSAs, in consultation with diverse stakeholders, will decide how much damage is acceptable and, conversely, how much repair is desired. Thus, while sustainable groundwater management has many technical aspects, determining what sustainability means at the local level is both technical and social. Sustainability will be defined by the range of community members who come forward to help develop a vision for the future. Everyone can be involved in this process, and those who engage early and often will have a greater influence over defining what sustainability means locally.

You should consider getting involved in groundwater planning if you care about one or more of the following:

- The quality of the water you drink
- Local property values
- The number of wells that have gone dry or may go dry
- The cost to drill a new well
- The amount you can pump from a well
- The health of plants and animals, especially those dependent on groundwater

What Is a Groundwater Sustainability Plan?

The Sustainable Groundwater Management Act requires that each **basin**—an aquifer or system of aquifers with reasonably well-defined boundaries—develop its own groundwater sustainability plan (GSP) to be evaluated and approved by the California Department of Water Resources. A GSP is a blueprint for the community’s vision of future land and water use that preserves groundwater quantity and quality, and must contain four main components: 1) a description of the plan area and groundwater basin setting (including an assessment of current and future groundwater conditions and a water budget); 2) **the sustainability goal**, which must avoid all six **undesirable results** (see next page), such as excessive reduction of groundwater storage or contamination with saltwater; 3) projects and management actions that will achieve the community’s sustainability goal; and 4) a monitoring plan that will measure progress over time.

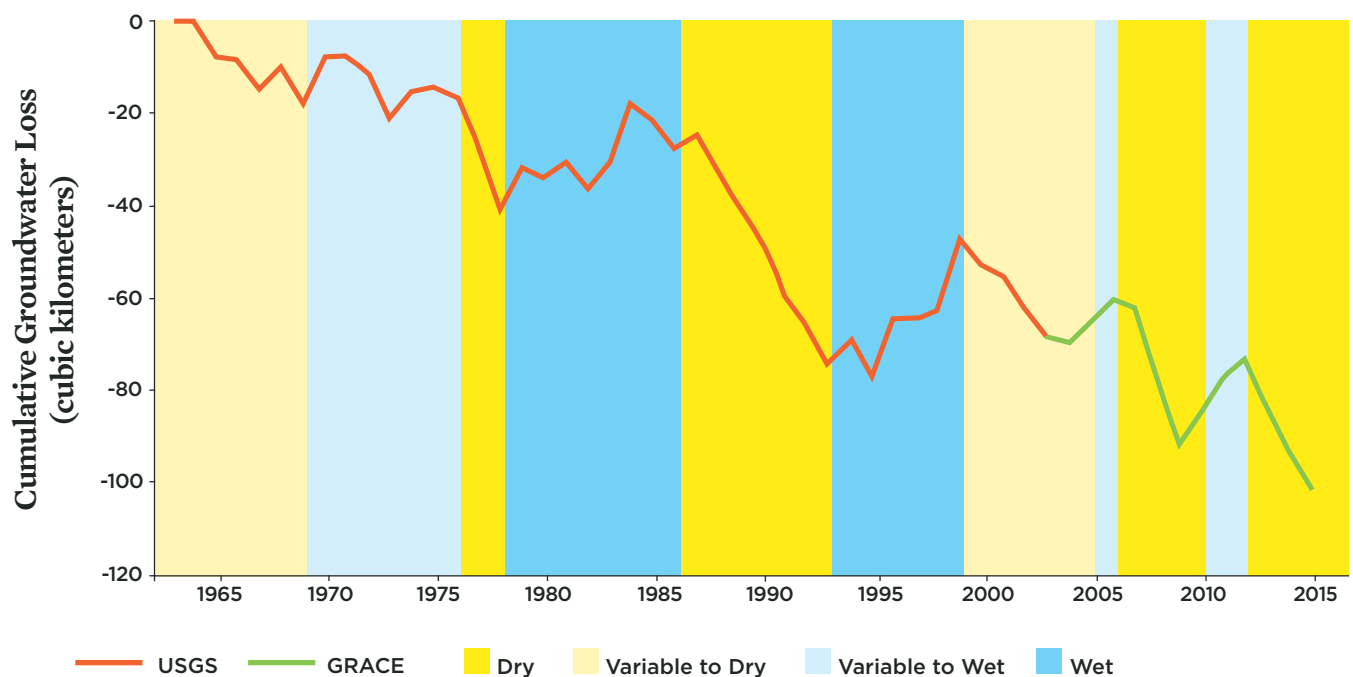
Understanding the Groundwater Conditions in Your Basin

Understanding the current groundwater conditions in your basin will help you to collaborate to create the best sustainability plan. In California, there are currently 515 groundwater basins or subbasins. While some basins' boundaries follow city or county lines, most boundaries are based on the hydrogeology of the area. A groundwater basin is typically bound on all sides by features that affect the water's flow, such as impermeable rock, a seismic fault, or the ocean.

Undesirable Results

California's groundwater basins are vulnerable to six types of undesirable results (explained in Figures 1–6), which the sustainability plan aims to avoid. You will want to know whether your basin is currently experiencing any of these undesirable results or if it's likely that it could in the future.

FIGURE 1. Significant and Unreasonable Reduction of Groundwater Storage

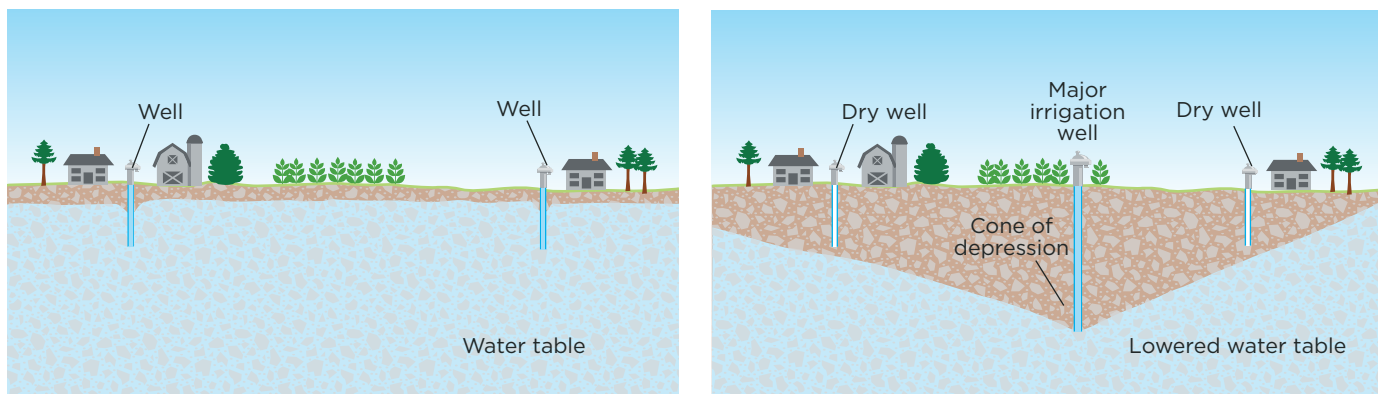


During the drought from 2012 to 2016, California got 60 percent of its water supply from groundwater. However, this drought only compounded an old problem: consistent **overdraft** of groundwater—when more is taken out than is replaced—has been occurring in California's Central Valley over the last 50 years. Drawing down our groundwater storage puts natural areas and communities at great risk. During the drought, many residents' wells dried up. Reduction of groundwater could mean that there may not be enough groundwater during dry times to meet our needs, or it may become more difficult to access.

Note: The red line shows data from groundwater model simulations calibrated by the US Geological Survey (USGS) from 1962 to 2003. The green line shows Gravity Recovery and Climate Experiment (GRACE) satellite-based estimates of groundwater storage losses. Background colors represent different water years.

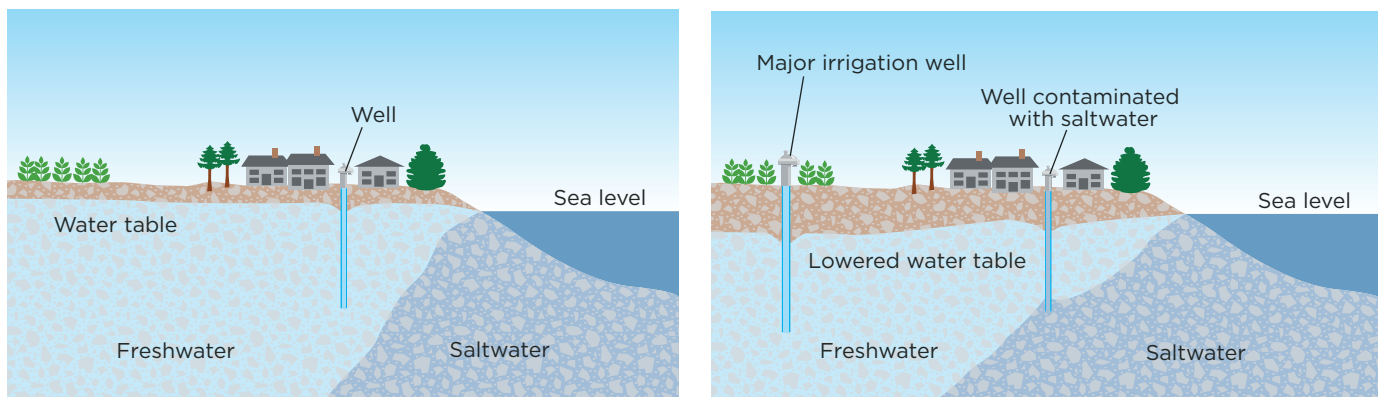
SOURCE: ADAPTED FROM FAMIGLIETTI ET AL. 2014.

FIGURE 2. Significant and Unreasonable Lowering of Groundwater Levels



Regardless of your basin's total volume, the level—its distance from the surface—matters, too. Groundwater is often available to those with the deepest well. With deeper and deeper wells going in, shallower drinking water wells are drying up. While this is related, of course, to the reduction in overall quantity of water, it may also be caused or exacerbated locally by a **cone of depression** (a lowering of the water table that develops around pumped wells), shown above. If your neighbor puts in a deep well next door, that's going to have a bigger impact on your well than if someone at a distance across the basin does.

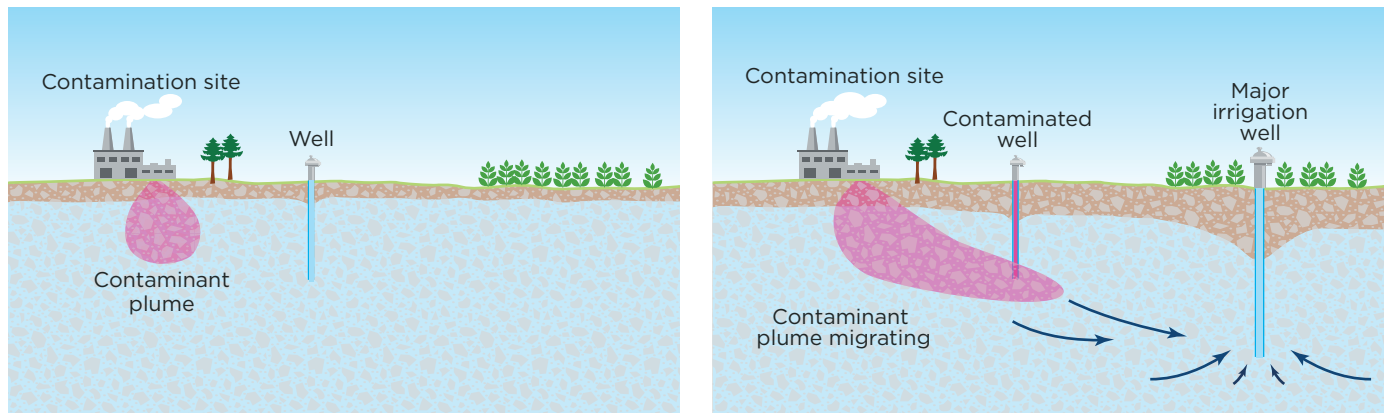
FIGURE 3. Significant and Unreasonable Seawater Intrusion



Freshwater is less dense than saltwater, and therefore floats on top of saltwater in an aquifer. When freshwater is pumped out of the aquifer, its weight on the saltwater is diminished, letting the saltwater rise and flow toward the source of the pumping. This can result in **saltwater intrusion** into drinking water and agricultural water supplies.

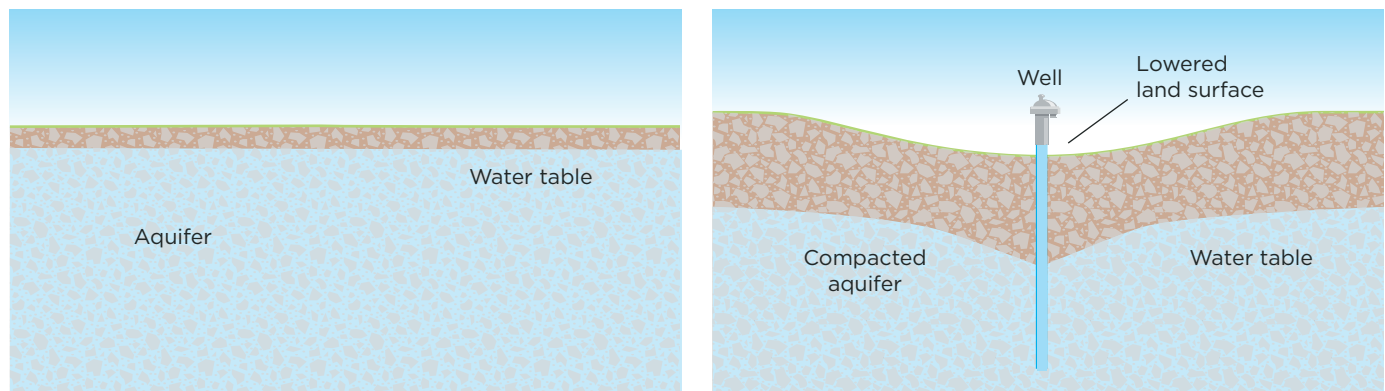
[Deep wells, such as major irrigation wells, can have adverse effects on neighboring shallower wells, causing them to run dry or become contaminated.]

FIGURE 4. Significant and Unreasonable Degraded Water Quality



Contaminant plumes are a mixture of waste chemicals and groundwater that exist in the aquifer near the sites where they are produced. Groundwater pumping can pull a plume from its current location toward nearby wells, putting them at risk of contamination.

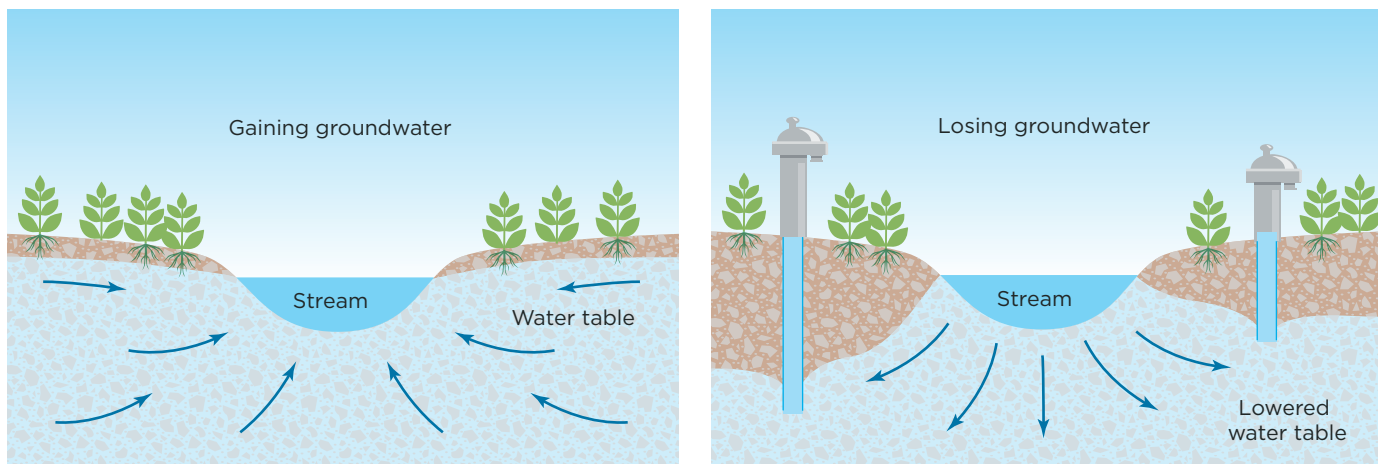
FIGURE 5. Significant and Unreasonable Land Subsidence



Chronic overdraft of an aquifer can lead to major problems by causing **land subsidence**, the settling or sinking of land. The rapid rate at which land is sinking in California puts infrastructure such as canals, pipelines, roads, and buildings at risk. This land loss is often irreversible. Recent US Geological Survey data show extraordinary land subsidence in the Central Valley, cracking a major water delivery canal and threatening to make it unusable (Sneed, Brandt, and Solt 2013).

Overdrafting water can cause the land around a well to become unstable and sink, a condition that is often irreversible.

FIGURE 6. Significant and Unreasonable Depletions of Interconnected Surface Water



Surface water, such as rivers and streams, and groundwater are interconnected. Groundwater and rivers and streams can actively feed one another, as seen in Figure 6. In fact, the primary source of many streams in the United States is groundwater. Surface water supplies can gain or lose groundwater, depending on the elevation of the water table below. The pumping of groundwater from an aquifer can deplete the supply that would otherwise feed a stream or other surface water, and can turn a “gaining stream” into a “losing stream.” By affecting the quantity of water exchanged between the two bodies, pumping can affect the quality of the water and the transport of contaminants between them.

CRITICAL QUESTIONS

- **What are the biggest groundwater challenges in our groundwater basin? Which undesirable results are already occurring, and to what extent are they problematic in the eyes of the community?**
 - For many basins, there are obvious signs that groundwater is not being managed sustainably, like subsidence, dry wells, or poor water quality. Identifying these as priorities early on will guide the community’s process to address them more completely.
- **Are the basin’s boundaries physical or are they drawn along city or county lines?**
 - If there is no physical boundary but rather a human-designed one, people in neighboring basins will need to agree on how to characterize their share of the shared groundwater resource.
- **Where do undesirable results occur and who are they affecting?**
 - Are the impacts of undesirable results well understood? There may be more work needed to accurately characterize the extent of the problems before your community can define its sustainability goals.
- **Do future projections for the undesirable results affecting your basin account for changing conditions, including population growth, land use change, and climate change?**
 - These factors can change water demand immensely and are critical to account for in the planning process. Previous plans and policies, such as your county’s general plans and integrated regional water management plans, may include projections of this sort.

Defining Your Basin's Sustainability Goals

A sustainable groundwater basin is one operating within its **sustainable yield**—the maximum quantity of water that can be withdrawn without causing an undesirable result. Therefore, achieving sustainability means avoiding undesirable results, and each basin must define specific sustainability goals to that end.

Sustainability Is (Mostly) Subjective

As previously mentioned, there is no technical definition for sustainability. It is not simply the presence or absence of a result like land subsidence that is in itself undesirable; rather, it is the extent to which the result is undesirable. For each undesirable result, the local community will decide *how much* damage is acceptable, or conversely, *how much* repair is desired. Despite the flexibility around local sustainability goals, there are a couple of clear boundaries that limit the interpretation of sustainability. The California Water Code, first, says that one basin's definition of sustainability cannot threaten others' ability to achieve their sustainability goals (Section 10733(c)), and, second, indicates that both continued overdraft and significant depletion of interconnected surface waters are unacceptable long-term strategies (Section 10735.2(a)(5)).

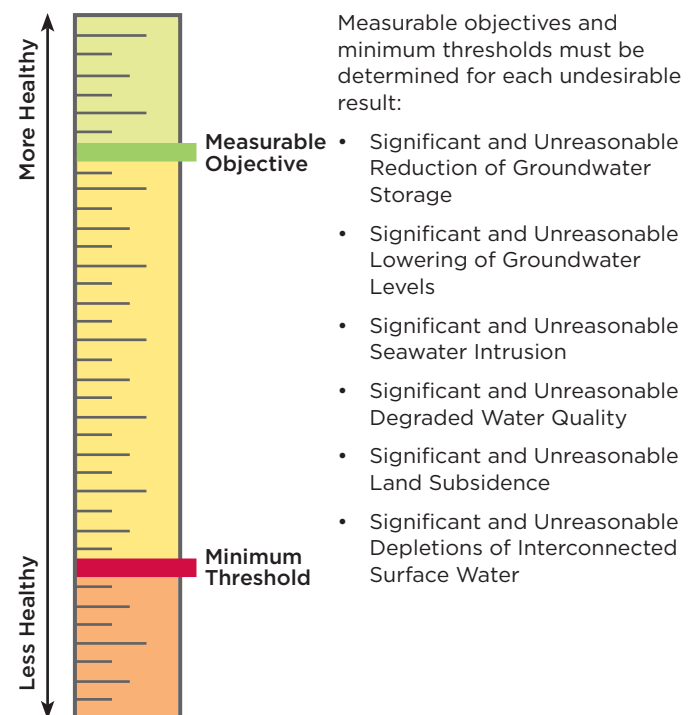
Minimum Thresholds and Measurable Objectives

While there are several components of sustainability, here we focus on the concept of **minimum thresholds**, or failure points—numeric values that basins will use to define undesirable results. Minimum thresholds may vary across time and space.

An example of a minimum threshold varying in time is a groundwater level threshold that is lower in the summer than the winter. A minimum threshold varying across space could be land subsidence that threatens major public infrastructure, but only in populated areas of the basin. In this basin, the minimum threshold for subsidence will likely be more conservative in the populated areas than unpopulated areas.

Once a GSA has set minimum thresholds, it will need quantitative measures of success. **Measurable objectives** are more forward-looking goals that may not be achieved until 2040 (2042 for lower-priority basins). Here, then, we focus on minimum thresholds and refer you to our previous publication *Measuring What Matters: Setting Measurable Objectives to Achieve Sustainable Groundwater Management* by J. Christian-Smith and K. Abhold (2015) via www.ucsusa.org/CAGroundwaterToolkit, if you are interested in learning more about measurable objectives, specifically.

FIGURE 7. Setting Goals for Undesirable Results



For each of the undesirable results, the GSA must establish a measurable objective, or goal, and a minimum threshold, or lowest acceptable measurement. The measurable objectives and minimum thresholds for each result are interrelated, and determining them is a complex process.

CRITICAL QUESTIONS

- **Does the minimum threshold exceed an existing federal, state, or local standard?**
 - Where there are existing standards, these standards have the force of law and cannot be weakened by SGMA. (See the *online toolkit*, which summarizes existing policies and case law related to each undesirable result.) In some cases, standards and regulatory processes may exist that can guide your basin's threshold-setting process.
- **Was the threshold developed through a transparent public process?**
 - SGMA has numerous procedural requirements to ensure that the public can participate in decisions. Were these requirements followed?
 - SGMA requires the active engagement of diverse stakeholders. How were their views and concerns incorporated into your basin's planning process?
- **Does the threshold violate the threshold of neighboring basins?**
 - Neighboring basins can affect each other's groundwater balances. The law states that a GSP may be found inadequate if it adversely affects a neighbor's ability to comply. Therefore, it is important to understand how your basin's management may affect neighboring basins.
- **Does the threshold allow negative impacts to continue or worsen?**
 - For example, minimum thresholds may allow lowering groundwater levels, land subsidence, and seawater intrusion to continue or even worsen. In such cases, who or what would be affected? A **vulnerability analysis**, which looks at who and what will be affected by certain threats, may be needed to answer this question.
- Are the negative impacts reversible?
- Is it possible to mitigate these negative impacts through an agreement with the affected communities? For example, if groundwater levels continue to drop and dry out drinking water wells, is there a plan to provide alternate water sources?
- **For any of the proposed management actions, are levels of uncertainty particularly high?**
 - Any long-term planning process inherently involves uncertainty, and it is critical that such uncertainty be acknowledged. In cases in which there are few data points, a long time lag between an action and its consequence, or little ability to forecast future conditions, it is wise to develop more conservative thresholds.
- **Does a given threshold conflict with thresholds for other undesirable results?**
 - Undesirable results interact with each other; therefore, after thresholds are chosen for each undesirable result, it will be critical to ensure that none of the thresholds have negative effects on the others. For instance, the threshold for chronic overdraft of an aquifer may allow seasonal fluctuations in groundwater levels dramatic enough to increase land subsidence during certain times of the year.
- **How will we know when we have crossed a minimum threshold?**
 - Before finalizing a threshold, make sure that the monitoring network has the necessary accuracy and speed. It needs to provide measurements with enough accuracy to alert you when you are approaching a threshold and do so without undue delay, enabling you to take appropriate management actions in time.

Engaging in Your Groundwater Sustainability Plan Process

The new law is important not only because it is the first statewide requirement for groundwater management, but also because it includes unprecedented requirements for stakeholder engagement in water planning. GSAs are required to encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin (see the *online toolkit* for a list of engagement requirements).

Every GSA must develop a list of interested parties to contact regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other documents. In addition, the GSA must explain how it will take into account these parties' interests and those of all beneficial uses and users of groundwater. Figure 8 includes a list of parties who should be involved according to the law.

There are several entry points into the planning process depending on your interests and concerns. Engage early and often! Here are some prime opportunities:

- **Put your name on the “interested parties” list.** Contact your GSA and be added to its list, and you will receive information about meetings and the planning process.
- **Attend public meetings.** GSAs are required to hold public meetings that offer time for community members to share their questions, perspectives, and concerns. Public meetings are one opportunity to ask the “critical questions” suggested throughout this guide. Don’t be shy; your questions will help to shape the process. Make sure the answers you receive are understandable.



Getting engaged often starts with learning more about your groundwater basin, as these community members are doing. Check out the online version of this toolkit for more learning and technical assistance resources.

FIGURE 8. Whose Interests Must Be Considered in Groundwater Sustainability Planning?



Kelly M. Grow/California DWR

Interested parties include:

- General public
- Agricultural users
- Domestic well owners
- Municipal well operators
- Public water systems
- Local land-use planning agencies
- Environmental interests
- Surface water users
- The federal government
- California Native American tribes
- Disadvantaged communities

There are many groups whose interests must be considered in order to create an effective and equitable groundwater sustainability plan that qualifies for state approval. Everyone has an opportunity to engage, but at varying levels, including as board members, committee members, or audience members. Take a look around your GSA meetings and take note of how different groups are being represented.

- **Chime in during public comment periods.** Public comment periods will be opened after a GSP has been submitted to the state. Here you'll have an opportunity to describe how your critical questions were addressed (or ignored) and provide additional feedback.
- **Take part in the five-year updates.** At least every five years, GSAs must update their plans. These updates will offer many of the same opportunities for your involvement.
- **Join the groundwater sustainability agency's board.** Among many other responsibilities, GSA board members will vote whether to approve a GSP for submission to the state.
 - Even if you are not on the GSA board, you may want to engage with board members to discuss your interests and concerns.
- **Join an advisory committee.** Advisory committees, such as technical advisory committees or stakeholder outreach committees, may be consulted in the development of GSPs.

Process for Adopting a GSP

There is a three-step process for GSP approval:

1. The plan must be approved by the GSA board at a public meeting. This is required to follow an open process, which includes public meetings, comment periods, and stakeholder outreach.
2. The plan must be submitted to the California Department of Water Resources. The deadline for submitting a plan in **critically overdrafted basins** is January 31, 2020, and for medium and high-priority basins is January 31, 2022 (see Department of Water Resources Bulletin 118 via www.ucsusa.org/CAGroundwaterToolkit for more information about basin boundaries and characteristics), after which they will be posted online and available for public comment. The department has up to two years to evaluate each plan and the public comments in order to determine whether the plan is: 1) adequate, 2) conditionally adequate (has minor deficiencies that may be corrected within 180 days), or 3) inadequate.

3. If the plan is found to be inadequate, the State Water Resources Control Board may categorize the groundwater basin as “probationary,” which would allow the State Water Resources Control Board to take over the responsibility of developing a GSP for the groundwater basin, collect fees to that end, and enforce management actions.

Plans will be evaluated by the state every five years to assess progress and recommend corrective actions up to and including state takeover of the management and planning of the basin.

CRITICAL QUESTIONS

- **How many GSAs are in your groundwater basin? Are they coordinating, and how?**
 - For examples of different approaches to forming GSAs, see the Water Education Foundation publication *Know Your Options: A Guide to Forming Groundwater Sustainability Agencies* by V. Kincaid and R. Stager (2016) and the California Department of Water Resources publication *Groundwater Sustainability Plan Emergency Regulations Guide* (2016), both available via www.ucsusa.org/CAGroundwatertoolkit.
- **What are the neighboring basins? Are they coordinating, and how?**
 - For information about GSA formation in neighboring basins see *To Consolidate or Coordinate: Status of the Formation of Groundwater Sustainability Agencies in California* by E. Conrad et al. (2016), via www.ucsusa.org/CAGroundwatertoolkit.
- **What is your GSA’s governance structure and voting process?**
 - Who are the members of your GSA?
 - Who has voting power?
 - How are votes weighted, and what threshold is needed to pass different types of resolutions?
- **When and where do the GSA board and advisory committees meet?**
 - Check out the Department of Water Resources’ SGMA portal for your GSA’s point of contact, who can give you more information: <http://sgma.water.ca.gov/portal/#GSA>.
- **Who is involved in the GSP planning process?**
 - While the GSA board ultimately votes on the plan, many people may be involved through other channels, such as serving on advisory committees, providing public comment, meeting with board members and other stakeholders, and engaging in other ways. Which interests in Figure 8 are well represented? Which interests are missing? In what ways are different interests participating?
 - How will the concerns of interested parties and groundwater users be considered, as required by the law? You may want to ask about the process for documenting and addressing concerns raised in public comment, for example.
- **What plans and concerns already exist within your basin boundaries that precede and may affect the GSP?**
 - Existing plans and policies may include county general plans, integrated regional water management plans, and previous groundwater plans.
- **What resources are available to support your basin’s planning process? Are there facilitation services?**
 - The Department of Water Resources makes facilitation services and money for this process available through its website: www.water.ca.gov/groundwater/sgm/facilitation_services.cfm.

Understanding Water Budgets and Models

Water budgets and models are tools that will help you understand your basin's groundwater conditions, set sustainability goals, implement your plan, and measure progress.

Water Budgets

The **water budget** is a critical element of a GSP. Water budgets track a variety of important pieces of information and can be used to help estimate a groundwater basin's sustainable yield, the amount of water that can be drawn out without causing an undesirable result. This section does not review any specific water budget, but will help you understand what a water budget can and cannot tell you, the degree of certainty associated with the data, and how a water budget can help you choose potential management actions.

A water budget is like a household budget. It accounts for all the water that enters and leaves your groundwater basin, by category. Your sources of income are **inflows** and your expenses are **outflows** (quantified in **acre-feet**, or the amount of water it takes to cover one acre of land one foot deep, which equals 43,560 cubic feet). Just as your household budget categories may differ from those of your friends, there are many ways to characterize the inflows and outflows in a water budget. (Check out the *online toolkit* for a list of commonly used water budget terms.)

Safe Yield vs. Sustainable Yield

It is important to distinguish between safe yield and sustainable yield: GSAs are tasked with determining their sustainable yield. **Safe yield** simply ensures that inflows are equal to or greater than outflows, avoiding a reduction in groundwater storage. Sustainable yield, on the other hand, is the amount of pumping you can have without causing *any* of the six undesirable results, not just a reduction in groundwater storage. To go back to our budget analogy, you could attain safe yield by not spending more than your income, but if you can't afford rent on that

BOX 1.

Capabilities and Limitations of Water Budgets

A water budget is useful for understanding information about a whole basin, but undesirable results can be localized to just one part of a basin.

Water Budgets Alone CAN:

- Provide information about your basin as a whole
- Determine safe yield
- Describe the past
- Report on overdraft

Water Budgets Alone CANNOT:

- Provide information about specific places within the basin
- Determine sustainable yield
- Project into the future
- Report on undesirable results

budget, it's not sustainable. Undesirable results are like housing, food, and clothing—they are necessary to address through your budget process to maintain quality of life. A GSA may determine that sustainable yield is less than the safe yield in order to avoid the other five undesirable results.

Hydrologic Models

If a water budget tells you what is happening, then a **hydrologic model** tells you where, when, and why it's happening. Because most undesirable results will require some sort of spatial analysis, most basins will use a hydrologic model, which can show three-dimensional information that is geographically specific within your basin. If you think about a groundwater basin as being broken into hundreds of smaller units, a groundwater model is essentially calculating all of the water budget components within each unit for each month of each year. A groundwater model can both look backward and project forward.

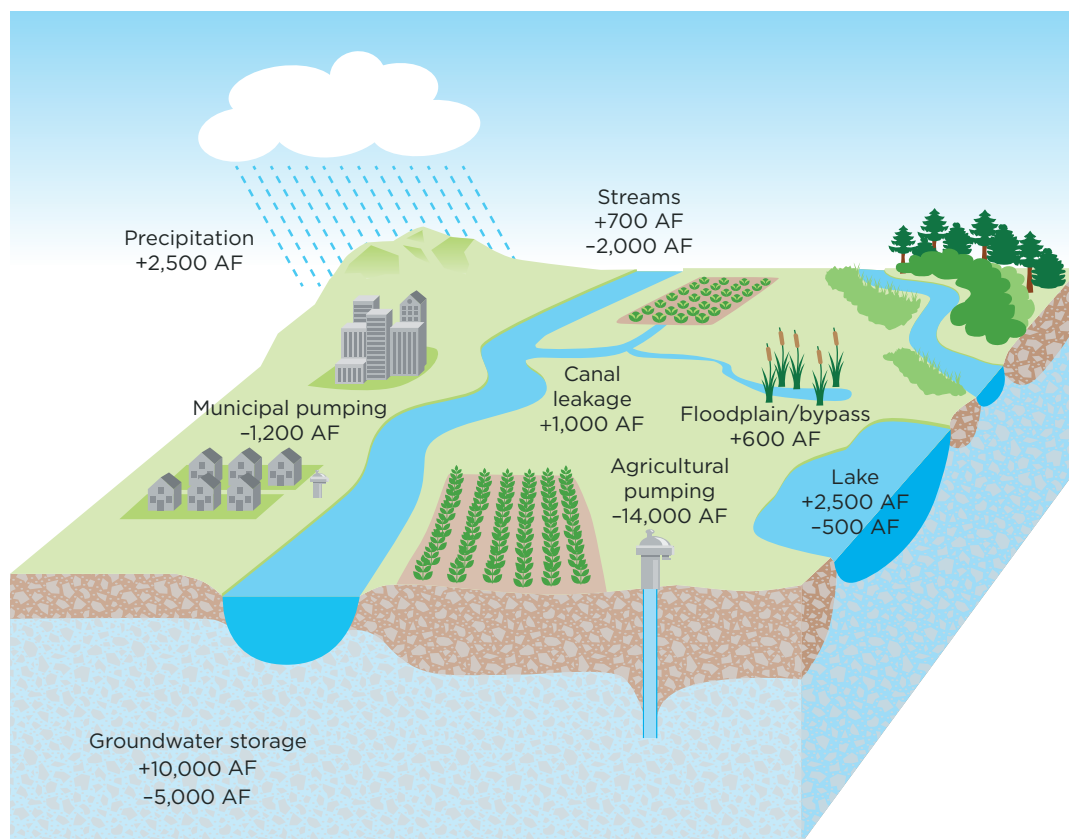
It can be checked against historical data to ensure that its results roughly match past experience, and it can simulate how things may change in the future with population change, land use change, and climate change. Importantly, groundwater models allow you to test “if . . . then” scenarios to consider the impacts of different possible management actions.

If a new model is developed for a GSP, the model must consist of **public domain, open-source software**. Open-source software makes its code, or the computer calculations that it is based on, public and freely available, whereas **proprietary software** often requires costly user licenses to access. While the use of a model is not *explicitly* required by the law, the state has thus far provided no

examples of an acceptable equally effective method. (See the *online toolkit* for more information about models’ legal requirements.)

Models can play a critical role in translating your sustainability goals into your groundwater sustainability plan’s minimum thresholds. Because groundwater models enable users to explore the effects of different management actions on groundwater levels in a basin, these models commonly serve as the basis for groundwater management decisions. For example, if a GSA establishes a minimum threshold for groundwater levels in the basin, a model can help convert that threshold into the amount of groundwater pumping that can be sustained or the amount of artificial **recharge** (replenishment) needed.

FIGURE 9. Conceptual Water Budget for One Month in a Hypothetical Basin



Here, a hypothetical basin’s water budget for a single month is represented in a visual way, referred to as a conceptual water budget. Inflows to the aquifer are labeled with a plus sign (+) and the total volume of water, measured in acre-feet (AF). Outflows are labeled with a minus (-) sign. This basin’s largest source of groundwater this month is groundwater storage, or the water that flows within the aquifer across the basin boundary (10,000 AF). The largest outflow is agricultural pumping (14,000 AF). To calculate whether a basin is overdrafting, subtract the total of all outflows from the total of all inflows. If the number is negative, the basin is in a state of overdraft. In this example, the basin’s total inflows amount to 17,300 AF. The outflows total 22,700, meaning the basin has overdrafted by 5,400 AF this month.

A model can also be used to conduct vulnerability analysis that explores who and what could be negatively affected by different thresholds and management actions.

Assumptions and Uncertainty

A water budget and a hydrologic model are only as reliable as the data they utilize. When it comes to groundwater, we suffer from a lack of data in many places. Even where there are data, the data may rely on estimates rather than direct measurements. Therefore, it is important to understand the data and assumptions that go into a model in order to trust the results.

For instance, in some places, agricultural groundwater pumping is physically measured using meters or other measurement devices, while in others, this pumping is estimated using crop acreage and estimates of how much water the crop type typically consumes (referred to as **evapotranspiration**). Model results can be inaccurate if the crop acreage numbers are out of date or if the estimate of water usage assumes historical temperatures rather than the rising temperatures accompanying climate change.

While uncertainty is inherent in any long-term planning process, a model can describe where uncertainty lies and provide a range of possible future scenarios. **Scenario-based planning** examines management options under a range of possible future conditions in order to develop solutions that would work well across the range.

Boundary conditions reflect the flows between neighboring basins and they are likely to be one of the more controversial aspects of groundwater modeling. It is critical that different models *within* a basin have matching boundary conditions, and it is also important for different models *between* basins to have similar boundary conditions. The Department of Water Resources will be using its public domain, open-source code called Integrated Water Flow Model (IWFM) or California Central Valley Simulation Model (C2VSIM) to evaluate GSPs; therefore, it would be wise to compare against these models, specifically.

BOX 2.

Capabilities and Limitations of Water Models

There are many ways models can be useful, if designed and shared effectively. For information about models see *Projecting Forward: A Framework for Groundwater Model Development Under the Sustainable Groundwater Management Act* by T. Moran (2016), via www.ucsusa.org/CAGroundwatertoolkit. However, there is one key goal of SGMA that a model alone cannot accomplish, and that is to determine community values—a model alone cannot define when a groundwater condition becomes an undesirable result, nor can it define a community’s sustainability goals. Model development and community values need to be integrated: stakeholder values inform the model, defining its limits and objectives, and the model informs the stakeholders about the ability of different management actions to meet their goals.

Models CAN:

- Test management actions to determine whether they allow a community to meet its sustainability goals
- Forecast the effects of groundwater management actions
- Collect, synthesize, and coordinate data
- Quantify projected water budgets
- Engage board members and stakeholders
- Be used to evaluate a GSP

Models CANNOT:

- Develop management actions and make decisions
- Decide what is a significant and unreasonable undesirable result
- Define sustainability goals

A water budget and a hydrologic model are only as reliable as the data they utilize. Therefore, it is important to understand the data and assumptions that go into a model in order to trust the results.

CRITICAL QUESTIONS

- **What are the major categories of inflows and outflows?**
 - To describe inflows and outflows the water budget/model uses both straightforward terms, such as precipitation or stream flow, and other, potentially confusing terms, such as **diversion recoverable loss**, which simply means canal leakage. Ask for definitions of any terms you don't know.
- **What are the biggest groundwater gains and losses in your basin?**
 - This can be a very informative exercise to do yourself or ask a technical expert to provide. In many basins, boundary inflows represent the largest gain of groundwater and agricultural pumping represents the largest loss of groundwater.
- **Are the data sources for water budgets and models clearly identified, and do they come from reliable sources?**
 - As described above, it is important to understand how various aspects of the underlying water budget data are measured or estimated. Are the data sources clearly identified, and are they based on direct measurements or estimates?
- **Does the model describe uncertainty explicitly?**
 - If the model tracks uncertainty, model outputs will be displayed as a range.
 - Management actions should be tested across the full range of possible future conditions in order to decrease the risk that they don't address the basins' issues.
- **Is the model based on open source software?**
 - Models developed in support of a GSP after June 1, 2016, are required to rely on public domain, open-source software. If the model were to use proprietary software, it would likely require expensive user licenses to run.
- **What is the *spatial* extent of the model (e.g., basin-wide or localized)?**
 - If the model is more localized, how were the boundary conditions calculated? The boundary conditions of a localized model should roughly match the flows into and out of the model's area as defined by larger-scale basin models (such as IWFM or C2VSIM).
- **What is the *temporal* extent of the water budget and/or model?**
 - Look for data that accurately reflect recent history. Beware of data only representing exceptionally wet or dry conditions, especially if this period is meant to serve as a base case against which proposed management actions will be measured.
- **Does the model account for recent trends in land and water use and reflect existing planning documents?**
 - Land and water uses have been changing rapidly over the last decade in California due to a series of economic and regulatory drivers, including high commodity prices for permanent crops like almonds, mandatory urban water conservation measures, and increased outdoor water demands due to hotter temperatures. Are future land uses assumed by the model consistent with these changes and other regional planning documents (such as county general plans)?
- **How does the model include the projected effects of climate change?**
 - The effects of climate change should be modeled over the 50-year **planning horizon**.
 - Different global climate models can be used (for example, hot/dry, cool/wet, middle of the road), and different emissions scenarios can be relied upon (low or high). If the model relies on a middle-of-the-road scenario, it is

important to capture the uncertainty of future climate changes by running scenarios that are more extreme.

- **Can the model be used to perform a vulnerability analysis?**
 - The model may have data about human and ecological communities that may be affected

by management decisions, such as domestic well depths, groundwater-dependent ecosystem locations, or endangered species habitat. The model should be used to provide information about the consequences of different management options, including who and what will be affected by the different choices.



Kate Cullen/UCS

Data visualization can help stakeholders better understand technical information. At this Community Water Leaders Network training, participants fill out a conceptual water budget for their groundwater basin using historical data.

Collaborating with Technical Experts

This guide does not assume that you will learn how to construct water budgets or run hydrologic models; rather, it is designed to equip you with a basic knowledge of what they are and what they can and cannot do.

In most cases, water budgets and models will be produced by technical experts used by the GSA, whether hired as members of the staff or external consultants. These experts should use sustainability goals and community values to inform the models' assumptions and parameters. In the best case, technical experts can help to create a shared understanding of basin conditions and clarify the choices and trade-offs between different management actions.

Importantly, experts should be partners in this process. While they do not drive the group's decisionmaking,

they can inform it and help to clarify the consequences of different options. Experts should be asked about how they will communicate with the GSA and stakeholders to ensure that everyone understands the process and the desired results. Experts should be asked about how they will integrate social values and preferences into technical tools and what information they will consider in constructing a series of future scenarios for stakeholders and the GSA to consider. Finally, GSAs that hire external experts should consider how to ensure that the GSA retains access to and control over the data and models that are developed for its basin, as both will need to be updated continually.



Unlike these geologists in Gridley, California, you don't have to know how to inspect a monitoring well to participate in groundwater sustainability planning. Experts and the local groundwater sustainability agency should work collaboratively with the public and other stakeholders to design and implement an effective and equitable sustainability plan.

CRITICAL QUESTIONS

- **What are the pros and cons of developing internal GSA capacity versus hiring external technical experts?**
 - There will likely be differences in terms of cost, access to data and the model's code, frequency of model runs, and variety of scenarios.
 - If the GSA uses an internal expert, it will need to identify someone to oversee him or her.
- **Does the technical expert have any possible conflicts of interest?**
 - Conflicts of interest could include everything from nepotism to financial gain from a certain outcome. They should be avoided. At a minimum, engineers or consultants who are helping develop the GSP should not be involved in or allowed to bid on the planning, designing, or construction of water projects, as this would create an obvious incentive to state or embed a preference for particular outcomes.
- **How will the expert ensure meaningful stakeholder input informs sustainability goal setting?**
 - The role of a technical expert is to integrate community values into technical tools and provide information about the potential consequences of different management actions. To do either effectively, the expert must have nuanced information from stakeholders about community values and preferences.
- **How will the expert share the differing assumptions that drive different scenarios and their results?**
 - Experts should be prepared to provide a number of different future scenarios, not just one result, as this is what will help a community decide between different management options.
- **How will the expert communicate to ensure that the GSA and stakeholders have the necessary information to understand the project process and results?**
 - At a minimum, technical experts should comply with the GSA's communications plan for interacting with stakeholders. Ideally, the GSA and expert should develop a specific plan for communicating technical issues, and the expert should have the willingness and skills to discuss complex, technical information with non-experts.
- **Is the expert working with other groundwater basins, particularly neighboring groundwater basins?**
 - If working with neighboring basins, how would he or she help to ensure that all use *the same* data and assumptions?
 - If not working with neighboring basins, how would he or she ensure that both use *consistent* data and assumptions?
- **Is the expert familiar with integrated surface water-groundwater models?**
 - If yes, you may consider asking them to describe how they used them in past projects, and whether they accounted for future projections of land use, climate change, population growth, etc.
 - If no, what kind of tools would they use that would be considered equivalent to an integrated surface water-groundwater model?
 - As the state has not identified any equivalent tool to a model, you may consider asking them how they can ensure your basin will comply with the law.

continued

CRITICAL QUESTIONS *(continued)*

- **Does the expert use public domain, open-source software or proprietary software?**
 - If the expert uses proprietary software, ensure that the expert provides publicly available supporting documentation and calibration data and proof that the model was developed before January 1, 2016, to comply with the law.
 - If the expert uses proprietary software, ensure that there are user licenses available for the GSA and stakeholders to understand and access the model's code. Consider requiring a lifetime license, so that license costs do not become untenable over time.
 - In either case, consider how the GSA will retain control over the data and model through 2040 (2042 for medium- and high-priority basins). Regular updates will be necessary for the purposes of annual reporting and the five-year GSP updates.
- **How will the expert help to ensure data coordination and sharing?**
 - Within basins, all GSAs must rely on the same information and have a coordination agreement that describes how data will be collected and shared for seven water budget components:
 - Groundwater elevation
 - Groundwater extraction
 - Surface water supply
 - Total water use
 - Change in groundwater storage
 - Water budget
 - Sustainable yield
 - Between basins, a coordination agreement is not required; however, it is very beneficial to have agreement around boundary conditions and a shared understanding of the impacts of your basin's management actions on your neighboring basin's ability to reach its sustainability goals.
- **How will the technical expert share data sources and model assumptions?**
 - Information about data sources and uncertainty around individual water budget components needs to be communicated with the GSA and stakeholders so that you may understand and assess the information and assumptions that inform model outcomes.
- **How will the technical expert share results?**
 - Model results can be complex, and having some kind of visualization platform can be very useful for communication purposes. Models like C2VSIM can be visualized using mapping software.
- **Who owns the intellectual property contained in model data, processing, and outputs?**
 - It will be important to ensure that your GSA—not experts or consultants—owns the intellectual property so that it can update, expand, and improve your basin's data over SGMA's 20-year timeline.



Sustainable groundwater management will help ensure there's enough safe, clean water for both people and the environment. Get involved in your local planning process—without you, it may not happen.

ABOUT THE AUTHORS

Coreen Weintraub is a western states outreach coordinator for the Union of Concerned Scientists. **Juliet Christian-Smith** was formerly a senior climate scientist in the UCS Climate and Energy Program.

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[GLOSSARY]

Acre-foot (AF). The volume of water required to cover one acre of land (43,560 square feet) to a depth of one foot. Equal to 325,851 gallons or 1,233 cubic meters.

Aquifer. Underground layers of rock or sand that can store and transmit water.

Basin. An aquifer or system of aquifers that has reasonably well-defined boundaries.

Boundary condition. Description of the flows at the edges of the area analyzed by a model.

Cone of depression. A lowering of the water table when groundwater is pumped from a well, especially in the immediate circle around the pumping.

Critically overdrafted basin. A groundwater basin in which the continuation of present practices of withdrawing water would likely result in significant negative environmental, social, or economic impacts.

Diversion recoverable loss. Canal leakage.

Evapotranspiration. The quantity of water released by plants, retained in plant tissues, and evaporated from plant tissues and surrounding soil surfaces.

Groundwater. Water stored underground in pore spaces of soil, in fractures, and in joints formed in hard rocks.

Hydrologic model. A conceptual representation of part of the water cycle that uses three-dimensional information that is geographically specific.

Inflow. Water that moves into a basin.

Land subsidence. Lowering or sinking of the land surface due to a number of factors, including the overdraft of a groundwater basin over the long term or a decline in groundwater levels year by year.

Measurable objectives. Specific measures used to determine whether the GSA of a basin is successful in achieving its sustainability goal and avoiding undesirable results.

Minimum thresholds. Numeric values used to define undesirable results. The minimum threshold is the lowest level of the metric that should not be crossed, regardless of fluctuations in dry and wet years.

Outflow. Water that leaves a basin.

Overdraft. A situation that occurs when more water is pumped from a groundwater basin than is replaced from all sources, not measured annually but rather over a period of years.

Planning horizon. The length of time into the future that is accounted for in a particular plan.

Plume. A body of one fluid moving through another, often used to refer to the presence of contaminated water in—or its migration into—an aquifer.

Proprietary software. Software that is owned by an individual or company and usually has major restrictions on its use by other people.

Public domain, open-source software. Software that is in the public domain and usually is freely available for anyone's use.

Recharge. The practice of increasing the amount of water flowing into a groundwater basin.

Safe yield. The maximum quantity of water that can be withdrawn from a groundwater basin at a given time without overdraft.

Saltwater/seawater intrusion. The movement of saltwater into freshwater aquifers, which can lead to contamination of drinking water sources and other consequences.

Scenario-based planning. An approach that examines management options under a range of possible future conditions in order to develop solutions that would work well across the range.

Surface water. Water that is on Earth's surface in rivers, lakes, reservoirs, or oceans.

Sustainable yield. The maximum quantity of water that can be withdrawn annually from a groundwater supply without causing an undesirable result.

Sustainability goal. The objective of operating a basin within its sustainable yield.

Undesirable result. One of six groundwater conditions that must be avoided in order to comply with the Sustainable Groundwater Management Act: significant and unreasonable reduction of groundwater storage, significant and unreasonable lowering of groundwater levels, significant and unreasonable seawater intrusion, significant and unreasonable degraded water quality, significant and unreasonable land subsidence, and significant and unreasonable depletions of interconnected surface water.

Vulnerability analysis. The process of identifying, quantifying, and prioritizing (or ranking) the potential threats to people, infrastructure, and other assets within a system.

Water budget. An accounting of the total groundwater and surface water entering and leaving a basin including the changes in the amount of water stored.

[NOTES]

Getting Involved in Groundwater

A Guide to California's Groundwater Sustainability Plans

California's Sustainable Groundwater Management Act is ambitious, with unprecedented opportunities for stakeholder involvement. This guide will help you locate key points in the planning process where you can become involved and identify key questions for you to ask.



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**[Union of
Concerned Scientists]**

FIND THIS DOCUMENT ONLINE: www.ucsusa.org/CAGroundwatertoolkit

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NATIONAL HEADQUARTERS

Two Brattle Square
Cambridge, MA 02138-3780
Phone: (617) 547-5552
Fax: (617) 864-9405

WASHINGTON, DC, OFFICE

1825 K St. NW, Suite 800
Washington, DC 20006-1232
Phone: (202) 223-6133
Fax: (202) 223-6162

WEST COAST OFFICE

500 12th St., Suite 340
Oakland, CA 94607-4087
Phone: (510) 843-1872
Fax: (510) 451-3785

MIDWEST OFFICE

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Chicago, IL 60602-4064
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Code: Section: [Up^](#) [Add To My Favorites](#)**GOVERNMENT CODE - GOV****TITLE 5. LOCAL AGENCIES [50001 - 57607]** (Title 5 added by Stats. 1949, Ch. 81.)**DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]** (Division 2 added by Stats. 1949, Ch. 81.)**PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]** (Part 1 added by Stats. 1949, Ch. 81.)**CHAPTER 9. Meetings [54950 - 54963]** (Chapter 9 added by Stats. 1953, Ch. 1588.)

54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

(Added by Stats. 1953, Ch. 1588.)

54950.5. This chapter shall be known as the Ralph M. Brown Act.

(Added by Stats. 1961, Ch. 115.)

54951. As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

(Amended by Stats. 1959, Ch. 1417.)

54952. As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

(Amended by Stats. 2002, Ch. 1073, Sec. 2. Effective January 1, 2003.)

54952.1. Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

(Amended by Stats. 1994, Ch. 32, Sec. 2. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)

54952.2. (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(Amended by Stats. 2008, Ch. 63, Sec. 3. Effective January 1, 2009.)

54952.3. (a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the

legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

(Added by Stats. 2011, Ch. 91, Sec. 1. (AB 23) Effective January 1, 2012.)

54952.6. As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

(Added by Stats. 1961, Ch. 1671.)

54952.7. A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

(Amended by Stats. 1993, Ch. 1138, Sec. 7. Effective January 1, 1994. Operative April 1, 1994, by Sec. 12 of Ch. 1138.)

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(Amended by Stats. 2017, Ch. 137, Sec. 1. (AB 428) Effective January 1, 2018.)

54953.1. The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

(Added by Stats. 1979, Ch. 950.)

54953.2. All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(Added by Stats. 2002, Ch. 300, Sec. 5. Effective January 1, 2003.)

54953.3. A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(Amended by Stats. 1981, Ch. 968, Sec. 28.)

54953.5. (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

(Amended by Stats. 2009, Ch. 88, Sec. 57. (AB 176) Effective January 1, 2010.)

54953.6. No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

(Amended by Stats. 1994, Ch. 32, Sec. 6. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)

54953.7. Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

(Added by Stats. 1981, Ch. 968, Sec. 29.)

54954. (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for

which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

(Amended by Stats. 2004, Ch. 257, Sec. 1. Effective January 1, 2005.)

54954.1. Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

(Amended by Stats. 2002, Ch. 300, Sec. 6. Effective January 1, 2003.)

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need

not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(Amended by Stats. 2016, Ch. 265, Sec. 1. (AB 2257) Effective January 1, 2017.)

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(Amended by Stats. 2016, Ch. 507, Sec. 1. (AB 1787) Effective January 1, 2017.)

54954.4. (a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as

the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance 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) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

(Added by Stats. 1991, Ch. 238, Sec. 1.)

54954.5. For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to paragraphs (2) to (5), inclusive, of subdivision (e) of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency)

Name of local agency representative on joint powers agency board: (Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

(Amended by Stats. 2012, Ch. 759, Sec. 6.1. (AB 2690) Effective January 1, 2013.)

54954.6. (a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll, the State Board of Equalization assessment roll, or the local agency's records pertaining to business ownership, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

(Amended by Stats. 2011, Ch. 382, Sec. 3.5. (SB 194) Effective January 1, 2012.)

54955. The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

(Amended by Stats. 1959, Ch. 647.)

54955.1. Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

(Added by Stats. 1965, Ch. 469.)

54956.

(a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(Amended by Stats. 2011, Ch. 692, Sec. 9. (AB 1344) Effective January 1, 2012.)

54956.5. (a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

(Amended by Stats. 2002, Ch. 175, Sec. 2. Effective January 1, 2003.)

54956.6. No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

(Added by Stats. 1980, Ch. 1284.)

54956.7. Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

(Added by Stats. 1982, Ch. 298, Sec. 1.)

54956.75. (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

(Added by Stats. 2004, Ch. 576, Sec. 4. Effective January 1, 2005.)

54956.8. Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

(Amended by Stats. 1998, Ch. 260, Sec. 3. Effective January 1, 1999.)

54956.81. Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

(Added by Stats. 2004, Ch. 533, Sec. 20. Effective January 1, 2005.)

54956.86. Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

(Added by Stats. 1996, Ch. 182, Sec. 2. Effective January 1, 1997.)

54956.87. (a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to

provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Managed Health Care in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

(Amended by Stats. 2015, Ch. 190, Sec. 65. (AB 1517) Effective January 1, 2016.)

54956.9. (a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances" shall consist only of one of the following:

- (1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.
- (2) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.
- (3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.
- (4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.
- (5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.
- (f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).
- (g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.
- (h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

(Amended by Stats. 2012, Ch. 759, Sec. 7. (AB 2690) Effective January 1, 2013.)

54956.95. (a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

(Added by Stats. 1989, Ch. 882, Sec. 3.)

54956.96. (a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) (1) In addition to the authority described in subdivision (a), the Clean Power Alliance of Southern California, or its successor entity, may adopt a policy or a bylaw or include in its joint powers agreement a provision that authorizes both of the following:

(A) A designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the Clean Power Alliance of Southern California, or its successor entity, in lieu of a local agency member's regularly appointed member, to attend closed sessions of the Clean Power Alliance of Southern California, or its successor entity.

(B) All information that is received by a designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member, and that is presented to the Clean Power Alliance of Southern California, or its successor entity, in closed session, shall be confidential. However, the designated alternate member may disclose information obtained in a closed session that has direct financial or liability implications for the local agency member for which the designated alternate member attended the closed session, to the following individuals:

(i) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(ii) Members of the legislative body of the local agency present in a closed session of that local agency member.

(2) If the Clean Power Alliance of Southern California, or its successor entity, adopts a policy or bylaw or includes in its joint powers agreement a provision authorized pursuant to paragraph (1), the Clean Power Alliance of Southern California, or its successor entity, shall establish policies to prevent conflicts of interest and to address breaches of confidentiality that apply to a designated alternate member who is not a member of the legislative body of a local agency member who attends a closed session of the Clean Power Alliance of Southern California, or its successor entity.

(c) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a) or (b), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b).

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 248, Sec. 1. (SB 355) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2 of Stats. 2019, Ch. 248.)

54956.96. (a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) A designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

(c) This section shall become operative on January 1, 2025.

(Repealed (in Sec. 1) and added by Stats. 2019, Ch. 248, Sec. 2. (SB 355) Effective January 1, 2020. Section operative January 1, 2025, by its own provisions.)

54956.97. Notwithstanding any provision of law, the governing board, or a committee of the governing board, of a public bank, as defined in Section 57600 of the Government Code, may meet in closed session to consider and take action on matters pertaining to all of the following:

- (a) A loan or investment decision.
- (b) A decision of the internal audit committee, the compliance committee, or the governance committee.
- (c) A meeting with a state or federal regulator.

(Added by Stats. 2019, Ch. 442, Sec. 14. (AB 857) Effective January 1, 2020.)

54956.98. (a) For purposes of this section, the following definitions shall apply:

(1) "Shareholder, member, or owner local agency" or "shareholder, member, or owner" means a local agency that is a shareholder of a public bank.

(2) "Public bank" has the same meaning as defined in Section 57600.

(b) The governing board of a public bank may adopt a policy or a bylaw or include in its governing documents provisions that authorize any of the following:

(1) All information received by a shareholder, member, or owner of the public bank in a closed session related to the information presented to the governing board of a public bank in closed session shall be confidential. However, a member of the governing board of a shareholder, member, or owner local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that shareholder, member, or owner local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that shareholder local agency.

(B) Other members of the governing board of the local agency present in a closed session of that shareholder, member, or owner local agency.

(2) A designated alternate member of the governing board of the public bank who is also a member of the governing board of a shareholder, member, or owner local agency and who is attending a properly noticed meeting of the public bank governing board in lieu of a shareholder, member, or owner local agency's regularly appointed member may attend a closed session of the public bank governing board.

(c) If the governing board of a public bank adopts a policy or a bylaw or includes provisions in its governing documents pursuant to subdivision (b), then the governing board of the shareholder, member, or owner local agency, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the public bank governing board pursuant to paragraph (1) of subdivision (b).

(Added by Stats. 2019, Ch. 442, Sec. 15. (AB 857) Effective January 1, 2020.)

54957. (a) This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

(Amended by Stats. 2013, Ch. 11, Sec. 1. (AB 246) Effective January 1, 2014.)

54957.1. (a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes

the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(Amended by Stats. 2006, Ch. 538, Sec. 311. Effective January 1, 2007.)

54957.2. (a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

(Amended by Stats. 1981, Ch. 968, Sec. 31.)

54957.5. (a) Notwithstanding Section 6255 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, 6254.22, or 6254.26.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with

Section 6250) of Division 7 of Title 1). This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

(Amended by Stats. 2013, Ch. 326, Sec. 1. (AB 382) Effective January 1, 2014.)

54957.6. (a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

(Amended by Stats. 1998, Ch. 260, Sec. 5. Effective January 1, 1999.)

54957.7. (a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

(Amended by Stats. 1993, Ch. 1137, Sec. 15. Effective January 1, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 1137.)

54957.8. (a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

(Amended by Stats. 2006, Ch. 427, Sec. 1. Effective September 22, 2006.)

54957.9. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be

allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(Amended by Stats. 1981, Ch. 968, Sec. 34.)

54957.10. Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

(Added by Stats. 2001, Ch. 45, Sec. 1. Effective January 1, 2002.)

54958. The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

(Added by Stats. 1953, Ch. 1588.)

54959. Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

(Amended by Stats. 1994, Ch. 32, Sec. 18. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)

54960. (a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

(Amended by Stats. 2012, Ch. 732, Sec. 1. (SB 1003) Effective January 1, 2013.)

54960.1.

(a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

(Amended by Stats. 2002, Ch. 454, Sec. 23. Effective January 1, 2003.)

54960.2. (a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body's response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b), whichever is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant to subdivision (c) at any time after the 30-day period has expired, except that in that event the court shall award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to this section, in accordance with Section 54960.5.

(c) (1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

To _____:

The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

[Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

[Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with prejudice. Nothing in this subdivision shall be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body.

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as

provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as "Rescission of Brown Act Commitment," provided that not less than 30 days prior to such regular meeting, the legislative body provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(Added by Stats. 2012, Ch. 732, Sec. 2. (SB 1003) Effective January 1, 2013.)

54960.5. A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1, or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorney fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

(Amended by Stats. 2012, Ch. 732, Sec. 3. (SB 1003) Effective January 1, 2013.)

54961. (a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

(Amended by Stats. 2007, Ch. 568, Sec. 35. Effective January 1, 2008.)

54962. Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

(Amended by Stats. 2006, Ch. 157, Sec. 2. Effective January 1, 2007.)

54963. (a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grandjury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

(Added by Stats. 2002, Ch. 1119, Sec. 1. Effective January 1, 2003.)

COMMITTEES & COMMISSIONS

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

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)

*UPDATED: 1/29/20

NUMBER OF MEMBERS: 6 (2 alternates)

PHONE NUMBER:

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
LASSEN CO. BOARD MEMBER Supervisor Aaron Albaugh PO Box 241 Adin CA 96006 (530) 708-1761	9/24/19		Sept. 2023	Four-year term
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
LASSEN PUBLIC MEMBER #1 Kevin Mitchell Box 378 659-200 Iverson Lane Bieber CA 96009 kmitchell@pacbell.net (530) 515-2067	9/24/19		Sept. 2023	Four-year term
LASSEN PUBLIC MEMBER #2 Duane Conner 25110 Hwy 299 Canby CA 96015 connerswelldrilling@yahoo.com (530) 640-0521			Sept. 2023	Four-year term

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
MODOC PUBLIC MEMBER #2 John Olm Jsolm48@yahoo.com (530) 524-9967	11/12/19		Nov. 2023	Four-year term

ALTERNATE APPOINTMENTS

NAME & ADDRESS PHONE NUMBER	DATE OF APPOINTMENT	REAPPT./REELECT DATES	TERM EXPIRES	OFFICERS/CHANGES
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
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

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

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