



## City of Biggs

### Agenda Item Staff Report for the Regular City Council Meeting: March 14, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Mark Sorensen, City Administrator

SUBJECT: Butte County DRAFT Sustainable Groundwater Management Act MOU  
(informational)

#### **RECOMMENDATION:**

Consider the concepts in the draft Butte County MOU. Direct Staff.

#### **BACKGROUND**

Previously, Council authorized an MOU with adjacent water agencies to address GSA (Groundwater Suitability Agency) boundary overlaps. Under California law these overlaps must be resolved by June 30, 2017. In addition to the boundary overlap with the water districts, Butte County included the city within the County GSA, therefore this overlap must also be resolved.

Attached is a draft Butte County MOU intended as a vehicle to partner with each of the cities to obtain compliance with the Sustainable Groundwater Management Act (SGMA) for the East Butte Sub-basin.

In brief, the terms of the MOU are requesting that the City agree to the following:

1. To support the efforts of the County of Butte to obtain grant funding for the development of the Groundwater Sustainability Plan (GSP) for the East Butte Sub-basin.
2. To provide the County any associated data collected by your agency as related to the sub-basin, which will be utilized in the development and implementation of the GSP for the East Butte Sub-basin.
3. To work cooperatively with the County and other associated agencies in the review and development of the GSP for East Butte Sub-basin.

Please Consider the concepts in the draft Butte County MOU, and direct staff.

**MEMORANDUM OF UNDERSTANDING FORMING THE EAST BUTTE SUB-BASIN  
GROUNDWATER SUSTAINABILITY PARTNERS**

**THIS MEMORANDUM OF UNDERSTANDING (MOU)** is made and entered into on \_\_\_\_\_, by and between the County of Butte (“Butte” herein), City of Biggs (“Biggs” herein), City of Gridley (“Gridley” herein), City of Live Oak (“Live Oak” herein), City of Oroville (“Oroville” herein), each a “Party” and collectively the “Parties”.

**WHEREAS**, on September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1139 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (“SGMA”); and

**WHEREAS**, the purpose of SGMA is to create a comprehensive management system in the State of California by creating a structure to manage groundwater at the local level, while providing authority to the State to oversee and regulate, if necessary, the local groundwater management system; and

**WHEREAS**, SGMA empowers local agencies to adopt groundwater sustainability plans that are tailored to the resources and needs of their communities to provide a buffer against drought and contribute to reliable water supply for the future; and

**WHEREAS**, Water Code Section 10723.6 authorizes a combination of local agencies overlying a groundwater basin to elect to become a Groundwater Sustainability Agency (“GSA”) by using a memorandum of agreement or other agreement; and

**WHEREAS**, Butte is a local agency qualified to become a GSA because Butte manages water, has a water supply, and has land use responsibilities over a portion of the East Butte Sub-basin (Basin Number 5-021-59, DWR Bulletin 118) within the Sacramento Valley Groundwater Basin (“Basin”) a DWR-designated medium-priority basin; and

**WHEREAS**, Biggs is a local agency qualified to become a GSA because Biggs has a water supply, and has land use responsibilities over a portion of the East Butte Sub-basin; and

**WHEREAS**, Gridley is a local agency qualified to become a GSA because Gridley has a water supply, and has land use responsibilities over a portion of the East Butte Sub-basin; and

**WHEREAS**, Live Oak is a local agency qualified to become a GSA because Live Oak has a water supply, and has land use responsibilities over a portion of the East Butte Sub-basin; and

**WHEREAS**, Oroville is a local agency qualified to become a GSA because Oroville has land use responsibilities over a portion of the East Butte Sub-basin; and

**WHEREAS**, on October 15, 2015, Butte held a public hearing to determine whether to become a GSA and on October 15, 2015, Butte adopted Resolution No. 15-146, electing to become a GSA; and

**WHEREAS**, on November 10, 2015 Biggs held a public hearing to determine whether to become a GSA and on November 10, 2015 Biggs adopted Resolution No. 2015-07, electing to become a GSA; and

**WHEREAS**, on December 7, 2015 Gridley held a public meeting to determine whether to become a GSA and on December 7, 2015 Gridley adopted Resolution 2015-R-034, electing to become a GSA; and

**WHEREAS**, on November 4, 2015 Live Oak held a public hearing to determine whether to become a GSA and on November 4, 2015 Live Oak adopted Resolution 34-2015, electing to become a GSA; and

**WHEREAS**, on January 5, 2016 Oroville held a public hearing to determine whether to become a GSA and on January 5, 2016 Oroville adopted Resolution 8452, electing to become a GSA, and

**WHEREAS**, as GSAs, the Parties have elected to work collaboratively with other interested agencies to develop and implement a Groundwater Sustainability Plan ("GSP") to sustainably manage the East Butte Sub-Basin pursuant to SGMA.

**NOW THEREFORE**, incorporating the above recitals herein and exhibits attached, it is mutually understood and agreed as follows:

1. **PURPOSE.** This MOU is entered into by and between the Parties to facilitate a cooperative and ongoing working relationship that will allow compliance with SGMA and State law, both as amended from time to time. The primary goal of the MOU is to eliminate overlap between the GSAs and to establish a working partnership to move toward a multi-GSA agreement to cover portions of the East Butte Sub-Basin prior to the June 30, 2017 deadline set under SGMA. Henceforth, the Parties may expand the goals of the East Butte Sub-basin SGMA Partners to address future deadlines established under SGMA.
2. **EAST BUTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS.** The Parties hereby establish the East Butte Sub-basin Groundwater Sustainability Partners ("East Butte SGMA Partners") to manage that portion of the East Butte Sub-basin as set forth in Exhibit \_\_ (map)\_.
3. **POWERS.**
  - 3.1 In addition to any other action available to develop and implement SGMA, including a GSP, the East Butte SGMA Partners may perform the following functions:
    - 3.1.1 Adopt standards for measuring and reposting water use.
    - 3.1.2 Develop and implement policies designed to reduce or eliminate overdraft within the boundaries of the East Butte Sub-basin.
    - 3.1.3 Develop and implement conservation best management practices as outlined by DWR.
    - 3.1.4 Develop and implement metering, monitoring and reporting related to groundwater pumping.
4. **DECISION MAKING PROCESS.**

- 4.1 With the exceptions noted herein, it is the intent of the Parties that all actions undertaken by the East Butte SGMA Partners are done by unanimous consent of the Parties; however if unanimous consent is not possible, a majority vote of the Parties is required.
- 4.2 In the event of an impasse or disagreement, the Parties shall use their best efforts to find a mutually agreeable result. To this effect, the Parties shall consult and negotiate with each other in good faith in an attempt to reach a solution that is mutually satisfactory. If the Parties do not reach a solution, then the matter shall be submitted to a non-binding arbitration or mediation within a reasonable period of time.

**5. ROLES AND RESPONSIBILITIES OF THE PARTIES.**

- 5.1 The Parties will work jointly to fulfill the Purposes of the MOU, SGMA, and the development and implementation of a GSP within the boundaries of the East Butte Sub-basin.
  - 5.2 The Parties will meet regularly to discuss SGMA, GSP development and implementation activities, assignments, and on-going work progress.
  - 5.3 The Parties may form committees as necessary from time to time to discuss issues that impact the East Butte Sub-basin.
  - 5.4 Butte and Biggs are jointly responsible for implementing the GSP in areas of the East Butte Sub-basin that are within both City limits and Butte County boundaries.
  - 5.5 Butte and Gridley are jointly responsible for implementing the GSP in areas of the East Butte Sub-basin that are within both City limits and Butte County boundaries.
  - 5.6 Sutter and Live Oak are jointly responsible for implementing the GSP in areas of the East Butte Sub-basin that are within both City limits and Sutter County boundaries.
  - 5.7 Butte and Oroville are jointly responsible for implementing the GSP in areas of the East Butte Sub-basin that are within both City limits and Butte County boundaries.
6. **FUNDING.** Unless agreed to otherwise, each Party's participation in the MOU is at its sole cost and expense.
  7. **TERM.** This MOU shall remain in effect unless terminated by the mutual consent of the Parties and as allowed by State law.
  8. **AMENDING THE MOU.** This MOU and Exhibits hereto may only be amended by a subsequent writing, approved and signed by all Parties.
  9. **HOLD HARMLESS.** No Party, not any officer or employee of a Party, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by another Party under or in connection with this MOU

APPROVED AS TO CONTENT:  
**COUNTY OF BUTTE**

By: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO CONTENT:  
**COUNTY OF SUTTER**

By: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO CONTENT:  
**CITY OF LIVE OAK**

By: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO FORM:  
**COUNTY OF BUTTE**

By: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO FORM:  
**COUNTY OF SUTTER**

By: \_\_\_\_\_

APPROVED AS TO CONTENT:  
**CITY OF BIGGS**

By: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO CONTENT:  
**CITY OF GRIDLEY**

By: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO CONTENT:  
**CITY OF OROVILLE**

By: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO FORM:  
**CITY OF BIGGS**

By: \_\_\_\_\_

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**CITY OF GRIDLEY**

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**CITY OF LIVE OAK**

APPROVED AS TO FORM:  
**CITY OF OROVILLE**

By: \_\_\_\_\_

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