

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # A-3

Urgent Routine *cos*
CEO Concur with Recommendation YES NO
(Information Attached)

AGENDA DATE February 4, 2014

4/5 Vote Required YES NO

SUBJECT:

Approval of Appointments to the Stanislaus County Water Advisory Committee and Nominations and Appointments of the Two At-Large Members; and, Approval to Amend the Committee Bylaws

STAFF RECOMMENDATIONS:

1. Appoint nominations by Supervisor O'Brien to the Water Advisory Committee: Neil Hudson and Donald Peterson to two year terms ending on December 31, 2015 and Louis Brichetto to a one year term ending on December 31, 2014.
2. Appoint nominations by Supervisor Chiesa to the Water Advisory Committee: Rob Santos and Francisco Canela to two year terms ending on December 31, 2015 and Forrest White to a one year term ending on December 31, 2014.

(Staff Recommendations are continued to next page.)

FISCAL IMPACT:

There is no fiscal impact associated with this agenda item.

BOARD ACTION AS FOLLOWS:

No. 2014-46

NOTE: The Board amended this item to take three separate votes. Please see motions on Page 1-a.

ATTEST:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No. BD-86-2

Approval of Appointments to the Stanislaus County Water Advisory Committee and Nominations and Appointments of the Two At-Large Members; and, Approval to Amend the Committee Bylaws

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MOTION CONTINUED FROM PAGE 1

Amended Item A3 Approval of Appointments to the Stanislaus County Water Advisory Committee and Nominations and Appointments of the Two At-Large Members; and, Approval to Amend the Committee Bylaws, **to take three votes as follows:**

First Vote: Chiesa/Withrow unan. **A3** Approved Staff Recommendations Nos. 1-5 and 7 as follows: appointed Donald Peterson, Louis Brichetto, Neil Hudson, Forrest White, Robert Santos, Francisco Canela, Larry Byrd, Thomas Smith, Richard Gemperle, Jim Mortensen, Sean Roddy, Bill Zoslocki, Raynold Kablanow, Michael Lynch and Chris Vierra to the Stanislaus County Water Advisory Committee; and, approved amendments to the Committee bylaws

Second Vote: O'Brien/Chiesa unan. **A3** Appointed Alfred Bairos as an At-Large Member to the Stanislaus County Water Advisory Committee

Third Vote: Chiesa/O'Brien unan. **A3** Appointed Cooper Rossiter as an At-Large Member to the Stanislaus County Water Advisory Committee

STAFF RECOMMENDATIONS (Continued):

3. Appoint nominations by Supervisor Withrow to the Water Advisory Committee: Richard Gemperle and Thomas Smith to two year terms ending on December 31, 2015 and Larry Byrd to a one year term ending on December 31, 2014.
4. Appoint nominations by Supervisor Monteith to the Water Advisory Committee: Jim Mortensen and Sean Roddy to two year terms ending on December 31, 2015 and Bill Zoslocki to a one year term ending on December 31, 2014.
5. Appoint nominations by Supervisor DeMartini to the Water Advisory Committee: Michael Lynch and Chris Vierra to two year terms ending on December 31, 2015 and Raynold Kablanow to a one year term ending on December 31, 2014.
6. Nominate and appoint two members to the At-Large positions to the Water Advisory Committee to two year terms ending on December 31, 2015.
7. Approve the amendment to the Water Advisory Committee Bylaws.

DISCUSSION:

On October 29, 2013 the Board of Supervisors approved an ordinance regulating the mining and export of groundwater in Stanislaus County. Staff acknowledged that the ordinance is a first step and that there is much work to be done. The formation of a Water Advisory Committee (WAC) is intended to capture the efficiency born out of the ad hoc water stakeholder working group model and to continue moving the effort forward using a community inclusive and transparent model.

On December 17, 2013 the Board of Supervisors approved the establishment of a Stanislaus County Water Advisory Committee to support the implementation of Groundwater Management in Stanislaus County. The WAC consists of 21 advisory stakeholders and community members with the intent to include a diversity of backgrounds and expertise. Included on the committee is the Chairman of the Board of Supervisors, Chair of the Agricultural Advisory Board, Executive Director of the Farm Bureau, and two members from the community at large will participate on the WAC. Additionally, each Supervisor will appoint three members to the committee. These appointments may include Irrigation District elected board members, City representatives, or at large appointments that may be from the drilling industry, business community, industry, commerce, or agriculture.

All vacancies are filled through an application process and approved by the Board of Supervisors. The application process closed on January 24th with 43 applications received. The recommended appointments are as follows:

Approval of Appointments to the Stanislaus County Water Advisory Committee and Nominations and Appointments of the Two At-Large Members; and, Approval to Amend the Committee Bylaws

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Appointments	Committee Member	Term
Farm Bureau	Wayne Zipser	Permanent
Agricultural Advisory Board	Tom Orvis	Annual rotation
Chairman of the Board	Jim DeMartini	Annual rotation
Water Resources Manager	Walter Ward (non-voting)	N/A
Supervisory Appointment	Neil Hudson	2-year
Supervisory Appointment	Donald Peterson	2-year
Supervisory Appointment	Rob Santos	2-year
Supervisory Appointment	Francisco Canela	2-year
Supervisory Appointment	Richard Gemperle	2-year
Supervisory Appointment	Thomas Smith	2-year
Supervisory Appointment	Jim Mortensen	2-year
Supervisory Appointment	Sean Roddy	2-year
Supervisory Appointment	Michael Lynch	2-year
Supervisory Appointment	Chris Vierra	2-year
Supervisory Appointment	Louis Bricchetto	1-year
Supervisory Appointment	Forrest J. White	1-year
Supervisory Appointment	Larry Bryd	1-year
Supervisory Appointment	Bill Zoslocki	1-year
Supervisory Appointment	Raynold Kablanow	1-year
Community at Large	To be determined	2-year
Community at Large	To be determined	2-year

The length of term for each appointment will be two years, however to create a rotation some initial terms will be one year. The Chairman of the Board of Supervisors, Chair of the Agricultural Advisory Board, Executive Director of the Farm Bureau may rotate annually based on who serve in those roles.

The Board of Supervisors will nominate and appoint two members to the Community at-large vacancies from the remaining applicants that include: Jack D. Albers, Rachelle Antinetti, George S. Arata, Lane Avilla, Alfred Bairos, Matt Beekman, Darrell Cordova, Jeffrey Cowan, John S. Duarte, Arthur F. Goodwin, Brad Hawn, Ryan J. Hollister, Noah Hughes, Kevin M. Kauffman, Hank Moore, Norik Naraghi, Chris O'Brien, Monica Perrone, William T. Power, Jon Rodriguez, Albert Rossini, Cooper M. Rossiter, Bill W. Smith, Manny Sousa, Tom Swafford, Karl F. Von Spreckelsen, William Wong, and Micah Zeff. Stanislaus County is very appreciative of the interest to participate on the Water Advisory Committee.

The Committee by-laws approved by the Board of Supervisors on December 17, 2013 stated that the Chairman of the Board of Supervisors and the Water Resource Manager shall be non-voting members. It is recommended to amend the by-laws to allow the

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Chairman to designate another Board of Supervisor to sit on the committee on his behalf.

The committee will have the responsibility to provide needs assessment, prioritize groundwater concerns, develop draft policies and directives, and advise the Board of Supervisors on issues pertaining to groundwater. Members of the WAC will work in cooperation with the Water Resources Manager and the Department of Environmental Resources.

Groundwater is an important issue that staff and members of the water community have been working on for quite some time. The passing of the ordinance regulating the mining and export of groundwater in Stanislaus County was a crucial first step. The formation of the Water Advisory Committee will continue the momentum.

POLICY ISSUES:

The recommended actions support the Boards' priorities of A Safe Community, A Healthy Community, the Efficient Delivery of Public Services, A Well Planned Infrastructure System, A Strong Agricultural Economy and Heritage, and A Strong Local Economy by providing adequate protection of one of the County's most valuable natural resources; groundwater. Additionally, the formation of a Water Advisory Committee supports the Board's priority of Effective Partnerships.

STAFFING IMPACTS:

The Water Resource Manager assigned to the Department of Environmental Resources is responsible for the oversight of the Water Advisory Committee.

CONTACT:

Keith Boggs, Assistant Executive Officer

Telephone: 209-652-1514

**STANISLAUS COUNTY WATER ADVISORY COMMITTEE
BY-LAWS**

ARTICLE 1

Name

The name of the body shall be the STANISLAUS COUNTY WATER ADVISORY COMMITTEE. Whenever the word Committee is used in these by-laws, it will mean the Stanislaus County Water Advisory Committee.

ARTICLE II

Authority

The Stanislaus County Water Advisory Committee, hereinafter referred to as the "Committee", has been established and approved by resolution by the Stanislaus County Board of Supervisors on 12/17/2013 Resolution No. 2013-650.

ARTICLE III

Purpose

This Committee will advise the Stanislaus County Board of Supervisors on matters pertaining to groundwater management. The Committee will work in cooperation with the Water Resources Manager and the Department of Environmental Resources. The Committee will provide needs assessment, prioritize issues, and develop draft policies/directives. A Technical Advisory Committee will be formed to provide data analysis and technical advice.

ARTICLE IV

Membership

The Committee shall consist of twenty-one (21) members with the intent to include a diversity of backgrounds and expertise on the Committee.

1. Members shall be appointed by the Stanislaus County Board of Supervisors as follows:

Ex Officio Members: The following four members shall be appointed by virtue of office or official position:

- (a) Stanislaus County Board of Supervisors Chairman, or Board designee – One (1) member
- (b) Water Resources Manager – One (1) member
- (c) Farm Bureau Executive Director – One (1) member
- (d) Agricultural Advisory Board Chair – One (1) member

Regular Members: Vacancies in the following membership positions will be filled through an application process and appointed by the Stanislaus County Board of Supervisors:

- (a) Community at Large – Two (2) members
 - (b) Stanislaus County Board of Supervisor District appointments – Fifteen (15) members total; each Stanislaus County Supervisor shall select and nominate three (3) members.
2. The Chairman of the Board of Supervisors, or Board designee, and the Water Resource Manager shall be non-voting members.
 3. Stanislaus County Board of Supervisor appointments may include Irrigation District elected board members, City representatives, or at large appointments that may be from the drilling industry, business, industrial, commerce, agriculture or other.
 4. Members of the Committee shall reside within Stanislaus County.
 5. The term of office for appointed members shall be two (2) years, ending on 12/31.
 6. Members may be removed if they miss more than three (3) meetings in a row, or are absent from 50% or more of the meetings in a year, or if they move from the county or otherwise lose the status which qualifies them for membership.
 7. Should a vacancy occur in a Committee position, the Stanislaus County Board of Supervisors shall appoint a replacement member to fill only the unexpired term of the vacant position(s).

ARTICLE V
Technical Advisory Committee

The Committee shall establish a panel of experts known as the Technical Advisory Committee consisting of ten (10) non-voting members. The intent of the Technical Advisory Committee will be to describe problems, collect information that has been gathered, and to respond to complaints. Representation on the Technical Advisory Committee will be from local Irrigation and Water Districts as well as Cities. Science experts shall be called upon for data analysis and technical advice on an as needed basis.

ARTICLE VI
Officers

1. The officers of the Committee shall be the Chair and Vice Chair.
2. The Committee shall elect from its members, at its first regular meeting of each year, a Chair and Vice Chair. The Chair and Vice Chair should not serve more than two consecutive one-year terms. The newly elected officers shall take office upon election. A vacancy in either position shall be promptly filled by the Committee, and such replacement officer shall serve out the remainder of the term.
3. It shall be the duty of the Chair to preside over the Committee meetings and to exercise other powers and perform such other duties as may be prescribed by the Committee.
4. It shall be the duty of the Vice Chair to assist the Chair in the execution of that office, to preside at meetings in the event the Chair is absent, and to exercise such other powers and perform such other duties as may be delegated by the Chair or as may be prescribed by the Committee.
5. The Water Resources Manager shall serve as Facilitator to the Committee. It shall be the duty of the Facilitator to maintain the minutes and other records of the Committee, and to receive communications and correspondence addressed to the Committee.

ARTICLE VII
Meetings of the Committee

1. The Committee shall establish a regular meeting time and place.
2. Special meetings may be called at the discretion of the Chair, according to Section 54596 of the Government Code.
3. A regular meeting may be cancelled by the Chair or Vice Chair in the absence of the Chair, not less than forty-eight (48) hours in advance of the meeting, due to an expected lack of a quorum or lack of business. A regular or special meeting may be cancelled by the Chair or Vice Chair at any time due to an emergency.
4. Agendas for meetings shall be prepared by the Water Resources Manager and mailed at least five days prior to a meeting to all Committee members and to others on the approved agenda mailing list. Public notice of all meetings shall be given pursuant to the Brown Act (Government Code Sections 54950 and following) in compliance with the 72-hour posting deadline for regular meetings and the 24-hour deadline for special meetings.

5. All meetings of the Committee shall comply with the Ralph M. Brown Act.
6. Unless otherwise addressed by these By-laws, the conduct of the affairs of the Committee shall proceed in accordance with the Rules of Order and Procedure as may be adopted by the Committee, or in the absence thereof, in accordance with the provisions of Robert's Rules of Order.
7. The Committee shall accept public comment on any matter within its jurisdiction during its regular meetings at the time set on the agenda for public comment and on any specific item on its agenda. The Committee hereby adopts the following regulations for public comment at its regular meetings:
 - (a) A period of time, herein called the "Public Comment Period", for the public to comment on matters within the jurisdiction of the Committee shall be posted on each agenda of a regular meeting. A total of five (5) minutes shall be allotted for the Public Comment Period.
 - (b) The Chair may grant additional time or, if it appears that all members of the public desiring to comment cannot comment within the allotted times, the Chair may shorten the individual comment time or extend the Public Comment Period.
 - (c) Only comments pertaining to matters within the jurisdiction, but not on the agenda of the Committee or pertaining to items on the consent portion of the Committee's agenda shall be allowed during the public comment period.

ARTICLE VIII
Quorum and Voting

1. The presence of ten (10) of the nineteen (19) voting members of the Committee shall constitute a quorum for the transaction of all business duly presented at a meeting of the Committee, but if less than the full quorum is eligible to vote on the item, the Chair may either (a) direct that the item be brought back for reconsideration at the next meeting of the Committee if a quorum can be established, or (b) invoke the Rule of Necessity to draw lots among conflicted members to establish a quorum.
2. Each voting member of the Committee shall have one vote, which shall be exercised by the member, if present at the meeting, unless required to abstain due to an actual or perceived conflict of interest. Voting by proxy shall not be allowed.
3. A tie shall be a rejection of the approval sought for the agenda item, but if less than the full Committee was present to vote on the item, the Chair may direct that the item be brought back for reconsideration at the next meeting of the Committee.

ARTICLE IX
Conflict of Interest

Members of the Committee shall comply with the terms and provisions of the Stanislaus County Board of Supervisor's Conflict of Interest policy, and shall abstain from acting on matters as prohibited by the Political Reform Act.

ARTICLE X
Amendments to By-laws

These By-laws may be amended, repealed, or altered, in whole or in part upon approval by the Stanislaus County Board of Supervisors. A recommendation to amend, repeal, or alter these By-laws, in whole or in part, may be made by a majority vote of the Committee members present at any duly organized meeting of the Committee, provided that a copy of any amendment proposed for consideration shall be mailed to the last recorded address of each member at least thirty days prior to the date of the meeting. These By-laws, and any amendments to these By-laws, shall take effect only upon approval by the Stanislaus County Board of Supervisors.



Appointment Recommendations Water Advisory Committee

February 4, 2014

BOS



WAC
Water Advisory Committee

21 member advisory stakeholder and community based some expertise - not mandatory

21

Water Resource Manager (facilitation) non-voting member

OBJECTIVES:
needs assessment
prioritize issues
develop draft policies/directive
advise County Board of Supervisors

- 1 = Farm Bureau - Executive Director *
- 2 = Community members @ large *
- 1 = Chair, Agricultural Advisory Board *

1 = BOS Chairman of the Board - rotating annually -non-voting

3 = member appointments each from Board of Supervisors members
[These appointments MAY include:
Irrigation District Elected Board member
City representative
or at large appointments that may be from the drilling industry,
business/industrial/commerce/AG or other]

* Appointment aligns with Title/Position

◇ 2 Board appointments = 2 YR Terms/ 1 Board appointment 1 YR Term
[Initial appointments only. All future appointments = 2 year terms]

■ NON-VOTING

STANDING APPOINTMENTS

Board of Supervisors	Chairman	Annual Rotation
Farm Bureau	Exec Director	Permanent
AG Advisory Board	Chairman	Annual Rotation
Water Resources Mgr.	Walter Ward	N/A

BOARD MEMBER APPOINTMENTS – (initial term = years)

Neil Hudson (2)	Louis Brichetto (1)
Donald Peterson (2)	Forrest White (1)
Rob Santos (2)	Larry Byrd (1)
Francisco Canela (2)	Bill Zoslocki (1)
Richard Gemperle (2)	Raynold Kablanow (1)
Thomas Smith (2)	
Jim Mortensen (2)	
Sean Roddy (2)	
Michael Lynch (2)	
Chris Vierra (2)	

REMAINING APPLICANTS

Jack D Albers
Rachelle Antinetti
George S Arata
Lane Avilla
Alfred Bairos
Matt Beekman
Darrell Cordova
Jeffrey Cowan
John S Duarte
Arthur F Goodwin
Brad Hawn
Ryan J Hollister
Noah Hughes
Kevin M Kauffman

Hank Moore
Norik Naraghi
Chris O'Brien
Monica Perrone
William T Power
Jon Rodriguez
Albert Rossini
Cooper M Rossiter
Bill W Smith
Manny Sousa
Tom Swafford
Karl F Von Spreckelsen
William Wong
Micah Zeff





Appointment Recommendations Water Advisory Committee

February 4, 2014