



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM November 29, 2022

SUBMITTED BY: Administration – Edward D. Hill/Matthew Boyett

SUBJECT: FIRST READING OF THE WATER RESOURCES OVERSIGHT
COMMISSION FORMATION ORDINANCE

SUMMARY:

Overview:

The current Kings County Water Commission is designed to serve purely as an advisory committee, providing information and recommendations to the Board on matters pertaining to water in the County. As the County looks to enact vital water policy to protect the health, prosperity, and safety of the community, and as the County currently lacks the capacity of an internal dedicated Water and Natural Resources Department, a new regulatory body is needing to be formed tasked with approving or denying groundwater export permits, being the drought resiliency body for Senate Bill 552 compliance, and suggesting water policy to the Board, in addition to those water matters currently under the purview of the present commission.

Recommendation:

Introduce and waive the first reading of the ordinance dissolving the Kings County Water Commission and creating the Kings County Water Resources Oversight Commission to address matters related to water use in the County’s jurisdiction.

Fiscal Impact:

There is no immediate fiscal impact with this action.

BACKGROUND:

The current Kings County Water Commission is designed to serve purely as an advisory committee providing recommendations to the Board on matters pertaining to water in the county. The County is looking to enact vital water policy to protect the health, prosperity, and safety of the community, but currently lacks an internal

(Cont’d)

BOARD ACTION :

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2022.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.

Agenda Item

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dedicated Water and Natural Resources Department. A new commissioning body needs to be formed, to be the permitting body for groundwater export permits, to participate in the County's Standing Drought and Water Shortage Task Force required by Water Code section 10609.70 for Senate Bill 552 compliance, and to suggest water policy to the Board, among other water matters not currently under the purview of the present commission.

In the matter of approving or denying groundwater export permits for use outside of the County's jurisdiction, the newly formed commission would be the primary permitting body for export permits. In addition to the new responsibilities surrounding groundwater export permits, the newly formed commission will also suggest water policy to the Board and participate in the County's Standing Drought and Water Shortage Task Force necessary to comply with Water Code 10609.70 (SB 552), as well as filling a role similar to the role of the present Kings County Water Commission.

On November 8, 2022, the Board was presented with the initial draft of this ordinance. After feedback from the Board, material edits were made which constituted a reintroduction of the first reading. The material edits discussed by the Board primarily revolved around the composition of the commission members.

The ordinance has been reviewed and approved by County Counsel as to form.

ORDINANCE NO. _____

AN ORDINANCE TO DISSOLVE THE KINGS COUNTY WATER
COMMISSION AND CREATE THE KINGS COUNTY WATER
RESOURCES OVERSIGHT COMMISSION

The Board of Supervisors of the County of Kings ordains as follows:

SECTION 1: Findings and Declarations.

The Board of Supervisors makes the following findings and declarations in support of the enactment of this Ordinance:

A. The County of Kings is an agricultural community reliant on scarce water resources to support the health, safety, and welfare of its residents and the vitality of its economy.

B. The Board of Supervisors has maintained for more than 50 years a Kings County Water Commission as an advisory body to investigate and report on issues affecting water, including new legislation.

C. The Kings County Water Commission was established by Resolution 64-73 as amended by Resolution 94-057 and reestablished by Resolution 08-003 as amended by Resolution 08-003.1.

D. Over time, the County's water issues have become increasingly complex and numerous. The County finds it necessary to protect the health, safety and welfare of its residents and community by becoming actively involved in regulating the development, use, and conservation of water resources to the extent permitted by law.

E. To accomplish its purposes, the Board of Supervisors finds it necessary to dissolve the Kings County Water Commission as an advisory body and to establish a new body to which it may delegate regulatory authority, including the authority to issue certain permits; to participate in the establishment and implementation of the County's Standing Drought and Water Shortage Task Force pursuant to California Water Code section 10609.70; and to perform additional functions as the Board may delegate, including but not limited to drought and flood planning, development of water policy, and review of State and Federal legislation.

SECTION 2: Dissolution of Water Commission

The Kings County Water Commission is hereby dissolved. All records of the Kings County Water Commission shall be deposited for safekeeping and maintained by the Clerk of the Board of Supervisors.

SECTION 3: Creation of the Kings County Water Resources Oversight Commission.

A. Establishment

There is hereby created and established a Kings County Water Resources Oversight Commission.

B. Purpose and Function

The purposes and functions of the Commission shall be:

1. To exercise permitting and other regulatory authority as delegated by the Board;
2. To assist in the implementation of the County's Standing Drought and Water Shortage Task Force pursuant to Water Code section 10609.70;
3. To exercise additional authority as the Board may delegate from time to time, including without limitation, drought planning, flood planning and the development of County water policy;
4. To advise the County as requested concerning water issues impacting the County; and
5. To advise the County as requested concerning new and existing legislation.

C. Composition

1. The Commission shall consist of five voting members appointed by the Board of Supervisors to the following designated positions:
 - a. Two Commissioners shall be selected from the community at-large.
 - b. One Commissioner shall be the current city manager, director of public works, or director of community development for one

of the County's incorporated cities, or a staff member or consultant of such department.

- c. One Commissioner shall be a staff member, consultant, or a current member of the board of directors of the Armona Community Services District, the Home Garden Community Services District, the Kettleman City Community Services District, or the Stratford Public Utilities District.
- d. One Commissioner shall be a staff member, consultant, or current member of the board of directors of a water agency having jurisdictional boundaries within the County of Kings. For purposes of this provision, "water agency" means any local agency, other than a city, county, community services district, or public utility district, a primary function of which is the irrigation, reclamation, or drainage of land or the diversion, storage, management, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes.

- 2. The Board of Supervisors shall additionally appoint an alternate for each Commissioner, who shall meet the same requirements and be selected in the same manner as the Commissioner for which they serve as alternate. Alternates shall have no vote, except in the absence of the Commissioner for which they serve as alternate but may participate in any deliberations of the Commission.

D. Nomination and appointment

Each member of the Board of Supervisors shall have authority to nominate one candidate for each of the designated positions. Upon receipt of all nominations, the Board of Supervisors shall fill each designated position by majority vote from the pool of nominees for that position.

If there are no nominees for a designated position or majority vote cannot be achieved for a designated position, the Board of Supervisors may, by four-fifths vote fill the designated position with an additional member at large.

E. Term of office

The term of office for Commissioners shall commence on January 1 of odd-numbered years, and shall be four years, except that the initial term of the Water Agency Member and one At-large Member as determined by the Board of Supervisors shall be two years.

Any Commissioner whose appointment requires employment, residency, or

other official status shall serve only as long as the Commissioner continues to satisfy such requirements. Vacancies created under this provision shall be filled by the Board of Supervisors for the unexpired portion of the term.

Notwithstanding the above, all Commissioners serve at the will of the Board of Supervisors and may be removed by a 4/5th vote of the Board as necessary to accomplish the County's policies and objectives.

F. Officers

At the first meeting of each calendar year, the Commission shall elect a Chairperson, a Vice-Chairperson, and such other officers as in its discretion are necessary or prudent.

The Kings County Administrative Officer shall designate a Secretary for the Commission. The Secretary shall maintain all records and conduct correspondence of the Commission, prepare agendas, official documents, and resolutions, and give notice of meetings.

G. Staff

The Kings County Community Development Agency shall provide staff for the Commission. The County Administrative Officer, Department of Public Works, Assessor, and other County Departments shall provide information and services to the Commission from time to time when called upon by the Commission to do so.

The Commission may, upon receiving prior authorization from the Board, retain the services of consultants, advisers, or other professionals to assist in the performance of their duties. The Board of Supervisors shall provide legal counsel for the Commission through the County Counsel or through retained counsel.

H. Bylaws

The Commission shall adopt bylaws for its basic governance, which shall be presented to and approved by the Board of Supervisors, and shall adopt rules and regulations for the transaction of its business.

I. Meetings

The Commission shall hold regular meetings not less than once per quarter. Regular meetings shall be at the Kings County Government Center in Hanford, California, unless unusual or special circumstances warrant meeting elsewhere in the County. Special meetings may be called by the Board, the Chairperson, or by any two Commissioners. The Commission shall designate in its bylaws its rules of parliamentary procedure.

All Commission action shall be by a majority vote at a meeting of a quorum of its members, except when a greater majority is required by law or other authority. All

meetings shall be governed by the Ralph M. Brown Act (Government Code §§54950 et seq.). The minutes, resolutions, transactions, findings, reports, recommendations, and determinations of the Commission shall be a public record.

J. Compensation and Expenses of Commission Members

Any compensation and reimbursement for Commissioners shall be determined by future resolution of the Board of Supervisors.

SECTION 4: This Ordinance shall take effect and be in force thirty days after its adoption by the Board of Supervisors.

The foregoing ordinance was introduced at a meeting of this Board of Supervisors of the County of Kings held on ____, 2022, and adopted at a meeting held on ____, 2022, by the following vote:

AYES: Supervisors
NOES: Supervisors
ABSENT: Supervisors
ABSTAIN: Supervisors

Chairperson of the Board of Supervisors County
of Kings, State of California

WITNESS my hand and seal of said Board of Supervisors this _____ day of
November, 2022.

Clerk of said Board of Supervisors