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**2007-2008
MADERA COUNTY GRAND JURY
FINAL REPORT
MAINTENANCE DISTRICT 95**

INTRODUCTION:

A citizen complaint by residents of Maintenance District 95 (MD 95) was sent to the Madera County Grand Jury to investigate allegations of misappropriation of funds and man-hours as well as neglect to the water system. Also, they were asking for the examination of alleged false documentation filed by Madera County Environmental Health Department (EHD) and misdealing between Madera County agencies and the developer of this District.

The authors of the complaint presented a formidable and challenging task, matched by documentation and evidence to support their position. We commend the authors for their diligence and content of their complaint.

FINDINGS:

The Madera County Board of Supervisors established MD 95 on June 20, 1995, by Resolution 95-157. The Resolution stated in part, "that the service to be provided (by the County) within the maintenance district shall be for any and all services authorized by law, including road maintenance service."

A letter of compliance submitted to the developer by the Madera County Planning Department on April 16, 1995, stated in part, "A community water system shall be developed to provide domestic and fire flow water service to each lot. The system shall be operated as a public utility for which the Board of Supervisors is the Board of Directors and which is authorized to provide the water needs." Further stated, "Development of the community water system shall be by authorization of the Environmental Health and Engineering Departments".

The EHD in its initial "Water Inspection Report" of August 11, 1998, stated, "The system serves a subdivision of approximately 29 lots. Currently, 5 of those lots are developed. The system is permitted as a Community water system under the definition in Section 116275 (I) of the California Safe Drinking Water Act. Madera County regulates the water system as part of the contract with the State Department of Health Services."

The system is supplied by two wells located in a well field at the north east corner of the subdivision. They are designated the 10 inch (in.) well and the 6 in. well. Water meters are installed on both wells, and both fill the adjoining storage tank. Water meters are also installed on each residence of the subdivision in accordance with State law.

The 10 in. diameter well is identified as state water source ID# 2000692-001. It is 550 ft. A 40 horsepower submersible pump was installed at 399 feet (ft.). During the initial 5-day test the well produced 325 gallons per minute, (GPM) from a depth of 350 ft. The GPM are

estimated to be in excess of 200 GPM at this time. For the purposes of this report, this will be called the South well.

The 6 in. diameter well identified is state water source ID# 2000692-002. It was constructed initially as a test well to a depth of 685 ft. After water quality testing there were concerns of arsenic from the blue and brown clays at 625 ft. and the well was reported to have been backfilled with concrete by the driller to 550 ft. It has a 7 ½ hp submersible pump set at 399 ft. Its estimated yield is 70 GPM. For the purposes of this report this will be called the North well.

The EHD did a "Small Water System Permit Information" report on or about December 3, 1998. In it was reported much of the same information as the previous report including that the North well was backfilled with cement from its original depth of 685 ft. to 550 ft. due to the concerns of arsenic.

In March of 2000, for some unknown reason it was decided between Madera County Engineering and the well drilling company that a third well was needed. It was not to replace the North well, that had an arsenic contamination problem, but to replace the South 10 in. well, the one that was working properly.

On March 14, 2000, a letter addressed to Madera County Engineering from the well drilling company states, "The new well will be constructed of 10 in. steel well casing to the same depth as the existing 10 in. South well. After well is constructed and developed, the existing submersible pump will then be pulled. After necessary repairs are made to achieve required GPM, the pump will then be installed in the new well and re-plumbed into the existing system." For purposes of this report, this will be called the East well. See attachment 1.

On March 14, 2000 County Engineering responded by letter to the Developer indicating the County's acceptance of the scheduled replacement, of the South well, which was to be completed by May 1, 2000.

On July 18, 2002 EHD performed a Water System Inspection Report. It was reported that three wells are located in a well field at the north east corner of the subdivision. It was further stated, "Only the 10 in. South well is currently supplying the system. The new East well has not supplied any water to the system at this time." This same report identified the South well, which was to have been replaced by the East well as still producing 325 GPM which was estimated in excess of 200 GPM per day. The new East well was reported not currently supplying water to the system. It was found to pump fine sand that did clear after a period of continuous pumping. On initial start up, the well still produces fine sand. This well is on standby for future residential development.

Also, in this report it was stated that the North well, "Was supposed to be backfilled with concrete by the driller to 550 ft. It was not backfilled and the concerns of Arsenic, Iron, and Manganese may continue. Its estimated yield is 70 GPM. This well is used as stand-by."

On January 24, 2003 EHD performed a Water System Inspection Report which read much same as the 2002 report. However, once again the North well was reported in standby and

backfilled with concrete by the driller to 550 ft. "Concerns of Arsenic, Iron, and continue."

On August 3, 2004 EHD performed a Water System Inspection Report and found the same condition exists with regards to all three wells, North, South, and East along with additional problems different from the previous year's report.

A concern of the North well is found in the EHD reports. In the first inspection of August 1998, the contamination was reported and it stated that the well had been backfilled with cement to a safer level. However, in the July 2002 EHD report it was noted the well was "not backfilled". There were no recommendations and no evidence that this discrepancy was ever forwarded to a higher authority for action. Discussions between County staff and residents of MD 95 in July of 2007 generated many questions such as: how much it would cost to inspect and confirm, who would pay for the inspection, which would be contracted to perform the inspection and would the Board of Supervisors approve the expenditure at County expense or place the burden on the residents. At this writing, nothing has been done and it remains an unanswered question. This discrepancy, when discussed with the EHD in March 2008, could not offer an explanation other than the turnover of employees and the questionable actions of one. As of the writing of this report, it is still unclear to the Grand Jury or the residents of MD 95, if the North well has been backfilled.

The East well was installed at the insistence of the County in 2000; however, this new well is capable of providing only 8 GPM while producing fine sand and as a result remains in standby. Although, this pump is reported in standby, it continues to run and allegedly pumps into the South well, which seems counterproductive.

The County is charged with maintaining the water system and is overseen by the Board of Supervisors when acting as Board of Directors for MD 95, however, in a July 2007 meeting with Resource Management Agency (RMA) and the residents it was asked; "if the East well is not doing any good, why not shut it down?" The response from County was, "we had never heard there was an issue with this pump and we can have it shut down before the end of the day".

Residents pointed out there are no flow switches or any type of switch to shut the booster pumps off when they run dry. As a result, one booster had to be replaced along with a starter and fuses. That cost was approximately \$800 to \$1,000. "Why did no one think about a flow switch or a system to shut those boosters off so they don't run dry?" Further stated, "We're throwing good money on a bad system and it needs to be thought out with a little more sense".

County's response was, "It isn't just inspecting the well, it's the whole system". "I don't know what else is wrong with that system; I'm going back to the Board and saying, guys, this is more than just the fact we got a little sand in the well and we think it'll burn the pump if we turn it on full volume, we need to fix it once and for all, whatever it takes. We'll find a way to pay for it."

From these statements it is evident that some County staff felt a responsibility to the maintenance of the water system.

Of importance in this meeting was the rate proposal presented by County to pay for the outstanding debt and the continued maintenance and operating expenses of MD 95. MD 95 is operating in the red and is indebted in excess of \$17,000. The means by which to resolve this was presented in the form of a Water Rate Increase Proposal. MD 95 residents were rejecting outright any rate increase to mitigate expenses until County resolves all mismanagement and questionable issues that continued to exist. Additionally, they wanted detailed explanations of maintenance expenses to the water system that had not been forthcoming from Madera County. The Madera County Auditor Controller Office has failed to provide quarterly billings in a timely manner, to MD 95 residents. The bills would often arrive just days before the penalty phase was ready to go into effect.

A Notice of Public Hearing from RMA was sent to the residents of MD 95, regarding an increase in fees for water service in MD 95. See attachment 2.

On March 18, 2008 at the regularly scheduled Board of Supervisors meeting, their agenda called for hearings on MD 95. However, before discussion took place, item #11 on the agenda called for a presentation by California Water Service Company (CWSC) on their background, qualifications, and service capabilities in the business of operation and maintenance of water and wastewater systems.

The CWSC representative provided a PowerPoint presentation that illustrated their ability to operate and maintain water systems within Madera County.

The next item on the agenda, #12, called for a hearing to consider a proposed resolution to increase the fees for water service in Maintenance District 95. A spokesman for the residents of district 95 stated, "This is not a water issue but an efficiency issue. We want the system fixed. We have 22 protest letters. Whatever plan you have (County) you must fix our system. Also, you need to provide a detail of maintenance expenses we have previously requested, but have not been provided." When the residents of MD 95 realized they were getting nowhere with further discussion, they requested a five minute break to confer among themselves. When they returned, they presented to the BOS 22 letters of protest thus refusing to accept the proposed rate increase. This unified stance taken by the residents of MD 95 brought this agenda item to a close allowing the BOS to move on to the next agenda item.

Next on the agenda was item #13 which called for a hearing for consideration of approval of resolution dissolving MD 95.

- a. Consider and adopt resolution dissolving MD 95
- b. Authorize staff to prepare and file all documents and legal actions necessary to appoint a receiver for MD 95
- c. Authorize staff to take all actions necessary to sell MD 95 infrastructure to a Public Utilities Commission (PUC) Regulated Water Company.

Motion made to approve items a-b-c and carried 4/1 with one dissenting vote.

CONCLUSIONS:

It appears to the Grand Jury that the County knew in advance that the MD 95 residents would reject the rate increase, consequently the agenda was structured accordingly, and all went as planned:

1. Presentation by CWSC representative, first
2. Proposed rate increase which was rejected by MD 95 residents, second
3. Dissolving MD 95, third

With the dissolution of MD 95, Madera County can now reach out to companies like CWSC for competing bids to take over this District, and any other Maintenance District the County wishes to separate itself from, that is not operating in a financially sound manner. Because of Madera County's inability to operate and maintain MD 95, it makes good sense to dissolve this District and turn it over to a PUC certified company that has the experience and ability to manage it properly. However, questions remain. Foremost among them, why, when it became apparent that the maintenance of the wells in MD 95 was an issue, was it not addressed by the County? When the residents were asking for accounting figures and budgets, why were they not forthcoming? It is easy to say that previous County employees dropped the ball, and this may well be what happened, but the citizens of Madera County and in particular, other Special Districts, deserve to have their questions and concerns answered. The MD 95 residents have continually requested a detailed accounting of all charges incurred by their district, that reflect all of the maintenance and utility costs, as well as inspection charges by County employees. From our investigation, the Grand Jury concludes that the Special Districts Department of the RMA has been trying to correct operations from past decisions and deficiencies made by previous County and RMA employees. From 1998 to 2004, there were no rate increases put in place. In 2004, there was a substantial rate increase, but no follow-up on operations and maintenance. In 2006, when staff at RMA underwent a significant change in personnel, it was decided that all Special Districts within Madera County should be reviewed and brought up to date. It is evident from our investigation that the Special Districts Administrator, who came to this job some twenty months ago, inherited a complicated and dysfunctional program. We commend him for his managerial skills in attempting to bring order to this complex issue.

Currently, only one well, South, is able to serve MD 95. This one well, should the pump fail, will result in an immediate interruption of available water service. With the other wells, North & East, unavailable, the residents will wait for repair and/or replacement. Should the South well fail entirely, how long will it take to resolve this potential, catastrophic condition, created by Madera County's failure to properly maintain the system?

Madera County has failed to provide a dependable, safe and efficient water system for the residents of MD 95, as stated in the original Resolution 95-157, dated June 20, 1995.

RECOMMENDATIONS:

The Madera County Board of Supervisors has now dissolved MD 95 and perhaps has no further legal responsibility to it; however, the foregoing issues should not be ignored and swept away. A responsible County would at least consider the following recommendations.

MD 95 system should be thoroughly checked:

- 1 Was the North well properly backfilled with concrete? The well should be inspected by camera to assure the residents that this was done as stated in 1998. If not, the County should take immediate action to correct its own oversight.
- 2 Although the East well was intended to replace the South well it has never functioned as a replacement. To this day it still produces fine sand, provides only 8 GPM, and remains in standby. Madera County should determine why this condition still exists and correct its own oversight.

Because of its continued mismanagement the Grand Jury recommends that the Auditor Controller's Office of Madera County resolve its internal deficiencies and strive to provide accurate and timely billing to all Special Districts within the County.

The Environmental Health Department Water System Inspection reports reflect needed corrections to water systems. Before the next years inspection, the previous report should be reviewed by the inspection team and notations made to assure corrections have taken place.

RESPONSES:

Board of Supervisors
200 West 4th St.
Madera, CA. 93637

Environmental Health Department
2037 West Cleveland Ave.
Madera, CA. 93637

RMA
2037 West Cleveland Ave.
Madera, Ca. 93637

RMA Special Districts Department
2037 West Cleveland Ave.
Madera, CA. 93637

Madera County Auditor Controller
200 West 4th St.
Madera, CA. 93637

MADERA COUNTY WATER ADVISORY COMMISSION

Introduction

A new Water Commission has been formed in Madera County by the Madera County Board of Supervisors.

The Grand Jury has identified a problem with the Madera County Board of Supervisors approval of appointees for the Madera County Water Advisory Commission (MCWAC). These appointments are in violation of Ordinance 383D, Resolution No. 2007-193, which resolution was approved in a four-to-one vote of the Board of Supervisors (see attached as Exhibits 1 and 2). Criteria established on August 21, 2007 to appoint *qualified* candidates to the five-member MCWAC representing each of the five Madera County supervisorial districts was ignored by four of the five supervisors.

A “commission” is a policy-setting body, as opposed to an “advisory board” only authorized to make recommendations.

Since decisions made by this Commission will have consequences that affect Madera County for decades to come, it is imperative that we have the most qualified appointees on the Madera County Water Advisory Commission.

Findings

A. In 2005, Madera County obtained two grants totaling \$770,000 from the California Department of Water Resources. The funds from this grant were to produce a *plan* called the **Integrated Regional Water Management Plan (IRWMP)** for Madera County. Because this plan must accommodate the needs of the Valley Floor, as well as the needs of Eastern Madera County, special attention must be paid to the policies, agreements, regulations, and

practices emerging from the IRWMP to enable the plan to serve the diverse water needs of all county communities.

The integration, regionalization and technical aspects of the planning process were designed to:

1. Create a Water Management Plan for Madera County that will become the framework for the policies and practices designed to balance the demand for and supply of water in Madera County.
2. Create a set of projects designed to implement Water Management over the next five years. These projects will be described in terms of their contribution to water management objectives, their cost, duration, and priority of importance. Taken together, these projects will result in the infrastructure that will support the county-wide water management effort.
3. Develop a set of criteria for evaluating the results of implementing each project and mechanisms for “mid-course” corrections when necessary.
4. Provide Madera County government with the information and tools necessary to manage water under their jurisdiction.

B. On August 21, 2007, the Board of Supervisors established the following Mission Statement for the MCWAC in Resolution No. 2007-193 (attached as Exhibit 2, page 1):

“It is the mission of the Madera County Water Advisory Commission to investigate, discuss and recommend water policies to the Madera County Board of Supervisors and Madera County Flood Control and Water Conservation Agency/Board of Directors to ensure a consistent and healthy supply of water within the County of Madera for all

residential, agricultural, commercial, industrial and recreational needs, and to further responsible and effective flood control operations.”

- C. The Board of Supervisors established the following Policy Statement for the MCWAC in Resolution No. 2007-193 (attached as Exhibit 2, page 1):

“It is the policy of the Madera County Water Advisory Commission to fully explore the efficient and healthy uses of the limited water supplies in the County of Madera. To listen to all who come before the Commission and to formulate advice regarding water matters before the Board of Supervisors and Agency Board so as to provide unbiased environmentally sound recommendations which will assist both Boards to make fully informed decisions regarding water and flood control matters for specific and general projects.”

- D. The Board of Supervisors established the following qualifications for appointment as a Water Commissioner in Resolution No. 2007-193 (attached as Exhibit 2, Pages 1 and 2):

“To ensure that the mission and policies of the Madera County Water Commission are met, it is necessary that appointed Commissioners be qualified to fully discuss and understand the various scientific, environmental, legal, political and social aspects of water issues which will come before the Commission for consideration. Therefore, at a minimum, members of the Commission must have the following qualifications:

1. Demonstrated employment or education in water issues

This may be satisfied by a showing of employment within a water agency, water district, canal district or employment as a water contractor, water attorney, or consultant. The education may be demonstrated by evidence of extensive course work in recognized institutions or sponsored water seminar on water issues in California. The employment

and educational experience may be considered separately or jointly so as to show a level of experience or knowledge in water issues which allow the member to fully participate in Commission discussions.

2. Political Experience

Political experience may demonstrate the necessary qualifications for membership on the Commission, depending on length of service and the relationship of that service to California water issues. An example of political qualifications are an elected membership to the board of directors for a water district and service on said board for a period of time which would demonstrate an understanding of water issues.

3. Lay Experience

A person who by way of interest or necessity due to work or other experience has a demonstrated knowledge of water issues will qualify for membership on the Commission. An example of lay experience would be those persons in the agricultural, commercial, industrial, or recreational endeavors, which routinely require the assessment of water issues or interface with the water industry so as to provide basis of knowledge of water issues in California.

- E. Members of the previous water boards, Water Advisory Committee and Water/Flood Control Conservation Advisory Board, were summarily dismissed.
- F. The Grand Jury found that prior to their dismissal, members were not consulted for their assistance, input or expertise after many years of service.
- G. The following grid demonstrates the qualifications of each new MCWAC appointee as compared to the adopted criteria by the Board of Supervisors in Resolution 2007-193:

Criteria Appointee	Employment/Education	Political Experience	Lay Experience
Appointee A	None	Yes	None
Appointee B	None	None	None
Appointee C	None	None	None
Appointee D	None	None	None

Additionally, Appointee A disclosed in his application for appointment that he has experience as a water broker, to wit, “In 1993, joined a team working to transfer water from Arizona to California. The water project was located in Cibola, Arizona. The purpose of the transfer was to help stabilize agricultural water delivery and price to farmers in San Diego County and to secure drought year water for the greater San Diego area. This project is still under consideration, but water projects move at glacier speed.”

Conclusions

The Grand Jury questions why the Board of Supervisors entitled the newly-formed group as a ‘Commission’ rather than an advisory board; commissioners are empowered to make policy, while advisory boards are charged with making recommendations.

As currently seated, the appointees consist of three real estate brokers and one dairyman. The Grand Jury concludes **these appointees, not fitting the standard created by Resolution 2007-193, were selected based on some other, questionable, criteria.** Allowing unqualified appointees to remain seated on this commission is a gross violation of the public trust by our county stewards.

Recommendations

1. Since the County has spent \$770,000 to obtain the Integrated Regional Water Management Plan, the Grand Jury recommends the Board of Supervisors move forward with the presentation of the IRWMP fact-based information to the citizens of Madera County according to the original plan: Circulate the draft report in November 2007, the final report in December 2007, and adopt the IRWMP plan in January 2008.
2. The Grand Jury recommends the appropriate district supervisor **immediately remove each unqualified appointee** (see Exhibit 1, Page 3, 13.06.100 Vacancies; removal from office).
3. The Grand Jury recommends the Board of Supervisors create a search committee to recruit qualified candidates in compliance with Resolution No. 2007-193 section entitled Qualifications for Appointment of Water Commissioner, (see Exhibit 2 Page 2).
4. The Grand Jury recommends the Board of Supervisors welcome the participation of citizen action groups - stakeholders - in discussion of vital water management issues.
5. Finally, the Grand Jury recommends the Board of Supervisors acknowledge the many years of service of the volunteer members of the previous advisory committees, waters boards, and councils that have been abruptly dismissed.

Responses

Madera County Board of Supervisors
200 West Fourth Street
Madera, CA 93637

Madera County Chief Administrative Officer
200 West Fourth Street
Madera, CA 93637

County Counsel
Madera County
200 West Fourth Street
Madera, CA 93637

Madera County RMA, Engineering
200 West Fourth Street
Madera, CA 93637

Madera Irrigation District
12152 Road 28 ¼
Madera, CA 93637

Chowchilla Water District
327 So. Chowchilla Blvd.
Chowchilla, CA 93610

Madera County Flood Control
2037 W. Cleveland Ave.
Madera, CA 93637

Madera County Farm Bureau
1102 South Pine St.
Madera, CA 93637

California State Attorney General
Sacramento, California 94244

Paul Dabbs, Chief
California Department of Water Resources
PO Box 942836
Sacramento, CA 94236

Coarsegold Resource Conservation District
P. O. Box 1288
North Fork, CA 93643

California Association of Resource Conservation Districts,
3823 V Street, Suite 3,
Sacramento, CA 95817

Central Valley Regional Water Control Board
Fresno Branch Office
1685 "E" Street
Fresno, CA 93706-2007

Hillview Water Company
40312 Greenwood Way
Oakhurst, CA 93644
Broadview Terrace Mutual Water Company
Oakhurst, Ca

Bass Lake Water Co
P O Box 113
Bass Lake, CA 93604

Broadview Terrace Water Co.
P O Box 1454
Oakhurst, CA 93644

Madera Water District
16943 Road 26
Madera, CA 93638

BEFORE
THE BOARD OF SUPERVISORS / DIRECTORS
OF THE COUNTY OF MADERA / FLOOD CONTROL
AND WATER CONSERVATION AGENCY
STATE OF CALIFORNIA

ORDINANCE NO. 383 D

AN ORDINANCE AMENDING CHAPTER 13.06 OF THE MADERA COUNTY CODE AND ADDING SECTIONS 13.06.070 TO 13.06.170 THERETO, IN REGARD TO ESTABLISHING A WATER ADVISORY COMMISSION

The Board of Supervisors of the County of Madera, and Board of Directors of the Madera County Flood Control and Water Conservation Agency, State of California, ordain as follows:

SECTION 1

Chapter 13.06 of the Madera County Code is amended to change the chapter title from Water Appeals Board to Water Appeals Board/Water Advisory Commission and to add sections 13.06.070 through 13.06.170 to read as follows:

CHAPTER 13.06 SECTIONS 13.06.070 – 13.06.170, MADERA COUNTY WATER ADVISORY COMMISSION.

Sections:

- 13.06.070 Water Advisory Commission Established.
- 13.06.080 Membership; appointment.
- 13.06.090 Term of office.
- 13.06.100 Vacancies; removal from office.
- 13.06.110 Officers.
- 13.06.120 Meetings.
- 13.06.130 Compensation/Expenses.
- 13.06.140 Duties.
- 13.06.150 Board of Supervisors and County Defined.
- 13.06.160 Elimination of Existing Water and Flood Control Committees.
- 13.06.170 Limitations.

13.06.070 Water Advisory Commission Established.

Pursuant to section 31000.1 of the Government Code of the State of California, the Madera County Water Advisory Commission is established.

13.06.080 Membership: appointment.

The Madera County Water Advisory Commission ("Commission") shall be composed of five (5) members appointed by the Board of Supervisors and the Board of Directors. Each Supervisor/Director shall recommend to the Board one appointee to the Commission. To serve on the Commission, prospective members must have experience in issues regarding water supply and use. Members shall be known as Water Commissioners.

13.06.090 Term of office.

Each Water Commissioner shall serve at the pleasure of the Board of Supervisors/Directors and, subject to the following, shall hold office for a term of four (4) years and until the appointment and qualification of his or her successor. The terms of the Water Commissioners in office on the effective date of the ordinance codified in this chapter shall be as follows:

Supervisory District Number	Term Expires
1	June 30, 2009
2	June 30, 2011
3	June 30, 2011
4	June 30, 2009
5	June 30, 2009

13.06.100 Vacancies: removal from office.

The occurrence of any of the events specified in section 1770 of the Government Code of the State of California shall cause a vacancy in the office of a member of the Commission. In addition, a vacancy shall occur whenever a member of the Commission fails to attend three (3) consecutive regular meetings of the Commission without good cause for such failure to attend having been entered into the minutes and approved by the Commission. The Commission shall advise the Board of Supervisors/Directors and the member when a vacancy has occurred so that the vacancy may be filled by recommendation of the appointing Supervisor and appointment by the Board of Supervisors/Directors. A Water Commissioner may be removed from office at any time, but only upon the recommendation of the member of the Board of Supervisors/Directors who recommended appointment of the Commissioner and the affirmative vote of a majority of the Board of Supervisors/Directors.

13.06.110 Officers.

The officers of the Commission shall be a Chair and a Chair Pro Tem. The officers shall be elected by the Commission from among the members of the Commission in accordance with rules to be adopted by the Commission for the conduct of its business at its meetings and the other affairs of the Commission. The Board of Supervisors/Directors shall appoint an Interim Chair of the Commission upon establishment of the Commission. The Interim Chair shall remain in office until such

time as the rules of conduct have been enacted and permanent officers have been elected by the Commission in accordance with this section. The position of Chair and Chair Pro Tem shall rotate annually on January 1st. The Chair Pro Tem shall act in the place and stead of the Chair in his or her absence.

13.06.120 Meetings.

The Commission shall hold a regular meeting at least once each month at a time and place determined by the members of the Commission, and such additional meetings as the members determine to be necessary. All meetings of the Commission shall be conducted in accordance with the Ralph M. Brown Act, beginning at section 54950 of the Government Code of the State of California. The Commission shall adopt all necessary rules governing the transaction of business at its meetings and the other affairs of the Commission. The Clerk to the Board of Supervisors or her designee shall prepare the agenda, agenda materials and attend the meetings of the Commission to record the minutes and other duties as assigned by the Chair or the Chair Pro Tem in absence of the Chair. The County Engineer shall attend all meetings of the Commission. An attorney whose practice emphasizes water law shall be appointed or hired by the Commission as legal counsel to the Commission, and shall attend all meetings of the Commission.

13.06.130 Expenses.

Pursuant to section 31000.1 of the Government Code of the State of California, Water Commissioners shall receive actual and necessary travel expenses incurred in the performance of their duties, and compensation for attendance at each meeting at a rate to be determined by resolution of the Board of Supervisors/Directors. No Water Commissioner shall be reimbursed for expenses related to travel outside the County of Madera or the State of California, unless such travel is approved in advance by the Board of Supervisors/Directors.

13.06.140 Duties.

The Commission shall perform the following duties:

- A. Consider all water and flood matters affecting the County of Madera and report their findings and recommendations to the Board of Supervisors/Directors, and
- B. Make reports to the Board of Supervisors or the Board of Directors on matters referred to the Commission by the Board of Supervisors/Directors, and
- C. Inform the citizens of the County of Madera with regard to water and flood matters affecting the County, and
- D. File a copy of the minutes of each meeting of the Commission with the Board of Supervisors/Directors, and
- E. Perform such other duties as the Board of Supervisors/Directors may direct.

13.06.150 Board of Supervisors/Directors.

This article is simultaneously enacted by the Board of Supervisors for the County of Madera and the Board of Directors of the Madera County Flood Control and Water Conservation Agency. The Commission shall report to the County or Agency dependent upon the issue considered.

13.06.160 Elimination of Water and Flood Control Committees.

On the effective date of this article, the following water and/or flood control committees, boards and commissions shall be eliminated and shall have no further authority to act in any manner: the Madera County Water Oversight Committee; the Eastern Madera County Water Oversight Committee and the Madera County Flood Control and Water Conservation Agency Advisory Committee. However, the Commission may establish committees for the purpose of carrying out the duties of the Commission, within certain geographic regions or for special issues related to the Commission's duties. Members of the committees may be appointed by the Commission based upon the Commission's needs and the mission of any committee so appointed.

13.06.170 Limitations.

In completing the duties described in section 13.06.140, the Commission is not empowered to enact policy or deny or approve specific projects within the County of Madera. The Commission is limited in the scope of its duties to advising the Board of Supervisors and the Madera County Flood Control and Water Conservation Agency Board of Directors. Commission recommendations are advisory only and are not binding upon the Board of Supervisors or the Agency Board of Directors.

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The foregoing Ordinance was adopted this 21st day of August, 2007,
by the following vote:

Supervisor/Director Bigelow voted:

No

Supervisor/Director Moss voted:

yes

Supervisor/Director Dominici voted:

yes

Supervisor/Director Rodriguez voted:

yes

Supervisor/Director Wheeler voted:

yes



Ernest W. Moss

Chairman, Board of Supervisors &
Board of Directors

ATTEST:

Ann M. Boyd
Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By [Signature]

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of	)	Resolution No.: <u>2007 - 193</u>
	)	
THE MADERA COUNTY WATER	)	A RESOLUTION ESTABLISHING MISSION,
ADVISORY COMMISSION	)	POLICY AND MEMBER QUALIFICATIONS
	)	OF THE MADERA COUNTY WATER
	)	ADVISORY COMMISSION AND SETTING
	)	STIPEND FOR WATER COMMISSIONERS

BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Madera, State of California, hereby establishes the following initial Mission Statement for the Madera County Water Advisory Commission (Commission):

It is the mission of the Madera County Water Advisory Commission to investigate, discuss and recommend water policies to the Madera County Board of Supervisors and Madera County Flood Control and Water Conservation Agency/Board of Directors to ensure a consistent and healthy supply of water within the County of Madera for all residential, agricultural, commercial, industrial and recreational needs, and to further responsible and effective flood control operations.

BE IT HEREBY FURTHER RESOLVED that the Board of Supervisors of the County of Madera, State of California, hereby establishes the following initial Policy Statement for the Commission:

It is the policy of the Madera County Water Advisory Commission to fully explore the efficient and healthy uses of the limited water supplies in the County of Madera. To listen to all who come before the Commission and to formulate advice regarding water matters before the Board of Supervisors and Agency Board so as to provide unbiased environmentally sound recommendations which will assist both Boards to make fully informed decisions regarding water and flood control matters for specific and general projects.

BE IT HEREBY FURTHER RESOLVED that the Board of Supervisors of the County of Madera, State of California, hereby establishes the following qualifications for appointment as a Water Commissioner:

To ensure that the mission and policies of the Madera County Water Commission are met, it is necessary that appointed Commissioners be qualified to fully discuss and understand the various scientific, environmental, legal, political and social aspects of water issues which will come before the Commission for consideration. Therefore, at a minimum, members of the Commission must have the following qualifications:

1. Demonstrated employment or education in water issues.

This may be satisfied by a showing of employment within a water agency, water district, canal district or employment as a water contractor, water attorney or consultant. The education may be demonstrated by evidence of extensive course work in recognized institutions or sponsored water seminars on water issues in California. The employment and educational experience may be considered separately or jointly so as to show a level of experience or knowledge in water issues which will allow the member to fully participate in Commission discussions.

2. Political experience.

Political experience may demonstrate the necessary qualifications for membership on the Commission, depending on length of service and the relationship of that service to California water issues. An example of political qualifications are an elected membership to the board of directors for a water district and service on said board for a period of time which would demonstrate an understanding of water issues.

3. Lay experience.

A person who by way of interest or necessity due to work or other experience has a demonstrated knowledge of water issues will qualify for membership on the Commission. An example of lay experience would be those persons in the agricultural, commercial, industrial or recreational endeavors which routinely require the assessment of water issues or interface with the water industry so as to provide basis of knowledge of water issues in California.

Appointment as a Water Commissioner may be based on one, all or a combination of the above qualifiers.

BE IT HEREBY FURTHER RESOLVED that the Board of Supervisors of the County of Madera, State of California, hereby establishes compensation to defray unquantifiable expenses related to the attendance of Water Commissioners at meetings of the Commission in the amount of one hundred (\$100.00) for each regular meeting of the Commission.

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The foregoing Resolution was adopted this 21st day of AUGUST,
2007, by the following vote:

Supervisor Bigelow voted: No

Supervisor Moss voted: yes

Supervisor Dominici voted: yes

Supervisor Rodriguez voted: yes

Supervisor Wheeler voted: yes

Ernest D. Moss

Chairman, Board of Supervisors



ATTEST:

Janine A. Boyd
Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By [Signature]