

RESOLUTION 2017-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE MEMORANDUM OF AGREEMENT TO FORM A GROUNDWATER SUSTAINABILITY AGENCY FOR A PORTION OF THE SAN GORGONIO PASS SUB-BASIN AND TO COORDINATE WITH OTHER GROUNDWATER SUSTAINABILITY AGENCIES

WHEREAS, the Sustainable Groundwater Management Act of 2014 (SGMA) was signed into law on September 16, 2014 and went into effect on January 1, 2015; and

WHEREAS, SGMA provides for the sustainable management of groundwater basins at the local level through the formation of Groundwater Sustainability Agencies (GSAs) and through preparation and implementation of Groundwater Sustainability Plans (GSPs); and

WHEREAS, the San Gorgonio Pass Subbasin (Basin) is identified by the California Department of Water Resources (DWR) Bulletin 118 as Subbasin No. 7-21.04 of the Coachella Valley Groundwater Basin, and is designated by DWR as medium priority, and therefore, except as provided by SGMA, the Basin is subject to the requirements of SGMA; and

WHEREAS, SGMA authorizes a combination of local agencies as defined by SGMA to form a GSA pursuant to a joint powers agreement, a memorandum of agreement, or other legal agreement, and SGMA also authorizes a water corporation regulated by the California Public Utilities Commission or a mutual water company to participate in a GSA through a memorandum of agreement or other legal agreement; and

WHEREAS, the City of Banning, Cabazon Water District, Banning Heights Mutual Water Company, San Gorgonio Pass Water Agency, Mission Springs Water District, and Desert Water Agency have prepared a Memorandum of Agreement (MOA), attached hereto, for a cooperative process to form and coordinate multiple GSAs for the Basin, and to carry out the policy, purposes, and requirements of SGMA in the Basin, including the City of Banning's ability to protect and effectively manage its interests and obligations with groundwater management. Toward that end, the City requests that the San Gorgonio Pass Water Agency, as a wholesale importer of water supplies, be designated an ex-officio member of the GSA with non-voting rights; and

WHEREAS, among other things, the MOA establishes the San Gorgonio Pass GSA (SGP-GSA) for a portion of the Basin, as further set forth and depicted in the MOA, the members of which SGP-GSA are the City of Banning, the Cabazon Water District, the Banning Heights Mutual Water Company, and the San Gorgonio Pass Water Agency; and

WHEREAS, the MOA further establishes that efforts of the SGP-GSA will be coordinated with the efforts of the Desert Water Agency GSA (DWA-GSA) that already has been established for a portion of the Basin, and the efforts of the Verbenia Area GSA (Verbenia-GSA) that is being established for another portion of the Basin; and

WHEREAS, the Parties to the MOA mutually desire and intend that the SGP-GSA, the DWA-GSA, and the Verbenia-GSA will cooperate and coordinate in subsequently preparing and implementing one or more GSPs for sustainable management of the Basin in accordance with SGMA; and

WHEREAS, the City of Banning is committed to the sustainable management of groundwater resources within the Basin in accordance with SGMA; and

WHEREAS, pursuant to the requirements of SGMA, the City of Banning held a public hearing on this date after publications of notice pursuant to California Government Code section 6066 to consider adoption of this Resolution; and

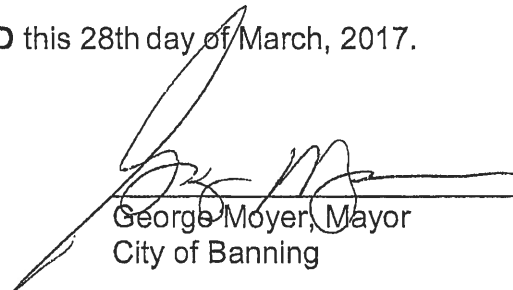
WHEREAS, pursuant to SGMA Section 10728.6 and Public Resources Code Section 21065, neither this Resolution, nor the MOA, nor the preparation or adoption of a GSP constitutes a project or approval of a project under the California Environmental Quality Act (CEQA) or the State CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

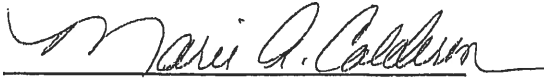
SECTION 1. The City Council hereby approves the Memorandum of Agreement (MOA) to form a Groundwater Sustainability Agency for a portion of the San Gorgonio Pass Subbasin and to coordinate with other Groundwater Sustainability Agencies (GSAs).

SECTION 2. The City Manager is hereby authorized to execute the MOA and directed to coordinate with the other members of the SGP-GSA to submit a copy of this Resolution and other applicable information to the California Department of Water Resources regarding the formation of the SGP-GSA.

PASSED, APPROVED AND ADOPTED this 28th day of March, 2017.

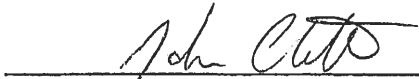

George Moyer, Mayor
City of Banning

ATTEST:



Marie A. Calderon, City Clerk
City of Banning

**APPROVED AS TO FORM AND
LEGAL CONTENT:**



John C. Cotti, Interim City Attorney
Jenkins & Hogin, LLP

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL DOCUMENT ON
FILE IN THE OFFICE OF THE CITY CLERK.

BY 
TITLE *CITY CLERK*
DATE *4-10-17*

CERTIFICATION:

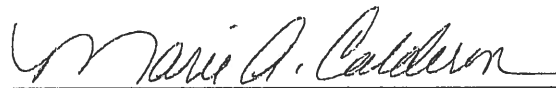
I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-35, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 28th day of March, 2017, by the following vote, to wit:

AYES: Councilmembers Andrade, Franklin, Welch, Mayor Moyer

NOES: None

ABSTAIN: None

ABSENT: Councilmember Peterson



Marie A. Calderon, City Clerk
City of Banning, California

RESOLUTION NO. 01-2017

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CABAZON WATER DISTRICT
TO APPROVE THE MEMORANDUM OF AGREEMENT TO FORM A
GROUNDWATER SUSTAINABILITY AGENCY FOR A PORTION OF THE SAN
GORGONIO PASS
SUB-BASIN AND TO COORDINATE WITH OTHER GROUNDWATER
SUSTAINABILITY AGENCIES**

WHEREAS, the Sustainable Groundwater Management Act of 2014 (SGMA) was signed into law on September 16, 2014 and went into effect on January 1, 2015; and

WHEREAS, SGMA provides for the sustainable management of groundwater basins at the local level through the formation of Groundwater Sustainability Agencies (GSAs) and through preparation and implementation of Groundwater Sustainability Plans (GSPs); and

WHEREAS, the San Gorgonio Pass Subbasin (Basin) is identified by the California Department of Water Resources (DWR) Bulletin 118 as Subbasin No. 7-21.04 of the Coachella Valley Groundwater Basin, and is designated by DWR as medium priority, and therefore, except as provided by SGMA, the Basin is subject to the requirements of SGMA; and

WHEREAS, SGMA authorizes a combination of local agencies as defined by SGMA to form a GSA pursuant to a joint powers agreement, a memorandum of agreement, or other legal agreement, and SGMA also authorizes a water corporation regulated by the California Public Utilities Commission or a mutual water company to participate in a GSA through a memorandum of agreement or other legal agreement; and

WHEREAS, the Cabazon Water District, City of Banning, Banning Heights Mutual Water Company, San Gorgonio Pass Water Agency, Mission Springs Water District, and Desert Water Agency have prepared a Memorandum of Agreement (MOA), attached hereto as **Exhibit A**, for a cooperative process to form and coordinate multiple GSAs for the Basin, and to carry out the policy, purposes, and requirements of SGMA in the Basin; and

WHEREAS, among other things, the MOA establishes the San Gorgonio Pass GSA (SGP-GSA) for a portion of the Basin, as further set forth and depicted in the MOA, the members of which SGP-GSA are the Cabazon Water District, the City of Banning, the Banning Heights Mutual Water Company, and the San Gorgonio Pass Water Agency; and

WHEREAS, the MOA further establishes that efforts of the SGP-GSA will be coordinated with the efforts of the Desert Water Agency GSA (DWA-GSA) that already has been established for a portion of the Basin, and the efforts of the Verbenia Area GSA (Verbenia-GSA) that is being established for another portion of the Basin; and

WHEREAS, the Parties to the MOA mutually desire and intend that the SGP-GSA, the DWA-GSA, and the Verbenia-GSA will cooperate and coordinate in subsequently preparing and implementing one or more GSPs for sustainable management of the Basin in accordance with SGMA; and

WHEREAS, the Cabazon Water District is committed to the sustainable management of groundwater resources within the Basin in accordance with SGMA; and

WHEREAS, pursuant to the requirements of SGMA, Cabazon Water District held a public hearing on this date after publications of notice pursuant to California Government Code section 6066 to consider adoption of this Resolution; and

WHEREAS, pursuant to SGMA Section 10728.6 and Public Resources Code Section 21065, neither this Resolution, nor the MOA, nor the preparation or adoption of a GSP constitutes a project or approval of a project under the California Environmental Quality Act (CEQA) or the State CEQA Guidelines,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CABAZON WATER DISTRICT THAT:

1. Cabazon Water District hereby approves the Memorandum of Agreement to Form a Groundwater Sustainability Agency for a Portion of the San Gorgonio Pass Subbasin and to Coordinate with Other Groundwater Sustainability Agencies (MOA), a copy of which is attached hereto as **Exhibit A**.
2. Pursuant to the MOA and as authorized by SGMA, Cabazon Water District elects to jointly form and participate as a member of the San Gorgonio Pass Groundwater Sustainability Agency (SGP-GSA) for a portion of the Basin as further set forth and depicted in the MOA.
3. The General Manager of Cabazon Water District is hereby authorized and directed to coordinate with the other members of the SGP-GSA to submit a copy of this Resolution and other applicable information to the California Department of Water Resources regarding the formation of the SGP-GSA.

PASSED AND ADOPTED at a Meeting of the Board of Directors of the Cabazon Water District held this 21 st day of March, 2017.


Robert Lynk, Chair, Board of Directors
Cabazon Water District

ATTEST:


Secretary, Board of Directors
Cabazon Water District

RESOLUTION 2017 - 01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BANNING HEIGHTS MUTUAL WATER COMPANY TO APPROVE THE MEMORANDUM OF AGREEMENT TO FORM A GROUNDWATER SUSTAINABILITY AGENCY FOR A PORTION OF THE SAN GORGONIO PASS SUB-BASIN AND TO COORDINATE WITH OTHER GROUNDWATER SUSTAINABILITY AGENCIES

WHEREAS, the Sustainable Groundwater Management Act of 2014 (SGMA) was signed into law on September 16, 2014 and went into effect on January 1, 2015; and

WHEREAS, SGMA provides for the sustainable management of groundwater basins at the local level through the formation of Groundwater Sustainability Agencies (GSAs) and through preparation and implementation of Groundwater Sustainability Plans (GSPs); and

WHEREAS, the San Gorgonio Pass Subbasin (Basin) is identified by the California Department of Water Resources (DWR) Bulletin 118 as Subbasin No. 7-21.04 of the Coachella Valley Groundwater Basin, and is designated by DWR as medium priority, and therefore, except as provided by SGMA, the Basin is subject to the requirements of SGMA; and

WHEREAS, SGMA authorizes a combination of local agencies as defined by SGMA to form a GSA pursuant to a joint powers agreement, a memorandum of agreement, or other legal agreement, and SGMA also authorizes a water corporation regulated by the California Public Utilities Commission or a mutual water company to participate in a GSA through a memorandum of agreement or other legal agreement; and

WHEREAS, the Cabazon Water District, City of Banning, Banning Heights Mutual Water Company, San Gorgonio Pass Water Agency, Mission Springs Water District, and Desert Water Agency have prepared a Memorandum of Agreement (MOA), attached hereto as **Exhibit A**, for a cooperative process to form and coordinate multiple GSAs for the Basin, and to carry out the policy, purposes, and requirements of SGMA in the Basin; and

WHEREAS, among other things, the MOA establishes the San Gorgonio Pass GSA (SGP-GSA) for a portion of the Basin, as further set forth and depicted in the MOA, the members of which SGP-GSA are the Cabazon Water District, the City of Banning, the Banning Heights Mutual Water Company, and the San Gorgonio Pass Water Agency; and

WHEREAS, the MOA further establishes that efforts of the SGP-GSA will be coordinated with the efforts of the Desert Water Agency GSA (DWA-GSA) that already has been established for a portion of the Basin, and the efforts of the Verbenia Area GSA (Verbenia-GSA) that is being established for another portion of the Basin; and

WHEREAS, the Parties to the MOA mutually desire and intend that the SGP-GSA, the DWA-GSA, and the Verbenia-GSA will cooperate and coordinate in subsequently preparing and

implementing one or more GSPs for sustainable management of the Basin in accordance with SGMA; and

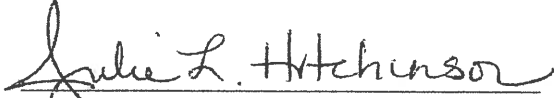
WHEREAS, the Banning Heights Mutual Water Company is committed to the sustainable management of groundwater resources within the Basin in accordance with SGMA; and

WHEREAS, pursuant to SGMA Section 10728.6 and Public Resources Code Section 21065, neither this Resolution, nor the MOA, nor the preparation or adoption of a GSP constitutes a project or approval of a project under the California Environmental Quality Act (CEQA) or the State CEQA Guidelines,

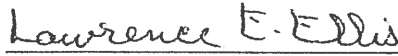
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BANNING HEIGHTS MUTUAL WATER COMPANY that:

1. Banning Heights Mutual Water Company hereby approves the Memorandum of Agreement to Form a Groundwater Sustainability Agency for a Portion of the San Geronio Pass Subbasin and to Coordinate with Other Groundwater Sustainability Agencies (MOA), a copy of which is attached hereto as **Exhibit A**.
2. Pursuant to the MOA and as authorized by SGMA, Banning Heights Mutual Water Company elects to jointly form and participate as a member of the San Geronio Pass Groundwater Sustainability Agency (SGP-GSA) for a portion of the Basin as further set forth and depicted in the MOA.
3. Banning Heights Mutual Water Company will coordinate with the other members of the SGP-GSA to submit a copy of this Resolution and other applicable information to the California Department of Water Resources regarding the formation of the SGP-GSA.

PASSED, APPROVED, AND ADOPTED this 13th day of March, 2017.


Julie L. Hutchinson, President
Banning Heights Mutual Water Company

ATTEST


Lawrence E. Ellis, Director
Banning Heights Mutual Water Company

CERTIFICATION

I, Terri Farris, Company Secretary of the Banning Heights Mutual Water Company, do hereby certify that the foregoing Resolution Number 2017-01 as duly adopted by the Board of Directors of the Banning Heights Mutual Water Company at the general business meeting thereof held on the 13th day of March, 2017, by the following vote, to wit:

AYES: 4

NOES: 0

ABSTAIN: 0

ABSENT: 1


Terri Farris, Company Secretary
Banning Heights Mutual Water Company

RESOLUTION 2017 - 02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY TO APPROVE THE MEMORANDUM OF AGREEMENT TO FORM A GROUNDWATER SUSTAINABILITY AGENCY FOR A PORTION OF THE SAN GORGONIO PASS SUB-BASIN AND TO COORDINATE WITH OTHER GROUNDWATER SUSTAINABILITY AGENCIES

WHEREAS, the Sustainable Groundwater Management Act of 2014 (SGMA) was signed into law on September 16, 2014 and went into effect on January 1, 2015; and

WHEREAS, SGMA provides for the sustainable management of groundwater basins at the local level through the formation of Groundwater Sustainability Agencies (GSAs) and through preparation and implementation of Groundwater Sustainability Plans (GSPs); and

WHEREAS, the San Gorgonio Pass Subbasin (Basin) is identified by the California Department of Water Resources (DWR) Bulletin 118 as Subbasin No. 7-21.04 of the Coachella Valley Groundwater Basin, and is designated by DWR as medium priority, and therefore, except as provided by SGMA, the Basin is subject to the requirements of SGMA; and

WHEREAS, SGMA authorizes a combination of local agencies as defined by SGMA to form a GSA pursuant to a joint powers agreement, a memorandum of agreement, or other legal agreement, and SGMA also authorizes a water corporation regulated by the California Public Utilities Commission or a mutual water company to participate in a GSA through a memorandum of agreement or other legal agreement; and

WHEREAS, the Cabazon Water District, City of Banning, Banning Heights Mutual Water Company, San Gorgonio Pass Water Agency, Mission Springs Water District, and Desert Water Agency have prepared a Memorandum of Agreement (MOA), attached hereto as **Exhibit A**, for a cooperative process to form and coordinate multiple GSAs for the Basin, and to carry out the policy, purposes, and requirements of SGMA in the Basin; and

WHEREAS, among other things, the MOA establishes the San Gorgonio Pass GSA (SGP-GSA) for a portion of the Basin, as further set forth and depicted in the MOA, the members of which SGP-GSA are the Cabazon Water District, the City of Banning, the Banning Heights Mutual Water Company, and the San Gorgonio Pass Water Agency; and

WHEREAS, the MOA further establishes that efforts of the SGP-GSA will be coordinated with the efforts of the Desert Water Agency GSA (DWA-GSA) that already has been established for a portion of the Basin, and the efforts of the Verbenia Area GSA (Verbenia-GSA) that is being established for another portion of the Basin; and

WHEREAS, the Parties to the MOA mutually desire and intend that the SGP-GSA, the DWA-GSA, and the Verbenia-GSA will cooperate and coordinate in subsequently preparing and implementing one or more GSPs for sustainable management of the Basin in accordance with SGMA; and

WHEREAS, the San Gorgonio Pass Water Agency is committed to the sustainable management of groundwater resources within the Basin in accordance with SGMA; and

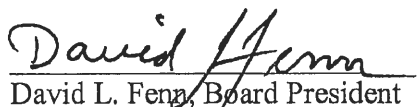
WHEREAS, pursuant to the requirements of SGMA, the San Gorgonio Pass Water Agency held a public hearing on this date after publications of notice pursuant to California Government Code section 6066 to consider adoption of this Resolution; and

WHEREAS, pursuant to SGMA Section 10728.6 and Public Resources Code Section 21065, neither this Resolution, nor the MOA, nor the preparation or adoption of a GSP constitutes a project or approval of a project under the California Environmental Quality Act (CEQA) or the State CEQA Guidelines,

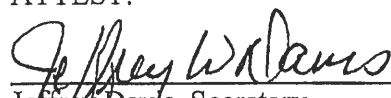
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY that:

1. The San Gorgonio Pass Water Agency hereby approves the Memorandum of Agreement to Form a Groundwater Sustainability Agency for a Portion of the San Gorgonio Pass Subbasin and to Coordinate with Other Groundwater Sustainability Agencies (MOA), a copy of which is attached hereto as **Exhibit A**.
2. Pursuant to the MOA and as authorized by SGMA, the San Gorgonio Pass Water Agency elects to jointly form and participate as a member of the San Gorgonio Pass Groundwater Sustainability Agency (SGP-GSA) for a portion of the Basin as further set forth and depicted in the MOA.
3. The General Manager of the San Gorgonio Pass Water Agency is hereby authorized and directed to coordinate with the other members of the SGP-GSA to submit a copy of this Resolution and other applicable information to the California Department of Water Resources regarding the formation of the SGP-GSA.

I HEREBY CERTIFY that the foregoing is a true, full and correct copy of Resolution 2017-02 that was duly introduced, passed and adopted at a regular meeting of the Board of Directors of the San Gorgonio Pass Water Agency, at its regular meeting on March 20, 2017.


David L. Feng, Board President
San Gorgonio Pass Water Agency

ATTEST:


Jeffrey Davis, Secretary