

OCTOBER 8, 2003 - Water Resources
McDonald, Little

OCTOBER 27, 2003 - Board Meeting

Prepared by: Fernando Paludi

Submitted by: Paul E. Shoenberger

Approved by: Darryl G. Miller

ACTION CALENDAR

CONJUNCTIVE USE WORKING GROUP - RESOLUTION OF SUPPORT

SUMMARY:

For the past two months, District staff has participated in three workshops as a member of the Conjunctive Use Working Group in a "Facilitated Process" open to all groundwater producers and other key stakeholders in the Central and West Coast Basins (Basins), with the intent of developing a consensus direction on how to implement conjunctive use groundwater storage.

One of the first priorities identified as part of an Action Plan for the Working Group was to draft a uniform resolution seeking support for the Facilitated Process from each stakeholder's governing body. The resolution, included as Exhibit "A", contains several recitals that outline the purpose and goals of the Working Group, briefly summarized below:

- Design and implementation of a Conjunctive Use Program;
- Improve communication among stakeholders; and
- Identify stakeholders' diverse capabilities and develop ways to combine strengths.

More importantly, by approving the resolution, the Board resolves that the District will participate in good faith in the Working Group and will not, for the next six months:

- Seek to amend the Judgment for either Basin;
- Seek legislation related to conjunctive use in the Basins or directed at any participant of the Working Group; and
- Approve any water supply project related to conjunctive use within the Basins.

In order for these self-imposed constraints on the participants to be legally acceptable, they can be waived under "extraordinary circumstances" or, if a participant fully discloses their intentions at a meeting of the Working Group. Furthermore, the resolution recognizes that participation in the Working Group is voluntary and implies no agreement or commitment to any results of the Facilitated Process.

The Working Group also recognizes that in the case of the Districts, there is legislation pending (AB 148) that might require a response from the Districts. Such action would not be construed as acting in bad faith with respect to the Facilitated Process. District's Counsel has been a participant in all the workshops and was instrumental in the development of the resolution as it is currently drafted.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Committee on October 8, 2003 and was recommended for approval at the October 27, 2003 Board meeting.

RECOMMENDED MOTION:

That the Board approves, adopts, and authorizes the President to sign Resolution No. 10-03-794, "A RESOLUTION OF THE WEST BASIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS IN SUPPORT OF THE CENTRAL AND WEST COAST BASINS CONJUNCTIVE USE WORKING GROUP."

LIST OF EXHIBITS:

Exhibit "A" - RESOLUTION No. 10-03-794

G:\directors\wbmwd\03oct005