

SIERRA VALLEY
GROUNDWATER
MANAGEMENT DISTRICT

ESTABLISHED BY THE SIERRA VALLEY GROUNDWATER
BASIN ACT OF 1980 (WATER CODE, APP. 119)

SIERRA VALLEY GROUNDWATER MANAGEMENT DISTRICT

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POLICIES & PROCEDURES MANUAL

This Policy & Procedures Manual was approved by a motion at the Board of Directors Meeting on October 8, 2012 – Chairman Genasci, Vice-Chairman Wallace, Directors Swofford, Goicoechea, , Harrison, and Potter

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Chapter 1 General Rules

Section 1 Applicability

These rules shall apply to all meetings of the Sierra Valley Groundwater Management District, Board of Directors. It shall be the responsibility of each member of the Board of Directors to become knowledgeable with these rules.

Section 2 Membership

The Board of Directors shall be composed of seven (7) members appointed by the respective Boards of Supervisors of Sierra and Plumas Counties in accordance with any joint exercise of powers agreement.

Section 3 Voting

Four (4) members of the Board of Directors shall constitute a quorum for the transaction of business of the District. Any Ex-officio or Advisory members shall not have a vote on any matter of business before the Board of Directors.

Section 4 Meeting Attendance

If any member of the Board of Directors is unable to attend a regular or special meeting, the members shall notify the Chairman or the Secretary prior to the meeting advising the reasons thereof. Failure

of a member to attend meetings of the Board of Directors may be reported to the respective Board of Supervisors of Sierra and Plumas Counties by resolution of the full Board of Directors.

Chapter 2 Board Officers

Section 5 Election of Officers

The Board of Directors shall, at the first regular meeting in January of each year, elect a Chairman and Vice Chairman. The Chairman and Vice Chairman shall be elected by a majority of the total appointed members of the Board of Directors. If there is more than one (1) candidate for each office, the election shall be taken by secret ballot and administered by the Secretary of the Board.

Section 6 Chairman

The Chairman of the Board of Directors, when present, shall preside at all meetings; shall take the chair at the hour appointed for every Board of Directors meeting and immediately call the meeting to order; and shall proceed to administer the business of the Board of Directors in a manner consistent with the rules of the Board. The Chairman of the Board of Directors shall preserve order, the decorum, and shall decide upon all questions of order subject to the transaction of business by the Board of Directors.

Section 7 Vice Chairman

The Vice Chairman shall, in the inability or absence of the Chairman to act, take the Chair and have all powers and duties of the Chairman.

Section 8 Secretary

The Secretary of the Board shall be responsible for giving notice of all Board of Directors meetings; preparing all Board of Directors agendas; maintenance and recording of all meetings and actions of the Board of Directors; signing all documents and resolutions; conducting correspondence; and supervising the maintenance of official files, records, exhibits, and documents. The Secretary may appoint an alternate to fulfill duties of the Secretary in the case of absence.

Section 9 Legal Counsel

The County Counsel of Sierra or Plumas Counties may provide legal counsel to the Board of Directors during the transaction of business during any regular or special meeting. Whenever possible, legal advice should be in written form. The Board of Directors may contract for counsel services at any time.

Section 10 Advisory Members

Advisory members to the Board of Directors shall be the Sierra Valley Watermaster, the Plumas and Sierra County Directors of Public Works, Plumas and Sierra County Health Officers and Plumas and Sierra County Planning Directors. The advisory members should participate in Board of Directors meetings as requested and directed by the Chairman.

Upon request, all public officials shall furnish to the Board of Directors within a reasonable period of time and as provided by law,

such available information as may be required for the work of the Board of Directors

Section 11 Committees

The Chairman shall be responsible for the appointment of individual members of the Board of Directors to any committees as created by the Board of Directors.

Chapter 3 Board Meetings

Section 12 Rules of Conduct

The Chairman shall conduct all meetings of the Board of Directors in accordance with Roberts Rules of Order.

Section 13 Order of Business

The order of business of each regular meeting of the Board of Directors shall be transacted in the following order:

- a) Call to order by the Chairman
- b) Roll call by the Secretary
- c) Introductions by the Chairman
- d) Public comment
- e) Approval of minutes of previous Board of Directors meetings
- f) Approval of meeting agenda
- g) Public hearings on Ordinances
- h) Public hearings on permits
- i) Old business

- j) Petitions, Resolutions, Board Orders
- k) Correspondence
- l) Report on cash balance and bills to be paid
- m) Set agenda items for next meeting
- n) Staff Reports
- o) Adjournment

The order of business may be altered or suspended at the direction of the Chairman.

Section 14 Regular Meetings

Regular meetings of the Board of Directors shall be held on the second (2nd) Monday of each month of the year at 6:00 p.m. at the Loyalton Social Hall, Loyalton, California. If any regular meeting falls on a holiday, the regular meeting of the Board of Directors shall be held on the next succeeding Monday commencing at the same hour, in which all hearings, applications, and petitions and other matters before the Board of Directors shall be deemed to be and are hereby automatically continued to said day and hour.

Section 15 Special Meetings

Special meetings of the Board of Directors may be called in the manner provided by law and the order calling the special meeting shall specify the time and place of the meeting and the specific business to be transacted by the Board of Directors at such meeting. No other business shall be considered at a special meeting outside of that business which appears within the order calling the special meeting. The Chairman or a quorum of the Board of Directors may call and order a special meeting of the Board of Directors.

Section 16 Adjourned Meetings

An adjourned meeting of a regular meeting or an adjourned regular meeting is part of the regular meeting. An adjourned meeting may be adjourned to a specific place, date and time by a majority of the members present.

Section 17 Lack of Quorum

In the absence of a quorum, the members of the Board of Directors present shall adjourn a regular, special or adjourned meeting until:

- a) In the case of a regular meeting, until the next succeeding Monday commencing at the same hour, in which all hearings, applications, and petitions and other matters before the Board of Directors shall be deemed to be and are hereby automatically continued to said day and hour; and
- b) In the case of a special or adjourned meeting, until a date, time and location specified by the members of the Board of Directors present in which all hearings, applications and petitions and other matters before the Board of Directors shall be deemed to be and are hereby automatically continued to said specified day, hour and location.

If all members of the Board of Directors are absent, the Secretary of the Board of Directors may adjourn the meeting at a stated time and place as provided by law.

Section 18 Compensation

Compensation at a rate provided by resolution and/or ordinance of the Board of Directors shall be provided to individual Directors for all regular, special or adjourned meetings of the Board of Directors as

well as for participation by individual Board of Directors members serving on committees of the Board of Directors

Chapter 4 Board Records

Section 19 Agendas (See Exhibit 1)

Agendas of the Board of Directors meeting shall be prepared by the Secretary. The ability to include items upon the Board of Directors agenda shall close at 5:00 p.m. five (5) days prior to the date of the meeting for which the agenda is being prepared.

Section 20 Public Notices (See Exhibit 2)

Public notices containing detailed information as required by law for all public hearings shall be prepared by the Secretary of the Board of Directors. The information required for a public notice can be provided on a separate document or contained upon the meeting agenda but in either case must contain the same information.

Section 21 Agenda and Public Notice Publishing, Posting, Distribution

Agendas of the Board of Directors meetings need not be published. Public notices for public hearings before the Board of Directors shall be published as required by law and at least 72 hours prior to a meeting of the Board of Directors. Agendas and public notices shall be posted at the following locations at least 72 hours prior to a meeting of the Board of Directors:

- a) Door of the meeting room of the Board of Directors
- b) Courthouse bulletin board, Downieville and Sierra
- c) Post Office buildings throughout Sierra and Plumas Counties
- d) Loyalton City Hall and Portola City Hall

Agendas and public notices shall be distributed through the U.S. Mail (and by electronic mail, by request) at least 72 hours prior to a meeting of the Board of Directions to the following:

- a) Board members
- b) County Clerk, Sierra and Plumas Counties
- c) City Clerk, Loyalton and Portola
- d) State/Federal agencies as requested
- e) Any owner of record of property subject to the transaction of business
- f) Any applicant or representative of property subject to the transaction of business
- g) Contiguous property owners as required by law and as determined by the Board of Directors

Agendas can be distributed to other parties upon written request and pre-payment at actual cost for reproduction and thirty (30) self-addressed, stamped envelopes to the Secretary.

Section 22 Meeting Minutes (See Exhibit 3)

Minutes of all Board of Directors meetings shall be prepared under the direction of the Board of Directors Secretary. The Secretary of the Board of Directors shall be responsible for the content and accuracy of the minutes. Written minutes need not be and shall not be relied upon as a verbatim transcript of a meeting. The minutes shall contain a summary of all actions and sufficient documentation with applicable references as may be necessary to make any action of

the Board of Directors understandable. Minutes of meetings shall be approved by the Board of Directors and shall subsequently be signed by the Secretary attesting to approval of said minutes. Minutes, upon approval by the Board of Directors and signature by the Secretary shall be distributed to the following:

- a) Board members
- b) Newspaper of General Circulation within Sierra and Plumas counties
(for information only)

Minutes can be distributed to other parties upon written request and pre-payment at actual cost of reproduction and the provision of thirty (30) self-addressed, stamped envelopes to the Secretary.

Section 23 Staff Reports

Staff reports and recommendations on any matter to be considered by the Board of Directors shall be prepared and mailed to members of the Board of Directors in sufficient time for Directors to receive them on the Wednesday prior to the regular Monday meeting of the Board of Directors. Copies of the reports and/or recommendations shall be made available for public inspection at the office of the Secretary prior to the commencement of any meeting of the Board of Directors and the Board of Directors may allow in its discretion, the filing of supplemental reports which shall be made public at the commencement of any hearing or meeting of the Board of Directors. Staff reports shall be provided to an owner of record/applicant for any property being considered as a matter of business before the Board of Directors as provided by law.

Section 24 Resolutions (See Exhibit 4)

Resolutions of the Board of Directors shall be provided for any actions of the Board of Directors as follows:

- a) Recommendations to a Board of Supervisors on development projects
- b) Reports to the Board of Supervisors on failure of a Board of Director to regularly attend Board of Directors meetings.
- c) Initiation of policies and ordinances
- d) Setting the time, place and location of public hearings on any matter before the Board of Directors
- e) Adoption of and amendments to policies of the Board of Directors

Resolutions of the Board of Directors shall be prepared by the Secretary and shall be approved by the affirmative vote of a majority of members present.

Voting shall be by roll call conducted by the Secretary.

Section 25 Exhibits

All exhibits including but not limited to reports, analyses, maps, graphs, drawings, photographs, letters, petitions, and other documentary or physical evidence received by the Board of Directors at a hearing or regular meeting shall be retained as part of the official hearing record of the Board of Directors. All exhibits shall be marked by the Secretary for reference and identification as follows:

and shall be filed in a safe and orderly fashion in the office of the Secretary. All exhibits under the jurisdiction of the Board of Directors shall be accessible to the members of the Board of Directors and to the public under such rules, not inconsistent with the law, as the Board of Directors may establish.

BOARD HEARINGS

PROCEDURAL RULES

The following procedural rules shall govern the conduct of all land use hearings before the Board of Directors.

Section Twenty-Six (Hearings, Continuances and Priority)

1) Hearings: All hearings shall be set for a specific date, time and location. No person having a propriety interest in a parcel of land on which such person contemplates an application shall appear before a hearing body on such matter until an application has been duly filed with and processed by Staff.

2) Continuances: When more than one item has been set for hearing at a particular time, the Chairman, at the time set for such hearings, shall inquire of Staff and the audience as to whether continuances are being requested on any of such items, and may order the hearing on any item to be continued to a specified date and time; provided, however, that upon request of any member of

the Board, continuance decisions shall be made by roll call vote of all members present.

3)Priority: It shall be the policy in hearings to take up those items first, which are of interest to persons who have come from the greatest distance and second, which are of interest to the greatest number of persons present. When more than one item has been set for hearing at a particular time, the Chairman, at the time set for such hearings, shall ascertain the number of persons present on each item, and may direct that such items be heard in an order different from that specified on the agenda, provided, however that upon request of any member of the Board, decisions as to the priority of items shall be made by roll call vote of all members present.

Section Twenty-Seven (Presentation of Evidence)

- 1) Recording: All hearings shall be recorded by electronic device. Any person desiring to have a hearing recorded by a stenographic reporter at his own expense may do so, provided that he consults the Secretary to arrange facilities for such reporting prior to commencement of the hearing and advises the Secretary of the full name and business address and telephone number of the reporter being used.
- 2) Statement of Legal Principles: The Chairman may, in his discretion, request that Counsel make a brief statement of applicable legal principles and requirements for the information of members of the audience or hearing body prior to the opening of the hearing. The statement may include a summary of

the statutory and judicial requirements applicable to the decision on the specific type of matter (e.g., ordinance, permit, variance, etc.) to be heard.

- 3) Order of Procedure: Unless the Chairman, in his discretion, shall direct otherwise, the order for presentation of evidence on particular items shall be as follows:
 - a) Presentation of staff report
 - b) Presentation of applicant or appellant
 - c) Presentations of persons in favor of requested action, including related correspondence on file
 - d) Rebuttals
 - e) Closing comments by staff
- 4) Swearing of Witnesses: Witnesses at hearings on adjudicatory matters may be sworn before giving testimony. Witnesses may be sworn as a group prior to the presentation of the staff report. Witnesses at hearings on legislative matters will not ordinarily be sworn.
- 5) Rules of Evidence: The hearing need not be conducted according to technical judicial rules of evidence, but statutory and judicial rules regarding inferences and presumptions in civil litigations shall be applicable. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to reply in the conduct of serious affairs. The Chairman may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring

basic fairness and a full airing of the issues involved. Evidentiary objections shall be waived unless timely made to the Board.

- 6) Burden of Proof: The party requesting the relief or action sought shall have the burden of proof as to all facts required by law to be shown as prerequisites to the granting of such relief or action.
- 7) Exhibits and Staff Reports:
 - a) Subject to the conditions stated below, all exhibits, including documentary materials such as photographs, slides, drawings, maps, charts, letters, petitions and other physical evidence presented at a hearing shall be retained by the Secretary and duly filed as part of the record of the hearing.
 - b) All exhibits presented to the Board will be marked for purposes of identification. Exhibits presented by District staff will be marked in order numerically. Exhibits presented by persons other than District staff personnel will be marked in order alphabetically. Each exhibit shall be marked so as to indicate the number of the case, the date upon which it is presented, and the name of the person by whom it is presented.
 - c) Any written staff report presented to the Board shall be marked as "Exhibit 1" and shall be made available to the public prior to, or at the beginning of, the hearing.
 - d) Any staff exhibit (e.g., a general plan or area map) which has been or will be used in other land use hearings need not be retained in a

particular case file, but shall be preserved by the Secretary for future reference and a notation indicating its location shall be made in the case file in any matter which it has been used.

- e) Scale models and other physical exhibited which cannot be conveniently retained in case files may be photographed at the expense of, and then released to , the person submitting them. The photograph shall be entered in the file in place of the original exhibit, and a notation shall be made on the photograph as to where the original exhibit may be located.
 - f) Any person referring to an exhibit during testimony shall indicate the number or letter designation assigned to such exhibit.
 - g) Upon timely objection in adjudicatory hearings, petitions, and letters signed by person not present at the hearing for questioning as to their contents shall be received by the hearing body only for the limited purpose of showing the names of the persons protesting or supporting the action under consideration.
- 8) Oral Evidence: Any person desiring to speak must first be recognized by the Chairman. All comments must be made clearly and distinctly into a microphone, and all speakers must first state their full names and addresses and the names of any persons in whose behalf they are appearing.
- 9) Time Limits and Number of Witnesses: In order to expedite the conduct of hearing, the Chairman may limit the amount of time which a person may use in addressing the hearing body. The Chairman may also

limit the number of speakers or amount of testimony upon a particular issue in order to avoid repetitious and cumulative evidence. Except when necessary for immediate clarification of a particular point, no person shall be allowed to speak a second time until all others wishing to speak have had an opportunity to do so.

- 10) Questioning of Speakers: Any person other than members of the Board desiring to direct a questions to a speaker or staff member shall submit the question to the Chairman, who shall determine whether the question is relevant to the subject of the hearing and whether or not it need be answered by the speaker or staff member. Direct questioning of speakers or staff members may be allowed at the discretion of the Chairman.
- 11) Field Investigations: The Board may take field trips to view property or for other purposes relevant to the hearing. All field trips of the Board shall be taken as part of a regular, adjourned or special meeting of the hearing body, and all interested persons shall be afforded the opportunity to be present to view the property and hear any reports or comments. A record of the field trip shall be entered into the minutes so the hearing record will indicate that the field trip was taken into consideration as evidence.
- 12) Study Sessions: The Board may hold a study session as part of a regular, adjourned or special meeting. When a matter is set for a study session, public testimony may be barred or limited to particular persons at the discretion of the Chairman. Persons speaking at study sessions may be questioned pursuant to Rule 8 (10), above. Public notice for study sessions on specific matters for which public

hearings are anticipated in the future shall be given in the same manner as that required for public hearings and a record of such study sessions shall be entered into the minutes of any such future public hearings so that the hearing records will indicate whether any information received at the study sessions was taken into consideration as evidence at the subsequent public hearings.

Section Twenty-Eight (Findings)

On any matter which requires the preparation of written findings, the staff report submitted on the matter shall contain findings proposed for adoption by the Board. Any mention directly or impliedly rejecting such proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable amount of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated. Findings which should be considered by the Board of Directors include:

- 1) Environmental Impact
 - a) A negative declaration has been filed; no EIR is required; or
 - b) This project is categorically exempt by reason of the following facts:
 - c) An EIR has been filed in this proceeding and is complete. The mitigating measures recommended in said EIR are sufficient to avoid any significant impacts on the

environment, and are included in the conditions of approval herein; or

- d) An EIR has been filed in this proceeding and is complete. It is feasible to mitigate the effects on the project except as set forth in said report, however, the public benefit is to be derived from said project outweighs any such negative environmental impacts; or (if the project is to be disapproved); or
- e) An EIR has been filed in this proceeding and is complete. The probably adverse impacts on the environment are significant and the mitigating measures as proposed are not adequate. The probable adverse impacts on the environment outweigh other considerations, including any public benefit which might be derived by said project.

2) Development Projects – Review and Approval

- a) The proposed development project, together with the provisions for its design and improvement is consistent with the Groundwater Management Plan, if applicable; and any specific plan adopted for the area.
- b) The site is physically suitable for the type and density of development.
- c) The design of the development project and proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- d) The design of the development project and improvements is not likely to cause serious public health problems.
- e) The design of the development projects and improvements will not conflict with easements of record acquired by the public at large for access through or use of property within the proposed boundary of the development project

OR

- f) Adequate water is available for use within the development project.
- g) The proposed development project would not results in material damage or prejudice to other property in the vicinity.
- h) The proposed development project will not cause well interference.

Section Twenty-Nine (Decision)

- 1) Voting:
 - a) Approval of any request or appeal brought before the Board shall require the affirmative vote of no less than four (4) of its members.
 - b) Voting upon a motion may, at the discretion of the Chairman, and shall, upon request of any member, be by roll call. When voting is not by roll call, the Chairman may, in the absence of

objection by any member of the Board, declare an item to be unanimously approved.

- c) A motion to adopt or approve staff recommendations or simply approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.
- d) A member who is absent from any portion of a hearing conducted by the Board may vote on the matter at the time it is acted upon by the Board provided that he has familiarized himself with the portion of the hearing conducted in his absence.

Section Thirty (Construction and Effect)

1. These procedural rules shall be construed and applied so as to ensure a full and fair hearing of relevant evidence which is offered on a matter and to facilitate an orderly analysis of evidence and issues by the Board in such matters.
2. Adoption and implementation of these rules shall in no way be construed to constitute a waiver of the law.