

ORDINANCE NO. 91

AN ORDINANCE OF THE TWENTYNINE PALMS WATER DISTRICT ADOPTING A GROUNDWATER MANAGEMENT PLAN UPDATE PURSUANT TO WATER CODE SECTION 10750 ET SEQ. AND SUPERSEDING ORDINANCE 82

WHEREAS, the Board of Directors of the Twentynine Palms Water District (“District”) has heretofore adopted Ordinance 82 on October 24, 2001, adopting a Groundwater Management Plan and establishing a Groundwater Management Program; and

WHEREAS, the District is a County Water District duly formed and operating pursuant to Section 31000 et seq. of the California Water Code and has the authority to provide water service to customers within its service area; and

WHEREAS, groundwater is a valuable resource within the State of California and particularly within the boundaries of the District and such groundwater must be monitored and evaluated; and

WHEREAS, in recognition of the value of groundwater as a resource, the California State Legislature enacted Water Code section 10750 et seq. (“AB 3030”) which encourages local water purveying agencies to manage groundwater resources within their jurisdictions and to develop and implement groundwater management plans; and

WHEREAS, in keeping with the intent of AB 3030 to ensure the safe production, quality and storage of groundwater within its jurisdiction, the District has adopted and implemented a Groundwater Management Plan; and

WHEREAS, the District’s Board of Directors has determined that it is prudent to update its Groundwater Management Plan; and

WHEREAS, as required by Water Code Section 10753.2(a) and Government Code Section 6066, notice of a public hearing was published in the Desert Trail on June 12, 2008 and June 19, 2008 declaring the District’s intent to amend its Groundwater Management Plan; and

WHEREAS, on June 25, 2008, the Board of Directors adopted Resolution No. 08-09 Declaring an Intent to Amend the District’s Groundwater Management Plan and as required by Water Code Section 10753.3 and Government Code Section 6066, Resolution 08-09 was published in the Desert Trail on July 3, 2008 and July 10, 2008 and a Groundwater Management Plan Update was subsequently prepared; and

WHEREAS, as required by Water Code Section 10753.5 and Government Code Section 6066, notice of a second public hearing was published in the Desert Trail on November 6, 2008 and November 13, 2008 and a second public hearing was conducted on November 19, 2008 by the Board of Directors of the District in order to receive and consider any protests on whether or not to adopt the Groundwater Management Plan Update. Pursuant to Water Code Section 10753.6(c)(3), the Board of Directors has determined that a majority protest has not been filed and therefore, the Board wishes to take action to adopt the Groundwater Management Plan Update.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Twentynine Palms Water District as follows:

1. Adoption of the Groundwater Management Plan Update. Pursuant to Water Code Sections 10753 and 10753.6, the District hereby adopts that certain Groundwater Management Plan Update set forth as Exhibit "A" attached hereto and incorporated herein by reference. Pursuant to the Groundwater Management Plan Update, the District hereby establishes a Groundwater Management Program as set forth in the Plan attached hereto as Exhibit "A."

2. Ordinance Shall be Superseding. All ordinances, resolutions, or administrative actions by the Board, or parts thereof that are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency. As of the effective date of this Ordinance, Ordinance 82 shall be of no further force or effect.

3. Effective Date. This Ordinance shall be in full force and effect immediately upon adoption.

4. Publication of Ordinance. The Secretary of the District is hereby authorized and directed to publish this Ordinance in the Desert Trail within fifteen (15) days from the date of adoption. Upon written request, the Secretary shall also provide any interested persons with a copy of this Ordinance.

PASSED, APPROVED AND ADOPTED this 19th day of December 2008 by the following vote:

Ayes:	Directors Anthony, Cisneros, Gallagher, Moore and Yockey
Noes:	None
Abstain:	None
Absent:	None

Philip C. Cisneros, President
Board of Directors

Attest:

Mike Wright, Board Secretary
Twentynine Palms Water District