

**SACRAMENTO CENTRAL GROUNDWATER AUTHORITY
CALIFORNIA**

6

For the Agenda of:
December 12, 2007

**APPROVED
BOARD OF DIRECTORS**

Date 12/12/07

By Muhelle Fiorino
Clerk of the Board

To: Board of Directors
Sacramento Central Groundwater Authority

From: Staff

Subject: Modification Of Chapter 7 - Alternative Dispute Resolution Of Sacramento
Central Groundwater Authority's Rules Of Procedure

Contact: Darrell Eck, Executive Director, 874-5039

Overview

The Joint Powers Agreement (JPA) provides for the adoption of rules and regulations for the conduct of the Authority's affairs. Chapter 7 of the Rules of Procedure as amended by the Board on December 13, 2006 needs to be modified to include alternative dispute resolution policy language. This policy outlines a procedure under which concerns and disagreements that may arise can be addressed in a direct and timely manner. The language of this policy is modeled after a resolution (Resolution 1998-03) adopted by the Sacramento North Area Groundwater Management Authority (now the Sacramento Groundwater Authority) on December 10, 1998.

Recommendation

Staff recommends that the Board adopt modifications to Chapter 7 of SCGA's Rules of Procedure adopted on December 13, 2006.

BACKGROUND:

On August 29, 2006 the Sacramento Central Groundwater Authority was formed through a Joint Powers Agreement (Agreement) between the City of Elk Grove, the City of Folsom, the City of Rancho Cordova, the City of Sacramento and the County of Sacramento. Section 24 of the Agreement provides for the adoption of rules and regulations for the conduct of the Authority's affairs.

On November 8, 2006 the Board adopted Rules of Procedure for the Sacramento Central Groundwater Authority (SCWA).

On December 13, 2006 the Board amended the Rules of Procedure adopted on November 8, 2006 and also adopted a Conflict of Interest Code and an Ethics Policy. The Board also established a Policy and Procedures Manual where current and future policies adopted by the Board can be referenced.

DISCUSSION:

During the development of the Rules of Procedure for SCGA, provisions were made for the inclusion of an alternative dispute resolution policy. It was the intention of staff to include a policy that was based on one that was developed by the Sacramento North Area Groundwater Management Authority, now known as the Sacramento Groundwater Authority. The policy, adopted as Resolution 1998-03, outlines a procedure under which concerns and disagreements that may arise can be addressed in a direct and timely manner. The policy also recognizes that the alternative dispute resolution does not preclude any party from exercising their legal rights in a court of competent jurisdiction. Staff became aware of the omission of this policy during the preparation of the Local Groundwater Assistance Grant. Section B.1.4., Public Process and Cooperation, of the grant application requires a discussion on how disputes have been or will be resolved.

Consistent with the alternative dispute resolution procedures adopted and utilized by the Sacramento Groundwater Authority, staff recommends the Board adopt modifications to Chapter 7 – Alternative Dispute Resolution of SCGA's Rules of Procedure establishing an alternative dispute resolution policy.

Attachments: Rules of Procedure, Chapter 7 – Alternative Dispute Resolution (strikethrough)
Rules of Procedure, Chapter 7 – Alternative Dispute Resolution
Sacramento North Area Groundwater Management Authority Resolution 1998-03

cc: Ted Thatcher, Susan Purdin – Sacramento County DWR

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : Board of Directors
Policy Title : Rules of Procedure
Policy Number : 100.1
Date Adopted : ~~November 8, 2006~~December 13, 2006
Date Amended : ~~December 13, 2006~~December 12, 2007

See attached SCGA Rules of Procedure.

CHAPTER 7.
ALTERNATIVE DISPUTE RESOLUTION

§ 7.01 General

The Authority acknowledges that in managing groundwater in the Central Basin concerns and disagreements may arise that must be addressed in a direct and timely manner, therefore the following procedures are put into place, keeping in mind that nothing in these recommendations shall preclude any party from exercising their legal rights in a court of competent jurisdiction, however before doing so all members represented on the Authority Board agree to participate in good faith in the alternative dispute resolution procedures. To this end, the Authority establishes this Alternative Dispute Resolution Policy.

§ 7.02 Procedure

For the purpose of assisting the Authority and its members to resolve disputes in a timely and cost effective manner this policy provides:

- (a) If the disagreement pertains to the substance of the Water Forum Agreement, timely consultation with the Water Forum Successor Effort on the cause and current status of the disagreement as well as strategies which may lead to a resolution of the problem;
- (b) Prompt response by the Authority when any party invokes alternative dispute resolution procedures;
- (c) If the disagreement cannot be resolved by the Authority itself, use of an outside neutral third party (i.e., a mediator) to assist the parties in working toward a satisfactory resolution;
- (d) Completion of all procedures within sixty to ninety days, unless parties to the dispute agree to extend this timeline;
- (e) Timely notice to the Water Forum Successor Effort that alternative dispute resolution procedures have been initiated and the reasons therefore; and
- (f) Costs incurred, if any, in this process will be equally shared by the involved parties.

~~The Authority hereby incorporates by reference Resolution _____, establishing the Authority's policy for alternative dispute resolution.~~

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : Board of Directors
Policy Title : Rules of Procedure
Policy Number : 100.1
Date Adopted : December 13, 2006
Date Amended : December 12, 2007

See attached SCGA Rules of Procedure.

CHAPTER 7.
ALTERNATIVE DISPUTE RESOLUTION

§ 7.01 General

The Authority acknowledges that in managing groundwater in the Central Basin concerns and disagreements may arise that must be addressed in a direct and timely manner, therefore the following procedures are put into place, keeping in mind that nothing in these recommendations shall preclude any party from exercising their legal rights in a court of competent jurisdiction, however before doing so all members represented on the Authority Board agree to participate in good faith in the alternative dispute resolution procedures. To this end, the Authority establishes this Alternative Dispute Resolution Policy.

§ 7.02 Procedure

For the purpose of assisting the Authority and its members to resolve disputes in a timely and cost effective manner this policy provides:

- (a) If the disagreement pertains to the substance of the Water Forum Agreement, timely consultation with the Water Forum Successor Effort on the cause and current status of the disagreement as well as strategies which may lead to a resolution of the problem;
- (b) Prompt response by the Authority when any party invokes alternative dispute resolution procedures;
- (c) If the disagreement cannot be resolved by the Authority itself, use of an outside neutral third party (i.e., a mediator) to assist the parties in working toward a satisfactory resolution;
- (d) Completion of all procedures within sixty to ninety days, unless parties to the dispute agree to extend this timeline;
- (e) Timely notice to the Water Forum Successor Effort that alternative dispute resolution procedures have been initiated and the reasons therefore; and
- (f) Costs incurred, if any, in this process will be equally shared by the involved parties.

Sacramento North Area Groundwater Management Authority



A public entity

Ed Schnabel
General Manager

Anne Schneider
Legal Counsel

Arcade Water District

Carmichael Water District

Citizens Utilities

Citrus Heights Water
District

City of Citrus Heights

City of Folsom

City of Sacramento

County of Sacramento

Del Paso Manor Water
District

Fair Oaks Water District

Natomas Central Mutual
Water Co.

Northridge Water District

Orange Vale Water Co.

Rio Linda/Elverta
Community Water District

San Juan Water District

Southern California
Water Co.

RESOLUTION 1998-03

A RESOLUTION OF THE SACRAMENTO NORTH AREA GROUNDWATER MANAGEMENT AUTHORITY BOARD OF DIRECTORS ESTABLISHING POLICY FOR ALTERNATIVE DISPUTE RESOLUTION

WHEREAS, the Sacramento North Area Groundwater Management Authority Joint Powers Authority was formed by the County of Sacramento, City of Sacramento, City of Citrus Heights, and City of Folsom for the purpose of managing groundwater north of the American River in Sacramento County, and concern or disagreements may arise and must be addressed in a direct and timely manner, therefore the following procedures are put into place, keeping in mind nothing in these recommendations shall preclude any party from exercising their legal rights in a court of competent jurisdiction, however before doing so all members represented on the Sacramento North Area Groundwater Management Authority board agree to participate in good faith in these alternative dispute resolution procedures; and

WHEREAS, for the purpose of assisting the Sacramento North Area Groundwater Management Authority and its members to resolve disputes in a timely and cost effective manner this policy provides:

- 1) If the disagreement pertains to the substance of the Water Forum Agreement, timely consultation with the Water Forum successor effort on the cause and current status of the disagreement as well as strategies which may lead to a resolution of the problem;
- 2) Prompt response by the Authority when any party invokes alternative dispute resolution procedures;
- 3) If the disagreement cannot be resolved by the Authority itself, use of an outside neutral third party (i.e., a mediator) to assist the parties in working towards a satisfactory resolution;

- 4) Completion of all procedures within sixty to ninety days, unless the parties to the dispute agree to extend this timeline;
- 5) Timely notice to the Water Forum successor effort that alternative dispute resolution procedures have been initiated and the reasons therefore; and
- 6) Costs incurred, if any, in this process will be equally shared by the involved parties.

NOW, THEREFORE BE IT RESOLVED, that the Sacramento North Area Groundwater Management Authority Board of Directors adopts this policy pertaining to alternative dispute resolution.

PASSED AND ADOPTED unanimously by the Board of Directors, at their regular board meeting, on the 10th day of December 1998.

By: 
Joe Alessandri - Chairman

ATTEST:
By: 
Sandra Thomas - Clerk