



**Nevada
Irrigation
District**

Staff Report

TO: Board of Directors

FROM: Greg Jones, Assistant General Manager

DATE: January 26, 2022

SUBJECT: CABY Integrational Regional Water Management Group Memorandum of Agreement (Consent)

ADMINISTRATION

RECOMMENDATION:

Adopt the Cosumnes, American, Bear, and Yuba (CABY) Regional Water Management Group (RWMG) Memorandum of Agreement (MOA) and authorize the General Manager to execute the appropriate documents.

BACKGROUND:

Integrated Regional Water Management is a voluntary, collaborative effort to plan and implement water management solutions on a regional scale. State lawmakers created the IRWM Planning Act in 2002 to encourage local entities to improve water quality and water supply reliability to meet the state's overall agricultural, domestic, industrial, and environmental water needs.

NID has been directly involved with the planning, governance, financial and programmatic activities of the CABY Integrated Regional Water Management Plan (IRWMP) since 2007 as both a stakeholder member and a member of the Regional Water Management Group (RWMG).

The CABY IRWMP is an innovative, stakeholder-driven collaboration among local government, water agencies, tribes, non-governmental organizations, watershed groups, and interested partners in the foothills region of California. The purpose of the CABY RWMG is to adopt, develop and update a CABY IRWMP that meets the requirements of the Integrated Regional Water Management Planning Act, as well as make decisions regarding the IRWMP process and related projects.

The RWMG is the “working body” of the CABY IRWMP and has a number of responsibilities, including, but not limited to: leading in the development of IRWMP modification and update process; developing and updating the CABY Project List; and acting as a decision-making body. Members of the RWMG participate by means of a written agreement, defined here as a Memorandum of Agreement

(MOA). Currently, there are eight RWMG member positions loosely identified as four governmental agencies and four non-governmental organizations.

RWMG member organizations serve a two (2)-year term. Elements of the MOA include that RWMG member organizations:

- Support the CABY IRWMP; and
- Make every reasonable effort to attend all meetings of the RWMG; and
- Be prepared to discuss the issues and business on the agenda; and
- Cooperate with, and respect the opinions of fellow RWMG member organizations; and
- Represent the RWMG in a positive and supportive manner at all times.

SUMMARY OF REQUIREMENTS

The following summary of requirements applies to the MOA adoption:

- On September 22, 2021, NID adopted Resolution No. 2021-33 - Supporting the Cosumnes, American, Bear, and Yuba (CABY) Integrated Regional Water Management Plan (IRWMP); and
- For over 10 years, NID has participated in the CABY IRWMP process as both a stakeholder member and a member of the Regional Water Management Group; and
- Approval of this Memorandum of Agreement establishing the CABY RWMG will allow NID to maintain representation on the CABY RWMG; and
- The execution of the MOA meets the requirements of the California Water Code for IRWM's to establish the RWMG for developing, administering, updating, and implementing the IRWMP for the CABY region.

BUDGETARY IMPACT:

None. As in the past, NID has absorbed CABY IRWMP planning and support activities under general budgetary salaries and intends to do so moving forward.

Attachment: (2)

- Memorandum of Agreement Establishing the CABY Regional Water Management Group
- Resolution No. 2021-33 (Supporting the Cosumnes, American, Bear, and Yuba (CABY) Integrated Regional Water Management Plan (IRWMP))

**MEMORANDUM OF AGREEMENT ESTABLISHING
the
CABY REGIONAL WATER MANAGEMENT GROUP (CABY RWMG)**

This Memorandum of Agreement (MOA) is between the signatories to this MOA, each of which is referred to individually as a "member organization" or "Party" and collectively as the "RWMG" or "Parties," as selected by Cosumnes American Bear Yuba (CABY) Stakeholders. The rights, responsibilities and relationship of the RWMG are defined in the CABY Integrated Regional Water Management Plan (IRWMP) and are summarized in this MOA. The member organizations of the RWMG are local water agencies, non-profit organizations, Tribal entities and Stakeholder groups involved with CABY regional water management.

The effective date of this MOA is _____.

PURPOSE

The rights, responsibilities and relationship between CABY Stakeholders are defined in the CABY IRWMP. The 2021 CABY IRWMP was created pursuant to the Integrated Regional Water Management Planning Act of 2002 (the "Act"; California Water Code, Division 6, Part 2.2) and has been found as compliant with current requirements for IRWMPs by the California Department of Water Resources (DWR). This MOA outlines procedures for adding and replacing member organizations of the RWMG, and for developing, administering, updating, and implementing an IRWMP for the CABY Region.

RECITALS

1. The CABY Integrated Regional Water Management (IRWM) Region consists of four (4) watersheds and twelve (12) sub-watersheds within the north central Sierra Nevada defined by the DWR through DWR's "Regional Acceptance Process."
2. California Water Code Section 10539 defines a RWMG as a group in which "three or more local agencies, at least two of which have statutory authority over water supply or water management, as well as those other persons who may be necessary for the development and implementation of a plan that meets the requirements in Sections 10540 and 10541, participate by means of a joint powers agreement, memorandum of understanding, or other written agreement, as appropriate, that is approved by the governing bodies of those local agencies." The CABY IRWMP complies with California Water Code sections regarding a "written agreement" by requiring that all Stakeholder Group member organizations of the CABY IRWM adopt a standard Resolution of Support (ROS) for the CABY IRWMP as outlined in Chapter 4, Governance, of the IRWMP.
3. Based upon the requirements of the Act, a CABY IRWMP was originally adopted in 2007 which included a structural outline to develop and effectuate the purposes of the CABY IRWM group, a charter, a ROS adopted by the governing bodies of the participating parties, and governance framework. The structure of the CABY RWMG included the formation of a Planning Committee and a Coordinating Committee. This IRWMP and structure went through the "Regional Acceptance Process" and was accepted by DWR as compliant in 2009.

4. On May 30, 2014, the CABY Planning and Coordinating Committees adopted a 2014 IRWMP update. This update included a charter and a Resolution of Support, adopted by the governing bodies of the participating parties in further satisfaction of the requirements of Section 10539 of the Act, as well as set forth the intentions of the CABY IRWMP parties and provided a more detailed structure for governance.

5. In the 2021 CABY IRWMP, the “Coordinating Committee” has been renamed the “CABY RWMG.”

6. The purpose of the CABY RWMG is to adopt, develop and update a CABY IRWMP that meets the requirements of the Act, as well as make decisions regarding the IRWMP process and related projects.

7. The Parties now enter into this MOA in furtherance of defining the roles of the CABY RWMG Parties. This MOA sets forth additional details and responsibilities with respect to the CABY RWMG and its member organizations.

GOVERNANCE

Policies and procedures for RWMG governance and operations are set forth in Chapter 4, Governance, of the CABY IRWMP. Representatives of organizations that adopt the ROS serve as the CABY Stakeholder Group “SG.” This diversified set of participants can include water agencies, Tribal and other local governmental agencies, and nonprofit organizations. As described in Chapter 4 of the CABY IRWMP, the SG chooses the member organizations that serve on the RWMG.

RESPONSIBILITIES

As described in the 2021 CABY IRWMP, RWMG member organizations serve a two (2)-year term. Representatives of the CABY RWMG shall be appointed at the last meeting of the year, held in December. Member organizations of the RWMG agree to the following:

1. Member organizations shall support the CABY IRWMP.
2. Member organizations shall make every reasonable effort to attend all meetings of the RWMG. This includes the annual meeting held in December as well as any additional meetings that are scheduled.
3. RWMG member organizations shall be prepared to discuss the issues and business on the agenda, having read all background material relevant to the topics at hand.
4. Member organizations shall cooperate with, and respect the opinions of, fellow RWMG member organizations.
5. Member organizations shall represent the RWMG in a positive and supportive manner at all times and in all places.
6. Member organizations shall show respect and courteous conduct in meetings.

7. Member organizations shall observe established lines of communication between RWMG member organizations and SG member organizations.
8. Member organizations shall elect an administrator and a secretary as set forth in Chapter 4 of the 2021 CABY IRWMP. Those elected to these positions will have various responsibilities as set forth in Chapter 4 of the 2021 CABY IRWMP.

NEW PARTIES

1. A new Party may be added to this MOA, or a new Party may be substituted for an existing Party, upon the approval of the Parties to the MOA, in accordance with the process set forth in Chapter 4 Governance, of the CABY IRWMP.
2. This MOA shall be amended to reflect any change to the member organizations or composition of the RWMG.

RELATIONSHIP BETWEEN THE PARTIES; NO PARTNERSHIP OR JOINT VENTURE

1. The Parties to this MOA are not partners or joint venturers with each other.
2. The CABY RWMG shall have no authority to enter into contracts, sue or be sued, or otherwise incur liabilities.
3. No Party shall become liable by any representation, act or omission of any other Party.
4. This MOA is not for the benefit of any third party and shall not be deemed to give any right or remedy to any such party whether referred to herein or not.

MISCELLANEOUS

1. Withdrawal. Any Party may withdraw from this MOA thirty (30) days after providing written notice to the other Parties of its intent to do so.
2. Amendment. The Parties may not amend this MOA except by written agreement of the Parties.
3. Term. This MOA will remain in full force and effect until terminated in writing by all Parties.
4. Counterparts. The Parties hereto agree that this MOA may be executed and delivered in counterparts which, when taken together, shall constitute a fully-executed agreement. In addition, this MOA may be executed via electronic pdf transmission and any such pdf signature shall be deemed to be an original signature.
5. Funding. Entering this MOA is not a commitment of funds, but rather a commitment of participation.

The member organizations are signing this MOA as of the dates opposite their respective signatures.

[Signatures appear on the following pages.]

Member of
CABY Regional Water Management Group
[AGENCY/ORGANIZATION NAME]

Date: _____

By: _____
[NAME, TITLE]

ATTEST:

[NAME, TITLE]

APPROVED AS TO FORM:

[NAME, TITLE]

EXHIBIT A - CONTACT INFORMATION
Adopting RWMG Member Organizations for the 2021 CABY IRWMP

Member Organization:	
Physical Address:	
Primary Phone:	
Primary Representative Name:	
Office Phone:	
Mobile Phone:	
Email Address:	
Term of Service:	
Secondary Representative Name:	
Office Phone:	
Mobile Phone:	
Email Address:	
Term of Service:	

Member Organization:	
Physical Address:	
Primary Phone:	
Primary Representative Name:	
Office Phone:	
Mobile Phone:	
Email Address:	
Term of Service:	
Secondary Representative Name:	
Office Phone:	
Mobile Phone:	
Email Address:	
Term of Service:	

Member Organization:	
Physical Address:	
Primary Phone:	
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Physical Address:	
Primary Phone:	
Primary Representative Name:	
Office Phone:	
Mobile Phone:	
Email Address:	
Term of Service:	
Secondary Representative Name:	
Office Phone:	
Mobile Phone:	
Email Address:	
Term of Service:	

Member Organization:	
Physical Address:	
Primary Phone:	
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Term of Service:	

Member Organization:	
Physical Address:	
Primary Phone:	
Primary Representative Name:	
Office Phone:	
Mobile Phone:	
Email Address:	
Term of Service:	
Secondary Representative Name:	
Office Phone:	
Mobile Phone:	
Email Address:	
Term of Service:	



RESOLUTION NO. 2021-33

OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

**Supporting the
Cosumnes, American, Bear and Yuba (CABY)
Integrated Regional Water Management Plan (IRWMP)**

WHEREAS, population growth and development in the State of California will continue to pressure water resources, and balancing the needs of urban, agricultural, environmental and recreational water supplies will be a challenge for all involved in water management; and

WHEREAS, the CABY Integrated Regional Water Management (IRWM) Region consists of four (4) watersheds including the Cosumnes, American, Bear, and Yuba Rivers and twelve (12) sub-watersheds within the north central Sierra Nevada defined by the California Department of Water Resources (DWR) through their "Regional Acceptance Process"; and

WHEREAS, the CABY Stakeholder Group is composed of a diverse group of public agencies, water providers, agriculture, business, residential water users, community, recreation, and environmental organizations and tribal interests who have jointly developed a CABY Integrated Regional Water Management Plan (IRWMP) and have formally endorsed the CABY IRWMP; and

WHEREAS, the CABY Stakeholder Group chooses representatives to serve as the CABY Regional Water Management Group (RWMG); and

WHEREAS, the CABY RWMG has formulated a cooperative governance structure necessary to implement the IRWMP as described in the IRWMP; and

WHEREAS, the IRWMP serves as a voluntary planning document that identifies a broadly-supported vision, guiding principles, goals, objectives and projects to enhance the beneficial uses of water for the CABY region; and

WHEREAS, this collaborative planning effort is intended to formulate water management strategies for the region and prioritize projects that address watersheds and regional issues; coordinate with other IRWMPs; address local, state and federal plans' priorities; achieve multiple benefits; encompass more than one watershed; and meet short- and long-term water resource needs; and

WHEREAS, an integrated regional approach to water management will streamline individual efforts and increase efficiencies; the CABY IRWMP will also increase partnership, collaboration and organizational capacity; and collaborative

Resolution No. 2021-33

Supporting the Cosumnes, American, Bear and Yuba (CABY) Integrated Regional Water Management Plan (IRWMP)

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management will provide a forum for stakeholder input and support for projects that address the goals and objectives for the CABY region; and

WHEREAS, this regional planning effort will improve regional competitiveness for grant funding for projects and efforts to implement the IRWMP and achieve agency or organizational goals; and

WHEREAS, in January of 2018 the CABY RWMG began working on the update to the CABY IRWMP that was adopted in 2014; and

WHEREAS, by adopting this resolution of support, this organization is eligible to participate in the Stakeholder Group and is eligible to serve on the CABY RWMG; and

WHEREAS, the IRWMP is not be a legally binding document, but rather a regional compact with commitments to work together as a region to implement the plan; and Whereas, though the IRWMP references many plans, and the adoption of the IRWMP does not equal an endorsement of all such plans or endorsement of all the plans that are referenced; and

WHEREAS, the IRWMP will be a living document, reviewed and updated over time, and signatory organizations can remain involved or terminate their involvement at any time.

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Nevada Irrigation District that: The 2021 Cosumnes, American, Bear and Yuba Integrated Regional Water Management Plan is hereby approved and adopted as a voluntary document and plan.

* * * * *

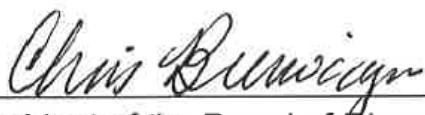
PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 22nd day of September 2021, by the following vote:

AYES: Directors: Heck, Johansen, Peters, Bierwagen

NOES: Directors: None

ABSENT: Directors: Hull

ABSTAINS: Directors: None



Chris Bierwagen
President of the Board of Directors

Resolution No. 2021-33

Supporting the Cosumnes, American, Bear and Yuba (CABY) Integrated Regional Water Management Plan (IRWMP)

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Attest:

A handwritten signature in blue ink, appearing to read "Kris Stepanian".

Secretary to the Board of Directors