



City of La Habra

"A Caring Community"

PUBLIC WORKS

621 W. Lambert Rd.
Post Office Box 337
La Habra, CA 90633-0785
Office: (562) 383-4170
Fax: (562) 383-4497

VIA EMAIL:

January 20, 2016

Mark Nordberg, GSA Project Manager
Senior Engineering Geologist
California Department of Water Resources
901 P Street, Room 213-B
P.O. Box 942836
Sacramento, CA 94236
Mark.Nordberg@water.ca.gov

Re: City of La Habra's Notice of Election to Become a Groundwater Sustainability Agency

Dear Mr. Nordberg:

Pursuant to California Water Code 10723.8 of the Sustainable Groundwater Management Act (SGMA), the City of La Habra (La Habra) provides this notice of its election to be established as the Groundwater Sustainability Agency (GSA) for portions of DWR Groundwater Basin 8-1 underlying La Habra and portions of the City of Brea currently unmanaged. The extents of the boundary proposed to be managed by the La Habra GSA are shown in Exhibit 1.

On December 21, 2015, La Habra held a public hearing in the City of La Habra, County of Orange, regarding the establishment of La Habra as a GSA overlying a portion of Basin 8-1, in accordance with Water Code Section 10723(b). Notice for the public hearing was posted in the Orange County Register in accordance with Government Code Section 6066 (Exhibit 2).

After holding this public hearing, the La Habra City Council adopted Resolution No. 5714 establishing La Habra as a GSA (Exhibit 3). At this same City Council meeting, the city adopted Resolution No. 5715 to request DWR to modify the boundaries of Basin 8-1, the Orange County Coastal Basin, as depicted in DWR Bulletin 118, so that the La Habra Basin is designated as a basin or subbasin, separate and apart from the balance of Basin 8-1. This request will be subject to a separate notice to DWR in the very near future. Concurrently, La Habra and the City of Brea are in the process of entering into a Memorandum of Agreement to designate La Habra as the GSA to sustainably manage the La Habra Basin as a distinct basin separate from Basin 8-1. Once this agreement is finalized and signed, it will be forwarded to the Department.

In addition to the two resolutions, the La Habra City Council approved the first reading of an ordinance to prohibit the extraction and exportation of groundwater underlying La Habra for use outside of the city (Exhibit 4). The second reading of the ordinance took place on January 19, 2016, and the ordinance is anticipated to take effect on February 18, 2016.

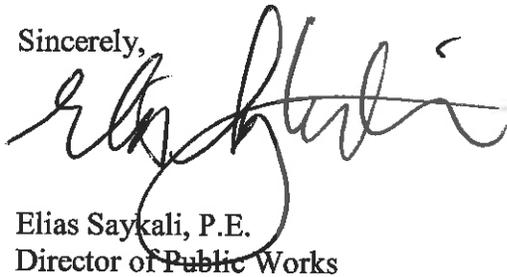
Pursuant to California Water Code Section 10723.2 of SGMA, the La Habra GSA shall consider the interests and work cooperatively with all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. A list of interested parties was developed for this purpose, which includes the Orange County Water District who currently manages groundwater within the majority of DWR Groundwater Basin 8-1. The list of interested parties is provided in Exhibit 5. These interested parties were notified of the public hearing on the establishment of La Habra as a GSA. Additionally, La Habra has planned consultations with interested parties and will continue to consult and coordinate with these interested parties throughout the process to develop a Groundwater Sustainability Plan.

In summary, in accordance with Water Code Section 10723.8(a), included in this transmittal are the following exhibits:

- Exhibit 1: Graphical Information System and hard copy files of the service area boundaries
- Exhibit 2: Copy of public notice of the public hearing
- Exhibit 3: City of La Habra Resolution forming a GSA
- Exhibit 4: City of La Habra Ordinance
- Exhibit 5: List of Interested Parties

For further inquiries or comments, please contact me at esaykali@lahabracal.gov or at (562) 383-4170.

Sincerely,

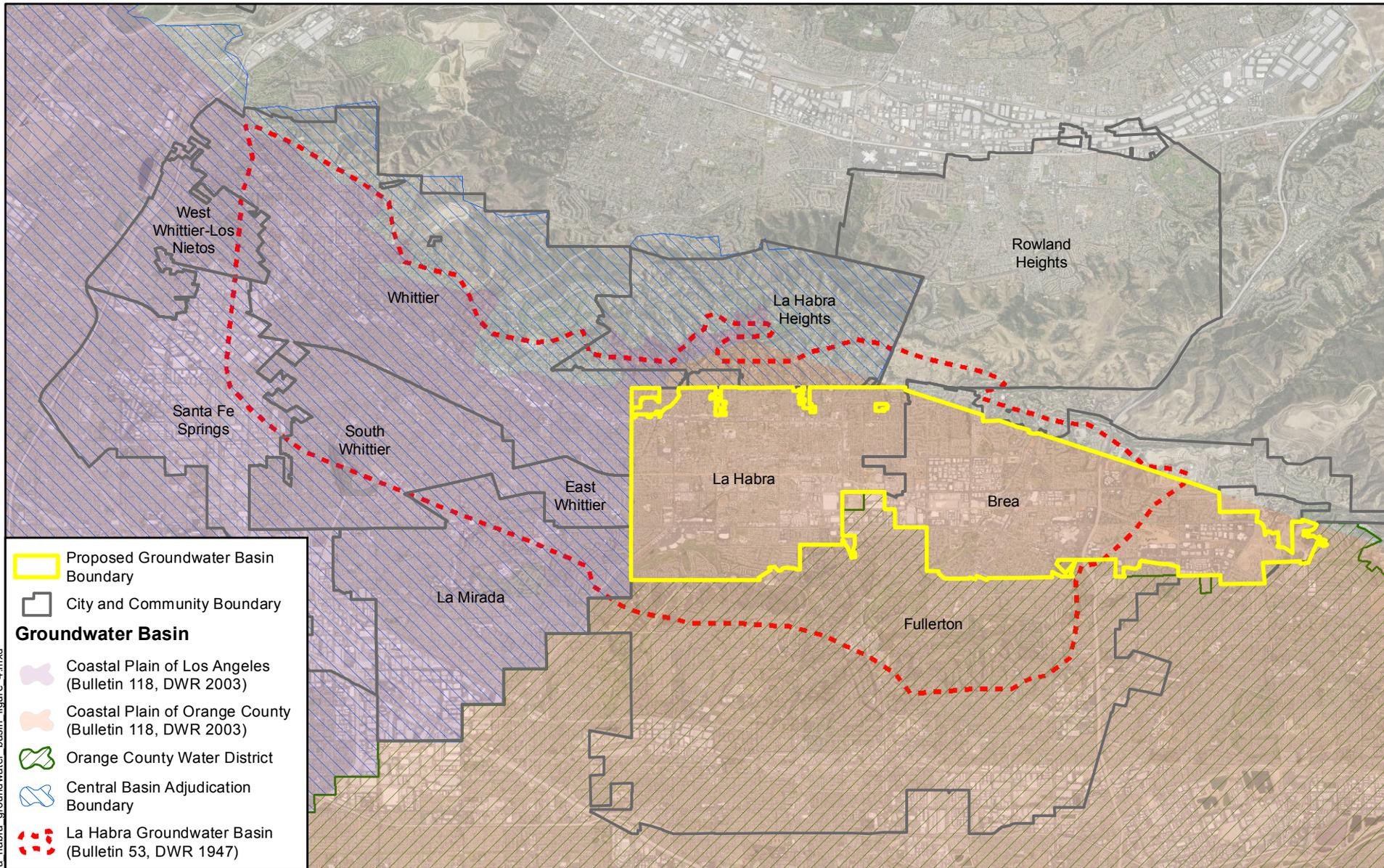


Elias Saykali, P.E.
Director of Public Works
City of La Habra

Enclosures (5)

CC (via email):

Timothy Ross, Senior Engineering Geologist
Timothy.Ross@water.ca.gov



PROPOSED GROUNDWATER BASIN BOUNDARY

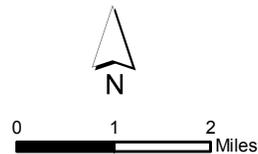


FIGURE 4

LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of La Habra will hold a duly noticed public hearing on Monday, December 21, 2015, at 6:30 p.m. in the City Council Chambers, Administration Building, 201 E. La Habra Boulevard, La Habra, California to consider the following items:

a. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA DECLARING THE CITY OF LA HABRA TO BE THE GROUNDWATER SUSTAINABILITY AGENCY FOR THE LA HABRA GROUNDWATER BASIN.**

As authorized under the Sustainable Groundwater Management Act ("SGMA"), this proposed resolution would establish the City as the Groundwater Sustainability Agency ("GSA") for the La Habra Groundwater Basin ("La Habra Basin"), subject to a review for "completeness" by the California Department of Water Resources ("DWR"). The Resolution would authorize and direct the City Manager to negotiate a Memorandum of Agreement between the City of La Habra and the City of Brea establishing the respective responsibilities of the two cities relative to the La Habra Basin.

b. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA REQUESTING THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO MODIFY THE BOUNDARIES OF BULLETIN 118, BASIN 8-1 TO ESTABLISH LA HABRA BASIN AS A SEPARATE BASIN OR SUBBASIN.**

This resolution would authorize and direct the City Manager, as provided in SGMA, to prepare and submit a request and all required supporting documentation to DWR to modify the boundaries of Basin 8-1, as depicted in DWR Bulletin 118, in order to establish La Habra Basin as a separate basin or subbasin. The request would be based upon: (1) the hydrogeologic separation of the La Habra Basin from the balance of Basin 8-1; and (2) the fact that La Habra Basin is outside the jurisdiction of nearby agencies with groundwater management responsibilities.

c. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADDING CHAPTER 13.31 TO THE MUNICIPAL CODE TO PROHIBIT THE EXTRACTION AND EXPORTATION OF GROUNDWATER UNDERLYING THE CITY FOR USE OUTSIDE OF THE CITY.**

This proposed ordinance would enact a new chapter to the Municipal Code to prohibit extraction of groundwater underlying the City and exportation of that water for uses outside of the City. The measure is proposed to protect the health, safety and welfare the inhabitants of the City and to protect the water resources underlying the City for present and future beneficial uses.

All interested persons are invited to attend the above public hearing and be heard at the time and place specified above. Please call 562-383-4010 for information.

LA HABRA CITY COUNCIL
Tamara Mason, MMC, City Clerk

Publish: December 7 & 14, 2015
OC Register

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA DECLARING THE CITY OF LA HABRA TO BE THE GROUNDWATER SUSTAINABILITY AGENCY FOR THE LA HABRA GROUNDWATER BASIN

WHEREAS, A portion of the so-called "Orange County Coastal Basin", (denominated Basin 8-1 in Bulletin 118 of the California Department of Water Resources ("DWR")) underlays the City of La Habra ("City") and the City of Brea ("Brea").

WHEREAS, the State of California has enacted the Sustainable Groundwater Management Act, Water Code §§10720 et seq. ("SGMA"). SGMA requires local agencies overlying the Orange County Coastal Basin to establish one or more Groundwater Sustainability Agency(s) ("GSA(s)") to adopt and implement one or more Groundwater Sustainability Plan(s) ("GSP(s)") for the Orange County Coastal Basin; and

WHEREAS, the City is authorized to become a GSA under SGMA because:

- a. The City has land use responsibilities over substantially all of the lands within its exterior jurisdictional boundaries.
- b. The City, through its subsidiary, the La Habra Utility Authority, is the public drinking water supplier within the City's exterior jurisdictional boundaries.
- c. The portion of Orange County Coastal Basin underlying the City and Brea is known locally as the "La Habra Basin." The La Habra Basin is located within the County of Orange. The La Habra Basin is hydrogeologically and jurisdictionally separate and distinct from the balance of the Orange County Coastal Basin.
- d. The City overlays the main-water-yielding portion of the La Habra Basin. The City has invested millions of dollars in capital improvement costs and operating, maintenance, repair and replacement costs to develop and put the water resources of the La Habra Basin to reasonable and beneficial use within the City.
- e. No other water wells are known within the City's jurisdictional boundaries to extract water from the La Habra Basin for public or private water uses; and
- f. Sustainably managing, operating and maintaining the water resources of the La Habra Basin is a fundamental interest of the City to

provide safe and reliable water service to protect the health, safety and welfare of the citizens, inhabitants and businesses of the City; and

WHEREAS, a low yield portion of the La Habra Basin underlays Brea. Brea operates two small volume water wells to serve non-potable irrigation water uses within Brea's city limits. City manager, legal and public works representatives from the City of La Habra have consulted with their counterparts from the City of Brea and have been informed that Brea intends to enter into a Memorandum of Agreement with the City of La Habra, which will designate the City to act as the GSA and develop a GSP for the portion of the La Habra Basin underlying Brea; and

WHEREAS, the City of Fullerton ("Fullerton") geographically overlays a non-water yielding portion of the La Habra Basin, Fullerton has no wells extracting water from the La Habra Basin and Fullerton representatives have indicated intent to disclaim GSA jurisdiction over any portion of the La Habra Basin; and

WHEREAS, City representatives have met and conferred with representatives of local agencies operating municipal water systems overlying portions of the La Habra Basin, including Brea and Fullerton, and with agencies managing groundwater resources in areas adjacent to La Habra Basin, including the Orange County Water District and the Water Replenishment District of Southern California, concerning La Habra's intent to become the GSA for La Habra Basin; and

WHEREAS, notice of a public hearing to receive comments on the proposal to adopt this resolution has been provided as required by Water Code §10723(b), written notice has been provided to known parties in the categories listed in Water Code §10723.4 and proofs of service of such notices are on file with the City Clerk; and

WHEREAS, the activity provided for in this resolution is exempt from California Environmental Quality Act pursuant to 14 CCR §15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of La Habra does hereby find, determine and order as follows:

- 1) The matters set forth in the foregoing recitals are true and correct.
- 2) The best interests of the City and its citizens, inhabitants and businesses will be served if the City maintains autonomous regulation and sustainable management planning authority over the La Habra Basin.
- 3) The best interests of the City and its citizens, inhabitants and businesses will be served if the City is established according to SGMA to be a GSA for that portion of the Orange County Coastal Basin known as the La Habra Basin and is authorized to exercise the authorities set forth in SGMA, including authority to prepare a GSP, for the

La Habra Basin.

4) The City Manager is authorized and directed to negotiate and prepare a MOA between the City and Brea, providing for the City to be the GSA for the La Habra Basin, including the portion of the La Habra Basin underlying Brea. The MOA shall provide for the City to be lead agency, in consultation with Brea, to prepare a GSP for the La Habra Basin and may be subject to such other terms and conditions as shall be mutually agreeable to the MOA parties.

5) Within 30 days after adoption of this Resolution, the City Manager is authorized and directed to notify DWR of the City's decision to become the GSA for La Habra Basin and to certify the information specified in Water Code §10723.8 as follows:

(a) Information that clearly shows the GSA formation notification was submitted to DWR within 30 days after adoption of this Resolution.

(b) A map (including hard-copy and GIS shape files) and narrative showing (i) the City's service area boundaries, (ii) the boundaries of the basin or portion of the La Habra Basin, and (iii) the service area boundaries for the cities of Brea and Fullerton and of the Orange County Water District.

(c) A copy of this Resolution.

(d) A copy of the groundwater export ordinance adopted by the City Council on the same date that this Resolution was adopted.

(e) A list of the interested parties developed pursuant to Water Code Section 10723.2.

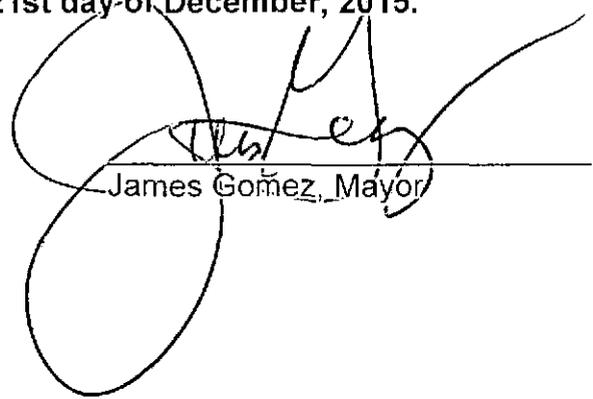
(f) A detailed explanation how the City, acting as the GSA, will consider the interests of all beneficial uses and users of groundwater from the La Habra Basin, as well as those responsible for implementing GSPs.

(h) Proofs of services of notice of the public hearing conducted by the City Council on December 21, 2015 as required by Water Code §10723 and proof of mailing written notice to interested parties listed according to Water Code §10723.2 regarding notification of the hearing

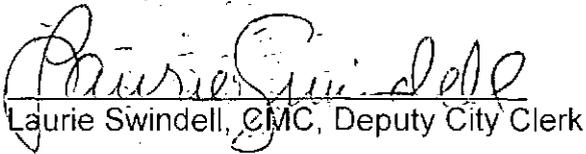
6) The City Clerk shall cause a Public Resources Code Section 21152 Notice of Exemption to be filed with the County Clerk for the County of Orange.

7) This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this Resolution.

PASSED, APPROVED AND ADOPTED this 21st day of December, 2015.


James Gomez, Mayor

ATTEST:

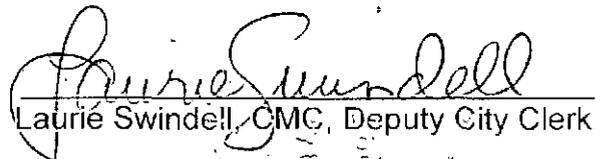

Laurie Swindell, CMC, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LA HABRA)

I, Laurie Swindell, Deputy City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 5714 introduced and adopted at a Regular Meeting of the City Council of the City of La Habra held on the 21st day of December, 2015, by the following vote:

AYES: COUNCILMEMBERS: SHAW ESPINOZA, BLAZEY, BEAMISH, GOMEZ
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE

Witness my hand and the official seal of the City of La Habra this 21st day of December, 2015.


Laurie Swindell, CMC, Deputy City Clerk



ORDINANCE NO. 1767

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA
ADDING CHAPTER 13.31 TO THE MUNICIPAL CODE TO PROHIBIT
EXTRACTION AND EXPORTATION OF GROUNDWATER
UNDERLYING THE CITY FOR USE OUTSIDE OF THE CITY**

The City Council of the City of La Habra does ordain as follows:

Section 1. The City Council does hereby find and determine that:

- a. A portion of groundwater Basin 8-1, the Orange County Coastal Basin, as depicted in California Department of Water Resources Bulletin 118, underlays the City of La Habra and the City of Brea. The groundwater basin underlying La Habra and Brea is known locally as the "La Habra Basin." The La Habra Basin is hydrogeologically and jurisdictionally separate and distinct from the balance of Basin 8-1.
- b. The sustainable annual yield of the portion of La Habra Basin underlying the City is estimated to be 4,500 acre feet. The City produces about 4,200 acre feet of water per year from this resource and distributes that water for beneficial potable uses through its municipal water system.
- c. Groundwater produced by the City from the La Habra Basin is an essential resource for present and future municipal, industrial, and domestic beneficial uses within the City. The protection of the health, welfare, and safety of the residents and economy of the City require that the groundwater resources of the City be protected for present and future municipal, industrial, and domestic beneficial uses within the City.
- d. The sustainable yield of the portion of the La Habra Basin underlying the City is not sufficient to serve beneficial uses in addition to the beneficial municipal, industrial and domestic uses currently served through the City municipal water system.
- e. Article X, Section 2 of the California Constitution and Water Code section 100 prohibit the waste, unreasonable use, unreasonable method of use, and unreasonable method of diversion of water. The extraction and exportation of groundwater from the portion of the La Habra Basin underlying the City is unsustainable and, therefore, is an unreasonable use of water within the meaning of the California Constitution and the California Water Code.
- f. The best interest of the present and future inhabitants of the City will be served if the extraction and exportation of groundwater produced from within the City's jurisdictional boundaries is prohibited.

- g. The proposed amendment to the Municipal Code is determined to be exempt from California Environmental Quality Act pursuant to 14 CCR §15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 2. The City Council does hereby amend Title 13 by adding Chapter 13.31 to the La Habra Municipal Code hereto attached as Exhibit A.

Section 3. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

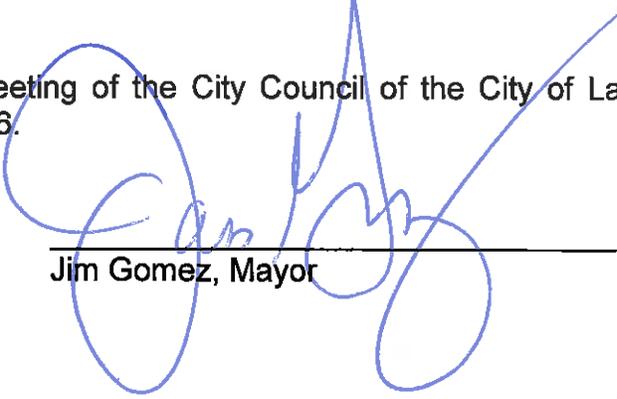
Section 4. The City Clerk shall cause a Public Resources Code Section 21152 Notice of Exemption to be filed with the County Clerk for the County of Orange.

Section 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law. This Ordinance shall become effective thirty (30) days from and after its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of La Habra held on the 19th day of January, 2016.



Tamara D. Mason, MMC, City Clerk



Jim Gomez, Mayor

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA HABRA)

I, Tamara D. Mason, City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1767 introduced at a regular meeting of the City Council of the City of La Habra held on the 21st day of December, 2015, and duly adopted at a regular meeting held on the 19th day of January, 2016, by the following vote:

AYES: COUNCILMEMBERS: BEAMISH, BLAZEY, ESPINOZA, SHAW, GOMEZ
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this 19th day of January, 2016.



Tamara D. Mason, MMC, City Clerk

EXHIBIT A
ORDINANCE NO. 1767

CHAPTER 13.31 GROUNDWATER EXTRACTION AND EXPORTATION

- 13.31.10 Definitions
- 13.31.20 Prohibition
- 13.31.30 Implementation
- 13.31.40 Authority
- 13.31.40 Severability and Validity

13.31.10 Definitions.

The following words and phrases shall have the following meanings when used in this Chapter:

1. "Brea" means the City of Brea.
2. "City" means the City of La Habra.
3. "Extract" means to pump Groundwater from the La Habra Basin through any well within the boundaries of the City of La Habra.
4. "Export" means to convey or transmit Extracted Groundwater for use directly or indirectly on parcels which are outside of the City boundaries. Export of Extracted Groundwater includes activities by which Extracted Groundwater may, through one or more exchanges or transactions, be directly or indirectly conveyed or transferred for use out of the City.
5. "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.
6. "La Habra Basin" shall mean that portion of groundwater Basin 8-1, the Orange County Coastal Basin, as depicted in California Department of Water Resources Bulletin 118, which underlays the City and Brea and

which is hydrogeologically and jurisdictionally separate and distinct from the balance of Basin 8-1.

7. "Person" means and includes natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons, and public entities.

13.31.20 Prohibition.

No person may Extract and Export Groundwater from the portion of the La Habra Basin that underlies the City for use outside of the City boundaries. Violations of this section shall constitute a public nuisance.

13.31.30 Implementation.

1. No permit shall be issued to drill a water well according to Municipal Code Chapter 13.28 or Chapter 13.30 for purpose of Extraction or Exportation of Groundwater.
2. No excavation permit shall be issued according to Municipal Code Section 12.12.020 owned public right of way for purposes of conveying or transmitting Extraction or Exportation of Groundwater.
3. City code enforcement authorities are authorized to enforce compliance with Chapter according to Municipal Code Chapter 18.74.

13.31.40 Authority.

This Chapter is enacted in order to protect the health, welfare and safety of present and future residents of the City as authorized by Article XI, Section 7 of the California Constitution and to protect the water resources of the City for present and future beneficial uses within the City as authorized by Article X, Section 2 of the California Constitution.

13.31.40 Severability and Validity.

The provisions of this Chapter are hereby declared to be severable. If any section, subsection, sentence, clause, word, or phrase of this Chapter is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, words, or phrases be declared invalid or unconstitutional.

LIST OF CONTACTS FOR LA HABRA GROUNDWATER BASIN NOTICE OF PUBLIC HEARING

1. Gabrieleno Band of Mission Indians-Kizh-Nation

Attn: Andrew Salas, Chairman

P.O. Box 393

Covina , CA 21723

Email: gabrieleindians@yahoo.com

2. Soboba Band of Luiseno Indians

Attn: Joseph Ontiveros, Culture Resource Director

PO Box 487

San Jacinto, CA 92581

Email: jontiveros@soboba-nsn.gov

3. Orange County

Frank Kim, County Executive Officer

333 West Santa Ana Blvd.

Santa Ana , CA 701

Email: frank.kim@ocgov.com

4. City of Brea

Bill Gallardo, City Manager

1 Civic Center Drive

Brea, CA 92821

Email: billga@cityofbrea.net

5. City of Fullerton

Joe Felz, City Manager

303 Commonwealth Ave

Fullerton , CA 92832

Email: citymanager@cityoffullerton.com

6. Central Basin Municipal Water District

Kevin Hunt, General Manager

6252 Telegraph Road

Commerce , CA 90040

Email: kevinh@centralbasin.org

7. Orange County Water District
Mike Markus, General Manager
P.O Box 8300
Fountain Valley, CA 92728

Email: mmarkus@ocwd.com

8. Water Replenishment District
Robb Whitaker, General Manager
4040 Paramount Blvd.
Paramount, CA 90712

Email: rwhitaker@wrd.org

9. Metropolitan Water District of Orange County
Rob Hunter, General
P.O> Box 20895
Fountain Valley , CA 92708

rhunter@mwdoc.com

From: [Heather Steele](#)
To: [Nordberg, Mark@DWR](mailto:Nordberg.Mark@DWR)
Cc: ["Elias Saykali"; "Jeff Helsley"](#)
Subject: La Habra GSA - Interested Parties
Date: Monday, February 22, 2016 9:38:27 AM

Mark,

Below is the section of the Water Code that lists the categories of interested parties that should be included in the GSA process. In response to your request to Elias Saykali, Director of Public Works for the City of La Habra, the parties applicable to the La Habra Groundwater Sustainability Agency have been listed below for each category in blue text. These parties were notified of the public hearing regarding the formation of the La Habra Groundwater Sustainability Agency and included on the list of interested parties.

10723.2

The groundwater sustainability agency shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to, all of the following:

(a) Holders of overlying groundwater rights, including:

(1) Agricultural users.

[None known in proposed La Habra Groundwater Basin.](#)

(2) Domestic well owners.

[None known in proposed La Habra Groundwater Basin.](#)

(b) Municipal well operators.

[Cities of La Habra, Brea, and Fullerton \(Note: Fullerton's jurisdiction is adjacent to the proposed La Habra Groundwater Basin\)](#)

(c) Public water systems.

[Cities of La Habra, Brea, and Fullerton](#)

(d) Local land use planning agencies.

[Cities of La Habra, Brea, and Fullerton and the County of Orange.](#)

(e) Environmental users of groundwater.

[None known in proposed La Habra Groundwater Basin.](#)

(f) Surface water users, if there is a hydrologic connection between surface and groundwater bodies.

[None known in proposed La Habra Groundwater Basin.](#)

(g) The federal government, including, but not limited to, the military and managers of federal lands.

[There is no federal land within the proposed La Habra Groundwater Basin.](#)

(h) California Native American tribes.

[Gabrieleno Band of Mission Indians-Kizh Nation, Soboba Band of Luiseno Indians.](#)

(i) Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems.

[There are no disadvantaged communities within the proposed La Habra Groundwater Basin.](#)

(j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.

[Cities of La Habra, Brea, and Fullerton.](#)

In addition to the parties listed above, the following parties were also notified of the public hearing:

- Central Basin Municipal Water District
- Orange County Water District
- Water Replenishment District of Southern California
- Metropolitan Water District of Orange County

Please let me know if you have any additional questions.

Thank you,
Heather Steele
Stetson Engineers Inc.
626-967-6202

**MEMORANDUM OF AGREEMENT
DESIGNATING THE CITY OF LA HABRA AS
GROUNDWATER SUSTAINABILITY AGENCY FOR
THE GROUNDWATER UNDERLYING
THE CITY OF BREA**

This Memorandum of Agreement (“MOA”) is by and between the City of La Habra (“La Habra”) and the City of Brea (“Brea”) and is entered into this 5th day of April, 2016. La Habra and Brea are jointly referred to herein as “the Cities.”

RECITALS

- A. The State of California has enacted the Sustainable Groundwater Management Act, Water Code §§10720 et seq. (“SGMA”), which took effect on January 1, 2015. SGMA authorizes local agencies, as defined in SGMA, which overlay any portion of a State designated groundwater basin to establish one or more Groundwater Sustainability Agency(s) (“GSA(s)”) to adopt and implement one or more Groundwater Sustainability Plan(s) (“GSP(s)”).
- B. The Cities overlay a groundwater basin known as the La Habra Basin. La Habra obtains over forty percent (4,200 acre feet per year) of its municipal water supply from the portion of La Habra Basin which underlays La Habra. The portion of La Habra Basin underlying Brea yields water to wells in quantities and quality unsuitable for use as part of Brea’s municipal water distribution system, but Brea produces a small quantity of water from La Habra Basin (300 acre feet per year) for irrigation purposes.
- C. The State of California depicts La Habra Basin to be part of the Orange County Coastal Basin, a much larger groundwater basin which has been designated by the State as a high priority basin. SGMA requires all high or medium priority groundwater basins to be managed under one or more GSAs which must adopt one or more GSPs. Failure to designate a GSA and/or adopt a GSP may result in loss of local control of the groundwater underlying a local agency; and
- D. SGMA authorizes the Cities to join together through a memorandum of agreement to designate a GSA to exercise the authority afforded by and comply with the requirements of SGMA. The best interests of the Parties and its citizens, inhabitants and businesses will be served if La Habra is designated as the GSA to provide for sustainable management of La Habra Basin as a distinct basin separate from the Orange County Coastal Basin.

AGREEMENTS

NOW, THEREFORE, it is mutually understood and agreed as follows:

Section 1. La Habra as GSA: Preparation of GSP

- a. The Cities agree that La Habra shall be the GSA for the La Habra Basin, including the portion of the La Habra Basin underlying Brea.
- b. Subject to consultation with and reasonable supportive action from Brea, La Habra shall act as lead agency to take appropriate actions both to separate La Habra Basin from the Orange County

Coastal Basin and to prepare a single GSP to sustainably manage La Habra Basin according to the requirements of SGMA. Prior to adoption of the GSP by the La Habra City Council, the final draft of the GSP shall be presented to the Brea City Council.

b. The Cities will work jointly to meet the objectives of this MOA. The Cities each will contribute staff time, information, and facilities reasonably necessary to comply with SGMA.

Section 2: Limitations

a. La Habra is not authorized, without the express written agreement of Brea, to impose and collect fees based upon, or related to the production of water from property overlying the La Habra Basin located within the boundaries of Brea as provided in Chapter 8 (Financial Authority) of SGMA.

b. La Habra is not authorized, without the express written agreement of Brea, to exercise enforcement authority based upon, or related to the production of water from property overlying the La Habra Basin located within the boundaries of Brea as provided in Chapter 9 (GSA Enforcement Powers) of SGMA.

Section 3: Costs

Each party shall bear its own costs and expense in carrying out this MOA.

Section 4: Notices

All notices necessary to effectuate this agreement shall be provided in writing delivered to the respective City Manager of the other party via email, fax, or US mail.

Section 5: Amendments

This MOA may be amended only by a subsequent writing executed by each City after City Council authorization.

Section 6: Counterparts

This MOA may be executed in counterparts.

Section 7: Integration

This MOA constitutes the sole, entire, integrated and exclusive agreement between the Parties regarding the contents herein.

Section 8: Ambiguities

The Cities agree and acknowledge that this MOA has been developed through negotiation, and that each party has had a full and fair opportunity to consult with counsel and to revise the terms of this MOA. Consequently, the rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this MOA.

CITY OF LA HABRA
A Municipal Corporation of the
State of California

By: [Signature]
Jim Sadro
City Manager

ATTEST:

By: Tamara D. Mason
Tamara D. Mason, MMC
City Clerk

APPROVED AS TO FORM:

By: Arthur G. Kidman
Arthur G. Kidman
Attorney
Kidman Law, LLP

Date: 5-02-2016

CITY OF BREA
A Municipal Corporation of the
State of California

By: [Signature]
Christine Marick
Mayor

ATTEST:

By: [Signature]
Lillian Harris-Neal, CMC
City Clerk



APPROVED AS TO FORM:

By: James L. Markman
James L. Markman
City Attorney
City of Brea

Date: 4-12-16