

ORDINANCE NO. 580-22

AN ORDINANCE OF THE SOUTH TAHOE PUBLIC UTILITY DISTRICT REPEALING IN ITS ENTIRETY SECTION 7 OF THE SOUTH TAHOE PUBLIC UTILITY DISTRICT ADMINISTRATIVE CODE CONCERNING THE GROUNDWATER MANAGEMENT PLAN

BE IT ENACTED by the Board of Directors of the South Tahoe Public Utility District, County of El Dorado, State of California, as follows:

SECTION 1 – POLICY AND PURPOSE

The purpose of this Ordinance is to repeal in its entirety Section 7 of the District's Administrative Code concerning the District's Groundwater Management Plan as a result of the District's adoption of an alternative to a groundwater sustainability plan in compliance with the Sustainable Groundwater Management Act.

SECTION II – DEFINITIONS

For the purposes of this Ordinance, the terms used herein are defined as follows:

- A. The District – The South Tahoe Public Utility District.
- B. The Board of Directors – The Board of Directors of the South Tahoe Public Utility District.
- C. Administrative Code – The compilation and codification of all of the Administrative, Water, Sewer and Groundwater Management Plan Ordinances of the District, which establish the authority and the principles for the decisions of the District, and provide the public with guidelines applicable to District operations.

SECTION III – FINDINGS

The Board of Directors of the South Tahoe Public Utility District, County of El Dorado, State of California, make the following findings:

1. In December 2000, the District enacted Ordinance No. 477-00 adding Section 7 to the Administrative Code authorizing the administration of the Tahoe Valley South Subbasin ("TVS Subbasin") Groundwater Management Plan ("2000 GWMP") pursuant to California Water Code section 10750, et seq.
2. On December 4, 2014, the District adopted Resolution No. 2969-14 and enacted Ordinance 558-14 to update the 2000 GMP ("2014 GWMP") in order to ensure compliance with the requirements of California Water Code section 10750 et. seq., AB 3030 and SB 1938.

3. In 2014, the California Legislature adopted, and the Governor signed into law, the Sustainable Groundwater Management Act ("SGMA"), which authorizes local agencies overlying all or a portion of a groundwater basin to manage groundwater in a sustainable fashion.
4. On August 2, 2015, in accordance with SGMA, the District submitted a Groundwater Sustainability Agency ("GSA") Formation Notification to the California Department of Water Resources ("DWR") and as of November 17, 2015 was recognized by DWR as the exclusive GSA for the portion of the TVS Subbasin located within its jurisdictional boundaries.
5. On December 29, 2016, in accordance with SGMA, the District submitted to DWR the 2014 GWMP and relevant documents completed following adoption of the 2014 GWMP (other materials) for evaluation as an existing plan alternative to a groundwater sustainability plan for the TVS Subbasin.
6. On July 17, 2019, DWR determined that the 2014 GWMP and other materials submitted by the District satisfied the objectives of SGMA and approved it as an existing plan alternative to a groundwater sustainability plan for the TVS Subbasin ("Alternative Plan").
7. On April 21, 2022, the District Board of Directors adopted Resolution 3215-22 adopting the first five-year update of the Alternative Plan pursuant to the California Public Utility Code and SGMA; and,
8. Because DWR approved the Alternative Plan and the District adopted the first five-year update of the Alternative Plan, the District Board of Directors has determined that the 2014 GWMP has been replaced by the Alternative Plan and, as a result, Section 7 of the Administrative Code should be repealed in its entirety.

SECTION IV – REPEAL SECTION 7 OF THE ADMINISTRATIVE CODE IN ITS ENTIRETY

Section 7 of the Administrative Code is repealed in its entirety.

SECTION V – SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance and its implementing rules and regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the Administrative Code. The Board of Directors declares and determines that it would have passed section, subsection, subdivision, paragraph, sentence, clause or phrase thereof of this Ordinance and its implementing rules and regulations and the Administrative Code irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be determined to be unconstitutional or invalid.

SECTION VI – EFFECTIVE DATE

This Ordinance repealing Section 7 of the Administrative Code shall take effect thirty (30) days after its passage.

SECTION VII – CEQA EXEMPTION

This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to, including by not limited to, CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly), 15061(b)(3) (it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment), 15262 (involving feasibility and planning studies), and Water Code Section 10728.6 (exempting the adoption of an alternative to a groundwater sustainability plan from CEQA under SGMA).

PASSED AND ADOPTED the Board of Directors of the South Tahoe Public Utility District at its duly held regular meeting on the 21st day of April, 2022, by the following vote:

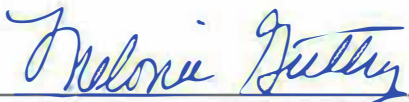
AYES: Romsos, Sheehan, Exline

NOES: None

ABSENT: Cefalu, Peterson



Kelly Sheehan, President
South Tahoe Public Utility District

ATTEST: 
Melonie Guttry, Clerk of the Board
South Tahoe Public Utility District