



AGENDA

REGULAR MEETING OF THE BOARD OF DIRECTORS OF CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY

CARPINTERIA CITY HALL
5775 CARPINTERIA AVENUE
CARPINTERIA, CA 93013

Wednesday, November 9, 2022 at 5:30 p.m.

Join Zoom Meeting

<https://us06web.zoom.us/j/89458528036?pwd=eGMvRlVpTXptMUxuZEIMSfdta2M4UT09>

Meeting ID: 894 5852 8036

Passcode: 327303

Or

Dial by Phone: 1-669-444-9171

1. **CALL TO ORDER**
2. ****Consider adopting of Resolution 016 proclaiming a local emergency, re-ratifying the proclamation of a State of Emergency by Governor Newsom's order dated March 4, 2020, and re-authorizing remote teleconference meetings of the legislative bodies of the Carpinteria Groundwater Sustainability Agency for the period of November 9, 2022 to December 9, 2022 (for action, Executive Director McDonald).**
3. **PUBLIC FORUM (Any person may address the Board of Directors on any matter within its jurisdiction which is not on the agenda).**
4. **APPROVAL ITEMS**
 - A. ****Minutes for the Meeting of the Board held on October 12, 2022 (for action, Executive Director McDonald)**
 - B. ****Disbursement Report**
5. **UNFINISHED BUSINESS – none**
6. **NEW BUSINESS**
 - A. **Consider Draft Appeal Policy for GSA Groundwater Fee (For information, Executive Director Bob McDonald).**

**Indicates attachment of document to agenda packet.

B. Public Hearing on Proposed Appeal Policy for GSA Groundwater Fee

- 1. Opening of Public Hearing (Chairman Van Wingerden)**
- 2. Receipt of Public Comment (Chairman Van Wingerden)**
- 3. Closing of Public Hearing (Chairman Van Wingerden)**
- 4. Director Comments**

C. **Consider Resolution 017 Adopting an Appeal Policy for the Fee for Operation and Administrative Costs of the CGSA (for action, Executive Director Bob McDonald).

D. **Consider Resolution 019 adopting a policy with respect to California's EO N-7-22 (9a) requiring a GSA verification letter for new well permits (For action, Executive Director Bob McDonald).

E. **Consider Resolution 018 Authorizing CVWD to apply for SGMA Implementation Grant Program on behalf of the GSA (for action, General Manager McDonald.)

7. ADJOURNMENT.

Robert McDonald, Secretary

The above matters are the only items scheduled to be considered at this meeting.

Note: The above Agenda was posted at Carpinteria Valley Water District Administrative Office in view of the public no later than 5:00 p.m., November 6, 2022. The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied benefits of, the District's programs, services, or activities because of any disability. If you need special assistance to participate in this meeting, please contact the District Office at (805) 684-2816. Notification at least twenty-four (24) hours prior to the meeting will enable the District to make appropriate arrangements. Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Carpinteria Valley Water district offices located at 1301 Santa Ynez Avenue, Carpinteria during normal business hours, from 8 am to 5 pm.

**Indicates attachment of document to agenda packet.

RESOLUTION NO. 016

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM'S ORDER DATED MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY FOR THE PERIOD NOVEMBER 9, 2022 TO DECEMBER 9, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Carpinteria GROUNDWATER SUSTAINABILITY AGENCY is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Carpinteria GROUNDWATER SUSTAINABILITY AGENCY's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 015 on September 14, 2022, finding that the requisite conditions exist for the legislative bodies of Carpinteria GROUNDWATER SUSTAINABILITY AGENCY to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of COVID-19; despite sustained efforts, the virus, and its variants, continues to spread and has impacted nearly all sectors of California; and

WHEREAS, on September 5, 2021, the Santa Barbara County Health Officer issued Order 2021-10.4, requiring face coverings in all public indoor settings in response to the rise in SARS-CoV-2 Delta Variant; and

WHEREAS, the Carpinteria GROUNDWATER SUSTAINABILITY AGENCY Governing Board does hereby find that the rise in SARS-CoV-2 Delta Variant has caused, and will continue to cause, conditions of peril to the safety of persons within Carpinteria GROUNDWATER SUSTAINABILITY AGENCY's jurisdictional boundaries that are likely to be beyond the control of services, personnel, equipment, and facilities of Carpinteria GROUNDWATER SUSTAINABILITY AGENCY, and acknowledges and ratifies the proclamation of a state of emergency by the Governor of the State of California and the Santa Barbara County Health Officer's Order 2021-10.4; and

WHEREAS, as a consequence of the local emergency, the Carpinteria GROUNDWATER SUSTAINABILITY AGENCY Governing Board does hereby find that meeting in person would pose imminent risks to the health or safety of attendees; and

WHEREAS, the Carpinteria GROUNDWATER SUSTAINABILITY AGENCY Governing Board does hereby find that Carpinteria GROUNDWATER SUSTAINABILITY AGENCY shall continue to conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times and manner in which the public may participate in the public meetings of Carpinteria GROUNDWATER SUSTAINABILITY AGENCY and offer public comment by telephone or internet-based services options, including video conference, are posted on the Carpinteria GROUNDWATER SUSTAINABILITY AGENCY website and physically within Carpinteria GROUNDWATER SUSTAINABILITY AGENCY's jurisdictional boundaries.

WHEREAS, on March 25, 2020 the Board was presented with the COVID19 Operational Continuity and Social Distancing Plan.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF Carpinteria GROUNDWATER SUSTAINABILITY AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference
2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.
3. Risks to Health and Safety of Attendees. The Governing Board hereby determines that meeting in person would present imminent risks to the health and safety of attendees.
4. Ratification of Governor's Proclamation of a State of Emergency. The Governing Board hereby acknowledges and ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
5. Remote Teleconference Meetings. Carpinteria GROUNDWATER SUSTAINABILITY AGENCY staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
6. Effective Date of Resolution. This Resolution shall take effect on November 9, 2022, and shall be effective until the earlier of (i) December 9, 2022, or such time the Governing Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of COMB may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Carpinteria GROUNDWATER SUSTAINABILITY AGENCY, this 9th day of November, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Case Van Wingerden, CGSA Chairman

Robert McDonald, Board Secretary

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|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| | MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY | |
| | October 12, 2022 | |
| | Chairman Van Wingerden called the regular meeting of the Carpinteria Groundwater Sustainability Agency Board of Directors held in the Carpinteria City Hall Chamber to order at 5:44 p.m., Wednesday, October 12, 2022. | |
| | Directors Present; Holcombe, Van Wingerden, Roberts, and Johnson | |
| | Director Absent: Stendell | |
| | Others Present: Bob McDonald | |
| | Stephen Lee Norma Rosales Lisa Silva | Anthony Brown Mimi Brown Scott Van Der Kar |
| RESOLUTION 015 | <p>Executive Director McDonald presented to consider adopting Resolution 015 proclaiming a local emergency, re-ratifying the proclamation of a State of Emergency by Governor Newsom’s order dated March 4, 2020, and re-authorizing remote teleconference meetings of the legislative bodies of the Carpinteria Groundwater Sustainability Agency for the period of October 12, 2022, to November 12, 2022.</p> <p>Following discussion, Director Johnson moved, and Director Roberts seconded the motion to approve the adoption of Resolution 015. The motion carried by a 4-0-1 vote with Director Stendell absent. The motion was approved by roll call as follows;</p> <p>Ayes: Johnson, Holcombe, Roberts & Van Wingerden Nays: None Absent: Stendell</p> | |
| PUBLIC FORUM | No one from the public addressed the Board. | |
| MINUTES | Following discussion, Director Johnson moved, and Director Holcombe seconded the motion to approve the minutes of the Board meeting held on September 28, 2022. The motion carried by a 4-0-1 vote with Director Stendell absent. The minutes were approved by roll call as follows; | |

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| | <p>Ayes: Johnson, Holcombe, Roberts and Van Wingerden Nays: None Absent: Stendell</p> |
| <p>DISBURSEMENT REPORT</p> | <p>Following discussion, Director Holcombe moved, and Director Roberts seconded the motion to approve the monthly bills for the period of August 16, 2022 through September 15, 2022. The motion carried by a 4-0-1 vote with Director Stendell absent. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Van Wingerden, Johnson and Roberts Nays: None Absent: Stendell</p> |
| <p>DRAFT FEE APPEAL POLICY</p> | <p>Executive Director McDonald presented to discuss the Draft Appeal Policy for GSA Groundwater Fee.</p> <p>Steps:</p> <ul style="list-style-type: none"> • Develop Draft Policy • Conduct Public review • Finalize Draft Policy and Adopt • Implement Policy <p>The Draft Fee Appeal Policy will provide a process for property owners who believe that the fee is applied incorrectly to their Parcel.</p> <p>Examples:</p> <ul style="list-style-type: none"> - Incorrect acreage used to calculate fee - Land use is not subject to fee (i.e. road parcel or conservation easement) - Parcel not within the GSA Boundary (published boundary produced by the state) - Other exemptions – i.e., a parcel that does not extract, divert or receive groundwater from CGB, directly or indirectly, and does not plan to do so before the GSP is completed can apply for an exemption to the parcel acreage based fee. <p>Schedule:</p> <ul style="list-style-type: none"> - First hearing of the Draft Policy September 14th - First Public hearing of the Draft Policy September 28th - Second Public Hearing of the Draft Policy October 12th - Third Public Hearing and Adoption of the Policy November 9th - Implementation of the Policy November 10th |

PUBLIC HEARING

Following discussion of the Draft Fee Appeal policy, Chairman Van Wingerden opened the Public Hearing.

1. Opening of Public Hearing by Chairman Van Wingerden at 5:59 p.m.
2. Receipt of Public Comment –
 - Scott Van Der Kar addressed the Board.

Scott Van Der Kar commented on the following:

- Wanted to make some points of issues previously discussed for residents
 - Fairness/unfairness issue regarding the \$48 per acre for all land owners
 - Accuracy of the groundwater basin and what should or should not be included
 - What the responsibility of CVWD should be as it relates to the overall groundwater extraction
 - Intention of GSA to revisit the fee policy in 1 year
 - Intention to draft a fee policy that reflects the groundwater extraction by those who are actually doing the extraction
3. Closing of Public Hearing by Chairman Van Wingerden at 6:02 p.m.
 4. Director Comments – Executive Director McDonald addressed comments from Directors.

The next Public Hearing will be held on November 9, 2022.

VERIFICATION LETTER POLICY

Executive Director McDonald presented to consider and discuss Verification Letter Policy and draft resolution.

Executive Order N-7-22 States:

9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium or high priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area

GSA Verification Letter:

- This Executive Order requires the SB & Ventura County Environmental Health Agencies to request a letter from the GSA for proposed new wells.

| | |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> - Because of this both agencies have adopted policies requiring verification letters from the GSA of the basin where a well is proposed. - The GSA staff has determined it cannot issue such a letter because it has no basis, i.e., no Groundwater Sustainability Plan (GSP) to evaluate sustainability. - Staff is proposing that the GSA adopt a policy that directs the E.D. of the GSA to respond with a letter declining to issue any opinion or verification of sustainability. |
| PUBLIC COMMENT | <p>Anthony Brown commented on the following:</p> <ul style="list-style-type: none"> - Wanted confirmation regarding alteration of an existing well and what happens to a district well if it needed repairs as well as private wells. <p>Scott Van Der Kar commented on the following:</p> <ul style="list-style-type: none"> - After drought emergency the County may approve repairs to private wells as long as it doesn't increase the production of flow, what would the approach be if flow declined due to needed repairs but increased back to normal after repairs. <p>Executive Director McDonald verbally responded to comments.</p> |
| ADVISORY GROUP FORMATION | <p>Executive Director McDonald presented to consider and discuss GSP Advisory Group formation status.</p> <p>Plan:</p> <ul style="list-style-type: none"> - High priority so that it's in place soon - Will advertise to recruit applicants (website, NextDoor, FaceBook, Coastal View News and mailers) - Develop criteria, charter/by-laws of the group - Member selection at December 14th board meeting <p>Scott Van Der suggested announcing the GSP Workshop at Lion's Club.</p> <p>October 19th will be the first meeting to discuss assumptions about the basin, basin boundaries and how it was determined, water budget, conceptual model of the groundwater basin, etc.</p> |
| ADJOURNMENT | <p>Chairman Van Wingerden adjourned the meeting at 6:29 p.m.</p> <hr/> <p>Robert McDonald, Secretary</p> |



Monthly Disbursement Report
Carpinteria Groundwater Sustainability Agency

Payment Date: 09/16/22 - 10/15/22

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| Disbursement Report |
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|-----------------------------------------------------------------------------|
| Carpinteria Groundwater Sustainability Agency Account - Check Report |
|-----------------------------------------------------------------------------|

| Vendor | Description | Payment Number | Payment Date | Payment |
|---------------------------------------------------------|-------------------------------------------|----------------|-------------------------|------------------|
| BABEL LINGUISTICS INC | | | | 150.00 |
| | GSA - FACT SHEET DOC - TRANSLATION 091422 | 1060 | 10/12/2022 | 150.00 |
| BONDY GROUNDWATER CONSULTING, INC | | | | 1,657.50 |
| | GSP DEVELOPMENT - SEPTEMBER | 1057 | 10/5/2022 | 1,657.50 |
| COASTAL VIEW NEWS | | | | 225.00 |
| | PUBLIC HEARING NOTICE 091522 | 1061 | 10/12/2022 | 225.00 |
| FRUIT GROWERS LABORATORY, INC | | | | 543.00 |
| | INORGANIC ANALYSIS - SENTRY WELL | 1058 | 10/5/2022 | 543.00 |
| GROUNDWATER SOLUTIONS, INC. | | | | 7,213.00 |
| | GSP DEVELOPMENT - AUGUST | 1054 | 9/28/2022 | 7,213.00 |
| KATZ & ASSOCIATES, INC. | | | | 6,888.75 |
| | GSP DEVELOPMENT - SGMA OUTREACH - AUGUST | 1059 | 10/5/2022 | 6,888.75 |
| MONTGOMERY & ASSOCIATES | | | | 25,932.50 |
| | GSP DEVELOPMENT - AUGUST | 1055 | 9/28/2022 | 25,932.50 |
| MYERS, WIDDERS, GIBSON JONES & FEINGOLD, LLP | | | | 2,735.13 |
| | GENERAL COUNSEL - CGSA - SEPTEMBER | 1062 | 10/12/2022 | 2,735.13 |
| PUEBLO WATER RESOURCES, INC | | | | 12,362.50 |
| | GSP DEVELOPMENT - 073022 - 090222 | 1052 | 9/21/2022 | 12,362.50 |
| RAUCH COMMUNICATION CONSULTANTS, INC. | | | | 326.25 |
| | GSA WEBSITE UPDATE - JULY | 1053 | 9/21/2022 | 326.25 |
| RUTAN & TUCKER, LLP | | | | 158.00 |
| | LEGAL PROFESSIONAL SERVICES - AUGUST | 1056 | 9/28/2022 | 158.00 |
| | | | Report Total: \$ | 58,191.63 |

Draft Resolution No. 017

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY (CGSA)
ADOPTING AN APPEAL PROCESS FOR THE FEE FOR OPERATION AND
ADMINISTRATIVE COSTS OF THE CGSA**

WHEREAS, the Sustainability Groundwater Management Act of 2014, Water Code sections 10720-10737.8, (“SGMA”) was signed into law on September 16, 2014; and

WHEREAS, in 2020, the Carpinteria Groundwater Sustainability Agency (the “CGSA”) was formed through a Joint Powers Authority Agreement between the Carpinteria Valley Water District, County of Santa Barbara Water Agency, City of Carpinteria, and County of Ventura to manage the sustainability of the groundwater basin identified as the Carpinteria Groundwater Basin; and

WHEREAS, the CGSA is the exclusive GSA for the Carpinteria Groundwater Basin approved by the California Department of Water Resources; and

WHEREAS, at a regularly scheduled meeting on June 29, 2022, after duly noticed public hearings on June 8 and June 22, 2022, the Board of Directors of the CGSA (the “Board”) adopted **Resolution No. 11** for the purpose of charging a fee pursuant to section 10730 of the Water Code to fund the costs of a groundwater sustainability program (the “GSA Fee”); and

WHEREAS, the GSA Fee is based upon the Board’s consideration of the report entitled “2022 GSA Fee Study, Dated June 10, 2022” prepared by Raftelis Consulting, along with testimony and evidence received from CGSA’s staff and the public in both oral and written form; and

WHEREAS, at the several hearings conducted in consideration of the GSA Fee and the manner of its imposition, members of the public encouraged the Board to adopt an appeals process for Property Owners to contest the validity or calculation of the GSA Fee, and the Board finds that adoption of such an administrative appeal process would be appropriate to ensure the CGSA has a reasonable opportunity to address factual and legal concerns associated with the imposition of the GSA Fee; and

WHEREAS, the Board desires, through the passage of this Resolution, to adopt such an appeal process.

NOW, THEREFORE, the Board of Directors for the Carpinteria Groundwater Sustainability Agency hereby resolves as follows:

1. The Board hereby finds the facts set forth in the Recitals to this Resolution are true and correct and establish the factual basis for the CGSA’s adoption of this Resolution and incorporates those Recitals by reference.

2. The appeal process for disputes raised by Property Owners subject to the GSA Fee is as follows:

2.1 Should a Property Owner wish to contest the legal basis for the GSA Fee, number of acres subject to the GSA Fee, or otherwise challenge the calculation of the GSA fee, the Property Owner shall first be required to timely pay the assessed GSA Fee as charged by the CGSA under protest.

2.2 Within thirty (30) days following payment of the GSA Fee, the Property Owner can file an appeal with the CGSA, on a form approved by the Executive Director (template attached as Exhibit 1), setting forth the basis upon which the appeal is made, and timely filing of an administrative appeal in the manner described below shall be a prerequisite to required exhaustion of administrative remedies by the Property Owner. An appeal by a Property Owner will be considered timely filed if, on or before the 30th day following payment of the GSA Fee by the Property Owner, 1) the appeal form is mailed via first class *mail to the CGSA Executive Director¹, and postmarked on or before the 30th day after payment; 2) delivered to the CGSA Executive Director by electronic mail at Bob@cvwd.net, or 3) personally delivered to the CGSA Executive Director at the following address 1301 Santa Ynez Ave, Carpinteria CA 93013.

2.3 Potential grounds for appeal may include: (a) the Property Owner's self certification—see attached Exhibit 1 for template appeal form—that the parcels in question do not receive water service from the Carpinteria Valley Water District (CVWD), and are not pumping or diverting any water on or from lands overlying the CGB (or lands adjacent thereto)²; (b) that the amount of acres subject to the fee was not properly calculated by CGSA; (c) other legal arguments why the CGSA Fee is not lawful or improperly applied to the Property Owner. The appeal shall include any evidence the Property Owner wishes the CGSA to consider and shall provide CGSA with an email address for future correspondence related to the appeal.

2.4 Within thirty (30) days of filing the appeal, the Executive Director shall meet with the Property Owner to discuss the basis and possible resolution of the appeal. The Executive Director shall receive any additional evidence regarding to the merits of the appeal if the Property Owner desires to provide additional evidence. The Executive Director is authorized by the Board herein to grant the appeal, in whole or in part, or deny the appeal. The determination by the Executive

¹ Appeals mailed to the Executive Director shall be sent to the following address:
1301 Santa Ynez Ave. Carpinteria CA 93013

² Self certification of non-use of CGB groundwater by a Property Owner, on a parcel subject to the GSA Fee but not currently receiving water service from CVWD, shall ordinarily be a sufficient basis for granting of an appeal, unless the Executive Director determines that that the Property Owner's activities on the property have reasonable potential to cause or contribute to undesirable results within the CGB.

Director shall be made no later than fifteen (15) days following the meeting with the Property Owner, and shall be in writing and delivered to the Property Owner via electronic mail. If the Executive Director does not respond to the appeal within 15 days, then the appeal shall be deemed to have been denied by the Executive Director. A Property Owner shall have the right to seek further appellate review, as described in Section 2.3, upon denial by the Executive Director..

2.3 If the Property Owner who timely filed the appeal with the Executive Director is dissatisfied with the determination of the Executive Director, the Property Owner may file an appeal with the CGSA Board within fifteen (15) days of delivery of the Executive Director's determination (or from the date upon which the appeal is deemed denied), Appeals of the Executive Director's decision shall be delivered via email to the Clerk of the Board, CGSA, at the following email address: Bob@cvwd.net.

2.4 Timely appeals from the Executive Director's determination will be placed on the agenda for a Board meeting occurring no more than thirty (60)days from CGSA's receipt of the appeal to the Board. The Board shall receive evidence and hear from the appellant and staff regarding the merits of the appeal. The Board is authorized to grant the appeal, in whole or in part, or deny the appeal, in its sole discretion. The determination of the Board shall be memorialized in the minutes of the Board meeting and shall be final, with no further appeal to the Board or the CGSA, unless and until a different CGSA Fee is adopted.

2.5 CGSA reserves the right to rescind any relief provided per this appeal process where it determines that the information provided by the Property Owner filing the appeal was not accurate.

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PASSED AND ADOPTED by the Board of Directors of the GSA on the 9th day of November, 2022, by the following roll call vote:

AYES:
NAYES:
ABSENT:
ABSTAIN:

APPROVED:

Case Van Wingerden, Chairperson

ATTEST:

Robert Mc Donald, Secretary

I self certify, and in good faith swear and assert under oath, that the information contained herein is true to the best of my knowledge, after making reasonable inquiry. I further understand that waiver or reduction of the GSA Fee as a result of this appeal is entirely contingent upon the accuracy of information provided with this appeal.

Signature of Appellant_____

Date of Appeal Submission to CGSA_____

DRAFT

DraftRESOLUTION OF THE BOARD OF DIRECTORS OF THE
CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY (CGSA)
ADOPTING A POLICY REGARDING COUNTY REQUESTS FOR WELL
VERIFICATIONS PER EXECUTIVE ORDER N-7-22**

WHEREAS, the Sustainability Groundwater Management Act of 2014, Water Code sections 10720-10737.8, (“SGMA”) was signed into law on September 16, 2014; and

WHEREAS, in 2020, the Carpinteria Groundwater Sustainability Agency (the “CGSA”) was formed through a Joint Powers Authority Agreement between the Carpinteria Valley Water District, County of Santa Barbara Water Agency, City of Carpinteria, and County of Ventura to manage the sustainability of the groundwater basin identified as the Carpinteria Groundwater Basin (“CGB”); and

WHEREAS, the CGSA is the exclusive groundwater sustainability agency (“GSA”) for the CGB, previously approved by the California Department of Water Resources (“DWR”) in 2020; and

WHEREAS, the CGB is an alluvial groundwater basin designated in 2018 as High Priority by DWR, which primarily underlies Santa Barbara County but also underlies a small portion of Ventura County; and

WHEREAS, Santa Barbara and Ventura Counties (hereinafter the “Counties”) are each tasked by the State of California with oversight and permitting of construction, demolition, and other modification of groundwater wells within their respective boundaries in order to protect public health and safety of water supplies within their respective boundaries; and

WHEREAS, on March 28, 2022, Governor Newsom issued Executive Order N-7-22 (“EO N-7-22”) in response to the continuing severe drought that currently exists in California, and which has the potential to adversely affect, and cause undesirable results in, alluvial groundwater basins throughout California—including those within Santa Barbara and Ventura Counties; and

WHEREAS, Section 9 of EO N-7-22 directs a County to first obtain a written verification from any Groundwater Sustainability Agency (“GSA”) managing groundwater within a medium or high priority basin within that County where a well is proposed to be located or modified before that County may grant a permit authorizing construction of a new groundwater well, or modification of an existing groundwater well; and, further, that such verification must confirm to the County that the issuance of a County well permit would “not be inconsistent with” any *applicable* groundwater sustainability plan (“GSP”) previously adopted by the GSA; and

WHEREAS, because the CGB was previously designated as very low priority basin prior to 2018, and ultimately re-designated as a high priority basin several years after most other high and medium priority basins in California were so designated, CGSA, which was only formed in 2020, is not required to complete and approve a GSP for the CGB until 2024; and

WHEREAS, because a prerequisite of the requirement for verification of consistency per Section 9 of EO N-7-22 is the existence of an approved GSP, and no approved GSP currently exists in the CGB, CGSA is not legally able to provide such verification because its sustainable

groundwater management program is still in development; and

WHEREAS, Santa Barbara County Code Chapter 34a was modified by Santa Barbara County Urgency Ordinance No. 5158 (“SB Urgency Ordinance”), adding Sections 34A-22 through 34A-30, on May 24, 2022, to the Santa Barbara County Code in response to Executive Order N-7-22; and

WHEREAS, the SB Urgency Ordinance, Sections 34A-25 (regulating new or modified wells other than domestic or public water supply wells) and 34A-27 (regulating replacement wells), mandate that any applicant for a permit to construct a new well, modify an existing well, or replace an existing well, must include in their application to Santa Barbara County a verification from an applicable GSA demonstrating that the proposed action will not be inconsistent with an applicable GSP; and

WHEREAS, given the legal inability of the CGSA to provide verifications to the Counties or well permit applicants prior to approving and submitting a GSP to DWR, the Board desires, through the passage of this Resolution, to adopt a template response to requests for verification submitted per Section 9 of EO N-7-22 and/or County ordinances implementing same.

NOW, THEREFORE, the Board of Directors for the Carpinteria Groundwater Sustainability Agency hereby resolves as follows:

1. The Board hereby finds the facts set forth in the Recitals to this Resolution are true and correct and establish the factual basis for the CGSA’s adoption of this Resolution, and incorporates those Recitals by reference.
2. The Executive Director of CGSA is directed to respond to requests for EO N-7-22 verifications via written correspondence in substantially the form enclosed herewith as Exhibit 1, declining to provide written verification regarding a proposed County well permitting action until such time as the CGSA has approved and submitted to DWR a GSP for the CGB.

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PASSED AND ADOPTED by the Board of Directors of the CGSA on the ____day
of _____, 2022, by the following roll call vote:

AYES:
NAYES:
ABSENT:
ABSTAIN:

APPROVED:

Case Van Wingerden, CGSA Chariman

ATTEST:

Robert Mc Donald, Secretary

EXHIBIT 1

Dear Sir or Madame:

Thank you for your correspondence of ____INSERT DATE_____ requesting verification from the Carpinteria Groundwater Sustainability Agency (CGSA) that the proposed construction of a new well, or modification/replacement of an existing well, is not inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan (GSP) previously adopted by CGSA for the Carpinteria Groundwater Basin (Basin). We understand that such verification is required by Section 9 of Executive Order N-7-22, issued by Governor Newsom on March 28, 2022, in response to the continuing severe drought that exists in California.

We are unable to provide the requested verification at this time. CGSA, because of late designation as a high priority basin by the California Department of Water Resources (DWR), is not required to complete its GSP until 2024, whereas most medium and high priority basins in California were required to complete and submit their GSPs to DWR on or before January 31, 2022. Thus, CGSA does not have an approved “applicable Groundwater Sustainability Plan” for the Basin against which the consistency or inconsistency of a proposed well or well modification can be evaluated. As such, the determination of compliance with Executive Order N-7-22, and whether to issue a permit pertaining to a well, is a task for the County in which a well is located after consulting with the County’s well ordinance where applicable.

Should you have any questions regarding this matter, please direct them to_____.

Sincerely,

Robert McDonald
Executive Director, CGSA

Draft Resolution No. 018

DraftRESOLUTION OF THE BOARD OF DIRECTORS OF THE
CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY (CGSA)
AUTHORIZING THE CARPINTERIA VALLEY WATER DISTRICT TO
APPLY FOR SGMA GRANT FOR THE PROJECT**

WHEREAS, the Sustainability Groundwater Management Act of 2014, Water Code sections 10720-10737.8, (“SGMA”) was signed into law on September 16, 2014; and

WHEREAS, in 2020, the Carpinteria Groundwater Sustainability Agency (the “CGSA”) was formed through a Joint Powers Authority Agreement between the Carpinteria Valley Water District, County of Santa Barbara Water Agency, City of Carpinteria, and County of Ventura to manage the sustainability of the groundwater basin identified as the Carpinteria Groundwater Basin (“CGB”); and

WHEREAS, the CGSA is the exclusive groundwater sustainability agency (“GSA”) for the CGB, previously approved by the California Department of Water Resources (“DWR”) in 2020; and

WHEREAS, the CGB is an alluvial groundwater basin designated in 2018 as High Priority by DWR, which primarily underlies Santa Barbara County but also underlies a small portion of Ventura County; and

WHEREAS, The CGSA is in the process of completing its GSP and is expected to submit the GSP to DWR in Jan 2024; and

WHEREAS, it is likely that Projects will be necessary to achieve sustainability over the next 20 years;

WHEREAS, the Carpinteria Valley Water District is pursuing several projects that will provide benefits toward the sustainability of the CGB, collectively titled **2023 Carpinteria Groundwater Sustainability Projects**;

NOW, THEREFORE, the Board of Directors for the Carpinteria Groundwater Sustainability Agency hereby resolves as follows:

1. The Board hereby finds the facts set forth in the Recitals to this Resolution are true and correct and establish the factual basis for the CGSA’s adoption of this Resolution and incorporates those Recitals by reference.

2. That an application be made to the Department of Water Resources to obtain a grant under the 2021 Sustainable Groundwater Management (SGM) Grant Program SGMA Implementation Grant pursuant to the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Pub. Resources Code, § 80000, et seq.) and the Budget Acts of 2021 and 2022.

3. Be it further resolved that the Board of Directors of the Carpinteria Valley Water District has the authority and shall enter into a funding agreement with the Department of Water Resources to receive a grant for the: **2023 Carpinteria Groundwater Sustainability Projects.**

4. The General Manager of the Carpinteria Valley Water District, or designee, is hereby authorized and directed to prepare the necessary data, conduct investigations, file such application, execute a funding agreement and any future amendments thereto, submit invoices, and submit any reporting requirements with the Department of Water Resources.

[CONTINUED ON NEXT PAGE]

PASSED AND ADOPTED by the Board of Directors of the CGSA on the 9th day of November, 2022, by the following roll call vote:

AYES:
NAYES:
ABSENT:
ABSTAIN:

APPROVED:

Case Van Wingerden, CGSA Chairman

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the **Carpinteria Groundwater Sustainability Agency** held on **November 09, 2022**.

ATTEST:

Robert Mc Donald, Secretary