

**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 30<sup>th</sup> 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 Director<sup>1</sup>, and postmarked on or before the 30<sup>th</sup> 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)<sup>2</sup>; (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

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

<sup>2</sup> 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 sixty (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: Holcombe, Stendell, Johnson, Roberts and Van Wingerden  
NAYES:  
ABSENT:  
ABSTAIN:

APPROVED:

DocuSigned by:  
*Case Van Wingerden*  
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Case Van Wingerden, Chairperson

ATTEST:

DocuSigned by:  
*Robert McDonald*  
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Robert Mc Donald, Secretary



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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 \_\_\_\_\_