

Draft Resolution No 011

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

WHEREAS, the Sustainable Groundwater Management Act of 2014, Water Code sections 10720-10737.8 ("SGMA") was enacted on September 16, 2014; and

WHEREAS, SGMA requires that each Medium or High Priority groundwater basin be managed by a Groundwater Sustainability Agency ("GSA"), or multiple GSAs, and that such management be pursuant to an approved Groundwater Sustainability Plan ("GSP"), or multiple GSPs; and

WHEREAS, the Carpinteria Groundwater Sustainability Agency ("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 the County of Ventura in 2020 in response to the High priority given to Carpinteria Groundwater Basin in 2019; and

WHEREAS, the CGSA is the exclusive GSA for the Carpinteria Groundwater Basin approved by California Department of Water Resources in 2020; and

WHEREAS, the CGSA has been funded by loans since 2020 and it is the desire of the GSA Board, that the agency begin to collect fees to support the operation of the CGSA; and

WHEREAS, at duly noticed public hearings on June 8th and June 22nd, 2022 and at a regularly scheduled meeting on June 29th, 2022, the Board considered the proposed fee, which is authorized under Water Code section 10730 to fund the costs of a groundwater sustainability program; and

WHEREAS, the GSA fee was based on a report ("Report") for the CGSA entitled "2022 GSA Fee Study, Dated June 10, 2022 , " prepared by Raftelis Consulting ("Raftelis"), which provided the methodology for charging the GSA fee, determined the affected parcels and a description of parcels that would be exempt from the GSA fee; and

WHEREAS, the Board of Directors ("Board") of the CGSA considered its estimated necessary costs for the operations of the GSA at a noticed public hearing on June 22, 2022; and

WHEREAS, the Board thoroughly considered the testimony and evidence received from its staff and the public in both oral and written form; and

WHEREAS, after due deliberation and consideration of all of the record before it, the CGSA Board found it necessary and in the best interest of the CGSA to collect the proposed fee from property owners overlying the Carpinteria Basin based on parcel acreage within the CGSA Boundary; and

WHEREAS, the Board found and determined that the fees as set forth by this Resolution do not exceed the estimated necessary cost of operating the GSA for the purposes of managing the Carpinteria Groundwater Basin as required under the Sustainable Groundwater Management Act; and

WHEREAS, the Board found and determined that due to concerns from the public, it would reduce the application of the fee from the originally proposed five year schedule to one year, so that the public and staff can continue a dialogue and re- evaluate the approach for future years.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Board of Directors of the Carpinteria Groundwater Sustainability Agency as follows:

1. The Board adopts the recitals stated above and hereby incorporates them into this resolution
2. Pursuant to subdivision (d) of Water Code section 10730, the Board authorizes and directs the CGSA Executive Director to request the County Treasurer-Tax Collector for the County of Ventura to collect the Fee in the same manner as ad valorem property taxes for Fiscal Year 2023, with the required information submitted no later than July 5, 2023; and

3. Pursuant to subdivision (d) of Water Code section 10730, the Board authorizes and directs the CGSA Executive Director to request the County Treasurer-Tax Collector for the County of Santa Barbara to collect the Fee in the same manner as ad valorem property taxes for Fiscal Year 2023, with the required information submitted no later July 29, 2023; and
4. As recommended in the Report, the fee shall be assessed for Fiscal Year 2023 at a rate of \$48 per acre of land from all portions of property overlying the Carpinteria Groundwater Basin, excepting those parcels identified as excluded in the Report; and
5. The CGSA Executive Director shall keep a record of the fee for each parcel and how it was calculated; and
6. The CGSA Executive Director shall adopt and give notice of an administrative appeal process by which a fee payor may obtain a review of the fee allocated to his or her parcel. Failure to pursue such an appeal shall be a failure to exhaust administrative remedies and a bar to suit. The CGSA's decision on such an appeal shall be the final action of the CGSA, subject to judicial review pursuant to California Code of Civil Procedure section 1094.5.

PASSED AND ADOPTED by the Governing Board of the Carpinteria GSA on the 29th day of June, 2022, by the following roll call vote:

AYES: Johnson, Roberts, Holcombe, Stendell & Van Wingerden

NAYES: none

ABSENT: none

ABSTAIN: none

APPROVED:

DocuSigned by:
Case Van Wingerden
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Case Van Wingerden, Board President

ATTEST:

DocuSigned by:
Robert McDonald
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Robert Mc Donald, Secretary