



AGENDA

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

CARPINTERIA CITY HALL
5775 CARPINTERIA AVENUE
CARPINTERIA, CA 93013

Wednesday, September 25, 2024 at 5:35 p.m.

Join Zoom Meeting

<https://us06web.zoom.us/j/82799347410?pwd=s5EqRh0eF4a5SxRmxQlVLL7mjzVVvy.1>

Meeting ID: 827 9934 7410

Passcode: 024614

or

Dial by Phone: 1-669-444-9171

1. **CALL TO ORDER**
2. **PUBLIC FORUM (Any person may address the Board of Directors on any matter within its jurisdiction which is not on the agenda).**
3. **CONSENT AGENDA**
 - A. ****Minutes for the Special Meeting of the Board held on August 21, 2024**
 - B. ****Disbursement Report for August 11, 2024 – September 10, 2024**
4. **UNFINISHED BUSINESS – none**
5. **NEW BUSINESS –**
 - A. **** Consider request for refund of GSA fee paid by Simple Avo Casitas Pass LLC from FY 2023 (for action, Executive Director McDonald)**
 - B. ****Consider Resolution No. 034 Establishing a fee variance process for assessed FY 25 CGSA Fees (for action, Executive Director McDonald)**
6. **EXECUTIVE DIRECTOR REPORTS (for information) –**
 - A. ****Financials**
7. **ADJOURNMENT**

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

**Indicates attachment of document to agenda packet.

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., September 22, 2024. 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.

**IIndicates attachment of document to agenda packet.

	MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY	
	August 21, 2024	
	Chairman Van Wingerden called the Special meeting of the Carpinteria Groundwater Sustainability Agency Board of Directors held in the Carpinteria City Hall Chamber to order at 5:35 p.m., Wednesday, August 21, 2024.	
	Directors Present; Johnson, Balch, Roberts, Holcombe, and Van Wingerden	
	Others Present: Bob McDonald	
	Cari Ann Potts Norma Rosales Lisa Silva	Maso Motlow Danielle Rose Kadie McShirley Scott Van Der Kar
PUBLIC FORUM	No one from the public addressed the Board.	
CONSENT AGENDA	<p>Following discussion, Director Balch moved, and Director Holcombe seconded the motion to approve the consent agenda. The motion carried by a 4-1 vote with Director Van Wingerden abstaining. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Balch, Johnson and Roberts Abstain: Van Wingerden Absent: none</p>	
SPECIAL COUNSEL RATE ADJUSTMENT	<p>Executive Director McDonald presented to consider Special Counsel billing rate to be adjusted for CGSA.</p> <p>Following discussion, Director Holcombe moved, and Director Johnson seconded the motion to approve the Special Counsel rate adjustment. The motion carried by a 5-0 vote. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Johnson, Balch, Roberts and Van Wingerden Nays : none Absent: none</p>	
RESOLUTION NO. 019	<p>Executive Director McDonald presented to consider Rescinding Resolution No. 019 GSA Verification Letter.</p> <p>Following discussion, Director Johnson moved, and Director Holcombe seconded the motion to rescind Resolution No. 019. The</p>	

	<p>motion carried by a 5-0 vote. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Johnson, Balch, Roberts and Van Wingerden Nayes : none Absent: none</p>
<p>RESOLUTION NO. 034</p>	<p>Executive Director McDonald presented to consider Draft Resolution No. 034 Establishing a fee variance process for assessed FY 25 CGSA Fees.</p> <p><u>Basis for Contesting GSA Fee:</u></p> <ul style="list-style-type: none"> - Mismatch between anticipated and actual crops - Evidence of reduced groundwater extraction or no wells - Other credible evidence showing the fee is disproportionate or inequitable <p>For Information. Will be brought back to next board meeting for action.</p> <p>Scott Van Der Kar addressed the board in favor of Resolution No. 034 and shared the Regulatory Alignment Concept paper.</p>
<p>ADJOURNMENT</p>	<p>Chairman Van Wingerden adjourned the meeting at 5:49 p.m.</p> <hr/> <p>Lisa Silva, Board Secretary</p>



CARPINTERIA GSA

Monthly Disbursement Report
Carpinteria Groundwater Sustainability Agency

Payment Date: 08/11/24 - 09/10/24

Disbursement Report

Carpinteria Groundwater Sustainability Agency Account

Vendor	Description	Payment Number	Payment Date	Payment
MYERS, WIDDERS, GIBSON JONES & FEINGOLD, LLP				294.00
	GENERAL COUNSEL - JULY	2146	8/28/2024	294.00
PACIFIC SURVEYS, LLC				2,161.25
	SENTRY WELL - AUGUST	2147	8/28/2024	2,161.25
Total: \$				2,455.25



Simple Avo Casitas Pass, LLC
699 Hampshire Road, Suite 107
Westlake Village, CA 91361

August 29, 2024

Carpinteria Valley Water District
Board of Directors
1301 Santa Ynez Avenue
Carpinteria, CA 93013

Dear Carpinteria Valley Water District Board of Directors,

Back in early January of this year, we discovered after review of our most recent property tax statements that CGSA had improperly assessed fees on our APN's: 008-0-200-015, 008-0-200-055, and 008-0-200-095. In response, Simple Avo Casitas Pass, LLC immediately submitted a request to reimburse CGSA fees assessed on Simple Avo Casitas Pass, LLC for \$1,423.96 for 2023 CGSA and \$2,017.28 for 2024 CGSA.

After numerous hours of work on our Asset Manager's part, we were able to obtain reimbursement for the 2024 CGSA of \$2,017.28 but denied the reimbursement request for \$1,423.96 for 2023 CGSA due to the explanation that the time frame for FY 2023 request closed in July of 2023 and a mailer was sent out to all property owners notifying them prior to and after the charge was initiated.

As staff have concluded through all the information we were required to send, these APNs should not be assessed fees from CGSA – the property does not extract any groundwater as it does not have any wells or access to any neighboring wells; no water is obtained from the CVWD; all water is solely obtained from Casitas Municipal Water District (CMWD) on a single 2" meter #3246244.

We understand the GSA, we understand SGMA, we understand the duty and governance of each entity as well as the local water districts. We also understand all the nuances, laws, guidelines, and requirements that come with enforcing and abiding by it. However, what we don't understand is how an agency can justify casting an all-encompassing billing cycle to property owners who may or may not fall within the criteria and justify it with a mailer and even further insulting, put the onus on the property owners who shouldn't be billed to rectify and seek reimbursement if it is inaccurate. Honest and trustworthy businesses aren't run this way, let alone government regulated agencies without recourse and redirection.

Simple Avo Casitas Pass, LLC does not have a CVWD meter, does not have a well, and does not extract any groundwater from the basin, making the assessment to us completely erroneous. Charging an assessment that does not have any applicability to the property owner and leaving it up to the property owner to find the incorrect charge, and request to remove the wrongful charge within a timeframe we knew nothing about until January 2024 and tell us we can't receive our rightful reimbursement because we are 6 months past the deadline is negligible and unlawful.

Therefore, we are requesting reimbursement for the wrongful charge of \$1,423.96 for 2023 CGSA. Please let us know how we can move forward with fee reimbursement. As an addendum, we have included an email chain highlighting our work with your staff in seeking reimbursement since January 2024 to the present day.

Respectfully,

Scott Bauwens
CEO, Partner
Simpatica

Resolution No. 034

RESOLUTION OF BOARD OF DIRECTORS OF THE CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY (CGSA) ADOPTING AN ADMINISTRATIVE REVIEW/VARIANCE/APPEAL PROCESS FOR THE GSA FEE IMPOSED TO FUND ADMINISTRATIVE/IMPLEMENTATION 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 (sometimes referenced herein as “CGB”); 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 of the CGSA held on June 4, 2024, after providing a Proposition 218 compliant written notice—supported by a detailed cost of service study—to property owners in the CGB at least 45 days prior to approval, the Board of Directors of the CGSA (the “Board”) adopted Resolution No. 033 after conducting a duly noticed public hearing; and

WHEREAS, Resolution No. 033 authorized the CGSA to charge a fee pursuant to section 10730.2 of the Water Code to fund costs of GSA Administration and Groundwater Sustainability Plan (“GSP”) implementation (the “GSA Fee”) during fiscal years (FY)2025 and FY2026; and

WHEREAS, the Board approved Resolution No. 033 authorizing imposition of the GSA Fee throughout the CGB based upon anticipated pumping on particular parcels, with any deviations between anticipated pumping levels and actual pumping to be addressed via the subsequent adoption of an administrative appeal and variance process by which a GSA Fee payor property owner (hereinafter “Property Owner”) could obtain review, and potentially a variance, from the otherwise applicable GSA Fee imposed on his or her parcel; and

WHEREAS, when it adopted its FY2024 GSA Fee, the Board also adopted an administrative review and variance (previously captioned as an “appeal”) process allowing Property Owners assessed the GSA Fee to request further review and a determination as to whether an exemption, partial or total, to the GSA Fee was appropriate. This administrative review and variance process expired by its own terms; and

WHEREAS, the Board finds that adoption of a similar administrative review, variance, and appeal process for the FY2025 and FY2026 GSA Fee is appropriate to ensure the CGSA has a reasonable opportunity to address factual and legal concerns associated with imposition of the GSA Fee and ensure the GSA Fee is fair, equitable, and fully compliant with Water Code Section 10730.2; and

WHEREAS, the Board desires, through the passage of this Resolution, to adopt such a review and variance 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 review and 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 or factual basis for the GSA Fee, a Property Owner may request a variance from some or all of the GSA Fee on the basis that: (a) there is a deviation between anticipated and actual crops grown on the property in question; (b) metered pumping data, or a demonstration of no wells on a parcel, demonstrates that there will be substantially less groundwater extraction than projected; (c) other good cause demonstrates, by credible evidence, that the GSA Fee is disproportionate or inequitable as applied to the property in question.

2.2 Prior to requesting administrative review and a variance, the Property Owner must first timely pay the assessed GSA Fee as charged by the CGSA under protest.

2.3 Within ninety (90) days following timely payment of the GSA Fee, the Property Owner can file a request for administrative review (the "Request for Review") with the CGSA, on a form approved by the Executive Director (template form attached as Exhibit 1), setting forth the legal and factual basis upon which review is requested. Timely filing of a Request for Review in the manner described herein shall be a prerequisite to required exhaustion of administrative remedies by the Property Owner. A Request for Review by a Property Owner will be considered timely filed if, on or before the thirtieth day following payment of the GSA Fee by the Property Owner, 1) the Request for Review form is mailed via first class mail to the CGSA Executive Director,¹ and postmarked on or before the 30th day after payment; 2) delivered to the CGSA Executive Director by electronic mail at *sgma@cvwd.net*; or 3) personally delivered to the CGSA Executive Director at the following address: 1301 Santa Ynez Ave., Carpinteria, CA 93013. The Request for Review 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 Request for Review.

2.4 Within thirty (30) days of the Property Owner filing the Request for Review, the Executive Director shall meet with the Property Owner, in person or by electronic or telephonic means, to discuss the basis and possible resolution of the Request. The Executive Director shall receive any additional evidence regarding the merits of the Request for Review if the Property Owner desires to provide additional evidence. After meeting with the Property Owner, the Executive Director is authorized by the Board herein to grant the Request for Review and provide a

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

variance to the Property Owner, in whole or in part, or to deny the Request for Review. The determination by the Executive 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 Request for Review within 15 days, or the Property Owner fails to meet with the Executive Director after being afforded an opportunity to do so within 15 days, then the Request for Review shall be deemed to have been denied by the Executive Director. A Property Owner shall have the right to seek further review, in the form of an appeal to the CGSA Board, as further described in Section 2.5, upon denial or deemed denial by the Executive Director.

2.5 If the Property Owner who timely filed the Request for Review 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). Timely 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**.

2.6 Timely appeals from the Executive Director's determination will be placed on the agenda for a Board meeting occurring no more than forty-five (45) days from CGSA's receipt of the appeal to the Board. The Board shall receive evidence as may be presented by the appellant and/or CGSA staff 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 authorized unless and until a different GSA Fee is adopted.

2.7 CGSA reserves the right to rescind any relief provided per this review, variance and appeal process where it determines that the information provided by the Property Owner during the appeal process was not accurate.

[CONTINUED ON NEXT PAGE]

PASSED AND ADOPTED by the Board of Directors of the GSA on the 25th day of September, 2024, by the following roll call vote:

AYES:
NAYES:
ABSENT:
ABSTAIN:

APPROVED:

Case Van Wingerden, Chair

ATTEST:

Lisa Silva, Board 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 removal or reduction of the GSA Fee as a result of this request for administrative review is entirely contingent upon the accuracy of information provided.

Signature of Property Owner: _____

Date of Request for Review Submission to CGSA: _____



Carpinteria Groundwater Sustainability Agency

Statement of Revenues and Expenses

(unaudited)

For Fiscal: 2024-2025 | Period Ending: 7/31/2024

% of Year to Date: 8%

Account	Name	Current Total Budget	YTD Activity	Budget Remaining	% Used
OPERATIONS					
Revenues					
20-4315	ASSESSMENT REVENUE	485,000	(715)	485,715	-0.1%
Revenue Total:		485,000	(715)	485,715	-0.1%
Expenses					
20-550-6806	GSA WTR QUALITY & TESTING	30,000		30,000	0.0%
20-560-6307	GSA GROUNDWATER PROF SVCS	50,000		50,000	0.0%
20-550-6308	GSA ANNUAL REPORTING	30,000		30,000	0.0%
20-560-6607	GSA SUPPLIES & EQUIPMENT	3,708	4,008	(300)	108.1%
20-570-6009	FICA-SOCIAL SECURITY	-		-	0.0%
20-570-6025	GSA PERSONNEL	134,252	11,000	123,252	8.2%
20-570-6117	GSA DIRECTORS FEES	7,200		7,200	0.0%
20-570-6118	GSA ADMINISTRATIVE EXPENSES	4,000	310	3,690	7.8%
20-570-6309	GSA ADMIN PROF SERVICES	60,000	294	59,706	0.5%
20-570-6310	GSA LEGAL PROFESSIONAL SERVICES	10,000		10,000	0.0%
20-599-7313	INTEREST EXPENSE	10,000	-	10,000	0.0%
Expense Total:		339,160	15,612	323,548	4.6%
Operating Surplus (Deficit):		145,840	(16,327)	162,167	-11.2%
GRANT RELATED ACTIVITY					
Revenues					
21-4317	GSP GRANT FUNDING		-		
Revenue Total:			-		
Expenses					
21-560-6311	GSP GROUNDWATER PROF SVCS		-		
21-570-6121	GSP ADMINISTRATIVE EXPENSES		-		
Expense Total:			-		
Grant Surplus (Deficit):			-		
COMBINED SURPLUS (DEFICIT):			(16,327)		
CASH FLOW					
Cash in Bank, 06/30/2024		\$ 209,326			
Deficit - Operations and Grants		(16,327)			
Decrease in Accounts Payable		(19,280)			
Prior month outstanding checks		(8,617)			
Accrued labor allocation		11,000			
Change in Due to CVWD		4,014			
Cash in Bank, 07/31/2024		\$ 180,115			



Carpinteria Groundwater Sustainability Agency

Statement of Net Position (unaudited)

As Of: 7/31/2024

Account	Name	Balance	
Assets			
20-1029	CGSA CHECKING	180,115	
20-1240	GSA GRANT REIMB RECEIVABLE	657,919	
20-1245	GSA ASSESSMENTS RECEIVABLE	4,303	
2x-1820	CONSTRUCTION IN PROGRESS	759,314	
	Total Assets:	1,601,651	<u>\$ 1,601,651</u>
Liabilities			
20-2000	ACCOUNTS PAYABLE - CGSA	1,385	
20-2032	STATE TAX PAYABLE	-	
20-2033	FEDERAL TAX PAYABLE	-	
20-2034	FICA PAYABLE	-	
20-2205	RETENTIONS PAYABLE	-	
20-2250	CVWD PROMISSORY NOTE	740,000	
20-2523	DUE TO CVWD	518,597	
	Total Liability:	1,259,982	
Fund Balance			
2x-3050	CGSA FUND BALANCE	357,996	
	Total Fund Balance:	357,996	
	Total Beginning Equity:	357,996	
	Total Revenue	(715)	
	Total Expense	15,612	
	Revenues Over/Under Expenses	(16,327)	
	Total Equity and Current Surplus (Deficit):	341,669	
	Total Liabilities, Equity and Current Surplus (Deficit):		<u>\$ 1,601,651</u>