

## **RESOLUTION NO. 4**

### **RESOLUTION OF THE MONTECITO GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY AGENCY ADOPTING A GROUNDWATER SUSTAINABILITY FEE**

WHEREAS, the Montecito Groundwater Basin Groundwater Sustainability Agency (GSA) is organized and existing under and pursuant to the Sustainable Groundwater Management Act (SGMA) [Water Code §§10720-10737.8]; and

WHEREAS, the GSA is authorized under SGMA to sustainably manage the Montecito Groundwater Basin (Basin), including the development and implementation of a Groundwater Sustainability Plan [Water Code §10727]; and

WHEREAS, the GSA may exercise powers and perform any act necessary or proper to carry out the SGMA, including the adoption of rules, regulations, ordinances and resolutions for that purpose [Water Code §10725, §10725.2, and §10726.8]; and

WHEREAS, the mission of the GSA is to ensure a reliable and sustainable groundwater supply for the community through effective basin management pursuant to SGMA; and

WHEREAS, SGMA authorizes a GSA to impose fees to fund various regulatory activities, including the development and implementation of a GSP [Water Code §10730]; and

WHEREAS, the GSA is currently in the process of preparing a GSP for the Basin; and

WHEREAS, the GSA has undertaken a financial plan and *GSA Fee Study* (Study) to determine annual expenses associated with its regulatory activities in implementing SGMA, including the preparation of the GSP; and

WHEREAS, the (Study, prepared by Raftelis, an independent financial consultant, has been provided to the Board of Directors and sets forth the proposed methodology for charging a regulatory fee, to be known as the Montecito GSA Groundwater Sustainability Fee (Fee), to fund the annual regulatory activities of the GSA in implementing the SGMA; and

WHEREAS, noticed public meetings were held before the GSA Board of Directors, GSA Strategic Planning Committee and GSA Finance Committee for discussion and consideration of the Study and Fee; and

WHEREAS, a public meeting was noticed via the GSA website and by publication for the regular Board of Directors meeting of June 24, 2020, for the purpose of considering approval of the Fee, which notice included a general explanation of the matter to be considered and a statement concerning the availability of data upon which the proposed fee is based [Water Code §10730]; and

WHEREAS, the data upon which the Fee is based, in the form of the Study, was made available to the public at least twenty days prior to the public meeting [Water Code §10730], and

WHEREAS, in accordance with the requirements of Section 6 of Article XIID of the California Constitution and Government Code 53755, the June 24, 2020 public meeting included a Public Hearing that was held not less than 45 days after mailing notice of the Public Hearing to property owners of parcels overlying the basin; and

WHEREAS, at the Public Hearing on June 24, 2020 all interested persons had an opportunity to provide oral and written testimony regarding the proposed fee and submit written protests prior to the close of the Public Hearing; and

WHEREAS, the GSA accepted and caused the tabulation of all written protests against the Fee received prior to the conclusion of the Public Hearing. Based upon the results of this tabulation, a majority protest against the Fee does not exist; and

WHEREAS, as proposed, the Fee will comply with the requirements of the California Constitution and other applicable California law, including the SGMA;

WHEREAS, this resolution does not constitute a project under the California Environmental Quality Act ("CEQA") Guidelines as set forth in Title 14, section 15378 of the California Code of Regulations, because it is a government funding mechanism or other government fiscal activity which does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment (§15378(b)(4)), and is an administrative activity of government that will not result in direct or indirect physical changes in the environment (§15378(b)(5)). Furthermore, if this resolution were a project, it would be categorically exempt from CEQA pursuant to Title 14, Section 15273(a) of the California Code of Regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Montecito Groundwater Basin Groundwater Sustainability Agency as follows:

1. Substantial evidence in the record before the Board supports the above Recitals.
2. The Study is hereby received and approved.
3. There is hereby charged a Groundwater Sustainability Fee on the terms and conditions set forth below.
4. The GSA does hereby establish a Groundwater Sustainability Fee as follows:

The fee is based on the total acreage of a parcel overlying the Montecito Groundwater Basin. Individual charges are determined by multiplying the acreage overlying the Basin by the fee per acre. These fees are proposed for fiscal year (FY) 2021 through 2025. Each FY begins July 1 and ends June 30 of the following calendar year. For example, FY 2021 is July 1, 2020 through June 30, 2021. All government property and property belonging to public agencies will be excluded from the parcel fee.

**Table 1: Fee per Acre per Year (FY 2021 through FY 2025)**

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
<b>Fee per acre</b>	\$194.00	\$194.00	\$194.00	\$120.00	\$120.00

5. The GSA requests that the Fee be collected annually in the same manner as ad valorem property taxes pursuant to Water Code Section §10730. The General Manager is authorized and directed to take such steps as are necessary to have the Fee collected in this manner pursuant to applicable requirements of Water Code §10730.
6. The General Manager and GSA Counsel are hereby authorized and directed to take such other and further actions as may be necessary and appropriate to implement the intent and purposes of this resolution.

**PASSED AND ADOPTED** by the Governing Board of the MONTECITO GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY AGENCY on the 24<sup>th</sup> day of June, 2020 by the following vote:

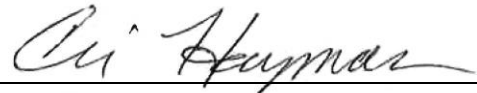
**AYES:** Directors Coates, Goebel, Hayman, Plough, and Wicks

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**APPROVED:**



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Cori Hayman, President  
MONTECITO GROUNDWATER BASIN  
GROUNDWATER SUSTAINABILITY

**ATTEST:**



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Nicholas Turner, Secretary  
MONTECITO GROUNDWATER BASIN  
GROUNDWATER SUSTAINABILITY