

**BEFORE
THE BOARD OF DIRECTORS
FOR THE COUNTY OF MADERA
GROUNDWATER SUSTAINABILITY AGENCIES**

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| In the Matter of |) | Resolution No.: <u>2019 - 172</u> |
| |) | |
| THE SUSTAINABLE |) | RESOLUTION APPROVING THE |
| GROUNDWATER MANAGEMENT |) | CHARGING OF A FEE FOR |
| ACT |) | GROUNDWATER SUSTAINABILITY |
| |) | PROGRAMS PURSUANT TO WATER |
| Madera Subbasin, Chowchilla |) | CODE SECTION 10730 |
| Subbasin, and Delta-Mendota |) | |
| Subbasin |) | |
| |) | |
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| _____ |) | |

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

WHEREAS, SGMA requires that each 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, on January 24, 2017, the Board of Supervisors for the County of Madera (“Board”) elected to have the County of Madera become the exclusive GSA for the portions of the Madera Subbasin, Chowchilla Subbasin, and Delta-Mendota Subbasin that are in unincorporated areas of Madera County, and not otherwise covered by another public agency (hereinafter “County GSAs”); and

WHEREAS, on or about May 13, 2017, the County of Madera became the exclusive GSA for the relevant portions the Madera Subbasin, Chowchilla Subbasin, and Delta-Mendota Subbasin respectively; and

WHEREAS, Water Code section 10730 (“Section 10730”), part of SGMA, authorizes GSAs to impose fees on groundwater regulated activity to fund the costs of a groundwater sustainability program, including, but not limited to, preparation, adoption, and amendment of a groundwater sustainability plan, and investigations, inspections, compliance assistance, enforcement, and program administration, including a prudent reserve; and

WHEREAS, the County GSAs are currently in the process of preparing GSPs for the Madera Subbasin, Chowchilla Subbasin, and Delta-Mendota Subbasin, which are due to be filed with the Department of Water Resources (“DWR”) no later than January of 2020; and

WHEREAS, the County GSAs have incurred, and upon the completion and submission of the aforementioned GSPs will continue to incur, costs necessary for the implementation of sustainable groundwater management in the Madera Subbasin, Chowchilla Subbasin, and Delta-Mendota Subbasin; and

WHEREAS, the County GSAs have undertaken a study to determine its annual expenses associated with its regulatory activities in implementing SGMA; and

WHEREAS, a report (“Report”) for the County GSAs entitled “2019 Groundwater Sustainability Fee Study,” prepared by Raftelis Consulting, has been provided to the Board of Directors and is attached hereto as Attachment 1, and in which the proposed methodology for charging a fee (“Fee”) is set forth to fund regulatory activities set forth in Section 10730 in implementing SGMA; and

WHEREAS, the Fee is exempt from the definition of a “tax” under Article XIII C, Section 1, subdivision (e) of the California Constitution because it is a charge imposed

for the reasonable regulatory costs of the County GSAs, as well as a charge imposed for groundwater management as a specific benefit conferred or privilege granted to the payors and a specific government service or product directly to the payors; and

WHEREAS, the Fee bears a fair or reasonable relationship to the payors' burden on, or benefits received from, the County GSAs' groundwater management activity; and

WHEREAS, the Fee is no more than necessary to cover the reasonable costs of the County GSAs' groundwater management activity; and

WHEREAS, numerous public meetings were held before the Board of Directors and its Advisory Committee concerning the Fee, and stakeholder outreach was conducted obtain the views of stakeholders throughout the Madera, Chowchilla, and Delta-Mendota Subbasins regarding the Fee; and

WHEREAS, a public meeting was noticed for the regular Board of Directors meeting of November 12, 2019, for the purpose of considering approval of the Fee, as required by SGMA; and

WHEREAS, the data upon which the Fee is based, in the form of the Report, was made available to the public at least twenty days prior to the public meeting, also as required by SGMA; and,

WHEREAS, the public meeting has been held and the Board has received public input regarding the Fee; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Madera, State of California, sitting as Board of Directors for the County of Madera GSAs, as follows:

1. The above Recitals are hereby incorporated by reference and are made a substantive part of this Resolution.
2. The Report is hereby received and approved.
3. The Fee is hereby charged on the terms and conditions set forth in Attachment 1, attached hereto and incorporated herein by reference.
4. The Director of the County Department of Water and Natural Resources (“Department Director”) is authorized and directed to annually request the County Treasurer-Tax Collector to collect the Fee in the same manner as ad valorem property taxes pursuant to Water Code section 10730(d) and as more fully described in Attachment 1, and provide the County Auditor-Controller with the required information no later than August 1 of each year.
5. Should the Fee not be able to be collected in the same manner as ad valorem property taxes for any reason, the Department Director is hereby authorized and directed to cause the direct billing of the Fee.
6. The Department Director is hereby authorized and directed to take further actions as may be necessary to implement the intent and purposes of this Resolution.

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The foregoing Resolution was adopted this 12th day of November,

2019, by the following vote:

Director Frazier voted: YES
 Director Rogers voted: YES
 Director Poythress voted: YES
 Director Rodriguez voted: YES
 Director Wheeler voted: YES



Brett Long
 Chairman, Board of Directors

ATTEST:

Shonda M. Cargill
 Clerk, Board of Directors

Approved as to Legal Form:
COUNTY COUNSEL

By Michael R. Linden
 Digitally signed by: Michael R. Linden
 DN: CN = Michael R. Linden, email = mlinden@lozanosmith.com C = US O = Lozano Smith
 Date: 2019.11.04 11:26:01 -08'00'