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Resolution No. SRP-19-02

**RESOLUTION NO. SRP-19-02 OF THE BOARD OF DIRECTORS
OF THE SANTA ROSA PLAIN GROUNDWATER SUSTAINABILITY AGENCY
ESTABLISHING A GROUNDWATER SUSTAINABILITY FEE**

WHEREAS, the Board of Directors ("Board") of the Santa Rosa Plain Groundwater Sustainability Agency ("Agency") seeks to establish a groundwater sustainability fee as authorized by Water Code section 10730 and pursuant Agency Ordinance No. 19-02; and

WHEREAS, there is hereby established a Groundwater Sustainability Fee ("Fee") on the terms and conditions set forth in Attachment A, attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to Water Code section 10730(d), prior to imposing the Fee, the Agency has held a public meeting, at which written or oral presentations have been made; and

WHEREAS, pursuant to Water Code section 10730(d), the Agency posted notice of the time and place of the public meeting at which the Fee was to be considered, the notice was published in the newspaper in compliance with Government Code section 6066, the notice was posted on the Agency's website and was mailed to interested parties, and the data to support the fee was available to the public at least 20 days before the GSA's public meeting to impose the Fee; and

WHEREAS, the Agency Administrator is hereby authorized and directed to cause the direct billing of the Fee as more fully set forth in Attachment A; and

WHEREAS, upon adoption of this resolution, the Agency Administrator is authorized and directed to notice the California Public Utilities Commission (CPUC) of the Fee by way of letter to the Director of the Water Division; and

WHEREAS, the Agency Administrator and Agency Counsel are hereby authorized and directed to take such other and further steps as may be necessary or appropriate to implement the intent and purpose of this resolution.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Rosa Plain Groundwater Sustainability Agency as follows:

The Agency hereby adopts the Fee as forth in Attachment A hereto.

This resolution shall become effective on the 30th day after adoption.

PASSED AND ADOPTED on this 13th day of June, 2019, by the following vote, to- wit:

Fudge: _____ Jacobs: _____ Dutton: _____ Nagle: _____ Hopkins: _____
Belforte: _____ Zane: _____ Harvey: _____ Schwedhelm: _____

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

By: _____
Chair

I certify that the foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the Santa Rosa Plain Groundwater Sustainability Agency held on the 13th day of June, 2019, of which meeting all Directors were notified and at which meeting a quorum was present at all times and acting.

Dated: _____, Clerk of the Board of Directors of the
Santa Rosa Plain Groundwater Sustainability Agency,
County of Sonoma, State of California

SANTA ROSA PLAIN GROUNDWATER SUSTAINABILITY AGENCY

GROUNDWATER SUSTAINABILITY FEE ATTACHMENT A

SECTION 1. DEFINITIONS

1.1 “Acre Foot” or "AF" is a unit of measurement defined by the volume of water necessary to cover one acre of surface area to a depth of one foot. It is equal to 325,851 gallons.

1.2 “Administrator” means the Administrator of the Agency.

1.3 “Agency” means the Santa Rosa Plain Groundwater Sustainability Agency.

1.4 “Subbasin” means the Santa Rosa Plain Groundwater Subbasin as set forth in Bulletin 118 of the California Department of Water Resources, as may be amended from time-to-time.

1.5 “Fee” means the Groundwater Sustainability Fee charged as set forth herein.

1.6 “Jurisdictional Area” means those parcels of real property within the Subbasin and those parcels of real property adjacent to the Subbasin that use groundwater or surface water derived, extracted, or otherwise obtained from within the Subbasin excluding therefrom any area for which the Agency has entered into an agreement that provides that the Fee shall not be charged within such area, or any portion thereof.

1.7 “Person” means the owner of property charged the Fee, or a Public Water System, State Small Water System, or the owner of real property with a means of extracting groundwater.

1.8 “Public Water System” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

1.9 “State Small Water System” means a water system with 2 to 14 connections.

SECTION 2. ESTABLISHMENT OF FEE

2.1 There is hereby charged within the Jurisdictional Area a Fee pursuant to Section 10730 of the California Water Code, and as more fully set forth herein.

2.2 Municipalities/Large Water Service Providers shall pay \$19.90 _____, per AF annually beginning July 1, 2019.

2.3 The actual annual charges for Municipalities/Large Water Service Providers will be determined based on metered and reported groundwater extraction from the Subbasin.

2.4 The Fee shall be payable to the Agency as follows:

2.4.1 The Agency shall determine those real properties that are subject to the Fee and shall directly invoice Persons subject to the Fee on an annual basis.

2.4.2 If any Person fails to pay the Fee as charged, the Person shall pay interest to the Agency at the rate of one percent (1%) per month on the delinquent amount of the Fee and a ten percent (10%) penalty, pursuant to Water Code section 10730.6.

2.4.3 In addition to the interest and penalty set forth in Section 2.4.2, the Board of Directors may elect to utilize any of the remedies available to it for failure to pay the Fee as set forth in Water Code section 10730.6.

SECTION 3. APPEAL

3.1 Should a Person wish to contest the projected amount of groundwater extraction on which the Fee is assessed, the Person shall first be required to pay the Fee as charged. Within thirty (30) days following payment of the Fee, the Person may file an appeal with the Agency, on a form approved by the Administrator, setting forth the basis upon which the appeal is made. The appeal will be considered timely filed if, within the time allowed, 1) the form is postmarked, United States first class mail, 2) delivered to the Administrator or Clerk of the Board of Directors by electronic mail, or 3) personally delivered to the Administrator.

3.2 Within thirty (30) days of filing the appeal, the Administrator shall meet with the Person to discuss the basis of the appeal. The Administrator is authorized to grant the appeal, in whole or in part, or deny the appeal. The determination shall be made no later than fifteen (15) days following the meeting, and shall be in writing and delivered to the Person in the same manner as the filing of the appeal.

3.3 If the Person who filed the appeal is dissatisfied with the determination of the Administrator, the Person may file an appeal to the Board of Directors within fifteen (15) days of delivery of the determination, following the procedures for filing of an appeal as set forth in Section 3.1, above.

3.4 The appeal will be placed on the agenda for the next available Board of Director's meeting occurring within sixty (60) days of the filing of the appeal. The Board of Directors shall receive evidence, and hear from the appellant and staff regarding the merits of the appeal. The Board of Directors is authorized to grant the appeal, in whole or in part, or deny the appeal. The determination of the Board of Directors shall be memorialized in a minute order and shall be the final decision of the Agency.

SECTION 4. PERIODIC REVIEW

4.1 Annually during the budget process, the Board of Directors shall review the Fee to determine if the Fee is sufficient to cover expenses consistent with the California Constitution.

The Board of Directors may increase or decrease the Fee as necessary or appropriate in compliance with the California Constitution.

4.2 At least every five (5) years, the Board of Directors shall perform a comprehensive review of the Fee and its methodology to determine if the methodology for calculating and charging the Fee continues to be appropriate or should be changed. The Board of Directors may authorize the retention of a consultant to assist with the review, and shall hold at least one public meeting to receive testimony from the public regarding the Fee. Any change in the methodology for calculating and charging the Fee shall be subject to the requirements of the California Water Code and the California Constitution.

DRAFT