

BOARD OF DIRECTORS

UPPER VENTURA RIVER GROUNDWATER AGENCY

RESOLUTION NO. 2022-05

**A RESOLUTION OF
THE BOARD OF DIRECTORS OF UPPER VENTURA RIVER GROUNDWATER AGENCY
DETERMINING AND ESTABLISHING
GROUNDWATER EXTRACTION FEES AGAINST ALL PERSONS OPERATING
GROUNDWATER EXTRACTION FACILITIES WITHIN THE UPPER VENTURA RIVER
VALLEY BASIN FOR FISCAL YEAR 2022/2023 (July 1, 2022 – June 30, 2023)**

WHEREAS, the California Legislature has adopted, and the Governor has signed into law, the Sustainable Groundwater Management Act of 2014 ("Act"), which authorizes local agencies to manage groundwater in a sustainable fashion; and

WHEREAS, the legislative intent of the Act is to provide for sustainable management of groundwater basins, to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to provide local agencies with the authority to sustainably manage groundwater; and

WHEREAS, the Act requires the formation and/or designation of Groundwater Sustainability Agencies ("GSA") for the purpose of achieving groundwater sustainability through the development, adoption, and implementation of a Groundwater Sustainability Plans ("GSP") for all groundwater basins designated by the Department of Water Resources ("DWR") as medium- or high-priority; and

WHEREAS, DWR has designated the Upper Ventura River Valley Sub-basin of the Ventura River Valley Groundwater Basin (DWR Sub-Basin# 4-003.01) ("Basin") as a medium-priority basin; and

WHEREAS, on March 9, 2017, the Upper Ventura River Groundwater Agency ("Agency") adopted Resolution No. 2017-2 electing to become the GSA for the Basin; and

WHEREAS, SGMA gives a GSA the authority to impose fees 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 type of fees that can be imposed include permit fees, fees on groundwater extraction, and fees on other regulated activity; and

WHEREAS, any action to impose such fees must be taken by ordinance or resolution; and

WHEREAS, the GSA adopted a budget for Fiscal Year 2022-2023 and updated its multi-year financial projection; and

WHEREAS, the GSA complied with all applicable notice requirements by noticing a public meeting concerning these fees as follows:

1. By publication pursuant to Government Code Section 6066 in the Ojai Valley News on June 3, 2022 and Ventura County Star on May 25, 2022 and June 1, 2022;
2. By posting on the website of the GSA at <https://uvrgroundwater.org/>;
3. By mailing to any interested party who filed a written request with the GSA for mailed notice of the public fee meeting.
4. The Notice included:
 - The time and place of the meeting,
 - A general explanation of the fee under consideration; and
 - A statement that the data required under SGMA is publicly available.
5. At least 20 days prior to the public meeting, the GSA made the data upon which the fee is based, the GSA's 2022-2023 fiscal year budget and multi-year financial projection, available to the public.

WHEREAS, the Groundwater Extraction Fee complies with the requirements of the California Constitution and state law, including the Act; and

WHEREAS, the GSA has held numerous public meetings concerning development and establishment of the Groundwater Extraction Fee and undertaken extensive efforts to individually contact Basin stakeholders subject to the fee, including sending notices advising each stakeholder subject to the Fee; and

WHEREAS, on this day, the GSA held a public hearing to consider establishment of a Groundwater Extraction Fee to fund the costs of a groundwater sustainability program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Upper Ventura River Groundwater Agency that groundwater extraction fees should be levied as follows:

1. **Incorporation of Recitals.** All recitals in this resolution are true and correct and supported by substantial evidence in the record.
2. **Findings.** Based upon substantial evidence in the record, the GSA's Board of Directors makes the following findings: The revenues derived from the Groundwater Extraction Fee (a) will not exceed the funds required to fund the costs of a groundwater sustainability program, as authorized by Water Code section 10730, and will not be used for any other purpose; and (2) bear a fair or reasonable relationship to the payor's benefits received from development and adoption of a groundwater sustainability program.

3. **Establishment of Groundwater Extraction Fee.** In accordance with the adopted Fiscal Year 2022/2023 and multi-year budget projection, the GSA hereby adopts and establishes an annual Groundwater Extraction Fee for the period July 1, 2022 through June 30, 2023 of \$148.00 per acre-foot on all persons who extract groundwater from the Basin, except for those persons who extract, for domestic purposes, two (2) acre-feet or less per year (i.e., de minimis extractors as defined by section 10721(e) of the Water Code). This Groundwater Extraction Fee will become effective July 1, 2022 and will remain in effect until June 30, 2023 unless superseded or rescinded by action of the GSA Board of Directors.

4. **Billing and Collection of Groundwater Extraction Fee.** The Groundwater Extraction Fee will be billed as follows:

a. Member Agencies: Fees shall be assessed on the average of the 2019-2021 calendar year extractions:

- Casitas Municipal Water District: 171 acre-feet
- City of Ventura: 2,123 acre-feet
- Meiners Oaks Water District: 503 acre-feet
- Ventura River Water District 868 acre-feet

The total for annual amount due for Fiscal Year 2022/2023 shall be billed in July 2022.

b. Private Wells Owners: Fees shall be assessed semi-annually on metered groundwater extractions reported to the GSA and billed as soon as reasonably possible following each semi-annual period (i.e., July 1, 2022 – December 31, 2022 and January 1, 2023 – June 30, 2023). In the absence of reported metered extractions, the fees shall be assessed on the estimated groundwater extraction volumes set forth in Attachment 4 of the Upper Ventura River Groundwater Agency 2019 GSA Fee Study ("Report") (<https://uvrgroundwater.org/wp-content/uploads/2019/05/UVRGA-GSA-Pre-GSP-Fee-Study-Final-Report-5.21.19.pdf>), as modified by any Board-approved protest of the estimated extraction volume (Attachment A).

The Agency directs the Executive Director to prepare and send out invoices in accordance with this schedule.

5. **Penalties and Interest for Nonpayment.** Consistent with section 10730.6 of the Water Code, persons who fail to pay his or her Groundwater Extraction Fee within thirty (30) days of it becoming due will be charged interest at the rate of one percent (1%) per month on the delinquent amount of the Groundwater Extraction Fee and a ten percent (10%) penalty. Any interest payments, penalties or overdue fees may be waived upon a finding of good cause by an affirmative vote of the GSA Board of Directors.

6. **Protest.** In compliance with section 10731 of the Water Code, any person subject to the Groundwater Extraction Fee may file a protest of the GSA's determination of his or her

estimated amount of groundwater production, the Groundwater Extraction Fee, interest, and/or penalties no later than twenty (20) days after the GSA has mailed a written notice of such determination. If a protest is filed pursuant to this authority, the GSA will hold a hearing to determine the total amount of the groundwater production and the Groundwater Extraction Fee, interest, and penalties. Notice of the hearing will be mailed to each protestant at least twenty (20) days before the date fixed for the hearing. Following the hearing, notice of the GSA's determination will be mailed to each protestant who will have twenty (20) days from the date of mailing of the determination to pay the Groundwater Extraction Fee, interest, and penalties determined by the GSA.

7. **Additional Authorization.** The Executive Director is hereby authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this resolution.
8. **Effective Date of Resolution.** This resolution will take effect immediately upon passage and adoption.

WE, THE UNDERSIGNED, do hereby certify that the above and foregoing Resolution No. 2022-05 was duly adopted and passed by the Board of Directors of the Upper Ventura River Groundwater Agency as a public hearing held on the 9th day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

Bruce Kuebler

Bruce Kuebler (Jun 28, 2022 17:00 PDT)

Bruce Kuebler, Board Vice Chair

ATTEST:

Bryan Bondy

Bryan Bondy (Jun 28, 2022 14:30 PDT)

Bryan Bondy
Executive Director

APPROVED AS TO FORM:

Keith Lemieux

Keith Lemieux (Jun 29, 2022 14:53 PDT)

Keith Lemieux, General Counsel
Upper Ventura River Groundwater Agency

ATTACHMENT 4 – UVRGA ESTIMATED GROUNDWATER EXTRACTIONS

Operator	Estimated Acre-Feet per Year	Source Data Period	Documentation/Comment
Public Agency Operators			
Casitas Municipal Water District	188.2	2012, 2013, and 2017	Per Angelo Spandrio, Casitas MWD - average of 2012, 2013, and 2017 is proposed in-lieu of 2013-2017 average because low production in 2014-2016 is not representative. Reference: Email from A. Spandrio to b. Bondy dated 3/26/19
City of San Buenaventura	2,384.0	2013-2017 Average	City Letter dated 3/8/19 states 2,384 AFY cited in the 1/10/19 presentation as the correct 5-yr average
Meiners Oaks Water District	542.0	2013-2017 Average	Email from D. Engle to B. Bondy dated 4/17/19
Ventura River Water District	858.4	2013-2017 Average	Email from B. Rapp to B. Bondy dated 3/19 /19
MWC Operators			
MWC-1	9.0	2017 Actual	Reported to State Water Resources Control Board, Division of Drinking Water
MWC-2	22.0	2017 Actual	Reported to State Water Resources Control Board, Division of Drinking Water
Other Private Operators			
Other Private-1	23.0	2017 Estimated	To determine how much each private pumper within the Basin pumped during 2017, the Agency has followed a multi-step process. For private landowners, the Agency estimated extraction volumes primarily using aerial photography from 2017. Next, letters were sent advising each pumper of the initial estimate and requesting any data or information that should be considered in changing the estimate be provided to the Agency. The Agency also physically inspected a number of properties, as necessary and appropriate, to verify type of crop and condition of wells and called or met individually with as many landowners as possible to discuss estimated extraction amounts. Initial estimates were revised, as appropriate, based on the results on the Agency's inquiries.
Other Private-2	47.0	2017 Estimated	
Other Private-3	90.0	2017 Estimated	
Other Private-4	54.0	2017 Estimated	
Other Private-5	70.0	2017 Estimated	
Other Private-6	14.0	2017 Estimated	
Other Private-7	12.0	2017 Estimated	
Other Private-8	2.2	2017 Estimated	
Other Private-9	40.0	2017 Estimated	
Total Estimated Extractions	4355.8	AF	10/10/2019 Board-approved protest reduced Other Private-3 extraction estimate to 75 acre-feet per year.











UVRGA Resolution 2022-05 GW Extraction Fees for FY 23 (5.31.22)_for_signature

Final Audit Report

2022-06-29

Created:	2022-06-28
By:	Bryan Bondy (bryan@bondygroundwater.com)
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