

# **TRI-COUNTY WATER AUTHORITY**

## **RESOLUTION NO. 23-05**

### **RESOLUTION OF THE TRI-COUNTY WATER AUTHORITY APPROVING THE LEVYING OF 2024 PUMP FEE**

**WHEREAS**, the Tri-County Water Authority (the “Authority”) is a joint powers authority, formed pursuant to the Joint Exercise of Powers Act (Gov. Code §§ 6500 *et seq.*); and

**WHEREAS**, pursuant to the Sustainable Groundwater Management Act (“SGMA”), the Authority is also an exclusive Groundwater Sustainability Agency (“GSA”) in a portion of the Tule Subbasin and a portion of the Tulare Lake Subbasin (Subbasins 5-22.13 and 5-22.12, respectively, of the San Joaquin Valley Basin as defined by California Department of Water Resources Bulletin 118) underlying the Authority’s boundaries; and

**WHEREAS**, California Water Code Section 10730 provides that, as a GSA, the Authority may levy fees or assessments in compliance with Proposition 218 as specified in Article XIIIID of the California Constitution; and

**WHEREAS**, on December 18, 2019, the Authority did adopt a commissioned rate study setting forth the need for the imposition of a groundwater extraction fee of up to TEN AND 00/100 DOLLARS (\$10.00) per acre-foot extracted (the “Fee”), which Fee is based upon the cost of the Authority’s provision of services (the “Services”) in proportion to the cost of rendering such Services to each affected landowner for the purpose of monitoring and limiting groundwater extraction to sustainable yield in accordance with the requirements of SGMA; and

**WHEREAS**, following the adoption of the rate study, the Authority did, in accordance with the requirements of Proposition 218, timely mail notice of a public hearing regarding implementation of the Fee to all affected landowners of record located within the Authority’s boundaries; and

**WHEREAS**, on March 5, 2020, the Authority did hold a public hearing in order to receive public comment and protests on the Authority’s intended implementation of the Fee, at which hearing less than fifty percent (50%) of the potentially affected landowners subject to the Fee submitted a written protest against said Fee; and

**WHEREAS**, on November 5, 2020, having met the requirements set forth in Proposition 218 for the imposition of the Fee, the Board of Directors (the “Board”) of the Authority did authorize a Fee of TEN AND 00/100 DOLLARS (\$10.00) per acre-foot of all groundwater extracted for the 2021 calendar year; and

**WHEREAS**, on February 18, 2021, pursuant to powers granted under Water Code §§10725 *et seq.*, the Board did vote to adopt the Authority’s Policy and Procedures for Groundwater Extraction Allocation (the “Policy”) in furtherance of its management of groundwater usage within the Authority’s boundaries; and

**WHEREAS**, the Board did thereafter duly authorize the Fee of TEN AND 00/100 DOLLARS (\$10.00) per acre-foot of all groundwater extracted for the 2022 calendar year;

**WHEREAS**, without waiving its right to apply the Fee to all groundwater extracted, the Board did thereafter duly authorize the Fee of TEN AND 00/100 DOLLARS (\$10.00) per acre-foot of groundwater extracted within sustainable yield limits for the 2023 calendar year;

**WHEREAS**, the Board has determined, after due consideration of the continuing and projected costs related to the Authority's provision of the Services, that the Fee shall remain TEN AND 00/100 DOLLARS (\$10.00) per acre-foot for groundwater extraction within sustainable yield limits for the 2024 calendar year, provided that the Board reserves the right, upon a vote duly noticed and taken, to apply the Fee to all groundwater extracted for the 2024 calendar year, on a going forward basis, in the event the State Board of Water Resources (or other body having jurisdiction) modifies the Authority's Policy as related to sums collected on groundwater extracted; and

**WHEREAS**, the Board has determined that the Policy, as amended from time-to-time, remains in effect and enforceable.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TRI-COUNTY WATER AUTHORITY does hereby resolve, declare and order as follows:**

1. The above Recitals are deemed true and correct and are incorporated herein by this reference.
2. The Board of Directors of the Authority hereby sets the 2024 groundwater extraction fee at TEN AND 00/100 DOLLARS (\$10.00) per acre-foot for groundwater extraction within sustainable yield limits.
3. The Board of Directors of the Authority reserves the right to apply said fee on all groundwater extraction upon the occurrence of certain conditions and a vote duly taken, on a going forward basis.
4. The Authority hereby directs and authorizes its consultants/staff to collect the groundwater extraction fee on the Authority's behalf for the 2024 year.
5. Authority consultants/staff are authorized and directed to complete the necessary documentation to levy the Authority's 2024 groundwater extraction fee.
6. Authority consultants/staff are authorized and directed to continue to enforce the Policy, as it may be amended from time-to-time.

PASSED AND ADOPTED this 17<sup>th</sup> day of July, 2023, by the following vote:

AYES: Nordstrom, VanderHam, Schotanus, Wilcox

NOES: None

ABSTAIN: None

ABSENT: Magden

**CERTIFICATE OF SECRETARY  
OF  
TRI-COUNTY WATER AUTHORITY,  
a California joint powers agency**

I, Staci Wilkins, do hereby certify that I am the duly authorized and appointed Secretary of the Tri-County Water Authority, a California joint powers agency (the "Authority"); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the Board of Directors of the Authority on the 17<sup>th</sup> day of July, 2023; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 17<sup>th</sup> day of July, 2023.

A handwritten signature in blue ink that reads "Staci Wilkins". The signature is written in a cursive style and is positioned above a horizontal line.

Staci Wilkins, Secretary  
Tri-County Water Authority