

**RESOLUTION NO. 2018-02-01**

**KINGS RIVER EAST GROUNDWATER SUSTAINABILITY AGENCY**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE  
KINGS RIVER EAST GROUNDWATER SUSTAINABILITY AGENCY  
ADOPTING A GROUNDWATER FEE**

RECITALS

A. WHEREAS, on September 16, 2014, the Governor of the State of California signed into law Senate Bills 1168 and 1319, and Assembly Bill 1739 collectively, the Sustainable Groundwater Management Act (“SGMA”), which is codified at Water Code sections 10720 *et seq.*, as amended, to manage groundwater in the State of California; and

B. WHEREAS, SGMA allows certain local agencies to become a Groundwater Sustainability Agency (“GSA”) and adopt a Groundwater Sustainability Plan (“GSP”) as a means to manage and regulate groundwater in an underlying groundwater basin, which is defined as a basin or subbasin identified and defined in California Department of Water Resources (“DWR”) Bulletin 118; and

C. WHEREAS, the Kings River East Groundwater Sustainability Agency (“KREGSA”) is a special act district that was formed pursuant to Senate Bill 37, now known as the Kings River East Groundwater Sustainability Act, that was passed and signed into law by Governor Jerry Brown and became effective on January 1, 2017; and

D. WHEREAS, pursuant to California Water Code section 10723, subdivision (c)(1)(F) and in compliance with the requirements of SGMA, the KREGSA is an established GSA that has to adopt a GSP by January 31, 2020; and

E. WHEREAS, the KREGSA has adopted a budget of approximately \$1.05 million for a the three-year period spanning 2017-2020 to fund groundwater management activities such as hydrogeologic reports and monitoring, subbasin coordination, projects, compliance with SGMA Guidelines for development, preparation of the GSP and formation and administration of the KREGSA; and

F. WHEREAS, in compliance with Proposition 26 and California Water Code sections 10730, *et seq.*, the KREGSA has elected to adopt groundwater fees to support the above-described functions of the GSA; and

G. WHEREAS, on December 20, 2017, the KREGSA released the “Kings River East Groundwater Sustainability Agency Groundwater Fee Study” dated December 19, 2017, prepared by Lechowicz + Tseng Municipal Consultants, and the Board of Directors of the KREGSA set a public hearing for February 1, 2018, at 2:00 p.m. to adopt the groundwater fee; and

H. WHEREAS, the KREGSA noticed said public hearing on the KREGSA's website, sent notice to Interested Parties, and published notice in the Dinuba Sentinel and the Reedley Exponent, in accordance with Government Code section 6066; and

I. WHEREAS, the KREGSA also held a public workshop on January 24, 2018, at 10:00 a.m. at Dinuba City Hall regarding the proposed implementation of a groundwater fee; and

J. WHEREAS, the KREGSA received no comments or amendments from the public on the "Kings River East Groundwater Sustainability Agency Groundwater Fee Study" dated December 19, 2017; and

K. WHEREAS, the KREGSA held a special meeting and public hearing on February 1, 2018, at 2:00 p.m. at Dinuba City Hall regarding the adoption of the groundwater pumping fee and a nominal fee.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE KINGS RIVER EAST GROUNDWATER SUSTAINABILITY AGENCY HEREBY FINDS AND DECLARES AS FOLLOWS:

1. The above recitals are true and correct, and this Board of Directors so finds and determines.

2. It is prudent and necessary for the KREGSA to recover expenses related to administration of the GSA and preparation of the GSP through the adoption of a groundwater pumping fee and a nominal fee.

3. The Board of Directors of the KREGSA hereby adopts the "Kings River East Groundwater Sustainability Agency Groundwater Fee Study" dated December 19, 2017, prepared by Lechowicz + Tseng Municipal Consultants (the "Groundwater Fee Study").

4. The Board of Directors of the KREGSA hereby finds that the groundwater fee and the nominal fee are fees consistent with Proposition 26 requirements for a regulatory service (i.e. SGMA compliance) that do not exceed the reasonable cost of service, and the KREGSA's budget and the Groundwater Fee Study shall serve as documentation for establishing the cost of service for the purpose of designing the fees and charges.

5. In accordance with said Groundwater Fee Study, the Board of Directors of the KREGSA hereby adopts an annual groundwater pumping fee of \$1.45 per acre-foot per year that shall be imposed for three years.

6. In accordance with said Groundwater Fee Study, the Board of Directors of the KREGSA adopts a nominal fee of \$3,250 per year for three years for those areas identified in the Groundwater Fee Study as having a lack of deep groundwater pumping from the alluvium, but a responsibility to contribute to GSA administration and overhead and preparation of the GSP.

7. The Board of Directors directs its consultants to prepare and send out invoices in accordance with this Resolution and the Groundwater Fee Study.

PASSED AND ADOPTED this 1<sup>st</sup> day of February, 2018, by the following vote to wit:

**AYES:** Mary Fast, Jack Brandt, Fernando Rubalcaba, Loren Booth, and Steve Boos.

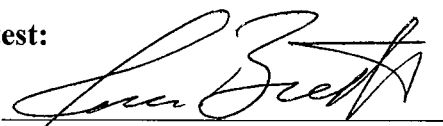
**NOES:** None

**ABSENT:** J. Steven Worthley and Ernest "Buddy" Mendes

**ABSTAIN:** None

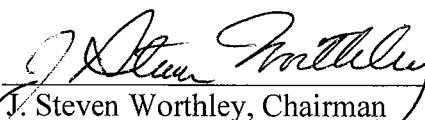
**Attest:**

By:

  
\_\_\_\_\_  
Jack Brandt, Secretary

**Kings River East Groundwater  
Sustainability Agency**

By:

  
\_\_\_\_\_  
J. Steven Worthley, Chairman

