



# Wyandotte Creek Groundwater Sustainability Agency Agenda Transmittal

Agenda Item: 4

**Subject:** Consideration of Resolution Certifying Wyandotte Creek Majority Protest Process and Approving Fee.

**Contact:** Kamie Loeser

**Phone:** 552-3595

**Meeting Date:** 7/27/2023

**Regular Agenda**

**Department Summary:**

The Wyandotte Creek Groundwater Sustainability Agency (WCGSA) is establishing a long-term fee to fund the ongoing GSA administration, GSP implementation activities, and SGMA compliance and reporting requirements. The Board directed staff to follow the Proposition 218 process for establishing long-term fees with the following actions:

- 1) Approval of the WCGSA Fee Report at the May 25, 2023, Board Meeting including recommended long-term fees.
- 2) Approval of Proposition 218 Notice for distribution to landowners in the WCGSA service area subject to fees.
- 3) Setting of public hearing for July 27, 2023, to receive protests prior to consideration of a proposed long-term fee.
- 4) Publishing of Notice of Public Hearing in Chico Enterprise Newspaper prior to public hearing.

The Board approved proceeding with the Irrigated/Non-Irrigated Fee option to pursue long term WCGSA funding as reflected in the Final Fee Report approved by the Board on May 25, 2023. This option resulted in maximum fees of \$1.38, \$8.98, and \$13.86 per acre per year for parcels classified as Non-Irrigated, Irrigated-Surface Water, and Irrigated-Groundwater respectively, distributing the GSA revenue needs across the three user classes. The fee is calculated by allocated the total GSA costs to each user class based on total net assessable acreage in each user class, excluding Federal and Tribal lands which are exempt from SGMA related fees, and State lands which are considered uncollectible for budget purposes. Because the Irrigated/Non-irrigated Fee option is parcel based, the Board is using the Proposition 218 fee mechanism consistent with Water Code Section 10730 and the associated public process to establish the fee. Proposition 218 requires notices to be sent to all landowners subject to the fee at least 45-days prior to Board consideration of proposed fee approval. Proposition 218 Notices were mailed to all landowners subject to the proposed fee by June 9, 2023, providing for a 45-day notice period in advance of considering approval of proposed fees. The fees are subject to a majority protest vote whereby those receiving notices can submit written protest ballots voting against the proposed fees. If a majority protest vote is received, the WCGSA cannot approve the proposed fees.

The WCGSA provided the protest form in the Proposition 218 Notice sent to all landowners subject to the proposed fee and will count protests received at the WCGSA PO Box (as indicated in Notice) up until June 27, 2023, plus those protests received at this public hearing. If a majority protest is not received per the protest count at the end of the public hearing, the WCGSA Board may adopt the attached resolution certifying the majority protest process results and consider approving the proposed fees in a separate Board action (Item 6).

The fees applied by the WCGSA may vary from year to year but will not exceed the maximum fee amounts per acre per year unless an increase in the fee is approved through a subsequent Proposition 218 proceeding. This proposed fee also provides landowners and properties with immediate SGMA compliance benefits and local representation. If the GSA is unable to operate, implement the GSP, and comply with SGMA, then the GSA may be placed in a probationary status with the state and landowners would be subject to regulation and oversight by the State Water Resources Regional Control Board (SWRCB) and would be subject to higher fees. The resolution is attached.

**Fiscal Impact:** None

**Staff Recommendation:** Approve the attached Resolution certifying the Wyandotte Creek Majority Protest Process and Approving Fee.

**WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY**

**RESOLUTION NO. 2023-01**

**CONSIDERATION OF RESOLUTION CERTIFYING WYANDOTTE CREEK MAJORITY  
PROTEST PROCESS AND APPROVING FEE**

**WHEREAS** the Wyandotte Creek Subbasin Groundwater Sustainability Agency (WCGSA) is authorized to establish an operations fee by Water Code Section 10730; and

**WHEREAS** Article XIID Section 6, the State of California's Constitution (Proposition 218) requires that public agencies place establishment of certain fees before voters in what is defined as a “majority protest” election and hearing; and,

**WHEREAS** on July 26, 2023, the WCGSA, in accordance with the provisions of Proposition 218 and Resolution No. 2023-01, held a properly noticed “Majority Protest” hearing regarding the WCGSA’s proposed “Operations Fee”; and,

**WHEREAS** in accordance with the provisions of Proposition 218, the WCGSA solicited landowner comment on the proposed Operations Fee before considering fee approval; and,

**WHEREAS** in accordance with the provisions of Proposition 218, the WCGSA accepted written protests regarding the proposed Operations Fee until the conclusion of the public hearing.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY** does hereby resolve, declare and order as follows:

- 1) The WCGSA Board having reviewed the reported results of the written protests provided to it by its consultant, does hereby certify \_\_\_ written protests were submitted by affected landowners out of a possible number of 11,957.
- 2) Having reviewed the above results, the Board hereby certifies and affirms that there were not a sufficient number of written protests filed to reach the required “Majority Protest” threshold.
- 3) Therefore, in accordance with those certified results, the Board does hereby affirm that the Operations Fee may be adopted at this meeting as a subsequent action item on this meeting agenda.

**PASSED, APPROVED AND ADOPTED by the Board of Directors of the WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY** this 27th day of July 2023.

WCGSA Board of Directors Meeting Date: July 27, 2023, Meeting Packet.

AYES:

NOES:

ABSENT:

ABSTAIN:

## CERTIFICATE OF RESOLUTION

We, the undersigned, hereby certify as follows:

1. That we are the Chair and Secretary of the WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY; and
2. That the foregoing resolution, consisting of 2 pages, including this page, is a true and correct copy of a resolution of the Board of Directors of the Wyandotte Creek Subbasin Groundwater Sustainability Agency, passed at the meeting of the Board of Directors held on July 27, 2023, at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965.

IN WITNESS WHEREOF, we have signed this certificate this 27th day of July 2023, at Chico, California.

\_\_\_\_\_ Bill Connelly, Chair of the Board of Directors

\_\_\_\_\_ Kamie Loeser, Secretary