

**July 27, 2023
PUBLIC HEARING AND REGULAR MEETING
OPEN SESSION 2:00 PM
AGENDA**

REQUESTS TO ADDRESS BOARD

If you would like to address the Board at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the Board Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Board in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, *please submit the form prior to the conclusion of the staff presentation for that item.* Pursuant to Government Code Section 54954.2, the Board is prohibited from taking action except for a brief response from the Board or staff to statements or questions relating to a non-agenda item.

Attend in-person or listen in by one of the methods listed below. The zoom option is for viewing purposes only.

- Zoom Link: <https://zoom.us/j/91028842432?pwd=TVh4SIFHbUhyTG9oeXFnejFWUjEwZz09>
- By Phone – 1-669-900-6833 Passcode: 17351735
- Zoom Application: Meeting ID: 91028842432 Passcode: 17351735
- Email comments accepted until 12pm to publiccomment@cityoforoville.org

CALL TO ORDER / ROLL CALL

- A. Pledge of Allegiance
- B. Roll Call

Board Members: Bill Connelly, Janet Goodson, William Bynum, Kyle Daley, Bruce Wristen
Staff Management Team: Butte County – Kamie Loeser, Christina Buck; TWSD – Chris Heindell; Oroville – Matt Thompson, Josh Freitas

CONSENT AGENDA

1. ***The Board may Approve the Minutes of the May 25, 2023 Regular Board Meeting.**

Action: Approval of the meeting minutes.

2. ***Renew contract with Bartkiewicz, Kronick & Shanahan for General Counsel Legal Services** (Kamie Loeser, Butte County)

Recommended Action: Approve contract and authorize the Chair to sign.

PUBLIC HEARING

3. **Conduct Public Hearing: Wyandotte Creek GSA Property Related Fee** (Staff, Butte County and LSCE)

Recommended Action: 1) Conduct the scheduled public hearing to receive protests and public comments on the proposed fee and 2) Count all valid protests received prior to and during the public hearing.

REGULAR BUSINESS

4. ***Consideration of Resolution Certifying Wyandotte Creek Majority Protest Process and Approving Fee and Basis for Setting the Operations Fee** (Staff, Butte County and LSCE)

Recommended Action: Approve RESOLUTION CERTIFYING THE WYANDOTTE CREEK GSA MAJORITY PROTEST PROCESS.

5. ***Consideration of a Resolution to Adopt the Wyandotte Creek GSA FY23-24 Annual Operations Budget** (Staff, Butte County)

Recommended Action: Approve RESOLUTION APPROVING THE FISCAL YEAR 2023-2024 ANNUAL OPERATIONS BUDGET.

6. ***Consideration of a Resolution to Establish and Collect a Fee for the Wyandotte Creek GSA Operations**

Recommended Action: Approve RESOLUTION SETTING THE PROPOSITION 218 PROPERTY BASED WYANDOTTE CREEK GSA OPERATIONS FEES

7. ***Consideration of a Resolution Certifying the Validity of the Legal Process Used to Place Direct Assessments (Special Assessments) on the Secured Tax Roll to establish fees approved by the Wyandotte Creek Board for FY23-24 on the August 10, 2023, County Tax Roll.**

Recommended Action: Approve the RESOLUTION CERTIFYING THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT ASSESSMENTS (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL

8. ***Consideration of a Framework for Fee Review and Appeal Process Policy.**

Recommended Action: Review draft framework and provide direction to staff.

REPORTS AND CORRESPONDENCE

9. **Verbal Management Committee Updates** (Staff)

PUBLIC COMMENT- NON-AGENDA ITEMS

This is the time for the public to address the Board on items not listed on the agenda. The Wyandotte Creek GSA Board is prohibited by State law from taking action on any item presented if it is not listed on the agenda. Comments will be limited to three minutes per person.

ADJOURN THE MEETING

The meeting will be adjourned to a regular meeting of the Wyandotte Creek GSA Board to be held on **August 24, 2023 at 2:00 pm.**

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the Board Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

Recordings - All meetings are audio recorded.

*Materials attached

JOINT POWERS AUTHORITY BOARD MEETING

Oroville City Council Chambers
1735 Montgomery Street
Oroville, CA. 95965



May 25, 2023
REGULAR MEETING
MINUTES

This agenda was posted on Thursday, May 18, 2023. This meeting was recorded and may be viewed at cityoforoville.org

CALL TO ORDER / ROLL CALL

1. **Pledge of Allegiance** – Led by Chairperson Connelly

2. **Roll Call**

PRESENT: Board Members: Bill Connelly, Janet Goodson, William Bynum, Kyle Daley, Bruce Wristen

Staff Management Team: Butte County – Kamie Loeser, Christina Buck TWSD – Chris Heindell, Oroville – Matt Thompson, Josh Freitas

ABSENT: NONE

REGULAR BUSINESS

3. ***The Board may Approve the Minutes of the May 11, 2023 Special Board Meeting.**

Motion by Board Member Goodson and seconded by Board Member Daley to approve the minutes of May 25, 2023. Motion passed unanimously.

4. ***Presentation of the 2022 Annual Report for the Wyandotte Creek Subbasin** (Kelly Peterson, Butte County and Luhdorff Scalmanini Consulting Engineers)

Kelly Peterson from Butte County and Luhdorff Scalmanini Consulting Engineers presented the 2022 Annual Report for the Wyandotte Creek Subbasin.

5. ***Consideration of the Final Fee Report Regarding Long-Term Funding for the Wyandotte Creek GSA** (Kamie Loeser, Butte County and LSCE)

The Management Committee and funding consultants discussed the two funding options, Irr/Non-Irr (1) and Irr/Non-Irr (2) chosen for the fee report during the May 11, 2023, meeting. With this final fee report the Board can approve the 2023 Fee Report and select the Fee option best suited to the Wyandotte Creek GSA funding needs.

Motion by Board Member Wristen and seconded by Board Member Goodson to approve the 2023 Fee Report. Motion passed unanimously.

Motion by Board Member Daley and seconded by Board Member Goodson to approve Irr/Non-Irr (2) fee option to fund the Wyandotte Creek GSA. Motion passed unanimously.

6. **Consideration to cancel the June Board meeting and hold a public workshop instead**
(Kamie Loeser, Butte County)

Kamie Loeser from Butte County asked the Board to consider canceling the June 22, 2023 Board meeting and hold a public workshop to discuss the approved fee option with the public.

Motion by Board Member Daley and seconded by Board Member Wristen. Motion passed unanimously.

REPORTS AND CORRESPONDENCE

7. **Verbal Management Committee Updates** (staff)

*7.1 Butte County Public Health Department Quarterly Well Permit Summary

PUBLIC COMMENT- NON-AGENDA ITEMS

There were 0 Public Speakers at this meeting.

ADJOURN THE MEETING

Chairperson Connelly adjourned the meeting at 3:20pm.

Chairperson Bill Connelly

Manager Kamie Loeser

STANDARD CONTRACT

This Contract, dated as of the last date executed by the Wyandotte GSA is between the Wyandotte GSA, a groundwater sustainability agency, hereinafter referred to as "Agency", and the Contractor indicated in the variable information table below, hereinafter referred to as "Contractor."

VARIABLE INFORMATION TABLE				
Term of This Contract (Complete Dates in Just One of the Following Three Rows)				
<input checked="" type="checkbox"/> Below	Term Begins		Term Completion Date	
<input type="checkbox"/>	On Following Date		On Following Date	December 31, 2027
<input type="checkbox"/>	Upon Date Notice to Proceed Received		<input type="checkbox"/>	Calendar Days Following Receipt of Notice to Proceed
<input checked="" type="checkbox"/>	Upon Last Date Executed by Agency		<input type="checkbox"/>	Calendar Days Following Execution of Contract by Agency
			FOB Point	
Terms	Basis of Price (Do Not <input checked="" type="checkbox"/> More Than One of the Following Four Blocks)			
Price 0	<input type="checkbox"/> Fixed Price	<input type="checkbox"/> Annual Price	<input type="checkbox"/> Monthly Price	<input type="checkbox"/> Hourly Rate
Not-to-Exceed Price	\$30,000	<input checked="" type="checkbox"/> if Reasonable Expenses are authorized in addition to Hourly Rate		
Contractor Contact Information			Agency Contact Information	
Contractor	Bartkiewicz, Kronick & Shanahan		Project Manager	Kamie Loeser
Address	1011 Twenty-Second Street		Address	308 Nelson Ave
City, State & ZIP	Sacramento, CA 95816-4254		City, State & ZIP	Oroville, CA 95973
Telephone	916-446-4254		Telephone	530-552-3590
Email	AJR@bkslawfirm.com		Email	kloeser@buttecounty.net

WHEREAS, Agency, through the Project Manager, desires to have work described in the Attachment III - Scope of Work performed; and

WHEREAS, Contractor possesses the necessary qualifications to perform the work described herein.

NOW THEREFORE BE IT AGREED between the parties to this Contract that this Contract is subject to the provisions contained in the following attachments, which are made a part of this Contract. Should there be any conflicts between this Contract and the attachments that are incorporated herein, precedence shall first be given to the provisions of this Contract followed by the attachments, in descending order, as indicated below:

- Attachment I – Terms and Conditions
- Attachment II – Standard Insurance Requirements
- Attachment III – Scope of Work

By signature below, the department head or his or her deputy certifies that no unauthorized alterations have been made to the Attachment I – "Terms and Conditions" and/or the Attachment II – "Standard Insurance Requirements."

Kamie Loeser		7/5/23
Agency Managers	Signature	Date

This Contract and the above listed Attachments represent the entire undertaking between the parties.

AGENCY

CONTRACTOR

Date _____
Bill Connelly, Chair
Wyandotte Creek GSA Board

Date: July 3, 2023
Bartkiewicz, Kronick & Shanahan

ATTACHMENT I TERMS AND CONDITIONS

1. **Scope of Work**. The work to be undertaken is identified in the attached “Attachment III – Scope of Work” which is made a part of this Contract.
2. **Reimbursement**. The work shall be performed for the Fixed price, Annual price, Monthly price or Hourly rate as indicated above in the variable information table, but shall not exceed the Not-to-Exceed Price if included in the variable information table. Reasonable expenses are authorized in addition to the Hourly Rate if both the Hourly Rate block and the block authorizing Reasonable Expenses are checked in the variable information table. Payment shall be made after the Project Manager or designee reviews and approves the work and after submittal of an invoice by the Contractor.
3. **Agency Project Manager**. The Agency project manager or designee for this undertaking who will receive payment invoices and answer questions related to the coordination of this undertaking is identified above in the variable information table.
4. **Independent Contractor**. Contractor is an independent contractor, working under his/her own supervision and direction and is not a representative or employee of Agency. Contractor agrees to file tax returns and pay all applicable taxes on amounts paid pursuant to this Contract.
5. **Confidentiality and Ownership**. The AGENCY retains the exclusive right of ownership to the work, products, inventions and confidential information produced for the AGENCY by the CONTRACTOR, and the CONTRACTOR shall not disclose any information, whether developed by the CONTRACTOR or given to the CONTRACTOR by the AGENCY. The parties agree that the AGENCY will own the work, products, inventions or information produced by the CONTRACTOR pursuant to this Contract.
6. **Termination**. This Contract may be terminated by either the Agency or Contractor by a thirty day written notice. Authorized costs incurred by the Contractor will be reimbursed up to the date of termination. Notwithstanding anything stated to the contrary herein, this Contract shall expire on the Completion Date indicated in the above Variable Information Table unless the Completion Date is modified by written amendment to this Contract.
7. **Indemnification**. Contractor agrees to accept responsibility for loss or damage to any person or entity, and to defend, indemnify, hold harmless and release the Agency, its officers, agents and employees from and against any and all actions, claims, damages, disabilities or expenses that may be asserted by any person or entity, including Contractor, to the extent arising out of or in connection with the negligent acts or omissions or willful misconduct in the performance by Contractor hereunder, whether or not there is concurrent negligence on the part of the Agency, but excluding liability due to the active negligence or willful misconduct of the Agency. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Contractor or its agents under worker's compensation acts, disability benefit acts, or other employee benefits acts. Contractor shall be liable to Agency for any loss of or damage to Agency property arising out of or in connection with Contractor's negligence or willful misconduct.
8. **Insurance Requirements**. Contractor shall procure and maintain for the duration of this Contract, insurance against claims for injuries to persons or damages to property which may

arise from, or be in connection with the performance of the Work hereunder by Contractor, Contractor's agents, representatives, employees and subcontractors. At the very least, Contractor shall maintain the insurance coverages, limits of coverage, and other insurance requirements as described in Attachment II to this Contract.

9. **Changes to the Contract.** Changes to this Contract may only be approved by written amendment to this Contract.
10. **Contractor's Standard of Care.** Agency has relied upon the professional ability and training of the Contractor as a material inducement to enter into this Contract. Contractor hereby warrants that all of Contractor's work will be performed in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable Federal, State and local laws, it being understood that acceptance of Contractor's work by Agency shall not operate as a waiver or release.
11. **Termination for Exceeding Maximum Level of Expenditures.** Contracts exceeding the monetary limits delegated to the Purchasing Agent, or authorized deputies, are not valid unless duly executed by the Chair of the Wyandotte Creek GSA Board. If this Contract was executed for the Agency by an authorized manager, this Contract shall automatically terminate on the date that the provision of services or personal property or incurring of expenses, the cumulative total of which, exceeds the amount prescribed by Government Code Section 25502.5 for personal services contracts or the amount prescribed by Public Contract Code Section 22032 (b) for public works contracts.
12. **Termination for Exceeding Maximum Term.** Contracts exceeding the five-year term delegated to the Purchasing Agent, or authorized deputies, are not valid unless duly executed by the Chair of the Wyandotte Creek GSA Board. If this Contract was executed for the Agency by the Purchasing Agent, or authorized deputy, this Contract shall automatically terminate on the date that the term exceeds five years. Amendments to this Contract, or new Contracts for essentially the same purpose, shall not be valid beyond the five-year limitation unless duly executed by the Chair of the Wyandotte Creek GSA Board.
13. **Compliance with Laws.** Contractor shall comply with all Federal, State and local laws, rules and regulations including, without limitation, any nondiscrimination laws.
14. **Applicable Law and Forum.** This Contract shall be construed and interpreted according to California law and any action to enforce the terms of this Contract for the breach thereof shall be brought and tried in the Agency.
15. **Contradictions in Terms and Conditions.** In the event of any contradictions in the terms and/or conditions of this Contract, these Attachment I TERMS AND CONDITIONS shall prevail.
16. **No Delegation or Assignment:** Contractor shall not delegate, transfer or assign its duties or rights under this Agreement, either in whole or in part, directly or indirectly, by acquisition, asset sale, merger, change of control, operation of law or otherwise, without the prior written consent of Agency and any prohibited delegation or assignment shall render the contract in breach. Upon consent to any delegation, transfer or assignment, the parties will enter into an amendment to reflect the transfer and successor to Provider. Agency will not be obligated to make payment under the Agreement until such time that the amendment is entered into.

17. **Sacramento-San Joaquin Delta:** Contractor has disclosed the Contractor's prior representation of clients with interests in the Sacramento-San Joaquin Delta ("Delta") and its watershed. Contractor's attorneys represent Yuba County Water Agency, Browns Valley Irrigation District, Yolo County Flood Control & Water Conservation District, the City of Folsom, the City of Roseville, San Juan Water District, Sacramento Suburban Water District, Maxwell Irrigation District, Regional Water Authority and Woodland-Davis Clean Water Agency in the Sacramento Valley on issues associated with the water quality standards for the Delta, related water-right issues, the operation of the Central Valley Project (CVP) and the State Water Project (SWP), the contracting for water supplies from the CVP and the SWP, legislative proposals related to the Delta, the transfer of water supplies for use within the CVP and SWP service areas and related issues.

Contractor also represents Yuba County Water Agency as its general counsel, including representing the Agency in its role as the Yuba Water Agency Groundwater Sustainability Agency on issues related to Sacramento Valley groundwater and compliance with the Sustainable Groundwater Management Act.

Contractor and Agency are not aware of a conflict of interest in Contractor's representation of Agency and Contractor's representation of the other clients identified in this section. In the event that such a conflict is identified or arises in the future, Contractor agrees that: (a) Contractor reserves the right to continue to provide advice and represent on all matters the preexisting clients referenced in this section; and (b) Contractor may withdraw from representing Agency in the matter or matters in which such a conflict arises. In the event that such a conflict is identified or arises in the future, Contractor would notify Agency of the potential conflict, and discuss with the Agency an appropriate way to address the situation.

ATTACHMENT II
INSURANCE REQUIREMENTS FOR MOST CONTRACTS
Not for Professional Services or Construction Contracts

***Please provide a copy of Attachment II to your insurance agent.**

Contractor shall procure and maintain for the duration of this contract, insurance against claims for injuries to persons or damages to property that may arise from or be in connection with the performance of the work hereunder by Contractor, Contractor's agents, representatives, employees and subcontractors. Before the commencement of work Contractor shall submit Certificates of Insurance and Endorsements evidencing that Contractor has obtained the following forms of coverage:

A. MINIMUM SCOPE AND LIMITS OF INSURANCE - Coverage shall be at least as broad as:

- 1) Commercial General Liability (CGL):** Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

- 2) Automobile Liability:** ISO's Commercial Automobile Liability coverage form CA 00 01.
 1. Commercial Automobile Liability: Covering any auto (Code 1) for corporate/business owned vehicles, or if Contractor has no owned autos, covering hired (Code 8) and non-owned autos (Code 9), with limits no less than **\$1,000,000** per accident for bodily injury and property damage.

 2. If no transportation services of any type are provided, and use of a motor vehicle is strictly limited to travel to and from work or work sites, evidence of Personal Auto Policy coverage with limits no less than **\$100,000** per person, **\$300,000** each accident, **\$50,000** property damage may be provided in lieu of Commercial Automobile Liability Insurance.

- 3) Workers' Compensation Insurance:** As required by the State of California, with Statutory Limits and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury and disease. *(Not required if Contractor provides written verification he or she has no employees.)*

If Contractor maintains broader coverage and/or higher limits than the minimums shown above, the Agency requires and shall be entitled to the broader coverage and/or higher limits maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Agency.

B. OTHER INSURANCE PROVISIONS - The insurance policies are to contain, or be endorsed to contain, the following provisions:

- 1) The Agency, its officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor, including materials, parts or equipment furnished in connection with such work or operations. General Liability coverage can be provided in the form**

of an endorsement to Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or **both** CG 20 10, CG 20 26, CG 20 33, or CG 20 38 **and** CG 20 37 forms if later revisions used).

- 2) For any claims related to this contract, Contractor's insurance coverage shall be primary insurance coverage at least as broad as ISO Form CG 20 01 04 13 as respects the Agency, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Agency, its officers, officials, employees and volunteers shall be excess of Contractor's insurance and shall not contribute with it.
- 3) Each insurance policy required above shall state that coverage shall not be canceled, except with notice to the Agency.

C. WAIVER OF SUBROGATION: Contractor hereby grants to Agency a waiver of any right to subrogation which any insurer of said Contractor may acquire against the Agency by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Agency has received a waiver of subrogation endorsement from the insurer.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the Agency for all work performed by the Contractor, its employees, agents and subcontractors.

D. SELF-INSURED RETENTIONS: Self-insured retentions must be declared to and approved by the Agency. The Agency may require Contractor to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or Agency.

E. ACCEPTABILITY OF INSURERS: Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the Agency.

F. VERIFICATION OF COVERAGE: Contractor shall furnish Agency with original certificates of insurance including all required amendatory endorsements (or copies of the applicable policy language affecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The Agency reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

G. SPECIAL RISKS OR CIRCUMSTANCES: Agency reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

H. SUBCONTRACTORS: Contractor shall include all subcontractors as insured under its policies or require all subcontractors to be insured under their own policies. If subcontractors are insured under their own policies, they shall be subject to all the requirements stated herein, including providing the Agency certificates of insurance and endorsements **before** beginning work under this contract.

ATTACHMENT III

SCOPE OF WORK

Unless indicated otherwise herein, the Contractor shall furnish all labor, materials, transportation, supervision and management, and pay all taxes required to complete the project described below:

The Contractor will provide general counsel legal services to the Agency. These services include:

1. advising and representing the Agency in matters related to the Sustainable Groundwater Management Act, including the proceedings to prepare and adopt a Groundwater Sustainability Plan (GSP) for the Wyandotte Creek Subbasin;
 2. advising the Agency regarding general California public agency law, including the Brown Act, California Public Records Act, conflict of interest laws and other areas;
 3. attending the Wyandotte Creek Groundwater Sustainability Agency Board of Directors and Advisory Committee meetings as requested by the Agency Manager.
 4. providing strategic advice regarding relations with other public and private entities, as requested;
 5. preparing and reviewing contracts, legal memoranda, resolutions and other legal documents for the Agency;
 6. investigating claims and complaints against the Agency;
 7. representing the Agency, or supervising the representation of the Agency, in litigation; and,
 8. advising the WC Board of Directors and GSA staff on other legal matters as requested.
- 1) The Contractor will assign Mr. Andrew Ramos as Lead Counsel to the WCGSA. Mr. Joshua Horowitz will serve as backup Lead Counsel. The Contractor will assign other BKS attorneys to assist with legal services as necessary.
 - 2) Lead Counsel shall attend WCGSA Board of Director Meetings and Board Committee Meetings upon the request of the WCGSA Board of Directors. Attendance may be required in person or by phone conference depending on the Board's direction.

Contractor Compensation:

The Agency will reimburse Contractor for actual costs and expenses based on the submission of monthly invoice statements submitted to the Agency. Cost reimbursements would include all necessary and actual costs and expenses incurred by Contractor, including: long distance telephone charges; facsimile mail (at \$.20/page for incoming, and actual long distance telephone charge for outgoing); messenger and other delivery fees; postage; photocopying (at \$.20/page black and white and \$.30 for color); parking; mileage (at the then-current IRS rate); computer-assisted research charges, travel costs and other out-of-pocket expenses incurred by Contractor. The hourly billing rate (2023) are:

- Principal I & Of Counsel (Mr. Horowitz): \$360 per hour
- Principal II (Mr. Ramos): \$320 per hour
- Associate I: \$275 per hour
- Associate II: \$235 per hour
- Paralegal: \$125

The Contractor will provide the Agency with changes to the billing rate as necessary. Contractor will itemize all costs incurred on each monthly statement.

AGENCY RESPONSIBILITY

The Agency will provide Contractor with a calendar of scheduled meetings and two weeks advance notification if physical attendance is required at meetings.



**Wyandotte Creek
Groundwater Sustainability Agency
Agenda Transmittal**

Agenda Item: 3

Subject: Conduct Public Hearing: Wyandotte Creek GSA Property Related Fee.

Contact: Kamie Loeser

Phone: Phone

Meeting Date: 07/27/23

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 for Non-Irrigated, Irrigated-Surface Water, and Irrigated-Groundwater user classes of \$1.16, \$7.39, and \$11.40 per acre per year respectively. The fees are calculated by allocating the total GSA costs by the total net assessable user class acreage in the Subbasin, excluding Federal and Tribal lands which are exempt from SGMA related fees, and State lands which are considered uncollectible for budget purposes. Because the 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 fee applied by the WCGSA may vary from year to year but will not exceed the user class fee maximum 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.

Fiscal Impact: None

Staff Recommendation: Conduct public hearing for Wyandotte Creek GSA property related fees.

Attachments:

Exhibit A: Proposition 218 Notices (45-days prior to public hearing) and **Exhibit B:** Notice of Public Hearing (Published) Resolution certifying the results of the WCGSA Proposition 218 Majority Protest Process

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY NOTICE OF HEARING TO ADOPT PROPOSED FEE

In compliance with California State Law, notice is hereby given that the Wyandotte Creek Subbasin Groundwater Sustainability Agency (Wyandotte Creek GSA) will hold a **public hearing on: July 27, 2023 at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965 at 2:00 p.m.** to consider the adoption of a new annual per acre fee starting in Fiscal Year 2023-24 for implementation of the Wyandotte Creek GSA Groundwater Sustainability Plan (GSP) required by the State of California pursuant to the 2014 Sustainable Groundwater Management Act (SGMA).

Background:

The Wyandotte Creek GSA is a joint powers agency formed to comply with the requirements of SGMA for that portion of the Wyandotte Creek Groundwater Subbasin underlying the BUTTE COUNTY, CITY OF OROVILLE, and THERMALITO WATER and SEWER DISTRICT. The Wyandotte Creek Subbasin area is described in California Department of Water Resources Bulletin 118 (2020), Sacramento Valley Groundwater Basin, Wyandotte Creek Subbasin, Number 5-021.69 which is classified as a Medium Priority Subbasin comprised of approximately 59,382 total acres. As required by SGMA, the Wyandotte Creek GSA adopted a GSP in 2022, and must now implement that GSP as required by law to prevent the State of California from stepping in to manage the local groundwater basin and corresponding groundwater resources.

Basis of Proposed Fee:

To provide local groundwater management, sustainability, and SGMA compliance, the Wyandotte Creek GSA must annually monitor and report groundwater conditions to the State, prepare required updates to the GSP, conduct required coordination among GSAs in the Sacramento Valley Groundwater Basin, and maintain GSA operations. GSA operations include but are not limited to legal, technical and administration costs (including consultant services, insurance, office and outreach materials, and accounting).

The proposed fee is a property-related fee governed by Proposition 218 and the California Constitution. California Water Code Section 10730 provides authority for the Wyandotte Creek GSA to impose Fees to support GSA administration, GSP implementation, and SGMA compliance. The Wyandotte Creek GSA Board has reviewed the best options to fund the GSA and associated activities over the next five years as explained and documented in the May 2023 Proposition 218 Fee Report.

The service of local groundwater management requires each landowner to cover the cost of groundwater management, GSA administration, GSP implementation, and SGMA compliance including groundwater monitoring, preparation of annual reports, and regulatory compliance activities to ensure that the Wyandotte Creek Subbasin is sustainable over the long term, as required by SGMA. Each acre in the Wyandotte Creek Subbasin is required to be managed by a GSP and will receive the local management services of the Wyandotte Creek GSA. Ensuring sustainability will allow the Wyandotte Creek GSA to maintain local control and **avoid expensive State intervention and operation of the Subbasin, which would result in much higher Fees.** If the State Water Resources Control Board intervenes in the Wyandotte Creek Subbasin, it may impose annual fees ranging from \$100 per domestic well, to \$300 per agricultural well, plus up to \$55 per acre-foot of pumped water per well and require annual reporting of extractions to the State. For more information:

https://www.waterboards.ca.gov/water_issues/programs/gmp/docs/intervention/intervention_fs.pdf

Implementing the proposed fee allows the GSA to provide groundwater management services and ensures a more affordable and locally managed option for managing the Wyandotte Creek Subbasin while maintaining SGMA compliance for all landowners.

Proposed Property Fee:

The proposed per-acre fee funds the service of groundwater management including implementation of the GSP and compliance with SGMA. This fee is a per-acre fee that imposes a maximum fee of **\$13.86 per irrigated-groundwater acre** (in 2023 dollars, including inflation, for the subsequent four years). The proposed fee, if approved, will become

effective for the 2023-24 fiscal year (beginning July 1, 2023), with the first payment due by December 15, 2023. **The actual amount of the fee will be set by Resolution of the Wyandotte Creek GSA but cannot exceed the maximum per acre fee specified above, including the inflation factor, absent a subsequent Proposition 218 proceeding.**

The proposed annual per acre fee is prorated based on parcel size; examples are provided in the table below:

0.10-acre parcel	0.25-acre parcel	0.50-acre parcel	1.0-acre parcel	5.0-acre parcel	10.0-acre parcel	25.0-acre parcel
\$1.39	\$3.47	\$6.93	\$13.86	\$69.30	\$138.60	\$693.00

There are three proposed maximum rates; \$8.98 per irrigated-surface water acre, \$13.86 per irrigated-groundwater acre, and \$1.38 per non-irrigated acre. Each acre of land subject to a fee would only be charged one of these rates. The rate applicable to your parcel has been indicated above.

For more information, including the Fee Report summarizing the findings, please visit the Wyandotte Creek GSA website at: <https://www.wyandottecreekgsa.com>.

Public Hearing and Majority Protest:

Under the California State Constitution, owners of land subject to the proposed fee have the right to protest its adoption. If you have received this notice, one or more parcels under your ownership will be subject to the proposed fee. If the identified parcel has more than one record owner or renter, only one written protest will be counted. In the event of a majority protest, the fee will not be instituted. There is a 120-day statute of limitations for challenging any new, increased, or extended fee or charge.

Landowners desiring to protest the proposed Wyandotte Creek GSA fee should send their written protest prior to the public hearing to: Wyandotte Creek Subbasin Groundwater Sustainability Agency, c/o Wyandotte Creek GSA, PO BOX 745, Oroville, CA 95965, or in person at the public hearing on July 27, 2023 at 2:00 p.m., so long as the protest is received prior to the close of the public hearing. **Protests submitted by e-mail, fax, or other electronic means are not valid and will not be counted as a protest.**

There are multiple ways to obtain additional information about this topic:

- View more information online at <https://www.wyandottecreekgsa.com>.
- Call the Wyandotte Creek GSA at **(530) 552-3591**.
- For more information about SGMA, see the California Department of Water Resources website: <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management>

If you do not wish to protest the proposed Wyandotte Creek GSA Fee, you do not need to take any action.



WYANDOTTE CREEK GSA PROPOSITION 218 PROTEST FORM

To protest, complete and detach this portion of the Notice and mail to Wyandotte Creek GSA, P.O. Box 745, Oroville, CA 95965, OR submit in-person at the Public Hearing on July 27, 2023, 2:00 p.m., Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA. All protests must include:

- Landowner Printed Name(s): _____
- Assessor's Parcel Number: _____
- Statement of Protest: _____

Under penalty of law, I affirm that I am the owner(s) or authorized representative of the owner of the above parcel.

- Valid Landowner Signature(s): _____

Each parcel is entitled to one protest. If a parcel has more than one owner, all must sign one protest form.

If you do not wish to protest the proposed Wyandotte Creek GSA Fee, you do not need to take any action.

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY NOTICE OF HEARING TO ADOPT PROPOSED FEE

In compliance with California State Law, notice is hereby given that the Wyandotte Creek Subbasin Groundwater Sustainability Agency (Wyandotte Creek GSA) will hold a **public hearing on: July 27, 2023 at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965 at 2:00 p.m.** to consider the adoption of a new annual per acre fee starting in Fiscal Year 2023-24 for implementation of the Wyandotte Creek GSA Groundwater Sustainability Plan (GSP) required by the State of California pursuant to the 2014 Sustainable Groundwater Management Act (SGMA).

Background:

The Wyandotte Creek GSA is a joint powers agency formed to comply with the requirements of SGMA for that portion of the Wyandotte Creek Groundwater Subbasin underlying the BUTTE COUNTY, CITY OF OROVILLE, and THERMALITO WATER and SEWER DISTRICT. The Wyandotte Creek Subbasin area is described in California Department of Water Resources Bulletin 118 (2020), Sacramento Valley Groundwater Basin, Wyandotte Creek Subbasin, Number 5-021.69 which is classified as a Medium Priority Subbasin comprised of approximately 59,382 total acres. As required by SGMA, the Wyandotte Creek GSA adopted a GSP in 2022, and must now implement that GSP as required by law to prevent the State of California from stepping in to manage the local groundwater basin and corresponding groundwater resources.

Basis of Proposed Fee:

To provide local groundwater management, sustainability, and SGMA compliance, the Wyandotte Creek GSA must annually monitor and report groundwater conditions to the State, prepare required updates to the GSP, conduct required coordination among GSAs in the Sacramento Valley Groundwater Basin, and maintain GSA operations. GSA operations include but are not limited to legal, technical and administration costs (including consultant services, insurance, office and outreach materials, and accounting).

The proposed fee is a property-related fee governed by Proposition 218 and the California Constitution. California Water Code Section 10730 provides authority for the Wyandotte Creek GSA to impose Fees to support GSA administration, GSP implementation, and SGMA compliance. The Wyandotte Creek GSA Board has reviewed the best options to fund the GSA and associated activities over the next five years as explained and documented in the May 2023 Proposition 218 Fee Report.

The service of local groundwater management requires each landowner to cover the cost of groundwater management, GSA administration, GSP implementation, and SGMA compliance including groundwater monitoring, preparation of annual reports, and regulatory compliance activities to ensure that the Wyandotte Creek Subbasin is sustainable over the long term, as required by SGMA. Each acre in the Wyandotte Creek Subbasin is required to be managed by a GSP and will receive the local management services of the Wyandotte Creek GSA. Ensuring sustainability will allow the Wyandotte Creek GSA to maintain local control and **avoid expensive State intervention and operation of the Subbasin, which would result in much higher Fees.** If the State Water Resources Control Board intervenes in the Wyandotte Creek Subbasin, it may impose annual fees ranging from \$100 per domestic well, to \$300 per agricultural well, plus up to \$55 per acre-foot of pumped water per well and require annual reporting of extractions to the State. For more information:

https://www.waterboards.ca.gov/water_issues/programs/gmp/docs/intervention/intervention_fs.pdf

Implementing the proposed fee allows the GSA to provide groundwater management services and ensures a more affordable and locally managed option for managing the Wyandotte Creek Subbasin while maintaining SGMA compliance for all landowners.

Proposed Property Fee:

The proposed per-acre fee funds the service of groundwater management including implementation of the GSP and compliance with SGMA. This fee is a per-acre fee that imposes a maximum fee of **\$8.98 per irrigated-surface water acre** (in 2023 dollars, including inflation, for the subsequent four years). The proposed fee, if approved, will become

effective for the 2023-24 fiscal year (beginning July 1, 2023), with the first payment due by December 15, 2023. **The actual amount of the fee will be set by Resolution of the Wyandotte Creek GSA but cannot exceed the maximum per acre fee specified above, including the inflation factor, absent a subsequent Proposition 218 proceeding.**

The proposed annual per acre fee is prorated based on parcel size; examples are provided in the table below:

0.10-acre parcel	0.25-acre parcel	0.50-acre parcel	1.0-acre parcel	5.0-acre parcel	10.0-acre parcel	25.0-acre parcel
\$0.90	\$2.245	\$4.49	\$8.98	\$44.90	\$89.80	\$224.50

There are three proposed maximum rates; \$8.98 per irrigated-surface water acre, \$13.86 per irrigated-groundwater acre, and \$1.38 per non-irrigated acre. Each acre of land subject to a fee would only be charged one of these rates. The rate applicable to your parcel has been indicated above.

For more information, including the Fee Report summarizing the findings, please visit the Wyandotte Creek GSA website at: <https://www.wyandottecreekgsa.com>.

Public Hearing and Majority Protest:

Under the California State Constitution, owners of land subject to the proposed fee have the right to protest its adoption. If you have received this notice, one or more parcels under your ownership will be subject to the proposed fee. If the identified parcel has more than one record owner or renter, only one written protest will be counted. In the event of a majority protest, the fee will not be instituted. There is a 120-day statute of limitations for challenging any new, increased, or extended fee or charge.

Landowners desiring to protest the proposed Wyandotte Creek GSA fee should send their written protest prior to the public hearing to: Wyandotte Creek Subbasin Groundwater Sustainability Agency, c/o Wyandotte Creek GSA, PO BOX 745, Oroville, CA 95965, or in person at the public hearing on July 27, 2023 at 2:00 p.m., so long as the protest is received prior to the close of the public hearing. **Protests submitted by e-mail, fax, or other electronic means are not valid and will not be counted as a protest.**

There are multiple ways to obtain additional information about this topic:

- View more information online at <https://www.wyandottecreekgsa.com>.
- Call the Wyandotte Creek GSA at **(530) 552-3591**.
- For more information about SGMA, see the California Department of Water Resources website: <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management>

If you do not wish to protest the proposed Wyandotte Creek GSA Fee, you do not need to take any action.



WYANDOTTE CREEK GSA PROPOSITION 218 PROTEST FORM

To protest, complete and detach this portion of the Notice and mail to Wyandotte Creek GSA, P.O. Box 745, Oroville, CA 95965, OR submit in-person at the Public Hearing on July 27, 2023, 2:00 p.m., Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA. All protests must include:

- Landowner Printed Name(s): _____
- Assessor's Parcel Number: _____
- Statement of Protest: _____

Under penalty of law, I affirm that I am the owner(s) or authorized representative of the owner of the above parcel.

- Valid Landowner Signature(s): _____

Each parcel is entitled to one protest. If a parcel has more than one owner, all must sign one protest form.

If you do not wish to protest the proposed Wyandotte Creek GSA Fee, you do not need to take any action.

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY NOTICE OF HEARING TO ADOPT PROPOSED FEE

In compliance with California State Law, notice is hereby given that the Wyandotte Creek Subbasin Groundwater Sustainability Agency (Wyandotte Creek GSA) will hold a **public hearing on: July 27, 2023 at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965 at 2:00 p.m.** to consider the adoption of a new annual per acre fee starting in Fiscal Year 2023-24 for implementation of the Wyandotte Creek GSA Groundwater Sustainability Plan (GSP) required by the State of California pursuant to the 2014 Sustainable Groundwater Management Act (SGMA).

Background:

The Wyandotte Creek GSA is a joint powers agency formed to comply with the requirements of SGMA for that portion of the Wyandotte Creek Groundwater Subbasin underlying the BUTTE COUNTY, CITY OF OROVILLE, and THERMALITO WATER and SEWER DISTRICT. The Wyandotte Creek Subbasin area is described in California Department of Water Resources Bulletin 118 (2020), Sacramento Valley Groundwater Basin, Wyandotte Creek Subbasin, Number 5-021.69 which is classified as a Medium Priority Subbasin comprised of approximately 59,382 total acres. As required by SGMA, the Wyandotte Creek GSA adopted a GSP in 2022, and must now implement that GSP as required by law to prevent the State of California from stepping in to manage the local groundwater basin and corresponding groundwater resources.

Basis of Proposed Fee:

To provide local groundwater management, sustainability, and SGMA compliance, the Wyandotte Creek GSA must annually monitor and report groundwater conditions to the State, prepare required updates to the GSP, conduct required coordination among GSAs in the Sacramento Valley Groundwater Basin, and maintain GSA operations. GSA operations include but are not limited to legal, technical and administration costs (including consultant services, insurance, office and outreach materials, and accounting).

The proposed fee is a property-related fee governed by Proposition 218 and the California Constitution. California Water Code Section 10730 provides authority for the Wyandotte Creek GSA to impose Fees to support GSA administration, GSP implementation, and SGMA compliance. The Wyandotte Creek GSA Board has reviewed the best options to fund the GSA and associated activities over the next five years as explained and documented in the May 2023 Proposition 218 Fee Report.

The service of local groundwater management requires each landowner to cover the cost of groundwater management, GSA administration, GSP implementation, and SGMA compliance including groundwater monitoring, preparation of annual reports, and regulatory compliance activities to ensure that the Wyandotte Creek Subbasin is sustainable over the long term, as required by SGMA. Each acre in the Wyandotte Creek Subbasin is required to be managed by a GSP and will receive the local management services of the Wyandotte Creek GSA. Ensuring sustainability will allow the Wyandotte Creek GSA to maintain local control and **avoid expensive State intervention and operation of the Subbasin, which would result in much higher Fees.** If the State Water Resources Control Board intervenes in the Wyandotte Creek Subbasin, it may impose annual fees ranging from \$100 per domestic well, to \$300 per agricultural well, plus up to \$55 per acre-foot of pumped water per well and require annual reporting of extractions to the State. For more information:

https://www.waterboards.ca.gov/water_issues/programs/gmp/docs/intervention/intervention_fs.pdf

Implementing the proposed fee allows the GSA to provide groundwater management services and ensures a more affordable and locally managed option for managing the Wyandotte Creek Subbasin while maintaining SGMA compliance for all landowners.

Proposed Property Fee:

The proposed per-acre fee funds the service of groundwater management including implementation of the GSP and compliance with SGMA. This fee is a per-acre fee that imposes a maximum fee of **\$1.38 per non-irrigated water acre** (in 2023 dollars, including inflation, for the subsequent four years). The proposed fee, if approved, will become

effective for the 2023-24 fiscal year (beginning July 1, 2023), with the first payment due by December 15, 2023. **The actual amount of the fee will be set by Resolution of the Wyandotte Creek GSA but cannot exceed the maximum per acre fee specified above, including the inflation factor, absent a subsequent Proposition 218 proceeding.**

The proposed annual per acre fee is prorated based on parcel size; examples are provided in the table below:

0.10-acre parcel	0.25-acre parcel	0.50-acre parcel	1.0-acre parcel	10.0-acre parcel	100.0-acre parcel	500.0-acre parcel
\$0.14	\$0.35	\$0.69	\$1.38	\$13.80	\$138.00	\$690.00

There are three proposed maximum rates; \$8.98 per irrigated-surface water acre, \$13.86 per irrigated-groundwater acre, and \$1.38 per non-irrigated acre. Each acre of land subject to a fee would only be charged one of these rates. The rate applicable to your parcel has been indicated above.

For more information, including the Fee Report summarizing the findings, please visit the Wyandotte Creek GSA website at: <https://www.wyandottecreekgsa.com>.

Public Hearing and Majority Protest:

Under the California State Constitution, owners of land subject to the proposed fee have the right to protest its adoption. If you have received this notice, one or more parcels under your ownership will be subject to the proposed fee. If the identified parcel has more than one record owner or renter, only one written protest will be counted. In the event of a majority protest, the fee will not be instituted. There is a 120-day statute of limitations for challenging any new, increased, or extended fee or charge.

Landowners desiring to protest the proposed Wyandotte Creek GSA fee should send their written protest prior to the public hearing to: Wyandotte Creek Subbasin Groundwater Sustainability Agency, c/o Wyandotte Creek GSA, PO BOX 745, Oroville, CA 95965, or in person at the public hearing on July 27, 2023 at 2:00 p.m., so long as the protest is received prior to the close of the public hearing. **Protests submitted by e-mail, fax, or other electronic means are not valid and will not be counted as a protest.**

There are multiple ways to obtain additional information about this topic:

- View more information online at <https://www.wyandottecreekgsa.com>.
- Call the Wyandotte Creek GSA at **(530) 552-3591**.
- For more information about SGMA, see the California Department of Water Resources website: <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management>

If you do not wish to protest the proposed Wyandotte Creek GSA Fee, you do not need to take any action.



WYANDOTTE CREEK GSA PROPOSITION 218 PROTEST FORM

To protest, complete and detach this portion of the Notice and mail to Wyandotte Creek GSA, P.O. Box 745, Oroville, CA 95965, OR submit in-person at the Public Hearing on July 27, 2023, 2:00 p.m., Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA. All protests must include:

- Landowner Printed Name(s): _____
- Assessor's Parcel Number: _____
- Statement of Protest: _____

Under penalty of law, I affirm that I am the owner(s) or authorized representative of the owner of the above parcel.

- Valid Landowner Signature(s): _____

Each parcel is entitled to one protest. If a parcel has more than one owner, all must sign one protest form.

If you do not wish to protest the proposed Wyandotte Creek GSA Fee, you do not need to take any action.

Chico Enterprise-Record

400 E. Park Ave.
Chico, Ca 95928
530-896-7702
erlegal@chicoer.com

LUHDORFF & SCALMANINI
500 FIRST ST.
WOODLAND, CA 95695

.....
Account Number: 3770926

Ad Order Number: 0006764968

Customer's Reference Wyandotte Creek Groundwater Sustainability Agency
/ PO Number:

Publication: Chico Enterprise-Record

Publication Dates: 07/12/2023, 07/19/2023

Amount: \$240.73

Payment Amount: \$240.73 *Payment Method:* Credit Card

Invoice Text: **NOTICE OF PUBLIC HEARING**

Pursuant to Water Code section 10730(b)(2) and Government Code section 6066, notice is hereby given that the Wyandotte Creek Ground-water Sustainability Agency will hold a public hearing on July 27, 2023, at 2:00 p.m. or as soon thereafter as may be heard, at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965, to receive written protests and consider the adoption of a new property related fee in the amount of \$1.16 per acre annually for the Non-Irrigated user class, \$7.39 per acre annually for the Irrigated-Surface Water user class, and \$11.40 per acre annually for the Irrigated-Groundwater user class for the 2024 Fiscal Year and the subsequent four fiscal years to fund the operations of the Wyandotte Creek Groundwater Sustainability Agency to comply with the Sustainable Groundwater Management Act of 2014.

Information regarding the proposed fee is available online at <https://www.wyandottecreekgsa.com>, by calling the Wyandotte Creek Ground-water Sustainability Agency at (530) 552-3591, or by email at wyandottegsa@gmail.com.

PUBLISHED 07/12, 07/19/2023

Chico Enterprise-Record

400 E. Park Ave.
Chico, Ca 95928
530-896-7702
erlegal@chicoer.com

3770926

LUHDORFF & SCALMANINI
500 FIRST ST.
WOODLAND, CA 95695

Legal No. **0006764968**

**IN THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF BUTTE**

In The Matter Of
**Wyandotte Creek Groundwater Sustainability
Agency**

AFFIDAVIT OF PUBLICATION

STATE OF CALIFORNIA }
 } **SS.**
COUNTY OF BUTTE }

The undersigned resident of the county of Butte, State of California, says:

That I am, and at all times herein mentioned was a citizen of the United States and not a party to nor interested in the above entitled matter; that I am the principal clerk of the printer and publisher of

**The Chico Enterprise-Record
The Oroville Mercury-Register**

That said newspaper is one of general circulation as defined by Section 6000 Government Code of the State of California, Case No. 26796 by the Superior Court of the State of California, in and for the County of Butte; that said newspaper at all times herein mentioned was printed and published daily in the City of Chico and County of Butte; that the notice of which the annexed is a true printed copy, was published in said newspaper on the following days:

07/12/2023, 07/19/2023

Dated July 19, 2023
at Chico, California



(Signature)

NOTICE OF PUBLIC HEARING

Pursuant to Water Code section 10730(b)(2) and Government Code section 6066, notice is hereby given that the Wyandotte Creek Groundwater Sustainability Agency will hold a public hearing on July 27, 2023, at 2:00 p.m. or as soon thereafter as may be heard, at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965, to receive written protests and consider the adoption of a new property related fee in the amount of \$1.16 per acre annually for the Non-Irrigated user class, \$7.39 per acre annually for the Irrigated-Surface Water user class, and \$11.40 per acre annually for the Irrigated-Groundwater user class for the 2024 Fiscal Year and the subsequent four fiscal years to fund the operations of the Wyandotte Creek Groundwater Sustainability Agency to comply with the Sustainable Groundwater Management Act of 2014.

Information regarding the proposed fee is available online at <https://www.wyandottecreekgsa.com>, by calling the Wyandotte Creek Groundwater Sustainability Agency at (530) 552-3591, or by email at wyandottegsa@gmail.com.

PUBLISHED 07/12, 07/19/2023



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



Wyandotte Creek Groundwater Sustainability Agency Agenda Transmittal

Agenda Item: 5

Subject: Consideration of a Resolution to Adopt the Wyandotte Creek GSA FY23-24 Annual Operations Budget.

Contact:

Phone: Phone

Meeting Date:

Regular Agenda

Department Summary:

The Wyandotte Creek Groundwater Sustainability Agency (Wyandotte Creek GSA) is establishing a long-term fee to fund the ongoing GSA administration, Groundwater Sustainability Plan (GSP) implementation activities, and Sustainable Groundwater Management Act (SGMA) compliance and reporting requirements. The Board approved updated five-year revenue projections in the approved 2023 Final Fee Report which included the following items:

- 1) GSA Administration costs.
- 2) GSP Implementation and SGMA Compliance costs.

The GSA Administration costs reflect the most cost-effective governance approach approved by the Wyandotte Creek GSA Board with a Program Manager to be hired by and housed in the Butte County Department of Water and Resource Conservation. The GSA Program Manager would oversee the long-term Wyandotte Creek GSA operations. In addition, no litigation services are included in the budget because the GSA is currently not faced with any litigation. If legal challenges can be avoided in the future the Wyandotte Creek GSA Board would be able maintain lower GSA costs and corresponding GSA fees to meet its long-term funding needs.

The GSA’s GSP implementation and SGMA compliance costs reflect the primary activities that the GSA will have to address to achieve SGMA compliance over the upcoming five-year period. This includes Annual Reporting to DWR regarding groundwater conditions, 2027 GSP Five-Year Update, GSA coordination (intra and inter-basin), maintaining functional GSA operations, completing updated surface-groundwater interaction modeling, updating and maintaining a data management system, conducting future financial planning and pursuit of additional grant funds to cover future GSA costs and projects.

The Wyandotte Creek GSA Board will annually review its GSA operational revenues and expenses and determine if any future adjustments to GSA fees may be necessary. However, fees would not exceed the maximum fee included in the Proposition 218 Notice. Staff expects to receive SGMA implementation grant funds (exact amount and timing of grants is not known at this time) that could provide the GSA Board with budget flexibility and facilitate fee adjustments for the Wyandotte Creek GSA FY24-25 budget process. If DWR grant funds are approved it should be noted that grant funds cannot cover GSA operations costs, only eligible GSP implementation and SGMA compliance costs. The Wyandotte Creek GSA FY23-24 budget reflects the most cost-effective way to achieve SGMA compliance and maintain local control over its groundwater resources without any regulation and oversight by the State Water Resources Regional Control Board (SWRCB).

Attachments:

- Exhibit A: Wyandotte Creek GSA Five-Year Revenue Projections
- Exhibit B: Wyandotte Creek GSA FY23-24 Annual Operations Budget
- Resolution approving Wyandotte Creek GSA FY23-24 Annual Operations Budget

Fiscal Impact: None

Staff Recommendation: Approve resolution to establish FY23-24 Wyandotte Creek GSA annual operations budget.

EXHIBIT A: WCGSA REVENUE PROJECTIONS

Wyandotte Creek GSA - Long Term Funding Strategy					
Five-Year GSA Operational Budget - GSP Implementation and SGMA Compliance Costs (w/Fee Implementation Costs)					
5-Year GSP Implementation Inflation Adjustment	0%	3%	3%	5%	5%
Proposed	Year 1	Year 2	Year 3	Year 4	Year 5
Cost Category-GSA Admin.	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28
Professional Services - Admin.					
Auditor	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Financial Services	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
Legal Services	\$10,000	\$5,000	\$5,000	\$5,000	\$5,000
Program Manager (w/County management)	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Professional Services - Admin. Sub-total	\$67,500	\$62,500	\$62,500	\$62,500	\$62,500
Office Expense					
Bank Fees	\$250	\$250	\$250	\$250	\$250
Insurance	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Outreach (education and outreach)	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
Website	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
Supplies	\$1,000	\$500	\$500	\$500	\$500
Office Expense Sub-total	\$7,250	\$6,750	\$6,750	\$6,750	\$6,750
Professional Services - GSP Implementation	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Legal Defense Reserve (build \$150,000/yr. balance)	\$0	\$0	\$0	\$0	\$0
Irrigated/Non-Irrigated Fee Implementation Costs	\$19,921	\$20,519	\$21,116	\$22,113	\$23,109
County Tax Roll Fee Support	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Contingency (10%)	\$10,967	\$10,477	\$10,537	\$10,636	\$10,736
GSA Admin. Sub-total	\$120,638	\$115,246	\$115,903	\$116,999	\$118,094
5-Year GSP Implementation Inflation Adjustment	0%	3%	3%	5%	5%
Cost Category-SGMA Compliance	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28
Annual Reporting (assumes DWR monitoring continues)	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
Five Year GSP Update w/Modeling Calibrations	\$43,750	\$43,750	\$43,750	\$43,750	\$35,000
Surface-GW Interaction Modeling	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500
GSA Coordination & Outreach (w/in and between GSAs)	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Data Management System Maintenance	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Long Term Financial Planning/Fees	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Grant Procurement	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Contingency (8%)	\$9,300	\$9,300	\$9,300	\$9,300	\$8,600
SGMA Compliance Sub-Total	\$125,550	\$125,550	\$125,550	\$125,550	\$116,100
TOTAL WDCGSA Administration (w/inflation adjustment)	\$120,638	\$118,703	\$122,857	\$129,869	\$136,990
TOTAL WDCGSA SGMA Compliance (w/inflation adjustment)	\$125,550	\$129,317	\$133,083	\$139,361	\$134,676
TOTAL WDCGSA Operational Budget	\$246,188	\$248,020	\$255,940	\$269,229	\$271,666

EXHIBIT B: WCGSA FY23-24 ANNUAL BUDGET

WYANDOTTE CREEK GROUNDWATER SUSTAINABILITY AGENCY FY23-24 Annual Operations Budget					
REVENUES	Budget	Actual	\$ Actual To Date	\$ Remaining	% Completed
Proposition 218 Landowner Fees	\$246,008				
Proposition 218 Fee Agreements	\$0				
DWR SGMA Round 2 Grant Funding					
Interest	\$180				
TOTAL REVENUES	\$246,188	\$0	\$0	\$0	0.00%
EXPENSES	Budget	Actual	\$ Actual To Date	\$ Remaining	% Completed
Cost Category-GSA Admin.					
<u>Professional Services - Admin.</u>					
Auditor	\$5,000				
Financial Services	\$2,500				
Legal Services	\$10,000				
Program Manager (w/County management)	\$50,000				
Professional Services - Admin. Sub-total	\$67,500	\$0	\$0	\$0	0.00%
<u>Office Expense</u>					
Bank Fees	\$250				
Insurance	\$2,000				
Outreach (per education and outreach plan)	\$2,500				
Website	\$1,500				
Supplies	\$1,000				
Office Expense Sub-total	\$7,250	\$0	\$0	\$0	0.00%
Professional Services - GSP Implementation	\$10,000				
Legal Defense Reserve	\$0				
Irrigated/Non-Irrigated Fee Implementation Costs	\$19,921				
County Tax Roll Fee Support	\$5,000				
Contingency (10%)	\$10,967				
GSA Admin. Sub-total	\$120,638	\$0	\$0	\$0	0.00%
Cost Category-SGMA Compliance					
Annual Reporting (with continued DWR monitoring)	\$30,000				
Five Year GSP Update w/Modeling Calibrations	\$43,750				
Surface-GW Interaction Modeling	\$7,500				
GSA Coordination & Outreach (w/in and between GSAs)	\$10,000				
Data Management System Maintenance	\$5,000				
Long Term Financial Planning/Fees	\$10,000				
Grant Procurement	\$10,000				
Contingency (8%)	\$9,300				
SGMA Compliance Sub-Total	\$125,550	\$0	\$0	\$0	0.00%
TOTAL EXPENSES	\$246,188	\$0	\$0	\$0	%
Surplus (Deficit)	\$0	\$0	\$0	\$0	%

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2023-02

CONSIDERATION OF A RESOLUTION TO ADOPT THE WYANDOTTE CREEK GSA FY23-24 ANNUAL OPERATIONS BUDGET

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

WHEREAS Article XIIIID Section 6, the State of California's Constitution (Proposition 218) requires that public agencies establish certain fees based on reasonable long term revenue projections to support GSA Administration and GSP implementation and SGMA compliance costs for the WCGSA; and,

WHEREAS on May 25, 2023, the WCGSA, in accordance with the provisions of Proposition 218 prepared and approved a 2023 Fee Report which included updated revenue projections over the FY23-24 through FY27-28 period that were reasonable and provide immediate benefit to those subject to the WCGSA's proposed "Operations Fee"; and,

WHEREAS in accordance with the provisions of Proposition 218, the WCGSA will base long term fees on reasonable updated revenue projections for funds that can only be used to support GSA Administration and GSP implementation and SGMA compliance costs and purposes; and,

WHEREAS in accordance with the provisions of Proposition 218, the WCGSA Board will annually review the revenues and expenses of its budget and update long term fees as required to achieve SGMA compliance benefits for all landowners within the WCGSA service area.

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 has updated its long-term revenue projections which are reasonable to achieve SGMA compliance benefits for all landowners within the WCGSA service area.
- 2) Having reviewed the above results, the Board hereby verifies that the FY2023-24 Annual Operations Budget is consistent with updated revenue projections included in the approved 2023 Fee Report.
- 3) Therefore, in accordance with Proposition 218 principles and consistent with updated revenue projections, the Board does hereby approve the FY2023-24 Annual Operations Budget serving as the basis for the proposed Operations Fee that 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 Oroville, California.

_____ Bill Connelly, Chair of the Board of Directors

_____ Kamie Loeser, Secretary



Wyandotte Creek Groundwater Sustainability Agency Agenda Transmittal

Agenda Item: 6

Subject: Consideration of a Resolution to Establish and Collect a Fee for the Wyandotte Creek GSA Operations.

Contact: Kamie Loeser

Phone:

Meeting Date: 07/27/23

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 WCGSA Board has met the Proposition 218 requirements associated with approving a property-based fee through implementation of the following actions:

- 1) Approved the WCGSA Fee Report at the May 25, 2023, Board Meeting including recommended long-term fees.
- 2) Distributed the Proposition 218 Notice to landowners in the WCGSA service area subject to fees.
- 3) Published a Notice of Public Hearing in the Chico Enterprise Record Newspaper prior to the public hearing.
- 4) Conducted a noticed public hearing and received and counted protests upon closing the public hearing.
- 5) Approved the FY23-24 Operations Budget to be funded by the fees.

The Board has approved the FY23-24 Operations Budget which will allow the WCGSA to achieve immediate SGMA compliance benefits for landowners subject to the fee. The WCGSA will be operating with a low-cost business model with a GSA Program Manager to be housed within the Butte County Department of Water and Resource Conservation overseeing GSA operations, implementation of the GSP, and ensuring SGMA compliance for all landowners within the Subbasin. The Board would be approving the Irrigated/Non-Irrigated Fee option to meet the long-term funding needs of the WCGSA as reflected in the Final Fee Report approved by the WCGSA Board on May 25, 2023. The Board plans to adjust fees during subsequent Fiscal Years based on DWR grant funds that offset eligible GSP implementation and SGMA compliance costs. It is anticipated that the DWR funding agreement will be in place by or prior to the first quarter of 2024. Grant reimbursements for eligible expenses can then begin to offset GSP implementation and SGMA compliance costs.

The WCGSA conducted public outreach as part of establishing a long-term fee including development of a Fact Sheet and Frequently Asked Questions document, conducted five Board meetings where the fee was discussed, two water advisory committee meetings, and two special workshops held during the fee development process. In addition, email notifications were provided to those who are signed up on the GSA’s and County email lists. The public outreach materials and information are available on the WCGSA website.

It is recommended that the WCGSA set the fee for FY23-24 at \$1.16, \$7.39, and \$11.40 per acre per year for the Non-Irrigated, Irrigated-Surface Water, and Irrigated-Groundwater user classes respectively. The fees for each user class would be based on distributing the GSA revenue needs across the three distinct user classes in the Subbasin on a per acre basis. The five-year revenue projections indicate that year 1 (FY23-24) has the lowest revenue needs for the WCGSA. The proposed FY23-24 WCGSA fees are lower than the maximum fees included in the attached WCGSA Proposition 218 Notices distributed in June 2023. Subsequent years are projected to have higher fees based on higher annual revenue projections which may be offset by expected DWR grant funding benefits over subsequent four fiscal years. The WCGSA Board will review the annual revenues and expenses on a regular basis and can adjust fees as prudent if they do not exceed the maximum fee stated in the Proposition 218 Notices circulated to landowners subject to the fees. If a majority protest vote has not succeeded, the WCGSA can certify the majority protest process and approve the proposed fees.

The WCGSA will continue to evaluate fee options and update fees in the future as more information becomes known through the GSP implementation process. In addition, the WCGSA will continue to work to avoid and resolve legal challenges that can result in higher long-term fees for landowners. The fees will provide landowners and properties with immediate SGMA compliance benefits and local representation for substantially lower costs than if no GSA was formed. If no GSA was formed, the landowners would be subject to regulation and oversight by the State Water Resources Regional Control Board (SWRCB) and would be subject to higher fees.

(continued on next page)

Recommendation: That the WCGSA Board approve the proposed Operations Fees based on the following actions.

1. Approval of the Final Fee Report including recommended long-term fees and Proposition 218 Notices.
2. Certifying the WCGSA Proposition 218 Majority Protest process through approval of Resolution 2023-01.
3. Approving the FY23-24 WCGSA Annual Operations Budget through approval of Resolution 2023-02.
4. Compliance with Proposition 218 requirements pertaining to property-based assessments.

Attachments:

Exhibit A: Resolution To Establish and Collect a Fee for the Wyandotte Creek GSA Operations

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2023-03

CONSIDERATION OF A RESOLUTION TO ESTABLISH AND COLLECT A FEE FOR THE WYANDOTTE CREEK GSA OPERATIONS

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 27, 2023, the WCGSA, in accordance with the provisions of Proposition 218 and Authority Resolution No. 2023-01, held a properly noticed “Majority Protest” hearing regarding the Authority’s proposed “Operations Fee”; and,

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

WHEREAS in accordance with the provisions of Proposition 218, the Authority 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 has certified the results of the Proposition 218 Majority Protest process in accordance with approval of WCGSA Resolution No. 23-01.
- 2) The WCGSA Board has approved the FY23-24 Annual Operations Budget in accordance with approval of WCGSA Resolution No. 23-02.
- 3) The Board hereby sets the WCGSA FY23-24 Operations Fees as follows: \$1.16 per acre per year for Non-Irrigated classified parcels, \$7.39 per acre per year for Irrigated-Surface Water classified parcels, and \$11.40 per acre per year for Irrigated-Groundwater classified parcels.

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 Oroville, California.

_____ Bill Connelly, Chair of the Board of Directors

_____ Kamie Loeser, Secretary



**Wyandotte Creek
Groundwater Sustainability Agency
Agenda Transmittal**

Agenda Item: 7

Subject: Consideration of a Resolution Certifying the Legal Process to Place the Wyandotte Creek GSA Operations Fee on the Tax Roll.

Contact: Kamie Loeser

Phone: 552-3595

Meeting Date: 7/27/2023

Regular Agenda

Department Summary:

The Wyandotte Creek Groundwater Sustainability Agency (Wyandotte Creek GSA) is establishing a fee to fund the ongoing GSA administration, GSP implementation activities, and SGMA compliance and reporting requirements. The Wyandotte Creek GSA Board has met the Proposition 218 and State Water Code requirements associated with approving a property-based fee to be implemented for the FY23-24 period. The proposed fee would be implemented through the Butte County Assessor's Office which requires the Wyandotte Creek GSA to approve the attached resolution.

The attached resolution would authorize the Program Manager for the Wyandotte Creek GSA to serve as the authorized representative to implement the required documentation and information to the County Assessor's Office in a timely manner upon approval of a VGSA long term fee for FY23-24. The County Assessor's Office requires an application and associated submittals (including approval of the attached resolution) be submitted to their Office by the August 10, 2023, assessor fee roll deadline. All new fees must complete the necessary documentation to establish new fees that are collecting revenues through the County property fee assessment process. Once fees are established, they may be amended at any time based on actions by the Wyandotte Creek GSA Board. The Program Manager is authorized to facilitate implementation of the approved Wyandotte Creek GSA fees for FY23-24 only.

Attachments:

Exhibit A: Resolution Certifying the Legal Process To Place the Wyandotte Creek GSA Operations Fee on the Tax Roll

Recommendation: That the Wyandotte Creek GSA Board consider approving the resolution to certify the legal process to place the Wyandotte Creek GSA operations fee on the Tax Roll.

Attachment: Resolution certifying the legal process to place the WCGSA Operations Fee on the Tax Roll.

Fiscal Impact: None

Staff Recommendation: Approve the attached resolution certifying the legal process to place the Wyandotte Creek GSA operations fee on the Tax Roll.

WYANDOTTE CREEK GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 23-04

CONSIDERATION OF A RESOLUTION CERTIFYING THE LEGAL PROCESS TO PLACE THE WYANDOTTE CREEK GSA OPERATIONS FEE ON THE TAX ROLL.

WHEREAS, the notices and election for special assessment fees for the purpose of achieving compliance with the Sustainable Groundwater Management Act of 2014 requirements to be included on the regular County property tax bill for property owners of the Wyandotte Creek Groundwater Sustainability Agency (WCGSA) was completed on July 27, 2023; and

WHEREAS, the WCGSA is placing the special assessments on the Butte County secured property tax roll for collection; and

WHEREAS, the WCGSA has complied with all laws pertaining to the levy of the special Assessments, including Proposition 218, to be collected per State Code 10730; and

WHEREAS, the assessment is being levied without regard to property valuation of the properties involved; and

WHEREAS, the WCGSA agrees that it shall be solely liable and responsible, and will defend and hold the County of Butte harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the WCGSA by the County; and

NOW THEREFORE BE IT RESOLVED by the Wyandotte Creek Groundwater Sustainability Agency that the list submitted with parcel numbers and amount are certified as being correct, the Wyandotte Creek Groundwater Sustainability Program Manager is hereby authorized to sign any documents required and directed to give the list to the Butte County Auditor on behalf of the WCGSA for placement on the secured tax roll for collection:

1. Prop 218 or Compliance Certification and Hold Harmless Statement
2. Property Tax Data Bill Form
3. Authority to Approve Direct Assessment Charges
4. Parcel Listing

UPON MOTION OF THE WYANDOTTE CREEK GROUNDWATER SUSTAINABILITY BOARD MEMBER _____, SECONDED BY BOARD MEMBER _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF THE WYANDOTTE CREEK GROUNDWATER SUSTAINABILITY AGENCY, AT AN OFFICIAL MEETING HELD ON JULY 27, 2023, BY THE FOLLOWING VOTE:

AYES:

NOS:

ABSTAIN:

ABSENT:

ATTEST: _____
SECRETARY OF THE BOARD



Wyandotte Creek Groundwater Sustainability Agency Agenda Transmittal

Agenda Item: 8

Subject: Consideration of a Framework for Fee Review and Appeal Process Policy.

Contact: Kamie Loeser

Phone: 552-3595

Meeting Date: 7/27/2023

Regular Agenda

Department Summary:

The Wyandotte Creek Groundwater Sustainability Agency (Wyandotte Creek GSA) is establishing a long-term fee to fund the ongoing GSA administration, Groundwater Sustainability Plan (GSP) implementation activities, and Sustainable Groundwater Management Act (SGMA) compliance and reporting requirements. The Board approved implementation of an Irrigated/Non-Irrigated fee structure to allocate costs on a more equitable basis with the following user classes:

- 1) Non-Irrigated – low groundwater use for open space/vacant/natural habitat/dry land farming/rangeland parcels.
- 2) Irrigated-Surface Water – parcels that rely on surface water primarily with some groundwater use.
- 3) Irrigated-Groundwater – parcels that rely on groundwater primarily with no access to surface water.

The draft WCGSA Irrigated/Non-Irrigated Policy document is attached for your information and comments. The goal of the policy is to allow landowners to change their user classification (and associated fees) based on being categorized in the correct user class based on parcel level data. Landowners would be able to apply for changes in user classification and associated fees based on submittal of the Application specifying reasons and basis for reclassification.

The Application could be prepared and submitted to the GSA for review and approval through an electronic (online) or handwritten form to make it easy for applications to be submitted to the GSA. All Applications received would be stored in the GSA computer records.

There would be an appeals process included in the policy which would be available to a landowner who has applied for a parcel reclassification which was not approved based on review and consideration of available information and approved GSA policy. Appeals that cannot be resolved administratively by GSA staff would most likely be heard by the GSA Board.

Attached is the framework for the draft policy for comment and input. The intent is to have member agency staff, the Water Advisory Committee, and stakeholders review the policy and provide recommendations for developing a final policy for consideration at the October 2023 Board meeting. Staff would like to have a policy approved before initial fees are charged on the December 2023 property tax bill.

The Wyandotte Creek GSA Board will periodically review this policy and update as needed to ensure fair and equitable billing to landowners who are subject to the fees.

Attachments:

Exhibit A: Framework for Wyandotte Creek GSA Irrigated/Non-Irrigated Fee Policy (for review and discussion)

Fiscal Impact: None

Staff Recommendation: Review and discuss the Wyandotte Creek GSA Irrigated/Non-Irrigated Fee Policy framework and provide input and direction to staff.

TABLE OF CONTENTS

SECTION 1: INTRODUCTION AND PURPOSE..... 2
Introduction
Purpose
Adopted Fees

SECTION 2: USER CLASS/OTHER DEFINITIONS..... 3
Non-Irrigated
Irrigated-Surface Water
Irrigated-Groundwater
Other Definitions

SECTION 3: CURRENT USER CLASSIFICATIONS 5
Service Area Boundary
Service Area Parcel User Class Delineations

SECTION 4: USER CLASSIFICATION CHANGE REQUEST 6
Basis For User Classification Changes
User Classification Change Application
User Change Application Process (TBD)

SECTION 5: USER CLASSIFICATION APPEALS PROCESS 8
Appeals Process (TBD)

APPENDICES – TO BE ADDED

- Appendix A** – Adopted Irrigated/Non-Irrigated Fees
- Appendix B** – Service Area User Class Parcel Map
- Appendix C** – User Class Change Request Application
- Appendix D** – Interactive Parcel Map to Assist Landowners

SECTION 1 – INTRODUCTION AND PURPOSE

Introduction

The Wyandotte Creek Groundwater Sustainability Agency (Wyandotte Creek GSA) is updating its long-term fees in 2023 to fund GSA Administration, GSP Implementation and SGMA compliance costs for the FY23-24 through FY27-28 period. The Wyandotte Creek GSA is approving a new Irrigated/Non-Irrigated fee structure to achieve more equity for those subject to the fee. The Wyandotte Creek GSA needs to develop an associated fee policy to ensure equitable billing for services received.

Purpose

This is a policy document developed by the Wyandotte Creek GSA to implement the new Irrigated/Non-Irrigated fee structure approved in 2023. The purpose of this policy is to ensure that each parcel subject to the fee is properly classified into the correct user class and charged the correct fee amount on a per acre and annual basis based on the unique user class fees. The policy recognizes that the manner in which each parcel is charged under the new fees needs to be flexible to ensure billing equity for landowners and to accommodate changes in land use that necessitate reclassification of parcels into the correct user class for accurate fee assessment purposes.

Adopted Irrigated/Non-Irrigated Fees

The new 2023 Wyandotte Creek GSA fees are included in the resolution approving the fees indicating that there are three user classes subject to the fee. The three user classes are Non-Irrigated, Irrigated-Surface Water, and Irrigated-Groundwater each with a unique per acre per year fee amount. Appendix A includes the resolution approving the new Wyandotte Creek GSA 2023 fees.

SECTION 2 – USER CLASS DEFINITIONS

The Wyandotte Creek GSA is updating its long-term fees in 2023 to recover adequate revenues to achieve Sustainable Groundwater Management Act (SGMA) compliance for all landowners in the service area. The new fee has three (3) distinct user classes with definitions summarized below. Definitions may be updated or refined as needed for accurate fee assessment purposes.

Fee User Class Definitions

Non-Irrigated User Class: Includes parcels within the Wyandotte Creek GSA service area that are considered open space, natural habitat, vacant, dry land farmed or rangeland. Parcels included in this user class have very low groundwater use. This may include parcels located within surface water service area boundaries.

Irrigated-Surface Water User Class: Includes parcels within the Wyandotte Creek GSA service area that primarily use surface water, which may include parcels within a surface water provider service area, such as Thermalito Water and Sewer District (TWSD), South Feather Water and Power Agency (SFWPA), California Water Service (Cal Water) or have individual water rights or permits for surface water allocations directly from a creek, stream, or another source. Parcels that use surface water in combination with groundwater in a supplemental fashion will be classified as irrigated-surface water users. Also includes urban areas that use surface water primarily.

Irrigated-Groundwater User Class: Includes parcels within the Wyandotte Creek GSA service area that use groundwater and do not have access to or the right to use surface water supplies. These parcels will typically have a well(s) on the parcel serving as the primary source of water supply. Also includes urban or developed areas that use groundwater, such as a small community water system.

Other Definitions

County: Butte County located in northern California.

Wyandotte Creek GSA: The Wyandotte Creek Groundwater Sustainability Agency.

Landowner: The landowner of record for a parcel subject to the Wyandotte Creek GSA fee based on County assessor parcel data.

Parcel address: The address of the property subject to the Wyandotte Creek GSA fee based on County assessor parcel data.

Parcel Acreage: The total acreage of the parcel subject to the Wyandotte Creek GSA fee based on County assessor parcel data. If there is more than one acreage figure for a parcel the Wyandotte Creek GSA will generally base fees on the lower acreage figure or the acreage figure that most accurately represents the parcel acreage. Multiple sources of data will be referenced in order to verify use of accurate acreage data for assessing Wyandotte Creek GSA fees.

Parcel Acreage For Boundary Parcels: For parcels that overlay the Wyandotte Creek GSA service area boundary, the net acreage of the parcel subject to the Wyandotte Creek GSA fee located within the Wyandotte Creek GSA boundary will be used for fee assessment purposes based on County assessor data.

DRAFT

SECTION 3 – CURRENT USER CLASSIFICATIONS

This section allows landowners subject to the fee to see how their parcel(s) was classified under the new Wyandotte Creek GSA Irrigated/Non-Irrigated 2023 fee structure with three (3) user classes. The Wyandotte Creek GSA will make parcel level fee data easily available to landowners subject to the fee.

Wyandotte Creek GSA Service Area Boundary

Appendix B includes the Wyandotte Creek GSA service area boundary. Parcels with a portion of their acreage within the Wyandotte Creek GSA boundary will only be assessed fees based on their acreage within the Wyandotte Creek GSA service area boundary.

Wyandotte Creek GSA Service Area Parcel User Class Delineations

Appendix B includes a Wyandotte Creek GSA service area parcel map indicating user class delineations based on the approved 2023 fees and associated definitions included in this draft policy document. Landowners can see how their parcel was classified from viewing this map which indicates how parcels were classified based on the three (3) user classes included in the approved fees for the fee assessment process.

The parcel map delineations will be updated periodically based on changes in user class definitions and/or changes in land use necessitating a change in user class for a given parcel for equitable fee assessment purposes.

SECTION 4 – USER CLASSIFICATION CHANGE REQUEST

Landowners will have the option of requesting a change in user classification (and associated fee assessment) based on implementation of the Wyandotte Creek GSA Irrigated/Non-Irrigated fee structure approved in 2023 (see Appendix A). The purpose of this policy is to ensure that each parcel subject to the fee is properly classified into the correct user class and charged the correct fee amount on a per acre and annual basis based on the unique user class fees.

The Wyandotte Creek GSA recognizes that under the new fee policy landowners need to be provided with the opportunity to change their user classification in the event they are classified in the incorrect user class, are being assessed fees based on incorrect acreages, and/or need to change their user classification based on changes in land use at the parcel level. The policy recognizes there needs to be flexibility for landowners subject to the 2023 fee structure to ensure fee assessment equity and to accommodate changes in land use that necessitate parcel reclassification into the correct user class for accurate fee assessment purposes.

Basis For User Classification Changes

Each parcel was classified into the appropriate user class based on available information at the time the fees were approved. The fees included separate fees for each of the three user classes subject to the fee. The three user classes are Non-Irrigated, Irrigated-Surface Water, and Irrigated-Groundwater each with a unique per acre per year fee basis. Appendix A includes the resolution approving the new 2023 fees.

Landowners can request reclassification of their parcel(s) under the new 2023 Wyandotte Creek GSA fees based on the following circumstances:

- (1) parcel is classified improperly (not in correct user class);
- (2) parcel fee assessment amount is incorrect (based on acreage inaccuracy or incorrect user classification); or
- (3) parcel land use has changed requiring the parcel to be reclassified into a different user class.
- (4) TO BE ADDED – OTHER?**

To facilitate a landowner User Classification Change request the Wyandotte Creek GSA is providing an application for landowners to complete to process these requests.

User Classification Change Application

The Wyandotte Creek GSA can process changes in fee user classifications by accepting an Application from landowners requesting a specific change. The Wyandotte Creek GSA has the option of providing both electronic and manual form entry versions to accommodate those completing applications. A sample of the manual and electronic application forms are included in Appendix C.

The Wyandotte Creek GSA will review and process Applications received within **XX** business days of receiving the Application. All Applications received will be stored electronically for Wyandotte Creek GSA records.

Current and proposed user class information will be verified by Wyandotte Creek GSA staff before a final determination is rendered. Approved Applications will be signed and dated by authorized staff and kept in Wyandotte Creek GSA records. If Applications are not approved, staff will indicate the reason denying the reclassification request. There will be no Application fee levied by the Wyandotte Creek GSA in processing these Applications.

TO BE ADDED – TIMING AND UPDATED TO THE ASSESSOR’S TAX ROLL.

DRAFT

SECTION 5 – USER CLASSIFICATION APPEALS PROCESS

Landowners who request a parcel user class reclassification under Section 4 of this policy who are denied the request, may appeal the decision.

Appeals Process

TO BE ADDED

- Form
- Assigned staff and timelines for review of and response to appeal
- Identify when appeals go to Board for decision

DRAFT