



Wyandotte Creek Groundwater Sustainability Agency Agenda Transmittal

Agenda Item: 6

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

Contact: Dillon Raney **Phone:** (530) 552-3589 **Meeting Date:** June 27, 2024 **Regular Agenda**

Department Summary:

On July 27, 2023, the Wyandotte Creek Groundwater Sustainability Agency (GSA) adopted Resolution No. 2023-03 titled "Consideration of Establish and Collect a Fee for the Wyandotte Creek GSA Operations."

This resolution established a property-based fee to fund the GSA’s ongoing administration, Groundwater Sustainability Plan (GSP) implementation, and compliance with the Sustainable Groundwater Management Act (SGMA). The maximum fees were set at \$1.38 per acre per year for Non-Irrigated classified parcels, \$8.98 per acre per year for Irrigated-Surface Water classified parcels, and \$13.86 per acre per year for Irrigated-Groundwater classified parcels. However, the Board is committed to cost efficiency and aims to set the fee below this maximum to minimize costs for landowners whenever feasible.

For the fiscal year 2024-25, the proposed fees are \$0.71 per acre per year for Non-Irrigated classified parcels, \$6.44 per acre per year for Irrigated-Surface Water classified parcels, and \$10.12 per acre per year for Irrigated-Groundwater classified parcels, which is based off of the proposed 24/25 fiscal year budget. These fees align with the approved 2023 Proposition 218 Final Fee Report and addresses updated revenue needs, ensuring efficient operation of the Wyandotte Creek GSA.

The Wyandotte Creek GSA evaluates and updates these fees annually, informed by ongoing GSA operations and GSP implementation. These fees offer immediate SGMA compliance benefits and local representation, providing a cost-effective alternative to potential oversight and higher fees from the State Water Resources Control Board (SWRCB). This approach provides significant benefits to landowners while maintaining SGMA compliance at the lowest possible cost.

The Wyandotte Creek GSA will request Butte County to collect the fee on the 2025 tax roll. To be placed on the Butte County Tax Roll for fiscal year 2024-25, the direct charge packet must be submitted to the Butte County Auditor-Controller by August 10, 2024. The Wyandotte Creek GSA agrees to the cost of direct charges and to the statutory and procedural terms for collection on the tax roll.

Fiscal Impact:

Staff Recommendations: That the Wyandotte Creek GSA Board approve Resolution No. 2024-02 Setting the 2024-25 Operations Fee and Request of Butte County to Collect the Fee on the 2025 Tax Roll.

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2024-02

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

WHEREAS on May 25, 2023, the Wyandotte Creek Groundwater Sustainability Agency (GSA) approved the Wyandotte Creek GSA Fee Report; and

WHEREAS the approved Fee Report established an Irrigated/Non-Irrigated Fee option and set the 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; and

WHEREAS on July 27, 2023, the Wyandotte Creek GSA Board of Directors (“Board”) certified the results of the Proposition 2018 Majority Protest Process, in accordance with Resolution No. 2023-01 titled "Resolution Certifying Wyandotte Creek Majority Protest Process and Approving Fee"; and

WHEREAS, also on July 27, 2023 the Wyandotte Creek GSA Board adopted Resolution 23-04 titled “Resolution Certifying the Legal Process to Place the Wyandotte Creek GSA operations Fee on the Tax Roll”; and

WHEREAS by Resolution No. 2024-01 the Wyandotte Creek GSA Board of Directors adopted the 2024/25 annual budget on June 27, 2024; and

WHEREAS based on the 2024/25 annual budget the Wyandotte Creek GSA intends to set the 2024/25 Wyandotte Creek GSA Operational Fee of \$0.71, \$6.44, and \$10.12 per acre per year for parcels classified as Non-Irrigated, Irrigated Surface Water, and Irrigated Groundwater respectively; and

WHEREAS the Wyandotte Creek GSA requests Butte County (County) to collect on the County tax rolls the fee validly adopted pursuant to this Resolution and in order to be placed on the Butte County Tax Roll for fiscal year 2024/2025 the direct charge packet must be submitted to the Butte County Auditor-Controller by August 10, 2024; and,

WHEREAS the County has required as a condition of the collection of said charges that the Authority warrant the legality of said fees and defend and indemnify the County from any challenge to the legality thereof.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY

AGENCY does hereby resolve, declare and order as follows:

- 1) The Wyandotte Creek GSA Board requests the Auditor-Controller of the County collect the property-related fee of \$0.71, \$6.44, and \$10.12 per acre per year for parcels classified as Non-Irrigated, Irrigated Surface Water, and Irrigated Groundwater respectively on the County tax rolls.
- 2) The Wyandotte Creek GSA warrants and certifies the fees imposed by the Wyandotte Creek GSA, which are requested to be collected by the County on the 2024/25 Secured Property Tax bill, comply with all requirements of state law, including but not limited to the requirements of Proposition 218 including Articles XIII C and XIII D of the California Constitution.

- 3) The Wyandotte Creek GSA agrees to defend, indemnify, and hold harmless the County, the Board of Supervisors, the Director of Finance, its officers, agents and employees (the “Indemnified Parties”) from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out whether the requirements of Proposition 218 and other state laws were met with respect to the imposition of fees by the Wyandotte Creek GSA.
- 4) The Wyandotte Creek GSA authorizes its agent to attest to the direct charge levies after verification and approval. The Wyandotte Creek GSA agrees to the cost of direct charges and to the statutory and procedural terms for collection on the tax.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY this 27th day of June 2024.

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 3 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 June 27, 2024, at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965.

IN WITNESS WHEREOF, we have signed this certificate this 27th day of June 2024, at Oroville, California.

_____ Bill Connelly, Chair of the Board of Directors

_____ Kamala Loeser, Secretary