

RESOLUTION NO. 2021-13

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SAN BENITO COUNTY WATER DISTRICT
ACTING AS THE GROUNDWATER SUSTAINABILITY AGENCY
FOR THE NORTH SAN BENITO GROUNDWATER BASIN
LEVYING A GROUNDWATER MANAGEMENT FEE**

WHEREAS, on February 8, 2017, after a duly-noticed public hearing, the Board of Directors of the San Benito County Water District (the “Board of Directors”), by Resolution No. 2017-03, elected to have the San Benito County Water District be the exclusive groundwater sustainability agency for the San Benito County portion of the Hollister, Bolsa, and San Juan Valley Subbasins of the Gilroy-Hollister Groundwater Basin; and

WHEREAS, on May 24, 2017, the San Benito County Water District became the exclusive groundwater sustainability agency for the Bolsa Area (3-003.02), Hollister Area (3-003.03), and San Juan Bautista Area (3-003.04) Subbasins of the Gilroy-Hollister Basin; and

WHEREAS, on April 25, 2018, after a duly-noticed public hearing, the Board of Directors of the San Benito County Water District, by Resolution No. 2018-06, elected to have the San Benito County Water District be the exclusive groundwater sustainability agency for the Tres Pinos Valley Groundwater Basin (3-025); and

WHEREAS, on April 25, 2018, after a duly-noticed public hearing, the Board of Directors of the San Benito County Water District, by Resolution No. 2018-05, elected to consolidate the Bolsa Area (3-003.02), Hollister Area (3-003.03), and San Juan Bautista Area (3-003.04) Subbasins of the Gilroy-Hollister Basin and the Tres Pinos Valley Basin (3-025) into a single new basin named the North San Benito Groundwater Basin (3-003.05); and

WHEREAS, on July 3, 2019, the San Benito County Water District, acting as the groundwater sustainability agency for the foregoing subbasins and basin, submitted a Groundwater Sustainability Plan Initial Notification to the California Department of Water Resources for the development of a plan for the North San Benito Groundwater Basin (3-003.05); and

WHEREAS, on July 9, 2019, the San Benito County Water District became the exclusive groundwater sustainability agency for the North San Benito Groundwater Basin (3-003.05) (the “San Benito County Water District GSA” or the “GSA”); and

WHEREAS, the San Benito County Water District GSA has incurred costs to develop the Groundwater Sustainability Plan (the “GSP”) for the North San Benito Groundwater Basin (the “Basin”) and will incur costs to manage the Basin and administer the GSP; and

WHEREAS, Water Code section 10730(a) authorizes the GSA to impose fees to fund the costs of a groundwater sustainability program, including, but not limited to, preparation, adoption, and amendment of a groundwater sustainability plan, and investigations, inspections, compliance assistance, enforcement, and program administration, including a prudent reserve; and

WHEREAS, pursuant to the requirements of Water Code section 10730(b), the GSA provided notice of the time and place of the public meeting at which the groundwater management fee (the “Groundwater Management Fee”) adopted hereby has been considered; the notice was published in compliance with Government Code section 6066, was posted on the GSA’s website, and was mailed to interested parties; the data on which the fee is based was made available to the public at least 20 days before the meeting; and the GSA held the public meeting and permitted written and oral presentations from the public; and

WHEREAS, the GSA has identified the total costs of GSP preparation and the expected annual management and administration costs over the next five years; and

WHEREAS, the GSA’s hydrogeological and groundwater management consultant, Todd Groundwater, has classified the parcels of land within the Basin into categories that reflect their location relative to productive portions of the Basin and their location relative to the service areas of existing major municipal and industrial water purveyors; and

WHEREAS, Todd Groundwater has provided to the GSA a tabular dataset including Assessor’s Parcel Number (APN), location relative to the Basin, and the category assignments of each parcel of land within the Basin; and

WHEREAS, Todd Groundwater has advised the GSA that groundwater management provides benefits for all landowners within the Basin, but parcels overlying the thick, unconsolidated alluvial materials in valley areas have greater access to groundwater and benefit from development and implementation of a GSP; and

WHEREAS, Todd Groundwater has advised that, groundwater occurrence and beneficial uses are limited in the upland areas surrounding these valleys; and

WHEREAS, based on the findings of Todd Groundwater, District staff has determined that the most equitable method to recover costs for GSP plan development and administration is an acreage-based fee to be applied equally to all parcels deemed to significantly benefit from groundwater management within the Basin excluding parcels in the upland areas with insignificant GSP benefit; and

WHEREAS, the Board of Directors hereby determines that the amount of the proposed Groundwater Management Fee is no more than necessary to cover the reasonable costs of the governmental activity financed thereby and that the manner in which those costs are allocated to the owners of land that are charged the Groundwater Management Fee bears a fair and reasonable relationship to the owners’ benefits received from management of the Basin;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the San Benito County Water District, acting as the San Benito County Water District GSA, that the GSA hereby adopts and levies and provides for the collection of the Groundwater Management Fee as forth in Attachment A hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that, if a water company regulated by the California Public Utilities Commission (CPUC) will be subject to the Groundwater Management Fee, the

District Manager of the San Benito County Water District is authorized and directed to notify the CPUC by way of letter to the Director of the Water Division, as required by Water Code section 10730.1.

BE IT FURTHER RESOLVED that the President of the Board is authorized to sign this Resolution on behalf of the Board and the GSA.

PASSED AND ADOPTED by the Board of Directors of the San Benito County Water District, acting as the San Benito County Water District GSA, this 14th day of July 2021 by the following vote:

AYES: DIRECTORS Williams, Tonascia, Flores, Shelton and Tobias

NOES: DIRECTORS None

ABSENT: DIRECTORS None

ABSTAIN: DIRECTORS None

/s/Doug Williams
Doug Williams
President

ATTEST: /s/Sara Singleton
Sara Singleton
Assistant Manage