

CENTRAL DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2021-01

**RESOLUTION ADOPTING THE ADMINISTRATIVE POLICY NUMBER ONE
WELL REGISTRATION POLICY FEES**

A. **WHEREAS**, the Central Delta-Mendota Groundwater Sustainability Agency (the “Central Delta-Mendota GSA”) is a joint powers authority, formed pursuant to the Joint Exercise of Powers Act (Govt. Code §§ 6500, *et seq.*); and

B. **WHEREAS**, pursuant to the Sustainability Groundwater Management Act (“SGMA”), the Central Delta-Mendota GSA has the powers provided to it by virtue of being a groundwater sustainability agency (“GSA”); and

C. **WHEREAS**, California Water Code section 10730 provides that a GSA may impose fees to cover costs of a groundwater sustainability program, including fees to fund the costs for investigations, inspections, and enforcement for compliance with SGMA; and

D. **WHEREAS**, pursuant to California Water Code section 10730(b)(2), the Central Delta-Mendota GSA member agencies received notice of the time and place of the meeting held to adopt the fees, by posting notice on the Internet Web site of the Central Delta-Mendota GSA and mailing notice to any interested party who filed a written request; and

E. **WHEREAS**, pursuant to California Water Code section 10730(b)(3), the Central Delta-Mendota GSA made available to the public data upon which the proposed fee is based more than twenty (20) days prior to the meeting held to adopt the fees; and

F. **WHEREAS**, the Central Delta-Mendota GSA intends to adopt its Administrative Policy Number One Well Census and Registration Policy (the “Well Census and Registration Policy”) to establish and achieve an accurate and comprehensive well census of all wells within its boundaries, requiring the registration such wells, and allowing for the imposition of fees and penalties for non-compliance; and

G. **WHEREAS**, under Proposition 26, all levies, charges and exactions imposed by state or local governments are taxes, unless they fit into one of seven stated exceptions. One such exception includes “[a] fine, penalty, or other monetary charge imposed by ... a local government” for violations of the law; and

H. **WHEREAS**, the Board of Directors of the Central Delta-Mendota GSA is authorized and now intends to adopt the administrative fee and penalty schedule as proposed in its Administrative Policy Number One Well Registration Policy Fee Rate Study (the “Well Registration Fee Rate Study”) to establish an enforcement mechanism for non-compliance with the Well Census and Registration Policy.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the Central Delta-Mendota GSA finds as follows:

1. The facts stated in the Recitals above are true and correct and the Board of Directors so finds, orders, and determines.

2.. The Central Delta-Mendota GSA hereby adopts the fees as set forth in the Well Registration Policy Fee Rate Study, attached hereto and incorporated herein as Exhibit A.

3. Fees and penalties may be imposed by the Central Delta-Mendota GSA upon landowners and water users in accordance with the Well Census and Registration Policy, and such fees and penalties are exempt under Proposition 26 as non-taxes.

4. The Board of Directors authorizes its member agencies and the Central Delta-Mendota GSA's consultants to take such other actions as necessary to implement the purpose of this Resolution.

PASSED, APPROVED, AND ADOPTED this 25th day of January, 2021 by the following vote:

AYES: Miles, Ramirez, Wade, McBride, Cadena, Barcellos, Linneman, Wood, Montgomery, Pucheu

NAYS:

ABSTAIN:

ABSENT:



AARON BARCELLOS, Chairman

Attest:


BEN FENTERS, Secretary

Date: 3 / 2 / 2021

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CENTRAL DELTA-MENDOTA GROUNDWATER SUSTAINABILITY AGENCY, held on the 25th day of January, 2021.


BEN FENTERS, Secretary

EXHIBIT A

Well Registration Policy Fee Schedule

Domestic/Monitoring Wells	
Failure to register by 4/1/21	\$100 per unregistered well
Continual failure to register	\$100 per well; first day of each quarter
Non-Operational Production Wells	
Failure to register by 4/1/21	\$100 per unregistered well
Continual failure to register	\$500 per well; first day of each quarter
Non-Operational Wells	
Failure to register by 4/1/21	\$100 per unregistered well
Continual failure to register	\$500 per well; first day of each quarter
Operational Wells	
Failure to register by 4/1/21	\$1,000 per unregistered well
Continual failure to register	\$90 per day; beginning 2nd quarter
Maximum per day	\$1,800 daily fee 100% each quarter
A well owner may petition the Central Delta-Mendota GSA Board of Directors to reduce the fee if a pump test performed by a third party, demonstrates maximum flow rate using the following formula: $\$900 \times \text{max (cfs)} \times \text{days late} \times \text{quarters}/10$	