

**MERCED SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY  
RESOLUTION NO. 2019-01**

**RESOLUTION OF THE MERCED SUBBASIN GROUNDWATER SUSTAINABILITY  
AGENCY ADOPTING A LANDOWNER FEE FOR SUSTAINABLE GROUNDWATER  
MANAGEMENT ACT COMPLIANCE**

**WHEREAS**, the Sustainable Groundwater Management Act (SGMA) was signed into law on September 16, 2014 and adopted as California Water Code, section 10720, et. seq.; and

**WHEREAS**, the purpose of SGMA is to provide sustainable management of groundwater basins and enhance local management of groundwater through empowering local management agencies with authority, technical, and financial assistance necessary to sustainably manage groundwater; and

**WHEREAS**, the Merced Subbasin Groundwater Sustainability Agency (GSA) was formed on March 15, 2017 pursuant to Water Code section 10723(a); and

**WHEREAS**, the Merced Subbasin GSA has the obligation to sustainably manage groundwater resources within the management area of the GSA; and

**WHEREAS**, sustainability is achieved through the development and implementation of a Groundwater Sustainability Plan (GSP) pursuant to Water Code section 10727(a); and

**WHEREAS**, non-compliance with the SGMA may result in state intervention under Water Code section 10735.2 and additional landowner fees and reporting required by the State Water Resources Control Board; and

**WHEREAS**, the Merced Subbasin GSA has been developing a required GSP in coordination with the Merced Irrigation Urban GSA and the Turner Island Water District GSA-1 in the Merced Subbasin (DWR Subbasin No. 5-22.04); and

**WHEREAS**, the Merced Subbasin GSA is authorized by Water Code Section 10730 to collect revenues sufficient to cover the costs of operating the GSA, developing a GSP and funding the activities necessary to develop and implement the GSP; and

**WHEREAS**, the Merced Subbasin Governing GSA Board has been developing a proposed Landowner Fee for SGMA Compliance since April 2018 and has held two public workshops to notify the public of the proposed fee on April 17, 2019 and April 24, 2019; and

**WHEREAS**, the Merced Subbasin GSA has elected to submit the proposed fees to the Proposition 218 protest voting procedural requirements established by Article XIII D section 6 of the California Constitution; and

**WHEREAS**, the Merced Subbasin GSA Governing Board approved a Fee Study on June 5, 2019, set the required public hearing for July 23, 2019, and approved notification to be sent to all landowners at least 45 days in advance of the public hearing.

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Board of the Merced Subbasin GSA that a majority of impacted property owners did not submit written protests and the Merced Subbasin GSA has the legal authority to charge a landowner fee for SGMA compliance.

**BE IT FURTHER RESOLVED**, member agency Le Grand-Athlone Water District has chosen to pay the Merced Subbasin GSA directly rather than have the GSA impose a landowner fee. The Merced Subbasin GSA will not impose the fee directly on acres in the Le Grand-Athlone Water District, but will bill the Le Grand-Athlone Water District for the total amount imposed on landowners within the boundary of Le Grand-Athlone Water District pursuant to the same per acre methodology described in the Fee Study.

**BE IT FURTHER RESOLVED**, that the Merced Subbasin GSA adopts a Landowner Fee for SGMA Compliance, as described in the aforementioned Fee Study.

**PASSED AND ADOPTED** at a special meeting of the Governing Board at Merced, California, this 23<sup>rd</sup> day of July 2019, by the following vote:

AYES: Kelley, Marchini, Park, Pareira, Gallo

NOES: None

ABSTAINING: None

ABSENT: Upton

MERCED SUBBASIN GROUNDWATER  
SUSTAINABILITY AGENCY

By: Robert S. Kelley  
Chair

ATTEST:

[Signature]  
Secretary