

**MERCED SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY
RESOLUTION NO. 2022-05**

RESOLUTION ADOPTING A PHASE 1 FUNDING MECHANISM LANDOWNER FEE

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 necessarily to sustainably manage groundwater; and

WHEREAS, the Merced Subbasin Groundwater Sustainability Agency (MSGSA) was formed on March 15, 2017 as a joint powers authority pursuant to Government Code section 6500, *et seq.*, by agencies that qualify to be groundwater sustainability agencies; and

WHEREAS, three GSAs in the Merced Groundwater Subbasin (Basin Number 5-22.04) have coordinated on the development of a single Groundwater Sustainability Plan (GSP) pursuant to Water Code section 10727(a); and

WHEREAS, the Merced Subbasin GSP was originally submitted to the California Department of Water Resources (DWR) on January 28, 2020, with a July 2022 Update intended to be submitted in response to a Statement of Findings issued by DWR on January 28, 2022; and

WHEREAS, the MSGSA adopted Resolution 2021-02 on November 12, 2021 that detailed elements of a two-phase approach to implementing the GSP; and

WHEREAS, Resolution 2021-02 directed the MSGSA to design and adopt by summer of 2022 an additional Phase I Proposition 218 fee to fund mechanisms for implementation of the Water Year 2025 Objective, which was thereafter called the Phase I Funding Mechanism, and that such funding mechanism will sunset after 2025 and be replaced by the Phase 2 Funding Mechanism; and

WHEREAS, the MSGSA established an ad-hoc committee to develop the recommended elements of a the Phase 1 Funding Mechanism, and authorized the preparation of an Engineer's Report; and

WHEREAS, on May 12, 2022, the MSGSA adopted the Engineer's Report and set a public hearing on a protest vote for July 19, 2022, approved notification to be sent to all affected parcels at least 45 days in advance of the public hearing, and determined the proposed fee not to exceed the proportional cost of the service attributable to each irrigated parcel within the GSA; and

WHEREAS, the notice included instructions for filing a protest to the proposed Phase 1 Funding Mechanism.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Board of the Merced Subbasin GSA that a majority of impacted property did not submit written protests against the Phase 1 Funding Mechanism and the MSGSA has the legal authority to charge a landowner fee for purposes set forth in the Engineer's Report.

BE IT FURTHER RESOLVED, by the Merced Subbasin GSA Governing Board adopts the Phase 1 Funding Mechanism, as described in the aforementioned Engineer's Report.

BE IT FURTHER RESOLVED, by the Merced Subbasin GSA Governing Board adopts the Phase 1 Funding Mechanism rate for Fiscal Year 2023 as \$24.94 per acre for all irrigated lands not subject to the additional charge for the water rights application payment, and \$26.61 for lands also subject to the additional charge for the water rights application payment, as described in the aforementioned Engineer's Report.

PASSED AND ADOPTED at a regular meeting of the Governing Board at Merced, California, this 19th day of July 2022, by the following vote:

AYES:


NOES:

ABSTAINING:

ABSENT:

MERCED SUBBASIN GROUNDWATER
SUSTAINABILITY AGENCY

By: 
Chair

ATTEST: 
Secretary