



**Wyandotte Creek
Groundwater Sustainability Agency
Agenda Transmittal**

Agenda Item: 4

Subject: Consider approval of Amended Resolution No. 2023-01

Contact: Kamie Loeser

Phone: 552-3595

Meeting Date: 8/24/2023

Regular Agenda

Department Summary:

On July 27, 2023, the Wyandotte Creek Groundwater Sustainability Agency (WCGSA) Board of Directors held a Proposition 218 public hearing to hear any protests against the proposed Operations Fee. After closing the public hearing, the Board adopted Resolution No. 2023-01, "Consideration of Resolution Certifying Wyandotte Creek Majority Protest Process and Approving Fee and Basis for Setting the Operations Fee." Following that resolution, the Board adopted another resolution imposing reduced fees on real property within the basin for FY23-24.

After further review of Resolution No. 2023-01, GSA staff and legal counsel recommend adopting an Amended Resolution No. 2023-01 to clarify that, consistent with the Resolution's title and the Board's discussion on July 27, the WCGSA Board approved the Operations Fee at the same time that it certified the protest results. This will allow the WCGSA Board to rely on the completed Proposition 218 process and the noticed rates if and when it imposes fees in future years.

This amendment will have no effect on the fees imposed for FY23-24, nor will it determine the amount of fees actually imposed in any future years.

Fiscal Impact: None

Staff Recommendation: Approve Amended Resolution and Authorize the Chair to Sign.

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY

AMENDED RESOLUTION NO. 2023-01

CONSIDERATION OF RESOLUTION CERTIFYING WYANDOTTE CREEK MAJORITY PROTEST PROCESS AND APPROVING FEE

WHEREAS the Wyandotte Creek Subbasin Groundwater Sustainability Agency (WCGSA) is authorized to establish an operations fee by Water Code Section 10730; and

WHEREAS Article XIID Section 6, the State of California's Constitution (Proposition 218) requires that public agencies place establishment of certain fees before voters in what is defined as a “majority protest” election and hearing; and,

WHEREAS on July 27, 2023, the WCGSA, in accordance with the provisions of Proposition 218, held a properly noticed “Majority Protest” hearing regarding the WCGSA’s proposed “Operations Fee”; and,

WHEREAS in accordance with the provisions of Proposition 218, the WCGSA solicited landowner comment on the proposed Operations Fee before considering fee approval; and,

WHEREAS in accordance with the provisions of Proposition 218, the WCGSA accepted written protests regarding the proposed Operations Fee until the conclusion of the public hearing; and,

WHEREAS on July 27, 2023, the WCGSA Board of Directors adopted Resolution No. 2023-01, certifying the number of written protests received, and certifying that there was not a Majority Protest against the proposed Operations Fee; and,

WHEREAS the WCGSA Board of Directors wishes to clarify that its adoption of Resolution No. 2023-01 included approval of the proposed Operations Fee in the maximum amounts authorized by Proposition 218; and,

WHEREAS, the WCGSA Board of Directors took later action to adopt Resolution No. 2023-03 setting and imposing the Operations Fee for FY23-24, and the fees for FY23-24 set by that resolution are not affected by the amendment of Resolution No. 2023-01.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY does hereby resolve, declare and order as follows:

- 1) The WCGSA Board having reviewed the reported results of the written protests provided to it by its consultant, does hereby certify 108 written protests were submitted by affected landowners out of a possible number of 11,957.
- 2) Having reviewed the above results, the Board hereby certifies and affirms that there were not a sufficient number of written protests filed to reach the required “Majority Protest” threshold.
- 3) Therefore, in accordance with those certified results, the Board approves the Operations Fee in the maximum amounts authorized by Proposition 218.
- 4) Therefore, the Board does hereby affirm that the actual amount of Operations Fee to be imposed for FY23-24 may be adopted at this meeting as a subsequent action item on this meeting agenda.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY this 24th day of August 2023.

WCGSA Board of Directors Meeting Date: August 24, 2023, Meeting Packet.

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 2 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 August 24, 2023, at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965.

IN WITNESS WHEREOF, we have signed this certificate this 24th day of August 2023, at Chico, California.

_____ Bill Connelly, Chair of the Board of Directors

_____ Kamie Loeser, Secretary

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2023-01

CONSIDERATION OF RESOLUTION CERTIFYING WYANDOTTE CREEK MAJORITY PROTEST PROCESS AND APPROVING FEE

WHEREAS the Wyandotte Creek Subbasin Groundwater Sustainability Agency (WCGSA) is authorized to establish an operations fee by Water Code Section 10730; and

WHEREAS Article XIID Section 6, the State of California's Constitution (Proposition 218) requires that public agencies place establishment of certain fees before voters in what is defined as a “majority protest” election and hearing; and,

WHEREAS on July 26, 2023, the WCGSA, in accordance with the provisions of Proposition 218 and Resolution No. 2023-01, held a properly noticed “Majority Protest” hearing regarding the WCGSA’s proposed “Operations Fee”; and,

WHEREAS in accordance with the provisions of Proposition 218, the WCGSA solicited landowner comment on the proposed Operations Fee before considering fee approval; and,

WHEREAS in accordance with the provisions of Proposition 218, the WCGSA accepted written protests regarding the proposed Operations Fee until the conclusion of the public hearing.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY does hereby resolve, declare and order as follows:

- 1) The WCGSA Board having reviewed the reported results of the written protests provided to it by its consultant, does hereby certify ___ written protests were submitted by affected landowners out of a possible number of 11,957.
- 2) Having reviewed the above results, the Board hereby certifies and affirms that there were not a sufficient number of written protests filed to reach the required “Majority Protest” threshold.
- 3) Therefore, in accordance with those certified results, the Board does hereby affirm that the Operations Fee may be adopted at this meeting as a subsequent action item on this meeting agenda.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY this 27th day of July 2023.

WCGSA Board of Directors Meeting Date: July 27, 2023, Meeting Packet.

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 2 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 July 27, 2023, at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965.

IN WITNESS WHEREOF, we have signed this certificate this 27th day of July 2023, at Chico, California.

_____ Bill Connelly, Chair of the Board of Directors

_____ Kamie Loeser, Secretary