

# **Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez River Valley Groundwater Basin**

## **RESOLUTION NO. EMA-2023-003**

### **RESOLUTION REGARDING EASTERN MANAGEMENT AREA GROUNDWATER SUSTAINABILITY AGENCY AGREEMENT TO PROVIDE REIMBURSEMENT TO EMA GSA AGENCIES FOR CERTAIN SHARED COST CONTRIBUTIONS**

**WHEREAS**, on or about April 27, 2017, the Santa Barbara County Water Agency (“Water Agency”), Santa Ynez River Water Conservation District (“SYRWCD”), City of Solvang (“Solvang”), and Santa Ynez River Water Conservation District, Improvement District No.1 (“ID No.1”) entered into the “Memorandum of Agreement for Formation of a Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez Valley Groundwater Basin under the Sustainable Groundwater Management Act” (the “2017 MOA”); and

**WHEREAS**, among the stated purposes of the 2017 MOA are to form a Groundwater Sustainability Agency (“GSA”) for the Eastern Management Area (“EMA”) of the Santa Ynez River Valley Groundwater Basin (“Basin”) under the Sustainable Groundwater Management Act (“SGMA”), and to develop and submit a Groundwater Sustainability Plan (“GSP”) for the EMA portion of the Basin; and

**WHEREAS**, in January 2022, the EMA GSA timely adopted and submitted to the California Department of Water Resources (“DWR”) its own GSP for the EMA portion of the Basin; and

**WHEREAS**, the EMA GSP identifies various Projects and Management Actions (“PMAs”) to be pursued in the EMA, some to be pursued in the initial years following adoption and submittal of the GSP, to help achieve sustainable groundwater management in accordance with SGMA and the GSP, where funding will be needed for the development and implementation of said PMAs; and

**WHEREAS**, SGMA and other applicable law authorize the imposition of fees and charges, including, but not limited to, permit fees and fees and charges on groundwater extraction or other regulated activity to fund, without limitation, the costs of a groundwater sustainability program and implementing a GSP in accordance with SGMA; and

**WHEREAS**, to date, the EMA GSA has not imposed any fees or charges to generate funding needed for the development and implementation of PMAs identified in the EMA GSP; and

**WHEREAS**, the Department of Water Resources (“DWR”) recently has awarded a Proposition 68 grant (“DWR Grant Funds”) for the three GSAs in the Basin to implement SGMA and certain PMAs identified in their respective GSPs; and

**WHEREAS**, the Water Agency, SYRWCD, Solvang, and ID No.1 (collectively, the “EMA GSA Agencies”) are currently involved in negotiations to form a new Joint Powers Agency (“JPA”) to serve as the EMA GSA, which JPA will have the authority under SGMA and other applicable law to adopt and impose fees and charges throughout the EMA to carry out sustainable groundwater management, including, but not limited to, the administration, development, and implementation of PMAs identified in the EMA GSP, the preparation and administration of reports and other documentation required for SGMA compliance, and the carrying out of other administrative functions for the EMA GSA; and

**WHEREAS**, the EMA GSA and the EMA GSA Parties recognize that a source or sources of interim funding is needed to begin administration, development, and implementation of certain PMAs identified in the EMA GSP, to prepare reports and other documentation required for SGMA compliance, and to carry out other administrative functions for the EMA GSA, where such interim funding is needed prior to the receipt of DWR Grant Funds and/or prior to when the EMA JPA has developed its own funding sources; and

**WHEREAS**, the EMA GSA Agencies are preparing to enter an Interim Cost Sharing Agreement that will enable the EMA GSA Agencies to collectively provide one source of funding to assist with initial efforts such as administering, developing, and implementing PMAs identified in the EMA GSP, preparing reports and other documentation required for SGMA compliance, and carrying out other administrative functions for the EMA GSA prior to the receipt of DWR Grant Funds and/or prior to when the EMA JPA has developed its own funding sources, recognizing that the Interim Cost Sharing Agreement is specifically limited in term, function, and scope as set forth in that Agreement.

**NOW, THEREFORE**, the EMA GSA resolves as follows:

1. The above Recitals are incorporated herein by reference.
2. The EMA GSA agrees that cost sharing amounts voluntarily paid by the EMA GSA Agencies in accordance with the Interim Cost Sharing Agreement and amendments thereto shall be reimbursed to the EMA GSA Agencies, without interest, by the EMA GSA (whether the future EMA JPA or the GSA established under the 2017 MOA and any amendment thereto) through grant funds received by or on behalf of the EMA GSA to the extent allowed by the terms of such grant(s), or through other funds generated, acquired, or otherwise held by or on behalf of the EMA GSA, including but not limited to SGMA-related fees, charges, loans, or other funding, to the extent such reimbursement is authorized by law.
3. Such reimbursement to the EMA GSA Agencies shall be made when the EMA GSA determines it has funds available for such reimbursement that may legally be used for that purpose, provided that such reimbursement shall be made to the EMA GSA Agencies no later than December 31, 2026, unless such date is extended by written agreement among the EMA GSA Agencies.
4. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED by the governing body of the Eastern Management Area Groundwater Sustainability Agency on November 16, 2023 by the following roll call vote:

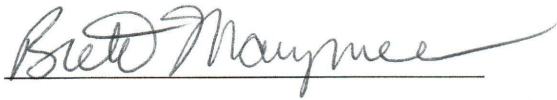
AYES: Dietenhofer, Joos, Marymee, Orona

NOES: NONE

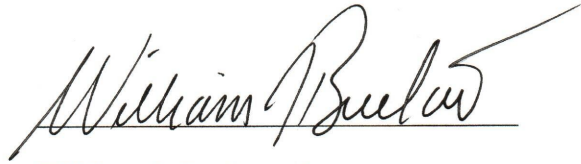
ABSENT: NONE

ABSTAINED: NONE

ATTEST:



Brett Marymee, Chairman



William J. Buelow, Secretary