

**COUNTY OF SACRAMENTO  
GROUNDWATER SUSTAINABILITY AGENCY**

**ORDINANCE NO. 2025-XX**

**AN ORDINANCE PROVIDING FOR A GROUNDWATER REGULATORY FEE  
TO FUND GROUNDWATER MANAGEMENT IN A PORTION OF  
THE SOLANO SUBBASIN**

**BE IT ENACTED BY THE GOVERNING BOARD OF THE SACRAMENTO  
COUNTY GROUNDWATER SUSTAINABILITY AGENCY – SOLANO  
GROUNDWATER SUBBASIN:**

**Section 1. Preamble and Purpose.**

- The State of California enacted the Sustainable Groundwater Management Act (“SGMA”) in 2014, *inter alia*, to provide for the sustainable management of groundwater basins, to enhance local management of groundwater consistent with rights to use or store groundwater, to provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater, and to manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible. (Water Code, § 10720.1.)
- SGMA provides for a county to become a Groundwater Sustainability Agency (“GSA”) for high or medium-priority unmanaged basins, or portions thereof. (Water Code, § 10724.)
- The County of Sacramento, having notified the California Department of Water Resources of its action to accept management responsibility for a 46,500-acre portion of the Solano Subbasin via Board Resolution No. 2017-0210 and an additional 22,500-acre portion via Board Resolution on March 25, 2025, is the GSA for the portion of the Solano Subbasin indicated in Attachment 1 to this Ordinance.
- On August 10, 2021, the Sacramento County Water Agency (SCWA) entered into a agreement with the County of Sacramento as an underlying entity of the County GSA Solano Subbasin.
- SGMA authorizes a GSA to impose a fee on the extraction of groundwater or other regulated activity to fund the costs of a groundwater sustainability program. (Water Code, § 10730.) The levy of a fee on groundwater extraction for the purpose of managing the sustainability of a groundwater subbasin constitutes (1) a charge imposed for a specific benefit conferred directly to the payor that is not provided to those not charged, and (2) a charge imposed for a specific government service provided directly to the payor that is not provided to those not charged.

- The groundwater regulatory fee constitutes a “non-tax fee” pursuant to California Proposition 26 (Cal. Const., Art. XIII C, § 1, subd. (e)) because it is (1) a charge imposed for a specific benefit conferred directly to the payor that is not provided to those not charged, (2) the fee does not exceed the reasonable costs of providing the service and is no more than necessary to cover the reasonable costs of the program (see Attachment 2, Solano Subbasin Fee Study), and (3) The manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the groundwater sustainability program.
- The collective GSAs of the Solano Subbasin have entered into a Collaboration Agreement for Implementation of the Groundwater Sustainability Plan for the Solano Subbasin (“Collaboration Agreement”), which is incorporated by reference into this Ordinance, to identify the shared expenses of GSP implementation and the financial contribution responsibility of each entity.
- The Sacramento County GSA worked with HDR Consultants to develop the Sacramento County GSA – Solano Groundwater Subbasin Fee Study (“Fee Study”) (Attachment 2). The Fee Study shows that the fee adopted herein is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the governmental activity.
- The Sacramento County GSA provided public notice pursuant to Section 6066 of the Government Code and held at least one public hearing in connection with the adoption of this Ordinance.

## **Section 2. Definitions.**

For the purpose of this Ordinance, the following definitions shall apply:

“Solano Subbasin” means the groundwater subbasin (number 5-021.66, Cal. DWR Bulletin 118) located in the southern part of the Sacramento Valley Groundwater Basin in Sacramento and Solano Counties, as depicted in Appendix A to this Ordinance. The subbasin is bounded by Putah Creek on the north, the Yolo County line on the east, the North Mokelumne River on the southeast (from Walnut Grove to the San Joaquin River), and the San Joaquin River on the south (from the North Mokelumne River to the Sacramento River). The western Subbasin boundary is defined by consolidated rocks of the Coast Range and a groundwater divide present between the Sacramento Valley Groundwater Basin within the Sacramento River Hydrologic Region and the Suisun-Fairfield Valley Groundwater Basin within the San Francisco Bay Hydrologic Region.

“County of Sacramento” means the governmental entity and political subdivision of the State of California for the incorporated and unincorporated territory of Sacramento County, governed by its five-member Board of Supervisors.

“Fee” or means a groundwater extraction charge imposed pursuant to this Ordinance.

“Groundwater Extraction Facility” means a device or method for extracting groundwater from within a basin.

“GSA” means the County of Sacramento Groundwater Sustainability Agency for the 46,500-acre portion of the Solano Subbasin indicated in Appendix A of this Ordinance.

“GSA Governing Board” means the County of Sacramento Board of Supervisors.

“GSP” means Groundwater Sustainability Plan.

“Owner” means the fee title owner of a parcel or parcels within the GSA area “Parcel” means any subdivided lot or unit of real property, whether pursuant to the Subdivision Map Act or otherwise. Parcels may be designated on invoices by a County Assessor’s Parcel Number.

“SGMA” means the California Sustainable Groundwater Management Act (Water Code, § 10720, et seq.)

**Section 3. Accessible Acreage Fee** An annual fee of \$XX shall be levied on every parcel in the GSA area that uses groundwater. The owner, operator or agent of each groundwater using parcel shall pay the Parcel Fee as set forth herein.

(b) For the purposes of determining groundwater use the Parcel Fee an irrigated acre may be charged as a fraction of an acre (in tenths of an acre) if the Statewide Crop Mapping Data shows that a portion of an acre has been irrigated. No charge, however, shall be levied upon parcels that don’t utilize groundwater.

(c) The Parcel Fee shall be billed annually as part of the County property tax bill.

#### **Section 4. Use of Fee Revenues.**

Fee revenues may be used for support of the GSA’s groundwater sustainability program, including but not limited to, administration costs, implementation of the Groundwater Sustainability Plan, and groundwater projects and management actions (that are not capital improvement projects). Administrative expenses may include items such as the annual report, data management, public outreach, GSA coordination, legal resources, annual financial audit, general administration, addressing data gaps and state comments. Projects and management actions may include water use efficiency/conservation projects, Flood-Managed Aquifer Recharge (MAR)/dry well projects, funds to pursue groundwater banking, and unidentified future projects.

#### **Section 5. Enforcement and Remedies.**

(a) If an owner or operator knowingly fails to pay a groundwater fee within 30 days of it becoming due, the owner or operator shall be liable to the groundwater sustainability agency for interest at the rate of 1 percent per month on the delinquent amount of the groundwater fee and a 10-percent penalty.

(b) The GSA may bring a suit in Sacramento County Superior Court against any owner or operator of a groundwater extraction facility within the area covered by the GSP for the collection of any delinquent groundwater fees, interest, or penalties imposed under this Ordinance. If the GSA seeks an attachment against the property of any named defendant in the suit, the GSA shall not be required to furnish a bond or other undertaking as provided in Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure.

(c) In the alternative to bringing a suit pursuant to subdivision (b), the GSA may collect any delinquent groundwater charge and any civil penalties and interest on the delinquent groundwater charge pursuant to the laws applicable to the local agency or, if a joint powers authority, to the entity designated pursuant to Section 6509 of the Government Code. The collection shall be in the same manner as it would be applicable to the collection of delinquent assessments, water charges, or tolls.

(d) The remedies specified in this section for collecting and enforcing fees are cumulative and may be pursued alternatively or may be used consecutively as determined by the governing body.

## **Section 6. Administrative Appeals.**

(a) In the event that an Owner is aggrieved by the GSA's levy or computation of the Fee, or by reason of other requirements imposed pursuant to this Ordinance, the Owner may appeal to the Sacramento County Engineer (County Engineer). Any such appeal shall be in writing, shall state the specific reasons therefore and grounds asserted for relief, and shall be filed with the County Engineer within thirty (30) days from the date of issuance of the Fee invoice. If an appeal is not filed within the time or in the manner prescribed above, the right of review of the action against which the complaint is made shall be deemed to have been waived.

(b) Appeals shall be in writing, clearly labeled "GSA Fee Appeal" and delivered to the following address:

County of Sacramento Department of Water Resources  
Groundwater Sustainability Appeals  
827 7th Street, Room 301  
Sacramento, CA 95814

(c) The GSA Governing Board may by resolution adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the

time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.

(d) The GSA Executive Director shall set a hearing of such appeal to be held within sixty (60) days from the date of receipt of said appeal. The County Engineer shall notify the appellant of the hearing date and place at least 10 days prior to the scheduled hearing date. The appeal hearing shall be conducted for the purpose of determining whether the appeal should be granted. It shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any result in any order deemed just and equitable. The hearing may be continued from time to time. At the conclusion of the hearing a written decision which either grants or denies the appeal shall be issued containing findings of fact and conclusions. The written decision shall be filed with the County Engineer and the County Engineer shall serve such decision on the appellant. The decision shall become final upon the date of its filing and service thereof as herein above stated.

(e) The appellant shall prove by clear and convincing evidence that the action of the GSA is inconsistent with this Ordinance or otherwise contrary to applicable law, will cause undue hardship on the appellant, will prevent him or her from making a reasonable use of the property, will interfere with facilities necessary for an adequate and continuous water supply, or that the supporting Irrigated Acreage data is substantially incorrect.

(f) Except as otherwise specifically set forth, any notice authorized or required by this Ordinance shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the United States mail, first class postage prepaid, and addressed to the party to whom it is directed.

## **Section 7. Ordinance Adoption.**

This Ordinance and Appendices were introduced and the title thereof read at the regular meeting of the GSA Governing Board on April 22, 2025 and on \_\_\_\_, 2025 further reading was waived by a vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing Ordinance was passed and adopted by the Sacramento County Groundwater Sustainability Agency, this \_\_\_\_ day of \_\_\_\_\_ 2024, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,

(PER POLITICAL REFORM ACT (§ 18702.5.))

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Chair of the Board of Supervisors  
of the County of Sacramento

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk, Board of Supervisors