

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE TEHAMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS ESTABLISHING FEES ON GROUNDWATER EXTRACTORS FOR THE ADMINISTRATION OF GROUNDWATER BASINS WITHIN THE DISTRICT

THE BOARD OF DIRECTORS OF THE TEHAMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ("District") ORDAINS AS FOLLOWS:

SECTION 1. TITLE.

This Ordinance shall be known as the Groundwater Extraction Administrative and Project Management Action Fee Ordinance.

SECTION 2. PURPOSE AND FINDINGS

- A. Pursuant to Water Code Appendix Chapter 82 and the Sustainable Groundwater Management Act ("SGMA"), the District elected to be a groundwater sustainability agency ("GSA") that has a jurisdiction that is coextensive with the County.
- B. SGMA requires GSAs to develop, implement, and periodically update groundwater sustainability plans and to undertake projects and management actions ("PMAs") to achieve sustainability goals, including monitoring, data management, demand management, recharge projects, and enforcement, all of which impose identifiable and reasonable regulatory and programmatic costs on the District.
- C. The District finds that the administration, monitoring, reporting, and enforcement of Groundwater Extraction activities which includes but is not limited to all of the aforementioned tasks, do impose identifiable administrative costs on the District.
- D. The fees established by this Ordinance are regulatory fees designed to recover the District's reasonable costs of providing these governmental services and regulatory activities and is not a tax. The fee bears a fair or reasonable relationship to the payor's burdens on, and/or benefits received from, the District's administration, PMAs, and related GSA functions.
- E. The District finds that an Administrative Fee is necessary to recover the District's reasonable regulatory costs associated with administering Groundwater Extraction permitting, compliance tracking, data management, enforcement, and related administrative functions.
- F. The District further finds that a PMA fee is necessary to recover the District's reasonable regulatory costs associated with demand management, recharge projects, dry-well mitigation, and enforcement actions associated with these PMAs.
- G. The Administrative Fee shall be used solely to fund the administration, monitoring, reporting, and enforcement of Groundwater Extraction activities described in this Ordinance and any related administrative, planning, engineering, legal, compliance, monitoring, reporting, data management, stakeholder engagement, and enforcement activities.

- H. The PMA fee shall be used solely to fund the GSA PMA program described in this Ordinance and any related administrative, planning, engineering, legal, compliance, monitoring, reporting, data management, stakeholder engagement, and enforcement activities.
- I. The District intends that any challenge to a final administrative decision made under this Ordinance shall be subject to administrative mandamus pursuant to California Code of Civil Procedure section 1094.5, and not traditional mandamus.
- J. To ensure proper judicial review under section 1094.5, this Ordinance establishes an adjudicatory administrative appeal process requiring the taking of evidence, the exercise of discretion in factual determinations, and the issuance of written findings.

SECTION 3. DEFINITIONS

For purposes of this Ordinance:

- A. "Parcel" means any legal parcel assigned an Assessor's Parcel Number (APN) within the County of Tehama.
- B. "Groundwater Extraction" means any known withdrawal of groundwater from the water budget for any Basin for which the District, as the Groundwater Sustainability Agency for all of Tehama County, is required to submit reports on groundwater management to the Department of Water Resources or any succeeding agency, including but not limited to extraction by wells, infiltration galleries, or other groundwater works.
- C. "Fee Administrator" means the District Groundwater Executive or other official designated by the District Groundwater Executive to administer this Ordinance.
- D. "Administrative Fee" means the per parcel annual fee imposed pursuant to this Ordinance to recover the County's reasonable regulatory costs.
- E. "Basin" has the same meaning as it has in the Sustainable Groundwater Management Act, which shall be controlling if there is any ambiguity with later legislation, or the meaning of any subsequent legislation which imposes or continues the requirement that a groundwater sustainability agency submit reports on groundwater management to the Department of Water Resources or any succeeding agency.
- F. "Project Management Actions" or "PMAs" mean the suite of projects and management actions adopted or implemented by the District, including but not limited to water budget refinement, dry-well mitigation programs, demand management, recharge/augmentation projects, monitoring networks, data platforms, reporting to state agencies, compliance and enforcement activities, and associated planning, design, permitting, construction management, operations, maintenance, and public outreach.
- G. "Overdraft Basin" means any Basin where the average annual amount of Groundwater Extraction exceeds the long-term average annual supply of water to the Basin.

SECTION 4. IMPOSITION OF ADMINISTRATIVE FEE.

- A. Each Parcel which receives extracted groundwater shall be subject to an Administrative Fee in the amount established by resolution of the Board of Directors.
- B. The Administrative Fee is intended to be regulatory in nature, designed to recover the District's reasonable costs of administering Groundwater Extraction oversight.
- C. The Administrative Fee shall be payable annually and shall be due on the date specified by the Fee Administrator. Alternatively, the District Board may elect to collect the Administrative Fee on the tax roll in the same manner and at the same time as general property taxes by adopting a resolution electing to do so and describing the process for submission of an annual report describing the fees to be imposed each year to the Clerk of the Board.
- D. Failure to pay the Administrative Fee when due may result in penalties, interest, or enforcement actions authorized by this Ordinance or by state law.
- E. The following parcels are specifically exempted from the Administrative Fee:
 - i. Public rights-of-way;
 - ii. Parcels with verified de-minimis use below a Board-established threshold; and
 - iii. Parcels owned by government entities to the extent prohibited by law.

SECTION 5. IMPOSITION OF A PMA FEE

- A. Each Parcel located within an Overdraft Basin shall be subject to the PMA Fee in the amount established by resolution of the Board of Directors.
- B. The PMA Fee is intended to be regulatory in nature and designed to recover the District's reasonable costs of the services and regulatory activities described herein as PMAs.
- C. The specific PMA Fee schedule, including any fixed and variable components, shall be established and may be amended from time to time by resolution of the District Board.
- D. The PMA Fee shall be due and payable on the date specified by the Fee Administrator. The Board may elect by resolution to collect the Fee on the county tax roll in the same manner and at the same time as general property taxes, following the adoption of the required annual report and any hearings required by law.
- E. Unpaid PMA Fees may be subject to penalties, interest, and collection or enforcement actions as authorized by this Ordinance and applicable law.
- F. The following parcels are specifically exempted from the PMA Fee:
 - i. Public rights-of-way;
 - ii. Parcels with verified de-minimis use below a Board-established threshold;
 - iii. Parcels with no well and no groundwater use that has been verified by the Fee Administrator; and
 - iv. Parcels owned by government entities to the extent prohibited by law.

SECTION 6. FEE STRUCTURE AND ALLOCATION METHODOLOGY.

- A. The Fees may include:
 - i. The Administrative Fee could be allocated on a per parcel (or per account) basis such that each parcel pays the same amount or on one or more proportional factors, which may include irrigated acreage, land use class, water use category, or measured/estimated Groundwater Extraction volumes to recover administration, monitoring, data management, reporting, outreach, and enforcement of Groundwater Extraction activities.
 - ii. The PMA Fee could be allocated based on one or more proportional factors, which may include irrigated acreage, land use class, water use category, or measured/estimated Groundwater Extraction volumes, to recover the incremental PMA costs reasonably attributable to those factors.
- B. The allocation methodology for each of these Fees shall: (i) reasonably reflect the burdens imposed on, and/or benefits received from, the District's administrative activities or PMAs, respectively; (ii) avoid over-collection; and (iii) treat similarly situated parcels similarly.
- C. The Fee Administrator may rely on assessor rolls, well registration and reporting, land use surveys, remote sensing, crop coefficients, and other best-available information. If payor-provided data are incomplete or not timely submitted, the Fee Administrator may use modeled or default factors by category, subject to appeal.
- D. By resolution, the Board may adopt credits or adjustments for:
 - i. Documented private investments or in-kind contributions that directly offset District PMA costs;
 - ii. Participation in District-approved conservation, recharge, or demand management programs that reduce the District's PMA expenses; or
 - iii. Parcels with legal or physical restrictions that materially limit groundwater use.

SECTION 7. FEE PROCEDURE

Regardless of whether these fees or charges are subject to Articles XIII C or XIII D of the California Constitution, the District shall use the following procedure when considering resolutions to impose either an Administrative Fee or a PMA Fee:

- A. The District shall make available to the public any proposed fee, charge, or assessment to which this section is to apply no less than 45 days before the deadline for a ratepayer or assessed property owner to submit an objection pursuant to subsection D below.
- B. The District shall post on its internet website a written basis for the fee, charge, or assessment, and include a link to the internet website in the written notice of the Hearing, including, but not limited to, a notice pursuant to subdivision (c) of Section 4 or paragraph (1) of subdivision (a) of Section 6 of Article XIII D of the California Constitution.

- C. The District shall mail the written basis described in subsection B above to a payor or property owner along with a Notice of Fee Determination which shall include:
- i. The amount of the Fee;
 - ii. A statement of the factual basis for the determination;
 - iii. Instructions for requesting an administrative appeal;
 - iv. A statement that failure to file a timely appeal constitutes a waiver of all administrative objections.
 - v. a written notice of the Hearing, a statement in bold-faced type of 12 points or larger that:
 - i. All written objections must be submitted to the Clerk of the Board of Directors by the end of public comment period at the Hearing and that a failure to timely object in writing bars any right to challenge that fee, charge, or assessment in court and that any such action will be limited to issues identified in such objections.
 - ii. All substantive and procedural requirements for submitting an objection to the proposed fee, charge, or assessment such as those specified for a property-related fee under California Constitution, article XIII D, section 6(a) or for an assessment on real property under California Constitution, article XIII D, section 4(e).
- D. The District shall provide at least 45 days for a payor or property owner to review the proposed fee or assessment and to timely submit to the Clerk of the Board of Directors a written objection to that fee, charge, or assessment that specifies the grounds for alleging noncompliance. Any objection shall be submitted before the end of the public comment portion of a Hearing on the rate, charge or assessment.

SECTION 8. REQUIRED RESPONSE TO THE WELL REGISTRATION SURVEY.

- A. Pursuant to Resolution 9-2022, the District Groundwater Executive has been directed to survey the properties within the District. 2026 shall be the final year for this survey and shall hereinafter be referred to as the 2026 Well Registration Survey.
- B. The 2026 Well Registration Survey shall be sent to all property owners who have failed to submit a GSA Well Registration form to the District at all or have submitted a GSA Well Registration form that fails to contain sufficient information to determine the use of groundwaters on the parcels under their ownership.
- C. Any property owner that receives the 2026 Well Registration Survey is required to submit a GSA Well Registration form within 30 days by sending the fully completed form by certified mail to 1509 Schwab Street, Red Bluff or by completing the online form found at <https://tehamacountywater.org/gsa/well-registration-form/>.
- D. This requirement includes those property owners of parcels that have no well.
- E. A GSA Well Registration form contains sufficient information if it identifies all of the property owner's parcels that have no well or if it provides enough data for the annual average acre-feet of groundwater used on the property to be estimated.

- F. The Executive Director may impose a fine on any property owner that fails to submit a GSA Well Registration form which contains sufficient information when it can be shown that the 2026 Well Registration Survey was sent via certified mail to the property owner at their address as it appears on the last equalized assessment roll and no GSA Well Registration form containing sufficient information was received within 30 days of the mailing.
- G. The fine for a failure to submit a GSA Well Registration form which contains sufficient information may be up to but no more than the minimum Administrative Fee on their parcel assuming the average amount of groundwater usage for the zoning district in which the parcel is located.
- H. The fine may be tripled if a property owner submits a GSA Well Registration form which fraudulently states that there is no well on a parcel.
- I. Each year in which no response to the survey is received shall be considered a separate violation and the Executive Director may impose the fine again on or after the day after the anniversary of the response due date.

SECTION 9. ADMINISTRATIVE APPEAL PROCEDURE

- A. Any parcel owner subject to a fee authorized under this ordinance may file an appeal challenging an action made pursuant to this ordinance that the parcel owner is subject to.
- B. An appeal must be filed in writing with the Fee Administrator within 30 calendar days of the mailing of a bill, whether from the District or as part of a property tax bill, or of the action in question.
- C. Appeals shall be heard by a County appointed Hearing Officer who is neutral, trained in administrative hearings, and authorized to take evidence and issue final decisions.
- D. The appellant shall receive at least 20 calendar days' written notice of the hearing date, time, and location.
- E. The hearing shall be conducted in accordance with procedures ensuring due process, including:
 - 1. The right to present oral and documentary evidence;
 - 2. The right to call and cross examine witnesses;
 - 3. The right to be represented by counsel;
 - 4. The right to submit written argument.
- F. The Hearing Officer shall take evidence, assess credibility, determine facts, and exercise discretion in evaluating the weight of evidence.
- G. The District shall maintain a complete administrative record including:
 - 1. All notices;
 - 2. All documents submitted by the parties;
 - 3. All evidence received;
 - 4. A recording or transcript of the hearing;
 - 5. The Hearing Officer's written decision.

- H. The District bears the initial burden of producing evidence supporting the fee determination or the action. The appellant bears the burden of proving that the determination or action is incorrect.
- I. The Hearing Officer shall issue a written decision containing findings of fact and conclusions.
- J. The decision shall be the District's final administrative decision.
- K. The written findings shall explain the evidentiary basis for the decision and the reasoning supporting the outcome.

SECTION 10. JUDICIAL REVIEW

- A. The District hereby declares that the administrative appeal process established by this Ordinance is intended to satisfy all prerequisites for judicial review by administrative mandamus pursuant to California Code of Civil Procedure section 1094.5.
- B. Any petition for judicial review of a final administrative decision issued under this Ordinance shall be brought exclusively under CCP § 1094.5.
- C. The administrative record prepared under Section 9(G) shall constitute the record for purposes of judicial review.

SECTION 11. CEQA FINDINGS.

The Board of Supervisors finds that adoption of this Ordinance is exempt from CEQA because: (i) it is not a project within the meaning of Public Resources Code, section 21065 because it has no potential to alter the physical environment; (ii) and pursuant to CEQA Guidelines section 15061(b)(3), the so-called "common sense" exemption, for this same reason.

SECTION 12. SEVERABILITY.

If any section, subsection, clause, or phrase of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances, which shall remain in full force and effect. The Board of Directors declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 13. CONFLICTING LAWS.

For the term of this ordinance, as set forth in Section 14 below, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other District code, ordinance, resolution or policy, all such other conflicting provisions shall be suspended.

SECTION 14. EFFECTIVE DATE.

This Ordinance shall be and is hereby declared to be in full force effect from and after thirty (30) days after the date of its passage and the clerk shall cause this Ordinance or a summary to be published once before the expiration of fifteen (15) days after said passage, with the names of the Directors voting for or against the same, in the *Red Bluff Daily News*, a newspaper of general circulation in the County of Tehama, State of California.

In regular session of the Board of Directors of the Tehama County Flood Control and Water Conservation District, introduced on the 16th day of March, 2026, and DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2026, by the Board of Directors of the County of Tehama by following vote:

AYES:
NOES:
ABSENT OR NOT VOTING:

CHAIRMAN, Board of Directors

STATE OF CALIFORNIA)
) §§
COUNTY OF TEHAMA)

I, SEAN HOUGHTBY, County Clerk and ex-officio Clerk of the Board of Directors of the Tehama County Flood Control and Water Conservation District, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Directors on the _____ day of _____, 2026.

DATED this _____ day of _____ 2026.

SEAN HOUGHTBY, County Clerk of
the Board of Directors of the Tehama County
Flood Control and Water Conservation
District, State of California

By _____