

ORDINANCE NO. 11

AN ORDINANCE OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY ESTABLISHING REQUIREMENTS FOR CALCULATION AND BILLING OF A WELLHEAD FEE AND GROUNDWATER EXTRACTION CHARGE, FREQUENCY OF REPORTING AND PAYMENT, AND REPEAL OF ORDINANCE NO. 9.

WHEREAS, Article 1, section 101 of the Ojai Groundwater Basin Management Agency Act declares that the preservation of the groundwater within the territory of the Ojai Basin Groundwater Management Agency for the protection of agricultural, municipal and industrial uses, is in the public interest and for the common benefit of the water users within the agency; and

WHEREAS, Article 10, sections 1001-1007 of the Ojai Groundwater Basin Management Agency Act authorizes the Agency to fix a management charge for the purpose of paying for the costs of initiating, carrying on and completing any of the powers, projects and purposes for which the Agency is organized. However, the Agency may not impose the management charge after January 1, 1995; and

WHEREAS, the agency must raise sufficient funds to pay for the cost of initiating, carrying on and completing the powers, purposes and groundwater management activities described in its authorizing Act; and

WHEREAS, Article 11, section 1101 of the Ojai Groundwater Basin Management Agency Act authorizes the Agency to levy groundwater extraction charges on the extraction of groundwater by the users of groundwater extraction facilities within the boundaries of the Agency; and

WHEREAS, the Agency has adopted Ordinance No. 1, which requires the registration of groundwater extraction facilities and reporting of groundwater extractions within the boundaries of the Agency; and

WHEREAS, Ordinances 1 and 9, taken together, enable the Agency to determine water extractions accurately and to assess and collect charges and fees equitably, so that the Agency may meet its mission of preserving the quantity and quality of the Ojai Basin; and

WHEREAS, the Ojai Basin Groundwater Management Agency has made findings to exercise authorities granted under the Sustainable Groundwater Management in its principal Act of 2014 that may be inconsistent with any prohibitions or limitations in its principal.

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE OJAI BASIN
GROUNDWATER MANAGEMENT AGENCY AS FOLLOWS:**

Section 1. Title

Ordinance No. 11 shall be known and cited as “AN ORDINANCE OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY ESTABLISHING REQUIREMENTS FOR CALCULATION AND BILLING OF A WELLHEAD FEE AND GROUNDWATER EXTRACTION CHARGE, FREQUENCY OF REPORTING AND PAYMENT, AND REPEAL OF ORDINANCE NO. 9.”

Section 2. Policy and Purpose

The Agency is charged with the responsibility of managing the groundwater resources within the boundaries of the Agency and the Basin Boundaries established under Bulletin 118. The Agency’s mission is to preserve the quality and quantity of groundwater in the Ojai Basin in order to protect and maintain the long-term water supply for the common benefit of the water users in the basin. The Agency enacts this Ordinance as the authority to require that every groundwater extraction facility contribute an equitable portion of the costs of running the Agency for the management of the Ojai Basin.

Section 3. Definitions

All terms, phrases and words shall have the meaning assigned to such terms, phrases and words as commonly understood or as expressly defined in the Agency’s Authorizing Act or as defined herein.

- **Agency** - shall mean the Ojai Basin Groundwater Management Agency.
- **Basin** - shall mean the Ojai Groundwater Basin as defined by the Department of Water Resources Bulletin No. 118 and in the Agency’s Authorizing Act.
- **Board** - shall mean the Board of Directors of the Ojai Basin Groundwater Management Agency.
- **Extraction** - shall mean the act of obtaining groundwater from the Basin by pumping or other controlled means.
- **Extraction facility** - shall mean any device or method for the extraction of groundwater from the Basin, including a well.
- **Groundwater** - shall mean the water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, whether or not flowing through known and definite channels.
- **“Operator”** shall mean a person who owns and/or operates a groundwater extraction facility. If the Agency is unable to determine who operates a particular extraction facility, then “operator” shall mean the person to whom the extraction facility is assessed by the county assessor or, if not separately assessed, the person who owns the land upon which the extraction facility is located.

- **“Person”** shall mean any person, state or local governmental agency, Private Corporation, firm, partnership, individual, group of individuals or, to the extent authorized by law, any federal agency.
- **“Water Measuring Device”** shall mean a meter or other measuring device which is attached to an extraction facility for the purpose of measuring the quantity of water extracted by the facility.

Section 4. Wellhead Fee, Extraction Charges, Frequency of Reporting, Payment and Due Dates.

- a. A Wellhead Fixed Fee shall be assessed to each owner to assist in recovering the administrative cost of the agency. This fee shall be in addition to any Extraction Charges assessed to the operator.
- b. An Extraction Charge shall be assessed to each operator based upon the amount of water extracted from the Ojai Basin.
- c. Each operator shall complete a Groundwater Extraction Statement and file it with the payment of its wellhead fee and groundwater extraction charge to the Agency.
- d. The frequency of assessment periods, reporting, payment, due dates, method of computing fees and charges shall be set by resolution of the Board.
- e. Payment of assessments received by the Agency after the due date shall be deemed delinquent and subject the operator to penalties as set forth by resolution of the Board.

Section 5. Water Measurement and Estimated Water Extraction

- a. As required under Ordinance 8, all well operators shall be required to install water measuring devices on extraction facilities.
- b. In the event a water measuring device is inoperable extraction quantities from the extraction facility may be estimated. The method of estimating such extractions shall be set forth by resolution of the Board.

Section 6. Penalties

- a. Any extraction facility operator who fails to file an extraction statement, files false extraction information or is delinquent in payment of the groundwater extraction charge shall be subject to an assessment of penalties and/or any other administrative or legal actions. The procedures, timing and assessment amounts of such penalties, administrative and/or legal actions shall be set forth by resolution of the Board.

Section 7. Termination Date

This Ordinance shall remain in full force and effect until repealed by action of the Board.

Section 8. Application

The provisions of this Ordinance shall be read in conjunction with and complement all other Agency Ordinances and Resolutions and shall apply to all operators within the boundaries of the Agency.

Section 9. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance and its implementing rules and regulations are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares and determines that it would have passed this Ordinance and its implementing rules and regulations irrespective of the fact that any one or more sections, subsection, sentences, clauses or phrases may be determined to be unconstitutional or invalid.

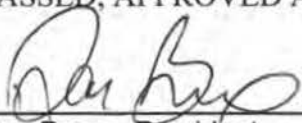
Section 10. Effective Date

This Ordinance was adopted on September 28, 2017, to be effective thirty-one (31) calendar days after its passage. Before the expiration of fifteen (15) calendar days after its passage, this Ordinance shall be published once, with the names of the members of the Board of Directors for the Agency voting for it and against it, in a newspaper of general circulation published in the County of Ventura, State of California.

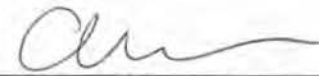
Section 11. Repeal of Ordinance No. 9

This Ordinance repeals in its entirety the provisions of Ordinance No. 9 adopted May __, 2015.

PASSED, APPROVED AND ADOPTED THIS 28th day of September, 2017



Dan Breen, President


_____, ATTEST
Cece VanDerMeer, Secretary

Roll Call Vote: Yes or No

Dan Breen Mutual Water Companies
Russ Baggerly Casitas Municipal District
Johnny Johnston City of Ojai
Emily Ayaly Ojai Water Conservation District
(Seat Vacant) Golden State Water Company

yes
yes
yes

