



RESOLUTION NO. 22-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE AGUA CALIENTE WATER AUTHORITY LEVYING A GROUNDWATER PRODUCTION FEE UPON ALL PRODUCERS OF THE TRIBE'S GROUNDWATER WITHIN THE RESERVATION FOR FISCAL YEAR 2023

ART BUNCE

Chair

DANIEL G. SHILLITO

Vice-Chair

MANNY ROSAS

Secretary/Treasurer

THOMAS J. DAVIS

Member

RUSS MARTIN

Member

REID D. MILANOVICH

Ex-Officio Member

WHEREAS, the Agua Caliente Water Authority ("**Water Authority**") is an independent public agency established pursuant to the laws of the Agua Caliente Band of Cahuilla Indians, a federally recognized Indian tribe ("**Tribe**"); and

WHEREAS, pursuant to Section 7.12.060(a) of the Agua Caliente Tribal Code ("**Tribal Code**"), the Tribe has authorized the Agua Caliente Water Authority Board of Directors ("**Board**") to carry out the duties and powers of the Water Authority set forth in Chapter 7.12 of the Tribal Code; and

WHEREAS, Section 7.12.060(c)(4)(j) of the Tribal Code authorizes the Water Authority to establish, set, assess and collect rates, charges, and fees for the production of the Tribe's groundwater; and

WHEREAS, Section 7.12.060(j) of the Tribal Code establishes the fiscal year of the Water Authority to be the same as the fiscal year of the Tribe, which is October 1st to September 30th; and

WHEREAS, Section 7.12.080 of the Tribal Code authorizes the Board to impose water production fees on the producers of the Tribe's groundwater; and

WHEREAS, Section 7.12.080(a) of the Tribal Code authorizes the Board to levy a groundwater production fee for the purpose of compensating the Tribe for the production of the Tribe's groundwater and to fund the Water Authority's functions, including the Water Authority's permitting and groundwater monitoring programs; and

WHEREAS, Section 7.12.080(c) of Tribal Code authorizes the Board, before August 1 of each year, to levy a groundwater production fee upon all producers of the Tribe's groundwater within the Reservation during the following fiscal year by resolution; and

WHEREAS, a Fee Study was prepared in February 2021 that concluded that a fee of \$89.00 per acre-foot of the total amount of permitted groundwater production would be sufficient to fund the Water Authority's functions; and

WHEREAS, on April 28, 2021, the Board established the groundwater production fee at \$89.00 per acre-foot for Fiscal Year 2022, effective October 1, 2021; and

WHEREAS, the Board is electing to maintain the \$89.00 per acre-foot groundwater production fee for Fiscal Year 2023, subject to reevaluating the fee's ability to fund the Water Authority's functions in the next annual groundwater conditions report.

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NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AGUA CALIENTE WATER AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Board hereby sets the groundwater production fee at \$89.00 per acre-foot for Fiscal Year 2023, effective October 1, 2022.

SECTION 2. The groundwater production fee of \$89.00 per acre-foot shall be applied to the total amount of permitted groundwater production, and be due and payable from all producers of the Tribe's Groundwater no later than fifteen (15) days following the final day of each calendar quarter (i.e., March 31st, June 30th, September 30th, and December 31st of each calendar year).

SECTION 3. The Secretary/Treasurer of the Water Authority shall certify the Board's adoption of this Resolution and shall cause a certified copy to be filed in the offices of the Water Authority.

SECTION 4. This Resolution shall be effective as of the date of its adoption.

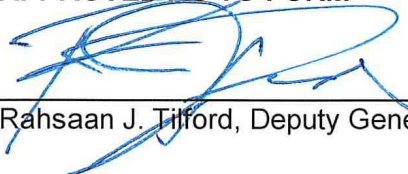
PASSED and ADOPTED by the Agua Caliente Water Authority this 22nd day of June, 2022.

AGUA CALIENTE WATER AUTHORITY



Art Bunce, Chairman

APPROVED AS TO FORM



Rahsaan J. Tilford, Deputy General Counsel

CERTIFICATION

I, the undersigned, the Secretary/Treasurer of the Agua Caliente Water Authority, hereby certify that the Board of Directors is composed of six members of whom 6 constituting a quorum, were present at a meeting whereof duly called and noticed, convened and held this 22nd day of June, 2022; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5-0-0 members and that said Resolution has not been rescinded or amended in any way.



Manny Rosas, Secretary/Treasurer