



ART BUNCE
Chair

DANIEL G. SHILLITO
Vice-Chair

MANNY ROSAS
Secretary/Treasurer

THOMAS J. DAVIS
Member

RUSS MARTIN
Member

JEFF L. GRUBBE
Ex-Officio Member

RESOLUTION NO. 21-02

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 FY 2022.

WHEREAS, the Agua Caliente Water Authority ("**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 Chapter 1, Section II.A of Ordinance No. 55 of the Tribe ("**Ordinance No. 55**"), the Tribe has authorized the Agua Caliente Water Authority Board of Directors ("**Board**") to carry out the duties and powers of the Authority set forth in Ordinance No. 55; and

WHEREAS, Chapter 1, Section II.C.4.j of Ordinance No. 55 authorizes the Authority to establish, set, assess, and collect rates, charges, and fees for the production of the Tribe's Groundwater; and

WHEREAS, Chapter 1, Section II.J of Ordinance No. 55 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, Chapter 2, Section II of Ordinance No. 55 authorizes the Board to impose water production fees on the producers of the Tribe's Groundwater; and

WHEREAS, Chapter 2, Section II.A of Ordinance No. 55 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, Chapter 2, Section II.C of Ordinance No. 55 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 that concluded that a fee of \$89.00 per acre-foot of production would be sufficient to fund the Authority's functions.

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

SECTION 1. The Board hereby establishes a groundwater production fee of \$89.00 per acre-foot effective October 1, 2021.

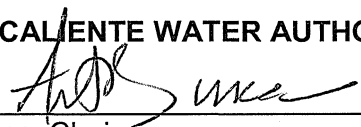
SECTION 2. The groundwater production fee of \$89.00 per acre-foot shall be due and payable from all producers of the Tribe's Groundwater on the final day of each calendar quarter (*i.e.*, March 31st, June 30th, September 30th, and December 31st of each calendar year).

SECTION 3. The Secretary/Treasurer of the Authority shall certify the Board's adoption of this Resolution and shall cause a certified copy to be filed in the offices of the 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 28th day of April 2021.

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 28th day of April, 2021; 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