

Santa Ynez River

WATER CONSERVATION DISTRICT

ORDINANCE No. 2026-01: GROUNDWATER CHARGE ORDINANCE

§1 Definitions

As used herein, the following words have the following meanings:

- (a) “Act” means the Water Conservation District Law of 1931, codified as Water Code sections 74000 through 76501.
- (b) “District” means the Santa Ynez River Water Conservation District.
- (c) “Manager” means the General Manager of the District or their designee.
- (d) “Board” means the Board of Directors of the District.
- (e) “Ordinance” means this Groundwater Charge Ordinance.

§2 Declaration of Policy

The intent of this policy is to provide for the orderly administration of the process for levying and collecting Groundwater Charges by the District pursuant to Water Code sections 74508 and 75500 through 75633.

§3 Authority

This Ordinance is enacted under the powers granted to the District in the Act, including without limitation Water Code sections 74650, 74501, and 74508.

§4 Preparation of Annual Rate Study

Every year, following the District’s adoption of the annual groundwater report required by Water Code section 75560, the Manager shall cause a rate study to be prepared for the following fiscal year, proposing groundwater charges to be imposed. The rate study shall incorporate the findings of the annual groundwater report, the Manager’s proposed budget for the following fiscal year, the District’s adopted policies, and such reasonable assumptions and projections as the Manager shall direct.

§5 Publication of Annual Rate Study

No later than the 30th day before the hearing on the annual rate study provided for in this Ordinance, the annual rate study shall be published on the District’s website and a copy made available for public inspection at the District’s office.

§6 Public Comments on Annual Rate Study

The District shall receive written comments on the annual rate study through 5:00 p.m. on the 10th day before the hearing on the annual rate study provided for in this Ordinance. Written comments that allege the proposed groundwater charges would not comply with the California Constitution or any other law must specify the grounds for alleging noncompliance.

§7 Hearing on Annual Rate Study

At a public meeting, prior to imposing groundwater charges, the District shall hold a hearing on the rate study and on whether to impose the groundwater charges proposed. Before or during the hearing the Board of Directors shall consider, and the District shall respond in writing to, any timely written comments. The District's responses shall explain the substantive basis for retaining or altering the proposed groundwater charges in response to written objections. The Board may adjourn the hearing to another date if necessary.

§8 Exhaustion Required

No person may bring a judicial action or proceedings alleging noncompliance with the California Constitution or other applicable law for any groundwater charge levied by the District, unless that person submitted to the Secretary of the Board a timely, written objection to that groundwater charge specifying the grounds for alleging noncompliance. The issues raised in any such action or proceeding shall be limited to those raised in such an objection unless a court finds the issue could not have been raised in such an objection by those exercising reasonable diligence.

§9 Refunds for Overpayment Only

The District does not authorize refunds of groundwater charges based on allegations that the groundwater charges are unlawful. Refunds are only authorized in the following circumstances:

- (a) Where an extractor overreported extractions and as a result overpaid groundwater charges.
- (b) Where an extractor unintentionally overpaid groundwater charges or paid groundwater charges that were already paid.

§10 Presentation of Refund Claims

Any claim for a refund of groundwater charges must be presented to the District in the form of a claim and within the time for presentation of such a claim as required by the Government Claims Act (Gov. Code, §§ 900 *et seq.*).

§11 Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. 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.

§12 Effective Date

This Ordinance shall be in full force and effect upon its adoption.

§13 Publication

The Secretary of the Board of Directors shall, within 10 days after adoption of this Ordinance, publish this ordinance in full, in a newspaper of general circulation printed, published, and circulated in the district.