

## RESOLUTION NO. 23-04

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA MARIA VALLEY WATER CONSERVATION DISTRICT CALCULATING AND APPROVING AN ESTIMATE OF AMOUNT OF ASSESSMENT FOR OPERATION AND MAINTENANCE, REPAIRS, AND SPECIAL PROJECTS AT AND FOR TWITCHELL DAM AND RESERVOIR, PURSUANT TO WATER CODE SECTION 75370 ET SEQ.

**WHEREAS**, Santa Maria Valley Water Conservation District (“District”) is organized and operates pursuant to Water Code section 74000, et seq.; and

**WHEREAS**, District is responsible for the operation and maintenance of Twitchell Dam and Reservoir, pursuant to an agreement with the United States of America, Department of the Interior, Bureau of Reclamation, for the purpose of preventing flooding and recharging of water in the Santa Maria Valley Groundwater Basin; and

**WHEREAS**, Water Code section 75370 requires the Board of Directors (“Board”) to report to the board of supervisors of each affected county, Santa Barbara County and San Luis Obispo County, annually, at the time of levying county taxes, the amount of money required for the District to carry out operations; and

**WHEREAS**, Water Code section 75370 also requires the board of supervisors of each affected county to levy an assessment to be known as the “Santa Maria Valley Water Conservation District Assessment” to raise the amount reported by the Board of Directors; and

**WHEREAS**, Water Code section 75374 provides that the assessments levied pursuant to Section 75370 shall be computed and entered on the assessment roll of each affected county by the county auditor, and if the board of supervisors fails to levy the assessment, the county auditor shall do so, with such assessments to be collected at the same time and in the same manner as state and county taxes and when collected shall be paid into the county treasury for the use of the District; and

**WHEREAS**, the Board has engaged the services of certified public accountant (“District Accountant”), to advise the Board on a monthly basis as to the District’s financial position, including reports on District expenses, assets, and capital reserves, among other financial matters, to support the Board in carrying out the operation and maintenance obligations of the District to the United States, for Twitchell Dam and Reservoir; and

**WHEREAS**, as part of its annual budget process, the Board has analyzed estimated cost expenditures related to repairs of District property and facilities, generally, and due to past natural disasters, which have produced a large amount of sedimentation in Twitchell Reservoir at, around, and impeding water flows through Twitchell Dam, which impacts the District’s ability to carry out its duties related to water recharge to the Santa Maria Valley Groundwater Basin; and

**WHEREAS**, the Board has analyzed estimated cost expenditures related to repairs of District property and facilities, generally, and due to past natural disasters, which has degraded a critical access road to Twitchell Dam; and

**WHEREAS**, the Board has analyzed estimated cost expenditures related to a large-scale sedimentation removal project for flood control and future recharge to the Santa Maria Valley Groundwater Basin; and

**WHEREAS**, the Board has analyzed estimated cost expenditures related to increased maintenance and operations costs due to extraordinarily high inflation, lingering supply chain impacts from the COVID-19 pandemic, and labor shortages; and

**WHEREAS**, the Board has determined, in consultation District staff and the Financial Committee, the estimated financial needs of the District for Fiscal Year 2023-2024 for operations and maintenance, repairs, and special projects at Twitchell Dam and Reservoir to report to the Boards of Supervisors for Santa Barbara County and San Luis Obispo County, consistent with Water Code section 75370; and

**WHEREAS**, the Board has determined, in consultation with District staff and the Financial Committee, the estimate required by Water Code section 75374 in the amount of \$800,000 for operations and maintenance, repairs, and any special projects, at Twitchell Dam and Reservoir, necessary for the discharge of obligations by the District to the United States, for Twitchell Dam and Reservoir; and

**WHEREAS**, the Board has determined, in consultation with legal counsel, that the calculations provided by District Accountant comply with the legal requirements of Water Code section 75374, and as shown in Attachment 1 hereto, using as a model the assessments provided by the counties from the prior fiscal year of 2022-2023, as the certified tax rolls for fiscal year 2023-2024 likely will not be available until after the District's statutory submittal deadline of July 10, 2023.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Santa Maria Valley Water Conservation District, as follows:

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The Financial Committee considered and concluded to make a recommendation to the Board of Directors an initial estimate of \$800,000 for operations and maintenance, repair, and any special projects at and for Twitchell Dam and Reservoir, at a duly noticed meeting that took place on June 14, 2023.

**Section 3.** The Board of Directors met and considered the recommendation of the Finance Committee at a duly noticed meeting that took place on June 15, 2023. Based on the recommendation of the Financial Committee and further discussion and analysis, the Board of Directors concurred with the analysis, adopted the analysis, and

authorized an annual assessment estimate in the amount of \$800,000. The Board of Directors acted via motion made by Treasurer Conrad, seconded by Director Mahoney, and determined by a unanimous vote of five Directors in favor, with two vacancies, approving the initial estimate to report to Santa Barbara County and San Luis Obispo County, consistent with the Water Code, via the completed calculations shown in Attachment 1 hereto, which are based on the certified tax rolls from each county for fiscal year 2022-2023, because the certified tax rolls for fiscal year 2023-2024 likely will not be available until after the District's statutory compliance deadline of July 10, 2023.

**Section 4.** The Board of Directors hereby finds that the estimated amount of \$800,000 is necessary to discharge the District's duties and obligations to operate and maintain Twitchell Dam and Reservoir pursuant to its agreement with the United States of America, Department of the Interior, Bureau of Reclamation.

**Section 5.** The Board of Directors further finds that the estimated amount is necessary to protect the public interest, welfare, and safety posed by potential downstream flooding following weather events, and to recharge the Santa Maria Valley Ground Water Basin.

**Section 6.** The Board of Directors hereby finds, in consultation with legal counsel, that the calculations provided in Attachment 1 conform to the legal requirements of Water Code section 75374.

**Section 7.** The Board of Directors hereby adopts the analysis and findings of the Financial Committee, and hereby adopts the calculations as shown in Attachment 1, as the initial assessment estimate.

**Section 8.** District staff are directed and authorized to carry out all necessary actions to transmit the initial estimate to the County of Santa Barbara and the County of San Luis Obispo as required by the Water Code.

**Section 9.** Should Santa Barbara County and/or San Luis Obispo County issue revised/certified tax rolls that differ from the tax rolls used as the basis for the assessment calculations in Attachment 1, District staff are directed and authorized to complete updated assessment estimate calculations and transmit them to the applicable counties by July 10, 2023, using the revised/certified tax rolls information, but not to exceed the amount of \$800,000 authorized by the Board of Directors. Thereafter, District staff are directed to provide the updated assessment calculations to District legal counsel for return of the updated assessment calculations to the Board of Directors to ratify the updated assessment calculations.

**[SIGNATURES ON FOLLOWING PAGE]**

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Board of Directors of the Santa Maria Valley Water Conservation District at a rescheduled and continued regular meeting held on the 29th day of June 2023, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

**ANDY ADAM**, Board Secretary

**SANTA MARIA VALLEY WATER  
CONSERVATION DISTRICT**

By: \_\_\_\_\_

**KEITH HADICK**, Board President

APPROVED AS TO FORM:



By:

\_\_\_\_\_

**G. ROSS TRINDLE, III**, District Counsel

I, \_\_\_\_\_, Board Secretary of the Santa Maria Valley Water Conservation District, Santa Barbara County and San Luis Obispo County, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Board of Directors of the Santa Maria Valley Water Conservation District on the date and by the vote indicated herein.

**ATTACHMENT 1**

**(District Assessment Calculations)**