

The IWV Groundwater Agency (GA) exists to meet the requirements of the State SGMA law. Currently, the GSP as formulated roughly meets the requirements of SGMA , but without considering whether it is the State's or the IWV resident's responsibility to bear the associated costs of the projects outlined. According to the State Constitution , Article 13B, Section 6 it is lawfully the responsibility of the California State government to fund every mandate it imposes on local governments. That fact is plain to read and understand in the California Constitution. The GA in the implementation and presentation of the GSP needs to address this all important point. It has so far incurred debts of over \$5 million dollars and its' future costs could be well over \$150 million and cost each of us \$1300 to \$2200 per year.

Thus far the GA has acted like they expect the Citizens of this Valley pay for this mountain of potential debt. Why? According to the below article of the California Constitution, the State is obligated to provide funding for all the GSP projects. RE:

CALIFORNIA CONSTITUTION

ARTICLE 13B GOVERNMENT SPENDING LIMITATION

SEC. 6. (a) Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service,

This Article is very clear, giving the GA the power to address this with the State Dept of Water Resources. A suggested statement by the GA to the State immediately after finalizing the GSP plan is:

"The State has mandated a GSP to achieve groundwater sustainability in the Indian Wells Valley (IWV) basin. The IWVGA adopted GSP plan meets SGMA law. Being a mandated action by the California State government, costs are lawfully the States' obligation according to Article 13B of the State Constitution, Sec 6. We therefore present the costs of generating this GSP for reimbursement . Subsequent GSP implementation actions by the IWV GA may entail, when funding is provided. This request shall in no way be interpreted as a request for State intervention in the GSP. The right and authority for providing water to the Citizens of the IWV remain the right of the Citizens of the IWV. The State's role in the IWV GSP now is to fund it. "

Without an action like this by the GA the economic well being of ALL the Citizens in this valley is in jeopardy. Who among us can possibly bear such increases in our yearly expenses? The ripple effect will be widespread, and result in an economic earthquake here far exceeding the effect of the last two physical earthquakes. The GA needs to take the Constitutionally lawful stance outlined in the above paragraph, MAKE our State government behave lawfully and fund the GSP and any further GA actions, and not force an economic tsunami on the People of this Valley. The GA, the County, the City, and Water District need to get educated on the California Constitution to avoid bankrupting this Valley needlessly.

In light of the above delineated facts, the questions I submit for answer from the GA board members are:

1. Is this Board going to have its' lawyers elaborate, before the public, how Article 13B Sec. 6 of the California Constitution applies to the funding of the State mandated GSP?
2. Once clarity on the State's lawful obligation to fund its' mandated programs is delineated, is this Board going to formulate an approach to press the State for full funding of the IWV GSP?
3. When a request for funding is made to the State, will this board suspend pursuing a Proposition 218 action to force payment for the GSP upon the Citizens of the IWV?
4. If this board is NOT going to press the State to fund its' mandated IWV GSP program, are the individual members of this Board each going to explain, in public, why they will not act according to their sworn duty to uphold the California Constitution?

I strongly request that answers to all the above three/four questions be submitted in writing for the record.

Michael Neel