

Resolution 2008-02
of the
Fox Canyon Groundwater Management Agency

**A RESOLUTION TERMINATING THE COLLECTION OF GROUNDWATER EXTRACTION
MANAGEMENT ENFORCEMENT SURCHARGE (GEMES) ON DECEMBER 31, 2007 AND LIMITING
FOX CANYON GROUNDWATER MANAGEMENT AGENCY EXPENSES ELIGIBLE FOR
GEMES FUNDING**

WHEREAS during the April 26, 2006 regular meeting, the Board adopted Resolution 2006-02, a Resolution establishing a Groundwater Extraction Management Enforcement Surcharge (GEMES) of \$2.00 per Acre-Foot effective July 1, 2006 and terminating on July 1, 2009 ; and

WHEREAS during the July 26, 2006 regular meeting, the Board adopted Resolution 2006-04, a Resolution defining the class of extraordinary Agency expenses eligible for GEMES funding, directing the administration of those funds and authorizing the Executive Officer to expend funds consistent with the resolution; and

WHEREAS subsequent to those actions, the Board now desires to terminate the GEMES earlier than July 1, 2009, to provide the Agency with additional policy direction defining the class of extraordinary groundwater extraction management enforcement expenses eligible for GEMES funding and limit such expenditures to Board authorized legal actions.

NOW, THEREFORE, the Board of Directors of the Fox Canyon Groundwater Management Agency hereby resolves that:


1. GEMES revenues shall only be utilized to fund Board authorized legal action by the Agency to enforce the Agency's groundwater extraction management ordinances, resolutions, policies, plans, and programs.
2. The class of Agency expenditures eligible for GEMES funding shall be limited to:
 - a. Agency staff time directly attributable to legal action authorized by the Board.
 - b. Specialized engineering and technical studies and surveys required in support of legal action.
 - c. Legal fees (both Agency Counsel and possibly outside specialized counsel costs) in support of legal action.
 - d. Enforcement activity costs associated with litigation.
3. All expenditures of the GEMES fund must be approved by the Board.
4. The GEMES shall terminate as of January 1, 2008, and shall be applied to groundwater extracted through December 31, 2007, unless otherwise directed by the Board. The obligation to pay all amounts due under the GEMES shall not terminate on December 31, 2007, but shall remain in effect until paid.
5. The GEMES revenues are capped at \$200,000 and such amount shall be placed in a separate "restricted use" interest-bearing account.

On motion of Director Borchard and seconded by Director Kelley, the foregoing Resolution was passed and adopted on this 27th day of February 2008.



Lynn E. Maulhardt, Chair, Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution 2008-02.

By: 

Tammy Butterworth, Clerk of the Board