

**Resolution 2009-04**  
**of the**  
**Fox Canyon Groundwater Management Agency**

**A RESOLUTION APPROVING PAYMENT OF GROUNDWATER EXTRACTION CHARGES AND  
SUSPENSION AND POTENTIAL WAIVER OF INTEREST AND PENALTIES THEREON TO  
RESOLVE AN APPEAL BY STRICKLAND MUTUAL WATER COMPANY**

**WHEREAS**, the Fox Canyon Groundwater Management Agency, established by the State Legislature in 1982, is charged with the preservation and management of groundwater resources within the areas or lands overlying the Fox Canyon aquifer for the common benefit of the public and all agricultural, municipal and industrial users; and

**WHEREAS**, on May 26, 2009, Agency staff prepared and sent Strickland Mutual Water Company a request for payment of \$28,627.89 for outstanding principal, penalties and interest owed the Agency for groundwater extracted; and

**WHEREAS**, Strickland Mutual Water Company on May 30, 2009 submitted a timely appeal requesting relief from the fees and penalties as calculated in the Agency's letter dated May 26, 2009; and

**WHEREAS**, on June 30, 2009, Agency staff and Strickland Mutual Water Company representatives met and discussed the District's proposed solution to their outstanding amount owed to this Agency; and

**WHEREAS**, the Strickland Mutual Water Company serves a low income community; and

**WHEREAS**, the Strickland Mutual Water Company has proposed compliance projects to: 1) install water meters in the Strickland Acre tract, and 2) conduct an initial sonic leak detection evaluation will serve the Agency's long term interests by providing water conservation and water saving for this community resulting in benefit to the underlying aquifers; and

**WHEREAS**, timely and consistent application of the Agency's Ordinance is critical to the success of the Agency; and

**WHEREAS**, enforcement is a critical ingredient in creating the deterrence needed to encourage the regulated community to anticipate, identify, and correct violations. Appropriate penalties and other consequences for violations offer some assurance of equity between those who choose to comply with requirements and those who violate them; and

**WHEREAS**, at the June 24, 2009 FCGMA Board meeting, the Board adopted Guiding Principles for Enforcement; and

**WHEREAS**, adoption of this Resolution is in line with those Principles, including the provisions for Fair, Firm, and Consistent Regulation and Enforcement, Public Participation, and Environmental Justice.

**NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED,** that the Fox Canyon Groundwater Management Agency Board of Directors adopts the following:

Strickland Mutual Water Company shall be assessed the full amount owed to the Agency of \$28,627.89 (includes principal, penalty and interest) for groundwater extracted. However, \$25,618.05 of the penalty and interest portion of the total amount shall be suspended, and shall be deemed waived if Strickland Mutual Water District completes the following:

1. Submit payment for the outstanding principal balance of \$3,009.84 (due September 22, 2009);
2. Provide proof of installation of 124 water meters (completion report due July 22, 2010); and
3. Provide results from initial water main leak detection evaluation (due July 22, 2010).

On motion of Director Zaragoza, and seconded by Director Kelley, the foregoing Resolution was passed and adopted on this 22nd day of July 2009.



Charlotte Craven, Vice Chair, Board of Directors  
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution No. 2009-04.

By:   
Miranda Nobriga, Clerk of the Board