

Resolution 2012-03
of the
Fox Canyon Groundwater Management Agency

A RESOLUTION AUTHORIZING THE IMPOSITION OF CIVIL PENALTIES AGAINST THOSE OPERATORS WHO ARE IN VIOLATION OF THE EXTRACTION REPORTING AND PAYMENT REQUIREMENTS OF THE ORDINANCE CODE

WHEREAS, the Fox Canyon Groundwater Management Agency Ordinance Code requires groundwater extraction to be reported twice per year, generally August 1, and February 1, or 30 days after the date of the letter requesting submittal of the Semi-Annual Groundwater Extraction Statement for the given period; and

WHEREAS, the Fox Canyon Groundwater Management Agency (Agency) requires payment of the groundwater extraction charge at the time the Semi-Annual Groundwater Extraction Statement is due; and

WHEREAS, failure to submit the Semi-Annual Groundwater Extraction Statements as required for in the Ordinance Code, makes it nearly impossible for the Agency to fully quantify groundwater extractions, as it is charged to; and

WHEREAS, failure to submit the Semi-Annual Groundwater Extraction Statement and groundwater extraction charge as required for in the Ordinance Code, is a violation of the Ordinance Code; and

WHEREAS, the Fox Canyon Groundwater Management Agency Act and Ordinance Code Section 8.3 authorizes the imposition of a civil penalty up to one thousand dollars (\$1,000) per day for negligent or intentional violation of any provision of the Ordinance Code; and

WHEREAS, a civil penalty of \$500.00 is considered a useful tool to help ensure an operator's compliance with the requirement to submit Semi-Annual Groundwater Extraction Statements and pay extraction charges when due, taking into consideration appropriate factors, including the seriousness of the violation and the length of time the operator has had to demonstrate compliance but failed to do so;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED, that failure to submit a Semi-Annual Groundwater Extraction Statement or payment of the extraction charge by the due date, shall result in the imposition of a civil penalty of \$500.00 against the operator. The effective date of this civil penalty structure is January 1, 2012.

On motion of Chair Maulhardt, and seconded by Director Kelley, the foregoing Resolution was passed and adopted on this 23rd day of May 2012.

By:



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 No. 2012-03.

By:



Jessica Rivera, Clerk of the Board