

**Resolution 2006-02**  
**of the**  
**Fox Canyon Groundwater Management Agency**

**A RESOLUTION ESTABLISHING A GROUNDWATER EXTRACTION MANAGEMENT ENFORCEMENT SURCHARGE OF \$2.00 PER ACRE-FOOT EFFECTIVE JULY 1, 2006**

**WHEREAS**, pursuant to the authority of the Fox Canyon Groundwater Management Agency Act Sections 121-102, *et seq.*, the Fox Canyon Groundwater Management Agency (the Agency) has been granted certain powers for the purposes of groundwater management within its boundaries; and

**WHEREAS**, the Fox Canyon Groundwater Management Agency Act, Sections 1001-1007, as amended, grant the Agency's Board of Directors the authority to levy groundwater extraction charges up to six dollars (\$6.00) per acre-foot pumped per year on all water extracted within the Agency's boundaries; and

**WHEREAS**, Section 2.4.1 of Agency Ordinance No. 8.1, adopted by the Board of Directors on July 27, 2005, states that, "...all persons operating groundwater extraction facilities shall pay a groundwater extraction charge for all groundwater extracted after July 1, 1993, in the amount established by Resolution of the Board;" and

**WHEREAS**, the Agency's current groundwater extraction charge was set at \$4.00 per acre-foot upon the adoption of Resolution No. 2005-06 by the Board of Directors during the June 22, 2005 meeting; and

**WHEREAS**, the Agency has deemed the proactive and effective enforcement of its adopted groundwater management plans and ordinances absolutely necessary in order to help bring the groundwater basins it manages into "safe-yield balance," by the year 2010; and

**WHEREAS**, during the last few years, the Agency has observed, experienced and documented an increasing number of reported instances wherein groundwater extracted from wells within the boundaries of the Agency was exported outside of the Agency's boundaries, in contravention of the Agency's groundwater extraction management plans, policies, programs, resolutions and ordinances; and

**WHEREAS**, during that same period, the Agency has also become aware of instances wherein groundwater extractors within the Agency's boundaries have also failed to register extraction facilities or, install water flow measuring devices, have exceeded extraction allocations, have increased the use of groundwater in the Expansion Area; and/or have installed new and/or replacement extraction facilities in the East and/or West Las Posas groundwater basins; and

**WHEREAS**, as a result of the above referenced observed, experienced, and documented reported instances of actions by groundwater extractors within the Agency's boundaries, the Agency has incurred increased costs required to administer and enforce its groundwater extraction management plans, policies, programs, resolutions and ordinances proactively, efficaciously and successfully; and

**WHEREAS** based on the increased projected costs required to enforce the Agency's ordinances, resolutions, policies and programs prohibiting the export of groundwater from basins located within the Agency's boundary to areas outside of that boundary successfully, particularly the costs triggered by Board approved enforcement actions, a Groundwater Extraction Management Enforcement Surcharge (GEMES) is necessary, which, upon adoption of this resolution, would become effective July 1, 2006.

**NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED**, that pursuant to the statutory authority granted the Board of Directors by the Fox Canyon Groundwater Management Agency Act Sections 1001-1007, and Section 2.4.1 of Agency Ordinance No. 8.1, the Agency will augment its statutorily authorized groundwater extraction charge in accordance with the following:

1. Effective July, 1, 2006, there is established a \$2.00 per acre-foot Groundwater Extraction Management Enforcement Surcharge (the GEMES) which shall be in addition to the \$4.00 per acre foot extraction charge established by Resolution 2005-6.
2. The GEMES is established by this resolution pursuant to the Agency's existing statutory authority and in accordance with applicable provisions of the Agency's Ordinance No. 8.1.
3. The GEMES will be levied on all groundwater extracted within the Agency's boundaries, and will be billed and collected in the same manner as the Agency's existing groundwater extraction charges.
4. Revenues derived from the GEMES shall be solely utilized by the Agency to fund Board approved groundwater extraction enforcement activities determined by the Board to be above and beyond the normal operating costs of the Agency.
5. The Board directs the Agency Executive Officer to take the budgeting and cost-accounting steps necessary to restrict the revenues generated by the GEMES to those purposes set forth in No. 4 above. Further, the Board directs that both the format and content of the Agency's future quarterly, mid-year and year-end budget reports be modified to provide a section reporting on the actual realization and expenditure performance of the GEMES revenues received by the Agency during that reporting period.
6. The GEMES shall terminate automatically on July 1, 2009, and shall be applied only to groundwater extracted through June 30, 2009, unless the Board of Directors takes affirmative action prior to that date to extend it to such other date that it may then select. The obligation to pay all amounts due under the GEMES shall not terminate on July 1, 2009, but shall remain in effect until paid.

On motion of Director Fox, and seconded by Director Rosenbluth, the foregoing Resolution was passed and adopted on this 26<sup>th</sup> day of April, 2006.

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

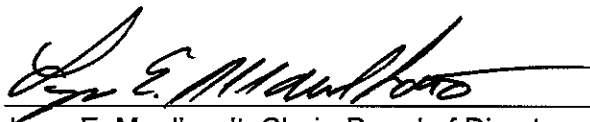
ATTEST: I hereby certify that the above is a true and correct copy of Resolution 2006-02.

by: Karen Schoonover  
Karen Schoonover, Deputy Clerk of the Board

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

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by:   
Tammy Butterworth, Deputy Clerk of the Board