

Resolution 2009-03
of the
Fox Canyon Groundwater Management Agency

A RESOLUTION ADOPTING ENFORCEMENT GUIDING PRINCIPLES

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, 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, a strong enforcement program improves public confidence when the Agency is ready, willing, and able to back up its requirements with action and consequences; and

WHEREAS, without a strong enforcement program to back up the Agency's historically cooperative approach, the Agency's regulatory framework and Ordinance may be in jeopardy; and

WHEREAS, at the April 22, 2009 Board meeting, the Board discussed and directed staff to come back at a future meeting to propose draft enforcement guiding principles; and

WHEREAS, Agency staff has researched other agency and department enforcement policies, procedures, and principles in considering and drafting the proposed Agency's principles; and

WHEREAS, at the May 27, 2009 Board meeting Draft Enforcement Guidelines were presented and discussed, and Board directed staff, after receiving any comments to come at a subsequent meeting for adoption; and

WHEREAS, the proposed guiding enforcement principles address the enforcement component of the Agency's 2007 Groundwater Management Plan; and

WHEREAS, in consideration of adopting enforcement guiding principles, the Agency would provide guidance in line with the Agency's mission enabling Agency staff to expend their limited resources in ways that openly address the Agency's greatest needs, deter harmful conduct, protect the aquifers, and achieve maximum benefit for the people and groundwater resources under its jurisdiction.

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

- Fair, Firm, and Consistent Regulation and Enforcement - The Agency will promote and establish fair, firm, and consistent requirements in law, regulations, and policies regarding the enforcement of its Ordinance. This includes timely enforcement of its Ordinance. Agency staff may determine compliance through a variety of means, including complaint and site investigations.
- Public Participation – The Agency will provide meaningful public participation in enforcement matters.
- Environmental Justice – The Agency shall promote enforcement of its Ordinance in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations.
- Data Collection & Availability of Violation and Enforcement Information – The Agency will collect and record enforcement data and communicate this enforcement information to the public and the regulated community.
- Enforcement Priorities/Progressive Enforcement – The Agency will establish a process for ranking enforcement priorities based on the actual or potential threat to the Agency’s groundwater resources in terms of beneficial uses and will establish and use a progressive level of enforcement, as necessary, to achieve compliance.
- Administrative Civil Liability Penalties – The Agency will establish an administrative civil liability penalty process to create a fair and consistent approach to liability assessment.

On motion of Director Kelley, and seconded by Director Bennett, the foregoing Resolution was passed and adopted on this 24th day of June 2009.


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. 2009-03.

By: 
Miranda Nobriga, Clerk of the Board