

Resolution No. 2014-03
of the
Fox Canyon Groundwater Management Agency

**A RESOLUTION SUPPORTING A LEGISLATIVE CHANGE IN MAXIMUM
ALLOWABLE EXTRACTION CHARGE**

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 mission of the Fox Canyon Groundwater Management Agency includes the protection and preservation of the groundwater resources within the boundaries of the Fox Canyon Groundwater Management Agency; 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. 8.7, adopted by the Board of Directors on May 22, 2013, 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's 2007 Update to its Groundwater Management Plan established a basin safe yield of 100,000 acre-feet per year; and

WHEREAS, the 10-year average amount of groundwater now pumped is approximately 125,000 acre-feet per year; and

WHEREAS, 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, the anticipated cost of running the Agency in the future cannot be supported at the current extraction charge; and

WHEREAS, the extraction charge is not a tax for purposes of Article XIII C of the California Constitution, or a fee or charge for purposes of Article XIII D of the California Constitution.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that the Agency Executive Officer take those actions necessary to change West's Annotated California Code - Water Appendix, Chapter 121-1007 to allow an extraction charge range with a maximum of twenty-five dollars (\$25.00) per acre-foot per year. Actual extraction charges will be set within the allowable range by Resolution of the Board of Directors.

On motion by Director Craven, and seconded by Director Bennett, the foregoing resolution was passed and adopted on June 25, 2014 by the following vote.

AYES – Chair Maulhardt, Directors Craven, Bennett, and Borchard

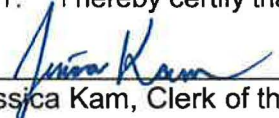
NOES – Director Kelley

ABSTAINS – None

ABSENT - None

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. 2014-03.

By: 
Jessica Kam, Clerk of the Board