

Resolution No. 2016-01
of the
Fox Canyon Groundwater Management Agency

**DELEGATING AUTHORITY TO THE EXECUTIVE OFFICER TO INITIATE AND
COMPROMISE LEGAL ACTION FOR ENFORCEMENT OF THE AGENCY ORDINANCE
CODE**

WHEREAS, the Agency Ordinance Code requires the registration of groundwater extraction facilities, timely reporting of extractions, payment of extraction charges and changes in ownership and operation of extraction facilities, installation and proof of calibration of flowmeters and authorizes imposition of extraction surcharges for extractions in excess of an operator's allocation and late penalties for non-payment; and

WHEREAS, persons in violation of the Agency Ordinance Code may be civilly liable to the Agency for up to \$1,000 per day; and

WHEREAS, the Agency is authorized to file legal action to recover any sums due the Agency and seek injunctive relief prohibiting the operation of a groundwater extraction facility under certain circumstances; and

WHEREAS, the Board may delegate to the Executive Officer the authority to decide when and whether to initiate legal action for recovery of sums due the Agency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND RESOLVED by the Fox Canyon Groundwater Management Agency Board of Directors as follows:

The Executive Officer may, in consultation with Agency Counsel, authorize the filing of an action in superior court for the recovery of extraction charges, extraction surcharges, late penalties and civil penalties, and for appropriate injunctive relief, where the amount due the Agency is less than \$100,000. This delegation of authority includes the ability to compromise any such claim.

On motion by Director Craven, seconded by Director Borchard, the foregoing resolution was passed and adopted on this 27th day of January 2016.

AYES – Maulhardt, Craven, Bennett, West, and Borchard

NOES – None

ABSTAINS – None

ABSENT – None

By: 

Lynn 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. 2016-01.

By: 

Jessica Kam, Clerk of the Board