

FCGMA ORDINANCE HISTORY

Ordinance No. 1.0 – Adopted in May 1983, this is the first ordinance adopted by the FCGMA. It is referred to as the “Well Registration, Reporting and Extraction Charge Ordinance.” The ordinance requires that all well owners with extraction facilities within the boundaries of the Agency register their wells with the FCGMA, report annual extractions and pay an annual groundwater extraction charge. Initially, the charges were limited to \$0.50 per acre-foot (AF) by AB-2995. However, in June 1991, the act was amended to allow for a maximum charge of \$3.00 per AF via passage of SB-747.

- **Ordinance No. 1.1** – Superseded Ordinance 1.0 in May 1992, by including the requirements of Ordinances No. 2 and No. 6 into a single Ordinance. Expanded on the methods of computing groundwater extractions, and allowed wells that pumped 2 acre-feet or less per year to estimate volume.
- **Ordinance No. 1.2** Superseded Ordinance 1.1 in May 1993, by specifying Ordinance 3.0 as the proper means of computing annual extractions under Article 2, Section 2 rather than the previous text.
- **Ordinance No. 1.3** – Superseded Ordinance 1.2 in December 1996, and included a new specification that allowed interest to be charged at 1.5 % per month for unpaid extraction fees. Still required semi-annual reporting of water well extractions, but deferred billing of any charges of less than \$50.00.

Ordinance No. 2.0 – Adopted in October 1983 to amend Ordinance 1.0, it required that semi-annual extraction reports and semi-annual payment of extraction charges replace the annual requirements for reporting and payment required in Ordinance No. 1. This ordinance was later incorporated into Ordinance 1.1 in May 1992.

Ordinance No. 3.0 – Referred to as the “Metering Ordinance”, Ordinance 3.0 was adopted in February 1987. This ordinance requires that all wells extracting more than 50 AF per year be equipped with flow meters. The ordinance provides exemptions where meter installations were not possible or practical.

- **Ordinance No. 3.1** – Superseded Ordinance No. 3.0 in July 1993, it modified the meter requirement for all wells to exempt small domestic wells, but only if the well supplied a single family residence on a parcel of one acre or less in size. Allowed an appeal process to the meter requirement, and removed the dictate about calibration when meters are installed, and the need for the same every 3 years thereafter.
- **Ordinance No. 3.2**– Superseded Ordinance No. 3.1 in January 2001 because a new definition was needed to define meter requirements for inactive wells, and to exempt inactive wells from having to install water flow meters. Stipulated however, that if an inactive well is reactivated or used for 12 hours or more in any calendar

year, it would be considered active, and thus require a meter. Any well extractions of less than 12 hours per year would still have to be reported to the FCGMA, and appropriate fees would have to be paid.

Ordinance No. 4.0 – The “North Las Posas Basin Groundwater Extraction Prohibition Ordinance” was adopted in July 1987. This ordinance prohibits any increase in groundwater use or construction of new wells on or above the Lower Aquifer System (LAS) outcrop or other non-water bearing areas within the North Las Posas Basin. All new extraction facilities within the North Las Posas Basin are required to obtain a permit issued by the FCGMA. Ordinance No. 4 was adopted to protect groundwater quality, prevent the expansion of extractions, and to offset projected declines in water levels expected to occur in the North Las Posas Basin.

- **Ordinance No. 4.1** – Adopted in June 1995, Ordinance 4.1 allowed groundwater use within the aquifer expansion area or outcrop areas, but only if recharge was not inhibited and the outcrop was not exposed to any contamination. Any land use that required groundwater in excess of the established Historical or Baseline allocations was prohibited on the outcrop area.
- **Ordinance No. 4.2** – Superseding Ordinance 4.1 in October 1995, this version prohibited any Efficiency or Baseline allocations on the outcrop area, prohibited groundwater from inside the Agency to be used outside the boundaries, precluded land uses on the outcrop that might increase net groundwater use of approved extraction facilities, and allowed for appeals to install single-family septic systems on the outcrop if it could be shown that no detriment to water quality would result.
- **Ordinance No. 4.3** – Superseded Ordinance 4.2 in March 2001. Modified all references to the “North Las Posas Basin” to read either “East” or “West” Las Posas instead to reflect recent findings showing a north-south fault as the dividing structure separating two distinct groundwater basins. Also tightened up water use and more clearly defined allowed land restrictions on the outcrop and expansion areas along the perimeter of the basins. Allowed review of all proposed permit uses in the basins by the Agency prior to approval.

Ordinance No. 5.0 – Adopted in August 1990, this was the most significant ordinance adopted to date by the FCGMA. Ordinance No. 5 required reductions in groundwater extractions, with the objective of reducing extractions to a “safe yield” level of 120,000 AF per year (within the Agency) by the year 2010. This was to be accomplished via scheduled five percent (5%) reductions that total twenty-five percent (25%) by the year 2010. Ordinance No. 5 also provided for Historical, Baseline and Efficiency-allocations, plus Credits for under-pumping and penalties for pumping more groundwater than provided by an allocation.

- **Ordinance No. 5.1** – Article 6B of Ordinance No. 5 was amended in May 1992, to allow California Irrigation Management Information System (CIMIS) type weather stations to be used in lieu of using the Department of Water Resources (DWR) CIMIS standard stations.
- **Ordinance No. 5.2** – Article 8 of Ordinance No. 5.1 was amended in May 1993, to allow an operator to obtain an efficiency allocation with as little as sixty percent (60%) efficiency instead of the previously required minimum eighty percent (80%) efficiency. Surcharges were prorated but still due if efficiency fell between sixty and eighty percent (60 and 80 %).
- **Ordinance No. 5.3** – Article 7 of Ordinance No. 5.2 was amended in March 1994, to establish a deadline of July 1 of the following year for requesting Conservation Credits. It also extended the filing deadline for 1991 and 1992 Conservation Credits to July 1, 1994.
- **Ordinance No. 5.4** – Article 3 and 7 of Ordinance No. 5.3 was amended November 1994, to allow an adjustment of a Municipal and Industrial (M & I) user's Historical allocation. The Board also allowed for the transfer of allocations provided a net benefit to the aquifer system would result. Each transfer was at the discretion of the FCGMA Board. "M & I Operator" and "M & I User" were also added to the Definitions list included under Article 1.
- **Ordinance No. 5.5** – Article 6 of Ordinance No. 5.4 would be amended to allow the Board to extend the deadline for filing an application for an efficiency allocation.
- **Ordinance No. 5.6** – Adopted in July 1997 to supersede Ordinance 5.5, this newer version added definitions of "Irrigated and Prime Agricultural Lands", more closely described allocation transfers from Ag to M&I, allowed for exemption from scheduled reductions for those facilities where meters were not required, and eliminated Conditional Baseline allocations.
- **Ordinance No. 5.7**– Superseded Ordinance 5.6 in September 1998, and revised the annual Credit accounting procedure by arranging for FCGMA staff to send a notice to each well owner with total balance at the end of every year. Credit applications are no longer required, but the well owner must still sign the account sheet and return it within 30 days to qualify. The tiered surcharge for over pumping beyond the annual allocation was eliminated and replaced with a single penalty fee based on the cost to import water and the current groundwater conditions within the Agency. Payment of surcharges was tied to the confirmation-of-credit form postmark date, and must be paid within 30 days of form mailing.
- **Ordinance No. 5.8** – Superseded Ordinance 5.7 in December 1999 to modify the section on credits (Article 7), specifically, to add a sentence that severely limited and placed restrictions on the transfer of earned conservation credits.
- **Ordinance No. 5.9**– Superseded Ordinance 5.8 in February 2001 to effect two significant alterations. The first allowed a waiver of interest for surcharges and

pumping fees when such interest was deemed inappropriate. The second alteration addressed high water levels in the Perched or Semi-Perched aquifer near the surface of the Oxnard Plain. A new clause was added to allow well owners to pump groundwater for the purpose of lowering water levels after approval of a written request. Such pumping was restricted to the wells perforated only in the shallow aquifers, and only in Sealing Zone III.

Ordinance No. 6 – Adopted in June 1991, this was an Emergency Ordinance that increased extraction charges from \$0.50 to \$1.75 per AF effective July 1, 1991. This ordinance was later superseded by Ordinance 1.1, which increased extraction charges to \$2.00 per AF effective July 1, 1992. Concurrent with this increase to \$2.00 per AF, the Board approved a change to the Ordinance that allowed extraction charges to be set by Resolution.

Ordinance No. 7 – Adopted in July 1991, this document amended Ordinance No. 5.0 to prevent the waste of water by requiring a water well operator to be either sixty percent (60%) efficient or better, or to lose a portion of his historical allocation. This ordinance was later incorporated into Ordinance No. 5.1.

Ordinance No. 8.0 – Also known as the “Ordinance Code,” this is really a conglomeration of all the previous active ordinances (1.3, 3.2, 4.3, and 5.9). Passed by the FCGMA Board of Directors on June 26, 2002, it became law approximately 30 days later on July 29, 2002. The main purpose of combining the ordinances together was to reduce confusion, eliminate redundant text, and to shorten the laws into a more manageable format. Printing costs will also be reduced resulting in a savings to the Agency.

- **Ordinance No. 8.1** – Article 6B of Ordinance No. 8 was amended July 27, 2005, to allow California Irrigation Management Information System (CIMIS) type weather stations to be used in lieu of using the Department of Water Resources (DWR) CIMIS standard stations.
- **Ordinance No. 8.2** – Article 8 of Ordinance No. 8.1 was amended January 27, 2010, to allow an operator to obtain an efficiency allocation with as little as sixty percent (60%) efficiency instead of the previously required minimum eighty percent (80%) efficiency. Surcharges were prorated but still due if efficiency fell between sixty and eighty percent (60 and 80%).
- **Ordinance No. 8.3** – Article 7 of Ordinance No. 8.2 was amended July 28, 2010, to establish a deadline of July 1 of the following year for requesting Conservation Credits. It also extended the filing deadline for 1991 and 1992 Conservation Credits to July 1, 1994.
- **Ordinance No. 8.4** – This amendment to Chapter 5 of the Ordinance Code, “An Ordinance to Amend the Fox Canyon Groundwater Management Agency Code

Relating to Annual Efficiency Extraction Allocations” was amended and adopted October 26, 2011, and becomes effective on the thirty-first day after adoption, November 26, 2011. Additionally, a concurrent resolution, Resolution No. 2011-04 was approved and adopted October 26, 2011, becoming effective January 1, 2012.

- [Ordinance No. 8.5](#) – This amendment to the Ordinance Code relating to extinguishment of conservation credits for destroyed, inactive or abandoned wells with no active operator was adopted by the Board on December 7, 2011.
- [Ordinance No. 8.6](#) – This amendment to the Ordinance Code relating to establishment and protection of the Las Posas Basin Management Area was adopted by the Board on December 7, 2011.
- [Ordinance No. 8.7](#) – This amendment to the Ordinance Code relating to interest and penalties was adopted by the Board on May 22, 2013. Additionally, Resolution No. 2013-01, which incorporates civil penalties referenced in the Ordinance Code, was adopted by the Board on May 22, 2013.
- [Ordinance No. 8.8](#) – This amendment to the Ordinance Code relating to extraction surcharges for exceeding an Irrigation Allowance Index of 1.0 and imposing an Agency-wide cap on agricultural extractions.
- [Ordinance No. 8.9](#) – This amendment to the Ordinance Code relating to monthly reporting of agricultural extraction facilities.
- [Ordinance No. 8-10](#) – This amendment to the Ordinance Code relating to reporting extractions was adopted by the Board on May 25, 2022.