MCMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY
ENFORCEMENT POLICY & PENALTY GUIDELINES

POLICY NO. 2025-11

DATE ADOPTED: February 12, 2025

1.0 Background

Pursuant to the Sustainable Groundwater Management Act of 2014 (Water Code §§ 10720 et seq.) ("**SGMA**"), the McMullin Area Groundwater Sustainability Agency ("**MAGSA**") is one of seven groundwater sustainability agencies ("**GSAs**") that each manage groundwater within their respective portions of the Kings Subbasin (DWR Basin No. 5-22.08). MAGSA is responsible for implementing projects and management actions to cooperatively reach sustainability objectives and address sustainable yield and overdraft conditions within the Kings Subbasin and MAGSA. To that end, MAGSA, along with each of the other Kings Subbasin GSAs, worked collaboratively to prepare and timely submit a Groundwater Sustainability Plan ("**GSP**") for their respective portion of the Kings Subbasin. On August 4, 2023, the Department of Water Resources approved the Kings Subbasin GSPs.[1]

2.0 Purpose

This Enforcement Policy ("**Policy**") is part of MAGSA's ongoing efforts to ensure compliance with its policies, rules, and regulations and other requirements and to provide meaningful deterrence to violations through enforcement actions. This Enforcement Policy will: (1) establish guiding principles on MAGSA's approach to enforcement and setting penalties; (2) establish a standardized enforcement framework; (3) authorize MAGSA's General Manager to propose enforcement recommendations, subject to Board approval; (4) address other actions to advance MAGSA's goals of consistent, fair, firm, meaningful, and timely enforcement that is transparent to regulated persons and entities, tailored to address the needs of disadvantaged communities, and adhering to due process and other legal obligations; and (5) establish civil penalty guidelines for violations.

3.0 Policy Objectives

The goals of this Policy are to promote maximum compliance with MAGSA's orders, ordinances, resolutions, policies, decisions, rules and/or regulations through the adoption and application of consistent enforcement practices and to develop a sufficient record that ensures that regulated persons and entities subject to enforcement receive due process (e.g., notice and an opportunity to be heard). MAGSA intends for this Policy to promote a consistent approach to enforcement actions, to make enforcement a high priority, and to promote a culture of compliance within MAGSA.

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[1] A copy of MAGSA's approved GSP can be accessed at the following web address: https://www.mcmullinarea.org/gspdownload/.

4.0 Scope

This Policy applies to MAGSA's GSP and all MAGSA Rules, and Regulations, existing now and in the future, as they may be amended from time to time, as further set forth herein. Nothing in this Policy in any way restricts or reduces existing enforcement tools and procedures available to MAGSA or its General Manager or legal counsel. Rather, this Policy builds on MAGSA's existing enforcement and regulatory tools and processes, as well as incorporates best practices and legal responsibilities, with the goal of better serving MAGSA landowners through nimble, meaningful, and transparent enforcement of its GSP and Rules and Regulations.

5.0 Guiding Principles

A. Ensuring Compliance

MAGSA will strive to ensure compliance with its GSP, orders, ordinances, resolutions, policies, decisions, rules and/or regulations to assure adherence in a fair and equitable manner and provide a meaningful deterrent to violations through its enforcement efforts.

B. Consistent Enforcement

MAGSA enforcement actions will be consistent, reliable, non-discriminatory, just and reasonable. MAGSA's enforcement actions shall be appropriate for each type of violation and shall provide consistent treatment for violations that are similar in nature and that have similar impacts to MAGSA's portion of the Basin. Enforcement actions shall require timely compliance.

C. Timely Enforcement

MAGSA shall pursue timely enforcement, consistent with the needs of each case.

D. Progressive Enforcement

MAGSA may implement progressive enforcement, providing an escalating series of actions, beginning with notice of a violation and/or warning letter followed by actions to compel adherence to MAGSA rules, regulations and policies, and may result in the imposition of penalties or fines. However, progressive enforcement may not be an appropriate enforcement response for violations resulting from intentional or grossly negligent misconduct, where impacts to the Basin are significant or widespread, or where impacts to health or human safety are present or imminent. In such cases, MAGSA reserves the right to seek immediate court or legal action.

E. Transparency

MAGSA will provide clear and consistent information about its enforcement actions. MAGSA will monitor and report on its enforcement actions in a publicly accessible manner, including the extent to which regulated persons or entities return to compliance.

F. Priority of Enforcement

It is the policy of MAGSA that every violation should result in an appropriate enforcement response consistent with the priority of the violation.

6.0 Recitals

WHEREAS, MAGSA is a joint powers authority formed pursuant to the Joint Exercise of Powers Act (Gov't Code §§ 6500 et seq.) and acts pursuant to this authority; and

WHEREAS, it is MAGSA's mission to sustainably manage, protect and maintain the groundwater resources within the McMullin Area of the Kings Subbasin consistent with the SGMA for the benefit of water users within the McMullin Area of the Kings Subbasin, and to coordinate in that pursuit with other GSAs within the Kings Subbasin; and

WHEREAS, pursuant to Water Code section 10725.2, the MAGSA Board of Directors ("**Board**") is authorized to adopt orders, ordinances, resolutions, policies, decisions, rules and/or regulations for the purpose of complying with SGMA; and

WHEREAS, on April 6, 2022, the MAGSA Board adopted Implementing Rules and Regulations for Regulating the Export of Groundwater in Support of Sustainable Management to implement its Groundwater Export Policy (Policy No. 2020-07; adoption date December 9, 2020) to provide specific instruction to landowners and/or other interested parties regarding the annual permitting and fees process related to the export of groundwater extracted from lands within MAGSA's boundaries to any location outside of MAGSA's boundaries; and

WHEREAS, on December 6, 2023, the MAGSA Board adopted Amended Implementing Rules and Regulations for its Groundwater Well Metering, Measurement, Monitoring and Construction Policy and Related Policies (Policy No. 2021-9; adoption date February 3, 2021) to provide guidance to landowners and their respective vendors and to outline the acceptable range of type, performance, accuracy and reliability of required hardware for compliance with said policies; and

WHEREAS, on June 5, 2024, the MAGSA Board adopted Implementing Rules and Regulations for its Domestic Well Mitigation Policy (Policy No. 2024-10; adoption date April 3, 2024) to consider measures to assist owners of domestic wells located on lands within its boundaries that go dry or fall within ten (10) feet of going dry due to lowering groundwater levels within the Kings Subbasin; and

WHEREAS, MAGSA is expressly authorized and empowered to, among other things: (1) "provide the maximum degree of local control and flexibility consistent with the sustainability goals" (Water Code § 10725, subd. (b)); (2) "perform any act necessary or proper to carry out the purposes of [SGMA]" (Water Code § 10725.2 subd. (a)); (3) conduct investigations pursuant to Water Code section 10725.4, including but not limited to investigations to monitor compliance and enforcement (Water Code § 10725.4, subd. (a)(4)); and (4) impose civil penalties pursuant to Water Code section 10732, and bring an action in the superior court related thereto; and

WHEREAS, MASGA seeks to establish a policy outlining the enforcement procedures associated with potential and threatened violations of its GSP or Rules and Regulations; and

WHEREAS, this Policy sets forth the circumstances, procedures, and guiding principles MAGSA will adhere to when enforcing its GSP or any of its adopted orders, ordinances, resolutions, policies, decisions, rules and/or regulations, as they may be amended from time to time, or when addressing other expressly identified issues within its jurisdiction as the GSA for the McMullin Area of the Kings Subbasin; and

WHEREAS, nothing in this Policy is intended to restrict in any way MAGSA's powers and authorities established by or related to Division 6, Parts 2.7 through 2.78 of the California Water Code governing groundwater, MAGSA's GSP, or any of MAGSA's adopted orders, ordinances, resolutions, policies, decisions, rules and/or regulations; and

WHEREAS, MAGSA's Board finds that this Policy will provide necessary guidance for utilizing existing enforcement and regulatory tools more effectively, and will provide additional tools to address non-compliance in a prompt and effective manner; and

WHEREAS, this Policy will advance enforcement consistency and meaningful deterrence; and

WHERAS, this Policy will provide the timely remedies necessary to correct ongoing compliance issues while conserving MAGSA's time and resources; and

WHEREAS, the procedures set forth in this Enforcement Policy will ensure due process, fairness, and efficiency in the application of the Enforcement Policy; and

WHEREAS, the potential penalties provided herein are reasonable and consistent with Water Code section 10732.

NOW, THERFORE, BE IT RESOLVED the following Enforcement Policy specifies the procedures MAGSA may follow upon violation of MAGSA's GSP or any of MAGSA's orders, ordinances, resolutions, policies, decisions, rules and/or regulations:

Enforcement Policy

7.0 Enforcement Actions

MAGSA, through action of the Board or through its general manager, may pursue the following enforcement actions:

A. Notice of Violation

1. *In Person or Telephonic Communication*

   a. MAGSA may inform regulated entities in person or by telephone of violations that must be corrected. MAGSA will keep a written record of such oral communications.

b. MAGSA may also elect to memorialize all oral communications in a written warning via email or letter, Notice of Violation, or other written communication. Oral communications are not required or necessary in every case. MAGSA need not provide communication in advance of issuing a written warning letter or email or Notice of Violation, or before referring an issue to the MAGSA Board for other enforcement.

2. *Warning Letter or Email*

a. MAGSA may send a regulated person or entity a letter or email that identifies potential violations. A warning letter or email will only be sent to address issues that are not being cited as violations but should be corrected to avoid a Notice of Violation or to reduce risk to the Basin or to health and human safety. MAGSA will verify delivery of the Warning Letter or Email, including record of the following information:

i. Date the letter or email was sent;

ii. Date MAGSA identified the situation or condition at issue;

iii. Circumstances under which MAGSA identified the situation or condition at issue (e.g., during inspection, in response to anonymous complaint, etc.); and

iv. Recommended actions to address the situation or condition at issue, including any recommended timeframes to complete such actions.

3. *Request for Information/Investigation*

a. MAGSA may request relevant information from a regulated person or entity to determine compliance and enforcement.[2] Failure to comply or otherwise make such information available may result in other enforcement action.

b. To monitor compliance and enforcement, MAGSA may inspect the property or facilities of a person or entity to ascertain whether compliance is being met. MAGSA may conduct an inspection consistent with Water Code section 10725.4 upon obtaining any

[2] Water Code § 10725.4.

necessary consent from the landowner or operator, or obtaining an inspection warrant pursuant to the procedure set for in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure.

c. Such investigatory authority includes reasonable investigation of surface waters and surface water rights and groundwater and groundwater rights consistent with Water Code section 10725.4, subdivision (b).

4. *Formal Notice of Violation*

a. When a violation is identified, MAGSA may issue a Notice of Violation to a regulated person or entity. A Notice of Violation will include:

i. The policy, rule, regulation, ordinance, resolution, or other order violated by the regulated person or entity;

ii. The facts that form the basis for each violation;

iii. Information related to the potential for additional enforcement action;

iv. A date by which the regulated person or entity must come into compliance or correct each violation;

v. A date by which the regulated person or entity must certify that each violation has been corrected;

vi. A penalty amount if the Notice of Violation includes a penalty;[3]

vii. MAGSA staff contact information; and

viii. Information relating to the required response to the Notice of Violation.

[3] Violations that are merely "administrative," as defined in this Enforcement Policy, do not necessarily warrant the imposition of a penalty. As discussed herein, administrative violations do not involve immediate or significant threat to human health, safety, welfare, the Basin or the environment. However, recurring or temporally consecutive administrative violations may warrant a penalty or other escalated enforcement action from MAGSA.

ix. MAGSA will verify delivery of the Notice of Violation to the regulated person or entity.

b. Opportunity to Respond in Writing. A regulated person or entity that receives a Notice of Violation will have an opportunity to respond in writing. Any written response must be provided to MAGSA within the time identified in the Notice of Violation. A written response to a Notice of Violation must include:

i. If the person or entity disputes the existence of a violation, a statement of the facts upon which the dispute is based;

ii. A plan to correct any undisputed violations;

iii. Confirmation that the regulated person or entity will correct any undisputed violation(s) by the date(s) specified in the Notice of Violation or a proposal for a later date if more time is needed, along with an explanation of the need for additional time;

iv. Confirmation that a penalty assessed, if any, will be paid within 30 days of the issuance of the Notice of Violation or a proposal for lower penalty amount with an explanation of why the lower penalty amount is appropriate.

c. MAGSA's Review of Written Response(s). MAGSA's general manager or staff will review any written response(s) to a Notice of Violation and consider any explanation(s) or defense(s) provided therein. MAGSA's general manager or staff will thereafter make a recommendation to the MAGSA Board regarding whether to accept the response or whether to proceed with additional enforcement. MAGSA's general manager or staff will provide a rationale for any recommendations for additional enforcement, including why the person or entity's explanation(s) or defense(s) lack merit. After reviewing the response(s), MAGSA's general manager may also take any of the following actions, when appropriate:

i. Negotiate a proposed settlement for MAGSA legal counsel review and Board review and approval;

ii. Request that the person or entity provide additional information;

iii. Recommend appropriate enforcement action to the MAGSA Board for approval;

iv. Provide written notification to the regulated person or entity whether the response resolved one or more of the violations identified in the Notice of Violation.

5. *<u>Negotiated Proposed Enforcement Settlement</u>*

a. A negotiated proposed enforcement settlement will be memorialized in a proposed order ("**Enforcement Settlement Order**") for MAGSA Board approval. The proposed Enforcement Settlement Order will become final upon review and approval by the Board, consistent with the requirements of the Joint Powers Agreement and the Bylaws, as they may be amended from time to time. All proposed and final Enforcement Settlement Orders will be maintained by MAGSA and include the following:

i. The MAGSA order, resolution, policy, decision, rule or regulation violated by the regulated person or entity;

ii. The facts forming the basis for each violation;

iii. The number of violations incurred, including the dates on which the violations occurred;

iv. Information relating to the potential for additional or ongoing violations;

v. An agreement by the regulated person or entity to correct each violation, and the date by which compliance for each violation must be certified;

vi. An agreement by the regulated person or entity to pay any penalty, fee or assessment, if applicable, by a date specified.

b. The MAGSA Board may request that its general manager and/or legal counsel negotiate a proposed Enforcement Settlement Order for Board approval.

c. If a regulated person or entity fails to respond to a Notice of Violation within the required time frame, or if a proposed Enforcement Settlement Order is not negotiated or approved by the

MAGSA Board, MAGSA or its general manager may take the next appropriate enforcement action.

d. In negotiating a proposed settlement, the following non-exhaustive list of factors may be evaluated as part of any proposed settlement to be submitted to the MAGSA Board for consideration:

i. The nature and persistence of the violation(s);

ii. The extent of the harm caused by the violation;

iii. The length of time over which the violation occurs;

iv. Any corrective action taken by the violator;

v. Equitable factors;

vi. Mitigating circumstances;

vii. Evidentiary issues; and

viii. Other considerations that MAGSA or its general manager reasonably believes may adversely affect the ability to obtain the calculated penalty.

B. Enforcement Actions

1. Enforcement Order

a. Following Board approval, MAGSA, its general manager, or legal counsel may issue a proposed Enforcement Order to a regulated person or entity. MAGSA will verify delivery of the proposed Enforcement Order. Proposed Enforcement Orders will be maintained by MAGSA and will include the following:

i. The law or MAGSA order, resolution, ordinance, policy, decision, rule and/or regulation violated by the regulated person or entity;

ii. The facts forming the basis for each violation;

iii. The number of violations incurred, including the dates on which the violations occurred;

iv. Information relating to the potential for additional or ongoing violations;

v. A directive to correct each violation;

vi. A date by which the regulated person or entity must certify compliance;

vii. If applicable, a directive to pay a fee, assessment or penalty by a date specified;

viii. MAGSA's contact information; and

ix. Information regarding requesting a voluntary hearing before the MAGSA Board on the proposed Enforcement Order.

b. The MAGSA Board may designate its general manager and/or legal counsel the responsibility of preparing and/or transmitting a proposed Enforcement Order to a regulated entity.

c. <u>Requests for Hearing</u>. A regulated person or entity may request a hearing before the MAGSA Board on a proposed Enforcement Order by submitting a written request for a hearing within 30 days of receipt of the proposed Order. The right to a hearing is forfeit if the request is not timely submitted. If a timely hearing request is not received, the proposed Enforcement Order will become final upon adoption by the MAGSA Board. Absent a stay of enforcement by the MAGSA Board, corrective actions designated in a proposed Enforcement Order will remain in effect while a request for a hearing is pending. Neither payment of any associated assessment, fee, or penalty nor the submission of a timely hearing request shall excuse the regulated entity from curing a violation. The hearing will allow oral or written presentations as part of the meeting.

2. *<u>Investigation Order</u>*

a. In conjunction with another enforcement action, or separately, MAGSA's general manager or staff may recommend that the MAGSA Board issue an Investigation Order. Factors that may be considered in determining whether to recommend an Investigation Order include, but are not limited to, the following:

i. The violation(s) and/or the facts and circumstances surrounding the violation(s) are complex;

ii. The violation(s) involves significant property damage, threats or harm to the Basin and/or to health and human safety, and/or significant risk of additional harm or damage;

iii. The violation(s) involve allegations of fraud or knowing, intentional or willful behavior;

iv. The regulated person or entity's explanation or defenses; and

v. The person or entity has repeatedly violated the law or MAGSA's orders, ordinances, resolutions, policies, decisions, rules and/or regulations.

3. *Referral to Legal Counsel – Civil Action*

a. MAGSA's general manager or staff may request that the MAGSA Board refer the matter to legal counsel for the filing of a civil action, including for injunctive relief.

b. Any authorization for MAGSA's participation in litigation or other legal proceeding(s) requires a unanimous vote of all of MAGSA's Directors of the Board of Directors.

8.0 Penalties

A. MAGSA's general manager or staff may recommend to the MAGSA Board for the imposition of penalties as part of MAGSA's response to a violation.

B. When calculating penalties for violations, MAGSA's general manager or staff will rely on the methodology set forth below. All penalties are subject to unanimous approval by the MAGSA Board.

C. Penalties shall be consistent with Water Code section 10732:

a. A person who extracts groundwater in excess of the amount that person is authorized to extract under a rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2, shall be subject to a civil penalty not to exceed five hundred dollars ($500) per acre-foot extracted in excess of the amount that person is authorized to extract. Liability under this subdivision is in addition to any liability imposed under section 8.0 (C)(b) and any fee imposed for the extraction.

b. A person who violates any rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2 shall be liable for a civil penalty not to exceed one thousand dollars ($1,000) plus one hundred dollars ($100) for each additional day on which the violation continues if the person fails to comply within 30 days after the local agency has notified the person of the violation.
c. Any such violations described above may also result in the loss of any MAGSA-proffered benefits, including but not limited to loss of grant funding.
d. In addition to or in lieu of the penalty provisions or remedies set forth in this Section 8.0, any violation of MAGSA's orders, ordinances, resolutions, policies, decisions, rules and/or regulations, or any condition caused or allowed to exist in violation of any of the provisions of this Policy, shall be deemed a public nuisance and shall, at the discretion of MAGSA, create a cause of action for injunctive relief, including but not limited to any remedy under Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code.

D. Penalty Assessment Methodology

1. When a regulated person or entity violates MAGSA's GSP or any MAGSA order, resolution, policy, decision, rule or regulation, MAGSA's general manager may propose, and the MAGSA Board may assess (subject to appropriate approval), a penalty against the regulated person or entity. The penalty amount for each violation may be proposed or assessed at an amount that is within the statutory range authorized by SGMA or any other applicable law. This Penalty Assessment Methodology sets forth the factors that the MAGSA Board must consider in determining the amount of a penalty for each violation.

2. The purpose of a penalty is to effectively deter further violations. Effective deterrence creates an incentive to avoid violations, which is particularly important in the context of violations that could result in harm to the public, MAGSA's groundwater resources, the Basin, or other severe consequences. The following factors will be considered in determining appropriate penalties for a violation:

   a. Severity or Gravity of the Offense. The evaluation of the severity or gravity of the offense may involve several considerations, including the following:

      i. Economic harm;

ii. Physical harm to people or property;

iii. Threatened physical harm to people or property;

iv. Harm to the integrity of MAGSA's regulatory processes, including disregard of a statutory or MAGSA directive;[4]

v. The number of violations.

b. Conduct of the Regulated Entity. The evaluation of the conduct of the regulated person or entity includes the following considerations:

i. The degree of culpability;

ii. Actions taken to prevent a violation;

iii. Actions taken to detect a violation;

iv. Actions taken to disclose and rectify a violation, including voluntary reporting of potential violations, voluntary efforts undertaken, and the good faith of the regulated person or entity in attempting to achieve compliance after notification;

v. Actions taken to conceal, hide, or cover up a violation; and

vi. Prior history of violations.

c. Totality of the Circumstances in Furtherance of the Public Interest. An evaluation of the totality of the circumstances in furtherance of the public interest includes the following considerations:

i. Establishing a penalty that effectively deters further unlawful conduct;

ii. Consideration of facts that tend to mitigate or exacerbate the degree of wrongdoing;

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[4] Violations of reporting or compliance requirements are examples of violations that harm the integrity of MAGSA's regulatory processes.

iii. Harm from the perspective of the public interest;

iv. Ensuring that a regulated entity does not have incentives to make economic choices that cause or unduly risk a violation.

d. Economic Benefit Evaluation. An economic benefit amount may be estimated for each violation. Economic benefit includes any savings or monetary gain derived from noncompliance or from the act or omission constituting the violation. In instances where the violation occurred because the regulated person or entity postponed compliance, failed to implement adequate control measures or to obtain required MAGSA authorization, or did not take other measures needed to prevent a violation, the economic benefit may be substantial.

i. Economic benefit will be calculated as follows:

a) Determine the actions necessary to comply with a MAGSA permit, decision, order, ordinance, resolution, policy, decision, rule and/or regulation, or in the exercise of reasonable care, to prevent or avoid a violation.

b) Determine when and/or how the regulated person or entity should have taken these actions as specified in the MAGSA permit, decision, order, ordinance, resolution, policy, decision, rule and/or regulation, or in the exercise of reasonable care, to prevent or avoid a violation.

c) Evaluate the types of actions that the person or entity should have taken to avoid the violation and estimate the costs of these actions.[5]

d) Calculate the present value of the economic benefit, which is equal to the present value of the avoided costs plus the "interest" on delayed costs. This calculation reflects the fact that the

[5] Two types of costs should be considered: delayed costs and avoided costs. Delayed costs include expenditures that should have been made sooner to avoid a violation (e.g., installing a meter). Avoided costs include expenditures for equipment or services that the regulated person or entity should have incurred to avoid the incident of noncompliance, but that are no longer required.

regulated person or entity has had use of the money that should have been used to avoid noncompliance.

e) Determine whether the regulated person or entity gained any other economic benefits or advantages due to the noncompliance (e.g., income from unauthorized or unpermitted operations).

ii. Assuming the total amount remains within the statutorily-authorized penalty threshold, any penalty amount should be no more than 10 percent higher than the economic benefit amount so that regulated persons or entities do not misconstrue penalties as "the cost of doing business," and so that the assessed penalty provides a meaningful deterrent to future violations.

e. The Role of Precedent. When a case involves the same or similar factual circumstances to another case where penalties were assessed, the similarities and differences between the two cases may be considered when determining an appropriate penalty amount.

E. Board Voting Threshold for Adopting Penalty. The adoption of any penalty to be imposed by MAGSA for a violation requires a unanimous vote of the entire MAGSA Board of Directors.

9.0 Monitoring Compliance with Orders, Decisions, and Resolutions

MAGSA, or its general manager, will monitor compliance with all final orders, decisions, and resolutions. Compliance may be documented by MAGSA and kept on file.

10.0 Interaction with Existing Enforcement Tools

No existing MAGSA order, ordinance, resolution, policy, decision, rule and/or regulation are altered by this Policy. Rather, this Policy provides additional clarity and enforcement tools for MAGSA, its general manager, and its staff to use in lieu of, or in conjunction with, existing MAGSA enforcement programs. This Policy in no way changes or undermines MAGSA's other enforcement programs and policies, nor does it create a disincentive to taking enforcement actions or adding new enforcement programs. All actions in this Policy, whether new or existing, will be performed consistent with SGMA, MAGSA's Joint Powers Agreement, Bylaws, Policies, and Implementing Rules and Regulations as they may be amended from time to time, and all other relevant legal authorities.

11.0 Applicability of Other Laws

To the extent that this Enforcement Policy or any discrete portion hereof contradicts or is deemed inconsistent with the California Water Code, or MAGSA's existing orders, ordinances, resolutions, policies, decisions, rules and/or regulations, or any other rule or law of the State of California or United States, such other authorities shall prevail over this Enforcement Policy, but only to the extent of the contradiction or inconsistency, and all other unaffected portions of this Enforcement Policy will remain in full force and effect. This Enforcement Policy does not create, afford, nor provide any additional procedural or substantive rights to any person or entity.

12.0 Effective Date and Modification

A. This Policy shall become effective and be in full force and effect upon its passage and adoption.

B. MAGSA's Board of Directors may modify this Policy at any time, at its sole discretion, pursuant to the applicable procedures described in MAGSA's Bylaws.

The foregoing Enforcement Policy was passed and adopted by the Board of Directors for the McMullin Area Groundwater Sustainability Agency, at a regular meeting thereof held on the twelve day of February, 2025, by the following vote:

AYES: Abercrombie, Cameron, Namvar, Pacheco
NOES:
ABSENT: DeGroot

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Chairperson

ATTEST:

MATTHEW H. HURLEY, Secretary

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Approved as to legal form and effect:

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Legal Counsel