

RESOLUTION NO. 18-08-01

RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD APPROVING THE ADOPTION OF THE REGULATION TO ESTABLISH FEES PURSUANT TO THE DIG SAFE ACT OF 2016 AND AUTHORIZING RULEMAKING PROCEEDINGS

WHEREAS, pursuant to the Dig Safe Act of 2016 (SB 661, Chapter 809, Statutes of 2016) (the “Act”), codified under Government Code section 4216 et seq. (the “statute”), the California Underground Facilities Safe Excavation Board (the “Board”) is mandated to coordinate education and outreach activities that encourage safe excavation practices, develop certain standards for safe excavation practices, investigate possible violations of the statute, and enforce the statute on specified persons;

WHEREAS, the Board is authorized under the Act to obtain funding for its operational expenses from a fee charged to members of the regional notification centers not to exceed the reasonable regulatory cost incident to enforcement of the statute, and the Board must apportion the fee in a manner consistent with formulas used by the regional notification centers;

WHEREAS, the Board received a General Fund loan under the Budget Act of 2017 for the Board’s initial and continual operational expenses to implement the Act, and the Board must establish the amount of the fee charged to members of the regional notification centers to obtain sufficient funds to timely repay the General Fund loan and meet the Board’s operational expenses;

WHEREAS, Government Code section 4216.22 provides that the Board may prescribe rules and regulations as may be necessary or proper to carry out the purposes and intent of the Act and to exercise the powers and duties conferred upon it by the Act; and

WHEREAS, the Board reviewed and considered public comments received during the 45-day written public comment period;

THEREFORE, BE IT RESOLVED by the California Underground Facilities Safe Excavation Board as follows:

Section 1. The proposed regulation to establish a fee charged to members of the regional notification centers as authorized under the Act is hereby approved in substantially the form submitted to the Board by staff. The Executive Officer is hereby authorized, for and on behalf of the Board, to proceed as required by the Administrative Procedure Act to adopt the proposed regulation and submit the proposed regulation with the supporting documentation required by law to the Office of Administrative Law.

Section 2. The Executive Officer is hereby authorized, for and on behalf of the Board, to take such actions, including making or causing to be made such changes to the proposed regulation as may be required for approval thereof by the Office of Administrative Law, and to execute and deliver any and all documents, including STD. 399 and STD. 400, that the Executive Officer may deem necessary or advisable in order to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately upon approval.

Date of Adoption: August 20, 2018

I hereby certify that the attached resolution is a true and exact copy of Resolution No. 18-08-01 adopted by the California Underground facilities safe excavation Board on August 20, 2018 APPROVING THE ADOPTION OF THE REGULATION TO ESTABLISH FEES PURSUANT TO THE DIG SAFE ACT OF 2016 AND AUTHORIZING RULEMAKING PROCEEDINGS.

/s/ Tony Marino

/s/ Jessica Arden

Tony Marino
Executive Officer

Jessica Arden
Chair

Date: August 20, 2018