

RESOLUTION No. 20-09-01

A RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD AUTHORIZING UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA (“DIGALERT”) AND UNDERGROUND SERVICE ALERT OF NORTHERN CALIFORNIA AND NEVADA (“USA NORTH 811”) TO USE THE BOARD’S SEAL ON INVOICES FOR BOARD REGULATORY FEES

WHEREAS, Government Code section 4216.16 authorizes the Board to collect a fee from members of the state’s regional notification centers not to exceed the reasonable regulatory cost incident to enforcement of Government Code section 4216 et seq.;

WHEREAS, the Board adopted in Resolution 18-08-01 Section 4010 of Title 19 of the California Code of Regulations to establish fees pursuant to Government Code section 4216.16, and the regulations required the regional notification centers to collect the fees on the Board’s behalf;

WHEREAS, subsequently, several members of the state’s two regional notification center have expressed concern that the invoices sent by the regional notification centers on the Board’s behalf do not look official;

WHEREAS, during the Board’s June 8, July 13, and August 8, 2020 meetings representatives of the regional notification centers had expressed a desire to use the Board’s seal on the invoices the regional notification centers send on the Board’s behalf to convey the legitimacy of the invoices;

WHEREAS, Business and Professions Code section 17533.6 states that it is unlawful for any person, firm, corporation, or association that is a non-governmental entity to use a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content that reasonably could be interpreted or construed as implying any federal, state, or local government, military veteran entity, or military or veteran service organization connection, approval, or endorsement of any product or service unless the nongovernmental entity has an expressed connection with, or the approval or endorsement of, a federal, state, or local government, military veteran entity, or military or veteran service organization;

WHEREAS, Section 4010 of Title 19 of the California Code of Regulations creates an expressed connection between the state’s two regional notification centers and the Board for the purpose of collection of the Board’s regulatory fee;

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

1. Underground Service Alert of Southern California (“DigAlert”) and Underground Service Alert of Northern California and Nevada (“USA North 811”) may use the Board’s seal on an invoice requesting a member pay of the Board’s fee, a statement informing a member of balance

due for the Board's fee, or communication informing a member of the consequences of late payment or nonpayment of the Board's fee, if the document contains the following language:

“Use of the Dig Safe Board seal is authorized pursuant to Board Resolution 20-09-01.”

2. This resolution shall take effect immediately upon approval.

Date of Adoption: September 14, 2020

I hereby certify that the attached resolution is a true and exact copy of Resolution No. 20-09-01 adopted by the California Underground Facilities Safe Excavation Board on September 14, 2020:
A RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD APPROVING SECTION 4201 OF THE INVESTIGATIONS AND ENFORCEMENT REGULATIONS AND AUTHORIZING RULEMAKING PROCEEDINGS

/s/ Tony Marino

/s/ Carl Voss

Tony Marino
Executive Officer

Carl Voss
Chair

Date: September 14, 2020