

**RESOLUTION No. 20-09-02**

**A RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE  
EXCAVATION BOARD APPROVING THE ADOPTION OF THE REGULATION TO  
AMEND REGULATORY 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 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;

WHEREAS, the modification of the fee regulation is necessary to improve clarity to fee payers, streamline collections, and ensure the Board has sufficient funds to carry out its mission;

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;

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

Section 1. The proposed regulation to modify provisions related to the 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: September 14, 2020

I hereby certify that the attached resolution is a true and exact copy of Resolution No. 20-09-02 adopted by the California Underground Facilities Safe Excavation Board on September 14, 2020:  
A RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD APPROVING THE ADOPTION OF THE REGULATION TO AMEND REGULATORY FEES PURSUANT TO THE DIG SAFE ACT OF 2016 AND AUTHORIZING RULEMAKING PROCEEDINGS

/s/ Tony Marino

/s/ Carl Voss

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Tony Marino  
Executive Officer

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Carl Voss  
Chair

Date: September 14, 2020