

RESOLUTION 16-961

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT ESTABLISHING A WATER AVAILABILITY CHARGE FOR FISCAL 2016-2017 AND AUTHORIZING THE COLLECTION THEREOF BY THE COUNTY OF SAN BERNARDINO

WHEREAS, the Board of Directors of the District has found and determined that the availability of a dependable supply of high quality water for domestic uses and purposes is a benefit conferred upon the lands proposed to be charged and, conversely, that the lack of such a supply diminishes the value of such lands; and

WHEREAS, that as a result of steadily-increasing overdraft of its groundwater supplies and in anticipation of the need for a supplemental source of water, the voters approved the formation of assessment districts and the issuance of bonds for the purpose of financing the construction of a supplemental water supply project, thereby obligating the District to repay the bonded indebtedness incurred thereunder; and

WHEREAS, in 1996, the Board of Directors engaged the services of a qualified engineer for the purpose of establishing a schedule of water availability charges varying according to land uses and benefit derived or to be derived from the use and availability of facilities to provide potable water for domestic uses and purposes, which schedule was the subject of a published and mailed notice of hearing and a public protest hearing; and

WHEREAS, the water availability charge for fiscal year 2016-2017 is proposed to be continued at the same rate and in the same manner, and pursuant to the same methodology as established in 1996, and which has been continued from year-to-year since then; and

WHEREAS, pursuant to Section 54984.7 of the Uniform Standby Charge Procedures Act, the Board of Directors conducted a public hearing pursuant to published notice in order to hear any and all objections to the proposed renewal of the water availability charge for fiscal year 2016-2017; and

WHEREAS, the written protests received represent less than ___ percent of the parcels subject to the water availability charge.

NOW, THEREFORE, the Board of Directors of the Joshua Basin Water District hereby resolves as follows:

1. District Zones of Benefit. There is hereby established within the District four Zones of Benefit:

ZONE 1: Any size parcel served by one or more meters.

ZONE 2: Any size parcel within a half mile of a water mainline and in the same pressure zone as the mainline.

ZONE 3: Any size parcel within one mile of a water main and within one pressure zone of the mainline.

ZONE 4: All other parcels.

2. Adoption of Water Availability Charge. That there shall be adopted, for each parcel in the District, for fiscal year 2016-2017, a water availability charge established in accordance with the benefit conferred and in the amount as determined by the applicable District Zone of Benefit and the land use zoning adopted by the County of San Bernardino, which charge is more specifically shown on Exhibit "A" attached hereto and made a part hereof.

3. Rate and Methodology. The rate and methodology of the water availability charge adopted herein is the same and remains unchanged for this Fiscal Year, and that such charge is reasonable and necessary, and does not exceed the actual cost to the District of providing the service.

4. Dedication and Use of Revenue. The revenue generated by the water availability charge is hereby dedicated and shall be used to finance the capital costs of the District's water system, to repay bonded indebtedness incurred by the voters and operation and maintenance of the District's water facilities benefiting the properties assessed.

5. Exemptions. The water availability charge established hereunder is exempt from the California Environmental Quality Act in accordance with Section 21080 (b) (8) of the Public Resources Code, because the revenue generated by such charge shall be used for the repayment of debt related to capital projects necessary to maintain water service, and is also exempt from Article XIID of the California Constitution because (a) the charge was in existence prior to November 6, 1996, (b) because the rate and methodology used to establish the schedule of charges is the same as in previous years, and (c) because the charges are imposed to finance the capital cost of the District's water system and to repay bonded indebtedness. If and to the extent any charge is higher than in previous years, such increase is attributable solely to events other than an increased rate or revised methodology, such as a change in the density, intensity or nature of use of land, or consent of the landowner.

6. Water Service to Exempt Property. No new connection to the District's water system shall be allowed to any parcel which has been exempted from the water availability charge unless the applicant for water service pays an in-lieu water availability fee calculated as the total amount of water availability charges which would have been assessed against that parcel had it not been exempt, and unless the applicant agrees that the parcel will be subject to the water availability charge from that date forward.

7. Delinquent Charge. Water availability charges that have become delinquent shall, with a basic penalty of 6% for non-payment of the charge and

interest at the rate of 1/2 of 1 percent per month for each month of non-payment, become a lien on the property when a certificate is recorded in the office of the San Bernardino County Recorder pursuant to Government Code, Section 54984.9 (b) which lien shall have the force, effect and priority of a judgment lien.

8. Collection by the County. The water availability charge shall be collected on the San Bernardino County Tax Roll in the same manner, and by the same persons and at the same time as, together with and not separately from, the District's general taxes. The Secretary of the District is hereby authorized and directed to forthwith file a certified copy of this Resolution in the office of the Auditor of the County of San Bernardino on or before August 10, 2016.

9. Effective Date. The effective date of this Resolution is the 30th day following the date of its adoption.

PASSED AND ADOPTED this 15th day of June, 2016 pursuant to the following votes:

AYES: 5
NOES: 0
ABSTAIN: 0
ABSENT: 0

JOSHUA BASIN WATER DISTRICT

By Victoria Fuller
Victoria Fuller
President, Board of Directors

Attest Curt Sauer
Curt Sauer
Secretary, Board of Directors