

RESOLUTION NO. 1712

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE CALLEGUAS MUNICIPAL WATER DISTRICT  
IMPOSING WATER STANDBY CHARGES

A. WHEREAS, the Calleguas Municipal Water District ("Calleguas") was formed pursuant to the Municipal Water District Act of 1911 (Water Code §§ 71000 through 73001); and

B. WHEREAS, Calleguas has the authority to levy water standby charges ("Water Standby Charges") pursuant to Water Code section 71630 et seq; and

C. WHEREAS, Calleguas' Board of Directors, pursuant to Government Code section 54984 et seq. entitled "Uniform Standby Charge Procedures Act" (the "Act") may fix on or before August 10 in each year a Water Standby Charge whether the water services are actually used or not; and

D. WHEREAS, the amount of revenue to be raised by Water Standby Charges shall be determined by the Board; and

E. WHEREAS, the Act authorizes Calleguas to impose on land within Calleguas' district Water Standby Charges on an area, frontage, or parcel basis or a combination thereof, whether the water or water services are actually used or not; and

F. WHEREAS, the Act authorizes Calleguas to establish schedules varying the Water Standby Charge according to land use, benefits derived or to be derived from the use or availability of facilities to provide water or water services, or the degree of availability or quantity of the use of the water or water services to be affected; and

G. WHEREAS, at its meeting held May 4, 2011, Calleguas' Board determined that the public interest and necessity required Calleguas to have a stable revenue source, exclusive of ad valorem property taxes; and

H. WHEREAS, the Water Standby Charges proposed by the General Manager of Calleguas ("General Manager") are based upon the report of a qualified engineer entitled "Engineer's Report, Proposed Standby Charges, Fiscal Year 2011-2012," (hereinafter "Report") dated April 28, 2011, on file with Calleguas; upon recommendations and suggestions made by the General Manager during numerous Board meetings over a significant period of time; and upon consideration of suggestions made by members of the public during the public hearings and at other times; and

I. WHEREAS, notice of the proposed Water Standby Charges and of the public hearing at the date, time and location specified in the Notice of Public Hearing was published prior to the hearing, pursuant to Section 6066 of the Government Code, in a newspaper of general circulation within Calleguas' district, and in accordance with Section 54984.4(a) and 54984.7 of the Act; and

J. WHEREAS, the proposed Water Standby Charge has been imposed in prior fiscal years and has remained the same since the 1993-1994 Water Standby Charge; and

K. WHEREAS, the Board conducted such public hearings at which interested parties were given the opportunity to present their views regarding the proposed Water Standby Charges and the Report and to file written protest, if they so desired, for consideration prior to final implementation of the proposed Water Standby Charges; and

L. WHEREAS, the aforesaid notices also made provision for application for exemption from proposed Water Standby Charges.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF CALLEGUAS MUNICIPAL WATER DISTRICT RESOLVES AS FOLLOWS:

SECTION 1. RECITALS CONSTITUTE FINDINGS

The foregoing recitals are true and correct and shall constitute legislative findings by this Board.

SECTION 2. PARCELS INCLUDED

The Board hereby incorporates by reference as if set forth at length herein, for the purpose of describing the land upon which the Water Standby Charge is to be imposed, the electronic report on file at Calleguas entitled "Proposed 11-12 Standby Charges - Calleguas Municipal Water District," which is a list of the more than 180,000 parcels in the district, which includes the assessor parcel number of each such parcel.

SECTION 3. SCHEDULE OF CHARGES

There is hereby established a Water Standby Charge as follows:

A. Multiple Unit Land Use Codes shall be applicable to the property described below:

*See following page.*

<u>Assessor Use Code</u>	<u>Description</u>	<u>Charge Per Acre</u>
1150	5-9 Living units-apartments	\$ 25
1160	10 or more Living units-apartments	50
1200	Group quarters	5
1210	2 Family dwelling-duplex	10
1222	2 Single family dwellings on a parcel	10
1300	Residence and Apartment Hotel	5
1310	3 Family dwelling-triplex	15
1321	3 Family dwelling-duplex & a single	15
1333	3 Individual family dwellings	15
1400	Mobile home park	20
1410	4 Family dwelling-quadruplex	20
1420	4 Family dwellings-2 duplex	20
1421	4 Family dwelling-triplex & single	20
1432	4 Family dwelling-duplex & 2 singles	20
1444	4 Individual family dwellings	20
1511	Hotel-transient lodging	50
1512	Motel-transient lodging	50
1513	B&B/Transient Lodging	50

B. Non-High Density Land Use charge shall be as follows:

Charge for parcels greater than 1 Acre - \$5.00/Acre/Year; Charge for parcels less than 1 Acre - \$5.00/Year.

#### SECTION 4. EXEMPTIONS

Notwithstanding the foregoing section, the following land shall be exempt from Water Standby Charges:

A. Lands owned by the government of the United States, the State of California, or by any political subdivision thereof, or unit of local government;

B. Lands permanently committed to open space and maintained in their natural state that are not now and will not be in the future supplied with water by Calleguas;

C. Lands not included in A or B above which the General Manager finds do not now and cannot reasonably be expected to derive a benefit from the projects to which the proceeds of the Water Standby Charge will be applied.

#### SECTION 5. EXEMPTION PROCEDURES

The General Manager may develop and implement administrative guidelines which establish specific procedures for filing an "Application for

Exemption” from the Water Standby Charge pursuant to subsections B and C of Section 4 above, provided that:

A. An application for such exemption and documentation supporting such claim must be submitted to Calleguas in the prescribed manner. The General Manager is further directed to review any such Application for Exemption to determine whether the lands to which it pertains are eligible for such exemption, and to allow or disallow such application based upon the guidelines;

B. The General Manager shall also establish reasonable procedures for the filing and timing of appeals from his determination;

C. An Application for Exemption shall be deemed timely as to a Water Standby Charge established for any year if it is filed within two (2) years after the date the Resolution fixing the charge is adopted;

D. If the General Manager denies an Application for Exemption, the owner may file an appeal with the Board within sixty (60) days after such denial.

#### SECTION 6. DEFERRAL OF CHARGE

Situations may arise when an owner of a parcel of land does not use and has no present intention of using water provided by Calleguas or a purveyor of Calleguas, on a parcel of land within Calleguas’ district. The purpose of this section is to permit an evaluation by Calleguas, on a case-by-case basis, of the circumstances which pertain to such situations to determine whether a deferral of charges should be approved.

A. Application - Any owner of a parcel of land who believes that the amount of the Water Standby Charge fixed against such parcel should be deferred may file an application with Calleguas for deferral of the charge. The General Manager may develop and implement the appropriate guidelines for such application.

B. Time to File Application For Exemption - An application shall be deemed timely as to a charge established for any year if it is filed within two (2) years after the date the Resolution fixing the charge is adopted.

C. Criteria - The levy of the Water Standby Charge may be deferred annually as to any parcel of land which meets each of the following criteria:

(1) The owner of such parcel makes a timely application requesting deferral of the Water Standby Charge;

(2) The parcel which is the subject of the application will become subject to enforceable restrictions which prohibit the use of water on the parcel, except as a result of groundwater pumping, rainfall or runoff, provided that,

if considered appropriate by the General Manager, Calleguas' water may be used for limited domestic irrigation uses;

(3) The owner executes a recordable agreement which includes provisions that:

(i) Set forth the reasonable enforceable restrictions pertinent to the subject parcel;

(ii) The recordable agreement may be terminated upon written request by the owner and acceptance by Calleguas after payment of all deferred Water Standby Charges, plus interest thereon compounded annually and accruing at the same interest rate that Calleguas' operational funds draw (as distinguished from savings and investment accounts) from the date such charges would have been otherwise due and payable.

D. Appeal - If the General Manager denies an Application for Deferral, the owner may file an appeal with the Board within sixty (60) days after such denial.

#### SECTION 7. APPEALS

The Board shall consider all appeals from the decisions by the General Manager to deny any exemptions or deferrals of the Water Standby Charge. The Board shall act upon such appeals promptly and its decisions in such matters shall be final.

#### SECTION 8. CHARGE APPLICABLE TO EACH PARCEL OF LAND

The Water Standby Charge shall be applicable to each parcel of land as established by and according to the records of the County Assessor of Ventura County and in accordance with the provisions of this Resolution.

#### SECTION 9. IMPLEMENTATION OF RESOLUTION

The Board of Supervisors of Ventura County is directed to levy on behalf of Calleguas Municipal Water District, in addition to any other tax assessment, charge or levy, a Water Standby Charge in the amounts and on the respective parcels identified for it by the Board through the appropriate medium which the General Manager has caused to be delivered to the Ventura County Auditor at the prescribed time, and that:

A. The Water Standby Charge shall be levied by all County of Ventura Officers charged with the duty of collecting, receiving, and dispersing property taxes;

B. The Water Standby Charge shall be collected in the same form and manner as the County property taxes and the proceeds shall be paid to Calleguas;

C. Calleguas shall reimburse the County of Ventura for necessary costs and expenses of levying and collection of the Water Standby Charge for Calleguas;

D. The Water Standby Charge imposed by Calleguas shall be a lien against the parcel of land upon which said charge is imposed and shall be enforced by the same means as provided for the enforcement of liens of County property taxes.

#### SECTION 10. REFUND OF CHARGES

Calleguas reserves the right to make, upon receipt of a written request, a refund of the Water Standby Charge collected and paid to Calleguas by the Ventura County Tax Collector or other County official if the General Manager or the Board determines that a refund is reasonable and appropriate under all of the circumstances.

#### SECTION 11. DELINQUENT CHARGES

Water Standby Charges that have become delinquent, together with interest and penalties thereon, are a lien on the property when a certificate is filed in the Office of the County Recorder pursuant to Section 54984.9(b) of the Act, which lien has the force and effect and priority of a judgment lien.

#### SECTION 12. CEQA

The levying of the Water Standby Charge on a property within Calleguas is exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(8), since the charges are necessary to fund projects to maintain service within the Calleguas service area.

#### SECTION 13. PROPOSITION 218

The Water Standby Charges imposed by this Resolution have been imposed in prior fiscal years and are in conformance with Proposition 218.

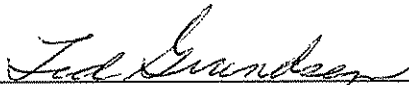
#### SECTION 14. TRANSMITTAL

The General Manager is authorized and directed to transmit forthwith a certified copy of this Resolution to the Presiding Officer of the Board of Supervisors and the County Auditor of Ventura County.

SECTION 15. EFFECTIVE DATE OF RESOLUTION

This Resolution shall become effective upon the date of adoption.

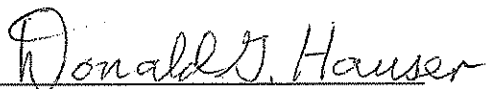
ADOPTED, SIGNED AND APPROVED this fifteenth day of June, 2011.



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Ted Grandsen, President  
Board of Directors

I HEREBY CERTIFY that the foregoing Resolution was adopted at the regularly scheduled meeting of the Board of Directors of Calleguas Municipal Water District held on June 15<sup>th</sup>, 2011.

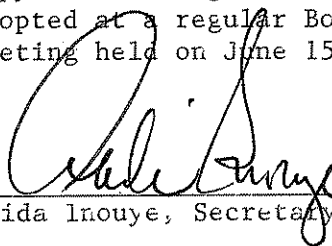
ATTEST:



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Donald Hauser, Secretary  
Board of Directors

(SEAL)

I certify that this is a true and correct copy of the original Resolution No. 1712, adopted at a regular Board of Directors meeting held on June 15, 2011.



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Alida Inouye, Secretary