

RESOLUTION NO. 1973

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, pursuant to Water Code section 71630, et seq., Calleguas may levy water standby charges ("Water Standby Charges"); 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, the Water Standby Charges proposed by the General Manager of Calleguas ("General Manager") are based upon the report of a qualified engineer entitled "Calleguas Municipal Water District, Standby Charge, Engineer's Report, May 2017," 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

H. 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

I. WHEREAS, previous resolutions 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 19-20 Standby Charges - Calleguas Municipal Water District," which is a list of the parcels in the district and 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:

<u>Assessor Use Code</u>	<u>Description</u>	<u>Charge per Acre</u>
1120	Factory built housing	\$5
1128	Attached SFR-not condominium	5
1129	Condominium	5
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 either of the categories 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. 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;

C. 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.

D. 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;

E. The owner executes a recordable agreement which includes provisions that:

1. Set forth the reasonable enforceable restrictions pertinent to the subject parcel;

2. 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.

SECTION 7. APPEALS

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

B. 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.

C. The Board shall consider all appeals from the decisions by the General Manager within a reasonable time 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 19th day of June, 2019.



Thomas L. Slosson, 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 19, 2019.

ATTEST:



Andy Waters, Secretary
Board of Directors

(SEAL)