

RESOLUTION 14/15-8

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT, AMENDING THE DISTRICT'S SURCHARGES FOR BASIC RESIDENTIAL WATER RATES DURING DISTRICT DECLARED WATER SHORTAGE CONDITIONS

The Board of Directors of the Bear Valley Community Services District resolves as follows:

Section 1. Findings. The Board finds as follows:

- A. The District has established surcharges for basic residential water rates when water shortage conditions are declared under Chapter 7.4 of the District Code.
- B. The purposes of the surcharge include to encourage additional water conservation and to help defray the costs of constructing, maintaining and operating the District's water system as reduced usage of water lowers the revenues received, but certain construction, maintenance and operating expenses, including the cost of any bonded indebtedness or other debt incurred to construct, maintain or a operate the facilities necessary to provide services remain relatively constant regardless of the amount of water consumed by the District's residential customers.
- C. As established by resolution, including Resolution 06-1213, the District's current water conservation surcharges only provide an exemption for residential customers whose monthly usage does not exceed 10 units (1,000 cubic feet), and if such minimum level of usage is exceeded, a customer must pay the applicable surcharge on all water used.
- D. The Board desires to revise the water conservation surcharges so that the surcharges are only imposed upon the water used each month in excess of 10 units (1,000 cubic feet). By way of example, if a residential customer used 25 units (2,500 cubic feet) of water in a month during a District declared water shortage condition, the first 10 units of water would be charged at the then current basic residential rate and the second 15 units of water used would have the applicable surcharge imposed upon the applicable basic residential rate.
- E. The proposed revisions to the applicable water conservation surcharges will not result in such charges exceeding the maximum charges that were previously established, and as such, do not constitute an increase in the charges under Government Code section 53750 (which is part of the Proposition 218 Omnibus Implementation Act). Accordingly, the proposed revisions are exempt from the notice, protest and hearing requirements that might otherwise be applicable under Proposition 218 (Article XIID of the California Constitution).
- F. Because the proposed revisions to the water conservation surcharges will not exceed the maximum charges that were previously established, the revised charges also do not exceed the estimated reasonable cost of providing the service for which they are imposed.

Section 2. Surcharges for Water Conservation. The Board hereby amends the surcharges for water conservation under the District's current schedule of rates, fees and charges to read as follows:

"Surcharges for Water Conservation

1. Stage One Condition Schedule (Moderate Water Shortage): During a stage

one condition, the basic normal water rate schedule for residential customers will be increased by ten percent (10%) for all water used each month in excess of 10 units (1,000 cubic feet).

2. Stage Two Condition Schedule (Severe Water Shortage): During a stage two condition, the basic normal water rate schedule for residential customers will be increased by twenty percent (20%) for all water used each month in excess of 10 units (1,000 cubic feet).

3. Stage Three Condition Schedule (Critical Water Shortage): During a stage three condition, the basic normal water rate schedule for residential customers will be increased by thirty percent (30%) for all water used each month in excess of 10 units (1,000 cubic feet).”

Section 3. Effective Date. This resolution will become effective immediately upon the adoption.

PASSED, APPROVED AND ADOPTED on August 28, 2014, by the following vote:

AYES:

NOES:

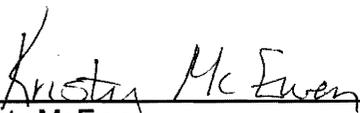
ABSENT:

ABSTAIN:



William T Mason, Board President
Bear Valley Community Services District

ATTEST:



Kristy McEwen
Secretary to the Board of Directors