
RESOLUTION NO. 01/26/2016

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
MALAGA COUNTY WATER DISTRICT ADOPTING
PROPOSED NEW WATER AND SEWER RATES**

WHEREAS, on November 23, 2015, the Board of Directors of the Malaga County Water District ("District") set the date and time for a public hearing on proposed new water and sewer rates for January 26, 2016, at 6:00 p.m. at the District office located at 3580 S. Frank Street, Fresno, California 93725, and directed staff to provide notice of said public hearing in accordance with provisions of Article XIII(D) of the California Constitution also known as Proposition 218; and

WHEREAS, the District Board finds that notice of the public hearing on the proposed new water and sewer rates was given pursuant to the provisions of Article XIII(D) of the California Constitution also known as Proposition 218, a copy of that notice is attached to this Resolution and incorporated by this reference herein as Exhibit A; and

WHEREAS, the District Board finds that a public hearing was held regarding the proposed new water and sewer rates on January 26, 2016, at 6:00 p.m., or as soon thereafter as the matter could be heard in accordance with the aforementioned notice; and

WHEREAS, the District Board finds that the total number of protests to the proposed new water and sewer rates received by the District, including those received at the public hearing, was _____; and

WHEREAS, the District Board finds that the total number of protests needed to constitute a majority protest are _____; and

WHEREAS, the District Board finds that written protests to the proposed new water and sewer rates have not been received from a majority of the owners or occupants of identified parcels; and

WHEREAS, the Board of Directors finds that Malaga is located within a basin that is in a state of groundwater overdraft; and

WHEREAS, the Board of Directors finds that the State of California has enacted the Sustainable Groundwater Management Act ("SGMA") which identifies the basin in which Malaga is located as high priority basin under the SGMA; and

WHEREAS, the Board of Directors finds that the District will be required to, among other things, prepare a Groundwater Management Plan, develop conservation measures, obtain new source(s) of water, including but not limited to, surface water, water reclamation, and water recycling, and/or take other actions necessary to use water in a sustainable manner; and

WHEREAS, a portion of the rates as described in Exhibit A will create a fund, the Groundwater Sustainability Fund, to pay for activities required by the SGMA or the District, to insure that the District uses groundwater in a sustainable manner including by increasing the water supply through new sources and/or conservation; and

WHEREAS, the District Board of Directors finds that there are several challenges to the quality of the groundwater within the District including, but not limited to, DBCP contamination, nitrogen, salts, TDS and other pollutants in the groundwater and that the District has a responsibility to protect the quality of the groundwater within the District; and

WHEREAS, District has initiated, or is planning to initiate, a number of studies and projects for the purpose of protecting the quality of the groundwater within the District including projects necessary to comply with the District's NPDES Permit as it is now or maybe in the future; and

WHEREAS, the proposed rates include a compliance/groundwater protection fund which is funded from a portion of the rates or other fees, which will be used for the purpose of protecting the quality and quantity of groundwater within the District; and

WHEREAS, the District Board finds that the revenue received from the proposed new rates for water and sewer service as detailed in Exhibit A, will not exceed the funds required to provide those property-related services; and

WHEREAS, the District Board finds that the revenues derived from the proposed new rates for water and sewer service, as detailed in Exhibit A, will not be used for any purpose other than that for which they are imposed; and

WHEREAS, the District Board finds that the proposed new rates for water and sewer services does not exceed the proportional cost of the service attributable to the parcel to any parcel or person as an incident of property ownership; and

WHEREAS, the District Board finds that the proposed new rates for water and sewer service do not constitute a fee or charge imposed for a service that is not actually used by or immediately available to the owner of the property in question; and

WHEREAS, the District Board finds that the proposed new rates for water and sewer service do not constitute a fee or charge imposed by the District for any general governmental service.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Malaga County Water District as follows:

1. That the above findings and facts are true and correct and incorporated by this reference as though fully set forth at this point.

2. That the Board of Directors of the Malaga County Water District hereby adopts the proposed new water and sewer rates as detailed in Exhibit A to this Resolution.

3. That the effective date of the new rates shall be implemented as detailed in Exhibit A attached to this Resolution.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Malaga County Water District, State of California, this 26th day of January 2016, by the following vote:

AYES:

NOES:

ABSENT:

Charles Garabedian, President

ATTEST:

James D. Anderson
General Manager/Secretary
to the Board

APPROVED AS TO FORM:

District Counsel

EXHIBIT A