

RESOLUTION NO. 2023-13
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
INCREASING ITS WATER CAPACITY FEES

WHEREAS, the Phelan Piñon Hills Community Services District (“the District”) is a Community Services District located within the County of San Bernardino and is organized and operating pursuant to Government Code 61000, et seq.; and

WHEREAS, pursuant to Resolution No. 2994 of the Local Agency Formation Commission of the County of San Bernardino (“LAFCO”) adopted on March 18, 2008, the District is the successor agency to County Service Area 9, County Service Area 56 Improvement Zone F-1, and County Service Area 70 Improvement Zones L and P-4 (“the CSAs”); and

WHEREAS, pursuant to Condition No. 6 of LAFCO Resolution No. 2994 and Section 61100(a) of the California Government Code, the District is authorized to supply water for any beneficial uses in the same manner as a municipal water district formed pursuant to California Water Code Section 71000; and

WHEREAS, under California Water Code Sections 71613-71617, a municipal water district is authorized to fix rates and charges for the water it delivers; and

WHEREAS, under California Water Code Section 61115(a), the District is authorized to establish rates or other charges for services and facilities that the District supplies and to provide for the collection and enforcement of those rates or other charges; and

WHEREAS, under California Government Code Section 66000 et seq., municipal water districts and community services districts (such as the District) are deemed local agencies that are authorized to adopt water capacity fees; and

WHEREAS, California Government Code Section 66013(a) states that “[n]otwithstanding any other provision of law, when a local agency imposes fees for water connections or sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed”; and

WHEREAS, the District wishes to increase its water capacity fee in the manner set forth in the 2023 Capacity Fee Study prepared by IB Consulting, Inc., that is attached hereto as Exhibit “A” and is incorporated herein by this reference (“the Study”); and

WHEREAS, the revenue raised by the increased capacity fees will be used to purchase supplemental water supplies for the District, proportionally recover new development’s share of existing assets, and will not exceed the estimated reasonable cost of such resources and providing the services for which the fees are levied; and

WHEREAS, the establishment, modification, structuring, restructuring, and approval of rates and fees is exempt from the requirements of the California Environmental Quality Act as provided by California Public Resources Code Section 21080(b)(8); and

WHEREAS, the amount of the fees and charges hereby adopted do not exceed the reasonable anticipated costs for the corresponding services provided by the District, and therefore the fees imposed hereby to not qualify as "special taxes" under Government Code Section 50076, and the actions taken herein are exempt from the additional notice and public meeting requirements of the Brown Act pursuant to Government Code Section 54954.6(a)(1)(A) and (B); and

WHEREAS, the fees and charges set forth herein are not levied upon any person as an incident of property ownership, and thus are not subject to the substantive and procedural prerequisites of Article XIID of the California Constitution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Phelan Piñon Hills Community Services District, after conducting a public hearing duly noticed pursuant to California Government Code Section 66016, as follows:

1. The public interest and necessity as described in the oral and written testimony and evidence presented during the public hearing on this matter, all of which are incorporated herein by this reference, requires the Board of Directors of the District to approve the Study and modify the District's water capacity fee as follows:

a. The amount of the District's water capacity fee is hereby increased as set forth in Table 8 of the Study.

b. The water service capacity charge is the charge for the type and size of water service connection desired. Such regular charge shall be paid in advance by the applicant. Where there is no regular charge, the District reserves the right to require the applicant to deposit an amount equal to the estimated cost of such service connection.

2. The District's General Manager is hereby authorized to take any and all actions necessary to carry out the intent of the District's Board of Directors as is stated herein and as otherwise required in order to comply with applicable law.

3. This Resolution shall take effect immediately upon adoption and shall supersede Resolution No. 2013-11 adopted on July 17, 2013.

ADOPTED this 10th day of May, 2023, by the following vote:

AYES: Hays, Kujawa, Roberts, Snyder

NOES:

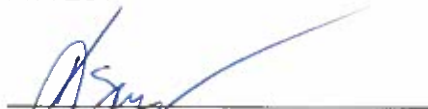
ABSENT:

ABSTAIN:



President, Board of Directors

ATTEST



Secretary, Board of Directors