

RESOLUTION NO. 2010-16

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT
INITIATING PROCEDURES TO FIX, ADJUST, LEVY, AND COLLECT
WATER STANDBY AND AVAILABILITY FEES FOR 2010-2011**

WHEREAS, the Phelan Pinon Hills Community Services District (“the District”) is a Community Services District organized and operating pursuant to Government Code 61000 et seq.

WHEREAS, the District is authorized by Government Code Section 61124(a) to impose standby charges for water services pursuant to the Uniform Standby Charge Procedures Act, Government Code Section 54984 et seq. (“the Act”).

WHEREAS, under the Act, the District is authorized to fix before August 10 of any given year a water standby charge on land within its jurisdiction to which water service is made available for any purpose by the District, whether the water services are actually used or not.

WHEREAS, under the Act, the District’s Board of Directors (“the Board”) may establish schedules varying the charge according to land uses, benefit derived or to be derived from the use, availability of facilities to provide water service, the degree of availability or quantity of the use of the water to the affected lands, and may restrict the assessment to one or more improvement districts or zones of benefit established within the jurisdiction of the District, and may impose the charge on an area, frontage, or parcel basis, or a combination thereof.

WHEREAS, pursuant to Resolution No. 2994 of the Local Agency Formation Commission of the County of San Bernardino (“LAFCO”), 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”).

WHEREAS, Condition No. 14 of LAFCO Resolution No. 2994 expressly states that “[a]ll previously authorized charges, fees, assessments, and/or taxes of [the CSAs] in effect upon the effective date of this reorganization shall be continued and assumed by the [District], as the successor agency, in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t) ...”

WHEREAS, Government Code Section 56886(t) provides that LAFCO Resolution No. 2994 contains the exclusive terms and conditions for the change of organization from the CSAs to the District is it related to the “extension or continuation of any previously authorized charge, fee, assessment, or tax by [the District as the] successor local agency in the affected territory.”

WHEREAS, prior to the adoption of LAFCO Resolution No. 2994, the territory within the CSAs was subject to a water standby and availability charge that had been fixed, levied, and imposed upon such lands.

WHEREAS, the Board wishes to continue, extend, and assume all previously authorized water standby and availability charges that had been fixed, levied, and imposed upon lands within the CSAs.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Phelan Pinon Hills Community Services District as follows:

1. The public interest and necessity requires the Board to adopt this Resolution initiating proceedings to fix, levy, and collect water standby and availability charges on all properties within the District which are within six hundred sixty (660) feet of a water main from which water service is furnished by the District pursuant to applicable law, including but not limited to the pertinent provisions of the Act, Condition No. 14 of LAFCO Resolution No. 2994, and/or Government Code Section 56886(t).

2. The standby charge proposed to be adopted by the Board is based upon the report of a qualified engineer, which is on file with the District. The content of said report includes, but is not limited to, any and all statements and determinations specifically relating to each of the following:

- a. A description of the charge and the method by which it is proposed to be imposed;
- b. A compilation of the amount of the charge proposed for each parcel subject to the charge;
- c. A statement of the methodology and rationale followed in determining the degree of benefit conferred by the service for which the proposed charge is made;
- d. The District's legal ability to fix and adjust a standby charge, the amount of the proposed charge, and the properties affected thereby;
- e. A description of the lands upon which the charge is proposed to be imposed; and
- f. The amount of the proposed charge for each of the lands so described.

3. On June 16, 2010, at 7:00 p.m., at the Phelan Community Center located at 9463 Sheep Creek Road, Phelan, California, the Board will hold a public protest hearing regarding the imposition of the charge, which hearing shall be conducted in the manner set forth in the Act. At the hearing, the Board may also consider whether to provide that if any charge so adopted becomes delinquent, the amount of the delinquency, together with any interest and penalties thereon, should constitute a lien on the affected property upon the filing of a certificate in the Office of the County Recorder, which lien may have the same force, effect, and priority as a judgment lien. At the hearing, the Board will hear and consider any and all objections or protests to the proposed charges pursuant to the requirements of the Act.

4. The District's General Manager is hereby authorized and directed to cause notice of the date, time, and place of the public hearing on the proposed charges to be duly published prior thereto as may be required by the Act.


ADOPTED this 19th day of May, 2010, by the following vote:

AYES: Johnson, Fahrlander, Anderson, Morrissette, Roberts

NOES:


ABSENT:

ABSTAIN:



President, Board of Directors

ATTEST



Secretary, Board of Directors