

RESOLUTION NO. 23R-04

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BIGHORN-DESERT VIEW WATER AGENCY
SETTING THE SERVICE LINE INSTALLATION FEE FOR
WATER METER SIZE RANGES SIZE 3/4-INCH TO 10-INCH**

WHEREAS, Bighorn-Desert View Water Agency (“Agency”) is required by law to fix and establish rates, fees and charges which will enable the Agency to cover its debt service payments, operate and maintain its water system, provide for repairs and depreciation, and a reasonable surplus for improvements; and

WHEREAS, under California Government Code Section 66000 et seq., the Agency is authorized to adopt water and sewer connection 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

WHEREAS, on April 28, 2020 the Board of Directors authorized completion of a *Rate and Capacity Fee Study* by an outside financial consulting firm, NBS Government Finance, who has developed a long-term financial model for development of the Capacity Fee or Basic Facilities Charge for new water meters with sizes ranging from ¾-inch to 10-inch based on the value of existing assets and an assessment of future infrastructure needed for the entire distribution system; and

WHEREAS, by Resolution No. 22R-18 adopted by the Board of Directors on October 11, 2022 the Board set a flat fee of \$2,200.00 per Service Line and ¾-inch or 1-inch meter installation; and

WHEREAS, a recent review of the actual cost incurred to install a service line for a ¾-inch or 1-inch meter was determined to be closer to an average cost is \$2,435 per Service Line and ¾-inch or 1-inch meter installation; and

WHEREAS, the cost to install service lines greater than 1-inch cannot reasonably be calculated and therefore should be based on actual time and materials costs incurred with a customer deposit required in advance.

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 Agency, 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.

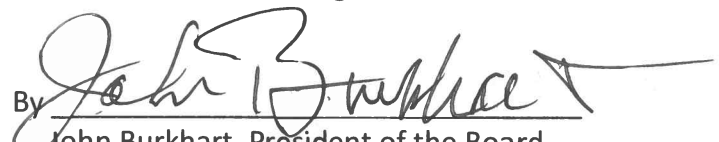
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bighorn-Desert View Water Agency, after conducting a public hearing duly noticed pursuant to California Government Code Section 66016, that the public interest and necessity as described in the oral and written testimony and evidence presented during the public hearing on this matter, all of which are incorporated herein by this reference, requires the Board of Directors of the Agency to adopt the following Service Line Installation fees, which includes the water meter be charged by the Agency, as follows:

Meter Size Requested	Service Line Installation Fee
¾-inch or 1-inch	\$2,435
1 ½-inch to 10-inch	Actual Cost Time and Materials – Customer Deposit Required in Advance

BE IT FURTHER RESOLVED, that the General Manager and staff of the Agency are hereby authorized and directed to do such things and to take such actions as may be reasonably required to carry out the purpose and intent of this Resolution and as otherwise required in order to comply with applicable law.

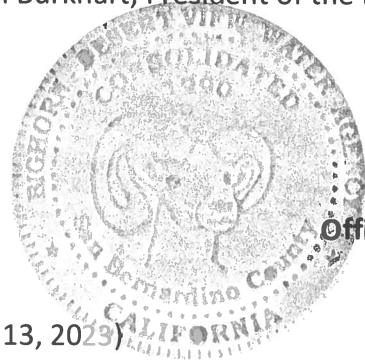
BE IT FURTHER RESOLVED that, pursuant to Government Code Section 66017, this Resolution shall become effective sixty (60) days following adoption thereof and, thereafter, shall supersede any and all prior resolutions.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 14th day of February 2023.

By 
John Burkhart, President of the Board

ATTEST,


Megan Close-Dees, Board Secretary



Official Seal