

RESOLUTION NO. 23R-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A SCHEDULE OF GUARANTEE DEPOSITS FOR ALL CUSTOMER CLASSIFICATIONS SERVED

*(Residential, 1-inch Bulk Hauling and 2-Inch Bulk Hauling, Agricultural,
Commercial/Institutional/Industrial/Non-Agricultural,
Fire Service and [Temporary] Construction)*

WHEREAS, on June 8, 2021, the Agency established Guarantee Deposits for the various account types then in existence; and

WHEREAS, on April 9, 2021 the Agency Ordinance No. 21O-02 Rules and Regulations for Water Service became effective. The Ordinance provided for various Customer Classes: Residential, 1-inch Bulk Hauling and 2-Inch Bulk Hauling, Agricultural, Commercial/Institutional/Industrial/Non-Agricultural, Fire Service and [Temporary] Construction; and

WHEREAS, the Agency Rules and Regulations for Water Service Article 2.18, Article 3.2 and Article 11.0 provides for a Guarantee Deposit(s) to establish a new service account for various Customer Classifications; 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 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.

WHEREAS, the Agency Rules and Regulations for Water Service Article 3.9 and Article 13.0 provides for an additional Guarantee Deposit to re-establish service following a Lock-Off Event (e.g. Non-Payment or failure to comply with Cross Connection Control program, etc.); and

WHEREAS, the Agency has established a Guarantee Deposit of \$100 for all Residential, Commercial/Institutional/Industrial/Non-Agricultural and Fire Service Customer Classes and meter sizes served with a maximum Guarantee Deposit of \$200; and

WHEREAS, the Agency has established a Guarantee Deposit of \$100 for all 1-inch Bulk Hauling Customer Class with a maximum Guarantee Deposit of \$200; and

WHEREAS, the Agency has established a Guarantee Deposit of \$500 for the 2-inch Bulk Hauling Customer Class with a maximum Guarantee Deposit of two (2) times the highest monthly water bill, whichever is greater; and

WHEREAS, the Agency has established a Guarantee Deposit of \$500 for the Agricultural Customer Class with a maximum Guarantee Deposit of two (2) times the highest monthly water bill, whichever is greater; and

WHEREAS, the Agency has established a Guarantee Deposit for (Temporary) Construction Meter Customer Class (i.e. 3-inch fire hydrant meters) equal to the cost of a replacement meter plus a reasonable amount of water (e.g. five 2,500-gallon tank loads). Based on current costs the Agency established a deposit on construction meters of \$1,775.00.

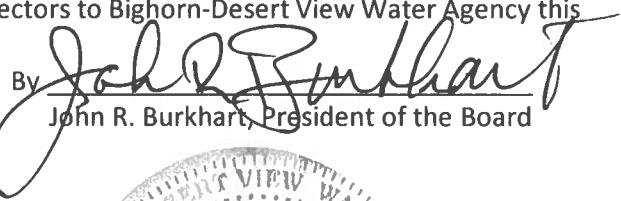
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bighorn-Desert View Water Agency, after conducting a public hearing duly noticed pursuant to California Government Code Section 66016, that the public interest and necessity as described in the oral and written testimony and evidence presented 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:

EXHIBIT A – SCHEDULE OF GUARANTEE DEPOSITS IDENTIFIED BY CUSTOMER CLASSIFICATION

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 to Bighorn-Desert View Water Agency this 27th day of June, 2023.

By 
John R. Burkhart, President of the Board

ATTEST:


Megan Close-Dees, Secretary



EXHIBIT A – SCHEDULE OF GUARANTEE DEPOSITS IDENTIFIED BY CUSTOMER CLASSIFICATION

The following schedule of guarantee deposit required by Customer Classification to establish a new account with the Agency

Customer Classification	Guarantee Deposit New Account	Re-Establish Service Following “Lock-off” Event
Residential	\$100	\$200 (Maximum)
Commercial/Institutional/Non-Agriculture and Fire Service	\$100	\$200 (Maximum)
1-Inch Bulk Hauling Meter	\$100	\$200 <u>OR</u> Two Times the Highest Bill (whichever is greater)
2-inch Bulk Hauling Meter	\$500	\$500 <u>OR</u> Two Times the Highest Bill (whichever is greater)
Agricultural	\$500	\$500 <u>OR</u> Two Times the Highest Bill (whichever is greater)
Construction Meter (Temporary)	\$1,775	N/A