

RESOLUTION NO. 23R-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A SERVICE LINE TERMINATION FEE FOR CUSTOMERS WHO VOLUNTARILY TERMINATE AN EXISTING WATER SERVICE CONNECTION

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

WHEREAS, the Agency Rules and Regulations for Water Service (adopted by Ordinance) provides for the amendment of certain charges by resolution, by majority vote of the Board of Directors; and

WHEREAS, the Board of Directors of the Agency desires to fairly allocate the costs of specified services listed below in a fair and equitable manner to be paid by those persons who are the actual beneficiaries or recipients of the services; and

WHEREAS, the basic service charge is levied on all premises with a service line connection, whether or not any water was used during the billing cycle; and

WHEREAS, the Board of Directors recognizes that in order to avoid being billed the basic service charge, a property owner must terminate water service per applicable Article of the Agency Ordinance concerning Rules and Regulations for Water Service and therefore pay a Service Line Termination Fee to destroy the existing water service line from the mainline to the property; 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 XIII D 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 Termination Fee as follows:

***Water Service Line Termination Fee* \$1,050.00 per occurrence**

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
John R. Burkhart, President of the Board

ATTEST:

Megan Close-Dees
Megan Close-Dees, Secretary



Official Seal