

RESOLUTION NO. 10-12

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT CONTINUING THE CURRENT EXISTING LEVEL OF WATER AVAILABILITY ASSESSMENTS FOR FISCAL YEAR 2010-2011

WHEREAS, pursuant to Section 31032.1 and 31031.7 of the California Water Code, the Board of Directors of the Twentynine Palms Water District (hereinafter "District") is authorized and empowered to fix, levy and collect water availability assessments not to exceed Thirty Dollars (\$30.00) per acre per year for land on which the assessment is levied, or Thirty Dollars (\$30.00) per year for a parcel of less than one (1) acre within the District to which water is made available for any purpose by the District, whether the water is actually used or not, and that such assessments may vary between parcels; and

WHEREAS, pursuant to Section 31032.2 of the California Water Code, it is hereby found that the District's Secretary caused notice of the filing of the required report on proposed water availability assessments, and of the time and place of the public hearing thereon to be timely published and also to be timely mailed to the applicable property owners of record; and

WHEREAS, it is further found that the District's Secretary caused a copy of the report to be timely made available for inspection during normal business hours at the office of the District located at 72401 Hatch Road, Twentynine Palms, California; and

WHEREAS, pursuant to Section 31032.3 of the California Water Code, a public hearing on the proposed assessments was held on June 23, 2010, to hear and consider all objections or protests to said proposed assessments; and

WHEREAS, the proposed water availability assessments are found not to exceed the annual District costs, in any case whatsoever, of providing District water availability to the lands proposed to be assessed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Twentynine Palms Water District as follows:

Section 1. Continuation of Existing Water Availability Assessments. Water availability assessments are hereby fixed, established and continued for District Fiscal Year 2010-11 on all parcels lying within the District, which are described in the above referenced written report, on the following basis:

1. Thirty Dollars (\$30.00) for each parcel that is one (1) acre or less.
2. Thirty Dollars (\$30.00) for the first acre, plus Eight Dollars (\$8.00) for each acre over one (1) acre up to five (5) acres for each parcel.

3. Thirty Dollars (\$30.00) for the first acre, plus Eight Dollars (\$8.00) per acre over one (1) acre up to five (5) acres, plus Seven Dollars and Fifty Cents (\$7.50) per acre for the sixth and all further acres within a parcel, subject to a maximum parcel charge of Twelve Hundred Dollars (\$1,200.00).

Section 2. Collection of Water Availability Assessments. Pursuant to Section 31032.1 of the California Water Code, the District does hereby elect to fix and levy water availability assessments to be collected on the county tax roll in the same manner as general taxes.

Section 3. Authorization. The General Manager, Engineer and Attorney for the District are hereby authorized and directed to take any necessary and appropriate actions to provide for the establishment of the water availability assessments in accordance with this Resolution including, but not limited to, filing with the county the applicable reports and statements in order to collect said amounts on the tax rolls.

Section 4. CEQA Exemption. Water availability assessment monies raised pursuant to the Resolution are exempt from environmental analysis pursuant to Public Resources Code, Section 21080 (b) (8).

Section 5. Overruling Objections and Protests, and Effective Date. All objections and protests received at the public hearing are hereby found not to warrant reductions or other changes in the proposed water availability assessments. This resolution is effective immediately.

Section 6. Proposition 218 Compliance. It is found and determined that the assessments here described have been determined without any change in assessment rates or methodology from assessments existing immediately prior to voter adoption of Proposition 218, and that all assessment monies are imposed exclusively to finance the capital costs or maintenance and operation expenses of the District's water system.

PASSED, APPROVED AND ADOPTED this 23rd day of June 2010.

Ayes: Directors Chambers, Cisneros, Moore and Shinaver
Noes: None
Absent: Director Gallagher
Abstain: None

Philip C. Cisneros, President
Board of Directors

Attest:

Mike Wright, Board Secretary
Twentynine Palms Water District