

RESOLUTION 2019.19

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE EAST VALLEY WATER DISTRICT
ESTABLISHING A SCHEDULE OF FEES AND CHARGES RELATED TO THE
PROVISION OF WATER AND WASTEWATER SERVICE AND SUPERCEDING
RESOLUTION 2019.06**

WHEREAS, East Valley Water District (“District”) is a county water district organized and operating pursuant to California Water Code Section 30000 et seq.; and

WHEREAS, pursuant to applicable law, including but not limited to Water Code Sections 31007 and 31025, the District’s Board of Directors is authorized to adopt by resolution such rates and charges for incidental services related to the provision of water service and wastewater service by the District to implement the rules and regulations set forth in District Ordinance No. 397 and 389, and to yield an amount sufficient to pay for the services provided to District ratepayers and the regulatory costs incurred by the District in providing those services; and

WHEREAS, Ordinance 397 and 389 provides that Rates and Charges, may be changed from time to time or new rates and charges may be established by resolution of the Board of Directors; and

WHEREAS, Section 21080(b) (8) of the Public Resources Code provides that the establishment, modification, structuring, restructuring or approval of rates, tolls, fares, or other charges by public agencies are exempt from the requirements of the California Environmental Quality Act (CEQA) provided that certain findings are made specifying the basis for the claim of exemption; and

WHEREAS, the District, in accordance with the requirements of Article XIII D of the Constitution of the State of California, has established rates and fees for property related services including water and wastewater treatment; and

WHEREAS, the Board of Directors of the District deems it advisable and finds that it would be in the best interest of the District to amend or establish certain fees and charges, consistent with applicable constitutional and statutory requirements; and

WHEREAS, Article XIII C Section 1 of the Constitution of the State of California, excepts certain levies, fees and charges from the definition of “tax” thereby exempting such levies, fees and charges from the procedural requirements established by Article XIII D of the California Constitution; and

WHEREAS, the District now wishes to establish fees and charges incidental and related to the provision of services for water and wastewater treatment, but which fees and charges are not for property related services as defined by Article XIII D of the Constitution of the State of California and which fees and charges may be established by resolution of the Board of Directors of the District;

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

Section 1. It is hereby found and determined that the proposed changes to the Schedule of Rates and Charges and Miscellaneous Fee Calculations are within the purposes set forth in Section 21080(b) of the Public Resources Code, and therefore, that such changes are exempt from CEQA.

Section 2. It is hereby found and determined that the miscellaneous fees and charges established or increased/decreased hereby do not exceed the estimated reasonable cost of providing the service for which they are imposed and that said fees and charges do not constitute a tax pursuant to Article XIII C Section 1(e) of the California Constitution.

Section 3. The new fees and charges are set forth in the revised Schedule of Rates and Charges for Water and Wastewater as set forth in Exhibit "A" and the Miscellaneous Fee Calculation list as set forth in Exhibit "B" to this resolution.

Section 4. That the provisions of this Resolution shall be effective January 1, 2020.

Section 5. That the Secretary is hereby ordered and directed to post a certified copy of this Resolution in a public place within the District.

This Resolution shall take effect as of the 1st day of January 2020.

ADOPTED this 11th day of December 2019.

Ayes: Directors: Carrillo, Coats, Goodrich, Morales, Smith

Noes: None

Absent: None

Abstain: None

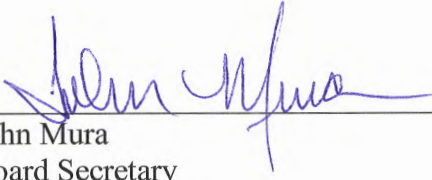


David E. Smith
Board President

December 11, 2019

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution 2019.19 adopted by the Board of Directors of East Valley Water District at its Regular Meeting held December 11, 2019.

ATTEST:



John Mura
Board Secretary