

Agenda Item

DATE: June 24, 2009

TO: Larry Diamond, Interim General Manager

FROM: Jeffrey L. Meyer, Finance Director

RE: Annual Standby Fees – Ebbetts Pass, Jenny Lind, Copper Cove, West Point and Indian Rock Vineyard Service Areas

SUMMARY:

Staff is requesting that the Board approve the following standby fees as provided in the attached resolutions:

Indian Rock Vineyards Subdivision	\$10 per month for lots to which sewer is available but not receiving sewer service
West Point Improvement Dist. 3	\$10 per year for lots to which water is available but not receiving water service
Ebbetts Pass Improvement Dist. 5	\$10 per year for all lots within I.D. 5
Jenny Lind Improvement Dist. 6; Copper Cove Improvement Dist. 7; (incl. Copperopolis townsite); Saddle Creek Subdivision; and Copper Cove/La Contenta I.D. 8S	\$10 per year for lots that have improved values of less than \$5,000, and to which water and/or sewer service are available

Pursuant to law, notice concerning these annual fees was published June 2 & June 16, 2009.

FINANCIAL CONSIDERATIONS:

Revenue from standby fees for fiscal year 09/10 is estimated at \$130,000.

ACTION:

Staff recommends that the Board approve the attached Standby Fee resolutions.

Attachments: Notice of Public Hearing
Standby Resolutions (6)

**NOTICE OF PUBLIC HEARING
CALAVERAS COUNTY WATER DISTRICT
RE-ESTABLISHMENT OF STANDBY ASSESSMENTS**

Notice is hereby given that on June 24, 2009 at 9:00 A.M., or as soon thereafter as the matter may be heard, at the Calaveras County Water District Board Room, 423 East St. Charles Street, San Andreas, California, the Board of Directors of the District shall hold a **public hearing** on the re-establishment of Standby Assessments for the following areas:

Sewer Standby Assessments Fee of \$10 per month per parcel for those parcels within the Indian Rock Vineyards Subdivision that are not receiving sewer service and to which sewer service is made available.

Sewer Standby Assessments Fee of \$10 per parcel which has an improved value of less than \$5,000 within the service areas of Copper Cove and LaContenta, improvement District No. 8S and to which sewer service is made available.

Water Standby Assessments Fee of \$10 per parcel which has an improved value of less than \$5,000 within the service areas of Copper Cove Improvement District No. 7 (including the Copperopolis Townsite) and Saddle Creek Subdivision, and Jenny Lind Improvement District No. 6 and to which water service is made available.

Water Standby Assessments Fee of \$10 per parcel within the Ebbetts Pass Improvement District No. 5.

Water Standby Assessments Fee of \$10 per parcel within the West Point Improvement District No. 3 service area for those parcels to which water service is made available that are not receiving water service.

The proposed assessments will be used for maintenance and operation, debt service, or to provide the necessary funds for reserves for capital improvements, depreciation, or replacement of sewer or water service facilities.

At the **public hearing** on June 24, 2009 the Board of Directors shall hear and consider all objections or protests, if any, to the re-establishment of the Standby Assessments Fees. Information regarding these proposed charges may be obtained from the District's office at (209) 754-3543. If you have any questions, please ask for Jeffrey Meyer, Finance Director, extension 32.

RESOLUTION NO. 2009 –

STANDBY ASSESSMENT FOR
INDIAN ROCK VINEYARDS SUBDIVISION SERVICE AREA

The CALAVERAS COUNTY WATER DISTRICT (“District”) Board of Directors has been made aware of the present and future needs of the following District and that during the fiscal year ending June 30, 2010, it is necessary to provide funds to meet those needs:

Indian Rock Vineyards Subdivision Service Area

NOW, BE IT RESOLVED by the Board of Directors of the Calaveras County Water District as follows:

Section 1. Findings.

This Board hereby levies a standby assessment charge, pursuant to Government Code Sections 54984 et seq., of Ten Dollars (\$10) per parcel per month to which sewer service is made available and that is not receiving sewer service by the District as determined by a collection main in a contiguous right of way or easement.

This Board expressly finds and declares that the standby fees herein adopted were in effect prior to November 1, 1996 and have been continued by resolution without increase since that time.

Section 2. Rates, Tolls, Fares, and Charges.

This resolution collects an existing standby charge imposed exclusively to finance capital costs or maintenance expenses for sewer and involves no increase in the existing charges.

Section 3. Effect on Prior Action.

This standby assessment was initially adopted by Ordinance 93-04 in 1993. Pursuant to Article XIID, Section 5(a) of the California Constitution, said fees are exempt from the requirements of Article XIID, Section 4.

Section 4. Severability

This Resolution and the various sections thereof are hereby declared to be severable. To the extent the terms and provisions of this Resolution are in conflict or otherwise are inconsistent with the terms and provisions of any prior District ordinances, resolutions, rules and other actions, the terms and provisions of this Resolution shall prevail with respect thereto.

Section 5. Effective Date.

This resolution shall take effect immediately after its adoption.

PASSED AND ADOPTED this 24th day of June 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CALAVERAS COUNTY WATER DISTRICT

Robert T. Dean, Board President

ATTEST:

Mona Walker, Clerk to the Board

STANDBY ASSESSMENT FOR
WEST POINT IMPROVEMENT DISTRICT NO. 3

The CALAVERAS COUNTY WATER DISTRICT ("District") Board of Directors has been made aware of the present and future needs of the following Districts, and that during the fiscal year ending June 30, 2010, it is necessary to provide funds to meet those needs:

West Point Improvement District No. 3

NOW, BE IT RESOLVED by the Board of Directors of the Calaveras County Water District as follows:

Section 1. Findings.

This Board hereby levies a standby assessment charge, pursuant to Water Code Section 31032.1 et seq. of Ten Dollars (\$10) per parcel per year to which water service is made available and that is not receiving water service by the District as determined by a distribution main in a contiguous right of way or easement.

This board expressly finds and declares that the standby fees herein adopted were in effect prior to November 1, 1996, and have been continued by resolution without increase since that time.

Section 2. Rates, Tolls, Fares, and Charges

This resolution collects an existing standby charge imposed exclusively to finance capital costs or maintenance expenses for water and involves no increase in the existing charges.

Section 3. Effect on Prior Action.

The standby assessment was initially adopted by Ordinance 91.05 in 1991. Pursuant to Article XIID, Section 5(a) of the California Constitution, said fees are exempt from the requirements of Article XIID, Section 4.

Section 4. Severability.

This Resolution and the various sections thereof are hereby declared to be severable. To the extent the terms and provisions of this Resolution are in conflict or otherwise are inconsistent with the terms and provisions of any prior District ordinances, resolutions, rules, and other actions, the terms and provisions of this Resolution shall prevail with respect thereto.

Section 5. Effective Date.

This Resolution shall take effect immediately after its adoption.

PASSED AND ADOPTED this 24th day of June 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CALAVERAS COUNTY WATER DISTRICT

Robert T. Dean, Board President

ATTEST:

Mona Walker, Clerk to the Board

STANDBY ASSESSMENT FOR
EBBETTS PASS IMPROVEMENT DISTRICT NO. 5

The CALAVERAS COUNTY WATER DISTRICT ("District") Board of Directors has been made aware of the present and future needs of the following Districts and that during the fiscal year ending June 30, 2010, it is necessary to provide funds to meet those needs:

Ebbetts Pass Improvement District No. 5

NOW, BE IT RESOLVED by the Board of Directors of the Calaveras County Water District as follows:

Section 1. Findings.

This Board hereby levies a standby assessment charge, pursuant to Water Code Section 31032.1 et seq. of Ten Dollars (\$10) per parcel per year for each parcel within the Ebbetts Pass Improvement District No. 5.

This Board expressly finds and declares that the standby fees herein adopted were in effect prior to November 1, 1996, and have been continued by resolution without increase since that time.

Section 2. Rates, Tolls, Fares, and Charges.

This resolution collects an existing standby charge imposed exclusively to finance capital costs or maintenance expenses for water and involves no increase in the existing charges.

Section 3. Effect on Prior Action.

This standby assessment was initially adopted by Ordinance 91-02 in 1991. Pursuant to Article XIID, Section 5(a) of the California Constitution, said fees are exempt from the requirements of Article XIID, Section 4.

Section 4. Severability.

This Resolution and the various sections thereof are hereby declared to be severable. To the extent the terms and provisions of this Resolution are in conflict or otherwise are inconsistent with the terms and provisions of any prior District ordinances, resolutions, rules, and other actions, the terms and provisions of this Resolution shall prevail with respect thereto.

Section 5. Effective Date.

This Resolution shall take effect immediately after its adoption.

PASSED AND ADOPTED this 24th day of June 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CALAVERAS COUNTY WATER DISTRICT

Robert T. Dean, Board President

ATTEST:

Mona Walker, Clerk to the Board

STANDBY ASSESSMENTS FOR
JENNY LIND IMPROVEMENT DISTRICT NO. 6
COPPER COVE IMPROVEMENT DISTRICT NO. 7
(INCLUDING COPPEROPOLIS TOWNSITE)

The CALAVERAS COUNTY WATER DISTRICT ("District") Board of Directors has been made aware of the present and future needs of the following Districts and that during the fiscal year ending June 30, 2010, it is necessary to provide funds to meet those needs:

Jenny Lind Improvement District No. 6
Copper Cove Improvement District No. 7
(Including Copperopolis Townsite)

NOW, BE IT RESOLVED by the Board of Directors of the Calaveras County Water District as follows:

Section 1. Findings.

This Board hereby levies a standby assessment charge, pursuant to Water Code Section 31032.1 et seq. of Ten Dollars (\$10) per parcel per year which has an improved value of less than \$5,000 within the above-listed Districts and to which water service is made available as determined by a distribution main in a contiguous right of way or easement.

This Board expressly finds and declares that the standby fees herein adopted were in effect prior to November 1, 1996, and have been continued by resolution without increase since that time.

Section 2. Rates, Tolls, Fares, and Charges.

This resolution collects an existing standby charge imposed exclusively to finance capital costs or maintenance expenses for water and involves no increase in the existing charges.

Section 3. Effect on Prior Action.

This standby assessment was initially adopted by Resolutions 2063 and 2064 in 1976. Pursuant to Article XIID, Section 5(a) of the California Constitution, said fees are exempt from the requirements of Article XIID, Section 4.

Section 4. Severability.

This Resolution and the various sections thereof are hereby declared to be severable. To the extent the terms and provisions of this Resolution are in conflict or otherwise are inconsistent with the terms and provisions of any prior District ordinances, resolutions,

rules, and other actions, the terms and provisions of this Resolution shall prevail with respect thereto.

Section 5. Effective Date

This Resolution shall take effect immediately after its adoption.

PASSED AND ADOPTED this 24th day of July 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CALAVERAS COUNTY WATER DISTRICT

Robert T. Dean, Board President

ATTEST:

Mona Walker, Clerk to the Board

RESOLUTION NO. 2009 –

STANDBY ASSESSMENT FOR
COPPER COVE/LA CONTENTA IMPROVEMENT DISTRICT 8S

The CALAVERAS COUNTY WATER DISTRICT (“District”) Board of Directors has been made aware of the present and future needs of the following Districts and that during the fiscal year ending June 30, 2010, it is necessary to provide funds to meet those needs:

Copper Cove/LaContenta Improvement District No. 8S

NOW, BE IT RESOLVED by the Board of Directors of the Calaveras County Water District as follows:

Section 1. Findings.

The Board hereby levies a standby assessment charge, pursuant to Water Code Section 31032.1 et seq. of Ten Dollars (\$10) per parcel per year which has an improved value of less than \$5,000 within the above-listed Districts and to which sewer service is made available by the District as determined by a collection main in a contiguous right of way or easement.

This Board expressly finds and declares that the standby fees herein adopted were in effect prior to November 1, 1996, and have been continued by resolution without increase since that time.

Section 2. Rates, Tolls, Fares, and Charges.

This resolution collects an existing standby charge imposed exclusively to finance capital costs or maintenance expenses for sewer and involves no increase in the existing charges.

Section 3. Effect on Prior Action.

This standby assessment was initially adopted by Resolution 2065 in 1976. Pursuant to Article XIID, Section 5(a) of the California Constitution, said fees are exempt from the requirements of Article XIID, Section 4.

Section 4. Severability.

This resolution and the various sections thereof are hereby declared to be severable. To the extent the terms and provisions of this Resolution are in conflict or otherwise are inconsistent with the terms and provisions of any prior District ordinances, resolutions, rules, and other actions, the terms and provisions of this Resolution shall prevail with respect thereto.

Section 5. Effective Date.

This Resolution shall take effect immediately after its adoption.

PASSED AND ADOPTED this 24th day of June 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CALAVERAS COUNTY WATER DISTRICT

Robert T. Dean, Board President

ATTEST:

Mona Walker, Clerk to the Board

RESOLUTION NO. 2009 –

STANDBY ASSESSMENTS FOR
SADDLE CREEK SUBDIVISION,
WITHIN THE COPPER COVE IMPROVEMENT DISTRICT NO. 7

The CALAVERAS COUNTY WATER DISTRICT (“District”) Board of Directors has been made aware of the present and future needs of the following Districts and that during the fiscal year ending June 30, 2010, it is necessary to provide funds to meet those needs:

Saddle Creek Subdivision
Within the Copper Cove Improvement District No. 7

NOW, BE IT RESOLVED by the Board of Directors of the Calaveras County Water District as follows:

Section 1. Findings.

This Board hereby levies a standby assessment charge, pursuant to Water Code Section 31032.1 et seq. and Government Code Sections 54984 et seq., of Ten Dollars (\$10) per parcel per year which has an improved value of less than \$5,000 within the Saddle Creek Subdivision and to which water service is made available by the District.

Section 2. Rates, Tolls, Fares, and Charges.

The assessments will be for the purpose of meeting water system operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies; equipment, or materials; meeting financial reserve needs and requirements; or obtaining funds for capital projects necessary to maintain service within existing service areas.

Section 3. Effect on Prior Action.

This standby assessment was initially adopted by Board Resolutions 2001-36 and 2001-56 in accordance with the requirements of California Constitution Article XIII D, Sections 4 and 5(a). All provisions of prior ordinances and resolutions of this District not inconsistent with this Resolution shall remain in full force and effect.

Section 4. Large Parcels and Standby Assessments.

Saddle Creek Subdivision contains large parcels awaiting subdivision and development. With the filing of a parcel map, each every parcel created within the large parcel shall become subject to the payment of a like standby assessment fee as long as the improvement value is less than \$5,000.

Section 5. Severability.

This Resolution and the various sections thereof are hereby declared to be severable. To the extent the terms and provisions of this Resolution are in conflict or otherwise are inconsistent with the terms and provisions of any prior District ordinances, resolutions, rules, and other actions, the terms and provisions of this Resolution shall prevail with respect thereto.

Section 6. Effective Date.

This resolution shall take effect immediately after its adoption.

PASSED AND ADOPTED this 24th day of June 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CALAVERAS COUNTY WATER DISTRICT

Robert T. Dean, Board President

ATTEST:

Mona Walker, Clerk to the Board