

RESOLUTION NO. 4-22-637

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
INITIATING PROCEEDINGS FOR THE ESTABLISHMENT OF A
WATER AVAILABILITY OR STANDBY CHARGE FOR
FISCAL YEAR 2022/23**

WHEREAS, the Upper San Gabriel Valley Municipal Water District, herein after referred to as "Upper District", has initiated the design and implementation of the San Gabriel Valley Water Recycling Program; and

WHEREAS, the Upper District has executed a Memorandum of Understanding to implement Best Management Practices for Urban Water Conservation requiring the development of comprehensive conservation programs; and

WHEREAS, the Upper District has undertaken a Recycled Water Program and a Water Conservation Program that shall require an increased stable revenue source for implementation; and

WHEREAS, the state legislature has provided the Upper District with statutory powers to impose water standby or availability of service charges, by and through Water Code Section 71638 et seq., in addition to preexisting District powers to set rates and charges; and

WHEREAS, rapidly fluctuating water supply conditions have demonstrated the economic and political deficiencies in relying on water sales as the sole alternative revenue source to ad valorem taxes, inasmuch as obtaining reasonably stable revenues from water sales would require rate increases of unacceptable percentages to occur in order to implement necessary water recycling and water conservation projects in a timely manner; and

WHEREAS, the Upper District's financial advisors have counseled this Board that a lack of a stable annual revenue source would significantly and adversely impact the Upper District's ability to fund the development and implementation of long term water recycling and water conservation projects required by the Community to achieve water supply reliability; and

WHEREAS, a program of water standby or availability of service charges collected on parcel or per acre basis would provide a stable and dependable annual revenue source which would allow implementation of necessary projects benefiting the entire Upper District service area; and

WHEREAS, information secured from the County of Los Angeles shows estimated revenues to be received from a water standby or availability of service charge of \$10.00 (Ten Dollars) per acre of land or \$10.00 (Ten Dollars) for each parcel of land less than an acre, would be approximately \$2,050,000.00 (Two Million and Fifty Thousand Dollars); and

WHEREAS, in order to fix such a charge by ordinance pursuant to Water Code Sections 71638, et seq., it is necessary to set forth by resolution the schedule of the proposed charges and give notice of a public hearing; and

WHEREAS, the General Manager and staff believe the proposed recommendation is fair, proper and necessary in order to fund the foregoing programs within the existing service area of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT as follows:

Section 1. In accordance with applicable law, a public hearing is hereby set to receive public comment on the implementation of a water standby or availability of service charge on all lands within the Upper District. Said public hearing shall be conducted at the **Upper San Gabriel Valley Municipal Water District Office, 602 E. Huntington Drive, Suite B, Monrovia, California on May 25 2022 at the hour of 8:00 a.m.,** or as soon thereafter as the matter can be heard for the purpose of considering the adoption of an Ordinance fixing a water availability standby charge on or before the third (3rd) Monday of August, 2022; pursuant to the Water Code Sections 71638, et seq.

Section 2. The imposition of such a charge for Fiscal Year 2022/23 is \$10.00 (Ten Dollars) per acre of land, or \$10.00 (Ten Dollars) per parcel of land less than one acre within the boundaries of the Upper District.

Section 3. The General Manager/Secretary of the Upper District is hereby directed to cause due notice of the public hearing to be given in compliance with the applicable state law.

Section 4. The General Manager shall cause a written Engineer's Report to be prepared and filed with the Secretary of the Upper District and made available for public review on or before May 11, 2022. Said report shall be designed to provide the Board and the public with information describing the benefits which create the basis for water standby or availability of service charges as described herein.

Section 5. The General Manager shall cause any and all necessary acts to occur so as to implement this Resolution and conduct the Upper District's public hearing on the proposed water standby or availability of service charge.

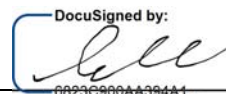
PASSED, APPROVED, AND ADOPTED this 13th day of April, 2022.

AYES: FELLOW, TREVIÑO, GARCIA, SANTANA, CHAVEZ

NOES:

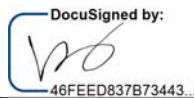
ABSTAIN:

ABSENT:

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Ed Chavez, President

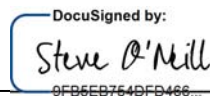
ATTEST:

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Katarina Garcia, Secretary

(SEAL)

APPROVED AS TO FORM:

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Steven P. O'Neill, District Counsel