

ORDINANCE NO. 118-15

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF YUIMA MUNICIPAL WATER DISTRICT
ESTABLISHING A SPECIAL CONNECTION FEE AND CHARGE
FOR NEW SERVICE CONNECTIONS AND EXPANDED WATER
USE FOR IMPROVEMENT DISTRICT 'A' AND
REPLEALING ORDINANCE 51-81**

WHEREAS, Improvement District A of Yuima Municipal Water District ("IDA") was formed under the terms of Resolution 61, adopted November 13, 1967 for the purpose of acquiring the water system and water rights of Palomar Mutual Water Company ("Palomar"), former California Corporation, operating as a mutual water company and now dissolved. The territory of IDA is substantially the same as that which comprised the former service area of Palomar; and

WHEREAS, under Palomar's Articles of Incorporation and By-laws, its shares were appurtenant to particular tracts of land within its total service area. Water was available to Palomar's shareholders only for use upon particular, designated and described properties to which the shares of the owner of those properties were made appurtenant; and

WHEREAS, the acquisition by the District for IDA of the distribution system and water rights of Palomar under the agreement with that Company of April 15, 1968, together with the modification of the judgment of the Superior Court of San Diego County in the case of Strub et al. vs. Palomar Mutual Water Company, has made it possible for the District to provide water service to lands within IDA which were not entitled to water service from Palomar; and

WHEREAS, betterments and improvement of the system designed to serve the properties within IDA are required if the District is to be able to deliver water to all lands within IDA on which beneficial use of water can reasonably be anticipated; and

WHEREAS, funds for such system betterments should equitably be provided, at least in part, by special connection charges imposed upon any new service connection or upon the use of water delivered through existing connections upon all lands within IDA which were not entitled to water from Palomar; and

WHEREAS, the special connection charge established by this ordinance fairly reflects the estimated cost of the new facilities which are required and a reasonable contribution towards the historic depreciation cost of existing works which would be utilized in effecting new or expanded water uses;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Yuima Municipal Water District as follows:

Section 1. A special connection charge is hereby established and shall be collected from the owners of all lands within IDA for:

- a) The provision of a new service connection to the water system now existing or as it may hereafter be extended, or
- b) The use of any existing service connection where the water delivered through such new or existing connection is to be used upon any parcel of land within IDA as to which no shares of any class of stock of Palomar Mutual Water Company were issued and appurtenant as of April 15, 1968, or were subsequently paid pursuant to the provisions of Ordinance 51-81.

Section 2. For the first 45 days following adoption of this ordinance, the special connection charge shall be \$2,500; thenceforward, the charge shall be fixed at \$8,400 until June 30, 2016. Thereafter, the connection charge imposed by Section 1 shall be computed annually, based upon the estimated cost of new facilities which are required and a reasonable contribution towards the historic depreciation cost of existing works which would be utilized in effecting new or expanded water uses, and approved by Board resolution at its regularly scheduled public

Section 5. There is hereby established for IDA a special fund to known as “Special Connection Fee – IDA Facilities Enlargement Fund”. All sums collected under the terms of this ordinance, and interest thereon, shall be deposited in said fund and shall be used and devoted solely for the payment of the cost and expense of any new construction, improvement or extension of the works for the production, supply or distribution of water for use upon the lands within IDA. The Board of Directors finds that the adjustments of the Special Connection Fee are not subject to the California Environmental Quality Act (CEQA).

Section 6. The provisions of this ordinance shall not impose any obligation upon the District to construct new facilities or extensions to the water system for IDA unless the District’s Board of Directors shall determine, in its sole discretion, that the use of such funds as are available is reasonably required or necessary.

Section 7. Protests. Any person, corporation, partnership, public agency or other entity objecting to any connection fee of District shall have the right to file a complaint with the District, provided the complaint is filed, in writing, at the offices of the District, 34928 Valley Center Road, (Mailing: P. O. Box 177), Pauma Valley California 92061, before payment of the charge or within ten (10) days after payment of the charge. Any such complaint shall be reviewed by the General Manager and a written response shall be mailed or personally delivered within fifteen (15) days of receipt of the complaint. If the person, corporation, partnership, public agency or other entity is dissatisfied with the decision of the General Manager, it shall have the right to appeal the decision to the District's Board of Directors by filing an appeal, in writing, at the offices of the District within ten (10) days after the written response of the General Manager is mailed or personally delivered. If such an appeal is filed, the appellant shall be notified of the time and place of the meeting of the District at which time the matter shall be considered. At the meeting, the appellant shall be given an opportunity to be heard and to present evidence. Thereafter, the board shall make a recommendation regarding the appeal and may make such modifications or adjustments to the capacity charge as it deems just and equitable. The decision of the Board of Directors shall be final.

Section 8. Effective Date. The Special Connection Fees fixed and imposed as stated herein became effective with the **adoption** of Ordinance 51-81 on May 15, 1981. This ordinance is effective upon adoption, provided however the increase approved by section 2 of this ordinance shall be effective 45 days following the date of adoption hereof as to all lands subject hereof for which the connection charge has not then been paid, irrespective of when the lands began taking water.

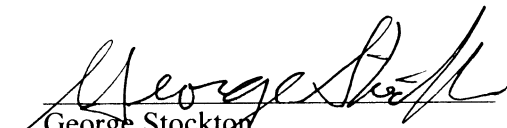
PASSED AND ADOPTED this 23rd day of March, by the following roll-call vote:

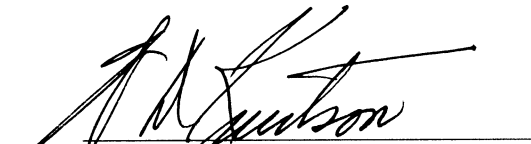
AYES: Watkins, Fitzsimmons, Villalobos, Stockton, Knutson

NOES: none

ABSENT: none

ABSTAIN: none


George Stockton,
Secretary of the Board of Directors


W.D. Knutson,
President of the Board of Directors