

RESOLUTION NO. 5-09-903

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST BASIN MUNICIPAL WATER DISTRICT IMPOSING STANDBY CHARGES FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND REPEALING RESOLUTION NO. 4-08-868

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WEST BASIN MUNICIPAL WATER DISTRICT as follows:

Section 1. Purpose

This resolution fixes a standby assessment to be levied against each lot or parcel within the District for the fiscal year commencing July 1, 2009, for the purpose of financing the District's water recycling program.. This charge is similar to and replaces the charge levied for the prior fiscal year. This charge is imposed pursuant to the Uniform Standby Procedures Act (Government Code Sections 54984, *et seq.*).

Section 2. Findings

The Board of Directors, finds, determines and declares as follows:

- (a) The District has provided a duly published notice of public hearing and has conducted a public hearing to consider adoption of a standby assessment.
- (b) The Board has considered the written and oral comments presented by interested parties and the report of the District's Engineer concerning the assessment.
- (c) The imposition of the standby assessment will not result in significant environmental impacts and the District has approved a negative declaration for the project under the California Environmental Quality Act.
- (d) The standby assessment will be used to pay for a portion of the cost of the West Basin Water Recycling Program instituted by the District.
- (e) It is in the best interests of the District and the community that it serves to promote water recycling and to pay for a portion of the program from the proceeds

of standby assessments because landowners benefit from the increase in the available water supply.

(f) The amount of the charge for each lot or parcel is proportionate to the amount of benefit for each lot or parcel.

Section 3. **Standby Charge**

For property used for single family and duplex residential purposes, an annual standby assessment in the amount of \$24.00 is hereby established against each acre of land, or portion thereof, or \$24.00 for each parcel of land of less than one acre within the District for the fiscal year commencing July 1, 2009. For property used for multiple-family residential purposes, including but not limited to, condominiums, apartments, mobile homes, motels and hotels, an annual standby assessment in the amount of \$16.00 per dwelling unit is hereby established against each residential unit for the fiscal year commencing July 1, 2009. For property that is used for any nonresidential purpose, an annual standby assessment in the amount of \$120.00 is hereby established against each acre of land, or portion thereof, or \$120.00 for each parcel of less than one acre for the fiscal year commencing July 1, 2009. A description of the lands (by assessor parcel number) affected by the assessment is on file with the Secretary.

Section 4. **Collection**

The Board of Supervisors and Auditor of the County of Los Angeles are hereby directed to levy, collect and remit to the District the standby assessment at the time and in the manner required by law for the levying of taxes for county purposes.

Section 5. **Relief from Assessment**

(a) The owner of a lot or parcel of land may obtain a reduction in the amount of the assessment, or an exemption from the assessment by showing reduced water demand for the lot or parcel due to change of use, lot split, merger, or by showing the property cannot be developed.

(b) Reduction of assessment: The assessment may be reduced by 50% upon filing a certification (under penalty of perjury, and supplying copies of water bills if available), stating water usage is less than 500 cubic feet per month. This certification must be filed with the District annually not later than July 1. Any reduction in the standby assessment issued pursuant to this section shall be for the current (at time of filing certification) fiscal year only. Applications for such relief shall be presented to the General Manager, or his designee, on forms provided for that purpose on or before June 30, 2010. The General Manager shall approve or deny the application within sixty (60) days of filing. If the request is denied, the applicant may appeal the decision of the General Manager by filing a written notice of appeal with the Secretary of the Board within sixty (60) days of the General Manager's action.

(c) An exemption from standby charges may be granted by the General Manager to a property owner that provides documentation demonstrating that a property cannot be developed due to outside governmental constraint, or that the highest and best use of the property does not include current development. This exemption will only be granted upon demonstrating the constraint, executing an "Exemption Agreement" with the District, and complying with the terms thereof. This exemption will only be granted in cases where the subject property is unimproved or cannot be developed. The Exemption Agreement must be renewed annually before July 1 to qualify for this exemption. A refund in the standby assessment issued pursuant to this section may be given if the application is filed within two years after the date the Resolution was adopted fixing the charge for that fiscal year. Applications for an exemption shall be presented to the General Manager, or his designee, on forms provided for that purpose on or before June 30, 2010. The General Manager shall approve or deny the application within sixty (60) days of filing. If the request is denied, the applicant may appeal the decision of the General Manager by filing a written notice of appeal with the Secretary of the Board within sixty (60) days of the General Manager's action.

Section 6. **Repeals**

Resolution 4-08-868 is hereby repealed.

PASSED, APPROVED AND ADOPTED on May 26, 2009.

President

ATTEST:

Secretary

(SEAL)

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