

# VICTORVILLE WATER DISTRICT

## PLAN FOR SERVICES

### FOR LAFCO 3155

### COAD ROAD ISLAND ANNEXATION

Approved By   
Director of Water District

Date 5-13-10

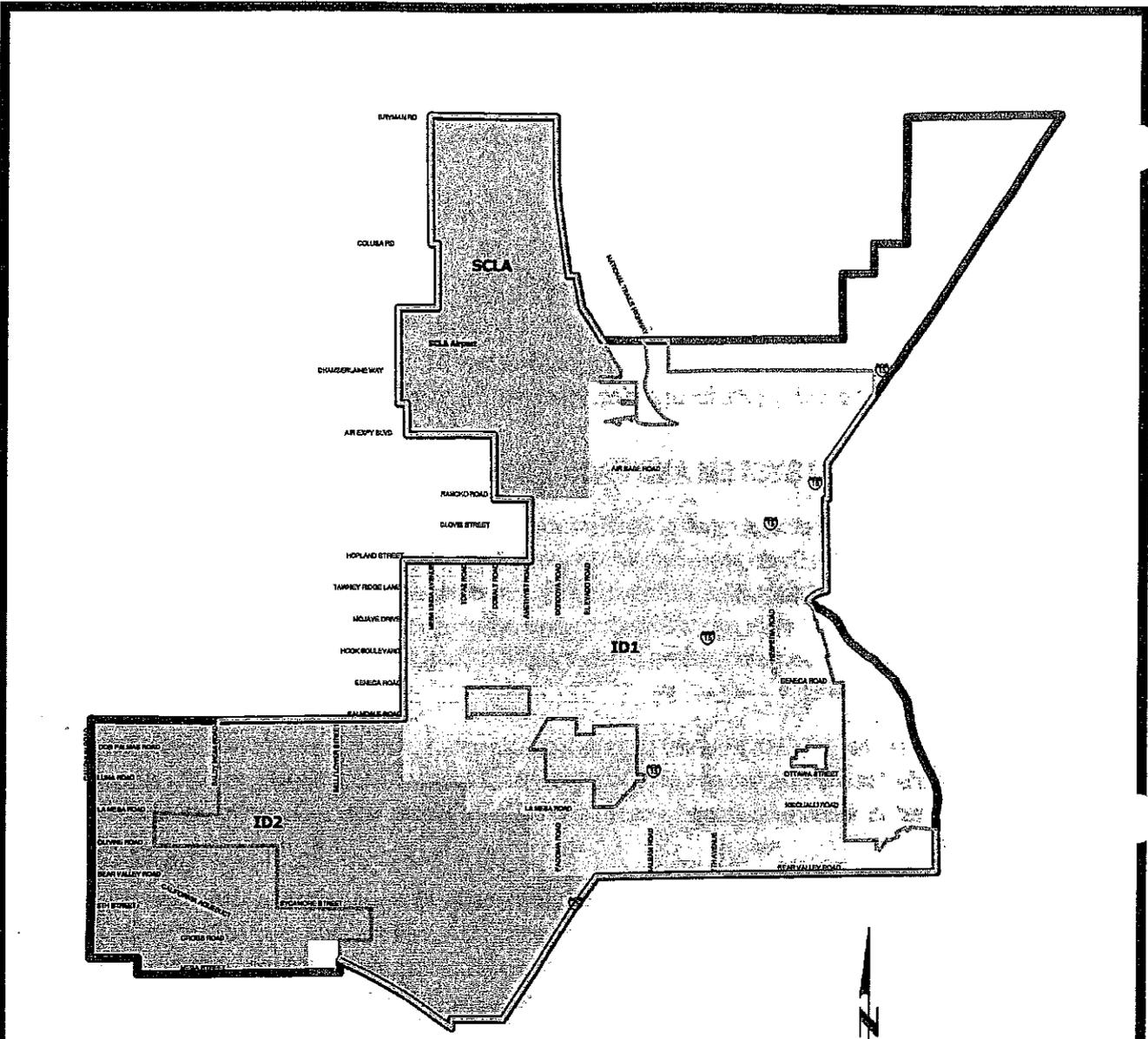
## **PLAN FOR SERVICES**

### **WATER SUPPLY**

The proposed annexation to the City of Victorville will include the annexation to the Victorville Water District (a subsidiary of the City of Victorville). The water for existing development within the area is currently provided by private wells.

The Victorville Water District currently has an 18" water line on Hesperia Road n/o Green Tree Blvd., 12" water lines on Ottawa Road and Hesperia Road s/o Green Tree Blvd., and an 8" water line on Eureka Street. Some or all of these existing water lines would need to be extended into the proposed annexation area to provide service to proposed development. The timing of these mainline extensions will depend on the quantity of existing development electing to connect to the Victorville Water District's system. Existing well pumping plants and storage reservoirs have adequate capacity to serve the proposed annexation area. As such, the proposed annexation area will have minimal impact to the water district. When proposed and existing developments connect to the system, they will be required to pay connection fees, which will pay their proportionate share of new infrastructure required to serve this area.

The City has adopted a water conservation ordinance that will be applied to new development within the annexation area after annexation. The ordinance requires the use of drought-tolerant, low-water-use plants and minimal turf area. A copy of the ordinance is attached with this PFS. The City is also requiring that developers construct "purple pipe" systems where appropriate for the use of recycled water.



**Legend**

- City of Victorville Boundary
- City of Victorville Sphere of Influence
- WVD Improvement District 1
- WVD Improvement District 2
- WVD SCLA
- Areas not served by WVD



**Figure ES.1**  
**Victorville Water District**  
**Service Area**

20-Year Comprehensive Water Master Plan  
**Victorville Water District**

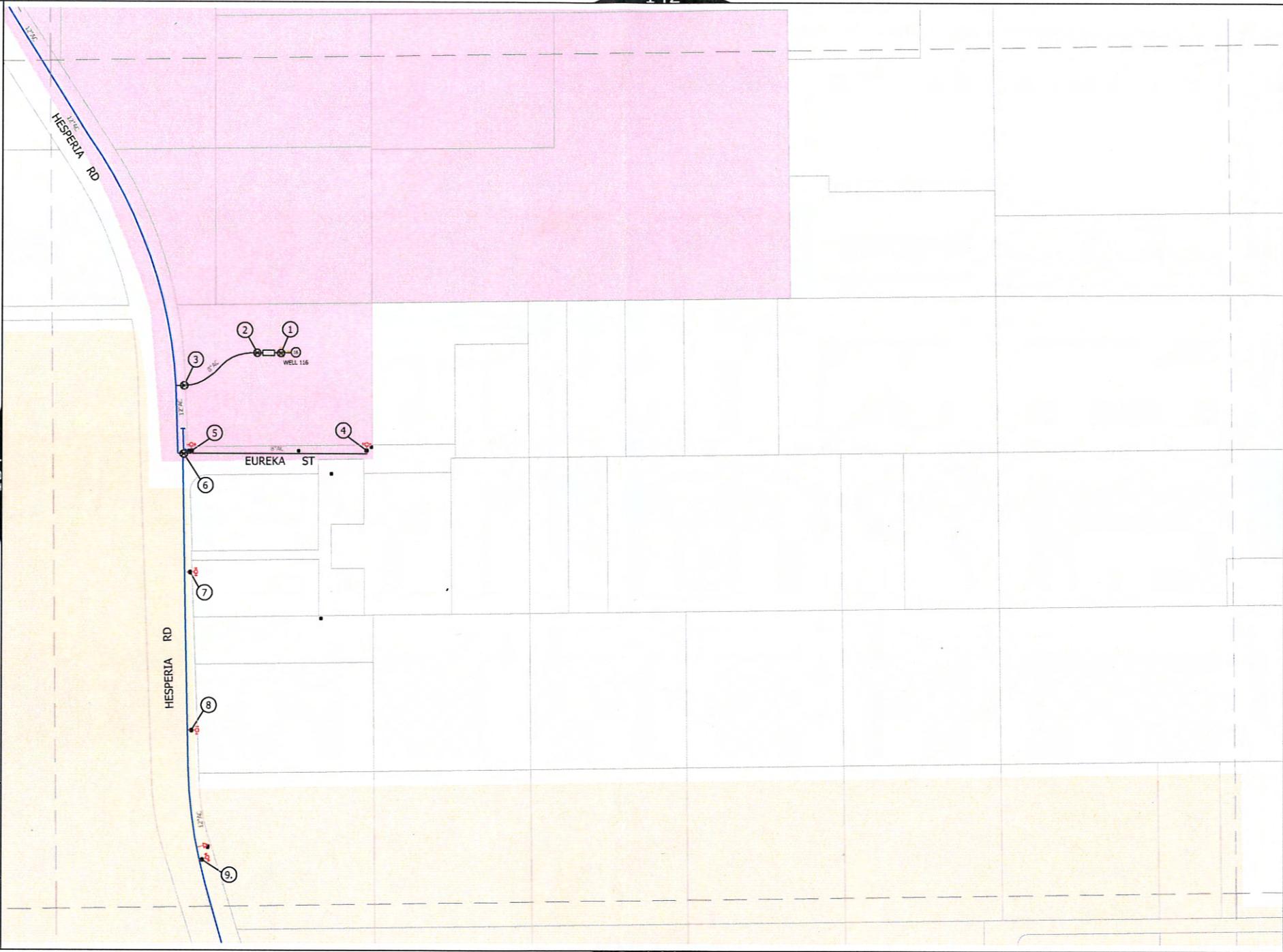
C:\pw\_working\projectwise\bbrenhug\dms80594\FigureES-1\_ServiceArea



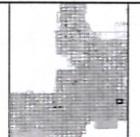


PRESSURE ZONES

- 2866
- 2890
- 2906
- 3065
- 3065A
- 3065B
- 3170
- 3290
- 3290A
- 3485
- 3675
- 3820



SCALE 1 : 1.00



143

142

144

154

109

**VICTORVILLE WATER DISTRICT  
RESOLUTION NO. VWD 08-013**

**A RESOLUTION OF THE VICTORVILLE WATER DISTRICT SUPERSEDING  
VICTORVILLE WATER DISTRICT RESOLUTION NO. VWD 08-002, FIXING  
CHARGES FOR WATER SERVICE CONNECTIONS AND OTHER RELATED FEES  
AND CHARGES, AND FIXING RATES FOR WATER SERVICE**

WHEREAS, the Victorville Water District (the "District") shall function under, and carry out all authorized duties and responsibilities assigned to a county water district as outlined in California Water Code Section 30000 et seq.; and

WHEREAS, on January 15, 2008 the District established harmonized fees and charges; and

WHEREAS, the District has performed further study and determined the current water service rates are not sufficient to cover operating and capital costs; and

WHEREAS, on August 5, 2008 at a Regular Public Meeting of the Board of Directors, the District adopted Resolution No. VWD 08-012 to set the time and place for a public hearing on the proposed water service fee increase (the "Proposed Fee Increase") and directed staff to proceed with the special notice proceedings as required by law; and

WHEREAS, pursuant to Resolution No. VWD 08-012 the District made the following findings:

- a. The revenues derived from the Proposed Fee Increase shall not exceed the funds required to provide the property related services.
- b. The revenues derived from the Proposed Fee Increase shall not be used for any purpose other than that for which the proposed fee is imposed.
- c. The amount of the Proposed Fee Increase Imposed on any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.
- d. The Proposed Fee Increase will be actually used or it shall be immediately available for use.
- e. The Proposed Fee increase will not be used for general governmental services, including police, fire, ambulance or library services.

WHEREAS, pursuant to Section 6, of Article XIII(D) on August 22, 2008, Twenty-Five Thousand Four Hundred Twenty-Nine (25,429) written notices were sent out to the affected property owners notifying them of this hearing and their right to protest the Proposed Fee Increase. The notice was in writing and stated all of the following:

- a. the amount of the Proposed Fee Increase to be imposed upon each parcel; and
  - b. the basis upon which the amount of the Proposed Fee Increase was calculated; and
  - c. the reason for the Proposed Fee Increase; and
-

- d. the date, time, and location of a public hearing on the Proposed Fee Increase; and

WHEREAS, the District has complied with the notice, protest, and hearing requirements of Proposition 218 with respect to the Proposed Fee Increase; and

WHEREAS, on October 7, 2008 at a Regular Public Meeting of the Board of Directors, the time and place for a public hearing on the proposed water service fee increase (the "Proposed Fee Increase") and consideration of this resolution were continued to November 18, 2008; and

WHEREAS, on November 18, 2008, the District conducted the Public Hearing in the manner required by law and heard and considered all objections and protests to the Proposed Fee Increase; and

WHEREAS, at the close of the Public Hearing 2,325 oppositions were received; and

WHEREAS, the protests submitted in opposition were not greater than the majority of the parcels subject to the Proposed Fee Increase; and

WHEREAS, a majority protest does not exist; and

WHEREAS, the District constructs, owns, operates, improves and maintains the water system and related facilities and infrastructure that serves the District's existing customers and provides water service availability to new customers and developments within the jurisdictional boundaries of the District; and

WHEREAS, adequate capital facilities and services must be available to accommodate the needs, demands and burdens of present and forecasted new development, including, but not limited to, an adequate source of water supply; and;

WHEREAS, reasonable and uniform procedures for obtaining water service from the District and for connecting to the District's water production and distribution facilities have been established and are being enforced in order to ensure the protection of the District's facilities and to protect the public health, safety and welfare; and

WHEREAS, this Resolution shall fix the amount of the charges for the water service connections and other related fees and charges and the rates for water service; and;

WHEREAS, California Water Code Section 31007 provides that the rates, fees and charges that are imposed and collected by the District, shall be so fixed as to yield special purpose revenues in amounts sufficient to pay the operating expenses of the District, and to provide for the construction, ownership, operation, repair, maintenance and depreciation of the District's water works system and infrastructure, so that it may provide adequate water service to its lawful customers; and

WHEREAS, the Board has received, reviewed and given due consideration to the evidence presented in connection with the rates, fees and charges fixed by this Resolution, including the various reports and other information received by the Board in the course of its business; and

WHEREAS, the Board has evaluated and considered the services the District provides to the public, and to its private, commercial and public agency customers; the rates charged the various classifications of its customers for water service; the costs reasonably borne by the District in providing those services (including operating expenses, repairs, maintenance and depreciation of the District's water supply system); the beneficiaries of those services; and the revenues produced by those presently paying the District's water service rates; and

WHEREAS, the Board intends that the District require the ascertainment and recovery of cost reasonably borne from fees and charges levied therefore in providing the regulation, products or services hereinafter enumerated in this Resolution; and

WHEREAS, the connection fees fixed by this Resolution are adequate to cover the cost of construction of the facilities and of providing the services made available as a result of new development making a connection to the District's water system; and

WHEREAS, the rates and charges fixed and assessed by the District should be based on the use of the water provided and encourage conservation at all levels of use, should be beneficial to the District and to the community; and

WHEREAS, developers of lands within the District should be required to mitigate the burdens created by their development through the construction or financing of the construction of the public capital facilities and services improvements necessitated by such new development; and that such mitigation can and should be accomplished through the imposition and collection of water service connection fees, at the time of connection to the District's facilities; and

WHEREAS, the District's periodic cost estimates for the construction of capital facilities, the expansion of capacity, preparations for the treatment of water, and the acquisition of necessary sources of water supply, are reasonable cost estimates for the provision of the necessary facilities and services to new development, and the fees expected to be generated by such new development through the existing connection fees will not exceed the total of these costs; and

WHEREAS, the imposition of fees to finance public facilities and services improvements for the District, necessitated by new development, is necessary in order to protect the public safety and welfare; and

WHEREAS, the rates and charges fixed herein represent fair and reasonable rates and charges which defray, in whole or in part, the actual cost to the District in providing water service, are consistent with the requirements of the law, and are based on the estimated reasonable costs of providing the services for which the fees or charges are imposed; and

WHEREAS, the adoption of the Resolution is exempt from the *California Environmental Quality Act* (*Public Resources Code* Sections 21000 et seq.), because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of the District, as set forth in *Public Resources Code* Section 21080 (b) (8) (1).

**NOW, THEREFORE, BE IT RESOLVED** by the Board, as follows:

**1. Recitals**

The above recitals shall be incorporated herein and are true and correct.

**2. Supersession of Resolution No. VWD 08-002**

The Board hereby supersedes Victorville Water District Resolution No. VWD 08-002, titled, "A RESOLUTION OF THE VICTORVILLE WATER DISTRICT RESCINDING VICTOR VALLEY WATER DISTRICT RESOLUTION NO. B-795-06, RESCINDING PORTIONS OF BALDY MESA WATER DISTRICT RESOLUTION NO. 2007-03, FIXING CHARGES FOR WATER SERVICE CONNECTIONS AND OTHER RELATED FEES AND CHARGES, FIXING RATES FOR WATER SERVICE, AND HARMONIZING FEES AND CHARGES FOR BOTH IMPROVEMENT DISTRICTS."

**3. Adoption of this Resolution**

The Board hereby adopts this resolution fixing charges for water service connections and other related fees and charges, and fixing rates for water service for the District in its entirety.

**4. The charges for water service connections and the other related fees and charges shall be fixed, as follows:**

**a. Water Service Connection Fees.**

- i. The Water Service Connection Fee for Improvement District Number 1 shall remain fixed at Three Thousand Twelve Dollars (\$3,012.00) per ECU.
- ii. The Water Service Connection Fee for Improvement District Number 2 shall be fixed as of February 1, 2008, at Seven Thousand Forty-five Dollars and Twenty-nine Cents (\$7,045.29) per multiplier.

b. **Alternate Water Source Charge.**

i. The Alternate Water Source Charge for Improvement District Number 1 shall remain fixed at One Thousand Three Hundred and Two Dollars (\$1,302.00) per ECU.

ii. The Alternate Water Source Charge for Improvement District Number 2 shall be fixed as of February 1, 2008, at Two Thousand Six Hundred Forty Dollars and Sixty-six Cents (\$2,640.66) per multiplier.

c. **Meter Installation Fees.** The Meter Installation Fees shall be fixed as follows:

<u>Meter</u>		<u>Fee</u>
¾" meter only	\$	407.00
¾" meter and service line	\$	1,626.00
1" meter only	\$	440.00
1" meter and service line	\$	1,683.00
1 ½" meter only	\$	744.00
1 ½" meter and service line	\$	2,305.00
2" meter only	\$	994.00
2" meter and service line	\$	2,549.00
Larger than 2"		Actual Cost

5. **The rates for water service shall be fixed as follows:**

a. **Consumption Charges.**

i. The consumption charge is the charge per hundred cubic feet (HCF) for water registered by a customer's water service meter, or otherwise taken or received from the District, except as provided below (see ii) or by contract. The consumption charge is hereby established for all billings made on or after the date shown as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 1.49	\$ 1.55	\$ 1.60

ii. The consumption charge for construction (hydrant) flow-meter customers and customers using the filler spout is hereby established for all billings made on or after the date shown as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 2.41	\$ 2.49	\$ 2.58

b. **Fees and Charges for Services. Periodic (approximately monthly) availability charges applicable to metered water services shall be established for all billings made on or after the date shown based upon average daily consumption.**

i. **Standard Rate.** The Standard Rate shall be charged to all customers whose average daily consumption is equal to or greater than 1.18 hundred cubic feet (HCF) of water, but less than 6.61 hundred cubic feet. The Standard Rate shall be established as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 35.00	\$ 37.00	\$ 38.00

ii. **Conservation Rate.** The Conservation Rate shall be charged to all customers whose average daily consumption is equal to or greater than 0.26 hundred cubic feet (HCF) of water, but less than 1.18 hundred cubic feet (HCF). The Conservation Rate shall be computed at one half of the Standard Rate, rounded to the nearest one half (1/2 or 0.50) dollar as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 17.50	\$ 18.50	\$ 19.00

iii. **Basic Rate.** The Basic Rate shall be charged to all customers whose average daily consumption is less than 0.26 hundred cubic feet (HCF). The Basic Rate shall be computed at one dollar less than the Conservation Rate as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 16.50	\$ 17.50	\$ 18.00

iv. **Premium Rate.** The Premium Rate shall be charged to all customers whose average daily consumption is greater than 6.60 hundred cubic feet (HCF) of water. The Premium Rate shall be computed by multiplying the Standard Rate by a factor of 3.58, rounded to the nearest dollar as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 125.00	\$ 132.00	\$ 136.00

c. **Arsenic Removal Facilities Surcharge.** The regular periodic (approximately monthly) Arsenic Removal Facilities Surcharge for Improvement District Number 2 only shall be fixed at Five Dollars and Seventy-five Cents (\$5.75) per connection per periodic billing period (approximately monthly).

- d. **Fees and Charges for Fire Service Standby.** The regular periodic (approximately monthly) availability charges applicable to Fire Services shall be fixed as follows:

<u>Meter Size</u>	<u>Periodic Charge</u>
1 inch	\$ 4.00
2 inch	\$ 5.00
4 inch	\$ 7.00
6 inch	\$ 11.00
8 inch	\$ 14.00
10 inch	\$ 16.00

- e. **Filler Spout Charge.** The charge for water obtained from a Filler Spout is a service availability charge and is fixed at Ten Dollars (\$10.00) per regular billing period (approximately monthly).

6. **Administrative fees and charges, deposits and all other fees and charges shall be fixed as follows:**

- a. **General Administrative Fees and Services Charges.** The following general administrative fees and services charges shall be fixed as follows:

Initial Customer Setup Fee	\$ 25.00 per account
Delinquency Notification Fee	\$ 3.00 per occurrence
Non-reporting Fee (Flow Meter)	\$ 38.00 per occurrence
Service Call - Regular Hours	\$ 32.00 per occurrence
Service Call - After Hours	\$ 48.00 per occurrence
Labor Rate - Regular Hours	\$ 42.00 per hour
Labor Rate - Overtime Hours	\$ 63.00 per hour
Returned Payment Fee	\$ 25.00 per occurrence
Credit Evaluation Fee	\$ 10.00 per occurrence
Vehicle/Equipment Rate	Hourly rental rate of lowest rental company within 25 miles of the District
Stocking/Material Handling Charges	15% of material cost, plus labor rate
Disconnect Processing Charge	Discontinued; included as part of any service call
Disconnect/Reconnect Charge	Discontinued; included as part of any service call

- b. **Security Deposit Charges and Reconnection Deposit.** The security deposits and reconnection deposits shall be fixed as follows:

<u>Meter Size</u>	<u>Deposit Amount</u>
¾ inch	\$ 120.00
1 inch	\$ 120.00
1 ½ inch	\$ 180.00
2 Inch	\$ 240.00
3 Inch	\$ 360.00
4 inch	\$ 480.00
6 inch	\$ 720.00
8 inch and above	\$ 960.00
Hydrant Flow Meter	actual cost

Upon request of the customer, an amount not to exceed 50% of a required security or reconnection deposit may be charged to the customer's account at the discretion of an authorized Director or Assistant Director.

- c. **Hydrant Installation/Removal Charge.** The Hydrant Installation/Removal Charges shall be fixed at actual cost.
- d. **Meter Test Charge.** A meter may be tested for accuracy by request of the customer. A testing fee as charged by a certified tester shall be paid by the customer at actual cost if the meter is found to be accurate. There will be no charge if the meter is found to be defective and must be repaired or replaced.
- e. **Special Facility Charge.** A Special Facility Charge shall be required for development of limited service areas whenever special facilities are required. The charge shall be based upon the Developer's or Landowner's proportionate share of cost for the installation of such special facility. Such proportionate share to be borne by the Developer or Landowner shall be based on the percentage of such development to the entire limited service area to be served by the special facilities; and the difference between the cost of facilities to serve the same area under normal conditions and the cost of facilities to serve the area under special conditions at a higher cost.
- f. **Water Main Extension Charge.** Actual costs of materials, installation, appurtenances, and all other costs related to the extension of a water main shall be charged.
- g. **Delinquency Charges.** The delinquency charge shall be fixed at Six Dollars (\$6.00) per billing period (approximately monthly), or the maximum amount permitted by law, whichever is less.
- h. **Documentation Fees.** Reproduction Charges, Records Requests, Notary Fees and all other related documentation fees shall be administered by and fixed pursuant to Resolution of the City of Victorville.

- i. **Engineering Fees.** All inspection, deposits, plan checks, permits, studies, and other engineering or related charges and fees shall remain as fixed by existing resolution of the Victor Valley Water District Resolution No. B-563-94 until such charges and fees shall be administered by and fixed pursuant to Resolution of the City of Victorville.
  - j. **Other Fees.** All other fees including, but not limited to, Hydrant Flow Test, Backflow Device Test, Fire Flow Test, Water Main Extensions, and Pressure Regulator Test, are fixed at actual total cost
7. **Damage to Water Facilities and Other District Property**
- a. **Lost or Unintentionally Damaged District Property.** Lost or unintentionally damaged District property, including meters, connection devices, padlocks and other locking devices, shall be assessed to the customer at the actual repair or replacement cost, together with established labor and administrative costs.
  - b. **Intentional Unauthorized Utilization of District Equipment and Facilities.** The intentional unauthorized operation, connection, disconnection, reconnection, removal, replacement, alteration or other utilization of any District equipment, water system component or infrastructure, including but not limited to meters, valves, hydrants, pipelines, wells, pumps, tanks, and their component parts, is hereby deemed to pose a potential threat to the public health and safety. The District may seek the prosecution of any person or entity who willfully commits or causes another to commit, or who acts with callous disregard to the health and safety of others, the intentional unauthorized operation, connection, disconnection, reconnection, removal, replacement, alteration or other utilization of any District equipment, water system component or infrastructure.
  - c. **Inadvertent Unauthorized Utilization of District Equipment and Facilities.** The inadvertent unauthorized operation, disconnection, removal or alteration of any District equipment, water system component or infrastructure, including but not limited to meters, valves, hydrants, pipelines, wells, pumps, tanks, and their component parts, is also deemed to pose a potential threat to the public health and safety. Accordingly, every unauthorized act or occurrence must be immediately reported to the District, so as to permit the District to promptly take appropriate action to remediate any damage and to protect the public health and safety.

- d. **Indemnification.** Any damage to District property shall subject the unauthorized user to the actual costs of replacement, repair, treatment and/or other remediation, together with such actual administrative and legal costs as the District may incur. The District shall be held harmless and indemnified by any person and/or entity for the costs of defense of any action brought for damages resulting from, and for any damages arising out of any unauthorized utilization of any District equipment and/or facilities.
- e. **Vandalism.** Nothing in this Resolution shall limit or impair the right of the District to take any and all appropriate measures to protect the District water system and its equipment and infrastructure from acts of vandalism. Graffiti shall be considered vandalism for purposes of this provision.
- f. **Sabotage and Terrorism.** Nothing in this Resolution shall limit or impair the right or ability of the District to take any and all appropriate action to protect the District's water system and other property from acts of sabotage and/or terrorism.

**8. Waiver of Fees or Charges.**

Waiver of correct fees and charges as described in this Resolution may be made by action of an authorized Director of the Water District, or his/her designee.

**9. Repeal of Conflicting Provisions.**

The rates, fees, charges, deposits, costs and other provisions fixed for the same services in previously adopted inconsistent Resolutions are hereby rescinded, superseded, repealed and replaced; however this Resolution shall not in any way affect any other rate, fee or charge fixed by the District for any other service not superseded herein by this Resolution.

**10. Effective Date.**

This Resolution and the rates, fees, charges, costs and other provisions which are fixed or established hereby, shall become effective upon adoption of this Resolution. However, the adjusted rates, fees, charges, and costs will be billed as of all billings on or after dates as noted.

**11. Compliance with Law; Severability.**

In fixing the rates, fees, charges and costs, and adopting the other provisions of this Resolution, the Board intends to comply with all applicable laws. If any rate, fee, charge, cost or other provision approved herein is held to be invalid under existing or subsequently enacted law, it is the intent of the Board that any portion of the rates, charges, fees and/or costs found to be invalid, if possible, shall be deemed revised to the extent required to render them valid and lawful; and that such portions of the rates, fees, charges, costs and other provisions approved herein which are not so invalidated shall be and remain in full force and effect until repealed or modified by formal action of the Board. Further, if any section, subsection, sentence, clause or phrase of this Resolution is found, for any reason, to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Resolution.

**APPROVED AND ADOPTED** this 18<sup>th</sup> day of November 2008.

**ATTEST:**

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary to the Board

AYES \_\_\_\_\_ NAYS \_\_\_\_\_ ABSTAINS \_\_\_\_\_

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of NOVEMBER 2008

*Terry R. Caldwell*

CHAIRMAN OF THE BOARD OF DIRECTORS

ATTEST:

*Carolee Bates*

BOARD SECRETARY

APPROVED AS TO FORM:

*Chelle Burdhouse*

LEGAL COUNSEL FOR VICTORVILLE WATER DISTRICT

I, CAROLEE BATES, City Clerk of the City of Victorville and ex-officio Clerk to the Victorville Water District of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. VWD 08-013 and was adopted at a meeting held on the 18<sup>th</sup> day of November 2008, by the following roll call vote, to wit:

AYES: Board Members Almond, Cabriales, Caldwell, Hunter and Rothschild

NOES: None

ABSENT: None

ABSTAIN: None

*Carolee Bates*

CITY CLERK OF THE CITY OF VICTORVILLE

**VICTORVILLE WATER DISTRICT  
RESOLUTION NO. VWD 08-015**

**A RESOLUTION OF THE VICTORVILLE WATER DISTRICT AMENDING SECTION 5  
OF VICTORVILLE WATER DISTRICT RESOLUTION NO. VWD 08-013, FIXING  
CHARGES FOR WATER SERVICE CONNECTIONS AND OTHER RELATED FEES  
AND CHARGES, AND FIXING RATES FOR WATER SERVICE**

WHEREAS, the Victorville Water District (the "District") shall function under, and carry out all authorized duties and responsibilities assigned to a county water district as outlined in California Water Code Section 30000 et seq.; and

WHEREAS, on November 18, 2008 at a Regular Public Meeting of the Board of Directors, the District adopted Resolution No. VWD 08-013 fixing charges for water service connections and other related fees and surcharges, and fixing rates for water service; and

WHEREAS, the District has performed further study and determined the water service rates contained in Resolution No. VWD 08-013 are sufficient to cover operating and capital costs; and

WHEREAS, reasonable and uniform procedures for obtaining water service from the District and for connecting to the District's water production and distribution facilities have been established and are being enforced in order to ensure the protection of the District's facilities and to protect the public health, safety and welfare; and

WHEREAS, this Resolution shall fix the amount of the charges for the water service connections and other related fees and charges and the rates for water service as deferred; and

WHEREAS, this Resolution shall not waive any District rights pursuant to Resolution No. VWD 08-013; and

WHEREAS, the Board recognizes that deferral of rates will ease the impact of rate increases to customers; and

WHEREAS, this Resolution does not increase rates or fees, and does not impose new rates or fees; and

WHEREAS, the adoption of this Resolution is exempt from the *California Environmental Quality Act* (*Public Resources Code* Sections 21000 et seq.), because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of the District, as set forth in *Public Resources Code* Section 21080 (b) (8) (1).

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**NOW, THEREFORE, BE IT RESOLVED** by the Board, as follows:

**1. Recitals**

The above recitals shall be incorporated herein and are true and correct.

**2. Adoption of this Resolution**

The Board hereby adopts this resolution amending charges for water service and other related fees and charges, and fixing rates for water service for the District in its entirety.

**3. Victorville Water District Resolution No. VWD 08-013, Section 5, is amended as follows:**

**The rates for water service shall be fixed as follows:**

**a. Consumption Charges.**

- i. The consumption charge is the charge per hundred cubic feet (HCF) for water registered by a customer's water service meter, or otherwise taken or received from the District, except as provided below (see ii) or by contract. The consumption charge is hereby established for all billings made on or after the date shown as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 1.34	\$ 1.47	\$ 1.60

- ii. The consumption charge for construction (hydrant) flow-meter customers and customers using the filler spout is hereby established for all billings made on or after the date shown as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 2.15	\$ 2.36	\$ 2.58

**b. Fees and Charges for Services. Periodic (approximately monthly) availability charges applicable to metered water services shall be established for all billings made on or after the date shown based upon average daily consumption.**

- i. **Standard Rate.** The Standard Rate shall be charged to all customers whose average daily consumption is equal to or greater than 1.18 hundred cubic feet (HCF) of water, but less than 6.61 hundred cubic feet. The Standard Rate shall be established as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 32.00	\$ 35.00	\$ 38.00

- ii. **Conservation Rate.** The Conservation Rate shall be charged to all customers whose average daily consumption is equal to or greater than 0.26 hundred cubic feet (HCF) of water, but less than 1.18 hundred cubic feet (HCF). The Conservation Rate shall be computed at one half of the Standard Rate, rounded to the nearest one half (1/2 or 0.50) dollar as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 16.00	\$ 17.50	\$ 19.00

- iii. **Basic Rate.** The Basic Rate shall be charged to all customers whose average daily consumption is less than 0.26 hundred cubic feet (HCF). The Basic Rate shall be computed at one dollar less than the Conservation Rate as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 15.50	\$ 16.50	\$ 18.00

- iv. **Premium Rate.** The Premium Rate shall be charged to all customers whose average daily consumption is greater than 6.60 hundred cubic feet (HCF) of water. The Premium Rate shall be computed by multiplying the Standard Rate by a factor of 3.58, rounded to the nearest dollar as follows:

<u>December 1, 2008</u>	<u>November 1, 2009</u>	<u>November 1, 2010</u>
\$ 115.00	\$ 125.00	\$ 136.00

Notwithstanding the above, the District reserves the right to charge the full rate as proposed by Resolution 08-013.

#### 4. **Effective Date.**

This Resolution and the rates, fees, charges, costs and other provisions which are fixed or established hereby, shall become effective upon adoption of this Resolution. The rates, fees, charges, and costs will be billed as of all billings on or after dates as noted.

#### 5. **Compliance with Law; Severability.**

In fixing the rates, fees, charges and costs, and adopting the other provisions of this Resolution, the Board intends to comply with all applicable laws. If any rate, fee, charge, cost or other provision approved herein is held to be invalid under existing or subsequently enacted law, it is the intent of the Board that any portion of the rates, charges, fees and/or costs found to be invalid, if possible, shall be deemed revised to the extent required to render them valid and lawful; and that such portions of the rates, fees, charges, costs and other provisions approved herein which are not so invalidated shall be and remain in full force and effect until repealed or modified by formal action of the Board. Further, if any section, subsection, sentence, clause or phrase of this Resolution is found, for any reason, to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of NOVEMBER 2008

Terry E. Caldwell  
CHAIRMAN OF THE BOARD OF DIRECTORS

ATTEST:

Carla Bates  
BOARD SECRETARY

APPROVED AS TO FORM:

John Bortugno  
LEGAL COUNSEL FOR VICTORVILLE WATER DISTRICT

I, CAROLEE BATES, City Clerk of the City of Victorville and ex-officio Clerk to the Victorville Water District of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. VWD 08-015 and was adopted at a meeting held on the 18<sup>th</sup> day of November 2008, by the following roll call vote, to wit:

AYES: Board Members Almond, Cabriales, Caldwell, Hunter and Rothschild

NOES: None

ABSENT: None

ABSTAIN: None

Carla Bates  
CITY CLERK OF THE CITY OF VICTORVILLE