IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____day _____, 20___

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO LEVY A WATER AVAILABILITY CHARGE

The following resolution is now offered and read:

WHEREAS, Government Code section 25215.6(b) provides that "If the procedures set forth in the former Section 25210.77b as it read at the time a standby charge was established were followed, the board may, by resolution, continue to collect the charge in successive years at the same rate from the parcels within the county service area to which water or sewers are made available for any purpose by the county service area, whether the water or sewers are actually used or not. If new, increased, or extended assessments are proposed, the board shall comply with the notice, protest, and hearing procedures in Section 53753"; and

WHEREAS, former Government Code section 25210.77b provided that "A county may, pursuant to the notice, protest, and hearing procedures in Section 53753, fix, on or before the first day of July in each calendar year, a water or sewer standby or immediate availability charge on all land within a county service area to which water or sewers are made available for any purpose by the county whether the water or sewers are actually used or not, except that the charge shall not apply to lands permanently dedicated exclusively to the public transportation of persons or property. The board of supervisors of the county which fixes the water standby charge may establish schedules varying the charges in different months and in different localities within a county service area depending upon factors such as the uses to which the land is put, the cost of transporting the water to the land, the degree of availability or quantity of use of the water to the affected lands. The board may not, however, fix a charge in excess of thirty dollars ($30) for each acre of land, or thirty dollars ($30) for each parcel of land of less than one acre, for either water or sewer standby charges, unless the standby charge is imposed pursuant to the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5)"; and

WHEREAS, San Luis Obispo County annually followed the procedures set forth in the former Section 25210.77b; and

WHEREAS, Proposition 218, which was approved by California voters on November 5, 1996, added Articles XIIIC and XIIID to the Constitution of the State of California; and

WHEREAS, Sections 4, 5 and 6 of said Article XIIID affect laws governing availability charges; and

WHEREAS, Section 6(b)(4) of said Article XIIID classifies such availability charges as assessments; and,

WHEREAS, Section 5 of said Article XIIID provides that certain assessments existing on the effective date of said Article XIIID are exempt from the procedures and approval process set forth in Section 4 of said Article XIIID; and

WHEREAS, this Resolution is for the purpose of continuing to levy availability charges/assessments that were already existing on the effective date of said Article XIIID and the amounts of said availability charges/assessments for fiscal year 2015-16 are not proposed to be increased; and

WHEREAS, since the availability charges/assessments were imposed exclusively to finance the capital costs or maintenance and operation expenses for water service, then pursuant to Section 6(a) of said Article XIIID, they are explicitly exempt from the procedures and approval process set forth in Section 4 of said Article XIIID although increases in such assessments shall be subject to the entirety of said Article XIIID; and

WHEREAS, Exhibit "A," attached hereto and incorporated herein as though fully set forth, is a list of all parcels identified which will have a special benefit conferred upon them and upon which an assessment will be levied; and

WHEREAS, Exhibit "B," attached hereto and incorporated herein as though fully set forth is a detailed engineer's report prepared by a registered professional engineer certified by the State of California that supports said assessments; and

WHEREAS, it is in the public interest that said charge be levied.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, acting on behalf of San Luis Obispo County Service Area No. 16, Water Service Fund, and County Service Area No. 23, Water Service Fund, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

2. That a water availability charge is hereby levied on all parcels within San Luis Obispo County Service Area No. 16, Water Service Fund, and all unimproved parcels within County Service Area No. 23, Water Service Fund, as follows:

    a. The charge shall be on all parcels within San Luis Obispo County Service Area No. 16, Water Service Fund, and unimproved parcels in County Service Area No. 23, Water Service Fund.

    b. The charge shall be levied against the owner of said property as shown on the current equalized assessment roll of the County.

    c. "Parcel" as used in this Resolution means any piece of real property within San Luis Obispo County Service Area No. 16, Water Service Fund, and County Service Area No. 23, Water Service Fund shown on the

assessment roll of the County of San Luis Obispo Assessor as a parcel to which a separate Assessor's parcel number is assigned.

d. "Available" is defined as a parcel adjacent to an active main or distribution line and eligible for a building permit as determined by the County Engineer.

3. SCHEDULE: The water availability charge levied hereby shall be in accordance with the following schedule:

County Service Area 16

a. The water availability charge levied upon an unimproved parcel of less than one (1) acre shall be thirty dollars ($30.00) per year.

b. The water availability charge levied upon an improved parcel of less than one (1) acre shall be thirty dollars ($30.00) per year.

c. The water availability charge levied upon an unimproved parcel of one (1) acre or more shall be thirty dollars ($30.00) per year.

d. The water availability charge levied upon an improved parcel of one (1) acre or more shall be thirty dollars ($30.00) per year.

County Service Area 23

a. The water availability charge levied upon an unimproved parcel of less than one (1) acre shall be thirty dollars ($30.00) per year.

b. The water availability charge levied upon an unimproved parcel of one (1) acre or more shall be thirty dollars ($30.00) per year.

4. BILLING: The record owner of each parcel subject to the levy shall be furnished a statement of the amount of the applicable charge. The statement shall also contain notice that if the charge remains unpaid on July 1, 2016, it will be subject to a six percent (6%) penalty; and that the unpaid charge plus the said penalty may then be placed on the tax rolls of the County of San Luis Obispo and become a lien on that parcel.

5. UNPAID CHARGES: In case any water availability charge remains unpaid on July 1, 2016, the amount of such unpaid charge plus the said penalty shall be added to and become part of the annual tax levied upon the parcel upon which said charge was levied and shall constitute a lien thereon.

6. COLLECTION OF UNPAID CHARGES: No later than August 10, 2016, San Luis Obispo County Service Area No. 16, Water Service Fund, and County Service Area No. 23, Water Service Fund, shall submit in writing to the Board of Supervisors and to the County Auditor, respectively, a list of each and every parcel within San Luis Obispo County Service Area No. 16, Water Service Fund, and County Service Area No. 23, Water Service Fund upon which the water

availability charge remains unpaid, together with the amount of said unpaid charge plus said penalty on each such parcel, and request that such unpaid charges, and the penalty thereon, be included in the County tax bill separately from all other taxes.

7. REVENUE USE: Revenue derived from the water availability charge levied by this Resolution shall be used for any legal expenditure of San Luis Obispo County Service Area No. 16, Water Service Fund, and County Service Area No. 23, Water Service Fund relating to the improvement, operation, maintenance, extending, and repairing of the respective District's water system.

8. RESOLUTION EFFECTIVE DATE: This Resolution shall become effective immediately upon its adoption.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted on the ____ day of _____, 20___.

_____
Chairperson of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel

Dated: April 14, 2016

L:\Finance\2015\May\BOS\CSA 16 & 23 05-5-15 4.17 rsl.doc JH.jm

STATE OF CALIFORNIA, }
County of San Luis Obispo, ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

_____
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By _____
Deputy Clerk.

Water Availability 2016-17 CSA 16
(Shandon)

Exhibit A

25-Mar-16

APN	AMOUNT
017-181-012	$30.00
017-181-013	$30.00
017-181-018	$30.00
017-181-020	$30.00
017-181-028	$30.00
017-181-029	$30.00
017-181-030	$30.00
017-181-032	$30.00
017-181-033	$30.00
017-181-035	$30.00
017-181-038	$30.00
017-181-039	$30.00
017-181-040	$30.00
017-181-043	$30.00
017-181-044	$30.00
017-181-045	$30.00
017-181-046	$30.00
017-181-047	$30.00
017-181-050	$30.00
017-181-051	$30.00
017-181-054	$30.00
017-181-056	$30.00
017-181-057	$30.00
017-181-058	$30.00
017-182-014	$30.00
017-182-015	$30.00
017-182-016	$30.00
017-182-017	$30.00
017-182-018	$30.00
017-182-019	$30.00
017-182-020	$30.00
017-182-021	$30.00
017-182-022	$30.00

APN	AMOUNT
017-182-023	$30.00
017-182-024	$30.00
017-182-025	$30.00
017-182-026	$30.00
017-182-027	$30.00
017-182-028	$30.00
017-182-029	$30.00
017-182-030	$30.00
017-182-031	$30.00
017-182-036	$30.00
017-182-037	$30.00
017-182-038	$30.00
017-182-039	$30.00
017-182-040	$30.00
017-182-041	$30.00
017-182-045	$30.00
017-182-046	$30.00
017-182-047	$30.00
017-182-048	$30.00
017-182-049	$30.00
017-182-050	$30.00
017-182-053	$30.00
017-182-054	$30.00
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017-182-056	$30.00
017-192-001	$30.00
017-192-002	$30.00
017-192-003	$30.00
017-192-004	$30.00
017-192-005	$30.00
017-192-006	$30.00
017-192-007	$30.00
017-192-008	$30.00
017-192-009	$30.00
017-192-010	$30.00
017-192-011	$30.00
017-192-012	$30.00
017-192-013	$30.00
017-192-022	$30.00
017-192-023	$30.00
017-192-024	$30.00

Water Availability 2016-17 CSA 16, Exhibit A

APN	AMOUNT
017-192-025	$30.00
017-192-026	$30.00
017-192-027	$30.00
017-192-028	$30.00
017-192-029	$30.00
017-192-030	$30.00
017-192-031	$30.00
017-192-032	$30.00
017-192-033	$30.00
017-192-034	$30.00
017-192-035	$30.00
017-192-037	$30.00
017-192-038	$30.00
017-192-039	$30.00
017-192-040	$30.00
017-192-041	$30.00
017-192-045	$30.00
017-192-046	$30.00
017-192-047	$30.00
017-192-048	$30.00
017-192-049	$30.00
017-192-051	$30.00
017-192-055	$30.00
017-192-058	$30.00
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017-192-079	$30.00
017-192-080	$30.00
017-192-081	$30.00
017-202-001	$30.00
017-202-002	$30.00
017-202-003	$30.00
017-202-004	$30.00
017-202-006	$30.00
017-202-008	$30.00
017-202-009	$30.00
017-202-015	$30.00
017-202-016	$30.00
017-202-017	$30.00
017-202-018	$30.00

Water Availability 2016-17 CSA 16, Exhibit A

APN	AMOUNT
017-202-019	$30.00
017-202-020	$30.00
017-202-021	$30.00
017-202-022	$30.00
017-202-025	$30.00
017-202-026	$30.00
017-202-029	$30.00
017-202-030	$30.00
017-202-032	$30.00
017-202-033	$30.00
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017-202-035	$30.00
017-202-036	$30.00
017-202-037	$30.00
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017-203-014	$30.00
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017-203-016	$30.00
017-203-017	$30.00
017-203-018	$30.00
017-203-019	$30.00
017-203-020	$30.00
017-203-021	$30.00
017-203-022	$30.00
017-203-023	$30.00
017-203-024	$30.00

Water Availability 2016-17 CSA 16, Exhibit A

APN	AMOUNT
017-203-025	$30.00
017-203-026	$30.00
017-203-027	$30.00
017-203-028	$30.00
017-203-029	$30.00
017-203-030	$30.00
017-203-031	$30.00
017-203-032	$30.00
017-203-036	$30.00
017-211-001	$30.00
017-211-002	$30.00
017-211-003	$30.00
017-211-004	$30.00
017-211-005	$30.00
017-211-006	$30.00
017-211-007	$30.00
017-211-009	$30.00
017-211-010	$30.00
017-211-011	$30.00
017-211-018	$30.00
017-211-019	$30.00
017-211-034	$30.00
017-211-035	$30.00
017-211-036	$30.00
017-211-037	$30.00
017-211-038	$30.00
017-211-039	$30.00
017-211-040	$30.00
017-211-043	$30.00
017-211-044	$30.00
017-211-045	$30.00
017-211-046	$30.00
017-211-047	$30.00
017-211-048	$30.00
017-291-004	$30.00
017-291-005	$30.00
017-291-006	$30.00
017-291-007	$30.00
017-291-010	$30.00
017-291-015	$30.00
017-291-017	$30.00

Water Availability 2016-17 CSA 16, Exhibit A

APN	AMOUNT
017-291-018	$30.00
017-291-023	$30.00
017-291-026	$30.00
017-291-032	$30.00
017-291-033	$30.00
017-291-034	$30.00
017-291-035	$30.00
017-291-036	$30.00
017-291-041	$30.00
017-291-042	$30.00
017-291-043	$30.00
017-291-044	$30.00
017-291-045	$30.00
017-291-046	$30.00
017-291-047	$30.00
017-291-048	$30.00
017-291-049	$30.00
017-292-003	$30.00
017-292-004	$30.00
017-292-005	$30.00
017-292-006	$30.00
017-292-007	$30.00
017-292-008	$30.00
017-292-009	$30.00
017-292-010	$30.00
017-292-011	$30.00
017-292-012	$30.00
017-292-013	$30.00
017-292-014	$30.00
017-292-015	$30.00
017-292-016	$30.00
017-292-017	$30.00
017-292-018	$30.00
017-292-019	$30.00
017-292-020	$30.00
017-292-021	$30.00
017-301-004	$30.00
017-301-006	$30.00
017-301-013	$30.00
017-301-016	$30.00
017-301-020	$30.00

Water Availability 2016-17 CSA 16, Exhibit A

APN	AMOUNT
017-301-022	$30.00
017-301-026	$30.00
017-301-032	$30.00
017-301-035	$30.00
017-301-036	$30.00
017-301-038	$30.00
017-301-039	$30.00
017-301-040	$30.00
017-301-042	$30.00
017-301-046	$30.00
017-301-047	$30.00
017-301-050	$30.00
017-301-051	$30.00
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017-301-053	$30.00
017-301-054	$30.00
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017-301-056	$30.00
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017-301-058	$30.00
017-301-059	$30.00
017-301-060	$30.00
017-301-061	$30.00
017-301-062	$30.00
017-301-063	$30.00
017-301-064	$30.00
017-301-065	$30.00
017-301-066	$30.00
017-301-067	$30.00
017-301-068	$30.00
017-301-069	$30.00
017-301-070	$30.00
017-301-071	$30.00
017-301-072	$30.00
017-301-073	$30.00
017-301-074	$30.00
017-301-075	$30.00
017-301-076	$30.00
017-301-078	$30.00
017-301-079	$30.00
017-301-080	$30.00

Water Availability 2016-17 CSA 16, Exhibit A

APN	AMOUNT	
017-301-081	$30.00	
017-311-001	$30.00	
017-311-002	$30.00	
017-311-003	$30.00	
017-311-008	$30.00	
017-311-009	$30.00	
Grand Total:	**$8,550.00**	
	No of APN's	285

Water Availability 2016-17 CSA 16, Exhibit A

Water Availability 2016-17 CSA 23
(Santa Margarita)

Exhibit A

23-Mar-16

APN	AMOUNT
069-021-002	$30.00
069-021-016	$30.00
069-025-012	$30.00
069-025-014	$30.00
069-025-018	$30.00
069-025-019	$30.00
069-025-020	$30.00
069-025-021	$30.00
069-025-022	$30.00
069-025-023	$30.00
069-025-024	$30.00
069-025-025	$30.00
069-025-026	$30.00
069-025-027	$30.00
069-025-028	$30.00
069-025-029	$30.00
069-033-006	$30.00
069-033-008	$30.00
069-051-004	$30.00
069-052-005	$30.00
069-053-013	$30.00
069-061-007	$30.00
069-063-005	$30.00
069-073-001	$30.00
069-081-002	$30.00
069-091-007	$30.00
069-113-010	$30.00
069-131-007	$30.00
069-131-020	$30.00
069-131-021	$30.00
069-131-022	$30.00
069-132-025	$30.00
069-133-026	$30.00
069-142-005	$30.00
069-151-019	$30.00
069-151-020	$30.00
069-153-019	$30.00
069-153-023	$30.00
069-155-033	$30.00

APN	AMOUNT	
Grand Total:	**$1,170.00**	
	No of APNs:	39

Water Availability 2016-17 CSA 23, Exhibit A

EXHIBIT "B"

COUNTY OF SAN LUIS OBISPO
State of California

COUNTY SERVICE AREA 16
WATER SERVICE FUND
Fixed Cost Analysis

SUMMARY OF FINANCING REQUIREMENTS	Preliminary 16/17 Budget	Estimated Fixed Cost Percentage	Estimated Fixed Costs	Fixed Costs per Parcel (350 parcels)
WORK ORDERS	197,969	70.60%	139,766	$399
GENERAL OPERATIONS & PLANNING	11,319	50.00%	5,660	$16
UTILITIES	8,789	0.00%	0	$0
WATER QUALITY ANALYSES	10,276	0.00%	0	$0
WATER MASTER PLAN	0	0.00%	0	$0
WQ OPERATIONS SUPPORT	18,607	0.00%	0	$0
STATE WATER	73,164	100.00%	73,164	$209
CUSTOMER ACCOUNTS	14,000	0.00%	0	$0
ACCOUNTING & ADMINISTRATION	13,000	50.00%	6,500	$19
STORMWATER INSPECTION	2,000	0.00%		
CONTRIBUTION TO ISF FOR NEW EQUIPMENT	900	0.00%	0	$0
COUNTY WIDE OVERHEAD	3,464	64.31%	2,228	$6
TOTAL OPERATING COSTS	353,488		227,317	649
ANNUAL DEPRECIATION	38,176	100.00%	38,176	109
TOTAL DEPRECIATION	38,176		38,176	109
TOTAL DEPRECIATION AND OPERATING COSTS	$391,664		$265,493	$759

Availability Charge/Assessment per Parcel	$30
Levy as a Percentage of Special Benefit Conferred	3.95%

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EXHIBIT "B"

COUNTY OF SAN LUIS OBISPO
State of California

COUNTY SERVICE AREA 23 (Santa Margarita)
Fixed Cost Analysis

SUMMARY OF FINANCING REQUIREMENTS	Preliminary 16/17 Budget	Estimated Fixed Cost Percentage	Estimated Fixed Costs	Fixed Costs per Parcel (516 parcels)
GENERAL OPERATIONS	12,053	59%	7,105	$14
WORK ORDERS	90,000	59%	53,100	$103
UTILITIES	22,500	0%	0	$0
WATER QUALITY ANALYSES	18,648	0%	0	$0
WQ SANITARY SURVEY	-	0%	0	$0
WQ OPERATIONS SUPPORT	15,805	0%	0	$0
CUSTOMER ACCOUNTS	17,843	0%	0	$0
GENERAL ACCOUNTING & ADMINISTRATION	12,638	50%	6,319	$12
STORMWATER ANNUAL INSPECTION	2,000	0%	0	$0
CONTRIB TO ISF FOR NEW EQUIP	1,800	0%	0	$0
COUNTY WIDE OVERHEAD	2,392	34%	823	$2
WATER RIGHTS	-	0%	0	$0
NEW SERVICE	3,553	0%	0	$0
LEAD AND COPPER RULE	-	0%	0	$0
TOTAL OPERATING COSTS	$199,232		$67,348	$131
ANNUAL DEPRECIATION	149,532	100%	149,532	$290
	$149,532		$149,532	$290
TOTAL DEPRECIATION AND OPERATING COSTS	$348,764		$216,880	$420

Availability Charge/Assessment per Parcel	$30
Levy as a Percentage of Special Benefit Conferred	7.14%

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