

RESOLUTION 2020-02

CLEAR CREEK COMMUNITY SERVICES DISTRICT

Resolution Increasing the Water Rates for Water Supplied by the Clear Creek Community Services District and Certifying Results of the Proposition 218 Protest Proceedings

WHEREAS, Clear Creek Community Services District (the “District”) is a public entity within the County of Lassen which serves as the provider of potable water to properties within the District; and

WHEREAS, the District also provides fire protection, suppression and emergency services to the citizens and property owners within the District’s boundaries, the funding for which is separate from the funding of the District’s water system; and

WHEREAS, pursuant to the provisions of California Government code Section 61115 the Board of Directors of the Clear Creek Community Services District is authorized to impose a reasonable charge for the use of water supplied by the District, which funds are used solely to operate and maintain the District’s water system and are not to support the District’s fire protection and emergency service functions; and

WHEREAS, the Board of Directors has determined that it is reasonable and necessary to increase the water rates charged to all users of the water system in a manner that fairly relates to the class of use occurring on the benefiting property; and

WHEREAS, pursuant to the requirements under Section 6 of Article XIII D of the California Constitution, the District has identified each property within the District that uses water supplied by the District and has mailed notices to all such property owners (as defined by Article XIII D) advising of the amount of the water rates (reflecting the increase) to be charged against each property, the basis upon the amount of the water rates was calculated, a statement of the reason for the charge (for water services), together with the date, time and location of a public hearing on the proposed water rates (increase) and notice of each property owner’s right to formally protest the increase in the rates and procedures to be followed to submit a protest; and

WHEREAS, notices, including without limitation, of the pending levy of the fee, the method of calculation of the fee, the property owner’s right to protest the levy of the fee and the procedures to be followed to submit a protest, along with the time and place for the hearing on the proposed fees and the protests have been mailed to the record owner of Section 6 of Article XIII D; and

WHEREAS, on April 30, 2020, the Board conducted a public hearing on the question of the imposition of the increase to the water rates and at the conclusion of the hearing counted all written protests in accordance with the provisions of state law; and

WHEREAS, the Board has determined that there were _____ lawful written protests from the owners of the properties that are subject to payment of the proposed water rates submitted to opposition to the water rates; and

WHEREAS, the _____ protests against the imposition of the proposed water rates represents approximately _____ percent of the 169 total properties to be assessed the fee; and

WHEREAS, the total number of protests received by the District represents less than a majority protest as provided for in Section 6(a)(2) of Article XIII D

NOW THEREFORE BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE CLEAR CREEK COMMUNITY SERVICES DISTRICT THAT:

1. The Board hereby certifies that the District has complied with the provisions of Section 6 of Article XIII D of the California Constitution and that less than a majority of the properties that are subject to the imposition of the charges of water supplied by the District filed written protests against the imposition of said fees
2. The Board hereby establishes water rates for water supplied by the District as set forth in Appendix "A" , attached hereto and incorporated herein by this reference, which rates shall be effective July 1, 2020,

Adopted on this 30th day of April, 2020, by the following roll call vote of the Board of CLEAR CREEK COMMUNITY SERVICES DISTRICT:

Ayes: _____

Nays: _____

Absent: _____

Cathy Hunter, Chair of the Board of Directors,
Clear Creek Community Services District

Attest: _____

Nicolette Moroney, Secretary
Clear Creek Community Services District