

**RESOLUTION 03-20**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT  
SETTING WATER RATES**

WHEREAS, Water Code section 31007 authorizes the board of directors of a county water district to fix rates and charges in an amount sufficient to (a) pay the operating expenses of the district, (b) provide for repairs and depreciation of works owned or operated by the district, (c) pay the principal and interest on any bonded debt; and

WHEREAS, the Board of Directors has adopted Resolution 13-09, as amended, setting forth the rules and regulations for water service within the District; and

WHEREAS, Resolution 13-09, as amended, sets forth general policies governing rate setting within the District; and

WHEREAS, the Ad-hoc Water Rate Committee of the Board of Directors reviewed current water rates and district costs intended to be funded by revenues from water rates and has provided a recommendation to the Board of Directors in regard to revising water rates; and

WHEREAS, the rates contained herein are consistent with the policies governing rate setting set forth in Resolution 13-09, as amended; and

WHEREAS, the rates contained herein are no greater than rates currently charged by the District.

NOW, THEREFORE, the Board of Directors of the Tehachapi-Cummings County Water District resolves as follows:

Section 1. Recitals. The foregoing recitals are true and correct, and the Board of Directors so finds and determines.

Section 2. Pressure Zones. Three pressure zones are hereby established in the District as follows:

1. Area served by pipeline prior to reaching Pump Plant 4 (generally Cummings Basin).
2. Area served by pipeline between Pump Plant 4 and Pump Plant 5 (generally Brite Basin and Tehachapi Basin). Pressure zone 2 is the Jacobsen Reservoir level.
3. Area served by pipeline beyond Pump Plant 5 (generally the Oak Creek area).

**Section 3. Agricultural Water.** The rates for agricultural water, other than as provided in Section 8 below, are:

| Rates per acre foot of water - Ag        | Pressure Zone 1 | Pressure Zone 2 | Pressure Zone 3 |
|--|-----------------|-----------------|-----------------|
| Non-potable water                        | \$ 363          | \$ 436          | \$ 676          |
| Recharge surcharge (if applicable)       | \$ 15           | \$ 15           | \$ 15           |
| Spreading loss surcharge (if applicable) | \$ 22           | \$ 26           | \$ 26           |

The recharge surcharge is imposed to recoup maintenance and operation costs of recharge facilities and amortized capital costs of constructing recharge facilities in Tehachapi and Cummings Basins. The spreading loss surcharge is imposed pursuant to Section 1 of Part B of Resolution 13-09, as amended, to recover the cost of imported water lost on account of evaporation, phreatophyte consumption and any other losses incurred in the transportation and spreading of recharge water, the loss rate which the Board hereby finds and determines to be 6%. Thus, the spreading loss surcharge is equal to 6% of the applicable base rate, except PZ 3 which was previously determined by the Board to be set equal to PZ 2. These surcharges are applicable only to customers receiving water for groundwater banking (artificial recharge).

**Section 4. Term M&I Water.** The rates for water delivered pursuant to a Term M&I Agreement, other than as provided in Section 8 below, are:

| Rates per acre foot of water - Term M&I | Pressure Zone 1 (direct delivery) | Pressure Zone 1 (artificial recharge) | Pressure Zone 2 | Pressure Zone 3 |
|---|-----------------------------------|---------------------------------------|-----------------|-----------------|
| Non-potable water                       | \$ 363                            | \$ 363                                | \$ 436          | \$ 676          |
| Recharge surcharge                      | \$ 15                             | \$ 15                                 | \$ 15           | \$ 15           |
| Spreading loss surcharge                | \$ 22                             | \$ 22                                 | \$ 26           | \$ 26           |

The recharge surcharge is imposed to recoup maintenance and operation costs of recharge facilities and amortized capital costs of constructing recharge facilities in Tehachapi and Cummings Basin. The spreading loss surcharge is imposed pursuant to Section 1 of Part B of Resolution 13-09, as amended, to recover the cost of imported water lost on account of evaporation, phreatophyte consumption and any other losses incurred in the transportation and spreading of recharge water, the loss rate which the Board hereby finds and determines to be 6%. Thus, the spreading loss surcharge is equal to 6% of the applicable base rate, except PZ 3 which was previously determined by the Board to be set equal to PZ 2. These surcharges are applicable only to customers receiving water for groundwater banking (artificial recharge). Customers in the Tehachapi Basin receiving water for artificial recharge will be charged for 106% of the water posted to their banked water account in-lieu of the spreading loss surcharge.

**Section 5. Normal M&I Water.** The rate for normal M&I water (i.e., M&I water not delivered pursuant to a Term M&I Agreement), other than as provided in Section 8 below, is \$1,385 per acre foot.

Section 6. Monthly Administrative Charge. Each customer shall pay an administrative charge of \$4.50 per month regardless of how much water is delivered, to partially recoup District clerical and administrative expenses to maintain and bill customers' accounts.

Section 7. Special Rates. The above base rates do not apply to:

- (a) Water for ultimate use outside the District's boundaries, rates for which shall be determined by the Board of Directors when and if the Board approves such use.
- (b) Water used in violation of the District's Rules and Regulations, in which event the rate specified in Section 4 of Part J of Resolution 13-09, as amended, shall apply.

Section 8. California Environmental Quality Act. The Board of Directors finds, determines and declares that the rates for water authorized hereby are to recover the actual costs of operating expenses, purchasing and leasing supplies, equipment and materials, meeting financial reserve needs and requirements and constructing capital projects necessary to maintain service. Therefore, the District's setting of rates for water pursuant to this resolution is not a "project" requiring review under the California Environmental Quality Act (CEQA), pursuant to Public Resources Code section 20180(b)(8) and section 15273(c) of the State CEQA Guidelines (14 Cal. Code of Regs., § 15273(c)).

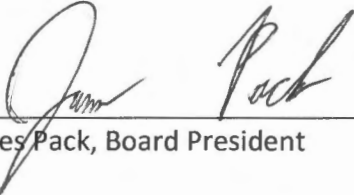
Section 9. Compliance with Proposition 218. The Board of Directors finds, determines and declares that the rates for water authorized herein comply with the requirements of Article 13D, Section 6, of the California Constitution (Proposition 218) in that:

- (a) Revenues derived from water rates and charges do not exceed the funds required to provide the service, including the accumulation of prudent reserves.
- (b) Revenues derived from water rates and charges will not be used for any purpose other than to provide water services to residents, property owners and customers of the District.
- (c) The amount of the water rates and charges does not exceed the proportional cost of providing the service to any individual customer, lot or parcel.
- (d) Water rates and charges will be levied only on properties for which water service has been requested, therefore, the service is deemed to be actually used by, or immediately available to, the customer requesting the water.

- (e) The water service provided is not a general governmental service and is not available to the public at large in substantially the same manner as it is to persons requesting water service.

Section 10. Effective Date. This Resolution is effective for billings made after May 1, 2020. This Resolution shall be posted in at least three public places in the District for at least thirty (30) days.

ADOPTED AND APPROVED this 15<sup>th</sup> day of April, 2020.

  
\_\_\_\_\_  
James Pack, Board President

Attest:

  
\_\_\_\_\_  
Catherine Adams, Board Secretary

SECRETARY'S CERTIFICATE

I, CATHERINE ADAMS, Secretary of the Board of Directors of Tehachapi-Cummings County Water District, hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of the District duly and legally held at the regular meeting place thereof on April 15, 2020. All of the members of the Board of Directors received due notice of the meeting and a majority thereof was present. At the meeting the resolution was adopted by the following vote:

AYES: Cassil, Hall, Pack, Schultz, Zanutto

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST:   
Catherine Adams, Secretary

(SEAL)