

RESOLUTION NO. 8-19

A RESOLUTION OF THE BOARD OF DIRECTORS OF
TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
DETERMINING THE MINIMUM AMOUNT REQUIRED TO BE
RAISED BY TAXES TO MAKE PAYMENTS DUE UNDER
WATER SUPPLY CONTRACTS WITH THE
KERN COUNTY WATER AGENCY FOR FISCAL YEAR 2019-2020
AND FIXING THE TAX RATE FOR SUCH PURPOSE

A. Recitals.

(i) The voters of the State of California on November 8, 1960 approved the Burns-Porter Act (Wat. Code, §§ 12930-12944) pursuant to which the State Department of Water Resources ("DWR") was authorized, among other things, to enter into long term contracts for the sale and delivery of State Water Project ("SWP") water to local Agencies.

(ii) Pursuant to the Burns-Porter Act, DWR entered into a Water Supply Contract with the Kern County Water Agency ("KCWA") dated November 15, 1963 whereby KCWA obtained a long-term supply of SWP water for its Member Units, including this District (the "Master Contract").

(iii) As contemplated in the Master Contract, this District and KCWA entered into two Water Supply Contracts dated December 15, 1966, pursuant to which the District acquired a long-term supply of SWP water for agricultural purposes and municipal and industrial purposes (the "District's Water Supply Contracts").

(iv). Since the Master Contract and the District's Water Supply Contracts were authorized and anticipated under the Burns-Porter Act and the Burns-Porter Act was approved by the voters of the State, the obligations of the District thereunder are prior voter approved indebtedness and thus exempt from the limitation set forth in subdivision (a) of section 1 of Article XIII A of the California Constitution.

(v) The District's Water Supply Contracts obligate the District to use all powers and resources available to it under the law to collect the funds necessary to pay its obligations to the KCWA under such contracts, including levying of ad valorem taxes, a power available to the District under the County Water District Law (Wat. Code, §§ 31701-31709).

(vi) Pursuant to the budget adopted by the Board for fiscal year 2019-2020, there will be insufficient revenue from the District's share of the 1% general ad valorem tax levy, water sales and all other income to meet any of the District's obligations to KCWA under the District's Water Supply Contracts and it is necessary, therefore, to levy ad valorem taxes in order for the District to meet its contractual obligations to KCWA under the District's Water Supply Contracts in fiscal year 2019-2020.

(vii) The water rates currently set by the District for agricultural water and for municipal and industrial water are the highest of any Member Unit of KCWA and it is not feasible to raise water rates any higher; to do so would severely curtail District water sales and revenue, adversely impact the local economy, and encourage over-extraction of groundwater in the Cummings Basin in excess of such basin's safe annual yield.

(viii) Having considered all anticipated District revenues, including water tolls and the District's property tax allocation, against all District expenses in fiscal year 2019-2020, it is necessary to levy an ad valorem tax to meet all of the District's contractual obligations to KCWA in fiscal 2019-2020, no other sources of District revenue being available for that purpose.

B. Resolution.

NOW, THEREFORE, be it found, determined and resolved by the Board of Directors of Tehachapi-Cummings County Water District as follows:

1. Each of the above recitals is true and correct and the Board so finds and determines.
2. The minimum amount of money required to be raised by ad valorem taxes on all taxable property in the District during the fiscal year 2019-2020 to meet payment obligations under the District's Water Supply Contracts is \$2,442,428.
3. The District has heretofore elected to set its own tax rates pursuant to Water Code section 31702.1.
4. Pursuant to Government Code section 29142, the County of Kern will collect one quarter of one percent (1/4%) of the total revenues collected by ad valorem tax for the District by the County Tax Collector in payment for collection services, as covered under the agreement between the District and the County of Kern, effective July 1, 1992. The District hereby takes into account the one quarter of one percent (1/4%) of the amount collected by the County on behalf of the District in fixing its tax rates.
5. The Board of Directors of the District hereby fixes and levies 0.051333 percent of taxable value of all taxable property in the District as the rate of ad valorem tax required to be levied thereon to meet obligations to KCWA under the District's Water Supply Contracts. Such tax is hereby designated as the "TEH-CUM ST PYMNT." The tax rate calculation is shown on **Exhibit A** attached hereto and incorporated herein by reference.
6. The Board of Directors of the District hereby takes into account current and future reserves needed for delinquencies, contingencies and cash flow requirements in setting such rates.
7. The tax levied in Paragraph 5 above is not subject to the limitations contained in subdivision (a) of Section 1 of Article XIII A of the California Constitution and is exempt from any tax limitations under subdivision (b) of Section 1 thereof and is otherwise within the taxing authority of this District under all applicable provisions of the Constitution and laws of this State.
8. Pursuant to the provisions of the County Water District Law (Wat. Code, §§ 30000, et seq.), the Board of Supervisors of Kern County, at the time and in the manner required by law for the levying of taxes for county purposes, shall levy in addition to all other taxes levied by it, a tax rate on all taxable property in the District in accordance with paragraph 5 above. Such tax shall be separately stated on tax bills.
9. In the event that the rate described in paragraph 5 above may not be lawfully levied, the Board of Directors requests that the maximum rate provided by law be levied.
10. The Secretary is directed to transmit certified copies of this Resolution to the Clerk of the Board of Supervisors of Kern County and to the Kern County Auditor-Controller.

ADOPTED and APPROVED this 17th day of July 2019.

A handwritten signature in black ink, appearing to read "James Pack", written over a horizontal line.

James Pack, Board President

(SEAL)

ATTEST:

A handwritten signature in blue ink, appearing to read "Catherine Adams", written over a horizontal line.

Catherine Adams, Board Secretary

Tehachapi-Cummings County Water District
State Payment Tax Calculation - Fiscal Year 2019-20

Money required to be raised by ad-valorem tax

Revenue Requirement:	
2019 SWP estimated costs 70% allocation- Ag	\$ 784,791
2019 SWP estimated costs 70% allocation- M&I	1,850,284
2019 Kern River Lower River Charges	12,738
Anticipated credits from KCWA for prior years	(116,245)
Subtotal	<u>2,531,568</u>
add forecast SWP cost increase for 2020 @ 20%	506,314
Subtotal	<u>3,037,882</u>
add Kern County collection fee (0.25%)	6,115
add 50% contingency reserve (6-month operating)	1,518,941
add tax revenue liability reserve (Kern County)	90,491
Total gross revenue required	<u>4,653,428</u>
less other available funds:	
Forecast reserves as of 6/30/19	(2,070,000)
Estimated unitary tax revenues in 2019-20	(110,000)
Estimated Interest earnings in 2019-20	(31,000)
Total other available funds	<u>(2,211,000)</u>
Total revenue required from tax in 2019-20	<u>\$ 2,442,428</u>

Tax rate required on all taxable property within district

Total revenue required from tax	\$ 2,442,428
divided by total assessed value of district	4,758,010,952
Ad-valorem bond tax rate required	0.051333%
2018-19 approved tax rate (for comparison purposes)	0.056778%
2017-18 approved tax rate (for comparison purposes)	0.056653%
2016-17 approved tax rate (for comparison purposes)	0.069397%
2015-16 approved tax rate (for comparison purposes)	0.037867%
2014-15 approved tax rate (for comparison purposes)	0.038749%
2013-14 approved tax rate (for comparison purposes)	0.042905%
2012-13 approved tax rate (for comparison purposes)	0.038438%
2008-09 approved tax rate (for comparison purposes)	0.094669%

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 No. 8-19 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 July 17, 2019. 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

NOES: None

ABSTAIN: None

ABSENT: Schultz, Zanutto

ATTEST: Catherine Adams
Catherine Adams, Board Secretary

(SEAL)