RESOLUTION NO. 22-341

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MISSION HILLS COMMUNITY SERVICES DISTRICT ADOPTING INCREASED RATES AND CHARGES FOR WATER AND WASTEWATER SERVICES

WHEREAS, the Mission Hills Community Services District (the "District") is a community services district duly formed under California Government Code Section 61000 et seq. to provide community services within the District's service area, including water, sewer and street sweeping services; and

WHEREAS, the District owns, operates, and maintains a water system and sanitary sewer system including, treatment facilities, percolation ponds, water and sewer mains, and other appurtenances, facilities, and necessary improvements; and

WHEREAS, the District is considering increasing water and wastewater rates in order to continue to provide safe and reliable water and wastewater services; and

WHEREAS, Proposition 218 amended the California Constitution to establish a process that public agencies must follow when imposing new or increased "property related fees"; and

WHEREAS, at least forty-five (45) days in advance of the Public Hearing at which this Resolution was considered, the District mailed a notice of the Public Hearing, which included notice of oral and written protest procedures against the proposed rate increase, to all property owners and tenant customers in compliance with Section 6 of Article XIII D of the California Constitution; and

WHEREAS, Government Code section 61115 authorizes the District Board of Directors ("Board") to adopt rates or other charges for services provided by the District by Resolution; and

WHEREAS, a public hearing was conducted by the Board of Directors on August 17, 2022, at which time all interested persons were afforded an opportunity to be heard on matters pertaining to the proposed water and wastewater rate increases, and to submit written protests; and

WHEREAS, based on facts and analysis presented by the District staff, the Staff Report, written protests received prior to the close of the public hearing, if any, and public testimony received, the Board finds:

A. The public hearing adopting this Resolution has been properly noticed pursuant to Government Code section 54954.2 (The Brown Act) and Section 6 of Article XIII D of the California Constitution.

B. The written protests received by the District prior to the close of the Public Hearing, if any, do not constitute a majority protest.

C. That the rates and charges adopted by this Resolution:

1. Are for the purposes of meeting operating expenses for providing water and wastewater services within the District;

2. Do not exceed the estimated amount of funds required to provide water and wastewater services within the District; and

3. Do not exceed the proportional cost of services attributable to those parcels receiving water and wastewater services within the District.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Mission Hills Community Services District Board of Directors as follows:

Section 1. Rates and Charges.

The rates and charges for providing water and wastewater services within the District, as set forth in Exhibit A, attached hereto and incorporated herein by this reference, are hereby approved and adopted and shall become effective starting October 1, 2022, at which point they will replace previously adopted rates and charges.

Section 2. Incorporation of Recitals.

The above recitals are true and correct and incorporated herein by this reference and constitute findings of the District in support of this Resolution.

Section 3. Severability.

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 4. CEQA Findings.

The Board finds that the rates and charges adopted by this Resolution are exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080, subdivision (b)(8), and CEQA Guidelines section 15273.

Section 5. Effective Date.

This Resolution shall take effect immediately. The rates and charges adopted by this Resolution shall take effect October 1, 2022.

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

AYES:
NOES:
ABSENT:

The foregoing Resolution is hereby passed, approved, and adopted this 17th day of August, 2022.

_____
By: Bruce Nix
President, Board of Directors

ATTEST:

_____
Guadalupe Huitron, Secretary to the Board

APPROVED AS TO FORM:

_____
Timothy J. Carmel, District Counsel