

ORDINANCE NO. 2004-2
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
ARMONA COMMUNITY SERVICES DISTRICT
AMENDING ORDINANCE NO. 2003-3 REGULATING THE USE OF THE
WASTEWATER FACILITIES OF THE
ARMONA COMMUNITY SERVICES DISTRICT

The Board of Directors of the Armona Community Services District does hereby find as follows:

WHEREAS, the Armona Community Services District ("District") is a California community services district formed and existing under and by virtue of the provisions of the Community Services District Law, codified at California Government Code §§ 61000-61800, inclusive, possessing all of the powers of said Law, all acts amendatory thereof and supplementary thereto, and with all of the powers necessary and implied to give meaning and effect thereto; and

WHEREAS, said Law provides, at Government Code § 61621, that the District may provide for the collection of charges for the services and facilities provided by the District; and

WHEREAS, said Law further provides, at Government Code § 61621.5, that the District may by ordinance adopt regulations binding upon all persons to govern the construction and use of its facility and property, including regulations imposing reasonable charges for the use thereof; and

WHEREAS, the District has heretofore adopted Ordinance No. 2003-3, An Ordinance Regulating the Use of the Wastewater Facilities of the Armona Community Services District, on September 10, 2003; and

WHEREAS, said Ordinance does not apply to the District and was adopted by the Board of the District with the intent that the subject Ordinance does not apply to the District; and

WHEREAS, it is the intent of this Board that Ordinance No. 2003-3 does not apply to the District; and

WHEREAS, notwithstanding the intent of the Board as stated above, some language in the subject Ordinance could be claimed to apply to the District; and

WHEREAS, in order to preclude, estop, and avoid any possible claim or construction of Ordinance No. 2003-3 that said Ordinance does apply to the District, an amendment to Ordinance No. 2003-3 should be adopted to preclude the possibility of any such construction and to make explicit that no such construction may be had, made or asserted.

WHEREAS, the Board held a noticed Public Hearing on September 8, 2004, to receive public comment regarding the subject matter hereof.

NOW, THEREFORE, the Board of Directors of the Armona Community Services District does hereby enact as follows:

1. Approval of Findings. All of the above Findings are determined to be true and correct and are hereby adopted.

2. Amendment of Ordinance No. 2003-3. Section 1.03(54) of Ordinance No. 2003-3 is hereby amended by adding at the end thereof: "other than the Armona Community Services District."

3. Intent of Board. It was not, is not, and shall not be the intent of the Board of Directors of the Armona Community Services District in adopting Ordinance No. 2003-3, and this amendment thereto, that Ordinance No. 2003-3 shall ever be construed to apply to the District.

WHEREFORE, this Ordinance was passed and adopted by the Board of Directors of the Armona Community Services District on September 8, 2004, by the following vote:

AYES: Plooy, Bittner, Maciel, Danielson, Franco

NOES: None

ABSENT: None

ABSTAIN: None

ED BITTNER, PRESIDENT

ATTEST:


JAMES MACIEL, SECRETARY

CERTIFICATE OF SECRETARY

I, James Maciel, the duly appointed and acting Secretary of the Board of Directors of the Armona Community Services District, do hereby certify that the foregoing Ordinance was passed

and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District, duly held at Armona, California, on September 8, 2004.

DATED: September 8, 2004.

[DISTRICT SEAL]



JAMES MACIEL, SECRETARY

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