ORDINANCE NO. 2008-3 AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE ARMONA COMMUNITY SERVICES DISTRICT IMPOSING MORATORIUM ON CONNECTIONS TO THE DISTRICT'S WATER AND WASTEWATER SYSTEMS

The Board of Directors of Armona Community Services District hereby finds and determines 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 California Community Services District Law, codified at Government Code §§ 61000-61226.5, inclusive, together with all acts, laws and decisions of courts amendatory thereof or supplementary thereto, and possessing all of the powers, both necessary and implied, to give full meaning and effect thereto; and

WHEREAS, said Law provides, at Government Code § 61060, that the District has the power generally to perform all acts necessary to carry out fully the provisions thereof; and

WHEREAS, said Law further provides, at Government Code § 61060(b), that the District may by ordinance adopt regulations binding upon all persons to govern the construction and use of its facilities and property, including regulations imposing reasonable charges for the use thereof; and

WHEREAS, the District owns and operates a water supply system and a wastewater collection and treatment system; and

WHEREAS, the District has heretofore issued and pending approximately 127 water and 122 sewer will serve letters by which persons seeking to connect to the District's water and wastewater systems pay connection fees and are allowed to connect to said systems, subject to specified conditions including the capacity of the systems to provide such service at the time of connection; and

WHEREAS, the number of connections now subject to issued and outstanding will serve letters is capable of being served by the capacity of the District's water system existing as of the date hereof; and

WHEREAS, the District has heretofore issued and pending approximately 371 water and 317 sewer conditional will serve letters by which the commitment to serve new connections is subject to increase in capacity of the District's water and wastewater systems beyond that existing in said systems as of the date of issuance of the will serve letter; and

WHEREAS, the District has a Capital Facilities Improvement Plan adopted pursuant to the provisions of Government Code § 66002 which provides for the expansion of capacity of the District's water and wastewater systems to serve new growth as it occurs; and

WHEREAS, the District's source of water supply consists of two existing wells having the following approximate maximum capacities: Well No. 1 (Dillon Well), 600 gallons per minute (GPM)

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WHEREAS, the District has two storage tanks having an approximate combined available storage capacity of 228,000 gallons; and

WHEREAS, Title 22 of the California Code of Regulations requires a public water system's water source(s) to have capacity to meet the maximum day demand and the peak hourly demand for a period of 4 hours; and

WHEREAS, District Standards also require fire flow requirements of 1,000 GPM to be met for a minimum period of 2 hours; and

WHEREAS, the District's existing water supply wells and water storage facilities have an estimated capacity to serve approximately 1,414 equivalent dwelling units (EDU), based on source capacity and fire flow requirements; and

WHEREAS, the District has an estimated 1,418 EDU connections reserved for existing customers and outstanding will-serve letters (not including conditional will serve letters); and

WHEREAS, the District's existing water sources and water storage capacity now equals the commitments of the District for current active connections and for will serve commitments; and

WHEREAS, the District is planning new Well No. 3 to provide additional water for the District, subject to availability of funding; and

WHEREAS, the District is planning to replace Well No. 2 and/or to treat water from Well No. 2 to meet the Federal MCL for arsenic of 10 ppb which became effective January 23, 2006 subject to availability of funding which is being sought by the District; and

WHEREAS, the District recently completed expansion of its wastewater treatment facility from .40 MGD to .53 MGD; and

WHEREAS, the District is planning to increase the capacity of its wastewater treatment facility in two future phases, from .53 MGD to .80 MGD, and from .80 MGD to 1.05 MGD; and

WHEREAS, the District is proposing potential water and sewer rate increases sufficient to fund the above capital improvements to the District's water and wastewater systems in event the District is not able to secure grant or public program loan funding for these projects; and

WHEREAS, District cannot issue any further will serve letters other than for minor or de minimis uses and upon the recommendation of the District Engineer, until capacity of the District's water and wastewater systems is increased to accommodate increased demands on the capacity of these systems.

NOW, THEREFORE, the Board of Directors of the Armona Community Services District does

hereby enact as follows:

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THAT the District will not issue will serve letters for new connections to the District's water and wastewater systems until suitable expansion of capacity of said systems has occurred such that, subject to the recommendation of the District Engineer, capacity for new proposed uses and hook ups exists; provided, however, that the Board retains discretion to modify or lift this moratorium in a given case on account of a de minimis use or other good and sufficient reason as determined by the Board in the exercise of its sound discretion.

WHEREFORE, this Ordinance is passed and adopted by the Board of Directors of the Armona Community Services District on May 14, 2008, by the following vote:

AYES:

Danielson, Bittner, Watson, Gutierrez

NOES:

None

ABSENT:

None

ABSTAIN:

None

ED BITTNER, CHAIRMAN

ATTEST:

ALAN DANIELSON, SECRETARY

CERTIFICATE OF SECRETARY

I, Alan Danielson, 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 noticed and held at Armona, California, on May 14, 2008.

DATED: May 14, 2008.

ALAN DANIELSON, SECRETARY

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Ordinance 2008-3-A

Ordinance 2008-3 rescinded at the January 23, 2018 Board Meeting. See minutes of meeting.