

**ORDINANCE NO. 2015-2**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
ARMONA COMMUNITY SERVICES DISTRICT  
ADOPTING A CAPITAL FACILITIES IMPROVEMENT PLAN,  
AND CONFIRMING REVISIONS THERETO  
AND PAYMENT OF CONNECTION FEES**

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

A. WHEREAS, the Armona Community Services District ("District") is a California community services district formed and existing under the provisions of the California Community Services District Law, codified at Government Code §§ 61000-61144, inclusive, together with all acts, laws and decisions of courts amendatory thereof or supplementary thereto, and possessing all powers, necessary and implied, to give full meaning and effect thereto; and

B. 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

C. 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

D. WHEREAS, said Law further provides, at Government Code § 61115, that the District may provide for the collection of charges for the services and facilities provided by the District; and

E. WHEREAS, Government Code § 66013 provides for fees for water connections and sewer connections (hereinafter referred to as "connection fees"); and

F. WHEREAS, Government Code § 66002 provides for the establishment, review and revision of Capital Facilities Improvement Plans and connection fees; and

G. WHEREAS, the District has heretofore established, and subsequently reviewed, and from time to time revised, a Capital Facilities Improvement Plan ("Plan") and established connection fees based thereon; and

H. WHEREAS, the District adopted the current Plan in 2008; and

I. WHEREAS, following adoption of the current Plan in August 2008, the U.S. economy collapsed in a way not seen since the Great Depression of the 1930's, with the result of, among other things, the virtual complete stoppage of new private residential construction, including that in the District; and

J. WHEREAS, private residential construction in the District has recently resumed in the last several months to one year; and

K. WHEREAS, given current conditions as stated above, it is necessary for the District to update its Plan to reflect current and projected future conditions, improvement plans, and costs,

along with connection fees for new service connections to the District's water and wastewater systems to reflect current capacity and infrastructure costs attributable to new development; and

L. WHEREAS, the District therefore initiated a year long review and revision of the plan that was last revised in 2008; and

WHEREAS, a capital facilities improvement plan, in the form historically adopted by the District, consists of a narrative portion, with attached tables of proposed connection fees based on future population projections, infrastructure construction scheduling and future cost of construction; and

M. WHEREAS, on January 13, 2015, the Board acted to authorize the District Engineer to prepare an updated Plan to replace the plan that was last adopted in 2008; and

N. WHEREAS, on February 10, 2015, the District Engineer reported working on an updated Plan; and

O. WHEREAS, on March 10, 2015, the District Engineer provided the Board with copies of the plan adopted in 2008, for review and comment; and

P. WHEREAS, on April 14, 2015, the District Engineer reported receiving a new GIS boundary map from the County and working to update the population of the District and the number of current service connections in the District; and

Q. WHEREAS, on May 12, 2015, The District Engineer provided revised capital project exhibits to Granger Water Specialties and the Board of Directors for review and comment; and

R. WHEREAS, on June 9, 2015, the District Engineer provided additional exhibits to the Plan for Board review and comments; and

S. WHEREAS, on July 14, 2015, the District Engineer reported receipt of comments to the revised capital project exhibits from Granger Water Specialties; and

T. WHEREAS, on August 11, 2015, the District Engineer again reported receipt of comments to the revised capital project exhibits from Granger Water Specialties; and

U. WHEREAS, on September 8, 2015, the District Engineer presented a list of updated capital projects and budgets for discussion; and

V. WHEREAS, on October 13, 2015, an updated list of capital projects was presented to the Board for further discussion and review; and

W. WHEREAS, on November 10, 2015, the Board acted to hold a special meeting and set a Public Hearing for November 24, 2015; and

X. WHEREAS, the November 24, 2015 meeting and hearing date was continued to December 1, 2015; and

Y. WHEREAS, a public hearing on the Plan was held on December 1, 2105; and

Z. WHEREAS, at the public hearing, the District received comments on the Plan; and

AA. WHEREAS, adoption of the Plan is urgent, after the above-recited year long review, in order to have a Plan updated to current conditions and cost projections in light of the ongoing upswing in private residential construction in the District, in order to have sufficient connection fee revenue from new development for that new development to pay its share of the costs of capacity of the District's water and wastewater systems, to avoid subsidization of new development by the service rates paid by existing development; and

BB. WHEREAS, after the conclusion of the public hearing on December 1, 2015, the Board voted to adopt exhibits and fee tables of the Plan, subject to finalization of the narrative portion of the Plan by the District Engineer, and to adopt the water and wastewater connection fees set forth in Table 1B to be appended to the Plan, which Table 1B is attached as Exhibit A hereto.

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

1. THAT the Board of Directors hereby finds and determines that all of the above findings and determinations are true and correct and are incorporated herein; and

2. THAT the Capital Facilities Improvement Plan, "Armona Community Services District Adopted Capital Facilities Improvement Plan Fiscal Year 2015/2016," together with the connection fees stated in Table 1B attached as Exhibit "A," is adopted and approved commencing effective December 1, 2015, and continuing until next reviewed and revised; and

3. THAT connection fees shall be due and payable within 120 days of issuance of a will serve letter or as otherwise agreed by the parties.

4. THAT this Ordinance is effective immediately upon its adoption as a measure for the immediate preservation of the public health, safety and welfare.

WHEREFORE, this Ordinance is passed and adopted by the Board of Directors of the Armona Community Services District on December 1, 2015, by the following vote:

AYES: CAMACHO, BITTNER, MACIEL, DILLON

NOES: NONE

ABSENT: VANEGAS

ABSTAIN: NONE

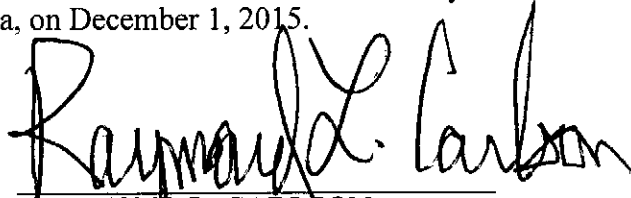
  
JAMES MACIEL, PRESIDENT  
BOARD OF DIRECTORS

ATTEST:  
  
RAYMOND L. CARLSON,  
TEMPORARY ACTING SECRETARY

CERTIFICATE OF SECRETARY

I, Raymond L. Carlson, the temporary acting Secretary of the Board of Directors of the Armona Community Services District, do hereby certify that the forgoing Ordinance was passed and adopted at a Special Meeting of the Board of Directors of the Armona Community Services District, duly noticed, and held at Armona, California, on December 1, 2015.

DATED: January 12, 2016.

  
RAYMOND L. CARLSON  
TEMPORARY ACTING SECRETARY

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