

EXHIBIT G

County Reso 2018-50 Approving a Sewer Rate Increase

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL
DETERMINING THAT THERE WAS NO MAJORITY PROTEST OF THE PROPOSED
FEES FOR SEWER SERVICES WITHIN THE PROPOSED BOUNDARY OF THE
NILAND COUNTY SANITATION DISTRICT AND ADOPTING SAID FEES**

RESOLUTION NO. 2018-50

WHEREAS, on March 22, 2018, the Imperial County Local Area Formation Commission conditionally approved the dissolution of the Niland Sanitary District, and the formation of the Niland County Sanitation District (“NCSD”), contingent upon the adoption of new sewer fees and sewer standby charges in accordance with the requirements of Proposition 218; and

WHEREAS, in accordance with Section 5471 of the California Health and Safety Code, the NCSD, if formed, would be authorized to impose sewer fees or charges on properties located within or without its territorial limits; and

WHEREAS, in accordance with Section 4730 of the California Health and Safety Code, the Board of Directors for NCSD, if formed, would be the Imperial County Board of Supervisors (“Board”); and

WHEREAS, in March of 2018, the County of Imperial (“County”) undertook a sewer rate study prepared by the Rural Community Assistance Corporation, attached hereto as **Exhibit “A,”** to determine whether the current rate structures adopted by NCSD’s predecessor adequately provide for the maintenance, operation, and replacement/rehabilitation of its sewer system; and

WHEREAS, the County determined that the current rate structure will not support the current and future costs of the system, and therefore there is a need to adopt a new rate structure and establish new sewer fees (“Fees”), as specified in the attached **Exhibit “B;”** and

WHEREAS, the County held a series of publicly noticed town hall meetings within the proposed service area of the NCSD on November 6, 2017, January 31, 2018, February 26, 2018, and May 23, 2018. During these meetings, the County discussed the need for the proposed Fees, the criteria used to establish the proposed Fees, the consequences that may result if the proposed Fees are not implemented, and the process by which record property owners may lodge a protest vote against the proposed Fees in accordance with Section 6 of Article XIII D of the California Constitution and Section 53755 of the California Government Code; and

WHEREAS, on April 24, 2018, the Board adopted Resolution 2018-39, initiating proceedings to establish the Fees within the proposed boundary of the NCSD, and to adopt procedures in accordance with Section 6 of Article XIII D of the California Constitution and Sections 53755 and 53756 of the California Government Code for the establishment of said Fees; and

WHEREAS, the County scheduled a noticed public hearing for June 12, 2018, to consider the proposed Fees. Notice of the public hearing was issued in compliance with Section 6 of Article XIII D of the California Constitution, Section 53755 of the California Government Code, and all other applicable laws. At least forty-five (45) days in advance of the scheduled public hearing, notice of the proposed Fees and notice of the procedures for protesting the proposed Fees were

mailed to each record property owner located within the proposed boundary of the NCSD. A notice of the public hearing was also published in a local newspaper in accordance with applicable laws. A copy of the notice of public hearing is attached hereto as **Exhibit "B;"** and

WHEREAS, on June 12, 2018, the County held a properly noticed public hearing on the proposed Fees. During the public hearing, public input and questions were received, and the public was provided with the opportunity to submit written protests opposing the Fees; and

WHEREAS, at the conclusion of the public hearing, the Clerk of the Board tabulated the number of written protests received, and reported that there was not a majority protest of the proposed Fees; and

WHEREAS, this resolution shall become effective immediately upon adoption.

NOW, THEREFORE, THE IMPERIAL COUNTY BOARD OF SUPERVISORS FINDS AS FOLLOWS:

1. The above recitals are true and correct.
2. The NCSD, if formed would be authorized to impose the Fees, and the Board would act as the Board of Directors of the NCSD.
3. The existing rate structure is inadequate to support the current and future costs of the sewer system serving the residents with the boundary of the proposed NCSD, and therefore, there is a need to adopt a new rate structure and establish the Fees.
4. The Fees proposed are reasonably related to the costs of providing and maintaining the sewer system, and it is in the best interest of the County to adjust the existing rates as set forth in **Exhibit "B."**
5. The recommended Fees do not exceed the reasonable cost of providing sewer services.
6. The purposes of the Fees established pursuant to this Resolution are to:
 - a. Recover the reasonably estimated cost of services for which the Fees are charged.
 - b. Allocate sewer service costs to customers so as to bear a fair and reasonable relationship to use of the service.
 - c. Secure the financial stability of the sewer system.
 - d. Ensure continuing and high quality sewer services.
 - e. Provide a sound financial plan that meets existing and ongoing operations, maintenance, and debt service obligations, which will assist in funding capital improvement projects.


7. Adoption of the Fees is not a "project" within the meaning of the California Environmental Quality Act.
8. The proceedings related to the proposed Fees have been duly noticed in compliance with Section 6 of Article XIII D of the California Constitution, Section 53755 of the California Government Code, and all other applicable laws. At least forty-five (45) days in advance of the public hearing at which this Resolution was considered, notice of the public hearing and notice of the procedures for protesting the proposed Fees were mailed to all record property owners located within the proposed boundary of the NCSD.
9. A notice of the public hearing was also published in a local newspaper in accordance with applicable laws.
10. There is not a majority protest of the proposed Fees by the record property owners of parcels identified to receive sewer services.

WHEREFORE, BASED UPON THE FACTS AND FINDINGS ABOVE, THE IMPERIAL COUNTY BOARD OF SUPERVISORS RESOLVES AS FOLLOWS:

1. The proposed Fees for sewer services are adopted, and shall become effective upon the formation of the NCSD.
2. The Fees shall be billed and collected in accordance with Sections 5471 and 5472.5 of the California Health and Safety Code unless and until the NCSD adopts an alternate form of collection.
3. This Resolution is effective upon its adoption.

PASSED AND ADOPTED by the Board of Supervisors, County of Imperial, State of California, this 12th day of June, 2018 by the following roll call vote:

Renison, M. Kelley, R. Kelley, Castillo



Raymond R. Castillo,
Chairman of the Board of Supervisors

ATTEST:



Blanca Acosta,
Clerk of the Board of Supervisors

