

RESOLUTION NO. 2021-05

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HIDDEN VALLEY
LAKE COMMUNITY SERVICES DISTRICT TEMPORARILY MODIFYING
COMMERCIAL WASTEWATER SERVICE RATE CALCULATION METHODOLOGY
AUTHORIZED BY HIDDEN VALLEY LAKE COMMUNITY SERVICES DISTRICT
RESOLUTION 2020-17**

WHEREAS, the Board of Directors of the Hidden Valley Lake Community Services District (District), a California special district, finds and determines that it is necessary and in the best interests of the District to temporarily modify the methodology for calculating the existing volumetric Commercial Wastewater Service rate; and

WHEREAS, the District conducted a duly noticed public hearing on December 15, 2020, at which time the Board of Directors considered all of the information regarding proposed water, sewer, and recycled water service rates and charges; and

WHEREAS, the Board of Directors determined at that time that the adopted water, sewer, and recycled water service rates and charges were reasonable, fully supported by substantial evidence, and adopted in accordance with applicable law; and

WHEREAS, the adopted methodology for calculating the volumetric Commercial Wastewater Service rate provides for the use of monthly water consumption to serve as a proxy for wastewater discharge; and

WHEREAS, for Commercial Wastewater Service, the District has determined that the approved methodology for the calculation of the volumetric Commercial Wastewater rate has had an unanticipated and substantial negative rate impact for customers whose water service includes significant irrigation uses provided through the same water meter; and

WHEREAS, temporarily reverting to the prior use of winter monthly average consumption to serve as the proxy for commercial customer wastewater discharge is appropriate to allow time for commercial wastewater customers to retrofit existing water service connections to provide for separate irrigation service, will have a de minimis impact on anticipated District revenues, and will not result in any increase in the volumetric wastewater service rate for any customer of the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby determines that the volumetric Commercial Wastewater Service rate shall be based on the four (4) month average water usage occurring in the months of December, January, February, and March and said modified charges shall be effective as of May 1, 2021. For the billing periods from and including May 1, 2021 through April 30, 2022, the charge shall be based on the previous winter average water usage in December 2020, January 2021, February 2021 and March 2021; and

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon its adoption and the modified volumetric Commercial Wastewater Service rate calculation methodology shall be operative for all billing periods commencing on and after May 1, 2021 through and including April 30, 2022, at which time the volumetric Commercial Wastewater Service rate calculation methodology shall return to that described in Resolution 2020-17 and the 2020 Water and Sewer Rate Study Report, as approved by the Board on December 15, 2020, and this resolution will be of no further force and effect unless extended or further modified by action of the Board of Directors; and

BE IT FURTHER RESOLVED that this resolution shall temporarily supersede Resolution 2020-17 solely for the period and purpose described herein and shall have no effect on any other existing water, sewer, or recycled water rate, charge, or calculation methodology which shall each remain in full force and effect; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed to take all actions necessary to effect these temporary changes to the District's Commercial Wastewater Service rate schedule as adopted by this resolution; and

BE IT FURTHER RESOLVED that the Board of Directors of the Hidden Valley Lake Community Services District hereby finds and determines that, if any provision of this resolution, or any part thereof, is for any reason held to be ultra vires, invalid, unenforceable, or unconstitutional, the remaining provisions shall not be affected but shall remain in full force and effect, and to this end the provisions of this resolution are severable.

PASSED AND ADOPTED by the Board of Directors on this 18th day of May 2021 by the following vote:

AYES: (5) Directors, Brown, Graves, Lieberman, Millerick and Freeman

NOES: (0)

ABSTENTIONS: (0)

ABSENT: (0)

BOARD OF DIRECTORS
HIDDEN VALLEY LAKE COMMUNITY
SERVICES DISTRICT

BY:  _____
Jim Freeman, President of the Board

ATTEST:

By:  _____
Dennis White, Secretary to the Board