

RESOLUTION NO. 2008-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SAN BENITO COUNTY WATER DISTRICT
IMPLEMENTING A STANDBY OR AVAILABILITY CHARGE
FOR THE 2008-2009 WATER YEAR**

WHEREAS, pursuant to Section 70.6.6 of the San Benito County Water District Act, the District, by resolution, may fix, on or before the first day of March in any calendar year, a water standby or availability charge within any zone of the District to which water is made available by the District through underground or surface facilities, whether the water is actually used or not, except that such charge shall not apply to lands permanently dedicated exclusively to public transportation of persons or property; and

WHEREAS, the standby charge shall not exceed ten dollars (\$10) per acre per year for each acre of land within any zone of the District or ten dollars (\$10) per year for any parcel of less than one acre; and

WHEREAS, the voters of the District on November 8, 1977 approved certain Propositions that provided, among other things, that;

- a) “in the area served by a pressurized distribution system there will be an annual maximum stand-by charge of \$10.00 per acre of land”; and

WHEREAS, the Board of Directors held a public hearing on Thursday, January 17, at 7:30 p.m. in the District office, 30 Mansfield Road, Hollister, California, for the purpose of setting a standby or availability charge.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the San Benito County Water District that this Resolution No. 2008-02 sets the standby or availability charge, which charge shall remain unchanged from the previous water year as follows:

\$6.00 per acre for 2008-2009 water year for each acre, and \$6.00 for any parcel of less than 1 acre, of land in the area served by the Zone 6 pressurized distribution system.

BE IT FURTHER RESOLVED that said charge was accomplished using the same methodology and rates as those which existed prior to November 6, 1996, and, therefore, the charge is not subject to the provisions of Article XIII D, Section 6(a) of the California Constitution (Proposition 218).

BE IT FURTHER RESOLVED that the President of the Board is authorized to sign said Resolution, on behalf of this Board and District.

PASSED AND ADOPTED by the Board of Directors of the San Benito County Water District this 17th day of January, 2008 by the following vote:

AYES:	DIRECTORS:	Swanson, Bettencourt, Perry, Tobias and Flores
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

/s/Robert M. Swanson
President

ATTEST: /s/Shelley Giancola
District Secretary