

ORDINANCE NO. 54

**AN ORDINANCE OF THE SAN BENITO COUNTY WATER DISTRICT
ESTABLISHING AN ANNUAL PROPERTY ASSESSMENT IN ZONE 104
FOR CAPITAL IMPROVEMENTS IDENTIFIED IN THE FAIRVIEW ROAD
WATER SYSTEM ENGINEER'S REPORT DATED FEBRUARY 19, 2014.**

WHEREAS, the San Benito County Water District (District) is vested with the power to any and every lawful act necessary so that sufficient water may be available for any present or future beneficial use or uses on the lands or for the inhabitants within the District including the storage and distribution of water for domestic, fire protection and municipal uses; and

WHEREAS, the San Benito County Water District Board of Directors adopted a Resolution establishing Zone 104 and undertaking a project therein; and

WHEREAS, a special annual assessment is needed to pay for capital improvements identified in the Fairview Water System Engineer's Report dated February 19, 2014. These improvements include the drilling and installation of a new well and associated capital improvements; including the capital improvements required by the California Department of Public Health; and

WHEREAS, the Board of Directors of the District conducted proceedings pursuant to the California Constitution (Proposition 218), Article 13D, Section 4, and on April 9, 2014 conducted a public hearing to consider levying the assessment and to tabulate the ballots submitted; and

WHEREAS, after tabulating the ballots the Board determined that there was no majority protest and that the ballots in favor of the assessment exceeded the ballots opposed to the assessment.

NOW, BE IT ORDAINED by the Board of Directors of the San Benito County Water District as follows:

1. **Annual Assessment**: The District hereby fixes an annual assessment to fund the capital improvements identified in the Fairview Water System Engineer's Report dated February 19, 2014. A schedule of annual assessments and apportionment among the parcels in Zone 104 is set forth in **EXHIBIT A**, attached hereto. The assessment shall be effective beginning the tax year 2014-2015 and continue for a total of 3 years.

2. **Article 13D, Section 4 of the California Constitution (Proposition 218)**: The assessment adopted by the District as set forth herein is governed by the provisions of the California Constitution (Proposition 218), Article 13D, Section 4. The District Board conducted

proceedings pursuant thereto and adopted Findings Re Decision to Levy An Assessment For The Fairview Road Water System, which findings are attached hereto as **EXHIBIT B**.

The assessment approved herein shall be reviewed annually. Any proceedings to modify the assessment shall comply with the provisions of Article 13D of the California Constitution (Proposition 218).

3. All ordinance(s) and parts of ordinances inconsistent herewith are hereby repealed.

4. In the event that any portion or provision of this ordinance shall be deemed by a court of law or other tribunal to be invalid or unconstitutional, such finding(s) of invalidity or unconstitutionality shall not affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.

5. This ordinance shall be in full force and effect as of 12:01 a.m. on the 30th day following its passage and shall be published once in a newspaper of general circulation, published and printed in the County of San Benito, State of California, together with the names of the members of the board of directors voting for and against same, prior to fifteen days from its passage.

The foregoing Ordinance was passed and adopted at a regular meeting of the Board of Directors of the San Benito County Water District held on April 9, 2014, by the following vote:

AYES: DIRECTORS: Tobias, Bettencourt, Flores & Torquato
NOES: DIRECTORS: None
ABSENT: DIRECTORS: Tonascia

/s/John Tobias
John Tobias
President

ATTEST:

/s/Sara Singleton
Sara Singleton
Assistant Manager