

**RESOLUTION #407**

**A RESOLUTION CONFIRMING AND FIXING CHARGES OF THE CHESTER PUBLIC UTILITY DISTRICT FOR MONTHLY WATER RATES**

WHEREAS, the Board of Directors of the Chester Public Utility District (“District”) is empowered, pursuant to sections 5-2.7.1, 5-2.7.2, 5-2.8.1, 5-2.8.2 and 5-3.7.2 of the District’s Code and the Public Utility District Act (Division 7, Public Contract Code, § 15501, et seq.), including, but not limited to, § 16461 and 1647, to fix, by resolution, from time to time, monthly user fee charges for water service; and,

WHEREAS, notice was given pursuant to Section 6 of Article XIII D of the California Constitution of the proposed changes in charges for water service to record owners of the properties served by the District, notwithstanding that the District’s water service is not a “fee or charge” as defined by Article XIII D of the California Constitution; and,

WHEREAS, a duly noticed public hearing was opened on May 24, 2022 pursuant to due and proper notice, May 24, 2022; and,

WHEREAS, at said public hearing, on both dates, the District’s Board of Directors (“Board”) received written protests in an amount less than a majority of owners of an identified parcel against the proposed increase to the monthly water service fee; notwithstanding that the District’s water service fee is not a “fee or charge” as defined by Article XIII D of the California Constitution, and,

WHEREAS, the Board, by motion, approved and adopted the proposed changes set forth herein all to be effective July 1st, 2022.

Now, Therefore, be it resolved by the Board of Directors of the Chester Public Utility District as follows:

**1. Water Service.**

It is confirmed that all previous rates for water service herein below supersede all previous rates established, whether by ordinance, resolution or otherwise.

a. The minimum monthly charges for water consumption up to 6,000 gallons per month is as follows:

<u>Residential:</u>	<u>Commercial:</u>	<u>Meter Size</u>
R1 - \$27.17	C1 - \$27.17	5/8"
R2 - \$28.49	C2 - \$28.49	3/4"
R3 - \$30.56	C3 - \$30.56	1"
R4 - \$36.69	C4 - \$36.69	1-1/2"
R5 - \$48.85	C5 - \$48.85	2"
R6 - \$88.34	C6 - \$88.34	3"
R7 - \$152.41	C7 - \$152.41	4"
R8 - \$165.79	C8 - \$165.79	6"
R9 - \$440.99	C9 - \$440.99	8"

b. For water consumption in excess of 6,000 gallons in a month, the user shall be charged for the applicable meter size set forth herein, plus \$.90 per 1,000 gallons for the quantity over 6,000 gallons, or portion thereof.

c. HM is a metered fire hydrant connection, with a rental fee of \$50.00/month and \$81.68 for the first 6,000 gallons, plus \$2.95 per 1000 gallons for the quantity over 6,000 gallons, or portion thereof.

d. Backflow Prevention Assembly Annual Inspection Fee: The charge of a water user's backflow prevention assembly pursuant to 5-3.2.7(c) is \$85.00 annually billed before testing.

e. There may be an annual adjustment in the fee based upon changes in the California Consumer Price Index (CPI) or 3%, WHICHEVER IS LESS.

f. These rates shall be effective July 1, 2022.

**2. Limitations Period.**

The provisions contained in California Civil Code Sections 860-870 shall be applicable to this resolution and to any action taken by the District by ordinance or resolution to determine the amount of the service charges. It is the express intent of the District in adopting this resolution that any legal action contesting the validity of the resolution and/or the service charges established hereunder shall be filed within 60 days from the date of the adoption of this resolution or the determination fixing and certifying the service charges in accordance with law.

In the event that a court should decide that the validation provisions are not applicable to the adoption of this resolution or to the determination fixing and certifying the service charges, the District hereby separately declares its intent to and does hereby establish a statute of limitation in which any legal action, suit or proceeding may be initiated in court in which to attack, set aside, void or otherwise annul this resolution or any portion or provision hereof and the determination fixing and certifying the service charges. Any such action shall be initiated and filed in the appropriate court within 60 days of the date of

the adoption of this resolution and/or the determination fixing and certifying the service charges. Otherwise, any such suit shall be barred.

Passed and adopted by the Board of Directors of the Chester Public Utility District, Plumas County, California, at the regular meeting thereof held on the **24<sup>th</sup> day of May, 2022**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
Steve Voboril,  
CPUD Board Director

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I hereby certify that the forgoing is a full, true, and correct copy of a Resolution 407 duly passed and adopted by the Board of Directors of the CHESTER PUBLIC UTILITY DISTRICT, Plumas County, California, at a regular meeting thereof held on the 24<sup>th</sup> day of May 2022.

ATTEST:

\_\_\_\_\_  
Cheryl Johnson,  
Clerk to the Board