

RESOLUTION NO. 2023 -07-27-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SALTON COMMUNITY SERVICES DISTRICT MEMORIALIZING THE
INTENT OF THE BOARD TO ADJUST THE SEWER FEES, PLACE SEWER
USER FEES, STANDBY FEES AND SEWER MAINTENANCE STANDBY FEES
ON THE TAX ROLLS**

WHEREAS, the Salton Community Services District is subject to the Community Services District Law contained in Government Code Section 61000 et. seq.

WHEREAS, the state legislature has found the following with regards to Community Services Districts:

(1) The differences among California's communities reflect the broad diversity of the state's population, geography, natural resources, history, and economy.

(2) The residents and property owners in California's diverse communities desire public facilities and services that promote the public peace, health, safety, and welfare.

(3) Responding to these communities' desires, the Legislature enacted the Community Services District Law in 1951, and reenacted the Community Services District Law in 1955.

(4) Between 1955 and 2005, the voters in more than 300 communities have formed community services districts to achieve local governance, provide needed public facilities, and supply public services.

(5) Since then, the Legislature has amended the Community Services District Law in many ways, resulting in a statute that can be difficult for residents, property owners, and public officials to understand and administer.

(6) There is a need to revise the Community Services District Law to achieve statutory clarity and provide a framework for local governance that California's diverse communities can adapt to their local conditions, circumstances, and resources.

(7) The enactment of this division is necessary for the public peace, health, safety, and welfare.

(b) The Legislature finds and declares that for many communities, community services districts may be any of the following:

(1) A permanent form of governance that can provide locally adequate levels of

public facilities and services.

(2) An effective form of governance for combining two or more special districts that serve overlapping or adjacent territory into a multifunction special district.

(3) A form of governance that can serve as an alternative to the incorporation of a new city.

(4) A transitional form of governance as the community approaches cityhood.

(c) In enacting this division, it is the intent of the Legislature:

(1) To continue a broad statutory authority for a class of limited-purpose special districts to provide a wide variety of public facilities and services.

(2) To encourage local agency formation commissions to use their municipal service reviews, spheres of influence, and boundary powers, where feasible and appropriate, to combine special districts that serve overlapping or adjacent territory into multifunction community services districts.

(3) That residents, property owners, and public officials use the powers and procedures provided by the Community Services District Law to meet the diversity of the local conditions, circumstances, and resources.

WHEREAS, the District has the power under the Community Services District law, among other powers, to within its boundaries, collect, treat, or dispose of sewage, wastewater, recycled water, and storm water, in the same manner as a sanitary district, formed pursuant to the Sanitary District Act of 1923, Division 6 (commencing with Section 6400) of the Health and Safety Code. In the case of any conflict between that division and the Community Services District law, the provisions of this division shall prevail.

WHEREAS, the District is also empowered to provide parks and recreation services.

WHEREAS, within the boundaries of the Salton Community Services District, the sewer system was designed and constructed for a larger population than is currently resident in the District;

WHEREAS, the current number of household exceeds two thousand dwellings when the community was originally designed to have over twenty thousand dwellings;

WHEREAS, parts of the the District sewer system are over fifty years old and are

subject to deferred maintenance that must be addressed by the maintenance, repair and upgrading of the conduits, pipes, lift stations, pumps and treatment facilities;

WHEREAS, the regulations applicable to the sewer system imposed by the Regional Water Quality Control Board and increasingly stricter and more demanding on the District's resources;

WHEREAS, the District is seeking grant funding from the state of California for the purpose of upgrading and replacing elements of the sewer system to alleviate the financial impact of the community which in many cases are low income individuals and families;

WHEREAS, the Board of Directors may, by resolution or ordinance, do the following:

(1) Establish rates or other charges for services and facilities that the district provides.

(2) Provide for the collection and enforcement of those rates or other charges.

(3) Among the permissible methods for collection and enforcement are:

(A) To provide that the charges for any of these services and facilities may be collected with the rates or charges for any other services and facilities provided by the district, and that all charges may be billed on the same bill and collected as one item.

(B) To provide for a basic penalty for the nonpayment of charges of not more than 10 percent, plus an additional penalty of not more than 1 percent per month for the nonpayment of the charges and the basic penalty. The Board of Directors may provide for the collection of these penalties.

(a)***

(b) The Board of Directors may provide that any charges and penalties may be collected on the tax roll in the same manner as property taxes. The Interim General Manager shall prepare and file with the Board of Directors a report that describes each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year. The Interim General Manager shall give notice of the filing of the report and of the time and place for a public hearing by publishing the notice pursuant to Section 6066 in a newspaper of general circulation, and by mailing the notice to the owner of each affected parcel. At the public hearing, the Board of Directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing, the Board of Directors may adopt or revise the charges and penalties. The Board

of Directors shall make its determination on each affected parcel and its determinations shall be final. On or before August 10 of each year following these determinations, the Interim General Manager shall file with the county auditor a copy of the final report adopted by the Board of Directors. The county auditor shall enter the amount of the charges and penalties against each of the affected parcels of real property as they appear on the current assessment roll. The county tax collector shall include the amount of the charges and penalties on the tax bills for each affected parcel of real property and collect the charges and penalties in the same manner as property taxes.

(c) The Board of Directors may recover any charges and penalties by recording in the office of the county recorder of the county in which the affected parcel is located, a certificate declaring the amount of the charges and penalties due, the name and last known address of the person liable for those charges and penalties. From the time of recordation of the certificate, the amount of the charges and penalties constitutes a lien against all real property of the delinquent property owner in that county. This lien shall have the force, effect, and priority of a judgment lien. Within 30 days of receipt of payment for all amounts due, including the recordation fees paid by the district, the district shall record a release of the lien. In filing any instrument for recordation, the district shall pay the fees required by Article 5 (commencing with Section 27360) of Chapter 6 of Part 3 of Title 3 of the Government Code.

(d) The District shall reimburse the county for the reasonable expenses incurred by the county pursuant to this section.

(e) Any remedies for the collection and enforcement of rates or other charges are cumulative and the district may pursue remedies alternatively or consecutively.

WHEREAS, on July 19, 2023 at a regular meeting of the Board of Directors of the Salton Community Services District, pursuant to notice and a public hearing, the District Board enacted Resolution Number 2023-07-19-02 establishing the District's current sewer user fees, Resolution Number 2023 -07-19-03 placing such fees on the County of Imperial tax rolls, Resolution Number 2023-07-19-04 placing the standby charges on the County of Imperial tax rolls and Resolution Number 2023-07-19-05 placing the sewer maintenance standby fees on the County of Imperial tax rolls (all of the forgoing collectively referred to as the "Resolutions"); and

WHEREAS, a forgoing fees and Resolutions essential to the operation of the Districts sanitary sewer system; and

WHEREAS, the Board wishes to clarify its intent and the applicable law related to the adoption of the Resolutions; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SALTON COMMUNITY SERVICES DISTRICT AS FOLLOWS:

Section 1. The Board of Directors hereby finds and determines resolves that the forgoing Recitals are true and correct, applicable to the Resolutions and are incorporated herein by this reference.

Section 2. The Board of Directors declares that it is and and it was the intent of the Board of Directors in adopting the Resolutions on July 19, 2023 to provide necessary funding to repair, maintain, replace, upgrade and improve the sewer system in the District to meet the needs of the community which is composed of many disadvantaged and low income households;

Section 3. The Board of Directors declares that it was, and is the intent of the Board, that the Resolutions be given maximum force and effect under the laws of the State of California so as to ensure ample and adequate funding of the budget of the District such that the sewer system is improved, repaired, maintained, upgraded as needed to provide the services needed by the community and that the Resolutions be, and they hereby are, subject to and interpreted under and the California law, and in particular the Community Services District law, so as to give the Resolutions maximum force and effect under any and all circumstances and in accordance with the Resolutions and the Recitals to this Resolution and notwithstanding anything to the contrary wheresoever contained.


Section 4. CEQA The District Board finds that the actions contemplated by this Resolution are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5. Severability. If any one or more of the terms, provisions or sections of this Resolution shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Resolution shall not be affected thereby and shall be valid and enforceable.

PASSED AND ADOPTED BY the Board of Directors of the Salton Community

Services District, Salton City, California, at a special meeting on July 27, 2023, by the following vote:


| | YES | NO |
|--------------------------------|-------------------------------------|-------------------------------------|
| Michelle Gilmore, President | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Michael Friese, Vice President | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Lidia Sierra, Director | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Manuel H. Ramos, Director | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Dale Johnson, Director | <input type="checkbox"/> | <input type="checkbox"/> Absent |



Michelle Gilmore, President of the Board of

Directors

ATTEST:



Thania Garcia, Secretary of the Board of Directors