

**RESOLUTION 2023-03**  
**HILTON CREEK COMMUNITY SERVICES DISTRICT**

**A RESOLUTION OF THE HILTON CREEK COMMUNITY SERVICES DISTRICT ADOPTING FEES FOR SEWER USE AND AUTHORIZING THE BOARD SECRETARY/ FINANCE OFFICER TO COMPILE AND MAINTAIN ONE OR MORE SEWER USE FEES**

**WHEREAS**, the Sewer Use Fee Schedule for the Hilton Creek Community Services District has been prepared by staff and is attached to and made a part of this resolution as **Exhibit A**; and

**WHEREAS**, the Hilton Creek Community Services District is authorized and directed by provisions of state law and the District Ordinance to provide sewer services to the Crowley Lake Community; and

**WHEREAS**, applicable provisions of state law and the Hilton Creek Community Services District Ordinance authorize Hilton Creek Community Services District to charge fees for the services in the amounts not to exceed the District's costs of providing such services; and

**WHEREAS**, the fees presently charged by the Hilton Creek Community Services District are insufficient to fully recover the District's cost of providing those services; and

**WHEREAS**, Robert D. Niehaus, Inc. has prepared a fee study for the District dated May 10, 2023, to be used as a basis for the calculation of sewer charges, and a copy of the study is available for public inspection at the District office; and

**WHEREAS**, pursuant to Section 6 of Article XIID ("Proposition 218") of the California Constitution, District staff have identified the parcels upon which the proposed fees would be imposed, and the amount of fees for these parcels has been calculated; and

**WHEREAS**, on April 19, 2023, which was no less than forty-five (45) days prior to the public hearing on the fees, each owner of record was sent by U.S. Mail the notice attached hereto as **Exhibit B** and

**WHEREAS**, the public hearing was duly held according to law on June 13, 2023, and at the hearing any and all protests were considered by the Board of Directors;

**WHEREAS**, a majority protest was not received, as described in Proposition 218; and

**WHEREAS**, based on the testimony presented at the public hearing as well as the oral and written staff reports also presented to the District Board in connection with the hearing, the District Board finds and determines that:

- (1) Revenues derived from the proposed fees shall not exceed the funds required to provide the property related service for which the fees are being imposed;
- (2) Such revenues shall not be used for any purpose other than that for which the fees are being imposed;
- (3) The amount of the fees imposed upon any parcel or person as incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel;
- (4) The services for which fees are being imposed are used by and immediately available to each owner of property subject to the fees; and
- (5) The proposed fees are not being imposed for general government services where the service is available to the public at-large in substantially the same manner as to property owners; and;

**WHEREAS**, it would be convenient for District administration and the public to be able to consult one or more lists summarizing then-current District fees.

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**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE HILTON CREEK COMMUNITY SERVICES DISTRICT OF MONO COUNTY RESOLVES that:**

**SECTION ONE:** The foregoing recitals are true and correct.

**SECTION TWO:** Pursuant to applicable provisions of state law and the Hilton Creek Community Services District ordinance, the new or increased fees set forth on the **Exhibit A** attached hereto and incorporated herein are hereby adopted and shall take effect on July 1, 2023. Any existing District fees not modified by the Exhibit shall remain in full force and effect.

**SECTION THREE:** For the convenience of District Administration and the public, the Board Secretary / Finance Officer is authorized to compile and maintain one or more lists summarizing any or all District fees, including but not limited to those set forth on the **Exhibit A** and also any existing fees not affected by this resolution. The Board Secretary/Finance Officer may revise, disseminate, and publicize said lists from time to time as he/she deems necessary to reflect any future changes in District Fees.

**SECTION FOUR:** This Resolution shall not supersede or repeal any minute order or other resolution of the District Board, pertaining to fees, except to the extent that the amount of an existing fee is expressly increased or otherwise modified by this Resolution.

**PASSED, APPROVED AND ADOPTED** this 8<sup>th</sup>, day of August, 2023 by the following vote, to wit:

AYES: C. Adamson  I. Connolly  W. Czeschin   
D. Preston  S. Shipley

NOES:

ABSENT: I. Connolly

ABSTAIN:



Steve Shipley, Chair  
Hilton Creek Community Services District

ATTEST:

  
Lorinda Beatty, Board Secretary