

2. Consideration of Resolution Nos. VWD 25-006 and VWD 25-007 - Resolutions of the Board of Directors of the Victorville Water District making its determination to Fix, Levy, and Collect Standby Charges for Fiscal Year 2025-2026

Recommendation:

That the Honorable Victorville Water District Board of Directors:

- (1) Open and Conduct a Public Hearing, receive testimony for the adoption of proposed Resolution Nos. VWD 25-006 and VWD 25-007;
- (2) Close the Public Hearing;
- (3) Adopt Resolution No. VWD 25-006 entitled, "A Resolution of the Board of Directors of the Victorville Water District making its determination to Fix, Levy, and Collect Standby Charges for Water Improvement District One for Fiscal Year 2025-2026";
- (4) Adopt Resolution No. VWD 25-007 entitled, "A Resolution of the Board of Directors of the Victorville Water District making its determination to Fix, Levy, and Collect Standby Charges for Water Improvement District Two for Fiscal Year 2025-2026"; and
- (5) Authorize the City Manager or his designee to execute any documents related to the levying of Standby Charges for Water Improvement District One and Two.



Item Number: 2

City Council / Board of Directors

Public Hearing(s)

Meeting of: June 3, 2025

Submitted By:

Doug Mathews, Director of Public Works and Water

Subject:

Consideration of Resolution Nos. VWD 25-006 and VWD 25-007 - Resolutions of the Board of Directors of the Victorville Water District making its determination to Fix, Levy, and Collect Standby Charges for Fiscal Year 2025-2026

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- (1) Open and Conduct a Public Hearing, receive testimony for the adoption of proposed Resolution Nos. VWD 25-006 and VWD 25-007;
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- (3) Adopt Resolution No. VWD 25-006 entitled, "A Resolution of the Board of Directors of the Victorville Water District making its determination to Fix, Levy, and Collect Standby Charges for Water Improvement District One for Fiscal Year 2025-2026";
- (4) Adopt Resolution No. VWD 25-007 entitled, "A Resolution of the Board of Directors of the Victorville Water District making its determination to Fix, Levy, and Collect Standby Charges for Water Improvement District Two for Fiscal Year 2025-2026"; and
- (5) Authorize the City Manager or his designee to execute any documents related to the levying of Standby Charges for Water Improvement District One and Two.

Fiscal Impact:

The Victorville Water District (District) will incur nominal costs, estimated at \$7,080, from publishing required notices, which have been budgeted for in the current Fiscal Year under account number: 4100030-52300, Water Administration, Contract Services.

Proposed Resolution Number VWD 25-006 authorizes the District to have all Victorville Water District Improvement District Number One (WID1) Standby Charges for Fiscal Year

2025-2026 assessed by the County Assessor; assessments to be submitted total 4,985 parcels for \$99,990.00.

Proposed Resolution Number VWD 25-007 authorizes the District to have all Victorville Water District Improvement District Number Two (WID2) Standby Charges for Fiscal Year 2025-2026 assessed by the County Assessor; assessments to be submitted total 12,548 parcels for \$337,185.32.

Strategic Plan Goal:

This item aligns with Goal A, "Financial Stability". A large portion of standby fees collected provide a revenue source that is pledged to an outstanding bond. The remaining portion helps pay for the operating costs to maintain the water system. The collection of the standby fee also helps to maintain water rates as low as possible.

Background:

On May 20, 2025, the Board of Directors approved and adopted Resolution Nos. VWD 25-004 and VWD 25-005, Initiating Proceedings to Fix, Levy and Collect Standby Charges for WID1 and WID2 respectively, for Fiscal Year 2025-2026. In compliance with those Resolutions, the scheduled actions have been completed. Notices of the Public Hearing and availability of the written report were mailed to all affected parcel owners, notice was further posted on the City's website, and published twice in the newspaper on May 15, 2025, and May 23, 2025.

Discussion:

Proposed Resolution Nos. VWD 25-006 and VWD 25-007 finalize the proceedings by having the District Board of Directors make the determination to Fix, Levy and Collect the Standby Charges, following the close of the Public Hearing.

Standby Charges must be assessed annually, on an uninterrupted basis, in order to maintain the assessment rate. The proposed attached resolutions do not change the rate or calculation by which these charges are assessed. If Standby Charges are discontinued, they may not be reinstated in a subsequent year, except as noted in California Government Code Section 53753 and in compliance with notice, protest, and hearing procedures applicable to increased assessments under Proposition 218.

Water Improvement District Number One

Since 1975, WID1 (formerly known as the Victor Valley Water District) has assessed a Water Standby Charge. This charge, authorized by California Water Code §31031, may not exceed \$10.00 per acre per year for each acre of land, or ten dollars per year for each parcel of land less than an acre. For example: 0.2 acres = \$10.00; 5.0 acres = \$50.00; and 5.2 acres = \$60.00. By means of the proposed Resolution No. VWD 25-006, the District is Fixing, Levying, and Collecting this charge (at the same rate as last year) as to all parcels within WID1 for which water service facilities have been constructed within close proximity thereto (660 feet). Any parcel of land which is connected to and obtains water from the District's water system as well as any governmental or public agency is exempt from the assessment.

The revenues from the Water Standby Charge directly offset WID1's actual cost to maintain facilities, including water mains, which are immediately available to provide water service to those parcels.

Water Improvement District Number Two

Since 1969, WID2 (formerly known as the Baldy Mesa Water District) has assessed a Water Standby Charge. This charge, authorized by California Water Code §31032.1, may not exceed \$30.00 per acre per year for each acre of land, or \$30.00 per year for each parcel of land less than an acre. The proposed charge remains unchanged at \$15.00 rather than the allowable maximum of \$30.00 and is prorated based on the number of acres in excess of one acre. For example: 0.2 acres = \$15.00; 5.0 acres = \$75.00; and 5.2 acres = \$78.00. By means of the proposed Resolution No. VWD 25-007, the District is Fixing, Levying, and Collecting this charge (at the same rate as last year) to all parcels within WID2 for which water service facilities have been financed and constructed. All governmental or public agencies are exempt from the assessment.

The revenues from these charges directly offset WID2's actual cost of financing water infrastructure capital facilities within the Improvement District. These revenues are pledged to the debt service on the issuance of a Certificate of Participation (Bond). Provisions of the LAFCO consolidation action requires debt incurred in one improvement district to be paid by the rate payers of that same improvement district.

Staff recommends that the Board of Directors approve Resolution Nos. VWD 25-006 and VWD 25-007, making its determination to Fix, Levy, and Collect Standby Charges for WID1 and WID2 for Fiscal Year 2025-2026.

Staff will remain available for any questions the Board of Directors might have.

- Attachments:**
- A. Resolution No. VWD 25-006
 - B. Resolution No. VWD 25-007
 - C. Water Code Sections 31031 through 31032.9
 - D. Notice of Public Hearing for Water Standby Charges

ATTACHMENT A

Resolution No. VWD 25-006

**VICTORVILLE WATER DISTRICT
RESOLUTION NO. VWD 25-006**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
VICTORVILLE WATER DISTRICT MAKING ITS
DETERMINATIONS TO FIX, LEVY AND COLLECT
STANDBY CHARGES FOR WATER IMPROVEMENT
DISTRICT NUMBER ONE FOR FISCAL YEAR 2025-2026**

WHEREAS, the Board of Directors of the Victorville Water District (“**District**”) is authorized and empowered by Water Code Section 31031 *et seq.* to fix, levy and collect water standby charges within Water Improvement District Number One (the “**Improvement District**”); and

WHEREAS, a written report on such water standby charges has been prepared by Staff and filed with the Secretary of the District (“**Secretary**”); and

WHEREAS, the Secretary has caused notice of the filing of a report (the “**Report**”) on water standby charges and the time and place of a public hearing thereon to be published and mailed, pursuant to Section 31032.2 of the Water Code; and

WHEREAS, a public hearing was held on the Report at the time and place specified in said notice; and

WHEREAS, at said public hearing, all objections or protests to said Report were heard and considered.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE DISTRICT (“BOARD OF DIRECTORS”) DOES HEREBY RESOLVE AS FOLLOWS:

- Section 1 That all objections and protests to the Report on water standby charges are hereby overruled.
- Section 2 That the Report and each water standby charge contained therein are hereby approved and adopted.
- Section 3 That the water standby charges of Ten Dollars (\$10.00) per acre per year for each parcel of land within the Improvement District for which water service facilities have been constructed within close proximity thereto (660 feet), and Ten Dollars (\$10.00) per year for each parcel of land less than an acre for which water service facilities have been constructed within close proximity thereto (660 feet), are hereby fixed for the Fiscal Year commencing July 1, 2025 and ending June 30, 2026.
- Section 4 That any parcel of land which is connected to and obtains water service from the District’s water system and all parcels owned by a governmental or public agency are exempted from said water standby charges.

- Section 5 That the Secretary shall file with the San Bernardino County Tax Collector ("**Tax Collector**") in the time and manner required by law and specified by the Tax Collector a copy of such written Report with a statement endorsed thereon over the signature of the Secretary that such report has been adopted by this Board of Directors.
- Section 6 That on or before the fifteenth (15th) day before the first day of the month in which the Board of Supervisors of San Bernardino County ("**Board of Supervisors**") is required by law to levy the amount of taxes required for county purposes, the Board of Directors shall furnish the Board of Supervisors and the Tax Collector with a description of each and every parcel of land within the Improvement District upon which a water standby charge is to be assessed; and the Tax Collector shall enter the amount of such assessments against the respective lots or parcels of land as they appear on the current assessment roll, pursuant to Section 31032.4 of the Water Code.
- Section 7 That the Tax Collector shall include the amount of such assessments on bills for taxes levied against the respective lots and parcels of land, and thereafter, the amount of such assessments shall be collected at the same time and in the same manner as general taxes pursuant to Section 31032.6 of the Water Code.
- Section 8 That all resolutions or administrative actions by the Board of Directors, or parts thereof that are inconsistent with any provision of this Resolution are hereby superseded only to the extent of such inconsistency.
- Section 9 That if any section, subsection, clause, or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby.
- Section 10 That the Secretary shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the District; and shall make a minute of passage and adoption thereof in the records of the proceedings of the District, in the minutes of the meeting at which this Resolution is passed and adopted.
- Section 11 That this Resolution shall take effect immediately upon its adoption by the Board of Directors.

ATTACHMENT B

Resolution No. VWD 25-007

**VICTORVILLE WATER DISTRICT
RESOLUTION NO. VWD 25-007**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
VICTORVILLE WATER DISTRICT MAKING ITS
DETERMINATIONS TO FIX, LEVY AND COLLECT
STANDBY CHARGES FOR WATER IMPROVEMENT
DISTRICT NUMBER TWO FOR FISCAL YEAR 2025-2026**

WHEREAS, the Board of Directors of the Victorville Water District ("**District**") is authorized and empowered by Water Code Section 31031 *et seq.* to fix, levy and collect water standby charges within Water Improvement District Number Two (the "**Improvement District**"); and

WHEREAS, a written report on such water standby charges has been prepared by Staff and filed with the Secretary of the District ("**Secretary**"); and

WHEREAS, the Secretary has caused notice of the filing of a report (the "**Report**") on water standby charges and the time and place of a public hearing thereon to be published and mailed, pursuant to Section 31032.2 of the Water Code; and

WHEREAS, a public hearing was held on the Report at the time and place specified in said notice; and

WHEREAS, at said public hearing, all objections or protests to said Report were heard and considered.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE DISTRICT ("BOARD OF DIRECTORS") DOES HEREBY RESOLVE AS FOLLOWS:

- | | |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 1 | That all objections and protests to the Report on water standby charges are hereby overruled. |
| Section 2 | That the Report and each water standby charge contained therein are hereby approved and adopted. |
| Section 3 | That the water standby charges of Fifteen Dollars (\$15.00) per acre per year for each parcel of land, and Fifteen Dollars (\$15.00) per acre per year prorated based on the number of acres per parcel in excess of one acre, for all properties within the Improvement District to which water service facilities have been constructed for any purpose by the Improvement District, whether the water service is actually used or not, are hereby fixed for the fiscal year commencing July 1, 2025 and ending June 30, 2026. |
| Section 4 | That all parcels owned by a governmental or public agency are exempted from said water standby charges. |

- Section 5 That the Secretary shall file with the San Bernardino County Tax Collector ("**Tax Collector**") in the time and manner required by law and specified by the Tax Collector a copy of such written Report with a statement endorsed thereon over the signature of the Secretary that such report has been adopted by this Board of Directors.
- Section 6 That on or before the fifteenth (15th) day before the first day of the month in which the Board of Supervisors of San Bernardino County ("**Board of Supervisors**") is required by law to levy the amount of taxes required for county purposes, the Board of Directors shall furnish the Board of Supervisors and the Tax Collector with a description of each and every parcel of land within the Improvement District upon which a water standby charge is to be assessed; and the Tax Collector shall enter the amount of such assessments against the respective lots or parcels of land as they appear on the current assessment roll, pursuant to Section 31032.4 of the Water Code.
- Section 7 That the Tax Collector shall include the amount of such assessments on bills for taxes levied against the respective lots and parcels of land, and thereafter, the amount of such assessments shall be collected at the same time and in the same manner as general taxes pursuant to Section 31032.6 of the Water Code.
- Section 8 That all resolutions or administrative actions by the Board of Directors, or parts thereof that are inconsistent with any provision of this Resolution are hereby superseded only to the extent of such inconsistency.
- Section 9 That if any section, subsection, clause, or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby.
- Section 10 That the Secretary shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the District; and shall make a minute of passage and adoption thereof in the records of the proceedings of the District, in the minutes of the meeting at which this Resolution is passed and adopted.
- Section 11 That this Resolution shall take effect immediately upon its adoption by the Board of Directors.

ATTACHMENT C

Water Code Sections 31031 through
31032.9

WATER CODE

31031.

A district may, pursuant to the notice, protest, and hearing procedures in Section 53753 of the Government Code, fix, on or before the first day of July in each calendar year, a water standby or availability charge. The water standby or availability charge shall not exceed ten dollars (\$10) per acre per year for each acre of land, or ten dollars (\$10) per year for each parcel of land less than an acre within the district to which water is made available for any purpose by the district, whether the water is actually used or not, unless the standby charge is imposed pursuant to the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5 of the Government Code). The board of directors of a district which fixes such a charge may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water to the affected lands, and may restrict such charge to lands lying within one or more improvement districts within such district. If the procedures set forth in this section as it read at the time a standby or immediate availability charge was established were followed, the board of directors may, by resolution, continue the charge in successive years at the same rate. If new, increased, or extended assessments are proposed, the board shall comply with the notice, protest, and hearing procedures in Section 53753 of the Government Code.

31032.

In case any water standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the district or any part thereof is located is required by law to levy the amount of taxes required for county purposes, a 6 percent penalty thereon shall accrue. The amount of the unpaid standby charge plus the said penalty shall be added to and become a part of the annual tax levied upon the land to which water for which the standby charge is unpaid was available and same shall constitute a lien on that land.

If a district collects taxes pursuant to Chapter 2 (commencing with Section 31700) of Part 7 of this division, the amount of tax attributable to unpaid water standby charges, and the penalty thereon, shall be stated on the tax bill separately from all other taxes.

If a district collects taxes pursuant to Chapter 3 (commencing with Section 31730) of Part 7 of this division, it shall provide each person whose property is subject to taxation for unpaid water standby charges, and the penalty thereon, with a tax bill stating the amount of such charges and penalty separately.

In such case and at least fifteen (15) days before the first day of the month in which said board of supervisors is required by law to levy the amount of taxes required for county purposes, the board of directors of the district shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the district upon which a standby charge remains unpaid, together with the amount of said unpaid charge plus said penalty on each said parcel of land. Whenever land in two or more counties is included in a district, the board of directors of the district shall furnish in

writing to the board of supervisors and to the county auditor of each of said counties, respectively, a description of each and every parcel within said county upon which a standby charge remains unpaid, together with the amount of said unpaid standby charge plus penalty thereon.

31032.1.

A district may, pursuant to the notice, protest, and hearing procedures in Section 53753 of the Government Code, fix, as an alternative to the charge prescribed by Section 31031, in each fiscal year, water standby or availability assessments of not to exceed thirty dollars (\$30) per acre per year for each acre of land, or thirty dollars (\$30) per year for each parcel of land less than an acre within the district to which water is made available for any purpose by the district, whether the water is actually used or not, unless the standby charge is imposed pursuant to the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5 of the Government Code). The board of directors of a district that fixes the assessment may establish schedules varying the assessment according to the land uses and the degree of availability or quantity of use of water to the affected lands, and may restrict the assessment to lands lying within one or more improvement districts within the district. If the procedures set forth in this section as it read at the time a standby charge was established were followed, the board of directors may, by resolution, continue the charge pursuant to this section in successive years at the same rate. If new, increased, or extended assessments are proposed, the board shall comply with the notice, protest, and hearing procedures in Section 53753 of the Government Code.

A district may elect to have the assessments for the fiscal year collected on the tax roll in the same manner, by the same persons and at the same time as, together with and not separately from, its general taxes. In that event, it shall cause a written report to be prepared and filed with the secretary which report shall contain a description of each parcel of real property and the amount of the assessment for each parcel for the year.

31032.2.

The secretary shall cause notice of the filing of the report and of a time and place of hearing thereon to be published, pursuant to Section 6066 of the Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published within the district, if there is one and if not then in such paper printed and published in the county, and shall cause a notice in writing of the filing of the report to be mailed to each person to whom any parcel or parcels of real property described in such report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the secretary.

31032.3.

At the time stated in the notice, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. Upon the conclusion of the hearing, the board may adopt, revise, change, reduce or modify an assessment or overrule any or all

objections. The board shall make its determination upon each assessment as described in the report which determination shall be final. The board may make appropriate adjustments that may be necessary as a result of the equalization of the assessment roll subsequent to the filing of the report.

31032.4.

On or before the 10th day of August of each year following such final determination, the secretary shall file with the county auditor a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the board and the auditor shall enter the amounts of the assessment against the respective lots or parcels of land as they appear on the current assessment roll. If a district collects taxes pursuant to Chapter 3 (commencing with Section 31730), Part 7 of this division, the secretary shall file the report with the collector.

31032.5.

The amount of the assessments shall constitute a lien against the lot or parcel of land against which the assessment has been imposed as of noon on the first Monday in March immediately preceding the date of levy.

31032.6.

The county tax collector or district collector shall include the amount of the assessments on bills for taxes levied against the respective lots and parcels of land. Thereafter the amount of the assessments shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the district, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties. All laws applicable to the levy, collection and enforcement of general taxes of the district, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such assessments.

31032.7.

In the event a district does not elect to collect such assessments with the general taxes of the district, it may issue separate bills payable in the time and manner designated by the board.

31032.8.

A district may provide for a basic penalty of not more than 6 percent for nonpayment of the assessment within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the assessment and basic penalty. It may provide for collection of the penalties herein provided for.

31032.9.

Any district may make the election specified in Section 31032.1 with respect only to delinquent assessments and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies.

ATTACHMENT D

Notice of Public Hearing for Water Standby Charges

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Victorville Water District Board of Directors at its meeting on Tuesday, June 3, 2025 at 6:00 p.m., or as soon thereafter as the matter may be heard, in City Council Chambers, Victorville City Hall, 14343 Civic Drive, Victorville, California to hear arguments for and against determinations to fix, levy and collect water standby charges as set forth in the following resolutions:

RESOLUTION NO. VWD 25-006

A Resolution of the Board of Directors of the Victorville Water District making its determinations to fix, levy and collect standby charges for Water Improvement District Number One for Fiscal Year 2025-2026

RESOLUTION NO. VWD 25-007

A Resolution of the Board of Directors of the Victorville Water District making its determinations to fix, levy and collect standby charges for Water Improvement District Number Two for Fiscal Year 2025-2026

A WATER STANDBY ASSESSMENT REPORT (“Report”) has been prepared and filed with the District Secretary. The Report contains a description of each parcel of real property and the amount of the water standby charges for each parcel for the Fiscal Year 2025-2026. The Report is available for inspection on the City’s website at <https://www.victorvilleca.gov/government/legally-required-postings> or by calling the City Clerk’s office at (760) 955-5026.

Any person may appear at the public hearing in person and be heard on the proposed item. If you are unable, or do not desire to attend the public hearing, you may submit written comments in favor of or in opposition to the item to the City Clerk via email to cityclerk@victorvilleca.gov no later than 4:00 p.m. on June 3, 2025; or by mail, to City Clerk, 14343 Civic Drive, Victorville, CA 92392.

Any persons wishing to challenge the decision on the above item in court may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Victorville at, or prior to, the public hearing.

Publish: May 16, 2025
May 23, 2025

Jennifer Thompson

Jennifer Thompson, City Clerk