

ORDINANCE NO. 10-02

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
RAINBOW MUNICIPAL WATER DISTRICT
ESTABLISHING WATER AVAILABILITY CHARGES FOR ALL OF THE
RAINBOW MUNICIPAL WATER DISTRICT
IMPROVEMENT DISTRICT NO. 6**

WHEREAS, the increasing costs of importing water, in particular a Readiness to Serve Charge imposed upon the Rainbow Municipal Water District (the "District") by the Metropolitan Water District; and the need for continuing improvement, construction and reconstruction of the District's water storage, treatment and transmission facilities to insure a safe and continuing supply of water to the residents and taxpayers of the District must be met; and

WHEREAS, it is in the best interests of the District that, in addition to taxes and water revenues, certain monies be raised through the imposition of Readiness to Serve Water Service standby availability charges on certain lands within Improvement District No. 6 of the District, whether or not water service is actually being used thereon, and

WHEREAS, such charges are specifically authorized by the Municipal Water District Law of 1911; and

WHEREAS, the Board of Directors ("Board") of the District has previously ordered the formation of an improvement district designated as Improvement District No. 6 of Rainbow Municipal Water District ("Improvement District No. 6") for the purpose of establishing water service standby or availability charges for water and water delivery availability and readiness to serve charges collected from all lands within the District which, when added to rates and charges for water service and capital facility charges collected from newly developing lands within the District, will produce revenues sufficient to meet the cost of importing water as well as ensuring future availability of water supplies to serve the District and to finance the construction and reconstruction of water facilities; and

WHEREAS, a duly noticed public hearing was held by the Board on May 25, 2010, to hear and consider all objections or protests to said readiness to serve water service standby availability charge for Improvement District No. 6, at which time all persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF RAINBOW MUNICIPAL WATER DISTRICT AS FOLLOWS:

1. The Board of Directors hereby finds and determines that readiness to serve water availability service is made available by the District to all lands within Improvement District No. 6, and hereby establishes readiness to serve water service standby assessments or availability charges which shall be assessed against all such lands whether water service is actually presently utilized on such lands or not.
2. The water availability charges hereby established in said Improvement District No. 6 for the fiscal year commencing July 1, 2010, and ending June 30, 2011, shall be as follows:

Four Dollars and Ninety-One Cents (\$4.91) per acre per year for each acre of land within Improvement District No. 6.

Four Dollars and Ninety-One Cents (\$4.91) per year for each parcel of land of less than one acre within Improvement District No. 6.

3. The officers of this District shall, on or before August 1, 2010, furnish in writing to the Board of Supervisors of San Diego County and to the San Diego County Auditor-Controller, a description of each parcel of land within said District upon which said readiness to serve water availability charge is to be levied and collected for the fiscal year 2010-11, together with the amount of water availability charge fixed on each parcel of land.
4. The Board of Directors, pursuant to Section 71635 of the Municipal Water District Law of 1911, hereby directs the Board of Supervisors of the County to levy, in addition to any other taxes it levies, the readiness to serve water service availability charge in the amounts of the respective parcels as fixed by the Board of Directors.
5. Certified copies of this Ordinance shall be delivered to the Board of Supervisors of the County of San Diego and to said County Auditor-Controller by the Clerk of the Board of this District.
6. The President of the Board of Directors shall sign this ordinance and the Clerk of the Board of Directors shall attest thereto and shall within fifteen days of its adoption cause it or a summary of it to be published in a newspaper of general circulation; and thereupon and thereafter this ordinance shall take effect and be in force upon the effective date of the resolution ordering the formation of Improvement District No. 6 pursuant to California Water Code Section 72014.
7. Ordinance No. 09-07 is hereby canceled.

Adopted this 25th day of May 2010.

AYES: Directors Griffiths, Lucy, McManigle, Petty, and Walson
NOES: None
ABSENT: None
ABSTAIN: None

Rua Petty, Board President

ATTEST:

Dawn Washburn, Board Secretary

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CERTIFICATION

I, Dawn Washburn, Clerk of the Board of the Board of Directors of the Rainbow Municipal Water District, hereby certify that the foregoing ordinance was regularly introduced and adopted by the Board of Directors of the Rainbow Municipal Water District at a regular meeting thereof held on the 25th day of May, 2010, by the following vote.

AYES: Directors Griffiths, Lucy, McManigle, Petty, and Walson
NOES: None
ABSENT: None
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set by hand and affixed the official seal of the Rainbow Municipal Water District, this 25th day of May 2010.

Clerk of the Board
Rainbow Municipal Water District