

RESOLUTION NO. 88-23
OF THE AMADOR COUNTY WATER AGENCY
AMENDING THE AMADOR WATER SYSTEM
WATER SERVICE REGULATIONS, RATES AND
RULES CONCERNING PARTICIPATION CHARGES
FOR SCHEDULES H, R-1 AND R-2, AND CONCERNING
THE PAYMENT OF CONNECTION CHARGES AND THE
MAINLINE EXTENSION RULE

WHEREAS, on March 27, 1985, the Board of Directors of the Amador County Water Agency ("Water Agency") adopted administrative rules and regulations governing water service for the Amador Water System ("Rules");

WHEREAS, the Water Agency Board of Directors now desires to clarify the Rules respecting the time for payment of connection charges, as set forth in Schedule G, and the mainline extension provisions, as set forth in Rule 10;

WHEREAS, the Water Agency Board of Directors also desires to adjust the participation charges in Schedule H and to amend Schedules R-1 and R-2 to include participation charges;

WHEREAS, the Water Agency commissioned a study of the impacts of contemplated future development within the Amador Water System service areas on existing System water facilities, along with an analysis of the need for new water facilities and improvements required by the new development, and said study set forth the relationship between the new development, the needed facilities, and the estimated costs of those improvements. The study is entitled "Participation Fee Study", was prepared by Leedshill/Herkenhoff, Inc., is dated December, 1988, and is on file with the Water Agency;

WHEREAS, this study was the subject of a workshop of the Water Agency Board of Directors on November 28, 1988, and a

public hearing of the Board of Directors on December 8, 1988, at which times the Board of Directors received comments on such study;

WHEREAS, the Board of Directors has reviewed and considered those comments and has revised the study;

WHEREAS, the Board of Directors now finds as follows:

A. The purpose of the proposed participation charges for Schedules H, R-1 and R-2 of the Rules is to finance the water facility improvements described in Chapter 4 of the study, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference. Such facilities are needed to reduce the impacts on the Amador Water System caused by contemplated future development within the service areas of the Amador Water System.

B. The proposed participation charges collected pursuant to this resolution shall be used and are needed to finance the water facilities described or identified in Chapter 4 of the study, and will not be used for general revenue purposes.

C. After considering the study and analysis prepared by Leedshill/Herkenhoff, Inc., and the comments, both oral and written, received by the Water Agency, the Board of Directors approves said study, as revised, and incorporates such herein, and further finds that the new development within the Amador Water System service areas will generate additional demands for water requiring new public facilities to meet such demands.

D. There is a need within the Amador Water System service areas for the proposed water facility improvements described in Chapter 4 of the study for which the contemplated new development must contribute its fair share towards the costs of said facility improvements.

E. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development described in the study, for which the corresponding participation charges are imposed, and there is a reasonable relationship between the charge's use and the type of development for which the charges are imposed, as these reasonable relationships or nexes are in more detailed described in the study.

F. The cost estimates set forth in the study are reasonable cost estimates for constructing the described facilities, and the proposed participation charges expected to be generated by the anticipated new development will not exceed the total of these costs.

NOW, THEREFORE, it is hereby resolved by the Board of Directors of the Amador County Water Agency as follows:

SECTION ONE:

The first sentence under "Applicability" in Schedule No. G of the Rules is hereby amended to read as follows:

The Agency shall collect a connection charge from the applicant at the time provided in Rule No. 3.

The last paragraph of Schedule No. G is hereby deleted.

SECTION TWO:

The first sentence of Section B of Rule 10 of the Rules shall be amended to read as follows:

Any person requesting water service beyond the existing water system shall apply to the Agency for a mainline extension agreement (hereafter such person shall be referred to as "developer").

All references in Rule 10 to "applicant" shall be changed to "developer".

Section E of Rule 10 shall be amended to read as follows:

E. Payment for Extension

The developer shall pay all costs of materials and installation of the mainline extension, including service lines, fittings, valves and fire hydrants and the necessary transmission lines to connect the new facilities to the water system including any off-tract facilities required to make water available to the developer's project. In any case where the Agency desires the installation of facilities larger than that necessary to adequately serve the developer's project, the Agency and developer shall provide for such installation and the payment of the costs therefor in the mainline extension agreement.

Section J, concerning reimbursement for extensions, of Rule No. 10 of the Rules is hereby deleted; and Section K, concerning extensions to ditch systems, of Rule No. 10 of the Rules is hereby relettered Section J.

SECTION THREE:

Section C, concerning charges for service connections, of Rule No. 11 of the Rules is hereby amended to read as follows:

C. Charges for Service Connections

The customer shall pay a connection charge at the time and in the manner provided in Rule No. 3 concerning water service applications.

SECTION FOUR:

Schedule No. H of the Rules is hereby amended to read as follows:

SCHEDULE NO. H

PARTICIPATION CHARGE

The Agency shall collect participation charges from applicants for water service and subdividers at the time and in the manner provided in Rule Nos. 3 and 27, concerning applications for water service and will serve commitments, respectively. The participation charges for raw water and treated water service shall be in accordance with the schedules set forth below:

RAW WATER SERVICE

<u>METER SIZE</u>	PARTICIPATION FEE COMMENCING ON DATE SHOWN					
	November 28 <u>1988</u>	June 1 <u>1989</u>	January 1 <u>1990</u>	June 1 <u>1990</u>	January 1 <u>1991</u>	June 1 <u>1991</u>
5/8 x 3/4"	\$250	\$375	\$435	\$495	\$515	\$535
3/4"	\$375	\$563	\$653	\$743	\$773	\$803
1"	\$625	\$938	\$1,088	\$1,238	\$1,288	\$1,338
1-1/2"	\$1,250	\$1,875	\$2,175	\$2,475	\$2,575	\$2,675
2"	\$2,000	\$3,000	\$3,480	\$3,960	\$4,120	\$4,280
3"	\$3,750	\$5,625	\$6,525	\$7,425	\$7,725	\$8,025
4"	\$6,250	\$9,375	\$10,875	\$12,375	\$12,875	\$13,375
6"	\$12,500	\$18,750	\$21,750	\$24,750	\$25,750	\$26,750
8"	\$20,000	\$30,000	\$34,800	\$39,600	\$41,200	\$42,800
10"	\$28,750	\$43,125	\$50,025	\$56,925	\$59,225	\$61,525
12"	\$53,750	\$80,625	\$93,525	\$106,425	\$110,725	\$115,025

TREATED WATER SERVICE

<u>METER SIZE</u>	PARTICIPATION FEE COMMENCING ON DATE SHOWN					
	November 28 <u>1988</u>	June 1 <u>1989</u>	January 1 <u>1990</u>	June 1 <u>1990</u>	January 1 <u>1991</u>	June 1 <u>1991</u>
5/8 x 3/4"	\$1,000	\$1,400	\$1,600	\$1,800	\$1,880	\$1,920
3/4"	\$1,500	\$2,100	\$2,400	\$2,700	\$2,820	\$2,880
1"	\$2,500	\$3,500	\$4,000	\$4,500	\$4,700	\$4,800
1-1/2"	\$5,000	\$7,000	\$8,000	\$9,000	\$9,400	\$9,600
2"	\$8,000	\$11,200	\$12,800	\$14,400	\$15,040	\$15,360
3"	\$15,000	\$21,000	\$24,000	\$27,000	\$28,200	\$28,800
4"	\$25,000	\$35,000	\$40,000	\$45,000	\$47,000	\$48,000
6"	\$50,000	\$70,000	\$80,000	\$90,000	\$94,000	\$96,000
8"	\$80,000	\$112,000	\$128,000	\$144,000	\$150,400	\$153,600
10"	\$115,000	\$161,000	\$184,000	\$207,000	\$216,200	\$220,800
12"	\$215,000	\$301,000	\$344,000	\$387,000	\$404,200	\$412,800

The participation charges for a condominium, townhouse, apartment or similar type multiple dwelling unit shall be a percentage of the charge applicable to a customer using a 5/8 x 3/4 inch meter depending on the number of bedrooms per unit. The percentages are:

<u>No. of Bedrooms per Unit</u>	<u>Percentage</u>
Unit of 3 bedrooms or more	100%
Unit of 2 bedrooms	90%
Unit of 1 bedroom	80%

The participation charges for manufactured homes in a manufactured home park shall be a percentage of the charge applicable to a customer using a 5/8 x 3/4 inch meter depending on the number of manufactured homes per acre. The percentages are:

<u>No. of Dwelling Units in Park</u>	<u>Percentage</u>
1 to 4 dwelling units per acre	100%
5 or 6 dwelling units per acre	90%
7 or 8 dwelling units per acre	80%
9 or more dwelling units per acre	70%

SECTION FIVE:

Schedule No. R-1, entitled "Resale Service - Treated Water", of the Rules shall be amended to add a section on participation charges, which shall read as follows:

PARTICIPATION CHARGES

Participation charges shall be calculated and paid in accordance with the following procedure:

The wholesale customer shall pay the Water Agency participation charges for (1) each meter

installed on or after December 22, 1988, for premises not previously served water within the service areas supplied water by the wholesale customer, and (2) each larger meter installed on or after December 22, 1988, for premises previously served water within the service areas supplied water by the wholesale customer. The participation charges for each such meter shall be in accordance with the table in Schedule H for treated water service.

The payment shall be made within thirty (30) days of the date that a certificate of occupancy is issued for the premises for which the meter was installed, or within thirty (30) days of the date that the meter is installed if a certificate of occupancy is not issued for the subject premises. The participation charges to be paid shall be those in effect on the date of the issuance of the certificate of occupancy or on the date that the meter is installed, if a certificate of occupancy is not issued for the subject premises. Interest shall accrue on any late payment at the legal rate then prevailing.

SECTION SIX:

Schedule No. R-2, entitled "Resale Service - Untreated Water", of the Rules is hereby amended to add a section on participation charges, which shall read as follows:

PARTICIPATION CHARGES

Participation charges shall be calculated and paid in accordance with the following procedure:

The wholesale customer shall pay the Water Agency participation charges for (1) each meter

installed on or after December 22, 1988, for premises not previously served water within the service areas supplied water by the wholesale customer, and (2) each larger meter installed on or after December 22, 1988, for premises previously served water within the service areas supplied water by the wholesale customer. The participation charges for each such meter shall be in accordance with the table in Schedule H for raw water service.

The payment shall be made within thirty (30) days of the date that a certificate of occupancy is issued for the premises for which the meter was installed, or within thirty (30) days of the date that the meter is installed if a certificate of occupancy is not issued for the subject premises. The participation charges to be paid shall be those in effect on the date of the issuance of the certificate of occupancy or on the date that the meter is installed, if a certificate of occupancy is not issued for the subject premises. Interest shall accrue on any late payment at the legal rate then prevailing.

SECTION SEVEN:

To the extent that the terms and provisions of this resolution may be inconsistent or in conflict with the terms and conditions of any prior Agency resolution, rule or regulation governing the same subject, the terms of this resolution shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior resolutions, rules or regulations are hereby repealed.

SECTION EIGHT:

If any provision of this resolution or application thereof to any person or circumstance is held invalid, no other provision of this resolution shall be affected thereby.

SECTION NINE:

This resolution, the administrative rules changes and amendments contained herein, and the participation charges described in Schedule Nos. H, R-1 and R-2 shall take effect upon adoption, and shall apply to all applications for water service or will serve commitments received on or after November 28, 1988.

SECTION TEN:

With respect to the administrative rule changes found in Sections 1 through 6 hereof, the Water Agency Board finds that the adoption of those rule changes does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Sections 21000 et seq.) or its implementing Guidelines (14 Cal.Admin.Code Sections 15000, et seq.) ("CEQA Guidelines"). The Water Agency Board further finds that the adoption of those sections falls within the activities described in Section 15378(b)(3) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of those sections were a "project" for purposes of CEQA, the Water Agency Board finds that such adoption is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The Water Agency Board finds that it can be seen with certainty that there is no possibility that the adoption of those sections and the approval of the rule changes and amendments contained therein may have a significant effect on the environment.

The modification, restructuring, and addition of the participation charges found in Schedule Nos. H, R-1 and R-2 are, among other things, for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas of the Amador Water System, and to meet financial reserve needs and requirements. The Water Agency Board therefore finds that the adoption of such participation charges is exempt from application of CEQA pursuant to Section 21080(b)(8) of the California Public Resources Code. The President of the Water Agency Board is authorized to execute the Report on Review for CEQA Exemptions; and the General Manager of the Water Agency is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador County Water Agency at a regular meeting held on December 22, 1988, by the following roll call vote:

AYES: Keith H. Mace, Thomas F. Bailey, G. Leslie Miller,
Paul Scott

NOES:

ABSENT: David Seppi

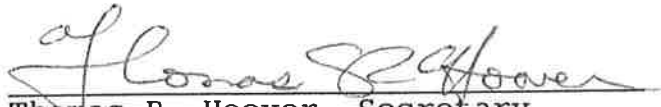
ABSTAIN:

Signed and approved by me after its passage this 22nd day of December, 1988.



G. Leslie Miller, President
Board of Directors

ATTEST:

A handwritten signature in cursive script that reads "Thomas R. Hoover". The signature is written in dark ink and is positioned above a horizontal line.

Thomas R. Hoover, Secretary
Board of Directors

**RESOLUTION NO. 99-15
OF THE BOARD OF DIRECTORS OF THE
AMADOR WATER AGENCY ADOPTING TREATED WATER
PARTICIPATION FEES FOR THE AMADOR WATER SYSTEM**

WHEREAS, development is occurring with the Amador Water Agency's Amador Water System ("AWS") service area;

WHEREAS, the Amador Water Agency ("Agency") commissioned a study to review the AWS participation fees for treated water service, both wholesale and retail, to reflect the current cost of providing water system capacity for new development;

WHEREAS, the study commissioned by the Agency was prepared by Reed Consulting Group;

WHEREAS, the study is entitled Amador Water Agency Participation Fee Study ("Study"), is on file with the Agency, and has been available for public inspection and review more than fourteen days prior to the date of the public hearing on the proposed AWS treated water participation fees;

WHEREAS, the Study evaluates the current value of AWS water system assets in order to determine a capacity charge for new customers that bears a reasonable relationship to what similarly situated existing customers have paid for such system;

WHEREAS, the Study was the subject of a public hearing of the Board of Directors of the Agency on May 13, 1999, and at which time the Board of Directors received comments on the

Study;

WHEREAS, the Board of Directors reviewed and considered those comments and reviewed the Study;

WHEREAS, the Board of Directors finds as follows:

- A. The revised AWS participation fees for treated water service, both retail and wholesale, reflect the cost of providing capacity in the AWS to serve the anticipated demands of new customers, reflect the new customers' proportionate share of the financial investment in the existing AWS, and do not exceed the estimated reasonable cost of providing the service for which the fee is imposed.
- B. The AWS treated water participation fees collected pursuant to this Resolution shall be used to finance water facilities needed to serve new, as well as existing, development within the AWS service area, and will not be used for general revenue purposes.

WHEREAS, the Agency desires to adopt revised AWS participation fees for treated wholesale and retail service;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Amador Water Agency as follows:

SECTION ONE. TREATED WATER SERVICE PARTICIPATION FEES.

The participation fees for treated water service set forth in Schedule H of the Amador Water System Rules and Regulations are hereby revised as follows:

<u>Meter Size</u>	<u>Treated Retail Participation Fee</u>	<u>Treated Wholesale Participation Fee</u>
5/8" Meter	\$3,940.00	\$2,180.00
3/4" Meter	\$5,910.00	\$3,270.00
1" Meter	\$9,850.00	\$5,450.00
1-1/2" Meter	\$19,700.00	\$10,900.00
2" Meter	\$31,520.00	\$17,440.00
3" Meter	\$63,040.00	\$34,880.00
4" Meter	\$98,500.00	\$54,500.00
6" Meter	\$197,000.00	\$109,000.00
8" Meter	\$354,600.00	\$196,200.00
10" Meter	\$571,300.00	\$316,100.00
12" Meter	\$847,100.00	\$468,700.00

SECTION TWO. INCONSISTENT PROVISIONS.

To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms and conditions of any prior Agency resolution, ordinance, rule or regulation governing the same subject, the terms of this Resolution shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior resolutions, ordinances, rules or regulations are hereby repealed.

SECTION THREE. INVALIDITY.

If any provision of this Resolution or application thereof to any person or circumstance is held invalid, no other provision of this Resolution shall be affected thereby.

SECTION FOUR. EFFECTIVE DATE.

This Resolution, and the AWS treated water participation fees set forth herein, shall take effect sixty (60) days from adoption.

SECTION FIVE. CEQA FINDINGS.

The Board of Directors finds that it can be seen with certainty that there is no possibility that the imposition of the treated water participation fees established herein may have a significant effect on the environment, and that therefore, adoption of this Resolution revising the treated water participation fees is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations; and the Board hereby authorizes its President to execute the Report on Review of CEQA Exemptions, and authorizes the General Manager to prepare and file a Notice of Exemption consistent with these findings.

SECTION SIX. JUDICIAL ACTION TO CHALLENGE THIS RESOLUTION.

Any judicial action or proceeding to attack, review, set aside, void or annul this

Resolution and the participation fees established herein shall be brought within 120 days after the effective date of this Resolution.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a regular meeting held on this 13th day of May, 1999, by the following vote:

AYES: *Bardin, Forster, Scott, Moore + Hamann*

NOES: *None*

ABSENT: *None*

ABSTAIN: *None*

Signed and approved by me after its passage this 13th day of May, 1999.

By: *Bill Bardin*
Bill Bardin, President
Board of Directors

ATTEST:

Kimberly A. Toma
Kimberly A. Toma
Clerk of the Board of Directors

RESOLUTION NO. 2000-18
OF THE BOARD OF DIRECTORS OF THE
AMADOR WATER AGENCY ADOPTING UNTREATED WATER
PARTICIPATION FEES FOR THE AMADOR WATER SYSTEM

WHEREAS, development is occurring within the Amador Water Agency's Amador Water System ("AWS") service area;

WHEREAS, the Amador Water Agency ("Agency") commissioned a study to review the AWS participation fees for untreated water service to reflect the current cost of providing water system capacity for new development;

WHEREAS, the study commissioned by the Agency was prepared by Reed Consulting Group;

WHEREAS, the study is entitled Amador Water Agency Participation Fee Study ("Study"), is on file with the Agency, and has been available for public inspection and review more than fourteen days prior to the date of the public hearing on the proposed AWS untreated water participation fees;

WHEREAS, the Study evaluates the current value of AWS water system assets in order to determine a capacity charge for new customers that bears a reasonable relationship to what similarly situated existing customers have paid for such system;

WHEREAS, the Study was the subject of a public hearing of the Board of Directors of the Agency on May 13, 1999, and at which time the Board of Directors received and considered comments on the Study;

WHEREAS, the proposed revised untreated water service participation fees as outlined in the Study were the subject of a public hearing of the Agency Board of Directors on July 13, 2000, at which time said Board heard and considered comments on the proposed fees;

WHEREAS, the Board of Directors finds as follows:

- A. The revised AWS participation fees for untreated water service reflect the cost of providing capacity in the AWS to serve the anticipated demands of new customers, reflect the new customers' proportionate share of the financial investment in the existing AWS, and do not exceed the estimated reasonable cost of providing the service for which the fee is imposed.
- B. The AWS untreated water service participation fees collected pursuant to this Resolution shall be used to finance water facilities needed to serve new, as well as existing, development within the AWS service area, and will not be used for general revenue purposes.

WHEREAS, the Agency Board of Directors now desires to adopt the revised AWS

participation fees for untreated water service as outlined in the Study;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Amador Water Agency as follows:

SECTION ONE. UNTREATED WATER SERVICE PARTICIPATION FEES.

The participation fees for untreated water service set forth in Schedule AW-11 of the Amador Water Agency Water Service Rates and Charges are hereby revised as follows:

Meter Size	Untreated Water Participation Fee
5/8" meter	\$ 1,170.00
3/4" meter	\$ 1,755.00
1" meter	\$ 2,925.00
1-1/2" meter	\$ 5,850.00
2" meter	\$ 9,360.00
3" meter	\$ 18,720.00
4" meter	\$ 29,250.00
6" meter	\$ 58,500.00
8" meter	\$ 105,300.00
10" meter	\$ 169,650.00
12" meter	\$ 251,550.00

SECTION TWO. INCONSISTENT PROVISIONS.

To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms and conditions of any prior Agency resolution, ordinance, rule or regulation governing the same subject, the terms of this Resolution shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior resolutions, ordinances, rules or regulations are hereby repealed.

SECTION THREE. INVALIDITY.

If any provision of this Resolution or application thereof to any person or circumstance is held invalid, no other provision of this Resolution shall be affected thereby.

SECTION FOUR. EFFECTIVE DATE.

This Resolution, and the AWS untreated water participation fees set forth herein, shall take effect sixty (60) days from adoption.

SECTION FIVE. CEQA FINDINGS.

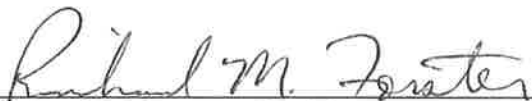
The Board of Directors finds that it can be seen with certainty that there is no possibility that the imposition of the untreated water participation fees established herein may have a significant effect on the environment, and that therefore, adoption of this Resolution revising the untreated water participation fees is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations; and the Board hereby authorizes its President to execute the Report on Review of CEQA Exemptions, and authorizes the General Manager to prepare and file a Notice of Exemption consistent with these findings.

SECTION SIX. JUDICIAL ACTION TO CHALLENGE THIS RESOLUTION.

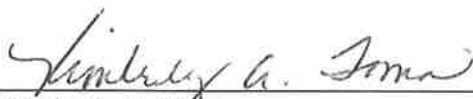
Any judicial action or proceeding to attack, review, set aside, void or annul this Resolution and the participation fees established herein shall be brought within 120 days after the effective date of this Resolution.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a regular meeting held on this 13th day of July, 2000, by the following vote:

AYES: Directors Richard M. Forster, Heinz H. Hamann, Paul E. Scott, Bill Bardin and Terence W. Moore
NOES: None
ABSENT: None
ABSTAIN: None


Richard M. Forster, President
Board of Directors

ATTEST:


Kimberly A. Toma
Clerk of the Board of Directors

**RESOLUTION NO. 2004-30
OF THE BOARD OF DIRECTORS OF THE
AMADOR WATER AGENCY ADOPTING REVISED TREATED
AND UNTREATED WATER PARTICIPATION FEES FOR THE
AMADOR WATER SYSTEM**

WHEREAS, on March 31, 2004, the Board of Directors of the Amador Water Agency (“Agency”) adopted Resolution No. 2004-21, regarding revised treated and untreated water participation fees for the Amador Water System (“AWS”) which fees were to be effective July 1, 2004;

WHEREAS, the adopted AWS treated and untreated water participation fees (hereinafter collectively referred to as the “AWS Participation Fees”) were based on the Amador Water Agency Amador Water System Financial Plan and Rate/Fee Study, Revised Draft Report, dated January 22, 2004 (“AWS Financial Plan”), and prepared by The Reed Group, Inc.;

WHEREAS, as the AWS Financial Plan provides, the AWS Participation Fees are based on the system buy-in methodology, utilizing the value of the current AWS assets;

WHEREAS, in determining the recommended AWS Participation Fees, the AWS Financial Plan included East Bay Municipal Utility District’s agreed-upon contribution of \$4.5 million to the Amador Water System Transmission Project (“AWS Transmission Project”) as an asset to be factored into the calculation of the appropriate participation fees; and

WHEREAS, on April 21, 2004, the Agency received an April 21, 2004 letter from Mary U. Akens, attorney for Protect The Historic Amador Waterways, claiming that until Agency compliance with the recent decision of the Third District Court of Appeal in *Protect The Historic Amador Waterways v. Amador Water Agency*, the Agency could not include the AWS Transmission Project in the calculation of AWS Participation Fees.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Agency as follows:

SECTION ONE. FINDINGS.

The Board of Directors of the Agency hereby finds as follows:

A. The AWS Transmission Project was not included in the determination of the appropriate AWS Participation Fees, as presented in the AWS Financial Plan, or as part of the AWS Participation Fees adopted by the Board of Directors of the Agency pursuant to Resolution No. 2004-21, except that the aforesaid EBMUD contribution was included in the determination.

B. The Agency staff asked the Agency's financial consultant, Robert Reed of The Reed Group, Inc., to evaluate the appropriate AWS Participation Fees excluding the EBMUD contribution; and Mr. Reed presented such evaluation to the Board of Directors of the

Agency at its special meeting of this day, April 30, 2004, and recommended revised AWS Participation Fees excluding such contribution.

C. On the basis of its financial consultant’s evaluation, the Board of Directors of the Agency finds and determines that it is appropriate at this time to revise the AWS Participation Fees to reflect the exclusion of the EBMUD contribution.

D. Except as provided herein, the Board of Directors of the Agency hereby reaffirms and incorporates herein the findings set forth in Resolution No. 2004-21.

SECTION TWO. TREATED AND UNTREATED WATER SERVICE PARTICIPATION FEES.

The revised participation fees for untreated and treated water service set forth below are hereby adopted and shall be set forth in Schedule AW-11 of the Amador Water System Rules and Regulations.

Meter Size	Treated Retail Participation Fee	Treated Wholesale Participation Fee	Untreated Retail Participation Fee
5/8"	\$ 4,370	\$ 2,480	\$ 1,340
3/4"	\$ 6,555	\$ 3,720	\$ 2,010
1"	\$ 10,925	\$ 6,200	\$ 3,350
1 1/2"	\$ 21,850	\$ 12,400	\$ 6,700
2"	\$ 34,960	\$ 19,840	\$ 10,720
3"	\$ 69,920	\$ 39,680	\$ 21,440
4"	\$ 109,250	\$ 62,000	\$ 33,500
6"	\$ 218,500	\$ 124,000	\$ 67,000
8"	\$ 393,300	\$ 223,200	\$ 120,600
10"	\$ 633,650	\$ 359,600	\$ 194,300
12"	\$ 939,550	\$ 533,200	\$ 288,100

The participation fee for each condominium, townhouse, apartment or similar type multiple dwelling unit, for each manufactured home in a manufactured home park, and for commercial, industrial or other similar uses shall be in accordance with their proportionate impact upon the water system, and in accordance with Section 2.06(h) of the Agency Water Code. With respect thereto, an equivalent dwelling unit (“EDU”) shall be charged the participation fee for a 5/8” meter. An EDU is equivalent to the water requirements of a single family residence or 375 gallons per day on average.

In addition, the proposed participation fees for a condominium, townhouse, apartment or similar type multiple dwelling unit shall be a percentage of the charge applicable to a customer using a 5/8” meter depending on the number of bedrooms per unit. The percentages are:

<u>Bedrooms per Unit</u>	<u>Percentage</u>
3 or more	100%
2	90%
1	80%

The proposed participation fees for a manufactured home in a manufactured home park shall be a percentage of the charge applicable to a customer using a 5/8” meter depending on the number of manufactured homes per acre. The percentages are:

<u>Dwelling Units Per Acre</u>	<u>Percentage</u>
1 to 4	100%
5 or 6	90%
7 or 8	80%
9 or more	70%

SECTION THREE. INCONSISTENT PROVISIONS.

To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms and conditions of any prior Agency resolution, ordinance, rule or regulation governing the same subject, the terms of this Resolution shall prevail with respect to the subject matter thereof, and such inconsistent and conflicting provisions of prior resolutions, ordinances, rules or regulations are hereby repealed.

SECTION FOUR. INVALIDITY.

If any provision of this Resolution or application thereof to any person or circumstance is held invalid, no other provision of this Resolution shall be affected thereby.

SECTION FIVE. EFFECTIVE DATE.

This Resolution, and the AWS Participation Fees set forth herein, shall take effect July 1, 2004.

SECTION SIX. CEQA FINDINGS.

The modification and revision of the above fees are, among other things, for the purpose of continuing to provide funds to meet the costs of operating, maintaining and replacing the water system within the Amador Water System, providing funding for capital projects necessary to maintain service within the existing service areas, and meeting financial reserve needs and requirements. The Board therefore finds that the adoption of this Resolution is exempt from application of the California Environmental Quality Act pursuant to Section 21080(b)(8) of the
10/R042904sak

California Public Resources Code. The Board of Directors further finds that it can be seen with certainty that there is no possibility that the imposition of the AWS Participation Fees established herein may have a significant effect on the environment and that therefore, adoption of this Resolution revising the AWS Participation Fees is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations; and the Board hereby authorizes its President to execute a Report on Review of CEQA Exemptions, and authorizes the General Manager to prepare and file a Notice of Exemption consistent with these findings.

SECTION SEVEN. JUDICIAL ACTION TO CHALLENGE THIS RESOLUTION.

Any judicial action or proceeding to attack, review, set aside, void or annul this Resolution and the participation fees established herein shall be brought within 120 days after the effective date of this Resolution.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a special Board meeting held on this 30th day of April, 2004, by the following vote:

AYES: Directors John P. Swift, Heinz H. Hamann, Terence W. Moore and Dan Brown

NOES: None

ABSENT: Director Michael A. Johnson

ABSTAIN: None

Signed and approved by me after its passage this 30th day of April, 2004.



John P. Swift, President
Board of Directors

ATTEST:



Kimberly A. Toma
Clerk of the Board of Directors

RESOLUTION NO. 2005-71
OF THE BOARD OF DIRECTORS OF THE
AMADOR WATER AGENCY ADOPTING REVISED TREATED
AND UNTREATED WATER PARTICIPATION FEES FOR THE
AMADOR WATER SYSTEM

WHEREAS, development is occurring within the Amador Water Agency's Amador Water System ("AWS") service area;

WHEREAS, the Amador Water Agency ("Agency") commissioned a study to review the AWS participation fees for untreated water service and treated water service, both wholesale and retail, to reflect the current cost of providing water system capacity for new development;

WHEREAS, the study commissioned by the Agency was prepared by The Reed Group, Inc. in 2004, and is entitled Amador Water System Financial Plan and Rate/Fee Study ("Study");

WHEREAS, since 2004, Agency staff has updated the Study based on more current information ("Updated Materials");

WHEREAS, the Study and the Updated Materials are on file with the Agency, and have been available for public review and inspection for more than fourteen days prior to the public meeting on the proposed AWS untreated and treated water participation fees;

WHEREAS, the Study and Updated Materials evaluate the current value of AWS water system assets in order to determine a capacity charge for new customers that bears a reasonable relationship to what similarly situated existing customers have paid for such system;

WHEREAS, the Study and Updated Materials, along with the proposed participation fees, were the subject of a public meeting of the Board of Directors of the Agency on December 8, 2005, at which the Board of Directors received comments;

WHEREAS, the Board of Directors has reviewed and considered the Study and the Updated Materials, and the comments thereon on and on the proposed AWS participation fees;

WHEREAS, the Board of Directors finds as follows:

A. The revised AWS participation fees for untreated water service and treated water service, both retail and wholesale, reflect the cost of providing capacity in the AWS to serve the anticipated demands of new customers, reflect the new customers' proportionate share of the financial investment in the existing AWS, and do

10/R1201052sak

not exceed the estimated reasonable cost of providing the service for which the fee is imposed;

B. The AWS untreated and treated water participation fees collected pursuant to this Resolution shall be used to finance water facilities needed to serve new, as well as existing, development within the AWS service area, and will not be used for general revenue purposes; and

WHEREAS, the Agency desires to adopt revised AWS participation fees for untreated water service and treated wholesale and retail water service.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Amador Water Agency as follows:

SECTION ONE. TREATED AND UNTREATED WATER SERVICE PARTICIPATION FEES.

The revised participation fees for untreated and treated water service set forth below are hereby adopted and shall be set forth in Schedule AW-11 of the Agency Water Code.

Meter Size	Treated Retail Participation Fee	Treated Wholesale Participation Fee	Untreated Retail Participation Fee
5/8"	\$6,870.00	\$5,010.00	\$3,210.00
3/4"	\$10,305.00	\$7,515.00	\$4,815.00
1"	\$17,175.00	\$12,525.00	\$8,025.00
1 1/2"	\$34,350.00	\$25,050.00	\$16,050.00
2"	\$54,960.00	\$40,080.00	\$25,680.00
3"	\$109,920.00	\$80,160.00	\$51,360.00
4"	\$171,750.00	\$125,250.00	\$80,250.00
6"	\$343,500.00	\$250,500.00	\$160,500.00
8"	\$618,300.00	\$450,900.00	\$288,900.00
10"	\$996,150.00	\$726,450.00	\$465,450.00
12"	\$1,477,050.00	\$1,077,150.00	\$690,150.00

The participation fee for each condominium, townhouse, apartment or similar type multiple dwelling unit, for each manufactured home in a manufactured home park, and for commercial, industrial or other similar uses shall be in accordance with their proportionate impact upon the water system, and in accordance with Section 2.06(h) of the Agency Water Code. With respect thereto, an equivalent dwelling unit ("EDU") shall be charged the participation fee for a 5/8" meter. An EDU is equivalent to the water requirements of a single family residence or 375 gallons per day on average.

In addition, the participation fees for a condominium, townhouse, apartment or similar type multiple dwelling units shall be a percentage of the charge applicable to a customer using a 5/8" meter depending on the number of bedrooms per unit. The

10/R1201052sak

percentages are:

<u>Bedrooms per Unit</u>	<u>Percentage</u>
3 or more	100%
2	90%
1	80%

The participation fees for a manufactured home in a manufactured home park shall be a percentage of the charge applicable to a customer using a 5/8" meter depending on the number of manufactured homes per acre. The percentages are:

<u>Dwelling Units Per Acre</u>	<u>Percentage</u>
1 to 4	100%
5 or 6	90%
7 or 8	80%
9 or more	70%

To account for escalating construction costs, the AWS Participation Fees shall be adjusted annually on July 1 of each year, beginning July 1, 2006, based on the change in the inflation index referenced below for the prior July 1 to June 1 period. The inflation factor used for this adjustment shall be that listed in the Engineering News-Record Construction Cost Index, 20-Cities Average, as this index historically represents a reasonable relationship to the cost increases experienced by the Agency due to inflation.

SECTION TWO. INCONSISTENT PROVISIONS.

To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms and conditions of any prior Agency resolution, ordinance, rule or regulation governing the same subject, the terms of this Resolution shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior resolutions, ordinances, rules or regulations are hereby repealed.

SECTION THREE. INVALIDITY.

If any provision of this Resolution or application thereof to any person or circumstance is held invalid, no other provision of this Resolution shall be affected thereby.

SECTION FOUR. EFFECTIVE DATE.

10/R1201052sak

This Resolution, and the AWS untreated and treated water participation fees set forth herein, shall take effect on December 8, 2005.

SECTION FIVE. CEQA FINDINGS.

The Board of Directors finds that it can be seen with certainty that there is no possibility that the imposition of the untreated and treated water participation fees established herein may have a significant effect on the environment, and that therefore, adoption of this Resolution revising the treated and untreated water participation fees is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations; and the Board hereby authorizes its President to execute the Report on Review of CEQA Exemptions, and authorizes the General Manager to prepare and file a Notice of Exemption consistent with these findings.

SECTION SIX. JUDICIAL ACTION TO CHALLENGE THIS RESOLUTION.

Any judicial action or proceeding to attack, review, set aside, void or annul this Resolution and the participation fees established herein shall be brought within 120 days after the effective date of this Resolution.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a Board meeting held on this 8th day of December, 2005, by the following vote:


- AYES: Directors Dan Brown, Terence W. Moore, John P. Swift, Heinz H. Hamann and Theodore F. Novelli
- NOES: None
- ABSENT: None
- ABSTAIN: None

Signed and approved by me after its passage this 8th day of December, 2005.



 Dan Brown, President
 Board of Directors

ATTEST:



 Kimberly A. Toma
 Clerk of the Board of Directors

10/R1201052sak

RESOLUTION NO. 2007-21
OF THE BOARD OF DIRECTORS OF THE
AMADOR WATER AGENCY ADOPTING REVISED TREATED
AND UNTREATED WATER PARTICIPATION FEES FOR THE
AMADOR WATER SYSTEM

WHEREAS, development is occurring within the Amador Water Agency's Amador Water System ("AWS") service area;

WHEREAS, the Amador Water Agency ("Agency") commissioned a study to review the AWS participation fees for untreated water service and treated water service, both wholesale and retail, to reflect the cost of providing water system capacity for new development;

WHEREAS, the study commissioned by the Agency was prepared by The Reed Group, Inc. in 2004, and is entitled Amador Water System Financial Plan and Rate/Fee Study ("Study");

WHEREAS, since 2004, Agency staff has updated the Study based on more current information and prepared a Final Report entitled "AWS Participation Fee Study," dated October 3, 2007 ("Updated Materials");

WHEREAS, the Study and Updated Materials evaluate the current value of AWS water system assets in order to determine a capacity charge for new customers that bears a reasonable relationship to what similarly situated existing customers have paid for such system, and evaluate new customers' proportionate share of the costs of new facilities that are needed to serve new development;

WHEREAS, the proposed AWS participation fees were the subject of a public meeting of the Board of Directors of the Agency on July 12, 2007, and October 11, 2007, at which the Board of Directors received comments;

WHEREAS, notice of the proposed AWS participation fees was published in advance of the July 12, 2007 meeting, at which consideration of the proposed fees was continued, and the AWS participation fees now proposed are less than those previously published;

WHEREAS, the Board of Directors has reviewed and considered the Study and the Updated Materials, and the comments thereon and on the proposed AWS participation fees;

WHEREAS, the Board of Directors finds as follows:

- A. The revised AWS participation fees for untreated water service and treated water service, both retail and wholesale, reflect the cost of providing capacity in the AWS to serve the anticipated demands of new customers, reflect the new customers'

proportionate share of the financial investment in the existing AWS and of the costs of new facilities that are needed to serve new development and do not exceed the estimated reasonable cost of providing the service for which the fee is imposed;

B. The AWS untreated and treated water participation fees collected pursuant to this Resolution shall be used to finance water facilities needed to serve new, as well as existing, development within the AWS service area, and will not be used for general revenue purposes; and

WHEREAS, the Agency desires to adopt revised AWS participation fees for untreated water service and treated wholesale and retail water service.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Amador Water Agency as follows:

SECTION ONE. TREATED AND UNTREATED WATER SERVICE PARTICIPATION FEES.

The revised participation fees for untreated and treated water service set forth below are hereby adopted and shall be set forth in Schedule AW-11 of the Agency Water Code.

Meter Size	Treated Retail Participation Fee	Treated Wholesale Participation Fee	Untreated Retail Participation Fee
5/8"	\$9,875	\$7,020	\$2,810
3/4"	\$14,813	\$10,527	\$4,214
1"	\$24,688	\$17,547	\$7,023
1 1/2"	\$49,378	\$35,098	\$14,046
2"	\$79,005	\$56,157	\$22,479
3"	\$158,004	\$112,314	\$44,953
4"	\$246,884	\$175,490	\$70,242
6"	\$493,767	\$350,981	\$140,483
8"	\$888,785	\$631,767	\$252,869
10"	\$1,431,930	\$1,017,845	\$407,404
12"	\$2,123,205	\$1,509,215	\$604,081

The participation fee for each condominium, townhouse, apartment or similar type multiple dwelling unit, for each manufactured home in a manufactured home park, and for commercial, industrial or other similar uses shall be in accordance with their proportionate impact upon the water system, and in accordance with Section 2.06(h) of the Agency Water Code. With respect thereto, an equivalent dwelling unit ("EDU") shall be charged the participation fee for a 5/8" meter. An EDU is equivalent to the water requirements of a single family residence or 375 gallons per day on average.

In addition, the participation fees for a condominium, townhouse, apartment or similar type multiple dwelling units shall be a percentage of the charge applicable to a customer using a 5/8" meter depending on the number of bedrooms per unit. The

percentages are:

<u>Bedrooms per Unit</u>	<u>Percentage</u>
3 or more	100%
2	90%
1	80%

The participation fees for a manufactured home in a manufactured home park shall be a percentage of the charge applicable to a customer using a 5/8" meter depending on the number of manufactured homes per acre. The percentages are:

<u>Dwelling Units Per Acre</u>	<u>Percentage</u>
1 to 4	100%
5 or 6	90%
7 or 8	80%
9 or more	70%

To account for escalating construction costs, the AWS Participation Fees shall be adjusted annually on July 1 of each year, beginning July 1, 2008, based on the change in the inflation index referenced below for the prior July 1 to June 1 period. The inflation factor used for this adjustment shall be that listed in the Engineering News-Record Construction Cost Index, 20-Cities Average, as this index historically represents a reasonable relationship to the cost increases experienced by the Agency due to inflation.

SECTION TWO. INCONSISTENT PROVISIONS.

To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms and conditions of any prior Agency resolution, ordinance, rule or regulation governing the same subject, the terms of this Resolution shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior resolutions, ordinances, rules or regulations are hereby repealed.

SECTION THREE. INVALIDITY.

If any provision of this Resolution or application thereof to any person or circumstance is held invalid, no other provision of this Resolution shall be affected thereby.

SECTION FOUR. EFFECTIVE DATE.

This Resolution and the AWS untreated and treated water participation fees set forth herein shall take effect on October 11, 2007.

SECTION FIVE. CEQA FINDINGS.

The Board of Directors finds that it can be seen with certainty that there is no possibility that the imposition of the untreated and treated water participation fees established herein may have a significant effect on the environment, and that therefore, adoption of this Resolution revising the treated and untreated water participation fees is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations; and the Board hereby authorizes its President to execute the Report on Review of CEQA Exemptions, and authorizes the General Manager to prepare and file a Notice of Exemption consistent with these findings.

SECTION SIX. JUDICIAL ACTION TO CHALLENGE THIS RESOLUTION.

Any judicial action or proceeding to attack, review, set aside, void or annul this Resolution and the participation fees established herein shall be brought within 120 days after the effective date of this Resolution.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a Board meeting held on this 11th day of October, 2007, by the following vote:


AYES: Directors Terence W. Moore, John P. Swift, Heinz Hamann, Dan Brown, and David S. Thomas

NOES:

ABSENT:

ABSTAIN:

Signed and approved by me after its passage this 11th day of October, 2007.


Terence W. Moore, President
Board of Directors

ATTEST:


Cris Thompson
Clerk of the Board of Directors