

RESOLUTION NO. 114-09

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
BAKERSFIELD SETTING DOMESTIC WATER
AVAILABILITY FEES.**

WHEREAS, the City is slated with the responsibility of ensuring that all proposed development in the City's Domestic Water Service area will have a viable high quality water supply and pressures or such development cannot proceed; and

WHEREAS, in order to ensure water supplies will be available for current and new users, the City must take all necessary steps to procure and capture water resources, including, but not limited to, acquiring real property for the drilling of water wells, installation of transmission water mains and water treatment facilities; and

WHEREAS, the cost of procuring and maintaining the water supply is an expense which is funded from the various fees established for the use of such water supplies; and

WHEREAS, the Availability Fee charged to ensure water will be accessible for new development (cost of funding new water well construction, purchase of land for recharge facilities, etc.) is currently \$5,200.00 per acre and has not been adjusted since January 1, 2008; and

WHEREAS, pursuant to Government Code Section 66016, the City noticed a hearing for October 7, 2009 regarding the setting of the availability fee; and

WHEREAS, while, pursuant to the calculations set forth in **Exhibit "A"**, attached hereto and incorporated herein by reference, the new availability fee needs to be set at \$5,450.00 per acre effective January 1, 2010 to offset these increased costs, pursuant to Bakersfield Municipal Code Section 14.04.120(B) in accordance with the Construction Cost Index as defined in the Bakersfield Municipal Code Section 15.84.030(D).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bakersfield as follows:

1. The above recitals are true and correct and incorporated herein by reference;

2. The City Council hereby adopts a new water availability fee of \$5,450.00 per acre based upon the calculations contained in **Exhibit "A"**;

3. Such fee represents the reasonable cost of ensuring an adequate water supply for future development in the City.

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I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on OCT 07 2009 by the following vote:

AYES: COUNCIL MEMBER COUCH, ✓, BENHAM, HANSON, SULLIVAN, SCRIVNER, WEIR ✓
NOES: COUNCILMEMBER _____
ABSTAIN: COUNCILMEMBER _____
ABSENT: COUNCIL EMBER COYSON

Pamela A. McCarthy
PAMELA A. MCCARTHY
CITY CLERK AND EX OFFICIO Clerk of
the Council of the City of Bakersfield

APPROVED OCT 07 2009

By *[Signature]*
HARVEY L. HALL
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By *Virginia Gennaro*
VIRGINIA GENNARO
City Attorney

