

ORDINANCE NO. 356

**ORDINANCE OF THE BOARD OF DIRECTORS OF THE FALLBROOK
PUBLIC UTILITY DISTRICT, SAN DIEGO COUNTY, CALIFORNIA,
FIXING WATER STANDBY OR AVAILABILITY CHARGES AND
EXPRESSLY REPEALING ORDINANCE NO. 352**

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BE IT ENACTED BY the Board of Directors of the Fallbrook Public Utility District as follows:

SECTION I. The Fallbrook Public Utility District is a member of the San Diego County Water Authority and the Metropolitan Water District of Southern California and as a member of such agencies, Fallbrook Public Utility District is entitled to purchase water for distribution within the District. Waterlines have been constructed and are being constructed within the District, and water service is available from these lines.

In accordance with Division 7, Chapter 4, Article 3, Sec. 16475 and 16477 of the Public Utility District Act, it is hereby determined that the best interests of the District, its inhabitants, landowners, and customers require that the following water availability charges be established; hereafter, referred to as standby or availability charges.

The word "District" as used herein shall mean and refer to the Fallbrook Public Utility District of San Diego County, California. Fallbrook Service Area will indicate that area known as Fallbrook Public Utility District prior to July 1, 1990. The DeLuz Improvement District will indicate that area known as Improvement District I and II of DeLuz Heights Municipal Water District prior to July 1, 1990.

SECTION II. Water availability charges are hereby fixed and established on all land within the District boundaries, whether the water is actually used or not, as provided herein:

1. Fallbrook Service Area

- a. Ten dollars (\$10) per acre for all parcels one acre or more prorated out to one hundredth of an acre, as set forth in the San Diego County Tax Assessor's maps, EXCEPTING lands permanently dedicated exclusively to transportation of persons or property, hereafter referred to as the transportation dedication exclusion. For purposes of this Ordinance, it is assumed that five percent of all parcels have been permanently dedicated exclusively to transportation of persons and property; therefore, the actual assessment will be \$9.50 per gross acre, as set forth in the San Diego County Tax Assessor's maps.

- b. Five dollars (\$5) for parcels of less than one acre. For purposes of this Ordinance, all parcels with gross acreage of 1.05 acres are considered to have a net acreage of less than one acre for purposes of the transportation dedication exclusion.

2. DeLuz Improvement District

- a. Acreage adjacent to or lying within 1320 feet of water distribution line\$10.00 per acre
- b. Acreage between 1320 and 2640 feet of a water distribution line\$9.00 per acre
- c. Acreage between 2640 and 3960 feet of a water distribution line\$8.00 per acre
- d. Acreage between 3960 and 5280 feet of a water distribution line\$7.00 per acre
- e. Acreage over 5280 feet from a water distribution line.....\$6.00 per acre
- f. All parcels of less than one acre\$5.00

3. The term "parcel" as used herein shall mean a parcel of land as shown upon the assessment rolls of the County Assessor of San Diego County; provided that where a legal final sub-division map has been approved, "parcel" shall mean each separate lot within the subdivision.

4. Exemptions:

Lands not using District water and obtaining water primarily from rainfall, springs, streams, lakes, rivers, or wells, and where the primary economic activity on the land is the commercial extraction of minerals.

SECTION III. On or before August 10, 2023, the Secretary of this District shall furnish in writing to the Board of Supervisors of the County of San Diego and the Auditor and Controller of the County of San Diego a description of the land within the District upon which standby or availability charges are to be levied and collected together with the amount of the charges. At the time and in the manner required by law for the levying of taxes for County purposes, the Board of Supervisors shall collect, in addition to taxes it levies, water availability charges in the amounts fixed by this Ordinance for the respective parcels of land described in Section II of this Ordinance. All County officers charged with the duty of collecting taxes will collect the charges with the regular tax payments in the same form and manner as County taxes are collected. Such availability charges are a lien on the property with respect to which they are fixed.

Collection of the charges may be enforced by the same means as provided for the enforcement of liens for State and County taxes.

SECTION IV. The Secretary of this District shall deliver certified copies of this Ordinance to the Board of Supervisors of the County of San Diego and to the Auditor and Controller of the County of San Diego with the list of charges described in Section II above.

SECTION V. The General Manager of the District is hereby authorized to correct any clerical error made in any assessment or charge pursuant to this Ordinance and to make an appropriate adjustment in any assessment or charge made in error.

SECTION VI. If any clause or provision of this Ordinance is found to be void or unenforceable by a court of competent jurisdiction, the remaining provisions of this Ordinance shall nonetheless continue in full force and effect.

PASSED AND ADOPTED by the Board of Directors of the Fallbrook Public Utility District at a regular meeting of the Board held on the 26th day of June, 2023, by the following vote:

AYES: Directors DeMeo, Endter, McDougal, and Wolk
NOES: None
ABSTAIN: None
ABSENT: Director Baxter



President, Board of Directors

ATTEST:



Secretary, Board of Directors

**FALLBROOK PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS**

DECLARATION OF POSTING

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

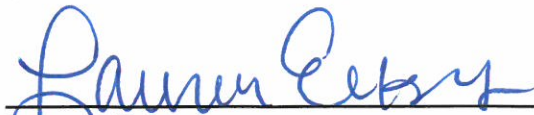
I, Lauren Eckert, Executive Assistant/Board Secretary of the Fallbrook Public Utility District, declare as follows:

That on July 6, 2023, at the direction of, and under the instruction of, the Board of Directors of the Fallbrook Public Utility District, I posted copies of Ordinance No. 356 on the District's website at www.fpud.com and in three places within the boundaries of the Fallbrook Public Utility District as follows:

1. The bulletin board on the brick column outside the gated entrance of the Fallbrook Public Utility District located at 990 East Mission Road, Fallbrook, California.
2. The glass case at the entrance of the North County Fire Protection District located at 330 South Main Avenue, Fallbrook, California.
3. In the San Diego County Library, Fallbrook Branch, at 124 South Mission Road, Fallbrook, California.

I, Lauren Eckert, further declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed this 6th day of July, 2023, at Fallbrook, California.



Lauren Eckert
Executive Assistant/Board Secretary of the
Fallbrook Public Utility District