

RESOLUTION No. 491

**RESOLUTION OF SUNNYSLOPE COUNTY WATER DISTRICT
ADOPTING A POLICY AND PROCEDURE
TO COMPLY WITH GOVERNMENT CODE §65589.7**

WHEREAS, the Board of Directors ("Board") of Sunnyslope County Water District ("District") finds as follows:

A. Effective January 1, 2006, public agencies and private entities providing water or sewer services in the State of California are required to adopt written policies and procedures, not later than July 1, 2006, and at least once every five years thereafter, with specific objective standards for provision of services in conformance with section 65589.7 of the California Government Code.

B. The Sunnyslope County Water District ("District") owns, operates, and maintains the existing public water system and sewer system for an unincorporated area in San Benito County, California.

NOW, THEREFORE, the Board hereby resolves as follows:

1. The District shall grant a priority for the provision of water and sewer services to proposed developments that include housing units affordable to lower income households, in accordance with and to the extent required by section 65589.7 of the California Government Code, taking into account all of the following:

(a) Regulations and restrictions adopted pursuant to Chapter 3 (commencing with Section 350) of Division 1 of the Water Code, relating to water shortage emergencies.

(b) Plans, documents, and information relied upon by the District that provide a reasonable basis for making service determinations.

2. In accordance with Government Code § 65589.7, the District shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households unless the District makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:

(a) The District does not have "sufficient water supply," as defined in paragraph (2) of subdivision (a) of Government Code § 66473.7, or is operating under a water shortage emergency as defined in Water Code § 350, or does not have sufficient water treatment or distribution capacity, to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.

(b) The District is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.

(c) The District does not have sufficient treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the treatment or collection works, to serve the needs of the proposed development.

(d) The District is under an order issued by a regional water quality control board that prohibits new sewer connections.

(e) The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the public agency or private entity, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to Section 66013.

PASSED AND ADOPTED on July 13, 2006, by the following vote.

AYES: Anderson, Hailstone, & Johnson

NAYS: None

ABSENT: Nelson

SUNNYSLOPE COUNTY WATER DISTRICT

By Dawn Anderson
Dawn Anderson, President

(S E A L)

ATTEST:

Bryan M. Yamaoka
Bryan M. Yamaoka, Secretary