

TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT

RESOLUTION NO. 10-14

A RESOLUTION OF THE BOARD OF DIRECTORS OF
TEHACHAPI-CUMMINGS COUNTY WATER DISTRICT
DETERMINING THE MINIMUM AMOUNT REQUIRED TO BE
RAISED BY TAXES TO MAKE PAYMENTS DUE UNDER
WATER SUPPLY CONTRACTS WITH THE
KERN COUNTY WATER AGENCY FOR FISCAL YEAR 2014-2015
AND FIXING THE TAX RATE FOR SUCH PURPOSE

A. Recitals.

1. The voters of the State of California on November 8, 1960 approved the Burns-Porter Act (Wat. Code, §§ 12930-12944) pursuant to which the State Department of Water Resources (“DWR”) was authorized, among other things, to enter into long term contracts for the sale and delivery of State Water Project (“SWP”) water to local Agencies.

2. Pursuant to the Burns-Porter Act, DWR entered into a Water Supply Contract with the Kern County Water Agency (“KCWA”) dated November 15, 1963 whereby KCWA obtained a long term supply of SWP water for its Member Units, including this District (the “Master Contract”).

3. As contemplated in the Master Contract, this District and KCWA entered into two Water Supply Contracts dated December 15, 1966, pursuant to which the District acquired a long term supply of SWP water for agricultural purposes and municipal and industrial purposes (the “District’s Water Supply Contracts”).

4. Since the Master Contract and the District’s Water Supply Contracts were authorized and anticipated under the Burns-Porter Act and the Burns-Porter Act was approved by the voters of the State, the obligations of the District thereunder are prior voter approved indebtedness and thus exempt from the limitation set forth in subdivision (a) of section 1 of Article XIII A of the California Constitution.

5. The District’s Water Supply Contracts obligate the District to use all powers and resources available to it under the law to collect the funds necessary to pay its obligations to the KCWA under such contracts, including levying of ad valorem taxes, a power available to the District under the County Water District Law (Wat. Code, §§ 31701-31709).

6. Pursuant to the budget adopted by the Board for fiscal year 2014-2015, there will be insufficient revenue from the District’s share of the 1% general ad valorem tax levy, water sales and all other income to meet any of the District’s obligations to KCWA under the District’s Water Supply Contracts and it is necessary, therefore, to levy ad valorem taxes in order for the District to meet its contractual obligations to KCWA under the District’s Water Supply Contracts in fiscal year 2014-2015.

7. The water rates currently set by the District for agricultural water and for municipal and industrial water are the highest of any Member Unit of KCWA and it is not feasible to raise water rates any higher; to do so would severely curtail District water sales and revenue, adversely impact the local economy and encourage over-extraction of groundwater in the Cummings Basin in excess of such basin's safe annual yield.

8. Having considered all anticipated District revenues, including water tolls and the District's property tax allocation, against all District expenses in fiscal year 2014-2015, it is necessary to levy an ad valorem tax to meet all of the District's contractual obligations to KCWA in fiscal 2014-2015, no other sources of District revenue being available therefor.

B. Resolution.

IT IS HEREBY FOUND, DETERMINED AND RESOLVED by the Board of Directors of Tehachapi-Cummings County Water District as follows:

1. Each of the above recitals is true and correct and the Board so finds and determines.

2. The minimum amount of money required to be raised by ad valorem taxes on all taxable property in the District during the fiscal year 2014-2015 to meet payment obligations under the District's Water Supply Contracts is \$1,585,270.

3. The District has heretofore elected to set its own tax rates pursuant to Water Code section 31702.1.

4. Pursuant to Government Code section 29142, the County of Kern will collect one quarter of one percent (1/4%) of the total revenues collected by ad valorem tax for the District by the County Tax Collector in payment for collection services, as covered under the agreement between the District and the County of Kern, effective July 1, 1992. The District hereby takes into account the one quarter of one percent (1/4%) of the amount collected by the County on behalf of the District in fixing its tax rates.

5. The Board of Directors of the District hereby fixes and levies 0.038749 percent of taxable value of all taxable property in the District as the rate of ad valorem tax required to be levied thereon to meet obligations to KCWA under the District's Water Supply Contracts. Such tax is hereby designated as the "TEH-CUM ST PYMNT." The tax rate calculation is shown on **Exhibit A** attached hereto and incorporated herein by reference.

6. The Board of Directors of the District hereby takes into account current and future reserves needed for delinquencies, contingencies and cash flow requirements in setting such rates.

7. The tax levied in Paragraph 5 above is not subject to the limitations contained in subdivision (a) of Section 1 of Article XIII A of the California Constitution and is

exempt from any tax limitations under subdivision (b) of Section 1 thereof, and is otherwise within the taxing authority of this District under all applicable provisions of the Constitution and laws of this State.

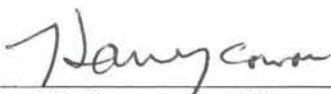
8. Pursuant to the provisions of the County Water District Law (Wat. Code, §§ 30000, et seq.), the Board of Supervisors of Kern County, at the time and in the manner required by law for the levying of taxes for county purposes, shall levy in addition to all other taxes levied by it, a tax rate on all taxable property in the District in accordance with paragraph 5 above. Such tax shall be separately stated on tax bills.

9. In the event that the rate described in paragraph 5 above may not be lawfully levied, the Board of Directors requests that the maximum rate provided by law be levied.

10. The Secretary is directed to transmit certified copies of this Resolution to the Clerk of the Board of Supervisors of Kern County and to the Kern County Auditor-Controller.

ADOPTED this 16th day of July 2014.

(SEAL)



Harry M. Cowan, President

ATTEST:



Lori Bunn, Secretary

SECRETARY'S CERTIFICATE

I, LORI BUNN, do hereby certify the foregoing Resolution was introduced at a regular meeting of the Board of Directors of said District held on the 16th day of July 2014, by the following vote:

AYES: Cowan, Hadley, Prel and Schultz

NOES: None

ABSENT: Hall

ABSTAIN: None

ATTEST:



Lori Bunn, Secretary

Tehachapi-Cummings County Water District

State Payment Tax Calculation - Fiscal Year 2014-15

Money required to be raised by ad-valorem tax

Revenue Requirement:	
2014 SWP estimated costs 65% allocation- Ag	\$ 656,743
2014 SWP estimated costs 65% allocation - M&I	1,898,359
Subtotal	<u>2,555,102</u>
add forecast SWP cost increase for 2013 @ 4%	102,204
Subtotal	<u>2,657,306</u>
add Kern County collection fee (0.25%)	3,969
add 50% contingency reserve (6-month operating)	1,328,653
add tax revenue liability reserve (Kern County)	117,342
Total gross revenue required	<u>4,107,270</u>
less other available funds:	
Forecast reserves as of 6/30/14	(2,400,000)
Estimated unitary tax revenues in 2014-15	(110,000)
Interest earnings in 2014-15	(12,000)
Total other available funds	<u>(2,522,000)</u>
Total revenue required from tax in 2014-15	<u>\$ 1,585,270</u>

Tax rate required on all taxable property within district

Total revenue required from tax	\$ 1,585,270
divided by total assessed value of district	4,091,092,207
Ad-valorem bond tax rate required	0.038749%
2013-14 approved tax rate (for comparison purposes)	0.042905%
2012-13 approved tax rate (for comparison purposes)	0.038438%
2011-12 approved tax rate (for comparison purposes)	0.042864%

Exhibit A

B207 - INQUIRE COMPLETED
NEXT FUNC: KEY:
KIPS DSTVLINQ

INQUIRE DISTRICT VALUES

KEY DATA PROMPT
AS OF: 06/28/14 P42232

FUND NO: 60182 TRA NO: ___ - ___ TAX YR: 2014 J/B STR: B STAB/CORR AV: S
FUND NAME: TEH-CUM ST PYMNT

	CURRENT AV	TAV BASE AV	RDA INC
SECURED RL1	3,067,237,306	2,917,202,495	150,034,811
MINERAL RL2	0	0	0
MOBHOME RL6	138,716	162,932	-24,216
GROSS AV LA	3,067,376,022	2,917,365,427	150,010,595
UTILITY RL3	671,725	1,533,729	-862,004
GROSS SECUR	3,068,047,747	2,918,899,156	149,148,591
S HOMEOWNER	39,630,425	40,312,400	-681,975
NET SECURED	3,028,417,322	2,878,586,756	149,830,566
GROSS UNSEC	1,023,044,460	1,011,428,764	11,615,696
US HOMEOWNR	0	1,776	-1,776
NET UNSECUR	1,023,044,460	1,011,426,988	11,617,472
TL GROSS AV	4,091,092,207	3,930,327,920	160,764,287
TL HOMEOWNR	39,630,425	40,314,176	-683,751
TL NET AV	4,051,461,782	3,890,013,744	161,448,038

PF1=HELP 2=MENU 3=RTRN 4=SMNU
PF13=NEW 16=TRAXREF 22=PRT

07/11/14 09:37