# AMENDED RESOLUTION NO. 26-08

## A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT CONTINUING THE CURRENT EXISTING LEVEL OF WATER AVAILABILITY ASSESSMENTS FOR FISCAL YEAR 2026-2027

**WHEREAS,** pursuant to Section 31032.1 and 31031.7 of the California Water Code, the Board of Directors of the Twentynine Palms Water District (hereinafter "District") is authorized and empowered to fix, levy and collect water availability assessments not to exceed Thirty Dollars ($30.00) per acre per year for land on which the assessment is levied, or Thirty Dollars ($30.00) per year for a parcel of less than one (1) acre within the District to which water is made available for any purpose by the District, whether the water is actually used or not, and that such assessments may vary between parcels;

**WHEREAS,** the District caused to be prepared the Annual Report for Water Availability Assessment Report (Fiscal Year 2026/2027), attached hereto as Exhibit "A" to explain and justify the water availability assessments discussed in this Resolution;

**WHEREAS,** pursuant to Section 31032.2 of the California Water Code, it is hereby found that the District's Secretary caused notice of the filing of the required report on proposed water availability assessments, and of the time and place of the public hearing thereon to be timely published and notice to be timely mailed to the applicable property owners of record;

**WHEREAS,** it is further found that the District's Secretary caused a copy of the report to be timely made available for inspection during normal business hours at the office of the District located at 72401 Hatch Road, Twentynine Palms, California;

**WHEREAS,** pursuant to Section 31032.3 of the California Water Code, a public hearing on the proposed assessments was held on June 24, 2026, to hear and consider all objections or protests to said proposed assessments; and,

**WHEREAS,** the proposed water availability assessments are found not to exceed the annual District costs, in any case whatsoever, of providing District water availability to the lands proposed to be assessed.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Twentynine Palms Water District as follows:

**Section 1.** Continuation of Existing Water Availability Assessments. The availability charge is estimated to generate total revenues of $589,816.11 for Fiscal Year 2026-2027. The availability charge does not include County administrative or processing fees, which will be handled separately. Water availability assessments are hereby fixed, established and continued for District Fiscal Year 2026-2027 on all parcels lying within the District, which are described in the above referenced written report, on the following basis:

1. Thirty Dollars ($30.00) for each parcel that is one (1) acre or less.

2. Thirty Dollars ($30.00) for the first acre, plus Eight Dollars ($8.00) for each acre over one (1) acre up to five (5) acres for each parcel.

3. Thirty Dollars ($30.00) for the first acre, plus Eight Dollars ($8.00) per acre over one (1) acre up to five (5) acres, plus Seven Dollars and Fifty Cents ($7.50) per acre for the sixth and all further acres within a parcel, subject to a maximum parcel charge of Twelve Hundred Dollars ($1,200.00).

**Section 2.** Collection of Water Availability Assessments. Pursuant to Section 31032.1 of the California Water Code, the District does hereby elect to fix and levy water availability assessments to be collected on the county tax roll in the same manner as general taxes.

**Section 3.** Authorization. The General Manager, Engineer and Attorney for the District are hereby authorized and directed to take any necessary and appropriate actions to provide for the establishment of the water availability assessments in accordance with this Resolution including, but not limited to, filing with the county the applicable reports and statements in order to collect said amounts on the tax rolls. The District hereby authorizes the total amount of the availability charge, including any applicable County administrative or processing fees, to be placed on the San Bernardino County annual tax roll and collected in the same manner as property taxes. The District expressly authorizes the County Auditor-Controller to collect the applicable County Auditor-Controller/Treasurer/Tax Collector (ATC) administrative collection fee.

**Section 4.** CEQA Exemption. Water availability assessment monies raised pursuant to the Resolution are exempt from environmental analysis pursuant to Public Resources Code, Section 21080(b)(8).

**Section 5.** Overruling Objections and Protests, and Effective Date. All objections and protests received at the public hearing are hereby found not to warrant reductions or other changes in the proposed water availability assessments. This resolution is effective immediately.

**Section 6.** Proposition 218 Compliance. It is found and determined that the assessments here described have been determined without any change in assessment rates or methodology from assessments existing immediately prior to voter adoption of Proposition 218, and that all assessment monies are imposed exclusively to finance the capital costs or maintenance and operation expenses of the District's water system.

**PASSED, APPROVED AND ADOPTED** this 15th day of July 2026 by the following vote:

| | |
|---|---|
| Ayes: | Directors Arthur, Bowden, Leazer, Woods, and Coghill |
| Noes: | None |
| Abstain: | None |
| Absent: | None |

Bob Coghill, President
Board of Directors

Attest:

Matthew Shragge, Board Secretary
Twentynine Palms Water District

# EXHIBIT A

## Annual Report for Water Availability Assessment Charge
## Fiscal Year 2026/2027

[Attached]

# TWENTYNINE PALMS WATER DISTRICT

*Annual Report for*

## Water Availability Assessment Charge

**Fiscal Year 2026/2027**

**TWENTYNINE PALMS WATER DISTRICT**
**WATER AVAILABILITY ASSESSMENT CHARGE**

**72401 Hatch Rd,**
**Twentynine Palms, CA 92277**
**Phone - (760) 367- 7546**

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**BOARD MEMBERS**

Robert W. Coghill, Jr., President

Randy Leazer, Vice President

Michael Arthur, Director

Amy Woods, Director

James Bowden, Director

**DISTRICT STAFF**

Matthew Shragge, General Manager

Cindy Fowlkes, Secretary

# TABLE OF CONTENTS

1. **Executive Summary** .......... **1**

2. **Overview** .......... **2**

    2.1 Introduction .......... 2

    2.2 Effect of Proposition 218 .......... 2

    2.3 Use of Funds .......... 2

3. **Parcel Listing** .......... **3**

# 1. EXECUTIVE SUMMARY

**WHEREAS**, the Board of Directors (the "Board") for the Twentynine Palms Water District (the "District"), County of San Bernardino, State of California, directed the preparation and filing of a report (the "Report) presenting a description of each parcel of real property and the amount of the assessment for each parcel subject to the Water Availability Charge (the "Availability Charge") for Fiscal Year 2024/2025. The report includes information regarding the method of calculation of the annual assessment and the net amount to be collected from all assessable parcels within the District;

**WHEREAS**, on June 24, 2026, the District established and levied the Availability Charge with Resolution No. 26-08 under the authority of the California Water Code (Section 31031.7 et. seq. of the California Water Code, hereinafter the "Code");

**THEREFORE,** the Availability Charge is estimated to generate revenues of $589,816.11 for Fiscal Year 2026/2027. These revenues are generated by the application of the Availability Charge assessment rates outlined below to parcels within the District:

- Thirty dollars ($30.00) for each parcel that is one (1) acre or less.
- Thirty dollars ($30.00) for the first acre, plus eight dollars ($8.00) for each acre over one (1) acre up to five (5) acres for each parcel.
- Thirty dollars ($30.00) for the first acre, plus eight dollars ($8.00) for each acre over one (1) acre up to five (5) acres, plus seven dollars and fifty cents ($7.50) per acre for the sixth and all further acres within a parcel, subject to a maximum parcel charge of twelve hundred dollars ($1,200.00).

The adoption and approval of the Availability Charge pre-dates the passage of Proposition 218 by California voters and follows the methodology and rates existing before the adoption of Proposition 218.

All parcels within the District are subject to the Availability Charge, except those with "fire only" service or those owned by the Bureau of Land Management.

# 2. OVERVIEW

## 2.1 Introduction

The District was formed in 1954 when the community voted, by a 5-1 margin, to form a County Water District (Water Code 30000 et seq.). Members of the Chamber of Commerce known as the "Water Committee" spearheaded this effort. Today the District serves the city of Twentynine Palms and outlying areas by pumping and distributing local groundwater – the only available supply. The District serves about 18,000 people over 87 square miles and overlays portions of the Indian Cove, Eastern and Fortynine Palms sub-basins of the Joshua Tree Basin, and part of the Twentynine Palms Valley Basin. The District maintains about 8,000 meters, 200 miles of pipeline, and 17 million gallons of water storage capacity.

The Availability Charge provides funding for capital costs or operation and maintenance expenses incurred while serving water for domestic consumption and property-related purposes, among others, incurred by the District to make water available (for any purpose), whether it is used or not. The Availability Charge is levied on all parcels within the District except those with "fire only" service or those owned by the Bureau of Land Management.

Following the filing of the Report in accordance with Section 31032.1 of the Code, the District will submit annual levy information to the San Bernardino County Auditor-Controller to facilitate the levy and collection of the Availability Charge via the San Bernardino County property tax roll in Fiscal Year 2024/2025.

## 2.2 Effect of Proposition 218

On November 5, 1996, California voters approved Proposition 218 with a final vote of 56.5% to 43.5%. The provisions of the Proposition, now articles XIII C and XIII D of the California Constitution, added substantive and procedural requirements for standby charges.

Proposition 218 provides that property owned by local, state, and federal agencies may not be exempted from a benefit assessment, such as the District's Availability Charge, unless the agency can demonstrate that it receives no special benefit from the services or facilities for which that charge is levied. (California Constitution Article XIII D, § 4(a).)

The Availability Charge has been in effect at the current rate since 1996, before the enactment of Proposition 218 and is grandfathered under Proposition 218 unless and until it is increased. (California Constitution Article XIIID, §5.)

## 2.3 Use of Funds

The proposed water availability assessments are intended to fund, as in the past, the capital costs or operation and maintenance expenses of District water system facilities serving water, among other purposes, for domestic consumption and property related purposes.

# 3. PARCEL LISTING

The parcel listing associated with the Availability Charge is provided on the following pages.

Assessor's parcel identification, for each lot or parcel subject to the Availability Charge, shall be based on the San Bernardino County Assessor's secured roll data for the applicable year in which this Report is prepared and is incorporated herein by reference.

A listing of assessor's parcels subject to the Availability Charge in Fiscal Year 2026/2027, along with the assessment amounts, is on file in the office of the District Secretary and incorporated herein by reference. Based on County Assessor's secured roll data, current assessor's parcels, including corrected and/or new assessor's parcels, will be submitted and/or resubmitted to the County Auditor/Controller. The annual assessment amount to be levied and collected for the resubmitted parcel(s) shall be determined in accordance with the assessment rates presented in this Report. Therefore, if a single assessor's parcel subdivides into multiple assessor's parcels, the assessment amounts applied to each of the new assessor's parcels shall be recalculated and applied according to the approved assessment rate rather than a proportionate share of the original assessment amount.