

**ORDINANCE 2025-01**  
**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE**  
**MISSION SPRINGS WATER DISTRICT**  
**ESTABLISHING A PROCEDURE FOR PROPERTY OWNER OBJECTIONS**  
**TO PROPOSED WATER/SEWER FEES OR SPECIAL ASSESSMENTS**

A. The Mission Springs Water District (hereinafter “District”) is a California county water district organized under the California County Water District Law, codified at Section 30000, *et seq.*, of the California Water Code, to provide water and sewer service among other purposes to customers/ratepayers within the District’s boundaries.

B. California law requires that certain changes to water/sewer fees or special assessments must be adopted or approved in accordance with procedures outlined in Article XIII D, of the California Constitution, commonly referred to as “Proposition 218.”

C. Article XIII D, Section 4, establishes certain procedural requirements and substantive limitations a local public agency must follow to adopt a special benefit assessment.

D. Article XIII D, Section 6, establishes certain procedural requirements and substantive limitations a local public agency must follow to adopt a property related fee for water/sewer service.

E. The purpose of this ordinance is to provide a meaningful opportunity for a ratepayer to present an objection to a proposed new or amended water/sewer fee or special amendment before resorting to litigation after the new or amended fee or special assessment is approved.

F. This ordinance is intended to provide a procedure for ratepayers to bring an objection regarding a new or amended water/sewer fee or special amendment to the District’s attention early in the fee consideration process, and to provide an opportunity for the District to address or resolve any objections before the District’s Board of Directors makes a final decision on whether to adopt a proposed water/sewer fee or special assessment pursuant to Proposition 218.

G. This procedure will generally require the District to make available the proposed water/sewer fee or special assessment, post the written basis for the proposed water/sewer fee or special assessment on its internet website, provide 45 days for the property owner to review the proposed fee or assessment and timely submit to the District a written objection to the fee or assessment that specifies the grounds for alleging noncompliance, and require the District to consider and respond in writing to timely submitted objections prior to the close of the protest hearing or ballot tabulation hearing required under Section 4 or Section 6 of Article XIII D of the California Constitution; and

H. For purposes of the proposed water/sewer fee or assessment adopted by the District pursuant to Section 4 or Section 6 of Article XIII D of the California Constitution, a person or entity shall be prohibited from bringing a judicial action or proceeding alleging noncompliance with Article XIII D of the California Constitution for any new, increased, or extended water/sewer fee or assessment, unless that person or entity has timely submitted to the District a written objection to that fee or assessment that specifies the grounds for alleging noncompliance; and

I. **WHEREAS**, the Board of Directors hereby intends to adopt the exhaustion of administrative remedies procedure as outlined in Government Code section 53759.1, and the administrative record principles contained in Government Code section 53759.2.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Mission Springs Water District as follows:

1. The District Board hereby adopts the exhaustion of administrative remedies procedure contained in Government Code section 53759.1.

2. For purposes of any proposed water/sewer fee or assessment adopted by the District pursuant to Section 4 or Section 6 of Article XIII D of the California Constitution, a person or entity shall be prohibited from bringing a judicial action or proceeding alleging noncompliance with Article XIII D of the California Constitution for any new, increased, or extended water/sewer fee or assessment, unless that person or entity has timely submitted to the District a written objection to that fee or assessment that specifies the grounds for alleging noncompliance, in compliance with Government Code section 53759.1.

3. The District Board hereby adopts the administrative record principles contained in Government Code section 53759.2.

4. In the event of any conflict between the terms, provisions, conditions, or requirements of this ordinance and those of any other ordinance, regulation or policy of the District, the terms provisions, conditions, and requirements of this ordinance shall prevail and be deemed superior, except where preempted by state or federal law.

5. This ordinance will take effect immediately after initial board adoption and shall be published once in full in a newspaper of general circulation, printed, published and circulated in the district within ten (10) days after adoption, or if there be no such newspaper it shall be posted within ten (10) days after adoption in three (3) public places within the district as provided in Water Code Section 31027. Upon adoption, the ordinance will apply to any proposed new or amended

water/sewer fees or special assessments of which notice is provided pursuant to Proposition 218 and the procedures specified herein.

6. The Board authorizes District staff to take such other and additional actions as may be reasonably necessary to implement the purpose of this ordinance and implement the exhaustion of administrative remedies procedure adopted herein.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Board of Directors on the \_\_\_\_ day of \_\_\_\_\_, 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Ivan Sewell, President of Mission  
Springs Water District and its  
Board of Directors

ATTEST:

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Brian Macy, Secretary of the Mission  
Springs Water District and its Board of  
Directors