

# SUNNYSLOPE COUNTY WATER DISTRICT

## ORDINANCE NO. 62

### AN ORDINANCE OF SUNNYSLOPE COUNTY WATER DISTRICT (AMENDING DISTRICT CODE §§ 3.40.150, 4.32.160, AND 4.36.060) (CHANGING RATES, FEES AND CHARGES FOR WATER AND SEWER SERVICES)

Be it ordained by the Board of Directors of  
Sunnyslope County Water District  
as follows:

Section 1. Authority. This ordinance is enacted pursuant to Sections 30000 and following of the California Water Code.

#### Section 2. Findings.

A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. A summary of the ordinance prepared by the district's General Manager in consultation with the district's legal counsel was published and a certified copy of the full text of the proposed ordinance was posted in the office of the board at least five days prior to the Board meeting of December 11, 2003. At least 10 days prior to the meeting, the district made available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the rates, fees and charges are levied, and the revenue sources anticipated to provide the service, including General Fund revenues. Certificates of publication are on file with the district.

B. Rates for regular water service and for interruptible service are established by Section 3.40.150 and Table 3.40.150 of the District Code. Rates for sewer service are established by Section 4.36.060 and Table 4.36.060 of the District Code.

C. Rates, fees and charges were amended by Ordinance 61 on May 1, 2002. Amended rates, fees and charges were effective immediately upon adoption. Ordinance 61 provides that the water rates will increase by 16% on December 21, 2003, and the sewer rates will increase by 10% on December 21, 2003.

D. The district has received recommendations from its financial consultant, Parsons & Associates that certain rate amendments are necessary and appropriate to meet the district's obligations under the CSCDA Series 2002A Revenue Bond pooled financing. Specifically, scheduled rate increases for sewer services of 16% each in 2003-04 and 2004-5, and 10% each in 2005-06 and 2006-07, and scheduled rate increases for water services of 71% in 2003-04 and 5% each in 2004-05, 2005-06 and 2006-07, effective, respectively, on December 21 of 2003, 2004, 2005 and 2006, are recommended for authorization, subject to adjustment as more information becomes available about the district's actual financial condition and revenue sources for each year as the increases are scheduled to take effect.

E. The amended rates, fees and charges for water and wastewater services for the purpose of (1) meeting operating expenses, including employee wage rates and fringe benefits, (2) purchasing or leasing supplies, equipment, or materials, (3) meeting financial reserve needs and requirements, and (4) obtaining funds for capital projects necessary to maintain service within existing service areas, including repayment of the existing CSCDA pooled financing.

F. The district's legal counsel advises, and the Board finds, that adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273.

G. Monthly service fees or charges adopted by this Ordinance shall be imposed as a condition of service by the District to its customers. Monthly water quantity and sewer rates shall be imposed on the basis of the amount of water used or consumed by the customer. Any customer may avoid payment of the quantity rates and the service fees or charges by disconnecting from the facilities of the district. These rates, fees and charges are not imposed upon real property or upon persons as an incident of real property ownership.

H. The district's Legal Counsel advises that because there will be no increase in capital connection charges or fees, there is no question about needing to follow the procedures set forth in Article XIII D of the California Constitution, nor the procedures set forth in Government Code sections 60013 through 60018.

I. The rates, fees and charges adopted by this ordinance will not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed. Connection charges imposed by this ordinance will not exceed the proportional cost of the service attributable to the customers on whom the charges are imposed.

J. The rates, fees and charges adopted by this ordinance have not been calculated nor developed on the basis of any parcel map, including an assessor's parcel map.

K. The district's financial needs require the provisions of this ordinance to become effective immediately upon adoption pursuant to Water Code Section 31027.

Section 3. Purpose Of Ordinance. This ordinance amends Sections 3.40.150 (Table 3.40.150) and 4.63.060 (Table 4.63.060) of the Sunnyslope County Water District Code.

Section 4. Effect Of Repeal On Past Actions And Obligations. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance, does not waive any fee or penalty due and unpaid on the effective date of this ordinance, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

Section 5. Water Rate Schedule Amended. Section 3.40.150 of the District Code is amended by amending the last sentence of Table 3.40.150, such that Table 3.40.150 reads in full as set forth in Exhibit "A" to this ordinance, incorporated by this reference.

Section 6. Sewer Rate Schedule Amended. Section 4.63.060 of the District Code is amended by amending the last sentence of Table 4.63.060, such that Table 4.63.060 reads in full as set forth in Exhibit “B” to this ordinance, incorporated by this reference.

Section 7. Requirements for Rates, Fees and Charges. The rates, fees and charges adopted by this ordinance shall not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed. Revenues derived, respectively, from water and sewer connection charges shall not be used for any purpose other than for capital facilities to provide, respectively, water and sewer service. If the connection charges adopted by this ordinance create revenues in excess of actual cost, those revenues shall be used to reduce the connection charges creating the excess.

Section 8. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, or superseded by some other provision of law, such provisions shall be severed from and shall not affect the validity of the remaining provisions of this ordinance. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid, or superseded by some other provision of law. The parts of this ordinance which are not unconstitutional, invalid, or superseded shall remain in full force and effect and shall be enforced according to their terms.

Section 9. Interpretation. Words and Phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances and the district Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

Section 10. Effective Date. This ordinance shall take effect immediately on adoption.

Section 11. Publication and Posting. Within 10 days after adoption, the district shall publish, in a newspaper published in San Benito County and circulated within the district, either a summary or the full text of this ordinance, and shall post in the district office a certified copy of the full text of this ordinance as adopted along with the names of those directors voting for and against adoption.

Section 12. Notice of Exemption Notice of Determination. The Secretary is authorized and directed to give due notice of exemption of this ordinance from the provisions of CEQA, pursuant to Title 14, California Code of Regulations, section 15062.

On motion of Director R. Anderson, seconded by Director D. Anderson, the foregoing Ordinance is enacted and shall take effect on December 21, 2003, by the following roll call of the Board:

AYES:	Directors Hailstone, R. Anderson, D. Anderson, and Rosskamp
NAYS:	None
ABSENT:	Director Nelson

By Stephen B. Hailstone  
Stephen Hailstone, President

ATTEST:

Bryan M. Yamaoka  
Bryan M. Yamaoka, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at their regular meeting on December 11, 2003.

Bryan M. Yamaoka  
Bryan M. Yamaoka, Secretary

**EXHIBIT A**

**Table 3.40.150**

**RATE SCHEDULE:  
REGULAR DOMESTIC SERVICE AND INTERRUPTIBLE SERVICE**

**Monthly Service Charges**

Inside District, Improvement Dist. No. 1 and S.B.C.W.D.* Zone 3	Inside Imp. District No. 1 and Outside S.B.C.W.D. Zone 3	Outside District
\$4.60	\$4.95	\$5.50

**Monthly Quantity Rates  
Regular Domestic Service and Interruptible Service**

	Inside District, Imp. Dist. #1 and S.B.C.W.D. Zone 3	Inside Imp. Dist. #1 and Outside S.B.C.W.D. Zone 3	Outside District
1 <sup>st</sup> 2000 cu. ft. per 100 cu. ft./unit	\$0.73	\$0.80	\$0.90
Next 4000 cu. ft. per 100 cu. ft./unit	1.02	1.09	1.19
Over 6000 cu. ft. per 100 cu. ft./unit	2.47	2.54	2.64

**Monthly Meter Maintenance and Replacement  
Charges for All Classes of Service**

Size of Meter	Charge per Meter
5/8" x 3/4"	\$1.40
1"	2.18
1 1/2"	2.53
2"	3.34
3"	13.57
4"	19.78
6"	30.51
8"	48.40

All the rates and charges set forth above shall be increased by sixteen percent (16%) on December 21, 2002, and by an additional seventy-one percent (71%) on December 21, 2003, and by an additional five percent (5%) annually on December 21 in 2004, 2005 and 2006 .

\* San Benito County Water District

**EXHIBIT B**

**Table 4.36.060**

**SEWER SERVICE CHARGES**

**Facility Serviced**

**Charge  
per Month**

- |   |                               |
|---|-------------------------------|
| 1. Single-family dwelling   | \$17.60                       |
| 2. Multiple-family dwellings, duplexes, flats and apartments  | 13.40/unit                    |
| 3. Cottages, auto courts, motels, trailer parks, laundries, laundrettes and similar uses  | 1.14/HCF of metered water use |
| 4. Commercial and industrial (including office buildings, businesses, restaurants, bars, theaters, hotels, rooming houses, schools, churches, fabrication, processing, service stations, garages, chemical plants and similar uses) | 1.50/HCF of metered water use |

All the rates and charges set forth above shall be increased by ten percent (10%) on December 21, 2002, and by an additional sixteen percent (16%) annually on December 21 in 2003 and 2004, and by an additional ten percent (10%) annually on December 21 in 2005 and 2006.