

SUNNYSLOPE COUNTY WATER DISTRICT

ORDINANCE NO. 75

AN ORDINANCE OF SUNNYSLOPE COUNTY WATER DISTRICT INCREASING WATER AND WASTEWATER CAPACITY CHARGES FOR NEW AND INCREASED WATER AND WASTEWATER CONNECTIONS

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

Findings. The Sunnyslope County Water District (SSCWD or District) Board of Directors determines that each fact referenced in this section is true and correct.

- A. This Ordinance is enacted pursuant to Sections 30000 and following of the California Water Code and Sections 50021, 50022.4, 50022.7, 66013 and 66016 of the Government Code.
- B. This Ordinance amends Sections 3.40.090 and 4.32.160 of the Sunnyslope County Water District Code (“District Code”).
- C. Adoption of this Ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, Section 15273 (a) as CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are 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, (4) Obtaining funds for capital projects, necessary to maintain service within existing service area. Adoption of this Ordinance is not a Project under CEQA Guidelines Section 15378 as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.
- D. This Ordinance is considered for action by the Board of Directors (Board) at a special and noticed meeting on August 6, 2013.
- E. The Ordinance prepared by the District’s General Manager, in consultation with the District’s legal counsel, was posted in the District Office at least 5 days prior to the Special Board Meeting of August 6, 2013.
- F. 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, fees and charges are levied, and the revenue sources anticipated to provide the service, including General Fund revenues.
- G. A water connection charge that includes provision for capacity in existing and planned facilities is established by Section 3.40.090 of the District Code. This charge was last amended by Ordinance 65 in March 2007.
- H. A wastewater connection charge that includes provision for capacity in existing and planned facilities is established by Section 4.32.160 of the District Code. This charge was last amended by Ordinance 65 in March 2007.
- I. The District has received recommendations from its financial consultant, Raftelis Financial Consultants (Consultant), that capacity charges for new and increased water and wastewater services be amended and are necessary and appropriate to ensure new customers are contributing their fair and equitable share to the District’s existing and planned capital assets. The proposed water and wastewater capacity charges have

been determined in compliance with the State of California AB 1600 and Government Code § 66000.

- J. The proposed water and wastewater capacity charges are supported by a Technical Memorandum dated July 3, 2013, prepared by the District's Consultant ("Technical Memorandum"), which has been reviewed by the Board and is available for public inspection in the Office of the District and on the District's website.
- K. The amended water and wastewater capacity charges do not involve rates, delivery charges, or fixed monthly charges for water delivery and treatment, or wastewater collection and treatment. These fees and charges are imposed as a condition of providing new or increased water and wastewater services through new connections.
- L. Fees or charges adopted by this Ordinance are not imposed upon real property or upon persons as an incident of real property ownership.
- M. The fees and charges adopted by this Ordinance will not exceed the estimated reasonable costs of providing the services for which the fees or charges are imposed.
- N. The impact fees adopted by this Ordinance will be imposed within the District's existing service area as shown on the diagram on file in the District Office.
- O. No written requests are on file with the District for mailed notice of meetings on new or increased fees or service charges pursuant to Government Code §66016.

NOW THEREFORE be it ordained as follows:

Section 1. The foregoing findings are adopted by the Board as though set forth fully herein.

Section 2. Water Capacity Charges Amended. Section 3.40.090 of the District Code is amended in full as follows:

3.40.090 - Capacity charge.

A capacity charge for the right of water service in existing, proposed, and pending water supply, storage, transmission and distribution facilities of the District shall be payable to the District for all new water connections and all water connections increased in capacity within the boundary of the District. The water capacity charges shall be as follows:

Water Meter Size	Capacity Fees
5/8"	\$9,462
3/4"	\$9,462
1"	\$9,462
1 1/2"	\$18,923
2"	\$30,278
3"	\$66,232
4"	\$119,218
6"	\$246,005
8"	\$454,163

The capacity charges shall be automatically adjusted as provided in Section 3.40.095 of the District Code. The term "connection charge" as used in Section 3.40.095 shall have the same meaning as "capacity charge" as used in this Section 3.40.090. The imposition of a capacity charge on any school district, county office of education, community college district, the California State University, the University of California, or state agency shall be subject to the requirements set forth in Section 54999.3 of the California Government Code. If connection is not made to the District's water system within one year from the date a capacity charge is paid after the effective date of this provision, the difference between the amount paid and the amount of the capacity charge in effect at the time of the connection shall be paid to the District. No

additional payment shall be required for connections for which connection charges are paid before the effective date of this provision.

Section 3. Wastewater Capacity Charges Amended. Section 4.32.160 of the District Code is amended to read in full as follows:

4.32.160 - Capacity charge.

A capacity charge for the right to connect and discharge wastewater into the existing, proposed, and pending wastewater collection and treatment facilities of the District shall be payable to the District for all new wastewater connections and all wastewater connections increased in capacity within the boundary of the District. The wastewater capacity charges per dwelling unit shall be as follows:

Customer Class	Capacity Fees
Single Family Residential	\$17,032 per Dwelling Unit
Multi Family Residential	\$12,774 per Dwelling Unit
Commercial/Industrial/School	Equivalent Dwelling Units

“Dwelling Unit” as used in this Section means and refers to a place of residence for a single family. Multiple-family dwellings shall have the same number of residences that the facilities therein provide for single-family residents, including trailer courts, hotels, and motels. Wastewater capacity fees for commercial, industrial, church, school, public, and other nonresidential units shall be determined by the General Manager on the basis of dividing estimated water consumption by the average indoor water consumption for a single family residence in the District.

The capacity charge shall be adjusted as provided in Section 4.32.165 of the District Code. The term “connection charge” as used in Sections 4.32.165, 4.32.170 and 4.32.180 shall have the same meaning as “capacity charge” as used in this Section 4.32.160. If connection is not made to the District’s sewer system within one year from the date a capacity charge is paid after the effective date of this provision, the difference between the amount paid and the amount of the capacity charge in effect at the time of the connection shall be paid to the District. No additional payment shall be required for connections for which connection charges are paid before the effective date of this provision.

Section 4. Requirements for Fees and Charges. The fees and charges adopted by this Ordinance shall not exceed the estimated reasonable costs of providing the services for which the fees or charges are imposed.

Section 5. 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 6. 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 7. Effective Date. This Ordinance shall take effect immediately on adoption. The changed capacity charges in Sections 2 and 3 of this Ordinance shall be effective on the sixty-first day following adoption.

Section 8. 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 9. 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, CEQA Guidelines Section 15062.

On motion of Director Villalon, seconded by Director Johnson, the foregoing Ordinance is enacted and shall take effect on August 6, 2013, by the following roll call of the Board:

AYES: Directors Clapham, Johnson, Hill, Meraz, and Villalon

NAYS: None

ABSENT: None

By:


Dave Meraz, President

ATTEST:


Donald G. Ridenhour, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at their special meeting on August 6, 2013.


Donald G. Ridenhour, Secretary