

SUNNYSLOPE COUNTY WATER DISTRICT

ORDINANCE NO. 64

AN ORDINANCE OF SUNNYSLOPE COUNTY WATER DISTRICT (AMENDING DISTRICT CODE § 4.36.060) (CHANGING RATES, FEES AND CHARGES FOR 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, and Sections 50021, 50022.4, 50022.7, 66013 and 66016 of the California Government Code, and Section 6 of Article XIII D of the California Constitution.

Section 2. Findings.

A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted and notice of a public hearing on the ordinance was published in accordance with law in the Hollister Freelance and the Pinnacle. 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 March 8, 2007. 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 will be filed with the minutes of this meeting.

B. Rates for sewer service are established by Section 4.36.060 and Table 4.36.060 of the District Code. These rates were last amended in 2003 by Ordinance No. 62.

C. General economic conditions, changed laws and regulations, and continuing development in the district's present service area since the rates and charges were last amended have increased substantially the district's costs of providing water and wastewater services, including the costs of human and capital resources, and have required the district to plan for and provide new water and wastewater facilities, all requiring increased revenue.

D. The District Engineer and the District's consulting engineers, RMC Engineering, have made recommendations concerning wastewater transport and treatment facilities needed to serve consumers of the district's wastewater services to maintain compliance with applicable laws and regulations and the lawful requirements of the Central Coast Regional Water Quality Control Board.

E. As part of its planning, the district engaged Bartle Wells Associates to review the district's finances and the financial needs identified based on the Urban Water Management Plan and the recommendations of the District Engineer and the consulting engineers. The Board received and accepted a report from Bartle Wells at duly noticed Board meetings. A written report from Bartle Wells on file in the district office, and the oral presentations of Bartle Wells and the District's engineering consultants, RMC Engineering, have been considered carefully by the Board.

F. Information presented to the Board after careful study by qualified experts shows that the district has a clear, present and immediate need to amend certain of its 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.

G. The district's financial needs require the provisions of this ordinance amending rates, fees and charges to become effective immediately upon adoption pursuant to Water Code Section 31027.

H. 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.

I. Service rates, fees or charges adopted by this Ordinance will be imposed as a condition of service by the District to its customers. Sewer rates will be imposed on the basis of the amount of wastewater produced 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.

J. 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.

K. 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.

L. 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 Section 66016.

Section 3. Purpose Of Ordinance. This ordinance amends Section 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. Sewer Rate Schedule Amended. Section 4.63.060 of the District Code is amended by amending Table 4.63.060 to read in full as set forth in Exhibit "A" to this ordinance, incorporated by this reference.

Section 6. 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.

Section 7. 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 8. 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 9. Effective Date. This ordinance shall take effect immediately upon adoption.

Section 10. Publication and Posting. Within 15 days after adoption, the district shall publish, in a newspaper published in San Benito County and circulated within the district, a summary of this ordinance with the names of those directors voting for and against adoption, 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 11. 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 Johnson, seconded by Director Hailstone, the foregoing Ordinance is enacted and shall take effect on March 8, 2007, by the following roll call of the Board:

YES: Directors Anderson, Hailstone, Nelson, Johnson, & Keck
NAYS: None
ABSENT: None

By *Dawn V. Anderson*
Dawn V. Anderson, 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 March 8, 2007.

Bryan M. Yamaoka
Bryan M. Yamaoka, Secretary

EXHIBIT A

Table 4.36.060

| SEWER SERVICE CHARGES – Effective March 21, 2007 | |
|--|---|
| <u>Facility Serviced</u> | <u>Charge per Month</u> |
| 1. Single-family dwelling | \$31.58 plus \$1.87/HCF based on average winter water usage for February and March |
| 2. Multiple-family dwellings, duplexes, flats, and apartments | \$24.02/unit plus \$1.87/HCF based on average winter water usage for February and March |
| 3. Cottages, auto courts, motels, trailer parks, laundries, laundrettes and similar uses | \$3.05/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) | \$4.03/HCF of metered water use |

| SEWER SERVICE CHARGES – Effective December 21, 2007 | |
|--|---|
| <u>Facility Serviced</u> | <u>Charge per Month</u> |
| 5. Single-family dwelling | \$50.53 plus \$2.99/HCF based on average winter water usage for February and March |
| 6. Multiple-family dwellings, duplexes, flats, and apartments | \$38.44/unit plus \$2.99/HCF based on average winter water usage for February and March |
| 7. Cottages, auto courts, motels, trailer parks, laundries, laundrettes and similar uses | \$4.88/HCF of metered water use |
| 8. 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) | \$6.44/HCF of metered water use |

SEWER SERVICE CHARGES – Effective December 21, 2008

Facility Serviced

Charge per Month

- | | |
|---|---|
| 9. Single-family dwelling | \$55.58 plus \$3.29/HCF based on average winter water usage for February and March |
| 10. Multiple-family dwellings, duplexes, flats, and apartments | \$42.28/unit plus \$3.29/HCF based on average winter water usage for February and March |
| 11. Cottages, auto courts, motels, trailer parks, laundries, laundrettes and similar uses | \$5.37/HCF of metered water use |
| 12. 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) | \$7.09/HCF of metered water use |

SEWER SERVICE CHARGES – Effective December 21, 2009

Facility Serviced

Charge per Month

- | | |
|---|---|
| 13. Single-family dwelling | \$61.14 plus \$3.62/HCF based on average winter water usage for February and March |
| 14. Multiple-family dwellings, duplexes, flats, and apartments | \$46.51/unit plus \$3.62/HCF based on average winter water usage for February and March |
| 15. Cottages, auto courts, motels, trailer parks, laundries, laundrettes and similar uses | \$5.91/HCF of metered water use |
| 16. 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) | \$7.79/HCF of metered water use |

SEWER SERVICE CHARGES – Effective December 21, 2010

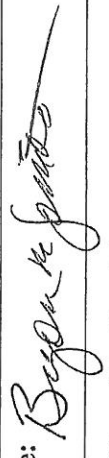
| <u>Facility Serviced</u> | <u>Charge per Month</u> |
|---|---|
| 17. Single-family dwelling | \$67.25 plus \$3.98/HCF based on average winter water usage for February and March |
| 18. Multiple-family dwellings, duplexes, flats, and apartments | \$51.16/unit plus \$3.98/HCF based on average winter water usage for February and March |
| 19. Cottages, auto courts, motels, trailer parks, laundries, laundrettes and similar uses | \$6.50/HCF of metered water use |
| 20. 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) | \$8.57/HCF of metered water use |

07-08

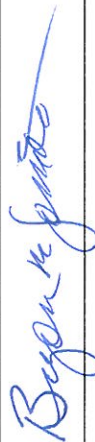
FILED
IN SAN BENITO COUNTY

MAR 16 2007

JOE PAUL GONZALEZ, COUNTY CLERK
BY:  DEPUTY CLERK**NOTICE OF EXEMPTION**

| | |
|---|--|
| County Clerk County of San Benito 440 5th St., 2nd Floor, Room 206 Hollister, CA 95023-3843 | From: Sunnyslope County Water District 3570 Airline Highway Hollister, CA 95023 |
| Project Title: Ordinance #64 – An Ordinance of Sunnyslope County Water District (Amending District Code § 4.36.060) (Changing Rates, Fees, and Charges For Sewer Services) | |
| Project Location: Sunnyslope County Water District Assessor's Parcel No. | |
| Project Location – City: City of Hollister | Project Location – County: San Benito |
| Name of Public Agency Approving Project: Sunnyslope County Water District | |
| Description of Project: This Ordinance amends District Code for the purpose to increase monthly sewer rates concerning wastewater transport and treatment facilities need to serve consumers of the District's wastewater service to maintain compliance with applicable laws and regulations and the lawful requirements of the Central Coast Regional Water Quality Control Board. | |
| Name of Person or Agency Carrying Out Project: Sunnyslope County Water District | |
| Exempt Status: Statutory Exemptions Title 14, California Code of Regulations, Section 15062 | |
| Reasons why project is exempt: Public Resources Code Section 21080(b)(8) and Section 15273 of California CEQA Guidelines codified at 14 CCR § 15273 | |
| Lead Agency Contact Person: Bryan M. Yamaoka | Phone Number: 831-637-4670 |
| Signature:  | Date: March 9, 2007 Title: General Manager |
| Signed by Lead Agency | Date Received for Filing at OPR: n/a |

NOTICE OF EXEMPTION

| | |
|---|---|
| To: County Clerk County of San Benito 440 5th St., 2nd Floor, Room 206 Hollister, CA 95023-3843 | From: Sunnyslope County Water District 3570 Airline Highway Hollister, CA 95023 |
| Project Title: Ordinance #64 – An Ordinance of Sunnyslope County Water District (Amending District Code § 4.36.060) (Changing Rates, Fees, and Charges For Sewer Services) | |
| Project Location: Sunnyslope County Water District Assessor's Parcel No. | |
| Project Location – City: City of Hollister | Project Location – County: San Benito |
| Name of Public Agency Approving Project: Sunnyslope County Water District | |
| Description of Project: This Ordinance amends District Code for the purpose to increase monthly sewer rates concerning wastewater transport and treatment facilities need to serve consumers of the District's wastewater service to maintain compliance with applicable laws and regulations and the lawful requirements of the Central Coast Regional Water Quality Control Board. | |
| Name of Person or Agency Carrying Out Project: Sunnyslope County Water District | |
| Exempt Status: Statutory Exemptions Title 14, California Code of Regulations, Section 15062 | |
| Reasons why project is exempt: Public Resources Code Section 21080(b)(8) and Section 15273 of California CEQA Guidelines codified at 14 CCR § 15273 | |
| Lead Agency Contact Person: Bryan M. Yamaoka | Phone Number: 831-637-4670 |
| Signature:  | Date: March 9, 2007 |
| | Title: General Manager |
| Signed by Lead Agency | Date Received for Filing at OPR: n/a |