

ORDINANCE NO. 2010-01

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SALTON COMMUNITY SERVICES DISTRICT ESTABLISHING
RATES FOR WASTEWATER SERVICE FEES**

WHEREAS, the Salton Community Services District (the “District”) must generate revenues in an amount sufficient to cover the District’s ongoing costs of providing sewer collection, treatment, and disposal services (“sewer services”); and

WHEREAS, the District has determined that current increases to the schedule of rates for the District’s wastewater service fees (“Sewer Fees”) and future rate increases for inflationary adjustments, as more particularly described herein, are necessary to generate revenues sufficient to cover the District’s ongoing costs of providing sewer services and related costs and expenses; and

WHEREAS, the revenues derived from the proposed Sewer Fees will not exceed the funds required to provide the sewer services and shall be used exclusively for the provision of sewer services; and

WHEREAS, the amount of the proposed Sewer Fees will not exceed the proportional cost of the services attributable to each parcel upon which they are proposed for imposition; and

WHEREAS, the proposed Sewer Fees will not be imposed on a parcel unless the sewer services are actually used by, or immediately available to, the owner of the parcel; and

WHEREAS, the District, as the lead agency under the California Environmental Quality Act (CEQA), in consultation with the District’s Legal Counsel, prepared a Preliminary Exemption Assessment for the adoption of this Ordinance in order to evaluate its potential impacts. The District determined that this Ordinance is exempt from CEQA review under Public Resources Code section 21080(b)(8) and State CEQA Guidelines section 15273 because the Sewer Fees are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the sewer system and will not result in the expansion of the sewer system; and

WHEREAS, California Constitution article XIII D, section 6 (“Article XIII D”) requires that prior to imposing any increase to the Sewer Fees, the District shall provide written notice (the “Notice”) by mail of the proposed increases to the rates for the Sewer Fees to the record owner of each parcel upon which the rate increases to the Sewer Fees are proposed for imposition, the amount of the rates for the Sewer Fees proposed to be imposed on each parcel, the basis upon which the rates for the Sewer Fees were calculated, the reason for the rate increases to the Sewer Fees, and the date, time and location of a public hearing (the “Hearing”) on the proposed rate increases to the Sewer Fees; and

WHEREAS, pursuant to Article XIII D such Notice is required to be provided to the affected property owners not less than forty-five days prior to the Hearing on the proposed rates; and

WHEREAS, the District did provide such Notice to the affected property owners of the proposed rate increases to the Sewer Fees in compliance with Article XIII D; and

WHEREAS, the Hearing was held on this day, July 20, 2010; and

WHEREAS, at the Hearing the Board of Directors of the District heard and considered all oral testimony, written materials, and written protests concerning the establishment and imposition of the proposed rate increases to the Sewer Fees, and at the close of the Hearing the District did not receive written protests against the establishment and imposition of the proposed rate increases to the Sewer Fees from a majority of the affected property owners and tenants directly liable for the payment of the Sewer Fees; and

WHEREAS, pursuant to California Health and Safety Code section 5471, the Board of Directors of the District now desires to establish and impose the proposed rate increases to the Sewer Fees; and

WHEREAS, this Ordinance shall supersede all other previous resolutions and ordinances that may conflict with, or be contrary to, this Ordinance respecting the rates for Sewer Fees described more particularly herein;

NOW THEREFORE, BE IT ORDAINED, by the Board of Directors of the Salton Community Services District ordains as follows:

1. The Board of Directors hereby finds and determines that the above Recitals are true and correct and are incorporated herein.
2. As the decision making body for the District, the Board of Directors has reviewed and considered the information contained in the Preliminary Exemption Assessment and administrative record. The Board of Directors finds that the Preliminary Exemption Assessment contains a complete and accurate reporting of the environmental impacts associated with the adoption of this Ordinance and reflects the independent judgment of the Board of Directors.
3. For single-family residential customers, the Board of Directors hereby establishes the annual Sewer Fee at the rate of \$316.01 per equivalent dwelling unit ("EDU"). Said rate shall become effective July 1, 2010. One EDU is equivalent to approximately 112 gallons per day of wastewater discharged into the District's wastewater system. For purposes of this Ordinance, a single-family residential customer means (a) a person who receives wastewater service from the District and occupies premises designed, improved, or used as a residence for one single family; and (b) a person who receives wastewater service from the District and occupies a premises designed, improved, or used as a residence for two or more families, living independently of each other on two or more structurally joined dwelling units with separate entrances, but shall not include mobile home parks, hotels, motels, dormitories, apartment buildings, or

similar structures.

4. For non-single family residential customers, the annual Sewer Fee will be determined each year based on the water user's prior calendar year water usage. The Board of Directors hereby establishes the annual Sewer Fee for non-residential customers at the rate of \$5.18 per hundred cubic feet of annual water used subject to a minimum charge of \$316.01 per year. Such rates shall be effective beginning September 1, 2010. Provided, however, for fiscal year 2010-11, the annual charge shall be the prorated amount for July and August based on the District's then existing current rates and for the remaining 10 months based on the water usage rate of \$5.18 per hundred cubic feet of water. For purposes of this Ordinance, a non-single family residential customer means any person who receives wastewater service from the District and is not a single-family residential customer.
5. For non-single-family residential property not previously connected to the District's sewer system, and for which there is no prior water usage data or records, the annual Sewer Fee will be determined based on the water usage data and land use category of the property connecting to the District's sewer in accordance with Exhibit A, attached hereto and by this reference incorporated herein. After water usage data for a property subject to this Section 5 has been established for a twelve-month period, the District shall determine the rate to be imposed for any such property in accordance with Section 4 of this Ordinance and shall implement such rates in the fiscal year following such twelve-month period.
6. Beginning July 1, 2011, and each July 1 thereafter through and including July 1, 2015, the Board of Directors hereby authorizes the wastewater service fees to be annually adjusted to account for the increased costs in providing wastewater services, including increased costs of operations and maintenance and capital facilities ("Inflationary Adjustments). Provided, however, that (1) any increase to the rates as a result of an Inflationary Adjustment shall not exceed 5% per year; and (2) in no event shall such rates increase as a result of an Inflationary Adjustment by more than the cost of providing wastewater service. Prior to implementing any such future Inflationary Adjustments, the District shall provide written notice of any such increase not less than 30 days prior to the effective date of the increase.
7. The Board of Directors hereby finds that the administration, operation, maintenance, and improvements of the sewer system, which are to be funded by the Sewer Fees, are necessary to maintain sewer services within the District's existing service area. The Board of Directors further finds that the administration, operation, maintenance, and improvements of the sewer system, to be funded by the Sewer Fees set forth herein, will not expand the sewer system. The Board of Directors further finds that such Sewer Fees are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the sewer system. Based on these findings, the Board of Directors hereby determines that this Ordinance is exempt from the requirements of CEQA pursuant to California Public Resources Code section 21080(b)(8) and State CEQA Guidelines section 15273(a).

8. The documents and materials that constitute the record of proceedings on which these findings have been based are located at 2098 Thomas R. Cannell Road, Salton City, California 92275. The custodian for these records is the District Secretary.
9. The Board of Directors hereby authorizes and directs the District Manager to implement and take all actions necessary to effectuate the rates for the Sewer Fees set forth herein and to file a Notice of Exemption with the County Clerk for the County of Imperial within five (5) working days of the date of the adoption of this Ordinance.
10. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The Board of Directors hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.
11. This Ordinance shall supersede any and all provisions of any previous resolution and/or ordinance approved by the Board of Directors that may conflict with, or be contrary to, this Ordinance.
12. In accordance with California Government Code section 25124, before the expiration of fifteen days after its passage, the District Secretary shall cause a summary of this Ordinance to be published once, with the full names of the members voting for and against it, in a newspaper published in the county, and a certified copy of the full text shall be posted in the office of the Secretary of the District.
13. This Ordinance shall become effective thirty (30) days from and after its final passage.
14. A full reading of this Ordinance is hereby waived. This Ordinance was introduced at a regular meeting of the Board of Directors of the Salton Community Services District, California, on July 20, 2010, and thereafter adopted at an adjourned regular meeting of the Board of Directors held on the 27th day of July, 2010, by the following vote:

AYES: Mary Fran Aldridge, Dale Johnson, Salvador Gonzalez, John Fifield
NOES: None
ABSENT: Mary Kach
ABSTAIN: None

July 27, 2010
Date

Fran Aldridge, President

ATTEST:

Eric Salazar, District Secretary

EXHIBIT A
ASSIGNED WATER USAGE BASED ON LAND USE CLASSIFICATIONS

Description	LA Charge Guide	
	(gpd)	Units
Acupuncture	150	1000 gr.sq.ft.
Bakery	280	1000 gr.sq.ft.
Bank: Branch	80	1000 gr.sq.ft.
Banquet Room/Ballroom	800	1000 gr.sq.ft.
Bar: Fixed Seat	18	seat
Bar: Juice, No Food & Pastry	120	1000 gr.sq.ft.
Bar: Juice, Pastry Only	280	1000 gr.sq.ft.
Barber Shop	100	1000 gr.sq.ft.
Beauty Parlor	280	1000 gr.sq.ft.
Cafeteria: Fixed Seat	30	seat
Car Wash: Automatic	1,440	gpm avg.
Car Wash: Coin Operated	206	stall
Car Wash: Counter & Sale Area	80	1000 gr.sq.ft.
Chapel/Church/Community Center: Fixed Seat	4	seat
Chiropractic Office	150	1000 gr.sq.ft.
Church School: Day Care/Elementary	8	occupant
Coffee House: No Food & Pastry	120	1000 gr.sq.ft.
Coffee House: Pastry Only	280	1000 gr.sq.ft.
Coffee House: Serves Cooked Food	30	seat
Comfort Station: Public	100	fixture
Dental/Medical Office/Clinic	250	1000 gr.sq.ft.
Gas Station: Self Service	100	W.C.
Gas Station: Four Bays Maximum	430	station
Health Club/Spa	800	1000 gr.sq.ft.
Hospital	75	bed
Hotel/Motel: Use Guest Rooms Only	130	room
Jail	85	inmate
Kennel: Dog Kennel/Open	100	1000 gr.sq.ft.

Description	LA Charge Guide	
	(gpd)	Units
Laundromat	170	machine
Library: Public Area	80	1000 gr.sq.ft.
Machine Shop (domestic)	80	1000 gr.sq.ft.
Manufacturing/Industrial Facility (domestic)	80	1000 gr.sq.ft.
Mini-Mall (Shell)	80	1000 gr.sq.ft.
Mortuary: Living Area	80	1000 gr.sq.ft.
Night Club: Fixed Seat Area	18	seat
Night Club: Dancing/Public Table Area	600	1000 gr.sq.ft.
Office Building	150	1000 gr.sq.ft.
Residential Dorm: College or Res.	75	student
Restaurant: Drive-up	40	stall
Restaurant: Drive-up	20	seat
Restaurant: Fast Food (Indoor Seat)	20	seat
Restaurant: Fast Food (Outdoor Seat)	12	seat
Restaurant: Full Service (Indoor Seat)	30	seat
Restaurant: Full Service (Outdoor Seat)	18	seat
Restaurant: Take-out	300	1000 gr.sq.ft.
Retail Store	80	1000 gr.sq.ft.
School: Elementary/Jr. High	5	student
School: High School	15	student
Store: Ice Cream	80	1000 gr.sq.ft.
Store: Retail	80	1000 gr.sq.ft.
Swimming Pool (Commercial, with Backwash Filters)	1,440	gpm avg.
Theater: Cinema	4	seat
Trailer - Construction/Field Office	150	office
Warehouse	20	1000 gr.sq.ft.