

ORDINANCE NO. 2008-1

AN ORDINANCE REPEALING ORDINANCE NO. 1995-1
AS SUBSEQUENTLY AMENDED, AND ESTABLISHING
WATER CHARGES AND PROVIDING PROCEDURES FOR
ENFORCEMENT

BE IT ORDAINED, by the Board of Directors of the McKinney Water District, Placer and El Dorado Counties, State of California, as follows:

ARTICLE I – GENERAL PROVISIONS

1. Short Title. This Ordinance may be cited as “McKinney Water District Water Charge Ordinance”.
2. Enabling Statute. This Ordinance is adopted pursuant to Section 35470 of the Water Code of the State of California.
3. Application. This Ordinance shall apply to all water facilities of the District.
4. Separability. It is hereby declared that District would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared invalid, or subsequently modified.

ARTICLE II – DEFINITIONS

5. APPLICANT means a Holder of Title, or an authorized person who has applied to the District requesting delivery of water, (prior, or subsequent to, the ability of the District to make such delivery of water).
6. BOARD means the Board of Directors of the McKinney Water District.
7. CALENDAR YEAR means the 12-month period – January 1st to December 31st.
8. DISTRICT means the MCKINNEY WATER DISTRICT.
9. FISCAL YEAR means the Fiscal Year of the District, to wit: The 12-month period from July 1st to the following June 30th.
10. HOLDER OF TITLE means the Owner of Record of Fee Title to Land within the District.

11. CONSUMER OF RECORD means the User of Water identified by the District's Account record by name and address.

ARTICLE III – WATER CHARGES: VARIOUS

12. STANDBY CHARGE (NON-USERS) – An Annual Standby Charge of Sixty Four Dollars (\$64.00) per Fiscal Year, for a subdivided lot, is hereby established, and is payable by Holder of Title to land to which a water delivery facility has been made available. Each unsubdivided parcel as shown on the last equalized County Assessment Roll and to which water is available, regardless of area, shall be treated as a separate lot for purposes of this section.

13. WATER CONNECTION CHARGE – The cost of approval of a connection of a use service to the District's Water System shall be paid by the applicant in an amount as established from time to time by the Board shall be \$250.00 pursuant to this Ordinance.

Any connection made without payment of such charge shall be disconnected, and the applicant and/or land owner shall pay all costs incurred thereby, and prior to a reconnection for such use service to such property.

14. WATER USE SERVICE – An Annual Water Service Charge of Three Hundred Dollars (\$300.00) per Fiscal Year, for each connection to the District's Water systems, is hereby established, and is payable by Holders of title to the land to which such connection has been made. For a new connection, the annual charge shall be prorated from the 1st of the month following the connection through the remainder of the current Fiscal year and is payable with the Water connection Charge herein established. Prepaid Standby Charges for the same period of proration shall be allowed as a credit against such Water Service Charge.

15. REVERSION CHARGES – USER TO NON-USER STATUS – A user, upon disconnection, shall pay the cost of approval established by Section 13, and the lot or parcel incurring the herein established. Such charge shall commence on the 1st day of the month following the date of disconnection and shall be an amount equal to 1/12 of the Annual Standby Charge multiplied by the number of months remaining to the end of the current Fiscal Year. Any prepayments of Annual Water Service Charges as herein established applicable to the above determine remaining months shall be allowed as a credit to such Annual Standby Charge. An application for reconnection shall be treated as a new connection in accordance with Sections 13 and 15 hereof.

16. NEWLY SUBDIVIDED LOTS – Upon the availability of water distribution facilities, within a newly subdivided area, which are owned, or controlled by the District, Annual Standby Charge as herein established shall become applicable. To the Holders of Title of all parcels within such area, per the District's records, there shall be mailed a 15-day delinquency billing stating the prorate amount of such charge applicable to the then remaining portion of the current Fiscal Year beginning with the 1st day of the month

following acceptance by the District of ownership or control of such water distribution facilities.

ARTICLE IV – BILLING AND COLLECTION

17. **BILLING AND DUE DATES FOR PAYMENT OF CHARGES** – Annual Standby Charges and Annual Water Service Charges are due and payable in full on the 1st day of May for the Fiscal Year commencing on the following 1st day of July. Suitable billings shall be mailed each year, prior to the May 1 due date, to the Holder of Title or Consumer of Record, per the District's records, stating the applicable charges, the due date, the delinquent data, the delinquency penalty and request for payment.
18. **DELINQUENCY** – All charges established by this Ordinance shall be paid on or before their due date, and, if not so paid, shall become delinquent. Delinquent charges shall be subject to a penalty and shall from time to time be established by the Board of Directors. Non-receipt of a written bill shall not affect the date of delinquency. No connection or reconnection shall be made from a parcel to the District's Water system while there exists any delinquent charges applicable to such parcel.
19. **COLLECTION OF ANNUAL STANDBY CHARGES** – Pursuant to Sections 35479 et seq. of the Water Code of the State of California, Annual Standby Charges may, at the option of the Board of Directors, be levied and collected at the same time and in the same manner as general county taxes.
20. **DISCONTINUANCE FOR NONPAYMENT OF CHARGES** – Water use service may be discontinued for nonpayment of Water Connection Charges or Annual Water Service Charges which have been delinquent. At least five (5) days prior to such discontinuance, a final notice will be sent to the Consumer of Record stating that discontinuance will be effected if payment is not made within the time limit specified in the notice. Failure of the District to send, or any such person to receive, said notice shall not affect the District's power to terminate the delivery of water to such connection.
21. **COLLECTION OF DELINQUENT CHARGES**
 - A) **Legal Action** – As an alternative to any of the other procedures herein provided, District may bring a legal action against the Holder of Title, and/or the occupants of the premises when Water Service was rendered, for the collection of delinquent charges, related costs of collection's and reasonable attorney's fees.
 - B) **County Property Tax Rolls** – The district may, by resolution, elect to have delinquent charges as established by this Ordinance collected on the County tax roll on which its ad valorem assessments are collected, in the same manner, by the same person, at the same time, and together with and in addition to the District's ad valorem assessments.

C) Lien Against the land – The amount of delinquent charges attributed to each parcel, as received by the County Auditor, shall constitute a special assessment against such parcel, and shall be a lien on that property for such amount.


22. REPEAL OF PRIOR ORDINANCES – Ordinance No. 2008-1 “An Ordinance Repealing Ordinance No 1995-1 and establishing Water Charges and providing procedures for it’s enforcement, adopted by the Board of Directors of said District, as subsequently amended, it hereby repealed.

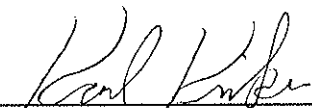
I hereby certify that the foregoing is a full, true and correct copy of an Ordinance duly passed and adopted by the Board of Directors of the McKinney Water District, Placer and El Dorado Counties, California, at a meeting thereof duly held on this 25th. day of April, 2008 by the following vote of the member thereof:

AYES, and in favor thereof; K Eichstadt, T. Waters, F. Jackson,
S. Hirabayashi, J. Egelston

NOES, Directors, NONE

ABSENT, Directors NONE


Klaus Eichstadt
President/Chairman
McKinney Water District


Karl Kinker
Secretary/Treasurer
McKinney Water District

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ARTICLE II – DEFINITIONS

5. APPLICANT means a Holder of Title, or an authorized person who has applied to the District requesting delivery of water, (prior, or subsequent to, the ability of the District to make such delivery of water).
6. BOARD means the Board of Directors of the McKinney Water District.
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ARTICLE III – WATER CHARGES: VARIOUS

12. STANDBY CHARGE (NON-USERS) – An Annual Standby Charge of Sixty Four Dollars (\$64.00) per Fiscal Year, for a subdivided lot, is hereby established, and is payable by Holder of Title to land to which a water delivery facility has been made available. Each unsubdivided parcel as shown on the last equalized County Assessment Roll and to which water is available, regardless of area, shall be treated as a separate lot for purposes of this section.

13. WATER CONNECTION CHARGE – The cost of approval of a connection of a use service to the District's Water System shall be paid by the applicant in an amount as established from time to time by the Board shall be \$250.00 pursuant to this Ordinance.

Any connection made without payment of such charge shall be disconnected, and the applicant and/or land owner shall pay all costs incurred thereby, and prior to a reconnection for such use service to such property.

14. WATER USE SERVICE – An Annual Water Service Charge of Three Hundred Dollars (\$300.00) per Fiscal Year, for each connection to the District's Water systems, is hereby established, and is payable by Holders of title to the land to which such connection has been made. For a new connection, the annual charge shall be prorated from the 1st of the month following the connection through the remainder of the current Fiscal year and is payable with the Water connection Charge herein established. Prepaid Standby Charges for the same period of proration shall be allowed as a credit against such Water Service Charge.

15. REVERSION CHARGES – USER TO NON-USER STATUS – A user, upon disconnection, shall pay the cost of approval established by Section 13, and the lot or parcel incurring the herein established. Such charge shall commence on the 1st day of the month following the date of disconnection and shall be an amount equal to 1/12 of the Annual Standby Charge multiplied by the number of months remaining to the end of the current Fiscal Year. Any prepayments of Annual Water Service Charges as herein established applicable to the above determine remaining months shall be allowed as a credit to such Annual Standby Charge. An application for reconnection shall be treated as a new connection in accordance with Sections 13 and 15 hereof.

16. NEWLY SUBDIVIDED LOTS – Upon the availability of water distribution facilities, within a newly subdivided area, which are owned, or controlled by the District, Annual Standby Charge as herein established shall become applicable. To the Holders of Title of all parcels within such area, per the District's records, there shall be mailed a 15-day delinquency billing stating the prorate amount of such charge applicable to the then remaining portion of the current Fiscal Year beginning with the 1st day of the month

following acceptance by the District of ownership or control of such water distribution facilities.

ARTICLE IV – BILLING AND COLLECTION

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20. **DISCONTINUANCE FOR NONPAYMENT OF CHARGES** – Water use service may be discontinued for nonpayment of Water Connection Charges or Annual Water Service Charges which have been delinquent. At least five (5) days prior to such discontinuance, a final notice will be sent to the Consumer of Record stating that discontinuance will be effected if payment is not made within the time limit specified in the notice. Failure of the District to send, or any such person to receive, said notice shall not affect the District's power to terminate the delivery of water to such connection.
21. **COLLECTION OF DELINQUENT CHARGES**
 - A) **Legal Action** – As an alternative to any of the other procedures herein provided, District may bring a legal action against the Holder of Title, and/or the occupants of the premises when Water Service was rendered, for the collection of delinquent charges, related costs of collection's and reasonable attorney's fees.
 - B) **County Property Tax Rolls** – The district may, by resolution, elect to have delinquent charges as established by this Ordinance collected on the County tax roll on which its ad valorem assessments are collected, in the same manner, by the same person, at the same time, and together with and in addition to the District's ad valorem assessments.

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AYES, and in favor thereof

NOES, Directors,

ABSENT, Directors

Klaus Eichstadt
President/Chairman
McKinney Water District

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