

ORDINANCE NO. 2015-01

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

A. 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

B. 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, 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

C. 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

D. 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

E. 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

F. 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

G. 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

H. 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

I. The Hearing was held on this day, **May 26, 2015**; and

J. 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

K. Pursuant to California Health and Safety Code Section 5471, the Board of Directors of the District now desires to establish and impose the proposed adjustments to rates for the Sewer Fees; and

L. 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 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. **Single Family Residential Rates.** For single family residential customers, the Board of Directors hereby adjusts the annual Sewer Fees established by Ordinance 2010-01 to the rates per equivalent dwelling unit ("EDU") set forth in the table below. Said rates shall become effective July 1 of 2015, 2016, 2017, 2018 and 2019 as indicated in Table 3. Commencing in 2020 and each year thereafter, the rates for the fiscal year commencing in 2019 shall remain in effect unless the District adopts a new rate structure. 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.

Table 3. Single Family Residential Customers:

2015-2016 – \$415.76
2016-2017 – \$457.47
2017-2018 - \$498.83
2018-2019 – \$543.87
2019-2020 - \$587.51 (This rate to remain in effect for subsequent fiscal years unless a new rate structure adopted by the District.)

4. **Non-Single Family Rates.** For non-single family residential customers, other than as provided in **Section 5**, 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 such

non-residential customers at the rates per hundred cubic feet of annual water used as provided in **Table 4** below subject to a minimum annual charge equal to the then current charge for one EDU as provided in **Table 3**. Such rates shall be effective beginning July 1 of 2015, 2016, 2017, 2018 and 2019 as set forth in **Table 4**. 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 or a school.

Table 4. Non-Single Family Customers:

2015-2016 - \$7.62
2016-2017 - \$8.37
2017-2018 - \$9.12
2018- 2019 - \$9.93
2019-2020 - \$10.71 (This rate to remain in effect for subsequent fiscal years unless a new rate structure adopted by the District.)

5. **Other, Schools.** 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, and for schools, 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, excepting schools, 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.

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, repairs 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). The documents and materials that constitute the record of proceedings on which these findings have been based are located at 1209 Van Buren Avenue, Suite 1, Salton City, California 92275. The custodian for these records is the District Secretary.

8. The Board of Directors hereby authorizes and directs the District General 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.

9. 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, subsection, subdivision, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

10. To the extent of any conflict between a provision of this Ordinance and any prior Ordinance or Resolution of the Board of Directors, the provisions of this Ordinance shall supersede such conflicting or contrary provisions of any previous resolution and/or ordinance.

11. In accordance with California Government Code section 25124, before the expiration of fifteen days after its passage, the District Secretary shall cause this Ordinance or 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.

12. This Ordinance shall become effective thirty (30) days from and after its final passage.

13. It is the District Board's intent in adopting this ordinance to adopt sewer fee adjustment proceedings that are consistent, and in compliance with, Article XIID of the California Constitution and with the Proposition 218 Omnibus Implementation Act and the provisions of other statutes authorizing property related fees. It is not the intent of the District Board to vary in any way from the requirements of Article XIID or the Proposition 218 Omnibus Implementation Act.

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 **May 26, 2015**, and thereafter adopted at an adjourned regular meeting of the Board of Directors held on the **1st day of June, 2015**, by the following vote:

	<u>Yes</u>	<u>No</u>
Fran Aldridge	<u>X</u>	_____
Dale Johnson	<u>X</u>	_____
John (Jack) Fifield	<u>X</u>	_____
Forrest Kerr	<u>X</u>	_____
Chris Klontz	_____	_____

Fran Aldridge, President of the Board of Directors

ATTEST:

Kimberly Durley, Secretary of the Board of Directors

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	170	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	gmp avg.
Theater: Cinema	4	Seat
Trailer - Construction/Field Office	150	office