

ORDINANCE NO. 295

AN UNCODIFIED ORDINANCE OF THE
CENTRAL CONTRA COSTA SANITARY DISTRICT
ADOPTING A SCHEDULE OF RECYCLED WATER CHARGES
IN ACCORDANCE WITH DISTRICT CODE CHAPTER 6.38

WHEREAS, the Central Contra Costa Sanitary District (Central San) has previously developed and instituted Recycled Water Charges to finance the recycled water furnished by Central San, and

WHEREAS, it is reasonable and necessary that all users of Central San's recycled water contribute their appropriate portion of the funding for the production of recycled water and the operation, maintenance, and periodic replacement of Central San's recycled water facilities; and

WHEREAS, Central San's Board of Directors has reviewed the current Schedule of Recycled Water Charges and has determined that the annual recycled water charges should be increased by 3% for fiscal year 2017-18 and 3% for fiscal year 2018-19 charges; and

WHEREAS, Chapter 6.38 of District Code provides the enabling authority for Central San to implement the proposed uncodified Schedule of Recycled Water Charges; and

WHEREAS, a properly noticed public hearing to receive comments and protests and to consider the proposed uncodified Schedule of Recycled Water Charges was held on April 20, 2017; and

WHEREAS, in adopting this Ordinance, the Board of Directors finds that:

- a. Written notices of the proposed increase in recycled water charges were sent by first class U.S. mail to every owner of property that is connected or could reasonably be connected to the recycled water distribution system at least 45 days prior to the public hearing on the proposed increase conducted on April 20, 2017.
- b. All written protests against the proposed increase in the recycled water charges, including those provided in person, by facsimile, email and U.S. mail, were considered and tallied at the public hearing conducted on April 20, 2017, and Central San was not presented with protests by a majority of the owners of the identified parcels affected by this change.
- c. The amount of the charge imposed does not exceed the proportional cost of the service attributable to the properties receiving recycled water and the charge is only imposed on those properties or users actually receiving recycled water.

- d. This action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 (a) (1-4) of Central San CEQA Guidelines.

NOW, THEREFORE, the Board of Directors of Central San does ordain as follows:

Section 1 (To be Uncodified)

The “Schedule of Recycled Water Charges” as set forth in this Ordinance is hereby adopted in uncodified form pursuant to the provisions of District Code Section 6.38.

Schedule of Recycled Water Charges

| USER GROUP | CURRENT RATE (per thousand gallons) | MAXIMUM PROPOSED RATE EFFECTIVE JULY 1, 2017 (per thousand gallons) | MAXIMUM PROPOSED RATE EFFECTIVE JULY 1, 2018 (per thousand gallons) |
|------------------------------------|---|---|---|
| Class I (former potable users) | \$3.48 | \$3.58 | \$3.69 |
| Class II (former canal/well users) | \$1.66 | \$1.71 | \$1.76 |

As of the effective date of this Ordinance, Recycled Water Charges shall be charged at such rates and for such categories of users as set forth in said Schedule, and shall remain in effect until amended or replaced by ordinance.

Section 2

All ordinances, parts of ordinances and any provision of Ordinance No. 286 in conflict with the provisions of this Ordinance are repealed. The provisions of this Ordinance, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. To the extent the recycled water charge rates or any portion thereof are determined invalid or unconstitutional, or during any period where the new rates are stayed due to a legal challenge, such portions of Ordinance No. 286 shall remain in effect and such rates and charges due thereunder for any categories of users shall remain due and payable as if those portions of Ordinance No. 286 had not been repealed.

With respect, however, to violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of this Ordinance, under any chapter, ordinance, or part of an ordinance, such chapter, ordinance or part of an ordinance shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal.

Section 3

This Ordinance shall be a general regulation of Central San and shall be published once in the *Contra Costa Times* and *San Ramon Valley Times*, newspapers of general circulation within Central San, and shall be effective on July 1, 2017. This ordinance shall be kept on file with the Secretary of the District.

PASSED AND ADOPTED by the Board of Directors of Central San on the 20th day of April 2017, by the following vote:

AYES: Members: McGill, Nejedly, Pilecki, Causey
NOES: Members: Williams
ABSTAIN: Members: None

/s/ Paul H. Causey
Paul H. Causey, P.E.
President of the Board of Directors
Central Contra Costa Sanitary District
County of Contra Costa, State of California

COUNTERSIGNED:

/s/ Elaine R. Boehme
Elaine R. Boehme, CMC
Secretary of the District
Central Contra Costa Sanitary District
County of Contra Costa, State of California

Approved as to form: /s/ Kenton L. Alm
Kenton L. Alm, Esq.
Counsel for the District