

ORDINANCE NO. 294

AN UNCODIFIED ORDINANCE OF THE  
CENTRAL CONTRA COSTA SANITARY DISTRICT  
ADOPTING A SCHEDULE OF SEWER SERVICE CHARGE RATES  
IN ACCORDANCE WITH DISTRICT CODE CHAPTER 6.24.030

WHEREAS, the Central Contra Costa Sanitary District (Central San) has previously developed and instituted a Sewer Service Charge Program to finance the services and facilities furnished by Central San, and

WHEREAS, it is reasonable and necessary that all users of Central San's wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal services and facilities, including those temporary users served under Special Discharge Permits, contribute their appropriate portion of the funding for such Central San services and facilities; and

WHEREAS, Central San's Board of Directors has reviewed the current Schedule of Sewer Service Charge Rates and has determined that the annual residential sewer service charge rate should be increased by \$27 per single family living unit to \$530, and \$26 per multifamily living unit to \$513 for Fiscal Year (FY) 2017-18, and \$37 per single family living unit to \$567, and \$36 per multifamily living unit to \$549 for FY 2018-19, and that non-residential sewer service charge rates should be increased proportionally similar amounts as the single family service charge rate as set forth below in Exhibit A; and

WHEREAS, Chapter 6.24.030 of District Code provides the enabling authority for Central San to implement the proposed uncodified Schedule of Sewer Service Charge Rates; and

WHEREAS, a properly noticed public hearing to receive comments and protests and to consider the proposed uncodified Schedule of Sewer Service Charge Rates 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 sewer service charge rates were sent by first class U.S. mail to parcel owners who receive sewer service from Central San, using data provided by Contra Costa County Assessor's Office, at least 45 days prior to the Public Hearing on the proposed increase conducted on April 20, 2017.
- b. All legally valid protests against the proposed increase in the sewer service charge rates, including those provided in person, by facsimile, e-mail 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.

- d. The amount of the charge imposed does not exceed the proportional cost of the service attributable to the properties receiving service and the charge is only imposed on those properties actually receiving service or for those which service is immediately available.
- e. This action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 (a) (1-4) of the District CEQA Guidelines.

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

Section 1 (To be Uncodified)

The “Schedule of Sewer Service Charge Rates” as set forth in full in Exhibit “A” to this Ordinance, which exhibit is incorporated in full herein by this reference, is hereby adopted in uncodified form pursuant to the provisions of District Code Section 6.24.030.

As of the effective date of this Ordinance, Sewer Service 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. 285 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 sewer service charge rates or any portion thereof is determined invalid or unconstitutional, or during any period where the new rates are stayed due to a legal challenge, such portions of Ordinance No. 285 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. 285 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

Prior to imposing the rate set forth under this Ordinance for Fiscal Year 2018-19, the Board of Directors shall consider, at a noticed public hearing, the District’s proposed budget, its financial condition, projected capital and operations and maintenance costs, as well as other factors which bear on the revenue requirements of the District, before June 30, 2018, to determine whether the increased amount set forth herein for Fiscal

Year 2018-19 is still necessary. If the District Board concludes by a majority vote that sewer service charges for less than the amount set forth in this Ordinance for Fiscal Year 2018-19 will produce adequate revenues for that fiscal year, the Board may by resolution fix the Fiscal Year 2018-19 sewer service charges to be imposed at appropriate amounts up to the maximum of the rates set forth herein without an amendment of this Ordinance. In such case, the resolution shall clearly set forth such lesser charges that are to be imposed and those charges shall remain in place until further action of the Board. If the Board determines the rates set forth in the table are appropriate for imposition in Fiscal Year 2018-19, no further action of the Board shall be required.

Section 4

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 20<sup>th</sup> day of April 2017, by the following vote:

AYES: Members: McGill, Pilecki, Williams, Causey  
NOES: Members: Nejedly  
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

## EXHIBIT "A"

### Schedule of Sewer Service Charge Rates (Uncodified)

This schedule of Sewer Service Charges (to be effective July 1, 2017), was established by Central Contra Costa Sanitary District Ordinance No. 294, adopted April 20, 2017.

User Group	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19
<b>Residential</b> (rate per Residential Unit):			
Single Family Dwellings, Mobile Homes	\$503.00	\$530.00	\$567.00
Apartments, Condominiums, Duplexes, Second Living Units, Mobile Homes	\$487.00	\$513.00	\$549.00
<b>Commercial / Non-Industrial</b> (rates per hundred cubic feet):			
Standard Commercial Rate for Users Not Listed Below	\$4.98	\$5.25	\$5.61
Automotive	\$5.73	\$6.04	\$6.46
Bakeries	\$13.22	\$13.93	\$14.90
Hotels / Motels	\$8.64	\$9.10	\$9.74
Supermarkets	\$9.34	\$9.84	\$10.53
Mortuaries	\$11.47	\$12.09	\$12.93
Restaurants	\$9.34	\$9.84	\$10.53
Minimum Annual Charge	\$504.00	\$530.00	\$566.00
<b>Industrial</b> (rates per unit specified):			
Wastewater Flow (per hundred cubic feet)	\$3.67	\$3.87	\$4.14
Biochemical Oxygen Demand (per 1,000 pounds)	\$1,216.00	\$1,281.27	\$1,370.72
Suspended Solids (per 1,000 pounds)	\$567.00	\$597.44	\$639.14
Fixed	\$87.23	\$91.91	\$98.33
Minimum Annual Charge	\$504.00	\$530.00	\$566.00
<b>Special Discharge Permits &amp; Contractual Agreements:</b>	Determined Individually	Determined Individually	Determined Individually

**Schedule of Sewer Service Charge Rates (continued)**

<b>User Group</b>	<b>Fiscal Year 2016-17</b>	<b>Fiscal Year 2017-18</b>	<b>Fiscal Year 2018-19</b>
<b>Mixed Use</b> (for parcels with shared water meter; rates per hundred cubic feet):			
Rate Group XA: (90-99% Standard Commercial; 1-10% Restaurant)	\$5.32	\$5.61	\$6.00
Rate Group XB: (80-89% Standard Commercial; 11-20% Restaurant)	\$5.77	\$6.08	\$6.50
Rate Group XC: (70-79% Standard Commercial; 21-30% Restaurant)	\$6.23	\$6.56	\$7.02
Rate Group XD: (60-69% Standard Commercial; 31-40% Restaurant)	\$6.67	\$7.03	\$7.52
Rate Group XE: (50-59% Standard Commercial; 41-50% Restaurant)	\$7.12	\$7.50	\$8.03
Rate Group XF: (40-49% Standard Commercial; 51-60% Restaurant)	\$7.56	\$7.97	\$8.52
Rate Group XG: (30-39% Standard Commercial; 61-70% Restaurant)	\$8.01	\$8.44	\$9.03
Rate Group XH: (20-29% Standard Commercial; 71-80% Restaurant)	\$8.45	\$8.90	\$9.53
Rate Group XI: (10-19% Standard Commercial; 81-90% Restaurant)	\$8.91	\$9.39	\$10.04
Rate Group XJ: (31-35% Standard Commercial; 65-69% Bakery)	\$10.69	\$11.26	\$12.05
Rate Group XK: (21-30% Standard Commercial; 70-79% Bakery)	\$10.32	\$10.87	\$11.63
Rate Group XL: (16-20% Standard Commercial; 80-84% Bakery)	\$10.92	\$11.51	\$12.31
Rate Group XM: (11-15% Standard Commercial; 85-89% Bakery)	\$11.26	\$11.86	\$12.69
Rate Group XN: (5-10% Standard Commercial; 90-95% Bakery)	\$11.54	\$12.16	\$13.01
Rate Group XO: (10-15% Restaurant; 85-90% Bakery)	\$11.69	\$12.32	\$13.18
Minimum Annual Charge	\$504.00	\$530.00	\$566.00

**Schedule of Sewer Service Charge Rates (continued)**

<b>User Group</b>	<b>Fiscal Year 2016-17</b>	<b>Fiscal Year 2017-18</b>	<b>Fiscal Year 2018-19</b>
<b>Institutional</b> (rates per hundred cubic feet unless otherwise noted):			
Churches	\$4.98	\$5.25	\$5.61
Schools (Daycare, Preschool, University)	\$4.98	\$5.25	\$5.61
Schools (Elementary)	\$6.19 per student	\$6.52 per student	\$6.98 per student
Schools (Intermediate)	\$12.16 per student	\$12.81 per student	\$13.71 per student
Schools (High School)	\$12.16 per student	\$12.81 per student	\$13.71 per student
Fraternal & Service Organizations	\$4.98	\$5.25	\$5.61
Local & State Institutions	\$4.98	\$5.25	\$5.61
Other Tax Exempt (Except Federal)	\$4.98	\$5.25	\$5.61
Federal Institutions	\$4.98	\$5.25	\$5.61
Utilities with Special Tax Status	\$4.98	\$5.25	\$5.61
Independent Living Facilities, Rest Homes, & Convalescent Hospitals	\$4.98	\$5.25	\$5.61
Minimum Annual Charge	\$504.00	\$530.00	\$566.00