

ORDINANCE NO. 2007-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT AMENDING ORDINANCE NO. 2003-01 TO INCREASE THE WATER SERVICE CAPACITY FEE

WHEREAS, Government Code sections 66013 and 66016 authorize the Rio Linda/Elverta community Water district (the "District") to adopt a resolution or ordinance to establish and impose a water capacity charge; and

WHEREAS, pursuant to California Government Code sections 66013 and 66016, the District Board of Directors ("Board of Directors") adopted Ordinance No. 2003-01 on June 16, 2003, modifying rates, fees and charges for services and development; and

WHEREAS, Government Code sections 66013 and 66016 authorize the District to adopt a resolution or ordinance to increase an existing water capacity charge; and

WHEREAS, the Board of Directors desires to increase the water capacity charge to finance current and future capital improvements necessitated by development within the District's boundaries, as the District's existing water facilities, capacity and current capacity charge cannot adequately satisfy the demands of anticipated development; and

WHEREAS, each person or entity wanting to connect to the District's water system will share in the cost for District facilities, including but not limited to treatment, production, storage and major transmission facilities; and

WHEREAS, pursuant to Government Code sections 66016 and 66018, the District held a public hearing August 20, 2007, as part of a regularly scheduled meeting of its Board of Directors, during which the District gave members of the public the opportunity to make oral or written presentations to the Board of Directors on the proposed increase of the water capacity charge; and

WHEREAS, the District published notice of the time and place of the August 20, 2007, public hearing, including a general explanation of the matter to be considered, at least ten days before the hearing as required by Government Code sections 6062a and 66018; and

WHEREAS, at least ten days before the public hearing, the District made data publicly available that indicates (1) the estimated cost required to provide the water capacity services for which the District is levying the water capacity charge and (2) the revenue sources anticipated to provide such service, all according to Government Code section 66016; and

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WHEREAS, the above-described data sets forth reasonable cost estimates for the District's provision of improved and new water facilities and establishes that the proceeds generated by the increased water capacity charges do not exceed the total of the estimated costs.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT HEREBY DETERMINES AND ORDAINS AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Amendment. Ordinance No. 2003-01 is hereby amended to adopt the Water Service Capacity Fees set forth in Exhibit 1 attached hereto, which shall be adjusted annually on July 1, without further action by the Board of Directors, to reflect the charge in the Consumer Price Index.

Section 3. California Environmental Quality Act Compliance.

(a) Pursuant to California Public Resources Code section 21080(b)(8), the District's increase of the water capacity charge is not subject to the requirements of the California Environmental Quality Act. In accordance with Section 21080(b)(8), the District finds and determines that its increase of the water capacity charge by this Ordinance constitutes the modification of charges to meet operating expenses and for obtaining funds for capital projects necessary to provide and maintain water service within the District.

(b) District staff is hereby directed to file a Notice of Exemption with the Sacramento County Clerk within three (3) days after adoption of this Ordinance.

Section 4. Ordinance Effective Date. This ordinance shall take effect upon its adoption.

APPROVED AND ADOPTED by the Board of Directors of the Rio Linda/Elverta Community Water District on this 20th day of August, 2007.

AYES, in favor hereof: Harris, Morris, Arbios, Blanchard
NOES: None
ABSTAIN: None
ABSENT: Paine


Belinda Paine, President
Board of Directors

Attest:


Board Secretary

EXHIBIT 1

WATER SERVICE CAPACITY FEES

The provisions of Section 2 of Ordinance No. 2003-01 are hereby repealed and superseded by the following:

Water Service Capacity Fees

METER SIZE (IN INCHES)	DEVELOPER FEE
5/8	\$3,980.00
3/4	\$5,980.00
1	\$9,960.00
1½	\$19,920.00
2	\$31,860.00
3	\$63,730.00
4	\$99,580.00
6	\$199,150.00
8	\$318,640.00
Greater than 8 inches	The fees shall reflect the actual costs of providing service capacity, and shall be approved through an agreement with the Board of Directors.

The above fees shall be charged based on the meter size installed at the service location in accordance with **§4.07.012(2)** of the Water System Regulations. In the event an existing service is upsized, the applicant shall pay the difference between the current rate for the existing meter size and the appropriate rate charged for the new meter size.

All Water Service Capacity Fees shall be paid prior to plan approval by the General Manager. Provided, however, commercial or industrial projects and residential projects or subdivisions involving more than four (4) units may be phased in accordance with an agreement approved by the Board of Directors. Water service will not be turned on prior to the receipt of the fees and the fee charged shall be that which is in effect at the time of receipt of payment by District.

The fees in this "EXHIBIT 1" shall increase by the Western

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Consumer Price Index, rounded to the nearest increment of ten dollars (\$10.00), each January 1 beginning January 1, 2008.