

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT AMENDING ORDINANCE NOS. 2007-01 AND 2013-01 TO MODIFY DISTRICT WATER SERVICE CAPACITY FEES, FIRE PROTECTION FACILITIES FEES AND WATER SERVICE CONNECTION CHARGES

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. 2007-01 on August 20, 2007, 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 District adopted Ordinance No. 2013-01 on October 21, 2013, modifying fees and charges for fire protection, water hydrant usage and other miscellaneous services; and

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

WHEREAS, the Board of Directors desires to modify the District's water capacity charges, 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 new development; and

WHEREAS, the capital facilities currently required to serve new development, such as a proposed surface water supply and treatment facility, will require significant financial investment; and

WHEREAS, the District desires to reduce the cost of long-term capital investments through regional collaboration, grant funding and other forms of financing, in addition to capacity fees; and

WHEREAS, members of the public have had the opportunity to make oral or written presentations to the Board of Directors on the proposed water capacity charge during District meetings held on March 21, 2016, April 19, 2016, May 16, 2016 and August 15, 2016; and

WHEREAS, the District published notice of the initial 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

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; and

WHEREAS, the District finds it is in the best interest of public health, safety and welfare to increase the District's water capacity charges to cover the costs of water facilities and necessary improvements within the District; and

WHEREAS, the District finds that the District's water capacity charges should be reduced, in the event that the actual costs for certain facilities are significantly reduced through regional collaboration, grant funding or other forms of financing.

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. 2007-01 is hereby amended to adopt the Water Service Capacity Fees set forth in **Exhibit 1** attached hereto, which shall be adjusted annually on January 1, without further action by the Board of Directors, to reflect the annual change in construction costs, as calculated by the Engineering News Record Construction Cost Index-California.

Section 3. Amendment. Ordinance No. 2013-01 Exhibits 1 and 2 are hereby amended to adopt the Fees set forth in **Exhibit 2** and **Exhibit 3**, which shall be adjusted annually on January 1, without further action by the Board of Directors, to reflect the change in the Engineering News Record magazine Construction Cost Indices.


Section 4. Best Effort. The District shall use its best efforts for regional collaboration, or to independently apply for grant funds, to reduce actual costs to the District in developing surface water supply and treatment serving new development in the District. In the event that regional collaboration or the independent procurement of grant funds results in an actual reduction in the cost of developing surface water supply and treatment, the District shall endeavor to reasonably adjust the then-existing capacity fees to account for the net reduction in capital costs, while factoring administrative and other reasonable costs in any such reduction.

Section 4. California Environmental Quality Act Compliance. Pursuant to California Public Resources Code section 21080(b)(8), the requirements of the California Environmental Quality Act do not apply to water capacity charge increase, as the increase caused by this Ordinance constitutes the modification of charges to meet operating expenses and for obtaining funds for capital projects to provide and maintain water service within the District.

Section 5. Ordinance Effective Date. This Ordinance shall be effective thirty (30) days after the date of its second reading and adoption; a summary shall be published once, with names of members voting for and against the same in a newspaper of general circulation published in the County of Sacramento. A certified copy of the full text of this Ordinance shall be posted at the office of the Clerk of the District Board of Directors, 730 L St, Rio Linda, CA 95673, with the names of those Board Members voting for and against the Ordinance.

APPROVED AND ADOPTED by the Board of Directors of the Rio Linda/Elverta Community Water District on this 19th day of September, 2016.

AYES, in favor hereof: Brent Dills, Mary Harris, John Ridilla, Mary Henrici, and Paul Green
NOES: None
ABSTAIN: None
ABSENT: None


John Ridilla, President
Board of Directors

Attest: 
Ralph Felix, Board Secretary

EXHIBIT 1

WATER SERVICE CAPACITY FEES

The provisions of Section 2 of Ordinance No. 2007-01 are hereby amended and superseded by the following:

Water Service Capacity Fees

METER SIZE (IN INCHES)	DEVELOPER FEE
5/8	N/A*
3/4	N/A*
1	\$13,064.00
1 1/2	\$26,128.00
2	\$41,805.00
3	\$91,448.00
4	\$164,606.00
6	\$365,792.00
8	\$627,072.00
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

*Uniform Fire Code requires higher capacity so no less than 1” will be installed.

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 Systems 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 annually based on the change in Engineering News Record (“ENR”) magazine Construction Cost Index (“CCI”) for California each January 1, beginning January 1, 2017.

EXHIBIT 2

FIRE PROTECTION FACILITIES FEES

The provisions of Sections 1, 2, and Exhibit 1 of Ordinance No. 2013-01 are hereby amended and superseded by the following:

Fire Protection Capacity Fees

PRIVATE FIRE HYDRANTS	SPRINKLER SYSTEM LINES
6 INCH (minimum) - \$16,863	1 inch (minimum) - \$602
8 INCH - \$28,908	1½ inch - \$1,205
10 INCH - \$45,771	2 inch - \$1,927
12 INCH - \$60,225	3 inch - \$4,216
GREATER THAN 12 INCH – The fees shall be relative to the charges above and increase in proportion to the size of the pipe. The fee shall be approved through an agreement with the Board of Directors.	4 inch - \$7,588
Penalty for Unauthorized Use	6 inch - \$16,863
of Fire Lines	8 inch - \$28,908
Use of fire lines for purposes other than fire suppression, system testing or system repair shall constitute unauthorized use. Such unauthorized use shall be subject to a \$105.00 fee. Any subsequent violations shall be subject to a \$165.00 Fee and the water shall be turned-off until brought into compliance.	Greater than 8 inch – The fees shall be relative to the charges above and increase in proportion to the size of the pipe. The fee shall be approved through an agreement with the Board of Directors.
Fire Protection Facilities Flat Rate Charge	\$10.00 per diameter inch - Bi-monthly

The fees above shall be for dedicated fire service only. No other use is allowed on these water lines. In the event the private fire protection facilities are used for other purposes, the normal “Water Service Capacity” fee shall apply. Applicants shall be required to install meters and/or detector check valves and backflow devices to the satisfaction of the General Manager on all fire protection facilities. Minimum pipe sizes as indicated above shall be enforced.

Installation of Fire Protection Facilities shall be in accordance with Chapter 4.21 of the Water System Regulations as amended by **Resolution No. 2002-01-01**.

The fees in this “EXHIBIT 2” shall increase annually based on the change in Engineering News Record (“ENR”) magazine Construction Cost Indices (“CCI”) for California each January 1, beginning January 1, 2017.

EXHIBIT 3

WATER SERVICE INSTALLATION CHARGES

The provisions of Section 1, 2 and Exhibit 2 of Ordinance No. 2013-01 are hereby amended and superseded by the following:

Water Service Connection Charges

When a water service connection, as defined in §4.07.013 of the Water System Regulations, is proposed for installation, the District shall require payment in advance. The connection charges as required under §4.07.012(2) of the Water System Regulations shall be as follows:

<u>Full Service Installation</u>	
1" Service with 5/8" x 3/4" Meter Outside Roadway with Main on Customer Side of Street	\$3,400.00
1" Service with 5/8 x 3/4" Meter requiring street crossing using Boring Machine	\$4,700.00
1" Service with 5/8 x 3/4" Meter in Improved Roadway	\$5,500.00
Additional Cost for 1" Meter	\$100.00
Additional Cost for 1 1/2" Meter	\$700.00
Additional Cost for 2" Meter	\$1,000.00
Larger than 2" Meter	Time and Materials
<u>Meter Installation where Meter-setter & service-line is already installed</u>	
5/8 x 3/4" Meter	\$400.00
1" Meter.	\$500.00
1 1/2" Meter	\$600.00
2" or Larger Meter	Time and Materials

The above fees shall be in addition to those charged in "Exhibit 1 WATER SERVICE CAPACITY FEES" of Ordinance 2016-01.