

Rio Linda/Elverta Community Water District

**Ordinance No. 2019-01**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT TO ESTABLISH PERMANENT DISCONNECTION FEES AND POLICY FOR PERMANENT DISCONNECTION**

**WHEREAS**, the Rio Linda Elverta Community Water District (the “District”) adopted Resolution 2013-08, implementing a minimum bimonthly water service fee (“inactive service fee”) for inactive customers on parcels which still have water immediately available to them; and

**WHEREAS**, the inactive service fee does not apply to parcels which do not have water immediately available to them; and

**WHEREAS**, permanently disconnected parcels do not have water immediately available to them; and

**WHEREAS**, the District finds that clarity is required for District water customers who desire to permanently disconnect from the District’s water system, making them no longer subject to inactive service fee; and

**WHEREAS**, California Water Code section 31024 authorizes the District to establish rules and regulations for the sale, distribution and use of water; and

**WHEREAS**, the District desires to consolidate the policies for imposition of the inactive service fee from Resolution 2013-08 with the policy (ordinance), providing policies, stipulations and requirements for customers who wish to permanently disconnect from the District’s water system; and

**WHEREAS**, the Sacramento County Rio Linda Elverta Community Plan established objectives to preserve groundwater quality. Objective PF-5 stipulates that parcels less than two acres should be connected to a public water system to limit the number of private wells; and

**WHEREAS**, the District is implementing the policy and fees for permanent disconnection to provide a clear process for District customer to follow when they wish to permanently disconnect from the District water system.

**WHEREAS**, the District published notice of the initial public hearing, including a general explanation of the matter to be considered, at least five (5) days before the hearing as required by California Water Code section 31027; and

**WHEREAS**, at least five (5) days before the public hearing, the District made data publicly available that indicates the estimated cost required to permanently disconnect a parcel from the District’s water system; and

**WHEREAS**, the above-described data sets forth reasonable cost estimates for permanent disconnection for parcels and establishes that the proceeds generated by the permanent disconnection fee 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. Rescinding Resolution 2013-08.** The findings and requirements of Resolution 2013-08 are hereby incorporated into this Ordinance, whereby this Ordinance supersedes Resolution 2013-08. Resolution 2013-08 is hereby rescinded.

**Section 3. Inactive Services Fee.** All properties that are connected to the District's water system that have no water usage during a billing period (except those identified and specifically excluded by the District as redundant connections provided by the McClellan Air Force Base), and are deemed to be inactive customers by the District, shall be required to pay a minimum bimonthly water service fee ("inactive service fee") without further waivers, as follows: the current base rate of \$58.80, Surcharge #1, and Surcharge #2, currently \$19.00 and \$15.80 respectively, and any subsequent increases to these fee components which may be authorized from time to time by resolution of the District's Board of Directors.

**Section 4 Vacant Unimproved Property/Parcels.** Vacant unimproved property/parcel owners may apply to be excluded from the inactive service fee, If upon application and approval by the District, the owner of such vacant/unimproved parcel agrees in writing to forfeit the previously paid capacity fees, and further agrees that they will pay the capacity fees in affect at the time the owner requests to reconnect to the District's water system.

**Section 5 Minimum Parcel Size Eligibility.** In addition to the parcels described in Sections 3 and 4 above, parcels greater than two (2) acres in size may apply for disconnection in accordance with the subsequent Sections.

**Section 6 Disconnection Fee.** The District hereby adopts the Permanent Disconnection Fee set forth in Exhibit 1 attached hereto, to reflect the costs of permanently disconnecting a parcel from its water system, which may be amended from time to time to reflect current costs by resolution of the District's Board of Directors.

**Section 7. Declaration of Policy.** This Permanent Disconnection Policy is established to clarify procedures that District customers should take if they desire to permanently disconnect their parcel from the District's water system.

**Section 8. Definitions.** The following definitions apply to this Permanent Disconnection Policy, unless specified otherwise:

(a) "Customer" means the individual requesting permanent disconnection from the District's water system.

- (b) “District” means the Rio Linda/Elverta Community Water District.
- (c) “Policy” means the Permanent Disconnection Policy.
- (d) “Manager” or “General Manager” means the General Manager of the Rio Linda/Elverta Community Water District.

### **Section 9. Disconnection Procedures.**

**9.01 Written Request Required.** Customers desiring permanent disconnection from the District’s water system shall submit a written request to permanently disconnect to the District’s General Manager. The written request shall include the Customer’s full name, phone number, e-mail, address, and APN number of the parcel to be permanently disconnected, and the date that permanent disconnection is requested.

9.01.01 Payment of Permanent Disconnection Fee. The Customer shall include a permanent disconnection fee of \$2,528.26 with the written request. The disconnection fee includes material, labor, and equipment hours to perform the disconnection and may be amended from time to time by resolution of the District’s Board of Directors.

9.01.02 Additional Information. The Customer shall be required to furnish such additional information as requested by the General Manager to permanently disconnect the parcel from the District’s water system.

**9.02 Reconnecting to the District’s Water System.** If the Customer or the owner of the parcel desires to reconnect to the District’s water system, the Customer or owner of the parcel shall follow the procedures for new service described in Chapter 4.07 of the District’s Policy Manual. The Customer shall pay the water service connection charges provided in Ordinance No. 2016-01.

### **9.03 Permanently Disconnected Parcels Not Subject to Inactive Water Service Fee.**

9.03.01 Finding. The District finds that the District incurs no cost for providing water service to permanently disconnected parcels, as water service is not immediately available to those parcels.

9.03.02 Inactive Service Fee. Parcels which do not have water immediately available to them from the District’s water system are not subject to the inactive water service fee established pursuant to Resolution 2013-08.

**Section 10. 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 disconnection fees, as the fee caused by this Ordinance is to meet operating expenses for permanently disconnecting a parcel from the District’s water system.

**Section 11. 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 Secretary of the District Board of Directors, 730 L Street, 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 25th day of February, 2019. 4-0-0

AYES: Brent Dills, Mary Harris, Paul R. Green Jr., and John Ridilla

NOES: None

ABSTAIN: None

ABSENT: None

Signature on File\_\_\_\_\_

John Ridilla, President  
Board of Directors

ATTEST:

Signature on File\_\_\_\_\_

Secretary/Clerk of the Board

EXHIBIT 1 – Service Abandonment Estimate

QTY	Description	Unit Price	Total
12	Labor		
	• 3 Distribution Operators, 4 hours each	\$60.00	\$720.00
	Equipment		
2	• Backhoe	\$95.00	\$190.00
4	• Vac Truck & Trailer	\$95.00	\$380.00
2	• Dump Truck	\$70.00	\$140.00
4	• Pickup Truck	\$75.00	\$300.00
	Materials		
1	• FCRC Repair Clamp	\$288.36	\$288.36
1	• Backfill Materials	\$61.50	\$61.50
1	• Paving Estimated 20 sq ft @ \$22.42 per sq. ft.	\$448.40	\$448.40
		<b>Total</b>	<b>\$2528.26</b>