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MARINA COAST WATER DISTRICT

ORDINANCE NO. 56

AN ORDINANCE AMENDING SECTIONS 6.08.030, 6.08.060, 6.08.080, 6.08.090, 6.08.100, 6.12.020, 6.12.040, AND 6.12.050 OF THE DISTRICT CODE CHANGING RATES, FEES AND CHARGES FOR WATER AND SEWER SERVICES FOR THE CENTRAL MARINA SERVICE AREA

Be it ordained by the Board of Directors of
Marina Coast Water District
as follows:

Section 1. Authority. This Ordinance is enacted pursuant to Sections 30000 and following of the California Water Code, and Sections 66013 and 66016 of the California Government Code, and Section 6 of Article XIII D of the California Constitution.

Section 2. Findings.

A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with County Water District law with opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board. The District has complied with publication, notice and hearing requirements of Section 6 of Article XIIID of the California Constitution and Section 66016 of the California Government Code and Section 31105 of the California Water Code.

B. The District Code establishes, among other things, water consumption charges, minimum monthly charges, monthly sewer charges, various service charges, and water and sewer capacity charges for the District's customers. Based on the recommendations of the District's General Manager and engineering and financial advisors, and the 2013 5-Year Water and Wastewater Financial Plan and Rate Study adopted by the Board of Directors on August 26, 2013, revised charges are necessary to meet operating and capital expenses for sound operation of the District in accordance with Water Code Section 31007 and to enable the District to provide continued water and sewer service within the District's Central Marina service area.

C. The District's legal counsel advises, and the Board finds, that adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273.

D. The rates, fees and charges adopted by this ordinance will not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed and will not exceed the proportional cost of the service attributable to the parcel receiving the service.

E. No written requests are on file with the District for mailed notice of meetings on new or increased fees or service charges pursuant to Government Code Section 66016. At least 10 days prior to the meeting, the District made available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service.

Section 3. Purpose of Ordinance. The purpose of this Ordinance is to revise charges for water and wastewater services for the District's Central Marina service area. This Ordinance amends Sections 6.08.030, 6.08.060, 6.08.080, 6.08.090, 6.08.100, 6.12.020, 6.12.040, and 6.12.050 of the District Code.

Section 4. Temporary Water Service. Section 6.08.030 (F) of the District Code is amended to read as follows:

"6.08.030 Temporary water service.

F. The applicant shall be responsible for district equipment utilized for this purpose and the necessary repair or replacement costs shall be deducted from the applicant's deposit. The applicant is responsible for returning the district equipment and closing the account promptly after the job is complete. If a meter is not returned promptly, the district shall deduct the cost of replacing the meter from the applicant's deposit.

Gate Valve/Meter deposit	$ 650.00
Water consumption deposit minimum	$1,100.00
Set or remove hydrant meter	$ 140.00
Relocate meter per occurrence	$ 140.00
Meter set, other than on fire hydrant	Actual Cost
Minimum monthly service charge (Effective January 1, 2014)	$ 87.33
Minimum monthly service charge (Effective January 1, 2015)	$ 89.95
Minimum monthly service charge (Effective January 1, 2016)	$ 92.65
Minimum monthly service charge (Effective January 1, 2017)	$ 95.43
Minimum monthly service charge (Effective January 1, 2018)	$ 98.29

Monthly quantity rate for each HCF (see Section 6.08.100 Water Consumption Rates"

Section 5. Monthly Minimum Water Charges. Section 6.08.060 of the District Code is hereby amended to read as follows:

"6.08.060 Monthly minimum water charges.

The monthly minimum charges for water service shall be:

METER SIZE		CHARGES (Effective January 1, 2014)	CHARGES (Effective January 1, 2015)	CHARGES (Effective January 1, 2016)	CHARGES (Effective January 1, 2017)	CHARGES (Effective January 1, 2018)
5/8" or ¾"		$19.87	$20.46	$21.07	$21.71	$22.36
1"		$32.05	$33.01	$34.00	$35.02	$36.07
1-1/2"		$52.36	$53.94	$55.55	$57.22	$58.94
2"		$76.73	$79.04	$81.41	$83.85	$86.36
3"		$133.64	$137.65	$141.78	$146.03	$150.41
4"		$214.85	$221.30	$227.93	$234.77	$241.82
6"		$417.96	$430.50	$443.41	$456.71	$470.42
8"		$824.41	$849.14	$874.62	$900.86	$927.88

Section 6. Private Fire Service. Section 6.08.080 of the District Code is hereby amended to read as follows:

"6.08.080 Private fire service.

The monthly charges for private fire service shall be:

METER SIZE		CHARGES (Effective January 1, 2014)	CHARGES (Effective January 1, 2015)	CHARGES (Effective January 1, 2016)	CHARGES (Effective January 1, 2017)	CHARGES (Effective January 1, 2018)
1"		$1.49	$1.53	$1.58	$1.63	$1.68
1-1/2"		$4.32	$4.45	$4.59	$4.72	$4.87
2"		$9.21	$9.49	$9.78	$10.07	$10.37
2-1/2"		$16.57	$17.07	$17.58	$18.11	$18.65
3"		$26.77	$27.57	$28.40	$29.25	$30.13
4"		$57.04	$58.75	$60.51	$62.33	$64.20
6"		$165.69	$170.66	$175.78	$181.05	$186.49
8"		$353.09	$363.68	$374.59	$385.83	$397.40

Section 7. Capacity Charges for New or Modified Potable and Recycled Water Service Connections. Section 6.08.090 (A) of the District Code is hereby amended to read as follows:

"6.08.090 Capacity charges for new or modified potable and recycled water service connections.

A. The water capacity charge for each equivalent dwelling unit ("EDU", as defined in Section 1.04.010) shall be as follows:

$ 4,526 per EDU

Appendix C shall be the basis for determining capacity charges for water service connections. The General Manager shall determine the assigned water rate for those uses not

specified in Appendix C. The assigned water rate for any use not specified in Appendix C may be increased within six months after the end of the first full year of any such use, if actual, metered water use for the year is higher than the use determined by the General Manager in calculating the capacity charge.

Section 8. Water Consumption Rates. Section 6.08.100 (A) of the District Code is hereby amended to read as follows:

"6.08.100 Water consumption rates.

A. Water consumption by District Customers shall be measured in units of one hundred cubic feet (seven hundred forty-eight gallons). The quantity charge for water consumption per one hundred cubic feet (HCF) shall be as follows:

CONSUMPTION		CHARGES (Effective January 1, 2014)	CHARGES (Effective January 1, 2015)	CHARGES (Effective January 1, 2016)	CHARGES (Effective January 1, 2017)	CHARGES (Effective January 1, 2018)
0-8 hcf		$2.47 per hcf	$2.55 per hcf	$2.62 per hcf	$2.70 per hcf	$2.78 per hcf
9-16 hcf		$2.83 per hcf	$2.92 per hcf	$3.01 per hcf	$3.10 per hcf	$3.19 per hcf
16+ hcf		$5.00 per hcf	$5.15 per hcf	$5.31 per hcf	$5.47 per hcf	$5.63 per hcf

Construction Water Depots (same as Temporary Water Service rates):

Minimum monthly charge (Effective January 1, 2014)	$ 87.33
Minimum monthly charge (Effective January 1, 2015)	$ 89.95
Minimum monthly charge (Effective January 1, 2016)	$ 92.65
Minimum monthly charge (Effective January 1, 2017)	$ 95.43
Minimum monthly charge (Effective January 1, 2018)	$ 98.29

Monthly Quantity rate for each HCF
(see above table for Consumption Rates)"

Section 9. Capacity Charge. Section 6.12.020 (A) of the District Code is hereby amended to read as follows:

"6.12.020 Capacity charge.

A. The collection system capacity charge for residential and equivalent dwelling units ("EDU", as defined in Section 1.04.010) shall be as follows:

$ 2,333 per EDU

Section 10. Capacity Charge for new and modified sewer service connection. Table 6.12.040 within Section 6.12.040 of the District is hereby amended to read as follows:

Table 6.12.040 summarizes the sewer collection system charge.

Table 6.12.040
SEWER CAPACITY CHARGES

Residential Units

Sewer collection system capacity charge $2,333.00 per EDU.

Same charge per unit for single-family, multiple dwelling, condominium, trailer space, or mobile home.

Nonresidential Units

Sewer collection system capacity charge—Based on fixture units as defined in the Uniform Plumbing Code per structure.

Fixture units are to be assigned based on ultimate plumbing fixtures per approved building plans, regardless of number of fixtures initially installed.

Each twenty fixture units are equivalent to one equivalent dwelling unit (EDU). For each hotel/motel unit a minimum of one EDU per room will be applied.

The sewer collection system capacity charge is collected at the ratio of one EDU per each twenty fixture units. For example, twenty-four fixture units equals one point two (1.2) EDU's for a capacity fee of $2,780.00 when the capacity charge per EDU is $2,333.00.

Each nonresidential connection is a minimum of one EDU.

Section 11. Wastewater Collection Rates. Section 6.12.050 of the District Code is amended to read as follows:

"6.12.050 Wastewater collection rates.

Wastewater collection rates for all classes of customers within the District shall be as follows per month per equivalent dwelling unit (EDU), calculated using the table of user classifications and wastewater demand factors set forth in Appendix D of this code.

$10.10 per equivalent dwelling unit (Effective January 1, 2014)
$11.11 per equivalent dwelling unit (Effective January 1, 2015)
$12.22 per equivalent dwelling unit (Effective January 1, 2016)
$13.44 per equivalent dwelling unit (Effective January 1, 2017)
$14.78 per equivalent dwelling unit (Effective January 1, 2018)

Section 12. Requirements for Rates, Fees and Charges. The rates, fees and charges adopted by this ordinance shall not exceed the reasonably estimated costs of providing the services for which the rates, fees or charges are imposed. Revenues derived, respectively, from water and sewer capacity charges shall not be used for any purpose other than for capital facilities to provide, respectively, water and sewer service. If the capacity charges adopted by this ordinance create revenues in excess of actual cost, those revenues shall be used to reduce the capacity charges creating the excess.

Section 13. Effective Date. All sections of this Ordinance pertaining to water service rates, fees, and charges shall be in full force and effect thirty (30) days from and after the date of adoption. All sections of this Ordinance pertaining to wastewater service rates, fees, and charges shall be in full force and effect immediately upon adoption in accordance with section 31105(a) of the California Water Code.

Section 14. Publication and Posting. Within 15 days after adoption, the district shall publish, in a newspaper published in Monterey County and circulated within the district, a summary of this ordinance with the names of those directors voting for and against adoption, and shall post in the district office a certified copy of the full text of this ordinance as adopted along with the names of those directors voting for and against adoption.

Section 15. Notice of Exemption Notice of Determination. The Secretary is authorized and directed to give due notice of exemption of this ordinance from the provisions of CEQA, pursuant to Title 14 California Code of Regulations section 15062.

Section 16. Existing Charges. Existing rates, fees and charges in effect when this ordinance is adopted shall remain in effect unless specifically changed by this ordinance.

Section 17. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, or superseded by some other provision of law, such provisions shall be severed from and shall not affect the validity of the remaining provisions of this ordinance. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid, or superseded by some other provision of law. The parts of this ordinance which are not unconstitutional, invalid, or superseded shall remain in full force and effect and shall be enforced according to their terms.

Section 18. Interpretation. Words and phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances and the district Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

On motion of Director _____, seconded by Director _____, the foregoing Ordinance is enacted and shall take effect on October 21, 2013 by the following roll call of the Board:

Ayes: _____

Nays: _____

Absent: _____

Abstained: _____

By _____
Thomas P. Moore, President

ATTEST:

_____
Brian C. Lee, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at their regular meeting on October 21, 2013.

_____
Brian C. Lee, Secretary