

MARINA COAST WATER DISTRICT
ORDINANCE NO. 57

AN ORDINANCE AMENDING SECTIONS 6.08.090, 6.12.020, AND 6.12.040,
OF THE DISTRICT CODE
CHANGING CAPACITY 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.

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 66016 of the California Government Code and Section 31105 of the California Water Code.
- B. The District Code establishes, among other things, 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 because the ordinance pertains to the adoption of charges necessary to maintain services within the District's existing service area.
- D. The charges adopted by this ordinance shall not exceed the estimated amount required to provide the services for which the charges are imposed.
- 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 capacity charges for water and wastewater services for the District's Central Marina service area. This Ordinance amends Sections 6.08.090, 6.12.020, and 6.12.040 of the District Code.

Section 4. 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 5. 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 6. 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
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 7. Requirements for Rates, Fees and Charges. The charges adopted by this ordinance shall not exceed the estimated amount required to provide the services for which the 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 8. Effective Date. All sections of this ordinance shall be in full force and effect sixty (60) days from and after the date of the publication of this ordinance in accordance with Section 9 below or July 1, 2014, whichever occurs last.

Section 9. Publication and Posting. Within 10 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 10. 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 11. Existing Charges. Existing rates, fees and charges in effect when this ordinance is adopted shall remain in effect unless specifically changed by this ordinance and, if specifically changed by this ordinance, then until the Effective Date of this ordinance.

Section 12. 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 13. 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.