

CASTROVILLE COMMUNITY SERVICES DISTRICT
SUMMARY OF PROPOSED ORDINANCE NO. 64
(CHANGING SEWER CONNECTION FEE FOR ZONE 3 - MOSS LANDING)


The Board of Directors of Castroville Community Services District proposes to adopt an ordinance on August 19, 2014. The substance of the ordinance is summarized as follows:

The following sewer connection fees presently in effect within Zones 1 and 2 of the District are adopted for Zone 3 (Moss Landing) of the District for new and newly increased connections, to be collected in the same manner and subject to the same procedures and provisions as sewer connection fees in effect for Zones 1 and 2:

SEWER CONNECTION FEES	<u>Zone 3</u>	
1. Per Equivalency Dwelling Unit	\$3,168.00	Each
2. Commercial, institutional, & industrial	3,168.00	Per EDU
a. Minimum charge per connection	3,168.00	Per EDU

The foregoing summary was prepared for publication pursuant to Government Code Sections 61060 and 25124, by the General Manager in consultation with the District Legal Counsel, as designated by the Board of Directors.

Dated: 8-8, 2014



General Manager



CASTROVILLE COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 64

AN ORDINANCE OF THE CASTROVILLE COMMUNITY SERVICES DISTRICT INCREASING SEWER CAPACITY CHARGES FOR NEW AND INCREASED SEWER CONNECTIONS IN MOSS LANDING (ZONE 3)

The Board of Directors of the Castroville Community Services District, Monterey County, California, ordains as follows:

Section 1. Authority. This ordinance is enacted pursuant to Sections 61000 and following of the California Government Code and Sections 66013 and 66016 of the Government Code.

Section 2. Findings.

A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. A summary prepared by the General Manager, as designated by the Board, was published and a certified copy of the full text of the proposed ordinance was posted in the office of the District and on the District's web site at least five days prior to the Board meeting of August 19, 2014. 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 rates, fees and charges are levied, and the revenue sources anticipated to provide the service, including General Fund revenues.

B. The District provides sewer service within an area approved for service by the Monterey County Local Agency Formation Commission ("LAFCO"). By Resolution No. 14-06, adopted March 24, 2014, LAFCO approved the consolidation of the Castroville Community Services District and the Moss Landing County Sanitation District. The consolidation was effective July 1, 2014, the Castroville Community Services District succeeding to all the rights, duties and obligations of the two consolidating Districts. The area served by the Moss Landing Community Services District prior to consolidation is now served by the consolidated Castroville Community Services District as Zone 3.

C. The Castroville Water District, in Ordinance No. 61, adopted fees and charges for sewer service, including sewer connection/capacity fees for Zones 1 and 2 in the amount of \$3,168 per Equivalency Dwelling Unit. Connection fees within the Moss Landing County Sanitation District were at the time of consolidation and are presently too low to cover the costs of new and increased connections.

D. The General Manager recommends that the Board adopt sewer connection fees for consolidated Zone 3 that are equivalent to the connection fees for Zones 1 and 2, in the amount of \$3,168 per Equivalency Dwelling Unit, based on the District's costs to install, maintain and replace the facilities to provide sewer service within existing service areas. The General Manager has advised that there is a need to increase the charges to provide funds for facilities to protect the health, welfare and safety of the persons served by the District. The District's Legal Counsel recommends characterizing charges for capacity in existing and planned

facilities as capacity charges. The Board finds that there is a long-term need for changed connection/capacity charges as recommended by the General Manager.

E. The amended connection fees do not involve rates or delivery charges or fixed monthly charges for water delivery or treatment or wastewater collection or treatment. These fees are imposed as a condition of providing new sewer services through new and newly increased connections.

F. 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 and 15308 of the State CEQA Guidelines codified at 14 CCR §§15273 and 15308.

G. The provisions of this ordinance are for the immediate preservation of the public peace, health and safety.

H. Fees or charges adopted by this Ordinance are not imposed upon real property or upon persons as an incident of real property ownership.

I. The fees and charges adopted by this ordinance will not exceed the estimated reasonable costs of providing the services for which the fees or charges are imposed.

J. 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.

Section 3. The following sewer connection fees presently in effect within Zones 1 and 2 of the District are hereby adopted for Zone 3 (Moss Landing) of the District for new and newly increased connections, to be collected in the same manner and subject to the same procedures and provisions as sewer connection fees in effect for Zones 1 and 2:

SEWER CONNECTION FEES	<u>Zone 3</u>	
1. Per Equivalency Dwelling Unit	\$3,168.00	Each
2. Commercial, institutional, & industrial	3,168.00	Per EDU
a. Minimum charge per connection	3,168.00	Per EDU

Section 4. Requirements for Fees and Charges. The fees and charges adopted by this ordinance shall not exceed the estimated reasonable costs of providing the services for which the fees or charges are imposed.

Section 5. 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 6. Interpretation. Words and Phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances, 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.

Section 7. Effective Date. Upon adoption by a four-fifths vote of the District's Board, this ordinance shall take effect immediately as an ordinance for the immediate preservation of the public peace, health and safety.

Section 8. Publication and Posting. Within 15 days after adoption, this ordinance shall be published once, with the names of the members voting for and against the ordinance, in a newspaper published in the county.

Section 9. 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 10. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

PASSED AND ADOPTED on August 19, 2014 by the Board of Directors of the Castroville Community Services District by the following vote, to wit:

AYES: Melgoza, Montejano, MacMillan, and Stefani

NOES: Ø

ABSENT: Lewis

ATTEST:

Lidia Santos
Lidia Santos, Secretary

APPROVED:

Ron Stefani
Ron Stefani, Vice President
(seal)

