

ORDINANCE NO. 68

AN ORDINANCE TO ENFORCE SEPARATE METERING OR SUB METERING OF INDIVIDUAL UNITS IN MULTI-UNIT STRUCTURES

The Board of Directors of the Castroville Community Services District ordains as follows:

Section 1. Authority. This Ordinance is enacted pursuant to Sections 25120 through 25124, 61060 and 61115 of the Government Code and Sections 375, 376, 377 and 377.5, 71601 and 71610.5 of the Water 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 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 25124 of the California Government Code and Section 376 of the Water Code.
- B. Castroville Water District Ordinance No. 59, enacted on November 20, 2007 by the Castroville Water District, predecessor of the Castroville Community Services District, amended Section 18-2 of Ordinance 22 to require that individual units in multi-unit buildings or structures be separately metered, while allowing submetering in certain circumstances, to encourage water conservation and the efficient use of water.
- C. The District's General Manager has reported to the Board, and the Board finds, that there is a need to provide for and authorize processes to enforce the metering and submetering requirements and conditions of Ordinance 59.
- D. Article XI, Section 7 of the California Constitution declares that a District or county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws. The District has the power to take any and all actions necessary for, or incidental to, the powers expressed or implied by the Community Services District Law and to adopt by ordinance and enforce rules and regulations for the administration, operation, and use and maintenance of the District's authorized facilities and services (Government Code § 61060), to supply water for any beneficial purpose in the same manner as a municipal water district (Government Code § 61100) and to undertake a water conservation program to reduce water use (Water Code §§ 375 and 71610.5)
- E. 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 and will not exceed the proportional cost of the service attributable to the customers on whom the charges are imposed.
- 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 Sections 15273, 15307 and 15308 of the State CEQA Guidelines codified at 14 CCR §§15273, 15307 and 15308.

F. 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 provide for enforcement of the District's metering requirements as set forth in Section 6 of Ordinance 59 of the Castroville Water District, predecessor of the Castroville Community Services District, adopted on November 20, 2007, to support water conservation within the District.

Section 4. Violations.

- A. If any person (as defined in California Water Code section 375, subd. (d)) fails or refuses to comply with any provision of this Ordinance, the general manager or his agent shall provide that person with written notice of the violation and an opportunity to correct the noncompliance. The notice shall be in writing and shall:
1. Be posted at the site of the noncompliance;
 2. State the time, date, and place of violation;
 3. State a general description of the violation;
 4. State the means to correct the violation;
 5. State a date by which correction is required; and
 6. State the possible consequences of failing to correct the violation.
- B. A copy of the written notice shall be mailed to the address of the violation.
- C. Each person who receives a written notice of violation shall pay to the District an administrative fee of one hundred (100) dollars for the first notice and two hundred and fifty (250) dollars for each subsequent notice. To encourage cooperative water conservation, the general manager may waive payment of the fee for the first notice.
- D. If a person fails to correct the violation within the time specified in the written notice, the general manager shall take one or more of the following actions:
1. Give the person one or more additional written notices of the violation;
 2. Follow the procedures to issue a civil citation in an amount not to exceed one thousand (1,000) dollars pursuant to California Water Code section 377, subd. (e).
 3. Charge the person for any costs associated with reading or interpreting metering data as necessary due to the violation of the Ordinance.
 4. Refuse to initiate water service to the site of the violation, if water service has not yet begun;
 5. Terminate water service to the site of the violation, in accordance with the District's ordinances and procedures for terminating water service.

Section 5. Appeal of Notice of Violation. Any recipient of a notice of violation may appeal the notice to the District's Board of Directors by delivering a written notice of appeal to the District within ten (10) days from the date of the notice of violation. The notice of appeal shall specify the reasons for the appeal. The appeal shall be heard at the next regularly scheduled Board meeting following the District's receipt of the notice of appeal. The Board may grant the appeal if it finds error, hardship, or unequal treatment in the issuance or application of the notice of violation.

Section 6. Effective Date. In accordance with Water Code Section 376(a) this ordinance shall take effect upon adoption.

Section 7. 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 within 10 days after adoption, in the District office and two other public places within the District, 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 8. Notice of Exemption. 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 9. 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 10. 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 11. 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.

PASSED AND ADOPTED on _____, _____, 2017 by the Board of Directors of the Castroville Community Services District by the following vote, to wit:

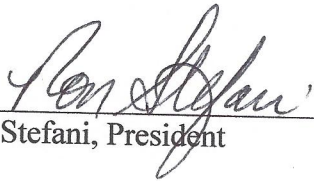
AYES: _____

NOES: _____

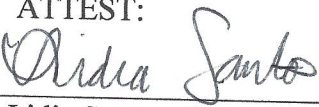
ABSTAIN: _____

ABSENT : _____

APPROVED:



Ron Stefani, President

ATTEST:


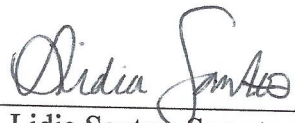
Lidia Santos, Secretary

(seal)



CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Castroville Community Services District hereby certifies that the foregoing Ordinance was duly passed and adopted by the Board of Directors of the Castroville Community Services District at a meeting thereof held on January 19, 2016.



Lidia Santos, Secretary