

ORDINANCE NO. 121

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT AMENDING WATER AND WASTEWATER SYSTEM SERVICE RATES AND CHARGES

WHEREAS, San Simeon Community Services District (“District”) is a community services district duly formed under Government Code § 61000 *et seq.* to provide community services, including water and wastewater services, within the District’s service area; and

WHEREAS, California law, including but not limited to, Government Code § 61115, provides that the District may prescribe and collect rates or other charges for the services and facilities furnished by it; and

WHEREAS, it is necessary for the District to produce additional revenues to offset the annual increases in operating, maintenance and capital costs; and

WHEREAS, on July 10, 2019, the District conducted a duly noticed public hearing wherein the Board of Directors considered public comment in support and in opposition to the proposed water and wastewater rate increase and whether or not a majority protest to the proposed rate increase exists pursuant to Section 6 of Article XIII D of the California Constitution. At the conclusion of the public hearing, the Board found that approximately 80 written protests were received and that a majority protest did not exist; and

WHEREAS, the District makes the following findings of fact regarding its compliance with the procedural requirements under Section 6 of Article XIII D of the California Constitution for the water and wastewater rate increase:

- District staff mailed notices of the proposed rates and charges to record owners of identified parcel upon which the rates and charges would be imposed. The District complied with this procedural requirement by mailing the notice to the owners of properties within the boundaries of the District at the address shown on the last equalized assessment roll as provided by the San Luis Obispo County Assessor’s Office.
- District staff mailed notices of the proposed rates and charges to the property owners and tenants to the addresses which the water/ wastewater service billing statements are customarily mailed.
- The notices were mailed on May 22, 2019, which is at least forty-five (45) days prior to the public hearing to determine whether a majority protest exists against the rates and charges.
- The notices included (1) the amount of the rates and charges proposed in water/ wastewater increase, (2) the basis and reasons for the proposed rate and charges increase, (3) the date, time and location of the public hearing to protest the rate increase and (4) the manner by which a landowner could protest.

- A duly noticed public hearing was held on July 10, 2019 wherein the Board of Directors considered public comment in support and in opposition to the proposed water and wastewater rate increase and the Board determined whether or not a majority protest to the proposed rate increase existed.

WHEREAS, the District makes the following findings of fact regarding its compliance with the substantive requirements under Section 6 of Article XIII D of the California Constitution for the water and wastewater rate increase:

- Revenues derived from the fee or charge do not exceed the funds required to provide the property related service.
- Revenues derived from the fee or charge are not used for any purpose other than that for which the fee or charge was imposed.
- The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership does not exceed the proportional cost of the service attributable to the parcel.
- No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question.
- No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

WHEREAS, the Board of Directors of the San Simeon Community Services District, do ordain as follows:

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of the District:

SECTION 1: Pursuant to Government Code Section 25215.5, and in accordance with Article XIID of the California Constitution and the Proposition 218 Omnibus Implementation Act (commencing with Section 53750 of the California Government Code), there are hereby established within the San Simeon Community Services District, Rates for Water and Wastewater Service and a Schedule of Adjustment for Inflation as specified in Exhibit "A" hereto, which Exhibit "A" is incorporated herein by this reference, for the purpose of providing water and wastewater service.

SECTION 2: Effective Date and Publication. This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Directors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

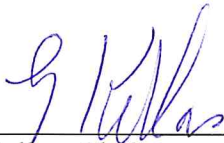
SECTION 3. Inconsistent Provisions. To the extent that the provisions of this Ordinance may be inconsistent or in conflict with the terms and conditions of any prior District ordinance, resolution, rule or regulation governing the same subject, the provisions of this Ordinance shall prevail with respect to the subject matter thereof, and such inconsistent or conflicting terms or conditions of prior ordinances, resolutions, rules or regulations are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The District Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

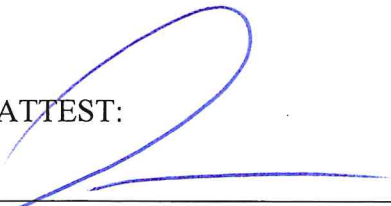
SECTION 5: CEQA Findings. The Board of Directors of the District finds that the rates and charges adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The District General Manager is directed to prepare and file appropriate notices.

This Ordinance was introduced at a regular meeting of the Board of Directors held on July 10, 2019. This Ordinance was passed and adopted at a meeting of the Board of Directors of the San Simeon Community Services District on August 14, 2019; Upon motion by Chairperson Kellas and seconded by Director Russell, by the following roll call vote:

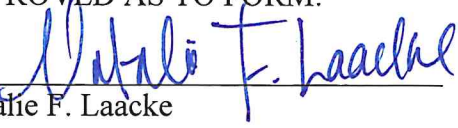
Chairperson Kellas: yes
Vice-Chair McGuire: yes
Director Russell: yes
Director Stanert: yes
Director Carson: yes



Gwen Kellas, Chairperson

ATTEST:


Charles Grace
Secretary/General Manager

APPROVED AS TO FORM:


Natalie F. Laacke
District Counsel

EXHIBIT "A"

SCHEDULE OF WATER AND WASTEWATER SYSTEM SERVICE RATES

EXHIBIT "A"

Service Fee	Current Rates	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
Per Month - Per Meter	\$34.20	\$36.18	\$37.27	\$38.39	\$39.54	\$40.72
**CPI + % increase		5.8%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%
Water Rates						
*Per 100cf Water Used						
All Users	\$12.22	\$12.93	\$13.32	\$13.72	\$14.13	\$14.55
**CPI + % increase		5.8%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%
Irrigation Meters	\$20.47	\$21.65	\$22.30	\$22.97	\$23.66	\$24.37
**CPI + % increase		5.8%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%
Sewer Rates						
*Per 100cf Water Used						
Motels	\$14.93	\$15.79	\$16.27	\$16.75	\$17.26	\$17.77
**CPI + % increase		5.8%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%
Residences	\$9.19	\$9.72	\$10.01	\$10.31	\$10.62	\$10.94
**CPI + % increase		5.8%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%
Restaurants	\$23.12	\$24.46	\$25.19	\$25.95	\$26.73	\$27.53
**CPI + % increase		5.8%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%
Commercial	\$9.19	\$9.72	\$10.01	\$10.31	\$10.62	\$10.94
**CPI + % increase		5.8%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%	CPI + 3.0%
<p><i>*100cf = 748 gallons = 1 unit of water (accounts are billed in units)</i> <i>**CPI + (The dollar amounts shown above for FY 2021 to 2024 include the proposed percentage increase. CPI is added when the Bureau of Labor Statistics publishes CPI).</i></p>						