

## ORDINANCE NO. 120

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT AMENDING WATER AND WASTEWATER CAPACITY FEE CHARGES

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

**WHEREAS**, on April 14, 1993, the District adopted Ordinance No. 81 establishing service charges and connection fees for water and sewer service within the District; and

**WHEREAS**, on June 14, 1995, the District adopted Ordinance No. 89 establishing service charges and connection fees for water and sewer service within the District which amended service charges but made no amendments to connection fees for water and sewer service; and

**WHEREAS**, on March 13, 2019 and June 12, 2019, the District held a properly noticed public hearings to amend water and wastewater capacity fee charges; and

**WHEREAS**, Government Code Sections 66013 and 66016 provide the District the authority to amend its capacity fee charges and the District has complied with all requirements of the Government Code; and

**WHEREAS**, the District therefore adopts the revised water and wastewater connection fees as provided in Exhibit “A” attached hereto and incorporated herein by this reference.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:**

#### **SECTION 1. Authority, Intent and Purpose.**

A. This Ordinance is adopted pursuant to Government Code sections 66013 and 66016 for the purpose of amending the District’s method of calculating water and wastewater capacity charges. The District last revised its water and wastewater capacity charges on April 14, 1993 in District Ordinance No. 81.

B. The District recently completed a study to review its water and wastewater capacity charges and propose revisions to reflect the cost of providing water and wastewater capacity for needed infrastructure projects (the “Study.”) The Study reviewed and analyzed the District’s water and wastewater fixed assets, capital improvement plans, existing and future water and wastewater system demands and existing or planned financing.

C. Based on the Study, the District's water and wastewater capacity charges as described in Exhibit A shall not exceed the estimated reasonable cost of providing the service for which the charges are imposed. The water and wastewater capacity charges collected under this Ordinance shall be used solely for the purposes for which the charges were collected and will not be used for general spending purposes.

D. The Study and related materials are on file at the District office and have been made available for public review and inspection for more than fourteen days prior to the public hearing on the proposed amendments to the water and wastewater capacity charges. The Study and the proposed amendments to the water and wastewater capacity charges were the subject of a properly noticed public hearings of the District Board of Directors on March 14, 2019 and June 12, 2019.

## **SECTION 2. Legal Authority.**

This Ordinance is being adopted under the authority found in Government Code section 61100(a), 61115(a), 61060(b), 66013, 66016 and other applicable law.

## **SECTION 3. Water and Wastewater Capacity Charges**

Water and wastewater capacity charges shall be imposed in connection with applications for water and wastewater will serve commitments as set forth in the schedule of charges in Exhibit A as follows: (1) for residential units based on the equivalent dwelling units needed to serve the subject premises as determined by the District in accordance with such applications and (2) for non-residential units based on water meter size as determined by the District in accordance with such applications. As described more fully in Exhibit A, the water and wastewater capacity charges shall be increased annually pursuant to the Engineering News Records - Construction Cost Index.

## **SECTION 4. CEQA Findings**

The Board of Directors find that this Ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

## **SECTION 5. Inconsistent Provisions.**

This Ordinance amends portions of Ordinance 81 and Ordinance 89. 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 6. 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.

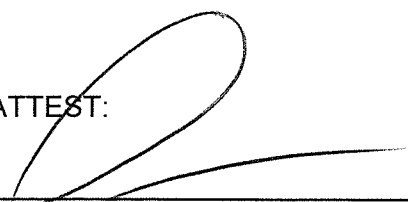
**SECTION 7. Effective Date and Publication.**

This Ordinance shall take effect thirty days after its adoption. A summary of this Ordinance shall be published in a newspaper of general circulation and a certified copy of the full text of the proposed Ordinance shall be posted in the office of the District at least five days prior to the meeting at which the proposed Ordinance is to be adopted. Within fifteen days after adoption of the Ordinance, the governing body shall publish a summary of the Ordinance with the names of those members voting for and against the ordinance and shall post in the office of the district a certified copy of the full text of the adopted Ordinance along with the names of those members voting for and against the Ordinance.

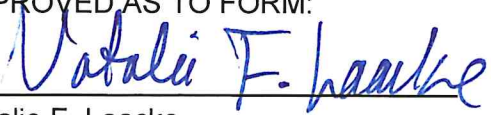
This Ordinance was introduced by the Board of Directors on April 10, 2019. This Ordinance was passed and adopted at a meeting of the Board of Directors of the San Simeon Community Services District on December 11, 2019; Upon motion by Director Chair Kellas and seconded by Director V.C. McGuire by the following roll call vote:

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

  
\_\_\_\_\_  
Gwen Kellas, Chairperson

ATTEST:  
  
\_\_\_\_\_  
Charles Grace  
Secretary/General Manager

APPROVED AS TO FORM:

A handwritten signature in blue ink that reads "Natalie F. Laacke". The signature is written in a cursive style and is positioned above a horizontal line.

Natalie F. Laacke  
District Counsel

## Exhibit "A"

### Capacity Fee Charges Schedule

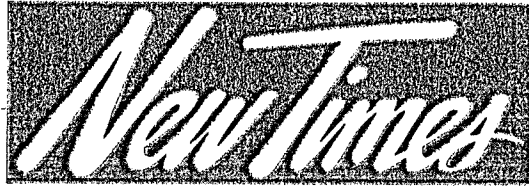
Table 4 Schedule of Proposed Capacity Charges								
	Capacity Ratio / EDU Ratio	Proposed Water	Proposed Wastewater	Wastewater Information Used [2]				
				EDU Ratio	gpd	BOD (mg/l)	SS (mg/l)	Customers
1	Single-family Residential [1]	1.00	\$5,030	\$590	18	327	283	1
2	Multifamily Residential [1]	1.00	\$5,030	\$590	18	327	283	1
3	Mobile Home [1]	1.00	\$5,030	\$590	18	327	283	1
4	RV Space [1]	1.00	\$5,030	\$590	18	327	283	1
5	Motels (per unit)	0.70	\$3,521	\$381	12	310	120	1
6	Motels (Manager Apartment)	1.00	\$5,030	\$590	18	327	283	1
7	Restaurants (per square foot)			\$36.00	0.167	1,000	600	1
8	Service Stations (with 2 restrooms)			\$40,747	1,000	1,000	600	1
9	Retail Shops (each)			\$5,646	200	150	150	1
10	Public Restrooms (each)			\$5,478	175	327	283	1
11	Commercial Laundries (each machine)			\$5,561	200	150	110	1
<b>Non-Residential</b>								
Water Meter Size								
	Capacity Ratio							
12	5/8"	1.00	\$5,030					
13	3/4"	1.00	\$5,030					
14	1"	1.67	\$8,400					
15	1 1/2"	3.33	\$16,749					
16	2"	5.33	\$26,809					
17	3"	10.67	\$53,670					
18	4"	16.67	\$83,850					
19	6"	40.00	\$201,200					
20	8"	66.67	\$335,350					
<b>Unspecified [3]</b>								
21	Charge for Each Component				Flow (\$/gpd)	BOD (\$/lb)	SS (\$/lb)	Customer (\$/Cust)
					\$25.10	\$1,105.86	\$1,277.79	\$30.15

[1] Per dwelling unit.

[2] Strength information from State Water Resources Control Board.

[3] Capacity Charge calculated based on Non-residential customer flow and strength.

The water and wastewater capacity charges shall be increased annually pursuant to the Engineering News Records (ENR) Construction Cost Index (CCI) to capture future construction cost inflation. This capacity charge adjustment shall be made on the change in the index from the date of adoption of the proposed charges.



1010 Marsh St., San Luis Obispo, CA 93401  
(805) 546-8208 • FAX (805) 546-8641

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

Proof of Publication of

STATE OF CALIFORNIA,  
County of San Luis Obispo,  
I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party interested in the above entitled matter. I am the principal clerk of the printer of the *New Times*, a newspaper of general circulation, printed and published weekly in the City of San Luis Obispo, County of San Luis Obispo, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of San Luis Obispo, State of California, under the date of February 5, 1993, Case number CV72789: that notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

February 21  
in the year 2019.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct. Dated at San Luis Obispo, California, this day 21 of February, 2019.

Patricia Horton  
Patricia Horton, New Times Legals

(YOUR AD HERE)

FILE NO. 2019-0308  
FILED IN THE COUNTY OF SAN LUIS OBISPO  
ON FEBRUARY 21, 2019  
BY [illegible]

**SAN SIMEON COMMUNITY SERVICES DISTRICT**

**NOTICE OF PUBLIC HEARING  
ON ADOPTION OF AN  
ORDINANCE AMENDING  
THE DISTRICT'S WATER  
AND WASTEWATER  
CAPACITY FEE CHARGES**

**WHO:** San Simeon Community Services District ("District") Board of Directors

**WHEN:** March 13, 2019 at 6:00 p.m.

**WHERE:** Cavalier Banquet Room, 250 San Simeon Avenue, San Simeon, California

**WHAT:** The Board of Directors of the District will hold a public hearing, at which oral or written presentations can be made, to consider adopting an ordinance amending and restating the District's Water and Wastewater Capacity Fee charges and establishing regulations related thereto, including costs associated to capacity fee per unit. At the time and place of the public hearing set forth above any person interested, including all persons owning property within the District, may appear and be heard on the matter of the proposed ordinance.

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, including General Fund revenues, is available to the public to inspect and review at the District offices at 111 Pico Avenue, San Simeon, California 93452, Telephone: (805) 927-4778

This public hearing shall comply with the requirements of the American with Disabilities Act.

For further information you may contact the District at 111 Pico Avenue, San Simeon, California 93452, Telephone: (805) 927-4778

Cortney Murguia, Office Manager  
Dated: February 21, 2019



1010 Marsh St., San Luis Obispo, CA 93401  
(805) 546-8208 • FAX (805) 546-8641

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STATE OF CALIFORNIA,

County of San Luis Obispo,

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party interested in the above entitled matter. I am the principal clerk of the printer of the *New Times*, a newspaper of general circulation, printed and published weekly in the City of San Luis Obispo, County of San Luis Obispo, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of San Luis Obispo, State of California, under the date of February 5, 1993, Case number CV72789: that notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

May 23

in the year 2019.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct.

Dated at San Luis Obispo, California, this day 23 of May, 2019.

Patricia Horton

Patricia Horton, New Times Legals

**SAN SIMEON COMMUNITY SERVICES DISTRICT  
NOTICE OF PUBLIC HEARING  
ON ADOPTION OF AN  
ORDINANCE AMENDING  
THE DISTRICT'S WATER  
AND WASTEWATER  
CAPACITY FEE CHARGES**

**WHO:** San Simeon Community Services District ("District") Board of Directors

**WHEN:** June 12, 2019 at 6:00 p.m.

**WHERE:** Cavalier Banquet Room, 250 San Simeon Avenue, San Simeon, California

**WHAT:** The Board of Directors of the District will hold a public hearing, at which oral or written presentations can be made, to consider adopting an ordinance amending and restating the District's Water and Wastewater Capacity Fee charges and establishing regulations related thereto, including costs associated to capacity fee per unit. At the time and place of the public hearing set forth above any person interested, including all persons owning property within the District, may appear and be heard on the matter of the proposed ordinance.

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This public hearing shall comply with the requirements of the American with Disabilities Act.

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Cortney Murguia, Office Manager

Dated: May 23, 2019



1010 Marsh St., San Luis Obispo, CA 93401  
(805) 546-8208 + FAX (805) 546-8641

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(2015.5 C.C.P.)

Proof of Publication of

STATE OF CALIFORNIA,  
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**SAN SIMEON COMMUNITY SERVICES DISTRICT ORDINANCE SUMMARY**

**A PROPOSED ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT REGARDING AMENDING THE DISTRICT'S WATER AND WASTEWATER CAPACITY FEE CHARGES**

This Ordinance Summary is published in accordance with the policies and procedures of the San Simeon Community Services District and the provisions of Government Code Section 25124. On July 10, 2019 the San Simeon Community Services District voted to introduce an ordinance amending Ordinance 89.

The District Board of Directors must vote again to adopt this ordinance. On August 14, 2019, the San Simeon Community Services District will consider adopting an ordinance regarding capacity fee charges. The meeting will be held at 6:00 p.m. at the Cavalier Banquet Room, located at 250 San Simeon Avenue, San Simeon, California.

In accordance with the policies and procedures of the San Simeon Community Services District and Government Code Section 25124, a copy of the complete Ordinance is available for review at the District office located at 111 Pico Avenue, San Simeon, California. For more information, contact the District office at (805) 927-4778.

Cortney Murguia  
August 1, 2019

August 1  
in the year 2019.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct. Dated at San Luis Obispo, California, this day 1 of August, 2019.

Patricia Horton  
Patricia Horton, New Times Legals





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**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of San Luis Obispo,

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November 21  
in the year 2019.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct. Dated at San Luis Obispo, California, this day 21 of November, 2019.

Patricia Horton  
Patricia Horton, New Times Legals

Proof of Publication of

**SAN SIMEON COMMUNITY SERVICES DISTRICT**

**NOTICE OF PUBLIC HEARING ON ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S WATER AND WASTEWATER CAPACITY FEE CHARGES**

**WHO:** San Simeon Community Services District ("District") Board of Directors

**WHEN:** December 11, 2019 at 5:00 p.m.

**WHERE:** Cavalier Banquet Room, 250 San Simeon Avenue, San Simeon, California

**WHAT:** The Board of Directors of the District will hold a public hearing, at which oral or written presentations can be made, to consider adopting an ordinance amending and restating the District's Water and Wastewater Capacity Fee charges and establishing regulations related thereto, including costs associated to capacity fee per unit. At the time and place of the public hearing set forth above any person interested, including all persons owning property within the District, may appear and be heard on the matter of the proposed ordinance.

Data indicating the amount of cost, or estimated cost, required to provide the service for which the service charge is levied and the revenue sources anticipated to provide the service, including General Fund revenues, is available to the public to inspect and review at the District offices at 111 Pico Avenue, San Simeon, California 93452, Telephone: (805) 927-4778

This public hearing shall comply with the requirements of the American with Disabilities Act.

For further information you may contact the District at 111 Pico Avenue, San Simeon, California 93452, Telephone: (805) 927-4778

Cortney Murguia  
Office Manager

Dated: November 21, 2019