

ORDINANCE NO. 16-81

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE MISSION HILLS COMMUNITY SERVICES
DISTRICT SETTING FORTH WATER, SEWER, AND
STREET SWEEPING RATES AND FEES TO CONNECT
TO DISTRICT FACILITIES**

WHEREAS, the Mission Hills Community Services District (the "District") is a community services district duly formed under California Government Code Section 61000 et. seq. to provide community services within the District's service area, including water and sewer services; and

WHEREAS, pursuant to Government code Section 61123, the District may charge fees to cover the costs of any service that the District provides; and

WHEREAS, the District's Board of Directors are authorized by the provisions of Government Code Section 61060(a) to adopt ordinances; and

WHEREAS, pursuant to a contract with the District, Tuckfield & Associates prepared a Water, Wastewater, and Street Sweeping Rate Study dated February 2016 ("Rate Study") recommending certain changes to the District's water, sewer and street sweeping rates; and

WHEREAS, the revenues from the proposed water, sewer, and street sweeping fees will not exceed the funds required to provide the service, and the fees do not exceed the proportional cost of service attributable to each parcel served; and

WHEREAS, on March 10, 2016, the District's Board of Directors reviewed and accepted the Rate Study, and adopted Resolution No. 16-302 approving the Notice of Public Hearing.

WHEREAS, on May 2, 2016, the District's Board of Directors reviewed and adopted Resolution No. 16-304 approving a revised Notice of Public Hearing.

WHEREAS, a public hearing was properly noticed and held on June 27, 2016; and

WHEREAS, a majority protest, as contemplated by Article XIII D of the California constitution, was not received by the conclusion of the public hearing.

NOW, THEREFORE, be it ordained by the Board of Directors of the Mission Hills Community Services District, Santa Barbara County, California as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1. Recitals.

The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and/or support the findings of the District in support of this Ordinance.

Section 2. Definitions.

All definitions of terms used herein are the same as contained in Ordinances No. 14, No. 16, No. 17, and No. 18 are applicable. However, the following definitions shall be applicable to this Ordinance and shall supersede any previous definitions only to the extent of any inconsistency.

- (a) Residential Customer shall mean any customer who receives water service for a single or multi-family dwelling unit. The term does not include educational or other institutions, hotels, motels, or similar commercial establishments.
- (b) Non-Residential Customer shall mean commercial, industrial, institutional, public and all other users that are not residential water customers.

Section 3. Penalties.

The penalties and regulatory provisions of Ordinances No. 16 and No. 18 remain in full force and effect.

Section 4. Repealer.

Ordinance No. 11-77 and Ordinance No. 12-78 are hereby repealed, effective 11:59 pm, August 31, 2016. Thenceforth, all water, sewer, and street sweeping charges previously becoming due and payable shall be collected under provisions of this Ordinance and as otherwise authorized by law.

Section 5. Right to Determine the Applicability of Rates.

The District reserves the right to determine the applicability of any and all rates, charges and fees, and to consider applications for adjustment to the timing or terms and conditions for payment of rates, charges and fees set by the District.

Section 6. Non-Routine Services.

All non-routine services provided by the District whose charges are not covered by ordinance shall be charged at the hourly rate of the person performing the service plus the current overhead rate as determined by the General Manager.

Section 7. Quality.

Whenever furnished for human consumption or for domestic uses, the District will endeavor to meet the requirements of the State Health Department and provide water that is wholesome, potable, in no way harmful or dangerous to health, and insofar as practicable, free from objectionable odors, taste, color and turbidity. However, the District cannot be responsible for the meeting of these objectives nor can it guarantee the quality of water to its customers.

Section 8. Conditions of Service.

As a condition of water and sewer services, it shall be the responsibility of the applicant for said service to connect to the District water meter and/or sewer line by the approved District Standards. Each lot or parcel of land, as shown on the current parcel map in the Office of the Assessor of the county of Santa Barbara, shall be served through and have a separate water meter and/or sewer lateral. No water or sewer piping shall cross lot or parcel boundary lines to serve any other lot or parcel without approval of the District Manager and the explicit agreement of the District Board of Directors.

ARTICLE II – SCHEDULE OF FEES TO CONNECT TO DISTRICT FACILITIES

Section 1. Connection Fee Charges.

Connection Fees to connect previously unconnected premises or lots of parcels of land to the District's Water and/or Sewer Systems are hereby established. Said Connection Fees are not transferable and are due and payable 1) prior to, but not more than thirty (30) days before final map clearance for subdivisions, or at the time application is made for service to the subdivision, whichever is later, and 2) prior to physical connection for other properties, in accordance with the following aggregate rate schedule or as amended by motion of the Board of Directors.

Water Facilities.

Connection, direct or indirect, of any parcel, lot or premise to the District Water System.

Meter Size (Inches)	Flow Rate (Gpm) Max	Ratio	Water Connection Fee
3/4	40	1.00	\$8,294
1	50	1.25	\$10,369
1 1/2	100	2.50	\$20,738
2	175	4.37	\$36,246
3	565	14.12	\$117,779
4	1,025	25.62	\$212,502
6	2,250	56.25	\$466,589
8	3,790	94.75	\$725,737

Sewer Facilities.

Connection, direct or indirect, of any parcel, lot or premise to the District Sewer System except hotels, motels, or school/meeting facilities.

Motel/Hotel \$3,435 per dwelling unit, parcel, lot, space, office or shop unit.

All Other Facilities \$3,435 plus \$856 per motel or hotel rental unit in excess of one.
Fees to be determined individually based upon current standards,
as allowed by Article I, Section 5.

Section 2.

The connection fees are in addition to the assessment charges established by Ordinance No. 40 for the improvement that consists of water main extension and is applicable to each lot or parcel of land within MHCS D Zone No. 1. An annexation fee surcharge shall also be imposed and collected from certain properties that receive an advantage from the Harris Grade Road water main extension as established by Ordinance no. 49. There has also been established by Ordinance No. 45 a schedule of fees and charges for Project or Development services provided by the District.

ARTICLE III- SCHEDULE OF WATER UTILITY CHARGES

Section 1. Water Utility Charges.

Water Utility charges are hereby established for the provision of water service to all premises, lots or parcels of land situated within the District. Water Utility charges shall be determined pursuant to this ordinance, and shall if the rate is monthly become due and payable on the first day of each calendar month in accordance with the following monthly rate schedule. Said charges shall be charged to and collected from persons receiving water from the Water Systems of the Mission Hills Community Services District:

Basic Monthly Service Charges.

There shall be charged and collected with regard to each metered service installation the following applicable basic monthly service charge according to water meter size:

Meter Size (Inches)	Sept. 1 FY 2016-17	July 1 FY 2017-18	July 1 FY 2018-19	July 1 FY 2019-20	July 1 FY 2020-21
$\frac{5}{8}$ & $\frac{3}{4}$	\$37.56	\$39.06	\$40.62	\$42.25	\$43.94
1	\$41.91	\$43.58	\$45.33	\$47.14	\$49.03
1 1/2	\$47.71	\$49.61	\$51.60	\$53.66	\$55.81
2	\$63.65	\$66.20	\$68.85	\$71.60	\$74.46
3	\$181.07	\$188.32	\$195.85	\$203.68	\$211.83
4	\$224.56	\$233.55	\$242.89	\$252.60	\$262.71

Uniform Volume Rate

In addition to all other water charges imposed upon premises receiving water from the District, there shall be charged and collected monthly with respect to each residential and non-residential metered service installation a uniform volume rate, the sum as follows:

	Sept. 1 FY 2016-17	July 1 FY 2017-18	July 1 FY 2018-19	July 1 FY 2019-20	July 1 FY 2020-21
Uniform Volume Rate (\$/Hundred Cubic Feet)	\$2.12	\$2.21	\$2.30	\$2.40	\$2.50

Section 2. Monthly Standby Charges for Private Protection Service.

In addition to all other charges imposed upon persons receiving water from the water system of the Mission Hills Community Services District, there shall be charged and collected a monthly standby charge of \$6.40 per inch of private water service pipe diameter with respect to any installation through which water may be supplied for equipment primarily designed to provide private fire protection services.

Section 3. Metered Service Installation.

All service connections to the Water System of the Mission Hills Community Service District and the installation of water meters with respect thereto shall be made only by the Mission Hills community Services District, its authorized agents or employees.

Section 4. Fire Hydrant Meter.

- An installation and Removal Charge of \$250.00 shall be levied and collected when the installation of a fire hydrant meter is required.
- All water furnished via a fire hydrant meter will be charged as provided by "Non-Residential Monthly Quantity Sales Rate" of this current district rate ordinance.
- It shall be the duty of the customer served by a fire hydrant meter to notify the District to remove any fire hydrant meter. A monthly charge of \$50.00 will be imposed when no consumption is recorded by the meter.
- A non-refundable charge of \$1,000.00 will be imposed for the authorized removal, charge, or damage to the fire hydrant meter, at the discretion of the General Manager.
- The provision of water through a fire hydrant meter is by its nature a temporary connection. No fire hydrant meter will be installed to serve the same lot or parcel of land for more than one (1) year. If the water service is for more than one (1) year, then Water Connection Fees are to be paid by the customer and a permanent water connection and water meter installed.

Section 5. Change in Water Meter Size.

The following charges shall be charged to and collected from any person desiring to replace a previously installed meter water service connection with a different sized meter service connection:

- An installation charge equal to the difference between the fair market value of the meter being replaced, as estimated by the General Manager, and the actual purchase price to the District for each replacement meter being installed, together with all incidental fittings, materials, labor and overhead, as determined by the General Manager, required for installation.
- The charges set forth in this section shall be paid to the District prior to the water meter installation, and payment thereof shall be a condition precedent to installation.

Section 6. Interruption in Water Service for Irrigation Use.

Water Service provided by the District for irrigation use shall be subject to interruption at the discretion of the District in case of shortage in water supply, inability of the District to provide fully for domestic, fire or sanitation requirements, lack of pipeline capacity or inability of the District, for any reason, to furnish water for irrigation purposes. Advance notice of interruption in service will be given to irrigation users whenever possible.

ARTICLE IV- SCHEDULE OF SEWER UTILITY CHARGES

Section 1. Basic Monthly Service Charges.

Sewer Utility Charges are hereby established for service by the District to all premises connected to the sewage disposal system of the District. The Sewer Utility Charge shall be determined pursuant to this ordinance, and shall if the rate is monthly become due and payable on the first day of each calendar month in accordance with the following monthly rate schedule:

Monthly Fixed Charges	Sept. 1 FY 2016-17	July 1 FY 2017-18	July 1 FY 2018-19	July 1 FY 2019-20	July 1 FY 2020-21
Residential	\$47.80	\$51.62	\$55.75	\$60.21	\$65.03
Non-Residential	\$47.80	\$51.62	\$55.75	\$60.21	\$65.03
School (per ADA)	\$0.88	\$0.95	\$1.03	\$1.11	\$1.20

Sewer Use Charges.

In addition to all other sewer charges imposed upon all premises connected to the sewage disposal system of the District, there shall be charged and collected monthly with respect to each non-residential sewer connection, based on the monthly average volume of water used during the most recent months of December, January and February, the sum as follows:

	Sept. 1 FY 2016-17	July 1 FY 2017-18	July 1 FY 2018-19	July 1 FY 2019-20	July 1 FY 2020-21
Variable Rate (\$/Hundred Cubic Feet)	\$2.90	\$3.13	\$3.38	\$3.65	\$3.95

ARTICLE V- SCHEDULE OF STREET SWEEPING CHARGES

Section 1.

Street Sweeping charges are hereby established for a monthly service by the District to all premises being provided with street sweeping, to be charged to the customer who on the last day of each month is on the District's official billing records. The street sweeping charge per premise determined pursuant to this ordinance shall, if the rate is monthly, become due and payable in advance on the first day of each calendar month in accordance with the following monthly rate schedule:

Type of Use/Customer	Base Monthly Rate
All residential, single-family dwelling units	\$1.32 per unit
Commercial/retail stores	\$1.32 per store
Schools, churches, meeting facilities	\$1.32 per parcel or lot

Section 2.

Street sweeping charges will be billed and collected together with, and not separately, from the other monthly District rates and service charges and shall be subject to all the rules and regulations applicable to monthly billing as adopted by the District Board of Directors.

ARTICLE VI- MISCELLANEOUS

Section 1.

All ordinances, resolutions, or administrative actions by the Board, or parts thereof, which are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency.

Section 2.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 3.

This Ordinance shall take effect and be in full force and effect thirty (30) days after the date of its adoption. The rates and charges adopted by this Ordinance shall take effect September 1, 2016.

Section 4.

Within fifteen (15) days following adoption, this Ordinance shall be published at least once, together with the names of the Directors voting thereon, in a newspaper of general circulation within the District. Additionally, this Ordinance shall be posted for one week in three (3) public places in the District.

Introduced and approved at a meeting of the Board of Directors on June 27, 2016, and passed and adopted by the Board of Directors of the Mission Hills Community Services District on _____, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:


ABSTAINING:

Danny Hayes, President
Board of Directors

ATTEST:

Casey Fowler, Secretary

APPROVED AS TO FORM:



Ziyad I. Naccasha, District Counsel