



ORDINANCE NO. 13

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY REQUIRING INSTALLATION OF METERS, REQUIRING REIMBURSEMENT FOR THE COSTS THEREOF, AND ESTABLISHING RATES FOR WATER AND SEWER SERVICE

WHEREAS, pursuant to California Government Code § 61621.5 and Ordinance No. 07 of the Town of Discovery Bay, the Board of Directors of the Town of Discovery Bay has authority to require the installation of water meters for users of the water system of the Town of Discovery Bay, and to charge fees for such installation of meters, and to establish rates for water and sewer use; and

WHEREAS, the Board of Directors has caused to be prepared by Hornberger Engineering of Campbell, California a report entitled "Town of Discovery Bay – Water and Wastewater Rate Study Billing Methodology Review" (March 2002) and a report entitled "Town of Discovery Bay – Water and Wastewater Rate Study Large User Program" (April 2002); and

WHEREAS, based upon said reports, the Board of Directors of the Town of Discovery Bay has determined that it is impractical to require the installation of meters on all water service connections within the Town of Discovery Bay, at this time, but has determined that it is practical to require meter installation, and establishment of water and sewer rates, for certain large users whose present per-parcel charge does not adequately reflect their use of the water and wastewater systems; and

WHEREAS, the Board of Directors of Town of Discovery Bay finds and declares that the charges for installation of the meters established in this Ordinance, are for the purposes of meeting the operating expenses of the water and wastewater systems, and obtaining funds necessary to maintain service within the existing service area of the Town of Discovery Bay, these funds will not be used for expansion of the service area, and the purpose of this Ordinance is to more equitably charge large users for the operation of the existing system, and that the enactment of this Ordinance is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to § 15273 of Title 14 of the California Code of Regulations;

NOW, THEREFORE:

Be it ordained by the Board of Directors of Town of Discovery Bay as follows:

SECTION 1. The recitals set forth above are true and correct, and are incorporated as part of this Ordinance.

SECTION 2. The reports prepared by Hornberger Engineering referenced in the recitals above are hereby adopted by the Board of Directors of the Town of Discovery Bay ("Board").

SECTION 3. The basic rate for metered water use is established at \$0.61 per hundred cubic feet ("ccf").

SECTION 4. The basic rate for wastewater (sewer) use is established at \$1.56 per ccf of metered water use.

SECTION 5. The General Manager of the Town of Discovery Bay is directed to cause to be installed at each user within the following categories of users within the Town, a water meter of the appropriate size for the user:

Business, governmental offices, clubs, restaurant, bars, schools, churches, parks or similar irrigated areas, storage facilities, and each non-residential facility not otherwise covered which has a public restroom or shower.

The cost to purchase and install each meter shall be recorded.

After installation of each meter, the General Manager shall cause the meter to be read, and bills for water usage shall be rendered in accordance with Section 11 of Ordinance No. 07 of the Town; each such bill shall include a component for sewer use, as established in Section 4 of this Ordinance.

SECTION 6. The first such bill rendered for each user shall include the actual cost of installation of the meter for that user.

SECTION 7. Since many of the users described in Section 5 of this Ordinance will be billed a per-parcel charge for fiscal year 2002-2003, each user shall receive a credit on the first bill rendered for any per-parcel charge levied for fiscal year 2002-2003.

SECTION 8. Each user described in Section 5 shall be removed from use per-parcel roll for fiscal year 2003-2004 and thereafter.

SECTION 9. Notwithstanding Section 5 of this Ordinance, any park or similar irrigated area which does not have a public restroom or public shower shall not be charged the sewer use component.

SECTION 10. This Ordinance shall become effective 30 days after passage.

SECTION 11. After the effective date of this Ordinance, the General manager shall file a CEQA Notice of Exemption.

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay on July 24, 2002, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0

ATTEST:

By: *Virgil Koehne*
VIRGIL KOEHNE, Secretary
Town of Discovery Bay

Gary Hess
GARY HESS, President
Town of Discovery Bay