



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
(AMENDED)
ORDINANCE NO. 14**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
ESTABLISHING CHARGES FOR WATER AND
WASTEWATER SERVICE AND CONTINUING
COLLECTION OF WATER AND WASTEWATER
SERVICE CHARGES ON THE COUNTY ROLL**

WHEREAS, the Board of Directors of the Town of Discovery Bay ("Board") has caused to be prepared 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 a report entitled "Town of Discovery Bay –Water and Wastewater Rate Study – Fiscal Years 2003/04 and 2004/05, dated June 2003, all by Hornberger Engineering of Campbell (collectively called the "Report"); and

WHEREAS, the Board has adopted the Report; and

WHEREAS, the Board has determined that it is necessary to increase the water and wastewater service charges for metered users for which rates are established pursuant to Ordinance No. 13 of the Town of Discovery Bay; and

WHEREAS, the Board has determined that it is necessary to increase the water and wastewater service charges for non-metered residential users and to collect such charges on the County tax rolls; and

WHEREAS, the Board has determined that it is necessary to accept and continue in effect those charges for water and sewer services established by Contra Costa County Sanitation District 19 pursuant to its Ordinance No. 18, and accepted and continued by Town of Discovery Bay Ordinance No. 1, including collection of those charges on the County tax rolls, for those users within the Town which are not metered or are not non-metered residential users; and

WHEREAS, the Board finds and declares that the Town has prepared a report of all parcels in the district receiving water and wastewater services, and the amount of the charge for each parcel for the year; and that written notice of said report was mailed to each person to whom any parcel of real estate described in such report is assessed; and that the Town has held a public hearing pursuant to Government Code section 61765.2 and following; and

WHEREAS, the Board finds and declares that the Town has complied with the requirements of California Constitution Article XIID, Section 6 (Proposition 218), and that no majority protest was received;

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

1. The above recitals are true and correct, and are incorporated as part of this Ordinance.
2. Section 3 of the Town's Ordinance No. 13 is amended to read in full as follows:

"Section 3. The basic rate for metered water use for fiscal year 2003-2004 is established at \$.655 per hundred cubic feet ("ccf"), plus \$2.64 per month per meter for fire protection fee, and for fiscal year 2004-2005 and thereafter, at \$.738 per ccf, plus \$3.12 per month per meter for fire protection fee."

Section 3.1 FOR FISCAL YEAR 2005-2006 AND THEREAFTER. Rates set forth in Sections 2, 3, 5 and 6 of this Ordinance No. 14 shall be changed each year as inflation rises or falls and the cost of labor to read metered water meters increases or decreases. This change shall be based on the Consumer Price Index for All Urban Consumers for the San Francisco-Oakland-San Jose, CA area. This percentage shall increase or decrease each fiscal year by using the CPI for the two previous years. For the current fiscal year the following calculations have been used: Take the Annual 2005 averages from the Annual 2004 averages. These averages were 198.8 (2004) and 202.7 (2005), and are derived from monthly CPIs developed by the Bureau of Labor Statistics. The calculation is then done as follows $(202.7-198.8) / 198.8 \times 100 = 1.96\%$ rounded up to 2.0%. Thus, the increase that would come into effect for 2006 is 2.0%. Each year the new percent increase will be calculated in the same way using the CPI. The Town of Discovery Bay CSD Board of Directors shall review and approve annually any CPI increase.

3. Section 4 of the Town's Ordinance No. 13 is amended to read in full as follows:

"Section 4. The basic rate for wastewater (sewer) use is established as follows:

FOR FISCAL YEAR 2003-2004:

<u>Use</u>	<u>Rate</u>
Business/Government/Club	\$2.158 per ccf of metered water
Restaurant/Bar/Dining Facility	\$6.116 per ccf of metered water
Schools	\$1.943 per ccf of metered water
Other Domestic Strength Users	\$2.158 per ccf of metered water

FOR FISCAL YEAR 2004-2005 AND THEREAFTER:

<u>Use</u>	<u>Rate</u>
Business/Government/Club	\$2.668 per ccf of metered water
Restaurant/Bar/Dining Facility	\$7.563 per ccf of metered water
Schools	\$2.402 per ccf of metered water
Other Domestic Strength Users	\$2.668 per ccf of metered water"

4. Section 9 of the Town's Ordinance No. 13 is amended to read in full as follows:

"The General Manager shall have the authority, in the event of a parcel having large irrigated areas, to reduce the sewer use component of the above rates to recognize that water for irrigation does not enter the wastewater system."

5. The rate for water service for non-metered residential uses are established as follows:

FOR FISCAL YEAR 2003-2004:

<u>Parcel Size in Square Feet</u>	<u>Annual Charge</u>
UNDER 5,000	\$161.52
5,000-10,000	\$204.72
10,001-15,000	\$248.04
OVER 15,000	\$248.04 plus an additional \$14.40 for each 1,000 square feet over 15,000

FOR FISCAL YEAR 2004-2005 AND THEREAFTER:

<u>Parcel Size in Square Feet</u>	<u>Annual Charge</u>
UNDER 5,000	\$183.48
5,000-10,000	\$232.20
10,001-15,000	\$280.92
OVER 15,000	\$280.92 plus an additional \$16.20 for each 1,000 square feet over 15,000

6. The rates for sewer service for non-metered residential uses are established as follows:

FOR FISCAL YEAR 2003-2004:

<u>Use</u>	<u>Annual Charge</u>
SINGLE FAMILY	\$354.84 per dwelling unit
MULTIPLE FAMILY AND CONDOMINIUMS	\$266.04 per dwelling unit

FOR FISCAL YEAR 2004-2005 AND THEREAFTER:

<u>Use</u>	<u>Annual Charge</u>
SINGLE FAMILY	\$438.60 per dwelling unit
MULTIPLE FAMILY AND CONDOMINIUMS	\$328.92 per dwelling unit

7. The rates for water and wastewater service for all parcels which are non-metered and are not included in the categories set forth in Section 5 and 6 of this Ordinance are continued at the level established by Contra Costa County Sanitation District 19

pursuant to its Ordinance No. 13, and accepted and continued by the Town of Discovery Bay Ordinance No. 1.

8. The Board finds and declares that the annual charge for water and wastewater services set forth in Sections 5, 6 and 7 of this Ordinance shall be collected on the Contra Costa County tax roll as set forth in Government Code §§ 61765.1 and following, and the Secretary of the Town is authorized and directed to file the report of such charges, and all other documents necessary, with the Auditor-Controller of Contra Costa County.
9. The Board finds and declares that the adoption of this Ordinance and the rates established herein is except from the requirements of the California Environmental Act pursuant to Title 14, California Code of Regulations § 15273(a), and specifically adopts and incorporates herein as part of the record and as findings those sections of the Report which discuss the need for revenue, including the projected total operating expenses, the capital projects and the improvements required, and specifically finds and declares that the charges established herein are for the purposes specified in Title 14, California Code of Regulations, § 15273(a)(1) through 15273(a)(4), and not to fund expansion of either the water or the wastewater system.
10. The Secretary of the Town of Discovery Bay is authorized and directed to file a Notice of Exemption pursuant to Title 14, California Code of Regulations, § 15062.
11. This Ordinance shall become effective 30 days after its passage.

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay on July 2, 2003 and amended on July 5, 2006, by the following vote:

AYES: 4
NOES: 0
ABSENT: 1
ABSTAIN: 0

ATTEST:

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

Robert Doran
Robert Doran, Board President
Town of Discovery Bay CSD