



**TOWN OF DISCOVERY BAY COMMUNITY
SERVICES DISTRICT (CSD)**

ORDINANCE NO. 18

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY CSD
AMENDING ORDINANCE NO. 14 TO INCREASE THE CHARGES FOR WATER AND
WASTEWATER SERVICE AND CONTINUING COLLECTION OF WASTEWATER
AND WATER SERVICE CHARGES ON THE COUNTY TAX ROLL**

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

Section 1. FINDINGS. The Board of Directors ("Board") of Town of Discovery Bay CSD ("Town") finds and declares (1) that for many years the Town has continued to provide the same water and wastewater services without charging for an increase in inflation and their labor costs. The increased cost of operation that has been absorbed by the Town will now be passed onto the customers. Conversely, if inflation and labor costs decrease, the decreased cost of operation will be passed on to the customers.

Section 2. AMENDMENT OF ORDINANCE NO. 14. Ordinance No. 14 of the Town of Discovery Bay CSD, passed and adopted on July 2, 2003, is amended by adding thereto Section 3.1, to read in full as follows:

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.

- Section 3. REPRINTING OF ORDINANCE NO. 14. The Secretary of the Town is authorized and directed to reprint Ordinance No 14 with the amendment herein specified added.
- Section 4. CONTINUED COLLECTION. The Board of Directors further finds and declares that the annual charge for wastewater and water services and facilities shall continue to be collected on the tax roll.
- Section 5. NO MANDATORY EFFECT. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the Town or any officer or employee thereof a mandatory duty of care toward persons and property within or without the Town so as to provide a basis of civil liability for damages, except as otherwise imposed by law.
- Section 6. SEVERABILITY. If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Board hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portion thereof.
- Section 7. ENVIRONMENTAL STATUS. The Board finds and declares that the adoption of this Ordinance is not subject to the requirements of the California Environmental Quality Act pursuant to California Public Resource Code § 21080(b)(15).
- Section 8. NOTICE OF EXEMPTION. The Secretary of Town of Discovery Bay CSD is authorized and directed to file a Notice of Exemption pursuant to Title 14, California Code of Regulations § 15062.
- Section 9. EFFECTIVE DATE. This Ordinance shall become effective 30 days after it passage.

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay CSD 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

By: *Robert Doran*
 ROBERT DORAN, Board President
 Town of Discovery Bay CSD