

ORDINANCE NO. 20-2

AN ORDINANCE ESTABLISHING AND PROVIDING FOR
THE COLLECTION OF SEWER SERVICE CHARGES
TO BE BILLED BY THE CROCKETT COMMUNITY SERVICES DISTRICT
TO ALL SERVED PROPERTIES IN CROCKETT FOR 2020-2021

WHEREAS, the Board of Directors of the Crockett Community Services District has analyzed the present sewer service charge rate schedule and has determined that the residential annual sewer service charge rates for the user classification Single Family Residence should increase by an amount of \$30 and the user classification Apartment should be increased by an amount of \$35 for fiscal year 2020-2021. Non-residential, industrial and mixed-use rates will vary with water consumption in proportion to the District standard for residential use. The District has also analyzed the rates and the water use standard and has determined both should be modified; and

WHEREAS, the sewer service charges was last increased in fiscal year 2018-2019; and

WHEREAS, in adopting Ordinance No. 20-2, the Board relied on various studies and documents, which are available for inspection at the District offices; and

WHEREAS, the Board has determined that the sewer service charge rate increase is necessary to fund the current anticipated costs of the operations and maintenance functions and capital improvements of the District for the 2020/21 fiscal year (including new federal, state and regional water quality requirements) and to provide for the repayment of loans.

WHEREAS, in adopting this Ordinance, the Board of Directors finds that:

- a. Notice of Public Hearing containing information on the proposed fee increase was duly mailed by first class postage to every property owner receiving sewer service from the District at least 45 days prior to the public hearing on the proposed increase conducted on June 24, 2020, at which time all who wished to comment on this matter were heard.
- b. All written protests presented by the affected property owners were considered and tallied at the public hearing on June 24, 2020 and the District was not presented with protests by a majority of the owners of the identified parcels affected by this change.
- c. The amount of the charges imposed does not exceed the proportional cost of the service attributable to the properties receiving service, and revenues from the charges and fees are not being used for any other purpose than that for which they are imposed.
- d. The charge is imposed only on those properties actually receiving service or those for which service is immediately available.
- e. This action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273(a) (1), (2), (3), and (4) of the State CEQA Guidelines, in that the sewer service fee is being charged to meet operating expenses, purchase materials, meet financial reserve needs and provide for capital projects necessary to maintain service within the existing service area.

The Board of Directors of the Crockett Community Services District DOES HEREBY ORDAIN as follows:

Section 1. GENERAL PROVISIONS

1A. Purpose and Scope

The purpose of this Ordinance is to establish a set of equitable service charges for the use of the sanitary sewer collection system of the Crockett Community Services District, and to provide for the collection of such charges on the tax roll of Contra Costa County, pursuant to Government Code Section 61115. This Ordinance applies to all users of the District's system within and without the boundaries of the Crockett Sanitary Department of the Crockett Community Services District. This Ordinance does not apply within the boundaries of the Port Costa Sanitary Department.

1B. Authorization

The adoption of this Ordinance by the Board of Directors of the Crockett Community Services District is authorized by Government Code Section 61115.

1C. Title and Definition

This Ordinance shall be known as, and may be cited as, the Crockett Sanitary Department Sewer Service Charge Ordinance. As used in this Ordinance, the term "District" shall mean the Crockett Community Services District, and the Term "Owner" shall mean any person, firm, corporation, unincorporated association, trustee or other legal holder of title to real property.

Section 2. SEWER SERVICE CHARGE

2A. Rate and Charges

Every owner of real property that is connected to the District's sanitary sewer system or for which service is immediately available shall pay a charge for sewer service. The following service charges are in addition to, and do not affect ad valorem property taxes, capacity charges, annexation charges, and/or construction-related charges.

Water consumption data is requested from the municipal water supplier in January each year in order to be received in time to make necessary calculations of sewer usage in March. Consequently, the water data used to calculate use of the sewer system by individual properties or classes of properties shall be the latest fiscal year data available to the District in January and will not be for the current fiscal year. Water data over the last six years is averaged to generate the use factor and cost factors used to calculate the sewer use charge. Water consumption data from FY 18/19, FY 17/18, FY 16/17, FY 15/16, FY 14/15, and FY 13/14 has therefore

been used in support of this Ordinance is for sewer service charges to be imposed in FY 20/21.

Each separately metered (water) use of a property shall be charged independently as a residential account, non-residential account or mixed-use account. The property owner shall be charged the sum of the charges for all accounts on the property.

2A-1. Residential Accounts

2A-1a. Single Family Residence

The term "single family residence" shall herein refer to any detached structure designed, improved and/or used as one residential unit with no other separate use or additional residential units. The term shall include a single condominium residence unit. It shall not refer to a mobile home residence.

Each single family residence shall pay a flat charge per year in the amount set forth in Exhibit "A" for a single family residence.

2A-1b. Duplex

The term "duplex" shall herein refer to any structure containing two residential units and no other separate use or additional residential units. This shall include two flats, two apartments side-by-side, or a primary dwelling with an attached "second unit" known as a "granny flat" or "in-law unit" or "accessory dwelling unit" or "junior accessory dwelling unit".

Each duplex shall pay a flat charge per year in the amount set forth in Exhibit "A" for a duplex.

2A-1c. Multiple Unit Residential Building

Multiple unit residential buildings shall pay an annual charge per apartment in the amount set forth in Exhibit "A" for a single apartment.

The term "apartment" shall herein refer to any residential unit (other than condominium) in a structure designed, improved and/or used for two or more families living independently in units which are structurally joined and have separate entrances. This shall include any residential unit (such as a flat) in a mixed-use structure, except when a commercial unit has been added to a single family home. For the purposes of this Ordinance, a mobile home residence shall be treated as a single apartment.

2A-1d. Accessory Dwelling Unit

The term "accessory dwelling unit" or ADU shall herein refer to any residential unit located on the same lot as an existing single family home, where the total floor area does not exceed 1,200 square feet, where the increased floor area does not exceed 50 percent of the living area of the single family home, and which includes all of the amenities found in a primary dwelling: a kitchen,

bathroom, sleeping area, and storage. It shall not refer to a "junior accessory dwelling unit" or JADU.

Each accessory dwelling unit shall pay a flat charge per year in the amount set forth in Exhibit "A" for a single accessory dwelling unit.

2A-2 Non-Residential Accounts

Each non-residential use (or combination thereof) that is separately metered for water shall be considered one non-residential account.

Each non-residential account, including but not limited to commercial, industrial and institutional users, shall pay an annual flat fee use charge in the amount set forth in Exhibit "A", plus the per unit amount set forth in Exhibit "A" for each 100 cubic feet of water consumption in excess of 5443 cubic feet per year.

Any property with multiple non-residential accounts shall be charged the sum of the charges for all accounts.

2A-3. Mixed-Use Accounts

Any combination of residential and non-residential uses together on one water meter shall be considered one mixed-use account.

Each mixed-use account shall pay an annual flat fee use charge in the amount set forth in Exhibit "A" plus the per unit amount set forth in Exhibit "A" for each 100 cubic feet of water consumption in excess of 5443 cubic feet per year. In no case shall the total annual charge for each account be less than the per-unit charge set forth in 2A-1c for apartments times the number of apartments served, plus the charge set forth for a single family residence times the number of single family residences served.

Any property with multiple accounts (of whatever kind) shall be charged the sum of the charges for all accounts.

2B. Single Family Residential Water Use Standard

2B-1. Basis of Charges

The District has developed a District-wide standard for typical use of the sewer system by a single family residence. The single family residential standard reflects a reasonable estimation of the average water consumption (for indoor use) of a single family residence within the District. That figure is 6701 cubic feet per year. The sewer use charge for single family residences is based on that estimated average use.

2B-2. Volumetric Basis of Charges

Charges imposed on all residential users are established based on the relative

volumetric water use of that user or class of user. The charges set forth in this Ordinance are intended to reflect proportionately equal payment of charges for a similar burden imposed on the District's sewerage system based on the relative water use of various classes of users or separately metered users.

2B-3. Industrial Properties

The District finds that for the industrial properties within the District, water consumption is not an accurate way to measure discharge to its system, because industrial processes use an enormous amount of water that is not in fact discharged to the District's system. For purposes of this Ordinance, industrial properties include properties engaged in food processing, electrical production, and hydroprocessing, but does not include the C&H sugar refinery plant properties.

Therefore, for industrial properties, not including the C&H sugar refinery plant properties, which is charged for and pays its sewer service charges under separate agreement with the District, there shall be a flat charge plus an additional per unit charge for each 100 cubic feet of water actually discharged to the District. The flat and per-unit charges shall be the same as for other non-residential properties served by the Crockett Sanitary Department. The volume of water discharged from such properties shall be measured by flow meters installed at District-approved locations in all pipelines discharging water to the District's system. The required pump or flow meters shall be approved by the District Board. The required flow meters shall operate on a 24-hour basis to measure and record in electronic format on one-minute intervals the volume of water passing through each metered location. All required flow meters shall be placed in a location accessible to the District for inspection, and all raw data collected shall be routinely transmitted electronically to the District on a regular monthly basis. For those time periods during which the required flow meters fail to collect reliable flow data for whatever reason, the District will substitute its own calculations of flow during those periods using its best efforts.

Section 3. BILLINGS AND COLLECTION

3A. Sewer Service Charges Collected on the Tax Roll

All charges established and assessed in section herein shall become due and payable on receipt of tax bill therefore. Such charges shall be paid to the Tax Collector as directed on the tax bill. All charges shall be rounded to the nearest whole dollar.

3B. Directly Billed Sewer Service Charges

All sewer service charges that are not placed on the tax roll shall be billed directly to the Owner. Payments for such sewer service charges are due upon expiration of 15 days after the date of the billing. Sewer Service Charges that are directly billed shall become delinquent if any portion of the charge that is not in bona fide dispute remains unpaid after the expiration of the 30-day period.

3C. Imposition of a Lien

Pursuant to the terms of Government Code section 61115(c), the Board of Directors may recover any sewer service charges and penalties by recording with the County Recorder a certificate declaring the amount due, and the name and last known address of the person liable for those charges. From the time of recordation of the certificate, the amount of the charges and penalties shall constitute a lien against all real property of the delinquent property owner in the County.

3D. Penalties Interest and Remedies

A basic penalty of 10% shall be imposed for nonpayment of the sewer use charge, and an additional penalty of interest at a rate of 1% per month shall be imposed for nonpayment at such time as the payment becomes delinquent. (Gov't Code Section 61115(a)(3)(C).

In addition to other remedies provided by law including the discontinuance of sewer service, action may be brought in the name of the Crockett Community Services District in any court of competent jurisdiction for the collection of delinquent charges and to enforce the lien thereon. The remedies herein established shall be cumulative and in addition to any or all other remedies available for the collection of said charges.

Section 4. IMPLEMENTATION OF SERVICE CHARGE

4A. Effect of this Ordinance

Charges for users of the District's sewer system set out in this Ordinance will be initiated for the fiscal year beginning July 1, 2020, and shall continue thereafter in effect until further action of the Board of Directors. To the extent this Ordinance No. 20-2, or the sewer service charges adopted herein, is challenged and set aside for any reason, Ordinance No. 18-2 and the preexisting sewer service charges adopted therein shall be immediately restored and will be effective until further action of the Board of Directors.

4B. Effective Date

This Ordinance shall become effective for the fiscal year beginning July 1, 2020 and shall continue in effect until further order of the Board of Directors.

Section 5. PUBLICATION

This Ordinance shall be published once in the West County Times and posted in three places within the District with the names of the members of the Board of Directors voting for and against same. This Ordinance shall then take effect after thirty days following the adoption by the Board of Directors.

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly adopted by the Board of Directors of the Crockett Community Services District, Contra Costa County, California, at a regular meeting thereof, held on the 24th day of June 2020 by the following vote, to wit:

AYES: Barassi, Kirker, Mackenzie, Peterson, Sutton

NOES: None

ABSENT: None



Michael Kirker, President
Crockett Community Services District
Contra Costa County, California

ATTEST:



Dale McDonald, Secretary
Crockett Community Services District
Contra Costa County, California

Approved as to Form:

Rachel Hundley
District Counsel

EXHIBIT "A"
TO
CROCKETT COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 20-2
ESTABLISHING SEWER SERVICE CHARGES
Rates Effective July 1, 2020

Single family residence (SFR)	\$819.00 per year
Duplex	\$1,318.00 per year
Apartments (per unit) (APT)	\$659.00 per year
Accessory Dwelling Units (per unit) (ADU)	\$659.00 per year
Non-residential account -	
Flat fee	\$659.00 per year
Plus per-unit charge	\$12.72 per 100 cubic feet of water consumption in excess of 5443 cubic feet per year
Mixed-use account -	
Flat fee	\$659.00 per year
Plus per-unit charge	\$12.72 per 100 cubic feet of water consumption in excess of 5443 cubic feet per year
• Minimum charge	not less than \$659.00 per APT plus \$819.00 per SFR.
Industrial account -	
Flat fee	\$659.00 per year
Plus per-unit charge	\$12.72 per 100 cubic feet of water discharged in excess of 5443 cubic feet per year