

# ORDINANCE NO. ( )

## AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE COUNTY SERVICE AREA NO. 41 FITCH MOUNTAIN ZONE OF BENEFIT WATER SYSTEM ORDINANCE NO. 4023

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

**Section I.** The Board of Supervisors hereby finds:

A. The County is empowered by Health and Safety Code Section 5471 to prescribe, revise, and collect rates and charges for services and facilities furnished by the County in connection with the water system.

B. Pursuant to Health and Safety Code Section 5471, and as set forth in Article II of Ordinance No. 4023, as amended by Ordinance Nos. 4202, 4372, 4542, 4677, 4788, 4866, 4944, 5157, 5414, 5478, 5556, 5660, 5786, 5923 and 6181 (the "Ordinance"), the County has prescribed water service charges for parcels in County Service Area No. 41 Fitch Mountain Zone of Benefit ("Fitch Mountain").

C. The Board of Supervisors has determined that it is necessary to increase certain charges by continuing inflationary increases for the next five years effective July 1 of each year, to yield sufficient revenues to pay the operating expenses for providing water to Fitch Mountain.

D. On September 10, 2021, pursuant to Section 6 of Article XIID of the California Constitution, the Department of Transportation and Public Works caused a notice of the proposed increase to water service charges and of the time and place of the hearing thereon to be mailed to the record owner of each Identified Parcel (as defined in Government Code Section 53750) addressed to the names and addresses as they appeared on the last County equalized secured property tax assessment roll available, and, in the case of any public entity, the State of California or the United States, addressed to the public entity at the address of that entity known to the County. In addition, the Department of Transportation and Public Works caused notices to be mailed to owners of the Identified Parcels, addressed to the names and addresses known to the Department of Transportation and Public Works, if different than shown on the Assessment Roll. The Department of Transportation and Public Works also caused notices to be mailed to each customer if different than the owner. Each notice described the amount of proposed charges, the basis upon which the amount of the proposed charges were calculated, the reason for the proposed charges, and the date, time and location of a public hearing on the proposed charges. On \_\_\_\_\_, the Clerk of the Board of Supervisors further caused a of the time and place of the hearing to be published pursuant to Section 6066 of the Government Code.

E. On October 26, 2021, at the time and place set forth in the notice, the Board of Supervisors conducted a public hearing on the proposed increase to the water

service charges and heard and considered all objections and protests thereto. At the close of the public hearing, the Board of Supervisors determined that written protests had not been presented by a majority of owners of the Identified Parcels. In addition, upon the conclusion of the hearing, the Board of Supervisors determined that (i) revenues to be derived from the proposed charges will not exceed the funds required to provide water service; (ii) revenues to be derived from the proposed charges will not be used for any purpose other than to provide water service; (iii) the amount of proposed charges imposed upon any parcel will not exceed the proportional cost of the water service attributable to the parcel; (iv) no proposed charges will be imposed unless water service is actually used by, or immediately available to, the owner of the property in question, and (v) the proposed charges will not be imposed for general governmental services where the service is available to the public at large in substantially the same manner as it is to property owners.

**Section II.** Article II, Section 20, Subsection F of the Ordinance is amended to read as follows:

F. Annual Inflationary Increases.

Effective July 1 of each year, for a period of five (5) years from the adoption of this ordinance, meter service charges, water usage charges, connection fees, and other fees and charges as specified, shall be increased by an amount equal to the percentage increase, if any, in the Bureau of Labor Statistics consumer price index for all urban consumers (CPI-U), Series CUUR0000SA0, based on the most recent year-end increase. In no event shall the increase in any particular year exceed five percent.

**Section III.** The Board hereby finds that the California Environmental Quality Act does not apply to the establishment of charges pursuant to this ordinance, as such fees are for the purpose of meeting operations expenses, meeting financial reserve needs and requirements, and setting aside funds for capital projects necessary to maintain service within the existing service area (Public Resources Code § 21080(b)(8); 14 CCR § 15273).

**Section IV.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**Section V.** This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and finally passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin:                Rabbitt:                Coursey:                Gore:                Hopkins:

Ayes:                Noes:                Absent:                Abstain:

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
Sheryl Bratton,  
Clerk of the Board of Supervisors