

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE COUNTY SERVICE AREA NO. 41 SALMON CREEK ZONE OF BENEFIT WATER SYSTEM ORDINANCE NO. 4024

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. 4024, as amended by Ordinance Nos. 4202, 4372; 4542, 4677, 4788, 4866, 4944, 5157, 5414, 5478, 5556, 5660, 5786, 5923 and 6038 (the “Ordinance”), the County has prescribed water service charges for parcels in County Service Area No. 41 Salmon Creek Zone of Benefit (“Salmon Creek”).

C. The Board of Supervisors has determined that it is necessary to increase certain charges, beginning July 1, 2022, to yield sufficient revenues to pay the operating expenses for providing water to Salmon Creek.

D. On September 10, 2021, pursuant to Section 6 of Article XIII 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. The Clerk of the Board of Supervisors further caused a notice of the time and place of the hearing to be published pursuant to Section 6066 of the Government Code.

E. On November 2, 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, Subsections B and C of the Ordinance are amended to read as follows:

B. Meter Service Charges.

The following table shows the meter service charges effective over the next five years. Meter service charges shall be added to the water usage charge each month per ESD. The total monthly customer bill, in effect, consists of the meter service charge and the water usage charge.

Meter Service Charge	effective 7/1/22	effective 7/1/23	effective 7/1/24	effective 7/1/25	effective 7/1/26
5/8" meter	\$ 74.01	\$ 76.23	\$ 78.51	\$ 80.87	\$ 83.29
1" meter	\$ 76.87	\$ 79.18	\$ 81.55	\$ 84.00	\$ 86.52
1-1/2" meter	\$ 80.71	\$ 83.13	\$ 85.63	\$ 88.19	\$ 90.84
2" meter	\$ 84.51	\$ 87.04	\$ 89.65	\$ 92.34	\$ 95.11

Note: Rates do not include the annual inflationary increase that will be extended by this ordinance. The CPI has not yet been published by the Bureau of Labor Statistics as of the adoption of this ordinance.

When water service is disconnected due to nonpayment, the Meter Service Charge will continue to accrue until all payments are made. Customers shall be responsible for notifying Salmon Creek in writing to remove meters if the property will be vacant for extended periods. In such cases, the customer shall be responsible for any reconnection fees to reestablish service.

C. Water Usage Charges.

The following table shows the water usage charges effective over the next five years. Water usage charges shall be added to the meter service charge each month to recover the cost to provide these services. The total monthly customer bill, in effect, consists of the meter service charge and the water usage charge.

Water Usage Charges (per 100 cubic feet)	effective 7/1/22	effective 7/1/23	effective 7/1/24	effective 7/1/25	effective 7/1/26
1 to 2,000 cubic feet	\$ 15.92	\$ 16.40	\$ 16.89	\$ 17.40	\$ 17.92
2,001 to 2,700 cubic feet	\$ 20.03	\$ 20.63	\$ 21.25	\$ 21.89	\$ 22.54
Over 2,700 cubic feet	\$ 35.67	\$ 36.74	\$ 37.84	\$ 38.98	\$ 40.15

Note: Rates do not include the annual inflationary increase that will be extended by this ordinance. The CPI has not yet been published by the Bureau of Labor Statistics as of the adoption of this ordinance.

Adjustments:

If a meter fails to register water use due to any cause except the nonuse of water, the charge for water will be made on the basis of the average charge per month as described below. In so doing, it will first be ascertained whether the meter functioned properly during such period and whether normal conditions prevailed in regard to use of water at the premises supplied.

If it has been determined that normal conditions prevailed in regard to the use of the water at the premises supplied, an average will be computed using either a twelve (12)-month period, or the total period of service, whichever is shorter. In the preparation of such averaged bills, due consideration will be given to any interruption to the service known to have occurred.

In all other situations where the meter is determined to be not functioning properly, adjustments will be made on an equitable, case-by-case basis, as determined by the Director of the Department of Transportation and Public Works, or designee.

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