

SUNNYSLOPE COUNTY WATER DISTRICT

ORDINANCE NO. 85

AN ORDINANCE OF SUNNYSLOPE COUNTY WATER DISTRICT IMPOSING RATES, FEES, AND CHARGES FOR WASTEWATER SERVICES

Be it ordained by the Board of Directors of
Sunnyslope County Water District
as follows:

Findings. The Sunnyslope County Water District (SSCWD or District) Board of Directors determines that each fact referenced in this section is true and correct.

- A. This Ordinance is enacted pursuant to Sections 30000 and following of the California Water Code, Sections 50022.4, 50022.7, and 66016 of the California Government Code, and the California Constitution.
- B. This Ordinance amends Title IV Section 4.30.030 and Table 4.30.030 of the Sunnyslope County Water District Code. Proceeds of the charge imposed by this Ordinance may only be used to fund District wastewater operations and maintenance activities, including capital expenditures to ensure wastewater collection and treatment facilities are operated according to District codes and State regulations.
- C. Adoption of this Ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to the CEQA Guidelines, Section 15273(a) CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of: (1) Meeting operating expenses, including employee wage rates and fringe benefits, (2) Purchasing or leasing supplies, equipment, or materials, (3) Meeting financial reserve needs and requirements, (4) Obtaining funds for capital projects, necessary to maintain service within existing service area. Adoption of this Ordinance is under CEQA Guidelines Section 15378 as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.
- D. This Ordinance is considered for action by the Board of Directors (Board) at a regular meeting of the board and noticed meeting on November 22, 2024.
- E. The Ordinance prepared by the District’s General Manager, in consultation with the District’s legal counsel, was posted in the District Office at least five days prior to the Special Board meeting of November 22, 2024.
- F. At least 10 days prior to the meeting, the District made available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the rates, fees and charges are levied, and the revenue sources anticipated to provide the service, including General Fund revenues.
- G. As required by Article XIII D, Section 6 of the California Constitution, the District mailed a Notice of Public Hearing on the Proposed Wastewater Rates, dated September 19, 2024, along with the proposed new rate, to each property owner within the Gavilan Sewer Service area eligible to receive wastewater service through the contractual agreement between the City and SSCWD titled “Sunnyslope Water Service District Conveyance of Wastewater To the City Of Hollister For Treatment And Disposal.” That notice included: the amount of the proposed sewer rate, (ii) the reasons for the sewer rate, (iii) the date, time, and location of the Public Hearing and (iv) information about how to submit a written protest against the proposed water

rates. A public hearing was thereafter held not less than 45 days after mailing the notice at which time the District Board received, heard, and considered protests to the proposed new rate schedule and rate increases.

- H. The District accepted written protests against the wastewater rate pursuant to the procedures established by the Board in its Resolution No. 602.
- I. This sewer rate is the first rate imposed for sewer service extended to properties identified in the agreement titled “Sunnyslope Water Service District Conveyance of Wastewater To the City Of Hollister For Treatment And Disposal”, which was executed November 6, 2024, between the City of Hollister and SSCWD.
- J. This Ordinance does not provide for automatic sewer rate increases, and future increase shall be administered per future ordinance.
- K. The District has received this recommendation from the General Manager, who has deemed the rates necessary and appropriate to meet the District’s revenue requirements to provide funds for wastewater service and to maintain the adopted infrastructure.
- L. The amended rates, fees and charges for wastewater services are for the purpose of (1) meeting operating expenses, including employee wage rates and fringe benefits, (2) purchasing or leasing supplies, equipment, or materials, (3) meeting financial reserve needs and requirements, (4) replacement and repair of wastewater system facilities to maintain service within existing service areas, and (5) meeting capital project costs associated with the Gavilan Sewer Service Area.
- M. 82 parcels are subject to the proposed wastewater rates. A majority protest against the wastewater rates proposed would therefore require 42 valid written protests. Based on the number of protests received, a majority protest against the wastewater rates does not exist. The proposed wastewater rates are a property-related charge for wastewater service, as that term is defined by law, and no election is required pursuant to Article XIII D, § 6(c) of the California Constitution. The District’s compliance with Proposition 218 is complete.
- N. Although proceeds from the wastewater rates may fund capital projects that might physically affect the environment, such capital projects will be subject to CEQA review on a project-by-project basis. Accordingly, CEQA review of the use of the proceeds of the wastewater rates would be unduly speculative at this time and therefore this action is not a “project” as the term is defined in Public Resources Code Section 21065 and 15 CCR 15002(d), and CEQA Guidelines Sections 15378 and 15061(b)(3).

NOW THEREFORE be it ordained as follows:

Section 1. The foregoing findings are adopted by the Board as though set forth fully herein.

Section 2. Wastewater Rates and Charges Amended. Section 4.30.030 of the District Code is amended such that the following heading and amendment to Table 4.30.000 includes the additional information with the narrative below added and reads in full as follows:

Monthly Wastewater Rates and Charges for Gavilan Sewer Service Area Only

Customer Class	Effective Date	
	Current	11/2024
City of Hollister Treatment Fee		
Single-Family (SFR) ¹	\$0.00	\$68.49
Commercial & Industrial ²	\$0.00	\$68.49
SSCWD Collection Charge		
Single-Family (SFR) ¹	\$0.00	\$58.01
Commercial & Industrial ²	\$0.00	\$58.01

¹SFR = Single-Family Residence
²Commercial & Industrial =
 Calculated on City of Hollister
 SFR equivalency and multiplied
 times this rate.

Monthly wastewater bills for single-family (SFR) within the Gavilan Sewer Service Area will pay a monthly flat rate based on the sum of both the City of Hollister Treatment Fee and the SSCWD Collection Charge. The Commercial & Industrial (C&I) rate is based on the SFR equivalency as calculated by the City of Hollister and multiplied by the SRF sewer rate.

Single-family homes with granny units shall be considered one single-family dwelling and wastewater rates will be calculated using the single-family rates and charges.

Gavilan Sewer Service Area new sewer connections will pay Connection Fees equal to the City of Hollister sewer impact fees as required by the contractual agreement between SSCWD and the City of Hollister, titled “Sunnyslope Water Service District Conveyance of Wastewater To the City Of Hollister For Treatment And Disposal.”

Section 3. Requirements for Rates, Fees, and Charges. The rates, fees, and charges adopted by this Ordinance shall not exceed the estimated reasonable costs of providing the services for which the rates, fees, or charges are imposed.

Section 4. Effect of Repeal or Amendment on Past Actions and Obligations. This Ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this Ordinance, does not waive any fee or penalty due and unpaid on the effective date of this Ordinance, and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, or superseded by some other provision of law, such provisions shall be severed from and shall not affect the validity of the remaining provisions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid, or superseded by some other provision of law. The parts of this Ordinance that are not unconstitutional, invalid, or superseded shall remain in full force and effect and shall be enforced according to their terms.

Section 6. Interpretation. Words and phrases used in this Ordinance shall be read conjunctively with and shall have the same meaning as in prior District ordinances and the District Code, unless specifically changed by this Ordinance or unless the context requires some other construction. If there is any inconsistency between this Ordinance and prior provisions, this Ordinance shall control.

Section 7. Effective Date. This Ordinance shall take effect immediately on adoption.

Section 8. Judicial Review. Any judicial review of this Ordinance shall be by writ of mandate under Code of Civil Procedure Section 1085. Any action or proceeding seeking to attack, review, set aside, void or annul this Ordinance shall be commenced within 90 days after the adoption of this Ordinance.

Section 9. Publication and Posting. Within 10 days after adoption, the District shall publish, in a newspaper published in San Benito County and circulated within the District, the full text of this Ordinance, and shall post in the District office a certified copy of the full text of this Ordinance, as adopted, along with the names of those Directors voting for and against adoption.

Section 10. Notice of Exemption and Notice of Determination. The Secretary is authorized and directed to give due notice of exemption of this Ordinance from the provisions of CEQA, pursuant to Title 14, California Code of Regulations, section 15062.

On motion of Director _____, seconded by Director _____, the foregoing Ordinance is enacted and shall take effect on December 17, 2024, by the following roll call of the Board:

AYES: Directors

NAYS:

ABSENT:

By: _____
Ed Mauro, President

ATTEST:

Drew A. Lander, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at their Regular meeting on December 17, 2024.

Drew A. Lander, Secretary