

**ORDINANCE NO. 12-78**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE MISSION HILLS COMMUNITY SERVICES  
DISTRICT AMENDING ORDINANCE NO. 11-77  
AS IT PERTAINS TO SEWER FEES**

**WHEREAS**, the Mission Hills Community Services District (the "District") is a community services district duly formed under California Government Code Section 61000 et. seq. to provide community services within the District's service area, including water and sewer services; and

**WHEREAS**, pursuant to Government Code Section 61123, the District may charge fees to cover the costs of any service that the District provides; and

**WHEREAS**, the District's Board of Directors are authorized by the provisions of Government Code Section 61060(a) to adopt ordinances; and

**WHEREAS**, on December 14, 2011, the Board of Directors adopted Ordinance No. 11-77 setting forth water, sewer and street sweeping rates and fees to connect to District facilities; and

**WHEREAS**, the Board of Directors now desires to amend the portion of Ordinance No. 11-77, which sets forth the schedule of sewer utility charges; and

**WHEREAS**, in the absence of individual wastewater meters, the sewer use charges are based on the monthly average volume of water used during the most recent months of December, January and February when approximately 80% of the water sold returns as wastewater; and

**WHEREAS**, during December of 2011 and January and February of 2012, the District experienced uncharacteristic drought conditions causing customers to consume more water for irrigation purposes; and

**WHEREAS**, water purchased for irrigation does not generally return as wastewater; and

**WHEREAS**, as a result of the drought conditions experienced during the months in which sewer fees are calculated, the anticipated revenues to be received from the sewer fees are projected to exceed the funds required to provide sewer service; and

**WHEREAS**, the Board of Directors wish to amend the sewer fees to place a cap on residential sewer fees in order to account for increased water use during drought conditions; and

**WHEREAS**, the proposed revisions to calculating the sewer fees will not cause an increase of any of the District's customers' sewer rates; and

**WHEREAS**, the proposed revisions to the sewer fees will not cause the revenues from the fees to exceed the funds required to provide the service and the fees will not exceed the proportional cost of service attributable to each parcel served.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Mission Hills Community Services District, Santa Barbara County, California as follows:

**Section 1.**

The Recitals are true and correct and incorporated herein by this reference. The Recitals contained therein constitute and/or support the findings of the District in support of this Ordinance.

**Section 2.**

Article IV of Ordinance No. 11-77, entitled, "SCHEDULE OF SEWER UTILITY CHARGES," is amended to read in its entirety as follows:

**ARTICLE IV- SCHEDULE OF SEWER UTILITY CHARGES**

**Section 1. Basic Monthly Service Charges.**

Sewer Utility Charges are hereby established for service by the District to all premises connected to the sewage disposal system of the District. The Sewer Utility Charge shall be determined pursuant to this ordinance and shall, if the rate is monthly, become due and payable on the first day of each calendar month in accordance with the following monthly rate schedule:

Basic Monthly Sewer Charge per Customer
\$6.69

**Sewer Use Charges.**

In addition to all other sewer charges imposed upon all premises connected to the sewage disposal system of the District, there shall be charged and collected monthly with respect to each sewer connection, based on the monthly average volume of water used during the most recent months of December, January and February, the sum determined as follows:

Residential Connections: \$2.99 per 100 cubic feet of water used, up to a maximum of

3,000 cubic feet of water; and  
Non-Residential Connections: \$3.25 per 100 cubic feet of water used.

**Interim Residential Sewer Use Charges.**

In cases where insufficient data is available to determine the December through February average water use associated with a residential sewer connection, there shall be charged and collected monthly with respect to each sewer connection an Interim Monthly Residential Sewer Use Fee according to the following table, until sufficient data is collected:

Water Meter size	Interim Monthly Residential Sewer Use Fee
3/4"	\$25.09
1" and larger	\$42.63

**Interim Non-Residential Sewer Use Charges.**

In cases where insufficient data is available to determine the December through February average water use associated with a non-residential sewer connection, there shall be charged and collected monthly with respect to each sewer connection an Interim Monthly Non-Residential Sewer Use Fee according to the following table, until sufficient data is collected:

Water Meter size	Interim Monthly Non-Residential Sewer Use Fee
3/4"	\$3.32 per 100 cubic feet of water used
1" and larger	\$1.62 per 100 cubic feet of water used

**Section 3.**

All ordinances, resolutions, or administrative actions by the Board, or parts thereof, which are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency.

**Section 4.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**Section 5.**

This Ordinance shall take effect and be in full force and effect thirty (30) days after the date of its adoption.

**Section 6.**

Within fifteen (15) days following adoption, this Ordinance or a summary thereof, shall be published at least once, together with the names of the Directors voting thereon, in a newspaper of general circulation within the District. Additionally, this Ordinance shall be posted for one week in three (3) public places in the District.

Introduced at a meeting of the Board of Directors on April 11, 2012, and passed and adopted by the Board of Directors of the Mission Hills Community Services District on May 9, 2012, by the following roll call vote:

AYES: Jones, Mac Kenzie, Nix, Schlottmann, Warnstrom

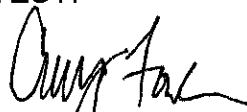
NOES: None

ABSENT: None

ABSTAINING:

  
Cathy Schlottmann, President  
Board of Directors

ATTEST:

  
\_\_\_\_\_  
Casey Fowler, Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ziyad I. Naccasha, District Counsel