

ORDINANCE NO. 19-83

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE MISSION HILLS COMMUNITY SERVICES
DISTRICT SETTING FORTH FEES TO CONNECT
TO DISTRICT FACILITIES**

(Rescinds and replaces Section 1 of Ordinance no. 16-81 to update connection charge)

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

WHEREAS, under California Government Code §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 California Government Code §61060(a) to adopt ordinances; and

WHEREAS, the California Government Code §66013 authorizes public agencies to impose capacity charges on connecting customers, to ensure that they pay their fair share of the current Water and/or Wastewater utility assets, plus the cost of new facilities needed to serve them; and

WHEREAS, under a contract with the District, NBS prepared a Water and Wastewater Connection Charge Study dated February 2019 ("Water and Sewer Capacity Charge Study") recommending certain changes to the District's water and sewer connection rates; and

WHEREAS, the revenues from the proposed water and sewer connection charge fees will not exceed the funds required to provide the service, and the fees do not exceed the proportional cost of service attributable to each parcel served; and

WHEREAS, it is noted that this study defines the maximum amount that could be charged for new connections and that the District's Board of Directors retain the option to set lower charge should they desire, and

WHEREAS, on February 20, 2019, the District's Board of Directors reviewed and accepted the Capacity Charge Study.

NOW, THEREFORE, be it ordained by the Board of Directors of the Mission Hills Community Services District, Santa Barbara County, California as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1. Recitals.

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

Section 2. Definitions.

All definitions of terms used herein are the same as contained in Ordinance 16-81 and are applicable.

Section 4. Repealer.

Section 1 of Ordinance No. 16-81 is hereby repealed, effective 11:59 pm, May 17, 2019. Thenceforth, all water and sewer connection fees previously becoming due and payable shall be collected under provisions of this Ordinance and as otherwise authorized by law,

Section 5. Right to Determine the Applicability of Rates.

The District reserves the right to determine the applicability of any and charges and fees and to consider applications for adjustment to the timing or terms and conditions for payment charges and fees set by the District.

Section 6. Non-Routine Services.

All non-routine services provided by the District whose charges are not covered by ordinance shall be charged at the hourly rate of the person performing the service plus the current overhead rate as determined by the General Manager.

Section 7. Quality.

Whenever furnished for human consumption or domestic uses, the District will endeavor to meet the requirements of the State Health Department and provide water that is wholesome, potable, in no way harmful or dangerous to health, and insofar as practicable, free from objectionable odors, taste, color, and turbidity. However, the District cannot be responsible for the meeting of these objectives nor can it guarantee the quality of water to its customers.

Section 8. Conditions of Service.

As a condition of water and sewer services, it shall be the responsibility of the applicant for said service to connect to the District water meter and/or sewer line by the approved District Standards. Each lot or parcel of land, as shown on the current parcel map in the Office of the Assessor of the county of Santa Barbara, shall be served through and have a separate water meter and/or sewer lateral. No water or sewer piping shall cross lot or parcel boundary lines to serve any other lot or parcel without the approval of the District Manager and the explicit agreement of the District Board of Directors.

ARTICLE II – SCHEDULE OF FEES TO CONNECT TO DISTRICT FACILITIES

Section 1. Connection Fee Charges.

Connection Fees to connect previously unconnected premises or lots of parcels of land to the District's Water and/or Sewer Systems are hereby established. Said Connection Fees are not transferable and are due and payable 1) at the time application is made for service to the subdivision, and 2) before physical connection for properties, per the following aggregate rate schedule or as amended by Board approved Development Agreement.

Water Facilities.

Connection, direct or indirect, of any parcel, lot or premise to the District Water System.

Meter Size (Inches)	Flow Rate (Gpm) Max	Ratio	Water Connection Fee
1	50	1.00	\$8,667
1 ½	100	2.00	\$17,334
2	160	3.20	\$27,735
3	320	6.40	\$55,570
4	500	10.00	\$86,671
6	1,000	20.00	\$173,343
8	2,800	56.00	\$485,360

Sewer Facilities.

Connection, direct or indirect, of any parcel, lot or premise to the District Sewer System except hotels, motels, or school/meeting facilities; **\$7,551 per Equivalent Dwelling Unit (EDU)** One EDU is a Single-Family Residential unit)

All Other Facilities Fees to be determined individually based upon current standards, as allowed by Article I, Section 5.

Section 2. Metered Service Installation.

All service connections to the Water System of the Mission Hills Community Service District and the installation of water meters with respect thereto shall be made only by the Mission Hills Community Services District, its authorized agents or employees.

ARTICLE VI- MISCELLANEOUS

Section 1.

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 2.

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 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 3.

This Ordinance shall take effect and be in full force and effect sixty (60) days after the date of its adoption. The rates and charges adopted by this Ordinance shall take effect June 17, 2019

Section 4.

Within fifteen (15) days following adoption, this Ordinance 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 and approved at a meeting of the Board of Directors on March 20, 2019, and passed and adopted by the Board of Directors of the Mission Hills Community Services District on April 17, 2019, by the following roll call vote:

AYES: Directors Fasold, Heavin, Naughton, Dietrich, Nix
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Loch Dreizler, General Manager


Walter Fasold, President
Board of Directors