

**ORDINANCE NO. 11-77**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE MISSION HILLS COMMUNITY SERVICES  
DISTRICT SETTING FORTH WATER, SEWER, AND  
STREET SWEEPING RATES AND FEES TO CONNECT  
TO DISTRICT FACILITIES**

**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**, pursuant to a contract with the District, Garing Taylor & Associates prepared a Rate Study for Water, Sewer and Street Sweeping Services ("Rate Study") recommending certain changes to the District's water, sewer and street sweeping rates; and

**WHEREAS**, the revenues from the proposed water, sewer, and street sweeping 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**, on September 14, 2011, the District's Board of Directors accepted the Rate Study, adopted Resolution No. 11-195 approving the Notice of Public Hearing, and Resolution No. 11-196 adopting Guidelines for the Submission and Tabulation of Protests; and

**WHEREAS**, a public hearing was properly noticed and held on November 30, 2011; and

**WHEREAS**, a majority protest, as contemplated by Article XIII D of the California constitution, was not received by the conclusion of the public hearing.

**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 Ordinances No. 14, No. 16, No. 17, and No. 18 are applicable. However, the following definitions shall be applicable to this Ordinance and shall supersede any previous definitions only to the extent of any inconsistency.

- (a) Residential Customer shall mean any customer who receives water service for a single or multi-family dwelling unit. The term does not include educational or other institutions, hotels, motels, or similar commercial establishments.
- (b) Non-Residential Customer shall mean commercial, industrial, institutional, public and all other users that are not residential water customers.

### **Section 3. Penalties.**

The penalties and regulatory provisions of Ordinances No. 16 and No. 18 remain in full force and effect.

### **Section 4. Repealer.**

Ordinance No. 08-74 is hereby repealed, effective 11:59 pm, January 31, 2012. Thenceforth, all water, sewer, and street sweeping charges 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 all rates, charges and fees, and to consider applications for adjustment to the timing or terms and conditions for payment of rates, 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 for 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 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) prior to, but not more than thirty (30) days before final map clearance for subdivisions, or at the time application is made for service to the subdivision, whichever is later, and 2) prior to physical connection for other properties, in accordance with the following aggregate rate schedule or as amended by motion of the Board of Directors.

**Water Facilities.**

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

<b>METER SIZE</b>	<b>FLOW RATE (GPM) MAX</b>	<b>RATIO</b>	<b>WATER CONNECTION FEE</b>
3/4"	40	1.00	\$7,316.00
1"	50	1.25	\$9,146.55
1-1/2"	100	2.50	\$18,293.10
2"	175	4.37	\$31,973.59
3"	565	14.12	\$103,896.94
4"	1,025	25.62	\$187,455.10
6"	2,250	56.25	\$411,594.75
8"	3,790	94.75	\$640,199.49

**Sewer Facilities.**

Connection, direct or indirect, of any parcel, lot or premise to the District Sewer System except hotels, motels, or school/meeting facilities.

Motel/Hotel            \$3,030 per dwelling unit, parcel, lot, space, office or shop unit.

All Other Facilities    \$3,030 plus \$856 per motel or hotel rental unit in excess of one.  
Fees to be determined individually based upon current standards,  
as allowed by Article I, Section 5.

**Section 2.**

The connection fees are in addition to the assessment charges established by Ordinance No. 40 for the improvement that consists of water main extension and is applicable to each lot or parcel of land within MHCSO Zone No. 1. An annexation fee surcharge shall also be imposed and collected from certain properties that receive an advantage from the Harris Grade Road water main extension as established by Ordinance no. 49. There has also been established by Ordinance No. 45 a schedule of fees and charges for Project or Development services provided by the District.

**ARTICLE III- SCHEDULE OF WATER UTILITY CHARGES**

**Section 1. Water Utility Charges.**

Water Utility charges are hereby established for the provision of water service to all premises, lots or parcels of land situated within the District. Water Utility charges 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. Said charges shall be charged to and collected from persons receiving water from the Water Systems of the Mission Hills Community Services District:

**Basic Monthly Service Charges.**

There shall be charged and collected with regard to each metered service installation the following applicable basic monthly service charge according to water meter size:

Meter Size (inches diameter)	Basic Service Charge
0.75	\$26.46
1	\$29.45
1.5	\$33.44
2	\$44.41
3	\$125.20
4	\$155.12

**Residential Monthly Quantity Sales Rate.**

In addition to all other water charges imposed upon persons receiving water from the Mission Hills Community Services District, there shall be charged and collected monthly with respect to each residential metered service installation, the sum as follows:

\$1.61 per 100 cubic feet for the first 1,000 cubic feet of water used; and  
\$2.25 per 100 cubic feet for the second 1,000 cubic feet of water used; and  
\$2.57 per 100 cubic feet for the third 1,000 cubic feet of water used; and  
\$3.05 per 100 cubic feet for all water used over 3,000 cubic feet.

**Non-Residential Monthly Quantity Sales Rate.**

In addition to all other water charges imposed upon persons receiving water from the Mission Hills Community Services District, there shall be charged and collected monthly with respect to each non-residential metered service installation, the sum as follows:

\$1.27 per 100 cubic feet for the first 1,000 cubic feet of water used; and  
\$1.78 per 100 cubic feet for the second 1,000 cubic feet of water used; and  
\$2.03 per 100 cubic feet for the third 1,000 cubic feet of water used; and  
\$2.41 per 100 cubic feet for all water used over 3,000 cubic feet.

This total will be added to and collected at the same time as the Basic Monthly Service Charge. In the event of meter failure, the usage charge shall be based upon the previous three (3) months, annual or seasonal basis average.

**Section 2. Monthly Standby Charges for Private Protection Service.**

In addition to all other charges imposed upon persons receiving water from the water system of the Mission Hills Community Services District, there shall be charged and collected a monthly standby charge of \$6.40 per inch of private water service pipe diameter with respect to any installation through which water may be supplied for equipment primarily designed to provide private fire protection services.

**Section 3. 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.

**Section 4. Fire Hydrant Meter.**

- An installation and Removal Charge of \$250.00 shall be levied and collected when the installation of a fire hydrant meter is required.
- All water furnished via a fire hydrant meter will be charged as provided by “Non-Residential Monthly Quantity Sales Rate” of this current district rate ordinance.
- It shall be the duty of the customer served by a fire hydrant meter to notify the District to remove any fire hydrant meter. A monthly charge of \$50.00 will be imposed when no consumption is recorded by the meter.
- A non-refundable charge of \$1,000.00 will be imposed for the authorized removal, charge, or damage to the fire hydrant meter, at the discretion of the General Manager.
- The provision of water through a fire hydrant meter is by its nature a temporary connection. No fire hydrant meter will be installed to serve the same lot or parcel of land for more than one (1) year. If the water service is for more than one (1)

year, then Water Connection Fees are to be paid by the customer and a permanent water connection and water meter installed.

**Section 5. Change in Water Meter Size.**

The following charges shall be charged to and collected from any person desiring to replace a previously installed meter water service connection with a different sized meter service connection:

- An installation charge equal to the difference between the fair market value of the meter being replaced, as estimated by the General Manager, and the actual purchase price to the District for each replacement meter being installed, together with all incidental fittings, materials, labor and overhead, as determined by the General Manager, required for installation.
- The charges set forth in this section shall be paid to the District prior to the water meter installation, and payment thereof shall be a condition precedent to installation.

**Section 6. Interruption in Water Service for Irrigation Use.**

Water Service provided by the District for irrigation use shall be subject to interruption at the discretion of the District in case of shortage in water supply, inability of the District to provide fully for domestic, fire or sanitation requirements, lack of pipeline capacity or inability of the District, for any reason, to furnish water for irrigation purposes. Advance notice of interruption in service will be given to irrigation users whenever possible.

**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 as follows:

Residential Connections: \$2.99 per 100 cubic feet of water used; 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 Residential Monthly 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 Non-Residential Monthly 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

**ARTICLE V- SCHEDULE OF STREET SWEEPING CHARGES**

**Section 1.**

Street Sweeping charges are hereby established for a monthly service by the District to all premises being provided with street sweeping, to be charged to the customer who on the last day of each month is on the District's official billing records. The street sweeping charge per premise determined pursuant to this ordinance shall, if the rate is monthly, become due and payable in advance on the first day of each calendar month in accordance with the following monthly rate schedule:

Type of Use/Customer	Base Monthly Rate
All residential, single-family dwelling units	\$1.32 per unit

Commercial/retail stores	\$1.32 per store
Schools, churches, meeting facilities	\$1.32 per parcel or lot

**Section 2.**

Street sweeping charges will be billed and collected together with, and not separately, from the other monthly District rates and service charges and shall be subject to all the rules and regulations applicable to monthly billing as adopted by the District Board of Directors.

**ARTICLE VI- ANNUAL ADJUSTMENT**

**Section 1.**

To account for increases in District costs in providing water, sewer and street sweeping services, the monthly charge shall be adjusted annually based on the Consumer Price Index, All Urban Consumers, for Water and Sewer and Trash Collection Services ("CPI"), as determined by the United States Department of Labor, Bureau of Labor Statistics, or its successor. Commencing with the Fiscal Year 2012/2013, the District will compute the percentage difference between the CPI for January of each year and the CPI for the previous January, and then subject to the provisions of California Government Code Section 53756, adjust the existing rate structure by an amount not to exceed such percentage for the following fiscal year. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the District will use the revised index or a comparable system, as approved by the Board of Directors, for determining fluctuations in the cost of providing water, sewer, and street sweeping services.

**ARTICLE VII- 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 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 3.**

This Ordinance shall take effect and be in full force and effect thirty (30) days after the date of its adoption. The rates and charges adopted by this Ordinance shall take effect February 1, 2012.

**Section 4.**

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.

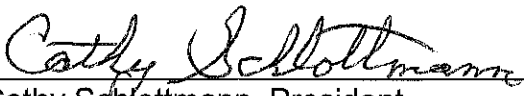
Introduced and approved at a meeting of the Board of Directors on November 30, 2011, and passed and adopted by the Board of Directors of the Mission Hills Community Services District on December 14, 2011, by the following roll call vote:

AYES: Directors: Mac Kenzie, Nix, Schlottmann, and Warnstrom

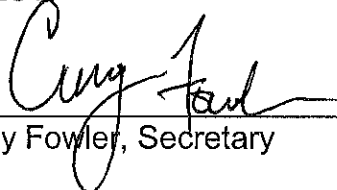
NOES: Director: Jones

ABSENT:

ABSTAINING:

  
\_\_\_\_\_  
Cathy Schlottmann, President  
Board of Directors

ATTEST:

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

APPROVED AS TO FORM:

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