

ORDINANCE NO. 57

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SAN BENITO COUNTY WATER DISTRICT
ESTABLISHING CHARGES FOR RECYCLED WATER RATES**

WHEREAS, the San Benito County Water District uses rates and charges to recover current operating and maintenance costs related to water service from current users as required of a public enterprise agency. Recycled water rates include those costs associated with water supply, water quality and infrastructure; and

WHEREAS, the District mailed notices to all parcels upon which the charge is to be imposed setting forth the information required in Section 6 of Article XIII D of the California Constitution (Proposition 218) and notifying the owners thereof of a public hearing on April 1, 2015, to consider the charge; and

WHEREAS, after 45 days from the date said Notice was mailed, the Board conducted a public hearing on April 1, 2015, to determine whether or not the charge should be levied for recycled water, and to consider the amount of any such charge; and

WHEREAS, less than a majority of the owners or lessees of parcels upon which the charge is proposed for imposition filed protests.

BE IT ORDAINED by the Board of Directors of the San Benito County Water District as follows:

1. Rates and Charges: In order to meet said costs, the rates for recycled water delivered through the recycled water distribution system shall be established as follows:

| Recycled Water Rates | Effective 5-1-2015* | Effective 3-1-2016 | Effective 3/1/2017 | Unit of Measure |
|-----------------------------|--------------------------------|-------------------------------|-------------------------------|----------------------------|
| Recycled Water Rate | \$ 180.00 | \$ 182.55 | \$ 183.45 | per acre foot |
| Power Charge | \$ 56.00 | \$ 57.70 | \$ 59.45 | per acre foot |

* Water rates will be implemented at the time recycled water is available for customer delivery.

Minimum Annual Purchase of water for each parcel (applied to water charge) \$700.00

2. Findings:

The Board of Directors hereby finds and determines that:

- a) Revenues derived from the charge imposed herein do not exceed the funds required to pay for operation, maintenance, and capital costs associated with the delivery of recycled water and the power costs for pumping, transmission and distribution of recycled water to the District's customers, and shall not be used for any other purpose;

- b) The amount of the charge does not exceed the proportional cost of the service;
 - c) The service for which the charge is imposed (see 1. above) is actually used by or is immediately available to the owner in question;
 - d) The charge is not imposed for general governmental services.
3. Effective Date: The above rates and charges shall be effective as listed in Paragraph #1.
 4. Repeal of Prior Ordinances: All Ordinance and parts of Ordinances inconsistent herewith are hereby repealed.
 5. Severability Clause: In the event that any portion or provision of this Ordinance shall be determined by a court of law or other tribunal to be invalid or unconstitutional, such findings of invalidity or unconstitutionality shall not affect the validity of the remaining provisions of this Ordinance, which shall remain in full force and effect.
 6. Publication: This Ordinance shall take effect immediately. Within 15 days after its passage, this Ordinance shall be published once in a newspaper of general circulation in the County of San Benito, State of California, together with the names of the members of the Board of Directors voting for and against same.

PASSED AND ADOPTED this 1st day of April, 2015, by the San Benito County Board of Directors by the following vote:

AYES: DIRECTORS: Tonascia, Flores, Tobias, Bettencourt & Huenemann
 NOES: DIRECTORS: None
 ABSENT: DIRECTORS: None
 ABSTAIN: DIRECTORS: None

/s/ Joseph A. Tonascia
 Joseph A. Tonascia
 President

ATTEST:

/s/ Sara Singleton
 Sara Singleton
 Assistant Manager