

**ORDINANCE NO. 304**

**AN UNCODIFIED ORDINANCE OF THE  
CENTRAL CONTRA COSTA SANITARY DISTRICT  
ADOPTING A SCHEDULE OF SEWER SERVICE CHARGE RATES  
IN ACCORDANCE WITH DISTRICT CODE CHAPTER 6.24.030**

**WHEREAS, the Central Contra Costa Sanitary District (Central San) has previously developed and instituted a Sewer Service Charge Program to finance the services and facilities furnished by Central San, and**

**WHEREAS, it is reasonable and necessary that all users of Central San's wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal services and facilities, including those temporary users served under Special Discharge Permits, contribute their appropriate portion of the funding for such Central San services and facilities; and**

**WHEREAS, the Board of Directors (Board) has reviewed the current Schedule of Sewer Service Charge Rates and has determined that the annual residential sewer service charge rate for single family residences should be increased by \$31 per residential unit for Fiscal Year (FY) 2019-20, by \$31 per residential unit for FY 2020-21, by \$31 per residential unit for FY 2021-22, and by \$30 per residential unit for FY 2022-23 as set forth below in Exhibit A; and**

**WHEREAS, the Board has reviewed the current Schedule of Sewer Service Charge Rates and has determined that the annual sewer service charge rates for multifamily residences should be increased by \$17 per multifamily unit for FY 2019-20, by \$30 per multifamily residential unit for FY 2020-21, by \$29 per multifamily residential unit for FY 2021-22, and by \$29 per multifamily residential unit for FY 2022-23 as set forth below in Exhibit A; and**

**WHEREAS, the Board has reviewed the current Schedule of Sewer Service Charge Rates and has determined that the annual non-residential sewer service charge rates should be adjusted as set forth below in Exhibit A; and**

**WHEREAS, Chapter 6.24.030 of District Code provides the enabling authority for Central San to implement the proposed uncodified Schedule of Sewer Service Charge Rates; and**

**WHEREAS, a properly noticed public hearing to receive comments and protests and to consider the proposed uncodified Schedule of Sewer Service Charge Rates was held on April 18, 2019; and**

WHEREAS, in adopting this Ordinance, the Board finds that:

- a. Written notices of the proposed increase in sewer service charge rates were sent by first class U.S. mail to parcel owners who receive sewer service from Central San, using data provided by Contra Costa County Assessor's Office, at least 45 days prior to the public hearing on the proposed increase conducted on April 18, 2019.
- b. All legally valid protests against the proposed increase in the sewer service charge rates, including those provided in person, by facsimile, e-mail and U.S. mail, were considered and tallied at the public hearing conducted on April 18, 2019, and Central San was not presented with valid protests by a majority of the owners of the identified parcels affected by this change.
- c. The amount of the charge imposed does not exceed the proportional cost of the service attributable to the properties receiving service and the charge is only imposed on those properties actually receiving service or those for which service is immediately available.
- d. This action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 (a) (1-4) of the District CEQA Guidelines.

NOW, THEREFORE, the Board of Central San does ordain as follows:

Section 1 (To be Uncodified)

The "Schedule of Sewer Service Charge Rates" as set forth in full in Exhibit "A" to this Ordinance, which exhibit is incorporated in full herein by this reference, is hereby adopted in uncodified form pursuant to the provisions of District Code Section 6.24.030.

As of the effective date of this Ordinance, sewer service charges shall be charged at such rates and for such categories of users as set forth in said Schedule of Sewer Service Charge Rates and shall remain in effect until amended or replaced by ordinance.

Section 2

All ordinances, parts of ordinances and any provision of Ordinance No. 294 in conflict with the provisions of this ordinance are repealed. The provisions of this ordinance, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. To the extent the sewer service charge rates or any portion thereof is determined invalid or unconstitutional, or during any period where the new rates are stayed due to a legal challenge, such portions of Ordinance No. 294 shall remain in effect and such rates and charges due thereunder for any categories of users shall remain due and payable as if those portions of Ordinance No. 294 had not been repealed.

With respect, however, to violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of this ordinance, under ordinance, or part of an ordinance, such ordinance or part of an ordinance shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal.

Section 3

Prior to imposing the rates set forth under this ordinance for FY 2020-21, FY 2021-22, and FY 2022-23, the Board of Directors shall consider, at a noticed public hearing each year prior to June 30, Central San's proposed budget, its financial condition, projected capital and operations and maintenance costs, as well as other factors which bear on Central San's revenue requirements to determine whether the increased amounts set forth herein for each fiscal year are still necessary. If the Board concludes by a majority vote that sewer service charges for less than the amount set forth in this ordinance for that fiscal year will produce adequate revenues for the fiscal year, the Board may, by resolution, fix the sewer service charges for that fiscal year to be imposed at appropriate amounts up to the maximum of the rates set forth herein without an amendment of this ordinance. In such case, the resolution shall clearly set forth such lesser charges that are to be imposed and those charges shall remain in place until further action of the Board. If the Board determines the rates set forth in the table are appropriate for imposition in that fiscal year, no further action of the Board shall be required.

Section 4

This Ordinance shall be a general regulation of Central San and shall be published once in the *Contra Costa Times* and *San Ramon Valley Times* newspapers of general circulation within Central San and shall be effective on July 1, 2019. This ordinance shall be kept on file with the Secretary of the District.

PASSED AND ADOPTED by the Board of Central San on the 18<sup>th</sup> day of April 2019, by the following vote:

AYES:	Members:	Causey, McGill, Nejedly, Pilecki, Williams
NOES:	Members:	None
ABSTAIN:	Members:	None



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David R. Williams  
President of the Board of Directors  
Central Contra Costa Sanitary District  
County of Contra Costa, State of California


COUNTERSIGNED:



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Katie Young  
Secretary of the District  
Central Contra Costa Sanitary District  
County of Contra Costa, State of California

Approved as to form:



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Kenton L. Alm, Esq.  
Counsel for the District

**EXHIBIT "A"**

**Schedule of Sewer Service Charge Rates (Uncodified)**

This schedule of Sewer Service Charges (to be effective July 1, 2019), was established by Central Contra Costa Sanitary District Ordinance No. 304, adopted April 18, 2019.

<b>User Group</b>	<b>Fiscal Year 2018-19</b>	<b>Fiscal Year 2019-20</b>	<b>Fiscal Year 2020-21</b>	<b>Fiscal Year 2021-22</b>	<b>Fiscal Year 2022-23</b>
<b>Residential (rate per Residential Unit):</b>					
Single Family Dwellings	\$567.00	\$598.00	\$629.00	\$660.00	\$690.00
Apartments, Condominiums, Duplexes, Second Living Units, Mobile Homes	\$549.00	\$566.00	\$596.00	\$625.00	\$654.00
<b>Commercial / Non-Industrial (rates per hundred cubic feet):</b>					
Low (former Standard Commercial, Churches, Fraternal & Service Organizations, State and Local Institutions, Tax Exempt, Utilities with Special Tax Status, Independent Living Facilities, Rest Homes, & Convalescent Hospitals rate classes)	\$5.61	\$6.23	\$6.56	\$6.87	\$7.20
Low (former Automotive rate class)	\$6.46				
Medium-Low (former Delicatessen, Yogurt Shop, Ice Cream Shop, Coffee Shop, Bar, and Mixed-Use Rate XA rate classes)	\$5.61	\$6.72	\$8.05	\$8.43	\$8.83
Medium-Low (former XB, XC, XD, XE rate classes)	varies	\$7.65			
Medium (former XF, XG, XH, and XI rate classes)	varies	\$9.59	\$10.09	\$10.57	\$11.07
Medium-High (former Hotel and Motel rate classes)	\$9.74				
Medium-High (former Restaurant and Supermarket rate classes)	\$10.53	\$10.70	\$11.26	\$11.79	\$12.35
Medium-High (former XK rate class)	varies				
High (former Mortuaries rate class)	\$12.93				
High (former Bakeries rate class)	\$14.90				
High (former XJ, XL, XM, XN, XO rate classes)	varies	\$14.18	\$14.92	\$15.63	\$16.37
High (Restaurants with Grinders or Emulsifiers, Brewing with BMP permit)	new				
Minimum Annual Charge	\$566.00	\$566.00	\$596.00	\$625.00	\$654.00

**Schedule of Sewer Service Charge Rates (continued)**

<b>User Group</b>	<b>Fiscal Year 2018-19</b>	<b>Fiscal Year 2019-20</b>	<b>Fiscal Year 2021-22</b>	<b>Fiscal Year 2021-22</b>	<b>Fiscal Year 2022-23</b>
<b>Schools</b>					
Schools - Daycare, Preschool, University (per hundred cubic feet)	\$5.61	\$6.23	\$6.56	\$6.87	\$7.20
Schools - Elementary	\$6.98 per student	\$7.43 per student	\$7.82 per student	\$8.19 per student	\$8.58 per student
Schools – Intermediate, High School	\$13.71 per student	\$14.68 per student	\$15.45 per student	\$16.18 per student	\$16.95 per student
<b>Industrial (rates per unit specified):</b>					
Wastewater Flow (per hundred cubic feet)	\$4.14	\$4.82	\$5.08	\$5.32	\$5.57
Biochemical Oxygen Demand (per 1,000 pounds)	\$1,370.72	\$1,275.00	\$1,342.00	\$1,406.00	\$1,473.00
Suspended Solids (per 1,000 pounds)	\$639.14	\$666.00	\$701.00	\$734.00	\$769.00
Fixed	\$98.33	\$93.69	\$98.61	\$103.29	\$108.20
<b>Special Discharge Permits &amp; Contractual Agreements:</b>	Determined Individually	Determined Individually	Determined Individually	Determined Individually	Determined Individually