

ORDINANCE NO. 330

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 \$7 per residential unit for Fiscal Year (FY) 2023-24 and by \$28 per residential unit for FY 2024-25 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 decreased by \$32 per multifamily unit for FY 2023-24 and increased by \$25 per multifamily residential unit for FY 2024-25 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 a new rate class for Accessory Dwelling Units (ADUs) should be created and that the annual Sewer Service Charge rates for ADUs should be set at \$339 per residential unit for FY 2023-24 and increased to \$353 per residential unit for FY 2024-25 as set forth 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 June 21, 2023; 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 June 21, 2023.
- 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 June 21, 2023, 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. 304 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. 304 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. 304 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 any 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 2024-25, the Board shall consider at a noticed public hearing prior to June 30, 2024, 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 FY 2024-25 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 FY 2024-25 will produce adequate revenues for those years, the Board may, by resolution, fix the sewer service charges for FY 2024-25 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 for FY 2024-25 are appropriate for imposition, 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 of the *East Bay Times* within the Central San service area, and shall be effective on July 6, 2023. This ordinance shall be kept on file with the Secretary of the District.

PASSED AND ADOPTED by the Board of Central San on the 21st day of June 2023, by the following vote:

| | | |
|----------|----------|--|
| AYES: | Members: | Lauritzen, McGill, Pilecki, Wedington, Hockett |
| NOES: | Members: | None |
| ABSTAIN: | Members: | None |

/s/ Barbara D. Hockett
Barbara D. Hockett
President of the Board of Directors
Central Contra Costa Sanitary District
County of Contra Costa, State of California

COUNTERSIGNED:

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

Approved as to form: /s/ Kenton L. Alm
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 6, 2023), was established by Central Contra Costa Sanitary District Ordinance No. 330, adopted June 21, 2023.

| User Group | Effective July 1, 2022 | Effective July 6, 2023 | Effective July 1, 2024 |
|---|------------------------------|------------------------------|------------------------------|
| Single Family Dwellings | \$690.00 | \$697.00 | \$725.00 |
| Apartments, Condominiums, Duplexes, Second Living Units, Mobile Homes | \$654.00 | \$622.00 | \$647.00 |
| Accessory Dwelling Units | (note 1) | \$339.00 | \$353.00 |
| Low (Retail, Office, Churches, Fraternal & Service Organizations, State and Local Institutions, Tax Exempt, Utilities with Special Tax Status, Independent Living Facilities, Rest Homes, & Convalescent Hospitals, customers with shared water meters with less than 50% food service, and other businesses with a combined BOD + TSS of less than 350 mg/l) | \$7.20 | \$7.63 | \$7.94 |
| Medium-Low (Delicatessens, Yogurt Shops, Ice Cream Shops, Coffee Shops, Bar, and other businesses with BOD + TSS less than or equal to 700 mg/l) | \$8.83 | \$9.32 | \$9.69 |
| Medium (customers with shared water meters with 50% or more food service, other businesses with BOD + TSS less than or equal to 1,000 mg/l) | \$11.07 | \$10.99 | \$11.43 |
| Medium-High (Restaurants, Supermarkets, Hotels and Motels, customers with shared meters which include bakeries, other businesses with BOD + TSS greater than 1,000 mg/l) | \$12.35 | \$12.04 | \$12.52 |
| High (Bakeries, Restaurants with on-site breweries, Restaurants with food-waste grinders or emulsifiers, other businesses with BOD + TSS greater than 1,300 mg/l) | \$16.37 | \$14.48 | \$15.06 |
| Minimum Annual Charge | \$654.00 | \$622.00 | \$647.00 |

BOD – Biochemical Oxygen Demand

TSS – Total Suspended Solids

Note 1 – billed as one multi-family residential unit

Schedule of Sewer Service Charge Rates (continued)

| User Group | Effective July 1, 2022 | Effective July 6, 2023 | Effective July 1, 2024 |
|---|---------------------------------------|---------------------------------------|---------------------------------------|
| Schools | | | |
| Schools - Daycare, Preschool, University (per hundred cubic feet) | \$7.20 | \$7.63 | \$7.94 |
| Schools - Elementary | \$8.58 per student | \$8.94 per student | \$9.30 per student |
| Schools – Intermediate, High School | \$16.95 per student | \$17.89 per student | \$18.61 per student |
| Permitted Industrial Users (includes food processing, breweries, and wineries) | | | |
| Wastewater Flow (per hundred cubic feet) | \$5.57 | \$7.28 | \$7.57 |
| Biochemical Oxygen Demand (per 1,000 pounds) | \$1,473.00 | \$1,268.00 | \$1,338.00 |
| Suspended Solids (per 1,000 pounds) | \$769.00 | \$644.00 | \$670.00 |
| Fixed charge | \$108.20 | \$248.00 | \$258.00 |
| Special Discharge Permits & Contractual Agreements: | Determined Individually | Determined Individually | Determined Individually |