

ORDINANCE NO. 2005- 03

AN ORDINANCE OF SAN DIEGO COUNTY WATER AUTHORITY AMENDING ORDINANCE NO. 2004-08 TO INCREASE THE SYSTEM CAPACITY CHARGE TO \$3,985 FOR A METER SIZE OF LESS THAN ONE-INCH, MAKE CORRESPONDING ADJUSTMENTS TO THE SYSTEM CAPACITY CHARGE FOR LARGER METERS, ESTABLISH A WATER TREATMENT CAPACITY CHARGE AND SET THAT CHARGE AT \$153 FOR A METER SIZE OF LESS THAN ONE-INCH AND MAKE CORRESPONDING ADJUSTMENTS TO THE WATER TREATMENT CAPACITY CHARGE FOR LARGER METERS AND PROVIDE FOR AUTOMATIC ANNUAL ADJUSTMENTS TO BOTH CHARGES

WHEREAS, pursuant to Section 5.9 of the County Water Authority Act, the San Diego County Water Authority ("Water Authority") may fix and impose Capacity Charges upon the ultimate users of water delivered by the Water Authority to its member agencies and to require its member agencies to collect the charges on behalf of the Water Authority; and

WHEREAS, the Water Authority revised the Capacity Charge imposed on ultimate users of water by adoption of Ordinance No. 97-1, dated May 15, 1997; and

WHEREAS, the Water Authority further revised the Capacity Charge imposed on ultimate users of water by adoption of Ordinance No. 2004-08, dated November 18, 2004; and

WHEREAS, the Long Range Financing Plan adopted by the Board of Directors contemplates the establishment of sufficient rates and charges, when considered along with taxes and other revenues of the Water Authority, to provide revenues for accomplishment of the Water Authority's purposes and programs as determined by the Board of Directors; and

WHEREAS, the Water Authority directed completion of a Fixed Revenue Study to revise the Capacity Charges imposed on ultimate users of water; and

WHEREAS, the Water Authority has updated the data used in the calculation of the charge pursuant to the Fixed Revenue Study. The Fixed Revenue Study, with current data, justifies a System Capacity Charge of \$3,985 for new meters of a size less than one inch and a System Capacity Charge for new meters of a size one inch or larger based upon the amount of \$3,985 multiplied by a factor that is based upon additional meter capacity. The Fixed Revenue Study, with current data, justifies a Water Treatment Capacity Charge of \$153 for new meters of a size less than one inch and a Water Treatment Capacity Charge for new meters of a size one inch or larger based upon the amount of \$153 multiplied by a factor that is based upon additional meter capacity; and

WHEREAS, on April 28, 2005, the Board adopted Resolution No. 2005-15 setting the time and place for a public hearing by the Administrative and Finance Committee regarding the Fixed Revenue and the proposed System Capacity Charge increase and the establishment of the proposed Water Treatment Capacity Charge; and

WHEREAS, pursuant to Resolution No. 2005-15 a duly noticed public hearing was held by the Administrative and Finance Committee which, in consideration of the Fixed Revenue Study, the Water Authority's capital and operations budgets for Fiscal Year 2004-2005, the Water Authority's rate and revenue structures and projections, the Long Range Financing Plan, and the testimony presented during the public hearing thereafter recommended increasing the System Capacity Charge for meters with a size less than one inch to \$3,985, and a corresponding increase for larger meters; and establishing a Water Treatment Capacity Charge for meters with a size less than one inch to \$153, and a corresponding increase for larger meters; and

WHEREAS, the Board has considered the recommendation of the Administrative and Finance Committee and is fully informed: and

WHEREAS, it is in the interests of the Water Authority, its member agencies, its water users and taxpayers, that the Water Authority take final action to adopt revised Capacity Charges on new water users as recommended by the Fixed Revenue Study in order to provide funds to pay a portion of the costs of new capital facilities needed to serve such users; and

WHEREAS, it is in the interests of the Water Authority, its member agencies, its water users and taxpayers that the Water Authority automatically increase the Capacity Charge in the same percentage as the annual increase in the Engineering News-Record Construction Cost Index; and

WHEREAS, the proposed System and Water Treatment Capacity Charges are nondiscriminatory and will not exceed the estimated reasonable amount required to provide the services for which the charges are to be levied; and

WHEREAS, at least fifteen (15) days prior to the meeting at which the System and Water Treatment Capacity Charges were levied, the Water Authority made available to the public data indicating the amount of cost, or estimated cost, required to provide the services for which the charges are to be levied and the revenue sources anticipated to provide such services, including general fund revenues; and

WHEREAS, the Water Authority has determined that imposition of the revised System and Water Treatment Capacity Charges recommended by the Fixed Revenue Study is exempt from CEQA under Section 15378(b)(5) of the State CEQA Guidelines regarding the creation of government funding mechanisms that do not involve any commitment to any specific project that may have potentially significant physical impacts on the environment. Any project funded by this charge either has or will have appropriate CEQA documentation completed prior to any activities that could result in physical impacts on the environment.

NOW, THEREFORE, the Board of Directors of the San Diego County Water Authority does ordain as follows:

Section 1. Findings.

The foregoing recitals are true and correct and constitute legislative findings of this Board.

Section 2. Amendment of Ordinance No. 2004-08

Section 2.1 of Ordinance No. 2004-08 is amended to read as follows:

Section 2.1. Schedule of Charges.

Except as hereinafter provided, there is hereby fixed and imposed System Capacity Charge on each person, corporation, partnership, public agency, or other entity (hereinafter referred to as "a water user") obtaining a water meter from a member agency for the use of water received by the member agency from the Water Authority.

Except as hereinafter provided, there is hereby fixed and imposed Water Treatment Capacity Charge on each person, corporation, partnership, public agency, or other entity (hereinafter referred to as "a water user") obtaining a water meter from a member agency with an existing or planned connection to the Water Authority treated water system.

The amount of the System and Water Treatment Capacity Charges for a meter shall be determined according to the following table:

Meter Size (Inches)	Factor	System Capacity Charge	Water Treatment Capacity Charge
Under 1"	1.0	\$3,985	\$153
1"	1.6	\$6,376	\$245
1.5"	3.0	\$11,955	\$459
2"	5.2	\$20,722	\$796
3"	9.6	\$38,256	\$1,469
4"	16.4	\$65,354	\$2,509
6"	30.0	\$119,550	-\$4,509 \$4,590
8"	52.0	\$207,220	\$7,956
10"	78.0	\$310,830	\$11,934
12"	132.0	\$526,020	\$20,196

The member agency shall determine the size of the water meter necessary or appropriate to provide the service for which the meter is requested.

The Director of Finance shall adjust the schedule of charges established by this section as of January 1, 2006, on as of each January 1 thereafter, based on the annual percentage change in the Engineering News-Record Construction Cost Index for Los Angeles (ENR-CCI LA) for the calendar year immediately preceding the adjustment.

Section 3. Continuation of Ordinance No. 97-1.

Ordinances Nos. 97-1, 99-2, 2000-1, 2000-3, 2001-03, and 2002-05 shall remain in full force and effect except to the extent amended by, or inconsistent with, the provisions of this ordinance.

Section 6. Codification.

This ordinance is effective upon adoption, provided however that the increase approved by section 2 of this ordinance shall be effective 60 days following the date of adoption.

PASSED, APPROVED AND ADOPTED, this 26th day of May, 2005

AYES: Unless noted below all Directors voted aye.

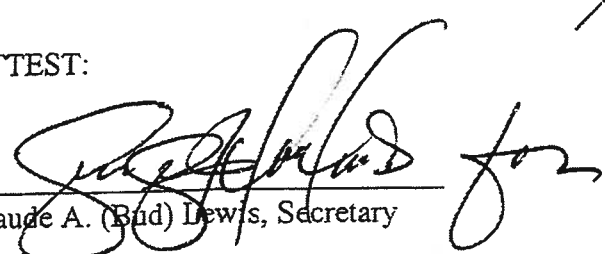
NOES:

ABSTAIN:

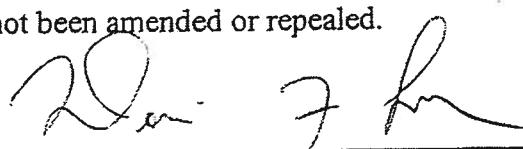
ABSENT: Bowersox, Broomell, Croucher (p), Haddad, Irvin, Jaeschke, Lewanski (p), Lewis (p), Loveland and Rep. ~~Stater-Price~~


James H. Bond, Chair

ATTEST:


Claude A. (Bud) Lewis, Secretary

I, Doria F. Lore, Clerk of the Board of Directors of the San Diego County Water Authority, do hereby certify that the above and foregoing is a full, true and correct copy of said Ordinance 2005- 03 of said Board and that the same has not been amended or repealed.


Doria F. Lore, Clerk of the Board