

RESOLUTION NO. 2023-07-19-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SALTON COMMUNITY SERVICES DISTRICT ESTABLISHING RATES FOR WASTEWATER SERVICE FEES

- A. The Salton Community Services District (the "District") must generate revenues in an amount sufficient to cover the District's ongoing costs of providing sewer collection, treatment, and disposal services ("sewer services"); and
- B. The District has determined that current adjustment to the schedule of rates for the District's wastewater service fees ("Sewer Fees") and future rate adjustments, as more particularly described herein, are needed to equitably charge various classes of users and to generate revenues sufficient to cover the District's ongoing costs of providing sewer services and related costs and expenses; and
- C. The revenues derived from the proposed Sewer Fees will not exceed the funds required to provide the sewer services and shall be used exclusively for the provision of sewer services; and
- D. The amount of the proposed Sewer Fees will not exceed the proportional cost of the services attributable to each parcel upon which they are proposed for imposition; and
- E. The proposed Sewer Fees will not be imposed on a parcel unless the sewer services are actually used by, or immediately available to, the owner of the parcel; and
- F. The District determined that this Resolution is exempt from CEQA review under Public Resources Code Section 21080(b)(8) and State CEQA Guidelines Section 15273 because the Sewer Fees are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the sewer system and will not result in the expansion of the sewer system; and
- G. California Constitution Article XIII D, Section 6 ("Article XIII D") requires that prior to imposing any increase to the Sewer Fees, the District shall provide written notice (the "Notice") by mail of the proposed adjustment to the rates for the Sewer Fees to the record owner of each parcel upon which the rate adjustments to the Sewer Fees are proposed for imposition, the amount of the rates for the Sewer Fees proposed to be imposed on each parcel, the basis upon which the rates for the Sewer Fees were calculated, the reason for the rate increases to the Sewer Fees, and the date, time and location of a public hearing (the "Hearing") on the proposed rate increases to the Sewer Fees; and
- H. The District did provide such Notice to the affected property owners of the proposed rate increases to the Sewer Fees in compliance with Article XIII D; and
- I. The Hearing was held on this day, July 19, 2023; and
- J. At the Hearing the Board of Directors of the District heard and considered all oral testimony, written materials, and written protests concerning the establishment and imposition of the proposed rate adjustments to the Sewer Fees, and at the close of the

Hearing the District did not receive written protests against the establishment and imposition of the proposed rate adjustments to the Sewer Fees from a majority of the affected property owners and tenants directly liable for the payment of the Sewer Fees; and

- K. Pursuant to California Health and Safety Code Section 5471, the Board of Directors of the District now desires to establish and impose the proposed adjustments to rates for the Sewer Fees; and
- L. This Resolution shall supersede all other previous ordinances and resolutions that may conflict with, or be contrary to, this Resolution respecting the rates for Sewer Fees described more particularly herein.

NOW THEREFORE, BE IT ORDAINED, by the Board of Directors of the Salton Community Services District as follows:

1. The Board of Directors hereby finds and determines that the above Recitals are true and correct and are incorporated herein by reference.
2. As the decision-making body for the District, the Board of Directors has reviewed and considered the information contained in the administrative record.
3. **Single Family Residential Rates.** For single family residential customers, the Board of Directors hereby adjusts the annual Sewer Fees to the rates per equivalent dwelling unit ("EDU") set forth in the table below. The rates shall become effective July 19th of 2023 and July 1 of 2024, 2025, 2026 and 2027 as indicated in Table 3. The Sewer Fees for the 2023-2024 fiscal year have been calculated to reflect that the prior rate will stay in effect for the period of July 1-18, 2023, and the new rate will go into effect July 19, 2023. Commencing in 2028 and each year thereafter, the rates for the fiscal year commencing in 2027 shall remain in effect unless the District adopts a new rate structure. For purposes of this Resolution, a single-family residential customer means (a) a person who receives wastewater service from the District and occupies premises designed, improved, or used as a residence for one single family; and (b) a person who receives wastewater service from the District and occupies a premises designed, improved, or used as a residence for two or more families, living independently of each other on two or more structurally joined dwelling units with separate entrances, but shall not include mobile home parks, hotels, motels, dormitories, apartment buildings, or similar structures.

Table 3. Single Family Residential Customers:

2023-2024 - \$828.66 (Based on the prior rate of \$670.84 from July 1, 2023 through July 18, 2023 and the new rate of \$838.41 from July 19 to June 30)
2024-2025 - \$871.95
2025-2026 - \$906.82
2026-2027 - \$943.10
2027-2028 - \$980.82

(This rate to remain in effect for subsequent fiscal years unless a new rate structure adopted by the District.)

4. **Non-Single-Family Rates.** For non-single family residential customers, other than as provided in **Section 5**, the annual Sewer Fee will be determined each year based on the water user's prior calendar year water usage. The Board of Directors hereby establishes the annual Sewer Fee for such non-residential customers at the rates per hundred cubic feet of annual water used as provided in **Table 4** below subject to a minimum annual charge equal to the then current charge for one EDU as provided in **Table 3**. Such rates shall be effective beginning July 19, 2023, July 1, 2024, 2025, 2026 and 2027 as set forth in **Table 4**. The Sewer Fees for the 2023-2024 fiscal year have been calculated to reflect that the prior rate will stay in effect for the period of July 1-18, 2023 and the new rate will go into effect July 19, 2023. For purposes of this Resolution, a non-single family residential customer means any person who receives wastewater service from the District and is not a single-family residential customer.

Table 4. Non-Single Family Customers:

2023-2024- \$9.96 (Per hundred cubic feet of water usage) (Based on prior rate of \$7.70 from July 1, 2023 through July 18, 2023 and \$10.08 from July 19-June 30)
2024-2025- \$ 10.48 (Per hundred cubic feet of water usage)
2025-2026- \$ 10.90 (Per hundred cubic feet of water usage)
2026-2027- \$ 11.34 (Per hundred cubic feet of water usage)
2027-2028- \$ 11.79 (Per hundred cubic feet of water usage)

(This rate to remain in effect for subsequent fiscal years unless a new rate structure adopted by the District.)

5. The Board of Directors hereby finds that the administration, operation, maintenance, and improvements of the sewer system, which are funded by the Sewer Fees, are necessary to maintain sewer services within the District's existing service area. The Board of Directors further finds that the administration, operation, maintenance, and improvements of the sewer system, to be funded by the Sewer Fees set forth herein, will not expand the sewer system. The Board of Directors further finds that such Sewer Fees are necessary and reasonable to fund the administration, operation, maintenance, repairs and improvements of the sewer system. Based on these findings, the Board of Directors hereby determines that this Resolution is exempt from the requirements of CEQA pursuant to California Public Resources Code section 21080(b)(8) and State CEQA Guidelines section 15273(a). The documents and materials that constitute the record of proceedings on which these findings have been based are located at 1209 Van Buren Avenue, Suite 1, Salton City, California 92275. The custodian for these records is the District Secretary.
6. The Board of Directors hereby authorizes and directs the District General Manager to implement and take all actions necessary to effectuate the rates for the Sewer Fees set forth herein.
7. If any section, subsection, subdivision, sentence, clause, or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The

Board of Directors hereby declares that it would have adopted each section, subsection, subdivision, sentence, clause, or phrase in this Resolution irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

8. To the extent of any conflict between a provision of this Resolution and any prior Resolution or Resolution of the Board of Directors, the provisions of this Resolution shall supersede such conflicting or contrary provisions of any previous resolution and/or resolution.
9. It is the District Board's intent in adopting this resolution to adopt sewer fee adjustment proceedings that are consistent, and in compliance with, Article XIID of the California Constitution and with the Proposition 218 Omnibus Implementation Act and the provisions of other statutes authorizing property related fees. It is not the intent of the District Board to vary in any way from the requirements of Article XIID or the Proposition 218 Omnibus Implementation Act.
10. A full reading of this Resolution is hereby waived.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Salton Community Services District, Imperial County, California, on July 19, 2023.

	YES	NO
Michelle Gilmore, President	<u>X</u>	___
Michael Friese, Vice President	<u>X</u>	___
Manuel Ramos, Director	<u>X</u>	___
Lidia A. Sierra, Director	___	<u>X</u>
Dale Johnson, Director	___	<u>X</u>



Michelle Gilmore, President of the Board of Director

Attest:



Thania Garcia, Board Secretary