

**ORDINANCE NO. 2018-1**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE SALTON COMMUNITY SERVICES DISTRICT  
PROVIDING FOR ADJUSTMENTS TO COMMERCIAL  
SEWER USER FEES BASED ON BROKEN WATERLINES**

WHEREAS, on June 15, 2016, the District enacted Ordinance Number 2016-01 establishing the District's current sewer user fees (the "User Fees") pursuant to California Constitution Article XIID, California Government Code Section 53750 et. seq. and California Health and Safety Code Section 5471;

WHEREAS, the District completed a study to determine fair and equitable User Fees that will support the cost of operating and maintaining the District's sewer system entitled cost allocation and rate design for the wastewater utility dated April 19, 2016 ("Report");

WHEREAS, the revenues derived from the User Fees are used for the acquisition, construction, reconstruction, maintenance, and operation of the sewer system facilities of the District together with costs of administration;

WHEREAS, the User Fees established and levied by the District are to allow the District to recover the reasonable costs to provide a service to individual properties which have been improved for any of numerous types of uses;

WHEREAS, the User Fees for non-residential users are based on estimated usage of the sewer system for designated categories of uses such as schools and commercial users based on water usage records;

WHEREAS, residential User Fees are not based on water usage but are set at a fixed fee for each residence as provided in the Report;

WHEREAS, in certain circumstances a commercial property's water usage may not reflect the use of the sanitary sewer system where there has been a water leak that does not enter the sanitary sewer system;

WHEREAS, the Board of Directors of the District wishes to adopt an ordinance allowing the District to provide relief to users who establish through adequate evidence that their water usage does not accurately relate to their sewer usage;

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF SALTON COMMUNITY SERVICES DISTRICT DOES ORDAIN AS FOLLOWS:**

**SECTION 1. CEQA.** The Board of Directors finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose

of meeting operating expenses, including employee wage rates and fringe benefits under Section 15273 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

**SECTION 2.** The Board of Directors hereby ordains as follows:

**Correction to Commercial Bill for Waterline Breakage.**

(i) A commercial sewer user who disputes the amount of the User Fee in a bill may contact the General Manager within thirty days of the receipt of the disputed bill and state the grounds upon which such dispute is made. Applications must be in writing, accompanied by a copy of the sewer user's latest water bill and sewer bill, and filed with the General Manager. The General Manager may require submittal of any additional data necessary to make required determination or perform any investigations, which the General Manager deems reasonable and necessary to verify the applicant's statements. The General Manager shall request such additional data promptly. If the applicant fails to produce the requested data within (30) days of date of mailing or delivery of the request for additional data or within thirty (30) days of availability of water consumption data, if applicable, whichever is later, the adjustment shall be denied.

(ii) Grounds for adjusting a bill under this ordinance are limited to commercial sewer users who have experienced a break or leak in the water lines associated with a meter that is used to calculate sewer User Fees which is supported by sufficient evidence presented to and retained by the District. If such investigation indicates that the water flowing from the break could not or did not enter the sanitary sewer system, and the volume of leaked water can be estimated to the satisfaction of the General Manager, the claimant will be entitled to an adjustment on the sewer user fee in the amount estimated by the General Manager accordingly. If the amount of the leak cannot be reasonably estimated, such adjustment may also be accomplished by issuing a bill and credit or refund therefor equal to the average monthly amount billed to the account over the immediately prior 12 month period as determined by the general manager in his or her reasonable discretion. The General Manager shall review the data submitted, verify the calculation, and make a determination within thirty (30) days of filing whenever reasonably possible. The General Manager shall document and promptly investigate the complaint and make a written recommendation to the Finance Officer. The Finance Officer shall consider the recommendation of the General Manager and shall make a decision whether or not the subject bill should be adjusted and shall notify the complainant in writing of the decision.

(iii) The notification by the Finance Officer shall advise the complainant that, if the complainant is still aggrieved by the decision so made, the complainant has the right to request in writing a hearing before the Board of Directors within 30 days of the date of the notice. The applicant shall be immediately notified in writing of the determination.

(iv) Such adjustment provided herein shall be granted only once in any one 12-month period. In order to qualify for such adjustment, the claimant must have repaired the break within (30) days after discovery of the break.

**SECTION 3. Severability.** The Board of Directors hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or

unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The Board of Directors declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

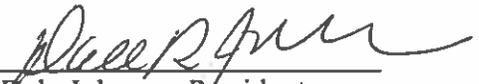
**SECTION 4. Effective Date and Publication.** The President shall sign and the Secretary shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

**INTRODUCED AND READ** for the first time and ordered posted at a regular meeting of the Board of Directors of the Salton Community Services District, held on the 15<sup>th</sup> day of August, 2018, by the following roll call vote:

	YES	NO
Dale Johnson, President	_____	_____ <i>Absent</i>
Barbara Quiroz, Vice President	_____ ✓	_____
Fran Aldridge, Director	_____ ✓	_____
Chris Klontz, Director	_____ ✓	_____
John Connelly, Director	_____ ✓	_____

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Board of Directors of the Salton Community Services District held on the 15<sup>th</sup> day of August, 2018.

	YES	NO
Dale Johnson, President	<u>          </u>	<u>          </u>
Barbara Quiroz, Vice President	<u>  ✓  </u>	<u>          </u>
Fran Aldridge, Director	<u>  ✓  </u>	<u>          </u>
Chris Klontz, Director	<u>  ✓  </u>	<u>          </u>
John Connelly, Director	<u>  ✓  </u>	<u>          </u>

  
\_\_\_\_\_  
Dale Johnson, President

Attest:  
  
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Jacqueline Gonzalez, Secretary