

ORDINANCE NO. 2024-400

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE RODEO SANITARY DISTRICT ESTABLISHING SEWER CAPACITY CHARGES

WHEREAS, the Rodeo Sanitary District ("District") is authorized by the Sanitary District Act of 1923 (Health & Safety Code § 6400 et seq.) to provide public services and facilities related to the acquisition, construction, replacement, improvement, maintenance and operation of wastewater collection facilities within the District's service area; and

WHEREAS, the District is empowered to prescribe, revise and collect fees, rates and charges related to said wastewater collection facilities pursuant to Health and Safety Code section 6520.5, including sewer capacity charges; and

WHEREAS, the District imposes sewer capacity charges in accordance with Government Code section 66013; and

WHEREAS, the District has previously, by duly adopted ordinance, established sewer capacity charges (formerly referred to as "connection fees") for the connection of sewer service to the District's sanitary sewer system; and

WHEREAS, the District retained Pavletic Consulting LLC, an independent public finance consultant ("Consultant"), to evaluate the District's sewer capacity charges and recommend a revised schedule of sewer capacity charges; and

WHEREAS, the District has worked with the Consultant to develop a "Waste Water Capacity Charges Study" ("Study"), prepared for the District in March 2024. The findings and analysis in the Study are incorporated by this reference; and

WHEREAS, the Study recommends certain increases to the District's sewer capacity charges ("Recommended Sewer Capacity Charges") in order for the District to meet its existing obligations within its existing service area; and

WHEREAS, a copy of the Study is available for inspection at the District's Office at 800 San Pablo Avenue in Rodeo; and

WHEREAS, the District's Board of Directors ("District Board") has reviewed and considered the Recommended Sewer Capacity Charges set forth in the Study and has determined that there is a reasonable relationship between the Recommended Sewer Capacity Charges and the District's estimated reasonable costs of providing sewer capacity service to new development; and

WHEREAS, the purpose of the Recommended Sewer Capacity Charges is to provide revenue to recover costs for existing facilities and facilities to be acquired or constructed in the future that are of proportional benefit to new development; and

WHEREAS, the District Board finds that the Recommended Sewer Capacity Charges established by this Ordinance do not exceed the estimated reasonable cost of providing the service for which the charges are imposed, pursuant to Government Code sections 66013 and 66016; and

WHEREAS, the District Board finds that the Recommended Sewer Capacity Charges established by this Ordinance are non-discriminatory as applied to all users of the District's wastewater collection facilities and are established upon a rational basis; and

WHEREAS, the District Board finds that the Recommended Sewer Capacity Charges established by this Ordinance have been approved by the District's Board of Directors at a duly noticed public meeting and in accordance with applicable provisions of law.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Rodeo Sanitary District as follows:

SECTION 1. Recitals. The above Recitals are true and incorporated by reference herein.

SECTION 2. Definitions. The following definitions shall apply to this Ordinance:

A. **Biochemical Oxygen Demand (BOD)** means an analytical parameter representing the amount of dissolved oxygen consumed by aerobic bacteria growing on the organic material present in a wastewater sample.

B. **Total Suspended Solids (TSS)** means the dry weight of suspended particles, that are not dissolved, in a sample of water that can be trapped by a filter that is analyzed using a filtration apparatus known as sintered glass crucible.

SECTION 3. Sewer Capacity Charges. The sewer capacity charges reflected in the Study are hereby adopted and set forth below:

A. **Single Family Residential.** The sewer capacity charge for new single family residential connections for fiscal year 2024-2025 shall be \$10,460.

B. **Apartment, Multiple Family, and Mobile Home Parks Units.** The sewer capacity charge for new connections for apartments, multiple family, and mobile home parks units for fiscal year 2024-2025 shall be \$10,460.

C. **Accessory Dwelling Units.** The sewer capacity charge for accessory dwelling units shall be as established in Ordinance 2023-500.

D. **Non-Residential.** The non-residential sewer capacity charge shall be calculated by the District's Engineer based on the following unit rates:

\$47.00 per gallon of discharge per day
\$2,650 per pound of BOD per day
\$3,010 per pound of TSS per day

The District Engineer may require the property owner to demonstrate a reasonable estimate of average daily discharge prior to establishing a new connection. Within three years of establishing a new non-residential connection, the District Engineer may adjust the initial capacity charge to account for actual average daily discharge.

E. **Annual Adjustment.** Each fiscal year, the sewer capacity charges for all customer classifications shall be adjusted in accordance with the Engineering News Record 20-City Construction Cost Index. However, the District Board may at its option determine, by resolution adopted prior thereto, that such adjustment shall not be effective for the next succeeding year or may determine other amounts as appropriate.

SECTION 4. The Board of Directors independently finds that this action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 (a) (1), (3), and (4) of the State CEQA Guidelines because these charges are being established for the purpose of meeting operating expenses and financial reserve needs and requirements, and to obtain funds for capital projects necessary for the District to maintain its service within its existing service area.

SECTION 5. This Ordinance shall, pursuant to Health and Safety Code Section 6490, be published once in the West County Times, a newspaper of general circulation, and circulated within the Rodeo Sanitary District, and shall be effective July 1, 2024. As of the effective date of this Ordinance, sewer capacity charges shall be charged at such rates and for such categories of users as set forth in this Ordinance and shall remain in effect until amended or replaced by ordinance.

SECTION 6. Conflicting Ordinances and Regulations. All District ordinances and regulations, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance are hereby superseded by the Ordinance.

SECTION 7. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

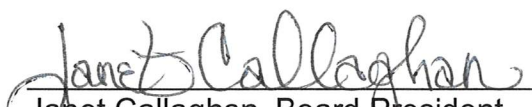
PASSED AND ADOPTED this 11th day of June 2024, by the Board of Directors of the Rodeo Sanitary District by the following vote:

AYES: 5-Brennan, Shaia, Callaghan, Russey, Noble

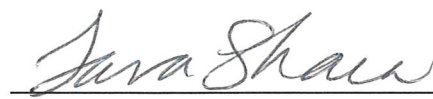
NOES: 0


ABSENT: 0

ABSTAIN: 0


Janet Callaghan, Board President
Rodeo Sanitary District

APPROVED AS TO FORM:


Tara Shaia, Secretary of the Board
Rodeo Sanitary District


Martin de los Angeles
District Counsel