

ORDINANCE NO. 2015-6

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE CRESTLINE SANITATION DISTRICT
DETERMINING THAT THERE WAS NO MAJORITY PROTEST TO THE
PROPOSED RATE INCREASE TO THE MONTHLY SEWER USER CHARGE
AND ADOPTING A MONTHLY SEWER USER CHARGE SCHEDULE
AND SUPERSEDING THE EXISTING MONTHLY SEWER USER CHARGE**

WHEREAS, the Crestline Sanitation District (“District”) is a County Sanitation District organized and operating pursuant to California Health and Safety Code Section 4700, et seq.;

WHEREAS, under California Health and Safety Code Section 4741.7, the District is authorized to fix the fees and charges for the services it provides;

WHEREAS, under California Health and Safety Code Section 5471, the District is authorized to establish fees, rates, or other charges for services and facilities that the District supplies and to provide for the collection and enforcement of those fees, rates, or charges;

WHEREAS, pursuant to California Health and Safety Code Section 5471, the District adopted Ordinance No. SD 10-08 on or about June 22, 2010, which established a monthly sewer user charge of \$35.95;

WHEREAS, the District has retained the services of a qualified firm, Bartle Wells Associates, to prepare the Sewer Rate Study dated August 18, 2015, that is attached hereto as Exhibit “A” and incorporated herein by this reference (“the Sewer Rate Study”);

WHEREAS, the revenue raised by the District’s monthly sewer user charge will be used to modify or construct additional public facilities and to procure additional resources to provide adequate sewer services, and do not exceed the total cost of such facilities and services;

WHEREAS, this action is necessary to meet the District’s operating expenses, to purchase and/or lease supplies, equipment, and materials, to meet the District’s financial reserve needs and requirements, and to obtain funds for capital projects necessary to maintain sewer service within the boundaries of the District, and is therefore exempt from the requirements of the California Environmental Quality Act as provided by Public Resources Code Section 21080(b)(8);

WHEREAS, the amount of the monthly sewer user charge hereby adopted does not exceed the reasonable anticipated costs for the corresponding services provided by the District, and therefore the monthly sewer user charge imposed hereby does not qualify as a “tax” under Article XIII C, Section 1(e) of the California Constitution or Section 50076 of the California Government Code, and the actions taken herein are exempt from the additional notice and public meeting

requirements of the Brown Act pursuant to Government Code Section 54954.6(a)(1)(A) and (B); and

WHEREAS, the District has satisfied all of the substantive and procedural prerequisites of Articles XIIC and XIID of the California Constitution in establishing the monthly sewer user charge set forth herein, including but not limited to, the identification of the parcels upon which the monthly sewer user charge will be imposed; the calculation of the monthly sewer user charge; the mailing of written notice to the record owners of each parcel upon which the monthly sewer user charge will be imposed describing the amount thereof, the basis upon which the monthly sewer user charge was calculated, the reason for the monthly sewer user charge, and the date, time, and location of the public hearing to be held thereon; and the conducting of a public hearing on the monthly sewer user charge not less than 45 days after mailing the notice during which all protests against the monthly sewer user charge were considered.

NOW, THEREFORE, BE IT ORDAINED that the District's Board of Directors ("the Board") does hereby resolve and determine that the written protests against the monthly sewer user charge set forth herein that were received by the District prior to the close of the public hearing hereon represented less than a majority of the parcels subject to the monthly sewer user charge set forth below and, thus, the Board further finds that the public interest and necessity requires the adoption of the content and findings of the Sewer Rate Study and the following monthly sewer user charge for service by the District:

SECTION 1. MONTHLY SEWER USER CHARGE

The District's monthly sewer user charge is hereby established in the maximum amount listed in Exhibit "B" attached hereto and incorporated herein by this reference, but said increase shall be phased in periodically in accordance with the schedule set forth therein. During that time, the Board will determine the amount of revenue required during the budget process each year and will continue to look for cost saving opportunities and revenue resources in an effort to potentially reduce or suspend implementation of said increases, which shall not exceed the District's cost of providing the services described herein.

SECTION 2. GENERAL MANAGER AUTHORITY

The District's General Manager is hereby authorized to take any and all actions necessary to carry out the intent of the Board as is stated herein and as otherwise required in order to comply with applicable law.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and shall supersede Ordinance No. SD 10-08 only to the extent expressly inconsistent with the terms hereof.

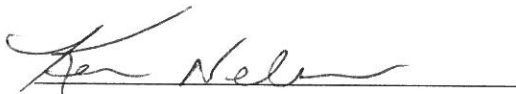
ADOPTED by the Board of Directors of the Crestline Sanitation District at a special meeting held on October 5, 2015, by the following vote:

AYES: 5
NOES: -
ABSENT: -
ABSTAIN: -



President, Board of Directors

Attest:



Secretary, Board of Directors

Current Monthly Rate Per EDU ¹	Five Year Proposed Rates				
	1-Nov-15	1-Nov-16	1-Nov-17	1-Nov-18	1-Nov-19
% Increase	8.0%	8.0%	8.0%	8.0%	8.0%
\$35.95	\$38.83	\$41.93	\$45.29	\$48.91	\$52.82

1 EDU stands for "Equivalent Dwelling Unit"

EXHIBIT "B"