

ORDINANCE

57.1

AN ORDINANCE OF THE BOARD OF DIRECTORS OF HIDDEN VALLEY LAKE COMMUNITY SERVICES DISTRICT ESTABLISHING RATES AND CHARGES BY RESOLUTION FOR WATER, WASTEWATER AND RECYCLED WATER SERVICE AND REAFFIRMING PRIOR RATES AND CHARGES

WHEREAS, on July 21, 2015, the Board of Directors of Hidden Valley Lake Community Services District (District) adopted Ordinance 2015-56, setting forth rules and regulations for the provision of retail water services and providing among other things, that water service rates and charges and other water fees and charges may be set from time to time by the Board; and

WHEREAS, on April 21, 2015, the Board of Directors of Hidden Valley Lake Community Services District (District) adopted Ordinance 2015-57, setting forth rules and regulations for the provision of collection, treatment and disposal of wastewater services and providing among other things, that wastewater service rates and charges and other wastewater fees and charges may be set from time to time by the Board; and

WHEREAS, on September 4, 1991, the Board of Directors of Hidden Valley Lake Community Services District (District) entered into an agreement with Hidden Valley Lake Association and Stonehouse Mutual Water District (this Ordinance recognizes the merger between Stonehouse Mutual Water District and Hidden Valley Lake CSD), setting forth rules and regulations for the provision of retail recycled water service and providing among other things, that recycled water service rates and charges and other recycled water fees and charges may be set from time to time by the Board; and

WHEREAS, due to the need to provide the capital facilities necessary to operate the District in a financially prudent and safe manner, the District has experienced, and anticipates it will continue to experience, increases in its operating and maintenance costs and capital facilities costs; and

WHEREAS, the District must generate revenues in an amount sufficient to cover the District's ongoing costs of operations, maintenance, and capital facilities; and

WHEREAS, the General Manager, District staff Financial Consultants periodically review the schedule of water, wastewater and recycled water service rates and charges established by ordinance or resolution and determine what increases to such schedule of rates and charges are necessary to generate revenues sufficient to cover the District's ongoing costs of operations, maintenance, and capital facilities; and

WHEREAS, the General Manager, District staff and Financial Consultants determined that it is financially responsible to consolidate water, wastewater, recycled water, operations, maintenance, and capital facilities fees to be reviewed annually and established by Resolution to be effective January 1 of each calendar year; and

WHEREAS, the General Manager, District staff and Financial Consultants acknowledge that any increase in fees must be based on a rate study, presented and approved through the Prop. 218 process and adopted by the Board of Directors; and

WHEREAS, the District is not proposing any change in fees that have not already been approved through the Proposition 218 process and approved by the Board of Directors of the District; and

WHEREAS, this Ordinance shall supersede all other previous resolutions and ordinances that may conflict with, or be contrary to, this Ordinance respecting the rates for Service Charges described more particularly herein;

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

1. The Board of Directors of the District finds and determines that the foregoing Recitals are true and correct and incorporates the Recitals herein.
2. As the decision-making body for the District, the Board of Directors has reviewed and considered the information contained here-in and hereby reaffirms the rates for the Service Charges pursuant to Ordinance 56, Ordinance 57 and Recycled Water Use Agreement dated September 4, 1991.
4. The Board of Directors hereby establishes that all future rate, fee and Service Charges for water, wastewater and recycled water be set forth by Resolution to be reviewed annually prior to and implemented the 1st day of January of each calendar year.
5. The Board of Directors hereby finds that the administration, operation, maintenance, and improvements of the Systems, which are to be funded by the Service Charges and the Other Fees and Charges set forth by Resolution are necessary to maintain service within the District's existing service area. The Board of Directors further finds that the administration, operation, maintenance, and improvements of the System, to be funded by the Service Charges set forth herein and the Other Fees and Charges set forth by Resolution will not expand the System. The Board of Directors further finds that such Service Charges and the Other Fees and Charges are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the System.
6. The Board of Directors hereby authorizes and directs the General Manager to implement and take all actions necessary to effectuate future rate changes by Resolution.
7. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance 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 Ordinance or any part thereof. The Board of Directors hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.
10. This Ordinance shall become effective July 1, 2018 upon its adoption by the Board of Directors.

PASSED, APPROVED AND ADOPTED this 19th day of June 2018 by the following vote.

AYES: Directors Graham, Herndon, Mirbegian, Lieberman and Freeman
NOES:



Carolyn Graham, President
Board of Directors

Attest:



Kirk Cloyd, Board Secretary
Hidden Valley Lake CSD



