

## **ORDINANCE NO. 2017-2**

### **OF THE HEBER PUBLIC UTILITY DISTRICT AMENDING ORDINANCE NUMBER 2010-3 TO MODIFY THE SEWER SERVICE CAPACITY FEES**

**WHEREAS**, Government Code sections 66013 and 66016 authorize the Heber Public Utility District (the HPUD) to adopt a resolution or ordinance to establish and impose a sewer service capacity fees; and

**WHEREAS**, pursuant to California Government Code sections 66013 and 66016, the HPUD Board of Directors adopted Ordinance Number 2010-3 on April 15, 2010, modifying rates, fees and charges for services; and

**WHEREAS**, the Board of Directors desired to modify sewer service capacity fees to reflect the revised estimate of the cost of current and future capital improvements necessitated by development within the HPUD's boundaries, and

**WHEREAS**, each person or entity wanting to connect to the HPUD's sewer system will share the cost for HPUD facilities, including but not limited to treatment, pumping and major collection facilities; and

**WHEREAS**, pursuant to Government Code section 66016 and 66018, the HPUD held a public meeting on February 16, 2017, as part of a regularly scheduled meeting of its Board of Directors, during which the District gave members of the public the opportunity to make oral or written presentations to the Board of Directors on the proposed sewer capacity fees prior to adoption; and

**WHEREAS**, the HPUD published notice of the time and place of the March 16, 2017, public hearing, including a general explanation of the matter to be considered, at least ten days before the hearing as required by Government Code sections 6062a and 66018; and

**WHEREAS**, at least ten days before the public hearing, the District made data publicly available that indicates (1) the estimated cost required to provide the services for which the HPUD proposes to levy the capacity fee and (2) the revenue sources anticipated to provide such services, all according to Government Code section 66016; and

**WHEREAS**, the above described data sets forth reasonable cost estimates for the HPUD's provision of sewer facilities, and establishes that the proceeds generated by the sewer capacity fees do not exceed the total of the estimated costs.

# **EXHIBIT 1**

## **SEWER SERVICE CAPACITY FEES**

The provisions of Section 2 of Ordinance 2010-3 are hereby amended and superseded by the following:

### **Heber Public Utility District Capacity Fee Study Wastewater Enterprise - Capacity Fees - Ordinance 2017-2**

<b>Connection Size</b>	<b>Proposed 2017</b>
All Residential Connections (4")	\$6,660
For all 6" connections	\$14,653
For all 8" connections	\$26,642

The above fees shall be charged based on the connection size installed at the service location in accordance with Heber Public Utility District Utility Service Policy. In the event an existing service is upsized, the applicant shall pay the difference between the current rate for the existing meter size and the appropriate rate charged for the new connection size.

All sewer service capacity fees shall be paid prior to plan approval by the General Manager. Provided, however, commercial or industrial projects and residential projects or subdivisions involving more than four (4) units may be phased in accordance with an agreement approved by the Board of Directors. Sewer connections will not be permitted prior to the receipt of the fees and the fee charged shall be that which is in effect at the time of receipt of payment by HPUD.

The fees in this EXHIBIT 1 shall be in effect until such time as the HPUD Board of Directors takes action to repeal, amend or modify.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE HEBER PUBLIC UTILITY DISTRICT HEREBY DETERMINES AND ORDAINS AS FOLLOWS:**

- Section 1. Recitals. The above recitals are true and correct and incorporated herein.
- Section 2. Amendment. Ordinances Number 2010-3 is amended to adopt the sewer service capacity fees set forth in Exhibit 1 attached hereto.
- Section 3. California Environmental Quality Act Compliance. Pursuant to California Public Resources Code section 21080(b)(8), the HPUD's adjustment of the sewer capacity fees is not subject to the requirements of the California Environmental Quality Act. In accordance with Section 21080(b)(8), the HPUD finds and determines that its adjustment of the sewer capacity fees by this Ordinance constitutes the modification of fees to meet operating expenses and for obtaining funds for capital projects necessary to provide and maintain sewer service within the HPUD.
- Section 4. Ordinance Effective Date. This Ordinance shall be effective thirty (30) days after the date of its passage; a summary shall be published once, with names of members voting for and against the same in a newspaper of general circulation published in the County of Imperial. A certified copy of the full text of this Ordinance shall be posted at the office of the Clerk of the District Board of Directors, 1078 Dogwood Road, Suite 103, Heber, CA 92249.

**APPROVED AND ADOPTED** by the Board of Directors of the Heber Public Utility District on this 16<sup>th</sup> day of March, 2017.

AYES: S. Escobedo, T. Sandoval, M. Noñasco, Jr.

NOES: D. Garcia-Ruiz, P. Tabarez, Jr.

ABSTAIN:

ABSENT:



Diahna Garcia-Ruiz, President  
Board of Directors



Attest:   
Raquel Carrillo, Board Secretary

