

**ORDINANCE NO. 20-04 OF THE LINDEN COUNTY WATER DISTRICT
ESTABLISHING RATES FOR WATER SERVICE**

WHEREAS, the Linden County Water District (“District”) provides water service to the community of Linden; and

WHEREAS, California law allows the District to recover the full cost of providing water service to its customers, including the costs of operating, maintaining, repairing, and replacing components of the water service facilities including but not limited to pipelines, storage, delivery and other infrastructure through the establishment of water service charges (“water rates”); and

WHEREAS, the District Board of Directors have examined the District’s existing water rates, and retained Hansford Economic Consulting LLC (“Consultant”) to prepare a Cost-of-Service and Rates Study to determine whether future adjustments to the District’s water rates are necessary in order to continue to provide water service to the District’s customers; and

WHEREAS, the Cost-of-Service and Rates Study was received by the District Board of Directors on October 6, 2020 and made available to the public at the District’s Office on October 9, 2020; and

WHEREAS, the Cost-of-Service and Rates Study concluded that the existing water rates will not adequately recover the District’s costs of providing water service to customers over the next five (5) years; and

WHEREAS, the Water Rate Schedule developed by the Consultant, attached hereto as Exhibit “A” and incorporated herein by reference, includes the proposed rates for water service over the next five (5) years; and

WHEREAS, the findings and determinations contained herein are based upon the Cost-of-Service and Rates Study documenting the estimated reasonable costs of providing water service to the community of Linden; and

WHEREAS, the Board of Directors of the Linden County Water District hereby find and determine the following with regard to the proposed rate increases to the District’s water rates:

1. The revenues derived from the proposed water rates will not exceed the funds required to provide the water services;
2. The amount of the proposed water rates will not exceed the proportional cost of the service attributable to each parcel upon which they are proposed to be imposed;
3. The proposed water rates will not be imposed on a parcel unless the water services are actually used by, or are immediately available to, the owner or tenant of the parcel;
4. The proposed water rates will not be used for any other purpose that that for which they are imposed;
5. The proposed water rates are not levied for general governmental services;

6. The proposed water rates are not calculated or developed on the basis of any parcel map, but are based upon reasonable estimates of the demand placed upon the District in its role as a provider of the water services; and

7. The proposed rates represent increases in the charges needed to operate the District's water service and delivery facilities;

and

WHEREAS, the District Board of Directors hereby find and determine that in accordance with the provisions of California Constitution article XIII D, section 6 ("Article XIII D"):

1. The District identified the parcels upon which the increased water service charges are proposed to be imposed, and calculated the amount of fees or charges to be imposed upon each parcel;

2. On October 28, 2020, the District mailed written Notice to its customers, including the owners of each parcel upon which the increase to the water rates are proposed for imposition, which explained: (a) the amount of the charges; (b) the basis on which they were calculated; (c) the reason for the proposed increase; (c) the date, time, and location of the public hearing on the proposed increases; and (d) an explanation of the protest-hearing process and instructions for providing a written protest; and

3. On December 17, 2020, more than 45 days after mailing the above Notice, the District conducted a public hearing and considered all written protests against the proposed increases to the water rates; and

4. At the conclusion of the public hearing, written protests against the proposed increases to the water service charges were not presented by a majority of customers or property owners subject to the proposed water rates:

NOW, THEREFORE, the Board of Directors of the Linden County Water District does ordain as follows:

Section 1. The District Board of Directors hereby adopts the recitals and findings set forth above.

Section 2. The District Board of Directors hereby adopts, by not less than a two-thirds vote, pursuant to Government Code section 5471, the water rate schedule set forth in Exhibit "A," attached hereto and incorporated herein by reference;

Section 3. The water rates in the water rate schedule shall be applied commencing July 1 of each year.

Section 4. This Ordinance supersedes and voids all prior ordinances, resolutions, and other District actions which are inconsistent with its terms, including all prior ordinances and resolutions establishing or amending water rates.

Section 5. Adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the CEQA Guidelines (14 CCR 15061(b)(3), as it is determined and declared that this Ordinance will not have a significant effect on the environment.

Section 6. Should any provision of the above Ordinance Code be deemed invalid or unconstitutional, the invalid or unconstitutional section or sections shall not affect the validity of the remainder of the Ordinance.

Section 7. This Ordinance was introduced at the regular meeting of the Linden County Water District held December 17, 2020, and a first reading was waived by motion of the Board, to wit:

Ayes: Brennan, Fletcher, Blanton, Reed and Knapp
Noes: None
Abstaining: None
Absent: None

Section 8. This Ordinance was adopted at the regular meeting of the Linden County Water District held January 21, 2021 by the following vote:

Ayes: Fletcher, Blanton, Reed and Knapp
Noes: None
Abstaining: None
Absent: None

Section 9. The District Secretary is hereby authorized and directed to publish a summary of this Ordinance in the manner provided in Government Code Section 25124.

Section 10. This Ordinance shall become effective thirty (30) days after adoption.

PASSED AND ADOPTED by the Board of Directors of the Linden County Water District this 21st day of January 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

Barbara Kascht
District Secretary

S. Dean Ruiz
Legal Counsel

Exhibit A

PROPOSED WATER

Charges	Monthly Allowance	2022	2023	2024	2025	2026
		<i>Effective 7/1/2021</i>	<i>7/1/2022</i>	<i>7/1/2023</i>	<i>7/1/2024</i>	<i>7/1/2025</i>
METERED RATES						
Service Charge	In Tax	per month				
3/4"	In Tax	\$34.05	\$36.88	\$38.28	\$39.74	\$41.38
1"	In Tax	\$48.35	\$52.17	\$54.09	\$56.10	\$58.33
1.5"	In Tax	\$61.78	\$66.39	\$68.80	\$71.30	\$74.07
2"	In Tax	\$168.84	\$180.80	\$187.13	\$193.68	\$200.92
3"	In Tax	\$345.52	\$369.90	\$382.73	\$396.02	\$410.68
4"	In Tax	\$597.77	\$639.13	\$661.17	\$683.99	\$709.11
6"	In Tax	\$1,220.87	\$1,305.34	\$1,350.24	\$1,396.73	\$1,447.89
8"	In Tax	\$2,679.35	\$2,865.74	\$2,964.24	\$3,066.24	\$3,178.54
Service Charge	Out Tax					
3/4"	Out Tax	\$44.51	\$47.57	\$49.20	\$50.89	\$52.75
1"	Out Tax	\$58.81	\$62.86	\$65.01	\$67.25	\$69.70
1.5"	Out Tax	\$72.24	\$77.08	\$79.72	\$82.45	\$85.44
2"	Out Tax	\$179.30	\$191.49	\$198.05	\$204.83	\$212.29
3"	Out Tax	\$355.98	\$380.59	\$393.65	\$407.17	\$422.05
4"	Out Tax	\$608.23	\$649.82	\$672.09	\$695.14	\$720.48
6"	Out Tax	\$1,231.33	\$1,316.03	\$1,361.16	\$1,407.88	\$1,459.26
8"	Out Tax	\$2,689.81	\$2,876.43	\$2,975.16	\$3,077.39	\$3,189.91
Use Charge	HCF	per HCF greater than base allowance per month				
Residential [1]	6	\$1.90	\$2.04	\$2.11	\$2.19	\$2.27
Commercial	3	\$1.06	\$1.14	\$1.18	\$1.23	\$1.27
Schools	381	\$1.98	\$2.13	\$2.20	\$2.28	\$2.36
Water Conservation, Supply Shortage & Sustainability Program Charges [2]						
Conservation & Sustainability Surcharge			20%	@ Stage 2		
Emergency Supply Surcharge			54%	@ Stage 3		
E. San Joaquin Groundwater Subbasin Relie			-13%	@ Permanent Conservation		
Flat-Rate Customers		FLAT RATES per month				
Commercial 1"		\$48.35	\$52.31	\$54.25	\$56.30	\$58.54
Commercial 2"		\$157.69	\$169.43	\$175.41	\$181.62	\$188.48
Fire Protection 6"		\$95.70	\$102.49	\$106.04	\$109.72	\$113.73
Fire Protection 8"		\$214.37	\$229.58	\$237.52	\$245.77	\$254.75

[1] Residential allowance is per unit. Dual accounts have an allowance of 12 HCF per month.

[2] Only applied to consumption.