

**ORDINANCE NO. 39**

**AN ORDINANCE OF THE SAN BENITO COUNTY WATER DISTRICT  
ESTABLISHING WATER RATES AND CHARGES  
FOR ZONE 104 (FAIRVIEW ROAD WATER SYSTEM)**

WHEREAS, the San Benito County Water District (District) is vested with the power to do any and every lawful act necessary so that sufficient water may be available for any present or future beneficial use or uses on the lands or for the inhabitants within the District including the storage and distribution of water for domestic, fire protection and municipal uses; and

WHEREAS, the San Benito County Water District Board of Directors adopted a Resolution establishing Zone 104 and undertaking a project therein; and

WHEREAS, Resolution 2004-18, provides that “Rates and Charges to be assessed in said Zone for the purpose of operating, maintaining, extending, repairing, or otherwise improving the system, for service of water within said Zone and for debt repayment, shall be established by ordinance of this District subsequent to the adoption of this Resolution”; and

WHEREAS, the Board of Directors has determined that water rates and charges together with other revenue sources are sufficient to meet the estimated financial obligations of Zone 104 including, but not limited to, the cost of operation, maintenance, and repair of the Zone 104 facilities.

NOW, BE IT ORDAINED by the Board of Directors of the San Benito County Water District as follows:

1. Water Rates and Charges

In order to meet the forecasted financial obligations and costs of Zone 104, the rates for water service through the water system of Zone 104 (Harmony Hills Water System) shall be established as follows:

Residential Service

Service and Demand Charge	\$ 62.00 per month
Energy Surcharge	\$ <u>-0-</u> per month

2. The Water Rates and Charges set forth in this Ordinance shall be based on water service and the amount of water consumed by the customer and are not imposed upon real property or upon a person as an incident of property ownership.

3. The above water rates shall be effective upon transfer of ownership of the Fairview Road Water System to the District for the benefit of the lands within Zone 104 and the final approval of the Zone 104 Water System Assessments by the Board of Directors. This Ordinance shall remain in full force and affect until changed by ordinance of the San Benito County Water District.
4. All ordinance(s) and parts of ordinances inconsistent herewith are hereby repealed.
5. In the event that any portion or provision of this ordinance shall be deemed by a court of law or other tribunal to be invalid or unconstitutional, such finding(s) of invalidity or unconstitutionality shall not affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.
6. This ordinance shall be in full force and effect as of 12:01 a.m. on the 30<sup>th</sup> day following its passage and shall be published once in a newspaper of general circulation, published and printed in the County of San Benito, State of California, together with the names of the members of the board of directors voting for and against same.

The foregoing Ordinance was passed and adopted at the regular meeting of the Board of Directors of the San Benito County Water District held on the 25<sup>th</sup> day of August, 2004, by the following vote:

AYES:	DIRECTORS:	Perry, Tobias, Swanson, Keck & DeLaCruz
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS	None

/s/ Kenneth Perry

Kenneth Perry  
President

ATTEST:

/s/ Maria E. Alfaro

Maria E. Alfaro  
Administrative Services Officer