

**ORDINANCE NO. 45**

**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.

**WHEREAS**, the District mailed notices to all parcels upon which the charge is to be imposed setting forth the information required in Section 6 of Article XIII D of the California Constitution (Proposition 218) and notifying the owners thereof of a public hearing on January 17, 2008, to consider the charge; and

**WHEREAS**, after 45 days from the date said Notice was mailed, the Board conducted a public hearing on January 17, 2008, to determine whether or not the charge should be levied in Zone 104, and to consider the amount of any such charge; and

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 (Fairview Road Water System) shall be established as follows:

Residential Service	
Service and Demand Charge	\$ 109.00 per month
Energy Surcharge	\$ <u>-0-</u> per month

2. Findings:

The Board of Directors hereby finds and determines that:

- a) Revenues derived from the charge imposed herein do not exceed the funds required to pay for operation and maintenance costs associated with Zone 104 (Fairview Road Water System) customers, and shall not be used for any other purpose;
- b) The amount of the charge does not exceed the proportional cost of the service attributable to the parcel;
- c) The service for which the charge is imposed (see 1. above) is actually used by or is immediately available to the owner in question;
- d) The charge is not imposed for general governmental services.

3. Effective Date:

The above water rates shall be effective March 1, 2008. This Ordinance shall remain in full force and effect until changed by ordinance of the San Benito County Water District.

4. Repeal of Prior Ordinances:

All ordinance(s) and parts of ordinances inconsistent herewith are hereby repealed.

5. Severability Clause:

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. Publication:

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. Within 15 days after its passage, this Ordinance shall be published once in a newspaper of general circulation 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 special meeting of the Board of Directors of the San Benito County Water District held on the 17<sup>th</sup> day of January, 2008, by the following vote:

AYES: DIRECTORS:  
NOES: DIRECTORS:  
ABSENT: DIRECTORS

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Robert M. Swanson  
President

ATTEST:

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Shelley Giancola  
Administration and Finance Manager