

**ORDINANCE NO. 48**

**AN ORDINANCE AMENDING ORDINANCE NO. 41 OF THE  
SAN BENITO COUNTY WATER DISTRICT ESTABLISHING WATER RATES  
AND CHARGES FOR ZONE 103 (HARMONY HILLS 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 Resolution No. 2002-17 establishing Zone 103 and undertaking a project therein; and

WHEREAS, Resolution 2002-17, 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, on March 19, 2003, the Board of Directors adopted Ordinance No. 35, An Ordinance of the San Benito County Water District Establishing Water Rates and Charges For Zone 103 (Harmony Hills Water System); and

WHEREAS, on March 30, 2005, the Board of Directors adopted Ordinance No. 41, An Ordinance of the San Benito County Water District Establishing Water Rates and Charges for Zone 103 (Harmony Hills Water System) which amended Ordinance No. 35; and

WHEREAS, the Board of Directors has determined that water rates and charges together with other revenue sources are not sufficient to meet the estimated financial obligations of Zone 103 including, but not limited to, the cost of operation, maintenance, and repair of the Zone 103 facilities.

NOW, BE IT ORDAINED by the Board of Directors of the San Benito County Water District that section 1, of Ordinance No. 35, be amended to read as follows:

1. Water Rates and Charges

In order to meet the forecasted financial obligations and costs of Zone 103, the rates for water service through the water system of Zone 103 (Harmony Hills Water System) shall be established as follows:

Residential Service

EFFECTIVE June 1, 2009

Service and Demand Charge	\$192.50 per month
Energy Surcharge	\$ 24.65 per month
TOTAL	\$217.15 per month

EFFECTIVE January 1, 2010

Service and Demand Charge	\$197.10 per month
Energy Surcharge	\$ 25.60 per month
TOTAL	\$222.70 per month

EFFECTIVE January 1, 2011

Service and Demand Charge	\$201.90 per month
Energy Surcharge	\$ 26.65 per month
TOTAL	\$228.55 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 the delivery of Zone 103 water and the power costs for pumping, transmission and distribution of water to 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:

Except as specifically amended by this Ordinance, Ordinance #35 shall remain in full force and affect 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. Declaration of Urgency:

This ordinance is declared to be an urgency ordinance to take effect immediately, and is for the immediate preservation of the public peace, health, safety and welfare. The facts constituting the urgency are as follows:

Zone 103 is operating in a deficit position and requires immediate funds to maintain operations and to pursue state grants/loans for a rehabilitation of the water system. Therefore this ordinance must become effective immediately upon its adoption.

7. Publication: This Ordinance shall take effect immediately. 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.

8. This Ordinance shall remain in full force and affect until changed by ordinance of the San Benito County Water District.

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 12th day of May, 2009, by the following vote:

AYES:	DIRECTORS:	Bettencourt, Flores, Swanson, Tobias and Tonascia
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

/s/Frank E. Bettencourt  
Frank E. Bettencourt, President

ATTEST:

/s/Sara Singleton  
Sara Singleton  
District Secretary