

## ORDINANCE NO. 07-01

### AN ORDINANCE REPEALING ORDINANCE NO. 94-03, AMENDING ORDINANCE NO. 94-04, AND ESTABLISHING CAPITAL FACILITY FEES AND CAPACITY CHARGES FOR CONNECTIONS TO THE DISTRICT'S WATER SYSTEM

BE IT ENACTED by the Board of Directors of the Georgetown Divide Public Utility District ("District"), El Dorado County, State of California, as follows:

#### ARTICLE 1. *Recitals*

A. Pursuant to Government Code Section 66013 et seq. the governing board of a district is authorized to levy a fee or capacity charge for any new connection to the district's water system to defray the cost of the public facilities necessary to serve the new connection.

B. New connections to the District's water system will impact the system and will require the installation of new facilities, upgrades of existing facilities and additional water supplies for the District.

C. By Ordinance 94-03 the District set the Water Development Charge at \$2,000.00 and by Ordinance 94-04 the District set the Treatment Plant Charge at \$955.00, the Pipeline Charge at \$595.00, the Storage Charge at \$700.00, the Service Connection Charge at \$650.00 and the Meter Installation Charge at \$100.00, for a total cost of \$5,000.00.

D. The District completed a Capital Facility Charge Study ("Study") prepared by Stantec Engineering, entitled, "Georgetown Divide Public Utility District Capital Facility Charge Study", to evaluate the fees and charges required to cover the cost of existing facilities and the facility expansions and upgrades necessary to address the increased demands on the system as a result of serving the new development. In addition, new connections to the District's water system will require the District to fund studies to obtain additional water supplies to serve the residents of the District.

E. The District has collected, examined, and analyzed written evidence; and has heard and considered evidence and testimony at a duly noticed public hearing regarding the increased capital facility charges to be levied on new connections to the District's treated water system.

#### ARTICLE 2. *Repeal of Ordinance No. 94-03 and Amendment of Ordinance No. 94-04:*

Upon the effective date of this ordinance, Ordinance No. 94-03 is repealed. Article 15 of Ordinance No. 94-04, except as described in Article 8 of this Ordinance, and Articles 16 and 17 of Ordinance No. 94-04 are also repealed.

ARTICLE 3. *Procedure:*

The Board hereby finds that prior to the adoption of this Ordinance, a public hearing was held, at which oral and written presentations were made, as part of the Board's regularly scheduled March, 2007 meeting. The public hearing was continued to April 10, 2007. Pursuant to Government Code Section 66016 notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that the data required by this section is available, was mailed at least 14 days prior to the meeting to any interested party who filed a written request with the District for mailed notice of the meeting on new or increased fees or service charges. In addition, notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper of general circulation. The District has made available to the public at least 10 days prior to the meeting, data including the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to the Ordinance, and the revenue sources anticipated to provide this service. By way of such public meeting, the Board received oral and written presentations by the District based upon the District's Study, along with other materials, which formed the basis for the action taken pursuant to this Ordinance.

ARTICLE 4. *Findings:*

The Board has reviewed the Study as it relates to proposed and potential development, the resulting need for facilities, the cost thereof, and the available sources of revenue including the increase in fees provided by the Ordinance, and based thereon and upon all other information and written and oral presentations, the Board hereby approves and adopts the Study, attached hereto as Exhibit "A" and incorporated herein by reference, and adopts the findings and conclusions in Exhibit "A" as its own and finds each of the following:

(a) Purpose of the Charges

The purpose of the fee is to fund improvements to the District's water system as identified in the Study and to provide funds for studies necessary to secure additional water supplies for the District.

(b) Use of Charges

The fees proposed in the Study and implemented pursuant to this Ordinance will be used to finance the construction of facilities indicated in the Study attached as Exhibit "A" and to pay for the District's share of studies undertaken by the El Dorado County Water Agency to secure additional sources of water for the District ("new facilities" herein).

(c) Relationship between Use of Charges and Type of Development

There is a reasonable relationship between the fees proposed herein and the development project on which the fee will be imposed because the fee will be imposed exclusively on projects that require District services and apply to connect to the District's water system. The new users will impact the District's system as set forth in the Study and will use a portion of the limited water capacity available within the District, thus necessitating the construction of capital facilities to serve the new development and requiring the District to seek additional sources of water to serve the new development.

(d) Relationship between Need for Facilities and Type of Project

There is a reasonable relationship between the need for the new facilities and the new development because the new facilities are necessary to serve the new development. To the extent a portion of the new facilities are necessary to serve existing customers of the District, the District will pay for such portion of the new facilities through grants, taxes, rate charges or other sources of revenue of the District.

(e) Relationship between Amount of the Charges and the Cost of Facilities

There is a reasonable relationship between the amount of the fee and the cost of the new facilities because the Study identifies that the cost of the new facilities necessary to serve the new development meets or exceeds the amount that will be raised through the collection of the fees.

(f) Fees do not Exceed the Estimated Amount Required

The fees proposed in the Study and adopted pursuant to this Ordinance do not exceed the estimated amount required to provide funding for the new facilities for which the fees are levied; and in making this finding, the District declares that it has considered the availability of revenue sources anticipated to provide such facilities.

*ARTICLE 5. Connection to the District's Treated Water System*

Based on the foregoing findings, the Board hereby approves, adopts, and levies a Capital Facility Connection Fee and Capacity Charge ("fee" herein) for connection to the District's treated water system in the following amount of \$8,100 for a 5/8-3/4 meter; \$20,025 for a 1 inch meter; \$40,049 for a 1 1/2 inch meter; and \$64,079 for a 2 inch meter. The fee shall be paid directly to District prior to making a new connection or increasing the amount of an existing connection to the District's treated water system for which a service connection charge has not been paid or financed through an assessment district. If a parcel within an assessment district that included financing for connection charges is further subdivided, only the original parcel

shall be exempt from the connection fee.

ARTICLE 6. *Connection to the District's Untreated Water System*

Based on the foregoing findings, the Board hereby approves, adopts, and levies a Capital Facility Connection Fee and Capacity Charge for connection to the District's untreated water system in the amount of \$2,000. The fee shall be paid directly to District prior to making a new connection or increasing the amount of an existing connection to the District's raw water system.

ARTICLE 7. *Pipeline Extensions, Meter Installations*

The Capital Facility Connection Charge and Capacity Charge does not include costs associated with extending pipelines or the cost of installing meters. Charges for pipeline extensions and meter installations shall be assessed at actual cost to the District.

ARTICLE 8. *Kelsey and Pilot Hill Assessment Districts*

The provision in Article 15 of Ordinance 94-04 charging an additional fee of \$500 per parcel for all unassessed parcels within the Kelsey North, Kelsey South, Pilot Hill North, Pilot Hill South Assessment Districts in order to provide a Debt Service Reserve for said Assessment Districts shall remain in force and such fee shall be collected and placed in a separate reserve account for such purpose.

ARTICLE 9. *Fee Adjustment and Limitations*

The fees levied under Article 5 and 6 above shall be adjusted annually on July 1 of each year by the amount of the construction cost index, as established in the 20-city Engineering News Record Construction Cost Index or ENRCCI or its successor. The Board retains the discretion to annually review the amount of the construction cost index and may elect at a regularly scheduled meeting of the Board to refrain from applying all or any portion of the increase to the fee. Absent such an election, the construction cost index shall be applied to the fee for a period of five years from the effective date of this ordinance.

ARTICLE 10. *Deposit of Fees*

All fees and charges, along with any interest income earned thereon, shall be deposited in a separate capital facilities fund in a manner to avoid any commingling of the fees and charges with other revenues and funds of the District, and shall be expended solely for the purposes for which the fees and charges are collected, which the District hereby designates to be for the purpose of funding studies for additional water supplies, construction of the capital facility improvements identified in Tables 5, 6 and 7 of the Study and those purposes permitted by any applicable law. Fees and charges collected for the raw water system shall be expended

solely for the purpose of funding studies for additional water supplies or for the construction of the raw water system capital facility improvements identified in Tables 5, 6 and 7 of the Study.

ARTICLE 11. *Accounting*

Pursuant to Government Code Section 66013 the District shall account for the funds in the separate capital facilities fund annually and will make the findings required by Government Code section 66013(d).

ARTICLE 12. *Additional Mitigation Methods*

The policies set forth in this Ordinance are not exclusive and the District reserves the authority to undertake other additional methods to finance public facilities. In addition, the District reserves the right to negotiate connections to the District's system and to accept land, easements or other items of value in exchange for the right to connect to the District's system when such an exchange is determined to be in the best interests of the District.

ARTICLE 13. *Implementation*

For development projects within the District, the General Manager or his designee is authorized to issue Certificates of Compliance upon the payment of any fee levied under the authority of this Ordinance. The fees provided herein shall be collected prior to an applicant's connection to the District's treated water system. All other provisions establishing the requirements and procedures to connect to the District's system shall remain in full force and effect. The Board of Directors retains the authority to grant relief under the provisions of this ordinance upon request. Any appeal or challenge to this fee shall follow the District procedure for filing appeals.

ARTICLE 14. *California Environmental Quality Act*

The Board hereby finds that the increase in fees provided by this Ordinance is to obtain funds for capital projects necessary to maintain service within the District and that therefore, under Public Resources Code section 21080 (b)(8), this action is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA). To the extent a particular construction project necessitates an analysis under CEQA, the analysis shall be undertaken prior to construction of the project.

ARTICLE 15. *Commencement Date*

Pursuant to Government Code Section 66017, the effective date of this Ordinance shall be July 1, 2007, which is more than sixty (60) days following its adoption by the Board.

ARTICLE 16. *Severability*

If any portion, phrase or segment of this Ordinance is found by a Court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Ordinance. The District hereby declares its intent to adopt this Ordinance irrespective of the fact that one or more of its provisions may be declared invalid subsequent thereto.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public, at its duly held regular meeting on April 10, 2007 by the following vote:

Ayes: Michael Cooper, Bob Diekon, Norman Krizl, Douglas Pickell and JoAnn Shepherd

Noes: None

Absent: None

GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

By: \_\_\_\_\_  
Norm Krizl, President  
Board of Directors  
The Georgetown Divide Public Utility District

ATTEST:

By: \_\_\_\_\_  
HENRY N. WHITE, Clerk and ex officio Secretary,  
Board of Directors  
Georgetown Divide Public Utility District

## CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Ordinance 2007-01 duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on the 10<sup>th</sup> day of April, 2007.

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HENRY N. WHITE  
Secretary, Georgetown Divide Public  
Utility District

Exhibit A

**GOERGETOWN DIVIDE PUBLIC UTILITY DISTRICT  
CAPITAL FACILITY CHARGE STUDY**

**Prepared by:  
STANTEC CONSULTING, INC.**

Can be found at [gd-pud.org](http://gd-pud.org)  
Under Publications  
Studies and Reports