

ORDINANCE NO. 2A OF THE VOLCANO
COMMUNITY SERVICES DISTRICT ADOPTING AND
AMENDING THE VOLCANO COMMUNITY SERVICES DISTRICT
WATER SERVICE REGULATIONS, RATES AND RULES
CONCERNING PARTICIPATION CHARGES

WHEREAS, the Volcano Community Services District (hereafter "VCSD") is a community services district formed pursuant to California Government Code Section 6100, et seq., on or about May 31, 1966, through Amador County Board of Supervisor's Resolution No. 1190; and

WHEREAS, the VCSD Board of Directors adopted Ordinance No. 2A entitled "AN ORDINANCE PROVIDING FOR CHARGES FOR METER INSTALLATIONS, WATER SERVICES, RECONNECTION CHARGES AND ESTABLISHING PLACES FOR POSTING NOTICES AND OTHER PAPERS OF THE DISTRICT; and

WHEREAS, the VCSD Board of Directors desire to impose participation fees and charges upon new connections to the VCSD's water system; and

WHEREAS, the VCSD Board of Directors commissioned a "Participation Fee Study" to study the impacts of anticipated future development within (and immediately adjacent to, the VCSD's boundaries) on the existing VCSD water system facilities, along with an analysis of the anticipated need for new water system facilities and improvements required by anticipated development, and said Study set forth the relationship between the anticipated new development, the needed facilities, and the estimated costs of those improvements. The "Participation Fee Study" was prepared by William J. Bardin, P.E., Consulting Engineer, and is dated October

24, 1993; and

WHEREAS the VCSD duly posted and published notice of a public hearing to receive comments on such Study, prior to the adoption of said Ordinance; and

WHEREAS, the VCSD conducted a public hearing on the Participation Fee Study on January 3, 1994; and

WHEREAS, the VCSD Board of Directors has reviewed the Participation Fee Study and considered comments regarding said Study; and

WHEREAS, the VCSD Board of Directors now finds as follows:

A. The purpose of the proposed participation charges is to finance the water facility improvements described at pages 3, 4 and 5 of the Study (consisting of water storage, water production and water system improvements), a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, as well as to obtain funds for capital projects necessary to maintain service within the existing service area and to meet financial reserve needs and requirements. Such facilities are needed to reduce the impacts on the VCSD water system caused by contemplated future development within, and immediately adjacent to, the service area of the VCSD.

B. The proposed participation charges collected pursuant to this resolution shall be used, and are needed, to finance the water facilities described on pages 3, 4 and 5 of the Study, and will not be used for general revenue purposes.

C. After considering the Study and analysis prepared

by William J. Bardin, P.E., and the comments, both oral and written, received by the VCSD, the Board of Directors approves said Study, and incorporates such herein, and further finds that the anticipated new development within, and immediately adjacent to, the VCSD water system service area will generate additional demands for water requiring new public facilities to meet such demands.

D. There is a need within, and immediately adjacent to, the VCSD water service area for the proposed water facility improvements described at pages 3, 4 and 5 of the Study for which the anticipated new development must contribute its fair share towards the costs of said facility improvements.

E. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development described in the Study, for which the corresponding participation charges are imposed, and there is a reasonable relationship between the charges and the type of development for which the charges are imposed, as these reasonable relationships or nexes are in more detail described in the Study.

F. The cost estimates set forth in the Study are reasonable cost estimates for constructing the described facilities, and the proposed participation charges expected to be generated by the anticipated new development will not exceed the total of these costs.

NOW, THEREFORE, it is hereby resolved by the Board of Directors of the VCSD ordain as follows:

SECTION ONE:

Ordinance No. 2A is hereby amended in the following manner:

A new Paragraph 35 shall be added as follows:

Participation Charges. The VCSD shall collect participation charges from applicants for new water service and subdividers at the time the applicant applies for a "water connection," "service pipe" or "service" (as said terms are defined under Paragraph 6, above). The term "new water service" as used herein means a water service or water meter for a particular parcel was not in existence as of the date of adoption of this Ordinance. The amount of the participation fee shall be based upon the number of meters required by the applicant. The VCSD, consistent with the provisions of this Ordinance, shall determine the number of meters required by the applicant. The participation charges for water service (whether residential, commercial, or otherwise) shall be in accordance with the schedules set forth on Exhibit B, attached hereto and incorporated herein by this reference:

A new Paragraph 36 shall be added as follows:

Multiple Units. The participation charges for a condominium, townhouse, apartment, or similar type of multiple dwelling or multiple commercial unit shall be a percentage of the charge applicable to single family residence consisting of three (3) bedrooms. The percentages for each condominium, townhouse, apartment or similar type of multiple dwelling or multiple

commercial unit are:

<u>No. of Bedrooms per Unit</u>	<u>Percentage</u>
Unit of 3 bedrooms or more	100%
Unit of 2 bedrooms	90%
Unit of 1 bedroom (each unit of a multiple commercial unit to be treated as a unit of one bedroom)	80%

A new Paragraph 37 shall be added as follows:

Repeal of Inconsistent Provisions. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms and conditions of any prior VCSD ordinance, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, resolutions, rules or regulations are hereby repealed.

A new Paragraph 38 shall be added as follows:

Savings Clause. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, no other provision of this Ordinance shall be affected thereby.

A new Paragraph 39 shall be added as follows:

Effective Date. This Ordinance and the participation charges described herein shall take effect thirty (30) days after adoption and shall apply to all applications for water service received on or after its effective date.

A new Paragraph 40 shall be added as follows:

No Significant Impact. With respect to the amendments described above, the VCSD Board of Directors finds that the adoption of the amendments herein does not constitute a "project" under the California Environmental Quality Act (CEQA") (Public Resources Code Sections 21000 et seq.) or its implementing Guidelines (14 Cal. Admin. Code Sections 15000, et seq.) ("CEQA Guidelines"). The VCSD Board of Directors further finds that the adoption of these amendments falls within the activities described in Section 15378(b)(3) of the CEQA guidelines which are deemed not to be "projects." Even if the adoption of those sections were a "project" for purposes of CEQA, the VCSD Board of Directors finds that such adoption is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The VCSD Board of Directors finds that it can be seen with certainty that there is no possibility that the adoption of the amendments contained herein may have a significant effect on the environment.

The adoption of participation fees is, among other things, for the purpose of obtaining funds for capital projects necessary to maintain service within the existing service area of the VCSD water system, and to meet financial reserve needs and requirements. The VCSD Board of Directors, therefore, finds that the adoption of such participation charges is exempt from application of CEQA pursuant

to Section 21080(b)(8) of the California Public Resources Code. The chairperson of the VCSD Board of Directors is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

The foregoing ordinance was duly passed and adopted by the VCSD Board of Directors at a regular meeting held on January 3, 1994, by the following roll call vote:

AYES: Sara Gillick, Lowell E. Daniels III, Sharon Kennedy

NOES: none

ABSENT: none

ABSTAIN: none

Signed and approved by me after its passage this 3
third day of January, 1994.

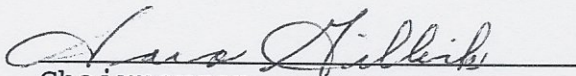

Chairperson
Board of Directors

EXHIBIT B TO ORDINANCE NO. 2A

Water Service Participation Fee

<u>Date</u>	<u>Participation Fee</u>
Upon Implementation	\$3,500
1 July 1994	3,605
1 July 1995	3,715
1 July 1996	3,825
1 July 1997	3,940
1 July 1998	4,055
1 July 1999	4,180
1 July 2000	4,305