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County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

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(831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

JOHN A. FANTHAM
DIRECTOR OF PUBLIC WORKS

APPROVED AND FILED
BOARD OF SUPERVISORS
DATE: *2/15/00*
COUNTY OF SANTA CRUZ
SUSAN A. MAURELLO
EX-OFFICIO CLERK OF THE BOARD
BY *[Signature]* DEPUTY

AGENDA: FEBRUARY 15, 2000

February 3, 2000

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 Ocean Street
Santa Cruz, California 95060

SUBJECT: ORDINANCE SETTING WATER RATES, COLLECTION PROCEDURES
AND RELATED PROCEDURES FOR COUNTY SERVICE AREA NO. 54,
SUMMIT WEST - NOTICE OF PUBLIC HEARING

Members of the Board:

Attached for your Board's review is a notice of public hearing for a proposed ordinance setting water rates for County Service Area (CSA) No. 54, Summit West. As your Board is aware, CSA No. 54 recently acquired the Mt. Charlie Waterworks. The rate structure presently in use was approved by the Public Utilities Commission.

Now that CSA No. 54 is responsible for administration of the waterworks facility, it is necessary for your Board to formally set the water rates. The attached ordinance will set the rates and establish procedures for collection, service connections, and delinquent accounts.

In November 1996 the voters of California approved Proposition 2 18. Proposition 2 18 requires that individual mail notices of a public hearing be sent to all users whose rates are being changed. Currently some 150 notices are being prepared. Per Proposition 218 these notices must be mailed a minimum of 45 days in advance of the public hearing. Considering this timeline and with your Board's approval, the next available Board meeting date for the public hearing would be Tuesday, April 4, 2000.

The proposed charges for water services are as follows:

\$152.00 per month for the first 500 cubic feet of water.
\$ 5 .00 per month for each additional 100 cubic feet of water, or portion thereof.
\$ 28.00 per month for Department of Water Resources debt service.

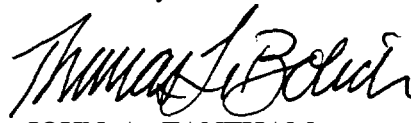
0502

Water charge bills will be sent on or after the first day of the month. A \$25100 late charge fee will be charged for payments received after the thirtieth day of the month. The proposed ordinance also includes provisions for the disconnection and eventual restoration of service.

It is therefore recommended that the Board of Supervisors take the following actions:

1. Set a public hearing on the adoption in concept of this ordinance for April 4, 2000, at 9:00 a.m. or thereafter, and direct staff to mail the attached notice of public hearing in accordance with state law as amended by Proposition 218.
2. Direct the Clerk of the Board to advertise the attached notice of public hearing once at least ten days prior to the date set for public hearing in a newspaper of general circulation printed and published in Santa Cruz County.

Yours truly,


fa- JOHN A. FANTHAM
Director of Public Works

DJH:bbs

Attachment

copy to: Christopher Ashworth
Public Works Department

RECOMMENDED:


County Administrative Officer

OSWB

PROPOSED SCHEDULE OF WATER SERVICE RATES FOR
COUNTY SERVICE AREA 54, SUMMIT WEST

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Santa Cruz County, at its regularly scheduled meeting on April 4, 2000, at 9:00 a.m. or thereafter in the Board Chambers, Room 525, County Governmental Center, 701 Ocean Street, Santa Cruz, California, will consider adoption of an ordinance establishing water service charges as follows:

Base Water Charge	\$152.00 per month for the first 500 cubic feet of water
Additional Water Charge	\$ 5.00 per month for each additional 100 cubic feet of water or portion thereof
Department of Water Resources Debt Service	\$ 28.00 per month
Late Charges for payments received after the thirtieth day of the month *	\$ 25.00

* NOTE: Water charge bills will be sent on or after the first day of each month.

As a courtesy to those persons affected, please attend the meeting smoke and scent free. The County of Santa Cruz complies with the Americans with Disabilities Act. The Board of Supervisors Chambers is located in an accessible facility. If you need special assistance or accommodation to attend this meeting, please contact the County at (831) 454-2232 (TDD number (831) 454-2123) at least 72 hours in advance of the meeting to make arrangements. If you have any questions about this item, please call the Department of Public Works staff at (831) 454-2160.

OSWB

ORDINANCE NO. _____

0504

**ORDINANCE OF THE COUNTY OF SANTA CRUZ, COUNTY SERVICE AREA
54 SETTING WATER RATES, COLLECTION PROCEDURES AND RELATED
PROCEDURES FOR COUNTY SERVICE AREA 54, SUMMIT WEST**

The Board of Supervisors of the County of Santa Cruz as the governing board of County Service Area 54 ordains as follows:

SECTION I

This ordinance shall apply to all parcels of real property within the boundaries of Santa Cruz County, County Service Area 54, Summit West, which are presently authorized by the Health Officer and metered for domestic water service from the water distribution system operated by County Service Area 54, Summit West, or which become so in the future.

SECTION II

CHARGES.

Charges for water services shall be as follows:

\$152.00 per month for the first 500 cubic feet of water.

\$ 5.00 per month for each additional 100 cubic feet of water, or portion thereof.

\$28.00 per month for Department of Water Resources debt service.

Late charges for payments received after the 30th day of the month shall be \$25.00

Interest shall accrue for late payments, or portions thereof, at the rate of 1% per month for payments or portions thereof which exceed 90 days past due.

SECTION III

BILLINGS AND PAYMENTS.

Water charge bills will be sent on or after the 1st day of each month. All water charges are due and payable upon receipt of the monthly billing. Any water charge becomes

delinquent if payment is not received in full by the 30th day of each month. Payments are to be made in the manner as directed by the Director of Public Works.

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SECTION IV

DISCONNECTION FOR NON-PAYMENT OR OTHER VIOLATIONS.

In the event that any amount of the water charges for any parcel served by County Service Area 54 remains outstanding for four (4) continuous months, or in the event that past due water charges exceed \$1000.00, or in the event that a property owner violates any County Service Area 54 ordinance or regulation, the Public Works Director on behalf of County Service Area 54 may disconnect the water service to that parcel under the procedures set forth in this section.

- A. A written notice of intent to disconnect water service shall be given to the property owner as shown on the billing records by mailing by first class mail to the address set forth in the billing records at least twenty (20) days prior to disconnection.
- B. The property owner may, within 10 days of the date of the notice of intent to disconnect, request an office hearing with the hearing officer by filing a written request for hearing with the Public Work's Department, County of Santa Cruz.
- C. Upon receipt of a timely request for hearing, the hearing officer shall set an office hearing within 30 days of filing of the request for hearing. Written notice of the date, time and place of the office hearing shall be mailed to the property owner at least 15 days prior to the date of the office hearing.
- D. The office hearing shall be informal and not subject to the rules of evidence. The property owner may appear in person or by representative and shall submit all information, oral or written, in support of its position. The Public Works Director, shall submit all information, oral and written. The hearing officer shall render a written decision based on substantial evidence to approve, conditionally approve or deny disconnection. In the event that the property owner fails to appear at the hearing, the hearing officer shall approve the disconnection.
- E. The decision of the hearing officer is final. In the event that disconnection is approved, or the property owner does not request an office hearing, the Public Works Director on behalf of County Service Area 54 may thereafter disconnect the water service without further notice to the property owner.

Upon disconnection, County Service Area 54 shall given notice of disconnection setting forth the conditions for resumption of water service and the potential loss of right to a service connection. 0506

SECTION V

RECONNECTION OF WATER SERVICE.

Any water service which has been disconnected under this ordinance, may be reconnected provided that the property owner pays all past due charges, late fees and interest and a re-connection fee of \$250.00.

SECTION VI

LOSS OF SERVICE CONNECTION.

Any property for which water service has been disconnected under Section IV, or which as been disconnected at the request of the property owner, and which remains disconnected for a period of at least 12 consecutive months, is subject to loss of the service connection. The property owner shall be notified of any loss of service connection at least thirty (30) days prior to the loss of the service connection. The property owner must comply with Section VII, New Service Connections, in order to re establish a service connection.

SECTION VII

NEW SERVICE CONNECTIONS.

New service connections may be made within County Service Area 54 provided all of the following conditions are met:

- A. The property lies within the service boundary of County Service Area 54.
- B. The Santa Cruz County Health Officer provides written approval for such connection based on the availability of adequate water to serve the proposed connection.
- C. A connection fee is paid in advance to the County Service Area 54. The connection fee shall be in the amount of \$2000.00 plus the cost of materials and labor for making the actual connection plus an additional amount equal to accumulated debt service on the Department of Water Resources, Loan #E5 1407, which would have been paid if the property to be served by the new connection had been receiving water service since the commencement of loan

repayment, or, for parcels which had a previous service connection, the amount of accumulated debt service for the period during which the service connection was terminated.

SECTION VIII

DELINQUENT ACCOUNT COLLECTIONS.

- A. Any late water charge, late fees and interest, may be collected by County Service Area 54 in the manner permitted by law.
- B. In addition to other collection remedies, County Service Area 54 may elect to impose the delinquent water charges, late fees and interest, referred to as the delinquent amounts, as a special assessment on the real property to which they apply as follows:

Any property owner whose water charges are delinquent, including any outstanding late fees or interest, and any other person known to hold an interest in the property, shall be notified in writing, at the address as set forth in the billing records, of the delinquent amount and of the intent to impose the delinquent amount as a special assessment on the owner's real property. The notice of intent to impose a delinquent water charge special assessment shall set a hearing date before the County Hearing Officer, on behalf of the governing body of County Service Area 54, at least 15 days after the date of notice of intent. At the hearing, the Hearing Officer Board shall consider all objections or protests and determine at the conclusion of the hearing if the delinquent amount is the proper amount. The Hearing Officer shall determine whether the delinquent amount shall be made a delinquent water charge special assessment against the property and collected on the secured tax roll, or is to be a personal obligation of the property owner and collected on the unsecured tax roll. The decision shall be submitted to the clerk of the Board of Supervisors. Written notice of the decision shall be given to the property owner and all others having an interest in the property.

The decision of the Hearing Officer shall be final. If the delinquent amount so determined is not paid within thirty (30) days of the decision by the Hearing Officer, then the Director of Public Works shall cause to be recorded in the county recorder's office a notice of delinquent water charge special assessment lien. Upon recordation of a notice of delinquent water charge special assessment lien, the assessment lien shall attach to the property. Each such delinquent water charge assessment lien shall be subordinate to all existing special assessment liens previously imposed upon such property and paramount to all other liens except those for state, county and municipal taxes with which it shall have parity. The lien shall continue until the amount of the lien and all interest and penalties due and payable thereon are paid. At such time as any decision of the Hearing Officer is enforceable which orders the payment of delinquent amounts, and delinquent amounts have not then been paid in full, the Director of Public Works shall file with the Auditor-Controller and Tax Collector

a certified copy of the notice of delinquent water charge assessment lien for each obligation for payment which has been made a special assessment, and a notice of delinquent water charge personal obligation for each which is a personal obligation. The Auditor-Controller shall add the unpaid amount(s) of the special assessments to the next regular tax bill for taxes levied against said property for County purposes. For personal obligations, the Auditor-Controller shall add the unpaid amounts to the unsecured tax roll. Thereafter, said amount(s) added to the secured and unsecured tax rolls shall be collected at the same time and in the same manner as County taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment.

SECTION IX

For purposes of this ordinance, the administrative hearing officer established by Santa Cruz County Code Section 1.12.070 is designated as the hearing officer.

SECTION X

This ordinance shall become operable upon termination of jurisdiction by the California Public Utilities Commission over the Mountain Charlie Waterworks, Inc., water distribution system.

SECTION XI

This ordinance shall take effect on the 3 1st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 2000, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

MARDI WORMHOUDT
Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Harry A. Cheekman III
Assistant County Counsel

DISTRIBUTION: County Counsel
Auditor
CAO
Summit West, Inc.
Risk Management
Public Works
Environmental Health Services