

RESOLUTION NO. 2013-07 (LBRID)

**RESOLUTION OF THE GOVERNING BOARD OF THE LAKE
BERRYESSA RESORT IMPROVEMENT DISTRICT INCREASING USER
RATES FOR WATER AND SEWER SERVICE**

WHEREAS, the Lake Berryessa Resort Improvement District (the "District") is a special district of the State of California organized under the Resort Improvement District Law (Public Resources Code Section 13000 *et seq.*) for the provision of water and sewer service in the unincorporated portion of the County of Napa known as "Berryessa Estates;" and

WHEREAS, the District is authorized to charge reasonable and necessary fees for the delivery of water and sewer services (Public Resources Code section 13074); and

WHEREAS, in order to pay for increased costs of maintenance and operation of the District's water and sewer systems, including costs related to compliance with increased regulatory requirements, it is necessary to increase the user rates charged by the District for water and sewer service; and

WHEREAS, at least forty-five days prior to the date this Resolution is to be considered, notice of the proposed increases in the water and sewer user rates and the protest hearing thereon was mailed in the manner required by Article XIID, Section 6 of the California Constitution to the record owners of each parcel identified by the District to which the increased rates for water and sewer service are proposed to be imposed, including lessees listed on records of the District as the actual customers of such services if different than the parcel owners (collectively referred to hereafter as "property owners"), indicating the amount of the fees proposed to be increased, the basis upon which the amount of the proposed fee was calculated, the reason for the fee increases, and the date, time and location of the public hearing on the proposed increased fees; and

WHEREAS, notice of the public hearing on the proposed increases in the water and sewer user rates was also published twice in the manner set forth in Government Code section 6062 and data was made available to the general public indicating the amount of cost, or estimated cost, required to provide the services for which the proposed increased water and sewer user rates are levied and the revenues sources anticipated to provide such services; and

WHEREAS, a public hearing was held, not less than 45 days after the mailing of the written notice to the property owners, at the date, time and location specified in the written notice, at which time the Board considered all protests against the proposed increases in the water and sewer user fees;

NOW, THEREFORE, BE IT RESOLVED by the governing board of the Lake Berryessa Resort Improvement District, as follows:

1. **Increase and Incorporation of Water and Sewer User Rates.** As of the effective date of the increases in waters and sewer user fees set forth in (4), below, the user rates for water and

sewer service are hereby increased in the amounts set forth in Attachment "A" and as so increased shall be incorporated in the District's rate schedule in the manner noted in Attachment "A". The Board hereby finds in relation to the increases to those fees, as follows:

(a) The District Secretary tabulated the protests submitted by persons eligible to file a protest pursuant to the District Guidelines for Increases in Fees or Other Charges Pursuant to Article XIID of the California Constitution and determined insufficient protests were received to constitute a majority protest.

(b) The revenues derived from the increased fees will not exceed the funds required to operate, maintain, and repair the respective water and sewer systems which provide the water and sewer services for which the fees are charged.

(c) The revenues derived from the increased fees will not be used for any purpose other than that for which the fees are imposed.

(d) The amount of the increased fees imposed upon any parcel or person as an incident of property ownership, including ownership of a leasehold interest in the parcel, shall not exceed the proportional cost of the service attributable to the parcel.

(e) The increased fees are imposed only for services which are actually used by or immediately available to the property owners in question, rather than potential or future use, and do not include any standby charges.

(f) The increased fees are not imposed for a general governmental service where the service is available to the public at large in substantially the same manner as it is to the property owners.

2. **Statutory Exemption from CEQA.** The Board finds this Resolution is statutorily exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, section 15273(a)(1) and (2) in that the Schedule authorized by this Resolution contains only either rates, charges, fees, and deposit requirements which were previously established by action of the Board, or increased charges and rates the amounts of which are hereby found by the Board to be necessary for meeting operating expenses of the existing facilities of the District, for purchasing or leasing supplies, equipment or materials and for meeting financial reserve needs and requirements.

3. **Categorical Exemption from CEQA.** The Board further finds that the actions taken in this Resolution are also categorically exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, section 15301, in that they relate to the funding of the operation, repair and maintenance or minor alteration of existing public structures, facilities, mechanical equipment or topographical features involving negligible or no expansion beyond the existing use.

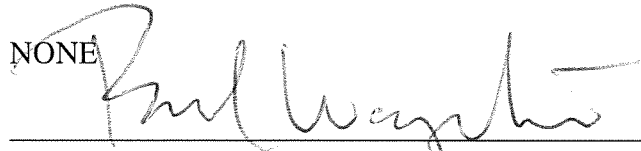
4. **Effective Date of Increases and Incorporation into Schedule.** The increase of the water and sewer user rates authorized by this Resolution, above, shall be effective on July 1, 2013.

THE FOREGOING RESOLUTION was adopted at a regular meeting of the governing board of the Lake Berryessa Resort Improvement District, held on the 4th day of June 2013 by the following vote:

AYES: DODD, CALDWELL, WAGENKNECHT, LUCE, and DILLON

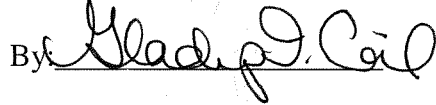
NOES: NONE

ABSENT: NONE

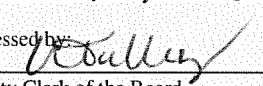


BRAD WAGENKNECHT, Chairman of the Governing Board of the Lake Berryessa Resort Improvement District

ATTEST: District Secretary

By 

APPROVED AS TO FORM
Office of District Legal Counsel
By: Janice D. Killion
(by e-signature)
Date: May 2, 2013

APPROVED BY THE GOVERNING BOARD OF THE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT
Date: 6/4/2013
Processed by: 
Deputy Clerk of the Board

ATTACHMENT "A"

LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT

SCHEDULE OF WATER AND SEWER RATES, FEES, CHARGES AND DEPOSITS

I.

WATER¹

Description of Rate, Fee, Charge or Deposit	Amount (\$)	Effective Date	Resolution or Ordinance Establishing Current Amount	Date Added to Schedule	Status when Added to Schedule
Connection Charges (Water):		5-19-05	Ord. 01(LBRID),	7-1-06	unchanged
1" (3/4" meter)	2,500.00	(all	Sec. 1 (all charges)	(all	(all charges)
1" (1"meter)	2,750.00	charges)		charges)	
1-1/2"	3,000.00				
2"	3,750.00				
3"	6,250.00				
4"	10,000.00				
6" (6"x 1-1/2 compound meter)	15,000.00				
8" (8"x2" compound meter)	45,000.00				
Inspection Fee (Water)	100.00	12-3-92	Ord. 17, Sec. 4	7-1-06	unchanged
Cash Guarantee Deposit for Service (Water & Sewer combined):					
Single-family residential service	375.00	5-3-11	Res. No. 2011-03	5-3-11	unchanged
Reconnection Charge (Water), following applicant-requested disconnection	10.00	2-3-77	Ord. 5, Sec. 3	7-1-06	unchanged

Residential Monthly Use Charges (Water) ²					
<u>Minimum Charge</u> (first 4,000 gallon/month or fraction thereof)	115.00	07-01-13 (both charges)	Res. No.2013-07 ³ (for all)	07-01-13 (both charges)	increased
<u>Excess Consumption Charge</u> (over 4,000 gallons per month)	3.85/1,000 gallons				
Delinquent Penalties (Water Use)					
payable on the first day of delinquency	10% of unpaid amount	10-29-70 (all charges)	Ord. 3, Sec. 1 (all charges)	7-1-06 (all charges)	unchanged (all charges)
payable on the first day of each month thereafter until paid	2% of unpaid amount				
Reconnection Charge (Water) Following Discontinuance of Service by District	30.00	2-3-77	Ord. 5, Sec. 6	7-1-06	unchanged
Meter Test Fee (Water)					
for meters up to one inch (1")	25.00	2-3-77	Ord. 5, Sec.7	7-1-06	unchanged
for meters over one inch (1")	None	1-1-70	Ord. 1, Sec. 9.4	(all charges)	(all charges)
Meter Rate for Water Used for Private Fire Protection					
fire not accidental, or not promptly reported to authorized fire protection agency	200% of the regular water service rate	1-1-70 (all charges)	Ord. 1, Sec. 11.4 (all charges)	7-1-06 (all charges)	unchanged
fire accidental and promptly reported to authorized fire protection agency	none				
Monthly Rate for Private Fire	None	1-1-70	Ord. 1, Section 11.5	7-1-06	unchanged

Protection					
Connection Charges for Installing and Removing Temporary Water Service Facilities					
connection charge (installation & removal of service facilities, including meter) when service supplied through a fire hydrant	50.00	2-3-77	Ord. 5, Sec.8	7-1-06	unchanged
connection charge (installation & removal of service facilities including meter) for each additional move to another location of service supplied through a fire hydrant	20.00	2-3-77	Ord. 5, Sec. 8	7-1-06	unchanged
connection charge for temporary service not provided through a fire hydrant	None	1-1-70	Ord. 1, Section 12.2	7-1-06	unchanged
Temporary Water Service Use Rate	150% of regular water service use rates, prorated, with minimum amount not less than 5.00	1-1-70	Ord. 1, Section 12.7	7-1-06	unchanged

¹ not including water availability charges as amended from time to time, or the performance security deposits which formerly been authorized by Sections 4.7, 4.8, 4.9 and 6(b) of District Ordinance No. 1 (the Water Ordinance).

²Payable bimonthly

³Increased by this resolution

II.

SEWER⁴

Description of Rate, Fee, Charge or Deposit	Amount (\$)	Effective Date	Resolution or Ordinance Establishing Current Amount	Date Added to Schedule	Status when Added to Schedule
Connection Charges (Sewer) - <u>gravity sewer or single building:</u> 4" (minimum size) 2,500 6" 3,750 8" 5,000 <u>sewer force main:</u> 4" or smaller 7,500 6" 12,000 8" 25,000		5-19-05 (all charges)	Ord. 02(LBRID), Sec. 2 (all charges)	7-1-06 (all charges)	unchanged (all charges)
Inspection Fee (Sewer)	100.00	12-3-92	Ord. 18, Sec. 4	7-1-06	unchanged
Cash Guarantee Deposit for Service (Water & Sewer combined): Single-family residential service	375.00	5-3-11	Res. No. 2011-03	7-1-06	unchanged
Reconnection Charge (Sewer), following applicant-requested disconnection	10.00	2-3-77	Ord. 6, Sec. 3	7-1-06	unchanged
Residential Monthly Use Charges (Sewer)⁵ <u>Minimum Charge</u> 172.00 (first 4,000 gallon/month of metered water use) <u>Excess Consumption Charge</u> 5.50/1,000 (per 1,000 gallons per month of metered water use, up to a cap of 6,000 gallons per month of metered water use) up to \$33.00 cap		07-01-13 (both charges)	Res. No. 2013-07 ⁶ (for all)	07-01-13 (both charges)	Increased (for all)

Delinquent Penalties (Sewer Use)					
payable on the first day of delinquency	10% of unpaid amount	10-29-70 (all charges)	Ord. 5, Sec. 6.7a (all charges)	7-1-06 (all charges)	unchanged (all charges)
payable on the first day of each month thereafter until paid	2% of unpaid amount				
Reconnection Charge (Sewer) Following Discontinuance of Service by District	30.00	2-3-77	Ord. 6, Sec. 6	7-1-06	unchanged

⁴not including sewer availability charges as amended from time to time, or the performance security deposits which formerly been authorized by Sections 4.7, 4.8, and 4.9 of District Ordinance No. 1 (the Water Ordinance).

⁵Payable bimonthly

⁶Increased by this resolution