

ORDINANCE ESTABLISHING SEWER SERVICE CHARGES AND REQUIREMENTS
FOR THE LOS OSOS WASTEWATER SERVICE AREA

WHEREAS, pursuant to Government Code section 25825.5, the County of San Luis Obispo (County) was empowered to design, construct, and operate a wastewater collection and treatment project within the community of Los Osos, California; and

WHEREAS, in conjunction with those powers, the County completed the construction of a wastewater collection and treatment system to serve certain territory within the community of Los Osos, California; and

WHEREAS, on or about December 14, 2010, the County established sewer service requirements and charges under County Ordinance 3209 in order to provide wastewater collection and treatment services to the Los Osos Wastewater Service Area; and

WHEREAS, the County is authorized by Government Code section 25825.5 to impose and collect service charges to cover the costs of providing wastewater collection and treatment services; and

WHEREAS, in accordance with the requirements of Article XIII D of the California Constitution, the County provided notice to the identified property owners, held a public hearing, and at the conclusion of the public hearing it was determined that a majority protest did not exist; and

WHEREAS, this ordinance supersedes and replaces County Ordinance 3209 in its entirety.

The Board of Supervisors of the County of San Luis Obispo, State of California, does ordain as follows:

SECTION 1: Service Area Established. The area to which this ordinance applies (the "Service Area") is those lands shown in the San Luis Obispo County Wastewater Assessment District No. 1 as recorded in the official records of the San Luis Obispo County Clerk-Recorder's Office, on February 27, 2008, which area is a portion of, and entirely within, the County of San Luis Obispo and is within the territory in which the County is authorized to exercise the powers conferred on it by Government Code section 25825.5.

SECTION 2: Use of Public Sewers Required. Any parcel of land located within the Service Area and on which there exists a building or other structure used for human occupancy or other purposes requiring sanitation facilities must be connected to the County's wastewater system. The connection must be maintained by the owner in accordance with Ordinance No. 3335 (Ordinance Establishing Rules and Regulations For Sewer Service Area in Los Osos), including but not limited to any and all requirements and limitations of the Regional Water Quality Control Board, California Coastal Commission, and/or other regulatory agencies.

SECTION 3: Sewer Service Charge Established.

- A. Annual Sewer Service Charge. Pursuant to Government Code Section 25825.5 and Health and Safety Code section 5471, the annual sewer service charge on parcels of real property within the territory of the Service Area that receive sewer service is equal to the minimum charge and the volume charge. For the purposes of this section, a property shall be deemed to receive sewer service when it contains a building or structure subject to the mandatory connection requirement in Section 2 of this Ordinance and when the County has provided a lateral that terminates adjacent to the property line.
- B. The rates for the minimum charge and the volume charge set forth in Exhibit "A" are hereby adopted and established for the Service Area.
- C. The additional charges set forth in Exhibit "B" are hereby adopted and established for each parcel that receives sewer service within the Bayridge Estates Subdivision (hereafter "Bayridge Estates"). The charges are for the cost of the debt service of a county loan made to fund necessary repairs to the pre-existing collection system of Bayridge Estates. The charges in Exhibit "B" shall be collected for a period of 10 years from FY 2020/21 to FY 2029/30. For purposes of this paragraph, "Bayridge Estates" refers to Tract No. 527 as recorded in the office of the County Recorder of San Luis Obispo County, California, per a Unit 1 map recorded on January 7, 1976, in Book 8 of Maps at Page 83, and a Unit 2 map recorded on June 22, 1977, in Book 9 of Maps at Page 25, including any and all parcels created within those tract map boundaries after the recording of said maps.
- D. Calculation of Annual Water Consumption. Subject to the provisions of Subsection 3.E of this ordinance, annual water consumption is the amount of water supplied to and consumed on a parcel of real property determined as follows:
 1. Water consumption for premises containing residential dwelling units is based upon: first, a determination of the actual metered water consumption (measured in units) for the two-month water billing period that most closely covers the first two calendar months of the current calendar year (i.e., January and February); and, second, an annualization by extrapolation to reflect a period equivalent to 12 months. However:
 - a. In no case will the annualization calculation result in water consumption of less than 12 units.
 - b. In the absence of actual metered water consumption on an individual parcel basis, the annual water consumption will be billed as not less than 48 units.
 - c. If conclusive evidence is provided that the annualization calculation used in Subsection 3.D.1 results in computed consumption that is higher than the premises' actual annual consumption, the County may adjust the sewer

service charge for the premises using the premises' actual annual consumption.

d. In the case of a new connection occurring after July 1 of any year, water consumption is presumed to be 125 gallons per day from the date of the new connection through June 30 of the following year; thereafter, the water consumption for the premises will be determined as provided in Subsection 3.D.1 above.

2. Water consumption for all non-residential use is based upon a minimum water meter charge as listed in Exhibit "A" and actual metered water consumption (measured in units) during the 12-month period of the previous calendar year, or such other 12-month period as is determined by the County to be representative of the user's water consumption.

3. As used in this Section 3, a "unit" of water consumption is defined as the equivalent of a volume of water measuring one hundred cubic feet (748 gallons).

4. As a condition of the receipt of service, all property owners receiving service authorize the County to access consumption data for the property from the retail water purveyor that provides water service to the property.

E. Additional Provisions. The following are additional provisions applicable to the computation of the sewer service charge:

1. Upon application to the County by property owners maintaining extensive irrigated landscaping or in other situations where it can be conclusively established that the metered water consumption is not a valid measure of the quantity of wastewater discharged, the quantity of wastewater to be used in determining the yearly rate will be determined by the County.

2. The County may require, or the customer may request, the installation of County-approved meters on the premises for use by the County. Such meters must be available for inspection at any reasonable time and their cost of installation, operation, maintenance, and replacement are at the property owner's expense.

SECTION 4: Vacancy and Nonuse. No credit, adjustment or refund of the minimum charge may be made to a customer due to vacancy or nonuse.

SECTION 5: Person Responsible. The owner of the premises is responsible for payment of any and all sewer service charges applicable to the premises. It is the duty of each owner to ascertain from the County the amount and due date of applicable charges and to pay the charges when due. It is also the duty of the owner to inform the County promptly of all circumstances, and of any change in any circumstances that will affect the applicability or amount of the charge.

SECTION 6: Collection on the Tax Roll. The annual sewer service charges established by Section 3 of this Ordinance may be placed upon the tax roll and collected in the same manner and at the same time as ordinary County ad valorem taxes are collected as specifically set forth in Health and Safety Code section 5473 and Chapter 3.22 of the San Luis Obispo County Code, and are subject to the same penalties and the same procedures and sale in case of delinquency as provided for such taxes.

SECTION 7: Direct Billing. If for any reason the full amount of any sewer service charges are not collected in accordance with the provisions of Section 6 of this Ordinance, the sewer service charges, or the portion thereof not appearing on the tax roll, will be collected by direct billing of the property owner, as provided in this Section. The provisions of this Section will also apply to sewer service charges accruing after a new connection to the County's wastewater facilities, in which case the annual charge will be prorated over the period of time from the date of the new connection to the end of the fiscal year.

- A. Billing. The County will ascertain the amount of each sewer service charge applicable to such property and will mail to the owner after the date any sewer service charges become due and payable, a bill for the sewer service charges that are then due and payable. The bill will be mailed to the person or persons listed as the owner on the last equalized assessment roll of the County of San Luis Obispo at the address shown on the assessment roll, or to the successor in interest and/or the lessee of such owner, if the name and address of any successor in interest or lessee is known to the County. Each bill will contain a statement that a delinquency in payment for sixty (60) days constitutes a lien on the parcel against which the charge is imposed and that when recorded the lien will have the force, effect and priority of a judgment lien for three (3) years unless sooner released or otherwise discharged. Failure of the County to mail any bill or failure of owner to receive such a bill does not excuse the owner from the obligation of paying sewer service charges for premises owned by him or her.
- B. How Payable. Each sewer service charge to be collected by direct billing is due and payable in full at the time of billing or at the time specified in the bill.
- C. Delinquency Date of Sewer Service Charges. Each sewer service charge is delinquent if not paid on or before the thirtieth (30th) day of the month following the date upon which the sewer service charge became due and payable.
- D. Penalties for Non-Payment of Sewer Service Charges - Lien. Whenever a delinquency occurs for non-payment of sewer service charges, a penalty of ten (10) percent attaches to the charges, and for each month that any portion of the charges remain delinquent, a further penalty of one and one-half (1-1/2) percent of the unpaid charge is added.

SECTION 8: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION 9: Any adjustments or increases to any rates or charges in this ordinance can be adopted and implemented by a resolution of the Board of Supervisors.

SECTION 10: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declare that they would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 11: This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code Section 21065; CEQA Guidelines Sections 15378(b)(4), 15061(b)(3)) and because the Ordinance involves the approval of government revenues to fund existing services (Pub. Resources Code Section 21080(b)(8); CEQA Guidelines Section 15273(a)(4).

SECTION 12: This ordinance supersedes and replaces County Ordinance 3209 in its entirety.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 25th day of February, 2020, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 21st day of April, 2020, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Adam Hill, John Peschong and Chairperson Lynn Compton

NOES: Supervisor Debbie Arnold

ABSENT: None

ABSTAINING: None

The foregoing ordinance is hereby adopted.

Lynn Compton
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors

By: T'Ana Christiansen
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Patrick J. Foran
Deputy County Counsel

Dated: February 7, 2020

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **WADE HORTON**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on May 11, 2020.

WADE HORTON,
Ex-Officio Clerk of the Board of Supervisors
By: *Stana N. Christensen*
Deputy Clerk

EXHIBIT "A"

Schedule of Sewer Service Charges For
San Luis Obispo County Wastewater Assessment District No. 1

(Charge amounts listed below go into effect on July 1 of each Fiscal Year. For example, the charges listed below for Fiscal Year 2020/21 would go into effect July 1, 2020)

Account Type	Fiscal Year	Volume Charge Per Unit of Water Consumption	
Volume Charge			
All Accounts	2020/21	\$7.88	
	2021/22	\$8.24	
	2022/23	\$8.49	
	2023/24	\$8.74	
	2024/25	\$9.00	
Sewer Rates: Residential Customers			
Single family	2020/21	\$693.60 per dwelling unit	\$57.80 per dwelling unit
	2021/22	\$820.80 per dwelling unit	\$68.40 per dwelling unit
	2022/23	\$845.42 per dwelling unit	\$70.45 per dwelling unit
	2023/24	\$870.79 per dwelling unit	\$72.57 per dwelling unit
	2024/25	\$896.91 per dwelling unit	\$74.74 per dwelling unit
Multi-family	2020/21	\$532.80 per dwelling unit	\$44.40 per dwelling unit
	2021/22	\$645.60 per dwelling unit	\$53.80 per dwelling unit
	2022/23	\$664.97 per dwelling unit	\$55.41 per dwelling unit
	2023/24	\$684.92 per dwelling unit	\$57.08 per dwelling unit
	2024/25	\$705.46 per dwelling unit	\$58.79 per dwelling unit
Mobile home or trailer park	2020/21	\$373.92 per dwelling unit	\$31.16 per dwelling unit
	2021/22	\$476.76 per dwelling unit	\$39.73 per dwelling unit
	2022/23	\$491.06 per dwelling unit	\$40.92 per dwelling unit
	2023/24	\$505.79 per dwelling unit	\$42.15 per dwelling unit
	2024/25	\$520.97 per dwelling unit	\$43.41 per dwelling unit
Sewer Rates: Non-residential Customers			
All non-residential accounts	2020/21	\$1,529.64 per account	\$127.47 per account
	2021/22	\$3,189.60 per account	\$265.80 per account
	2022/23	\$3,285.29 per account	\$273.77 per account
	2023/24	\$3,383.85 per account	\$281.99 per account
	2024/25	\$3,485.36 per account	\$290.45 per account

EXHIBIT "B"

Tract Map No. 527 (commonly known as "Bayridge Estates") - Bayridge Estates
Debt Service Charge Fiscal Year 2020/21 through 2029/30

(Charge amounts listed below go into effect on July 1 of each Fiscal Year. For example, the charges listed below for Fiscal Year 2020/21 would go into effect July 1, 2020)

Account Type	Fiscal Year	Minimum Annual Charge	Minimum Monthly Equivalent Charge
Debt Service			
	2020/21	\$179.04	\$14.92
	2021/22	\$179.04	\$14.92
	2022/23	\$179.04	\$14.92
	2023/24	\$179.04	\$14.92
	2024/25	\$179.04	\$14.92
	2025/26	\$179.04	\$14.92
	2026/27	\$179.04	\$14.92
	2027/28	\$179.04	\$14.92
	2028/29	\$179.04	\$14.92
	2029/30	\$179.04	\$14.92