

ORDINANCE NO. 786

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL
APPROVING INCREASED WATER RATE CHARGES AND
APPROVING REVISED RULES, REGULATIONS AND CHARGES
FOR DIABLO VISTA WATER SYSTEM

WHEREAS, the City Council is authorized to establish: an annual service charge; service charges for connection and reconnection to the water system; and rules and regulations for the implementation of these charges (Pleasant Hill Municipal Code Section 13-1.9); and

WHEREAS, *Rules, Regulations, Fees and Service Charges* were initially established in 1983 (Council Resolution No. 8-83), and amended in 1988 (Council Resolution No. 66-88); and

WHEREAS, by letter dated July 14, 2003, the Diablo Vista Water Advisory Committee requested that the rates be increased; and

WHEREAS, a study of the proposed rates was prepared by City engineering staff; and

WHEREAS, notice of proposed increased rates was given to all subscribers and an informational meeting was held on April 14, 2004; and

WHEREAS, the Advisory Committee of Diablo Vista Water System recommends approval of the increased charges as set forth in its letter to the City Council dated May 27, 2004; and

WHEREAS, notice of the City Council meeting was mailed on May 25, 2004, and at least 10 days before the City Council meeting, information was made available indicating the estimated amount of the cost required to provide continued water service and the revenue sources anticipated to provide the service (Gov't. Code §§66013(h), 66016); and

WHEREAS, City Council considered this matter at a public hearing held on June 7, 2004; and

WHEREAS, the City Council has determined that the increased rate represents the estimated reasonable cost of providing the water service; and

WHEREAS, the City Council and the Advisory Committee wish to re-adopt and update the 1983 Diablo Vista Water System Rules, Regulations, Fees and Service Charges at the same time as approving this rate increase.

NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

Section 1. The fees for the Diablo Vista Water System members are as follows:

Tax year 2004-05

\$150 (usage fee)

Tax year 2005-06

\$195 (usage fee \$150 + capital improvement fee \$45)

Tax year 2006-07

\$240 (usage fee \$150 + capital improvement fee \$90)

Tax year 2007-08 and thereafter

\$285 (usage fee \$150 + capital improvement fee \$135)

The City shall deposit payments for the usage fees in Fund 81, the Diablo Vista Water Operating Fund. The City shall deposit the capital improvement fees in Fund 82, the Diablo Vista Water Capital Improvement Fund, and shall account for those proceeds in accordance with Government Code section 66013(d).

Section 2. The Finance Department is directed to send a copy of this ordinance and any other required documentation to the County Auditor's Office, and submit to them annually by their deadline the information required to enroll these charges on each years' tax roll. In addition, the rates set forth in this ordinance shall be reviewed by the City Council on an annual basis and proposed adjustments to rates, if warranted, will be considered at that time.

Section 3. The revised *Diablo Vista Water System Rules, Regulations and Charges* attached as Exhibit A are approved.

Section 4. This ordinance repeals and supersedes prior Resolution Nos. 8-83, 90-84, 66-88, and 75-92. This ordinance will not be codified in the Pleasant Hill Municipal Code.

Section 5. This ordinance shall take effect 30 days after its adoption.

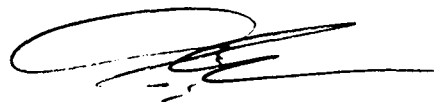
Section 6. Within 15 days after the passage of this ordinance, the City Clerk shall cause it to be posted in the four places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasant Hill held on the 7th day of June, 2004, by the following vote:

AYES: Angeli, Durant, Escover
NOES: None
ABSENT: Harris
RECUSED: Williamson

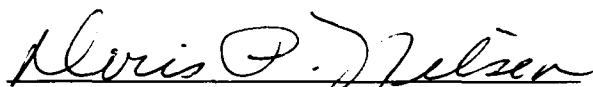
ADOPTED and ordered posted at a meeting of the City Council of the City of Pleasant Hill, held on the 21st day of June, 2004, by the following vote:

AYES: Angeli, Durant, Escover
NOES: None
ABSTAIN: Harris
RECUSED: Williamson



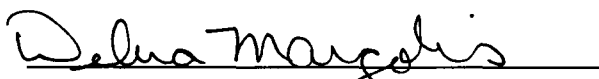
CHARLES C. ESCOVER, Mayor

ATTEST:



DORIS P. NILSEN, City Clerk

APPROVED AS TO FORM:



DEBRA S. MARGOLIS, City Attorney

Attachment: Exhibit A

**DIABLO VISTA WATER SYSTEM
RULES, REGULATIONS AND CHARGES**

1. Annual Charges.

A. Annual charges. The annual charges for consumption of water by users and/or consumers of the Diablo Vista Water System are:

Tax year 2004-05
\$150 (usage fee)

Tax year 2005-06
\$195 (usage fee \$150 + capital improvement fee \$45)

Tax year 2006-07
\$240 (usage fee \$150 + capital improvement fee \$90)

Tax year 2007-08
\$285 (usage fee \$150 + capital improvement fee \$135)

B. Collection; Funds. The monies will be collected on the tax rolls and will be kept in these City funds:

(1) Usage fees: Fund 81, Diablo Vista Water Operating Fund.
The operating fund is to be used for normal operating expenses. The operating fund's main sources of income are a) special district's share of property tax, (b) the annual charge on the property tax bill of property owners in the district, and (c) interest earned in the account.

(2) Capital improvements: Fund 82, Diablo Vista Water Capital Improvement Fund.
The capital improvement fund used to finance future replacements of the distribution system. The capital improvement fund's main sources of income are (a) the annual charge for capital improvements on the property tax bill, (b) the existing balance in the fund, and (c) interest earned on the account.

C. Responsible party. The owner of the land receiving the benefits of this water service is the responsible party for the charges imposed.

2. **Miscellaneous.**

A. Delinquent/non-payment charges. If the City receives notice that charges have not been paid, the water service shall be shut off and a reconnection fee imposed. The reconnection fee, together with all arrearages, shall be paid before the service is restored to the consumer.

B. Abuse of service. If the consumer uses the water provided by the Diablo Vista Water System so that the water overflows from the property and/or the water is left running unattended (consumer not at home), thereby causing a danger to other properties, then this use shall constitute an abuse of the water service.

The following procedure shall be followed if this abuse occurs:

(1) Notice of the first abuse of service shall be sent to the consumer with the date and time of the abuse, and setting forth the penalties for continued abuse of the service.

(2) If there is continued abuse of the water service, the water service shall be turned off.

C. Authorized representatives. No person other than an authorized representative of the Diablo Vista Water System shall tap, open, or connect to, or cause, permit or allow to be turned on, in any way, any water from the system.

D. Unauthorized hookups, connections or flexible couplings. Any person who causes or allows any hookup, connection or flexible coupling to be extended from one parcel of property with water service to another parcel of property where water service has been cut off or serviced by Diablo Vista Water System shall immediately become jointly and severally liable with that water consumer for the unpaid charges/fees and be subject to termination of water service.

E. Restoration. After all charges, fees, penalties and arrearages are paid, water service shall be restored.

F. Appeal. A consumer may appeal a disconnection from the service or a reconnection fee within 10 days by giving written notice to the Pleasant Hill City Manager or his or her designated representative. The decision of the City Manager is final.

3. **Reconnection Fees.**

Consumers within the Diablo Vista Water System desiring a water service reconnection after the service has been turned off shall pay a reconnection fee of \$200.00 for reconnecting to the water system, plus the capital improvement charge for any year(s) that charge was not paid. However, a new property owner within the System area who was not responsible for the disconnection shall pay a reconnection fee of only \$200.

4. Collection.

The City Manager shall implement the collection of the above charges, fees, penalties and arrearages.

5. Right to Opt Out.

Any consumer within the Diablo Vista Water System has the right to opt-out and discontinue water service by submitting written notice to the Diablo Vista Water System, c/o City of Pleasant Hill, 100 Gregory Lane, Pleasant Hill, CA 94523. For a consumer who opts out by June 30th, no annual charges will be imposed for the following tax year. However, there will be a reconnection fee if the consumer later decides to reconnect. (See Section 3 above.) The right to opt-out, and the corresponding right to reconnect, must be exercised by June 30th to be effective the following tax year.



CITY OF PLEASANT HILL

NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that on June 21, 2004, the Pleasant Hill City Council adopted Ordinance No. 786, Approving Increased Water Rate Charges and Approving Revised Rules, Regulations and Charges for Diablo Vista Water System.

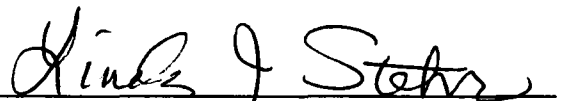
Copies of this notice have been posted in the following locations:

Pleasant Hill Library - 1950 Oak Park Boulevard, Pleasant Hill

Pleasant Hill Recreation & Park District Community Center -
320 Civic Drive, Pleasant Hill

Pleasant Hill Police Department - 330 Civic Drive, Pleasant Hill

Copies of this Ordinance are available at Pleasant Hill City Hall. For further information, contact the City Clerk's office at 671-5237.



Linda J. Stehr, Deputy City Clerk

CITY OF PLEASANT HILL

AFFIDAVIT OF POSTING

I, the undersigned, hereby declare:

That I am over the age of 18 years;

That I am a citizen of the United States;

That I am a resident of Contra Costa County;

That on the 2nd day of July, 2004

I conspicuously posted a true copy of the attached

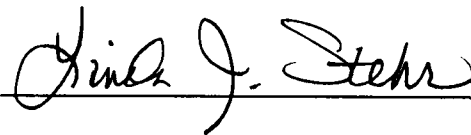
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in the following four public places in the City of Pleasant Hill, as designated by resolution of the City Council:

Pleasant Hill City Hall	100 Gregory Lane
Pleasant Hill Library	1750 Oak Park Boulevard
Pleasant Hill Police Department	330 Civic Drive
Pleasant Hill Community Center	320 Civic Drive

I declare that the foregoing is true under penalty of perjury.

Signature: _____



Title: Deputy City Clerk

Date: July 6, 2004