

**RESOLUTION NO. 3030-13 WWD**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
ACTING AS THE BOARD OF DIRECTORS  
OF THE WINDSOR WATER DISTRICT  
ADOPTING REVISED WATER RECLAMATION RATES APPLICABLE TO  
WINDSOR WATER DISTRICT WATER RECLAMATION CUSTOMERS  
AND SUPERSEDING THE EXISTING RATES ESTABLISHED BY  
RESOLUTION NO. 2939-12 WWD EXHIBIT "B"**

**RECITALS**

**WHEREAS**, the Windsor Water District ("District"), a predecessor agency to the Town of Windsor and now operated as a subsidiary of the Town of Windsor ("Town"), provides water reclamation services throughout the District, including within the Town and also to certain customers outside the boundaries of the District and/or the Town; and

**WHEREAS**, the District water reclamation system is operated as a self-supporting utility enterprise; and

**WHEREAS**, revenue from water reclamation service rates and other sources funds the ongoing operating and capital needs of District water reclamation systems, including providing for facility replacement, repair, operations and expansion; service improvements to satisfy state and federal compliance requirements; inflation and other costs; and

**WHEREAS**, the water reclamation service rates currently applied to District customers were last updated by Resolution No. 2939-12 Exhibit "B" adopted by the Town Council acting as the Board of Directors of the District on July 18, 2012; and

**WHEREAS**, the rates incorporated a lift station charge for customers in the Deer Creek subdivision, intended to recover the cost to maintain the lift station needed to convey wastewater to the treatment plant; and

**WHEREAS**, on June 19, 2013, the Town Council awarded a construction contract to Argonaut Constructors for the construction of the West Trunk Sewer – Final Phase, allowing the existing sewer force main in Windsor River Road and the Deer Creek Lift Station to be abandoned thereby saving the cost to maintain the lift station; and

**WHEREAS**, while the lift station will be temporarily needed for some inspection and testing, as of August 29, 2013, the Deer Creek Lift Station was no longer operational, and consequently, it is no longer appropriate to transfer the costs associated with maintaining the lift station to the utility users in the Deer Creek subdivision; and

**WHEREAS**, in accordance with Government Code Section 50076, fees that do not exceed the reasonable cost of providing the service or regulatory activity for which the fees are charged and which are not levied for general revenue purposes are not special taxes; and

**WHEREAS**, in accordance with Government Code Section 54350, local agencies have the police power over any enterprise acquired, constructed or improved pursuant to the Revenue Bond Law of 1941 (Government Code Section 54300 *et seq.*) and may make and enforce all necessary regulations to protect the public health in the operation and maintenance of the enterprise; and

**WHEREAS**, all or part of the District water and water reclamation facilities, including facilities related to providing recycled water, have been acquired, constructed or improved pursuant to the Revenue Bond Law of 1941; and

**WHEREAS**, in accordance with the Revenue Bond Law of 1941, local agencies may construct or improve any enterprise wholly or partially within or wholly without the local agency, operate, maintain, repair or manage all or any part of such enterprises, adopt reasonable rules or regulations for the conduct of such enterprises, and prescribe, revise and collect charges for the services, facilities or water furnished by the enterprise.

## **FINDINGS**

**WHEREAS**, the Town Council of the Town of Windsor acting as the Board of Directors of the Windsor Water District finds as follows:

A. The purposes of the updated water reclamation services rates established pursuant to this Resolution are to: (1) recover the reasonable estimated cost of the services for which the rates are charged; (2) provide that such costs are allocated among District customers so as to bear a fair and reasonable relationship to customers' burdens on and benefits from District water reclamation services; (3) secure the financial stability of the water reclamation systems; (4) ensure high quality service; and (5) provide a sound financial plan that will assist in funding capital improvement projects.

B. The updated water reclamation services rates established pursuant to this resolution are not levied for general revenue purposes.

C. Adoption of the rates set forth in this Resolution is intended to recover costs necessary to maintain the current level of District water reclamation services for current and future District customers. As such, such rates as they relate to provision of water and water reclamation services to District customers are not a "project" within the meaning of the California Environmental Quality Act or C.E.Q.A. (Public Resources Code § 21080(b)(8)(D)).

D. In adopting the rates set forth in this Resolution, the Town Council of the Town of Windsor is exercising its authority pursuant to the Revenue Bond Law of 1941,

California Government Code Section 54300 et seq., and the Town's powers under Article XI, Section 7 of the California Constitution.

F. The procedures followed and the rates adopted are in compliance with California Constitution Article XIID.

### ADOPTION OF RATES

**NOW, THEREFORE**, the Town Council of the Town of Windsor acting as the Board of Directors of the Windsor Water District does resolve as follows:

1. Definitions.

a. "District Customer" shall mean any person, corporation, or other entity that receives District water and/or water reclamation services, including recycled water service, regardless of whether District water and/or water reclamation services are provided to property within the Town of Windsor, property within the Windsor Water District, or property outside the boundaries of the Town of Windsor and/or the Windsor Water District.

b. "Rates" shall mean the charge or charges imposed on District Customers to recover the costs incurred by the District in providing water reclamation services.

2. Water Reclamation Services Rates Imposed.

Rates shall apply to and be paid by District Customers at the times, and in the amounts, and otherwise apply and be administered as prescribed in this Resolution. The Rates shall supersede and replace the rates set forth in District Resolution No. 2939-12 WWD Exhibit "B".

3. Time for Payment of Rates.

District Customers shall pay the Rates as prescribed in bills issued to District Customers in accordance with Sections 12-3-605 and 12-4-220 of the Town of Windsor Code, subject to all applicable regulations, requirements and penalties for non-compliance pursuant to the Windsor Town Code and other applicable law.

4. Rate Amounts.

The Rate amounts shall be as specified in the rate schedule attached as Exhibit "A" to this Resolution, which Exhibit is hereby incorporated by reference into this Resolution.

5. Use of Rate Revenue.

The revenues raised by payment of the Rates shall be used to fund up to the estimated reasonable cost of providing the services for which the Rates are charged, and the Rate revenues shall not be used for general revenue purposes.

6. Subsequent Analysis and Revision of the Rates.

The Rates set herein are adopted and implemented by the Town Council acting as the Board of Directors of the Windsor Water District in reliance on the Record identified above. The District may continue to conduct further study and analysis to determine whether the Rates should be revised. When additional information is available, the Town Council, in its capacity as Board of Directors of the Windsor Water District may review the rates to determine that the Rate amounts do not exceed the estimated reasonable cost of providing the services for which the Rates are charged.

7. Effective Date.

This Resolution shall become effective immediately upon adoption.

8. Severability.

The Rates and all portions of this Resolution are severable. Should any of the Rates or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining Rates and/or Resolution portions shall be and continue in full force and effect, except as to those Rates and/or Resolution portions that have been adjudged invalid. The Town Council of the Town of Windsor acting as the Board of Directors of the Windsor Water District hereby declares that it would have adopted each of the Rates and this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more of the Rates or sections, subsections, clauses, sentences, phrases or other portions of this Resolution may be held invalid or unconstitutional.

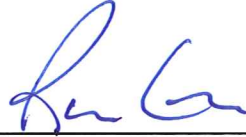
**PASSED, APPROVED AND ADOPTED** this 18th day of September 2013, by the following vote:

**AYES: MEMBERS ALLEN, FUDGE, OKREPKE, SALMON AND  
CHAIR GOBLE**

**NOES: NONE**

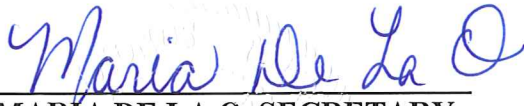
**ABSTAIN: NONE**

**ABSENT: NONE**



**ROBIN GOBLE, CHAIR**

**ATTEST:**



**MARIA DE LA O, SECRETARY**

Attachment: Exhibit "A"

**EXHIBIT "A"**  
**Town of Windsor**  
**Proposed Monthly Water Reclamation Rates**

|   |    | September 2013 |
|---|----|----------------|
| <b><i>Water Reclamation Usage Rates (\$/gallon)</i></b> |    |                |
| Single Family (2)                                       | \$ | 0.01206        |
| Multi-Family / Mobile Homes (2)                         | \$ | 0.01206        |
| Commercial (4)  |    |                |
| Low strength  | \$ | 0.01085        |
| Medium strength   | \$ | 0.01464        |
| High strength   | \$ | 0.02559        |
| Schools   | \$ | 0.01064        |
| <b><i>Monthly Service Charges</i></b>                   |    |                |
| Single Family (per DU) (5)                              | \$ | 6.10           |
| Multi-Family / Mobile Homes (per DU) (5)                | \$ | 4.95           |
| Commercial  |    |                |
| Up to 3/4" meter  | \$ | 6.10           |
| 1" meter  | \$ | 9.57           |
| 1 1/2" meter  | \$ | 18.17          |
| 2" meter  | \$ | 28.53          |
| 3" meter  | \$ | 52.71          |
| 4" meter  | \$ | 87.26          |
| <b><i>Additional Monthly Lift Station Charges</i></b>   |    |                |
| Greens Subdivision                                      | \$ | 14.35          |
| Vintage Greens Subdivision                              | \$ | 12.30          |
| <b><i>Water Reclamation-Only Accounts</i></b>           |    |                |
| Single Family (per DU) (5)                              | \$ | 53.80          |
| Mobile Homes (per DU) (5)                               | \$ | 42.00          |
| Commercial (4)  | \$ | 53.80          |

**Notes:**

- (1) Actual billing occurs bi-monthly.
- (2) Residential usage charges to be determined based on the lower of:
  - (a) actual bi-monthly water usage, or (b) bi-monthly average winter water usage determined from the three lowest use months during the prior period from December through March.
- (3) Water reclamation usage rates for commercial and school accounts apply to actual metered water usage.
- (4) For each equivalent single family dwelling (ESFD), based on 20 fixture units per ESFD.
- (5) DU = dwelling unit.