

RESOLUTION NO. 1856-15 WWD

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WINDSOR WATER DISTRICT APPROVING A WHOLESALE RECYCLED WATER RATE FOR WATER SALES FROM THE WATER RECLAMATION UTILITY

RECITALS

WHEREAS, the Windsor Water District (“District”), provides water and recycled water (hereinafter referred to as “water”) service; and provides water reclamation (also referred to as “wastewater”) service throughout the District, including to certain customers outside the boundaries of the District; and

WHEREAS, the Town Council adopted Resolution No. 3155-14 and the District adopted Resolution No. 1850-14 WWD approving an urban recycled water program policy to provide a wholesale/retail framework whereby the water reclamation utility provided recycled water on a wholesale basis to the District’s water utility for distribution to urban recycled water customers; and

WHEREAS, the Reed Group prepared a report dated June 1, 2015 entitled “Town of Windsor and Windsor Water District Water and Water Reclamation Financial Plans and Rate Update Study” (“Report”) containing analyses and recommendations for adjusting the District’s water and wastewater rates; and

WHEREAS, the Report also contains the establishment and implementation of a wholesale recycled water rate for water sales from the Water Reclamation utility; and

WHEREAS, in accordance with Government Code Section 50076, the wholesale recycled water rate for water sales from the Water Reclamation utility does not exceed the reasonable cost of providing the recycled water for which the water sale is charged and is not levied for general revenue purposes and are not special taxes; and

WHEREAS, the Report demonstrates that the recommended recycled water rate for water sales does not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rate is not levied for general revenue purposes.

NOW, THEREFORE, 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. "Wholesale Rate" shall mean the charge imposed on the Water utility to recover the costs incurred by the Water Reclamation utility in providing recycled water service.

2. Wholesale Recycled Water Rate for Water Sales Imposed.

Rates shall apply to and be paid by the Water utility at the times, and in the amounts, and otherwise apply and be administered as prescribed in this Resolution.

3. Time for Payment of Wholesale Recycled Water Rate.

The Water utility shall pay to the Water Reclamation utility the Rate as established in the Report before the end of each fiscal year.

4. Wholesale Recycled Water Rate Amount.

The Rate amount shall be as recommended in the Report and is a rate equal to 50 percent of the rate charged to the District by the Sonoma County Water Agency for water from the Santa Rosa Aqueduct. For fiscal year 2015-16, the Rate amount is \$456.63 per acre-foot.

5. Use of Rate Revenue.

The revenues raised by payment of the Wholesale Recycled Water Rate 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 Wholesale Recycled Water Rate.

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

PASSED, APPROVED AND ADOPTED this 15th day of July 2015, by the following vote:

**AYES: BOARD MEMBERS FOPPOLI, FUDGE, SALMON,
VICE PRESIDENT MILLAN AND PRESIDENT OKREPKIE**
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE


BRUCE OKREPKIE, PRESIDENT

ATTEST:


MARIA DE LA O, SECRETARY