

ORDINANCE NO. 2023-134

**AN ORDINANCE OF THE RUBIDOUX COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS SETTING CERTAIN MONTHLY USER CHARGES
FOR THE COLLECTION, TREATMENT, AND DISPOSAL OF WASTEWATER**

WHEREAS, the Rubidoux Community Services District owns and operates gravity sewer pipelines and force mains, sewer lift stations and pump stations, and conveys its wastewater to the City of Riverside for treatment; and,

WHEREAS, the Rubidoux Community Services District has wastewater Capacity Rights (Capacity Rights) in the City of Riverside's Regional Wastewater Treatment Plant totaling 3.055 million gallons a day (MGD) of primary, secondary and advance wastewater treatment capacity; and,

WHEREAS, pursuant to the agreement entitled "Agreement for Regional Advanced Wastewater Treatment between the City of Riverside, Jurupa Community Services District, Rubidoux Community Services District and Western Municipal Water District, dated December 1, 1976, and "Agreement for Regional Primary and Secondary Wastewater Treatment Between the City of Riverside, Jurupa Community Services District, Rubidoux Community Services district and Western Municipal Water District", dated May 4, 1978, (the Regional Agreements), stipulate that the parties shall pay for the operation and maintenance costs of wastewater delivered to the regional plant; and,

WHEREAS, the Regional Advisory Committee (RAC) annually reviews and adopts the City of Riverside's Regional Wastewater operation and maintenance costs, and for Fiscal Year 2022|2023 the actual treatment costs are expected to be approximately \$25,106,000.00 and costs are projected to increase for Fiscal Year 2023|2024; and,

WHEREAS, Government Code Section 61,000, et seq., stipulates that Community Services Districts may charge an operating fee reflecting the actual cost of providing certain services, including among other things wastewater treatment, conveyance, and disposal costs; and,

WHEREAS, in May 2019 the Board of Directors adopted a 5-year rate plan allowing for adjustments to the District’s monthly wastewater rates beginning July 1, 2019, with allowable increases every July 1 through 2023; and,

WHEREAS, in 2022 the Rubidoux Community Services District conducted a Comprehensive Cost of Services Study (COSS) to determine if the District’s 2019 rate plan was sufficient to meet current and future operational costs, system improvements, and to adequately fund reserves target levels; and,

WHEREAS, the Board of Directors determined the District’s current rate plan is not adequate to meet the District’s future financial obligations and approved a new 5-year cost-of-service rate plan; and,

WHEREAS, the Board desires to adopt a new 5-year rate plan which eliminates multiple billings components and cash restrictions and instead provides for rate income to pay for projected operating and capital costs based on budgetary needs for the year; and,

WHEREAS, pursuant to Proposition No. 218, the Rubidoux Community Services District Board of Directors at their October 20, 2022, regular meeting authorized a special mailing of a “Notice of Hearing and Right to Protest” sent to all affected property owners and tenants providing an opportunity to protest against adjustments to the District’s monthly wastewater charges; and,

WHEREAS, at their December 15, 2022, regular meeting the Rubidoux Community Services District Board of Directors noticed, called, and conducted a Public Hearing for said charges pursuant to Proposition No. 218; and,

WHEREAS, subsequent to the Public Hearing, a majority protest did not exist, which requires 50% plus 1 protests of affected parcels for the rates to not be considered by the Board and “not take effect”; and,

WHEREAS, on December 15, 2022, the Board considered and adopted the new 5-year rate plan commencing July 1, 2023, with allowable increases every July 1 through 2027; and,

WHEREAS, during preparation of the District’s Fiscal Year 2023|2024 wastewater operating and capital fund budgets, the Board determined rates must be adjusted to the fully noticed year one (1) rates of the new 5-year rate plan; and,

WHEREAS, the Board of Directors directed staff to prepare Ordinance No. 2023-134 and set a Public Hearing for August 3, 2023, on such proposed wastewater charges.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the foregoing recitals are true and correct.
2. The Notice of Public Hearing and Protest Vote were compliant to the Requirements of Proposition No. 218.

3. Residential and non-residential customers including each additional dwelling unit (DU) will be billed a monthly fixed charge of \$29.55 for the collection, treatment, and disposal of their wastewater as identified in Exhibit “A”.
4. Non-residential customers will be billed a monthly variable charge of \$2.38 per unit for water consumption over 7 units as identified in Exhibit “A”.
5. The District will eliminate separate billing components for its wastewater rate including the restriction of cash for the District’s Wastewater Replacement Fund.
6. Ordinance No. 2023-134 shall supersede Ordinance No. 2022-131 in its entirety and the above assessments shall take effect September 3, 2023.

INTRODUCED on the 20th day, July 2023, **ADOPTED AND APPROVED** on the 3rd day, August 2023, upon the following roll call vote:

AYES:

AWAY:

NOES:

ABSENT:

ABSTENTIONS:

Bernard Murphy, President
Rubidoux Community Services District

(SEAL)

ATTEST:

Brian R. Laddusaw, General Manager-Secretary
Rubidoux Community Services District

APPROVED TO FORM AND CONTENT:

John R. Harper, District General Counsel

**RUBIDOUX COMMUNITY SERVICES DISTRICT
WASTEWATER
MONTHLY RATES
EFFECTIVE SEPTEMBER 3, 2023
ORDINANCE NO. 2023-134
EXHIBIT "A"**

Customer Class	Existing (Effective July 2022)	Proposed (Effective September 2023)
<u>Fixed Charges (\$/month)</u>		
Residential	\$29.92	\$29.55
Non-Residential (water meter size)		
5/8"	\$29.92	\$29.55
3/4"	\$35.06	\$29.55
1"	\$58.54	\$29.55
1 1/2"	\$116.74	\$29.55
2"	\$186.86	\$29.55
3"	\$350.59	\$29.55
4"	\$584.43	\$29.55
6"	\$1,168.51	\$29.55
<u>Additional Dwelling Unit (DU) Charge (\$/DU/month)</u>		
All Customers	\$29.92	\$29.55
<u>Variable Rates (\$/HCF*)</u>		
Non-Residential**	\$0.00	\$2.38

* 1 HCF is 100 cubic feet, or 748 gallons of water.

** Variable Rates for Non-Residential customers are charged per HCF of water consumed over 7 HCF.