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ORDINANCE NO. 3097

AN ORDINANCE AMENDING SECTIONS 2, 3, and 5 OF UNCODIFIED TULARE COUNTY ORDINANCE NO. 3016, COMMONLY KNOWN AS THE "WATER FEE ORDINANCE", AND REPEALING UNCODIFIED TULARE COUNTY ORDINANCE NOS. 2712 AND 2782 BUT PROVIDING FOR THE CONTINUATION OF THE WATER SERVICE FEES SET THEREBY IN COUNTY SERVICE AREA NO. 2 UNTIL CHANGED IN ACCORDANCE WITH THE WATER FEE ORDINANCE, PERTAINING TO THE IMPOSITION OF THE FEE SETTING PROCEDURES OF THE WATER FEE ORDINANCE AS TO WATER FEES CHARGED IN THE COUNTY OF TULARE COUNTY SERVICE AREA NO. 2 (COMMONLY KNOWN AS WELLS TRACT).

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. Section 2 of uncodified Tulare County Ordinance No. 3016 is hereby amended to read as follows:

SECTION 2. PURPOSE: The purpose of this Ordinance is to establish the procedures to prescribe, revise, and collect fees, tolls, rates, rentals, or other charges, including but not limited to, permit application fees, connection charges, construction inspection fees, service rate charges, stand-by OR availability fees, vacancy charges, service re-establishment fees, and late or delinquency charges, for water service and water distribution facilities provided by the County of Tulare within, as identified by Section 3 hereof, Zones of Benefit within County of Tulare County Service Area No. 1 and within County of Tulare County Service Area No. 2. Such fees, tolls, rates, rentals or other charges shall also be used to cover the costs incurred or to be incurred for acquisition, construction, reconstruction,

1 maintenance and operation of such water systems and water  
2 distribution facilities, and to repay any federal or state  
3 loans or advances to the County for the construction or  
4 reconstruction of such water system facilities. Such fees,  
5 tolls, rates, rentals or other charges may vary by Zone of  
6 Benefit within County Service Area No. 1 and may vary between  
7 County Service Area No. 1 and County Service Area No. 2 based  
8 upon the extent of benefit to each Zone or Area derived from  
9 services provided to the property and debt incurred in  
10 initial construction and/or subsequent repair or improvement  
11 of the water system facilities provided.

12 Section 2. Section 3 of uncodified Tulare County Ordinance  
13 No. 3016, as previously amended by uncodified Tulare County  
14 Ordinance No. 3064, is hereby amended to read as follows:

15 SECTION 3. APPLICATION: This Ordinance applies to all land  
16 owned by any individual, firm, partnership, joint venture,  
17 association, corporation, estate or trust within the Delft  
18 Colony Zone of Benefit and Yettem Zone of Benefit within  
19 County Service Area No. 1 and within County Service Area No.  
20 2 (commonly known as Wells Tract). In addition, it also  
21 applies to any land owned by the United States and any agency  
22 of the United States, the State of California and any agency  
23 of the State, any city, and any public district or political  
24 subdivision of the State of California within such areas  
25 insofar as it is legally possible to enforce this Ordinance,  
26 or any portion thereof, against such entities.

27 Section 3. The first paragraph of Section 5 of uncodified  
28 Tulare County Ordinance No. 3016, as previously amended by

1 uncodified Tulare County Ordinance No. 3064, is hereby amended to  
2 read as follows:

3 SECTION 5. FEES, TOLLS, RENTALS OR OTHER CHARGES: The Board  
4 may establish, set and change by resolution any and all fees  
5 or charges reasonable and necessary to cover the full costs  
6 of providing water services and water distribution facilities  
7 in the Delft Colony Zone of Benefit and the Yettem Zone of  
8 Benefit within County Service Area No. 1 and within County  
9 Service Area No. 2 (commonly known as Wells Tract). If the  
10 Board desires to adopt reduced (less than proportionate  
11 share) fees or charges for low income residential owners (any  
12 owner in residence on the served property whose income is  
13 below the poverty rate established within the County) and  
14 recover those costs from other owners, the resolution shall  
15 reflect this structure and describe its impacts. All fees or  
16 charges, except that those stand-by or availability fees or  
17 charges which the Board of Supervisors elects to set pursuant  
18 to the procedures set out in the Uniform Standby Charge  
19 Procedures Act, Government Code section 54984 et seq., shall  
20 be established, set or changed according to the following  
21 procedures:

22 All subsections of Section 5 of uncodified Tulare County  
23 Ordinance No. 3016 shall remain unchanged and in full force and  
24 effect.

25 Section 4. Uncodified Tulare County Ordinances Nos. 2712 and  
26 2782 are hereby repealed except that the water standby charge upon  
27 each parcel and the water service charges on each parcel in County  
28 Service Area No. 2 established by such ordinances in the amounts

1 of Eighteen Dollars and Fifty Cents (\$18.50) per month per parcel  
2 as a standby charge and Ten Dollars (\$10.00) per month for each  
3 house on each parcel and Nine Dollars (\$9.00) per month for each  
4 unit on each parcel as service charges where such house or unit is  
5 provided with an actual water hookup during said month shall  
6 remain in full force an effect until changed in accordance with  
7 the Water Fee Ordinance.

8 Section 5. DECLARATION OF URGENCY: Combining the billing  
9 function for the water system in County Service Area No. 2 with  
10 the billing function of the water systems in County Service Area  
11 No. 1 and bringing the budgets for each into uniformity will allow  
12 the County to increase reliability and reduce its net costs for  
13 the provision of water services to the County Service Area No. 2.  
14 It is in the best interests and welfare of the people of Tulare  
15 County residing in County Service Area No. 2 that this ordinance  
16 become effective immediately so the benefits of the improvement of  
17 operation of this system may be passed along to the users of the  
18 system as soon as possible.

19 Section 6. The foregoing ordinance shall take effect  
20 immediately upon passage hereof, and prior to the expiration of  
21 fifteen (15) days from the passage hereof shall be published once  
22 in the Visalia Times Delta, a newspaper printed and  
23 published in the County of Tulare, State of California, together  
24 with the names of the Board of Supervisors voting for and against  
25 the same.

26 THE FOREGOING ORDINANCE was passed and adopted by the Board  
27 of Supervisors of the County of Tulare, State of California, on  
28 the 22nd day of November, 1994, at a regular meeting of

1 said Board duly and regularly convened on said day by the  
2 following vote:

3 AYES: William Sanders, District One

4 Melton Richmond, District Two

5 Bill Maze, District Three

6 Charles Harness, District Four

7 James E. Maples, District Five

8 NOES: None

9 ABSENT: None

10 James E. Maples  
11 Chairman, Board of Supervisors

12 ATTEST: THOMAS F. CAMPANELLA  
13 County Administrative Officer,  
14 Clerk of the Board of Supervisors  
15 of the County of Tulare

16 By *Janice McFarlan*  
17 Deputy



18 UT\WATER\94-125\JJR2.ORD  
19 November 8, 1994