

**OLIVEHURST PUBLIC UTILITY DISTRICT**

**RESOLUTION NO. 2303**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF OLIVEHURST PUBLIC UTILITY DISTRICT  
AUTHORIZING CHANGES IN WASTEWATER  
SYSTEM CAPACITY FEES**

**WHEREAS**, Olivehurst Public Utility District (“OPUD”) is a public utility district formed and existing under the provisions of Division 7 of the Public Utilities Code of the State of California; and

**WHEREAS**, The Board of Directors of OPUD has under consideration a change in the District’s schedule of capacity fees for treated wastewater service from the District applicable to the District; and

**WHEREAS**, the Board of Directors of Olivehurst Public Utility District (“District”) did on March 18, 2004, adopt Resolution No. 2067, which established a Treatment Plant capacity charge for the District’s Wastewater Treatment Plant (WWTP), including funds to provide for the necessary expansion and improvement thereof; and

**WHEREAS**, the Board of Directors of Olivehurst Public Utility District (“District”) did on March 02, 2006 adopt Resolution No. 2112, which streamlined the process of approving and documenting annual construction cost adjustments to the wastewater treatment capacity fee, and stipulated the annual adjustment to be attached to Resolution 2067 as Exhibit A; and

**WHEREAS**, the Board has further reviewed the timing, phasing, funding and sequence of necessary expansion of its wastewater plant and finds that an adjustment in capacity fees and charges to the amounts specified in Exhibit “A” hereof is necessary in order to reflect updated cost estimates for future improvements and remove completed projects from the future improvements list and therefore said changes are exempt from the California Environmental Quality Act (CEQA); and

**WHEREAS**, a Wastewater Treatment Plant Capacity Fee Nexus Study (“Nexus Study”) was made public on or before June 9, 2016; and has been made available for public review for a period of at least ten (10) days; and

**WHEREAS**, a public workshop was held on June 9, 2016 from 10:00 a.m. to 12:00 p.m. at 1970 9<sup>th</sup> Avenue, Olivehurst, CA, 95961 at which various members of the public were provided with an overview of the proposed revisions to the wastewater treatment capacity fee structure, and were provided an opportunity to comment on the proposed revisions; and

**WHEREAS**, District staff has received no objections or other feedback to the proposed revisions to the wastewater treatment capacity fee structure; and

**WHEREAS**, the Board has performed a review of its wastewater treatment capacity fee program, and the Board of Directors has, at a public meeting duly noticed, taken public comment upon and considered said Capacity Rate Study, and the budget data and information prepared by OPUD Staff and its Consultants, Economic and Planning Systems and CH2MHill in support of proposed capacity fees; and

**WHEREAS**, the Board now wishes to reduce the wastewater treatment capacity fees in accordance with the Nexus Study, which demonstrates the existence of a rational nexus between the capacity fee assessed and the revised wastewater treatment capacity fee structure, and further finds that the associated capacity fee is necessary and in the public interest in order to reliably serve its customers and charge for the capital costs thereof.

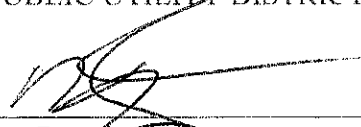
**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors does hereby accept and approve the proposed schedule of rates and charges attached hereto as Exhibit "A", to be effective on July 21, 2016.

**BE IT FURTHER RESOLVED** that this change in wastewater capacity fees is exempt from CEQA in accordance with the provisions of Section 21080(b)(8) of the Public Resources Code of the State of California, said change being necessary to recover the costs of past and future costs of construction of the capacity necessary to serve its customers.

**BE IT FURTHER RESOLVED** that Resolution No. 2303 shall supersede Resolution No. 2067 for the purposes of authorizing and documenting annual construction cost adjustment described in Resolution No. 2112.


PASSED AND ADOPTED THIS 21<sup>th</sup> DAY OF JULY 2016.

OLIVEHURST PUBLIC UTILITY DISTRICT



\_\_\_\_\_  
President, Board of Directors  
Olivehurst Public Utility District

ATTEST:

  
\_\_\_\_\_  
District Clerk & ex-officio Secretary

APPROVE AS TO FORM AND LEGAL  
SUFFICIENCY

  
\_\_\_\_\_  
Legal Counsel

\* \* \* \* \*

I hereby certify that the foregoing is a full, true, and correct copy of an Ordinance duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 21<sup>th</sup> day of July 2016, by the following vote:

AYES, AND IN FAVOR THEREOF:		DIRECTOR CARPENTER, BRADFORD, BURBANK, WHITE, AND FLOE.
NOES	:	NONE.
ABSTAIN	:	NONE.
ABSENT	:	NONE.


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 District Clerk and ex-officio Secretary

**Exhibit A**  
**Proposed Wastewater Treatment Plant Capacity Fees Summary**

Item	Base Fee	Administration	Total Fee
<i>Administration Percentage</i>		3%	
<b>Fee per EDU [1]</b>	\$ 4,838	\$ 145	<b>\$ 4,983</b>
<b>Fee per Single-Family Unit</b>	\$ 4,838	\$ 145	<b>\$ 4,983</b>
<b>Fee per Multifamily Unit</b>	\$ 3,227	\$ 97	<b>\$ 3,324</b>

Source: OPUD, CH2M Hill and EPS

[1] Nonresidential fees are established on a project by project basis by assessing the most critical of three factors to determine the number of EDUS. Total fee = EDUs \* Fee per EDU. The definition of an EDU in terms of each factor is shown below:

<b>One EDU</b>	
Flow:	260 gallons per day
Biochemical Oxygen Demand (BOD):	0.67 pounds per day
Total Suspended Solids (TSS):	0.50 pounds per day

[2] Inflation Factor – The foregoing base rate shall be subject to an annual inflation factor based on the Construction Cost Index for new wastewater treatment capacity published in the Engineering News Record (EN&R).

[3] The effective date of the above described wastewater treatment capacity fees is July 21, 2016.