ORDINANCE NO. 23-04

ORDINANCE OF THE RAINBOW MUNICIPAL WATER DISTRICT REVISING APPENDIX A OF THE RULES AND REGULATIONS REGARDING WATER AND WASTEWATER SERVICE CHARGES

WHEREAS, the Rainbow Municipal Water District ("RMWD" or the "District") Board of Directors is committed to providing reliable, high-quality water services at the most efficient costs for our ratepayers; and

WHEREAS, to meet this commitment, the District undertook an evaluation of the infrastructure needs, programs, and operations and maintenance costs of its water and wastewater services; and

WHEREAS, on or around December 2022, the District retained IB Consulting ("IB"), an industry-leading third party rate and fee public finance consultant, to perform a full financial plan, cost of service study, and assist the district in updating rates that support and optimize a blend of various utility objectives, such as affordability for essential needs, revenue sufficiency and stability, drought conditions, and ease of implementation, as well as ensure compliance with California Constitution Article XIII D, section 6 ("Proposition 218"); and

WHEREAS, between December 2022 and June 2023, the District held a series of meetings with staff and the District Budget and Finance Committee to discuss the IB study and details regarding the proposed water and wastewater increases, which meetings were publicly noticed and open to the public; and

WHEREAS, the District Board of Directors reviewed and heard presentations on the proposed rate changes at a regular board meeting on April 25, 2023 and were presented with IB's updated Financial Plan, which remains available to the public on RMWD's website; and

WHEREAS, the Board of Directors is provided authority to establish rates and charges by California Water Code §71616 and §71670; and

WHEREAS, Proposition 218 requires that prior to imposing any increase to the water or wastewater service rates, the District shall provide written notice (the "Notice") by mail of: (1) the proposed increases to such rates and charges to the record owner of each parcel upon which the rates and charges are proposed for imposition and any tenant directly liable for payment of the rates and charges; (2) the amount of the rates and charges proposed to be imposed on each parcel; (3) the basis upon which the rates and charges were calculated; (4) the reason for the rates and charges; and (5) the date, time, and location of a public hearing (the "Public Hearing") on the proposed rates and charges; and

WHEREAS, pursuant to Proposition 218, such Notice is required to be provided to the affected property owners and any tenant directly liable for the payment of the rates and charges not less than forty-five days prior to the Public Hearing on the proposed rates and charges; and

WHEREAS, the District did provide such timely Notice of the Public Hearing to the affected property owners and tenants of the proposed water and wastewater service rate increases in compliance with Proposition 218 on or before May 13, 2023, and the District's Notice set forth a procedure by which property owners and tenants may submit written protests to the proposed water and wastewater service fee increase; and

WHEREAS, the Public Hearing was held at the duly noticed public meeting on June 27, 2023; and

WHEREAS, at the Public Hearing the District Board of Directors heard and considered all oral testimony, written materials, and written protests concerning the establishment and imposition of the proposed rate increases for water services, and at the close of the Public Hearing the District did not receive written protests against the establishment and imposition of the proposed rate increases for water services from a majority of the affected property owners and tenants directly liable for the payment of the water service rates; and

WHEREAS, the water rates will be adjusted effective with all bills issued for service that occurs on or after July 1, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Rainbow Municipal Water District as follows:

SECTION 1: The District Board of Directors finds and determines that the foregoing Recitals are true and correct and incorporates the Recitals herein.

SECTION 2: The District Board of Directors hereby finds that the administration, operation, maintenance, and improvements of the water and wastewater system, which are to be funded by the water and wastewater service rates set forth herein, are necessary to maintain service within the District's existing service area. The District Board of Directors further finds that such water service rates are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the water system. More specifically, the changes in rates and charges established by this Ordinance are for the purposes of (a) meeting operating expenses, including employee wages and benefits, (b) purchasing and leasing of supplies, equipment and materials, (c) meeting financial reserve needs and requirements as set forth in the District Budget, and (d) passing through wholesale water rates charged by the San Diego County Water Authority and the Metropolitan Water District of Southern California. Based on these findings, the District Board of Directors hereby determines that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA).

SECTION 3: Based on IB's recommendations and findings, together with all prior public meetings, staff reports, recommendations and presentations, as well as all oral testimony, written materials, and written protests concerning the establishment and imposition of the proposed rate increases for water services presented to the Board of Directors before the close of the duly noticed Public Hearing, the District Board of Directors hereby finds and determines that the proposed rates for water and wastewater service comply substantively with Proposition 218 for the following reasons:

- a) The revenues derived from the service rates do not exceed the funds required to provide services;
- b) The revenues derived from the service rates will not be used for any purpose other than that for which the fee is being imposed;
- c) The service rates do not exceed the proportional cost of the services attributable to each parcel upon which they are imposed;
- d) The service rates will not be imposed on a parcel unless the services are actually used by, or immediately available to, the owner of the parcel; and

e) The service rates will not be imposed for general governmental services, such as police, fire, ambulance, or libraries, where service is available to the public in substantially the same manner as it is to property owners and tenants.

SECTION 4: Effective July 1, 2023, the District Board of Directors hereby adopts and implements the rates for the District's water services as set forth in the "Revised Appendix A" attached hereto as **Exhibit 1**, entitled "Water and Sewer Rates and Charges – Effective July 1, 2023". Exhibit 1 hereby replaces in its entirety former Appendix A to the District Rules and Regulations. The rates and charges set forth in Exhibit 1 shall be applicable to all water use and other charges billed on or after July 1, 2023.

SECTION 5: Through this Ordinance, and as set forth in Exhibit 1, the District's Rules and Regulations are hereby being amended to include the following provisions:

PROSPECTIVE ANNUAL RATE INCREASES VIA PASS THROUGH CHARGES FOR WATER AND WASTEWATER

To avoid operational deficits, depletion of reserves, an inability to address infrastructure and water quality improvements, and to continue to provide a safe, reliable water supply, the District will pass through to its customers: (1) any increases in the rates of the SDCWA Fixed Charges imposed on the District by SDCWA (an "SDCWA Fixed Pass Through"); (2) any future charges and any rate increases to any other existing charges, including imported water charges, that are imposed on the District by SDCWA (a "SDCWA Pass Through"); and The foregoing are collectively referred to in this notice as "Pass Through Increases."

Any SDCWA Fixed Pass Through will only impact the rates of the SDCWA Fixed Charges. The District may annually implement the Pass Through Increases provided, however, that (1) any increase to the rates described above as a result of any SDCWA Pass Through, and (2) in no event shall such rates be increased by more than the cost of providing service.

SECTION 6: The District Board of Directors hereby authorizes and directs the District General Manager to (a) implement and take all actions necessary to effectuate the rates for services as set forth herein and in Exhibit 1; as of July 1, 2023, to include the Pass Through Increases set forth herein and in Exhibit 1; and (c) file a Notice of Exemption with the County Clerk for San Diego County within five (5) working days of the date of the adoption of this Ordinance.

SECTION 7: If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The District Board of Directors hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 8: This Ordinance shall supersede all other previous District Board of Directors resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

SECTION 9: This Ordinance amends Ordinance 21-03 dated September 1, 2021 as of July 1, 2023; the rates prescribed by Ordinance 21-03 shall remain in effect through June 30, 2023.

PASSED AND ADOPTED at a meeting of the Board of Directors of Rainbow Municipal Water District held on the 27th day of June 2023 by the following roll call vote:

AYES:

Directors Gasca, Hamilton, Johnson, Mack, and Townsend-Smith

NOES:

None None

ABSTAIN: ABSENT:

None

Havden Hamilton, Board President

ATTEST

Dawn Washburn, Board Secretary

RAINBOW MUNICIPAL WATER DISTRICT

Appendix A

Water and Sewer Rates and Charges

EFFECTIVE July 1, 2023 Adopted by Ordinance No. 23-04

WATER VARIABLE RATES

A. BASIC WATER VARIABLE RATE

Basic rate for all water delivered through the water meter

1 Unit = 748 Gallons = 100 cubic feet (cf)

Permanent Special Agricultural Water Rates (PSAWR)

Single Family Residential (SFR), Multifamily Residential (MFR), Commercial (COM), Institutional (INST)

Customer Class	FY 2024 (\$/Unit)	FY 2025 (\$/Unit)	FY 2026 (\$/Unit)	FY 2027 (\$/Unit)	FY 2028 (\$/Unit)
SFR, MFR, COM, INST	\$5.53	\$6.03	\$6.58	\$7.18	\$7.83
Agriculture	\$4.53	\$4.94	\$5.39	\$5.88	\$6.41
PSAWR Domestic					
Tier 1 (1-22 Units)	\$4.53	\$4.94	\$5.39	\$5.88	\$6.41
Tier 2 (22+Units)	\$4.00	\$4.36	\$4.76	\$5.19	\$5.66
PSAWR Commercial	\$4.00	\$4.36	\$4.76	\$5.19	\$5.66

B. WATER PUMPING ZONE CHARGES

Pumping Zone	FY 2024 (\$/HCF)	FY 2025 (\$/HCF)	FY 2026 (\$/HCF)	FY 2027 (\$/HCF)	FY 2028 (\$/HCF)
Pump Zone 1 Rainbow Heights	\$2.60	\$2.84	\$3.10	\$3.38	\$3.69
Pump Zone 2 Imp District U-1	\$1.39	\$1.52	\$1.66	\$1.81	\$1.98
Pump Zone 3 Vallecitos	\$0.26	\$0.29	\$0.32	\$0.35	\$0.39
Pump Zone 4 Northside	\$0.13	\$0.15	\$0.17	\$0.19	\$0.21
Pump Zone 5 Morro Tank	\$0.35	\$0.39	\$0.43	\$0.47	\$0.52
Pump Zone 6 Huntley	\$1.40	\$1.53	\$1.67	\$1.83	\$2.00
Pump Zone 7 Magee Tank	\$0.71	\$0.78	\$0.86	\$0.94	\$1.03
Monthly Fixed Charge for all Pumping Zones	\$8.39	\$9.15	\$9.98	\$10.88	\$11.86

Future year rate increase for RMWD effective July 1, 2024, 2025, 2026, & 2027 will be a maximum revenue adjustment of 9% per year in addition to any pass through increases.

C. WATER ALLOCATION PENALTY RATES

The Water Allocation Penalty charges shall apply only to PSAWR customers in the event that the San Diego County Water Authority (SDCWA) establishes mandatory PSAWR allocation cutbacks. During a PSAWR allocation, SDCWA will establish an allocation reduction percentage. Each PSAWR customer will be issued a baseline allocation that is calculated from a base year defined by SDCWA and this allocation will be reduced by the SDCWA defined reduction percentage.

WATER FIXED ACCOUNT CHARGES

A. METER SERVICES CHARGES

Single Family Residential (SFR), Multifamily Residential (MFR), Commercial (COM), Institutional (INST)

Monthly Fixed Charges

SFR, MFR, COM, INST

Capacity Class	Meter Size	FY 2024 (\$/Month)	FY 2025 (\$/Month)	FY 2026 (\$/Month)	FY 2027 (\$/Month)	FY 2028 (\$/Month)
A	5/8"	\$89.59	\$97.66	\$106.45	\$116.04	\$126.49
В	3/4"	\$89.59	\$97.66	\$106.45	\$116.04	\$126.49
С	1"	\$145.42	\$158.52	\$172.79	\$188.35	\$205.31
D	1 1/2"	\$285.01	\$310.66	\$338.62	\$369.10	\$402.32
E	2"	\$452.51	\$493.24	\$537.64	\$586.03	\$638.78
F	3"	\$982.92	\$1,071.39	\$1,167.82	\$1,272.93	\$1,387.50
G	4"	\$1,764.59	\$1,923.41	\$2,096.52	\$2,285.21	\$2,490.88
Н	6"	\$3,635.01	\$3,962.16	\$4,318.76	\$4,707.45	\$5,131.13

Agriculture w/ Residence, Agriculture

Capacity Class	Meter Size	FY 2024 (\$/Month)	FY 2025 (\$/Month)	FY 2026 (\$/Month)	FY 2027 (\$/Month)	FY 2028 (\$/Month)
Α	5/8"	\$142.17	\$154.97	\$168.92	\$184.13	\$200.71
В	3/4"	\$142.17	\$154.97	\$168.92	\$184.13	\$200.71
С	1"	\$233.06	\$254.04	\$276.91	\$301.84	\$329.01
D	1 1/2"	\$460.27	\$501.70	\$546.86	\$596.08	\$649.73
E	2"	\$732.93	\$798.90	\$870.81	\$949.19	\$1,034.62
F	3"	\$1,596.36	\$1,740.03	\$1,896.64	\$2,067.34	\$2,253.41
G	4"	\$2,868.77	\$3,126.96	\$3,408.39	\$3,715.15	\$4,049.52
Н	6"	\$5,913.47	\$6,445.69	\$7,025.81	\$7,658.14	\$8,347.38

PSAWR Domestic, PSAWR Commercial

Capacity Class	Meter Size	FY 2024 (\$/Month)	FY 2025 (\$/Month)	FY 2026 (\$/Month)	FY 2027 (\$/Month)	FY 2028 (\$/Month)
А	5/8"	\$127.47	\$138.95	\$151.46	\$165.10	\$179.96
В	3/4"	\$127.47	\$138.95	\$151.46	\$165.10	\$179.96
С	1"	\$208.56	\$227.33	\$247.79	\$270.10	\$294.41
D	1 1/2"	\$411.27	\$448.29	\$488.64	\$532.62	\$580.56
E	2"	\$654.53	\$713.45	\$777.67	\$847.67	\$923.97
F	3"	\$1,424.86	\$1,553.10	\$1,692.88	\$1,845.24	\$2,011.32
G	4"	\$2,560.07	\$2,790.48	\$3,041.63	\$3,315.38	\$3,613.77
Н	6"	\$5,276.47	\$5,751.36	\$6,268.99	\$6,833.20	\$7,448.19

Future year rate increase for RMWD effective July 1, 2024, 2025, 2026, & 2027 will be a maximum revenue adjustment of 9% per year in addition to any pass through increases.

B. OTHER FIXED ACCOUNT CHARGES

(Additional charges added to the basic meter service charge to reflect other special service conditions.)

Backflow Test Fee

Backflow preventers are required by State Law for properties that meet certain criteria, such as having agricultural uses, onsite wells, or other water supplies, or pumping systems downstream of the meter. Its sole job is to prevent drinking water from being contaminated due to backflow.

State Law requires all backflow devices must be tested annually to ensure they are functioning properly. The district provides this service to our customers in a cost-effective manner.

Backflow device annual testing is charged as a monthly fee:

Meter Size	Monthly Charge	Monthly Charge			
5/8 "	\$ 4.81				
3/4 "	\$ 4.81				
1"	\$ 4.81				
1 1/2"	\$ 4.81				
2"	\$ 4.81				
3"	\$ 8.14				
4"	\$ 8.14				
6"	\$ 8.14				

Service Conditions	Monthly Charge
Bypass Meter (for detector check systems) or Fire Service Only Meters	\$10.00
Fire Standby Charge (Vista Valley Area) (Applicable to properties under the jurisdiction of the Vista Fire Department. See Resolution No. 85-24)	\$5.00
Fire Standby Charge (All Other Areas)	\$5.00

MISCELLANEOUS CHARGES

A. CONSTRUCTION METERS

Deposit	\$1,825.00
Installation Fee	\$115.00
Relocation Fee	\$50.00
Meter Service Fee (3" O & M)	\$438.55
Water Commodity Charge	\$5.53/100 cf

B. OTHER CHARGES

Unpaid Bills (delinquency)	5% of unpaid balance-1st month 1.5% of unpaid balance per month thereafter.
Returned Check Charge	\$30.00
Tax Roll Fee (Accounts collected through SD County Assessor's Office)	\$45.00
48-hour Lock Off Notice	\$40.00
Service Turn-on Fee	\$50.00
After hours Turn-on-Fee	\$75.00
Cut Padlock Fee	\$22.00
Meter Testing Charge	\$50.00 (1" or smaller)
(testing for 3" and greater is outsourced)	\$71.00 (1 1/2" or 2")
	\$225.00 (3" or 4")
	\$225.00 (6")

WATER CAPACITY CHARGES

The SDCWA new meter fee is collected by RMWD forwarded quarterly to the SDCWA. Capacity fees list are for **residential only**, all other land use types will be calculated case by case based on the number of EDUs (equivalent dwelling unit).

	Water Capacity Fees													
	Meter					RMWD	S	DCWA	SE	CWA	Ins	spection		
Class	Size	Max CF/month	N	1aterial		Capacity	С	apacity	Tre	atment		Deposit		Total
Α	5/8"	30	\$	228	\$	6,241	\$	5,328	\$	149	\$	1,100	\$	13,046
В	3/4"	50	\$	267	\$	10,401	\$	5,328	\$	149	\$	1,100	\$	17,245
С	1"	80	\$	355	\$	16,642	\$	8,525	\$	238	\$	1,100	\$	26,860
D	1 1/2"	130	\$	693	\$	27,043	\$	15,984	\$	447	\$	1,100	\$	45,267
Ε	2"	300	\$	693	\$	62,406	\$	27,706	\$	775	\$	1,100	\$	92,680
F	3"	600	\$	1,826	\$	124,812	\$	51,149	\$:	1,430	\$	1,100	\$	180,317
G	4"	1,000	\$	2,288	\$	208,020	\$	87,379	\$:	2,443	\$	1,100	\$	301,230

- For capacity class A, lot sizes must be less than 5,000 sqft. (0.11 acres) with irrigation area less than 1,000 sqft.
- Lot size less than 21,780 sqft (0.5 acres) may qualify for a 3/4 inch meter.
- To qualify for a downsize, usage must be within the Max CF/month for the desired meter size for the most current 12-month average.
- For cases where demand qualifies for a smaller capacity meter but requires a larger meter to meet fire flow requirements only, a meter one size larger may be installed, and a monthly fire standby charge will be assessed. Written confirmation from the fire department is required.
- Downsizing from a 1 inch to a 3/4 inch requires written approval by the fire department if the structure is required to have fire sprinklers.

WASTEWATER CHARGES

Square Footage

≤1,250

Α. MONTHLY SERVICE CHARGE PER EQUIVALENT DWELLING UNIT (EDU)

	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Customer Class	(\$/EDU)	(\$/EDU)	(\$/EDU)	(\$/EDU)	(\$/EDU)
All Customer Classes	\$66.57	\$75.23	\$85.01	\$96.07	\$108.56

Future year rate increase for RMWD effective July 1, 2024, 2025, 2026, & 2027 will be a maximum revenue adjustment of 13% per year in addition to any pass through increases.

B. **EDU description and basis for Wastewater Capacity Charges**

Single Family Residential, Apartment, Condominium, Duplex or Mobile home, Each Unit

0.8 EDU

1,250 1,251 to 2,000 2,001 to 3,000 3,001 to 4,500 4,501 to 6,000 >6,000	1.0 EDU 1.2 EDU 1.5 EDU 2.0 EDU Case by Case
Motel or Hotel Each Living Unit with Kitchen Each Living Unit without Kitchen Commercial Business - Retail shop or Offices	0.8 EDU 0.4 EDU 1.2 EDU 0.8 EDU 2.0 EDU 0.8 EDU 1.0 EDU
Church, Fraternal Lodge or similar Auditorium Each unit of seating capacity for 200 persons	1.0 EDU
Bakery Theater - 200 seating capacity Hospital - per bed Convalescent Hospital - Boarding Home - per bed Labor Camp, Per Bed Mortuary Car Wash Grocery Store Self Service Laundry - each washing machine Swimming Pool - with restrooms Spas - with restrooms Country Clubs with common restroom facilities Each additional shower unit, wash closet and/or fixture	1.0 EDU 1.4 EDU 0.4 EDU 0.1 EDU 1.2 EDU 1.2 EDU 1.2 EDU 1.2 EDU 1.2 EDU 1.2 EDU 1.2 EDU 1.2 EDU 1.2 EDU
Restaurant – Base (Using non-disposable tableware Per each seven (7) seats or part thereof	2.7 EDU 1.2 EDU
Restaurants—Base (Using disposable tableware) Per each twenty-one (21) seats or part thereof	1.2 EDU 1.2 EDU
5	

Schools (Public or Private)

Elementary Per each 60 students 1.2 EDU
 Junior High School Per each 40 students 1.2 EDU
 High School Per each 30 students 1.2 EDU
 Theatre – 200 Seating Capacity 1.4 EDU

C. WASTEWATER CAPACITY CHARGES

	Land Use	Living Area	Inspection								
EDU	Factor	(SqFt)	Expansion		Upgrade		Treatment		Deposit	Total	
0.8 I	House	≤1,250	\$	8,912	\$	1,677	\$	712	\$ 1,100	\$	12,401
1	House	1,251 to 2,000	\$	11,140	\$	2,096	\$	890	\$ 1,100	\$	15,226
1.2	House	2,001 to 3,000	\$	13,368	\$	2,515	\$	1,068	\$ 1,100	\$	18,051
1.5 I	House	3,001 to 4,500	\$	16,710	\$	3,144	\$	1,335	\$ 1,100	\$	22,289
2 I	House	4,501 to 6,000	\$	22,280	\$	4,192	\$	1,780	\$ 1,100	\$	29,352
ı	House	≥6,001	Cas	se by Cas	se						

PROSPECTIVE ANNUAL RATE INCREASES VIA PASS THROUGH CHARGES

To avoid operational deficits, depletion of reserves, an inability to address infrastructure and water quality improvements, and to continue to provide a safe, reliable water supply, the District will pass through to its customers: (1) any increases in the rates of the SDCWA Charges imposed on the District by SDCWA ("SDCWA Pass Through"); (2) any future charges and any rate increases to any other existing charges, including imported water charges, that are imposed on the District by SDCWA (a "SDCWA Pass Through"); (3) any incremental increases in the cost of energy; (4) increases in the cost of wastewater treatment by the City of Oceanside: The foregoing are collectively referred to in this ordinance as "Pass Through Increases."

The District may annually implement the Pass Through Increases commencing January 1, 2024, 2025, 2026, 2027, & 2028.