

ORDINANCE NO. 12

AN ORDINANCE AMENDING ORDINANCE NO. 4 ENTITLED
"AN ORDINANCE ESTABLISHING RATES, RULES AND
REGULATIONS FOR WATER SERVICE BY THE SUNNYSLOPE
COUNTY WATER DISTRICT"

BE IT ORDAINED by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, as follows:

Section 1. Article 6 of Ordinance No. 4, entitled "An Ordinance Establishing Rates, Rules and Regulations for Water Service by the Sunnyslope County Water District", passed and adopted September 8, 1955, is hereby amended by adding Section 108 thereto, to read as follows:

"108. Main Extension by Applicant. Should the Board determine that the cost of the main extension should be paid in whole or in part by the applicant, the Board may, in lieu of requiring the applicant to deposit the cost of the main extension with the District, enter into an agreement with the applicant whereby the applicant undertakes to provide for the installation of the facilities comprising the public main extension in accordance with the plans and specifications approved by the Board and subject to inspection by the District. In such event the Board may require the applicant to post a surety bond, cash or other improvement security with the District to guarantee the satisfactory completion of the main extension in accordance with the plans and specifications approved by the Board."

Section 2. Article 7 of Ordinance No. 4, entitled "An Ordinance Establishing Rates, Rules and Regulations for Water Service by the Sunnyslope County Water District", passed and adopted September 8, 1955, is hereby amended by adding Section 128 thereto, to read as follows:

"128. Subdivision Main Extension by Applicant. In lieu of the provisions of this article relating to the deposit of

construction cost of the main extension with the District, the Board may, upon written request of the applicant, authorize a subdivision main extension agreement between the applicant and the District. The main extension agreement, in such event, shall provide for the construction of the water facilities in accordance with plans and specifications provided by the applicant and approved by the Board, and subject to inspection by the District. The agreement shall also provide for the payment by the subdivider of all costs and expenses of the District relating to the installation of the subdivision water system including, but not limited to, the District's costs of engineering, inspection, legal and administrative expenses, and may provide for the deposit by applicant of cash or surety bonds, or other improvement security satisfactory to the District, to guarantee the faithful performance of the agreement for the water main extension. Said cash deposits, surety bonds or other improvement security shall be in the sum or sums of the estimated costs of the engineering, inspection, legal and administrative expenses of the District, and the estimated cost of the installation of the water main extension, and said bond or improvement security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the water system to be installed pursuant to the agreement for a period of one (1) year following completion and acceptance of the work by the District."

Section 3. This ordinance shall take effect immediately upon its passage.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ATTEST:


Secretary

(SEAL)

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President of the Board of Directors
of Sunnyslope County Water District

PASSED and ADOPTED at a regular meeting of the Board of Directors of the Sunnyslope County Water District, San Benito County, California, duly held on the 14th day of November, 1968, by the following vote:

AYES, and in favor thereof, Directors: Churchill, Greer, Loofbourrow, Porteur, Renz

NOES, Directors: None.

ABSENT, Directors: None


Secretary pro tem

October 22, 1968

Sunnyslope County Water District,
1320 Hillcrest Road,
Hollister, California 95023

Attn: Mr. H. W. Bengard, Secretary.

Re: Ordinance No. 12.

Dear Herb:

We note that the minutes of the meeting of September 12, 1968, refer to the proposed ordinance amending Ordinance No. 4 as being Ordinance No. 11. We have in our file, however, a certified copy of Ordinance No. 11 which was adopted February 8, 1968. This is the ordinance which modified the District's rate schedule to provide differential rates for the Original District and Improvement District No. 1.

The enclosed form of the suggested amendment to Ordinance No. 4 takes into consideration the fact that there are two different types of main extension which may be involved. One is the type of main extension which may be required of an individual to serve his own property. This is the type of main extension covered in Article 6. The other type of main extension is one which would be involved in providing water service to a new subdivision in order that the lots within the subdivision have water service in accordance with the requirements of a subdivision agreement between the developer and either the city or the county, depending upon whether the subdivision is in incorporated or unincorporated area.

Where the main extension is involved in the subdivision of property the Subdivision Map Act requires the subdivider to post a bond with the legislative body approving the final subdivision map to guarantee the installation of the public improvements required by the agency approving the map. Where the facilities

Sunnyslope County Water District,
Attn: Mr. H. W. Bengard.

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will become the property of another public agency, the public agency which will be responsible for subsequent maintenance and operation of the improvements generally requires that a main extension agreement be entered into and that cash deposits be made to pay the agency's out-of-pocket expenses for engineering, inspection, legal services and administrative expenses, and also requires the posting of a bond or other improvement security with the agency in order to guarantee the completion of the improvements and the replacement of defective materials and workmanship for a period of one year following acceptance of the work by the agency.

Since there are differences in the two types of main extension we have added somewhat different provisions to the two articles involved. The language added to Article 7, which relates to subdivision improvements, is more stringent than that which relates to individual main extensions.

We are sending a copy of the proposed form of ordinance to the office of the District Engineer in order that they make any comments they deem desirable or necessary on the proposed modification of the ordinance. We are also providing, herewith, five copies of the form of ordinance with copies of this letter to be distributed to the members of the Board in order that they review the form of ordinance before the next meeting. If you or any of the members of the Board have any questions as to the language contained in the proposed amendment to the ordinance please let us know.

Very truly yours,

for WILSON, JONES, MORTON & LYNCH

JTM:sh

cc: W. J. Hanna & Son.