

PROTEST OF VACANT LOT/SEWER AVAILABILITY FEE INCREASES

This protest letter is our response to the Vacant Lot Sewer Availability Fee increase as called out in the PVCSD GM's 02/28/25 customer letter RE: Vacant Lot Service Fee Correction.

RESPONSE

Proposition 218, also known as the "Right to Vote on Taxes Act," was passed in 1996 and added Article XIIC to the California Constitution.

Note: A local ordinance cannot override Proposition 218.

Per Proposition 218's Substantive Requirements for Assessments, there are 4 Basic Requirements of Proposition 218 for an Assessment. One requirement is as follows:

Reasonable cost. The assessment must be apportioned so that the amount assessed to a parcel does not exceed the reasonable cost of the proportional special benefit conferred on that parcel and does not include any costs attributable to general benefits. (Ibid.) Proposition 218 imposes these substantive requirements on assessments:

We contend that the PVCSD is violating prop 218 by trying to impose an Unreasonable 345% increase in the Vacant Lot/Sewer Availability Charge.

We also contend that charge for vacant lot sewer availability equal to 50% of a home's connection fee is totally unreasonable, since there is NO usage of this service and thus NO additional burden on the system.

Per Ordinance 50 dated 06/19/08 and revised 05/28/19:

Article II DEFINITIONS, Section 22 states a "Service Connection" shall mean the connection connecting the Building Sewer with the Service lateral", as defined below.

Article II DEFINITIONS, Section 23 states a "Service Lateral" shall mean the sewer pipeline from a Building Sewer to a Connection Line.

Per Ordinance 50 dated 06/19/08 and revised 05/28/19.

Article VII ESTABLISHMENT OF SEWER SERVICE CHARGES, Section 1 sets a monthly charge of \$12.00 "to cover that property owner's proportionate share of the cost of providing, operating and maintaining the Sewer System which may be available to said premises at the time the property owner applies for Sewer Service."

It should be noted that Ordinance 50 does NOT contain a definition or classification of Vacant Lots in the published EDU table, therefore we contend that Article VII applies.

The monthly charge of \$12.00 is not in dispute, even though;

- We do not receive sewer services on our vacant lot.
- We do not use sewer services on our vacant lot.
- We do not generate any amount of sewage from our vacant lot.

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Per Resolution 105 dated 06/28/21:

Paragraph 6 states "WHEREAS, the sewer service fees will not be imposed on a parcel unless the sewer services are actually used by, or immediately available to the owner of the parcel.

It should be noted that there is NO definition of Vacant Lot/Sewer Availability Charges within the body of this Resolution.

The Resolution specifically deals with Sewer Service Charges only!

It should also be noted that there is no table to define any proposed future annual adjustment for Vacant Lot/Sewer Availability Charges.

EXHIBIT A SCHEDULE OF SEWER SERVICE RATES had a line inserted for Vacant lots which proposed a Sewer Service Charge of 0.50 EDU's per lot.

This was for a Sewer Service Charge and NOT a Vacant Lot/Sewer Availability Charge.

In 2021, what was voted on was specifically a 2.3% rate increase for Sewer charges from \$88/mo to \$94/mo.

Ref. 06/28/21 Board notes pg 27, item 12 and the table on pg 33, item 5.

There is a reference to Weblink: <https://www.paumavalleycsd.com/sewer-system-management-plan>, which is no longer available on the web.