

ORDINANCE NO. 14

**AN ORDINANCE AMENDING DISTRICT ORDINANCE NO. 11 ESTABLISHING A SEWER USER FEE, ESTABLISHING THE RATES THEREFORE, PROVIDING FOR A METHOD OF COLLECTION AND PENALTIES FOR LATE PAYMENT, AND PROVIDING FOR FUTURE INCREASES**

**District Counsel Summary**

*This ordinance amends District Ordinance No. 11 adopted the 23<sup>rd</sup> of October 1984. This ordinance is an urgency measure for the immediate preservation of the public health and safety. Facts constituting the urgency for this measure are these: The increased sewer user fees specified herein are needed to meet the current and future financial obligations of the District, including capital improvements and ongoing maintenance and operating costs for the current and forthcoming fiscal years, and it is therefore necessary that this ordinance become effective upon adoption and that implementation by the Monterey Regional Water Pollution Control Agency shall take place no sooner than (60) days following the date of the adoption of this ordinance, in accordance with California Government Code Section 66017.*

THE BOARD OF DIRECTORS OF THE SEASIDE COUNTY SANITATION DISTRICT DOES ORDAIN AS FOLLOWS:

**SECTION A.** Ordinance No. 11 is amended to read as follows:

Section 1. Sewer User Fee. There is hereby established and assessed against every user of the sanitary sewer system of the Seaside County Sanitation District a fee for the use of said sanitary sewer system, in the amount set forth herein.

Section 2. User Defined. User shall mean any person, firm or corporation who makes or maintains a connection to the sanitary sewer system of the Seaside County Sanitation District. For the purpose of establishing liability for payment of said fees, the user shall rebuttably be presumed to be the person, firm, or corporation who has contracted with the servicing public utility for water service.

Section 3. Fees. The sewer rate increase is based on a 10-year debt scenario spreading the rate increases over a period of 7 years as shown in the table attached hereto as 'Exhibit A' and incorporated by this reference. The rates will be increased on an annual basis within the 7-year period unless otherwise amended by the District Board.

Section 4. Increased Fees. Fees shall be increased annually, on a Fiscal Year basis, and shall be charged by the Monterey Regional Water Pollution Control Agency (hereinafter, "MRWPCA" or "Agency") from and including July 1, in accordance with Section 3 above.

Section 5. Collection of Fees/Delinquencies. Fees charged pursuant to this ordinance shall become due and payable at the same time and in the same manner as the Monterey Regional Water Pollution Control Agency fee. Any fee shall become delinquent if not paid within thirty (30) days after mailing or delivery of notice thereof. Any fee that becomes delinquent shall have added to it a penalty charge equal to ten percent (10%) of the fee that became delinquent.

Section 6. Monterey Regional Water Pollution Control Agency Authorized to Collect Fees. The Monterey Regional Water Pollution Control Agency is hereby authorized to collect the fees assessed by this ordinance. The Seaside County Sanitation District Manager is authorized to execute an agreement with Monterey Regional Water Pollution Control Agency to collect said fees and to pay the Monterey Regional Water Pollution Control Agency its cost of collection.

Section 7. Implementation Date. In order to allow Monterey Regional Water Pollution Control Agency sufficient time to prepare to collect the Seaside County Sanitation District user fee in accordance with the rate structure and corresponding user fee schedule adopted herein and, in accordance with California Government Code Section 66017 which provides that said fee increase shall be effective no sooner than 60 days following the date of the adoption of this ordinance, the sewer service charge adopted pursuant to this ordinance shall be charged from and after the 61<sup>st</sup> date after the adoption of this ordinance, beginning on the 5<sup>th</sup> day of October 2003 and shall be billed at the next regular billing cycle, thereafter, of the Monterey Regional Water Pollution Control Agency.

Section 8. Severability. It is hereby declared to be the intention of the Board of Directors that the sections, sentences, clauses and phrases of this ordinance are severable, and if any section, sentence, clause or phrase is held to be unconstitutional by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining sections, sentences, clauses or phrases of this ordinance.

Section 9. Declaration of Urgency. This ordinance is declared to be an urgency measure and is for the immediate preservation of the public health and safety. The facts constituting the urgency are these: The sewer user fees specified herein are needed to meet the current and future financial obligations of the District, including capital improvements and ongoing maintenance and operating costs for the current and forthcoming fiscal year, and it is therefore necessary that this ordinance become effective immediately.

Section 10. Effective Date. This ordinance shall take effect and be in force immediately upon the passage and adoption hereof and, implementation by the Agency shall take place no sooner than 60 days following the date of the adoption of this ordinance in accordance with Section 7 of this ordinance. Thus, the Agency shall continue to collect fees pursuant to District

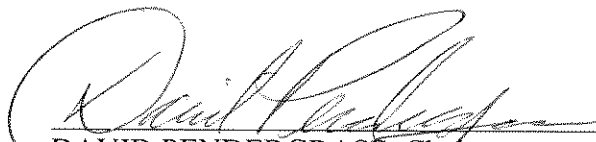
Ordinance No. 11, adopted October 23, 1984, until the 60<sup>th</sup> day following the date of the adoption of this Ordinance and, implementation by the Agency shall take place on the 61<sup>st</sup> day following the adoption of this ordinance, in accordance with Section 7 above and with California Government Code Section 66017.

Noticed Public Hearing held at a regular meeting on the 5<sup>th</sup> day of August 2003.


**SECTION B.** Amendments to District Ordinance No. 11, adopted herein, shall become effective immediately upon adoption. However, the fee increases adopted pursuant to this Ordinance shall be implemented by the Agency in accordance with Sections 7 and 10 of this ordinance.

The foregoing ordinance was introduced, passed and adopted at a noticed public hearing held at a regular meeting of the Board of Directors of the Seaside County Sanitation District held the 5<sup>th</sup> day of August, 2003, by the following vote:

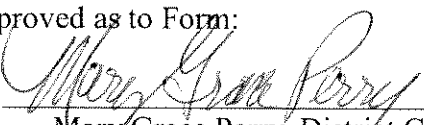
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

  
\_\_\_\_\_  
DAVID PENDERGRASS, Chair  
Seaside County Sanitation District

Attest:

By:   
\_\_\_\_\_  
Jerry Smith, Secretary

Approved as to Form:

By:   
\_\_\_\_\_  
Mary Grace Perry, District Counsel

# Exhibit A

## Schedule of Proposed Seaside County Sanitation District Bi-Monthly Sewer Rates

	Current Bimonthly Sewer Rate	FY 03/04	FY 04/05	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12	From and including FY 12/13
Residential Rate	\$2.79	\$5.02	\$7.03	\$8.44	\$9.70	\$11.16	\$12.27	\$12.89	\$12.89	\$12.89	\$12.89
Non-Residential Rate (The SCSD non-residential sewer rate is a percent of the service charge established by MRWPCA Rate Schedule)	15.0% of MRWPCA Rate Schedule	27.0% of MRWPCA Rate Schedule	37.8% of MRWPCA Rate Schedule	45.4% of MRWPCA Rate Schedule	52.2% of MRWPCA Rate Schedule	60.0% of MRWPCA Rate Schedule	66.0% of MRWPCA Rate Schedule	69.3% of MRWPCA Rate Schedule	69.3% of MRWPCA Rate Schedule	69.3% of MRWPCA Rate Schedule	69.3% of MRWPCA Rate Schedule