

ORDINANCE No. 17

AN ORDINANCE AMENDING DISTRICT ORDINANCE NO. 16 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. 16 adopted the 11th of October 2005 and Exhibit A thereto (Seaside County Sanitation District Sewer Bi-Monthly Rates).

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

SECTION A. Ordinance No. 16 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 be rebuttably presumed to be the person, firm, or corporation who has contracted with the servicing public utility for sewer service.

Section 3. Fees. The sewer rate increase is based on a 15-year debt scenario spreading the rate increases over a period of six 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 5-year period unless otherwise amended by the District Board.

Section 4. Increased Fees. Fees shall be increased annually, on a Fiscal Year basis, 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 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, the sewer

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service charge adopted pursuant to this ordinance shall be charged from and after sixty (60) days after the adoption of this ordinance beginning on the 1st day of the month thereafter 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 be unconstitutional by valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect the remaining sections, sentences, clauses or phrases of this ordinance.


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 sixty (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. 16, adopted October 11, 2005, until the first of the month following the sixty days following the date of adoption of this Ordinance.

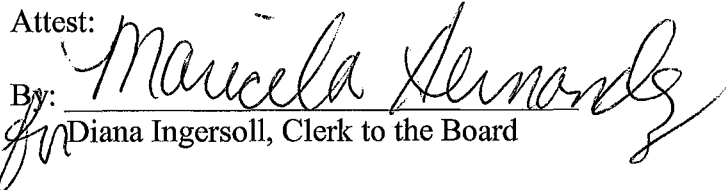
This Ordinance was introduced by Noticed Public Hearing held at a regular meeting on the 14th day of June 2011.

SECTION B. Amendments to District Ordinance No. 16, 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, 9 and 10 of this ordinance.

The foregoing ordinance was 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 on the 12th day of July 2011, by the following vote:

- AYES: PENDERGRASS, BACHOFNER, CECILIO
- NOES:
- ABSENT:
- ABSTAIN:


 DAVID PENDERGRASS, Chair
 Seaside County Sanitation District

Attest:
 By: 
 Diana Ingersoll, Clerk to the Board

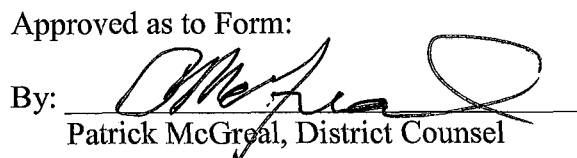
Approved as to Form:
 By: 
 Patrick McGreal, District Counsel

Exhibit A
Seaside County Sanitation District User Fees

Description	Category Code [1]	Units	Sewer Rate per Month [2]				
			FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16
Business/Govt	001-099 [3]	Location/Each Business	\$9.17	\$9.37	\$9.57	\$9.78	\$9.99
Residential-Vacant	101, 106	Each Living Unit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Residential	102	Each Living Unit	\$11.88	\$12.14	\$12.40	\$12.67	\$12.94
Multi-Residential/Apartments	105	Each Living Unit	\$11.88	\$12.14	\$12.40	\$12.67	\$12.94
Condo/Retirement	107, 109	Each Living Unit	\$11.88	\$12.14	\$12.40	\$12.67	\$12.94
Minimum/Vacancy	211	Location/Each Business	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Motel/Hotel	221	Each Room	\$5.16	\$5.27	\$5.38	\$5.50	\$5.62
Bed & Breakfast Inn	222	Each Room	\$3.40	\$3.47	\$3.55	\$3.62	\$3.70
Supermarkets	231	Location	\$50.11	\$51.19	\$52.29	\$53.41	\$54.56
Medical Office	241	Each Licensed Physician	\$12.26	\$12.53	\$12.80	\$13.07	\$13.35
Dental Office	242	Each Licensed Dentist	\$16.91	\$17.27	\$17.64	\$18.02	\$18.41
Rest Home/Convalescent	243	Each Bed of Licensed Capacity	\$3.40	\$3.47	\$3.55	\$3.62	\$3.70
General Hospital	244	Each Bed of Licensed Capacity	\$20.12	\$20.55	\$20.99	\$21.44	\$21.90
Animal Hospital	245	Location/Each Licensed Business	\$22.39	\$22.87	\$23.36	\$23.86	\$24.38
Restaurant 1 meal/day	261	Each Restaurant Seat	\$0.44	\$0.45	\$0.46	\$0.47	\$0.48
Restaurant 2 meals/day	262	Each Restaurant Seat	\$0.69	\$0.70	\$0.72	\$0.73	\$0.75
Restaurant 3 meals/day	263	Each Restaurant Seat	\$1.32	\$1.35	\$1.38	\$1.41	\$1.44
Restaurant with Bar	264	Each Restaurant Seat	\$1.32	\$1.35	\$1.38	\$1.41	\$1.44
Bar	265	Location/Each Business	\$19.93	\$20.36	\$20.79	\$21.24	\$21.70
Nightclub	266	Location/Each Business	\$59.72	\$61.01	\$62.32	\$63.66	\$65.03
Takeout Food - Small	267	1 Cash Register or Checkout Line	\$22.26	\$22.74	\$23.22	\$23.72	\$24.23
Takeout Food - Medium	268	2 or 3 Cash Registers or Checkout Lines	\$54.76	\$55.93	\$57.14	\$58.37	\$59.62
Takeout Food - Large	269	4 or More Cash Registers or Checkout Lines	\$99.84	\$101.99	\$104.18	\$106.42	\$108.71
Bakery	270	Location/Each Business	\$18.05	\$18.44	\$18.83	\$19.24	\$19.65
Theater	281	Per Screen @ Each Location	\$29.61	\$30.25	\$30.90	\$31.56	\$32.24
Bowling Center	282	Location/Each Business	\$90.10	\$92.04	\$94.01	\$96.04	\$98.10
Gym	283-289 [4]	Per 500 members	\$9.17	\$9.37	\$9.57	\$9.78	\$9.99
Mortuary	290	Location/Each Business	\$24.34	\$24.86	\$25.39	\$25.94	\$26.50
School (Minimum)	291	Location/Each Business	\$9.17	\$9.37	\$9.57	\$9.78	\$9.99
School (Grades 0-6)	292	School Population	\$0.13	\$0.13	\$0.14	\$0.14	\$0.14
School (7-College)	293	School Population	\$0.25	\$0.25	\$0.26	\$0.27	\$0.27
Boarding School	294	School Population	\$2.52	\$2.57	\$2.63	\$2.69	\$2.74
Instructional Facility	295	Location/Each Business	\$9.17	\$9.37	\$9.57	\$9.78	\$9.99
Church	296-297 [5]	Per 100 members	\$9.17	\$9.37	\$9.57	\$9.78	\$9.99
Photo / Laboratory / Printer	301-326 [3]	Per 10 employees	\$9.17	\$9.37	\$9.57	\$9.78	\$9.99
Service Station/Garage	331	Location/Each Business	\$8.81	\$8.99	\$9.19	\$9.39	\$9.59
Paint and Body Shops	341-346 [3]	Per 10 employees	\$9.17	\$9.37	\$9.57	\$9.78	\$9.99
Commercial Laundry	352	Per 100 GPD of water usage	\$6.29	\$6.42	\$6.56	\$6.70	\$6.84
Dry Cleaner	353	Location/Each Business	\$30.37	\$31.03	\$31.69	\$32.37	\$33.07
Laundromat	354	Each Washing Machine	\$7.99	\$8.16	\$8.33	\$8.51	\$8.69
Major Hotel	361	Per 100 GPD of water usage	\$6.29	\$6.42	\$6.56	\$6.70	\$6.84
Car Wash	366	Per 100 GPD of water usage	\$6.29	\$6.42	\$6.56	\$6.70	\$6.84
Special User	401	Per 100 GPD of water usage	\$6.29	\$6.42	\$6.56	\$6.70	\$6.84
Rec Sports Facility	407	Per 100 GPD of water usage	\$6.29	\$6.42	\$6.56	\$6.70	\$6.84
Ground Water	410	Per 100 GPD of water usage	\$6.29	\$6.42	\$6.56	\$6.70	\$6.84

Percentage Increase: 2.15% 2.15% 2.15% 2.15%

[1] Category codes established by Monterey Regional Water Pollution Control Agency.

[2] If approved, Sewer Rates shown will go into effect on September 1, 2011 and increase on July 1 of every year through July 1, 2015.

[3] Sewer Rate increases by \$9.17 for every 10 employees.

[4] Sewer Rate increases by \$9.17 for every 500 members.

[5] Sewer Rate increases by \$9.17 for over 100 members.