

ORDINANCE NO. 99 SVCSD

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SONOMA VALLEY COUNTY SANITATION DISTRICT, STATE OF CALIFORNIA, SETTING SEWER SERVICE CHARGES, CALLING FOR COLLECTION ON THE TAX ROLL, AND MAKING FINDINGS AND DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. (2/3 VOTE REQUIRED).

The Board of Directors of the Sonoma Valley County Sanitation District (District), State of California, ordains as follows:

SECTION I

REPEALING PRIOR ORDINANCE.

Ordinance No. 51 is repealed and reenacted as follows.

SECTION II

TIME OF MEETING.

The District Board of Directors shall meet at the same time and place as established for the Board of Directors of the Sonoma County Water Agency.

SECTION III

ANNUAL SERVICE CHARGES.

“Annual Service Charge” is defined as a charge for use of the sewer system for a period of one year to each User, based on the estimated or actual usage of the sewer system, to cover the cost of operating, maintaining, and replacing the sewer system.

The methodology used to calculate Annual Service Charges for residential and non-residential users shall be as follows for fiscal year 2020-2021:

- A. Non-Residential Users and Residential Users with No Public Water Connection. This category of users has an Annual Service Charge with one component: a fixed charge component. *NOTE:* Residential Users that have a Public Water Connection but have no water usage in winter months and multi-family complexes including condominiums with only one Public Water Connection for all of the units are also included in this category.

- B. Residential Users with a Public Water Connection. This category of users has a Annual Service Charge that has both a fixed charge component and a volume-based component.

The method for calculating the Annual Service Charge for each category of user is described in more detail below. The dollar amounts may be adjusted in subsequent fiscal years.

- A. Annual Service Charge for Non-Residential Users and Residential Users with No Public Water Connection.

Effective July 1, 2020, the charge per Equivalent Single-Family Dwelling (ESD) will be \$1,094 per ESD per year for users in this category.

A standard single-family home constitutes one ESD. Properties that are not single family homes shall be converted to ESDs. Parcels which have other uses (including, apartments and commercial buildings) shall be assigned a number of ESDs.

The Annual Service Charge for Non-Residential Users and Residential Users with No Public Water Connection is calculated as follows:

$\$1,094 \text{ per ESD} \times \text{Assigned Number of ESD's} = \text{Annual Service Charge}$

- B. Annual Service Charge For Residential Users With a Public Water Connection

All residential sewer customers with a public water connection must pay an Annual Service Charge with two components: a fixed charge and a volume-based charge. The Residential Users with a Public Water Connection category includes single family dwellings, multiple-family units, apartments, and mobile home parks. A multi-family complex or condominium complex will also fall within this category if each unit in the complex has its own public water connection.

- Fixed Charge Component:

Effective July 1, 2020 the fixed charge will be \$766 per ESD per year for residential users with a public water connection.

The fixed charge component of the Annual Service Charge will be calculated as follows:

$\$766 \text{ per ESD} \times \text{Number of ESD's} = \text{Fixed Charge Component of the Annual Service Charge}$

- Volume-Based Component: The District's volume-based component uses a customer's lowest winter water use (November – March) as the basis for the calculation.

The Volume-Based Component of the Annual Service Charge has three parts, which are multiplied together:

Winter Water Usage x Number of Billing Periods Annually from your Water District
x rate per thousand gallon = Volume-Based Component of Sewer Charge.

Effective July 1, 2020, the volume-based component charge will be \$6.20 per thousand gallons for residential users with a public water connection. Each residential user with a sewer connection and a public water connection with winter water use greater than zero will be charged as follows:

Total Sewer Charge (fixed charge + volumetric charge) for Residential Customers with a Public Water Connection

For Customers with a Valley of the Moon Water District bill:

\$766 per ESD x Number of ESD's (*Fixed Charge Component*) +

\$6.20 per thousand gallons x Lowest Winter Water Usage in thousand gallons
x 6 billing periods annually (*Volumetric Charge Component*)

For Customers with a City of Sonoma Water District water bill:

\$766 per ESD x Number of ESD's (*Fixed Charge Component*) +

\$6.20 per thousand gallons x Lowest Winter Water Usage in thousand gallons
x 12 billing periods annually (*Volumetric Charge Component*)

At the discretion of the Board of Directors, the Board of Directors may impose or adjust Annual Service Charges by resolution for subsequent fiscal years.

SECTION IV

OTHER SERVICE CHARGES.

The methodology used to calculate service charges for users other than those charged in accordance with Section III of this ordinance shall, effective July 1, 2020, be the sum of the following:

Wastewater Flow (Flow)	\$0.013517	per gallon/day (gpd) multiplied by 365 days or the number of days in the billing period
Biochemical Oxygen Demand (BOD)	\$0.784130	per pound/day (lb/day) multiplied by 365 days or the number of days in the billing period
Total Suspended Solids (TSS)	\$0.134406	per pound/day (lb/day) multiplied by 365 days or the number of days in the billing period

This methodology shall apply, at the sole discretion of the General Manager, to determine Annual Service Charges for a nonresidential user that discharges or will discharge five or more ESDs annually from any one parcel. This methodology will also be used to determine a user's Annual Service Charges when the General Manager determines that a user's discharge constitutes a significant portion of the District's total wastewater flow, BOD, or TSS loading. All costs of monitoring wastewater components shall be the responsibility of the user.

Where, in the opinion of the General Manager or his/her designee, the determination of connection fees or Annual Service Charges in accordance with Exhibit A is inconsistent with a proposed use, the General Manager may make an independent calculation and determination using flow, biological oxygen demand, suspended solids, or any other component of the wastewater that contributes to the cost of collection, treatment, and disposal. In making such a calculation, the General Manager or his/her designee may rely on one or more of the following resources to make an independent calculation for the user: (1) the use in Exhibit A that most closely matches the proposed use, (2) federal and state standard estimated wastewater flows for onsite or private wastewater treatment or disposal systems, (3) flow and strength factors published in rate studies conducted by other public entities in Sonoma County, (4) if applicable, data provided by the equipment manufacturer; or (5) other published data.

The General Manager may calculate and bill the sewer service charge of industrial, commercial, and institutional users on a more frequent basis than annually.

SECTION V

Annual Service Charges shall be collected on the tax roll of the County of Sonoma, State of California, in the manner provided pursuant to Section 5471 through 5473.11 of the Health and Safety Code of the State of California, as amended. Pursuant to Health and Safety Code section 5473 and 5473.1, a written report containing a description of each parcel of real property receiving

such services and facilities and the amount of the charge for each parcel shall be filed with the Clerk of the Board.

SECTION VI

ADDITIONAL SERVICE CHARGES AND CONNECTION FEES FOR EXCEEDING ESTABLISHED BILLING BASIS.

Whenever the General Manager determines that a user is exceeding the use for which the user is charged pursuant to the established billing bases set forth in Sections III and IV herein and pursuant to Exhibit A, in addition to all other fines and penalties the District may impose, the user shall be charged an additional service charge. In addition, the General Manager may recalculate the user's annual or billed service charge and charge additional connection fees pursuant to Section VII below. Additional charges and fees may be invoiced to user or collected on with taxes pursuant to Section V. If additional charges and fees are invoiced and are not paid within 30 days of invoice, a basic penalty of ten percent (10%) for nonpayment and an additional penalty of one and one-half percent (1½%) per month for nonpayment of the charges and/or fees and the basic penalty shall be added to the charges and/or fees due.

SECTION VII

CONNECTION FEES.

A. Connection Fee Charge:

The connection fee per ESD in the District is \$14,406.35 on July 1, 2019, and adjusted annually thereafter in accordance with paragraph B below.

Pursuant to the District's Water Conservation Program, a credit of \$1,500/ESD shall be granted for offsetting an equal quantity of flow by retrofitting existing facilities with water-saving devices pursuant to the District's Water Conservation Program. Applicants for a sewer connection shall submit a proposal to the General Manager to retrofit with water-saving devices for not less than five (5) single-family dwellings of existing users or an equivalent retrofit. For example, five single-family dwellings with two or more toilets with 5-gallon or larger capacity tanks would be sufficient to offset one new single-family dwelling. In cases where houses proposed for retrofit have smaller 3.5-gallon tanks, a minimum of eight (8) single-family dwellings will be required. Proposals for multiple-family dwelling retrofit will also be accepted; however, the water savings due to the retrofit will be decided solely by the General Manager. Other special situations will be decided by the District Board after recommendation from the General Manager.

Only upon payment of the connection fee and the written approval and verification by the General Manager of completion of the retrofits project, will applicant be eligible for a connection.

B. Connection Fee Adjustment per ENR-CCI Index:

Connection fees shall be automatically adjusted annually each year on July 1 in proportion with the most recent change in the Engineering News Record Construction Cost Index (ENR-CCI) for San Francisco.

C. Connection Fee and Miscellaneous Terms and Conditions:

Pursuant to Article V, Section 5.05, of the Sonoma Valley County Sanitation District Sanitation Code, in the event of alteration of the building or of additional use of the sewer facilities for which the connection fee was originally established, additional fees shall be paid for the added equivalent single- family dwelling units as calculated in Exhibit A.

In addition to Article V, Section 5.05, of the Sonoma Valley County Sanitation District Sanitation Code, users who wish to connect a building which is a replacement of a previously connected building, destroyed by no fault of the user, may have the connection fee waived if the user presents to the General Manager a valid fire marshall's report or insurance report within one year of the date of either report. Users not making such a presentation are deemed to have discontinued their connection to the sewer system.

D. Conservation Program:

The District's Conservation Program Fund will receive \$1,500 per ESD of the sewer connection fee. The District's Conservation Program Fund will be used to support cost-share agreements for reducing biochemical oxygen demand (BOD), total suspended solids (TSS) and/or hydraulic inflow through implementation of District-approved pretreatment and water conservation practices and direct funding for water conservation programs that reduce inflow to the treatment facility. Cost-share agreements and direct funding will be made available through the District's Conservation Program Fund based on availability of funds. Cost-share agreement and funding amounts shall not exceed the District's avoided costs for constructing new treatment capacity for BOD, TSS, or hydraulic inflow, as determined by the General Manager.

Cost-share agreements for implementation of District-approved pretreatment practices to reduce BOD and TSS loadings to the treatment facility will be granted to District non-residential customers to offset the amounts being added to the District system. Cost-share agreements to reduce hydraulic inflow to the treatment facility will be granted to District residential and non-residential customers. Applicants for cost-share funds shall submit a wastewater pretreatment and/or water conservation proposal to the General Manager for review and approval. A \$1,500 per ESD offset for BOD and TSS reduction will equate to an average daily reduction of 4 pounds of BOD or 24 pounds of TSS. These quantities are consistent with the methodology used to calculate service charges as set forth in Section IV of this Ordinance. A \$1,500 per ESD offset of hydraulic inflow reduction will equate to an ESD as defined by the District (200 gpd of flow, 200mg/l of BOD and 200 mg/l of TSS). Cost share funding for ESD reduction quantities that differ from the BOD, TSS and inflow reduction

amounts noted above will be decided by the Board after recommendation from the General Manager. The total quantity of BOD, TSS or inflow reduction necessary to be eligible for cost-share funds will be determined solely by the General Manager.

Funds are available from the District's Conservation Program Fund to implement approved water conservation programs that reduce inflow to the treatment plant. Water conservation programs that may reduce inflow to the treatment plant include, but are not limited to, residential and commercial water audit and incentive programs, low-flow toilet rebate and replacement programs, and water-efficient appliance replacement incentive programs. Funds from the District's Conservation Program Fund may also be used to design, implement, monitor, and staff water conservation programs that will reduce inflow to the treatment plant. The District may also use funds from the District's Conservation Program Fund to perform pertinent research and analysis related to water conservation appliances, fixtures, programs, and savings.

In addition to the connection fees and Annual Service Charges adopted by the Board of Directors, the General Manager may establish additional terms and conditions of the usage permit or agreement pursuant to the Sonoma Valley County Sanitation District Sanitation Code including, but not limited to, the fees discussed in this Ordinance.

SECTION VIII

PAYMENT FOR ANNUAL SERVICE CHARGES.

The service charge for new users, as defined in Section 2.01 of the Sonoma Valley County Sanitation District Sanitation Code, shall be prorated from the first day of the month in which the permit is issued to the last day of the current fiscal year (June 30). Service charges for that period of time due hereunder shall be paid prior to issuing a permit to connect to the District's sewer system.

For the purpose of this Ordinance, each parcel that has received sewer service from the District shall be deemed to be fully and continuously used until a sewer disconnect permit has been issued, the sewer is properly disconnected from the District sewer system, and all District inspections are performed. In such case, the Annual Service Charge shall cease at the end of the current fiscal year (June 30). No portion of the service charge shall be refunded for services disconnected before the end of the current fiscal year.

All service charges payable hereunder, except invoiced charges as described below, shall be paid in two equal installments. The payment for the first one-half of any fiscal year shall be due and payable on or before December 10 of the particular year. The payment for the second one-half of any fiscal year shall be due and payable on or before April 10 of the particular fiscal year.

Where the General Manager determines that a user's discharge constitutes a significant portion of the District's total flow, BOD, or TSS loading, the users shall be invoiced at a frequency to be determined by the General Manager. Invoiced service charges are payable within 30 days of receipt of the invoice. If service charges are not paid within 30 days, a basic penalty of ten

percent (10%) for nonpayment and an additional penalty of one and one-half percent (1½%) per month for nonpayment of the charges and the basic penalty shall be added to the charges due.

SECTION IX

OUTSIDE USERS.

Unless provided otherwise by separate agreement, outside users, as defined by Section 3.28(F) of the Sonoma Valley County Sanitation District Sanitation Code, shall pay a service charge based on this Ordinance.

SECTION X

OTHER FEES AND CHARGES.

- A. Relief of Variance Fees: Pursuant to Section 1.06 of the Sonoma Valley County Sanitation District Sanitation Code, any person making application for relief on variance will pay an application fee of \$750 at the time of submittal of the application.
- B. Wastewater Discharge Fees: Pursuant to Section 6.27 of the Sonoma Valley County Sanitation District Sanitation Code, any person making application for a wastewater discharge permit shall pay fees according to the following Table 1:

**TABLE 1
WASTEWATER DISCHARGE PERMIT FEES**

USER CATEGORIES

(refer to the Sonoma Valley County Sanitation District Sanitation Code, Section 6.16)

TYPE OF FEE	SIGNIFICANT INDUSTRIAL USER/ CATEGORICAL	GROUNDWATER WASTE HAULERS	NON- RESIDENTIAL	ZERO DISCHARGE & NON- RESIDENTIAL
Application Fee:	\$175	\$50	\$100	\$50
Renewal				
Application fee:	\$175	\$50	\$100	\$50
Permit Issuance				
Fee:	\$500	\$50	\$200	\$50
Permit	Actual costs will be incurred by the District for monitoring of permit conditions, including direct cost, labor burden, overhead, and testing costs.			
Monitoring and inspection Fee:				
Non-Compliance	Actual costs incurred by the District associated with monitoring non-compliance with permit conditions, including direct cost, labor burden, overhead, and testing costs.			
Monitoring Fee:				
Surcharge Fee:	Users will be charged the actual treatment cost per pound to process the biochemical oxygen demand (BOD) and total suspended solids (TSS) discharged at levels above ordinance limits.			

C. Septic Hauler Charges:

Pursuant to Section 9.03 of the Sonoma Valley County Sanitation District Sanitation Code, any person obtaining a wastewater hauler discharge permit shall pay a \$1,000 deposit.

Pursuant to Section 9.05 of the Sonoma Valley County Sanitation District Sanitation Code, any permitted wastewater hauler shall pay \$0.15/gallon and any additional costs also set forth in this section for hauled wastewater.

SECTION XI

CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The Board of Directors hereby finds that the California Environmental Quality Act does not apply to the establishment of charges pursuant to this Ordinance, as such fees are for the purpose of meeting operations expenses, meeting financial reserve needs and requirements, and setting aside funds for capital projects necessary to maintain service within the existing District (14 California Code of Regulations 15273, California Public Resources Code Section 21080).

SECTION XII

SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION XIII

This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Directors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California, and the District's Clerk of the Board shall post in the office of the District's Clerk, a certified copy of the full text of this Ordinance along with the names of those Directors voting for or against the Ordinance.

In regular session of the Board of Directors of the Sonoma Valley County Sanitation District, State of California, introduced, passed, and adopted after hearing this 9th day of June 2020, on regular roll call of the members of said Board by the following vote:

DIRECTORS:

Gorin: _____ Hopkins: _____ Harvey: _____

Ayes _____ Noes _____ Absent _____ Abstain _____

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

By: _____
Chair, Board of Directors
County of Sonoma, State of California

ATTEST:

By: _____
Clerk of the Board