

## ORDINANCE NO. 88 SPCSD

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SOUTH PARK 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 South Park County Sanitation District (District), State of California, ordains as follows:

### SECTION I

#### REPEALING PRIOR ORDINANCE.

Ordinance No. 36 is repealed and reenacted as follows.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

#### 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 have a fixed charge calculation component and a volumetric charge calculation component, and shall be calculated as follows effective July 1, 2020, for fiscal year 2020-2021:

##### A. Fixed Charge Calculation

The fixed charge is calculated based on usage of a standard “equivalent single-family dwelling” (ESD). A standard single-family home constitutes one ESD which is defined as what an average single family home would use in a given year. Properties that are not single family homes are converted to ESDs. The fixed charge component of the Sewer Charge will be calculated as follows:

$\$396.40 \text{ per ESD} \times \text{Number of ESD's} = \text{Fixed Charge Component of the Sewer Charge}$

## B. Volumetric Charge Calculation

The District will use City of Santa Rosa water usage data to calculate the annual volumetric charge portion of the Sewer Charge.

The Volume-Based Component of the Sewer Charge shall have two parts, which are multiplied together:

Annual Water Usage x Charge per thousand gallon = Volume-Based Component of Sewer Charge

The District shall have four categories of customers for the volumetric charge calculation:

1. Residential Customers with a City of Santa Rosa Water Connection
2. Residential Customers with No City of Santa Rosa Water Connection
3. Non-Residential Customers with a City of Santa Rosa Water Connection
4. Non-Residential Customers with No City of Santa Rosa Water Connection

The calculations for each category are set forth in Table 1. Annual Water Usage calculations shall be based on water consumption from the prior year. For Residential Customers, average winter water usage shall be used because it provides the best available estimate of indoor water usage since outdoor irrigation is minimal during the winter months. For Non-Residential Customers, annual water usage shall be based on actual water usage.

**Table 1: Residential Customers:  
Annual Water Usage and Charge Per Thousand Gallon Calculation**

<b>Sewer Customers</b>	<b>Calculation of Annual Water Usage</b>	<b>Charge Per Thousand Gallons</b>
With a City of Santa Rosa Water Connection	<ul style="list-style-type: none"> <li>District shall calculate Customer's average monthly water usage during the billing periods of November through March.</li> <li>For each month of the prior fiscal year, the District shall select either the customer's winter average water usage or the customer's actual water used whichever is lower.</li> <li>District shall add up the customer's monthly water usage to arrive at the total annual water usage.</li> </ul>	\$11.60
With No City of Santa Rosa Water Connection part or all of the time	<ul style="list-style-type: none"> <li>District shall average the winter water usage during the billing periods of November through March of similar residential customers that have a City of Santa Rosa water connection.</li> <li>Water use shall be estimated based on household size and water use data from comparable metered customers.</li> <li>Average winter water usage shall be multiplied by 12 to determine annual water usage.</li> </ul>	\$11.60

**Table 2a: Non-Residential Customers: Annual Water Usage Calculation**

<b>Sewer Customers</b>	<b>Calculation of Annual Water Usage</b>	<b>Charge Per Thousand Gallons</b>
With a City of Santa Rosa Water Connection	<ul style="list-style-type: none"> <li>For each month of the prior fiscal year, District shall add up the customer's actual monthly water usage to arrive at the total annual water usage.</li> </ul>	Based on estimated wastewater strength, shown in Table 2b below
With No City of Santa Rosa Water Connection	<ul style="list-style-type: none"> <li>District shall average annual water usage from similar customers based on City of Santa Rosa water usage data.</li> <li>Water use shall be estimated based on household size, if applicable, or on the type and size of use.</li> </ul>	Based on estimated wastewater strength, shown in Table 2b below

**Table 2b: Non-Residential Customers: Examples of Charge Per Thousand Gallon Calculation**

<b>Categories of Wastewater Strength and Examples of Types of Uses</b>	<b>Charge per Thousand Gallons</b>
<b>Low Strength</b> - car wash, glass products	\$9.98
<b>Standard Strength</b> – multi-family (except duplex) complexes, condominium complexes, mobile home parks, warehouses, general commercial/industrial including retail, schools, churches, auto sales, dental and medical offices.	\$11.60
<b>Medium Strength</b> – mixed use commercial; hotel/motel, convenience store, bar, winery, brewery, auto repair.	\$13.34
<b>High Strength</b> – bakery, restaurant, coffee shop, meat and food processing, miller, hospital, veterinary clinic.	\$16.46

C. Fixed Charge and Volumetric Charge Calculation Combined for Total Sewer Charge

Each Residential Customer with a sewer connection shall be charged an Annual Service Charge calculated as follows:

\$396.40 per ESD X Number of ESDs (*Fixed Charge Component*) +

\$11.60 per thousand gallons x Annual Water Usage in thousand gallons (*Volumetric Charge Component*)

Each Non-Residential Customer with a sewer connection shall be charged an Annual Service Charge calculated as follows:

\$396.40 per ESD X Number of ESDs (*Fixed Charge Component*) +

Annual Water Usage x Applicable Charge per thousand gallons shown in Table 2b (*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

### ANNUAL SERVICE CHARGES ON TAX ROLL.

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 V**

### **METHODOLOGY FOR ESTABLISHING ANNUAL SEWER CHARGES AND SEWER SYSTEM CONNECTION FEES.**

Connection fees shall be paid pursuant to Article V, Sections 5.01, 5.03, 5.04, 5.05, and 5.06 of the South Park County Sanitation District Sanitation Code. Calculation of connection fees shall be determined by the General Manager in accordance with the attached Equivalent Single-Family Dwelling Billing Unit tables (Exhibit A). The Annual Service Charge for various types of users shall also be determined by the General Manager in accordance with Exhibit A.

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.

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.

## **SECTION VI**

### **CONNECTION FEES.**

#### **A. Connection Fee Charge:**

The connection fee per ESD in the District is \$2,000 on July 1, 2019, and

adjusted annually thereafter in accordance with paragraph B below.

**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 South Park 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 South Park 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.

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 South Park County Sanitation District, including but not limited to the fees discussed in this Ordinance.

## **SECTION VII**

### **PAYMENT FOR ANNUAL SERVICE CHARGES.**

New users, as defined in Section 2.01 of the South Park County Sanitation District Sanitation Code, issued permits shall have the Annual Service Charge prorated from the first day of the month in which the permit is issued to the last day of the following June. Annual 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 improved property shall be deemed to be fully and continuously occupied from and after the date of issuance of a permit to connect. Annual Service Charges for improved property shall not be refunded even though sewer service is abandoned or discontinued to the satisfaction of the General Manager/Chief Engineer prior to the last day of the following June. In such case, the Annual Service Charge shall cease as of the following July 1.

All Annual Service Charges payable hereunder, except others who have separate agreements for payment with the District, 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<sup>th</sup> 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<sup>th</sup> of the particular fiscal year.

If said Annual Service Charges are not paid by the due date(s) shown above, a penalty of ten (10) percent of the amount due shall be applied as well as a one-half of one (1) percent per month penalty for nonpayment of said charges and the basic penalty.

## **SECTION VIII**

### **OUTSIDE USERS.**

Unless provided otherwise by separate agreement, outside users, as defined by Section 3.28(F) of the South Park County Sanitation District Sanitation Code, shall pay an Annual Service Charge based on 1.25 times the ESDs determined for that user.

## **SECTION IX**

### **OTHER FEES AND CHARGES.**

- A. Relief of Variance Fees: Pursuant to Section 1.06 of the South Park 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 6.25 of the South Park County Sanitation District, 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 South Park County Sanitation District Sanitation Code, Section 6.17)				
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 Monitoring and Inspection Fee	Actual costs will be incurred by the District for monitoring of permit conditions, including direct cost, labor burden, overhead and testing costs.			
Non-Compliance Monitoring Fee	Actual costs incurred by the District associated with monitoring non-compliance with permit conditions, including direct cost, labor burden, overhead and testing costs.			
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.			
* Includes businesses with pretreatment facilities, such as grease traps, interceptors, ion exchange unit, or metals recovery units.				
** Includes businesses without pretreatment.				



## **SECTION X**

### **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 this Ordinance for Annual Sanitation Charges or for connection fees, 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 service charge and charge additional connection fees. Additional charges and fees may be invoiced to user or collected on the tax roll. 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 XI**

### **CALIFORNIA ENVIRONMENTAL ACT.**

The Board 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 (15273 California Code of Regulations, 21080 Public Resources Code).

## **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 South Park County Sanitation District, State of California, introduced, passed and adopted after hearing this \_\_\_\_\_ day of \_\_\_\_\_ 2020, on regular roll call of the members of said Board by the following vote:

DIRECTORS:

RABBITT: \_\_\_\_\_ ZANE: \_\_\_\_\_ GORE: \_\_\_\_\_ HOPKINS: \_\_\_\_\_ GORIN: \_\_\_\_\_

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