

ORDINANCE NO. 13

AN URGENCY ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT REPEALING AND RECASTING ORDINANCE NO. 13 ALLOWING THE DISTRICT TO ADOPT SEWER CHARGES BY RESOLUTION AND REQUIRING THE PLACEMENT OF DELINQUENT SEWER CHARGES ON THE PROPERTY TAX ROLLS

WHEREAS, the Ukiah Valley Sanitation District ("District") is a County Sanitation District organized and existing under the California County Sanitation District Act (California Health and Safety Code Section 4700 et seq.); and

WHEREAS, pursuant to Health and Safety Code section 4766, the District Board of Directors is authorized to adopt ordinances to carry out the provisions of Health and Safety Code 5473 to 5473.11, inclusive, and the procedure for the adoption of such ordinances is governed by Government Code section 25120 et seq.; and

WHEREAS, California Health and Safety Code section 5471 and the statutes following previously required public agencies that collect public utility fees and charges on the property tax roll, such as the District's sewer charges, and to adopt new or increased charges by ordinance; and

WHEREAS, effective January 1, 2017, Sections 5471 and the statutes following were amended to allow for adoption of new or increased service fees for sewer by resolution as well as by ordinance; and

WHEREAS, this Ordinance would require the District to collect delinquent sewer charges for services it provides by forwarding a list of delinquent accounts to the Mendocino County Auditor to be added to other taxes imposed on that parcel and collected in the same manner and to the same extent as such other taxes; and

WHEREAS, in order to immediately preserve the public peace, health and safety, the Board of Directors wishes to adopt this Ordinance as an Urgency Ordinance pursuant to Health and Safety Code Section 4766 and California Government Code Section 25123(d).

NOW, THEREFORE:

The Board of Directors of the Ukiah Valley Sanitation District hereby ordains as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. Ordinance No. 13, adopted August 29, 1985 is hereby repealed, and replaced by this Ordinance No. 13.

3. The District hereby authorizes any future new or increased fees or charges for sewer to be adopted by resolution. Any new or increased fee or charge adopted by resolution pursuant to the authority granted by this Ordinance shall have the same force and effect as if such new or increased fee or charge had been adopted by ordinance, and to the extent authorized in such resolution, shall repeal or replace any conflicting fee or charge previously adopted by the City Council, whether such conflicting fee or charge had been adopted by resolution or ordinance.

4. The District shall collect delinquent charges for services it provides by forwarding a list of delinquent accounts to the Mendocino County Auditor to be added to other taxes imposed on that parcel and collect in the same manner and to the same extent as other taxes. For purposes of this ordinance, a "delinquent account means an account for which charges have not been paid for 6 months or longer. The amount of such charges, interests, and penalties shall constitute a lien against the lot or parcel of land which incurred those charges.

5. Some or all of the sewer service charges specified in this Ordinance may be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes applicable to real property within the District in accordance with the following procedure. A written report shall be prepared each year and filed with the board secretary, which shall contain a description of each parcel of real property receiving sewer services and the amount of the sewer service charge for each parcel for the year, computed in conformity with the charges adopted by the District. The District Board shall adopt a resolution each year authorizing the county controller to place the sewer service charges on the tax roll for the upcoming fiscal year and authorizing the county tax collector to collect such taxes. The procedure to place the charges on the tax rolls and publication of notices and hearings shall be that prescribed in California Health and Safety Code Section 5473 et seq.

6. All sewer service charges required to be paid by this Ordinance and collected in the manner described in Section 4 shall be paid to the county tax collector who shall remit such collections to the District less the applicable collection charge. The District shall use such sewer service charge collections solely for the purposes allowed by law.

7. The Board finds this Urgency Ordinance is necessary to promote the immediate preservation of the public peace, health and safety because it permits the District to immediately charge increased sewer service rates and place delinquent sewer charges on the property tax roll in order to meet its payment obligations and avoid disruptions in the sewer treatment service provided to its customers. Therefore, the Board further finds, determines and declares that this Ordinance shall take effect immediately upon adoption by a four-fifths vote of Board pursuant to the authority conferred upon it by Health and Safety Code Section 4766 and California Government Code Section 25123(d).

8. This Ordinance remains in full force and effect until this Ordinance is rescinded by the Board.

9. The Board Secretary shall certify as to the adoption of this Ordinance and shall cause it to be published in a newspaper published in the county within fifteen (15) days of the adoption pursuant to Government Code Section 25124.

10. The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance or the application of those provisions.

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, on this 14th day of July 2021, by the following roll call vote:

AYES: Chair Wipf, Vice-Chair Bawcom, Dick, Horsley, McNerlin

NOES:

ABSENT:

ABSTAIN:

/s/

Ernie Wipf, Board Chair

ATTEST:

/s/

Chelsea Teague
Board Secretary

APPROVED AS TO FORM:

/s/

Joanna Gin
County Counsel