

ORDINANCE NO. 26

AN URGENCY ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT  
AMENDING SECTION 1 OF ORDINANCE NO. 23 PERTAINING TO SEWER  
CONNECTION FEES

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

1. Section 1 of Ordinance No. 23 dated May 5, 2005, is hereby amended to read:

- (I) The following charges are hereby established for the connection of the plumbing of any building or structure which discharges to the sanitary sewer system of the Ukiah Valley Sanitation District ("District") and said charges are separate from any other charges presently levied or which may be levied in the future:

**A. Residential Schedule:**

Ten thousand nine hundred eleven dollars (\$10,911.00) for equivalent sewer service unit (ESSU) per dwelling unit connected to the wastewater system based on the number of bedrooms according to the following schedule:

1. One bedroom	\$9,820.00	0.9 ESSU
2. Two bedroom	10,911.00	1.0 ESSU
3. Three bedroom	12,002.00	1.1 ESSU
4. For each additional bedroom	1,091.00	0.1 ESSU

**B. Commercial and Industrial Schedule:**

1. Ten thousand nine hundred eleven dollars (\$10,911.00) per ESSU for commercial and industrial connections (reduced 50% for hotels and motels); the ESSU assignment shall be determined by the District based upon biochemical oxygen demand removal requirements, other treatment requirements, and gallonage of flow, and any other sewage characteristics as the District deems appropriate. These determinations may be delegated to the Public Works Director of the City of Ukiah ("City") as long as the Participation Agreement between the City and the District remains in effect.

2. If a discharger disagrees with the fee established by the District under subsection B.1 above, he, she or it may file a written appeal with the Clerk of the Board within ten (10) days of notification of the charge. The appeal will then be heard by the Board of Directors at its next regularly scheduled meeting, occurring not sooner than 10 days

following the receipt of the written request for appeal. At that time, the Board shall determine whether or not the charge is justified.

**C. Future Amendments to Fees.**

The District Board of Directors may amend the connection fees, as set forth in subsections A and B, above, by resolution without further amendment of the District ordinances.

(II) The District Executive Director shall maintain a list of all the connections with a tabulated total of the ESSUs that have been allowed to connect to the District's sewer collection system for the purpose of determining the applicable ESSU increment."

(III) The term "equivalent sewer service unit (ESSU)" shall have the same meaning as the term "Sewer Service Unit" as that term is defined in Section 1.12 of Ordinance No. 12."

2. This ordinance is hereby declared to be necessary for the immediate preservation of the public peace, health, and safety and will take effect and be in force upon its adoption by a fourth-fifths (4/5) vote of the members of the District Board of Directors. The District will participate with the City to finance the construction of a Wastewater Treatment Plant expansion and rehabilitation project ("the Project"). Connection fees will fund the expansion portion of the project. The City must issue bonds in connection with this financing. The connection fee increase enacted by this Ordinance is necessary to generate sufficient revenues to repay the portion of the bonds funding the expansion project. The rate increase must be in effect before the City approves an Official Statement to purchasers of the bonds for the entire Project to assure those potential buyers that sufficient revenues exist to repay the bonds. If this ordinance is enacted without the urgency declaration and 4/5 vote of the Board of Directors, it could not be adopted before January 14 and could not become effective before February 13, delaying bond issuance by two months or more. Interest rates are increasing and the extra financing costs associated with an interest rate increase could require a resizing of the bond issue and further delays in bond issuance. The City has already awarded the construction contract for the Project and must have bond proceeds available to pay the contractor under the terms of the construction contract. The timely completion of the Project is essential to the public health and safety. Any unnecessary delay could result in adverse impacts to public health and safety, including the failure of fully depreciated components of the existing wastewater treatment plant. This ordinance shall be published in accordance with law within ten days after its adoption.

**PASSED AND ADOPTED** by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, on this 9<sup>th</sup> day of January, 2006, by the following roll call vote:

AYES: Directors Crane, Wattenburger, and Delbar  
NOES: None  
ABSENT: None

WHEREUPON, the Chairman declared the Ordinance passed and adopted and SO ORDERED.

  
MICHAEL DELBAR, Chairman  
Ukiah Valley Sanitation District

ATTEST: KRISTI FURMAN  
Clerk of the Board

  
Secretary, Ukiah Valley Sanitation District

I hereby certify that according to the provisions of Government Code Sections 25103, delivery of this document has been made.

KRISTI FURMAN  
Clerk of the Board  
By: 

APPROVED AS TO FORM:  
JEANINE B. NADEL, COUNTY COUNSEL:

  
DEPUTY