

ORDINANCE No. 21

AN ORDINANCE AMENDING DISTRICT ORDINANCE NO. 17
ESTABLISHING THE RATES FOR THE SEWER USER FEES FOR FISCAL YEAR 2017-18
THROUGH FISCAL YEAR 2021-22

District Counsel Summary

This ordinance amends District Ordinance No. 20 adopted June 14, 2016. This bill substantially retains the provisions of District Ordinance No. 17. Section 3, relating to fees, of Ordinance No. 17 is revised and a new rate schedule (Exhibit A) for fiscal year 2017-18 to fiscal year 2021-22 replaces the rate schedule that applied in fiscal years 2011 through 2016. The effect of the amendments is to set the sewer rates for fiscal year 2017-18 to fiscal year 2021-22 at a level commensurate with the reasonable costs of providing sewer services by the District.

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

SECTION A. Ordinance No. 17 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.

SEASIDE COUNTY SANITATION DISTRICT ORDINANCE No. 21

Section 7. Implementation Date. The sewer service charge adopted pursuant to this ordinance shall be charged from and after July 1, 2017, but in no case sooner than thirty (30) 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 9. [Reserved].

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 to 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 thirty (30) 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. 17, adopted July 12, 2011, until the first of the month following the thirty days following the date of adoption of this Ordinance.

This Ordinance was introduced by Noticed Public Hearing held at a regular meeting on the 11th day of April 2017.

SECTION B. Amendments to District Ordinance No. 17, 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 and 10 of this ordinance.

NOW THEREFORE BE IT ORDAINED that the foregoing ordinance was passed to print at a noticed public hearing on the 11th day of April 2017, and passed and adopted at a Regular Meeting of the Board of Directors of the Seaside County Sanitation District on the 9th day of May 2017, by the following vote:

AYES: Lintell, Blackwelder, Rubio
NOES: None
ABSENT: None
ABSTAIN: None



Ralph Rubio, Chair
Seaside County Sanitation District

Attest:

By:



Lesley Milton-Rerig, District Clerk