

**GOLETA WEST SANITARY DISTRICT
ORDINANCE NO. 16-89**

**AN ORDINANCE OF THE GOLETA WEST SANITARY DISTRICT
RELATING TO FEES AND CHARGES
AND REPEALING AND REPLACING ORDINANCE NO. 13-83**

Recitals

- A. The Goleta West Sanitary District (“District”) has the authority to impose fees and charges on its customers for services the District provides pursuant to its enabling act, including, but not limited to, Sections 6520.2 and 6520.5 of the Health and Safety Code and Sections 57330 and 66000 *et seq.* of the Government Code.
- B. Section 1.01 of District Ordinance 13-83 authorizes the District to amend its fees and charges from time to time by a two-thirds vote of the Board of Directors.
- C. On April 19, 2016 the District received a presentation on the results of an independent Wastewater Annexation, Connection and Miscellaneous Fees Report prepared by Raftelis Financial Consultants, Inc. (“Study”). The District Board of Directors accepted the Study.
- D. The District fulfilled the notice requirements of Government Code Section 54354.5 by publishing adequate notice in the newspaper once each week for two weeks prior to the June 7, 2016 hearing, beginning at least 15 days prior to hearing.
- E. The District held a hearing on June 7, 2016, to consider the fee and charge increases.
- F. After review of and reliance on the Study, and staff, counsel and public input, the Board of Directors finds and determines that it is in the best interests of the District and its customers to increase the District’s fees to maintain the public health and safety. The Board of Directors finds and determines that the fees and charges set forth in this Ordinance are reasonably proportionate to the cost of the services provided to each class of customer.
- G. The Board of Directors finds, pursuant to Government Code Section 54354.5, that the fees and charges enacted by this Ordinance are not discriminatory or excessive, and will be sufficient under Government Code Section 54515 and will comply with the provisions of the Revenue Bond Law of 1941 and that the District currently has no outstanding revenue bonds.
- H. The Board of Directors further finds and determines, pursuant to California Public Resources Code Section 21080(b)(8) and California Code of Regulations Section 15273(a), that the modification of fees and charges set forth in this Ordinance are for the purpose of (a) meeting operating expenses, including employee wage rates and fringe benefits, (b) purchasing or leasing supplies, equipment or materials, (c) meeting financial reserve needs and requirements, or (d) obtaining funds for capital projects necessary to maintain service within existing service areas.

- I. This Ordinance does not make changes to the District’s annual sewer service charges or any property-related fees, nor shall any provision of this Ordinance be construed as extending, imposing, or increasing the District’s sewer service charges or property-related fees.
- J. The Board of Directors has determined that, in order to promote public understanding of the District’s fees and charges, a new consolidated Ordinance incorporating the adjusted charges set forth below, should be adopted to repeal and replace Ordinance No. 13-83.

NOW, THEREFORE, the Board of Directors of the Goleta West Sanitary District ordains as follows:

Section 1. The Board of Directors finds and determines that each of the above recitals are true and correct and are each relied upon independently by the Board in connection with its adoption of this Ordinance.

Section 2. The Board of Directors of the Goleta West Sanitary District hereby ordains as follows:

FEES AND CHARGES; BILLING; REFUNDS

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ARTICLE I: FEES AND CHARGES

1.01 Fees and Charges, Schedule of Fees and Charges.

All fees, connection charges, and other charges imposed by the District shall be paid and complied with in the manner provided in this ordinance. The Board may, from time to time, amend the fees and charges set forth herein by complying with applicable state laws and by adopting an ordinance that receives a two-thirds vote of the members of the Board.

1.02 Annexation Charge.

(a) *Annexation Charge.* Any person who seeks to have land annexed into the District by requesting annexation is required to pay an annexation charge of \$5,331 per acre of land. The Board shall not annex the property into the District until the appropriate annexation fee is paid.

(b) *Terms and Conditions.* The payment of the annexation charge shall be fixed by the Board as a condition upon which such annexation shall be made, in the manner provided by law. However, nothing contained in this section shall be construed to limit such additional terms and conditions that may be imposed on annexations as are now or may hereafter be authorized by law.

(c) *Special or Unusual Factors.* At the time of hearing upon the proposed terms and conditions of any annexation, the Board may, upon finding that there are special or unusual factors involved in the pertinent annexation, increase, decrease, or defer payment of all or a portion of the annexation charge to an amount or time or event that will in the discretion of the Board properly compensate the District and properly charge the land to fit those special or unusual factors.

(d) *Annexation Administrative Fee.* Any person who seeks to have land annexed into the District by requesting annexation is required to reimburse the District for the time expended by District staff in processing the annexation application at an hourly rate of Seventy-Five Dollars (\$75) per hour. The District is authorized to require an applicant to deposit with the District a sum of money equal to the estimated Administrative Fee that the District calculates will be required to be paid, which deposit shall be credited against the Administrative Fee the applicant is determined to owe.

1.03 Permit Processing Fee.

Any person who applies for any permit from the District shall pay a permit processing fee. All permits issued will be charged at the rate of \$100 per permit. The fee shall be paid at the time of application.

1.04 Connection Fee.

(a) Any person who seeks to connect to the District's sewer facilities by applying for a sewer connection permit is required to pay a connection fee as set forth below. A sewer connection permit shall not be issued until the appropriate connection fee has been paid. The following connection fees are hereby established and imposed on the issuance of a connection permit.

(i) *Single-Family Residential.* The connection fee for each single-family residence is \$4,060 per ERU. The estimated capacity demand is 1 ERU per dwelling unit. A dwelling unit is defined as a room or group of rooms having interior access between all habitable rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by one family on a non-transient basis and having not more than one kitchen. Boarding or lodging houses, dormitories, and hotels shall not be defined as dwelling units.

(ii) *Multiple-Family Residential.* The capacity charge for each multiple family residence is \$4,060 per ERU. The estimated capacity demand is 1 ERU per dwelling unit.

(iii) *Commercial, Industrial, Institutional, Dormitory, and Miscellaneous.* The capacity charge for each commercial, industrial, institutional, dormitory, and miscellaneous connection is \$4,060 per ERU. The estimated demand is 1 ERU per 25 unit count per Uniform Plumbing Code (2015 Edition), Chapter 7, Table 702.1.

1.05 Frontage Fee.

This fee is imposed on those customers who are able to use existing collector sewers and thus do not install their own. It is essentially a capacity charge for the collector sewer. The Frontage Fee is \$1,250 per ERU.

1.06 Inspection Fees.

(a) Any person who seeks to connect to the District's sewer facilities by applying for a sewer connection permit is required to pay an inspection fee in the amount specified below. A sewer connection permit shall not be issued until the inspection fee has been paid. All inspection fees for inspections that the applicant requests that occur on Saturdays, Sundays, holidays and after working hours shall be doubled.

Single Family Residential Use that does not require the construction of public sewers	\$160 flat rate per dwelling unit.
Multiple Family Residential, Commercial, Institutional, Industrial, Dormitories, and Miscellaneous that do not require construction of public sewers	\$85 per ERU; the minimum charge shall not be less than \$160. Following final inspection it will be determined if the minimum charge is sufficient to reimburse the District for the actual cost of inspection. The amount paid will be

reconciled at that time.

All uses requiring construction of public sewers

A deposit of four and one-half percent (4.5%) of the General Manager's estimate of the cost of public sewer improvements to be constructed shall be paid so that the sewer connection permit may be issued. Following final inspection of the construction of the sewer facilities the amount paid shall be reconciled so that the inspection fee represents the actual cost of inspection, billed at \$80 per hour.

1.07 Plan Check Fees.

(a) *Construction of Public Sewer.* Persons who seek to construct public sewers by applying for a public sewer construction permit are required to pay a plan check fee deposit in the amount equal to one and one-half percent (1.5%) of the General Manager's estimate of the costs of the public sewer improvements to be constructed. Following final inspection of the construction of the sewer facilities the amount paid shall be reconciled so that the plan check fee represents the actual cost of plan check, billed at \$77 per hour.

(b) *Connection to Public Sewer.* Persons who seek to connect to the District's sewer facilities by applying for a sewer connection permit, or who otherwise submit plans to the District for its review shall pay a plan check fee in the amount set forth below.

Single Family Residential Use.	\$105 flat fee
All non-Single Family Residential Uses	\$77 per hour
Special on-site installations requiring Board approval, such as industrial pretreatment facilities.	Determined on a case-by-case basis based on actual costs incurred by the District.

1.08 Industrial Wastewater Permits Fees.

(a) *Fee.* The District is required to comply with the administrative provisions of the Federal Clean Water Act and water quality requirements set by the California Regional Water Quality Control Board. Therefore, the District imposes an industrial wastewater permit fee on customers as a regulatory measure on the activity of discharging industrial waste into the sewer system in order to protect the public health, safety and welfare. Any person who applies for an industrial wastewater discharge permit, pursuant to Ordinance No. 13-84, shall pay the appropriate industrial wastewater discharge permit fee as set forth below. An Industrial Wastewater Permit shall not be issued until the appropriate fees have been paid.

Classification	Initial Permit	Annual Renewal
I	\$610	\$925

II	\$675	\$1,265
III	\$720	\$1,740
IIIR	\$740	\$1,740
IV	\$870	\$2,895

(b) **Note:** in addition to the Initial Permit Fee, an annual renewal fee will be charged to the customer on a pro-rated quarterly basis from the time the initial permit is issued. For example, if the initial permit¹ is issued in the first quarter of the year, seventy-five percent (75%) of the annual renewal fee for that customer class for that year will be charged.

(c) *Use of Proceeds from Fees.* Revenues derived from permits required by this ordinance shall be used to defray the District's cost of the regulatory program including the costs for facility inspections, wastewater sample collection, permit preparation, required reporting, annual Environmental Protection Agency audits and all permit program related requirements.

1.09 Costs of Laboratory Analysis. The costs of laboratory analysis to establish a user's compliance with its discharge limits under its industrial wastewater discharge permit shall be billed to the user sampled.

Equivalent Residential Unit. One Equivalent Residential Unit ("ERU") is defined as 74,600 gallons per year of water usage.

1.10 Annual Sewer Service Charges.

(a) *Establishment.* The following annual service charges are hereby established. The schedule below sets forth the charges for each type of customer through 2018, with annual adjustments. Surcharges are imposed for non-residential uses and vary based on the strength of the wastewater.

Customer Class	Effective	8/1/13	7/1/14	7/1/15	7/1/16	7/1/17	7/1/18
		\$/yr/ERU*	\$/yr/ERU*	\$/yr/ERU*	\$/yr/ERU*	\$/yr/ERU*	\$/yr/ERU*
All customers		\$ 181.00	\$ 199.00	\$ 218.00	\$ 239.00	\$ 262.00	\$ 287.00
Surcharges for Additional Strength for the Following Commercial User Categories (per ERU)							
1. Hospitals and convalescent homes		\$ 6.00	\$ 7.00	\$ 8.00	\$ 9.00	\$ 10.00	\$ 11.00
2. Service stations without trailer dump facilities, machine shops, auto repair		\$ 9.00	\$ 10.00	\$ 11.00	\$ 13.00	\$ 15.00	\$ 17.00
3. Hotels, motels, boarding, dorms, or lodging house		\$ 17.00	\$ 19.00	\$ 21.00	\$ 23.00	\$ 26.00	\$ 29.00
4. Service stations with trailer dump facilities		\$ 57.00	\$ 63.00	\$ 69.00	\$ 76.00	\$ 84.00	\$ 92.00
5. Take out or drive-in, churches with food service facilities, factories, industrial plants, etc		\$ 94.00	\$ 103.00	\$ 113.00	\$ 124.00	\$ 136.00	\$ 149.00
6. Markets with garbage disposals, mortuaries		\$ 179.00	\$ 197.00	\$ 216.00	\$ 237.00	\$ 260.00	\$ 285.00
7. Restaurants, food service facilities		\$ 191.00	\$ 210.00	\$ 230.00	\$ 252.00	\$ 276.00	\$ 303.00

*One ERU is 74,600 gallons per year of water usage.

(b) *Residential Uses.* Sewer service charges for residential uses shall be based on the number of dwelling units, as that term is defined in Section 1.04(a)(i) above. Residential uses include single family residences, condominiums, mobile home spaces, apartments, trailers, duplexes, triplexes and all other residential uses with sanitary facilities and one kitchen provided in the unit, but do not include boarding or lodging houses, dormitories, and hotels.

(c) *Based on Water Usage.* Water usage figures shall be derived from the water consumption on the premises during the most recent full year of water service. For premises with no water consumption history, the General Manager shall estimate water usage based on similar uses of similar sizes. Where a parcel has several different uses and the uses are not individually metered for water service, the General Manager shall estimate water usage for each use based on similar uses elsewhere in the District and neighboring sewer service districts or, if there are no such similar uses, based on generally accepted studies of water usage for such uses. Where a parcel does not have a water meter, the General Manager shall estimate the water usage on the parcel based on similar properties and uses.

(d) *Special Circumstances.* Where sewer service charges are based on water usage, the District recognizes that special circumstances, such as a customer's use of water for irrigation or cooling purposes, may justify the District's determination that a sewer service charge may require reduction. In making such a determination, the District will consider evidence presented by a customer that a portion of its water use is unrelated to discharges into the sewer system, along with other relevant information.

(e) *Temporary Sewer Service Charges.* In the event that the District permits a one-time discharge or temporary discharges into the District's sewer facilities, the District shall impose a sewer service charge based on the General Manager's estimate of the amount of such discharge or discharges and his or her estimate of the strength of the discharge or discharges. The General Manger shall calculate such temporary or special sewer service charge or charges to be reasonably consistent with the amount of an increment of an annual sewer service charge with the same strength characteristics.

1.11 Sewer Service Charges For Connections Not In District.

The sewer service charge imposed upon connections located outside of the boundaries of the District shall be as negotiated by contract.

ARTICLE II: BILLING

2.01 Collection of Sewer Service Charges on Tax Roll.

The District hereby elects to have the sewer service charges set forth in Section 1.11 of this ordinance 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, its general taxes. This election shall remain in full force and effect so long as this provision of this ordinance remains in effect.

2.02 Not on County Assessment Roll.

The charge imposed upon each parcel of real property located within the boundaries of the District and attached to the facilities of the District, but not carried upon the County Assessment Roll for the purpose of ad valorem taxes, shall be calculated as set forth herein.

2.03 Manual Billings.

(a) *Bills Authorized.* Whenever an annual sewer service charge levied pursuant to Section 1.11 of this Ordinance cannot be collected by the County Tax Collector of Santa Barbara County, the Manager is hereby authorized to send a bill for the said charge to the owner of the property charged.

(b) *Delinquent and Unpaid Charges.* Charges are due on the date mailed and become delinquent when they remain unpaid for a period of 60 days.

(c) *Penalty for Nonpayment.* If charges are not paid when due, there shall be added thereto the same delinquency penalty and interest as charged by the County for delinquent taxes.

(d) *Collection.* Where charges remain delinquent and unpaid on July 1, delinquent and unpaid charges, penalties, and interest may be added to the following year's tax bill associated with the property. Such charges may also become a lien on the property. (Authority: Cal. Health & Safety Code §§ 6520.10 – 6520.12.)

2.04 Filing of Report.

The General Manager of the District shall annually prepare a report in accordance with California Health and Safety Code Section 5473.1, 5473.2, and 5473.4 (as now in existence or as hereinafter amended), and file the same with the Auditor of the County of Santa Barbara as required therein.

2.05 Disposition of Fees.

All fees collected on behalf of the District shall be deposited with the proper authority provided by the District to receive such funds.

ARTICLE III: REFUNDS

3.01 Refunds.

The Board is authorized to approve a request for a refund submitted by any person who has paid a fee or charge to the District upon a finding that the fee or charge was not required to be paid under the District's ordinances, resolutions or rules and regulations. The Board may adopt procedures for the approval of refunds.

Section 3. Repeal. Ordinance No. 13-83 is hereby repealed.

Section 4. Publication. Upon adoption, this ordinance shall be entered in the minutes of the Board and either posted for one week in three public places in the District or published as

required by law, and shall take effect upon expiration of the week of such publication or posting. If published, the General Manager shall prepare a summary of the ordinance for publication; the summary shall include the names of those board members voting for and against the ordinance.

Section 5. Effective Date. This Ordinance shall take effect on August 1, 2016.

Section 6. CEQA. The Board finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) ("rates, tolls, fares or other charges by public agencies"), State CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15321(b) (an action by a regulatory agency to enforce a law, general rule, standard, or objective administered or adopted by the regulatory agency), and 15060(c)(3) (this activity is not a project as defined in section 15378).

Section 7. Severability. If any section, sub-section, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provisions to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

PASSED and ADOPTED by the Board of Directors of the Goleta West Sanitary District on the 7th day of June, 2016.

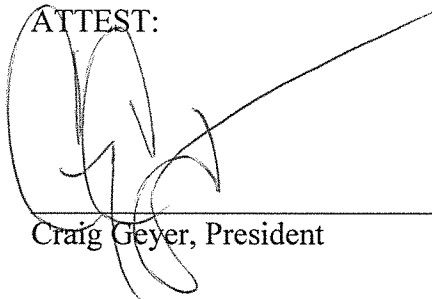
AYES: Geyer, Lewis, Meyer, Turenchalk

NOES: None


ABSTENTIONS: None

ABSENT: Bearman

ATTEST:



Craig Geyer, President



Mark Nation, Secretary

(SEAL)