

SANITARY DISTRICT NO. 2 OF MARIN COUNTY,
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA

ORDINANCE NO. 40

AN ORDINANCE OF SANITARY DISTRICT NO. 2 OF MARIN COUNTY,
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA,
SETTING THE ANNUAL SEWER USER SERVICE CHARGE FOR BUILDINGS
CONNECTED TO THE DISTRICT SEWER SYSTEM FOR THE FIVE (5) FISCAL YEARS
BEGINNING ON JULY 1ST AND ENDING ON JUNE 30TH OF FY 2005 – 2006, FY 2006 –
2007, FY 2007 – 2008, FY 2008 – 2009, AND FY 2009 – 2010

WHEREAS, Sanitary District No. 2 of Marin County, a Subsidiary District to the Town of Corte Madera, has adopted an ordinance, pursuant to Section 5470, et seq. of the Health and Safety Code of the State of California, establishing a system for the imposition and collection of a Sewer User Service Charge; and

WHEREAS, said ordinance, which has been codified as Title 21 of “Sanitary District No. 2 of Marin County, a Subsidiary District to the Town of Corte Madera” and of the Town of Corte Madera Municipal Code (hereafter referred to as “Title 21”), provides that all premises within Sanitary District No. 2 (hereafter referred to as “District”) connected to the sewer system shall be charged a Sewer User Service Charge to be established by ordinance adopted by a 2/3 vote of the District Board of Directors; and

WHEREAS, the District presently receives approximately 56% of its revenue from property taxes and approximately 44% of its revenue from Sewer User Service Charges billed to customers receiving sewer service from the District; and

WHEREAS, the Sewer User Service Charge for the services provided by the District to each existing customer who receives sewer service from the District has been set at \$188 per sewer user unit since Fiscal Year 1992-1993 through and including Fiscal Year 2004-2005--the past thirteen (13) years; and

WHEREAS, the District is setting the Sewer User Service Charge for the five (5) Fiscal Years beginning in FY 2005-2006 and ending in FY 2009-2010 under the assumption that the District will continue to receive its pro rata share of the Proposition 13 property tax allocation that it presently receives; and

WHEREAS, the District has published a “Sewer System Master Plan” dated September 10, 2003, that delineates both capital maintenance and capital improvements necessary over the next 40 years to allow for the continued operation, maintenance and replacement of the sewer system as required to maintain the desired level of service and protection of the health and safety of the community; and

WHEREAS, the District intends to fund the costs of the operation and maintenance of the District sewer system as set forth by the Master Plan on a “cash basis” with temporary borrowing from the Town of Corte Madera beginning in FY 2005-2006 and ending by current projections in FY 2011-2012; and

WHEREAS, the District intends to begin funding depreciation/replacement in FY 2011-2012 to avoid deficits in the future; and

WHEREAS, to accomplish said goals, the Sewer User Service Charge must be increased in increments over the next five (5) fiscal years to fund these requirements, as set forth in Section 1 below; and

WHEREAS, attached hereto and incorporated herein by reference as though fully set forth is a projection of the Sewer Fund including a schedule of sewer maintenance and operation projects over the next ten (10) fiscal years, including five (5) prior fiscal years of history, based on the most currently available information; and

WHEREAS, the District has identified each parcel that is served by the District and will be affected by the proposed Sewer User Service Charges; and

WHEREAS, a “Notice of Public Hearing” to take place on May 3, 2005 at 7:30 P.M. at the Corte Madera Town Hall Council Chambers in order to consider the proposed Sewer User Service Charges for the next five fiscal years was published in two newspapers of general circulation once per week for two successive weeks at least two weeks in advance of the public hearing, posted in three (3) public places within the District on March 2, 2005, and mailed to each record owner of property being served by the District at least 45 days in advance of the public hearing; and

WHEREAS, the notice of the May 3, 2005 public hearing set forth the proposed Sewer User Service Charges per sewer user unit, the basis upon which the amount of the proposed charges were calculated, and the reasons for the charges being proposed; and

WHEREAS, a public hearing was held on May 3, 2005, at which time all protests and objections were considered and there were not written protests submitted to the District before or during the hearing by a majority of the property owners to be affected by the proposed Sewer User Service Charges; and

WHEREAS, the District finds that the Sewer User Service Charges now being proposed do not exceed the pro rata share of the cost placed by each customer upon the District sewer system and will not exceed this proportionate cost during the upcoming five (5) fiscal years; and

WHEREAS, the District finds that the total Sewer User Service Charges now being proposed for each of the five fiscal years will not exceed the total costs of the District to provide all sewer service during each of the applicable five fiscal years.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 2 OF MARIN COUNTY, A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Sewer User Service Charges. The owner or owners of any building that is served by Sanitary District No. 2 shall be charged by the District a Sewer User Service Charge in the amount specified below per sewer user unit plus \$2 per parcel/billing for collection costs for sewer services provided during the fiscal years specified. The Sewer User Service Charge shall be collected on the property tax roll of the County of Marin and shall constitute a lien on a parcel of land against which the charge is being imposed. For all properties that are connected to the District

sewer system which are not included on the County of Marin property tax roll, however, the property owner shall be directly billed by the District on or after February 1st of each respective fiscal year for the fiscal year's Sewer User Service Charge plus collection fees in the amount set by this ordinance. Said charges and fees billed by the District shall be payable in one lump sum directly to the District.

<u>FISCAL YEAR</u>	<u>CHARGE PER</u>	<u>COLLECTION</u>
<u>JULY 1 - JUNE 30</u>	<u>SEWER USER UNIT</u>	<u>CHARGE</u>
		<u>PER PARCEL/BILLING</u>
FY 1992 - 1993 through		
FY 2004 - 2005	\$188.00	\$2.00
FY 2005 - 2006	\$250.00	\$2.00
FY 2006 - 2007	\$312.00	\$2.00
FY 2007 - 2008	\$374.00	\$2.00
FY 2008 - 2009	\$436.00	\$2.00
FY 2009 - 2010	\$498.00	\$2.00

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The Board of Directors of Sanitary District No. 2 of Marin County, a Subsidiary District to the Town of Corte Madera, hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

Section 3. Effective Date. This ordinance shall become effective 30 days after the date of adoption.

Section 4. Posting. The Clerk of the District shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

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This ordinance was introduced on the 3rd day of May 2005 and adopted on the 17th day of May, 2005, by the following vote:

AYES, Board Members: Condon, Dupar, Gill, Lappert, Yang

NOES, Board Members: - None -

ABSENT, Board Members: - None -

APPROVED:

John Dupar, President

ATTEST:

Christine Green, Clerk

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