



MCKINLEYVILLE

COMMUNITY SERVICES DISTRICT

P. O. BOX 2037 • MCKINLEYVILLE, CA 95521 • (707) 839-3251

ORDINANCE 48

AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT'S RULES AND REGULATIONS ESTABLISHING PROCEDURES FOR INSTALLATION OF COMMERCIAL LANDSCAPE IRRIGATION WATER METERS, REVISING WATER RATES FOR BULK WATER SALES, ESTABLISHING CHARGES FOR INCLUSION OF NEW LANDS INTO THE ADOPTED SEWER SERVICE AREA AND REVISING THE MEMBERSHIP OF THE RECREATION ADVISORY COMMITTEE

- WHEREAS, the Board wishes to bill commercial customers equitably for sewer consumption;
- WHEREAS, commercial sewer rates are based on the metered flow of water;
- WHEREAS, the outside irrigation of water does not contribute to sewer collection system or treatment system demands;
- WHEREAS, the Board wishes to cover its actual administrative cost in processing the sale of bulk water to water transporters;
- WHEREAS, the sale of bulk water involves extraordinary costs not associated with normal water sales;
- WHEREAS, the customers in the original sewer service area paid for the construction of the District's sewer collection, treatment and disposal system;
- WHEREAS, property owners outside the original sewer service area would need to construct duplicate sewer collection, treatment and disposal capacity at the then current construction cost to provide for their sewer sanitation needs if the Board rejected sewer interconnection of those lands; and
- WHEREAS, the Board wishes to reserve the sewer collection, treatment and disposal capacity for those who have paid for its construction;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Rule 5.12 is amended to read:

Rule 5.12. COMMERCIAL LANDSCAPE METERS. The Manager shall encourage all commercial uses to install an irrigation meter in addition to the regular water meter. Where the customer agrees to install an irrigation meter, the overall connection charge shall be the same as if one water meter had

been installed and the installation charge shall reflect the actual time and materials cost of adding an additional meter on the service line constructed for the primary meter.

Section 2. Rule 14.08 is added to read:

Rule 14.08. BULK WATER SALES. The Manager may sell water to water transporters who have first secured a permit pursuant to Rule 14.05 for subsequent individual bulk sales in a specified transport vehicle. The Manager shall charge the water transporter by truckload for the rated volume capacity of the transport vehicle based on the following schedule. Each truckload to be used inside the District will pay a \$5 processing fee in addition to a water charge equal to the rated volume of the transport vehicle times the rate of \$1.41 per one hundred cubic feet. Each truckload to be used outside the District will pay a \$5 processing fee in addition to a water charge equal to the rated volume of the transport vehicle times the rate of \$2.12 per one hundred cubic feet.

Section 3. Section h is added to Rule 21.02 as follows:

- (h) Buy in capacity charge - For all lands added to the sewer service area the Manager shall collect the additional charges set for in the respective Resolution amending the sewer service area in addition to the other charges described above.

Section 4. Rule 23.12 is amended by the addition of the following sentence at the end of the Rule:

Where the Board has added new territory into the Sewer Service Area, all lands within each such area shall constitute a zone of special benefit and all such lands shall pay the charges and fees set forth in the resolution adopted by the Board for those lands.

Section 5. Rule 23.13 is replaced by the following rule:

Rule 23.13. EXPANSION OF SEWER SERVICE AREA. The Board, by resolution, may expand the boundaries of the sewer service area where the Board finds that inclusion of additional lands that the inclusion area is contiguous to the existing sewer service area; that the inclusion will not result in islands of unserved property; that the applicant has paid all collection system, treatment system and disposal system buy in capacity charges and that the inclusion area is inside the District. Said resolution shall also establish one or more zones of special benefit. Where the area proposed for

inclusion requires formation of one or more assessment districts to fund construction of sewer improvements, such assessment districts shall be formed prior to amendment of the sewer service area. The collection, treatment and disposal system buy in capacity charges shall be calculated by computing the existing sewer flow from the property and multiplying that flow times the then current annual buy in charge as set forth in a resolution to be adopted by the Board.

Section 6. Rule 23.14 is replaced by the following rule:

Rule 23.14. APPLICATION TO INCLUDE LANDS INTO SEWER SERVICE AREA. Any land owner may apply to the District to include properties in Sewer Service Area by submitting the completed form provided by the District along with a processing fee of \$100. Said application shall include a map of the area proposed for inclusion, a legal description of the area proposed for inclusion and a report prepared by a professional engineer projecting the sewer flows resulting from full buildout of the inclusion area, and describing the collection system needed to serve inclusion area full buildout sewer flows.

Section 7. Rule 23.15. is replaced by the following rule:

Rule 23.15. PROCESS FOR CONSIDERATION OF APPLICATION TO INCLUDE LANDS IN SEWER SERVICE AREA. When the Manager receives a complete application, the Manager shall set an agenda item on a subsequent Board agenda for Board consideration of the application. The Manager shall submit said application and the Engineer's report along with a staff report projecting the buy in capacity charge for the proposed area. The Board shall review the application, the engineer's report and the Manager's report to determine if an assessment district is required to fund the works required to serve the full buildout of the inclusion area. If no assessment district is required, the Board may consider adoption of a resolution amending the sewer service area or deny the application. Each such resolution shall establish a Zone of Special Benefit and require the payment of the adopted buy in capacity charge as a condition of adding the inclusion area into the sewer service area. If an assessment district is required, the Board may opt to initiate such an assessment district or deny the application. Should the Board agree to initiate such an assessment district, the Board may require the applicant to pay all legal, engineering, environmental and funding costs associated with the formation of said assessment district. The Board may consider adoption of a resolution amending the sewer service area only after such an assessment district has been formed. Each such resolution shall establish a Zone of Special Benefit and require the payment of the adopted buy in capacity charge as a condition of adding the inclusion area into the sewer service area.

Section 8. Section a. of Rule 40.01. is replaced as follows:

a. One (1) member shall be a member of the District Board.

Section 9. Section b. of Rule 40.01. is replaced as follows:

B. One (1) member shall be a member of the McKinleyville Area Fund Board of Directors nominated by the McKinleyville Area Fund Board of Directors.

Section 10. This ordinance when effective shall be added to the Rules and Regulations of the District as a codified ordinance of the Board of Directors of the McKinleyville Community Services District.

On the Motion of Director SHEPHERD and seconded by Director RAMEY, the foregoing ordinance is duly adopted on second reading this 8TH day of APRIL, 1993 by the following vote:

AYES: ESTES, RAMEY, WALUND, SHEPHERD

NOES: NONE

ABSENT: HARLING

Edward E. Estes
President, Board of Directors
McKinleyville Community Services
District

ATTEST:

BARBARA L. BETHEL
Secretary, Board of Directors
McKinleyville Community Services District

I, BARBARA L. BETHEL, Secretary to the Board of Directors of the MCKINLEYVILLE COMMUNITY SERVICES DISTRICT, hereby certify that the foregoing is a full, true, and correct copy of an ordinance duly adopted this 8TH day of APRIL, 1993.

Barbara L. Bethel
Secretary to the Board of
Directors of McKinleyville
Community Services District