

NOVATO SANITARY DISTRICT

July 12, 2010

A public hearing will be conducted by the Board of Directors of the Novato Sanitary District at 12:00 p.m., Monday, July 12, 2010, at the District Office, 500 Davidson Street, Novato.

Materials related to items on this agenda are available for public inspection in the District Office, 500 Davidson Street, Novato, during normal business hours.

AGENDA

1. PLEDGE OF ALLEGIANCE:

2. AGENDA APPROVAL:

3. PUBLIC COMMENT (Please observe a three-minute time limit):

This item is to allow anyone present to comment on any subject not on the agenda, or to request consideration to place an item on a future agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Board at this time as a result of any public comments made.

4. PUBLIC HEARING PURSUANT TO ARTICLE 13(D) OF THE CALIFORNIA CONSTITUTION – INCREASED SEWER SERVICE CHARGES:

- a. Open hearing
- b. Receive staff report
- c. Receive public comments
- d. Receive and tally written protests
- e. Close hearing

5. PUBLIC HEARING – 2010-11 SEWER SERVICE CHARGE REPORT:

- a. Open hearing.
- b. Consider protests regarding sewer service charge report.
- c. Close hearing.

6. RECOMMENDED SEWER SERVICE CHARGE ORDINANCE:

- a. Consider adoption of Ordinance No. 113 establishing sewer service charge rate.

5. RESOLUTION CONFIRMING REPORT ON SEWER SERVICE CHARGES:

- a. Consider adoption of resolution confirming sewer service charge report and electing to collect on tax rolls.

6. ADJOURNMENT:

AGENDA/Board of Directors
July 12, 2010

Next resolution no. 3025

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District at (415) 892-1694 at least 24 hours prior to the meeting. Notification prior to the meeting will enable the District to make reasonable accommodation to help ensure accessibility to this meeting.

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: PUBLIC HEARING - SEWER SERVICE CHARGES	MEETING DATE: 7/12/2010 AGENDA ITEM NO. :
RECOMMENDED ACTION: Adoption of Ordinance Establishing Sewer Service Charges and Adoption of Resolution Authorizing Collection on Tax Rolls	
SUMMARY AND DISCUSSION: <p>The Preliminary 2010-11 District budget that has been distributed with the agenda packet will be presented for adoption at the 6:30 p.m. meeting. The budget shows that with the referendum election confirming the treatment facilities contract option, it will not be necessary for a sewer service charge increase for 2010-11.</p> <p>An ordinance and resolution will be presented for Board adoption at the 12:00 p.m. public hearing extending the current sewer service charge rate for the coming year and authorizing collection on the County of Marin tax rolls.</p>	
ALTERNATIVES: Do not adopt the proposed ordinance and resolution.	
BUDGET INFORMATION: N/A	
DEPT. MGR. :	MANAGER'S APPROVAL:

ORDINANCE NO. 113

**AN ORDINANCE OF THE NOVATO SANITARY DISTRICT
ESTABLISHING THE SEWER SERVICE CHARGES
FOR FISCAL YEAR 2010-2011**

WHEREAS, the District has previously developed and instituted a Sewer Service Charge Program to finance the services and facilities furnished by the District, and

WHEREAS, Ordinance No. 111, adopted by the Board of Directors on August 6, 2007, sets the sewer service charges through fiscal year 2009-2010 and the methodology for calculating the charges; and

WHEREAS, Ordinance No. 106 also set the sewer service charges through fiscal year 2009-2010, but Ordinance No. 106 amended Ordinance No. 42, which was then repealed by Ordinance No. 111; and

WHEREAS, Section 23 of Ordinance No. 111 provides that from time to time, when rates and charges are updated but there is no modification of methodology, the Board may modify rates and charges by adopting new tables; and

WHEREAS, at least 45 days prior to this public hearing, the District mailed written notices to District customers informing them of a possible increase in sewer service charges; and

WHEREAS, Monday, the 12th of July, 2010, at the hour of 12:00 p.m. at the regular meeting place of said District, 500 Davidson Street, Novato, California, was fixed as the time and place for hearing on the sewer service charge report filed with the Secretary of this District, pursuant to law, and the Secretary published a notice of said hearing once a week for two successive weeks with at least five days intervening between the respective publication dates, with the first publication being at least fourteen days prior to the date set for said hearing, in the Marin Independent Journal, a newspaper of general circulation printed and published in the County; and

WHEREAS, the Board of Directors of the District has reviewed the present sewer service charge rate schedule and the District's draft budget, and has determined that the sewer rate need not be increased for fiscal year 2010-2011 and can remain at 2009-2010 levels; and

WHEREAS, in adopting this Ordinance, the Board of Directors finds that, based on the draft budget, the amount of the charge imposed does not exceed the proportional cost of the service attributable to the properties receiving service and the charge is only imposed on those properties actually receiving service or for those which service is immediately available; and

WHEREAS, the Board of Directors finds that this action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 (a) (1-4) of the District CEQA Guidelines.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Novato Sanitary District as follows:

Section 1. All rates for Sewer Service Charges for users of the District System set for fiscal year 2009-2010 in Section 4 of Ordinance No. 111 are hereby adopted for fiscal year 2010-2011, and such rates shall continue thereafter in effect until further action of the Board of Directors. Those rates are set forth in Attachment A to this Ordinance.

Section 2. The remainder of Ordinance No. 111 shall also remain in full force and effect.

Section 3. In addition to the applicable sewer service charges as set out in Attachment A and Ordinance No. 111, all users whose service charges are collected on the Marin County tax roll, shall pay an annual collection fee amounting to Two and 00/100 Dollars (\$2.00) per County Assessor's parcel billed.

Section 4. Pursuant to Section 5473 of the Health and Safety Code, the authorization to collect these charges on the tax roll will remain effective until repealed or until a change is made in the rates charged by the District.

Section 5. Upon adoption, this Ordinance shall be entered in the minutes of the Novato Sanitary District Board, shall be published once in the Marin Independent Journal, a newspaper of general circulation published in the District, and shall take effect upon expiration of the week of publication.

PASSED AND ADOPTED this 12th day of July, 2010, by the Board of Directors of the Novato Sanitary District by the following vote:

AYES:	Members:	_____
NOES:	Members:	_____
ABSENT:	Members:	_____

President of the Board of Directors
Novato Sanitary District

COUNTERSIGNED:

Secretary of the
Novato Sanitary District
County of Marin, State of California

Approved as to Form:

Kenton L. Alm
Counsel for the District

1478565.1

ATTACHMENT A

**SEWER SERVICE CHARGE SCHEDULE FOR FY 2010-11 AND THEREAFTER UNTIL
MODIFIED BY THE BOARD**

Table 1A – Residential Rates, annual	
	CHARGE
1 SU (Average Water Use)	\$462
Low Water Use	\$277
High Water use	\$832

Table 1 – Non-Residential Rates		
Fixed Charge Per Square Foot Including flow factors		
User Type	Floor Area Flow Factor	CHARGE
Base Charge/square foot	1.0	\$0.19
Office	1.0	\$0.19
Retail	1.0	\$0.19
Public office buildings	1.0	\$0.19
School classrooms/administration	1.0	\$0.19
Churches	1.0	\$0.19
Meeting halls with kitchens	1.0	\$0.19
Auto service stations	1.0	\$0.19
Supermarkets	1.0	\$0.19
Auditoriums theaters	1.0	\$0.19
Gymnasium w/showers	1.0	\$0.19
Hotels/motels, not incl. restaurant	1.0	\$0.19
Mortuary	1.0	\$0.19
Medical offices	1.3	\$0.25
Veterinary offices	1.3	\$0.25
Dental offices	1.3	\$0.25
Hospitals	1.3	\$0.25
Cafeteria/dining area	2.0	\$0.38
Restaurants/cafes	2.0	\$0.38
Bakeries	2.0	\$0.38
Ice cream/yogurt shops	2.0	\$0.38
Delicatessens	2.0	\$0.38
Laundry and Laundromats	3.0	\$0.57

Note for Table 1: Ministorage buildings and other storage buildings not connected to the sewers are not charged for sewer use.

Table 2 – Non-Residential Rates
 Variable Charge
 (water use and strength factors)

User Type	Strength Factor	CHARGE
Base Charge/square foot	1.0	\$2.52
Office	1.0	\$2.52
Retail	1.0	\$2.52
Public office buildings	1.0	\$2.52
School classrooms/administration	1.0	\$2.52
Churches	1.0	\$2.52
Auto service stations	1.0	\$2.52
Auditoriums theaters	1.0	\$2.52
Gymnasium w/showers	1.0	\$2.52
Hotels/motels, not incl. restaurant	1.0	\$2.52
Medical offices	1.0	\$2.52
Veterinary offices	1.0	\$2.52
Dental offices	1.0	\$2.52
Hospitals	1.0	\$2.52
Laundries and laundromats	1.4	\$3.53
Meeting halls with kitchens	1.4	\$3.53
Cafeteria/dining area	2.2	\$5.48
Restaurants/cafes	2.2	\$5.48
Supermarkets	2.2	\$5.48
Bakeries	2.2	\$5.48
Ice cream/yogurt shops	2.2	\$5.48
Delicatessens	2.2	\$5.48
Mortuary	2.2	\$5.48

Note for Table 2: The annual volume of water use in hundred cubic feet/year is calculated based on the average winter water use. (Winter bimonthly water use x 6 = annual volume of water use.)

RESOLUTION NO. 3025

**A RESOLUTION PRESCRIBING AND PROVIDING FOR THE COLLECTION OF SEWER
SERVICE CHARGES FOR NOVATO SANITARY DISTRICT
ON THE TAX ROLLS OF THE COUNTY OF MARIN
FOR THE FISCAL YEAR 2010-2011**

NOVATO SANITARY DISTRICT

RESOLVED, by the Board of Directors of the Novato Sanitary District, Marin County, California, that:

WHEREAS, The District does hereby elect, pursuant to Section 5473 of the Health and Safety Code of the State of California, to have the sewer service charges for the fiscal year 2010-11, established by said District, collected on the tax roll of the County of Marin, State of California, in the manner provided pursuant to Sections 5471 through 5473.11 of the Health and Safety Code of the State of California.

WHEREAS, Monday, the 12th day of July, 2010, at the hour of 12:00 p.m. at the regular meeting place of said District, Novato Treatment Plant, 500 Davidson Street, Novato, California, was fixed as the time and place for hearing on the sewer service charge report filed with the Secretary of this District, pursuant to law, and the Secretary published a notice of said hearing and of the filing of said report, once a week for two successive weeks with at least five days intervening between the respective publication dates, with the first publication being at least fourteen days prior to the date set for said hearing, in the Independent Journal, a newspaper of general circulation printed and published in the County.

WHEREAS, notice was given of the time therein stated in the manner provided by law as appears by the affidavits of publication on file in the office of the Secretary of said District;

WHEREAS, said matter came on regularly for hearing at the time fixed; and

WHEREAS, all written protests and other written communications, if any, were publicly read

at said meeting and all persons desiring to be heard were fully heard;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. That objections to and protests against said report were not made by the owners of a majority of the separate parcels of property described in the report against which charges for the services and facilities provided by the District were fixed.

2. No objections to, or protests against, said report were made at the hearing.

3. That said report be, and it is hereby, adopted in full as revised, changed, reduced or modified by the Board, and that said charges shall be collected on the tax roll of the County of Marin, in the manner provided by law.

4. That the Secretary of this District be, and she is hereby, directed to file a copy of said report with the County Controller of Marin County on or before the 13th day of August, 2010, upon which shall be endorsed, over her signature, a statement that the report has been finally adopted by the Board of Directors of the Novato Sanitary District.

5. The County Controller of Marin County shall, upon receipt of said report, enter the amounts of the charges against the respective lots or parcels as they appear on the assessment roll for the fiscal year 2010-11.

6. For all premises connected to the sewer system of the District, the sewer service rate per Service Unit for fiscal year 2010-11 shall be **FOUR HUNDRED AND SIXTY-TWO AND 00/100 DOLLARS (\$462.00)** per year as established by Novato Sanitary District Ordinance No. 106, adopted August 1, 2005. Said rate shall be subject to modification and change, from time to time, as may be required to permit the District to meet State and Federal revenue program guidelines and as the total number of Service Units and the budgetary requirements of the District change. Service Units shall be calculated for various types of sewer users as described in Novato Sanitary District Ordinance No. 111 adopted August 6, 2007.

Said charges are established pursuant to Article 13B of the Constitution, as amended and statutory provisions relating thereto.

In addition to the rate per Service Unit, all users whose service charges are collected on the Marin County tax roll, shall pay an annual collection fee amounting to **TWO AND 00/100 DOLLARS (\$2.00)** per County Assessor's parcel billed.

* * * * *

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the Board of Directors of the Novato Sanitary District, Marin County, California, at a meeting thereof duly held on the 12th day of July 2010, by the following vote:

AYES, and in favor thereof, Directors: _____

NOES, Directors: _____

ABSENT, Directors: _____

President, Novato Sanitary District

COUNTERSIGNED::

Secretary