

**ORDINANCE NO. 2014-01(B)**

**AN ORDINANCE OF SANITARY DISTRICT NO. 5 OF MARIN COUNTY RAISING THE CONNECTION FEES TO THE DISTRICT'S SEWER SYSTEM AND AMENDING ORDINANCE NOS. 70-1, 79-1, 06-01, 06-02 AND ALL OTHER ORDINANCES AS THEY PERTAIN TO THE SETTING OF CONNECTION FEES**

**WHEREAS**, the Sanitary District No. 5 of Marin County ("District") is authorized by the Sanitary District Act of 1923 (Health & Safety Code § 6400 et seq.) to provide public services and facilities related to the acquisition, construction, replacement, maintenance and operation of wastewater collection facilities within the District's service area; and

**WHEREAS**, the District is empowered to prescribe, revise and collect fees, rates and charges related to said wastewater collection facilities pursuant to Health and Safety Code §6520.5, including sewer connection fees; and

**WHEREAS**, the District imposes sewer connection fees in accordance with Government Code §66013; and

**WHEREAS**, the District finds that the sewer connection fees established by this Ordinance are neither an incident of property ownership nor a property-related service having a direct relationship to property ownership and, therefore, are not subject to the requirements of California Constitution Article XIID (also known as Proposition 218); and

**WHEREAS**, the District finds that the sewer connection fees established by this Ordinance are not imposed as a condition of approval of a proposed development project as defined in Government Code § 66001 and, therefore, are not subject to the requirements for imposing development fees set forth in Government Code § 66000 et seq.; and

**WHEREAS**, the District finds that the sewer connection fees established by this Ordinance do not exceed the estimated reasonable cost of providing the service for which the fees are imposed, pursuant to Government Code § 66013 and § 66016; and

**WHEREAS**, the District finds that the sewer connection fees established by this Ordinance are non-discriminatory as applied to all users of the District's wastewater collection facilities and are established upon a rational basis; and

**WHEREAS**, the owners and occupants of the properties upon which all sewer connection fees established by this Ordinance desire to discharge wastewater to the District's wastewater collection facilities; and

**WHEREAS**, in 1970, the District's Board of Directors ("Board") established connection fees to the District's sanitary sewer system through passage of Ordinance No 70-1 and amended the connection fee portion of Ordinance No 70-1 in 1979 with the passage of Ordinance No 79-1; and

**WHEREAS**, in 2006, the Board raised connection fees for Tiburon and Belvedere sewer connections and amended Ordinance Nos. 70-1, 79-1, and all other Ordinances as they pertained to the setting of connection fees through the passage of Ordinance No. 06-01; and

**WHEREAS**, in 2006, the Board established new connection fees for the Paradise Cove area for residential connections through the passage of Ordinance No. 06-02; and

**WHEREAS**, since the Board last updated the connection fees for Tiburon, Belvedere and Paradise Cove, the District replaced the Paradise Cove wastewater treatment plant and substantially rehabilitated the main plant that serves Tiburon and Belvedere. In addition, the District compiled an updated inventory of the existing treatment plant and collection system facilities, including acquisition cost and date, which allowed for a more exacting valuation of system capacity with which to calculate the sewer connection fees; and

**WHEREAS**, the District's need for upgraded and improved wastewater collection was required to protect the public health and safety, and to preserve the environment without damage; and

**WHEREAS**, there is a significant cost to the District for new connections. These costs are in excess to the connection fees previously established, and

**WHEREAS**, to demonstrate the reasonableness of the District's sewer connection fees, the calculation method and the basis for determining the connection fees for a fixture unit are presented in a separate report entitled "Marin County Sanitary District No. 5 Connection Fee Update," dated September 16, 2014, which may be referenced by contacting the District; and

**WHEREAS**, the connection fee is based on the reasonable cost per connection. The reasonable cost is derived based on the value of a connection specific to the collection system and treatment facilities serving parcels in Tiburon and Belvedere and the treatment facilities serving customers located in Paradise Cove; and

**WHEREAS**, the value of the connection is different for the District's three service areas of Tiburon, Belvedere, and Paradise Cove, and therefore, the connections fees for each of these service areas are different; and

**WHEREAS**, the sewer connection fees are calculated by dividing the value of the District's sewer facilities at the time the charge is imposed by the total equivalent dwelling units (EDU) accessing those facilities; and

**WHEREAS**, the District finds that all sewer connection fees established by this Ordinance have been approved by the Board at a noticed public meeting and in accordance with applicable provisions of law; and

**WHEREAS**, the costs outlined in "Exhibit A, Schedule of Connection Fee Charges" are based on fixture units as defined in Section 130 of Ordinance No 70-1, and reflect the actual costs to the District for new connections

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SANITARY DISTRICT NO. 5 OF MARIN COUNTY DOES ORDAIN AS FOLLOWS:**

1. All of the above Recitals are true and incorporated by reference herein.
2. The first reading of this Ordinance was conducted at a duly held Board of Directors meeting on October 21, 2014.
3. The District provided notice of the merit hearing for this Ordinance by posting such proposed Ordinance, agendizing the proposed Ordinance for the First Reading on October 21, 2014, agendizing the Merit Hearing for the proposed Ordinance for a hearing on February 12, 2015, and publishing a summary of the proposed Ordinance in a newspaper of general circulation, The Ark, prior to the February 12, 2015, hearing on the proposed Ordinance.
4. The District held a public hearing on the proposed Ordinance on February 12, 2015.
5. The Board finds that the costs of connection to the District's sanitary sewer system have risen, and therefore, the sewer connections fees need to be raised. The Board finds that the costs of connection outlined in Exhibit "A" reflect the actual costs to the District for new sewer connections.

6. The costs reflected in Exhibit "A" are hereby adopted as the new connection fees of the District and these connection fees reflected in Exhibit "A" shall replace all previous connection fees outlined in previous Ordinances including the connection fees outlined in Ordinance Nos. 70-1, 79-1, 06-01, and 06-02.
7. Exhibit "A" to this Ordinance is hereby incorporated herein by reference to this Ordinance.
8. This ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Directors voting for and against the same in *The ARK*, a newspaper of general circulation within the District and published in the County of Marin.

\* \* \* \* \*

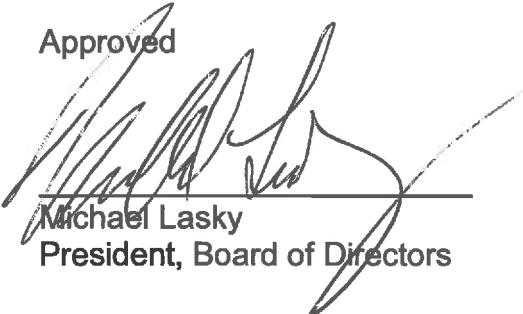
**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of Sanitary District No. 5 of Marin County, held on the 12th day of February, 2015, by the following vote.

AYES, in favor thereof, Directors: *MICHAEL LASKY, RICHARD SNYDER, JOHN CARAPIET, CATHERINE BENEDIKTSOAN, TAD HOODY*

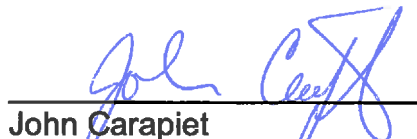
NOES, Directors: *NONE*

ABSENT, Directors: *NONE*

Approved

  
\_\_\_\_\_  
Michael Lasky  
President, Board of Directors

Attest:

  
\_\_\_\_\_  
John Carapiet  
Secretary, Board of Directors

**Exhibit "A"**  
**Schedule of Connection Fee Charges**  
(Per Ordinance No. 2014-01(B) - RCN Model)

Fixture Units	Tiburon Zone			Belvedere Zone			Paradise Zone		
	Treatment Component	Collection Component	Total Charge	Treatment Component	Collection Component	Total Charge	Treatment Component	Collection Component*	Total Charge
1	\$535	\$387	\$922	\$535	\$743	\$1,278	\$434	\$0	\$434
2	\$1,070	\$774	\$1,844	\$1,070	\$1,486	\$2,556	\$868	\$0	\$868
3	\$1,605	\$1,161	\$2,766	\$1,605	\$2,229	\$3,834	\$1,302	\$0	\$1,302
4	\$2,140	\$1,548	\$3,688	\$2,140	\$2,972	\$5,112	\$1,736	\$0	\$1,736
5	\$2,675	\$1,935	\$4,610	\$2,675	\$3,715	\$6,390	\$2,170	\$0	\$2,170
6	\$3,210	\$2,322	\$5,532	\$3,210	\$4,458	\$7,668	\$2,604	\$0	\$2,604
7	\$3,745	\$2,709	\$6,454	\$3,745	\$5,201	\$8,946	\$3,038	\$0	\$3,038
8	\$4,280	\$3,096	\$7,376	\$4,280	\$5,944	\$10,224	\$3,472	\$0	\$3,472
9	\$4,815	\$3,483	\$8,298	\$4,815	\$6,687	\$11,502	\$3,906	\$0	\$3,906
10	\$5,350	\$3,870	\$9,220	\$5,350	\$7,430	\$12,780	\$4,340	\$0	\$4,340
11	\$5,885	\$4,257	\$10,142	\$5,885	\$8,173	\$14,058	\$4,774	\$0	\$4,774
12	\$6,420	\$4,644	\$11,064	\$6,420	\$8,916	\$15,336	\$5,208	\$0	\$5,208
13	\$6,955	\$5,031	\$11,986	\$6,955	\$9,659	\$16,614	\$5,642	\$0	\$5,642
14	\$7,490	\$5,418	\$12,908	\$7,490	\$10,402	\$17,892	\$6,076	\$0	\$6,076
15	\$8,025	\$5,805	\$13,830	\$8,025	\$11,145	\$19,170	\$6,510	\$0	\$6,510
16	\$8,560	\$6,192	\$14,752	\$8,560	\$11,888	\$20,448	\$6,944	\$0	\$6,944
17	\$9,095	\$6,579	\$15,674	\$9,095	\$12,631	\$21,726	\$7,378	\$0	\$7,378
18	\$9,630	\$6,966	\$16,596	\$9,630	\$13,374	\$23,004	\$7,812	\$0	\$7,812
19	\$10,165	\$7,353	\$17,518	\$10,165	\$14,117	\$24,282	\$8,246	\$0	\$8,246
20	\$10,700	\$7,740	\$18,440	\$10,700	\$14,860	\$25,560	\$8,680	\$0	\$8,680
21	\$11,235	\$8,127	\$19,362	\$11,235	\$15,603	\$26,838	\$9,114	\$0	\$9,114
22	\$11,770	\$8,514	\$20,284	\$11,770	\$16,346	\$28,116	\$9,548	\$0	\$9,548
23	\$12,305	\$8,901	\$21,206	\$12,305	\$17,089	\$29,394	\$9,982	\$0	\$9,982
24	\$12,840	\$9,288	\$22,128	\$12,840	\$17,832	\$30,672	\$10,416	\$0	\$10,416
25	\$13,375	\$9,675	\$23,050	\$13,375	\$18,575	\$31,950	\$10,850	\$0	\$10,850
26	\$13,910	\$10,062	\$23,972	\$13,910	\$19,318	\$33,228	\$11,284	\$0	\$11,284
27	\$14,445	\$10,449	\$24,894	\$14,445	\$20,061	\$34,506	\$11,718	\$0	\$11,718
28	\$14,980	\$10,836	\$25,816	\$14,980	\$20,804	\$35,784	\$12,152	\$0	\$12,152
29	\$15,515	\$11,223	\$26,738	\$15,515	\$21,547	\$37,062	\$12,586	\$0	\$12,586
30	\$16,050	\$11,610	\$27,660	\$16,050	\$22,290	\$38,340	\$13,020	\$0	\$13,020
31	\$16,585	\$11,997	\$28,582	\$16,585	\$23,033	\$39,618	\$13,454	\$0	\$13,454
32	\$17,120	\$12,384	\$29,504	\$17,120	\$23,776	\$40,896	\$13,888	\$0	\$13,888
33	\$17,655	\$12,771	\$30,426	\$17,655	\$24,519	\$42,174	\$14,322	\$0	\$14,322
34	\$18,190	\$13,158	\$31,348	\$18,190	\$25,262	\$43,452	\$14,756	\$0	\$14,756
35	\$18,725	\$13,545	\$32,270	\$18,725	\$26,005	\$44,730	\$15,190	\$0	\$15,190
36	\$19,260	\$13,932	\$33,192	\$19,260	\$26,748	\$46,008	\$15,624	\$0	\$15,624
37	\$19,795	\$14,319	\$34,114	\$19,795	\$27,491	\$47,286	\$16,058	\$0	\$16,058
38	\$20,330	\$14,706	\$35,036	\$20,330	\$28,234	\$48,564	\$16,492	\$0	\$16,492
39	\$20,865	\$15,093	\$35,958	\$20,865	\$28,977	\$49,842	\$16,926	\$0	\$16,926
40	\$21,400	\$15,480	\$36,880	\$21,400	\$29,720	\$51,120	\$17,360	\$0	\$17,360
41	\$21,935	\$15,867	\$37,802	\$21,935	\$30,463	\$52,398	\$17,794	\$0	\$17,794
42	\$22,470	\$16,254	\$38,724	\$22,470	\$31,206	\$53,676	\$18,228	\$0	\$18,228
43	\$23,005	\$16,641	\$39,646	\$23,005	\$31,949	\$54,954	\$18,662	\$0	\$18,662
44	\$23,540	\$17,028	\$40,568	\$23,540	\$32,692	\$56,232	\$19,096	\$0	\$19,096
45	\$24,075	\$17,415	\$41,490	\$24,075	\$33,435	\$57,510	\$19,530	\$0	\$19,530
46	\$24,610	\$17,802	\$42,412	\$24,610	\$34,178	\$58,788	\$19,964	\$0	\$19,964
47	\$25,145	\$18,189	\$43,334	\$25,145	\$34,921	\$60,066	\$20,398	\$0	\$20,398
48	\$25,680	\$18,576	\$44,256	\$25,680	\$35,664	\$61,344	\$20,832	\$0	\$20,832
49	\$26,215	\$18,963	\$45,178	\$26,215	\$36,407	\$62,622	\$21,266	\$0	\$21,266
50	\$26,750	\$19,350	\$46,100	\$26,750	\$37,150	\$63,900	\$21,700	\$0	\$21,700
51	\$27,285	\$19,737	\$47,022	\$27,285	\$37,893	\$65,178	\$22,134	\$0	\$22,134
52	\$27,820	\$20,124	\$47,944	\$27,820	\$38,636	\$66,456	\$22,568	\$0	\$22,568
53	\$28,355	\$20,511	\$48,866	\$28,355	\$39,379	\$67,734	\$23,002	\$0	\$23,002
54	\$28,890	\$20,898	\$49,788	\$28,890	\$40,122	\$69,012	\$23,436	\$0	\$23,436
55	\$29,425	\$21,285	\$50,710	\$29,425	\$40,865	\$70,290	\$23,870	\$0	\$23,870
56	\$29,960	\$21,672	\$51,632	\$29,960	\$41,608	\$71,568	\$24,304	\$0	\$24,304
57	\$30,495	\$22,059	\$52,554	\$30,495	\$42,351	\$72,846	\$24,738	\$0	\$24,738
58	\$31,030	\$22,446	\$53,476	\$31,030	\$43,094	\$74,124	\$25,172	\$0	\$25,172
59	\$31,565	\$22,833	\$54,398	\$31,565	\$43,837	\$75,402	\$25,606	\$0	\$25,606
60	\$32,100	\$23,220	\$55,320	\$32,100	\$44,580	\$76,680	\$26,040	\$0	\$26,040

Over 60 The following costs per fixture unit multiplied times the total number of fixture determines the amount of the connection fee:

Per FU	\$535	\$387	\$922	\$535	\$743	\$1,278	\$434	\$0	\$434
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Note: One equivalent dwelling unit (EDU) equals 30 fixture units (FUs).

\* Collection Component charges exist pursuant to Resolution No. 2009-01 and Resolution No. 2014-09