

ORDINANCE NO. 37

AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT'S RULES AND REGULATIONS (ORDINANCE NO. 36)

The Board of Directors adopts the following findings in support of this ordinance.

FINDINGS

1. The MCKINLEYVILLE COMMUNITY SERVICES DISTRICT has experienced substantial growth in residential and other construction during the last five (5) years. This growth has led to the examination by the District of the adequacy of its facilities to serve current needs and anticipated growth.

2. The MCKINLEYVILLE COMMUNITY SERVICES DISTRICT Board of Directors has retained WINZLER & KELLY, Consulting Engineers, to review the ability of the District's existing facilities to serve its customers, present and future. WINZLER & KELLY found that the following improvements in the District's sewer collection and treatment system were required:

A. Increase Disposal Capacity: As documented in the District's Report on Sewage Capacity for McKinleyville Community Services District (May, 1990) and McKinleyville Community Services District Five

Year Capital Improvements Plan (June, 1990) the District requires additional disposal capacity to accept the additional sewage generated by new growth.

B. Increase Collection Capacity: As documented in the Wastewater Collection System Capacity Study (August, 1989) and McKinleyville Community Services District Five Year Capital Improvements Plan (June, 1990) the District must upgrade its collection system to accept additional sewage generated by new growth.

3. Not all of the recommended improvements in the District's facilities must be completed in the immediate future. However, in order to meet the needs reasonably anticipated over the next five years, the improvements specified in the McKinleyville Community Services District Five Year Capital Improvements Plan (June, 1990) are necessary.

4. The present rates required by the District's Rules and Regulations will be inadequate to fund the improvements required over the next five years. Increases in sewer connection fees, as hereafter described, are necessary to provide funds for the necessary improvements to the District's facilities. The increased charges, hereinafter described, do not exceed the estimated reasonable cost of providing the required sewer facilities which will be paid for with funds

resulting from such charges.

5. The California Legislature in 1988 added Chapter 13.7 (commencing with section 54999) to Part 1 of Division 2 of Title 5 of the Government Code to authorize payment and collection of capital facilities fees by public entities. This provision enables a capital facility fee to be placed on users of public utility facilities in order to equitably apportion the cost of capital facilities construction or expansion required by all private users of the facilities.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1: The rules and regulations set forth in District's Ordinance 36 shall be amended to read as follows:

Rule 21.02. CONNECTION CHARGE. The connection charge provided by this Ordinance shall be computed by the Manager based upon what the share of the cost of said sewer main and facilities of the connecting property would have been had it been assessed in said proceedings, using the same formula as used in the assessment district for determining the assessment. The basis of the original assessment levy is as follows:

- (a) General area charge (all land within 600 feet of sewer main) = \$180.00 per acre.

- (b) Local area charge (all land within 200 feet of a sewer main) = \$540.00 per acre.
- (c) Unit Charge
1. Lateral Charge - 4 inch = \$405.00
Lateral Charge - 6 inch = \$625.00
 2. Local Sewer Availability - 4 inch = \$405.00
Local Sewer Availability - 6 inch = \$625.00
- (d) Capacity charge - \$750.00 per Equivalent Residential Unit subject to adjustment as provided in Rule 1.20.
- (e) Development intensity charge - per excess living unit with allowance of one living unit per one-half (1/2) acre of land = \$225.00 per unit.
- (f) Example of application of above described charges:
For a one-half (1/2) acre parcel of normal shape that falls entirely within the local and general area with a single dwelling unit constructed thereon, cost would be:

General area charge - \$180.00 x .5 acre = \$	90.00
\$540.00 x .5 acre	= 270.00
4 inch lateral	= 405.00

Sewer availability	=	405.00
Capacity charge	=	<u>750.00</u>
Subtotal		\$1820.00

(g) The connection charge for the addition of a secondary dwelling as defined by Humboldt County Ordinance No. 1633, Chapter 6.1 shall be the same as the local sewer availability charge for four - inch laterals as specified in subsection (c)2. above. If an additional lateral is required the full charge rate shall apply.

Rule 21.03. DEVELOPMENT CREDIT. For subdivisions or main extensions wherein the owner constructs all of the local sewers at their own cost for connection to the District's system, a credit for such construction cost to be subtracted from the general connection charge may be made for all except the following:

- (a) The availability charge of \$405.00 per unit.
- (b) The intense land development charge of \$225.00 per excess unit.
- (c) The capacity charge.

Rule 1.20. EQUIVALENT RESIDENTIAL UNIT-A freestanding, single family residential structure. The average hydraulic flow from such a structure is 5386 gallons per month. Other types of structures such as

apartments, mobile home installations, RV parks, and commercial establishments, will be evaluated by the District on an individual basis with respect to average monthly flows, and the capacity charge imposed thereon will be proportionate to the standard charge imposed on Equivalent Residential Units.

Existing Rule 1.20 through 1.64:

Renumber to reflect inclusion of new Rule 1.20 stated above.

Section 2: 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.

Section 3: Notwithstanding any of the foregoing, any charges sought to be imposed on any entity described in California Government Code §54999.3 shall be in accordance with the provisions of Chapter 13.7 of Part 1, Division 2, Title 5 of the Government Code.

On motion of Director GRANT RAMEY and seconded by Director ED ESTES, the foregoing ordinance is duly adopted on second reading this 16TH day of AUGUST, 1990, by the following

vote:

AYES: ESTES, HARLING, RAMEY, SHEPHERD, WALUND
NOES: NONE
ABSENT: NONE



President, Board of Directors
McKinleyville Community Services
District

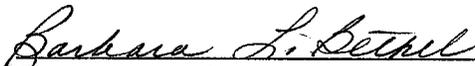
ATTEST:



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 16TH day of AUGUST, 1990.

WITNESS MY HAND and seal of the Board of Directors this
16TH day of AUGUST, 1990.



Secretary to the Board of Directors of
McKinleyville Community Services
District