

ORDINANCE NO. 169

AN ORDINANCE ESTABLISHING RATES AND
CHARGES FOR SANITARY SEWER SERVICES OR
FACILITIES, AND PROVIDING PROCEDURES AND
PENALTIES FOR ITS ENFORCEMENT

BODEGA BAY PUBLIC UTILITY DISTRICT

BE IT ENACTED by the Board of Directors of the Bodega Bay Public Utility District,
Sonoma County, California, as follows:

ARTICLE I

General Provisions

Section 101. Short Title. This ordinance may be cited as “Bodega Bay Public Utility District Sewer Service Charge Ordinance.”

Section 102. Definitions. Unless the context otherwise indicates, terms used herein have the following meanings:

- (a) Board means the Board of Directors of the District.
- (b) Commercial means any premises used for commercial or business purposes that discharges domestic wastewater.
- (c) County means the County of Sonoma.
- (d) District means the Bodega Bay Public Utility District.
- (e) Domestic wastewater means wastewater of a character that is discharged from a residential dwelling.
- (f) Industrial means any premises discharging other than domestic wastewater.
- (g) Industrial wastewater means wastewater that is other than domestic wastewater.
- (h) Institutional means any premises used for schools, churches, hospitals, convalescent homes, or other types of facilities available for public use.
- (i) Manager means the person or persons appointed by the Board to administer and enforce the rules and regulations of the District.
- (j) Person means any individual, firm, company, partnership, association, private or public corporation, or governmental entity, authority, or agency.

(k) Premises means any house, habitation, or other structure requiring public or private sewage disposal services.

(l) Residential means any premises used for residential dwelling purposes.

(m) Sewer Service Charges means fees, tolls, rates, rentals or other charges for services or facilities, or both, furnished by the District in connection with its wastewater system.

(n) Wastewater or sewage means any combination of water-carried wastes from a premises.

(o) Wastewater System means the District's facilities for collecting, transmitting, treating and disposing of wastewater.

Section 103. Additional Definitions. Additional terms used herein shall have the meanings set forth in District Ordinance No. 50, adopted by the Board on October 20, 1976, as amended.

Section 104. Effective Date. This ordinance shall take effect 30 days after its adoption, and at least one week before the expiration of the 30 days, copies shall be posted by the Clerk in three public places in the District. There is no newspaper of general circulation printed and published in the District.

It is intended that, upon its effective date, this ordinance shall supersede Ordinance No. 51, "An Ordinance Establishing Rates and Charges for Sewage Disposal Service or Facilities, and Providing Procedures and Penalties for its Enforcement," adopted on December 15, 1976, as amended.

Section 105. Separability. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 106. Remedies. The remedies for collecting and enforcing the sewer service charges set forth herein, as well as all other remedies available at law or in equity, are cumulative and may be pursued alternatively or in any combination. If any one of the remedies is or may be invalid, all valid remedies shall remain effectual.

Section 107. Intrinsic Distinctions. The sewer service charges herein prescribed may be different for different classes of uses or for different portions of the District, and may vary depending on the financing or installation method or the installation costs to the District of the various components of its wastewater system. If any premises served by the District's wastewater system receives additional benefits from the construction of particular components thereof, sewer service charges may be imposed to cover the value of the additional benefits.

ARTICLE II

Sewer Service Charges

Section 201. Use Charges.

a. General. Service use charges are prescribed for all premises connected to the District’s wastewater system and all premises which are able to connect to the system but at present are connected to a private sewage disposal system. Determination of whether a premises is able to connect to the wastewater system is governed by Ordinance No. 50, Section 305 thereof.

The rates hereby prescribed represent no change in the rates currently prescribed pursuant to Ordinance No. 51, as amended.

Sewer service charges, for a two month billing period, are as follows:

Per Residential Unit Equivalent (RUE)	Charge from January 1, 2009 to June 30, 2010	Charge from July 1, 2010 to June 30, 2011	Charge from July 1, 2011 to June 30, 2012	Charge from July 1, 2012 to June 30, 2013	Charge from July 1, 2013 to June 30, 2030
Base Rate, per RUE (not exceeding 4000 cubic feet of water consumed)	\$70.60	\$77.45	\$84.96	\$93.20	\$102.24
Excess Rate (over 4000 cubic feet of water consumed)	\$3.21 per hundred cubic feet	\$3.53 per hundred cubic feet	\$3.88 per hundred cubic feet	\$4.26 per hundred cubic feet	\$4.68 per hundred cubic feet

In addition, for each fiscal year, commencing July 1, 2007, the sewer service charges will be adjusted for inflation using the U.S. Department Of Labor, Bureau of Labor Statistics, Urban Wage Earners Consumer Price Index.

b. Dedicated Portion. Within the Base Rate set forth above, \$14.00 represents a dedicated source of revenue, deposited into the District’s Wastewater Capital Reserve Fund, to repay the State Revolving Fund Loans, Project No. C-06-4615-110, in accordance with District Resolution Nos. 826 and 827, each adopted on August 18, 1999. This fund and dedicates source of revenue shall remain in effect until such loans are fully discharged, unless modification or change or such dedication is approved in writing by the State Water Resources Control Board.

Section 202. Residential Unit Equivalents. Residential unit equivalents shall be calculated for various types of sewer service as follows:

Type of User	Number of Residential Unit Equivalents
A. Minimum number of residential units for any premises	1
B. Single-family dwelling	1

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| C. Each dwelling unit in a multiple dwelling structure, including mobile home parks and apartments | 1 |
| D. Motel unit with kitchen | .75 each |
| E. Motel unit without kitchen | .50 each |
| F. Cabin unit with or without private toilet facilities | .50 each |
| G. Travel trailer, recreational vehicle or camping site | .50 per space |
| H. Gas station | .50 per pump |
| I. Restaurant | .075 per seat |
| J. Bar, yacht club, or snack bar | .05 per seat |
| K. Institutional, industrial, and commercial users not specifically set forth above | To be determined based upon Board determination of residential unit equivalents. For this purpose it is hereby established that a residential unit contributes 225 gpd domestic wastewater to the District's wastewater system. |

Section 203. Use Charges for other than Domestic Wastewater. For any industrial or other non-domestic premises with respect to which the character of its wastewater requires wastewater treatment or operations, or both, greater than that for normal domestic wastewater, the sewer service charges provided in Section 201 shall be adjusted upward on an equitable basis as determined by the Board from time to time. Any such charges shall comply with all State and Federal regulations relevant thereto and may be revised, by ordinance, from time to time to assure compliance with such regulations.

Section 204. Relief From Unjust Rates. The owner or occupant of any premises who by reason of special circumstances is of the opinion that the charges, either as set forth in Section 201 or as determined pursuant to Section 203, are unjust or inequitable as applied to the premises, may make written application to the Board, stating the circumstances and requesting a different basis of charges for sewer service to the premises. If such application be approved, the Board may, by resolution, fix and establish fair and equitable charges for such premises to be effective as of the date of such application and continuing during the period of such special circumstances.

The Board may on its own motion find that, by reason of special circumstances, the sewer service charges are unjust and inequitable as applied to a particular premises, and may, by resolution, fix and establish fair and equitable sewer service charges for such premises during the period of such special circumstances, or any part thereof.

Section 205. Vacancy. No credit, adjustment or refund will be made to any owner or occupant of any premises because the premises or any part thereof are vacant, unless the premises is disconnected from the wastewater system.

Section 206. Refunds. When any refund becomes due and owing by virtue of action of the Board or by virtue of any error made in ascertaining the sewer service charge applicable to

any premises, the Manager is authorized to make payable such monies from the specific fund established for the deposit of sewer service charges.

Section 207. Governmental Premises. The provisions of this ordinance shall apply to governmental premises. As used herein the term “governmental premises” means and includes institutional premises which are owned, controlled or used by (1) the United States Government or any department or agency thereof, (2) the State of California or any department or agency thereof, (3) any city, county, town, or city and county, or any of their departments or agencies, (4) any school district, (5) any other governmental or public entity.

Section 208. Power to Inspect Premises. In order to effect the powers of this ordinance, the Manager and his or her authorized representatives are given the power and authority to enter upon any premises for the purpose of inspecting and maintaining sanitary and waste disposal facilities, including, but not limited to, ascertaining the nature of such premises, the type of activities carried out thereon, and any other facts or information reasonably necessary to ascertain the applicability of any sewer service charges to such premises, or the amount of such charges. In particular, readings of water meters may be taken where the sewer service charge is based upon the amount of water consumed or used on the premises.

ARTICLE III

Billing

Section 301. Billing. The regular billing period for sewer service charges will be for each calendar month, or bi-monthly, as determined by the Board.

Section 302. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be for not less than one month.

Section 303. Billing Time. Bills for sewer service charges shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

Section 304. Penalties and Penalty Interest; Bad Check Charge. All bills (other than those for which provision is made, prior to delinquency, for their collection on the County tax roll) not paid within 20 days after the date the bill was rendered shall be delinquent, and a basic penalty of 10% of the bill, or amount due, shall be collected along with the principal amount thereof. In addition, penalty interest not exceeding one and one-half percent (1.5%) per month may be added for nonpayment of the charges and basic penalty.

In the event payment of a bill is by check and, upon the District’s deposit thereof, it is returned for non-payment, a “bad check” charge in the amount of \$20.00 shall be added to the amount due on the bill for which the check was submitted in payment.

Section 305. Future Connections. With respect to premises connected, or able to be connected, to the wastewater system of District subsequent to the effective date of this ordinance, the sewer service charges established herein shall be effective immediately upon such connection or ability so to do.

ARTICLE IV

Collection

Section 401. General. All remedies herein provided for the collection of sewer service charges, and the enforcement of the collection thereof, are cumulative and may be pursued alternatively or collectively as the Board determines.

Section 402. Collection with Other Utility Charges. Sewer service charges may be collected with the rates for services or facilities, or both, furnished by the District in connection with its water system. The sewer service charges shall, in such event, be itemized, billed upon the same bill, and collected as one item, together with and not separately from the water service charges.

Section 403. Discontinuing Service. If all or any part of the bill on which any sewer service charge is collected is not paid, the District may discontinue its utility service to the premises for which the bill was rendered until such bill is paid.

Section 404. Billing and Collecting on Tax Roll. As provided in Article V hereof, the District may provide for the collection of sewer service charges, or sewer service charges that have become delinquent, on the County tax roll.

Section 405. Collection by Suit. The District may collect unpaid sewer service charges by suit, in which event it shall have judgment for the cost of suit and reasonable attorney's fees.

Section 406. Other Remedies. The District may provide otherwise for the collection of unpaid sewer service charges.

Section 407. Compensation. Provision may be made for the payment of a reasonable collection charge as an administration expense of operating the wastewater system.

Section 408. Advance Payment. As to any premises on which any sewer service charge remains unpaid, the Board may require that subsequent sewer service charges for the premises be paid in advance for periods not to exceed 12 months, or deposits of or guarantees for the payment of such amounts be furnished the District.

Section 409. Lien.

a. General. All sewer service charges prescribed herein for service, facilities, or both, shall, when delinquent for a period of 60 days, together with interest and penalties thereon, constitute, when recorded, a lien upon the premises served (except that no such lien shall be created against any publicly owned property), and such lien shall continue until the sewer service charges and all penalties thereon are paid.

b. Recordation. The Manager shall cause to be recorded with the County Recorder of Sonoma County a list of the delinquent charges and penalties thereon, stating the amount of each, and a description of the premises upon which the same is a lien.

c. Effect. The recorded list shall have the force, effect, priority and duration of an abstract of a judgment and may be enforced in like manner.

d. Enforcement of Lien. The District may bring an action in any court of competent jurisdiction to enforce any lien on real property for delinquent service charges, together with all fees and costs.

Section 410. Errors. If, through error or otherwise, the amount of any unpaid sewer service charge plus penalties thereon as stated in the list shall be incorrect, the error shall be disregarded and shall not affect or invalidate the filing if the error is \$1.00 or less.

ARTICLE V

Collection by Use of County Tax Roll

Section 501. Procedure. When the District elects to use the County tax roll for the collection of its service charges, or service charges that have become delinquent, proceedings therefore shall be had as now or hereafter provided therefore in Article 4, Chapter 6, Part 3, Division 5 of the California Health and Safety Code (commencing with Section 5470) or Articles 3 and 8, Chapter 4, Division 7 of the Public Utilities Code (commencing with Sections 16461 and 16641, respectively), or any successor provisions.

Section 502. Alternative. The powers authorized by this Article shall be alternative to all other powers of the District and alternative to any other procedures that may be adopted by this Board for the collection of its sewer service charges.

ARTICLE VI

Disconnection

Section 601. Disconnection. As an alternative method of collecting sewer service charges, the District may disconnect any premises from the District's wastewater system if the user fails to pay the charges for the premises after the charges have become delinquent. The Manager shall estimate the cost of disconnection of the premises from the wastewater system and the cost of reconnecting the premises thereto, and the user shall deposit the cost as estimated of disconnection and reconnection before the premises are re-connected to the wastewater system. In the event the arrearages are paid and the premises are reconnected to the wastewater system, the Manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Section 602. Abatement. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in such action.

President, Board of Directors
Bodega Bay Public Utility District

ATTEST:

Clerk of the Bodega Bay Public Utility District
and ex officio Secretary of the Board of Directors
of the District

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I hereby certify that the foregoing Ordinance was duly passed and adopted by the Board of Directors of the Bodega Bay Public Utility District, Sonoma County, California, at a meeting thereof held on the 16th day of November, 2011, by the following vote:

AYES, and in favor, Directors:

NOES, Directors:

ABSENT, Directors:

Secretary