

ORDINANCE 47

**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT'S RULES AND REGULATIONS ESTABLISHING
PROCEDURES TO FORM BENEFIT ZONES**

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

Section 1. Rule 6.19 is added to read:

Rule 6.19. ZONES OF SPECIAL BENEFIT. The Board may, by resolution form zones of special benefit where service to a specific geographic area will entail extraordinary operating or maintenance costs that benefit only those properties in that specific geographic area. The resolution establishing each such zone shall describe the extraordinary operating and maintenance requirements, establish the initial annual zonewide extraordinary operating and maintenance costs, determine the formula for division of annual costs among the properties within the zone, establish a monthly fee for each such property and direct staff to collect fees on the consolidated utility bill. The Board may amend the requirements, costs, formula and monthly fee by subsequent resolution to reflect any changes in the zone or the costs of providing extraordinary services to the zone.

Section 2. Rule 9.11 is added to read:

Rule 9.11. LIABILITY OF OWNER AND RENTAL AGENT. Every owner or rental agent of property is liable for the water service charges for any premises they have rented in the event any tenant thereof does not pay the water service bill.

Section 3. Section 16.01 is amended by the addition of the following sentence at the end of the rule:

Customers residing in a zone of special benefit will pay the fee specified in the then current Resolution for their zone in addition to the charges specified above.

Section 4. Section 23.12 is added to read:

Rule 23.12. ZONES OF SPECIAL BENEFIT. The Board may, by resolution form zones of special benefit where service to a specific geographic area will entail extraordinary operating or maintenance costs that benefit only those properties in that specific geographic area. The resolution establishing

each such zone shall describe the extraordinary operating and maintenance requirements, establish the initial annual zonewide extraordinary operating and maintenance costs, determine the formula for division of annual costs among the properties within the zone, establish a monthly fee for each such property and direct staff to collect fees on the consolidated utility bill. The Board may amend the requirements, costs, formula and monthly fee by subsequent resolution to reflect any changes in the zone or the costs of providing extraordinary services to the zone.

Section 5. Rule 23.12 is added to read:

Rule 23.12. SEWER SERVICE AREA. The Board, by resolution, may establish the boundaries of the sewer service area. The initial resolution shall include all properties that are currently in the Sewer Collection System Assessment District administered by Humboldt County on behalf of the District.

Section 6. Rule 23.13 is added to read:

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 will not decrease the sewer collection, treatment or disposal capacities available to the existing sewer service area; that the inclusion area is contiguous to the existing sewer service area; that the inclusion will not result in islands of unserved property; and that the inclusion area is inside the District. Said resolution may 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.

Section 7. Rule 23.14 is added to read:

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, describing the collection system needed to serve inclusion area full buildout sewer flows, describing the treatment works needed to treat inclusion area full buildout flows and describing the disposal works needed to dispose inclusion area full

buildout flows. Said engineer's report may use surplus capacity in the District's collection system where the full buildout of property inside the existing service area can also be accommodated.

Section 8. Rule 23.15. is added to read:

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 Board shall review the application and the engineer'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. 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.

Section 9. Rule 23.16 is added to read:

Rule 23.16. ADVANCE COSTS AND REFUNDS. When a person applies to connect their property to a main extension previously paid for by others, such applicant shall pay to the District, in addition to all other charges, one half of the actual original cost off the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years of the date of the original connection of such extension to the District's system, the District shall, upon receipt of payment from applicant, pay the amount so collected to the person who paid for the extension originally.

Section 10. Section 27.04 is amended by the addition of the following sentence at the end of the rule:

Customers residing in a zone of special benefit will pay the fee specified in the then current Resolution for their zone in addition to the charges specified above.

Section 11. 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 RAMEY and seconded by
Director SHEPHERD, the foregoing ordinance is duly
adopted on second reading this 9th day of January, 1992
by the following vote:

AYES: ESTES, RAMEY, SHEPHERD, WALUND

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 9th day
of January, 1992.

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