

ORDINANCE 53

**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT'S RULES AND REGULATIONS TO INCREASE
SEWER USER FEES AND SEWER CAPACITY CHARGES**

- WHEREAS, The Board wishes to resolve the District's current disposal problem and to increase the sewer system capacity;
- WHEREAS, The Board has selected the Airport Irrigation project following intensive evaluation of alternatives and the certification of a Final Environmental Impact Report;
- WHEREAS, The State of California has agreed to fund the construction cost of the Airport Irrigation project with a low interest loan of up to \$2,100,000;
- WHEREAS, The District's consulting engineer has prepared the final design plans and specifications for the Airport Irrigation project and has developed detailed estimates of construction cost and operations cost.
- WHEREAS, The projected annual debt service on the loan is projected to be \$141,000.
- WHEREAS, The Board has received input from an advisory committee and has held numerous hearings to get input from the public regarding the appropriate division of the annual debt service between development and existing and new customers;
- WHEREAS, The Board has determined that development should pay 80% of the annual debt service through increased capacity charges and existing and new customers should pay 20% of the annual debt service through increased user fees;
- WHEREAS, The Board has determined that new development will benefit from the project because the project will provide capacity for additional future sewer services;
- WHEREAS, The Board has determined that existing and new customers will benefit from the project because the project will resolve the District's current disposal problem;

WHEREAS, The District's Consulting Engineer has projected that the initial annual operating cost for the Airport Irrigation project will be \$75,000 per year in addition to other existing sewer department costs;

WHEREAS, The State requires that the District apportion sewer user fees amongst residential and commercial customers as a function of the flow and load characteristics of similar classes of users;

WHEREAS, California state law prohibits collection of operating and maintenance costs from development through capacity charges and the Board has determined that existing and new customers should pay these costs through increased user fees;

WHEREAS, The District's sewer user charges and sewer capacity charges are currently lower than those charges of similar service providers in Humboldt County and even with the proposed increases the District's charges will still be lower than those charges of similar service providers;

WHEREAS, The Board on December 15, 1994 and January 12, 1995 held duly noticed hearings to consider the first and second reading respectively for this ordinance; and

WHEREAS, Notice of these hearings was posted and published in accordance with state law and copies of the draft ordinance have been available for public inspection for thirty days prior to the December 15, 1994 and January 12, 1995 hearings on this ordinance.

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

Section 1. Rule 21.02 (d) of the MCSD Rules and Regulations is amended in full to read:

"(d) Capacity Charge - \$1,314.00 per equivalent Residential Unit subject to adjustment as provided in Rule 1.21."

Section 2. Rule 21.02 (f) of the MCSD Rules and Regulations is amended in part to replace the \$750 value listed for Capacity Charge with \$1,314.00 and to replace the \$1,920.00 value listed for Subtotal with \$2,484.00.

Section 3. Rule 27.04 of the MCS D Rules & Regulations is amended in full to read:

"Rule 27.04. RATE SCHEDULE. Sewer Service charges are hereby prescribed as follows:

Schedule of Charges

User Classification	Monthly Charge
Single Family Residence	\$13.26
Apartment or Multiple Living Units	\$13.26 per Unit
Mobile Home	\$13.26
Mobile Home Park	\$13.26 per space
Office Buildings (to 2,000 Sq ft) with less than 7 people	\$13.26
Church, Hall or Rectory	\$13.26
Post Office	\$13.26
Restaurant or Tavern	\$13.26 plus \$2.15/100 cu.ft. over 440 cu.ft
Bakery	\$13.26 plus \$2.00/100 cu.ft. over 440 cu.ft
Motel or Hotel	\$13.26 plus \$2.00/100 cu.ft. over 759 cu.ft
Market	\$13.26 plus \$2.50/100 cu.ft. over 440 cu.ft
Retail Store, Banks, Theater, and all other	\$13.26 plus \$1.86/100 cu.ft. over 769 cu.ft
Gas Station (No Market)	\$13.26 plus \$1.60/100 cu.ft. over 786 cu.ft
Laundromat	\$13.26 plus \$2.00/100 cu.ft. over 840 cu.ft
Fire Station or School	\$13.26 plus \$1.00/100 cu.ft. over 769 cu.ft
Barber or Beauty Shop	\$13.26 plus \$1.50/100 cu.ft. over 440 cu.ft
Coast Guard Station or Airport	\$13.26 plus \$1.80/100 cu.ft. over 769 cu.ft
Car Washes	\$13.26 plus \$2.00/100 cu.ft over 769 cu.ft
Industrial	To be calculated based on flow & load
Septage Delivered to Headworks	\$189 plus \$141.37 per 100 cu.ft. over 133.67 cu.ft. per dump

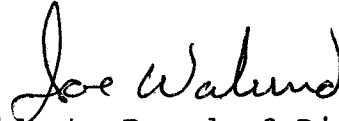
Customers residing in a zone of special benefit will pay the fee specified in the then current Resolution for their zone in addition to the charges specified above."

On the Motion of Director Shepherd and seconded by Director Estes, the foregoing ordinance is duly adopted on second reading this 12th day of January, 1995 by the following vote:

AYES: Estes, Hearling, Klein, Shepherd, Walund

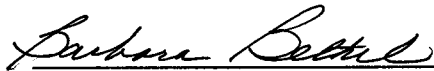
NOES: None

ABSENT: None



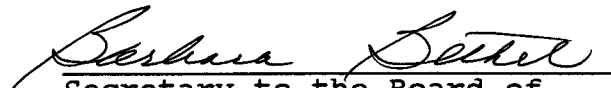
President, Board of Directors
McKinleyville Community Services
District

ATTEST:



Secretary, Board of Directors
McKinleyville Community Services District

I, Barbara 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 13th day of January, 1995.



Secretary to the Board of
Directors of McKinleyville
Community Services District