

RESOLUTION NO. 882

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SANTA ROSA CONDITIONALLY APPROVING REVISIONS TO THE GUIDE TO WATER AND WASTEWATER POLICY

WHEREAS, in October 2003, the Board of Public Utilities approved revisions to the Guide to Water and Wastewater Policy to simplify and clarify the policies and procedures in the Guide; and

WHEREAS, in February 2005, the Board of Public Utilities approved revisions to the Guide to Water and Wastewater Policy; and

WHEREAS, additional experience has been gained in the implementation of policies and procedures in the Guide, resulting in staff recommendations to further simplify and clarify its provisions and to remove policies that are duplicated in existing approved documents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Public Utilities conditionally approves the revised Guide to Water and Wastewater Policy dated February 2007 subject to action by the City Council to amend corresponding City Code sections.

BE IT FURTHER RESOLVED that the Board of Public Utilities recommends that the City Council amend, by ordinance, City Code Section 15.16.030(D) - Expiration of prepayment, City Code Section 15-16.160 - Credit for existing connections and City Code Section 21-10.020 - Reimbursement for offsite improvements pursuant to the proposed Guide to Water and Wastewater Section I.D.2. - Expiration of prepayment, Section II - Credit for existing connections and Section III.A.2.a. - Reimbursement Programs, in substantially the form of the proposed ordinance attached hereto.

DULY AND REGULARLY ADOPTED by the City of Santa Rosa Board of Public Utilities this 15th day of February, 2007.

Attachment: Proposed Ordinance

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SANTA ROSA CITY CODE SECTIONS 15-16.030, 15-16.160 AND 2-21-10.020

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Subsection (D) of Section 15-16.030 is amended to read as follows:

(D) Demand fees may not be prepaid (credited as paid in full) for more than two years in advance of the actual commencement of permanent sewer service. The two-year period shall begin to run on (and shall include) the day on which payment of the demand fees is received and shall expire at midnight on that day of the second calendar year which immediately precedes the second anniversary date of the payment. If the two-year period expires without permanent sewer service having commenced, all fees received shall be considered as a credit against the actual fees that will have to be paid to acquire sewer service. Alternatively, an expired prepayment of fees will be refunded upon the written request of the person making the payment.

For applications made for which payments were received prior to July 1, 1981, the two-year period shall not apply and fees paid will be good until connected, provided no changes in size or other recalculations are required. If changes in size or other recalculations are required, the demand fee due shall be recalculated based upon the demand fees currently in effect and the fee due shall be the difference between the prepaid fee and the current demand fee in effect for the size connection required; this provision shall remain in effect until the Council establishes a specific date terminating said grandfather provision. Should questions arise under this title the City's Director of Utilities shall make the determination as to whether permanent sewer service has or has not commenced to a structure as of any given date.

Notwithstanding the two-year period under this section, once a building permit is issued within the two year expiration period, for a project for which, (1) the appropriate sewer demand fees have been paid, and (2) building construction above the foundation has commenced on the project, no additional sewer demand fees will be due for the project irrespective of the date of completion of the project and the date that permanent sewer service is established.

Section 2. Section 15-16.160 is amended to read as follows:

15-16.160 Credit for existing connections.

When the use of a nonresidential or industrial premise that is connected to the sanitary sewer system changes or is expanded in square footage, the total demand fee for the new or expanded use shall be determined using the methodology described in Section 15-16.030(B)(2). Credit for previously paid demand fees shall be determined as follows:

(1) If there is a valid Utility Service Agreement for the property, the credit will equal the amount identified in the agreement as "Maximum Gallons per Month Allowed."

(2) If there is no valid Utility Service Agreement, and the previous demand fee was paid after 1995 according to estimated wastewater flow and/or strength methodology specified in the City Code, the credit shall equal the amount purchased at that time, or subsequently purchased, for the property in terms of "ESU's" (equivalent

single-family units); for each ESU purchased for the property, the property will be credited 5,500 gallons per month per ESU.

(3) If there is no valid Utility Service Agreement, and the previous demand fee was paid prior to 1996 according to water meter size or other methodology, the credit will be calculated based on prior type of use and square footage based on the current **Table 15-1: Nonresidential or Industrial Demand Factors – Typical Parameters.**

Section 3. Section 21-10.020 is amended to read as follows:

21-10.020 Authority.

Upon written request by a Developer and after a public hearing, the City Engineer may enter into a reimbursement agreement in accordance with this chapter with a Developer who constructs an improvement which the City Engineer determines will also provide a benefit to other properties.

(A) In order to be eligible for a reimbursement agreement for the construction of a public improvement, the Developer must submit a detailed breakdown of the actual costs of constructing the improvement no later than 60 days after the public improvement are dedicated and accepted for public use.

Section 5. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this ____ day of _____, 2007.