

**BOARD OF DIRECTORS OF THE
LAS GALLINAS VALLEY SANITARY DISTRICT**

ORDINANCE 192

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 1, OF THE
LAS GALLINAS VALLEY SANITARY DISTRICT
SEWER SERVICE CHARGE ORDINANCE
FOR FISCAL YEARS 2023-2024, 2024-2025, 2025-2026, AND 2026-2027**

WHEREAS, the Las Gallinas Valley Sanitary District has previously developed and instituted a Sewer Service Charge program to finance the services and facilities furnished by the District; and

WHEREAS, Ordinance No. 161, adopted by the Board of Directors on June 5, 2014, established a methodology for calculating the charges, and set sewer service charge rates and amounts beginning with Fiscal Year 2014-2015; and

WHEREAS, sewer service charge rates for subsequent fiscal years have been calculated and set by the District in a manner consistent with the calculation methodology established by Ordinance No. 161 through Fiscal Year 2022-2023; and

WHEREAS, the Board relied on various studies and documents, which are available for inspection at the District offices; and

WHEREAS, on Friday, the 30th day of June, 2023, at a scheduled public meeting beginning at 4:30 p.m., the Board of Directors of the District heard and considered proposed sewer service charge increases for Fiscal Years 2023-2024 through 2026-2027, and the Secretary published a notice of said hearing once a week for two successive weeks with at least five days intervening between the respective publication dates, with the first publication being at least fourteen days prior to the date set for said hearing, in the Marin Independent Journal, a newspaper of general circulation printed and published in the County; and

WHEREAS, the Board of Directors of the District has reviewed the current schedule of sewer service charge rates and amounts and determined certain adjustments are necessary to ensure sewer service charges continue to fund but not exceed the costs of providing sewer service and are allocated proportionally; and

WHEREAS, necessary adjustments include an increase to the Single Family Residential rate (per dwelling) classification in the amount of one-hundred eleven dollars (\$111.00) in Fiscal Year 2023-2024; one-hundred twenty-three dollars (\$123.00) in Fiscal Year 2024-2025; one-hundred thirty-six dollars (\$136.00) in Fiscal Year 2025-2026; and one-hundred forty-nine dollars (\$149.00) in Fiscal Year 2026-2027; and a proportional increase to non-residential rates based on variable water use and user strength classifications, as authorized by Section 53756 of the California Government Code; and

WHEREAS, in determining that the sewer service charges should be increased, the Board of Directors also considered the “2023 Sewer Rate Study” prepared by Hildebrand Consulting LLC and dated May 9, 2023; and

WHEREAS, the District’s current rate structure and cost of service methodology is consistent with established and industry practices; and

WHEREAS, the only proposed modification by Hildebrand Consulting LLC is to update the cost-of-service calculations and to simplify the list of non-residential customer types, as described in Section 3.4 “2023 Sewer Rate Study”; and

WHEREAS, in adopting this Ordinance, the Board of Directors finds that:

- a. That there is substantial evidence, based upon the 2023 Rate Study prepared by Hildebrand Consulting, and accepted by the Board on June 1, 2023, and the budget analysis conducted by District staff for Fiscal Years 2023-2024 through 2026-2027, both of which are available for inspection at the District’s website and are incorporated by reference herein, and the Agenda Summary Report prepared by District staff along with supporting documentation; and

- b. Based on the proposed draft budget, the amount of the charges imposed does not exceed the proportional cost of the service attributable to the properties receiving service and the charges are imposed only on those properties actually receiving service or for those which service is immediately available; and
- c. That the evidence supports a finding that the revenues derived from the proposed sewer service rate increase does not exceed the funds required to provide the District's property related services; and
- d. That the evidence supports a finding that revenues derived from the proposed sewer service rate increase is not for a purpose other than the services provided by the District; and
- e. Written notices of the proposed increases in sewer service charges were sent by first class U.S. mail to every owner of property connected in the District at least 45 days prior to the Public Hearing on the proposed increases conducted on June 30, 2023; and
- f. All proper protests submitted by property owners or occupants (one protest per parcel) against the proposed increases in the sewer service charges, including those provided in person or by U.S. mail, were considered and tallied at the public hearing conducted on June 30, 2023, and the District was not presented with protests by a majority of the owners of the identified parcels affected by this change, but received only _____ (#) Protest letters against the proposed rate increase; and
- g. Adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR§15273 because the Ordinance pertains to the adoption of charges necessary to maintain services within the District's existing service area; and
- h. That these findings and the entirety of the Administrative Record are consistent with Article 13D, Sec. 6 of the California Constitution and Government Code Section 53750 through 53758.

NOW, THEREFORE, BE IT ORDAINED by The Board of Directors of the Las Gallinas Valley Sanitary District, Marin County, California, as follows:

Section 1. The foregoing recitals are true and correct and made a part of this Ordinance.

Section 2. The title and contents of Article II, Section 201 (A) (3), Title 3, Chapter 1 of the Las Gallinas Valley Sanitary District Ordinance Code is amended to read as follows:

(3) Other than Above: The sewer service charges for non-residential customers are calculated based on variable water use and estimated sewer strengths, as explained below:

(a) Domestic-strength users: 1.0 per average monthly residential water consumption times strength factor of 1.0.
commercial, office buildings, retail, churches, halls, public agencies, laundromats, service stations, medical offices, barber and beauty shops, car washes, convalescent hospitals, hospitals, hotels and motels without restaurants, and other domestic-strength dischargers.

(b) Elevated-strength users: 1.0 per average monthly residential water consumption times strength factor of 1.819.
hotels with food, commercial laundry, and mixed-use (high and domestic strength served by same water meter).

(c) High-strength users: 1.0 per average monthly residential water consumption times strength factor of 2.701.
restaurants, café with cooking facilities, markets with food waste disposal, ice cream/yogurt shops, and bakeries.

(d) Industrial and other high-strength users strength factor is determined by the calculation formula in Section 201 (B) (2).

(e) Other users: For users for whom the above methods do not equitably apply, the assignment of sewer service units shall be based on available information reasonably applied by the District. The District retains the right to categorize non-residential customers at its sole discretion and judgement.

Section 3. The title and contents of Article II, Section 201 (B) (3), Title 3, Chapter 1 of the Las Gallinas Valley Sanitary District Ordinance Code is amended to read as follows:

(3) Tabulated below are the strength factors arrived at by applying the formula in (B) (2) above:

User Group	BOD (mg/1)	SS (mg/1)	SF
Residential and Domestic-strength users	175	175	1.0
Elevated-strength users	487	486	1.819
High-strength users	900	744	2.701
Other industry/high-strength users	<i>[as determined by District: see (B) (3) (a) below]</i>		
Public Agency:			
Schools	175	175	1.0
Offices	175	175	1.0

(a) The District will determine BOD and SS loading for other industry or other high-strength users not listed under (A) (3) (a through c) based on standard wastewater guidelines on user strength characteristics. The District may, at the expense of the discharger, require testing be performed on the wastewater discharge to determine the BOD and SS load.

Section 4. The title and contents of Article II, Section 201 (C), Title 3, Chapter 1 of the Las Gallinas Valley Sanitary District Ordinance Code is amended to read as follows:

(C) Amount of Annual Sewer Service Charge. Pursuant to legal notification as specified in Government Code Section 53756(d), the annual sewer service charge for the following fiscal years is set forth in table below:

Fiscal Year Annual Sewer Service Charges

	Effective Date			
	July 1, 2023	July 1, 2024	July 1, 2025	July 1, 2026
Residential (per dwelling unit per year)				
Single Family	\$1,233	\$1,356	\$1,492	\$1,641
Multi-Family	\$1,109	\$1,220	\$1,342	\$1,476
Mobile Home	\$1,233	\$1,356	\$1,492	\$1,641
Non-Residential (per SSU per year)				
Domestic Strength	\$1,233	\$1,356	\$1,492	\$1,641
Elevated Strength	\$2,243	\$2,467	\$2,714	\$2,985
High Strength	\$3,331	\$3,664	\$4,030	\$4,433

(1) Non-residential accounts are assigned one (1) sewer service unit (SSU) for every 800 cubic feet (8 hcf) of average water usage during the summer and winter, as reported by Marin Municipal Water District, as calculated by the formula in Section 201 (B) (5). Each account shall pay a minimum of one (1) SSU.

- (2) The minimum Sewer Service Charge calculation for Multi-Family Residential dwellings shall be rounded down to the nearest dollar.
- (3) The minimum Sewer Service Charge calculation for Non-Residential Elevated and High Strength users shall be rounded up to the nearest dollar.

Section 5. Charges for users of the District's sewer system authorized by this Ordinance shall take effect on July 1 of each fiscal year in accordance with such procedures as may be required by law, and shall thereafter continue in effect until further action of the Board of Directors. To the extent this Ordinance No. 192, or the sewer service charges adopted herein, is challenged and set aside for any reason, Ordinance No. 187 and the preexisting fiscal year 2022-2023 sewer service charges adopted therein shall be immediately restored and will be effective until further action of the Board of Directors.

Section 6. Except as provided above, all of the balance of said Title 3, Chapter 1 of the Las Gallinas Valley Sanitary District Sewer Service Charge Ordinance shall remain in full force and effect.

Section 7. Upon adoption of this Ordinance, it shall be entered in full in the minutes of the Board of Directors. The Secretary of the Board shall publish a summary of the ordinance one time in the Marin Independent Journal , a newspaper of general circulation published in the District, along with the names of the members of Board voting for and against and shall post a certified copy of the full text of this ordinance and the names of the members of the Board voting for and against at the District Office for one week following publication of the summary. This ordinance shall take effect immediately upon the expiration of one (1) week of said publication and posting.

I hereby certify that the foregoing is a full, true and correct copy of the Ordinance duly and regularly passed and adopted by the Board of Directors of the Las Gallinas Valley Sanitary District of Marin County, California, at a meeting hereof held on June 30, 2023, by the following vote of members thereof:

AYES:
NOES:
ABSENT:
ABSTAIN:

Teresa L. Lerch, Board Secretary
Las Gallinas Valley Sanitary District

APPROVED:

Craig Murray, Board Vice-President

(seal)