

**SAN ANDREAS SANITARY DISTRICT'S
AMENDMENT NO. 4 TO
ORDINANCE NO. 8**

ORDINANCE AMENDING SECTIONS 4.7 OF ARTICLE IV OF ORDINANCE NO. 8.

WHEREAS, the Board of Directors (“Board”) of the San Andreas Sanitary District (“District”) in 2017 adopted Ordinance No. 8 (“Ordinance No. 8”);

WHEREAS, the Board desires to amend Article IV, Section 4.7 by deleting Subsection A as well as other references to capacity created prior to 2008 in subsection B since all of that capacity has been committed;

NOW THEREFORE, the Board of Directors of the San Andreas Sanitary District ordains as follows:

1. The above recitals are true and correct and are hereby incorporated as part of this ordinance.
2. That Amendment No. 4 shall amend Article IV of Ordinance No. 8 by deleting subsection A, renumbering subsections B-G, and removing reference to capacity created prior to 2008 in prior subsection B as follows:

“Section 4.7. The Capacity Charge for each Connection shall be calculated as follows:

A. The Capacity Charge shall be \$57.69 as of September 1, 2017, and adjusted thereafter by Resolution as set forth in Section 4.7.G, multiplied by the estimated gpd of waste produced by the connection using Table 1A or as determined by the District Manager if the District Manager determines that the waste produced by the Applicant will be greater or less than as set forth in Table 1A.

B. The Capacity Charge for any use not specifically covered by Table 1A shall be determined by the Board after consideration of the recommendations of the District Manager.

C. If an Applicant disagrees with the estimated flow used by the District to determine the Capacity Charge for a Commercial use, the Applicant may install at the Applicant’s sole expense, a recording flow meter approved by the District. Should the actual metered flows differ from the estimated flows by 10% or more, higher or lower, the Capacity Charge will be recalculated based upon the actual metered flows. Should the recalculated Capacity Charge be less than the Capacity Charge previously paid by the Applicant, then the District shall refund the difference to the Applicant. Should the recalculated Capacity Charge be greater than the Capacity Charge previously paid by the Applicant, then the Applicant shall pay the difference to the District within 15 days. A Lien may be placed if payment is not made in 15 days and the existing service may be subject to termination as set forth in this Ordinance.

AMENDMENT NO. 4 TO ORDINANCE NO. 8 -Continued

D. After the physical connection is made, the District shall verify the Commercial User's estimated daily flows using the User's actual daily water consumption during the 12 months following connection. If the Commercial User's discharge exceeds the Capacity allowed in the Connection Permit within 18 months of the physical connection, then the property owner shall immediately submit a Connection Application for the additional capacity. In the event the property owner fails to comply with this section, the District shall revoke the Connection Permit, physically disconnect the property from the Public Sewer System and charge the property owner for all administrative costs incurred by the District, including the cost to physically disconnect the Sewer lateral.

E. Capacity Charges shall be non-refundable upon physical connection to the Public Sewer System unless otherwise provided in this Article.

F. Annually, to account for inflation, the District Board by Resolution may adjust the amount of the Capacity Charge using the Engineers News Review Consumer Cost Index ("ENR CCI") for January of the then current calendar year up to the amount resulting from the following formula:

$$\frac{\text{ENR CCI (January current year)}}{\text{ENR CCI (January year of last price adjustment)}} \times \$[\text{Current Capacity Charge}] = \text{Adjusted Capacity Charge}$$

EXAMPLE: $\frac{\text{ENR CCI (January 2017)} - 10531.68}{\text{ENR CCI (January 2009)} - 8549.06} \times \$46.83 = \$57.69$ "

3. The Board finds and declares that the adoption of this ordinance is exempt from the requirements of the California Environmental Act pursuant to Title 14, California Code of Regulations § 15273(a), and specifically adopts and incorporates herein as part of the record and as findings those sections of the report which discuss the need for revenue, including the projected total operating expenses, the capital projects and required improvements, and specifically finds and declares that the charges established herein for the purposes specified in Title 14, California Code of Regulations § 15273(a)(1) through 15273(a)(4), and not to fund expansion of either water or wastewater system.

4. The District Manager of the District is hereby authorized and directed to file a notice of exemption pursuant to Title 14, California Code of Regulations § 15062 and prepare a fair and adequate summary of Amendment No. 4 to Ordinance No. 8 including the names of those board members voting for and against it for publication, together with the posting of a certified copy of the full text of the ordinance/regulation in the office of the District.

5. This Amendment No. 4 shall become effective seven days after its posting or publication pursuant to *Health and Safety Code* § 6490 and 6491.3.

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Passed and adopted at the regular meeting of the Board of Directors of the San Andreas Sanitary District on December 8, 2022, by the following votes:

AYES: Director Turner, Director Walker, Director Strange, Director Galli, Director Hobbs

NOES: None

ABSENT: None

ABSTAIN: None

SAN ANDREAS SANITARY DISTRICT

By:  _____

MICHELLE TURNER, President,
Board of Directors

ATTEST:



HUGH LOGAN, District Secretary,
San Andreas Sanitary District