

## **ORDINANCE NO. 34**

### **AN ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT AMENDING SECTION 8.12 OF ORDINANCE NO. 12 AND OF ORDINANCE NO. 25 PERTAINING TO THE DEFINITION OF “CONSUMPTION”**

**WHEREAS**, Section 8.12 was added to Ordinance No. 12 with the adoption of Ordinance No. 25 on November 2, 2005, and, pursuant to the provisions of added subparagraph (2) under paragraph D, “Sewer Rates,” “Consumption” is defined as the amount of water used in the month of January as measured by the water meter at the location of the sewer service; and

**WHEREAS**, the Sewer Rate Study and Financing Plan prepared by Bartle Wells Associates and dated October 2005 (the Study), contained a recommendation on page 4 that a transition from the January water reading to a winter average use be utilized once the City implements the required software needed to collect data for winter water average and it was noted in the Study that winter water use data should be used because January is not always representative of average water use and seasonal businesses that do not consume a lot of water in January could potentially not pay their fair share; and

**WHEREAS**, it has become common knowledge that water consumption for January is used to establish the water consumption component of the monthly sewer service charges that will be used for one year beginning the following July 1<sup>st</sup>, and great conservation efforts have been taken to purposely lower the January water meter readings. Although water conservation is encouraged and should be practiced year round, it is believed that the conservation efforts taken in January for the purpose of receiving a lower sewer bill may not represent the average monthly discharge to the sewer; and

**WHEREAS**, District staff has contacted the three water providers within that portion of the District outside the City Limits and winter water use can be provided by two of the water providers; however, the water providers will not provide the monthly average of the winter use and District staff has proposed to the City that the District receive the winter water meter readings from the water providers outside the City, calculate the averages, and provide the average data to the City; and

**WHEREAS**, utilization of the winter water use has been investigated by the Board’s Standing Finance Committee and the Committee recommends that a three month average of winter water use during the months of January, February and March be utilized because during these three months Ukiah Valley normally receives its greatest amount of rainfall and the water consumption during these months should reflect the amount of water that is discharged to the sewer system since irrigation use should be at its minimum.

#### **NOW, THEREFORE:**

**The Board of Directors of the Ukiah Valley Sanitation District hereby ordains as follows:**

**1. Subparagraph (2) of paragraph D, "Sewer Rates", of Section 8.12 of Ordinance Number 12 which was added with the adoption of Ordinance No. 25 on November 2, 2005 is amended to read:**

"Consumption" shall mean a three month average of winter water use as measured and recorded at the water meter at the location of the sewer service for the months of January, February, and March. The water meter readings may include portions of the preceding month from January or a portion of the succeeding month from March. It is intended that the three month average is calculated from three consecutive water meter readings that will be utilized to calculate water billings for the stated three month period. It shall be permissible to calculate the three month average by dividing the sum of the water consumption for the three months by the number of days represented in the three consecutive month readings and multiplying the result by the average number of days included in the three billing cycles.

**2. This ordinance shall become effective thirty (30) days after adoption.**

Introduced by title only on November 18, 2010, by the following roll call vote:

AYES: Directors Ronco, Pallesen, Porter, Paulin  
NOES:  
ABSENT: Director McNerlin  
ABSTAIN:

**PASSED AND ADOPTED** by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, on this 16th day of December, 2010, by the following roll call vote:

AYES: Directors Ronco, Pallesen, Porter, McNerlin, Paulin  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Ronco, Board Chair

ATTEST:

\_\_\_\_\_  
Rick Kennedy  
District Manager/Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Douglas Losak, Chief Deputy County Counsel  
District Legal Counsel