

ERNIE WIPF
CHAIR

JULIE BAWCOM
VICE-CHAIR

THERESA MCNERLIN
DIRECTOR

DARWIN DICK
DIRECTOR

CANDACE HORSLEY
DIRECTOR

UKIAH VALLEY SANITATION DISTRICT SPECIAL MEETING

WEDNESDAY July 14, 2021 AT 6:00PM

LOCATION: TELECONFERENCE VIA ZOOM

Call in number: 1-669-900-6833

Meeting ID: 815 6377 4942

Zoom Link: <https://us02web.zoom.us/j/81563774942>

*Note: Except for public expression, unless otherwise noted, all items are considered for action. The Board welcomes participation in the Board meetings. If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment. The chair will call you by name or phone number when it is your turn to comment. Speakers will be limited to 3 minutes. If you choose not to observe the meeting via Zoom and wish to make a comment on a specific agenda item, please submit your comment via email to the Board Secretary at aa@uvsd.org at least one hour before the meeting. All public comments submitted to the Board Secretary will be read verbatim for up to 3 minutes.*

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need disability-related modifications or accommodation to participate in this meeting, then please contact Chelsea Teague, Board Secretary at 707-462-4429. Requests must be made as early as possible, and at least one-full business day before the start of the meeting. The times indicated for agenda items are estimated and the Board reserves the right to address items either earlier or later than scheduled.

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

3. PUBLIC EXPRESSION OF NON-AGENDIZED ITEMS

The Board welcomes participation in the Board meetings. Comments shall be limited so that everyone may be heard. This item is limited to matters under the jurisdiction of the Board which are not on the posted agenda and items which have not already been considered by the Board. The Board limits testimony on matters not on the agenda to 3 minutes per person and not more than 10 minutes for a particular subject at the discretion of the Chair of the Board. No action will be taken. Individuals wishing to address the Board on items on the agenda will be given an opportunity to do so when the item is addressed by the Board.

4. OLD BUSINESS

None

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5. NEW BUSINESS

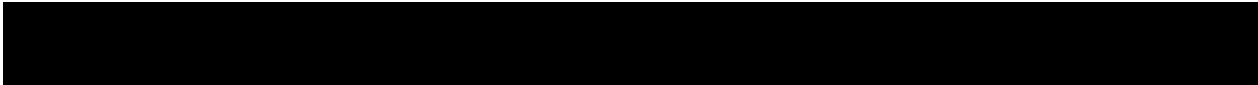
- A. DISCUSSION AND POSSIBLE ACTION RE: Urgency Ordinance Repealing and Recasting Ordinance No. 13 Allowing the District to Adopt Sewer Charges by Resolution and Requiring the Placement of Delinquent Sewer Charges on the Property Tax Rolls

Recommended Action: Approve the Urgency Ordinance

- B. DISCUSSION AND POSSIBLE ACTION RE: Introduction and First Reading of Ordinance Repealing and Recasting Ordinance No. 13 Allowing the District to Adopt Sewer Charges by Resolution and Requiring the Placement of Delinquent Sewer Charges on the Property Tax Rolls

- Recommended Action: Waive first reading and read Ordinance by title only

6. ADJOURNMENT



Ukiah Valley Sanitation District
151 Laws Avenue
Ukiah, CA 95482

STAFF REPORT
July 14, 2021

To: Board of Directors
From: Wing-See Fox
Meeting Date: July 14, 2021

Item #5A Urgency Ordinance Repealing and Recasting Ordinance No. 13 Allowing the District to Adopt Sewer Charges by Resolution and Requiring the Placement of Delinquent Sewer Charges on the Property Tax Rolls

Item #5B Introduction and First Reading of Ordinance Repealing and Recasting Ordinance No. 13 Allowing the District to Adopt Sewer Charges by Resolution and Requiring the Placement of Delinquent Sewer Charges on the Property Tax Rolls

Background:

Under the County Sanitation District Act (Health & Safety Code section 4700 et seq.), the District may adopt ordinances to carry out the provisions of Health and Safety Code 5473 to 5473.11, to place charges on the property tax roll. On August 29, 1985, the District adopted Ordinance No. 13, which requires the District to collect delinquent sewer charges on the property tax roll. The District annually places delinquent sewer charges that have not been paid in six months on the property tax roll by forwarding a list of delinquent accounts to the Mendocino County-Auditor in August.

Discussion:

On July 8, 2021, the County Auditor-Controller's Office requested the District correct a statutory reference in the Ordinance No 13. The proposed urgency ordinance (see attached) would repeal Ordinance No. 13 as adopted on August 29, 1985 in its entirety and replace it with new language. The new language clarifies that the statutory authority the District is relying on to place delinquent sewer charges on the tax roll is Article 4 of Chapter 6 of Part 3 of Division 5 of the Health and Safety Code (commencing with section 5470).

In addition, California Health and Safety Code section 5471 et seq. previously required public agencies that collect public utility fees and charges on the property tax roll, such as the District's sewer fees, to adopt new or increased fees by ordinance. Senate Bill 974 (Chapter 366, Statutes of 2016) authorized the adoption of new or increased service fees for sewer by resolution as well as by ordinance. Ordinance No. 13 is also being amended to clarify that the District can adopt new or increased service sewer charges by resolution or ordinance.

Under Health and Safety Code section 5474.4. the Board must, by August 10, certify to the county auditor a list of the parcels with delinquent sewer charges and the amounts of those charges to be entered against the parcels on the assessment roll. Generally, ordinances must have two readings and take effect 30 days after passage, and after publication requirements are met. However, since the ordinance will need to be updated prior to August 10, staff recommends

the Board adopt the amended Ordinance No. 13 as an urgency measure so that it may take effect immediately. That way, the amended Ordinance No. 13 will be in effect when the Board holds a special meeting and conducts a public hearing on August 9 to place the delinquent charges on the tax roll in order to meet the August 10 deadline. As a precautionary measure, staff also recommends adopting the same amended Ordinance No. 13 as a regular ordinance in the event there are any issues with the urgency measure.

Recommendation:

1. Approve urgency ordinance repealing and recasting Ordinance No. 13 allowing the District to adopt sewer charges by resolution and requiring the placement of delinquent sewer charges on the property tax rolls.
2. Waive first reading and read by title only Ordinance repealing and recasting Ordinance No. 13 allowing the District to adopt sewer charges by resolution and requiring the placement of delinquent sewer charges on the property tax rolls.

Attachments:

1. Ordinance No. 13 adopted August 29, 1985
2. Urgency Ordinance
3. Regular Ordinance

Respectfully submitted,



WING-SEE FOX
Interim District Manager

ORDINANCE NO. 13

ORDINANCE OF THE BOARD OF DIRECTORS OF THE
UKIAH VALLEY SANITATION DISTRICT
IMPLEMENTING SECTION 8.11 PERTAINING TO THE
COLLECTION OF DELINQUENT ACCOUNTS

The Board of Directors of the Ukiah Valley Sanitation District does hereby ordain as follows:

The District shall collect delinquent charges for services it provides by forwarding a list of delinquent accounts to the Mendocino County Auditor to be added to other taxes imposed on that parcel and collected in the same manner and to the same extent as such other taxes.

For purposes of this ordinance a "delinquent account" means an account for which charges have not been paid for six months or longer.

The amounts of such charges and interest thereon shall constitute a lien against the lot or parcel of land which incurred those charges.

The charges so levied and collected shall conform to the provisions of Article 6, Chapter 8, Part 3 of Division 5 of the Health and Safety Code.

If any provision of this ordinance is held to be invalid or unconstitutional, the remaining portions shall remain in full force and effect.

PASSED AND ADOPTED this 29th day of August, 1985, by the following vote on roll call:

AYES: Directors Redding, Myers
NOES: None
ABSENT: Director Cimolino

WHEREUPON, the Chairman declared said ordinance passed and adopted and SO ORDERED.



CHARLEY MYERS, CHAIRMAN

ATTEST:



Virginia Goodacre, Secretary

ORDINANCE NO. 13

AN URGENCY ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT REPEALING AND RECASTING ORDINANCE NO. 13 ALLOWING THE DISTRICT TO ADOPT SEWER CHARGES BY RESOLUTION AND REQUIRING THE PLACEMENT OF DELINQUENT SEWER CHARGES ON THE PROPERTY TAX ROLLS

WHEREAS, the Ukiah Valley Sanitation District ("District") is a County Sanitation District organized and existing under the California County Sanitation District Act (California Health and Safety Code Section 4700 et seq.); and

WHEREAS, pursuant to Health and Safety Code section 4766, the District Board of Directors is authorized to adopt ordinances to carry out the provisions of Health and Safety Code 5473 to 5473.11, inclusive, and the procedure for the adoption of such ordinances is governed by Government Code section 25120 et seq.; and

WHEREAS, California Health and Safety Code section 5471 and the statutes following previously required public agencies that collect public utility fees and charges on the property tax roll, such as the District's sewer charges, and to adopt new or increased charges by ordinance; and

WHEREAS, effective January 1, 2017, Sections 5471 and the statutes following were amended to allow for adoption of new or increased service fees for sewer by resolution as well as by ordinance; and

WHEREAS, this Ordinance would require the District to collect delinquent sewer charges for services it provides by forwarding a list of delinquent accounts to the Mendocino County Auditor to be added to other taxes imposed on that parcel and collected in the same manner and to the same extent as such other taxes; and

WHEREAS, in order to immediately preserve the public peace, health and safety, the Board of Directors wishes to adopt this Ordinance as an Urgency Ordinance pursuant to Health and Safety Code Section 4766 and California Government Code Section 25123(d).

NOW, THEREFORE:

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

1. The above recitals are true and correct and are incorporated herein by this reference.
2. Ordinance No. 13, adopted August 29, 1985 is hereby repealed, and replaced by this Ordinance No. 13.

3. The District hereby authorizes any future new or increased fees or charges for sewer to be adopted by resolution. Any new or increased fee or charge adopted by resolution pursuant to the authority granted by this Ordinance shall have the same force and effect as if such new or increased fee or charge had been adopted by ordinance, and to the extent authorized in such resolution, shall repeal or replace any conflicting fee or charge previously adopted by the City Council, whether such conflicting fee or charge had been adopted by resolution or ordinance.

4. The District shall collect delinquent charges for services it provides by forwarding a list of delinquent accounts to the Mendocino County Auditor to be added to other taxes imposed on that parcel and collect in the same manner and to the same extent as other taxes. For purposes of this ordinance, a “delinquent account means an account for which charges have not been paid for 6 months or longer. The amount of such charges, interests, and penalties shall constitute a lien against the lot or parcel of land which incurred those charges.

5. Some or all of the sewer service charges specified in this Ordinance may be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes applicable to real property within the District in accordance with the following procedure. A written report shall be prepared each year and filed with the board secretary, which shall contain a description of each parcel of real property receiving sewer services and the amount of the sewer service charge for each parcel for the year, computed in conformity with the charges adopted by the District. The District Board shall adopt a resolution each year authorizing the county controller to place the sewer service charges on the tax roll for the upcoming fiscal year and authorizing the county tax collector to collect such taxes. The procedure to place the charges on the tax rolls and publication of notices and hearings shall be that prescribed in California Health and Safety Code Section 5473 et seq.

6. All sewer service charges required to be paid by this Ordinance and collected in the manner described in Section 4 shall be paid to the county tax collector who shall remit such collections to the District less the applicable collection charge. The District shall use such sewer service charge collections solely for the purposes allowed by law.

7. The Board finds this Urgency Ordinance is necessary to promote the immediate preservation of the public peace, health and safety because it permits the District to immediately charge increased sewer service rates and place delinquent sewer charges on the property tax roll in order to meet its payment obligations and avoid disruptions in the sewer treatment service provided to its customers. Therefore, the Board further finds, determines and declares that this Ordinance shall take effect immediately upon adoption by a four-fifths vote of Board pursuant to the authority conferred upon it by Health and Safety Code Section 4766 and California Government Code Section 25123(d).

8. This Ordinance remains in full force and effect until this Ordinance is rescinded by the Board.

9. The Board Secretary shall certify as to the adoption of this Ordinance and shall cause it to be published in a newspaper published in the county within fifteen (15) days of the adoption pursuant to Government Code Section 25124.

10. The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance or the application of those provisions.

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, on this 14th day of July, 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ernie Wipf, Board Chair

ATTEST:

Chelsea Teague
Board Secretary

APPROVED AS TO FORM:

Joanna Gin
County Counsel

ORDINANCE NO. 13

AN ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT REPEALING AND RECASTING ORDINANCE NO. 13 ALLOWING THE DISTRICT TO ADOPT SEWER CHARGES BY RESOLUTION AND REQUIRING THE PLACEMENT OF DELINQUENT SEWER CHARGES ON THE PROPERTY TAX ROLLS

WHEREAS, the Ukiah Valley Sanitation District ("District") is a County Sanitation District organized and existing under the California County Sanitation District Act (California Health and Safety Code Section 4700 et seq.); and

WHEREAS, pursuant to Health and Safety Code section 4766, the District Board of Directors is authorized to adopt ordinances to carry out the provisions of Health and Safety Code 5473 to 5473.11, inclusive, and the procedure for the adoption of such ordinances is governed by Government Code section 25120 et seq.; and

WHEREAS, California Health and Safety Code section 5471 and the statutes following previously required public agencies that collect public utility fees and charges on the property tax roll, such as the District's sewer charges, to adopt new or increased charges by ordinance; and

WHEREAS, effective January 1, 2017, Sections 5471 and the statutes following were amended to allow for adoption of new or increased service fees for sewer by resolution as well as by ordinance; and

WHEREAS, this Ordinance would require the District to collect delinquent sewer charges for services it provides by forwarding a list of delinquent accounts to the Mendocino County Auditor to be added to other taxes imposed on that parcel and collected in the same manner and to the same extent as such other taxes.

NOW, THEREFORE:

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

1. The above recitals are true and correct and are incorporated herein by this reference.

2. Ordinance No. 13, adopted August 29, 1985 is hereby repealed, and replaced by this Ordinance No. 13.

3. The District hereby authorizes any future new or increased fees or charges for sewer to be adopted by resolution. Any new or increased fee or charge adopted by resolution pursuant to the authority granted by this Ordinance shall have the same force and effect as if such new or increased fee or charge had been adopted by ordinance, and to the extent authorized in such resolution, shall repeal or replace any conflicting fee or charge previously adopted by the

City Council, whether such conflicting fee or charge had been adopted by resolution or ordinance.

4. The District shall collect delinquent charges for services it provides by forwarding a list of delinquent accounts to the Mendocino County Auditor to be added to other taxes imposed on that parcel and collect in the same manner and to the same extent as other taxes. For purposes of this ordinance, a “delinquent account means an account for which charges have not been paid for 6 months or longer. The amount of such charges, interests, and penalties shall constitute a lien against the lot or parcel of land which incurred those charges.

5. Some or all of the sewer service charges specified in this Ordinance may be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes applicable to real property within the District in accordance with the following procedure. A written report shall be prepared each year and filed with the board secretary, which shall contain a description of each parcel of real property receiving sewer services and the amount of the sewer service charge for each parcel for the year, computed in conformity with the charges adopted by the District. The District Board shall adopt a resolution each year authorizing the county controller to place the sewer service charges on the tax roll for the upcoming fiscal year and authorizing the county tax collector to collect such taxes. The procedure to place the charges on the tax rolls and publication of notices and hearings shall be that prescribed in California Health and Safety Code Section 5473 et seq.

6. All sewer service charges required to be paid by this Ordinance and collected in the manner described in Section 4 shall be paid to the county tax collector who shall remit such collections to the District less the applicable collection charge. The District shall use such sewer service charge collections solely for the purposes allowed by law.

7. The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance or the application of those provisions.

8. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

9. The Board Secretary shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

THIS ORDINANCE WAS INTRODUCED ON July 14, 2021 AND ADOPTED ON THIS THE ____ DAY OF _____, 2021, by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ernie Wipf, Board Chair

ATTEST:

Chelsea Teague
Board Secretary

APPROVED AS TO FORM:

Joanna Gin
County Counsel