

SPALDING COMMUNITY SERVICES DISTRICT

ORDINANCE #8

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**AN ORDINANCE PERTAINING TO THE DISTRICT'S ANNUAL SEWER FEES,
REVISING ORDINANCE #4, ARTICLE 5.05.030,**

WHEREAS, Article XIID, Section 6 of the California Constitution requires that revenues derived from the sewer fee shall not exceed the funds required to provide the costs of the District's sewer system operations, maintenance, and capital facilities; and

WHEREAS, the District must generate revenues in an amount sufficient to cover the District's ongoing costs of the District's sewer system operations, maintenance, and capital facilities; and

WHEREAS, the District's current ordinance limits the sewer operation and maintenance fees to an annual increase not to exceed 7% in any fiscal year, a limitation not set forth in Article XIID, Section 6 of the California Constitution.

The Board of Directors of the Spalding Community Services District ordains, as follows:

Ordinance Section One:

Ordinance #4 - Article 5.05.030 – ANNUAL SEWER FEES is amended and restated as follows:

5.05.030 ANNUAL SEWER FEES

All improved real property shall be required to be connected to the District's Sewer System on or before January 1, 2009. As of January 1, 2009, all improved properties will be deemed to be connected for the purpose of levying an annual sewer use fee with respect to such properties to pay for their actual use or the immediate availability of such use to such properties. Any parcel with an existing sewer connection permit shall be deemed connected. Effective January 1, 2009, the owners of all connected real property shall pay to the District for the use or immediate availability for use to such of the Sewer System an annual sewer user fee in the amount as described in the District Fee Resolution, as attached hereto and incorporated herein by this reference. Any change in the amount of the sewer user fees shall be made by District Fee Resolution. Sewer use fees shall be billed and paid as follows:

a. The sewer user fees shall be billed quarterly in advance. The installments shall be due and payable thirty days after billing and shall become delinquent on the thirty-first day.

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- b. Sewer user fees billing periods shall begin on the first day of each quarter (on July 1 , October 1, January1, and April 1 of each year). Quarterly billing periods shall begin on the first quarter following the issuance of a completed hookup to the Sewer System.
- c. All sewer user fees shall be billed to and be the responsibility of the real property owner, whether or not the owner is also the occupant. For the purpose of this Ordinance, lot or parcel ownership shall be established as of the last day of the month preceding the billing period and shall be based upon the latest available records of the Lassen County Assessor's Office. It shall be the responsibility of any person or entity purchasing real property that is connected to the sewer system to notify the District of the change in ownership in order for the District to be able to bill the proper party. If the new property owner's failure to provide the proper ownership information results in the District's sending the sewer bill to the wrong person and results in the failure to timely make payment, the new property owner shall be responsible for any late payment charges.
- d. Any amount paid in excess of the quarterly charge shall be credited against the charge for the succeeding billing period or refunded, at the discretion of the District, during the current year.
- e. The District shall adjust billings for fees for any calendar quarter in a proportionate manner to reflect the change in the classification of the use of any real property occurring during that quarter. Any property owner may file an application requesting as adjustment of billing, stating the grounds for such adjustment. Any such request for an adjustment shall reviewed in accordance with Ordinance Section 5.015 regarding Appeals.
- f. Sewer Operation/Maintenance fees may be increased annually to cover increases in the costs for operation and maintenance by an amount that shall not exceed the funds required for the operation and maintenance of the Sewer System in any fiscal year. Increases shall be approved by the Board of Directors and adopted by District Fee Resolution. Any increases in fees shall comply with the provisions of Section 6 of Article XIIIID of the California Constitution.

Any fees charged by the District prior to January 1, 2009 and which remain unpaid shall remain in full force and effect.

Ordinance Section Two:

This ordinance shall take effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once online at the District's public website with the names of the members of the Board of Directors voting for and against.

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PASSED, APPROVED, and ADOPTED this 17 day of November, 2023, by the following vote:

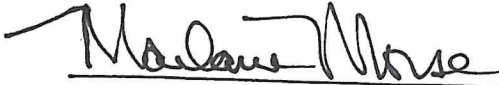
AYES: mike Arnold, Ted Thomas, Larry Doss, Ed Lussan, Randy Aubrey

NOES: 0

ABSTAIN:

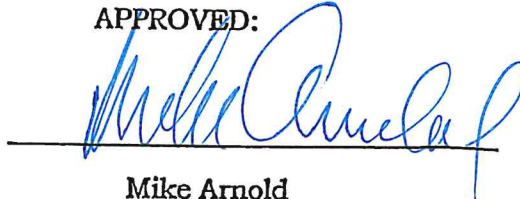
ABSENT:

ATTEST:



Secretary of the Board

APPROVED:



Mike Arnold
Chairman of the Board