

Ord

**Ordinance No. 41**  
**Order No. 10-17**

**AN ORDINANCE AND ORDER DECREASING TRUNKLINE CAPACITY  
AND PLANT CAPACITY FEES**

**WHEREAS**, at its meeting on May 4, 2010, after giving all required notices, the Board of Directors (the "Board") of Ironhouse Sanitary District, a California Sanitary District (the "District") held a public hearing as part of a regularly scheduled meeting to consider adjustments in the District trunkline capacity fee and plant capacity fee.

**WHEREAS**, at the public hearing on May 4, 2010 the Board considered all testimony presented.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board that, based on the foregoing facts and circumstances and on the entire administrative record, the Board hereby finds and determines as follows:

1. The proposed adjustments in the trunkline capacity fee and plant capacity fee will enable the District to meet its existing obligations within its existing service area and are not for the purpose of expanding the District's service area or for the purpose of expanding its services within its existing service area to any extent which has not already been analyzed in the District's existing Wastewater Facilities Plan Update and Sewer Master Plan and in the Final Supplemental EIR on the Wastewater Facilities Plant Expansion certified on January 16, 2007. The proposed adjustments are for the purpose of meeting financial reserve needs and requirements, and to obtain funds for the capital projects necessary for the District to maintain its service within its existing service area. The proposed adjustments are accordingly statutorily exempt from the California Environmental Quality Act ("CEQA"), as provided by Section 15273 of the State CEQA Guidelines.

2. In any case, it can be seen with certainty that there is no possibility that the proposed decreases in the two fees may have a significant effect on the environment and they are therefore exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

**FURTHER RESOLVED**, by the Board that, based on the foregoing facts, circumstances and findings, and on the entire administrative record, the Board hereby ordains and orders as follows:

1. The two fees shall be decreased in the following amounts, effective no sooner than 60 days following the final action on the decrease in such fees, which final action is the adoption of this ordinance and order.

a. The existing trunkline capacity fee of \$1,033.60 shall be adjusted by the lesser of:  
(a) \$3.13 decrease, in which event the trunkline capacity fee will be \$1,030.48 per equivalent

service unit (ESU), or (b) the percentage by which construction costs in the San Francisco Bay Area have decreased during the period measured by (and as shown by) the construction cost indexes of the Engineering News-Record published in its March 2009 and June 2010 editions.

b. The existing plant capacity fee of \$5,806.60 shall be adjusted by the lesser of: (a) \$17.55 decrease, in which event the fee will be \$5,789.05 per ESU, or (b) the percentage by which construction costs in the San Francisco Bay Area have decreased during the period measured by (and as shown by) the construction cost indexes of the Engineering News-Record published in its March 2009 and June 2010 editions.

2. To the maximum extent permitted by law, the trunkline capacity and plant capacity fees, including the two decreases, shall apply to state and local educational and other public entities.

3. This is both an ordinance and an order establishing a general regulation. If any portion of this ordinance or order is determined invalid or unenforceable for any reason by a court of competent jurisdiction, then such portion shall be deemed severed to the extent of the invalidity or unenforceability, and the remainder of this ordinance and order shall remain in full force and effect.

3. The District Secretary is hereby designated as the officer to publish or post this ordinance and order pursuant to applicable legal requirements.

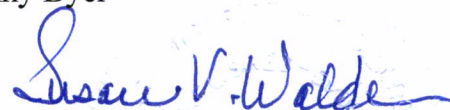
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I hereby certify that the foregoing is a full, true and correct copy of an ordinance and order duly passed and adopted by the Sanitary Board of the Ironhouse Sanitary District at a meeting thereof held on the 4<sup>th</sup> day of May, 2010.

**AYES**, and in favor thereof, Members: D. Hardcastle, C. Lauritzen, D. Lew, and M. Painter

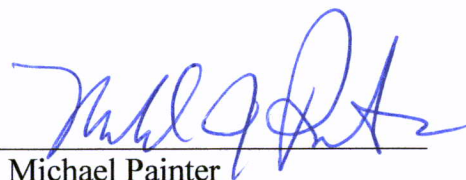
**NOES**, Members: None

**ABSENT**, Members: Lenny Byer



Susan V. Walde  
Secretary to the Board  
(SEAL)

APPROVED:

  
Michael Painter

Vice President of the Board