

Ordinance No. 77

AN ORDINANCE INCREASING CAPACITY FEES PURSUANT TO THE CONSTRUCTION COST INDEX

WHEREAS, on July 21, 2020, the Board of Directors (the “Board”) of the Ironhouse Sanitary District, a California Sanitary District (the “District”) adopted Ordinance No. 72, which set the amounts of the current capacity fees and authorized the District to increase the capacity fees annually in accordance with any increases in the Engineering News Record Construction Cost Index.

WHEREAS, the District Board desires to increase the capacity fees, for Fiscal Year 2022-2023, by the Construction Cost Index for San Francisco (“CCI”), California as reported by the Engineering News Record in the amount set forth in Exhibit A – Cost Index Worksheet 2022 of the Staff Report - Adjusting Capacity Fees for FY 22/23.

WHEREAS, at its meeting on May 26, 2022, after giving all required notices pursuant to Government Code section 66013 and 66016, the Board held a public hearing as part of a regularly scheduled meeting to consider the CCI adjustment to the District’s capacity fees.

WHEREAS, at the public hearing on May 26, 2022, the Board considered all testimony presented in accordance with Government Code section 66013 and 66016.

WHEREAS, the Board has reviewed the CCI adjustment to the capacity fees and has determined that there is a reasonable relationship between the capacity fees, as adjusted by the CCI, and the District’s estimated reasonable costs of providing sewer capacity service to new development.

WHEREAS, the Capacity Fee complies with California law, including, without limitation, Government Code section 66013 and Health and Safety Code sections 5474 *et seq.*

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 above recitals are true and correct, are material to the adoption of this ordinance, and are incorporated herein by reference.

2. The proposed capacity fees 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 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 in Section 15273 of the State CEQA Guidelines. In any case, it can be seen with certainty that there is no possibility that the capacity 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 as follows:

1. The capacity fees shall be increased by the amount of the CCI for San Francisco, California, as set forth in Exhibit A – Cost Index Worksheet 2021 of the Staff Report - Adjusting Capacity Fees for FY 22/23, which is incorporated herein by reference.

2. For residential connections, the capacity fees shall be charged at a rate of \$9,416 per Single Family dwelling unit, \$3,579 for each Multiple Dwelling Unit, and \$5,368 per Mobile Home.

3. For non-residential connections, the capacity fees shall be determined by multiplying the fee per ESU by the number of ESUs assigned to the new connection. The capacity fees per ESU for non-residential units is \$9,416, which is equal to the fee per Single Family Dwelling Unit. The District Engineer shall determine the number of ESUs to be assigned to a new non-residential connection based upon the development's expected wastewater flow and strength of effluent. Strength determinations shall be based on the Revenue Program Guidelines of the State Water Resources Control Board, March 1998 Edition.

4. For Accessory Dwelling Units, the capacity fees shall be \$4.66 per square foot, in accordance with Government Code section 65852.2.

5. The District may increase the fees annually in accordance with any increases in the Engineering News Record Construction Cost Index.

6. This is an ordinance establishing a general regulation. If any portion of this ordinance 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 shall remain in full force and effect.

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

I hereby certify that the foregoing is a full, true and correct copy of an ordinance duly passed and adopted by the Ironhouse Sanitary District Board of Directors at a meeting thereof held on the 26th day of May, 2022.

AYES, and in favor thereof, Members: S. Morgan, D. Morrow, C. Lauritzen,
P. Zirkle and A. Lowrey.

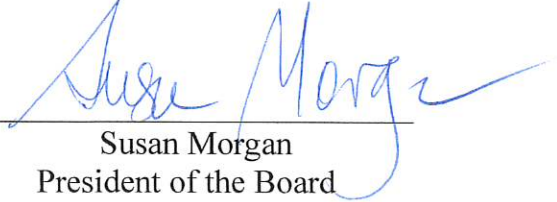
NOES, Members: None.

ABSENT, Members: None.



Cecilia Goff
Secretary to the Board
(SEAL)

APPROVED:



Susan Morgan
President of the Board