

**SONOMA COUNTY WATER AGENCY URGENCY ORDINANCE NO. 85
SONOMA VALLEY COUNTY SANITATION DISTRICT URGENCY ORDINANCE NO. 95**

BOARD OF SUPERVISORS ORDINANCE NO. 6216

**AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY
AND THE BOARD OF DIRECTORS OF THE SONOMA VALLEY COUNTY SANITATION DISTRICT TO
PRORATE ANNUAL SEWER SERVICE CHARGES FOR FISCAL YEAR 2017/2108 FOR PERSONS DISPLACED
BY THE SONOMA COMPLEX FIRES WHO OWN PARCELS IN THE AIRPORT-LARKFIED-WIKIUP
SANITATION ZONE AND THE SONOMA VALLEY COUNTY SANITATION DISTRICT
URGENCY ORDINANCE: 4/5 VOTE REQUIRED (SONOMA COUNTY WATER AGENCY); UNANIMOUS VOTE
(SONOMA VALLEY COUNTY SANITATION DISTRICT)**

The Boards of Directors of the Sonoma County Water Agency ("Water Agency") and the Sonoma Valley County Sanitation District ("District") in the County of Sonoma, do ordain as follows:

SECTION I. SHORT TITLE. This Ordinance shall be known as the Urgency Ordinance for Prorated FY 2017/2018 Annual Sewer Service Charges.

SECTION II. EMERGENCY FINDINGS. This Urgency Ordinance is adopted pursuant to California Health and Safety Code section 4766 and California Government Code sections 25123(d) and 25131, and shall take effect immediately upon its approval by at least four-fifths (4/5) vote of the Board of Directors of the Water Agency and a Unanimous Vote of the Board of Directors of the District. The Boards of Directors of the Water Agency and the District find that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. Conditions of extreme peril to the safety of persons and property arose within the County of Sonoma caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fires, commencing on or about midnight on the 8th day of October, 2017.
2. The widespread scope of disaster caused by the fast-moving, destructive Sonoma Complex Fires resulted in evacuation of thousands of people from the Airport/Larkfield/Wikiup Sanitation Zone and from areas served by the District. The Sonoma Complex Fires also caused numerous residential, commercial, industrial, and agricultural properties within the Airport/Larkfield/Wikiup Sanitation Zone and the District to be damaged or destroyed.
3. The Water Agency operates and manages sanitation zones and districts within the County of Sonoma in the areas affected by the Sonoma Complex Fires, including the Airport/Larkfield/Wikiup Sanitation Zone and the District.
4. Annual Sewer Service Charges for July 1, 2017 through June 30, 2018 ("FY 2017/2018") are collected as a lump sum, direct charge on the tax roll of the County of Sonoma. Prior to the Sonoma Complex Fires, the full FY 2017/2018 Annual Sewer Service Charge was sent to parcel owners on September 15, 2017.

5. This ordinance would authorize the Water Agency and the District for the Airport/Larkfield/Wikiup Zone and for the District to prorate the FY 2017/2018 Annual Sewer Service Charges to apply only for the time period between July 2017 through September 2017 for parcel owners whose buildings are destroyed or rendered uninhabitable by a catastrophic event to reflect the significant decrease in sewer use.
6. It is essential that the changes made by this ordinance be implemented immediately to ensure that the Water Agency and the District have the authority to prorate Annual Sewer Service Charges in the Airport/Larkfield/Wikiup Zone and in the District for FY 2017/2018 before revised property tax bills with reassessed property values are sent to parcel owners in the coming weeks, likely late December or early January.
7. Failure to act immediately may hinder the Water Agency, District and County's ability to reduce the financial burden in a timely manner for displaced residents in the Airport/Larkfield/Wikiup Zone and the District who pay Annual Sewer Service Charges through the property tax roll.

SECTION II. TERM. This Ordinance shall take effect immediately upon adoption and shall remain in effect until June 30, 2018, unless extended or otherwise modified by the Board of Directors of the Water Agency or the District.

SECTION III. PRORATION OF ANNUAL SEWER SERVICE CHARGES FOR FY 2017/2018. This Ordinance shall authorize the Board of Directors of the Water Agency and the District to prorate Annual Sewer Service Charges for FY 2017/2018 in the Airport/Larkfield/Wikiup Zone and the District for properties affected by the Sonoma Complex Fires, as follows:

1. Exhibit "1" attached to this Ordinance is hereby added to Water Agency Ordinance No. 84 (Zones), BOS Ordinance No. 6198 as Exhibit "B" in order to authorize the Board of Directors of the Water Agency to prorate Annual Sewer Service Charges for FY 2017/2018 in the Airport/Larkfield/Wikiup Zone and only charge for the period of July 2017-September 2017; and
2. Exhibit "1" attached to this Ordinance is hereby added to Water Agency Ordinance No. 94 (SVCSD), BOS Ordinance No. 6202 in order to authorize the Board of Directors of the District to prorate Annual Sewer Service Charges for FY 2017/2018 in the District and only charge for the period of July 2017-September 2017.

SECTION IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT. The Board of Directors of the Water Agency and the District hereby find that the California Environmental Quality Act ("CEQA") does not apply to the proration of Annual Sewer Service Charges for FY 2017/2018 pursuant to this Ordinance, as such fees are for the purpose of meeting operations expenses, meeting financial reserve needs and requirements, and/or setting aside funds for capital projects necessary to maintain service within the existing District (14 California Code of Regulations 15273, California Public Resources Code Section 21080).

SECTION V. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Directors of the Water Agency and the District hereby declare that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION VI ENFORCEMENT; PUBLICATION. This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote by the Board of Directors of the Water Agency and a Unanimous Vote of the Board of Directors of the District. This ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Directors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California. Pursuant to Government Code section 25124, a complete copy of Exhibit "1" to this ordinance is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying during regular business hours in the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa.


In regular session of the Board of Directors of the Sonoma County Water Agency, State of California, introduced and passed on the 12th day of December, 2017, on regular roll call of the members of said Board by the following vote:



BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY:

Gorin: Aye	Rabbitt: Aye	Gore: Aye	Hopkins: Aye	Zane: Aye
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0	

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

So Ordered.


Chair, Board of Supervisors
County of Sonoma

ATTEST: 
by: 
Sheryl Bratton,
Clerk of the Board of Supervisors

In regular session of the Board of Directors of the Sonoma Valley County Sanitation District, State of California, introduced and passed on the 12th day of December, 2017, on regular roll call of the members of said Board by the following vote:

BOARD OF DIRECTORS OF THE SONOMA VALLEY COUNTY SANITATION DISTRICT:

Agrimonti: Aye Gorin: Aye Zane: Aye



Ayes: 3 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

So Ordered.



Chair, Board of Supervisors
County of Sonoma

ATTEST: 
by: 

Sheryl Bratton,
Clerk of the Board of Supervisors

EXHIBIT "1"

PRORATION OF FY 2017/2018 ANNUAL SEWER SERVICE CHARGES FOR PERSONS DISPLACED BY THE SONOMA COMPLEX FIRES WHO OWN PARCELS IN THE AIRPORT-LARKFIED-WIKIUP SANITATION ZONE AND THE SONOMA VALLEY COUNTY SANITATION DISTRICT

ARTICLE I – GENERAL PROVISIONS

SECTION 1.01 - AUTHORITY: This Ordinance is adopted under authorization of Division 5, comprising Sections 4700 through Section 4858 and Sections 5470 through 5474.10 of the Health and Safety Code of the State of California and California Government Code Section 54725, *et seq.*

SECTION 1.02 - PURPOSE: This Ordinance sets forth uniform requirements for prorating FY 2017/2018 Annual Sewer Service Charges for persons displaced by the Sonoma Complex Fires who own parcels in the Airport-Larkfield-Wikiup Sanitation Zone and Sonoma Valley County Sanitation District.

ARTICLE II – PRORATING ANNUAL SEWER SERVICE CHARGES FOR PERSONS DISPLACED BY CATASTROPHIC EVENTS

SECTION 2.01 – DEFINITIONS: Other definitions exist in the Water Agency Sanitation Code, the Districts Sanitation Codes, Design and Construction Standards for Sanitation Facilities and in the Uniform Plumbing Code and other places. Where the definitions in this Ordinance conflict with the definitions in the Design and Construction Standards for Sanitation Facilities, or in the Uniform Plumbing Code, or other document, the definitions in this Ordinance shall prevail, then the definitions in the Design and Construction Standards, and then in other definitions.

For the purpose of this Ordinance, the terms used herein are defined as follows:

Board shall mean the Board of Directors of the Sonoma County Water Agency, or the Board of Directors of the Sonoma Valley County Sanitation District.

County shall mean the County of Sonoma, State of California.

Displaced Person(s) shall have the meaning set forth in section 40.03.020 of the Sonoma County Code.

District shall mean the Sonoma Valley County Sanitation District.

Parcel shall mean the land or air space associated with an Assessor's Parcel Number.

Sonoma Complex Fires shall have the meaning set forth in section 40.03.020 of the Sonoma County Code.

Water Agency shall mean the Sonoma County Water Agency.

SECTION 2.02 –PRORATING ANNUAL SEWER SERVICE CHARGES:

- (a) The Water Agency, through its General Manager or his/her designee may prorate the Annual Sewer Service Charge for FY 2017/2018 for Displaced Persons from the Sonoma Complex Fires that own Parcels in the Airport-Larkfield-Wikiup Sanitation Zone such that such Displaced Persons only pay for an Annual Sewer Service Charge on a prorated basis for service from July 2017 through September 2017.
- (b) The District, through its General Manager or his/her designee may prorate the Annual Sewer Service Charge for FY 2017/2018 for Displaced Persons from the Sonoma Complex Fires that own Parcels in the Airport-Larkfield-Wikiup Sanitation Zone such that such Displaced Persons only pay for an Annual Sewer Service Charge on a prorated basis for service from July 2017 through September 2017
- (c) The Water Agency and the District hereby elect, pursuant to section 5473 of the California Health and Safety Code to have the prorated Annual Sewer Service Charge for FY 2017/2018 established by the Water Agency and/or the District, collected on the revised tax rolls , which will be sent to Displaced Persons after the County Assessor's office completes reassessments of fire damaged parcels, of the County of Sonoma, State of California, in the manner provided pursuant to sections 5471 through 5473.11 of the California Health and Safety Code.