

MINUTES OF THE SPECIAL MEETING  
OF THE ORDINANCE COMMITTEE OF THE  
MT. VIEW SANITARY DISTRICT

SEPTEMBER 28, 2017

The Ordinance Committee of the Mt. View Sanitary District convened a duly Noticed Committee Meeting at the Mt. View Sanitary District Conference Room, 3800 Arthur Road, Martinez, County of Contra Costa, and State of California on September 28, 2017 at 8:00 a.m.

1. ROLL CALL OF DIRECTORS

PRESENT: Committee Chair David P. Maggi and Director Brian A. Danley

Also Present: STAFF - District Manager Neal B Allen, Assistant District Manager Lilia M. Corona, District Engineer Randolph W. Leptien and District Counsel Jonathan Daniel Adams

PUBLIC: None

2. PUBLIC COMMENT

None

3. NEW BUSINESS

A. CAPACITY AND OTHER DISTRICT FEES

1. RECEIVE REPORT FROM STAFF

District Manager Allen (DM Allen) presented draft ordinance revisions that District Engineer Leptien (DE Leptien) and District Counsel Adams (DC Adams) developed to implement the capacity fees recommended by the Municipal Financial Services (MFS) Capacity Study Report commissioned by the Board. The ordinance revisions are to address adjustments to the charges and fees of the District that are not collected on the property tax roll.

DC Adams explained that there must be a nexus between charges and services. "You only pay for what you get." The modified fees are based on a buy in to what is already in place. The Capacity Study provides the nexus.

DC Adams also provided direction that procedurally the District should make revisions to the ordinance and then follow with revisions to the District Code.

AD Allen agreed that the MFS Capacity Study Report offers justification for the change of the connection fees from a "growth" to a "buy in" basis.

DE Leptien explained that the new Fee Schedule provides minimum fees plus a basis for estimating the cost of engineering review of plans. The former Table 7-1 will be split into three tables:

- 7-1 will reflect the Sewer Service Charges (collected on the tax roll)
- 7-2 will reflect the connection capacity fees (not collected on the tax roll)
- 7-3 will reflect the cost of other services (also not collected on the tax roll)

AD Allen said that depending on the new staff District Engineer's skill set, the District might choose to continue contracting out Development. If the staff Engineer takes on Development, the District will have to establish an hourly rate for the District Engineer's time.

The Committee also discussed SB 1069, which applies to "local agencies", defined as cities and counties and limits the ability of agencies to charge connection fees for accessory dwelling units (generally defined as attached or detached residential dwelling units that provide complete independent living facilities for one or more persons). SB 1069 took effect on January 1, 2017. SB 229 recently signed by Governor Brown, expanded the applicability of the relevant provisions to include special districts. This change to incorporate special districts will take effect on January 1, 2018. DM Allen indicated that a significant increase in accessory dwelling units for which the District cannot charge connection fees might lead to capacity complications.

## 2. PROVIDE DIRECTION

The Committee directed staff to complete the needed ordinance revisions and bring back to the Committee before the public hearing. Staff was directed to continue the Public Hearing from the October 12 Board Meeting until December 14 Board Meeting.

## 4. ADJOURNMENT

Business having been concluded, Chair Maggi adjourned the meeting at 9:02 a.m.



Lilia M. Corona  
Assistant District Manager