COUNTY SANITATION DISTRICT NO. 2-3
OF SANTA CLARA COUNTY

ORDINANCE NO. 45
SETTING SEWER SERVICE CHARGES

AN ORDINANCE AMENDING ARTICLE VII, SECTION 7.01 THROUGH SECTION 7.04,
OF THE COUNTY SANITATION DISTRICT NO. 2-3 OF SANTA CLARA COUNTY
OPERATIONS CODE RELATING TO SEWER SERVICE CHARGES AND AUTHORIZING
THE COLLECTION OF CHARGES ON THE TAX ROLL

THE DISTRICT BOARD OF COUNTY SANITATION DISTRICT NO. 2-3 OF
SANTA CLARA COUNTY, CALIFORNIA ORDAINS AS FOLLOWS:

SECTION 1. Findings

The District Board of County Sanitation District No. 2-3 of Santa Clara County finds
and determines the following:

A. The modification of sewer service charges is necessary for the purpose of meeting
operating expenses, including purchasing or leasing supplies, equipment and materials,
meeting financial reserve needs and requirements, and obtaining funds for capital projects
necessary to maintain service within existing service areas; and

B. The modification of sewer service charges is a statutory exemption from the California
Environmental Quality Act pursuant to Section 21080(b)(8) of the Public Resources
Code and Section 15273 of the State CEQA Guidelines.

SECTION 2. Section 7.01 of Article VII of the County Sanitation District No. 2-3 of Santa
Clara County Operations Code is amended to read as follows:

7.01 GENERAL

There is hereby levied and assessed upon each premise having any sewer
connection available with the sewerage system of the District or which is discharging sewage
that ultimately passes through the sewerage system of the District a service charge payable as
herein provided and in an amount provided as follows.

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**SECTION 3.** Section 7.02 of Article VII of the County Sanitation District No. 2-3 of Santa Clara County Operations Code is deleted in its entirety and a new Section 7.02 is added to read as follows:

7.02 **RESIDENTIAL**

<table>
<thead>
<tr>
<th>Description</th>
<th>FY2012-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential – per unit</td>
<td>$429.12/Year</td>
</tr>
<tr>
<td>Single Family/Townhouse/Condo unit</td>
<td>$35.76/Month</td>
</tr>
<tr>
<td>Multiple Residential – per unit</td>
<td>$241.56/Year</td>
</tr>
<tr>
<td>Duplex/Apartment unit</td>
<td>$20.13/Month</td>
</tr>
<tr>
<td>Separate mobilehome within a mobilehome premises</td>
<td>$242.40/Year</td>
</tr>
<tr>
<td>Church Premise</td>
<td>$35.76/Month</td>
</tr>
</tbody>
</table>

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SECTION 4. Section 7.03 of Article VII of the County Sanitation District No. 2-3 of Santa Clara County Operations Code is deleted in its entirety and a new Section 7.03 is added to read as follows:

7.03. COMMERCIAL OR INDUSTRIAL
(Less than 50,000 gallons per day dischargers)

For each office, commercial building, restaurant, bar, ice cream parlor, laundry, car wash, school, service station, other commercial establishment or industrial establishment, a service charge based on the annual water consumption, as determined by the District Manager, and which service charge shall be determined by multiplying the appropriate rate selected below by the annual water usage:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Charge For Infiltration/Inflow</td>
<td>FY2012-2013</td>
</tr>
<tr>
<td>Plus additional charge per Hundred Cubic Feet (HCF) of sewage discharged</td>
<td>$1.254/Year</td>
</tr>
<tr>
<td>Retail or Professional Offices</td>
<td>$3.198/HCF</td>
</tr>
<tr>
<td>Domestic Laundry</td>
<td>$2.888/HCF</td>
</tr>
<tr>
<td>Restaurant</td>
<td>$5.509/HCF</td>
</tr>
<tr>
<td>Auto Repair Shops and Service Stations</td>
<td>$3.425/HCF</td>
</tr>
<tr>
<td>Motel/Hotel</td>
<td>$3.406/HCF</td>
</tr>
<tr>
<td>Medical (Office)</td>
<td>$3.223/HCF</td>
</tr>
<tr>
<td>Convalescent Home</td>
<td>$3.453/HCF</td>
</tr>
<tr>
<td>Other Commercial, Industrial Or Miscellaneous Uses Not Listed Above</td>
<td>$3.198/HCF</td>
</tr>
<tr>
<td>Recreation and Country Clubs</td>
<td>$4.006/HCF</td>
</tr>
<tr>
<td>County Fairgrounds</td>
<td>$21.480/HCF</td>
</tr>
<tr>
<td>Minimum charges for commercial uses including each retail store, industrial warehouse, professional office, repair shop and service station</td>
<td>$321.96/Year, $26.83/Month</td>
</tr>
</tbody>
</table>

SECTION 5. Section 7.04 of Article VII of the County Sanitation District No. 2-3 of Santa Clara County Operations Code is deleted in its entirety and a new Section 7.04 is added to read as follows:

7.04 COMMERCIAL OR INDUSTRIAL
(Greater than 50,000 gallons per day dischargers)

For each commercial or industrial establishment discharging 50,000 or more gallons of sewage per day into the sewerage system, a service charge to be determined as follows:

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<table>
<thead>
<tr>
<th>Description</th>
<th>FY2011-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Charge for Infiltration/Inflow</td>
<td>$1.254/Year</td>
</tr>
<tr>
<td>Plus additional charge of</td>
<td></td>
</tr>
<tr>
<td>Per year for each million gallons per day of sewage discharged into the sewerage system; plus</td>
<td>$590,156.89/Year</td>
</tr>
<tr>
<td>Per year for each thousand pounds per day of biochemical oxygen demand contained in the sewage discharged into the sewerage system; plus</td>
<td>$9,486.34/Year</td>
</tr>
<tr>
<td>Per year for each thousand pounds per day of suspended solids contained in the sewage discharged into the sewerage system; plus</td>
<td>$6,489.29/Year</td>
</tr>
<tr>
<td>Per year for each thousand pounds per day of ammonia contained in the sewage discharged into the sewerage system; plus</td>
<td>$45,442.44/Year</td>
</tr>
<tr>
<td>Per million gallons of sewage discharged into the sewerage system; plus</td>
<td>$1,897.56</td>
</tr>
<tr>
<td>Per thousand pounds of biochemical oxygen demand discharged into sewerage system; plus</td>
<td>$261.94</td>
</tr>
<tr>
<td>Per thousand pounds of suspended solids discharged into the sewerage system; plus</td>
<td>$260.81</td>
</tr>
<tr>
<td>Per thousand pounds of ammonia discharged into the sewerage system</td>
<td>$2,128.21</td>
</tr>
</tbody>
</table>

A. The rate of discharge of sewage used in the above calculations shall be determined by the District Manager based on the annual water consumption (seasonal users, such as fruit processors, etc., shall have the rate of discharge calculated over the number of days of operation per season).

B. The rates per day of biochemical oxygen demand, suspended solids and ammonia used in the above calculations shall be determined from representative samples taken from the sewage discharged from the establishment.

SECTION 6.

The sewer service charges established by this Ordinance shall be effective commencing with the Fiscal Year 2012-2013 sewer service charges.

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SECTION 7.

Pursuant to Health and Safety Code Section 5473, this District Board hereby elects, as an alternative procedure, to have its sewer service charges as set by this Ordinance collected on the tax roll of Santa Clara County, in the same manner, by the same persons, and at the same time as, together with and not separately from its general taxes.
SECTION 8.

Before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once with names of the members voting for and against the Ordinance in a newspaper of general circulation in the County of Santa Clara.

PASSED AND ADOPTED by the Board of Directors of County Sanitation District No. 2-3 of Santa Clara County, California on ____________, by the following vote:

AYES: Supervisors

NOES: Supervisors

ABSENT: Supervisors

ABSTAIN: Supervisors

GEORGE SHIRAKAWA, Chairperson
Board of Directors
County Sanitation District 2-3

Attest:

LYNN REGADANZ
Interim Clerk

APPROVED AS TO FORM AND LEGALITY:

[Signature] 5-8-2012

MARK F. BERNAL
Deputy County Counsel

County Sanitation District #2-3
Ordinance No.45

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