

D400.600

**SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT
OF SACRAMENTO COUNTY**

ORDINANCE NO. SRCSD - 0045

**AN ORDINANCE
PROVIDING FOR THE DEFERRAL
OF REGIONAL CONNECTION FEES**

The Board of Directors of the Sacramento Regional County Sanitation District ordains as follows:

SECTION 1. PURPOSE. The Board of Directors of the Sacramento Regional District Sanitation District desires to stimulate and encourage all aspects of economic development within the District, particularly such development that will result in long-term commitments which will create jobs and provide economic stimuli for the benefit of all of the District's residents. The Board of Directors finds that the early payment of regional connection fees for non-residential development creates a barrier to such development and desires, by the adoption of this ordinance, to ease such barrier by deferring the time for payment of such fees. The Board of Directors previously adopted an ordinance for the deferral of certain fees which ordinance provided that it would no longer be in effect unless reenacted and it is desirable that the fee deferral program continue.

SECTION 2. APPLICABLE FEE PROGRAMS. Notwithstanding any other ordinance of the District, upon application and approval of security pursuant to Section 3(b) of this Ordinance, regional connection fees shall be paid and collected pursuant to the provisions of this Ordinance.

SECTION 3. APPLICATION AND SECURITY. (a) Any person proposing to construct commercial or industrial improvements upon real property located within the territory of the Sacramento Regional County Sanitation District may apply to defer payment of applicable fees pursuant to the provisions of this Ordinance.

(b) At the time of application, the applicant shall pay twenty percent (20%) of the amount of fees which would otherwise be payable at the time of application to connect to District facilities. The applicant shall also, at such time, provide security for the payment of those fees to be deferred. Such security shall be subject to the approval of the District Engineer or his designee and shall, subject to such approval, consist of one or more of the following:

- (1) Assigned passbook or certificate of deposit;
- (2) Irrevocable letter of credit;

- (3) Surety bond;
- (4) Lien against the property; or
- (5) Negotiable securities if approved by the Board of Directors.

(c) The application shall state the time for which fees are requested to be deferred. Fees may be deferred pursuant to this Ordinance to issuance of a certificate of occupancy; to close of escrow; or, for not less than one nor more than five years. If fees are to be deferred to issuance of a certificate of occupancy or to close of escrow, the deferral agreement required by Section 4 shall include a provision requiring payment at such times or at a time certain, whichever occurs first.

SECTION 4. DEFERRAL AGREEMENTS. Upon approval of an application, the applicant shall enter into a deferral agreement with the District in a form satisfactory to the District Engineer and approved by the District Counsel. Such agreement shall, at a minimum, be site specific and provide for the enforcement of the provisions of this Ordinance. A single agreement shall be entered for each project whether or not the applicant is the same for multiple projects. Authority to execute such agreements on behalf of the District is hereby delegated to the District Engineer.

SECTION 5. TIME OF PAYMENT. Upon approval of an application for fee deferral, deposit of approved security and execution of a deferral agreement, fees to be deferred pursuant to this Ordinance shall be payable and collected in the manner as set forth in the application and deferral agreement. If not paid within the time required, the District shall enforce the security provided pursuant to Section 3.

SECTION 6. INTEREST. (a) Unless waived as provided in subdivision (b) of this Section, interest shall be charged on all amounts deferred pursuant to this Ordinance in an amount equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds.

(b) If the applicant is a targeted company, or agent for a targeted company, interest on amounts deferred shall be waived. A targeted company is a company which can demonstrate that it will bring to the territory of the Sacramento Regional County Sanitation District fifty (50) or more full-time jobs each paying over \$25,000 per year. The District Engineer, or his designee, is hereby vested with the authority to determine whether an applicant is a targeted company or is an agent for a targeted company.

SECTION 7. ADMINISTRATION CHARGE. The Board of Directors may from time to time, by resolution, establish a fee for payment at time of application for the purpose of funding the costs of

administering the fee deferral program established by this Ordinance.

SECTION 8. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Directors on January 24, 1996 and on January 24, 1996 further reading was waived by the unanimous vote of the Directors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the Sacramento Regional County Sanitation District.

On a motion by Director Dickinson, seconded by Director Nottoli, the foregoing ordinance was passed and adopted by the Board of Directors of the Sacramento Regional County Sanitation District, State of California, this 14th day of February, 1996, by the following vote:

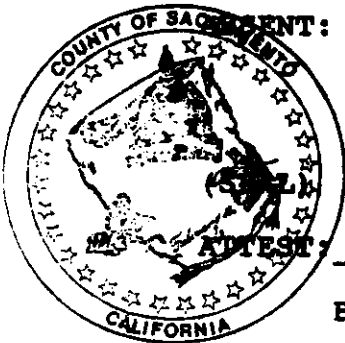
AYES: Directors, Aceituno, Cox, Johnson, Nottoli, Pannell, Dickinson

NOES: Directors, None

ABSENT: Directors, Collin

Roger Dickinson
Chairperson of the Board of Directors of
Sacramento Regional County Sanitation
District

Cindy H. Turner
Clerk of the
Board of Directors



The foregoing is a correct copy of an ordinance adopted by the Board of Supervisors, Sacramento County, California

February 14, 1996
Dated: February 15, 1996
By: Rochelle Rogers
Deputy Clerk

In accordance with Section 25100 of the Government Code of the State of California a copy of this document has been delivered to the Chairman of the Board of Supervisors, County of Sacramento on

FEB 14 1996
Kathleen Rogers
Deputy Clerk, Board of Supervisors

FILED

FEB 14 1996

Cindy H. Turner
By: Cindy H. Turner
Clerk of the Board