




MEMORANDUM

OFFICE OF THE PLACER COUNTY COUNSEL

TO: Honorable Board of Supervisors
FROM: Karin E. Schwab, County Counsel 
DATE: May 11, 2021
SUBJECT: Ordinance Restating Prior 2019 Board Action to Amend Placer County Code Chapter 13, Article 13.12, Sections 13.12.350(B), 13.12.350(D) and 13.12.350(I)

Action Requested

Introduce an ordinance, waive oral reading, restating prior 2019 Board action to amend Placer County Code Chapter 13, Article 13.12, Sections 13.12.350(B), 13.12.350(D) and 13.12.350(I).

Background

On April 9, 2019, the Board of Supervisors adopted Ordinances No. 5948-B, 5949-B and 5951-B ("April 2019 Ordinances") to amend sewer service charges in Placer County Code Chapter 13, Article 13.12, Sections 13.12.350(B), 13.12.350(D) and 13.12.350(I). The April 2019 Ordinances were the subject of duly noticed public hearings for introduction of the same and after adoption, the Clerk of the Board satisfied the publishing requirements set forth in Government Code section 25124(b). The April 2019 Ordinances were not legally challenged or repealed and were included in the compiled electronic and printed Placer County Code Supplement No. 76, 7-19.

On September 10, 2019, the Board of Supervisors adopted Ordinance No. 5975-B to amend the sewer connections fees in several sections of Placer County Code Chapter 13, Article 13.12, including to Sections 13.12.350(B), 13.12.350(D) and 13.12.350(I). Ordinance No. 5975-B did not make any changes to the sewer connection fees. However, Ordinance No. 5975-B utilized an older version of the underlying code that did not include the sewer service charge changes made by the April 2019 Ordinances. As a result, the Code publisher changed the sewer service charges back to the amounts in the code before the enactment of the April 2019 Ordinances.

In tracing through the history of the ordinances and the sewer service charges, County Counsel has concluded this was a clerical error. Pursuant to Government Code section 25130, an ordinance that has been "adopted and fully published, may be subsequently recompiled, recodified and indexed, including such restatement and substantive change as is necessary in the interest of clarity" through the adoption of a subsequent ordinance.

County Counsel requests the Board adopt this ordinance to restate the sewer service charges enacted by the April 2019 Ordinances in order to clarify the same in the electronic and printed County Code.

Environmental Impact

The proposed ordinance does not constitute a "Project" under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15378(a) and (b)(5) because it is an administrative action that does not result in any direct or physical change in the environment and is, therefore, exempt from environmental review.

Fiscal Impact

There is no fiscal impact associated with this request.

Attachment: Ordinance

Before the Board of Supervisors County of Placer, State of California

In the matter of: ORDINANCE RESTATING PRIOR BOARD ACTION TO AMEND PLACER COUNTY CODE CHAPTER 13, ARTICLE 13.12, SECTIONS 13.12.350(B), 13.12.350(D) AND 13.12.350(I).

Ordinance No.: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on _____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, on April 9, 2019, the Board of Supervisors adopted Ordinances No. 5948-B, 5949-B and 5951-B ("April 2019 Ordinances") to amend sewer service charges in Placer County Code Chapter 13, Article 13.12, Sections 13.12.350(B), 13.12.350(D) and 13.12.350(I). The April 2019 Ordinances were the subject of duly noticed public hearings for introduction of the same and after adoption, the Clerk of the Board satisfied the publishing requirements set forth in Government Code section 25124(b). The April 2019 Ordinances were not legally challenged or repealed and were included in the compiled electronic and printed Placer County Code Supplement No. 76, 7-19; and

WHEREAS, on September 10, 2019, the Board of Supervisors adopted Ordinance No. 5975-B to amend the sewer connections fees in several sections of Placer County Code Chapter 13, Article 13.12, including to Sections 13.12.350(B), 13.12.350(D) and 13.12.350(I). However, Ordinance No. 5975-B utilized an older version of the underlying code that did not include the sewer service charge changes made by the April 2019 Ordinances. As a result, the Code publisher changed the sewer service charges back to the amounts in the code before the enactment of the April 2019 Ordinances; and

WHEREAS, Ordinance No. 5975-B did not propose changes to the sewer service charges and therefore the adoption of Ordinance No. 5975-B did not repeal or replace the same. This was simply an error in the version of the County Code utilized to bring forward the changes to the sewer connection fees that were adopted by the Board in Ordinance No. 5975-B.

WHEREAS, pursuant to Government Code section 25130, an ordinance that has been “adopted and fully published, may be subsequently recompiled, recodified and indexed, including such restatement and substantive change as is necessary in the interest of clarity” through the adoption of a subsequent ordinance.

WHEREAS, in the interest of clarity in the County Code, the Board wishes to restate, through the adoption of this ordinance, the changes to sewer connection fees as adopted in the April 2019 Ordinances in order to assure that sewer service rates are accurately stated in the electronic and printed compiled County Code.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

Section 1. On April 9, 2019, the Board of Supervisors adopted Ordinance No. 5948-B to amend Placer County Code Chapter 13, Article 13.12, Section 13.12.350(B) to increase the sewer service charges. The Clerk of the Board subsequently published Ordinance No. 5948-B in compliance with Government Code section 26124(b)(1). After sixty (60) days, said charges went into effect. A subsequent ordinance did not capture these changes. As a result, the Board of Supervisors hereby restates that the following are the current and lawfully adopted sewer service charges for Sewer Maintenance District No. 2:

B. Sewer Maintenance District No. 2. The following schedule of charges and fees shall apply to property within Placer County sewer maintenance district No. 2 and are based upon a flow rate of one equivalent dwelling unit (EDU). Calculation of a charge and fee for a use that is billed at a rate other than one equivalent dwelling unit shall be based upon the schedule set forth in subsection H of Section 13.12.240.

Sewer service charge	= \$48.12 per month per EDU.
<u>Effective July 1, 2019</u>	= \$50.04 per month per EDU.
<u>Effective July 1, 2020</u>	= \$52.04 per month per EDU.
Annexation fee	= \$1,500.00 per acre.
Sewer connection fee	= \$9,735.00 per EDU.

Section 2. On April 9, 2019, the Board of Supervisors adopted Ordinance No. 5949-B to amend Placer County Code Chapter 13, Article 13.12, Section 13.12.350(D) to increase the sewer service charges. The Clerk of the Board subsequently published Ordinance No. 5949-B in compliance with Government Code section 26124(b)(1). After sixty (60) days, said charges went into effect. A subsequent ordinance did not capture these changes. As a result, the Board of Supervisors hereby restates that the following are the current and lawfully adopted sewer service charges for County Service Area No. 28, Zone No. 2, A3 (Sunset):

D. County Service Area No. 28, Zone No. 2, A3 (Sunset). The following schedule of charges and fees shall apply to property within county service area No. 28, Zone 2, A3 and are based upon a flow rate of one equivalent dwelling unit (EDU). Calculation of a charge and fee for a use that is billed at a rate other than one equivalent dwelling unit shall be based upon the schedule set forth in subsection H of Section 13.12.240.

Sewer service charge	= \$33.06 per month per EDU
<u>Effective July 1, 2019</u>	= <u>\$34.38 per month per EDU.</u>
<u>Effective July 1, 2020</u>	= <u>\$35.76 per month per EDU.</u>
Annexation fee	= \$194.00 per acre.
Sewer connection fee	= \$9,735.00 per EDU.

Section 3. On April 9, 2019, the Board of Supervisors adopted Ordinance No. 5951-B to amend Placer County Code Chapter 13, Article 13.12, Section 13.12.350(I) to increase the sewer service charges. The Clerk of the Board subsequently published Ordinance No. 5951-B in compliance with Government Code section 26124(b)(1). After sixty (60) days, said charges went into effect. A subsequent ordinance did not capture these changes. As a result, the Board of Supervisors hereby restates that the following are the current and lawfully adopted sewer service charges for County Service Area No. 28, Zone No. 173 (Dry Creek Sewers):

I. County Service Area No. 28, Zone No. 173 (Dry Creek Sewers). The following schedule of charges and fees shall apply to property within county service area No. 28, Zone No. 173 and are based upon a flow rate of one equivalent dwelling unit (EDU). Calculation of a charge and fee for a use that is billed at a rate other than one equivalent dwelling unit shall be based upon the schedule set forth in subsection H of Section 13.12.240.

Sewer service charge	= \$38.14 per month per EDU
<u>Effective July 1, 2019</u>	= <u>\$39.67 per month per EDU.</u>
<u>Effective July 1, 2020</u>	= <u>\$41.26 per month per EDU.</u>
Sewer connection fee	= \$9,735.00 per EDU.

Section 4. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.

