

ORDINANCE NO. 2016-02

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MISSION SPRINGS WATER DISTRICT ELECTING TO IMPOSE SEWER
USER FEES AND TO COLLECT THE SAME ON THE TAX ROLLS UNDER
CALIFORNIA HEALTH & SAFETY CODE SECTION 5470 *et. seq.***

WHEREAS, the District wishes to enact this Ordinance electing to impose and collect the District's current residential sewer user fees (the "Sewer User Fees") pursuant to California Health and Safety Code Section 5470 *et seq.*; and

WHEREAS, a report (the "Report"), a copy of which is available in the District office shall be filed with the Secretary of the District describing each parcel of real property subject to the Sewer User Fees and amount of the Sewer User Fees to be imposed thereon for each fiscal year; and

WHEREAS, the Secretary of the District shall cause notice of the filing of the Report proposing to have such charges for the each forthcoming fiscal year collected on the tax roll and of the time and the date of a hearing to consider such Report to be published in the newspaper in accordance with California Health and Safety Code section 5473.1; and

WHEREAS, the Secretary of the District shall, for the first fiscal year of this program, cause notice of the filing of the Report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and the date of hearing to consider such Report to be mailed to each person whose parcel(s) will be assessed in accordance with California Health and Safety Code Section 5473.1; and

WHEREAS, the Board of Directors shall hear and consider all objections and protests to the Report and determine whether protests have been made by the owners of a majority of the separate parcels or property described in the Report; and

WHEREAS, the District has determined to collect the Sewer User Fees, any delinquent Sewer User Fees and any penalties on the tax roll, which Sewer User Fees shall constitute a lien against the parcel or parcels of land described in the Report, all in accordance with California Health and Safety Code sections 5470 *et seq.*;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT AS FOLLOWS:

Section 1. The Board of Directors hereby finds and determines that the Recitals are true and correct and are incorporated herein as if stated in their entirety.

Section 2. A new Section 10.13 is added to Ordinance No. 2008-2, as amended by Ordinance No. 2009-2.

Notwithstanding anything to the contrary contained in the Rules and Regulations for Sewer Service including, but not limited to, Article X, residential Sewer User Fees shall be collected pursuant to the applicable provisions of California Health & Safety Code Section 5470 et. seq. at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the District, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties which shall be levied on and collected from the owners of said parcels as permitted by Health and Safety Code Section 5473.7.

ADOPTED this 24th day of May, 2016, by the following vote:

Ayes: Bowman, Duncan, Martin, Wright
Noes:
Abstain:
Absent: Furbee



Nancy Wright
President of Mission Springs Water District
and its Board of Directors

ATTEST:



Arden Wallum
Secretary of Mission Springs Water District
and its Board of Directors

APPROVED AS TO FORM:



John Pinkney
District Counsel

