

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT  
June 23, 2014**

**CALL TO ORDER**

President Lathi called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

PRESENT: Anjali Lathi, President  
Manny Fernandez, Vice President  
Pat Kite, Director  
Tom Handley, Director

ABSENT: Jennifer Toy, Secretary

STAFF: Richard Currie, General Manager  
Richard Cortes, Business Services Manager  
Sami Ghossain, Technical Services Manager  
Andy Morrison, Collection Services Manager  
Tim Grillo, Treatment & Disposal Services Coach  
Robert Simonich, FMC Manager  
Maria Scott, Principal Financial Analyst  
David O'Hara, Legal Counsel  
Jamie Rojo, Accounting Technician Specialist  
Carol Rice, Assistant to the GM/Board Secretary

VISITOR: Mariano Rojo, Jamie Rojo's husband

**APPROVAL OF THE MINUTES OF SPECIAL MEETING ON JUNE 7, 2014.**

On a motion made by Director Kite and seconded by Director Handley, the minutes of the Special Meeting of the Board of Directors' on June 7, 2014 were unanimously approved (Director Toy was absent).

**APPROVAL OF THE MINUTES OF JUNE 9, 2014.**

On a motion made by Director Fernandez and seconded by Director Kite, the minutes of the Board of Directors' Meeting of June 9, 2014 were unanimously approved (Director Toy was absent).

**APPROVAL OF THE MINUTES OF SPECIAL MEETING ON JUNE 11, 2014.**

On a motion made by Director Kite and seconded by Director Handley, the minutes of the Special Meeting of the Board of Directors' on June 11, 2014 were unanimously approved (Director Toy was absent).

**MONTHLY OPERATIONS REPORT FOR MAY 2014.**

The Budget and Finance Committee reviewed this item. Rich Currie reported the following: there were no odor complaints or spills; there was one minor accident that ended the District's successful streak; a workshop was held to discuss a baseline case for the Hayward Marsh Restoration; and the inspection portion of the private lateral study was completed. There are a number of recruitments going on and the hours worked report and sick leave usage report are achieving target goals.

Maria Scott reported we received about \$173,000 in capacity fees for new home developments; plan check and field inspection fees are doing well; we exceeded our target interest – we are at 111%; there will be no more SRF revenues this fiscal year and we will start receiving proceeds in the next couple of months for the Thickener Project. Under Expenses, capacity fees are at 89% and renewal fees are at 103%. Under Special Projects, there was work done on the Seismic Evaluation Project and the Lateral Pilot Program. Workgroup expenses are at or below budget. Under investments, there were no purchases, three maturities, and LAIF is at .228%, down from .233%.

**WRITTEN COMMUNICATIONS.**

There were no written communications.

**ORAL COMMUNICATIONS.**

There were no oral communications.

**PUBLIC HEARING: 1) CONFIRMING SEWER SERVICE CHARGE ORDINANCE NO. 31.37, 2) ADOPTING SEWER SERVICE CHARGE FOR FISCAL YEAR 2015, AND 3) SETTING AND COLLECTING SEWER SERVICE CHARGES FOR FISCAL YEAR 2015 ON THE TAX ROLL.**

The Notice of Public Hearing to set the Sewer Service Charges for Fiscal Year 2015 was published in the Argus newspaper on May 31, 2014 and June 7, 2014.

President Lathi opened the Public Hearing at 7:07 p.m. There were no members of the public present and the public hearing was closed at 7:07 p.m.

**RESOLUTION NO. 2733, CONSIDERING PROTESTS AND ESTABLISHING SEWER SERVICE CHARGE RATES FOR FISCAL YEAR 2015.**

The Budget & Finance Committee reviewed this item. This resolution will increase the Sewer Service Charge rates for the next fiscal year by 5.7%. FY15 will be the second year of the three-year adopted increase. Rich Currie reported there was one additional e-mail comment protesting the rate increase.

On a motion made by Director Kite and seconded by Director Handley, the Board unanimously approved Resolution No. 2733, considering protests and establishing Sewer Service Charge Rates for Fiscal Year 2015 (Director Toy was absent).

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**RESOLUTION NO. 2733**

**RESOLUTION CONSIDERING PROTESTS TO AND ESTABLISHING REPORT ON SEWER SERVICE CHARGE RATES FOR UNION SANITARY DISTRICT FOR THE FISCAL YEAR 2015**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT, Alameda County, California, that:

WHEREAS, this Board intends to adopt sewer service charges increasing the current rate for the next two (2) fiscal years by five and seven tenths percent (5.7%) each year; and

WHEREAS, this Board intends to adopt Ordinance No. 31.37 establishing sewer charge rates and to elect to have sewer service charges collected on the tax roll for the Fiscal Year 2015, and directed the preparation of a written report containing the rates; and

WHEREAS, said written report and Ordinance were duly prepared and filed with the Secretary of the UNION SANITARY DISTRICT; and

WHEREAS, this Board appointed the time and place of hearing protests to said report and directed notice; and

WHEREAS, notice was given of the time therein stated in the manner provided by law as it appears by the Affidavit of Publication on file in the office of the Secretary of said District; and

WHEREAS, said matter came on regularly for hearing at the time fixed; and

WHEREAS, all written protests and other written communications were summarized at said meeting and all persons desiring to be heard were fully heard;

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. That objections to and protests against said report were not made by the owners of a majority of the separate parcels of property within the Service District against which sewer service charge rates for the services and facilities provided by the District were fixed.
2. That all objections to and protests against said report have been heard by this Board and that said objections and protests be, and each of them are, hereby overruled.

3. That said report be, and it is, hereby adopted in full without revision, change, reduction, modification, and that sewer service charges based upon these rates and the 2015 rates shall be collected on the tax roll of the County of Alameda in the manner provided by law.
4. That the sewer service charges for the fiscal years 2015 and 2016 be increased by five and seven tenths percent (5.7%) per year over the fiscal year 2014 rates as was proposed in the Proposition 218 notice to all landowners.
5. That the Secretary of this District be, and is, hereby directed to file with the County Auditor of Alameda County forthwith, a copy of said Ordinance fixing the rates, upon which shall be endorsed over his/her signature a statement that the Ordinance has been finally adopted by the Board of Directors of the UNION SANITARY DISTRICT.
6. The County Auditor of Alameda County shall, upon receipt of a copy of said Ordinance and a report showing the amounts of the charges based upon currently adopted rates, enter the amounts of the charges against the respective lots or parcels as they appear on the current assessment roll for the Fiscal Year 2015.

I hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Board of Directors of the UNION SANITARY DISTRICT, Alameda County, California, at a meeting thereof held on the 23<sup>rd</sup> day of June 2014.

AYES: Fernandez, Handley, Kite, Lathi

NOES: ---

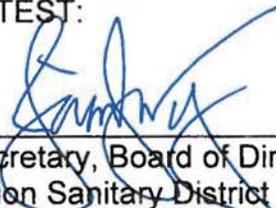
ABSTAIN: ---

ABSENT: Toy



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President, Board of Directors  
Union Sanitary District

ATTEST:



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Secretary, Board of Directors  
Union Sanitary District

Adopted June 23, 2014

**RESOLUTION NO. 2734, ADOPTION OF ORDINANCE NO. 31.37, SETTING THE SEWER SERVICES CHARGES SPECIFIED THEREIN FOR FISCAL YEAR 2015.**

The Budget & Finance Committee reviewed this item. This resolution would increase single family rates to \$357.02. The multi-residential category authorized rate will be \$315.25.

On a motion made by Director Kite and seconded by Director Handley, the Board unanimously approved Resolution No. 2734, adoption of Ordinance No. 31.37, setting the Sewer Services Charges specified therein for Fiscal Year 2015 (Director Toy was absent).

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**RESOLUTION NO. 2734**

**UNION SANITARY DISTRICT  
ORDINANCE NO. 31.37**

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF SEWER SERVICE CHARGES FOR FISCAL YEARS 2014, 2015 AND 2016 FOR SERVICES AND FACILITIES FURNISHED BY DISTRICT'S WASTEWATER SYSTEM, COLLECTION PROCEDURES, PENALTIES FOR DELINQUENCY, RESTRICTION ON USE OF FUNDS DERIVED, ELECTION TO HAVE SEWER SERVICE CHARGES COLLECTED ON THE ALAMEDA COUNTY TAX ROLL

The Board of Directors of the UNION SANITARY DISTRICT does ordain as follows:

**ARTICLE I  
GENERAL**

**SECTION 1. PURPOSE**

- (a) The purpose of the sewer service charge is to raise revenue for the cost of maintenance and operation of the UNION SANITARY DISTRICT wastewater facilities used for the collection, treatment and disposal of wastewater, industrial wastewater, industrial waste, payment of principal and interest on bonds and capital recovery costs in accordance with Federal and State Revenue Program guidelines. The funds derived from the sewer service charge shall be used for only those purposes provided for in Division 5, Part 3, Chapter 6, Article 4 (commencing with Section 5470) of the Health and Safety Code of the State of California.
- (b) The purpose of this ordinance is to establish a method of sharing the cost of operation of the District's collection, transport, and treatment facilities among the users of sewer service. For commercial and industrial dischargers, an estimation of the relevant wastewater flow constituents and loadings are utilized which are known to be historically valid.
- (c) Quantity of wastewater flow is an important factor in the cost of collection, transport and treatment of industrial and commercial wastewater discharge. Therefore, the quantity of discharge is calculated from flow for the prior year. These flows may vary widely. The District bills the industrial and commercial users the following year for what is in essence the previous year's discharge. For this reason there can be no adjustments to sewer service charges based only upon a change in water usage for a particular user. This change in usage will be reflected in the ensuing year's bill.

## ARTICLE II DEFINITIONS

### SECTION 1. DWELLING UNITS

The following residential establishments shall be deemed to have the following number of dwelling units:

- (a) Single family residential dwelling, designed for occupancy by one family: one dwelling unit.
- (b) Duplex, triplex, fourplex, townhouse or condominium, apartment house, mobile home park or other multi-residential establishment, designed for occupancy for living purposes by more than one family, which is divided into separate housekeeping units, each of which is designed for occupancy by one family only: each housekeeping unit shall be deemed to be one dwelling unit.

### SECTION 2. COMMERCIAL OR INSTITUTIONAL USE

Any parcel or portion thereof discharging domestic wastewater and shall include the following:

- (a) Parcels used for commercial or business purposes.
- (b) Hotel, auto court, motel and similar transient living facilities.
- (c) Schools, churches, hospitals, convalescent homes, parks, public office and service buildings public transportation facilities, or other types of public facilities or publicly owned facilities available for public use.

### SECTION 3. INDUSTRIAL

Any parcel or portion thereof used for manufacturing, processing or other operations which discharges non-domestic wastewater by reason of manufacturing, processing or other operations involved.

### SECTION 4. DOMESTIC WASTEWATER

Wastewater of a quality essentially similar to that of a single family dwelling.

### SECTION 5. OWNER

Any human being, individual, firm, company, partnership, association, and private or public and municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

## **SECTION 6. FAST FOOD RESTAURANTS**

Restaurants that serve all food on disposable plates, cups and utensils.

## **SECTION 7. FULL SERVICE RESTAURANTS**

Restaurants with sit down service that utilize washable plates, cups or utensils.

### **ARTICLE III** **SEWER SERVICE CHARGE**

#### **SECTION 1. CLASSIFICATION**

The owner of each parcel of property as it appears on the Assessor's records of Alameda County lying within the UNION SANITARY DISTRICT and upon which there are wastewater facilities shall pay a sewer service charge in accordance with the purpose for which said parcel is used, as hereinafter set forth in Section 2. In the event that the use of any parcel results in the discharge of wastewater in more than one classification, there shall be an annual charge for each classification of use of said parcel and the annual sewer service charges for such parcel shall be the aggregate of all such annual charges.

#### **SECTION 2. RATES**

Each individual parcel of land connected to the District sewer system is subject to a minimum charge equal to one dwelling unit as listed in (a) below, with the exception of those multiple dwelling units which are specified in subsection (b).

- (a) Residential dwelling units as defined in Section 1(a) of Article II: FY 2014 \$337.76 per dwelling unit per year; FY 2015 \$357.02 per dwelling unit per Year; FY 2016 \$377.37 per dwelling unit per year.
- (b) Residential dwelling units as defined in Section 1(b) of Article II: FY 2014 \$298.25 per dwelling unit per year; FY 2015 \$315.25 per dwelling unit per Year; FY 2016 \$333.22 per dwelling unit per year.

Sewer service charges that exceed the minimum rate specified above in subsection (a) shall be calculated as follows:

- (c) Restaurants shall pay either the rate for fast food or full service restaurant as defined in Sections 6 and 7 of Article II. Unit rates for the volume of wastewater discharged are as follows:

Fast Food Restaurants \$6.75 per 1,000 gallons per year in FY 2014;  
\$7.14 in FY 2015; \$7.55 in FY 2016.

Full Service Restaurants \$8.64 per 1,000 gallons per year in FY 2014;  
\$9.13 in FY 2015; \$9.65 in FY 2016.

- (d) Commercial or institutional use as defined in Section 2 of Article II, or wastewater discharged from industrial uses that are not sampled by the District, shall be determined by classifying the parcel into one of three strength classifications: strong, moderate or weak. Unit rates for the volume of wastewater discharged and examples of the types of uses which fall into the strong, moderate and weak categories are as follows:

Weak - \$3.34 per 1,000 gallons discharged per year in FY 2014; \$3.53 in FY 2015; \$3.73 in FY 2016.

Examples of establishments assigned to the weak user classification group include, but are not limited to the following: garden/nurseries, libraries, retail stores, schools, churches, spas and health clubs, professional offices, and soft water processing. The weak strength category is based on an average wastewater strength for the group of 144 milligrams per liter of suspended solids, and 331 milligrams per liter of chemical oxygen demand.

Moderate - \$3.82 per 1,000 gallons discharged per year in FY 2014; \$4.03 in FY 2015; \$4.26 in FY 2016.

Examples of establishments assigned to the moderate user classification group include, but are not limited to the following: car washes, service stations, bars, dining and reception halls, hotels and motels without dining facilities, hospitals, convalescent homes, mixed multi-tenant retail (unless a more specific rate applies) cold storage facilities, theaters, medical offices, and miscellaneous commercial and industrial. The moderate strength category is based on an average wastewater strength for the group of 199 milligrams per liter of suspended solids, and 536 milligrams per liter of chemical oxygen demand.

Strong - \$7.07 per 1,000 gallons discharged per year in FY 2014; \$7.47 in FY 2015; \$7.90 in FY 2016.

Examples of establishments assigned to the strong user classification group include, but are not limited to the following: auto steam cleaners, bakeries, restaurants, markets with a bakery or deli, mortuaries, bowling alleys with dining facilities. The strong strength category is based on an average wastewater strength for the group of 489 milligrams per liter of suspended solids, and 1,839 milligrams per liter of chemical oxygen demand.

- (e) Industrial use as defined in Section 3 of Article II and that have wastewater sampled by the District shall be based on the total volume, chemical oxygen demand and suspended solids discharged to the sewer system. The charges for these three components shall be calculated and added to arrive at the total

sewer service charge. The unit rates for each of the three components are provided below:

Volume - \$2.12 per 1,000 gallons per year in FY 2014; \$2.25 in FY 2015; \$2.37 in FY 2016.

Chemical Oxygen Demand - \$215.27 per 1,000 pounds per year in FY 2014; \$227.54 in FY 2015; \$240.51 in FY 2016.

Suspended Solids - \$394.67 per 1,000 pounds per year in FY 2014; \$417.17 in FY 2015; \$440.95 in FY 2016.

### **SECTION 3. ADJUSTMENTS**

The owner of any parcel subject to the scheduled charges set forth in Section 2 above may appeal to the Union Sanitary District staff if the charges imposed do not fairly reflect the quantity of discharge made to the sanitary sewer for any period. Any appeal should be made within ninety (90) days of receiving the tax bill reflecting the charges imposed, which relate to actual usage of water for the prior year. In most instances, the Union Sanitary District staff will make any adjustment which is in order. Any such appeal can only relate to the quantity of water actually discharged to the sewer system and cannot relate to strength of discharge or category of discharger. The Union Sanitary District staff will have forty-five (45) days to act on any request for adjustment or the request will be deemed denied. After a decision on the adjustment request, the owner will have fifteen (15) days to appeal to the Board of Directors, in writing. The Board of Directors shall act on such appeal within sixty (60) days. The determination of an appeal by the Board of Directors of Union Sanitary District shall constitute a final determination regarding any requested adjustment.

### **SECTION 4. OPTIONAL SERVICES**

- (a) Segregation of Charges for Multi-tenant Parcels - Sewer Service Charges for parcels of land with multiple tenants shall be determined by assigning the parcel into one of three strength categories, strong, moderate, or weak as defined by this ordinance. This determination shall be made by the District based on the quantity of flow from each strength category. The strength category which includes a majority of flow shall be the strength category assigned to the entire parcel.
- (b) As an optional service, the property owner may request in writing, that the District segregate the annual sewer service charges by considering the flow from each water meter on the property as a separate calculation. The flow from each water meter would be assigned into one of three strength categories (strong, moderate, or weak) or into one of the restaurant categories and calculated separately. The charge for each water meter shall be totaled and the entire amount billed to the parcel with the property tax bill. When the charges are segregated, a written breakdown of the District's strength assignments and calculations will be provided to the property owner by

October first of each year. To request the start or stop of this optional service, the property owner or authorized representative, shall give written notice by June first for the upcoming fiscal year starting July first. Upon receipt of written notice to start this optional service, the District will continue to segregate the charges each year until it is given a written notice to discontinue the service.

- (c) In order to qualify for and receive this optional service initially, the property owner must be able to provide documentation acceptable to the District (such as a site plan or plumbing plan) showing which water meters serve which tenants. Insufficient documentation, as determined by the District, will be grounds to disqualify a property from receiving this optional service.
- (d) Property owners who request this optional service shall pay an annual service charge, which shall be added to the total sewer service charges and collected with the property tax bill. Annual service charges shall be as follows:

\$50.00 Per year per water meter, for the first year the service is started or re-started

\$25.00 Per year per water meter, for the second and succeeding years the service is provided

## **ARTICLE IV** **BILLING AND COLLECTING**

### **SECTION 1. MAILING**

Except as provided elsewhere in this ordinance, the District shall ascertain the amount of each sewer service charge applicable to each parcel in the district, and shall mail to the owner thereof a bill for the first installment on or before November 1 of each year, and a bill for the second installment on or before the following February 1 of each year. Each bill so mailed shall contain a statement that a delinquency in payment for sixty (60) days shall constitute a lien against the parcel against which the charge is imposed, and that when recorded shall have the force, effect and priority of a judgment lien for three years unless sooner released or otherwise discharged. Failure of the District to mail any such bill or failure of the owner to receive any such bill shall not excuse the owner of any parcel from the obligation of paying any sewer service charge for any parcel owned by him.

### **SECTION 2. DUE DATES OF CHARGES**

All sewer service charges shall become due and payable in the following installments. One-half thereof on November 1 of each year and one-half thereof on the following February 1 of each year.

### **SECTION 3. DELINQUENCY DATES**

The first installment due on November 1 of each year is delinquent if not paid by 5:00 P.M. on December 10 of each year. The second installment due February 1 of each year is delinquent if not paid by 5:00 P.M. on the following April 10 of each year.

(a) Government Parcels. For all government or public parcels or for any parcel which is not subject to taxation and not on the tax roll the sewer service charge shall become due and payable on January 1 of each year. Payment is due on January 1 of each year and is delinquent if not paid by 5:00 P.M. on February 15 of each year.

#### **SECTION 4. PENALTIES FOR NON-PAYMENT, LIEN**

Except as otherwise provided in this ordinance for collection of sewer service charges through general tax law, whenever a delinquency shall occur for non-payment, a penalty shall be paid in accordance with the requirements of the Alameda County Tax Collector. After delinquency for sixty (60) days, such unpaid charge and penalty shall constitute a lien upon the parcel of land against which the charge was levied.

#### **SECTION 5. COLLECTION OF CHARGES ON TAX ROLL**

- (a) Pursuant to the provisions of Division 5, Part 3, Chapter 6, Article 4, of the Health and Safety Code of the State of California, and subject to the exceptions hereinafter set forth, the District hereby elects as an alternative procedure for the collection of sewer service charges prescribed or imposed by the provisions of this ordinance to have all such sewer service charges for each fiscal year commencing with fiscal-year 1974-75, collected on the tax roll in the same manner, by the same persons, and at the same time as, and together with and not separately, from general taxes.
- (b) The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the date prescribed by law as the lien date for general property taxes. The Tax Collector of the County of Alameda shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.
- (c) Thereafter the amount of the charges shall be collected 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.
- (d) All laws applicable to the levy, collection and enforcement of general taxes of the District, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges. The Tax Collector of Alameda County may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The County of Alameda shall be compensated for

services rendered in connection with the levy, collection and enforcement of such charges in an amount to be fixed by agreement between the Board of Supervisors of Alameda County and the Board of Directors of the UNION SANITARY DISTRICT.

- (e) The sewer service charges for any and all governmental or public parcels or for any parcel which is not subject to taxation on the tax roll shall be collected in accordance with other provisions of this ordinance.

#### **SECTION 6. TIMING OF SEWER SERVICE CHARGE CALCULATIONS**

- (a) The sewer service charge to be billed for the current fiscal year is calculated based on water use and pollutant strength records for the period March to February preceding this fiscal year.
- (b) The owner of property served by Union Sanitary District is responsible for the payment of sewer service charges regardless of whether or not the owner actually conducts any business or utilizes any services for wastewater disposal on the premises. The charges made herein are for the fiscal year beginning July 1 and ending the following June 30.
- (c) In the event a property receives a new connection from the Alameda County Water District after March of a given year, there will be no sewer service charge imposed until the following year, and the sewer service charge imposed will be calculated on the basis of water usage for the previous fiscal year.

#### **SECTION 7. RESPONSIBILITY TO PAY**

In the event of a sale or transfer of real property, the owner of record at the time the annual sewer service charge bill is payable (one-half each on November 1 and February 1 of each year) is responsible for payment of charges. It is understood that the current owner will be assessed sewer service charges based on flows as calculated in Section 2 of Article III and Section 6 of Article IV. It shall be the responsibility of the prior and new owner to account for the payment of upcoming sewer service charges in their real property transfer agreements. Notwithstanding such accounting, the property owner of record at the time the annual sewer service charge is payable is responsible for payment.

### **ARTICLE V** **ENFORCEMENT**

#### **SECTION 1. FAILURE TO PAY**

In the event of the failure of any owner to pay when due any sewer service charges, applicable to a parcel owned by him, the District may enforce payments of such delinquent charges in any of the following manners:

- (a) The District may have such parcel disconnected from the sanitary sewer system. In the event such disconnection should create a public hazard or nuisance, the manager or his representatives may enter upon the parcel for the purpose of doing such things as may be reasonably necessary to alleviate or remove such hazard or menace.

The owner of such parcel shall have a duty to reimburse the District for all expenses incurred by District in disconnecting any such parcel, or in doing other things authorized by this Section; and no reconnection shall be made until all such charges are paid.

- (b) During the period of non-connection or disconnection, habitation of such parcel by human beings may constitute a public nuisance, whereupon the Sanitary Board may cause proceedings to be brought for the abatement of the occupancy of said parcel by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in said action.
- (c) The District may institute action in any court of competent jurisdiction to collect any charges, penalties and interest which may be due and payable in the same manner as any other debts owing to the District may be collected, in which event the District shall have judgment for the costs of suit and reasonable attorney's fees.
- (d) Any and all delinquent payments may be placed on the tax roll, and collected with the property taxes, as provided in this ordinance.
- (e) Such other action may be taken as may be authorized by law and the District Board.

## **SECTION 2. AUTHORITY**

All powers authorized by this Article for the enforcement and collection of said sewer service charges, penalties and interest are cumulative and may be pursued alternatively or collectively as the District determines.

## **ARTICLE VI MISCELLANEOUS**

### **SECTION 1. VACANCY**

No credit, adjustment or refund will be made to any owner because the structure or any portion thereof on a parcel is vacant or the wastewater facilities are not being utilized.

**SECTION 2. SEVERABILITY**

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the UNION SANITARY DISTRICT hereby declares that it would have passed the provisions of this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases may be declared invalid, unconstitutional or unenforceable.

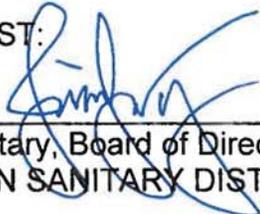
**SECTION 3. PUBLICATION AND MINUTE ENTRY**

This ordinance shall take effect and be in force July 15, 2014, and at least one week prior to said date a summary of the changes shall be published in The Argus, a newspaper of general circulation published in the UNION SANITARY DISTRICT service area. This ordinance shall be entered in the minutes of the District.

Passed and adopted by the Board of Directors of UNION SANITARY DISTRICT on this 23<sup>rd</sup> day of June 2014, by the following vote:

AYES:	Fernandez, Handley, Kite, Lathi
NOES:	----
ABSENT:	Toy
ABSTAIN:	----

  
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 President, Board of Directors  
 UNION SANITARY DISTRICT

ATTEST:   
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 Secretary, Board of Directors  
 UNION SANITARY DISTRICT

Adopted June 23, 2014

**PUBLIC HEARING: 1) ESTABLISHING CAPACITY FEES OF ORDINANCE NO. 35.21 AND 2) ADOPTING CAPACITY FEES FOR FISCAL YEAR 2015.**

President Lathi opened the Public Hearing at 7:09 p.m. There were no members of the public present and the public hearing was closed at 7:09 p.m.

**RESOLUTION NO. 2735, CONSIDERING PROTESTS AND CONFIRMING CAPACITY FEE RATES FOR FISCAL YEAR 2015.**

The Budget & Finance Committee reviewed this item. On a motion made by Director Fernandez and seconded by Director Handley, the Board unanimously approved Resolution No. 2735, considering protests and confirming Capacity Fee Rates for Fiscal Year 2015 (Director Toy was absent).

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**RESOLUTION NO. 2735**

**RESOLUTION CONSIDERING PROTESTS TO AND CONFIRMING REPORT ON  
CAPACITY CHARGES FOR UNION SANITARY DISTRICT FOR THE FISCAL YEAR  
2015**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT, Alameda County, California, that:

WHEREAS, this Board intends to adopt Ordinance No. 35.21 establishing capacity charges, and directed the preparation of a written report containing the rates; and

WHEREAS, said written report and Ordinance were duly prepared and filed with the Secretary of the UNION SANITARY DISTRICT; and

WHEREAS, this Board appointed the time and place of hearing protests to said report and directed notice; and

WHEREAS, notice was given of the time therein stated in the manner provided by law as it appears by the Affidavit of Publication on file in the office of the Secretary of said District; and

WHEREAS, said matter came on regularly for hearing at the time fixed; and

WHEREAS, all written protests and other written communications were publicly read at said meeting and all persons desiring to be heard were fully heard;

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. That all objections to and protests against said report have been heard and considered by this Board and that said objections and protests be, and each of them are, hereby overruled.
2. That said report be, and it is, hereby adopted in full without revision, change, reduction, or modification.

I hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Board of Directors of the UNION SANITARY DISTRICT, Alameda County, California, at a meeting thereof held on the 23<sup>rd</sup> day of June, 2014.

AYES: Fernandez, Handley, Kite, Lathi

NOES: ---

ABSENT: Toy

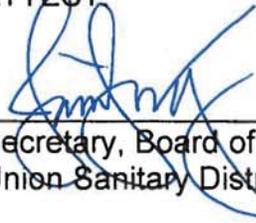
ABSTAIN: ---



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President, Board of Directors  
Union Sanitary District

ATTEST:



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Secretary, Board of Directors  
Union Sanitary District

Adopted June 23, 2014

**RESOLUTION NO. 2736, ADOPTING ORDINANCE NO. 35.21, PROVIDING FOR THE ESTABLISHING OF CAPACITY FEES FOR FISCAL YEAR 2015.**

The Budget & Finance Committee reviewed this item. For Fiscal Year 2015, the capacity fee rates have been increased by 5%. The single family equivalent dwelling unit charge will increase to \$5,595.66.

On a motion made by Director Handley and seconded by Director Kite, the Board unanimously approved Resolution No. 2736, adopting Ordinance No. 35.21, providing for the establishing of Capacity Fees for Fiscal Year 2015 (Director Toy was absent).

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