

ORDINANCE NO. SD1-0045

AN ORDINANCE OF SACRAMENTO COUNTY SANITATION DISTRICT NO. 1
AMENDING ORDINANCE NO. SDI-0040 TO REPEAL SUNSET PROVISION

The Board of Directors of the Sacramento County Sanitation District No. 1, State of California, ordains as follows:

SECTION 1. Sacramento County Sanitation District Ordinance No. SDI-0040, entitled "Deferral of Residential Connection Fees" is hereby amended to read as follows:

"SECTION 1. TITLE. This ordinance shall be known and cited as the ADeferral of Residential Connection Fees.

SECTION 2. PURPOSE. The Board of Directors of the Sacramento County Sanitation District No. 1 desires to encourage the construction of residential developments within the District. The Board of Directors finds that the early payment of certain impact fees for 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 certain fees.

SECTION 3. APPLICABLE FEE PROGRAMS. Notwithstanding any other provision of this or other ordinance, upon application and approval pursuant to Section 5 of this Ordinance, a qualified residential project shall pay and the following fees shall be collected pursuant to the provisions of this Ordinance:

District connection fees except to the extent that such fees are ordinarily collected at other than issuance of a building permit.

SECTION 4. DEFINITIONS. (a) ADISTRICT ENGINEER≡ means the Chief Engineer of the District or his or her designee.

(b) APPLICANT means the owner or owners of record of the real property for which a fee deferral is sought pursuant to this Ordinance.

SECTION 5. FEE DEFERRAL PROGRAM. (a) A residential development project may file an application with the District Engineer to request deferral of any of those fees enumerated in Section 3 of this Ordinance.

(b) At the time of building permit issuance, the applicant shall pay ten percent (10%) of the amount of all fees included in the application request for each individual lot for which a building permit is sought. Said payment shall be in addition to any and all required fee deferral application and administrative processing fees.

(c) Deferral of fees pursuant to this Ordinance shall be acknowledged by a recordable memorandum or other writing satisfactory to the District Engineer and approved by the County Counsel. Said memorandum shall be recorded prior to issuance of building permits

(d) All of the following requirements must be satisfied prior to approval of a fee deferral: (1) submittal to the District Engineer of a complete application; (2) deposit of all fees pursuant to Section 8; and (3) recordation of memorandum pursuant to subsection (c).

(e) Fees that are approved for deferral for a single-family residential project pursuant to this Ordinance shall be due and payable at the close of escrow of each individual lot within the project. The maximum fee deferral period for any and all lots within a single-family residential project is fifteen (15) months from the date of issuance of permits subject to fee deferral. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 6 and payment of the fees deferred shall be undertaken pursuant to the provisions set forth in the executed memorandum agreement entered into for the subject property pursuant to subsection (c).

(f) Fees that are approved for deferral for a multi-family residential project pursuant to this Ordinance shall be due and payable upon the close of permanent loan financing. The maximum fee deferral period is fifteen (15) months from the date of issuance of permits subject to fee deferral. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 6 and payment of the fees deferred shall be undertaken pursuant to the provisions set forth in the executed agreement entered into for the subject property pursuant to subsection (c).

(g) The approval of a fee deferral pursuant to this Ordinance for a residential project shall not be transferable to another project regardless of whether the applicant is the same for both projects or whether the other project is also a qualified residential project.

SECTION 6. INTEREST. (a) For residential projects, which have been approved for a deferral of fees pursuant to this Ordinance, no interest shall accrue during the period of deferral; provided, however, that in the event fees are not paid at the time required by this ordinance, a penalty equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds on that amount of disqualified deferred fees, computed from the date of execution of the deferral agreement to the time of payment, shall be due and payable.

SECTION 7. FEE INCREASES. Deferred fees shall be paid on the rate or rates applicable at time of payment.

SECTION 8. FEE DEFERRAL APPLICATION AND ADMINISTRATIVE PROCESSING FEES. A non-refundable administrative processing fee of \$275.00 is hereby established for payment at the time of each individual building permit issuance for the purpose of funding the costs of administering the fee deferral program established by this Ordinance. These fees may from time to time be amended by resolution of the Board of Directors. In the event such fees are also paid for deferral of County of Sacramento fees, no additional application or processing fees shall be paid pursuant to this section.

SECTION 9. RECORDATION COSTS. All costs of recordation of documents required pursuant to this Ordinance shall be paid by the applicant.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Directors on September 12, 2001 and on September 12, 2001 further reading was waived by the unanimous vote of the Directors present.

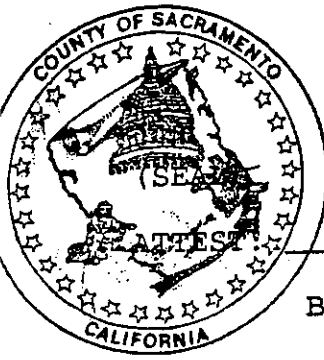
This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the Sacramento County Sanitation District No. 1.

On a motion by Director Dickinson, seconded by Director Johnson, the foregoing ordinance was passed and adopted by the Board of Directors of the Sacramento County Sanitation District No. 1, State of California, this 26th day of September, 2001, by the following vote:

- AYES: Directors, Collin, Dickinson, Fargo, Johnson, King, MacGlashan, Nottoli, Scherman, Niello
- NOES: Directors, None
- ABSENT: Directors, None

Roger Niello

Chairperson of the Board of Directors of Sacramento County Sanitation District No. 1



Cindy H. Turner
Secretary of the Board of Directors

FILED

SEP 26 2001

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chairman of the Board of Supervisors, County of Sacramento on **SEP 26 2001**

BOARD OF DIRECTORS
Cindy H. Turner
Clerk of the Board

By *Kay F. Johnson*
Deputy Clerk, Board of Supervisors


AFFIDAVIT OF POSTING

I, Kay Johnson, am now and at all times mentioned herein have been, employed by the County of Sacramento and assigned to the Office of the Clerk of the Board of Supervisors.

On September 28, 2001, I posted a true and correct copy of ORDINANCE NO. SDI-0045 in the lobby of the County Administration Building at 700 H Street, Sacramento, CA 95814.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 28, 2001 in the City of Sacramento, County of Sacramento, State of California.



Deputy Clerk

#12 (9/26/2001)