

**GARBERVILLE SANITARY DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA**

**There will be a regular meeting held by the Garberville Sanitary District Board of Directors at the  
GSD District Office  
919 Redwood DR. Garberville, CA**

**September 20<sup>th</sup>, 2018  
5:00 p.m. – Open Public Session**

*Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 919 Redwood Dr. during normal business hours.*

**I. REGULAR MEETING CALLED TO ORDER**

**II. ESTABLISHMENT OF QUORUM**

**Rio Anderson\_\_\_, Linda Brodersen\_\_\_, Doug Bryan\_\_\_, Richard Thompson\_\_\_**

**III. APPROVAL OF AGENDA - Action to add or delete items from any portion of the agenda or to discuss any consent agenda items must be taken prior to adoption of the agenda.**

**IV. PUBLIC COMMENT ON ANY ITEM ON THE CLOSED SESSION AGENDA**

**V. CLOSED SESSION**

**A. No items for closed session**

**VI. OPEN SESSION**

**A. Board Report of action, if any, taken during closed session—No action**

**VII. COMMENTS AND QUESTIONS FROM THE AUDIENCE**

*Up to fifteen minutes of this portion of the meeting are reserved for members of the public to address the Board on items not listed on the agenda and within the jurisdiction of the GSD Board. Speakers are limited to 3 minutes. The GSD Board is prohibited by law from taking action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the GSD Board does not respond to public comment at this time.*

**General Public / Community Groups**

**VIII. ANNOUNCEMENTS AND COMMUNICATIONS**

**REPORTS AND PRESENTATIONS – Routine report of activities, operations, meetings / conferences held and/or attended by Board members, Staff, and General Manager**

**Operations Staff-**

**Office Staff-**

**Board Members-**

**General Manager—Ralph Emerson Pg. 4**

*Government Code Section 54954.3 provides that the public will have an opportunity to address the Board on any item described on a regular or special meeting either before or during the consideration of that item. The Board reserves the right to limit the time of presentation by individuals and groups*



C.4 Hazardous Work Conditions Policy Sec:7.1(a) pg. 30-32  
(discussion—possible action) second reading—approved by legal counsel  
**Motion:**                      **Second:**                      **Vote:**

C.5 ADDING ORDINANCE ARTICLES 4B, 4C, 4D APPENDING ARTICLE 1, 2, 5 AND 15  
ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER  
SERVICE WILL-SERVE LETTERS **pg. 33-67**  
(discussion—no action) first reading

**X. ITEMS FOR NEXT BOARD MEETING**

1. Rate Study
2. Chlorine Contact Chamber Update
3. Multi Family Residences
- 4.

**XI. ADJOURNMENT**

Posting of Notice at the District Office no later than September 17, 2018: Agenda is emailed to the local newspapers and those who have requested an agenda in writing or e-mail.

*In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Garberville Sanitary District Office at (707)923-9566 at least 48 hours in advance.*

**Garberville Sanitary District  
PO Box 211  
Garberville, CA. 95542  
(707)923-9566**

**GENERAL MANAGER REPORT**

Date: September 20, 2018

I attended the California Special Districts meeting, where we discussed proposed Bills that are being looked at by the Governor and may impact Special Districts including GSD.

The Governor continues to look at a “pass through” tax which all water districts would have to pass on to their customers and then the State would be able to give that money to districts which have budget or water deficiencies. CSDA legal staff is working with other Districts and politicians to fight this bill because of the fiscal and negative community impact it would have on districts.

CSDA is working to ensure that Special Districts are represented throughout California and that we have all of the opportunities and resources of large municipalities and agencies.

There have been multiple water leaks during the past month with most being repaired by staff but one of the larger leaks was repaired late on a Friday night by Wahlund Construction. I want to Thank Brian and Dan for their dedication to GSD and for not complaining about the extra work required at times when they stay late and get the job done.

Respectfully Submitted:

Ralph Emerson



**B. GENERAL BUSINESS – Action items**

**B.1 Water Treatment Plant Tour-Contact Chamber Update Pg. 9**

The board members and district staff, plus members of the public attended the water treatment plant tour. The chlorine contact chamber is roughly 36ft and weighs 35,000pds. What is significant about this tank is it is brand new to California. We are the first water district to try out this above ground tank. The district is waiting on the tracer study, from the state water board to prove the tank works. Also, the district is waiting on the tank to be plumbed into the water treatment plant.

**B.2 Maple Lane Sewer Line Replacement Project pg. 10-14**

(Discussion-possible action)

Van Meter completed this project.

**B.3 Project Update within GSD Boundaries pg. 15-16**

(discussion-possible action)

**B.4 Annual Water Report—River, Diversion, Treatment, Metered**

(discussion-possible action) handout at meeting

This graph needs more research and time to complete.

**B.5 Customer Service Charge-Rate Study Update pg. 17-20**

(discussion-direction)

The District has a really complicated formula to determine our rates. The District at this time needs to follow what was adopted. We are in the process of simplifying our rates so it is easier to understand.

**C. POLICY REVISION / ADOPTION**

**C.1 Personnel Policy—Employee Approved Days Off Sec:5.3.1—5.3.9 pg. 21-24**

(discussion only) first reading

Bring back with staff input.

**C.2 Service Charge Discount for low income and Senior Customers pg. 25**

(discussion only) first reading

Bring back after more research is done.

**C.3 Water Tampering Fine pg. 26**

(discussion only) first reading

When a customer tampers with their meter after being turned off for non-payment.

Bring back.

**VIII. PUBLIC COMMENT ON CLOSED SESSION ITEM**

**IX. CLOSED SESSION**

General Manager-Public Employee Performance Evaluation, California Code (54957)

**X. REPORT OUT OF ANY ACTION TAKEN IN CLOSED SESSION**

The closed session was adjourned at 7:30 p.m.  
During closed session there was no action taken.

**XI. ITEMS FOR NEXT BOARD MEETING**

1. Rate Presentation
2. 10 year Capital Improvement Plan
3. Agricultural Water Use Ordinance –Sec 15.9
4. Chlorine Contact Chamber Update
5. Personnel Policy—Employee Days Off
6. Senior-Low Income Service Charge Discount
7. Water tampering fine
8. Multi Family Customers

**XII. ADJOURNMENT**

6:30 p.m

RECEIVED  
SEP 04 2018



ATTENDANCE ROSTER

### Safety Meeting

Date of Meeting: 9/11/18 Leader Name: Ralph Emerson

**Instructions:**

- a. Fill in the date of the meeting and the name of the safety meeting leader.
- b. Have all safety meeting participants sign this roster.  
*(Copy this form if more pages are needed.)*
- c. File this roster and the associated documents as outlined in the Leader Discussion Guide.

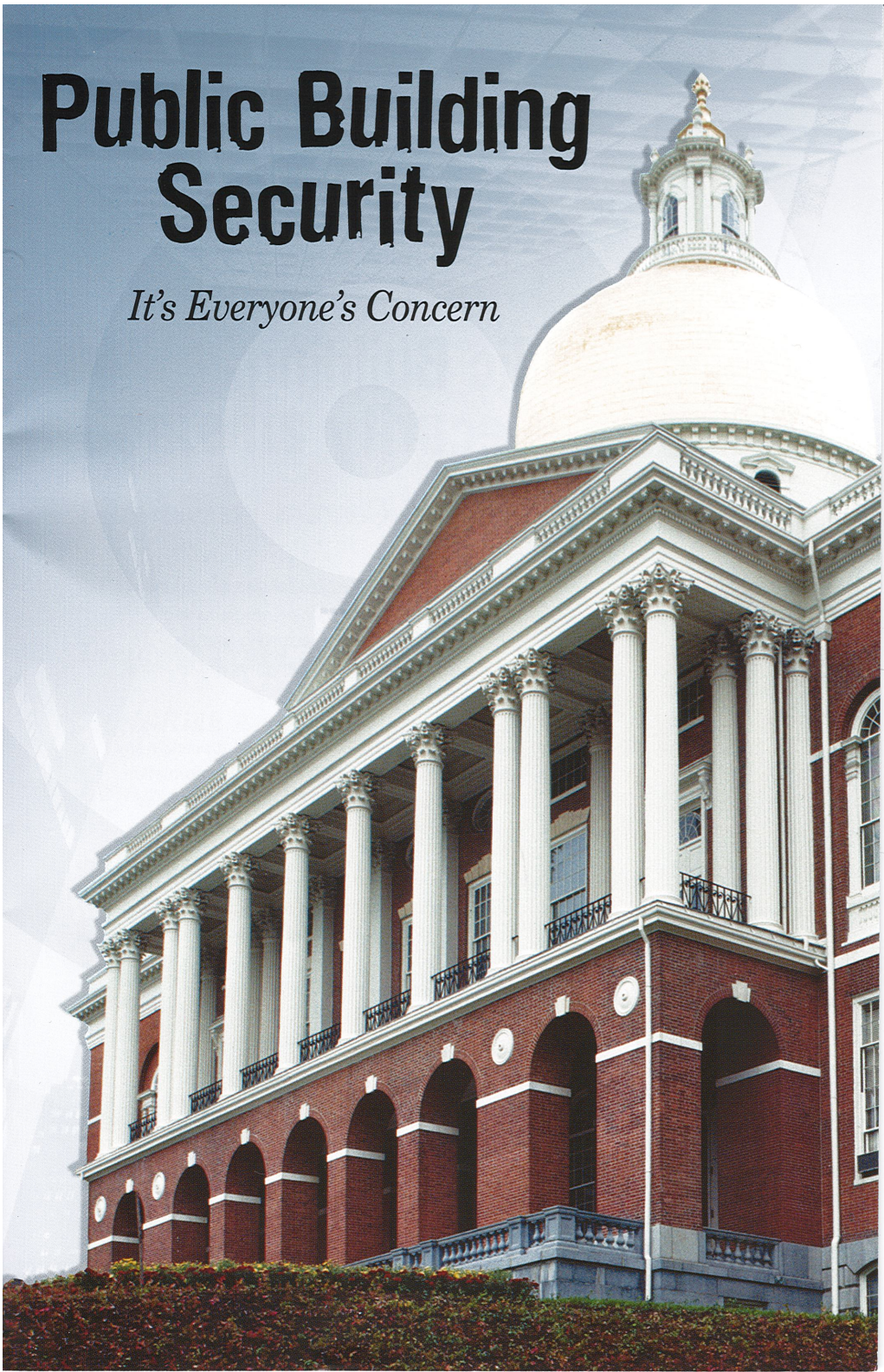
Name (print)	Name (signature)
1. <u>Ralph Emerson</u>	<u>Ralph Emerson</u>
2. <u>Daniel J. Asseguin</u>	<u>Dan Asseguin</u>
3. <u>Brian Miller</u>	<u>Brian M. Miller</u>
4. <u>Mary Nieto</u>	<u>Mary Nieto</u>
5. _____	_____
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20. _____	_____

Attachments: 1. Leader Discussion Guide 2. Safety Meeting Booklet



# Public Building Security

*It's Everyone's Concern*



## CUSTOMER SERVICE CHARGES AND RATE STUDY

After the last Board meeting staff was given direction to evaluate all customer service charges and make sure that they were consistent with the Bartles and Wells rate proposal from 2009.

Mary and Jennie have been going through the Bartles and Wells adopted rate process and applying those rates to every customer which has unveiled a very complex rate plan that is difficult for staff and customers to calculate without specific formulas and annual data.

From this research we have determined that we can simplify the process while making it easier to understand the service charges so we will continue monitoring customer charges to ensure accuracy while developing a new rate structure which will be simple to understand.

During this period of time while we ensure accurate implementation of the Bartles and Wells rate plan, there may be adjustments to some customers based on annual water use calculations but we will communicate any changes with a letter to explain those changes whether a credit or increase.

Accurate implementation of the approved Bartles and Wells rate plan will allow us to better calculate the revenue to expense projections now and in the future as we work to simplify the service charge process.

I want to thank Rich, Linda, Jennie and Mary for the time you spend on this rate study process.



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## 10 YEAR CAPITAL PROJECTS PLAN

September 20, 2018

### 1. Bear Canyon re-route water transmission--distribution system:

- (a) Estimates vary but this project if completed will cost over **\$2,000,000**
- (b) There is grant money available and Jennie is working on funding
- (c) This project is crucial to GSD because it will remove the pipe out of Bear Canyon and eliminate the potential for leaks in an area which is inaccessible during most of the year.

### 2. Meredith Lane sewer line aerial reroute:

- (a) Estimates vary because this project will require extensive planning and engineering, with property owner negotiations and easements.
- (b) This project may qualify for grant funding because of the health and Safety issues if the sewer line breaks.

### 3. Replace failing water and sewer infrastructure:

- (a) This project will cost over **\$20,000,000** because almost all water and sewer pipes in GSD have exceeded their life expectancy and cause a maintenance and water/sewer use efficiency concern.
- (b) Infrastructure upgrades will not qualify for grant money because it is It is considered maintenance, so this project will have to use General Fund money or we will have to secure some type of loan.
- (c) My recommendation is to replace sections as needed and can afford with General fund money as we are currently doing. **(Budget \$50,000/year)**

### 4. Purchase Backhoe and Utility Dump Trailer:

- (a) A backhoe and dump trailer are needed to be self-sufficient in many Areas of operations but especially with water and sewer pipe repairs.
- (b) The cost of a backhoe depending on age is **\$50,000--\$90,000** if we include The necessary attachments.
- (c) The dump trailer cost is between **\$5,000--\$7,000**

### 5. Purchase Back-up Raw Water 25hp Pump and Motor:

- (a) There are currently 2 vertical pumps and motors in the concrete well At the South Fork of the Eel River diversion site which provides the Water for treatment and use for GSD customers. The design from SHN Made it impossible to remove one pump at a time when repairs are needed.
- (b) We need a backup pump and motor so that when a pump or motor Malfunctions, we can pull both pumps and replace with the new pump, while Repairing the pump that was removed and then use it as a backup.
- (c) Cost for a pump and motor will be between **\$10,000--\$15,000** installed

**6. Refurbish 1936 Robinson Concrete Water Tank 50,000 Gallons:**

- (a) The Robinson tank is north of Alder Point Road and was built under Ground but has multiple cracks which need to be addressed.
- (b) We can replace the tank but it will be costly so I recommend installing a liner Which would stop any leaks and allow us to have additional storage.
- (c) Tank Liners vary in price so I would recommend getting prices and trying To have this project added to the 2019/2020 budget if price is acceptable.

**7. Replace 1971 Wallen Road Redwood Water Tank 20,000 Gallons:**

- (a) This tank has a small leak but we have installed a 10,000 gallon plastic Tank next to it for additional storage and for use when we replace the Redwood tank.
- (b) We have received estimates for replacing this tank with a larger tank on The same concrete pad. We can increase gallons with a tank slightly Larger in diameter and taller.
- (c) The cost of a new welded steel tank or bolted steel tank would be over **\$200,000** so we have been looking at possible grants as part of the Bear Creek water re-route project.
- (d) I recommend using the 10,000 gallon plastic tank if the redwood tank fails Until we can secure grant funding because this is not an urgent priority.

**8. Replace Chlorine Contact Chamber at Wastewater Treatment Plant:**

- (a) The underground chlorine contact chamber does not work efficiently and is Impossible to clean because of bends and because it is Underground.
- (b) I believe we can replace this chlorine contact chamber in-house if I rent A backhoe and purchase the materials necessary. We would design a Different system with access locations for cleaning.
- (c) The cost to replace this chlorine chamber will be under **\$10,000** if we do The work with staff.

**9. New Operating System at Wastewater Plant:**

- (a) The Shasta operating system at the wastewater treatment plant has not Worked efficiently or correctly since it was installed in 2011 but The operators have learned how to modify it and keep all equipment Working but we need to install a new system which requires less operator Modifications and allows us to be more efficient with less problems in Operations and data collection.
- (b) The price to install a new operating system will be **\$10,000-\$20,000** Depending on what equipment can be re-used but if all equipment and Control panels, computers and software are replaced it will cost **\$20,000**

**10. Replace Water Treatment Plant 50 hp Finish Water Pumps:**

- (a) There are 2 finish water pumps at the water treatment plant which after Water is treated and filtered, they deliver the water to the customers and Storage tanks of GSD.
- (b) These pumps are not the most efficient pumps and motors which has Created a concern over their ability to continue serving their purpose Effectively. They are making terrible noises and all who have diagnosed The problem, feel they are ready to fail.
- (c) We are not able to replace both pumps at this time but want to have a Backup pump and motor so as to be prepared for the failure of one of The existing pumps or motors. The cost will be **\$10,000—\$15,000**

**11. Replace water lift station pumps including the Hurlbutt tank hydrostatic pump**

- (a) Some of the water lift station pumps and motors that deliver water to the Various locations in GSD including Alder Point Road and Wallen Road, Have pumps that are over 30 years old and leak or fail regularly which Creates excessive maintenance demands.
- (b) This project can be done over time but will try to include in the Bear Canyon re-route project. Costs will vary depending on pump and location But will range from **\$3,000--\$6,000** each

**My Thoughts**

I have given you the most current 10 year capital improvement projects including important equipment expenditures but there are many more which is why some of these items were not on original plan and why more pressing issues have taken their place in order of priority.

Grants are the preferred manner of funding but there is a qualifying rubric which determines “Grant Worthy” causes and most of the proposed projects would not qualify unless there was a health and human safety concern.

The utility truck was paid off this year and frees up an additional \$15,000/year and the Alder Point tank will be paid off in 2020 which will free up an additional \$46,000/year so there will be some flexibility in funding our own projects.

We will continue working on a plan to complete the most important projects while finding ways to fund those projects with every available opportunity.





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**Southern Humboldt Community Park**  
934 Sprowl Creek Rd.  
Garberville, CA. 95542  
Attn: Kathryn Lobato and SHCP Board

**AGREEMENT FOR INTERNET SERVICES**

**Garberville Sanitary District proposes entering into an agreement with Southern Humboldt Community Park for access to high speed internet service with 101 Netlink.**

**This agreement will be entered into by both parties and can be cancelled at any time by either party with a 30 day notice.**

**Garberville Sanitary District agrees to pay a \$500 deposit prior to installation of 101 Netlink equipment and then pay \$300 annually upon approval of the Southern Humboldt Community Park Board. The annual payment will be made upon review of the contract and take effect on October 1<sup>st</sup> of each year when the annual fee is due.**

**Any changes to this agreement must be approved by both parties and take effect when new contract is signed.**

**Approved on this day of \_\_\_\_\_ 2018 as witnessed by those who have signed this document on behalf of Garberville Sanitary District and the Southern Humboldt Community Park.**

**Garberville Sanitary District**

**Southern Humboldt Community Park**

\_\_\_\_\_  
**Ralph Emerson**

\_\_\_\_\_  
**Kathryn Lobato**

**Ralph Emerson**

**General Manager  
Garberville Sanitary District**



## INTERNET SERVICE AGREEMENT

We have checked into other internet services but have been using 101 Netlink at the Water Treatment Plant. The internet service is intermittent at that location because of obstructions which causes problems with reporting and security so Seth Johannsson from 101 Netlink recommended attaching a receiver/transmitter dish at the Southern Humboldt Park. We have entered into an agreement with the Park to pay for the additional charges and they have agreed to allow us to use their existing internet site for the upgrades.

# **GARBERVILLE SANITARY DISTRICT CUSTOMERS**

**There are 424 customers in the Garberville Sanitary District**

## **284 residential customers**

Garberville---191 residential customers

Meadows---93 residential customers

(115) Residential customers using 0-5 units/water/monthly/annual average

(153) Residential customers using 6-20 units/water/monthly/annual average

(16) Residential customers using over 21 units/water/monthly/annual average

(1 unit of water =748 gallons)—California average for single family residences are  
8 units/month/annual average

## **140 commercial customers**

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We have been researching how many customers we actually have within the GSD boundaries and from going door to door and customer billing discrepancies have determined we have approximately 56 people using water or sewer from another customer but not paying their own service charges which include a monthly base rate of \$60.22 Garberville or \$67.22 Meadows.

If we use the lower base rate of \$60.22 x 56 x 12 months, we are not receiving over \$40,000/year in service charges which would assist in operational costs.

When including a sewer base rate of \$34 x 56 x 12 months, we are not receiving over \$20,000/year in sewer charges.

**Estimated Water and Sewer combined loss for non-payment of identified 56  
single family residents not being charged is \$60,000/year**

These people are paying rent to somebody that pays for a single family residence or have a commercial account with single family tenants.

When two or more single family tenants are on the same water meter it is called a multi-family property yet we only have one property listed as a residential multi-family with 56 people not paying for water or sewer service.

As part of our rate study and research into the entire GSD financial health with projects and operating costs we felt the need to research how many customers we are providing service to and whether they are paying for those services.

I am presenting this information as part of the ongoing investigation into compliance of GSD ordinances and billing policies which we will continue investigating.

We will have a proposal for you in upcoming months but are not prepared to make a recommendation at this time.

### 5.3.1 Vacation

Full-time employees are eligible for paid vacation. Vacation is calculated according to your anniversary date.

- a. Full-time employees shall be entitled to 10 working days paid vacation after completion of one year of employment, prorated upon average total hours worked from date of hire. Accrued vacation time (5 working days) may be taken after six months of employment from date of hire with prior General Manager approval. Employees are encouraged to take vacation days because time away from work allows employees to relax and rejuvenate, which is necessary to handle the stress which may come with a work environment. Employees will be allowed to accrue (bank) up to 240 hours (30 days). Vacation hours accrued above 240 will be paid to the employee in an annual check at end of calendar year. Carry over of vacation time will be discouraged and only approved under extreme circumstances.

*Adopted: June 27, 2017*

- b. After 5 years of employment, a full-time employee shall be entitled to 15 days paid vacation. After **20** 10 years of employment, a full-time employee shall be entitled to 20 days paid vacation.
- c. An employee eligible for paid vacation may request approval by the **District Administrator General Manager or designee** to receive pay for up to ½ of the year's vacation time, in lieu of taking the time off. **Requesting pay in lieu of using vacation days is discouraged and may only be granted for specific circumstances as specified by the General manager or designee..**
- d. Paid time off is to be requested in writing as far in advance as possible, so that management can plan for coverage by other staff members. Paid time off will be scheduled with management approval on a seniority basis.
- e. Management shall schedule his/her vacation time as well as all other employees so that all operations of the District are covered.
- f. Full-time employees are eligible to use accrued vacation after six months of employment.

### 5.3.2 Holidays

- a. Full-time employees receive the following paid Federal holidays:

New Year's Day (January 1 <sup>st</sup> )	Labor Day (September-1 <sup>st</sup> Mon)
M. L. King Day (January-3 <sup>rd</sup> Mon)	Columbus Day (October-2 <sup>nd</sup> Mon)
Presidents' Day (February-3 <sup>rd</sup> Mon)	Thanksgiving Day (November-4 <sup>th</sup> Thurs)
Memorial Day (May-Last Mon)	Day after Thanksgiving
Independence Day (July 4 <sup>th</sup> )	Christmas Day (December 25 <sup>th</sup> )

- b. Permanent part-time employees, after 2 years of employment, receive 2 (two) 8-hour paid holidays: Thanksgiving and Christmas Day.
- c. Holiday Schedule: If one of the above holidays falls on a Saturday, the District will take Friday as the holiday. If one of the above holidays falls on a Sunday, the District will take Monday as the holiday.

- d. If an employee has to work on a Holiday, that employee will get paid at a rate of time and one-half for hours worked only. The employee does not receive additional holiday paid on top of time worked. If the employee only works a portion of the day, the hours worked will be paid at a rate of time and one-half and the remaining hours will be paid at straight holiday pay.
- e. **Personal Day Off: Full-time employees and permanent part-time employees will receive 2 (two) 8-hour paid personal holidays after 3 years of service to be used within the anniversary year. In the event the employees fail to take the paid personal holidays off within the anniversary year, they will expire and not be carried over to the following year.**
- f. A floating day for holidays is provided to employees who work non-standard workweeks (**for example, Wednesday through Sunday**). These employees are entitled to the same number of holidays per year as those employees who work a normal schedule. **The floating day for holidays is as follows: On holidays that fall on the scheduled work day of the operator, the operator will take off the day before or after the holiday depending on the work schedule. For example, on holidays that fall on Monday the operator that works Monday through Friday is entitled to take off the Friday before the Monday of the holiday. For an operator that works Wednesday through Sunday, they are entitled to take off the Wednesday after the holiday. The floating day for holidays will change based on work schedule. A floating holiday day is to be taken before or after the holiday and is not to be banked. Operations will need to provide the District Administrator a schedule of holidays off at the beginning of each year. Operations will make sure that the days off does not impact the District's operation.** The **District Administrator General Manager or designee** will review, modify and approved the floating holiday day off schedule before it becomes effective.
- g. Full-time employees are eligible for paid holidays after completing their 3-month introductory period.

### 5.3.3 Sick Leave

Full-time employees are eligible for sick leave after completing their introductory period.

- a. Full time employees shall accrue one working day of sick leave for each month worked, prorated based upon average total hours worked. **A maximum of 480 hrs (60 days) may be accrued with additional hours being forfeited. This may accrue to a total of 24 working days.**
- b. Sick leave Use: **Paid sick leave may be used up to 3 work days but additional days will require a doctors note or authorization from the General Manager or designee. for doctor/dentist visits in not less than four-hour units.**
- c. Return to Work Authorization: Any employee, full-time or part-time, who is absent for more than 3 days, may be required by his/her supervisor or the Board of Directors to obtain a statement from a physician indicating ability to return to work. **When additional days are taken without authorization, it will be determined that the employee has vacated their position of employment and that position will be filled.**
- d. Family Members: Sick leave may be used to care for family members.
- e. Employees will not be paid for earned but unused sick leave upon termination.
- f. Full-time employees are eligible for paid sick leave after completing their 3-month introductory period.

### 5.3.4 Family Medical Leave

Family care leave will be granted in accordance with the Family Medical Leave Act (FMLA)

- a. FMLA is an unpaid leave that may be used by employees when they have a prolonged

illness or physical condition that prevents them from working, or it may be used by employees to take time to care for family members with serious medical condition requiring their help, if the condition is expected to last more than three consecutive days.

- b. Under the FMLA employees are entitled to 12 weeks Family Medical Leave (FML) per fiscal year; if they have worked for the District for 12 months prior to requested leave, for a minimum of 1250 hours in the previous 12 months.
- c. Under FMLA, employees are entitled to fully paid benefits while on leave and are guaranteed reinstatement of their job if they are physically capable.
- d. FML begins as soon as the employee receives written notification from the District of activation of FML. This may be as early as the first day of an absence due to a medical condition of the employee or his/her family member. Neither the employee nor the District can declare FML retroactively.
- e. FML runs concurrently with worker's compensation, or disability payments.
- f. Employees do not accrue additional vacation time or new sick leave while on FML, but the District must continue to cover paid benefits, such as health insurance.
- g. If possible (such as for scheduled surgery), employees must give the District written advance notice of their intention to take FML, as soon as they know they will need to take the leave.
- h. The District may require documentation from the attending physician.

#### 5.3.5 Military Leave

Employees who wish to serve in the military will be granted Military Leave in accordance with the Universal Military Leave Act. Employees are entitled to reinstatement upon completion of military service, provided they return or apply for reinstatement within the time allowed by law.

#### 5.3.6 Bereavement Leave

GSD grants leave of absence to all employees in the event of the death of the employee's current spouse (or domestic partner), child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. An employee with such a death in the family may take up to the following:

- a. Full-time employees will be granted 3 days bereavement leave with pay in the event of the death of an immediate family member, or at the discretion of the District Administrator.
- b. Permanent part-time employees will be granted 3 days bereavement leave without pay under the same circumstances.
- c. The District Administrator may approve additional unpaid time off.

#### 5.3.7 Jury Duty

Full-time employees who are summoned for jury duty will be paid the difference between their normal rate of pay and the jury duty pay for a period of up to 10 working days per year. Employees must provide the District with a copy of the payment records from the court in order to be compensated. Should the employee have to serve more than 10 days, the employee may take unpaid time off.

The employee should make arrangements with their supervisor as soon as they receive the summons. In fairness to the District, employees are expected to return to their job if they are excused from jury duty during their regular working hours.

#### 5.3.8 Time off for Voting

If an employee does not have sufficient time outside of working hours to vote in an official statesanctioned election, the employee may take off enough working time to vote. Such time shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give their supervisor at least two days notice.

#### 5.3.9 Leave of Absence

Under special circumstances, an employee with three months of employment may be granted a leave of absence without pay. The granting of this type of leave is normally for compelling reasons and is dependent upon the written approval of the District Administrator.

- a. Leave of absence for any purpose other than those listed above will be granted at the discretion of the District Administrator.
- b. The employee must use all paid vacation and personal days off (but not sick leave) before taking an unpaid leave of absence.
- c. The employee must pay premiums on all insurance, and may elect to make retirement contributions while on leave of absence. The District will resume paying its contribution when the employee returns to work.
- d. If the employee does not return to work at the end of the leave, it will be considered a voluntary termination. The employee will then be entitled to COBRA and any other benefits of voluntary termination.
- e. Employees will not accrue any paid time off while on personal leave.

**Sec 9.8 Water Used Without Application Being Made.** A person taking possession of premises and using water from an active service connection without having made application to the District for water service, shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

**Sec 9.9 Damages Through Leaking Pipes and Fixtures.** When turning on the water supply as requested and the house or property is vacant, the District will endeavor to ascertain if water is running on the inside of the building and if such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The Board's jurisdiction and responsibility ends at the property line and the Board will in no case be liable for damages occasioned by water running from open or faulty fixtures or from broken or damaged pipes inside the property line.

**Sec 9.10 Damages to Meters.** The Board reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable; however, for any damage to the meter due to his negligence or carelessness and in particular for damage caused by hot water or steam from the premises.

**Sec 9.11 Tampering with Water Meters.** Tampering with water meters or turning Meters on after being turned off for non-payment may result in a customer fine Of \$200 and a reconnection fee of \$100 which must be paid with all outstanding Service charges before water will be turned on.

**Sec 9.12 Service Charge Discount.** Any customer that verifies they are over the age of 62 and have a combined income of less than \$24,000/annually may qualify for a \$15 credit which can be used to decrease their monthly service charge. Any service charge credit will require approval of the General Manager or designee. Please inquire at the GSD office for details. When water usage exceeds (10 units) in any given month, the service charge discount will be voided for that month.



Sec 9.5 Payment of Bills. Bills are due and payable by 4:30pm on the 25<sup>th</sup> of each month and if not paid a \$15 late charge will be applied.

- (a) Customer Bills:  
Bills will be mailed by the first day of each month.
- (b) Late Payment Procedures:  
Bills past due—Courtesy call  
35 days past due – Shut off notice – Hand delivered to service address  
7 days after shut off notice is delivered – Water will be turned off – Owner will be notified.  
60 days past due – Lien on building/property – Small claims  
120 days past due – Turn over to collection agency
- (c) Adjustment to bills—Payment plans  
The General Manager or designee will be the only person authorized to make adjustments to a bill or enter into a payment plan
- (d) NSF (non-sufficient funds) from any payment source will require the customer to Pay all bank charges and a \$35 handling fee.
- (e) Upon 2 NSF (non-sufficient funds) within a 12 month period, automatic payment will be denied until an agreement can be reached with the General Manager or designee.
- (f) **Service Charge Discount may be available for any customer that verifies they are over the age of 62 and have a combined income of less than \$24,000 annually. Customers who qualify may receive a \$15 credit which can be used to decrease their monthly service charge. Any service credit will require approval of the General Manager or designee. When water usage exceeds (10) units (7,500 gallons) in a given month, the service charge discount will be voided for that month**
- (g) **Tampering with water meters or turning meters on after being turned off For non-payment may result in a customer fine of \$200 and a reconnection Fee of \$100 which must be paid with all outstanding service charges before Water will be turned on.**

Approved: 7/24/2018

## RESOLUTION 18-010

### THIS RESOLUTION AUTHORIZES THE GARBERVILLE SANITARY DISTRICT TO CHANGE WATER ORDINANCE, SEC. 9.5 (f) PAYMENT OF BILLS, SERVICE CHARGE DISCOUNT

A. **WHEREAS,** It has been determined that the Garberville Sanitary District will add Water Ordinance Sec. 9.5 (f) Payment of Bills, service charge discount.

B. **WHEREAS,** Resolution 18-010 allows Garberville Sanitary District to offer a discount for customers who are over the age of 62 and have a combined income of under \$24,000 annual income.

C. **WHEREAS,** This discount will require participating customers to verify their age and income in order to qualify for this discount and must do so annually.

D. **WHEREAS,** Those qualifying customers will have this discount removed if it is determined that they have additional income or do not meet the age requirement. This determination will be approved by the General Manager or designee.

E. **WHEREAS,** The new Water Ordinance, Sec. 9.5(f) Payment of Bills, Service Charge Discount, will be a new ordinance to give relief to those customers over 62 and with an annual income under \$24,000.

### WATER ORDINANCE, SECTION 9.5 (f) PAYMENT OF BILLS, SERVICE CHARGE DISCOUNT

(f) Service Charge Discount may be available for any customer that verifies they are over the age of 62 and have a combined income of less than \$24,000 annually. Customers who qualify may receive a \$15 credit which can be used to decrease their monthly service charge. Any service credit will require

approval of the General Manager or designee. When water usage exceeds (10) units (7,500 gallons) in a given month, the service charge discount will be voided for that month.

**NOW, THEREFORE LET IT BE KNOWN THAT, THE BOARD OF DIRECTORS OF THE GARBERVILLE SANITARY DISTRICT APPROVES ADDING THE WATER ORDINANCE, SEC. 9.5(f) PAYMENT OF BILLS, SERVICE CHARGE DISCOUNT**

**RESOLUTION 18-010 WAS PASSED, APPROVED AND ADOPTED THIS 20<sup>th</sup> DAY OF SEPTEMBER 2018 BY THE FOLLOWING ROLL CALL VOTE:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

-----  
**Linda Broderson, Board President**

**ATTEST:**

-----  
**Ralph Emerson, General Manager**

**Sec 9.8 Water Used Without Application Being Made.** A person taking possession of premises and using water from an active service connection without having made application to the District for water service, shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

**Sec 9.9 Damages Through Leaking Pipes and Fixtures.** When turning on the water supply as requested and the house or property is vacant, the District will endeavor to ascertain if water is running on the inside of the building and if such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The Board's jurisdiction and responsibility ends at the property line and the Board will in no case be liable for damages occasioned by water running from open or faulty fixtures or from broken or damaged pipes inside the property line.

**Sec 9.10 Damages to Meters.** The Board reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable; however, for any damage to the meter due to his negligence or carelessness and in particular for damage caused by hot water or steam from the premises.

**Sec 9.11 Tampering with Water Meters.** Tampering with water meters or turning meters on after being turned off for non-payment may result in a customer fine of \$200 and a reconnection fee of \$100 which must be paid with all outstanding service charges before water will be turned back on.

## RESOLUTION 18-011

### THIS RESOLUTION AUTHORIZES THE GARBERVILLE SANITARY DISTRICT TO CHANGE WATER ORDINANCE, SEC. 9.5 (g) PAYMENT OF BILLS, TAMPERING WITH METERS

A. **WHEREAS,** It has been determined that the Garberville Sanitary District will add Water Ordinance Sec. 9.5 (g) Payment of Bills, Tampering with water meters and turning water on after being turned off for lack of payment.

B. **WHEREAS,** Resolution 18-011 allows Garberville Sanitary District to fine customers and increase the reconnection fee when water meters have been tampered with or turned on illegally after shut off for lack of payment.

C. **WHEREAS,** This Resolution may require customers pay a fine and reconnection fee of \$300 if the meter is tampered with or turned on after shut off for non-payment.

D. **WHEREAS,** Those customers who have tampered with meters will be required to pay the associated fine and re-connection fee prior to water being turned on.

E. **WHEREAS,** The new Water Ordinance, Sec. 9.5(g) Payment of Bills, Tampering with Meters will require the General Manager or designee to approve such fees and reconnection of water service.

#### WATER ORDINANCE, SECTION 9.5 (g) PAYMENT OF BILLS, TAMPERING WITH WATER METERS

(g) Tampering with water meters or turning meters on after being turned off for non-payment may result in a customer fine of \$200 and a reconnection fee of \$100 which must be paid with all outstanding service charges before water will be turned on.

**NOW, THEREFORE LET IT BE KNOWN THAT, THE BOARD OF DIRECTORS OF THE GARBERVILLE SANITARY DISTRICT APPROVES ADDING THE WATER ORDINANCE, SEC. 9.5 (g) PAYMENT OF BILLS, TAMPERING WITH WATER METERS.**

**RESOLUTION 18-011 WAS PASSED, APPROVED AND ADOPTED THIS 20<sup>th</sup> DAY OF SEPTEMBER 2018 BY THE FOLLOWING ROLL CALL VOTE:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

-----  
**Linda Broderson, Board President**

**ATTEST:**

-----  
**Ralph Emerson, General Manager**



**Garberville Sanitary District**  
**PO Box 211**  
**919 Redwood Dr.**  
**Garberville, CA. 95542**  
**Office(707)923-9566 Fax(707)923-3130**

### **Hazardous Work Conditions Policy**

We have talked about a few of the hazards staff faces as they perform their duties on behalf of the Board, District and customers. I have included a few for discussion because I would like direction and thoughts on a remediation plan to develop policy for addressing the hazards of interaction with community and natural disasters.

1. Dogs biting
2. People angry and threatening
3. Needles in the workplace which includes manholes, meter boxes, ditches and in landscaping
4. Working alone in office
5. Working alone in the field and during storm events
6. Interaction with mentally ill people or transients during course of day
7. Being asked to do favors or work for customers that are not the responsibility of GSD
8. Other Hazards not identified

## 7.1 Safety Policy

The District recognizes its responsibility for providing the safest possible conditions for its employees and customers. This responsibility is met by means of a safety program that is applied through the development of safety awareness among employees, the use of up to date safety equipment, and the continual inspection of conditions and practices by all levels of supervision. It is the responsibility of every employee to develop safe working habits. The development of proper attitudes toward safety is the only method to improve safe working habits. Therefore, training sessions play a large part in the safety program. The District wants to protect all employees and the public from injury and accidents. To accomplish this goal, the safety program involves all employees, and requires the active participation and cooperation of all to make it operate effectively.

Safety training sessions are conducted for all District employees, and employees are expected to perform in a safe manner. Negligent or unsafe conduct by an employee will result in disciplinary action. All employees must follow the safety procedures established by management. The Chief Operator will report to the Board on annual completion of Safety training programs which he or she personally completes as well as certification of successful completion of the training program by all employees pursuant to the Chief Operator's job description set out in Appendix "B."

### 7.1(a) Hazardous Work Conditions

**Despite a collective and diligent effort to ensure safe working conditions for all District employees, there are hazards that cannot be foreseen or avoided.**

**Employees are expected to be aware of their surrounding at all times and to act safely and responsibly in the work place. Employees who are unsure, uncomfortable or hesitant should immediately notify the General Manager before engaging in the potentially hazardous work. Employees are NOT required to perform any task they consider to be dangerous or hazardous.**

**All incidents MUST be documented regardless of what the hazard or incident.**

**The following is a non-exhaustive list of certain hazardous conditions that may arise and responsive actions.**

**a. Animals biting or attacking---As a general rule, employees should keep a safe distance from stray or domestic animals. If an animal displays any tendencies perceived to be dangerous, do not come into contact with the animal, ready deterrent spray, contact the owner to control the animal, and call for assistance. If an employee is attacked, seek immediate medical attention and report the attack to a supervisor and law enforcement.**

**b. Angry and threatening people---Unfortunately, employees are likely to encounter combative people during their employment. In such circumstances, employees should remain calm, professional, and respectful. Employees should remove themselves from the situation by leaving the area and should not, under any circumstances, respond aggressively. Employees should immediately report the incident to the General Manager.**



**c. Needles and dangerous paraphernalia—Employees who encounter needles or drug paraphernalia should immediately notify law enforcement and the General Manager. Employees should not attempt to remove the item, unless appropriate safety precautions are taken, including avoiding contact with bare skin by wearing protective gloves and ensuring proper disposal. If an employee is injured by any object, go directly to the emergency room and notify General Manager or designee.**

**d. Being asked to do work for Customers—If a customer asked you to assist them, employees must first notify the General Manager or designee for prior approval. Employees should not provide assistance to customers if it involves going in private residences or on private property to perform work.**

**e. Working alone---If conditions are dangerous, employees should stop, call for assistance, and notify General Manager or designee.**

**f. Working in confined spaces or with chemicals---Employees should always notify a co-worker and the General Manager or designee in advance of performing the work in confined spaces or with any chemicals. Only employees who have obtained the proper training and certifications should perform any work with chemicals. If an employee is unsure, ask the General Manager first. Employees should comply with any and all required precautions, such as the mandatory use of protective equipment.**



# GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

## BOARD AGENDA MEMORANDUM

Meeting Date: September 20, 2018  
To: Garberville Sanitary District Board of Directors  
From: Jennie Short, Consultant Projects Manager  
Subject: ADDING ORDINANCE ARTICLES 4B, 4C, 4D APPENDING ARTICLE 1, 2, 5 AND 15 ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WILL-SERVE LETTERS

### GENERAL OVERVIEW AND STATUS

The Annexation was approved by Humboldt LAFCo on July 16, 2014. The Certificate of Completion was recorded with an effective date of May 11, 2016. The Notice of Boundary Change Completion - Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District; LAFCo No. 14-05 was provided by LAFCo to the affected agencies and departments on June 17, 2016 (attached for your reference).

Since then, District staff has been providing responses to County Referrals on development projects with District boundaries in accordance with the annexation conditions of approval and the adopted CEQA Mitigation, Monitoring, and Reporting Plan for the Annexation Project including Mitigation Measure No. 1 which consisted of:

*“The GSD Board of Directors shall adopt an ordinance that, at a minimum, states that any future development or intensification of use within the GSD boundary or future annexations or outside agency boundary service that relies on connection to the GSD water or sewer services for implementation will be reviewed by the GSD prior to approval by the County. A “will serve” letter will be provided by GSD to Humboldt County and the project applicant, indicating the ability of the GSD to provide a service connection based upon the current water and/or wastewater system capacity to provide that service. If sufficient water or wastewater service is not available, the applicant will be denied service until such time that the service is available. This ordinance will also identify the location of the water and sewer service area and only water service area overlay. These areas are shown on Figure 16. GSD shall notify Humboldt County of the new ordinance so that it will be included in current planning activities.”*

The conditions of this mitigation measure have been adopted by the GSD Board of Directors in Resolution 13-008 and 14-004 (both are attached for your reference). Staff has been implementing this mitigation measure. Staff recently received a request for public documents including the “ordinance” that was adopted. While the resolutions as adopted could be considered equal to the effectiveness of an ordinance, we felt that it would prudent to go through the process of preparing an ordinance section

**ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WILL-SERVE LETTERS.**

Attached you will find a draft of the resolution and an ordinance to be considered for first reading.

**FINANCIAL CONSIDERATIONS**

None

**STAFF RECOMMENDATION FOR BOARD ACTIONS**

Conduct the first reading of the Ordinance

**ATTACHMENTS**

- A. Ordinance \_\_ - ADDING ORDINANCE ARTICLES 4B, 4C, 4D APPENDING ARTICLE 1, 2, 5 AND 15 ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WILL-SERVE LETTERS
- B. Resolution 18-012 - DRAFT
- C. Notice of Boundary Change Completion including Certificate of Completion and LAFCo Resolution 14-05
- D. Resolution 13-008 and 14-004

## ATTACHMENT A

Ordinance \_\_ -  
ADDING ORDINANCE ARTICLES  
4B, 4C, 4D APPENDING ARTICLE 1,  
2, 5 AND 15 ESTABLISHING RATES,  
RULES AND REGULATIONS FOR  
WATER AND SEWER SERVICE  
WILL-SERVE LETTERS

## ORDINANCE NO \_\_\_\_

### ADDING ORDINANCE ARTICLES 4B, 4C, 4D APPENDING ARTICLE 1, 2, 5 AND 15 ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WILL-SERVE LETTERS

The following shall be added to ARTICLE 1 GENERAL RULES

The Garberville Sanitary District (the "District") provides water and sewer services within the District's Jurisdictional Boundary in Humboldt County, California. Periodically, the District receives from property owners a request for the District to provide a "Will Serve Letter." A Will Serve Letter provides notification to the regulatory agency and the applicant that the District has sufficient water and/or sewer facilities available to serve the development and that the District will serve the real property owned by the applicant subject to this policy and conditions contained in the Will Serve Letter. Will Serve Letters will be considered by the District upon receipt of a complete application that will describe the location, type of service and the specific conditions under which the District will provide service. Residential Developments of four (4) or fewer parcels and Commercial Developments may be approved by the General Manager. Subdivisions must be approved by the Board of Directors. This Will Serve Policy adopted by the Board of Directors of the District sets forth the policies of the District with respect to the issuance of Will Serve Letters.

The General Manager will report on any Will Serve Letters issued by the District at the next regularly scheduled Board of Directors meeting. Additionally, the General Manager will provide a report annually on the status of all issued and unexpired Will Serve Letters during the planning process for the upcoming fiscal year.

The following shall be added to ARTICLE 2 DEFINITIONS

**Will-Serve Letter** . As used herein a "will-serve" letter means a letter written by the District at the request of an applicant with respect to a subdivision, commercial or multi-family residential project, or single-family residence to confirm (1) that the subdivision or project is within the District boundaries and (2) that, if water and/or sewer service is available to serve the proposed connection(s) at the time service is requested, the District is willing to provide water and/or sewer service thereto upon compliance with all District requirements and payment of all applicable District fees and charges.

#### **ARTICLE 4B - Issuance of Will Serve Letters**

1. District Will Serve Letters are issued to regulatory agencies and applicants consistent with this policy and on behalf of an applicant to provide an indication of the District's willingness and ability to provide domestic water service and/or sewer service to real property within the District's Jurisdictional Boundary or to real property within the District's Sphere of Influence Boundary which is to be annexed into the District's Service Boundary. A Will Serve Letter outlines the general conditions under which the District will provide such water and/or sewer service. It is the District's conditional commitment to provide domestic water and/or sewer service to new customers.
2. The District will not issue a Will Serve Letter for real property which is not within the District's Sphere of Influence Boundary at the time of the request for the Will Serve Letter.
3. The District will suspend the issuance of Will Serve Letters when the sum total of the estimated yearly usage of all outstanding Will Serve Letters and the estimated yearly usage of current District customers reaches one hundred percent (100%) of the District's available

water. This analysis will be conducted when the annual water diversion report is submitted to the State Water Resources Control Board.

#### **ARTICLE 4C -Eligibility & Criteria**

1. No "will-serve" letters shall be issued by the District for any project if, in the judgment of the Board, it is likely that the District will be unable to permit the project to be connected to the District's water system when application is made for connection. In making this determination, the General Manager or Board shall take into account the estimated amount of water that will be required to serve the entire project at full development, the additional connections the District is likely to have made to its water system before application for connection for the project can properly be made, and the amount of water the District is likely to have available at that time.
2. No "will-serve" letters shall be issued for any project if, in the judgment of the Board, the effect of permitting the project to be connected to the District's water system is that it will be likely to prevent others who have already obtained "will-serve" letters from the District, and who have proceeded with the development of their projects without unreasonable delay, from being able to have their projects connected to the District's water system. In making this determination, the Board shall take into account the projects for which such letters are outstanding, the current status of those projects, and the dates on which "will-serve" letters were issued by the District with respect to those projects.
3. Applications for Will Serve Letters requesting water and/or sewer service outside of the District's then existing Service Boundary will only be processed upon an affirmative showing or agreement by the applicant that any Will Serve Letter will be conditioned expressly upon approval of an annexation of the affected real property by the District's Board of Directors and completion at the applicant's sole cost and expense of the annexation of the real property into the District's Service Boundary through the Humboldt County Local Agency Formation Commission.
4. The District's water diversion permit and license requires that water obtained through the diversion be served only in the District's Place of Use as defined by the State Water Resources Control Board. In the event that real property for which a Will Serve Letter is requested is not within the District's Place of Use, the Will Serve Letter will be expressly conditioned upon obtaining State Water Resource Control Board approval for inclusion of the real property within the District's Place of Use. Obtaining State Water Resource Control Board approval shall be at the applicant's sole cost and expense.
5. The applicant shall be given eighteen (18) months to complete the required annexation to the District's Service Boundary and the modification of the District's Place of use through the State Water Resource Control Board, following the date the annexation is first approved by the Board of Directors. An extension may be granted by action of the Board of Directors of the District.
6. A Will Serve Letter issued by the District to an applicant shall terminate at the sooner to occur of five (5) years after the date of the Will Serve Letter or unless connection to the District water and/or sewer system has been made prior to the termination or expiration of any use permit, tentative map or parcel division approval, or upon the termination or expiration of any building permit issued to the applicant for construction of improvements on the real property which is the subject of the Will Serve Letter.
7. Connection of water and/or sewer services as provided in a Will Serve Letter shall be contingent upon the District, at the time of request for connection, having sufficient water

based upon their contractual entitlements, and shall further be contingent upon the District having sufficient treatment and delivery capacity to comply with all laws and regulations concerning the delivery of domestic water. All District commitments to deliver water shall, during drought conditions, be subject to the provisions of the then current District Drought Contingency Plan. Connection of sewer services as provided in a Will Serve Letter shall be contingent upon the District, at the time of request for connection, having sufficient wastewater treatment and collection (including pumping stations) capacity to comply with all laws and regulations for wastewater collection and treatment.

#### **ARTICLE 4D - Application for Will Serve Letter- Form**

1. Any person or entity requesting a Will Serve Letter from the District shall fully complete and submit to the District an "Application for Will Serve Letter" in the form approved by the General Manager or via referral from Humboldt County. The application will not be considered received by the District until such time as all information required thereon has been provided and the form has been duly executed as provided in the form. At a minimum:
  - a. It shall identify by name, mailing address and telephone number the person requesting a "will-serve" letter from the District.
  - b. It shall identify by lot, block, subdivision, assessor's parcel number, and service address, the property with respect to which the "will-serve" letter is requested.
  - c. The Applicant shall state the existing zoning classification of the property and, if any zoning change is proposed, the proposed zoning classification of the property.
  - d. The Applicant shall state the number of any residential units, and the approximate number of square feet and the type of use of any commercial space to be included in the project.
  - e. The Applicant shall provide an estimate of the projected water demand of the applicant's project and the type and strength characteristics of the wastewater entering the District's sewer collection system.
  - f. The Applicant shall disclose the anticipated starting and completion dates for construction of the project.
  - g. The Applicant shall disclose any alternative water sources available to the property.
2. An applicant will be required to pay at the time of the submission of the Application for the Will Serve Letter those District administrative fees then in effect for the submissions of an Application for Will Serve Letter together with any deposits required for engineering fees and attorneys' fees, if applicable.
3. Following receipt by the District of a complete Application for Will Serve Letter, together with any fees or costs required at the time of the filing of the application, the District will have up to 21 days to review the request. During the review process the District may require the applicant to furnish the District with such other and further information as the District deems pertinent to review and process the application. If during the District's initial review of the application, the District determines that there are additional fees or costs which are required to evaluate and process the application, the District will provide an estimate of these additional fees and costs in writing to the applicant.
4. Applications for connections shall be considered by the District on a first-come, first-served basis without reservation. Except as otherwise expressly provided herein, applications shall be entitled to priority based on the date the application is filed and all applicable District connection fees are paid; provided, however, that notwithstanding the foregoing or any other provision of this Ordinance, approval of an application shall continue to be effective only if the applicant commences construction within one hundred eighty (180) days unless the District grants an extension of time. Time extensions may be granted where the applicant shows the delay in

commencement of construction has been caused by an occurrence beyond his control and which is not attributable to his fault or neglect.

5. Applications for connections shall not be granted unless the District has sufficient water to serve the connection without substantial risk of impairing service to existing customers. In making its determination, the impact of any required water conservation practices shall be taken into account.
6. The District will not provide water and/or sewer service to any property in the event of non-payment of any applicable fees or costs.

**The following shall be added to ARTICLE 5 APPLICATION FOR REGULAR WATER SERVICE WHEN MAIN EXTENSION REQUIRED**

### **Development Agreement**

1. Applicants who request a Will Serve Letter from the District to supply water or sewer service to a proposed development which requires the construction of new or additional District water distribution system improvements in order to provide the service requested, or sewer collection improvements, may be required to enter into a Development Agreement between the applicant and the District.
2. The Development Agreement will set forth all terms and conditions of service for the applicant by the District and will describe in detail the responsibilities of the applicant and the District with respect to the construction of and payment for any required District water or sewer system improvements.
3. In the event a Development Agreement is required for the applicant's proposed development, the applicant will be responsible to execute and deliver the Development Agreement prior to approval of project improvement plans by the General Manager and to pay or to reimburse the District for fees and expenses incurred by the District for its District engineer and attorney in the preparation of the Development Agreement.

### **The following will be added to ARTICLE 15**

1. Applicants for Will Serve Letters shall be responsible for payment or reimbursement to the District as provided in this policy of all District fees and costs in existence on the date that a request by the applicant for connection to the District's water and/or sewer system is made. Connections to the District's water and/or sewer system will be made only to real property which has, at the time of the request for connection, a valid building permit.
2. The District establishes and periodically updates fees, charges and cost reimbursements which are applicable to annexation into the District, and connection of water and/or sewer service to real property being developed in the District. The fees established by the District which are applicable to a Will Serve Letter and connection of water and/or sewer service to the District and for which an applicant will be responsible are as set forth in other sections of the Ordinances.
3. District fees and costs are normally updated not more frequently than annually although additional fees and costs may be implemented by the District by ordinance at any time. An applicant for a Will Serve Letter shall be responsible at the time that such fees are to be collected to pay to or reimburse the District for all fees and costs in existence on the date of the request for connection.



# ATTACHMENT B

Resolution 18-012 - DRAFT



# GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

## RESOLUTION NO. 18-012

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GARBERVILLE SANITARY DISTRICT ADDING ORDINANCE ARTICLES 4B, 4C, 4D APPENDING ARTICLE 1, 2, 5 AND 15 ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WILL-SERVE LETTERS**

**WHEREAS**, the Garberville Sanitary District is a Special District that was formed by the Humboldt County Board of Supervisors on April 12, 1932, pursuant to the Sanitary District Act of 1923, after a majority vote was cast in a general election; and

**WHEREAS**, the Garberville Sanitary District Board of Directors undertook an annexation project that was completed in 2014; and

**WHEREAS**, Resolution 13-008 and 14-004 both adopted the Mitigation, Monitoring, and Reporting Plan for the Annexation Project including Mitigation Measure No. 1 which consisted of:

*“The GSD Board of Directors shall adopt an ordinance that, at a minimum, states that any future development or intensification of use within the GSD boundary or future annexations or outside agency boundary service that relies on connection to the GSD water or sewer services for implementation will be reviewed by the GSD prior to approval by the County. A “will serve” letter will be provided by GSD to Humboldt County and the project applicant, indicating the ability of the GSD to provide a service connection based upon the current water and/or wastewater system capacity to provide that service. If sufficient water or wastewater service is not available, the applicant will be denied service until such time that the service is available. This ordinance will also identify the location of the water and sewer service area and only water service area overlay. These areas are shown on Figure 16. GSD shall notify Humboldt County of the new ordinance so that it will be included in current planning activities.”*

**WHEREAS**, District staff has prepared and posted a large-scale map showing the sphere of influence, jurisdictional boundary, and the water only service area overlay; and

**WHEREAS**, the County and all affected agencies were notified of the new boundaries as shown on “Exhibit A” as approved by LAFCo in Resolution 14-05 when the certificate of completion was recorded; and

**WHEREAS**, the District staff has been providing the County with responses to development referrals in a manner consistent with the will-serve letter policy in the resolutions; and

**WHEREAS**, the District has received an inquiry about the adoption of a formal ordinance in accordance with Mitigation Measure 1.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that the Garberville Sanitary District Board of Directors hereby adopts the attached **Ordinance No. \_\_ - ADDING ORDINANCE ARTICLES 4B, 4C, 4D APPENDING ARTICLE 1, 2, 5 AND 15 ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WILL-SERVE LETTERS.**

Passed and adopted by the Garberville Sanitary District’s Board of Directors on October ??, 2018 during a regular business meeting, by the following vote:

**AYES:** Directors \_\_\_\_\_

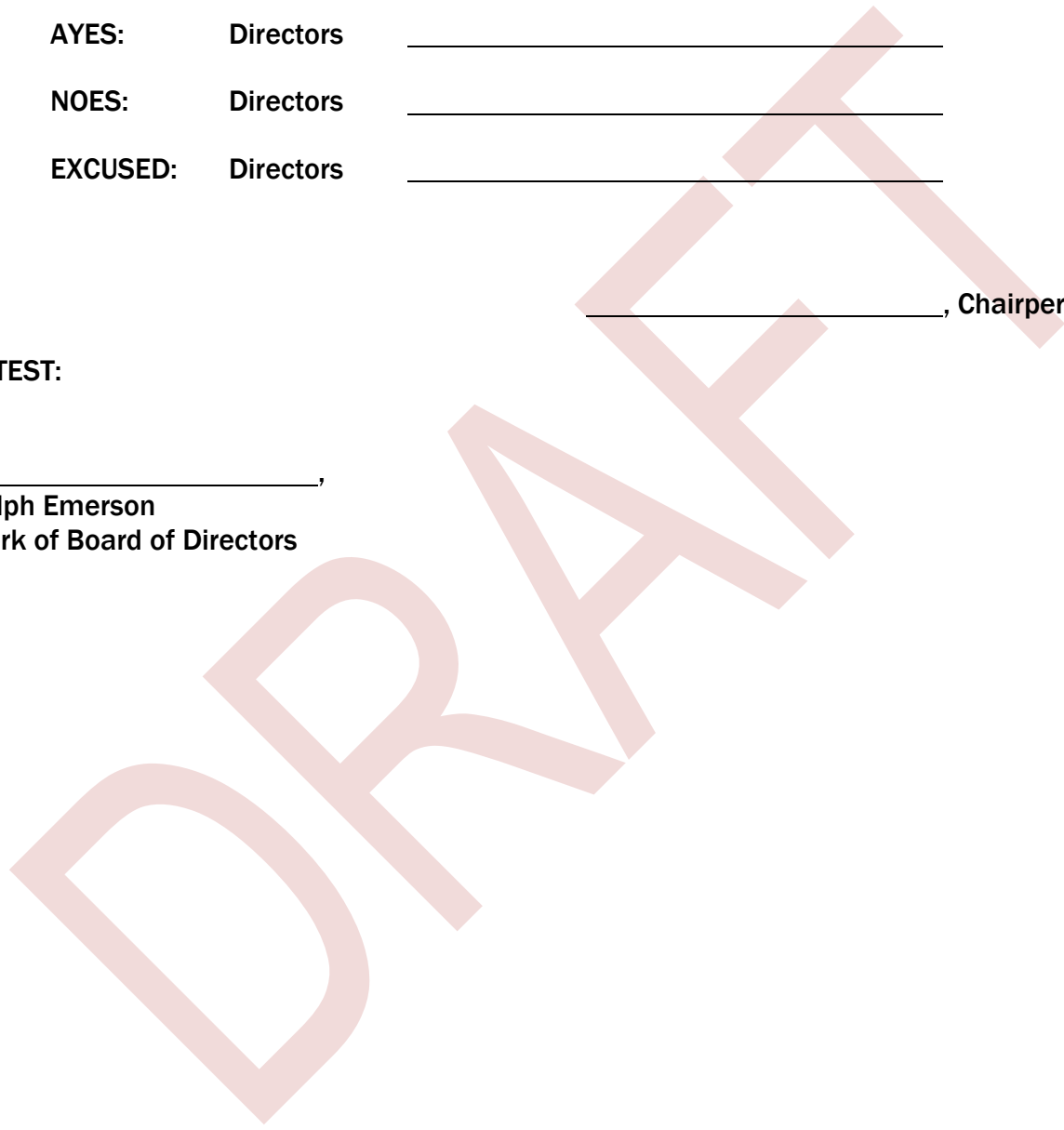
**NOES:** Directors \_\_\_\_\_

**EXCUSED:** Directors \_\_\_\_\_

\_\_\_\_\_, Chairperson

**ATTEST:**

\_\_\_\_\_,  
Ralph Emerson  
Clerk of Board of Directors



## ATTACHMENT C

Notice of Boundary Change Completion  
including Certificate of Completion  
and LAFCo Resolution 14-05



1125 16<sup>th</sup> Street, Suite 202, Arcata, CA 95521  
(707) 445-7508 / (707) 825-9181 fax  
[www.humboldtlafo.org](http://www.humboldtlafo.org)

**DATE:** June 17, 2016  
**TO:** Affected Agencies and Departments  
**FROM:** Colette Metz, Administrator  
**SUBJECT:** **Notice of Boundary Change Completion – Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District; LAFCo No. 14-05**

Enclosed are copies of final boundary change documents for the Garberville Sanitary District Annexation Project, approved by Humboldt LAFCo on July 16, 2014. Please update your records reflecting the completed boundary change, effective May 11, 2016.

Please note that the annexation areas are subject to the District's previously authorized property-related fees or charges for water and wastewater services. While the District receives a portion of the 1 percent share of property tax revenues (AB 8) within the existing District boundaries, no exchange of property taxes is to be provided within the annexation areas. Therefore, a statement of boundary change filing with the State Board of Equalization is not required.

If you have any questions regarding this notice, please contact me at 445-7508 or [administrator@humboldtlafo.org](mailto:administrator@humboldtlafo.org).

**Attachments:**  
Recorded Certificate of Completion

NO FEES PER GOVERNMENT CODE 27383

RECORDING REQUESTED BY:  
Humboldt Local Agency  
Formation Commission

WHEN RECORDED RETURN TO:  
Humboldt LAFCo  
1125 16<sup>th</sup> Street, Suite 202  
Arcata, CA 95521

**2016-008717**

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: LAFCO  
Pages: 31

Recording Fee: \$ 0.00  
Tax Fee: \$0  
Clerk: k1 Total: \$0.00  
May 12, 2016 at 12:55:06



**CERTIFICATE OF COMPLETION**

As Executive Officer of the Humboldt Local Agency Formation Commission, I hereby certify to the completion of the following change of organization:

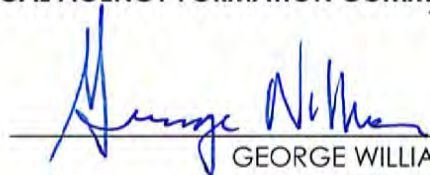
Annexation of 84 Assessor's parcels (368 acres) and adjacent Highway 101 right-of-way (65 acres) totaling 433 acres of unincorporated territory to the Garberville Sanitary District, located in Humboldt County, California.

The short form designation of this action is: Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District; LAFCo No. 14-05.

Reference is hereby made to the attached Resolution No. 14-05, approved by the Humboldt Local Agency Formation Commission on July 16, 2014, for a description of the boundaries of the territory involved, for the terms and conditions of approval, and for other particulars regarding this action.

Effective Date: May 11, 2016

**HUMBOLDT LOCAL AGENCY FORMATION COMMISSION**

  
GEORGE WILLIAMSON  
Executive Officer



**RESOLUTION NO. 14-05**

**APPROVING THE ANNEXATION OF  
GARBERVILLE WATER COMPANY SERVICED PROPERTIES  
TO THE GARBERVILLE SANITARY DISTRICT**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," is responsible for regulating boundary changes affecting cities and special districts pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Garberville Sanitary District filed a proposal with the Commission by resolution of application; and

WHEREAS, the affected territory is inhabited as defined in Government Code Section 56046; and

WHEREAS, the Executive Officer's report and recommendations on the proposal were presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the proposal on July 16, 2014; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures; and

WHEREAS, the Commission found the proposal consistent with the adopted Garberville Sanitary District Sphere of Influence, adopted by the Commission in March 2013; and

WHEREAS, the Commission provided sufficient notice, including notice of the Commission's intention to waive protest proceedings in accordance with California Government Code Section 56663.

**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt Local Agency Formation Commission as follows:

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission, as Responsible Agency, certifies it has independently reviewed and considered the Mitigated Negative Declaration prepared by the Lead Agency (SCH# 2012032025) – the Garberville Sanitary District – concerning potential impacts associated with the proposal in accordance with the California Environmental Quality Act (CEQA). The Commission finds the Mitigated Negative Declaration (finding of no significant adverse environmental effect) is

adequate and directs the Executive Officer to file a Notice of Determination with the Humboldt County Clerk.

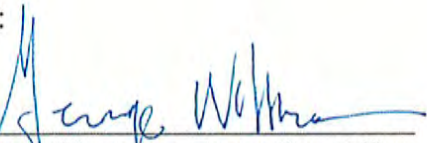
3. The Commission approves the proposal, with amendment, as provided in Exhibit "A". The proposal, as amended, includes the annexation of approximately 383 acres of land (consisting of 75 Assessor's parcels) to the Garberville Sanitary District. In lieu of being annexed, the properties served by the Connick Creek Association's private waterline, including 10 metered connections on 9 Assessor's parcels (APN 222-156-014, -015, -016, -017, -018, -019, -020, -021 and 223-061-025), are approved as an out-of-agency service pursuant to Government Code Section 56133.
4. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.
5. Recordation is contingent upon the satisfaction of following terms and conditions as determined by the Executive Officer:
  - a) The existing service agreement(s) between the Garberville Sanitary District and the property owners served by the Connick Creek Association's private waterline shall be amended or modified to include the connections on APN 223-061-025.
  - b) Completion of the 30-day reconsideration period provided under G.C. Section 56895.
  - c) Completion of conducting authority proceedings by Executive Officer (unless waived pursuant to Government Code Section 56663).
  - d) Submittal of a final map and geographic description of the affected territory as amended by the Commission conforming to State Board of Equalization requirements.
  - e) Payment of any outstanding fees as identified in the Commission's adopted fee schedule.
6. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the Garberville Sanitary District. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the Garberville Sanitary District.



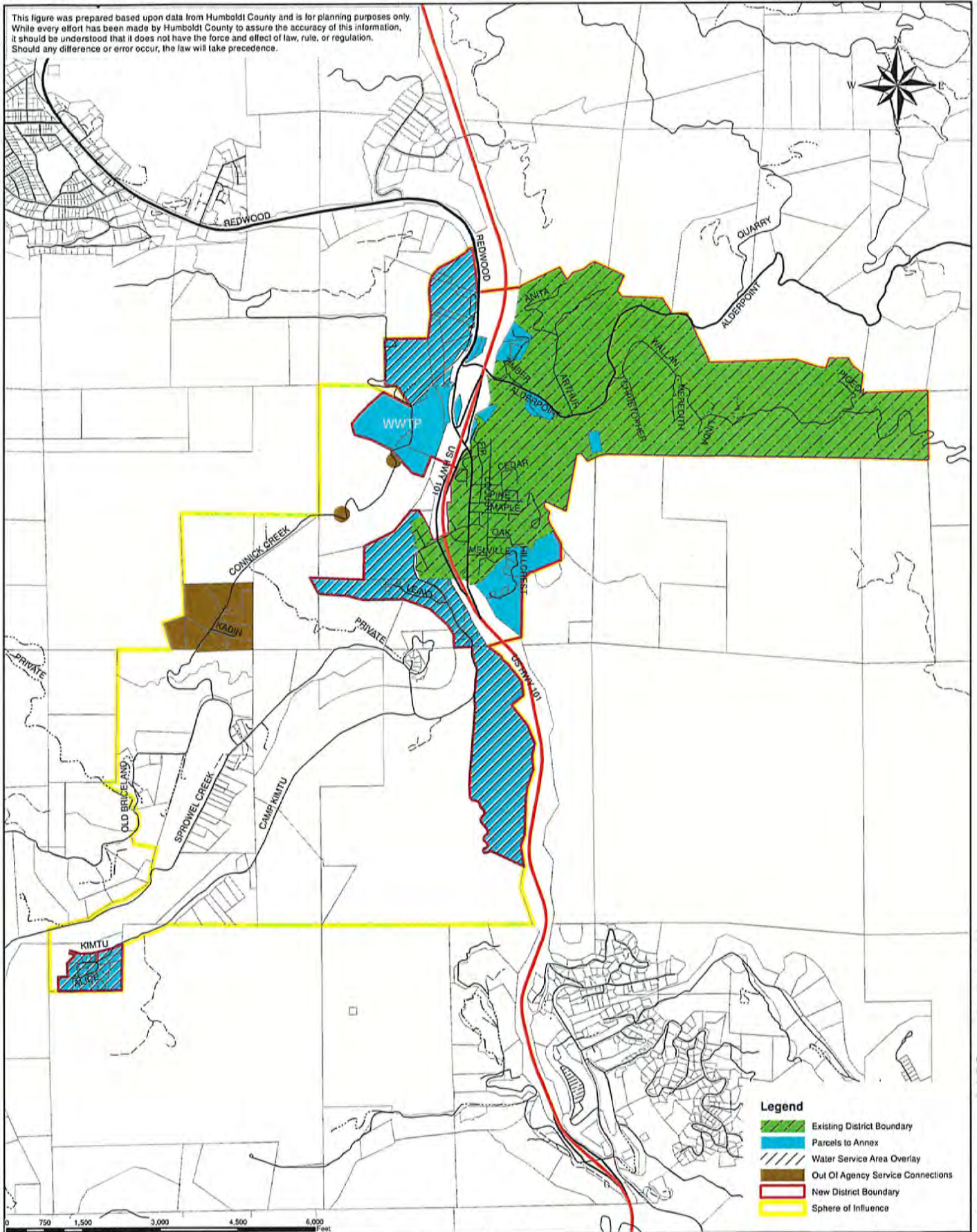
**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 16<sup>th</sup> day of July, 2014, by the following roll call vote:

AYES: Commissioners: Fennell, Losey, McPherson, Newman, Nicolini, Rupp, Bass  
NOES: Commissioners: None  
ABSENT: Commissioners: None  
ABSTAIN: Commissioners: None

  
\_\_\_\_\_  
Virginia Bass, Chair  
Humboldt LAFCo

Attest:  
  
\_\_\_\_\_  
George Williamson, Executive Officer  
Humboldt LAFCo

This figure was prepared based upon data from Humboldt County and is for planning purposes only. While every effort has been made by Humboldt County to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.



- Legend**
- Existing District Boundary
  - Parcels to Annex
  - Water Service Area Overlay
  - Out Of Agency Service Connections
  - New District Boundary
  - Sphere of Influence



## Annexation Project

Garberville Sanitary District (707) 923-9566

## LAFCo Resolution 14-05

SCALE: 1:30,000      DRAWN BY: J. SHORT      DATE: 07/09/2014

Exhibit  
**A**

To view electronic copy, contact LAFCo at 707-445-7508

**MAP AND BOUNDARY DESCRIPTION**  
**Annexation of Garberville Water Company Serviced**  
**Properties to the Garberville Sanitary District**



**RESOLUTION NO. 14-07**

**ACTING AS THE CONDUCTING AUTHORITY, ORDERING  
THE ANNEXATION OF GARBERVILLE WATER COMPANY SERVICED  
PROPERTIES TO THE GARBERVILLE SANITARY DISTRICT.**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," adopted Resolution No. 14-05, subject to terms and conditions, on July 16, 2014, after holding a public hearing, making determinations, and approving the Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District in accordance with proceedings taken pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56650, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000); and

WHEREAS, the Commission serves as the conducting authority for proceedings taken pursuant to Part 4, Division 3, Title 5 of the California Government Code (commencing with Section 57000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) to determine whether the proposal outcome is confirmed, terminated, or subject to an election based on written protests received from landowners and registered voters residing within the subject territory in accordance with California Government Code Section 57075; and

WHEREAS, the Commission delegated authority to the LAFCo Executive Officer to order, hold, and report on conducting authority proceedings pursuant to California Government Code Section 57000(c); and

WHEREAS, the Executive Officer held a public hearing at the City Council Chambers at the GSD Office, 919 Redwood Drive, Garberville, on September 8, 2014, after providing sufficient notice of the hearing in the form and manner prescribed by law; and

WHEREAS, at said hearing, the Executive Officer summarized the determinations, terms and conditions included in Resolution No. 14-05, and heard and received all oral and written protests, objections, and evidence presented; and

WHEREAS, upon conclusion of the protest hearing, the Executive Officer determined the value of written protests filed and not withdrawn, which consisted of one (1) registered voter protest and one (1) landowner protest.

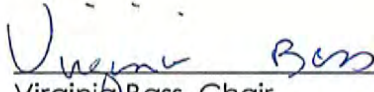
**NOW, THEREFORE, BE IT RESOLVED** by the Commission as follows:

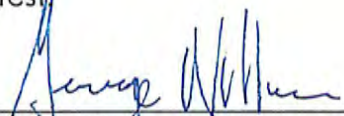
1. The Commission, acting as the conducting authority, hereby orders the Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District without election, pursuant to California Government Code Section 57075(a)(3).

2. The Commission hereby authorizes and directs the Executive Officer to file a Certificate of Completion upon the satisfaction of the terms and conditions in LAFCo Resolution No. 14-05.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 17<sup>th</sup> day of September, 2014, by the following roll call vote:

AYES: Commissioners: Fennell, Losey, McPherson, Newman, Rupp, Bass  
NOES: Commissioners: None  
ABSENT: Commissioners: Nicolini  
ABSTAIN: Commissioners: None

  
\_\_\_\_\_  
Virginia Bass, Chair  
Humboldt LAFCo

Attest:  
  
\_\_\_\_\_  
George Williamson, Executive Officer  
Humboldt LAFCo



**RESOLUTION NO. 15-07**

**APPROVING A ONE YEAR TIME EXTENSION FOR THE ANNEXATION OF GARBERVILLE WATER COMPANY SERVICED PROPERTIES TO THE GARBERVILLE SANITARY DISTRICT**

WHEREAS, on July 16, 2014, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," conditionally approved the Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District (Resolution No. 14-05); and

WHEREAS, Government Code Section 57001 requires that a Certificate of Completion be recorded within one year of LAFCo approving a change of organization unless extended by LAFCo; and

WHEREAS, the basis for the time extension is to allow the Garberville Sanitary District sufficient time to satisfy terms and conditions, including submittal of a final map and geographic description of the affected territory.

**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt Local Agency Formation Commission as follows:

1. The time extension for the Garberville Sanitary District Annexation is hereby approved.
2. The time frame for completion of terms and conditions and for recording a Certificate of Completion is hereby extended to July 16, 2016.
3. All provisions, terms and conditions of LAFCo Resolution No. 14-05, dated July 16, 2014, shall remain in effect.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 15<sup>th</sup> of July, 2015, by the following roll call vote:

AYES:	Commissioners: Fennell, Johnson, McPherson, Nicolini, Rupp, Bass
NOES:	Commissioners: None
ABSENT:	Commissioners: Long
ABSTAIN:	Commissioners: None

  
 \_\_\_\_\_  
 Virginia Bass, Chair  
 Humboldt LAFCo

Attest:  
  
 \_\_\_\_\_  
 George Williamson, Executive Officer  
 Humboldt LAFCo

# ATTACHMENT D

Resolution 13-008  
and 14-004



# **GARBERVILLE SANITARY DISTRICT**

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

## **RESOLUTION NO. 13-008**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE GARBERVILLE SANITARY DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING AN APPLICATION TO ANNEX AREA INTO THE DISTRICT'S JURISDICTIONAL BOUNDARY AND MODIFY THE PLACE OF USE**

#### **Recitals**

A. WHEREAS, the Garberville Sanitary District (the "District") has identified the need to modify its Place of Use for its surface water diversion permit and license and annex certain areas of land into its jurisdictional boundary ("Annexation Project");

B. WHEREAS, the District, will prepare an Boundary Change Application (the "Annexation Application") for submission to the Humboldt Local Agency Formation Commission ("LAFCo") and a Petition for a change in the Place of Use for water was submitted to the California State Water Resources Control Board ("SWRCB");

C. WHEREAS, in anticipation of submitting the Annexation Application and to support the petition for a change in place of use, the District, with the assistance of its retained consultant SHN Consulting Engineers & Geologists, Inc., ("SHN"), has performed an analysis of potential environmental impacts associated with the Annexation Project;

D. WHEREAS, the District has prepared the Final Mitigated Negative Declaration dated September 2013, which is the Draft Mitigated Negative Declaration that was circulated for review and comment, and supplemented based upon the comments received; and

E. WHEREAS, the District's Board of Directors believes pursuing the Annexation Project is in the best interests of the District.

#### **Findings**

The Board of Directors of the Garberville Sanitary District hereby finds and determines as follows:



## RESOLUTION 13-008

1. The District proposes to adopt the Final Mitigated Negative Declaration for the Annexation Project: Change in Jurisdictional Boundary & Place of Use and the associated annexation of additional area(s) of land into the District's jurisdictional boundary.
2. A Draft Mitigated Negative Declaration was prepared for this project by a qualified consultant (SHN) under the direction of District staff. The Final Mitigated Negative Declaration was prepared to meet the requirements of the California Environmental Quality Act (CEQA), California Public Resources Code § 21000, et seq.
3. A Mitigation, Monitoring, and Reporting Plan was prepared for the Annexation Project and is included in on page 83 of the Final Mitigated Negative Declaration.
4. The Draft Mitigated Negative Declaration was properly prepared, advertised, and circulated in accordance with the California Environmental Quality Act, having been:
  - a. Advertised in newspapers of general circulation in the project area;
  - b. Circulated through the State clearinghouse for the required 30 days (State Clearinghouse Number 2012032025);
  - c. Mailed to applicable state and local public agencies and known interested parties;
  - d. Noticed and available for public review for the required 30 days; and
  - e. Prepared using the current Initial Study checklist (CEQA Appendix G), so as to evaluate the potential for adverse environmental impacts under CEQA;
5. Written comments were received by the District in response to the Draft Mitigated Negative Declaration. Responses to those comments were prepared by SHN and considered by the Board.
6. The District held Public hearings on July 23, 2013 and September 24, 2013 to describe and receive public comment on the project and Mitigated Negative Declaration.
7. A Board Meeting was held for the Annexation Project by the Board of Directors on July 23, 2013 and again on September 24, 2013, to consider adoption and approval of the Mitigated Negative Declaration and Annexation Project, respectively.

8. The Board of Directors has reviewed and considered the Mitigated Negative Declaration, public notice, correspondence, staff reports, any comments received at the public hearing or in writing, and responses to comment and information provided in response to those comments, which together constitute the whole record for this project.
9. The Final Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Directors.

**Resolution**

NOW, THEREFORE, the Board of Directors of the Garberville Sanitary District hereby resolves as follows:

1. The Board of Directors hereby finds that the Final Mitigated Negative Declaration was prepared pursuant to CEQA;
2. The Board of Directors has reviewed and considered the Final Mitigated Negative Declaration, together with all comments received during the public review process and information provided in response to those comments, prior to acting on the Annexation Project;
3. The Board of Directors hereby finds that, based on the whole of the record before it, including all documents and comments, there is no substantial evidence the Annexation Project will have a significant effect on the environment with the incorporation of the mitigation measures included therein;
4. The Board of Directors hereby finds that, based on the whole of the record before it, there is substantial evidence that no new information was added to the record after circulation of the Draft Mitigated Negative Declaration and Notice of Intent to Adopt the Draft Mitigated Negative Declaration that warrants revision and recirculation;
5. The Board of Directors adopts the Final Mitigated Negative Declaration;
6. The Board of Directors adopts the Mitigation, Monitoring, and Reporting Plan for the Annexation Project. District Staff is directed to implement the mitigation measures adopted in the Mitigated Negative Declaration. This is to be accomplished by coordinating with the County and District Staff to ensure that the mitigation measures are implemented.
7. District Staff is directed to maintain the documents which constitute the record of proceedings for approving this Project, which are located at the office of the Garberville Sanitary District, 919 Redwood Drive, Garberville, CA 95542.

RESOLUTION 13-008

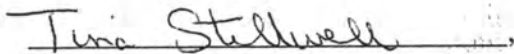
8. The Board of Directors hereby approves the Annexation Application and authorizes District Staff to sign the documents necessary, including the indemnification, to submit the Annexation Application to Humboldt LAFCo.
9. District Staff is directed to file a Notice of Determination for the project within five (5) days.

On motion of Director Stewart, and seconded by Director Brodersen, the foregoing Resolution is Passed and adopted this 24th day of September, 2013, by the following roll call votes:

AYES:	Directors	<u>Bourassa, Andersen, Stewart, Brodersen</u>
NOES:	Directors	_____
EXCUSED:	Directors	_____

 \_\_\_\_\_, Chairperson

ATTEST:

  
Tina Stillwell, Clerk of the Board



# GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

## RESOLUTION NO. 14-004

### A RESOLUTION OF APPLICATION OF THE GARBERVILLE SANITARY DISTRICT BOARD OF DIRECTORS TO THE HUMBOLDT LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR A CHANGE OF ORGANIZATION CONSISTING OF THE ANNEXATION PROPERTIES LISTED IN TABLE 1

**WHEREAS**, the Garberville Sanitary District Board of Directors desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for a change of organization consisting of the annexation of territory to the Garberville Sanitary District; and

**WHEREAS**, pursuant to Section 56654 of the California Government Code, notice of intent to adopt this resolution of application was given to the Humboldt Local Agency Formation Commission, interested agencies and subject agencies at least twenty-one (21) days before the adoption of this resolution; and

**WHEREAS**, on April 22, 2014, the Board of Directors for Garberville Sanitary District considered the matters recited in this resolution at a duly noticed public meeting; and

**WHEREAS**, on October 8, 2010, an agreement between the Connick Creek Subdivision Associations and the Garberville Sanitary District was recorded as Instrument Number 2010-22217-9, and contained various terms and conditions including that all infrastructure, except the water meters, continue to be managed by the Connick Creek Subdivision Association. The recorded agreement further states that GSD will not be responsible for maintenance or modifications of any water infrastructure to serve this area. Annexation of the Connick Creek Subdivision and other areas served off the private waterline, is not intended to constitute a modification, express or implied, of the October 8, 2010, agreement or an expansion of any rights or interests any member of the Connick Creek Subdivision Association possess under said agreement; and

**WHEREAS**, the principal reasons for the proposed annexation are as follows:

1. In November 2004 the Garberville Sanitary District purchased the assets of the Garberville Water Company (GWC), a privately held water company, and the Public Utilities Commission approved service area of the GWC was significantly larger than the Jurisdictional Boundary of the Garberville Sanitary District; and
2. The Garberville Sanitary District is committed to continuing to service the GWC customers; and
3. All of the affected territory currently has access to domestic water and wastewater service from the Garberville Sanitary District; and
4. Most of the affected parcels are currently receiving domestic water and/or sewer service from the Garberville Sanitary District; and
5. The proposed annexation involves multiple properties and was initiated by the Garberville Sanitary District in an effort to remedy the discrepancy between areas served and the Jurisdictional Boundary; and
6. The subject properties are currently located within in the Garberville Sanitary District's Sphere of Influence as adopted by the Humboldt Local Area Formation Commission (LAFCo) in March 2013; and

7. The subject properties are currently located within the Garberville Sanitary District's Place of Use as adopted by the State Water Resources Control Board in October 2013; and

**WHEREAS**, only the Garberville Sanitary District would be affected by the proposed jurisdictional changes; and

**WHEREAS**, the territory proposed to be reorganized is inhabited, and a map of the boundaries of the territories to be annexed are attached hereto as Exhibit A and by this reference incorporated herein; and

**WHEREAS**, this Board certifies that the annexation and service by the District for water and sewer service is not in conflict with the Humboldt County General Plan; and

**WHEREAS**, pursuant to Resolution No. 13-008, and based upon the complete record, including the Initial Study, comments regarding the Initial Study, and responses to such comments, the Board determined that the proposed project would not have a significant effect on the environment, adopted a Negative Declaration prepared for the project, and filed a Notice of Determination with the Humboldt County Clerk and State Clearinghouse (SCH#2012032025); and

**WHEREAS**, a Mitigation Monitoring Plan was adopted by the Board of Directors on September 24, 2013, which consisted of:

*Mitigation Measure No. 1. The GSD Board of Directors shall adopt an ordinance that, at a minimum, states that any future development or intensification of use within the GSD boundary or future annexations or outside agency boundary service that relies on connection to the GSD water or sewer services for implementation will be reviewed by the GSD prior to approval by the County. A "will serve" letter will be provided by GSD to Humboldt County and the project applicant, indicating the ability of the GSD to provide a service connection based upon the current water and/or wastewater system capacity to provide that service. If sufficient water or wastewater service is not available, the applicant will be denied service until such time that the service is available. This ordinance will also identify the location of the water and sewer service area and only water service area overlay. These areas are shown on Figure 16. GSD shall notify Humboldt County of the new ordinance so that it will be included in current planning activities.*

*Timing for Implementation/Compliance: After LAFCo approval or conditional approval  
Person/Agency Responsible for Monitoring: GSD and Humboldt County Planning and Building Department  
Monitoring Frequency: Not applicable  
Evidence of Compliance: Adoption of an ordinance by GSD*

*Mitigation Measure No. 2. The GSD Board of Directors shall adopt a resolution stating that the Connick Creek Subdivision as described in this IS/MND is responsible for any maintenance necessary to ensure that distribution meets appropriate and applicable regulations for providing water service from the private water line. The resolution shall state that the GSD is not responsible for any costs or maintenance associated with provision of water in this area other than from the master meter described in agreement recorded on October 8, 2010, as Instrument # 2010-22217-9. The resolution shall note that annexation of the Connick subdivision is not intended to constitute a modification, express or implied, of the October 8, 2010, agreement (recorded as Instrument # 2010-22217-9), or an expansion of any rights or interests any member of the Connick Creek Subdivision Association possess under said agreement.*

*Timing for Implementation/Compliance: After LAFCo approval or conditional approval  
Person/Agency Responsible for Monitoring: GSD and LAFCo*

Monitoring Frequency: Not applicable  
Evidence of Compliance: Resolution by the GSD Board of Directors

Mitigation Measure No. 3. The GSD Board of Directors shall adopt a resolution stating that in the future, all new connections that are guaranteed through existing agreements that are outside of the GSD boundary must satisfy all planning and building regulations at the owner's cost and expense. Specifically, the area adjacent to the Connick Subdivision includes APN 222-156-012, which is a party to the agreement recorded on October 8, 2010, as Instrument Number 2010-22217-9. This APN does not have an existing water connection. No service will be provided until the property owner petitions the District for water service and appropriate approvals have been granted by all appropriate agencies including, but not be limited to the SWRCB DWR, County of Humboldt, and Humboldt LAFCo.

**NOW, THEREFORE, ADOPTING AND INCORPORATING THE AFOREMENTIONED RECITLES OF FACT, BE IT RESOLVED** by the Garberville Sanitary District Board of Directors as follows:

1. This Resolution of Application is hereby adopted and approved, and the Humboldt Local Agency Formation Commission is hereby requested to take proceedings in the matter of the annexation of territory as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The Board of Directors of the Garberville Sanitary District hereby agrees to a zero exchange of property taxes on the property identified in Table 1 in Exhibit B, as detailed above.
3. Staff is directed to submit an application for annexation of the territory identified in Table 1 to the Humboldt Local Agency Formation Commission.
4. The Capital Projects Manager is authorized to sign the Standard Indemnification Agreement on behalf of the Board.

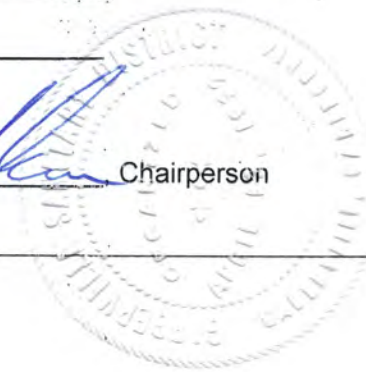
Passed and adopted by the Garberville Sanitary District's Board of Directors on **April 22, 2014** during a regular business meeting, by the following vote:

AYES: Directors Brodersen, Stewart, Bryan, Anderson

NOES: Directors \_\_\_\_\_

EXCUSED: Directors \_\_\_\_\_

[Signature] Chairperson



ATTEST:

Tina Stillwell  
Tina Stillwell  
Clerk of Board of Directors

## ORDINANCE NO \_\_

### ADDING AN ORDINANCE SECTIONS ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WILL-SERVE LETTERS

The Garberville Sanitary District (the "District") provides water and sewer services within the District's Jurisdictional Boundary in Humboldt County, California. Periodically, the District receives from property owners a request for the District to provide a "Will Serve Letter." A Will Serve Letter provides notification to the regulatory agency and the applicant that the District has sufficient water and/or sewer facilities available to serve the development and that the District will serve the real property owned by the applicant subject to this policy and conditions contained in the Will Serve Letter. Will Serve Letters will be considered by the District upon receipt of a complete application that will describe the location, type of service and the specific conditions under which the District will provide service. Residential Developments of four (4) or fewer parcels and Commercial Developments may be approved by the General Manager. Subdivisions must be approved by the Board of Directors. This Will Serve Policy adopted by the Board of Directors of the District sets forth the policies of the District with respect to the issuance of Will Serve Letters.

The General Manager will report on any Will Serve Letters issued by the District at the next regularly scheduled Board of Directors meeting. Additionally, the General Manager will provide a report annually on the status of all issued and unexpired Will Serve Letters during the planning process for the upcoming fiscal year.

#### Section 1 - Definitions

##### Will-Serve Letter

As used herein a "will-serve" letter means a letter written by the District at the request of an applicant with respect to a subdivision, commercial or multi-family residential project, or single-family residence to confirm (1) that the subdivision or project is within the District boundaries and (2) that, if water and/or sewer service is available to serve the proposed connection(s) at the time service is requested, the District is willing to provide water and/or sewer service thereto upon compliance with all District requirements and payment of all applicable District fees and charges.

#### Section 2 - Issuance of Will Serve Letters

1. District Will Serve Letters are issued to regulatory agencies and applicants consistent with this policy and on behalf of an applicant to provide an indication of the District's willingness and ability to provide domestic water service and/or sewer service to real property within the District's Jurisdictional Boundary or to real property within the District's Sphere of Influence Boundary which is to be annexed into the District's Service Boundary. A Will Serve Letter outlines the general conditions under which the District will provide such water and/or sewer service. It is the District's conditional commitment to provide domestic water and/or sewer service to new customers.
2. The District will not issue a Will Serve Letter for real property which is not within the District's Sphere of Influence Boundary at the time of the request for the Will Serve Letter.
3. The District will suspend the issuance of Will Serve Letters when the sum total of the estimated yearly usage of all outstanding Will Serve Letters and the estimated yearly usage of current District customers reaches one hundred percent (100%) of the District's available water. This analysis will be conducted when the annual water diversion report is submitted to the State Water Resources Control Board.

### Section 3 -Eligibility & Criteria

1. No "will-serve" letters shall be issued by the District for any project if, in the judgment of the Board, it is likely that the District will be unable to permit the project to be connected to the District's water system when application is made for connection. In making this determination, the General Manager or Board shall take into account the estimated amount of water that will be required to serve the entire project at full development, the additional connections the District is likely to have made to its water system before application for connection for the project can properly be made, and the amount of water the District is likely to have available at that time.
2. No "will-serve" letters shall be issued for any project if, in the judgment of the Board, the effect of permitting the project to be connected to the District's water system is that it will be likely to prevent others who have already obtained "will-serve" letters from the District, and who have proceeded with the development of their projects without unreasonable delay, from being able to have their projects connected to the District's water system. In making this determination, the Board shall take into account the projects for which such letters are outstanding, the current status of those projects, and the dates on which "will-serve" letters were issued by the District with respect to those projects.
3. Applications for Will Serve Letters requesting water and/or sewer service outside of the District's then existing Service Boundary will only be processed upon an affirmative showing or agreement by the applicant that any Will Serve Letter will be conditioned expressly upon approval of an annexation of the affected real property by the District's Board of Directors and completion at the applicant's sole cost and expense of the annexation of the real property into the District's Service Boundary through the Humboldt County Local Agency Formation Commission.
4. The District's water diversion permit and license requires that water obtained through the diversion be served only in the District's Place of Use as defined by the State Water Resources Control Board. In the event that real property for which a Will Serve Letter is requested is not within the District's Place of Use, the Will Serve Letter will be expressly conditioned upon obtaining State Water Resource Control Board approval for inclusion of the real property within the District's Place of Use. Obtaining State Water Resource Control Board approval shall be at the applicant's sole cost and expense.
5. The applicant shall be given eighteen (18) months to complete the required annexation to the District's Service Boundary and the modification of the District's Place of use through the State Water Resource Control Board, following the date the annexation is first approved by the Board of Directors. An extension may be granted by action of the Board of Directors of the District.
6. A Will Serve Letter issued by the District to an applicant shall terminate at the sooner to occur of five (5) years after the date of the Will Serve Letter or unless connection to the District water and/or sewer system has been made prior to the termination or expiration of any use permit, tentative map or parcel division approval, or upon the termination or expiration of any building permit issued to the applicant for construction of improvements on the real property which is the subject of the Will Serve Letter.
7. Connection of water and/or sewer services as provided in a Will Serve Letter shall be contingent upon the District, at the time of request for connection, having sufficient water based upon their contractual entitlements, and shall further be contingent upon the District



having sufficient treatment and delivery capacity to comply with all laws and regulations concerning the delivery of domestic water. All District commitments to deliver water shall, during drought conditions, be subject to the provisions of the then current District Drought Contingency Plan. Connection of sewer services as provided in a Will Serve Letter shall be contingent upon the District, at the time of request for connection, having sufficient wastewater treatment and collection (including pumping stations) capacity to comply with all laws and regulations for wastewater collection and treatment.

#### **Section 4 - District Fees and Costs**

1. Applicants for Will Serve Letters shall be responsible for payment or reimbursement to the District as provided in this policy of all District fees and costs in existence on the date that a request by the applicant for connection to the District's water and/or sewer system is made. Connections to the District's water and/or sewer system will be made only to real property which has, at the time of the request for connection, a valid building permit.
2. The District establishes and periodically updates fees, charges and cost reimbursements which are applicable to annexation into the District, and connection of water and/or sewer service to real property being developed in the District. The fees established by the District which are applicable to a Will Serve Letter and connection of water and/or sewer service to the District and for which an applicant will be responsible are as set forth in other sections of the Ordinances.
3. District fees and costs are normally updated not more frequently than annually although additional fees and costs may be implemented by the District by ordinance at any time. An applicant for a Will Serve Letter shall be responsible at the time that such fees are to be collected to pay to or reimburse the District for all fees and costs in existence on the date of the request for connection.

#### **Section 5 - Application for Will Serve Letter- Form**

1. Any person or entity requesting a Will Serve Letter from the District shall fully complete and submit to the District an "Application for Will Serve Letter" in the form approved by the General Manager or via referral from Humboldt County. The application will not be considered received by the District until such time as all information required thereon has been provided and the form has been duly executed as provided in the form. At a minimum:
  - a. It shall identify by name, mailing address and telephone number the person requesting a "will-serve" letter from the District.
  - b. It shall identify by lot, block, subdivision, assessor's parcel number, and service address, the property with respect to which the "will-serve" letter is requested.
  - c. The Applicant shall state the existing zoning classification of the property and, if any zoning change is proposed, the proposed zoning classification of the property.
  - d. The Applicant shall state the number of any residential units, and the approximate number of square feet and the type of use of any commercial space to be included in the project.
  - e. The Applicant shall provide an estimate of the projected water demand of the applicant's project and the type and strength characteristics of the wastewater entering the District's sewer collection system.
  - f. The Applicant shall disclose the anticipated starting and completion dates for construction of the project.
  - g. The Applicant shall disclose any alternative water sources available to the property.

2. An applicant will be required to pay at the time of the submission of the Application for the Will Serve Letter those District administrative fees then in effect for the submissions of an Application for Will Serve Letter together with any deposits required for engineering fees and attorneys' fees, if applicable.
3. Following receipt by the District of a complete Application for Will Serve Letter, together with any fees or costs required at the time of the filing of the application, the District will have up to 21 days to review the request. During the review process the District may require the applicant to furnish the District with such other and further information as the District deems pertinent to review and process the application. If during the District's initial review of the application, the District determines that there are additional fees or costs which are required to evaluate and process the application, the District will provide an estimate of these additional fees and costs in writing to the applicant.
4. Applications for connections shall be considered by the District on a first-come, first-served basis without reservation. Except as otherwise expressly provided herein, applications shall be entitled to priority based on the date the application is filed and all applicable District connection fees are paid; provided, however, that notwithstanding the foregoing or any other provision of this Ordinance, approval of an application shall continue to be effective only if the applicant commences construction within one hundred eighty (180) days unless the District grants an extension of time. Time extensions may be granted where the applicant shows the delay in commencement of construction has been caused by an occurrence beyond his control and which is not attributable to his fault or neglect.
5. Applications for connections shall not be granted unless the District has sufficient water to serve the connection without substantial risk of impairing service to existing customers. In making its determination, the impact of any required water conservation practices shall be taken into account.
6. The District will not provide water and/or sewer service to any property in the event of non-payment of any applicable fees or costs.

### **Section 6 -Development Agreement**

1. Applicants who request a Will Serve Letter from the District to supply water or sewer service to a proposed development which requires the construction of new or additional District water distribution system improvements in order to provide ~~water~~ service requested, or sewer collection improvements, may be required to enter into a Development Agreement between the applicant and the District.
2. The Development Agreement will set forth all terms and conditions of service for the applicant by the District and will describe in detail the responsibilities of the applicant and the District with respect to the construction of and payment for any required District water or sewer system improvements.
3. In the event a Development Agreement is required for the applicant's proposed development, the applicant will be responsible to execute and deliver the Development Agreement prior to approval of project improvement plans by the General Manager and to pay or to reimburse the District for fees and expenses incurred by the District for its District engineer and attorney in the preparation of the Development Agreement.



# GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566

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## RESOLUTION NO. 18-012

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GARBERVILLE SANITARY DISTRICT ADDING AN ORDINANCE SECTION ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WILL-SERVE LETTERS.**

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**WHEREAS**, the Garberville Sanitary District is a Special District that was formed by the Humboldt County Board of Supervisors on April 12, 1932, pursuant to the Sanitary District Act of 1923, after a majority vote was cast in a general election; and

**WHEREAS**, the Garberville Sanitary District Board of Directors undertook an annexation project that was completed in 2014; and

**WHEREAS**, Resolution 13-008 and 14-004 both adopted the Mitigation, Monitoring, and Reporting Plan for the Annexation Project including Mitigation Measure No. 1 which consisted of:

*“The GSD Board of Directors shall adopt an ordinance that, at a minimum, states that any future development or intensification of use within the GSD boundary or future annexations or outside agency boundary service that relies on connection to the GSD water or sewer services for implementation will be reviewed by the GSD prior to approval by the County. A “will serve” letter will be provided by GSD to Humboldt County and the project applicant, indicating the ability of the GSD to provide a service connection based upon the current water and/or wastewater system capacity to provide that service. If sufficient water or wastewater service is not available, the applicant will be denied service until such time that the service is available. This ordinance will also identify the location of the water and sewer service area and only water service area overlay. These areas are shown on Figure 16. GSD shall notify Humboldt County of the new ordinance so that it will be included in current planning activities.”*

**WHEREAS**, District staff has prepared and posted a large-scale map showing the sphere of influence, jurisdictional boundary, and the water only service area overlay; and

**WHEREAS**, District staff has notified the County of the new boundaries as shown on “Exhibit A” as approved by LAFCo in Resolution 14-05 ; and

**WHEREAS**, the District staff has been providing the County with responses to development referrals in a manner consistent with a will-serve letter; and

**WHEREAS**, the District has received an inquiry about the adoption of a formal ordinance in accordance with Mitigation Measure 1.

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**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that the Garberville Sanitary District Board of Directors hereby adopts the attached **Ordinance No. \_\_ - ORDINANCE SECTION ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WILL-SERVE LETTERS**.

Passed and adopted by the Garberville Sanitary District’s Board of Directors on \_\_\_\_\_ during a regular business meeting, by the following vote:

**AYES:**            Directors            \_\_\_\_\_

**NOES:**           Directors            \_\_\_\_\_

**EXCUSED:**      Directors            \_\_\_\_\_

\_\_\_\_\_, Chairperson

**ATTEST:**

\_\_\_\_\_,  
Ralph Emerson  
Clerk of Board of Directors