

ORDINANCE NO. 58

1 AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
2 MIDWAY CITY SANITARY DISTRICT OF ORANGE  
3 COUNTY, CALIFORNIA, ESTABLISHING METHOD FOR  
4 BILLING SANITATION AND SEWER SERVICE CHARGES  
5 FOR AREA NO. 141 FOR THE FISCAL YEAR  
6 COMMENCING JULY 1, 1997

7 **WHEREAS**, the District has established rates for wastewater collection, treatment  
8 and disposal services and facilities for Area 141 under Ordinance No. 57; and

9 **WHEREAS**, the District has established rates for trash collection and disposal  
10 services and facilities for Area 141 under Ordinance No. 57; and

11 **WHEREAS**, the District desires to establish a method for the billing of services  
12 provided to Area 141; and

13 **WHEREAS**, the District has considered the benefits of using the property tax  
14 statement to levy sanitation and sewer charges on each lot or parcel in Area 141 that  
15 receives services from the District for the fiscal year commencing July 1, 1997 in lieu of  
16 the other billing methods; and

17 **WHEREAS**, the authority to collect sanitation and sewer service charges on the  
18 property tax statement is provided in State of California Health and Safety Code Section  
19 5473, et seq.; and

20 **WHEREAS**, the District has evaluated various alternatives for collecting sewer  
21 service charges which include conversion to monthly billing; and

22 **WHEREAS**, Board of Directors has caused the preparation of a report proposing  
23 each parcel in Area 141 to be subject to sanitation and sewer service charges and the  
24 amount of charges applicable thereto (the "Engineer's Report"), which is incorporated  
25 herein by this reference; and

26 **WHEREAS**, pursuant to Health and Safety Code Section 5473.1, the District has  
notified all property owners within the Area 141 of the proposed method of collection has  
published notice of a hearing with respect thereto in a newspaper of general circulation;

1           **NOW, THEREFORE**, the Board of Directors of the Midway City Sanitary District  
2 does hereby **ORDAIN** as follows:

3           **Section 1. Charges**

4           Pursuant to Health and Safety Code Section 5471, the sanitation and sewer  
5 service charges set forth by District Ordinance No. 57, as the same may be amended  
6 from time to time (the "Rates"), shall be collected for the provision of sanitation and  
7 wastewater collection, treatment and disposal services by the District.

8           **Section 2. Levy**

9           The General Manager is hereby directed to take all necessary action to submit the  
10 Rates for the applicable fiscal year to the Auditor and Tax Collector of Orange County in  
11 the amounts for each parcel as delineated in the aforementioned Engineer's Report.

12           **Section 3. Collection**

13           The Tax Collector of the County of Orange is hereby directed to levy, collect and  
14 remit to the District the Rates at the time and in the manner required by law for the levying  
15 of taxes for County purposes.

16           **Section 4. Annual Report and Hearing**

17           On an annual basis, the General Manager is hereby directed to cause preparation  
18 of an Engineer's Report, which shall be for each year a written report of the parcels  
19 subject to sanitation and sewer service charges and the charge applicable to each. The  
20 annual report shall be submitted to the County Auditor.

21           Pursuant to Health and Safety Code Section 5473.1, the General Manager shall  
22 cause notice of filing of the annual Engineer's Report to be published indicating the time  
23 and place for a hearing thereon before the District's Board of Directors.

24           **Section 5. Exemption**

25           Notwithstanding the above, the following parcels may be exempted from the  
26 method of collection stated herein.

1           A.     Parcels which receive sanitation or sewer service that are owned by  
2 the Government of the U.S., the State of California or by any political subdivision thereof  
3 or any entity of local government.

4           B.     Parcels that receive sanitation or sewer service for which the General  
5 Manager, in his discretion, finds that a hardship will be created for the property owner by  
6 collection of service charges via the property tax statement.

7           C.     Parcels otherwise subject to exemption of fees and charges by other  
8 District ordinances.

9           The General Manager shall establish and make available to interested applicants  
10 procedures for filing and consideration of applications for exemption from the method of  
11 collection stated herein.

12           The General Manager is further directed to review any such applications for  
13 exemption to determine whether or not the property owners situation qualifies for  
14 exemption and allow or disallow such applications based upon those guidelines. The  
15 General Manager shall also establish reasonable procedures for the filing and timing of  
16 the appeals from his determination.

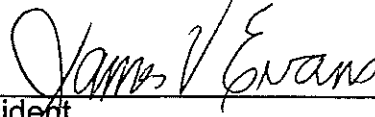
17           The Board of Directors shall hear all appeals from determinations by the General  
18 Manager to deny or qualify an application for exemption. Board shall act upon such  
19 recommendations and its decision as to such appeals shall be final.

20           **Section 6.** If any provision of this Ordinance or the application to any person or  
21 circumstance is held invalid by order of court, the remainder of the Ordinance or the  
22 application of such provision to other persons or other circumstances shall not be  
23 affected.

24           **Section 7.** This Ordinance shall become effective on June 28, 1997. The  
25 Secretary of the Board shall certify to the adoption of this Ordinance and shall cause a  
26 summary of the same to be published in a newspaper of general circulation in the District,  
as required by law.

ADOPTED, SIGNED AND APPROVED this 25th day of June, 1997.

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President

ATTEST:

  
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Secretary

CERTIFICATION

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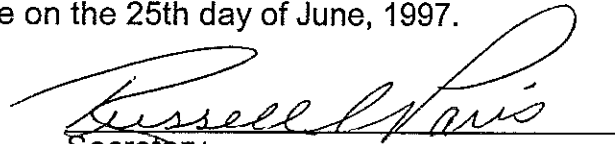
I, Russell C. Paris, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing Ordinance No. 58 was duly adopted at a meeting of the Board of Directors of said District, held on the 25th day of June, 1997, by the following vote of the members of the Board:

AYES: Directors Epperson, Evans, Neugebauer, Paris, Rice

NOES: None

ABSENT: None

and I further certify that James V. Evans, as President and Russell C. Paris, as Secretary, signed and approved said Ordinance on the 25th day of June, 1997.

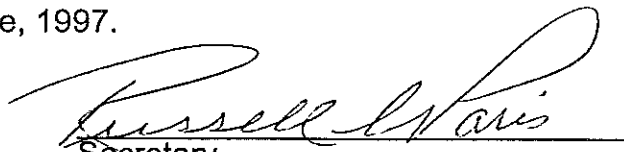
  
Secretary

(District Seal)

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.

I, Russell C. Paris, Secretary of Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 58, passed and adopted by the Board of Directors of said District at a meeting thereof held on the 25th day of June, 1997.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 25th day of June, 1997.

  
Secretary

(District Seal)