

## **RESOLUTION No. ID 230-2003**

### **RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD MODIFYING POLICY REGARDING EXTENSION OF SEWER SERVICE OUTSIDE OF THE MUNICIPAL IMPROVEMENT DISTRICT BOUNDARIES**

**WHEREAS**, on February 12, 2001, the Municipal Improvement District adopted a policy which prohibits new connections to the sewer collection system for properties outside the District boundaries; and

**WHEREAS**, on December 2, 2002, the City adopted an updated General Plan which includes a policy requiring annexation approval prior to permitting new connections to the sanitary sewer system for properties within the City's Sphere of Influence; and

**WHEREAS**, the City has received correspondence from the Mendocino County Local Agency Formation Commission (LAFCO) which indicates that the City may approve out-of-area service agreements for new sewer connections in the Sphere of Influence on properties which are adjacent to existing sewer facilities if the City agrees to annex the property at the time of the 5-Year Municipal Service Review and Sphere of Influence update; and

**WHEREAS**, the Community Development Committee has considered this matter at meetings on June 18, 2003, July 23, 2003, October 29, 2003 and November 19, 2003 and developed a recommendation for consideration by the District Board; and

**WHEREAS**, the Community Development Committee recommends that the existing policy which prohibits new connections to the sewer system for properties outside of the District boundaries but within the Sphere of Influence, be modified to allow for new connections in circumstances where a property owner agrees to the following:

1. Establish at least one unit of affordable housing and a minimum of 25% of the total number of units on the property to be served by the new connection(s).
2. Submit in-lieu fee for sewer inflow and infiltration repairs which would offset the increased flow from development on the property.
3. Pay for all of the costs associated with preparation and processing of an out-of-area service agreement and environmental review.
4. Pay for all costs associated with extending the sewer to serve the property.
5. Agree to annex in the future and to pay for the costs of an annexation application.
6. Agree to enter into a benefit assessment district for necessary road improvements at the time of annexation to bring the County roads adjoining the property up to City standards and to cover the costs of on-going road maintenance.
7. Pay for City Attorney costs for drafting of a development agreement which would be entered into prior to execution of the out-of-area service agreement which requires establishment of affordable housing unit(s) within specified timeframe and for specified term; payment of fees for sewer inflow and infiltration repairs; payment for sewer extension to serve property; payment for costs of annexation; and participation in benefit assessment district for road improvements and maintenance.


**NOW, THEREFORE, BE IT RESOLVED** that the District Board of the Fort Bragg Municipal Improvement District No. 1 does hereby recommend that the City modify the General Plan to allow for a revised District policy regarding out-of-area service agreements for sewer service as recommended by the Community Development Committee.

The above and foregoing Resolution was introduced by Board member Baltierra, seconded by Board member Peters, and passed and adopted at a regular meeting of the Fort Bragg Municipal Improvement District Board held on the 8<sup>th</sup> day of December 2003, by the following vote:

**AYES:** Board members Gjerde, Baltierra, Peters, Turner, and Mayor Melo.  
**NOES:** None.  
**ABSENT:** None.

  
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**JERE MELO,**  
Chair

**ATTEST:**

  
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**Cynthia M. VanWormer,**  
District Clerk