

RESOLUTION No. 2010-1912

**A RESOLUTION PROVIDING FOR THE
CERTIFICATION AND COLLECTION OF DELINQUENT SEWER CHARGES
PURSUANT TO HEALTH AND SAFETY CODE SECTION 6520.10**

LAS GALLINAS VALLEY SANITARY DISTRICT

RESOLVED, by the Sanitary Board of the Las Gallinas Valley Sanitary District,
Marin County, California,

WHEREAS the Las Gallinas Valley Sanitary District is a sanitary district organized pursuant to the Sanitary District Act of 1923, Health and Safety Code Section 6400 et. seq;

WHEREAS, pursuant to Health and Safety Code Section 6520.10, the Board of Directors of the Las Gallinas Valley Sanitary District may certify to the Board of Supervisors of Marin County and the Marin County Auditor a statement of any delinquent or unpaid charges for sewer services that remain delinquent and unpaid for a period of 60 days or more on July 1;

WHEREAS, the Las Gallinas Valley Sanitary District has notified the property owner known as KRC San Rafael LP owner of Drake Terrace located at 275 Los Ranchitos Road, San Rafael, CA, Marin County Assessor Parcel No. 175-060-63 that there was an error in calculating the sewer service charge in accordance with Title 3, Chapter 1, of the Las Gallinas Valley Sanitary District Sewer Service Charge Ordinance;

WHEREAS, notification has gone to KRC San Rafael LP Marin stating unpaid charges \$52,801.00 on May 14, 2010 (Exhibit A) and July 19, 2010 (Exhibit B).;

WHEREAS, on May 27, 2010 with a continuation to June 10, 2010 and final determination on August 12, 2010 the Board of Directors conducted a hearing at its

offices, 300 Smith Ranch Road, San Rafael, CA regarding this matter.

WHEREAS, pursuant to Health and Safety Code Section 6520.10, this amount can be added to and become part of the annual taxes next levied upon the property for which the sewer service has been provided and these charges shall constitute a lien on the property.

NOW, THEREFORE by this resolution, the Board of Directors of the Las Gallinas Valley Sanitary District hereby certifies to the Marin County Board of Supervisors and the Marin County Auditor that there is the sum of \$52,801.00 remaining delinquent and unpaid for a period of 60 days prior to July 1, 2010. That amount being delinquent on April 10, 2010. The District has notified the assessee that these charges could become a lien on the property. The District requests that the Board of Supervisors, County Auditor and County Tax Collector further record a lien on said property specifying the amount of charges pursuant to Health and Safety Code Section 6520.12 if the charges remain unpaid.

* * * * *

I hereby certify that the forgoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on August 12, 2010, by the following vote of the members thereof:

AYES, and in the favor thereof, Members: *Clark, Greenfield, Loder, Nunnally, Schretman*

NOES, Members: *None*

Absent, Members: *None*

Abstain, Members: *None*

Carolyn A. Memmott

Carolyn A. Memmott, District Secretary
Las Gallinas Valley Sanitary District

APPROVED:

[Handwritten Signature]

Craig K. Murray, President Board of Directors





DISTRICT BOARD

Megan Clark
 Russ Greenfield
 Larry Loder
 Craig K. Murray
 Judy Schriebman

DISTRICT ADMINISTRATION

Mark R. Williams,
 General Manager
 Michael Cortez,
 District Engineer
 Janice Mandler,
 Collection System/Safety Manager
 Susan McGuire,
 Administrative Services Manager

May 14, 2010

KRC San Rafael LP
 227 W Trade St #400
 Charlotte, NC 28202

Re: Sewer Service Charge Error for Marin County Assessor's Parcel Number 175-060-63, Drake Terrace Retirement, 275 Los Ranchitos Rd, San Rafael, CA 94903

To Whom It May Concern:

The Las Gallinas Valley Sanitary District (District) provides sewer service for your above referenced property. The District recently completed an internal audit of the sewer service charges for the 2007-08, 2008-09, and 2009-10 tax years. The audit determined that you, as owner of the above-referenced property, were charged the incorrect amount for the audited years. Annual sewer service charges are added to the County tax roll and thereby added to your regular real property tax bill.

The District's sewer service charge calculation is mandated by the District's Ordinance Code, Title 3, Chapter 1, Las Gallinas Valley Sanitary District Sewer Service Charge Ordinance. This section utilizes a formula to convert water usage and the strength of the wastewater into a sanitary specifies 1.0 sanitary unit per living unit for units with kitchens and 0.5 sanitary units for living units without kitchens. Below is an analysis of how much you were initially charged and the correct amount that should have been charged based on the audit:

Tax Year	Actual Charge	Billed Charge	Difference
2007/08	\$ 32,726	\$ 21,210	\$ 11,516
2008/09	\$ 32,726	\$ 16,667	\$ 16,059
2009/10	\$ 51,410	\$ 26,182	\$ 25,228

The difference between the initial charge (as appeared on the property tax bills for the subject years) and the corrected amount will be assessed as a supplemental/revised charge to your current (July 2009 – June 2010) real property tax bill. The supplemental amount to be billed will appear on a revised property tax bill prepared by the Marin County Auditor-Controller's office.

If you would like to review the calculation of the fees, please contact Susan McGuire at 415-472-1734 at the District office during normal business hours of 6:30 am to 3 pm.

Also enclosed is a Notice of Public Hearing, scheduled for April 22, 2010 at 4:30 p.m. in the Board room at the District's offices located at 300 Smith Ranch Road, San Rafael.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark R. Williams', written in a cursive style.

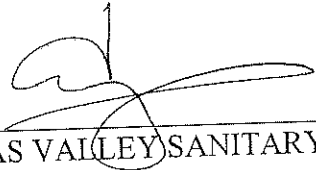
Mark R. Williams
General Manager

Enclosure

NOTICE OF PUBLIC HEARING ON REVISED SEWER ASSESSMENT CHARGES

Pursuant to the authority of Section 5473 of the Health and Safety Code, the undersigned legislative body will cause as a revised sewer assessment to be levied against the lots or parcels of land to which sanitation or sewerage services have been furnished by the undersigned, in an amount appearing opposite the name of the owner of said lot or parcel of land hereinafter in this notice specified;

You are further notified that the undersigned legislative body will hold a hearing on the 27th day of May 2010, at the hour of 4:30 p.m. at Las Gallinas Valley Sanitary District, 300 Smith Ranch Road, Board Conference Room, San Rafael, California to determine if the fees, tolls, rates, rentals or other charges for services and facilities furnished by the undersigned in connection with its sanitation and sewerage system shall constitute a lien upon said lots or parcels of land. The persons hereinafter named shall have the right to appear at said hearing and to file any and all objections they may have to the levy of said assessments against said lots or parcels of land at which time said legislative body, after due consideration will determine whether said fees, tolls, rates, rentals or other charges, shall constitute a lien against said lots or parcels of land.


 _____, PRESIDENT
 LAS GALLINAS VALLEY SANITARY DISTRICT

“A description of the owners of lots or parcels of land and the amount of assessment against the same are as follows, to wit:

APN	OWNER	ADDRESS	AMOUNT OF ASSESSMENT	AMOUNT OF ASSESSMENT
			2007/08	2008/09
170-060-63	DRAKE TERRACE RETIREMENT	275 LOS RANCHITOS	\$11,516	\$16,059
175-181-28	MARIA FREITAS SR HOUSING	455 MANUEL T FREITAS PKY	\$13,332	\$14,847
178-113-23	MARIN HOUSING FOR HANDICAPPED	626 DEL GANADO	\$ 2,424	\$ 3,030
179-321-38	CENTER FOR INTERFAITH HOUSING	164 N SAN PABLO	\$20,604	\$14,847



DISTRICT BOARD

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 Judy Schriebman

DISTRICT ADMINISTRATION

Mark R. Williams,
 General Manager
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 Susan McGuire,
 Administrative Services Manager

July 19, 2010

KRC San Rafael LP
 227 W Trade St #400
 Charlotte, NC 28202

Re: Sewer Service Charge Error for Marin County Assessor's Parcel Number 175-060-63, Drake Terrace Retirement, 275 Los Ranchitos Rd, San Rafael, CA 94903

To Whom It May Concern:

The Las Gallinas Valley Sanitary District (District) provides sewer service for your above referenced property. The District sent two letters to KRC San Rafael LP at the above address, one dated May 14, 2010 informing your organization of a public hearing on May 27, 2010 and one dated May 28, 2010 informing you that the public hearing had been continued to June 10, 2010.

The public hearing was to discuss the recently completed internal audit of the sewer service charges for the 2007-08, 2008-09, and 2009-10 tax years. The audit determined that you, as owner of the above-referenced property, were charged the incorrect amount for the audited years. Annual sewer service charges are added to the County tax roll and thereby added to your regular real property tax bill.

The District's sewer service charge calculation is mandated by the District's Ordinance Code, Title 3, Chapter 1, Las Gallinas Valley Sanitary District Sewer Service Charge Ordinance. This section utilizes a formula to convert water usage and the strength of the wastewater into a sanitary unit. There are two methodologies that may be used to calculate the sewer charge for this property based on the living units.

- The first is based on applying 1.0 sanitary unit per living unit with a kitchen and 0.5 sanitary unit per living unit without a kitchen. Below is an analysis of how much this property was initially charged and the proposed adjusted charge:

Tax Year	Actual Charge	Billed Charge	Difference
2007/08	\$ 32,726	\$ 21,210	\$ 11,516
2008/09	\$ 32,726	\$ 16,667	\$ 16,059
2009/10	\$ 51,410	\$ 26,182	\$ 25,228

- The second is based on applying 1.0 sanitary unit per living unit to account for the residents access to the commercial dining facilities on the premises which are available to all residents whether or not their unit has a kitchen:

Tax Year	Actual Charge	Billed Charge	Difference
2007/08	\$ 37,271	\$ 21,210	\$ 16,061
2008/09	\$ 37,271	\$ 16,667	\$ 20,604
2009/10	\$ 58,550	\$ 26,182	\$ 32,368

The Board will review the charges at its next regularly scheduled meeting at 4:30 pm on July 22, 2010 at the District's offices located at 300 Smith Ranch Road, San Rafael, California. A final determination is expected at the following regularly scheduled meeting at 4:30 pm on August 12, 2010, this meeting will also be held at the District's office. If you wish to speak at the meeting please plan to attend.

The difference between the initial charge (as appeared on the property tax bills for the subject years) and the corrected amount will be assessed as a supplemental/revised charge to your July 2010 – June 2011 real property tax bill. The supplemental amount to be billed will appear on the property tax bill prepared by the Marin County Auditor-Controller's office in the fall of 2010.

If you would like to review the calculation of the fees, please contact Susan McGuire at 415-472-1734 at the District office during normal business hours of 6:30 am to 3 pm.

Sincerely,



Mark R. Williams
General Manager