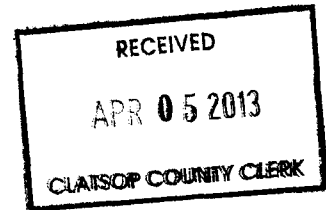


IN THE BOARD OF COMMISSIONERS  
FOR SUNDOWN SANITARY DISTRICT



ORDINANCE NO. 2013-1 )  
 )  
 ) AN ORDINANCE FURTHER AMENDING  
 ) ORDINANCE 2004-12-2 TO PROVIDE  
 ) FOR ESTABLISHING RATES AND FEES  
 ) BY RESOLUTION AND CHARGING  
 ) INTEREST ON UNPAID INVOICES

THE SUNDOWN SANITARY DISTRICT ORDAINS AS FOLLOWS:

SECTION 1 Short Title. This ordinance shall be known as the "Ordinance Further Amending Ordinance 2004-12-2 to Provide for Establishing Rates and Fees by Resolution and Charging Interest on Unpaid Invoices".

SECTION 2 Amendments. ARTICLE II, Sections 2.9 and 2.10 of Ordinance 2004-12-2 as amended by Ordinance 2006-10-1 is amended in its entirety to read:

**2.9 Sewer Service Charge.** The owner, lessee, or agent of any premises connected to the District sewer system shall pay a sewer service charge as established by Resolution and Order of the District Board.

**2.9.1** A single family residential use per structure shall be charged a monthly sewer service charge for one Equivalent Dwelling Unit (EDU) per month.

**2.9.2** Each separate non-single family residential unit per structure shall be charged a monthly service charge of 64% of one EDU per month.

**2.9.3** If it is administratively determined by a person appointed by the District Board that water usage in excess of one EDU is for purposes not related to a use that is disposed of in the sewer system, the EDU for determining the sewer service charge may be adjusted to reflect the actual sewage generated from the use. Any person aggrieved by this administrative decision may appeal in writing the administrative decision to the District Board within 60 days of the administrative decision.

**2.9.4** The EDU charge is based upon an assumption of no or minimal ground water infiltration. If it is determined by the Board that sewer generation usage is increased due to ground water infiltration, the sewer service charge may be adjusted to reflect the actual sewage generated from any particular use or property.

**2.10 Billing Procedures.**

**2.10.1** The Sundown Sanitary District will issue a monthly billing statement at the beginning of each month. Payment not received by the 25<sup>th</sup> of each month shall be considered late. A late fee established by Resolution and Order of the Board, and assessed per EDU, shall be applied to all bills more than five days past due, every month that payment has not been made. Interest shall accrue on all past due amounts at the rate of 1.5% per month.

**2.10.2** An administrative fee as set by the Board shall be applied to all checks returned for insufficient funds.

**2.10.3** A lien filing fee and lien release fee as set by the Board shall be included in all liens filed against properties for non-payment of bills.”

SECTION 3 Additions. Article II of Ordinance 2004-12-2 is amended to add the following Section 2.18:

**“2.18 Schedule of Fees.** Fees for use of the sewer system, connection and tapping fees, and fees related to sanitary sewer system operations shall be as established from time to time by Resolution and Order of the District Board.”

SECTION 4 Miscellaneous.

**4.1 Previous Charges Due and Payable.** Any and all assessment charges due and payable on the date of adoption of this Ordinance remain in effect and nothing herein is intended to amend or eliminate the charges then owing.

**4.2 Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

**4.3 Repealed Ordinances.** Sections 2.9 and 2.10 of Article II, Ordinance 2004-12-2 as amended by Article II of Ordinance 2006-10-1 are hereby repealed.

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SECTION 5 Effective Date. This Ordinance shall take effect on the 30<sup>th</sup> day following adoption by the District Board pursuant to ORS 198.570.

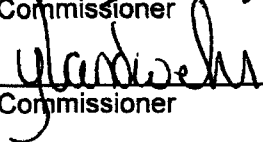
Date of First Reading: 2-19-2013

Date of Second Reading and Approval: 3.19.13

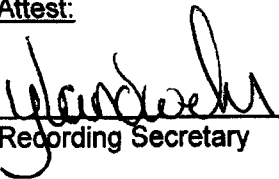
BOARD OF DIRECTORS OF  
SUNDOWN SANITARY DISTRICT

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

Attest:

  
\_\_\_\_\_  
Recording Secretary

**NOTICE OF DESIGNATION  
OF SPECIAL DISTRICT  
REGISTERED OFFICE AND REGISTERED AGENT**

I, YVONNE LANDWEHR, (Secretary) ~~(Financial Officer)~~  
~~(Chairman of the Board)~~ of this district, a municipal corporation, organized under the provisions  
of ORS Chapter 198, certify that:

1. Pursuant to a resolution of the District Board, duly adopted, the registered office of this  
district is:

36245 BARTOLDUS LOOP ASTORIA OR 97103  
(Street Address of Registered Office, City, Zip)

2. The registered agent in Oregon at such registered office is:

YVONNE LANDWEHR  
(Name of Registered Agent)

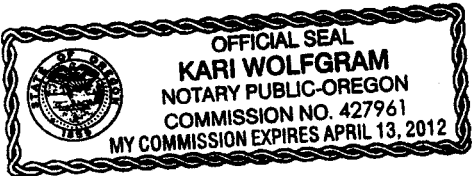
IN WITNESS WHEREOF, this district has caused this instrument to be executed in its name by  
the (Secretary) ~~(Financial Officer)~~ ~~(Chairman of the Board)~~ of the District this 26 day  
of SEPT, 20 11.

SUNDOWN SANITARY DISTRICT  
(Name of District)

By: *Yvonne Landwehr*  
(Secretary) ~~(Financial Officer)~~ ~~(Chairman of the Board)~~

STATE OF OREGON )  
County of CLATSOP ) ss.

Signed before me on Sept. 26, 2011 by Yvonne Landwehr



*Kari Wolfram*  
Notary Public - Oregon  
My Commission Expires: April 13, 2012

INSTRUCTIONS: A new form must be filed each time a change is made in either the registered agent or the  
registered office. There is no fee for filing this form. Please send the form to:

Secretary of State  
Archives Division  
800 Summer St. NE  
Salem, OR 97310

DISTRICT BOARD  
OF THE SUNDOWN SANITARY DISTRICT

ORDINANCE NO.	)	
2006-5-1	)	AN ORDINANCE FURTHER AMENDING
	)	ORDINANCE 2004-12-2 BY PROVIDING A
	)	METHOD OF CALCULATION OF SEWER
	)	SERVICE CHARGES AND BY PROVIDING
	)	AN INCREASE IN MONTHLY SEWER
	)	SERVICE CHARGES WITHIN THE
	)	DISTRICT AND DECLARING AN
	)	EMERGENCY AS AUTHORIZED BY
	)	ORS 198.550(3). THE ORDINANCE IS
	)	EFFECTIVE IMMEDIATELY UPON
	)	ADOPTION WITH RATE INCREASE TO
	)	BE EFFECTIVE JULY 1, 2006

The District Board of SUNDOWN SANITARY SEWER DISTRICT ordains as follows:

<b><u>ARTICLE ONE.</u></b>	<b><u>PURPOSE, AUTHORITY, POLICY, PROCEDURE AND CONSTRUCTION OF THIS ORDINANCE</u></b>
----------------------------	--

1.1 **Purpose.** This Ordinance amendment is to provide the method of sewer service charges based upon an equivalent dwelling unit (“EDU”) method of assessment and thereby increasing the District’s monthly sewer service charge to meet the obligations of the District.

1.2 **Authority.** The District is authorized pursuant to ORS 450.075(8) to determine and fix sewer charges as provided in ORS 450.130. ORS 450.130(1) authorizes the Board to enact Ordinances levying sewer service charges within the

District for the purpose of financing the construction, operation, and maintenance of the sewer collection and disposal system.

1.3 **Policy.** Users of the sewer system should be charged rates that reflect the operation of the system as a public utility in the District. Rates are established to reflect the level of usage of each category of user. Persons who are not required to use and do not use the sewer utility shall not pay monthly sewer service charges. Use of the sewer system occurs when the Willowdale Water District provides water service to improve property for which sewer use is required or which has a sewer system because water is the median for carrying sewage through the District's sewage system.

1.4 **Procedure.** The rate structure for the sewage collection and disposal system should be based upon a fee for service consistent with the purpose and policy statement above. This rate structure is intended to constitute a service charge based on a fixed rate for usage measured by EDUs attributable to the user, and it is viewed as a charge against property or against a person as a direct consequence of ownership of that property. Similarly, the sewer service charge based upon the EDU rate structure should reflect the full actual direct and indirect cost of providing the service.

1.5 **Construction.** This Ordinance shall be construed most favorably to provide all necessary authority to carry out the above purposes, policies and authority and the below designated rules, regulations and rates.

**ARTICLE TWO.**

**SEWER SERVICE CHARGE**

**2.1 Prior Service Charge.** Ordinance 2004-12-2 established a sewer charge flat rate of \$35.00 per single family dwelling equivalency for each separate use for structures located on each property within the District.

**2.2 Amendment of Sewer Service Charge for Single Family Housing Units.** The current sewer charge of \$35.00 per month is hereby increased to the rate of \$95.00 per month per EDU (equivalent dwelling unit) which is defined as a single family residence located within the District starting July 1, 2006 or upon availability of sewer and connection thereto by structures constructed and/or connected after July 1, 2006.

**2.3 Amendment of Sewer Service Charge for Multiple Housing Units.** The current monthly sewer service charge of \$35.00 per month is hereby increased to the rate of 64% of the single family residential EDU per month for each separate single family residential use per structure starting July 1, 2006 or upon availability of sewer and connection thereto by multi-housing units constructed or connected after July 1, 2006. The basis for use of the rate of 64% of the single family residential EDU includes, but is not limited to, past custom and practice of the prior operation of the system.

**2.4 Allocation of Service Charge.** The \$95.00 per EDU service charge is allocated to \$15.00 for administration services and \$80.00 for capital

improvement. The multi-housing unit charge shall be pro-rated on the same basis of the \$95.00 per EDU sewer charge.

**2.5 Adjustment of EDU Determination.** The EDU charge is based upon an assumption of no or minimal ground water infiltration. If it is determined by the District Board that sewer generation usage is increased in excess of water service to the property due to ground water infiltration, the sewer service charge may be adjusted to reflect the actual sewage generated from any particular use or property.

**2.6 Effective Date.** The provisions of this Ordinance shall become effective immediately upon adoption and the increase in rates shall be effective July 1, 2006 or upon availability of the sewer and connection thereto by structures constructed and/or connected after July 1, 2006.

**2.7 Amendment of Section 2.10.1 of Ordinance 10.1 as follows:**

The Sundown Sanitary District will issue a monthly billing at the beginning of each month. Payments not received by the 15<sup>th</sup> of each month will be considered late. A \$10.00 late fee, per EDU, shall be applied to all bills more than five days past due, every month that payment has not been made. Payments shall be made to the address designated from time to time by the District on the billing statement or by other written notice.

**2.8 Revocation of Prior Section.** Section 2.10.2 of Ordinance 2004-12-2 is hereby revoked.



**ARTICLE THREE.**

**ADOPTION**

3.1 **Effective Date.** This Ordinance is effective upon adoption by the Board in accordance with ORS 198.510 to 198.600.

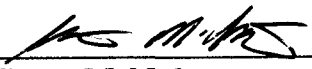
**ARTICLE FOUR.**


**DECLARATION OF EMERGENCY**

4.1 An emergency is hereby declared because of the need to establish this Ordinance in order to provide funding to operate the sewer district operations and to commence implementation of capital improvements in order to comply with Oregon Department of Environmental Quality requirements. Failing to immediately adopt this Ordinance would prevent the District from being able to carry out its respective duties. This Ordinance will be in full force and effect immediately upon its passage by the Board with the effective date for the rate increase to be July 1, 2006.


PASSED by the unanimous consent of the District Board members present at a meeting attended by a quorum of the Board this 31<sup>st</sup> day of May, 2006.

**Sundown Sanitary Sewer District**

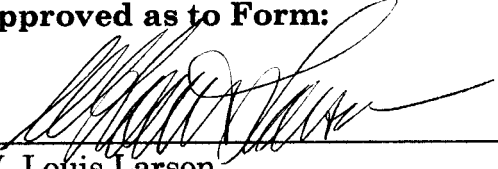
By:   
Steve McNulty  
Board President

By:   
Eileen Chevront  
Board Secretary

**ATTEST:**

  
\_\_\_\_\_  
Walt Postlewait, Board Member

**Approved as to Form:**

  
\_\_\_\_\_  
W. Louis Larson  
Attorney for District

State Of Oregon

County Of Clatsop } ss.

Copy Of Advertisement

Affidavit of PUBLICATION

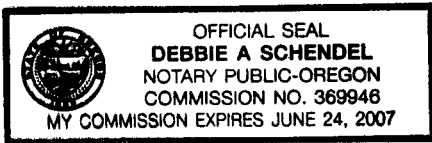
I, Janet Mansfield, being duly sworn, depose and say that I am the principal clerk of the manager of the DAILY ASTORIAN, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the Legal Notice #AB548, Emergency Ordinance, a printed copy of which is hereto attached, was published in the entire issue of said newspaper for one successive and consecutive time(s) in the following issues, January 23, 2006.

Signed

Handwritten signature of Janet S. Mansfield

Subscribed and sworn to before me this 27th day of January, 2006.

Handwritten signature of Debbie A. Schendel



Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.

**AB548  
SUNDOWN SANITARY DISTRICT  
DISTRICT BOARD  
NOTICE OF ADOPTION OF  
EMERGENCY ORDINANCE  
ORS 198.560(3)**

**ORDINANCE 2006-1-1**

NOTICE IS HEREBY GIVEN that the District Board of the Sundown Sanitary District held its regular meeting of the Board on January 18, 2006 at 7:00 p.m. at Astoria High School Commons, 1001 W. Marine Drive, Astoria, OR 97103. At that meeting, an Emergency Ordinance, Ordinance 2006-1-1 was duly introduced, read twice and put on its final passage with the opportunity for public testimony and Board discussion.

Ordinance 2006-1-1 was passed by unanimous approval of all Board Members of the Board present. The Ordinance was entitled:

**AN ORDINANCE AMENDING ORDINANCE 2004-12-2 TO PROVIDE FOR RECOVERY OF COSTS, DAMAGES AND ATTORNEY FEES RESULTING FROM ANY VIOLATION OR ENFORCEMENT OF DISTRICT ORDINANCES AND DECLARING AN EMERGENCY AS AUTHORIZED BY ORS 198.550(3)**

The Ordinance was effective at 7:30 p.m., January 18, 2006.

A copy of the Ordinance is on file for inspection at the office of the District's attorney, Larson & Fischer, 990 Astor Street, Astoria, OR 97103. A copy is also on file at the County Clerk's Office, 820 Exchange Street, 2nd Floor, Astoria, OR 97103. A copy of the Ordinance is available for inspection at all three locations during normal business hours.

/s/ Steve McNulty  
District Board President  
Sundown Sanitary District

**Publication Date: January 23, 2006**

DISTRICT BOARD  
SUNDOWN SANITARY DISTRICT

ORDINANCE NO.	)	
	)	AN ORDINANCE AMENDING
2006-1-1	)	ORDINANCE 2004-12-2 TO PROVIDE FOR
	)	RECOVERY OF COSTS, DAMAGES AND
	)	ATTORNEY FEES RESULTING FROM
	)	ANY VIOLATION OR ENFORCEMENT OF
DISTRICT	)	ORDINANCES AND DECLARING AN
	)	EMERGENCY AS AUTHORIZED BY
	)	ORS 198.550(3)

The District Board of SUNDOWN SANITARY SEWER DISTRICT ordains as follows:

<u>ARTICLE ONE.</u>	<u>PURPOSE, AUTHORITY, POLICY, PROCEDURE AND CONSTRUCTION OF THIS ORDINANCE</u>
---------------------	---

1.1 Purpose. This Ordinance amendment is to provide for the recovery of costs and damages, including recovery of attorney fees by the prevailing party resulting from violation or enforcement of District Ordinances.

1.2 Authority. Pursuant to ORS 450.130, the Sundown Sanitary District is authorized to enforce sewer rules and regulations and the District Board hereby approves the following rules and regulations to allow for the recovery of the cost of such enforcement.

1.3 Policy. Users to the sewer system should be charged rates that reflect the operation of this system as a public utility in the District. Persons who cause additional costs to the District users by violation of the District Ordinances,

including but not limited to, failure to make payments when due should pay the costs of enforcement of the District's Ordinances.

1.4 **Procedure.** Based upon the provision for payment of costs to enforce the District Ordinances, the prevailing party would be entitled to recovery of costs and damages including attorney fees determined to be reasonable by the Court ruling on the enforcement action pursuant to Oregon Rules of Civil Procedure 68.

1.5 **Construction.** This Ordinance shall be construed most favorably to provide all necessary authority to carry out the above purposes, policies and authority and the below designated rules and regulations.

**ARTICLE TWO.**

**SEWER REGULATIONS**

Ordinance 2004-12-2 is amended to include the following:

**2.18 Recovery of Costs and Damages.**

2.18.1 Any person or persons, who as a result of violation or non compliance with any of the provisions of the District's Ordinances, cause expense, loss or damage to the District, shall immediately become liable to the District for the full sum of such expense, loss or damage. The Board may, at its discretion, instruct the attorney for the District to proceed against any such person or persons, in any court of competent jurisdiction, to bring a civil action under the name of the District, for the enforcement of the respective ordinance provisions and recovery of the full sum of such expense, loss, damage or non-payment of user fees and

assessments sustained by the District together with costs and attorney fees, whether or not litigation is filed, and at both trial and on appeal.

**ARTICLE THREE.**                    **ADOPTION**


3.1    **Affective Date.**    This Ordinance shall become effective immediately upon adoption by the Board pursuant to ORS 198.550.

**ARTICLE FOUR.**                    **DECLARATION OF EMERGENCY**

4.1    An emergency is hereby declared because of the need to establish the Ordinance to enable the District to collect the amounts owed to it in order to pay its obligations as they become due. It is anticipated that if the non-emergency type of adoption were used, the District would not be able to collect its cost to recover obligations owed to it or would result in a delay of income, both of which would result in an economic hardship to the District. This Ordinance will be in full force and effect from and after its passage by the District Board pursuant to ORS 198.550.

PASSED by the unanimous consent of the District Board members present at a meeting attended by a quorum of the Board this 18<sup>th</sup> day of January, 2006.

**Sundown Sanitary Sewer District**

By:   
Steve McNulty  
Board President

By: Eileen Chevront  
Eileen Chevront  
Board Secretary

**ATTEST:**

Walt Postlewait  
Walt Postlewait, Board Member

**Approved as to Form:**

W. Louis Larson  
W. Louis Larson  
Attorney for District

DISTRICT BOARD  
OF THE SUNDOWN SANITARY DISTRICT

ORDINANCE NO.	)	
	)	AN ORDINANCE FURTHER AMENDING
2006-10-1	)	ORDINANCE 2004-12-2 BY CHANGING
	)	THE PAYMENT DUE DATE FOR
	)	SERVICE CHARGES AND DECLARING
	)	AN EMERGENCY AS AUTHORIZED BY
	)	ORS 198.550(3). THE ORDINANCE IS
	)	EFFECTIVE IMMEDIATELY UPON
	)	ADOPTION EFFECTIVE OCTOBER 1, 2006

The District Board of SUNDOWN SANITARY SEWER DISTRICT ordains as follows:

**ARTICLE ONE.**

**PURPOSE, AUTHORITY, POLICY,  
PROCEDURE AND CONSTRUCTION  
OF THIS ORDINANCE**

- 1.1 **Purpose.** This Ordinance amendment is to establish an extended time period for payment of monthly sewer service charges.
- 1.2 **Authority.** The District is authorized pursuant to ORS 450.075(8) to determine and fix sewer charges as provided in ORS 450.130. ORS 450.130(1) authorizes the Board to enact Ordinances levying sewer service charges within the District for the purpose of financing the construction, operation, and maintenance of the sewer collection and disposal system.
- 1.3 **Policy.** Users of the sewer system should be charged rates that reflect the operation of the system as a public utility in the District. Rates are



established to reflect the level of usage of each category of user. Persons who are not required to use and do not use the sewer utility shall not pay monthly sewer service charges. Use of the sewer system occurs when the Willowdale Water District provides water service to improve property for which sewer use is required or which has a sewer system because water is the median for carrying sewage through the District's sewage system.

1.4 **Procedure.** The rate structure for the sewage collection and disposal system should be based upon a fee for service consistent with the purpose and policy statement above. This rate structure is intended to constitute a service charge based on a fixed rate for usage measured by EDUs attributable to the user, and it is viewed as a charge against property or against a person as a direct consequence of ownership of that property. Similarly, the sewer service charge based upon the EDU rate structure should reflect the full actual direct and indirect cost of providing the service.

1.5 **Construction.** This Ordinance shall be construed most favorably to provide all necessary authority to carry out the above purposes, policies and authority and the below designated rules, regulations and rates.

## **ARTICLE TWO.**

## **SEWER SERVICE CHARGE**

**2.1 Prior Service Charge.** Ordinance 2004-12-2 established a sewer charge flat rate of \$35.00 per single family dwelling equivalency for each separate use for structures located on each property within the District.

**2.2 Amendment of Sewer Service Charge for Single Family Housing Units.** Ordinance 2006-5-1 established an increase from a sewer charge of \$35.00 per month to the rate of \$95.00 per month per EDU (equivalent dwelling unit) which is defined as a single family residence located within the District starting July 1, 2006 or upon availability of sewer and connection thereto by structures constructed and/or connected after July 1, 2006.

**2.3 Amendment of Sewer Service Charge for Multiple Housing Units.** The current monthly sewer service charge of \$95.00 per month is hereby increased to the rate of 64% of the single family residential EDU per month for each separate single family residential use per structure starting July 1, 2006 or upon availability of sewer and connection thereto by multi-housing units constructed or connected after July 1, 2006. The basis for use of the rate of 64% of the single family residential EDU includes, but is not limited to, past custom and practice of the prior operation of the system.

**2.4 Allocation of Service Charge.** The \$95.00 per EDU service charge is allocated to \$15.00 for administration services and \$80.00 for capital improvement. The multi-housing unit charge shall be pro-rated on the same basis of the \$95.00 per EDU sewer charge.

**2.5 Adjustment of EDU Determination.** The EDU charge is based upon an assumption of no or minimal ground water infiltration. If it is determined by the District Board that sewer generation usage is increased in excess of water service to the property due to ground water infiltration, the sewer service charge may be adjusted to reflect the actual sewage generated from any particular use or property.

**2.6 Effective Date.** The provisions of this Ordinance shall become effective immediately upon adoption and the payment due date shall be effective October 1, 2006 or upon availability of the sewer and connection thereto by structures constructed and/or connected after October 1, 2006.

**2.7 Amendment of Section 2.10.1 of Ordinance 10.1 as follows:**

The Sundown Sanitary District will issue a monthly billing at the beginning of each month. Payments not received by the 25<sup>th</sup> of each month will be considered late. A \$10.00 late fee, per EDU, shall be applied to all bills more than five days past due, every month that payment has not been made. Payments shall be made to the address designated from time to time by the District on the billing statement or by other written notice.

2.8 **Revocation of Prior Section.** Section 2.10.2 of Ordinance 2004-12-2 is hereby revoked.

**ARTICLE THREE.**                      **ADOPTION**


3.1 **Effective Date.** This Ordinance is effective upon adoption by the Board in accordance with ORS 198.510 to 198.600.

**ARTICLE FOUR.**                      **DECLARATION OF EMERGENCY**

4.1 An emergency is hereby declared because of the need to establish this Ordinance in order to provide funding to operate the sewer district operations and to commence implementation of capital improvements in order to comply with Oregon Department of Environmental Quality requirements. Failing to immediately adopt this Ordinance would prevent the District from being able to carry out its respective duties. This Ordinance will be in full force and effect immediately upon its passage by the Board with the effective date for the rate increase to be July 1, 2006.

PASSED by the unanimous consent of the District Board members present at a meeting attended by a quorum of the Board this 27 day of September, 2006.

**Sundown Sanitary Sewer District**

By:   
Steve McNulty  
Board President

By: Eileen Chevront  
Eileen Chevront  
Board Secretary

**ATTEST:**

Walt Postlewait  
Walt Postlewait, Board Member

**Approved as to Form:**

W. Louis Larson  
W. Louis Larson  
Attorney for District

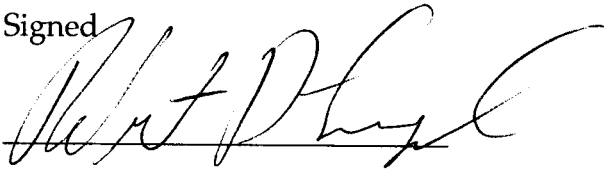
State Of Oregon  
County Of Clatsop } ss.

Copy Of Advertisement

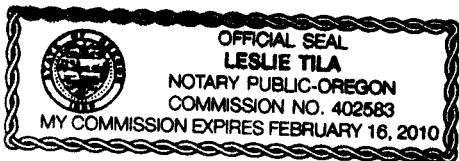
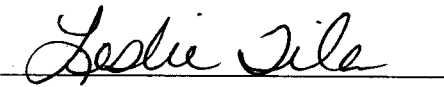
Affidavit of  
PUBLICATION

I, **Robert D Temple**, being duly sworn, depose and say that I am the principal clerk of the manager of the **DAILY ASTORIAN**, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the **Legal Notice #AB800, Emergency Ordinance**, a printed copy of which is hereto attached, was published in the entire issue of said newspaper for **one** successive and consecutive **time(s)** in the following issues, **June 7, 2006**.

Signed



Signed or attested to before me  
this 9th day of June, 2006, by:



Notary Public for the State of  
Oregon, Residing at Astoria,  
Oregon, Clatsop County.

**AB800**

**SUNDOWN SANITARY DISTRICT  
DISTRICT BOARD  
NOTICE OF ADOPTION OF  
EMERGENCY ORDINANCE  
ORS 198.560(3)**

**ORDINANCE 2006-5-1**

NOTICE IS HEREBY GIVEN that the District Board of the Sundown Sanitary District held its regular meeting of the Board on **May 31, 2006** at 7:00 p.m. at Astoria High School Commons, 1001 W. Marine Drive, Astoria, OR 97103. At that meeting, an Emergency Ordinance, Ordinance 2006-5-1 was duly introduced, read twice and put on its final passage with the opportunity for public testimony and Board discussion.

Ordinance 2006-5-1 was passed by unanimous approval of all Members of the Board. The Ordinance was entitled:

**AN ORDINANCE FURTHER AMENDING ORDINANCE 2004-12-2 BY PROVIDING A METHOD OF CALCULATION OF SEWER SERVICE CHARGES AND BY PROVIDING AN INCREASE IN MONTHLY SEWER SERVICE CHARGES WITHIN THE DISTRICT AND DECLARING AN EMERGENCY AS AUTHORIZED BY ORS 198.550(3). THE ORDINANCE IS EFFECTIVE IMMEDIATELY UPON ADOPTION WITH RATE INCREASE TO BE EFFECTIVE JULY 1, 2006**

The Ordinance was effective at 7:30 p.m., May 31, 2006.

A copy of the Ordinance is on file for inspection at the office of the attorney for the District, Larson & Fischer, 990 Astor Street, Astoria, OR 97103. A copy is also on file at the County Clerk's Office, 820 Exchange Street, 2nd Floor, Astoria, OR 97103. A copy of the Ordinance is available for inspection at both locations during normal business hours.

/s/ Steve McNulty  
District Board President  
Sundown Sanitary District

**Publication Date: June 7, 2006.**

12/9/2004

(503) 325-3651

**Sundown Sanitary District** Steve McNulty  
92004 Hagen Drive  
Astoria OR 97103

District Status **Active**

Office **Commissioner** **Stutznegger, Norman D** Date Elect./ Appoint. **3/10/2004**  
Position 1 Term Begins  
Zone Residence Address Expires **2005**  
36380 River Point Dr OR Status **Appointed**  
Astoria OR 97103  
Phone

Date Elect./ Appoint. **3/10/2004**  
Term Begins  
Expires **2005**  
Status **Appointed**

Office **Commissioner** **Smalley, Robert**  
Position 2  
Zone Residence Address  
91817 Highway 202 Unit 37 OR  
Astoria OR 97103  
Phone

Date Elect./ Appoint. **3/10/2004**  
Term Begins  
Expires **2005**  
Status **Appointed**

Office **Commissioner** **McNulty, Steven L**  
Position 3  
Zone Residence Address  
92004 Hagen Dr OR  
Astoria OR 97103  
Phone

Principal Filing Officer: Clatsop County  
Election Official  
Reactivated by Board Resolution and Order dated 3/10/2004.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> <i>Steve McNulty</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery 12-16</p>
<p>1. Article Addressed to:</p> <p>Sundown Sanitary District Attn Steve McNulty 92004 Hagen Dr Astoria OR 97103</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7004 1160 0004 7878 5525