

ORDINANCE 2007- 14

**AN ORDINANCE OF THE CITY OF AMERICAN CANYON REPEALING AND ADDING PROVISIONS TO THE CITY OF AMERICAN CANYON MUNICIPAL CODE RELATING TO WASTEWATER RATES AND CHARGES**

**WHEREAS**, it is policy of the City of American (City) that all enterprise funds of the City generate revenues that meet all budgeted operating expenses; and

**WHEREAS**, California state law requires that wastewater rates and charges be proportional to the cost of providing service; and

**WHEREAS**, the City established a Blue Ribbon Committee on Water Resources composed of residents, businesses and government representatives which has recommended that wastewater rates be enacted sufficient to meet the cost of providing water service; and

**WHEREAS**, the City has received a rate study, prepared by Bartle Wells Associates consistent with American Water Works Association (AWWA) Guidelines, which details wastewater rate recommendations that allow the City water system to meet its cost of service in a fair and equitable manner; and

**WHEREAS**, the City Council held a public hearing on December 4<sup>th</sup>, 2007, duly noticed in accordance with the California Constitution Article XIID, also known as "Proposition 218," where it heard all testimony and protests related to the rates outlined in the public notice; and,

**NOW, THEREFORE, THE CITY DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** The Title to Chapter 14.04 of the Municipal Code is amended to read:

Chapter 14.04 WASTEWATER RATES AND CHARGES.

**SECTION 2:** Existing sections 14.04.005 through 14.04.070 of the Municipal Code inclusive, are hereby repealed.

**SECTION 3:** Sections 14.04.005 through 14.04.070 of the Municipal Code, inclusive, are enacted to read:

14.04.005 Definitions.

For purposes of this chapter, the definitions in Sections 13.06.010 of the Municipal Code shall be construed as applicable to this chapter except as set forth in this section:

"High strength, nonresidential customer" includes all customers whose

discharge exceeds the levels of bio-chemical oxygen demand (BOD) or total suspended solids (TSS) set forth in the "normal strength, nonresidential customer" definition in this section.

"Meter factor" means the ratio applied to meter readings to determine the billable flow for nonresidential users. For domestic water meters, the factor shall equal 1.00; for sewer meters the flow shall equal 1.11.

"Multifamily residential" includes any premises that is residential in nature and consists of more than one dwelling unit served by a single metered water connection. Such master-metered customers shall be charged as set forth in this chapter. Temporary residential premises (e.g., hotels) are treated as a commercial use.

"Normal strength, nonresidential customer" includes all customers whose discharge conforms to "normal strength, nonresidential wastewater" but not included as residential customers in Sections 14.04.010 and 14.04.020. In lieu of separate analysis or adopted tables per Section 14.04.040, these customers shall generally include churches, public schools, private schools, commercial facilities, industrial facilities, government uses, and office buildings. The City reserves the right to assign any customer to high strength, nonresidential status, based on that customer's actual BOD or TSS.

"Normal strength, nonresidential wastewater" means all wastewater discharged to the City wastewater collection system with a BOD of no more than two hundred thirty six milligrams per liter or a TSS of no more than two hundred thirty-six milligrams per liter. (Ord. 2000-05 § 1, 2000; Ord. 2000-01 § 2 (part), 2000)

#### 14.04.010 Wastewater monthly service charge—purpose.

- A. It shall be City policy to at all times collect wastewater rates and charges that meet but do not exceed the cost of service of the wastewater enterprise
- B. It shall be City policy to set wastewater rates and charges that are fair and equitable to all customer classes and recover each customer's share of the total cost of service in proportion to their use of the system.
- C. It shall be City policy to have a wastewater rate study performed, by a qualified independent rate consultant, every three to five years, to ensure that wastewater rates charges, and connection fees are set to an appropriate level. Rate studies will be based on AWWA rate setting principles and shall recommend rates that meet the cost of service of the wastewater enterprise.

- D. The City may exercise its discretion consistent with *Hansen v. City of San Buenaventura*, 42 Cal.3d 1172 (1986) to enact a rate for property owners outside the City which is 40% greater than the rate for property owners within the City.

14.04.020 Wastewater monthly service charges—single family residences.

- A. Each single-family residential customer shall pay for wastewater services according to the schedule outlined below. For purposes of determining if a single family customer is a "low," "average," or "high" user, the City will average each customer's three winter water use bills (Jan – March) and, on the following July 1, the City may reassign each customer to the appropriate category based on that average winter water use.
- B. Single family residential customers will be billed according to the following schedule:

	1-Jan-08	1-Jan-09	1-Jan-10
Low winter water use (0 - 4 hcf)	\$34.55	\$37.83	\$41.42
Average winter water use (4 - 13 hcf)	36.79	40.29	44.11
High winter water use (13+ hcf)	38.11	41.73	45.69

14.04.030 Wastewater monthly service charge—Mobilehome residential service.

- A. Each mobilehome customer with an individual metered account shall pay for wastewater services according to the following schedule:

	1-Jan-08	1-Jan-09	1-Jan-10
Mobile home - individually metered	\$ 27.59	\$30.21	\$33.08

- B. The billing for mobilehome customers with an individual metered account may be adjusted up or down by as much as ten percent of the mobilehome rate in force at that time to provide credit or additional payment for customers who use smaller or larger amounts of winter water relative to other single-family residential customers. The City Council may initiate such an adjustment, including any other implementing procedures, by resolution.

14.04.040 Wastewater monthly service charge—Multifamily.

- A. The monthly service charge for any multifamily customer shall pay for wastewater service according to the following schedule:

	1-Jan-08	1-Jan-09	1-Jan-10
Multifamily - per unit	\$ 27.59	\$30.21	\$33.08

- B. The City Council may, by resolution, establish policies and procedures to discount the per-unit charge for vacant spaces or apartments for multifamily customers provided such vacancies could be documented and such vacancies extend beyond one billing cycle.

14.04.050 Wastewater service charges—non-residential, normal strength.

- A. Each normal strength, non residential customer will pay the greater of the fixed monthly rate in the schedule below or the variable rate in the schedule below multiplied by monthly water consumption of the customer.

	1-Jan-08	1-Jan-09	1-Jan-10
Normal strength - nonresidential (fixed)	\$36.79	\$40.29	\$44.11
	or		
Normal strength - nonresidential (variable)	\$3.29	\$3.60	\$3.94

14.04.060 Wastewater service charges—non-residential, high strength.

- A. Each high strength, nonresidential customer as defined in Section 14.04.005 shall pay the greater of the following fixed monthly fees or a fee calculated according to the following formula.

	1-Jan-08	1-Jan-09	1-Jan-10
High strength - nonresidential (fixed)	\$36.79	\$40.29	\$44.11

Or

**On January 1, 2008,**

Charge = Water Unit X Meter Factor [ \$1.47+ (\$.91 x BOD in mg/l) + (\$.91 x TSS in mg/l) ]

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**On January 1, 2009,**

Charge = Water Unit X Meter Factor [ \$1.62+ (\$.99 x BOD in mg/l) + (\$.99 x TSS in mg/l) ]

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**On January 1, 2010,**

Charge = Water Unit X Meter Factor [ \$1.78+ (\$1.08 x BOD in mg/l) + (\$1.08 x TSS in mg/l) ]

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- B. For purposes of determining BOD and TSS in the above formulae, City staff is authorized to require analysis of the user's flow in accordance with Title 14 of this Code. For installations that use less than two

thousand gallons per day of domestic water, City staff may use published tables of BOD and TSS that are approved by the State Water Resources Control Board for use in determining BOD and TSS in the above formulae. (Ord. 2000-01 § 2 (part), 2000.)

14.04.070 Wastewater service charges—adopted by resolution

- A. The City Council declares its intent to make any future changes in the wastewater rates established in this Chapter by setting forth the changes in a resolution duly adopted, and the adoption of such a resolution shall have the same force and effect as though the changes had been made by the adoption of an ordinance.

**SECTION 4:** The provisions of this Ordinance shall be severable. If any portion is found to be unconstitutional, illegal, or invalid, the remainder shall survive and remain effective and enforceable.

**SECTION 5:** Effective date. This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 6:** The City Council finds that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because:

- A. The Ordinance changes no land use regulations and grants no entitlements to development of either real property within the City or on real property within the City Wastewater Service Area in which the described services are rendered and, therefore, has no potential for causing a significant effect on the physical environment and is exempt from review under CEQA because CEQA does not apply to the establishment of charges by public agencies which are necessary for the purpose of meeting operating expenses, CEQA Guidelines section 15273(a)(1); and,
- B. The Ordinance is exempt from review under CEQA as the Final Environmental Impact Report (FEIR) for the City General Plan, certified November 3, 1994, a Program EIR, which is incorporated in this matter by this reference, analyzed the "Policy Buildout" of the City as set forth in the General Plan Land Use Element concluding that the General Plan buildout impact on wastewater treatment could be adequately mitigated by implementing programs of the General Plan that assure that the planning, financing and construction of adequate wastewater treatment, storage and distribution facilities precede the growth projected by the General Plan; and,

C. The Ordinance is exempt from review under CEQA as the FEIR for the City Wastewater Treatment and Reclamation Project certified May, 1999 concluded that the Wastewater Treatment and Reclamation Project Plan impact on the environment on wastewater treatment capacity could be adequately mitigated by implementing programs of the General Plan for the intensity and uses delineated in the land use element of the General Plan that assure planning, financing and construction of adequate wastewater facilities if they proceed the growth authorized by the General Plan.

**SECTION 7:** The foregoing Ordinance was introduced and read at the regular meeting of the City Council of the City of American Canyon, State of California, held on the 4<sup>th</sup> day of December, 2007, and approved and adopted at a regular meeting on the 18th day of December, 2007, by the following vote;

**AYES:** Garcia, Bennett, Callison, West  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Coffey



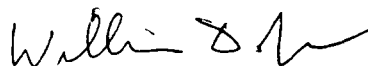
\_\_\_\_\_  
Leon Garcia, Mayor

**ATTEST:**



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Cherri Walton, Deputy City Clerk

**APPROVE AS TO FORM:**



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William D. Ross, City Attorney