

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING RESOLUTION NO. WD-1326, A RESOLUTION OF THE CITY OF LONG BEACH BOARD OF WATER COMMISSIONERS ESTABLISHING THE RATES AND CHARGES TO BE CHARGED FOR WATER AND SEWER SERVICE AND DECLARING THE URGENCY THEREOF, AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AT 12:01 A.M. ON OCTOBER 1, 2014

The City Council of the City of Long Beach ordains as follows:

Section 1. That Resolution No. WD-1326 of the Board of Water Commissioners of the City of Long Beach, entitled "A RESOLUTION OF THE BOARD OF WATER COMMISSIONERS AMENDING RESOLUTION NO. WD-1309 FIXING RATES AND CHARGES FOR WATER AND SEWER SERVICE TO ALL CUSTOMERS, SUBJECT TO THE APPROVAL OF THE CITY COUNCIL BY ORDINANCE," adopted by said Board on June 19, 2014, and the rates fixed in the Resolution to be charged for water and sewer service be and the same are hereby approved.

Section 2. This is an emergency measure and is urgently required for the reason that in order to carry on the affairs, functions and business of Long Beach Water Department during the fiscal year which begins on October 1, 2014, it is necessary to authorize the rates and charges for water and sewer service and that this ordinance be passed as an emergency measure, to take effect at 12:01 a.m. on October 1, 2014.

Section 3. If any section, subsection, subdivision, sentence, sum, percentage, clause or phrase of this ordinance is for any reason held to be

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CHARLES PARKIN, City Attorney  
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1 unconstitutional, invalid or void, such decision shall not affect the validity of the remaining  
2 portions of this ordinance. The City Council hereby declares that it would have passed  
3 this ordinance, and every section, subsection, subdivision, sentence, sum, percentage,  
4 clause and phrase thereof, irrespective of the fact that any one or more sections,  
5 subsections, subdivisions, sentences, sums, percentages, clauses or phrases thereof is  
6 declared unconstitutional, invalid or void.

7 Section 4. This ordinance is an emergency ordinance duly adopted by  
8 the City Council by a vote of five of its members and shall take effect immediately. The  
9 City Clerk shall certify to a separate roll call and vote on the question of the emergency of  
10 this ordinance and to its passage by the vote of five members of the City Council of the  
11 City of Long Beach, and cause the same to be posted in three conspicuous places in the  
12 City of Long Beach, and it shall thereupon take effect and shall be operative on and after  
13 12:01 a.m. on October 1, 2014.

14 I hereby certify that on a separate roll call and vote which was taken by the  
15 City Council of the City of Long Beach upon the question of emergency of this ordinance  
16 at its meeting of \_\_\_\_\_, 2014, the ordinance was declared to be an  
17 emergency by the following vote:

18  
19 Ayes: Councilmembers: \_\_\_\_\_

20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_

23 Noes: Councilmembers: \_\_\_\_\_

24 \_\_\_\_\_  
25 Absent: Councilmembers: \_\_\_\_\_  
26 \_\_\_\_\_

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I further certify that on \_\_\_\_\_, 2014, upon a roll call and  
vote on first reading of the ordinance, it was adopted by the City Council of the City of  
Long Beach by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

I further certify that the foregoing ordinance was thereafter adopted on final  
reading by the City Council of the City of Long Beach at its meeting of  
\_\_\_\_\_, 2014, by the following vote

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

1 RESOLUTION NO. WD-1326

2  
3 A RESOLUTION OF THE CITY OF LONG BEACH  
4 BOARD OF WATER COMMISSIONERS AMENDING  
5 RESOLUTION NO. WD-1309 FIXING RATES AND  
6 CHARGES FOR WATER AND SEWER SERVICE TO ALL  
7 CUSTOMERS, SUBJECT TO THE APPROVAL OF THE  
8 CITY COUNCIL BY ORDINANCE  
9

10 The Board of Water Commissioners of the City of Long Beach resolves as  
11 follows:

12 Section 1. That the following rates and charges for potable and  
13 reclaimed water service and for sewer service are hereby established, and the Long  
14 Beach Water Department ("Water Department") of the City of Long Beach ("City") is  
15 hereby authorized and directed to charge and collect the same in accordance with the  
16 provisions of this resolution, subject to a Public Hearing on September 4, 2014.

17 Section 2. For all metered services the charge for potable and reclaimed  
18 water shall consist of both a service charge based on the size of the service and a  
19 quantitative charge for water delivered.

20 A. On October 1, 2014, the service charge shall be in  
21 accordance with the following table:

<u>Size of Service</u>	<u>Daily Service Charge</u>
5/8 or 3/4 inch	\$0.452
1 inch	\$0.681
1-1/2 inch	\$1.271
2 inch	\$1.884
3 inch	\$3.902
4 inch	\$6.173

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<u>Size of Service</u>	<u>Daily Service Charge</u>
6 inch	\$11.378
8 inch	\$17.858
10 inch	\$29.248
12 inch	\$35.745
16 inch	\$59.159

B. On October 1, 2014, the quantitative charge for all water delivered shall be as follows, based on monthly meter readings:

1. For single family residential customers of potable water who have been granted an exemption from the City's Utility Users Tax in accordance with Chapter 3.68 of the Long Beach Municipal Code:

Tier IA	First 5 Billing Units (or fraction thereof)	\$1.319
Tier II	Next 10 Billing Units (or fraction thereof)	\$2.638
Tier III	Over 15 Billing Units (or fraction thereof)	\$3.957

2. For single family residential customers of potable water who have not been granted an exemption from the City's Utility Users Tax:

Tier IB	First 5 Billing Units (or fraction thereof)	\$2.374
Tier II	Next 10 Billing Units (or fraction thereof)	\$2.638
Tier III	Over 15 Billing Units (or fraction thereof)	\$3.957

3. For duplex residential customers of potable water who have been granted an exemption from the City's Utility Users Tax in accordance with Chapter 3.68 of the Long Beach Municipal Code:

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Tier IA	First 2.5 Billing Units (or fraction thereof per dwelling unit)	\$1.319
Tier II	Next 10.5 Billing Units (or fraction thereof per dwelling unit)	\$2.638
Tier III	Over 13 Billing Units (or fraction thereof per dwelling unit)	\$3.957

4. For duplex residential customers of potable water who have not been granted an exemption from the City's Utility Users Tax:

Tier IB	First 2.5 Billing Units (or fraction thereof per dwelling unit)	\$2.374
Tier II	Next 10.5 Billing Units (or fraction thereof per dwelling unit)	\$2.638
Tier III	Over 13 Billing Units (or fraction thereof per dwelling unit)	\$3.957

5. For multi-family residential customers of potable water who have been granted an exemption from the City's Utility Users Tax in accordance with Chapter 3.68 of the Long Beach Municipal Code:

Tier IA	First 2.5 Billing Units (or fraction thereof per dwelling unit)	\$1.319
Tier II	Next 6.5 Billing Units (or fraction thereof per dwelling unit)	\$2.638
Tier III	Over 9 Billing Units (or fraction thereof per dwelling unit)	\$3.957

6. For multi-family residential customers of potable water who have not been granted an exemption from the City's Utility Users Tax:

1	Tier IB	First 2.5 Billing Units (or fraction thereof per dwelling unit)	\$2.374
2			
3	Tier II	Next 6.5 Billing Units (or fraction thereof per dwelling unit)	\$2.638
4			
5	Tier III	Over 9 Billing Units (or fraction thereof per dwelling unit)	\$3.957
6			
7			

8 7. For commercial customers of potable water, \$2.638 per  
9 billing unit, or fraction thereof.

10 8. For industrial customers of potable water, \$2.638 per  
11 billing unit, or fraction thereof.

12 9. For irrigation customers of potable water, \$2.638 per  
13 billing unit, or fraction thereof.

14 10. For City of Long Beach Departments using potable  
15 water, \$2.638 per billing unit, or fraction thereof.

16 11. For reclaimed water users whose use is "peaking" as  
17 defined herein, \$1.847 per billing unit, or fraction thereof.

18 12. For reclaimed water users whose use is "non-peaking"  
19 as defined herein, \$1.319 per billing unit, or fraction thereof.

20 13. For reclaimed water users whose use is "interruptible"  
21 as defined herein, \$1.319 per billing unit or fraction thereof.

22 14. These quantitative charges shall be subject to  
23 adjustment as provided in Subsection C of this Section.

24 15. There shall be no charge for water used through fire  
25 hydrants for extinguishing fires.

26 Section 3.

27 A. Unmetered water service may be rendered to unoccupied or  
28 occupied property where it is not practical to meter the water, and on

1 October 1, 2014, the rate for unmetered water service shall be:

2 <u>Size of Service</u>	<u>Daily Rate</u>
3 5/8 or 3/4 inch	\$2.206
4 1 inch	\$3.732
5 1-1/2 inch	\$9.192
6 2 inch	\$14.460

7  
8 B. The rates for unmetered water service shall begin on the date  
9 of use of water by the customer, as determined by the General Manager of  
10 the Water Department ("General Manager").

11 Section 4. By Resolution the Board of Water Commissioners has  
12 established a Water Conservation and Water Supply Shortage Plan (the Plan). Pursuant  
13 to the Plan, the Board may declare that a Stage 1, Stage 2 or Stage 3 Water Supply  
14 Shortage exists, in its sole discretion. Upon such declaration, the Board may increase  
15 water rates, by an amount necessary, as determined by the Board but not to exceed the  
16 following percentages:

17 Stage 1 Water Supply Shortage Rate. Water rates may be increased by an amount not  
18 to exceed 10% above the pre-shortage rate.

19 Stage 2 Water Supply Shortage Rate. Water rates may be increased by an amount not  
20 to exceed 25% above the pre-shortage rate.

21 Stage 3 Water Supply Shortage Rate. Water rates may be increased by an amount not  
22 to exceed 50% above the pre-shortage rate.

23 Section 5. Charges for water service through meters at temporary  
24 service connections from fire hydrants or otherwise shall be at the applicable quantitative  
25 charge plus the service charge, together with a charge for installing, changing, and  
26 removing the meter and fittings in accordance with the "Rules, Regulations and Charges  
27 Governing Potable Water, Reclaimed Water, Sewer Service and the Emergency Water  
28 Conservation Plan" of the Water Department.



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Section 6.

A. On October 1, 2014, the service charge for private fire protection service shall be in accordance with the following table:

<u>Size of Service</u>	<u>Daily Rate</u>
2 inch	\$0.943
3 inch	\$1.613
4 inch	\$2.383
6 inch	\$4.060
8 inch	\$5.952
10 inch	\$8.052
12 inch	\$10.148
16 inch	\$14.880

The service charges in this Section shall only include water used for fire extinguishing purposes and a reasonable amount of water used for testing the fire line.

B. Whenever the Water Department finds that water through a private fire protection service is being used for purposes other than fire extinguishing or testing the fire line, the General Manager may make a determination of the quantity of water used, the quantitative charges for that water, and the service charges to be applied. His determination shall be final. In addition, if water through a private fire protection service is used for purposes other than fire extinguishing or testing the fire line, the Water Department may discontinue the private fire protection service or may install a domestic or fire flow meter, at either the customer's or its expense as the General Manager may determine, and thereafter the service shall be classified as regular service and billed at the rates applicable thereto.

Section 7. The primary purpose of fire hydrants is extinguishing fires and they shall be opened and used only by the Water Department or the Long Beach Fire

1 Department, or such other persons as may be authorized to do so by the General  
2 Manager or the Chief of the Fire Department. Where fire hydrants are installed and  
3 maintained by the Water Department, there shall be no standby charge made to the Fire  
4 Department.

5 Section 8.

6 A. For all sewer service where the sewer lateral connects to a  
7 main line maintained by the Water Department, or the sewer lateral is  
8 located in the public right-of-way, the charge for sewer service shall consist  
9 of both a daily sewer rate and a volumetric sewer rate.

10 B. The daily sewer rate shall be in accordance with the following  
11 table:

<u>Size of Service</u>	<u>Daily Sewer Rate</u>
5/8 or 3/4 inch	\$0.260
1 inch	\$0.412
1-1/2 inch	\$0.750
2 inch	\$1.088
3 inch	\$2.251
4 inch	\$3.565
6 inch	\$6.568
8 inch	\$10.317
10 inch	\$16.878
12 inch	\$20.632
16 inch	\$33.760

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25 C. The volumetric sewer rate shall be \$0.361 per 100 cubic feet  
26 of water furnished where water service size is 5/8 inches or larger. The  
27 volumetric sewer rate shall not be applicable to fire services.

28 Industrial customers may apply for separately metered sewer

1 discharge in accordance with the "Rules, Regulations and Charges  
2 Governing Potable Water, Reclaimed Water, Sewer Service, and the Water  
3 Conservation and Water Supply Shortage Plan" of the Water Department.

4 D. For volumetric sewer rates, there are the following customer  
5 classifications: single family residential; duplex residential; multi-family  
6 residential; City Departments; commercial; and industrial.

7 Volumetric sewer rates for single family residential, duplex  
8 residential and multi-family residential shall be computed based on the  
9 average of actual potable water use during the winter billing periods. The  
10 winter billing periods used will be determined by the meter reading schedule  
11 for the account. The actual winter usage is divided by the number of winter  
12 days to obtain an average volume. The average volume will be the base  
13 volume on which the volumetric sewer rate is charged for the next twelve  
14 month period beginning with May's billing periods. Each year, the average  
15 volume will be recalculated for the succeeding twelve-month period.

16 Exceptions to the above calculation methodology will use the average  
17 volume for the water service size in which the customer falls as the average  
18 volume or a calculation using available usage information for the account.  
19 For those residential customers with no previous history of use during the  
20 winter billing periods, the average volume for the water service size in which  
21 the customer falls will be used.

22 E. For all users of the sewer system that do not receive a water  
23 bill from the City but where the user's sewer lateral connects to a main line  
24 maintained by the Water Department, or where the sewer lateral is located  
25 in the public right-of-way, the charge for sewer service shall consist of both  
26 a daily sewer rate and a volumetric sewer rate. The daily sewer rate shall  
27 be as provided in Subsection 8(B) of this Resolution. For these customers,  
28 the volumetric sewer rate shall be based on the average volume for the

1 customer's water service size.

2 F. The City shall collect from all developments and all  
3 developments shall be required to pay a capacity charge of Ninety-Three  
4 Dollars and Thirty-Nine Cents (\$93.39) per equivalent fixture unit at the time  
5 application for sewer service is made, but in no event later than the time  
6 that the City issues a sewer permit for connection to the City sewage  
7 system, as set forth in the Long Beach Municipal Code and the "Rules,  
8 Regulations and Charges Governing Potable Water, Reclaimed Water,  
9 Sewer Service and the Emergency Water Conservation Plan" of the Water  
10 Department.

11 G. Upon receipt of an application for sewer service, the City's  
12 Department of Development Services (through the Plan Checker for  
13 Plumbing) shall calculate the amount of the capacity charge by: 1)  
14 determining if this resolution applies to the development; and 2) if this  
15 resolution does not apply, indicating same on the application for sewer  
16 service and the reason this resolution does not apply, and processing the  
17 application in accordance with ordinances, resolutions, and regulations; or  
18 3) if this resolution does apply, determining the number of equivalent fixture  
19 units in the development and multiplying that number by the capacity  
20 charge per equivalent fixture unit.

21 H. The sewer capacity charge shall be subject to annual  
22 adjustment, effective October 1 of each year, to reflect the increase of the  
23 Construction Cost Index ("CCI") for Los Angeles as published in the  
24 "Engineering News-Record". The increase shall be calculated each  
25 September by dividing the CCI published in August of the current calendar  
26 year by the CCI published in August of the preceding calendar year; that  
27 figure multiplied by the sewer capacity charge in effect in October shall be  
28 the new sewer capacity charge. No adjustment shall be made to reflect a

1 decrease in the CCI.

2 I. Funds derived from capacity charges shall be placed in the  
3 Sewer Fund and shall be used only for the operation, construction,  
4 reconstruction, acquisition, or maintenance of the City sewage system.

5 J. Anyone who has paid a capacity charge may apply for a full or  
6 partial refund if within one year after payment: 1) the applicant has not  
7 been permitted to connect to the City sewage system; or 2) the  
8 development on which the capacity charge was calculated has been  
9 modified pursuant to applicable City ordinances, resolutions, or regulations,  
10 resulting from a reduction in the number of equivalent fixture units. Refund  
11 applications shall be made on forms provided by the City and shall contain  
12 a declaration under oath of those facts, along with relevant documentary  
13 evidence, which qualify the applicant for the refund. In no event shall a  
14 refund exceed ninety percent (90%) of the amount of the capacity charge  
15 actually paid.

16 K. Anyone subject to a capacity charge who constructs, deposits  
17 money into escrow with the City for the construction of, participates in an  
18 assessment district for the construction of, or otherwise contributes money  
19 or improvements to the City for the operation, construction, reconstruction,  
20 acquisition, or maintenance of the City sewage system shall be eligible for a  
21 credit for such contribution against the capacity charge otherwise due. The  
22 amount of the credit shall be the value of the contribution as determined by  
23 the City provided, however, that the credit shall not exceed ninety percent  
24 (90%) of the amount of the capacity charge. Applications for said credit  
25 shall be made on forms provided by the City and shall be submitted at or  
26 before the time of application for sewer service. The application shall  
27 contain a declaration under oath of those facts, along with relevant  
28 documentary evidence, which qualify the applicant for the credit.

1 L. The capacity charge and requirements pertaining thereto shall  
2 not affect in any way the permissible use of property, density of  
3 development, design and improvement standards, public improvement  
4 requirements, or any other aspect of the development of land or  
5 construction of buildings which may be imposed by the City pursuant to the  
6 Long Beach Municipal Code, Subdivision Regulations, or other state or  
7 local laws, ordinances or regulations which shall be in effect with respect to  
8 all developments.

9 M. The capacity charge is a charge on development that reflects  
10 a development's proportionate share of the present depreciated value of the  
11 existing City sewage system. As such the capacity charge is additional to  
12 and not in substitution of the following: 1) on-site sewer facility  
13 requirements imposed by the City pursuant to the Long Beach Municipal  
14 Code, Subdivision Regulations, and other state or local laws, ordinances or  
15 regulations; 2) sewer permit fees; 3) connection charges; 4) sewer rates;  
16 and 5) other fees, rates, and charges including but not limited to sewer  
17 standby or immediate availability charges and capital facilities charges for  
18 services or facilities other than as a proportionate share of the present  
19 depreciated value of the existing City sewer system. In no event shall an  
20 applicant for sewer service be obligated to pay fees, rates, or charges in  
21 excess of those calculated pursuant to applicable City ordinances, which  
22 shall not individually or collectively exceed the reasonable cost of providing  
23 sewer service to the development.

24 Section 9. Any term not defined herein which is defined in the Long  
25 Beach Municipal Code or in the "Rules, Regulations and Charges Governing Potable  
26 Water, Reclaimed Water, Sewer Service, and the Emergency Water Conservation Plan"  
27 of the Water Department shall have the meaning stated therein.

28 ///

1 Section 10.

2 A. Regular bills for water service and sewer service shall be  
3 issued at intervals of approximately one month (commonly called "monthly")  
4 except in those cases where the General Manager or the Board of Water  
5 Commissioners shall prescribe another billing interval. Insofar as practical,  
6 meters shall be read at regular intervals for the preparation of regular bills,  
7 and meters shall be read as required for the preparation of opening,  
8 closing, and special bills.

9 B. Every water customer and every sewer customer shall be  
10 liable for payment of bills for water service and sewer service. Charges for  
11 water service and sewer service shall be included in municipal utility bills.

12 C. Anyone who has been granted an exemption under Chapter  
13 3.68 of the Long Beach Municipal Code as of the date of this resolution  
14 does not need to file a separate application for exemption hereunder.

15 Section 11. Whenever the correctness of any bill for water or sewer  
16 service is questioned by a customer, the procedures established in the "Rules,  
17 Regulations and Charges Governing Potable Water, Reclaimed Water, Sewer Service,  
18 and the Emergency Water Conservation Plan" of the Water Department shall be followed.

19 Section 12. The following words shall have the meanings defined as  
20 follows:

21 A. "Billing unit" means one hundred (100) cubic feet of water and  
22 equals 748 gallons;

23 B. "Commercial" refers to activities devoted primarily to business,  
24 property management, or a profession;

25 C. "Industrial" refers to activities devoted primarily to  
26 manufacturing or processing;

27 D. "Interruptible" refers to reclaimed water service that can be  
28 suspended at any time at the Board's discretion, without liability and

1 dependent upon the Water Department's reclaimed water system needs for  
2 such service.

3 E. "Non-peaking" means total average daily demand occurring at  
4 a continuous, constant level over a twenty-four (24) hour period;

5 F. "Peaking" means total average daily demand occurring  
6 between the hours of 9:00 p.m. and 6:00 a.m.

7 G. "Winter billing period" means the time period used for sewer  
8 volumetric calculation purposes, which includes bills with a bill prepared  
9 date in December, January, February, or March.

10 Section 13. All other resolutions of the Board of Water Commissioners, or  
11 provisions thereof, which conflict with this resolution are hereby rescinded. The charges,  
12 conditions, and provisions established in this Resolution shall supersede all others  
13 previously established.

14 Section 14. The Secretary of the Board of Water Commissioners shall  
15 certify to the passage of this resolution and it shall take effect by operation of law  
16 following its approval by the City Council by ordinance.

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1 I hereby certify that the foregoing resolution was adopted by the Board of  
2 Water Commissioners of the City of Long Beach at its meeting held on June 19, 2014, by  
3 the following vote:


4  
5 Ayes: Commissioners: MARTINEZ; ALLEN; SHANNON;  
6 LEVINE; SALTZGAVER

7  
8 Noes: Commissioners: NONE

9 Absent: Commissioners: NONE

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12   
13 Secretary  
14 Board of Water Commissioners

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17 OFFICE OF THE CITY ATTORNEY  
18 CHARLES PARKIN, City Attorney  
19 333 West Ocean Boulevard, 11th Floor  
20 Long Beach, CA 90802-4664

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**CERTIFIED AS A TRUE AND CORRECT COPY**  
**SECRETARY TO THE BOARD OF WATER COMMISSIONERS**  
**CITY OF LONG BEACH, CALIFORNIA**  
BY:   
DATE: 6/19/2014