

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING RESOLUTION NO. WD-1309, 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, 2013

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

Section 1. That Resolution No. WD-1309 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-1299 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 20, 2013, 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, 2013, 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, 2013.

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

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
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1 I further certify that thereafter, at the same meeting, upon a roll call and
2 vote on adoption of the ordinance, it was adopted by the City Council of the City of Long
3 Beach by the following vote:

4 Ayes: Councilmembers: _____

5 _____

6 _____

7 _____

8 Noes: Councilmembers: _____

9 _____

10 Absent: Councilmembers: _____

11 _____

12 I further certify that the foregoing ordinance was thereafter adopted on final
13 reading of the City Council of the City of Long Beach at its meeting of _____,
14 2013, by the following vote:

15 Ayes: Councilmembers: _____

16 _____

17 _____

18 _____

19 Noes: Councilmembers: _____

20 _____

21 Absent: Councilmembers: _____

22 _____

23 _____

24 _____

City Clerk

25 _____

26 _____

27 Approved: _____

(Date)

Mayor

28 _____

RESOLUTION NO. WD-1309

A RESOLUTION OF THE CITY OF LONG BEACH
BOARD OF WATER COMMISSIONERS AMENDING
RESOLUTION NO. WD-1299 FIXING RATES AND
CHARGES FOR WATER AND SEWER SERVICE TO ALL
CUSTOMERS, SUBJECT TO THE APPROVAL OF THE
CITY COUNCIL BY ORDINANCE

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

Section 1. That the following rates and charges for potable and reclaimed water service and for sewer service are hereby established, and the Long Beach Water Department ("Water Department") of the City of Long Beach ("City") is hereby authorized and directed to charge and collect the same in accordance with the provisions of this resolution, subject to a Public Hearing on September 5, 2013.

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

A. On October 1, 2013, the service charge shall be in accordance with the following table:

| <u>Size of Service</u> | <u>Daily Service Charge</u> |
|------------------------|-----------------------------|
| 5/8 or 3/4 inch | \$0.435 |
| 1 inch | \$0.655 |
| 1-1/2 inch | \$1.222 |
| 2 inch | \$1.812 |
| 3 inch | \$3.752 |

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| <u>Size of Service</u> | <u>Daily Service Charge</u> |
|------------------------|-----------------------------|
| 4 inch | \$5.936 |
| 6 inch | \$10.940 |
| 8 inch | \$17.171 |
| 10 inch | \$28.123 |
| 12 inch | \$34.370 |
| 16 inch | \$56.884 |

B. On October 1, 2013, 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) | \$1.269 |
| Tier II | Next 10 Billing Units (or fraction thereof) | \$2.537 |
| Tier III | Over 15 Billing Units (or fraction thereof) | \$3.806 |

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) | \$2.283 |
| Tier II | Next 10 Billing Units (or fraction thereof) | \$2.537 |
| Tier III | Over 15 Billing Units (or fraction thereof) | \$3.806 |

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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3 Tier IA First 2.5 Billing Units \$1.269
4 (or fraction thereof
per dwelling unit)

5

6 Tier II Next 10.5 Billing Units \$2.537
7 (or fraction thereof
per dwelling unit)

7

8 Tier III Over 13 Billing Units \$3.806
9 (or fraction thereof
per dwelling unit)

9

4. For duplex residential customers of potable water who

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have not been granted an exemption from the City's Utility Users Tax:

11

12 Tier IB First 2.5 Billing Units \$2.283
13 (or fraction thereof
per dwelling unit)

13

14 Tier II Next 10.5 Billing Units \$2.537
15 (or fraction thereof
per dwelling unit)

15

16 Tier III Over 13 Billing Units \$3.806
17 (or fraction thereof
per dwelling unit)

17

18

5. For multi-family residential customers of potable water

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who have been granted an exemption from the City's Utility Users Tax in

20

accordance with Chapter 3.68 of the Long Beach Municipal Code:

21

22 Tier IA First 2.5 Billing Units \$1.269
23 (or fraction thereof
per dwelling unit)

23

24 Tier II Next 6.5 Billing Units \$2.537
25 (or fraction thereof
per dwelling unit)

25

26 Tier III Over 9 Billing Units \$3.806
27 (or fraction thereof
per dwelling unit)

27

6. For multi-family residential customers of potable water

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1 who have not been granted an exemption from the City's Utility Users Tax:

| | | | |
|---|----------|-------------------------|---------|
| 2 | | | |
| 3 | Tier IB | First 2.5 Billing Units | \$2.283 |
| 4 | | (or fraction thereof | |
| | | per dwelling unit) | |
| 5 | Tier II | Next 6.5 Billing Units | \$2.537 |
| 6 | | (or fraction thereof | |
| | | per dwelling unit) | |
| 7 | Tier III | Over 9 Billing Units | \$3.806 |
| 8 | | (or fraction thereof | |
| | | per dwelling unit) | |

9 7. For commercial customers of potable water, \$2.537 per
10 billing unit, or fraction thereof.

11 8. For industrial customers of potable water, \$2.537 per
12 billing unit, or fraction thereof.

13 9. For irrigation customers of potable water, \$2.537 per
14 billing unit, or fraction thereof.

15 10. For City of Long Beach Departments using potable
16 water, \$2.537 per billing unit, or fraction thereof.

17 11. For reclaimed water users whose use is "peaking" as
18 defined herein, \$1.776 per billing unit, or fraction thereof.

19 12. For reclaimed water users whose use is "non-peaking"
20 as defined herein, \$1.269 per billing unit, or fraction thereof.

21 13. For reclaimed water users whose use is "interruptible" as
22 defined herein, \$1.269 per billing unit or fraction thereof.

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

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

27 Section 3. A. Unmetered water service may be
28 rendered to unoccupied or occupied property where it is not practical

1 to meter the water, and on October 1, 2013, the rate for unmetered
2 water service shall be:

| 3 <u>Size of Service</u> | <u>Daily Rate</u> |
|--------------------------|-------------------|
| 4 5/8 or 3/4 inch | \$2.121 |
| 5 1 inch | \$3.588 |
| 6 1-1/2 inch | \$8.838 |
| 7 2 inch | \$13.904 |

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

12 Section 4. By Resolution the Board of Water

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

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

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

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

25 Section 5. Charges for water service through meters at
26 temporary service connections from fire hydrants or otherwise shall be at
27 the applicable quantitative charge plus the service charge, together with a
28 charge for installing, changing, and removing the meter and fittings in

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

4 Section 6. A. On October 1, 2013, the service
5 charge for private fire protection service shall be in accordance with
6 the following table:

| <u>Size of Service</u> | <u>Daily Rate</u> |
|------------------------|-------------------|
| 2 inch | \$0.907 |
| 3 inch | \$1.551 |
| 4 inch | \$2.291 |
| 6 inch | \$3.904 |
| 8 inch | \$5.723 |
| 10 inch | \$7.742 |
| 12 inch | \$9.758 |
| 16 inch | \$14.308 |

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

19 B. Whenever the Water Department finds that water through a
20 private fire protection service is being used for purposes other than fire
21 extinguishing or testing the fire line, the General Manager may make a
22 determination of the quantity of water used, the quantitative charges for that
23 water, and the service charges to be applied. His determination shall be
24 final. In addition, if water through a private fire protection service is used for
25 purposes other than fire extinguishing or testing the fire line, the Water
26 Department may discontinue the private fire protection service or may install
27 a domestic or fire flow meter, at either the customer's or its expense as the
28 General Manager may determine, and thereafter the service shall be

1 classified as regular service and billed at the rates applicable thereto.

2 Section 7. The primary purpose of fire hydrants is
3 extinguishing fires and they shall be opened and used only by the Water
4 Department or the Long Beach Fire Department, or such other persons as
5 may be authorized to do so by the General Manager or the Chief of the Fire
6 Department. Where fire hydrants are installed and maintained by the Water
7 Department, there shall be no standby charge made to the Fire
8 Department.

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

14 B. The daily sewer rate shall be in accordance with the following
15 table:

| 16 <u>Size of Service</u> | 17 <u>Daily Sewer Rate</u> |
|---------------------------|----------------------------|
| 18 5/8 or 3/4 inch | \$0.250 |
| 19 1 inch | \$0.396 |
| 20 1-1/2 inch | \$0.721 |
| 21 2 inch | \$1.046 |
| 22 3 inch | \$2.164 |
| 23 4 inch | \$3.428 |
| 24 6 inch | \$6.315 |
| 25 8 inch | \$9.920 |
| 26 10 inch | \$16.229 |
| 27 12 inch | \$19.838 |
| 28 16 inch | \$32.462 |

C. The volumetric sewer rate shall be \$0.347 per 100 cubic feet

1 of water furnished where water service size is 5/8 inches or larger. The
2 volumetric sewer rate shall not be applicable to fire services.

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

6 Volumetric sewer rates for single family residential, duplex residential
7 and multi-family residential shall be computed based on the average of
8 actual potable water use during the winter billing periods. The winter billing
9 periods used will be determined by the meter reading schedule for the
10 account. The actual winter usage is divided by the number of winter days to
11 obtain an average volume. The average volume will be the base volume on
12 which the volumetric sewer rate is charged for the next twelve month period
13 beginning with May's billing periods. Each year, the average volume will be
14 recalculated for the succeeding twelve-month period. Exceptions to the
15 above calculation methodology will use the average volume for the water
16 service size in which the customer falls as the average volume or a
17 calculation using available usage information for the account. For those
18 residential customers with no previous history of use during the winter billing
19 periods, the average volume for the water service size in which the
20 customer falls will be used.

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

1 F. The City shall collect from all developments and all
2 developments shall be required to pay a capacity charge of Ninety-Three
3 Dollars and Twenty Cents (\$93.20) per equivalent fixture unit at the time
4 application for sewer service is made, but in no event later than the time that
5 the City issues a sewer permit for connection to the City sewage system, as
6 set forth in the Long Beach Municipal Code and the "Rules, Regulations and
7 Charges Governing Potable Water, Reclaimed Water, Sewer Service and
8 the Emergency Water Conservation Plan" of the Water Department.

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

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

28 I. Funds derived from capacity charges shall be placed in the

1 Sewer Fund and shall be used only for the operation, construction,
2 reconstruction, acquisition, or maintenance of the City sewage system.

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

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

26 L. The capacity charge and requirements pertaining thereto shall
27 not affect in any way the permissible use of property, density of
28 development, design and improvement standards, public improvement

1 requirements, or any other aspect of the development of land or
2 construction of buildings which may be imposed by the City pursuant to the
3 Long Beach Municipal Code, Subdivision Regulations, or other state or local
4 laws, ordinances or regulations which shall be in effect with respect to all
5 developments.

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

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

26 Section 10. A. Regular bills for water service and
27 sewer service shall be issued at intervals of approximately one month
28 (commonly called "monthly") except in those cases where the

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General Manager or the Board of Water Commissioners shall prescribe another billing interval. Insofar as practical, meters shall be read at regular intervals for the preparation of regular bills, and meters shall be read as required for the preparation of opening, closing, and special bills.

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

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

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

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

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

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

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

D. "Interruptible" refers to reclaimed water service that can be suspended at any time at the Board's discretion, without liability and dependent upon the Water Department's reclaimed water system needs for such service.

E. "Non-peaking" means total average daily demand occurring at

1 a continuous, constant level over a twenty-four (24) hour period;

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

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

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

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

15 I hereby certify that the foregoing resolution was adopted by the Board of
16 Water Commissioners of the City of Long Beach at its meeting held on June 20, 2013, by
17 the following vote:

18
19 Ayes: Commissioners: BLANCO; DALLMAN;
20 SALTZGAVER; ALLEN

21
22 Noes: Commissioners: NONE

23 Absent: Commissioners: NONE
24

25 CERTIFIED AS A TRUE AND CORRECT COPY

26 ~~SECRETARY TO THE BOARD OF WATER COMMISSIONERS~~
27 ~~CITY OF LONG BEACH, CALIFORNIA~~

28 BY: [Signature]
DATE: 6/20/2013

Suzanne Dallman
Secretary
Board of Water Commissioners

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
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Long Beach, CA 90802-4664