

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING RESOLUTION NO. WD-1357, 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, 2016

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

Section 1. That Resolution No. WD-1357 of the Board of Water Commissioners of the City of Long Beach, entitled "A RESOLUTION OF THE CITY OF LONG BEACH BOARD OF WATER COMMISSIONERS AMENDING RESOLUTION NO. WD-1341 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 16, 2016, 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 the Long Beach Water Department during the fiscal year which begins on October 1, 2016, 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, 2016.

Section 3. If any section, subsection, subdivision, sentence, sum,

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

8 Section 4. This ordinance is an emergency ordinance duly adopted by
9 the City Council by a vote of five of its members and shall take effect immediately. The
10 City Clerk shall certify to a separate roll call and vote on the question of the emergency of
11 this ordinance and to its passage by the vote of five members of the City Council of the
12 City of Long Beach, and cause the same to be posted in three conspicuous places in the
13 City of Long Beach, and it shall thereupon take effect and shall be operative on and after
14 12:01 a.m. on October 1, 2016.

15 I hereby certify that on a separate roll call and vote which was taken by the
16 City Council of the City of Long Beach upon the questions of the emergency of this
17 ordinance at its meeting of _____, 2016, the ordinance was declared
18 to be an emergency by the following vote:

19 Ayes: Councilmembers: _____

20 _____

21 _____

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23 Noes: Councilmembers: _____

24 _____

25 Absent: Councilmembers: _____

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1 I further certify that thereafter, at the same meeting, upon a roll call and vote
2 on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach
3 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 2016, by the following vote:

15 Ayes: Councilmembers: _____
16 _____
17 _____
18 _____

19 Noes: Councilmembers: _____
20 _____

21 Absent: Councilmembers: _____
22 _____

24 _____
City Clerk

27 Approved: _____
28 (Date)

Mayor

OFFICE OF THE CITY ATTORNEY
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1 RESOLUTION NO. WD-1357

2
3 A RESOLUTION OF THE CITY OF LONG BEACH
4 BOARD OF WATER COMMISSIONERS AMENDING
5 RESOLUTION NO. WD-1341 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.

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, 2016, the service charge shall be in
21 accordance with the following table:

<u>Size of Service</u>	<u>Daily Service Charge</u>
23 5/8 or 3/4 inch	\$0.489
24 1 inch	\$0.736
25 1-1/2 inch	\$1.375
26 2 inch	\$2.037
27 3 inch	\$4.220
28 4 inch	\$6.677

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<u>Size of Service</u>	<u>Daily Service Charge</u>
6 inch	\$12.306
8 inch	\$19.315
10 inch	\$31.635
12 inch	\$38.662
16 inch	\$63.986

B. On October 1, 2016, 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)	\$1.427
Tier II	Next 10 Billing Units (or fraction thereof)	\$2.854
Tier III	Over 15 Billing Units (or fraction thereof)	\$4.281

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)	\$2.569
Tier II	Next 10 Billing Units (or fraction thereof)	\$2.854
Tier III	Over 15 Billing Units (or fraction thereof)	\$4.281

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)	\$1.427
Tier II	Next 10.5 Billing Units (or fraction thereof per dwelling unit)	\$2.854
Tier III	Over 13 Billing Units (or fraction thereof per dwelling unit)	\$4.281

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)	\$2.569
Tier II	Next 10.5 Billing Units (or fraction thereof per dwelling unit)	\$2.854
Tier III	Over 13 Billing Units (or fraction thereof per dwelling unit)	\$4.281

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)	\$1.427
Tier II	Next 6.5 Billing Units (or fraction thereof per dwelling unit)	\$2.854
Tier III	Over 9 Billing Units (or fraction thereof per dwelling unit)	\$4.281

6. For multi-family 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	\$2.569
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(or fraction thereof
per dwelling unit)

Tier II	Next 6.5 Billing Units (or fraction thereof per dwelling unit)	\$2.854
Tier III	Over 9 Billing Units (or fraction thereof per dwelling unit)	\$4.281

7. For commercial customers of potable water, \$2.854 per billing unit, or fraction thereof.

8. For industrial customers of potable water, \$2.854 per billing unit, or fraction thereof.

9. For irrigation customers of potable water, \$2.854 per billing unit, or fraction thereof.

10. For City of Long Beach Departments using potable water, \$2.854 per billing unit, or fraction thereof.

11. For reclaimed water users whose use is "peaking" as defined herein, \$1.998 per billing unit, or fraction thereof.

12. For reclaimed water users whose use is "non-peaking" as defined herein, \$1.427 per billing unit, or fraction thereof.

13. For reclaimed water users whose use is "interruptible" as defined herein, \$1.427 per billing unit or fraction thereof.

14. There shall be no charge for water used through fire hydrants for extinguishing fires.

Section 3.

A. Unmetered water service may be rendered to unoccupied or occupied property where it is not practical to meter the water, and on October 1, 2016, the rate for unmetered water service shall be:

<u>Size of Service</u>	<u>Daily Rate</u>
5/8 or 3/4 inch	\$2.386

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<u>Size of Service</u>	<u>Daily Rate</u>
1 inch	\$4.036
1-1/2 inch	\$9.942
2 inch	\$15.640

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

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

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

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

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

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

Section 6.

1 A. On October 1, 2016, the service charge for private fire
 2 protection service shall be in accordance with the following table:

<u>Size of Service</u>	<u>Daily Rate</u>
2 inch	\$1.020
3 inch	\$1.745
4 inch	\$2.577
6 inch	\$4.391
8 inch	\$6.438
10 inch	\$8.709
12 inch	\$10.976
16 inch	\$16.094

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

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

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

4 Section 8.

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

9 B. On October 1, 2016, the daily sewer rate shall be in
10 accordance with the following table:

11 <u>Size of Service</u>	<u>Daily Sewer Rate</u>
12 5/8 or 3/4 inch	\$0.281
13 1 inch	\$0.445
14 1-1/2 inch	\$0.811
15 2 inch	\$1.177
16 3 inch	\$2.435
17 4 inch	\$3.856
18 6 inch	\$7.104
19 8 inch	\$11.159
20 10 inch	\$18.255
21 12 inch	\$22.315
22 16 inch	\$36.514

23
24 C. On October 1, 2016, the volumetric sewer rate shall be \$0.390
25 per 100 cubic feet of water furnished where water service size is 5/8 inches
26 or larger. The volumetric sewer rate shall not be applicable to fire services.

27 Industrial customers may apply for separately metered sewer
28 discharge in accordance with the "Rules, Regulations and Charges

1 Governing Potable Water, Reclaimed Water, Sewer Service, and the Water
2 Conservation and Water Supply Shortage Plan” of the Water Department.

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

15 Exceptions to the above calculation methodology will use the average
16 volume for the water service size in which the customer falls as the average
17 volume or a calculation using available usage information for the account.
18 For those residential customers with no previous history of use during the
19 winter billing periods, the average volume for the water service size in which
20 the 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-Nine
3 Dollars and Fifty-Two Cents (\$99.52) per equivalent fixture unit at the time
4 application for sewer service is made, but in no event later than the time
5 that the City issues a sewer permit for connection to the City sewage
6 system, as set forth in the Long Beach Municipal Code and the "Rules,
7 Regulations and Charges Governing Potable Water, Reclaimed Water,
8 Sewer Service and the Emergency Water Conservation Plan" of the Water
9 Department.

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

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

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

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

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

L. The capacity charge and requirements pertaining thereto shall

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

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

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

27 ///

28 Section 10.

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

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

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

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

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

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

22 B. “Commercial” refers to activities devoted primarily to business,
23 property management, or a profession;

24 C. “Industrial” refers to activities devoted primarily to
25 manufacturing or processing;

26 D. “Interruptible” refers to reclaimed water service that can be
27 suspended at any time at the Board’s discretion, without liability and
28 dependent upon the Water Department’s reclaimed water system needs for

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1 such service.

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

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

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

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

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

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28 I hereby certify that the foregoing resolution was adopted by the Board of

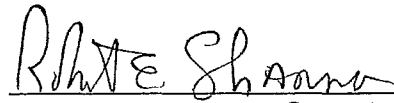
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1 Water Commissioners of the City of Long Beach at its meeting held on June 16, 2016, by
2 the following vote:

3
4 Ayes: Commissioners: LEVINE; SHANNON; CORDERO;
5 SALTZGAVER; MARTINEZ
6 _____

7 Noes: Commissioners: NONE

8 Absent: Commissioners: NONE
9 _____

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12 Secretary
13 Board of Water Commissioners

14 **CERTIFIED AS A TRUE AND CORRECT COPY**

15 **SECRETARY TO THE BOARD OF WATER COMMISSIONERS**
16 **CITY OF LONG BEACH, CALIFORNIA**

17 BY: 

18 DATE: 6/16/2016

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