

ORDINANCE NO. ORD-17-0028

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH APPROVING RESOLUTION NO.
WD-1382, 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; DECLARING THE
URGENCY THEREOF; AND PROVIDING THAT THIS
ORDINANCE SHALL TAKE EFFECT AT 12:01 A.M. ON
JANUARY 1, 2018

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

Section 1. That Resolution No. WD-1382 of the Board of Water
Commissioners of the City of Long Beach (attached), entitled "A RESOLUTION OF THE
CITY OF LONG BEACH BOARD OF WATER COMMISSIONERS AMENDING
RESOLUTION NO. WD-1376 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 November 16, 2017, 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, it is necessary to authorize the rates and charges for water and sewer service
effective as of a date certain and that this ordinance be passed as an emergency measure,
to take effect at 12:01 a.m. on January 1, 2018.

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

9
10 Section 4. This ordinance is an emergency ordinance duly adopted by the
11 City Council in accordance with Long Beach City Charter Section 211 by a vote of at least
12 five (5) of its members and shall take effect immediately. The City Clerk shall certify to a
13 separate roll call and vote on the question of the emergency of this ordinance and to its
14 passage by the vote of five (5) members of the City Council of the City of Long Beach, and
15 shall cause the same to be posted in three (3) conspicuous places in the City of Long
16 Beach.

17
18 Section 5. This ordinance shall also be adopted by the City Council as a
19 regular ordinance, to the end that in the event of any defect or invalidity in connection with
20 the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless,
21 and it shall thereupon take effect and shall be operative on and after 12:01 a.m. on January
22 1, 2018.

23
24 Section 6. The City Clerk shall certify to the passage of this ordinance by
25 the City Council of the City of Long Beach and shall cause the same to be posted in three
26 (3) conspicuous places in the City of Long Beach.

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I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of December 5, 2017, the ordinance was declared to be an emergency by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw,
Mungo, Andrews, Uranga, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Austin.

I further certify that thereafter, at the same meeting on December 5, 2017, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw,
Mungo, Andrews, Uranga, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Austin.

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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 _____, 2017, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____


City Clerk

Approved: Dec. 6, 2017
(Date)


Mayor

1 RESOLUTION NO. WD-1382

2
3 A RESOLUTION OF THE CITY OF LONG BEACH
4 BOARD OF WATER COMMISSIONERS AMENDING
5 RESOLUTION NO. WD-1376 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 reclaimed
13 water service and for sewer service are hereby established, and the Long Beach Water
14 Department ("Water Department") of the City of Long Beach ("City") is hereby authorized
15 and directed to charge and collect the same in accordance with the provisions of this
16 resolution. All of the following rates and charges shall be effective as of January 1, 2018.

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. The service charge shall be as follows:

21 1. Single family residential, duplex residential, and multi-
22 family residential customers of potable water who have been granted an
23 exemption from the City's Utility Users Tax in accordance with Chapter 3.68
24 of the Long Beach Municipal Code shall receive a monthly service charge bill
25 credit of approximately Five Dollars (\$5.00) and the service charge rates shall
26 be as follows:

27 ///

28 ///

<u>Size of Service</u>	<u>Daily Service Charge</u>
5/8 or 3/4 inch	\$0.548
1 inch	\$0.812
1-1/2 inch	\$1.472
2 inch	\$2.265
3 inch	\$4.773
4 inch	\$8.072
6 inch	\$17.973
8 inch	\$37.114
10 inch	\$55.595
12 inch	\$70.115
16 inch	\$103.116

2. For commercial, industrial, irrigation, City of Long Beach Department, reclaimed, single family residential, duplex residential, and multi-family residential customers who have not been granted an exemption from the City's Utility Users Tax in accordance with Chapter 3.68 of the Long Beach Municipal Code the service charge rates shall be as follows:

<u>Size of Service</u>	<u>Daily Service Charge</u>
5/8 or 3/4 inch	\$0.548
1 inch	\$0.812
1-1/2 inch	\$1.472
2 inch	\$2.265
3 inch	\$4.773
4 inch	\$8.072
6 inch	\$17.973
8 inch	\$37.114
10 inch	\$55.595

<u>Size of Service</u>	<u>Daily Service Charge</u>
12 inch	\$70.115
16 inch	\$103.116

B. The quantitative charge for all water delivered shall be as follows, based on monthly meter readings:

1. For single family residential, duplex residential, and 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 6 Billing Units (or fraction thereof)	\$0.000
Tier II	Next 7 Billing Units (or fraction thereof)	\$3.664
Tier III	Over 13 Billing Units (or fraction thereof)	\$5.347

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

Tier IB	First 6 Billing Units (or fraction thereof)	\$1.914
Tier II	Next 7 Billing Units (or fraction thereof)	\$3.664
Tier III	Over 13 Billing Units (or fraction thereof)	\$5.347

3. For commercial customers of potable water, \$2.847 per billing unit, or fraction thereof.

4. For industrial customers of potable water, \$2.847 per billing unit, or fraction thereof.

5. For irrigation customers of potable water, \$2.847 per billing unit, or fraction thereof.

6. For City of Long Beach Departments using potable water, \$2.847 per billing unit, or fraction thereof.

7. For reclaimed water users whose use is "peaking" as defined herein, \$1.852 per billing unit, or fraction thereof.

8. For reclaimed water users whose use is "non-peaking" as defined herein, \$1.572 per billing unit, or fraction thereof.

9. For reclaimed water users whose use is "interruptible" as defined herein, \$1.572 per billing unit or fraction thereof.

10. These quantitative charges shall be subject to adjustment as provided in Section 4 of this Section.

11. 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 the rate for unmetered water service shall be:

<u>Size of Service</u>	<u>Daily Rate</u>
5/8 or 3/4 inch	\$2.377
1 inch	\$4.021
1-1/2 inch	\$9.906
2 inch	\$15.583

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

1 to the Plan, the Board may declare that a Stage 1, Stage 2 or Stage 3 Water Supply
2 Shortage exists, in its sole discretion. Upon such declaration, the Board may increase
3 water rates, by an amount necessary, as determined by the Board but not to exceed the
4 following percentages:

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

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

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

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

17 Section 6.

18 A. The service charge for private fire protection service shall be in
19 accordance with the following table:

<u>Size of Service</u>	<u>Daily Rate</u>
21 2 inch	\$0.324
22 3 inch	\$0.651
23 4 inch	\$1.217
24 6 inch	\$3.244
25 8 inch	\$6.742
26 10 inch	\$12.003
27 12 inch	\$19.294
28 16 inch	\$40.944

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

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

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

21 Section 8.

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

26 B. The daily sewer rate shall be in accordance with the following
27 table:

28 ///

<u>Size of Service</u>	<u>Daily Sewer Rate</u>
5/8 or 3/4 inch	\$0.225
1 inch	\$0.333
1-1/2 inch	\$0.874
2 inch	\$1.507
3 inch	\$3.511
4 inch	\$5.079
6 inch	\$14.150
8 inch	\$14.999
10 inch	\$23.218
12 inch	\$29.284
16 inch	\$43.069

C. The volumetric sewer rate shall be \$0.357 per 100 cubic feet of water furnished where water service size is 5/8 inches or larger. The volumetric sewer rate shall not be applicable to fire services.

Industrial customers may apply for separately metered sewer discharge in accordance with the "Rules, Regulations and Charges Governing Potable Water, Reclaimed Water, Sewer Service, and the Water Conservation and Water Supply Shortage Plan" of the Water Department.

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

Volumetric sewer rates for single family residential, duplex residential and multi-family residential shall be computed based on the average of actual potable water use during the winter billing periods. The winter billing periods used will be determined by the meter reading schedule

1 for the account. The actual winter usage is divided by the number of winter
2 days to obtain an average volume. The average volume will be the base
3 volume on which the volumetric sewer rate is charged for the next twelve
4 month period beginning with May's billing periods. Each year, the average
5 volume will be recalculated for the succeeding twelve-month period.
6 Exceptions to the above calculation methodology will use the average volume
7 for the water service size in which the customer falls as the average volume
8 or a calculation using available usage information for the account. For those
9 residential customers with no previous history of use during the winter billing
10 periods, the average volume for the water service size in which the customer
11 falls will be used.

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

20 F. The City shall collect from all developments and all
21 developments shall be required to pay a capacity charge of One Hundred
22 and One Dollars and Eleven Cents (\$101.11) per equivalent fixture unit at the
23 time application for sewer service is made, but in no event later than the time
24 that the City issues a sewer permit for connection to the City sewage system,
25 as set forth in the Long Beach Municipal Code and the "Rules, Regulations
26 and Charges Governing Potable Water, Reclaimed Water, Sewer Service
27 and the Emergency Water Conservation Plan" of the Water Department.

28 G. Upon receipt of an application for sewer service, the City's

1 Department of Development Services (through the Plan Checker for
2 Plumbing) shall calculate the amount of the capacity charge by: 1)
3 determining if this resolution applies to the development; and 2) if this
4 resolution does not apply, indicating same on the application for sewer
5 service and the reason this resolution does not apply, and processing the
6 application in accordance with ordinances, resolutions, and regulations; or 3)
7 if this resolution does apply, determining the number of equivalent fixture
8 units in the development and multiplying that number by the capacity charge
9 per equivalent fixture unit.

10 H. The sewer capacity charge shall be subject to annual
11 adjustment, effective October 1 of each year, to reflect the increase of the
12 Construction Cost Index ("CCI") for Los Angeles as published in the
13 "Engineering News-Record". The increase shall be calculated each
14 September by dividing the CCI published in August of the current calendar
15 year by the CCI published in August of the preceding calendar year; that
16 figure multiplied by the sewer capacity charge in effect in October shall be
17 the new sewer capacity charge. No adjustment shall be made to reflect a
18 decrease in the CCI.

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

22 J. Anyone who has paid a capacity charge may apply for a full or
23 partial refund if within one year after payment: 1) the applicant has not been
24 permitted to connect to the City sewage system; or 2) the development on
25 which the capacity charge was calculated has been modified pursuant to
26 applicable City ordinances, resolutions, or regulations, resulting from a
27 reduction in the number of equivalent fixture units. Refund applications shall
28 be made on forms provided by the City and shall contain a declaration under

1 oath of those facts, along with relevant documentary evidence, which qualify
2 the applicant for the refund. In no event shall a refund exceed ninety percent
3 (90%) of the amount of the capacity charge actually paid.

4 K. Anyone subject to a capacity charge who constructs, deposits
5 money into escrow with the City for the construction of, participates in an
6 assessment district for the construction of, or otherwise contributes money or
7 improvements to the City for the operation, construction, reconstruction,
8 acquisition, or maintenance of the City sewage system shall be eligible for a
9 credit for such contribution against the capacity charge otherwise due. The
10 amount of the credit shall be the value of the contribution as determined by
11 the City provided, however, that the credit shall not exceed ninety percent
12 (90%) of the amount of the capacity charge. Applications for said credit shall
13 be made on forms provided by the City and shall be submitted at or before
14 the time of application for sewer service. The application shall contain a
15 declaration under oath of those facts, along with relevant documentary
16 evidence, which qualify the applicant for the credit.

17 L. The capacity charge and requirements pertaining thereto shall
18 not affect in any way the permissible use of property, density of development,
19 design and improvement standards, public improvement requirements, or
20 any other aspect of the development of land or construction of buildings
21 which may be imposed by the City pursuant to the Long Beach Municipal
22 Code, Subdivision Regulations, or other state or local laws, ordinances or
23 regulations which shall be in effect with respect to all developments.

24 M. The capacity charge is a charge on development that reflects a
25 development's proportionate share of the present depreciated value of the
26 existing City sewage system. As such the capacity charge is additional to
27 and not in substitution of the following: 1) on-site sewer facility requirements
28 imposed by the City pursuant to the Long Beach Municipal Code, Subdivision

1 Regulations, and other state or local laws, ordinances or regulations; 2)
2 sewer permit fees; 3) connection charges; 4) sewer rates; and 5) other fees,
3 rates, and charges including but not limited to sewer standby or immediate
4 availability charges and capital facilities charges for services or facilities other
5 than as a proportionate share of the present depreciated value of the existing
6 City sewer system. In no event shall an applicant for sewer service be
7 obligated to pay fees, rates, or charges in excess of those calculated
8 pursuant to applicable City ordinances, which shall not individually or
9 collectively exceed the reasonable cost of providing sewer service to the
10 development.

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

15 Section 10.

16 A. Regular bills for water service and sewer service shall be
17 issued at intervals of approximately one month (commonly called "monthly")
18 except in those cases where the General Manager or the Board of Water
19 Commissioners shall prescribe another billing interval. Insofar as practical,
20 meters shall be read at regular intervals for the preparation of regular bills,
21 and meters shall be read as required for the preparation of opening, closing,
22 and special bills.

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

26 C. Anyone who has been granted an exemption under Chapter
27 3.68 of the Long Beach Municipal Code as of the date of this resolution does
28 not need to file a separate application for exemption hereunder.

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

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

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

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

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

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

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

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

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

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

28 Section 14. The Secretary of the Board of Water Commissioners shall

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

1 certify to the passage of this resolution and it shall take effect by operation of law following
2 its approval by the City Council by ordinance.

3 I hereby certify that the foregoing resolution was adopted by the Board of
4 Water Commissioners of the City of Long Beach at its meeting held on November 16, 2017,
5 by the following vote:

6
7 Ayes: Commissioners: SALTZGAVER; MARTINEZ; LEVINE;
8 SHANNON

9
10 Noes: Commissioners: NONE

11 Absent: Commissioners: CORDERO
12 _____
13 _____
14 _____

15 Harry Saltzgar
16 Secretary

Board of Water Commissioners

17
18
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22
23 CERTIFIED AS A TRUE AND CORRECT COPY

24 SECRETARY TO THE BOARD OF WATER COMMISSIONERS
CITY OF LONG BEACH, CALIFORNIA

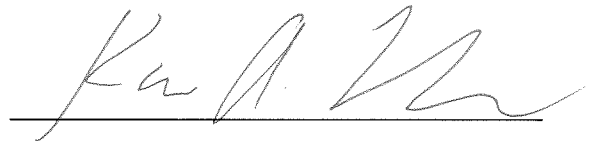
25 BY: [Signature]

26 DATE: 11/16/2017
27
28

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Karen Moore being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 6th day of December, 2017, I posted three true and correct copies of Emergency Ordinance No. ORD-17-0028 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.



A handwritten signature in cursive script, appearing to read "Karen Moore", is written over a horizontal line.

Subscribed and sworn to before me
This 6th day of December, 2017.



A handwritten signature in cursive script is written over a horizontal line. Below the line, the words "CITY CLERK" are printed in a sans-serif font.