

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

ORDINANCE NO. ORD-08-0023

1  
2  
3 AN ORDINANCE OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH APPROVING RESOLUTION NO.  
5 WD-1245, A RESOLUTION OF THE BOARD OF WATER  
6 COMMISSIONERS OF THE CITY ESTABLISHING THE  
7 RATES AND CHARGES TO BE CHARGED FOR WATER  
8 AND SEWER SERVICE AND DECLARING THE URGENCY  
9 THEREOF, AND PROVIDING THAT THIS ORDINANCE  
10 SHALL TAKE EFFECT AT 12:01 A.M. ON OCTOBER 1,  
11 2008

12  
13 The City Council of the City of Long Beach ordains as follows:

14 Section 1. That Resolution No. WD-1245 of the Board of Water  
15 Commissioners of the City of Long Beach, entitled "A RESOLUTION OF THE BOARD  
16 OF WATER COMMISSIONERS FIXING RATES AND CHARGES FOR WATER AND  
17 SEWER SERVICE TO ALL CUSTOMERS, SUBJECT TO THE APPROVAL OF THE  
18 RATEPAYERS AND OF THE CITY COUNCIL BY ORDINANCE," adopted by said Board  
19 on July 24, 2008, and the rates fixed in the Resolution to be charged for water and sewer  
20 service be and the same are hereby approved subject to a public hearing to be held on  
21 September 18, 2008 to consider any public protest of the proposed increases to the  
22 City's water and sewer rates for Fiscal Year 2009.

23 Section 2. This is an emergency measure and is urgently required for the  
24 reason that in order to carry on the affairs, functions and business of Long Beach Water  
25 Department during the fiscal year which begins on October 1, 2008, it is necessary to  
26 authorize the rates and charges for water and sewer service and that this ordinance be  
27 passed as an emergency measure, to take effect at 12:01 a.m. on October 1, 2008.

28 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, 2008.

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 \_\_\_\_\_ September 9 \_\_\_\_\_, 2008, the ordinance was  
18 declared to be an emergency by the following vote:

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1 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,  
2 O'Donnell, Schipske, Andrews,  
3 Reyes Uranga, Gabelich, Lerch.

4  
5 Noes: Councilmembers: None.

6  
7 Absent: Councilmembers: None.

8  
9 I further certify that thereafter, at the same meeting, upon a roll call and  
10 vote on adoption of the ordinance, it was adopted by the City Council of the City of Long  
11 Beach by the following vote:

12 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,  
13 O'Donnell, Schipske, Andrews,  
14 Reyes Uranga, Gabelich, Lerch.

15  
16 Noes: Councilmembers: None.

17  
18 Absent: Councilmembers: None.

19  
20 I further certify that the foregoing ordinance was thereafter adopted on final  
21 reading of the City Council of the City of Long Beach at its meeting of September 16,  
22 2008, by the following vote:

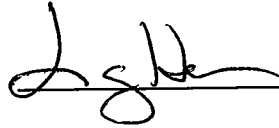
23 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,  
24 O'Donnell, Schipske, Andrews,  
25 Reyes Uranga, Gabelich, Lerch.

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27 Noes: Councilmembers: None.

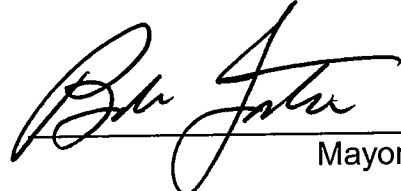
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Absent: Councilmembers: None.

  
City Clerk

Approved: 9/18/08  
(Date)

  
Mayor

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1 RESOLUTION NO. WD-1245

2  
3 A RESOLUTION OF THE BOARD OF WATER  
4 COMMISSIONERS AMENDING RESOLUTION NO. WD-  
5 1230 FIXING RATES AND CHARGES FOR WATER AND  
6 SEWER SERVICE TO ALL CUSTOMERS, SUBJECT TO  
7 THE APPROVAL OF THE CITY COUNCIL BY ORDINANCE

8  
9 The Board of Water Commissioners of the City of Long Beach resolves as  
10 follows:

11 Section 1. That the following rates and charges for potable and  
12 reclaimed water service and for sewer service are hereby established, and the Long  
13 Beach Water Department ("Water Department") of the City of Long Beach ("City") is  
14 hereby authorized and directed to charge and collect the same in accordance with the  
15 provisions of this resolution, subject to a Public Hearing on September 18, 2008.

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

19 A. On October 1, 2008, the service charge shall be in  
20 accordance with the following table:

<u>Size of Service</u>	<u>Daily Service Charge</u>
22 5/8 or 3/4 inch	\$0.360
23 1 inch	\$0.543
24 1-1/2 inch	\$1.013
25 2 inch	\$1.502
26 3 inch	\$3.110
27 4 inch	\$4.921
28 6 inch	\$9.068

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<u>Size of Service</u>	<u>Daily Service Charge</u>
8 inch	\$14.234
10 inch	\$23.311
12 inch	\$28.490
16 inch	\$47.152

B. On October 1, 2008, 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)	\$1.052
Tier II	Next 10 Billing Units (or fraction thereof)	\$2.103
Tier III	Over 15 Billing Units (or fraction thereof)	\$3.155

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)	\$1.893
Tier II	Next 10 Billing Units (or fraction thereof)	\$2.103
Tier III	Over 15 Billing Units (or fraction thereof)	\$3.155

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:

Tier IA	First 2.5 Billing Units (or fraction thereof per dwelling unit)	\$1.052
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Tier II	Next 10.5 Billing Units (or fraction thereof per dwelling unit)	\$2.103
Tier III	Over 13 Billing Units (or fraction thereof per dwelling unit)	\$3.155

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)	\$1.893
Tier II	Next 10.5 Billing Units (or fraction thereof per dwelling unit)	\$2.103
Tier III	Over 13 Billing Units (or fraction thereof per dwelling unit)	\$3.155

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)	\$1.052
Tier II	Next 6.5 Billing Units (or fraction thereof per dwelling unit)	\$2.103
Tier III	Over 9 Billing Units (or fraction thereof per dwelling unit)	\$3.155

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 (or fraction thereof per dwelling unit)	\$1.893
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Tier II	Next 6.5 Billing Units (or fraction thereof per dwelling unit)	\$2.103
Tier III	Over 9 Billing Units (or fraction thereof per dwelling unit)	\$3.155

7. For commercial customers of potable water, \$2.103 per billing unit, or fraction thereof.

8. For industrial customers of potable water, \$2.103 per billing unit, or fraction thereof.

9. For irrigation customers of potable water, \$2.103 per billing unit, or fraction thereof.

10. For City of Long Beach Departments using potable water, \$2.103 per billing unit, or fraction thereof.

11. For reclaimed water users whose use is "peaking" as defined herein, \$1.472 per billing unit, or fraction thereof.

12. For reclaimed water users whose use is "non-peaking" as defined herein, \$1.052 per billing unit, or fraction thereof.

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

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

C. The quantitative charges for Tier IB were adjusted on October 1, 1999 to reflect the action of the Board approving incremental increases to Tier IB.

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, 2008, the rate for unmetered water service shall be:

///



<u>Size of Service</u>	<u>Daily Rate</u>
5/8 or 3/4 inch	\$1.758
1 inch	\$2.974
1-1/2 inch	\$7.326
2 inch	\$11.525

The rates for unmetered water service shall begin on the date of use of water by the customer, as determined by the General Manager.

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 WD-1209 the Board of Water Commissioners established a Water Conservation and Water Supply Shortage Plan (the Plan). As stipulated in 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, other than Tier 1 or life-line rates and reclaimed 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

1 Conservation Plan" of the Water Department.

2 Section 6. A. On October 1, 2008, the service charge for private  
3 fire protection service shall be in accordance with the following table:

4 <u>Size of Service</u>	<u>Daily Rate</u>
5 2 inch	\$0.752
6 3 inch	\$1.285
7 4 inch	\$1.899
8 6 inch	\$3.236
9 8 inch	\$4.744
10 10 inch	\$6.417
11 12 inch	\$8.089
12 16 inch	\$11.860

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

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

27 Section 7. The primary purpose of fire hydrants is extinguishing fires and  
28 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. A. For all sewer service where the sewer lateral  
6 connects to a main line maintained by the Water Department, or the sewer  
7 lateral is located in the public right-of-way, the charge for sewer service  
8 shall consist of both a daily sewer rate and a volumetric sewer rate.

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

11	<u>Size of Service</u>	<u>Daily Sewer Rate</u>
12	5/8 or 3/4 inch	\$0.179
13	1 inch	\$0.284
14	1-1/2 inch	\$0.516
15	2 inch	\$0.749
16	3 inch	\$1.550
17	4 inch	\$2.455
18	6 inch	\$4.522
19	8 inch	\$7.105
20	10 inch	\$11.623
21	12 inch	\$14.207
22	16 inch	\$23.248

23 C. The volumetric sewer rate shall be \$0.248 per 100 cubic feet  
24 of water furnished where water service size is 5/8 inches or larger. The  
25 volumetric sewer rate shall not be applicable to fire services.

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

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

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

24 F. The City shall collect from all developments and all  
25 developments shall be required to pay a capacity charge of Eighty Dollars  
26 and Thirty-Seven Cents (\$80.37) per equivalent fixture unit at the time  
27 application for sewer service is made, but in no event later than the time that  
28 the City issues a sewer permit for connection to the City sewerage system,

1 as set forth in the Long Beach Municipal Code and the "Rules, Regulations  
2 and Charges Governing Potable Water, Reclaimed Water, Sewer Service  
3 and the Emergency Water Conservation Plan" of the Water Department.

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

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

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

26 J. Anyone who has paid a capacity charge may apply for a full or  
27 partial refund if within one year after payment: 1) the applicant has not been  
28 permitted to connect to the City sewerage system; or 2) the development on

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1 which the capacity charge was calculated has been modified pursuant to  
2 applicable City ordinances, resolutions, or regulations, resulting from a  
3 reduction in the number of equivalent fixture units. Refund applications  
4 shall be made on forms provided by the City and shall contain a declaration  
5 under oath of those facts, along with relevant documentary evidence, which  
6 qualify the applicant for the refund. In no event shall a refund exceed ninety  
7 percent (90%) of the amount of the capacity charge actually paid.

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

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

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

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

20 Section 10. A. Regular bills for water service and sewer service  
21 shall be issued at intervals of approximately one month (commonly called  
22 "monthly") except in those cases where the General Manager or the Board  
23 of Water Commissioners shall prescribe another billing interval. Insofar as  
24 practical, meters shall be read at regular intervals for the preparation of  
25 regular bills, and meters shall be read as required for the preparation of  
26 opening, closing, and special bills.

27 B. Every water customer and every sewer customer shall be  
28 liable for payment of bills for water service and sewer service. Charges for

1 water service and sewer service shall be included in municipal utility bills.

2 C. Anyone who has been granted an exemption under Chapter  
3 3.68 of the Long Beach Municipal Code as of the date of this resolution  
4 does not need to file a separate application for exemption hereunder.

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

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

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

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

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

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

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

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

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

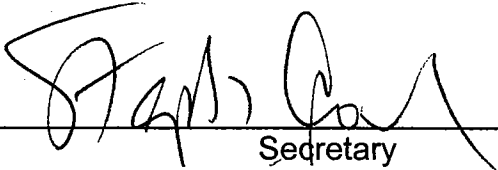


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1 certify to the passage of this resolution and it shall take effect by operation of law  
2 following its approval by the City Council by ordinance.

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 July 24, 2008, by  
5 the following vote:

6  
7 Ayes: Commissioners: ALLEN; CONLEY; CLARKE; TOWNSEND  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 Noes: Commissioners: NONE  
11 Absent: Commissioners: BLANCO  
12 \_\_\_\_\_  
13 \_\_\_\_\_

14  
15   
16 Secretary  
17 Board of Water Commissioners

18 CERTIFIED AS A TRUE AND CORRECT COPY  
19 .....  
20 SECRETARY TO THE BOARD OF WATER COMMISSIONERS  
21 CITY OF LONG BEACH, CALIFORNIA  
22 BY: Janice K. Z...  
23 DATE: 7/24/2008