

ORDINANCE NO.

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING RESOLUTION NO. WD-1392, 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, 2018

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

Section 1. That Resolution No. WD-1392 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-1382 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 21, 2018, 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, 2018, 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, 2018.

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

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

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, 2018.

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 _____, 2018, the ordinance was declared
18 to be an emergency by the following vote:

19 Ayes: Councilmembers: _____

20 _____

21 _____

22 _____

23 Noes: Councilmembers: _____

24 _____

25 Absent: Councilmembers: _____

26 _____

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I further certify that thereafter, at the same meeting, 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: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

I further certify that the foregoing ordinance was thereafter adopted on final reading of the City Council of the City of Long Beach at its meeting of _____, 2018, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
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1 RESOLUTION NO. WD-1392

2
3 A RESOLUTION OF THE CITY OF LONG BEACH
4 BOARD OF WATER COMMISSIONERS AMENDING
5 RESOLUTION NO. WD-1382 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, subject to a Public Hearing. All of the following rates and charges shall be
17 effective as of October 1, 2018.

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

21 A. The service charge shall be as follows:

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

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<u>Size of Service</u>	<u>Daily Service Charge</u>
5/8 or 3/4 inch	\$0.587
1 inch	\$0.870
1-1/2 inch	\$1.578
2 inch	\$2.428
3 inch	\$5.117
4 inch	\$8.653
6 inch	\$19.267
8 inch	\$39.786
10 inch	\$59.598
12 inch	\$75.163
16 inch	\$110.540

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	\$0.587
1 inch	\$0.870
1-1/2 inch	\$1.578
2 inch	\$2.428
3 inch	\$5.117
4 inch	\$8.653
6 inch	\$19.267
8 inch	\$39.786
10 inch	\$59.598

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<u>Size of Service</u>	<u>Daily Service Charge</u>
12 inch	\$75.163
16 inch	\$110.540

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)	\$3.928
Tier III	Over 13 Billing Units (or fraction thereof)	\$5.732

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)	\$2.052
Tier II	Next 7 Billing Units (or fraction thereof)	\$3.928
Tier III	Over 13 Billing Units (or fraction thereof)	\$5.732

3. For commercial customers of potable water, \$3.052 per billing unit, or fraction thereof.

4. For industrial customers of potable water, \$3.052 per billing unit, or fraction thereof.

1 5. For irrigation customers of potable water, \$3.052 per
2 billing unit, or fraction thereof.

3 6. For City of Long Beach Departments using potable
4 water, \$3.052 per billing unit, or fraction thereof.

5 7. For reclaimed water users whose use is "peaking" as
6 defined herein, \$1.985 per billing unit, or fraction thereof.

7 8. For reclaimed water users whose use is "non-peaking"
8 as defined herein, \$1.685 per billing unit, or fraction thereof.

9 9. For reclaimed water users whose use is "interruptible"
10 as defined herein, \$1.685 per billing unit or fraction thereof.

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

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

15 Section 3.

16 A. Unmetered water service may be rendered to unoccupied or
17 occupied property where it is not practical to meter the water, and the rate for
18 unmetered water service shall be:

<u>Size of Service</u>	<u>Daily Rate</u>
5/8 or 3/4 inch	\$2.548
1 inch	\$4.311
1-1/2 inch	\$10.619
2 inch	\$16.705

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

27 Section 4. By Resolution the Board of Water Commissioners has
28 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:

20 <u>Size of Service</u>	<u>Daily Rate</u>
21 2 inch	\$0.347
22 3 inch	\$0.698
23 4 inch	\$1.305
24 6 inch	\$3.478
25 8 inch	\$7.227
26 10 inch	\$12.867
27 12 inch	\$20.683
28 16 inch	\$43.892

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:

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	<u>Size of Service</u>	<u>Daily Sewer Rate</u>
1		
2	5/8 or 3/4 inch	\$0.225
3	1 inch	\$0.333
4	1-1/2 inch	\$0.874
5	2 inch	\$1.507
6	3 inch	\$3.511
7	4 inch	\$5.079
8	6 inch	\$14.150
9	8 inch	\$14.999
10	10 inch	\$23.218
11	12 inch	\$29.284
12	16 inch	\$43.069
13		

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

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

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

24 Volumetric sewer rates for single family residential, duplex
25 residential and multi-family residential shall be computed based on the
26 average of actual potable water use during the winter billing periods. The
27 winter billing periods used will be determined by the meter reading schedule
28

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 Eight Dollars and Thirty Nine Cents (\$108.39) per equivalent fixture unit
23 at the time application for sewer service is made, but in no event later than
24 the time that the City issues a sewer permit for connection to the City sewage
25 system, as set forth in the Long Beach Municipal Code and the "Rules,
26 Regulations and Charges Governing Potable Water, Reclaimed Water,
27 Sewer Service and the Emergency Water Conservation Plan" of the Water
28 Department.

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

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

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

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

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

M. The capacity charge is a charge on development that reflects a development's proportionate share of the present depreciated value of the existing City sewage system. As such the capacity charge is additional to and not in substitution of the following: 1) on-site sewer facility requirements

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

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

16 Section 10.

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

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

27 C. Anyone who has been granted an exemption under Chapter
28 3.68 of the Long Beach Municipal Code as of the date of this resolution does

1 not need to file a separate application for exemption hereunder.

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

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

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

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

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

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

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

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

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

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

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

4 I hereby certify that the foregoing resolution was adopted by the Board of
5 Water Commissioners of the City of Long Beach at its meeting held on June 21, 2018, by
6 the following vote:

7
8 Ayes: Commissioners: CORDERO; SALTZGAVER; MARTINEZ;
9 LEVINE; SHANNON

10
11 Noes: Commissioners: NONE

12 Absent: Commissioners: NONE
13
14

15
16 *Nancy Saltz Gaver*
17 Secretary
18 Board of Water Commissioners

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

20 **SECRETARY TO THE BOARD OF WATER COMMISSIONERS**
21 **CITY OF LONG BEACH, CALIFORNIA**

22 BY: *Jordan L. ...*

23 DATE: 6/21/2018
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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664