

ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING RESOLUTION NO. WD-1203, A RESOLUTION OF THE BOARD OF WATER COMMISSIONERS OF THE CITY ESTABLISHING THE RATES AND CHARGES TO BE CHARGED FOR WATER AND SEWER SERVICE

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

Section 1. That Resolution No. WD-1203 of the Board of Water Commissioners of the City of Long Beach, entitled "A RESOLUTION OF THE BOARD OF WATER COMMISSIONERS 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 July 28, 2005, and the rates fixed in the Resolution to be charged for water and sewer service be and the same are hereby approved.

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I certify that this ordinance was adopted by the City Council of the City of

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1 Long Beach at its meeting of _____, 2005, by the following vote:

2 Ayes: Councilmembers: _____

3 _____

4 _____

5 _____

6 Noes: Councilmembers: _____

7 _____

8 Absent: Councilmembers: _____

9 _____

10 _____
11 City Clerk

12
13 Approved: _____
14 (Date)

15 _____
16 Mayor

1 RESOLUTION NO. WD-1203

2
3 A RESOLUTION OF THE BOARD OF WATER
4 COMMISSIONERS FIXING RATES AND CHARGES FOR
5 WATER AND SEWER SERVICE TO ALL CUSTOMERS,
6 SUBJECT TO THE APPROVAL OF THE CITY COUNCIL BY
7 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 reclaimed
12 water service and for sewer service are hereby established, and the Long Beach Water
13 Department ("Water Department") of the City of Long Beach ("City") is hereby authorized
14 and directed to charge and collect the same in accordance with the provisions of this
15 resolution.

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

19 A. On October 1, 2005, the service charge shall be in accordance with the
20 following table:

| 21 | <u>Size of Service</u> | <u>Daily Service Charge</u> |
|----|------------------------|-----------------------------|
| 22 | 5/8 or 3/4 inch | \$0.288 |
| 23 | 1 inch | 0.435 |
| 24 | 1-1/2 inch | 0.811 |
| 25 | 2 inch | 1.202 |
| 26 | 3 inch | 2.489 |
| 27 | 4 inch | 3.937 |
| 28 | 6 inch | 7.257 |

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| <u>Size of Service</u> | <u>Daily Service Charge</u> |
|------------------------|-----------------------------|
| 8 inch | 11.390 |
| 10 inch | 18.654 |
| 12 inch | 22.799 |
| 16 inch | 37.733 |

B. On October 1, 2005, 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) | \$0.842 |
| Tier II | Next 10 Billing Units (or fraction thereof) | \$1.683 |
| Tier III | Over 15 Billing Units (or fraction thereof) | \$2.525 |

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) | \$1.515 |
| Tier II | Next 10 billing units (or fraction thereof) | \$1.683 |
| Tier III | Over 15 billing units (or fraction thereof) | \$2.525 |

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 | \$0.842 |
| Tier II | Next 10.5 billing units (or fraction thereof) per dwelling unit | \$1.683 |

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| | | | |
|----|----------|---|---------|
| 1 | Tier III | Over 13 billing units (or fraction thereof) | |
| 2 | | per dwelling unit | \$2.525 |
| 3 | 4) | For duplex residential customers of potable water who have not been | |
| 4 | | granted an exemption from the City's Utility Users Tax: | |
| 5 | Tier IB | First 2.5 billing units (or fraction thereof) | |
| 6 | | per dwelling unit | \$1.515 |
| 7 | Tier II | Next 10.5 billing units (or fraction thereof) | |
| 8 | | per dwelling unit | \$1.683 |
| 9 | Tier III | Over 13 billing units (or fraction thereof) | |
| 10 | | per dwelling unit | \$2.525 |
| 11 | 5) | For multi-family residential customers of potable water who have been | |
| 12 | | granted an exemption from the City's Utility Users Tax in accordance with Chapter | |
| 13 | | 3.68 of the Long Beach Municipal Code: | |
| 14 | Tier IA | First 2.5 billing units (or fraction thereof) | |
| 15 | | per dwelling unit | \$0.842 |
| 16 | Tier II | Next 6.5 billing units (or fraction thereof) | |
| 17 | | per dwelling unit | \$1.683 |
| 18 | Tier III | Over 9 billing units (or fraction thereof) | |
| 19 | | per dwelling unit | \$2.525 |
| 20 | 6) | For multi-family residential customers of potable water who have not | |
| 21 | | been granted an exemption from the City's Utility Users Tax: | |
| 22 | Tier IB | First 2.5 billing units (or fraction thereof) | |
| 23 | | per dwelling unit | \$1.515 |
| 24 | Tier II | Next 6.5 billing units (or fraction thereof) | |
| 25 | | per dwelling unit | \$1.683 |
| 26 | Tier III | Over 9 billing units (or fraction thereof) | |
| 27 | | per dwelling unit | \$2.525 |
| 28 | 7) | For commercial customers of potable water, \$1.683 per billing unit, or | |

1 fraction thereof.

2 8) For industrial customers of potable water, \$1.683 per billing unit, or
3 fraction thereof.

4 9) For irrigation customers of potable water, \$1.683 per billing unit, or
5 fraction thereof.

6 10) For City of Long Beach Departments using potable water, \$1.683 per
7 billing unit, or fraction thereof.

8 11) For reclaimed water users whose use is "peaking" as defined herein,
9 \$1.178 per billing unit, or fraction thereof.

10 12) For reclaimed water users whose use is "non-peaking" as defined
11 herein, \$0.842 per billing unit, or fraction thereof.

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

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

16 C. The quantitative charges shall be subject to annual adjustment,
17 effective October 1, 2005, and each succeeding October 1 thereafter to reflect changes
18 in the cost of purchased water, the pumping tax for produced ground water, the estimated
19 cost of electrical power required to pump and distribute ground water, the estimated cost
20 of chemicals used in the treatment and testing of water, the estimated cost for the
21 discharge of by-products of the water treatment process in the Los Angeles County sewer
22 system, the estimated operating and salary costs of treating water, of maintaining,
23 improving and repairing the water distribution system, and service charges assessed by
24 Federal and or State agencies. Such adjustment shall be computed to the nearest mil per
25 100 cubic feet of water, and shall be the difference in the average cost per 100 cubic feet
26 of water calculated at the Metropolitan Water District and the estimated pumping tax rates
27 in effect for the ensuing fiscal year as compared to the rates in effect in effect in the current
28 fiscal year, the ensuing fiscal year's estimated increased cost of power for pumping as

1 compared to the cost of power for pumping in the current fiscal year, the ensuing fiscal
2 year's estimated increase in the cost of chemicals for the treatment and testing of water
3 as compared to the cost of chemicals in the current fiscal year, the ensuing fiscal year's
4 estimated costs for the discharge of by-products of the water treatment process into the
5 Los Angeles County sewer system as compared to the cost of the discharge of by-products
6 in the current fiscal year, the ensuing fiscal year's estimated increase in the operating and
7 salary costs of treating water, of maintaining, improving and repairing the water distribution
8 system as compared to the operating costs in current fiscal year, and the ensuing fiscal
9 year's estimated cost of service charges assessed by Federal and or State agencies as
10 compared to those service charges in the current fiscal year.

11 The quantitative charges shall further be subject to periodic adjustment to
12 reflect other than annual changes in the cost of purchased and pumped water. Such
13 periodic adjustments shall take effect at the same time as the change in the cost of
14 purchased and pumped water. The periodic adjustment shall be computed to the nearest
15 mil per 100 cubic fee of water, and shall be the difference in the average cost per 100
16 cubic feet of water calculated at rates of the Metropolitan Water District ("MWD") or the
17 Water Replenishment District ("WRD") in effect for the ensuing period as compared to the
18 rates currently in effect.

19 The formula for calculation of the described periodic (mid-year) adjustment
20 shall be:

$$21 \quad A = \frac{\Delta R \times M + \Delta S}{C(Pu + M) + DSC} \text{ and/or } A = \frac{(\Delta T \times Pu) + \Delta S}{C(Pu + M) + DSC}$$

22 A = Total adjustment in dollars per 100 cubic feet.

23 Pu = Total estimated quantity in acre feet to be pumped during the balance
24 of the fiscal year.

25 R = Dollar changes in MWD rate.

26 M = Total estimated quantity in acre feet to be purchased from MWD
27 during the balance of the fiscal year.

28 C = Retail cost of water per A.F.

 DSC = Total annual amount of accumulated daily services charges.

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1 S = Service charges assessed by Federal and State Agencies.

2 T = Dollar changes in WRD rate.

3 The adjustments thus calculated shall be added to the price per 100 cubic
4 feet of water in each rate category and shall be adjusted to the nearest whole mil per 100
5 cubic feet of water, rounded upward from one-half (1/2) mil.

6 D. The quantitative charges for Tier IB were adjusted on October 1, 1999
7 to reflect the action of the Board approving incremental increases to Tier IB, and shall be
8 adjusted on each succeeding October 1 thereafter until the quantitative charges for Tier
9 IB equals the quantitative charges for Tier II, at which time Tier IB shall be eliminated. On
10 October 1, 2000 Tier III was adjusted and shall be adjusted on each succeeding October
11 1 thereafter in accordance with the Best Management Practice of Conservation Pricing.

12 Sec. 3. A. Unmetered water service may be rendered to unoccupied or
13 occupied property where it is not practical to meter the water, and on October 1, 2005, the
14 rate for unmetered water service shall be:

| <u>Size of Service</u> | <u>Daily Rate</u> |
|------------------------|-------------------|
| 5/8 or 3/4 inch | \$1.407 |
| 1 inch | \$2.380 |
| 1-1/2 inch | \$5.862 |
| 2 inch | \$9.223 |

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

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

25 Sec. 4. Charges for water service through meters at temporary service
26 connections from fire hydrants or otherwise shall be at the applicable quantitative charge
27 plus the service charge, together with a charge for installing, changing, and removing the
28 meter and fittings in accordance with the "Rules, Regulations and Charges Governing

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1 Potable Water, Reclaimed Water, Sewer Service and the Emergency Water Conservation
2 Plan" of the Water Department.

3 Sec. 5. A. On October 1, 2005, the service charge for private fire protection
4 service shall be in accordance with the following table:

| 5 | <u>Size of Service</u> | <u>Daily Rate</u> |
|----|------------------------|-------------------|
| 6 | 2 inch | \$0.602 |
| 7 | 3 inch | \$1.028 |
| 8 | 4 inch | \$1.519 |
| 9 | 6 inch | \$2.590 |
| 10 | 8 inch | \$3.796 |
| 11 | 10 inch | \$5.135 |
| 12 | 12 inch | \$6.473 |
| 13 | 16 inch | \$9.491 |

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

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

26 Sec. 6. The primary purpose of fire hydrants is extinguishing fires and they
27 shall be opened and used only by the Water Department or the Long Beach Fire
28 Department, or such other persons as may be authorized to do so by the General Manager

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1 or the Chief of the Fire Department. Where fire hydrants are installed and maintained by
2 the Water Department, there shall be no standby charge made to the Fire Department.

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

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

| 8 | <u>Size of Service</u> | <u>Daily Sewer Rate</u> |
|----|------------------------|-------------------------|
| 9 | 5/8 or 3/4 inch | \$ 0.111 |
| 10 | 1 inch | 0.176 |
| 11 | 1-1/2 inch | 0.320 |
| 12 | 2 inch | 0.464 |
| 13 | 3 inch | 0.960 |
| 14 | 4 inch | 1.521 |
| 15 | 6 inch | 2.800 |
| 16 | 8 inch | 4.400 |
| 17 | 10 inch | 7.198 |
| 18 | 12 inch | 8.798 |
| 19 | 16 inch | 14.397 |

20 C. The volumetric sewer rate shall be \$0.154 per 100 cubic feet of water
21 furnished where water service size is 5/8 inches or larger. The volumetric sewer rate shall
22 not be applicable to fire services.

23 D. For volumetric sewer rates, there are the following customer classifica-
24 tions: single family residential; duplex residential; multi-family residential; City Depart-
25 ments; commercial; and industrial.

26 Volumetric sewer rates for single family residential, duplex residential and
27 multi-family residential customers shall be computed based on the average potable water
28 use for the months of December, January and February. If the meter for current customers

1 shows that there has been no water used in one or more of these three winter months,
2 then the average volume will be based on an average of the remaining two months or on
3 the actual use in the one month showing use. If the meter for current customers shows
4 that there has been no water used in any of these three winter months, no average volume
5 can or will be calculated and those customers will be charged the volumetric sewer rate
6 based on one-half of the actual potable water used during each month. This average
7 volume will be the base volume on which the volumetric sewer rate is charged for the next
8 twelve-month period beginning in April. If there is a month or months in which actual usage
9 of potable water is lower than the average volume (as described above), the actual usage
10 will be used for billing purposes. Annually, the average volume will be calculated to
11 establish the base volume and a new base volume used for the succeeding twelve-month
12 period in determining the volumetric charge. For those residential customers with no
13 previous history of use for the months of December, January and February, the average
14 volume for the classification in which that customer falls will be used. All other customers
15 will be billed based on actual volume used.

16 E. For all users of the sewer system that do not receive a water bill from the
17 City but where the user's sewer lateral connects to a main line maintained by the Water
18 Department, or where the sewer lateral is located in the public right-of-way, the charge for
19 sewer service shall consist of both a daily sewer rate and a volumetric sewer rate. The
20 daily sewer rate shall be as provided in Subsection 7(B) of this Resolution. For those
21 customers with no previous history of use for the months of December, January and
22 February, the volumetric sewer rate shall be based on the average volume for customer's
23 classification.

24 F. The City shall collect from all developments and all developments shall
25 be required to pay a capacity charge of Seventy-Two Dollars and Seven Cents (\$72.07)
26 per equivalent fixture unit at the time application for sewer service is made, but in no event
27 later than the time that the City issues a sewer permit for connection to the City sewerage
28 system, as set forth in the Long Beach Municipal Code and the "Rules, Regulations and

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1 Charges Governing Potable Water, Reclaimed Water, Sewer Service and the Emergency
2 Water Conservation Plan" of the Water Department.

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

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

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

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

1 amount of the capacity charge actually paid.

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

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

20 M. The capacity charge is a charge on development that reflects a
21 development's proportionate share of the present depreciated value of the existing City
22 sewerage system. As such the capacity charge is additional to and not in substitution of
23 the following: 1) on-site sewer facility requirements imposed by the City pursuant to the
24 Long Beach Municipal Code, Subdivision Regulations, and other state or local laws,
25 ordinances or regulations; 2) sewer permit fees; 3) connection charges; 4) sewer rates; and
26 5) other fees, rates, and charges including but not limited to sewer standby or immediate
27 availability charges and capital facilities charges for services or facilities other than as a
28 proportionate share of the present depreciated value of the existing City sewer system.

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1 In no event shall an applicant for sewer service be obligated to pay fees, rates, or charges
2 in excess of those calculated pursuant to applicable City ordinances, which shall not
3 individually or collectively exceed the reasonable cost of providing sewer service to the
4 development.

5 Sec. 8. Any term not defined herein which is defined in the Long Beach
6 Municipal Code or in the "Rules, Regulations and Charges Governing Potable Water,
7 Reclaimed Water, Sewer Service, and the Emergency Water Conservation Plan" of the
8 Water Department shall have the meaning stated therein.

9 Sec. 9. A. Regular bills for water service and sewer service shall be issued
10 at intervals of approximately one month (commonly called "monthly") except in those cases
11 where the General Manager or the Board of Water Commissioners shall prescribe another
12 billing interval. Insofar as practical, meters shall be read at regular intervals for the
13 preparation of regular bills, and meters shall be read as required for the preparation of
14 opening, closing, and special bills.

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

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

21 Sec. 10. Whenever the correctness of any bill for water or sewer service is
22 questioned by a customer, the procedures established in the "Rules, Regulations and
23 Charges Governing Potable Water, Reclaimed Water, Sewer Service, and the Emergency
24 Water Conservation Plan" of the Water Department shall be followed.

25 Sec. 11. The following words shall have the meanings defined as follows:

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

28 B. "Commercial" refers to activities devoted primarily to business, property

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1 management, or a profession;

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

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

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

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

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

15 I hereby certify that the foregoing resolution was adopted by the Board of
16 Water Commissioners of the City of Long Beach at its meeting held on July 28, 2005, by
17 the following vote:

18 Ayes: Commissioners: HELEN HANSEN, STEPHEN CONLEY,
19 FRANK CLARKE, WILLIAM TOWNSEND

21 Noes: Commissioners: NONE

22 Absent: Commissioners: NONE

23
24 CERTIFIED AS A TRUE AND CORRECT COPY
25 SECRETARY TO THE BOARD OF WATER COMMISSIONERS
26 CITY OF LONG BEACH, CALIFORNIA
27 *William Anne Hill*
28 DATE July 28, 2005

Frank Clarke
Secretary
Board of Water Commissioners