



Meeting Date: 09/11/2007

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other Study Session

Prepared By: Michelle Romney *MR* Agenda Item No. L-2
 Reviewed By: City Manager *MMH* City Attorney *J* Finance *SW* Environmental Resources
 Other Public Works/Water Resources

DATE: August 27, 2007

TO: City Council

FROM: Mark S. Norris, Assistant Public Works Director
 Public Works Department, Utilities Services Branch *Mark S. Norris*

SUBJECT: Ordinances to Continue and Establish Water, Wastewater and Solid Waste System User Fees and Charges

RECOMMENDATION

That City Council:

- 1) Hold a public hearing to receive public testimony concerning the adoption of ordinances continuing and establishing certain water, wastewater and solid waste system user fees and charges.
- 2) Approve the first reading by title only and subsequent adoption of ordinances continuing and establishing water, wastewater and solid waste system user fees and charges.

DISCUSSION

The Public Works Department Utilities Services Branch provides effective and uninterrupted water, wastewater and solid waste services to approximately 38,000 residential and commercial customers for an affordable price. The Utilities Services Branch operates self-supporting enterprises that depend upon revenues derived from user fees and charges for the costs of operation, collection, processing, treatment and maintenance of water, wastewater and solid waste facilities and services.

On June 19, 2007, staff presented a budget study session to City Council establishing the basis for the recommended rate increases. Subsequent to the study session, staff proceeded with a Proposition 218 process by mailing notices to all property owners and utility customers stating the date of this public hearing and explaining the basis for the recommended rates. Staff recommends the adoption of the attached ordinances continuing and establishing water, wastewater and solid waste system user fees and charges to recover cost of operations and maintenance in order that the utilities remain self-supporting enterprises.

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Subject to City Council approval, staff recommends a two-step rate increase at three percent (3%) effective November 1, 2007, and three percent (3%) effective July 1, 2008, for water services and wastewater services provided in the Water Resources Division, and a five percent (5%) increase effective November 1, 2007, for solid waste services provided in the Environmental Resources Division. These proposed rate increases would keep the City of Oxnard well below the average utility rates within Ventura County.

The three enterprises below have experienced significant increases in operation, maintenance, and regulatory related costs. The following justification by utility is as follows:

WATER SECTION

The last rate increase for water services was three and seven-tenths percent (3.7%) in FY 2001-02, dated July 10, 2001. As part of a comprehensive rate study in Fiscal Year 2002-03, City Council approved a revised rate methodology that converted a declining water usage block rate to an inclining block rate. Annual rate adjustments for approved pass-through of wholesale water supply cost in accordance with Chapter 22, Section 60 of the Oxnard City Code do not address rising operation and maintenance costs. Beyond the physical cost of water and the cost of electricity to provide water to our consumers, other factors continue to exert pressure on operational costs in the Water Section.

These factors include:

- An increase in the cost of water treatment chemicals.
- Increases in electricity, gas, fuel, and other utilities.
- Increased infrastructure, operational and maintenance costs due to increasing population, both from an increased customer base, associated with new home construction and from increased density in existing residences.
- Continuing increases in personnel costs.
- Increase in debt service increase in FY 2008-09 of approximately \$2 million.

The recommended rate increases for water services will help to cover recent increases in the cost of producing, treating, and distributing water to our growing customer base and would generate revenue in the amount of approximately \$560,000 in Fiscal Year 2007-08 and \$775,000 in Fiscal Year 2008-09.

WASTEWATER SECTION

The last rate increase for wastewater customer services was six percent (6%) in FY 2001-02, dated July 10, 2001. The City Council approved the Wastewater Section for a three-step rate increase of six percent (6%) in FY 2003-04, four percent (4%) in FY 2004-05 and five percent (5%) in FY 2005-06 to fund debt service for the Wastewater Treatment Plant Headworks Project and the Redwood Trunk Sewer Line Project. Other factors continue to exert pressure on operational costs in the Wastewater Section.

These factors include:

- Increase in quantity and cost of treatment chemicals.
- Biosolids management and disposal costs have increased.

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- Increase in regulatory fees.
- Increase in electricity, gas, fuel, and other utilities.
- Increased infrastructure, operational and maintenance costs due to increasing population, both from an increased customer base, associated with new home construction and from increased density in existing residences.
- Continuing increases in personnel costs.

The recommended rate increases for wastewater services will help to cover recent increases in the cost of collection and treatment to our growing customer base and would generate revenue in the amount of approximately \$487,000 in Fiscal Year 2007-08, and \$670,000 in Fiscal Year 2008-09.

ENVIRONMENTAL RESOURCES DIVISION

Like the Water Resources Division, the Environmental Resources Division enterprise continues to experience similar increases in its cost of operation and maintenance. To recover these costs, the City Council approved a two-step rate increase of five percent (5%) effective September 1, 2006 and five percent (5%) effective on July 1, 2007. The revenues generated by an additional solid waste rate increase would first be used to reduce the remaining operating deficit in the Environmental Resources Division and then to establish an Equipment Replacement Fund. Other factors continue to exert pressure on operational costs in the Environmental Resources Division.

These factors include:

- Increases in landfill fees.
- Increases in fuel expense.
- Increased infrastructure, operational and maintenance costs due to increasing population, both from an increased customer base, associated with new home construction and from increased density in existing residences.
- Continuing increases in personnel costs.
- Adjustments for contractor's consumer price index.
- Increases in the cost of trucks and containers.

The recommended rate increases for solid waste services will help to cover recent increases in the cost of collection and disposal of solid waste for our growing customer base and would generate revenue in the amount of approximately \$825,000 in Fiscal Year 2007-08.

COMPREHENSIVE RATE STUDY

The Utilities Services Branch is embarking on a comprehensive rate study for the City of Oxnard's water, wastewater, and solid waste enterprises with Black & Veatch. The study shall be completed within 12 months. The comprehensive rate study establishes a reasonable and direct relationship among the amount of the capital facility charges, development fees, and the proportional cost to the system facilities attributable to each enterprise. The Utilities Services Branch's goal is to ensure that revenues

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from rates and fees are adequate, over the long-term, to fund daily operations, maintenance, administration, and ongoing capital improvements.

While staff believes that a comprehensive rate study will substantiate the need for a rate increase and verify staff's analysis, staff suggests that the following rate increases will provide a rate smoothing effect for future rate increases that may be necessary based on the outcome of the study.

FINANCIAL IMPACT

There is no financial impact at this time. Should the rate increases be approved, staff will return to the City Council to appropriate the increase in revenue.

Attachment No. 1 - Ordinance Continuing and Establishing Water System User Fees and Charges

Attachment No. 2 - Ordinance Continuing and Establishing Wastewater System User Fees and Charges

Attachment No. 3 - Ordinance Continuing and Establishing Solid Waste User Fees and Charges

GD:gd

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

(UNCODIFIED)

**ORDINANCE ESTABLISHING FEES AND CHARGES FOR THE USE
OF AND FOR SERVICES RELATING TO CITY WATER SERVICES**

WHEREAS, Section 22-60 of the Oxnard City Code requires that the City Council establish by ordinance the rates charged for all water supplied by the City; and

WHEREAS, Section 22-60 of the Oxnard City Code provides that the rates charged for water supplied by the City shall be increased by the same percentage that the rates paid by the City to its water supply wholesalers increase; and

WHEREAS, the Water Resources Division – Water Section operates as a self-supporting enterprise fund (Water Fund) that depends upon revenues derived from providing water to City customers; and

WHEREAS, the City's Water Resources Division – Water Section prepared a biennial budget and recommendations for the Water Resources Division – Water Section for fiscal years 2007-08, and 2008-09, dated July 10, 2007 (Budget), on file with the City Clerk, which also establishes the basis for the fees and charges set forth herein; and

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines provides that CEQA does not apply to the modification of public agency rates and other charges which the public agency finds are intended for certain purposes.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby find as follows:

1. The adoption of this ordinance is exempt from the California Environmental Quality Act because the fees adopted herein are for the following purposes:
 - a. Meeting operating expenses, including the increased cost of water supplies, and Water Resources Division – Water Section employee wages and fringe benefits; and
 - b. Purchasing and leasing supplies, equipment, and materials associated with the provision of water service; and
 - c. Meeting financial reserve needs and requirements; and
 - d. Obtaining funds for capital projects necessary to maintain water service within the City service area, including cast iron pipe replacement, water quality treatment upgrades, fire hydrant upgrades, hydraulic improvements to the existing system, control system improvements, and groundwater well rehabilitation, none of which expand the water system.

2. The basis for the foregoing claim of exemption is found in the Budget on file with the City Clerk.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Section 22-61 of the Oxnard City Code is amended to read as follows:

“The following fees and methods for charging and collecting for services relating to the water system of the city are established and effective during the dates indicated, as follows:

I. Monthly Rates

A. Effective November 1, 2007, through June 30, 2008

1. Monthly Rates for Single-Family Water Use

Rate Per Hundred Cubic Feet (HCF)	Single Family
0 to 6 HCF/Mo.	\$1.653
7 to 12 HCF/Mo.	\$1.839
Over 12 HCF/Mo.	\$2.568

2. Monthly Rates for Multi-Family Residential Water Use

Rate Per Hundred Cubic Feet (HCF)	Multi-Family
0 to 17 HCF/Mo.	\$1.359
18 to 32 HCF/Mo.	\$1.503
Over 32 HCF/Mo.	\$2.247

3. Monthly Rates for Commercial/Industrial Blended Water Use

Rate Per Hundred Cubic Feet (HCF)	Commercial/ Industrial Blended
0 to 13 HCF/Mo.	\$1.359
14 to 23 HCF/Mo.	\$1.503
Over 23 HCF/Mo.	\$2.247

B. Effective July 1, 2008

1. Monthly Rates for Single-Family Water Use

Rate Per Hundred Cubic Feet (HCF)	Single Family
0 to 6 HCF/Mo.	\$1.703
7 to 12 HCF/Mo.	\$1.894
Over 12 HCF/Mo.	\$2.645

2. Monthly Rates for Multi-Family Residential Water Use

Rate Per Hundred Cubic Feet (HCF)	Multi-Family
0 to 17 HCF/Mo.	\$1.400
18 to 32 HCF/Mo.	\$1.548
Over 32 HCF/Mo.	\$2.314

3. Monthly Rates for Commercial/Industrial Blended Water Use

Rate Per Hundred Cubic Feet (HCF)	Commercial/ Industrial Blended
0 to 13 HCF/Mo.	\$1.400
14 to 23 HCF/Mo.	\$1.548
Over 23 HCF/Mo.	\$2.314

II. Monthly Meter Rates

In addition to monthly rates for water use (per HCF) as set forth in subsection I, all accounts shall pay one of the following monthly meter rates, based on meter size:

A. Monthly Meter Rates – Effective November 1, 2007, through June 30, 2008

Meter Size (inches)	Single Family	Multi-Family	Commercial/ Industrial Blended
0.75"	\$9.58	\$8.18	\$6.61
1.0"	\$15.11	\$12.88	\$10.16
1.5"	\$27.96	\$23.48	\$18.33
2.0"	\$46.63	\$36.39	\$28.49
3.0"	\$95.20	\$81.75	\$60.95
4.0"	\$161.60	\$132.87	\$104.22
6.0"	\$335.27	\$277.98	\$213.32
8.0"	\$481.61	\$399.37	\$311.21
10.0"	\$775.23	\$642.69	\$493.43

B. Monthly Meter Rates – Effective July 1, 2008

Meter Size (inches)	Single Family	Multi-Family	Commercial/ Industrial Blended
0.75"	\$9.87	\$8.43	\$6.81
1.0"	\$15.56	\$13.27	\$10.46
1.5"	\$28.80	\$24.18	\$18.88
2.0"	\$48.03	\$37.48	\$29.34
3.0"	\$98.06	\$84.20	\$62.78
4.0"	\$166.45	\$136.86	\$107.35
6.0"	\$345.33	\$286.32	\$219.72
8.0"	\$496.06	\$411.35	\$320.55
10.0"	\$798.49	\$661.97	\$508.23

III. Special Water Services: Effective November 1, 2007:

A. Flat Rates

Where meters are not installed, water services shall be paid for each dwelling facility or business activity or service, whether or not such facility, activity or service is at the same location, at a monthly rate which shall be determined by the public works director subject to the approval of the city manager.

B. Fire Services

The monthly rate for water service and water consumed by private fire lines used exclusively for fire protection, whether such lines are attached to automatic sprinkler systems, fire hydrants or hose attachments, shall be as follows:

1. Fire Services:

Meter Size (inches)	Fireline
0.75"	\$1.21
1.0"	\$2.06
1.5"	\$4.00
2.0"	\$6.43
3.0"	\$14.19
4.0"	\$24.26
6.0"	\$50.58
8.0"	\$72.77
10.0"	\$117.29

C. Metered Construction Rate

All water drawn through a temporary meter on a fire hydrant or other connection to a main shall be paid for at double the commercial/industrial blended rate for water use, as set forth in subsection 1(C).

In addition to the monthly rates for water use, a monthly charge based on meter size shall be imposed as follows:

Meter Size	Monthly Rate
1"	\$20.06
3"	67.50

D. Unmetered Construction Rate

In new subdivisions and other projects where meters are not installed immediately, the monthly construction rate shall be as follows:

Service Size	Monthly Rate
3/4"	\$5.67
1"	8.34
1-1/2"	12.70
2"	16.67

For each inch in diameter over two inches, the monthly rate shall be increased by \$4.30 per inch over the two-inch service monthly rate stated above.

E. Service to City

1. The city shall pay for all installation services furnished to the city at the rates established by this section. However, the water division shall be exempt from paying for installation service.
2. The city shall pay for all water furnished to the city at the rates established by this section. However, the water division and the fire department shall be exempt from paying for water provided to them.
3. Unmetered water used for street sweeping, plant watering, storm drain flushing, construction purposes, and all miscellaneous uses not herein specifically mentioned shall be deemed to have been furnished through a single meter for each department. The public works director shall estimate the monthly volume of unmetered water used for such purposes.
4. All water furnished to property owned by the city shall be metered.

F. Temporary Agricultural Use

The city may provide water on a temporary basis for agricultural purposes in accordance with section 22-65 of the City Code. Monthly water rates for temporary agricultural purposes shall be the same as commercial/industrial blended rates.

IV. Billing Procedure for Periodic Charge for City Water Service: Effective November 1, 2007:

Water service bills shall be computed according to the rates then in effect and the number of days in the service period at each rate.

V. Water Service and Meter Rates: Effective November 1, 2007:

As provided in section 22-37 of the City Code, the customer shall pay for installation of each water service and water meter.

A. The rates for installing each new service and each new meter, which amount shall be paid in advance, shall be as follows:

Service	Meter	Meter Box and Tail Piece		
3/4"	3/4"	3/4"	=	\$ 699.71
1"		1"	=	925.71
1-1/2"	1-1/2"	1-1/2"	=	1,415.84
2"	2	2"	=	2,018.50

B. The rates for installing each new meter on a service less than five years old, previously installed and paid for, shall be as follows:

Meter	Service	New Box
3/4"	3/4"	\$ 329.97
3/4"	1" or Larger	379.97
1"	1"	406.07
1-1/2"	1-1/2"	709.43
1-1/2"	2"	759.43
2"	2	1,009.65

C. The rates for installing each new meter on a service more than five years old, previously installed and paid for, shall be as follows:

Meter	Service	New Box
3/4"	3/4"	\$ 552.11
3/4"	1" or Larger	652.11
1"	1"	704.31
1-1/2"	1-1/2"	1,015.84
1-1/2"	2"	1,265.84
2"	2	1,568.68

VI. Other Deposits, Fees and Rates: Effective November 1, 2007:

As provided in sections 22-19, 22-26, 22-39, 22-40, 22-48, 22-49 and 22-61 of the City Code, the city shall require the payment of deposits, fees and charges as follows:

A. Deposit guaranteeing payment

Each applicant for service shall be required to place a deposit with the city to guarantee the payment of all water charges. The amount of this deposit for monthly water service shall be:

For each	3/4" meter	\$ 41.00
For each	1" meter	61.00
For each	1-1/2" meter	112.00
For each	2" meter	174.00

For each meter over two inches, an amount equal to an approximate one-month minimum bill, but not less than \$193.00.

B. Turning water on or off

Except in an emergency situation, the charge to have water turned on or off before or after customary business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and at any time on weekends or city-observed holidays, shall be \$64.00.

C. Billing and collection; delinquent bills; nonpayment

The customer shall pay a fee of \$11.00 for each visit to a customer's property for the purpose of collecting a water bill that is delinquent. If water service is discontinued due to nonpayment or non-compliance with the City Code or this ordinance, in addition to all other amounts due, the customer shall pay a fee of \$64.00 for resuming service.

D. Broken locks

In the event a customer breaks a lock placed on the meter for the purpose of turning on the water service or permitting or causing water service to be turned on after water service has been turned off for nonpayment or non-compliance, in addition to all other amounts due, the customer shall pay a fee of \$5.00 to replace the broken lock.

E. Removal of meter and reinstallation

In the event a customer turns on the water service or permits or causes water service to be turned on after water service has been turned off for nonpayment or noncompliance, the city shall again turn off the service and remove the meter, and the customer shall pay a fee of \$75.00 for reinstallation of the meter, in addition to other amounts due, before water service is restored."

Part 2. Severability. If any provision of this ordinance, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain *in full force and effect*, and to this end the provisions of this ordinance are severable.

Part 3. Ordinance No. 2617 is repealed by this ordinance effective November 1, 2007.

Part 4. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation in the City. Ordinance No. _____ was read on September 11, 2007 and finally adopted on September 18, 2007 to become effective 30 days thereafter.

APPROVED AND ADOPTED this 18th day of September, 2007, by the following vote:

AYES:

NOES:

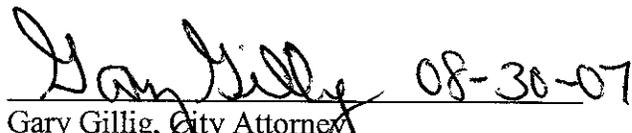
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary Gillig, City Attorney 08-30-07

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
ESTABLISHING WASTEWATER SYSTEM USER FEES AND CHARGES

WHEREAS, the regulations of the Federal Environmental Protection Agency (EPA) and the California State Water Resources Control Board (SWRCB) Revenue Program Guidelines require that the City of Oxnard's wastewater service charges conform to grant specifications for fair and equitable user fees; and

WHEREAS, the EPA and SWRCB revenue programs require the City to conduct an annual rate adjustment study and to implement the recommendations thereof, in order to keep municipal wastewater services on a self-supporting basis; and

WHEREAS, pursuant to Chapter 19 of the Oxnard City Code, Ordinance No. 2632 was adopted July 22, 2003, to set forth the City's wastewater system fees, charges, and user rates in accordance with the provisions of the City Code and EPA/SWRCB guidelines; and

WHEREAS, the Public Works Department prepared an Utilities Rate Study dated June 19, 2007, on file with the City Clerk, which establishes the basis for new and increased fees and charges set forth herein.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. The fees, charges and rates set forth below shall be charged and collected for the use of and for other privileges and services relating to the Regional Wastewater Treatment System of the City of Oxnard:

A. Regional Treatment and Disposal Facility User Charge

The monthly rate for regional users (Oxnard, Port Hueneme, Naval Base Ventura County (Port Hueneme and Point Mugu)) of the Oxnard wastewater treatment facility and system shall be calculated by the "Regional User Charge Formula" as follows:

$$RMUC = e (Vm) + f (Bm) + g (Sm)$$

Where:

RMUC = regional monthly user charge in dollars

VM = monthly wastewater discharge in millions of gallons (volume)

Bm = monthly biological oxygen demand (BOD) discharge in thousands of pounds

Sm = monthly suspended solids (SS) discharge in thousands of pounds

e, f and g are unit cost coefficients established as follows:

Effective November 1, 2007, through June 30, 2008

e = \$511.750
f = \$176.646
g = \$221.809

Effective July 1, 2008

e = \$527.103
f = \$181.945
g = \$228.464

B. City of Oxnard User Charge for Wastewater System

The rate for City user classes or individual users of the wastewater system shall be calculated by the "City of Oxnard User Charge Formula" (the Oxnard Formula) as follows:

$$\text{OMUC} = p (\text{Vm}) + q (\text{Bm}) + r (\text{Sm})$$

Where:

OMUC = Oxnard monthly user charge in dollars
Vm = monthly wastewater discharge in millions of gallons
Bm = monthly BOD discharge in thousands of pounds
Sm = monthly SS discharge in thousands of pounds

p, q and r are unit cost coefficients established as follows:

Effective November 1, 2007, through June 30, 2008

p = \$1,837.345
q = \$ 256.416
r = \$ 353.956

Effective July 1, 2008

p = \$1,892.465
q = \$ 264.109
r = \$ 364.575

1. Formula Users (Industrial & Commercial)

The monthly user charge for formula users shall be calculated using the Oxnard Formula. Industrial and commercial users billed by Oxnard Formula shall be those so designated by the Public Works Director. For those formula users that do not provide metered wastewater flow data, the wastewater flow shall be assumed to be 90% of water consumed. For those users that provide engineering data acceptable to the Public Works Director showing a different percentage, the wastewater flows will be based on that data.

2. Non-Formula Users (Industrial, Commercial & Governmental)

The monthly user charge for non-residential users of the system that are not classified as formula users by the Public Works Director shall be as follows:

Effective November 1, 2007, through June 30, 2008

<u>User Category</u>	<u>Rate, per HCF of Water Use</u>
Commercial: Restaurant	\$3.391
Commercial: Laundry (Excluding Laundromats and Mission Linen)	\$2.221
All Other Non-Formula Users	\$2.139

Effective July 1, 2008

<u>User Category</u>	<u>Rate, per HCF of Water Use</u>
Commercial: Restaurant	\$3.492
Commercial: Laundry (Excluding Laundromats and Mission Linen)	\$2.287
All Other Non-Formula Users	\$2.203

The minimum monthly commercial charge shall be the same as the residential charge for multiple dwelling units. These commercial rates are based on the expected quantity and quality of flows for each commercial discharge class using the Oxnard Formula. Individual commercial users whose discharges are materially different from those for their assigned class may be subject to charges and monitoring requirements incidental to using the Oxnard Formula. The rate per hundred cubic feet (HCF) of water used is based on the assumption that 85 percent of the water consumed is returned to the wastewater system. The Public Works Director shall have the right to review the water consumption of any metered user of the wastewater system and to adjust the rate based on the average water consumption over a reasonable period of time.

3. Residential Users

Residential wastewater service is deemed to begin when water service begins. Monthly residential user charges by type of dwelling units are as follows:

Effective November 1, 2007, through June 30, 2008

- a. Single Family Unit. The monthly rate for each single dwelling unit in a single building shall be \$25.60 per dwelling unit.

- b. Multiple Units and Mobile Home Spaces. The monthly rate for each dwelling unit in a building containing two or more dwelling units, and for each mobile home space used, intended or designed for occupancy as a dwelling unit, shall be \$17.55 per dwelling unit or mobile home space.

Effective July 1, 2008

- a. Single Family Unit. The monthly rate for each single dwelling unit in a single building shall be \$26.36 per dwelling unit.
- b. Multiple Units and Mobile Home Spaces. The monthly rate for each dwelling unit in a building containing two or more dwelling units, and for each mobile home space used, intended or designed for occupancy as a dwelling unit, shall be \$18.08 per dwelling unit or mobile home space.

4. Non-metered Water Users

Except as provided in subsection B3 for residential water users, other non-metered water users, including commercial and industrial users, shall pay a monthly rate as determined by the Public Works Director based upon the monthly rate charged a metered water user of comparable size and character of use, provided, however, that the minimum monthly charge shall be the same as that charged for a multiple dwelling family dwelling unit.

5. Wastewater System Rate for Wastewater Treated by Another Agency

Where wastewater is collected by the City and is accepted by another agency for transmission, treatment and disposal, the monthly wastewater rates shall be equal at least to the rate charged by such agency for transmission, treatment and disposal of such wastewater, anything to the contrary herein notwithstanding.

6. Additional Charges for Outside the City Users of City Wastewater System

The following monthly charges shall be added to the monthly wastewater service charge for those outside the City users of the Los Posas sewer line located north of Highway 101:

Effective November 1, 2007, through June 30, 2008

- a. Dwelling unit, per unit \$25.60
- b. Las Posas Country Club \$ 2.139 per HCF of water used

Effective July 1, 2008

- a. Dwelling unit, per unit \$26.36
- b. Las Posas Country Club \$ 2.203 per HCF of water used

C. Industrial and Liquid Waste Sampling, Analysis and Flow Measurement

Dischargers whose wastewater charges are individually calculated using the Oxnard Formula shall be responsible for costs of required sampling, analysis and flow measurement associated therewith as provided in Chapter 19 of the Oxnard City Code. If sampling, analysis and flow data are not provided to the City as required, the Public Works Director shall cause monitoring to be performed or an estimate made to enable charges to be rendered. The discharger shall be billed for these extra costs.

D. Charges for Unusual or Non-Compatible Wastewater

A charge for unusual or non-compatible waste constituents of such quality or character as to impose upon the City unusual operation and/or maintenance or capital costs whether or not related to total flow volume, biochemical oxygen demand, or suspended solids, shall be set by the Public Works Director and paid by the discharger. These charges shall be reasonably calculated to defray costs attributable to such wastes.

E. Fee for Appeal

For each appeal to the City Council of a ruling by the Public Works Director the appellant shall pay a fee of \$100.

F. Industrial Wastewater Discharge Permits

The Industrial Wastewater Discharge Permits (permit) specified in Chapter 19 of the Oxnard City Code shall be granted for a specific time period, not to exceed five years. Application for permit and permit renewal shall be made in accordance with Chapter 19. All users classified as significant industrial wastewater users according to Chapter 19 shall be assessed a fee of \$2,500 per year per permit. All other industrial users shall be assessed a fee of \$100 per year per permit. In addition to the permit fee, new applicants for a permit shall be assessed a one time new application processing fee of \$100.

G. Billing Procedure for Monthly Service Charge for Use of City Wastewater System

Bills shall be computed according to the rates then in effect and the number of days in the service period at each rate.

H. The adoption of this ordinance is exempt from the California Environmental Quality Act because the fees adopted herein are for the purpose of meeting operating expenses, including employee rates and fringe benefits, and do not exceed costs incurred in providing the services in question.

Part 2. The provisions of this ordinance shall be applicable to all service provided or charges incurred on and after November 1, 2007. Ordinance No. 2632 and Ordinance No. 2719 are repealed by this ordinance effective November 1, 2007.

Part 3. If for any reason this ordinance is held invalid or unenforceable, the City Council intends that the ordinance provisions which would have been repealed by this ordinance shall remain in effect as if this ordinance had not been adopted.

Part 4. If for any reason any part of this ordinance is held invalid or unenforceable, the City Council intends that the remaining parts of this ordinance remain in effect.

Part 5. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. was first read on September 11, 2007 and finally adopted on September 18, 2007 to become effective thirty (30) days thereafter.

APPROVED AND ADOPTED this 18th day of September, 2007, by the following vote:

AYES:

NOES:

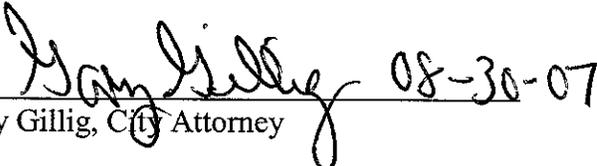
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary Gillig, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
CONTINUING AND ESTABLISHING SOLID WASTE SYSTEM USER FEES
AND CHARGES

WHEREAS, the City Council has adopted Chapter 19 of the Code of the City of Oxnard to regulate solid waste collection and disposal of the City's solid waste; and

WHEREAS, the Solid Waste Fund (Environmental Resources Division) is a self-supporting enterprise fund that depends on the revenues derived from services rendered for solid waste collection, processing, disposal and street sweeping; and

WHEREAS, the Public Works Director prepared an Environmental Resources Budget Study dated June 19, 2007, on file with the City Clerk, which establishes the basis for new and increased fees and charges set forth herein in Parts 1 through 3; and

WHEREAS, on August 1, 2006, the City Council approved Ordinance No. 2722, establishing solid waste system user fees and charges; and

WHEREAS, the adoption of the fees contained in Parts 1 through 3 of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15273(a) of the State CEQA Guidelines because such fees are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits, and do not exceed costs incurred in providing the services in question, and the basis for this exemption is the cost recovery calculations contained in the Environmental Resources Budget Study on file with the City Clerk, referred to above.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Monthly Rates

The fees, charges and rates set forth below shall be charged and collected for the use of services relating to the Solid Waste System of the City of Oxnard.

A. Residential dwellings

Weekly residential service in dwellings not using mechanical front-end loaded containers:

1. Individually billed single and multiple unit dwellings (65 or 95-gallon refuse container, 95-gallon recycle container and 95-gallon green waste container)	\$26.64
Individually billed single and multiple unit dwellings that generate lesser amounts of waste, recyclables and green waste or have medical disability that limit ability to maneuver larger containers (65-gallon refuse container, 65-gallon recycle container and 65-gallon green waste container)	\$22.12
2. Jointly billed multiple unit dwellings (such as apartments, duplexes, triplexes, boarding houses, mobile home parks, hotels or motels):	
First Unit	\$26.64
Second Unit.....	\$25.20
Third Unit.....	\$23.37
Each Unit in Excess of Three.....	\$22.07

B. Commercial and Industrial Users; Multiple Unit Dwellings Using Mechanical Front-End Loaded Containers

1. Weekly collection service for commercial and industrial businesses not using mechanical front-end loaded containers:

One 95-gallon refuse container	\$34.04
Two 95-gallon refuse container	\$56.47

2. Weekly recyclables and green waste collection service for commercial and industrial businesses not using mechanical front-end loaded containers:

One 95-gallon recycle container	\$17.03
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3. Weekly and daily solid waste collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:

Container Size	Collections Per Week					
	1	2	3	4	5	6
2-yard	\$112.67	\$198.07	\$256.01	\$313.97	\$371.93	\$429.89
2-yard shared	\$57.24	\$99.95	\$128.91	\$157.90	\$186.89	\$215.86
2-yard compactor	\$225.34	\$396.14	\$512.02	\$627.94	\$743.86	\$859.78
4-yard	\$197.64	\$313.58	\$416.28	\$518.85	\$626.78	\$725.32
4-yard shared	\$99.73	\$157.70	\$209.06	\$260.34	\$314.31	\$363.57
4-yard compactor	\$395.28	\$627.16	\$832.56	\$1,037.70	\$1,253.56	\$1,450.64

4. Extra Solid Waste Commercial Collection Service

Each mechanical loading solid waste collection in excess of the regular service level on an established account shall be made at the following rates:

Container Size	Rate Per Collection
2-cubic yard	\$50.25
4-cubic yard	\$92.77

5. Weekly and daily recyclables and green waste collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:

Container Size	Collections Per Week					
	1	2	3	4	5	6
2-yard	\$56.33	\$99.04	\$128.01	\$156.99	\$185.97	\$214.95
2-yard shared	\$29.07	\$50.42	\$64.92	\$79.41	\$93.89	\$108.39
2-yard compactor	\$112.66	\$198.06	\$256.02	\$313.98	\$371.92	\$429.90
4-yard	\$98.83	\$156.79	\$208.14	\$259.42	\$313.39	\$362.66
4-yard shared	\$50.33	\$79.31	\$104.99	\$130.63	\$157.59	\$182.25
4-yard compactor	\$197.66	\$313.58	\$416.28	\$518.84	\$626.78	\$725.32

6. Extra Recyclables or Green Waste Commercial Collection Service

Each mechanical loading recyclables or green waste collection in excess of the regular service level on an established account shall be made at the following rates:

<u>Container Size</u>	<u>Rate Per Collection</u>
2-cubic yard	\$25.12
4-cubic yard	\$46.39

7. Per pickup charge for businesses regularly using roll-off containers:

In addition, the user shall pay all disposal fees. Minimum pickup is twice per month. If less, user shall pay a container rental fee of \$12.00 per day.

<u>Container Size</u>	<u>Charge per Refuse Pickup</u>	<u>Charge per Recyclables or Green Waste Pickup</u>
10-cubic yard	\$116.98	\$102.30
13.4-cubic yard	\$116.98	\$102.30
30-cubic yard	\$158.70	\$116.98
30-cubic yard (compactor)	\$182.12	\$116.98
(2) 30-cubic yard	\$323.05	\$233.95
40-cubic yard	\$198.37	\$146.22
40-cubic yard (compactor)	\$221.79	\$146.22

8. Per pickup charge for businesses regularly using walking floor transfer-trailer is \$323.05. In addition, user shall pay all disposal fees.

Part 2. Special Collection Services and Fees

Special collection services are available for each class of user upon request to the Environmental Resources Division and dependent upon the availability of containers for service.

A. Special Collection Services

The minimum charge for special collection is \$31.50. If the special collection service requires more than fifteen minutes for the operation crew to clean up debris, the user will be charged a fee of \$2.10 per minute. For example, the fee for a special collection taking 20 minutes would be \$42.00. Special collection debris includes refrigerators, sofas, washing machines, water heaters, furniture, accumulated materials, and other bulky items except for large commercial-type items.

B. Mechanical Loading Special Services

1. Commercial Size Special Service (2 and 4 cubic yards)

Commercial containers are available for special collection service. A delivery fee of \$12.60 shall be charged per container. Commercial container special services shall be provided at the following rates, not including the disposal fee, for a maximum of fourteen days, for an established account:

<u>Container Size</u>	<u>Charge Per Refuse Pickup</u>
2-cubic yard	\$39.94
4-cubic yard	\$64.42

2. Industrial Size Special Service (10 - 40 Yards)

Industrial-type containers are available for special collection service. A delivery fee of \$12.60 shall be charged per container. Industrial container special services shall be provided at the following rates, not including the disposal fee, for a maximum of seven days, for an established account:

<u>Container Size</u>	<u>Per Pickup Charge</u>
10-yard	\$102.30
13.4-yard	\$102.30
30-yard	\$137.88
40-yard	\$172.35
(2) 30-yard	\$275.76

In addition, the user shall pay all disposal fees.

C. Freon Extraction Fee	Per Unit
Residential Type Size (Refrigerators and Air Conditioners)	\$20.00
Commercial Type Large Size	\$35.00

D. Lost or Damage (Burned) Container	Per Container Charge
Residential 95-Gallon Container	\$49.53
Residential 65-Gallon Container	\$45.74
Commercial 2-cubic yard	\$430.07
Commercial 4-cubic yard	\$524.45
Industrial 10-cubic yard	\$585.00
Industrial 13.4-cubic yard	\$635.00
Industrial 30-cubic yard	\$700.00
Industrial 40-cubic yard	\$750.00

E. Tire Collection - Size	Per Tire Charge
36 inches and under	\$5.00
36 inches to 60 inches	\$30.00
60 inches and over	\$200.00

F. Commercial Container Cleaning

At the user's request, the City will steam clean commercial containers of 2-cubic yard and 4-cubic yard sizes. The City will also steam clean commercial compactors. The City will pick up the container or compactor, steam clean the container or compactor at the City Yard, and return the container or compactor to the user location. The charge shall be:

Container Type & Size	Charge Per Container
Commercial 2-cubic yard	\$35.00
Commercial 4-cubic yard	\$45.00
Commercial Compactor	\$100.00

G. Commercial Container Security-Locking Device

At the user's request, the City will provide a security locking device for 2-cubic yard and 4-cubic yard containers. The fee shall be \$55.00 for each locking device per container, covering materials and installation.

H. Commercial Container Casters

A fee of \$18 per caster shall be charged to the user for a damaged caster on a 2-cubic yard container or a 4-cubic yard container.

I. Industrial Container Casters

A fee of \$27.25 per caster shall be charged to the user for a damaged caster on a 13.4-cubic yard container or a 30-cubic yard container.

J. Change of Service Level

A fee of \$5.00 shall be charge to the user for each request of a change of service level.

K. Overweight Container

A surcharge of 40% to the user's regular service charge shall be charged to the user for an overweight container in excess of the posted rate on the container.

L. Return Truck Trip

A fee of \$20.00 shall be charged to the user for each return trip due to a commercial or industrial container relocation, blocked access to container, improper filling, contamination, or other causes that prevent safe pickup of container due to customer error.

Part 3. Service Levels for Residential Automated Collections

A. Basic Levels

Single-family dwelling units with individual curbside refuse pickup shall each receive a 95-gallon automated refuse container, a 95-gallon automated recycle container and a 95-gallon automated green waste container that will be serviced weekly. Minimum service level shall be one 65-gallon automated refuse container, a 65-gallon automated recycle container and a 65-gallon automated green waste container once per week.

B. Service Above Basic Levels

1. Single-family and multifamily dwelling units with weekly individual curbside service may obtain and use an additional 95-gallon automated container at a cost of \$10.50 per month, in addition to the basic service charge.
2. A special service collection fee of \$10.50 shall be charged for collection when requested by a resident for reasons not the fault of the collection personnel, including but not limited to: late set-out of container, overfilling of container, refuse in recycle container, refuse or recycle in green waste container, or green waste in recycle container, blocked access or other causes that prevent safe pickup.

Part 4A. DNRRTS Charges for Regular Materials

Except as otherwise provided by the City Council, the fees set forth below shall be charged and collected for the use of and for the privileges and services relating to use of the Del Norte Regional Recycling and Transfer Station (DNRRTS) to process regular materials.

A. By Weight

Refuse	\$42.00 to \$50.00/ton
Greenwaste	\$42.00 to \$50.00/ton
Mixed Recyclables	\$ 0.00 to \$30.00/ton
Construction and Demolition Debris	\$49.00 to \$57.00/ton

B. By Load—Self-Haul Vehicle

Refuse \$22.00 to \$25.00/up to one-half ton
Percentage of \$42.00 to \$50.00/one-half ton or more

Part 4B. DNRRTS Charges for Special Materials

Except as otherwise provided by the City Council, the fees set forth below shall be charged and collected for the use of and for the privileges and services relating to use of the DNRRTS to process special materials.

Hard to handle (bulky items)	\$100.00/ton
Special handling	\$ 65.00/ton
Special pull-offs	\$ 75.00 each plus disposal fee
Uncovered loads capable of producing litter	\$ 5.00/ton surcharge on charge for regular materials

Tires:

Less than 36 inches	\$ 5.00 each or \$100.00/ton
36 inches to 60 inches	\$ 30.00 each
Over 60 inches	\$200.00 each

Freon extraction (Refrigerators or Air Conditioners)	\$ 20.00 each, plus disposal fee
Appliances	\$ 15.00 each

Part 4C. DNRRTS Charges for Other Special Materials

The actual cost shall be charged and collected for the use of and for the privileges and services relating to the use of the DNRRTS to process other special materials not listed in Part 4B. Except as otherwise provided by the City Council, such actual cost shall be based on the rate of \$60.00 per hour.

Part 4D. In addition to charges for regular materials in subsection A and B of Part 4A, DNRRTS shall charge a host fee of \$2.00 per ton of solid waste collected outside Oxnard city limits and delivered to DNRRTS.

Part 4E. Administration Regulations

The City Manager or designee may adopt administrative regulations to implement this ordinance.

Part 5. Billing Procedure for Monthly Service Charge for Use of City Solid Waste System.

Bills for solid waste services shall be computed according to the rates then in effect and the number of days in the service period at each rate.

Part 6. The provisions of this ordinance shall be applicable to all solid waste services provided or charges incurred on and after November 1, 2007. Ordinance No. 2722 is repealed by this ordinance, effective November 1, 2007.

Part 7. If any term, condition or provision of this ordinance is held to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

Part 8. If for any reason this ordinance is held invalid or unable to be implemented according to its terms, the City Council intends that Ordinance No. 2722, which would have been repealed by this ordinance, shall remain in effect as if this ordinance had not been adopted.

Part 9. This ordinance shall be uncodified.

Part 10. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated within the city. Ordinance No. _____ was first read on September 11, 2007, and finally adopted on September 18, 2007, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED on this 18th day of September, 2007, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 08-30-07

Gary L. Gillig, City Attorney