

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2748

(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

$$\begin{aligned} e &= \$511.750 \\ f &= \$176.646 \\ g &= \$221.809 \end{aligned}$$

Effective July 1, 2008

$$\begin{aligned} e &= \$527.103 \\ f &= \$181.945 \\ g &= \$228.464 \end{aligned}$$

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:

$$OMUC = p.(Vm) + q (Bm) + r (Sm)$$

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

$$\begin{aligned} p &= \$1,837.345 \\ q &= \$ 256.416 \\ r &= \$ 353.956 \end{aligned}$$

Effective July 1, 2008

$$\begin{aligned} p &= \$1,892.465 \\ q &= \$ 264.109 \\ r &= \$ 364.575 \end{aligned}$$

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:

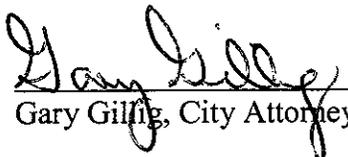
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 08-30-07

Gary Gillig, City Attorney