

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2818

(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, to keep municipal wastewater services on a self-supporting basis; and

WHEREAS, pursuant to Chapter 19 of the Oxnard City Code, Ordinance No. 2748 was adopted the 18th of September, 2007, 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 City's Public Works Department – Water Resources Division, Wastewater Section prepared a biennial budget and recommendations for the Wastewater Section for fiscal years 2009-10, and 2010-11, dated June 30, 2009 (Budget), on file with the City Clerk, which also establishes the basis for the fees and charges set forth herein; and

WHEREAS, the City's Water Resources Division, Wastewater Section has developed a computerized cost and revenue allocation model (Rate Model). The Rate Model is based upon the Budget and the proportional cost of providing wastewater treatment and disposal service to the City's various customer classes. The Rate Model provides a further basis for the rates and charges set forth herein; and

WHEREAS, City's Public Works Department - Water Resources Division, Wastewater Section has updated its cost of service analysis and this ordinance reflects updated supplemental fees and charges for certain special services available upon request throughout the City; and

WHEREAS, this ordinance includes provision for the automatic adjustment of rates based on changes in certain third party costs. The proposed rates displayed as effective beginning July 1, 2010, show the pre-authorized percentage rate increase applicable at the beginning of fiscal year 2010-2011. However, the actual rates effective July 1, 2010 may vary based on the implementation of any automatic rate adjustment resulting from changes in third party costs; and

WHEREAS, Public Resources Code Section 21080(b)(8) and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines provide 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 chemicals and energy sources, biosolids management, more stringent regulatory requirements, debt service, and Water Resources Division, Wastewater Section employee wages and fringe benefits; and
 - b. Purchasing and leasing supplies, equipment, and materials associated with the provision of wastewater service; and
 - c. Meeting financial reserve needs and requirements; and
 - d. Obtaining funds for capital projects necessary to maintain wastewater service within the City service area, including repair and replacement of the extensive collection and disposal systems and treatment plant, none of which expand the wastewater system.

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 & Disposal Facility User Charge

The monthly rate for regional users (Oxnard, Port Hueneme, Naval Base Ventura County (Port Hueneme and Point Mugu)) of the facility 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:

Service	Effective December 3, 2009	Effective July 1, 2010
Monthly Wastewater Discharge/Millions of Gallons	e = \$324.67	e = \$343.34
Monthly Biological Oxygen Demand (BOD) Discharge/Thousands of Lbs.	f = \$243.85	f = \$257.87
Monthly Suspended Solids (SS) Discharge/Thousands of Lbs.	g = \$306.59	g = \$324.22

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:

Service	Effective December 3, 2009	Effective July 1, 2010
Monthly Wastewater Discharge/Millions of Gallons	p = \$1,819.43	p = \$1,919.43
Monthly Biological Oxygen Demand (BOD) Discharge/Thousands of Lbs.	q = \$515.31	q = \$615.31
Monthly Suspended Solids (SS) Discharge/Thousands of Lbs.	r = \$362.26	r = \$391.24

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. The rate per hundred cubic feet (HCF) of water used is based on the assumption that a percent of the water consumed is returned to the wastewater system. The applicable percentage differs based on customer class. The percentage return is included for each customer class in the tables below. The Public Works Director shall have the authority 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:

- a. Commercial Wastewater Use (Percentage Wastewater Return = 85%):

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 50 HCF/Mo.	\$2.05	\$2.21
51 to 930 HCF/Mo.	\$2.56	\$2.76
Over 930 HCF/Mo.	\$5.13	\$5.54

- b. Restaurant Wastewater Use (Percentage Wastewater Return = 80%):

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 20 HCF/Mo.	\$3.15	\$3.40
21 to 160 HCF/Mo.	\$3.94	\$4.26
Over 160 HCF/Mo.	\$7.88	\$8.51

- c. Laundry / Laundromat Wastewater Use (Percentage Wastewater Return = 90%):

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 105 HCF/Mo.	\$2.01	\$2.17
106 to 525 HCF/Mo.	\$2.23	\$2.41
Over 525 HCF/Mo.	\$3.12	\$3.37

3. Non-Formula Users - Residential:

Residential wastewater service is deemed to begin when water service begins. Monthly residential user charges by type of dwelling units are as follows. The rate per hundred cubic feet (HCF) of water used is based on the assumption that a percentage of the water consumed is returned to the wastewater system. The applicable percentage differs based on customer class. The percentage return is included for each customer class in the tables below. The Public Works Director shall have the authority 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:

- a. Single Family Residential Wastewater Use (Percentage Wastewater Return = 80%):

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 9 HCF/Mo.	\$0.95	\$1.03
10 to 18 HCF/Mo.	\$1.05	\$1.13
Over 18 HCF/Mo.	\$1.47	\$1.59

- b. Multi-Family, Multi-Unit Residential Wastewater Use (Percentage Wastewater Return = 90%):

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 17 HCF/Mo.	\$0.95	\$1.03
18 to 32 HCF/Mo.	\$1.05	\$1.13
Over 32 HCF/Mo.	\$1.47	\$1.59

4. Monthly Base Rates

In addition to monthly rates based on water use (per HCF) as set forth above, the following customer classes shall pay a monthly meter rates:

Service	Effective December 3, 2009	Effective July 1, 2010
Single Family	\$16.45	\$17.77
Multi-Family/Unit	\$12.03	\$12.99

5. Monthly Security and Contamination Prevention Fee: Each customer shall pay a monthly security and contamination prevention fee as follows:

Service	Effective December 3, 2009	Effective July 1, 2010
Security & Contamination Prevention Fee	\$0.00	\$0.65

6. 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.

Service	Effective December 3, 2009	Effective July 1, 2010
Non-Metered Customers	\$28.25	\$30.51

7. 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.

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

Those outside the City users of the Los Posas sewer line shall be charged a monthly rate for wastewater service as follows. Wastewater service is deemed to begin when water service begins. 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:

a. Monthly Rates for User Charge Formula – Outside City

Service	Effective December 3, 2009	Effective July 1, 2010
Outside City – Residential	\$56.50	\$61.02
Outside City – Multi	\$37.86	\$40.89

b. Monthly Rates for Las Posas Commercial Wastewater Use

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 50 HCF/Mo.	\$4.10	\$4.43
51 to 930 HCF/Mo.	\$5.12	\$5.53
Over 930 HCF/Mo.	\$10.26	\$11.08

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 a fee of \$100 will be charged.

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. Automatic Inflation Adjustment. Pursuant to Government Code section 53756, the rates adopted herein shall automatically adjust for inflation in the cost of operating the city wastewater system. The inflation adjustment shall be the same percentage as the percentage change in the rates that the city pays to power providers that supply electricity and natural gas sources to power the wastewater collection, treatment and disposal systems, as those rates are applied in the Rate Model. Such adjustments shall be effective concurrent with the date of any adjustments in rates that the city pays to power providers that supply electricity and natural gas sources to power the wastewater collection, treatment and disposal systems.

Part 2. The provisions of this ordinance shall be applicable to all service provided or charges incurred on and after December 3, 2009. Ordinance No. 2748 is repealed by this ordinance effective December 3, 2009.

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 October 27, 2009, finally adopted on November 3, 2009, to become effective thirty (30) days thereafter.

APPROVED AND ADOPTED this 3rd day of November, 2009, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney