

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2819

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 the sale of water to City customers; and

WHEREAS, on or about the 13th of July, 2004, the City Council adopted City ordinance 2661, establishing certain fees and charges associated with the City's contamination prevention and water security programs; and

WHEREAS, on or about the 18th of September, 2007, the City Council adopted City ordinance 2750, establishing the current rates and charges applicable to City water customers; and

WHEREAS, on or about the 25th of September, 2007, the City Council adopted City ordinance 2752, establishing the current rates and charges applicable to City water customers within the former Ocean View Municipal Water District service area; and

WHEREAS, the City's Public Works Department - Water Resources Division, Water Section prepared a biennial budget and recommendations for the Water Resources Division - Water 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, Water 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 water 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, the City's Public Works Department - Water Resources Division, Water 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 water supplies, treatment chemicals, electricity costs, debt service, 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 and the Rate Model.

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:

SEC. 22-61. FEES AND CHARGES.

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 Water Use Rates

A. Monthly Rates for Single Family Water Use

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 6 HCF/Mo.	\$2.07	\$2.11
7 to 12 HCF/Mo.	\$2.30	\$2.35
Over 12 HCF/Mo.	\$3.22	\$3.28

B. Monthly Rates for Multi-Family Residential Water Use

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 17 HCF/Mo.	\$1.70	\$1.73
18 to 32 HCF/Mo.	\$1.88	\$1.92
Over 32 HCF/Mo.	\$2.81	\$2.87

C. Monthly Rates for Commercial/Industrial/Oceanview M&I Water Use

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 17 HCF/Mo.	\$1.70	\$1.73
18 to 32 HCF/Mo.	\$1.88	\$1.92
Over 32 HCF/Mo.	\$2.81	\$2.87

D. Monthly Rates for Metered Construction Use

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 13 HCF/Mo.	\$3.40	\$3.47
14 to 23 HCF/Mo.	\$3.77	\$3.85
Over 23 HCF/Mo.	\$5.63	\$5.74

E. Monthly Rates for Oceanview Agricultural Use

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
HCF/Mo.	\$0.73	\$0.74

F. Monthly Rates for Irrigation Use

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 17 HCF/Mo.	\$1.70	\$1.73
18 to 32 HCF/Mo.	\$1.88	\$1.92
Over 32 HCF/Mo.	\$2.81	\$2.87

G. Recycled Water Used in Lieu of Potable Water

Rate Per Hundred Cubic Feet (HCF)	Effective December 3, 2009	Effective July 1, 2010
0 to 17 HCF/Mo.	\$0.00	\$1.47
18 to 32 HCF/Mo.	\$0.00	\$1.63
Over 32 HCF/Mo.	\$0.00	\$2.44

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 service connection or meter size, and the associated customer class or use:

A. Single Family

Meter Size (inches)	Effective December 3, 2009	Effective July 1, 2010
0.75"	\$11.59	\$11.82
1.0"	\$18.27	\$18.64
1.5"	\$33.81	\$34.49
2.0"	\$56.39	\$57.52
3.0"	\$115.15	\$117.45
4.0"	\$195.45	\$199.36
6.0"	\$405.50	\$413.61
8.0"	\$582.49	\$594.14
10.0"	\$937.61	\$956.36

B. Multi-Family

Meter Size (inches)	Effective December 3, 2009	Effective July 1, 2010
0.75"	\$9.89	\$10.09
1.0"	\$15.58	\$15.89
1.5"	\$28.40	\$28.97
2.0"	\$44.01	\$44.89
3.0"	\$98.87	\$100.85
4.0"	\$160.70	\$163.91
6.0"	\$336.20	\$342.92
8.0"	\$483.03	\$492.69
10.0"	\$777.31	\$792.86

C. Commercial/Industrial

Meter Size (inches)	Effective December 3, 2009	Effective July 1, 2010
0.75"	\$7.99	\$8.15
1.0"	\$12.29	\$12.54
1.5"	\$22.17	\$22.61
2.0"	\$34.46	\$35.15
3.0"	\$73.71	\$75.18
4.0"	\$126.05	\$128.57
6.0"	\$258.01	\$263.17
8.0"	\$376.39	\$383.92
10.0"	\$596.79	\$608.73

III. Special Water Services: Each customer shall pay the following fees, according to the service received.

A. Flat Rates: Effective December 3, 2009

Where meters are not installed, water services shall be paid for each dwelling facility, business activity, construction site, or service, whether or not such facility, activity, site 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. Any unmetered service shall be temporary and limited to the shortest duration practical.

B. Fire Services

In addition to the monthly rate for water service (per HCF) set forth in subsection I, and the monthly meter rates set forth in subsection II, those accounts with separate, private fire lines used exclusively for fire protection, whether such lines are attached to automatic sprinkler systems, fire hydrants or hose attachments, shall pay monthly meter rates, based on meter or connection size:

Meter Size (inches)	Effective December 3, 2009	Effective July 1, 2010
0.75"	\$1.23	\$1.25
1.0"	\$2.09	\$2.13
1.5"	\$4.06	\$4.14
2.0"	\$6.53	\$6.66
3.0"	\$14.40	\$14.69
4.0"	\$24.62	\$25.12
6.0"	\$51.34	\$52.37
8.0"	\$73.86	\$75.34
10.0"	\$119.05	\$121.43

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 metered construction rate, as set forth in subsection I(D).

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

Meter Size (inches)	Effective December 3, 2009	Effective July 1, 2010
0.75"	\$0.00	\$0.00
1.0"	\$20.36	\$20.77
1.5"	\$0.00	\$0.00
2.0"	\$0.00	\$0.00
3.0"	\$68.51	\$69.88
4.0"	\$0.00	\$0.00
6.0"	\$0.00	\$0.00
8.0"	\$0.00	\$0.00
10.0"	\$0.00	\$0.00

D. Unmetered Rate

In new subdivisions and other projects where meters are not installed immediately, water use shall be paid for at a rate determined as set forth in subsection III(A). In addition to those monthly rates for water use, a monthly charge based on the size of the service connection shall be imposed as follows:

Service Meter Size (inches)	Effective December 3, 2009	Effective July 1, 2010
0.75"	\$5.76	\$5.87
1.0"	\$8.47	\$8.63
1.5"	\$12.89	\$13.15
2.0"	\$16.92	\$17.26
3.0"	\$21.28	\$21.71
4.0"	\$25.65	\$26.16
6.0"	\$34.38	\$35.07
8.0"	\$43.11	\$43.97
10.0"	\$51.84	\$52.87

E. Monthly Security and Contamination Prevention Fee

Service	Effective December 3, 2009	Effective July 1, 2010
Security and Contamination Prevention Fee	\$1.22	\$1.24

F. Monthly Water Resource Fee

Service	Effective December 3, 2009	Effective July 1, 2010
Water Resource Fee	\$0.00	\$0.50

G. 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 Resources Division, Water Section 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 Resources Division, Water Section 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.

H. 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.

I. Broken locks

In the event a customer breaks a lock placed on the water meter, in addition to all other amounts due, the customer shall pay a fee of \$10.00 to replace the broken lock.

J. Billing and collection; delinquent bills; nonpayment

The customer shall pay a fee of \$12.00 for each visit to a customer's property to collect 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 \$75.00 for resuming service.

K. Billing Procedure for Periodic Charge for City Water Service

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.

Part 2. SEC. 22-33 of the Oxnard City Code is amended to read as follows:

22-33 · ALTERATIONS TO SIZE OF WATER SYSTEM CONNECTION

When a decrease in size of an existing meter is requested by the customer, the Water Resources Division, Water Section shall make the meter change at no cost to the applicant; provided, the reduced size is determined adequate for the contemplated use. When an increase in size of an existing service or meter is requested by a customer, or an increase is required because of a change in the customer's water use, the Water Resources Division shall make such change; provided, the requested size is determined adequate for the contemplated use. The applicant shall pay in advance the current cost of the new service or meter, less a credit for the meter removed. The credit shall be established by the public works director based upon the age of the existing service connection, but in no event shall the credit exceed 60 percent of the current value of a meter of that size. Where the larger service is in a location different from the existing service, the applicant shall pay the cost of abandoning the existing service in addition to any other applicable fees and charges. The cost for abandoning a water meter shall be based on the administration, labor and materials required to complete the work.

Part 3. Section 22-40 of the Oxnard City Code is amended to read as follows:

SEC. 22-40. TURNING WATER ON OR OFF.

(A) All curb cocks or valves installed by the Water Resources Division, Water Section of the inlet side of the water meter shall be for the exclusive use of the water division and shall not be operated by anyone other than authorized employees of the Water Resources Division, Water Section, unless prior approval has been obtained from the Water Resources Division, Water Section.

(B) Turn on and turn off charges shall be established by ordinance or resolution of the city council.

Part 4. Section 22-74.1 of the Oxnard City Code is amended to read as follows:

SEC. 22-74.1. INSPECTION FEE.

(A) The Public Works Director shall issue an annual notice to the customer or the owner of each backflow prevention device to arrange for the inspection and testing of each device on the premises. The notice shall include the method of reporting compliance to the city, along with information necessary to arrange for the inspection and testing. The city shall establish the fees associated with compliance with this section by ordinance or resolution.

(B) Completed forms demonstrating testing and inspection compliance shall be returned to the Water Resources Manager, along with the applicable fee, within 30 days of the notice.

(C) If the properly completed compliance forms are not returned within 30 days, the Water Resources Manager shall send a second notice, and assess an additional late fee.

(D) If the properly completed compliance forms are not returned within 60 days of the original notice, the Water Resources Manager shall send a third notice, and assess an additional late fee.

(E) If the properly completed compliance forms are not returned within 90 days of the original notice, the Water Resources Manager shall send a final notice indicating that the Water Resources Manager will arrange for the completion of the testing and inspection. The customer or owner shall pay an additional fee, plus the cost of all administrative, labor and materials required to complete the work.

(F) Compliance with this section 22-74.1 shall be deemed complete when the Water Resources Manager receives both the completed compliance inspection form and the associated fee.

Part 5. As provided in section 22-37 of the City Code, the customer shall pay for installation of each water service and water meter:

(A) In addition to the cost of administration and materials, 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	Effective December 3, 2009	Effective July 1, 2010
3/4"	3/4"	3/4"	\$1,200.00	\$1,400.00
1"	1"	1"	\$1,400.00	\$1,600.00
1-1/2"	1-1/2"	1-1/2"	\$1,800.00	\$2,000.00
2"	2"	2"	\$2,200.00	\$2,300.00

(B) The rates for installing each new meter on a service, previously installed and paid for, shall be as follows in addition to the cost of materials:

Meter	Service	New Box	Effective December 3, 2009
3/4"	3/4"	3/4"	\$415.00
1"	1"	1"	\$475.00
1-1/2"	1-1/2"	1-1/2"	\$865.00
2"	2"	2"	\$1,035.00

Part 6. As provided in sections 22-19, 22-26, 22-33, 22-35, 22-39, 22-40, 22-46, 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) Fully Allocated Hourly Rates

	Effective December 3, 2009
Meter Repair Worker	\$64.00
Water Distribution Operator I	\$58.00
Water Distribution Operator II	\$67.00
Senior Water Distribution Operator	\$74.00

(B) 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:

	Meter	Effective December 3, 2009
For each	3/4"	\$41.00
For each	1"	\$61.00
For each	1-1/2"	\$112.00
For each	2"	\$174.00

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

(C) Meter testing

Upon written request to test a meter, the customer shall deposit \$95.00 for a meter size of up to eight inches and \$190.00 for a meter size of over eight inches.

(D) Turning water on or off – non-emergency

Except in an emergency situation, the charge to have water turned on or off during customary business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) shall be \$75.00. To have the water turned on or off at any time after hours (this includes weekends and City-observed holidays), the charge shall be \$135.00.

(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 \$112.00, in addition to other amounts due, before water service is restored.

(F) Backflow Prevention and Cross-Connection Control

Timely submission of forms demonstrating completed testing and inspection compliance for backflow prevention and cross-connection control device(s) shall include a \$20.00 fee for each device. If the properly completed compliance forms are not returned within 30 days, the Water Resources Manager shall send a second notice, and assess an additional \$15.00 late fee. If the properly completed compliance forms are not returned within 60 days of the original notice, the Water Resources Manager shall send a third notice, and assess an additional \$25.00 late fee. If the properly completed compliance forms are not returned within 90 days of the original notice, the customer or owner shall pay an additional \$50.00, plus the cost of all administrative,

labor and materials required to complete the work. Inspection services by City employees shall be provided for a fee of \$45.00 plus \$15.00 per device.

(G) Fire Hydrant Test, Inspection and Repairs Fees

Service	Effective December 3, 2009
Hydrant Flow Test Inspection	\$140.00

Temporary Hydrant Meter	Effective December 3, 2009
Setup/Retrieval	\$95.00
Move	\$62.00
Deposit – Meter Replacement Cost	\$800.00
Damaged Hydrant Meter Repair	Labor + Materials
Water Curbs Stop Repair	Labor + Materials

Part 7. Automatic Adjustment for Wholesale Water Rate Increases; Reauthorization of City Code Section 22-60:

Pursuant to Government Code section 53756, section 22-60(B)(C) and (D) are reauthorized for a 5 year period.

Part 8. 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 9. Ordinance Nos. 2750 and 2752 are repealed by this ordinance effective December 3, 2009.

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 in the City. Ordinance No. _____ was read on October 27, 2009 and finally adopted on November 3, 2009 to become effective 30 days thereafter.

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

AYES: Councilmembers .

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney