

## ORDINANCE 2015-20

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AMENDING SECTIONS 3-5-150 AND 3-5-155 OF THE SAN JUAN BAUTISTA MUNICIPAL CODE TO MODIFY SEWER AND WATER RATES

**WHEREAS**, the City has completed a 2015 study of the sewer and water rates, including an analysis of the City's capital improvement needs for the water and sewer facilities, and

**WHEREAS**, the 2015 Water and Sewer rate study was received by the City Council on July 21, 2015 and made available to the public, and

**WHEREAS**, based upon the 2015 Water and Sewer rate study and the analysis of the operations, contractual services, debt payment service and capital improvement costs of the water and sewer systems, a water and sewer rate increase is necessary to meet the ongoing expenses and to fund the capital improvements necessary to keep the systems operational and functioning in accordance with State of California Water Resources Control Board standards, and

**WHEREAS**, the City has adopted procedures and requirements for the payment, termination, disconnection, consumer price index adjustments and collection of delinquencies associated with the water and sewer rate charges in accordance with applicable provisions of the California Constitution, statutes and local ordinances, and

**WHEREAS**, the proposed rate increases will not exceed the funds required to provide sewer and water services to the public, will be used exclusively for the City's water and sewer system, will not exceed the proportional cost of the service attributed to each parcel upon which they are proposed for imposition, and will not be used for any other purpose other than that for which they are imposed; and

**WHEREAS**, the City hereby finds and determines that, in accordance with the provisions of the California Constitution, Article XII D, Section 6, the City identified the parcels upon which the increased service charges are proposed to be imposed and mailed written notice to each property owner of each parcel upon which the proposed increase to the service charges are proposed for imposition, conducted a public hearing more than 45 days after mailing the notice and considered all written protests against the proposed increases, and at the conclusion of the public hearing written protests against the proposed increase were not presented by a majority of customers subject to the proposed charges; and

**WHEREAS**, this Council having reviewed and considered all materials, information and public input received on the proposed Water and Sewer Rates, and all procedural requirements having been satisfied, and written protest against the proposed Water and Sewer Rates set out herein below having not been made under applicable law, desires to adopt the water and sewer rates set out below;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Section 3-5-150 and 3-5-155 of the San Juan Bautista Municipal Code hereby are amended by deleting all text and rates therefrom, and substituting thereto at Section 3-5-150 the rates and text set out in Exhibit A, attached hereto and incorporated herein by reference, entitled "City of San Juan Bautista, Proposed Wastewater Rates," and at Section 3-5-155 the rates and text set out in Exhibit B, attached hereto and incorporated herein by this reference, entitled "City of San Juan Bautista, Proposed Water Rates."

**SECTION 2.** Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

**SECTION 3.** Effective Date. This ordinance shall go into effect thirty (30) days after the date of its adoption.

**THE FOREGOING ORDINANCE**, was first introduced and read at a regular meeting of the San Juan Bautista City Council on the 18<sup>th</sup> day of August 2015, and was adopted by not less than a two-thirds vote pursuant to Government Code Section 5471, at a regular meeting of the San Juan Bautista City Council on the 15<sup>th</sup> day of September, 2015, by the following vote.

**AYES:** Lund, West, Edge, Boch, Martorana

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

\_\_\_\_\_  
Robert L. Lund, Mayor

**ATTEST:**

\_\_\_\_\_  
Connie Schobert, City Clerk

**EXHIBIT A**

**CITY OF SAN JUAN BAUTISTA PROPOSED WASTEWATER RATES**

| SEWER                    | CURRENT |         | PROPOSED |         |         |         |
|--------------------------|---------|---------|----------|---------|---------|---------|
|                          | 2014/15 | 2015/16 | 2016/17  | 2017/18 | 2018/19 | 2019/20 |
| Sewer                    |         |         |          |         |         |         |
| Residential              | \$77.61 | \$78.77 | \$79.96  | \$81.16 | \$82.37 | \$83.61 |
| Commercial               | \$78.00 | \$79.17 | \$80.36  | \$81.56 | \$82.79 | \$84.03 |
| Min. Mo. Charge          |         |         |          |         |         |         |
| <u>\$/ 1,000 gallons</u> |         |         |          |         |         |         |
| Standard Strength        | \$ 8.45 | \$ 8.58 | \$ 8.71  | \$ 8.84 | \$ 8.97 | \$ 9.10 |
| Moderate Strength        | \$12.65 | \$12.84 | \$13.03  | \$13.23 | \$13.43 | \$13.63 |
| High Strength            | \$16.88 | \$17.13 | \$17.39  | \$17.65 | \$17.92 | \$18.18 |

**COMMERCIAL CUSTOMER BY TYPE OF DISCHARGE**

| <u>WASTE STRENGTH</u> | <u>TYPE OF CUSTOMERS</u>   |
|-----------------------|--|
| Standard Strength     | Office, Retail, General Commercial   |
| Moderate Strength     | Restaurants with grease trap, Hotels/Motels, Food Marts, Grocery Market, Super Markets, Commercial laundries, RV Parks, Mixed Use Facilities, car wash facilities, |
| High Strength         | Food processing facilities, Restaurants without grease trap, Bakery without grease trap, Mortuaries, Industrial chemical processing plant.                         |

**EXHIBIT B**

**CITY OF SAN JUAN BAUTISTA PROPOSED WATER RATES**

| WATER           | CURRENT    |                          | PROPOSED   |            |            |            |
|-----------------|------------|--------------------------|------------|------------|------------|------------|
|                 | 2014/15    | 2015/16                  | 2016/17    | 2017/18    | 2018/19    | 2019/20    |
| Water Base Rate |            |                          |            |            |            |            |
| Inside          | \$48.50    | \$49.83                  | \$51.20    | \$52.61    | \$54.14    | \$55.76    |
| Outside         | \$59.03    | \$60.36                  | \$61.73    | \$63.14    | \$64.67    | \$66.29    |
| User Rate       | Tiered     | ----- Uniform Rate ----- |            |            |            |            |
| Charges         | Tier 1,2,3 | \$5.64/                  | \$5.81/    | \$5.98/    | \$6.16/    | \$6.35/    |
|                 |            | 1,000 gal.               | 1,000 gal. | 1,000 gal. | 1,000 gal. | 1,000 gal. |