

ORDINANCE NO. 696

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, CALIFORNIA, AMENDING CALISTOGA MUNICIPAL CODE CHAPTER 13.18 PERTAINING TO WATER SERVICE CHARGES, FEES, AND RATES

THE CITY COUNCIL OF THE CITY OF CALISTOGA ORDAINS AS FOLLOWS

Section 1. Findings. The City Council of the City of Calistoga finds as follows:

- A.** California Health and Safety Code section 5471 and Calistoga Municipal Code Chapters 13.04 (Water Services) and 13.18 (Rates, Billing, Payment and Charges) empower the City of Calistoga, by and through its City Council, to prescribe, revise and collect fees, rates, and other charges for the availability, provision and connection of water service.
- B.** Chapters 13.04 (Water Services) and 13.18 (Rates, Billing, Payment and Charges) of the Calistoga Municipal Code provide for the amendment of charges, fees, and rates for water service by the City Council from time to time.
- C.** The City has caused to be prepared a detailed analysis and projections updating the 2010 Water Rate Study regarding the City's water system cost, improvement and revenue needs for fiscal years 2014 through 2017 in a document entitled the "2013 Water Rate Study" ("Study").
- D.** The information and analysis in the Study was the subject and result of over four noticed public workshops and a public hearing by the City Council.
- E.** From May 2012 to August 2013, the City Council held four noticed public workshops to review the financial, operational and capital improvement need and options to determine needed adjustments to adopted rates from the 2010 Water Rate Study.
- F.** On September 3, 2013, a draft of the Study was presented to the City Council, which updated the 2010 Water Rate Study.
- G.** The findings and analysis in the Study regarding the recommended adjustments to the City's water service charges, fees, and rates are incorporated by this reference.
- H.** On November 5, 2013, at a duly noticed public hearing and in accordance with Article XIIID, Section 6(a) of the California Constitution and Government Code sections 53750, 53755, and 53756 the City Council gave every interested person an opportunity to object to the proposed adjustments to the charges, fees, and rates as set forth in the Study.
- I.** The City Council considered and overruled all written protests against the proposed charges, fees, and rates, which protests did not constitute a majority of the affected property owners, and adopted Resolution 2013-098 on November 5,

2013 approving the Study, including the proposed adjustments to the water service charges, fees, and rates as set forth in the Study.

- J. The City Council, having duly received and considered oral and documentary evidence concerning the necessity for the proposed changes to the water service charges, fees, and rates, desires to amend Calistoga Municipal Code Chapter 13.18 to establish revised water service charges, fees, and rates.
- K. The revised water service charges, fees, and rates established by this ordinance do not exceed the estimated reasonable costs of providing the service or the construction, reconstruction, or maintenance of the related facilities.
- L. Pursuant to Title 14 of the California Code of Regulations, Section 15273, this ordinance is statutorily exempt from the requirements of the California Environment Quality Act (CEQA) in that it deals with the establishment of rates, fees, and other charges.

Section 2. Amendment to CMC Section 13.18.020. Section 13.18.020 Subsections (A) & (B) of Chapter 13.18 of the Calistoga Municipal Code are amended and restated to read as follows:

Section 13.18.020. Water rates and charges.

The charges, fees, and rates for the connection to and use of water services from the City are as established in this section.

A. Definitions. For the purposes of this section, the following words and phrases have the following definitions:

1. Types of Water Accounts.

a. "Single-family residential account" means those water accounts serving properties that are attached or detached residential dwelling units serviced by an individual water meter for each dwelling unit.

b. "Multifamily residential accounts" means those water accounts serving properties that contain multiple attached or detached residential dwelling units served by separate water meters for more than one dwelling unit.

c. "Mobile home park accounts" means those water accounts serving properties that are classified as mobile home parks in CMC 17.04.524.

d. "Commercial – transient occupancy facilities accounts" means those water accounts serving properties that are subject to the provisions of and classified as bed and breakfast, inn, motel, hotel, spa or other lodging uses in Chapter 3.16 CMC.

- e. "Commercial – restaurant accounts" means those water accounts serving properties that are engaged in food preparation for commercial purposes with or without on-site seating.
- f. "Commercial – general accounts" means all other commercial and nonresidential users not defined in this subsection (A).
- g. "Industrial accounts" means those water accounts serving properties that are subject to the provisions of CMC 5.04.260.
2. "Mixed use" means those properties that have multiple types of water account uses served by the same water meter and billing account. Such accounts shall be billed at the highest rate of water account type unless a determination on the predominant type of water use is made by the Public Works Director as set forth in subsection (D) of this section.
3. "Monthly service charge" means a fixed charge calculated by a base demand charge by meter size multiplied by a demand factor by type of water account. The charge is applied to each metered account regardless of the volume of water used.
4. "Billing cycles" means either monthly, approximately every 30 days, or bi-monthly, approximately every 60 days, reading of meters for water consumption and billing of accounts as set by resolution of the City Council for each type of water account.
5. "Marginal tiered volume charges," under subsection (B)(3) of this section, means applying the volume charge of each tier to the service units of water consumed incrementally within each of the tier ranges. For example, all service units of water consumed in Tier 1 (from zero to 32 hcf) will be charged at the marginal tiered volume charge for Tier 1. For service units of water consumed in Tier 2 (from 33 to 50 hcf), each service unit will be charged the marginal tiered volume charge for Tier 2.
6. "Volume charges" means a charge per service unit of metered water used.
7. "Service unit" means 100 cubic feet (hcf), or approximately 748 gallons, of water. Can also be referenced as "unit," "hcf" or "ccf."
8. "Water service connection fee" means a fee charged for each new connection or expanded use of an existing connection to the water system based on the annual acre foot water requirements for each type of use as prescribed in Chapter 13.16 CMC (Resource Management System) and the adopted Standardized Use Table in Chapter 13.16 CMC.
9. "Peak service unit demand" shall mean the calculated amount of water consumed, by meter size, that represents the average monthly water use for all users, except single-family residential, multiplied by the ratio of the water system's peak day demand to the average day demand of water use. This ratio is calculated at 1.74.

B. Monthly Service Charge and Volume Charge. The rate structure for water service consists of (1) a monthly service charge, as described below, plus (2) a volume charge, as described below.

1. Monthly Service Charge. The monthly service charge consists of a base demand charge by meter size multiplied by a demand factor for each type of water account. For water accounts with a bi-monthly billing cycle, the monthly service charge is charged for each month or approximate 30-day period.

a. The monthly meter base demand charges are hereby established for the following meter sizes:

Meter Size	30 Days after Effective Date of Ordinance	January 1, 2015	January 1, 2016	January 1, 2017
5/8" or 3/4"	\$ 20.94	\$ 21.75	\$ 22.38	\$ 23.05
1"	\$ 52.35	\$ 54.38	\$ 55.95	\$ 57.63
1 1/2"	\$ 104.70	\$ 108.75	\$ 111.90	\$ 115.25
2"	\$ 167.52	\$ 174.00	\$ 179.04	\$ 184.40
3"	\$ 314.10	\$ 326.25	\$ 335.70	\$ 345.75
4"	\$ 523.50	\$ 543.75	\$ 559.50	\$ 576.25
6"	\$ 1,047.00	\$ 1,087.50	\$ 1,119.00	\$ 1,152.50
8"	\$ 1,675.20	\$ 1,740.00	\$ 1,790.40	\$ 1,844.00

b. For single-family accounts that require a larger meter for a fire sprinkler system, the monthly service charge will be the next smaller meter size.

c. For non-single-family accounts with a separate fire service or compound meter for a combined use account, the monthly service charge will be 10 percent of the standard monthly service charge based on the applicable meter size. The demand factor for the type of use will not be applied to a fire service meter. The application of charges for fire service on a combined use account will be determined by the Public Works Director.

d. The meter demand factors are hereby established for the following type of water accounts.

Type of Water Account	Meter Demand Factor
Single family Residential	1.00
Multi-family Residential	1.42
Mobile home parks	2.11
Commercial - General	1.10
Commercial - Restaurants	2.39
Commercial - Laundry	1.10
Commercial - Transient Occupancy facilities	1.25
Commercial - Spa Resorts with Groundwater Discharge	2.57
Industrial	3.19

2. Volume Charge. The following volume charges per service unit of 100 cubic feet (hcf) of metered water used are hereby established and applied to each service unit for all water accounts, except as modified by the subsections below for certain water accounts or amounts of water use.

Volume Charge per service unit (hcf)	30 Days after Effective Date of Ordinance	January 1, 2015	January 1, 2016	January 1, 2017
	\$ 5.58	\$ 5.90	\$ 6.20	\$ 6.50

3. Single-Family Residential Conservation Volume Charges. The following marginal tiered volume charges apply to service units of water incrementally within each tier for all single-family residential accounts, which charges are based on the bi-monthly water consumption, in service units (hcf), for each tier.

Amount of Bi-monthly water service use for each tier in hcf (every 2 months)	Single-Family Residential Water Use	30 Days after Effective Date of Ordinance	January 1, 2015	January 1, 2016	January 1, 2017
Tier #1	1 - 32 hcf	\$ 5.58	\$ 5.90	\$ 6.20	\$ 6.50
Tier #2	33 - 50 hcf	\$ 5.86	\$ 6.20	\$ 6.51	\$ 6.83
Tier #3	51 - 99 hcf	\$ 6.14	\$ 6.49	\$ 6.82	\$ 7.15
Tier #4	100 + hcf	\$ 7.48	\$ 7.91	\$ 8.31	\$ 8.71

4. Peak Charge Rate Applied to Volume Charges. The following peak charge rates apply to all water accounts, except single-family residential accounts, for each service unit of water consumption in excess of the peak service unit demand established below by meter size.

a. The peak service unit demand by meter size is as follows:

Meter Size	Peak service Unit (hcf) of water use per month
5/8" or 3/4"	35
1"	88
1 1/2"	175
2"	280
3"	525
4"	875
6"	1,750
8"	2,800

b. The peak charge rate per service unit of water consumption in excess of monthly use by size of meter adjusted by the demand factor in subsection (B)(1)(d) of this section is as follows:

Peak Charge rate per service unit (hcf)	30 Days after Effective Date of Ordinance	January 1, 2015	January 1, 2016	January 1, 2017
	\$ 7.16	\$ 7.98	\$ 8.84	\$ 9.27

Section 3. Amendment to CMC Section 13.18.025. Section 13.18.025 Subsections (A) & (B) of Chapter 13 of the Calistoga Municipal Code are amended and restated to read as follows:

13.18.025 Application and adjustment of water charges, rates, and connection fees. The adjusted rates and connection fee imposed in amended Section 13.18.020.(A) & (B) as provided in this ordinance will be implemented as follows:

A. The water service rates in amended CMC 13.18.020(B) for 2014 will apply to water service provided following the meter readings made after the effective date of the ordinance codified in this section.

B. The water service rates in amended CMC 13.18.020(B) for 2015 through 2017 will apply to water service provided after January 1st of each applicable year.

Section 4. Severability. If any of the provisions of this ordinance or the application thereof to any person or property is held invalid, such invalidity will not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable

Section 5. Judicial Review. Any judicial review of this ordinance must be by writ of mandate under Code of Civil Procedure section 1085, and any such action seeking to attack, review, set aside, void or annul this ordinance must be commenced within 90 days after the adoption of this ordinance.

Section 6. Publication. The City Clerk is directed to publish this ordinance in accordance with applicable law.

THIS ORDINANCE was introduced with first reading at the City of Calistoga City Council meeting on **November 19, 2013** and was passed and adopted at a regular meeting of the Calistoga City Council on **December 3, 2013**, by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Kraus, Barnes, Lopez-Ortega and Mayor Canning
NOES: None
ABSTAIN: None
ABSENT: None

APPROVED:



CHRIS CANNING, Mayor

ATTEST:



KATHY FLAMSON, Deputy City Clerk

CERTIFICATION BY CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF NAPA) ss.
CITY OF CALISTOGA)

I, **Kathy Flamson, Deputy City Clerk of the City of Calistoga**, California do hereby certify that the foregoing is a true and correct copy of **Ordinance No.696**, duly passed, approved, and adopted by the City Council of the City of Calistoga at their regular meeting of **December 3, 2013**, and thereafter duly signed by the Mayor, as indicated; and that such ordinance has been published pursuant to law.

Kathy Flamson
Kathy Flamson, Deputy City Clerk, CITY OF CALISTOGA