

# City of Calistoga

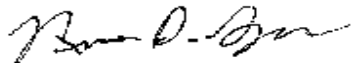
## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Richard Spitler, City Manager  
**DATE:** December 3, 2013  
**SUBJECT:** Second Reading of Ordinance No.697  
Wastewater Service Charges, Fees and Rates Amendments

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APPROVAL FOR FORWARDING:



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Richard D. Spitler, City Manager

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1 **ISSUE:** An Ordinance Amending Calistoga Municipal Code Chapter 13.18  
2 Pertaining to Wastewater Service Charges, Fees and Rates.

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4 **RECOMMENDATION:** Adopt Ordinance 697 as submitted.  
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6 **BACKGROUND:**  
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8 The City Council held a public hearing on November 5, 2013 to consider amending the  
9 Wastewater (and Water) Service Charges, Fees and Rates and to receive protests to  
10 this increase. After the conclusion of the hearing the Acting City Clerk tabulated the 138  
11 protest letters received by the close of hearing and determined that there was materially  
12 insufficient number of protests to stop the rate increase (later it was determined that  
13 another 17 protest letters were received). A total of 725 protests would be needed to  
14 stop the rate increase process.

15 At the conclusion of the hearing, the City Council introduced and waived the first  
16 reading of the ordinance as presented.

17 **Attachments:**  
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19 1- Ordinance No. 697 Wastewater Rate Amendment

**ORDINANCE NO. 697**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, CALIFORNIA, AMENDING CALISTOGA MUNICIPAL CODE CHAPTER 13.18 PERTAINING TO WASTEWATER (SEWER) 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 13.08 (Sewer 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 connection to and availability and provision of wastewater service.
- B.** Chapters 13.08 (Sewer Services) and 13.18 (Rates, Billing, Payment and Charges) of the Calistoga Municipal Code provide for the amendment of fees, rates, and charges by the City Council from time to time.
- C.** The City has caused to be prepared a detailed analysis and projections updating the 2010 Wastewater Rate Study regarding the City's wastewater system cost, improvement and revenue needs for fiscal years 2014 through 2017 in a document entitled the "2013 Wastewater 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 Wastewater Rate Study.
- F.** On September 3, 2013, a draft of the Study was presented to the City Council, which updated portions of the 2010 Wastewater Rate Study.
- G.** The findings and analysis in the Study regarding the recommended adjustments to the City's wastewater 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 XIID, 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 approving the

Study, including the proposed adjustments to the wastewater 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 wastewater service charges, fees, and rates, desires to amend Calistoga Municipal Code Chapter 13.18 to establish revised wastewater service charges, fees, and rates.
- K. The revised wastewater 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 13.18.030.** Section 13.18.030 Subsection (B) of Chapter 13 of the Calistoga Municipal Code is amended and restated to read as follows:

**13.18.030 Wastewater rates and charges.**

The rates and charges for all wastewater services provided by the City are as established in this section.

**B. Wastewater Service Charges.**

1. Service charges for all wastewater dischargers are established in the following amounts:

<b>Discharge User Categories</b>	<b>Basis</b>	<b>30 Days after Effective Date of Ordinance</b>	<b>January 1, 2015</b>	<b>January 1, 2016</b>	<b>January 1, 2017</b>
<b>Residential Rates</b>					
Single Family Residential	Flat Monthly	\$ 61.82	\$ 62.72	\$ 63.97	\$ 65.25
Multi-Family Residential	Flat Monthly	\$ 52.52	\$ 52.77	\$ 53.83	\$ 54.90
Mobile Home	Flat Monthly	\$ 33.91	\$ 34.08	\$ 34.76	\$ 35.46
<b>Transient Rates</b>					
Transient General	Per hcf of Water Use	\$ 12.18	\$ 12.83	\$ 13.09	\$ 13.35
Spa	Per hcf of Water Use	\$ 12.18	\$ 12.83	\$ 13.09	\$ 13.35
Campground	Per hcf of Water Use	\$ 12.18	\$ 12.83	\$ 13.09	\$ 13.35
Bed & Breakfast	Per hcf of Water Use	\$ 12.18	\$ 12.83	\$ 13.09	\$ 13.35

**Other Non-Residential Rates**

Commercial General	Per hcf of Water Use	\$ 5.07	\$ 4.97	\$ 5.07	\$ 5.17
Restaurant/Bakery	Per hcf of Water Use	\$ 21.64	\$ 22.03	\$ 22.47	\$ 22.92
Laundry	Per hcf of Water Use	\$ 5.07	\$ 4.97	\$ 5.07	\$ 5.17
Public Building	Per hcf of Water Use	\$ 5.07	\$ 4.97	\$ 5.07	\$ 5.17
Medical Care	Per hcf of Water Use	\$ 5.07	\$ 4.97	\$ 5.07	\$ 5.17
Brewery/Winery	Per hcf of Water Use	\$ 1.40	\$ 1.42	\$ 1.45	\$ 1.48
School	Per hcf of Water Use	\$ 5.07	\$ 4.97	\$ 5.07	\$ 5.17
Service Station	Per hcf of Water Use	\$ 5.07	\$ 4.97	\$ 5.07	\$ 5.17

**Industrial & Bottling Works Rates**

Measure Flow Rate	Per mg of Measured Flow	\$ 9,399.02	\$ 9,929.06	\$ 10,127.64	\$ 10,330.19
Calculated BOD Rate	Per Pound	\$ 1.60	\$ 1.62	\$ 1.65	\$ 1.69
Calculated SS Rate	Per Pound	\$ 1.24	\$ 1.26	\$ 1.29	\$ 1.31

**Groundwater Discharge Rates**

Spa	Per hcf of Water Use	\$ 3.93	\$ 3.99	\$ 4.07	\$ 4.15
Residential/ Spa/ Commercial	Per hcf of Groundwater Measured Flow Only	\$ 8.15	\$ 8.28	\$ 8.45	\$ 8.61

**Other Rates**

Wastewater Capacity Allocation	Flat Monthly	\$ 41.70	\$ 41.27	\$ 41.84	\$ 41.19
Minimum Rate for all Non-Residential User Categories	Flat Monthly	\$ 33.91	\$ 34.08	\$ 34.76	\$ 35.46

2. Beginning on January 1, 2018, the monthly service charge in subsection (B)(1) of this section may be adjusted to provide for the increase, if any, in the San Francisco-Oakland-San Jose Consumer Price Index from the effective date of the last adjustment to such charges following notice and a public hearing in accordance with applicable law.

3. The groundwater discharge rate – spa, as defined in subsection (A)(13) of this section and established in subsection (B)(1) of this section, will be charged to spa dischargers, as defined in subsection (A)(5)(j) of this section. In addition to the foregoing groundwater discharge-related rates, any discharger shall be charged the appropriate rates established in subsection (B)(1) of this section for costs associated with the discharge of City-supplied water.

**Section 3. Amendment to CMC Section 13.18.040.** Section 13.18.040 Subsection (A) & (B) of Chapter 13 of the Calistoga Municipal Code is amended and restated to read as follows:

**13.18.040 Application of Rate and Fee Changes.** The adjusted rates and connection fee imposed in amended Section 13.18.030.B and C as provided in this ordinance will be implemented as follows:

A. The wastewater service rates in amended CMC 13.18.030(B) for 2014 will be applicable to all accounts on or after the first billing after the effective date of the ordinance codified in this section.

B. The wastewater service rates in amended CMC 13.18.030(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 1085, and any such action or proceeding 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:

NOES:

ABSTENTIONS:

ABSENT:

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

\_\_\_\_\_  
Deputy City Clerk, CITY OF CALISTOGA