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ORDINANCE NO. XXX

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 2013 Water Rate Study regarding the City’s water system cost, improvement and revenue needs in a document entitled the “2017 Water Rate Study” (“Study”).
- D.** The information and analysis in the Study was the subject and result of a noticed public workshop and a public hearing by the City Council.
- E.** 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.
- F.** On January 2, 2018, 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.
- G.** 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 approved the Study, including the proposed adjustments to the water service charges, fees, and rates as set forth in the Study.
- H.** 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.

39 I. The revised water service charges, fees, and rates established by this ordinance
40 do not exceed the estimated reasonable costs of providing the service or the
41 construction, reconstruction, or maintenance of the related facilities.

42 J. Pursuant to Title 14 of the California Code of Regulations, Section 15273, this
43 ordinance is statutorily exempt from the requirements of the California
44 Environment Quality Act (CEQA) in that it deals with the establishment of rates,
45 fees, and other charges.

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

49 **Section 13.18.020. Water rates and charges.**

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

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

54 1. "Monthly service charge" means a fixed charge calculated by meter size. The charge is
55 applied to each metered account regardless of the volume of water used.

56 2. "Billing cycles" means either monthly, approximately every 30 days, or bi-monthly,
57 approximately every 60 days, reading of meters for water consumption and billing of
58 accounts as set by resolution of the City Council for each type of water account.

59 3. "Volume charges" means a charge per service unit of metered water used.

60 4. "Service unit" means 100 cubic feet (hcf), or approximately 748 gallons, of water. Can
61 also be referenced as "unit," "hcf" or "ccf."

62 5. "Water service connection fee" means a fee charged for each new connection or
63 expanded use of an existing connection to the water system based on the annual acre foot
64 water requirements for each type of use as prescribed in Chapter 13.16 CMC (Resource
65 Management System) and the adopted Standardized Use Table in Chapter 13.16 CMC.

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

69 1. Monthly Service Charge. The monthly service charge consists of a fixed charge by
70 meter size. For water accounts with a bi-monthly billing cycle, the monthly service charge
71 is charged for each month or approximate 30-day period.

72 a. The monthly service charges are hereby established for the following meter sizes:

Meter Size	April 5, 2018	January 1, 2019	January 1, 2020	January 1, 2021	January 1, 2022
5/8" or 3/4"	\$33.03	\$37.66	\$41.42	\$45.57	\$50.12
1"	\$82.59	\$94.15	\$103.56	\$113.92	\$125.31
1 1/2"	\$165.17	\$188.29	\$207.12	\$227.84	\$250.62
2"	\$264.27	\$301.27	\$331.40	\$364.54	\$400.99
3"	\$495.51	\$564.88	\$621.37	\$683.51	\$751.86
4"	\$825.85	\$941.47	\$1,035.62	\$1,139.18	\$1,253.10
6"	\$1,651.71	\$1,882.95	\$2,071.24	\$2,278.36	\$2,506.20
8"	\$2,642.73	\$3,012.71	\$3,313.98	\$3,645.38	\$4,009.92

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

76 c. For non-single-family accounts with a separate fire service or compound meter for
 77 a combined use account, the fixed monthly service charge will be 10 percent of the
 78 standard fixed monthly service charge based on the applicable meter size. The
 79 application of charges for fire service on a combined use account will be determined
 80 by the Public Works Director.

81 2. Volume Charge. The following volume charges per service unit of 100 cubic feet (hcf) of
 82 metered water used are hereby established and applied to each service unit for all water
 83 accounts.

Customer Class	April 5, 2018	January 1, 2019	January 1, 2020	January 1, 2021	January 1, 2022
All use - \$/hcf	\$7.09	\$8.08	\$8.89	\$9.78	\$10.76

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

88 **13.18.025 Application and adjustment of water charges, rates, and connection**
 89 **fees.** The adjusted rates and connection fee imposed in amended Section
 90 13.18.020.(A) & (B) as provided in this ordinance will be implemented as follows:

91 A. The water service rates in amended CMC 13.18.020(B) for 2018 will apply to water
 92 service provided following the meter readings made after the effective date of the
 93 ordinance codified in this section.

94 **Section 4.** B. The water service rates in amended CMC 13.18.020(B) for 2019
 95 through 2022 will apply to water service provided after January 1st of each applicable year.
 96 **Severability.** If any of the provisions of this ordinance or the application thereof to any person

97 or property is held invalid, such invalidity will not affect the other provisions of this ordinance
98 which can be given effect without the invalid provision or application, and to this end the
99 provisions of this ordinance are declared to be severable

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

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

106 **THIS ORDINANCE** was introduced with first reading at the City of Calistoga City Council
107 meeting on February 20, 2018 and was passed and adopted at a regular meeting of the
108 Calistoga City Council on _____, by the following vote:

109 **AYES:**
110 **NOES:**
111 **ABSTAIN:**
112 **ABSENT:**

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APPROVED:

CHRIS CANNING, Mayor

119 **ATTEST:**

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KATHY FLAMSON, City Clerk