

RESOLUTION NO. 22-2022

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA APPROVING NEW WASTEWATER (SEWER) SERVICE CHARGES AND WASTEWATER (SEWER) CAPACITY FEES FOR PACIFICA MUNICIPAL WASTEWATER

WHEREAS, the City hired Bartle Wells Associates (“BWA”) to review the City’s wastewater rates and make recommendations on rate increases for the next five years to reflect current costs of service; and

WHEREAS, BWA submitted a Wastewater Rate Study dated January 26, 2022 (“Wastewater Rate Study”), which recommends a revised wastewater rate schedule for fiscal years 2022/23 through 2026/27; and

WHEREAS, the City Council finds and determines that, based on the entire record before the City Council, including but not limited to the Staff Report and attachments thereto:

- 1) Revenues derived from the proposed wastewater rates will not exceed the funds required to provide wastewater service.
- (2) Revenues derived from the proposed wastewater rates will not be used for any purpose other than that for they were imposed.
- (3) The amount of the wastewater rates imposed upon any parcel or person as an incident of property ownership will not exceed the proportional cost of the service attributable to the parcel.
- (4) The wastewater rates are imposed for services that are actually used by, or immediately available to, the owner of the property in question.
- (5) The wastewater rates are not being imposed for general government services; and

WHEREAS, pursuant to the provisions of Article 13D, Section 6, of the California Constitution (e.g., Proposition 218), prior to extending, imposing or increasing wastewater rates, property owners shall be provided at least 45 days’ notice of a public hearing to consider such modifications to the rates together with an explanation of: (1) the amount of the propose rates, (2) the basis on which the rates are calculated, (3) the reason for the rate modifications, and (4) the date, time and place of a public hearing to consider the rate modifications, together with an explanation of the rights of property owners to submit written protests to the proposed rate modifications. The proposed rate modifications may not be imposed if, prior to the close of the public hearing, written protests are submitted by property owners or tenants representing a majority of the properties subject to the modified rates (“majority protest”); and

WHEREAS, Notice of the public hearing to consider proposed adjustments to the wastewater rates was mailed at least 45 days prior to the scheduled public hearing as required by state law (Cal. Cons. Art. XIID, §6); and

WHEREAS, On May 9, 2022, the City Council conducted a public hearing, considered testimony, and at the conclusion of the hearing determined that a majority protest did not exist; and

WHEREAS, the City also hired BWA to review wastewater connection fees to determine if they are adequate to pay for the costs of existing and planned public improvements that provide capacity to serve new development; and

WHEREAS, BWA submitted a Wastewater Capacity Fee Study dated February 4, 2022 (“Wastewater Capacity Fee Study”), which recommends consolidating the City’s current wastewater connection fees, consisting of Connection Fees, Inflow and Infiltration Fees, Trunk Line Fees, and Sewer Tap Fees, into one capacity fee; and

WHEREAS, the purpose of the proposed wastewater capacity fee is to fund a proportionate share of the costs of existing and future wastewater system facilities and assets that are reasonably necessary to provide wastewater capacity for new development. For the purpose of this Resolution, “new development” means all new building construction, conversion to a new use, or additional use within an existing building that creates a need for additional wastewater capacity; and

WHEREAS, pursuant to Government Code sections 66013 and 66016, notice of the time and place of the meeting, including a general explanation of the matters to be considered and a statement that required data is available was mailed at least 14 days prior to the meeting to those members of the public who filed a written request with the City; and

WHEREAS, at least ten (10) days prior to the public meeting referenced above, the City made available for public inspection information required under government Code section 66013; and

WHEREAS, on May 9, 2022, the City Council considered the proposed wastewater capacity charges set forth in the Water Capacity Fee Study, at an open and public meeting, during which all interested persons were given an opportunity to comment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFICA HEREBY RESOLVES, as follows:

1. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.
2. The procedures followed and the wastewater rates referenced herein are in compliance with the California Constitution Article XIII D, California Government Code section 53755, and Health and Safety Code section 5471.
3. The City Council adopts the wastewater service charge rate schedules in “Exhibit A” attached hereto and incorporated herein by this reference.
4. The wastewater service charge rate for FY 2022/23 will be effective as of July 1, 2022. The Wastewater Rates set forth for Fiscal Years 2023/24, 2024/25, 2025/26, and 2026/27 will be effective as of July 1 of each such years, unless the Council determines otherwise by separate resolution.

5. The City Council accepts and approves the Wastewater Rate Study setting forth the basis for the wastewater service charge rates.
6. The City Council repeals the existing sewer connection, inflow and infiltration, trunk line, and sewer tap fees.
7. The City Council adopts the wastewater capacity fees set forth in "Exhibit B" attached hereto and incorporated herein by this reference.
8. The procedures followed and the wastewater capacity charges referenced herein are in compliance with Government Code sections 66013 and 66016 and Health and Safety Code section 5474.
9. The City Council accepts and approves the Wastewater Capacity Fee Study setting forth the basis for the wastewater capacity fees.
10. The wastewater capacity charges shall automatically increase starting on July 1, 2022, and in each year thereafter, in accordance with any increases in the Engineering News Record Construction Cost Index for the San Francisco Bay Area. The formula for determining the percentage increase or decrease applied to the wastewater capacity charges shall be: (Current Engineering News Record Construction Cost Index for the San Francisco Bay Area) / (14396.70) – 1.
11. The City Council hereby finds that the wastewater service charge rate increase and adoption of wastewater capacity fees are exempt from CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from these actions, and under CEQA Guideline section 15273 as these actions apply only to rates and fees to obtain funds necessary to operate, maintain, construct new capacity in the wastewater system.
12. This resolution shall go into effect on the date that Ordinance No. 879-C.S. becomes effective.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 9th day of May, 2022 by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstyck, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a

ABSENT, Councilmembers: n/a

ABSTAIN, Councilmembers: n/a


Mary Bier (May 20, 2022 11:28 PDT)

Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

EXHIBIT "A"

PROPOSED SEWER SERVICE CHARGES FY 2022-23 to 2026-27

Proposed FY 2026-27	\$22.34481/100 cubic feet of water consumption (Increase of 3.5%)
Proposed FY 2025-26	\$21.58919/100 cubic feet of water consumption (Increase of 3.5%)
Proposed FY 2024-25	\$20.85912/100 cubic feet of water consumption (Increase of 3.5%)
Proposed FY 2023-24	\$20.15374/100 cubic feet of water consumption (Increase of 3.5%)
Proposed FY 2022-23	\$19.47221/100 cubic feet of water consumption (Increase of 3.5%)

Sewer Charge:

FY 2021-22	\$18.81373/100 cubic feet of water consumption (Increase of 7.0%)
FY 2020-21	\$17.58293/100 cubic feet of water consumption (Increase of 7.0%)
FY 2019-20	\$16.43264/100 cubic feet of water consumption (Increase of 8.0%)
FY 2018-19	\$15.21541/100 cubic feet of water consumption (Increase of 8.0%)
FY 2017-18	\$14.08834/100 cubic feet of water consumption (Increase of 8.0%)
FY 2016-17	\$13.04476/100 cubic feet of water consumption (Increase of 4.28%)
FY 2015-16	\$12.50867/100 cubic feet of water consumption (Increase of 2.94%)
FY 2014-15	\$12.15128/100 cubic feet of water consumption (Increase of 2.9%)
FY 2013-14	\$11.81632/100 cubic feet of water consumption (no change)

CFOWC = Cubic Feet of Water Consumption

FY 2012-13 \$11.81632/100 CFOWC.	FY 2005-06 \$6.94083/100 CFOWC.	FY 1998-99 \$3.96437/100 CFOWC.
FY 2011-12 \$10.63211/100 CFOWC.	FY 2004-05 \$6.47862/100 CFOWC.	FY 1997-98 \$3.89008/100 CFOWC.
FY 2010-11 \$10.28208/100 CFOWC.	FY 2003-04 \$5.38619/100 CFOWC.	FY 1996-97 \$3.52/100 CFOWC.
FY 2009-10 \$9.75568/100 CFOWC.	FY 2002-03 \$4.69754/100 CFOWC.	FY 1995-96 \$3.38/100 CFOWC.
FY 2008-09 \$9.51463/100 CFOWC.	FY 2001-02 \$4.67424/100 CFOWC.	FY 1994-95 \$3.07/100 CFOWC.
FY 2007-08 \$8.01056/100 CFOWC.	FY 2000-01 \$4.27433/100 CFOWC.	FY 1993-94 \$2.87/100 CFOWC.
FY 2006-07 \$7.33488/100 CFOWC.	FY 1999-00 \$4.37985/100 CFOWC.	FY 1992-93 \$2.70/100 CFOWC.

CALCULATION YEAR FY 2022-23

(March of the previous year thru February of the current year):

March 2021 thru February 2022

MEASUREMENT PERIOD FOR RESIDENTIAL CUSTOMERS:

Water billings from **March 2021 thru February 2022.**

RESIDENTIAL CALCULATION:

Actual Annual Water Consumption x 90% x \$19.47221 = Sewer Service Charge

MINIMUM SEWER SERVICE CHARGE:

48 Annual Units of Water Consumption x \$19.47221 = \$934.67
 Prior year minimum charge = \$903.06

MEASUREMENT PERIOD FOR COMMERCIAL CUSTOMERS:

Actual Annual Water Consumption.

COMMERCIAL CALCULATION:

Actual Annual Water Consumption x \$19.47221 x strength factor = Sewer Service Charge.

COMMERCIAL STRENGTH FACTORS:

Car Washes	0.90
Cleaners	1.20
Laundromats	0.75
Restaurants with functioning grease traps	1.60
Restaurants without functioning grease traps	1.80
Gymnasiums	0.90
Any other commercial use	1.00

Section 6-6.401 to 6-6.405, 6-6.407 and 6-6.408 of the Pacifica Municipal Code addresses the assessment of Sewer Service Charges including the rate and the measurement periods for both residential and commercial customers.

EXHIBIT “B”

PROPOSED WASTEWATER CAPACITY FEES FY 2022-23

RESIDENTIAL (Cost will be based on water meter size)

WATER METER SIZE	COST
1”	\$12,391
1 ½”	\$24,782
2”	\$39,651
3”	\$74,346
4”	\$123,910
6”	\$247,820
8”	\$396,512

ACCESSORY DWELLING UNIT “ADU”

(Cost will be based on the Total Drainage Fixture Unit “DFU” as defined in the latest Uniform Plumbing Code Table 702.1 Multiply by Cost Per DFU.)

$$\text{Cost Per DFU} = \$652.16$$

$$\text{Cost Per ADU} = \text{Total DFU} \times \$652.16$$

COMMERCIAL (Cost will be based on water meter size Multiply by Strength Factor “SF”)

WATER METER SIZE	COST
1”	\$12,391 x SF
1 ½”	\$24,782 x SF
2”	\$39,651 x SF
3”	\$74,346 x SF
4”	\$123,910 x SF
6”	\$247,820 x SF
8”	\$396,512 x SF

COMMERCIAL STRENGTH FACTORS:

Car Washes	0.90
Cleaners	1.20
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Restaurants with functioning grease traps	1.60
Restaurants without functioning grease traps	1.80
Gymnasiums	0.90
Any other commercial use	1.00

(Note: All fees will increase yearly based on the Construction Cost Index (CCI))









for Signature: ResolutionNo22-2022_ServiceRates_andCapacityFee-Approved

Final Audit Report

2022-05-20

Created:	2022-05-20
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"for Signature: ResolutionNo22-2022_ServiceRates_andCapacityFee-Approved" History

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