

ORDINANCE NO. 816- C.S.

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING SECTIONS 6-6.404 THROUGH 6-6.408 OF CHAPTER 6, TITLE 6, (SEWER CHARGES) OF THE PACIFICA MUNICIPAL CODE TO REVISE AND INCREASE THE CITY'S SEWER CHARGES

WHEREAS, Section 6-6.1001 of the Pacifica Municipal Code and Section 5471 of the California Health & Safety Code permit the City Council of the City of Pacifica to set, by Ordinance, the City's sewer charges; and

WHEREAS, on May 8, 2017, the City Council held a full and fair public hearing, properly noticed as required by law, at which all persons interested, were given an opportunity to provide oral and written testimony with respect to a proposed revision and increase of the City's sewer charges; and

WHEREAS, the City Council desires to revise and increase the City's sewer charges.

The City Council of the City of Pacifica does ordain as follows:

SECTION 1. Section 6-6.404 of Article 4, Chapter 6, of the Pacifica Municipal Code is hereby amended to read as follows:

Section 6-6.404. Schedule:

Annual sewer charges shall be based upon water consumption that is in conformity with the rate measurement formulas set forth in this article and shall be charged at **a maximum of:**

Fourteen Dollars and point 08834 cents (\$14.08834) per 100 cubic feet of water consumption, effective July 1, 2017.

Fifteen Dollars and point 21541 cents (\$15.21541) per 100 cubic feet of water consumption, effective July 1, 2018.

Sixteen Dollars and point 43264 cents (\$16.43264) per 100 cubic feet of water consumption, effective July 1, 2019.

Seventeen Dollars and point 58293 cents (\$17.58293) per 100 cubic feet of water consumption, effective July 1, 2020.

Eighteen Dollars and point 81373 cents (\$18.81373) per 100 cubic feet of water consumption, effective July 1, 2021.

SECTION 2. Section 6-6.405 of Article 4, Chapter 6 of the Pacifica Municipal Code is hereby amended to read as follows:

Section 6-6.405. Administrative Appeal:

- (a) The procedure set forth in this section shall be available to any user who temporarily ceases use of the sewer system or, for any other reason, believes that the volume of sewer usage charged to him or her pursuant to Section 6-6.404 does not accurately reflect his or her use of the sewer system during the period for which the charge is imposed.
- (b) Any user may apply to the Financial Services Manager (the "Manager"), or his or her designee for an adjustment of his or her sewer charge if the charge is above the minimum rate. An

application must show the amount of the charge the user believes accurately reflects his or her sewer system use and the means by which the user calculated that amount. The Manager may require that appeals be made in specific format (or on a specific form) and may specify supporting data to be provided by the applicant.

- (c) Upon receiving an application pursuant to this section, the Manager shall conduct an investigation, and shall fix as the charge the amount he or she finds to be appropriate, based upon examination of the evidence provided by the applicant and such additional evidence as the Manager may obtain.
- (d) If the Manager requires a user to conduct a test in connection with his or her application and, based on the results of that test, the Manager reduces the charge for that user, the City shall reimburse the user for the reasonable costs of the required test and may do so by reducing the amount of the charge for one or more periods until the necessary amount is refunded to the applicant.
- (e) Any adjustment shall be retroactive to the year challenged, but in no event shall an adjustment be retroactive more than four (4) years. If, given the nature of the evidence provided by the applicant and the Manager finds it equitable to do so, an adjustment may extend to future years.
- (f) Any increased charge resulting from the procedure set forth in this section shall be collected in conformance with this chapter.
- (g) Any decreased charge resulting from the procedure set forth in this section shall be returned to the user as a cash refund provided the charge has already been paid in full.

SECTION 3. Section 6-6.406 of Article 4, Chapter 6, Title 6, of the Pacifica Municipal Code is hereby amended to read as follows:

Section 6-6.406. Minimum Rate:

Regardless of use, the minimum rate for any user shall be:

Effective July 1, 2017, Six Hundred Seventy Six dollars and twenty-four cents (\$676.24) per year. The Six Hundred Seventy Six and 24/100 Dollars minimum rate shall also be the sewer charge applied to new sewer connection permits obtained after July 1 for that particular fiscal year ending June 30.

Effective July 1, 2018, Seven Hundred and Thirty Dollars and thirty-four cents (\$730.34) per year. The Seven Hundred and Thirty and 34/100 Dollars minimum rate shall also be the sewer charge applied to new sewer connections permits obtained after July 1 for that particular fiscal year ending June 30.

Effective July 1, 2019, Seven Hundred and Eighty Eight Dollars and seventy-six cents (\$788.76) per year. The Seven Hundred and Eighty Eight and 76/100 Dollars minimum rate shall be the sewer charge applied to new sewer connections permits obtained after July 1 for that particular fiscal year ending June 30.

Effective July 1, 2020, Eight Hundred and Forty Three Dollars and ninety-eight cents (\$843.98) per year. The Eight Hundred and Forty Three and 98/100 Dollars minimum rate shall be the sewer charge applied to new sewer connections permits obtained after July 1 for that particular fiscal year ending June 30.

Effective July 1, 2021, Nine Hundred and Three Dollars and six cents (\$903.06) per year. The Nine Hundred and Three and 06/100 Dollars minimum rate shall be the sewer charge applied to new sewer connections permits obtained after July 1 for that particular fiscal year ending June 30.

The minimum rates above reflect a water usage of 4,800 cubic feet of water at the rate described in Section 6-6.404.

SECTION 4. Section 6-6.407 of Article 4, Chapter 6, Title 6, of the Pacifica Municipal Code is hereby amended to read as follows:

Sec. 6-6.407. Flow estimate.

- (a) Generally. Except as otherwise provided in this section, the flow estimate for a user shall be that user's total water consumption for the six (6) bi-monthly water billing periods ending with the billing period for February of the calendar year during which the charges will be levied. This twelfth (12th) month period shall be known as the "Billing Year."
- (b) Residential users. The flow estimate for single-family and multi-family residences shall be 90% (0.90) of the actual annual water usage consumed during the billing year described in subsection (a) of this section.
- (c) Users with substantial irrigation requirements. Any nonresidential user with substantial irrigation requirements (other than a user subject to subsection (d) of this section) may apply to have his or her flow estimate calculated as six (6) times the average water consumption for the bi-monthly water billing periods during the billing year (other than those billing periods that include water consumed during June, July and August). Applications submitted pursuant to this subsection shall be subject to the procedures and requirements set forth in Section 6-6.405.
- (d) Users with multiple meters. Notwithstanding any other provision of this section, if a user has more than one water meter at a service location, and one or more of those meters measures only water used for landscaping purposes, then, notwithstanding any other provision of this article, the flow estimate for that user shall be calculated pursuant to subsection (a) of this section, but shall exclude metered water consumption for landscape maintenance.
- (e) Schools with mixed water use. Schools with mixed water use (drinking water and irrigation) may apply to have their flow estimate calculated as six (6) times the average: (i) consumption billed during March and April, (ii) consumption billed during May and June, (iii) half of consumption billed during November and December, (iv) consumption billed during January and February.

SECTION 5. Section 6-6.408 of Article 4, Chapter 6, Title 6, of the Pacifica Municipal Code is hereby amended to read as follows:

Sec. 6-6.408. Strength factors:

The strength factor for a user shall be:

- (a) For car washes, 0.9;
- (b) For cleaners, 1.2;
- (c) For laundromats, 0.75;
- (d) For restaurants with functioning grease traps, 1.6;
- (e) For restaurants without functioning grease traps, 1.8;
- (f) For gymnasiums, 0.9; and
- (g) For any other use, 1.0.

SECTION 6. The City Council hereby finds and determines that:
The City has complied with each of the requirements of Section 6 of Article XIID of the California Constitution with respect to the actions taken by this Ordinance.

The rates established by this Ordinance do not exceed the amounts permissible under Article XIID for a fee for sewer service, and the sewer service charge is not a tax.

A majority protest, as defined by Section 6(b) of Article XIID of the California Constitution does not exist with respect to the reestablishment and increase of the sewer service charge.

SECTION 7. The City Council hereby declares that it would have passed this Ordinance word by word, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any word, sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 8. This Ordinance shall be published once in the PACIFICA TRIBUNE, a newspaper of general circulation within the City of Pacifica, within fifteen (15) days of its adoption and shall be effective thirty (30) days following the date of its adoption.

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Introduced at a meeting of the City Council of the City of Pacifica held on the 8th day of May, 2017, and;

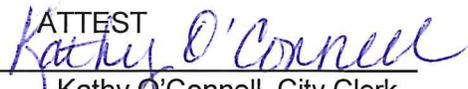
- AYES, Council Members: Martin, Vaterlaus, Digre, Keener, O'Neill
- NOES, Council Members: None
- ABSENT, Council Members: None
- ABSTAIN, Council Members: None



APPROVED AS TO FORM:
Michelle Kenyon, City Attorney



Michael O'Neill, Mayor

ATTEST


Kathy O'Connell, City Clerk

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