

ORDINANCE NO. 735

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 2013 Wastewater Rate Study regarding the City's wastewater system cost, improvement and revenue needs in a document entitled the "2017 Wastewater 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 wastewater 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 wastewater 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 wastewater service charges, fees, and rates, desires to amend Calistoga Municipal Code Chapter 13.18 to establish revised wastewater service charges, fees, and rates.

- I. 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.
- J. 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:

% Rate Revenue Increase		15.0%	13.0%	10.0%	10.0%	3.0%
		April-18	Jan-19	Jan-20	Jan-21	Jan-22
User Category	Basis					
Residential Rates						
Single Family Residential	Flat Monthly	\$69.49	\$78.53	\$86.38	\$95.02	\$97.87
Multi-Family Residential	Flat Monthly per meter	\$58.37	\$65.96	\$72.56	\$79.81	\$82.21
Mobile Home	Flat Monthly per meter	\$37.53	\$42.40	\$46.65	\$51.31	\$52.85
Transient Rates						
Transient General	Per hcf water use	\$14.19	\$16.03	\$17.63	\$19.40	\$19.98
Spa	Per hcf water use	\$14.19	\$16.03	\$17.63	\$19.40	\$19.98
Campground	Per hcf water use	\$14.19	\$16.03	\$17.63	\$19.40	\$19.98
Bed & Breakfast	Per hcf water use	\$14.19	\$16.03	\$17.63	\$19.40	\$19.98
Other Non-Residential Rates						
Commercial General	Per hcf water use	\$9.38	\$10.60	\$11.66	\$12.82	\$13.21
Restaurant/Bakery	Per hcf water use	\$24.75	\$27.97	\$30.76	\$33.84	\$34.85
Laundry	Per hcf water use	\$9.38	\$10.60	\$11.66	\$12.82	\$13.21
Public Building	Per hcf water use	\$9.38	\$10.60	\$11.66	\$12.82	\$13.21
Medical Care	Per hcf water use	\$9.38	\$10.60	\$11.66	\$12.82	\$13.21
Brewery/Winery	Per hcf water use	\$9.38	\$10.60	\$11.66	\$12.82	\$13.21
School	Per hcf water use	\$9.38	\$10.60	\$11.66	\$12.82	\$13.21
Service Station	Per hcf water use	\$9.38	\$10.60	\$11.66	\$12.82	\$13.21

Industrial & Bottling Works

Measured Flow Rate	Per mg of Measured Flow	\$10,338.55	\$11,682.56	\$12,850.82	\$14,135.90	\$14,559.98
Calculated BOD Rate	Per pound	\$1.88	\$2.12	\$2.33	\$2.56	\$2.64
Calculated SS Rate	Per pound	\$1.42	\$1.60	\$1.76	\$1.94	\$1.99

Groundwater Discharge Rates

Spa	Per hcf of Water Use	\$4.77	\$5.39	\$5.93	\$6.53	\$6.72
Residential Spa/Commercial	Per hcf of Groundwater Measured Flow Only	\$9.90	\$11.19	\$12.31	\$13.54	\$13.94

Other Rates

Wastewater Capacity Allocation	Flat Monthly	\$47.37	\$53.53	\$58.88	\$64.77	\$66.71
Minimum Rate for All Non-Residential User Categories	Flat Monthly	\$40.78	\$46.08	\$50.69	\$55.76	\$57.43

2. 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 are 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 2018 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 2019 through 2022 will apply to wastewater 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 **February 20, 2018** and was passed and adopted at a regular meeting of the Calistoga City Council on **March 6, 2018** by the following vote:

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

APPROVED:



CHRIS CANNING, Mayor

ATTEST:



KATHY FLAMSON, City Clerk