

ORDINANCE NO. 734

**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.

- I. The revised water 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 13.18.020. Section 13.18.020 Subsections (A) & (B) of Chapter 13.18 of the Calistoga Municipal Code are amended and restated to read as follows:

Section 13.18.020. Water rates and charges.

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

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

- 1. "Monthly service charge" means a fixed charge calculated by meter size. The charge is applied to each metered account regardless of the volume of water used.
- 2. "Billing cycles" means either monthly, approximately every 30 days, or bi-monthly, approximately every 60 days, reading of meters for water consumption and billing of accounts as set by resolution of the City Council for each type of water account.
- 3. "Volume charges" means a charge per service unit of metered water used.
- 4. "Service unit" means 100 cubic feet (hcf), or approximately 748 gallons, of water. Can also be referenced as "unit," "hcf" or "ccf."
- 5. "Water service connection fee" means a fee charged for each new connection or expanded use of an existing connection to the water system based on the annual acre foot water requirements for each type of use as prescribed in Chapter 13.16 CMC (Resource Management System) and the adopted Standardized Use Table in Chapter 13.16 CMC.

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

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

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

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

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

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

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

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

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

Section 4. B. The water service rates in amended CMC 13.18.020(B) for 2019 through 2022 will apply to water service provided after January 1st of each applicable year. **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 section 1085, and any such action 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