

06/19/12
12B

ORDINANCE NO. 1553

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190, SUBSECTIONS (D) AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES.

WHEREAS, the City of San Clemente provides sewage services to its citizens; and

WHEREAS, the costs of operating the City's sewage collection and treatment systems have increased in recent years; and

WHEREAS, the City desires to ensure that the costs associated with the operation of the City's sewage collection and treatment systems are recovered through the fees charged for the provision of that service; and

WHEREAS, written notification was mailed to property owners and utility customers prior to April 20, 2012 and published in the Sun Post News on May 31, 2012; and

WHEREAS, the City Council hereby finds that the revised fees and rates set forth below do not exceed the estimated reasonable cost of providing the services or facilities for which such fees and rates are imposed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Paragraph 1 of subsection D of Section 13.24.190 of the City of San Clemente Municipal Code entitled "Establishment of Fixed Rate," is hereby amended to read in its entirety as follows:

1. Except as provided below, for each premises connected to the City's sanitary sewer system, the monthly fixed rate is established as follows:

| <u>METER SIZE</u> | <u>MONTHLY FIXED FEE</u> |
|-------------------|--------------------------|
| 5/8 in. | \$ 22.47 |
| 3/4 in. | \$ 22.47 |
| 1 in. | \$ 22.47 |
| 1-1/2 in. | \$ 74.10 |
| 2 in. | \$119.01 |
| 3 in. | \$247.01 |
| 4 in. | \$381.73 |
| 6 in. | \$747.73 |

12B-1

SECTION 2: Paragraph 2 of subsection D of Section 13.24.190 of the City of San Clemente Municipal Code entitled “Establishment of Fixed Rate,” is hereby amended to read in its entirety as follows:

2. The fixed rate shall be waived for individually metered residential units whose residents are approved participants in the San Diego Gas and Electric Low Income Ratepayer Assistance Program.

SECTION 3: Paragraph 3 of subsection D of Section 13.24.190 of the City of San Clemente Municipal Code entitled “Automatic Rate Adjustments,” is hereby amended to read in its entirety as follows:

3. **Annual Rate Review.** In order to adjust for increased or decreased costs associated with the operation of the City’s sanitary sewer system, the City establishes an annual rate review in the manner described below. For purposes of this section, the phrase “operating position” shall mean Sewer Operating Fund operating revenues minus Sewer Operating Fund operating expenses.

Each year, in conjunction with the City’s Long Term Financial Planning process, the City shall forecast the operating position for the Sewer Operating Fund for a five-year period, based on known cost increases and estimates for unknown cost increases, using inflation factors derived from a credible third party economic forecasting source. Rate adjustments shall be recommended which achieve a neutral operating position over the forecast period.

SECTION 4: Section 13.24.190 subsection E of the City of San Clemente Municipal Code, entitled “Sewage Commodity Rate,” is hereby amended to read in its entirety as follows:

| <u>Use</u> | <u>Cost Per Unit</u> | <u>X Portion Total Water Used</u> |
|---|----------------------|-----------------------------------|
| Single-family residential | 1.37 | 90% in WMA* |
| Multi-family residential/Mobile Home | 1.37 | 90% during billing period |
| Low strength commercial/ Schools/Religious Institutions (130 -282 BOD mg/L) | 1.87 | 90% during billing period |
| Medium strength commercial (150 – 282 BOD mg/L) | 2.44 | 90% during billing period |
| Commercial/residential (283 – 290 BOD mg/L) | 2.47 | 90% during billing period |
| Medium high strength commercial (291 – 500 BOD mg/L) | 4.32 | 90% during billing period |
| High strength commercial (501 – 900 BOD mg/L) | 6.02 | 90% during billing period |

12 B-2

* The sewer commodity rate for single-family dwellings shall be annually calculated by multiplying the per unit rate times ninety (90) percent of Winter Month Average (WMA). For the purposes of this section, winter months shall be defined as October, November, December, January, February, and March. The WMA shall be calculated using the total consumption for a service location during the prior fiscal year's winter months divided by the number of winter months in which there was water consumption. If the winter average results in a fraction, the result shall be rounded to the nearest whole number. If there was no winter month in the previous fiscal year in which water was actually consumed, the sewer commodity rate shall be based on a City average during the winter months and shall be annually calculated during the winter averaging process.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of San Clemente hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the passage of this Ordinance and the same shall be noticed as required by law and shall take effect as provided by law.

APPROVED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

12 B-3

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1553 having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

JB-4