

CITY OF BENICIA

ORDINANCE NO. 21- 10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 13.12.010 (GENERAL WATER SERVICE RATES) OF CHAPTER 13.12 (WATER RATES AND CHARGES) AND SECTION 13.52.030 (GENERAL SEWERAGE SERVICE) OF CHAPTER 13.52 (SEWER RATES AND CHARGES) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1. Section 13.12.010 (General water service) of Chapter 13.12 (Water rates and charges) of Title 13 (Public services) of the Benicia Municipal Code is amended in its entirety to read as follows (strikethrough marking items deleted, underlines marking additions):

13.12.010 General water service rates.

A The rates and charges for water furnished through water meters and any service charge therefor shall be established, and may be amended or revised, from time to time, by resolution of the city council. Such rates and charges shall constitute the charges for supplying water service to any customer and shall be collected by the finance department of the city.

B. Low-Income Discount.

1. To be eligible for the low-income discount, a resident must:
 - a. Provide low-income verification by providing a copy of a recent PG&E bill noting participation in the PG&E CARE (California Alternate Rates for Energy) program . (Current income guidelines can be found at www.PGE.com/CARE); and
 - b. . Every two years, apply in person in the finance department or designated location.
2. The discount is applicable to residential water service only and will only be applied to rates for general water service.
3. Mobile home parks where the mobile home spaces share common meters may apply for the low-income discount if at least 75 percent of the tenants qualify and the mobile home park owner or designee applies in person at the finance department every two years.
4. The low income discount shall be established, and may be amended or revised, from time to time, by resolution of the city council.

C. Refund of Charges

1. Whenever the amount of any water service charge has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the city, it may be refunded as provided in this section.
2. The claimant or his or her guardian, conservator, executor or administrator must submit a written application to the city's public works director within six months of the alleged overpayment or erroneous or illegal collection. The application must clearly establish claimant's right to the refund by written records.
3. Upon receipt of the claim, the city's public works director will evaluate the request and provide a written evaluation of his or her analysis, including any refund due, within sixty days.
4. Any customer aggrieved by the public works director's decision with respect to its refund request, may appeal to the city manager by filing a notice of appeal with the city clerk, within fifteen days of the decision. The city manager will render a written decision within sixty days of the filing of the appeal. The findings of the city manager shall be final. Any amount found to be due shall be immediately due and payable upon the service of notice.

Section 2. Section 13.52.030 (General sewerage service) of Chapter 13.52 (Sewer rates and charges) of Title 13 (Public services) of the Benicia Municipal Code is amended to read in its entirety as follows:

1352.030 General wastewater service rates.

A. The rates and charges for wastewater service shall be established, and may be amended or revised from time to time, by resolution Of the city council. Such rates and charges shall constitute the charges for supplying wastewater service to any customer and shall be collected by the finance department of the city.

B. Low-Income Discount.

1. The only customer eligible to receive the low-income discount is Casa de Vilarrasa.
2. The discount is applicable to residential wastewater service only and will only be applied to rates for general wastewater service.
3. The low-income discount shall be established, and may be amended or revised, from time to time, by resolution of the city council.

C. Refund of Charges

1. Whenever the amount of any wastewater service charge has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the city, it may be refunded as provided in this section.

2. The claimant or his or her guardian, conservator, executor or administrator must submit a written application to the city's public works director within six months of the alleged overpayment or erroneous or illegal collection. The application must clearly establish claimant's right to the refund by written records.

3. Upon receipt of the claim, the city's public works director will evaluate the request and provide a written evaluation of his or her analysis, including any refund due, within sixty days.

4. Any customer aggrieved by the public works director's decision with respect to its refund request, may appeal to the city manager by filing a notice of appeal with the city clerk, within fifteen days of the decision. The city manager will render a written decision within sixty days of the filing of the appeal. The findings of the city manager shall be final. Any amount found to be due shall be immediately due and payable upon the service of notice.

Section 3. Validity. The above recitations are true and correct, are material to the adoption of this ordinance, and are incorporated herein by reference.

Section 4. Findings. The City Council finds that the water and wastewater service rates are necessary to fund water and wastewater services and are permitted by California state law.

Section 5. Environmental review. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA"). This action is not a project within the meaning of the CEQA Guidelines Section 15378 and 15061(b)(3) as it has no potential for physical effects on the environment because it authorizes the city council to adopt certain rates and/or charges imposed by the City and does not commit the City to any specific project, and said rates and/or charges will be used to fund future projects and/or activities, each of which future projects and/or activities will be fully evaluated in compliance with CEQA when sufficient physical details regarding said projects and/or activities are available to permit meaningful CEQA review (see CEQA Guidelines, Section 15004(b)(1)). Pursuant to CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause significant effect on the environment, is not defined as a "project" under CEQA. Therefore, approval of the rates and/or charges is not a "project" for purposes of CEQA, pursuant to CEQA Guidelines, Section 15378(b)(4); and, even if considered a "project" under CEQA, is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that approval of the rates and/or charges may have a significant effect on the environment.

Section 6. Actions to effectuate and codification. The City Manager is hereby authorized and directed to take other actions on behalf of City, which are not expressly and specifically reserved for the City Council, to implement and effectuate this ordinance. The City Clerk is directed to codify this ordinance in a manner which best reflects the legislative intent of the City Council in enacting this ordinance. The City Clerk is directed to resolve any numbering conflicts accordingly.

Section 7. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 12. Effective date. This ordinance shall be in full force and effect 30 days after its adoption.

Section 13. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Benicia, California and cause the same to be published in accordance with State law.

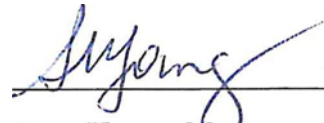
On motion of Council Member **Largaespada**, seconded by Council Member **Strawbridge**, the foregoing ordinance was introduced at a regular meeting of the City Council on the 2nd day of November 2021, and adopted at a regular meeting of the Council held on the 16th day of November 2021, by the following vote:

Ayes: **Council Members Campbell, Largaespada, Macenski, Strawbridge, and Mayor Young**

Noes: **None**

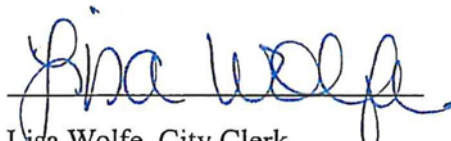
Absent: **None**

Abstain: **None**

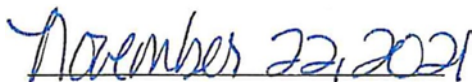


Steve Young, Mayor

Attest:



Lisa Wolfe, City Clerk



Date

Date

Water Rate Schedule

Water Rates					
	Water Rates Effective On or After				
	Jan-1 2022	Jan-1 2023	Jan-1 2024	Jan-1 2025	Jan-1 2026
FIXED SERVICE CHARGES					
Bi-Monthly Fixed Service Charges					
<i>Fixed Charge per Metered Connection</i>					
Single Family Residential	\$50.66	\$53.17	\$55.85	\$58.70	\$61.74
All Other Customers					
5/8 inch	\$50.66	\$53.17	\$55.85	\$58.70	\$61.74
3/4 inch	69.99	73.76	77.77	82.05	86.60
1 inch	110.65	116.93	123.62	130.75	138.34
1.5 inch	207.30	219.86	233.24	247.49	262.67
2 inch	323.28	343.38	364.79	387.59	411.87
3 inch	593.90	631.59	671.73	714.48	760.01
4 inch	980.50	1,043.32	1,110.23	1,181.48	1,257.37
6 inch	1,947.00	2,072.65	2,206.46	2,348.97	2,500.74
8 inch	3,106.80	3,307.83	3,521.93	3,749.95	3,992.79
Equivalent Monthly Fixed Service Charges					
<i>Fixed Charge per Metered Connection</i>					
Single Family Residential	\$25.33	\$26.59	\$27.93	\$29.35	\$30.87
All Other Customers					
5/8 inch	\$25.33	\$26.59	\$27.93	\$29.35	\$30.87
3/4 inch	35.00	36.88	38.89	41.03	43.30
1 inch	55.33	58.47	61.81	65.38	69.17
1.5 inch	103.65	109.93	116.62	123.75	131.34
2 inch	161.64	171.69	182.40	193.80	205.94
3 inch	296.95	315.80	335.87	357.24	380.01
4 inch	490.25	521.66	555.12	590.74	628.69
6 inch	973.50	1,036.33	1,103.23	1,174.49	1,250.37
8 inch	1,553.40	1,653.92	1,760.97	1,874.98	1,996.40
VOLUMETRIC CHARGES					
<i>Volumetric Charges per Hundred Cubic Feet (hcf) of Metered Use</i>					
All Water Use	\$5.20	\$5.54	\$5.90	\$6.28	\$6.69

Wastewater Rate Schedule

Wastewater Rates					
	Wastewater Rates Effective On or After				
	Jan-1 2022	Jan-1 2023	Jan-1 2024	Jan-1 2025	Jan-1 2026
FIXED SERVICE CHARGES					
Bi-Monthly Fixed Service Charges					
Residential	\$112.75	\$116.13	\$119.61	\$123.20	\$126.90
<i>Fixed Charge per Dwelling Unit</i>					
Commercial/Other					
<i>Fixed Charge Based on Meter Size (Excluding Irrigation Meters)</i>					
5/8 inch	\$69.72	\$71.81	\$73.96	\$76.18	\$78.47
3/4 inch	104.57	107.71	110.94	114.27	117.70
1 inch	174.29	179.52	184.91	190.46	196.17
1.5 inch	348.58	359.04	369.81	380.90	392.33
2 inch	557.73	574.46	591.69	609.44	627.72
3 inch	1,045.74	1,077.11	1,109.42	1,142.70	1,176.98
4 inch	1,742.90	1,795.19	1,849.05	1,904.52	1,961.66
6 inch	3,485.79	3,590.36	3,698.07	3,809.01	3,923.28
8 inch	5,577.27	5,744.59	5,916.93	6,094.44	6,277.27
Equivalent Monthly Fixed Service Charges					
Residential	\$56.38	\$58.07	\$59.81	\$61.60	\$63.45
<i>Fixed Charge per Residential Dwelling Unit</i>					
Commercial/Other					
<i>Fixed Charge Based on Meter Size</i>					
5/8 inch	\$34.86	\$35.91	\$36.98	\$38.09	\$39.24
3/4 inch	52.29	53.86	55.47	57.14	58.85
1 inch	87.15	89.76	92.46	95.23	98.09
1.5 inch	174.29	179.52	184.91	190.45	196.17
2 inch	278.87	287.23	295.85	304.72	313.86
3 inch	522.87	538.56	554.71	571.35	588.49
4 inch	871.45	897.60	924.53	952.26	980.83
6 inch	1,742.90	1,795.18	1,849.04	1,904.51	1,961.64
8 inch	2,788.64	2,872.30	2,958.47	3,047.22	3,138.64
VOLUMETRIC CHARGES					
<i>Volumetric Charges per Hundred Cubic Feet (hcf) of Metered Water Use</i>					
Residential	\$3.30	\$3.40	\$3.50	\$3.61	\$3.72
<i>Billed Residential Use is Capped at a Maximum of 18 hcf per Bi-Monthly Billing Period or 9 hcf per Month</i>					
Commercial/Other					
Low Strength	5.48	5.65	5.82	5.99	6.17
Medium Strength	6.71	6.91	7.12	7.33	7.55
High Strength	9.15	9.43	9.71	10.00	10.30

Water Shortage Contingency Rate Surcharges Schedule

Water Shortage Contingency Rate Surcharges					
Water Shortage Contingency Stages					
Stage 1 Water Alert	Stage 2 Water Warning	Stage 3 Severe Shortage	Stage 4 Critical Shortage	Stage 5 Water Crisis	Stage 6 Water Emergency
Water Reduction Targets					
Up to 10%	11% - 20%	21% - 30%	31% - 40%	41% - 50%	> 50%
Maximum Surcharges					
<i>Volumetric Charges per Hundred Cubic Feet (hcf) of Metered Water Use</i>					
No Surcharge	\$0.65	\$1.33	\$2.21	\$3.59	\$4.54