

ORDINANCE NO. 1603-NS

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF THOUSAND OAKS ADJUSTING AND
SETTING RATES AND FEES OF THE CITY WATER
DIVISION (UNCODIFIED)**

WHEREAS, Section 5471 of the Health and Safety Code requires that rates and fees of the City Water Division be adopted by Council action; and

WHEREAS, the City Council of the City of Thousand Oaks has adopted Ordinance No. 1594-NS which establishes the authority for imposing and charging fees for the Water Division; and

WHEREAS, Thousand Oaks Municipal Code Section 10-2.701 (d) and Sections I B, II B, and III B of said Ordinance No. 1594-NS provided for the automatic annual escalation of such connection fees and charges, those sections stating that water plant investment, special facilities and fire flow surcharge charges shall automatically be adjusted each year based on the percentage change in the Engineering News Record (ENR) Construction Cost Index for Los Angeles as of July of that year; and

WHEREAS, the July 2014 ENR Construction Cost Index for Los Angeles was 10737.43; and

WHEREAS, the July 2014 ENR Construction Cost Index for Los Angeles increased by 4.2 percent from July 2013; and

WHEREAS, in the adoption of this Ordinance, the City of Thousand Oaks desires to adjust the existing, water plant investment fee, special facilities surcharge fees and fire flow surcharge fee; and

WHEREAS, in the adoption of this Ordinance, the City of Thousand Oaks has followed the provisions of Government Code Section 66000 et seq. relating to the conducting of a noticed Public Hearing on December 16, 2014, to hear both oral and written testimony and to the setting of fees and charges that do not exceed the estimated reasonable cost of providing the services for which the fees or charges are made, as well as complied with Proposition 218; and

NOW, THEREFORE, the City Council of the City of Thousand Oaks DOES ORDAIN as follows:

Part 1

(Uncodified)

Ordinance No. 1594-NS is hereby repealed to the extent inconsistent with this Ordinance, concurrent with the effective date of this Ordinance. For ease of

administration, one of the purposes of this Ordinance is to have all of the City's water fees, rates, charges, formulas, and related cost recovery matters in one document (or one Ordinance). Some of the water fees, charges, formulas, and related cost recovery matters are restated in this Ordinance and have not been modified or altered from the earlier Ordinance No. 1594-NS therefore, the respective portions of the facility or capital improvement financial plans, operating expense reports and budgets, future facility needs and cost studies, City Council findings and nexus reports associated with the earlier Ordinance are incorporated herein and re-approved by the City Council.

Part 2

(Uncodified)

That the following rates, charges and fees shall be set for the City Water Division in accordance with Chapter 2 of Title 10 of the Thousand Oaks Municipal Code:

I. In accordance with Section 10-2.701, plant investment fees shall be as follows:

A. Plant Investment Fee. The assessment of the plant investment fee shall be computed as follows:

<u>By Customer Type*</u>	<u>Ratio**</u>	
Single family detached home	1.00	\$7,723
Single family detached condominium	1.00	\$7,723
Residential condominium, townhouse, mobile home	0.75	\$5,792
Apartment, duplex, granny flat, secondary unit, per dwelling unit	0.75	\$5,792
Motel, hotel, congregate care units, with kitchens per dwelling unit	0.50	\$3,862
Commercial if 10 or less fixture units & low water use ***	0.50	\$3,862

All others by meter size

<u>By Meter Size*</u>		
5/8"x3/4" or 3/4"	1.00	\$ 7,723
1"	2.00	\$ 15,447
1-1/2"	4.00	\$ 30,893
2"	6.40	\$ 49,429
3"	13.00	\$100,403
4"	22.00	\$169,913
6"	45.00	\$347,549

* Generally, a customer is charged based upon the "customer type" amounts unless that category does not fit. Exceptions include a single family dwelling or condominium project having larger than a 3/4" meter, kitchen and dining facilities at a motel, hotel or congregate-care facility and any irrigation meter. The charge for these customers is to be based on equivalent meter size of the estimated water demand.

** Approximate ratio to single family detached home or to 5/8" x 3/4" or 3/4" meter as appropriate.

*** Fixture units as defined in the City of Thousand Oaks Plumbing Code using the water demand weight of fixtures; low water usage corresponds to 10 hundred cubic feet per month or less.

B. Escalation. In December of each year, all Plant Investment Fee charges in this Ordinance shall be increased by a factor based upon the change from the preceding July-to-July period in the ENR Construction Cost Index for Los Angeles.

II. In accordance with Section 10-2.702, special facilities surcharge fees shall be as follows:

A. Special Facilities Surcharge Fees

Single Family Detached: per Unit	
- Rolling Oaks Zone	\$12,870
- Kelley/Ventu Zone	\$ 3,537
- Wilder/Grissom Zone	\$ 4,820
 Condominiums, Townhouses, Mobile Homes: per Unit	 0.75 x above
- Rolling Oaks Zone	SFD fees
- Kelley/Ventu Zone	
- Wilder/Grissom Zone	
 Apartments, Duplex: per Unit:	 0.75 x above
- Rolling Oaks Zone	SFD fees
- Kelley/Ventu Zone	
- Wilder/Grissom Zone	
 Motel, Hotel, Congregate Care: per Room or Suite	 0.50 x above
	SFD fees
 Commercial Projects with 10 or less Fixture Units	 0.50 x above
	SFD fees
 Irrigation Meters	 -0-

All others, on a building by building basis

*Per formula below with a minimum charge equal to "SFD" charge per site/project

$$* \text{SFS} = \text{SFD amount} \times \left(\frac{\text{FF}}{1000} \times 0.5 + \frac{\text{F.U.}}{20} \times 0.25 + \frac{\text{Sq.Ft.}}{3000} \times 0.25 \right)$$

Where: SFS = Special facilities surcharge per site/project
SFD = Single family dwelling
FF = Required fire flow for site/project
F.U. = Fixture units in site/project
Sq. Ft. = Total site/project square footage

B. Escalation. In December of each year, all Special Facilities Surcharge Fee charges in this Ordinance shall be increased or decreased by a factor based upon the percent increase or decrease in the ENR Construction Cost Index for Los Angeles as of July of that year

III. In accordance with Section 10-2.703, the fire flow surcharge fees shall be as follows:

A. Fire Flow Surcharge Fees

	<u>Residential</u>	<u>All Others</u>
Required fire flow 0 - 1,250 gpm*	\$ -0-	\$ -0-
Required fire flow 1,251 - 1,750 gpm*	10% of PIF	\$5,584 or 10% of PIF**
Required fire flow 1,751 - 2,250 gpm*	20% of PIF	\$11,148 or 20% of PIF**
Required fire flow over 2,250 gpm*	30% of PIF	\$16,732 or 30% of PIF**

* Fire flow as set by Ventura County Fire Department.

** Whichever is greater, per site/project.

Fire flow surcharge fees shall not be applied to the PIF for any irrigation meter.

B. Escalation. In December of each year, all Fire Flow Surcharge Fee charges in this Ordinance shall be increased or decreased by a factor based upon the percent increase or decrease in the ENR Construction Cost Index for Los Angeles as of July of that year.

C. Refunds of Previous Payments. Where payments of fire flow surcharge fees have been made at higher rates, refunds shall not be made. Where

an agreement has been executed for the deferred payment of this fee, the amount due shall be the amount shown on the deferred agreement.

IV. In accordance with Section 10-2.705, the base or minimum domestic use rate shall be as follows:

A. Single Units Rate:

Meter Size	Base Rate (Monthly)*
3/4"	\$ 18.19
1"	\$ 33.11
1-1/2"	\$ 62.76
2"	\$ 102.57
3"	\$ 199.96
4"	\$ 302.28
6"	\$ 671.87

*Most customers are billed bimonthly.

B. Multiple Units Rate (including multiple family dwellings, apartments, commercial buildings and trailer courts):

Meter Size	Minimum Rate (Monthly)
3/4"	\$ 37.99
1"	\$ 49.66
Above 1"	Same as single units

C. Conejo Oaks Provision. Effective January 1, 2008, the City of Thousand Oaks Public Works Department will be the official water purveyor and owner of the water facilities within the Conejo Oaks area. Commencing December 31, 2008 and terminating December 31, 2018, properties within the Conejo Oaks service area, shall pay \$4.64 per month. This charge shall represent additional infrastructure provided by the City to serve these customers including pressure reduction vaults construction, pipeline installation, pump station abandonment, demolition and site clean-up, and telemetry improvements.

D. Groundwater accounts are not charged a base meter charge as total program costs are collected through the quantity rate.

E. Charges for portions of billing period. A property connected to the water system for a portion of a billing period shall be billed for the portion of the period service is received.

V. In accordance with Section 10-2.705, the quantity rate shall be as follows per one hundred (100) cubic feet.

A. Non-Single Family Residential

Quantity Rate	\$4.57
B. Single Family Residential Quantity Rate	
Tier 1 (0 - 15 HCF)	\$4.22
Tier 2 (16 - 35 HCF)	\$4.51
Tier 3 (36+ HCF)	\$4.81

VI. In accordance with Section 10-2.705, the pumping lift charge is sixteen cents (\$0.16) per one hundred (100) cubic feet per pumping lift. It shall be charged to all water services which rely on one or more pumping lifts in the City system.

VII. In accordance with Section 10-2.706, the groundwater rate shall be one dollar and eighty three cents (\$1.83) per one hundred (100) cubic feet. This rate is based on charging forty (40%) percent of the current non-single family residential water quantity rate.

VIII. In accordance with Sections 10-2.707 and 10-2.708, the following shall apply for construction water and unmetered water furnished by the City:

A. Construction Water

The construction water rate shall be six dollars and seventeen cents (\$6.17) per one hundred cubic feet with a base rate of \$599.88. These rates are based on charging 135 percent of the current non-single family resident quantity potable water rate and three (3) times the current base rate for a 3-inch meter.

Deposit: \$620.00 for a 3-inch meter or as determined by the Public Works Director for larger meter sizes.

Installation Charge: \$90.00 with a signed application by an authorized person, for initial installation.

\$45.00 each time the meter is relocated to another hydrant at the customer's request.

B. Unmetered Water

For projects where a water system has been declared usable but has not been accepted by the City Council and the subdivider, builder, or developer requests the use of or uses unmetered water for incidental onsite construction purposes, a monthly fee equal to that of the base rate of a 3/4" water meter shall be charged per lot. The subdivider, builder or developer shall be responsible for the payment of the charge until such time as the new owner or occupant signs an application for metered service at which time the regular service charges shall apply.

If water use during the period the availability rate is in effect is estimated to exceed 3 hcf per service per month, the Public Works Director, at his option, may increase such monthly service charge to reflect the estimated usage.

C. Payment Due Date:

Payment is due on all invoices for construction water and unmetered water within 40 days of the date of the invoice; the invoice becomes delinquent then after.

IX. In accordance with Section 10.2.902, delinquent invoices shall be assessed a basic penalty equal to ten (10%) percent of the unpaid water service charge. An additional penalty, equal to one-half of one percent (0.5%) of the unpaid water service charge and the basic penalty, shall be charged each month, or fraction thereof, that the water service charge and the basic penalty of the previous billing period remain unpaid.

X. In accordance with Section 10-2.712, the overhead rate is included in the approved fully burdened hourly rate.

XI. In accordance with Section 10-2.713 and 10-2.305, the minimum rate for each automatic fire sprinkler service and each private fire hydrant shall be as follows:

<u>Size of Service Connection</u>	<u>Monthly Charge</u>
2-inch & smaller	\$ 7.60
3-inch	\$11.40
4-inch	\$15.20
6-inch	\$22.70
8-inch	\$30.30
10-inch	\$37.90
12-inch	\$45.50

XII. In accordance with Section 10-2.715, the overhead rate is included in the approved fully burdened hourly rate.

XIII. Repeal of any provision of this ordinance will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

XIV. Any water-related fees not set forth in this ordinance may be set forth in the User Fee Manual or other ordinance or resolution.

Part 3
Continuation
(Uncodified)

Repeal of any provision of Ordinance No. 1594-NS herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

Part 4
Severability

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

Part 5
Effective Date

This Ordinance shall take effect on the 31st day following final passage and adoption.

PASSED AND ADOPTED this 13th day of January, 2015.



Al Adam, Mayor
City of Thousand Oaks

ATTEST:


Linda D. Lawrence, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

Felicia Liberman

Felicia Liberman, Assistant City Attorney

APPROVED AS TO ADMINISTRATION:

Scott Mitnick

Scott Mitnick, City Manager

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF THOUSAND OAKS)

I, LINDA D. LAWRENCE, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 1603-NS that was introduced by said City Council at a regular meeting held December 16, 2014 and adopted by said City Council at a regular meeting held January 13, 2015 by the following vote:

AYES: Councilmembers Fox, Bill-de la Peña, Price, and Mayor Adam

NOES: None

ABSENT: None

I further certify that said Ordinance No.1602-NS was published as required by law in the THOUSAND OAKS STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.

Linda D. Lawrence

Linda D. Lawrence, City Clerk
City of Thousand Oaks, California

1/14/15

Date Attested