

ORDINANCE NO. 1681-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, clean water and good sanitation are essential to public health and safety and improve the quality of life for residents; and

WHEREAS, the City Council of the City of Thousand Oaks has adopted Ordinance No. 1671-NS which establishes the authority for imposing and charging fees for the Water Division; and

WHEREAS, in the adoption of this Ordinance, the City of Thousand Oaks desires to adjust the existing water plant investment fee and Rolling Oaks Zone Special Facilities Surcharge Fee; and

WHEREAS, Thousand Oaks Municipal Code Section 10-2.701 (d) and Sections I B, II B, and III B of said Ordinance No. 1671-NS provides for the automatic annual escalation of such fees and charges, those sections stating that 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 2020 ENR Construction Cost Index for Los Angeles was 12056.44; and

WHEREAS, the July 2020 ENR Construction Cost Index for Los Angeles decreased by 0.1 percent from July 2019; and

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

WHEREAS, Thousand Oaks Municipal Code Section 10-2.705(c) allows the pass-through of wholesale water and energy charges and Proposition 218 requirements have been complied with; and

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

PART 1

(Uncodified)

Ordinance No. 1671-NS is hereby repealed to the extent inconsistent with this Ordinance, concurrent with the effective date of this Ordinance.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. 1671-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	\$8,215
Single-family detached condominium	1.00	\$8,215
Residential condominium, townhouse, mobile home	0.75	\$6,162
Apartment, duplex, granny flat, secondary unit,		

per dwelling unit	0.75	\$6,162
Motel, hotel, congregate care units, with kitchens per dwelling unit	0.50	\$4,108
Commercial if 10 or less fixture units & low water use***	0.50	\$4,108

By Meter Size*

5/8"x3/4" or 3/4"	1.00	\$8,215
1"	2.00	\$16,430
1 1/2"	4.00	\$32,860
2"	6.40	\$52,576
3"	13.00	\$106,795
4"	22.00	\$180,730
6"	45.00	\$369,675

*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 a hundred cubic feet of eight (8) 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.

C. Vested Maps. Development projects with an approved vesting tentative map which had an application deemed complete by the City prior to January 1, 2021 shall pay the indexed water plant investment fee of \$8,600 per equivalent meter unit. Development projects with an approved vesting tentative map which had an application deemed complete by the City on or after January 1, 2021 shall pay the plant investment fee of \$8,215 per equivalent meter unit, as annually adjusted by C above.

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

- Kelley/Ventu Zone \$ 3,921
- Wilder/Grissom Zone \$ 5,342

Condominiums, Townhouses, Mobile Homes: per Unit 0.75 x above

- Kelley/Ventu Zone SFD fees
- Wilder/Grissom Zone

Apartments, Duplex: per Unit: 0.75 x above

- Kelley/Ventu Zone SFD fees
- Wilder/Grissom Zone

Motel, Hotel, Congregate Care: per Room or Suite 0.50 x above SFD fees

Commercial Projects with 8 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>Required fire flow</u>	<u>Residential</u>	<u>All Others</u>
0-1,250 gpm 0 Required fire flow	\$0	\$0
1,251 – 1,750 gpm Required fire flow	10% of PIF	\$6,034 or 10% of PIF*
1,751 – 2,250 gpm Required fire flow	20% of PIF	\$12,043 or 20% of PIF*
Over 2,250 gpm Required fire flow	30% of PIF	\$18,073 or 30% of PIF*

*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 (including single-family residential, multiple family dwellings, apartments, commercial buildings, and trailer courts) rate shall be as follows:

A. Single Units Rate: On or after January 1, 2021

Meter Size	Base Rate (Monthly)*
5/8" or 3/4"	\$ 26.09
1"	\$ 41.18
1-1/2"	\$ 78.89
2"	\$ 124.14
3"	\$ 267.44
4"	\$ 478.61
6"	\$ 983.92

*Most customers are billed bi-monthly

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

Same as single units

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

D. 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.

E. 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

On or after January 1, 2021:

Quantity Rate \$5.60

b. Single-Family Residential Quantity Rate

On or after January 1, 2021:

Tier 1 (0 - 12 HCF)	\$5.24
Tier 2 (13 - 30 HCF)	\$5.58
Tier 3 (31+ HCF)	\$6.00

F. In accordance with Section 10-2.705, the pumping lift charge shall be twenty-two cents (\$0.22) on or after January 1, 2021. It shall be charged to all water services which rely on one or more pumping lifts in the City system.

G. In accordance with Section 10-2.706, the groundwater rate shall be two dollars and twenty-four cents (\$2.24) on or after January 1, 2021 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.

H. 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 thirteen dollars and sixteen cents (\$13.16) on or after January 1, 2021 per one hundred cubic feet with a monthly base rate of \$802.32 on or after January 1, 2021. These rates are based on charging 135 percent (135%) of the current non single-family residential 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 three (3) hcf per service per month, the Public Works Director 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.

I. 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.

J. In accordance with Sections 10-2.712 and 10-7.715, the overhead rate is included in the approved fully-burdened hourly rate.

K. 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

L. Beginning on February 13, 2020, the administrative fee for the

installation of non-construction water meters shall be computed as follows:

By Meter Size

5/8" x 3/4" or a 3/4"	\$460.00
1"	\$580.00

For all other meters, a deposit equal to 100 percent of the estimated cost of installing the meter shall be collected. A cost accounting of the installation costs of water meters larger than 1" shall be prepared. Overages shall be refunded and shortfalls shall be billed to the responsible party.

M. 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.

N. 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. 1671-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

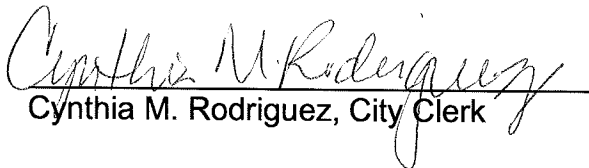
This Ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption.

PASSED AND ADOPTED



Al Adam, Mayor
City of Thousand Oaks, California

ATTEST:



Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney



Tracy Friedl, Deputy City Attorney

APPROVED AS TO ADMINISTRATION:



Andrew P. Powers, City Manager

CERTIFICATION

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

I, CYNTHIA M. RODRIGUEZ, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 1681-NS that was introduced by said City Council at a regular meeting held October 27, 2020 and adopted by said City Council at a regular meeting held November 10, 2020 by the following vote:

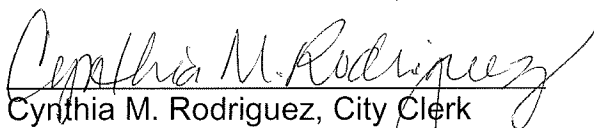
AYES: Councilmembers Engler, Jones, Bill-de la Peña, and Mayor Adam


NOES: None

ABSENT: None

I further certify that a summary of said Ordinance No. 1681-NS was published as required by law in the VENTURA COUNTY 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.


Cynthia M. Rodriguez, City Clerk
City of Thousand Oaks, California


Date Attested