

ORDINANCE NO. 754

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, MODIFYING THE WATER RATES EFFECTIVE MARCH 14, 2019, AND REPEALING ORDINANCE NO. 717

WHEREAS, the City Council, in response to increased costs to provide water service, has at various times amended said water rates; and

WHEREAS, pursuant to Articles XIII B and XIII C of the California Constitution, it is the intent of the City Council to require the ascertainment and recovery of costs reasonably borne from fees and charges levied therefor in providing the regulation, products or services hereinafter enumerated in this ordinance; and

WHEREAS, the City is allowed to recover the operational costs, including the ability to maintain the operations and financial stability of the water system; and

WHEREAS, the 2018 rate study was updated to determine the suitability of the City's utility rate structure and to determine its ability to comply with the bonding agency's regulations; and

WHEREAS, the study revealed a need to increase rates for the next five (5) years beginning in March 2019 in order to be in compliance with the bonding agency's regulations and meet expenses; and

WHEREAS, Article XIII D, Section 6(a) of the State Constitution (Proposition 218), passed by the voters of California on November 5, 1996, requires municipalities to give written notice to the owners of parcels upon which proposed water-, refuse- and/or sewer-related fees or charges are to be applied; and

WHEREAS, Proposition 218 requires that a public hearing shall be conducted not less than 45 days after the mailing of a notice of a public hearing on property-related fee adjustments to the record owners of each identified parcel upon which the fee is proposed for imposition; and

WHEREAS, Proposition 218 provides that, if written protests against proposed property-related fees are presented by a majority of the property owners of record upon which the proposed fees would be imposed, the fee adjustment shall not be implemented; and

WHEREAS, the City has considered all comments and correspondence, and the findings and conclusions made by the City pursuant to this Ordinance are based upon all of the oral and written evidence presented to it and taken as a whole.

NOW, THEREFORE, the City Council of the City of Loma Linda does ordain as follows:

SECTION 1. FINDINGS.

The City Council finds:

- a. Notice of the proposed amended water rates and of the public hearing thereon was given pursuant to Proposition 218 to record owners of all affected parcels on November 21, 2018. 5100 notices were sent to residents and owners with 22 returned as undeliverable.
- b. The public hearing required by Proposition 218 was duly held by the City Council on January 8, 2019, pursuant to notice.
- c. Nineteen (19) written protests were received in opposition to the proposed amended water rates, constituting less than a majority of the affected property owners.
- d. Revenues derived shall not exceed the funds required to provide the property-related service.
- e. Revenues derived shall not be used for any purpose other than that for which the fee is imposed.
- f. The fee imposed shall not exceed the proportional cost of the service.
- g. No fee may be imposed unless the service is actually used by, or immediately available to, the owner of the property.
- h. No fee may be imposed for general governmental services such as police, fire, ambulance, or library services where the service is available to the public at large in substantially the same manner as it is to property owners.

SECTION 2. CONCLUSIONS

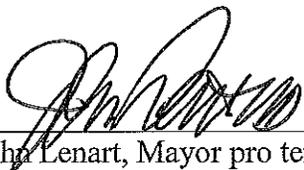
- a. The minimum water rates are hereby established pursuant to Exhibit "A" attached hereto and made a part hereof.
- b. Rates for private fire lines used exclusively for commercial fire protection, whether said lines are connected with automatic sprinkling systems or hose attachments are hereby established pursuant to Exhibit "A" attached hereto and made a part hereof.
- c. Rates for agricultural water shall be determined by a separate agreement.
- d. The City of Loma Linda retains the right to be the retail water purveyor for all domestic water service within the City limits of the City of Loma Linda and areas beyond the City limits by written agreement with the exception of those institutionally related services which at any time receive water from the Loma Linda University Water System.
- e. Ordinance No. 717 is hereby repealed.

- f. The effective date of the rates shall be March 14, 2019.

SECTION 3. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted at three (3) prominent places in the City of Loma Linda and to cause publication once in The Sun, the official newspaper of the City of Loma Linda, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

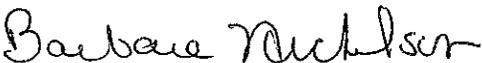
Introduced at a regular meeting of the City Council held on January 8, 2019, and adopted as an ordinance of the City of Loma Linda at a regular meeting of the City Council held on February 12, 2019 by the following vote:

| | |
|----------|-------------------------|
| Ayes: | Lenart, Popescu, Dupper |
| Noes: | None |
| Abstain: | None |
| Absent: | Rigsby, Dailey |



John Lenart, Mayor pro tempore

ATTEST:



Barbara Nicholson, City Clerk

Exhibit A

Schedule of Proposed Water Service Rates

Bi-Monthly Fixed Charges

| Class | Meter Size | Existing Charge ^[1] | Proposed Bi-Monthly Fixed Charges (\$ per bi-month) | | | | |
|------------|------------|--------------------------------|---|-------------|-------------|-------------|-------------|
| | | | 3/14/19 | 1/1/20 | 1/1/21 | 1/1/22 | 1/1/23 |
| | inches | \$/bi-month | \$/bi-month | \$/bi-month | \$/bi-month | \$/bi-month | \$/bi-month |
| All | 3/4" | \$30.26 | \$32.84 | \$34.31 | \$35.85 | \$37.46 | \$39.15 |
| | 1" | 55.39 | 45.68 | 47.73 | 49.88 | 52.12 | 54.47 |
| | 1 1/2" | 114.06 | 72.49 | 75.75 | 79.16 | 82.72 | 86.44 |
| | 2" | 265.57 | 114.05 | 119.18 | 124.54 | 130.14 | 136.00 |
| | 3" | 544.40 | 316.00 | 68.00 | 330.93 | 345.82 | 361.38 |
| | 4" | 826.67 | 423.18 | 442.22 | 462.12 | 482.92 | 504.65 |
| | 6" | 1,116.49 | 819.65 | 856.53 | 895.07 | 935.35 | 977.44 |
| | 8" | 1,261.37 | 1,272.78 | 1,330.05 | 1,389.90 | 1,452.45 | 1,517.81 |
| | 10" | \$1,406.31 | \$1,824.05 | \$1,906.13 | \$1,991.91 | \$2,081.55 | \$2,175.22 |

Bi-Monthly Volume Rates

| Class | Rate Block | Existing Rates ^[1] | Proposed Volume Rates (\$ per HCF) | | | | |
|----------------------------------|------------|-------------------------------|------------------------------------|--------|--------|--------|--------|
| | | | 3/14/19 | 1/1/20 | 1/1/21 | 1/1/22 | 1/1/23 |
| All | in HCF | \$/HCF | \$/HCF | \$/HCF | \$/HCF | \$/HCF | \$/HCF |
| Tier 1 | First 10 | \$1.43 | | | | | |
| Tier 2 | Next 390 | 1.92 | | | | | |
| Tier 3 | Next 400 | 2.11 | | | | | |
| Tier 4 | Over 800 | \$2.29 | | | | | |
| Single family residential | | | | | | | |
| Tier 1 | 0-18 | | \$1.60 | \$1.67 | \$1.75 | \$1.83 | \$1.91 |
| Tier 2 | 18-50 | | \$2.30 | \$2.40 | \$2.51 | \$2.62 | \$2.74 |
| Tier 3 | over 50 | | \$3.24 | \$3.39 | \$3.54 | \$3.70 | \$3.87 |
| Multi family residential | | | \$1.77 | \$1.85 | \$1.93 | \$2.02 | \$2.11 |
| Commercial | | | \$2.31 | \$2.41 | \$2.52 | \$2.63 | \$2.75 |
| Irrigation | | | \$2.54 | \$2.65 | \$2.77 | \$2.89 | \$3.02 |

Bi-Monthly Charge - Every two (2) months

HCF - Hundred Cubic Feet = 748 gallons

Bi-Monthly Fire Protection Charges

| Size | Existing Charge ^[1] | Proposed Bi-Monthly Fixed Charges (\$ per bi-month) | | | | |
|--------|--------------------------------|---|-------------|-------------|-------------|-------------|
| | | 3/14/19 | 1/1/20 | 1/1/21 | 1/1/22 | 1/1/23 |
| inches | \$/bi-month | \$/bi-month | \$/bi-month | \$/bi-month | \$/bi-month | \$/bi-month |
| 1" | N/A | \$0.85 | \$0.89 | \$0.93 | \$0.97 | \$1.01 |
| 1 1/2" | N/A | 2.48 | 2.59 | 2.71 | 2.83 | 2.96 |
| 2" | \$21.78 | 5.29 | 5.53 | 5.78 | 6.04 | 6.31 |
| 2 1/2" | 25.55 | 15.37 | 16.06 | 16.78 | 17.54 | 18.33 |
| 3" | 31.24 | 32.75 | 34.23 | 35.77 | 37.38 | 39.06 |
| 4" | 41.29 | 95.14 | 99.43 | 103.90 | 108.58 | 113.47 |
| 6" | 61.93 | 202.76 | 211.88 | 221.41 | 231.37 | 241.78 |
| 8" | 85.55 | 364.63 | 381.03 | 398.18 | 416.10 | 434.82 |
| 10" | \$115.02 | \$588.97 | \$615.47 | \$643.17 | \$672.11 | \$702.35 |

Existing rates became effective January 1, 2018.

Bi-Monthly Charge - Every two (2) months

HCF - Hundred Cubic Feet = 748 gallons

