

ORDINANCE NO. 3035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, FIXING RATES AND CHARGES FOR WATER SERVICE FURNISHED BY THE WHITTIER UTILITY AUTHORITY FOR FISCAL YEARS 2015-16 AND 2016-17

WHEREAS, Proposition 218 requires the City to conduct a public hearing not less than forty-five (45) days after mailing a notice of proposed property-related fee increases to record property owners of each identified parcel upon which the fees will be imposed;

WHEREAS, a duly noticed public hearing regarding the proposed increases to fees for water service was conducted on June 9, 2015, at 6:30 p.m. in the City Council Chamber;

WHEREAS, Proposition 218 requires that the City shall not impose the proposed fee if written protests against the proposed fee are presented by a majority of record owners (51%) of the identified parcels;

WHEREAS, written protests regarding the proposed water fee increase were accepted from the public and considered before the close of the public hearing;

WHEREAS, a tally of the written protests against the proposed water fee increase shows less than a majority of the record owners of the identified parcels have submitted written protests against the proposed water fee increase;

WHEREAS, a final tally of the written protests submitted and copies of the written protests will be available for review in the City Clerk's Office; and

WHEREAS, the Whittier Municipal Code, section 13.08.010, requires fees for water service to be set by ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City Council hereby approves and fixes the rates and charges for any and all water service, which the Whittier Utility Authority has agreed to provide all its users thereof, as set forth in Exhibit A attached hereto and by this reference is made a part hereof.

SECTION 2. Approve the water rates adjustment.

SECTION 3. That this ordinance supersedes all others, or portions thereof, inconsistent with the revisions set forth herein, including Ordinance 3003.

SECTION 3. That the fees set forth in Exhibit A under Fee Schedule 1 shall take effect September 1, 2015, and that the rate charged for water supplied through and registered by meters will apply to all bi-monthly water bills rendered by the City of Whittier after August 31, 2015.

SECTION 4. That the fees set forth in Exhibit A under Fee Schedule 2 shall take effect August 1, 2016, and that the rate charged for water supplied through and registered by meters will apply to all bi-monthly water bills rendered by the City of Whittier after July 31, 2016.

SECTION 5. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 6. 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 Whittier 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 be declared invalid or unconstitutional.

SECTION 7. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this 14th day of July 2015.



FERNANDO DUTRA, Mayor

ATTEST:



KATHRYN A. MARSHALL
City Clerk-Treasurer

EXHIBIT A

**FEEES FOR WATER SERVICE
WHITTIER UTILITY AUTHORITY WATER DIVISION
FISCAL YEAR 2015-2016 AND FISCAL YEAR 2016-2017**

SECTION (a) The usage rates to be charged by the Whittier Utility Authority's Water Division for water supplied through its meters shall be, hereby, collected bi-monthly and fixed as follows:

Customer Classification	Meter Size	Block 1 \$1.76 per BU	Block 2 \$2.50 per BU
Single Family Residential	¾"	Up to 40 BU	Over 40 BU
	1"	Up to 56 BU	Over 56 BU
	1 ½"	Up to 140 BU	Over 140 BU
	2"	Up to 466 BU	Over 466 BU
	3"	Up to 642 BU	Over 642 BU
Multiple Family Residential	All Sizes	Unlimited	N/A
Commercial/ Institutional	All Sizes	Unlimited	N/A
Industrial	All Sizes	Unlimited	N/A
Landscape	¾"	Up to 40 BU	Over 40 BU
	1"	Up to 56 BU	Over 56 BU
	1 ½"	Up to 140 BU	Over 140 BU
	2"	Up to 466 BU	Over 466 BU
	3"	Up to 642 BU	Over 642 BU
	4"	Up to 886 BU	Over 886 BU

SECTION (b) In addition to the usage rate a service fee shall be charged as follows:

Meter Size	Service Fee Per Meter/Per Month	
	Fee Schedule 1 Effective 9/1/15	Fee Schedule 2 Effective 8/1/16
For ¾ inch meter	33.62	40.35
For 1 inch meter	50.22	60.26
For 1 ½ inch meter	111.76	134.11
For 2 inch meter	151.49	181.79
For 3 inch meter	325.61	390.73
For 4 inch meter	441.78	530.14
For 6 inch meter	692.02	830.42
For 8 inch meter	723.66	868.39

SECTION (c) The term "bi-monthly" referred to herein, means the period consisting of two months or approximately sixty (60) days. Regular water meter readings shall be performed on a bi-monthly basis.

SECTION (d) Rates for Construction Purposes. Whenever in the opinion of the Director of Public Works it is necessary to install a meter on a fire hydrant, there shall be a \$115.00 fee for the initial installation. If the meter should be moved to other locations from the original installation site, an additional fee of \$46.00 will be charged. Rates for water used will be charged as follows:

Service Fee per week	\$25.00
Quantity Charge per 100 cu. ft.	\$1.76

Contractor shall prepay for all water and service fees based on estimates.

SECTION (e) Private Fire Protection. Pipes provided and installed by the Water Division for private fire protection shall be charged at the cost of material, labor, and equipment used, plus 45% overhead, which charge shall, wherever it shall be deemed necessary to install a proportional meter, include the cost in case of fire. If any person shall use such fire service for other than fire purposes, the Water Division is hereby authorized and it shall be the duty of the Director of Public Works to collect a fee of \$150.00 for each such use, and to enforce this provision by cutting off all water service to the property whereon such use occurs. When water is cut off by virtue of this provision, no further water shall be served to such property until the \$150.00 fee is paid, provided that the Whittier Utility Authority may, on application of any person aggrieved by this action of the officers of the Water Division, hereunder remit the charge of such part thereof as may appear just.

SECTION (f) Whenever private fire protection is provided, there shall be a bi-monthly minimum fee of \$84 if domestic water service is not provided to the subject property by the Water Division.

SECTION (g) Installation of Services and Meters. Application for water for new houses or any premises not heretofore provided with water, may be made to the Water Division, and must be accompanied by a service fee in the amount prescribed herein for the particular size of service and meter required.

Service pipes will be laid from the main to a point inside the nearest curb line where a curb cock and meter will be installed. Installation and maintenance of all pipe on the property side of the meter shall be performed by the consumer.

Charges collected by the Water Division for installation of services and meters shall constitute service fees, and the service pipes and water meters installed shall remain at all times as property of the Water Division. They shall be maintained, repaired, and renewed by the Water Division when rendered unserviceable through ordinary wear and

tear; provided that where replacements, repairs, or adjustments are rendered necessary by any act, negligence, or carelessness of the consumer or any member of his family or any representative or person in his employ, any expense caused to the Water Division thereby shall be charged against and collected from the consumer.

INSTALLATION OF SERVICES AND METERS: Charges for installation of water services and meters shall be as follows:

Meter Size 5/8" x	Service Pipe Unpaved Street	Service Pipe Asphalt Street	Service Pipe Concrete Street	Meter and Box
3/4"	\$ 675	\$1,350	\$1,780	\$ 270
1"	\$ 675	\$1,350	\$1,780	\$ 450
1 1/2"	\$1,063	\$1,462	\$1,895	\$ 900
"	\$1,125	\$1,687	\$2,060	\$1,125

Services larger than 2" shall be charged at the cost of material, labor, and equipment used, plus 94% for supervision and overhead. A deposit for such installations shall be made with the Water Division before any work is commenced. The amount of such deposit shall be determined by the Director of Public Works.

SECTION (h) Turn-on Charges

- (1) When a customer's water is turned off for non-payment, the delinquent customer shall pay the amount due plus a turn-on fee of \$30.
- (2) If a customer has his service shut off for a period of more than fifteen (15) days, then a turn off fee of \$30 shall be paid.
- (3) If a customer turns on/off his water at the curb cock (at the meter), then a penalty of \$150 shall be charged to the customer, except in case of emergency (WMC 13.12.060).
- (4) When a customer requests turn-on/turn-off service, the customer shall pay a turn-on/turn-off fee of \$30.

SECTION (i) Meter Testing: A fee of \$60 shall be made for testing all meters. If the meter is found to be over 2% fast, then the \$60 fee shall be refunded.

SECTION (j) Illegal Use of Fire Hydrants: If a person uses a fire hydrant without permission, an inspection fee of \$150 shall be paid in addition to any water used.

SECTION (k) Damage to City Lock: If a person damages a City lock placed on the meter due to non-payment, a replacement fee of \$75 will be paid in addition to the \$150 illegal turn on penalty.

CITY OF WHITTIER)
) SS
 STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Whittier on the 9th day of June 2015, and adopted at a regular meeting of the City Council of the City of Whittier on the 14th day of July 2015 by the following roll call vote:

AYES: C. Warner R.L. Henderson J.A. Vinatieri
 NOES: O. Newcomer
 ABSENT: F. Dutra

WITNESS my hand and the official seal of the City of Whittier, California, this
17th day of July 2015.

Kathryn A. Marshall
 KATHRYN A. MARSHALL
 City Clerk-Treasurer

Published as required by law: July 28, 2015.