

ORDINANCE NO. 775

**AN UNCODIFIED ORDINANCE OF
THE CITY OF ROHNERT PARK REGARDING
WATER SERVICE CHARGES**

WHEREAS, Section 13.04.030 of the Rohnert Park Municipal Code provides that the City Council shall by ordinance establish rates for the sale of water; and

WHEREAS, the City of Rohnert Park ("City") updated its water service charges on February 16, 2005; and

WHEREAS, the City wishes to confirm that those water service rates adopted on February 16, 2005, are considered effective April 1, 2005, and April 1, 2006, respectively, in light of new precedent related to the applicability of Proposition 218; and

WHEREAS, the City has identified the parcels upon which the charges will be imposed, calculated the amount of the charge to be imposed on each parcel, mailed notice to all record owners of properties responsible for water charges, wherein the City provided written notice of the proposed charges, the amount of the proposed charges, the basis for the calculation, the reason for the charge, and the date, time, and location for a public hearing not less than 45 days after the notice; and

WHEREAS, the City Council held the duly noticed public hearing and considered any and all property owner protests; and

WHEREAS, written protests against the water rates were not presented by a majority of owners of the identified parcels;

NOW, THEREFORE, the City Council of the City of Rohnert Park does ordain as follows:

SECTION 1: In accordance with Article XIII D, Section 6(b), of the California Constitution, the City Council finds based upon the report prepared by Bartle Wells Associates, which is incorporated by reference, that:

A. The revenues derived from the water service charges shall not exceed the funds required to provide water service, because the rates are calculated to allow the City to recover its costs.

B. The revenues derived from the water service charge will not be used for any purpose other than that for which the charge is imposed, because the revenue will be kept in a separate fund used only for costs related to the provision of water service.

C. The amount of the charge does not exceed the proportional cost of the water service attributable to each parcel, because it is based upon necessary pipe size and water consumption.

D. The water service charge will not be imposed upon parcels for which water service is not available.

E. The water service charge will be used to enable the City to provide water service rather than general governmental services.

SECTION 2. The following water service rate schedules, originally adopted in accordance with Section 13.04.030 of the Rohnert Park Municipal Code on February 22, 2005, are hereby re-adopted after mailed notice and a public hearing:

A. RATES FOR WATER SERVICE effective April 1, 2005:

1. Flow Charges:
Rate per one thousand gallons. \$2.45

2. Monthly Service Charge by meter size:

¾" to 1" (Single Family Residence)	\$ 14.96
1 ½"	\$ 24.60
2"	\$ 36.17
3"	\$ 65.09
4"	\$101.72
6"	\$198.11
8"	\$313.79

3. Service outside the city limits will be as listed above plus ten percent (10%).

4. A discounted flow rate of \$2.20 per thousand gallons will be applied to single family residents and qualified multi-family units that use 10,000 gallons or less per month. In order to qualify for the discounted rate, multi-family complexes must sub-meter each unit, bill each unit based on consumption and have a separate meter for all irrigation.

5. Fire Protection Standby Rates:

Water for fire suppression systems using automatic sprinklers and which systems have a direct and separate connection to a City water main in any building or structure shall be furnished at the following rates:

<u>Supply Riser Size</u>	<u>Monthly Rate</u>
2"	\$20.79
3"	\$26.46
4"	\$33.08
5"	\$40.64

6"	\$44.42
8"	\$60.48
10"	\$72.77
12"	\$85.05

There shall not be a Fire Protection Standby Rate imposed on a fire suppression system using automatic sprinklers and which system is operated off the regular and normal water supply service to the building or structure.

6. Bi-monthly rates will be double the monthly rate.

B. RATES FOR WATER SERVICE effective April 1, 2006:

1. Flow Charges:

Rate per one thousand gallons.	\$2.57
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2. Monthly Service Charge by meter size:

¾" to 1" (Single Family Residence)	\$ 15.71
1 ½"	\$ 25.83
2"	\$ 37.98
3"	\$ 68.34
4"	\$106.81
6"	\$208.02
8"	\$329.48

3. Service outside the city limits will be as listed above plus ten percent (10%).
4. A discounted flow rate of \$2.31 per thousand gallons will be applied to single family residents and qualified multi-family units that use 10,000 gallons or less per month. In order to qualify for the discounted rate, multi-family complexes must sub-meter each unit, bill each unit based on consumption and have a separate meter for all irrigation.
5. Fire Protection Standby Rates:

Water for fire suppression systems using automatic sprinklers and which systems have a direct and separate connection to a City water main in any building or structure shall be furnished at the following rates:

<u>Supply Riser Size</u>	<u>Monthly Rate</u>
2"	\$20.79
3"	\$26.46
4"	\$33.08
5"	\$40.64
6"	\$44.42
8"	\$60.48
10"	\$72.77

12" \$85.05

There shall not be a Fire Protection Standby Rate imposed on a fire suppression system using automatic sprinklers and which system is operated off the regular and normal water supply service to the building or structure.

6. Bi-monthly rates will be double the monthly rate.

SECTION 3: Upon the effective date of this Ordinance, the following rate schedules shall apply as follows:

A. RATES FOR WATER SERVICE THROUGH MARCH 31, 2007:

1. Flow Charges:

Rate per one thousand gallons. \$2.57

2. Monthly Service Charge by meter size:

¾" to 1" (Single Family Residence)	\$ 15.71
1 ½"	\$ 25.83
2"	\$ 37.98
3"	\$ 68.34
4"	\$106.81
6"	\$208.02
8"	\$329.48

3. Service outside the city limits will be as listed above plus ten percent (10%).
4. A discounted flow rate of \$2.31 per thousand gallons will be applied to single family residents and qualified multi-family units that use 10,000 gallons or less per month. In order to qualify for the discounted rate, multi-family complexes must sub-meter each unit, bill each unit based on consumption and have a separate meter for all irrigation.
5. Fire Protection Standby Rates:

Water for fire suppression systems using automatic sprinklers and which systems have a direct and separate connection to a City water main in any building or structure shall be furnished at the following rates:

<u>Supply Riser Size</u>	<u>Monthly Rate</u>
2"	\$20.79
3"	\$26.46
4"	\$33.08
5"	\$40.64
6"	\$44.42
8"	\$60.48
10"	\$72.77

12" \$85.05

There shall not be a Fire Protection Standby Rate imposed on a fire suppression system using automatic sprinklers and which system is operated off the regular and normal water supply service to the building or structure.

6. Bi-monthly rates will be double the monthly rate.

B. RATES FOR WATER SERVICE effective April 1, 2007:

1. Flow Charges:

Rate per one thousand gallons. \$2.70

2. Monthly Service Charge by meter size:

¾" to 1" (Single Family Residence)	\$ 16.50
1 ½"	\$ 27.12
2"	\$ 39.88
3"	\$ 71.76
4"	\$112.15
6"	\$218.42
8"	\$345.95

3. Service outside the city limits will be as listed above plus ten percent (10%).
4. A discounted flow rate of \$2.43 per thousand gallons will be applied to single family residents and qualified multi-family units that use 10,000 gallons or less per month. In order to qualify for the discounted rate, multi-family complexes must sub-meter each unit, bill each unit based on consumption and have a separate meter for all irrigation.
5. Fire Protection Standby Rates:

Water for fire suppression systems using automatic sprinklers and which systems have a direct and separate connection to a City water main in any building or structure shall be furnished at the following rates:

<u>Supply Riser Size</u>	<u>Monthly Rate</u>
2"	\$20.79
3"	\$26.46
4"	\$33.08
5"	\$40.64
6"	\$44.42
8"	\$60.48
10"	\$72.77
12"	\$85.05

There shall not be a Fire Protection Standby Rate imposed on a fire suppression system using automatic sprinklers and which system is operated off the regular and normal water supply service to the building or structure.

6. Bi-monthly rates will be double the monthly rate.

SECTION 4: Annual Increase. On April 1, 2008, and each subsequent year, the water rates shall increase by the same percentage that the Sonoma County Water Agency charge to the City has increased in the previous year.

SECTION 5: Severability. The City Council hereby declares that every section, paragraph, sentence, clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 6: Effective Date: This ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law.

This ordinance was introduced on the 23rd day of January, 2007 and

DULY AND REGULARLY ADOPTED this 13th day of February 2007 by the following vote:

AYES: FIVE (5) Council Members Breeze, Mackenzie, Smith, and Staffors; and
Mayor Vidak-Martinez
NOES: NONE (0)
ABSENT: NONE (0)
ABSTAIN: NONE (0)

ATTEST:

CITY OF ROHNERT PARK

/s/ City Clerk Judy Hauff

/s/ Mayor Vicki Vidak-Martinez

Approved as to Form:

/s/ Assistant City Attorney Gabrielle P. Whelan