

ORDINANCE NO. 2017-1

**AN ORDINANCE OF THE BUENA SANITATION DISTRICT
ESTABLISHING RATES FOR SEWER SERVICE CHARGES FOR THE
BUENA SEWER SYSTEM**

The Board of Directors of the Buena Sanitation District does ordain as follows:

1. Findings. The Buena Sanitation District Board of Directors hereby finds and declares all of the following:

A. Chapter 4 of the Buena Sanitation District Code imposes a sewer service charge on each parcel of real property or lot having a connection to the sewer system of the Buena Sanitation District ("Sewer System") and further provides that the rates for the sewer service charge may be established or adjusted from time to time by the Board of Directors upon adoption of an ordinance.

B. The Board of Directors has received a report and recommendations (the "Report") from its consultant, Raftelis Financial Consultants, Inc., entitled Buena Sanitation District Sewer Rate Study, August 2017, which contains an analysis of the requirements of the Sewer System and recommendations for the method and basis for establishing and adjusting rates for sewer service charges for use of the Sewer System.

C. The Board of Directors has reviewed and considered the Report and, in reliance on the facts, estimates and other information provided therein, the Board of Directors desires and intends to establish rates for the sewer service charges imposed upon all users of the Sewer System.

D. Pursuant to the requirements of Article XIII D of the California Constitution, the Board of Directors has duly provided notice of the proposed rates to all affected property owners of record and, not less than 45 days after having given such notice on September 30, 2017, the Board of Directors conducted a public hearing on the proposed rates at which hearing all persons having an interest in the proposed rates had the opportunity to give written or oral testimony and to file written protests and the Clerk of the Board determined that the number of written protests received from affected property owners was less than 50 percent of the total number of such owners.

2. Enactment

1. Definitions. For purposes of this Ordinance the following terms shall have the meanings described below.

"Account" in the case of industrial and commercial users, shall mean each individual user of the Sewer System having an account with the District.

“*BOD*” or “Biochemical Oxygen Demand” a measurement of the oxygen utilized during a five day incubation period for the biological degradation of organic and inorganic waste.

“*District*” shall mean the Buena Sanitation District.

“*Dwelling Unit*” shall mean a measure of the number of living units in a facility.

“*EDU*” or “Equivalent Dwelling Unit” shall mean a unit of measurement of sewage that is equivalent to the average flow volume and strength characteristics of a typical single family residence of the community, as may be established from time to time by a resolution approved by the Board of Directors.

“*Flow Rate*” shall mean that portion of the sewer service charge calculated upon the actual or imputed water consumption for the parcel of real property, measured in HCF.

“*HCF*” shall mean a unit of one hundred cubic feet of municipal water delivered to the user for a given period of time. This unit is used to estimate the volume of wastewater discharged by the user into the Sewer System.

“*Multi-family*” shall mean one or more structures containing three or more dwelling units intended for residential use located on any parcel of real property or lot, including but not limited to, mobile home parks.

“*Rate*” shall mean the fixed or variable amount identified in the Rate Table used to calculate the sewer service charge on a parcel of real property or lot.

“*Rate Category*” shall mean the various categories based upon the use of the parcel of real property as defined in Section 2 of this Ordinance for determining the rates for calculating the sewer service charges.

“*Rate Table*” shall mean the table of rates approved in Section 3 of this Ordinance for determining the sewer service charge imposed on any parcel of real property or lot connected to the Sewer System.

“*Revenue Program Guidelines*” shall mean Appendix G of the *Policy for Implementing the State Revolving Fund for Construction of Wastewater Treatment Facilities*, published by the California State Water Resources Control Board, March 1998 edition or as may subsequently be amended.

“*Sewer Service Charge*” shall mean the charge or fee imposed on each parcel of real property or lot connected to the Sewer System pursuant to Chapter 4 of the District Code.

“*Sewer System*” shall mean the system of sanitary and wastewater local drains, main lines, pumping stations, force mains, lift stations, collection and

treatment facilities, disposal facilities and all appurtenances thereto owned and operated by the Buena Sanitation District.

"Single-family" shall mean a structure containing a single dwelling unit or a duplex dwelling unit intended for occupancy by one family or two families respectively and located on a parcel of real property or lot.

"Strength" refers to the "Commercial User Strength Characteristics" of wastewater discharges from commercial or industrial users, and is a measure of the BOD (mg/1) and SS (mg/1) as used in the Exhibit G, page G-21, of the Revenue Program Guidelines.

"Strength Flow Rate" shall mean that portion of the industrial/commercial or high volume user sewer service charge calculated upon the actual or imputed Strength of the sewage discharged into the Sewer System and actual or imputed water consumption for the parcel, measured in HCF.

"Total Suspended Solids" shall mean the residue retained on a standard glass-fiber after drying to a constant weight at 103 to 105 centigrade, as set forth in Method Number 240D of the current approved edition of the Standard Methods for the Examination of Water and Wastewater or other comparable EPA approved methods found in 40 CFR Part 136.

"Total Treatment Capacity" shall mean the total permitted capacity owned or operated by the District for treatment and discharge of all wastewater received into the Sewer System.

"User" shall mean any discharger into the Sewer System whether or not the user owns the parcel of real property or lot on which the use is located. The sewer service charge is imposed upon the parcel of real property or lot that is connected to the Sewer System on which the user is located. The use occurring on the parcel of real property or lot determines the rate category for the purpose of establishing the appropriate rate of the sewer service charge.

2. Rate Categories. The following rate categories for various users connected to the Sewer System, based upon the actual use of the parcel of real property or lot connected to the Sewer System, are hereby established.

A. Residential/Single-Family

The Residential/Single-Family rate category shall include the following uses:

(1) Each parcel of real property or lot having a distinct assessor's parcel number on which a separate single-family dwelling unit is constructed and used for residential purposes.

(2) Each individually owned or controlled dwelling unit having a distinct assessor's parcel number within a condominium or cooperative ownership development.

The sewer service charge for each single-family dwelling unit located on any parcel of real property or lot containing one or more single-family structures in the Residential/Single-Family rate category shall consist of a Fixed Rate for each Fiscal Year identified in the Rate Table below.

B. Residential/Multi-Family

The Residential/Multi-Family rate category shall include the following uses:

(1) Every parcel of real property or lot having a distinct assessor's parcel number on which multiple-dwelling units are constructed and used for residential purposes. Each living unit available for residential occupancy shall be considered a separate dwelling unit.

(2) Every mobile home park on which factory assembled or mobile homes are located and used for residential purposes. Each available space shall be considered as a separate dwelling unit.

The sewer service charge for each dwelling unit located on any parcel of real property or lot in the Residential/Multi-Family rate category shall consist of the Fixed Rate for each Fiscal Year identified in the Rate Table below.

C. Industrial/Commercial

The Industrial/Commercial rate category shall include each and every parcel of real property or lot used for any purpose other than residential use and which is connected to the Sewer System. This category includes, without limitation:

(1) Any and all commercial uses such as retail, office and professional, or commercial products distribution, warehousing and storage facilities.

(2) Any and all industrial uses such as manufacture or assembly plant, food processing facilities, or industrial products distribution, storage or warehousing facilities.

(3) Any and all governmental uses such as schools, hospitals, office buildings, distribution, maintenance or storage facilities.

(4) All other uses not included in (1) through (3) above.

For each such use the sewer service charge upon the parcel shall include the Fixed Rate and the Strength Flow Rate for each Fiscal Year identified in the Rate Table below. The Strength Flow Rate categories of High, Medium or Low for each parcel shall be determined in accordance with the recommendations of the Revenue Program Guidelines. The Strength Flow Rate shall be a variable amount based upon the Strength and the actual or imputed aggregate water consumption of the parcel measured in HCF reported by the municipal water supplier for the entire calendar year immediately preceding the fiscal year in which the Strength Rate is applied.

D. Extra-Strength Surcharge

Customers contributing wastewater with strength concentrations in excess of 1,000 milligrams per liter of BOD or 600 milligrams per liter of Total Suspended Solids are subject to an extra-strength surcharge in addition to the regular minimum yearly and volume charges for commercial-domestic strength. For each such use, the extra strength surcharge upon the parcel shall include the extra strength surcharge rate in the rate table below.

3. Rates. Rates for the sewer service charge imposed upon each parcel of real property or lot having a connection to the Sewer System according to the respective Rate Category, are hereby fixed and established, for each of the Fiscal Years identified, as presented in the Rate Table below.

BUENA SANITATION DISTRICT: SEWER SERVICE RATES

CUSTOMER CLASS		CURRENT FY 2018- RATES	FY 2019- 2019	FY 2019- 2020	FY 2020- 2021	FY 2021- 2022	FY 2022- 2023
Residential							
SINGLE-FAMILY							
City Limits	Per Unit/yr.	\$711	\$663	\$663	\$663	\$663	\$663
County/San Marcos	Per Unit/yr.	\$632	\$621	\$621	\$621	\$621	\$621
MULTI-FAMILY							
City Limits	Per Unit/yr.	\$498	\$463	\$463	\$463	\$463	\$463
County/San Marcos	Per Unit/yr.	\$442	\$434	\$434	\$434	\$434	\$434

Industrial/Commercial

FIXED PORTION

City Limits	per EDU owned	\$158	\$200	\$200	\$200	\$200	\$200
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County/San Marcos	per EDU owned	\$158	\$158	\$158	\$158	\$158	\$158
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STRENGTH PORTION

Low Strength

City Limits	per HCF	\$5.66	\$5.83	\$5.83	\$5.83	\$5.83	\$5.83
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County/San Marcos	per HCF	\$4.85	\$5.83	\$5.83	\$5.83	\$5.83	\$5.83
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Medium Strength

City Limits	per HCF	\$6.42	\$6.68	\$6.68	\$6.68	\$6.68	\$6.68
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County/San Marcos	per HCF	\$5.61	\$6.68	\$6.68	\$6.68	\$6.68	\$6.68
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High Strength

City Limits	per HCF	\$7.94	\$9.21	\$9.21	\$9.21	\$9.21	\$9.21
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County/San Marcos	per HCF	\$7.12	\$9.21	\$9.21	\$9.21	\$9.21	\$9.21
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Extra Strength

BOD ⁴ Rate	per LB	\$0.84	\$0.69	\$0.69	\$0.69	\$0.69	\$0.69
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SS ⁵ Rate	per LB	\$0.37	\$0.56	\$0.56	\$0.56	\$0.56	\$0.56
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CAPACITY RENTAL CHARGE⁶

City Limits	Per Excess EDU Used	\$594	\$485	\$490	\$495	\$500	\$506
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County/San Marcos	Per Excess EDU Used	\$594	\$443	\$448	\$453	\$458	\$464
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4. Findings. The Board of Directors has conducted all proceedings required to set sewer service charges under Article XIII D of the California Constitution.

5. Publication; no codification. Following the adoption of this ordinance the Clerk of the Board shall cause this ordinance or a summary of it to be published in a newspaper of general circulation within the Buena Sanitation District in the manner required by law. This ordinance shall not be codified.

6. Effective Date. This ordinance shall be in full force and effect the 31st day following the date of its adoption.

7. Adoption. INTRODUCED and ADOPTED at a regular meeting of the City Council on the November 14, 2017, by the following vote:

AYES: Mayor Ritter, Aguilera, Rigby, Franklin, Green

NOES: None


ABSTAIN: None

APPROVED AS TO FORM:
DAROLD PIEPER, DISTRICT COUNSEL

By: _____



APPROVED
Jonathan B. Stone
1527 102417



JUDY RITTER, CHAIRPERSON

ATTEST:
KATHY VALDEZ, CLERK OF THE BOARD

By: _____



CERTIFICATION

I, Kathy Valdez, Clerk of the Board of Buena Sanitation District, California, certify that I caused the foregoing Ordinance No. 2017-1 to be posted on November 16, 2017, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.

A handwritten signature in blue ink that reads "Kathy Valdez". The signature is written in a cursive, flowing style.

Kathy Valdez, City Clerk