

ORDINANCE NO. 753

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA,  
CALIFORNIA, ESTABLISHING WASTEWATER COLLECTION RATES  
EFFECTIVE MARCH 14, 2019, AND REPEALING ORDINANCE NO. 728

WHEREAS, pursuant to Article XIII B 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 resolution; and

WHEREAS, there exists between the City of San Bernardino and the City of Loma Linda a Joint Powers Agreement pertaining to wastewater collection and treatment; and

WHEREAS, a study was conducted by the City of Loma Linda to determine the costs to provide wastewater collection, permitting, and inspection services; and

WHEREAS, the City of San Bernardino rate component for the treatment of wastewater from the City of Loma Linda to the treatment plant is independent of the City of Loma Linda approved components; 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 wastewater collection 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, pursuant to notice, on January 8, 2019.

- c. Nineteen (19) written protests were received in opposition to the proposed amended wastewater collection 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.
- i. This ordinance provides for the immediate preservation of the public peace, health or safety in that the adjustment of wastewater collection rates to include City of San Bernardino pass-through charges so that the rates charged to City customers fully support the cost of providing necessary services and facilities to treat wastewater. If rates are not so adjusted, the budgeted maintenance of City facilities and construction of additional facilities would be disrupted by the transfer of funds intended for those purposes to cover pass-through charges. Other necessary services would be curtailed by a lack of funds.

SECTION 2. Pursuant to the Joint Powers Agreement and Resolutions 517 and 2004-124 of the City of San Bernardino, industrial waste discharge permits, monitoring fees and non-domestic waste inspection fees, domestic liquid waste disposal permits, analysis fees, and non-compliance re-sampling fees shall pertain to the following:

- Domestic Liquid Waste
- Industrial Waste Discharge Permit Fee
- Industrial Waste Discharge Monitoring Fee
- Non-Domestic Waste Inspection Fee
- Domestic Liquid Waste Disposal Permit Fee
- Domestic Liquid Waste Analysis Fee
- Domestic Liquid Waste Non-Compliance Fee

The City of San Bernardino Sewer Treatment Charge (pass through) is established pursuant to Exhibit "B" attached hereto and made a part hereof. Said pass through charge shall be added to all Loma Linda water/sewer/trash bills.

SECTION 3. Pursuant to the provisions of Section 13.12.020 of the Loma Linda Municipal Code, any premises which are served by a connection to the system of sewage and waste water treatment of the City shall be charged and the owner thereof shall pay a sewer service charge based on the monthly charges established pursuant to Exhibit "A" attached hereto and made a part hereof, excluding City of San Bernardino charges for treatment, which are on Exhibit "B" attached hereto and made a part hereof.

SECTION 4. All other dischargers who are also served by metered water service will pay a monthly flat charge of two dollars (\$2.00) per account in addition to the charge based on the number of cubic feet of water used and a rate which is based on the strength of the wastewater. All connections will be divided into six (6) Classifications. The connections within each Class will have similar discharge characteristics and will be charged the same rate.

SECTION 5. Commercial uses in the following Commercial Class groups shall be charged the rates indicated for each 100 cubic feet of water usage, but not less than the monthly charge for a single-family residence.

- a. Commercial Class I shall consist of the following:

Mobile Home Parks  
Multi-Family (4-units or more)

- b. Commercial Class II Category a shall consist of the following:

Auto Dealers	Non-Office
Bakeries	Public Transportation
Barber & Beauty Shops	Service Clubs
Department & Retail Stores	Storage Facilities
Dry Cleaners	

Commercial Class II Category b shall consist of the following:

Bars Without Dining Facilities	Miscellaneous Offices
Hotels/Motels Without Dining Facilities	Offices

- c. Commercial Class III shall consist of the following:

Auto Repair	Auto Steam Clean
Car Wash	Truck Repair
Service Stations	

- d. Commercial Class IV shall consist of the following:

Industrial/Commercial Laundries	Mortuaries
Laundromats	

- e. Commercial Class V shall consist of the following:

Restaurants	Hotels/Motels With Dining Facilities
Fast Food Establishments	

- f. Class VI (Institutional) shall consist of the following:

Civic Center	VA Hospital
Loma Linda Community Hospital	Schools
Loma Linda University Medical Center	Churches
Convalescent Homes	Pre-School and Day Care

SECTION 6. If any discharger can establish to the satisfaction of the Public Works Director that a substantial volume of water usage does not enter the sewer system, the Public Works Director shall determine a volume of water usage which he determines to be equitable. The Public Works Director may require installation of separate meters or sub-meters on any such system at no cost to the City.

SECTION 7. If any discharger can establish to the satisfaction of the Public Works Director that the amount and nature of the pollutants in its discharge vary significantly from others in its classification, the Public Works Director shall determine the suitable Class. Dischargers which cannot be classified into one of the existing classifications will be charged at the rates for Class III customers.

SECTION 8. Any questions as to the proper Class of a discharger will be determined by the Public Works Director.

SECTION 9. No discharger shall discharge wastewater with an electrical conductivity exceeding 1,000 microhms per centimeter for any day, and the discharger's daily average during any month shall not exceed 750 microhms per centimeter. Dischargers exceeding these values may be subject to payment of fines or surcharges on their monthly sewer bills.

SECTION 10. If a discharger is not connected to the City water system, the Public Works Director shall determine the volume of water to be used in determining the monthly charge. The Public Works Director may require that an approved metering device be installed to measure the volume of water discharged to the sewer system. The metering installation will be at no cost to the City.

SECTION 11. The Public Works Director may require the installation of a flow meter and/or sampling device to monitor the discharge of any facility discharging into the City sanitary sewer system whenever he determines that metering and sampling are necessary to determine the proper charges. Classes II, III and IV users may be required to install flow meters and monitoring equipment as specified by the Public Works Director.

SECTION 12. When the monthly service charge is determined by flow measurement and/or sampling and testing for strength and/or type of pollutants, these services will be performed by a facility and/or persons approved by the Public Works Director.

SECTION 13. All expenses incurred by the City for flow measurement, sampling and laboratory testing shall be in addition to the monthly service charge, except for customers who have approved flow measuring equipment with automatic samplers.

SECTION 14. All metering and sampling devices and facilities shall be approved by the Public Works Director.

SECTION 15. All metering and sampling devices and facilities shall be maintained in a manner acceptable to the Public Works Director.

SECTION 16. No facility or person may make a connection to, or discharge into the City sanitary sewer system without the prior approval of the Public Works Director.

SECTION 17. All dwellings, apartment houses and places of commercial and industrial business in which wastewater is generated within the City shall be required to use the collection and treatment service of the City and to pay the charges set forth by the Department of Public Works.

SECTION 18. The City Manager, Finance Director and Public Works Director are hereby directed to update annually the projections of costs, capital needs, reserves and revenues for the City wastewater utility, which projections initially were provided by the model upon which the rates set herein are based.

A. Annual Progress Report: Such update shall be prepared as a part of the City Annual Budget and shall be presented to the City Council in the form of a Progress Report on the accomplishment of scheduled capital improvement projects, fixed asset replacement projects, estimates of the adequacy of operational expenses and reserves, and revenue and rate, with a certification by the three above-listed City officials that those rates are adequate to maintain the physical integrity, the maintenance of all required health standards, adequate levels of maintenance and expansion, and adequate quality of facilities for the collection system.

B. Unanticipated and Emergency Needs: The Annual Progress Report shall also recommend rate changes for which rates have already been set by the City Council, if such changes are determined to be necessary. Such rate changes shall be recommended if, in the judgment and written report of the three aforementioned City officials, unanticipated costs or revenues, and emergency needs of the Sewer Utility are such that either rate reductions or rate increases are appropriate and warranted.

SECTION 19. Billing and collection charges for sewer service shall be included on the regular City utility bill to customers who have City water service. When the sewer customer does not have City water service, a separate bill for sewer service shall be mailed in accordance with standard billing procedures to the person who owns or controls the premises serviced.

SECTION 20. Delinquent Sewer Service. Once a sewer service bill has been declared delinquent in accordance with the provisions of these rules and regulations, it shall be the responsibility of the owner of the property, or the consumer requesting reconnection, to pay the delinquent bill and disconnection/reconnection charges, if any.

A consumer's sewer service may be discontinued by the Public Works Director for the non-payment of a bill for sewer service at a previous location, provided said bill has not been paid within thirty (30) days after presentation at the new location.

SECTION 21. Ordinance No. 728 is hereby repealed.

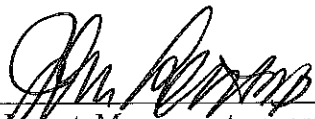
SECTION 22. These rules and regulations shall be in full force and effect from and after the 14<sup>th</sup> day of March 2019.

SECTION 23. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

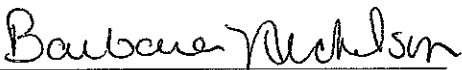
SECTION 24. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posed three (3) prominent places in the City of Loma Linda and to cause publication once in The Sun, the official newspaper of the City of Loma Linda, of a notice setting forth the date of adoption, 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**

**City of Loma Linda**

**Wastewater Utility**

**Schedule of Proposed Wastewater Service Charges and Rates**

Classification	Existing Charges <sup>[1]</sup> \$/bi-month	Proposed Bi-Monthly Charge (\$ per bi-month)				
		3/1/19 \$/bi-month	1/1/20 \$/bi-month	1/1/21 \$/bi-month	1/1/22 \$/bi-month	1/1/23 \$/bi-month
Residential	\$31.24	\$32.24	\$33.70	\$35.22	\$36.81	\$38.47
Commercial	\$8.74	\$7.18	\$7.50	\$7.84	\$8.20	\$8.57

**Commercial Use Volume Charges**

Classification	Existing Rates <sup>[1]</sup> \$/HCF	Proposed Rate <sup>[2]</sup>				
		3/1/19 \$/HCF	1/1/20 \$/HCF	1/1/21 \$/HCF	1/1/22 \$/HCF	1/1/23 \$/HCF
Class I: MHP (>=4 units)	\$1.25	\$1.30	\$1.37	\$1.44	\$1.51	\$1.58
Class II: Category A (Non-Offices)	1.38	1.64	1.72	1.80	1.89	1.98
Class II: Category B (Offices)	1.32	1.53	1.60	1.68	1.76	1.84
Class III: Auto Service	2.00	1.66	1.74	1.82	1.91	2.00
Class IV: Laundry, Mortuary	2.18	1.75	1.83	1.92	2.01	2.11
Class V: Restaurant	2.18	1.75	1.83	1.92	2.01	2.11
Class VI: All Other Commercial	\$1.44	\$1.56	\$1.64	\$1.72	\$1.80	\$1.89

[1] - Existing rates and charges became effective January 1, 2018.

[2] - Rate charged on water consumed through the meter.

Bi-Monthly Charge - Every two (2) months

MHP - Mobile Home Parks

HCF - Hundred Cubic Feet = 748 gallons

EXHIBIT "B"

**City of San Bernardino Pass Through Loma Linda  
Schedule of Wastewater Treatment Charges and Rates**

Classification	Existing Charges
	\$/month
Residential (Single Family)	\$21.55
Multi-Family (2 units)	\$43.10
Multi-Family (3units)	\$64.64
Multi-Family (4 units or more); Mobil Home Park	\$1.97
Non-Residential	\$3.52
Industrial	\$0.28

**Commercial Use Monthly Volume Rates**

Classification	Existing Rates
	\$/HCF
Multi-Family (4 units or more); Mobil Home Park	\$1.53
Retail, Commercial, Light Industrial	\$2.55
Auto Repair, Car Wash	\$1.58
Offices, Motels (without Restaurant)	\$1.83
Restaurant, Hotels	\$3.28
Laundromat	\$1.83
Hospital, Convalescent Home	\$1.63
School, Church, Nursery School	\$1.33

Rate charged on water consumed through the meter.

**Commercial Use Monthly Volume Rates**

Classification	Existing Rates
Domestic Liquid Waste (\$/Gallon)	\$0.049
<b>Industrial Wastewater Charges</b>	
Discharge Flow (\$/MG)	\$1,094.00
Biochemical Oxygen Demand Charge (\$/1000 Lbs.)	\$438.00
Suspended Solids Charge (\$/1000 Lbs.)	\$778.00

Rate charged on water consumed through the meter.