

Correct Version presented  
to council and adopted on  
10-24-17

**ORDINANCE ADOPTING CAPACITY CHARGES AND FEES  
PERTAINING TO WATER SERVICE**

The City Council of the City of San Bruno does ordain as follows:

**Section 1.** The City Council of the City of San Bruno finds:

A. That increases in capacity charges for water service are necessary because of deteriorating infrastructure and facilities; increasing county, state and federal regulatory controls; and other increasing costs including labor, supplies and equipment;

B. That proposed charge increases for water service were discussed at a public hearing held on October 10, 2017;

C. Article XI, Section 7 of the California Constitution, Government Code Section 54354.5, and San Bruno Municipal Code Chapter 10.14 (Water) empowers the City of San Bruno, by and through its City Council, to prescribe, revise and collect fees, tolls, rates, rentals or other charges in connection with the water system within the City of San Bruno.

D. That the City Council finds pursuant to Title 14 of the California Code of Regulations, Section 15273, this ordinance is statutorily exempt from the requirements of the California Environment Quality Act (CEQA) in that it deals with the establishment of rates and fees.

E. That the purposes of the charges are to recover costs for existing and future water system facilities and assets benefiting new and expanded connections to the water system.

**Section 2.** The following charges and fees shall be applicable to use of the water supply and distribution system of the City of San Bruno in accordance with Chapter 10.14 (Water) of the San Bruno Municipal Code. Said charges and fees shall be effective on November 23, 2017, or as soon as practical thereafter.

**I. Capacity Charges.**

Capacity charges to reimburse existing rate payers for their prior investment in the facilities that provide available capacity for new connections or upgraded water meter sizes shall be one-time charges based on the number of dwelling units, or size of water meter to be connected, as reflected in the tables herein. Size of meter shall be determined by the Public Works Director. In the event that the City of San Bruno is requested to install a new or upgraded water meter, cost of labor and materials shall be charged in addition to the capacity charge. The following capacity charge for all new connections or upgraded water meter sizes shall be payable with the filing of any final map or parcel map, or prior to water meter connection for an existing parcel:

**Residential Water Capacity Charges  
Capacity charge per residential dwelling unit**

Single Family or Duplex	\$ 6,440
Multi-Family (3 or more dwelling units)	\$ 4,186

**Non-Residential Water Capacity Charges  
Capacity Charge based on water meter size**

<u>Meter Size:</u>	
3/4-inch	\$ 6,440
1-inch	\$ 10,723
1-1/2-inch	\$ 21,478
2-inch	\$ 34,359
3-inch	\$ 64,402
4-inch	\$107,326
6-inch	\$214,685
8-inch	\$343,490

**II. Service Charges, Fines, and Penalties.**

**A. Service Charges.**

Service charges for engineering design and service location, security deposits, new accounts/transfers, returned checks, special permits (hydrants, irrigation, etc.), turn-on/turn-off for new services, special and final water meter readings, special appointments and inspections, meter size changes, installation of special or remote meter reading devices, meter clean-out or dig-up, tapping, service connection or cross-connection inspections, construction water meter deposits, and miscellaneous work, shall be fixed by Resolution adopted by the City Council.

**B. Fines and Penalties.**

1. Unauthorized water use, illegal turn-ons and open meter bypass, illegal connection - \$750.00  
Additional occurrence - \$250
2. Delinquent account-\$10.00 or 10% of unpaid balance, whichever is greater (For residential customers billed bimonthly, first payment is delinquent after 21 days, second payment is delinquent after 41 days. For all other customers, payment is delinquent after 30 days.)
3. Turn-on/turn-off for late payment - \$90.00 per occurrence.

**III. Adjustments**

The charges described in this ordinance shall be automatically adjusted annually to reflect the change in the Engineering News-Record Construction Cost Index (20-Cities Average). The City Council may implement a multi-year adjustment if any scheduled annual adjustments are deferred.

**Section 3.** Upon the effective date of this ordinance, Ordinance No. 1650, adopted by the City Council on October 23, 2001, shall be repealed.

**Section 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, causes or phrases be declared invalid or unconstitutional.

**Section 5.** This Ordinance shall be published according to law and become effective thirty (30) days from and after its adoption.

This ordinance was introduced on October 10, 2017 and adopted at a regular meeting of the San Bruno City Council on October 24, 2017.

However in a clerical error the signatures were affixed to the incorrect ordinance so are therefore now a separate attachment.

ORDINANCE NO. 1858

This document serves as an attachment with the signatures for Ordinance 1858

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO ADOPTING WATER RATES AND SERVICE CHARGES

The City Council of the City of San Bruno does ordain as follows:

Section 1. The City Council of the City of San Bruno finds:

A. That California Health and Safety Code Section 5471 and San Bruno Municipal Code Chapter 10.14 (Water) empower the City of San Bruno, by and through its City Council, to prescribe, revise and collect fees, tolls, rates, rentals or other charges for the availability, provision and connection of water service within the city limits of the City of San Bruno;

B. Article XI, Section 7 of the California Constitution and Government Code Section 54354.5 empowers the City of San Bruno, by and through its City Council, to prescribe, revise and collect fees, tolls, rates, rentals or other charges in connection with garbage and refuse collection within the City of San Bruno.

C. Notice of the rates established herein was given pursuant to Article XIII D, Section 6 (Proposition 218), a public hearing was held at which protests were tabulated and it was determined that a majority protest did not exist under Article XIII D, Section 6(a)(2), the City Council found that the rates meet the requirements of Article XIII D Section 6(b), and the low-income discount program is funded from late penalties and not from rates paid by other ratepayers.

D. That Chapter 10.14 (Water) of the San Bruno Municipal Code provides for amendment of rates, charges, fines and fees by the City Council from time to time;

E. That the City Council finds pursuant to Title 14 of the California Code of Regulations, Section 15273, that this ordinance is statutorily exempt from the requirements of the California Environment Quality Act (CEQA) in that it deals with the establishment of rates and fees;

F. That the purposes of the charges are to recover costs for existing and future water system facilities and assets benefiting new and expanded connections to the water system.

Section 2. The rate structure for water service shall consist of a monthly service charge based on size of water meter plus a quantity charge per unit (100 cubic meters of water) for all metered consumption of water.

I. Water Rate

The following monthly rates are hereby established and shall be effective for all water bills mailed from the City of San Bruno on or after July 1, 2017 and implemented effective July 1 of each subsequent fiscal year:

A. Monthly Service Charge

Table with 6 columns: Account Type, 2017/18, 2018/19, 2019/20, 2020/21, 2021/22. Rows include Single-Family Residential and All Other Accounts with various Meter Sizes (3/4", 1", 1-1/2", 2", 3", 4", 6", 8", 10").

B. Quantity Charges for each Hundred Cubic Feet (Unit) of Water						
i) Single-Family Residential Accounts						
0-10 units per						
two month billing period	\$7.78	\$8.17	\$8.58	\$9.01	\$9.46	
11-20 units per						
two month billing period	9.31	9.78	10.27	10.78	11.32	
Each unit in excess of						
20 units per billing period	12.38	13.00	13.65	14.33	15.05	
ii) All Other Accounts						
	\$8.73	\$9.17	\$9.63	\$10.11	\$10.62	

**II. Reduction in Service Billing**

Water customers meeting the definition of low income shall receive a reduction in their service billing in accordance with program guidelines as determined by City Council resolution. Program implementation shall be by administrative policy and procedure.

**III. Adjustments**

The charges described in this ordinance shall be automatically adjusted annually to reflect the change in the Engineering News-Record Construction Cost Index (20-Cities Average). The City Council may implement a multi-year adjustment if any scheduled annual adjustments are deferred.


**Section 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, causes or phrases be declared invalid or unconstitutional.


**Section 4.** Upon the effective date of this ordinance, all previous ordinances adopted by the City Council setting rates and service charges for water service shall be repealed.

**Section 5.** This Ordinance shall be published according to law and become effective thirty (30) days from and after its adoption.

ATTEST:

  
 Carol Bonner, City Clerk

  
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 Jim Ruane, Mayor

APPROVED AS TO FORM:  
  
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 Marc Zafferano, City Attorney

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I hereby certify that foregoing **Ordinance No. 1858** was introduced at a regular meeting of the San Bruno City Council on October 10, 2017, and adopted by the San Bruno City Council at a regular meeting on October 24, 2017, by the following vote:

- AYES: Councilmembers: Ibarra, M. Medina, R. Medina, O'Connell, Mayor Ruane
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

  
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 Carol Bonner, City Clerk