

RESOLUTION NO. 19-XXX

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
ESTABLISHING MONTHLY SEWER SERVICE CHARGES AND
SEWER RATE SCHEDULE S-19**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Section 13.10.090, entitled "Rates – Users Within the City", of "The Code of the City of Santa Clara" ("SCCC"), provides that the City Council may by resolution establish and amend the monthly sewer service charges;

WHEREAS, Article XIII D of the California Constitution requires that utility customers be given a minimum of 45 days notice of any proposed rate increase;

WHEREAS, notice of a Public Hearing to be held on May 21, 2019 was mailed to utility customers on April 4, 2019, which is more than 45 days prior to the Public Hearing;

WHEREAS, the notice was sent to 25,758 utility customers;

WHEREAS, the Council has reviewed the Sewer Rate Schedule S-19 (attached) and incorporated into this Resolution by reference;

WHEREAS, the amounts shown on the Schedule S-19 reflect the actual costs to provide utility services; and,

WHEREAS, on May 21, 2019, the Council conducted a Public Hearing, at which it reviewed all protests regarding the proposed rate increases.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That based on a tabulation of all protests received prior to the close of the Public Hearing, _____ protests were received, which do not constitute a majority of affected utility customers.
2. That, In accordance with Article XIID § 6 of the California Constitution and as set forth in the accompanying Agenda Report, incorporated herein by this reference:

A. The revenues derived from the Sewer Rates, as stated in the attached Schedule S-19, do not exceed the funds required to cover the operating and capital improvement project expenses for the provision of sewer services;

B. The revenues derived from the Sewer Rates will not be used for any purpose other than the provision of sewer services and related capital improvement projects;

C. The Sewer Rates will not exceed the proportional cost of the service attributable to each customer class;

D. The Sewer Rates are only charged for sewer programs that are currently available;

E. The Sewer Rates are not charged for general governmental services.

3. That Sewer Rate Schedule S-19, attached to this Resolution and incorporated by this reference, are hereby adopted and shall be effective per Section 4 of this Resolution.

4. All previously adopted sewer rate schedules, to the extent that they are inconsistent with those contained herein, are superseded by those charges provided for hereinabove as follows: Commencing with the billing cycle for sewer service provided on or after July 1, 2019, and each subsequent billing cycle thereafter as set forth in Sewer Rate Schedule S-19.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED
AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING
THEREOF HELD ON THE 21st DAY OF MAY, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Sewer Rate Schedule S-19

SCHEDULE S-19
MONTHLY SEWER SERVICE CHARGES
EFFECTIVE JULY1, 2019
REPLACES SCHEDULE S-18

A. Residential Users:

Single Family dwelling units including accessory dwellings: \$44.07 per month

Multiple dwelling unit structures including, but not limited to, duplexes, retirement homes, mobile home courts, college dormitories, and apartments: \$44.07 per month per dwelling unit

B. Miscellaneous Users:

For all users other than residential users and major commercial and industrial users, the monthly service charges per month shall be as follows, depending on the appropriate North American Industrial Classification System (NAICS) class:

NAICS CLASS	DESCRIPTION	SERVICE CHARGE \$/HCF ¹	SEWAGE VOLUME AS A PERCENTAGE OF METERED WATER USE
111998, 311XXX, 3121XX	Food and Kindred Products	\$12.91	70%
322:XXX	Paper	\$11.05	80%
211112, 325:XXX	Industrial Chemical	\$9.15	90%
332812, 332813	Metal Plating	\$3.98	90%
332XXX, 333:XXX, 3341 IX, (excepting 332812, 332813, 333314)	Machinery Manufacturers	\$7.59	90%
334XXX, 335XXX, 33632X (excepting 33451X, 33411X, 334611)	Electric & Electronic Equip.	\$4.94	90%
4411XX, 4412XX, 4471XX	Auto Dealers & Service Station	\$5.97	90%
722110, 722410	Restaurants	\$13.27	90%
721XXX	Motels & Hotels	\$6.54	90%
561740, 811490, 8123XX	Laundries	\$5.56	90%
561990	Industrial Water Treatment	\$3.62	90%

¹ References the volume of sewage discharged. HCF=one hundred cubic feet=748 gallons

8111XX, 812930	Repair Shops & Car Washes	\$5.10	90%
713:XXX	Amusement Parks	\$5.92	90%
621:XXX, 622XXX, 623:XXX	Hospitals & Convalescent Homes	\$6.17	90%
611:XXX	Schools & Colleges	\$5.77	24%
8131XX	Churches	\$5.27	35%
Commercial/Industrial/Miscellaneous not otherwise specified in this schedule of charges		\$5.32	90%

In no case shall the minimum charge be less than \$44.07 per month.

C. Major Commercial and Industrial Users are those having (1) a sewage discharge of at least 25,000 gallons per day, or (2) having a daily discharge which is intermittent or irregular in strength, amount or nature. Major Commercial and Industrial Users shall have monthly sewer charges, which may consist of any or all of the following charges:

Annual Capital Cost Recovery:

Volume: \$1,138,880 per million gallons per day of flow capacity
 BOD²: \$94,070 per 1,000 pounds per day of BOD removal capacity
 SS³: \$53,421 per 1,000 pounds per day of SS removal capacity
 NH₃⁴: \$349,107 per 1,000 pounds per day of NH₃ removal capacity

Operating and Maintenance Cost Recovery:

Volume: \$2,373.21 per million gallons
 BOD: \$370.42 per 1,000 pounds
 SS: \$520.88 per 1,000 pounds
 NH₃: \$4,438.06 per 1,000 pounds

² Biochemical Oxygen Demand: This is the quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory conditions for 5 days at a temperature of 20 degrees Centigrade. The determination of the charge for BOD is as follows: BOD in parts per million x 8.34 x volume in million gallons = pounds of BOD.

³ Suspended Solids – That which either floats on the surface or is in suspension in sewage and which is determined by laboratory filtering. The determination of the charge for Suspended Solids is as follows: SS in parts per million x 8.34 x volume in million gallons = pounds of Suspended Solids

⁴ Ammonia is that form of nitrogen in the tri-negative oxidation state which is chemically definable as the compound NH₃. The determination of the charge for Ammonia is as follows: NH₃ in parts per million x 8.34 x volume in million gallons = pounds of Ammonia.

The volume of sewage shall be based upon a fixed percentage of water usage noted, or based on standard methods acceptable to the Director.

The City may require the installation of special metering and sampling devices whenever the Director deems that such devices are required to determine the volume and/or strength of the sewage discharge. A customer may also request the installation of a special metering device. Whenever special metering devices are installed, they shall be devices approved by the Director, and the cost of furnishing and installing said devices shall be borne by the customer.