## **RESOLUTION NO. 10-7736**

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, PURSUANT TO SECTION 13.10.090 (ENTITLED "RATES- USERS WITHIN CITY") OF THE "CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" ESTABLISHING MONTHLY SEWER CHARGES

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

WHEREAS, Section 13.10.090 of "The Code of the City of Santa Clara" (SCCC") provides that the City Council may by resolution establish 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 was mailed to utility customers on April 9, 2010, at least 45 days prior to the Public Hearing;

WHEREAS, the notice was sent to 26,504 utility customers;

**WHEREAS**, the City Council has reviewed the Schedule S-10 attached and incorporated into this Resolution by reference;

WHEREAS, the amounts shown on Schedule S-10 reflect the actual costs to provide utility services; and

**WHEREAS**, the City Council has 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, 26 protests were received which do not constitute a majority of affected utility customers.

Resolution Schedule S-10 Form Rev. 06/20/08; Typed: May 10, 2010 2. That Schedule S-10 attached to this Resolution and incorporated by this reference, is herby adopted and shall be effective per Section 4 of this Resolution.

3. <u>Constitutionality, severability.</u> If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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4. Effective date. All previously adopted monthly sewer service charges, to the extent that they are inconsistent with those contained herein, are superseded by those charges as set forth in Schedule S-10 beginning on July 1, 2010, and for all subsequent billing cycles.

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 25<sup>th</sup> DAY OF MAY, 2010, BY THE FOLLOWING VOTE:

AYES:

COUNCILORS:

Kennedy, Kornder, Matthews, McLeod and Moore

and Mayor Mahan

NOES:

COUNCILORS:

Caserta

ABSENT:

COUNCILORS:

None

ABSTAINED:

COUNCILORS:

None

ATTEST: Amazima

CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Schedule S-10

Resolution Schedule S-10 Form Rev. 06/20/08; Typed: May 10, 2010

# SCHEDULE S-10 MONTHLY SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2010

### A. Residential Users:

Single family dwelling units (including single family dwellings with accessory units): \$19.40 per month

Multiple dwelling structures including, but not limited to, duplexes, retirement homes, mobile home courts, college dormitories and high-rise apartment, etc. per dwelling unit: \$19.40 per month

#### **B.** Miscellaneous Users:

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

		SEWAGE VOLUME AS A
	SERVICE	PERCENTAGE
	CHARGE	OF METERED
DESCRIPTION	\$/HCF <sub>1</sub>	WATER USE
Food and Kindred Products	\$4.88	70%
Paper	\$5.15	80%
Industrial Chemical	\$3.70	90%
Metal Plating	\$1.81	90%
Machinery Manufacturers	\$3.26	90%
Electric & Electronic Equip.	\$1.94	90%
Auto Dealers & Service Station	\$2.53	90%
Restaurants	\$4.91	90%
Motels & Hotels	\$2.49	90%
Laundries	\$2.18	90%
Industrial Water Treatment	\$1.69	90%
Repair Shops & Car Washes	\$2.52	90%
Amusement Parks	\$2.61	90%
Hospitals & Convalescent Homes	\$2.38	90%
Schools & Colleges	\$2.56	24%
Churches	\$2.43	35%
llaneous not otherwise specified in	\$2.19	90%
	Food and Kindred Products Paper Industrial Chemical Metal Plating Machinery Manufacturers  Electric & Electronic Equip.  Auto Dealers & Service Station Restaurants Motels & Hotels Laundries Industrial Water Treatment Repair Shops & Car Washes Amusement Parks  Hospitals & Convalescent Homes Schools & Colleges Churches	DESCRIPTION \$/HCF1 Food and Kindred Products \$4.88 Paper \$5.15 Industrial Chemical \$3.70 Metal Plating \$1.81  Machinery Manufacturers \$3.26  Machinery Manufacturers \$1.94  Electric & Electronic Equip.  Auto Dealers & Service Station \$2.53 Restaurants \$4.91  Motels & Hotels \$2.49  Laundries \$2.18 Industrial Water Treatment \$1.69  Repair Shops & Car Washes \$2.52  Amusement Parks \$2.61  Hospitals & Convalescent Homes  Schools & Colleges \$2.56  Churches \$2.43

HCF is the volume of sewage measured in hundred cubic feet, equal to 748 gallons

In no case shall the minimum charge be less than \$19.40 per month.

The volume of sewage shall be based upon a fixed percentage of water usage as noted, or based on standard methods acceptable to the Director of Water & Sewer Utilities (hereinafter "Director").

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

# Annual Capital Cost Recovery:

Volume: \$407,329 per million gallons per day of flow capacity

BOD: \$25,110 per 1,000 lbs. per day of B.O.D. removal capacity<sub>2</sub> SS: \$22,995 per 1,000 lbs. per day of S.S. removal capacity<sub>3</sub> NH<sub>3</sub>: \$109,523 per 1,000 lbs. per day of NH3 removal capacity<sub>4</sub>

Operating and Maintenance Cost Recovery:

Volume: \$2,078.67 per million gallons.

BOD: \$ 230.93 per 1,000 lbs.<sub>2</sub> SS: \$ 347.53 per 1,000 lbs.<sub>3</sub> NH<sub>3</sub>: \$1,639.74 per 1,000 lbs.<sub>4</sub>

**D.** All classes of user shall be charged \$3.11 per year for infiltration/inflow, which is already included in the rates shown under Tables A and B.

The volume of sewage shall be based upon a fixed percentage of water usage as 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. A customer may also request the installation of a special metering device. Whenever

<sup>&</sup>lt;sup>2</sup> BOD, Biochemical Oxygen Demand, 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.

<sup>&</sup>lt;sup>3</sup> SS, Suspended Solids, is 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.

<sup>&</sup>lt;sup>4</sup> NH<sub>3</sub>, Ammonia, is that form of nitrogen in the tri-negative oxidation state, which is chemically definable as the compound NH<sub>3</sub>. The determination of the charge for Ammonia is as follows: NH<sub>3</sub> in parts per million x 8.34 x volume in million gallons = pounds of Ammonia.

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.		