

**CITY OF SAN MATEO
ORDINANCE NO. 2018 - 1**

**ESTABLISHING THE SEWER SERVICE CHARGE FOR FISCAL YEARS 2018-2019
THROUGH 2022-2023 AND AMENDING CHAPTER 3.54 OF THE SAN MATEO MUNICIPAL
CODE**

WHEREAS, the procedures set forth in Article XIID § 6 of the California State Constitution (Proposition 218) for property-related fees apply to sewer service charge increases; and

WHEREAS, the City is following the procedure set forth in Article XIID § 6 for this Sewer Service Charge increase; and

WHEREAS, notice of the proposed Sewer Service Charge increase was mailed to ratepayers and property owners on January 11 and 12, 2018, 53 and 52 days respectively prior to the scheduled public hearing on the proposed increase; and

WHEREAS, a public hearing regarding the proposed Sewer Service Charge is scheduled for March 5, 2018, at 7:00 p.m. in the San Mateo City Hall Council Chambers, located at 330 West 20th Avenue, San Mateo, at which all protests against the rate increase and other comments will be considered; and

WHEREAS, in accordance with Article XIID § 6 of the California Constitution, the Council finds that:

- a. The revenues derived from the Sewer Service Charge do not exceed the funds required to provide sewer service because the rate increase is needed to fund ongoing sewer system and wastewater treatment plant operation and maintenance and meet capital expenditures,
- b. The revenues derived from the Sewer Service Charge will not be used for any purpose other than the provision of sewer and wastewater treatment service,
- c. The Sewer Service Charge will not exceed the cost of sewer and wastewater treatment service attributable to each parcel,
- d. The Sewer Service Charge is only charged for sewer and wastewater treatment service that is actually used by or currently available to the parcel in question,
- e. The Sewer Service Charge pays for the provision of sewer and wastewater treatment service and not for general governmental services; and

WHEREAS, San Mateo Municipal Code section 3.54.030 provides the Council shall establish the annual Sewer Service Charge by ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, ORDAINS THAT:

Section 1. Chapter 3.54 of the Municipal Code is hereby amended as follows:

Chapter 3.54

SEWER SERVICE CHARGES AND CONNECTION CHARGES

Sections:

- 3.54.010 Purpose; Administration.
- 3.54.020 Definitions.
- 3.54.030 Sewer service charges.
- 3.54.040 Collection of charges.
- 3.54.050 Lien for charges.
- 3.54.060 Sewer connection charge.
- 3.54.070 Sewer service fund.
- 3.54.080 South Trunk Sewer Area impact fee.

3.54.010 PURPOSE; ADMINISTRATION.

The purpose and intent of this chapter is to provide for sewer service charges and connection charges to be imposed upon the owner(s) of every parcel of land within the City served by the City's sanitary sewer system and wastewater treatment plant.

This chapter shall be interpreted and administered in accordance with the provisions of Article XIID of the Constitution of the State of California and sections 53750 through 53758 of the Government Code.

The Director of Public Works is authorized to administer and enforce the provisions of this chapter and shall adopt regulations necessary to effectuate such authority.

3.54.020 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

- (a) "Commercial" means all uses other than residential.
- (b) "Connection" means each separate residential, lodging, or commercial and industrial, and institutional unit connected to an internal plumbing drainage system or external sewer lateral.
- (c) "Customer class" means or represents the structure or designation by which a user is classified based on industry standards for wastewater strength, as measured by biochemical oxygen demand (BOD) and suspended solids (SS). There are five customer classes, one for residential and four for commercial customers. Customer classes are further defined as shown below.

(1) Class A – Standard Strength. All residential users including, but not limited to, single-family dwelling units, duplex units, and multi-family dwelling units.

(2) Class B – Standard Strength. Commercial users, including, but not limited to, offices, retail establishments, hotel and motels without restaurants, mixed uses (high strength comprises < 25% of flow).

(3) Class C – Moderate Strength. Commercial users, including, but not limited to, hotels and motels with restaurants, industrial laundries, mixed use (high strength comprises 25% to 75% of flow), supermarkets with food preparation, bakeries, meat or seafood counters.

(4) Class D – High Strength. Commercial users, including, but not limited to, restaurants, wholesale bakeries, mortuaries, mixed use (high strength comprises > 75% of flow).

(5) Class E – Special. Commercial users that may require a determination on a case by case

basis as prescribed by Section 3.54.030(e).

(d) "Director of Public Works" means Director of Public Works or designee.

(e) "Fixture unit" means a unit of measurement for computing waste flow volumes for each plumbing fixture as set forth in the Uniform Plumbing Code as then adopted by the City in Title 23 of this code.

(f) "Institutional" means uses by churches, clubs, hospitals, lodges, community care facilities, schools, and public buildings, whether privately or publicly owned, and whether profit or nonprofit in operation. Such entities shall be considered commercial.

(g) "Residential" means a place designed or used for residence or dwelling, whether permanent or temporary in nature. Residential does not include hotels or motels.

(h) "Restaurant" means restaurant, fast-food, and drive-in establishments, as defined in the Zoning Code.

(i) "User" means any person or persons, a legal entity, or a business, commercial or manufacturing enterprise, which uses the sewer system and disposal facilities of the City in any manner, and whether a property owner or tenant.

3.54.030 SEWER SERVICE CHARGES.

The Council shall, by ordinance, establish the sewer service charge, to be imposed on the owner(s) of every parcel of land within the City served by the City's sanitary sewer system and wastewater treatment plant. The sewer service charges shall be based on customer class. For governmental entities, or other users whose operations have unusual or unique circumstances related to the return of water to the sewer system, the City may enter into a contract to provide sewer service at a charge different from that calculated based on customer class. Such a contract shall be subject to approval by the Director of Public Works and may be proposed at any time.

3.54.040 COLLECTION OF CHARGES.

The sewer service charges provided for in this chapter shall be collected on tax rolls in the same manner and by the same persons and at the same time as, together with and not separately from, City general property taxes as provided in Chapter 3.38. Irrigation meters shall be exempt from the sewer service charge. In addition, the City may, by agreement, provide that individual charges for specified parcels shall be collected apart from the tax roll when unusual circumstances warrant such a collection process.

3.54.050 LIEN FOR CHARGES.

The amount of the sewer service charge shall constitute a lien against the parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of the levy. Thereafter, unless otherwise provided by agreement pursuant to Section 3.54.040, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes on the property, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

3.54.060 SEWER CONNECTION CHARGES.

Before making a connection to the sanitary sewer system, a permit shall be obtained from the Building Official. No connection permit shall be issued except upon payment of the applicable sewer connection charge. The sewer connection charge shall be established by resolution of the City Council.

3.54.070 SEWER SERVICE FUND.

There is established the "Sewer Service Fund" to which the Finance Director shall transfer all sewer service charges and connection charges collected. This fund shall only be used for the costs associated with providing sanitary sewer and wastewater treatment service, including construction, reconstruction,

maintenance, operation, and direct and indirect financing costs, and for accumulation of a depreciation reserve fund for such purposes in an amount as the Council may determine is appropriate.

3.54.080 SOUTH TRUNK SEWER AREA IMPACT FEE.

(a) As of March 1, 2008, there is hereby imposed on all development, whether new development or redevelopment, in the South Trunk Sewer Area (generally that area extending south from the Dale Avenue Pump Station utility corridor parallel to Highway 101, and upstream in or parallel to East 16th Avenue, South Delaware Street through the Bay Meadows area, and Railroad Avenue and South El Camino Real, and extending up Borel Avenue, West Hillsdale Boulevard, and Saratoga Drive but excluding Bay Meadows Phase I and Phase II) a sewer area development impact fee for each type of sewer connection.

(b) The impact fee shall be collected at the same time the sewer connection charge imposed under this chapter is collected and shall be placed in the sewer service fund established pursuant to this chapter.

(c) The amount of impact fee charged shall be established by resolution of the City Council and based upon dwelling unit equivalents as follows:

Dwelling Unit Equivalents

Development Type	Unit	EDUs
Single-family dwelling	Dwelling unit	1
Multi-family dwelling, 1 bedroom	Dwelling unit	0.5
Multi-family dwelling, 2 bedroom	Dwelling unit	0.75
Multi-family dwelling, 3 bedroom	Dwelling unit	1
Hotels or motels	Room	0.5
Nonresidential	Fixture unit	0.05

Section 2. Under San Mateo Municipal Code section 3.54.030, the sewer service charge for fiscal years 2018-2019 through 2022-2023 is established as follows:

City of San Mateo Sewer Service Rates FY 2018-19 Through 2022-23

	Effective Date				
	July 1 2018	July 1 2019	July 1 2020	July 1 2021	July 1 2022
Residential					
Fixed Monthly Charge (Charge per dwelling unit)	\$36.59	\$41.80	\$47.34	\$53.59	\$60.14
Sewer Usage Charge (Rate per hundred cubic feet (\$/CCF) of annualized average monthly winter water use)					
Class A Residential	\$7.15	\$8.18	\$9.27	\$10.51	\$11.80
Commercial					
Sewer Usage Charge (Rate per hundred cubic feet (\$/CCF) of annualized average monthly winter water use)					
Class B Standard Strength	\$14.19	\$16.26	\$18.47	\$20.97	\$23.60
Class C Moderate Strength	20.48	22.92	25.43	28.20	31.00
Class D High Strength	30.35	33.22	36.04	39.09	42.04
Class E	A limited number of accounts are billed on a case-by-case basis based on sewer rates in effect.				
Minimum Monthly Charge (Commercial bills are subject to the minimum monthly charge)	\$36.59	\$41.80	\$47.34	\$53.59	\$60.14

Section 3. Environmental Determination. In accordance with California Environmental Quality Act guidelines section 15378(b)(4), introduction and adoption of this Ordinance is not a project subject to CEQA because the establishing the annual sewer service charge is a funding mechanism only and does

not commit the City to any specific project which may result in a potentially significant physical impact on the environment.

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

Section 5. As required by the County of San Mateo, the City Council authorizes collection of the Sewer Service Charge, which shall be billed on the real property tax rolls for Fiscal Years 2018-2019 through 2022-2023, with the actual total to be updated for the County rolls after the calculation process is completed each year.

Section 6. Publication. This ordinance shall be published in summary in the San Francisco Examiner, posted in the City Clerk's Office, and posted on the City's website, all in accordance with Section 2.15 of the City Charter.

Section 7. Legislative History and Effective Date. This ordinance was introduced on February 20, 2018, and adopted on March 5, 2018, and shall be effective on the commencement of the thirty-first day after its adoption.

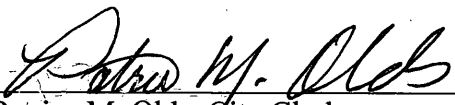
The foregoing ordinance was adopted by the City Council of the City of San Mateo, State of California by the following vote:

AYES: Council Members Bonilla, Papan, Freschet, Goethals and Rodriguez

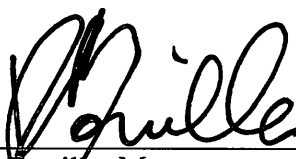
NOES: None

ABSENT: None

ATTEST:



Patrice M. Olds, City Clerk



Rick Bonilla, Mayor