


CITY ATTORNEY**ORDINANCE No. 11322 C. M. S.****AN ORDINANCE AMENDING PORTIONS OF ARTICLE 7,
CHAPTER 6 OF THE OAKLAND MUNICIPAL CODE
INCREASING THE SEWER SERVICE CHARGE**

WHEREAS, the City was ordered by the United States Environmental Protection Agency and the Bay Area Regional Water Quality Control Board to eliminate wet weather overflows from public sanitary sewers; and

WHEREAS, the City has prepared a Compliance Plan to eliminate these overflows; and

WHEREAS, such Compliance Plan involves large expenditures of public funds; and

WHEREAS, the Council of the City of Oakland on June 23, 1987, previously approved in Ordinance No. 10877 C.M.S., a negative declaration for the sanitary sewer inflow/infiltration (I/I) rehabilitation program; and

WHEREAS, the City Council finds and determines that the requirements of the California Environmental Quality Act (CEQA) of 1970, the Guidelines as prescribed by the Secretary for Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and this action on the part of the City Council does not constitute a project under CEQA pursuant to California Public Resources Code section 21080(6)(8); or in the alternative, that if this Ordinance is a project subject to CEQA that the Council has determined with certainty that no possibility exists that this Ordinance may produce significant environmental effects;

The Council of the City of Oakland does ordain as follows:

SECTION I:

SECTION 6-7.02 IMPOSITION OF SEWER SERVICE CHARGE IS AMENDED AS FOLLOWS:

SEC. 6-7.02 IMPOSITION OF SEWER SERVICE CHARGE. Every party in whose name sewage disposal service of the East Bay Municipal Utility District (District) is granted shall pay a charge for billing periods that begin on or after June 1, 1991, as herein provided for the use of sewer facilities owned and operated by the City.

(a) A monthly charge of Nine Dollars and Thirty-Six Cents (\$9.36) is hereby established and assessed for the use of sewer facilities for every single-family residence as defined by the District's Business Classification Code 8800, Private Residence.

(b) For multiple-family dwellings, as defined by the District's Business Classification Code 6514, Multiple Dwelling, the following monthly charges are hereby established and assessed for the use of sewer facilities:

Duplexes:	Ten Dollars and Fifty Cents (\$10.50) per month
Triplexes:	Fifteen Dollars and Seventy-Five Cents (\$15.75) per month
Fourplexes:	Twenty-One Dollars (\$21.00) per month

(c) For residential premises not included in (a) or (b) above, a charge based upon the cubic feet of water used on the premises will be made for the use of sewer facilities, which charge shall be computed and levied as follows:

Sixty-Four Cents (\$0.64) per 100 cubic feet per month.

In no case shall the total monthly charge be less than Nine Dollars and Thirty-Six Cents (\$9.36).

(d) For premises in the District's "Commercial," "Industrial," and "Public Authority" business certifications, a charge based on cubic feet of water used upon the premises will be made for the use of sewer facilities, which charge shall be computed and levied as specified below:

Industrial Accounts:	Fifty-Eight Cents (\$0.58) per 100 cubic feet per month
Commercial Accounts:	Sixty-Four Cents (\$0.64) per 100 cubic feet per month
Restaurants/Hotels:	Sixty-Seven Cents (\$0.67) per 100 cubic feet per month
Hospitals:	Seventy-One Cents (\$0.71) per 100 cubic feet per month
Laundromats/Carwashes:	Seventy-Five Cents (\$0.75) per 100 cubic feet per month

In no case shall the total monthly charge be less than Nine Dollars and Thirty-Six Cents (\$9.36). Attachment A, attached hereto and made part hereof, details the rate charged each of the District's 88 Business Classification Codes (BCC).

(e) For premises with a sewage meter for measuring actual sewage flow from such premises, a charge based on cubic feet of measured sewage flow from the premises, and applicable to all buildings for water consumption cycles commencing on and after June 1, 1991, will be made for the use of sewer facilities, which charge shall be computed and levied as follows:

Seventy-Eight Cents (\$0.78) per 100 cubic feet of sewage flow per month.

In no case shall the total monthly charge be less than Nine Dollars and Thirty-Six Cents (\$9.36).

(f) The sewer service charges established and assessed in sub-paragraphs (c) and (d) shall be applicable to premises where no meter is installed or available in said premises for measuring the volume of sewage from such premises into sewers. The sewer service charge for these premises shall be based upon the total amount of water used from all sources, as ascertained by the District, for sewage disposal service charges imposed by such District within the City.

(g) The sewer service charge established and assessed in sub-paragraph (e) shall be applicable to premises where a portion of the water received from any source does not flow into sewers because of manufacturing or removal by other means and a meter is installed or available in said premises for measuring the volume of sewage from such premises into sewers. The sewer service charge for these premises shall be based upon the volume of sewage discharging from such premises into the sewers, as ascertained by the District for sewage disposal service charges imposed by the District within the City.

(h) The charges established and assessed in sub-paragraphs (a), (b), (c), (d) and (e) shall become due and payable on receipt of bill therefore. Such charges shall be paid directly to the City or to the District, as directed upon the bill.

SECTION II:

Oakland Municipal Code Section 6-7.01(e) is hereby deleted.

SECTION III:

The City Council makes the following findings in support of adoption of this Ordinance, as required by California Public Resources Code Section 21080(b)(8):

The sewer rate increases are for the purposes of:

- a) Obtaining funds for capital improvements necessary to maintain services within the existing service areas in order to comply with the California Regional Water Quality Control Board's Order No. 84-67 ("Compliance Plan"), and
- b) Meeting operating expenses of the Compliance Plan, and
- c) Purchasing or leasing supplies, materials and equipment of the Compliance Plan.

SECTION IV:

This Ordinance complies with the California Environmental Quality Act, and directs the Review Officer to file a Notice of Exemption with the Alameda County Clerk.

SECTION V:

This ordinance shall take effect June 1, 1991.

APR 30 1991

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19 _____

PASSED BY THE FOLLOWING VOTE:

AYES— BAZILE, CANNON, GIBSON HASKELL, MILEY, ~~MOORE~~, OGAWA, RILES, SPEES, and PRESIDENT HARRIS , - 8

NOES— NONE

ABSENT— MOORE, - 1

ABSTENTION— NONE


 ALFEST
 ARRECE JAMESON

City Clerk and Clerk of the Council
 of the City of Oakland, California

ATTACHMENT A
VOLUME RATES BASED UPON WATER CONSUMPTION
EFFECTIVE JUNE 1, 1991

¹ BCC#	ACCOUNT TYPE	RATE ² /ccft	BCC#	ACCOUNT TYPE	RATE /ccft
0100	Agriculture	\$0.58	3900	Miscellaneous Mfg.	\$0.58
0700	Veterinarian Services	\$0.64	4000	Railroad Transportation	\$0.58
1200	Mining and Quarrying	\$0.58	4100	Local & Suburban Transit	\$0.58
1500	Construction	\$0.58	4200	Warehousing	\$0.58
2010	Meat Products	\$0.58	4400	Water Transportation	\$0.58
2020	Dairy Product Processing	\$0.58	4500	Air Transportation	\$0.58
2030	Fruit & Vegetable Canning	\$0.58	4700	Transportation Services	\$0.58
2040	Grain Mills	\$0.58	4800	Electronic Communications	\$0.58
2050	Bakeries (including pastries)	\$0.58	4900	Electricity, Steam & Natural Gas	\$0.58
2051	Bakeries (bread only)	\$0.58	4950	Sanitary Collection & Disposal	\$0.58
2060	Sugar Processing	\$0.58	5000	Wholesale Trade	\$0.64
2070	Fats and Oils	\$0.58	5300	Retail Trade, Other	\$0.64
2077	Rendering Tallow	\$0.58	5400	Food Sales	\$0.64
2080	Beverage Mfg.	\$0.58	5540	Gasoline & Oil Dealers	\$0.64
2090	Specialty Food Mfg.	\$0.58	5811	Eating Places, Fast Food	\$0.67
2091	Seafood Processing	\$0.58	5812	Eating Places, Restaurants	\$0.67
2300	Textile Goods Mfg.	\$0.58	5813	Drinking Places, Bars, Clubs	\$0.67
2400	Lumber & Wood Products Mfg.	\$0.58	6500	Cemetaries	\$0.64
2500	Furniture	\$0.58	6513	Apartments (5 or more units)	\$0.64
2600	Pulp & Paper Products	\$0.58	6800	Offices	\$0.64
2700	Printing, Publishing	\$0.58	7000	Hotels/Motels with food	\$0.67
2810	Inorganic Chemicals Mfg.	\$0.58	7001	Hotels/Motels without food	\$0.67
2820	Synthetic Material Mfg.	\$0.58	7020	Boarding Houses	\$0.67
2830	Drugs Mfg.	\$0.58	7200	Personal Services	\$0.64
2840	Cleaning & Sanitation Products	\$0.58	7210	Commercial Laundries	\$0.75
2850	Paint Mfg.	\$0.58	7215	Coin-Operated Laundries	\$0.75
2860	Organic Chemical Mfg.	\$0.58	7216	Dry-Cleaning Plants	\$0.75
2870	Agricultural & Chemical Mfg.	\$0.58	7218	Industrial Laundries	\$0.75
2891	Adhesives & Gelatin Mfg.	\$0.58	7260	Crematories, Funeral Homes	\$0.64
2893	Ink & Pigment Mfg.	\$0.58	7300	Laboratories	\$0.64
2900	Petroleum Products Prod.	\$0.58	7342	Fumigating Services	\$0.64
3000	Rubber Products	\$0.58	7500	Auto Repair Services	\$0.64
3110	Leather Tanning	\$0.58	7539	Battery Services	\$0.64
3200	Earthenware Mfg.	\$0.58	7542	Auto Washing	\$0.75
3300	Primary Metals Mfg.	\$0.58	7600	Miscellaneous Repair Services	\$0.64
3400	Metal Products Fabrication	\$0.58	7699	Septic Tank Cleaning	\$0.64
3410	Drum & Barrels Mfg.	\$0.58	7900	Amusement Services	\$0.64
3470	Metal Finishing	\$0.58	7940	Equestrian Activities	\$0.64
3500	Machinery Mfg.	\$0.58	7950	Irrigation Use Only	exempt
3590	Machine Shop Jobbing/Repair	\$0.58	7990	Parks & Gardens	\$0.64
3600	Electrical Machinery Mfg.	\$0.58	8000	Health Services	\$0.64
3700	Transportation Equipment Mfg.	\$0.58	8060	Hospitals	\$0.71
3730	Shipbuilding	\$0.58	8200	Schools	\$0.64
3800	Precision Equipment Mfg.	\$0.58	8600	Non-Profit Organizations	\$0.64

¹ BCC# = District's Business Classification Code Number

² ccft = Hundred cubic feet