

RESOLUTION NO. 6438

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND DECLARING THE RESULT OF THE PROPOSITION 218 PROTEST COUNT FOR THE PROPOSED WATER RATE SCHEDULE AND ADOPTING REVISIONS TO AND ESTABLISHING A MULTI-YEAR SCHEDULE OF WATER AND RECYCLED WATER RATES AND CHARGES AND TEMPORARY (AS NEEDED) DEMAND MANAGEMENT SURCHARGE RATES.

Intent of the Parties and Finding

(i) The City of Upland supplies water to consumers along with ensuring water quality in accordance with State and Federal Drinking Water Standards; and

(ii) The City of Upland supplies recycled water to certain customers in accordance with Title 17 and 22 California Code of Regulations and Upland Municipal Code Chapter 13.22; and

(iii) Charge for use of the City water and recycled water is based on usage, measured through meters installed by the City, and size of supply line, and calculated based on existing rates ("Water Rates and Charges") as set by resolution of the City Council pursuant to Section 13.12.050 and 13.22.140 of the City of Upland; and

(iv) Section 13.12.050 and 13.22.140 of the City of Upland Municipal Code authorizes Water Rates and Charges and Recycled Water Rates and Charges to be adjusted from time to time by resolution of the City Council; and

(v) The City Council has included provisions to implement by separate resolution a Temporary (as needed) Demand Management Surcharge Rates to correct revenue shortfall due to a mandatory conservation water use reduction or due to reduced local water supply availability requiring a need to rely on more imported water supply to meet customer water demands; and

(vi) The City Council finds and determines that the cost of providing water to customers exceeds the Water Rates and Charges paid by customers based on the water rate study prepared on behalf of the City; and

(vii) The City Council finds and determines that the proposed revision to the Water Rates and Charges and Recycled Water Rates and Charges would not exceed the reasonable costs; and

(viii) Forty-five days prior to the public hearing, on or about January 22, 2018, notice of the public hearing was mailed to property owners and tenants in accordance with Article XIIIID Section 6 of the California Constitution; and

(ix) On March 12, 2018 the City Council continued the public hearing to April 23, 2018. On April 23, 2018, the City Council held a public hearing wherein written and oral testimony was presented regarding the proposed revision to the City's water rate schedule; and

(x) On the basis of the evidence presented prior to and at the public hearing, the City Council determined that the schedule for the Water and Recycled Water Rates shall be adjusted as set forth below; and

(xi) The number of protests received by the City at the end of the April 23, 2018 public hearing was 268. This number is substantially less than the majority protest required to prevent adoption of the proposed revision to Water Rates and Charges.

NOW, THEREFORE, the City Council hereby finds, determines and resolves as follows:

Section 1. All of the facts set forth in the recitals part of this Resolution, are true and correct and are incorporated herein by reference.

Section 2. Users of the City water and recycled water (water) are charged based on the number of water units of usage, measured in unit equivalent to one hundred cubic feet, and meter size of water supply line.

Section 3. The total bi-monthly water and recycled water usage charge shall be the sum of the commodity usage fee and the stand-by meter fixed-charge.

Section 4. Effective May 1, 2018, the City Water Rates, as specified in section 13.12.050 of the Upland Municipal Code, shall be as provided in attachment "A" hereto.

Section 5. The rates and charges set forth in attachment "A" will remain in effect until amended by subsequent resolution(s) of the City Council.

Section 6. The City Council finds that the California Environmental Quality Act of 1970, as amended, does not apply to the adoption of this Resolution, pursuant to Section 15273 of Article 18 of Chapter 3 of Title 14 of the California Code of Federal Regulations. The City Council expressly finds based on the evidence before it that the increase is for the purposes of:

- a. Meeting the operating expenses, including employee wage rates;
- b. Purchasing supplies, equipment and materials;
- c. Obtaining funds for capital projects necessary to maintain service; and
- d. Meeting the financial reserves.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have adopted this Resolution, and each section, subsection, sentence, clause, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 8. Certification. City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 23rd day of April, 2018.



Debbie Stone, Mayor

I, Jeannette Vagnozzi, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 23rd day of April, 2018, by the following vote:

AYES: Mayor Stone, Councilmembers Timm, Filippi, Robinson  
NOES: Elliott  
ABSENT: None  
ABSTAINED: None

ATTEST:

  
Jeannette Vagnozzi, City Clerk

## ATTACHMENT 'A'

<b>CITY OF UPLAND</b> <b>SCHEDULE OF WATER &amp; RECYCLED WATER</b> <b>RATES AND CHARGES</b>
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### WATER COMMODITY RATES (BI-MONTHLY)

#### Single Family Residential Rate

Usage Tier	Unit	Rate (effective 5/1/18)	Rate (effective 1/1/19)	Rate (effective 1/1/20)	Rate (effective 1/1/21)	Rate (effective 1/1/22)
0 - 20	per hcf *	1.76	1.91	2.07	2.18	2.24
21 -50	per hcf *	2.32	2.52	2.73	2.87	2.96
51+	per hcf *	2.78	3.01	3.26	3.43	3.54

#### Multi-Family Residential Rate

Usage	Unit	Rate (effective 5/1/18)	Rate (effective 1/1/19)	Rate (effective 1/1/20)	Rate (effective 1/1/21)	Rate (effective 1/1/22)
Multi-Family	per hcf *	\$ 2.17	\$ 2.34	\$ 2.54	\$ 2.67	\$ 2.76

#### Rates for Other Classes

Usage	Unit	Rate (effective 5/1/18)	Rate (effective 1/1/19)	Rate (effective 1/1/20)	Rate (effective 1/1/21)	Rate (effective 1/1/22)
Landscape <sup>(1)</sup>	per hcf *	\$ 2.39	\$ 2.58	\$ 2.81	\$ 2.95	\$ 3.05
Commercial	per hcf *	\$ 2.08	\$ 2.25	\$ 2.44	\$ 2.57	\$ 2.65
School	per hcf *	\$ 2.51	\$ 2.73	\$ 2.97	\$ 3.14	\$ 3.25
Government	per hcf *	\$ 2.64	\$ 2.85	\$ 3.09	\$ 3.24	\$ 3.34
Recycled	per hcf *	\$ 1.91	\$ 2.06	\$ 2.25	\$ 2.36	\$ 2.44

(\*) hcf = hundred cubic feet = 1 billing unit = 748 gallons

<sup>(1)</sup> Fire Hydrant Meter Rate

#### Fixed Charge (Bi-Monthly)

Meter Size	Rate (effective 5/1/18)	Rate (effective 1/1/19)	Rate (effective 1/1/20)	Rate (effective 1/1/21)	Rate (effective 1/1/22)
5/8"	\$ 46.90	\$ 52.25	\$ 57.85	\$ 60.80	\$ 62.75
3/4"	\$ 59.40	\$ 66.25	\$ 73.30	\$ 77.05	\$ 79.50
1"	\$ 84.45	\$ 94.15	\$ 104.20	\$ 109.60	\$ 113.00
1.5"	\$ 147.10	\$ 164.00	\$ 181.50	\$ 190.85	\$ 196.85
2"	\$ 222.25	\$ 247.80	\$ 274.20	\$ 288.40	\$ 297.45
3"	\$ 422.70	\$ 471.25	\$ 521.50	\$ 548.45	\$ 565.70
4"	\$ 648.20	\$ 722.65	\$ 799.75	\$ 841.05	\$ 867.45
6"	\$ 1,274.55	\$ 1,421.00	\$ 1,572.55	\$ 1,653.80	\$ 1,705.70
8"	\$ 2,026.20	\$ 2,259.00	\$ 2,499.95	\$ 2,629.10	\$ 2,711.65

**Temporary Demand Management Surcharge** - as required by Council, effective upon subsequent adoption of City Council Resolution and based on increased per unit cost of service.

		<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
Added Component to Usage Rate	per hcf	\$ 0.10	\$ 0.17	\$ 0.31