



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
December 04, 2012
7:00 PM**

*Times set forth for the agenda items are estimates.
Items may be heard before or after the times designated.*

Please Note:

**Regardless of whether there is a Closed Session scheduled for 6:00 pm,
the open session will begin at 7:00 pm.**

I. CALL TO ORDER (7:00 PM):

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS.

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Building Board of Appeals

1 full term

Open Until Filled

Art and Culture Commission

2 unexpired terms

Open Until Filled

Community Sustainability Commission

1 full term

Application Due Date: December 21, 2012

Civil Service Commission

1 full term

Application Due Date: December 21, 2012

Finance Committee

2 full terms

Application Due Date: December 21, 2012

Human Services Board

1 full term

Application Due Date: December 21, 2012

Open Government Commission

1 full term

Application Due Date: December 21, 2012

Planning Commission

2 full terms

Application Due Date: December 21, 2012

Sky Valley Open Space

1 full term

Application Due Date: December 21, 2012

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

4. Benicia Arsenal Update: Verbal Update

B. PROCLAMATIONS.

C. APPOINTMENTS.

D. PRESENTATIONS.

1. Tula Sister City Report

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:30 PM):

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

**A. APPROVAL OF THE MINUTES OF THE NOVEMBER 20, 2012 MEETING.
(City Clerk).**

**B. ADOPT THE CITY OF BENICIA'S LOCAL HAZARD MITIGATION PLAN
(LHMP). (Fire Chief)**

The City participates with other public agencies in planning for and coordinating cooperative interagency responses to natural disasters. The Local Hazard Mitigation Plan (LHMP) describes the disasters likely to affect

this community, and outlines the coordinated responses that will be undertaken should they occur (see attached ABAG Local Hazard Mitigation Plan). The document compiles and summarizes the City's internal training, emergency response plans and operations with respect to natural disasters that could threaten City assets or public use of our facilities.

Recommendation: Adopt, by resolution, the City of Benicia's Local Hazard Mitigation Plan (LHMP).

C. DENIAL OF THE CLAIM AGAINST THE CITY BY CONSTANCE JOHNSON AND REFERRAL TO INSURANCE CARRIER. (City Attorney)

Claimant alleges that while driving on Reservoir Road she hit a pot hole which caused her front passenger side tire to explode. Claimant states that her tire could not be fixed and had to be replaced because it was damaged beyond repair. She asserts that she missed a day of work and had to use one of the AAA services calls.

Recommendation: Deny the claim against the City by Constance Johnson.

D. DENIAL OF THE CLAIM AGAINST THE CITY BY JENNIFER KRAUS AND REFERRAL TO INSURANCE CARRIER. (City Attorney)

Claimant alleges that while driving on Industrial Way, she hit a pot hole causing her passenger front tire to pop. Claimant states she drives on Industrial Way several times a week and the size of the pot hole increased after a previous storm. Even with driving at a decreased speed, her tire popped.

Recommendation: Deny the claim against the City by Jennifer Kraus.

E. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VIII. BUSINESS ITEMS (7:45 PM):

A. INTRODUCTION AND FIRST READING OF ORDINANCES TO AMEND THE WATER AND SEWER RATES/FEEES RELATED TO WATER AND SEWER SERVICE. (Public Works and Community Development Director)

The quality and safety of our local water supply and the proper maintenance of our sewer system is essential to our community's health, safety and financial integrity. Specifically, our water and sewer systems must be properly maintained in order to:

- Ensure clean, safe drinking water for our residents and businesses
- Have secure adequate water capacity in the event of a major earthquake, fire or catastrophic emergency

- Prevent sewage spills that present a health risk to the community, placing the City at risk for regulatory fines and lawsuits, and polluting the Carquinez Strait.

While Water and Sewer rates are used exclusively to provide for maintaining the City's water and sewer systems, rates have unfortunately not been keeping pace with the cost of providing water and sewer services. Rates have not changed for 6 years and action is now necessary to ensure these important public assets are maintained for future generations. After conducting a comprehensive public outreach effort in August and September to ensure complete transparency of our efforts and to ensure public knowledge on our critical water and sewer systems needs, on September 25, 2012 a workshop with City Council was held to consider staff's recommendation to increase rates over a period of five years and provide further staff direction. At that workshop, City Council directed staff to proceed with mailing Proposition 218 notices to all property owners notifying them of this public hearing where the City Council would consider amending the Benicia Municipal Code sections to increase water and sewer rates. Benicia's rates are currently at or below the rates of other cities in our region.

Recommendation: To protect the health and safety of the community and the City's financial integrity, conduct a public hearing and introduce ordinances to amend the water and sewer rates/fees related to water and sewer service as follows:

- 1. Introduction of an Ordinance amending Chapter 13.12 (Water Rates and Charges) of Title 13 (Public Services) of the Benicia Municipal Code; and**
- 2. Introduction of an Ordinance amending Chapter 13.52 (Sewer Rates and Charges) of Title 13 (Public Services) of the Benicia Municipal Code; and**
- 3. Introduction of Ordinances amending various sections of Title 13 (Public Service) including**
 - **Sections 13.56.030 (Payment – Returned Checks), 13.56.050 (Delinquent Accounts), 13.56.070 (Delinquency of Service-Discontinuation of Service) and 13.56.080 (Discontinuation of Service – Unauthorized Use) of Chapter 13.56 (Sewer Billing Requirements); and**
 - **Sections 13.08.040 (Water Use Without Application) and 13.08.050 (Deposit) of Chapter 13.08 (Water Service); and**
 - **Sections 13.16.040 (Payment – Returned Checks), 13.16.060 (Delinquent Accounts), 13.16.080 (Delinquency – Discontinuation of Service), 13.16.090 (Tampering – Unauthorized Use), and 13.16.110 (Inspections) of Chapter 13.16 (Water Billing Requirements).**

B. MASTER FEE SCHEDULE ADDITIONS AND AMENDMENTS TO VARIOUS WATER AND SEWER FEES. (Public Works and Community Development Director)

This action approves additions and amendments to various water and sewer related fees and transfers the fee amounts from the Benicia Municipal Code to the Master Fee Schedule. The water and sewer fees include charges such as renters' deposit, returned check fee, delinquent charge, turn off service fee, and capacity fees. These fees are captured in three ordinances: Chapter 13.56 (Sewer Billing Requirements), Chapter 13.16 (Water Billing Requirements), and Chapter 13.08 (Water Service) as noted in the corresponding December 4, 2012 staff report titled Introduction and First Reading of Ordinances to amend the Water and Sewer Rates/Fees Related to Water and Sewer Service.

Recommendation: Adopt a resolution approving and adopting additions and amendments to various water and sewer fees to the Master Fee Schedule.

C. HOOKAH LOUNGE MORATORIUM ORDINANCE. (City Attorney)

The City has received an inquiring on opening a hookah lounge. The Benicia Municipal Code does not specifically regulate such lounges. Drafting an ordinance to regulate hookah lounges could be done in 2013 if desired. The moratorium will allow the necessary research to be completed.

Recommendation: If desired, by a 4/5ths vote adopt a moratorium to prevent the issuance of any permits or licenses for hookah lounges.

IX. ADJOURNMENT (9:30 PM):

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
November 20, 2012

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the Closed Session to order at 6:00 p.m.

II. CLOSED SESSION:

**A. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))**

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: Benicia Firefighters Association (BFA)

III. CONVENE OPEN SESSION:

Mayor Patterson called the meeting to order at 7:06 p.m.

A. ROLL CALL

All Council Members were present. Vice Mayor Campbell arrived at 7:07 p.m.

B. PLEDGE OF ALLEGIANCE

Kimble Goodman led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.

Ms. McLaughlin reported that Council received information from Staff and gave direction to Staff.

2. Openings on Boards and Commissions:

Building Board of Appeals
1 Full term
Open Until Filled

Art and Culture Commission
2 unexpired terms
Open Until Filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Mayor Patterson reported on the first 'Frequently Asked Questions' meeting. They will reconvene to review the structure that was provided by Council. The next meeting is tentatively scheduled for January 2013.

B. APPOINTMENTS

C. PRESENTATIONS

1. Economic Development review of recent accomplishments and upcoming initiatives for 2013.

Mario Giuliani, Economic Development Manager, reviewed a PowerPoint presentation.

Council Member Strawbridge thanked Staff for their efforts.

Vice Mayor Campbell asked Staff to follow through with installing a sign in front of the Benicia State Capital regarding the providing funds to keep the building open.

D. PROCLAMATIONS

1. In recognition of Lung Cancer Awareness Month

V. ADOPTION OF AGENDA:

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted the Agenda, as presented, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Five documents were submitted (copies on file).

B. PUBLIC COMMENT

Elizabeth d'Huart - Ms. d'Huart announced upcoming events at the Benicia Historical Museum.

Constance Beutel - Ms. Beutel provided an update on the recent Benicia Clean Tech Expo.

Kimble Goodman - Mr. Goodman discussed the Benicia Old Towne Theater's most recent production 'What the Broker Saw.'

Council Member Strawbridge - Council Member Strawbridge urged citizens to participate in the annual Tree Lighting and Holiday Open House on 11/30/12.

VII. CONSENT CALENDAR:

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted the Consent Calendar, as presented, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

A. APPROVAL OF THE MINUTES OF THE SEPTEMBER 25, 2012 AND OCTOBER 16, 2012 MEETINGS

B. APPROVAL OF PUBLIC SAFETY DISPATCH LEAD POSITIONS

RESOLUTION 12-141 - A RESOLUTION APPROVING THE PUBLIC SAFETY DISPATCH LEAD JOB DESCRIPTION, SALARY RANGE, ASSOCIATE STAFFING ALLOCATION CHANGES AND AMENDING THE CITY'S CLASSIFICATION PLAN

C. APPROVAL OF FAIR POLITICAL PRACTICES FORM 806- PUBLIC OFFICIAL APPOINTMENTS

D. DESIGNATING TWO MEMBERS OF THE HISTORIC PRESERVATION REVIEW COMMISSION ("HPRC") AS THE OWNERS OF HISTORICAL PROPERTY IN THE HISTORIC DISTRICT

RESOLUTION 12-142 - A RESOLUTION DESIGNATING TONI HAUGHEY

AND MARGARET TRUMBLY TO THE HISTORIC PRESERVATION REVIEW COMMISSION AS OWNERS OF HISTORIC PROPERTY

- E. DENIAL OF THE CLAIM AGAINST THE CITY BY DONNA JOHNSTON AND REFERRAL TO INSURANCE CARRIER
- F. ACCEPTANCE OF THE INDUCTION LIGHTING RETROFIT PROJECT

RESOLUTION 12-143 - A RESOLUTION ACCEPTING THE INDUCTION LIGHTING RETROFIT PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS.1 AND 2, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

- G. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda

VIII. BUSINESS ITEMS:

- A. ESTABLISHMENT OF THE BENICIA BUSINESS IMPROVEMENT DISTRICT

RESOLUTION 12-144 - A RESOLUTION DECLARING RESULTS OF MAJORITY PROTEST AND PROCEEDINGS AND ESTABLISHING THE BENICIA BUSINESS IMPROVEMENT DISTRICT

Council Members Schwartzman and Strawbridge recused themselves due to a conflict of interest. At a previous meeting, Vice Mayor Campbell drew the high card, and therefore will participate in the discussion on this item.

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Vice Mayor Campbell and Staff discussed how the steering committee would be involved from this point forward.

Public Comment:

1. Kimble Goodman - Mr. Goodman spoke in support of the proposed resolution.
2. Leah Shellhorn - Ms. Shellhorn spoke in support of the proposed resolution.
3. Tom Hamilton – Mr. Hamilton spoke in support of the proposed resolution.
4. Bonnie Silveria - Ms. Silveria spoke in support of the proposed resolution.
5. Laurie Key - Ms. Key spoke in support of the proposed resolution.

Council Member Hughes acknowledged the importance of all of the business

owners working together on this.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council adopted Resolution 12-144, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes

Noes: (None)

B. APPROVAL OF CHANGE ORDER TO ATG LIGHTING COMPANY FOR ADDITIONAL SERVICES TO THE DOWNTOWN TREE LIGHTING PROJECT

RESOLUTION 12-145 - A RESOLUTION APPROVING THE CHANGE ORDER FOR ADDITIONAL SERVICES AND SUPPLIES FOR THE DOWNTOWN BENICIA TREE LIGHTS PROJECT, IN THE AMOUNT OF \$7,350, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CHANGE ORDER ON BEHALF OF THE CITY

Council Members Schwartzman and Strawbridge recused themselves due to a conflict of interest. At a previous meeting, Vice Mayor Campbell drew the high card, and therefore will participate in the discussion on this item.

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Vice Mayor Campbell and Staff discussed concern regarding the cost to decorate the main tree.

Public Comment:

None

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council adopted Resolution 12-145, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes

Noes: (None)

C. MILLS ACT CONTRACTS FOR PROPERTIES AT 135 EAST J STREET, 175 WEST H STREET AND 288 WEST J STREET

RESOLUTION 12-146 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 135 EAST J STREET IN THE CITY OF BENICIA

RESOLUTION 12-147 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 175 WEST H STREET IN THE CITY OF BENICIA

RESOLUTION 12-148 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 288 WEST J STREET IN THE CITY OF BENICIA

Vice Mayor Campbell and Staff confirmed that he was able to participate in the discussion on this item.

Charlie Knox, Community Development Director, reviewed the staff report.

Council Member Schwartzman and Staff discussed the amount of overall amount of Mills Act reductions. The values fluctuate from year to year.

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Resolution 12-146, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Resolution 12-147, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Resolution 12-148, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

D. 2007-2014 HOUSING ELEMENT

RESOLUTION 12-149 - A RESOLUTION APPROVING THE ADOPTION OF AN INITIAL STUDY/NEGATIVE DECLARATION FOR THE 2007-2014 HOUSING ELEMENT AND THE 2007-2014 HOUSING ELEMENT

RESOLUTION 12-150 - A RESOLUTION AUTHORIZING THE SOLANO COUNTY CITY-COUNTY COORDINATING COUNCIL TO SUBMIT THE SOLANO COUNTY SUB-REGIONAL HOUSING ALLOCATION TO THE ASSOCIATION OF BAY AREA GOVERNMENTS ON BEHALF OF THE CITY OF BENICIA AND TO MAKE FINAL ALLOCATIONS OF THE SUB-REGIONAL HOUSING ALLOCATION TO THE CITY OF BENICIA

Charlie Knox, Community Development Director, reviewed a PowerPoint presentation and staff report.

Vice Mayor Campbell and Staff discussed the discretionary grant transportation money.

Council Member Schwartzman and Staff discussed the ramifications for not approving the Housing Element (re: four letters from the public opposing the Housing Element). They discussed that the Housing Element was a mandate of the General Plan.

Council Member Hughes and Staff discussed the legal challenges with the Housing Element.

Vice Mayor Campbell, Mayor Patterson, and Staff discussed the prior stipulated settlement agreement (what came out of it and how much money it cost the City).

Mayor Patterson and Staff discussed concern regarding second units. There needs to be a design standard for second units. Staff will bring that back for a future discussion as part of Council's work plan.

Mayor Patterson and Staff discussed how the state is set up and how they delegate land use authority of land use to the cities.

Public Comment:

1. Dana Dean, Amports - Ms. Dean discussed the need to acknowledge that some of the properties are adjacent to industrial properties. She suggested language changes to the document (handout - copy on file).

Council Member Hughes Staff discussed current residential in the Arsenal. Mr. Knox did not have an objection to Ms. Dean's proposed language, however he asked that if it is done, it be done with the caveat that it first be passed by the Department of Housing and Community Development. If they approve it, the City could include it. If they don't approve it, the City would not include it.

Vice Mayor Campbell and Staff discussed whether the Arsenal was part of the defined area (in the staff report).

Mayor Patterson and Staff discussed the inadequacy of the Negative Declaration (not adequate enough to paint an accurate picture) and the need to strengthen the language to assess and evaluate the appropriateness of certain development through the CEQA.

Council Member Hughes discussed it being a project-by-project analysis and approval. It identifies areas that could potentially house additional units. He did

not agree with Ms. Dean's suggested language.

Ms. McLaughlin clarified that if Council were inclined to insert a clause (as suggested by Ms. Dean); it should be more generic, as it could apply to other properties. She suggested 'Historic uses of the property or adjoining properties and current adjoining uses may also create physical constraints.' That way it would be generic and would apply to everything.

Council Members Campbell, Hughes, and Schwartzman discussed could not support inserting the language suggested by Ms. Dean.

Council Member Strawbridge and Staff discussed language on page VIII.D.165 that addresses the constraints in the Arsenal.

Mayor Patterson noted that it seemed like there was agreement on moving forward without adding additional language. She asked if there was a motion to adopt the resolution.

Council Member Schwartzman discussed minor technical corrections he previously brought to Staff's attention: 1) table on pg. VIII.D.128 table B.7, the numbers are wrong, 2) VIII.D.114 table A.1, the table and title don't match (both technical corrections).

Council and Staff clarified what the two resolutions were that they were voting on.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council adopted Resolution 12-149, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council adopted Resolution 12-150, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

E. FY 2012-13 GENERAL FUND BUDGET QUARTERLY REVIEW

Karan Reid, Finance Director, reviewed the staff report and a PowerPoint presentation.

Brad Kilger, City Manager, discussed the budget report.

Council Member Hughes discussed the need to see the following issues addressed at the January budget meeting: workers comp costs, (what controls the City has in place to control those costs), a list for all the current frozen

positions (by classification), and the need to fine tune the budget numbers on VIII.E.9.

Vice Mayor Campbell and Staff discussed the spreadsheet on VIII.E.9, the transit transfer (whether it needed to be done this year (it does)), whether there was a way to do installment payments for the transit deficit.

Mr. Kilger discussed the meetings the City had with STA and SolTrans. Staff will look into possible ways the money can be repaid in installments.

Vice Mayor Campbell discussed the increasing deficit over the next few years. It looks like approximately \$2 million over the next two years.

Mr. Kilger discussed the budget. The numbers will change depending on the outcome of Prop 8.

Council Member Schwartzman and Staff discussed that Staff would be looking at anything and everything. Department Heads are talking to their staff and looking at everything.

F. REVIEW AND AFFIRM THE LANGUAGE OF THE OCTOBER 16, 2012 RESOLUTION AWARDING A CONSULTANT CONTRACT FOR DEVELOPMENT OF THE BENICIA URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN AND DIRECTING THE FORMATION OF A COMMUNITY ADVISORY COMMITTEE TO ASSIST ON THE DEVELOPMENT OF THE PLAN, AND CONSIDER A REQUEST TO AMEND THE RESOLUTION TO ADD TWO AT-LARGE COMMUNITY MEMBERS AND AN ALTERNATE FROM EACH COMMISSION, COMMITTEE, AND ORGANIZATION REPRESENTED ON THE COMMUNITY ADVISORY COMMITTEE

Council Member Strawbridge recused herself due to a conflict of interest.

Mike Dotson, Parks & Community Development Director, reviewed the staff report.

Council Member Hughes was fine with moving forward with the contract. He discussed concerns regarding increasing the size of the committee.

Mayor Patterson clarified that she was asking to add one representative from the three condominium complexes and one alternate. She expressed support for adding the alternates for the committee members.

Public Comment:

1. Ruth Pierce - Ms. Pierce spoke in support for having a representative from

the condominiums on the advisory committee.

2. Jon Van Landschoot - Mr. Van Landschoot spoke in support of having alternates on the committee. He suggested having a representative from the BBID on the committee.

Mayor Patterson clarified the proposed change was to add one representative of the three condominium associations, and to add alternates.

Vice Mayor Campbell discussed support for not increasing the size of the committee. He assumed alternates were already a part of the previous direction. Mr. Van Landschoot verified that the HPRC did not appoint an alternate to serve on the on the committee, although it was suggested. Staff verified that the other commissions did not choose alternates, as they were directed to appoint one member.

Mayor Patterson again clarified that the requested change was to correct an oversight on not appointing alternates and adding one member to represent the three condominium associations.

Council Member Schwartzman discussed possible confusion with the acronym CAC, as there was already a CAC (Community Action Council). He suggested adding a period in the resolution after Master Plan. He made a motion to approve the 'Review and affirm the language of the October 16, 2012 resolution awarding a consultant contract for development of the Benicia Urban Waterfront Enhancement and Master Plan.'

Council Member Hughes clarified that not adding alternates was not an oversight, as it was never discussed.

Mayor Patterson discussed the problems it causes committees when members are absent. She discussed the importance of having alternates.

Mayor Patterson asked if anyone would make a motion to add one alternate from the three condominium associations. The issue died for a lack of a motion.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council reviewed and affirmed the language of the October 16, 2012 resolution awarding a consultant contract for development of the Benicia Urban Waterfront Enhancement and Master Plan, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

G. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: December 19, 2012**

2. **Association of Bay Area Governments (ABAG)**<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: TBD
3. **Finance Committee.** (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: November 16, 2012
4. **League of California Cities.** (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: TBD
5. **School Liaison Committee.** (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: December 6, 2012
6. **Sky Valley Open Space Committee.** (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD
7. **Solano EDC Board of Directors.** (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: November 14, 2012
8. **Solano Transportation Authority (STA).** <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: December 12, 2012
9. **Solano Water Authority-Solano County Water Agency and Delta Committee.** <http://www.scwa2.com/>(Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: December 13, 2012
10. **Traffic, Pedestrian and Bicycle Safety Committee.** (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: January 17, 2012
11. **Tri-City and County Regional Parks and Open Space.** (Vice Mayor Campbell and Council Member Hughes) Next Meeting Date: November 19, 2012
12. **Valero Community Advisory Panel (CAP).** (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD
13. **Youth Action Coalition.** (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: TBD
14. **ABAG-CAL FED Task Force-Bay Area Water Forum.** <http://www.baywaterforum.org/> (Mayor Patterson)Next Meeting Date: TBD

15. **SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting
Date: November 15, 2012**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:08 p.m. in honor of Mr. Bill Harsh.

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 20, 2012
CONSENT CALENDAR

DATE : October 16, 2012

TO : City Manager

FROM : Fire Chief

SUBJECT : **ADOPT THE CITY OF BENICIA'S LOCAL HAZARD MITIGATION PLAN (LHMP)**

RECOMMENDATION:

Adopt, by resolution, the City of Benicia's Local Hazard Mitigation Plan (LHMP).

EXECUTIVE SUMMARY:

The City participates with other public agencies in planning for and coordinating cooperative interagency responses to natural disasters. The Local Hazard Mitigation Plan (LHMP) describes the disasters likely to affect this community, and outlines the coordinated responses that will be undertaken should they occur (see attached ABAG Local Hazard Mitigation Plan). The document compiles and summarizes the City's internal training, emergency response plans and operations with respect to natural disasters that could threaten City assets or public use of our facilities.

BUDGET INFORMATION:

Having a LHMP is a requirement for FEMA reimbursement eligibility.

GENERAL PLAN:

Relevant General Plan Goals:

- General Plan Goal 2.28: Improve and maintain public facilities and services.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue #1: Protect Community Health and Safety
 - Strategy #3: Provide a high state of preparedness for disasters/emergencies.

BACKGROUND:

The City of Benicia has several plans to assist it in being prepared for disasters. These include the Community Health and Safety Element of the General Plan (2003), the Emergency Operations Plan (2006), and the Local Hazard Mitigation

Plan (2007). The City's LHMP is an annex to the multi-jurisdictional LHMP. The multi-jurisdictional LHMP was prepared by the Association of Bay Area Governments (ABAG) with assistance and input by the various jurisdictions. This action will update the 2007 Annex.

The updated ABAG LHMP is a report entitled *Taming Natural Disasters* as the City of Benicia's Local Hazard Mitigation Plan (LHMP). The City's LHMP will be an annex to that report.

Although the City's adoption of ABAG's plan is voluntary, the City must have, or be a part of, a LHMP in order to be eligible for mitigation funding from the Federal Emergency Management Agency (FEMA), according to FEMA guidelines.

In July 2012, FEMA approved the City of Benicia's Annex to the 2010 Association of Bay Area Governments Local Hazard Mitigation Plan *Taming Natural Disasters*. The final step in assuring we remain eligible for certain FEMA grants is to provide FEMA with a copy of our adopting resolution.

Attachments:

- City Council Resolution
- ABAG Local Hazard Mitigation Plan

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE ADOPTION OF THE ASSOCIATION OF BAY AREA GOVERNMENT (ABAG) REPORT ENTITLED “TAMING NATURAL DISASTERS” AS THE CITY OF BENICIA’S LOCAL HAZARD MITIGATION PLAN

WHEREAS, the Bay Area is subject to various earthquake-related hazards such as ground shaking, liquefaction, landslides, fault surface rupture, and tsunamis; and

WHEREAS, the Bay Area is subject to various weather-related hazards including wildfires, floods, and landslides; and

WHEREAS, the City of Benicia recognizes that disasters do not recognize city, county, or special district boundaries; and

WHEREAS, the City of Benicia seeks to maintain and enhance both a disaster-resistant city and region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters; and

WHEREAS, the City of Benicia is committed to increasing the disaster resistance of the infrastructure, health, housing, economy, government services, education, environment, and land use systems in the city, as well as in the Bay Area as a whole; and

WHEREAS, the federal Disaster Mitigation Act of 2000 (Act) requires all cities, counties, and special districts to adopt a Local Hazard Mitigation Plan to receive disaster mitigation funding from FEMA; and

WHEREAS, ABAG has approved and adopted the ABAG report *Taming Natural Disasters*, created in collaboration with the participating jurisdictions, as the multi-jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia adopts, and adapts with its local annex, this multi-jurisdictional plan as its Local Hazard Mitigation Plan.

BE IT FURTHER RESOLVED that the City of Benicia commits to continuing to take those actions and initiating further actions, as appropriate, as identified in the City of Benicia Annex of that multi-jurisdictional Local Hazard Mitigation Plan by adopting this list of mitigation strategies as the Implementation Appendix of the Safety Element of Its General Plan.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 20th day of November, 2012, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk



Annex to 2010 Association of Bay
Area Governments
Local Hazard Mitigation Plan
Taming Natural Disasters

City of Benicia

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Introduction

The City of Benicia is a small-sized city in southern Solano County, California. The City is uniquely situated on the Carquinez Straits and the northern end of the Benicia-Martinez bridge (see **Exhibit A**). According to the most recent census, the City had a population of 26,997 in the year 2010¹. The 2009-2011 adopted City's budget is \$32 million, and it employs 236 full-time employees. City services include police, fire, and public works, water, wastewater, library, parks and community services.

The Regional Planning Process

The City of Benicia participated in various ABAG workshops, conferences, and meetings, including:

- A sub-regional meeting to review draft priorities and reach consensus on priorities for mitigation – April 27, 2009;
- The Sewer Smart Summit to discuss mitigation strategies related to sewer lines and facilities – October 9, 2008
- A workshop on water system mitigation strategies – March 25, 2009
- City and county workshop to discuss overall priorities for mitigation – September 2009

In addition, Benicia participated in the development and prepared an Annex to the 2005 multi-jurisdictional Local Hazard Mitigation Plan.

Finally, the City provided information on facilities that are viewed as “critical” to ABAG.

For more information on these meetings and for rosters of attendees, please see Appendix A and H in the ABAG Multi-Jurisdictional Local Hazard Mitigation Plan 2010 (MJ-LHMP).

The Local Planning Process

The City has a Community Health and Safety Element in its General Plan, last updated in 2003, that discusses fire, earthquake, flooding, and landslide hazards. The City also has an Emergency Operations Plan that was last updated by City Council in December 2006 per Resolution No. 06-193. This Plan includes a detailed description of when the plan would be used, as well as the duties and responsibilities for each of the City's Departments during any emergency. In addition, the City routinely enforces the requirements of the California Environmental Quality Act (CEQA), which, since 1988, have required mitigation for identified natural hazards. The City's effort has focused on building on these pre-existing programs and identifying gaps that may lead to disaster vulnerabilities to work on ways to address these risks through mitigation.

¹ For complete Census information, see <http://www.bayareacensus.ca.gov/>.

Key City staff met to identify and prioritize mitigation strategies appropriate for the City. Staff involved in these meetings included Fire, Police, Public Works & Community Development, and Parks & Community Services.

At the meeting, staff reviewed the City's general priorities, taking into account the priorities identified in 2007 and the 2010 regional priorities. In addition, staff identified appropriate departments for implementation of strategies, preliminary budgets and potential funding sources for strategies designed as "Existing Under-Funded" and "High" priority.

Typically, each person at the meeting was responsible for communicating existing efforts and thoughts on appropriate future action in their area of expertise. For example, the Public Works representative was most familiar with the needed mitigation actions for key critical facilities.

Review and Incorporation of Existing Information

This process involved consideration of both the hazard and risk information developed by ABAG and discussed in the overall multi-jurisdictional Local Hazard Mitigation Plan, as well as the assessments of the age and construction type of structures owned by the City and described on pages 5 through 10. These meetings also discussed the Community Health and Safety Element, the Capital Improvement Program, and the City's Emergency Operations Plan already in place at the City, as well how these plans could be best integrated.

Process for Updating Plan Sections

The City of Benicia participated in the 2005 multi-jurisdictional Local Hazard Mitigation Plan, originally adopting that Annex 2007. This Annex is an update of the Annex prepared for the 2005 plan. The lead in updating this Annex was taken by the Fire Department, based on feedback obtained from the staff who participated in the mitigation priority setting process.

The Planning Process section has been prepared to reflect the updated Annex. However, the process of assigning priorities was simplified because priorities had already been assigned in 2007.

The Hazard and Risk Assessment section has been updated to incorporate the new mapping compiled by ABAG for the overall multi-jurisdictional Local Hazard Mitigation Plan. The specific information for Benicia has also been updated to reflect additional mitigation activities that have occurred in the past four years.

The Mitigation Goals and Priorities section has been expanded to take a more comprehensive approach to mitigation.

The Plan Maintenance and Update section is essentially the same as the 2007 Annex, with the addition of some ideas for improving public participation in the process.

Public Meetings

The City provided two opportunities for the public to comment on the DRAFT mitigation strategies selected by City staff:

1. An opportunity for public comments at a joint public meeting of the Planning Commission and Historic Preservation Review Commission on September 9, 2009 in City Council Chambers. For an excerpt from that meeting agenda, see **Exhibit B**.
2. An opportunity to comment on line when the draft mitigation strategies were published for public viewing on the City's website at <http://www.ci.benicia.ca.us/>.

Minor comments were received from the public meeting, which were incorporated into the strategies, if appropriate.

The City is committed to improving public participation when this plan is updated in five years. To improve this process, the City will consider writing letters to the editor of local newspapers in its service area to promote wider public knowledge of the process or working with local business and advocacy groups to conduct joint meetings.

The City Council will adopt the plan in a public meeting via an official Resolution upon pre-approval by FEMA. The mitigation strategies will become an implementation appendix of the Safety Element of the City of Benicia General Plan.

Hazards Assessment

The ABAG Multi-Jurisdictional Local Hazard Mitigation Plan, to which this is an annex, lists nine hazards that impact the Bay Area, five related to earthquakes (faulting, shaking, earthquake-induced landslides, liquefaction, and tsunamis) and four related to weather (flooding, landslides, wildfires, and drought). Maps of these hazards and risks are shown on the ABAG website at <http://quake.abag.ca.gov/mitigation/>.

As applicants submit development projects for City review and approval, project-specific hazard mapping may be required. In some cases, the City requires specific mitigation measures to eliminate or mitigate impacts from these hazards. This information has been incorporated into the strategies matrix submitted to ABAG and FEMA.

In general, however, the City of Benicia does not face any natural disasters not listed in the ABAG multi-jurisdictional plan.

While the City of Benicia has undertaken a number of general hazard mapping activities since the first Community Health and Safety Element was prepared by the City, all of these maps are less detailed and are not as current as those shown on the ABAG website at <http://quake.abag.ca.gov/mitigation/>.

The City of Benicia has reviewed the hazards identified and ranked the hazards based on past disasters and expected future impacts. The conclusion is that earthquakes (particularly shaking and liquefaction, and wildfire (particularly wildland-urban-interface fire threat), flooding (including dam failure). Fault rupture and landslides pose a smaller, although still significant, risk for potential loss. Tsunami inundation is not an issue.

Past Occurrences of Disasters (natural and human-induced)

The City of Benicia has experienced a number of different disasters over the last 50 years, including earthquakes, floods, droughts, wildfires, energy shortages, and severe storms.

The Loma Prieta Earthquake of 1989 is an example of the kind of large scale disaster which can strike the Bay Area. It killed 63 persons, injured 3,757, and displaced over 12,000 persons. With over 20,000 homes and businesses damaged and over 1,100 destroyed, this quake caused approximately \$6 Billion of damage. Reconstruction continues some two decades later as the replacement for Oakland-Bay Bridge is still several years from completion. While the City was not directly damaged in that earthquake, it interrupted the commutes of some of the City's residents.

More information on State and Federally declared disasters in Benicia can be found at <http://quake.abag.ca.gov/mitigation/ThePlan-D-Version-December09.pdf>

In addition to the declared disasters noted in **Appendix D**, the only locally significant incident that has impacted the City of Benicia in the past few years was in January 2007 when the EOC was activated due to localized flooding in the low-lying areas near downtown.

Risk Assessment

Urban Land Exposure

The City of Benicia examined the hazard exposure of Benicia urban land based on information in ABAG's website at <http://quake.abag.ca.gov/mitigation/landuse/>. The "2005 Existing Land Use with 2009 Mapping" file was used for this evaluation (in the existing plan, the file used was "Existing Land Use in 2000").

In general, the hazard exposure of the City of Benicia is increasing over time as the amount of urban land increases (In the last 5 years, 3 acres of land has become urban). The number of acres of urban land in the 100-year floodplain and liquefaction hazard decreased over the last 5 years to do changes in FEMA flood mapping and USGS liquefaction hazard mapping. That same FEMA mapping increased the number of acres in the 500-year floodplain. The area within the CGS map of fault surface rupture hazard had the largest percentage increase. These hazard areas are industrial and road/highway. The hazards with the highest acres of urban land include

earthquake shaking, liquefaction susceptibility, flooding, wildfire, wildland-urban interface fire threat, and dam inundation. The following table described the exposure of urban land within the City of Benicia to the various hazards.

Exposure (acres of urban land)			
Hazard	2005	2010	Change
<i>Total Acres of Urban Land</i>	5,347	5,350	3
Earthquake Faulting (within CGS zone)	18	25	7
Earthquake Shaking (within highest two shaking categories)	1,306	1,320	16
Earthquake-Induced Landslides (within CGS study zone) ¹	n/a	n/a	n/a
Liquefaction (within moderate, high, or very high liquefaction susceptibility) ²	1,025	833	(192)
Flooding ³ (within 100 year floodplain)	599	524	(75)
Flooding (within 500 year floodplain)	38	85	47
Landslides (within areas of existing landslides)	41	41	41
Wildfire (subject to high, very high, or extreme wildfire threat) ⁴	421	316	(105)
Wildland-Urban Interface Fire Threat	3,669	3,676	7
Dam Inundation (within inundation zone)	445	429	(16)
Tsunamis ⁵ (within inundation area)	not applicable		
Drought ⁶	5,347	5,350	3

Infrastructure Exposure

The City of Benicia also examined the hazard exposure of infrastructure within the jurisdiction based on the information on ABAG’s website at <http://quake.abag.ca.gov/mitigation/landuse/>. Of the 153 miles of roadway in the City of Benicia, the following are exposed to the various hazards analyzed.

A total of 15 miles of rail lines are located in the City, of which three miles are used by Amtrak). Note that the numbers of miles of water supply pipelines and sewer lines are similar to miles of roadway, but not identical. Miles of pipeline are reduced due from 2005 to 2010 due to improvements in data. Shaking (particularly as a mechanism to trigger ground failure) and wildland-urban-interface fire threat are the most significant exposures. However, WUI fire threat is not a significant hazard for pipelines because they are underground.

¹ The California Geological Survey has not yet mapped liquefaction and landsliding in Benicia.

² The decrease is due to better and more accurate mapping.

³ The decrease is due to better and more accurate mapping.

⁴ The decrease is due to better and more accurate mapping.

⁵ Tsunami evacuation planning maps were not available inside the San Francisco Bay in 2005. This map became available in December 2009. Acres of exposed land are not an appropriate analysis for this hazard. It should be noted that this map is not a hazard map and should be used for evacuation planning purposes only. The inundation line represents the highest inundation at any particular location from a suite of tsunami sources. It is not representative of any single tsunami.

⁶ The entire City of Benicia area is subject to drought.

Exposure (miles of infrastructure)						
Hazard	Roadway		Pipelines		Rail (incl. Amtrak)	
	2005	2010	2005	2010	2005	2010
<i>Total Miles of Infrastructure</i>	157	153	134	117	16	15
Earthquake Shaking (within highest two shaking categories)	28	29	26	26	6	7
Liquefaction Susceptibility (within moderate, high, or very high liquefaction susceptibility)	17	18	16	12	10	7
Liquefaction Hazard (within CGS study zone) ¹	n/a	n/a	n/a	n/a	n/a	n/a
Earthquake-Induced Landslides (within CGS study zone) ²	n/a	n/a	n/a	n/a	n/a	n/a
Earthquake Faulting (within CGS zone) ³⁸	0	0	0	0	0	1
Flooding (within 100 year floodplain)	7	5	7	4	4	5
Flooding (within 500 year floodplain)	1	2	1	1	0	1
Landslides (within areas of existing landslides)	0	1	1	1	0	0
Wildfires (subject to high, very high, or extreme wildfire threat)	15	8	12	4	2	1
Wildland-Urban Interface Fire Threat	115	111	103	90	7	7
Dam Inundation (within inundation zone)	11	10	11	9	3	3
Tsunamis ⁴	not applicable					
Drought ⁵	not applicable					

Exposure of City-Owned Buildings, Plus Critical Healthcare Facilities and Schools

Finally, the City examined the hazard exposure of critical health care facilities, schools, and locally-owned bridged located within the City of Benicia, as well as City-owned buildings based on the information on ABAG's website at <http://quake.abag.ca.gov/mitigation/pickcrit.html>. The City of Benicia provided a list of the critical facilities it owns to ABAG. ABAG provided a detailed assessment of the hazard exposure of each of its facilities. The following table shows the numbers of facilities exposed to each of the various hazards analyzed.

¹ 153 miles of roadway, 3 miles of transit, and 15 miles of rail are outside the area that has been evaluated by CGS for this hazard

² The California Geological Survey has not yet mapped liquefaction and landsliding in Benicia.

³ The California Geological Survey has not yet mapped liquefaction and landsliding in Benicia.

⁴ Tsunami evacuation planning maps were not available inside the San Francisco Bay in 2005. This map became available in December 2009. Miles of exposed infrastructure is not an appropriate analysis for this hazard. It should be noted that this map is not a hazard map and should be used for evacuation planning purposes only. The inundation line represents the highest inundation at any particular location from a suite of tsunami sources. It is not representative of any single tsunami.

⁵ Drought is not a hazard for roadways.

Exposure (number of facility types)								
Hazard	Health Care Facilities		Schools		City-Owned critical facilities		Locally owned bridges and interchanges	
	2005	2010	2005	2010	2005	2010	2005	2010
<i>Total Number of Facilities</i>	1	1	9	9	39	35	12	11
Earthquake Shaking (within highest two shaking categories)	1	1	1	3	17	17	2	3
Liquefaction Susceptibility (within moderate, high, or very high liquefaction susceptibility)	0	1	0	0	8	6	7	3
Liquefaction Hazard (within CGS study zone) ¹	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Earthquake-Induced Landslides (within CGS study zone) ²	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Earthquake Faulting (within CGS zone)	0	0	0	0	0	0	0	0
Flooding (within 100 year floodplain)	0	0	0	0	0	0	1	3
Flooding (within 500 year floodplain)	0	0	0	0	0	0	2	1
Landslides (within areas of existing landslides)	0	0	0	0	0	0	0	0
Wildfires (subject to high, very high, or extreme wildfire threat)	0	0	0	0	5	0	2	0
Wildland-Urban Interface Fire Threat	0	0	9	9	25	20	5	5
Dam Inundation	0	0	1	3	6	1	1	1
Sea Level Rise (exposed to 16in sea level rise) ³	-	0	-	0	-	0	-	1
Sea Level Rise (exposed to 55in sea level rise) ⁴	-	0	-	0	-	1	-	1
Tsunamis ⁵ (within inundation area)	-	0	-	0	-	0	-	0
Drought ¹	-	-	-	-	-	-	-	-

¹ The California Geological Survey has not yet mapped liquefaction and landsliding in Benicia.

² The California Geological Survey has not yet mapped liquefaction and landsliding in Benicia.

³ Sea level rise data was not available in 2005

⁴ Sea level rise data was not available in 2005

⁵ Tsunami evacuation planning maps were not available inside the San Francisco Bay in 2005. This map became available in December 2009. It should be noted that this map is not a hazard map and should be used for evacuation planning purposes only. The inundation line represents the highest inundation at any particular location from a suite of tsunami sources. It is not representative of any single tsunami. However, no City-owned critical facilities are located in this evacuation planning zone.

⁶ Drought will not affect locally owned facilities directly.

Earthquakes (particularly shaking and, to a lesser extent, liquefaction) are the most significant hazard exposures to City-owned facilities. More information on the retrofitting of the Police Station, City Hall, and other critical facilities is found on pages 12 and 13. Since the City Fire Station was constructed in the early 1990s, no seismic retrofitting is needed. Finally, the Clock Tower building was seismically retrofitted about 20 years ago following the Loma Prieta earthquake. Wildland-Urban-Interface Fire Threat is also of significance to City-owned facilities.

Repetitive Loss Properties

In spite of the areas of the City located in flood-prone areas, there are no repetitive loss properties in the City based on the information at <http://quake.abag.ca.gov/mitigation/pickflood.html>. Thus, the City also had no repetitive loss property that was outside the flood plain.

Other Risks

The City plans to continue to work with ABAG to improve the risk assessment information being compiled by ABAG, including assessing the overall status of unreinforced masonry building and soft-story building inventory and retrofit efforts.

Benicia's downtown contains many historic buildings. The City served as the first Capital of the State of California.

The City identified 18 historic unreinforced masonry buildings and 21 non-historic unreinforced masonry buildings. Of these 39 buildings, only one has been retrofitted. The City has not adopted specific retrofit standards. There is no mandatory retrofit of these buildings, even if the owner applies for a change of occupancy permit. The remaining 38 potentially hazardous buildings have not yet been retrofitted.

Of the 11,306 housing units in the City, 67% are detached single-family homes, and another 10.2% are in single-family attached or duplexes (based on the 2010 Census). A total of 20.9% of the housing units are in buildings containing three or more units. Because Benicia is not a dense urban city, few, if any, of these buildings have parking underneath the residential units. However, Benicia has not conducted a formal soft-story inventory, and it is currently unknown if soft-story residential buildings are a significant hazard.

An estimated 2% of the housing stock is in mobile homes, based on the 2010 Census. However, the City currently has no program to encouraging retrofitting of these structures. The Building Division has no permitting authority over these structures.

Finally, the City has no program to identify or encourage retrofitting of potentially hazardous tilt-up concrete structures. The vast majority of the tilt-ups were built after 1988. Most of these buildings are in the industrial parts of the City.

The City plans to continue to work with ABAG to develop specific information about the kind and level of damage to buildings, infrastructure, and critical facilities which might result from any of the hazards previously noted.

National Flood Insurance Program

The initial FHBM map of the City of Benicia for participation in the National Flood Insurance Program (NFIP) was prepared in 1977. The initial Flood Insurance Rate Map was identified in 1977.

The provisions of the program are contained in Municipal Code Sections 15.40 to 15.56. The ordinance adding those sections to the Code was passed in 1988. The key sections in the Chapter include:

- 15.40.050 Definitions.
- 15.40.060 Lands to which this division applies.
- 15.40.070 Basis for establishing the areas of special flood hazard.
- 15.40.080 Compliance.
- 15.40.090 Abrogation and greater restrictions.
- 15.40.100 Interpretation.
- 15.40.110 Warning and disclaimer of liability.

- 15.44.010 Establishment of development permit.
- 15.44.012 Fees established.
- 15.44.020 Designation of the floodplain administrator.
- 15.44.030 Duties and responsibilities of the floodplain administrator.

- 15.48.010 Standards of construction.
- 15.48.020 Standards for utilities.
- 15.48.030 Standards for subdivisions.
- 15.48.040 Standards for manufactured homes.
- 15.48.050 Floodways.
- 15.48.060 Coastal high hazard areas.

- 15.52.010 Variance – General.

- 15.56.010 Appeals to the building department board of appeals.
- 15.56.020 Appeals to the city council.

The City of Benicia has effectively implemented the NFIP since the community joined in the program. FEMA has reviewed the City's program on several occasions. New development

continues to meet the required standards identified in the Municipal Code sections. There are no significant hurdles for the City in effectively implementing the NFIP.

In the City, the areas of most significant flood risk are properties in the non-residential areas of the City, along Channel Road and Bayshore Road. Based on ABAG and county assessor data on the properties in the flood plain, there are 39 properties in the 100-year floodplain with a total value of \$94 million. Of these, 14 properties, with an estimated value of \$82 million, are industrial. As noted earlier, there have been no repetitive loss claims.

Currently, the City does not participate in the Community Rating System. This decision is primarily due to the lack of staff to oversee and implement the program.

Mitigation Goals

The goal of the ABAG MJ-LHMP is to maintain and enhance a disaster-resistant region by reducing the potential for loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters. This goal is unchanged from the 2005 plan and continues to be the goal of the City of Benicia in designing its mitigation program.

Among the goals of the city, as expressed in its General Plan – Community Health and Safety Element (1999) are to “Minimize harm from geologic hazards,” to “Accommodate runoff from existing and future development,” to “Prevent property damage caused by flooding,” and to “Reduce fire hazards.”

Mitigation Activities and Priorities

Evaluation of Progress from 2007 Plan

In 2006-2007, mitigation actions and priorities were identified. Key strategies that have resulted in significant progress in the past four years are listed below, along with the responsible agency, the action taken, and the current status of progress.

GOVT-a-2 - Retrofit or replace critical facilities that are shown to be vulnerable to damage in natural disasters.

Responsible Agency – Police and Fire with Building Division

Action Identified in 2007 Annex as “High Priority” – Police facility and emergency city dispatch center is vulnerable to natural disaster (earthquake) and is a under-funded project. Estimated cost for replacement: \$15 million

Status – The City decided to retrofit, rather than replace, the Police facility at a cost of approximately \$1.2 million. The retrofit was completed in 2006-2007.

GOVT-a-12 - Prior to acquisition of property to be used as a critical facility, conduct a study to ensure the absence of significant hazards.

Responsible Agency – Public Works with Building Division
Action Identified in 2007 Annex as “Existing Priority”

Status – The City entered into a long-term lease with the Benicia School District on an existing school facility. The City paid approximately \$10 million to upgrade the facility, including \$2.6 million for seismic retrofitting. Work was completed in 2011. The facility is now a community center.

INFR-b-3 - Include “areas subject to high ground shaking, earthquake-induced ground failure, and surface fault rupture” in the list of criteria used for determining a replacement schedule for pipelines (along with importance, age, type of construction material, size, condition, and maintenance or repair history).

Responsible Agency – Public Works

Action – On-going, incorporated in pipe replacement schedule

Status – In progress; in the past 5 years, the City has replaced a few miles of sewer and water pipelines at a cost of approximately \$500,000.

In approximately 1987, the City passed an ordinance requiring that all new or replacement roofs have a class B fire rating. As of 2011, all City-owned buildings have a Class B rated or better roof.

Future Mitigation Actions and Priorities

As a participant in the 2010 ABAG multi-jurisdictional planning process, the staff of Benicia helped in the development and review of the comprehensive list of mitigation strategies in the overall multi-jurisdictional plan. The decision on priority was made based on a variety of criteria, not simply on an economic cost-benefit analysis. These criteria include being technically and administratively feasible, politically acceptable, socially appropriate, legal, economically sound, and not harmful to the environment or our heritage. Representatives from multiple departments then met on a regular basis to review progress on the Benicia’s 2005 strategies, to identify and prioritize additional mitigation strategies to update the list.

These draft priorities were submitted to City Directors for review. **The draft priorities will be provided to the City Council for adoption pending pre-approval of this LHMP by FEMA.**

The City planning team also prioritized specific mitigation tasks for the next 5 years.

GOVT-a-2 - Retrofit or replace critical facilities that are shown to be vulnerable to damage in natural disasters.

Responsible Agency – Police and Fire with Building Division

Action– Retrofit City Hall

Comments – While retrofit of the office portion of City Hall has been completed in 2000 at a cost of \$200,000, the City Council Chambers still need to be retrofitted. The anticipated cost of this retrofit is approximately \$300,000 to \$500,000.

Status – Currently underfunded. While this action is a high priority during the next five years, it is dependent on finding adequate funding that has not yet been obtained. Funds are being sought.

On-Going Mitigation Strategy Programs

The City has many on-going mitigation programs that help create a more disaster-resistant region. The following list highlights those programs identified as *Existing Programs* in the mitigation strategy spreadsheet.

Economy

- Assist in ensuring adequate hazard disclosure by working with real estate agents to improve enforcement of real estate disclosure requirements for commercial and industrial properties with regard to seven official natural hazard zones: 1) Special Flood Hazard Areas (designated by FEMA), 2) Areas of Potential Flooding from dam failure inundation, 3) Very High Fire Hazard Severity Zones, 4) Wildland Fire Zones, 5) Earthquake Fault Zones (designated under the Alquist-Priolo Earthquake Fault Zoning Act), and the 6) Liquefaction and Landslide Hazard Zones (designated under the Seismic Hazard Mapping Act). (ECON-a-1) - City of Benicia Public Works & Community Development
- Require engineered plan sets for voluntary or mandatory soft-story seismic retrofits by private owners until a standard plan set and construction details become available. (ECON-b-1) - City of Benicia Public Works & Community Development; California Building Code
- Continue to actively implement existing State law that requires cities and counties to maintain lists of the addresses of unreinforced masonry buildings and inform private property owners that they own this type of hazardous structure. (ECON-c-1) - City of Benicia Public Works & Community Development
- As required by State law, require private owners to inform all existing tenants that they may need to be prepared to work elsewhere following an earthquake even if the building has been retrofitted, because it has probably been retrofitted to a life-safety standard, not to a standard that will allow occupancy following major earthquakes. (ECON-c-4) - City of Benicia Public Works & Community Development
- Increase efforts to reduce hazards in existing private development in wildland-urban-interface fire-threatened communities or in areas exposed to high-to-extreme fire threat through improving engineering design and vegetation management for mitigation, appropriate code enforcement, and public education on defensible space mitigation strategies. (ECON-e-1) - City of Benicia Fire, Public Works & Community Development
- Tie public education on defensible space and a comprehensive defensible space ordinance to a field program of enforcement. (ECON-e-2) - City of Benicia Fire, Public Works & Community Development
- Require that new privately-owned business and office buildings in high fire hazard areas be constructed of fire-resistant building materials and incorporate fire-resistant design features (such as minimal use of eaves, internal corners, and open first floors) to increase structural survivability and reduce ignitability. (ECON-e-3) - City of Benicia Fire, Public Works & Community Development
- Adopt and amend as needed updated versions of the *California Building and Fire Codes* so that optimal fire-protection standards are used in construction and renovation projects

of private buildings. (ECON-e-4) - City of Benicia Fire, Public Works & Community Development

- Create a mechanism to enforce provisions of the *California Building and Fire Codes* and other local codes that require the installation of smoke detectors and fire-extinguishing systems on existing privately-owned buildings by making installation a condition of (a) finalizing a permit for any work valued at over a fixed amount and/or (b) on any building over 75 feet in height, and/or (b) as a condition for the transfer of property. (ECON-e-5) - City of Benicia Fire, Public Works & Community Development
- Compile a list of privately-owned high-rise and high-occupancy buildings that are deemed, due to their age or construction materials, to be particularly susceptible to fire hazards, and determine an expeditious timeline for the fire-safety inspection of all such structures. (ECON-e-9) - City of Benicia Building, Fire; No structures in this category
- Conduct periodic fire-safety inspections of all privately-owned commercial and industrial buildings. (ECON-e-10) - City of Benicia Fire
- Balance the needs for private commercial and industrial development against the risk from potential flood-related hazards. (ECON-f-2) - City of Benicia Public Works & Community Development; Ongoing during development review process
- Ensure that new private development pays its fair share of improvements to the storm drainage system necessary to accommodate increased flows from the development, or does not increase runoff by draining water to pervious areas or detention facilities. (ECON-f-3) - City of Benicia Public Works & Community Development; The City's development review process includes an analysis of storm drainage issues, including fees and necessary system improvements. The City also imposes impact fees to fund necessary infrastructure improvements
- Provide sandbags and plastic sheeting to private businesses in anticipation of rainstorms, and deliver those materials to vulnerable populations upon request. (ECON-f-4) - City of Benicia Public Works & Community Development; Available during flood emergencies
- Provide information to private business on locations for obtaining sandbags and deliver those sandbags to those various locations throughout a city and/or county. (ECON-f-5) - City of Benicia Public Works & Community Development; Available during flood emergencies
- Apply floodplain management regulations for private development in the floodplain and floodway. (ECON-f-6) - City of Benicia Public Works & Community Development; City Floodplain Ordinance, Zoning Ordinance, General Plan
- Encourage private business owners to participate in building elevation programs within flood hazard areas. (ECON-f-7) - City of Benicia Public Works & Community Development; Done as needed. Very few businesses in flood hazard areas
- Increase efforts to reduce landslides and erosion in existing and future development by improving appropriate code enforcement and use of applicable standards for private property, such as those appearing in the *California Building Code*, *California Geological Survey Special Report 117 – Guidelines for Evaluating and Mitigating Seismic Hazards in California*, American Society of Civil Engineers (ASCE) report *Recommended Procedures for Implementation of DMG Special Publication 117: Guidelines for Analyzing and Mitigating Landslide Hazards in California*, and the California Board for Geologists and Geophysicists *Guidelines for Engineering Geologic Reports*. Such standards should cover excavation, fill placement, cut-fill transitions, slope stability,

drainage and erosion control, slope setbacks, expansive soils, collapsible soils, environmental issues, geological and geotechnical investigations, grading plans and specifications, protection of adjacent properties, and review and permit issuance. (ECON-g-1) - City of Benicia Building, Planning, Engineering; public education

- Continue to require that all new privately-owned commercial and industrial buildings be constructed in compliance with requirements of the most recently adopted version of the *California Building Code*. (ECON-h-1) - City of Benicia Building; California Building Code
- Conduct appropriate employee training and support continued education to ensure enforcement of construction standards for private development. (ECON-h-2) - City of Benicia Building
- Develop and enforce a repair and reconstruction ordinance to ensure that damaged buildings are repaired in an appropriate and timely manner and retrofitted concurrently. This repair and reconstruction ordinance should apply to all public and private buildings, and also apply to repair of all damage, regardless of cause. See <http://quake.abag.ca.gov/recovery/info-repair-ord.html>. (ECON-i-5) - City of Benicia Building; California Building Code, but could adopt the appendix separately.
- Provide information to private business owners and their employees on the availability of interactive hazard maps on ABAG's web site. (ECON-j-1) - City of Benicia Fire, Planning; City's website
- Make use of the materials developed by others (such as found on ABAG's web site at <http://quake.abag.ca.gov/business>) to increase mitigation activities related to earthquakes by groups other than your own agency. ABAG plans to continue to improve the quality of those materials over time. (ECON-j-7) - City of Benicia Building, Fire; Through CERT and City website
- Develop a "Maintain-a-Drain" campaign, similar to that of the City of Oakland, encouraging private businesses and residents to keep storm drains in their neighborhood free of debris. (ECON-j-8) - City of Benicia Public Works & Community Development; "Only Rain Down the Drain"
- Distribute appropriate materials related to disaster mitigation and preparedness to private business owners. Appropriate materials are (1) culturally appropriate and (2) suitable for special needs populations. For example, such materials are available on the <http://www.preparenow.org> website and from non-governmental organizations that work with these communities on an on-going basis. (ECON-j-13) - City of Benicia Fire

Education

- Work cooperatively with the American Red Cross, cities, counties, and non-profits to set up memoranda of understanding for use of education facilities as emergency shelters following disasters. (EDUC-b-1) – Benicia Unified School District and City of Benicia Fire
- Work cooperatively to ensure that school district personnel and relevant staff understand and are trained that being designated by the American Red Cross or others as a potential emergency shelter does NOT mean that the school has had a hazard or structural evaluation to ensure that it can be used as a shelter following any specific disaster. (EDUC-b-2) – Benicia Unified School District and City of Benicia Fire

- Work cooperatively to ensure that school district personnel understand and are trained that they are designated as disaster service workers and must remain at the school until released. (EDUC-b-3) – Benicia Unified School District and City of Benicia Fire
- Encourage employees of schools to have family disaster plans and conduct mitigation activities in their own homes. (EDUC-c-1) – Benicia Unified School District and City of Benicia Fire
- Develop plans, in conjunction with fire jurisdictions, for evacuation or sheltering in place of school children during periods of high fire danger, thereby recognizing that overloading of streets near schools by parents attempting to pick up their children during these periods can restrict access by fire personnel and equipment. (EDUC-c-2) – Benicia Unified School District and City of Benicia Fire

Environment

- Continue to enforce State-mandated requirements, such as the *California Environmental Quality Act*, to ensure that mitigation activities for hazards, such as seismic retrofits and vegetation clearance programs for fire threat, are conducted in a way that reduces environmental degradation such as air quality impacts, noise during construction, and loss of sensitive habitats and species, while respecting the community value of historic preservation. (ENVI-a-1) – City of Benicia Public Works & Community Development and State & Federal Resource Agencies. Issues are addressed on a case-by-case basis as mitigation programs are designed and implemented.
- Encourage regulatory agencies to work collaboratively with safety professionals to develop creative mitigation strategies that effectively balance environmental and safety needs, particularly to meet critical wildfire, flood, and earthquake safety levels. (ENVI-a-2) – City of Benicia Public Works & Community Development, State & Federal Resource Agencies; Issues are addressed on a case-by-case basis as mitigation programs are designed and implemented
- Continue to enforce and/or comply with State-mandated requirements, such as the *California Environmental Quality Act* and environmental regulations to ensure that urban development is conducted in a way to minimize air pollution. For example, air pollution levels can lead to global warming, and then to drought, increased vegetation susceptibility to disease (such as pine bark beetle infestations), and associated increased fire hazard. (ENVI-a-3) – City of Benicia Public Works & Community Development, State & Federal Resource Agencies; Issues are addressed on a case-by-case basis as mitigation programs are designed and implemented. City's Development Review process includes an analysis of environmental impacts
- Balance the need for the smooth flow of storm waters versus the need to maintain wildlife habitat by developing and implementing a comprehensive Streambed Vegetation Management Plan that ensures the efficacy of flood control efforts, mitigates wildfires and maintains the viability of living rivers. (ENVI-a-5) – City of Benicia Public Works & Community Development, State & Federal Resource Agencies; Issues are addressed on a case-by-case basis as mitigation programs are designed and implemented
- Comply with applicable performance standards of any *National Pollutant Discharge Elimination System* municipal stormwater permit that seeks to manage increases in stormwater run-off flows from new development and redevelopment construction projects. (ENVI-a-6) – City of Benicia Public Works & Community Development, State

& Federal Resource Agencies; Ongoing program incorporate mitigation into project design during development review process

- Enforce and/or comply with the grading, erosion, and sedimentation requirements by prohibiting the discharge of concentrated stormwater flows by other than approved methods that seek to minimize associated pollution. (ENVI-a-7) – City of Benicia Public Works & Community Development; Ongoing program incorporate mitigation into project design during development review process
- Explore ways to require that hazardous materials stored in the flood zone be elevated or otherwise protected from flood waters. (ENVI-a-8) – City of Benicia Building, Fire; Reviewed in permit process and inspections
- Provide information on hazardous waste disposal and/or drop off locations. (ENVI-a-10) – All City of Benicia departments
- When remodeling existing government and infrastructure buildings and facilities, remove asbestos to speed up clean up of buildings so that they can be reoccupied more quickly. (ENVI-a-11) – City of Benicia Building, Parks & Community Services
- Stay informed of scientific information compiled by regional and state sources on the subject of rising sea levels and global warming, especially on additional actions that local governments can take to mitigate this hazard including special design and engineering of government-owned facilities in low-lying areas, such as wastewater treatment plants, ports, and airports. (ENVI-b-1) – City of Benicia Public Works & Community Development; Ongoing
- Inventory global warming emissions in your own local government's operations and in the community, set reduction targets and create an action plan. (ENVI-b-2) – City of Benicia Public Works & Community Development; Reduction targets adopted in September 2008. Climate Action Plan adopted in September 2009

Government

- Clarify to workers in critical facilities and emergency personnel, as well as to elected officials and the public, the extent to which the facilities are expected to perform only at a life safety level (allowing for the safe evacuation of personnel) or are expected to remain functional following an earthquake. (GOVT-a-3) - City of Benicia Fire, Police, City Manager; Ongoing training programs, including classes, seminars, and educational materials.
- Encourage joint meetings of security and operations personnel at critical facilities to develop innovative ways for these personnel to work together to increase safety and security. (GOVT-a-5) - City of Benicia Fire, Police, City Manager; Ongoing program of drills, training, cooperative planning efforts.
- Ensure that new government-owned facilities comply with and are subject to the same or more stringent regulations as imposed on privately-owned development. (GOVT-a-10) – City of Benicia Public Works & Community Development, Fire, Parks & Community Services
- Comply with all applicable building and fire codes, as well as other regulations (such as state requirements for fault, landslide, and liquefaction investigations in particular mapped areas) when constructing or significantly remodeling government-owned facilities. (GOVT-a-11) – City of Benicia Public Works & Community Development, Fire, Parks & Community Services

- Prior to acquisition of property to be used as a critical facility, conduct a study to ensure the absence of significant structural hazards and hazards associated with the building site. (GOVT-a-12) – City of Benicia Public Works & Community Development, Fire, Parks & Community Services
- Ensure that any regulations imposed on private-owned businesses related to repair and reconstruction (see Economy Section) are enforced and imposed on local government's own buildings and structures. (GOVT-a-13) – City of Benicia Public Works & Community Development, Fire, Parks & Community Services
- Continue to participate not only in general mutual-aid agreements, but also in agreements with adjoining jurisdictions for cooperative response to fires, floods, earthquakes, and other disasters. (GOVT-c-13) – City of Benicia Fire, Police, Solano County; Mutual Aid agreements in place
- Install alert and warning systems for rapid evacuation or shelter-in-place. Such systems include outdoor sirens and/or reverse-911 calling systems. (GOVT-c-14) – City of Benicia Fire, Police; A system with 7 sirens is in place. Cable TV and AM radio used for notification
- Regulate and enforce the location and design of street-address numbers on buildings and minimize the naming of short streets (that are actually driveways) to single homes. (GOVT-c-16) – City of Benicia Building, Fire; Building Code, Fire Code
- Monitor weather during times of high fire risk using, for example, weather stations tied into police and fire dispatch centers. (GOVT-c-17) – City of Benicia Fire; Ongoing monitoring by 911 Dispatch and Patrol. Weather stations at fire stations
- Promote information sharing among overlapping and neighboring local governments, including cities, counties, and special districts, as well as utilities. (GOVT-d-1) All City of Benicia Departments; Ongoing - includes cooperation with ABAG and State agencies
- Recognize that emergency services is more than the coordination of police and fire response; it also includes planning activities with providers of water, food, energy, transportation, financial, information, and public health services. (GOVT-d-2) – City of Benicia City Manager, Public Works & Community Development, Fire, Police; Ongoing - includes cooperation with ABAG and State agencies
- As new flood-control projects are completed, request that FEMA revise its flood-insurance rate maps and digital Geographic Information System (GIS) data to reflect flood risks as accurately as possible. (GOVT-d-4) – City of Benicia Public Works & Community Development, Fire; Ongoing
- Participate in FEMA's National Flood Insurance Program. (GOVT-d-5) – City of Benicia Public Works & Community Development, Fire; Ongoing
- Work with major employers and agencies that handle hazardous materials to coordinate mitigation efforts for the possible release of these materials due to a natural disaster such as an earthquake, flood, fire, or landslide. (GOVT-d-7) – City of Benicia Solano County; Emergency Response Plan at major sources
- Cooperate with researchers working on government-funded projects to refine information on hazards, for example, by expediting the permit and approval process for installation of seismic arrays, gravity survey instruments, borehole drilling, fault trenching, landslide mapping, flood modeling, and/or damage data collection. (GOVT-d-10) – City of Benicia Public Works & Community Development, Fire; Done, if applicable

Health

- Ensure health care facilities are adequately prepared to care for victims with respiratory problems related to smoke and/or particulate matter inhalation. (HEAL-a-3) – City of Benicia Fire and Solano County.
- Ensure these health care facilities have the capacity to shut off outside air and be self-contained. (HEAL-a-4) – City of Benicia Fire and Solano County.

Housing

- Develop a plan for short-term sheltering of residents of your community in conjunction with the American Red Cross. (HSNG-a-3) – City of Benicia Fire.
- Utilize or recommend adoption of a retrofit standard that includes standard plan sets and construction details for voluntary bolting of homes to their foundations and bracing of outside walls of crawl spaces (“cripple” walls), such as Plan Set A developed by a committee representing the East Bay-Peninsula-Monterey Chapters of the International Code Council (ICC), California Building Officials (CALBO), the Structural Engineers Association of Northern California (SEAONC), the Northern California Chapter of the Earthquake Engineering Research Institute (EERI-NC), and ABAG’s Earthquake Program. (HSNG-b-1) – City of Benicia Building; Minimum standards in Construction Framing provisions of California Building Code
- Require engineered plan sets for seismic retrofitting of heavy two-story homes with living areas over garages, as well as for split level homes (that is, homes not covered by Plan Set A), until standard plan sets and construction details become available. (HSNG-b-2) – City of Benicia Building; California Building Code
- Require engineered plan sets for seismic retrofitting of homes on steep hillsides (because these homes are not covered by Plan Set A). (HSNG-b-3) – City of Benicia Building; California Building Code
- Encourage local government building inspectors to take classes on a periodic basis (such as the FEMA-developed training classes offered by ABAG) on retrofitting of single-family homes, including application of Plan Set A. (HSNG-b-4) – City of Benicia Building; California Building Code
- Encourage private retrofit contractors and home inspectors doing work in your area to take retrofit classes on a periodic basis (such as the FEMA-developed training classes offered by ABAG or additional classes that might be offered by the CALBO Training Institute) on retrofitting of single-family homes. (HSNG-b-5) – City of Benicia Building
- Require engineered plan sets for voluntary or mandatory soft-story seismic retrofits by private owners until a standard plan set and construction details become available. (HSNG-c-1) – City of Benicia Building; California Building Code
- Provide technical assistance in seismically strengthening privately-owned soft-story structures. (HSNG-c-9) – City of Benicia Building; Building staff works with contractors and property owners to identify ways to better address seismic safety concerns
- Continue to actively implement existing State law that requires cities and counties to maintain lists of the addresses of unreinforced masonry buildings and inform private property owners that they own this type of hazardous structure. (HSNG-d-1) – City of Benicia Building
- As required by State law, require private owners to inform all existing tenants that they may need to be prepared to live elsewhere following an earthquake even if the building

has been retrofitted, because it has probably been retrofitted to a life-safety standard, not to a standard that will allow occupancy following major earthquakes. (HSNG-d-4) – City of Benicia Building

- Continue to require that all new housing be constructed in compliance with requirements of the most recently adopted version of the *California Building Code*. (HSNG-f-1) – City of Benicia Building
- Conduct appropriate employee training and support continued education to ensure enforcement of building codes and construction standards, as well as identification of typical design inadequacies of housing and recommended improvements. (HSNG-f-2) – City of Benicia Building
- Increase efforts to reduce hazards in existing private development in wildland-urban-interface fire-threatened communities or in areas exposed to high-to-extreme fire threat through improving engineering design and vegetation management for mitigation, appropriate code enforcement, and public education on defensible space mitigation strategies. (HSNG-g-1) – City of Benicia Fire
- Tie public education on defensible space and a comprehensive defensible space ordinance to a field program of enforcement. (HSNG-g-2) – City of Benicia Fire
- Require that new homes in wildland-urban-interface fire-threatened communities or in areas exposed to high-to-extreme fire threat be constructed of fire-resistant building materials (including roofing and exterior walls) and incorporate fire-resistant design features (such as minimal use of eaves, internal corners, and open first floors) to increase structural survivability and reduce ignitability. Note - See Structural Fire Prevention Field Guide for Mitigation of Wildfires at <http://osfm.fire.ca.gov/structural.html>. (HSNG-g-3) – City of Benicia Building, Fire
- Consider fire safety, evacuation, and emergency vehicle access when reviewing proposals to add secondary units or additional residential units in wildland-urban-interface fire-threatened communities or in areas exposed to high-to-extreme fire threat. (HSNG-g-5) – City of Benicia Building, Fire
- Adopt and amend as needed updated versions of the *California Building and Fire Codes* so that optimal fire-protection standards are used in construction and renovation projects of private buildings. (HSNG-g-6) – City of Benicia Building, Fire
- Create a mechanism to enforce provisions of the *California Building and Fire Codes* and other local codes that require the installation of smoke detectors and fire-extinguishing systems on existing residential buildings by making installation a condition of (a) finalizing a permit for any work valued at over a fixed amount and/or (b) on any building over 75 feet in height, and/or (b) as a condition for the transfer of property. (HSNG-g-7) – City of Benicia Building, Fire
- Require fire sprinklers in new homes located more than 1.5 miles or a 5-minute response time from a fire station or in an identified high hazard wildland-urban-interface wildfire area. (HSNG-g-12) – City of Benicia Building, Fire
- Require fire sprinklers in all new or substantially remodeled multifamily housing, regardless of distance from a fire station. (HSNG-g-13) – City of Benicia Building, Fire
- Require sprinklers in all mixed use development to protect residential uses from fires started in non-residential areas. (HSNG-g-14) – City of Benicia Building, Fire; California Building Code

- Conduct periodic fire-safety inspections of all multi-family buildings, as required by State law. (HSNG-g-16) – City of Benicia Fire
- Create a mechanism to require the bracing of water heaters and flexible couplings on gas appliances, and/or (as specified under "**b. Single-family homes vulnerable to earthquakes**" above) the bolting of homes to their foundations and strengthening of cripple walls to reduce fire ignitions due to earthquakes. (HSNG-g-18) – City of Benicia Building; California Building Code
- Ensure that new private development pays its fair share of improvements to the storm drainage system necessary to accommodate increased flows from the development, or does not increase runoff by draining water to pervious areas or detention facilities. (HSNG-h-3) – City of Benicia Public Works, Building
- Provide sandbags and plastic sheeting to residents in anticipation of rainstorms, and deliver those materials to vulnerable populations upon request. (HSNG-h-4) – City of Benicia Public Works & Community Development; Corporation Yard provides sandbags during an event
- Provide public information on locations for obtaining sandbags and/or deliver those sandbags to those various locations throughout a city and/or county prior to and/or during the rainy season. (HSNG-h-5) – City of Benicia Public Works & Community Development; Corporation Yard provides sandbags during an event
- Apply floodplain management regulations for private development in the floodplain and floodway. (HSNG-h-6) – City of Benicia Public Works & Community Development; Ongoing during project review
- Ensure that new subdivisions are designed to reduce or eliminate flood damage by requiring lots and rights-of-way be laid out for the provision of approved sewer and drainage facilities, providing on-site detention facilities whenever practicable. (HSNG-h-7) – City of Benicia Public Works & Community Development; Ongoing during project review
- Encourage home and apartment owners to participate in home elevation programs within flood hazard areas. (HSNG-h-8) – City of Benicia Building; When applicable, though there are few residential units in flood areas
- Encourage owners of properties in a floodplain to consider purchasing flood insurance. For example, point out that most homeowners' insurance policies do not cover a property for flood damage. (HSNG-h-10) – City of Benicia Building; When applicable, though there are few residential units in flood areas
- Increase efforts to reduce landslides and erosion in existing and future development by improving appropriate code enforcement and use of applicable standards for private property, such as those appearing in the California Building Code, California Geological Survey *Special Report 117 – Guidelines for Evaluating and Mitigating Seismic Hazards in California*, American Society of Civil Engineers (ASCE) report *Recommended Procedures for Implementation of DMG Special Publication 117: Guidelines for Analyzing and Mitigating Landslide Hazards in California*, and the California Board for Geologists and Geophysicists *Guidelines for Engineering Geologic Reports*. Such standards should cover excavation, fill placement, cut-fill transitions, slope stability, drainage and erosion control, slope setbacks, expansive soils, collapsible soils, environmental issues, geological and geotechnical investigations, grading plans and specifications, protection of adjacent properties, and review and permit issuance. (HSNG-

i-1) – City of Benicia Public Works & Community Development; Ongoing during project review

- Develop and enforce a repair and reconstruction ordinance to ensure that damaged buildings are repaired in an appropriate and timely manner and retrofitted concurrently. This repair and reconstruction ordinance should apply to all public and private buildings, and also apply to repair of all damage, regardless of cause. See <http://quake.abag.ca.gov/recovery/info-repair-ord.html>. (HSNG-j-1) – City of Benicia Building California Building Code
- Use disaster anniversaries, such as April (the 1906 earthquake), September (9/11), and October (Loma Prieta earthquake and Oakland Hills fire), to remind the public of safety and security mitigation activities. (HSNG-k-5) – City of Benicia City Manager, Fire
- Train homeowners to locate and shut off gas valves if they smell or hear gas leaking. (HSNG-k-10) – City of Benicia Fire, PG&E; Educational materials available
- Make use of the materials on the ABAG web site at <http://quake.abag.ca.gov/fixit> and other web sites to increase residential mitigation activities related to earthquakes. (ABAG plans to continue to improve the quality of those materials over time.) (HSNG-k-12) – City of Benicia Building, Fire; Through CERT and City website
- Develop a “Maintain-a-Drain” campaign, similar to that of the City of Oakland, encouraging private businesses and residents to keep storm drains in their neighborhood free of debris. (HSNG-k-13) – City of Benicia Public Works & Community Development; "Only Rain Down the Drain"
- Inform shoreline-property owners of the possible long-term economic threat posed by rising sea levels. (HSNG-k-15) – City of Benicia Building, Fire; Done as needed
- Distribute appropriate materials related to disaster mitigation and preparedness to residents. Appropriate materials are (1) culturally appropriate and (2) suitable for special needs populations. For example, such materials are available on the <http://www.preparenow.org> website and from non-governmental organizations that work with these communities on an on-going basis. (HSNG-k-16) – City of Benicia Fire

Infrastructure

- If a dam owner, comply with State of California and federal requirements to assess the vulnerability of dams to damage from earthquakes, seiches, landslides, liquefaction, or security threats. (INFR-a-2) – City of Benicia Public Works & Community Development
- Encourage the cooperation of utility system providers and cities, counties, and special districts, and PG&E to develop strong and effective mitigation strategies for infrastructure systems and facilities. (INFR-a-3) – City of Benicia Public Works & Community Development; Ongoing program
- Support and encourage efforts of other (lifeline infrastructure) agencies as they plan for and arrange financing for seismic retrofits and other disaster mitigation strategies. (For example, a city might pass a resolution in support of a transit agency’s retrofit program.) (INFR-a-5) – City of Benicia Public Works & Community Development, Fire; City owns the water utility and works with Solano County and other cities on water supply. Fire has hoses available for bridging pipeline gaps in potable water supply.
- Develop a plan for speeding the repair and functional restoration of water and wastewater systems through stockpiling of shoring materials, temporary pumps, surface pipelines, portable hydrants, and other supplies, such as those available through the Water

/Wastewater Agency Response Network (WARN). Communicate that plan to local governments and critical facility operators. (INFR-a-6) – City of Benicia Public Works & Community Development, Fire City owns the water utility and works with Solano County and other cities on water supply. Fire has hoses available for bridging pipeline gaps in potable water supply

- Engage in, support, and/or encourage research by others (such as USGS, universities, or Pacific Earthquake Engineering Research Center-PEER) on measures to further strengthen transportation, water, sewer, and power systems so that they are less vulnerable to damage in disasters. (INFR-a-7) – City of Benicia Public Works & Community Development, Fire
- Encourage replacing above ground electric and phone wires and other structures with underground facilities, and use the planning-approval process to ensure that all new phone and electrical utility lines are installed underground. (INFR-a-12) – City of Benicia Public Works & Community Development; Current City development standards require underground utilities in all new projects. City works with PG&E to undertake undergrounding of existing facilities when possible
- If you own a dam, coordinate with the State Division of Safety of Dams to ensure an adequate timeline for the maintenance and inspection of dams, as required of dam owners by State law, and communicate this information to local governments and the public. (INFR-a-13) – City of Benicia Public Works & Community Development; One dam in community. Regular inspections conducted by DOSD and City staff
- Encourage communication between State Emergency Management Agency (CalEMA), FEMA, and utilities related to emergencies occurring outside of the Bay Area that can affect service delivery in the region. (INFR-a-14) – City of Benicia Public Works & Community Development, Fire, Police; Ongoing training and communications
- Ensure that transit operators, private ambulance companies, cities, and/or counties have mechanisms in place for medical transport during and after disasters that take into consideration the potential for reduced capabilities of roads following these same disasters. (INFR-a-15) – Solano County with City of Benicia Fire, Police; Part of County EMS and Fire Plan
- Coordinate with other critical infrastructure facilities to establish plans for delivery of water and wastewater treatment chemicals. (INFR-a-19) – City of Benicia Public Works & Community Development
- Include “areas subject to high ground shaking, earthquake-induced ground failure, and surface fault rupture” in the list of criteria used for determining a replacement schedule for pipelines (along with importance, age, type of construction material, size, condition, and maintenance or repair history). (INFR-b-3) – City of Benicia Public Works & Community Development
- Comply with all applicable building and fire codes, as well as other regulations (such as state requirements for fault, landslide, and liquefaction investigations in particular mapped areas) when constructing or significantly remodeling infrastructure facilities. (INFR-b-8) – City of Benicia Public Works & Community Development, Fire; City facilities comply with CBSC
- Clarify to workers in critical facilities and emergency personnel, as well as to elected officials and the public, the extent to which the facilities are expected to perform only at a life safety level (allowing for the safe evacuation of personnel) or are expected to remain

functional following an earthquake. (INFR-b-9) – City of Benicia City Manager, Fire, Police; City has ongoing training programs, including classes, seminars, and educational materials

- For new development, ensure all dead-end segments of public roads in high hazard areas have at least a “T” intersection turn-around sufficient for typical wildland fire equipment. (INFR-c-4) – City of Benicia Public Works & Community Development, Fire; Dead end streets are not typically used in the City - particularly in high hazard areas. All cul-de-sacs have adequate turning radii
- For new development, enforce minimum road width of 20 feet with an additional 10-foot clearance on each shoulder on all driveways and road segments greater than 50 feet in length in wildfire hazard areas. (INFR-c-5) – City of Benicia Public Works & Community Development, Fire; Development review process ensures adequate access roads, including alternative fire access routes in hillside fire hazard areas
- Require that development in high fire hazard areas provide adequate access roads (with width and vertical clearance that meet the minimum standards of the *Fire Code* or relevant local ordinance), onsite fire protection systems, evacuation signage, and fire breaks. (INFR-c-6) – City of Benicia Public Works & Community Development, Fire; Development review process ensures adequate access roads, including alternative fire access routes in hillside fire hazard areas
- Ensure adequate fire equipment road or fire road access to developed and open space areas. (INFR-c-7) – City of Benicia Public Works & Community Development, Fire; Development review process ensures adequate access routes
- Assist, support, and/or encourage the U.S. Army Corp of Engineers, various Flood Control and Water Conservation Districts, and other responsible agencies to locate and maintain funding for the development of flood control projects that have high cost-benefit ratios (such as through the writing of letters of support and/or passing resolutions in support of these efforts). (INFR-d-4) – City of Benicia Public Works & Community Development; Ongoing
- Ensure that utility systems in new developments are constructed in ways that reduce or eliminate flood damage. (INFR-d-13) – City of Benicia Public Works & Community Development; Development review process and CEQA review address this issue
- Work for better cooperation among the patchwork of agencies managing flood control issues. (INFR-d-16) – City of Benicia Public Works & Community Development; Ongoing
- Include “areas subject to ground failure” in the list of criteria used for determining a replacement schedule (along with importance, age, type of construction material, size, condition, and maintenance or repair history) for pipelines. (INFR-e-1) – City of Benicia Public Works & Community Development; City avoids, wherever possible, locating facilities in areas subject to ground failure
- Establish requirements in zoning ordinances to address hillside development constraints in areas of steep slopes that are likely to lead to excessive road maintenance or where roads will be difficult to maintain during winter storms due to landsliding. (INFR-e-2) – City of Benicia Public Works & Community Development; Zoning Ordinance regulates hillside development
- Ensure that critical buildings owned or leased by special districts or private utility companies participate in a program similar to San Francisco’s Building Occupancy

Resumption Program (BORP). The BORP program permits owners of buildings to hire qualified engineers to create facility-specific post-disaster inspection plans and allows these engineers to become automatically deputized as City/County inspectors for these buildings in the event of an earthquake or other disaster. This program allows rapid reoccupancy of the buildings. Note - A qualified (deleted structural) engineer is a California licensed engineer with relevant experience. (INFR-f-1) – City of Benicia Public Works & Community Development

- Provide materials to the public related to planning for power outages. (INFR-g-1) – City of Benicia Public Works & Community Development, Fire, PG&E
- Provide materials to the public related to family and personal planning for delays due to traffic or road closures, or due to transit system disruption caused by disasters. (INFR-g-2) – City of Benicia Public Works & Community Development, Fire; City-wide notification system. Cable Channel 27
- Sponsor the formation and training of Community Emergency Response Teams (CERT) for the employees of your agency. [Note – these programs go by a variety of names in various cities and areas.] (INFR-g-6) – City of Benicia Fire; CERT founded in 2002

Land Use

- Enforce and/or comply with the State-mandated requirement that site-specific geologic reports be prepared for development proposals within Alquist-Priolo Earthquake Fault Zones, and restrict the placement of structures for human occupancy. (LAND-a-1) - City of Benicia Public Works & Community Development; Development Review process, Building Code, and Zoning Ordinance all address this issue.
- Require preparation of site-specific geologic or geotechnical reports for development and redevelopment proposals in areas subject to earthquake-induced landslides or liquefaction as mandated by the State Seismic Hazard Mapping Act in selected portions of the Bay Area where these maps have been completed, and condition project approval on the incorporation of necessary mitigation measures related to site remediation, structure and foundation design, and/or avoidance. (LAND-a-2) - City of Benicia Public Works & Community Development; Standard requirement for applications in seismic areas, per the Health and Safety Element of the General Plan and standard City procedures
- Recognizing that some faults may be a hazard for surface rupture, even though they do not meet the strict criteria imposed by the Alquist-Priolo Earthquake Fault Zoning Act, identify and require geologic reports in areas adjacent to locally-significant faults. (LAND-a-3) - City of Benicia Public Works & Community Development; Applicants must provide adequate information to assess geological risk, even if not within an Alquist-Priolo Zone
- Recognizing that the California Geological Survey has not completed earthquake-induced landslide and liquefaction mapping for much of the Bay Area, identify and require geologic reports in areas mapped by others as having significant liquefaction or landslide hazards. (LAND-a-6) - City of Benicia Public Works & Community Development; Applicants must provide adequate information to assess geological risk, even if not within an Alquist-Priolo Zone
- Support and/or facilitate efforts by the California Geological Survey to complete the earthquake-induced landslide and liquefaction mapping for the Bay Area. (LAND-a-7) - City of Benicia Public Works & Community Development

- Require that local government reviews of geologic and engineering studies are conducted by appropriately trained and credentialed personnel. (LAND-a-8) - City of Benicia Public Works & Community Development; City requires third party geotechnical review
- Review new development proposals to ensure that they incorporate required and appropriate fire-mitigation measures, including adequate provisions for occupant evacuation and access by emergency response personnel and equipment. (LAND-b-1) - City of Benicia Public Works & Community Development, Fire; Fire Code
- Establish and enforce requirements for new development so that site-specific designs and source-control techniques are used to manage peak stormwater runoff flows and impacts from increased runoff volumes. (LAND-c-1) - City of Benicia Public Works & Community Development; Ongoing program incorporates mitigation into
- Incorporate FEMA guidelines and suggested activities into local government plans and procedures for managing flood hazards. (LAND-c-2) - City of Benicia Public Works & Community Development, State and Federal Agencies; General Plan, Sewer Master Plan
- Provide an institutional mechanism to ensure that development proposals adjacent to floodways and in floodplains are referred to flood control districts and wastewater agencies for review and comment (consistent with the NPDES program). (LAND-c-3) - City of Benicia Public Works & Community Development; City's Development Review Process
- Establish and enforce regulations concerning new construction (and major improvements to existing structures) within flood zones in order to be in compliance with federal requirements and, thus, be a participant in the Community Rating System of the *National Flood Insurance Program*. (LAND-c-4) - City of Benicia Public Works & Community Development; City codes & resolutions
- Establish and enforce provisions (under subdivision ordinances or other means) that geotechnical and soil-hazard investigations be conducted and filed to prevent grading from creating unstable slopes, and that any necessary corrective actions be taken prior to development approval. (LAND-d-1) - City of Benicia Public Works & Community Development; Development review process, Subdivision Ordinance, General Plan Health and Safety Element, Hillside Development Guidelines
- Require that local government reviews of these investigations are conducted by appropriately trained and credentialed personnel. (LAND-d-2) - City of Benicia Public Works & Community Development; Third party review for geologically sensitive development
- Establish and enforce grading, erosion, and sedimentation ordinances by requiring, under certain conditions, grading permits and plans to control erosion and sedimentation prior to development approval. (LAND-d-3) - City of Benicia Public Works & Community Development; City codes, Subdivision Ordinance
- Establish and enforce provisions under the creek protection, storm water management, and discharge control ordinances designed to control erosion and sedimentation. (LAND-d-4) - City of Benicia Public Works & Community Development; City codes, Development guidelines
- Establish requirements in zoning ordinances to address hillside development constraints, especially in areas of existing landslides. (LAND-d-5) - City of Benicia Public Works & Community Development; Development Review Process

- For new development, require a buffer zone between residential properties and landslide or wildfire hazard areas. (LAND-e-1) - City of Benicia Building, Fire; General Plan Health & Safety Element requires careful consideration of hazards. This is reflected in the Development Review Process. The City typically requires buffer strips and more focused weed abatement efforts in potentially hazardous situations.
- Discourage, add additional mitigation strategies, or prevent new construction or major remodels on slopes greater than a set percentage, such as 15%, due to landslide or wildfire hazard concerns. (LAND-e-2) - City of Benicia Public Works & Community Development, Fire; General Plan Health & Safety Element requires careful consideration of hazards. This is reflected in the Development Review Process. The City typically requires buffer strips and more focused weed abatement efforts in potentially hazardous situations.
- Prioritize retrofit of infrastructure that serves urban areas (or urban services areas) over constructing new infrastructure to serve outlying areas. (LAND-f-1) - City of Benicia Public Works & Community Development, Finance; City uses a balanced approach to infrastructure investments, with ongoing upgrades to existing facilities along with adequate infrastructure, funded through impact fees, in new areas
- Strive to provide and preserve existing buffers between development and existing users of large amounts of hazardous materials, such as major industry, due to the potential for catastrophic releases or fires due to an earthquake, accident, or terrorism. (Flooding might also result in release or spread of these materials; however, it is unlikely.) In areas where buffers do not exist or cannot be created, provide alternative mitigation. (LAND-f-5) - City of Benicia Public Works & Community Development, Fire; Ongoing

The following are on-going programs that are currently underfunded or partially funded by other agencies. It is the City's priority to search for, and find, additional funding to sustain these on-going programs over time.

Economy

- Create incentives for private owners of historic or architecturally significant commercial and industrial buildings to undertake mitigation to levels that will minimize the likelihood that these buildings will need to be demolished after a disaster, particularly if those alterations conform to the federal Secretary of the Interior's Guidelines for Rehabilitation. (ECON-a-2) - City of Benicia Public Works & Community Development; Mills Act Program
- Accelerate retrofitting of privately-owned unreinforced masonry structures that have not been retrofitted, for example, by (a) actively working with owners to obtain structural analyses of their buildings, (b) helping owners obtain retrofit funding, (c) adopting a mandatory (rather than voluntary) retrofit program, and/or (d) applying penalties to owners who show inadequate efforts to upgrade these buildings. (ECON-c-2) - City of Benicia Public Works & Community Development
- Require private owners to inform all existing tenants (and prospective tenants prior to signing a lease agreement) that they work in an unreinforced masonry building and the standard to which it may have been retrofitted. (ECON-c-3) - City of Benicia Public Works & Community Development

- Inventory non-ductile concrete, tilt-up concrete, and other privately-owned structurally vulnerable buildings. (ECON-d-1) - City of Benicia Public Works & Community Development; Minimal need in Benicia
- Adopt one or more of the following strategies as incentives to encourage retrofitting of privately-owned seismically vulnerable commercial and industrial buildings: (a) waivers or reductions of permit fees, (b) below-market loans, (c) local tax breaks, (d) grants to cover the cost of retrofitting or of a structural analysis, (e) land use (such as parking requirement waivers) and procedural incentives, or (f) technical assistance. (ECON-d-3) - City of Benicia Public Works & Community Development
- Expand vegetation management programs in wildland-urban-interface fire-threatened communities or in areas exposed to high-to-extreme fire threat to more effectively manage the fuel load through roadside collection and chipping, mechanical fuel reduction equipment, selected harvesting, use of goats or other organic methods of fuel reduction, and selected use of controlled burning. (ECON-e-6) - City of Benicia Fire; Current Weed Abatement Program
- Establish special funding mechanisms (such as Fire Hazard Abatement Districts or regional bond funding) to fund reduction in fire risk of existing properties through vegetation management that includes reduction of fuel loads, use of defensible space, and fuel breaks. (ECON-e-7) - City of Benicia Fire
- Establish special funding mechanisms (such as Fire Hazard Abatement Districts or regional bond funding) to fund fire-safety inspections of private properties, roving firefighter patrols on high fire-hazard days, and public education efforts. (ECON-e-8) - City of Benicia Fire
- Ensure that city/county-initiated fire-preventive vegetation-management techniques and practices for creek sides and high-slope areas do not contribute to the landslide and erosion hazard. (ECON-e-12) - City of Benicia Public Works & Community Development
- Work with insurance companies to create a public/private partnership to give a discount on fire insurance premiums to Forester Certified *Fire Wise* landscaping and fire-resistant building materials on private property. (ECON-e-13) - City of Benicia Fire, Public Works & Community Development
- Increase efforts to reduce landslides and erosion in existing and future private development through continuing education of design professionals on mitigation strategies. (ECON-g-2) - City of Benicia Building, Planning, Engineering; Ongoing through development review process
- Work with private building owners to help them recognize that many strategies that increase earthquake resistance also decrease damage in an explosion. In addition, recognize that ventilation systems can be designed to contain airborne biological agents. (ECON-h-3) - City of Benicia Building
- Institute a program to encourage owners of private buildings to participate in a program similar to San Francisco's Building Occupancy Resumption Program (BORP). This program permits owners of private buildings to hire qualified structural engineers to create building-specific post-disaster inspection plans and allows these engineers to become automatically deputized as City/County inspectors for these buildings in the event of an earthquake or other disaster. (ECON-i-1) - City of Benicia Building; Self-certification permitted by ordinance

- Establish preservation-sensitive measures for the repair and reoccupancy of historically significant privately-owned structures, including requirements for temporary shoring or stabilization where needed, arrangements for consulting with preservationists, and expedited permit procedures for suitable repair or rebuilding of historically or architecturally valuable structures. (ECON-i-6) - City of Benicia Building
- Develop printed materials, utilize existing materials (such as developed by FEMA and the American Red Cross), conduct workshops, and/or provide outreach encouraging private businesses' employees to have family disaster plans that include drop-cover-hold earthquake drills, fire and storm evacuation procedures, and shelter-in-place emergency guidelines. (ECON-j-2) - City of Benicia Fire
- Develop and print materials, conduct workshops, and provide outreach to Bay Area private businesses focusing on business continuity planning. (ECON-j-3) - City of Benicia Fire, Economic Development
- Inform Bay Area private business owners of mitigation activities, including elevation of appliances above expected flood levels, use of fire-resistant roofing and defensible space in wildland-urban-interface fire-threatened communities or in areas exposed to high-to-extreme fire threat, structural retrofitting techniques for older buildings, and use of intelligent grading practices through workshops, publications, and media announcements and events. (ECON-j-4) - City of Benicia Building, Fire
- Sponsor the formation and training of Community Emergency Response Teams (CERT) training for other than your own employees through partnerships with local private businesses. [Note – these programs go by a variety of names in various cities and areas.] (ECON-j-5) - City of Benicia Fire; CERT program started in 2002
- Assist private businesses in the development of defensible space through the use of, for example, “tool libraries” for weed abatement tools, roadside collection and/or chipping services (for brush, weeds, and tree branches) in wildland-urban-interface fire-threatened communities or in areas exposed to high-to-extreme fire threat. (ECON-j-6) - City of Benicia Fire; Weed abatement program in place
- Encourage joint meetings of security and operations personnel at major private employers to develop innovative ways for these personnel to work together to increase safety and security. (ECON-j-11) - City of Benicia Fire, Police

Education

- Assess the vulnerability of critical public education facilities to damage in natural disasters and make recommendations for appropriate mitigation. (EDUC-a-1) – Benicia Unified School District and City of Benicia Fire
- Offer the 20-hour basic Student Emergency Response Training (SERT, rather than CERT) training to middle school and/or high school students as a part of the basic science or civics curriculum, as an after school club, or as a way to earn public service hours.. (EDUC-c-4) – Benicia Unified School District and City of Benicia Fire
- Offer the 20-hour basic CERT training course through the Adult School system and/or through the Community College system (either using instructors with teaching credentials or by making facilities available for classes not run by school personnel themselves). (EDUC-c-5) – Benicia Unified School District and City of Benicia Fire

Environment

- Develop and implement a program to control invasive and exotic species that contribute to fire and flooding hazards (such as eucalyptus, cattails, and cordgrass). This program could include vegetation removal, thinning, or replacement in hazard areas where there is a direct threat to structures. (ENVI-a-12) – City of Benicia Parks & Community Services; Tree Ordinance adopted
- Enforce provisions under creek protection, stormwater management, and discharge control ordinances designed to keep watercourses free of obstructions and to protect drainage facilities to conform with the Regional Water Quality Control Board's Best Management Practices. (ENVI-a-13) – City of Benicia Public Works & Community Development; Enforcement of City ordinances and guidelines through development review process
- Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities. (ENVI-b-3) – City of Benicia – Community Development; Ongoing through Zoning Ordinance
- Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit. (ENVI-b-4) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan
- Increase the use of clean, alternative energy by, for example, investing in “green tags”, advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology. (ENVI-b-5) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan
- Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money. (ENVI-b-6) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan
- Purchase only Energy Star equipment and appliances for local government use. (ENVI-b-7) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan
- Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system. (ENVI-b-8) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan
- Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel. (ENVI-b-9) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan
- Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production. (ENVI-b-10) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan
- Increase recycling rates in local government operations and in the community. (ENVI-b-11) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan

- Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO2. (ENVI-b-12) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan
- Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution. (ENVI-b-13) – City of Benicia Public Works and Community Development; Ongoing - implementation of Climate Action Plan

Government

- Assess the vulnerability of critical facilities (such as city halls, fire stations, operations and communications headquarters, community service centers, seaports, and airports) to damage in natural disasters and make recommendations for appropriate mitigation. (GOVT-a-1) - City of Benicia Fire, Police, Public Works & Community Development, Parks & Community Services; Ongoing assessment programs
- Retrofit or replace critical facilities that are shown to be vulnerable to damage in natural disasters. (GOVT-a-2) - City of Benicia Fire, Police; Recent update to Police Station and Emergency Dispatch Center
- Coordinate with the State Division of Safety of Dams to ensure that cities and counties are aware of the timeline for the maintenance and inspection of dams whose failure would impact their jurisdiction. (GOVT-a-8) - City of Benicia Public Works & Community Development, Fire.
- Establish a framework and process for pre-event planning for post-event recovery that specifies roles, priorities, and responsibilities of various departments within the local government organization, and that outlines a structure and process for policy-making involving elected officials and appointed advisory committees. (GOVT-b-1) - City of Benicia City Manager, Fire; Ongoing. Additional funding needed for expansion or enhancement
- Prepare a basic Recovery Plan that outlines the major issues and tasks that are likely to be the key elements of community recovery, as well as integrate this planning into response planning (such as with continuity of operations plans). (GOVT-b-2) - City of Benicia City Manager, Fire; Ongoing. Additional funding needed for expansion or enhancement
- Establish a goal for the resumption of local government services that may vary from function to function. (GOVT-b-3) - City of Benicia City Manager, Fire; City EOP and Department operations
- Develop a continuity of operations plan that includes back-up storage of vital records, such as plans and back-up procedures to pay employees and vendors if normal finance department operations are disrupted, as well as other essential electronic files. (GOVT-b-4) - City of Benicia City Manager, Fire, Finance; Ongoing. Additional funding needed for expansion or enhancement
- Plan for the emergency relocation of government-owned facilities critical to recovery, as well as any facilities with known structural deficiencies or in hazardous areas. (GOVT-b-5) - City of Benicia City Manager, Fire; Ongoing. Additional funding needed for expansion or enhancement
- Develop a plan for short-term and intermediate-term sheltering of your employees. (GOVT-c-1) - City of Benicia All City Departments; Sites identified in City's Emergency Response Plan

- Encourage your employees to have a family disaster plan. (GOVT-c-2) - City of Benicia All City Departments; Ongoing
- Offer CERT/NERT-type training to your employees. (GOVT-c-3) - City of Benicia Fire; Ongoing
- Periodically assess the need for new or relocated fire or police stations and other emergency facilities. (GOVT-c-4) - City of Benicia Public Works & Community, Fire, Police; Ongoing
- Periodically assess the need for changes in staffing levels, as well as for additional or updated supplies, equipment, technologies, and in-service training classes. (GOVT-c-5) - City of Benicia Fire, Police; Ongoing. Additional funding needed for expansion or enhancement
- Ensure that fire, police, and other emergency personnel have adequate radios, breathing apparatuses, protective gear, and other equipment to respond to a major disaster. (GOVT-c-6) - City of Benicia Fire, Police, Solano County; Ongoing. Additional funding needed for expansion or enhancement
- Participate in developing and maintaining a system of interoperable communications for first responders from cities, counties, special districts, state, and federal agencies. (GOVT-c-7) - City of Benicia Fire, Police, Solano County; The City is cooperating with Solano County and other jurisdictions to improve coordination
- Harden emergency response communications, including, for example, building redundant capacity into public safety alerting and/or answering points, replacing or hardening microwave and simulcast systems, adding digital encryption for programmable radios, and ensuring a plug-and-play capability for amateur radio. (GOVT-c-8) - City of Benicia Fire, Police, Solano County; Ongoing. Additional funding needed for expansion or enhancement
- Purchase command vehicles for use as mobile command/EOC vehicles if current vehicles are unsuitable or inadequate. (GOVT-c-9) - City of Benicia Fire, Police, Solano County; Ongoing. County command vehicle available at any time. Additional funding needed for expansion or enhancement
- Maintain the local government's emergency operations center in a fully functional state of readiness. (GOVT-c-10) - City of Benicia Fire, Police, Solano County; Ongoing. Additional funding needed for expansion or enhancement
- Expand or participate in expanding traditional disaster exercises involving city and county emergency personnel to include airport and port personnel, transit and infrastructure providers, hospitals, schools, park districts, and major employers. (GOVT-c-11) - City of Benicia Fire, Police, Solano County; Ongoing. Additional funding needed for expansion or enhancement
- Maintain and update as necessary the local government's Standardized Emergency Management System (SEMS) Plan and the National Incident Management System (NIMS) Plan, and submit an appropriate NIMSCAST report. (GOVT-c-12) - City of Benicia City Manager, Fire, Police; NIMS system in place
- Conduct periodic tests of the alerting and warning system. (GOVT-c-15) - City of Benicia Fire, Police; Monthly testing
- Support and encourage planning and identification of facilities for the coordination of distribution of water, food, blankets, and other supplies, coordinating this effort with the American Red Cross. (GOVT-c-25) - City of Benicia All City Departments; Ongoing

- Encourage staff to participate in efforts by professional organizations to mitigate earthquake and landslide disaster losses, such as the efforts of the Northern California Chapter of the Earthquake Engineering Research Institute, the East Bay-Peninsula Chapter of the International Code Council, the Structural Engineers Association of Northern California, and the American Society of Grading Officials. (GOVT-d-8) - City of Benicia Public Works & Community Development, Fire; Ongoing. Additional funding needed for expansion or enhancement
- Conduct and/or promote attendance at local or regional hazard conferences and workshops for elected officials and staff to educate them on the critical need for programs in mitigating earthquake, wildfire, flood, and landslide hazards. (GOVT-d-9) - City of Benicia City Manager, Public Works & Community Development, Fire; Ongoing. Additional funding needed for expansion or enhancement

Health

- Plan for hazmat related-issues due to a natural or technological disaster. Hazmat teams should utilize the State of California Department of Health Services laboratory in Richmond for confirmation of biological agents and Lawrence Livermore National Laboratory or Sandia (both in Livermore) for confirmation of radiological agents. (HEAL-c-4) – All City of Benicia Departments, Solano County

Housing

- Assist in ensuring adequate hazard disclosure by working with real estate agents to improve enforcement of real estate disclosure requirements for residential properties with regard to seven official natural hazard zones: 1) Special Flood Hazard Areas (designated by FEMA), 2) Areas of Potential Flooding from dam failure inundation, 3) Very High Fire Hazard Severity Zones, 4) Wildland Fire Zones, 5) Earthquake Fault Zones (designated under the Alquist-Priolo Earthquake Fault Zoning Act), and the 6) Liquefaction and Landslide Hazard Zones (designated under the Seismic Hazard Mapping Act). (HSNG-a-1) - City of Benicia Building
- Create incentives for private owners of historic or architecturally significant residential buildings to undertake mitigation to levels that will minimize the likelihood that these buildings will need to be demolished after a disaster, particularly if those alterations conform to the federal Secretary of the Interior's *Guidelines for Rehabilitation*. (HSNG-a-2) - City of Benicia Building, Planning; Mills Act Program available for eligible properties. Currently have 28 properties under contract.
- Accelerate retrofitting of privately-owned unreinforced masonry structures that have not been retrofitted, for example, by (a) actively working with owners to obtain structural analyses of their buildings, (b) helping owners obtain retrofit funding, (c) adopting a mandatory versus voluntary, retrofit program, and/or (d) applying penalties to owners who show inadequate efforts to upgrade these buildings. (HSNG-d-2) - City of Benicia Building
- Require private owners to inform all existing tenants (and prospective tenants prior to signing a lease agreement) that they live in an unreinforced masonry building and the standard to which it may have been retrofitted. (HSNG-d-3) - City of Benicia Building

- Identify and work toward tying down mobile homes used as year-round permanent residences using an appropriate cost-sharing basis (for example, 75% grant, 25% owner). (HSNG-e-1) - City of Benicia State jurisdiction over mobile homes
- Adopt one or more of the following strategies as incentives to encourage retrofitting of privately-owned seismically vulnerable residential buildings: (a) waivers or reductions of permit fees, (b) below-market loans, (c) local tax breaks, (d) grants to cover the cost of retrofitting or of a structural analysis, (e) land use (such as parking requirement waivers) and procedural incentives, or (f) technical assistance. (HSNG-e-4) - City of Benicia Building
- Work to ensure a reliable source of water for fire suppression in rural-residential areas through the cooperative efforts of water districts, fire districts, and residents. (HSNG-g-8) - City of Benicia Building, Fire
- Expand vegetation management programs in wildland-urban- interface fire-threatened communities or in areas exposed to high-to-extreme fire threat to more effectively manage the fuel load through roadside collection and chipping, mechanical fuel reduction equipment, selected harvesting, use of goats or other organic methods of fuel reduction, and selected use of controlled burning. (HSNG-g-9) - City of Benicia Fire; Weed abatement program
- Work with residents in rural-residential areas to ensure adequate plans are developed for appropriate access and evacuation in wildland-urban-interface fire-threatened communities or in areas exposed to high-to-extreme fire threat. For example, in some areas, additional roads can be created, and in other areas, the communities will need to focus on early warning and evacuation because additional roads are not feasible. (HSNG-g-11) - City of Benicia Fire
- Ensure that city/county-initiated fire-preventive vegetation-management techniques and practices for creek sides and high-slope areas do not contribute to the landslide and erosion hazard. For example, vegetation in these sensitive areas could be thinned, rather than removed, or replanted with less flammable materials. When thinning, the non-native species should be removed first. Other options would be to use structural mitigation, rather than vegetation management in the most sensitive areas. (HSNG-g-17) - City of Benicia Fire
- Work with insurance companies to create a public/private partnership to give a discount on fire insurance premiums to Forester Certified Fire Wise landscaping and fire-resistant building materials on private property. (HSNG-g-20) - City of Benicia Fire
- Increase efforts to reduce landslides and erosion in existing and future private development through continuing education of design professionals on mitigation strategies. (HSNG-i-2) - City of Benicia Public Works & Community Development; Development conditions require mitigation of potential landslides (or address buffering of landslide-prone areas)
- Establish preservation-sensitive measures for the repair and reoccupancy of historically significant privately-owned structures, including requirements for temporary shoring or stabilization where needed, arrangements for consulting with preservationists, and expedited permit procedures for suitable repair or rebuilding of historically or architecturally valuable structures. (HSNG-j-2) - City of Benicia Building, Planning

- Provide information to residents of your community on the availability of interactive hazard maps showing your community on ABAG's web site. (HSNG-k-1) - City of Benicia Planning, Fire; Link on City's webpage
- Develop printed materials, utilize existing materials (such as developed by FEMA and the American Red Cross), conduct workshops, and/or provide outreach encouraging residents to have family disaster plans that include drop-cover-hold earthquake drills, fire and storm evacuation procedures, and shelter-in-place emergency guidelines. (HSNG-k-2) - City of Benicia Fire
- Inform residents of comprehensive mitigation activities, including elevation of appliances above expected flood levels, use of fire-resistant roofing and defensible space in high wildfire threat and wildfire-urban-interface areas, structural retrofitting techniques for older homes, and use of intelligent grading practices through workshops, publications, and media announcements and events. (HSNG-k-3) - City of Benicia Building, Fire
- Sponsor the formation and training of Community Emergency Response Teams (CERT) for residents in your community. [Note – these programs go by a variety of names in various cities and areas.] (HSNG-k-6) - City of Benicia Fire; CERT started in 2002
- Include flood fighting technique session based on California Department of Water Resources training to the list of available public training classes offered by CERT. (HSNG-k-7) - City of Benicia Fire
- Institute the neighborhood watch block captain and team programs outlined in the Citizen Corps program guide. (HSNG-k-8) - City of Benicia Police; In place, with primary focus on crime prevention
- Assist residents in the development of defensible space through the use of, for example, "tool libraries" for weed abatement tools, roadside collection and/or chipping services (for brush, weeds, and tree branches) in wildland-urban-interface fire-threatened communities or in areas exposed to high-to-extreme fire threat. (HSNG-k-9) - City of Benicia Fire; Clean-up weed program for residents

Infrastructure

- Assess the vulnerability of critical facilities owned by infrastructure operators subject to damage in natural disasters or security threats, including fuel tanks and facilities owned outside of the Bay Area that can impact service delivery within the region. **Note** - Infrastructure agencies, departments, and districts are those that operate transportation and utility facilities and networks. (INFR-a-1) - City of Benicia Public Works & Community Development, Fire, Police; Ongoing assessment programs. Upgrade of PD, Security Vulnerability Assessment of water and wastewater facilities have been completed and updated as appropriate
- Encourage the cooperation of utility system providers and cities, counties, and special districts, and PG&E to develop strong and effective mitigation strategies for infrastructure systems and facilities. (INFR-a-4) - City of Benicia Public Works & Community Development, Fire Recent upgrade and retrofit of Police/Dispatch center
- Pre-position emergency power generation capacity (or have rental/lease agreements for these generators) in critical buildings of cities, counties, and special districts to maintain continuity of government and services. (INFR-a-8) - City of Benicia Public Works & Community Development, Fire; Fire and Police Stations, water and wastewater plans,

radio communication locations, City Hall equipped with backup generation; portable equipment available for pump and lift stations

- Ensure that critical intersection traffic lights function following loss of power by installing battery back-ups, emergency generators, or lights powered by alternative energy sources such as solar. Proper functioning of these lights is essential for rapid evacuation, such as with hazmat releases resulting from natural disasters. (INFR-a-9) - City of Benicia Public Works & Community Development, Fire
- Minimize the likelihood that power interruptions will adversely impact lifeline utility systems or critical facilities by ensuring that they have adequate back-up power. (INFR-a-11) - City of Benicia Public Works & Community Development, Fire, Police
- Recognize that heat emergencies produce the need for non-medical transport of people to cooling centers by ensuring that (1) transit operators have plans for non-medical transport of people during and after such emergencies including the use of paratransit and (2) cities, counties, and transit agencies have developed ways to communicate the plan to the public. (INFR-a-16) - City of Benicia Solano County, Fire
- Develop (with the participation of paratransit providers, emergency responders, and public health professionals) plans and procedures for paratransit system response and recovery from disasters. (INFR-a-18) - Solano County, Transit Services
- Establish plans for delivery of fuel to critical infrastructure providers. (INFR-a-20) - City of Benicia Public Works & Community Development
- Monitor scientific studies of the Sacramento-San Joaquin Delta and policy decisions related to the long-term disaster resistance of that Delta system to ensure that decisions are made based on comprehensive analysis and in a scientifically-defensible manner. Levee failure due to earthquakes, flooding, and climate change (including sea level rise and more frequent and more severe flooding) are all of concern. The long-term health of the Delta area is critical to the Bay Area's water supply, is essential for the San Francisco Bay and estuary's environmental health, provides recreation opportunities for Bay Area residents, and provides the long-term sustainability of Delta communities. While only part of the Delta is within the nine Bay Area counties covered by this multi-jurisdictional LHMP, the Delta is tied to the infrastructure, water supply, and economy of the Bay Area. (INFR-a-22) - City of Benicia Public Works & Community Development
- Expedite the funding and retrofit of seismically-deficient city- and county-owned bridges and road structures by working with Caltrans and other appropriate governmental agencies. (INFR-b-1) - City of Benicia Public Works & Community Development
- Install specially-engineered pipelines in areas subject to faulting, liquefaction, earthquake-induced landsliding, or other earthquake hazard. (INFR-b-4) - City of Benicia Public Works & Community Development; Inspections as needed
- Install portable facilities (such as hoses, pumps, emergency generators, or other equipment) to allow pipelines to bypass failure zones such as fault rupture areas, areas of liquefaction, and other ground failure areas (using a priority scheme if funds are not available for installation at all needed locations). (INFR-b-6) - City of Benicia Public Works & Community Development, Fire; Potential failure zones are identified. Fire Department can provide hoses to connect water mains across fault lines through fire hydrants. Portable PRV

- Install earthquake-resistant connections when pipes enter and exit bridges and work with bridge owners to encourage retrofit of these structures. (INFR-b-7) - City of Benicia Public Works & Community Development; Needs assessment
- Ensure a reliable source of water for fire suppression (meeting acceptable standards for minimum volume and duration of flow) for existing and new development. (INFR-c-1) - City of Benicia Public Works & Community Development, Fire; City's development review standards and process address water supply, hydrant location, and fire access
- Develop a coordinated approach between fire jurisdictions and water supply agencies to identify needed improvements to the water distribution system, initially focusing on areas of highest wildfire hazard (including wildfire threat areas and in wildland-urban-interface areas). (INFR-c-2) - City of Benicia Public Works & Community Development, Fire; Standard City policy includes periodic review of firefighting water capacity
- Develop a defensible space vegetation program that includes the clearing or thinning of (a) non-fire resistive vegetation within 30 feet of access and evacuation roads and routes to critical facilities, or (b) all non-native species (such as eucalyptus and pine, but not necessarily oaks) within 30 feet of access and evacuation roads and routes to critical facilities. (INFR-c-3) - City of Benicia Public Works & Community Development, Fire; Chapter 8 of the Benicia Municipal code requires weed abatement. The Fire Department also requires maintenance of a firebreak in City open space areas near development
- Maintain fire roads and/or public right-of-way roads and keep them passable at all times. (INFR-c-8) - City of Benicia Public Works & Community Development, Fire; Standard City policy
- Conduct a watershed analysis of runoff and drainage systems to predict areas of insufficient capacity in the storm drain and natural creek system. (INFR-d-1) - City of Benicia Public Works & Community Development; Specifically relates to transportation issues and watershed analysis criteria is formed by other agencies. This refers to the appropriate performance criteria used in the development of a watershed analysis
- Develop procedures for performing a watershed analysis to examine the impact of development on flooding potential downstream, including communities outside of the jurisdiction of proposed projects. (INFR-d-2) - City of Benicia Public Works & Community Development; Standard CEQA review addresses this during the development review process
- Conduct a watershed analysis at least once every ten years unless there is a major development in the watershed or a major change in the Land Use Element of the General Plan of the cities or counties within the watershed. (INFR-d-3) - City of Benicia Public Works & Community Development
- Pursue funding for the design and construction of storm drainage projects to protect vulnerable properties, including property acquisitions, upstream storage such as detention basins, and channel widening with the associated right-of-way acquisitions, relocations, and environmental mitigations. (INFR-d-5) - City of Benicia Public Works & Community Development; Ongoing
- Continue to repair and make structural improvements to storm drains, pipelines, and/or channels to enable them to perform to their design capacity in handling water flows as part of regular maintenance activities. (This strategy has the secondary benefit of addressing fuel, chemical, and cleaning product issues.) (INFR-d-6) - City of Benicia Public Works & Community Development; Ongoing maintenance and upgrading

programs in place. Upgrades to upstream facilities required during development review process

- Continue maintenance efforts to keep storm drains and creeks free of obstructions, while retaining vegetation in the channel (as appropriate) to allow for the free flow of water. (INFR-d-7) - City of Benicia Public Works & Community Development; Ongoing
- Enforce provisions under creek protection, stormwater management, and discharge control ordinances designed to keep watercourses free of obstructions and to protect drainage facilities to conform with the Regional Water Quality Control Board's Best Management Practices. (INFR-d-8) - City of Benicia Public Works & Community Development; Zoning Ordinance requires creek corridor setbacks to preserve flood retention and protect water quality. City has adopted Stormwater Management Program
- Use reservoir sediment or reed removal as one way to increase storage for both flood control and water supply. (INFR-d-10) - City of Benicia Public Works & Community Development
- Determine whether or not wastewater treatment plants are protected from floods, and if not, investigate the use of flood-control berms to not only protect from stream or river flooding, but also increase plant security. (INFR-d-14) - City of Benicia Public Works & Community Development; City owns the wastewater utility. The plant is designed to minimize flooding from marsh-related tides
- Work cooperatively with water agencies, flood control districts, Caltrans, and local transportation agencies to determine appropriate performance criteria for watershed analysis. (INFR-d-15) - City of Benicia Public Works & Community Development, Finance, Dept. of Transportation
- Improve monitoring of creek and watercourse flows to predict potential for flooding downstream by working cooperatively with land owners and the cities and counties in the watershed. (INFR-d-17) - City of Benicia Public Works & Community Development; Ongoing through development review process
- Using criteria developed by EPA for asset management, inventory existing assets, the condition of those assets, and improvements needed to protect and maintain those assets. Capture this information in a Geographic Information System (GIS) and use it to select locations for creek monitoring gauges. (INFR-d-18) - City of Benicia Public Works & Community Development; Ongoing through development review process
- Provide materials to the public related to coping with reductions in water supply or contamination of that supply BEYOND regulatory notification requirements. (INFR-g-3) - City of Benicia Public Works & Community Development
- Provide materials to the public related to coping with disrupted storm drains, sewage lines, and wastewater treatment (such as materials developed by ABAG's Sewer Smart Program). (INFR-g-4) - City of Benicia Public Works & Community Development
- Facilitate and/or coordinate the distribution of emergency preparedness or mitigation materials that are prepared by others, such as by making the use of the internet or other electronic means, or placing materials on community access channels or in city or utility newsletters, as appropriate. (INFR-g-5) - All City of Benicia Departments; City website
- Develop and distribute culturally appropriate materials related to disaster mitigation and preparedness, such as those on the <http://www.preparenow.org> website related to infrastructure issues. (INFR-g-7) - City of Benicia Building, Fire

Land Use

- Work to retrofit homes in older urban neighborhoods to provide safe housing close to job centers. (LAND-f-2) – City of Benicia Public Works & Community Development; Housing rehabilitation program administered through Vallejo Neighborhood Housing Services.
- Work to retrofit older downtown areas and redevelopment districts to protect architectural diversity and promote disaster-resistance. (LAND-f-3) – City of Benicia Public Works & Community Development; City encourages the use of rehabilitation loans and grants.
- Work with non-profits and through other mechanisms to protect as open space those areas susceptible to extreme hazards (such as through land acquisition, zoning, and designation as priority conservation areas). (LAND-f-4) – City of Benicia Public Works & Community Development; Ongoing process through Sky Valley Committee.

Incorporation into Existing Planning Mechanisms

The City has several planning mechanisms which

- ◆ General Plan – Community Health and Safety element
- ◆ Capital Improvements Plan
- ◆ Benicia Climate Action Plan
- ◆ Benicia Emergency Operations Plan

The City has a Community Health and Safety Element in its General Plan that includes a discussion of fire, earthquake, flooding, and landslide hazards. This Annex will be adopted as an implementation appendix to that Community Health and Safety Element. In addition, the City enforces the requirements of the California Environmental Quality Act (CEQA), which, since 1988, requires mitigation for identified natural hazards. The City has used these pre-existing programs as a basis for identifying gaps that may lead to disaster vulnerabilities in order to work on ways to address these risks through mitigation.

Implementation measures identified by the City as a high priority will be incorporated into the City's Capital Improvement Program planning process. This will be dependent on securing funding for projects and programs, as the City is currently facing serious financial stress. However, the City's Capital Improvement Program routinely includes public improvements which address public health and safety. The Local Annex will be used during the preparation of the CIP to ensure that to the extent practicable mitigation activities are implemented.

The Local Annex will be adopted as part of the Public Health and Safety Element and effectively becomes integrated into the General Plan. The strategies identified in this plan may result in minimal changes to the General Plan, which can be integrated when that plan is updated.

Plan Update Process

As required Disaster Mitigation Act of 2000, the City of Benicia will update this plan annex at least once every five years, by participating in a multi-agency effort with ABAG and other agencies to develop a multi-jurisdictional plan.

The City Fire Department will ensure that *monitoring* of this Annex will occur. The plan will be monitored on an on-going basis. However, the major disasters affecting our City, legal changes, notices from ABAG as the lead agency in this process, and other triggers will be used. For example, if a structural engineering evaluation shows that a major risk exists at more or more facilities based on data collected from a future earthquake, the priority associated with upgrading those facilities will be re-evaluated. Finally, the Annex will be a discussion item on the agenda of the meeting of Department leaders at least once a year in April. At that meeting, the department heads will focus on evaluating the Annex in light of technological and political changes during the past year or other significant events. The Department leaders will be responsible for determining if the plan should be updated.

During the 2005-2010 period, monitoring of this Annex and mitigation safety goals occurred by the City Fire Department. In addition, the goals of this plan were supplemented and leveraged by the Building Division and Fire Departments.

The City is committed to reviewing and updating this plan annex at least once every five years, as required by the Disaster Mitigation Act of 2000. The City Manager or his/her designee will contact ABAG four years after this plan is approved to ensure that ABAG plans to undertake the plan update process. If so, the County again plans to participate in the multi-jurisdictional plan. If ABAG is unwilling or unable to act as the lead agency in the multi-jurisdictional effort, other agencies will be contacted, including the Solano County's Office of Emergency Services. Counties should then work together to identify another regional forum for developing a multi-jurisdictional plan.

The City of Benicia is committed to public participation. All City Council meetings are open to the public and the public is invited to comment on items on the Council Agenda. The public will continue to be involved whenever the plan is updated and as appropriate during the monitoring and evaluation process. Prior to adoption of updates, the City will provide the opportunity for the public to comment on the updates. A public notice will be posted prior to the meeting to announce the comment period and meeting logistics. The City is committed to improving public participation in the update process over the next five years. To improve this process, the City will consider writing letters to the editor of local newspapers in its service area to promote wider public knowledge of the issues related to disaster mitigation and the planning process.

Mitigation Plan Point of Contact

Name: Nicolas E. Thomas
Title: City of Benicia Fire Division Chief
Mailing Address: 250 East L Street, Benicia, CA 94510
Telephone: (707) 746-4275
Email: Nicolas.Thomas@ci.benicia.ca.us

Alternate Point of Contact

Name: C. Harvey Higgs
Title: City of Benicia Building Official
Mailing Address: 250 East L Street, Benicia, CA 94510
Telephone: (707) 746-4230
Email: Harvey.Higgs@ci.benicia.ca.us

Exhibit A - Jurisdiction Boundary Map

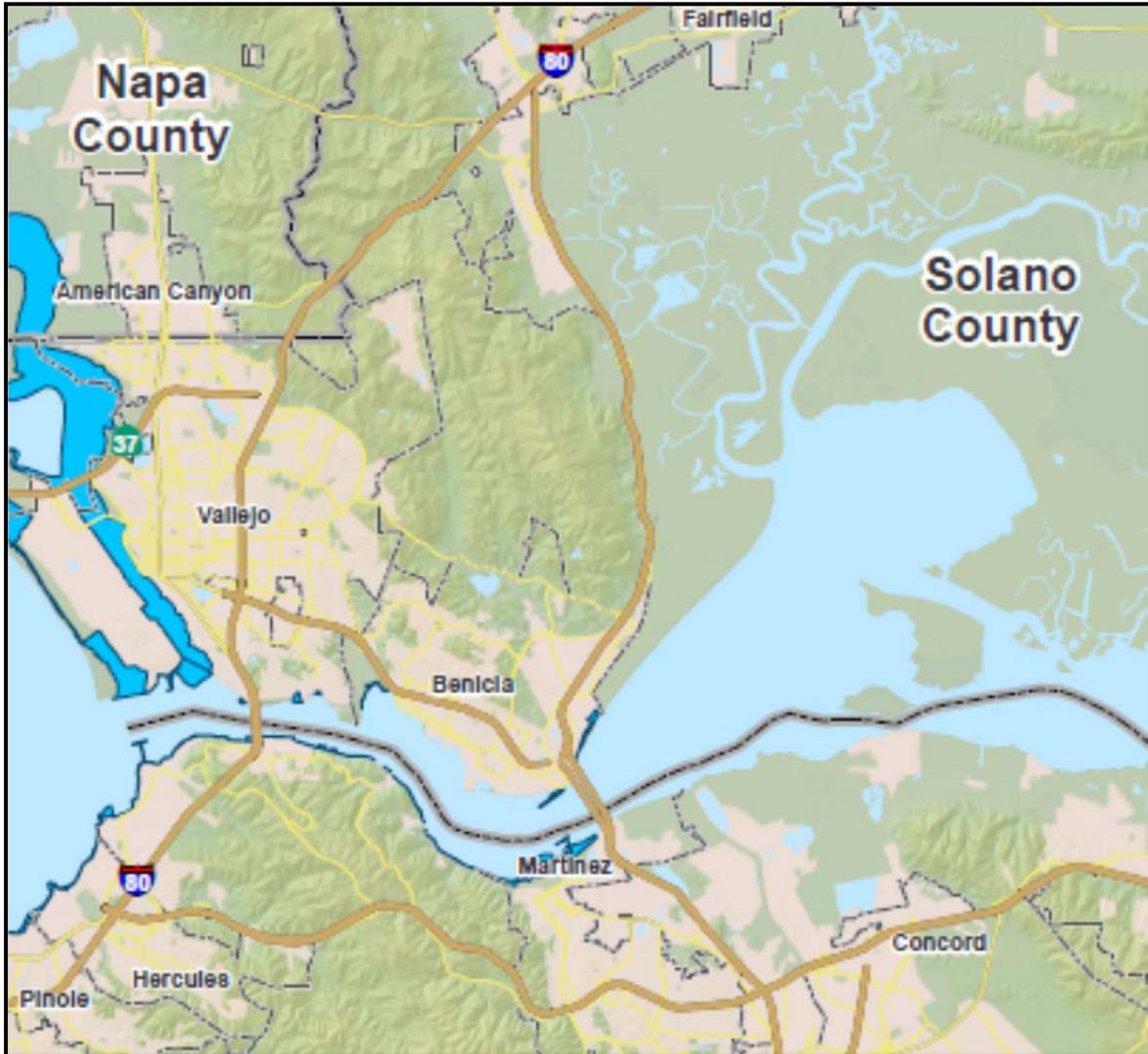


Exhibit B - Public Meeting Agenda



SPECIAL JOINT MEETING OF THE BENICIA PLANNING & HISTORIC PRESERVATION REVIEW COMMISSIONS

CITY COUNCIL CHAMBERS

SPECIAL MEETING AGENDA Thursday, September 10, 2009 7:00 P.M.

Excerpt:

V. REGULAR AGENDNA ITEMS

B. LOCAL HAZARD MITIGATION PLAN UPDATE

In February 2007, the City of Benicia adopted the Association of Bay Area Government's (ABAG) Taming Natural Disasters plan and the City's Annex, Strategies, and Critical Facilities Plan as the City of Benicia's Local Hazard Mitigation Plan (LHMP). The federal Disaster Mitigation Act of 2000 requires all cities, counties and special districts to have adopted a LHMP to receive disaster mitigation funding from FEMA. This plan addresses critical areas within our community and qualifies the City for possible mitigation funding that may become available in the future from FEMA. City Staff has been working with ABAG staff to update the LHMP Strategies and is requesting input from the Commissions and community.

Recommendation:

Staff is requesting comments from the Commissions and community regarding the update to the Local Hazard Mitigation Plan strategies and priorities. No additional action is required.

Exhibit C - City of Benicia 2010 Mitigation Strategy Spreadsheet

[Available on LHMP CD or at <http://www.abag.ca.gov/bayarea/eqmaps/mitigation/strategy.html>]

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 4, 2012
CONSENT CALENDAR

DATE : November 8, 2012

TO : City Council

FROM : City Attorney

SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY CONSTANCE JOHNSON AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the City by Constance Johnson.

EXECUTIVE SUMMARY:

Claimant alleges that while driving on Reservoir Road she hit a pot hole which caused her front passenger side tire to explode. Claimant states that her tire could not be fixed and had to be replaced because it was damaged beyond repair. She asserts that she missed a day of work and had to use one of the AAA services calls.

BUDGET INFORMATION:

This claim is for \$126.82.

GENERAL PLAN:

N/A.

STRATEGIC PLAN:

N/A-there is not a relevant Strategic Plan Goal that relates to this agenda item.

BACKGROUND:

Claimant states that her front passenger side tire exploded after hitting a pot hole on Reservoir Road. Staff states that the pot holes on Reservoir Road are not deep enough to cause tires to explode. Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory).

A copy of the rejection notice and proof of service by mail should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

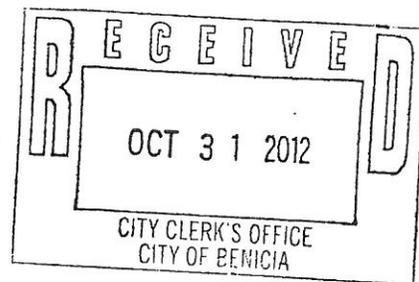
Attachment:

- Copy of the Claim Against the City

CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.



1. CLAIMANT'S NAME (Print): Constance Johnson

2. CLAIMANT'S ADDRESS: _____
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: _____ ^{cell} WORK PHONE: _____

3. AMOUNT OF CLAIM: \$ 126.82 (Attach copies of bills/estimates)

If amount claimed is more than \$10,000, indicate where jurisdiction rests:

Limited Civil Case _____
Unlimited Civil Case _____

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):

(Name)

(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: 10/8/12 TIME OF INCIDENT: 2:45 P.M.

LOCATION OF INCIDENT: Reservoir Rd.

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: As driving on Reservoir Rd. I hit a pot hole which caused my front, passenger side tire to

7. Describe all damages which you believe you have incurred as a result of the incident: explode,

Front, passenger side tire exploded. The tire was damaged beyond repair.

8. Names of public employee(s) causing the damages you are claiming:

Constance Johnson _____ 10/29/12
Signature of Claimant Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

(revised 12/18/02)

October 24, 2010

City of Benicia
250 East L Street
Benicia, CA 94510

Attention: City Clerk

Dear City Clerk:

I am filing a claim for a tire on my car that exploded from a pot hole on Reservoir Road on Monday, October 8, 2010. I also had to use one of the AAA service calls and lost a day from work to get the tire replaced. I believe it is only fair that the City of Benicia compensate me for the cost of a replacement tire.

Enclosed is a copy of the cost of the replacement tire. (\$126.82)

Sincerely,

A handwritten signature in cursive script that reads "Constance Johnson".

Constance Johnson

enclosure

**AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 18, 2012
CONSENT CALENDAR**

DATE : November 28, 2012

TO : City Council

FROM : City Attorney

SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY JENNIFER KRAUS
AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the City by Jennifer Kraus.

EXECUTIVE SUMMARY:

Claimant alleges that while driving on Industrial Way, she hit a pot hole causing her passenger front tire to pop. Claimant states she drives on Industrial Way several times a week and the size of the pot hole increased after a previous storm. Even with driving at a decreased speed, her tire popped.

BUDGET INFORMATION:

This claim is for \$60.00.

STRATEGIC PLAN:

N/A-there is not a relevant Strategic Plan Goal that relates to this agenda item.

BACKGROUND:

Claimant alleges that the pot hole on Industrial Way caused her tire to pop. However, the claimant's tires were in very poor condition. Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

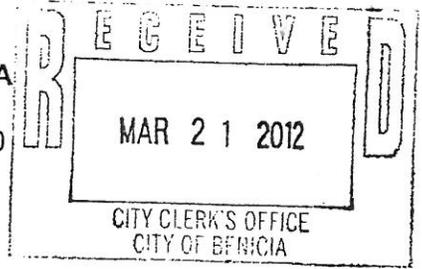
Attachment:

- A Copy of Claim Filed Against the City

CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.



1. CLAIMANT'S NAME (Print): Jennifer Kraus

2. CLAIMANT'S ADDRESS: _____
(Street or P.O. Box Number, City, State, Zip Code)

cell

HOME PHONE: _____ WORK PHONE: _____

3. AMOUNT OF CLAIM: \$ ~~700~~ 700 (Attach copies of bills/estimates) *(still searching!)*

If amount claimed is more than \$10,000, indicate where jurisdiction rests:

Limited Civil Case _____
Unlimited Civil Case _____

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):

(Name)

(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: March 21, 2012 TIME OF INCIDENT: 11:30 a.m.

LOCATION OF INCIDENT: Industrial way, Benicia, CA

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: I drive industrial way several times a week because I am a delivery driver. This pothole has increased

7. Describe all damages which you believe you have incurred as a result of the incident: my front, passenger side, tire popped →

8. Names of public employee(s) causing the damages you are claiming:

[Signature]
Signature of Claimant

Mar 21, 2012
Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

(revised 12/18/02)

in size after a previous storm. Even with decreased speed, my tire popped. It is a dangerous area, and only gets worse with bad weather.

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 4, 2012
BUSINESS ITEMS

DATE : November 27, 2012

TO : City Manager

FROM : Public Works Director

SUBJECT : **INTRODUCTION AND FIRST READING OF ORDINANCES TO AMEND THE WATER AND SEWER RATES/FEEES RELATED TO WATER AND SEWER SERVICE**

RECOMMENDATION:

To protect the health and safety of the community and the City's financial integrity, conduct a public hearing and introduce ordinances to amend the water and sewer rates/fees related to water and sewer service as follows:

- (1) Introduction of an Ordinance amending Chapter 13.12 (Water Rates and Charges) of Title 13 (Public Services) of the Benicia Municipal Code; and
- (2) Introduction of an Ordinance amending Chapter 13.52 (Sewer Rates and Charges) of Title 13 (Public Services) of the Benicia Municipal Code; and
- (3) Introduction of Ordinances amending various sections of Title 13 (Public Service) including
 - Sections 13.56.030 (Payment – Returned Checks), 13.56.050 (Delinquent Accounts), 13.56.070 (Delinquency of Service-Discontinuation of Service) and 13.56.080 (Discontinuation of Service – Unauthorized Use) of Chapter 13.56 (Sewer Billing Requirements); and
 - Sections 13.08.040 (Water Use Without Application) and 13.08.050 (Deposit) of Chapter 13.08 (Water Service); and
 - Sections 13.16.040 (Payment – Returned Checks), 13.16.060 (Delinquent Accounts), 13.16.080 (Delinquency – Discontinuation of Service), 13.16.090 (Tampering – Unauthorized Use), and 13.16.110 (Inspections) of Chapter 13.16 (Water Billing Requirements).

EXECUTIVE SUMMARY:

The quality and safety of our local water supply and the proper maintenance of our sewer system is essential to our community's health, safety and financial

integrity. Specifically, our water and sewer systems must be properly maintained in order to:

- Ensure clean, safe drinking water for our residents and businesses
- Have secure adequate water capacity in the event of a major earthquake, fire or catastrophic emergency
- Prevent sewage spills that present a health risk to the community, placing the City at risk for regulatory fines and lawsuits, and polluting the Carquinez Strait.

While Water and Sewer rates are used exclusively to provide for maintaining the City's water and sewer systems, rates have unfortunately not been keeping pace with the cost of providing water and sewer services. Rates have not changed for 6 years and action is now necessary to ensure these important public assets are maintained for future generations. After conducting a comprehensive public outreach effort in August and September to ensure complete transparency of our efforts and to ensure public knowledge on our critical water and sewer systems needs, on September 25, 2012 a workshop with City Council was held to consider staff's recommendation to increase rates over a period of five years and provide further staff direction. At that workshop, City Council directed staff to proceed with mailing Proposition 218 notices to all property owners notifying them of this public hearing where the City Council would consider amending the Benicia Municipal Code sections to increase water and sewer rates. Benicia's rates are currently at or below the rates of other cities in our region.

BUDGET INFORMATION:

Since 2006, water and sewer rates have remained constant, with no increases. The Water and Sewer Funds are currently operating in a deficit. The Water Fund is projected to be (\$1,774,315) and Sewer Fund (\$641,566) based on fiscal year 2011/12 amended budget figures. Without any rate increases, they will continue to run an operating deficit and will deplete the operating fund reserves by June 2014 at which point they would have to borrow from the General Fund (used for critical community service needs such as police and fire). Also, without the recommended rate increases, it is estimated that the Water and Sewer Funds will not meet the City's 20% reserve requirement starting in fiscal year 2012/13. Additionally, the Water Fund will fail to meet its debt service coverage requirements, which could result in another credit rating downgrade as Standard and Poor's has already downgraded the City's credit rating. An independent auditor has informed the City that rate adjustments will be necessary to restore the City's credit rating.

The proposed rate adjustments will help the City continue to provide reliable and safe water and sewer services. The City's water and sewer divisions rely almost entirely on customer revenues to provide these services. No local, state,

or federal taxes offset the cost of these services. The proposed rate adjustments were calculated to recover only the estimated revenue needed to cover actual estimated costs of continued safe water and sewer services.

The annual General Fund Impact for subsidizing the senior discounts (discussed later in this report) is estimated to be as follows:

General Fund Impact for Sewer and Water Subsidies							FY 17/18 and subsequent years (if no further increases)
		FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	
Sewer	Casa De Vilarrasa Discount	\$11,149	\$23,301	\$25,095	\$26,402	\$27,187	\$27,454
Water	Low Income Senior Discount	\$175,850	\$91,497	\$89,964	\$98,073	\$103,071	\$104,856
Water	Senior Discount 4 Year Phase Out		\$171,042	\$146,341	\$97,391	\$34,171	\$0
Total Cost to General Fund		\$186,999	\$285,840	\$261,400	\$221,866	\$164,429	\$132,310

GENERAL PLAN:

Relevant General Plan Goals:

- ❑ Goal 2.28: Improve and maintain public facilities and services
- ❑ Goal 2.36: Ensure an adequate water supply for current and future residents and businesses

STRATEGIC PLAN:

Relevant Strategic Plan Issues:

- ❑ Strategic Issue #1: Protecting Community Health and Safety
- ❑ Strategic Issue #2: Protecting and Enhancing the Environment
- ❑ Strategic Issue #3: Strengthening Economic and Fiscal Conditions
 - Strategy #4: Manage City finances prudently
- ❑ Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #4: Provide funding for ongoing infrastructure needs

BACKGROUND AND DISCUSSION:

Overview

Our local water supply must be properly maintained and protected to ensure clean, safe drinking water and an adequate water supply in the event of an earthquake, fire or catastrophic emergency. Benicia's sewer system must be properly maintained to prevent sewage spills that present a health risk to the community, place the City at risk for regulatory fines and lawsuits, and can damage the Carquinez Strait.

Unfortunately, Benicia has aging water and sewer systems and proper maintenance and repair is needed. Our systems include aging clay and asbestos cement pipes and other deteriorating infrastructure. Additionally, Benicia's treatment plants have important monitoring equipment, pumps, and other major capital items that cannot be easily repaired, due to age of materials, and must be upgraded to ensure safety.

Evolving state and federal regulations that our water and sewer systems are subject to, are also impacting our systems. Benicia must stay in compliance with all required regulatory mandates, or face costly fines or environmental lawsuits.

A. History

1. Master Plans

Water and sewer rates were last raised in 2006 as a part of a regular schedule of modest increases that were intended to assure that rates kept pace with increases in costs. Staff examined current rates and determined that the system had substantially changed since the last master plans were completed. Rather than continue on the current progression that had been followed, staff began an update of both the Water and Sewer Master Plans to assess the City's current and future needs to assure the longevity of these important assets.

Master Plans study the capacity, condition and related life cycle of both a treatment plant and the network of pipelines associated with it. Complex hydraulic modeling is completed to examine system capacity and needed redundancies to assure reliable water delivery, and assure public health and safety is protected from exposure to waste. In addition to modeling, condition assessment, maintenance practices and replacement schedules are used to complete a full inventory of the system and its needs.

Federal and State Water Quality standards and requirements have continued to become more stringent to protect public health. Benicia has no legal option but to comply. Chemical costs to properly treat drinking water have risen substantially. Disposal of sewage sludge and solids at the landfill has risen 4-5 times in cost over the last 5 years, as has the required regulatory safety testing of those byproducts.

The City has a sewer treatment plant that treats from 3.5 to 8 million gallons per day. The collection system that transports waste from all over the City to the treatment plant includes 150 miles of sanitary sewers, 23 lift stations, and 9,278 sewer service connections. The City has a water treatment plant with a maximum daily capacity of 12 million gallons per day and a distribution system

made up of 160 miles of water mains, 1,428 fire hydrants, 9,547 water service connections, three pump stations and three reservoir sites.

As part of the master planning process, the City hired Camp Dresser & McKee (CDM) to prepare an updated Sewer Master Plan and Nolte Vertical 5 to prepare an updated Water Master Plan. Project costs and timelines were reviewed by staff to assure there were no unnecessary multipliers used to inflate the estimates, and the timeline for each project's completion was reasonable and necessary. Only essential projects are included in the capital improvement section of the studies that are necessary for maintenance in order to sustain the systems and ensure continued safe service, modifications due to future regulatory changes, or changes due to lessons learned or future permit changes.

The Sewer System Master Plan was completed in July 2011 and the Water System Master Plan was completed in September 2012. Master Plans are then used to guide the needed funds for operation, maintenance and renewal of water and sewer infrastructure as part of rate studies. Both the master plans and the rate studies can be found on the City's website www.ci.benicia.ca.us under Water/Sewer System Safety.

2. Fee Studies

In 2011 the City hired rate consultant, Bartle Wells Associates (BWA), to review the sewer and water enterprise funds' finances, project revenues and expenses over a future 10-year period, and design sewer and water rates and charges. BWA's study develops and recommends adjustments to sewer and water rates to keep the Sewer and Water Enterprise Funds financially sustainable, pay for maintenance and capital projects, comply with credit rating requirements, and satisfy the City's reserve fund policy. Three objectives serve as the foundation of the rate analyses as outlined below. However, rates need to be raised not only for these reasons, but principally to assure that needed maintenance and future replacement of major components of the systems occur.

Rate Study Objectives

1. Revenues Cover Expenses - Revenues cover all expenses, including operating, capital and debt service, which is consistent with the City's Balanced Operating Budget Policy.
2. Debt Service Coverage Target - Net revenues (all revenues available after Operations and Maintenance expenses are covered) are at least 120% of annual debt service, which includes principal and interest payments on the revenue refunding bonds and the SRF loans.
3. Reserve Target - The Enterprise meets the City's fund balance reserve policy of 20% of current year revenue.

BWA determined that sewer rates should be adjusted, as provided in three scenarios. The recommended option offers the lowest initial increase and eases the needed increase across the 5-year time period. With this option, all objectives as outlined in the Rate Study Objectives section above are met in Fiscal Year 2016/17. BWA conducted 10-year projections to help determine how to best set the rates over 5 years, as Proposition 218 (discussed later in this report) limits rate increases to 5 years.

The City's financial rating was recently downgraded because revenues were not equal to or greater than costs. A lower financial rating increases the cost to borrow funds and limits the City's ability to borrow additional funds, should that become necessary. The rating agency has indicated that a further downgrade is possible if no action is taken to address the fiscal sustainability of the enterprise funds. An independent auditor has informed the City that rate adjustments will be necessary to restore the City's credit rating.

If approved, the rate adjustments will fund water and sewer service to City residents and property owners. The revenue from these charges does not go into the General Fund. For clarification purposes, water and sewer rates are not being raised to pay for the recent solar project. The solar project is self-funded through the electrical savings realized. The City issued Certificates of Participation to finance the solar project. The Certificates of Participation are paid back using energy savings generated by the solar project. Also, the Downtown Intermodal Project (the street project at the intersection of First and Military) is grant funded. No Benicia monies are funding that project.

3. Outreach

A comprehensive public education program began in August 2012 to inform community, City Commissions/Committees, and interested citizens with factual information resulting from the recent water and sewer rate studies. This effort was undertaken because of the City Council's commitment to inform the community of important issues and provide complete transparency to decisions of such great importance.

In August and September, City staff made a power point presentation followed by a question and answer period for the following groups:

- ✓ City Finance Committee
- ✓ City Economic Development Board
- ✓ City Parks & Recreation Commission
- ✓ City Council/School Liaison Committee
- ✓ City Community Sustainability Commission

- ✓ City Department Heads
- ✓ Benicia Industrial Park Association Board
- ✓ Chamber of Commerce Board
- ✓ Rotary Club
- ✓ Senior Citizen Roundtable Forum
- ✓ Soroptimist Club

In addition to the above presentations, City staff met individually with Benicia Unified School District representatives to specifically review rate changes and their impact to the School District's utility bills.

A City hotline (746-4380) and dedicated email address (WaterSewerQuestions@ci.benicia.ca.us) have been activated and staff has received comments and responded to questions from members of the public. A Water and Sewer System Safety webpage on the City's website has been created and updated with information including FAQs, the master plans, the rate studies and bill estimates.

In early September, informational pamphlets were mailed to 9,500 Benicia property owners. The September and October utility bills included an outreach letter. In September and October, a detailed letter was mailed to approximately 45 interested parties. Another information mailer (jumbo postcard) was mailed to all property owners in November.

City staff met with the Finance Committee at three separate meetings. The Finance Committee was instrumental in providing constructive feedback to staff regarding the outreach process. The Committee provided helpful suggestions for improving the PowerPoint presentation presented to the community groups previously listed. The Committee also offered valuable input concerning the senior citizen issue. In addition, the attached memo was included in the September 25 City Council staff report with their recommendations.

4. Council Direction

At the September 25, 2012 meeting, City Council took action to ensure the health and safety of the community and to protect the City's financial health. Council received staff's recommendation to increase rates over a period of five years and directed staff to set a public hearing date and proceed with mailing Proposition 218 notices (discussed in the next section.) A copy of the staff report is attached.

Also at that meeting, City Council took action protecting our community's most vulnerable citizens. Because courts have ruled that one class of ratepayers can

no longer subsidize another class of ratepayers, Benicia's current senior discount is now illegal. In its place, Council has authorized a new low-income senior discount for those who qualify to be paid from the General Fund. Additionally, Council authorized that all current senior discount recipients will be allowed a phase in of the new rates over a period of four years, also subsidized by the General Fund.

5. Proposition 218 Notice

In 2006 the Supreme Court ruling on the Bighorn-Desert View Water Agency case established that water and sewer charges are property-related and subject to Proposition 218 requirements. Proposition 218 requires that property owners be given the right to protest increases in water and sewer rate charges. The City must provide a 45-day public notice of the December 4 public hearing to all property owners. If, as of the close of the public hearing on December 4, more than 50% of the property owners submit a written protest to the City, the rates cannot go into effect.

On October 17, a Proposition 218 notice titled "Notice of Public Hearing on Proposed Increases to Water and Sewer Rates" was mailed to all property owners in Benicia outlining the public hearing date and time, the proposed rate increases and details of the protest process. A copy of the notice is attached. A total of 9,348 were mailed and 169 were returned from the post office that staff researched and no alternate mailing address was found; therefore, the revised total is 9,179. This means that 4,590 (which is 50% plus 1) written protests would need to have been received in order for a majority protest to exist. As of November 27, City staff has responded to nine questions since the Proposition 218 notice was mailed. And as of November 27, the City has received 57 protests, which is less than 1 percent.

B. Intent of this meeting

The purpose of tonight's public hearing is to present the community justification for new water and sewer rates and charges to ensure continued safe operation of Benicia's water and sewer systems. Tonight is the introduction and first reading of five ordinances that will amend the water and sewer rates and charges in the various chapters and sections of the Benicia Municipal Code. Based on Council's direction, staff recommends bringing these five ordinances to the Council for a second reading and adoption on December 18, 2012.

At the close of the public hearing on December 4, if a majority protest does not exist, the City Council will consider adoption of the proposed water and sewer rates increases. Note that actual rates and charges adopted by the City Council may be less, but not more than, the proposed rates identified in the

Proposition 218 notice.

C. Senior Discount

Water and sewer funds are “Enterprise Funds” which means they are managed as individual businesses and the revenues come from fees charged to users. The Enterprise Funds are separate from the “General Fund” which is the City’s main operating fund that is funded by general revenues (e.g. sales tax, property tax, utility users’ tax). Proposition 218 prohibits water and sewer enterprise funds (funded by water and sewer ratepayers) from continuing to subsidize the discount offered to seniors age 60 and older. Proposition 218 prohibits providing a lower cost to one specific customer class that is subsidized through higher charges to other customers.

In addition to the extensive public outreach conducted, City staff also met with a group of senior citizens to discuss the issue of future funding for the senior discount. The group’s consensus was that the City should offer a discount to low-income seniors.

At their September 25, 2012 meeting, the City Council was amenable to staff's recommendation to provide a 50% discount on sewer rates to Casa de Vilarrasa, subsidized by the General Fund. Council decided to transition to a low-income senior discount (in lieu of a discount for all seniors) effective July 1, 2013. Council also decided to phase out the discount for all other currently enrolled seniors who do not qualify for the low-income discount over four years to soften the transition to higher rates. This combined program continues the discount for currently enrolled seniors for the first six months of 2013. During this time, seniors who are low-income will have an opportunity to apply for the low-income discount if they also qualify for PG&E's CARE discount program. Additional detail on the senior discounts is provided below.

Note on current senior citizen rate structure:

Utility bills contain two types of water charges – a fixed maintenance/service charge, and a consumption/volume charge that is variable since it is based on usage. The current senior discount (age 60 or older) is 78% off the maintenance charge and 18% off the consumption charge for Tier 1 (43% off Tier 2 and 42% off Tier 3.) On average, these discounts equate to roughly 50% off (low consumption would be less than 50% and high consumption would be more than 50%). As of November 21, the City has 2,545 senior discounted customers.

1. Senior Sewer Discount – Casa De Vilarrasa

Casa de Vilarrasa, a senior housing complex on East I and 3rd Streets, is the City's only customer that currently receives a discounted sewer rate, which is about

68% off the regular service charge. For example, a single-family residence currently pays \$41.33 per month and a residential unit at Casa De Vilarrasa pays \$13.33 per month. There are 81 units in this complex and with this discount the sewer fund (paid by sewer ratepayers) subsidizes approximately \$27,000 per year. As indicated previously, under Proposition 218 provisions, sewer ratepayers cannot legally bear the subsidy cost. Proposition 218 prohibits providing a lower cost to one specific customer class that is subsidized through higher charges to other customers. If the City wishes to continue the discounted rate to Casa De Vilarrasa, the cost must be subsidized from another source of revenue other than from ratepayers, such as the General Fund.

It is staff's recommendation that the City provide a 50% discount to Casa De Vilarrasa, subsidized by the General Fund, as more than 50% of the residents are low income seniors. While this is less than the current discount, this subsidy will help those most in need. The table below shows the proposed Casa De Vilarrasa sewer charge per month.

CASA DE VILARRASA DISCOUNT TRANSITION FROM ~68% TO 50%						
	Current	Year 1 2013	Year 2 2014	Year 3 2015	Year 4 2016	Year 5 2017
Proposed Residential Service Charge (mo.)	\$41.33	\$45.88	\$50.01	\$53.26	\$55.39	\$56.49
Casa De Vilarrasa Discount	67.75%	50.00%	50.00%	50.00%	50.00%	50.00%
Casa De Vilarrasa Sewer Charge (mo)	\$13.33	\$22.94	\$25.01	\$26.63	\$27.70	\$28.25

2. Senior Water Discount – Transition to Low-Income Senior Discount

Per City Council's direction at their September 25 meeting, the former Senior Citizen Rate will transition to the Low-Income Senior Citizen Discount effective July 1, 2013. The eligibility requirements for the low-income discount include all of the below:

1. Head of a residential household or spouse is age 60 or older: Provide identification that substantiates name, age and address; and
2. Low-Income Verification: Provide a copy of a recent PG&E bill noting participation in the PG&E CARE (California Alternate Rates for Energy) program. Current income guidelines are below (effective through May 31, 2013 and updated guidelines can be found at www.PG&E.com/CARE; and

Income Guidelines for PG&E's CARE Program								
Number of Persons in Household	1	2	3	4	5	6	7	8*
Annual income before taxes	\$22,340	\$30,260	\$38,180	\$46,100	\$54,020	\$61,940	\$69,860	\$77,780

* For each additional person, add \$7,920.

3. Apply in person in the Finance Department or designated location (every two years).

This discount consists of using the General Fund to pay for a discount of 78% off the water maintenance charge for the first 6 months of 2013 for the currently enrolled senior discounted customers. During the first six months of 2013, low-income seniors would apply for the discount. Then, starting July 1, 2013 for 6 months, the fixed maintenance charge discount would drop to 65% and the program transitions from a senior discount to a low-income senior discount. Finally, beginning July 1, 2014, the fixed maintenance charge discount would be reduced to 50% permanently for qualified low-income senior customers. The proposed discount is on the fixed maintenance charge only as outlined in the table below. Low-income senior customers would start paying the full price of the water consumption charges (at the revised rates) starting in January 2013 (see Section D, 2 below.)

Low-Income Senior Discount (per unit, per month)	1/17/13 - 6/30/13	7/1/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/16
Single family dwelling discount amount	\$11.52	\$9.60	\$8.34	\$9.30	\$9.93	\$10.28
Multi family dwelling discount amount	\$8.65	\$7.21	\$6.26	\$6.98	\$7.46	\$7.72

Below is a table with sample monthly water charge estimates for senior citizens who qualify for the low-income discount:

Sample Monthly Estimates for Low-Income Senior Discount Customers	1/17/2013	7/1/2013	1/1/2014	1/1/2015	1/1/2016	1/1/2017
	7%	-	12.9%	11.5%	6.8%	3.5%
Proposed Sewer Charge Maintenance Charge						
Proposed Water Maintenance Charge	\$14.77	\$14.77	\$16.68	\$18.60	\$19.86	\$20.56
Low-Income Senior Discount	<u>-\$11.52</u>	<u>-\$9.60</u>	<u>-\$8.34</u>	<u>-\$9.30</u>	<u>-\$9.93</u>	<u>-\$10.28</u>
Adjusted Water Maintenance Charge	\$3.25	\$5.17	\$8.34	\$9.30	\$9.93	\$10.28
Water Consumption Charge (based on 12 units)	<u>\$20.88</u>	<u>\$20.88</u>	<u>\$23.60</u>	<u>\$26.32</u>	<u>\$28.16</u>	<u>\$29.16</u>
Monthly Water Charges for Low-Income Senior Citizens	\$24.13	\$26.05	\$31.94	\$35.62	\$38.09	\$39.44

3. Senior Water Discount – Phase Out of Senior Citizen Rate for those not qualifying for the low income discount

In an effort to soften the transition to higher rates, there will be a four year phase out of the discount on the water maintenance charge for all other seniors that are enrolled in the Senior Discount Rate prior to December 31, 2012 who do not qualify for the low-income senior discount. The phase out discount amounts are shown in the table below. This discount includes a 78% discount off the fixed maintenance charge for the first 6 months of 2013. Then the phase out consists

of multiplying the difference between the proposed residential monthly service charge and the current senior monthly water maintenance charge of \$3.05 by 80% for the second half of 2013, 60% the second year, 40% the third year, and 20% the four year. The senior citizen rate will end on January 1, 2017.

Beginning January 17, 2013, senior citizen customers will begin paying the full price of the volume charge (i.e., “water consumption charge” on the utility bill) at the revised rates (see Section D, 2 below.) All seniors that are grandfathered in by December 4, 2012 will be eligible to receive the discounts shown in the table below through December 31, 2016.

Phase Out Of Senior Citizen Rate (per unit, per month)	1/17/13 - 6/30/13	7/1/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/16
Single family dwelling discount amount	\$11.52	\$9.38	\$8.18	\$6.22	\$3.36	\$0.00
Multi family dwelling discount amount	\$8.65	\$6.43	\$5.68	\$4.36	\$2.37	\$0.00

Below is a table with sample monthly water charge estimates for senior citizens not qualifying for the low-income discount:

Sample Monthly Estimates for Phase Out Of Senior Citizen Rate	1/17/2013 7%	7/1/2013 -	1/1/2014 12.9%	1/1/2015 11.5%	1/1/2016 6.8%	1/1/2017 3.5%
Proposed Water Maintenance Charge	\$14.77	\$14.77	\$16.68	\$18.60	\$19.86	\$20.56
Senior Citizen Rate Phase Out Discount	<u>-\$11.52</u>	<u>-\$9.38</u>	<u>-\$8.18</u>	<u>-\$6.22</u>	<u>-\$3.36</u>	<u>\$0.00</u>
Adjusted Water Maintenance Charge	\$3.25	\$5.39	\$8.50	\$12.38	\$16.50	\$20.56
Water Consumption Charge (based on 12 units)	<u>\$20.88</u>	<u>\$20.88</u>	<u>\$23.60</u>	<u>\$26.32</u>	<u>\$28.16</u>	<u>\$29.16</u>
Monthly Water Charges for Senior Citizens	<u>\$24.13</u>	<u>\$26.27</u>	<u>\$32.10</u>	<u>\$38.70</u>	<u>\$44.66</u>	<u>\$49.72</u>

3. Net Impact to General Fund

Below is the total cost to the General Fund for the senior discount subsidies through fiscal year 2017-18. The Low-Income Senior Discount costs are based on an estimate that 850 seniors would qualify under the low-income guidelines, per the City’s Housing Element. The Housing Element defines seniors as age 65 and older and reported that 546 seniors are “very low income” and 303 are “low income.” (“Very low income” is defined as below 50% of the average medium income and “low income” is 80% of the average medium income.)

General Fund Impact for Sewer and Water Subsidies							FY 17/18 and subsequent years (if no further increases)
		FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	
Sewer	Casa De Vilarrasa Discount	\$11,149	\$23,301	\$25,095	\$26,402	\$27,187	\$27,454
Water	Low Income Senior Discount	\$175,850	\$91,497	\$89,964	\$98,073	\$103,071	\$104,856
Water	Senior Discount 4 Year Phase Out		\$171,042	\$146,341	\$97,391	\$34,171	\$0
Total Cost to General Fund		\$186,999	\$285,840	\$261,400	\$221,866	\$164,429	\$132,310

General Fund Capacity

In September 2012, City Council provided direction to staff to incorporate an ongoing Low Income Senior Discount program to be subsidized by the General Fund and to phase out the current Senior Discount for those that do not qualify for the Low Income discount over four years. At that time, it was projected the General Fund would end Fiscal Year 2012/13 with a 20% reserve balance, excluding the senior water discount subsidy. However, due to lower revenue projections for Fiscal Year 2012/13, it is now estimated the General Fund reserve will be approximately \$5,263,000 or 17.6% at June 30, 2013, excluding the costs of the senior water subsidy. The estimated cost of the subsidy for the current fiscal year is \$187,000 per the table on page 3 of this report. Including this cost in the current year projections, reduces the reserve to approximately 17%. In addition, future budgets will need to include the additional discount subsidies of approximately \$935,000 over the next four years and incorporate ongoing program costs of up to \$132,000 after fiscal year 2017/18.

D. Ordinance changes

1. Sewer Rates

Attached is a proposed ordinance amending Chapter 13.52 (Sewer Rates and Charges) in both redline/strike-out and a clean copy. It includes the sewer rates shown in the table below, the proposed 50% Casa De Vilarrasa discount (discussed in Section C. 1 above), 3% increases for other charges (e.g. one-time sewage discharges, wastes from vessels), deletion of the lateral sewer installation charge section (since the City does not install sewer laterals), and other minor changes for clarification purposes.

Proposed Sewer Rates						
Fiscal Year	Current	Proposed				
	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Monthly Rate per EDU (1 & 2)	\$41.33	\$45.88	\$50.01	\$53.26	\$55.39	\$56.49
Recommended Change	0.0%	11.0%	9.0%	6.5%	4.0%	2.0%
Dollar Increase per month		\$4.55	\$4.13	\$3.25	\$2.13	\$1.11
(1) EDU = equivalent dwelling unit (average household)						
(2) Customers are billed every 2 months. The rates above are per month.						

2. Water Rates

Attached is a proposed ordinance amending Chapter 13.12 (Water Rates and Charges) in both redline/strike-out and a clean copy. It includes the water rates shown in the table below, a 25% volume charge increase for construction hydrant meters (25% is based on the current ordinance), the low-income senior discount and four year phase out for other seniors discussed previously in Section C. 2 and 3 above), and other minor changes for clarification purposes.

Proposed Water Rates							
		Current	Proposed Rates (per month)				
		<u>2011/12</u>	<u>2012/13</u>	<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>	<u>2016/17</u>
			7%	12.9%	11.5%	6.8%	3.5%
Residential Rates							
Service Charge per meter	Single family	\$13.80	\$14.77	\$16.68	\$18.60	\$19.86	\$20.56
	Multi- family unit	\$10.36	\$11.09	\$12.52	\$13.96	\$14.91	\$15.43
Volume Charge per hcf (1 & 2)	0 - 8 hcf	\$1.37	\$1.46	\$1.65	\$1.84	\$1.97	\$2.04
	8 - 30 hcf	\$2.15	\$2.30	\$2.60	\$2.90	\$3.10	\$3.21
	Over 30 hcf	\$2.30	\$2.46	\$2.78	\$3.10	\$3.31	\$3.43
Commercial / Industrial / Irrigation / Municipal Rates							
Service Charge per meter	5/8 - 3/4"	\$17.83	\$19.08	\$21.54	\$24.02	\$25.65	\$26.55
	1"	\$31.68	\$33.90	\$38.27	\$42.67	\$45.57	\$47.16
	1½"	\$71.25	\$76.24	\$86.07	\$95.97	\$102.50	\$106.09
	2"	\$126.64	\$135.50	\$152.98	\$170.57	\$182.17	\$188.55
	3"	\$284.90	\$304.85	\$344.18	\$383.76	\$409.86	\$424.21
	4"	\$506.48	\$541.93	\$611.84	\$682.20	\$728.59	\$754.09
	6"	\$1,139.56	\$1,219.32	\$1,376.61	\$1,534.92	\$1,639.29	\$1,696.67
Volume Charge per hcf (1 & 2)	0 - 30 hcf	\$1.86	\$1.99	\$2.25	\$2.51	\$2.68	\$2.77
	Over 30 hcf	\$2.18	\$2.33	\$2.63	\$2.93	\$3.13	\$3.24
(1) Customers are billed every 2 months. The rates above are per month.							
(2) hcf = one hundred cubic feet = 748 gallons							

Proposed Water Rates (continued)							
		Current	Proposed Rates (per month)				
		2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
			7%	12.9%	11.5%	6.8%	3.5%
Automatic Sprinkler & Private Fire Hydrant Rates							
Flat Rate per meter	2"	\$9.37	\$10.03	\$11.32	\$12.62	\$13.48	\$13.95
	4"	\$16.40	\$17.55	\$19.81	\$22.09	\$23.59	\$24.42
	6"	\$23.21	\$24.84	\$28.04	\$31.26	\$33.39	\$34.56
	8"	\$30.42	\$32.55	\$36.75	\$40.98	\$43.77	\$45.30
	10"	\$37.39	\$40.01	\$45.17	\$50.36	\$53.78	\$55.66
	12"	\$44.40	\$47.51	\$53.64	\$59.81	\$63.88	\$66.12
Fire Hydrants	Double outlet & steamer	\$11.71	\$12.53	\$14.15	\$15.78	\$16.85	\$17.44
	Single outlet & wharf	\$3.52	\$3.77	\$4.26	\$4.75	\$5.07	\$5.25
Untreated Water Rates							
Minimum Charge per meter	2"	\$23.38	\$25.02	\$28.25	\$31.50	\$33.64	\$34.82
	3"	\$46.75	\$50.03	\$56.48	\$62.98	\$67.26	\$69.61
	4"	\$70.10	\$75.00	\$84.68	\$94.42	\$100.84	\$104.37
	6"	\$140.17	\$149.98	\$169.33	\$188.80	\$201.64	\$208.70
Volume Charge per hcf	0 - 150 hcf	\$0.84	\$0.90	\$1.02	\$1.14	\$1.22	\$1.26
	Over 150 hcf	by agmt	by agmt	by agmt	by agmt	by agmt	by agmt
(1) Customers are billed every 2 months. The rates above are per month.							
(2) hcf = one hundred cubic feet = 748 gallons							

3. Other Water and Sewer Charges

Attached are proposed ordinances amending Chapter 13.56 (Sewer Billing Requirements), Chapter 13.16 (Water Billing Requirements), and Chapter 13.08 (Water Service) in both redline/strike-out and clean copies.

These three ordinances contain other water and sewer related fees such as renters deposit, returned check fee, delinquent charge, and turn off service fee. These charges have not been updated since 1990 and the City is currently not covering costs on these fees. City staff compared Benicia's fees with other Solano County cities and proposes to amend fees to make Benicia's fees comparable. A tampering fee of \$50 and an inspection fee of \$52 per hour are proposed to be added. With these modifications, the City will recover the cost of service.

The capacity fees (formerly referred to as connection fees) have not been increased since 1999. These are proposed to be increased 1.6% based on the construction cost index. The ordinance already includes language for regular increases, but has not been implemented until now.

By a separate Council action, also on December 4, staff is recommending to move other water and sewer related fees from the Benicia Municipal Code to the Master Fee Schedule. For this reason, the attached ordinances indicate that all fees are set by resolution of the City Council instead of noting the actual fee.

Please refer to the staff report titled Water and Sewer Fee Additions and Amendments to the Master Fee Schedule for the proposed fees.

E. Estimated Utility Bill Increases For Residential Customers

Below is a table showing an example of what the proposed water and sewer rate increases will cost an average residential customer per month.

Sewer - All Customers Except for Casa De Vilarrasa										
	Current	1/17/13	7/1/13	1/1/14	7/1/14	1/1/15	7/1/15	1/1/16	7/1/16	1/1/17
Proposed Rate Adjustment	0%	11%	9%	-	6.5%	-	4%	-	2%	-
Proposed Monthly Charge (per EDU ¹)	\$41.33	\$45.88	\$50.01	\$50.01	\$53.26	\$53.26	\$55.39	\$55.39	\$56.49	\$56.49
Monthly Increase	N/A	\$4.55	\$4.13	\$0.00	\$3.25	\$0.00	\$2.13	\$0.00	\$1.10	\$0.00
Water - Residential Customers										
	Current	1/17/13	7/1/13	1/1/14	7/1/14	1/1/15	7/1/15	1/1/16	7/1/16	1/1/17
Proposed Rate Adjustment	0%	7%	-	12.9%	-	11.5%	-	6.8%	-	3.5%
Average Residential Monthly Charge ²	\$33.33	\$35.65	\$35.65	\$40.28	\$40.28	\$44.92	\$44.92	\$48.02	\$48.02	\$49.72
Monthly Increase	N/A	\$2.32	\$0.00	\$4.63	\$0.00	\$4.64	\$0.00	\$3.10	\$0.00	\$1.70
Total Monthly Charge (Water + Sewer)	\$74.66	\$81.53	\$85.66	\$90.29	\$93.54	\$98.18	\$100.31	\$103.41	\$104.51	\$106.21
Average Annual Water & Sewer Cost	2012 \$895.92	2013 \$1,003.14	2014 \$1,102.98	2015 \$1,190.94	2016 \$1,247.52	2017 \$1,274.52				

Footnotes:

(1) EDU = equivalent dwelling unit.

(2) Average monthly usage is 12 billing units (hundred cubic feet)

F. Action Reminder

1. When each goes into effect

At the conclusion of tonight's public hearing, with Council's concurrence, staff recommends bringing the ordinances back to Council for the second reading and adoption on December 18, 2012. If the water and sewer rates and charges are adopted at the December 18 meeting, then they will become effective 30 days later, which would be on January 17, 2013.

2. Outreach plan for Senior Citizens and transition to low income discount rate

All customers receiving the current senior discount prior to December 4, 2012 will be notified by mail about the change in the discount structure. They will be notified that they have six months to apply for the new low-income senior discount (January 1, 2013 to June 30, 2013) in order to assure there is no lapse in receiving the appropriate discount amount. Staff is planning on going to the Senior Center on Monday, January 14 to provide a convenient way for senior citizens to apply.

Attachments:

- Staff Report from September 25, 2012 City Council Meeting
- Proposition 218 Notice

- Finance Committee's Comments
- Proposed Ordinance Amending Chapter 13.12 (Water Rates and Charges)(with changes shown in redline strikeout)
- Proposed Ordinance Amending Chapter 13.12 (Water Rates and Charges) (clean copy)
- Proposed Ordinance Amending Chapter 13.52 (Sewer Rates and Charges) (with changes shown in redline strikeout)
- Proposed Ordinance Amending Chapter 13.52 (Sewer Rates and Charges) (clean copy)
- Proposed Ordinance Amending various sections of Chapter 13.56 (Sewer Billing Requirements) (with changes shown in redline strikeout)
- Proposed Ordinance Amending various sections of Chapter 13.56 (Sewer Billing Requirements) (clean copy)
- Proposed Ordinance Amending various sections of Chapter 13.08 (Water Service) (with changes shown in redline strikeout)
- Proposed Ordinance Amending various sections of Chapter 13.08 (Water Service) (clean copy)
- Proposed Ordinance Amending various sections of Chapter 13.16 (Water Billing Requirements) (with changes shown in redline strikeout)
- Proposed Ordinance Amending various sections of Chapter 13.16 (Water Billing Requirements) (clean copy)

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 25, 2012
BUSINESS ITEM

DATE : September 20, 2012

TO : City Manager

FROM : Interim Public Works Director

SUBJECT : **WATER AND SEWER RATE INCREASES**

RECOMMENDATION:

To protect the health and safety of the community and the City's financial integrity, staff recommends City Council adopt a resolution setting the public hearing date for December 4, 2012 to consider increasing rates for water and sewer service by amending Chapter 13.12 of the Benicia Municipal Code relating to water rates and charges and Chapter 13.52 relating to sewer rates and charges, and directing staff to proceed with mailing notices to all property owners within the City of Benicia.

EXECUTIVE SUMMARY:

Water and sewer rates were last raised in 2006 as part of a regular schedule of modest increases that were intended to assure the rates kept pace with increases in costs. After working with experts in the engineering and financial fields, updated Water and Sewer System Master Plans were developed that were incorporated into water and sewer rate studies. City staff conducted a comprehensive outreach effort, including receiving input from several City advisory bodies. Staff will present these comprehensive analyses and make recommendations for rate increases over a period of five years to protect the longevity of these important public resources. The quality and safety of our local water supply and the proper maintenance of our sewer system is essential to our community's health, safety and financial integrity. Specifically, our water and sewer systems must be properly maintained in order to:

- Ensure clean, safe drinking water for our residents and businesses
- Have secure adequate water capacity in the event of a major earthquake, fire or catastrophic emergency
- Prevent sewage spills that present a health risk to the community, placing the City at risk for regulatory fines and lawsuits, and polluting the Carquinez Strait.

GENERAL PLAN:

Relevant General Plan Goals:

- Goal 2.28: Improve and maintain public facilities and services
- Goal 2.36: Ensure an adequate water supply for current and future residents and businesses

STRATEGIC PLAN:

Relevant Strategic Plan Issues:

- Strategic Issue #1: Protecting Community Health and Safety
- Strategic Issue #2: Protecting and Enhancing the Environment
- Strategic Issue #3: Strengthening Economic and Fiscal Conditions
 - Strategy #4: Manage City finances prudently
- Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #4: Provide funding for ongoing infrastructure needs

BUDGET INFORMATION:

Since 2006, water and sewer rates have remained constant, with no increases. The Water and Sewer Funds are currently operating in a deficit. The Water Fund is projected to be (\$1,774,315) and Sewer Fund (\$641,566) based on fiscal year 2011/12 amended budget figures. Without any rate increases, they will continue to run an operating deficit and will deplete the operating fund reserves by June 2014 at which point they would have to borrow from the General Fund (used for critical community service needs such as police and fire). Also, without any rate increases, it is estimated that the Water and Sewer Funds will not meet the City's 20% reserve requirement starting in fiscal year 2012/13. Additionally, the Water Fund will fail to meet its debt service coverage requirements, which could result in another credit rating downgrade as Standard and Poor's has already downgraded the City's credit rating. An independent auditor has informed the City that rate adjustments will be necessary to restore the City's credit rating.

BACKGROUND AND DISCUSSION:

Our local water supply must be properly maintained and protected to ensure clean, safe drinking water and an adequate water supply in the event of an earthquake, fire or catastrophic emergency. Benicia's sewer system must be properly maintained to prevent sewage spills that present a health risk to the community, place the City at risk for regulatory fines and lawsuits, and can damage the Carquinez Strait and our environment.

Unfortunately, Benicia has aging water and sewer systems and proper maintenance and repair is needed. Additionally, our plants have important monitoring equipment, pumps, and other major capital items that cannot be easily repaired, due to age of materials, and must be upgraded to ensure safety.

Evolving state and federal regulations that our water and sewer systems are subject to are also impacting our systems. Benicia must stay in compliance with all required mandates or face costly fines or environmental lawsuits.

Water and sewer rates were last raised in 2006 as a part of a regular schedule of modest increases that were intended to assure the rates kept pace with increases in costs. Staff examined the current rates and determined that the system had substantially changed since the last master plans were completed. Rather than continue on the current progression that rates had been following, staff moved to begin an update of both the Water and Sewer Master Plans to assess the City's current and future needs for new rate studies. In 2009, the Sewer Master Plan was begun and in August of 2012, both studies were completed.

Master Plans study the capacity, condition and related life cycle of both a treatment plant and the network of pipelines associated with it. Complex hydraulic modeling is completed to examine system capacity and needed redundancies to assure reliable water delivery, and assure public health and safety is protected from exposure to waste. In addition to modeling, condition assessment, maintenance practices and replacement schedules are used to complete a full inventory of the system and its needs.

Master Plans are then used to guide the needed funds for operation, maintenance and renewal of water and sewer infrastructure as part of rate studies completed recently and presented to the community for the first time at the Finance Committee Meeting of August 10, 2012. They can be found on the City's website www.ci.benicia.ca.us under Water/Sewer System Safety.

Rate Study Objectives

Three objectives serve as the foundation of the rate analyses:

1. Revenues Cover Expenses - Revenues cover all expenses, including operating, capital and debt service, which is consistent with the City's Balanced Operating Budget Policy (Attachment 1).
2. Debt Service Coverage Target - Net revenues (all revenues available after Operations and Maintenance expenses are covered) are at least 120% of annual debt service, which includes principal and interest payments on the revenue refunding bonds and the SRF loans.
3. Reserve Target - The Enterprise meets the City's fund balance reserve policy of 20% of current year revenue (Attachment 2).

First, the City's financial rating was recently downgraded (Attachment 3) because revenues were not equal to or greater than costs. A lower financial rating increases the cost to borrow funds and limits the City's ability to borrow

additional funds, should that become necessary. The rating agency has indicated that a further downgrade is possible if no action is taken to address the fiscal sustainability of the enterprise funds. An independent auditor has informed the City that rate adjustments will be necessary to restore the City's credit rating (Attachment 4).

Proposition 218/Discount Rates

It is important to know that in 2006 the Supreme Court ruling on the Bighorn-Desert View Water Agency case established that water and sewer charges are property-related and subject to Proposition 218 requirements. Proposition 218, the "Right to Vote on Taxes Act," was approved by California voters in November 1996 and is codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 established requirements for imposing or increasing property related taxes, assessments, fees and charges. For many years, there was no legal consensus on whether water and sewer rates met the definition of "property related fees." Under Proposition 218, the amount of the fees for water and sewer cannot exceed the proportional cost of service to a parcel.

Water and Sewer funds are "Enterprise Funds" which means they are managed as individual businesses and the revenues come from fees charged to users. The Enterprise Funds are different from the "General Fund" which is the City's main operating fund that is funded by general revenues (e.g. sales tax, property tax, utility users' tax). Proposition 218 prohibits water and sewer enterprise funds (funded by water and sewer ratepayers) from continuing to subsidize the discount offered to seniors age 60 and older. Proposition 218 prohibits providing a lower cost to one specific customer class that is subsidized through higher charges to other customers. If the City wishes to continue the discounted rate, the discounts must be subsidized from another source of revenue other than from ratepayers, such as the General Fund. Attached is a legal opinion regarding this issue (Attachment 5.)

Fire Flows

Benicia needs adequate water capacity in the event of a major earthquake, fire, or catastrophic emergency. Our community is unique in that a large percentage of the city is comprised of industrial and commercial occupancies, including the Valero Refinery, the Benicia Industrial Park, the historic downtown, the Benicia Arsenal, and a deep-water port. These industrial and commercial occupancies require our water distribution system to deliver high volumes of water, or fire flow, in the event of a fire.

Fire services are graded by an independent agency, the Insurance Services Office, in order to determine insurance rates. This grading survey is done every seven to ten years and the City of Benicia is currently going through this process. Our last survey was conducted in 2002, and the City currently has a rating of

three; 40% of the survey score is based on our water distribution system. As part of the survey, fire flow requirements are calculated for several specific occupancies in our city, some of which require over 7,000 gallons per minute fire flow. The inspector looks at maintenance records, as well as conducts actual fire flow tests in the field.

Therefore, it is critical for our community's safety and sustainability to keep our water distribution system well maintained and operating effectively.

Outreach

A comprehensive public education program has been underway since August 2012 to inform community, City Commissions/Committees, and interested citizens with factual information resulting from the recent water and sewer rate studies. This effort was undertaken because of the City Council's commitment to inform the community of important issues and provide complete transparency to decisions of such great importance.

In August and September, City staff made a power point presentation followed by a question and answer period for the following groups:

- ✓ City Finance Committee (three meetings)
- ✓ City Economic Development Board
- ✓ City Parks & Recreation Commission
- ✓ City Council/School Liaison Committee
- ✓ City Community Sustainability Commission
- ✓ City Department Heads
- ✓ Benicia Industrial Park Association Board
- ✓ Chamber of Commerce Board
- ✓ Rotary Club
- ✓ Senior Citizen Roundtable Forum

In addition to the above presentations, City staff met individually with Benicia Unified School District representatives to specifically review rate changes and their impact to the School District's utility bills.

During the above City and community group sessions, copies of the power point presentation and water and sewer rate studies were provided to attendees. In early August, the City's website was updated with the power point presentation and water and sewer rate studies.

In early September, informational pamphlets were mailed to 9,500 Benicia property owners (Attachment 6). A detailed letter, along with a Frequently Asked Questions Sheet, from the City Manager, Brad Kilger and Interim Public Works Director, Melissa Morton was mailed to approximately 45 interested

parties (Attachment 7).

A City hotline, ph# (707) 746-4380 and dedicated email address (WaterSewerQuestions@ci.benicia.ca.us) have been activated and staff has already received comments and questions from members of the public.

City staff will continue to meet with groups to provide information about the proposed rate increases. For example, staff will be speaking to the Soroptomist Club on September 27.

In early to mid-October, a Proposition 218 Notice outlining the specific water and sewer rate increases and details of the protest process will be mailed to all property owners in the City.

In mid-November, an additional informational postcard will be mailed to the same 9,500 property owners.

Feedback from Outreach Efforts

City staff received feedback from the public outreach effort mentioned above. Much of that feedback was used in the development of the senior discount plan recommendations. While many questions were addressed at the individual presentations, highlighted below are some select questions/comments received from the outreach with answers provided.

1. Q: Why were the water and sewer rate adjustments not addressed sooner?
A: Water and sewer rates were last raised in 2006. Subsequently in 2006 was the Supreme Court decision on the Bighorn case, which requires a Proposition 218 compliant process for future rate increase adoption. To avoid confronting the senior discount issue, the determination was made to avoid a rate increase and try to realize cost savings through operational efficiencies. When it was clear that this would not close the funding gap, staff began the proposal process to prepare new master plans. The Sewer System Master Plan was completed in July 2011 and the Water System Master Plan was completed in September 2012. These plans were used in the rate analyses, which began in 2011. Also during these years, the economy began a severe downturn as well. While in retrospect it appears that this may have accelerated the rate increases that must occur now, ratepayers were not impacted during one of the deepest recessions the Country has seen since the 1930's.
2. Q: It was suggested to make the financial goals more clear.
A: The financial goals have been carefully described in the staff report under the heading "Rate Study Objectives" and are important to the

fiscal stability of the fund. However, rates need to be raised not only for these reasons, but principally to assure that needed maintenance and future replacement of major components of the system occurs.

3. Q: Why do the rate studies assume PayGo?

A: PayGo refers to “pay as you go.” The water and sewer rate studies assume that capital projects are funded on a PayGo basis. This method was used instead of financing mechanisms, which would incur more debt. Further, the City cannot currently issue bonds because the water and sewer funds cannot demonstrate that they are self sustaining. The PayGo assumption can be revisited in the future.

4. Q: Why is water consumption assumed to remain constant?

A: The Water Rate Study assumes that total water consumption will remain constant based on FY 2010/11 use. Due to the community’s excellent water conservation efforts, it is expected that water consumption will decrease; however, as the economy improves, it is projected that an increase in consumption will offset the conservation efforts.

5. Q: It was suggested that the noticing process be explained.

A: City Council will hold a public meeting on September 25 to review the studies and receive public testimony. If the Council decides to move forward with the rate increases, a public hearing date will be set (tentatively December 4.) The City must notify property owners by mail of their right to protest the increases 45 days prior to the scheduled hearing date. Each property owner will have one chance to protest each fee. For example, if the Council sets a hearing date for December 4, the notices will be sent out in mid-October. If as of the scheduled hearing date more than 50 percent of the property owners submit a written protest to the City, the rates cannot go into effect.

6. Q: It was recommended the staff report include feedback received from the Senior Citizen roundtable group.

A: City staff met with a group of seniors to discuss the issue of future funding the senior water discount knowing that it legally cannot continue to be funded by other ratepayers, as it is currently. The group’s consensus was that the City should offer a senior low-income discount.

7. Q: It was requested staff provide clarification on whether the water and sewer rates are being raised to pay for the recent City solar projects.

A: Water and sewer rates are not being raised to pay for the recent solar projects. The City issued Certificates of Participation to fund the solar projects. The Certificates of Participation are paid back using energy

savings from the solar project.

8. Q: It was requested staff provide clarification on whether water rates are being raised due to water conservation.

A: Water rates are not being raised due to water conservation. Further conservation has been accounted for in the rate analysis as well.

9. Q: Staff were asked if “purple pipe” was considered.

A: Purple pipe refers to recycled water pipelines. It has been determined that recycled water projects are not cost effective for the City because it is less expensive to use treated water. The infrastructure construction cost needed to distribute the recycled water exceeds the benefit of pursuing the project. A consultant previously estimated that a recycled water project between the City and Valero Refinery would cost \$40 million.

As stated above, City staff met with the Finance Committee at three separate meetings. Staff spent an extensive amount of time responding to the Committee’s questions. Attached are the Finance Committee’s comments, approved at the September 18, 2012 (Attachment 8).

Sewer Rates

The City of Benicia has a sewer treatment plant that treats from 3.5 to 8 million gallons per day. The collection system that transports waste from all over the City to the treatment plant includes 150 miles of sanitary sewers, 23 lift stations, and 9,278 sewer service connections. As part of the master planning process, the City hired Camp Dresser & McKee (CDM) to prepare an updated Sewer Master Plan. Projects cost and timelines were reviewed by staff to assure there were no unnecessary multipliers used to inflate the estimates, and the timeline for each project’s completion was reasonable and necessary. Only essential projects are included in the capital improvement section of the study that are necessary for maintenance in order to sustain the system and ensure continued safe service, modifications due to future regulatory changes, or changes due to lessons learned or future permit changes.

The City hired rate consultant, Bartle Wells Associates (BWA), to review the sewer enterprise’s finances, project revenues and expenses over a future 10-year period, and design sewer rates and charges (Attachment 9). BWA’s study develops and recommends adjustments to sewer rates to keep the Sewer Enterprise Fund financially sustainable, pay for maintenance and capital projects, comply with credit rating requirements, and satisfy the City’s reserve fund policy. BWA determined that sewer rates should be increased, and they provided three scenarios. The recommended option presented below offers the lowest initial increase and eases the needed increase across the 5-year time period. With this option, all objectives as outlined in the Rate Study Objectives

section above are met in FY 2016/17. BWA conducted 10-year projections to help determine how to best set the rates over 5 years, as Proposition 218 (discussed later in this report) limits rate increases to 5 years.

Proposed Sewer Rates						
	Current	Proposed				
Fiscal Year	2012	2013	2014	2015	2016	2017
Monthly Rate per EDU (1)	\$41.33	\$45.88	\$50.01	\$53.26	\$55.39	\$56.49
Recommended Change	0.0%	11.0%	9.0%	6.5%	4.0%	2.0%
Dollar Increase per month		\$4.55	\$4.13	\$3.25	\$2.13	\$1.11
(1) EDU = equivalent dwelling unit						

On June 4, 2012, the City received a letter from the law office of Jack Silver regarding sanitary sewer overflows to Waters of the United States as reported to the Regional Water Quality Control Board as part of the City’s sewer treatment plant and collection system regulatory permit for discharge to the Carquinez Strait (Attachment 10). The letter placed the City on notice of the firm’s intent to file suit under the Clean Water Act. As part of a yet to be agreed upon settlement to avoid costly litigation, the City will increase the frequency of cleaning and inspection of the City’s sewer collection system. These improved maintenance activities are also accounted for in the proposed fee adjustment.

Water Rates

The City of Benicia has a water treatment plant with a maximum daily capacity of 12 million gallons per day with a distribution system made up of 160 miles of water mains, 1,428 fire hydrants, 9,547 water service connections, three pump stations and three reservoir sites. As part of the master planning process, the City hired Nolte Vertical 5 to prepare an updated Water Master Plan. Projects cost and timelines were reviewed by staff to assure there were no unnecessary multipliers used to inflate the estimates, and the timeline for each project’s completion was reasonable and necessary. Only essential projects are included in the capital improvement section of the study that are necessary for maintenance in order to sustain the system and ensure continued safe service, modifications due to future regulatory changes, or changes due to lessons learned or future permit changes.

Similar to what is stated in the Sewer Rate section above, the City hired rate consultant Bartle Wells Associates (BWA) to review the water enterprise’s finances, project revenues and expenses over a future, 10-year period, and design water rates and charges (Attachment 10.) BWA’s study develops and recommends changes in the City’s water rates to pay for maintenance and capital projects, keep the Enterprise on a sound financial foundation, comply with credit rating requirements, and satisfy the City’s reserve fund policy.

BWA determined that water charges should be increased, and they provided three scenarios. The recommended option is presented below and offers the lowest initial increase and eases the increase across the 5-year time period. With this option, all objectives as outlined in the Rate Study Objectives section above are met in FY 2016/17. BWA conducted 10-year projections to help determine how to best set the rates over 5 years, as Proposition 218 limits rate increases to 5 years.

		Proposed Water Rates					
		Current 2011/12	Proposed Rates (per month)				
		2012/13 7%	2013/14 12.9%	2014/15 11.5%	2015/16 6.8%	2016/17 3.5%	
Residential Rates							
Service Charge per meter	Single family	\$13.80	\$14.77	\$16.68	\$18.60	\$19.86	\$20.56
	Multi- family unit	\$10.36	\$11.09	\$12.52	\$13.96	\$14.91	\$15.43
Volume Charge per hcf (2)	0 - 8 hcf	\$1.37	\$1.46	\$1.65	\$1.84	\$1.97	\$2.04
	8 - 30 hcf	\$2.15	\$2.30	\$2.60	\$2.90	\$3.10	\$3.21
	Over 30 hcf	\$2.30	\$2.46	\$2.78	\$3.10	\$3.31	\$3.43
Commercial / Industrial / Irrigation / Municipal Rates							
Service Charge per meter	5/8 - 3/4"	\$17.83	\$19.08	\$21.54	\$24.02	\$25.65	\$26.55
	1"	\$31.68	\$33.90	\$38.27	\$42.67	\$45.57	\$47.16
	1½"	\$71.25	\$76.24	\$86.07	\$95.97	\$102.50	\$106.09
	2"	\$126.64	\$135.50	\$152.98	\$170.57	\$182.17	\$188.55
	3"	\$284.90	\$304.85	\$344.18	\$383.76	\$409.86	\$424.21
	4"	\$506.48	\$541.93	\$611.84	\$682.20	\$728.59	\$754.09
	6"	\$1,139.56	\$1,219.32	\$1,376.61	\$1,534.92	\$1,639.29	\$1,696.67
Volume Charge per hcf	0 - 30 hcf	\$1.86	\$1.99	\$2.25	\$2.51	\$2.68	\$2.77
	Over 30 hcf	\$2.18	\$2.33	\$2.63	\$2.93	\$3.13	\$3.24
Automatic Sprinkler & Private Fire Hydrant Rates							
Flat Rate per meter	2"	\$9.37	\$10.03	\$11.32	\$12.62	\$13.48	\$13.95
	4"	\$16.40	\$17.55	\$19.81	\$22.09	\$23.59	\$24.42
	6"	\$23.21	\$24.84	\$28.04	\$31.26	\$33.39	\$34.56
	8"	\$30.42	\$32.55	\$36.75	\$40.98	\$43.77	\$45.30
	10"	\$37.39	\$40.01	\$45.17	\$50.36	\$53.78	\$55.66
	12"	\$44.40	\$47.51	\$53.64	\$59.81	\$63.88	\$66.12
Fire Hydrants	Double outlet & steame	\$11.71	\$12.53	\$14.15	\$15.78	\$16.85	\$17.44
	Single outlet & wharf	\$3.52	\$3.77	\$4.26	\$4.75	\$5.07	\$5.25
Untreated Water Rates							
Minimum Charge per meter	2"	\$23.38	\$25.02	\$28.25	\$31.50	\$33.64	\$34.82
	3"	\$46.75	\$50.03	\$56.48	\$62.98	\$67.26	\$69.61
	4"	\$70.10	\$75.00	\$84.68	\$94.42	\$100.84	\$104.37
	6"	\$140.17	\$149.98	\$169.33	\$188.80	\$201.64	\$208.70
Volume Charge per hcf	0 - 150 hcf	\$0.84	\$0.90	\$1.02	\$1.14	\$1.22	\$1.26
	Over 150 hcf	by agmt	by agmt	by agmt	by agmt	by agmt	by agmt
(1) Customers are billed on a bi-monthly basis. The rates above are per month.							
(2) hcf = one hundred cubic feet = 748 gallons							

Water Conservation Efforts

The Water Rate Study assumes that total water consumption will remain constant based on FY 2010/11 use. Due to the community's excellent water conservation efforts, it is expected that water consumption will decrease; however, as the economy improves, it is projected that an increase in consumption will offset conservation efforts.

The City partners with Solano County Water Agency (SCWA) for water conservation programs. The City, and especially the Community Sustainability Commission (CSC), share a goal of improving water use efficiency and conserving water. Below are the current water conservation programs/efforts the City through SCWA and the CSC have implemented:

- ✓ High Efficiency Toilets – up to \$100 Rebate (SCWA)
- ✓ High Efficiency Washing Machines – up to \$75 Rebate (SCWA)
- ✓ Lawn Replacement Rebate - \$1/sq. ft. up to \$1,000 (SCWA)
- ✓ Smart Irrigation Controllers Rebate – up to \$300, \$700 or \$1,000 depending on size (SCWA)
- ✓ Free Home Water Audit Program (may include distribution of low flow shower heads, faucet aerators, and/or hose nozzles.) (SCWA)
- ✓ WattzOn Home Water and Energy Audit Program (CSC)
- ✓ CSC allocated \$10,000 for incentives for residential plumbing fixture upgrades. (CSC)

Below is a list of water conservation efforts planned for the future:

- ✓ Property Assessed Clean Energy (PACE) Program – This program provides an opportunity for commercial, industrial, and multi-family residential owners to finance high performance energy efficiency, renewable energy, and water conservation projects. The City is participating in this program again effective September 18, 2012.
- ✓ Proposed Additional Water Incentive Program – a per fixture rebate for toilets, washing machines, smart irrigation controllers, and sprinkler heads. These rebates would be in addition to other rebates offered. This proposal goes back to the Community Sustainability Commission in November 2012.

Senior Sewer Discount

Casa de Vilarrasa, a senior housing complex, is the City's only customer that receives a discounted sewer rate, which is about 68% off the regular service charge. For example, a single-family residence pays \$41.33 per month and a residential unit at Casa de Vilarrasa pays \$13.33 per month. There are 81 units in the complex and with this discount the sewer fund (funded by sewer ratepayers) subsidizes approximately \$27,000 per year. Under Proposition 218 provisions (as interpreted in the 2006 Bighorn-Desert View Water Agency Supreme Court

ruling), sewer ratepayers cannot legally bear the subsidy cost. Proposition 218 prohibits providing a lower cost to one specific customer class that is subsidized through higher charges to other customers. If the City wishes to continue the discounted rate to Casa de Vilarrasa, the cost must be subsidized from another source of revenue other than from ratepayers, such as the General Fund (Attachment 5).

It is City staff’s recommendation that the City provide a 50% discount to Casa de Vilarrasa, subsidized by the General Fund, as more than 50 percent of the residents are low income seniors. This is an arbitrary amount that is less than the current discount and thus would be a smaller impact to the General Fund as outlined below.

General Fund Impact – Transitioning from a ~68% to a 50% discount for Casa de Vilarrasa would cost the General Fund a total of \$126,861 over the first 5 ½ fiscal years, as outlined in the table below, and future fiscal year costs would be based on any future rate adjustments. For discussion purposes, assuming no rate adjustments are made after 2017, the cost to the General Fund would be approximately \$27,500 per fiscal year.

CASA DE VILARRASA DISCOUNT TRANSITION FROM ~68% TO 50%						
	(1/2 year)					FY 17/18 and subsequent
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	years*
Cost/Fiscal Year	\$11,149	\$23,301	\$25,095	\$26,402	\$27,187	\$27,454
Total (for first 5 1/2 yrs only)	\$126,861					

* Assumes no increase in FY 18/19

Customer Billing Impact – Below is a representative sample of how monthly sewer charges would increase for Casa de Vilarrasa.

CASA DE VILARRASA DISCOUNT TRANSITION FROM ~68% TO 50%						
	Current	Year 1 2013	Year 2 2014	Year 3 2015	Year 4 2016	Year 5 2017
Proposed Residential Service Charge (mo.)	\$41.33	\$45.88	\$50.01	\$53.26	\$55.39	\$56.49
Casa De Vilarrasa Discount	67.75%	50.00%	50.00%	50.00%	50.00%	50.00%
Casa De Vilarrasa Sewer Charge (mo)	\$13.33	\$22.94	\$25.01	\$26.63	\$27.70	\$28.25

Senior Water Discount

Customers receive utility bills that contain two types of water charges – a fixed maintenance/service charge, and a consumption/volume charge that is variable since it is based on usage. The current senior discount (age 60 or older) is 78% off the fixed maintenance charge and 18% off the consumption charge for Tier 1 (43% off Tier 2 and 42% off Tier 3.) On average, these discounts equate to roughly 50% off (low consumption would be less than 50% and high

consumption would be more than 50%). The City currently has 2,544 senior discounted customers. In FY 10/11, the senior discount amount (i.e. subsidy) was \$477,838 (the difference between the revenue received from senior customers vs. what it would have been without the discount.) As stated above, since other ratepayers can no longer legally subsidize utility discounts, any continued discounts would need to be subsidized by the General Fund. After extensive public outreach and feedback discussing how best to protect our community's most vulnerable residents, while at the same time ensuring the City's long-term financial integrity (as detailed in this report), two options are presented below.

1. Option 1 - Phase Out Senior Discount Over a 4 Year Period

This option consists of phasing out the senior discount on the fixed maintenance charge over the next four years. This option incrementally phases out the difference between the proposed residential monthly service charges (outlined in the water rate table above) and the current senior discounted monthly maintenance charge of \$3.05 by 80% the first year, 60% the second year, 40% the third year, and 20% the fourth year. The discount on the fixed maintenance charge would end in year 5. Current senior discounted customers would start paying the full price of the consumption charges (at the revised rates) starting in January 2013. Conservation efforts could help reduce the impact of this change.

General Fund Impact – Option 1 would cost the General Fund a total of \$828,408 over 5 fiscal years as outlined in the table below.

OPTION 1 - SENIOR DISCOUNT 4 YEAR PHASE OUT						
	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>	<u>FY 16/17</u>	<u>FY 17/18...</u>
Cost to General Fund	\$143,115	\$267,944	\$219,771	\$146,260	\$51,318	\$0
Option 1 Total	\$828,408					

If the City chose to phase out the senior discount over a 3-year period, the cost to the General Fund would be \$595,067. And a 2-year phase out would cost the General Fund \$282,918.

Customer Billing Impact - Below is a representative sample of how the monthly water charges would increase with Option 1 based on average water consumption.

OPTION 1 - SENIOR DISCOUNT 4 YEAR PHASE OUT						
	Current Avg. Senior Bill/mo.	Year 1 2013	Year 2 2014	Year 3 2015	Year 4 2016	Year 5 2017
Avg. SFR Bill/mo.		\$35.65	\$40.28	\$44.92	\$48.02	\$49.72
Discount Amount		<u>\$9.38</u>	<u>\$8.18</u>	<u>\$6.22</u>	<u>\$3.36</u>	<u>\$0.00</u>
Senior Avg. SFR Bill/mo.	\$16.89	\$26.27	\$32.10	\$38.70	\$44.66	\$49.72
<i>Bill Increase per month</i>		\$9.38	\$5.83	\$6.60	\$5.96	\$5.06

2. Option 2 - Transition to Senior Low-Income Discount

This option consists of using the General Fund to provide currently enrolled senior discounted customers a discount of 78% off the fixed maintenance charge for the first 6 months of 2013. These customers would start paying the full price of the consumption charges (at the revised rates) starting in January 2013. The first six months of 2013 is when low-income seniors would apply for the discount. Then, starting July 1, 2013 for 6 months, the fixed maintenance charge discount would drop to 65% and the program transitions from a senior discount to a senior low-income discount. And finally, starting July 1, 2014, the fixed maintenance charge discount would drop to 50% permanently for qualified senior low-income customers. The proposed discount is on the fixed maintenance charge only; customers would start paying the full price of the consumption charges (at the revised rates) starting in January 2013. Seniors who do not qualify for the low-income discount would begin paying the full residential rates on July 1, 2013.

The proposed requirements for the senior low-income discount on water bills are as follows:

1. Age 60 or older (Note: Social Security Administration uses 62 or older as the threshold for senior. Housing and Urban Development defines a senior as being 65 or older.)
2. Must apply in person in the Finance Department (every 2 years)
3. Low-Income Verification

The simplest and least invasive to implement is to follow PG&E's CARE program which utilizes a state wide standard for determining eligibility for the low income discount as demonstrated below.

Income Guidelines for PG&E's CARE Program								
Number of Persons in Household	1	2	3	4	5	6	7	8*
Annual income before taxes	\$22,340	\$30,260	\$38,180	\$46,100	\$54,020	\$61,940	\$69,860	\$77,780

* For each additional person, add \$7,920.

Using the PG&E CARE guidelines would simplify verification of eligibility by requiring the customer to provide a copy of their PG&E bill noting the discount along with identification that substantiates their age and address. PG&E's guidelines utilize a statewide income standard. City staff is recommending utilizing PG&E's CARE income guidelines for ease of implementation, and limited intrusion into our citizens' lives requiring separate income documentation.

General Fund Impact – Option 2 would cost the General Fund a total of \$663,311 over 5 fiscal years as outlined in the table below and future fiscal year costs would be based on any future rate adjustments. For discussion purposes, assuming no rate adjustments are made after 2017, the cost to the General Fund would be approximately \$105,000 per fiscal year. This estimates 850 seniors would qualify under the low-income guidelines, per the City's Housing Element. The Housing Element defines seniors as age 65 and older and reported that 546 seniors are "very low income" and 303 are "low income." ("Very low income" is defined as below 50% of the average medium income and "low income" is 80% of the average medium income.)

OPTION 2 - TRANSITION TO SENIOR LOW-INCOME DISCOUNT						
	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18 and subsequent years*
Cost to General Fund	\$175,850	\$91,497	\$89,964	\$98,073	\$103,071	\$104,856
Option 2 Total (for first 5 1/2 yrs only)	\$663,311					

* Assumes no increase in FY 18/19

Customer Billing Impact – Below is a representative sample of how the monthly water charges would increase with Option 2, based on average water consumption.

OPTION 2 - TRANSITION TO SENIOR LOW-INCOME DISCOUNT							
	Current Avg. Senior Bill/mo.	First 6 months 2013	Next 6 months 2013	Year 2 2014	Year 3 2015	Year 4 2016	Year 5 2017
Avg. SFR Bill/mo.		\$35.65	35.65	\$40.28	\$44.92	\$48.02	\$49.72
Discount Amount		\$11.52	\$9.60	\$8.34	\$9.30	\$9.93	\$10.28
Senior Avg. SFR Bill/mo.	\$16.89	\$24.13	\$26.05	\$31.94	\$35.62	\$38.09	\$39.44
Bill Increase per month		\$7.24	\$1.92	\$5.89	\$3.68	\$2.47	\$1.35

3. Option 3 – Four Year Phase Out For Seniors Who Do Not Qualify For The Low

Income Discount

To soften the transition for seniors who do not qualify for the low-income discount, another option for your consideration is to provide a four year phase out for seniors who do not qualify for the low income discount. This would be in addition to offering the senior low-income discount. This option would cost the General Fund over \$1.1 million dollars for the first five and a half years and approximately \$105,000 per fiscal year after that. This option consists of providing the currently enrolled senior discounted customers a discount of 78% off the fixed maintenance charge for the first 6 months of 2013. The first six months of 2013 is when low income seniors would apply for the discount. Then starting in July 2013, low-income seniors who qualify would transition to the senior low-income discount described in Option 2 and the seniors who do not qualify under the low-income guidelines would have their discount phased out over four years (similar to what is described in Option 1.)

General Fund Capacity

While it appears that the City's revenue base has begun to stabilize, there are no significant increases in revenue forecasted for the foreseeable future. Fiscal year 2011/12 financial results are not yet final; however, projections show the ending reserve balance to be 19.2% of General Fund revenues, slightly less than the City Council policy level of 20%. The budget for fiscal year 2012/13 is balanced and maintains the 19.2% level of fund reserves. Funding levels discussed previously to either phase in or continue the senior discount range between \$803,900 and \$968,996 and will reduce this reserve level to 16.6% - 17.0% over the 5-year period, assuming there are no significant changes in the budget. In addition, the budget will need to include ongoing project costs of up to \$132,000 after fiscal year 2017/18.

Proposition 218 Process

Any proposed increase to water and sewer rates is subject to Proposition 218, which requires that:

- City Council must hold a public meeting to review the rate studies and receive public testimony.
- After taking testimony, if the City Council decides to move forward with the rate increases, the Council will set a hearing date for formal adoption of the increases.
- City must notify property owners by mail of their right to protest the increases, 45 days prior to the scheduled hearing date (Attachment 12 & 13).
 - For example: if the City Council sets a hearing date for December 4, 2012, notices would be sent out in early October.
- Each parcel represents one chance to protest.
- Only one protest for each property owner will be counted.
- If, as of the scheduled hearing date, more than 50% of the property owners submit a written protest to the City, the rates cannot go into effect. Council can decrease proposed rates but cannot increase from amounts stated in the public notice.
- At the close of the public hearing, if a majority protest does not exist, the City Council will consider the adoption of the proposed water and sewer rates increases. Note that actual rates and charges adopted by the City Council may be less, but not more than, the proposed rates identified in the Proposition 218 notice.

Attachments:

- Proposed Resolution
- Attachment 1 - City of Benicia Balanced Operating Budgets Policy
- Attachment 2 - City of Benicia Fund Balance Reserve Policy

- Attachment 3 - Standard and Poor's Credit Rating Information
- Attachment 4 - Maze & Associates Memorandum on Internal Control
- Attachment 5 - Memorandum from Attorney regarding Proposition 218 Legal Opinion
- Attachment 6 - Informational Pamphlet
- Attachment 7 - Letter with FAQ's from City Manager and Public Works Director
- Attachment 8 - Finance Committee's Comments
- Attachment 9 - Sewer Rate Study
- Attachment 10 - Letter from the Law Office of Jack Silver
- Attachment 11 - Water Rate Study
- Attachment 12 - Memorandum from Attorney regarding Proposition 218 Voting Requirements
- Attachment 13 - Draft Proposition 218 Notice

RESOLUTION NO. 12-114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SETTING THE PUBLIC HEARING DATE FOR DECEMBER 4, 2012 TO CONSIDER INCREASING RATES FOR WATER AND SEWER SERVICE BY AMENDING CHAPTER 13.12 OF THE BENICIA MUNICIPAL CODE RELATING TO WATER RATES AND CHARGES AND CHAPTER 13.52 RELATING TO SEWER RATES AND CHARGES, AND DIRECTING STAFF TO PROCEED WITH MAILING NOTICES TO ALL PROPERTY OWNERS WITHIN THE CITY OF BENICIA

WHEREAS, ensuring a clean, reliable water source and a safe wastewater disposal system is a responsibility the City takes seriously; and

WHEREAS, the City has completed Water and Sewer System Master Plans that examined condition, capacity and replacement schedules for major components of the water and sewer treatment plants and their related distribution and collection systems; and

WHEREAS, the City hired rate consultant, Bartle Wells Associates to review the water and sewer enterprise's finances, project revenues and expenses, and design rates and charges; and

WHEREAS, water and sewer rates were last raised in 2006; and

WHEREAS, City staff is recommending that water and sewer rates be increased over the next five years in an effort to meet the objectives of revenues covering expenses, meeting the debt service coverage targets, and meeting the 20% reserve target; and

WHEREAS, these rate changes will help ensure the health and safety of the community while protecting the City's financial health; and

WHEREAS, the City must comply with Proposition 218 notice and protest requirements prior to raising water and sewer rates.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby sets a public hearing date for December 4, 2012 to consider increasing rates for water and sewer service by amending Chapter 13.12 of the Benicia Municipal Code relating to water rates and charges and Chapter 13.52 relating to sewer rates and charges, and directs staff to proceed with mailing notices to all property owners within the City of Benicia.

* * * * *

On motion of Council Member **Hughes**, seconded by Council Member **Schwartzman**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 25th day of September, 2012, and adopted by the following vote:

Ayes: **Council Members Campbell, Hughes, Schwartzman and Mayor Patterson**

Noes: **None**

Absent: **Council Member Strawbridge**

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

NOTICE OF PUBLIC HEARING ON PROPOSED INCREASES TO WATER AND SEWER RATES

DATE: December 4, 2012

TIME: 7:00 p.m.

PLACE: Council Chamber, City Hall, 250 East L Street, Benicia

After providing a 45-day public notice, the City Council of the City of Benicia will be considering a recommendation from City staff to increase water and sewer rates. The City Council will hold a public hearing to consider this matter as part of the City Council meeting on Tuesday, December 4, 2012, at the City Council Chamber, City Hall, 250 East L Street, Benicia. The hearing will start at 7:00 p.m. or later. The new rates, if adopted, will go into effect on or after January 1, 2013. Proposition 218 requires that property owners be given the right to protest increases in water and sewer rate charges. You are receiving this notice because you own property that is receiving City of Benicia water and/or sewer service.

BACKGROUND:

After well over a year of review by independent financial and technical experts, and after extensive public dialogue, the City of Benicia is recommending rate increases to ensure the health and safety of the community and to protect the City's financial health.

Our underground water and sewer infrastructure is old. It includes aging clay and asbestos cement pipes, and other deteriorating infrastructure. Benicia's plants have important monitoring equipment, pumps, and other infrastructure that cannot be easily repaired due to their age, and must be upgraded to:

- Ensure clean, safe drinking water for our residents and businesses;
- Provide a secure, adequate water supply in the event of an earthquake, fire, or catastrophic emergency;
- Prevent sewage spills that threaten public health, place the City at risk for regulatory fines and environmental lawsuits, and risk polluting the Carquinez Strait.

Rising waste disposal costs and evolving state and federal regulations also impact our aging water and sewer systems. Benicia must stay in compliance with all legal requirements or face costly fines or environmental lawsuits.

The last time water and sewer rates were increased was 6 years ago. Only the most essential projects required to ensure continued safe service were considered in calculating the proposed rate increases. If approved, the rates will be imposed to fund water and sewer service to City residents and property owners.

WHAT IS THE CITY DOING TO CONTROL SPENDING:

Controlling labor and benefit costs: In 2010 and 2011, all City of Benicia employees, including those positions funded by the water and sewer enterprise funds agreed to a combined reduction in pay and benefits of approximately 10%. These concessions helped the City in addressing budget shortfalls and achieving ongoing savings.

Reducing energy costs: Operating the Sewer and Water Treatment Plants is expensive. Every effort has been made to run systems off-peak times, and increase the efficiency of pumps and motors.

EXPLANATION OF RATE INCREASES:

If adopted, the proposed water and sewer increases will be phased in over the next five (5) years. The proposed water and sewer rates are presented in the tables on the following pages. The amount of both your water and sewer utility bill will depend on your customer class (residential rates are different from commercial rates, for example) and the amount of water you use.

The proposed increases will help the City provide reliable and safe water and sewer services. The City's water and sewer divisions rely almost entirely on customer revenues to provide these services. No local, state, or federal taxes offset the cost of these services. The proposed rate increases were calculated to recover only the estimated revenue needed to cover actual costs of continued safe water and sewer service.

HOW TO PROTEST THE RATE INCREASE:

If you wish to protest the proposed rate increases you must submit a written protest to be considered, even if you plan to attend the public hearing. If written protests are submitted by a majority of the affected property owners (50% plus one), the proposed rate increases can not be imposed. Your written protest must be received (not postmarked) by the City Clerk prior to the close of the public hearing on December 4, 2012. Written protests may be filed by US Mail or hand-delivered to the City Clerk. **EMAIL AND FACSIMILE (FAX) PROTESTS WILL NOT BE ACCEPTED.** Written protests must contain (1) a description of the property, such as the address, utility account number (shown on your bills) or Solano County Assessor’s Parcel Number (APN); (2) the name(s) of the property owner(s); and (3) whether the protest is in opposition to the water rate increase, the sewer rate increase, or both. The protest must also be signed by either the property owner of record or the water/sewer service customer of record. A property owner or customer who is not of record may cast a valid protest only if he or she submits evidence satisfactory to the City Clerk that he or she is an owner or customer responsible for payment of the fees. Only one protest for each property will be counted even if a property owner and a customer both submit protests. Property owners receiving this notice will find their APN on the mailing label for this notice. Please send or deliver your written protest to the City Clerk at City Hall, 250 East L Street, Benicia.

Hearing Process: Any interested person, including persons owning or living on property served by the City’s water or sewer system, may present oral or written comment to the City Council on the proposed rate increases. Although the City Council will consider all comments, State law provides that only the written protests of property owners or customers may be counted to determine whether a majority protest to the proposed increases exists. If, at the conclusion of the public hearing, a majority protest does not exist, the City Council will consider adoption of the proposed increases. Please note that the actual rates and charges adopted by the City Council may be less than, but not more than, the proposed rate increases identified in this notice.

The proposed water and sewer rates for the next five (5) years are shown in the following tables:

Proposed Sewer Rates						
Fiscal Year	Current	Proposed				
	2012	2013	2014	2015	2016	2017
Monthly Rate per EDU (1 & 2)	\$41.33	\$45.88	\$50.01	\$53.26	\$55.39	\$56.49
Recommended Change	0.0%	11.0%	9.0%	6.5%	4.0%	2.0%
Dollar Increase per month		\$4.55	\$4.13	\$3.25	\$2.13	\$1.11

(1) EDU = equivalent dwelling unit (average household)
 (2) Customers are billed every 2 months. The rates above are per month.

Proposed Water Rates							
		Current	Proposed Rates (per month)				
		2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
			7%	12.9%	11.5%	6.8%	3.5%
Residential Rates							
Service Charge per meter	Single family	\$13.80	\$14.77	\$16.68	\$18.60	\$19.86	\$20.56
	Multi- family unit	\$10.36	\$11.09	\$12.52	\$13.96	\$14.91	\$15.43
Volume Charge per hcf (1 &2)	0 - 8 hcf	\$1.37	\$1.46	\$1.65	\$1.84	\$1.97	\$2.04
	8 - 30 hcf	\$2.15	\$2.30	\$2.60	\$2.90	\$3.10	\$3.21
	Over 30 hcf	\$2.30	\$2.46	\$2.78	\$3.10	\$3.31	\$3.43
Commercial / Industrial / Irrigation / Municipal Rates							
Service Charge per meter	5/8 - 3/4"	\$17.83	\$19.08	\$21.54	\$24.02	\$25.65	\$26.55
	1"	\$31.68	\$33.90	\$38.27	\$42.67	\$45.57	\$47.16
	1½"	\$71.25	\$76.24	\$86.07	\$95.97	\$102.50	\$106.09
	2"	\$126.64	\$135.50	\$152.98	\$170.57	\$182.17	\$188.55
	3"	\$284.90	\$304.85	\$344.18	\$383.76	\$409.86	\$424.21
	4"	\$506.48	\$541.93	\$611.84	\$682.20	\$728.59	\$754.09
	6"	\$1,139.56	\$1,219.32	\$1,376.61	\$1,534.92	\$1,639.29	\$1,696.67
Volume Charge per hcf (1 &2)	0 - 30 hcf	\$1.86	\$1.99	\$2.25	\$2.51	\$2.68	\$2.77
	Over 30 hcf	\$2.18	\$2.33	\$2.63	\$2.93	\$3.13	\$3.24

(1) Customers are billed every 2 months. The rates above are per month.
 (2) hcf = one hundred cubic feet = 748 gallons

Proposed Water Rates (continued)							
		Current	Proposed Rates (per month)				
		2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
			7%	12.9%	11.5%	6.8%	3.5%
Automatic Sprinkler & Private Fire Hydrant Rates							
Flat Rate per meter	2"	\$9.37	\$10.03	\$11.32	\$12.62	\$13.48	\$13.95
	4"	\$16.40	\$17.55	\$19.81	\$22.09	\$23.59	\$24.42
	6"	\$23.21	\$24.84	\$28.04	\$31.26	\$33.39	\$34.56
	8"	\$30.42	\$32.55	\$36.75	\$40.98	\$43.77	\$45.30
	10"	\$37.39	\$40.01	\$45.17	\$50.36	\$53.78	\$55.66
	12"	\$44.40	\$47.51	\$53.64	\$59.81	\$63.88	\$66.12
Fire Hydrants	Double outlet & steamer	\$11.71	\$12.53	\$14.15	\$15.78	\$16.85	\$17.44
	Single outlet & wharf	\$3.52	\$3.77	\$4.26	\$4.75	\$5.07	\$5.25
Untreated Water Rates							
Minimum Charge per meter	2"	\$23.38	\$25.02	\$28.25	\$31.50	\$33.64	\$34.82
	3"	\$46.75	\$50.03	\$56.48	\$62.98	\$67.26	\$69.61
	4"	\$70.10	\$75.00	\$84.68	\$94.42	\$100.84	\$104.37
	6"	\$140.17	\$149.98	\$169.33	\$188.80	\$201.64	\$208.70
Volume Charge per hcf	0 - 150 hcf	\$0.84	\$0.90	\$1.02	\$1.14	\$1.22	\$1.26
	Over 150 hcf	by agmt	by agmt	by agmt	by agmt	by agmt	by agmt
(1) Customers are billed every 2 months. The rates above are per month.							
(2) hcf = one hundred cubic feet = 748 gallons							

SAMPLE WATER CHARGES FOR CUSTOMERS:

Water - Residential Customers						
	Current	1/1/2013	1/1/2014	1/1/2015	1/1/2016	1/1/2017
Proposed Rate Adjustment	0%	7%	12.9%	11.5%	6.8%	3.5%
Average Residential Monthly Charge ¹	\$33.33	\$35.65	\$40.28	\$44.92	\$48.02	\$49.72
Monthly Increase	N/A	\$2.32	\$4.63	\$4.64	\$3.10	\$1.70

Water - Customers That Qualify for the Senior Low-Income Discount (based on PG&E's CARE Program)							
	Current Avg. Senior Bill/mo.	First 6 months 2013	Next 6 months 2013	1/1/2014	1/1/2015	1/1/2016	1/1/2017
Average Residential Monthly Charge ¹		\$35.65	35.65	\$40.28	\$44.92	\$48.02	\$49.72
Discount Amount		\$11.52	\$9.60	\$8.34	\$9.30	\$9.93	\$10.28
Average Senior Low-Income Charge	\$16.89	\$24.13	\$26.05	\$31.94	\$35.62	\$38.09	\$39.44
Monthly Increase		\$7.24	\$1.92	\$5.89	\$3.68	\$2.47	\$1.35

Water - Customers That Do Not Qualify For the Senior Low-Income Discount (4 Year Discount Phase Out)							
	Current Avg. Senior Bill/mo.	First 6 months 2013	Next 6 months 2013	1/1/2014	1/1/2015	1/1/2016	1/1/2017
Average Residential Monthly Charge ¹		\$35.65	35.65	\$40.28	\$44.92	\$48.02	\$49.72
Discount Amount		\$11.52	\$9.38	\$8.18	\$6.22	\$3.36	\$0.00
Average Senior Phase Out Charge	\$16.89	\$24.13	\$26.27	\$32.10	\$38.70	\$44.66	\$49.72
Monthly Increase		\$7.24	\$2.14	\$5.83	\$6.60	\$5.96	\$5.06

Footnote:

(1) Average bill is based on 12 billing units (hundred cubic feet)

At its September 25, 2012 meeting the City Council considered options on how to best protect the community's most vulnerable residents under the new rates. Under California law, a city cannot impose higher fees on one class of ratepayers to provide a discount to another class of ratepayers. Any discounts provided to customers must be funded from the City's General Fund (which is used for critical community service needs such as police and fire) rather than the water and sewer enterprise funds. The City Council therefore decided to transition to a low-income senior discount (in lieu of a discount for all seniors) effective July 1, 2013. The City Council also decided to phase out the discount for all other seniors who do not qualify for the low-income discount over four years to soften the transition to higher rates. This combined program continues the discount for currently enrolled seniors for the first six months of 2013. During this time, seniors who are low-income will have an opportunity to apply for the discount if they qualify for PG&E's CARE discount program. This option is estimated to cost the General Fund over \$1.1 million dollars for the first five and a half years and approximately \$105,000 per year after that.

FREQUENTLY ASKED QUESTIONS:

Q: What's the issue?

A: The quality, safety, and security of our local water supply and the proper maintenance of our sewer system is essential to our community's health, safety, and financial integrity. Our local water supply must be properly maintained and protected to ensure clean, safe drinking water and secure, adequate water capacity in the event of a major earthquake, fire, or catastrophic emergency. Our sewer system must be properly maintained in order to prevent sewage spills that present a health risk to residents and businesses and can damage the Carquinez Strait.

Q: How does this affect health and safety?

A: We must treat and purify our sewer and water. If raw sewage spills onto land or into water, it can create a health risk to our community and could damage the Strait. The City must also have a secure, adequate water supply, in the case of a fire or other emergency.

Q: Why don't existing rates provide enough money?

A: Federal and State Water Quality standards and requirements have continued to become more stringent to protect public health. Benicia has no legal option but to comply. Chemical costs to properly treat drinking water have risen substantially. Disposal of sewage sludge and solids at the landfill has risen 4-5 times in cost over the last 5 years, as has the required regulatory safety testing of those byproducts. Benicia's rates are currently at or below the rates of other cities in our region.

Q: Why now?

A: Our water and sewer reserve funds will be completely depleted by July 2014. Unless we act, the general fund used for other critical community services such as police protection will be impacted. Additionally, bond-rating agency Standard & Poor's has already downgraded the City's credit rating because the Water and Sewer Funds are not generating enough revenue. An independent auditor has informed the City that sewer and water rate increases are necessary to restore its credit rating.

Q: How does this impact businesses and economic development?

A: Access to reliable water is essential to many of Benicia's key businesses. One day without access to water could cause very significant economic impact – similar to the impact of a power outage. Additionally, an adequate water source is necessary to attract new businesses to Benicia's Industrial Park and other areas.

Q: What is the basis for your recommendations?

A: Only projects absolutely necessary for continued safe service have been used to calculate the proposed rate adjustments, which are on average approximately \$2.50 per month for water and approximately \$4.50 per month for sewer, beginning in January (for a single family residence).

Q: Where do I learn more?

A: Visit www.ci.benicia.ca.us, call 707-746-4380 or email WaterSewerQuestions@ci.benicia.ca.us.

To the City Council

We believe Benicia has a significant challenge with the Water/Wastewater rate increase. Building and maintaining credibility with the citizenry is critical to a successful campaign. We recommend the following:

The first order of business is to confirm we have explored every single option available before embarking on such a significant rate increase.

We must confirm that we have clear lines around each Enterprise Fund accounting for all of the revenue and expense.

1. Review all loans between Enterprise and General Fund; confirm they are appropriate.
2. Review all revenue streams to confirm all revenue or prorated revenue generated on or in behalf of an Enterprise is credited to that Enterprise.
3. Review all revenue streams to confirm that all costs or prorated cost generated on or in behalf of an Enterprise is charged to that enterprise.
4. The 2006 Court Decision rendered our revenue discount policies illegal. Be very candid and explain why no effort was made to correct the problem then and there. Conservative estimates are that the City lost \$400,000 per year for the past 6 years that would have gone a long way to offset or mitigate significant rate increases now. In addition, it most likely would have allowed us to avoid a downgrade in our credit rating. Failure to explain this erodes the credibility of the City Council and the mantra that the City's number one goal is health and safety of our citizens.
5. Assure our Seniors, over 65 or below poverty level, that a plan will be introduced concurrent with the rate increases to help them with or eliminate any increase. This commitment must be met or the community will not be supportive of the rate increase effort.
6. Be more than forthright on the negative declaration process outlined by the ballot process required by Proposition 218. Tell everyone, as often as you can, that failing to return the ballot is a yes vote for a rate increase. Failure to receive 50% plus 1 guarantees a rate increase. The increase will pass but the public will more likely trust those that tell them the truth about the process.
7. Must have a new Debt Service Coverage Policy that is distinguished from the Reserve Policy.
8. Recommend the Finance Committee henceforth has oversight of the Enterprise funds consistent with oversight of the General Fund.
9. The Finance Committee understands the Master Plans have been appropriately vetted and approved and the Committee has not reviewed these plans and accepts them as given.
10. The PAYGo recommendation should be reviewed in the future to determine if it continues to be an appropriate policy.

11. Request some level of detail that the recommendation is consistent with the long-term needs of the City and on track to ensure no surprises five years out.
12. The City Council ought to hear what transpired over the last 5-6 years regarding why rates were not increased prior to now.

These comments were discussed and approved by the Finance Committee at its meeting on September 18, 2012.

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 13.12 (WATER RATES AND CHARGES) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY REPLACING IT IN ITS ENTIRETY

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Chapter 13.12 (Water Rates and Charges) of Title 13 (Public Services) of the Benicia Municipal Code relating to water rates is amended by replacing it in its entirety to read as follows:

**Chapter 13.12
WATER RATES AND CHARGES**

Sections:

- [13.12.010](#) General water service.
- [13.12.012](#) Drought penalty and drought surcharge.
- [13.12.014](#) Expiration of drought penalty and/or drought surcharge.
- [13.12.020](#) Fire hydrants and automatic fire sprinkler service.
- [13.12.030](#) Untreated water service.
- [13.12.040](#) Exemptions.
- [13.12.050](#) Water system ~~connection~~ capacity charges.
- [13.12.070](#) Meter installation charges.

13.12.010 General water service.

A. General Rate. The rates for general water service are as follows:

1. For service to residential users:

Service Charge (per unit, per month)	5/4/00— 12/31/00	1/1/01— 12/31/01	1/1/02— 12/31/02	1/1/03— 12/31/03	1/1/04— 12/31/04	1/1/05— 12/31/05	1/1/06— 12/31/06
Single-family dwelling	\$10.94	\$11.45	\$12.03	\$12.63	\$13.26	\$13.53	\$13.80
Multifamily dwelling	\$8.19	\$8.60	\$9.03	\$9.48	\$9.95	\$10.15	\$10.36

<u>Service Charge</u> (per unit, per month)	<u>1/17/13 -</u> <u>12/31/13</u>	<u>1/1/14 -</u> <u>12/31/14</u>	<u>1/1/15 -</u> <u>12/31/15</u>	<u>1/1/16 -</u> <u>12/31/16</u>	<u>1/1/17 -</u> <u>12/31/17</u>
<u>Single family dwelling</u>	<u>\$14.77</u>	<u>\$16.68</u>	<u>\$18.60</u>	<u>\$19.86</u>	<u>\$20.56</u>
<u>Multi family dwelling</u>	<u>\$11.09</u>	<u>\$12.52</u>	<u>\$13.96</u>	<u>\$14.91</u>	<u>\$15.43</u>

Plus:

<u>Volume Charge</u> (per unit, per month)	<u>5/4/00—</u> <u>12/31/00</u>	<u>1/1/01—</u> <u>12/31/01</u>	<u>1/1/02—</u> <u>12/31/02</u>	<u>1/1/03—</u> <u>12/31/03</u>	<u>1/1/04—</u> <u>12/31/04</u>	<u>1/1/05—</u> <u>12/31/05</u>	<u>1/1/06—</u> <u>12/31/06</u>
<u>0—800 cubic feet</u> 100 cu. ft.	<u>\$1.08/</u> 100 cu. ft.	<u>\$1.13/</u> 100 cu. ft.	<u>\$1.19/</u> 100 cu. ft.	<u>\$1.25/</u> 100 cu. ft.	<u>\$1.31/</u> 100 cu. ft.	<u>\$1.34/</u> 100 cu. ft.	<u>\$1.37/</u> 100 cu. ft.
<u>801—3,000 cubic feet</u> 100 cu. ft.	<u>\$1.70/</u> 100 cu. ft.	<u>\$1.79/</u> 100 cu. ft.	<u>\$1.88/</u> 100 cu. ft.	<u>\$1.97/</u> 100 cu. ft.	<u>\$2.07/</u> 100 cu. ft.	<u>\$2.11/</u> 100 cu. ft.	<u>\$2.15/</u> 100 cu. ft.
<u>Over 3,000 cubic feet</u> 100 cu. ft.	<u>\$1.82/</u> 100 cu. ft.	<u>\$1.91/</u> 100 cu. ft.	<u>\$2.01/</u> 100 cu. ft.	<u>\$2.11/</u> 100 cu. ft.	<u>\$2.22/</u> 100 cu. ft.	<u>\$2.26/</u> 100 cu. ft.	<u>\$2.31/</u> 100 cu. ft.

<u>Volume Charge</u> (per unit, per month)	<u>1/17/13 -</u> <u>12/31/13</u>	<u>1/1/14 -</u> <u>12/31/14</u>	<u>1/1/15 -</u> <u>12/31/15</u>	<u>1/1/16 -</u> <u>12/31/16</u>	<u>1/1/17 -</u> <u>12/31/17</u>
<u>0 - 8 hcf</u>	<u>\$1.46</u>	<u>\$1.65</u>	<u>\$1.84</u>	<u>\$1.97</u>	<u>\$2.04</u>
<u>8 - 30 hcf</u>	<u>\$2.30</u>	<u>\$2.60</u>	<u>\$2.90</u>	<u>\$3.10</u>	<u>\$3.21</u>
<u>Over 30 hcf</u>	<u>\$2.46</u>	<u>\$2.78</u>	<u>\$3.10</u>	<u>\$3.31</u>	<u>\$3.43</u>

hcf = hundred cubic feet

The minimum monthly charge is the monthly service charge.

2. For service to users other than residential users:

Monthly Service Charge	5/4/00– 12/31/00	1/1/01– 12/31/01	1/1/02– 12/31/02	1/1/03– 12/31/03	1/1/04– 12/31/04	1/1/05– 12/31/05	1/1/06– 12/31/06
Meter Size:							
5/8- or 3/4-inch	\$14.10	\$14.81	\$15.55	\$16.32	\$17.14	\$17.48	\$17.83
1-inch	\$25.05	\$26.31	\$27.62	\$29.00	\$30.45	\$31.06	\$31.68
1-1/2-inch	\$56.34	\$59.16	\$62.12	\$65.22	\$68.49	\$69.85	\$71.25
2-inch	\$100.14	\$105.15	\$110.40	\$115.92	\$121.72	\$124.15	\$126.64
3-inch	\$225.29	\$236.55	\$248.38	\$260.80	\$273.84	\$279.32	\$284.90
4-inch	\$400.50	\$420.53	\$441.55	\$463.63	\$486.81	\$496.55	\$506.48
6-inch	\$901.11	\$946.17	\$993.47	\$1,043.15	\$1,095.30	\$1,117.21	\$1,139.56

<u>Monthly Service Charge (per meter)</u>	<u>1/17/13 - 12/31/13</u>	<u>1/1/14 - 12/31/14</u>	<u>1/1/15 - 12/31/15</u>	<u>1/1/16 - 12/31/16</u>	<u>1/1/17 - 12/31/17</u>
<u>5/8- or 3/4-inch</u>	<u>\$19.08</u>	<u>\$21.54</u>	<u>\$24.02</u>	<u>\$25.65</u>	<u>\$26.55</u>
<u>1-inch</u>	<u>\$33.90</u>	<u>\$38.27</u>	<u>\$42.67</u>	<u>\$45.57</u>	<u>\$47.16</u>
<u>1 1/2- inch</u>	<u>\$76.24</u>	<u>\$86.07</u>	<u>\$95.97</u>	<u>\$102.50</u>	<u>\$106.09</u>
<u>2-inch</u>	<u>\$135.50</u>	<u>\$152.98</u>	<u>\$170.57</u>	<u>\$182.17</u>	<u>\$188.55</u>
<u>3-inch</u>	<u>\$304.85</u>	<u>\$344.18</u>	<u>\$383.76</u>	<u>\$409.86</u>	<u>\$424.21</u>
<u>4-inch</u>	<u>\$541.93</u>	<u>\$611.84</u>	<u>\$682.20</u>	<u>\$728.59</u>	<u>\$754.09</u>
<u>6-inch</u>	<u>\$1,219.32</u>	<u>\$1,376.61</u>	<u>\$1,534.92</u>	<u>\$1,639.29</u>	<u>\$1,696.67</u>

Plus:

Volume Charge (per month)	5/4/00– 12/31/00	1/1/01– 12/31/01	1/1/02– 12/31/02	1/1/03– 12/31/03	1/1/04– 12/31/04	1/1/05– 12/31/05	1/1/06– 12/31/06
0–3,000 cubic feet	\$1.47/ 100 cu. ft.	\$1.54/ 100 cu. ft.	\$1.62/ 100 cu. ft.	\$1.70/ 100 cu. ft.	\$1.79/ 100 cu. ft.	\$1.82/ 100 cu. ft.	\$1.86/ 100 cu. ft.
Over 3,000 cubic feet	\$1.72/ 100 cu. ft.	\$1.81/ 100 cu. ft.	\$1.90/ 100 cu. ft.	\$1.99/ 100 cu. ft.	\$2.09/ 100 cu. ft.	\$2.13/ 100 cu. ft.	\$2.18/ 100 cu. ft.

<u>Volume Charge (per unit, per month)</u>	<u>1/17/13 - 12/31/13</u>	<u>1/1/14 - 12/31/14</u>	<u>1/1/15 - 12/31/15</u>	<u>1/1/16 - 12/31/16</u>	<u>1/1/17 - 12/31/17</u>
<u>0 - 30 hcf</u>	<u>\$1.99</u>	<u>\$2.25</u>	<u>\$2.51</u>	<u>\$2.68</u>	<u>\$2.77</u>
<u>Over 30 hcf</u>	<u>\$2.33</u>	<u>\$2.63</u>	<u>\$2.93</u>	<u>\$3.13</u>	<u>\$3.24</u>

hcf = hundred cubic feet

The monthly minimum charge is the monthly service charge.

3. For construction hydrant meters

<u>Monthly Service Charge (per meter)</u>	<u>1/17/13 - 12/31/13</u>	<u>1/1/14 - 12/31/14</u>	<u>1/1/15 - 12/31/15</u>	<u>1/1/16 - 12/31/16</u>	<u>1/1/17 - 12/31/17</u>
<u>Construction Hydrants</u>	<u>\$135.50</u>	<u>\$152.98</u>	<u>\$170.57</u>	<u>\$182.17</u>	<u>\$188.55</u>

Plus:

<u>Volume Charge (per month)</u>	<u>1/17/13 - 12/31/13</u>	<u>1/1/14 - 12/31/14</u>	<u>1/1/15 - 12/31/15</u>	<u>1/1/16 - 12/31/16</u>	<u>1/1/17 - 12/31/17</u>
<u>0 - 30 hcf</u>	<u>\$2.49</u>	<u>\$2.81</u>	<u>\$3.13</u>	<u>\$3.35</u>	<u>\$3.46</u>
<u>Over 30 hcf</u>	<u>\$2.91</u>	<u>\$3.29</u>	<u>\$3.66</u>	<u>\$3.91</u>	<u>\$4.05</u>

hcf = hundred cubic feet

The monthly minimum charge is the monthly service charge.

B. Low-Income Senior Citizen Rate Discount:

The former Senior Citizen Rate will transition to the Low-Income Senior Citizen Discount effective July 1, 2013. The rate-The eligibility requirements for the discount include all of the below:

1. Head of household or spouse is age 60 or older: Provide identification that substantiates name, age and address; and
2. Low-Income Verification [show proof of receiving provide a copy of recent PG&E bill noting participation in the PG&E CARE (California Alternate Rates for Energy) program. Current income guidelines can be found at www.PG&E.com/CARE]; and

3. Apply in person in the Finance Department or designated location (every two years).

The discount is applicable to residential water service only and is off the for general water service (i.e. “water maintenance charge” on the utility bill) to a household in which the head of household or spouse is age 60 or older are as follows as outlined in the table below.:
Beginning January 17, 2013, the low income senior citizen customers will begin paying the full price of volume charge (i.e., “water consumption charge” on the utility bill) at the revised rates. The discount amount is based on the following:

1. First six months of 2013 – 78% discount off general rate
2. Next six months of 2013 – 65% discount off general rate
3. 2014 and thereafter – 50% discount off general rate

<u>Service Charge</u> (per unit, per month)	<u>5/4/00 –</u> <u>12/31/00</u>	<u>1/1/01 –</u> <u>12/31/01</u>	<u>1/1/02 –</u> <u>12/31/02</u>	<u>1/1/03 –</u> <u>12/31/03</u>	<u>1/1/04 –</u> <u>12/31/04</u>	<u>1/1/05 –</u> <u>12/31/05</u>	<u>1/1/06 –</u> <u>12/31/06</u>
<u>Single-family dwelling</u>	<u>\$2.42</u>	<u>\$2.54</u>	<u>\$2.66</u>	<u>\$2.80</u>	<u>\$2.94</u>	<u>\$2.99</u>	<u>\$3.05</u>
<u>Multifamily dwelling</u>	<u>\$2.42</u>	<u>\$2.54</u>	<u>\$2.66</u>	<u>\$2.80</u>	<u>\$2.94</u>	<u>\$2.99</u>	<u>\$3.05</u>

<u>Low-Income Senior Discount</u> (per unit, per month)	<u>1/17/13 -</u> <u>6/30/13</u>	<u>7/1/13 -</u> <u>12/31/13</u>	<u>1/1/14 -</u> <u>12/31/14</u>	<u>1/1/15 -</u> <u>12/31/15</u>	<u>1/1/16 -</u> <u>12/31/16</u>	<u>1/1/17 -</u> <u>12/31/16</u>
<u>Single family dwelling discount amount</u>	<u>\$11.52</u>	<u>\$9.60</u>	<u>\$8.34</u>	<u>\$9.30</u>	<u>\$9.93</u>	<u>\$10.28</u>
<u>Multi family dwelling discount amount</u>	<u>\$8.65</u>	<u>\$7.21</u>	<u>\$6.26</u>	<u>\$6.98</u>	<u>\$7.46</u>	<u>\$7.72</u>

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Plus:

Volume Charge, (per unit, per month)	5/1/00 - 12/31/00	1/1/01 - 12/31/01	1/1/02 - 12/31/02	1/1/03 - 12/31/03	1/1/04 - 12/31/04	1/1/05 - 12/31/05	1/1/06 - 12/31/06
0 - 800- cubic feet	\$0.88/ 100 cu. ft.	\$0.93/ 100 cu. ft.	\$0.97/ 100 cu. ft.	\$1.02/ 100 cu. ft.	\$1.07/ 100 cu. ft.	\$1.09/ 100 cu. ft.	\$1.12/ 100 cu. ft.
801 - 3,000 cubic feet	\$0.97/ 100 cu. ft.	\$1.01/ 100 cu. ft.	\$1.07/ 100 cu. ft.	\$1.12/ 100 cu. ft.	\$1.17/ 100 cu. ft.	\$1.20/ 100 cu. ft.	\$1.22/ 100 cu. ft.
Over 3,000 cubic feet	\$1.06/ 100 cu. ft.	\$1.11/ 100 cu. ft.	\$1.17/ 100 cu. ft.	\$1.23/ 100 cu. ft.	\$1.29/ 100 cu. ft.	\$1.31/ 100 cu. ft.	\$1.34/ 100 cu. ft.

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<u>Volume Charge</u> (per unit, per month)	<u>1/17/13 -</u> <u>12/31/13</u>	<u>1/1/14 -</u> <u>12/31/14</u>	<u>1/1/15 -</u> <u>12/31/15</u>	<u>1/1/16 -</u> <u>12/31/16</u>	<u>1/1/17 -</u> <u>12/31/17</u>
<u>0 - 8 hcf</u>	<u>\$1.46</u>	<u>\$1.65</u>	<u>\$1.84</u>	<u>\$1.97</u>	<u>\$2.04</u>
<u>8 - 30 hcf</u>	<u>\$2.30</u>	<u>\$2.60</u>	<u>\$2.90</u>	<u>\$3.10</u>	<u>\$3.21</u>
<u>Over 30 hcf</u>	<u>\$2.46</u>	<u>\$2.78</u>	<u>\$3.10</u>	<u>\$3.31</u>	<u>\$3.43</u>

hcf = hundred cubic feet

The monthly minimum charge is the monthly service charge.

~~The city manager shall adopt regulations governing the time and manner for qualifying persons who are entitled to the senior citizen rate.~~

C. Four Year Phase Out For Senior Citizens Who Do Not Qualify For the Low-Income Senior Citizen Discount

There will be a four year phase out of the discount on the general water service (i.e. "water maintenance charge" on the utility bill) for all other seniors that are enrolled in the Senior Discount Rate by December 4, 2012 who do not qualify for the low-income senior discount to soften the transition to higher rates. The four year phase out discount amounts are shown in the table below. Beginning January 17, 2013, the senior citizen customers will begin paying the full price of volume charge (i.e., "water consumption charge" on the utility bill) at the revised rates. Only customers who meet the qualifications under section B above will be eligible to receive the Low-Income Senior discount. All other senior citizens that are grandfathered in by December 4, 2012 will be eligible to receive the discounts shown in the table through December 31, 2016. The Senior Citizen Rate will end on January 1, 2017.

<u>Phase Out of Senior Citizen Rate (per unit, per month)</u>	<u>1/17/13 - 6/30/13</u>	<u>7/1/13 - 12/31/13</u>	<u>1/1/14 - 12/31/14</u>	<u>1/1/15 - 12/31/15</u>	<u>1/1/16 - 12/31/16</u>	<u>1/1/17 - 12/31/16</u>
<u>Single family dwelling discount amount</u>	<u>\$11.52</u>	<u>\$9.38</u>	<u>\$8.18</u>	<u>\$6.22</u>	<u>\$3.36</u>	<u>\$0.00</u>
<u>Multi family dwelling discount amount</u>	<u>\$8.65</u>	<u>\$6.43</u>	<u>\$5.68</u>	<u>\$4.36</u>	<u>\$2.37</u>	<u>\$0.00</u>

D. The public works director shall fix the minimum monthly charge for a meter larger than six inches.

DE. Mobile Home Park Rate. The rates for general water service to mobile home parks are the same as for ~~senior citizens multi family~~ (see subsection (BA1) of this section). Each mobile home space is defined as one dwelling unit. Mobile Home Parks may apply for the Low-Income Senior Citizen Discount if at least 75 percent of the tenants qualify and the Mobile Home Park owner or designee applies in person in the Finance Department or designated location every two years. (~~Ord. 00-4; Ord. 96-9 N.S.; Ord. 95-11 N.S.; Ord. 93-15 N.S. § 1, 1993; Ord. 89-4 N.S. § 1, 1989; Ord. 88-16 N.S., 1988; Ord. 87-23 N.S.; Ord. 82-9 N.S. § 1, 1982; Ord. 82-4 N.S. § 1, 1982; Ord. 77-10 N.S. § 1, 1977; Ord. 76-8 N.S. § 1, 1976; prior code § 14-131~~).

13.12.012 Drought penalty and drought surcharge.

There shall be added to the general water service rates prescribed in BMC 13.12.010 a drought penalty and a drought surcharge as provided in Chapter 13.35 BMC. The drought penalty added herein shall be based upon the water used in excess of that permitted by the conservation stage in effect, as defined by and subject to the exceptions prescribed by Chapter 13.35 BMC. The drought penalty shall be at the rates set out by BMC 13.35.090(C), and the drought surcharge shall be at the rates set out by BMC 13.35.095(B)13.35.100(B). (~~Ord. 91-3 N.S. § 1, 1991~~).

13.12.014 Expiration of drought penalty and/or drought surcharge.

The drought penalty and/or drought surcharge added to the general water service rates by BMC 13.12.012 and Chapter 13.35 BMC shall terminate upon resolution adopted by the city council. (Ord. 91-3 N.S. § 2, 1991).

13.12.020 ~~Fire hydrants and~~ Automatic fire sprinkler ~~service and~~ Private Fire Hydrant Rates.

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The monthly rate for ~~hydrants and~~ service through automatic sprinkler connections and private fire hydrant are as follows:

Meter Size:	5/1/00 - 12/31/00	1/1/01 - 12/31/01	1/1/02 - 12/31/02	1/1/03 - 12/31/03	1/1/04 - 12/31/04	1/1/05 - 12/31/05	1/1/06 - 12/31/06
<u>Automatic Sprinkler Service and Private Hydrants:</u>							
2-inch connection	\$7.41	\$7.78	\$8.17	\$8.58	\$9.01	\$9.19	\$9.37
4-inch connection	\$12.97	\$13.62	\$14.30	\$15.01	\$15.76	\$16.08	\$16.40
6-inch connection	\$18.35	\$19.27	\$20.24	\$21.25	\$22.31	\$22.76	\$23.21
8-inch connection	\$24.06	\$25.26	\$26.52	\$27.85	\$29.24	\$29.82	\$30.42
10-inch connection	\$29.57	\$31.05	\$32.60	\$34.23	\$35.94	\$36.66	\$37.39
12-inch connection	\$35.11	\$36.87	\$38.71	\$40.65	\$42.68	\$43.53	\$44.40
<u>Public Fire Hydrants</u>							
Double outlets and steamer hydrants	\$9.26	\$9.72	\$10.21	\$10.72	\$11.26	\$11.48	\$11.71
Single outlets and wharf hydrants	\$2.78	\$2.92	\$3.07	\$3.22	\$3.38	\$3.45	\$3.52

<u>Meter Size:</u>	<u>1/17/13 - 12/31/13</u>	<u>1/1/14 - 12/31/14</u>	<u>1/1/15 - 12/31/15</u>	<u>1/1/16 - 12/31/16</u>	<u>1/1/17 - 12/31/17</u>
<u>Automatic Sprinkler (flat rate per meter)</u>					
<u>2-inch connection</u>	<u>\$10.03</u>	<u>\$11.32</u>	<u>\$12.62</u>	<u>\$13.48</u>	<u>\$13.95</u>
<u>4-inch connection</u>	<u>\$17.55</u>	<u>\$19.81</u>	<u>\$22.09</u>	<u>\$23.59</u>	<u>\$24.42</u>
<u>6-inch connection</u>	<u>\$24.84</u>	<u>\$28.04</u>	<u>\$31.26</u>	<u>\$33.39</u>	<u>\$34.56</u>
<u>8-inch connection</u>	<u>\$32.55</u>	<u>\$36.75</u>	<u>\$40.98</u>	<u>\$43.77</u>	<u>\$45.30</u>
<u>10-inch connection</u>	<u>\$40.01</u>	<u>\$45.17</u>	<u>\$50.36</u>	<u>\$53.78</u>	<u>\$55.66</u>
<u>12-inch connection</u>	<u>\$47.51</u>	<u>\$53.64</u>	<u>\$59.81</u>	<u>\$63.88</u>	<u>\$66.12</u>
<u>Private Fire Hydrants</u>					

<u>Double outlet & steamer</u>	<u>\$12.53</u>	<u>\$14.15</u>	<u>\$15.78</u>	<u>\$16.85</u>	<u>\$17.44</u>
<u>Single outlet & wharf</u>	<u>\$3.77</u>	<u>\$4.26</u>	<u>\$4.75</u>	<u>\$5.07</u>	<u>\$5.25</u>

~~(Ord. 88-16 N.S., 1988; Ord. 87-23 N.S.; prior code § 14-132).~~

13.12.030 Untreated water service.

The rate for untreated water is as follows:

Monthly Minimum Charge:

Meter Size:	5/4/00— 12/31/00	1/1/01— 12/31/01	1/1/02— 12/31/02	1/1/03— 12/31/03	1/1/04— 12/31/04	1/1/05— 12/31/05	1/1/06— 12/31/06
2-inch	\$18.49	\$19.42	\$20.39	\$21.41	\$22.48	\$22.92	\$23.38
3-inch	\$36.97	\$38.82	\$40.76	\$42.80	\$44.94	\$45.84	\$46.75
4-inch	\$55.43	\$58.20	\$61.11	\$64.17	\$67.37	\$68.72	\$70.10
6-inch	\$110.84	\$116.38	\$122.20	\$128.31	\$134.72	\$137.42	\$140.17
Plus Volume Charge:							
0—150,000 cubic feet	\$0.66/ 100 cu. ft.	\$0.69/ 100 cu. ft.	\$0.73/ 100 cu. ft.	\$0.77/ 100 cu. ft.	\$0.80/ 100 cu. ft.	\$0.82/ 100 cu. ft.	\$0.84/ 100 cu. ft.
Over 150,000 cubic feet	special agreement						

<u>Meter Size:</u>	<u>1/17/13 - 12/31/13</u>	<u>1/1/14 - 12/31/14</u>	<u>1/1/15 - 12/31/15</u>	<u>1/1/16 - 12/31/16</u>	<u>1/1/17 - 12/31/17</u>
<u>2-inch connection</u>	<u>\$25.02</u>	<u>\$28.25</u>	<u>\$31.50</u>	<u>\$33.64</u>	<u>\$34.82</u>
<u>3-inch connection</u>	<u>\$50.03</u>	<u>\$56.48</u>	<u>\$62.98</u>	<u>\$67.26</u>	<u>\$69.61</u>
<u>4-inch connection</u>	<u>\$75.00</u>	<u>\$84.68</u>	<u>\$94.42</u>	<u>\$100.84</u>	<u>\$104.37</u>
<u>6-inch connection</u>	<u>\$149.98</u>	<u>\$169.33</u>	<u>\$188.80</u>	<u>\$201.64</u>	<u>\$208.70</u>
Plus Volume Charge:					
<u>0 - 150 hcf</u>	<u>\$0.90</u>	<u>\$1.02</u>	<u>\$1.14</u>	<u>\$1.22</u>	<u>\$1.26</u>
<u>Over 150 hcf</u>	<u>by agmt</u>	<u>by agmt</u>	<u>by agmt</u>	<u>by agmt</u>	<u>by agmt</u>

hcf = one hundred cubic feet

The minimum monthly charge is the monthly service charge.

~~(Ord. 00-4; Ord. 96-9 N.S.; Ord. 95-11 N.S.; Ord. 93-15 N.S. § 3, 1993; Ord. 88-16 N.S. § 3, 1988; Ord. 87-23 N.S. § 3, 1987; prior code § 14-133).~~

13.12.040 Exemptions.

An applicant for water service shall pay each of the charges set forth in BMC [13.12.050](#) through [13.12.070](#) except where specifically exempt; however, no applicant is required to pay service installation charges, or meter installation charges if the applicant performs the work covered by these charges. (Prior code § 14-141).

13.12.050 Water system ~~connection capacity charges fee.~~

An applicant for water service installation to serve a parcel not previously served shall pay a system ~~connection capacity~~ charge as follows:

A. ~~Residential.~~ Residential and Commercial/Industrial capacity fees are set by resolution of the city council. Residential capacity fees are based on dwellings/units or accessory dwellings. Commercial/Industrial capacity fees are based on meter size.

Single-family dwelling	\$7,635.00
Multiple-family dwelling per unit	7,635.00
Mobile home per space	7,635.00
Accessory dwelling (as defined by BMC 17.70.060)	3,818.00

~~B. Commercial and Industrial.~~

5/8-inch	\$ 4,521.00
3/4-inch	4,521.00
1-inch	8,047.00
1.5-inch	18,084.00
2-inch	32,144.00
3-inch	72,336.00
4-inch	128,577.00
6-inch	Subject to negotiation*

* Agreement to be approved by city council

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CB. ConnectionCapacity Fee – Automatic Annual Escalation. The base connection-capacity fees stated above shall be increased annually by the 12-month percentage increase noted in the last reported construction cost index for the San Francisco Bay Area found in the Engineering News Record. For example, if the index is reported in December of each year, the increase by which the fee will be escalated each July 1st shall be equal to the cumulative 12-month percentage increase reported during the immediately preceding December. If the Engineering News Record ceases publication, a similar index chosen by the public works director shall be used.

DC. The above automatic annual escalation will occur 60 days after adoption of the ordinance codified in this chapter and on July 1st of each year thereafter unless changed by a vote of the city council upon recommendation of the finance director that projected revenues and expenditures require a different charge for that fiscal year.

ED. Increased Water Service. An applicant for water service installation of increased capacity over the existing service at a property shall pay a connection-capacity fee in the amount specified in subsection (A) or (B) of this section, whichever is applicable, less any previously paid water connection-capacity charge. An applicant adding a new meter, rather than replacing an existing meter with a larger meter, shall not receive credit for previously paid water service connection-capacity fees.

F. Connection-Capacity Fee – Time for Payment.

1. Connection-Capacity charges for new or increased water service shall be paid at the time of application for such new or increased service, unless the applicant applies for, and is granted, a fee deferral as provided for in subsection (F)(2) of this section.

2. The person required by this chapter to pay a water connection-capacity fee may apply for a fee deferral. The application shall be reviewed and considered by the public works director, and shall be granted if the applicant's project meets the criteria for fee deferral established by city council resolution, unless the director finds (a) that the fee is needed for improvements or facilities for which an account has been established and funds appropriated, and for which the city has adopted a construction schedule or plan, or (b) the fees are needed to reimburse the city for expenditures previously made. The city council resolution shall also establish conditions to be imposed upon the granting of a fee deferral. (~~Ord. 99-17; Ord. 97-11; Ord. 96-10; Ord. 95-7 N.S.; Ord. 94-6 N.S. § 1, 1994; Ord. 94-3 N.S. § 1, 1994; Ord. 91-11 N.S. § 1, 1991; Ord. 91-7 N.S. §§ 1, 2, 1991; Ord. 88-9 N.S. § 1, 1988; Ord. 87-22 N.S. § 1, 1987; Ord. 82-16 § 1, 1982; Ord. 77-10 N.S. § 3, 1977; Ord. 76-8 N.S. § 3, 1976; prior code § 14-142).~~

13.12.070 Meter installation charges.

An applicant for water service installation shall pay a meter installation charge set by resolution of the city council as follows:.

- A. Sizes 3/4-inch through 2-inch:
- For 5/8 x 3/4-inch meter \$ 75.00
- For 1-inch meter 110.00
- For 1-1/2-inch meter 200.00
- For 2-inch meter 500.00

BA. The charge for a meter installation of three inches and larger is the estimated total cost of the installation. (Ord. 77-10 N.S. § 4, 1977; Ord. 76-8 N.S. § 4, 1976; prior code § 14-144).

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of December, 2012, and adopted at a regular meeting of the Council held on the _____ day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth, Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

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CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 13.12 (WATER RATES AND CHARGES) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY REPLACING IT IN ITS ENTIRETY

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Chapter 13.12 (Water Rates and Charges) of Title 13 (Public Services) of the Benicia Municipal Code relating to water rates is amended by replacing it in its entirety to read as follows:

Chapter 13.12

WATER RATES AND CHARGES

Sections:

- [13.12.010](#) General water service.
- [13.12.012](#) Drought penalty and drought surcharge.
- [13.12.014](#) Expiration of drought penalty and/or drought surcharge.
- [13.12.020](#) Fire hydrants and automatic fire sprinkler service.
- [13.12.030](#) Untreated water service.
- [13.12.040](#) Exemptions.
- [13.12.050](#) Water system capacity charges.
- [13.12.070](#) Meter installation charges.

13.12.010 General water service.

A. General Rate. The rates for general water service are as follows:

1. For service to residential users:

Service Charge (per unit, per month)	1/17/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/17
Single family dwelling	\$14.77	\$16.68	\$18.60	\$19.86	\$20.56
Multi family dwelling	\$11.09	\$12.52	\$13.96	\$14.91	\$15.43

Plus:

Volume Charge (per unit, per month)	1/17/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/17
0 - 8 hcf	\$1.46	\$1.65	\$1.84	\$1.97	\$2.04
8 - 30 hcf	\$2.30	\$2.60	\$2.90	\$3.10	\$3.21
Over 30 hcf	\$2.46	\$2.78	\$3.10	\$3.31	\$3.43

hcf = hundred cubic feet

The minimum monthly charge is the monthly service charge.

2. For service to users other than residential users:

Monthly Service Charge (per meter)	1/17/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/17
5/8- or 3/4-inch	\$19.08	\$21.54	\$24.02	\$25.65	\$26.55
1-inch	\$33.90	\$38.27	\$42.67	\$45.57	\$47.16
1 1/2- inch	\$76.24	\$86.07	\$95.97	\$102.50	\$106.09
2-inch	\$135.50	\$152.98	\$170.57	\$182.17	\$188.55
3-inch	\$304.85	\$344.18	\$383.76	\$409.86	\$424.21
4-inch	\$541.93	\$611.84	\$682.20	\$728.59	\$754.09
6-inch	\$1,219.32	\$1,376.61	\$1,534.92	\$1,639.29	\$1,696.67

Plus:

Volume Charge (per unit, per month)	1/17/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/17
0 - 30 hcf	\$1.99	\$2.25	\$2.51	\$2.68	\$2.77
Over 30 hcf	\$2.33	\$2.63	\$2.93	\$3.13	\$3.24

hcf = hundred cubic feet

The monthly minimum charge is the monthly service charge.

3. For construction hydrant meters

Monthly Service Charge (per meter)	1/17/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/17
Construction Hydrants	\$135.50	\$152.98	\$170.57	\$182.17	\$188.55

Plus:

Volume Charge (per month)	1/17/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/17
0 - 30 hcf	\$2.49	\$2.81	\$3.13	\$3.35	\$3.46
Over 30 hcf	\$2.91	\$3.29	\$3.66	\$3.91	\$4.05

hcf = hundred cubic feet

The monthly minimum charge is the monthly service charge.

B. Low-Income Senior Citizen Discount

The former Senior Citizen Rate will transition to the Low-Income Senior Citizen Discount effective July 1, 2013. The eligibility requirements for the discount include all of the below:

1. Head of household or spouse is age 60 or older: Provide identification that substantiates name, age and address; and
2. Low-Income Verification [provide a copy of recent PG&E bill noting participation in the PG&E CARE (California Alternate Rates for Energy) program. Current income guidelines can be found at www.PG&E.com/CARE]; and
3. Apply in person in the Finance Department or designated location (every two years).

The discount is applicable to residential water service only and is off the general water service (i.e. “water maintenance charge” on the utility bill) as outlined in the table below. Beginning January 17, 2013, the low income senior citizen customers will begin paying the full price of volume charge (i.e., “water consumption charge” on the utility bill) at the revised rates. The discount amount is based on the following:

1. First six months of 2013 – 78% discount off general rate

2. Next six months of 2013 – 65% discount off general rate
3. 2014 and thereafter – 50% discount off general rate

Low-Income Senior Discount (per unit, per month)	1/17/13 - 6/30/13	7/1/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/16
Single family dwelling discount amount	\$11.52	\$9.60	\$8.34	\$9.30	\$9.93	\$10.28
Multi family dwelling discount amount	\$8.65	\$7.21	\$6.26	\$6.98	\$7.46	\$7.72

Plus:

Volume Charge (per unit, per month)	1/17/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/17
0 - 8 hcf	\$1.46	\$1.65	\$1.84	\$1.97	\$2.04
8 - 30 hcf	\$2.30	\$2.60	\$2.90	\$3.10	\$3.21
Over 30 hcf	\$2.46	\$2.78	\$3.10	\$3.31	\$3.43

hcf = hundred cubic feet

The monthly minimum charge is the monthly service charge.

C. Four Year Phase Out For Senior Citizens Who Do Not Qualify For the Low-Income Senior Citizen Discount

There will be a four year phase out of the discount on the general water service (i.e. “water maintenance charge” on the utility bill) for all other seniors that are enrolled in the Senior Discount Rate by December 4, 2012 who do not qualify for the low-income senior discount to soften the transition to higher rates. The four year phase out discount amounts are shown in the table below. Beginning January 17, 2013, the senior citizen customers will begin paying the full price of volume charge (i.e., “water consumption charge” on the utility bill) at the revised rates. Only customers who meet the qualifications under section B above will be eligible to receive the Low-Income Senior

discount. All other senior citizens that are grandfathered in by December 4, 2012 will be eligible to receive the discounts shown in the table through December 31, 2016. The Senior Citizen Rate will end on January 1, 2017.

Phase Out of Senior Citizen Rate (per unit, per month)	1/17/13 - 6/30/13	7/1/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/16
Single family dwelling discount amount	\$11.52	\$9.38	\$8.18	\$6.22	\$3.36	\$0.00
Multi family dwelling discount amount	\$8.65	\$6.43	\$5.68	\$4.36	\$2.37	\$0.00

D. The public works director shall fix the minimum monthly charge for a meter larger than six inches.

E. Mobile Home Park Rate. The rates for general water service to mobile home parks are the same as for multi family (see subsection (A1) of this section). Each mobile home space is defined as one dwelling unit. Mobile Home Parks may apply for the Low-Income Senior Citizen Discount if at least 75 percent of the tenants qualify and the Mobile Home Park owner or designee applies in person in the Finance Department or designated location every two years.

13.12.012 Drought penalty and drought surcharge.

There shall be added to the general water service rates prescribed in BMC [13.12.010](#) a drought penalty and a drought surcharge as provided in Chapter [13.35](#) BMC. The drought penalty added herein shall be based upon the water used in excess of that permitted by the conservation stage in effect, as defined by and subject to the exceptions prescribed by Chapter [13.35](#) BMC. The drought penalty shall be at the rates set out by BMC [13.35.090](#)(C), and the drought surcharge shall be at the rates set out by BMC [13.35.100](#)(B). **13.12.014 Expiration of drought penalty and/or drought surcharge.**

The drought penalty and/or drought surcharge added to the general water service rates by BMC [13.12.012](#) and Chapter [13.35](#) BMC shall terminate upon resolution adopted by the city council. (Ord. 91-3 N.S. § 2, 1991).

13.12.020 Automatic fire sprinkler and Private Fire Hydrant Rates.

The monthly rate for service through automatic sprinkler connections and private fire hydrant are as follows:

Meter Size:	1/17/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/17
Automatic Sprinkler (flat rate per meter)					
2-inch connection	\$10.03	\$11.32	\$12.62	\$13.48	\$13.95
4-inch connection	\$17.55	\$19.81	\$22.09	\$23.59	\$24.42
6-inch connection	\$24.84	\$28.04	\$31.26	\$33.39	\$34.56
8-inch connection	\$32.55	\$36.75	\$40.98	\$43.77	\$45.30
10-inch connection	\$40.01	\$45.17	\$50.36	\$53.78	\$55.66
12-inch connection	\$47.51	\$53.64	\$59.81	\$63.88	\$66.12
Private Fire Hydrants					
Double outlet & steamer	\$12.53	\$14.15	\$15.78	\$16.85	\$17.44
Single outlet & wharf	\$3.77	\$4.26	\$4.75	\$5.07	\$5.25

13.12.030 Untreated water service.

The rate for untreated water is as follows:

Meter Size:	1/17/13 - 12/31/13	1/1/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/16	1/1/17 - 12/31/17
2-inch connection	\$25.02	\$28.25	\$31.50	\$33.64	\$34.82
3-inch connection	\$50.03	\$56.48	\$62.98	\$67.26	\$69.61
4-inch connection	\$75.00	\$84.68	\$94.42	\$100.84	\$104.37
6-inch connection	\$149.98	\$169.33	\$188.80	\$201.64	\$208.70
Plus Volume Charge:					
0 - 150 hcf	\$0.90	\$1.02	\$1.14	\$1.22	\$1.26
Over 150 hcf	by agmt	by agmt	by agmt	by agmt	by agmt

hcf = one hundred cubic feet

The minimum monthly charge is the monthly service charge.

13.12.040 Exemptions.

An applicant for water service shall pay each of the charges set forth in BMC [13.12.050](#) through [13.12.070](#) except where specifically exempt; however, no applicant is required to pay service installation charges, or meter installation charges if the applicant performs the work covered by these charges. (Prior code § 14-141).

13.12.050 Water system capacity fee.

An applicant for water service installation to serve a parcel not previously served shall pay a system capacity charge as follows:

A. Residential and Commercial/Industrial capacity fees are set by resolution of the city council. Residential capacity fees are based on dwellings/units or accessory dwellings. Commercial/Industrial capacity fees are based on meter size.

B. Capacity Fee – Automatic Annual Escalation. The base capacity fees stated above shall be increased annually by the 12-month percentage increase noted in the last reported construction cost index for the San Francisco Bay Area found in the Engineering News Record. For example, if the index is reported in December of each year, the increase by which the fee will be escalated each July 1st shall be equal to the cumulative 12-month percentage increase reported during the immediately preceding December. If the Engineering News Record ceases publication, a similar index chosen by the public works director shall be used.

C. The above automatic annual escalation will occur 60 days after adoption of the ordinance codified in this chapter and on July 1st of each year thereafter unless changed by a vote of the city council upon recommendation of the finance director that projected revenues and expenditures require a different charge for that fiscal year.

D. Increased Water Service. An applicant for water service installation of increased capacity over the existing service at a property shall pay a capacity fee in the amount specified in subsection (A) or (B) of this section, whichever is applicable, less any previously paid water capacity charge. An applicant adding a new meter, rather than replacing an existing meter with a larger meter, shall not receive credit for previously paid water service capacity fees.

F. Capacity Fee – Time for Payment.

1. Capacity charges for new or increased water service shall be paid at the time of application for such new or increased service, unless the applicant applies for, and is granted, a fee deferral as provided for in subsection (F)(2) of this section.

2. The person required by this chapter to pay a water capacity fee may apply for a fee deferral. The application shall be reviewed and considered by the public works director, and shall be granted if the applicant's project meets the criteria for fee deferral established by city council resolution, unless the director finds (a) that the fee is needed for improvements or facilities for which an account has been established and funds appropriated, and for which the city has adopted a construction schedule or plan, or (b) the fees are needed to reimburse the city for expenditures previously made. The city council resolution shall also establish conditions to be imposed upon the granting of a fee deferral.

13.12.070 Meter installation charges.

An applicant for water service installation shall pay a meter installation charge set by resolution of the city council.

A. The charge for a meter installation of three inches and larger is the estimated total cost of the installation. (Ord. 77-10 N.S. § 4, 1977; Ord. 76-8 N.S. § 4, 1976; prior code § 14-144).

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of December, 2012, and adopted at a regular meeting of the Council held on the day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Mayor

Elizabeth, Patterson,

ATTEST:

Lisa Wolfe, City Clerk

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 13.52 (SEWER RATES AND CHARGES) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY REPLACING IT IN ITS ENTIRETY

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Chapter 13.52 (Sewer Rates and Charges) of Title 13 (Public Services) of the Benicia Municipal Code relating to water rates is amended by replacing it in its entirety to read as follows:

**Chapter 13.52
SEWER RATES AND CHARGES**

Sections:

- [13.52.010](#) Applicant – Payment of charges – Exception.
- [13.52.020](#) Special sewerage service.
- [13.52.030](#) General sewerage service.
- [13.52.040](#) Sewer ~~connection capacity~~ fees.
- [13.52.045](#) Decision by public works director – Appeal.
- [13.52.050](#) Lateral sewer installation charges.

13.52.010 Applicant – Payment of charges – Exception.

An applicant for sewerage service shall pay the charges imposed by BMC [13.52.040](#) and [13.52.050](#), except where specifically exempt; however, no applicant is required to pay lateral sewer installation charges or frontage charges if the applicant performs the work covered by these charges. (Prior code § 7-623).

13.52.020 Special sewerage service.

The charges for sewerage service covered by the special contract for discharge of waste as defined in BMC [13.50.340](#), and for any service not specifically covered by BMC [13.52.010](#) through [13.52.050](#) shall be fixed in an applicable agreement for service. (Ord. 91-14 N.S. § 1, 1991; prior code § 7-622).

13.52.030 General sewerage service.

The basis of sewer service charges prescribed in this chapter is the establishment of a unit cost, hereinafter referred to as an EDU (equivalent dwelling unit), “equivalent

dwelling unit (EDU),” computed to collect for the costs of operating, maintaining, repairing and replacing the collection, treatment and disposal system of the city for a residential dwelling unit. A residential dwelling unit is defined as discharging 200 gallons per day (gpd) of sewage flow (or 250 gpd of water consumed) over a one-year period with strengths for BOD (biochemical oxygen demand) of 200 milligrams per liter (mg/l) and SS (suspended solids) of 200 mg/l. The strength factor of a residential dwelling unit is equal to 1.00.

The calculation of EDUs to be assigned to individual users on the sewerage system is based on the EPA-approved formula, and for purposes of this chapter is as follows:

$$\begin{aligned}
 \text{EDU} &= \frac{\text{gdp}}{200} \times [\text{Strength Factor}] \\
 &= \frac{\text{gdp}}{200} \left(0.65 + (.17) \frac{\text{BOD mg/l}}{200} + (.18) \frac{\text{SS mg/l}}{200} \right)
 \end{aligned}$$

Assignment of EDUs to individual sewerage system users shall be made as follows:

A. Minimum EDU Assignment. All residential (single- and multifamily) users connected to the city sewerage system shall be assigned a minimum of 1.00 EDU per dwelling unit. All commercial/industrial users, excluding hotels/motels, shall be assigned a minimum number of EDUs depending on the **water** meter size. The minimum EDU assigned shall be as follows:

Water Meter Size	Minimum EDU Assignment
3/4-inch	1.00
1-inch	1.33
1 1/2-inch	2.00
2-inch	2.67
3-inch	3.99
4-inch	5.33
6-inch	8.00

B. Residential Dwelling Units.

1. Single-Family Units. 1.00 EDU shall be assigned to each dwelling unit identified by the city as single-family.

2. Multifamily Units. This category includes condominiums, duplex, triplex, four-plex, apartment or other residential dwelling units. Each dwelling unit will be assigned 1.00 EDU. For premises with mixed uses (e.g., dwelling units and clubhouses), users will be assigned EDUs according to the residential category (see subsection (A) of this section) or commercial category (see subsection (E) of this section), depending on the major sewer use, as determined by the public works director. Other facilities on the premises that are nondwelling units but have a sewer hookup shall be assigned EDUs as stated in subsection (E) of this section.

C. Mobile Home or Trailer Court Units. 1.00 EDU shall be assigned to each rental space provided in the mobile home park or trailer court. Other facilities on the premises that require a sewer hookup shall be assigned EDUs as stated in subsection (E) of this section.

D. Hotel or Motel. A hotel or motel shall be assigned a minimum of 0.60 EDU per room without kitchen facilities and 1.0 EDU per room with kitchen facilities. Other facilities on the premises that have a sewer hookup shall be assigned EDUs as stated in subsection (E) of this section. Notwithstanding the minimum EDU assignment of this subsection, users are assigned EDUs as stated in subsection (E) of this section.

E. Commercial/Industrial Premises (Standard Strength Sewage). Notwithstanding the minimum EDU assignment of subsection (A) of this section, users are assigned 1.00 EDU for each 250 gallons per day (gpd), or 2,100 cubic feet per 60-day billing cycle, of water usage. (The 250 gpd water usage basis accounts for some landscaping and the fact that not all the water that is used by the premises enters the sewer system.)

1. Mixed Uses. This category includes units such as “live-work” quarters and other units with mixed residential/commercial uses. For purposes of this chapter, users in this category are classified as commercial/industrial users.

F. Commercial/Industrial Users (High Strength or Low Strength Pretreated Sewage). Notwithstanding the minimum EDU assignment of subsection (A) of this section, for certain nonresidential premises which discharge sewage having significantly greater or lower strength characteristics as measured by concentration of BOD and SS (or other

appropriate constituents) than residential sewage, the number of EDUs shall be determined by multiplying the units determined in subsection (E) of this section by the strength factor shown as follows:

1. High Strength Sewage.

User	Strength Factor
Medical clinics, professional buildings	1.1
Restaurants	1.9
Markets with disposal	1.9
Mortuaries with process	1.9
Auto steam cleaning	1.9

For other high strength users not listed above, strength factor and EDUs shall be assigned by the director of public works in accordance with the EPA formula stated in this section. In some cases, strength factor shall be determined by the director of public works based on the chemical oxygen demand or other appropriate constituents of the user's sewer discharge where the constituent selected would more accurately measure the strength of the discharge.

2. Low Strength Pretreated Sewage. For certain industrial users who pretreat their process water discharge to a level close to or better than drinking water, the strength factor, which may be less than 1.0, shall be determined by the director of public works based on an analysis of the appropriate constituents in the wastewater.

3. Reduction Ratio (RR). Is an adjustment applied to commercial/industrial users' sewer capacity fees to account for consumed water that is not discharged to the sanitary sewer e.g. irrigation, evaporation, or certain production processes. The RR for commercial/industrial users estimates 80 percent of water consumed enters the sewer system for treatment. Businesses may apply for a variance to the standard RR. The RR for specific commercial/industrial users shall be determined at the discretion of the director of public works.

G. Inquiry Regarding Assignment of EDUs. Inquiries regarding the assignment of EDUs must be submitted to the city in writing before changes in EDU assignment will be considered. The director of public works shall have the authority to make appropriate adjustments in EDUs assigned based on the State of California Revenue Program Guidelines, and changes in use for the premises affected.

H. Sewer Service Charge.

1. ~~Except for the public housing complex known as Casa de Vilarrasa at which the sewer service charge shall be \$11.52 per EDU per month, the charge for general sewage service is prescribed at \$35.70 per EDU per month for the period January 1, 2004, through June 30, 2004. For the period July 1, 2004, through June 30, 2012, January 17, 2013 through June 30, 2017,~~ the monthly charge per EDU for general sewage service and the public housing complex known as Casa de Vilarrasa shall be as prescribed below:

		<u>Casa de Vilarrasa</u>
July 1, 2004— June 30, 2005	37.49	12.09
July 1, 2005— June 30, 2006	39.36	12.70
July 1, 2006— June 30, 2007	41.33	13.33
July 1, 2007— June 30, 2008	43.39	14.00
July 1, 2008— June 30, 2009	45.56	14.70
July 1, 2009— June 30, 2010	47.84	15.44
July 1, 2010— June 30, 2011	49.28	15.90
July 1, 2011— June 30, 2012	50.75	16.38

	<u>General</u>	<u>Casa de Vilarrasa</u>
<u>January 17, 2013 - June 30, 2013</u>	<u>\$45.88</u>	<u>\$22.94</u>
<u>July 1, 2013 - June 30, 2014</u>	<u>\$50.01</u>	<u>\$25.01</u>
<u>July 1, 2014 - June 30, 2015</u>	<u>\$53.26</u>	<u>\$26.63</u>

<u>July 1, 2015 - June 30, 2016</u>	<u>\$55.39</u>	<u>\$27.70</u>
<u>July 1, 2016 - June 30, 2017</u>	<u>\$56.49</u>	<u>\$28.25</u>

A decision to change the sewer service charge shall be based upon a determination of the revenue required to provide for budgeted or projected expenditures for operating, maintaining, repairing and replacing parts of the sewerage system and other obligations which may include providing adequate debt service coverage or payment of annual debt service obligations. The ~~finance director~~public works director shall be required to present to the city council this information ~~at a~~ on or before the last council meeting ~~of the fiscal year.~~

2. The following special conditions apply to each sewer service:

a. The sewer service charge is levied for all connected premises for which utility services are provided. No allowance is made for unoccupied premises or portions of premises unless water service for the user has been discontinued.

b. Upon application and submission of proof from a sewerage system user requiring extraordinary landscaping or other unusual nonsewered water use, the public works director may make adjustments to assigned EDUs for the premises.

3. For sewage and liquid galley wastes from vessels, groundwater, and other one-time sewage discharges, the public works director shall determine the sewer charge; provided, that the discharge meets the conditions of Chapter [13.50](#) BMC, Pretreatment and Source Control of Waste Disposal or Discharge. For special one-time discharges meeting the pretreatment requirements as defined in Chapter [13.50](#) BMC, the wastewater treatment charge shall be set according to the following schedule:

Volume Charges Gallons	Strength Charge Classification	Cents/Gal. 1/1/04 to 6/30/04	Cents/Gal. 7/1/04 to 6/30/05	Cents/Gal. 7/1/05 to 6/30/06
0—100,000	Standard*	2.10	2.21	2.32
	Nonstandard**	3.47	3.64	3.82
100,001—	Standard	6.88	7.22	7.58

500,000	Nonstandard	8.19	8.60	9.03
500,001 and over	Standard	9.77	10.25	10.77
	Nonstandard	11.29	11.85	12.44

*—BOD or SS of 200 mg/l.

**—BOD or SS greater than 200 mg/l but less than 1,000 mg/l for BOD and 800 mg/l for SS (see subsection (H)(3)(a) of this section).

Volume Charges Gallons	Strength Charge Classification	Cents/Gal. 7/1/06 to 6/30/07	Cents/Gal. 7/1/07 to 6/30/08	Cents/Gal. 7/1/08 to 6/30/09
0—100,000	Standard*	2.43	2.55	2.68
	Nonstandard**	4.01	4.21	4.42
100,001— 500,000	Standard	7.96	8.36	8.78
	Nonstandard	9.48	9.95	10.45
500,001 and over	Standard	11.30	11.87	12.46
	Nonstandard	13.07	13.72	14.41

*—BOD or SS of 200 mg/l.

**—BOD or SS greater than 200 mg/l but less than 1,000 mg/l for BOD and 800 mg/l for SS (see subsection (H)(3)(a) of this section).

Volume Charges Gallons	Strength Charge Classification	Cents/Gal. 7/1/09 to 6/30/10	Cents/Gal. 7/1/10 to 6/30/11	Cents/Gal. 7/1/11 to 6/30/12
0—100,000	Standard*	2.81	2.90	2.99
	Nonstandard**	4.64	4.78	4.93
100,001— 500,000	Standard	9.22	9.49	9.78
	Nonstandard	10.98	11.30	11.64
500,001 and over	Standard	13.09	13.48	13.88
	Nonstandard	15.13	15.58	16.05

*—BOD or SS of 200 mg/l.

**—BOD or SS greater than 200 mg/l but less than 1,000 mg/l for BOD and 800 mg/l for SS (see subsection (H)(3)(a) of this section).

<u>Volume Charges</u>	<u>Strength Charge</u>	<u>Cents/Gal. 1/1/13 to 6/30/13</u>	<u>Cents/Gal. 7/1/13 to 6/30/14</u>	<u>Cents/Gal. 7/1/14 to 6/30/15</u>
<u>Gallons</u>	<u>Classification</u>			
<u>0 – 100,000</u>	<u>Standard*</u>	<u>3.08</u>	<u>3.17</u>	<u>3.27</u>
	<u>Nonstandard**</u>	<u>5.08</u>	<u>5.23</u>	<u>5.39</u>
<u>100,001 – 500,000</u>	<u>Standard</u>	<u>10.07</u>	<u>10.37</u>	<u>10.68</u>
	<u>Nonstandard</u>	<u>11.99</u>	<u>12.35</u>	<u>12.72</u>
<u>500,001 and over</u>	<u>Standard</u>	<u>14.3</u>	<u>14.73</u>	<u>15.17</u>
	<u>Nonstandard</u>	<u>16.53</u>	<u>17.03</u>	<u>17.54</u>

* BOD or SS of 200 mg/l.

** BOD or SS greater than 200 mg/l but less than 1,000 mg/l for BOD and 800 mg/l for SS (see subsection (H)(3)(a) of this section).

<u>Volume Charges</u>	<u>Strength Charge</u>	<u>Cents/Gal. 7/1/15 to 6/30/16</u>	<u>Cents/Gal. 7/1/16 to 6/30/17</u>
<u>Gallons</u>	<u>Classification</u>		
<u>0 – 100,000</u>	<u>Standard*</u>	<u>3.37</u>	<u>3.47</u>
	<u>Nonstandard**</u>	<u>5.55</u>	<u>5.72</u>
<u>100,001 – 500,000</u>	<u>Standard</u>	<u>11</u>	<u>11.33</u>
	<u>Nonstandard</u>	<u>13.1</u>	<u>13.49</u>
<u>500,001 and over</u>	<u>Standard</u>	<u>15.63</u>	<u>16.1</u>
	<u>Nonstandard</u>	<u>18.07</u>	<u>18.61</u>

* BOD or SS of 200 mg/l.

** BOD or SS greater than 200 mg/l but less than 1,000 mg/l for BOD and 800 mg/l for SS (see subsection (H)(3)(a) of this section).

Any direct charges such as laboratory analysis and site inspection/monitoring are in addition to the charges shown in the schedule above. The following conditions shall also apply with respect to user's requests for service:

- a. The charges determined for special discharges may be based on actual measurement of flows and strengths, or based on strengths as reported in the State of California's Revenue Program Guidelines for sewer utilities. If the strengths contained in the discharge exceed 1,000 mg/l for BOD and 800 mg/l for SS, the volume charges may be determined by the public works director based on an extrapolation of the volume charges stated above.
- b. The strength measurements of special discharges may be adjusted if strengths other than BOD or SS (such as COD or oil and grease, for example) are contained in the user's special discharge.
- c. The public works director shall have the right to determine the appropriate daily or other schedule for accepting, in total or in part, the quantity of wastewater to be specially discharged to the sewerage system. (Ord. 03-11 §§ 1, 2; Ord. 99-15; Ord. 99-8; Ord. 95-12 N.S.; Ord. 95-8 N.S.; Ord. 95-1 N.S.; Ord. 93-16 N.S. § 1, 1993; Ord. 91-14 N.S. § 2, 1991; Ord. 91-8 N.S. § 1, 1991; Ord. 90-8 N.S. § 1, 1990; Ord. 89-13 N.S. § 1, 1989; Ord. 89-5 N.S. § 1, 1989; Ord. 88-11 N.S. § 1, 1988; Ord. 86-5 N.S. § 1, 1986; Ord. 85-13 N.S. § 1, 1985; Ord. 80-10 N.S. § 1, 1980; Ord. 80-1 § 2, 1980; Ord. 76-9 N.S. § 1, 1976; prior code § 7-621).

13.52.040 Sewer connection capacity fees.

An applicant for sewerage service shall pay a connection capacity fee charge (formerly called connection fee) based on equivalent dwelling units (EDUs) as defined in BMC [13.52.030](#). The purpose of levying the connection capacity fee is to for new connections to buy into existing capacity, pay for the city's capital and other related costs of providing the number of capacity units of service. The fee recovers costs for future projects and replacements or upgrades to existing facilities to serve both existing and new customers.

A. The base sewer connection capacity fee for residential dwelling units, residential accessory dwelling, and nonresidential dwelling units are is set by resolution of the city council \$7,500 per EDU. The minimum base sewer connection capacity fee for nonresidential dwelling units for a commercial/industrial building is \$4,131 per EDU a fee set by resolution of the city council. For dwelling units, mobile homes, and hotels or motels, the EDU assignment shall be as stated in BMC [13.52.030](#). For accessory

dwelling units, as defined by BMC [17.70.060](#), the EDU assignment shall be 0.5. For nonresidential premises, the connection capacity fee, based on the EPA-approved formula, is determined by multiplying the assigned EDUs per 1,000 square feet shown on the table that follows, by the size of the facility (in 1,000 square foot units), by the base sewer connection capacity fee. For user categories not listed on the table, the number of EDUs will be determined by the director of public works in accordance with the EPA-approved formula described in BMC [13.52.030](#).

User Category	EDUs/1,000 sq.ft.
Office	0.5633
Warehouse	0.0442
Store, Dry Light Industrial	0.3571
Restaurant	1.9407
Bars, Night Clubs	1.0214
Church, Hall	0.1786
Private School	0.5633
Delicatessen (No Cooking)	0.7857
Medical Clinic, Hospital	1.1477
Market with garbage disposal	1.3339
Auto steam cleaning	0.6743

B. The following conditions apply to the application for sewerage system service:

1. Minimum Sewer Connection Capacity Fee. For each building, or building unit within a multiple-unit residential, commercial, industrial, or other complex, for which a building permit or permits is/are to be issued, the minimum sewer connection capacity fee shall be the base sewer connection capacity fee as stated in subsection (A) of this section.

2. Classification of shell structures which have no determined use when connecting to the sewer system shall be classified at the discretion of the director of public works based upon building permit data, applicable zoning, and plans of the developer. Subsequent modifications to such structures or changes in the usage or operations of any existing structure will result in reclassification and the assessment of an additional incremental connection capacity fee. No refunding of

previously paid sewer connection-capacity fees will be made where modifications are made to any structure which places it in a classification with a lower connection capacity fee rate.

3. Prescribed connection-capacity fees apply only to the particular uses listed; where mixed uses are contained in the same structure, the director of public works will calculate a composite connection-capacity fee based on the pro rata proportion of building square footage assigned to each user classification.

C. Connection-Capacity Fee – Automatic Annual Escalation. The base connection capacity fees stated above shall be increased annually by the 12-month percentage increase noted in the last reported construction cost index for the San Francisco Bay Area found in the Engineering News Record. For example, if the index is reported in December of each year, the increase by which the fee will be escalated each July 1st shall be equal to the cumulative 12-month percentage increase reported during the immediately preceding December. If the Engineering News Record ceases publication, a similar index chosen by the public works director shall be used.

D. Sewer connection-capacity fees levied and collected shall be placed in the sewer connection capacity ~~(expansion)~~ fund.

E. Connection-Capacity Fee – Time for Payment.

1. Connection-Capacity charges for new or increased sewer service shall be paid at the time of application for such new or increased service, unless the applicant applies for, and is granted, a fee deferral as provided for in subsection (E)(2) of this section.

2. An applicant for new or increased sewer service required to pay a connection capacity charge by this chapter may apply for a deferral of the connection capacity charge. The application shall be reviewed and considered by the public works director, and shall be granted if the applicant's project meets the criteria for fee deferrals established by city council resolution unless the director finds (a) that the fee is needed for improvements or facilities for which an account has been established and funds appropriated, and for which the city has adopted a construction schedule or plan, or (b) the fee is needed to reimburse the city for expenditures previously made. The city council resolution shall also establish conditions to be imposed upon the granting of a fee deferral. (Ord. 99-14; Ord. 97-12 N.S.; Ord. 96-11 N.S.; Ord. 95-12 N.S.; Ord. 95-6 N.S.; Ord. 94-5 N.S. § 1, 1994; Ord. 94-3 N.S. § 2, 1994; Ord. 91-13 N.S. § 1; Ord. 90-9 N.S. §§ 1, 2, 1990; Ord. 88-10 N.S. § 1, 1988; Ord. 85-14 N.S. § 1, 1985; Ord. 80-1 N.S. § 3, 1980; prior code § 7-624).

13.52.045 Decision by public works director – Appeal.

Decisions of the public works director may be appealed to the ~~city council~~city manager in accordance with Chapter 1.44 BMC. (Ord. 07-46 § 1; Ord. 80-1 N.S. § 5, 1980).

~~13.52.050 Lateral sewer installation charges.~~

~~A. An applicant for lateral sewer installation by the city shall pay a lateral sewer installation charge as follows:~~

~~For four-inch lateral sewer \$200.00~~

~~For six-inch lateral sewer 225.00~~

~~For eight-inch lateral sewer 250.00~~

~~These charges shall be reduced \$50.00 for installations made in unpaved areas at the time of main extension.~~

~~B. The following special conditions apply to each lateral sewer installation:~~

~~1. No charge is made for the replacement of a lateral sewer installation because of normal deterioration;~~

~~2. The charges for construction of a lateral sewer installation of a size other than those set forth in subsection (A) of this section is the estimated total cost of the installation;~~

~~3. Any condition which in the opinion of the director may result in construction costs more than 20 percent above the charge in subsection (A) of this section is considered unusual. The charge for unusual installation is the estimated cost of the installation;~~

~~4. Each lateral sewer installation in a new subdivision shall be made by the applicant concurrently with the main construction. The applicant shall pay an engineering and inspection charge of 10 percent of the installation charge;~~

~~5. Special control structures and other appurtenances shall be constructed by the applicant unless otherwise ordered by the director. (Prior code § 7-625).~~

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more

sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of December, 2012, and adopted at a regular meeting of the Council held on the day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth, Patterson,

Mayor

ATTEST:

Lisa Wolfe, City Clerk

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 13.52 (SEWER RATES AND CHARGES) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY REPLACING IT IN ITS ENTIRETY

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Chapter 13.52 (Sewer Rates and Charges) of Title 13 (Public Services) of the Benicia Municipal Code relating to water rates is amended by replacing it in its entirety to read as follows:

Chapter 13.52

SEWER RATES AND CHARGES

Sections:

- [13.52.010](#) Applicant – Payment of charges – Exception.
- [13.52.020](#) Special sewerage service.
- [13.52.030](#) General sewerage service.
- [13.52.040](#) Sewer capacity fees.
- [13.52.045](#) Decision by public works director – Appeal.
- [13.52.050](#) Lateral sewer installation charges.

13.52.010 Applicant – Payment of charges – Exception.

An applicant for sewerage service shall pay the charges imposed by BMC [13.52.040](#) and [13.52.050](#), except where specifically exempt; however, no applicant is required to pay lateral sewer installation charges or frontage charges if the applicant performs the work covered by these charges. (Prior code § 7-623).

13.52.020 Special sewerage service.

The charges for sewerage service covered by the special contract for discharge of waste as defined in BMC [13.50.340](#), and for any service not specifically covered by BMC [13.52.010](#) through [13.52.050](#) shall be fixed in an applicable agreement for service. (Ord. 91-14 N.S. § 1, 1991; prior code § 7-622).

13.52.030 General sewerage service.

The basis of sewer service charges prescribed in this chapter is the establishment of a unit cost, hereinafter referred to as an EDU (equivalent dwelling unit), computed to collect for the costs of operating, maintaining, repairing and replacing the collection, treatment and disposal system of the city for a residential dwelling unit. A residential dwelling unit is defined as discharging 200 gallons per day (gpd) of sewage flow (or 250 gpd of water consumed) over a one-year period with strengths for BOD (biochemical oxygen demand) of 200 milligrams per liter (mg/l) and SS (suspended solids) of 200 mg/l. The strength factor of a residential dwelling unit is equal to 1.00.

The calculation of EDUs to be assigned to individual users on the sewerage system is based on the EPA-approved formula, and for purposes of this chapter is as follows:

$$EDU = \frac{gdp}{200} \times [Strength\ Factor]$$
$$= \frac{gdp}{200} \left(0.65 + (.17) \frac{BOD\ mg/l}{200} + (.18) \frac{SS\ mg/l}{200} \right)$$

Assignment of EDUs to individual sewerage system users shall be made as follows:

A. Minimum EDU Assignment. All residential (single- and multifamily) users connected to the city sewerage system shall be assigned a minimum of 1.00 EDU per dwelling unit. All commercial/industrial users, excluding hotels/motels, shall be assigned a minimum number of EDUs depending on the water meter size. The minimum EDU assigned shall be as follows:

Water Meter Size	Minimum EDU Assignment
3/4-inch	1.00
1-inch	1.33
1 1/2-inch	2.00
2-inch	2.67
3-inch	3.99
4-inch	5.33
6-inch	8.00

B. Residential Dwelling Units.

1. Single-Family Units. 1.00 EDU shall be assigned to each dwelling unit identified by the city as single-family.
2. Multifamily Units. This category includes condominiums, duplex, triplex, four-plex, apartment or other residential dwelling units. Each dwelling unit will be assigned 1.00 EDU. For premises with mixed uses (e.g., dwelling units and clubhouses), users will be assigned EDUs according to the residential category (see subsection (A) of this section) or commercial category (see subsection (E) of this section), depending on the major sewer use, as determined by the public works director. Other facilities on the premises that are nondwelling units but have a sewer hookup shall be assigned EDUs as stated in subsection (E) of this section.

C. Mobile Home or Trailer Court Units. 1.00 EDU shall be assigned to each rental space provided in the mobile home park or trailer court. Other facilities on the premises that require a sewer hookup shall be assigned EDUs as stated in subsection (E) of this section.

D. Hotel or Motel. A hotel or motel shall be assigned a minimum of 0.60 EDU per room without kitchen facilities and 1.0 EDU per room with kitchen facilities. Other facilities on the premises that have a sewer hookup shall be assigned EDUs as stated in subsection (E) of this section. Notwithstanding the minimum EDU assignment of this subsection, users are assigned EDUs as stated in subsection (E) of this section.

E. Commercial/Industrial Premises (Standard Strength Sewage). Notwithstanding the minimum EDU assignment of subsection (A) of this section, users are assigned 1.00 EDU for each 250 gallons per day (gpd), or 2,100 cubic feet per 60-day billing cycle, of water usage. (The 250 gpd water usage basis accounts for some landscaping and the fact that not all the water that is used by the premises enters the sewer system.)

1. Mixed Uses. This category includes units such as “live-work” quarters and other units with mixed residential/commercial uses. For purposes of this chapter, users in this category are classified as commercial/industrial users.

F. Commercial/Industrial Users (High Strength or Low Strength Pretreated Sewage). Notwithstanding the minimum EDU assignment of subsection (A) of this section, for certain nonresidential premises which discharge sewage having significantly greater or lower strength characteristics as measured by concentration of BOD and SS (or other appropriate constituents) than residential sewage, the number of EDUs shall be determined by multiplying the units determined in subsection (E) of this section by the strength factor shown as follows:

1. High Strength Sewage.

User	Strength Factor
Medical clinics, professional buildings	1.1
Restaurants	1.9
Markets with disposal	1.9
Mortuaries with process	1.9
Auto steam cleaning	1.9

For other high strength users not listed above, strength factor and EDUs shall be assigned by the director of public works in accordance with the EPA formula stated in this section. In some cases, strength factor shall be determined by the director of public works based on the chemical oxygen demand or other appropriate constituents of the user's sewer discharge where the constituent selected would more accurately measure the strength of the discharge.

2. Low Strength Pretreated Sewage. For certain industrial users who pretreat their process water discharge to a level close to or better than drinking water, the strength factor, which may be less than 1.0, shall be determined by the director of public works based on an analysis of the appropriate constituents in the wastewater.

3. Reduction Ratio (RR). Is an adjustment applied to commercial/industrial users' sewer capacity fees to account for consumed water that is not discharged to the sanitary sewer e.g. irrigation, evaporation, or certain production processes. The RR for commercial/industrial users estimates 80 percent of water consumed enters the sewer system for treatment. Businesses may apply for a variance to the standard RR. The RR for specific commercial/industrial users shall be determined at the discretion of the director of public works.

G. Inquiry Regarding Assignment of EDUs. Inquiries regarding the assignment of EDUs must be submitted to the city in writing before changes in EDU assignment will be considered. The director of public works shall have the authority to make appropriate adjustments in EDUs assigned based on the State of California Revenue Program Guidelines, and changes in use for the premises affected.

H. Sewer Service Charge.

1. For the period January 17, 2013 through June 30, 2017, the monthly charge per EDU for general sewage service and the public housing complex known as Casa de Vilarrasa shall be as prescribed below:

	General	Casa de Vilarrasa
January 17, 2013 - June 30, 2013	\$45.88	\$22.94
July 1, 2013 - June 30, 2014	\$50.01	\$25.01
July 1, 2014 - June 30, 2015	\$53.26	\$26.63
July 1, 2015 - June 30, 2016	\$55.39	\$27.70
July 1, 2016 - June 30, 2017	\$56.49	\$28.25

A decision to change the sewer service charge shall be based upon a determination of the revenue required to provide for budgeted or projected expenditures for operating, maintaining, repairing and replacing parts of the sewerage system and other obligations which may include providing adequate debt service coverage or payment of annual debt service obligations. The public works director shall be required to present to the city council this information at a council meeting.

2. The following special conditions apply to each sewer service:

a. The sewer service charge is levied for all connected premises for which utility services are provided. No allowance is made for unoccupied premises or portions of premises unless water service for the user has been discontinued.

b. Upon application and submission of proof from a sewerage system user requiring extraordinary landscaping or other unusual nonsewered water use, the public works director may make adjustments to assigned EDUs for the premises.

3. For sewage and liquid galley wastes from vessels, groundwater, and other one-time sewage discharges, the public works director shall determine the sewer charge; provided, that the discharge meets the conditions of Chapter [13.50](#) BMC, Pretreatment and Source Control of Waste Disposal or Discharge. For special one-time discharges meeting the pretreatment requirements as defined in

Chapter [13.50](#) BMC, the wastewater treatment charge shall be set according to the following schedule:

Volume Charges	Strength Charge	Cents/Gal.	Cents/Gal.	Cents/Gal.
Gallons	Classification	1/1/13 to 6/30/13	7/1/13 to 6/30/14	7/1/14 to 6/30/15
0 – 100,000	Standard*	3.08	3.17	3.27
	Nonstandard**	5.08	5.23	5.39
100,001 – 500,000	Standard	10.07	10.37	10.68
	Nonstandard	11.99	12.35	12.72
500,001 and over	Standard	14.3	14.73	15.17
	Nonstandard	16.53	17.03	17.54

* BOD or SS of 200 mg/l.

** BOD or SS greater than 200 mg/l but less than 1,000 mg/l for BOD and 800 mg/l for SS (see subsection (H)(3)(a) of this section).

Volume Charges	Strength Charge	Cents/Gal.	Cents/Gal.
Gallons	Classification	7/1/15 to 6/30/16	7/1/16 to 6/30/17
0 – 100,000	Standard*	3.37	3.47
	Nonstandard**	5.55	5.72
100,001 – 500,000	Standard	11	11.33
	Nonstandard	13.1	13.49
500,001 and over	Standard	15.63	16.1
	Nonstandard	18.07	18.61

* BOD or SS of 200 mg/l.

** BOD or SS greater than 200 mg/l but less than 1,000 mg/l for BOD and 800 mg/l for SS (see subsection (H)(3)(a) of this section).

Any direct charges such as laboratory analysis and site inspection/monitoring are in addition to the charges shown in the schedule above. The following conditions shall also apply with respect to user's requests for service:

- a. The charges determined for special discharges may be based on actual measurement of flows and strengths, or based on strengths as reported in the State of California's Revenue Program Guidelines for sewer utilities. If the strengths contained in the discharge exceed 1,000 mg/l for BOD and 800 mg/l for SS, the volume charges may be determined by the public works director based on an extrapolation of the volume charges stated above.
- b. The strength measurements of special discharges may be adjusted if strengths other than BOD or SS (such as COD or oil and grease, for example) are contained in the user's special discharge.
- c. The public works director shall have the right to determine the appropriate daily or other schedule for accepting, in total or in part, the quantity of wastewater to be specially discharged to the sewerage system. (Ord. 03-11 §§ 1, 2; Ord. 99-15; Ord. 99-8; Ord. 95-12 N.S.; Ord. 95-8 N.S.; Ord. 95-1 N.S.; Ord. 93-16 N.S. § 1, 1993; Ord. 91-14 N.S. § 2, 1991; Ord. 91-8 N.S. § 1, 1991; Ord. 90-8 N.S. § 1, 1990; Ord. 89-13 N.S. § 1, 1989; Ord. 89-5 N.S. § 1, 1989; Ord. 88-11 N.S. § 1, 1988; Ord. 86-5 N.S. § 1, 1986; Ord. 85-13 N.S. § 1, 1985; Ord. 80-10 N.S. § 1, 1980; Ord. 80-1 § 2, 1980; Ord. 76-9 N.S. § 1, 1976; prior code § 7-621).

13.52.040 Sewer capacity fees.

An applicant for sewerage service shall pay a capacity fee (formerly called connection fee) based on equivalent dwelling units (EDUs) as defined in BMC [13.52.030](#). The purpose of levying the capacity fee is for new connections to buy into existing capacity. The fee recovers costs for future projects and replacements or upgrades to existing facilities to serve both existing and new customers.

A. The base sewer capacity fee for residential dwelling units, residential accessory dwelling, and nonresidential dwelling units are set by resolution of the city council per EDU. The minimum sewer capacity fee for a commercial/industrial building is a fee set by resolution of the city council. For dwelling units, mobile homes, and hotels or motels, the EDU assignment shall be as stated in BMC [13.52.030](#). For accessory dwelling units, as defined by BMC [17.70.060](#), the EDU assignment shall be 0.5. For nonresidential premises, the capacity fee, based on the EPA-approved formula, is determined by multiplying the assigned EDUs per 1,000 square feet shown on the table that follows, by the size of the facility (in 1,000 square foot units), by the base sewer capacity fee. For user categories not listed on the table, the number of EDUs will be determined by the

director of public works in accordance with the EPA-approved formula described in BMC [13.52.030](#).

User Category	EDUs/1,000 sq.ft.
Office	0.5633
Warehouse	0.0442
Store, Dry Light Industrial	0.3571
Restaurant	1.9407
Bars, Night Clubs	1.0214
Church, Hall	0.1786
Private School	0.5633
Delicatessen (No Cooking)	0.7857
Medical Clinic, Hospital	1.1477
Market with garbage disposal	1.3339
Auto steam cleaning	0.6743

B. The following conditions apply to the application for sewerage system service:

1. Minimum Sewer Capacity Fee. For each building, or building unit within a multiple-unit residential, commercial, industrial, or other complex, for which a building permit or permits is/are to be issued, the minimum sewer capacity fee shall be the base sewer capacity fee as stated in subsection (A) of this section.
2. Classification of shell structures which have no determined use when connecting to the sewer system shall be classified at the discretion of the director of public works based upon building permit data, applicable zoning, and plans of the developer. Subsequent modifications to such structures or changes in the usage or operations of any existing structure will result in reclassification and the assessment of an additional incremental capacity fee. No refunding of previously paid sewer capacity fees will be made where modifications are made to any structure which places it in a classification with a lower capacity fee rate.
3. Prescribed capacity fees apply only to the particular uses listed; where mixed uses are contained in the same structure, the director of public works will calculate a composite capacity fee based on the pro rata proportion of building square footage assigned to each user classification.

C. Capacity Fee – Automatic Annual Escalation. The base capacity fees stated above shall be increased annually by the 12-month percentage increase noted in the last reported construction cost index for the San Francisco Bay Area found in the Engineering News Record. For example, if the index is reported in December of each year, the increase by which the fee will be escalated each July 1st shall be equal to the cumulative 12-month percentage increase reported during the immediately preceding December. If the Engineering News Record ceases publication, a similar index chosen by the public works director shall be used.

D. Sewer capacity fees levied and collected shall be placed in the sewer capacity fund.

E. Capacity Fee – Time for Payment.

1. Capacity charges for new or increased sewer service shall be paid at the time of application for such new or increased service, unless the applicant applies for, and is granted, a fee deferral as provided for in subsection (E)(2) of this section.

2. An applicant for new or increased sewer service required to pay a capacity charge by this chapter may apply for a deferral of the capacity charge. The application shall be reviewed and considered by the public works director, and shall be granted if the applicant's project meets the criteria for fee deferrals established by city council resolution unless the director finds (a) that the fee is needed for improvements or facilities for which an account has been established and funds appropriated, and for which the city has adopted a construction schedule or plan, or (b) the fee is needed to reimburse the city for expenditures previously made. The city council resolution shall also establish conditions to be imposed upon the granting of a fee deferral. (Ord. 99-14; Ord. 97-12 N.S.; Ord. 96-11 N.S.; Ord. 95-12 N.S.; Ord. 95-6 N.S.; Ord. 94-5 N.S. § 1, 1994; Ord. 94-3 N.S. § 2, 1994; Ord. 91-13 N.S. § 1; Ord. 90-9 N.S. §§ 1, 2, 1990; Ord. 88-10 N.S. § 1, 1988; Ord. 85-14 N.S. § 1, 1985; Ord. 80-1 N.S. § 3, 1980; prior code § 7-624).

13.52.045 Decision by public works director – Appeal.

Decisions of the public works director may be appealed to the city manager in accordance with Chapter [1.44](#) BMC. (Ord. 07-46 § 1; Ord. 80-1 N.S. § 5, 1980).

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more

sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of December, 2012, and adopted at a regular meeting of the Council held on the day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth, Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTIONS 13.56.030 (PAYMENT-RETURNED CHECKS), 13.56.050 (DELINQUENT ACCOUNTS), 13.56.070 (DELINQUENCY OF SERVICE-DISCONTINUATION OF SERVICE) AND 13.56.080 (DISCONTINUATION OF SERVICE-UNAUTHORIZED USE) OF CHAPTER 13.56 (SEWER BILLING REQUIREMENTS) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Sections 13.56.030 (Payment-returned checks), 13.56.050 (Delinquent Accounts), 13.56.070 (Delinquency of service-Discontinuation of service), and 13.56.080 (Discontinuation of Service Tampering-Unauthorized Use) of Chapter 13.56 (Sewer Billing Requirements) of Title 13 (Public Services) of the Benicia Municipal Code are amended as follows:

Chapter 13.56
SEWER BILLING REQUIREMENTS

Sections:

- 13.56.010 Generally.
- 13.56.020 Separate services.
- 13.56.030 Payment – Returned checks.
- 13.56.040 Disputed bills.
- 13.56.050 Delinquent accounts.
- 13.56.060 Multiple account – Delinquency at one service location.
- 13.56.070 Delinquency – Discontinuation of service.
- ~~13.56.080 Discontinuance of service – Unauthorized use.~~

13.56.010 Generally.

A bill for general sewerage service is rendered bimonthly. A bill for sewerage services rendered under special contract may be rendered monthly or at any less frequency which the city chooses. An opening and closing bill for less than the regular billing period shall be prorated on a daily basis so that the charge to the customer shall reflect the actual number of days of service during said billing period. (Ord. 90-7 N.S., 1990; prior code § 7-631).

13.56.020 Separate services.

Each sewer connection to a customer's premises shall be billed separately unless the city, for its own operating convenience or necessity, installs two or more laterals in place of one. (Prior code § 7-632).

13.56.030 Payment – Returned checks.

A bill is due and payable on presentation. The customer shall make payment at the place designated by the city. When payment is made by a check which is returned to the city dishonored by the drawee, a returned check ~~charge shall be added to the bill in the amount of \$20.00, a fee set by resolution of the city council~~ which returned check charge shall be in addition to any other charges due. (~~Ord. 90-7 N.S., 1990; prior code § 7-633~~).

13.56.040 Disputed bills.

In case of dispute as to payment of a bill previously delivered, the customer shall present the receipted bill, canceled check or other satisfactory evidence of payment before the city may make an adjustment or correction. (Prior code § 7-638).

13.56.050 Delinquent accounts.

A bill is delinquent 30 days after the date of presentation of the bill. When a bill is delinquent there shall be added a delinquent charge ~~in the amount of a fee set by resolution of the city council. 10 percent of the balance outstanding more than 30 days.~~ If the bill and the delinquent charge are not paid within five days after the delinquent date, the city may discontinue service. (Ord. 90-7 N.S., 1990; prior code § 7-634).

13.56.060 Multiple account – Delinquency at one service location.

If a customer receives service at more than one service location, and the bill for any one of that customer's accounts becomes delinquent and service is discontinued, the city may discontinue service at all other locations. (Prior code § 7-635).

13.56.070 Delinquency – Discontinuation of service.

When service is discontinued because of delinquency in payment of a utility bill, the city may not restore the service until all charges including the delinquent charge as provided in BMC [13.56.050](#) and a ~~restoration charge turn off service fee of \$20.00 set by resolution of the city council~~ are paid, and a cash deposit is made to reestablish credit in an amount fixed by the director. The deposit shall be treated as an application deposit. (~~Ord. 90-7 N.S., 1990; prior code § 7-636~~).

~~**13.56.080 Discontinuance of service – Unauthorized use.**~~

~~If, following discontinuance of service for delinquency in payment, the service is resumed without authorization, the city may remove the service connection facilities. In the event that the city removes the service connection facilities because of an unauthorized resumption of service, there shall be a service connection facility restoration charge of \$25.00 plus a~~

charge to cover any other costs to the city resulting from the unauthorized resumption of service. The service connection facility restoration charge is in addition to all other charges and deposits. (Ord. 90-7 N.S., 1990; prior code § 7-637).

SECTION 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of December, 2012, and adopted at a regular meeting of the Council held on the _____ day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTIONS 13.56.030 (PAYMENT-RETURNED CHECKS), 13.56.050 (DELINQUENT ACCOUNTS), 13.56.070 (DELINQUENCY OF SERVICE-DISCONTINUATION OF SERVICE) AND 13.56.080 (DISCONTINUATION OF SERVICE-UNAUTHORIZED USE) OF CHAPTER 13.56 (SEWER BILLING REQUIREMENTS) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Sections 13.56.030 (Payment-returned checks), 13.56.050 (Delinquent Accounts), 13.56.070 (Delinquency of service-Discontinuation of service), and 13.56.080 (Tampering-Unauthorized Use) of Chapter 13.56 (Sewer Billing Requirements) of Title 13 (Public Services) of the Benicia Municipal Code are amended as follows:

Chapter 13.56

SEWER BILLING REQUIREMENTS

Sections:

- 13.56.010 Generally.
- 13.56.020 Separate services.
- 13.56.030 Payment – Returned checks.
- 13.56.040 Disputed bills.
- 13.56.050 Delinquent accounts.
- 13.56.060 Multiple account – Delinquency at one service location.
- 13.56.070 Delinquency – Discontinuation of service.

13.56.010 Generally.

A bill for general sewerage service is rendered bimonthly. A bill for sewerage services rendered under special contract may be rendered monthly or at any less frequency which the city chooses. An opening and closing bill for less than the regular billing period shall be prorated on a daily basis so that the charge to the customer shall reflect the actual number of days of service during said billing period. (Ord. 90-7 N.S., 1990; prior code § 7-631).

13.56.020 Separate services.

Each sewer connection to a customer's premises shall be billed separately unless the city, for its own operating convenience or necessity, installs two or more laterals in place of one. (Prior code § 7-632).

13.56.030 Payment – Returned checks.

A bill is due and payable on presentation. The customer shall make payment at the place designated by the city. When payment is made by a check which is returned to the city dishonored by the drawee, a returned check fee set by resolution of the city council which returned check charge shall be in addition to any other charges due.

13.56.040 Disputed bills.

In case of dispute as to payment of a bill previously delivered, the customer shall present the receipted bill, canceled check or other satisfactory evidence of payment before the city may make an adjustment or correction. (Prior code § 7-638).

13.56.050 Delinquent accounts.

A bill is delinquent 30 days after the date of presentation of the bill. When a bill is delinquent there shall be added a delinquent charge set by resolution of the city council. If the bill and the delinquent charge are not paid within five days after the delinquent date, the city may discontinue service. (Ord. 90-7 N.S., 1990; prior code § 7-634).

13.56.060 Multiple account – Delinquency at one service location.

If a customer receives service at more than one service location, and the bill for any one of that customer's accounts becomes delinquent and service is discontinued, the city may discontinue service at all other locations. (Prior code § 7-635).

13.56.070 Delinquency – Discontinuation of service.

When service is discontinued because of delinquency in payment of a utility bill, the city may not restore the service until all charges including the delinquent charge as provided in BMC [13.56.050](#) and a turn off service fee set by resolution of the city council are paid, and a cash deposit is made to reestablish credit in an amount fixed by the director. The deposit shall be treated as an application deposit.

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or

more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of December, 2012, and adopted at a regular meeting of the Council held on the _____ day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe

CITY OF BENICIA

ORDINANCE No. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTIONS 13.08.040 (WATER USE WITHOUT APPLICATION) AND 13.08.050 (DEPOSIT) OF CHAPTER 13.08 (WATER SERVICE) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Sections 13.08.040 (Water Use Without Application) and 13.08.050 (Deposit) of Chapter 13.08 (Water Service) of Title 13 (Public Services) of the Benicia Municipal Code are amended as follows:

**Chapter 13.08
WATER SERVICE**

Sections:

Article I. Generally

- 13.08.010 Water supply – Source and specifications.
- 13.08.020 Types of service.

Article II. General Water Service

- 13.08.030 Application – Contents.
- 13.08.040 Water use without application.
- 13.08.050 Deposit.
- 13.08.060 Continuity of service.
- 13.08.070 Water pressure.
- 13.08.080 Refusal or limitation of service.
- 13.08.090 Resale of water.
- 13.08.100 Discontinuance and restoration of service.

Article III. Special Water Service

- 13.08.110 Compliance.
- 13.08.120 Public fire hydrants – Inside city.

- 13.08.130 Public fire hydrants – Outside city.
- 13.08.140 Public fire hydrants – Private use.
- 13.08.150 Private fire hydrants.
- 13.08.160 Automatic fire sprinkler systems.
- 13.08.170 Low pressure service.
- 13.08.180 Temporary service.
- 13.08.190 Untreated water service.
- 13.08.200 Special contract service.
- 13.08.210 Service outside city.

Article I. Generally

13.08.010 Water supply – Source and specifications.

The water served will be water from various sources including the municipal reservoir, the Putah South Canal of the Solano Project, and the North Bay Aqueduct of the State Water Project. Mineral quality of water will vary from time to time and place to place depending upon the source being used. Information on the average mineral quality is available from the director. Water delivered from the potable water system will be water treated by facilities operated under permit from the California Department of Public Health. (Prior code § 14-111).

13.08.020 Types of service.

Water service from the city water system is either general water service or special water service. (Prior code § 14-114).

Article II. General Water Service

13.08.030 Application – Contents.

A. A person desiring service from the water system shall apply for it. The director shall prescribe the form of the application. The application shall set forth:

1. The signature of the applicant or his authorized representative;
2. The address and location of the premises to be served;
3. The address to which bills are to be mailed;
4. The purpose and use of the water to be consumed, if other than residential;
5. The date upon which the applicant will be ready for service;
6. An estimate of the maximum instantaneous water demand;

7. The applicant's agreement to comply with this article and all the rules and regulations governing the system;

8. Such other information considered proper by the director.

B. The city is not obligated to provide water service until the application is approved by the director. The applicant is not obligated to take service for any period of time in excess of that upon which the minimum charges for the account are based. (Amended during 2004 republication; prior code § 14-118).

13.08.040 Water use without application.

A person who takes possession of a premises and uses water without applying for water service is liable for the water delivered from the date of the last recorded meter reading. If proper application for service is not made within 24 hours after notification to do so by the director or if accumulated bills for water service are not paid upon presentation, the director may discontinue water service without further notice. Additionally, a tampering fee will be assessed in accordance with section 13.16.090. ~~(Prior code § 14-117).~~

13.08.050 Deposit.

Every applicant for water service who rents or leases the premises to be served shall make a cash deposit as a condition of service. The deposit which shall be paid up front is a fee set by resolution of the city council \$20.00; however, the director may fix a larger cash deposit if, based upon the city's prior experience with the applicant, the director feels in the reasonable exercise of his discretion that a larger cash deposit is necessary to protect the city from loss which may result from the nonpayment of billings. When service to a customer is discontinued, the deposit for that customer shall be refunded after deducting unpaid charges. Deposit funds in a discontinued account may, at the option of the customer, be applied to deposit requirements of a new account for the same customer. ~~(Prior code § 14-119).~~

13.08.060 Continuity of service.

The city will exercise reasonable diligence and care to deliver a continuous supply of water; however, the city is not liable for interruptions, shortage, or insufficient supply or for loss, inconvenience, or damage occasioned thereby. (Prior code § 14-113).

13.08.070 Water pressure.

In general, water will be delivered from the distribution system at gauge pressures ranging from approximately 20 to 100 pounds per square inch; however, the city does not guarantee to maintain a specific pressure or range of pressures. The city is not responsible for inconvenience, loss or damage resulting from variations of pressure. Service to an area where pressure is less than 20 pounds per square inch is considered special service and each such service shall be covered by an agreement. (Prior code § 14-112).

13.08.080 Refusal or limitation of service.

A. The director may refuse to furnish water or may discontinue water service to a premises for one or more of the following reasons:

1. To protect the city or the water system or both from fraud and abuse;
2. The requested water services demand may be detrimental or injurious to the water service of other customers;
3. The distribution facilities are inadequate to supply the requested water service demand.

B. The director may limit the total quantity of water furnished to a premises or may establish the time and the demand rates at which water may be taken or will be furnished to a premises, even though a limit or maximum use may not appear on the application or permit for the water service. (Prior code § 14-116).

13.08.090 Resale of water.

No person may resell or remeter for the purpose of cost proration or sell water purchased from the city without specific authorization, except for service to temporarily moored vessels for their own use. The resale cost may not exceed the cost of purchase from the city plus the cost of delivery. (Prior code § 14-115).

13.08.100 Discontinuance and restoration of service.

A. The city may discontinue water service for nonpayment of a bill 30 days after presentation. The city shall give written notice of its intention to discontinue service for nonpayment at least five days in advance of actual disconnection.

B. The city may discontinue water service without notice:

1. Where evidence of tampering or misuse of water system facilities is found or where apparatus, appliances or conditions are, in the opinion of the director or public health agency, found to be dangerous or injurious. Service may be restored after corrective measures have been taken;
2. When service was obtained by fraudulent means or water is used through an unauthorized connection. Service will be restored when the requirements of the city are complied with and full payment is made to the city for services rendered;
3. For failure to comply with the requirements of these regulations, this article or the rules and regulations governing the system.

C. Water service may be disconnected at the request of the customer, effective not less than two days after receipt by the city of a request for discontinuance. When the request is

not received, the customer is required to pay for water service until such time that the city receives the notice or evidence which justifies discontinuance of water service at some other date.

D. Service which is disconnected may be restored upon correction to the satisfaction of the director of the condition causing discontinuance of service, and upon payment of all applicable fees and charges. (Prior code § 14-120).

Article III. Special Water Service

13.08.110 Compliance.

Each applicant for special water service is subject to all the requirements of applicants for general water service, unless otherwise prescribed by the director, and to all special requirements set forth in this article. (Prior code § 14-191).

13.08.120 Public fire hydrants – Inside city.

A. The director shall have hydrants for public fire protection installed within the city. Hydrants are a part of local distribution facilities, and their construction is governed by all requirements applicable to local distribution facilities.

B. No person may open or use a public fire hydrant without authorization to do so. A hydrant may be operated only with an approved spanner wrench or special tool. Each hydrant outlet shall be capped when not in use. (Prior code § 14-192).

13.08.130 Public fire hydrants – Outside city.

The director shall have hydrants installed for public fire protection on water system extensions outside the city boundaries. Insofar as practicable, such hydrant installation shall be designed to provide the same degree of fire protection as a new system extension inside the city. The director shall require as a condition of approval of the outside fire hydrant installation an agreement from the public fire protection agency within whose jurisdiction the hydrant is located. The agreement shall provide for the location and design of the hydrant installation and provide for the payment of appropriate hydrant fees levied by the city. (Prior code § 14-193).

13.08.140 Public fire hydrants – Private use.

A. The director may permit the private use of a public fire hydrant on a temporary basis upon issuance of a permit.

B. The permit shall be exhibited upon the work while water is taken. The permit shall state the period during which water may be taken, and the location of the hydrant which may be used. If the hydrant is outside the city limits, the applicant shall obtain written approval of the fire protection agency having jurisdiction over it.

C. Water taken from a hydrant shall be metered, unless otherwise permitted by the director. Water used from a hydrant shall be billed and paid for at the same rates as for general water service plus 25 percent of the commercial rate. ~~If unmetered hydrant use is permitted,~~ The minimum charge is the same as those applicable to a two-inch meter. (Prior code § 14-194).

13.08.150 Private fire hydrants.

A fire hydrant located on private premises and constructed and maintained by the applicant may be connected to the water system upon approval of the director. A connection to a private fire hydrant installation is subject to all requirements governing connections to automatic fire sprinkler systems. A new connection to a private fire hydrant shall be used only for that purpose. An existing connection which serves a fire hydrant and an automatic fire sprinkler installation together may continue in service with the approval of the director. (Prior code § 14-195).

13.08.160 Automatic fire sprinkler systems.

A. The city may offer a connection for service to an automatic fire sprinkler system subject to limitations of the ability of the water distribution system to provide the desired service. Unless otherwise ordered by the director, a fire sprinkler connection shall be constructed by the city at the expense of the applicant. The sprinkler connection shall be of at least two-inch diameter. Each sprinkler connection shall have an approved detector check valve furnished by the applicant and a bypass meter installed by the city at the expense of the applicant. Wherever possible, the detector check valve installation shall be located adjacent to the front boundary of the parcel being served.

B. Water furnished through a fire sprinkler connection shall be used only for firefighting purposes and for authorized testing of fire protection facilities. Fire system testing shall be conducted during normal business hours. The water department shall be notified at least one day prior to testing. There is no charge for water taken through the detector check valve and used for extinguishing accidental fire. All water taken through the bypass meter on a fire sprinkler connection shall be charged for at a rate equal to twice the rate for general water service through a meter of the same size as the bypass meter, except that the minimum monthly charge does not apply. (Prior code § 14-196).

13.08.170 Low pressure service.

A. Premises located where distribution system pressure corrected to the highest elevation of regular water use or water-using appliances is normally or frequently less than 20 pounds per square inch cannot be adequately served. Such service is considered low pressure service. Low pressure service will be provided only upon approval by the director and upon agreement by the applicant to:

1. Accept substandard service;

2. Make no protest of assessment district or other proceedings whose objective is improvement of the water system; and

3. Make any reapplication or alterations of equipment necessary to utilize an alternative water service connection upon request by the director.

B. The rates and charges for low pressure service are the same as those for general water service. (Prior code § 14-199).

13.08.180 Temporary service.

A. The city may provide temporary water service upon approval of the director. Rates and charges for temporary service are the same as those for general service except as otherwise provided. Whenever practical, water furnished through a temporary service connection shall be metered. A permit for a temporary service connection is valid for a period of not more than 120 days after installation. The city may extend the permit upon request. The temporary service shall be discontinued and dismantled or removed upon termination of the permit period or completion of use.

B. The applicant for temporary service shall make a cash deposit before issuance of a permit for a temporary service connection. The cash deposit shall equal the estimated cost of water to be used during the entire period of service.

C. After discontinuance of the temporary service and when the connection is dismantled, the remainder of deposited funds shall be refunded upon request without interest after deduction of unpaid water and construction charges. (Prior code § 14-197).

13.08.190 Untreated water service.

The city will provide untreated water from certain water system facilities to the extent that such service has no deleterious effect on operation of the remainder of the water system. Untreated water shall not be used for drinking or other domestic purposes. Untreated water service inside the city shall be provided only to premises which are served by an active potable water service. (Prior code § 14-198).

13.08.200 Special contract service.

The city may provide special water service when it is in the public interest to do so. When special service cannot appropriately be provided under this article, the city may provide water as a special contract service. The director shall recommend the terms and conditions of each contract for special contract service to the city council for approval. (Prior code § 14-200).

13.08.210 Service outside city.

A. Except as provided in BMC [13.08.200](#), the city may provide water service to premises outside the city boundaries only upon approval of the director and written agreement by the

applicant to make no written protest of annexation proceedings. Service provided outside the city is subject to all rules and regulations applicable to the same service provided inside the city.

B. The rates and charges for service provided outside the city are the rates and charges for similar service inside the city, plus 25 percent of the rates and charges.

C. All other conditions of service outside the city are the same as for service inside the city. (Prior code § 14-201).

SECTION 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of December, 2012, and adopted at the regular meeting of the Council held on the _____ day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe

CITY OF BENICIA

ORDINANCE No. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTIONS 13.08.040 (WATER USE WITHOUT APPLICATION) AND 13.08.050 (DEPOSIT) OF CHAPTER 13.08 (WATER SERVICE) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Sections 13.08.040 (Water Use Without Application) and 13.08.050 (Deposit) of Chapter 13.08 (Water Service) of Title 13 (Public Services) of the Benicia Municipal Code are amended as follows:

Chapter 13.08

WATER SERVICE

Sections:

Article I. Generally

- 13.08.010 Water supply – Source and specifications.
- 13.08.020 Types of service.

Article II. General Water Service

- 13.08.030 Application – Contents.
- 13.08.040 Water use without application.
- 13.08.050 Deposit.
- 13.08.060 Continuity of service.
- 13.08.070 Water pressure.
- 13.08.080 Refusal or limitation of service.
- 13.08.090 Resale of water.
- 13.08.100 Discontinuance and restoration of service.

Article III. Special Water Service

- 13.08.110 Compliance.

- 13.08.120 Public fire hydrants – Inside city.
- 13.08.130 Public fire hydrants – Outside city.
- 13.08.140 Public fire hydrants – Private use.
- 13.08.150 Private fire hydrants.
- 13.08.160 Automatic fire sprinkler systems.
- 13.08.170 Low pressure service.
- 13.08.180 Temporary service.
- 13.08.190 Untreated water service.
- 13.08.200 Special contract service.
- 13.08.210 Service outside city.

Article I. Generally

13.08.010 Water supply – Source and specifications.

The water served will be water from various sources including the municipal reservoir, the Putah South Canal of the Solano Project, and the North Bay Aqueduct of the State Water Project. Mineral quality of water will vary from time to time and place to place depending upon the source being used. Information on the average mineral quality is available from the director. Water delivered from the potable water system will be water treated by facilities operated under permit from the California Department of Public Health. (Prior code § 14-111).

13.08.020 Types of service.

Water service from the city water system is either general water service or special water service. (Prior code § 14-114).

Article II. General Water Service

13.08.030 Application – Contents.

A. A person desiring service from the water system shall apply for it. The director shall prescribe the form of the application. The application shall set forth:

1. The signature of the applicant or his authorized representative;
2. The address and location of the premises to be served;
3. The address to which bills are to be mailed;
4. The purpose and use of the water to be consumed, if other than residential;
5. The date upon which the applicant will be ready for service;
6. An estimate of the maximum instantaneous water demand;

7. The applicant's agreement to comply with this article and all the rules and regulations governing the system;

8. Such other information considered proper by the director.

B. The city is not obligated to provide water service until the application is approved by the director. The applicant is not obligated to take service for any period of time in excess of that upon which the minimum charges for the account are based. (Amended during 2004 republication; prior code § 14-118).

13.08.040 Water use without application.

A person who takes possession of a premises and uses water without applying for water service is liable for the water delivered from the date of the last recorded meter reading. If proper application for service is not made within 24 hours after notification to do so by the director or if accumulated bills for water service are not paid upon presentation, the director may discontinue water service without further notice. Additionally, a tampering fee will be assessed in accordance with section 13.16.090.

13.08.050 Deposit.

Every applicant for water service who rents or leases the premises to be served shall make a cash deposit as a condition of service. The deposit which shall be paid up front is a fee set by resolution of the city council however, the director may fix a larger cash deposit if, based upon the city's prior experience with the applicant, the director feels in the reasonable exercise of his discretion that a larger cash deposit is necessary to protect the city from loss which may result from the nonpayment of billings. When service to a customer is discontinued, the deposit for that customer shall be refunded after deducting unpaid charges. Deposit funds in a discontinued account may, at the option of the customer, be applied to deposit requirements of a new account for the same customer.

13.08.060 Continuity of service.

The city will exercise reasonable diligence and care to deliver a continuous supply of water; however, the city is not liable for interruptions, shortage, or insufficient supply or for loss, inconvenience, or damage occasioned thereby. (Prior code § 14-113).

13.08.070 Water pressure.

In general, water will be delivered from the distribution system at gauge pressures ranging from approximately 20 to 100 pounds per square inch; however, the city does not guarantee to maintain a specific pressure or range of pressures. The city is not responsible for inconvenience, loss or damage resulting from variations of pressure. Service to an area where pressure is less than 20 pounds per square inch is considered

special service and each such service shall be covered by an agreement. (Prior code § 14-112).

13.08.080 Refusal or limitation of service.

A. The director may refuse to furnish water or may discontinue water service to a premises for one or more of the following reasons:

1. To protect the city or the water system or both from fraud and abuse;
2. The requested water services demand may be detrimental or injurious to the water service of other customers;
3. The distribution facilities are inadequate to supply the requested water service demand.

B. The director may limit the total quantity of water furnished to a premises or may establish the time and the demand rates at which water may be taken or will be furnished to a premises, even though a limit or maximum use may not appear on the application or permit for the water service. (Prior code § 14-116).

13.08.090 Resale of water.

No person may resell or remeter for the purpose of cost proration or sell water purchased from the city without specific authorization, except for service to temporarily moored vessels for their own use. The resale cost may not exceed the cost of purchase from the city plus the cost of delivery. (Prior code § 14-115).

13.08.100 Discontinuance and restoration of service.

A. The city may discontinue water service for nonpayment of a bill 30 days after presentation. The city shall give written notice of its intention to discontinue service for nonpayment at least five days in advance of actual disconnection.

B. The city may discontinue water service without notice:

1. Where evidence of tampering or misuse of water system facilities is found or where apparatus, appliances or conditions are, in the opinion of the director or public health agency, found to be dangerous or injurious. Service may be restored after corrective measures have been taken;
2. When service was obtained by fraudulent means or water is used through an unauthorized connection. Service will be restored when the requirements of the city are complied with and full payment is made to the city for services rendered;
3. For failure to comply with the requirements of these regulations, this article or the rules and regulations governing the system.

C. Water service may be disconnected at the request of the customer, effective not less than two days after receipt by the city of a request for discontinuance. When the request is not received, the customer is required to pay for water service until such time that the city receives the notice or evidence which justifies discontinuance of water service at some other date.

D. Service which is disconnected may be restored upon correction to the satisfaction of the director of the condition causing discontinuance of service, and upon payment of all applicable fees and charges. (Prior code § 14-120).

Article III. Special Water Service

13.08.110 Compliance.

Each applicant for special water service is subject to all the requirements of applicants for general water service, unless otherwise prescribed by the director, and to all special requirements set forth in this article. (Prior code § 14-191).

13.08.120 Public fire hydrants – Inside city.

A. The director shall have hydrants for public fire protection installed within the city. Hydrants are a part of local distribution facilities, and their construction is governed by all requirements applicable to local distribution facilities.

B. No person may open or use a public fire hydrant without authorization to do so. A hydrant may be operated only with an approved spanner wrench or special tool. Each hydrant outlet shall be capped when not in use. (Prior code § 14-192).

13.08.130 Public fire hydrants – Outside city.

The director shall have hydrants installed for public fire protection on water system extensions outside the city boundaries. Insofar as practicable, such hydrant installation shall be designed to provide the same degree of fire protection as a new system extension inside the city. The director shall require as a condition of approval of the outside fire hydrant installation an agreement from the public fire protection agency within whose jurisdiction the hydrant is located. The agreement shall provide for the location and design of the hydrant installation and provide for the payment of appropriate hydrant fees levied by the city. (Prior code § 14-193).

13.08.140 Public fire hydrants – Private use.

A. The director may permit the private use of a public fire hydrant on a temporary basis upon issuance of a permit.

B. The permit shall be exhibited upon the work while water is taken. The permit shall state the period during which water may be taken, and the location of the hydrant which

may be used. If the hydrant is outside the city limits, the applicant shall obtain written approval of the fire protection agency having jurisdiction over it.

C. Water taken from a hydrant shall be metered, unless otherwise permitted by the director. Water used from a hydrant shall be billed and paid for at the same rates as for general water service plus 25 percent of the commercial rate. The minimum charge is the same as those applicable to a two-inch meter. (Prior code § 14-194).

13.08.150 Private fire hydrants.

A fire hydrant located on private premises and constructed and maintained by the applicant may be connected to the water system upon approval of the director. A connection to a private fire hydrant installation is subject to all requirements governing connections to automatic fire sprinkler systems. A new connection to a private fire hydrant shall be used only for that purpose. An existing connection which serves a fire hydrant and an automatic fire sprinkler installation together may continue in service with the approval of the director. (Prior code § 14-195).

13.08.160 Automatic fire sprinkler systems.

A. The city may offer a connection for service to an automatic fire sprinkler system subject to limitations of the ability of the water distribution system to provide the desired service. Unless otherwise ordered by the director, a fire sprinkler connection shall be constructed by the city at the expense of the applicant. The sprinkler connection shall be of at least two-inch diameter. Each sprinkler connection shall have an approved detector check valve furnished by the applicant and a bypass meter installed by the city at the expense of the applicant. Wherever possible, the detector check valve installation shall be located adjacent to the front boundary of the parcel being served.

B. Water furnished through a fire sprinkler connection shall be used only for firefighting purposes and for authorized testing of fire protection facilities. Fire system testing shall be conducted during normal business hours. The water department shall be notified at least one day prior to testing. There is no charge for water taken through the detector check valve and used for extinguishing accidental fire. All water taken through the bypass meter on a fire sprinkler connection shall be charged for at a rate equal to twice the rate for general water service through a meter of the same size as the bypass meter, except that the minimum monthly charge does not apply. (Prior code § 14-196).

13.08.170 Low pressure service.

A. Premises located where distribution system pressure corrected to the highest elevation of regular water use or water-using appliances is normally or frequently less than 20 pounds per square inch cannot be adequately served. Such service is considered low pressure service. Low pressure service will be provided only upon approval by the director and upon agreement by the applicant to:

1. Accept substandard service;
2. Make no protest of assessment district or other proceedings whose objective is improvement of the water system; and
3. Make any reapplication or alterations of equipment necessary to utilize an alternative water service connection upon request by the director.

B. The rates and charges for low pressure service are the same as those for general water service. (Prior code § 14-199).

13.08.180 Temporary service.

A. The city may provide temporary water service upon approval of the director. Rates and charges for temporary service are the same as those for general service except as otherwise provided. Whenever practical, water furnished through a temporary service connection shall be metered. A permit for a temporary service connection is valid for a period of not more than 120 days after installation. The city may extend the permit upon request. The temporary service shall be discontinued and dismantled or removed upon termination of the permit period or completion of use.

B. The applicant for temporary service shall make a cash deposit before issuance of a permit for a temporary service connection. The cash deposit shall equal the estimated cost of water to be used during the entire period of service.

C. After discontinuance of the temporary service and when the connection is dismantled, the remainder of deposited funds shall be refunded upon request without interest after deduction of unpaid water and construction charges. (Prior code § 14-197).

13.08.190 Untreated water service.

The city will provide untreated water from certain water system facilities to the extent that such service has no deleterious effect on operation of the remainder of the water system. Untreated water shall not be used for drinking or other domestic purposes. Untreated water service inside the city shall be provided only to premises which are served by an active potable water service. (Prior code § 14-198).

13.08.200 Special contract service.

The city may provide special water service when it is in the public interest to do so. When special service cannot appropriately be provided under this article, the city may provide water as a special contract service. The director shall recommend the terms and conditions of each contract for special contract service to the city council for approval. (Prior code § 14-200).

13.08.210 Service outside city.

A. Except as provided in BMC [13.08.200](#), the city may provide water service to premises outside the city boundaries only upon approval of the director and written agreement by the applicant to make no written protest of annexation proceedings. Service provided outside the city is subject to all rules and regulations applicable to the same service provided inside the city.

B. The rates and charges for service provided outside the city are the rates and charges for similar service inside the city, plus 25 percent of the rates and charges.

C. All other conditions of service outside the city are the same as for service inside the city. (Prior code § 14-201).

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the _____ 4th day of December, 2012, and adopted at the regular meeting of the Council held on the _____ day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTIONS 13.16.040 (PAYMENT-RETURNED CHECKS), 3.16.060 (DELINQUENT ACCOUNTS), 13.16.080 (DELINQUENCY-DISCONTINUATION OF SERVICE), 13.16.090 (DISCONTINUATION OF SERVICE TAMPERING- UNAUTHORIZED USE), AND 13.16.110 (INSPECTIONS) OF CHAPTER 13.16 (WATER BILLING REQUIREMENTS) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Sections 13.16.040 (Payment-Returned Checks), 13.16.060 (Delinquent Accounts), 13.16.080 Delinquency-Discontinuation of Service), 13.16.090 (Discontinuance of service Tampering- Unauthorized use) and 13.16.110 (Inspections) of Chapter 13.16 (Water Billing Requirements) of Title 13 (Public Services) of the Benicia Municipal Code are amended as follows:

**Chapter 13.16
WATER BILLING REQUIREMENTS**

Sections:

- 13.16.010 Generally.
- 13.16.020 Separate meters.
- 13.16.030 Limited service – Determination of charge.
- 13.16.040 Payment – Returned checks.
- 13.16.050 Disputed bills.
- 13.16.060 Delinquent accounts.
- 13.16.070 Multiple account – Delinquency at one service location.
- 13.16.080 Delinquency – Discontinuation of service.
- 13.16.090 ~~TamperingDiscontinuance of service~~ – Unauthorized use.
- 13.16.100 Adjustments.
- 13.16.110 Inspections.
- 13.16.120 Back billing.

13.16.010 Generally.

A bill for general water service will be rendered bimonthly. A bill for special water service may be rendered monthly or at any lesser frequency which the city chooses. The city shall have the meter read at approximately equal intervals, with meter reading frequency the same as billing frequency. The city shall have special meter readings made for opening or closing billing purposes. (Prior code § 14-151).

13.16.020 Separate meters.

Each meter on a customer's premises is billed separately. The readings of two or more meters may not be combined unless the water department installs two or more meters in place of one for operating convenience or necessity. (Prior code § 14-152).

13.16.030 Limited service – Determination of charge.

An opening and closing bill for less than the regular billing period shall be prorated on a daily basis so that the charge to the customer shall reflect the actual number of days of service during the billing period. (Ord. 90-7 N.S., 1990; prior code § 14-154).

13.16.040 Payment – Returned checks.

A bill is due and payable on presentation. The customer shall make payment at the place designated by the city. When payment is made by a check which is returned to the city dishonored by the drawee, a returned check ~~charge shall be added to the bill in the amount of \$20.00, a fee set by resolution of the city council~~ which returned check charge shall be in addition to any other charges due. ~~(Ord. 90-7 N.S., 1990; prior code § 14-155).~~

13.16.050 Disputed bills.

In case of dispute as to payment of a bill previously delivered, the customer shall present the receipted bill, canceled check, or other satisfactory evidence of payment before the city may make an adjustment or correction. (Prior code § 14-160).

13.16.060 Delinquent accounts.

A bill is delinquent 30 days after the date of presentation of the bill. When a bill is delinquent, there shall be added a delinquent charge in ~~the amount of 10 percent set by resolution of the city council. of the balance outstanding more than 30 days.~~ If the bill and the delinquent charge are not paid within five days after the delinquent ~~ratedate~~, the city may discontinue service as provided in BMC [13.08.080](#). (Ord. 90-7 N.S., 1990; prior code § 14-156).

13.16.070 Multiple account – Delinquency at one service location.

If a customer receives service at more than one service location and the bill for any one of that customer's accounts becomes delinquent and the city discontinues service, the city may discontinue service at all other locations. (Prior code § 14-157).

13.16.080 Delinquency – Discontinuation of service.

When water service is discontinued because of delinquency in payment of a utility bill, the city may not restore the service until all charges including the delinquent charge as provided in BMC [13.16.060](#) and ~~a restoration charge~~ a turn off service fee of \$20.00 ~~a fee set by resolution of the city council~~ are paid, and a cash deposit is made to reestablish credit in an amount to be fixed by the director. The deposit shall be treated as an application deposit. ~~(Ord. 90-7 N.S., 1990; prior code § 14-158).~~

13.16.090 ~~Discontinuance of service~~ Tampering– Unauthorized use.

The definition of “Tampering” for purposes of this chapter include the following: customer manually turning water service back on, customer cutting/removing lock, customer damaging meter, and/or customer re-plumbing around the meter. For each instance of tampering a penalty will be assessed, and depending on the severity of the issue, time and materials costs to repair the damage to the public property may also be assessed. If following discontinuance of service for delinquency in payment the service is resumed without authorization, the city may remove the meter. In the event that the city removes the meter because of an unauthorized resumption of service, there shall be a ~~meter restoration~~ tampering charge of \$25.00 ~~fee set by resolution of the city council~~ plus the cost of time and materials, required from the city to prevent the unauthorized use of the meter, installation of the meter, the meter lock, together with the cost of repairing any other damages to the water system of the city caused by the unauthorized resumption of service and the removal of the meter. The ~~meter restoration~~ tampering charge fee is in addition to all other charges and deposits and must be paid prior to resumption of service. ~~(Ord. 90-7 N.S., 1990; prior code § 14-159).~~

13.16.100 Adjustments.

A. A bill may be adjusted allowing for a leak or loss of water only when evidence clearly shows the excessive delivery is due to leaking pipes or fixtures and not wasteful use or the consumer’s acts, omissions, or negligence. The city may make an adjustment only after repairs are made and the city is satisfied that the leak or loss has been eliminated. No adjustment or allowance may be made covering more than two consecutive billing periods including the one in which the adjustment is requested. No more than one adjustment or allowance may be made to the same account for the same premises in any 12-month period.

B. The director shall determine the amount of excess delivery and shall subtract one-half of that amount from the total water delivered. The remaining amount for each billing period shall be charged at the regular rates applicable to the customer’s account. (Prior code § 14-161).

13.16.110 Inspections.

After an inspection of the customer’s premises on account of excessive water bills, or upon the request of the customer, or for any other reason, no further inspections may be made for a period of six months, except as ordered by the public works director. Additional inspections will be charged on a per hour labor basis according to the fees set by resolution of the city council (Prior code § 14-162).

13.16.120 Back billing.

If a customer uses water for which no bill has been issued, the water department shall install a meter and determine an average bill for a period of 12 months last past or for as much of the past 12 months as the consumer has been occupying or in possession of the premises without paying bills. (Prior code § 14-153).

SECTION 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of December, 2012, and adopted at the regular meeting of the Council held on the _____ day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTIONS 13.16.040 (PAYMENT-RETURNED CHECKS), 3.16.060 (DELINQUENT ACCOUNTS), 13.16.080 (DELINQUENCY-DISCONTINUATION OF SERVICE), 13.16.090 (TAMPERING-UNAUTHORIZED USE), AND 13.16.110 (INSPECTIONS) OF CHAPTER 13.16 (WATER BILLING REQUIREMENTS) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Sections 13.16.040 (Payment-Returned Checks), 13.16.060 (Delinquent Accounts), 13.16.080 Delinquency-Discontinuation of Service), 13.16.090 (Tampering-Unauthorized use) and 13.16.110 (Inspections) of Chapter 13.16 (Water Billing Requirements) of Title 13 (Public Services) of the Benicia Municipal Code are amended as follows:

Chapter 13.16

WATER BILLING REQUIREMENTS

Sections:

- 13.16.010 Generally.
- 13.16.020 Separate meters.
- 13.16.030 Limited service – Determination of charge.
- 13.16.040 Payment – Returned checks.
- 13.16.050 Disputed bills.
- 13.16.060 Delinquent accounts.
- 13.16.070 Multiple account – Delinquency at one service location.
- 13.16.080 Delinquency – Discontinuation of service.
- 13.16.090 Tampering– Unauthorized use.
- 13.16.100 Adjustments.
- 13.16.110 Inspections.
- 13.16.120 Back billing.

13.16.010 Generally.

A bill for general water service will be rendered bimonthly. A bill for special water service may be rendered monthly or at any lesser frequency which the city

chooses. The city shall have the meter read at approximately equal intervals, with meter reading frequency the same as billing frequency. The city shall have special meter readings made for opening or closing billing purposes. (Prior code § 14-151).

13.16.020 Separate meters.

Each meter on a customer's premises is billed separately. The readings of two or more meters may not be combined unless the water department installs two or more meters in place of one for operating convenience or necessity. (Prior code § 14-152).

13.16.030 Limited service – Determination of charge.

An opening and closing bill for less than the regular billing period shall be prorated on a daily basis so that the charge to the customer shall reflect the actual number of days of service during the billing period. (Ord. 90-7 N.S., 1990; prior code § 14-154).

13.16.040 Payment – Returned checks.

A bill is due and payable on presentation. The customer shall make payment at the place designated by the city. When payment is made by a check which is returned to the city dishonored by the drawee, a returned check fee set by resolution of the city council which returned check charge shall be in addition to any other charges due.

13.16.050 Disputed bills.

In case of dispute as to payment of a bill previously delivered, the customer shall present the receipted bill, canceled check, or other satisfactory evidence of payment before the city may make an adjustment or correction. (Prior code § 14-160).

13.16.060 Delinquent accounts.

A bill is delinquent 30 days after the date of presentation of the bill. When a bill is delinquent, there shall be added a delinquent charge in set by resolution of the city council. If the bill and the delinquent charge are not paid within five days after the delinquent date, the city may discontinue service as provided in BMC [13.08.080](#). (Ord. 90-7 N.S., 1990; prior code § 14-156).

13.16.070 Multiple account – Delinquency at one service location.

If a customer receives service at more than one service location and the bill for any one of that customer's accounts becomes delinquent and the city discontinues service, the city may discontinue service at all other locations. (Prior code § 14-157).

13.16.080 Delinquency – Discontinuation of service.

When water service is discontinued because of delinquency in payment of a utility bill, the city may not restore the service until all charges including the delinquent charge as provided in BMC [13.16.060](#) and a turn off service fee set by resolution of the city council are paid, and a cash deposit is made to reestablish credit in an amount to be fixed by the director. The deposit shall be treated as an application deposit.

13.16.090 Tampering– Unauthorized use.

The definition of “Tampering” for purposes of this chapter include the following: customer manually turning water service back on, customer cutting/removing lock, customer damaging meter, and/or customer re-plumbing around the meter. For each instance of tampering a penalty will be assessed, and depending on the severity of the issue, time and materials costs to repair the damage to the public property may also be assessed. If following discontinuance of service for delinquency in payment the service is resumed without authorization, the city may remove the meter. In the event that the city removes the meter because of an unauthorized resumption of service, there shall be a tampering fee set by resolution of the city council plus the cost of time and materials, required from the city to prevent the unauthorized use of the meter.. The tampering fee is in addition to all other charges and deposits and must be paid prior to resumption of service.

13.16.100 Adjustments.

A. A bill may be adjusted allowing for a leak or loss of water only when evidence clearly shows the excessive delivery is due to leaking pipes or fixtures and not wasteful use or the consumer’s acts, omissions, or negligence. The city may make an adjustment only after repairs are made and the city is satisfied that the leak or loss has been eliminated. No adjustment or allowance may be made covering more than two consecutive billing periods including the one in which the adjustment is requested. No more than one adjustment or allowance may be made to the same account for the same premises in any 12-month period.

B. The director shall determine the amount of excess delivery and shall subtract one-half of that amount from the total water delivered. The remaining amount for each billing period shall be charged at the regular rates applicable to the customer’s account. (Prior code § 14-161).

13.16.110 Inspections.

After an inspection of the customer’s premises on account of excessive water bills, or upon the request of the customer, or for any other reason, no further inspections may be made for a period of six months, except as ordered by the

public works director. Additional inspections will be charged on a per hour labor basis according to the fees set by resolution of the city council (Prior code § 14-162).

13.16.120 Back billing.

If a customer uses water for which no bill has been issued, the water department shall install a meter and determine an average bill for a period of 12 months last past or for as much of the past 12 months as the consumer has been occupying or in possession of the premises without paying bills. (Prior code § 14-153).

SECTION 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of December, 2012, and adopted at the regular meeting of the Council held on the _____ day of _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 4, 2012
BUSINESS ITEMS

DATE : November 27, 2012

TO : City Manager

FROM : Public Works and Community Development Director

SUBJECT : **MASTER FEE SCHEDULE ADDITIONS AND AMENDMENTS TO VARIOUS WATER AND SEWER FEES**

RECOMMENDATION:

Adopt a resolution approving and adopting additions and amendments to various water and sewer fees to the Master Fee Schedule.

EXECUTIVE SUMMARY:

This action approves additions and amendments to various water and sewer related fees and transfers the fee amounts from the Benicia Municipal Code to the Master Fee Schedule. The water and sewer fees include charges such as renters' deposit, returned check fee, delinquent charge, turn off service fee, and capacity fees. These fees are captured in three ordinances: Chapter 13.56 (Sewer Billing Requirements), Chapter 13.16 (Water Billing Requirements), and Chapter 13.08 (Water Service) as noted in the corresponding December 4, 2012 staff report titled Introduction and First Reading of Ordinances to amend the Water and Sewer Rates/Fees Related to Water and Sewer Service.

BUDGET INFORMATION:

These various water and sewer fees have not been updated since the 1990s and the City is currently not covering costs on these fees. The proposed modifications will allow the City to recover the cost of service for these activities related to water and sewer service.

GENERAL PLAN:

Relevant General Plan Goals:

- ❑ Goal 2.28: Improve and maintain public facilities and services
- ❑ Goal 2.36: Ensure an adequate water supply for current and future residents and businesses

STRATEGIC PLAN:

Relevant Strategic Plan Issues:

- ❑ Strategic Issue #1: Protecting Community Health and Safety
- ❑ Strategic Issue #2: Protecting and Enhancing the Environment
- ❑ Strategic Issue #3: Strengthening Economic and Fiscal Conditions
 - Strategy #4: Manage City finances prudently
- ❑ Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #4: Provide funding for ongoing infrastructure needs

BACKGROUND:

As stated in the corresponding December 4 staff report titled Introduction and First Reading of Ordinances to amend the Water and Sewer Rates/Fees Related to Water and Sewer Service, staff is recommending making additions and adjustments to other water and sewer related fees and transfer the fee amounts from the Benicia Municipal Code to the Master Fee Schedule. The other water and sewer related fees include charges such as renters' deposit, returned check fee, delinquent charge, and turn off service fee. These fees are captured in three ordinances: Chapter 13.56 (Sewer Billing Requirements), Chapter 13.16 (Water Billing Requirements), and Chapter 13.08 (Water Service).

These charges have not been updated since 1990 and the City is currently not recovering costs on these fees. City staff compared Benicia's fees with other Solano County cities and proposes to amend fees to make Benicia's fees comparable. A tampering fee of \$50 and an inspection fee of \$52 per hour are proposed to be added. With these modifications, the City will recover the cost of service.

The capacity fees (formerly referred to as connection fees) have not been increased since 1999. These are proposed to be increased 1.6% based on the construction cost index. The ordinance already includes language for regular increases, but has not been implemented until now.

The ordinances included in the accompanying staff report indicate that all fees are set by resolution of the City Council instead of noting the actual fee. Please refer to the attached Resolution with Exhibit A for the proposed fee descriptions and amounts. The proposed fee adjustments are recommended to become effective January 17, 2013.

Any future necessary adjustments to these other water and sewer fees will occur annually as part of the Master Fee Schedule review process.

Attachment:

- ❑ Resolution with Exhibit A

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AND ADOPTING ADDITIONS AND AMENDMENTS TO VARIOUS WATER AND SEWER FEES TO THE MASTER FEE SCHEDULE FOR THE 2012-13 FISCAL YEAR

WHEREAS, water and sewer fees related to water and sewer service have not been adjusted since the 1990s; and

WHEREAS, City staff compared Benicia's fees with other Solano County cities; and

WHEREAS, staff proposes to make Benicia's fees comparable with other cities as well as recover the cost of service; and

WHEREAS staff recommends transferring the fee amounts from the Benicia Municipal Code to the Master Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves and adopts additions and amendments to various water and sewer fees to the Master Fee Schedule effective January 17, 2013 as provided in the attached Exhibit A.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 4th day of December, 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Exhibit A
Water and Sewer Fees for the Master Fee Schedule

ADDITIONS TO MASTER FEE SCHEDULE

<u>BMC Section</u>		<u>Description</u>	<u>Current Fee</u>	<u>Proposed Fee for Master Fee</u> <u>Schedule</u>	<u>Justification</u>
Sewer					
13.56	13.56.030	Returned check fee	\$20	\$30	Return Check Fee - Trust is \$30 in Master Fee Schedule
	13.56.050	Delinquent Charge	10%	10%	10% is standard among surrounding agencies
	13.56.070	Turn off service fee for delinquent payment	\$20	\$75	Finance \$50 (1/2 hr) + FUSA \$25.39 (1/2 hr @ \$50.77/hr) = \$75.39
Water					
13.16	13.16.040	Returned check fee	\$20	\$30	Return Check Fee - Trust is \$30 in Master Fee Schedule
	13.16.060	Delinquent Charge	10%	10%	10% is pretty standard among surrounding agencies
	13.16.080	Turn off service fee for delinquent payment	\$20	\$75	Finance \$50 (1/2 hr) + FUSA \$25.39 (1/2 hr @ \$50.77/hr) = \$75.39
	13.16.090	Tampering Fee	N/A	\$50	Average of Fairfield, Suisun and Vallejo's charges for unauthorized use.
	13.16.090	Labor cost (in addition to Tampering Fee) (Note: Material Cost in addition to Labor Cost includes Meters - see below.)	\$25	\$72 per hour	Accounting Technician \$20 + PW Maint staff \$52 per hour. Assume 2/3 FUSA and 1/3 FUSJ. (FUSA is \$50.77/hr, so 2/3 is \$34.02. FUSJ is \$54.52/hr, so 1/3 is \$17.99.)
	13.16.110	Inspections	\$0	\$52 per hour	Assume 2/3 FUSA and 1/3 FUSJ. (FUSA is \$50.77/hr, so 2/3 is \$34.02. FUSJ is \$54.52/hr, so 1/3 is \$17.99.)
Water					
13.08	13.08.050	Renters deposit	\$20	\$100	Vallejo is \$125, Martinez is \$50. Average bi-monthly bill is \$150 (water \$67 and sewer \$83.)

AMENDMENTS TO MASTER FEE SCHEDULE

<u>Residential Development Impact Fees</u>		<u>Description</u>	<u>Current Fee</u>	<u>Proposed Fee for Master Fee</u> <u>Schedule</u>	<u>Justification</u>
13.52.040	Sewer Capacity Fee	Per Dwelling Unit (EDU)	\$7,500	\$7,620	1.6% increase per construction cost index 12 month percent change (Nov)
		Accessory Dwelling	\$3,750	\$3,810	1.6% increase per construction cost index 12 month percent change (Nov)
13.12.050	Water Capacity Fee	Per Dwelling Unit	\$7,635	\$7,757	1.6% increase per construction cost index 12 month percent change (Nov)
		Accessory Dwelling	\$3,818	\$3,879	1.6% increase per construction cost index 12 month percent change (Nov)
		Multiple Family Dwelling per unit	\$7,635	\$7,757	1.6% increase per construction cost index 12 month percent change (Nov)
		Mobile Home per space	\$7,635	\$7,757	1.6% increase per construction cost index 12 month percent change (Nov)
	Additional Meters (irrigation, etc.)	5/8 or 3/4" Meter	\$4,521	\$4,593	1.6% increase per construction cost index 12 month percent change (Nov)
		1" Meter	\$8,047	\$8,176	1.6% increase per construction cost index 12 month percent change (Nov)
		1 1/2" Meter	\$18,084	\$18,373	1.6% increase per construction cost index 12 month percent change (Nov)
		2" Meter	\$32,144	\$32,658	1.6% increase per construction cost index 12 month percent change (Nov)
		3" Meter	\$72,336	\$73,493	1.6% increase per construction cost index 12 month percent change (Nov)
		4" Meter	\$128,577	\$130,634	1.6% increase per construction cost index 12 month percent change (Nov)
		6" Meter or Larger	Subject to Negotiation	Subject to Negotiation	
13.12.070	Meter Installation Fee (i.e. cost of meter)	5/8 or 3/4" Meter	\$100	\$232	Meter cost is \$137.50, plus \$94 for Itron 100W Radio Endpt.
		1" Meter	\$165	\$274	Meter cost is \$180, plus \$94 for Itron 100W Radio Endpt.
		1 1/2" Meter	\$290	\$1,199	Meter cost is \$1,105, plus \$94 for Itron 100W Radio Endpt.
		2" Meter	\$500	\$1,369	Meter cost is \$1,275, plus \$94 for Itron 100W Radio Endpt.
		3" Meter or larger	Actual Cost	Actual Cost	

**Exhibit A- Page 2
Water and Sewer Fees for the Master Fee Schedule**

	<u>Description</u>	<u>Current Fee</u>	<u>Proposed Fee for Master Fee</u>		<u>Justification</u>
			<u>Schedule</u>		
Commercial/Industrial Development Impact Fees					
52 Sewer Capacity Fee (Based on Building Use)*	Office - per 1,000 Sq. Ft.	\$2,327	\$2,364		1.6% increase per construction cost index 12 month percent change (Nov)
	Warehouse - per 1,000 Sq. Ft.	\$183	\$186		1.6% increase per construction cost index 12 month percent change (Nov)
	Store, Dry Light Industrial - per 1,000 Sq. Ft.	\$1,475	\$1,499		1.6% increase per construction cost index 12 month percent change (Nov)
	Restaurant - per 1,000 Sq. Ft.	\$8,017	\$8,145		1.6% increase per construction cost index 12 month percent change (Nov)
	Bars, Night Clubs - per 1,000 Sq. Ft.	\$4,219	\$4,287		1.6% increase per construction cost index 12 month percent change (Nov)
	Church - per 1,000 Sq. Ft.	\$738	\$750		1.6% increase per construction cost index 12 month percent change (Nov)
	Private Schools - per 1,000 Sq. Ft.	\$2,327	\$2,364		1.6% increase per construction cost index 12 month percent change (Nov)
	Deli (No Cooking) - per 1,000 Sq. Ft.	\$3,246	\$3,298		1.6% increase per construction cost index 12 month percent change (Nov)
	Medical Clinics/Hospitals - per 1,000 Sq. Ft.	\$4,741	\$4,817		1.6% increase per construction cost index 12 month percent change (Nov)
	Markets with Garbage Disposal - per 1,000 Sq.	\$5,510	\$5,598		1.6% increase per construction cost index 12 month percent change (Nov)
	Auto Steam Cleaner - per 1,000 Sq. Ft.	\$2,786	\$2,831		1.6% increase per construction cost index 12 month percent change (Nov)
	Other uses not listed	Calculated	Calculated		
	<u>Minimum</u> sewer capacity fee per building	\$4,131	\$4,197		1.6% increase per construction cost index 12 month percent change (Nov)
13.12.050 Water Capacity Fee					
	3/4" or 5/8" Meter	\$4,521	\$4,593		1.6% increase per construction cost index 12 month percent change (Nov)
	1" Meter	\$8,047	\$8,176		1.6% increase per construction cost index 12 month percent change (Nov)
	1 1/2" Meter	\$18,084	\$18,373		1.6% increase per construction cost index 12 month percent change (Nov)
	2" Meter	\$32,144	\$32,658		1.6% increase per construction cost index 12 month percent change (Nov)
	3" Meter	\$72,336	\$73,493		1.6% increase per construction cost index 12 month percent change (Nov)
	4" Meter	\$128,577	\$130,634		1.6% increase per construction cost index 12 month percent change (Nov)
	6" Meter or Larger	Negotiated	Negotiated		
13.12.070 Meter Installation Fee (i.e. meter cost)					
	5/8 or 3/4" Meter	\$100	\$232		Meter cost is \$137.50, plus \$94 for Itron 100W Radio Endpt.
	1" Meter	\$165	\$274		Meter cost is \$180, plus \$94 for Itron 100W Radio Endpt.
	1 1/2" Meter	\$290	\$1,199		Meter cost is \$1,105, plus \$94 for Itron 100W Radio Endpt.
	2" Meter	\$500	\$1,369		Meter cost is \$1,275, plus \$94 for Itron 100W Radio Endpt.
	3" Meter or larger	Actual Cost	Actual Cost		

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 4, 2012
BUSINESS ITEMS

DATE : November 28, 2012
TO : City Council
FROM : City Attorney
SUBJECT : **HOOKAH LOUNGE MORATORIUM ORDINANCE**

RECOMMENDATION:

If desired, by a 4/5ths vote adopt a moratorium to prevent the issuance of any permits or licenses for hookah lounges.

EXECUTIVE SUMMARY:

The City has received an inquiring on opening a hookah lounge. The Benicia Municipal Code does not specifically regulate such lounges. Drafting an ordinance to regulate hookah lounges could be done in 2013 if desired. The moratorium will allow the necessary research to be completed.

BUDGET INFORMATION:

Unknown. Staff time would be required to research and draft an ordinance.

ENVIRONMENTAL REVIEW:

A moratorium ordinance would be categorically exempt from environmental review by California Environmental Quality Act Guidelines Section 15308, which excludes actions by regulatory agencies to protect the environment.

GENERAL PLAN:

Goal 2.1 states "Preserve Benicia as a small-sized city"; and

Goal 2.3 states "Ensure orderly and sensitive site planning and design for large undeveloped areas of the City, consistent with the land use designations and other policies in this General Plan"; and

Goal 2.5 states "Facilitate and encourage new uses and development which provides substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life"; and

POLICY 2.1.1: "Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small town qualities and historic heritage, (and to the extent possible, contributes to the applicable quality of life factors noted above.)"

POLICY 2.1.2: "Make efficient use of land in new development areas

consistent with the surrounding neighborhood.""; and

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

None.

BACKGROUND:

Hookah lounges are not uses defined in the Benicia Municipal Code. Staff in the past had planned to work on a hookah lounge but has not had time to complete the work. The City recently received an inquiry about permitting a hookah lounge. If regulation of hookah lounges is desired, it is appropriate to adopt a moratorium to allow staff to do the research necessary to draft appropriate regulations. Research will include reviewing best practices from other cities to address questions such as:

1. Can hookah lounges operate with food and beverage;
2. Does the smoking have to occur outdoors;
3. Should the use be a permitted use, prohibited use, conditional use and if conditional who should approve the use (Zoning Administrator, Planning Commission);
4. Should there be minimum distances separating them from sensitive uses like schools, day cares, parks, and public areas;
5. What sort of operational regulations should be required (i.e. hours, security etc.);
6. Should licensing and criminal background check for operators and employees be required; and
7. If licensing is required, should it be an annual license.

A hookah is a water pipe used for smoking tobacco and other products. According to media reports, the hookah comes from the Middle East, where it is often used at social gatherings. Hookah lounges have grown in popularity in America and several cities have adopted moratoriums to study the use. At a minimum, a hookah lounge may not be compatible with the City and state's anti-smoking regulations. In addition, while a hookah can be used for smoking tobacco, a legal drug, it is also associated with marijuana and illegal drugs according to brief internet research. Thus, it deserves study and possible regulation. A copy of a fact sheet from the California Department of Public Health is attached.

Government Code Section 65858 allows the city to adopt a zoning ordinance without following the usual procedures if it is necessary to protect the public safety, health, and welfare. An urgency ordinance is allowed to bypass the usual notice and planning commission procedures to prohibit any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the city is considering or intends to study. The proposed ordinance

prohibits the issuance of permits or licenses for hookah lounges for a period of 45 days. The proposed ordinance requires a 4/5 vote to enact. The 45-day period may later be extended in accordance with Government Code 65858. It is anticipated that an extension will be required to allow completion of the necessary work.

Attachments:

- Proposed Ordinance
- Hookah Lounge Fact Sheet from California Department of Public Health

**CITY OF BENICIA ORDINANCE NO. 12-
URGENCY INTERIM ORDINANCE**

**AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BENICIA APPROVING AN INTERIM ZONING MORATORIUM ON THE
ESTABLISHMENT OF HOOKAH LOUNGES IN THE CITY OF BENICIA AND
ADOPTING FINDINGS INCLUDING ENVIRONMENTAL FINDINGS AND FINDINGS
OF CONSISTENCY WITH THE GENERAL PLAN**

WHEREAS, the City Council finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth below; and

WHEREAS, Goal 2.1 of the General Plan states “Preserve Benicia as a small-sized city;” and

WHEREAS, Goal 2.3 of the General Plan states “Ensure orderly and sensitive site planning and design for large undeveloped areas of the City, consistent with the land use designations and other policies in this General Plan;” and

WHEREAS, Goal 2.5 of the General Plan states “Facilitate and encourage new uses and development which provides substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life;” and

WHEREAS, the General Plan also includes the following policies:

“POLICY 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia’s small town qualities and historic heritage, (and to the extent possible, contributes to the applicable quality of life factors noted above.)”

“POLICY 2.1.2: Make efficient use of land in new development areas consistent with the surrounding neighborhood;” and

WHEREAS, according to the California Department of Public Health “hookahs are glass or metal waterpipes that originated in India. They are shaped somewhat like a bottle and have long, flexible hoses with tips that people put into their mouths to inhale tobacco smoke. In most hookahs, hot charcoal is placed on top of tobacco in a bowl to heat it. The tobacco, or shisha, is typically flavored, and contains the same chemicals found in all tobacco, including nicotine;” and

WHEREAS, a hookah lounge is a facility that may be either a stand-alone operation where only hookah smoking occurs or it may be combined with a bar and/or restaurant; and

WHEREAS, the City Council finds that establishment of hookah lounges under the City's current zoning ordinance will conflict with these Goals and Policies of the General Plan; and

WHEREAS, the City Council finds and determines that the City has no regulations for hookah lounges; and

WHEREAS, this temporary zoning moratorium on hookah lounges will allow the status quo to be maintained while the regulations and permanent controls are debated and adopted; and

WHEREAS, hookahs may be used to smoke legal tobacco as well as marijuana and other illegal drugs; and

WHEREAS, the lack of regulations for hookah lounges may create conflicts with the General Plan, Zoning Ordinance and other city regulations; and

WHEREAS, the Community Development Department has reviewed this ordinance pursuant to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and found it categorically exempt from environmental review by California Environmental Quality Act Guidelines Section 15308, which excludes actions by regulatory agencies to protect the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN AS FOLLOWS:

Section 1.

Findings and Intent. The City Council incorporates the findings set forth above and further finds that issuing permits, business licenses and other applicable entitlements for the establishment of hookah lounges prior to the completion of the City's study of the potential impacts of such facilities, poses a current and immediate threat to the public health, safety and welfare and that a temporary moratorium is necessary on the issuance of such permits, business licenses and other applicable entitlements is necessary. Adopting a moratorium will allow the City staff to study hookah lounges; to consider and adopt appropriate recommendations and policies; and to maintain the status quo by suspending the issuance of permits, approvals, or other entitlements for use which would have as their result the establishment, development or construction of hookah lounges.

Section 2.

To the extent that any other ordinance or city regulation is inconsistent with this ordinance, this ordinance shall govern.

Section 3.

Interim Suspension of Permits, Approvals, or Other Entitlements for Use.

A. Notwithstanding any other ordinance, regulation, policy or rule of the City of Benicia, no use permit, building permit, site and design approval, or any other permit, license, including a business license, or applicable entitlement for use which has as its result the approval or allowance of medical marijuana dispensaries or hookah lounges or the establishment, development, or construction of such medical marijuana dispensaries or hookah lounges within the City shall be processed, issued, granted or approved by any employee, department or commission of the City.

B. This prohibition shall continue for a period of forty-five (45) days, commencing on the date of adoption of this Interim Ordinance, or until such time as this Interim Ordinance may otherwise expire pursuant to any extension that the City Council may adopt and approve pursuant to Government Code Section 65858.

Section 4.

The City, on a case-by-case basis, shall have the authority upon a showing of good cause by an applicant to waive the moratorium imposed by this ordinance. Good cause shall mean a factual and evidentiary showing by the applicant that the moratorium, if not waived will deprive the applicant of substantially all reasonable use of his or her property. Such applications for waiver shall be filed with the City's Community Development Director. The decision of the Community Development Director may be appealed to the City Council.

Within ten (10) calendar days of a decision by the Community Development Director, an appeal from said decision may be filed by the applicant, the permit holder, or any other interested party. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next day such offices are open for business shall be the last date for appeal. Such appeal shall be filed with the Community Development Department and shall state specifically wherein it is claimed there was an error or abuse of discretion by the Community Development Director or wherein the decision is not supported by the evidence in the record. Upon receipt of the appeal, the matter shall be set for hearing before the City Council. Notice shall be given in writing to the applicant, the applicant in those cases where the applicant is not the appellant, adverse party or parties, the attorney, spokespersons and other interested groups and neighborhood associations who have requested notification. The City Council shall vote on the appeal within 30 days after its hearing of the appeal.

Section 5.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 6.

Effective Date. This ordinance is an urgency ordinance for the immediate preservation of the public health and safety; therefore it shall be passed immediately upon its introduction and shall become effective immediately upon its introduction pursuant to Government Code Section 36937.

Section 7.

Expiration. This Interim Ordinance shall be of no further force or effect upon the expiration of forty-five (45) days from the date of adoption, unless extended in accordance with Government Code Section 65858.

Section 8.

Certification. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

On motion of Council Member _____, seconded by Council Member _____, the foregoing Ordinance was introduced and adopted at a meeting of the Council held on the 4th day of December 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

HOOKAH TOBACCO IS UNSAFE

What Are Hookahs?

- Hookahs are glass or metal waterpipes that originated in India. They are shaped somewhat like a bottle and have long, flexible hoses with tips that people put into their mouths to inhale tobacco smoke. In most hookahs, hot charcoal is placed on top of tobacco in a bowl to heat it.¹ The tobacco, or shisha, is typically flavored, and contains the same chemicals found in all tobacco, including nicotine.²
- In recent years, there has been tremendous growth in the number of hookah bars and lounges in California.^{3,4,5} Hookah smoking is **increasingly popular among underage youth and young adults**, exposing them to both tobacco use and secondhand smoke.⁶ Many of these young people do not think that hookah smoke is as harmful and addictive as cigarette smoke.⁷

Why Are Hookahs Harmful?

- Smoking hookah for 45-60 minutes can be equivalent to smoking 100 or more cigarettes.⁸
- Secondhand hookah smoke contains the same cancer-causing chemicals found in secondhand smoke from cigarettes.
- In addition, the charcoal used in the tobacco heating process produces the toxin carbon monoxide.⁹
- In 2005, the World Health Organization (WHO) issued an Advisory Note about hookah use, stating that people who smoke hookah pipes or who are exposed to secondhand hookah smoke are at risk for the same diseases that are caused by smoking cigarettes, including:
 - Cancer
 - Heart disease
 - Respiratory disease
 - Adverse effects during pregnancy
- The WHO Advisory Note also warned that sharing a waterpipe mouthpiece poses a serious risk of transmission of communicable diseases, including tuberculosis and hepatitis.¹⁰
- The proliferation of hookah bars and lounges in California is leading to a growing public acceptance of smoking. This threatens to setback twenty years of progress in reducing tobacco-related death and disease.



How Can Hookah Bars and Lounges Allow Indoor Smoking?

- While smoking inside restaurants and bars has been banned since 1998 in California, the Smoke-Free Workplace law (Labor Code Section 6404.5) includes twelve exemptions that allow smoking in certain indoor workplaces.
- Hookah bars and lounges typically claim they operate as tobacco shops and private smokers' lounges, which are among the businesses that can allow indoor smoking under exemptions in California's Smoke-Free Workplace law.
 - The California Smoke-free Workplace law defines a tobacco shop as a business establishment whose "main purpose" is to sell tobacco products. Unfortunately, the definition of "main purpose" is unclear.

- For example, some hookah bars and lounges have obtained licenses to sell alcohol, serve food and nonalcoholic beverages, and provide entertainment –operating more like a bar or restaurant where smoking inside is prohibited under state law. The assertion that the “main purpose” of these businesses is the sale of tobacco is questionable.
- Other hookah bars and lounges assert that the business is owner-operated and has no employees and is therefore exempt from the state labor law.
- It is unfair that hookah bars and lounges are trying to take advantage of ambiguities in the law to allow indoor smoking, while other similar businesses (bars and restaurants) are following the law.
- The ambiguity and contradictions in state law make enforcement by cities and counties throughout California difficult. Investigating claims that hookah bars and lounges are violating the state Smoke-Free Workplace law can be time-consuming and challenging because of these seemingly contradictory interpretations of business classifications and permitting and licensing requirements and standards.

All California workers deserve to be protected from secondhand smoke. All businesses should be on a level playing field, required to abide by the same rules when it comes to protecting California’s workers from secondhand smoke exposure. It’s time to close the loophole on hookah bars and lounges.

-
1. California’s Clean Air Project. *Hookah – In Your Community: Ideas for Action*. ETR Associates, 2005.
 2. Shihadeh, A. and Saleh, R. Polycyclic aromatic hydrocarbons, carbon monoxide, “tar”, and nicotine in the mainstream smoke aerosol of the narghile water pipe. *Food and Chemical Toxicology*, 2005, 43, 655–661.
 3. Asotra, K. and Kiser, D. Policies Needed to Regulate Hookah Smoking and Hookah Bars in California. *Burning Issues* 9(2): 4-5, 9, 2007. Available at: <http://www.trdrp.org/publications/newsletters/2007/407nwsltr.pdf>
 4. American Lung Association. *Tobacco Policy Trend Alert: An Emerging Deadly Trend: Waterpipe Tobacco Use*, 2007. Available at: http://www.lungusa2.org/embargo/slati/Trendalert_Waterpipes.pdf
 5. BACCHUS Network. *Reducing Hookah Use: A Public Health Challenge for the 21st Century*. 2007. Available at: <http://www.tobaccofreeu.org/pdf/HookahWhitePaper.pdf>
 6. Eissenberg T., Ward K.D., Smith-Simone S., Maziak, W. Waterpipe tobacco smoking on a U.S. college campus: prevalence and predictors. *Journal of Adolescent Health*, 42(5), 2008, 526-529. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2362063/pdf/nihms46743.pdf>
 7. Aljarrah, K., Ababneh, Z. Q. and Al-Delaimy, W.K. Perceptions of hookah smoking harmfulness: predictors and characteristics among current hookah users. *Tobacco Induced Diseases*, 2009, 5:16. Available at: <http://www.tobaccoinduceddiseases.com/content/5/1/16>
 8. World Health Organization Study Group on Tobacco Product Regulation (TobReg). *Advisory Note: Waterpipe Tobacco Smoking: Health Effects, Research Needs and Recommended Actions by Regulators*. 2005. Available at: http://www.who.int/tobacco/global_interaction/tobreg/Waterpipe%20recommendation_Final.pdf
 9. Shihadeh, A. and Saleh, R. Polycyclic aromatic hydrocarbons, carbon monoxide, “tar”, and nicotine in the mainstream smoke aerosol of the narghile water pipe. *Food and Chemical Toxicology*, 2005, 43, 655–661.
 10. World Health Organization Study Group on Tobacco Product Regulation (TobReg). *Advisory Note: Waterpipe Tobacco Smoking: Health Effects, Research Needs and Recommended Actions by Regulators*. 2005. Available at: http://www.who.int/tobacco/global_interaction/tobreg/Waterpipe%20recommendation_Final.pdf