

ORDINANCE NO. O-07-24

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
2 COLTON, CALIFORNIA ADOPTING RATE INCREASES TO CITY OF  
3 COLTON SEWER SERVICE FEES AND TAKING OTHER ACTIONS  
4 RELATED THERETO

4 WHEREAS, the City of Colton (the “City”) operates a municipal sewer system and sewer  
5 treatment plant, and treats and disposes of the wastewater from properties located within the City  
6 and certain unincorporated areas of the County; and

6 WHEREAS, the City undertook an evaluation of the capital infrastructure needs,  
7 programs, and operations and maintenance costs of its sewer system; and

8 WHEREAS, based on this evaluation, the City Council has determined to increase the  
9 rates for its sewer service charges effective September 1, 2024; and

9 WHEREAS, future rate increases, beginning each July 1 thereafter, through and  
10 including July 1, 2028, will be necessary for all of the City’s sewer customers to enable the City  
11 to recover projected costs of providing sewer services and to ensure that it can safely treat and  
12 dispose of sewage, maintain the operational and financial stability of the utility, and avoid  
13 operational deficits and depletion of reserves; and

13 WHEREAS, the rates for the sewer service fees are comprised of four customer classes —  
14 (1) residential (which includes single-family residences, mobile homes, and churches); (2) multi-  
15 family (which includes apartment units and condominiums); (3) schools; and (4) commercial and  
16 industrial; and

16 WHEREAS, the rates for the monthly sewer service fees for residential and multi-family  
17 properties are determined on an equivalent dwelling unit (EDU) basis; and

17 WHEREAS, the rates for schools are determined on the basis of the estimated sewer flow  
18 generated at an identified school in terms of the number of students attending (in hundreds); and

19 WHEREAS, the rates for commercial and industrial customers are determined on the  
20 basis of the estimated sewer flow a property contributes to the sewer system (using monthly  
21 metered water use data) and the loads that a customer’s sewage discharges put on the system  
22 (based on biochemical oxygen demand and total suspended solids); and

22 WHEREAS, the rates are calculated to proportionately allocate capital replacement,  
23 operations, maintenance, treatment, and disposal costs to each customer class; and

23 WHEREAS, in accordance with the provisions of Article XIII D, section 6 of the  
24 California Constitution, the City mailed out notices of the proposed sewer rate increases and such  
25 notices were provided to all property owners and tenants directly liable for sewer service fees  
26 within the City not less than 45 days prior to the public hearing on the proposed establishment of  
27 rates and fees as set forth herein; and

27 WHEREAS, the City Council conducted a public hearing on June 18, 2024, in order to  
28 receive oral and written testimony regarding this Ordinance and the proposed rate increases. Said  
public hearing date and time was not less than 45 days after the mailing of the notice; and

1       **WHEREAS**, at the conclusion of the public hearing, written protests against the proposed  
 2 rate increases were not presented by a majority of the record owners of parcels upon which the  
 3 sewer service fees are imposed and tenants directly responsible for the payment of sewer service  
 4 fees; and

5       **WHEREAS**, it is deemed to be in the best interests of the City to adopt the rate increases  
 6 due to the fiscal impacts referenced above.

7       **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON,  
 8 CALIFORNIA DOES ORDAIN AS FOLLOWS:**

9       **Section 1.** All of the foregoing Recitals are true and correct and the City Council so  
 10 finds and determines. The Recitals set forth above are incorporated herein, are made findings and  
 11 determinations of the City Council, and are made an operative part of this Ordinance.

12       **Section 2.** The City Council hereby finds and determines that written protests against  
 13 the proposed rate increases were not presented by a majority of the record owners of parcels upon  
 14 which sewer service fees are imposed and tenants directly responsible for the payment of sewer  
 15 service fees. The City Council therefore finds and determines that a majority protest does not  
 16 exist and it is authorized to impose the rate increases as set forth herein.

17       **Section 3.** The City Council has evaluated and hereby approves the rates for sewer  
 18 service fees in the amounts and on the effective dates set forth in the tables below.

<b>RESIDENTIAL AND MULTI-FAMILY CUSTOMERS MONTHLY SEWER RATES (\$/EDU)</b>					
<b>Customer Class</b>	<b>Rates and Effective Dates</b>				
	<b>7/1/24</b>	<b>7/1/25</b>	<b>7/1/26</b>	<b>7/1/27</b>	<b>7/1/28</b>
<b>Residential<sup>1</sup></b>	\$45.38	\$54.46	\$59.90	\$64.70	\$69.87
<b>Multi-Family<sup>2</sup></b>	\$38.98	\$46.78	\$51.45	\$55.57	\$60.02

19 1. Includes single-family residences, homes/mobile homes, and churches.

20 2. Includes apartment units and condominiums.

<b>SCHOOLS MONTHLY SEWER RATES (\$/100 Students)</b>					
<b>Customer Class</b>	<b>Rates and Effective Dates</b>				
	<b>7/1/24</b>	<b>7/1/25</b>	<b>7/1/26</b>	<b>7/1/27</b>	<b>7/1/28</b>
<b>Schools</b>	\$101.40	\$121.68	\$133.84	\$144.55	\$156.12

<b>COMMERCIAL/INDUSTRIAL CUSTOMERS MONTHLY SEWER RATES (\$/HCF)<sup>1</sup></b>					
<b>Customer Class</b>	<b>Rates and Effective Dates</b>				
	<b>7/1/24</b>	<b>7/1/25</b>	<b>7/1/26</b>	<b>7/1/27</b>	<b>7/1/28</b>
<b>Commercial/Industrial</b>					
Low Strength	\$2.36	\$2.83	\$3.11	\$3.36	\$3.63
Medium Strength	\$2.79	\$3.34	\$3.68	\$3.97	\$4.29
High Strength	\$6.09	\$7.30	\$8.04	\$8.68	\$9.37
Municipal	Moved to Commercial (Med)				

SIGNIFICANT COMMERCIAL/INDUSTRIAL CUSTOMERS MONTHLY SEWER RATES (\$/HCF) <sup>1</sup>						
Customer Class	Rates and Effective Dates					
Special Commercial	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28	
Emerald	Moved to Commercial (Med)					
<b>Special Med Consumption</b>						
A-Z Bus Sales	Moved to Commercial (Low)					
Inland Logistics, LLC	Moved to Commercial (Low)					
Nichols Egg Ranch	Moved to Commercial (Low)					
Rancho Coin Laundry	Moved to Commercial (Low)					
Wood Springs Hotel	Moved to Commercial (Low)					
<b>Special High Consumption</b>						
Rise Baking	Moved to Commercial (High)					
Arrowhead Regional Med	Moved to Commercial (Med)					
C.R. England, Inc	Moved to Commercial (High)					

1. HCF means one hundred cubic feet.

**Section 4.** The City Council finds that the revenues derived from the sewer service charges established by this Ordinance: (1) do not exceed the funds required to provide sewer service; (2) shall not be used for any other purpose than that for which the rates and charges are imposed; (3) do not exceed the proportional cost of the service attributable to each customer; (4) provide services which are immediately available to the customer; and (5) are not levied for general governmental purposes.

**Section 5.** The City Council further finds and determines that the administration, operation, maintenance and improvements of the City sewer system, which are to be funded by the increased sewer service rates set forth herein, are necessary to maintain service within the City's existing service area and are not in excess of the reasonable costs of providing the sewer services.

**Section 6.** The City Manager is authorized and directed to take all actions necessary to implement the authorized rates as set forth herein.

**Section 7.** In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, City staff has determined that the increases in sewer service charges are not a project subject to CEQA pursuant to Section 15378(b)(4) because the charges constitute the creation of a funding mechanism or other governmental fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. In addition, even if the action is considered a "project" subject to CEQA, it is exempt under Section 15273 of the CEQA Guidelines and Public Resources Code section 21080(b)(8) because the increased charges are for the purpose of meeting operational and maintenance expenses of the aforementioned services. The documents and materials that constitute the record of proceedings on which these findings have been based are located at 650 N La Cadena Drive, Colton, CA 92324. The custodian for these records is the City Clerk.

**Section 8.** All ordinances, resolutions, or administrative actions by the City Council, or parts thereof, that are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency.



1     **STATE OF CALIFORNIA**                     )  
2     **COUNTY OF SAN BERNARDINO**         ) ss.  
3     **CITY OF COLTON**                     )

4   **CERTIFICATION**

5  
6             I, **STEPHANIE M. VARGAS**, Deputy City Clerk for the City of Colton, California,  
7     do hereby certify that the foregoing is a full, true and correct copy of **ORDINANCE NO. O-**  
8     **07-24**, duly adopted by the City Council of said City, and approved by the Mayor of said City,  
9     at its Regular Meeting of said City Council held on the **16<sup>th</sup> day of July 2024**, and that it was  
10    adopted by the following vote, to wit:

11            **AYES:**            **COUNCILMEMBER**            Toro, González, Echevarria, Mayor Navarro  
12            **NOES:**            **COUNCILMEMBER**            Chastain  
13            **ABSTAIN:**       **COUNCILMEMBER**            None  
14            **ABSENT:**       **COUNCILMEMBER**            None

15  
16            **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal  
17    of the City of Colton, California, this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

18  
19  
20            \_\_\_\_\_  
21    STEPHANIE M. VARGAS  
22    Deputy City Clerk  
23    City of Colton

24  
25  
26  
27  
28    (SEAL)