B

ORDINANCE NO. 7,276–N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 17.04 SEWER SERVICE CHARGES TO INCLUDE CERTAIN NON-CONSTRUCTION COSTS OF THE PRIVATE SEWER LATERAL PROGRAM

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 17.04.030 is amended to read as follows:

17.04.030 Sanitary sewer operation, maintenance and replacement fund.

A. General. All costs of operation, maintenance, rehabilitation and improvement of the City's sanitary sewers shall be paid by the users of the City's sanitary sewers. General funds shall not be used for this purpose. Revenues collected from the users of the City's sanitary sewers shall be reserved for this single purpose and shall not be expended for any other purpose. Interest earned on the Sanitary Sewer Operation, Maintenance and Replacement Fund and all its accounts shall remain in the fund and its accounts.

B. Fund and accounts established. All revenues collected from the charges as herein set forth shall be placed in the Sanitary Sewer Operation, Maintenance and Replacement Fund and the fund shall have two accounts which are hereby established as follows:

Operation and Maintenance Account; Sewer Rehabilitation, Replacement and Relief Sewer Account. All revenues collected shall be allocated among the two accounts in accordance with the percentage of the budgeted amounts contained in the official approved budget for the fiscal year in which the revenue is collected. The amounts so deposited in each account shall be reserved for expenditures appropriate to that account, as described in the paragraphs which follow, except that loans may be made against one or more accounts to supplement funds deposited in another account to meet the needs of a particular project approved by the City Council.

1. Operation and Maintenance Account. All expenditures budgeted and required for the normal, routine operation and maintenance and incidental repair and improvement of the sanitary sewers shall be from this account. The following line budget items shall be included, as a minimum, in each annual budget for this account:

a. Personnel services.

b. Supplies and services.

c. Marina maintenance and utilities (pump stations).

d. Sewer system studies and minor rehabilitation.

e. Sewer maintenance equipment. All maintenance equipment expenditures shall be paid from this fund. Example expenditures include purchase of maintenance equipment, purchase of manhole castings, covers, and other materials required for sewer system maintenance and contracts for the design and construction of the same.

f. All activities required to fulfill the requirements of the Stipulated Order in USDC Case No. C-09-05684 RS, filed September 6, 2011, and any succeeding consent decree, including, but not limited to:

1) Private Sewer Lateral Program (excluding any improvements on private property);
2) Smoke Testing (Inflow) Program; and
3) Fat, Oil and Grease (FOG) Program.

2. Sewer Rehabilitation, Replacement and Relief Sewer Account. All expenditures for the design and rehabilitation, repair, sealing or construction of improvements to sanitary sewers requiring replacement or rehabilitation because of structural failure, excessive infiltration/inflow, or other defects, shall be paid from this account. All expenditures for the design and construction of relief or enlarged sewers required to convey peak flows from infiltration/inflow shall be paid from this account.

Section 2. Posting
Copies of this Bill shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King, Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on December 11, 2012, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Worthington and Wozniak.

Noes: None.

Absent: Wengraf and Bates.