

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

ORDINANCE NO. 2016-____

AN ORDINANCE ESTABLISHING SANTA FE COUNTY UTILITY WATER SERVICE RATES AND CHARGES AND REPEALING ALL PRIOR WATER SERVICE RATES AND CHARGES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY:

1. **SHORT TITLE.** This Ordinance shall be cited as the “Water Utility Service Rates and Charges Ordinance” and is referred to herein as “the Ordinance” or “this Ordinance.”

2. **AUTHORITY.** This Ordinance is enacted pursuant to NMSA 1978, § 4-37-1 (1975), and § 4-36-10.

3. **DEFINITIONS.**

The definitions set out in the Sustainable Land Development Code (“SLDC”), County Ordinance No. 2015-11, and in County Resolution No. 2012-88, as the same may be amended from time to time. In addition:

“County Water Utility” or “CWU” means the water system owned and operated by Santa Fe County.

“Director” means the CWU Director.

“Water Budget” means the total water requirement of a development, or phase of development, that will be provided by the CWU plus twenty percent (20%).

“Water Service Connection” means the physical connection of a property to the CWU water system.

4. **FINDINGS.**

A. County water utility service rates and charges must be just and reasonable and cover the cost of service.

B. The existing CWU service rates and charges are not adequate because they do not cover the County’s cost in providing water service.

C. The service rates and charges established under this Ordinance will enable the County to better cover the cost of service to CWU customers.

D. The rates and charges adopted under this Ordinance are equitable across customer classes and water system users.

E. The service rates and charges adopted under this Ordinance are designed to encourage water conservation

5. GENERAL PROVISIONS

A. **Rate Applicability.** The water utility service rates and charges adopted by this Ordinance shall apply to all CWU customers and those required to connect to the CWU under the SLDC.

B. **Terms of Payment.** All bills are net and payable within twenty (20) days from the date of bill. If payment for any service rendered is not made within thirty (30) days from the date the bill is rendered, the Utility shall apply an additional late charge of 1 ½ percent per month to the total balance in arrears, excluding gross receipts tax. Partial payment of amount due by Customer is applied first to the oldest bill, including any other fees or charges assessed, if any, before any amount is applied to current bill. Any checks that are denied payment due to insufficient funds will be charged the penalty as assessed by the County bank and the County Treasurer.

6. WATER SERVICE RATE SCHEDULE – SINGLE-FAMILY RESIDENTIAL

A. Residential service shall apply where single water meters serving only one residential dwelling unit for domestic water use or a single water meter which serves more than one dwelling unit for normal domestic water provided that the use is limited to the residents and their guests and are not open to the general public or to memberships for persons not residing there. The meter may also serve uses commonly associated with residential dwelling units, such as home occupation, as permitted by the County, spas, and landscaping.

B. Where a dwelling unit is used for both residential and non-residential purposes not associated with home occupations, the water service will be billed under the applicable non-residential rate schedule. When separate piping is installed to meter water service to each class of service, billing will be rendered in accordance with the applicable rate schedule.

C. Monthly Rates: The water service bill shall be based on the total of the applicable service charges set out in Tables 1 and 2:

Table 1: Monthly Service Charge per Meter Size

Meter Size	Monthly Service Fee	Effective Date
5/8-inch or ¾-inch	\$17.00	January 1, 2017
	\$18.42	January 1, 2018
1-inch	\$19.70	January 1, 2017
	\$21.42	January 1, 2018

Table 2: Commodity Rate (per thousand gallons)

Tier Range (gallons)	Price per 1,000 gallon	Effective Date
Tier 1: 0-4000g	\$ 6.12	January 1, 2017
Tier 2: 4,001-10,000g	\$ 8.75	January 1, 2017
	\$ 9.00	January 1, 2018
Tier 3: >10,000 g	\$18.00	January 1, 2017
	\$21.72	January 1, 2018

7. WATER SERVICE RATE SCHEDULE – MULTI-FAMILY RESIDENTIAL

A. Multi-Family Residential service shall apply to single water meters for domestic use serving more than one dwelling unit. The meter may also serve uses commonly associated with multiple dwelling units such as home occupations, spas, landscaping, and common rooms, etc., provided that their use is limited to the residents and their guests and are not open to the general public or to memberships for persons not residing at the unit.

B. Monthly Rates: The water service bill shall be based on the total of the applicable service charges set out in Tables 3 and 4:

Table 3: Monthly Service Charges

Monthly Service Fee (per dwelling unit)	Effective Date
\$17.00	January 1, 2017
\$18.42	January 1, 2018

Table 4: Commodity Rates (per thousand gallons)

Tier Range (gallons multiplied by number of dwelling units)	Price per 1,000 gallon	Effective Date
Tier 1: 0-4000g	\$ 6.12	January 1, 2017
Tier 2: 4,001-10,000g	\$ 8.75	January 1, 2017
	\$ 9.00	January 1, 2018
Tier 3: >10,000 g	\$18.00	January 1, 2017
	\$21.72	January 1, 2018

8. WATER SERVICE RATE SCHEDULE – NON-RESIDENTIAL

A. Non-residential water rates shall apply to water meters two inches or less serving uses not classified by the CWU as single-family residential or multi-family residential service. Where a dwelling unit is used for both residential and non-residential purposes not associated with a home occupation, the water service will be billed under the applicable non-residential rate schedule. When separate piping is installed to separately meter water service to each class of service, billing will be rendered in accordance with the applicable rate schedule.

B. Monthly Rates: The basic water service bill exclusive of any additional charges, fees, or penalties shall be based on the total of the applicable charges set out in Tables 5 and 6:

Table 5: Monthly Service Charges per Meter Size

Meter Size	Monthly Service Fee	Effective Date
5/8-inch	\$ 29.17	January 1, 2017
	\$ 32.81	January 1, 2018
¾-inch	\$ 45.34	January 1, 2017
	\$ 47.08	January 1, 2018
1-inch	\$ 72.20	January 1, 2017
	\$ 74.97	January 1, 2018
1½-inch	\$139.35	January 1, 2017
	\$144.71	January 1, 2018
2-inch	\$219.92	January 1, 2017
	\$228.38	January 1, 2018

Table 6: Commodity Rates (per thousand gallons)

Tier Range (gallons)	Price per 1,000 gallon	Effective Date
Tier 1: 0-5000 g	\$ 6.07	January 1, 2017
	\$ 6.23	July 1, 2017
	\$ 6.38	January 1, 2018
Tier 2: 5,001-10,000 g	\$ 8.38	January 1, 2017
	\$ 8.60	July 1, 2017
	\$ 8.81	January 1, 2018
Tier 3: 10,000-15,000 g	\$12.99	January 1, 2017
	\$13.33	July 1, 2017
	\$13.66	January 1, 2018
Tier 4: >15,000 g	\$17.53	January 1, 2017
	\$17.99	July 1, 2017
	\$18.44	January 1, 2018

9. WATER SERVICE RATE SCHEDULE – HIGH VOLUME

A. High-volume water rates shall apply where water meter(s) serves a use not classified as single family residential or multi-family residential service as set forth above and are served by a meter greater than 2 inches. High Volume use includes those uses classified as Wholesale 1, Wholesale 2, and Mutual Domestic under the former utility rate schedule adopted under Resolution No. 2012-88 and Rate Schedule 5 (Wholesale Water Sales) under Resolution No. 2011-79. Non-residential water service shall also apply where the water meter(s) serves a combination of residential and commercial services. If a compound meter is installed, the meter charge will be based on the meter line size.

B. Monthly Rates: The basic water service bill exclusive of any additional charges, fees, or penalties shall be based on the total of the applicable charges set out in Tables 7 and 8:

Table 7: Monthly Service Charges per Meter Size

Meter Size	Monthly Service Fee	Effective Date
3-inch	\$ 440.39	January 1, 2017
4-inch	\$ 523.21	January 1, 2017
6-inch	\$ 1,041.17	January 1, 2017
8-inch	\$1,662.75	January 1, 2017
10-inch	\$2,309.04	January 1, 2017

Table 8: Commodity Rate (per thousand gallons; no tiers)

Tier Range (gallons)	Price per 1,000 gallon	Effective Date
All	\$ 6.07	January 1, 2017
	\$ 6.23	July 1, 2017
	\$ 6.38	January 1, 2018

10. WATER SERVICE RATE SCHEDULE – RAW/NON-POTABLE

A. Raw/non-Potable water rates shall apply where water non-potable water service is provided.

B. Monthly Rates: The basic water service bill exclusive of any additional charges, fees, or penalties shall be based on the total of the applicable charges in set out in Table 5 or 7, whichever applies, and Table 9:

Table 9: Commodity Rate (per thousand gallons; no tiers)

Tier Range (gallons)	Price per 1,000 gallon	Effective Date
All	\$ 4.23	January 1, 2017
	\$ 4.47	July 1, 2017
	\$ 4.71	January 1, 2018

11. WATER SERVICE RATE SCHEDULE – AUTOMATED SELF-SERVE WATER-DISPENSING FACILITY (OJO DE AGUA)

A. Water is available at the County's automated, self-serve, water-dispensing facility (Ojo de Agua) at the rates identified in Table 10. Payment is due in advance and payable at the CWU customer service. Self-serve residential water sales are limited to 5,000 gallons per month per customer. Each non-residential customer shall be limited to 325,851 gallons (1.0 acre-foot) per year. The water dispensing facility is available only for domestic water use to residents of Santa Fe County that are not on a domestic well or a community water system. Exceptions to the limitations above may be granted by the Director upon adequate demonstration of need.

B. Rates: The charges for self-serve water shall be as provided in Table 10:

Table 10: Commodity Rate (per gallons; no tiers)

Customer Class	Price per gallon	Effective Date
Residential	\$ 0.01	January 1, 2017
Commercial	\$ 0.02	January 1, 2017

12. WATER SERVICE RATE SCHEDULE – PRIVATE FIRE HYDRANT AND FIRE SERVICE LINE

A. This rate applies to owners of private fire hydrants used for only fire protection and individual customers who have a fire service line.

B. In order to assure proper operation of fire hydrants, no water shall be drawn through any fire hydrant for any other purpose than fire protection, except as provided by special permit from the CWU.

C. Rates: For each private fire hydrant or fire service line, billing shall occur annual and consist of a \$200.00 fee plus the applicable accrued monthly charges set in Table 11:

Table 11: Rate Schedule for Fire Service Line

Service Line Size	Monthly Fee
3-inch	\$ 21.19
4-inch	\$ 34.68
6-inch	\$ 68.39
8-inch	\$108.84
10-inch	\$159.89

13. WATER SERVICE CHARGES

A. Account Set-up: A charge of \$25.00 will be assessed on applications for water service account set-up due to a new service connection or a change in customer using an existing connection following the close-out of a former account. The account set-up charge will be added to the new customer’s first bill. In addition to completing an application form, the applicant must submit proof of property ownership and a copy of applicant’s driver’s license. Applications may be submitted to the County Water Utility in person, via mail or via email. If the water service applicant is not the owner of a property, the tenant shall provide a copy of the rental agreement and the owner of a property shall co-sign the new service account agreement and agree to be responsible for any unpaid balances. Property owner may elect to receive a copy of the monthly bill to stay informed of tenant’s account status.

B. Customer Deposit: A deposit of \$100 will be charged to all new accounts and will be added to the first customer bill. Following 12 timely-submitted monthly payments, the deposit will be credited to the customer’s account. This deposit may be waived if the new account applicant has a proven history of timely payment with CWU or provides proof of timely payment history from another water utility.

C. Reconnection: Whenever service is discontinued for payment delinquency, a reconnection fee of \$90.00 plus tax shall be charged to the customer. Once payment is received service will be reconnected during normal business hours.

D. Water Shut-off; Meter Lock: A charge of \$30 per site visit will be assessed to customers requesting a water shut-off, seasonal meter lock, or water service resumption. Monthly service charges will still apply to all services with locked meters.

E. Customer-Side Leak Adjustment: Upon a customer's request and submitted proof of a customer-side leak repair, the CWU may adjust one monthly bill cycle to charge only the Tier 1 rate for all metered water. The CWU shall make an adjustment under this provision no more than one time per customer.

F. Meter Test: Upon request by the customer, the County shall have the customer's meter tested. The customer shall be responsible for the testing costs. The test costs will be absorbed by CWU if the meter is found to register more than 2 percent over the customer's previously registered use.

G. Water Service: Customers requesting new water service will be assessed a one-time charge based on the size of the meter. The charge for each meter service size shall be determined by multiplying the 5/8-inch meter service charge by the applicable meter equivalency units (MEU). Water service charge is due when notice is provided to the customer prior to the installation of the service line.

Meter Service Size	MEU	Water Service Charge
5/8-inch	1	\$ 400
3/4-inch	1.5	\$ 600
1-inch	2.5	\$ 1,000
1½-inch	5	\$ 2,000
2-inch	8	\$ 3,200
3-inch	15.6	\$ 6,240
4-inch	25	\$ 10,000
6-inch	50	\$ 20,000
8-inch	80	\$ 32,000

H. Meter Can Inspection: The charge for inspecting a meter can to assure its installation to CWU standards is \$30 per inspection.

I. Meter Installation: This charge applies to customers requesting a new meter installation and new water service connection and covers the cost of the meter and time and materials for installation. Water Service Connection Charge is due when notice is provided to the customer prior to the installation of the service line. Legal lots of record for which meters without registers were previously provided to the CWU will be charged for registers.

Meter Size	Installation Charge
5/8 or 3/4 -inch	\$ 400
1-inch	\$ 450
1 ½-inch	\$ 500

The cost for the installation of any meter larger than 1½-inch will be the actual price of the meter, plus material and labor costs. For expediency, a customer may purchase the meter designated by CWU and pay CWU customary rates to install it.

J. Water Rights; Fee in Lieu:

(1) As a condition of service to developments having a total Water Budget of 1 acre-foot of water per year or more for all phases combined, the CWU shall require the developer to transfer to the County Middle Rio Grande, pre-1907, surface water rights, valid contract rights, or other valid water rights acceptable to the CWU. The water rights or contract rights to water must be acceptable to the CWU and include a minimum consumptive use amount sufficient to meet the total Water Budget. The owner of the development shall bear the entire cost of demonstrating the validity, amount, priority, and other elements of any water rights to be transferred, transferring the water rights to the Buckman Direct Diversion or other points of diversion specified by the CWU, warranting title to the water rights, and transferring legal title to the County and recording the conveyance deed and change of ownership with the County clerk and New Mexico Office of the State Engineer.

(2) As a condition of service to developments having a total Water Budget of less than 1 acre-foot per year for all phases combined, the CWU shall require the developer to pay a fee in lieu of providing water rights or contract rights to the County, unless the developer chooses to provide water rights in accordance with Section 13(J)(1) above. Until the Board establishes a new fee by resolution, the fee in lieu shall be \$16,000 per acre-foot, prorated based on the Water Budget. The purpose of the fee in lieu is to enable the County to purchase water rights to cover the Water Budget. For the fee in lieu, a connection to single residential dwelling unit, CWU will presume a minimum use of 0.25 acre-foot per year unless otherwise approved in accordance with the SLDC.

(3) For phased developments, the developer shall transfer water rights or pay the fee in lieu, as applicable, on a phase-by-phase basis.

K. Document Preparation: For subdivisions and other developments requiring a negotiated water delivery agreement, utility extension agreement, or other agreement between the County and the customer, the customer shall pay a document preparation charge of \$500 payable upon approval of the agreement.

L. Water Infrastructure Improvement Project Review: A review fee of ½ percent of the Engineer's cost estimate of customer-requested line extensions shall be charged for review of the project design documents. Payment shall be due prior to final CWU approval of the design documents.

M. Inspection Fee: For any water infrastructure build for the CWU, the CWU shall charge an inspection fee of 1.5% to cover the cost of inspecting construction in order to assure that the infrastructure meets CWU specifications. The payment shall be due upon initiation of construction.

N. Stand-by: Persons who own a legal lot of record for which no water service connection with the CWU has been established and which fronts a CWU distribution line that is currently tapped or can be tapped for a future water service connection shall pay a stand-by charge of \$3.55 per month. The CWU shall bill the lot owner of record for the standby charge annually or, to the extent not billed annually or timely paid, at the time lot owner requests water service. No lot owner shall be liable for more than a total of 36 months of accrued standby charges and no current owner shall be liable for a prior owner's outstanding standby charges.

O. Master Meter Surcharge: Where fewer than fifty CWU customers are served by a City of Santa Fe master meter, the CWU may add a master meter surcharge to each customer's monthly bill served by such a master meter. The charge shall equal the monthly charge of the master meter divided by the number of customers it serves.

P. System Acquisition Surcharge: If approved by resolution of the Board, the CWU may add a monthly system acquisition surcharge to the bills of customers served by a water system acquired by the County but originally constructed by a non-County utility. In deciding whether to impose the surcharge and the amount of the surcharge, the Board shall consider whether the system is isolated from the rest of the CWU system, whether the system is a significant distance from CWU operations, and whether it imposes significant additional costs on the County that should not be borne by the rest of the CWU customer base.

Q. Settlement Agreement Surcharge. The CWU may add a surcharge to the bills of customers where a County settlement resulted in significant additional costs to the CWU that should not be borne by the rest of the CWU customer base.

R. Taxes. Billings under this Ordinance may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the County and levied or assessed by any government authority on the public utility service rendered, or on the right or privilege of rendering the service, or any object or event incidental to the rendition of the service.

14. PROGRAMMED ANNUAL RATE AND FEE ADJUSTMENT

Beginning April 1, 2019, and each year thereafter, the rates and charges adopted through this ordinance shall be adjusted by the corresponding change in the Consumer Price Index (CPI) for Western Region for Urban Wage Earners and Clerical Workers. The CWU shall post each new rate and fee schedule on the Santa Fe County website.

15. REPEAL OF PRIOR RATES; EXISTING POLICIES AND PROCEDURES NOT INCONSISTENT WITH THIS ORDINANCE REMAIN IN EFFECT.

A. All water service rates formerly adopted by the County are hereby repealed, including those adopted under County Resolutions Nos. 2011-79, as amended, and 2012-88.

B. The policies and procedures adopted by the County under Resolutions Nos. 2006-57 and 2012-88, as the same may be amended from time to time, remain effective to the extent not inconsistent with this Ordinance. Resolution No. 2011-79, as amended, is hereby repealed.

16. SEVERABILITY. If a provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

17. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after it is recorded in the office of the County Clerk unless specified otherwise herein

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THIS ___ DAY OF _____, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Miguel M. Chavez, Chair

ATTEST:

_____ Date: _____
Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:

_____ Date: _____
Gregory S. Shaffer, Santa Fe County Attorney

FINANCE DEPARTMENT APPROVAL:

By: _____ Date: _____
Carole H. Jaramillo
Santa Fe County Finance Director