

ORDINANCE NO. 2384  
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AMENDING TITLE 13 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO WATER FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO

WHEREAS, authority is granted by the Charter to the governing body of the City of Brighton, Colorado, to assess fees and charges for services provided by the City; and

WHEREAS, City staff has completed an updated cost of service review and rate study analysis through consultation with Stantec, Inc.; and

WHEREAS, the analysis included a thorough review of current and future operational and capital expenditures required to operate City utilities in a conscientious and sustainable manner and address present and future capital needs, including but not limited to, the need for a new water treatment facility; and

WHEREAS, essential to the City's Enterprise and to maintain such enterprise status, the Utility must operate as a business and ensure rates and fees adequately fund the operational and capital costs necessary to maintain quality water for all the businesses and residents of the City; and

WHEREAS, in 2019 the City Council identified concerns regarding rates charged to customers and the growing reserves in the water fund, resulting in a decision by City Council to reduce rates in 2019 by 8% for all customer categories in order to utilize those reserves, effective in 2020 until the present date; and

WHEREAS, the City Council has been advised and studied the need for rate adjustments at Study Sessions on January 25, 2022 and April 26, 2022; and

WHEREAS, the City Council established a Brighton Customer Assistance Program through Ordinance # 2305 and # 2336 and desires to codify such program to assist local residents struggling with financial emergencies or needs; and

WHEREAS, City staff recommend and the City Council agrees that the rates, fees, and charges adopted herein are reasonable, necessary, supported by a rate study analysis, and shall become effective on the dates specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH THE WATER ACTIVITY ENTERPRISE, AS FOLLOWS:

The following amendments shall be effective July 1, 2022.

Section 1. Section 13-4-130(a), (b), (d), (e), (f) of the Brighton Municipal Code is hereby amended to read as follows:

All water rate charges for use of water in the City shall be assessed pursuant to a schedule of fees to be set by ordinance duly adopted by the City Council after review of such fee schedule as the City Council from time to time deems necessary. The following shall be the schedule of monthly water service rates for the use of water in the City on a metered rate basis.

- (a) Residential monthly fixed charge for water service. Effective for all bills dated after July 1, 2022, a monthly fixed charge shall be billed to all water accounts whether there is water usage or not. This charge shall be billed as follows:

Residential Monthly Water Service Fee	\$16.06
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- (b) Residential and Residential Irrigation Volume-Based Water Rates Monthly Charge per following monthly volume-based charge will be added to the monthly fixed charge. The following monthly volume-based water rates shall apply per one thousand (1,000) gallons used:

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|---|--------|
| (1) Zero (0) gallons up to and including three thousand (3,000) gallons                           | \$2.82 |
| (2) Three thousand and one (3,001) gallons up to and including twenty thousand (20,000) gallons   | \$5.16 |
| (3) Twenty thousand and one (20,001) gallons up to and including thirty thousand (30,000) gallons | \$5.56 |
| (4) Thirty thousand and one (30,001) gallons up to and including forty thousand (40,000) gallons  | \$6.02 |
| (5) Forty thousand and one (40,001) gallons and greater   | \$7.03 |

- (d) Multi-family Residential Volume-Based Water Rates. Effective with all utility bills dated after July 1, 2022, the following monthly volume-based charge will be added to the monthly fixed charge. The following monthly volume-based water rates shall apply per one thousand (1,000) gallons used:

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|---|--------|
| (6) All usage from zero (0) up to and including forty thousand (40,000) gallons | \$5.64 |
| (7) Usage over forty thousand (40,000) gallons                                  |        |
| a. Combined or Indoor Multi-family Use  | \$7.03 |
| b. Multi-Family Irrigation  | \$9.19 |

(e) Commercial, Irrigation, Municipal Potable, Non-Potable Irrigation, Industrial, Mixed Use, Bulk and Schools Monthly Fixed Charges. Effective for all utility bills dated after July 1, 2022, the following monthly fixed charge shall be billed to all water accounts whether there is water usage or not. These fees shall be applied based on tap size.

(1) Three-quarter inch (3/4")	\$16.06
(2) One inch (1")	\$26.74
(3) One-and-one-half inch (1 1/2")	\$53.20
(4) Two inch (2")	\$85.39
(5) Three inch (3")	\$160.61
(6) Four inch (4")	\$267.45
(7) Six inch (6")	\$531.67

(f) Commercial, Industrial, Mixed Use, Municipal Potable, Schools, Bulk (Hydrant Meter Use), and Non-Potable Irrigation Volume-Based Water Rates. Effective with all utility bills dated after July 1, 2022, the following monthly volume-based charge will be added to the monthly fixed charges. The following monthly volume-based water rates shall apply per one thousand (1,000) gallons used:

(1) Indoor Use	\$5.35
(2) Indoor and Outdoor Combined Use	\$6.78
(3) Irrigation Use	\$9.19
(4) Bulk Use - Hydrants	\$9.19
(5) Non-Potable Irrigation	\$3.22

Meters larger than six inches shall be determined on a case by case basis, after review by the Utilities Department.

Section 2. The following addition shall be effective July 1, 2022.

Section 13-4-250 shall be added to the Brighton Municipal Code as follows:

The Utility Customer Assistance Program is hereby created to accept contributions from existing customers by rounding up their utility bill payments, donations from any party to assist utility customers in financial need, and any amounts appropriated therefor by the City Council in the annual budget appropriation process. Such separately held funds shall be used to assist residents in need. The City Manager shall develop policies and eligibility criteria for receiving such assistance and for managing the program. The City Manager may enter into an agreement with a nonprofit organization for administration of the program.

Section 3. The following amendment shall be effective January 1, 2023.

Section 13-4-130 of the Brighton Municipal Code is hereby amended to add the following subsection (i):

(i) All water accounts shall have a Water Treatment Plant Fee assessed per month based on average usage in each customer category effective January 1, 2023.

(1) Residential Indoor and Outdoor Combined Use		
(a)	Three-quarter inch (3/4")	\$ 6.00
(b)	One inch (1")	\$ 9.00
(c)	One-and-one-half inch (1 1/2")	\$ 17.00
(d)	Two inch (2")	\$ 6.00
(e)	Three inch (3")	\$ 6.00
(2) Multi-Family Residential Indoor Only Use		
(a)	One inch (1")	\$ 6.00
(b)	One-and-one-half inch (1 1/2")	\$ 72.00
(c)	Two inch (2")	\$ 58.00
(3) Multi-Family Residential Indoor and Outdoor Combined Use		
(a)	Three-quarter inch (3/4")	\$ 14.00
(b)	One inch (1")	\$ 12.00
(c)	One-and-one-half inch (1 1/2")	\$ 30.00
(d)	Two inch (2")	\$ 57.00
(e)	Three inch (3")	\$ 155.00
(f)	Four inch (4")	\$1,108.00
(4) Multi-Family Residential Outdoor Use		
(a)	One inch (1")	\$ 27.00
(b)	One-and-one-half inch (1 1/2")	\$ 67.00
(c)	Two inch (2")	\$ 164.00
(5) Commercial, Industrial, Mixed Use, Municipal Potable, Schools Indoor Only Use		
(a)	Three-quarter inch (3/4")	\$ 8.00
(b)	One inch (1")	\$ 10.00
(c)	One-and-one-half inch (1 1/2")	\$ 34.00
(d)	Two inch (2")	\$ 89.00
(e)	Three inch (3")	\$ 91.00
(f)	Four inch (4")	\$ 277.00
(6) Commercial, Industrial, Mixed Use, Municipal Potable, Schools Indoor and Outdoor Combined Use		
(a)	Three-quarter inch (3/4")	\$ 9.00
(b)	One inch (1")	\$ 26.00
(c)	One-and-one-half inch (1 1/2")	\$ 48.00
(d)	Two inch (2")	\$ 77.00
(e)	Three inch (3")	\$ 55.00
(f)	Four inch (4")	\$ 179.00
(g)	Six inch (6")	\$ 954.00
(7) Commercial, Industrial, Mixed Use, Municipal Potable, Schools Outdoor Use		
(a)	Three-quarter inch (3/4")	\$ 11.00
(b)	One inch (1")	\$ 39.00
(c)	One-and-one-half inch (1 1/2")	\$ 100.00
(d)	Two inch (2")	\$ 140.00
(e)	Three inch (3")	\$ 214.00
(f)	Four inch (4")	\$ 335.00
(8) Bulk (Hydrant Meter) Use		

(a)	Three-quarter inch (3/4")	\$ 14.00
(b)	Two inch (2")	\$ 10.00
(c)	Three inch (3")	\$ 55.00

Section 4. Any ordinances or resolutions inconsistent with this Ordinance are hereby no longer in effect, and Ordinances Numbers 2305 and 2336 are specifically repealed.

Section 5. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five (5) days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED this 17<sup>th</sup> day of May, 2022.

INTRODUCED, PASSED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 14<sup>th</sup> day of June, 2022.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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ALICIA CALDERÓN, City Attorney