

**REPORT TO MAYOR AND COUNCIL****TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: June 2, 2015

SUBJECT: AMENDMENT TO THE CONCORD MUNICIPAL CODE CHAPTER 13.05 (SEWER SYSTEM), SECTION 13.05.020 (RATES AND CHARGES ESTABLISHED), PARAGRAPH (C) BY INCREASING THE MINIMUM ANNUAL SEWER SERVICE CHARGE AND INCREASING OTHER CORRESPONDING CHARGES AS STATED IN SECTION 13.05.020(C)

Report in Brief

Increases in projected expenditures in the 10-Year Financial Forecast (Attachment A) for the Sewer Enterprise necessitate an increase in the minimum annual sewer service charge, and a corresponding increase in other annual sewer service charges. Increases in the sewer service charge require a Proposition 218 notification and are subject to a majority protest process.

Staff and the Infrastructure and Franchise Committee (Birsan & Hoffmeister) recommend that the City Council open the public hearing, receive public testimony, and upon determination that no majority protest exists, introduce Ordinance 15-4 (Attachment B) amending the City Municipal Code, Chapter 13.05 (Sewer System), Section 13.05.020 (Rates and Charges Established), Paragraph (c) (Annual Sewer Service Charges), increasing the minimum annual sewer service charge from \$402 to \$452 for FY 2015-16, \$502 for FY 2016-17, \$547 for FY 2017-18, and to \$592 for FY 2018-19 and increasing other corresponding charges as stated in Section 13.05.020(c) (as shown in Attachment B).

Background

The City administers a Sewer Enterprise to provide for the maintenance and repair of sewer lines in the City of Concord and the City of Clayton, as well as some unincorporated county properties. The Sewer Enterprise also contracts with the Central Contra Costa Sanitary District (CCCSD) to provide waste water treatment and disposal of both cities' sewage at CCCSD's treatment plant by paying a proportionate share of the maintenance, operation, capital improvement costs at the treatment plant and the Household Hazardous Waste Facility. The proportionate share is based on flow volumes. Currently, the City's flow volume represents approximately 32% of the volume of waste treated at the CCCSD treatment plant and the City's proportionate share of CCCSD operational and capital costs is also approximately 32%. CCCSD's 10-Year Capital Improvement Plan includes major treatment plant improvements to meet new regulatory requirements. The City is required to pay its proportional share of these projects as they are built.

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The majority of the Sewer Enterprise operational budget (70% - 80%), is comprised of reimbursements to CCCSD. For Fiscal Year 2013-14 Concord paid CCCSD \$11,625,864 for treatment operations; \$640,816 for the household hazardous waste contract; and \$3,820,858 as reimbursement for capital projects performed at the treatment plant, for a total of \$16,087,538. Total budgeted revenues for the same fiscal year were \$22,172,171. Therefore in FY2013-14, 72.6% of Concord's Sewer Enterprise revenues paid the City's portion of CCCSD's costs. Although CCCSD expenditures for FY2014-15 have not yet been received by Concord, they are projected to total \$18,911,210; while Concord's revenues are projected to be \$24,524,494. If these amounts are correct, CCCSD costs will be 77% of the Sewer Enterprise revenue for FY2014-15. The remaining revenue is used to pay for the City's sewer operations and maintenance and new (as opposed to carry-over from a previous year) capital costs. For FY 2014-15 the City's operations, maintenance and capital budget totaled \$5,916,045 (5,166,045 operations and maintenance (O&M) + 750,000 capital improvement program (CIP)) and are budgeted as \$5,251,506 for FY 2015-16 (4,501,506 (O&M) + 750,000 (CIP)).

Additionally, CCCSD is anticipating a number of large capital improvement projects to their treatment plant in the coming years. This is primarily due to new regulatory requirements for environmental compliance. CCCSD is embarking on a master planning effort to develop a long-term capital plan needed for collection system and treatment plant improvements. Concord will be required to pay its proportional share of these costs through its agreement with CCCSD. Staff continues to work with CCCSD ensuring that the City's Sewer Enterprise budget is not impacted by unforeseen expenditures incurred in CCCSD's capital programs. As part of this effort, City staff received budget proposals from CCCSD and attends the board meetings as needed. CCCSD has been cooperative in providing budget information as it becomes available.

In June 2014, City Council approved the FY2014-15 Capital Improvement Program budget which included the commissioning of a rate study to evaluate the City's operational and maintenance needs and recommend rates that will allow for a sustainable Sewer Enterprise program. The key findings were as follows:

- Current sewer rates will not produce sufficient revenue to fund the revenue requirements for FY 2015 or any of the subsequent fiscal years.
- Due to these shortfalls, coupled with subsequent shortfalls continuing over the planning period, the Sewer Enterprise cash reserves will be exhausted by FY 2016.
- The City did not provide for sufficient spending on line repair and replacement in its current 10-year CIP (FY 2014-15).

The conclusions of the report included the need to increase annual sewer revenues to maintain solvency and long-term financial health of the sewer fund and the need to increase the investment in the repair and replacement of the collection system.

The sewer rate study and recommendations were discussed in detail on two different occasions with the City's Infrastructure and Franchise Committee on March 9, 2015 (Helix & Hoffmeister) and on March 30, 2015 (Birsan & Hoffmeister). At these meetings, staff and its consultant, Municipal Financial Services Group (MFSG) provided various options, to rebuild reserves, fully fund the existing capital improvement

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program and meet the increasing obligations to CCCSD. As a result of these discussions, the Infrastructure and Franchise Committee proposed a \$50 per year rate increase for Fiscal Years 2015-16 and 2016-17, followed by a \$45 per year rate increase for Fiscal Years 2017-18 and 2018-19. Even with the proposed rate increases for FY 2015-16 and FY 2016-17, the City's charges for sewer service fall into the bottom half of surveyed agencies and are below the current CCCSD rate (see Attachment C).

Discussion

Based upon the committee's recommendations, the City's 10-Year Sewer Enterprise Financial Forecast (Forecast) includes scheduled rate increases every year to fund additional anticipated requirements for operations, maintenance, and capital improvements for both Concord sewer facilities and CCCSD. The Budget currently proposes annual \$50 rate increases for FY 2015-16 and FY 2016-17 followed by annual increases of \$45 for FY 2017-18 and for FY 2018-19 (for which Council is being asked to consider and act on at the June 2, 2015 meeting), and reflects smaller increases in future years (which Council is not being asked to consider or act on at this time). The proposed rate increases for the next four fiscal years are requested to (1) offset rate increases by CCCSD to the City of Concord, (2) rebuild the system reserve funds, (3) increase support for City maintenance activities, and (4) allow for needed capital improvements.

As mentioned earlier in this report, the City pays CCCSD for 30%-32% of both the treatment plant operations and the treatment plant capital improvements based on the City's volume of sewer waste processed at the plant. CCCSD's costs have been rising significantly over the past few years. The main financial drivers for the CCCSD increases include: a) capital investment in infrastructure for renewal and replacement as well as the capital and Operation & Maintenance (O&M) cost of meeting new federal and state regulatory requirements; b) real estate downturn and revenue reductions in sanitary sewer charges, interest income, property taxes, and developer permit and connection fees; c) Contra Costa County Employees Retirement Association pension cost increases due to "depooling" and 5-year smoothing of stock market losses from prior years; d) health care cost increases which are higher mainly due to national healthcare reform and compliance; and e) significant unfunded liabilities for retiree benefits which are being incorporated into CCCSD's 10-year plan. Additionally, the overall costs of CCCSD's operations are rising, as are overhead rates and capital project costs.

The proposed Ordinance; Chapter 13.05, Section 13.05.020 (c) of the Municipal Code, sets forth annual sewer service charges based upon this proposed rate increase. Adoption of the proposed Ordinance would cause the current service charge of \$402 to increase to \$452 for FY 2015-16, to \$502 for FY 2016-17, to \$547 in FY 2017-18 and to \$592 in FY 2018-19. The proposed increase was expressed in a Proposition 218 notification that was sent to all property owners in the Cities of Concord and Clayton, whose properties are connected to the sewer collection system. Also, the notice was mailed to all Concord property owners whose property is on septic but has a viable connection within 200 feet of their dwelling. The proposed increase represents a 12.4% increase in FY 2015-116 over the previous year, an 11.1% increase in the following year followed by 9% and 8.2% increases in the subsequent years. Many local agencies within the Bay Area are proposing sewer service rate increases. The majority of agencies already equal or exceed Concord's proposed FY 2015-16 rate of \$452. (Attachment C). Currently, the City's annual sewer service charge is in the lower tier of rates in neighboring communities and would remain so after the proposed FY 2015-16 increase (7th lowest out of 24, as shown in Attachment C).

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Fiscal Impact

To pay for the obligations discussed above and maintain a positive Sewer Enterprise fund balance, the annual sewer service charges needs to be increased by \$50 for FY 2015-16 and FY 16-17 followed by \$45 rate increases for FY 17-18 and for FY 18-19. Further periodic increases in the annual sewer service charge will be necessary in the future to continue operations and capital improvements for sewer service while maintaining a positive fund balance in the Sewer Enterprise fund.

Public Notification and Contact

Proposition 218 requires that the City notify by mail all property owners subject to a potential increase in the annual sewer service charge. The sewer service charge increase is not subject to a balloting process, but comes under assessment district proceedings that allow for a majority protest process.

Notices were mailed to all users of the sewer system on April 17, 2015. This includes property owners in Concord, Clayton, and a portion of Contra Costa County. The notices advised them of the Council public hearing date, June 2, 2015, and also stated that all written protests must be received by the City Clerk prior to the close of this public hearing. The notices indicated that the City Council would be considering approval of a maximum increase to \$452 for FY 2015-16, to \$502 for FY 2016-17, to \$547 in FY 2017-18 and to \$592 in FY 2018-19. As of the writing of this report, 28 written protests have been received by the City Clerk. Staff will update the City Council at the public hearing as to the total number of written protests received.

In addition to notifying property owners with service connections within the City of Clayton, staff also delivered copies of all Committee staff reports and this report to the Clayton City Manager and City Engineer to advise the City of Clayton of the City's proposed rate changes.

Additionally, notice of the public hearing was published as required and the City Council Agenda was posted.

Alternative Courses of Action

1. Approve the recommended four-year annual rate increases outlined for FY 2015-16 (\$50), FY 2016-17 (\$50), FY 2017-18 (\$45), and FY 2018-19 (\$45). This option will fully replenish the sewer fund reserves and will allow for the funding of capital projects as identified in the capital improvement program.
2. Approve a \$50 annual rate increase for two years (FY 2015-16, FY 2016-17). These rate increases will allow for initiation of rebuilding the sewer fund reserves. Additional rate increases for FY 2017-18 and FY 2018-19 will be needed to maintain reserves and fund capital needs. The uncertainty of funding makes planning for needed capital improvements in future years difficult.
3. Not approve a rate increase at this time. With this option, the sewer fund balance will be depleted by covering FY 2015-16 operating expenses and there will not be a reserve available to cover operating expenditures for future years.

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June 2, 2015

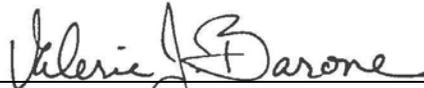
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Recommendation for Action

Staff recommends that the City Council open the public hearing, receive public testimony, and introduce Ordinance 15-4 (Attachment B) amending the City Municipal Code, Chapter 13.05 (Sewer System), Section 13.05.020 (Rates and Charges Established), Paragraph (c) (Annual Sewer Service Charges) increasing the minimum annual sewer service charge from \$402 to \$452 for FY 2015-16, to \$502 for FY 2016-17, to \$547 in FY 2017-18 and to \$592 in FY 2018-19 and increasing other corresponding charges as stated in Section 13.05.020 (c).

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Attachment A – 10-Year Financial Plan

Attachment B – Ordinance 15-4

Attachment C – Residential Sewer Service Charge Comparison

**Sewer Enterprise
Ten Year Projection
for the Year Ending June 30, 2015**

	Estimated Fee Inc. \$50	Estimated Fee Inc. \$50	Estimated Fee Inc. \$45	Estimated Fee Inc. \$45	Estimated Fee Inc. \$45	Estimated Fee Inc. \$30				
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Fund Balance 7/01	\$840,779	\$2,559,818	\$4,822,207	\$6,699,190	\$9,461,251	\$11,520,702	\$10,685,403	\$10,195,494	\$11,103,737	\$11,063,702
Revenues										
Sewer Service Fees	27,138,014	30,140,006	32,841,800	35,543,593	38,245,387	40,046,582	41,847,778	43,648,973	45,450,169	47,251,364
Miscellaneous Revenue	842,946	864,886	1,134,640	1,128,117	1,152,112	1,144,328	1,092,772	1,360,963	1,395,298	1,382,736
Total Revenues	\$27,980,960	\$31,004,892	\$33,976,440	\$36,671,710	\$39,397,499	\$41,190,910	\$42,940,550	\$45,009,936	\$46,845,467	\$48,634,100
Operating Expenditures										
City of Concord Costs:										
Maintenance and Operations	4,232,031	4,338,938	4,447,546	4,557,831	4,669,770	4,783,346	4,898,540	5,016,268	5,136,585	5,254,317
Sanitary Sewer Repairs	269,475	269,475	269,475	269,475	269,475	269,475	269,475	269,475	269,475	269,475
Subtotal City of Concord Costs	\$4,501,506	\$4,608,413	\$4,717,021	\$4,827,306	\$4,939,245	\$5,052,821	\$5,168,015	\$5,285,743	\$5,406,060	\$5,523,792
City of Concord Debt										
Rehab Bond Payment - Priority 1 Refunding	764,265	761,863	766,517	765,175	763,039	766,708	770,083	766,638	766,423	766,000
Gravity Connection in Lieu of Pumping to CCCSD	847,787	847,472	851,601	849,984	851,648	852,517	852,592	851,347	848,742	848,000
Subtotal City of Concord Debt	\$1,612,052	\$1,609,335	\$1,618,118	\$1,615,159	\$1,614,687	\$1,619,225	\$1,622,675	\$1,617,985	\$1,615,165	\$1,614,000
CCCSD Costs										
Household Hazardous Waste	728,164	750,008	772,509	795,684	812,555	844,141	869,465	895,549	922,416	950,088
Capital Projects Reimbursement (30%)	3,840,974	4,505,973	4,180,189	4,901,737	7,889,891	7,046,742	7,749,993	8,742,370	10,227,995	11,557,634
Treatment Plant Operations	14,829,225	16,018,774	16,311,620	16,719,762	17,181,670	17,713,280	18,270,311	17,310,046	17,963,866	18,394,999
Subtotal CCCSD Costs	\$19,398,363	\$21,274,755	\$21,264,318	\$22,417,183	\$25,884,116	\$25,604,163	\$26,889,769	\$26,947,965	\$29,114,277	\$30,902,722
Total Operating Expenditures	\$25,511,921	\$27,492,503	\$27,599,457	\$28,859,648	\$32,438,048	\$32,276,209	\$33,680,459	\$33,851,693	\$36,135,502	\$38,040,513
Net Income (Loss)	\$2,469,039	\$3,512,389	\$6,376,983	\$7,812,062	\$6,959,451	\$8,914,701	\$9,260,091	\$11,158,243	\$10,709,965	\$10,593,587
Capital Projects										
City Projects	750,000	1,250,000	4,500,000	3,550,000	3,400,000	6,250,000	6,250,000	6,250,000	6,250,000	6,250,000
Reserve for CCCSD Capital Projects	0	0	0	1,500,000	1,500,000	3,500,000	3,500,000	4,000,000	4,500,000	5,000,000
Total Capital Projects	\$750,000	\$1,250,000	\$4,500,000	\$5,050,000	\$4,900,000	\$9,750,000	\$9,750,000	\$10,250,000	\$10,750,000	\$11,250,000
Other Financing Sources (Uses)										
Transfers In	0	0	0	0	0	0	0	0	0	0
Transfers Out	0	0	0	0	0	0	0	0	0	0
Total Other Financing Sources (Uses)	\$0									
Fund Balance - 6/30 with Contingency	\$2,559,818	\$4,822,207	\$6,699,190	\$9,461,251	\$11,520,702	\$10,685,403	\$10,195,494	\$11,103,737	\$11,063,702	\$10,407,289
Less 10% O&M Contingency	\$2,390,000	\$2,588,400	\$2,598,200	\$2,724,500	\$3,082,400	\$3,065,700	\$3,205,800	\$3,223,400	\$3,452,100	\$3,642,700
Fund Balance - 6/30 without Contingency	\$169,818	\$2,233,807	\$4,100,990	\$6,736,751	\$8,438,302	\$7,619,703	\$6,989,694	\$7,880,337	\$7,611,602	\$6,764,589

ORDINANCE NO. 15-4

**AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER
13.05 SEWER SYSTEM, SECTION 13.05.020 RATES AND CHARGES
ESTABLISHED, SUBSECTION (C) ANNUAL SEWER SERVICE CHARGES,
EXHIBIT A, BY INCREASING THE MINIMUM ANNUAL SEWER SERVICE
CHARGE AND OTHER CORRESPONDING CHARGES**

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 13.05 (Sewer System), Section 13.05.020 (Rates and Charges Established), Subsection (c) (Annual Sewer Service Charges), Exhibit A is amended to read as follows:

Charge Classification	Charge	
	FY 2015-16	FY 2016-17
Residential Owners		
Minimum rate for any premises	\$452.00	\$502.00
Each single family dwelling unit	\$452.00	\$502.00
Each dwelling unit in a multiple dwelling structure	\$452.00 per unit	\$502.00 per unit
Mobile Home Park	\$452.00 per space	\$502.00 per space
Commercial Owners – Charge Based upon quantity of water used in cubic feet:		
Minimum rate for any premises	\$452.00	\$502.00
Bowling Alleys	\$3.99/100 cu. ft.	\$4.43/100 cu. ft.
Car Washes	\$3.99/100 cu. ft.	\$4.43/100 cu. ft.
Health Studios & Gymnasiums	\$3.99/100 cu. ft.	\$4.43/100 cu. ft.
Hospitals – Convalescent	\$3.99/100 cu. ft.	\$4.43/100 cu. ft.
Multiple Unit Lodging (Hotels, Motels & Rooming Houses)	\$3.99/100 cu. ft.	\$4.43/100 cu. ft.
Laundromats & Laundries	\$3.99/100 cu. ft.	\$4.43/100 cu. ft.
Restaurants	\$7.95/100 cu. ft.	\$8.83/100 cu. ft.
Restaurants with pretreatment facilities approved annually	\$4.52/100 cu. ft.	\$5.02/100 cu. ft.
Bakeries	Determined individually	Determined individually
All others	\$4.52/100 cu. ft.	\$5.02 /100 cu. ft.
Institutional Owners		
Minimum rate for any premises	\$452.00	\$502.00
As defined in Section 13.05.010, except for Convalescent Hospitals	\$4.52/100 cu. ft.	\$5.02/100 cu. ft.
Industrial Owners – Charge based upon quantity of water used and quality of effluent:		
Minimum rate for any premises	\$452.00	\$502.00
Flow/Million Gallons	\$3,507.00	\$3,895.00
Biochemical Oxygen Demand (B.O.D.) per 1,000 pounds	\$824.00	\$915.00
Suspended solid (S.S.) per 1,000 pounds	\$702.00	\$779.00

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Charge Classification	Charge	
	FY 2017-18	FY 2018-19
Residential Owners		
Minimum rate for any premises	\$547.00	\$592.00
Each single family dwelling unit	\$547.00	\$592.00
Each dwelling unit in a multiple dwelling structure	\$547.00 per unit	\$592.00 per unit
Mobile Home Park	\$547.00 per space	\$592.00 per space
Commercial Owners – Charge Based upon quantity of water used in cubic feet:		
Minimum rate for any premises	\$547.00	\$592.00
Bowling Alleys	\$4.83/100 cu. ft.	\$5.23/100 cu. ft.
Car Washes	\$4.83/100 cu. ft.	\$5.23/100 cu. ft.
Health Studios & Gymnasiums	\$4.83/100 cu. ft.	\$5.23/100 cu. ft.
Hospitals – Convalescent	\$4.83/100 cu. ft.	\$5.23/100 cu. ft.
Multiple Unit Lodging (Hotels, Motels & Rooming Houses)	\$4.83/100 cu. ft.	\$5.23/100 cu. ft.
Laundromats & Laundries	\$4.83/100 cu. ft.	\$5.23/100 cu. ft.
Restaurants	\$9.62/100 cu. ft.	\$10.41/100 cu. ft.
Restaurants with pretreatment facilities approved annually	\$5.47/100 cu. ft.	\$5.92/100 cu. ft.
Bakeries	Determined individually	Determined individually
All others	\$5.47/100 cu. ft.	\$5.92 /100 cu. ft.
Institutional Owners		
Minimum rate for any premises	\$547.00	\$592.00
As defined in Section 13.05.010, except for Convalescent Hospitals	\$5.47/100 cu. ft.	\$5.92/100 cu. ft.
Industrial Owners – Charge based upon quantity of water used and quality of effluent:		
Minimum rate for any premises	\$547.00	\$592.00
Flow/Million Gallons	\$4,244.00	\$4,593.00
Biochemical Oxygen Demand (B.O.D.) per 1,000 pounds	\$997.00	\$1,079.00
Suspended solid (S.S.) per 1,000 pounds	\$849.00	\$919.00

Section 2. This Ordinance No. 15-4 shall become effective thirty (30) days following its passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption, including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and once within fifteen (15) days after its passage and adoption, including the vote of the Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of Concord.

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Timothy S. Grayson
Mayor

ATTEST:

Joelle Fockler
City Clerk

(Seal)

Ordinance No. 15-4 was duly and regularly introduced at a regular joint meeting of the City Council and Redevelopment Agency held on June 2, 2015, and was thereafter duly and regularly passed and adopted at a regular meeting of the City Council held on June 23, 2015, by the following vote:

- AYES:** Councilmembers -
- NOES:** Councilmembers -
- ABSTAIN:** Councilmembers -
- ABSENT:** Councilmembers -

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

Joelle Fockler
City Clerk

Residential Sewer Service Charge Comparison

