

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-328

AN ORDINANCE AMENDING CHAPTER 40, ARTICLE III, SECTIONS 40-171, 40-173, and 40-175 OF THE CODE OF THE INCORPORATED COUNTY OF LOS ALAMOS PERTAINING TO WATER SERVICE RATE SCHEDULES

WHEREAS, the Incorporated County of Los Alamos (“County”) is an incorporated county of the State of New Mexico as provided in Section 5, Article 10 of the New Mexico Constitution; and pursuant to Section 5, Article 10 of the State Constitution, is granted all powers of a municipality; and

WHEREAS, pursuant to Article V of the County Charter, the Department of Public Utilities (“Department”) is charged with the duty to operate a County owned electric, gas, water and sewer systems; and

WHEREAS, Section 504 of the County Charter requires that the Department be operated on a compensatory basis, with rates being just, reasonable, and comparable to those in neighboring communities; and

WHEREAS, the Department and Utilities Manager have identified the need to increase water rates to meet the projected revenue requirements of the Department; and

WHEREAS, pursuant to Section 203.1.d. any change in County utility rates shall be done by ordinance; and

WHEREAS, pursuant to Section 4.6.a. of the *Board of Public Utilities Procedural Rules* (ed 2/19/20), the Utilities Manager is responsible for preparing and presenting proposed utility rate ordinances to the Board of Public Utilities; and

WHEREAS, pursuant to Section 504 of the Charter, the rates to be paid for utility services shall then be proposed by the Board of Public Utilities to the County Council and shall become effective on the date of adoption by Council; and

WHEREAS, pursuant to Section 4.6.a. of the *Board of Public Utilities Procedural Rules*, the proposed rates shall be presented at least one (1) month prior to the Board of Public Utilities public hearing on a final proposed utility rate ordinance; and

WHEREAS, the Utilities Manager shall introduce the draft ordinance to the Board of Public Utilities and present the budget and operational reasons for the proposed rate ordinance; and

WHEREAS, the Utilities Manager presented to the proposed rate increases for water to the Board of Public Utilities on September 21, 2022; and

WHEREAS, the Board of Public Utilities [accepted and recommended/accepted and modified, etc.] the final rate ordinance and recommended forwarding it to Council for adoption; and

WHEREAS, on September 27, 2022, the County Council, pursuant to Section 203.2.1 of the County Charter introduced the proposed rate ordinance; and

WHEREAS, on October 18, 2022, the County Council, pursuant to Section 203.2.2 of the County Charter held a public hearing on the proposed rate ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, as follows:

Section 1. Section 40-171 of the Code of the Incorporated County of Los Alamos is amended to read, as follows:

Sec. 40-171. Potable water rate schedule 8-A.

(a) *Applicability.* Potable water rate schedule 8-A is applicable to all classes of retail customers whether commercial, residential or otherwise. The rate shall consist of a service charge plus a water consumption charge.

(b) *Service charge.*

Water Meter Size	Service Charge Per Meter Per Month				
	Through 10/31/09/30/2020 2022	From 11/1/10/01/2020 2022 through 09/30/2021 2023	From 10/01/2023 through After 09/30/2021 2024	From 10/01/2024 through 09/30/2025	After 9/30/2025
1¼-inch and under	\$10.54 <u>\$11.40</u>	\$10.96 <u>\$12.54</u>	\$11.40 <u>\$13.79</u>	<u>\$15.17</u>	<u>\$16.69</u>
1½-inch	\$33.30 <u>\$36.10</u>	\$34.71 <u>\$39.71</u>	\$36.40 <u>\$43.68</u>	<u>\$48.05</u>	<u>\$52.86</u>
2-inch	\$49.70 <u>\$53.88</u>	\$51.84 <u>\$59.27</u>	\$53.88 <u>\$65.20</u>	<u>\$71.72</u>	<u>\$78.89</u>
2½-inch, 3-inch	\$98.07 <u>\$106.33</u>	\$102.24 <u>\$116.96</u>	\$106.33 <u>\$128.66</u>	<u>\$141.53</u>	<u>\$155.68</u>
4-inch	\$167.00 <u>\$181.06</u>	\$174.10 <u>\$199.17</u>	\$181.06 <u>\$219.09</u>	<u>\$241.00</u>	<u>\$265.10</u>
6-inch	\$352.55 <u>\$382.23</u>	\$367.53 <u>\$420.45</u>	\$382.23 <u>\$462.50</u>	<u>\$508.75</u>	<u>\$559.63</u>
8-inch	\$582.50 <u>\$631.54</u>	\$607.25 <u>\$694.69</u>	\$631.54 <u>\$764.16</u>	<u>\$840.58</u>	<u>\$924.64</u>

(c) *Water consumption charge.* The water consumption charge shall be charged to each customer billed under rate schedule 8-A according to the following schedules:

	Consumption October 1 through April 30 (Non-Peak Season)			
	Commodity Rate per 1,000 Gallons			
	Monthly Consumption	9,000 gal or less	over 9,000 gal to 15,000 gal	over 15,000 gal

Single family residential	Through <u>10/31/09/30/2020 2022</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>
	<u>10/01/2020 11/1/2022 to 09/30/2024 2023</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>
	After <u>10/01/2023 to 09/30/2024 2024</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>
	<u>10/01/2024 to 09/30/2025</u>	<u>\$7.17</u>	<u>\$7.17</u>	<u>\$7.17</u>
	After <u>09/30/2025</u>	<u>\$7.53</u>	<u>\$7.53</u>	<u>\$7.53</u>
Multi-family residential	Through <u>10/31/09/30/2020 2022</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>
	<u>10/01/2020 11/1/2022 to 09/30/2024 2023</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>
	After <u>10/01/2023 to 09/30/2024 2024</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>
	<u>10/01/2024 to 09/30/2025</u>	<u>\$7.17</u>	<u>\$7.17</u>	<u>\$7.17</u>
	After <u>09/30/2025</u>	<u>\$7.53</u>	<u>\$7.53</u>	<u>\$7.53</u>
Commercial	Through <u>10/31/09/30/2020 2022</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>
	<u>10/01/2020 11/1/2022 to 09/30/2024 2023</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>
	After <u>10/01/2023 to 09/30/2024 2024</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>
	<u>10/01/2024 to 09/30/2025</u>	<u>\$7.17</u>	<u>\$7.17</u>	<u>\$7.17</u>
	After <u>09/30/2025</u>	<u>\$7.53</u>	<u>\$7.53</u>	<u>\$7.53</u>
County/schools	Through <u>10/31/09/30/2020 2022</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>
	<u>10/01/2020 11/1/2022 to 09/30/2024 2023</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>
	After <u>10/01/2023 to 09/30/2024 2024</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>
	<u>10/01/2024 to 09/30/2025</u>	<u>\$7.17</u>	<u>\$7.17</u>	<u>\$7.17</u>
	After <u>09/30/2025</u>	<u>\$7.53</u>	<u>\$7.53</u>	<u>\$7.53</u>

	Consumption May 1 through September 30 (Peak Season)
	Commodity Rate per 1,000 Gallons

	Monthly Consumption	9,000 gal or less	over 9,000 gal to 15,000 gal	over 15,000 gal
Single family residential	Through <u>10/31/09/30/2020</u> <u>2022</u>	\$5.55 <u>\$6.02</u>	\$5.90 <u>\$6.40</u>	\$7.06 <u>\$7.65</u>
	<u>10/01/2020</u> <u>11/1/2022</u> to <u>09/30/2024</u> <u>2023</u>	\$5.79 <u>\$6.50</u>	\$6.15 <u>\$7.15</u>	\$7.36 <u>\$7.87</u>
	After <u>10/01/2023</u> to <u>09/30/2024</u> <u>2024</u>	\$6.02 <u>\$6.83</u>	\$6.40 <u>\$7.51</u>	\$7.65 <u>\$8.26</u>
	<u>10/01/2024</u> to <u>09/30/2025</u>	<u>\$7.17</u>	<u>\$7.89</u>	<u>\$8.67</u>
	After <u>09/30/2025</u>	<u>\$7.53</u>	<u>\$8.28</u>	<u>\$9.10</u>
Multi-family residential	Through <u>10/31/09/30/2020</u> <u>2022</u>	\$5.55 <u>\$6.02</u>	\$5.84 <u>\$6.33</u>	\$5.96 <u>\$6.47</u>
	<u>10/01/2020</u> <u>11/1/2022</u> to <u>09/30/2024</u> <u>2023</u>	\$5.79 <u>\$6.50</u>	\$6.09 <u>\$6.50</u>	\$6.22 <u>\$6.50</u>
	After <u>10/01/2023</u> to <u>09/30/2024</u> <u>2024</u>	\$6.02 <u>\$6.83</u>	\$6.33 <u>\$6.83</u>	\$6.47 <u>\$6.83</u>
	<u>10/01/2024</u> to <u>09/30/2025</u>	<u>\$7.17</u>	<u>\$7.17</u>	<u>\$7.17</u>
	After <u>09/30/2025</u>	<u>\$7.53</u>	<u>\$7.53</u>	<u>\$7.53</u>
Commercial	Through <u>10/31/09/30/2020</u> <u>2022</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>
	<u>10/01/2020</u> <u>11/1/2022</u> to <u>09/30/2024</u> <u>2023</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>
	After <u>10/01/2023</u> to <u>09/30/2024</u> <u>2024</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>
	<u>10/01/2024</u> to <u>09/30/2025</u>	<u>\$7.17</u>	<u>\$7.17</u>	<u>\$7.17</u>
	After <u>09/30/2025</u>	<u>\$7.53</u>	<u>\$7.53</u>	<u>\$7.53</u>
County/schools	Through <u>10/31/09/30/2020</u> <u>2022</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>	\$5.55 <u>\$6.02</u>
	<u>10/01/2020</u> <u>11/1/2022</u> to <u>09/30/2024</u> <u>2023</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>	\$5.79 <u>\$6.50</u>
	After <u>10/01/2023</u> to <u>09/30/2024</u> <u>2024</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>	\$6.02 <u>\$6.83</u>
	<u>10/01/2024</u> to <u>09/30/2025</u>	<u>\$7.17</u>	<u>\$7.17</u>	<u>\$7.17</u>
	After <u>09/30/2025</u>	<u>\$7.53</u>	<u>\$7.53</u>	<u>\$7.53</u>

Note: Multi-family includes dwelling units and apartments as defined in section 40-201.

Section 2. Section 40-173 of the Code of the Incorporated County of Los Alamos is amended to read, as follows:

Sec. 40-173. Non-potable water rate charge.

The water consumption rate for non-potable water, including effluent reuse water, shall be ~~\$2.79~~ \$3.03 per 1,000 gallons for consumption through ~~September 30, 2020~~ October 31, 2022, ~~\$2.94~~ \$3.18 per 1,000 gallons for consumption ~~October 1, 2020~~ November 1, 2022 through ~~September 30, 2024~~ 2023, \$3.34 per 1,000 gallons for consumption ~~October 1, 2023~~ through ~~September 30, 2024~~, \$3.51 per 1,000 gallons for consumption ~~October 1, 2024~~ through ~~September 30, 2025~~, and ~~\$3.03~~ \$3.69 per 1,000 gallons for consumption after ~~September 30, 2024~~ 2025.

Section 3. Section 40-175 of the Code of the Incorporated County of Los Alamos is amended to read, as follows:

Sec. 40-175. Bulk delivery rate schedule 8-D.

- (a) Applicability. Schedule 8-D is applicable to all bulk water sold and delivered to bulk points of delivery. The rate shall consist of a service charge plus a water consumption charge.
- (b) The bulk delivery rate for water sold and delivered to bulk points of delivery shall be ~~\$3.84~~ \$4.13 per 1,000 gallons for consumption through ~~September 30, 2020~~ October 31, 2022, ~~\$3.97~~ \$4.83 per 1,000 gallons for consumption ~~October 1, 2020~~ November 1, 2022 through ~~September 30, 2024~~ 2023, \$5.07 per 1,000 gallons for consumption ~~October 1, 2023~~ through ~~September 30, 2024~~, \$5.32 per 1,000 gallons for consumption ~~October 1, 2024~~ through ~~September 30, 2025~~, and ~~\$4.43~~ \$5.59 per 1,000 gallons for consumption after ~~September 30, 2024~~ 2025.
- (c) The customer service charge for water sold and delivered to bulk points of delivery shall be ~~\$718.35~~ \$778.84 per month per customer for service through ~~September 30, 2020~~ October 31, 2022, ~~\$748.88~~ \$817.78 per month per customer for service ~~October 1, 2020~~ November 1, 2022 through ~~September 30, 2024~~ 2023, \$858.67 per month per customer for service ~~October 1, 2023~~ through ~~September 30, 2024~~, \$901.60 per month per customer for service ~~October 1, 2024~~ through ~~September 30, 2025~~, and ~~\$778.84~~ \$946.68 per month per customer for service after ~~September 30, 2024~~ 2025.

Section 4. Effective Date. This ordinance shall become effective upon adoption with the amended water rates being applied for all billings on or after October 19, 2022.

Section 5. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 6. Repealer. All ordinance or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 18th day of October 2022.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

**Randall T. Ryti,
Council Chair**

ATTEST: (SEAL)

**Naomi D. Maestas,
Los Alamos County Clerk**