



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### REPORT TO COUNCIL

#### **SUBJECT**

Proposed Utility Rate Increases for FY 2020/21 Rates for Water, Wastewater, and Solid Waste Utilities for Services Provided to Customers Within and Outside City Boundaries; Finding of CEQA Exemption Pursuant to Public Resource Code Section 21080(b)(8) and CEQA Guidelines Section 15273

#### **REPORT IN BRIEF**

As part of the yearly process of reviewing the financial condition of the utility enterprise funds, staff recommends that the City Council adopt changes in utility rates. This report presents an analysis of the current utility policy framework, revenues, expenditures, revenue requirements and utility rates for the City's water, wastewater, and solid waste utilities.

The recommended increase is 4% for wastewater rates. No water or solid waste and recycling rate increases are proposed for FY 2020/21. Individual utility costs will vary based on actual use or subscription level; however, a typical monthly single-family residential water, wastewater (sewer), and solid waste (garbage) utility bill will increase by 1.31%. The proposed monthly rate changes for FY 2020/21 are:

Water	\$0.00
Wastewater	\$2.05
<u>Solid Waste and Recycling</u>	<u>\$0.00</u>
Total	\$2.05

Detailed single-family rate comparisons are included as Attachment 1 and commercial rate comparisons are provided as Attachment 2. It is important to note that different cities fund different suites of services with their utility fees so care must be taken in comparing average rates.

The proposed rate changes are included in the FY 2020/21 Recommended Budget. Each year, staff provides Council with not only proposed rates, but also planned changes in rates over twenty years. The proposed increase in water rates is 3% lower than previously planned, leaving rates unchanged for FY 2020/21. Solid waste rates are also unchanged for FY 2020/21, which is 1% lower than projected last year. At the April 7, 2020 Council meeting, direction was given to defer rate adjustments for the water and solid waste utilities for one fiscal year to help the Sunnyvale community during the COVID-19 pandemic. The City holds reserves in each fund to address both emergencies and unanticipated economic impacts, and those reserves will be utilized to keep rates at their current levels.

The proposed increase in wastewater rates is unchanged from last year's financial plan. The 4% rate increase is largely due to debt service related to the replacement of the City's wastewater treatment

plant (the Sunnyvale Cleanwater Program).

## **BACKGROUND**

Sunnyvale utility rates are based entirely on the City's costs for operating and maintaining its water, wastewater, and solid waste facilities and services. Each of the utilities is operated as an independent enterprise and all expenses and revenues for each service are accounted for in separate funds. In fact, state law requires that all fees collected by each utility be used within that utility and are not allowed to be used for unrelated services.

Each year, as part of the budget process, staff analyzes the current condition of, and long-term outlook for, the City's utility funds. These analyses are reflected in the Long-Term Financial Plans for each fund. They include a review of available fund balances, state and federal environmental requirements, revenues, anticipated capital, infrastructure and operational requirements, and a detailed inspection of significant expenditure areas (e.g., the anticipated cost of purchased water, environmental regulations related to wastewater discharge, the cost of the City's solid waste collection contract with Bay Counties Waste Services, etc.). The results of these analyses lead to proposed adjustments to rates that will generate the revenues necessary to meet planned expenditures. It is important to note that the practice of long-term planning and the use of a rate stabilization reserves enable the City to maintain utility rates at stable levels while providing high quality, reliable, and efficient services by spreading the effects of anticipated operational, capital, and infrastructure costs over multiple years.

## **Public Noticing Requirements**

In accordance with Proposition 218, notices of proposed utility rates were mailed on May 7, 2020. Proposition 218 requires that should the Council receive written protests from a majority of customers, the proposed rates will not become effective and the current rates will remain in place.

Staff will tabulate protests received prior to the meeting, adding any valid written protests received at the meeting, and summarize the total number for Council. A majority of protests exists if approximately 15,000 valid written protests are received from the properties subject to the proposed fee. One vote will be counted for any property owner or utility customer who submits a protest prior to the end of the noticed public hearing (one protest per parcel). No protest received after that time, even if postmarked prior to that time, will be accepted. Each protest must be in writing and identify the affected property (by assessor's parcel number, street address or utility account number). Oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest. Protests received from residents who are not either property owners or utility account holders will not be counted.

As of the preparation of this report, staff has received 39 protests. These fall into four categories. Staff has received 23 protests that simply protest the rate increases. Five protests were based on their objection to rate increases on the protestor's low or fixed income. Ten customers cited financial difficulty due to COVID-19 in their protest, and one person indicated that they were protesting because they felt properties with new accessory units should pay a larger share to buy into the utility services.

## **EXISTING POLICY**

Sunnyvale Municipal Code sections 12.16.020 (Wastewater), 12.24.010 (Water), and 8.16.100 (Solid Waste) authorize the City Council to establish by resolution fees and charges based on cost

influencing factors.

Policy 7.11.1a.5 of the Council Policy Manual states “The user fees established for each utility will be reviewed annually and set at a level that will support the total costs of the utility, including direct and indirect costs and contributions to reserves set by Council policy.”

## **ENVIRONMENTAL REVIEW**

Public Resource Code Section 21080(b)(8) of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15273 provide that CEQA does not apply to the establishment, modification, structuring, or approval of rates, tolls, fares and other charges by public agencies which the public agency finds are for the purposes of (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs and requirements; and (4) obtaining funds for capital projects necessary to maintain current service levels.

## **DISCUSSION**

### **Water Rates**

Water rates pay for the safe and reliable delivery of water to the majority of Sunnyvale residents and businesses. The Water Supply and Distribution Fund (Attachment 3) accounts for all revenues and expenses related to the City-operated water utility. Expenses include costs for wholesale water, capital and infrastructure project-related costs, debt service, and operating costs. Revenues consist of service fees for water and recycled water, water-related public works and construction fees, and interest income. After expenditure levels are developed, water rates are set to collect enough revenue to maintain the fund in a long-term sustainable financial position.

The largest component of the Water Fund’s revenue requirement is the cost of purchasing water. The cost of purchased water accounts for approximately 63% of the total fund requirements for FY 2020/21. Sunnyvale currently receives water from four different sources. The majority of the City’s water supply is split between two suppliers, with approximately 51.5% of potable water deliveries projected to come from the Hetch-Hetchy system operated by the San Francisco Public Utilities Commission (SFPUC), and approximately 47.0% from the Santa Clara Valley Water District (Valley Water). The remaining 1.5% comes from well water. Well water is used minimally, primarily to circulate water through the system, keeping the wells fresh and operating. The City also produces recycled water at the City’s Water Pollution Control Plant (WPCP). The recycled water production system was recently renovated, enabling the recycled water system to provide a larger percentage of the City’s supply as well as provide water to other jurisdictions through a partnership with Valley Water. Staff strives to purchase water at the lowest possible cost. The City’s water system allows the movement of potable water from one area of the City to another. Staff monitors and adjusts purchases based on demand and the ability to utilize the most cost effective source, balanced with our minimum contractual requirements for purchases.

These minimum purchase requirements, also known as “take or pay” provisions, are in Sunnyvale’s agreements with both wholesalers. The City’s agreements with each wholesaler indicate a minimum quantity of water to be purchased each year, and if not met, Sunnyvale is liable for the difference up to the minimum quantity. The City has negotiated a lower “take or pay” amount and revised its three-year delivery schedules downward with Valley Water. Since the drought ended, water sales have increased to a level where the City should have no problem meeting the “take or pay” provisions each year.

Both the SFPUC and Valley Water provided wholesale rate projections. The projected increases do not reflect changes in the Bay Area Water Supply & Conservation Agency (BAWSCA) Surcharge or any other costs related to purchasing water. These projections are in the base rate for the long-term rate projections in the twenty-year financial plan. The table below reflects the proposed projections for both agencies.

<b>Projected Increases in Base Wholesale Rates</b>		
<b>Fiscal Year</b>	<b>SFPUC</b>	<b>Valley Water</b>
2019/20 (Actual)	0%	6.6%
2020/21	0%	8.6%
2021/22	0%	8.6%
2022/23	7.1%	8.6%
2023/24	7.7%	8.6%
2024/25	6.8%	8.6%
2025/26	8.1%	8.6%
2026/27	2.1%	8.6%
2027/28	5.1%	8.6%
2028/29	6.2%	8.6%
Total Increase in Rates	43.1%	84.0%

Based on the rate increases listed above, the anticipated cost of SFPUC water for FY 2020/21 is unchanged at \$1,786 per acre foot, while Valley Water was expected to charge \$1,492 per acre foot, an increase of 8.6%. However, in light of the COVID-19 pandemic, Valley Water has also opted to hold rates flat for FY 2020/21 as of May 26, 2020. City staff expects that Valley Water will make up the difference in future years, ultimately resulting in the full 84% increase over ten years. The City also incurs charges from the Valley Water for pumping ground water from City wells. The unit cost for well water is also influenced by the power costs associated with running the pumps. The projected well water total unit cost (tax plus power) for FY 2020/21 is \$1,634 per acre foot, an increase of 8.4% over the current year unit cost of \$1,507.

It is also important to note that, while not anticipated, it is possible that the wholesalers could adopt a mid-year rate increase. Should that occur, a provision was included in the City's required Proposition 218 noticing that would allow the City to pass those costs on to customers. This provision is a pass-through charge, which will pass the higher cost of the water procured for the remainder of the year to the City's water customers. The formula to be used to calculate the surcharge, if needed, is as follows: Total expected cost increase for wholesale water purchases through the fiscal year end divided by the total budgeted expenditures for the purchase of wholesale water for the remainder of the fiscal year. The percentage increase determined by this calculation will be applied to utility bills as a surcharge for each unit of water used for the balance of the fiscal year (ending June 30, 2021). If the wholesalers do not implement any rate increases mid-year, no surcharge will be necessary. If it is necessary for the City to implement the pass-through charge, the City will send notice to water customers at least 30 days prior to the implementation of the fee. While this surcharge provision will prevent any negative impact to the Water Fund from potential mid-year increases, it could result in

higher than anticipated utility charges for the City's water customers.

The City's Water Pollution Control Plant (WPCP) provides recycled water, which is wastewater that has been treated to very high standards. Recycled water is currently sold at 90% of water rates to encourage its use.

#### Operations and Capital Expenses

The FY 2020/21 Budget for the Water Fund also includes approximately \$8 million for personnel and other costs related to operating and maintaining the water supply and distribution system. Additionally, the Water Fund contains annual debt service of approximately \$1.2 million in FY 2020/21, primarily for payment of the City's Water Revenue Refunding Bonds Series 2017. The remainder of the debt service is the Water Fund's portion of the Certificates of Participation issued in 2001 for the purchase of 505 West Olive Avenue Government Center property, which ends in FY 2029/30.

Water infrastructure renovation is a major driver of water utility costs. The City has been addressing its aging water utility infrastructure for several years now. Like most municipalities in the state and the country, much of Sunnyvale's water storage and distribution system is over fifty years old and in need of significant rehabilitation. The highest priority has been placed on water pipe replacements. With approximately 350 miles of water lines, many in need of replacement, replacements have been emphasized, with approximately \$94.7 million in replacements planned over the next twenty years. These pipe replacements must be done to minimize water service interruptions due to potential failures of the aging infrastructure. Infrastructure funding for the refurbishment of water tanks across the City is also included over twenty years in the FY 2020/21 financial plan.

As required by City policy, the Water Supply and Distribution Fund maintains a Contingency Reserve of 25 percent of operations and a Rate Stabilization Reserve to normalize rates and provide for the effect of economic cycles. This Fund also contains reserves for revenue funded projects and debt funded projects to manage the flow of these funds against project expenditures that are uneven by nature.

#### Recommended FY 2020/21 Water Rate

The proposed Water Supply and Distribution Fund Long-Term Financial Plan (Attachment 3) reflects the recommendation that water charges remain unchanged for FY 2020/21. The projected rate increases anticipated over the remainder of the 20 years are shown at the bottom of the Water Supply and Distribution Fund Long Term Financial Plan. The rate notice sent to customers in accordance with Proposition 218 allows any unanticipated mid-year rate increases implemented by the wholesale water providers to be passed on to the City's water customers in addition to the recommended rate. Council may also elect to implement any rate lower than the staff recommendation. Any increase larger than the staff recommendation would be subject to additional Proposition 218 noticing.

Attachment 1 shows monthly residential utility bill comparisons. The detailed Water Rate Survey is presented as Attachment 4. The City's residential water rate remains competitive when compared with neighboring cities.

#### **Wastewater Rates**

The City owns and operates an extensive system for management of wastewater within City limits and in a small area in northern Cupertino and San Jose. Wastewater rates pay for the safe and

reliable removal and treatment of wastewater from all residences and businesses in Sunnyvale and in the area serviced outside the City. Wastewater rates also pay for non-point source pollution prevention and other critical public services. The Wastewater Management Fund (Attachment 5) accounts for the revenues and expenses related to the City-operated wastewater collection and Water Pollution Control Plant services.

The system includes approximately 290 miles of sewer pipes, a storm drainage system, and a 29.5 million gallon per day (MGD design capacity) Grade V Water Pollution Control Plant (WPCP). Operations include the transport of sewage to the treatment plant, wastewater treatment, recycled water production, industrial discharge inspection and enforcement, and many other services related to wastewater. It is important to note that the Grade V classification of the City's WPCP is the highest grade, and that the discharge requirements for Sunnyvale are among the most stringent anywhere due to the ecological sensitivity of the South San Francisco Bay.

#### Operations and Project Expenses

The proposed FY 2020/21 operations expenses in the Wastewater Management Fund reflect personnel, chemicals, and other costs. Additionally, the wastewater utility is facing even larger infrastructure challenges than the water utility. The most significant is the renovation of the City's Water Pollution Control Plant (WPCP). The WPCP Master Plan, approved by Council in 2016, serves as a long-term guide for replacing the WPCP's facilities and operations. The projects described in the Master Plan are now being implemented as the Sunnyvale Cleanwater Program (SCWP). The recommended FY 2020/21 Budget includes planned infrastructure expenditures of approximately \$912 million over twenty years, with approximately \$808 million (or 88%) allocated to SCWP.

The first phase of the Master Plan is ongoing with site demolition and grading work completed and the construction of the Primary Treatment Facility underway. This includes a new headworks facility, which removes large debris from incoming sewage and pumps the sewage into new primary treatment tanks which, in turn, slow down the wastewater to settle out large solids. The existing primary treatment facilities are structurally deficient, deteriorated, and susceptible to significant failure during a seismic event. The current influent sewage pump station includes gas-powered influent engines that will not meet future emissions limits and need replacement. The new headworks and primary facilities will be located at the previous biosolids drying operation site, adjacent to the current influent pump station. Currently, biosolids drying operations are being performed mechanically by a vendor contract until new biosolids facilities are constructed. Other Phase 1 projects include new parking on Caribbean Drive and Bay Trail access enhancements and rehabilitation of influent pipelines to the treatment facility, relining the pipeline connecting the treatment ponds to the main plant, and miscellaneous repairs to the secondary and tertiary facilities.

The second phase of the Master Plan includes new buildings for maintenance, administration staff and a laboratory, new secondary treatment, improvements to the recycled water pump station, community improvements for improved site access and public education, rehabilitating select components of existing support utilities, as well as a new thickening and dewatering facility and other piping and draining upgrades. Pre-construction and design activities are underway.

The third phase of the Master Plan includes a new filter control building, a fifth digester, a new food waste and fats/oils/grease treatment facility, condition assessment of existing facilities not inspected in Phase 1, and a replacement of the existing cogeneration facility. These activities will begin with an update to the Master Plan in 2022/23.

The Sunnyvale Cleanwater Program also includes \$52.6 million for Program Management Services and \$32.6 million for Construction Management. The Program Management Consultant (PMC) is responsible for quality assurance related to project design documents and will assist the City in evaluating design consultant recommendations for equipment selection and design features. The PMC provides oversight and coordination for the overall program implementation of the reconstruction program including establishing, maintaining, and tracking project budgets and schedule. The construction management consultant (CMC) provides additional technical, engineering, and project support such as contractibility reviews, construction oversight, inspection services, quality assurance testing, construction schedule and budget management, construction coordination, meeting management and records management to deliver the projects in the program.

In addition to the work on the WPCP, a high priority has been placed on sewer infrastructure improvements. The City's wastewater collection system needs significant rehabilitation due to its age, and the FY 2020/21 Budget includes \$24.2 million to provide sanitary sewer pipe improvements. The wastewater collection system consists of over 300 miles of sewer mains, with supporting pump and lift stations. The system has five major sewer trunk lines that terminate at the WPCP where sewage is treated. Funding of \$4 million was allocated in FY 2019/20 for immediate repairs and further analysis of the Lawrence Expressway trunk line. Additional funding may be necessary based upon the conclusion of additional analysis on that sewer project.

The Wastewater Fund has two inter-fund loans advanced from the General Fund. The first loan was to finance the remodel of the primary facilities of the WPCP, expanding the capacity from 22.5 million gallons per day to 29.5 million gallons per day. The loan was made by the General Fund in FY 1980/81 for a total of \$10.7 million. The original term was for 20 years; however, payments were periodically deferred or delayed to help balance cash needs in the Wastewater Fund. Regular payments have been made as scheduled since FY 2004/05. The second loan was made to assist the Wastewater Fund with cash flow issues by providing needed cash to stabilize rates. The loan was advanced in FY 1995/96 for a total of \$2.4 million. The term was for 20 years with ongoing payments also periodically deferred until FY 2004/05. These loans were refinanced at lower interest rates for FY 2017/18 with no changes to pay-off schedules which are to occur in FY 2027/28 and FY 2019/20 respectively.

In the first two years of the financial plan, approximately \$2 million annual debt service payments are included largely for the 2017 Wastewater Revenue Refunding Bonds. Debt service increases by approximately \$5.2 million annually thereafter as repayment of the \$127 million Clean Water State Revolving Fund loan takes effect. Future debt is reflected in the New WPCP Debt Service line item. The actual amount and structure of the financing will be determined as the plan is further defined. However, it is important to note that over time, the City will be issuing bonds to fund the WPCP renovation. At its completion, the City will be paying significant annual debt service, anticipated to be approximately \$48 million each year, accounting for almost half of the Fund's total resource requirements.

The Wastewater Management Fund by policy maintains a Contingency Reserve of 25 percent of operations and a Rate Stabilization Reserve to normalize rates and provide for the effect of economic cycles. The Fund also contains a capital and infrastructure reserve set at a minimum of 10 percent of service fee revenue and a debt service reserve based upon bond covenants of issued or anticipated debt.

### Wastewater Rates for Customers Outside the City

In addition to the City's wastewater customers within the city limits, there are 1,864 parcels located outside the city limits that are serviced by the City's wastewater collection and treatment system. In accordance with legal requirements for the collection of fees on the property tax roll, tonight's public hearing also includes the proposed charges for wastewater services provided by the City of Sunnyvale to properties located outside the City limits. Details of the charges for each property outside the City are included as Attachment 9. A map of the service area outside the City is provided as Attachment 10.

In the mid-1950s, an area known as Rancho Rinconada was being developed as a mostly single-family residential area. At the time, this area was in a pocket of the county that had no direct access to a sewer collection system. The City of Sunnyvale entered into a series of agreements with the developers that allowed the Rancho Rinconada sewer system to be tied into a 15-inch City sewer main that was extended 1.7 miles for that purpose. The agreements required developers to construct sewers that met the City's standards and allowed the City to collect fees from the homeowners and businesses to reimburse the City for the costs of providing on-going sewer service.

Proposed charges for all customers in the outside sewer area are equal to the City's proposed charges for customers inside City limits plus a 1 percent administrative fee charged by the County for processing.

### Recommended FY 2020/21 Wastewater Rate Increase

The increase in revenue required for wastewater services for FY 2020/21 is 4%. Annual rate increases for the remainder of the planning period are shown at the bottom of the Wastewater Management Fund Long-Term Financial Plan (Attachment 5).

The City's detailed Wastewater Rate Survey is presented as Attachment 6.

### **Solid Waste Rates**

The Solid Waste Management Fund (Solid Waste Fund) accounts for the revenues and expenses related to collection, recycling, and disposal of solid waste generated within the City of Sunnyvale. A private company, Bay Counties Waste Services, doing business in Sunnyvale as Specialty Solid Waste & Recycling (Specialty), has been issued an exclusive franchise for collection of solid waste and recyclable materials through 2021, and these contract costs are reflected in the Solid Waste Management Fund. Operations of the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®) and disposal of refuse at the Kirby Canyon Landfill are included in a separate fund, and the City's share of these expenses and revenues is reflected in the Solid Waste Management Fund.

The City's contract with Specialty for the collection of solid waste and recyclables throughout the City is the largest single expense within the Solid Waste Fund. Specialty is paid monthly, but its payment is determined for a year based largely on formulas that take actual expenses in the last fiscal year and adjusts them for inflation and profit permitted under the Franchise Agreement. Therefore, the contractor payment for the following fiscal year is driven primarily by actual expenditures from the last full fiscal year, adjusted by various indexes as identified in the Franchise Agreement. The projected FY 2020/21 contractor payment is \$22.9 million, which is approximately \$200,000 less than the FY 2019/20 contractor payment. This decrease occurred because two of the indexes that drive the contractor payment were negative this year. The financial plan also includes approximately \$400,000



over three years to implement Council direction related to selection of a collection contractor to provides services after the expiration of the current franchise on June 30, 2021. A consultant has been engaged to assist the City with, initially, a negotiated process.

The Fund also includes a project to implement the City's Zero Waste policy. The project has been updated to include \$24.8 million over twenty years to fund new practices aimed at meeting both existing organics and recycling regulations for the commercial and multi-family sector (Assembly Bill 1826 and Assembly Bill 341), new regulations requiring the collection of organics from all sectors (Senate Bill 1383) and the Zero Waste Strategic Plan goal of 90% diversion by 2030. This project does not incorporate the costs necessary to reach the goal of 90% diversion by 2030 due to uncertainty regarding legal and technical barriers to meeting the goal. Methods planned to increase the diversion rate include implementation of new SMaRT equipment, programs related to food scraps and commercial yard trimmings, and the implementation of City-wide multi-family recycling.

In FY 2017/18, the residential split-cart program called FoodCycle was implemented. The FoodCycle carts accommodate a smaller garbage volume than the previous generation carts, but have an additional separate compartment for food scrap collection. Food scraps make up approximately 33 percent of the garbage collected from Sunnyvale homes and contribute to greenhouse gas production when they decompose in a landfill. Through FoodCycle, residents separate this valuable resource and place it in the food scraps side of the new cart. The carts are emptied into a two-compartment truck that keeps food scraps and garbage separate. Then, instead of sending food scraps to the landfill, they are taken to a local facility and made into fertilizer.

Participation in FoodCycle will help Sunnyvale reach its Zero Waste goal of keeping 90% of our waste out of the landfill by 2030. During 2019, resident use of FoodCycle helped divert over 4,000 tons of food scraps from the landfill, a 50% reduction in the overall tons that were sent to the landfill prior to the program.

The Solid Waste Management Fund Long-Term Financial Plan (Attachment 7) reflects two inter-fund loans that were advanced from the General Fund between FY 1985/86 and 1998/99. The first loan provided a total of \$3.68 million for construction of a system to convert methane gas to a marketable form of energy. The second loan, for \$10.5 million, was to stabilize solid waste rates between FY 1994/95 and FY 1998/99. Both loans were refinanced in FY 2017/18, generating interest savings of over \$4.8 million, with no changes to the payoff schedule. This loan will be paid in full by FY 2023/24.

Additionally, to help bridge the gap of depressed cash flow from the recession to recovery, the Solid Waste Management Fund reflects a \$2 million loan from the Wastewater Management Fund. Payment was deferred to FY 2015/16 and then scheduled to be repaid over a six-year period ending in FY 2021/22. This helps the Solid Waste Fund with cash flow and then helps the Wastewater Management Fund in the future as its cash needs increase to fund the Sunnyvale Clean Water Program. This was also refinanced, reflecting interest savings of approximately \$161,000 over the repayment period.

Debt service expenditures reflect Sunnyvale's portion of the debt service for the original cost of the SMaRT Station facility and replacement equipment, as well as the estimated portion of debt which is anticipated to be issued in FY 2021/22 for a new materials recovery system. Debt service also includes the Solid Waste Fund's portion of the Certificates of Participation issued in 2001 for the purchase of the 505 West Olive Avenue Government Center property.

By fiscal policy, the Solid Waste Fund maintains a Contingency Reserve of 10 percent of operations. This is less than the 25 percent required for the Water and Wastewater Funds to reflect the fact that this operation has less City-owned infrastructure at risk for damage or disaster. The Fund also maintains a Rate Stabilization Reserve similar to the Water and Wastewater utilities.

#### Sunnyvale Materials Recovery and Transfer (SMaRT) Station Fund

In 1992, the City of Sunnyvale entered into a Memorandum of Understanding (MOU) with the cities of Palo Alto and Mountain View for the operation of the SMaRT Station. The three cities that participate in the SMaRT Station have individual agreements with Waste Management, Inc. for landfill disposal at the Kirby Canyon Landfill in San Jose. Sunnyvale and Mountain View agreed to deliver all their garbage and residential recyclables, including yard trimmings, to SMaRT. In 1992, at the start of the MOU, Palo Alto operated its own landfill and facilities for yard trimmings, compost, and recycling. Palo Alto thus committed to deliver only specific amounts of garbage that vary from year to year. The SMaRT Station is operated by a private company under contract with the City. In June 2014, the City Council awarded a new contract for operation of the SMaRT Station to Bay Counties Waste Services (RTC 14-0244). Bay Counties Waste Services has been operating the SMaRT Station since 2008 and their contract runs through 2021.

Sunnyvale's share of SMaRT Station costs is included in the Solid Waste Fund. At current garbage delivery rates, Sunnyvale is responsible for about half of the SMaRT Station operating expenditures and receives about half of the revenues earned by the cities from recyclables removed from the garbage. The capital cost of the SMaRT Station was financed by the sale of revenue bonds by Sunnyvale. Those bonds were refinanced in FY 2014/15 to take advantage of the lower interest rates available, generating a savings to the City's debt service obligations of approximately \$956,000. The debt service on the bonds is shared among the three cities as specified in the MOU.

The SMaRT Station Operations Fund was established to account for operations at the facility. It receives revenue from the charges to the cities of Sunnyvale (Solid Waste Fund), Mountain View, and Palo Alto, and from the sale of recyclables. Major operating cost components include the SMaRT Station operator contract and disposal fees and taxes collected by the Kirby Canyon Landfill. The fund is managed so that annual revenues and expenditures are in balance and that no fund balance, with the exception of a small debt service reserve, is carried forward to the next year.

The SMaRT Station Replacement Fund provides for the replacement of City-owned SMaRT Station equipment. The three participating cities contribute to these efforts and to payment of debt service based on fixed percentages established by the SMaRT Station MOU. Debt service reflects payment through FY 2020/21 for replacement of materials recovery facility equipment.

Staff anticipates that while most of the facility's equipment and the overall SMaRT Station can be maintained in good working order through the term of the MOU, there will come a point when the facility and equipment will need replacement or rehabilitation. Funding is projected for a new materials recovery system and other improvements needed to the SMaRT Station Facility in FY 2021/22, with annual debt service of \$2 million. Funding is provided for planning and inter-jurisdictional coordination through FY 2019/20, with design and construction following in FY 2020/21 through FY 2022/23. This project could replace the SMaRT station, or it could implement some other solution for the management of solid waste and recyclables in the City. The recommended budget is based on the initial construction cost of the SMaRT Station. Costs for the ultimate

replacement will be refined during the planning phase of the project.

#### Recommended FY 2020/21 Solid Waste Rate Increase

The proposed Solid Waste Management Fund Long-Term Financial Plan (Attachment 7) reflects the recommendation that solid waste charges remain unchanged for FY 2020/21. The projected rate increases anticipated over the remainder of the 20 years are shown at the bottom of the Solid Waste Management Fund Long Term Financial Plan.

As shown in Attachment 1, Monthly Utility Bill Comparisons - Single Family Residential, the City's residential solid waste and recycling rate is competitive when compared with neighboring cities. The detailed Solid Waste Rate Survey is presented as Attachment 8.

#### **FISCAL IMPACT**

The proposed utility rate changes are necessary to maintain the City's utilities in a sound financial and operational condition and have been incorporated in the FY 2020/21 Recommended Budget. Even with the proposed changes, Sunnyvale's utility rates remain competitive when compared to current rates charged in other cities.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety; and by making the agenda and report available at the Office of the City Clerk and on the City's Web site.

As detailed in the background section of this report, as required by State law (Proposition 218) Sunnyvale issued notices for utility rate increases.

#### **ALTERNATIVES**

1. Find that the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 because it approves rates and charges for the purposes of (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs and requirements; and (4) obtaining funds for capital projects necessary to maintain current service levels.
2. Adopt a resolution making no change to water and solid waste rates and increasing wastewater rates for FY 2020/21.
3. Adopt rates lower than those proposed.
4. Take no action on rates and leave the existing rates in effect.
5. Continue the hearing to a future date to consider rates higher than those proposed, which would require additional Proposition 218 noticing.

#### **STAFF RECOMMENDATION**

Alternatives 1 and 2: Alternative 1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 because it approves rates and charges for the purposes of (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment or materials; (3) meeting financial reserve needs and requirements; and (4) obtaining funds for capital projects necessary to maintain current service levels; and Alternative 2) Adopt a resolution making no change to water, increasing wastewater, and decreasing solid waste rates for

FY 2020/21.

Prepared by: Stephen Napier, Utility Billing Manager

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Combined Monthly Utility Bill Comparisons - Single Family Residential
2. Utility Rate Comparisons - Commercial
3. Recommended FY 2020/21 Water Supply and Distribution Fund Long Term Financial Plan
4. Water Rate Survey
5. Recommended FY 2020/21 Wastewater Management Fund Long Term Financial Plan
6. Wastewater Rate Survey
7. Recommended FY 2020/21 Solid Waste Management Fund Long Term Financial Plan
8. Solid Waste Rate Survey
9. Tax Roll Detail for Wastewater Services Provided Outside the City Limits
10. Map of Wastewater Service Area Outside the City Limits
11. Proposed Resolution