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Anaheim Municipal Code

Section 1221. UTILITY RATES.

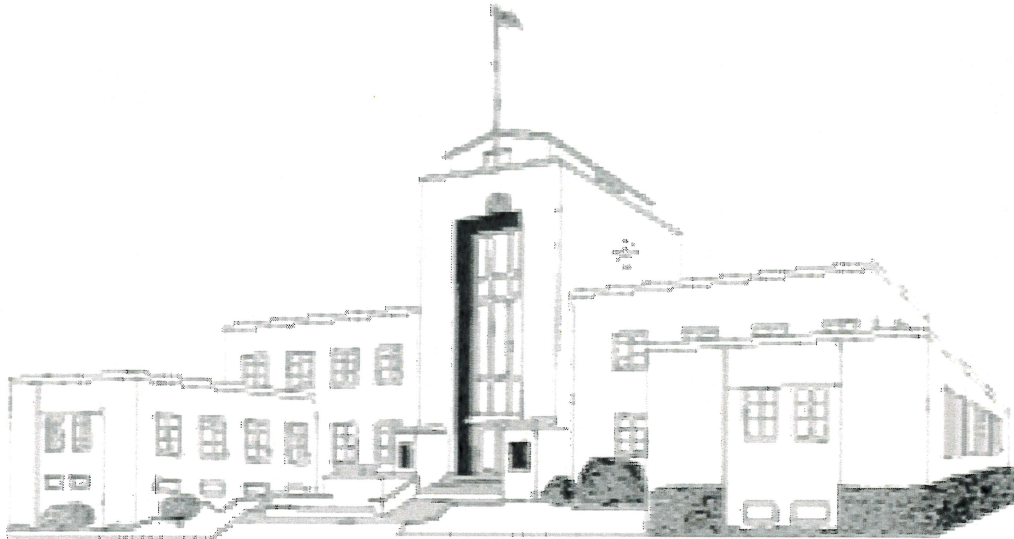
The City Council shall establish rates, rules and regulations for the water and electrical utilities. The rates shall be sufficient with respect to each utility to pay:

- (a) For operations and maintenance of the system.
- (b) For payment of principal and interest on debt.
- (c) For creation and maintenance of financial reserves.
- (d) For capital construction of new facilities and improvements of existing facilities, or maintenance of a reserve fund for that purpose.
- (e) For payments to the general fund of the City (exclusive of those amounts paid pursuant to subsection (a) of this Section 1221) in each fiscal year, in an amount equal to, or less than, four percent (4%) of the gross retail revenue earned by the utility during the previous fiscal year.

Rates shall be reviewed by the City Council periodically to insure that financial goals are being accomplished.

Rates shall be uniform for all consumers within the same class, but different rate schedules may be applied to different classes of consumers. Notwithstanding the foregoing, the City Council may establish, and revise from time to time, ratepayer discount and other programs to assist residential and non-residential customers in the payment of their utility bills and the costs of such discount and other programs may be paid from utility revenues. (Amended November 2, 1976, filed by Secretary of State December 27, 1976: amended November 6, 1990, filed by Secretary of State February 19, 1991.)

Charter Of the City of Burbank, California



INCORPORATED 1911

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In addition to public safety services and water and electric utility services, the City of Burbank, as a well managed and balanced City, shall serve the following functions:

1. Plan for and initiate sustainable long-range physical, economic, and social development of the City.
2. Effectively manage and maintain the City's infrastructure, including street, traffic, and transportation systems; sanitary and refuse systems; and public facilities.
3. Ensure open access to and availability of information and knowledge.
4. Provide high quality recreation facilities, programs, and activities designed to meet the human service, recreational, social, cultural, and educational needs of the City's constituents.
5. Provide high quality administrative support services designed to help the City meet its constituents' needs in an effective and efficient manner, including human resources, information management, budgeting, accounting, and other operations.
6. Such other functions as determined by the Council which are not prohibited by the California Constitution or this Charter. (Added by Charter Amendment approved by the voters on April 10, 2007.)

Section 605. DEPARTMENT STRUCTURE.

Any department or function provided for in this Charter or by ordinance, may be subsequently combined with other divisions or departments, redivided, or otherwise reorganized at the discretion of the City Manager. (Previous Section 37A; renumbered by Charter Amendment approved by the voters on April 10, 2007.)

Section 610. UTILITY DEPARTMENT.

There shall be a Utility Department to be known as Burbank Water and Power and a General Manager appointed by the City Manager.

The Department shall supervise the construction, reconstruction, operation and maintenance of all public utilities now or hereafter owned and operated by the City, including, but not limited to, the generation, purchase, distribution and sale of electric energy, water, gas, and telecommunications services and may, with the approval of the Council, lease or rent any property connected with any of its utilities and fix the rental charges thereof.

All funds received by the City related to the Department shall be deposited in the City Treasury to the credit of the Department. An amount not to exceed two percent (2%) of the Department's gross sales of electricity (exclusive of wholesale sales of electricity to other public or privately owned utilities) shall, in the Council's discretion, be deposited or transferred to the City's General fund, or pay bills incurred by the City for lighting its public streets, and an amount not to exceed five percent (5%) of the Department's gross sales of water and electricity, in lieu of taxes (exclusive of wholesale sales to other public or privately owned utilities)

shall be deposited or transferred to the City's General Fund at the discretion of the Council.

Funds not immediately needed by the Department may be temporarily loaned to other departments of the City pending collection of tax receipts or other funds owing to such other department. (Previous Section 33; amended and renumbered by Charter Amendment approved by the voters on April 10, 2007.)

Section 610A. UTILITY DEPARTMENT TRANSFERS.

In June 1958 the voters of Burbank elected to incorporate into the City's Charter the ability to transfer money from Burbank Water and Power's gross electricity sales to the City's General Fund. The current charter language provides that an amount not to exceed 7% of BWP's gross sales of electricity shall be transferred to the City's General Fund in the discretion of the Council (Burbank Charter Section 610). This Charter provision was reaffirmed by the voters in 2007 and the transfer has continued at the discretion of the City Council during the last 30 years and was always funded through retail electric rate payers.

The General Fund pays for essential City services such as 911 response, police and fire services, road maintenance, park services such as afterschool programs and senior programs, providing libraries for the community, as well as funding street lighting. During the last 10 years, through the annual budget cycle, the Council has continuously authorized transfer of 6.5% of BWP's gross sales of electricity to the City's General Fund and street lighting fund, which is a special fund within the General Fund.

In 2016, the City's application of Section 610 of the City Charter was challenged in court. (*Spencer v. City of Burbank*). The trial court found that because the City Council set the amount of the retail electric rates each year, Proposition 26 (Cal. Const. Art. XIII C, § 1(e)) applied, and the part of the electric rates used to fund the transfers is considered a tax. Additionally, the court found that although the voters had approved a Charter amendment to Section 610 in 2007, voter-approval requirements that are governed under Proposition 218 (Cal. Const. Art. XIII C, § 2) and Proposition 26 were not met because Section 610 did not explicitly authorize funding the transfer from retail electric rate payers.

The purpose of this Section is to explicitly approve the past practice of funding the transfers from retail electric rate payers and to approve such practice on a go forward basis. As such, 1.) BWP is authorized to continue including the cost of the transfers in retail electric rates or as a surcharge to retail electric rates; 2.) the Council is authorized to set retail electric rates including the cost of the transfers in retail electric rates or as a surcharge to retail electric rates on an annual basis; and 3.) at the discretion of the Council to transfer up to 7% of BWP's gross sales of electricity from retail electric rate payers to the City's General Fund.

This section is intended to apply retroactively to the 2016/2017 fiscal year and will remain in effect until changed by the voters. (Added by Charter Amendment approved by the voters on June 5, 2018.)

ARTICLE 7.

Boards, Commissions and Committees

Section 700. BOARDS, COMMISSIONS AND COMMITTEES.

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 - Article XII. Fiscal Administration

§ 1218. Municipally Owned Utilities

Latest version.

The Council through the Chief Administrative Officer shall endeavor to make each municipally owned utility financially self-sustaining. After providing for depreciation reserves and amortization of general obligation and revenue bonds issued for such utility and for reasonable accumulation of reserves for improvement and expansion, and for deposits into special funds created to secure revenue bonds issued for such utility, each utility shall apply all annual profits thereafter remaining to rate reductions, subject to any limitations on the application of such profits or on rate reductions contained in any resolution of the Council relating to the issuance of revenue bonds for such utility. No municipally owned utility shall be operated for the benefit of other municipal functions nor be used directly or indirectly as a general revenue-producing agency for the City, but may pay to the City such amounts of money, in lieu of property and other taxes normally placed upon private business enterprises, as the Council may provide by ordinance and may also pay to the City for any lawful purpose such amounts of surplus annual profits as may be permitted by the provisions of any resolution of the Council relating to the issuance of revenue bonds.

Glendale

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Sec. 20. Waterworks revenue fund; electric works revenue fund.

All receipts by the department of Glendale Water and Power from the sale of water or otherwise derived from the waterworks of the city shall be credited to a fund hereby created to be known as the waterworks revenue fund. All receipts by the department of Glendale Water and Power from the sale of electric energy or otherwise derived from the electric works of the city shall be credited to a fund hereby created to be known as the electric works revenue fund. All disbursements (except those payable from the waterworks depreciation fund) provided in the Glendale Water and Power budget on account of said waterworks shall be charged to said waterworks revenue fund and all disbursements (except those payable from the electric works depreciation fund) provided in said budget on account of the electric works shall be charged to said electric works revenue fund. The credit balance, if any, or any part thereof, in each of said funds at the end of any fiscal year, the amount of which is in excess of the amount of all outstanding demands and liabilities unpaid from said fund on account of budget appropriations therefrom, shall be transferred to the Glendale Water and Power surplus fund. (Res. No. 04-238 § 1, 2004)

Editor's Note: The catchline of this section originally read as follows: "Revenue funds."

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Sec. 21. Glendale Water and Power sinking fund.

For the payment of principal and interest of all Glendale city or municipal improvement district bonds heretofore issued for the acquisition, improvement or extension of waterworks or electric works operated by the city, the council shall transfer from time to time from the waterworks revenue fund or the electric works revenue fund, or both thereof, to the Glendale Water and Power sinking fund a sufficient amount each year to cover the total amount of payments falling due that year for principal and interest of said bonds. Nothing in this section shall impair the power of the council to levy such taxes as may be necessary to provide for the payment of interest and principal of such bonds, or the power of the council to pay from the waterworks revenue fund the principal and interest of any general obligation bonds of the city hereafter issued for waterworks purposes or to pay from the electric works revenue fund the principal and interest of any general obligation bonds of the city hereafter issued for electric works purposes. (Res. No. 04-238 § 1, 2004)

* In connection with this section, see Charter, Art. XXVI, § 5.

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Sec. 22. Glendale Water and Power surplus fund—Generally.

A fund to be known as the Glendale Water and Power surplus fund is hereby created, to which fund shall be credited from the receipts of the department of Glendale Water and Power in the waterworks revenue fund and the electric works revenue fund, any amounts in excess of the requirements of the several funds as hereinbefore set forth. Except as otherwise provided in this section, disbursements from said Glendale Water and Power surplus fund may be made by the council by special appropriation for waterworks or electric works purposes only, which shall include payment of all or any portion of the tax of the Metropolitan Water District of Southern California, or its successors in interest, which the council may elect to pay out of the funds of the City of Glendale.

At the end of each fiscal year an amount equal to twenty-five (25) percentum of the operating revenues of the department of Glendale Water and Power for such year, excluding receipts from water or power supplied to other cities or utilities at wholesale rates, shall be transferred from said Glendale Water and Power surplus fund to the general reserve fund; provided, that the council may annually, at or before the time for adopting the general budget for the ensuing fiscal year, reduce said amount or wholly waive such transfer if, in its opinion, such reduction or waiver is necessary to insure the sound financial position of said department of Glendale Water and Power and it shall so declare by resolution. (1921; 1931; 1941; 1946; 1949.) (Res. No. 04-238 § 1, 2004)

* In connection with this section, see Charter, Art. XXVI, § 5.

It was held in the case of *City of Glendale v. Crescenta Mutual Water Co.*, 135 Cal App. (2d) 784, 288 P. (2d) 105, that the council has discretion to pay all or a portion of the payments to the Metropolitan Water District from the public service surplus fund in lieu of the ad valorem tax of the district.

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Los Angeles[Print](#)

Los Angeles Charter and Administrative Code

Sec. 344. Transfer of Surplus to Reserve Fund.

(a) At the close of each fiscal year, the Controller and Treasurer shall transfer all surplus money remaining in each fund over and above the amount of outstanding demands and liabilities payable out of the fund to the Reserve Fund, except surplus money in the several bond funds, interest and sinking funds, trust funds, pension and retirement funds, Harbor Revenue Fund, Library Fund, Recreation and Parks Fund, Power Revenue Fund, Water Revenue Fund, Airport Revenue Fund and other funds as provided by the Charter or ordinance. The Council may, by ordinance, direct that surplus money in the Harbor Revenue Fund, the Power Revenue Fund or the Water Revenue Fund be transferred to the Reserve Fund with the consent of the board in charge of the fund, but not otherwise. Surplus money may be transferred from the Airport Revenue Fund only as provided in Section 635.

(b) The Council may, by ordinance, direct that a transfer be made to the Reserve Fund from surplus money in the Water Revenue Fund or Power Revenue Fund with the consent of the Board of Water and Power Commissioners (the "Board"), as provided in this section.

(1) For purposes of this section, surplus in the Water Revenue Fund or Power Revenue Fund shall be defined as the amount remaining in the Water Revenue Fund or Power Revenue Fund, less outstanding demands and liabilities payable out of the fund, at the end of the fiscal year prior to the fiscal year in which the transfer is to be made, as shown by audited financial statements.

(2) Through the process provided in this section, the Board may withhold its consent to make the transfer in whole or in part if, despite the existence of a surplus as defined herein, it finds that making the transfer would have a material negative impact on the Department's financial condition in the year in which the transfer is to be made.

(3) By no later than November 30 of each year, the Board shall be presented with audited financial statements for the prior fiscal year. Based upon the audited financial statements for the prior fiscal year and budget status information for the current fiscal year, the Board shall, by December 31 of each year notify the Council and Mayor that the Board has (i) approved that the transfer be made in full, (ii) approved that the transfer be made in part, or (iii) decided that the transfer not be made in whole or in part. In the event that no approval of the transfer in full has been made by the date of notification, the Board shall provide the City Council and Mayor with (i) a detailed explanation of the basis therefor and all supporting financial information, and (ii) a preliminary assessment on the feasibility of making the transfer or the remaining portion of the transfer, as the case may be, by the end of the current fiscal year, which preliminary assessment shall be accompanied by a detailed explanation of its basis and all supporting financial information.

(4) In the event that the Board notifies the City that it will be unable to make the transfer in whole or in part because it will have a material negative impact on the Department's financial condition in the year in which the transfer is made, the City

Administrative Officer shall verify the Department's findings and report to the Mayor and City Council concurrently, by no later than February 28, with that office's findings and recommendations. The Board shall after receiving the report from the City Administrative Officer and consultation with the Council and Mayor, act to either amend or uphold the Board's preliminary findings.

- (5) Any transfer made shall be consistent with any applicable contractual obligations.

SECTION HISTORY

Amended by: Charter Amendment J § 2, approved March 8, 2011, effective April 8, 2011.

Sec. 679. Water and Power Revenue Funds.

(a) **Water Revenue Fund.** All revenue from every source collected by the department in connection with its possession, management and control of the Water Assets of the City shall be deposited in the City Treasury to the credit of the Water Revenue Fund.

(b) **Power Revenue Fund.** All revenue from every source collected by the department in connection with its possession, management and control of the Power Assets of the City shall be deposited in the City Treasury to the credit of the Power Revenue Fund.

(c) **Use of Funds.** The money in the Water Revenue Fund and Power Revenue Fund may not be appropriated, transferred or expended for any purposes except the following:

(1) *Operation and Maintenance.* For the necessary expenses of operating the department, including the operation, promotion and maintenance of the Water and Power Assets for Departmental Purposes.

(2) *Retirement of Indebtedness.* For the payment of the principal and interest, due or coming due during the fiscal year in which the revenues are received, or are to be received, upon outstanding notes, certificates or other evidences of indebtedness issued against revenues from the Water or Power Assets or bonds or other evidences of indebtedness of the department.

(3) *Development of Assets.* For the necessary expenses of constructing, extending and improving the Water or Power Assets, including the purchase or condemnation of lands, water rights and other property for Departmental Purposes.

(4) *Reimbursements.* For reimbursement to another department or office of the City on account of services rendered, or materials, supplies or equipment furnished to support Departmental Purposes.

(5) *Promotion of Business.* For the promotion of any of its products or services.

(6) *Promotion of Conservation.* For the development, or promotion or use of systems, equipment, devices or materials by department customers that conserve utilization of water, electric energy and related departmental services.

(7) *Employee Benefits.* For defraying the expenses of any pension or retirement system and health or other benefits applicable to the employees of the department.

(8) *Bond Reserve Funds.* For establishing and maintaining a reserve fund to insure the payment at maturity of the principal and interest on all bonds now outstanding or hereafter issued for Departmental Purposes and the money set aside and placed in these funds shall remain in the funds until expended and shall not be transferred to the Reserve Fund of the City.

(9) *General Fund Transfers.* To be transferred to the City General Fund as provided in Section 344.

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Palo Alto Municipal Code

Sec. 2. Public utilities revenue.

The revenue of each public utility shall be kept in a separate fund from all other receipts and shall be used for the purposes and in the order as follows:

- (a) For the payment of the operating and maintenance expenses of such utility, including the necessary contribution to retirement of its employees.
- (b) For the payment of interest on the bonded debt incurred for the construction or acquisition of such utility.
- (c) For the payment of the principal of said debt, as it may become due.
- (d) For capital expenditures of such utility.
- (e) For the annual payment into a reserve fund for contingencies, of an amount not to exceed ten percent of the expenditure for capital outlay for the year, exclusive of bond fund expenditures. The total accumulated in this reserve for contingencies shall at no time exceed five percent of the book value of the utility's capital in service. This reserve fund shall be available for use by the utility, only for replacements or emergency repairs and after special appropriation by the council.
- (f) The remainder shall be paid into the general fund by quarterly allotments.

Each fiscal year the City Council shall transfer from the Light and Power Fund an amount equal to eight percent (8%) of the gross income of the electric works received during the immediately preceding fiscal year from the sale of electric energy at rates and charges fixed by ordinance, and from the Water Fund an amount equal to six percent (6%) of the gross income of the water works received during said preceding fiscal year from the sale of water at rates and charges fixed by ordinance. Said amounts shall be in addition to the amount authorized to be transferred by Section 1407, and shall be transferred at the same time and in the same manner as the amount provided in Section 1407. The amounts thus transferred may be expended for any municipal purpose.

The amount to be so transferred from the Light and Power Fund shall not exceed one-half of the net income of the electric works as said net income is defined in the first paragraph of Section 1407. The amount to be so transferred from the Water Fund shall not exceed the net income of said Fund as shown on the books of account of the water utility after payment of the maintenance and operating expenses of the water works, the expenses of conducting the water utility, depreciation, and the principal, interest and premiums, if any, upon the redemption thereof, of water works revenue bonds.

Notwithstanding anything herein contained, if the City Council at the time of or before the adoption of the budget shall determine that the transfer of such amount from the Light and Power Fund or from the Water Fund would be detrimental to the proper functioning and administration of the two utilities during the budget year under consideration, the City Council may so find by resolution, and, in such event, no transfer of such amount shall be made within that fiscal year. If the City Council shall determine that the transfer of an amount less than eight percent (8%) from the Light and Power Fund or of an amount less than six percent (6%) from the Water Fund would not be detrimental to the proper functioning and administration of these utilities during the budget year under consideration, the City Council may so declare by resolution, and shall transfer a smaller amount.

(Sec. 1408 amended by vote of the people 3-9-1993: Sec. 1408 amended by vote of the people 6-6-1972.)

Roseville

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Article IX. Franchises							

Sec. 9.01. When franchises are required.

No person, firm or corporation shall exercise any franchise right or privilege in the City for furnishing its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, video or any other public utility or service, except insofar as it may be entitled to do so, pursuant to state or federal law, unless it shall have obtained a grant therefore in accordance with the provisions of this article of this charter and in accordance with the procedure prescribed by ordinance. Nothing contained in this article shall be construed to invalidate any lawful franchise heretofore granted or to necessitate the obtaining of a new franchise for a use which a franchise holder shall have in a valid unexpired franchise. Nothing contained in this article shall be construed to apply to the City, or any department thereof, when furnishing any public utility or service, except that for purposes of accounting for the value of the occupation of public right of way, City-owned utilities may pay an in-lieu of franchise fee not to exceed four percent (4%) of total operating and capital expenditures to the City's general fund. All in lieu of franchise fee revenue received shall be budgeted and appropriated solely for police, fire, parks and recreation or library services. (Amended by General Municipal Election on November 2, 2010: amended by General Municipal Election on November 7, 2000.)

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Sacramento

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[Title 3 REVENUE AND FINANCE](#)[Chapter 3.20 GENERAL TAX ON CITY UTILITIES](#)**3.20.010 General tax on city-operated water, sewer, storm drainage and solid waste enterprises.**

There is imposed upon the enterprises operated by the city which provide water, sewer, storm drainage, and solid waste services, a general tax which shall be paid to the city general fund. The tax imposed by this section shall be at the rate of eleven (11) percent of the gross revenues received by the city-operated enterprises from user fees and charges. In levying the tax, the city council may impose a tax rate higher or lower than eleven (11) percent on one more of the enterprises, so long as the total tax paid by all of the enterprises does not exceed eleven (11) percent of the total gross revenues from user fees and charges of all of the enterprises combined. (Ord. 98-027; prior code § 41.10.150)

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