

RESOLUTION NUMBER 4177

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PERRIS, COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA, ADJUSTING SEWER SERVICE RATES
ESTABLISHED BY MUNICIPAL CODE CHAPTER 14.28***

WHEREAS, Article XIIIID of the California Constitution sets forth the procedures for a City of Perris to follow with respect to adopting increases in “property related fees” such as sewer service fees; and

WHEREAS, on November 19, 2008, Eastern Municipal Water District (“EMWD”) notified the City of its intention to increase certain charges related to its water and sewer services purchased by the City to provide its services; and

WHEREAS, pursuant to the Interagency Agreement, dated February 6, 1980 (“Agreement”), the City acts as the agent for EMWD in connection with the certain sewer services provided by EMWD to its customers within the City of Perris; and

WHEREAS, EMWD has requested that the City bill the increased rates to be charged by EMWD effective February 7, 2009, for its services within the City as its agent under the Agreement; and

WHEREAS, EMWD has informed the City (a) that on November 19, 2008, it mailed notice of its increase pursuant to Article XIIIID of the California Constitution to its customers within the City, (b) that it has held a hearing on the increase on January 7, 2009, within its district, and (c) that its increased sewer rates have not received a majority protest and that it has adopted the increase pursuant to its notice; and

WHEREAS, the City manages and supplies the sewer services of the City by charging for sewer service provided to the residents of the City pursuant to Chapter 14.28 of the Perris Municipal Code, as such charges are adjusted from time to time; and

WHEREAS, the City provides certain sewer services to its customers and has provided notice to its customers of the City’s proposed increases; and

WHEREAS, the City’s increased rates are due to increases in the costs of purchased water, labor, electricity, supplies, equipment and gasoline; and

WHEREAS, City of Perris Municipal Code Section 14.28.150 (6) permits the City Council to increase sewer rates by resolution following a public hearing; and

WHEREAS, Article XIIIID, Section 6 of the California Constitution requires that prior to the public hearing to increase sewer rates charged by the City, the City mail to each property owner or renter subject to the fee, at least 45 days prior to such public hearing, a notice describing (a) the amount of the fee or charge to be imposed upon each parcel, (b) the basis upon

which the amount of the proposed fee or charge was calculated, (c) the reason for the fee or charge, and (d) the date, time, and location of a public hearing on the proposed fee or charge; and

WHEREAS, on November 26, 2008, the Assistant Finance Director of the City mailed the notice of public hearing to be held on January 13, 2009, relating to the City's increased sewer charges in accordance with California Constitution Article XIID Section 6; and

WHEREAS, the City published said notice in *The Perris Progress/Perris City News*, a newspaper of general circulation in the City, on November 27, 2008; and

WHEREAS, the City has held such public hearing on January 13, 2009, and received and considered all oral and written protests related to the proposed increases in the sewer charges;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, California, as follows:

Section 1. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. The Council has fully considered this matter and has:

- A. Reviewed the submittal, notice and the information submitted herewith regarding the proposed increase, the parcels to which the proposed fee increase would apply, and the reasons and basis for the increase and the fees;
- B. Provided notice of the proposed fee increase to the record owners (or renters responsible for payment of the fee) of all parcels to which the proposed fee increase would apply in accordance with Article XIID of the California Constitution;
- C. Heard and received all objections, protests, or other written communications from any owners (or renters) of real property subject to the fee;
- D. Taken and received oral and documentary evidence pertaining to the proposed fee increase; and
- E. Been fully informed of this matter.

Section 3. The Council determines that written protests have not been received from property owners representing a majority of the parcels subject to the proposed fee increase.

Section 4. The Council determines, as agent of EMWD, to bill the sewer charges provided by EMWD pursuant to the request of EMWD.

Section 5. That based on these facts and circumstances presented and the information received during the public hearing, the City Council finds that increases in sewer rates are necessary and are hereby adopted.

Section 6. Adjustments to Monthly Sewer Rates. Pursuant to Section 14.28.150(6) permitting changes in rates by Resolution, the rates set forth in Sections 14.28.150 (A), as said rates may have been adjusted pursuant to prior resolutions or ordinances, are increased as set forth below.

- A. City Monthly Service Charge. The monthly service charge for all customers shall be as follows:
1. For each residential service, the monthly service charge shall be an amount equal to the amount charged by EMWD plus an additional monthly service charge of \$7.77 per month; provided that for efficiency unit apartment developments (as defined in Section 14.08.050) the monthly charge for each unit shall be the EMWD charge plus fifty percent (50%) of the City's charge.
 2. For all other classifications, excluding schools, charges shall be the following: 7.34 cents per 100 cubic feet of water used per month *or the current monthly service charge, as described in item number one of this section, whichever is higher.*
 3. For each school located on the property to be served, the monthly service charge shall be an amount equal to the amount charged by EMWD plus an additional monthly service charge as follows:

Preschool/Elementary - \$0.2448 per student, teacher and employee;

Middle/Junior High - \$0.3061 per student, teacher and employee;

High School/College - \$0.3673 per student, teacher and employee.
 4. The monthly sewer service charges described in this Section (except as described below with respect to EMWD) shall be adjusted and effective on January 15, 2009.

B. EMWD Monthly Service Charge: The EMWD Monthly Service charge shall be \$.872/day / \$26.52 per month. The EMWD Monthly service charge shall be effective as of January 15, 2009.

Section 7. All other provisions of Chapter 14.28 shall remain in full force and effect.

Section 8. Any resolution or ordinance or portion thereof in conflict herewith relating to the increased sewer rates described herein is hereby repealed to the extent of such conflict and of no further effect to the extent of such conflict.

Section 9. The revised rates and charges approved and established herein shall take effect on the dates described under Section 6 hereof.

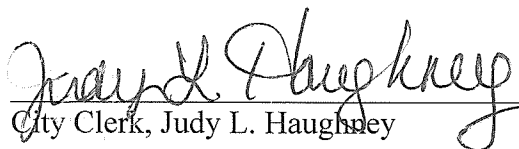
Section 10. The City Clerk shall certify as to the adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 13th day of January, 2009.



Mayor, Darryl R. Busch

ATTEST:

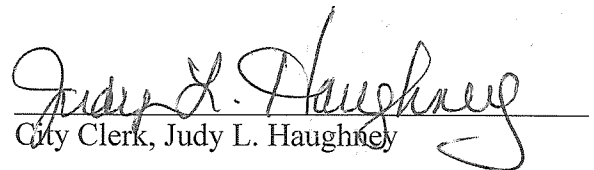


City Clerk, Judy L. Haughey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4177 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 13th day of January, 2009, and that it was so adopted by the following called vote:

AYES:	COUNCILMEMBERS:	Yarbrough, Landers, Evans, Rogers, Busch
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None



City Clerk, Judy L. Haughney