

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF PERRIS ADOPTING CERTAIN WATER RELATED  
FEES PURSUANT TO MUNICIPAL CODE CHAPTER 14.08  
FOR THE McCANNA RANCH WATER SYSTEM**

**WHEREAS**, California Government Code Section 54344 *et. seq.* ("Revenue Bond Law") and California Health and Safety Code Sections 5470 *et. seq.* ("H&S Act"), among other laws of the State of California, authorize the City to maintain and operate sewer and water enterprises and enact charges in connection therewith; and

**WHEREAS**, City of Perris ("Perris") purchased the McCanna Ranch Water System, also to be known as the North Perris Water Service Area (the "Water Enterprise") under threat of condemnation pursuant to the Asset and Real Property Purchase Agreement, dated December 12, 2008 (the "Purchase Agreement"), by and between the City and McCanna Ranch Water Company, a California corporation ("MRWC"); and

**WHEREAS**, the City assigned the Water Enterprise to the Perris Public Utility Authority, a joint powers authority duly organized under the laws of the State of California (the "Authority") pursuant to the Assignment and Assumption of Asset and Real Property Purchase Agreement, dated as of December 13, 2008 ("Purchase Agreement"), by and among the City, the Authority and MRWC in exchange for certain promises and payments by the Authority; and

**WHEREAS**, the City and Authority have authorized entering into a Water Enterprise Management Agreement pursuant to which the City will manage and operate the Water System for the Authority; and

**WHEREAS**, the City Council of the City of Perris ("City Council") through its adoption of ordinances, resolutions and Chapters 14.08 of the Municipal Code has established regulations governing the imposition of certain water fees; and

**WHEREAS**, the Chapter 14.08.090 allows the City to impose certain delinquency and/or other fees; and

**NOW, THEREFORE**, the City Council of the City of Perris hereby resolves as follows:

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

Section 2. **Fees.** The Fees set forth in Exhibit A hereto shall be applied to the Water Enterprise pursuant to 14.08.090 of the Perris Municipal Code.

Section 3. **Municipal Code Applicable.** The provisions of the Municipal Code relating to water service are intended to apply to the Water Enterprise, subject to such limitations as are required by law.

Section 4. **Severability Clause.** If any provision, section, subsection, subdivision, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the Resolution.

Section 5. **Certification.** The City Clerk shall certify as to the passage and adoption of this Resolution and shall cause the same to be posted at the designated locations in the City of Perris.

**ADOPTED, SIGNED and APPROVED** this \_\_\_\_ day of \_\_\_\_, 2009

\_\_\_\_\_  
MAYOR

Attest:

Judy L. Haughney, City Clerk

## Exhibit A