

RESOLUTION NUMBER 4244

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PERRIS, COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA, ADOPTING A FORMULA FOR WATER
SERVICE ADJUSTMENTS**

WHEREAS, the City manages and supplies the water enterprise of the City (the "System") by charging for water service provided to the residents of the City pursuant to Chapter 14.08 of the Perris Municipal Code, as such charges are adjusted from time to time by resolution; and

WHEREAS, the City is proposing to adjust its water rates in accordance with a formula for a consumer price index adjustment and an adjustment based on water wholesale charges purchased from Eastern Municipal Water District ("EMWD") over the next five years; and

WHEREAS, City of Perris Municipal Code permits the City Council to adopt water rate adjustments or formulas for future adjustments by resolution following a public hearing; and

WHEREAS, Article XIID of the California Constitution and the laws enacted in connection therewith provide that prior to the public hearing to adopt a formula for adjusting water rates, the City mail to each property owner or customer subject to the fee, at least 45 days prior to such public hearing incorporating certain information; and

WHEREAS, on May 29, 2009, the Assistant Finance Director of the City mailed the notice of public hearing to be held on July 14, 2009, relating to and describing the water adjustment formula in accordance with California Constitution Article XIID Section 6 to the applicable customers and/or parcels; and

WHEREAS, the City published said notice in *The Perris Progress/Perris City News*, a newspaper of general circulation in the City, on June 17, 2009 and June 24, 2009; and

WHEREAS, the City has held such public hearing on July 14, 2009, and received and considered all oral and written protests related to the proposed increases in the water 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 formulas and increases, 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/customers 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 noticed proposed fee increases or adjustments pursuant to the formula.

Section 4. That based on these facts and circumstances presented and the information received during the public hearing, the City Council finds that adjustments in water rates are necessary in accordance with the formula and the formula is hereby approved. The City Council hereby adopts the following formula with respect to which it shall adjust water service fees by resolution or ordinance:

Effective August 1, 2009 through December 31, 2013, the City may (a) increase customers' water consumption charges to pass through increased wholesale water purchase costs charged by Eastern Municipal Water District to the City on the date that EMWD's increase takes effect or within sixty days thereafter, and (b) adjust its fixed fee and consumption fee charged to customers based on CPI (as defined below) on January 1 of each such year, commencing January 1 2010, subject to the City Council's right each year to forego or reduce the amount of the automatic inflationary adjustments or wholesale pass through charges. The new fee shall be calculated on the fee in effect in the month prior to the new fee taking effect.

CPI means the U.S. Bureau of Labor and Statistics, U.S. Department of Labor, Consumer Price Index (Los Angeles - Orange County - Riverside), measured on the September index number and covering a year period.

Section 5. Any resolution or portion thereof in conflict herewith relating to the increased water rates described herein is hereby repealed to the extent of such conflict and of no further effect to the extent of such conflict.

Section 6. The formula for setting rates established herein shall take effect immediately.

Section 7. The City Clerk shall certify as to the adoption of this Resolution.

ADOPTED, SIGNED and **APPROVED** this 14th day of July, 2009.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

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 4244 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 14th day of July, 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