

ORDINANCE NO. 09-953 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 14.04.020 OF THE CITY OF EL PASO DE ROBLES
MUNICIPAL CODE TO ADJUST WATER USER FEES

WHEREAS, the City Council has adopted the Integrated Water Resources Plan and approved participation in the Nacimiento Water Project to help assure a high quality and continuous supply of water to its citizens; and

WHEREAS, current water rates and water capacity charges generate revenues to provide drinking water to residents and businesses from ground water with an allowance for a portion of initial Nacimiento Water Project expenditures; and

WHEREAS, the existing water rates were set before the costs of the Nacimiento Water Project were fully known; and

WHEREAS, the water to be provided by the Nacimiento Water Project and the associated improvements to the City water system are necessary to improve quality and supplement the limited ground water supply especially during peak summertime demand periods, and also to provide adequate distribution, treatment, and water storage capacity; and

WHEREAS, the Nacimiento Water Project infrastructure is designed to have the capacity to serve both existing City water customers as well as those resulting from new development; and

WHEREAS, the City hired the firm of Kennedy/Jenks Consultants to undertake a comprehensive review of the City's water rate revenues and costs of water operations which was presented to the City Council in July 2008; and

WHEREAS, upon further consideration and study and public input, the City Council determined in September 2008 that the initially proposed water user rates would be unduly burdensome upon water customers and directed staff to consider an alternative approach; and

WHEREAS, Kennedy/Jenks presented a revised study, dated September 29, 2008, (the "Revised Water Rate Study") analyzing an alternative pay-as-you-go approach that would phase in water system improvement costs over a 17-year period rather than a 10-year period, and use other available revenues to avoid incurring the additional costs incurred with issuing bonds; and

WHEREAS, the alternative approach would help ensure that users pay for operations and improvements that serve the existing community, while new development would pay for those improvements that offset their impacts; and

WHEREAS, the Revised Water Rate Study recommends that the costs of capital improvements and water utility operating expenses be paid for with a combination of (i) water rates that are charged to existing customers and (ii) water connection fees/capacity charges that are charged for new development; and

WHEREAS, the City Council believes a combination of a fixed and variable rate structure for water users is the most equitable method of helping pay for a reliable, well-maintained; infrastructure system and reliable water source; and

WHEREAS, the City Council, on October 21, 2008, authorized staff to mail the notices required by Proposition 218 to all property owners and water customers and set January 20, 2009 as the date for a public hearing on the proposed adoption of new water user rates; and

WHEREAS, Section 53756 of the Government Code, which took effect January 1, 2009, authorizes an agency providing water service to adopt a schedule of adjustments to fees, which schedule may be for up to a period of five (5) years; and

WHEREAS, notices were mailed to all property owners and water customers on October 27, 2008; and

WHEREAS, in light of current economic conditions, the City Council has determined that the proposed July 1, 2009 increase in water user rates should be deferred, and that existing water user rates should remain in effect until January 1, 2010;; and

WHEREAS, at the public hearing on January 20, 2009, the Deputy City Clerk attested that written protests by the owners of a majority of the affected properties had not been presented; and

WHEREAS, the staff report and the Water Rate Study, and other public and written testimony presented at the public hearing are incorporated herein by reference;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

SECTION 1. Subdivision C of Section 14.04.020 of the Paso Robles Municipal Code is hereby amended to read as follows:

"C. FEES—WATER USAGE RATES. The monthly rates to be charged and collected for all water consumption including bulk water delivery, or fire hydrant usage from every person, school, firm, or corporation shall be charged at rates established by ordinance of the City Council and adopted in accordance with the procedures required by law.

Commencing with the effective date of this Ordinance No. ____, the rate for water users shall be a combination of (i) a fixed rate, plus (ii) a variable rate based on consumption. The variable rate component shall be further adjusted every January 1st thereafter as set forth in the following table:

Monthly Fixed Rate	Existing	1/1/2010	1/1/2011	1/1/2012	1/1/2013	1/1/2014
All Meters	\$18.00	\$18.00	\$18.00	\$18.00	\$18.00	\$18.00

Variable Consumption Charges (\$/HCF*)

Usage Rate (all users except as set forth below)	\$1.32	\$1.75	\$2.00	\$2.25	\$2.50	\$2.75
Single Family 0-5 Units*	\$1.32	\$1.49	\$1.70	\$1.91	\$2.13	\$2.34

*One Unit is equivalent to 748 gallons, or one Hundred Cubic Feet ("HCF")

The water usage fees shall further be reviewed no less than biennially in conjunction with the update of the City's budget to ensure that the water user charges then in existence do not exceed the costs of providing water service within the City."

SECTION 3. Severability

If any action, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. Publication

The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause the same to be published once in a newspaper of general circulation, published and circulated in the City of El Paso de Robles.

SECTION 5. Effective Date.

This Ordinance will take effect thirty (30) days after its final passage.

Introduced at a regular meeting of the City Council held on January 20, 2009 for first reading by the City Council of the City of El Paso de Robles, and adopted on the 3rd day of February, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy David, Deputy City Clerk