

ORDINANCE 2011-040

**AN ORDINANCE OF THE CITY OF AMERICAN CANYON
ADDING PROVISIONS TO CHAPTER 14.04 OF THE CITY OF AMERICAN CANYON
MUNICIPAL CODE FOR INDEXING OF WASTEWATER SERVICE CHARGE RATES**

WHEREAS, it is the policy of the City of American Canyon that all enterprise funds of the City generate revenues that meet all budgeted operating expenses, and

WHEREAS, California state law requires that wastewater rates and charges be proportional to the cost of providing service; and

WHEREAS, City established a Blue Ribbon Committee on Water Resources comprised of residents, businesses and government representatives that recommended that wastewater rates be enacted sufficient to meet the cost of providing wastewater service; and

WHEREAS, City has received a rate study, prepared by Bartle Wells Associates (BWA) consistent with American Water Works Association (AWWA) Guidelines, which details wastewater rate recommendations that allow the City's wastewater system to meet its cost of service in a fair and equitable manner; and

WHEREAS, the City Council held a public hearing on December 4th, 2007, duly noticed in accordance with the California Constitution Article XIID, known as "Proposition 218," where it heard all testimony and protests related to the rates outlined in the public notice California state law requires that wastewater rates and charges be proportional to the cost of providing service; and

WHEREAS, the City Council had adopted Ordinance 2007-14 for the purpose of adding provisions to the Municipal Code to adjust the wastewater service charge rates as recommended in the BWA rate study; and

WHEREAS, Ordinance 2007-14 did not include a provision to index the wastewater service charge rates, as recommended in the BWA rate study, due to an oversight during the administrative review of the draft ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 14.04.020.C is enacted to read: "Effective January 1, 2012, and on every January 1st thereafter, wastewater service charges will be adjusted by the percent change in the Bay Area Consumer Price Index over the previous calendar year, or by three percent, whichever is less."

SECTION 2: Section 14.04.030.C is enacted to read: "Effective January 1, 2012, and on every January 1st thereafter, wastewater service charges will be adjusted by the percent change in the Bay Area Consumer Price Index over the previous calendar year, or by three percent, whichever is less."

SECTION 3: Section 14.04.040.C is enacted to read: "Effective January 1, 2012, and on every January 1st thereafter, wastewater service charges will be adjusted by the percent

change in the Bay Area Consumer Price Index over the previous calendar year, or by three percent, whichever is less."

SECTION 4: Section 14.04.050.B is enacted to read: "Effective January 1, 2012, and on every January 1st thereafter, wastewater service charges will be adjusted by the percent change in the Bay Area Consumer Price Index over the previous calendar year, or by three percent, whichever is less."

SECTION 5: Section 14.04.060.C is enacted to read: "Effective January 1, 2012, and on every January 1st thereafter, wastewater service charges will be adjusted by the percent change in the Bay Area Consumer Price Index over the previous calendar year, or by three percent, whichever is less."

SECTION 6: The provisions of this Ordinance shall be severable. If any portion is found to be unconstitutional, illegal, or invalid, the remainder shall survive and remain effective and enforceable.

SECTION 7: Effective date: This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 8: The City Council finds that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because the Ordinance changes no land use regulations and grants no entitlements to development of either real property within the City or on real property within the City Wastewater Service Area in which the described services are rendered and, therefore, has no potential for causing a significant effect on the physical environment and is exempt from review under CEQA because CEQA does not apply to the establishment of charges by public agencies which are necessary for the purpose of meeting operating expenses, CEQA Guidelines section 15273(a)(1).

SECTION 9: The foregoing Ordinance was introduced and read at the regular meeting of the City Council of the City of American Canyon, State of California, held on the 16th day of August, 2011, and approved and adopted at a regular meeting on the 6th day of September, 2011.

Mayor Garcia:	<u>yes</u>
Vice Mayor Bennett:	<u>yes</u>
Council Member Coffey:	<u>yes</u>
Council Member Bennett:	<u>yes</u>
Council Member Joseph:	<u>yes</u>

Leon Garcia
Leon Garcia, Mayor

ATTEST:
Rebekah Barr
Rebekah Barr, MMC, City Clerk

APPROVED AS TO FORM:
William D. Ross
William D. Ross, City Attorney