

ORDINANCE NO. 3155

ORDINANCE OF THE CITY OF CHULA VISTA
CONTINUING THE CURRENT, PREVIOUSLY-APPROVED
SEWER SERVICE RATES

WHEREAS, the sewer service rates are the fees paid by all users who are connected to the City's wastewater collection system to fund the cost of wastewater treatment and maintenance of the system; and

WHEREAS, the sewer service rates currently in effect in the City were established on February 5, 2008, when the City Council of the City of Chula Vista approved a three-year rate plan, which set the schedule for the adjustment of sewer service fees for Fiscal Year 2007/2008 through Fiscal Year 2009/2010, based on the findings and recommendations of the "*Cost of Service and Rate Study for Sewer Services*" prepared by Camp Dresser & McKee, Inc. (CDM), dated October 2007; and

WHEREAS, City staff recently prepared the "2010 Cost of Service and Rate Study Update for Sewer Services" (the "2010 Study") and, based on the 2010 Study, determined that continuation of the current service rates, which were previously approved for Fiscal Year 2009/2010, will ensure that the City recovers sufficient revenues to meet projected expenditures for the maintenance and operation of the City's sewer collection and treatment system for Fiscal Year 2010/2011; and

WHEREAS, based on the 2010 Study, City staff recommends that the current, previously-approved sewer service rates for Fiscal Year 2009/2010 remain in effect, beginning July 1, 2010 and continue in effect until the City determines it is necessary to increase, or otherwise adjust the rates; and

WHEREAS, the sewer service rates currently in effect were adopted in compliance with the notice, protest and hearing requirements of California Constitution Article XIID, Section 6, and California Government Code section 53753; and

WHEREAS, the City Council finds that when the currently effective sewer service rates were adopted on February 5, 2008, written protests against the proposed increased sewer service rates were not presented by a majority of owners of the identified parcels; and

WHEREAS, continuing the currently effective sewer service rates would not increase the amount of the fee beyond the amount previously approved by the City Council and would not revise the methodology previous approved by the City Council; and

WHEREAS, the City Council finds that the revenues derived from continuing the currently effective sewer service rates will not result in revenues exceeding the funds required to provide the property related service; and

WHEREAS, the City Council finds that the revenues derived from continuing the currently effective sewer service rates shall not be used for any purpose other than that for which the charge was imposed; and

WHEREAS, the City Council finds the amount of the sewer service rates imposed on any parcel as an incident of property ownership, by continuing the currently effective sewer service rates, shall not exceed the proportional cost of the service attributable to the parcel; and

WHEREAS, the City Council finds that the sewer service rates imposed by continuing the currently effective sewer service rates are for a service actually used by, or immediately available to, the owners of the properties; and

WHEREAS, the City Council finds that the sewer service rates imposed by continuing the currently effective sewer service rates will not be imposed for general governmental services, as proscribed by California Constitution Article XIII, Section 6(b)(5).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHULA VISTA DOES ORDAIN AS FOLLOWS:

SECTION I. ACTION

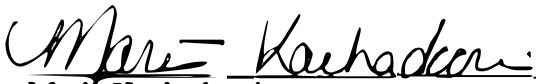
The currently effective sewer service rates, as depicted in the attached Exhibit A, shall continue in effect, as of July 1, 2010, and shall remain in effect until the City Council takes action to increase, or otherwise modify the rates.

SECTION II. EFFECTIVE DATE

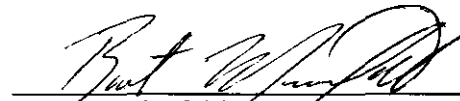
This ordinance shall take effect and be in full force thirty days from its adoption.

Presented by

Approved as to form by



Maria Kachadoorian
Director of Finance/Treasurer




Bart C. Miesfeld
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 15th day of June 2010, by the following vote:

AYES: Councilmembers: Bensoussan, Castaneda, Ramirez, Thompson and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Cheryl Cox, Mayor

ATTEST:



Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3155 had its first reading at a regular meeting held on the 8th day of June 2010 and its second reading and adoption at a regular meeting of said City Council held on the 15th day of June; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this 15th day of June 2010.



Donna R. Norris, CMC, City Clerk

EXHIBIT A

Proposed Rate Schedule Effective July 1, 2010

METER SIZE	EFFECTIVE JULY-1, 2010
MONTHLY FIXED SERVICE CHARGE	
Single Family	\$8.73
All Others	
5/8	\$8.03
3/4	\$8.03
1	\$13.38
1 ½	\$26.76
2	\$42.81
3	\$80.28
4	\$133.79
6	\$267.59
8	\$428.14
VOLUME CHARGE / HCF*	
Residential	
Single Family	\$3.57
Multi – Family	\$3.63
Mobile Homes	\$3.63
Non-Residential	
Commercial – Low	\$3.63
Commercial – Med	\$4.94
Commercial – High	\$7.55
Special Users	Varies

*HCF: Hundred cubic feet

Rates include Storm Drain Fee and Sewer Facilities Replacement Fee