

ORDINANCE NO. 861 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTIONS 14.04.020 AND 14.16.020 OF THE CITY OF EL
PASO DE ROBLES MUNICIPAL CODE TO ADJUST SEWER USER FEES

WHEREAS, the City Council determined that the Sewer and Water Operations Funds should pay a franchise fee to the City's General Fund for the use of public right-a-ways and easements; and

WHEREAS, it is also intended that said franchise fee shall reimburse General Fund expenditures for labor and materials necessary to maintain said public right-a-ways and easements to their original condition; and

WHEREAS, it is proposed that a three percent (3%) franchise fee be imposed upon the fixed portion of the sewer and water user fee; and

WHEREAS, the Water Operations Fund has sufficient resources to absorb the additional operating expense; and

WHEREAS, the Sewer Operations Fund does not have sufficient resources to absorb the additional operating expense; and

WHEREAS, it is proposed that the three percent (3%) franchise fee on Sewer Operations be implemented in a phased manner with one percent (1%) on January, 1, 2004, one percent (1%) on July, 1, 2004, and one percent (1%) on January 1, 2005; and

WHEREAS, the proposed sewer user fee increase was considered by the City Council at budget workshops held on May 14, 2003 and May 21, 2003 and heard public comment on the proposed fee increase at the regular City Council meeting on June 3, 2003 as an advertised public hearing.

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:

14.16.020 Sewer charges

Every person whose premises are served by a connection with the system of sewerage of the city, whereby the sewage or industrial wastes, or either or both, are disposed of by the city through the sewage treatment plant, or otherwise, shall pay a sewer service charge established by ordinance of the city council. Other than as expressly provided herein, the rates for such sewer service fee shall only be established or amended by a two-thirds vote of the city council in favor of such establishment or amendment of sewer service rates.

Effective January 1, 2004, the base sewer service charge for all customers shall be increased to \$43.72 per billing period. Residential customers shall pay only the base sewer service charge. Nonresidential customers shall pay the base sewer service charge for 1,000 cubic feet of metered water and shall pay an additional charge of \$1.07 for each additional 100 cubic feet of metered water used by said nonresidential customer. Metered landscape water is not included in the determination of sewer service charges.

[Effective July 1, 2004, the sewer service charges established in this section shall be modified annually each July 1 by the increase in the Consumer Price Index for the San Francisco-Oakland-San Jose Region as reported by the Bureau of Labor Statistics for the year ending April of each year.]

The sewer service charge shall be further modified on July 1, 2004 and January 1, 2005 by an additional 1%.

The sewer service charges shall further be reviewed no less than bi-annually in conjunction with the update of the City's budget to ensure that the sewer service fees then in existence do not exceed the costs of providing sewer 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.

Introduced at a regular meeting of the City Council held on June 3, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 17^h day of June 2003 by the following roll call vote, to wit:

AYES: Councilmembers: Finigan, Heggarty, and Nemeth
NOES: Picanco and Mecham
ABSTAIN: None
ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk