

ORDINANCE NO. 904 N.S.

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

WHEREAS, the City Council is desirous of modifying the current water user fee rate structure; and

WHEREAS, the City Council has determined that a water user fee rate structure based entirely upon water consumption, except for the fixed rate previously adopted for Nacimiento Water Project, is more equitable; and

WHEREAS, the proposed changes in the water user fee rate structure are intended to be “revenue neutral.”

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 by the water department for all water consumption including private fire lines, 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. Other than as expressly set forth herein, such water usage rates may only be established or amended by a two-thirds vote of the city council in favor of such establishment or amendment of water usage rates.

That section of Ordinance No. 882 relating to the fixed rate monthly user fee for Nacimiento Water Project shall remain in place and unchanged by this ordinance amendment. The remaining portion of the fixed rate water user fee shall be eliminated and the current variable rate shall be increased to \$1.21 per hundred cubic feet (unit) and shall apply for each hundred cubic feet (unit) of water consumed beginning with the first hundred cubic feet (unit) consumed.

The base water usage fee and variable consumption rate established in this section shall be modified annually 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 and shall be applied to all billing statements calculated, generated and distributed beginning July 1<sup>st</sup> of each fiscal year.

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

SECTION 2. 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.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 3: Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with section 36933 of the Government Code.

SECTION 4. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on June 7, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 16<sup>h</sup> day of August 2005 by the following roll call vote, to wit:

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

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk