

04-30-13
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RESOLUTION NO. 2013 - 16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELANO
ADOPTING WATER, SEWER, REFUSE, AND STREET SWEEPING SERVICE
RATES**

WHEREAS, the City provides refuse collection, including street sweeping, services to the residents of the City pursuant to Title 13 of the City of Delano Municipal Code, and makes provision for fees and charges related to those services by resolution; and

WHEREAS, the City is proposing to adjust its rates, fees and charges for water, sewer, refuse collection and street sweeping services and to adopt a five year schedule of rates and charges; and

WHEREAS, Article XIID, section 6, of the California Constitution and the laws enacted in connection therewith (collectively, the "Act") require that, prior to the adoption of any new or increased fees or charges, the City must hold a public hearing; and

WHEREAS, the Act also provides that, at least 45 days prior to the public hearing, the City must mail notice of the public hearing and information concerning the proposed new or increased fees or charges to the record owners or to each customer subject to the fee or charge; and

WHEREAS, on March 1, 2013, a date at least 45 days prior to the date scheduled for the public hearing, the City's Director of Public Works caused notice of the public hearing describing the proposed adjustments to the fees and charges for water, sewer, refuse collection and street sweeping services to be mailed to both all customers of each of the services and all record owners of the affected parcels, all as provided and required under the Act; and

WHEREAS, the City of Delano's financial consultant has prepared a document entitled "2012 UTILITY RATE STUDIES FOR WATER, SEWER, REFUSE, AND STREET SWEEPING" dated March 1, 2013, which recommends revising the user rate schedules for the purposes listed therein; and

WHEREAS, the adjustment of Water, Sewer, Refuse, and Street Sweeping rates is necessary for the continued growth, health, safety and prosperity of the residents of the City of Delano; and

WHEREAS, the studies have been made available for public inspection, and the City held a public hearing, notice was provided as required by law, and considered all protests relating to the proposed increases to rates and charges; and

WHEREAS, the proposed rates for all Water, Sewer, Refuse, and Street Sweeping users of the City of Delano have been determined by the development of cost-based user charges through a comprehensive cost of service and rate design analysis; and

WHEREAS, the City manages and operates the water system and the sewer system of the City by charging for water and sewer service provided to the residents of the City pursuant to Title 13 of the City of Delano Municipal Code, as such charges are adjusted from time to time by resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELANO AS FOLLOWS:

SECTION 1: The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2: The City Council has fully considered this matter and has:

a. Reviewed the notice and the information submitted regarding the proposed schedule of increases, the affected parcels, and the reasons and basis for the increase and the fees; and

b. Held a public hearing in compliance with the Act and heard and received all objections, protests, or other written communications from owners or tenants of real property subject to the fees and charges.

SECTION 3: The City Council determines that the City did not receive written protests from a majority of the owners or tenants of the parcels subject to the proposed fee increases or adjustments pursuant to the proposed five year schedules.

SECTION 4: The City Council determines that based on the facts and circumstances presented and the information received during the public hearing, the that adjustments in fees and charges for water, sewer, refuse collection and street sweeping services provided by the City are necessary and the proposed increases of fees and charges for fiscal year 2013-14 is hereby approved. In addition, the proposed five-year schedule of rates and charges for each service for fiscal years 2013-14 through 2017-18, as reflected on Exhibit A, is hereby approved.

SECTION 5: Effective with the **July 1, 2013** billing, Water, Sewer, Refuse, and Street Sweeping charges shall be increased in accordance with Exhibit A.

SECTION 6: Effective with the **July 1, 2014** billing, Water, Sewer, Refuse, and Street Sweeping charges shall be increased in accordance with Exhibit A.

SECTION 7: Effective with the **July 1, 2015** billing, Water, Sewer, Refuse, and Street Sweeping charges shall be increased in accordance with Exhibit A.

SECTION 8: Effective with the **July 1, 2016** billing, Water, Sewer, Refuse, and Street Sweeping charges shall be increased in accordance with Exhibit A.

SECTION 9: Effective with the **July 1, 2017** billing, Water, Sewer, Refuse, and Street Sweeping charges shall be increased in accordance with Exhibit A.

Section 10: Any resolution or portion thereof in conflict herewith relating to the rates, fees or charges described herein is hereby repealed to the extent of such conflict and of no further effect to the extent of such conflict. Officers of the City are hereby directed to take any actions necessary to give effect to the provisions of this Resolution.

SECTION 11: Effective Date

The fees provided in this resolution shall be effective as described above or forty (40) days from the effective date of this resolution, whichever is later.

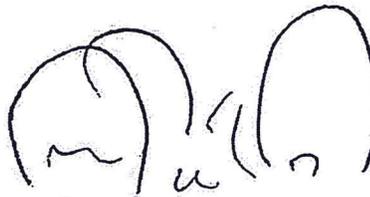
The foregoing Resolution was duly passed and adopted by the City Council at a regular meeting held on the 29th day of April, 2013, by the following vote:

AYES: Aguirre, Morris, Pascual, Vallejo

NOES: Chavez

ABSENT: none

ABSTAIN: none



Joe E. Aguirre, Mayor

Attest:



Phyllis A. Kraft, City Clerk