ORDINANCE NUMBER 1169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS AMENDING MUNICIPAL CODE CHAPTER 14.28 REGARDING SEWER SERVICE RATES

WHEREAS, Chapter 11 of Title 4 (commencing with Section 38900) of the Government Code authorizes a City to construct, establish, and maintain drains and sewers, and enact reasonable regulations in connections therewith; and

WHEREAS, the City Council of the City of Perris (City Council) through its adoption of Ordinance 579 established regulations governing the imposition of certain water and sewer equity fees and service charges to provide the proper maintenance and operation of said drains and sewer system (the "System"); and

WHEREAS, the City, through its consultant Vavrinek, Trine, Day & Co., conducted a water and user fee study (the "Study") that found existing rates charged by the City for water and sewer services are not adequate to cover the fully burdened costs of the System; and

WHEREAS, the Study recommends that the City adopt measures to revise its water and sewer rates in order to minimize operating losses, which measures will help ensure that the City will have sufficient revenue for the ongoing operation and maintenance of the System;

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

Section 1. Recitals Incorporated. The foregoing recitals are true and correct and incorporated herein by reference. Based on these facts and circumstances and the information and testimony received during the public hearing, the City Council finds that increases in sewer rates are necessary for the preservation of public health and safety.

Section 2. Adjustments to Monthly Sewer Rates. Section 14.28.150(A) of the Perris Municipal Code is hereby amended to read in its entirety as follows:

"The following sewer service rates will be effective commencing the billing immediately following the effective date of the ordinance adopting this Section:

1. For each residential service, the monthly service charge shall be an amount equal to the amount charged by EMWD plus an additional monthly service charge of $6.59 per month; provided that for efficiency unit apartment developments (as defined in Section 14.08.050) the monthly charge for each unit shall be the EMWD charge plus fifty percent (50%) of the City's charge.

2. For all other classifications, excluding schools, charges shall be the following:

   62.3 cents per 100 cubic feet of water used per month or the current monthly service charge, as described in item number one of this section, whichever is higher.

3. For each school located on the property to be served, the monthly service charge shall be an amount equal to the amount charged by EMWD plus an additional monthly service charge as follows:

   Preschool/Elementary - $0.2076 per student, teacher and employee;

   Middle/Junior High - $0.2595 per student, teacher and employee;

   High School/College - $0.3114 per student, teacher and employee;

4. The monthly sewer service charges described in this Section shall be adjusted in conjunction with rate increases imposed by EMWD each January 1st. The rate of increase shall be based upon the prior year's consumer price index.

5. There shall be an infrastructure replacement surcharge for the purpose of paying the System's debt service for debt incurred for the purpose of replacing and/or rehabilitating the System's infrastructure. The amount of the surcharge shall be spread equally to all of the System's customers and will appear on each billing as a separate line item. The amount of the surcharge shall be $2.91 per customer per month.

6. With the exception of annual increases based upon the consumer price index as described in part four of this section, future increases to the rates described in this section shall be enacted through adoption of a resolution by a simple majority of the City Council."

Section 3. All other provisions of Chapter 14.28 shall remain in full force and effect.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validty of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or

portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 5. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and ***APPROVED*** this 30th day of August, 2005.

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Mayor, Daryl R. Busch

ATTEST:

_____
City Clerk, Margaret Rey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1169, introduced at a regular meeting of the City Council of the City of Perris held on the 12th day of July, 2005, was duly and regularly adopted by the City Council at a regular meeting thereof held on the 30th day of August, 2005, and that it was so adopted by the following called vote:

AYES: Rogers, Yarbrough, Landers, Motte, Busch
NOES:
ABSENT:
ABSTAIN:

_____
City Clerk, Margaret Rey