ORDINANCE NO. 3034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING FEES FOR SEWER SERVICES PROVIDED BY THE CITY TO TAKE EFFECT FISCAL YEARS 2015-16 AND 2016-17

WHEREAS, Proposition 218 requires the City to conduct a public hearing not less than forty-five (45) days after mailing a notice of proposed property-related fee increases to record property owners of each identified parcel upon which the fees will be imposed;

WHEREAS, a duly noticed public hearing regarding the proposed increases to fees for sewer service was conducted on June 9, 2015, at 6:30 p.m. in the City Council Chambers;

WHEREAS, Proposition 218 requires that the City shall not impose the proposed fee if written protests against the proposed fee are presented by a majority of record owners of the identified parcels;

WHEREAS, written protests regarding the proposed sewer fee increase were accepted from the public and considered before the close of the public hearing;

WHEREAS, a tally of the written protests against the proposed sewer fee increase shows less than a majority of the record owners of the identified parcels have submitted written protests against the proposed sewer fee increase;

WHEREAS, a final tally of the written protests submitted and copies of the written protests will be available for review in the City Clerk-Treasurer's office;

WHEREAS, the Whittier City Council approved Ordinance No. 2779 implementing the Sewer User Fee Program, codified in the Whittier Municipal Code at Chapter 8.26; and

WHEREAS, the ordinance requires that Sewer User Fee Rates for Residential and Commercial/Industrial be set annually by ordinance.

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

SECTION 1. That the City Council hereby approves and fixes rates and charges for any and all sewer service, which the Whittier Utility Authority has agreed to provide all its users thereof, as set forth in Exhibit A attached hereto and by this reference is made a part hereof.

SECTION 2. Approve the sewer rates adjustment.

SECTION 3. That all resolutions and ordinances inconsistent with the provisions hereof, including, but not limited to Ordinance 3002 are hereby repealed and rescinded.

SECTION 4. The fees set forth in Exhibit A under Fee Schedule 1 shall take effect September 1, 2015, and the fees set forth in Exhibit A under Fee Schedule 2 shall take effect August 1, 2016.

SECTION 5. On or after January 1st of each year, the volume of water consumed by each user shall be determined based upon water consumption for the immediately preceding calendar year.

SECTION 6. Users who commence such use or uses on or after January 1, 2001, shall be charged a sewer use fee based on similar uses in the City as estimated by the Director of Public Works; after the first twelve months of the existence of such uses, the Director of Public Works shall determine the amount of such sewer user fee based upon the unit rate and actual volume of water annually consumed by the user.

SECTION 7. Where the Director of Public Works is unable, for any reason, to obtain the annual water consumption figure for any user, he shall estimate such figure by using the unit rate and water consumption history.

SECTION 8. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this ordinance.

SECTION 9. If any section, subsection, 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 validity of the remaining portions of this ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 10. The Mayor shall sign and the City Clerk-Treasurer shall attest to the passage of this ordinance. The City Clerk-Treasurer shall cause the same to be published once in the official newspaper within 15 days after its adoption. This ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this 14th day of July 2015.

FERNANDO DUTRA, Mayor

ATTEST:

KATHRYN A. MARSHALL
City Clerk-Treasurer

FEES FOR SEWER SERVICE
WHITTIER UTILITY AUTHORITY
FISCAL YEAR 2015-2016 AND FISCAL YEAR 2016-2017

Section (a) In accordance with Whittier Municipal Code Section 8.26.020, rates for sewer users shall be calculated by rate for each unit of water multiplied by the volume of water annual consumed in water units (ccf).

Sewer – Annual Rate per billing unit (100 cu ft = 748 gal) of water		
	Schedule 1	**Schedule 2**
User Type	**Proposed Rate Effective 9/1/15**	**Proposed Rate Effective 8/1/16**
Residential	$0.85	$0.91
Multi Residential	$0.85	$0.91
Commercial-Industrial	$1.14	$1.22
Qualified Low Income	$0.46	$0.50
Private Development	$0.46	$0.50

Sewer – Annual Maximum Fee		
	Schedule 1	**Schedule 2**
User Type	**Proposed Max Effective 9/1/15**	**Proposed Max Effective 8/1/16**
Residential	$255.14	$273.00
Multi Residential	$153.08 per unit	$163.80 per unit
Commercial-Industrial	No Max	No Max
Qualified Low Income	$141.36	$151.26
Private Development	$255.14	$273.00

CITY OF WHITTIER)
) SS
STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Whittier on the 9th day of June 2015, and adopted at a regular meeting of the City Council of the City of Whittier on the 14th day of July 2015 by the following roll call vote:

AYES: O. Newcomer C. Warner R.L. Henderson
J.A. Vinatieri

NOES: None

ABSENT: F. Dutra

WITNESS my hand and the official seal of the City of Whittier, California, this 17th day of July 2015.

Kathryn A. Marshall
KATHRYN A. MARSHALL
City Clerk-Treasurer

Published as required by law: July 28, 2015.