ORDINANCE NO. 1312

AN ORDINANCE OF THE CITY OF SIERRA MADRE, CALIFORNIA AMENDING SECTION 13.04.060 OF THE SIERRA MADRE MUNICIPAL CODE REGARDING WATER RATES AND ADOPTING A WATER RATE SCHEDULE

WHEREAS, the City provides water service pursuant to Chapter 13.04 of the Sierra Madre Municipal Code,

WHEREAS, by prior action, the City Council proposed to increase the rates charged for water service:

WHEREAS, notice of the proposed rate increase, and of a hearing thereon, was mailed pursuant to Article XIIID, Section 6 of the California Constitution;

WHEREAS, a full and fair public hearing was held on July 13, 2010, at which all interested persons were permitted to present oral and written testimony with respect to the proposed increased rates;

WHEREAS, following the public input portion of the public hearing, written protests against the proposed increased rates were tabulated in accordance with the procedures previously adopted by the City Council;

WHEREAS, a majority protest against the proposed increased rates does not exist; and

WHEREAS, in response to public input, the City Council desires to adopt rates that are lower than previously proposed, none of which exceed the proposed rates;

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA DOES HEREBY ORDAIN AND RESOLVE AS FOLLOWS:

Section 1. Section 13.04.060 is hereby amended to read as follows:

"13.04.060 Water Rates

The City Council shall adopt a schedule of water rates pursuant to Article XIIID, Section 6 of the California Constitution."

<u>Section 2</u>. The rate schedule set forth in Exhibit "A" to this Ordinance is hereby approved as the schedule of water rates for the City.

<u>Section 3</u>. The City Council may annually consider the rates set forth in Exhibit A and may, by Ordinance, reduce or delay the effectiveness of any scheduled rate.

<u>Section 4</u>. The City Council directs that the Water Users Tax imposed by Section 3.36.090 shall be collected at the rate of 9%, beginning with the effective date of the water rates increase. The Council may, by ordinance, resolution, or order, rescind this direction effective as of any date subsequent to the adoption of that ordinance, resolution, or order. Such rescission shall not be interpreted as an increase of the rate of the Water Users Tax for purposes of Articles XIIIA or XIIIC of the California Constitution. Notwithstanding any other provision of this Ordinance, the Council would not have adopted any portion of this Section if any other portion of this Section were

invalid or unenforceable and the provisions of this Section are not intended to be severable from each other.

<u>Section 5</u>. The City Council finds as follows:

- A. The purpose of the City's water rates is to fund costs associated with providing water service to water customers in the City.
- B. Revenues derived from the water rates will not be used for any other purpose and will not exceed the funds required to provide water service.
- C. The amount of the rates, and of the Water Connection Fee (Bi-Monthly Meter Charge), imposed upon any customer does not exceed the proportional cost of the service attributable to the customer.

Section 6. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance. The City Council of the City of Sierra Madre hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable. To the extent the provisions of the Sierra Madre Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

<u>Section 7</u>. This Ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937. The rates established by this ordinance for Fiscal Year 2010-11 shall be effective July 1, 2011. Rates for each subsequent fiscal year shall automatically take effect on July 1 of that fiscal year.

<u>Section 6</u>. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

| PASSED, APPROVED and ADO | PTED this | day of | , 2010. |
|---------------------------------|-----------------|----------|---------|
| ATTEST: | ———— Mayor J | pe Mosca | |
| Nancy Shollenberger, City Clerk | - | | |

| APPROVED AS TO FORM: |
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| Sandra J. Levin, City Attorney |
| I, NANCY SHOLLENBERGER, CITY CLERK of the City of Sierra Madre, do hereby certify that Ordinance No. 1312 was introduced at the regular meeting of the City Council on, 2010, and was thereafter adopted and passed at the regular meeting of the City Council held on, 2010, by the following votes: |
| AYES: |
| NOES: |
| ABSENT: |
| ABSTAIN: |
| I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1312 to be published or posted as required by law a locally adjudicated paper. |
| Nancy Shollenberger, City Clerk |