



RESOLUTION NO. 2009-231

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, RATIFYING THE PROPOSITION 218 PROCESS ACCORDING TO THE CALIFORNIA CONSTITUTION ARTICLE XIIID AND ADOPTING A RESIDENTIAL METERED WATER RATE.

WHEREAS, on July 16, 2009, the Utility Advisory Committee (UAC) presented their final report to the City Council and the City Council directed staff to proceed with the Proposition 218 process according to the recommendations on water metered water rates as outlined in the UAC's final report; and

WHEREAS, staff prepared and mailed a notice of public hearing to all property owners served by the Department of Public Utilities on September 18, 2009, as required by Proposition 218 (Cal. Const. Art. XIIID, § 6); and

WHEREAS, the Notice of Public Hearing instructed property owners how and where to protest the proposed metered water rates and the Notice was developed according to the California Constitution Article XIIID; and

WHEREAS, the adoption of the proposed metered water rates is exempt from California Environmental Quality Act (CEQA) under California Public Resources Code § 21080(b)(8); and

WHEREAS, the project is to adopt metered water rates for single-family residential customers within the metropolitan area and City water utility customers; and

WHEREAS, metered water rates are considered revenue neutral, in that the revenue received from the flat rate water meter customers will approximate the revenue received when charging a water metered rate; and

WHEREAS, the metered water rates are intended to obtain funds for capital projects, debt coverage and continued operations and maintenance necessary to retain current service levels within existing service areas; and

WHEREAS, findings supporting the metered water rates are contained in the July 2009 UAC Final Report, the August 2009 Development of Residential Metered Water Charges Drought Charges Final Report and the December 2006 Water Rate Study Final Report, (collectively referred to as "Fee Studies"), all of which are on file at City Hall in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno that based upon the information and testimony presented at the hearing of November 5, 2009, including all the attachments to the Report to City Council, Council hereby:

1. Finds that insufficient written protests were presented to prevent the proposed metered water rates from being imposed; and
2. Ratifies the Proposition 218 process and adopts the metered water rates recommended by the UAC and prescribed in the Notice of Public Hearing mailed to all property owners; and

Adopted _____
Approved 11/5/09
Effective _____

