

ORDINANCE NO. 2022-499

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE,
CALIFORNIA AFFIRMING, REVISING, AND SETTING FEES AND RATES FOR
WASTEWATER SERVICE**

WHEREAS, the City Council of the City of Guadalupe has previously approved rates for wastewater service provided to residents of Guadalupe and the others who use such services; and

WHEREAS, Government Code Section 54344 sets forth the legal authority for the City to establish water and wastewater service rates, which allows the City to prescribe, revise, and collect charges for the services, facilities, or water furnished by the City; and

WHEREAS, Proposition 218, which has been incorporated into the California Constitution, Articles XIIC and XIID, requires that any public agency proposing a new or increased property-related fee or charge, including increases for water and/or wastewater services, provide written notice by mail to the owner of each parcel upon which the fee or charge will be imposed including information on the proposed amount of the fees or charges, the basis upon which the fees or charges were calculated, an explanation of the need for the new or increased fees or charges; and the date, time and location of the public hearing at which the agency will consider the new or increased fees; and

WHEREAS, Proposition 218 also requires that a public hearing be held at least 45 calendar days after the mailing of the notice and that a property owner-related fee or charge may not be imposed or increased if a majority submit a written protest.

WHEREAS, Willdan Financial Services completed a Comprehensive Utility Rate Study which was provided to the City Council at its meeting on September 14, 2021, taking into consideration full cost recovery for operating costs, debt and other expenditure requirements, consistency with industry guidance, equity amongst customer classes, and administrative efficiency; and

WHEREAS, although approving the rate study, the Council requested additional information that was provided by Willdan Financial Services to the Council at its meeting on October 26, 2021, as a result of which the initially proposed rate adjustments to occur over five (5) years was changed by eliminating the last two (2) years and proceeding with the proposed rate adjustments over three (3) years; and

WHEREAS, based on this study and the additional information provided by Willdan Financial Services at the October 26, 2021, meeting, the City Council has determined that the proposed wastewater rates set forth in the attached "Exhibit A" are appropriate and are needed to adequately reflect the cost of providing such services and to avoid a substantial shortfall revenue to the City for such services; and

WHEREAS, all requirements of Proposition 218 have been met allowing the record owners of property receiving water service the ability to file a written protest vote against the proposed water rate increases, proper notice of a public hearing, and determination whether a majority protest exists; and

WHEREAS, after a final count of written protest votes by the City Clerk at the conclusion of the public hearing held on January 11, 2022, it is deemed that a majority protest to the proposed wastewater rate increase does not exist.

NOW, THEREFORE, the City Council of the City of Guadalupe does ordain as follows:

Section 1. Wastewater Service Charges. On the effective date of this ordinance, wastewater service rates charged by the City shall be increased three percent (3%) over the rates in effect on the prior day. Effective January 1, 2023, wastewater service rates charged by the City shall be increased three percent (3%) over the rates in effect on December 31, 2022. Effective January 1, 2024, wastewater service rates charged by the City will shall be increased 3% over the rates in effect on December 31, 2023. In addition, the number of units of wastewater available under the base rate for commercial accounts will decrease on January 1, 2023, from five (5) units per billing cycle to four (4) units per billing cycle. Example wastewater service rate increases are as set forth on Exhibit "A" attached to and made a part of this ordinance.

Section 2. Savings and interpretation Clause. This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state law, including, without limitation, the Constitution of the State of California. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby. If this ordinance, or any section, subsection, or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections, and clauses in regards to other contracts shall not be affected.

INTRODUCED at a regular meeting of the City Council on the 11th day of January 2022, by the following vote:

MOTION: TONY RAMIREZ / EUGENE COSTA JR.


AYES: 5 Councilmembers: Ramirez, Cardenas, Julian, Robles, Costa Jr.
NOES: 0
ABSENT: 0
ABSTAIN: 0

PASSED AND ADOPTED at a regular meeting of the City Council on the 25th day of January 2022, by the following vote:

MOTION: TONY RAMIREZ / LILIANA CARDENAS

AYES: 4 Councilmembers: Ramirez, Cardenas, Julian, Robles
NOES: 0
ABSENT: 1 Councilmembers: Costa Jr.
ABSTAIN: 0

ATTEST:

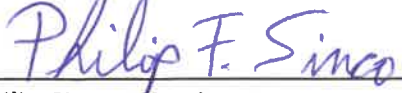


Amelita M. Villegas, City Clerk



Ariston Julian, Mayor

APPROVED AS TO FORM:



Philip Sinco, City Attorney

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EXHIBIT A**

Monthly wastewater rates	Current 01/11/22	Proposed Effective Date	Proposed 1/01/2023	Proposed 1/01/2024
Basic rate -commercial	\$52.72 (includes 5 CCF)	\$54.30 (includes 5 CCF)	\$55.93 (includes 4 CCF)	\$57.61 (includes 4 CCF)
Each additional CCF	\$2.22	\$2.29	\$2.36	\$2.43
Basic rate -residential	\$52.72	\$54.30	\$55.93	\$57.61

1 unit = 100 cubic feet (CCF) = 748 gallons