

RESOLUTION NUMBER R-302378

DATE OF FINAL PASSAGE MAR 05 2007

A RESOLUTION OF THE CITY COUNCIL APPROVING INCREMENTAL SEWER REVENUE INCREASES; ADOPTING SEWER COST OF SERVICE STUDY RECOMMENDATIONS; APPROVING SEWER CAPACITY FEE INCREASE; AND APPROVING TRUCKER'S DISCHARGE FEE INCREASE.

WHEREAS, the City is proposing to incrementally increase sewer revenue by 8.75% in each of Fiscal Years 2007 and 2008, and 7% in each of Fiscal Years 2009 and 2010, each increase becoming effective on May 1 of that year; and

WHEREAS, the City of San Diego [City] commissioned a Sewer Cost of Service Rate Study [COSS], a copy of which is on file in the office of the City Clerk and Document Number RR- 302378 -1; and

WHEREAS, based on the results of the COSS, the City is also proposing to make other adjustments to the sewer rate structure, including but not limited to raising the Single Family Residential [SFR] billing cap from 14 hundred cubic feet [hcf] to 20 hcf, and reducing the return to sewer factor for SFR from 100% to 95% of water usage; all effective May 1, 2007; and

WHEREAS, in accordance with Article XIID, section 6 of the California Constitution, the City mailed notice of the proposed adjustments to sewer rates to affected property owners [Proposition 218 Notice], a copy of which is on file in the office of the City Clerk as Document Number RR- 302378 -2; and

WHEREAS, the Proposition 218 Notice was mailed at least 45 days prior to the public hearing on the proposed sewer rate adjustments, and the City did not receive written protests from a majority of affected property owners by the close of the public hearing; and

WHEREAS, based on the results of the COSS, the City is also proposing to increase sewer capacity fees; and

WHEREAS, in accordance with the Mitigation Fee Act, the City mailed and published notice of the proposed increase in capacity charges; and

WHEREAS, notice of the proposed increase to Trucker's Discharge fee was posted ten days in advance of the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the sewer rate adjustments, increasing sewer revenues incrementally by 8.75% in each of Fiscal Years 2007 and 2008, and by 7% in each of Fiscal Years 2009 and 2010, as reflected in the sewer rate tables within the Proposition 218 Notice that do not include the "Shames Settlement," and consistent with the COSS, are hereby approved.

2. That the COSS recommendations are hereby adopted, as reflected in the sewer rate tables in Proposition 218 Notice, including but not limited to:

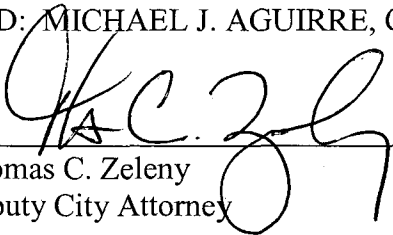
- a. Raising the SFR billing cap from 14 hcf to 20 hcf, effective May 1, 2007.
- b. Reducing the return to sewer factor for SFR from 100% to 95% of water usage effective May 1, 2007.

3. That the sewer service fee for new SFR customers (customers without historical winter water usage at the new location to base return to sewer estimates) shall be based on the average SFR usage of 9 hcf, increasing the monthly fee from \$35.88 to \$38.32 effective May 1, 2007, and incrementally thereafter in accordance with annual revenue increases approved herein and others that may be approved by the City Council hereafter.

4. That an increase in sewer capacity fees from \$3,710 to \$4,124 per equivalent dwelling unit, consistent with the COSS, effective May 1, 2007, is hereby approved.

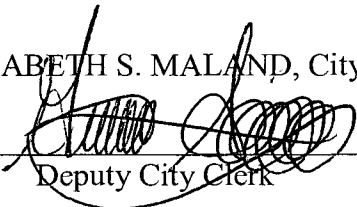
5. That effective May 1, 2007, the Trucker's Discharge fee is increased from \$25 per year plus \$5 per 1000 gallons of septic tank, chemical toilet, and other domestic waste and \$10 per 1000 gallons of industrial waste to \$25 per year plus the actual cost of disposal and treatment then in effect, based on volume, total suspended solids, and chemical oxygen demand, as set forth in the COSS and the Proposition 218 notice for "Hauled Waste," and as may be subsequently adjusted by City Council.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
02/20/07
04/09/07 Corr.
Aud.Cert:N/A
Or.Dept:MWWD
R-2007-812

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 26 2007.

ELIZABETH S. MALAND, City Clerk
By 
Deputy City Clerk

Approved: Mar 5, 07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 533-5800

DATE: April 9, 2007
TO: Elizabeth S. Maland, City Clerk
FROM: City Attorney
SUBJECT: Corrected Resolution R-302378 (Item #200A of 2/26/07)

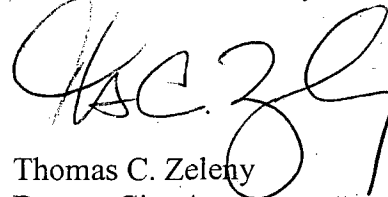
Attached is corrected resolution No. R-302378 regarding sewer rate increases adopted by the City Council on February 26, 2007 and subsequently approved by the Mayor. The correction is to numbered paragraph 1 on page 2, increasing the rate by 7% in each of Fiscal Years 2009 and 2010 (incorrectly stated as Fiscal Years 2010 and 2011). The companion resolution regarding the California Environmental Quality Act, subitem B, is correct as adopted.

I verify that this change to the resolution is a correction of a typographical error and not a substantive change requiring City Council re-adoption. The fiscal years are correctly reflected elsewhere in the resolution as 2009 and 2010, as well as in the Request for Council Action (the 1472), the Notice of Public Hearing (the Proposition 218 notice), Report to City Council No. 07-040, and the staff presentation at the City Council meeting. This correction will properly reflect the action taken by the City Council on February 26.

Please call me if you have any questions or need any further information to accept this corrected resolution.

MICHAEL J. AGUIRRE, City Attorney

By


Thomas C. Zeleny
Deputy City Attorney

TCZ:mb

Attachment

cc: Darlene Morrow-Truver, MWWD Deputy Director
Gilberto Sanchez, Legislative Recorder

R 302378