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(R-2008-58) ✓ 7/30

RESOLUTION NUMBER R- 302882
DATE OF FINAL PASSAGE AUG 03 2007

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING NOTICE OF PUBLIC HEARING ON PROPOSED ADJUSTMENTS TO SEWER RATES IN ACCORDANCE WITH PROPOSITION 218; SETTING A DATE FOR THE PUBLIC HEARING; AND RELATED ACTIONS.

WHEREAS, on May 18, 2007, the Superior Court for the County of San Diego approved an agreement to settle *Shames v. City of San Diego*, a class action lawsuit over the City's past wastewater service rates, with funding for such settlement to be obtained by a proposed sewer rate adjustment; and

WHEREAS, the proposed sewer rate adjustment is required to provide sufficient revenue to meet the court settlement revenue requirement of \$40,000,000, with all funds so raised to go towards reducing sewer service charges for eligible single family residential customers and other associated settlement obligations, and

WHEREAS, City staff recently prepared a Report to City Council, a copy of which is on file with the City Clerk as Document No. RR- 302882, that describes in detail the basis and reasons for the proposed sewer rate adjustments; and

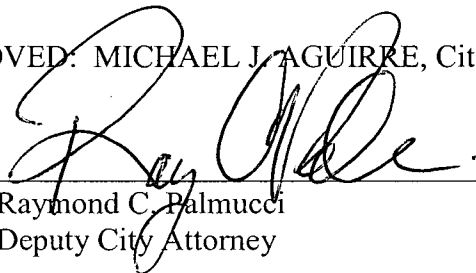
WHEREAS, the California Constitution, Article XIID, section 6 [Proposition 218] requires the City to hold a public hearing on any proposed new or increased sewer service charge, and to mail written notice at least forty-five days prior to holding the public hearing;
NOW, THEREFORE,

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

1. That the Report to City Council is received by the City Council and on file in the office of the City Clerk as Document No. RR- 302882.
2. That the Mayor or his designees are authorized to notice a public hearing on proposed sewer rate adjustments in accordance with the requirements of Proposition 218 and the procedures previously adopted by the City Council in Resolution R-302245.
3. That the public hearing for the City Council to consider the proposed sewer rate adjustments will be held during the regularly scheduled City Council Meeting of October 8, 2007, and will be conducted in accordance with Proposition 218 and the procedures previously adopted by the City Council in Resolution R-302245.
4. That this activity is not subject to the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines section 15378(b)(5) because this activity is an organizational or administrative activity of a government that will not result in direct or indirect physical changes in the environment.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Raymond C. Palmucci
Deputy City Attorney

RCP:js
07/17/2007
Or.Dept: MWWD
R-2008-58

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 30 2007.

ELIZABETH S. MALAND
City Clerk

By Mary Zeman
Deputy City Clerk

Approved: 8-3-07
(date)

JR
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor