

(R-2008-249)

RESOLUTION NUMBER R- 303049

10/08/07

DATE OF FINAL PASSAGE OCT 18 2007

A RESOLUTION OF THE CITY COUNCIL APPROVING
SEWER RATE INCREASES PURSUANT TO THE
SETTLEMENT OF *SHAMES V. CITY OF SAN DIEGO*.

WHEREAS, on May 18, 2007, the San Diego Superior Court approved the settlement of a class action lawsuit entitled *Michael Shames v. City of San Diego*, Case No. GIC 831539, alleging imbalances in the City's prior sewer rate structure; and

WHEREAS, sewer rate increases are necessary to implement the settlement of the lawsuit, as set forth in Report to the City Council No. 07-153 dated October 3, 2007; and

WHEREAS, in accordance with Article XIID, section 6 of the California Constitution, the City mailed notice of the proposed sewer rate increases 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- 303049; and

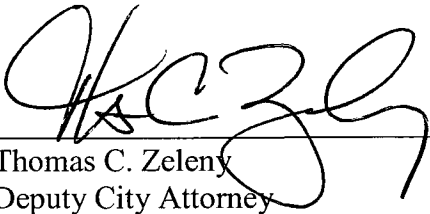
WHEREAS, the Proposition 218 Notice was mailed at least 45 days prior to the public hearing on the proposed sewer rate adjustments, and the City did not receive written protests from a majority of affected property owners by the close of the public hearing; NOW, THEREFORE,

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

1. That sewer rate increases of 3.05% beginning on November 1, 2007, and an additional 3.05% beginning on May 1, 2008, are hereby approved for purposes of implementing the settlement of *Michael Shames v. City of San Diego*, including a monthly credit for eligible single family residential customers estimated to be \$3.25 per month, as set forth in the Proposition 218 Notice.

2. That these sewer rate increases shall remain in effect until \$40 million in revenue is raised and distributed in accordance with the settlement of *Michael Shames v. City of San Diego*, estimated to occur on or about October 30, 2011.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By  _____
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
09/ 27/07
Aud.Cert:N/A
Or.Dept:MWWD
MWD No. 8039
R-2008-249

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of OCT 08 2007.

ELIZABETH S. MALAND, City Clerk

By  _____
Deputy City Clerk

Approved: 10.18.07
(date)

 _____
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor