

ORDINANCE NO. 774

**AN UNCODIFIED ORDINANCE OF
THE CITY OF ROHNERT PARK REGARDING
SEWER SERVICE CHARGES**

WHEREAS, Section 13.40.065 of the Rohnert Park Municipal Code provides that the City Council establish rates for sewer service by ordinance; and

WHEREAS, the City of Rohnert Park ("City") updated its sewer service rates on February 16, 2005; and

WHEREAS, the City wishes to confirm that those sewer service rates adopted on February 16, 2005 are considered effective April 1, 2005 and April 1, 2006, respectively, in light of new precedent related to the applicability of Proposition 218; and

WHEREAS, the City wishes to adopt sewer service rates to be effective April 1, 2007, with annual percentage increases thereafter;

WHEREAS, the City has identified the parcels upon which the parcels will be imposed, calculated the amount of the charge to be imposed on each parcel, mailed notice to all record owners of properties responsible for sewer charges, wherein the City provided written notice of proposed rates, the basis for the calculation, the reason for the rate and the date, time, and location for a public hearing not less than 45 days after the notice; and

WHEREAS, the City Council held the duly noticed public hearing and considered any and all property owner protests; and

WHEREAS, written protests against the sewer rates were not presented by a majority of owners of the identified parcels;

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

SECTION 1: In accordance with Article XIII D, Section 6(b), of the California Constitution, the City Council finds based upon the report prepared by Bartle Wells Associates, which is incorporated by reference, that:

A. The revenues derived from the sewer service charges do not exceed the funds required to provide sewer service because the rates are calculated to allow the City to recover its costs.

B. The revenues derived from the sewer service charge will not be used for any purpose other than that for which the charge is imposed because the revenue will be kept in a separate fund used only for costs related to the provisions of sewer service.

C. The charges do not exceed the proportional cost of the sewer service attributable to each parcel, because they are based upon relevant factors, including without limitation land uses, pipe sizes, and service volumes.

D. The sewer service charges will not be imposed upon parcels for which sewer service is not available.

E. The sewer service charge will be used for provision of sewer service rather than general governmental services.

SECTION 2. The following sewer service rate schedules, originally adopted in accordance with Section 13.40.065 of the Rohnert Park Municipal Code on February 22, 2005, are hereby re-adopted after mailed notice and a public hearing:

A. Rate Schedule Sewer service charges effective April 1, 2005, are as follows:

1. Residential: A fixed monthly service charge and flow charge will be billed as follows:

Single family	\$1.08 monthly service charge \$7.30 per 1,000 gallons flow charge
Apartment houses, duplex triplex, fourplex	\$1.08 monthly service charge \$7.30 per 1,000 gallons flow charge
Mobile home park: Family & Adult only	\$1.08 monthly service charge \$7.30 per 1,000 gallons flow charge

2. Commercial:

a. Churches	\$1.08 monthly service charge \$10.00 per 1,000 gallons flow charge
b. Schools:	
Elementary	\$9.16 per pupil, average daily attendance, plus faculty and all personnel
Junior High Schools	\$12.18 per pupil, average daily attendance, plus faculty and all personnel
Senior High Schools	\$16.76 per pupil, average daily attendance, plus faculty and all personnel
c. Public Libraries	\$1.08 monthly service charge \$10.00 per 1,000 gallons flow charge

d. Others:	
Bakery & Restaurants	\$1.08 monthly service charge \$12.70 per 1,000 gallons flow charge
Industrial	\$1.08 monthly service charge \$9.60 per 1,000 gallons flow charge
All Other:	\$1.08 monthly service charge \$10.00 per 1,000 gallons flow charge

B. Rate Schedule Sewer service charges effective April 1, 2006, are as follows:

1. Residential: A fixed monthly service charge and flow charge will be billed as follows:

Single family	\$1.35 monthly service charge \$9.15 per 1,000 gallons flow charge
Apartment houses, duplex triplex, fourplex	\$1.35 monthly service charge \$9.15 per 1,000 gallons flow charge
Mobile home park: Family & Adult only	\$1.35 monthly service charge \$9.15 per 1,000 gallons flow charge

2. Commercial:

a. Churches	\$1.35 monthly service charge \$12.50 per 1,000 gallons flow charge
b. Schools:	
Elementary	\$9.16 per pupil, average daily attendance, plus faculty and all personnel
Junior High Schools	\$12.18 per pupil, average daily attendance, plus faculty and all personnel
Senior High Schools	\$16.76 per pupil, average daily attendance, plus faculty and all personnel
c. Public Libraries	\$1.35 monthly service charge \$12.50 per 1,000 gallons flow charge
d. Others:	
Bakery & Restaurants	\$1.35 monthly service charge \$15.90 per 1,000 gallons flow charge

Industrial	\$1.35 monthly service charge \$12.00 per 1,000 gallons flow charge
All Other:	\$1.35 monthly service charge \$12.50 per 1,000 gallons flow charge

SECTION 3: Upon the effective date of this Ordinance, the following rate schedules shall apply as follows:

A. Rate Schedule Sewer service charges through March 31, 2007, are as follows:

1. Residential: A fixed monthly service charge and flow charge will be billed as follows:

Single family	\$1.35 monthly service charge \$9.15 per 1,000 gallons flow charge
Apartment houses, duplex triplex, fourplex	\$1.35 monthly service charge \$9.15 per 1,000 gallons flow charge
Mobile home park: Family & Adult only	\$1.35 monthly service charge \$9.15 per 1,000 gallons flow charge

2. Commercial:

a. Churches	\$1.35 monthly service charge \$12.50 per 1,000 gallons flow charge
b. Schools:	
Elementary	\$9.16 per pupil, average daily attendance, plus faculty and all personnel
Junior High Schools	\$12.18 per pupil, average daily attendance, plus faculty and all personnel
Senior High Schools	\$16.76 per pupil, average daily attendance, plus faculty and all personnel
c. Public Libraries	\$1.35 monthly service charge \$12.50 per 1,000 gallons flow charge

d. Others:	
Bakery & Restaurants	\$1.35 monthly service charge \$15.90 per 1,000 gallons flow charge
Industrial	\$1.35 monthly service charge \$12.00 per 1,000 gallons flow charge
All Other:	\$1.35 monthly service charge \$12.50 per 1,000 gallons flow charge

B. Rate Schedule Sewer service charges effective April 1, 2007, are as follows:

1. Residential: A fixed monthly service charge and flow charge will be billed as follows:

Single family	\$1.55 monthly service charge \$10.50 per 1,000 gallons flow charge
Apartment houses, duplex triplex, fourplex	\$1.55 monthly service charge \$10.50 per 1,000 gallons flow charge
Mobile home park:	
Family & Adult only	\$1.55 monthly service charge \$10.50 per 1,000 gallons flow charge

2. Commercial:

a. Churches	\$1.55 monthly service charge \$14.40 per 1,000 gallons flow charge
b. Schools:	
Elementary	\$9.16 per pupil, average daily attendance, plus faculty and all personnel
Junior High Schools	\$12.18 per pupil, average daily attendance, plus faculty and all personnel
Senior High Schools	\$16.76 per pupil, average daily attendance, plus faculty and all personnel
c. Public Libraries	\$1.55 monthly service charge \$14.40 per 1,000 gallons flow charge
d. Others:	
Bakery & Restaurants	\$1.55 monthly service charge

	\$18.30 per 1,000 gallons flow charge
Industrial	\$1.55 monthly service charge \$13.80 per 1,000 gallons flow charge
All Other:	\$1.55 monthly service charge \$14.40 per 1,000 gallons flow charge

SECTION 4: Annual Increase. On April 1, 2008, and each subsequent year, the sewer rates shall increase by the same percentage that the Santa Rosa Subregional Sewer System charge to the City has increased in the previous year.

SECTION 5: Severability. The City Council hereby declares that every section, paragraph, sentence, clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this article is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 6: Effective Date: This ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law.

This ordinance was introduced on the 23rd day of January, 2007 and

DULY AND REGULARLY ADOPTED this 13th day of February, 2007 by the following vote:

AYES: FIVE (5) Council Members Breeze, Mackenzie, Smith, and Stafford; and Mayor Vidak-Martinez
NOES: NONE (0)
ABSENT: NONE (0)
ABSTAIN: NONE (0)

ATTEST:

CITY OF ROHNERT PARK

/s/ City Clerk Judy Hauff

/s/ Mayor Vicki Vidak-Martinez

Approved as to Form:

/s/ Assistant City Attorney Gabrielle P. Whelan