

RESOLUTION NO. 08-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLIAMS
ADOPTING AN INCREASE TO THE CITY OF WILLIAMS
WATER AND SEWER SERVICE FEES**

WHEREAS, the City of Williams (“City”) has determined that due to increased costs in the operation and maintenance of its water and sewer systems (the “Systems”) it is necessary to implement increases to its water and sewer service fees (the “Fees”); and

WHEREAS, Sections 13.04.210 and 13.08.120 of the Williams Municipal Code provide that the City Council shall fix water and sewer service charges by resolution; and

WHEREAS, the revenues derived from the proposed increases to the Fees will not exceed the funds required to provide the water and sewer services and shall be used exclusively for the Systems; and

WHEREAS, the amount of the proposed increases to the Fees will not exceed the proportional cost of the service attributable to each parcel upon which they are proposed for imposition; and

WHEREAS, the proposed increased Fees will not be imposed on a parcel unless the water and/or sewer services are actually used by, or immediately available to, the owner of the parcel; and

WHEREAS, Article XIII D, section 6 of the California Constitution (“Article XIII D”) requires that prior to imposing any increase to the Fees, the City shall provide written notice (the “Notice”) by mail of the proposed increase to the Fees to the record owner of each parcel upon which the Fees are proposed for imposition and any tenant directly liable for payment of the Fees, the amount of the Fees proposed to be imposed on each parcel, the basis upon which the Fees were calculated, the reason for the Fees, and the date time and location of a public hearing (the “Hearing”) on the proposed Fees; and

WHEREAS, pursuant to Article XIII D such Notice is required to be provided to the affected property owners and any tenant directly liable for the payment of the Fees not less than forty-five days prior to the Hearing on the proposed Fees; and

WHEREAS, the City did provide such Notice to the affected property owners and tenants in compliance with Article XIII D; and

WHEREAS, the Hearing was held on this day, November 12, 2008; and

WHEREAS, at the Hearing the City Council heard and considered all written materials and oral testimony concerning the establishment and imposition of the proposed increases to the Fees, and at the close of the Hearing the City did not receive written protests against the establishment and imposition of the proposed increases to the Fees from a majority of the affected property owners and tenants; and

WHEREAS, the City Council of the City now desires to establish and impose the proposed increases to the Fees;

NOW THEREFORE, the City Council of the City of Williams does hereby resolve as follows:

1. The City Council finds that the foregoing Recitals are true and correct and incorporates the Recitals herein.

2. The City Council hereby establishes and imposes the increases to the Fees effective on the dates and in the amounts set forth in Exhibit A, attached hereto and by this reference incorporated herein.

3. The Council finds that the administration, operation, maintenance and improvements of the Systems, which are to be funded by the increased water and sewer service rates and charges set forth herein, are necessary to maintain service within the City's existing service area. The Council further finds that the administration, operation, maintenance and improvements of the Systems, to be funded by the increased water and sewer service rates and charges, will not expand the City's Systems. The City further finds that the adoption of the rates and charges is necessary and reasonable to fund the administration, operation, maintenance and improvements of the Systems. Based on these findings, the Council determines that the adoption of the rates and charges established by this Resolution are exempt from the requirements of the California Environmental Quality Act pursuant to section 21080(b)(8) of the Public Resources Code and section 15273(a) of the State CEQA Guidelines.

4. The City Council hereby authorizes and directs the City Administrator to implement and take all actions necessary to effectuate the increases set forth herein.

PASSED AND APPROVED on this day, November 12, 2008, at a regular scheduled meeting of the City Council of the City of Williams by the following vote:

AYES: Councilmembers Barker, Fulcher, and Mayor Ash.

NOES: Councilmember Johnson.

ABSTAIN: Councilmember Azevedo.

Patricia Ash
Mayor, City of Williams

ATTEST:

Rene Miles
City Clerk, City of Williams