

RESOLUTION NO. 6229

RESOLUTION OF THE CITY COUNCIL ADOPTING A REVISED
SCHEDULE OF THE CITY SEWER MAINTENANCE FEE

Intent of the Parties and Findings

(i) The City provides sewage disposal service to its users by operating and maintaining the City's sanitary sewer system, which collects and conveys sewage to the Inland Empire Utilities Agency (IEUA), for sewage treatment and disposal; and

(ii) The total monthly sewer service fee, as defined in Section 13.32.080 (B) of the Upland Municipal Code, is the sum of the IEUA treatment and disposal charge and the City sewer maintenance charge (collectively "Sewer Service Fee"); and

(iii) To sustain the City's sewer maintenance service requirements, with adequate operating reserve and capital for system rehabilitation required to provide continued safe and reliable sewage disposal service, the City conducted an evaluation of the City sewer maintenance service fee that determined the current costs exceed the amount collected from consumers; and

(iv) The City Council finds and determines that, in accordance with the evaluation, the schedule for rates on the City sewer maintenance service fee should be revised to reflect the estimated reasonable cost; and

(v) Pursuant to Section 13.32.060 of the Upland Municipal Code, the City Council adopted an ordinance approved by a two-thirds vote authorizing the City to revise the fee or charge for service and facilities furnished by the City's sanitary sewer system; and

(vi) Forty-five days prior to the public hearing, on or about April 24, 2014, notice of the public hearing was mailed to property owners and tenants pursuant to Article XIIIID Section 6 of the California Constitution; and

(vii) At the public hearing conducted on June 9, 2014, the City Council received written and oral testimony regarding the proposed City sewer maintenance service fee; and

(viii) on the basis of the evidence presented during the public hearing, the City Council has determined that the schedule for the City sewer maintenance service fee shall be adjusted as set forth below.

NOW, THEREFORE, the Upland City Council hereby finds, determines and resolve as follows:

Section 1. All of the facts set forth in the recitals part of this Resolution, are true and correct.

Section 2. Users of the City's sewer service are charged based on the number of equivalent dwelling unit (EDU), as defined in Section 13.32.080 (A) of the Upland Municipal Code.

Section 3. The total monthly sewer service fee for use of the City's sewer service shall be the sum the treatment and disposal charge, which is paid to IEUA as a pass-through charge, and the City sewer maintenance service fee or charge.

Section 4. Effective July 1, 2014, the City Sewer Maintenance Charge, as specified in Section 13.32.080 (B) of the Upland Municipal Code, shall be superseded as follows:

Schedule of City Sewer Maintenance Charge

Fiscal Year	Effective Date	Charge/Fee, per EDU per month
FY 2014-15	7/1/2014	\$7.50
FY 2015-16	7/1/2015	\$8.60
FY 2016-17	7/1/2016	\$9.35
FY 2017-18	7/1/2017	\$10.10
FY 2018-19	7/1/2018	\$10.85

Section 5. The charges or fees set forth above will remain in effect until amended by subsequent resolution(s) of the City Council.

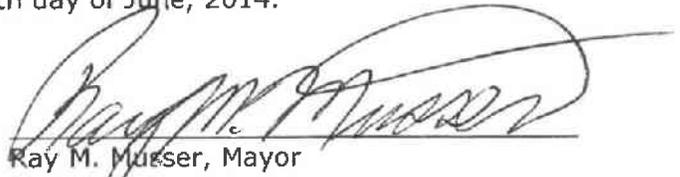
Section 6. The City Council finds that the California Environmental Quality Act of 1970, as amended, does not apply to the adoption of this Resolution, pursuant to Section 15273 of Article 18 of Chapter 3 of Title 14 of the California Code of Regulations. The City Council expressly finds based on the evidence before it that the increase is for the purposes of:

- a. Meeting the operating expenses, including employee wage rates;
- b. Purchasing supplies, equipment and materials;
- c. Obtaining funds for capital projects necessary to maintain service; and
- d. Meeting the financial reserves.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have adopted this Resolution, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 8. Certification. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 9th day of June, 2014.


 Ray M. Musser, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 9th day of June, 2014, by the following vote:

AYES: Mayor Musser, Councilmembers Stone, Brandt, Filippi
 NOES: Councilmember Bozar
 ABSENT: None
 ABSTAINED: None

ATTEST: 
 Stephanie A. Mendenhall, City Clerk