

*ORDINANCE NUMBER 1259*

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF PERRIS AMENDING MUNICIPAL CODE CHAPTER  
14.08 REGARDING THE WATER ENTERPRISE**

**WHEREAS**, the City Council of the City of Perris ("City Council") through its adoption of ordinances, resolutions and Chapters 14.08 of the Municipal Code has established regulations governing the imposition of certain water fees and service charges to provide the proper maintenance and operation of said water system (the "System"); and

**WHEREAS**, the City is charged with setting water rates and other issues relating to the operation of its system all in accordance with applicable laws and the Constitution of the State of California; and

**WHEREAS**, the City desires to implement a formula for increasing its water fees and to clean up certain incorrect language in Section 14.08.090 of its Municipal Code; and

**WHEREAS**, the City Clerk published notice of the public hearing in a newspaper of general circulation circulated within the City on June 17, 2009 and June 24, 2009; and

**WHEREAS**, on May 29, 2009, the Assistant Finance Director of the City mailed the notice of public hearing to be held on July 14, 2009, relating to and describing the water adjustment formula in accordance with applicable law; and

**WHEREAS**, on July 14, 2009, the City Council at 6:00 p.m. held a public hearing on the items in this Ordinance and the fee adjustments; and

**NOW, THEREFORE**, the City Council of the City of Perris does ordain as follows:

Section 1. **Recitals Incorporated.** The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. **Amendments to Chapter 14.08, Section 14.08.060 of the Perris Municipal Code.** Section 14.08.060 of the Perris Municipal Code is hereby deleted and replaced in its entirety to read as set forth below:

**"14.08.060 Rates--Increase or decrease by Resolution, Annual or Special Adjustments to Water Rates.**

The rates set forth in this chapter, as adjusted in resolutions or ordinances adopted subsequent to the enactment date of this chapter, may be increased or decreased by a resolution in accordance with appropriate law.

Effective August 1, 2009 through December 31, 2013, the City may (a) increase customers' water consumption charges to pass through increased wholesale water purchase costs charged by Eastern Municipal Water District ("EMWD") to the City on the date that EMWD's increase takes effect or within sixty days thereafter, and (b) adjust its fixed fee and consumption fee charged to customers based on CPI (as defined below) on January 1 of each such year, commencing January 1 2010, subject to the City Council's right each year to forego or reduce the amount of the automatic inflationary adjustments or wholesale pass through charges. The new fee shall be calculated on the fee in effect in the month prior to the new fee taking effect.

CPI means the U.S. Bureau of Labor and Statistics, U.S. Department of Labor, Consumer Price Index (Los Angeles - Orange County - Riverside), measured on the September index number and covering a year period."

Section 3. **Amendments to Chapter 14.08, Section 14.08.090 of the Perris Municipal Code.** The following language in Section 14.08.090 of the Perris Municipal Code is hereby deleted:

"Note: An additional column has been added for the purpose of this public notice to show the "current fee" prior to the increase. The new or increased fee to be adopted is called the "proposed fee." Not all of the fees listed are new or have been increased--only those which show a difference. The ordinance to be considered will only include a list of the fees in the "proposed fees" column.

TABLE INSET"

Section 4. Limited Amendments. All other provisions of Chapter 14.08 shall remain in full force and effect.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause phrase or portion of this Ordinance 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 this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 6. Certification The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

**ADOPTED, SIGNED and APPROVED** this 25<sup>th</sup> day of August, 2009.

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Daryl R. Busch, Mayor

ATTEST:

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Judy L. Haughney, C.M.C., City Clerk

I, Judy L. Haughney, City Clerk of the City of Perris, do hereby certify that the foregoing Ordinance No. 1259 was duly and regularly introduced and presented for first reading on July 14<sup>th</sup>, 2009 and passed and adopted, on second reading, by the City Council of the City of Perris at a regularly scheduled City Council meeting held on the 25<sup>th</sup> day of August, 2009 by the following vote:

AYES:	COUNCIL MEMBERS:	Landers, Rogers, Yarbrough, Busch
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Evans
ABSTAIN:	COUNCIL MEMBERS:	None

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Judy L. Haughney, C.M.C., City Clerk