

**RESOLUTION NO. 4258**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
ADOPTING THE 2008 UPDATED WASTEWATER RATE STUDY AND  
SETTING A TIME AND PLACE FOR A PUBLIC HEARING**

**WHEREAS**, on January 17, 2008, the City Manager approved a contract with Parsons & Associates to conduct a Wastewater Rate Study; and

**WHEREAS**, the last rate study anticipated the need for a rate study update in order to provide the revenue to pay for an eventual State Revolving Fund Finance Agreement for the upgrade and expansion of the City's wastewater treatment facility; and

**WHEREAS**, the rate study was completed and provided to the City Council on April 16, 2008 for review and consideration of approval; and

**WHEREAS**, the Study is tailored to reflect the monthly charge to residential, commercial, industrial and other customers and also reflects an additional per customer charge for State Revolving Fund Financing Agreement; and

**WHEREAS**, in accordance with Proposition 218 the wastewater increases are subject to the majority protest provisions of Proposition 218, which requires notices to be mailed to affected property owners advising them of the proposed increases, the date of the public hearing, and the protest provisions, at least 45 days prior to the hearing; and

**WHEREAS**, on May 7, 2008 the Council approved the 2008 Updated Wastewater Rate Study, directed Staff to mail notices to each affected property owner in accordance with Proposition 218 and set a Public Hearing to hear comments and declare the results of a property owner protest proceeding for July 2, 2008 at 6:30 in the City Council Chambers; and

**WHEREAS**, Staff prepared the Notices to affected property owners and mailed the notices on May 8, 2008 and a supplemental notice was sent with specific protest instructions on May 14, 2008; and

**WHEREAS**, the City has complied with Proposition 218 requirements by sending protest hearing notices to all property owners which reflect the base and maximum rates proposed to be charged by the City, the notice was sent 45 days prior to the public hearing; and

**WHEREAS**, the City received eight hundred and seventy one (871) written protest notices prior to closure of the July 2, 2008 hearing, only 642 were determined to be valid protests from property owners and after due consideration the Council determined that said protests did not amount to a "majority protest" as that term is defined in applicable provisions of the law (a majority protest would be in excess of 2,000 votes); and

**WHEREAS**, in accordance with Chapter 13.28.010 "Wastewater Charges and Fees" of Soledad Municipal Code, the City may establish new rates by adoption of a resolution.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Soledad as follows:

**Section 1.** All of the recitals set forth above are true and correct to the best of the Council's knowledge, and by this reference, are incorporated herein as findings.

**Section 2.** The City Council hereby finds and determines that the proposed rates are based on equity issues such as customer usage and recorded plant loadings, as well as State Water Resources Control Board requirements, all as set forth in Wastewater Rate Study prepared by Parsons & Associates, which was accepted by the City Council on May 7, 2008.

**Section 3.** Exhibit A, hereunto attached and by this reference incorporated herein, which provides information regarding customer classification, the new base rate per classification, and the new rate per fiscal year, all as set forth in the Wastewater Rate Study, is hereby approved as establishing the new Soledad wastewater rates for FY 2008-09 through FY 2011-12. Staff is hereby authorized and directed to implement the FY 2008-09 rates effective August 1, 2008.

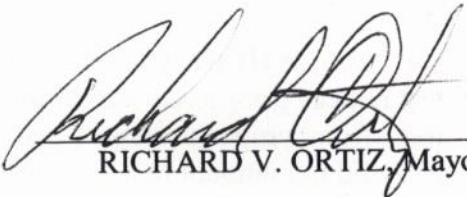
**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Soledad duly held this 16<sup>th</sup> day of July 2008 by the following vote:

AYES, and in favor thereof, Councilmembers: Martha Camacho, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Christopher Bourke, Mayor Richard Ortiz

NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmembers: None

  
RICHARD V. ORTIZ, Mayor

ATTEST:

  
ADELA P. GONZALEZ, City Clerk