

RESOLUTION NO. 2024-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND AMENDING
THE SERVICE CHARGES SCHEDULE ESTABLISHING NEW WATER AND SEWER
RATES FOR CALENDAR YEAR 2024, AND FOR PROVIDING A CPI ADJUSTMENT
THEREAFTER**

BE IT RESOLVED BY THE CITY OF ORLAND AS FOLLOWS:

WHEREAS, all water and sewer services furnished to customers by the City of Orland shall be charged, paid for and supplied only in accordance with such applicable schedules, rules and regulations as the City Council shall adopt pursuant to the provisions of section 13.04.110 of the Orland Municipal Code; and,

WHEREAS, California Government Code sections 54344 and 54345 authorizes the City Council to collect charges for the water and sewer services;” and,

WHEREAS, Article XIII D of the California Constitution requires that utility customers be given a minimum of 45 days’ notice of any proposed rate increases; and,

WHEREAS, notice of a Public Hearing was mailed to utility customers and property owners on November 30, 2023, at least 45 days prior to the Public Hearing; and,

WHEREAS, the notice was sent to 2500+/- customers; and,

WHEREAS, the City Council has reviewed the Water and Sewer Rate Schedule attached and incorporated into this Resolution by reference; and,

WHEREAS, the amounts shown on the Rate Schedule reflect the actual cost to provide water and sewer service; and,

WHEREAS, the City Council has conducted a Public Hearing on Tuesday, January 16, 2024 at 6:30 pm, at which it reviewed all protests regarding the proposed rate increases.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORLAND AS FOLLOWS:

1. In accordance with Article XIII D, Section 6(b), of the California Constitution, the City Council finds that:

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

B. The revenues derived from the water and sewer service charges will not be used for any purpose other than that for which the charge is imposed.

C. The amount of the charge does not exceed the proportional cost of the water and sewer service attributable to each parcel.

D. Water and sewer service charges will not be imposed upon parcels for which water and/or sewer service is not available.

E. The water and sewer service charges will be used to enable the City to provide water and sewer service rather than general governmental services.

2. That based on a tabulation of all protests received prior to the close of the Public Hearing, ___ protests were received which do not constitute a majority of affected utility customers.

3. That the Water and Sewer Rate Schedule attached to this Resolution and incorporated by this Resolution by this reference is hereby adopted and shall be effective per section 6 of this Resolution.

4. That, pursuant to California Government Code section 53756(b), effective January 16, 2024, and each January 1 thereafter, the then current water and sewer and rates shall be revised by a percentage equal to the percentage change in the annual Consumer Price Index for all Urban Consumers: U.S. city average, detailed expenditure category-water and sewer and trash collection services.

5. Constitutionality, Severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the Resolution. The City of Orland hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrases(s) or word(s) be declared invalid.

6. Effective Date. All previously adopted rate schedules, to the extent that they are inconsistent with those contained herein, are superseded by those charges as set forth in the Water and Sewer Rate Schedule herein, beginning on January 16, 2024.

THIS RESOLUTION was passed by the Orland City Council at a regular meeting held on January 16th 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jennifer Schmitke, City Clerk

Chris Dobbs, Mayor