

**RESOLUTION NO. 2-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND PROVIDING AUTHORIZATION TO PUBLISH A NOTICE OF PUBLIC HEARING CONCERNING PROPOSED INCREASES IN WASTEWATER USER RATES AND OTHER RELATED FEES AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH**

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**WHEREAS**, the City of Richmond (the “City”) has identified a need to make certain repairs, replacements and improvements to its wastewater system (the “Wastewater System”) to assure reliable operations and compliance with federal and state regulations and with the requirements of the City’s permits relating to the Wastewater System; and

**WHEREAS**, Veolia Water N.A., a qualified consulting engineering firm, (the “Consulting Engineer”), has performed an extensive review of the various operating, replacement and capital improvement costs of the Wastewater System for the purpose of determining fair and equitable user rates and fees to produce sufficient revenues to fund ongoing operations and maintenance, to retire debt that will be incurred to finance the construction of the improvements to the Wastewater System and to build and maintain operating revenues and reserves to continue the necessary ongoing repairs and replacements in the Wastewater System; and

**WHEREAS**, the Consulting Engineer and City staff have recommended that fees and charges imposed on users of the Wastewater System be increased to accommodate the capital and operating needs (including debt service costs) of the Wastewater System; and

**WHEREAS**, Section 6 of Article XIID of the California Constitution requires that a public agency conduct a hearing upon a proposed property related fee or charge not less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed for imposition; and

**WHEREAS**, the City has full legal right, power and authority under the Constitution and the laws of the State of California to enter into the transactions hereinafter authorized.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Richmond (the “Council”), as follows:

Section 1. The foregoing recitals are true and correct and this Council hereby so finds and determines.

Section 2. The Council declares that it proposes to increase wastewater user rates and fees in accordance with the attached schedule.

Section 3. The Council will convene a public hearing on \_\_\_\_\_ at or around 7 pm at the City Council Chambers, 440 Civic Center Plaza, Richmond, CA to receive oral and written comments and written protests concerning the proposed user rate and fee increases.

Section 4. The Council authorizes and directs the City Manger to have all record owners noticed by letter mailed through the US Postal Service not later than \_\_\_\_\_ and to also publish notice of such meeting, each in such form and manner as the City Manager and the City Attorney shall deem appropriate.

Section 5. The Council directs the City Manager to collect on the Council’s behalf all written comments and written protests received by the City before the scheduled hearing on \_\_\_\_\_ and provide copies and a summary to the Council at that public hearing.

Section 6. The officers and agents of the City are, and each of them hereby is, authorized and directed to do any and all things necessary and to execute and deliver any and

all documents which they or any of them deem necessary or advisable in order to consummate the transactions contemplated by this resolution, and otherwise to carry out, give effect to and comply with the terms and intent of this resolution, and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 7. This resolution shall take effect immediately upon its passage.

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I certify that the foregoing resolution was passed and adopted by the members of the Richmond City Council at a regular meeting held on Tuesday, January 19, 2010, by the following vote:

AYES: Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin  
NOES: None  
ABSTENTIONS: None  
ABSENT: Vice Mayor Lopez

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California            }  
County of Contra Costa        }        : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 2-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on January 19, 2010.

EXHIBIT A

SCHEDULE OF PROPOSED RATES

	Current Rate  2010	Scheduled Increase 8%  2011	Proposed Increases			
			8%  2012	8%  2013	8%  2014	*NTE 6% Beginning In 2015
<b>Single Residential Unit</b>	\$506.10	\$ 546.59	\$ 590.32	\$ 637.54	\$ 688.54	\$ 729.86
<b>Multiple Residential Unit per unit</b>	\$406.79	\$ 439.33	\$ 474.48	\$ 512.44	\$ 553.43	\$ 586.64
<b>Commercial/Industrial Base Rate</b>	\$303.39	\$ 327.66	\$ 353.87	\$ 382.18	\$ 412.76	\$ 437.52
<b>Bio Chemical Oxygen Demand per lb</b>	\$ 0.78	\$ 0.84	\$ 0.91	\$ 0.98	\$ 1.06	\$ 1.12
<b>Total Suspended Solids per lb</b>	\$ 0.36	\$ 0.39	\$ 0.42	\$ 0.45	\$ 0.49	\$ 0.52
<b>Industrial Waste Unit per each</b>	\$ 36.73	\$ 39.67	\$ 42.84	\$ 46.27	\$ 49.97	\$ 52.97

\* NTE = Not To Exceed. Effective July 1 of each year, the proposed rate would be increased by an amount equal to the percentage increase, if any, in the Consumer Price Index [All Urban Consumer (COI-U), U.S. San Francisco-Oakland-San Jose Average, All Items (1982-84+100)] between April of the then-current year and April of the then-previous year. In no event shall the increase in any particular year exceed six percent. Pursuant to Government Code 53756, the District will provide notice to its customers 30 days prior to the increase becoming effective.