

Town of Yountville

Resolution Number 18-3458

A Resolution of the Town of Yountville Establishing a Revised Schedule of Water and Wastewater Rates and Charges and Miscellaneous Water and Related Utility Service Fees

Recitals

- A. Title 13, Division 1, Chapter 13.08, Section 13.08.020 of the Yountville Municipal Code provides that the Council may adopt rules and regulations not in conflict with this division governing the operation of the water system and the supply of water to its customers by resolution, which would include establishing water rates and charges and wastewater and sewer rates and charges; and
- B. Title 13 Division 1, Chapter 13.40, Section 13.40.040 of the Yountville Municipal Code establishes water rates, charges and billings for water customers of the Town; and
- C. Title 13 Division 2, Chapter 13.64, Section 13.64.040 of the Yountville Municipal Code establishes wastewater and sewer charges for all premises connected to the sanitation or sewage system of the Town; and
- D. The Town retained the services of Bartle Wells Associates to review, analyze, evaluate and recommend proposed rates, fees and charges, which are set forth in the document entitled “Town of Yountville Water and Wastewater Study 2017” dated December 5, 2017 (hereinafter referred to as the “Rate Study” and incorporated herein by reference); and
- E. The Town of Yountville Town Council desires and finds it necessary to adjust the water rates and charges and wastewater and sewer rates and charges in order to recover the actual costs of operating and maintaining its water and sewer system consistent with the findings in the Rate Study; and
- F. In accordance with Proposition 218 and Government Code Section 53755, public notice regarding the public hearing on the revised schedule for water rates and charges and wastewater and sewer rates and charges was distributed by U.S. Mail, at least forty-five (45) days prior to the public hearing, to all record owners of affected properties; and
- G. As additional outreach to the public, notice of the public hearing on the revised schedule for water rates and charges and wastewater and sewer rates and charges was published in the Yountville Sun on January 25 and February 15, 2018, and posted at three (3) Town designated posting locations in Town, specifically at Town Hall at 6550 Yount Street, Community Center at 6516 Washington Street and the Post Office Building at 6514 Washington Street. The meeting was further published on the utility bills generated on January 31, 2018; and
- H. A properly noticed public hearing concerning the water rates and charges and wastewater and sewer rates and charges set forth in this Resolution was held on February 20, 2018, as required by law; and

- I. Written protests regarding the revised schedule for water rates and charges and wastewater and sewer rates and charges, were accepted from the public and considered before the close of the public hearing; and
- J. A tally of the written protests against the revised schedule of water rates and charges and wastewater and sewer rates and charges, shows that less than a majority of the property owners and tenants who directly pay the utility bill have submitted written protests against the revised schedule of water rates and charges and wastewater and sewer rates and charges to stop the proposed rate adjustment process consistent with the Guidelines for the Submission and Tabulation of Protests in Connection with Rate Hearings Conducted by the Town of Yountville Pursuant to Article XIID, Section 6 of the California Constitution adopted by Resolution Number 18-3452.

Now therefore, the Town Council of the Town of Yountville does resolve as follows:

1. Regarding the revised rates and charges for water rates and charges and wastewater and sewer rates and charges set forth and adopted by this Resolution, the Town of Yountville Town Council hereby accepts, approves and adopts the Rate Study and finds that:
 - a. Revenue from the increase in water rates and charges will not exceed the cost of providing water service.
 - b. Revenue from the increase in wastewater rates and sewer rates and charges will not exceed the cost of providing sewer and wastewater service to the Town's customers.
 - c. The increased rates and charges for water rates and charges and wastewater and sewer rates and charges will not exceed the proportional cost of water, wastewater or sewer services attributable to the parcel or customer.
 - d. Revenues derived from the increased water rates and charges and wastewater and sewer rates and charges will be used only for the purpose for which the rate, charges or fees are imposed.
 - e. The Town will impose the increased water rates and charges and wastewater and sewer rates and charges only if service(s) is/are actually used by, or immediately available to, the customer-of-record or property owner.
 - f. The Town will not raise water rates and charges and wastewater and sewer rates and charges for the purpose of generating general governmental service revenues.
2. Effective March 1, 2018, rates, charges and fees to be paid for the furnishing of water, wastewater and sewer services are increased and established in the amounts as set forth in the "Town of Yountville Schedule of Monthly Water Rates," and the "Town of Yountville Schedule of Monthly Wastewater Rates," hereby set forth collectively in Exhibit A, attached hereto and incorporated by reference.
3. The water rate and wastewater schedules consists of five (5) automatic increases which have been determined in the Rate Study to be consistent with the findings set forth in Section 1 of this Resolution. The water and wastewater rates shall be adjusted on January 1 of each year 2019 through 2022 as set forth in Exhibit A. The Town shall provide notice to property owners at least thirty (30) days prior to the effective date of the increase as required in Government Code Section 53756.
4. The Town is a wholesale water purchaser which purchases its water from the State of California Veterans Home (CVDA) and the CVDA determines the rate charged to the Town annually. The water rate schedule consists of five (5) automatic increases which have factored in an increase of 7.5% annually for the cost to purchase water from the CVDA. Consistent with the provisions of Government Code Section 53756 the Town reserves the right to make use of the pass through provision whereby an agency that purchases wholesale water from a public agency may provide for automatic

adjustments that pass through the adopted increases or decreases in the wholesale charges for water established by the other agency. The Town shall provide notice to property owners at least thirty (30) days prior to the effective date of the increase as required in Government Code Section 53756.

5. The rates, charges and fees previously set by sections 13.40.040, 13.64.040 of the Town of Yountville Municipal Code and other related miscellaneous utility service fees as set forth in the Town of Yountville Municipal Code or previously adopted in Resolutions approved by the Town Council are hereby modified or rescinded and are superseded by the rates, charges and fees set forth in Exhibit A. Except for those increases established by Exhibit A as verified by the Rate Study, all future changes to the rates, water rates and charges and wastewater and sewer rates and charges, shall be set by resolution approved by the Town Council. All other Sections of the Town of Yountville Municipal Code or resolutions of the Town not inconsistent with this Resolution shall remain in full force and effect
6. If any Section or any portion thereof of this Resolution is held to be unconstitutional, invalid or unenforceable by any court of competent jurisdiction, said ruling shall negate only the applicable Section, or portion thereof, and the balance of this Resolution shall stand as written and shall remain in full force and effect.
7. The Town Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 20th day of February, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk