

ORDINANCE 2024-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, SETTING ENCINITAS SANITARY DIVISION SEWER SERVICE RATES

WHEREAS, Municipal Code section 18.08.030 authorizes the City Council of the City of Encinitas to establish sewer service rates by ordinance, and

WHEREAS, notice has been given that a public hearing be held on April 24, 2024, on the necessity to adjust Encina Sanitary Division sewer service rates for bills dated on or after July 1, 2024; and

WHEREAS, said notice of public hearing was done in accordance with Proposition 218 and all other statutory requirements, and

WHEREAS, such hearing was duly convened at the Council Chambers of the City of Encinitas and at said hearing all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council finds that it is in the interest of the City to adjust sewer service rates for the Encina Sanitary Division,

NOW, THEREFORE, the City Council of the City of Encinitas, California, hereby ordains as follows:

SECTION ONE:

1. That the Encina Sanitary Division sewer service charge rates for bills dated on or after July 1, 2024, shall be and they are fixed as set forth in Exhibit "A" which is attached hereto. This rate schedule will remain in effect until further adjustments are made by the City Council
2. That the sewer service charge rates established by this ordinance do not exceed the estimated amounts required to provide the services for which the rates and charges are levied
3. That the foregoing changes and establishments of sewer service charge rates of the Encina Sanitary Division are for the purpose of meeting operating expenses of the Division, purchasing and leasing supplies, equipment and materials, meeting financial reserves needs and requirements, and to obtain funds for capital projects necessary to maintain service within existing service areas

SECTION TWO: ENVIRONMENTAL COMPLIANCE.

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" under Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

SECTION THREE CONSISTENCY.

Any provision of the Encinitas Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION FOUR: SEVERABILITY.

If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, 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 portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional.

SECTION FIVE: EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days after its passage and the City Clerk of the City of Encinitas is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing the Coast News, a newspaper of general circulation published in the City of Encinitas.

This Ordinance was introduced at a regular meeting of the City Council held on April 24, 2024.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the ____ day of ____ 2024 ____.

Tony Kranz, Mayor

ATTEST:

Kathy Hollywood, City Clerk

APPROVED AS TO FORM

Tarquin Preziosi, City Attorney

CERTIFICATION: I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the _____ day of _____, 2024 and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the _____ of _____, 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Encinitas, California, this _____ day of _____, 2024

Kathy Hollywood, City Clerk