

RESOLUTION 2024-22C

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA, CALIFORNIA, SETTING FORTH THE RESULTS OF PROTESTS IN CONNECTION WITH WASTEWATER RATE HEARING CONDUCTED PURSUANT TO THE REQUIREMENTS OF PROPOSITION 218

WHEREAS, Article XIID, Section 6 of the California Constitution requires the City Council to consider written protests to certain proposed increases to rates (fees or charges) for utility services; and

WHEREAS, a Wastewater Rate Study was prepared for the City of Fortuna by Jacobs Engineering Group Inc. and recommends increases to wastewater rates to meet the on-going operational needs of the enterprise and needed funding for capital infrastructure requirements; and

WHEREAS, the City Council reviewed the Wastewater Rate Study at their regular meeting on May 06, 2024, and directed staff to administer the Proposition 218 majority protest process and send out notice of the proposed increases to all parcel owners subject to the increase and set a Public Hearing for July 1, 2024, to consider proposed wastewater rate increases; and

WHEREAS, notices of the proposed wastewater rates and Public Hearing were mailed to all parcel owners subject to the proposed increases at least 45 days prior to the Public Hearing; and

WHEREAS, the City Council conducted a Public Hearing for proposed wastewater rates on July 1, 2024, to receive public comment and consider the results of protest proceedings in accordance with Proposition 218; and

WHEREAS, the City Clerk has tabulated all valid protests received by the conclusion of the July 1, 2024, Public Hearing and has determined that the number of valid protests received is insufficient to constitute a majority protest (50% plus 1).

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Fortuna:

SECTION 1: Recitals. The above recitals are true and correct and are hereby incorporated by reference.

SECTION 2: Protest Votes. The number of unique parcels eligible to file a protest was 4,630. The number of valid protests required to prevent adoption of the proposed rate increases is 2,315. The number of valid protests received by the City at the end of the Public Hearing was

SECTION 3: Results of Protests. The tabulation by the City Clerk of the number of valid

protests received on proposed wastewater rates is accepted and sets forth that the protest results conclude that there is an insufficient number of valid protests received to constitute a majority protest to the proposed wastewater rates, whereby allowing the consideration to adopt proposed wastewater rates.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Fortuna held on the 1st day of July, 2024.

On motion by _____ and seconded by _____, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tami Trent, Mayor

ATTEST:

Siana L. Emmons, City Clerk

APPROVED AS TO FORM:

Ryan T. Plotz, City Attorney